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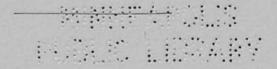
CONTAINING

THE PROCEEDINGS AND DEBATES

OF THE

SIXTY-SECOND CONGRESS, SECOND SESSION.

VOLUME XLVIII.



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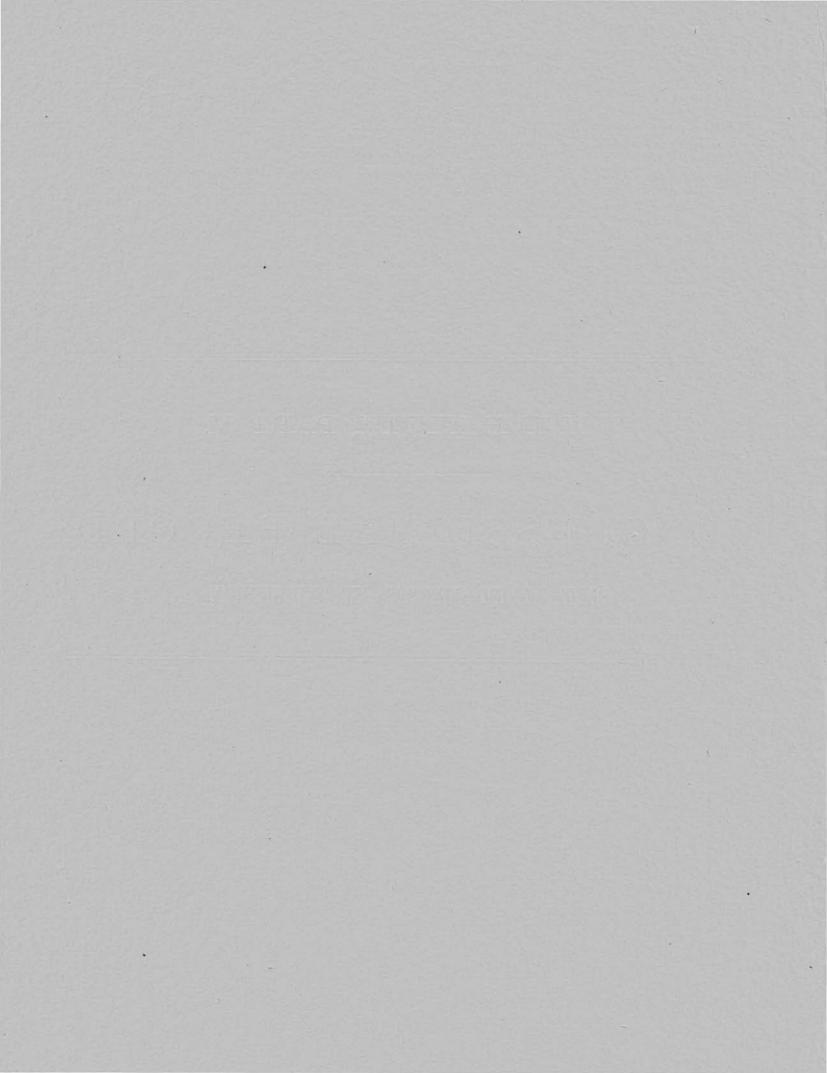
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VOLUME XLVIII, PART V.

CONGRESSIONAL RECORD.

SIXTY-SECOND CONGRESS, SECOND SESSION.



SENATE.

WEDNESDAY, April 3, 1912.

The Senate met at 2 o'clock p. m.

Prayer by the Chaplain, Rev. Ulysses G. B. Pierce, D. D. The Secretary proceeded to read the Journal of yesterday's proceedings when, on request of Mr. Gallinger and by unanimous consent, the further reading was dispensed with and the Journal was approved.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by D. K. Hempstead, its enrolling clerk, announced that the House had passed the following bills, with amendments, in which it requested the concurrence of the Senate.

S. 252. An act to establish in the Department of Commerce and Labor a bureau to be known as the children's bureau;

S. 2434. An act providing for an increase of salary of the United States marshal for the district of Connecticut; and

S. 5718. An act to authorize the Secretary of the Interior to secure for the United States title to patented lands in the Yosemite National Park, and for other purposes.

The message also announced that the House had passed the following bills, in which it requested the concurrence of the

Senate: H. R. 20190. An act to extend the time for the construction of

a dam across Rock River; Ill.;

H. R. 20286. An act authorizing the fiscal court of Pike County, Ky., to construct a bridge across Russell Fork of Big Sandy

H. R. 20486. An act authorizing the construction of a bridge across the Willamette River at or near Newberg, Oreg.;

H. R. 21170. An act granting to El Paso & Southwestern Railroad Co., a corporation organized and existing under the laws of the Territory and State of Arizona, a right of way through the Fort Huachuca Military Reservation, in the State of Arizona, and authorizing said corporation and its successors or assigns to construct and operate a railway through said Fort Huachuca Military Reservation, and for other purposes;

H. R. 22043. An act to authorize additional aids to navigation

in the Lighthouse Service, and for other purposes; and

H. R. 22261. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors of said war.

The message further announced that the House had passed the concurrent resolution (No. 19) of the Senate authorizing and directing the Secretary of War to confer with the Fiftieth Anniversary of the Battle of Gettysburg Commission of the State of Pennsylvania, with a view to making plans and recommendation for future legislation looking to the proper administration of the celebration of the fiftieth anniversary of the Battle of Gettysburg, to be held on July 1, 2, 3, and 4, 1913, with amendments, in which it requested the concurrence of the Senate.

ENROLLED BILL SIGNED.

The message also announced that the Speaker of the House had signed the enrolled bill (H. R. 22772) appropriating \$350,000 for the purpose of maintaining and protecting against impending floods the levees on the Mississippi River, and it was thereupon signed by the Vice President.

PETITIONS AND MEMORIALS.

Mr. NIXON presented a memorial of the Commercial Association of Goldfield, Nev., remonstrating against any reduction in the appropriations for the maintenance of the United States Mint at San Francisco, Cal., which was referred to the Committee on Appropriations.

Mr. GALLINGER presented the petition of A. S. Wetherell, jr., of Exeter, N. H., praying that an appropriation be made for the construction of a public highway from Washington, D. C., to Gettysburg, Pa., as a memorial to Abraham Lincoln, which was referred to the Committee on Appropriations.

He also presented a petition of the National Christian Congress Association of America, praying for the enactment of legislation to provide for the incorporation of that association, which was referred to the Committee on the District of Colum-

Mr. NELSON presented a petition of sundry citizens of Tracy, Minn., praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which was referred to the Committee on the Judiciary.

Mr. GRONNA presented a petition of sundry citizens of Devils Lake, N. Dak., praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws amendment.

by outside dealers, which was referred to the Committee on the Judiciary.

He also presented a petition of sundry citizens of Berg, N. Dak., praying for the repeal of the reciprocity pact with Canada, which was referred to the Committee on Finance.

He also presented petitions of sundry citizens of Underwood, Reeder, Wheelock, Esmond, and of Adams and Bottineau Counties, all in the State of North Dakota, praying for the establishment of a parcel-post system, which were referred to the Committee on Post Offices and Post Roads.

He also presented a memorial of sundry citizens of Garrison, N. Dak., remonstrating against the establishment of a parcelpost system, which was referred to the Committee on Post Offices and Post Roads.

Mr. OWEN presented a petition of the Eastern Cherokees, praying that they be reimbursed in the sum of \$103,749.74, which has been deducted from their judgment fund to discharge an obligation which rested solely upon the United States, which was referred to the Committee on Indian Affairs.

Mr. BROWN presented a memorial of sundry citizens of McCook, Nebr., remonstrating against a reduction of the duty on sugar, which was referred to the Committee on Finance.

Mr. BRADLEY presented a petition of the Woman's Christian Temperance Union of Lexington, Ky., praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which was referred to the Committee on the Judiciary.

Mr. GUGGENHEIM presented memorials of 150 citizens of Crawford County, 235 citizens of Delta County, 90 citizens of Prowers County, 66 citizens of Adams County, 490 citizens of Morgan County, 120 citizens of Sedgwick County, 180 citizens of Arapahoe County, 300 citizens of Logan County, 280 citizens of Montrose County, 2,737 citizens of Denver County, 448 citizens of Boulder County, 170 citizens of Bent County, 475 citizens of Mesa County, 2,065 citizens of Weld County, 1,220 citizens of Larimer County, 475 citizens of Otero County, 190 citizens of Pueblo County, and 10 citizens of Washington County, of the Commercial Club of Monte Vista, of the Commercial Club of Julesburg, of the Chamber of Commerce of Fort Morgan, of the Commercial Club of Fowler, of the Commercial Club of Las Animas, of the Commercial Club of Wellington, of the Commercial Club of La Jara, of the Bent County Agricultural Association, of the Chamber of Commerce of Grand Junction, and of the Business Men's Association of Loma, all in the State of Colorado; and of 39 citizens of the State of Nebraska, remonstrating against a reduction of the duty on sugar, which were referred to the Committee on Finance.

REPORTS OF COMMITTEES.

Mr. THORNTON, from the Committee on Naval Affairs, to which was referred the bill (S. 3645) to amend the law providing for the payment of the death gratuity as applicable to the Navy and Marine Corps, reported it without amendment and submitted a report (No. 551) thereon.

Mr. CULLOM, from the Committee on Foreign Relations, to

which was referred the bill (S. 5735) to enable the President to propose and invite foreign Governments to participate in an international conference to promote an international inquiry into the causes of the high cost of living throughout the world and to enable the United States to participate in said conference. reported it without amendment.

He also, from the same committee, to which was referred the amendment submitted by Mr. Burton February 26, 1912, proposing to appropriate \$5,900 for payment of expenses of expert delegates to the International Radiotelegraphic Conference, London, June, 1912, etc., intended to be proposed to the diplomatic and consular appropriation bill (H. R. 19212), reported favorably thereon, and moved that it be referred to the Committee on Appropriations and printed, which was agreed to.

Mr. SUTHERLAND, from the Committee on Public Buildings and Grounds, to which was referred the bill (S. 5494) to provide a site for the erection of a building to be known as the George Washington Memorial Building, to serve as the gathering place and headquarters of patriotic, scientific, medical, and other organizations interested in promoting the welfare of the American people, reported it with amendments and submitted a report (No. 552) thereon.

Mr. SMITH of South Carolina, from the Committee on Agriculture and Forestry, to which was referred the joint

resolution (S. J. Res. 62) relating to cotton statistics, reported

it with an amendment.

He also, from the same committee, to which was referred the bill (H. R. 14052) authorizing the Secretary of Agriculture to issue certain reports relating to cotton, reported it with an

Mr. SMITH of Georgia, from the Committee on Agriculture and Forestry, to which was referred the bill (S. 5294) to establish in the Bureau of Statistics, in the Department of Agriculture, a division of markets, reported it with amendments and submitted a report (No. 554) thereon.

Mr. OWEN, from the Committee on Indian Affairs, to which was referred the bill (S. 5186) to incorporate the Brotherhood of North American Indians, reported it with amendments and submitted a report (No. 555) thereon.

He also, from the same committee, to which was referred the bill (S. 461) conferring jurisdiction on the Court of Claims to hear, determine, and render judgment in claims of the Ponca Tribe of Indians against the United States, reported it with an amendment and submitted a report (No. 557) thereon.

Mr. GRONNA, from the Committee on Agriculture and Forestry, to which was referred the bill (S. 222) to establish an agricultural plant, shrub, and tree experimental station at or near the city of Mandan, west of the Missouri River, in the State of North Dakota, reported it with amendments and submitted a report (No. 556) thereon.

THE MILITARY POLICY OF THE UNITED STATES (S. DOC. NO. 494).

Mr. SMOOT. From the Committee on Printing I report back favorably with an amendment Senate resolution 76, submitted by the Senator from Delaware [Mr. DU PONT], and I ask for its immediate consideration.

The Senate, by unanimous consent, proceeded to consider the

resolution.

The amendment was, in line 1, before the word "thousand," to strike out "two" and insert "one," and after the word "thousand" to strike out the words "five hundred," so as to make the resolution read:

Resolved, That 1,000 copies of the publication The Military Policy of the United States, by Byt. Maj. Gen. Emory Upton, United States Army, be printed as a document.

The amendment was agreed to.

The resolution as amended was agreed to.

JAMES S. ALEXANDER.

Mr. THORNTON. By direction of the Committee on Naval Affairs I report back adversely the bill (S. 2510) for the relief of former Paymaster's Clerk James S. Alexander, and I submit a report (No. 550) thereon. On behalf of the committee I request that the committee's report be published in the RECORD.

The VICE PRESIDENT. Without objection, action upon the bill will be indefinitely postponed, and the request for printing

the report in the RECORD will be complied with.

The report is as follows:

[Senate Report No. 550, Sixty-second Congress, second session.] JAMES S. ALEXANDER.

Mr. Thornton, from the Committee on Naval Affairs, submitted the following adverse report to accompany S. 2510:

The Committee on Naval Affairs, to whom was referred the bill (S. 2510) for the relief of former Paymaster's Clerk James S. Alexander, having considered the same, report thereon with a recommendation that it do not pass.

The views of the Navy Department are appended and made a part of this report, as follows:

this report, as follows:

Department of the Navy,
Washington, June 27, 1911.

My Dear Senator: Referring to your letter dated May 26, 1911, inclosing a bill (S. 2510) for the relief of former Paymaster's Clay
James S. Alexander, and requesting the department's opinion thereon,
I have the honor to inform you that it appears that James S. Alexander
was appointed January S. 1862, and served as pay steward on the
Oneard to October 28, 1862, when he was discharged. His subsequent
service, all of which was in the capacity of pay clerk, was as follows:

Place of duty.	Date of appointment.	Date of revo-
Wamsutta. Massasoit. Roanoke Albany. Congress. Monocacy. Franklin Swatara. New York, League Island Adams. New York, League Island. Naval Home, Philadephia	Sept. 10, 1865 Feb. 5, 1870 June 5, 1870 Dec. 16, 1876 July 19, 1877 Jan. 1, 1880 Oct. 23, 1885	Oct. 23,1863 Aug. 13,1864 Aug. 19,1865 Nov. 27,1860 Apr. 26,1870 Nov. 5,1873 May 1,1877 Dec. 15,1878 Mar. 23,1885 Apr. 19,1893 Apr. 9,1892 Nov. 30,1898

This record shows that Mr. Alexander has had in all about 31 years' service, of which about 30 years has been as a paymaster's clerk. He is not now in the Navy. Recent legislation has provided for the retirement of paymasters' clerks who, in conformity with the provisions of law relating to the retirement of officers of the Navy, have become eligible to the benefits thereof. The object of this bill is to give-Mr. Alexander, although out of the service, the same privilege of retirement as though he were not now separated therefrom.

Inasmuch as the enactment of special legislation of this character would furnish a most undesirable precedent in undoubtedly numerous other cases in which similar congressional favor would be sought, and,

furthermore, as it is not believed to be consistent with good policy to increase the numbers on the retired list by the transfer of individuals thereto who do not come within the provisions of existing law, and as nothing appears on the record of Mr. Alexander sufficiently meritorious to make an exception in his favor, the department recommends that favorable action be not taken on this measure in his behalf.

Faithfully, yours,

BEEKMAN WINTHROP,

Acting Secretary of the Navy.

The CHAIRMAN COMMITTEE ON NAVAL AFFAIRS, United States Senate.

This is a special bill for the relief of former Paymaster's Clerk James S. Alexander, the object of the bill being to place him upon the retired list of the Navy with the retired pay of a paymaster's clerk of like length of service. By reference to the opinion of the department your committee finds that there has been recent legislation providing for the retirement of paymaster's clerks, who, in conformity with the provisions of law relating to the retirement of officers of the Navy, have been eligible to the benefits of said legislation.

The committee finds further that Mr. Alexander has not been in the service since 1898, and if this special legislation in his favor was passed it would be equivalent to allowing him, although long since out of the service, the privilege of retiring from it on the same allowance that he would have if he had not left the service vears ago, and in this way avail himself of legislation that is intended solely for the benefit of those who are now in the service and desire to retire from it in conformity with existing legislation.

In the opinion of the Secretary of the Navy the passage of this bill would create a precedent in numerous other cases in which congressional favor would be sought, which would not be desirable: nor is it thought good policy to increase the numbers on the retired list by the transfer thereto of individuals who would not come within the provisions of existing laws.

The report also states that nothing appears on the record in connection with any special meritorious service on the part of Mr. Alexander to justify an exception being made in his favor, and the department recommends adverse action on the bill. Under the facts as disclosed in the record and in view of the reasoning of the department, which seems to be eminently sound, your committee is compelled to report unfavorably on the bill.

EMPLOYEES OF COMMON CARRIERS.

Mr. SUTHERLAND. From the Committee on the Judiciary I report back favorably with amendments the bill (S. 5382) to provide an exclusive remedy and compensation for accidental injuries, resulting in disability or death, to employees of common carriers by railroad engaged in interstate or foreign commerce, or in the District of Columbia, and for other purposes, and I submit a report (No. 553) thereon. I give notice that on Monday next, or as soon thereafter as the business of the Senate will permit, I shall ask the Senate to proceed with the consideration of the bill.

I ask that 2,500 additional copies of the report be printed for

the use of the Judiciary Committee.

Mr. CULBERSON. Mr. President, I desire to say that the report is not for the entire Committee on the Judiciary, and I ask leave on behalf of myself at some convenient time to make a minority report.

The VICE PRESIDENT. The Senator from Texas will have

leave to file minority views, without objection.

Mr. GALLINGER. I will ask the Senator from Utah if he will not be willing that a portion of the extra copies shall go to the document room, say 1,000, and that 1,500 be printed for the use of the committee.

Mr. SUTHERIAND. Very well.

Mr. GALLINGER. Fifteen hundred copies for the use of the committee and 1,000 for the document room.

The VICE PRESIDENT. Without objection, the order will be modified as indicated. The bill will be placed on the

The order as agreed to was reduced to writing, as follows:

Ordered, That 2,500 additional copies be printed of the report on the bill (S. 5382) to provide an exclusive remedy and compensation for accidental injuries, resulting in disability or death, to employees of common carriers by railroad engaged in interstate or foreign commerce, or in the District of Columbia, and for other purposes, of which 1,500 shall be for the use of the Committee on the Judiciary and 1,000 for the Senate document room.

MEMORIAL AMPHITHEATER AT ARLINGTON.

Mr. SUTHERLAND. Yesterday I reported favorably from the Committee on Public Buildings and Grounds the bill (S. 4780) for the erection of a memorial amphitheater at Arlington Cemetery. The report contained certain illustrations, and I am informed it requires an order of the Senate before they can be printed. The plates for the illustrations are already in the hands of the Printing Office. I therefore ask that such authorization as may be precessary be given to have that such authorization as may be necessary be given to have those illustrations included in the report.

The VICE PRESIDENT. Without objection, an order there-

for will be entered.

The order as agreed to was reduced to writing, as follows: Ordered, That the Illustrations accompanying Senate Report No. 542, "For the erection of a memorial amphitheater at Arlington Cemetery," be printed in said report.

TROPHY FLAGS.

Mr. SWANSON. I am directed by the Committee on Naval Affairs, to which was referred the bill (H. R. 15471) making appropriation for repair, preservation, and exhibition of the trophy flags now in store at the Naval Academy, Annapolis, Md., to report it favorably without amendment, and I submit a report (No. 549) thereon. I ask for the immediate consideration of the bill.

The VICE PRESIDENT. The bill will be read for the information of the Senate.

The Secretary read the bill.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

Mr. SMOOT. I should like to ask the Senator if this is a

Senate or a House bill?

Mr. SWANSON. It is a bill that has passed the House, and it is reported favorably by the Committee on Naval Affairs of

Mr. SMOOT. Is it a unanimous report?

Mr. SWANSON. It is a unanimous report. The bill is recommended by the Secretary of the Navy.

There being no objection, the bill was considered as in Com-

mittee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. CULLOM:

A bill (S. 6150) for the relief of William Abbot and others; to the Committee on Claims.

By Mr. SUTHERLAND:

A bill (S. 6151) to amend section 53 of the Judicial Code approved March 3, 1911; to the Committee on the Judiciary. By Mr. NELSON:

A bill (S. 6152) for the relief of Charles J. Allen, United

States Army, retired; to the Committee on Claims.

A bill (S. 6153) for the relief of Charley Clark, a homestead settler on certain lands therein described; to the Committee on Public Lands.

By Mr. GUGGENHEIM:

A bill (S. 6154) appropriating \$10,000 to be used by the Forest Service in the further construction and improvement of the highway between Silverton and Creede in the San Juan and Rio Grande National Forests in Colorado; and

A bill (S. 6155) appropriating \$10,000 to be used by the Forest Service in the further construction and improvement of the highway between Silverton and Durango in the San Juan National Forest in Colorado; to the Committee on Agriculture and Forestry.

(By request.) A bill (S. 6156) to direct that Crittenden Street W., between Iowa Avenue and Seventeenth Street NW., be stricken from the plan of the permanent system of highways for the District of Columbia; to the Committee on the District of Columbia.

A bill (S.,6157) granting an increase of pension to James Cooper (with accompanying paper); to the Committee on Pen-

By Mr. WORKS:
A bill (S. 6158) granting an increase of pension to Joseph Nye (with accompanying papers); to the Committee on Pen-

By Mr. TOWNSEND:

A bill (S. 6159) to repeat section 8 of the act of June 18, 1878, entitled "An act to organize the Life-Saving Service"; to the Committee on Commerce. By Mr. McCUMBER:

A bill (S. 6160) to authorize the Great Northern Railway Co. to construct a bridge across the Missouri River in the State of North Dakota; to the Committee on Commerce.

By Mr. MYERS: A bill (S. 6161) to authorize the Great Northern Railway Co. to construct a bridge across the Yellowstone River in the county of Dawson, State of Montana; to the Committee on Commerce.

By Mr. SWANSON:

A bill (S. 6162) for the relief of Passed Asst. Surg. Micajah Boland, United States Navy; to the Committee on Naval Affairs. By Mr. SMITH of Arizona:

A bill (S. 6163) to provide for the purchase of a site for a public building in the city of Nogales, Ariz.; to the Committee on Public Buildings and Grounds.

By Mr. OWEN

A bill (S. 6164) to amend section 5 of an act approved May 27, 1908, entitled "An act for the removal of restrictions from part of the lands of allottees of the Five Civilized Tribes, and for other purposes"; and

A bill (S. 6165) for the relief of the Iowa Tribe of Indians in Oklahoma; to the Committee on Indian Affairs.

By Mr. BROWN:

A bill (S. 6166) granting an increase of pension to Miles F. Martin (with accompanying paper); to the Committee on Pensions.

By Mr. BRADLEY:

A bill (S. 6167) to authorize the Williamson & Pond Creek Railroad Co. to construct a bridge across the Tug Fork of the Big Sandy River at or near Williamson, Mingo County, W. Va.; to the Committee on Commerce.

By Mr. CHAMBERLAIN:

A bill (S. 6168) granting a pension to Charles A. Bills (with accompanying papers); to the Committee on Pensions. By Mr. CUMMINS (for Mr. KENYON);

A bill (S. 6169) granting an increase of pension to Ira Waldo; A bill (S. 6170) granting a pension to Saloma Bowman Ellsworth; and

A bill (S. 6171) granting a pension to Ezra Edwards; to the Committee on Pensions.

AMENDMENTS TO RIVER AND HARBOR BILL (H. R. 21477).

Mr. WORKS submitted an amendment proposing to grant to the people of Los Angeles, Cal., all the right, title, and interest of the United States in and to that portion of the submerged lands around the military reservation, Dead Man's Island, Cal., etc., intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

Mr. TOWNSEND submitted an amendment proposing to repeal section 8 of the act of June 18, 1878, relative to the Life-Saving Service, etc., intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Com-

mittee on Commerce and ordered to be printed.

Mr. HEYBURN submitted an amendment proposing to increase the appropriation for improving Columbia River between the foot of The Dalles Rapids and the head of Celilo Falls, Oreg. and Wash., from \$600,000 to \$800,000, and also proposing to increase the appropriation for improving Columbia River and tributaries from Celilo Falls to the mouth of Snake River, Oreg. and Wash., from \$30,000 to \$50,000, etc., intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

Mr. BAILEY submitted an amendment proposing to increase the appropriation for improving the channel from Galveston Harbor to Texas City, Tex., etc., from \$100,000 to \$200,000, intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and

ordered to be printed.

He also submitted an amendment relative to the appointment of a board of five engineer officers to examine Texas City Harbor and Channel, etc., intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

He also submitted an amendment relative to the improvement of the Sabine-Neches Canal, Tex., from the Port Arthur Ship Canal to the mouth of the Sabine River, etc., intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. HEYBURN submitted an amendment proposing to appropriate \$30,000 for the construction of buildings for agency headquarters on the Coeur d'Alene Indian Reservation in Idaho, etc., intended to be proposed by him to the Indian appropriation bill (H. R. 20728), which was referred to the Committee on Indian Affairs and ordered to be printed.

He also submitted an amendment proposing to appropriate \$80,000 for continuing the survey of public lands in Idaho, etc., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and

ordered to be printed.

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles and referred to the Committee on Commerce:

H. R. 20190. An act to extend the time for the construction of a dam across Rock River, Ill.;

H. R. 20286. An act authorizing the fiscal court of Pike County, Ky., to construct a bridge across Russell Fork of Big Sandy River

H. R. 22043. An act to authorize additional aids to navigation in the Lighthouse Service, and for other purposes; and

H. R. 20486. An act authorizing the construction of a bridge across the Willamette River at or near Newberg, Oreg.

H. R. 21170. An act granting to El Paso & Southwestern Railroad Co., a corporation organized and existing under the laws of the Territory and State of Arizona, a right of way through the Fort Huachuca Military Reservation, in the State of Arizona, and authorizing said corporation and its successors or assigns to construct and operate a railway through said Fort Huachuca Military Reservation, and for other purposes, was read twice by its title and referred to the Committee on Com-

H. R. 22261. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors of said war was read twice by its title and referred to the Committee on Pensions.

TAX UPON WHITE PHOSPHORUS MATCHES.

Mr. LODGE. I move that the Senate proceed to the consideration of the bill (H. R. 20842) to provide for a tax upon white phosphorus matches, and for other purposes.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. GALLINGER. Let the bill be read.

The VICE PRESIDENT. The bill will be read.

The Secretary read the bill, as follows:

Mr. GALLINGER. Let the bill be read.

The VICE PRESIDENT. The bill will be read.

The Secretary read the bill, as follows:

Be it enacted, cic., That for the purposes of this act the words "white phosphorus" stail be understood to mean the common poisonous white phosphorus used in the manufacture of matches and not to include the nonpoisonous forms or the nonpoisonous compounds of white or yellow phosphorus used in the manufacture of matches and not to include the nonpoisonous forms or the nonpoisonous compounds of white or yellow phosphorus used in the manufacture of the district his name or style, place of manufactory, and the place where such business is to be carried on; and a fallure to register as herein provided and required shall subject such person to a penalty of not more than \$500. Every manufacturer of white phosphorus matches shall file with the collector of internal revenue of the district in which his manufactory is located such notices, inventories, and bonds, shall keep such books and render such returns in relation to the business, shall put up such signs and affix such number to his factory, and conduct his business under such surveillance of officers and agents as the Commissioner of Internal Revenue, with the approver of the property of the Pressury, may by with sureties satisfactory to the collector of Internal revenue and in the penal sum of not less than \$1,000; and the sum of said bond may be increased from time to time and additional sureties required at the discretion of the collector or under instructions of the Commissioner of Internal Revenue.

Sec. 3. That all white phosphorus matches shall be packed by the manufacturer thereof in packages containing 100, 200, 500, 1,000, or 1,500 matches each, which shall then be packed by the manufacturer in packages containing not less than 14,400 matches, and upon white phosphorus matches manufactured, sold, or removed there shall be levied and collected a tax at the rate of 2 cents per 100 matches, which shall place thereon the initials of hi

this act, shall for every such package in respect to which any such offense is committed be fined \$50, and all such matches shall also be forfeited.

Sec. 7. That every manufacturer of white phosphorus matches who defrauds or attempts to defraud the United States of the tax imposed by this act, or any part thereof, shall forfeit the factory and manufacturing apparatus used by him and all the white phosphorus matches and all raw material for the production of white phosphorus matches found in the factory and on the factory premises, or owned by him, and shall be fined not more than \$5,000 or be imprisoned not more than three years, or both. All packages of white phosphorus matches subject to tax under this act that shall be found without stamps as herein provided shall be forfeited to the United States.

Szc. 5. That the Commissioner of Internal Revenue shall cause to be prepared suitable and special stamps for payment of the tax on white phosphorus matches provided for by this act. Such stamps shall be furnished to collectors, who shall sell the same only to duly qualified manufacturers. Every collector shall keep an account of the number and denominate values of the stamps sold by him to each manufacturer. All the provisions and penalities of existing laws governing the engraving, issuing, sale, affixing, cancellation, accountability, effacement, destruction, and forgery of stamps provided for internal revenue are hereby made to apply to stamps provided for by this act.

SEC. 9. That whenever any manufacturer of white phosphorus matches sells or removes any white phosphorus matches without the use of the stamps required by this act, it shall be the duty of the Commissioner of Internal Revenue, within a period of not more than two years after such sale or removal, upon satisfactory proof, to estimate the amount of tax and certify the same to the collector, who shale collect the manufacturing to law. The tax so assessed shall be in addition to the penalties imposed by law for such sale or removal.

SEC. 10. That on and after January 1, 1913, white phosphorus matches, manufactured wholly or in part in any foreign country, shall not be entitled to entry at any of the ports of the United States, and the the United States shall be accompanied by such certificate of official inspection by the Government of the country in which such matches were manufactured as shall satisfy the Secretary of the Treasury is authorized and directed to prescribe such regulations as may be necessary to the United States and white phosphorus matches. The Secretary of the Treasury is authorized and directed to prescribe such regulations may be necessary to the united States and white phosphorus matches. Any person guilty of violation of this section shall be fined not less than \$1,000 and not more than \$5,000, and any white phosphorus matches x. Any person guilty of violation of this section shall be fined not less than \$1,000 and not more than \$5,000, and any white phosphorus matches copreted or attempted to be exported shall be confiscated to the United States and Treasury, who shall have power to issue such regulations to customs officers as are necessary to the enforcement of this section.

SEC. 12. That every manufacturer of matches shall mark, brand, affix, stamp, or print, in such manner as the Commissioner of Internal Revenue shall prescribe, on every persons of white phosphorus matches manufactured, sold, or removed by him, the factory number required mark, brand, affix, stamp, or print such factor

Mr. BAILEY. Mr. President, neither the Senator from Massachusetts [Mr. Lodge] nor any other Senator in this body can make any defense of this measure, frankly avowing the purpose of it. The only defense of it that can be made is predicated, and the argument in favor of it is predicated, upon the false pretense that it is a revenue measure. The Senator from Massachusetts does not expect, and does not desire, to raise any revenue under its provisions. The whole purpose of it is, under the guise of a Federal tax, to invade the States and usurp their police powers. The Senator from Massachusetts thinks it wrong to permit people to work in match factories with this material; and, being unable to persuade the Commonwealth of Massachusetts to enact a law prohibiting it, he comes to the Federal Congress to procure a law taxing it to a full prohibition.

I have received several telegrams during the last few days in favor of this bill, but I have not a single one with any argument in it, or suggestion in it, except that it was inhuman to permit men and women to engage in the work of making matches with this substance. I am not an expert on that ques-tion. If I were a member of a State legislature and authorized to exercise a wise and judicious police power, I would strive to inform myself, and if I believed it was a dangerous or unwholesome employment, I would, without the slightest hesitation, vote directly to prohibit it; but, sir, the Government of the United States possesses no police power, certainly possesses no general police power, and every time it seeks to exercise such a power under the guise of taxation it practices a miserable and a false pretense.

I invite my friends from the South especially to remember that it was on precisely this kind of a false pretense that our cottonseed-oil products were discriminated against in favor of the dairies. I think an experience of 9 or 10 years has about convinced those who advocated that legislation that they have not only done cottonseed-oil products a grave injury, but they have done perhaps a still graver injury to the millions of industrious poor who are compelled to pay a higher price for poor butter than they then were compelled to pay for wholesome oleomargarine. If we can tax this industry out of existence, then we can select for destruction and destroy any industry which a majority of the two Houses of Congress may condemn. I think the Senator from Massachusetts will not say that the match, after it is made, is not a fit subject for interstate commerce. It is the process of making it against which these people inveigh, and they simply seek to prohibit that industry under the pre-

Mr. President, I have no doubt that if the Federal Government possessed the power to regulate the manufacture of matches, or if it possessed the power to prohibit the manufacture of matches, then it could enforce its regulation or its pro-

hibition by a tax as well as by any other method.

Mr. GALLINGER, Mr. President—
The VICE PRESIDENT. Does the Senator from Texas yield to the Senator from New Hampshire?

Mr. BAILEY. I do.

Mr. GALLINGER. I am not going to undertake to controvert the Senator's constitutional argument, but I want to suggest to the Senator that the contention is not only against the manufacture of these matches, but against their poisonous nature after they are manufactured.

Mr. BAILEY. I have seen no suggestion of that kind.

Mr. GALLINGER. Yesterday I received a letter from a good woman whom I have known for many years

Mr. BAILEY. Oh, yes, Mr. President, when the labor organizations and the women get through running this Congress, there will not be a shred of the Constitution left. [Laughter.]

Mr. GALLINGER. If the Senator will permit me to con-

clude my sentence-

Mr. BAILEY. Certainly.

Mr. GALLINGER. I received a letter from a very good woman, whom I have known for many years, who stated to me, "My dear little girl, aged 9 years, has just died from eating phosphorus from a certain kind of matches."

Mr. BAILEY. If she had found a bottle of poison and drank that she would have died.

Mr. GALLINGER. Now, if the Senator will permit me further, there are innumerable such cases recorded. this substance is a very great menace to child life. I do not know that that ought to have any potency in this argument, but it goes a little further than the manufacture of these matches.

Mr. BAILEY. Upon that theory we ought to tax pins out of

existence, for children have swallowed them and died.

Mr. GALLINGER. Hardly that.
Mr. BAILEY. And a child may take, with disastrous results, medicine useful in cases of sickness. The doctor is giving me medicine now which I do think would not be very safe for a child to take, and I would have been in bed this moment if I had not felt it to be my duty to come here this morning to offer some amendments to the river and harbor bill, and I was just leaving the Chamber to go back home and to go to bed when the Senator from Massachusetts called up this monstrosity, and, although I have no hope of defeating it, I was not willing to see it passed without recording my protest and denouncing it for what it is—a false pretense.

Mr. President, if this particular match is not a merchantable

commodity, then I will grant you that you have the power to prohibit its introduction into interstate commerce. But that is not the purpose; the purpose is to prevent a peculiar disease, which physicians tell us originates from working in factories where this particular substance is used in the manufacture of matches. I have always found the Senator from Massachusetts frank, and I am going to ask him if it is not the purpose of this bill to prevent the use of that substance in the manufacture of

matches?

Mr. LODGE. Undoubtedly it is supposed that the effect of the tax will be to prevent the use of white phosphorus in the manufacture of matches.

Mr. BAILEY. And that is the very purpose of the bill, is it

Mr. LODGE. The purpose of the bill is to levy a tax upon them.

Mr. BAILEY. That is not the purpose of the bill; that is merely the means of accomplishing its purpose,

Mr. LODGE. No-

Mr. BAILEY. Let me put it to the Senator in this way— Mr. LODGE. The real purpose of the bill—of course I am not going to-

Mr. BAILEY. I knew the Senator would not conceal the real purpose.

Mr. LODGE. I have no idea of trying to equivocate or anything of that kind.

Mr. BAILEY. I knew the Senator would not, and that is the reason I asked him.

Mr. LODGE. The real purpose of the bill is to destroy an

industry that ought to be destroyed.

Mr. BAILEY. Well, Mr. President, who is to judge of that—the Government of the United States or the States in which

these industries are conducted? Mr. LODGE. I think that we must be the judge of it, because it is utterly and hopelessly impracticable to get 46 States to put an end to this industry.

Mr. BAILEY. That sounds like an echo of an ex-President of the United States, who has told us that whenever the States would not do their duty the Federal Government ought to do it

Mr. LODGE. If the Senator will allow me to complete my sentence

Mr. BAILEY. I will. Mr. LODGE. I was going to say that I think nothing worse to the Constitution could be done than to have it said that neither through the States nor through the United States can we put a stop to an abuse. It is just that sort of thing that is bringing on the agitation against the Constitution of the United States, which I, in common with the Senator from Texas, deplore.

Mr. BAILEY. But the trouble is that the "agitators" all adopt the Senator's view of it. I am glad to hear him designate them as "agitators," although that includes his warm, personal, and sometime political friend, the ex-President of the United States, who, in my opinion, is about the most pernicious of these agitators at this time [laughter], and there is not one of those whom he so aptly describes as "agitators" who does not contend for this same doctrine.

Mr. President, human life is precious, and the right to live is sacred. But suppose a State of this Union were to repeal its laws against homicide and leave every man to defend himself in the good old way. Suppose it were to repeal all of its laws

against theft and remit us to the good old way-

* * The simple plan.
That they should take who have the power,
And they should keep who can—

would the Senator from Massachusetts come here and say: "The State of Massachusetts, having repealed its laws against homicide and its laws against theft, I invoke the power of the Federal Congress to lay a tax on killing men and on theft"?

Yet that is precisely a parallel case with this. Here is something which analytic facilities with the control of the power of

thing which ought to be forbidden.

Mr. LODGE. If the Senator will allow me, it is not proposed to export the murderer or the thief. But the State that allows the making of these poisonous matches, and permits the industry to go on, exports them into every other State in the Union.
Mr. BAILEY. The Senator has just said that the purpose is

not to prevent their exportation in interstate commerce, but it

is to prevent their manufacture.

Mr. LODGE. To prevent their manufacture; and if they are

not manufactured they can not enter into interstate commerce.

Mr. BAILEY. Of course, if they are not manufactured they can not be introduced into interstate commerce.

Mr. LODGE. Precisely. Mr. BAILEY. But the States are entitled to determine whether or not they shall be manufactured and the Federal Government can determine whether or not they are fit subjects for interstate and foreign commerce. If the Senator will say they are not fit subjects for interstate and foreign commerce,

let him write that in the bill.

Mr. LODGE. I do not think so.

Mr. BAILEY. Does the Senator think they are not fit subjects, or does he think he ought not to write it in the bill?

Mr. LODGE. I do not think we can do it under that power. Mr. BAILEY. Then the Senator is evading, he is cheating, the Constitution.

Mr. LODGE. I do not think so. Mr. BAILEY. Of course the Senator does not think so, or he would not do it.

Mr. LODGE. I do not want to interrupt the Senator, but this matter has all been passed on in the oleomargarine case.

Mr. BAILEY. Oh, yes; and I stood here for two days and tried to defeat that bill. I have been spending my life trying to defeat measures of this kind, but I have never defeated any of them yet, and that is one of the reasons I am glad to retire from the Senate. I am sick almost to death of having men stand here and vote one way, and then tell me in the cloakroom that I was really right on the principle, but the practical good was so-and-so, and it overruled the principle. I utterly reject that philosophy. I do not believe that any real or permanent good was ever accomplished in this world by violating a sound principle of government or morals.

If the Federal Government has a right to prevent the manufacture of matches by this process, it has a right to prevent the manufacture of any other commodity by any process which falls under the condemnation of its judgment or its caprice.

Mr. LODGE. Mr. President, this bill comes from the House and has been favorably reported from the Committee on Fi-

nance. It has been reported without amendment and without change.

Mr. BAILEY. As I am a member of that committee, I will ask the Senator's permission to say that I was not at the meeting of the committee when the bill was reported.

Mr. LODGE. The Senator was not present. I did not say it

was a unanimous report.

Mr. BAILEY. No.

Mr. LODGE. The injury caused by the manufacture of the white phosphorus match, the hideous disease that it brings on in the persons of those employed, who are chiefly women and girls, is a matter that needs no enlargement from me. It is well known and is accepted as a fact. The disease which it causes is a most horrible one. Every other civilized nation, so far as I have been able to learn, has prohibited the manufac-ture of these matches. Great Britain tried for some 10 years to deal with their manufacture by regulation, found that impossible, and finally prohibited it. These matches are also extremely poisonous, as the Senator from New Hampshire [Mr. Gallinger] has pointed out, and lead to many cases of poisoning among children and others. These are the reasons for the action of the House.

The disease, I may say, is caused by the fumes of the phosphorus, which is very volatile. The fumes get into the mouths of the people engaged at this work and gradually decay the jawbone, so that they lose all of the jawbone. The disease causes great suffering and is of the most hideous and awful

character.

I think we may say that this is something that ought to be stopped, as all other nations have stopped it. It is utterly impracticable, as the House report states, and as everyone must know, to suppose-

Mr. BAILEY. Mr. President, will the Senator from Massa-

chusetts permit me to make an inquiry there?

Mr. LODGE. Certainly. Mr. BAILEY. Can the Senator tell us what percentage of the people who engage in this labor have this peculiar and horrible disease?

Mr. LODGE. I read from the House report, which contains

some facts in regard to it:

An investigation conducted in 1909 by the Bureau of Labor as to necrosis in 3 typical factories yielded some \$2 serious cases. Of these 23 occurred between 1900 and 1905 and 26 since 1905. The records of all these cases are on file in the United States Bureau of Labor. At present there are 21 match factories in operation in the United States, located in 10 different States. Of some 3,400 employees in 15 of these match factories about 1,400 were found to be women; 95 per cent of the women were working under conditions exposing them to the poisonous fumes of phosphorus; 82 per cent of the children and 44 per cent of the men employed were likewise exposed.

Those are the facts taken from the Bureau of Labor.

Mr. BAILEY. It then appears that 82 cases out of several hundred employes have occurred in 12 years. The occupation is not nearly so dangerous, then, as the glass-blower's occupation. My understanding is that the glass-blower's trade is practically certain to curtail human life.

Mr. LODGE. The report also says:

A hasty investigation of 2 of the 6 factories operated by this company, and inquiries here and there in the neighborhood, disclosed more than 60 cases, of which not less than 45 were serious, resulting in deformity or death.

There has been no system of reporting, so that it is impossible to get the exact percentage; but there is no doubt of the danger of the disease or of its dreadful character.

It is utterly impracticable to get all the States to pass uniform legislation on this subject. It would take many, many years to do it if it could ever be done at all.

Mr. BAILEY. If the Senator will permit me, many States would not need it. I think there is not a single match factory in the State from which I come.

Mr. LODGE. Then they would move to the States where

there was not such a law.

Mr. BAILEY. Very well; then we would move them out if they moved into our State. We could do that.

Mr. LODGE. And they could ship matches into the State anyway. I think it is impracticable. I think everybody must see that it is impracticable.

Mr. BAILEY. Will the Senator let me ask him this question: Where does the Federal Government derive its power to destroy an occupation in a State because that occupation may injure the health of the people engaged in it? I grant you that if these matches, when committed to interstate commerce, communicated disease as they passed from one State to the other, under the authorities the Federal Government might suppress interstate commerce in them. But, as I understand, there is no claim of that kind here. The whole damage is done in the factory

Mr. LODGE. Oh, no; the whole damage is not done in the

factory, by any means.

Mr. BAILEY. The Senator can not find a single instance where any person has been afflicted with this peculiar disease, except the match-factory operatives.

Mr. LODGE. The disease of which I was speaking comes from working in the factory, but the matches are very destructive of life. There is plenty of testimony on that point.

Mr. BAILEY. Matches burn up houses. A Senator who sat

near me a moment ago suggested that only yesterday he saw a box of matches ignite in a gentleman's pocket, and it came very near burning him up. That is a danger which men must take. But it is so infinitesimal that I do not believe any State yet has thought it necessary to pass a law against carrying a box of matches in your pocket.

Mr. LODGE. If the Senator will allow me, I will read an-

other bit of testimony given before the House committee. Dr. John B. Andrews, secretary of the American Association for Labor Legislation, at the hearing of January 10, 1912, in answer to an inquiry as to how many cases of necrosis he had seen in

the course of his investigation, said:

the course of his investigation, said:

I have personally investigated about 150 cases in this country—that is, I have secured the records of these cases, have gone to the people, and talked with them. I have talked to the match manufacturers. I have gone to the hospitals and talked to the medical men and dentits.

* * I should say I personally have seen, perhaps, 50 cases of phossy jaw. I have also seen many people who are employees of match factories suffering as a result of the poisoning. I am confident of that, because their teeth became brittle and decayed more rapidly than they ordinarily should. * * * Most of them (phossy-jaw sufferers) are very reluctant, as you can imagine, to have their photographs taken or to be brought to public attention in any way. They are so horribly deformed that they feel that way about it; but this man [presenting B. Plaza, from Passaic, N. J.] was more fortunate than many of them. This man went to the Passaic General Hospital for 59 days, and he had his lower jaw entirely removed—the whole bone was taken out—and since this man has offered to do all he could in the interest of wiping out this terrible disease. In one of the most recently investigated factories, employing only about 20 people, 3 have had their jaws cut out during the last three years.

So much as to the character of the disease. I return to the

So much as to the character of the disease. I return to the point I was making. It is impracticable to get this result by State legislation. Unless the United States Government acts, nothing can be done.

Mr. BAILEY. Where does it get the power to act?
Mr. LODGE. I will come to that in one moment. Unless the
United States Government acts, we shall be put in a position that no other civilized nation on earth occupies; that, owing to technicalities under the Constitution, we can not put a stop to an industry which has the most hideous results on those engaged in it, and we are the only civilized nation that can not do it.

The Government has the power of taxation. I admit that it should be very rarely used for any such purpose as this; but it has been used. It was used in the case of oleomargarine. I want to recall to the Senate what the House committee quotes—the decision of the Supreme Court in the case of McCray v. The United States, upholding the constitutionality of the tax on arti-

ficially colored oleomargarine.

Mr. BAILEY. That is upon the ground that they can not inquire into the motives of the Senators in voting for it.

Mr. LODGE. Precisely. In that case the Supreme Court

Since, as pointed out in all the decisions referred to, the taxing power conferred by the Constitution knows no limit except those expressly stated in that instrument, it must follow if a tax be within the lawful power the exertion of that power may not be judicially restrained because of the results to arise from its exercise.

There is no doubt that we can put a tax on matches. That was done repeatedly in the internal-revenue acts during the Civil War. We can put an internal-revenue tax on matches. If we put one on and it extinguishes a particular kind of industry, that is the result of the tax, undoubtedly; but it does not impair our power to impose a tax.

It seems to me this is one of those cases where it is absolutely necessary, in the interest of humanity, to take the only course we can to put an end to an industry which destroys people in a

horrible and deforming manner.

Mr. POMERENE. Mr. President-

The VICE PRESIDENT. Does the Senator from Massachusetts yield to the Senator from Ohio?

Mr. LODGE. Let me continue for one moment, Mr. Presi-

dent, and then I will yield.

When I refer to destroying the industry I mean that it will destroy the use of white phosphorus in the industry. The industry of making matches will go on just the same. The manufacturers will simply adopt another process. There are healthful processes. The manufacturers have no objection to using them if they are all put on one plane.

The Diamond Match Co., which has what is known as the sesquisulphide process, which was a patented process, and is a harmless one, has filed with the Commissioner of Patents a certificate renouncing all rights under its patent, and that process is now open to everybody. The red pho harmless. That can be used by everybody. The red phosphorus is perfectly

All the match factories that are now manufacturing matches can continue to do so. The bill does not injure one of them. It only prevents their using a deadly process, which is employed simply because it is a little cheaper. The bill will not increase the price of the match. The change in the process is so trifling that it will not increase the price, but it will save an immense amount of human misery and suffering.

I now yield to the Senator from Ohio. Mr. POMERENE. Mr. President, the Senator from Massachusetts has just answered one question which I intended to ask him. That is to say, he has shown that matches can be made out of substances other than white phosphorus.

Certainly.

Mr. POMERENE. I am in entire sympathy with the spirit of this bill. I want to ask the Senator, further, why does he postpone the date upon which this act shall take effect? I notice that section 17 provides:

That this act shall take effect on July 1, 1913, except as previously provided in this act; and except as to its application to the sale or removal of white phosphorus matches by the manufacturers, as to which it shall take effect on January 1, 1915.

What is the purpose of deferring the date?

Mr. LODGE. The purpose of delay in the House bill, which is the same as our bill, was simply to give the manufacturers an opportunity to adjust their factories to the requirements of the new processes

Mr. POMERENE. Does the Senator feel that it is necessary

to delay it so long?

Mr. LODGE. It is delayed until July 1, 1913-practically one Mr. BAILEY. Why do you let them kill people for a year?

Mr. POMERENE. In the Senator's judgment, is it necessary

to delay it so long as July 1, 1913?

Mr. LODGE. Mr. President, I am not at all set on that delay, if the Senate desires to make a change in that respect. But the House gave very great attention to this matter, and the bill seemed to me very well prepared. I thought the object of giving a year's delay was simply, as I say, to allow the manufacturers to adjust their business to it. I fancy if this bill becomes a law there will be very few of these matches either put on the market or made.

Mr. MARTINE of New Jersey. Mr. President, I have been very much interested in the manufacture of phosphorus matches for two years. When this horrid disease or condition was first brought to me it seemed to be utterly impossible that it could exist in a civilized community, and I say now that it would be little short of a crime did not the Senate do all it could to stamp

out this horrid condition.

The Senator from Texas asks what is the purpose of the bill. I say the purpose is not revenue, but the purpose is humanity, and in Heaven's name I appeal to you as fair-minded, intelligent Senators to do all you can to aid in the passage of the bill.

We are told that it is not constitutional. Great heaven, the

Constitution of the United States has stood a worse strain than this, and I am willing to take the chance at this time. As to the horrid condition of "phossy jaw," should you once see a case, I say there is no Senator who would stand in his place and plead the claims of constitutionality or any other claim in extenuation of it. I once saw a case of "phossy jaw." Women and children mainly are the employees. The fumes of the phosphorus settle in their bones, particularly it settles in the teeth of those who have decayed teeth, and ultimately it is communicated to their bones, until I have seen the bone of the right cheek of one of the operatives absolutely eaten away.

I have been much interested in it. There is an article which appears in Everybody's of April, "Matches or men," under the nom de plume Gordon Thayer. It is a nom de plume, I will say, for I know the young woman who is the author of it. She is a neighbor of mine, and has sought and ferreted out the condi-

tion and cases that are most horrid to portray. Let me read just a little of this article for the benefit of the Senate. The following question is asked of the foreman of a phosphorusmatch company in the United States:

"Is the health of your operatives good?"
"We have no cases on us," he answers; "but I've only been here a We ha

"We have no cases on us," he answers; "but I've only been here a short time."

"You have, however, been working at matchmaking before?"

"I've been at it 15 years."

"And in that time you've seen sickness among the workers?"

"You don't ever need to ask that question," he answers. "There isn't anyone in the business who hasn't seen it. If they tell you anything different, they lie."

The foreman's manner suddenly loses its apathy. "I'll never forget my first case," he says, with a shudder. "I've never been the same since. It's always there. I know the thing is there. I know it all the day long. I see it at night. I can't forget it. He'd been in the same factory with me. They told me what was the matter, but I didn't understand them. I went to see him. The windows of the room were wide open, but I could scarcely stay to hear him talk. He couldn't talk, really; just a kind of a mumble. But I understood. He put his fingers into his mouth before my eyes and pulled out a piece of jawbone near an inch and a half long. I ran away from him then. I've been seeing it ever since. I've been smelling it ever since."

He said he never could forget the loathsome, horrid sight nor the horrid stench.

Now, my fellow Senators, this is not a question of profit or money, nor do I believe it is a question in which the Constitution is affected, but it is a clear case of humanity, and whether laboring men and women advocate it or not, I care not: I am willing to submit the case to the laboring men and women. It will make for good and for humanity and for justice over the tyranny of a greedy money power that is pressing the present method of manufacture of phosphorus matches.

I trust with all my heart that we may have a unanimous vote upon the part of the Senate on the other side of the Chamber

as well as on this side.

Mr. BAILEY. Mr. President, as between the Constitution and humanity I have long been aware that the Constitution stands small chance. But still there are a few of us living out of our time and lagging superfluous on the stage who believe that humanity remains still with the States and that the Constitution abides with the Congress of the United States.

The Senator from Massachusetts read a sentence, I think it was only a sentence, from the opinion of the court in the oleo-

margarine case.

If any Senator feels interest enough in this question to examine that opinion, he will find that the court predicated its decision upon the theory that Congress having the power to levy taxes, it is not competent for the court to attempt to search the hearts of Congressmen to determine the purpose for which they levy them. That has long been the doctrine of that court, and I am free to say that it is a doctrine to which I have never fully subscribed.

I believe that if a citizen of the United States can allege and prove that Congress passed a law to serve a purpose not within its powers the court ought to hear those facts and determine the law of that case upon the facts of it as they determine the law

of nearly all other cases upon the facts of them.

But whatever my opinion may be about that, the rule is too well established now to be successfully assailed, and I know perfectly well that if Congress passes this act, and it is challenged in the courts, the courts will sustain it precisely as they sustained the oleomargarine act.

The tax on matches amounts to 2 cents a hundred, or 20 cents a thousand. These matches retail for 5 cents a thousand. The tax, therefore, is four times the present price of the matches. It would be a curious court that did not, in its own consciousness, understand that the purpose of this bill is not to raise revenue, because it is perfectly apparent, I might almost say on the face of it that its authors and supporters do not expect and desire to raise revenue under it.

In the case of the internal-revenue tax on matches, to which the Senator from Massachusetts refers, the purpose was to raise revenue, and the tax was fixed according to that purpose. Here the purpose is avowed by the Senator from Massachusetts, and if I were permitted to refer in this body to what has transpired in the other House I could say that the proponents and advocates of the measure there were equally as candid as the Senator from Massachusetts has been with the Senate.

The Senator from Massachusetts says that unless we can pass legislation of this kind we are the only civilized country in the world thus disabled. Does not the Senator from Massachusetts know that we are the only civilized country in the world with this particular kind of a Constitution, and that it is this particular kind of a Constitution which disables us?

Mr. LODGE. Well, Mr. President, I do not think it does dis-

able us

Mr. BAILEY. It would if you did practice a fraud upon it.

Mr. LODGE. If the Senator will pardon me-

Mr. BAILEY. In just a moment. Let me put this question to the Senator from Massachusetts: Does the Senator from Massachusetts: sachusetts believe that the Supreme Court of the United States would sustain this act if it declared that no match manufacturer should use this particular substance in the manufacture of his matches?

Mr. LODGE. No: because I do not suppose we could place

that under any granted power of the Constitution. Mr. BAILEY. Under which one do you place this?

Mr. LODGE. We place it under the taxing power.

But it is perversion of the taxing power, and Mr. BAILEY. you only escape because the court can not inquire into your purpose in levying the tax.

Mr. LODGE. But the Senator—
Mr. BAILEY. The Senator does not deny that.
Mr. LODGE. I do not deny that it is being used for the

purpose of repressing the use of a poisonous article.

Mr. BAILEY. In other words, you do not deny that it is being used to accomplish a purpose which we have no power to accomplish directly.

Mr. LODGE. I think we have no power to accomplish it in

any other way. It did not occur to me.
Mr. BAILEY. And the only reason w And the only reason we can accomplish it this way is that the court says it can not search our minds for the motive which governs our votes.

Mr. LODGE. The court goes a little further than that, if the Senator will allow me a moment. The court also said in

the McCray case:

The court can not hold a tax void because it is deemed too high. Although the effect of the tax in question may be to repress the manufacture of artificially colored oleomargarine, it is not on that account a violation of fundamental rights. An act of Congress exerting the taxing power can not be avoided on the ground that it is an abuse of

Mr. BAILEY. Oh, certainly not. Mr. LODGE. And then in Veazie Bank v. Fenno they said: The power to tax may be exercised oppressively upon persons, but the responsibility of the legislature is not to the court, but to the people by whom its members are elected.

Mr. BAILEY. The legislature ought to be profoundly thankful that it is not responsible to a court.

Mr. LODGE. The court held we have the right to do it. Mr. BAILEY. No; the court has held that it has no no Mr. BAILEY. No; the court has held that it has no power to say we have done it for an unconstitutional purpose. That is all the court has said.

In the case of Veazie Bank v. Fenno, the question was different. The court there said that the Federal Government has the power to create a national currency, and the Congress may tax out of existence

Mr. LODGE. I understand that.

Mr. BAILEY. Anything which obstructs the exercise of that

Mr. LODGE. If the Senator will allow me, I understand, of course, that the tax on State bank circulation rests on a different ground. I understand that perfectly; and it was only that definition of the responsibility to the legislature that I wished

Mr. BAILEY. Mr. President, if there are ever any political opinions displayed in the Supreme Court of the United States, as sometimes happens to be the case, I would only remind the Senator from Massachusetts that the only two Democrats on the bench at that time both dissented from the judgment of the court in the Veazie Bank case, holding also that the Government of the United States had no power to tax those State bank notes out of existence. I myself think that the better reasoning was with the minority of the court. Certainly it was a better

reasoning from a Democratic point of view.

But we come back at last to the proposition which the Senator from Massachusetts admits, and that is that Congress can not directly prohibit the use of white phosphorus in the manufacture of matches. The Senator from Massachusetts, advised by the learned lawyer who sits near him, admits that a direct prohibition of that kind would be fatal to the bill; but he prohibits it as effectively by this tax as if they put a prison sentence upon the manufacturer. The prohibition is as effective in the indirect case as it could be made in the direct case; but if Congress should write in the face of this bill what it desires to do, what it intends to do, and what the bill is drawn to do, it would not stand judicial scrutiny. Therefore it imposes upon the court. It circumvents the Constitution by pretending to do what it was never intended to do.

Now, if Senators are willing to trifle with the Constitution that way, I think we ought to amend it and take out of it the oath that solemnly pledges us to obey it. To circumvent it is no more permissible than to violate it; except, if you have

the manliness and the courage and the directness to violate it, there is a court still left in this land with power to set your

How long it will sit I am not, of course, able to say. How long its deliberate judgments will be permitted to stand against this general and indiscriminate attack upon our courts no man can venture to say. It may be that they will leave the court and content themselves with recalling its decisions; but until that day does come there is a court there under an oath as high and solemn as the one we took to enforce the Constitution, and I defy the advocates of this bill to write upon its face the purpose which it is intended to accomplish. They dare not do it; it would not be worth the paper upon which it is written, and no man knows it better than the Senator from Massachusetts.

Mr. President, I suppose that when they appeal to us in the name of stricken humanity all Senators hear that appeal with sympathy, and I hope none will with a tenderer and a quicker sympathy than I do. But, sir, above the sympathy for those who suffer, above pity for the unfortunate, stands the duty of American Senators to obey the Constitution of the United

I am one of the few men who admire what is generally considered the most odious character in all of Shakespeare's I admire Shylock because when he took the bond he demanded no more than its fulfillment; and when they tempted him with more than the double return of his money, animosity asserted itself as superior to his avarice, and turning a deaf ear to those who would bribe him to surrender the rights nominated in his bond, he said to the judge: "I crave the law." And when again entreated, he still stood firm and answered: "I stand here on my bond." Whoever can say that to the upright and learned judges of this land is always secure against my prejudice.

I sometimes believe that the great dramatist intended to exhibit this character in two of its strongest lights. First, his avarice. He seemed to love his money better than he did his daughter, because it came nearer breaking his heart that she had run away with his ducats than it did that she had run away with Lorenzo. Yet, after his pitiful lament over his daughter's flight had subsided and he wanted his revenge against the gentile who had railed against his sacred nation, he craved the law; and it is the best disproof of the Baconian theory of Shakespeare that they cheated the Jew out of his bond by a subterfuge which would never have been tolerated

by any court in Christendom.

But they allowed that subterfuge to be palmed off upon the learned judge by one of the suffragettes of that day. brought into the courthouse a girl. Some lawyers had instructed her before she appeared, and she decided, as a friend of the court, that the Jew was entitled to his bond; but that although he might take the flesh, he could take no blood with it, when every system of jurisprudence, modern or ancient, enlightened or ignorant, has always held that whenever you contract for a thing you contract also for everything necessary to carry out that contract. So if he had a right to take the flesh, he had a right to let the blood flow with it. We have revived the pagan doctrine. We can invent subterfuges to defeat the bonds we give; we can invent subterfuges to circumvent the Constitution, which we have sworn to support.

Mr. President, it may seem a heartless thing to say, but I think it would be better to close up every match factory in the United States and go back to the time when our fathers struck fire from flint than it would be to practice this kind of a fraud

upon the Constitution of our country.

Mr. HEYBURN. Mr. President, I have been giving some practical attention to this question while the theories have been developed. First, I find that in this chamber of justice and statecraft we are freely using this match [exhibiting]. If some of the literature which has been sent me—and there has been a great deal-is correct in its statements and conclusions. then I should have necrosis of the jaw by this time. I find upon an examination that if you will separate the head of one of these matches the substance under the white cap will first ignite. This is evidently a shield to an inflammable, combustible head upon which it rests. I am not inclined to believe in the deadliness of everything that some one proclaims to be deadly until I have examined it a little.

The making of matches is within the recollection of most of us, or of many of us. When the old Swift & Courtney match was first made I remember being very much interested upon visiting a factory to see the method by which the sticks were put in a hopper and the room became a mass of flying splinters, which were being gathered by girls upon forms, very much as printers gather their type. When a given number of them were

in place, they were clamped, sent along on a slide, tilted over, and dipped. That was the old process, and that was a great The fact is they were pioneers in the manufacture

I remember before that it was the lucifer match. It is interesting to note the derivation of the name of that match. Phosphorus is supposed to be the equivalent of the words "the morning light." John the Baptist was called "Phosphorus." That is a fact. If any of you will refer to the authorities, you will find that the word "phosphorus" has always been the synonym of "morning light." So the manufacturer of the phosphorus match took that as its name.

Then we all remember, or many of us remember, when it was called the lucifer match. It came in a brown paper package, and there used to be a 1-cent stamp on it during the Civil That was the old lucifer match, which preceded the

parlor match made by Swift & Courtney.

The substance into which matches are dipped has been long in use. It is all phosphorus, except under different conditions. subjected myself to the fumes and the blaze of this white cap [indicating], which the Senate of the United States is distributing, at least among its Members. Every man who lights a cigar or a cigarette with one of these matches gets a closer contagion than the girls or persons who dip them. They are not dipped by hand, but they are dipped by machinery. The person dipping them does not come in contact with them. They are dipped in a fastened flat case, something after the style of the printer's type, and tilted so as to just reach a certain dis-

tance into the phosphorus or the mixture.

The disease which is termed "necrosis" means death and nothing else, does it not—death to anything? This is the very root of the expression meaning death. You may die partially, your finger nail may die and come off, but it does not follow that the whole human structure is dead; and the people who have been writing me have been writing long letters, probably not well advised, that the very fact that this would produce necrosis meant that it would kill people. I have seen those horrible

pictures that were sent out.

I would control the use of such substances just as we control

the use of deadly drugs in the pure-food and drug act.
Mr. LODGE. Opium, for instance.
Mr. HEYBURN. Yes; opium. I would control it; I would not allow it to be-

Mr. LODGE. If the Senator will allow me, in the case of opium, to which he has just alluded, we passed legislation to exterminate, so far as we could, the traffic in opium.

Mr. HEYBURN. Yes; but that is not a food. Mr. LODGE. That was not for the purpose of raising revenue.

Mr. HEYBURN. That was not food; but if we can control opium, we can control this white phosphorus. It is merely produced under a different temperature; that is all. Phosphorus

is used in many ways by the human family.

I suggested, if I may take the liberty of saying so to the Senator from Massachusetts, that I had some doubt as to whether or not we would best undertake to control this by taxation or whether we would control it as we controlled opium and deadly drugs. We can safely do that, because we have done it, and the courts have sustained it. Neither opium nor matches can be classed as foods, but they are substances that, if taken into the human system, destroy at least a part of it.

I would very much rather keep within the higher principle of legislation advocated by the Senator from Texas [Mr. Balley] and not have any question as to our constitutional right to do it. I think we can do it without subterfuge; I think we can do it by making the article contraband, as we made oplum contraband; but, of course, we would have to frame very carefully a statute intended to accomplish that purpose, because the change from a comparatively harmless condition to a condition of deadly poison is both artificial and automatic; it is a chemical process; it is based upon the change of the degrees of heat to which it is subjected and the conditions under which the heat comes in contact with the article.

I do not see any difficulty, by a carefully drawn measure, in placing white phosphorus in the same category as opium or other deadly drugs that we have included in the pure food and drugs act. No one would claim that a poison is a medicine merely because you take it into your system or because it may be combined with other substances and become a medicine. My inclination is entirely against a roundabout way of doing this thing. It certainly is not so urgent, in view of the fact that we have the substance here, and I am holding it in my hand, as to preclude the practical method of having hearings or examinations upon the subject. Let us know more about is a wholly different thing to attempt to prevent people engaged

the origin of the use of white phosphorus in the manufacture of matches; let us find out whether any process for the making of matches is under patent; let us find out whether any of the machinery used for the making of matches is under patent; let us find out whether any person or combination of persons would be benefited by excluding a cheaper competitor from the

Mr. LODGE. Mr. President, if the Senator will allow me, that has all been done with great elaboration in the House hearings, and is all set forth in the report.

Mr. HEYBURN. I sent for the House hearings.

Mr. LODGE. I mean the report sets forth facts in regard to

the process of manufacture, the patents, and everything else.

Mr. HEYBURN. I know it has been done; but what was the result of its being done? Senators want to know. What is the result of the investigation?

Mr. LODGE. I think it is all in the House report. Mr. HEYBURN. I know, but we have it not here. Mr. LODGE. The House report is here.

Mr. HEYBURN. I have that; I sent for that and I have it before me on my desk; but the Senator would not claim that any of the information that I have suggested is contained in that document.

Mr. LODGE. It is all there.

Mr. HEYBURN. There are some statements there, but there

Mr. HEIBURN. There are some statements there, but there is not responsibility behind those statements.

Mr. GALLINGER. Mr. President—

The VICE PRESIDENT. Does the Senator from Idaho yield to the Senator from New Hampshire?

Mr. HEYBURN. Certainly. Mr. GALLINGER. The Senator has been arguing that this result, which some of us so much desire, could be reached in another and a constitutional way by dealing with it as we have dealt with drugs and medicines in the pure-food law. I should like the Senator to be a little more specific in his statement on that point-and I ask for information-in revealing to us just how that can be done.

Mr. HEYBURN. Well, Mr. President, it is not always an easy thing to draw a bill while on your feet addressing the Senate, but I will give some ideas that have come to me. I think that any attempt to curtail the consideration of a measure of this kind is apt to defeat it; any idea that a Senator will not exercise his judgment in regard to when and to what extent this measure should be discussed is more apt to defeat

it than to help it.

Now, Mr. President, the substance known as white sulphur is just as well known to the commercial world as is that of sulphur in any form. It is not a recent discovery. that some chemists have been reducing sulphur to this condition for some purpose since the beginning of the making of matches. It is a perfectly legitimate subject for consideration. I have had hundreds of stereotype letters written by some one under the inspiration of some organization demanding in some cases, requesting in others, that I should do what I might do in the performance of my duties to assist in the enactment of this I have given some attention to those requests. will not be open to the charge of attempting to speak about something of which I know nothing, because I have as much opportunity to know as has another.

In response now to the question of the Senator from New Hampshire as to what legislation might be offered as a substitute for that under consideration, I would say that we may deal with this substance practically along the same lines that we dealt with opium. We may first make it contraband under the law; make the having possession of it evidence of the intent to use it for an unlawful purpose; state those purposes, and provide that it shall not be used in connection with the making of matches or any article or substance to be used in the household. We can be perfectly candid about it, and name just the article-

Mr. BAILEY. Mr. President, if the Senator will permit

Mr. HEYBURN. Certainly.
Mr. BAILEY. The Senator will perceive in an instant that
the difference between the case of the phosphorus match and the case of opium is that opium when made the subject of interstate commerce was an injurious article, whereas when the phosphorus match becomes a subject of interstate commerce it is not an injurious article. When the match is ready for sale it is not injurious to those who use it. The whole trouble is with the people who manufacture it.

It is one thing to denounce an article deleterious in its nature or composition and exclude it from interstate commerce, but it

within the States in the manufacture of a commodity from manufacturing it in any way which the State permits, because manufacturing is wholly subject to the jurisdiction of the State, while interstate commerce is within the jurisdiction of the Gen-

eral Government.

Mr. HEYBURN. Mr. President, I was speaking from an assumption which was not entirely in harmony with the statement made by the Senator from Texas when he was addressing the Senate a few minutes ago. He stated that this material was harmless after it had been placed upon the match, but the literature which has been sent to me sets forth that the fumes from the burning of white sulphur are also calculated to promote this disease in the jaws and teeth and undertakes to give pictures of persons who have been affected by it.

Mr. BAILEY. But the trouble is that among the 90,000,000 of our people no case of this disease has ever been found outside of one of these factories. Consequently that statement could

not be sustained

Mr. HEYBURN. It was printed; and then there was a picture of a man who had been infected, not by being engaged in

the making of the match, but by the fumes.

Mr. BAILEY. If the Senator will permit me, there is testimony before the House committee that if these people would brush their teeth and keep them clean they would not contract this disease. I have not felt inclined to go into that subject, but if it is reserved to any legislative body to look after the teeth of people, I think it ought to belong to the State.

Mr. HEYBURN. Evidently I have not been as successful as I hoped to be in framing a bill while on my feet addressing the Senate. I did not expect to be very successful, because it is not a proper way in which to frame a bill. I was merely reaching out for a reply to the Senator from New Hampshire [Mr. Gal-LINGER]. It was not necessary that his question should be replied to in order that the position which I have taken might be

Some weeks have elapsed since this question came to my attention, and it came with a great amount of literature and a large number of letters. The letters have continued, and they now begin to bear the appearance of round robins. They are coming every day, in every mail, urging me, sometimes with reason and sometimes without, not to oppose this bill. I am not going to oppose legislation that will meet this difficulty. My interest is in seeing that the legislation which we enact shall be effective; that it shall accomplish the purpose; that we shall not enact a seeming law and put it upon the statute books and have the court that has the last word about it say, "You had no right to do it." In that event we will have accomplished nothing; we will have adjourned and gone home two or three times, perhaps, and the evil will go on.

I wonder why there has been any necessity for postponing the time when this bill shall go into effect. Why should the makers of these matches, who, if these statements are true, are criminals, be given a latitude of time in which to continue this nefarious work? That does not appeal to me. If the statements made about the manufacture of these matches are true, I would stop their manufacture before 4 c'clock to-day, if the

law could be made to operate so quickly.

There is no Sepator who has spoken who is more zealous, more desirous than I am of stopping this evil, admitting for the sake of argument that it is an evil. But there is no Senator in this body who is more anxious than I am that the legislation that we enact shall be lawful and within the scope of our power. I am not going to be discouraged or desist because anyone thinks I have talked too long or out of time about it. A measure reported from a committee, and in this body for consideration, is the property of every Senator; and there are no mas-

I say that because there was a murmur of dissent when I presumed to exercise my right and my duty in submitting what had to say about this measure. I will eventually stop that

kind of thing, and stop it for good. Mr. President, I have said what I have said because I felt that the relief sought should be reached in another way.

Mr. CUMMINS. Mr. President, I regret that the Senator from Texas [Mr. BAILEY] is not in the Chamber, because the very few moments for which I shall occupy the attention of the Senate will be devoted to a proposition which he has announced. I intend to vote for this bill, and I should be sorry to have it believed that even for the sake of humanity I would consciously vote for a measure that palpably violates the Constitution of the United States.

cause the courts of the country are precluded from entering into a consideration of the motives of those who vote for the bill.

I believe Senators who vote for the bill are in harmony with their constitutional powers. There are two Constitutions in this country—the Constitution as it was written by the fathers, and the Constitution as it has been interpreted now for more

than 100 years.

I will admit that if the question proposed by the Senator from Texas had been proposed to those who made our Constitution, with the impossibility on their part of looking forward to the needs and the development of a great country, I believe they would have answered the question in harmony with his suggestion. I believe they would have said that the power to tax, although it is the power to destroy, must be exercised with a view to raising revenue, and for no other object. But now for more than 100 years the Constitution of our country has been otherwise interpreted and otherwise applied.

I do not agree to the fundamental proposition that the power to tax given in the Federal Constitution can be used only for

the purpose of raising revenue.

Mr. BAILEY. Mr. President, did the Senator from Iowa

understand me to say that?

Mr. CUMMINS. I did not impute it to the Senator from Texas; and I was about to go a little further toward the position which the Senator from Texas did assume.

Mr. BAILEY. The Senator from Iowa understands, of course, that I readily agree that if the Government has the right to regulate or to prohibit, it may do so through taxation as well as

otherwise.

Mr. CUMMINS. Precisely. I think there is no question about that. But the position of the Senator from Texas is that inasmuch as this tax is not imposed for the purpose of regulating commerce among the States or with foreign nations, but is levied nominally for the purpose of producing a revenue, if it does not regulate commerce among the States or with foreign nations it must be levied for the purpose of creating a revenue.

I do not see any difference whatsoever in principle between a tax levied for the purpose of extinguishing the industry now under consideration and a tax levied for the purpose of preventing the importation of merchantable commercial commodities.

Mr. BAILEY. If the Senator will permit me, in my view it is the difference between regulating manufacture in one case

and regulating commerce in the other.

Mr. CUMMINS. Mr. President, we have not levied taxes upon imports during all these years for the purpose of regulating commerce with foreign nations. We have levied these import duties for the purpose of preventing the admission into our country of commodities which we desired to produce ourselves. The Senator from Texas has been heard to say many times, I am sure, and there are a great many distinguished men throughout the whole history of the country who have contended, that the Congress of the United States has no constitutional power to levy taxes upon imports for the purpose of preventing those imports from seeking our ports.

Will the Senator permit me to interrupt him? Mr. BAILEY. Will the Senator permit me to interrupt him? Mr. CUMMINS. In just a moment. I have heard it argued so many times that it is deeply impressed upon my memory that we have the power to levy these duties only for the purpose of

raising a revenue.

I now yield to the Senator from Texas.

Mr. BAILEY. If the Senator from Texas has ever made the statement that we had no constitutional power to levy taxes except for revenue, it was one of those slips like he made awhile ago when he spoke as if Shylock's daughter ran away with Othello instead of with Lorenzo. I make those mistakes now and then. But if I made that statement, it was a slip, because I do not doubt our power to regulate foreign commerce; and we may regulate it by a tax as well as by any other appropriate

Mr. CUMMINS. Precisely. I do not recall having heard the Senator from Texas make that argument, but I have heard it so often and so generally in the debates that have occurred in the last 25 years that I know a great many people hold that view. It is just as much of a subterfuge for the American Congress to levy duties upon imports for the purpose of regulating commerce, when they do not desire to regulate commerce in any other way than to prevent the incoming of these commodities, as it is to levy a duty or a tax upon matches such as are described in this bill.

I therefore think that according to the interpretation of the Constitution of this country, as accepted by the people of the The Senator from Texas admits that the bill, if enacted into law, would be constitutional. But he questions the right of Senators to vote for a bill which would be constitutional bethe patriotism of the Congress of the United States rather than to the Constitution of the United States.

I have made this suggestion because I have the same high veneration for the charter of the American Republic the Senator from Texas has, that has been so often applauded and eulogized by him, and I would not intentionally or consciously vote to pass a bill, even to meet this great emergency, that would be in violation of that instrument.

Mr. BORAH. Mr. President, I do not propose to prolong the debate. I only want to make a suggestion, in view of the vote

which I shall probably east.

I do not understand why it was not entirely practicable to treat these matches, if they are dangerous, not only during the manufacturing period but afterwards, as contraband of commerce, and prohibit their being shipped in commerce, or deny them the channels of interstate trade. Certainly if they are of such material as has been described, and their effect in the process of manufacture and their possible effect in use are such as have been described, they could have been so treated. In that event the constitutional power to deal with the subject could not have been questioned, because if these matches are injurious to commerce or injurious to the public there can be very little doubt that under the power to regulate commerce we could deny them the right of shipment in interstate commerce, and could prohibit their being entered in the channels of interstate trade.

Thus treated there need not have been much doubt about the

constitutionality of the law.

The VICE PRESIDENT. If no amendment be proposed to the bill, it will be reported to the Senate.

The bill was reported to the Senate without amendment, ordered to a third reading, was read the third time, and passed.

FIFTIETH ANNIVERSARY OF BATTLE OF GETTYSBURG.

The VICE PRESIDENT laid before the Senate the amendments of the House of Representatives to Senate concurrent resolution 19, relative to the celebration of the fiftieth anniversary of the Battle of Gettysburg, which were, on page 5, line 14, to strike out "those" and insert "the honorably discharged veterans of the Civil War"; on page 5, line 21, to strike out "those" and insert "the honorably discharged veterans of the Civil War"; on page 5, line 23, to strike out "those" and insert "the honorably discharged veterans of the Civil War"; on page 6, line 5, to strike out "people" and insert "honorably discharged veterans of the Civil War"; and on page 6, line 7, after "rations," to insert "Provided, That the total expenses incurred in the execution of the provisions of this resolution shall not exceed the sum of \$2,500.

Mr. OLIVER. I move that the Senate concur in the amend-

ments of the House.

The motion was agreed to.

CHILDREN'S BUREAU.

The VICE PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 252) to establish in the Department of Commerce and Labor a bureau to be known as the children's bureau, which was, on page 2, line 20, to strike out "one thousand four" and to insert "eight."

Mr. BORAH. I move that the Senate concur in the House

amendment.

Mr. HEYBURN. I ask that it go to the calendar.

The VICE PRESIDENT. This is a bill which passed the Senate and comes back from the House.

Mr. HEYBURN. It comes back amended.

The VICE PRESIDENT. It comes back amended.

Mr. HEYBURN. Then it may go to the calendar.

The motion is to concur.

The VICE PRESIDENT. The motion to concur is in order. If negatived the bill can be sent to conference.

Mr. HEYBURN. I have not understood that a matter coming back from conference can be placed beyond the consideration of the body to which it is returned where it has been

amended.

The VICE PRESIDENT. But the bill has not been in conference. It is simply back from the House with a House amendment, and the proposition is that the Senate shall concur in the House amendment. If the Senate concurs it will dispose of the

Mr. HEYBURN. I was under a misapprehension. I withdraw my objection. When it comes back from conference it

will be time enough.

Mr. GALLINGER. The motion is to concur.

The VICE PRESIDENT. The question is on the motion of the junior Senator from Idaho [Mr. Borah] that the Senate concur in the amendment.

Mr. HEYBURN. It is suggested that the motion here is to

The VICE PRESIDENT. That is the motion.

Mr. HEYBURN. That motion is debatable. The VICE PRESIDENT. Certainly the motion is debatable. If it is to be debated the Chair will lay before the Senate the unfinished business, which is Senate bill 4230, the hour of 4 o'clock having arrived.

AMENDMENT OF PRINTING LAWS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 4239) to amend, revise, and codify the laws relating to the public printing and binding and the distribution of Government publications.

Mr. SMOOT. I ask that the unfinished business be tempo-

rarily laid aside.

The VICE PRESIDENT. The Senator from Utah asks unanimous consent that the unfinished business be temporarily laid aside. Without objection, it is so ordered.

Mr. HEYBURN. I object.

The VICE PRESIDENT. The Senator from Idaho objects to the unfinished business being temporarily laid aside. bill is then before the Senate as in Committee of the Whole and the Secretary will report the pending amendment, which is the amendment offered by the Senator from Idaho [Mr. HEYBURN].

The Secretary. On page 75, line 15, before the word "dollars," strike out "eight" and insert "two" so as to read:

The superintendent of documents is authorized to furnish to subscribers the daily Congressional Record at \$2 for the long session.

Mr. SMOOT. I ask the Senator from Idaho if he will not yield until I can have the amendments of the committee acted upon.

Mr. HEYBURN. I am not in a hurry to press this amendment. I will ask the Senator if he has the communication that has not been printed. There is a communication from the department with reference to this amendment, and if the Senator will make that available-it should have been printed beforeit will facilitate the consideration of it. Of course, I shall not go into a debate on this measure until I have access to that document, because it is the report of the department on it.

Mr. SMOOT. Then I ask unanimous consent that a letter addressed to the chairman of the Joint Committee on Printing by the Public Printer, of date January 11, 1912, be printed as a

public document.

Mr. HEYBURN. No, Mr. President; it is the report called for by the committee to which the resolution went, and it should have been printed at that time. It should have come to the Senate with the report.

Mr. SMOOT. I did not hear what the Senator said.

Mr. HEYBURN. I said the response from the secretary to the chairman of the committee should have been printed and come to the Senate with the report upon the resolution.

Mr. SMOOT. The Joint Committee on Printing asked for

certain information from the Public Printer regarding the amendment offered by the Senator from Idaho; that is, as to the cost that the amendment would be to the Government.

Mr. HEYBURN. It was the ordinary request.

Mr. SMOOT. Its answer came to the committee. I have the

Mr. HEYBURN. Was it not the ordinary request that is sent up by a committee to a department when the measure comes up for its consideration. It did not differ from any other request for information?

Mr. SMOOT. It did not differ from any other committee request, but those requests are never published as documents. If the Senator desires the information, I will give him copies of the letter.

Mr. HEYBURN. I will ask permission to use the original letter when I speak.

Mr. SMOOT. Certainly the Senator can have the original

letter. He can have it now.

Mr. HEYBURN. That obviates one difficulty at present.

Mr. BURTON. Does the Senator from Utah desire to be fur-

ther heard? No; I simply wanted to continue the consid-Mr. SMOOT.

eration of the bill. I ask the Senator from Idaho to yield until certain committee amendments are offered and acted upon and then we can take up his amendment.

Mr. HEYBURN. If the committee desires at this time to offer amendments and to take the action of the Senate upon them, I certainly will restrain my impatience until my amendment is reached in its order.

The VICE PRESIDENT. The Senator from Idaho expresses a willingness to delay offering his amendment until the committee amendments are disposed of.

Mr. HEYBURN. Yes; with the understanding that the consideration shall proceed.

The VICE PRESIDENT. The Chair has put no request made

by the Senator from Utah in reference to printing.

Mr. SMOOT. No, Mr. President. I will withdraw that request, because I will turn the original letters over to the Senator from Idaho and he can get the information from the letters

The VICE PRESIDENT. Then the Senator from Utah de-

sires to offer certain amendments to the bill?

Mr. SMOOT. I desire now to offer certain amendments to the bill. On page 43, line 16, before the word "copies," I move to strike out "two hundred and fifty" and insert "three hun-

The amendment was agreed to.

Mr. SMOOT. On page 47, line 7, before the word "copies," I move to strike out "two hundred and fifty" and insert "three hundred."

The amendment was agreed to.

Mr. SMOOT. On page 48, line 24, after the word "rooms," I move to insert "and the Library of Congress, respectively."

The amendment was agreed to.

Mr. SMOOT. On page 74, line 5, after the word "Congress," I move to insert:

And the Librarian of Congress is authorized to furnish a copy of the daily and the bound CONGRESSIONAL RECORD to the undersecretary of state for external affairs of Canada in exchange for a copy of the Parliamentary Hansard, which shall be deposited in the Department of State.

Mr. HEYBURN. I ask the Senator why not deposit it in the

Mr. SMOOT. This is an exchange for the Department of It simply conforms to a resolution passed the other day by the Senate, which has also passed the House. If the

bill passes now, it would repeal that provision.

Mr. HEYBURN. Is there any provision in the bill which will result in an exchange of a copy of our RECORD for a copy of the Canadian Record that will be available to Members of

Congress?

Mr. SMOOT. There is.
Mr. HEYBURN. In addition to this?
Mr. SMOOT. In addition to this. This is for the under-

The VICE PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Utah on behalf of the committee.

The amendment was agreed to.

Mr. SMOOT. On page 77, line 15, after the word "the," at the end of the line, I move to insert "operation of the mint service and the."

The amendment was agreed to.

Mr. SMOOT. On page 104, line 20, I move to strike out the period at the end of the line and to insert a colon and the following proviso:

Provided, That no publication not having to do with its ordinary business transactions shall be printed on the requisition of any executive department, independent office, or establishment of the Government unless the same shall have been expressly authorized by Congress.

Mr. HEYBURN. I will ask the Senator if that is intended to refer to any printing asked for by any committee of either body of Congress?

Mr. SMOOT. It is the present law, word for word, but in the preparation of the bill it was overlooked.

The amendment was agreed to.

Mr. SMOOT. On page 107, line 20, I move to strike out the words "an exigency exists which requires that work be done elsewhere" and to insert "it would be to the best interest of the Government to have work done."

The amendment was agreed to.

Mr. SMOOT. In line 21, on the same page, I move to strike out the words "which requires that work be done" and to substitute "it would be to the best interest of the Government to have work done."

The amendment was agreed to.

Mr. SMOOT. On page 115, line 14, I move to strike out the number "86" and to insert the number "85." I understood that that was done last night, but in reading the RECORD this morning I find that it was not recorded, and therefore I ask that the amendment be now made.

The VICE PRESIDENT. Without objection, the numerals

will be changed.

Mr. SMOOT. Those are all the committee amendments.

EXECUTIVE SESSION.

Mr. BURTON. I move that the Senate proceed to the con-

sideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After 1 hour and 28 minutes spent in executive session the doors were reopened, and (at 5 o'clock and 40 minutes p. m.) the Senate adjourned until to-morrow, Thursday, April 4, 1912, at 2 o'clock p. m.

CONFIRMATIONS.

Executive nominations confirmed by the Senate April 3, 1912. UNITED STATES CIRCUIT JUDGE.

John B. McPherson to be United States circuit judge for the third judicial circuit.

POSTMASTERS

LOUISIANA.

John T. Charnley, Alexandria.

MARYLAND.

Richard H. Miles, Gaithersburg.

MICHIGAN.

Mathew J. Orr, Fennville.

MONTANA.

Fred W. St. Hill, Malta.

NEW JERSEY.

Charles H. Bennett, Dover. Maurice B. Comfort, Moorestown. James E. Jones, Florence.

NEW MEXICO.

S. M. Wharton, Tucumcari.

NEW YORK.

Homer V. Allington, Jeffersonville. Fred F. Hawley, Lake George. Edward Reed, Glens Falls.

NORTH DAKOTA.

Sever P. Killy, Rhame.

Mary C. Fruth, Economy. John H. McDermott, McKees Rocks.

HOUSE OF REPRESENTATIVES.

Wednesday, April 3, 1912.

The House met at 12 o'clock m.

The Chaplain, Rev. Henry N. Couden, D. D., offered the fol-

lowing prayer:

O Thou great Spirit, everywhere present, we stand before The with uncovered hearts; Thou knowest us altogether, the motives which prompt our acts, the objects to be obtained which leave their impress upon our characters for good or bad, for weakness or for strength. Create therefore within us clean hearts and renew a right spirit within, that we may build for ourselves God-like characters and thus prove ourselves worthy sons of the living God in Jesus Christ our Lord. Amen.

The Journal of the proceedings of yesterday was read and

approved.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed without amendment bill of the following title:

H. R. 22772. An act appropriating \$350,000 for the purpose of maintaining and protecting against impending floods the levees on the Mississippi River.

The message also announced that the Senate had passed bills and joint resolution of the following titles, in which the con-currence of the House of Representatives was requested:

S. 4778. An act to correct the military record of John T. Haines

S. J. Res. 94. Joint resolution providing for the filling of a vacancy in the Board of Regents of the Smithsonian Institution, in the class other than Members of Congress; and

S. 180. An act providing for the celebration of the semicentennial anniversary of the act of emancipation, and for other purposes.

SENATE BILLS AND JOINT RESOLUTION REFERRED.

Under clause 2 of Rule XXIV, Senate bills and joint resolution of the following titles were taken from the Speaker's table

and referred to their appropriate committees, as indicated below:

S. 4778. An act to correct the military record of John T.

Haines; to the Committee on Military Affairs. S. 180. An act providing for the celebration of the semicentennial anniversary of the act of emancipation, and for other purposes; to the Committee on Appropriations.

S. J. Res. 94. Joint resolution providing for the filling of a vacancy in the Board of Regents of the Smithsonian Institution, in the class other than Members of Congress; to the Committee on the Library.

CHANGE OF REFERENCE.

By unanimous consent, reference of the bill (H. R. 22650) to replace section 4214 and section 4218 of the Revised Statutes was changed from the Committee on Ways and Means to the Committee on the Merchant Marine and Fisheries.

CALENDAR WEDNESDAY-OSAGE INDIANS, OKLAHOMA.

The SPEAKER. This is Calendar Wednesday. The call rests with the Committee on Indian Affairs, and the unfinished business is the bill (S. 2) supplementary to and amendatory of the act entitled "An act for the division of the lands and funds of the Osage Nation of Indians in Oklahoma," approved June 28, 1906, and for other purposes.

The House automatically will resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill, and the gentleman from Missouri, Mr. LLOYD, will take the chair.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill S. 2, with Mr. LLOYD in the chair.
Mr. STEPHENS of Texas. Mr. Chairman, I ask unanimous

consent that the first reading of the bill be dispensed with.

The CHAIRMAN. The gentleman from Texas asks unani-

mous consent that the first reading of the bill be dispensed with. Is there objection?

There was no objection.

Mr. STEPHENS of Texas. Mr. Chairman, I ask unanimous consent that general debate be dispensed with, and that we proceed to the consideration of the bill under the five-minute rule.

The CHAIRMAN. The gentleman from Texas asks unanimous consent to dispense with general debate and to proceed with the consideration of the bill under the five-minute rule. Is there objection?

Mr. MANN. Mr. Chairman, I think the bill ought to be dis-

The CHAIRMAN. Does the gentleman from Illinois object?

Mr. MANN. I do.
Mr. STEPHENS of Texas. Mr. Chairman, the gentleman from Oklahoma [Mr. McGuire] is the author of the bill, and he made the report. The Indians in question are in his district, and I yield to him for an explanation of the bill

Mr. McGUIRE of Oklahoma. Mr. Chairman, I will be just as brief as possible in running over the various paragraphs, and give to the committee as near as I can an explanation of the purpose of the bill. The bill is supplementary to and amendatory of an act for the division of the lands and funds of the Osage Nation of Indians in Oklahoma. The first paragraph of the bill simply provides that until the inherited lands of the Osage Tribe of Indians shall be partitioned or sold the Secretary of the Interior-

be, and he hereby is, authorized to pay the taxes on said lands out of moneys due and payable to the heirs from the segregated decedent's funds in the Treasury of the United States.

In the act allotting these lands a question arose as to whether the lands were taxable. The law relating to the question of taxation in the original act is as follows:

That upon the issuance of such certificate of competency the lands of such member, except his or her homestead, shall become subject to taxation, and such member, except as herein provided, shall have the right to manage, control, and dispose of his or her land the same as any citizen of the United States: Provided, That the surplus lands shall not be taxable for the period of three years from the approval of this act, except where certificates of competency are issued or in case of the death of allottee, unless otherwise provided by Congress.

Upon that question there was a contest by the representatives of the Indians, on petition, who claimed that under this law these lands could not be taxed unless a certificate of competency had issued. There has been one decision by the Federal court in effect that the surplus lands were taxable after three years. That is the construction of this statute by the local Federal court. From that decision there is pending an appeal. Inasmuch as the question had been passed upon by the Federal court, the committee thought it best not to interfere, and so far as this bill is concerned it leaves the question on that one decision, that the lands were taxable and are taxable now;

that is, were taxable at the expiration of three years, all except

the homestead. The homestead is nontaxable.

Mr. MURDOCK. Mr. Chairman, will the gentleman yield for a question?

Mr. McGUIRE of Oklahoma. Certainly.

Mr. MURDOCK. Is this the situation in regard to the Osage Indian lands? Under a former act of Congress, I believe one passed in 1906, each Osage Indian was entitled to make four selections: First, a homestead; second, a parcel of 160 acres; third, a second parcel of 160 acres; and, fourth, a residue amounting to less than 160 acres.

Mr. McGUIRE of Oklahoma. The gentleman is correct.

Mr. MURDOCK. Is that a correct statement of the situation?

Mr. McGUIRE of Oklahoma. Yes

Mr. McGUIRE of Oklahoma, Yes, Mr. MURDOCK. The homestead so selected in the first instance is inalienable and nontaxable, and does it so remain today under the law?

Mr. McGUIRE of Oklahoma. It does under the present law

and it does under this bill.

Mr. MURDOCK. That is, under this bill it is not possible for the Indian to alienate his homestead as originally designated by him?

Mr. McGUIRE of Oklahoma. Well, he can not alienate; he can exchange under this provision, but the land he secures in exchange is inalienable.

Mr. MURDOCK. That is true enough on the original 160 acres which he selects, but when he selects the extra 160 acres does it become alienable?

Mr. McGUIRE of Oklahoma. Only to a limited degree, and will explain that when I reach the paragraph, if the gentleman will permit.

Mr. MURDOCK. I would like to hear that explanation.

Mr. NORRIS. Before the gentleman leaves the first section, would like to ask him what is meant by the expression "inherited lands" of this tribe. As I understand it there are no lands that the tribe as a tribe has inherited.

Mr. McGUIRE of Oklahoma. Well, it means the members of

the tribe; the lands inherited by members of the tribe.

Mr. NORRIS. If this were enacted in the form you have it there, would it not be misleading, because there are no such

Mr. McGUIRE of Oklahoma. I do not recall any lands now which might be inherited by the tribe. It was evidently intended to apply to members of the tribe, and if it is not properly expressed it can easily be amended.

Mr. MANN. Will the gentleman yield for a question? The CHAIRMAN. Does the gentleman from Oklahoma yield?

Mr. McGUIRE of Oklahoma. I yield to the gentleman from

The Senate bill, without the amendment reported by the House committee, provides for the taxation of Indian lands under certain conditions. The House committee proposes to propose an amendment striking all that out and then says that until the inherited lands are subject to taxation the Secretary of the Interior shall pay the taxes. What does it mean by saying that until the lands are subject to taxation, which intimates that they are not subject to taxation, and pend-

ing that the Secretary shall pay the taxes? Mr. McGUIRE of Oklahoma. With respect to the question raised by the gentleman from Illinois I will say this: There was a mistake there either by the committee or in the print of the bill. As I understand it, under the committee provision or committee amendment it would not read as the gentleman has it there, but if you would strike out, after the word "be," line 9-and if I am wrong about it, it will have to be amended, in any event, to obviate the objection of the gentleman from Illinois—after the word "be," in line 9, if you strike out the remaining portion of that line and line 10 down to and includ-ing the word "be" in line 1 on page 2, it makes the bill as it was my understanding it should read after it was amended as it came from the Senate, and it would then read like this, and I shall propose this amendment:

That until the inherited lands of the Osage Tribe of Indians shall be partitioned or sold the Secretary of the Interior be, and he hereby is, authorized to pay the taxes on said lands out of any money due and payable to the heirs from the segregated decedents' funds in the Treasury of the United States.

I shall offer an amendment striking out those words, so as to make the bill read as I believe it was the intention to have it read, because it is unintelligible, practically, as it is.
Mr. MANN. There is no doubt about that. There

The Senate's proposition was to declare subject to taxation the lands after the issuance of the certificate of competency or removal of restrictions on the alienation.

Mr. McGUIRE of Oklahoma. Yes.

Mr. MANN. I understand the House amendment does not propose to subject to taxation the lands of the Indians further

than they are now subject to taxation.

Mr. McGUIRE of Oklahoma. That was the purpose of the committee. The Senate provided that these lands should only become taxable after what is known under the act of 1906 as a certificate of competency should be issued to the Indians. Now, there were 2,230 at the last census of these Indians, and a certificate of competency has been issued to about 450 of them. It was the intention of the Osage people and the Secretary of the Interior and the Commissioner of Indian Affairs to have the act of 1906 provide for their taxation after three years that is, after conditions had adjusted themselves, after the allotments had been made, and all that sort of thing, so the Senate bill provided for that taxation only after the certificate of competency had been issued.

Mr. MANN. I do not find any such word as "only" in the

provision.

Mr. McGUIRE of Oklahoma. I suggested that because it means exactly the same thing.

Mr. MANN.

I do not think so.

I do not think so.

Read Oklahoma. Well, the Senate bill provides Mr. McGUIRE of Oklahoma.

Mr. McGUIRE of Oklahoma. Well, the Senate bill provides the lands may become taxable after the certificate of competency is issued, and I inserted the word "only."

Mr. MANN. To emphasize it?

Mr. McGUIRE of Oklahoma. To emphasize it, believing that that provision will preclude the possibility of any taxes being levied upon this land under the Senate provision until after the certificate of competency has been issued.

Mr. MANN. That would depend upon the law.

Mr. McGUIRE of Oklahoma. This would be the law.

Mr. MANN. This would not change any law that provided for the taxation of Indian holdings.

for the taxation of Indian holdings.

Mr. McGUIRE of Oklahoma. I think it would.

Mr. MANN. Clearly it would not. This only extends the taxing power over lands that are supposedly not now taxable.

Mr. McGUIRE of Oklahoma. Either the gentleman is wrong

or I am wrong. My position is this: Under the provisions of the Senate act, this paragraph as passed by the Senate, the State could not tax until after the certificate of competency had been

Mr. MANN. That would depend upon other law, whether

there is any provision in existing law providing for it.

Mr. McGUIRE of Oklahoma. I read the only other law there is upon the subject, and there is some question about that and it now hinges upon the decision of the local Federal court. Mr. MANN. What is the fact now under the law? Are these

lands now subject to taxation before a certificate of competency or removal of restrictions on alienations are granted?

Mr. McGUIRE of Oklahoma. The court decided under the act of 1906, the paragraph which I read a few moments ago, that the lands, all except the homesteads, were and are taxable and have been since the lapse of three years after the allotment act, or since 1909.

Mr. NORRIS. Regardless of competency?

Mr. McGUIRE of Oklahoma. Regardless of competency. That is what is known as surplus lands. Now, then, the State law provides this, that the assessment for taxation purposes includes not only the surface but minerals. Now this question has arisen. They levy for taxation purposes upon this land, and under the State law they must have considered the mineral rights. They discover gas and oil, and gas and oil on this reservation is held in common by the tribe, so they have linked the surface taxation necessarily under the State law with the mineral taxation which belongs to the tribe, a thing that unquestionably can not be, in my judgment, and I see no way out of except to call the State legislature together and change the statute, because I think ultimately on an amended petition adopted by the Osage people the court will have to change this

decision in the case.

Mr. MANN. Well, the court may change the decision, but what I am interested in is what this bill proposes to do. Now, does the Senate-and the Senate provision, whatever it is, has to be considered in the House, although the House proposes to strike it out, and it may remain in the bill after the bill emerges from conference—does the Senate amendment restrict or extend the restriction over the home of the Indian?

Mr. McGUIRE of Oklahoma. The Senate provision makes no change whatever in respect to the homestead, but restricts the power of the surplus, as, in my judgment, was the purpose of the committee. The purpose of the committee in the House is to not extend or restrict the power of the legislation by the State, but allow it to remain as it is, and inasmuch as the case is now pending in the lower court, let the court decide whether the land is taxable.

Mr. FERRIS. If the gentleman will permit, the news came to the committee while they were considering this bill, in the form of a telegram as to what the Federal court had done in Oklahoma. The committee merely said that it would stand on the law of 1906, which said that all surplus land should be subject to taxation. We thought it unnecessary to legislate on the subject which had been mooted—

Mr. MANN. My understanding is that you struck out the provision of the Senate because you proposed to rent the land

of incompetent Indians?

Mr. McGUIRE of Oklahoma. The agreement with these people by the Interior Department at the time of the allotment of this land, under the act of 1906, was that the surplus land should be taxed. There is no other way to provide for local government. I will explain that there were 656 acres of land for each one, and every acre was a sufficient guarantee for the They have about 655 acres each. Indians.

Mr. MANN. How long will they have it? You can take it away from them through the taxing power.

Mr. McGUIRE of Oklahoma. Just as long as the Secretary of the Interior protects them, because there is no instance in this bill or in any bill where anything may be done with the lands and funds of those incompetent Indians without the authority from the Secretary of the Interior. We provide in this bill that the Secretary of the Interior may, out of the fund of the Indians now in the Treasury of the United States, pay the tax upon this land.

Where is that provision? Mr. MANN.

Mr. McGUIRE of Oklahoma. Right here in the bill. We will reach it shortly.

Mr. MANN. I say, where is it in the bill? I would like to

know.

Mr. McGUIRE of Oklahoma. There is no interest of the Indians that is not guarded in the bill. I can find it in a second.

Mr. CONNELL. Mr. Chairman, will the gentleman yield?
The CHAIRMAN. Does the gentleman from Oklahoma yield to the gentleman from New York?
Mr. McGUIRE of Oklahoma. Yes.

Mr. ACGUIRE of Oklahoma. Yes.

Mr. CONNELL. I would like to know in just a word while the gentleman is on that point, to clear it up, under this extended taxation that is proposed in the bill for these lands—

Mr. McGUIRE of Oklahoma. Not extended—

Mr. CONNELL. What will become of the minors and the children of the Indians who might inherit some of it? Are they

provided for or will they become paupers, dependent on the State?

Mr. McGUIRE of Oklahoma. The bill absolutely protects in every detail the minors and persons who may inherit land who have Osage Indian blood in their veins by providing that no steps shall be taken without the approval of the Secretary of the Interior, and that is the provision now under the law of

Mr. CONNELL. That is to be perpetual under this law, that no disinheritance of these Indian children shall follows?

Mr. McGUIRE of Oklahoma. Certainly not. It is all in the hands of the Secretary of the Interior, and will be after this bill passes as it is now.

Mr. AKIN of New York. Mr. Chairman, will the gentleman

yield?

The CHAIRMAN. Does the gentleman from Oklahoma yield to the gentleman from New York?

Mr. McGUIRE of Oklahoma. Yes.

Mr. AKIN of New York. I understood the gentleman to say that the courts had decided a certain thing. Mr. McGUIRE of Oklahoma. The Federal court of the

estern district of Oklahoma.

Mr. AKIN of New York. Is there not an appeal pending? Mr. McGUIRE of Oklahoma. The most recent action, I believe, is the filing of a supplemental bill by the attorneys for the Osages

Mr. AKIN of New York. The decision has not been rendered

Mr. McGUIRE of Oklahoma. No.

Mr. AKIN of New York. That is in the air yet?

Mr. McGUIRE of Oklahoma. Yes.

Mr. AKIN of New York. After the appeal is decided by the court, where will the children come in?

Mr. McGUIRE of Oklahoma. I do not believe there is any evidence anywhere that the land will be eaten up by taxation. There is the same precaution exercised in that regard as there has always been.

Mr. MILLER. Mr. Chairman, will the gentleman yield? The CHAIRMAN. Does the gentleman from Oklahoma yield to the gentleman from Minnesota? Mr. McGUIRE of Oklahoma. Yes.

Mr. MILLER. I would like to ask a question, and may make a statement later, as I think there is a lot of misunderstanding about this paragraph. Does not the law as it stands now provide that the surplus land shall be taxed? Is not that what the law says?

Mr. McGUIRE of Oklahoma. I think it does. The court has

so decided.

Mr. MILLER. That is the decision of the court?

Mr. McGUIRE of Oklahoma. Yes; the gentleman is right. Mr. MURDOCK. Does the gentleman mean by "surplus land" everything but the homesteads?

Mr. McGUIRE of Oklahoma. Yes; everything but the home-

Mr. MANN. Is not that a controverted question?

Mr. MILLER. Yes; and I understand this bill is designed to correct that.

Mr. MANN. Why not leave it to the-

Mr. MILLER. If the gentleman will read that opening paragraph, I think he will find it does not subject any of the land to taxation-even that provision that passed the Senate-excepting that it says that after a certificate of competency shall have been issued then they shall be subject to taxation. That is the law to-day, and the courts are now construing it. These lands are subject to taxation before and after the certificate of competency.

This does not enlarge or restrict it. I think the committee believed that when it considered the question. Now, if it is the opinion of the House that we should pass legislation at this time excepting surplus lands from taxation, either before or after the certificate of competency, that is a proper subject of discussion, but it has nothing to do with this bill. Oh, the gentleman from Illinois [Mr. Mann] can smile all he likes. It could be ingrafted in the bill. If the House wants to do that, it can do so, but that is not what this bill is trying to do.

Mr. MANN. The gentleman also is a member of the Committee on Indian Affairs, and the gentleman from Oklahoma [Mr. McGuire] stated that the reason why the committee struck out the Senate provision was that it would limit the power of taxation on surplus lands to those Indians where the restrictions had been removed or the declaration of competency had been issued. Is that the reason assigned by the gentleman from Minnesota?

Mr. MILLER. No; it is not. Mr. MANN. That is the reason assigned by the Committee on Indian Affairs.

Mr. MILLER. That is not what was in my mind. Anybody reading that paragraph will see that the contention of the gen-

tleman is not well founded.

Mr. McGUIRE of Oklahoma. Gentlemen can put their own construction upon it; but, as I construe that senatorial paragraph, it would mean that this land could not be taxed until after a certificate of competency had been issued. The gentleman from Illinois [Mr. Mann] took issue with me, and, as I understand, he takes the same position as that which the gentleman from Minnesota [Mr. MILLER] takes. I may be wrong about that.

Mr. MANN. I am inclined to think that the surplus lands are not subject to taxation at all unless some other provision is inserted. The gentleman thinks that he may get a construction of the court to the effect that they are. They have not been taxed in the past.

Mr. McGUIRE of Oklahoma. I know this, that it was the intention of the Osage people to have their surplus land taxed. Every foot of that reservation was taken up in allotments. They now have an organized county. If we preclude from taxation this surplus land-and all the Osage people understood originally that it was to be taxed—then you have put a burden upon the people there who are trying to support a county, a burden that they are unable to stand.

Mr. MANN. Mr. Chairman, will the gentleman yield further? The CHAIRMAN. Does the gentleman from Oklahoma yield

to the gentleman from Illinois?

Mr. McGUIRE of Oklahoma. I do.

Mr. MANN. The gentleman a moment ago and several other gentlemen on the Committee on Indian Affairs stated that there was a provision in this bill providing for the payment of taxes on surplus land owned by incompetent Indians. Where is that provision?

Mr. McGUIRE of Oklahoma. I can not put my hand on it just this second, but it is here.

Mr. MANN. Gentlemen have been seeking it, and seeking it in vain. I hope the gentleman will give it to the House.

Mr. McGUIRE of Oklahoma. That is in all cases of incompetency the Secretary of the Interior will pay the taxes.

Mr. MILLER. Would not the Secretary have to do that under the present law, without any new legislation, in looking after the affairs of his wards?

Mr. HAMILTON of Michigan. Mr. Chairman, will the gen-

tleman yield?

The CHAIRMAN. Does the gentleman from Oklahoma yield to the gentleman from Michigan?

Mr. McGUIRE of Oklahoma. I yield to the gentleman from Michigan.

Mr. HAMILTON of Michigan. Have the Osage Indians severed their tribal relations?

Mr. McGUIRE of Oklahoma. The Osages have a limited government. Under the act of 1906 their council is recognized. They now have their councils, and the action of their council is recognized by the Secretary of the Interior in order to give validity to their local acts.

Mr. HAMILTON of Michigan. You say they have a limited

tribal government?

Mr. McGUIRE of Oklahoma. Only to a limited extent. Mr. HAMIL/TON of Michigan. Are their lands still held by them as a tribe, or are they held in severalty?

Mr. McGUIRE of Oklahoma. They are held in severalty.

They have taken their allotments.

Mr. CAMPBELL. There are some of them— Mr. HAMILTON of Michigan. Under what law have they this limited tribal government?
Mr. McGUIRE of Oklahoma. Under the act of 1906, known

as the allotment act of the Osage Tribe of Indians.

Mr. MURDOCK. Is it a fact that every Osage child born

since July 1, 1907, is without an allotment of land? Mr. McGUIRE of Oklahoma. Yes.

Mr. MURDOCK. What would be the status of a minor child born since July 1, 1907, who was the sole heir to this land, if it is subject to taxation?

Mr. McGUIRE of Oklahoma. The Secretary of the Interior

would pay the taxes.

Mr. MURDOCK. Would not the land be sold for taxes? Mr. McGUIRE of Oklahoma. No; the Secretary of the Interior or the guardian of the child would pay the taxes on the land.

Mr. MURDOCK. Is it not a fact that the Osage child born since July 1, 1907, is also without part in the tribal funds?

Mr. McGUIRE of Oklahoma. A child born since 1907. Mr. MURDOCK. Such a child is not only without any allotment of land, but is also without participation in the tribal

Mr. McGUIRE of Oklahoma. He is in the same condition as children born in any other tribe in the United States where the allotments have been made.

Mr. MURDOCK. Is it not true that under those circumstances the land would be sold for taxes during the minority of the child?

Mr. McGUIRE of Oklahoma. It is not.

Mr. MURDOCK. Who would pay the taxes, if the child has no part in the tribal funds?

Mr. McGUIRE of Oklahoma. It is the purpose of this bill to provide for just such cases as the gentleman suggests.

Mr. MURDOCK. How can it be done if the child has no part of the tribal fund?

Mr. McGUIRE of Oklahoma. When we reach that paragraph it will be easy for the gentleman to see. It provides for minors, and for inherited lands.

Mr. MURDOCK. I do not believe it provides for minors in that event.

Mr. McGUIRE of Oklahoma. It is a matter for the House to determine when it reaches that paragraph.

Section 2 provides for the exchange of homesteads where it would be to the best interests of the alloitee, the land taken in exchange to be held under the same restrictions as the original homestead.

This section is similar to section 4 of the House bill, except that section 4 of said bill provides not only for the exchange but for the sale of homesteads in certain cases. I think the provision limiting the transactions to exchanges is preferable, and I therefore see no objection to the enactment of the section.

I read that from the report of the Secretary of the Interior

upon that paragraph.

Now, as a further reason for this paragraph, I desire to state that there were four choices of this land. Each Osage has about 657 acres. That includes all the land on the reservation, or 1,500,000 acres. One of them would take as a homestead in one section his first selection of 160 acres; over in another section another 160 acres, over in another a third, and the residue in the same way. That has been done in every single instance. There is no allottee on the reservation who has all his land contiguous.

At least one-third of these people are just as competent as anybody to traitsact their own business. Some of them do not desire to sell. They desire to exchange their allotments, so as to bring their lands together. That can be done, and it was thought best by the council, the Secretary of the Interior, and the tribe in general that this be done. Hence this provision in the bill for the exchange of allotments.

Section 3 relates to orphans, minors, and insane.

Mr. MANN. Before the gentleman passes section 2, may I ask him a question?

Mr. McGUIRE of Oklahoma. I yield to the gentleman. Mr. MANN. Section 2 provides that the Secretary of the Interior, where it would be for the best interests of Osage allottees, and the same is substituted to the Osage council, for recommendation to permit the exchange of homesteads for other allot-ments. Just what is meant by "submitted to the Osage coun-cil"? Does that mean that the Osage council must approve it?

Mr. McGUIRE of Oklahoma. It means that they must ap-

prove it.

Mr. MANN. It does not say so.

Mr. McGUIRE of Oklahoma. It means that some stronger person of Indian blood might desire to exchange allotments with a weaker or less competent person, and the Osage council desired to maintain a certain jurisdiction. It is done for the

protection of the weak and against the aggressions of the strong.

Mr. MANN. The gentleman will notice, referring to the punctuation of the bill, which is sometimes important, that it

That the Secretary of the Interior be, and he hereby is, authorized, where the same would be to the best interests of Osage allottees, and the same is submitted to the Osage council, for recommendation to permit the exchange of homesteads or other allotments, or any portions thereof, of Osage allottees under such rules and regulations as he may prescribe and upon such terms as he shall approve.

Mr. McGUIRE of Oklahoma. Yes.

Mr. MANN. Does that mean that if it is submitted to the Osage council, then the exchange is permitted, regardless of the

action of the Osage council?

McGUIRE of Oklahoma. That certainly was not the intention. At least it never was my intention, and if it can be construed in that way I would certainly be for an amendment. It is merely for the recommendation of the council because the council desires to protect the weaker against the strong, where there was a proposed change of allotment in order to bring them closer together, in order that they may have continuous land.

Mr. MANN. Would the section which proposes to permit "the exchange of homesteads or other allotments, or any portions thereof," permit the exchange of a homestead owned by one Indian for surplus lands owned by another?

Mr. McGUIRE of Oklahoma. Yes; where the Indian desired to change the location of a homestead, unquestionably it would.

Mr. MANN. Exchanging one homestead for another is one thing. Presumably they took the best land for the homesteads, but exchanging a homestead for surplus lands is another and quite a different thing. Whether it becomes a homestead or not, I want to know what the gentleman means by it. It is not clear in the bill-"to permit the exchange of homesteads or other allotments, or any portions thereof "-whether that means the exchange of homesteads and then the exchange of other allotments, or whether it means the exchange of a homestead for other surplus lands.

Mr. McGUIRE of Oklahoma. My construction of it is that they might exchange a homestead for surplus lands or for another homestead, or for other lands, provided they got what, in the judgment of the Secretary of the Interior, is an equivalent in value; and when they do exchange, the land becomes a

homestead and inalienable as under the present law.

Mr. MANN. The gentleman will understand that there is objection on the part of some persons to that provision on the ground that the original homesteads cover the best land.

Mr. McGUIRE of Oklahoma. That is a false assumption. Mr. MANN. And to now permit the exchange of a homestead for surplus lands would be to permit an Indian to trade off his good homestead for land not so valuable for homestead

purposes.

Mr. McGUIRE of Oklahoma. Well, that is a false assumption. An Indian bright enough to take up the best land for a homestead is bright enough to keep it. The position of the committee was that where it was desirable to make an exchange the Secretary of the Interior would properly guard the exchange, particularly where he has the assistance of the council.

Mr. BUTLER. Will the gentleman yield?

Mr. McGUIRE of Oklahoma. Certainly. Mr. BUTLER. It is somewhat difficult for us to understand just what the privileges are here provided. What is the Osage council, or how is it selected?

Mr. McGUIRE of Oklahoma. It is selected by the people. Mr. BUTLER. By the Indians? Mr. McGUIRE of Oklahoma. By the Indians.

Mr. BUTLER. Does the gentleman know what character of Indians are usually selected for the council?

Mr. McGUIRE of Oklahoma. Yes; I know.

Mr. BUTLER. Are they selected from among the best

Indians?

Mr. McGUIRE of Oklahoma. The present governor of the tribe, or principal chief, as I believe he is designated under the law, is a man about one thirty-second Indian blood and one of the very best men of the State.

Mr. BUTLER. On an exchange of land the council must be

consulted?

Mr. McGUIRE of Oklahoma. Yes; to doubly guard the weak against the strong.

Mr. BUTLER. Does the gentleman think that that consti-

tutes all the safeguards necessary?
Mr. McGUIRE of Oklahoma. I do.

Mr. BUTLER. And that they will look out for the welfare

of the Indians?

Mr. McGUIRE of Oklahoma. I have no doubt about it. It is the purpose of the committee and of the Secretary of the Interior and the people who wanted this paragraph to make the lands more valuable, if possible, and to prevent their selling

Mr. BUTLER. I quite understand the desirability of the Indians having their lands contiguous.

Mr. McGUIRE of Oklahoma. The question was how could we guard the matter, and what was the best plan for protecting

them, and we fell upon this plan. Mr. BUTLER. My purpose is to learn whether there is a sufficient care taken, or whether the council will take sufficient care in passing upon these allotments and looking after the best interests of the Indian, and see that he is not imposed upon by some one stronger than he-is. Congress can not provide the rules, and it must be referred to some tribunal.

Mr. McGUIRE of Oklahoma. I think the Secretary would be sufficient, but, as a double precaution, we provided that the

council should also recommend the exchange.

Mr. BUTLER. The Secretary of the Interior must get his information largely from the council.

Mr. McGUIRE of Oklahoma. From the council and the local superintendent.

Mr. COOPER. Will the gentleman yield for a question?

Mr. McGUIRE of Oklahoma. I will yield to the gentleman from Wisconsin.

Mr. COOPER. Section 2, page 2, reads:

That the Secretary of the Interior be, and he hereby is, authorized, where the same would be to the best interests of Osage allottees, and the same is submitted to the Osage council—

Then there is a comma-

for recommendation, to permit the exchange of homesteads or other

That is not punctuated properly, but outside of the punctuation that gives the Secretary of the Interior authority to permit the exchange of homesteads or other allotments, regardless of the recommendation of the Osage council.

Mr. McGUIRE of Oklahoma. That is not the intention. Mr. COOPER. That is what it says. He is not bound by the

recommendation under this phraseology.

Mr. McGUIRE of Oklahoma. Bound by the recommendation of the council? Well, he ought not to be.

Mr. COOPER. Then what is the use of having the recom-

mendation of the council?

Mr. McGUIRE of Oklahoma. Simply to give as much publicity to all of these propositions of exchange as possible. instance, here will be a man of Indian blood, possibly very little and probably very little. He will desire to exchange with a full blood who has land adjacent to his own allotment. It would hardly be proper to allow these people to negotiate be-tween themselves, because the stronger would to some extent control the weaker. The purpose was to give this as much publicity as possible, lodging the final action in the Secretary of the Interior, who is presumed to know and who would be fair between the parties who proposed the exchange.

Mr. COOPER. Does the gentleman from Oklahoma think that the Secretary of the Interior, located in Washington, 1,200 or more miles from the land, would know better what would be for the best interests of the Osage allottees than would the Osage council, chosen by the Indians themselves?

Mr. McGUIRE of Oklahoma. I think the gentleman's propo-

sition is a little far-fetched.

Mr. COOPER. One moment; this language, which I will read again, says:

That the Secretary of the Interior be, and he hereby is, authorized, where the same would be to the best interests of Osage allottees and the same is submitted to the Osage council—

then comes the comma-

for recommendation to permit the exchange-

And so forth. Of course, that comma ought to be after the word "recommendation," and then it would read:

The same is submitted to the Osage council for recommendation, to permit—

And so forth. That is, the Secretary of the Interior is authorized to permit this exchange of homesteads, regardless of the recommendation of the council, and that is exactly what

Mr. McGUIRE of Oklahoma. That is what, in my judgment, it ought to say. As to the Secretary of the Interior knowing more about local conditions than the Indians, I will say this, that simply because all of this business is lodged with the Interior Department of the Government of the United States, not only in Oklahoma, but in every State of the Union where there are Indians, it does not mean that Congress intends to say that the Secretary knows more than those who are conversant with the local conditions, but here is a department of the Government of the United States whose duty it is to look into every disputed question, by inspectors with which that department is provided, and to pass upon local disputes.

Mr. COOPER. Mr. Chairman, will the gentleman yield for a

question?

Mr. McGUIRE of Oklahoma. Certainly. Mr. COOPER. What other tribes in the United States have council analogous to the Osage council?

Mr. McGUIRE of Oklahoma. The Choctaws and the Chicka-

Mr. VREELAND. And the New York Indians, the Senecas? Mr. McGUIRE of Oklahoma. Yes. Mr. DAVENPORT. And the Creeks? Mr. McGUIRE of Oklahoma. Yes.

Mr. COOPER. Does the gentleman think that on this question of what will be best for the interest of the Osage allottees, and I am reading from the bill, that question having been submitted to the Osage council, the Secretary of the Interior should be permitted to disregard the suggestion of the Osage council as to what is best for the Osage allottees and permit the exchange of homesteads or other allotments without regard to an adverse recommendation of the council?
Mr. McGUIRE of Oklahoma. No.

Mr. COOPER. That is what he can do if this is enacted into law.

Mr. McGUIRE of Oklahoma. Yes; he could do a great many things that a man of good judgment ought not to be presumed

Mr. COOPER. Does the gentleman think that discretion ought to be left with him?

Mr. McGUIRE of Oklahoma. I do. Mr. COOPER. To disregard the finding of the Osage council? Mr. McGUIRE of Oklahoma. I certainly think the discretion ought to be left with the Secretary of the Interior. Let us say that there are two Indians who desire to exchange allot-They must first present the matter to the council, the men at home who know every condition, who know the relative capability of these parties who propose the exchange. will have his friends, possibly. A dispute might arise in the council. One member of the council might think that a certain proposition was fair and another might think that it was un-The dispute and the contention would reach the Secretary of the Interior, and what would a cautious Secretary of the Interior do in the natural course of things?

Mr. COOPER. I will answer that by saying that it would probably bring up about 50 white men to 1 Indian to labor with

him. Mr. McGUIRE of Oklahoma. I know what he ought to do, and I think the gentleman knows what a capable Secretary ought to do, and I think we have a capable Secretary. He would make a thorough investigation through his superintendents and other inspectors provided for him for that purpose, and he would take into consideration, possibly, the recommenda-tions of the Members of Congress from that State, who are familiar with the conditions.

Mr. COOPER. I had in mind this thought: That, generally speaking, there ought to be a presumption that nobody would have so at heart the interest of the Osage allottees as would the Osage council, and that the council, familiar with all of the conditions and knowing the Indian nature better than anybody

else, would be best capable of judging; but if we are to permit an executive officer 1,500 miles from this land to say that that recommendation of the Osage council does not amount to anything, though it may be a unanimous finding of the council-

Mr. MANN. What benefit can it be in any event?
Mr. COOPER. I do not understand what benefit it would be but it does seem to me that where these Indians have a council their interests as allottees are safer in the hands of that council than in the hands of any executive officer of the Government so

Mr. BUTLER. That is what I am endeavoring to learn.
Mr. McGUIRE of Oklahoma. I think it ought to ultimately
be lodged with the Secretary of the Interior, but I will say this, if the gentleman is of the opinion that it ought to rest with them I would not have any serious objection to any amendment he would offer to that effect. I think the bill is right as it is drawn, however.

Mr. MONDELL. Mr. Chairman, does the gentleman think that any exchanges should be made that are not approved by

the majority of the Osage council?

the majority of the Osage council?

Mr. McGUIRE of Oklahoma. No; I do not.

Mr. MONDELL. Then, I want to suggest to the gentleman that his bill ought to be amended. The final decision ought to rest with the Secretary of the Interior; that is, the Secretary ought to have the right to veto the favorable action of the council, but in my opinion he should not have authority to make an exchange which the council does not approve, and that can be made very clear by amending the bill by striking out the words in line 8, page 2, "the same is submitted to," and in line 9, by striking out the words "for recommendation" and inserting in line 8 the words "upon the recommendation of"; and then the bill would read "that the Secretary of the Interior be, and he is hereby, authorized, where the same would terior be, and he is hereby, authorized, where the same would be to the best interest of the Osage allottees, and upon the recommendation of the Osage council, to permit the exchange of homesteads," etc. That would require favorable action by the Osage council, and it would still leave the Secretary with authority to decline to approve the exchange, but it would give him no authority to approve an exchange that the council did

Mr. McGUIRE of Oklahoma. As I said before, that is a matter that I would not contend about personally. I do not much like the idea of putting the council above the Secretary of the

Mr. MONDELL. I am not proposing to do that. Mr. McGUIRE of Oklahoma. In effect it would.

Mr. MONDELL. I am proposing to give the Secretary the veto power over the council; but what the gentleman does is to put the Secretary in a position where he is not called upon to pay any attention to the views of the Osage council.

Mr. McGUIRE of Oklahoma. I think the Secretary would

pay attention to that.

not previously approve.

Mr. BUTLER. I would not take the discretion away from the Secretary of the Interior. Mr. Chairman, I would like to ask another question.

Mr. McGUIRE of Oklahoma. I yield to the gentleman from

Mr. BUTLER. How is it possible they got in such a mix up in selecting their lands so that the lands were not contiguous when they selected them? Who was there to select it for them or assist in selecting it, if anybody?

Mr. McGUIRE of Oklahoma. There was a commission ap-

pointed, and under the allotment act they were permitted to take three first choices—first, a homestead, and then 160 acres the second choice, and then 160 acres as a third choice—and the commission found it was impossible to have them take these choices adjacent and contiguous, so that it was done that way, right or wrong.

Mr. BUTLER. I know the gentleman has plenty of information in regard to this subject, and I would like to know why they did not take up these lands which were contiguous.

Mr. McGUIRE of Oklahoma. They wanted to get lands here and there, hoping to get something better, and now they want to exchange and get them contiguous. Right or wrong, I should like to have seen them taken contiguous.

Mr. FERRIS. If the gentleman will permit, is not it also true that various lands were allotted at different times so it was rendered impossible to take the lands contiguous? I think they had three different allotments.

Mr. McGUIRE of Oklahoma. They were taken as fast as they could choose.

Mr. BUTLER. How many members were the council?

Mr. McGUIRE of Oklahoma. Twelve members. Mr. BUTLER. Elected how frequently?

Mr. McGUIRE of Oklahoma. I think every two years.

Mr. BUTLER. In the regular way?

Mr. McGUIRE of Oklahoma. In the regular way by regular election.

Mr. McCALL Will the gentleman yield?

Mr. McGUIRE of Oklahoma. Yes.

Mr. McCALL. Is the gentleman sure that these lands held not within fimited patents are taxable?

Mr. McGUIRE of Oklahoma. Well, we have gone from that; the Federal court within a few days ago held they were taxable under the law as it is.

Mr. McCALL. I asked this question because in Michigan lands there held under patents which restrain alienation without the consent of the Secretary have been held not to be

Mr. McGUIRE of Oklahoma. This is a special enactment, and they have to pay taxes on the surplus lands. Now, in regard to paragraph 3, I will be as brief as possible, it provides— I read from the words of the Secretary of the Interior in his recommendation:

recommendation:

Section 3 provides for the administration of property of deceased allottees and of minor, insane, or otherwise incompetent persons, making these estates subject to the jurisdiction of the probate court of the State of Oklahoma, but retaining certain supervisory powers in the hands of the Secretary of the Interior.

This section is similar to section 6 of the House bill. In the report on said bill it was suggested that there be added to the section the words "Provided, That no land shall be sold or alienated under the provisions of this section without the approval of the Secretary of the Interior." This provision has been added in the Senate bill. A further amendment is necessary by reason of the transposition of certain words in the section. It is suggested that in line 18, page 2, after the word "other" and before the word "incompetent," there be inserted the words "allottees of the Osage Tribe," and that these words be stricken out of line 19. With this amendment, I see no objection to the enactment of the section.

The purpose of that provision is this: The constitution of the State of Oklahoma exempts Indian incompetents and Indian minors from its operation, and that leaves these people absolutely in the hands of Congress. Under the act of 1906 we provided that these matters be controlled by the Secretary of the Interior. Now, there have been a great many cases of inherited lands. They come up here before the Secretary for final disposition. He has had some trouble in getting accurate information and it was thought best to allow the local courts to determine who inherited, who the proper heirs were, and then pass it up to the Secretary of the Interior for his approval. We again lodged final action with the Secretary of the Interior and think that is sufficient precaution, but we give him the assistance of the courts of Oklahoma.

Mr. ANDERSON of Minnesota. May I ask the gentleman a question in regard to section 3? The section provides—

That the property of deceased and of orphan minor, insane, and other incompetent allottees of the Osage Tribe, such incompetency being determined by the laws of Oklahoma, which are hereby extended for such purpose to the allottees of said tribe.

It seems to me the better language there would be to strike out the words "hereby extended for such purpose to the allottees of said tribe." As it is, they do not mean anything

Mr. McGUIRE of Oklahoma. If the gentleman will reserve that until we get on the bill under the five-minute rule he will have a chance to offer such amendment to strike it out. Section 4 was simply inserted for the purpose of protecting the mineral lands of Oklahoma. I think it unnecessary, but it was thought best by the Senate to insert it. Section 5 provides that the Secretary of the Interior may permit the sale of a portion instead of all the lands, as is now the law, and the committee thought it a good provision. Section 6 simply provides for the payment of the funds of the Osage people out of the Treasury of the United States, where the Secretary finds them entirely competent. Section 6 provides for a partition of the lands where the Indians can not agree. Section 7 simply provides that the lands can not be encumbered for debts, which is an additional precaution under the present law. Section 8 provides that the competent Osages, where the Secretary finds them competent, may dispose of their funds, but not until he finds them entirely competent. Section 10 simply provides for an additional appropriation. That is all I care to say, unless some gentleman desires to ask some question.

Mr. FERRIS. Will the gentleman yield?

Mr. McGUIRE of Oklahoma. I yield to the gentleman from

Mr. FERRIS. In looking over this bill, there is not a single paragraph or line that permits any Indian to alienate in any way until it is approved by the Secretary of the Interior.

Mr. McGUIRE of Oklahoma. The gentleman is quite right.

Mr. FERRIS. And he can not withdraw his funds until it is approved by the Secretary of the Interior.

Mr. McGUIRE of Oklahoma. He can not.

Mr. FERRIS. And can not exchange lands until he has the

approval of the Secretary of the Interior,

Mr. McGUIRE of Oklahoma. He can not.

Mr. FERRIS. This bill does not make any change in the law with reference to taxation.

Mr. McGUIRE of Oklahoma. It does not; it does not extend the power of the Indians or restrict the powers of the Indians, but simply takes greater precautions.

Mr. FERRIS. One word further. I believe these Indians

get about 650 acres per capita, men, women, and children.
Mr. McGUIRE of Oklahoma. Each member of the family.

Mr. BUTLER. Up to a certain date. Mr. McGUIRE of Oklahoma. Up to July 1, 1907.

Until the rolls were closed. Mr. FERRIS.

I have one other question that I wanted to ask the gentleman. In a family of six that would make in the neighborhood of 4,000 acres of land to that particular family?

Mr. McGUIRE of Oklahoma. Yes; it would.
Mr. FERRIS. This bill is merely to adjust and change the administration, still keeping the power within the Interior Department with reference to the money and lands as to their Is not that true?

Mr. McGUIRE of Oklahoma. It is.

Mr. FERRIS. And the gentleman has undoubtedly heard on the floor here of certain criticisms being brought to the desks of different Members by outside parties. Have any criticisms been brought to the Committee on Indian Affairs at any time?

Mr. McGUIRE of Oklahoma. None whatever. They have not even gone to the people of that country. I will say this: This will meet the approval of everybody on the reserve. Whites, Indians, and everybody are favorably to this bill.

Mr. FERRIS. I will ask the gentleman if it is not true that this bill, prior to its introduction by himself in the House and Senator Owen in the Senate, was not submitted to the council, to the Interior Department, to the Indian Office, and every conceivable party interested in the legislation?

Mr. McGUIRE of Oklahoma. It was.

Mr. FERRIS. And was it not the unanimous agreement of all of them that this was as nearly good as we could come to it? Mr. McGUIRE of Oklahoma. It was.

Mr. FERRIS. And it is the unanimous consent of all of them?

Mr. McGUIRE of Oklahoma. Yes.

Mr. STEPHENS of Texas. I would like to ask how it passed the House and the Senate?

Mr. McGUIRE of Oklahoma. The bill passed the House and the Senate in the last Congress. It went to conference. The report came in on the morning of the day the House adjourned, and as there was some discussion here over the question of whether there should be an additional appropriation for the Tariff Commission, there was no opportunity to bring up and adopt the conference report. This passed the Senate twice, and it has been passed upon favorably by the Interior Department twice, and by the council of the Osages, and has been approved by everybody

Mr. STEPHENS of Texas. And is it not true that without the passage of a bill of this character matters would be left in such an unsettled condition that it would injure the Indians to

a large extent?

Mr. McGUIRE of Oklahoma. It is so much that way that this is considered local emergency legislation.

Mr. STEPHENS of Texas. How much money is to the per capita credit of the Indians now in the United States Treasury? Mr. McGUIRE of Oklahoma. Nine million dollars, all told. It is the richest tribe of people in the world.

Mr. FERRIS. If the gentleman from Oklahoma will permit?

Mr. McGUIRE of Oklahoma. Certainly. Mr. FERRIS. In a colloquy with the gentleman from Illinois [Mr. Mann] a short time ago—I think it went into the Recorp, and, if it did not, it ought to do so—I stated, in my opinion, what this bill did provide. I would like to ask the gentleman from Oklahoma [Mr. McGurre] if, in line 9, on the first page, there should be a provision to carry out the thought of the gentleman, and carry out his statement, which I thought was not true, namely, adding, after the word "land," the following words:

And surplus lands which heretofore by law were not subject to taxation.

So that their land might not be frittered away and lost by

some authority of the Secretary?
Mr. McGUIRE of Oklahoma. I think it is a good suggestion, and I think the gentleman from Illinois [Mr. Mann] is right, although I took issuance with him at the time.

Mr. BURKE of South Dakota. I would like to suggest to the gentleman from Oklahoma [Mr. Ferris] that I think the intention of the Committee on Indian Affairs was not to change existing law, either by direction of otherwise, that would enlarge the power to tax any of these lands; that is, lands that

were not now taxed.

Mr. FERRIS. Precisely; but I still think that the question raised by the gentleman from Illinois [Mr. MANN] is a proposition like this: Suppose an incompetent Indian under the act of 1906 subjected his land to taxation at an amount above his homestead. Surely the authority should be vested in the Secretary of the Interior to pay the tax on the land rather than to let it have any chance to get away from the incompetent,
Mr. McGUIRE of Oklahoma. That is at present a contro-

verted question and, as I understand it, is going to the Supreme Court of the United States.

Mr. FERRIS. It is controverted to that extent, it is true. In the act of 1896 it said all surplus lands would be subject to taxation. It has been a mooted question in my State as to whether they could accomplish that, and Judge Cottrell, who is the judge of the western district of Oklahoma, held that they were subject to taxation. That decision was communicated to the gentleman from Oklahoma [Mr. McGuire] while the com-

mittee was considering this very proposition.

Then, reverting to the suggestion of the gentleman from South Dakota [Mr. Burke], it was the idea that we should not take from or add to what the existing law of 1906 provided and what the courts had held it to be. But the suggestion of the gentleman from Illinois [Mr. Mann] reaches a question still beyond that, and that is the proposition that if that act subjected certain surplus lands of incompetent Indians to taxation, and those lands are subject to taxation at some time between payments, or between times when the Indian had an available sum of money when he could himself go and pay the taxes, as he ought to do, it does not, then, seem to be out of place to vest in the Secretary of the Interior the power to go and pay them for him. He has large deposits in the hands of the Secretary of the Treasury.

Mr. BURKE of South Dakota. In order to do that you have to assume that these lands are subject to taxation-

Mr. FERRIS. That is true-

Mr. STEPHENS of Texas. In advance of the decision of the court.

Yes, if they are subject to taxation; but the Mr. MANN. amendment of the gentleman from Oklahoma [Mr. Ferris] did

not presume as to that one way or the other.

Mr. BURKE of South Dakota. Well, if it is in that form it is all right. There is no question, as I understand it, about lands that are inherited being subject to taxation?

Mr. FERRIS. No; the bill prescribes that.

Mr. BURKE of South Dakota. This bill was intended to read as follows:

That until inherited lands of Indians belonging to the Osage Tribe in Oklahoma shall be partitioned and sold, the Secretary of the Interior be, and he is hereby, authorized to pay the taxes on said lands out of any money in the Treasury, etc.

Mr. FERRIS. That applies to inherited lands, and it ought

to apply to these with equal force.

Mr. BURKE of South Dakota. Now if you want to anticipate that the Supreme Court will affirm the judgment of the court in Oklahoma in holding that these lands are subject to taxation, and want to provide in such cases that the Secretary

of the Interior shall pay the taxes

Mr. FERRIS. In that connection, I think we have the right to make that assumption. We are fortunate in having here the gentleman who introduced and passed that bill, the gentleman from Oklahoma [Mr. McGuire]; and he states with all the earnestness that he has that that was the intention of Congress, and that Congress intended to do that specific thing. I think, therefore, we may safely assume that Congress intended to do that. And in addition to that we have the views of the Federal court which not more than two months ago passed upon that question and declared that that was so.

Mr. BURKE of South Dakota. The gentleman may be correct as to that, but I will have to take issue with him as to what the intention of Congress may have been. enacted a great deal of legislation in regard to lands in Oklahoma, and particularly with regard to their taxation, without intending to do what it is claimed was done.

Mr. McGUIRE of Oklahoma. I intended to say that it was the purpose of the Osage Indians and of the Interior Department to frame this original bill of 1906 in such a way as to tax the surplus lands after the expiration of three years.

Mr. FERRIS. It is the opinion of the gentleman that Congress did intend to do that when Congress passed the bill?

Mr. McGUIRE of Oklahoma. It was my intention Mr. BUTLER. Why did the Indian wish to increase his taxation?

Mr. McGUIRE of Oklahoma. They were getting the benefit of local government.

Mr. MANN. They wanted to be like the whites. Mr. McGUIRE of Oklahoma. Why not tax their surplus? There are many of these men who are just as competent as we are to do business.

Mr. BURKE of South Dakota. In reply to the inquiry of the gentleman from Pennsylvania [Mr. BUTLER], I will say that

the Indians owned all of this land.

Mr. BUTLER. I think better of the Indians if they fully pay their taxes on this land.

Mr. BURKE of South Dakota. Without the white men they could not have anything in the way of bridges or roads or other improvements, and undoubtedly they did intend that some of the land should be subject to taxation.

Mr. STEPHENS of Texas. Mr. Chairman, I ask unanimous consent that all general debate be closed on the bill, and that it

be read under the five-minute rule.

Mr. MANN. Mr. Chairman, I have a few words to say on this bill myself. The gentleman from Oklahoma [Mr. McGuire] did not get through the bill. I had hoped that he would finish.

Mr. McGUIRE of Oklahoma. I went through the bill and stated its purpose as to every section. I did that as briefly as could.

Mr. MANN. I listened attentively to the gentleman, and I was unable to follow him further than the third section. I think the gentleman said that as to sections 4 and 5 and 6 and 7 and 8 and 9 and 10 the purpose was to pass the sections. [Laughter.]
Mr. McGUIRE of Oklahoma. The gentleman is a little in-

Mr. MANN. Mr. Chairman, the first section of the bill attracted my attention, in the first place, because it did not mean anything, as reported by the committee. I said to the gentleman from Oklahoma [Mr. McGuire] some time ago, in discussing the bill, that section 1, as reported by the committee, did not make sense, and he explained to me that he would read to the House a decision of the court that would show how sensible the section was. But now he frankly admits that there was an error made, and that the bill requires amendment.

Mr. McGUIRE of Oklahoma. Mr. Chairman, will the gentle-

man yield?

The CHAIRMAN. Does the gentleman from Illinois yield to the gentleman from Oklahoma?

Mr. MANN. Yes.

Mr. McGUIRE of Oklahoma. I stated further to the gentleman at that time that there was a mistake or misunderstanding, and that it would require an amendment.

Mr. MANN. The gentleman probably imagines that he made that statement to me, but my recollection is not sufficiently good to remember it. However, that is neither here nor there.

Mr. McGUIRE of Oklahoma. Whether I did or not, it is not

a serious proposition?

Mr. MANN. No; it is not a serious proposition. If the gentleman from Oklahoma [Mr. FERRIS] offers the amendment he has suggested, it may be that the Indians will be protected. I remember the occasion when the bill passed the House to subject these surplus lands to taxation.

If I am not mistaken I said then that it would not subject the Indian lands to taxation very long, because the incompetent Indians would not own them very long after they were subjected to taxation. But if that is corrected, I have no objec-

tion to that section.

In my judgment section 2 ought to be first amended and then .

stricken out of the bill. [Laughter.]

If it is proposed to have the Osage council pass upon the exchange of these allotments, it ought first to require the approval of the council and then the approval of the Secretary of the Interior. I propose to offer an amendment, in line 9, to strike out the comma where it now is and insert, after the word "recommendation," the words "and approved by it," so that it will provide that the proposed exchange shall be submitted to the Osage council for recommendation and approved by it, and then that the Secretary of the Interior, after that approval,

shall have the right to permit the exchange.

I do not quite understand why these exchanges are desired. It would seem to be perfectly plain that if you throw open to all of the Indian homesteads the right to exchange for other homesteads the Indians will be subjected to pressure from every side to get rid of them in some way, by the exchange of homesteads, and produce a condition of unrest among the Indians which ought not to be produced. The Indian who has a homestead now ought to be using it as a homestead, reducing it to cultivation, but the moment you offer him the opportunity to trade it off, you will excite his trading desires rather than his homestead desires, and he will not be left in quiet, because every man who has a chance to skin the Indian will be proposing an exchange of homesteads, and every homestead that is of particular value, either because of the surface of the soil or what is under it, will be subject to the temptation of having somebody making a trade with him. These trades, as a matter of course, would ordinarily be approved by the council, or generally disapproved by them, and I do not think it is fully safe to leave it even to the Secretary of the Interior, who acts through agents there, all of whom may be perfectly honestthough that would be an unusual condition of affairs in this world-but all of whom may not have the best judgment in the What is the object? What will be accomplished? I should like to ask the gentleman what good will be accomplished by permitting the Indian who is living upon a homestead to trade it off and move his homestead to some other

Mr. STEPHENS of Texas. If the gentleman will yield, I can give him one illustration. In some neighborhoods where there is rich farming land there are a good many Indian farmers; but other Indians are living far off from these points. They want to send their children to school, and by exchanging their homesteads that are in some of these out-of-the-way places they can get into a neighborhood where there is a good school which will accommodate them. Possibly some bachelor may have the land around the schoolhouse, and a man with children could exchange with the bachelor. Part of the lands are very rough and mountainous, not suitable for the location of school buildings, while

others are agricultural lands.

Mr. MANN. What the gentleman says is true, but that is a very good fairy tale. What are the facts? When these allotments were made the Indians took for homesteads the best land on the reservation. Then they took some surplus lands of less value, and then they were permitted to take some additional surplus lands of still less value. Now, the gentleman from Texas [Mr. Stephens] says the reason they want to permit the exchange of homesteads is to permit the man who lives on poor land to come and get the best land. Why, he now owns the best land as his homestead, and if he is permitted to exchange it for surplus lands he will be relegated to places where there are no schools and where the land is poor and probably fit only for What good will it do to permit those Indians to be subjected to the temptation, from start to finish, of having a man offer them what they consider better trades in order to get their homesteads away from them?

Mr. McGUIRE of Oklahoma. Will the gentleman yield for a

question?

Mr. MANN. Certainly.

Mr. McGUIRE of Oklahoma. I do not know whether I made it plain or not. I intended to make this statement, and it is all there is to the proposition: The large majority of these people, nearly half of whom are just as competent as anybody, many of them worth \$50,000, \$100,000, or \$200,000, desire to get their lands adjacent and contiguous. Now, that was the sole purpose of this provision. That being the desire of all those people, including the council, the question then arose, How can it be be to referenced? be best safeguarded? And it was thought that to put it up not only to the Secretary of the Interior, as has always been the case with all the tribes of the Union, but to take the double precaution, where a person of greater and one of lesser ability want to exchange allotments, and put it before both the local council and the Secretary of the Interior would be the best way to safeguard it. The purpose is to make their lands more valuable, and it ought to be done.

I live there; I know the situation; I know these people want it, and I know that no one is going to get hurt by it; but it will,

on the contrary, add value to their lands.

Mr. MANN. It is a very desirable thing at times to leave something to the discretion of some officer; but it is never desirable to adopt a vicious principle and leave the execution of it to an officer, hoping that the vicious principle will not do any If the gentleman were proposing to authorize an Indian having a homestead to exchange for the homestead of another Indian, I would not object; or if he were proposing to authorize the surplus lands of one Indian to be exchanged for the surplus lands of another Indian I would not object; but what you propose to do is to permit the homestead of an Indian, 160 acres of good land, to be exchanged so that in the end he will own as a homestead 160 acres of \$2 land instead of 160 acres of \$50 land, such as he owned in the first place. might receive the difference in cash for aught I know, but his homestead would be valueless as a homestead.

Mr. McGUIRE of Oklahoma. Will the gentleman yield for

a question?

Mr. MANN. If it is not too long; I do not want to lose all

my time.

Mr. McGUIRE of Oklahoma. Just a brief statement. The bill specifically provides that if a homestead is exchanged the party exchanging it must have its equivalent in value, and the equiva-

lent must be set aside as a homestead and so designated and made inalienable, as under the present law. It is not confined to 160 acres of land, but it may be more if necessary. It must be its equivalent in value, and it is done under the supervision of the Secretary of the Interior and the Osage council.

Mr. MANN. I know all that.

Mr. McGUIRE of Oklahoma. But the gentleman said 160

acres of \$2 land, and it could not be done in that way

Mr. MANN. It could be done in that way, and there is no other way if the provisions of the bill are to be executed. they intend in good faith to follow that provision of the bill it ought to be stricken out because there will be no surplus lands of the value of the homestead land to be exchanged unless you give him a very large acreage for a homestead, and that is ridiculous.

Mr. McGUIRE of Oklahoma. It is not ridiculous.

Mr. FERRIS. Will the gentleman allow me? I know the gentleman from Illinois has not skipped a single word in the bill or a single thought, and therefore he knows that the decision in the last analysis is left to the Secretary of the Interior.

Mr. MANN. I know that, and I have so stated half a dozen

Mr. FERRIS. Yes; and I am simply stating it for another purpose. The Secretary of the Interior is the one who made the first allotment to the Indians. This gives him no greater power than he had in the first place, but it gives him the right to revise and to make his first decision stronger and better than he did in the beginning.

Mr. MANN. Oh, this is quite a different thing. Mr. FERRIS. If he made any mistakes in the first allot-

ment he ought to be allowed to correct them.

Mr. MANN. I am willing to allow the Secretary to correct any errors if he made any. In the first place, the allotments were made of homesteads of the most valuable lands. there was another allotment made of the surplus lands, and a third allotment was made of additional surplus lands so as to even up the property allotted to each Indian. The best lands were taken for the homesteads and the poorest property was in the last allotment. Now, when you authorize by law any homestead in the reservation to be exchanged for surplus land you subject any white man to undue pressure, and much less incompetent Indians. Everybody knows that the white man of Oklahoma Territory has no special objection to taking possession of some of this land, even if the Indian loses it. [Laughter.]

Mr. Chairman, just for illustration, we have in the United States, all told, only a trifle more than 300,000 Indians. We have an Indian bill now coming in that proposes to appropriate six or eight million dollars for their care and support. If we made the same proportionate appropriation for the aid of the white people of the United States, it would take more than \$2,000,000,000 a year. Why do we have to appropriate this money out of the Treasury of the United States? We say that the Indians are our wards and that we permitted them to lose their property, to trade it off to the whites or lose it, and therefore we feel under obligations to give them support. favor of first protecting their property and see that they are treated fairly and see that we are treated fairly, so that we will not be compelled to constantly pay money out of the Treasury for the support of these Indians, who ought to be supported out of their own property.

Mr. STEPHENS of Texas. Will the gentleman yield?

Mr. MANN. I will. Mr. STEPHENS of Texas. Is it not a fact that a great deal of this money which is appropriated for the support of the In-dians is trust funds in the Treasury of the United States belonging to the Indians, and that the money allotted among the Indians by the Indian appropriation bill comparatively little of it is a pure gratuity?

Mr. MANN. I think that is not the fact. A large share of it comes out of the Treasury of the United States and does not come out of the trust funds of the Indians.

Mr. COOPER. Will the gentleman yield?

Mr. MANN. I will yield to the gentleman from Wisconsin.

Mr. COOPER. Are homesteads limited to 160 acres?

Mr. MANN. I think, in the first place, they were allotted 160 acres for a homestead.

Mr. McGUIRE of Oklahoma. One hundred and sixty acres. Mr. COOPER. Then I would like to ask this question, which was suggested by the gentleman from Minnesota [Mr. Anderson]: Suppose an Indian wants to exchange 160 acres for much poorer land; he would have to receive much more than 160 acres to make it equivalent to the homestead, and would it be lawful to declare the greater amount a homestead?

Mr. MANN. We would have the right to declare the greater amount a homestead. We might give an Indian 2,000 acres, but everybody knows that that is a ridiculous proposition.

Mr. CARTER. I want to say that some of the Indians of the Five Civilized Tribe have 500 or 600 acres in homesteads.

Mr. MANN. I am glad of it. Mr. Chairman, there has been some discussion about section 3 as to what is the meaning of the language-

That the property of deceased and of orphan minor, insane, or other incompetent allottees of the Osage Tribe, such incompetency being determined by the taws of the State of Oklahoma.

The use of the language in the bill is not very happy in that it confuses, as it seems to me, the question of competency as declared by the Secretary of the Interior to dispose of the lands, and the question of incompetency fixed by the laws of the

The incompetents in the State are the insane, minors, idiots, possibly spendthrifts. As I understand that provision in reference to fixing incompetents by the State of Oklahoma, it would not provide that that State would have any control over the question of competency as fixed by the Secretary of the Interior so as to authorize the sale of lands, or anything of that sort, beyond the control or over what we usually call incompetents in all States.

But I would like to ask the gentleman, in view of the lan-guage "subject to the jurisdiction of the probate courts in the State of Oklahoma," does the State of Oklahoma have a court by the title of probate court?

Mr. McGUIRE of Oklahoma. The statute, I think, has been changed since the bill was first drawn. It is now the county

court.

Mr. MANN. I do not think it was changed since the bill was drawn.

Mr. McGUIRE of Oklahoma. I mean the original bill.

Mr. MANN. Because in another provision it speaks of the county court.

Mr. DAVENPORT. The county court exercises probate jurisdiction.

Mr. MANN. The committee has recommended striking out section 5, restricting the alienation of all or a portion of the surplus lands of any Osage allottee, and so forth. This bill will go into conference, if it passes the House, and probably would emerge from conference with that section in it, and when the bill is read under the five-minute rule I shall offer an amendment to strike out the language "register of deeds for Osage County" and insert "Osage Agency." It seems to me the form of the bill as it came from the Senate is unworkable. It proposes where the removal of restrictions is made that the public records shall be kept in the office of the register of deeds for Osage County, showing what land each allottee is authorized to alienate. How would they get into the possession of the register of deeds and who would pay the expenses? Would they be recorded in the registry of deeds? Who would know anything about it? No one, until he got ready to take the land from the Indian. If the restrictions be removed, there ought to be some public place where anybody can go and obtain information, and the only place you can do that is with the Osage agencies.

Mr. FERRIS. Mr. Chairman, I might say that we struck that out for the very reason the gentleman from Illinois has stated. We thought the Congress of the United States ought not to try to impose upon a county official a duty for which there was no money to pay him and which there was no way to require him to do.

Mr. MANN. There is no way of giving it to him. Mr. FERRIS. Yes; and we struck it out for that reason.

Mr. MANN. As to section 5. I would suggest to the gentle-man that the language is somewhat mixed.

Mr. CARTER. Is that the present section 5? Mr. MANN. Section 6 of the original bill—

That the Secretary of the Interior, in his discretion, hereby is authorized, under rules and regulations to be prescribed by him and upon application therefor, to pay to Osage allottees, including the blind, crippled, aged, or helpless, all or part of the funds in the Treasury of the United States to their individual credit.

If you stop there, you ought not to insert the word "insane," but with the provise that is in here you must insert the word "insane" as descriptive of the class of incompetents. Then you Then you go alread with the proviso that he shall be first satisfied of the connetency of the allottee, which, of course, would not include an insane person-

or that the release of said individual's trust funds would be to the manifest best interests and welfare of the allottee: Provided further, That an trust funds of a miner or a person so afflicted as above mentioned, or an allottee non compos mentis shall be released and paid over except upon the appointment of a guardian.

You have made no provision in there in reference to the funds of the insane person in the first part of it. You must insert the word "insane" above or strike it out in your second proviso.

Mr. FERRIS. It ought to be inserted, undoubtedly.

Mr. MANN. The original section 7 provides that from and after the approval of this act the lands of deceased Osage allottees, unless the heirs desire to and can agree as to partition of the same, may be partitioned or sold upon proper order of the county court of Osage County, State of Oklahoma. I had a note in my copy of this bill to strike out "the county court of Osage County, State of Oklahoma" and insert "in a court of competent jurisdiction." I presume there is no objection to that, because I have since been told that the county court did not have the power of ordering a partition of property in that State.

Mr. McGUIRE of Oklahoma. Congress has the authority to give it the power.

Mr. MANN. Yes; but if they have no authority under the

State law they would not have authority to exercise that power.

Mr. McGUIRE of Oklahoma. Yes; they would. The Supreme Court has decided that if Congress grants jurisdiction to a court with respect to Indian matters, that court has jurisdiction.

Mr. MANN. I beg the gentleman's pardon. power to compel the State court to do anything, and if the State laws provide, as I understand they do in this case, that another court of superior jurisdiction shall have jurisdiction over partition proceedings, we may say that the county court shall have jurisdiction, but the county court can not exercise the jurisdiction, because it must exercise jurisdiction under the laws of its own State first.

Mr. McGUIRE of Oklahoma. In the case of Indians, the courts can exercise jurisdiction given by the Congress of the United States, but, notwithstanding that, I think the gentle-man's suggestion is a good one.

Mr. FERRIS. Mr. Chairman, I am not sure that I caught all of the gentleman's suggestion, but I think this same identical question was under consideration when the gentleman from Oklahoma [Mr. Carter] had a bill here, and I think the gentleman from Illinois [Mr. Mann] raised that same question at that time. At that time this identical question of conferring jurisdiction on a State court was submitted to the Attorney General's office at the suggestion of the gentleman from Illinois, and the Attorney General's office was of the opinion that Congress could confer jurisdiction.

Mr. MANN. That was an entirely different proposition.

Mr. CARTER. Yes; that was a different proposition. Mr. FERRIS. It was a question of conferring power of appointing appraisers.

Mr. CARTER. That was in respect to the question of a Federal judge, as I remember.

Mr. MANN. We can undoubtedly confer power upon the local court to appoint appraisers, but we could not compel the court to exercise the power. In this case the county court could not exercise the jurisdiction, because the State court has conferred jurisdiction in partition matters upon another court, so that neither one could exercise the jurisdiction if this bill passed.

Mr. FERRIS. What was that statement-that the county

court could not order a partition and sale?

Mr. MANN. That is what I have been told. Mr. FERRIS. That is not the case. The county court has

the power to order a partition and sale.

Mr. MANN. The gentleman knows better than I do. I have been informed that the district court in the gentleman's State has control over partition matters.

Mr. FERRIS. In estates.

Mr. MANN. But this is not a matter of estates.

Mr. DAVENPORT. Our district court is the only court that has the power to order a partition of interests in inherited

estates, or any other estates.

Mr. MANN. I am not speaking of probate proceedings.

Mr. DAVENPORT. I wanted to explain that in probate matters, ordering a sale of minor's land, upon proper showing, they have that power, but they have no power in the probate court to handle the landed estate except to see that it goes to the proper heirs.

Mr. FERRIS. I think the gentleman is wrong about that,

Mr. DAVENPORT. No; I am not.

Mr. MANN. In the original section 7 of the bill, on page 6, in line 11, it provides:

The shares due minor heirs, including such Indian heirs as may not be tribal members, and those Indian heirs not having certificates of competency, shall be paid into the Treasury of the United States—

And so forth. I do not understand just what is intended to be accomplished by that. Does the gentleman mean shares due to minor heirs, including minor Indian heirs? You say-

the shares due minor heirs, including such Indian heirs as may not be tribal members.

That might include heirs 90 years old.

Mr. McGUIRE of Oklahoma. Members, I suppose, of another Indian tribe. You see, they have intermarried.

Mr. MANN. But you say—

minor heirs, including such Indian heirs as may not be tribal mem-

Mr. McGUIRE of Oklahoma. That is right.

Mr. MANN. It may mean such minor heirs, or that Indian heirs who may not be tribal members. Do you propose to include under the term "minor heirs" adults who are members of the tribe?

Mr. McGUIRE of Oklahoma. We do not, of course.

Mr. MANN. Well, you say it.

Mr. JACKSON. It says before that-

if some of the heirs are competent and others have not certificates of competency, the proceeds of such part of the sale as the competent heirs shall be entitled to shall be paid to them without the intervention of an administrator.

Mr. MANN. That does not cover this. These Indian heirs may or may not be competent. The provisions in your section is you dispose of lands of competent Indian heirs, and here is a provision which says minor heirs shall include other Indian heirs not members of the tribe. Now, if the purpose is to include only minor Indian heirs you should say so; if not, let us know what it does mean.

Mr. CARTER. If the gentleman will permit, I think that clearly means enrolled Indians on other than the Osage tribal As to whether it is intended to include those who have

reached their majority, I will not attempt to say.

Mr. MANN. It does include those who have reached their majority under the term "minor heirs." That is what I want to know, whether that is the purpose or not. It then provides that this money shall be paid into the Treasury of the United States and placed to the credit of the Indians upon the same conditions as attached to segregated shares of the Osage national fund or paid to the duly appointed guardian. Will the gentleman object to inserting, after the word "or," the amendment "with the approval of the Secretary of the Interior"?

Mr. McGUIRE of Oklahoma. I would not object. Mr. MANN. Because that is the only safeguard. that, if somebody has managed to get a guardian appointed for an Indian and the guardian gets the money, God knows what will become of it. Now, the committee struck out "or be disbursed in such manner and to such extent as the Secretary of the Interior may determine." What does the committee expect to be done with this money?

Mr. FERRIS. I will say these funds are held subject to be disbursed as Congress may provide, and every session of Congress we have provided a certain per capita payment shall be made and trust funds turned over, and we do not ordinarily give the Secretary of the Interior power to expend in an unlimited way the funds of the Indians. With that language left in the bill the Secretary could expend for any purpose all the funds, if he wanted, and for any purpose he saw fit, and the committee did not think he ought to have that much authority.

Mr. STEPHENS of Texas. In other words, become part of

the tribal funds.

Mr. MANN. What are those conditions? Mr. FERRIS. We have had other funds subject to the same restrictions as undistributed trust funds. They are held in trust, drawing 4 per cent interest, for the benefit of the tribes, and deposited in different depositories and interest paid at intervals.

Mr. CARTER. I think the amendment offered is a much better restriction than the one stricken out.

Mr. MANN. In the original section 8, which provides:

That the lands allotted to members of the Osage Tribe shall not in any manner whatsoever or at any time heretofore or hereafter be en-cumbered, taken, or sold to secure or satisfy any debt.

The committee recommended the striking out of the words "or at any time heretofore or hereafter." I take it there can be only one purpose in that, and that is to authorize the encumbrances which have been made upon these lands heretofore to have some effect.

Mr. CARTER. Does the gentleman think as amended it would do that?

Mr. MANN. What is the purpose in striking it out?

Mr. CARTER. I do not object, but I want to get the gentleman's opinion on that point. I agree with the gentleman that ought not to be done, and-

Mr. MANN. What is the purpose of striking it out?
Mr. CARTER. And I do not think the change does that. I can not give the gentleman that information.

Mr. MANN. I know there can be no other purpose in strik-

ing it out, except-

Mr. JACKSON. I remember that in the committee, and it appears on the face of it that it is mere surplusage. If you are

going to permit the allottee to encumber his land in any way what is the use of saying at any time or heretofore or here-

after or any other time?

Mr. MANN. There is some use to say any time hereafter when you say they shall not do it, but it is quite necessary sometimes to say it shall not be done heretofore, and that is what this means.

Mr. JACKSON. It does not mak Mr. MANN. It does make sense. It does not make sense to say-

Mr. JACKSON. When the legislation takes effect in the future

Mr. MANN. It takes effect in the future-that they shall not hereafter do it-but why should not we provide at the same time that if they have done it in the past it shall not be legalized?

Mr. JACKSON. I do not know that there is any objection to that.

Mr. FERRIS. If the gentleman will turn to line 7 he will

That no lands or moneys inherited from Osage allottees shall be subject to or be taken or sold to secure the payment of any indebtedness incurred by such heir prior to the time such lands and moneys are paid to such heir

Mr. MANN. Why did the committee propose to take out this other language?

Mr. FERRIS. Because they thought this would apply.

Mr. BURKE of South Dakota. I think that was done on a motion of mine. As it read it said-

That the lands allotted to members of the Osage Tribe shall not in any manner whatsoever, or at any time heretofore or hereafter, be en-

That is not very good English, and the intention was to absolutely limit it, and it should not be done at any time. Heretofore means something in the past.

Mr. MANN. We know what it means. I wondered why it

was stricken out.

Mr, BURKE of South Dakota. I will say to the gentleman it was done entirely at my suggestion, believing it would improve the language of the bill, and there was no other thought. Mr. MANN. I recognize the gentleman as authority upon

English grammar now more than ever.

Mr. CARTER. If the language had been left in it would mean nothing, because if a legal transfer were made prior to the passage of the bill it could not be vitiated by a later enactment, and if it were not legal when made this would not con-

Mr. MANN. We have control over the lands of these Indians, and here you propose to insert a provision saying it shall not be encumbered in the future to pay debts. We have the same authority to say an encumbrance already made to secure debts, not if it had good validity—
Mr. CARTER. Not if it had validity when it was made.

Mr. MANN. No validity.
Mr. CARTER. I do not think the gentleman would contend

that it should give them validity.

Mr. MANN. I do not know whether it does or not. I am in favor of declaring that if they had attempted to encumber these lands to pay debts they should not now.

Mr. CARTER. I wanted to ask the gentleman what he would

have said if we had left the original language in the bill?

Mr. MANN. I would have said that for once the Committee on Indian Affairs was trying to protect the rights of the Indians. [Laughter.]
Mr. COOPER. Will the gentleman permit an interruption?

Mr. MANN. Certainly.
Mr. COOPER. It seems to me there could be an improvement in lines 10 and 11. How do they "pay" land to heirs in Oklahoma? [Laughter.]

Mr. MANN. That is like the first section, where it says that "no land shall be taken to secure the payment of any indebtedness." What do you mean by the word "secure"?

Mr. McGUIRE of Oklahoma. I beg the gentleman's pardon.

I did not get the question.

Mr. MANN. The gentleman can not answer that. Possibly he can answer this one. The Senate had this provision in:

Incurred by such heir prior to the time such lands or money are turned over to such heirs.

And our Committee on Indian Affairs turned over to the heirs and provided that no such money should be given to the heirs. I do not know, of course. Probably they find that in some school of rhetoric. The gentleman from Wisconsin [Mr. Cooper] very naturally inquires how you "pay" land to a man. I assume that the Committee on Indian Affairs—

Mr. CARTER. How would you "turn over" land?

Mr. MANN. That is very easy. You would turn it over by deed. I assume that the Committee on Indian Affairs must

have reason for striking out "turning over" lands and inserting lands. [Laughter.]

Mr. McGUIRE of Oklahoma. Would the gentleman be satis-

fied with the word "transfer" or "convey

Mr. MANN. There is nothing of the kind in the original proposition. It says:

The time said lands and moneys are paid to such heirs.

Mr. JACKSON. Perhaps the Committee on Indian Affairs thought the lands had been turned over too many times

Mr. MANN. It appears that originally the Osage allottees were paid on the order of the Secretary of the Interior. Now it is upon the order of the county court of Osage County. Who will make the order? And to whom will it be made? How will the order apply?

Mr COOPER. Will the gentleman permit an interruption

there?

Mr. MANN Certainly.

Mr. COOPER. Does the gentleman think there ought to be any restriction as to the amount that can be paid for a coffin in which to inter one of these aborigines? I have just been told that in one case a coffin in which to bury an Indian cost \$800

Mr. BUTLER. He was a good Indian. [Laughter.]
Mr. McGUIRE of Oklahoma. The gentleman does not mean
to say that it costs a member of this tribe \$800, does he?

Mr. COOPER. No; not this tribe, but it was done with the approval of the Secretary of the Interior, just like this pro-

Mr. McGUIRE of Oklahoma. That might have occurred in Wisconsin.

Mr. BUTLER. That was taken out of his own money, prob-

Mr. COOPER. No; I presume the county court checked it

out of its own funds. [Laughter.] Probably it was taken out of the fund-

Mr. MANN. I suppose there is more satisfaction to a dead Indian to have his money expended in an elaborate funeral than to spend it in his lifetime. I have often seen cases where that was true with respect to white people, using the word "satisfaction" in a little different meaning. But the probate court can not do this. The probate court can approve the funeral expenses, but it can not make an order for the payment of this money which is in the Treasury of the United States.

Then, this provision is in here, providing that "nothing herein shall be so construed as to exempt such property from liability to taxes." Of course, if it is liable to taxes, it is not necessary. If it is not liable for taxes it should have no place in the bill.

Now, Mr. Chairman, I hope this bill will be amended in some particulars so as to make it a workable bill and so as to pro-

Mr. STEPHENS of Texas. Mr. Chairman, I desire to ask unanimous consent that after 10 minutes general debate be dispensed with and that the bill be read under the five-minute rule.

The CHAIRMAN. The gentleman from Texas [Mr. Ste-PHENS] asks unanimous consent that general debate be closed in 10 minutes and that the bill be then read under the fiveminute rule. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

Mr. STEPHENS of Texas. Mr. Chairman, I yield to the gentleman from Kansas [Mr. MURDOCK].

Mr. MURDOCK. Mr. Chairman, I hope that this bill will be voted down.

There are two classifications of land in the Osage part of the West, roughly—bottoms and uplands. Almost without exception the bottom land is the more valuable land taken in comparison with the uplands. In the law of 1906, in which the Osage Indians were allotted their land, it was provided, first, that the Osage Indian should select 160 acres as a homestead. The Osage Indians have been in their present territory now for over half a century. Many of the Indians had actual home-steads before the time of allotment. There were some improvements in the way of houses and barns and fences on some of these homesteads. Under the law of 1906, naturally an Indian did one of two things: He either selected his old homestead, which was in the bottoms, or he went somewhere else and selected a valuable bottom 160 acres.

Now, the law of 1906 also provided that after the first allotment of 160 acres the Indian could select a second parcel, another 160 acres; that after he had made the second selection he could make a third, also of 160 acres; and that thereafter he could have his share of the residue remaining after the distribu-

tion of the whole. Now, it happens that the first 160 acres selected as a homestead in Oklahoma is worth something like \$25 an acre; that I

the second selection, the uplands, the rocky land, is worth about \$4 an acre; and the residue is probably worth still less.

Mr. McGUIRE of Oklahoma. Will the gentleman permit an interruption?

Mr. MURDOCK. Certainly.

Mr. McGUIRE of Oklahoma. That statement is absolutely without any facts to base it upon. I do not know where the gentleman gets that kind of information. You can not get it from the Osage Agency, and you can not get it from the Osage people, and you can not get it from the Interior Department.

Mr. MURDOCK. I think the gentleman will find that that statement will be fully substantiated if he makes inquiry at the Interior Department. In any event, the first selection of a bottom homestead was a selection of valuable land.

The value of bottom land, as the gentleman knows, runs over \$25 an acre—sometimes \$50 an acre and sometimes \$100 an acre, according to proximity to city, and sometimes to \$150 an acre, whereas sometimes the high and rocky land, as mentioned by the gentleman from Texas [Mr. Stephens], will not bring as much as \$4 an acre.

Now, the act of 1906—if the gentleman will permit—provided that the Indian should not alienate the homestead. That was our guardianship over the Osage Indians, not the guardianship of the Osage Council or of the Secretary of the Interior, but

the protection of the law.

Mr. ANDERSON of Minnesota. Will the gentleman yield?

Mr. MURDOCK. With pleasure. Mr. ANDERSON of Minnesota. I find on page 6 a provision that reads as follows:

When the heirs of such deceased allottees have certificates of comare hereby removed.

I have been trying to find out all through this debate what the general restrictions on alienation are, if there are any.

Mr. MURDOCK. I confess to the gentleman that I do not There was a provision in the law of 1906 that this homestead land should not be alienated and that it should not be

taxed for 25 years.

Mr. Chairman, I have never had my fund of sentimentality drawn upon heavily by the noble red man. He is not always noble, and not infrequently he is not red. I have lived all my life in territory which was once Osage reserve. I have seen some of the migrations of the Indian tribes into their present holdings. The relation of the white man to the Indian in this country from the first has not been flattering. did not have much civilization at the start. His civilization was a different civilization from that of the white man, not only in degree, but also in kind. When he was removed to a reservation his condition became, as most of the Members here on the floor from my part of the country know, pitiable.

Members talk here about the Osage Indians being the richest tribe on earth. They are the richest tribe on earth, and have been that for many years; but what has been the condition of the Osage Indians in the past—even within the last 10 years? The term "riches" ought not here to convey the idea of luxury. When I was first elected to Congress, one of the things which stirred my young legislative breast and led me to believe that I could be of use down here in the matter of reform was in connection with my desire to wipe out the then existing "prorate house." As the gentleman from Oklahoma will remember, the "prorate house" was a small shack on wheels, occupied by the white traders of the Osage Nation. On the quarterly payment day, when the members of this richest tribe on earth received their portion of annuity from the Government of the United States, they were paid their money at the window of the agency by the agent. The white traders used to roll the prorate house around in front of the window of the agency, form a cordon of white men on either side a lane, and as soon as one of the members of this richest tribe on earth received his Government annuity, grab him and conduct him summarily through the gauntlet into the wheeled house of the traders. Just what then happened to him, no outside white man was ever able to find out, but the tradition was that the Indian's money was taken away from him, prorated among the traders to whom he was indebted, and the Indian thereupon was turned loose to contemplate the advantages of affluence.

Now, the Osage Indians are the richest tribesmen in the world; but the full-blood Osage Indian ought not to be left unprotected by this Congress. For him his homestead allot-ment is the last ditch. He ought not to be left to the mercy of some county officer in Oklahoma or to the Osage council, or to the Secretary of the Interior in the matter of alienating his homestead. We ought to keep our guardianship over him intact, and the way to keep it intact is to beat this bill if the provision for the exchange of homestead remains in it.

minute you pass this bill, and permit the Indian to exchange his homestead of 160 acres for another homestead of any extent, of supposedly equal value, that minute there will begin a movement in the Osage country which will take the valuable bottom land out of the hands of the full-blood Indian and place it in the hands of his more intelligent Indian brother, or the white man. [Applause.]
Mr. STEPHENS of Texas. I ask that the bill be now read

under the five-minute rule.

The CHAIRMAN. Under the order of the committee general debate is now closed, and the bill will be read for amendment.

The Clerk read as follows:

Be it cnacted, etc., That from and after the approval of this act all allotments belonging to members of the Osage Tribe of Indians, except homesteads, be, and the same hereby arc, declared subject to taxation, under the laws of the State of Oklahoma, from and after issuance of the certificate of competency or removal of restrictions on allenation: Provided, That inherited lands shall be subject to taxation from and after the date of death of the allottee; and until said lands be partitioned or sold the Secretary of the Interior be, and he hereby is, authorized to pay the taxes on said land out of moneys due and payable to the heirs from the segregated decedent's funds in the Treasury of the United States.

The CHAIRMAN. The Clerk will report the first committee amendment.

The Clerk read as follows:

Strike out, after the enacting clause, lines 3, 4, 5, 6, and 7, and line 8 to and including the word "Provided."

The CHAIRMAN. The question is on the committee amendment.

Mr. MANN. Mr. Chairman, before that is put, I should like to know what the gentleman is going to do with reference to the balance of it?

Mr. McGUIRE of Oklahoma. As soon as that is stricken out, I will offer an amendment.

Mr. MANN. The gentleman from Oklahoma [Mr. Ferris]

had an amendment to go in there.

Mr. McGUIRE of Oklahoma. As soon as the vote is taken to strike out the Senate provision and insert the House provision I am going to move a further amendment, which I think will meet the intention of the committee.

The CHAIRMAN. The question is on the committee amend-

ment.

The committee amendment was agreed to.

Mr. McGUIRE of Oklahoma. Mr. Chairman, as a further amendment, in line 9, page 1, I move to strike out the words "subject to taxation from"—

The CHAIRMAN. Is the gentleman undertaking now to offer the other committee amendment?

Mr. McGUIRE of Oklahoma. I did not know there was any other committee amendment.

Mr. MANN. This ought to be disposed of before we vote on the committee amendment.

The CHAIRMAN. The committee amendment is first in order.

Mr. MANN. I know that is ordinarily the case, but that is not requisite, and the gentleman offers an amendment which ought to be offered before the committee amendment is disposed of.

The CHAIRMAN. If there be no objection, then, the gentle-

man may offer his amendment.

Mr. McGUIRE of Oklahoma. In line 9, page 1, I move to strike out after the word "be" the words "subject to taxation from and after the date of death of the allottee; and until said lands be," so that it will read:

That until the inherited lands of the Osage Tribe of Indians shall be partitioned or sold, the Secretary of the Interior be, and he hereby is, authorized to pay the taxes on said lands out of any money due and payable to the heirs from the segregated decedents' funds in the Treasury of the United States.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend, lines 9 and 10, page 1, by striking out the words "subject to taxation from and after the date of death of the allottee, and until said lands be."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Oklahoma.

The amendment was agreed to.
The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Amend, line 8, page 1, by inserting the words "until the."

The amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Amend, page 1, line 0, by inserting the words "of the Osage Tribe of Indians."

Mr. DAVENPORT. Before that amendment is agreed to, I move to insert after the word "of" the words "the deceased members of," so that it will read:

That until the inherited lands of the deceased members of the Osage Tribe of Indians

And so forth.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend the amendment, in line 9, page 1, by inserting after the word "of" the words "the deceased members of."

The amendment was agreed to.

The committee amendment as amended was agreed to.

Mr. MURDOCK. Mr. Chairman, is it in order to move to recommit the bill?

The CHAIRMAN. It is not in order in Committee of the Whole, but it will be later on.

Mr. MURDOCK. Is it in order at the present time to move

to strike out the enacting clause? Mr. MANN. It is in order at any time to make that motion, but I hope the gentleman will not do it.

The CHAIRMAN. The Clerk will report the next amend-

The Clerk read as follows:

Amend, page 2, line 3, by striking out the word "moneys" and inserting the words "in money."

The amendment was agreed to.

The CHAIRMAN. The Clerk will read the next section. The Clerk read as follows:

The Clerk read as follows:

Sec. 2. That the Secretary of the Interior be, and he hereby is, authorized, where the same would be to the best interests of Osage allottees, and the same is submitted to the Osage council, for recommendation to permit the exchange of homesteads or other allotments, or any portions thereof, of Osage allottees under such rules and regulations as he may prescribe and upon such terms as he shall approve: Provided, That where a homestead or homesteads pass in the exchange, in whole or in part, an equivalent in value of land suitable for agricultural purposes shall be furnished, to be designated as a homestead. The new homestead shall be subject to the same restrictions as the original homestead. The Secretary shall have authority to do any and all things necessary to make these exchanges effective.

Mr. MANN. Mr. Chairman, I move to amend line 9 by striking out after the word "council" the comma and inserting after the word "recommendation" the words "and approved by it" with a comma. I suppose it is proper to refer to the Osage council by the pronoun "it"?

Mr. McGUIRE of Oklahoma. It is.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend, line 9, by striking out the comma after the word "council" and inserting after the word "recommendation" the words "and approved by it" with a comma.

Mr. MANN. Mr. Chairman, I hope that this amendment will be agreed to, but after it is agreed to I shall move to strike out the section. There are very few Members of the House present just now, and as it is useless to discuss a proposition with only the members of the Committee on Indian Affairs present, with the expectation of overruling them by their own votes

Mr. McGUIRE of Oklahoma. If the gentleman will allow me to interrupt him, will the gentleman be willing to exclude the provision as to homesteads and allow them to exchange surplus lands?

Mr. MANN. As far as I am personally concerned, I am willing to do that if there can be an understanding that when this

goes to conference homesteads will not be reinserted.

Mr. McGUIRE of Oklahoma. Of course, I can not speak for the conferees, but the gentlemen from Kansas and Illinois seem to object to the provision in regard to homesteads. The Indians ask it, but if it is going to endanger the bill, which is badly needed and ought to pass, I should prefer to have it stricken out.

Mr. MANN. Well, of course I can speak only for myself; I can not speak for the other Members of the House. Nobody

understands that better than I do.

Mr. STEPHENS of Texas. I would much rather it be

Mr. STEPHENS of Texas. I would much rather it be stricken out than that we should lose the bill at this session.

Mr. MANN. I fully appreciate the fact that striking this section out of the bill, in my judgment, does not affect the merits of the rest of the bill at all or the working of the rest of the bill.

Mr. McGUIRE of Oklahoma. It does not, but it affects the value of the lands. If they can make the exchanges, it will

enhance the value of their land.

Mr. MANN. Mr. Chairman, I do not know enough about it to object to giving the Secretary of the Interior, under the restrictions here, power to permit them to exchange surplus lands one with another. I can see that that would be advantageous, but I am opposed to permitting them to be tempted by the exchange of homestead lands.

Mr. McGUIRE of Oklahoma. I wish the gentleman would offer an amendment to that effect.

Mr. MANN. I was going to raise the point of no quorum, but

Mr. MANN. I was going to raise the point of no quorum, but for the present I will not do it.

Mr. MURDOCK. Mr. Chairman, what is the gentleman's amendment; what is the effect of it?

Mr. MANN. The amendment is simply to require the approval of the Osage council before anything is done.

The CHAIRMAN. The question is on the amendment offered by the gentleman form Libraican.

by the gentleman from Illinois,
The question was taken, and the amendment was agreed to. Mr. SAUNDERS. Mr. Chairman, I would like to know if the word "until," in line 8, page 1, is still in the bill? There does

not seem to be any sense in it.

Mr. MANN. That is right as it is. I will say to the gentleman that there has been an amendment made which makes it read "until the inherited lands of the deceased members of the Osage Tribe of Indians shall be partitioned or sold, the Secretary of the Interior be, and he is hereby, authorized," and so forth.

Mr. SAUNDERS. Is the portion subjecting it to taxes stricken

Mr. MANN, All of it. Mr. Chairman, I will offer a motion so as to have something pending to strike out the section and see if we can perfect it.

Mr. McGUIRE of Oklahoma. Then I would like to offer an amendment, perhaps, to the gentleman's amendment.

Mr. MANN. Let us see how it would leave it to permit the

exchange of allotments other than homesteads.

Mr. McGUIRE of Oklahoma. Make it read "to permit the exchange of surplus allotments." That is the way they are described in the surplus allotments. ignated under the law, or any portion thereof, and after the word "approve," in line 12, strike out the rest of the paragraph.

Mr. MANN. Mr. Chairman, I move, then, in line 10, to strike out the words "homesteads or other" and insert in lieu thereof

the word "surplus," so that it will read, "to permit the exchange of surplus allotments."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend, line 10, by striking out the words "homesteads or other" and inserting in lieu thereof the word "surplus."

Mr. MANN. There is no question but that the words "surplus allotments" covers it, is there?

Mr. McGUIRE of Oklahoma. It covers it absolutely under the law

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois.

The amendment was considered and agreed to.

Mr. Mann. Now, Mr. Chairman, I move to strike out the proviso beginning on line 12, page 2.

The CHAIRMAN. The Clerk will report the amendment.
The Clerk rend as follows:

Page 2, line 12, amend by striking out all of the proviso down to and including the end of line 17.

Mr. STEPHENS of Texas. I have no objection to that. The CHAIRMAN. The question is on the amendment offered y the gentleman from Illinois.

The amendment was agreed to.

Mr. MANN. The word "Provided" should go out and the colon in line 12 should be made a period.

You preserve lines 18 and 19?

Mr. FERRIS. You

Mr. MANN. Yes. The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

After the word "approve," in line 12, insert a period in lieu of the colon.

The amendment was agreed to.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. George having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed without amendment bills of the following titles:

H. R. 20842. An act to provide for a tax upon white phos-

phorus matches, and for other purposes; and

H. R. 15471. An act making appropriation for repair, preservation, and exhibition of the trophy flags now in store in the Naval Academy, Annapolis, Md.

OSAGE INDIANS, OKLAHOMA.

The committee resumed its session.

The Clerk read as follows:

SEC. 3. That the property of deceased and of orphan minor, insane, or other incompetent allottees of the Osage Tribe, such incompetency being determined by the laws of the State of Oklahoma, which are hereby extended for such purpose to the allottees of said tribe, shall, in probate matters, be subject to the jurisdiction of the probate courts of the State of Oklahoma, but a copy of all papers filed in the probate court

shall be served on the superintendent of the Osage Agency at the time of filing, and said superintendent is authorized, whenever the interests of the allottee require, to appear in the probate court for the protection of the Interests of the allottee. The superintendent of the Osage Agency or the Secretary of the Interior, whenever he deems the same necessary, may investigate the conduct of executors, administrators, and guardians or other persons having in charge the estate of any deceased allottee or of minors or persons incompetent under the laws of Oklahoma, and whenever he shall be of opinion that the estate is in any manner being dissipated or wasted or is being permitted to deteriorate in value by reason of the negligence, carciessness, or incompetency of the guardian or other person in charge of the estate, the superintendent of the Osage Agency or the Secretary of the Interior or his representative shall have power, and it shall be his duty, to report said matter to the probate court and take the necessary steps to have such case fully investigated, and also to prosecute any remedy, either civil or criminal, as the exigencies of the case and the preservation and protection of the interests of the allottee or his estate may require, the costs and expenses of the civil proceedings to be a charge upon the estate of the allottee or upon the executor, administrator, guardian, or other person in charge of the estate of any Osage allottee shall be subject to the provisions of this section and shall contain therein a reference hereto: Provided, That no guardian shall be appointed for a minor whose parents are living, unless the estate of said minor is being wasted or misused by such parents: Provided further, That no land shall be sold or allenated under the provisions of this section without the approval of the Secretary of the Interior.

Mr. MANN. Mr. Chairman, I move to strike out the last

Mr. MANN. Mr. Chairman, I move to strike out the last word. I am afraid there might be some question, under the language of this bill, in reference to what is meant by the words "incompetent allottees of the Osage Tribe, such incompetency being determined by the laws of the State of Oklahoma.

Mr. STEPHENS of Texas. Mr. Chairman, I will state to the gentleman that I think the laws of the State of Oklahema provide who shall be competent to transact business and who shall not, such as minors, insane persons, the feeble-minded, and so forth. That is evidently what the courts would hold.

Mr. MANN. It is not sufficient ever to say to me that a cer-

tain thing is evidently what the courts would hold. I have been

a practicing lawyer too long.

Mr. STEPHENS of Texas. Mr. Chairman, I will ask the gentleman if it is not a fact that the courts take judicial notice of the statutes of the States and of the United States, and when a law states that it is subject to the laws of another State you do not have to restate that law? The courts take notice of the acts of the legislatures of the States and of the acts of Congress.

Mr. MANN. Mr. Chairman, I discovered that before I went to the law school, and it is good law. The gentleman is right. This bill in the original section 10 defines what is the meaning of the word "competent" as follows:

The word "competent," as used in this act, shall mean a person to whom a certificate has been issued authorizing alienation of all the lands comprising his allotment except his homestcad.

Here is a proposition in this section to allow a definition, not of the word "competent" which we have, but of the word "incompetency," which is supposed to be directly the opposite of the word "competency," according to the laws of the State of Oklahoma. I think no one here desires to have Oklahoma given permission to go into anything in reference to competency or incompetency, except as to those classes of cases or persons that are declared incompetent by practically all of the States. such as the insane, idiots, minors, spendthrifts, perhaps, and that sort, because it is not the purpose, as I understand this section—and that is what I would like to know—to allow the probate court to take possession of all the property of all the Indians who are not competent. But it might bear that construction. Is that what the gentleman wants? Here is an in-competent Indian, who is incompetent so far as the definition of competency is concerned, incapable of alienating his property on account of incompetency. Does the gentleman propose to let the probate court step in and have control of the property of that Indian on the ground that he is incompetent?

Mr. McGUIRE of Oklahoma. Mr. Chairman, my understanding of the bill is that it designates the statutes of the State of Oklahoma to prescribe incompetency so far as this section is concerned, and the incompetency prescribed by the statute of Oklahoma prevails with respect to this paragraph, and that only the insane, the feeble-minded, and so forth, would be affected.

Mr. MANN. Let us suppose there is a spendthrift. I take it that all of the States provide for taking possession of the property of a spendthrift on the ground of incompetency. Here is an Indian who is now incompetent. Suppose somebody files a petition in the county court of Osage County alleging that this Indian is incompetent under the laws of the State of Oklahoma because he is a spendthrift. Do I understand, then, that the probate court is going to take possession of his property?

Mr. McGUIRE of Oklahoma. I think it ought to.

Mr. MANN. Is it not now under the centrol of the Secretary of the Interior?

Mr. McGUIRE of Oklahoma. Not as to his qualities of spending. The property is under the control of the Secretary of the Interior so far as giving any money is concerned outside of his annuities. He can do as he pleases about it and spend it as fast as he wants to. This does not give the probate court any jurisdiction that would permit the Indian to secure his money out of the Treasury or sell his land without the sanction of the Secretary

Mr. MANN. Of course this does not permit the probate court

in any event to sell the property of the Indian.

Mr. McGUIRE of Oklahoma. Not without the sanction of the Secretary of the Interior.

Mr. MANN. It does not permit the probate court to do it unless it is authorized by the Secretary of the Interior.

Mr. McGUIRE of Oklahoma. That is correct.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. BOOHER. Mr. Chairman, I would like to know of somebody what is meant by the language beginning in line 21, page 3:

* * * and the preservation and protection of the interests of the allottee or his estate may require, the costs and expenses of the civil proceedings to be a charge upon the estate of the allottee or upon the executor, administrator, guardian, or other person in charge of the estate of the allottee.

And so forth

That provides that where the property has been misappropriated or squandered by the guardian or administrator, the ward, the Indian, ought to pay the cost of recovering it back. Why not let the costs follow as in other cases? I do not think it ought to be left in the discretion of the court to say whether he shall pay it or not.

Mr. MANN. I call the gentleman's attention to the lan-

The cost and expenses of the civil proceedings to be a charge upon the estate of the allottee or upon the executor, administrator, guardian, or other person in charge of the estate of the allottee, and his surety, as the probate court shall determine.

Mr. BOOHER. I understand that language is there; but why should there be a provision in there at all that the estate of the ward should in any case pay the expenses?

Mr. MANN. But supposing a proceeding is commenced at the suggestion of the Secretary of the Interior for the purpose of bringing a suit against the guardian or the administrator, and that falls, and the administrator wins the suit.

Mr. BOOHER, Yes.

Who is to pay the expenses? Mr. MANN.

Mr. BOOHER. It certainly ought not to be taken out of the estate of the ward where the guardian has squandered the estate. Let the party who brings the suit pay the cost.

Mr. MANN. But the Government is doing that as the guardian of the ward, and of course will take that out of the funds of the word. I take it, these suits would not be idly brought by the Government. The gentleman would not propose that if the Government endeavors to presecute the administrator in behalf of its ward, the expense of that should be put upon the State of Oklahoma or should be paid out of the National Treasury on the other hand?

Mr. BOOHER. No; if this stands as it is, the probate court has the discretion of charging the costs against the estate of

the ward, even though the ward wins the suit.

Mr. MANN. Courts usually have the power of adjudging costs, but they generally assess them against the defeated party. I think that is all this means. Sometimes the costs are divided.

Mr. BOOHER. Mr. Chairman, I move to amend by inserting, after the word "require," in line 22, page 3, the words "that no part of."

The CHAIRMAN. The gentleman from Missouri offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 3, line 22, after the word "require," insert the words "that no part of."

Mr. STEPHENS of Texas. Let me call the gentleman's attention to line 1, page 4, where it says, "As the probate court shall determine." That language, I think, will make the amendment of the gentleman unnecessary.

Mr. BOOHER. Well, I will move to strike it out when I get

to it. Mr. TURNBULL. Let me call the gentleman's attention to the fact that the whole matter is under the jurisdiction of the court, and what is the use of talking about costs if it is going to the courts of Oklahoma in this manner to be settled? Is not the question of cost settled there?

Mr. McGUIRE of Oklahoma. I think so. .
Mr. TURNBULL. It ought not to be here in this, and I do not think you can do it by this proceeding.

Mr. McGUIRE of Oklahoma. I will say the purpose of the paragraph is to protect the property of the Indian where suit has been brought as suggested by the gentleman from Illinois. I desire to say the committee considered this carefully.

Mr. MANN. I will suggest to the gentleman I do not quite see how the Government should proceed. Suppose the estate of a ward has been destroyed and so you bring suit against the administrator and cause the superintendent of the agency to investigate the matter and he finds suit ought to be brought, it is quite clear you can not expect the superintendent of the agency to pay the costs. It is quite clear the Treasury of the United States can not be compelled to pay the costs, because there is no law authorizing it. How will the Government proceed?

Mr. BOOHER. Let me say to the gentleman from Illinois this: If he brings suit in the interest of the ward and fails then the general law would charge the costs against the losing party, but under this if he brought suit and won, in the discretion of the court, the costs might be taxed against the ward.

Mr. MANN. I think the court usually ought to have that discretion. I imagine the cost should be taxed in any event against the estate where the estate has succeeded in its suit against the administrator.

Mr. BOOHER. Why is it necessary to have any provision in the bill at all about taxing costs?

Mr. MANN. Without it you could not commence suit.

Mr. BOOHER. Yes; you can.

The CHAIRMAN. The time of the gentleman has expired. Mr. FOSTER. Mr. Chairman, I ask unanimous consent that

the gentleman may have five minutes additional.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois? [After a pause.] The Chair hears none.

Mr. SAUNDERS. Mr. Chairman, with the permission of the gentleman from Missouri I desire to make a suggestion. This is not the case of ordinary litigants. In those cases the losing litigant would be taxed with the costs. In the case before us it is absolutely true that a functionary of the Government will take steps on behalf of a ward on the suggestion that some fiduciary has wasted the estate of the ward. If after the institution, and in the progress of the proceeding it is found that the fiduciary has not wasted the estate it would not be proper to tax any costs against the fiduciary. The functionary of the fax any costs against the fiduciary. The functionary of the Government who has acted in good faith, and sought to protect the estate of the ward by the institution of appropriate proceedings certainly should not be liable in costs. has made out a good case. He shows that he has not been at fault and has not wasted the estate of the ward, thereby relieving himself from any personal pecuniary responsibility. such a case the losing party can not be taxed, because the losing party happens to be the representative of the Government. Hence there is no one left to be taxed with costs in a personal The estate of the ward should carry the burden because the proceeding was in his interest. Otherwise who would pay these costs? The Government is certainly not compelled to pay them, and there is no general fund out of which these costs may be paid. In the case under consideration since it would be ascertained that there had been no waste on the part of the guardian, or the fiduciary, the costs properly should come out of the estate of the ward.

Mr. BOOHER. If the representative of the Government brings the suit in the interest of the ward, then the ward has

got two guardians working for him.

Mr. SAUNDERS. That may be.

Mr. BOOHER. If the representative of the Government loses his suit, then the costs will be taxed against the unsuccessful party, the ward, and paid out of his estate in the hands of his

guardian by order of the court.

Mr. SAUNDERS. Would you charge them against the func-

tionary of the Government?

Mr. BOOHER. If he is acting in his representative capacity. If we did not put in this provision the general-cost law of Oklahoma will apply, but with this provision in here, even though the representative of the Government should win in the suit. then, in the discretion of the court, costs might be taxed against the estate of the ward. If we strike that out, then costs will be taxed under the law of Oklahoma, and the losing party will pay the costs.

Mr. MANN. This does not change the existing law in reference to taxing costs at all, and when the costs are taxed he

has got to pay it.

Mr. BOOHER. The law of Oklahoma provides costs shall be taxed and collected.

Mr. MANN. Would the gentleman have the property of the ward sold?

Mr. BOOHER. No.

Mr. MANN. The law of the United States provides it can

not be sold, and how will you collect the taxes?

Mr. BOOHER. The guardian has already the money which is to the credit of the ward, and if the court finds there has been no misappropriation of the fund and judgment is rendered against the Government representative the guardian having the funds of the ward in his hands will be ordered by the court to pay the costs out of his estate. There is no trouble to get the cost if the court renders the proper judgment.

Mr. SAUNDERS. I suggest that in this particular case

there might be some difficulty unless the language of the bill A representative of the Federal Government is directed to take certain steps under certain contingencies. If it is ascertained that the guardian has not wasted any property of his ward, I do not know whether under the laws of Oklahoma there would be any authority in the court to provide that the costs should be paid out of the estate of the ward. Yet it is very clear that in such a case the estate of the ward should pay them. The proceeding was instituted in good faith in his

Mr. FERRIS. And I think it is fair to say that he should have the costs assessed against him if he should win.

Mr. SAUNDERS. I repeat that it is perfectly in such a state of facts the estate of the ward ought to pay the taxed

Mr. BOOHER. Well, Mr. Chairman, I insist upon the amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 3, line 22, after the word "require," insert the words "that no part of."

The CHAIRMAN. The question is on agreeing to the amend-

The question was taken, and the amendment was rejected.

Mr. FERRIS. Mr. Chairman, I move to strike out the last word, for the purpose of asking unanimous consent that the Clerk at the desk be instructed to strike out the word "probate" where it occurs in this section, because there is no probate court in Oklahoma. The county court has jurisdiction.

Mr. MANN, I doubt whether the gentleman wants to strike out "probate" wherever it occurs.
Mr. FERRIS. Wherever it refers to the probate court.

The CHAIRMAN. The gentleman from Oklahoma asks unanimous consent that where the words "probate court" appear they may be so changed in this bill as to read "county court." Is there objection?

There was no objection.

The Clerk read as follows:

SEC. 4. That nothing herein shall be construed as in any way changing the rights of the Osage Tribe in oil, gas, and other minerals as fixed in the Osage act of June 28, 1906, or in any manner be construed to change or amend the provisions of said act in regard to oil, gas, coal, or other minerals.

Mr. MANN. Mr. Chairman, I move to amend by inserting, in line 13, before the word "and" the word "coal," so it will read:

Oil, gas, coal, and other minerals.

The CHAIRMAN. Does the gentleman wish to be heard on his amendment?

The amendment has not yet been reported. Mr. MANN.

The CHAIRMAN. The Clerk will report the amendment.
Mr. STEPHENS of Texas. I accept the amendment on behalf of the committee.

The CHAIRMAN. The Clerk has not reported the amendment yet. The Clerk will read.

The Clerk read as follows:

Page 4, before the word "and," in line 13, insert the word "coal."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois [Mr. MANN].

The question was taken, and the amendment was agreed to. Mr. MANN. Mr. Chairman, I move to amend the section by striking out, in line 23, page 4, the words "register of deeds for Osage County" and insert in lieu thereof the words "Osage Agency," so as to get the vote of the House.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 4, line 23, strike out "register of deeds for" and insert "Osage

Mr. Chairman, I offer the amendment because I am perfectly willing to strike out this section. If the section is stricken out of the bill when passing the House it will go to conference, and I was afraid that the attention of the conferees might not be sufficiently called to it without having a vote of the House as to the ambiguity. It ought to be "register of deeds for Osage County."

Mr. FERRIS. I think the section ought to be left out. The more I think of it the more I recognize the wisdom of the gentleman from Illinois in regard to it. They do not allow the records to be kept free of inspection by anybody who desires to inspect them.

Mr. MANN. The Secretary of the Interior has repeatedly time and time again insisted upon the change being made in

this bill.

Mr. FERRIS. The Secretary has? Mr. MANN. Yes. Mr. FERRIS. I have no objection to it.

Mr. STEPHENS of Texas. I have no objection to the amend-

Mr. BURKE of South Dakota. I understand the gentleman from Illinois to say he is going to strike out the section. ought not to be in the law.

Mr. MANN. What I am afraid of is that it will be in the law when it becomes the law, with this objectionable provision in it, and when a man gets his alienation removed under the existing section we only have the benefit of one individual.

Mr. BURKE of South Dakota. I will add as objection to lines 21, 22, 23, and 24, as to the matter of public records being kept, it ought not to be in the law at all. No provision is made as to who is going to keep the record, who is going to pay the expense of having such a record kept, and so far as the Indians whose restrictions may have been removed, that can be ascertained from the agency by simply applying there.

Mr. MANN. It is perfectly apparent under the Senate provision if restrictions were removed from any Indian the order would never be filed in the office of the register of deeds until was to be used by somebody who had made the purchase.

Mr. BURKE of South Dakota. Undoubtedly.
Mr. MANN. And nobody could tell in advance how the public record would be kept at the Osage Agency.

Mr. BURKE of South Dakota. My objection to the section is that if an individual Indian has had land that is now restricted and he does not elect to have those restrictions removed, he ought not to have forced upon him a provision providing that the restrictions can arbitrarily be removed merely for the purpose of taxing the land.

Mr. MANN. I am quite willing to strike out the section. Mr. STEPHENS of Texas. Mr. Chairman, I accept the

amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois [Mr. Mann].

The question was taken, and the amendment was agreed to.

Mr. FERRIS. Now the committee amendment, Mr. Chair-

The CHAIRMAN. The question now is on the committee amendment, which is to strike out the section.

The question was taken, and the committee amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

The Clerk read as follows:

Sec. 6. That the Secretary of the Interior, in his discretion, hereby is authorized, under rules and regulations to be prescribed by him and upon application therefor, to turn over to Osage allottees, including the blind, crippled, aged, or helpless, all or part of the funds in the Treasury of the United States to their individual credit: Provided, That he shall be first satisfied of the competency of the allottee or that the release of said individual trust funds would be to the manifest best interests and welfare of the allottee: Provided further, That no trust funds of a minor or a person so afflicted as above mentioned, or an allottee non compos mentis shall be released and paid over except upon the appointment of a guardian and an order of the proper court and after the filling and approval by the court of a sufficient bond conditioned to faithfully administer the funds released and the avails thereof.

With a committee amendment, as follows:

Amend, line 1, page 5, by striking out the figure "6" and inserting the figure "5."

Mr. MANN. The Clerk does not need to read that. It is the duty of the engrossing clerk to change that.

The Clerk read the next committee amendment, as follows: Amend, lines 3 and 4, by striking out the words "turn over" and inserting the word "pay."

The CHAIRMAN. The question is on agreeing to the committee amendment.

The question was taken, and the amendment was agreed to. Mr. MANN. Mr. Chairman, I move to insert, in line 4, after the word "blind," the word "insane." The CHAIRMAN. The Clerk will report the amendment

offered by the gentleman from Illinois [Mr. MANN].

The Clerk read as follows:

Amend, line 4, by inserting after the word "blind" the word "insane"

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Illinois [Mr. MANN].

The question was taken, and the amendment was agreed to.

Mr. FOSTER. Mr. Chairman, I move to strike out the last word. I notice this provision says "aged." What does the gen-tleman from Illinois understand from the word "aged," in line 4? That is a peculiar term to me, and it is doubtful whether it means according to Dr. Osler's theory-60 years of age-or whether it means 85 years or 110 years. I do not know.

Mr. MANN. Of course, in this case I suppose they mean somebody so old that he has to have a guardian. At any rate they can not turn it over to him, but must turn it over to a

guardian. I do not think it belongs to this bill.

Mr. FOSTER. I should think it does not, because a man might be 85 years old and still be competent to spend his own

Move that the language be stricken out.

Mr. FOSTER. Mr. Chairman, I move to amend by striking out of line 4 the word "aged."

The CHAIRMAN. The Clerk will report the amendment of

the gentleman from Illinois [Mr. FOSTER].

The Clerk read as follows:

Amend by striking out of line 4 the word "aged."

Mr. MILLER. Mr. Chairman, I do not want to speak in opposition to it unless the gentleman desires me to before he proceeds, but I do want to speak on the amendment. That word is properly in the bill. The Indians have some peculiarities of their own, and in that respect they are different from the rest of us. One of them is that old people who become helpless and unable, by reason of senile disability or something of that kind, to handle themselves and acquire a livelihood are not treated by the other members of the tribe with the care and consideration which they ought to have, and they fall properly into that class described by the word "helpless," of which the blind, insane, and crippled are members. The aged among the Indians can properly be thus classified. I think the language of the bill is entirely appropriate and that class should be included.

Mr. MANN. If they are included in the word "helpless" it

would be unnecessary.

Mr. MILLER. The blind are helpless and the cripples are helpless, and if we enumerate the different classes who are

helpless we ought to enumerate as many as possible.

Mr. FOSTER. It occurs to me that one of the reasons why an aged man is not entitled to manage his own property is because he is incompetent from infirmities of mind or body due to age and not on account of age alone. Now, as to being crippled, an Indian might be crippled and yet perfectly competent to manage his own affairs. To my mind these terms here indicate very clearly that this bill has been drawn by somebody outside of Congress, possibly by some shrewd attorneys who are hanging around Washington pretending to help the Indians at so much per head, because I take it that Members of Congress and members of the Committee on Indian Affairs of the House, who are believed to be competent men-I would not say otherwise-would not have used this particular language. A bill coming over here from the other body has been passed without the careful scrutiny which this committee usually gives to legislation of this kind.

Now, we have seen, and it has been pointed out by the gentleman from Illinois [Mr. Mann], that there are many imperfections in this bill, and we see here now such imperfec-tions in enumerating the different kinds of afflictions that are here enumerated, among them the blind and the crippled and the aged and the helpless, on the theory that they are not competent to manage their affairs. And yet I do not believe that there is any member of this Committee on Indian Affairs that can give a good reason why this language is in the bill as

it is here now.

Now, we talk about a crippled person. As I said a moment ago, are you going to say that because a man has one arm cut off he is incompetent to manage his affairs, or if he has one foot cut off he is unable to manage his affairs, and that therefore you must take him into court and have a guardian appointed for him so as to manage his estate?

Mr. MILLER. Mr. Chairman-

Now, Mr. Chairman-Mr. FOSTER. Mr. MILLER.

I have been recognized.

No; I do not understand the gentleman has Mr. FOSTER.

been recognized. I think I am entitled to the floor.

Mr. CARTER. The gentleman thinks that because a man is

crippled and aged the bill declares him incompetent. It does not. It merely provides that in that case his funds must be turned over to the Secretary of the Interior. I think the gentleman will agree that that should be done.

Mr. MILLER. This is providing a way by which the funds of one of these classes may be taken care of for his use.

Mr. FOSTER. Mr. Chairman, who has the floor? I yielded it to the gentleman from Minnesota a moment ago.

Mr. MILLER. I think I have the floor.

The CHAIRMAN. To whom does the gentleman from Minnesota yield?

Mr. MILLER. I do not yield to anyone now. I want to make statement first.

Mr. FOSTER. I would like to know how the gentleman from Minnesota took me off the floor.

The CHAIRMAN. The gentleman from Illinois has never been on the floor except by unanimous consent.

Mr. FOSTER. I beg the Chair's pardon. I offered an amendment.

The CHAIRMAN. The gentleman did not rise to speak to it. Mr. FOSTER. I thought I did, and I permitted the gentleman from Minnesota to make an observation. But it is all

The CHAIRMAN. The Chair did not so understand. The

Chair recognizes the gentleman from Minnesota.

Mr. MILLER. Mr. Chairman, I do not think there will be any difficulty in letting everybody talk all they care to on this paragraph. What I want to say is what I undertook to say at the outset, and then I will let the gentleman from Illinois [Mr.

FOSTER] have all the time he wants.

I think there is a misunderstanding as to the amendment to this section. It does not say who are incompetent and who are not, but it does say that incompetents who have not had their restrictions removed, and therefore have not received their share of the property, and who belong to these classes, should have their funds taken care of by the Secretary of the Interior and used for their welfare as he sees fit.

Mr. BOOHER. Mr. Chairman, will the gentleman yield? Mr. MILLER. I said I would yield first to the gentleman

from Illinois [Mr. FOSTER].

Mr. FOSTER. I will take occasion to say what I have to say

later.

Mr. BOOHER. Further down in section 6 of the bill there is a proviso that persons so afflicted must have a guardian appointed before they can get their money. The words "so afflicted" would cover the crippled, blind, and aged. Such a person must have a guardian appointed before the Government can turn over to him his share of the money for his support.

Mr. MILLER. That is entirely true, and the gentleman from Missouri [Mr. Booher] will clearly see why it is so; that is, why Indians whose restrictions have not been removed, because they are not considered competent, must have a guardian ap-

The CHAIRMAN. The time of the gentleman from Minnesota

[Mr. MILLER] has expired.

Mr. BOOHER. I ask that the gentleman's time be extended two minutes, as I want to ask him a question.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. BOOHER. Why would a man who has lost an arm, or a finger, or a toe, or crippled in any manner have a guardian appointed in order to receive from the Government the money that the Government owes him?

Mr. MULLER. He does not need to have a guardian because of that affliction, but he needs to have a guardian by reason of

being incompetent.
Mr. BOOHER. 'says "so afflicted." The bill says "crippled and aged," and then

Mr. MILLER. But they would have to be otherwise incompetent.

Mr. BOOHER. The bill does not say so.

I wish to ask the gentleman from Minnesota Mr. KINDRED. a question. What does it cost to appoint a guardian in the State of Oklahoma, in a case that would require his appointment? Mr. MILLER. I am unable to answer the gentleman.

Mr. DAVENPORT. If the lawyer does not charge too much, the cost amounts to about \$10, provided the guardian can give a personal bond. If he gives a surety bond, that costs at the rate of about \$5 per annum per thousand, which is paid out of the estate.

Mr. KINDRED. But, after all, a man is at the mercy of his

Mr. DAVENPORT. No; because there are a great many people who are skilled in the preparing of probate papers.

Mr. KINDRED. I am not urging the point, but what would be the usual fee of an attorney?

Mr. DAVENPORT. It would probably be \$10 for preparing

the papers and securing the appointment.

Mr. KINDRED. Then the fees of the attorney and the court costs and clerk's fees, and so forth, would not exceed \$50? Mr. DAVENPORT. Oh, no. The court costs were included

in the \$10. Mr. KINDRED. The whole thing would not exceed \$25.

Mr. DAVENPORT. No, sir; it would not. The CHAIRMAN. The time of the gentleman from Minne-

Bota [Mr MILLER] has expired.

Mr. FOSTER. I desire to call the attention of the committee to the peculiar language in this bill. It is provided in section 5 that the Secretary of the Interior, in his discretion, is authorized to pay to the Osage allottees, including the blind, crippled, aged, insane, and helpless, all or part of the funds in the Treasury of the United States to their individual credit, and that he shall first be satisfied of the competency of the allottee.

Mr. STEPHENS of Texas. The gentleman is wrong.

Mr. FOSTER. It is provided that he shall first be satisfied of the competency of the allottee, or that the release of said individual trust funds would be to the manifest best interest and welfare of the allottee; that no trust funds of a minor or person so afflicted as above mentioned, or non compos mentis, shall be released or paid over except on the appointment of a guardian

Now, if an Indian is crippled, I suppose then it is a question whether he is entitled to manage his own funds, or whether they

shall be paid to his guardian. What is the intention?

Mr. STEPHENS of Texas. This only applies to aged, crippled, and insane Indians who are not permitted to use their own funds, which are in the hands of the Government, and who have nothing to live upon unless they derive from the Government, through Congress, the right to withdraw their funds for their use, and it says what this applies to. It does not authorize them to use those funds except through the direction of the Secretary of the Interior.

Mr. FOSTER. It is not necessary, then, for a guardian to

be appointed for a man simply because he is crippled?

Mr. STEPHENS of Texas. If the Secretary of the Interior Mr. STEPHENS of Texas. believes that the funds withdrawn for his support and maintenance would not be so used, then he has the right to require that a guardian be appointed.

Mr. FOSTER. And if an Indian is old, then they can not give

Mr. STEPHENS of Texas. If he is old, and needs it, and has the money in the Treasury to his credit, then this law permits him to withdraw it, so that he can use it to live upon.

Mr. SAUNDERS. But in the case of a crippled Indian, even though they were satisfied it was to his best interest, they still would have to appoint a guardian for him.

Mr. FOSTER. That is my understanding of it.

Mr. SAUNDERS. That is so. The language of the bill is

such that it is hard to understand.

Mr. MILLER. My attention has been called to a part of the last proviso with which I was not familiar. I am frank to say to the gentleman that he is correct. The bill can be corrected and made entirely proper, so as to remove the objection of the gentleman, by striking out in the second proviso after the word "minor," in line 10, the words "or a person so afflicted," as above mentioned, so that it will read:

That no trust funds of a minor or an allottee non compos mentis-

And so on. To other parties the Secretary of the Interior may pay the money direct.

Mr. FOSTER. I think that would improve it.

Mr. MANN. If the gentleman will permit me, I think the amendment suggested by the gentleman from Minnesota would not fully meet the case, because some of these people who were blind, crippled, aged, or helpless might be incompetent.

Mr. FOSTER. Certainly. Mr. MANN. The gentleman's amendment would only declare incompetent those who were minors or insane. amendment prepared which I think will meet the situation, and will submit it.

Mr. FOSTER. I am willing to withdraw my amendment and

let the gentleman submit his.

Mr. MANN. We have already inserted the word "insane" in the class of incompetents. My amendment is to strike out the words "so afflicted as" in the proviso, in line 11, and insert after the word "mentioned" the words "who is incompetent,' and then strike out the words "or an allottee non compos mentis," so that it would read:

Provided, That no trust funds of a minor or a person who is incompetent, as above mentioned, shall be released and paid over except upon the appointment of a guardian.

The gentleman will note that the provision is that before the Secretary can pay over the money he must find that the allottee is competent or he must find that he needs the money expended for his benefit. My amendment would leave it to the Secretary to pay the money, if he is competent, or if he is incompetent and still needs the money, it must be paid to the guardian.

Mr. McKENZIE. If the gentleman will permit me, I wish to

suggest that along the line of his proposed amendment if, after

the word "mentioned," in line 11, the words "adjudged to be incompetent" were inserted, it would cover the whole ground.

Mr. MANN. I will suggest to my colleague that it is the

Secretary of the Interior who ascertains whether the person is incompetent, and in addition to that there must be an adjudication of incompetency in order to obtain a guardian.

Mr. McKENZIE. In this case the Secretary renders the judgment. Some one has to judge the party competent or in-

Mr. FERRIS. Let me suggest that these people are incompetent, irrespective of any holding or judgment, because of the fact that they are of Indian blood and Indian allottees. This is a relief measure. Now, I want to inquire of the gentleman from Illinois what his amendment is. It is evident that there is some need of an amendment to this proviso.

The CHAIRMAN. The time of the gentleman from Illinois

has expired.

Mr. FOSTER. Mr. Chairman, I ask unanimous consent that

may have five minutes more.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent that his time be extended five minutes. Is there objection?

There was no objection.

Mr. MANN. Mr. Chairman, the bill already provides that the Secretary of the Interior, before he pays the money, must be satisfied of the competency of the allottee and that he needs the money. Now, my proposition is to put into juxtaposition the word "competency" and the word "incompetent" in the bill, and make it read:

Provided, That no trust fund of a minor or person above mentioned who is incompetent shall be released and paid over, except upon the appointment of a guardian.

Mr. FERRIS. Mr. Chairman, I do not know that I can make clear what is in my mind, but it seems to me that the amendment should be so formulated that it would leave it in the discretion of the Secretary of the Interior as to whether or not he should have any guardian. The expense of getting a guardian appointed and the administration upon the estate is an onerous one and an expensive one. I am not sure that in each and every case the Secretary ought to be compelled to have a guardian. It will make attorneys' fees and increase expenses. I am not sure that they ought to bear them.

Mr. MANN. The gentleman from Oklahoma would not say

that we ought to turn over money to an insane man?

Mr. FERRIS. No.

Mr. MANN. And he would not say that we ought to turn money over to a minor, although he may be in fact competent?

Mr. FERRIS. That is true.

Mr. MANN. And the gentleman would not say that we ought to turn the money over to anybody thoroughly incompetent, or shiftless, without the appointment of a guardian to control it. Now, under this language the Secretary is authorized to determine who is competent and who would be incompetent, and if these people are competent, although they may be blind and crippled and aged and helpless physically, they could have the money paid over to them, but if incompetent, as distinguished from competent, they would be mentally incompetent; they must

have a guardian.

Mr. FERRIS. I am in full accord with what the gentleman says. But it seems to me it ought to go further. It seems to me that between the annuity and the grass money payment in the intervals when no money is coming to them this could be dispensed to the aged, crippled, and demented Indians for little necessaries without going through the cumbersome routine of

applying to the probate court for a guardian.

Mr. MANN. This does not require him to do that, if he is satisfied as to the competency of the allottee.

Mr. FERRIS. But suppose he is incompetent?
Mr. MANN. This does not mean incompetent in reference to removing restrictions from alienation.

Mr. FERRIS. It might mean that.
Mr. MANN. No. This means the same thing as it does in section 3, where it clearly means competent to handle money and take care of himself.

Mr. FERRIS. I think the gentleman's amendment is good, but I think it would work better if the Secretary of the Interior were given discretion in all cases as to whether a guardian was

needed or not.

Mr. MANN. I think he is given that discretion absolutely.

Mr. FERRIS. I am not sure about that.

Mr. MANN. He has the discretion as to whether a guardian shall be appointed if he has the discretion as to whether he is needed or not.

Mr. FOSTER. Mr. Chairman, I made the motion to strike out the word "aged" because I thought some of these enumerated restrictions were undefinable. But so that my colleague may offer the amendment he has, which I believe will cure the whole matter, I will ask unanimous consent to withdraw my

The CHAIRMAN. Without objection, the amendment of the gentleman will be withdrawn.

There was no objection.

Mr. MANN. Now, Mr. Chairman, I move to amend lines 10 and 11, page 5, by striking out the words "so afflicted as" and inserting after the word "mentioned," in line 11, the words "who is incompetent." Also by striking out the words "or an allottee non compos mentis."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

In lines 10 and 11, page 5, strike out the words "so afflicted as," and insert after the word "mentioned," in line 11, the words "who is incompetent," and striking out the words "or an allottee non composements."

Mr. STEPHENS of Texas. Mr. Chairman, I have no objection to that amendment.

Mr. GOOD. Mr. Chairman, I want to call the attention of the gentleman from Illinois to section 9, where the word "competent" is defined. I will ask him if it would not be better if he added to his amendment the words "competent to handle the same," because his amendment would restrict the payment to those who had a certificate of alienation.

Mr. MANN. I will say that I think the word "competent," as defined in section 10, does not relate in any way to the word "incompetency" in section 3 of the bill. I discussed that a

while ago in the House.

In section 3 of the bill incompetency is left to be determined by the laws of the State of Oklahoma, but the word "competent" is defined in the bill, and only that one word. It means the removal of the restriction of alienation. The word "incomas used in section 3, relates to mental capacity.

Mr. GOOD. Mr. Chairman, I think the gentleman is right, but some department official may take a different view of that.

Mr. MANN. I was afraid of that, and I suggested that possibly we ought to change section 3, but that was not done. I think after the debate there would not be any trouble about it.

The CHAIRMAN. The question is on agreeing to the amend-

ment offered by the gentleman from Illinois.

The question was taken, and the amendment was agreed to. Mr. COOPER. Mr. Chairman, I move to strike out the last word. I would like to call the attention of the gentlemen of the Indian Committee to the language of that section. Line 4 of

section 5 provides that the money shall be paid "to the Osage allottees."

Mr. FERRIS. That is limited by two provisos.
Mr. COOPER. Yes; but the language I have just read is mandatory and provides that the money shall be paid to allottees. The second proviso says that it shall not be paid over except "upon the appointment" of a guardian; but it does not say it shall be paid to the guardian. Of course, it perhaps say it shall be paid to the guardian. Of course, it perhaps means that, but it is not a good use of language. The language first used is an express provision that it shall be paid to the allottees, and this says that it shall not be paid over except upon the appointment of a guardian and an order of the court, after the filing and approval by the court. I suggest that, to make that clear and specific, as it ought to be, we should strike out all after the word "over," in line 12, page 5, down to and including the word "court," in line 13, and insert the words "except upon an order of the proper court to a duly appointed guardian of such person." That would make it clear; and then I would amend further by inserting after the word "filing," in line 14, page 5, the words "by such guardian," so that that proviso would read:

* * shall not be released and paid over except upon an order of the proper court to a duly appointed guardian of such person and after the filing by such guardian and approval by the court of a sufficient bond, etc.

Mr. MANN. Will the gentleman yield for a question? Mr. COOPER. Mr. Chairman, I move to amend in that way. Mr. MANN. Before the gentleman offers his amendment, will he permit me to suggest that under the amendment which he proposes it would require an order of a proper court before any

money could be paid over?

Mr. COOPER. To the guardian.

Mr. MANN. But there is no authority to which the order can be directed. The Secretary of the Interior, who has the funds, is not subject to the order of the court, and in this case this section leaves it within the discretion of the Secretary of the Interior to pay it over to a guardian after the court has appointed the guardian; but the court can not order the Secretary of the Interior to pay it over, and I do not apprehend that the gentleman will want to require the Secretary to pay it over. Mr. COOPER. No.

Mr. MANN. As the section now stands the court must first appoint a guardian, who must give bond, which assumes that the person is incompetent, and then the Secretary of the Interior has the discretion to pay it over or not pay it over, but is not required to pay it over.

Mr. COOPER. I think the gentleman misapprehends the

force of what I was saying. The language is mandatory, in line

4, that he shall pay it over to the Osage allottees.

Mr. MANN. The gentleman will notice the language:

That the Secretary of the Interior, in his discretion, hereby is authorized, under rules and regulations to be prescribed by him and upon application therefor, to pay to Osage allottees, etc.

Mr. COOPER. Just one moment. It provides that the Secretary of the Interior is, in his discretion, authorized, upon such terms and regulations as may be prescribed by him, and so forth, to pay "to the Osage allottees." He is authorized to pay to the allottees and to nobody else. The second proviso is that no trust funds, and so forth, shall be released and paid over, except upon the appointment of a guardian and an order of the proper court, after the filing and approval by the court.
Mr. MANN. I think the language is not very good.

Mr. COOPER. I was suggesting that the language is not at

Mr. BURKE of South Dakota. Mr. Chairman, will the gentleman yield?

Mr. COOPER. Certainly.

Mr. BURKE of South Dakota. I call the gentleman's attention to the part of the bill in line 4 which he is discussing, that the Secretary of the Interior in his discretion is authorized, upon application, to pay to any Osage allottees the money in the Treasury, provided that he shall first be satisfied of the competency of the allottee, or that the release of said individual trust funds would be for the manifest best interest and welfare of the allottee. It then provides that he may pay to a class, which is described—the blind, the insane, the crippled, the aged, or the helpless-and the last proviso is to the effect that if that class or any of them be incompetent, the money shall be paid to a guardian. I think the gentleman was laboring under a misapprehension as to what this section does. The section authorizes the Secretary, if he deems the allottee to be competent, to pay him the money. There is no guardian about it.

Mr. COOPER. My objection was that the proviso is that it shall not be paid over except "upon the appointment of a guardian," and so forth.

Mr. BURKE of South Dakota. That is to this helpless class. Mr. COOPER. But it should be, "Shall not be paid over except to a duly appointed guardian," and so forth.

Mr. MANN. I think the gentleman is right about that.

Mr. COOPER. Of course I am.

Mr. BURKE of South Dakota. The court could not order the Secretary of the Interior to pay money to anybody.

Mr. COOPER. No; but the point I make is this—
The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

Mr. AKIN of New York. Mr. Chairman, I move to strike out

the last two words.

The CHAIRMAN. The gentleman from New York moves to

strike out the last two words.

Mr. AKIN of New York. Mr. Chairman, the gentleman from Illinois [Mr. Foster] made some mention here in regard to a firm of shrewd lawyers who were interested in this bill. I propose to read here to show something about these people and how they got this bill up:

Senate bill No. 2 was drawn by the firm of Kappler & Merillat, attorneys for the Osage Nation. Under the terms of their contract with the nation they agreed to protect and conserve the rights of the Osage Nation of Indians in their tribal rolls, lands, and funds. They have appeared before the Senate Indian Committees in advocacy of this bill, notwithstanding the fact that it seeks to render taxable the homesteads immediately upon the death of the allottee, and notwithstanding the further fact it seeks to place the entire full-blood element within the control of the local probate court.

Attached is a statement of the fact shown by the

Attached is a statement of the facts shown by the records in connection with the employment of this firm by the Osage Nation:

Nation:

As an illustration of the reckless and indiscriminate manner in which the department gives its approval to contracts secured by certain attorneys with Indian officials, the separate contracts approved by the department with the firm of Kappler & Merillat, consisting of Charles J. Kappler and Charles Merillat, with the Osage Tribe of Indians, may be cited. This firm of attorneys maintain offices at the city of Washington, and were until within the last four years, when they secured their first contracts with Indian tribes, a comparatively obscure and unknown firm of attorneys. Up until March 4, 1906, Charles J. Kappler had never attempted to practice law, but had for several years theretofore held the position of cierk to the Senate Committee on Indian Affairs, which position he held during the period that ex-Senator Stewart, of Nevada, was chairman of that committee. Up until about the same time Charles H. Merillat was a reporter for the Associated Press, and had never previously had any experience in the practice of the law. On April 11, 1908, these two gentlemen, having

theretofore associated themselves together in the practice of law in the city of Washington, D. C., secured a contract from the principal chief of the Osage Nation—

Mr. MILLER. Mr. Chairman, the communication which the gentleman is reading is of the utmost interest to many of us— I know it is to myself-and I can not hear it. I wish the gen-

tleman would read it a little louder.

Mr. AKIN of New York. I am trying to get it all in. I do not care much whether the gentleman hears it or not

[laughter]-

Aff. ARIN of New York. I am trying to get it all in. I do not care much whether the gentleman hears it or not [laughter]—

to represent said Osage Nation before the executive departments and the Congress of the United States at Washington, the courts of the United States, and elsewhere, if necessary, as attorneys for said nation for the sole purpose of protecting and conserving the rights of said Osage Nation of Indians in their tribal rolls, lands, and funds. * * The compensation provided by said contract was \$5,000 per annum and expenses. Under this contract this firm of attorneys have devoted not to exceed 60 days per annum to such business of the Osage Tribe of Indians as they deemed within the terms of their contract. At the same time they were operating under this national contract which was approved by Secretary Garield on May 6, 1908 (said contract and others hereafter referred to appearing in H. Rept. No. 2273, 61st Cong., 2d sess., vol. 2, pp. 2299 to 1303, inclusive), they accepted employment from individual members of the tribe, making a separate charge against the individuals for the services rendered them in Washington before the department in all matters pertaining to their individual allotments. When an Indian who had theretofore been deemed an incompetent applied to the Secretary for a certificate of competency, this firm of attorneys secured, in some instances by solicitation, employment to represent the Indian before the department. When the certificate was issued, this firm of attorneys wired the information to certain individuals who were engaged in the business of purchasing Indian lands, apprising those persons of the fact that the certificate of competency had been issued and that the Indian could then make a valid conveyance of his land. For this information they received from \$500 to \$500 per case.

On April 15, 1908, this same firm of attorneys entered into another contract with the Osage Indians, by which they agreed to prosecute for the Indians against the Government a claim commonl

The CHAIRMAN. The time of the gentleman has expired. Mr. MILLER. Mr. Chairman, I move that the gentleman's time be extended one minute in order that I may ask a question. I thought the gentleman had finished. I ask unanimous consent that the time of the gentleman be extended until he has

opportunity to read what he has, say, for five minutes.

The CHAIRMAN. The gentleman from Minnesota asks unanimous consent that the time of the gentleman may be extended for five minutes. Is there objection? [After a pause.]

Chair hears none.

Mr. AKIN of New York. Of course, gentlemen, you can not work any Fowler arrangement or horse me a bit. I am going to read the paper, and I do not know whether I will answer any

questions when I get through:

questions when I get through:

It will be observed that from a fair construction of the contracts providing for the annual employment of this firm they were required to do and perform all the services specially provided for in their separate special contracts. It thus appears that, by the action of the department, the attorneys holding contracts which had been approved by the department and which are therefore binding in law against the Indians have been and are now permitted by fine distinction as to the services to be rendered under their annual contract to mulet the wards of the Government and at the same time take from their own clients many thousands of dollars.

Thousands of lawyers of at least equal standing to the firm of Kappler & Merillat, and of far greater experience in actual practice, can be found who would devote their undivided time and attention to the affairs of these Indians, protecting them against all claims asserted against the nation of every kind and description, and prosecuting all claims of the tribes against the Government or any individual for an annual compensation equal to the amount provided in the annual contract held by these attorneys.

Mr. MHLLER, Mr. Chairman, the gentleman has read to our

Mr. MHLER. Mr. Chairman, the gentleman has read to our great gratification and edification a communication, and I think we are entitled to know who is the author of the communication. and in order that the record might be complete and that it might have its full weight and strength with the membership of the House I will ask the gentleman if he will kindly give us the author of the communication.

Mr. AKIN of New York. I will tell the gentleman plainly it is not any of his affairs. I have a right to read it, and I have read it, and if the gentleman wants to he can have it

expunged from the RECORD.

Mr. MILLER. Is the gentleman ready and willing to state to the membership of the House, upon his authority as a Member and upon his responsibility as a Member, that the statements therein contained are true?

Mr. AKIN of New York. Oh, no; I do not say they are true. Mr. MILLER. Then I call the gentleman's attention to the fact it is questionable whether any Member of the House, in my judgment, ought to put upon the record of the House an attack like that upon two gentlemen whom I only casually know

And the Secretary of the Interior.

Mr. MILLER. And the Secretary of the Interior, unless he is willing to vouch and stand for the statement therein made or reveal the name of the author. I think it ought to be stricken from the Record, unless the gentleman is willing to tell us who wrote the communication.

Mr. AKIN of New York. I know I have had other matters stricken from the RECORD, but I am not going to strike anything

more, I will tell you that plainly.

Mr. MILLER. How about the House?

Mr. AKIN of New York. If the House does not want what I read before the House, they can take it out of the RECORD. will not take it out.

Mr. CARTER. What is that worth to the House if the gentleman will not stand sponsor for it and refuses to give the author? I do not think I have heard of a case exactly like this since I have been a Member of the House. We would be very glad to know who the author is, so as to give the statement proper credence.

Mr. AKIN of New York. Why should you know who the

author is?

Mr. CARTER. Because it enables me to tell whether to be-

lieve him or not.

Mr. AKIN of New York. You can go to the department and find out whether it is so or not-whether these people have been connected in the way in which I read.

Mr. CARTER. If the gentleman did not take that precaution himself before he brought in here charges against the Secretary of the Interior, who represents his own party, he should not expect me to do so.

Mr. AKIN of New York. I have not done that; I have simply

read this statement here.

Mr. CARTER. You have not read any statement of your own to a certainty.

Mr. AKIN of New York. I know that.

Mr. CARTER. Then whose statement have you read?

Mr. AKIN of New York. That is something that you will

have to find out.

Mr. CARTER. I think we know.
Mr. COOPER. Mr. Chairman, I move to strike out the last

word. I desire to offer the following amendment.

The CHAIRMAN. Without objection, the pro forma amendment will be considered as withdrawn.

There was no objection.

The CHAIRMAN. The Clerk will report the amendment. The Clerk read as follows:

Strike out all after the word "over," in line 12, on page 5, down to and including the word "court," in line 13, and insert the words "except to a guardian of such person duly appointed by the proper court." Amend further by inserting after the word "filing," on page 5, the words "by such guardian."

Mr. SAUNDERS. Mr. Chairman, will the gentleman allow me to make a suggestion? This matter, as the result of other amendments, has been reduced to an appointment for incompetency, either the result of infancy or otherwise. While the word "guardian" as the fiduciary does not apply to every form of incompetent, ought not you to say "guardian or committee"?

Mr. COOPER. Well, we have a guardian for all sorts of incompetents in Wisconsin.

Mr. SAUNDERS. Well, if that is true in other jurisdictions, the word "committee" applies to everything except guardians for infants. Of course if that is the legal proper phrase I have

for infants. Of course if that is the legal proper phrase I have nothing to suggest.

Mr. COOPER. I offer this amendment in order to have the language accurate. The second proviso would then read that no trust funds shall be released and paid over except to a guardian of such person duly appointed by a proper court. Gentlemen will observe that the bill provides that trust funds shall not be paid over except "upon the appointment of a guardian and the order of a proper court," and so forth.

Mr. STEPHENS of Texas. Mr. Chalman, I will account the

Mr. STEPHENS of Texas. Mr. Chairman, I will accept the

amendment.

The question was taken, and the amendment was agreed to. The CHAIRMAN. The Clerk will report the second amendment.

The Clerk read as follows:

Amend further by inserting, after the word "filing," in line 14, on page 5, the words "by such guardian."

Mr. COOPER. The second amendment is to be inserted after the word "filing," in line 14, page 5, of the words "by such guardian," and reads, "after the filing by such guardian and approval by the court," and so forth.

Mr. STEPHENS of Texas. Mr. Chairman, I also accept that

The question was taken, and the amendment was agreed to. The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

The CHerk read as follows:

SEC. 7. That from and after the approval of this act the lands of deceased Osage allottees, unless the heirs desire to and can agree as to partition of the same, may be partitioned or sold upon proper order of the county court of Osage County, State of Oklahoma, in accordance with the laws of the State of Oklahoma: Provided, That no partition or sale of the restricted lands of a deceased Osage allottee shall be valid until approved by the Secretary of the Interior. Where some of the heirs are minors, the county court may appoint a guardian for said minors in the matter of said partition, and partition of said land shall be valid when approved by the county court and the Secretary of the Interior. When the heirs of such deceased allottees have certificates of competency or are not members of the tribe, the restrictions on allenation are hereby removed. If some of the heirs are competent and others have not certificates of competency, the proceeds of such part of the sale as the competent heirs shall be entitled to shall be turned over to them without the intervention of an administrator. The shares due minor heirs, including such Indian heirs as may not be tribal members and those Indian heirs not having certificates of competency, shall be turned into the Treasury of the United States and placed to the credit of the Indians upon the same conditions as attach to segregated shares of the Osage national fund, or paid to the duly appointed guardian, or be disbursed in such manner and to such extent as the Secretary of the Interior may determine. The same disposition as herein provided for with reference to the proceeds of inherited lands sold shall be made of the money in the Treasury of the United States to the credit of deceased Osage allottees.

The CHAIRMAN. The Clerk will read the first committee

The CHAIRMAN. The Clerk will read the first committee amendment to that section.

The Clerk read the following committee amendment:

On page 6, line 1, strike out the word "may" and insert in lieu thereof the word "shall."

The CHAIRMAN. The question is on agreeing to the committee amendment.

The question was taken, and the amendment was agreed to.

The CHAIRMAN. The Clerk will read the next committee amendment.

The Clerk read as follows:

On page 6, line 10, strike out the words "turned over" and insert in lieu thereof the word "paid."

The CHAIRMAN. The question is on agreeing to the committee amendment.

The question was taken, and the amendment was agreed to. The CHAIRMAN. The Clerk will read the next committee amendment.

The Clerk read as follows:

On page 6, line 14, strike out the word "turned" and insert in lieu thereof the word "paid."

The CHAIRMAN. The question is on agreeing to the committee amendment.

The question was taken, and the amendment was agreed to. The CHAIRMAN. The Clerk will read the next committee amendment.

The Clerk read as follows:

On page 6, line 17, strike out the comma and the words "or be," at the end of the line, and also all of line 18 and that part of line 19 down to and including the word "determine."

The CHAIRMAN. The question is on agreeing to the committee amendment.

The question was taken, and the amendment was agreed to. Mr. MANN. Mr. Chairman, I move to amend, on page 5, lines 20 and 21, by striking out the words "the county court of Osage County, State of Oklahoma," and inserting in lieu thereof the words "any court of competent jurisdiction."

Mr. STEPHENS of Texas. Mr. Chairman, I have no objective the county of the count

tion to that.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 5, lines 20 and 21, strike out the words "the county court of sage County, State of Oklahoma," and insert in lieu thereof the words any court of competent jurisdiction."

Mr. FOSTER. Mr. Chairman, I would like to ask my colleague, Mr. Mann, a question: Does he intend to strike out "the State of Oklahoma" and make it just a court of competent jurisdiction?

Mr. MANN. The court, necessarily, in making the partition would be a court of the State of Oklahoma.

Mr. STEPHENS of Texas. I accept the amendment.

The CHAIRMAN. The question is on agreeing to the amend-

ment offered by the gentleman from Illinois [Mr. MANN]

The question was taken, and the amendment was agreed to.

Mr. MANN. Mr. Chairman, I move to insert, on page 6, line after the word "guardian," the words "ad litem."
Mr. STEPHENS of Texas. I have no objection to that, Mr.

Chairman

The CHAIRMAN. The Clerk will report the amendment of the gentleman from Illinois [Mr. MANN].

The Clerk read as follows:

On page 6, line 2, after the word "guardian," insert the words "ad litem."

The CHAIRMAN. The question is on agreeing to the amendment of the gentleman from Illinois [Mr. MANN].

The question was taken, and the amendment was agreed to.

Mr. MANN. Mr. Chairman, I move to insert, in line 12, after the word "such," the word "minor."
Mr. STEPHENS of Texas. I accept that amendment also.
The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Illinois [Mr. Mann].

The Clerk read as follows:

On page 6, line 12, after the word "such," insert the word "minor." The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Illinois [Mr. MANN].

The question was taken, and the amendment was agreed to. Mr. MANN. Mr. Chairman, I move to insert, in line 17, after the word "or," the words "with the approval of the Secretary of the Interior."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

On page 6, line 7, after the word "or," the third word in the line, insert the words "with the approval of the Secretary of the Interior."

Mr. MILLER. Mr. Chairman, I do not quite see the reason or the purpose of that. Will the gentleman from Illinois ex-

Mr. MANN. Mr. Chairman, as the bill now reads it requires the Secretary of the Interior to pay over money to a duly appointed guardian. As I have offered it, it would leave it within the discretion of the Secretary—an amendment, by the way, which the Secretary has repeatedly suggested—and it seems to me he ought to have that authority, so that if they do have some guardian appointed down there who ought not to be a guardian he can not require the payment of the money to him.

Mr. STEPHENS of Texas. That would permit the Secretary

of the Interior to pass upon the validity of the duly elected

officers of the State of Oklahoma, would it?

Mr. MANN. Oh, not at all. It would permit the Secretary of the Interior to say whether the money ought to be paid over or not.

Mr. STEPHENS of Texas. It does not have that application?

Mr. MANN. Not at all. Mr. STEPHENS of Texas. Then I have no objection to it. The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Illinois [Mr. MANN].

The question was taken, and the amendment was agreed to. The question was taken, and the amendment was agreed to.

Mr. GOOD. Mr. Chairman, I desire to strike out, on page 5,
line 18, the words "desire to," at the end of the line; and on
line 19 to strike out the words "and can," at the beginning of
the line, and to strike out the word "as," after the word
"agree." Strike out, also, the word "of," after the word "partition," and insert after the word "same" the words "such
lands," so that it will read, "That from and after the approval
of this act the lands of deceased Osage alloftees, unless the of this act the lands of deceased Osage allottees, unless the heirs agree to the partition of the same, such lands may be partitioned."

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Iowa [Mr. Good].

The Clerk read as follows:

On page 5, line 18, strike out the words "desire to," at the end of the line; on line 19 strike out the words "and can," at the beginning of the line, and strike out the word "as," after the word "agree," and strike out the word "of," after the word "partitlon," and insert after the word "same" the words "such lands."

Mr. GOOD. Mr. Chairman, I have offered these amendments just to make the language intelligible.

Mr. MANN. I suggest to the gentleman that the language such lands" is not needed.

Mr. GOOD. The gentleman is right about that. I will ask unanimous consent, Mr. Chairman, to modify the amendment to that extent

Mr. STEPHENS of Texas. I agree to the amendment with that modification.

Mr. MURDOCK. Mr. Chairman, will the gentleman from Iowa explain why he struck out the words "desire to"? Mr. GOOD. Some of them may desire to. "Desire to" and "can" are the words of the bill. Mr. MANN. It is a legal fiction. Mr. GOOD. Yes. It balances the bill. Mr. MURDOCK. Mr. Chairman, will the gentleman from

Mr. FERRIS. An agreement is the result of a desire? Mr. GOOD. Yes.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Iowa [Mr. Good].

The question was taken, and the amendment was agreed to. Mr. NORRIS. On page 6, line 1, I move to strike out the word "county" and insert in lieu thereof the word "said."

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Nebraska.

The Clerk read as follows:

On page 6, line 1, strike out the word "county" and insert in lieu thereof the word "said."

Mr. STEPHENS of Texas. I accept that amendment, Mr. Chairman.

Mr. NORRIS. The object of this amendment is to give legal effect to the language. We have already provided that this guardian shall be a guardian ad litem. Such a guardian must always be appointed by the court in which the proceeding is

The question being taken, the amendment was agreed to.

Mr. NORRIS. Mr. Chairman, on page 6, in line 4, I move to strike out the word "county."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

On page 6, in line 4, strike out the word "county."

Mr. STEPHENS of Texas. I accept that amendment also, Mr. Chairman.

The question being taken, the amendment was agreed to. The Clerk read as follows:

The Clerk read as follows:

Sec. 8. That the lands allotted to members of the Osage Tribe shall not in any manner whatsoever, or at any time heretofore or hereafter, be encumbered, taken, or sold to secure or satisfy any debt or obligation contracted or incurred prior to the issuance of a certificate of competency, or removal of restrictions on alienation; nor shall the lands or funds of Osage tribal members be subject to any claim against the same arising prior to grant of a certificate of competency. That no lands or moneys inherited from Osage allottees shall be subject to or be taken or sold to secure the payment of any indebtedness incurred by such heir prior to the time such lands and moneys are turned over to such heirs: Provided, however, That inherited moneys shall be liable for funeral expenses and expenses of last illness of deceased Osage allottees, to be paid upon order of the Secretary of the Interior.

The Clerk read the following committee amendment:

The Clerk read the following committee amendment:

On page 6, in line 24, strike out the comma and the words "or at any," and, on page 7, in line 1, strike out the words "time heretofore or hereafter."

The committee amendment was agreed to.

The Clerk read the following committee amendment:

On page 7, in line 10, strike out the words "turned over" and insert the word "paid."

Mr. MANN. That amendment ought to be disagreed to. The question being taken, the amendment was rejected. The Clerk rend the following committee amendment:

On page 7, in line 14, strike out the words "Secretary of the Interior" and insert the words "county court of Osage County, State of Oklahoma: Provided further, That nothing herein shall be construed so as to exempt any such property from liability for taxes."

Mr. MURDOCK. Mr. Chairman, I should like to ask the gentleman in charge of the bill something about this proviso. What is the significance of the proviso:

Provided further, That nothing herein shall be construed so as to exempt any such property for liability for taxes?

I should like to ask some gentleman on the committee, Does this proviso reach those children who were born after July 1, 1907, who have received no allotment and who are not par-

The point I want to make is, in the event of the death of an Indian, and his allotment passing to heirs, is the land of a child born after July 1, 1907, who is not a participant in the fund in the Treasury and has no allotment of his own, sold for taxes under this bill? I will ask the gentleman from Okla-

home [Mr. McGuire]? Mr. McGUIRE of Oklahoma. The child, of course, inherits under the laws of Oklahoma, just the same as if he were of white blood. Now, under the provisions of this proposed bill, in case the child's parents had had the restrictions removed, the land would be taxable. But this takes the precaution to require that the Secretary of the Interior shall pay the taxes, whereas under the present law there is absolutely no protection, and the land will have to take its chances.

the land will have to take its chances.

Mr. MURDOCK. In an ordinary case down there will the

Secretary of the Treasury have money in the fund to pay the taxes on land owned by a child born since July 1, 1907?

Mr. McGUIRE of Oklahoma. It would depend on what the estate amounted to. There is something like \$5,000 due every man, woman, and child born previous to July 1, 1907, so the minors born since July 1, 1907, would inherit their share of the money, as well as the land.

* Mr. MANN. I suggest to the gentleman from Kansas that the

provision of the bill is that the taxes shall be paid out of the segregated decedent's funds in the Treasury. It is not the money which may belong to the child which is used in paying the taxes; so that in the case of a child born subsequent to the enumeration, who is not entitled to a portion of the fund, the bill provides that the taxes shall be paid out of the funds of the decedent, and not out of the funds of the child.

Mr. MURDOCK. Out of the estate.

Mr. MANN. Out of the estate. Mr. MURDOCK. Then this unallotted child is protected in the bill?

Mr. McGUIRE of Oklahoma. He is.
Mr. MANN. His taxes would be paid if his ancestor had any
money in the Treasury.
Mr. FERRIS. He could not be protected any further than

that.

The question being taken, the amendment was agreed to.

The Clerk read as follows:

SEC. 9. That any adult member of the Osage Tribe of Indians may dispose of any or all of his estate, real, personal, or mixed, including trust funds, from which restrictions as to allenation have not been removed, by will, in accordance with the laws of the State of Oklahoma: Provided, That no such will shall be admitted to probate or have any validity unless approved by the Secretary of the Interior.

The Clerk read the following committee amendment:

On page 7, in line 24, after the word "approved," insert the words "before or after the death of the testator."

Mr. MANN. Mr. Chairman, I should like to inquire just what

is the reason for this amendment?

Mr. BURKE of South Dakota. Mr. Chairman, I will say to the gentleman that the purpose of the amendment is to settle the gentleman that the purpose of the amendment is to settle beyond any question that it may be approved either before or after the death of the testator. We have a general provision of law permitting Indians to make wills. There was some question as to whether the approval of the will would be valid if made after the death of the testator, so we passed a bill recently amending it. However, it was decided, I think, by the Interior Department that the Secretary had the right to approve either before or after. In this bill it was thought wise to make it definite. For instance, an Indian might make a will and die before the will would be received by the Secretary of the Interior. If the approval had to be in the lifetime of the testator it could not be approved after his death, so we changed the state it could not be approved after his death, so we changed the law so there could be no question about it.

Mr. FERRIS. We have just passed through this House a bill doing the same thing for everything on the west side of

the State of Oklahoma.

Mr. BURKE of South Dakota. The law providing that Indians can make wills, passed in 1910, was amended, as I have already stated, by a bill which passed this House on the unanimous-consent day before the last one, and that bill includes this provision.

Mr. MANN. I do not remember exactly the situation, but I remember that when a bill of this kind was originally introduced, either in this body or in the Senate, it had a provision in it that it must be approved by the Secretary of the Interior within a year, or that it must be probated within a year and approved by the Secretary, and I know that the Secretary made some objection to that limitation.

Mr. BURKE of South Dakota. I think there was a sugges-

tion that the Secretary of the Interior ought to have two years within which to disapprove a will, and we limited it to one

year. man from South Dakota a question; will the gentleman from Illinois yield?

Mr. MANN. Certainly

Mr. COOPER. I would like to ask if that would permit an

Mr. COOPER. I would like to ask if that would permit an adult Osage Indian under guardianship to make a will? It says "any member of the Osage Tribe of Indians."

Mr. BURKE of South Dakota. The intention is to allow any Indian to do so subject to the approval of the Secretary of the Interior. I do not imagine that the Secretary would permit such an Indian as you mention to make a will, at least he would not approve such a will.

Mr. MANN. An insane man can make a will.

Mr. BURKE of South Dakota. He can make a will, but it might not be approved.

Mr. COOPER. There is nothing on the face of the will by which the Secretary of the Interior can determine whether the testator is insane. I do not suppose his investigation would include anything that would not appear on the face of the will.

Mr. MANN. Oh, yes; he investigates every case. Mr. Chairman, I find the memoranda that I was looking for. I see that this has been changed to comply with the suggestion. This is a report from the Secretary of the Interior in relation to a similar bill. He says:

Section 11 permits adult members of the Osage Tribe to whom no certificate of competency has been issued to dispose of his estate by will.

Such a provision seems entirely proper, but I suggest that, after the word "will," in line 1, page S, there be inserted the words "shall be admitted to probate or," and that the words "within one year from and after the death of the allottee," in lines 2 and 3, page 8, be omitted. The proviso would then read: "That no such will shall be admitted to probate or shall have validity unless approved by the Secretary of the Interior." It would be dangerous to prescribe a time limit within which such approval of the Secretary shall be given.

That was evidently changed in the Senate. The CHAIRMAN. The question is on the amendment.

The amendment was considered and agreed to.

Mr. NORRIS. Mr. Chairman, I move to strike out the last because I want to pursue a little further the question asked by the gentleman from Wisconsin. As I understand it, there are at least two classes of these Indians, competent and incompetent, and it is not the intention of those who favor this legislation to permit those to whom the certificate of competency has not been issued to convey their estate. They must They must be competent before they would be allowed to do that, and yet this section would permit an incompetent person to convey by will the property that he would not have any legal right to convey by deed. Is that true?

Mr. BURKE of South Dakota. What does the gentleman mean by the term "incompetent"?

Mr. NORRIS. One to whom a certificate of competency has

not been issued.

Mr. BURKE of South Dakota. I think the gentleman means by the term "competent" an Indian as we consider the word "competent." We can not legislate and provide what that Indian may do. He is as free to act as any other citizen of the United States.

Mr. NORRIS. Exactly.

Mr. BURKE of South Dakota. The purpose of this provision is to permit an incompetent Indian to make a will the same as you or I might do, and it would not be proper to permit an Indian to make a will without requiring some authority to approve or disapprove of it, and consequently we provide that a will shall have no effect at all until it is approved by the Secretary of the Interior.

Mr. NORRIS. Why, then, would it not be logical to provide that such a person, one to whom a certificate of competency has not been issued, should only make a deed subject to the ap-

proval of the Secretary?

Mr. BURKE of South Dakota. That is quite a different

Mr. NORRIS. It conveys the same property.

Mr. BURKE of South Dakota. It is an entirely different proposition. I think the gentleman will appreciate that an Indian will be actuated by exactly the same motives that any other man might be actuated by.

Mr. NORRIS. I presume so.

Mr. BURKE of South Dakota. For instance, an Indian who has four children, two of whom were born before the allot-ments were made and who are allotted land, and he has two born thereafter that have no land. The Indian father has his allotment, and upon his death, under the law, his estate would be distributed in accordance with the law of descent in the State in which the Indian resides. That parent, as the gentleman might do, desires to give this land which he has to the two children who are without land, and therefore he ought to have the right to elect to give his allotment to the two children and not leave any part of it to the other two. And, as I said a while ago, somebody ought to supervise his acts, and therefore we say that it shall be subject to the approval of the Secretary of the Interior.

Mr. NORRIS. I can not see any reason why we should provide that a certain class of Indians shall not be allowed to convey their property by deed and still provide that the same Indian may convey the same property by will. It does not seem to me that it is done in any State in the Union or in any civilized country in the world. If a man is insane or incompetent to such an extent that he can not convey real estate, he can not convey it by will. In the case the gentleman puts he is assuming that the man or the Indian is competent to decide the very question that is at issue. We might take a different case, If a man were incompetent, insane, or something of that sort, you would not permit him to dispose of his property. If he was weak minded, some one might work on his weakness and would be able to get him to convey by will something that you have guarded in the law that shall not do by deed.

Mr. McGUIRE of Oklahoma. Will the gentleman yield?

Mr. NORRIS. Certainly. Mr. McGUIRE of Oklahoma. The gentleman from South Carolina stated the case exactly as it is and gave the reasons for this provision of the bill. This is a question that was gone over very thoroughly and discussed in the council who largely framed this bill.

Mr. NORRIS. By council the gentleman means the Osage council.

Mr. McGUIRE of Oklahoma. Yes; but here are the children born since 1907, and they were not allotted.

Mr. NORRIS. Let me interrupt the gentleman there, the gentleman from South Dakota referred to that, and I wanted to refer to it but forgot it.

Mr. McGUIRE of Oklahoma. I wanted to enlarge a little on it.

Mr. NORRIS. The gentleman can do it later. The assumption of the gentleman is that these Indians, incompetent Indians, would take heir in the kind of a case they provide for. The probabilities are that the gentleman is mistaken. If we want to take care of these cases, and I would be very glad to do want to take care of these cases, and I would be very glad to do so if there is any proper way to do it, we ought to do it by law. Let us provide how the property shall descend, to cover that class of cases. Gentlemen themselves must admit that they will not be able to cover all of the cases.

Mr. BURKE of South Dakota. Mr. Chairman, will the gentle-

man yield for a moment?

Mr. NORRIS. The gentleman from Oklahoma [Mr. Mc-Guire] was not quite through. I will yield to the gentleman later.

Mr. McGUIRE of Oklahoma. Mr. Chairman, I was simply going to state that this paragraph was intended to reach all cases where the children have no interest in the money now in the Treasury of the United States, and no interest in the allotments, except by inheritance.

Mr. NORRIS. Does the gentleman think he will cover that?

Mr. NORRIS.

Mr. McGUIRE of Oklahoma. Yes; in this way-

Mr. NORRIS. How does the gentleman know that the incompetent man is going to provide for those children? Why not provide by law that the property shall descend in that way, rather than to leave it to a man whom the law itself says is incompetent?

The CHAIRMAN. The time of the gentleman from Nebraska

has expired.

Mr. McGUIRE of Oklahoma. Mr. Chairman, I ask unanimous consent that the gentleman's time be extended for five minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. McGUIRE of Oklahoma. Mr. Chairman, the law provides that the competency shall be determined by the Secretary of the Interior. Of 2,230, according to the last census, 450 certificates of competency were issued. That leaves the rest of the tribe-about three-fourths of the tribe-incompetent under the law.

Mr. ANDERSON of Minnesota. Mr. Chairman, will the gen-

tleman yield there?

Mr. McGUIRE of Oklahoma. Just one moment. Of those prescribed incompetent under the law there are hundreds who are just as competent as any person-

Mr. NORRIS. I have no doubt about that, but there are

some of them who are not.

Mr. McGUIRE of Oklahoma. Just one moment-so far as designating who should be the beneficiaries of their estates?

Mr. NORRIS. Yes.

Mr. McGUIRE of Oklahoma. They went to the council and

Here some of our children have money in the Treasury, and they have their allotments; others have nothing; we can not provide for these children except under the laws of Oklahoma; they get their share, but they do not get as much as the others, and we want the right in this bill to give those children what they ought to have—to equalize our estates.

That is the purpose of this, and it is all done under the supervision of the Secretary of the Interior.

Mr. NORRIS. I understand that; but suppose some incompetent Indian does not do that and he makes a will and he gives it to somebody else, or he does not make any will at all. Then these children that the gentleman is trying to protect by this provision get nothing.

Mr. McGUIRE of Oklahoma. If he does not make a will-Mr. NORRIS. You are leaving these children whom the gentleman says he wants to protect by this provision at the

mercy of people whom the law regards as incompetent.

Mr. McGUIRE of Oklahoma. There is no one there so incompetent that he will not take care of his children. It ought to be done under the supervision of the Secretary of the Interior.

Mr. NORRIS. I have no objection to that part of it, but the gentleman must admit that that will not take care of all of them unless these incompetent people are willing to do that.

Mr. McGUIRE of Oklahoma. But the incompetent people want to do it.

Mr. ANDERSON of Minnesota. As contemplated by this bill "incompetency" of the ward, in the sense of his relation to the Government, and "incompetency" in connection with his mental disability are quite different. There are a great many Indians who are incompetent in the sense of their wardship to the Government who are, in addition to that, incompetent mentally. It does not seem to me that an Indian or anyone else who is incompetent mentally ought to be permitted to make

Mr. BURKE of South Dakota. Mr. Chairman, I want to say to the gentleman—and I think that will perhaps satisfy him, so that we can get along with the bill—the only question at issue is this: Shall we extend to the Osage Tribe of Indians the general law relating to the right of Indians to make wills that prevails as to all the Indians in the United States except the Five Civilized Tribes? That is the only question there is here, because this is the law as to the Indians in the gentleman's State and in the State of Minnesota. The question is, Shall we extend that law to the Osage Indians?

Mr. NORRIS. Mr. Chairman, if the general law is wrong, if it is not right, we ought not to be guilty of extending it still further. It seems to me we ought to be gally of extending it still further. It seems to me we ought to be able to get it properly modified so that this difficulty could be properly met and the proper provisions of law enacted which would meet the contingency which the gentlemen who have drafted this provision must admit will not meet all of the meritorious cases.

Mr. FERRIS. Mr. Chairman, supposing the will made by the incompetent Indian under this provision is an inequitable will which does not accomplish what we all hope in each case it will accomplish.

Mr. NORRIS. Yes.
Mr. FERRIS. The Secretary will disapprove it, and he then has the right to take the estate, and the estate descends under the usual law of descent.

Mr. NORRIS. In that case suppose he does disapprove it; then it is just the same as if he had made no will, is it not?

Mr. FERRIS. Precisely.

Mr. NORRIS. And what is the gentleman going to do to meet that kind of a case?

Mr. FERRIS. As to those cases the regular law of descent will have to apply, and the estate will descend in that way.

Mr. NORRIS. The result will be an injustice in the case of

a child that was born after an allotment took place, would it not?

It would be a misfortune to be born so late.

Mr. NORRIS. If it is not an injustice, then you do not need this provision; if it is an injustice, then you ought to have this provision that would cover all cases.

Mr. FERRIS. I submit that Indian children are constantly being born, and it would be impossible to formulate an amendment that would apply and do full justice to every child that has been born since the rolls were closed or may be born before the allottee dies.

Mr. NORRIS. The gentleman will admit that if this bill is enacted in its present form in some cases it would be unjust?

Mr. FERRIS. Well, not unjust; but it will fail to accomplish the good we hope to accomplish in every case. think of instances where it will not accomplish the good we hoped for; but it will do untold good, and the worst that could result would be to allow the law of inheritance to prevail.

Mr. NORRIS. The gentleman has given a great deal of study—does not the gentleman think the committee could bring

in a provision that would do justice in all cases?

Mr. FERRIS. We talked about that at length, and I heard this thing discussed among the Indians themselves only last summer. There is a widespread desire on the part of the Indians that they be permitted themselves to be consulted in the way the property should descend. In our State the rolls were closed March 4, 1907, in the eastern half of the State, which is known as the Five Tribes, and the rolls in the western part of the State were closed some time since then. Now the rolls are closed. Children are constantly being born, and if we do not do something the law of descent steps in. For instance, when an allottee has 160 acres of land and he has four children, three of which were born before the rolls were closed and one was born after the rolls were closed, if the regular law of descent prevails, each child can take 40 acres of land; three will get an additional 40 acres to the 160 which is already had and one child has a lone 40 acres. Now, if this law passes, sub-

The CHAIRMAN. The time of the gentleman has expired.

Mr. FERRIS. I ask unanimous consent that the gentleman may have further time. I have consumed more of his time than I intended to

Mr. NORRIS. I do not care for further time.

Mr. WARBURTON. Mr. Chairman, I move to strike out the last word. I would just like to make this suggestion, that if we make a hard and fast rule as to how the land should go you will do an injustice more frequently than if we pass this

Mr. NORRIS. This only applies to incompetent persons. Mr. WARBURTON. Yes; but I take it that an incompetent Indian occupies this position: He is not able to deal with his property as an ordinary man is supposed to deal. That is to say, he will convey his land and will dissipate his property unless prevented; that is the reason we hold him incompetent. It is to prevent his doing that, but it does not say that he is incompetent to devise his land. I take it that the incompetent Indian is just as able to devise his land properly as the so-called competent Indian. He may not be as able to barter and trade, he may not be as able to take care of his land while he lives, but he is competent to say how the land shall go after his death and how it should be divided among his heirs. In these matters he is just as competent as the so-called competent Indian.

Mr. STEPHENS of Texas. The gentleman thinks the Indian should be permitted to indicate his preference as to how his property should be disposed of after death if he is competent or incompetent.

Mr. WARBURTON. Yes.
Mr. STEPHENS of Texas. The Secretary of the Interior has not approved or disapproved the making of a will, but says it does not make a bit of difference except to let the Indian indicate how he wants his estate to go.

Mr. MANN. May I call the attention of the gentleman from Minnesota to this. I understood the gentleman from Minnesota in the course of his remarks to either state or argue that under

this provision an insane person might make a will.

Mr. ANDERSON of Minnesota. If the gentleman will permit, I suggested that it might be possible under this provision of the bill that when a will was presented to probate it would not be necessary to prove the Indian was sane at the time he made the will. That seems to be the difficulty in this

Mr. MANN. I think that difficulty does not exist, if I may say so to the gentleman. It says, "By will, in accordance with the laws of the State of Oklahoma." I think it is very clear that a person could not make a will unless he was mentally

competent under the laws of the State of Oklahoma.

Mr. ANDERSON of Minnesota. The question in my mind was whether "in accordance with the laws of the State of Oklahoma" referred merely to the method of executing the will or whether it referred to the mental or other capacity of the tes-

tator making it.

Mr. NORRIS. I would like to suggest to the gentleman on that particular point. The beginning of the section says that any adult member shall have the right to do so and so, but it must be done in accordance with the laws of the State of Oklahoma. I would think now, just taking a first blush, a first jump at it, that the construction "in accordance with the laws of the State of Oklahoma" would refer more to the formality that is required in the making of the will than to the person who made it, because the law of Congress described in the first line of the section says that any adult member of the tribe can make a will. If the law of Oklahoma, for instance, required two witnesses to it, he would have to have them; otherwise it would not be in accordance with the law of Oklahoma.

Mr. MANN. I suppose that the law of Nebraska, for instance, requires a witness to the signature of a person making a will.

Those are limitations.

Mr. ANDERSON of Minnesota. Suppose he were insane?

Mr. MANN. Well, I just wanted to put in the Record my opinion on the subject, formed after an examination. I do not believe it was so intended, nor do I believe it would result in giving anyone the right to make a will unless that person under the laws of the State of Oklahoma is mentally competent. This is simply to permit a person to make a will who has not had the restrictions on alienation removed.

Mr. NORRIS. The gentleman thinks, does he, that notwithstanding the statement in the first line, which says "who of this tribe can make a will," they would have to be qualified under the laws of the State of Oklahoma in order to make a legal will?

Mr. MANN. I think so, clearly.

Mr. NORRIS. Does not the gentleman think that the words "in accordance with the laws of the State of Oklahoma" do not apply and could not be construed to apply to a person designated by Congress, but to the methods that that person so designated in the first line of the section would have to pursue in order to make his will?

Mr. MANN. I think it applies to the whole thing. I think the making of the will in this case must be under the laws of the State of Oklahoma, just as any other person makes a will, and in addition it must be approved by the Secretary of the Interior. In other words, I do not think this intends to enlarge the number of persons in the State of Oklahoma who are entitled to make a will, but simply to give our adherence to the permission.

Mr. ANDERSON of Minnesota. Mr. Chairman, I offer an amendment. In line 18, after the word "any," insert the words mentally competent."

Mr. MANN. Where does the gentleman put that?

Mr. ANDERSON of Minnesota. After the word "any." Mr. MANN. It should be after the word "member."

Mr. ANDERSON of Minnesota. After the word "member," in line 18, insert the words "mentally competent."

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Minnesota.

The Clerk read as follows:

Amend, on page 7, line 18, after the word "member," by inserting the words "mentally competent."

Mr. STEPHENS of Texas. Mr. Chairman, I hope the amendment will not be adopted. It will destroy the sense of the bill. Mr. MANN. Oh, no. That will not hurt it any. Mr. COOPER. Mr. Chairman, I suggest to the geatleman from Minnesota, a member of the Committee on Indian Affairs, that section 5 provides for the disposition of certain trust funds under the direction of the Secretary of the Interior, after a guardian has been appointed, and that the guardianship implies incompetency on the part of the Indian to handle that property.

Now, section 8, which we are discussing, absolutely contradicts that so far as concerns the making of a will and gives to an Indian so mentally or physically incompetent that he has to have a guardian during his lifetime to take care of his property the right to make a will and dispose of it all. The language of the original section 5 is, "a person so afflicted, blind, crippled, or helpless"; and now the proposition is, by the section under discussion, if enacted into law, to permit a "helpless Indian," a "blind Indian," though under guardianship, to be left to the tender mercies of the lawyer—if he happens to be that sort of a lawyer—who writes his will for him.

Mr. NORRIS. They do not have any of them in Oklahoma,

[Laughter.] I suppose.

Mr. COOPER. He is helpless, he is blind, and during his lifetime section 5 strictly limits the disposition which can be made of his trust funds and other property; but just as soon as he comes to die we allow his will to do with trust funds and property as he pleases. This helpless Indian makes a will and disposes of it-

Mr. FERRIS. In the discretion of the Secretary.

Mr. COOPER. Oh, in the discretion of the Secretary. consider the number of people that would be coming to Washington to assure the Secretary that Indian wills had been properly made. It would impose a very serious burden upon him. These lawyers would say, "This will is in all respects in legal form," and they would bring as many or more witnesses here to say that no undue influence was practiced upon the testator as will be here to say that the blind and helpless Indian was im-The law should not shift such an impossible task upon the Secretary of the Interior, but should itself contain provisions ample to meet the situation.

We, the Congress of the United States, are the real guardians of these Indians. It is our business, as the gentleman from Nebraska said, to provide by law just what shall become of the property of these incompetents when death comes. One of the easiest persons in the world to impose on, I should say, would be a blind, helpless Indian.

The contingencies suggested by the gentleman from South Dakota [Mr. Burkel, and again suggested by the gentleman from Oklahoma [Mr. McGuire], can all be met and amply covered by a law. If children are born after the allotments have been made we can by statute declare what shall become of the property in the event of death.

Mr. BURKE of South Dakota. I will say to the gentleman from Wisconsin that I do not think we have that power.

Mr. ANDERSON of Minnesota. Mr. Chairman, before my amendment is put I should like to ask unanimous consent to modify it so that it will read as follows:

After the word "Indians," in line 19, insert "not mentally incompetent."

Mr. STEPHENS of Texas. I will accept that.

The CHAIRMAN. The Clerk will report the amendment as modified.

The Clerk read as follows:

Page 7, line 19, after the word "Indians," insert the words "not agreed to, and that the bill as amended do pass.

Mr. COOPER. I move to amend the amendment by adding

the words "and not under guardianship,"
The CHAIRMAN (Mr. CONNELL). The question is on the amendment to the amendment offered by the gentleman from Wisconsin [Mr. Cooper].

The amendment to the amendment was rejected.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Minnesota [Mr. Anderson].

The amendment was agreed to. The Clerk read as follows:

The Clerk read as follows:

SEC. 11. That section 4, paragraph 4, of the Osage allotment act, approved June 28, 1906, be, and the same hereby is, amended to read as follows:

"Fourth. There shall be set aside and reserved from the royalties received from oil, gas, or other tribal mineral rights or other tribal funds, however arising, not to exceed \$40,000 per annum for agency purposes and as an emergency fund, which money shall be paid out from time to time upon the requisition of the Osage tribal council with the approval of the Secretary of the Interior: Provided, That the provision in the act entitled 'An act making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1898, and for other purposes,' approved June 7, 1897 (30 Stat. L., 90), limiting the amount of money to be expended for salaries of regular employees at any one agency shall not hereafter apply to the Osage Agency."

Mr. MURDOCK. I should like to ask the gentleman from Oklahoma a question. The gentleman will remember that there were oil leases made upon some of the Osage Indian lands previous to allotment?

Mr. McGUIRE of Oklahoma. On all of the lands.

Mr. MURDOCK. Were those Standard Oil leases or not? Could they be so designated? Mr. McGUIRE of Oklahoma. No; they were not Standard

Oil leases

Mr. MURDOCK. They were leases of independents? Mr. McGUIRE of Oklahoma. They were independent, local Later on, since production, I understand that the Standard Oll Co. has purchased some of those leases in what is known in the oil field as proven territory, and that the question of the transfer is now before the Secretary of the Interior, and he has refused to approve the transfer from independent or local producers to the Standard Oil people on minor leases after they have been chopped up.

Mr. MURDOCK. So now these leases which were made pre-

vious to allotment are in statu quo?

Mr. McGUIRE of Oklahoma. No; they are not. There are 1,500,000 acres of the land, and the Secretary of the Interior refused to renew what was known as the blanket lease on any land which had not been tested, or where they were not producing, or where they had not proven or disproven the presence of oil. They had drilled on about 600,000 acres, and the lease was renewed as to that much of it. The rest of it is not under lease at this time, and they are taking steps to lease all of it.

Mr. MURDOCK. What becomes of the income from these

leases? Does that go into some general fund?

Mr. McGUIRE of Oklahoma. That goes into the Osage general-purpose fund. Some of it is paid out. It does not go into the Treasury of the United States. It is paid to the Osages, except where a part of the money is taken for the running expenses. They pay for their own local government, and that is the purpose of the last paragraph. Their business is so enlarged that they are very much behind with their leases. They can not get funds. They have not the funds now to employ suffi-

Mr. MURDOCK. Is that why this limitation upon the pay of

employees is placed in this paragraph?

Mr. McGUIRE of Oklahoma. That is the reason. This fund goes first to the running expenses, and what is left is paid in severalty to the Indians.

Mr. COOPER. What change is made? Mr. McGUIRE of Oklahoma. I und

I understand that the only

difference is an increase from \$30,000 to \$40,000.

Mr. FOSTER. I notice that in this bill it says that the limitation on the amount paid at any agency in one year shall not apply hereafter to the Osage Agency. I should like to inquire the reason for that?

Mr. MILLER. That is the law now. This does not change that. This simply increases the amount from \$30,000 to \$40,000. The Osages wanted \$50,000, but, after consideration, it was fixed at \$40,000.

Mr. BURKE of South Dakota. That is correct. The other

part of it is the law at the present time.

The Clerk resumed and completed the reading of the bill. Mr. STEPHENS of Texas. Mr. Chairman, I move that the committee do now rise and report the bill with the amendments to the House, with the recommendation that the amendments be

The committee accordingly rose; and the Speaker having resumed the chair, Mr. Lloyd, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (S. 2) supplementary to and amendatory of the act entitled "An act for the division of the lands and funds of the Osage Nation of Indians in Oklahoma," approved June 28, 1906, and for other purposes, and had directed him to report the same to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The SPEAKER. Is a separate vote demanded on any amend-

ment? If not, the vote will be taken in gross.

No separate vote was demanded on any amendment.

The amendments were agreed to.

The bill as amended was ordered to a third reading, and was accordingly read the third time and passed.

On motion of Mr. Stephens of Texas, a motion to reconsider the last vote was laid on the table.

INDIAN DEPREDATIONS.

Mr. STEPHENS of Texas. Mr. Speaker, I call up the bill H. R. 14667

The SPEAKER. The gentleman from Texas calls up the bill of which the Clerk will read the title.

The Clerk read as follows:

A bill (H. R. 14667) to amend an act entitled "An act to provide for the adjudication and payment of claims arising from Indian depreda-tions," approved March 3, 1891.

Mr. MANN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MANN. If the House should now adjourn, would not this bill be the unfinished business on next Calendar Wednesday?

The SPEAKER. It undoubtedly would.
Mr. FOSTER. Mr. Speaker, I want to raise the question of consideration of the bill.

Mr. MANN. That is raised in the committee under this auto-

The SPEAKER. The Chair will state to the gentleman from Illinois [Mr. Foster] that when this bill comes up the House automatically goes into Committee of the Whole House on the state of the Union, and then is the time for the gentleman to raise the question of consideration.

THE PHILIPPINE ISLANDS.

Mr. JONES. Mr. Speaker, on yesterday, at the request of the gentleman from Pennsylvania [Mr. Olmsted], the ranking minority member of the Committee on Insular Affairs, an article was inserted in the Record entitled "A suggested Democratic policy for the Philippines." I now ask unanimous consent that an article which appeared in the same paper, the National Monthly, written by the Hon. Manuel L. Quezon, Resident Commissioner of the Philippine Islands, entitled "The true Democratic policy for the Philippines," be inserted in the RECORD.

The SPEAKER. The gentleman from Virginia asks unanimous consent to extend his remarks in the Record. Is there

objection?

Mr. MANN. Mr. Speaker, reserving the right to object, which I think I shall not do, I would like to make this suggestion for the benefit of Members of the House in order to ascertain their point of view. We have got in the habit of inserting in the Record most anything that anyone asks for. It is printed in the Record in fine type. Anybody that reads the Record regularly certainly does not read articles in that fine type. What the benefit of inserting them in the Record is I have not been able to discover. The Senate, a very illustrious body at the other end of the Capitol, has adopted the practice in recent months, instead of inserting these articles in the Record, of having them printed as Senate documents. It seems to me that it would be a much wiser practice for the House, instead of inserting everything in the Record, where it only serves to cumber up the RECORD and where nobody will read them, to print them as House documents, where people can get at them and read them. I do not object to the request of the gentleman from Virginia

The SPEAKER. Is there objection to the request of the gentleman from Virginia? [After a pause.] The Chair hears none. The article referred to is as follows:

THE TRUE DEMOCRATIC POLICY FOR THE PHILIPPINES.

[A reply to the Hon. WILLIAM C. REDFIELD, Member of Congress, by Hon. MANUEL L. QUEZON, Resident Commissioner from the Philip-pines.]

In the January issue of the National Monthly appeared an article by the Hon. WILLIAM C. REDFIELD, in which he expressed his wish to present a Philippine policy which should be at once "Democratic, considerate, humane, and in accord with all the

He begins by saying that "the Democratic Party is not responsible for acquiring the Philippines." In view of the fact that the Democratic leader of the day, Mr. Bryan, assisted by George Gray, the Democratic Senator from Delaware, secured the ratification of the treaty with Spain, which ceded the islands to the United States, this statement should be modified. Had this gentleman stood with Senator Hoar, the Philippine question would never have arisen. But it is true that Mr. Bryan never contemplated the retention of the islands, but only the conclusion of peace, believing and always consistently urging that the United States should take the islands in trust, to turn them over to the control of the Filipino people. That the islands should receive their independence and be given the opportunity to work out their own salvation was the Democratic doctrine, and has been proclaimed as Democratic doctrine in every national convention since that day. If it was a blunder to take the islands at all, it is a blunder to be rectified by letting them go as soon as possible.

Mr. Redfield says that "it may be laid down as fundamental

that the Democratic policy requires that the American flag shall not permanently float over any dependent people," and he quotes with cordial approval a statement from the editor of

the St. Louis Republic, as follows:

"Devoted to equal rights and equal opportunities, it would trust the whole body of the people at any time with any responsibility voluntarily assumed rather than yield control to one man or to a small group of men, no matter how wise and how good," and he prefaces this by the statement that "Democratic policy can not approve taxation without representation; no more can it approve the exercise of power over many by a few.

There is an earlier and more fundamental statement of Democratic doctrine, indorsed for more than a century by the

whole American people. It reads thus:

"We hold these truths to be self-evident. * * * That all men are created equal," and that governments derive "their

just powers from the consent of the governed."

Upon these self-evident truths the Democratic Party may safely take its stand, and if these are respected their independence can not longer be denied to the Filipino people, who are American subjects to-day against their will, only because the United States are strong enough to conquer them, and who are governed not by their representatives, but by a few Americans, in choosing whom they have no voice. We may, however, content ourselves with the statement of principle which Mr. REDFIELD quotes, for the retention of the Philippines is wholly inconsistent with that, since the control of the whole Filipino people is given to a few Americans, who tax them as they think proper.

Mr. Redfield argues that the Filipinos are poor, and, looked at "from the lowest standpoint—that of material needs—are in a backward condition"; that "the home of the Filipino farmer is usually a hut"; that "he is a child in farming, and needs to be taught"; and his conclusion is "that when they shall have acquired a common language and means of communication and have by the practice of self-government in their municipalities and provinces acquired the habit of self-government, and when the majority of them shall be able to cast a ballot which they can read in any language, it will be for them to decide what they wish their future relations with the United States to be" and that until then "education, commerce, sanitation should be promoted by all the influence and power that is available to the American people, and that in the development of commerce the rights of the people of the islands shall be safeguarded scrupulously."

In this connection it may be noted that he thinks a hundred millions a year or more might flow to this country from the Philippines.

Mr. Redfield insists that before the question of independence is decided conditions must exist in the Philippines which do not exist in this or any other country and which have nothing to do with the right of self-government.

He says, "when they shall have acquired a common language." As Gov. Curry says, who is as familiar as any American can be with the Philippines, almost every Filipino can read or write his own language, and they understand each other. When was it Democratic doctrine that one nation could seize the territory of another, and insist that the inhabitants of the conquered territory should learn a new language before the

question could be raised of giving them back their own land?
"They must speak a common language." Do the voters in Mr. Redfield's own district speak a common language? Do the Pennsylvania Dutch speak a language which the Minnesota Norwegian, an east-side Hebrew, or a Boston Italian can comprehend? Because there is a difference of language in the islands shall the United States, with all the different languages spoken in this country, insist that the Filipinos can not be free till they speak the same language, and that not their native tongue? How many well-governed, happy, and prosperous independent nations of to-day would immediately lose their independence if this rule were to be consistently applied?

"When they have by the practice of self-government in their municipalities and provinces acquired the habit of self-government." All the provincial governors are now Filipinos; the municipalities are governed by Filipinos; almost half the commission are Filipinos; more than half the judges and a large majority of other officers are Filipinos; and the assembly which has shown its sense and capacity, is wholly Filipino. They have shown capacity for self-government; and, if not, who is to judge when they acquire it, and what proof is needed?

Mr. REDFIELD would leave these questions to the American people, and let them decide whether another people can govern themselves. When was that sound Democratic doctrine?

He would have the interests of my people "safeguarded scrupulously" while the United States is developing the resources of the islands. When was that ever done in the history of the world? Is it done now in the United States by those who have been developing your resources in iron, coal, oil, tobacco, beef, and hides? Heretofore no subject people found their interests protected by their rulers, and the United States, which can not protect its own citizens against unscrupulous capital, certainly

will never protect the Filipinos any better.

Mr. REDFIELD is afraid that the islands will fall into the hands of a native oligarchy. Where are they now? What is the Philippine Commission but an oligarchy appointed by a foreign If it be true that the Filipinos of wealth and education will, with the consent of their countrymen, exercise a controlling influence in the government of the islands, is not that better than it is to leave them in the hands of a foreign oligarchy without that consent? Will not their own countrymen understand them better than aliens? Any government to which the governed consent, be it oligarchy or monarchy, is in accordance with the fundamental doctrine enunciated by Jefferson in the Declaration of Independence. England is a democracy as much as the United States, and the King has far less power than the President; but if the whole Filipino government consisted of president, senate, and house of representatives, as in this free land, and the Filipino people had no voice in selecting them, that government would not be democratic. It hardly lies in the mouths of people so largely governed by a few, the various bosses who for years have controlled American politics-for a people taxed during so many years by men selected by those who have profited by the taxes, to insist on ideal conditions in the Philippine Archipelago.

Mr. Redfield reaches his conclusions by assuming certain facts that do not exist or else have less importance than he claims for them. He says the Filipinos largely live in huts and are children in farming. So are most of the people in this world. There is nothing so little understood by luman beings as farming. Let him ride through the United States and see how many of his fellow citiezns live in huts in the country or worse tenements in the large cities; let him examine the census and learn how small is the average income of American citizens, and see how the tests which he would apply to the Filipinos

would be borne in this country.

He says "there is no such thing as a Philippine people," and points to the existence in the islands of various tribes like the Negritos, Igorrotes, and others. There are about 7,500,000 to 8,000,000 people in the islands, and of these all but 500,000 are civilized Christian people. Are these people to be denied the right to govern themselves because some of their fellow countrymen are savage. Were there no American people when Cornwallis surrendered, because there were savages within their territory? Is the right to independence of the American people affected by the fact that among them there are millions of dis-franchised negroes, Italians, and others? What reason is there to suppose that these tribes, Moros and others, would not be safer in the hands of a Filipino government than they are in the hands of the American Government? The statistics will show that more Americans on one side and savages on the other have been killed in the attempt to subdue the Moros and other tribes than were killed of Filipinos or savage tribesmen in any contest between them during three centuries before American occupation. Even now warfare is going on against the Moros, although the facts are not disclosed to the American people. During the war of conquest the Igorrotes of Luzon and the Moros of Mindanao recognized and obeyed the authority of the Philippine Republic, and while Christian Filipinos ruled the Moros the valleys and mountains of the Moro country were

free from bloodshed. Mr. Redfield's statements in regard to the relation between the different elements of the Philippine

population can not be substantiated by facts.

Mr. Redfield says that 192,975 voters alone voted at the last election, and that this is a small percentage of the total population. This is also true in every election in the United States, since only 20 per cent of the total population is usually taken as the total possible voting portion. If there are \$,000,000 people in the Philippines, the men of voting age should number 1,600,000, but this Government does not let all these vote. They must speak and write either English or Spanish, or must have a certain amount of property, or pay a certain sum in taxes. How many voters in the United States would be disfranchised if some foreign power were to seize the country and insist that to vote they must learn Russian or German? There are all over this country many voters who have no property and pay no tax. If all these were disfranchised unless they could speak some foreign language, how much would the registered vote be reduced?

Tell the voter, moreover, that the men he chooses will have no power, that whatever they do can be vetoed by a foreigner, and a great incentive for voting is removed. If, in Mr. Redfield's State, the voters could only choose the assembly, and the governor of Massachusetts appointed the senate and the governor, how much interest would the New York voters take

in an election?

When the Filipinos are given their independence, the classes now disfranchised can be permitted to vote, and will know that their votes will have some weight. Then we should see a much larger vote at our elections. When the substance is denied the form soon ccases to attract. While the Philippine Commission appointed by the President can veto any act of the Philippine Assembly, no wonder then that the voter does not vote.

Mr. Redfield quotes the statements of Moro chiefs, given through an interpreter, but these are not to be taken at their face value. Those who heard them and knew the conditions under which they were made knew that they were not spontaneous and that they did not express the sentiments of the speakers. The Moros, as Mohammedans, count it a virtue to kill a Christian. How absurd is it that they should be represented as insisting that the chance to do this good act be denied them? The writer was present when the statements quoted by Mr. Redfield were delivered, and he could write an interesting

story about their true source.

In short, Mr. REDFIELD would retain the Philippines until conditions which exist nowhere else exist there. He would leave the Filipinos under the sway of a small American oligarchy, against the will of the Filipino people, lest they be controlled by their own best men, who, in any community, are necessarily few. Such a government by their own leaders would be hailed with delight by the Philippine people. Mr. REDFIELD, on the other hand, would allow one man to "rule with a rod of iron 120,000 savages, whom nobody before has even been able to deal with or bring under control, whose least word is now their law," to quote the words of Governor General Forbes. He would let another American rule 350,000 men, as the same authority states that he does, thus giving two individuals despotic power over a large proportion of the savages, whom he is afraid to trust to their Filipino brothers. He would continue this system indefinitely until the rulers of the United States decide that the Filipinos are fit to govern themselves. By what right can this be called a Democratic policy? How can it be reconciled with Democratic principles, as he himself states them? How can it be distinguished from tyranny?

"I contend that it is to arraign the dispositions of the Almighty to suppose that he has created beings incapable of governing themselves. Self-government is the natural government of man," said Henry Clay. "No man is good enough to govern another without that other's consent," said Abraham Lincoln. These are statements of the true Democratic doctrine, and, as President Schurman, of the first Philippine Com-

mission, said:

"The worst government of the Filipinos by themselves is

better that the best government of them by us."

No nation ever rises save by its own exertions and its own mistakes, and every nation has the right to its independence. To these principles the Democratic Party has committed itself again and again since 1898. Its policy is to let the Filipinos govern themselves, and no specious argument for the continuance of American sway should blind any Democrat or make him untrue to the principles which alone justify the party's existence. In this emergency it must be true to itself and let the Filipino people go. Any other course is morally wrong and politically indefensible.

ENROLLED BILL SIGNED.

Mr. CRAVENS, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bill of the following title; when the Speaker signed the same:

H. R. 22772. An act appropriating \$350,000 for the purpose of maintaining and protecting against impending floods the levees on the Mississippi River.

ENROLLED BULL PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. CRAVENS, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States, for his approval, the following bill:

H. R. 22772. An act appropriating \$350,000 for the purpose of maintaining and protecting against impending floods the levees on the Mississippi River.

ADJOURNMENT.

Mr. STEPHENS of Texas. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 1 minute p. m.) the House adjourned until to-morrow, Thursday, April 4, 1912, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Acting Secretary of the Department of Commerce and Labor, submitting a list of useless papers on file in that department (H. Doc. No. 667); to the Committee on Disposition of Useless Executive Papers and ordered to be

2. A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Ella M. Guy (H. Doc. No. 668); to the Committee on War Claims and ordered to be printed.

3. A letter from the Secretary of the Treasury, transmitting copy of a communication from the Secretary of War, submitting deficiency estimate of appropriation to reimburse Lieut. Sanderford Jarman, United States Army (H. Doc. No. 669); to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. ADAMSON, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (H. R. 12810) regulating charges for transportation of parcels by express companies engaged in interstate commerce, reported the same with amendment, accompanied by a report (No. 485), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. MORGAN, from the Committee on the Public Lands, to which was referred the bill (H. R. 16611) setting apart a certain tract of land for a public highway, and for other purposes, reported the same with amendment, accompanied by a report (No. 486), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Military Affairs was discharged from the consideration of the bill (H. R. 22785) granting an honorable discharge to Noah Abbott, and the same was referred to the Committee on Naval Affairs.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. WARBURTON: A bill (H. R. 22823) making an appropriation for the construction of a road through the Rainier National Forest Reserve, Wash.; to the Committee on Approprintions.

By Mr. CLAYTON: A bill (H. R. 22824) to increase the limit of cost of the public building authorized to be constructed at Opelika, Ala.; to the Committee on Public Buildings and

By Mr. DAVENPORT: A bill (H. R. 22825) directing the Secretary of the Interior to deliver patents to Seminole allottees, and for other purposes; to the Committee on Indian affairs.

By Mr. DONOHOE: A bill (H. R. 22826) to prohibit the sale of intoxicating liquor to minors within the admiralty and maritime jurisdiction of the United States; to the Committee on Alcoholic Liquor Traffic.

By Mr. MONDELL: A bill (H. R. 22827) to amend section 3 of the enlarged homestead act; to the Committee on the Public Lands.

Also, a bill (H. R. 22828), for camp grounds for Order of

Owls; to the Committee on the Public Lands.

By Mr. BLACKMON: A bill (H. R. 22829), making appropriations for irrigation investigations and experiments in the humid regions of the United States; to the Committee on Appropriations.

By Mr. POWERS: A bill (H. R. 22830) to establish in the Department of Agriculture a bureau to be known as the bureau of public roads, and to provide for aid by the Federal Government in the construction, maintenance, or improvement of the public roads in the several States and Territories; to the Committee on Agriculture.

By Mr. OLMSTED: A bill (H. R. 22831) providing for the biennial appointment of a board of visitors to inspect and report upon the government and conditions in the Philippine Islands; to the Committee on Insular Affairs.

By Mr. KNOWLAND: A bill (H. R. 22832) to establish the Lake Tahoe National Park in the States of California and Nevada, and for other purposes; to the Committee on the Public Lands.

By Mr. MARTIN of Colorado: Resolution (H. Res. 477) calling on the Secretary of the Interior for certain information relative to the public lands; to the Committee on the Public Lands.

By Mr. LEVER: Resolution (H. Res. 478) authorizing the printing of additional copies of hearings on bill relating to agricultural education and on bill relating to the importation of nursery stock; to the Commttee on Printing.

Also, joint resolution (H. J. Res. 288) to provide for the printing of "Information regarding eleomargarine and foreign laws relating therete"; to the Committee on Printing.

By Mr. SLAYDEN: Joint resolution (H. J. Res. 289) in relation to a monument to commemorate the services and sacrifices of the women of the country to the cause of the Union during the Civil War; to the Committee on the Library.

By Mr. WILSON of Pennsylvania: Concurrent resolution (H. Con, Res. 45) providing for printing hearings on the Taylor and other systems of shop management; to the Committee on Printing.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions

were introduced and severally referred as follows:

By Mr. AINEY: A bill (H. R. 22833) granting a pension to

Olive J. Hale; to the Committee on Invalid Pensions. By Mr. ALLEN: A bill (H. R. 22834) granting an increase of pension to Joseph Tlamsa; to the Committee on Invalid Pen-

By Mr. ANDERSON of Ohio: A bill (H. R. 22835) granting an increase of pension to George E. Good; to the Committee on Invalid Pensions.

Also, a bill (H. R. 22836) granting an increase of pension to

Edgar L. Taylor; to the Committee on Invalid Pensions.

By Mr. BROWN: A bill (H. R. 22837) granting an increase of pension to Henry H. Guseman; to the Committee on Invalid

By Mr. CLAYPOOL: A bill (H. R. 22838) granting an increase of pension to Lee Manlove; to the Committee on Invalid Pensions.

By Mr. CLAYTON: A bill (H. R. 22839) granting a pension to Benjamin C. Condon; to the Committee on Pensions.

By Mr. DAUGHERTY: A bill (H. R. 22840) granting a pen-

sion to Naomi Landers; to the Committee on Invalid Pensions. Also, a bill (H. R. 22841) granting an increase of pension to

Also, a bill (H. R. 22841) granting an increase of pension to Perry Black; to the Committee on Invalid Pensions.

By Mr. EDWARDS: A bill (H. R. 22842) for the relief of the heirs of Jacob Theiss; to the Committee on War Claims.

Also, a bill (H. R. 22843) for the relief of the heirs of Irwin Rahn; to the Committee on War Claims.

By Mr. FIELDS: A bill (H. R. 22844) for the relief of Jere-

miah Hunt; to the Committee on Military Affairs.

By Mr. HARTMAN: A bill (H. R. 22845) granting a pension

to Martha P. Clingerman; to the Committee on Invalid Pen-

By Mr. HAWLEY: A bill (H. R. 22846) granting an increase of pension to William R. Adkins; to the Committee on Invalid Pensions.

Also, a bill (H. R. 22847) granting an increase of pension to Charles M. Beard; to the Committee on Invalid Pensions. By Mr. LAFEAN: A bill (H. R. 22848) granting an increase

of pension to William Bittinger; to the Committee on Invalid Pensions.

Also, a bill (H. R. 22849) to correct the military record of

Charles P. Kibler; to the Committee on Military Affairs. By Mr. LEE of Pennsylvania: A bill (H. R. 22850) granting a pension to Albert A. Shollenberger; to the Committee on Invalid Pensions

By Mr. LEWIS: A bill (H. R. 22851) for the relief of John

Newton; to the Committee on Naval Affairs.

By Mr. LITTLEPAGE: A bill (H. R. 22852) granting a pension to Wilbur J. Patterson; to the Committee on Invalid Pen-

Also, a bill (H. R. 22853) granting an increase of pension to Charles B. Clinton; to the Committee on Invalid Pensions.

Also, a bill (H. R. 22854) granting an increase of pension to Lawrence Hoffman; to the Committee on Invalid Pensions.

By Mr. MARTIN of Colorado: A bill (H. R. 22855) granting an increase of pension to Harry O. Van In Wagen; to the Committee on Invalid Pensions.

Also, a bill (H. R. 22856) granting an increase of pension to

David Cleland; to the Committee on Invalid Pensions.

By Mr. MURRAY: A bill (H. R. 22857) granting a pension to John T. McGrath; to the Committee on Pensions.

By Mr. OLMSTED: A bill (H. R. 22858) granting an increase of pension to Joseph Montgomery; to the Committee on Invalid

Pensions.

By Mr. POWERS: A bill (H. R. 22859) for the relief of the estate of M. G. Horton, deceased; to the Committee on War Claims

By Mr. REDFIELD: A bill (H. R. 22860) granting an increase of pension to Henrietta S. Hubbell; to the Committee on Invalid Pensions.

By Mr. RUBEY: A bill (H. R. 22861) granting a pension to Abner Williams; to the Committee on Invalid Pensions.

By Mr. WARBURTON: A bill (H. R. 22862) to remove the charge of desertion against Eligah J. Myers; to the Committee on Military Affairs.

By Mr. WILLIS: A bill (H. R. 22863) for the relief of H. C. Owens; to the Committee on Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid

on the Clerk's desk and referred as follows:

By Mr. ANDERSON of Minnesota: Petition of G. G. Ristey and 17 others, of Spring Grove, Minn., against extension of the parcel-post system; to the Committee on the Post Office and Post Roads.

By Mr. ASHBROOK: Petition of Albert R. Bader and 20 other citizens of Newark, Ohio, protesting against the enactment of interstate commerce liquor legislation; to the Committee on the Judiciary

By Mr. BOWMAN: Petition of the dean of the School of Mines and Metallurgy of the Pennsylvania State College, for establishment of mining schools in the several States of the Union; to the Committee on Mines and Mining.

Also, petition of the International Dry-Farming Congress, relative to Weather Bureau extension work; to the Committee

on Agriculture. Also, petition of I. A. Farrah, of Nanticoke, Pa., for enactment of House bill 20595, amending the copyright act of 1909;

to the Committee on Patents.

By Mr. CALDER: Petition of William P. Finley, of Brooklyn, N. Y., for enactment of House bill 6302; to the Committee on Military Affairs.

Also, petitions of Thurston & Kingsbury, of Bangor, Me., and the Smith Bros. Co., of New Orleans, La., for enactment of House bill 4667; to the Committee on Interstate and Foreign

Also, petition of the port of New York (N. Y.) Atlantic Coast Seamen's Union, for legislation to promote the efficiency of the Public Health and Marine-Hospital Service, etc.; to the Committee on Interstate and Foreign Commerce.

Also, petition of the State Board of Charities of New York, for an illiteracy test in the immigration laws; to the Committee on Immigration and Naturalization.

Also, memorial of the New York State Senate, for protection of migratory game birds; to the Committee on Agriculture.

Also, memorial of Camas (Mont.) Hot Springs Commercial Club, for irrigation of the Flathead Indian Reservation; to the Committee on Irrigation of Arid Lands.

Also, petition of the Illinois Bankers' Association, for farm demonstration work throughout the country; to the Committee on Agriculture.

Also, memorial of the Chamber of Commerce of the State of New York, for establishment of marine schools, etc.; to the Committee on the Merchant Marine and Fisheries.

By Mr. CANNON: Petitions of R. H. Smith and 11 other By Mr. CANNON: Petitions of R. H. Smith and 11 other citizens, of Toledo; Schnitker & Waldruff and 12 other citizens, of Chrisman; J. V. Eaff and 9 other citizens, of Greenup; C. H. Collins and 14 other citizens, of Casey; E. C. Miller and 9 other citizens, of Martinsville; H. M. Dewey and 8 other citizens, of Marshall; D. A. Huffman's Sons and 12 other citizens, of Paris; Pinnell & Hutton and 8 other citizens, of Kansas; and of D. L. Osborne & Co. and 7 other citizens, of Neorg, all in the State of Ulinois protesting against the conet. Neoga, all in the State of Illinois, protesting against the enactment of proposed parcel-post legislation; to the Committee on the Post Office and Post Roads.

By Mr. CRAVENS: Petition of citizens of Wamble, Ark., for enactment of House bill 14, providing for a general parcel-post system; to the Committee on the Post Office and Post Roads,
- By Mr. DAVENPORT: Petition of Independent Order of
Red Men of Clarence, Okla., favoring House bill 16313, for erection of an American Indian memorial and museum building in the city of Washington, D. C.; to the Committee on Public Buildings and Grounds.

By Mr. DAUGHERTY: Petition of citizens of Vernon County, Mo., against parcel-post service; to the Committee on the Post Office and Post Roads.

Also, petition of citizens of Jasper County, Mo., favoring building of one battleship in a Government navy yard; to the Committee on Naval Affairs.

By Mr. DRAPER: Petition of Battle Hill Grange, No. 861, Patrons of Husbandry, protesting against the Lever oleo-margarine bill; to the Committee on Agriculture.

By Mr. FULLER: Petition of George E. Dick, of Sycamore, Ill., favoring the establishment of a parcel-post service; to the Committee on the Post Office and Post Roads.

Also, petition of T. H. McAllister & Co. and other merchants of De Kalb, Ill., against the enactment of parcel-post legislation; to the Committee on the Post Office and Post Roads.

By Mr. GOODWIN of Arkansas: Papers to accompany bill for the relief of Joe Brown (H. R. 22678); to the Committee on War Claims

By Mr. HAMLIN: Papers to accompany bill for the relief of Rhoda E. Franklin (H. R. 22743); to the Committee on Invalid Pensions.

By Mr. HAMMOND: Petition of George E. Sawyer and 45 others, of Fairmont, Minn., for an investigation of certain alleged combinations of coal dealers as requested by city councii of Two Harbors, Minn.; to the Committee on Rules.

By Mr. HANNA: Petition of the Woman's Christian Temperance Union of Kintyre, N. Dak., favoring passage of Kenyon-Sheppard bill; to the Committee on the Judiciary.

Also, petition of C. A. Wilhelm, of Haynes, N. Dak., asking that the duties on raw and refined sugars be reduced; to the Committee on Ways and Meaus.

Also, petition of citizens of Plaza, N. Dak., for old-age pensions; to the Committee on Pensions.

Also, petition of citizens of Blue Grass, N. Dak., protesting against the Lever oleomargarine bill; to the Committee on Agriculture.

Also, petition of a Catholic society of Brazil, N. Dak., relative to measures relating to Catholic Indian mission interests; to the Committee on Indian Affairs.

Also, petition of citizens of Mikkelson Township, N. Dak., for parcel-post legislation; to the Committee on the Post Office and Post Roads.

Also, petition of C. P. Kelstrup, of McClusky, N. Dak., protesting against parcel-post legislation; to the Committee on the Post Office and Post Roads.

By Mr. HARTMAN: Petitions of Granges Nos. 889, 1104, and 1115, Patrons of Husbandry, for enactment of House bill 19133, which provides for a governmental system of postal express; to the Committee on Interstate and Foreign Commerce.

By Mr. HEALD: Petition of citizens of Milford, Del., against further extension of parcel-post service; to the Committee on the Post Office and Post Roads.

Also, petitions of Woman's Christian Temperance Unions of Magnolia, Greenwood, Nassau, Slaughter Neck, Milton, Lewes, Clayton, Seaford, Harrington, Farmington, and Ocean View, all in the State of Delaware; and various organizations of Townsend, Milford, Lincoln, Milton, Hockessin, Wilmington, and Laurel, all in the State of Delaware, favoring the passage of the Kenyon-Sheppard interstate liquor traffic bill; to the Committee on the Judiciary.

By Mr. HOWELL: Petition of C. O. Anderson and others, favoring certain amendments to the copyright act of 1908; to the Committee on Patents.

By Mr. KNOWLAND: Petition of the congregation of First Methodist Episcopal Church of Oakland, Cal., favoring passage of House bill 16214-Kenyon-Sheppard bill; to the Committee on the Judiciary.

By Mr. LAFEAN: Petitions of churches in Gettysburg, Pa., for passage of the Kenyon-Sheppard interstate-liquor bill; to the Committee on the Judiciary.

Also, petition of Paradise Grange, No. 1448, Patrons of Husbandry, Hanover, Pa., against removal of tax on oleomargarine;

to the Committee on Agriculture.

Also, petition of the Fruit Growers' Association of Adams County, Pa., favoring the passage of House bill 18160; to the Committee on Agriculture.

Also, patitions of Gideon Grange, No. 810, of Penn Township, York County, Pa., and Manchester Grange, No. 1374, of East Manchester Township, York County, Pa., favoring passage of House bill 19133; to the Committee on Interstate and Foreign Commerce.

By Mr. LEE of Pennsylvania: Petition of citizens of the State of Pennsylvania, for construction of one battleship in a Government navy yard; to the Committee on Naval Affairs.

Also, petition of the Manufacturers' Association of Schuylkill Haven, Pa., for reduction in the rates on first-class postage;

to the Committee on the Post Office and Post Roads.

By Mr. LEVY: Petition of the State Board of Charities of New York, for legislation requiring immigrants to undergo an educational test; to the Committee on Immigration and Naturalization.

Also, petition of the Central Foundry Co., of New York City, for enactment of House bill 16844; to the Committee on Interstate and Foreign Commerce.

Also, memorial of the Maritime Exchange of New York City, indorsing the action of Congress with respect to the battleship

Maine; to the Committee on Naval Affairs.

Also, memorial of the New York State Senate, for legislation providing for protection of migratory game birds; to the Committee on Agriculture.

Also, petition of citizens of the State of New York, favoring the building of one battleship in a Government navy yard; to

the Committee on Naval Affairs.

By Mr. LINDSAY: Petition of the Retail Cutlers' Association of New York and vicinity, for legislation to prohibit the issuance of coupons and trading stamps; to the Committee on Interstate and Foreign Commerce

By Mr. McKENZIE. Petitions of citizens of the State of Illinois, for regulation of express rates and classifications; to the Committee on Interstate and Foreign Commerce.

Also, petitions of citizens of the State of Illinois, protesting against parcel-post legislation; to the Committee on the Post Office and Post Roads.

By Mr. OLMSTED: Petition of citizens of Myerstown, Pa., urging passage of bill to provide for establishment of system of mail delivery by carriers at all presidential post offices; to the Committee on the Post Office and Post Roads.

By Mr. POWERS: Petition of citizens of the eleventh Kentucky congressional district, favoring House bill 16450, in re punishment for breaking seals on cars, etc.; to the Committee

on the Judiciary.

By Mr. PRAY: Petition of the Park Avenue Methodist Episcopal Church, of Somerville, Mass., favoring House joint resolution 163; to the Committee on the Judiciary.

Also, petition of residents of Dawson County, Mont., favoring enactment of an effective interstate-commerce law to protect

prohibition territory; to the Committee on the Judiciary.

Also, petition of 75 residents of Livingston, Laurel, Columbus, Billings, Hardin, and Red Lodge, Mont., against parcel-post service; to the Committee on the Post Office and Post Roads.

Also, petition of 35 residents of Kalispell and Creston, Mont., against passage of Johnston Sunday bill; to the Committee on the District of Columbia.

Also, petition of 66 residents of Hamilton, Deer Lodge, Stevensville, Philipsburg, and Dillon, against enactment of parcel-post service; to the Committee on the Post Office and Post Roads.

By Mr. REDFIELD: Petition of Retail Cutlers' Association of New York and vicinity, for legislation to prohibit the issuance of coupons and trading stamps; to the Committee on Interstate and Foreign Commerce.

By Mr. SPARKMAN: Petitions of Woman's Christian Temperance Unions, churches, and church organizations in the State of Florida, for passage of an effective interstate-liquor law; to the Committee on the Judiciary,

By Mr. STEPHENS of California: Petitions of organizations in Long Beach, Los Angeles County, Cal., for passage of Kenyon-Sheppard bill, to withdraw from interstate-commerce protection liquors imported into "dry" territory for illegal use; to the Committee on the Judiciary.

Also, memorial of U. S. Grant Council, No. 19, Junior Order American Mechanics, for legislation restricting immigration; to

the Committee on Immigration and Naturalization.

Also, memorial of Group No. 700, of the Polish National Alliance of the United States, protesting against any further re-

striction of immigration; to the Committee on Immigration and Naturalization.

Also, memorial of the San Francisco Labor Council, for enactment of House bill 20423; to the Committee on the Judiciary.

Also, petitions of citizens of the State of California, for parcel-post legislation; to the Committee on the Post Office and Post Roads

Also, petition of William Collins, Veterans' Home, Napa County, Cal., favoring House bill 20595, to amend section 25 of the copyright act of 1909; to the Committee on Patents.

By Mr. SULZER: Petition of the Retail Cutlers' Association of New York and vicinity, for legislation making illegal the issuance of coupons and trading stamps; to the Committee on Interstate and Foreign Commerce.

By Mr. WARBURTON: Petition of citizens of Washington, against Senate bill 237, for the proper observance of Sunday as a day of rest in the District of Columbia; to the Committee on the District of Columbia.

Also, petition of H. W. Thompson, of Centralia, Wash., protesting against passage of House bill 9433, for the observance of Sunday in post offices; to the Committee on the Post Office and Post Roads.

Also, petition of Harris & Dice and other citizens of Wilkeson, Wash., protesting against extension of parcel-post service; to the Committee on the Post Office and Post Roads.

Also, petition of West Coast Grocery Co. and other firms of Tacoma, Wash., against extension of parcel-post service; to the Committee on the Post Office and Post Roads.

Also, petition of H. M. Caven and other citizens of Vancouver, Wash., in favor of the Berger old-age pension bill; to the Committee on Pensions.

Also, petition of C. T. Dover and other citizens of Sequim, Dungeness, and Port Angeles, Wash., in favor of Berger old-age pension bill; to the Committee on Pensions.

By Mr. WATKINS: Petition of citizens of Sikes, La., for an investigation of the charges against the editor of the Appeal to Reason; to the Committee on Rules.

By Mr. WILSON of New York: Petition of the Retail Cutlers' Association of New York and vicinity, for legislation to prohibit the issuance of coupons and trading stamps; to the Committee on Interstate and Foreign Commerce.

Also, petition of Illinois Bankers' Association, for farm demonstration work throughout the country; to the Committee on Agriculture.

Also, memorial of New York State Senate, for Federal protection to migratory game birds; to the Committee on Agriculture.

By Mr. WILSON of Pennsylvania: Petitions of 240 members of Eulalia Grange, No. 1088, Patrons of Husbandry, of Westfield; Chathams Run Grange, No. 1189, Patrons of Husbandry, of Pine Creek; Lookout Grange, No. 1426, Patrons of Husbandry, of Keating; Jobs Corner Grange, No. 1110, Patrons of Husbandry, of Jackson; Troga Valley Grange, No. 918, Patrons of Husbandry, of Richmond; Ulysses Grange, No. 1183, Patrons of Husbandry, of Ulysses; Lamar Grange, No. 274, Patrons of Husbandry, of Lamar; Bald Eagle Grange, No. 303, Patrons of Husbandry, of Bald Eagle; Blooming Grove Grange, No. 1361, Patrons of Husbandry, of Loyalsock; citizens of West Branch; Sebring Grange, No. 1147, Patrons of Husbandry, of Liberty; Aurora Grange, No. 874, Patrons of Husbandry, of Mansfield; Hepburnville Grange, No. 1339, Patrons of Husbandry, of Hepburn; Sugar Valley Grange, No. 1470, Patrons of Husbandry, Green and Logal Townships, Clinton County; Lorenton Grange, No. 1095, Patrons of Husbandry, Morris and Pini Townships, Tioga and Lycoming Counties; Farmington Hill Grange, No. 841, Patrons of Husbandry, of Farmington; Fair View Grange, No. 817, Patrons of Husbandry, of Farmington; Plni Rum Grange, No. 250, Patrons of Husbandry, Anthony and Woodward Townships, Lycoming County; Stony Fork Grange, No. 1033, Patrons of Husbandry, of Delmar; and Midd Grange, No. 705, Patrons of Husbandry, of Middlebury, all in the State of Pennsylvania, favoring House bill 19133, for postal express; to the Committee on Interstate and Foreign Commerce.

Also, petition of citizens of Blossburg and Arnot, Pa., favoring building of one battleship in a Government navy yard; to the Committee on Naval Affairs.

Also, petition of Lookout Grange, Keating Summit, Pa., favoring parcel-post service, etc.; to the Committee on the Post Office and Post Roads.

Also, petitions of citizens of Roulette and Potter Counties, Pa.; citizens of Muncy, Pa.; citizens of Mill Hall, Pa.; citizens of Procter, Pa.; 80 citizens of Westfield, Pa.; citizens of Troupsburg, N. Y., and Woodhull, N. Y., favoring passage of parcelpost law; to the Committee on the Post Office and Post Roads.

By Mr. YOUNG of Texas: Petition of A. A. Barker and other citizens of Kaufman County, Tex., in favor of parcel-post service; to the Committee on the Post Office and Post Roads.

SENATE.

THURSDAY, April 4, 1912.

The Senate met at 2 o'clock p. m. Prayer by the Chaplain, Rev. Ulysses G. B. Pierce, D. D. The Journal of yesterday's proceedings was read and approved. MOTOR AND OTHER VEHICLES IN GOVERNMENT SERVICE (S. DOC. NO. 492).

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting, in response to a resolution of the 25th ultimo, certain information relative to the number of carriages, motor vehicles, etc., owned and operated by the Government and used by the Treasury Department, which was referred to the Committee on Appropriations and ordered to be printed.

FIDELITY TRUST CO. V. UNITED STATES (S. DOC. NO. 491).

The VICE PRESIDENT laid before the Senate a communication from the Assistant Clerk of the Court of Claims, transmitting a certified copy of the findings of fact and conclusion of law filed by the court in the cause of the Fidelity Trust Co., administrator of Lovell H. Rousseau, deceased, v. United States, which, with the accompanying paper, was referred to the Committee on Claims and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by D. K. Hempstead, its enrolling clerk, announced that the House had agreed to the amendments of the Senate to the bill (H. R. 14918) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors.

The message also requested the Senate to furnish the House with a duplicate engrossed copy of the bill (S. 2819) to reimburse certain fire insurance companies the amounts paid by them for property destroyed by fire in suppressing the bubonic plague in the Territory of Hawaii in the years 1899 and 1900, the original having been lost or destroyed.

CHILDREN'S BUREAU.

The VICE PRESIDENT. The following message from the House was laid before the Senate yesterday and there was pending a motion by the Senator from Idaho [Mr. Borah] to concur in the House amendment. The Secretary will again read the action of the other House.

The Secretary read as follows:

IN THE HOUSE OF REPRESENTATIVES, April 2, 1912.

Resolved, That the bill (S. 252) to establish in the Department of Commerce and Labor a bureau to be known as the children's bureau do pass with the following amendment:
"Page 2, line 20, strike out 'one thousand four' and insert 'eight."

The VICE PRESIDENT. The question is on the motion of the Senator from Idaho to concur.

Mr. GALLINGER. I ask that that clause of the bill be read as it would read if amended.

The VICE PRESIDENT. The Secretary will read as re-

The Secretary. On page 2, section 3, strike out "one thousand four" and insert "eight," so that if amended it will read: One special agent, at \$1,200, and one messenger, at \$840.

Mr HEYBURN. Mr. President, I am not entirely sure that this belongs to the class of resolutions that come up automatically or come over. It is not within the ordinary class of resolutions that being introduced upon one day and going over

come up during the morning hour.

The VICE PRESIDENT. As the Chair understands it, that is not the proposition now before the Senate. The rules provide that the Chair at any time may lay before the Senate messages from the President, the House of Representatives, and so forth.

Mr. HEYBURN. But it having been laid before the Sen-

The VICE PRESIDENT. It was not disposed of, although it could have been disposed of had the point been insisted upon. It was interrupted to lay before the Senate the unfinished business on yesterday afternoon, and the moment the unfinished business was laid before the Senate, had it seemed wise to the Chair the Chair could have again at that moment presented it for disposition, but the Chair did not. The matter is now be-fore the Senate, having been presented by the Chair, which, as the Chair understands the rule, he has a right to do at any time, for final disposition.

Mr. President, I think it is not within that Mr. HEYBURN. class. It is now before the Senate on a motion from a Senator and not upon any action of the Chair. I am merely seeking to develop the real status of it by inquiry, not to raise any elaborate discussion

The VICE PRESIDENT. A motion is pending to concur in the House amendment. Now, whether the motion be considered as originally made this morning or whether it be considered as a motion coming over from yesterday, it seems to the Chair, is immaterial.

Mr. HEYBURN. Except that it would not come up at this time over an objection, the morning business not being dis-

The VICE PRESIDENT. The rule which permits the Chair to lay matters before the Senate, section 6 of Rule VII, provides that-

The Presiding Officer may at any time-

At any time-

lay * * * before the Senate any bill or other matter sent to the Senate by the President or the House of Representatives.

Mr. HEYBURN. Yes; that is where there is a concurrence; but here there is a new issue joined, and the issue joined rests on the motion of the Senator from Idaho. The question is

whether it comes within that rule.

The VICE PRESIDENT. The Chair thinks that it is properly presented at any time other than when the Journal is

Mr. HEYBURN. Yes; but is it that kind of a motion? It did not come over. The question now to be considered and voted upon is not any question that came over from the House; it is the motion of the Senator from Idaho. The motion of the Senator from Idaho is a proper motion, but it is certainly not within the class of motions that come over from the House. His motion did not come over from the House; it originated here vesterday

The VICE PRESIDENT. As the Chair thinks, it is a matter of no consequence whether it be considered as a matter which was presented yesterday or whether it be considered as a matter originally presented now.

Mr. HEYBURN. Except, Mr. President, as to the thing that

would follow. If it comes up here as any other motion from a Senator and is not disposed of, it goes to the calendar automatically. If it comes over here as a communication from the House, subject to the disposition of the Chair, it does not go to the calendar, but remains on the President's desk.

While it may not be so important in this case, and I have no intention of precipitating any long discussion at this time, this condition has arisen once or twice before within my recollection, and it has always seemed to me that the Senate was deprived of the right to have the matter go to the calendar and be considered as other motions. Any motion made by a Senator and not disposed of goes to the calendar automatically, and any matter coming over from the House to the President of the Senate remains on the desk of the President.

Now, it is a question where these things rest. If it goes to the calendar, Senators then may, if they think it proper, have We have carried it subject to call and subject to objection. things on the calendar that came over like this on former occasions. Large matters we have carried over for a long time. Of course, there being no conference report here, there is no opportunity to object to the conference report, but the motion of the Senator from Idaho is the equivalent of a conference report. It performs the function of a conference report. I am not going to make any strenuous resistance to the conditions that arise, but it is quite worth while as a matter of parliamentary law to know whether or not a motion to concur in an amendment of the House made by a Senator occupies any different status from a motion to concur presented by a conference committee. If it were presented by a conference committee there would be no difficulty at all in sending it to the calendar. Why should not the same condition exist when it is presented by a Senator?

The VICE PRESIDENT. The Chair thinks there is no question but that the motion of the junior Senator from Idaho [Mr. BORAH] is now in order, and that the suggestion of the senior Senator from Idaho that by such a ruling power is taken from the Senate to do what it may wish is not a well-founded argument, because it is within the power of the Senate to negative the motion of the junior Senator from Idaho and then require the bill to take such course as the Senate may desire.

The question is on the motion of the junior Senator from Idaho that the Senate concur in the amendment of the House of Representatives.

The motion was agreed to.

YOSEMITE NATIONAL PARK.

The VICE PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 5718) to authorize the Secretary of the Interior to secure for the United States title to patented lands in the Yosemite National Park, and for other purposes, which were: On page 1, line 12, to

strike out "timber"; on page 2, line 3, to strike out "for"; on page 2, in lines 19 and 20, to strike out "may be used by said Secretary in the management, improvement, and protection of the park," and insert "shall be deposited and covered into the Treasury as miscellaneous receipts"; and on page 3, in lines 14 and 15, to strike out "expended under his direction in the management, improvement, and protection of the park" and insert "deposited and covered into the Treasury as miscellaneous receipts.'

Mr. WORKS. I move that the Senate concur in the House

amendments.

The motion was agreed to.

HOMESTEADERS ON FORMER INDIAN RESERVATIONS.

The VICE PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 3475) extending the time of payment to certain homesteaders on the Chevenne River Indian Reservation in the State of South Dakota and the Standing Rock Indian Reservation in the States of South Dakota and North Dakota, which were: On page 2, line 1, to strike out "and" and insert "such"; on page 2, line 6, to strike out "is due" and insert "becomes due by the terms of the act under which the entry was made"; and on page 2, line 9, after the word "lands," to insert: "And provided further. That any entryman who has resided upon and cultivated the land embraced in his entry for the period of time required by law in order to make commutation proof, may make proof, and if the same is approved, further residence and cultivation will not be required: Provided, That any and all payments must be made when due unless the entryman applies for an extension and pays interest at 5 per cent per annum in advance upon the amount due as herein provided, and patent shall be withheld until full and final payment of the purchase price is made in accordance with the provisions hereof.'

Mr. GAMBLE. I move the Senate concur in the House

amendments.

The motion was agreed to.

SUPPRESSION OF BUBONIC PLAGUE IN HONOLULU.

The VICE PRESIDENT laid before the Senate the request of the House of Representatives to be furnished with a dupli-cate engrossed copy of the bill (S. 2819) to reimburse certain fire insurance companies the amounts paid by them for property destroyed by fire in suppressing the bubonic plague in the Territory of Hawaii in the years 1899 and 1900, the same having been lost or destroyed since its reference to the Committee on Claims of the House, and, by unanimous consent, the request of the House of Representatives was ordered to be complied with.

PREVENTION OF FOREST FIRES.

Mr. GALLINGER. Mr. President, I have had several communications from officials connected with the Society for the Protection of New Hampshire Forests calling attention to a proposed reduction in the agricultural appropriation bill of the funds available to prevent and fight forest fires. I have in my hand a letter from the secretary of that society, which I ask may be read from the desk and referred to the Committee on Agriculture and Forestry

The VICE PRESIDENT. Without objection, the Secretary

will read the letter.

The letter was read and referred to the Committee on Agriculture and Forestry, as follows:

THE SOCIETY FOR THE PROTECTION OF NEW HAMPSHIRE FORESTS, Concord, N. H., April 2, 1912.

Hon. JACOB H. GALLINGER, Washington, D. C.

Washington, D. C.

My Dear Senator: On behalf of this society I wish to call your attention to the provisions of the agricultural bill, which has recently passed the House, by which the appropriation for the Forest Service is reduced over \$1,000.000, principally from the funds available to prevent and fight forest fires. Our society has carefully investigated this matter of fire protection and finds that the national forests embrace properties of about \$2,000.000,000 in value. Reasonable protection of this tremendous asset from destruction by fire will necessarily involve large appropriations, but there is no doubt that if the money is properly expended it will be a wise investment for the Government to make. In 1910 the cost of fighting fires was \$900,000 more than the appropriation.

I am unable to imagine the purpose of attempting to hamper forest.

In 1910 the cost of fighting fires was cook, ow more than the appropriation.

I am unable to imagine the purpose of attempting to hamper forest service in caring for the public domain; but whatever it may be, it is clear that the people as a whole will be justified in charging up to those who may be successful in their efforts to cripple the Forest Service full responsibility for the resulting loss. It is unfortunate, however, that holding people responsible for such things does not restore the forests which may be destroyed by these unchecked fires.

New Hampshire has established an efficient fire-patrol and lookout system, largely as a result of the efforts of this society.

Anything that you can do in aiding the Forest Service will be greatly appreciated.

Very truly, yours,

Society for Protection of New Hampshire Forests,

By Allen Hollis, Secretary.

PETITIONS AND MEMORIALS.

The VICE PRESIDENT presented petitions of the congregation of the Baptist Church of Red Cloud, Nebr.; of members of the Presbyterian Sunday School of Guntersville, Ala.; of the Loders Mission Chapel of Stroudsburg, Pa.; and of the Woman's Christian Temperance Union of Mayville, N. Y., praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating liquors, which were referred to the Committee on the Judiciary.

Mr. CULLOM presented a memorial of sundry citizens of Monee, Ill., remonstrating against the establishment of a parcelpost system, which was referred to the Committee on Post Offices and Post Roads.

He also presented petitions of sundry citizens of Freeport and Mount Carmel, in the State of Illinois, praying for the passage of the so-called employers' liability and workmen's compensation bill, which were ordered to lie on the table.

Mr. ASHURST presented a petition of sundry citizens of Prescott and Phoenix, in the State of Arizona, praying that an appropriation be made for the erection of an American Indian memorial and museum building in the District of Columbia, which was referred to the Committee on Indian Affairs.

He also presented a petition of the Woman's Christian Temperance Union of Tempe, Ariz., praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which was referred to the Committee

on the Judiciary.

He also presented a petition of Local Division No. 134, Brotherhood of Locomotive Engineers, of Winslow, Ariz., praying for the enactment of legislation providing for the construction of one of the proposed new battleships in the Brooklyn Navy Yard, which was referred to the Committee on Naval Affairs.

He also presented a petition of sundry citizens of Bisbee, Ariz., praying for the establishment of a parcel-post system, which was referred to the Committee on Post Offices and Post

Roads.

He also presented a petition of sundry citizens of Gila County, Ariz.; praying for the enactment of legislation authorizing the United States Court for the District of Arizona to hold its sessions in three or more places, one of which shall be at Globe in that State, which was referred to the Committee on the Judiciary

Mr. SMITH of Arizona. I present a concurrent resolution adopted by the Legislature of Arizona, protesting against the confirmation of Richard E. Sloan as Federal judge of that district, and I ask that it be printed in the RECORD. resolution has been forwarded to my colleague and is presented by both of us.

Mr. LODGE. Mr. President

The VICE PRESIDENT. The Chair thinks that the paper presented by the Senator from Arizona is an executive matter, and therefore should be presented in executive session. Senator does not wish that it be printed in the RECORD, does he? Mr. SMITH of Arizona. I present it to the Senate as a reso-

lution. I do not care to have it printed unless that is the rule. The VICE PRESIDENT. It should be presented in executive session, as it has reference to the business of the Senate in

executive session and not in open session.

Mr. SMITH of Arizona. I appreciate the point, and beg pardon of the Senate. But in executive session I will take such course as to have it hereafter appear in the record of our

Mr. SHIVELY presented a petition of Local Union No. 366, Musicians' Protective Union, of Vincennes, Ind., praying for the enactment of legislation to prohibit Government bands from competing with civilian bands, which was referred to the Committee on Military Affairs.

He also presented a petition of Local Union No. 345, International Molders' Union, of Peru, Ind., praying for the enactment of legislation authorizing the building of one of the proposed

new battleships in a Government navy yard, which was referred to the Committee on Naval Affairs.

Mr. POINDEXTER presented a petition of the Trades and Labor Council of Walla Walla, Wash., praying for the enactment of legislation to further restrict immigration, which was ordered to lie on the table.

Mr. GARDNER presented a petition of sundry citizens of Carmel, Me., and a petition of sundry citizens of Mayville, N. Y., praying for the establishment of a parcel-post system, were referred to the Committee on Post Offices and Post Roads.

He also presented petitions of sundry citizens of Palmyra, North Jay, Union, Friendship, North Haven, and Hope, all in the State of Maine, praying for the establishment of a governmental system of postal express, which were referred to the Committee on Post Offices and Post Roads.

Mr. BRISTOW presented memorials of sundry citizens of Peabody, Hoxie, Selden, Lcoti, and Lydia, all in the State of Kansas, remonstrating against the enactment of legislation to provide for the coloring of oleomargarine in imitation of butter, which were referred to the Committee on Agriculture and Forestry.

Mr. RAYNER presented a petition of the permanent board of Baltimore Yearly Meeting of Friends, praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which was referred to the Com-

mittee on the Judiciary.

He also presented a petition of sundry citizens of Swanton, Md., praying for the enactment of legislation providing for vocational education, which was referred to the Committee on

Agriculture and Forestry.

He also presented petitions of sundry citizens of Mardela Springs and Pylesville, in the State of Maryland, praying for the establishment of a governmental system of postal express, which were referred to the Committee on Post Offices and Post Ronds.

Mr. GRONNA presented a petition of sundry citizens of Lidgerwood and Wyndmere, in the State of North Dakota, pray-ing for the repeal of the Canadian reciprocity act, which was

referred to the Committee on Finance.

Mr. CLAPP presented petitions of sundry citizens of Rochester, Cambridge, Minneapolis, Garvin, Rollag, Lakefield, and Sherburn, all in the State of Minnesota, praying for the establishment of a parcel-post system, which were referred to the Committee on Post Offices and Post Roads.

Mr. SMITH of South Carolina presented petitions of sundry citizens of Modoc and Piedmont, in the State of South Carolina, praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which were referred to the Committee on the Judiciary.

Mr. BURNHAM presented the petition of A. S. Wetherell, jr., of Exeter, N. H., praying for the enactment of legislation to provide for the construction of a public highway from Washington, D. C., to Gettysburg, Pa., as a memorial to Abraham Lincoln, which was referred to the Committee on Appropriations.

Mr. PERKINS presented a memorial of sundry citizens of Sacramento County, Cal., remonstrating against the proposed removal of the duty on sugar, which was referred to the Com-

mittee on Finance.

Mr. STEPHENSON presented a memorial of sundry citizens of Brodhead, Wis., remonstrating against the extension of the parcel-post system beyond its present limitations, which was referred to the Committee on Post Offices and Post Roads.

He also presented a petition of Local Chapter No. 843, Daughters of the American Revolution, of Marshfield, Wis., praying for the enactment of legislation providing for the publication of certain Revolutionary records, which was referred to the Committee on Military Affairs.

He also presented a petition of the Retail Grocers' Associa-tion of Fond du Lac, Wis., praying for the adoption of a 1-cent letter postage, which was referred to the Committee on Post Offices and Post Roads.

He also presented a petition of sundry citizens of Park Falls, Wis., praying for the establishment of a parcel-post system, which was referred to the Committee on Post Offices and Post Roads.

Mr. OLIVER presented a petition of sundry citizens of Lackawanna County, Pa., praying for the enactment of legislation to prohibit the use of phosphorus in the manufacture of matches, which was ordered to lie on the table.

He also presented a petition of sundry citizens of Lackawanna County, Pa., praying for the appointment of a commission on industrial relations, which was referred to the Committee on Education and Labor.

He also presented a petition of the National Reform Association, of Pittsburgh, Pa., praying for the enactment of legislation to prevent the interstate transportation of moving pictures of prize fights, which was referred to the Committee on the Judiclary.

He also presented a petition of the congregation of the Glade Run Presbyterian Church, of Dayton, Pa., praying for the en-actment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which was referred to

the Committee on the Judiciary.

He also presented a petition of Local Grange No. 1351,
Patrons of Husbandry, of Fairview, Pa., praying for the establishment of a governmental system of postal express, which was referred to the Committee on Post Offices and Post Roads.

He also presented a petition of Washington Camp, No. 63, Patriotic Order Sons of America, of Doylestown, Pa., and a

petition of Washington Camp, No. 284, Patriotic Order Sons of America, of Gilberton, Pa., praying for the enactment of legislation to further restrict immigration, which were ordered to lie on the table.

He also presented a petition of the South Pittsburgh Board of Trade, of Pennsylvania, and a petition of the Lawrenceville Board of Trade, of Pittsburgh, Pa., praying for the adoption of a 1-cent letter postage, which were referred to the Committee on Post Offices and Post Roads.

Mr. BRANDEGEE presented a memorial of sundry employees of the Stamford Manufacturing Co., of Connecticut, remonstrating against any reduction of the duty on tannin and dyewood extracts, which was referred to the Committee on Finance.

He also presented petitions of the Woman's Christian Temperance Unions of Ashford and Hartford County, in the State of Connecticut, praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which were referred to the Committee on the Judiciary.

He also presented petitions of sundry citizens of New Haven and Hartford, in the State of Connecticut, praying for the enactment of legislation providing for the construction of one of the proposed new battleships in the Brooklyn Navy Yard, which were referred to the Committee on Naval Affairs,

He also presented a memorial of sundry citizens of Thompson, Conn., remonstrating against the extension of the parcelpost system beyond its present limitations, which was referred to the Committee on Post Offices and Post Roads.

He also presented a petition of Local Grange No. 151, Patrons of Husbandry, of Enfield, Conn., praying for the establishment of a parcel-post system, which was referred to the Committee on Post Offices and Post Roads.

REPORTS OF COMMITTEES.

Mr. CURTIS. I am directed by the Committee on Appropriations, to which was referred the bill (H. R. 19212) making appropriations for the Diplomatic and Consular Service for the fiscal year ending June 30, 1913, to report it with amendments, and I submit a report (No. 558) thereon. I give notice that at the first opportunity I will call up the bill for consideration.

The VICE PRESIDENT. The bill will be placed on the

Mr. ROOT, from the Committee on the Judiciary, to which was referred the bill (S. 5917) relating to procedure in United States courts, reported it with an amendment and submitted a report (No. 559) thereon.

He also, from the same committee, to which was referred the bill (S. 3749) to amend an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911, reported it with amendments and submitted a report

(No. 560) thereon.

Mr. JONES, from the Committee on Military Affairs, to which was referred the bill (S. 4113) for the relief of Isaac J. Reese, reported it with an amendment and submitted a report (No. 564) thereon.

Mr. PERKINS, from the Committee on Commerce, to which was referred the bill (S. 5956) to restore in part the rank of Lieuts. Thomas Marcus Molloy and Joseph Henry Crozier, United States Revenue-Cutter Service, reported it without amendment and submitted a report (No. 561) thereon.

Mr. HITCHCOCK, from the Committee on Military Affairs, to which was referred the bill (S. 4341) removing the charge of desertion from the military record of Nathan McDaneld and extending to him pensionable rights, reported it with amendments and submitted a report (No. 562) thereon.

Mr. CLAPP, from the Committee on Naval Affairs, to which was referred the bill (S. 2605) to provide that petty officers, noncommissioned officers, and enlisted men of the United States Navy and Marine Corps on the retired list who had creditable Civil War service shall receive the rank or rating and the pay of the next higher enlisted grade, reported it without amendment and submitted a report (No. 563) thereon.

Mr. WILLIAMS, from the Committee on Military Affairs, to

which was referred the bill (S. 1484) for the relief of Ferdinand Tobe, reported it with amendments and submitted a report (No.

565) thereon.

Mr. OLIVER, from the Committee on Commerce, to which was referred the bill (S. 6001) providing for gas buoys and other aids to navigation in the channels leading to Baltimore, Md., reported it without amendment and submitted a report (No. 566) thereon.

Mr. WARREN, from the Committee on Military Affairs, to which was referred the bill (S. 1673) providing for the retirement of certain officers of the Philippine Scouts, reported it without amendment and submitted a report (No. 567) thereon.

BILLS AND JOINT RESOLUTION INTRODUCED.

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows

By Mr. POINDEXTER:

A bill (S. 6172) to regulate the method of directing the work of Government employees; to the Committee on Education and

A bill (S. 6173) granting an increase of pension to Charles Morritz; to the Committee on Pensions.

By Mr. SMITH of Arizona:

A bill (S. 6174) for the erection of a public building at the city of Douglas, State of Arizona; and

A bill (S. 6175) for the erection of a public building at the city of Globe, State of Arizona; to the Committee on Public Buildings and Grounds.

By Mr. FOSTER (for Mr. THLMAN):

A bill (S. 6176) for the relief of Gibbes Lykes; to the Committee on Military Affairs.

By Mr. SMITH of Maryland:

A bill (S. 6177) for the purchase of a site and erection of a Federal building at Cambridge, Md.; and

A bill (S. 6178) for the purchase of a site and erection of a Federal building at Crisfield, Md.; to the Committee on Public Buildings and Grounds.

By Mr. GUGGENHEIM:

A bill (S. 6179) to establish a mining experiment station at Silverton, San Juan County, Colo., to aid in the development of the mineral resources of the United States, and for other purposes; to the Committee on Mines and Mining.

A bill (S. 6180) for the relief of the city of Pueblo, Colo.; to

the Committee on Claims.

By Mr. BURNHAM:

A bill (S. 6181) granting an increase of pension to Darwin A. Webb; and

A bill (S. 6182) granting an increase of pension to William W. Follansby; to the Committee on Pensions. By Mr. BRANDEGEE;

A bill (S. 6183) granting an increase of pension to Laura L.

A bill (S. 6184) granting an increase of pension to Richard M. Johnson; and

A bill (S. 6185) granting an increase of pension to Charlotte B. Bentley; to the Committee on Pensions.

By Mr. JONES:

A bill (S. 6186) granting an increase of pension to Horatio N. Merritt; to the Committee on Pensions.

By Mr. CHILTON:

A bill (S. 6187) granting a pension to C. Harvey Sayre; and A bill (S. 6188) granting a pension to George Tyler; to the Committee on Pensions.

By Mr. OWEN:

A bill (S. 6189) authorizing the Secretary of the Interior to deliver all patents to Seminole allottees covering their respective allotments, and for other purposes; to the Committee on Indian Affairs.

By Mr. ROOT:

A joint resolution (S. J. Res. 95) providing for a monument to commemorate the services and sacrifices of the women of the country to the cause of the Union during the Civil War; to the Committee on the Library.

AMENDMENTS TO RIVER AND HARBOR BILL (H. R. 21477).

Mr. POINDEXTER submitted an amendment proposing to construct a ship canal between Port Townsend Bay, Puget Sound, and Oak Harbor, Wash., intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

Mr. SWANSON. My colleague [Mr. Martin of Virginia] is detained from the Senate by illness. I submit for him six amendments intended to be proposed to the river and harbor appropriation bill, which I ask may be printed and referred to

the Committee on Commerce.

The VICE PRESIDENT. Without objection, it is so ordered.

The amendments are as follows:

An amendment proposing to appropriate \$21,400 for improving Aquia Creek, Va.;

An amendment proposing to cut through Jackson Creek Bar, with a view to providing a harbor at Deltaville, Va.;

An amendment providing for a suitable channel at Tangier,

An amendment proposing to remove the bar at the mouth of Nassawadox Creek so as to connect with the bay, and provide suitable channel therefor;

An amendment providing for a survey from deep water to Oyster, Va., etc.; and

An amendment providing a suitable channel in Savages

Creek from Chesapeake Bay to Eastville, Va.

Mr. GRONNA submitted an amendment proposing to appropriate \$10,000 for continuing work of revetment at Bismarck and Williston, N. Dak., intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

AMENDMENT TO IMMIGRATION BILL.

Mr. LODGE. I submit an amendment intended to be proposed to the immigration bill (S. 3175), modifying one of its clauses. I ask that the amendment be printed and lie on the table until the bill is taken up for consideration.

The VICE PRESIDENT. The amendment will be printed

and lie on the table, as requested by the Senator from Massa-

OMNIBUS CLAIMS BILL.

Mr. SMITH of Maryland submitted an amendment intended to be proposed by him to the bill (H. R. 19115) making appropriation for payment of certain claims in accordance with findings of the Court of Claims, reported under the provisions of the acts approved March 3, 1883, and March 3, 1887, and commonly known as the Bowman and the Tucker Acts, which was referred to the Committee on Claims and ordered to be printed.

AMENDMENT TO THE AGRICULTURE APPROPRIATION BILL.

Mr. OLIVER submitted an amendment proposing to increase the appropriation for the employment of professors of meteorology, inspectors, district forecasters, etc., at the Weather Bureau, District of Columbia, intended to be proposed by him to the Agriculture appropriation bill (H. R. 18960), which was referred to the Committee on Agriculture and Forestry.

THE MILITARY POLICY OF THE UNITED STATES.

Mr. SMOOT. On yesterday the Senate ordered printed 1,000 copies of The Military Policy of the United States, by Bvt. Maj. Gen. Emory Upton, United States Army. I find, upon examination, that there are a number of illustrations embodied in the volume. I ask that the Public Printer be authorized to include the illustrations in the printing of the document.

The VICE PRESIDENT. Without objection, the order will

be entered as requested by the Senator from Utah.

THE PARCEL POST AND POSTAL EXPRESS (S. DOC. NO. 490).

Mr. CLARKE of Arkansas. I have an article by the junior Senator from Maine [Mr. GARDNER] on the parcel-post and postal-express situation in Congress. I move that the article be printed as a Senate document.

The motion was agreed to.

PROGRESSIVE RULE OF ACTION IN JUDICIAL MATTERS.

Mr. JONES. I desire to give notice that on next Wednesday, at the conclusion of the routine morning business, I desire to submit some remarks on former President Roosevelt's recent advocacy as a progressive rule of action in judicial matters the rule announced and followed by Pontius Pilate about nineteen hundred years ago.

MARSHAL FOR DISTRICT OF CONNECTICUT.

The VICE PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 2434) providing for an increase of salary of the United States marshal for the district of Connecticut, which was, on page 1, line 5, to strike out "three thousand" and insert "two thousand five hundred."

Mr. BRANDEGEE. I move that the Senate concur in the amendment of the House.

The motion was agreed to.

VOTES ON CONSTITUTIONAL AMENDMENTS.

Mr. POINDEXTER. Mr. President, in connection with an address by Dr. Nicholas Murray Butler, president of Columbia University, which has been printed recently as Senate Document No. 238, referring to certain statements and statistics contained in that speech, I ask leave to have printed in the RECORD certain papers which I hold in my hand, and in that connection to make a brief statement.

In this address Dr. Butler refers to the vote last year in California adopting certain constitutional amendments, and delivers very severe strictures on the proceedings because of the alleged small vote that was cast for them. This is the address which was printed as Senate Document No. 238. He says, on page 14:

It has, however, escaped attention that the total vote cast for and against these revolutionary proposals was about 60 per cent of the vote cast for President in 1908 or that cast for governor in 1910. Apparently the number of people in California who are interested in

their form of government are only about six-tenths of the number that were interested in who should be President of the United States or who should be governor of the State. Of the 23 amendments that were presented to the people of California on one and the same ballot, some half dozen were genuine constitutional amendments; the rest were atmost without exception matters of legislation, some of them very trifling.

half dozen were genuine constitutional amendments; the rest were atmost without exception matters of legislation, some of them very trilling.

If you have not already seen it, I want to show you the document that was sent by the secretary of the State of California to every registered voter in the State. [Here the speaker exhibited a large sheet closely printed on both sides.] You will observe that the State officials who got up this amazing document did not expect it to be read by anybody. It is solidly printed in small type on both sides of one sheet, and there is the trilling little matter of a supplement with three or four amendments on a separate sheet. Here are printed the questions that were submitted not to the Court of Appeals of California, not to the professors of political science in the State university, not even to the legislature of the State, but to the voters! I submit that the whole proceeding is ridiculous. Look at these pieces of paper. In 1908, 386,000 voted for President in California; in 1910, 385,000 voted for governor. The highest vote cast, on October 10 last, for any of these amendments was cast in regard to the amendment relating to women's suffrage. The total vote on that amendment was 246,000; 140,000 fewer than were polled three years before for President and 139,000 fewer than were polled three years before for governor. Women's suffrage was carried in California by an affirmative vote of 125,000, or 2,000 less than Mr. Bryan received in 1908, when he lost the State by nearly 90,000 majority.

Is it not obvious, then, that we are changing our form of government in the United States by a minority vote?

I ask leave, without reading it, to print in the Record as a

I ask leave, without reading it, to print in the RECORD as a part of my remarks a certified statement of the secretary state of New York giving the vote cast for and against 13 amendments to the constitution of New York from 1905 to 1909; also a brief statement showing the nature of the amendments, the total vote for President, governor, justice of the court of appeals in elections nearest to these, from which it appears that while Dr. Butler denounces the process of adopting constitutional amendments in California because only six-tenths of those voting for President and governor voted upon the constitutional amendments, in his own State of New York only one-third of those voting for President and one-fourth of those voting for justice of the court of appeals voted upon the con-stitutional amendments. This certainly shows that if the new measures adopted in California, which this writer says are "sweeping away our fundamental guaranties," "destroying our fundamental principles," and "pulling up our institutions by the root," are to be discredited because only six-tenths of the voters voted upon the question, then surely every constitutional amendment adopted in the State of New York from 1905 to 1909 by a much smaller percentage of the vote must be likewise discredited. And the same thing applies everywhere to every constitution or constitutional amendment submitted to the constitution or constitutional amendment submitted people. Strange to say, one alternative which Dr. Butler suggests for this is not a larger electorate and more voters, but the constitution should be left to "the that the amendment of the constitution should be left to "the professors of political science in the State University." That suggestion is certainly an original one, and can not even be found in the lore of the ancient world which Dr. Butler speaks of. He says, on page 14:

Here are printed the questions which were submitted, not to the Court of Appeals of California, not to the professors of political science in the State University, not even to the legislature, but to the

You will notice the contempt with which he speaks of submitting a matter to the voters He does not seem to favor suffrage by the people. On page 15 he says:

It was no less a person than Daniel Webster who said that "our American mode of government does not draw any power from tumultuous assemblages."

To which Dr. Butler adds:

This is true whether the tumultuous assemblage shouts and cries aloud on a sand lot or whether the tumultuous assemblage goes through the form of voting at the polls.

Voting at the polls seems to be a mere matter of form with Dr. Butler, and certainly it has been a mere matter of empty form with the people of many of our cities and States. In the recent primary in New York, which elected delegates to a State convention of which Dr. Butler is slated to be chairman, the citizens did not even have the chance to go through the form

Dr. Butler's whole address is on the thesis that the people are not competent to govern themselves. He is quite picturesque in his mode of argument against direct legislation and the recall. It consists largely of a series of epithets, such as "revolutionists," "preposterous," "vicious," "ridiculous," "foolish," "stupid," "stupid folly," "outrage."

He shows a misconception of the entire matter when he says it is a proposition to "change the form of government." It is

not, but is simply to improve the administration and operation of the form of government. He complains (p. 5) that the changes "are not brought forward as philosophic propositions to be examined and passed upon in principle" and are "not

brought forward as a complete and conscious program." the contrary, the usual complaint is that the program is too philosophic and too conscious. He says it proposes a "socialistic democracy." This is a mistaken assumption, utterly without any ground. It contains none of the elements of socialism, This is a mistaken assumption, utterly withwhile the system which Dr. Butler defends leads directly and inevitably to socialism. He cites Madison, as follows (p. 4):

A republic is a government which derives all its powers directly from the great body of the people and is administered by persons holding their offices during pleasure, for a limited period, or during good behavior.

Holding office "during the pleasure" of "the great body of the people" is the principle of the recall completely included in this definition by Madison of a republic. In the same paragraph (pp. 14-15) Dr. Butler asserts that the constitutional amendments adopted in California "revolutionized the Government," and that they are largely "matters of legislation, some of them very trifling"; that there were too few voters and

that there were too many.

Dr. Butler's speech is a delightful effort, full of literary charm, sprightly wit, and interesting abuse. It is true that it overflows with inaccuracies, misstatements, and bulls; but then allowance ought to be made for the fact that Dr. Butler has had little experience with affairs, and has spent most of his time in an atmosphere where the one great goal and object was a large endowment from some "malefactor of great wealth" or a comfortable pension from the profits of watered steel.

The VICE PRESIDENT. Without objection, the papers referred to by the Senator from Washington, which he asks may be printed in the RECORD without reading, will be so printed.

The papers referred to are as follows:

NEW YORK CONSTITUTIONAL AMENDMENTS.

Amendment to article 8, section 10.—Debts of New York City for water supply excepted from constitutional limit of city indebtedness. Adopted, November 7, 1905. Vote—for, 303,117; against, 129,424. General election vote—For President, 1904, Republican, 859,513; Democratic, 683,981. 333 per cent. For governor, 1904, Republican, 813,964; Democratic, 733,704.

Amendment to article 7, section 11.—Legislature may pay from funds in treasury sluking fund charges, interest, and principal debts heretofore or hereafter created; if other suffice no direct annual tax need be imposed. Adopted, November 7, 1905. Vote—for, 307,768; against, 134,773.

imposed. Adopted, November 7, 1905. Vote—for, 307,768; against, 134,773.

Amendment to article 6, section 1.—Legislature may increase justices in any judicial district, but number may not exceed 1 justice for each 60,000 or fraction over 35,000, first and second districts excepted. Adopted, November 7, 1905. Vote—for, 297,893; against, 133,999.

Amendment to article 12, section 1.—Legislature may regulate wages, hours, and conditions of labor employed by State or any civil division or on public contracts. Adopted, November 7, 1905. Vote—for, 338,570; against, 133,606.

Amendment to article 7, section 12.—Legislature may contract debts for improvement of highways limited to \$50,000,000; counties to pay not more than 35 per cent or towns 15 per cent of cost of highway. Adopted, November 7, 1905. Vote—for 383,188; against, 117,181.

Amendment to article 7, section 4.—Relating to creation and payment of State debts; direct annual tax to be levied to pay annual interest charge and principal within 50 (formerly 18) years from date of construction. Adopted, November 7, 1905. Vote—for, 293,552; against, 127,364.

ment of State debts; direct shinuit in X to be tever to be a state debts; direct shinuit in X to be tever to be pay as in X to estimate to article of construction. Adopted, November 7, 1905. Vote—for, 293,552; against, 127,364.

Amendment to article 6, section 2.—Justice of supreme court, when not acting as appellate justice, may hold term of supreme court in any county or judicial district in any other department of State. Adopted, November 7, 1905. Vote—for, 288,227; against, 125,649.

Amendment to article 8, section 10.—Debts incurred for water supply by cities of second class after January 1, 1908, not to be included within constitutional limit of indebtedness. Adopted, November 5, 1907. Vote—for, 352,905; against, 137,721. General election vote—for justice, court of appeals, 1907, Republican, 1,180,275; Democratic, 1,165,282. 25 per cent.

Amendment to article 12, section 2.—To classification of cities: First class comprises cities of 175,000 (250,000) or more; second class, 50,000 to 175,000 (250,000); third class, under 50,000. Adopted, November 5, 1907. Vote—for 309,159; against, 123,919.

Amendment to article 3, section 27.—In relation to the powers of the boards of supervisors and county auditors or other fiscal officers, conferring further powers of local legislation and administration as the legislature may deem expedient. Adopted, November 2, 1909. Vote—for, 253,774; against, 223,331. General election—for President, 1908, Republican, 870,070; Democratic, 667,468. 333 per cent.

Amendment to article 6, section 12.—In relation to the compensation of justices of the supreme court. Adopted, November 2, 1909. Vote—for, 278,415; against, 249,576.

Amendment to article 7, section 4.—Permitting the legislature to alter the rate of interest on debts. Adopted, November 2, 1909. Vote—for, 279,352; against, 216,541.

Amendment to article 8, section 10.—Relating to the limitation of the indebtedness of cities and excepting certain kinds of bonds from computation of the debt of a city for purposes of such limita

CONSTITUTIONAL AMENDMENTS ADOPTED SINCE JANUARY 1, 1902.

November 7, 1905:	
November 7, 1905: For amendment to section 1, article 6	297, 893 133, 999
For amendment to section, article 12Against	338, 570 133, 606
November 7, 1905:	4000
For amendment to section 1, article 12Against	338, 570
November 7, 1905:	,
For amendment to section 4, article 7	293, 552 127, 364
November 7, 1905:	
For amendment to section 2, article 6Against	288, 227 125, 649
November 5, 1907;	
For amendment to section 10, article 8Against	352, 905 137, 721
November 5 1907:	
For amendment to section 2, article 12Against	309, 159
November 2, 1909:	
For amendment to section 27, article 3	253, 774 223, 331
November 2, 1909:	
For amendment to section 12, article 6	278, 415
Against Kovember 2, 1909 :	240, 010
For amendment to section 4, article 7	279, 352
Against November 2, 1909:	210, 541
For amendment to section 10, article 8Against	200, 795
	201, 101
STATE OF NEW YORK, Office of the Secretary of State, ss:	
I have compared the preceding conv of vote given for and	1 against

I have compared the preceding copy of vote given for and against proposed amendments to the constitution of this State, adopted since January 1, 1902, with the original statements on file in this office, and do hereby certify that the same is a correct transcript therefrom and the whole thereof.

Given under my hand and the seal of office of the secretary of state, at the city of Albany, this 15th day of February, in the year 1912.

[SEAL.]

Second Deputy Secretary of State.

REDEMPTION OF DISTRICT CERTIFICATE OF INDEBTEDNESS.

Mr. GALLINGER. I ask unanimous consent for the present consideration of the bill (S. 5246) to redeem a certain outstanding certificate of indebtedness issued by the late board of audit

of the District of Columbia, and for other purposes.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on the District of Columbia with an amendment to strike out all after the enacting clause and insert:

That the Commissioners of the District of Columbia are hereby authorized and directed to receive and audit certificate of indebtedness No. 174 (sewer tax), issued by the late board of audit of the District of Columbia, dated August 1, 1874, of the sum of \$42.50, for the redemption of which there is no existing law, and to pay to the holder the principal amount of said certificate, and a sufficient amount to pay the certificate aforesaid is hereby appropriated, one-half from the revenues of the District of Columbia and one-half from any money in the Treasury not otherwise appropriated.

The amoundment was agreed to

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CONSIDERATION OF THE CALENDAR.

Mr. LODGE. Regular order, Mr. President.

Mr. CLAPP. I ask unanimous consent for the present consideration of-

Mr. LODGE. Regular order!

The VICE PRESIDENT. The Senator from Massachusetts asks for the regular order, which is the consideration of bills on the calendar under Rule VIII. The Secretary will state the first bill on the calendar.

The Secretary. The bill (S. 2518) to provide for raising the volunteer forces of the United States in time of actual or threatened war.

Mr. DU PONT. I ask that the bill go over. The VICE PRESIDENT. The bill will be passed over. Senate concurrent resolution No. 4, instructing the Attorney General of the United States to prosecute the Standard Oil Co. and the American Tobacco Co., was announced as next in order.

Mr. GALLINGER. Let that go over.

The VICE PRESIDENT. The concurrent resolution will be passed over.

DENTAL SURGEONS IN THE NAVY.

The bill (S. 290) to authorize the appointment of dental surgeons in the United States Navy was announced as next in order.

Mr. SMOOT. Let that bill go over.
Mr. PERKINS. Mr. President, that bill has been on the calendar for two months, and I should like to have it taken up and disposed of at this time.

The VICE PRESIDENT. The Senator from Utah has made objection. Does the Senator from California move to take up the bill?

Mr. PERKINS. I move that the Senate proceed to the consideration of the bill notwithstanding the objection.

The VICE PRESIDENT. The Senator from California moves that the Senate proceed to the consideration of Senate bill 290, the objection of the Senator from Utah to the contrary notwith-

Mr. SMOOT. Mr. President, I will suggest that I have no objection to the present consideration of the bill, but I should like to have it explained. If the Senator will explain the bill, I will withdraw any objection to its immediate consideration.

The VICE PRESIDENT. The question is on the motion of the Senator from California to proceed to the consideration of the bill, and that motion is not debatable.

The motion was agreed to; and the Senate, as in Committee

of the Whole, proceeded to consider the bill.

Mr. PERKINS. I send to the desk the report of the committee on the bill and ask to have read the portions I have marked.

The VICE PRESIDENT. The Secretary will read as re-

quested.

quested.

The Secretary read as follows:

Department of the Nayy,
Washington, April 14, 1911.

My Dear Senator: The receipt is acknowledged of your letter of the
Sth instant inclosing a bill (S. 290) to authorize the appointment of
dental surgeons in the United States Nayy, and, on behalf of the committee, requesting the views and recommendation of the department
relative thereto.

In reply I have the honor to inform you that legislation providing for
the services of dentists in the Navy has, for a number of years, been
consistently recommended.

The necessity and desirability of being able to avail of the services of
such skilled practitioners, especially for the care and cure of dental
disorders among the enlisted men, is unquestionable. Moreover, the enlisted men are often prevented either by reason of expense or the remoteness of their station from securing adequate attention in this respect,
which is a most important one from the viewpoint of their efficiency on
board ship.

There is inclosed a copy of the annual report of the Surgeon General
of the Navy for the fiscal year 1909, wherein, at pages 35-39, will be
found an exposition of the need for dental surgeons, such as may be
provided for by the enactment of the proposed legislation, which is
commended to the favorable consideration of the committee and which
has the indorsement of the department.

Faithfully, yours,

The Chairman Committee on Naval Affairs,
United States Senate

provided for by the enactment of the proposed legislation, which is commended to the favorable consideration of the committee and which has the indorsement of the department.

Faithfully, yours,

Geo. von L. Meyere,

The Chairman Committee on Navar. Appaires,

United States Senate.

The bill provides for the appointment of 30 dental surgeons for service in the Navy with the title of acting assistant surgeon, and with the revocable rank of lieutenant, junior grade. After three years' service acting assistant dental surgeons become eligible, subject to physical and professional examinations, to appointment to the grade of assistant dental surgeon with the rank of lieutenant, junior grade, and after a further service of three years 4 of the 30 assistant dental surgeon with the rank of lieutenant, junior grade, and after a further service of the years 1 of the trank of lieutenant; after a further service of the years 1 of the trank of lieutenant; after a further service of the years 1 of the trank of lieutenant commander.

The pay and allowances are the same as provided for officers of corresponding grades in the Corps of Surgeons, and a clause reenacts the act of May 4, 1898, which equalizes the pay and allowances of acting assistant and assistant surgeons. As but one dental surgeon would attain the rank of lieutenant commander, which rank is required under existing law to entitle a staff officer to retired pay for age, provision is made for the retirement in the grade of lieutenant and lieutenant, junior grade. In the Sixty-first Congress, third session, the Naval Committee of the House of Representatives reported for passage an identical bill, and in "The grades of permanent rank attainable under the provisions of the bill are limited to the three lowest grades of the Staff Corps of the Army and Navy, and in this respect conforms with the views were adopted by the Committees on Milliary Affairs of both the Senate and the House of Representatives, as shown by Senate Report No. 130, Sixtleth Congress.

"The enactm

The evidence which has been brought to the attention of your committee seems to be conclusive of the necessity for the appointment of dental surgeons under such conditions as will attract to the service men of character, ability, and experience, and this end we believe the present bill will accomplish. We therefore recommend that the bill pass.

The VICE PRESIDENT. The bill is in Committee of the Whole and open to amendment.

Mr. BRISTOW. Mr. President, I move to strike out section 11.

The VICE PRESIDENT. The Senator from Kansas offers the amendment, which the Secretary will state.

The Secretary. On page 5 it is proposed to strike out section 11, in the following words:

Sec. 11. That all officers authorized by this act shall be eligible to re-tirement in the same manner and under the same conditions as officers of the Medical Corps of the Navy: Provided, That section 1445 of the Revised Statutes of the United States shall not be applicable to the officers herein authorized: And provided further, That the dentist now employed at the Naval Academy shall not be displaced by the operation of this act.

Mr. BRISTOW. That strikes out the provision for the retirement of these dentists as officers of the Navy. Dentistry is purely a civil employment. I think the retired lists of both the Army and the Navy are becoming excessive and soon will become burdensome. There is no more occasion for retiring a dentist of the Navy as a naval officer than there is of retiring any other civil employee of the Navy Department as a naval

officer. It is purely a civil employment.

Senate Document No. 449 shows the number of retired naval officers that we now have. There are on the retired list 210 rear admirals, costing the Government more than a million dollars a year. Then comes a list of the inferior officers,

My principal objection to the bill is that it provides a lot of civil employees who are made officers of the Navy, and thereby makes them eligible to be retired at the age of 62. A dentist may be retired when he is 62 years old. Then he will set up a dentist's office somewhere and proceed to do business for the remainder of his life, meanwhile drawing a compensation from

the Government. It seems to me it is indefensible.

Mr. PERKINS. Mr. President, the Senator from Kansas is mistaken in charging that these men will retire as officers of the Navy. They are simply enlisted men. There are 49 vocathe Navy. They are simply emisted men. There are 45 vocations in the Navy of enlisted men. The Senator is a member of the Committee on Military Affairs, which reported favorably to the Senate a similar bill, and it has become a law. That bill provided for just twice the number of dentists in the Army that this bill provides for in the Navy. The Army bill provided for 60 and this bill provides for 30.

An enlisted man must serve 30 years in the Navy before he is eligible to retirement; and if this bill becomes a law these dentists will come in as enlisted men. There are 49 vocations in the Navy, from gunner and chief gunner to cook of the forecastle, coal passer, coal heaver, and so forth. Those men have to serve 30 years before they are eligible to retirement. They are not retired at 62 years of age. There are only 320 of the enlisted men of the Navy who have been retired, and they range in ages from 60 to 78 and 80 and 82.

Mr. BRISTOW. I call the attention of the Senator from California to section 11 of the bill, which I seek to strike out. That section provides-

That all officers authorized by this act shall be eligible to retirement in the same manner and under the same conditions as officers of the Medical Corps of the Navy.

Whatever rank they have they are retired as officers of that rank.

Mr. PERKINS. These are enlisted men. Mr. BRISTOW. But they are retired as officers by the very provision which I seek to strike out—section 11.

Mr. LODGE. This is about the most important section in

Mr. President, I think section 11 is one of the most important features of the bill. We have in the Navy many persons following civilian occupations who are subject to retirement as in the Army. Chaplains, paymasters, members of the Medical Corps, are all, in the sense referred to by the Senator from Kansas, civilian employees. They are all eligible to retirement.

The necessity of a dental corps for the Navy is very great greater than in the Army, because by the conditions of the pro-fession the men are more separated than are the soldiers from places where they can secure the services of dentists. The need of dentists is very great, indeed, for the general health and hygiene of the men.

We have already done this for the Army. The object of the bill is simply to assure securing good men for the service. You can not get the best men, or men sufficiently good, unless you will make them the offer of retirement which will compensate for their comparatively small earnings,

It is very desirable, in order that we may have proper men in this corps, to give them suitable recognition. They all have to have years of training, and have to pass severe examinations. It is very desirable, therefore, to give them retirement and this very moderate rank of lieutenant to enable us to get such men as we ought to have. In the interest of the health and the comfort of the men it is most important that we should get the best possible dental service for the Navy, and I think this is a very reasonable and moderate bill.

Mr. BRISTOW. Mr. President, the principal argument advanced for this bill seems to be that a similar bill was passed for the Army last year. The Senator from California has referred to my being a member of the Committee on Military Affairs. I was not a member of that committee at the time the bill was passed. If I had been I should have opposed it. The fact that something was done then that should not have been done does not justify us in creating an additional retired list of these civil employees.

I am in perfect accord with the statement of the Senator from Massachusetts as to the importance of providing the sailors with proper dental attendance. I think it is all right to make provision for dentists in the Navy. Provision is now being made. The dentists are being paid for the service they

perform. It is a civil employment.

Mr. PERKINS. The Senator is mistaken. It is performed by the enlisted surgeons and Hospital Corps.

Mr. BRISTOW. They are dentists.

Mr. PERKINS. They are operating under the name of den-

Mr. BRISTOW. There is a contract system by which dentists are now employed. If they are not being paid enough to get efficient dentists, they ought to be paid more; but we ought not to pad these retirement lists.

The Senator from Massachusetts [Mr. Lodge] says this is the most important provision in the bill. This is an instance of the continuous effort that is being made by civil employees to get upon the retired list. The Army is now costing the Government between \$7,000,000 and \$8,000,000 a year in retired pay.

The naval officers alone are now drawing \$2,800,000 a year as retired pay; and this is simply again padding the list with civil employees.

If the Senator thinks that under the contract system which now prevails dentists are not paid enough to get efficient men, he should provide for additional and better compensation for them. But to retire a civil employee at 62 years of age and put him on a pension for life and let him go out into the activities of professional business, as he will, is an imposition on the Treasury of the United States. I know retired military officers who, after they are retired, go into the practice of their regular profession, and some of them make a success. I think they are retired entirely too young. Twenty-five per cent of the Army officers are on the retired list to-day, and a larger percentage of the naval officers. According to the provisions of this bill these men at 62 will be retired.

Mr. CUMMINS. Mr. President— The VICE PRESIDENT. Does the Senator from Kansas yield to the Senator from Iowa?

Mr. BRISTOW. I do. Mr. CUMMINS. Will the Senator from Kansas, for the information of the Senate, state the compensation or pay of these dental officers while in active service?

Mr. BRISTOW. I am not advised as to what they receive. Mr. CUMMINS. Will some Senator who is familiar with the subject state how much each of these 30 officers will receive

while in the active service?

Mr. PERKINS. Twenty-five of them will receive \$2,000 a

Mr. CUMMINS. Without regard to grade or rank?
Mr. PERKINS. One dental surgeon, at \$3,000 a year; 4
passed assistant dental surgeons, at \$2,500; and 25 at \$2,000 a year; making altogether \$63,000.

Mr. CUMMINS. The question, then, would seem to be whether it would be practicable to secure competent dentists for \$2,000 a year without the additional hope of pay that is involved in retirement. What does the Senator from Kansas think about that?

Mr. BRISTOW. Well, there are a great many dentists who earn very much more than that, and many who earn less. The compensation of a dentist depends not so much upon his efficiency as upon the locality where he transacts his business. If he is in a small community, where he does not have a great deal to do, his earnings will be small; if in a large community, where there are a great many people living, and people of wealth, his earnings will be very much greater.

Mr. PERKINS. If the Senator from Kansas will permit me, there are on the battleship Kansas—named for the State which the Senator in part represents-869 men, and adding officers and marines, there will be, say, 1,000. There are 2,944 officers on the active list and 901 officers and 320 enlisted men on the retired list. There are 45,500 enlisted men in the Navy. Does not the Senator think that they are entitled to have dentists?

Mr. BRISTOW. Of course I think they are entitled to have

dentists, but I do not think that a dentist is entitled to be retired as an officer of the Navy, because he is not an officer of the Navy. He is there to transact civil business, and he ought to be paid a reasonable and liberal compensation for the service

that he renders.

Mr. PERKINS. He can only be retired at three-quarters pay

after 30 years' service.

Mr BRISTOW. There are a good many men being retired now who are in perfect health, and I am objecting to padding and increasing the retired list of the Army and Navy by civil employees.

Mr. LODGE.

Mr. LODGE. Mr. President—
The VICE PRESIDENT. Does the Senator from Kansas yield to the Senator from Massachusetts?

Mr. BRISTOW. I do. Mr. LODGE. It seems rather late to make the objection as to civil employees, when we have done the same thing in so many other cases in the Navy and in the Army. We had the contract-surgeon system in the Army and Navy. It was abancontract-surgeon system in the Army and Navy. It was abandoned because it was found to be expensive and they were an inferior class of men. It was given up because we could not get the sort of men we ought to have, and the other system was adopted because we got a better class of men by offering them this amount of security.

It seems to me that 62 years, after a man has been engaged in a profession which requires the very highest manual dex-terity, is not an age of extreme youth. It is a very moderate age for a Senator, but not so great an age, I think, for a surgeon.

I think it is well enough to retire him at 62.

Mr. BRISTOW. Mr. President, I do not care to delay to any unreasonable time the consideration of the bill. I simply want to enter my protest, and I ask for a vote upon this amendment to cut out the provision for the retirement of these dentists as naval officers.

Mr. PERKINS. I wish to state that this bill has been recommended by the past four administrations. The Surgeon General of the Navy in each administration has recommended the pas-

sage of this or a similar bill.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Kansas. [Putting the

mendment offered by the Constraint of the Vice President. The vice President. The Senator from Kansas demands the yeas and nays on agreeing to the amendment. The yeas and nays were not ordered.

The VICE PRESIDENT. The amendment is rejected.

The VICE PRESIDENT. The amendment is rejected.

Mr. BRISTOW. I move to insert in line 12, on page 5, after the word "retirement," the words "at the age of 70 years."

The VICE PRESIDENT. The Secretary will state the

amendment. Mr. BRISTOW. It increases the retirement age from 62

to 70.

The Secretary. On page 5, line 12, after the word "retirement," insert "at the age of 70 years."

The VICE PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Kansas.

Mr. BRISTOW. I ask for a roll call on this amendment.
The yeas and nays were ordered.
Mr. CULBERSON. Let the amendment be read again.
The VICE PRESIDENT. Without objection, the Secretary will again read the amendment.

The Secretary. On page 5, line 12, after the word "retirement," insert the words "at the age of 70 years," so that if amended it will read:

Sec. 11. That all officers authorized by this act shall be eligible to retirement at the age of 70 years in the same manner and under the same conditions as officers of the Medical Corps of the Navy: Pro-

Mr. CUMMINS. Mr. President, I have just one observation make. There has been a great deal of discussion with respect to the retirement of civil-service employees at a certain age and providing some compensation for them after that time. There has never been a suggestion that the general civil-service employees should be retired under 70 years of age, and there is no reason why a person in the Navy pursuing a purely civil employment should be retired at a less age than by the consensus of opinion is applied to general civil-service employees.

The VICE PRESIDENT. The Secretary will call the roll on agreeing to the amendment of the Senator from Kansas [Mr. BRISTOW].

The Secretary proceeded to call the roll.

Mr. CURTIS (when his name was called). I am paired with the senior Senator from Virginia [Mr. Martin]. Not knowing

how he would vote on this question, I withhold my vote.

Mr. BRYAN (when Mr. Fletcher's name was called). My colleague [Mr. Fletcher] is necessarily absent on business of

the Senate.

Mr. GUGGENHEIM (when his name was called). I have a general pair with the senior Senator from Kentucky [Mr. Paynter], who is unavoidably detained. So I withhold my

Mr. HEYBURN (when his name was called). I have a pair with the senior Senator from Alabama [Mr. Bankhead]. I do

with the senior Senator from Alabama [Mr. Bankhead]. I do not see him in the Chamber. So I withhold my vote.

Mr. LODGE (when his name was called). I have a general pair with the Senator from New York [Mr. O'GORMAN]. I transfer that pair to the Senator from Rhode Island [Mr. Wetmore], and vote "nay."

Mr. SWANSON (when the name of Mr. Martin of Virginia was called). We collected the Name of Mr. Martin of Virginia was called.

was called). My colleague [Mr. MARTIN] is detained from the Senate on account of illness in his family. He is paired with

the senior Senator from Kansas [Mr. Curris].

Mr. NELSON (when his name was called). I have a general pair with the senior Senator from Georgia [Mr. Bacon]. Not knowing how he would vote I withhold my vote.

Mr. SIMMONS (when Mr. Overstay's name was called).

Mr. SIMMONS (when Mr. Overman's name was called). My

colleague is absent on business of the Senate.

Mr. PERKINS (when his name was called). I have a general pair with the senior Senator from North Carolina [Mr. Overman]. He informed me that he is in favor of this bill as reported by the committee. I will therefore vote. I vote "nay."

Mr. SMITH of Michigan (when his name was called). I am paired with the junior Senator from Missouri [Mr. Reed]. I

paired with the junior Senator from Missouri [Mr. Reed]. I transfer that pair to the Senator from Connecticut [Mr. Brandegee], and vote. I vote "nay."

Mr. SHIVELY (when Mr. Stone's name was called). The senior Senator from Missouri [Mr. Stone] is paired with the senior Senator from Wyoming [Mr. CLARK].

Mr. CHILTON (when Mr. Watson's name was called). My colleague [Mr. Watson] is paired with the Senator from New Jersey [Mr. Briggs]. My colleague is necessarily absent from Jersey [Mr. Briggs]. My colleague is necessarily absent from the Chamber.

The roll call was concluded.

Mr. DILLINGHAM. On account of my general pair with the senior Senator from South Carolina [Mr. TILLMAN], I withhold my vote.

Mr. JONES. I was requested to announce that the junior Senator from Kentucky [Mr. Bradley] is unavoidably absent. He is paired with the senior Senator from Florida [Mr. FLETCHER

Mr. LIPPITT (after he had voted in the negative). I have a general pair with the junior Senator from Tennessee [Mr Lea]. At the time my name was called I did not notice his

absence from the Chamber. I therefore recall my vote.

Mr. WARREN. I desire to state that my colleague [Mr. Clark of Wyoming] is absent from the Chamber and is paired with the senior Senator from Missouri [Mr. Stone].

The result was announced-yeas 36, nays 18, as follows:

	YE	AS-36.	
Ashurst Borah Bourne Bristow Brown Bryan Burton Catron Chamberlain	Chilton Clarke, Ark. Crawford Culberson Cummins du Pont Fall Gronna Hitchcock	Jones Martine, N. J. Myers Page Percy Poindexter Pomerene Rayner Shively	Simmons Smith, Ariz. Smith, Ga. Smith, Md. Sutherland Swanson Townsend Williams Works
Harris Charles Charles	NA	ÝS-18	
Burnham Crane Cullom Foster Gallinger	Gamble Gardner Johnson, Me.* Lodge McLean	Nixon Oliver Penrose Perkins Root	Smith, Mich, Thornton Warren
	NOT V	OTING-40.	
Bacon Bailey Bankhead Brandley Brandegee Briggs Clapp Clark, Wyo. Curtis Davis	Dillingham Dixon Fletcher Gore Guggenheim Heyburn Johnston, Ala. Kenyon Kern La Follette	Lea Lippitt Lorimer McCumber Martin, Va. Nelson Newlands O'Gorman Overman Owen	Paynter Reed Richardson Smith, S. C. Smoot Stephenson Stone Tillman Watson Wetmore

So Mr. Bristow's amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ECONOMY AND EFFICIENCY IN THE GOVERNMENT SERVICE (H. DOC. NO. 670).

The VICE PRESIDENT laid before the Senate the following message from the President of the United States, which was read and referred to the Committee on Appropriations and ordered to be printed:

To the Senate and House of Representatives:

On the 17th of January last I sent a message to the Congress describing the work of the commission appointed by me under authority of the acts of June 25, 1910, and March 3, 1911, granting appropriations to enable me to inquire into the methods of transacting the public business of the various executive departments and other governmental establishments, and to make report as to improved efficiency and greater economy to be obtained in the expenditure of money for the maintenance of the Government. By way of illustrating the utility of the commission, and the work which they were engaged upon, I referred to a number of reports which they had filed, recommending changes in organization of the departments and bureaus of the Government, the avoidance of duplication of functions and services, and the installation of labor-saving devices and improved office methods. All of the recommendations looked to savings of considerable amounts. With the message of February 5, 1912, I transmitted to the Congress the reports on the centralization of distribution of Government documents, on the use of window envelopes, and on the use of a photographic process for copying records.

A number of the reports of the commission had not then been commented on by the heads of the departments that would be affected by the changes recommended, and therefore I did not feel justified at that time in recommending to the Congress the statutory amendments necessary to carry out the recommendations of the commission. Since then, however, I have received the recommendations of the heads of departments, and I transmit this message for the purpose of expressing my approval of the changes recommended by the commission and of laying before the Congress the reports prepared by the commission.

LOCAL OFFICES SHOULD BE IN THE CLASSIFIED SERVICE.

I have several times called attention to the advantages to be derived from placing in the classified service the local officers under the Departments of the Treasury, of the Post Office, of Justice, of the Interior, and of Commerce and Labor. message submitted to the Congress on January 17 I referred to the loss occasioned to the Government because of the fact that in many cases two persons are paid for doing work that could easily be done by one. In the meantime I have caused an inquiry to be made as to the amount in money of this loss. The results of this inquiry are that the loss amounts to at least \$10,000,000 annually. For example, it appears that a very substantial economy would result from putting experienced and trained officers in charge of the first and second class post offices instead of selecting the postmasters in accordance with the present practice. As the annual operating expenses of the first and second class offices aggregate the enormous sum of more than \$80,000,000, undoubtedly if the postmasters of these offices were embraced in the classified service, and required to devote all their time to the public service, the annual savings would eventually represent many millions of dollars. The saving in salaries alone, not taking into account any saving due to increased efficiency of operation, would amount to about \$4,500.000. At the present time the salaries of postmasters of the first and second class amount to \$6,076,900, while the salaries of assistant postmasters of the same classes amount to \$2,820,000. If the position of postmaster were placed in the classified service and those officers were given salaries equal to 20 per cent more than the salaries now given to the assistant postmasters, the latter position being no longer required, there would be a saving in salaries to the Government of \$4,512,900. In the case of postmasters at offices of the third class a large annual saving could be made.

PENSION AGENCIES.

An annual saving of nearly \$62,000 could be made if the position of pension agent were placed in the classified service, since the work now done by a pension agent at a salary of \$4,000 and a chief clerk at a salary ranging between \$1,400 and \$2,250 could easily be done by one person in the permanent classified service at a salary varying from \$2,100 to \$3,000. Greater economy and efficiency would result from the abolition of the

pension agencies and from the adoption of a plan in accordance with which pensions would be paid by the Pension Office in Washington.

DISTRICT LAND OFFICES.

What is true in the matter of payment of pensions is also true in the service under the General Land Office. The field service of this office could be more efficiently and economically operated if it were provided by law that the office of receiver of district land offices be abolished and the duties transferred to the register, assisted by a bonded clerk, and the register placed in the classified service. It has several times been estimated that more than \$200,000 would be saved annually and the efficiency of the service greatly increased by the adoption of such a plan.

INTERNAL-REVENUE AND CUSTOMS OFFICES.

Large expenditures are made for salaries of political appointees in the internal-revenue and customs services. In both services a direct saving in salaries, and an indirect economy through increased efficiency, would follow a transfer of such offices to the classified service.

OTHER LOCAL OFFICES.

In the other field services the saving which would result from the classification of the local officers under the departments is not as marked or probably capable of as exact estimation as in those mentioned, but there is no doubt that substantial savings would follow. It is not to be doubted that where no saving would result the classification of the local officers would increase the efficiency of the service. It would be desirable also to place all marshals, deputy marshals, and assistant attorneys in the classified service, although but little direct economy would result. Supervising inspectors in the Steamboat-Inspection Service and the members of the field service in the Bureau of Fisheries should be placed in the classified service.

COMMISSION'S REPORT ON LOCAL OFFICES,

The report on methods of appointment submitted to me by the commission, which covers fully the subject of appointments by the President by and with the advice and consent of the Senate, and recommends that various local officers, such as postmasters, collectors of internal revenue, etc., and heads of bureaus in the departmental service, be included in the classified service, is transmitted herewith (Appendix No. 1). The report and recommendations are approved by me.

LEGISLATION NEEDED TO ESTABLISH THE MERIT SYSTEM.

In the interest of an efficient and economical administration of the vast business of the Government, I urge the necessity for the inauguration of this important reform, and recommend that the necessary amendments be made to the laws governing appointments, such amendments to take effect not later than July 1, 1913, so that there may be secured to the people the benefits to be derived from a conduct of their affairs by officers selected on a merit basis and devoting their time and talents solely to the duties of their offices.

CONSOLIDATION OF LIGHTHOUSE AND LIFE-SAVING SERVICES.

The commission's report (Appendix No. 2) recommends that the Life-Saving Service of the Department of the Treasury be discontinued as a separate organization and that the maintenance and operation of the life-saving stations of the country be made one of the duties of the Bureau of Lighthouses of the Department of Commerce and Labor. I concur in this recommendation and urge that the necessary legislation for carrying it into effect be enacted.

Both of these services are organized and maintained for the same general purpose—the protection of life and property endangered along the coasts and other navigable waters. Both maintain stations along the coast, which are located for the most part in close proximity. Both have substantially the same business problems to meet in locating, constructing, and maintaining these stations; in recruiting the personnel; in manufacturing or purchasing equipment; in purchasing, housing in depots, and distributing supplies; in operating a field-inspection service; in maintaining telephonic and other means of communication; in disbursing funds; in keeping proper books of accounts; and in rendering reports showing financial and other transactions. The maintenance of two separate services, as at present, means a duplication of organization in respect to all of these operations. The recommendation of the commission does not contemplate any essential change in the work of the lifesaving stations; it is for the transfer of the business management of these institutions to the Bureau of Lighthouses. That bureau, being fully organized for the administration of stations of this character, will be able to direct and manage these stations with comparatively little addition to its present force and equipment. The commission estimates that, in addition to the advantage that will be obtained through having these two serv-

ices operated by the same organization, a direct economy will be secured of at least \$100,000 annually, and that the saving will greatly exceed this sum after the first year.

REVENUE-CUTTER SERVICE.

The report of the commission on the Revenue-Cutter Service (Appendix No. 3) represents a detailed investigation of the history, organization, and activities of this branch of the Government service and its relations to other services. The conclusion is reached that all of the duties now being performed by this service can be performed with equal efficiency by other services and that a great economy will result by having these duties so performed. The commission accordingly recommends that the service be abolished as a distinct organization; that its equipment be distributed among other services requiring the use of marine craft; and that provision be made for the performance of the work now being done by it by such other services.

With these fundamental recommendations of the commission I am in full accord, and I recommend that the necessary legislation be enacted to put them into effect.

At the present time the Revenue-Cutter Service is organized as a Naval Establishment. The country is, in effect, maintaining two navies, and is using one of these navies for the performance of duties of a civil character. The maintenance of two separate naval establishments entails unnecessary expense and is not in the interest of either efficiency or economy. In so far as the duties of the Revenue-Cutter Service are of a naval character, or are such as can readily be performed by the regular Naval Establishment, they should be performed by such establishment; in so far as they are of a purely civil character, use should be made of services organized and conducted upon a civil basis.

In respect to the distribution of the equipment and duties of the Revenue-Cutter Service among other branches of the Government, the recommendation of the commission looks to the transfer to the Navy Department of the vessels which are adapted to deep-sea cruising and the discharge by the Naval Establishment of most of the duties now performed by the Revenue-Cutter Service upon the high seas. In memoranda submitted on the report of the commission, copies of which are submitted with such report, on the one hand the Secretary of the Navy raises the question as to whether these duties can be performed by the regular Naval Establishment without detracting from its military efficiency, while on the other hand the Secretary of Commerce and Labor raises the question whether certain of these duties can not be performed by the Lighthouse Service if that service is provided with vessels suitable for the purpose.

In view of these suggestions, I recommend that, in the enactment of legislation providing for the abolition of the Revenue-Cutter Service, provision be made for the transfer of all the vessels and equipment of the Revenue-Cutter Service from the Treasury Department to the Department of Commerce and Labor; that the Secretary of Commerce and Labor be directed to assign such vessels and equipment to the Lighthouse Establishment, Bureau of Fisheries, and other services under his jurisdiction requiring the use of vessels, as, in his judgment, is for the best interest of the public service, and that authority be given to him to turn over to the Navy such vessels as he may find, upon investigation, not to be required by his department and which by their character are fitted to serve as useful auxiliaries to the Naval Establishment.

In thus recommending that the Revenue-Cutter Service as a separate establishment be abolished, I desire to make plain that such action does not carry with it the discontinuance of the rendering of any valuable and proper service now being rendered by that organization. On the contrary, I am persuaded that all such services will continue to be performed under the system recommended by me with equal or greater efficiency.

It should be noted that the adoption of the recommendation here made will result in bringing under one general administration all of the work of the Government having to do with the protection of life and property at sea. This will result not only in greatly increased efficiency, but in a large saving. The Lighthouse Establishment is compelled by the nature of the work to maintain and operate a large fleet of vessels and supplementary administrative divisions, depots, inspection services, etc., to attend to matters pertaining to their business management. It is thus fully prepared to take over and operate the additional vessels that may be assigned to it and to perform the additional duties with which it may be intrusted at an added expense that will be small in comparison with that now entailed in maintaining an independent service on a military basis.

A further benefit of no little importance that will also be secured will be that of relieving the Department of the Treasury of duties which are in no ways germane to the primary function of that department.

THE CONSOLIDATION OF AUDITING OFFICES.

The report upon the organization and methods of work of the accounting offices of the Treasury (Appendix No. 4) recommends that the offices of the six auditors be consolidated under one auditor, and that the auditors of customs accounts located at the principal ports, and known as naval officers, be made assistants to the auditors. An increase in the efficiency of the Treasury audit will be one result of the carrying out of these recommendations, and the saving of expense when the consolidation has been fully completed will amount to at least \$200,000 a year, based upon current appropriations. The present organization, under which six independent auditors are engaged in the one work of final audit of the Government accounts, is certainly one that can produce only diversity of practice and procedure, inefficient use of personnel and equipment, and delay and uncertainty of requirements from which the public as well as officers of the Government must suffer.

In my opinion a change in law to carry into effect these recommendations of the commission, which have my approval, will be in the interest of the public service.

THE RETURNS OFFICE.

The report upon the "Returns Office" of the Department of the Interior (Appendix No. 5) recommends the abolition of that office and that provision for public inspection of Government contracts be made through the office of the auditors of the Treasury, in which offices the originals of all contracts are filed. It also recommends the substitution of a certificate for the affidavit required to be attached to the contracts of the Departments of War, the Navy, and the Interior, and an amendment of the statute which now requires all the contracts of those departments to be in writing. I transmit letters from the Secretaries of the departments referred to, concurring in the conclusions and recommendations of the commission. I approve the report and commend it to the favorable consideration of the Congress.

GOVERNMENT EXPENSES FOR TRAVEL.

The report upon "Travel expenditures" of officers and employees of the Government (Appendix No. 6) presents a view of existing conditions that can lead to but one conclusionunder the existing laws, and regulations and practices pursuant thereto, the allowances for travel are as varied as there are ex-ecutive departments. The same classes of officers and em-ployees are receiving different rates of allowances, depending only upon the department or bureau in which they are em-Under similar conditions there should be uniformity. The report recommends that all allowances in the form of mileage be discontinued and that actual cost of transportation be paid; that in lieu of payment of actual cost of other expenses, commonly known as subsistence, which would include lodging, a scale of per diem allowances be established by the President for the several classes of officers and employees. It is also recommended by the commission that all accounts for reimbursement of traveling expenses shall be certified as to correctness in lieu of the requirement of law in many cases that the verification be by affidavit. The latter procedure is troublesome and expensive, and the penalty for a false certification is fully as valuable in its deterrent effect as the penalty for mak-

ing a false affidavit.

With the report are the comments of the War and the Navy Departments, made at my request. The report of the commission has my approval, and the suggestions therein for a change in the law on the subject are submitted with a request for action in accordance therewith.

HANDLING AND FILING OF CORRESPONDENCE.

The handling and filing of correspondence constitutes one of the business processes of the Government to which, as pointed out in my message of January 17, the commission has paid especial attention. The investigations of existing conditions have brought out clearly that, in many cases, present methods are inefficient and entail large, unnecessary costs. The features of present practices which stand out most prominently as entailing large, unnecessary labor and expense pertain to the briefing, press-copying, and recording and indexing of communications. A statement has been prepared giving the results of an investigation of the salary cost entailed in performing these operations in the several departments at Washington. It is the opinion of the commission that the operations of briefing and press-copying letters can be entirely eliminated, and that the recording and indexing of incoming and outgoing letters can be reduced at least 50 per cent.

Though the commission is making independent investigations of methods followed in handling and filing correspondence in certain bureaus and services, the results of which will be embodied in reports describing such methods, pointing out wherein they are defective, and recommending changes to make them conform to the most approved practices, the general policy pursued is that of working in close cooperation with the departments and services through the means of joint committees. To the end that these committees might all work as nearly as possible along uniform lines, and that the departments and establishments might have before them the conclusions reached by the commission relative to fundamental principles and the best practices in respect to the performance of this class of work, the commission has prepared, and I have sent to the heads of departments a memorandum setting forth the principles which should govern in the matter of handling and filing of correspondence. This memorandum also contains suggestions for the use of labor-saving devices in preparing and mailing letters. I am transmitting herewith a copy of this memorandum. (Appendix No. 7.)

On the basis of this memorandum active efforts are now being made in all of the departments for the improvement of the methods of handling and filing of correspondence. These efforts methods of handling and filing of correspondence. These efforts have resulted in radical changes in existing methods and the effecting of large economies. The flat-filing system has been substituted for the old cumbrous folded and indorsement system. Carbon copies of letters have been substituted for press copies. The briefing of documents has been entirely discontinued in a number of services, and in others the maintenance of book records of incoming and outgoing communications has been discontinued. The effort is being made to make correspondence fleg solf-indoxing, and thus avoid the pressent for been discontinued. The effort is being made to make cor-respondence files self-indexing, and thus avoid the necessity for making and using secondary finding devices. This work can only be intelligently prosecuted as the result of painstaking and detail investigation of the special conditions to be met in each particular service. Many months will, therefore, be re-quired to carry out this work throughout the entire Government. It is of the utmost importance that the work should be prosecuted under a general supervision or direction such as is furnished by the present commission.

DISTRIBUTION OF GOVERNMENT DOCUMENTS.

Attention is called to the report of the commission, transmitted to the Congress with my message of February 5, and to the supplementary statement sent herewith (Appendix No. 8) on the centralization of distribution of Government publications. By adopting this recommendation it is conservatively estimated that \$242,000 can be saved. This is exclusive of the estimated that \$22,200 can be saved. This is exclusive of the saving which could be made by handling the congressional documents in the same manner. An account kept for 31 days with the volume of this business of handling congressional documents showed an average of 21 tons per day. These documents were first taken from the Printing Office to the Capitol, then from the Capitol to the post office, then hauled back to the Union Station, the latter being but a short distance from the Printing Office. An up-to-date plant at the Printing Office which could handle all this would entail an increased capital outlay for permanent equipment of only about \$75,000. The recommendation for centralizing the distribution of documents from the departments, if acted on, will affect the appropriations of seven departments, five independent establishments, and the Washington post office.

I may say in connection with this report and recommendation that the House of Representatives, in passing the agricultural appropriation bill for the fiscal year 1913, instead of reducing the cost of distributing Government publications in the Department of Agriculture by \$137,000, has increased to the extent of \$13,260 the amount appropriated for salaries for the Division of Publications over the appropriation for the current year.

OUTLINES OF ORGANIZATION.

The outlines of organization of the Government, which were transmitted with the message of January 17, have been sent to each of the departments, with a request that orders issue which will require that the outline be kept up to date. (Appendix No. 9.) This will not only make available at all times the information needed by Congress or the administration when called for, and assist materially in the preparation of estimates of appropriations, but will make unnecessary the publication of the Official Register, thereby saving approximately \$45,000 for each

CONCLUSION.

In submitting these reports, with recommendations, I will state that in my opinion each of the foregoing recommendations, if acted on, will contribute largely to increase efficiency. Directly and indirectly the changes proposed will result in the saving of many millions of dollars of public funds. This will |

leave the Congress free to determine whether the amount thus saved shall be utilized to reduce taxation or to provide funds with which to extend activities already carried on and to enter on beneficial projects which otherwise could not be undertaken for lack of funds.

Again I urge upon the Congress the desirability of providing whatever funds can be used effectively to carry forward with all possible vigor the work now well begun. The \$200,000 required for the prosecution of the inquiry during the ensuing year, and the \$50,000 estimated for the publication of results, are inconsiderable in comparison with the economies which can be realized.

WM. H. TAFT.

THE WHITE HOUSE, April 4, 1912.

THE CALENDAR.

Mr. MYERS. Mr. President, I ask unanimous consent for the immediate consideration-

Mr. LODGE. Let us have the regular order, Mr. President. The VICE PRESIDENT. The regular order is demanded, which means that the calendar must be proceeded with. The

Secretary will state the next bill on the calendar.

The bill (8, 2493) authorizing the Secretary of the Treasury to make an examination of certain claims of the State of Mis-

ouri was announced as next in order.

Mr. SMOOT. Let that bill go over, Mr. President.

Mr. BURTON. I ask that the bill go over.

The VICE PRESIDENT. The bill goes over.

The next business on the calendar was the resolution (S. Res.

176) requesting the President to make certain inquiries of the Governments of Great Britain and France, touching the arbitra-

Governments of Great Britain and France, touching the arbitration of justiciable controversies or disputes.

Mr. LODGE. Mr. President, I ask that that resolution may be indefinitely postponed, as the treaties therein referred to have been disposed of. I believe that is agreeable to the Senator from Iowa [Mr. CUMMINS], who offered the resolution.

Mr. CUMMINS. Mr. President, the resolution was directed toward the then proposed treaties with Great Britain and France. Those treaties have already been disposed of, and the

resolution may be indefinitely postponed.

The VICE PRESIDENT. Without objection, the resolution

will be taken from the calendar and action thereon will be

indefinitely postponed.

The bill (S. 3175) to regulate the immigration of aliens to and the residence of aliens in the United States was announced

as next in order.

Mr. LODGE. Let that go over.

The VICE PRESIDENT. The bill goes over.

The bill (S. 1505) for the relief of certain officers on the retired list of the United States Navy was announced as next in order

Mr. SMOOT. Let that bill go over, Mr. President.

The VICE PRESIDENT. The bill goes over.

The bill (S. 3116) to amend section 1 of the act of Congress of June 22, 1910, entitled "An act to provide for agricultural entries on coal lands," so as to include State land selections, indemnity school and educational lands, was announced as next

The VICE PRESIDENT. The bill has been heretofore read

Mr. HEYBURN. Let it go over. The VICE PRESIDENT. The bi The bill goes over.

The bill (S. 2151) to authorize the Secretary of the Treasury to use at his discretion surplus moneys in the Treasury in the purchase or redemption of the outstanding interest-bearing obligations of the United States was announced as next in

Mr. HEYBURN. I ask that that bill go over. The VICE PRESIDENT. The bill goes over.

Mr. SMOOT. Would the Senator from Idaho object to the consideration of the bill, to the extent at least to enable a brief statement to be made as to what the bill provides for and what the purpose of it is?

Mr. HEYBURN. Mr. President, I thought the Senator from

Utah was going to ask that the printing bill be taken up to-day.
Mr. SMOOT. At 4 o'clock.
Mr. HEYBURN. Well, this bill can not be considered between now and 4 o'clock.
Mr. SMOOT. Then, I shall not ask for its present considered by the constant of the con

sideration.

Mr. HEYBURN. It covers a wide scope of consideration.
The VICE PRESIDENT. The bill goes over. The Secretary
will state the next bill on the calendar.
The bill (S. 256) affecting the sale and disposal of public

or Indian lands in town sites, and for other purposes, was annonnced as next in order.

Mr. CURTIS. Let that bill go over.

The VICE PRESIDENT. The bill goes over.

The bill (S. 4762) to amend an act approved February 6, 1905, entitled "An act to amend an act approved July 1, 1902, entitled 'An act temporarily to provide for the administration of the affairs of civil government in the Philippine Islands, and for other purposes,' and to amend an act approved March 8, 1902, entitled 'An act temporarily to provide revenue for the Philippine Islands, and for other purposes,' and to amend an act approved March 2, 1903, entitled 'An act to establish a standard of value and to provide for a coinage system in the Philippine Islands,' and to provide for the more efficient administration of civil government in the Philippine Islands, and for other purposes," was announced as next in order.

Mr. POMERENE. Mr. President, on behalf of another Senator, I ask that that bill go over.

The VICE PRESIDENT. The bill goes over.

ALICE V. HOUGHTON.

The bill (S. 5137) for the relief of Alice V. Houghton was considered as in Committee of the Whole. It proposes to pay to Alice V. Houghton \$3,500 for injuries received while employed in the Bureau of the Census, Washington, D. C., January 31, 1911.

Mr. CRAWFORD. Mr. President, I call for the reading of the report in that case. It is brief, and I think the Senate

ought to act upon the bill.

Mr. GALLINGER. Mr. President, before that is done, I will ask the Senator from South Dakota if he recalls what Senator heretofore asked that that matter should be postponed until the other House had acted upon it?

Mr. CRAWFORD. It was the Senator from Utah [Mr. SMOOT] who made that request in my absence the other day. After the report is read I think the Senate will, perhaps, be willing to pass the bill.

Mr. GALLINGER. I have no disposition to antagonize the

bill, I will say to the Senator.

Mr. SMOOT. Mr. President, I will state that the reason I asked that the bill go over was that I was informed that Alice V. Houghton was not satisfied with the amount that was reported by the Senate committee; that there was a bill introduced in the other House carrying a larger amount, and that she wanted that considered before the Senate bill was considered; but as the chairman of the committee desires that the Senate bill be acted upon because it is the sense of the Claims Committee of the Senate, I have no objection whatever.

Mr. CRAWFORD. I call for the reading of the report of

the committee.

The VICE PRESIDENT. Without objection, the Secretary

will read the report as requested.

Mr. BRISTOW. I desire to offer an amendment to the bill. The VICE PRESIDENT. Does the Senator from South Dakota withdraw his request for the reading of the report?

Mr. CRAWFORD. At the suggestion of some Senators, withdraw the request for the reading of the report, and I will say that I am willing to accept the proposed amendment of the Senator from Kansas

The VICE PRESIDENT. The amendment proposed by the

Senator from Kansas will be stated.

The Secretary. On page 1, line 6, after the words "sum of," it is proposed to strike out "three thousand five" and insert "four thousand two," and at the end of the bill it is proposed to strike out the period, insert a comma, and add "said amount to be paid in monthly installments of \$50 each, and not otherwise, for the period of seven years: Provided, That no sum of money due or to become due to the said Alice V. Houghton under this act shall be liable to attachment, levy, or seizure by or under any legal or equitable process whatever, but shall inure wholly to the benefit of the said Alice V. Houghton," so as to make the bill read:

as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Alice V. Houghton the sum of \$4,200, for injuries received while employed in the Bureau of the Census, Washington, D. C., January 31, 1911, said amount to be paid in monthly installments of \$50 each, and not otherwise, for the period of seven years: Provided, That no sum of money due or to become due to the said Alice V. Houghton under this act shall be liable to attachment, levy, or seizure by or under any legal or equitable process whatever, but shall inure wholly to the benefit of the said Alice V. Houghton.

Mr. SMOOT. Mr. President, I should like to ask the Senator if the Committee on Claims has passed upon the amendment he now offers?

Mr. CRAWFORD. Not as a committee; no.
Mr. BRISTOW. The committee did not. I simply took the
gross amount and added whatever interest would have accumulated on the deferred payments, so that the total amount would be the same as if it were paid in a lump sum at this time plus

whatever interest would accrue during this period. I do that for the purpose of protecting this girl, who was mutilated by this accident, from physicians and others who might seek to get exorbitant fees, and that she may herself be the beneficiary

of the appropriation from the Government.

Mr. SMOOT. Mr. President, I will say that I have informa-tion indirectly from the lady that she feels under obligations to pay at least a reasonable fee to her physicians; so much so that she feels she wants to discharge that indebtedness just as quickly as possible. I am also informed that if the appropriation is not sufficient to pay the expenses attached to her illness and give her a reasonable amount to live on hereafter until she can get further employment the employees of the Census Bureau are going to take up a subscription for her and give her an amount greater than the sum named in the bill.

Mr. BRISTOW. Mr. President, the Senator from Utah will remember that the Congress last year appropriated about \$1,800,

all told, for this beneficiary.

Mr. SMOOT. Nineteen hundred dollars. Mr. BRISTOW. Nineteen hundred dollars; and I am advised that she did not receive a cent of it herself, but that it all went to the physicians and hospital attendants who had waited upon her. I want the girl who was scalped to get this money; not a lot of people who rendered service which at the time appeared to be very philanthropic, whereas in fact now some of them have brought in bills for \$10 a visit and \$100 for each operation

that was attempted to be performed.

Mr. SMOOT. Mr. President, I am partly in sympathy with the statement of the Senator. I know that such bills have been presented, but I am informed that the physicians who waited upon this lady during the time of her illness, and who are waiting upon her even now, have rendered no bills of an exorbitant nature. She would like to have at least enough money to pay those physicians. I know that is her wish in the matter. I myself would like to see that she gets the money. But if this

amendment-

Mr. CRAWFORD and Mr. HEYBURN addressed the Chair. The VICE PRESIDENT. To whom does the Senator yield?

Mr. SMOOT. Just a moment. If the amendment offered by the Senator from Kansas should be adopted, all she would ever receive would be \$50 a month. Of course, she could turn that over to the physicians, and perhaps that would answer, although I know it is not satisfactory to the lady.

Mr. HEYBURN. Mr. President, I should like to know the amount of the physicians' bills. I do not understand that the physicians were scalped; I understand it was the claimant. I should like to know how much the claimant is to get. Some one

should like to know how much the claimant is to get. Some one

must know definitely.

Mr. SMOOT. Judging from the bills that have been filed, I do not think the lady will get very much of this money. . Mr. HEYBURN. Where are the bills? We should have the

Mr. SMOOT. Oh, no; the bills have been submitted to her. She has to pay the bills. The Government does not have to pay the bills, nor are we appropriating money for that purpose.

We are appropriating money for her.

Mr. HEYBURN. Mr. President, we are proposing to appropriate money to her use on behalf of a claim, and we want to

know what the claim is.

Mr. SMOOT. The claim is that she was wounded while in the employment of the Government, in the Census Bureau. It is for that reason, and that alone, that the appropriation is sought to be made.

Mr. CRAWFORD and Mr. MARTINE of New Jersey ad-

dressed the Chair.

The VICE PRESIDENT. To whom does the Senator yield? Mr. SMOOT. I yield to the Senator from South Dakota [Mr. CRAWFORD

Mr. CRAWFORD. I think it may be in order for the Senate to have a brief statement about this situation from one of the members of the committee who was present at the time of the hearing, heard the testimony, and made an examination of the

This young lady was getting \$840 a year. A little over a year ago, while at work with a tabulating machine, she stooped over to pick up some cards from the floor and one of the revolving shafts that ran along the wall caught her hair, and, her hair wrapping about this shaft, her entire scalp was literally torn from her head. The shock was so great for some time it was a question whether she would live. She was taken to a hospital, and in the attempt to make a grafting of skin and grow a new scalp a great deal of expense was necessarily in-curred at the hospital. With the small amount of flesh and blood vessels there it was extremely difficult to succeed in even making a start toward grafting the skin. The wound had to be kept fresh and dressed over and over again every day. Nurses and physicians had to be in constant attendance, and the wound

was a most frightful one.

The Superintendent of the Census came before the Committee on Claims soon after the accident occurred and presented the facts, the unusual character of the expense, and the intense suffering occasioned, apparently by the neglect of the Government. At that time the first appropriation was provided for, and, as has been said, it was entirely used up in paying expenses which had been incurred. The young lady did not get

A few months ago the Superintendent of the Census again came before the committee and stated the present condition of the case, which is a very remarkable one. After trying all summer long, during the hot season, it was found impossible to make any progress whatever toward grafting skin and growing a new scalp. The expenses were large during all that time. When the weather got cooler, along in November last, the experiment proved successful. Since that time, while it requires constant care and is a slow operation, the skin is working its way up, and in the course of two or three months more the young lady will have a new scalp. But the adornment is entirely gone, and she has had a very terrible experience.

Here is the situation: Physicians and others interested in getting big fees for services in this matter are at work. They have been busy over in the House, where a bill was offered, I think, appropriating \$25,000; and there is a whole clique of them carrying on a campaign here and getting the young lady's family interested in it, and trying to interview Senators and Representatives with the idea of taking care of some very large physicians' bills, and large expenses, and all that sort of thing.

It seems to me the duty of the Senate is very simple and plain, and that is to make reasonable provision for this young lady. Her indebtedness to her physicians and nurses and hospitals is a matter of her own affair, to be settled with them. We do not want a campaign carried on here with the object of providing a very large appropriation for the purpose of benefiting physicians and their friends, or the family and their friends. But it is the business of the Senate to do simply what is fair and just under the circumstances toward this young lady.

We reported this bill unanimously. The suggestion to hold it up was well meant; but it will simply afford an opportunity during the delay to carry on a campaign in the other branch of Congress for a larger appropriation and an unreasonable one.

I think the sooner we dispose of this matter by giving the relief the bill provides for, which is fair and reasonable, and fix it so that she will get the benefit of it, the better it will be for her.

If the money is appropriated in a lump sum you run the risk of avaricious people pressing their claims and sweeping it all away, and then, perhaps, in a few months coming back here and asking for something more on her account. It was because of that fact that I, as a member of the committee, felt like accepting the amendment of the Senator from Kansas, which provides for the payment of this appropriation to her in monthly installments extending over a number of years.

I will say to the Senator from Idaho [Mr. Heyburn] that a bill was presented from one of the physicians of between two and three thousand dollars. There is a bill from another physician that is not yet presented, but about which I have heard, for a similar amount. These are very large bills to be rendered to a young girl getting \$840 a year, whose father is an

old man and whose people are in most moderate circumstances.
In view of that situation I am disposed to accept this amendment-provided there is no serious doubt as to the power of the Senate to grant it—calling for the payment of the allowance in installments. I think it ought to be safeguarded in such a way that she will get the benefit of it, and so that it may not be all swept up at once to pay the bills of people who make them high because they think the Government is going to pay them.

Mr. HEYBURN. Mr. President, I should like to ask the Senator a question. Has the hospital bill of twenty-eight hundred and some dollars been paid?

Mr. CRAWFORD. The hospital expenses were paid out of the allowance we made in March, 1911. There are some hospital

Mr. HEYBURN. That bill of some \$2,800, according to my recollection, or something like that, was for about nine months' hospital service.

Mr. CRAWFORD. Probably nine months. I am not sure about the length of time.

Mr. HEYBURN. For a young woman who was receiving seven or eight hundred dollars a year? Evidently somebody was rather careless.

Mr. CRAWFORD. We paid \$1,900 at that time; but I will say to the Senator that under the circumstances it was necessary for her to be at the hospital, and it was necessary for the hospital people to make rather unusual provision for her care on account of the very great difficulty in doing what they were undertaking to do, grafting skin upon almost the skull bone, and the constant attendance required from nurses and the repeated visits necessary from physicians.

Mr. HEYBURN. What would the poor girl have done had there been no Government of the United States to which to pre-

sent a claim?

Mr. MARTINE of New Jersey. Mr. President, this claim came before the Committee on Claims, of which I have the honor to be a member. The story of the accident, as told before the committee, was most shocking. The proposition before the committee was to make an appropriation of \$3,500. I felt at the time that it was utterly and totally inadequate. a higher sum. However, I was voted down on that proposition; and the bill as it went out from the committee recom-mended the payment of \$3,500. I feel that that sum is utterly inadequate. This was one of the most horrible things that one can well imagine. This young woman, comely in appearance, but 28 years old, was working for the Government, sitting in front of a tabulating machine. In the course of her duty she dropped some cards on the floor, and in her effort to reach them she leaned down, and a whirling shaft, run by electricity in front of the desk and horizontal to her, caught her locks at the nape of the neck and curled them up until it carried away all over the scalp, and the forehead, and even carried away the eyebrows.

The result was that she was taken to a hospital, and there lingered for months, with scarcely a hope of recovery. Finally the skin began to grow. The grafting of the skin on the scalp was accomplished with great difficulty, as has been said by the Senator, for the fact of being so near the bone made it almost impossible. However, it has now started to grow. The young lady has suffered tortures and torment almost beyond parallel, and at the same time has sustained a nervous shock that may endure for her life.

Inasmuch as this young woman was in the discharge of her duty, working at a machine supplied by the great Government of the United States, with a whirling shaft with projecting spindles in front of it, unguarded and unprotected, making it perfectly natural and likely that her hair or skirt might be gathered up in it, I feel that it becomes the duty of the United States Government to be more than simply just and decent: States Government to be more than simply just and decent; it becomes its duty to be liberal in this matter.

As has been said, this young woman's scalp may grow; but the crowning glory of a woman, her locks, will never be restored. Who would sacrifice his scalp and his hair for the pittance that

is offered-\$4,000?

I know there is pending in the House of Representatives a bill proposing to pay this young woman \$25,000. I believe that is extortionate, and perhaps it never will be agreed to. But, Mr. President, to half satisfy the demands of justice, to half satisfy the demands of this great Government to this young woman, I move to strike out, in line 6 of the bill, the words "three thousand five hundred" and substitute therefor the words "seven thousand five hundred." [Manifestations of applause in the calleries.] red." [Manifestations of applause in the galleries.]
The VICE PRESIDENT. Demonstrations in the galleries are

not permitted. An amendment is already pending.

Mr. MARTINE of New Jersey. I move this, then, as an amendment to the amendment.

The VICE PRESIDENT. The Secretary will note where the amendment would properly come in. The Chair is informed that an amendment is pending-the amendment of the Senator from Kansas [Mr. Bristow]. Does the Senator offer an amendment to the amendment?

Mr. MARTINE of New Jersey. I offer it, then, as an amendment to the amendment. In line 6, I move to strike out the words "three thousand five hundred" and insert in lieu thereof the words "seven thousand five hundred."

Mr. CRAWFORD. Mr. President, I make the point of order that, instead of being an amendment to the amendment, it is an

amendment to the original bill.

The VICE PRESIDENT. The Chair thinks that, as stated by the Senator from New Jersey, an amendment to the amendment is in order in the right place. If the Senator from New Jersey will send the amendment to the Secretary, the Secretary will note the proper place for its insertion.

Mr. CLARKE of Arkansas. Mr. President, the same result can be reached by proposing to amend by inserting the sum of \$75 a month where the amendment of the Senator from Kansas

proposes \$50 a month.

The VICE PRESIDENT. The amendment of the Senator from New Jersey can be proposed as an amendment to the

amendment rather than to the text of the bill.

Mr. CLARKE of Arkansas. I call the Chair's attention to another rule that I think will permit the Senator's amendment to be offered at this time. The amendment offered by the Senator from Kansas [Mr. Bristow] is practically to strike out that provision of the bill and to insert an entirely different one. The friends of the provision have a right to perfect it before a motion goes to its life, which would be the case if the amendment offered by the Senator from Kansas should be adopted. It seems to me the Senator's amendment is in order to the original bill before a vote is taken upon the amendment offered

by the Senator from Kansas.

The VICE PRESIDENT. It is the easiest matter in the world to get at what is desired. The Secretary will state the amend-

ment to the amendment.

The Secretary. The Senator from Kansas [Mr. Bristow] moves, on line 6, to strike out the words "three thousand five," and to insert in lieu thereof the words "four thousand two," so as to read "four thousand two hundred dollars." The Senator from New Jersey [Mr. Martine] now moves to strike out the words "four thousand two"—

The VICE PRESIDENT. The point made by the Senator from Arkansas [Mr. CLARKE], it seems to the Chair, properly disposes of the matter. The Senator from Arkansas raises the point that the motion of the Senator from Kansas is a motion to strike out and insert, and that under those circumstances it is proper for the Senate to first perfect the matter which is to be stricken out. On that point the Chair rules with the Senator from Arkansas. The Secretary will state the amendment of the Senator from New Jersey as an amendment to the original proposition.

The Secretary. On page 1, line 6, before the word "dollars," strike out the words "three thousand five hundred" and in lieu

of those words insert "seven thousand five hundred."

Mr. GALLINGER. Mr. President, I have only a word to say in reference to the matter that is under consideration. Whether or not the Government was to blame in this case-and I doubt very much whether the Government was to blame-I think that some reasonable compensation should be given to this young

What I particularly desired to say was that I think it is unfortunate that charges should be made that there is a raid being inaugurated on the Treasury in this case for the purpose of paying hospitals and physicians. It may be that some physicians have rendered extravagant bills, but before I will agree to that I should like to know what those bills are and under what circumstances they were presented. Physicians do a great deal of charitable work, hospitals do a great deal of charitable work, and it may be that this is a case where physicians ought not to be compensated at all, but to make a broad

The VICE PRESIDENT. Will the Senator permit the Chair to interrupt him?

Mr. GALLINGER. Certainly.

The VICE PRESIDENT. The hour of 4 o'clock having arrived, the Chair will lay before the Senate the unfinished business, which will be stated.

The Secretary. A bill (S. 4239) to amend, revise, and codify the laws relating to the public printing and binding and the

distribution of Government publications.

Mr. GALLINGER. I was about to ask unanimous consent that the unfinished business be laid aside, but the Senator from Utah [Mr. SMOOT] is here.

Mr. SMOOT. I ask unanimous consent that the unfinished

business be temporarily laid aside.

Mr. MARTINE of New Jersey. What became of the bill that was before the Senate?

The VICE PRESIDENT. The Senator from Utah asks unanimous consent that the unfinished business be temporarily laid

aside. Is there objection? Mr. HEYBURN. I suppose it is to be taken up after this case is disposed of.

Mr. SMOOT. Yes; I will call the bill up afterwards.

The VICE PRESIDENT. The Chair hears no objection and the unfinished business is temporarily laid aside. The Senator

from New Hampshire will proceed.

Mr. GALLINGER. I had about concluded what I have to say. It was simply to make the suggestion that I think it was somewhat unfortunate that a broad charge should have been made against some hospital or hospitals and against certain physicians so far as their services were concerned. I apprehend that this was a case requiring a great deal of skill and very likely the expenditure of a large amount of money.

I am content to vote an adequate appropriation for this young woman. I do not want it to go entirely from her possession into the possession of either hospitals or physicians. pathy with that proposition; and I only wanted to enter my protest against an accusation against the profession that I once belonged to and against hospitals for which I have a profound respect, believing that neither physicians nor hospitals as a rule would exact any unusual or improper amount from a patient such as this young lady has been and is. That is all.

Mr. CRAWFORD. Mr. President, if the Senator from New Hampshire has in mind a remark which I made, I wish to say that I had not the slightest intention to make unfair reflections upon either hospitals or physicians. I have no reason to believe that the charges by the hospital people are not reasonable. I did think, however, that a bill for over \$2,000 for medical services presented to a girl getting only \$840 a year looked upon its face to be very large, and coupled with it there is apparently a great deal of activity in the direction of getting an excessive appropriation in this matter. My remarks were not intended to cast a reflection upon anyone and only to call attention to that situation.

Mr. SUTHERLAND. Mr. President, I am very much in favor of the amendment proposed by the Senator from Kansas. I had occasion during the last few months to give rather careful consideration of the subject of lump-sum payments as contrasted with periodical payments, and I think the experience in dealing with this subject for the past 25 years has shown that a periodical payment is far preferable to a lump-sum payment, because when a lump sum is paid to the ordinary person sustaining an injury of this character it is usually dissipated in some way in a short time. Enough appears already to show. that if \$3,500 was appropriated to this young lady in all probability it would be dissipated in a very brief period. By making an appropriation of \$50 a month we make it quite certain that she is going to have the benefit of it for a period of seven years. If we make a lump-sum payment, we are not at all certain that

Mr. MARTINE of New Jersey. Mr. President—
Mr. SUTHERLAND. I yield to the Senator from New Jersey.
Mr. MARTINE of New Jersey. I am quite impressed with that thought. I would suggest, however, that it be made \$75 a month for seven years and then a lump sum of \$1,000 that she

may use for purposes of her own.

Mr. SUTHERLAND. This case is a pathetic one. It appeals to me quite as much as it does to the Senator from New Jersey. But it shows the unwisdom of attempting to deal with cases of this character separately, because our sympathy, where the special case is presented, is bound to run away with our wisdom. expect within a short time-within the next year or twothat we will adopt for the Government of the United States an adequate compensation law by which we will provide for definite compensation to be paid periodically to employees of the Government whenever they sustain personal injuries in the employ of the Government.

think, upon reflection, the Senator from New Jersey will see that it would be going entirely beyond what we ought to do to provide for the payment of \$7,500 in every case of an injury

of this character.

Mr. MARTINE of New Jersey. But I will modify my proposition, and I suggest this in harmony with your thought: Seventy-five dollars a month for seven years, and then a lump sum of \$1,000, with which she may do as she pleases, to satisfy all demands upon her purse.

Mr. SUTHERLAND. No. Mr. President, I think the proposition of the Senator from Kansas is a fair one. It is a proposition that we would be willing to apply to any employee. It is a proposition that we would be willing to put into a general law

governing all employees.

Of course when a particular case is presented us with all its distressing and appealing circumstances we are apt to think we ought to make an appropriation of a large sum; but the case ought to be dealt with as though we were passing a general law to govern all cases. When we come to deal with this subject hereafter I undertake to say that it will be somewhat awkward to have a precedent of this kind before us, because obviously, as it seems to me, we could not afford to pass a general law providing for payments upon that scale to all employees who were injured.

Mr. MARTINE of New Jersey. I think that may be true; but I feel that this is an extraordinary case. It is not an ordinary case, and I believe that in the lines of justice, satisfying our own conscience and satisfying the public sympathy, we

would be readily justified in giving the sum I propose.

Mr. SUTHERLAND. Mr. President, as suggested by the Senator from Kansas, that is in excess of any compensation

allowed under the compensation laws of any country in the world so far as I know, and I think we are going far enough

when we adopt his suggestion.

Mr. BRISTOW. Mr. President, I desire to say, in view of the remarks made by the Senator from New Jersey, that the Government was not to blame for this lady's misfortune. The shaft referred to was protected, and the truth is that the accident was due to carelessness on her part, but carelessness which was not specially negligence. Take the desks here that have an extension out beyond the edge of the step and suppose that within a few inches of the lower shelf a shaft runs clear out next to the outside of that extension and the lady was at work here [indicating] and some cards fell off the desk and went in under the board that protected the shaft. The girl got off her seat and got in under her desk and the electrical effect of the whirling shaft drew the hair in under and it was wrapped around and tore off her scalp. She did not think it was dangerous to put her head so close to that shaft in under the board, There was ample protection, but she did that thing unthought-edly, of course. She was doing her duty and following those cards, and the accident happened.

I would not charge that against her so as to lessen the damages any whatever, but there was no gross carelessness on the part of the Government, because no one who examined it would have thought that the shaft was so exposed that it would en-

danger anybody who was working in the room.

Mr. CRAWFORD. Will the Senator permit me there?

Mr. BRISTOW. Certainly.

Mr. CRAWFORD. The Senator does not intentionally wish to make this case harder for this young lady than the facts would justify, but I do not think that is quite a fair statement. The shaft ran at right angles with the machine and along next to the wall at the floor. They undertook to protect it not with a board but with some rods, with little spaces between them that extended along horizontally just above the revolving shaft. Those protecting rods did not protect. She had been working there for a long time and never having any experience of that kind before I do not think the question of contributory negligence would be a fair conclusion. In stooping to pick up the cards her head came near the floor and her hair was caught between the rods and wrapped around the shaft.

I have not felt on examining the facts that there was any ground for charging her with contributory negligence, and the question of negligence on the part of the Government may be closed, yet they did not effectively protect the people from that revolving shaft, because they simply had some rods with spaces

between them above the shaft.

Mr. BRISTOW. I desire to say that my understanding was from the statement of the Director of the Census that it was a board. They may have been rods, but I understood him to say it was a board, and he thought it was amply protected.

Mr. GRONNA. Mr. President-

The VICE PRESIDENT. Does the Senator from Kansas yield to the Senator from North Dakota?

Mr. BRISTOW. I do. Mr. GRONNA. I simply want to ask the Senator if the shaft

Mr. BRISTOW. It was inclosed. There is a misunderstanding between the chairman and myself as to what the testimony was. I understood it to be inclosed or covered with a board. The chairman says it was a rod and not a board. I may be mistaken, but that is my understanding.

Mr. CRAWFORD. I had a personal interview with the Director of the Census about the matter, and I went into the details with reference to how it was protected, and I state that

it was done by what they called protecting rods.

Mr. BRISTOW. The Senator's memory would be better than mine, since he has given personal inspection, and of course I stand corrected, and very gladly. I did not wish to convey the idea that I would oppose giving this young lady proper compensation for the damage, but I did not want the impression to get out that the Government had been grossly negligent, because I do not think it has been. I think that rod may have remained there for a hundred years and no one else would have ever been injured by it. It was the action caused by this young lady's hair being loose and the electrical conditions of the atmosphere at that time; her head being brought in contact with the rod, there was an electric attraction and the accident occurred.

The Committee on Claims has a very large number of cases similar to this. Hundreds of them come before the committee, as the chairman has stated.

Mr. ROOT. Similar to this?

Mr. BRISTOW. Not similar, but for personal damages where death occurs and limbs are broken with the kind of accidents that happen. They do not happen in Washington, and there is for her. But I do not understand that she is on the pay roll now.

not that personal interest worked up by local advertising and agitation that there is in this case. I feel that we ought to treat this young lady generously, but not excessively—not any different from what we would treat anybody else, whether the accident occurred in Seattle, or Portland, Me., or Washington, or Panama, as far as that is concerned.

It seems to me that the amendment to the amendment suggested by the Senator from New Jersey would make a very bad precedent to follow. The Government has already paid this young lady \$1,900. Unfortunately the claimants absorbed it. I think \$1,900 was abundant to pay all the medical attention that a girl working for \$840 a year ought to have for an accident of this kind. Now we are undertaking to make a provision for her. She will soon be able to earn another living and will be able to earn it just as well after she recovers as she was before the accident happened.

Mr. MARTINE of New Jersey. That is a question. nerve shock has been argued as a matter of great consequence.

Mr. BRISTOW. Of course there was a nerve shock, and nerve shocks occur when a leg is torn off or an arm is torn off. Such things happen in Government service frequently. Every month we appropriate money to pay for damages incurred through personal accidents. I do not think we ought to pay this young lady more than we pay other people who have suffered from accidents equally as severe. The difference between this accident and others is that she is recovering and she will be able to go out and earn a living. She has the use of her hands, the use of her eyes, the use of her ears, and she can go about and support herself.

Mr. GALLINGER. And she will be given a place in the Gov-

ernment service now.

Mr. BRISTOW. Doubtless she will be able to do good

service, and a place ought to be given her.

Mr. GALLINGER. I rose, if the Senator will permit me, to Mr. GALLINGER. I rose, if the Senator will permit me, to ask the Senator, as likely the Senator has absolute information on the point, whether or not it is true that the \$1,900 were paid to the hospital and to physicians. It is easy to say that; but does the Senator know that such is the fact?

Mr. BRISTOW. The Director of the Census said that it was, and some representative of the young lady, who called at my

office, said it was all paid out for expenses.

Mr. GALLINGER. I am glad to know the Senator has the information, because outside statements, of course, are often

made without authority.

Mr. MARTINE of New Jersey. If the Senator will permit me one moment, the report of the Committee on Claims, submitted by the Senator from South Dakota [Mr. Crawford] will give some light on the question of expenses. It goes on to say:

some light on the question of expenses. It goes on to say:

Her father is an old man in very moderate circumstances, wholly
unable to pay the bills necessarily incurred by her at the hospital and
for physicians and nurses.

Her actual hospital expenses and expense for nurses, which have been
carefully examined by the director, he says have been necessary and are
reasonable. Nevertheless, these expenses are \$2,800, and she is unable
to pay for the services of the physicians who have attended her.
She received the injury while on duty as an employee of the Government and without negligence on her part. She was receiving a salary
of \$840 per year. In view of the unusually large but necessary expenses
incurred by her at the hospital and for necessary medical attendance, it
is the judgment of the committee that the amount named in the bill is
reasonable.

Now, I do not feel That gives the amount of her expenses. that we need worry our souls about establishing a precedent. We are not going to have a woman with her scalp torn off every day in the week, or every month in the year, or one year in a hundred hardly. It will teach, at least, the managers of great plants to so guard the spindles and shafts that such an accident will be impossible.

Sir, you can not go to a great machine shop or plant in the land where there is a whirling gear or a belt that the public are passing by, not employees but the public, that is not guarded by a shield. I noticed but last Saturday in the navy yard here that wherever there is a condition of beveled gearing or a whirling pulley the public are passing by it is sheltered over by a shield either of metal or a framework.

I would be quite willing to accept \$75 a month for seven years with a cash bonus of a thousand dollars. I think that will relieve the situation, and the Senator and myself will go home and sleep better and our consciences will be clearer in

consequence of it.

Mr. WORKS. Mr. President, I should like to ask the Senator from South Dakota whether this young woman has been receiving any pay from the Government since the accident?

Mr. CRAWFORD. As I understand it, a part of the \$1,900 was given to her, as an equivalent of a year's salary for which she rendered no service, but it is included in the appropriation of \$1,900 we are talking about, which has already been made

Mr. WORKS. It seems to me, in considering this matter, we should consider the rights of the young woman entirely apart from the amount to be paid to the physicians. If the physicians have performed their services and the Government is justly liable to pay on account of the accident, then, it seems to me, that the physicians are entitled to be considered in any amount that will be provided by the bill. If they have received their full compensation, of course that should be the end of it; but if, on the other hand, they are justly entitled to more money than they have received-and I think we should determine whether they are or not-I believe that amount should be provided for the doctors themselves independent of any amount due to the young woman herself.

Mr. CRAWFORD. Mr. President

The VICE PRESIDENT. Does the Senator from California yield to the Senator from South Dakota?

Mr. WORKS. Yes, sir.
Mr. CRAWFORD. If the Senator will permit me, I think it is very doubtful if we are in a position to take up the matter of the physicians' bills in a bill that is intended simply to give relief to this young woman. These physicians' bills are going on now to a greater or less extent; they will continue for a couple of months yet I understand; and I think that matter should stand upon its own basis, if there is any ground for undertaking to give relief to the physicians for attending this Her right to the appropriation ought not to be involved by bringing into it a question that we desire really to keep out of it in order to give her the benefit of the appropriation which we are making.

Mr. WORKS. I think it is quite important to determine in that view of it whether the Government is justly liable to pay anything on account of this accident. That seems to be a

disputed question.

Mr. CRAWFORD. If we concede that it is a disputed question, it is hardly a question that should bar her under the facts from relief. It may be a disputed question in connection with the question whether we should consider the physicians.

Mr. WORKS. I assume, Mr. President, that this young lady, if she is honest, would desire to pay her physicians and not

allow them to go unpaid.

Mr. CRAWFORD. That is quite true, but I think

WORKS. I think if the Government is liable at all it would be to enable her to carry out her own obligation by paying what is justly due.

Mr. CRAWFORD. I think the Senator will agree with me that the amount of the physicians' bills might be quite different, if they considered that the Government was going to pay them, than bills for those same services would be if they were looking to this young lady alone for payment.

Mr. WORKS. That is undoubtedly true, but-

Mr. CRAWFORD. We wish to keep that question out of the

consideration of this bill.

Mr. WORKS. I presume the Committee on Claims would be able to determine what is justly due to the doctors. We are certainly not bound to pay what they may claim even against the Government. It does seem to me we ought to make some disposition of this matter in a way that would settle all these difficulties if it is possible to do so. I see no reason why it may not be done. It is quite possible that by the skill of the physicians who were employed in this matter the Government has been saved a good deal of money which it might otherwise have been its duty to pay. This woman may, by care and at-tention given by the physicians, be able to go back to her work and earn her own living, while she might not have been able to do it but for those services. It seems to me there is some sense of obligation on the part of the Senate toward the physicians if they have accomplished that result, and it does not appear to me to be quite the right thing to leave the physicians entirely out of consideration, and say, "We will settle that question with them after we have determined what we will do for the young lady herself."

Mr. BRISTOW. Mr. President—
The VICE PRESIDENT. Does the Senator from California yield to the Senator from Kansas?

Mr. WORKS. Certainly.

Mr. BRISTOW. I desire to suggest to the Senator from California that if he undertakes to adjust the compensation which physicians and hospital attendants should have as payment from the Government for every one who is injured in the Government service he will find that it is a very difficult and perplexing thing. I think the policy of the Government in permitting individuals who are injured to settle the hills for the mitting individuals who are injured to settle the bills for the hospital expenses and the bills of their own physicians the same as if they had any other employment, and let the Government treat the question of damage which the employee himself

received, and not undertake to step in between the employee and his physician, whoever the employee may be, anywhere, and adjust the conditions between them is certainly the wisest course. That is the course which the Government is pursuing in similar cases, and it seems to me that it is the wisest course.

Mr. WORKS. It may seem so to the Senator from Kansas, but taking his view of it, the amendment he offers is simply equivalent to saying, "This young lady can never pay her doctors' bills, because it would be utterly impossible to pay such sums as they are probably justly entitled to out of the pay-

ment of \$50 per month.

Mr. CRAWFORD. I will say to the Senator if this young lady in the course of two or three months is fully recovered, so that in the possession of her faculties she can go out and resume her former position, or get some other position, and in addition to what she earns in her employment she receives for the period of seven years this payment of \$50 a month, it seems we are only acting wisely if we allow the adjustment of a set-tlement of her doctors' bills and other expenses between her and these people. I realize particularly, so far as the Committee on Claims is concerned, that with these cases coming up from the shops, the navy yards, the Isthmian Canal, and every-where else for appropriations, if in every case when we are adjusting a claim we must go out and then try the issue and estimate how much we are to pay the doctors, and then in addition to that in the vast multitude of war claims and claims for what not we are to consider the equities of the lawyers down here in Washington and adjusting their claims and protecting them, our troubles have only begun; we will never get through.

Mr. WORKS. I sympathize with the Committee on Claims. but I fail to realize that that is any reason why we should not

be just in this particular case.

Mr. ROOT. Mr. President, I am going to vote with the Senator from New Jersey [Mr. Martine] in his proposal to increase the amount to be paid, but I think the Committee or Claims has done its duty. I agree with the general proposition made by the Senator from Utah [Mr. SUTHERLAND], but I think this shocking and dreadful case will involve us in no danger of an embarrassing precedent. We are proceeding upon the theory that it is just that the Government pay. I think, applying the ordinary rules for assessing the amount which should be paid for injuries in this case, if we pay at all, the sum named by the Senator from New Jersey is not too large. It is now more than a year during which this young woman has been enduring the most dreadful sufferings. She is only now beginning to be on the road to recovery; she must suffer long before she can be restored; her restoration can not be complete; she will be disfigured for life. The case is one which could not be found in any schedule the Senator from Utah has It is quite unlike anything that appears in the schedules of the workmen's compensation bill; and I do not think that we are going too far or going beyond the limits of justice and that reasonable sympathy that we ought to show in giving the sum of \$7,500, payable monthly, so that it would be of the greatest benefit to this unfortunate employee of the Government

Mr. SWANSON. Mr. President, my only reason for speaking on this case is the fact that some friends of mine have mentioned the circumstances in connection with it to me. In that

degree I have some acquaintance with it.

It seems to me that the amendment offered by the Senator from New Jersey is a solution of this matter in a spirit of fairness and justice all around. I understand this lady has been the recipient of attention and courtesies and treatment of the physicians that have been marked and unusual. She feels under great obligation to compensate them, so far as she can, for their attention and skill and devotion to her, even if she has to make sacrifices. If the \$50 provided by the amendment of the Senator from Kansas were given, I doubt not but that she would expend most of it in trying, in gratitude, to give some compensation to these physicians whose skill has been so beneficial to her.

It is utterly impossible for this lady to live on \$50 a month. She is now undergoing treatment; physicians continue to be very attentive to her; and it seems to me if we recognize the obligation to make any compensation, if we have any spirit of justice and sympathy, to provide for her less than \$75 a month would be dealing in a parsimonious and unsympathetic way. That is not the manner in which the United States Government ought to deal with cases like this. Then to require her to economize, to save the pittance we give here monthly to provide for herself, in order that she may in her gratitude pay the physicians who have treated her, and she not to have this to

live on, seems to me unjust and ungenerous on the part of the United States Government.

It seems to me the Senator from New Jersey has solved the Pay her \$1,000 at once, and she can use that to compensate the physicians who have given time and skill and un-Then give her \$75 a month to take care usual attention to her. of her for seven years. That would seem to me to be just and proper and not any excessive generosity or extravagance on the part of this Government.

This lady has suffered intensely. She is under treatment now; she has no means of support; and if there is anything that appeals to me it is her case, that has been presented to me by persons whom I know and in whom I have the utmost confidence. I think the Senate should give this meed of justice, this evidence of sympathy, and this amount to take proper care The Senator from New Jersey, as suggested by the Senator from New York, has offered a solution that appeals to me strongly as just in all respects.

Mr. CRAWFORD. Mr. President, I can fully understand the feeling of sympathy that is expressed by Senators who favor this amendment, but I want to call attention to the fact that under a statute we passed several years ago in relation to employees, an engineer, fireman, brakeman, or other employee down on the Isthmus of Panama may have his scalp torn off, his legs and his arms torn off, and yet we will give him or, in case of horrible death, we will give to his family, just one year's compensation at the rate which he was earning at the time of his death. The injury done might be just as frightful as this, and yet under the statute—and our committee report over and over again on personal injuries—we give one year's compensation; sometimes it is \$1,200, sometimes it is \$2,500. In view of our attitude toward those employees and injuries of that character received there, it seems to me that we are doing what is a fairly liberal thing toward this lady when we give her \$4,200 in addition to the \$1,900 which she has already received.

Mr. GALLINGER. Mr. President—
The VICE PRESIDENT. Does the Senator from South Dakota yield to the Senator from New Hampshire?
Mr. SWANSON. I have the floor, Mr. President.

Mr. GALLINGER. Mr. President, I desire to call the attention of the Senator from South Dakota to a fact which he, I think, will remember, which is that I introduced a bill providing \$5,000 for a young man who lost his leg on the Isthmus of Panama. It was a fearful case; his suffering was intense, and I understand that he has an irritable stomach now, which gives him constant pain. The Committee on Claims reported compensation to the extent of one year's salary, which, I think, was perhaps \$900.

Mr. CRAWFORD. Under the statute.
Mr. GALLINGER. Perhaps \$1,200; I have forgotten the amount. I accepted it, however, as the best that could be done.

Mr. CRAWFORD. We carry out that rule—
Mr. SWANSON. Mr. President—
Mr. CRAWFORD. I thought the Senator from Virginia had concluded. I beg his pardon.

Mr. GALLINGER. I also beg his pardon.

The VICE PRESIDENT. The Senator from Virginia had

concluded, the Chair thought, and the Senator from South Dakota had taken the floor.

Mr. SWANSON. I had not concluded; but the Senator from South Dakota asked me a question.

Mr. CRAWFORD. I beg the Senator's pardon. The VICE PRESIDENT. The Chair misunderstood the Sena-

tor from Virginia. Then he still has the floor.

Mr. SWANSON. Mr. President, I wish to say, in reply to the question asked, that I recognize the necessity of the Senate being very conservative in passing general legislation affecting all cases. It might open up opportunities for excessive payments frequently; and it is but proper and right that in general legislation of this character there should be some limitation on the Government. But this is a special case, with no general law covering it. If, however, there were a general law and there were special cases of hardship such as this case, I as a Senator would vote to give just compensation for suffering or distress where there is obligation on the part of the Govern-

Mr. CRAWFORD. Mr. President—
The VICE PRESIDENT. Does the Senator from Virginia yield to the Senator from South Dakota?

Mr. SWANSON. I yield.

Mr. CRAWFORD. I want to call the attention of the Senator from Virginia to this general situation, and see if he does not feel that we are either unduly liberal toward this young lady or exceedingly unjust toward thousands and thousands of men and women now in the Government service. I recall a to commend itself-I will not say that, but it does commend

case which occurred in the gun shop only a few months ago, where a young employee, in the prime of life, one of the most skillful and one of the best men in their employ, and with an earning capacity which I think brought about \$2,500 a year to his family, met with a death more horrible than was this accident, because it was caused by the bursting of the steam pipes, and he was practically par boiled; his agonies and sufferings were beyond description; and yet we allowed his widow just one year's compensation, which, as I recall, was between \$2,400 and \$2,500.

Mr. SWANSON. Mr. President—
The VICE PRESIDENT. The Senator—
Mr. CRAWFORD. We have those cases, if the Senator will

pardon me, to decide—
Mr. SWANSON. Mr. President—
Mr. CRAWFORD. I am going to put the interrogation point right here, Is it fair to settle with that vast multitude under a statute giving them one year's compensation and then give this

young lady \$7,500?

Mr. SWANSON. In reply to the Senator, I will say that I think the committee were very derelict if a bill had been sent to them for the relief of the widow of that person and they did not give the widow more than one year's compensation of her husband. If I were on the committee I would have agreed to report a bill favorably to pay her more, but because that person was inadequately paid, was not properly treated, is no reason why this lady should have an additional injustice applied to her.

Mr. CRAWFORD. Mr. President, then I will say to the Senator from Virginia that what we should do would be to repeal the statute under which we have been acting for several years, and under which we have settled such claims with employees of the Government in the machine shops, on the Isthmus of Panama and elsewhere, and in every case we have followed the statute.

Mr. SWANSON. There are many persons who receive in-juries that are fairly and fully paid under the general com-pensation act which covers them. There are other cases where they are not paid, special cases deserving special legislation; and when a Senator introduces a bill in such a case, and it goes to the Committee on Claims, I think that committee ought to report such a bill carrying more money than the general statute provides for, and I would take pleasure in voting for it. I do not think that injustice in one case is a reason why we should be unjust, unfair, and illiberal in another.

Mr. CLARKE of Arkansas. Mr. President, I have listened with some attention to this discussion, because it is altogether out of order, measured by the proceedings that take place in another tribunal when matters of this kind are under consid-The rules by which a rightful case is evolved have been adjusted in such a way that there is little controversy left about the means by which what is just in such a matter can be

The first question would be the question of liability, the question of whether or not this young lady had been guilty of such contributory negligence as to deprive her of the right to recover at all. That seems to have been waived by the committee and liability conceded. The next inquiry would be the extent of compensatory damages, it being conceded that there was no element of oppression or gross negligence that would justify the infliction of punitory damages. The doctors' bills and other bills necessarily incurred in the restoration to a state of health constitute one of the conceded elements of liability in all such cases, and the pain suffered, the loss of time, and the diminished capacity for labor—all those things enter into the amount of damages up to the point of compensation.

Now, the amount mentioned by the Senator from New Jersey will not attain to that sum; it will not amount to compensation for the loss of time and for the pain and suffering and the expense of medical attendance; so that, even if we should allow that sum, we are still far short of compensating the claimant in this case for the loss that it is admitted was inflicted upon her by the negligent arrangement of machinery in the place she was set to work.

I think that the suggestion of the Senator from Kansas that the sum should be paid to her in such manner as that she would certainly get the benefit of all of it is an admirable suggestion; but I think it is a little bit short of what justice requires when he limits the sum to \$50 a month. I think the suggestion of the Senator from New Jersey is entirely proper. I think \$75 a month for seven years is as little as we could fairly and considerately offer to her; and I think the proposition to add a thousand dollars to take care of present liabilities and necessities is not excessive. I think that solution of the matter ought itself to me, and I believe it could fairly commend itself to other fair-minded persons who have no interest in this case except the public interest. I think that we could well agree upon that; and in every case of similar facts and similar hardships we could very readily agree without running any risk of bankrupting the Treasury or making a wasteful disposition of the public money.

Mr. McCUMBER. Mr. President, I should like to ask a question of the Senator from South Dakota. He has been a member of the Committee on Claims a number of years, and has always voted for certain amounts in specific cases. Suppose that, instead of getting well, this young lady had died from the results of that wound and had left a widowed mother to receive the compensation, how much would have been granted?

Mr. CRAWFORD. Eight hundred and forty dollars-

year's compensation.

Then, you would grant only \$840 in the Mr. McCUMBER. case of death; but if the person is not injured severely enough to die, but lives and is capable of going to work again in a few months, you would make the compensation nine times as much as you would in the case of death?

Mr. CRAWFORD. That is the proposition.
Mr. McCUMBER. If a man who had a wife and family to support should die because of accident in the Government service and he was receiving a salary of \$1,200 a year, you would

grant the widow \$1,200.

Mr. CRAWFORD. We have been acting, I will say, Mr. President, under the statute which provides for a year's com-We have made an exception in this case because of pensation. the special appeal made to us by the Director of the Census and on presentation of the facts with reference to the very unusual character of the accident and the unusual expense.

Mr. McCUMBER. Mr. President, I entirely agree with the Senator, and join with him earnestly in his sympathy, and would be in favor of granting a pretty liberal amount to this young lady-perhaps a much more liberal amount than is now granted under the general law in cases of this kind; but I agree with the Senator that it is hardly equitable and just to establish the principle that you will allow nearly ten times as much in case the injured person recovers as you would in the case of death. That seems to be the ridiculous position in which those are placed who are asking more in a case where the injured person succeeds in regaining health than they do in cases of death. I have always supposed that death was about as bad a punishment as could ordinarily be inflicted, and that it was worth something to live, but under this theory it seems to me that we are taking the opposite view.

Mr. CRAWFORD. Mr. President-

Mr. SWANSON. Mr. President—
The VICE PRESIDENT. Does the Senator from South Dakota yield to the Senator from Virginia?

Mr. CRAWFORD. Just a word first

Mr. SWANSON. Mr. President, I think——
The VICE PRESIDENT. The Senator from South Dakota

asks the Senator from Virginia to delay a moment.

Mr. CRAWFORD. Mr. President, in the Committee on Claims we have not been proceeding on the theory that we were trying personal-injury cases, treating questions of contributory negligence and applying measures of damages as we would do in a court where there was an action between a private plaintiff and a defendant corporation. The Government can not be sued. It can settle with claimants as a matter of grace or under some law which it has itself provided, and for the government of the committee generally we have a law which has been passed giving one year's compensation. That law we have been following almost without exception; in fact, I do not recall a case in which we have made an exception in addition to the one here. Did the Senator from Virginia desire to ask me a question?

Mr. SWANSON. The suggestion I wanted to make was as to the distinction between compensation for injuries resulting in death and those not so serious in character. If this young lady had died any appropriation made on account of the injury to her would have been of no benefit to her; it would have given her no comfort, no consolation, and no benefit; and if she had no one dependent on her there would have been no benefit in that direction; but this bill is intended as a benefit and a compensation to take care of her. For a long time no recovery of damages was allowed in the case of death.

Mr. CRAWFORD. I will say to the Senator from Vir-

ginia-

Mr. SWANSON. I wish to say further, that frequently the law limits the amount that can be recovered in case of death, because it goes to other parties and does not help the injured party, and in cases of injury where the person survives greater

damages are often allowed, for he needs to be provided for and taken care of and supported. Now, if we are to give anything to this lady we ought certainly to give enough to properly take care of her. She is still under treatment, and in view of the present high cost of living and of the expenses incident to life, \$75 a month is certainly no very generous gift on the part of the Government.

I hope the Senator from South Dakota will pardon me, but I

was simply equalizing the time he had taken from me,
Mr. CRAWFORD. I am glad to yield to the Senator from

Virginia.

Now, Mr. President, to show the situation here, if we are going to establish a precedent like this we had better repeal the statute under which we have been proceeding. a case. The Senator from Delaware offered a bill for the relief of a young man whose right foot was torn off in one of the Government establishments in Washington. His good right foot is gone, and he will go through the rest of his journey in this world with his left foot alone. What did we do for him? We paid for an artificial foot and we gave him one year's compensation, amounting to \$720.

I sympathize with this young lady, and we will give her money enough so that she can get a very handsome wig, and she will get a position somewhere in a few months. She was earning only \$840 a year. That was her earning capacity. Very likely she will enjoy good health, and she may be just as good looking when she gets that handsome wig as she is now, presuming that she is a handsome girl. I feel sorry for her, but why should we in the case of the boy who lost his right foot follow the statute and give him only \$720 and in the case of this girl give her \$7,500 in addition to \$1,900 we have already given her?

Mr. CHILTON. Mr. President—
The VICE PRESIDENT. Does the Senator from South Dakota yield to the Senator from West Virginia?

Mr. CRAWFORD. I do.

Mr. CHILTON. I should like to ask the Senator does he not recognize, in a case of this kind, that there is a vast difference between the basis of damages which would be employed by a jury and a court in computing damages to a man for a personal injury, such as he has spoken of, and an injury to a woman or a girl, such as is described in this report?

Mr. CRAWFORD. Certainly; I think—
Mr. CHILTON. One moment. I think we all recognize that. How old was this girl?

Mr. MARTINE of New Jersey. Twenty-eight years.

Mr. CHILTON. Twenty-eight years. Of course that does make some difference; but in any case of a girl of marriageable age who has had her scalp torn off and must go through the rest of her life without her hair, does not the Senator think that makes a difference and itself makes a precedent?

Mr. CRAWFORD. I will say to the Senator from West Virginia that the Committee on Claims have not undertaken to follow the decisions of the court regarding injuries to feelings or anything of that kind as bearing on the question of damages.

Mr. CHILTON. One word further

The VICE PRESIDENT. Will the Senator from South Dakota permit the Senator from West Virginia to proceed one step further?

Mr. CRAWFORD. Certainly. Mr. CHILTON. I want to understand this case, because I was unable to hear part of the colleguy on the other side on account of the confusion in the Senate. I want to get the matter straight. As I understand, the first element in a damage suit, or one of the grounds of liability on the defendant, is that he must furnish a safe place for the employee to work. Senator think that it is a safe place to work where a girl's hair

can be caught in machinery, and she is scalped?

Mr. CRAWFORD. I will say to the Senator from West Virginia that when they put the shaft down along the floor and the wall and put protecting rods along there, I do not think they contemplated that girls were going to be crawling along there on their knees with their heads down close enough to that revolving shaft for their locks to get caught in it. am not able to find any serious lapse on the part of the Government in that respect, and, under the circumstances, she having been in search of some cards which she had dropped, I do not think it would be fair to charge her with contributory negligence; but I will say to the Senator that in considering personal-injury cases arising on the Isthmus of Panama and in the gun shops we are allowing a year's compensation without drawing any distinction as to whether or not the place of employment was safe and without making any allowance for the question of contributory negligence or the question of comparative negligence. We are not considering them at all. We

are following a statute which provides that in case of the loss of life or the loss of an arm or a leg or the permanent injury to a public employee while in the discharge of his duty, he shall receive, if he lives, one year's compensation, and if he is killed his family shall receive one year's compensation.

That is a solemn enactment of the Congress of the United States to guide us in the settlement of these claims on the part of these employees. We have been following it. The Senator from Virginia [Mr. Swanson] criticizes us for doing so, but I supposed that that statute was enacted for us to follow; I supposed that it was placed on the statute book for the purpose of enabling these claims to be settled, and so I have been following it. This case is the only exception, and, on account of the serious and unusual emergency presented, we thought when we gave her \$1,900 at one time and now have brought in a bill appropriating \$3,500 more we are acting quite liberally, in comparison with what we have been doing for hundreds and hundreds of others who have sustained very grave and serious injury.

Mr. TOWNSEND. Mr. President, to many it may seem rather ungenerous to offer any opposition to an enlarged appropriation in this case, but having been a member of the Committee on Claims which passed upon this particular claim, it seems to me that it is proper for me to state my understanding of the situation and the reason for casting my vote for the amount

reported by the committee.

I did not understand at that time that it was charged by anybody that the Government had been negligent in the arrangement of the shaft which caused the injury. standing of the case is that whoever introduced the bill for the relief of this young lady and presented the matter to the com-

mittee made a recommendation for \$5,000.

It occurred to us at that time that whoever was presenting the claim for this young lady would certainly make it large enough in offering the proposition to the Congress. Further, my understanding of the testimony at that time was that the proponents of the measure conceded that the larger the amount we appropriated the larger the amount that would go to the doctors; that in any event the claimant would receive not to exceed about twenty-five hundred or \$3,000. Therefore we recommended the appropriation of the amount, believing, as I said, that the young girl was obtaining all that she had asked, or that her friends had asked for her, after the amount of the doctors' bills had been deducted.

It is also conceded that the doctors have presented and will present their bills upon the basis of the amount that is allowed

this young lady by the Congress.

I quite agree with the Senator from California [Mr. Works] that this young lady owes her doctors a certain obligation, and being an honorable young lady, she will want to pay them. But the amount of the bills that will be presented will be very much larger if we allow a larger sum here than if we allow what we think she is actually entitled to, as governed by the amount that she or her friends asked for at the time.

It was for this reason that I voted to report the amount that I did, believing that I was conceding practically all that she asked for. I did it, not because I felt that the Government was legally bound to pay anything, or that there was any fault on the part of the Government in this particular case, but because the accident that had occurred to her was almost a monstrous one, and the extra amount allowed her would probably keep her until such a time as she could return to her work in the employ of the Government.

My understanding is that she can return to her old place in the Government as soon as she is able to do so, and that this amount of money will tide her over and carry her past the point of necessity. If not, if her recovery shall be delayed or shall be prevented, there is nothing in the world to bar her from coming back to Congress and asking for another appropriation.

So I say, Mr. President, it occurs to me that under the circumstances we have done all we have been asked to do by the friends of this young lady in granting the original amount. This notion of paying it in monthly installments was not brought before the committee, and I confess that I like it. think it is a very wholesome provision, and I shall not seriously object to the larger amount. But I feel, as I say, that I ought to explain why I voted the way I did. I believed then, and I believe now, that I was doing everything that any of the friends of this young lady would have asked at that time, considering the condition in which the doctors' bills were. One of the witnesses, who seemed to understand the matter, felt that outrageous bills had been offered by the doctors in this particular case, and that they were depending upon the Government's allowance in order to get their pay.

Mr. MARTINE of New Jersey. Mr. President, I feel that it is sad and most unfortunate for the glory and manhood and dignity of this great Senate that the Senator from South Dakota [Mr. Crawford] should have made the suggestion of a wig for this young woman. Think of it. I realize, of course, that she might wear a wig. So she might use a cork leg; she might use a pair of false teeth, or a glass eye. But, great heavens; what a spectacle!

I trust the Senator will withdraw that suggestion before it ever gets into cold type as the suggestion of the distinguished

Senator.

Mr. POMERENE. Mr. President, I favor the amendment

offered by the Senator from New Jersey [Mr. Martine].

The Senator from South Dakota [Mr. Crawford] seems to be very much embarrassed because we have a general statute covering the amount which may be allowed in this or similar cases. That establishes a general rule, and perhaps should be a guide to the committee. But it is not necessarily a guide to the United States Senate. We do not need to be embarrassed because of the fact that we may be, for the time, setting aside that statute. We did that about two weeks ago in this Chamber. We had a general statute providing that the Commissioners of the District of Columbia should receive annual salaries of \$5,000 each. In the face of that statute we passed an appropriation bill increasing their salaries for the ensuing year to \$6,000 each.

It seems to me that if we can increase the salaries of the Commissioners of the District of Columbia in the face of a general statute upon the subject, it ought not to embarrass us to allow this young woman a few hundred dollars more because of the fact that there is a general statute limiting the

amount which the Government sees fit to pay.

Mr. CRAWFORD. Mr. President, I hope the Senator from Ohio [Mr. Pomerene] does not for a moment get the impression that anyone doubts the power of the Senate to pass this measure if it sees fit to do so. What we have been trying to call attention to is what is apparently an unfair discrimination between this case and hundreds of cases that the Senate has acted upon heretofore upon the recommendation of the committee, appealing just as strongly as this, perhaps, to sympathy, and yet where the measure was the statute.

Mr. POMERENE. Mr. President, if we have been unfair in the past, that is no reason why we should be unfair now.

Mr. SMOOT. Mr. President, I have been deeply interested in this case. My sympathy went out toward the young lady. A number of her friends told me that her suffering had been such that her mind was affected. I called on the doctor and saked if that was the case. He told me it was not

asked if that was the case. He told me it was not.

I want to say that I fully believe that as soon as the young lady recovers her health—and I understand it is not going to be long before she does—she will go back to work as a Government employee. The Director of the Census told me not longer than two days ago that he would be perfectly willing to take her back, and that she will be again employed in that bureau just as quickly as she is physically able to resume her duties.

Mr. President, I have been on the Claims Committee now for nearly 10 years. I remember the late Senator Allison and other Senators pleading for an appropriation of \$1,500 for Florence Lambert, a girl who had been working in the navy yard priming cartridges. The primers exploded, tearing off a part of her face; she lost an eye, and lost one of her arms. I want to say that that bill has never yet become a law, and that woman to-day is in a worse condition than Miss Houghton is—and God knows both of them are in bad shape.

I know that the committee considered this matter from the standpoint of what effect it will have upon future legislation. I fully agree with the chairman of the committee that in the amount that has been recommended they have gone beyond any case that has been passed by the committee in the way of relief. I say this simply because I believe that no matter how our sympathies go out in this case, there will be hundreds of others, and that we ought at least to take into consideration what we have done in the past and what we intend to do in the future.

I believe the amendment that the committee have offered

ought to be sustained by the Senate.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from New Jersey [Mr. Martine] to substitute "\$7,500" for "\$4,200," as offered by the Senator from Kansas [Mr. BRISTOW].

Mr. SWANSON. That is not the amendment, Mr. President, Mr. MARTINE of New Jersey. I press my substitute for that amendment, which is in the hands of the Secretary.

Mr. SWANSON. As I understand, the substitute offered by the Senator from New Jersey is to strike out "\$4,200," the aggregate amount proposed by the Senator from Kansas, where it comes in, either in the amendment or in the bill, and insert

"\$1,000," and then-

The VICE PRESIDENT. If the Chair may state it, there are really two separate amendments that have been presented by the Senator from Kansas. One was as to the amount; the other was to add at the end of the bill a new provision as to how it should be paid. The first proposition is whether the amount shall be \$4,200 or \$7,500. Afterwards there will come up the proposition as to how that sum shall be paid.

Mr. SWANSON. As I understood, the Senator from New Jersey modified the amendment that he offered so as to appro-

priate \$1,000 at once, and \$7,500 in the aggregate.

The VICE PRESIDENT. The proposition offered by the Senator from Kansas is not really a motion to strike out and insert, as the Chair noticed by looking it over afterwards, but is practically two amendments. The first to change the amount of the appropriation; the second to add at the end of the bill a provision as to how the money shall be paid out.

Mr. MARTINE of New Jersey. That is all right. Mr. CLARKE of Arkansas. Mr. President, the amount mentioned in the modified amendment of the Senator from New Jersey [Mr. Martine] aggregates \$7,300. Is it the proposition substitute \$7,300 for \$4,200 where it appears in the

The VICE PRESIDENT. The Chair understood it was

\$7,500.

Mr. MARTINE of New Jersey. My proposition was \$7,500. I proposed to substitute an amendment making it \$7,500. to the manner of payment, \$75 a month for seven years and a

lump sum of \$1,200 would make the \$7,500.

Mr. CLARKE of Arkansas. I thought that was the object. Mr. BRYAN. Mr. President, I find myself somewhat in the attitude of the Senator from Michigan [Mr. Townsend]. Like him, I did not vote for any amount with the idea that there was any case of negligence against the Government. I believe if Senators will read the report of the committee, while it is stated there that the young lady herself was not negligent to any considerable degree, the facts stated will show that there was no negligence on the part of the Government.

It is one thing to sympathize with people in distress or people who are injured. It is another and a different thing for us to vote away the public money because of that sympathy. So many cases have come before the committee, just as meritorious as this case, where we have not the right, because of the law, to give an amount corresponding at all to the amount embedied in the amendment offered by the Senator from New Jersey [Mr. MARTINE], that I can not vote for that amendment.

I shall therefore vote for the bill as it came from the committee, with the feeling that even then we were somewhat influenced, but not as much as has been apparent on the floor of the Senate, by those who are not on the committee, and are not so familiar as are the members of the committee with the circumstances of this case.

Mr. PAGE. Mr. President, I will take the time of the Senate

for only a moment to explain my position.

I dislike to yield to anyone in the matter of liberality or sympathy. But having been for some time a member of the Committee on Claims, I feel that I am bound to sustain the report of that committee at this time.

There comes to me now a case that seems to me to appeal quite as strongly to our sympathy as this one; and yet the party injured received only a very small sum, comparatively speaking, and the bill became a law. We referred the case to a sub-complitee. As I remember that case it was something like this:

A mechanic was sent into a piece of machinery to repair it. When he was ready to come out there was to be a signal given, and then the machinery was to be started. Without any fault on his part the machinery was started by a false signal, and the man was almost torn to pieces. It is true that he lived; he is alive now. But I presume his expenses and suffering were half a dozen times, and probably twenty times, more than those in the case under consideration.

That was a case where the Government was absolutely at ult. No question was raised but that a great wrong was done and this man suffered through no fault of his, but through the absolute fault of an officer in charge of the machinery.

I wish the Senators who are advocating this additional sum were members of the Committee on Claims. They would find coming before that committee, almost every week, claims of this While I, for one, would like to give to this young woman all that is asked-she has suffered enough, and, of course, none of us would want to suffer anything like what she has suffered for a very much larger sum than we can give her-I feel compelled to forego the factor of sympathy and pity and sustain | 1912, at 2 o'clock p. m.

the report of my committee. I simply make these few remarks

as to my reasons for so doing.

Mr. BRISTOW: Mr. President, I want to make a suggestion. It is proposed by the amendment to the amendment to pay this young lady more money than she was receiving when she was employed. It is proposed to pay her \$75 a month for seven years, when she was earning only \$70 a month. It seems to me that is an amazing proposition for Senators to urge. be able to go to work in three months, so we are advised. It is proposed now to pay her for seven years more than she was earning, having paid her already nineteen hundred dollars.

Mr. POMERENE. Mr. President, may I ask the Senator a

question? Does he not take into consideration the suffering and

the disfigurement this young woman has undergone?

Mr. BRISTOW. I desire to say, Mr. President, that the United States Government is not able to pay the young lady for her suffering. The United States Government can not pay a man for the loss of a leg or the loss of an arm. That can not be done. There is not enough property in the United States to pay the Senator from Ohio for the loss of a foot, or a leg, or an arm, or an eye. We can not settle these claims upon that basis.

Mr. POMERENE. Does not the Senator appreciate that in all suits at law in cases of personal injuries those very elements

are taken into consideration?

Mr. BRISTOW. The element as to the damage to the earning power of the party injured is taken into consideration. If you lose a hand, the value of that hand in earning a living is taken into consideration. If you consider this case from that stand-point, the young lady will be able within six months to earn as much as she ever earned; and from the standpoint suggested by the Senator from Ohio the young lady would not be entitled to the appropriation which the committee recommends, because she

is not disabled from earning a living.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from New Jersey [Mr. MARTINE] to the amendment of the Senator from Kansas [Mr.

BRISTOW 1.

The amendment to the amendment was rejected, there being

on a division—ayes 16, noes 17.

The VICE PRESIDENT. The question now is on agreeing to the amendment offered by the Senator from Kansas [Mr. BRISTOW].

The amendment was agreed to.

The VICE PRESIDENT. The Senator from Kansas now offers, to follow the last clause of the bill, the amendment which the Secretary will state.

The Secretary. It is proposed, at the end of the bill, to

Said amount to be paid in monthly installments of \$50 each, and not otherwise, for the period of seven years: Provided, That no sum of money due or to become due to the said Alice V. Houghton under this act shall be liable to attachment, levy, or seizure by or under any legal or equitable process whatever, but shall inure wholly to the benefit of the said Alice V. Houghton.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

TRANSFER OF PROPERTY TO HILL COUNTY, MONT.

Mr. GALLINGER. Mr. President, I move that the Senate do now adjourn.

Mr. President, I hope the Senator will with-Mr. MYERS. hold that motion for a moment. I should like to have about two minutes of the time of the Senate.

Mr. GALLINGER. Very well; I withhold the motion for

that purpose

Mr. MYERS. I ask unanimous consent for the present consideration of the bill (S. 5817) granting to the county of Hill, in the State of Montana, the jail building and fixtures now upon the abandoned Fort Assinniboine Military Reservation, in the State of Montana.

This is a bill which I tried to get unanimous consent to consider day before yesterday. At that time the Senator from New York [Mr. Root] objected. I have since talked to him, and he has withdrawn his objection.

There being no objection, the Senate, as in Committee of the

Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

Mr. GALLINGER. I move that the Senate adjourn.

The motion was agreed to; and (at 5 o'clock and 22 minutes p. m.) the Senate adjourned until to-morrow, Friday, April 5,

HOUSE OF REPRESENTATIVES.

THURSDAY, April 4, 1912.

The House met at 12 o'clock m.

The Chaplain, Rev. Henry N. Couden, D. D., offered the fol-

lowing prayer:

Our Father in heaven, we bless Thy holy name for every social, political, and religious movement looking to the betterment of mankind and the solidarity of the human race into one family; that wrongs may be righted, injustice removed, and the evils which beset us be eradicated; that all Thy children may enjoy the God-given rights of life, liberty, and the pursuit of Impress us as individuals and as a Nation that if we shall enjoy the respect of others we must respect ourselves by living to the highest ideals illustrated in the life and teachings of the Master. Amen.

The Journal of the proceedings of yesterday was read and

approved.

BUEONIC PLAGUE, TERRITORY OF HAWAII.

Mr. DICKINSON. Mr. Speaker, I ask unanimous consent for the present consideration of the resolution (H. Res. 479) which I send to the Clerk's desk and ask to have read.

The Clerk read as follows:

Resolved, That the Senate be requested to furnish the House of Representatives a duplicate copy of the bill (S. 2819) to reimburse certain fire insurance companies the amounts paid by them for property destroyed by fire in suppressing the bubonic plague in the Territory of Hawaii in the years 1809 and 1900, the same having been lost or destroyed since its reference to the Committee on Claims of the House.

The SPEAKER. Is there objection to the present consideration of the resolution? [After a pause.] The Chair hears none. The question is on agreeing to the resolution.

The question was taken, and the resolution was agreed to.

THE DEAD OF THE BATTLESHIP "MAINE."

Mr. FORNES. Mr. Speaker, I ask unanimous consent to have inserted in the RECORD the patriotic and eloquent oration de-livered by Rev. Father J. P. Chidwick, former chaplain of the battleship Maine, at the burial ceremony of the recently recov-

ered bodies of that ship.

The SPEAKER. The gentleman from New York asks unanimous consent to print in the RECORD the oration of the chaplain of the battleship Maine delivered at the ceremony in commemoration of the recently recovered bodies of that ship. Is there

objection?

Mr. MANN. Mr. Speaker, reserving the right to object, I am under the impression that somebody has already requested leave to insert all of those proceedings in the RECORD. I think they have not been inserted, and I shall not object.

Mr. FORNES. If it has been inserted, I do not care to have

the privilege of inserting it now; but I do not think it has been, because I have just received a copy of it.

Mr. MANN. I am quite sure that somebody made a request

of that kind the other day.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

The address is as follows:

The address is as follows:

The eloquence of to-day is not that of words or action, not anything that I might say, not even this splendid, patriotic, imposing national demonstration. It is the eloquence of silence, of that sad, solemn, impressive silence which surrounds the sacred remains which lie before us telling of the awful tragedy in which the Maine and herew met their fate, of the service which their sacrifice rendered to God, humanity, and country, of the 14 long years in which a silent crew in a stricken ship, sunk while in the interests of our flag, lay in a foreign harbor, exiles from their own and beloved land.

These 14 years have been momentous in their history. In their setting, sparkling like jewels rich and rare in beauty and value, are the freedom of Cuba, the exaltation of our own heart-cherished country, the extension of her territory for beneficent purposes, the enlargement of her influence in the councils of the world for the enrichment of the happiness of the human race, and Spain's more flourishing and happy condition. History, which traces movements as well as records events, which searches for forces as well as notes results, while making no unjustifiable accusation, no unwarranted assertion, will not fail to bestow upon the heroes of the Maine her tribute of affectionate remembrance for their share in this new epoch of freedom and happiness and will proclaim their sacrifice to be a glory to their country and a blessing to mankind.

Even as at daydawn a streak of light is seen to rest upon the horizon which sinks back again into darkness—which is not day, but which foretells the day—so shall be regarded this event which we recall. It appears in the history of these past 14 years, not the day, but the forerunner and strong influence by which this day was made to throw her splendor far and wide. For years we closed our ears to cries piteously made to us for relief; for years we closed our ears to cries piteously made to us for relief; for years we closed our ears to cries piteously made

and quiet. The silence broken only by the occasional cries and pulling of oars of passing boatmen. Our men asleep in their hammocks. They lay calmily, peacefully, in the hands of God, we trust, to Whom we commend their spirits. Suddenly the fateful flash, the loud report, the bursting forth of flames, the bodies of men with fragments of the ship states of the sile of the property of the bursting forth of flames, the bodies of men with fragments of the ship states of the flat of the property of the bursting forth of flames, the bodies of men with fragments of the ship states of the flat of the property of the bursting forth of flames, the bodies of men with fragments of the bursting flat of the flat of the property of the flat of the property of the flat of the property of the flat of the flat of the property of the flat of the property of the flat of the property of

liberty-loving people love freedom, not only for themselves but also for others.

The last remains of her crew are now before us. You receive them, in the name of the Nation, as beroes who have added luster to our country's honor. Never has this beautiful city of our Nation's capital witnessed a more imposing and solemn pageant. But it is not only here that this honor is paid. There is not a city, town, or village in our broad land but at this moment turns toward this demonstration and in sympathy bows head and heart in prayer. And it is well that this honor is accorded. Our men went to their post of duty aware of this danger, but glad to serve their flag. They were prepared for any action which might be required of them. And although they were stricken in their sleep, and had not a chance to pull the lock string of even one of their guns, they died in the interests of the people, at the post of duty to which their people called them, and they descreve all the glory which you have given them, all that you give to those who die in the shock and shriek of battle.

A few minutes more and you will bear away these precious bodies to that honored bivouac of the dead which our Nation reserves for those who die as martyrs to her sacred cause. You will lay them side by side with the bodies of those who were their companious in life that they may be their comrades in death. The sod of their own native land will inclose them and the kind hearts and gentle hands of their own will care for them.

The silent company about them will be of the same noide mold as themselves. Every grave about them will tell a story similar to their own. There they will lie in the shadow of their Nation's Capitol, surrounded with their Nation's glory. The warm blood of the Nation's heart will consecrate their memory as long as the Nation shall live. There those who knew them and loved them as their own in life, as husband, father, son, or brother, can come flushed with pride upon the honor which is theirs and feel a compensation for the weeds of

ing which they wear and for the frall bodies which tell the story how the toll of years has reduced and robbed them of health and pleasure. There on the day of our national remembrance our people will wander down the narrow aisles between the green tents and lay upon the resting places their tributes of prayer and affection, of gratitude and love. There the children of the future generations will feed the fires of their patriotism and learn the lesson of devotion to country even unto death. Their angels will keep vigil with the angel of our country awaiting the day of resurcction where deeds well done will be the vestment of immortality.

But shall we turn from the graves without a thought of the parents, the widows, and the orphans, whose bleeding hearts and broken lives tell of their contribution to the Nation with the deaths of their beloved? What have we done for them? What shall we do for them? Has the fact that their duty was dangerous, that they were called to a dangerous post by people, no influence to raise their deaths above those who die only in the discharge of duty? If they died not in actual battle, died they in less honor or glory? What means this magnificent national demonstration? What means the present assembly of both branches of our National Legislature? What means the vast assemblage, this pomp, this pageant? Are these the tributes to those whose deaths have served only the ordinary purposes of their calling? What means the pomp, this pageant? Are these the tributes to those whose deaths have served only the ordinary purposes of their calling? What means the demonstration of sympathy and affection throughout the land? The monument our people are erecting? Is there an event in the 14 years which have elapsed since the catastrophe which has entered more deeply into the sympathy and affection of our people? Was there an event which in these 14 years has had a greater effect upon subsequent of these heroes have served so extraordinary and so glorious a purpose, have we been acting as generously

youd the bine.

STRIKE AT LAWRENCE, MASS. (H. DOC. NO. 671).

Mr. FINLEY. Mr. Speaker, I offer the following privileged resolution, which I send to the Clerk's desk and ask to have

The Clerk read as follows:

House resolution 471.

Resolved, That there shall be printed 2,000 copies of the hearings before the Committee on Rules on the investigation of the strike at Lawrence, Mass.; of which 500 shall be for the use of the said committee and 1,500 for the use of the House of Representatives; 1,000 copies to be distributed through the document room, and 500 copies to be placed in the folding room.

Mr. FINLEY. Mr. Speaker, I also ask for the reading of -the report.

The SPEAKER. The Clerk will read the report.

The Clerk read as follows:

Mr. Finley, from the Committee on Printing, makes the following report (No. 491), to accompany House resolution 471:

The Committee on Printing, having had under consideration the House resolution (H. Res. 471) providing for the printing of hearings before the Committee on Rules on the investigation of the strike at Lawrence, Mass., reports the same back to the House with the recommendation that the resolution be agreed to.

The estimated cost will be \$300.

The SPEAKER. The question is on agreeing to the reso-

lution.

Mr. MANN. Mr. Speaker, I notice that that provides for 500 copies to go to the folding room. Why does not the gentleman make it 400 copies and send 1,100 to the document room? It is impossible to distribute 500 copies pro rata from the folding room.

Mr. FINLEY. Mr. Speaker, I will say that the resolution was introduced by the gentleman from Texas [Mr. Henry], and it is my opinion that this is a very good distribution, namely, 1,000 copies in the document room and 500 in the fold-

Mr. MANN. Five hundred copies can not be distributed pro rata from the folding room. That is the only thing I have reference to.

Mr. FINLEY. I do not think it will make any difference. The SPEAKER. The question is on agreeing to the reso-

Intion. The question was taken, and the resolution was agreed to. HOOKWORM AND SOIL POLLUTION.

Mr. FINLEY. Mr. Speaker, I offer the following privileged resolution, which I send to the desk and ask to have read. The Clerk read as follows:

House resolution 380.

Resolved, That there be printed for the use of the House of Representatives 5,000 copies of a wall chart on hookworm and soil pollution, and that the same be distributed through the folding room of the House of Representatives.

With the following amendments:

Line 1, after the word "Resolved," insert the words "by the House of Representatives (the Senate concurring)."
Line 2, after the word "copies," msert the words "on manila paper."

Mr. FINLEY. I ask for the reading of the report.

The Clerk read as follows:

The Clerk read as follows:

Mr. Finley, from the Committee on Printing, makes the following report (No. 402), to accompany House resolution 380:

The Committee on Printing having had under consideration the House resolution (H. Res. 380) providing for the printing of a wall chart on hookworm and soil pollution, reports the same back to the House with the recommendation that the resolution be agreed to with the following amendments: On line 2, after the word "copies," insert the words "on manila paper": and in line 1, after the word "Resoluci," insert the words "by the House of Representatives (the Senate concurring)," and change the title so as to read "Concurrent resolution."

The estimated cost will be \$3,047.83.

The SPEAKER. The question is on agreeing to the amendments.

The question was taken, and the amendments were agreed to. The SPEAKER. The question is on agreeing to the amended concurrent resolution.

The question was taken, and the resolution was agreed to. The title was amended to read: "House concurrent resolution 46, to provide for the printing of wall chart on hookworm and soil pollution."

The resolution as amended reads as follows:

House concurrent resolution 46.

Resolved by the House of Representatives (the Senate concurring), That there be printed for the use of the House of Representatives 5,000 copies on manila paper of a wall chart on hookworm and soil pollution, and that the same be distributed through the folding room of the House of Representatives

CANADIAN PARLIAMENTARY HANSARD.

Mr. FINLEY. Mr. Speaker, I ask unanimous consent for the present consideration of Senate joint resolution 93, which I send to the desk and ask to have read.

The Clerk read as follows:

Senate joint resolution 93 (H. Rept. 490).

Senate joint resolution 93 (H. Rept. 490).

Joint resolution authorizing the Librarian of Congress to furnish a copy of the daily and bound Congressional Recomb to the undersecretary of state for external affairs of Canada in exchange for a copy of the Parliamentary Hansard.

Resolved, etc., That the Librarian of Congress is hereby authorized to furnish a copy of the daily and bound Congressional Record to the undersecretary of state for external affairs of Canada in exchange for a copy of the Parliamentary Hansard, and that the Public Printer is hereby directed to honor the requisition of the Librarian of Congress for such copy. The Parliamentary Hansard so received shall be the property of the Department of State.

*The SPEAKER. This is not a privileged resolution.

The SPEAKER. This is not a privileged resolution, and the gentleman from South Carolina asks unanimous consent for its present consideration. Is there objection? [After a pause.] The Chair hears none. The question is on the third reading of the Senate joint resolution.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed.

PRINTING PANAMA HEARINGS, INTERSTATE AND FOREIGN COMMERCE COMMITTEE.

Mr. FINLEY. Mr. Speaker, I offer for present consideration the privileged resolution which I send to the Clerk's desk.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

House resolution 468.

Resolved, That there be printed as a House document 700 copies of the Panama hearings before the Committee on Interstate and Foreign Commerce for the use of the House document room.

Mr. FINLEY. I ask for the reading of the report. The report was read, as follows:

Report No. 493 to accompany House resolution 468.

The Committee on Printing, having had under consideration the House resolution (H. Res. 468) providing for the printing of Panama Canal hearings before the Committee on Interstate and Foreign Commerce, reports the same back to the House with the recommendation that the resolution be agreed to.

The estimated cost will be \$500.

The question was taken, and the resolution was agreed to.

PRINTING MESSAGE OF THE PRESIDENT OF FEBRUARY 12, 1912.

Mr. FINLEY. Mr. Speaker, I ask for the present consideration of the resolution, not privileged, which I send to the Clerk's desk.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

House joint resolution 256.

Joint resolution to print 30,600 copies of the message of the President of February 12, 1912.

Resolved, etc., That there be printed 30,000 copies of the message of the President of the United States of date February 12, 1912, transmitting a communication from the Secretary of Agriculture submitting a report on the Mexican cotton-boll weevil, together with said report (S. Doc. 305), of which 5,000 copies shall be for the use of the Senate,

15.000 copies for the use of the House of Representatives, to be distributed through the document room, and 10,000 copies for the use of the Department of Agriculture.

Mr. FINLEY. Mr. Speaker, I ask that the report be read. The Clerk read as follows:

Report No. 494 to accompany House joint resolution 256.

Report No. 494 to accompany House joint resolution 256.

The Committee on Printing, having had under consideration the House joint resolution (H. J. Res. 256) providing for the printing of 30,000 copies of the message of the President of February 12, 1912, reports the same back to the House with the recommendation that the resolution be agreed to with the following amendments: On line 9, strike out all after the word "five" and insert the following: "Of which 10,000 copies shall be for the use of the Senate, to be distributed through the Senate document room, and 20,000 copies for the use of the House of Representatives, to be distributed through the House document room." Second, strike out the enacting clause and in its place insert the following: "Resolved by the House of Representatives (the Senate concurring)," and amend the title so as to read "Concurrent resolution." The estimated cost will be \$4,690.98.

Mr. BARTLETT. Mr. Speaker, may I ask the gentleman a question? I understand this is for printing the report of the Secretary of Agriculture upon the cotton-boll weevil.

Mr. FINLEY. The gentleman is correct.
Mr. BARTLETT. Why put it in the document room? Why
not put it in the folding room, where Members from sections which this investigation affects can have them at their disposal and send them out, and where those Members who may not desire to use them-

Mr. FINLEY. I will say this to the gentleman, the difficulty about it is that to place it in the folding room would give Members from Maine, for instance, copies of these bulletins that

would be of no use to them.

Mr. BARTLETT. To place them in the document room puts them at the disposal of the quickest and most alert man in or out of Congress to go and get them.

Mr. FINLEY. I think the gentleman is mistaken. Mr. BARTLETT. I do not think I am.

Mr. FINLEY. I am pretty sure the gentleman is. The gentleman from Louisiana is the author of the resolution.

Mr. WICKLIFFE. I would like to say, Mr. Speaker, if the gentleman from South Carolina will yield-

Mr. FINLEY. Certainly.

Mr. WICKLIFFE. That the very object we have in view in placing them in the document room is to carry out just the intent I know my friend from Georgia has, that Members from those States that are interested in this matter should have the distribution of them. Otherwise there will be an allotment, and they will go to all the Members from all the States alike, although a few States, or comparatively few, taking the whole number into consideration, are interested in this matter.

Mr. BARTLETT. Putting them in the folding room puts

them under the control of Members of the House—
Mr. WICKLIFFE. That would necessitate an allotment, would it not?

Mr. BARTLETT. Yes. Mr. WICKLIFFE. That is the very thing that we thought best to obviate.

Mr. BARTLETT. - The gentleman can see that the first man

there might get 500.

Mr. WICKLIFFE. We have undertaken to make the number large, so that all can be satisfied. The gentleman's objection goes more to the number than the method of procedure in distribution.

Mr. BARTLETT. I have not objected, but I have made a suggestion about the matter.

Mr. WICKLIFFE. I appreciate the gentleman's suggestion. Mr. BARTLETT. In my opinion it would be better to place these in the folding room and those gentlemen who do not desire to use them need not do so.

Mr. FINLEY. It will be a matter of vigilance on the part of interested Members to go and get their allotment.

Mr. WICKLIFFE. So it would amount to the same thing in the end, so far as that goes. Mr. BARTLETT. No; if it goes to the document room you

might call for 500 copies and get them.

Mr. WICKLIFFE. On the other hand, you could go to a Member from Maine or California and get him to give up his allotment, and it will amount to the same thing so far as being

objectionable on that score,

Mr. BARTLETT. I am not going to object to the resolution, nor do I desire to object to the suggestion made by the author of the resolution, but I do think in this and all other resolutions providing for the publication of important documents, and this is an important one, information on which all the cottonraising States, especially those who have not yet been visited by the boll weevil but who are expecting in the next year or the year after to be afflicted with it, are interested—such States as Georgia, Alabama, Arkansas, and Louisiana-

Mr. FINLEY. I think the gentleman from Georgia will find the officials in charge of the document room are disposed to treat all Members fairly.

Mr. BARTLETT. I am not at all afraid of the fairness of the gentlemen in the document room, but I have had some sort of experience in the matter that the important documents are gone before we can get them. I do not offer any amendment in deference to the suggestion of my friend from Louisiana.

Mr. WICKLIFFE. I thank the gentleman from Georgia. Mr. MANN. Mr. Speaker, a moment ago we passed a resolution changing a joint resolution to a concurrent resolution. I think this is possibly the reverse. I believe this was introduced as a joint resolution, and now it proposes to change it to a concurrent resolution. I suggest to the gentleman that it makes difficulties all along the line. Each bill or resolution when introduced bears a number. It is a House bill, a resolu-tion, a concurrent resolution, a House joint resolution, or a simple House resolution, and they are numbered in the index under the numbers. Where will this appear hereafter? A man looks at it and sees it is introduced as a concurrent resolution. It goes out of the House as a joint resolution or vice versa.

Mr. WICKLIFFE. Will the gentleman yield on that point right there? It was originally introduced as a joint resolution, following the precedent in 1905 in reference to a similar publication or, rather, with reference to the same subject matter.

Mr. MANN. I am not criticizing that part of it. I suggest to the gentleman that instead of amending the joint resolution that was introduced that the committee report as a substitute for that joint resolution a concurrent resolution, which will have a new number, so we can keep it straight.

Mr. FINLEY. Well, I will say to the gentleman that the practice has been both ways, and this has been done before.

Mr. MANN. It was done a few moments ago. It never was done before since I have been in the House, I think, except on the Senate concurrent resolution which we changed to a joint resolution, which went back to the Senate. The Lord only knew whether it was a concurrent resolution or a joint resolution, and the gentleman has passed a new Senate joint resolution on account of that difficulty. It is a simple matter.

Mr. FINLEY. I think the gentleman is underestimating the knowledge of the Lord, and perhaps the knowledge of his in-

telligent sons. [Laughter.]

Mr. MANN. But nobody can tell where it will be in the index under the number. The gentleman can easily ask to have it reported as a new concurrent resolution as a substitute and pass it now.

Mr. FINLEY. Well, I think there will be no trouble about that. Mr. Speaker, I ask for a vote.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

On line 5 strike out all after the word "five" and insert the fol-

of fine of strike to be lowing:

"Of which 10,000 copies shall be for the use of the Senate, to be distributed through the Senate document room, and 20,000 copies for the use of the House of Representatives, to be distributed through the House document room.

Mr. FINLEY. I ask for a vote, Mr. Speaker. The SPEAKER. Is this a joint resolution?

Mr. FINLEY. This is a concurrent resolution.

The SPEAKER. Which is it to be when it gets through?

Mr. FINLEY. A concurrent resolution.

The SPEAKER. The question is on agreeing to the amend-

The amendment was agreed to.

The SPEAKER. The question is on agreeing to the concurrent resolution as amended.

The concurrent resolution as amended was agreed to.

Mr. FINLEY I ask that the title be amended.
The SPEAKER. Without objection, the title will be amended to conform to the character of the resolution.

The resolution as amended reads as follows: House concurrent resolution 47.

Resolved by the House of Representatives (the Senate concurring), That there be printed 30,000 copies of the message of the President of the United States of date February 12, 1912, transmitting a communication from the Secretary of Agriculture, submitting a report on the Mexican cotton-boll weevil, together with said report (S. Doc. No. 305), of which 10,000 copies shall be for the use of the Senate to be distributed through the Senate document room, and 20,000 copies for the use of the House of Representatives to be distributed through the House document room.

PRINTING OF UNITED STATES BUREAU OF EDUCATION BULLETIN NO. 14.

Mr. FINLEY. Mr. Speaker, I offer a privileged resolution. which I send to the Clerk's desk. The SPEAKER. The Clerk will report the next resolution.

The Clerk read as follows:

House resolution 435.

Resolved. That there be printed for the use of the House of Representatives 5,000 copies of the United States Bureau of Education Bulletin, 1911, No. 14, as issued by the United States Bureau of Education, and entitled "Provision for Exceptional Children in Public Schools," and all to be delivered to the superintendent of the document room of the House of Representatives for distribution.

The SPEAKER. The Clerk will read the report.

The Clerk read as follows:

Mr. Finley, from the Committee on Printing, makes the following report (No. 495), to accompany House resolution 435:

The Committee on Printing, having under consideration the House resolution (H. Res. 435) providing for the printing of United States Bureau of Education Bulletin No. 14, reports the same back to the House with the recommendation that the resolution be agreed to.

The estimated cost will be \$185.57.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

PENSIONS.

The SPEAKER laid before the House the bill (H. R. 14918) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors, with sundry Senate amendments.

The Senate amendments were read.

Mr. RUCKER of Colorado. Mr. Speaker, I move that the House concur in each of the amendments as read by the Clerk. The motion was agreed to.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

A message, in writing, from the President of the United States was communicated to the House of Representatives by Mr. Latta, one of his secretaries.

EFFICIENCY AND ECONOMY COMMISSION (H. DOC. 670).

The SPEAKER laid before the House a message from the President of the United States, which was read and, with the accompanying documents, referred to the Committee on Appropriations and ordered to be printed.

[For text of the message, see Senate proceedings of this

date.]

APACHE INDIAN PRISONERS OF WAR AT FORT SILL, OKLA.

Mr. STEPHENS of Texas. Mr. Speaker, I desire to submit, on the part of the Committee on Indian Affairs, a privileged report on House resolution 420, and ask for its adoption.

The SPEAKER. The Clerk will report the resolution.

The Clerk read the resolution, as follows:

House resolution 420.

Resolved, That the Secretary of War be, and he is hereby, directed to transmit to this House at as early a date as may be convenient a report setting forth—

First. How many Apache Indians are now held as prisoners of war at the Fort Sill (Okia.) Reservation.

Second. How many of said Indians are males and how many are females.

Third How many of said resolved.

females.

Third. How many of said male Indians are under 40 years of age.
Fourth. How many of said Indians are known, at any time prior to
their capture, to have been engaged in hostilities against the United
States, or to have committed acts of violence against citizens or residents of the United States.

Fifth. The names, ages, present condition of health, and general conduct of the Indians coming under the terms of the last paragraph.
Sixth. The military necessity, if any, for continuing to hold said
Apache Indians as prisoners of war.

Seventh. By what authority the said Apache Indians are now held
as prisoners of war, and particularly by what authority those of said
Indians who were born in captivity, and who have come of age while
still in captivity, are so held.

The SPEAKER. The Clerk will read the report.

Mr. MANN. Mr. Speaker, I understand the report is quite

Mr. STEPHENS of Texas. There is but one clause of the report which should be read, in my judgment, and that will explain the rest of the report.

The SPEAKER. What clause is it?

Mr. STEPHENS of Texas. The first clause of the report.

The SPEAKER. The Clerk will read.

The Clerk read as follows:

Mr. Stephens, from the Committee on Indian Affairs, submitted the following report (No. 480), to accompany House resolution 420:

The House Committee on Indian Affairs, to which was referred House resolution 420, calling for certain information relative to certain Apache Indians now under the charge of the War Department at Fort Sill, Okla., having had the same under consideration, begs leave to report that your committee had within its possession all the information called for by the said resolution, and therefore deems the passage of the resolution unnecessary and recommends that the same do lie on the table.

Mr. STEPHENS of Texas. Mr. Speaker, I desire to state that the department has answered these questions seriatim and fully. If any gentleman desires to hear the answers I do not object to having them read.

Mr. MANN. Mr. Speaker, will the gentleman yield?

Mr. STEPHENS of Texas. Yes.
Mr. MANN. This is, I believe, the Palmer resolution that was up the other day in the House?

Mr. STEPHENS of Texas. Yes.
Mr. MANN. Does the gentleman state that all the informa-

tion asked for is now included in the report of the War Department?

Mr. STEPHENS of Texas. Yes; it is all included, and it is answered seriatim. I move, Mr. Speaker, that the resolution lie on the table.

The motion was agreed to.

Mr. STEPHENS of Texas. I ask, Mr. Speaker, for the printing of the report also.

The SPEAKER. That is not necessary. That will be done.

INDIAN APPROPRIATION BILL.

Mr. STEPHENS of Texas. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 20728, the Indian appropriation bill.

Mr. MANN. Does the gentleman desire to make some arrangement as to general debate?

Mr. STEPHENS of Texas. Yes. Mr. Speaker, pending that motion I will ask unanimous consent that general debate be confined to two hours, one hour on a side, and that the time on this side be controlled by myself and the time on the other side by the gentleman from South Dakota [Mr. BURKE].

Mr. BURKE of South Dakota. I will say to the gentleman, Mr. Speaker, that I think we ought to have about three hours on this side. I have had a number of requests for time and I hope the gentleman will consent to a longer time than two hours.

Mr. STEPHENS of Texas. I have had only one request on this side and that was for 30 minutes. I do not think I could agree to three hours on that side because we are desirous of getting the bill through on account of the press of business. Would it be satisfactory to the gentleman to close debate at 4 o'clock, the time to be equally divided?

Mr. MANN. Under the circumstances, will not the gentleman from Texas allow more time to this side, or consent to yield us a part of the gentleman's time, so that we can have at least

two hours and a half on this side?

Mr. STEPHENS of Texas. The objection to that would be that we do not know what gentlemen on that side intend to talk about. If they intend to talk about the bill that is one thing.

Mr. MANN. The remarks on this side are not to be confined to the bill.

Mr. STEPHENS of Texas. Then we do not wish to handicap ourselves by having political speeches made on that side with on opportunity to reply to them.

Mr. MANN. We have no desire to handicap gentlemen on that

side.

Mr. BURKE of South Dakota. My understanding is the

speeches on this side are not to be on the bill.

Mr. MANN. And yet I do not think that gentlemen on that side will want to answer them. Why not agree to two and a half hours on each side and then, if the gentlemen on that side do not want to use all of their time, general debate can be closed earlier. Certain gentlemen on this side have arranged to speak, and we have told them that undoubtedly they could have time. We would like at least two hours and a half.

Mr. STEPHENS of Texas. I will ask that general debate be

Mr. STEPHENS of Texas. I will ask that general debate be closed at 4 o'clock, one-half of the time to be controlled by myself and the other half by the gentleman from South Dakota

[Mr. Burke]

Mr. BURKE of South Dakota. Mr. Speaker, I will suggest to the gentleman that general debate be limited to four hours, with the understanding that under the five-minute rule the gen-tleman will be liberal in allowing debate. There are a number of propositions in the bill that I desire to discuss, and I think some other Members on this side desire also to discuss them. I hope there will be no disposition to shut off debate, so that we may discuss some of these propositions at greater length than we could if we were confined to the five minutes. I do not insist on any agreement to that effect; all I want is an assurance of the gentleman that he will not insist on closing debate.

Mr. STEPHENS of Texas. I will ask the gentleman if we can not agree to close general debate at 5 o'clock? That will give us four hours.

Mr. MANN. With the understanding that on one or two items in the bill the gentleman will be liberal under the fiveminute rule.

Mr. STEPHENS of Texas. Certainly. I understand that there are only two or three controverted items in the bill, and we are willing to grant liberal time on them. Mr. Speaker, I

ask that my request be put.

The SPEAKER. The gentleman from Texas, pending his motion, asks unanimous consent that general debate extend until 5 minutes past 5, four hours, one half to be controlled by himself and the other half by the gentleman from South Dakota [Mr. Burke]. Is there objection?

Mr. BURKE of South Dakota. Before that is agreed to, Mr. Speaker, I desire to ask the gentleman in charge of the bill if, in case the time is not all consumed in general debate, it is his intention to take the bill up under the five-minute rule

to-day?

The SPEAKER. The Chair will put the request the other The gentleman from Texas asks unanimous consent that general debate shall not extend beyond 5 minutes past 5 this afternoon, the time to be equally divided between the gentleman from Texas [Mr. STEPHENS] and the gentleman from South Dakota [Mr. Burke]. Is there objection? [After a pause.] The Chair hears none.

The motion of Mr. Stephens of Texas was then agreed to. Accordingly the House resolved itself into Committee of the Whole House on the state of the Union, with Mr. BARNHART in

the chair. The CHAIRMAN. The House is now in Committee of the Whole House on the state of the Union for the consideration of the bill which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 20728) making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for the fulfillment of treaty stipulations with the various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1913.

Mr. STEPHENS of Texas. Mr. Chairman, I ask unanimous

consent to dispense with the first reading of the bill.

The CHAIRMAN. The gentleman from Texas asks unanimous consent that the first reading of the bill be dispensed with. Is there objection?

There was no objection.

Mr. STEPHENS of Texas. Mr. Chairman, as a part of my remarks I desire to submit the report on the bill made by the Committee on Indian Affairs, which sets out the amendments and appropriations in the bill more fully and succinctly than I can state them. I ask that it be read by the Clerk.

The Clerk read the report (by Mr. Stephens of Texas), as

follows:

The Committee on Indian Affairs, to whom was referred House bill 20728, submit the following report:

This bill earries appropriations aggregating \$7,465,255, payable from the Federal Treasury, exclusive of appropriations aggregating \$327,504.90, payable from Indian trust funds now on deposit in the Treasury. This is a reduction of \$938,023.25 over the amount estimated for the next fiscal year, and a further reduction of \$1,049,376 over the total amount carried for the Indian Service by the appropriation bill for the present fiscal year.

carried for the Indian Service by the appropriation bill for the present fiscal year.

The total appropriation for 1912 was \$8,842,136.27.

The total estimate for 1913 is \$8,730,783.15.

The largest items in this bill are:

As a general item for day and industrial schools, to be used exclusively for reservation schools, \$1,450,000.

For nonreservation schools, including repairs and improvements to school plants, \$1.644,605.

For fulfilling treaty items, \$583,560.

For construction, lease, purchase, repairs, and improvements of school and agency buildings for reservation schools, for which it is to be used exclusively, \$425,000.

For survey, resurvey, classification, and allotment of Indian lands, \$215,000.

For industrial work, including payment of foresters in the protection

\$215,000.

For industrial work, including payment of foresters in the protection of Indian forests, payment of matrons, farmers, etc., \$400,000.

For irrigation projects on Indian reservations, \$833,700.

During the consideration of the entire bill your committee has held the most extensive hearings ever before held on an Indian appropriation bill, having had before it Commissioner Valentine and E. B. Meritt, law clerk, of the Indian Burcau; also Director Newell, of the Reclamation Service, the latter appearing with reference to irrigation projects.

Meritt, law clerk, of the Indian Burcau; also Director Newell, of the Reclamation Service, the latter appearing with reference to irrigation projects.

It has been the policy of your committee to go carefully into each item of expense and to require a full and complete justification therefor. Extensive hearings have been held on each item where any question arose in the minds of your committee that the Federal Government was expending money for which adequate returns were not received and where a saving might be made in the appropriation.

This bill, with but few exceptions, is the same as was passed in the last Congress.

After extensive hearings as to schools, your committee decided to adopt an amendment excluding children of less than one-fourth Indian blood where adequate school facilities exist in their own State, thus permitting Indian children now deprived of school facilities an opportunity to secure an education under the laws of the State wherein they live.

Extensive hearings were held as to the administration of the affairs of the Five Civilized Tribes in Oklahoma, and, after careful consideration, it is the opinion of the majority of your committee that the requirements specified in this bill as to future appropriations of money should be adopted. The Commissioner of Indian Affairs stated in the hearings that approximately \$1,177,000 was expended for all purposes at the one agency at Muskogee, Okla. There being no Indians in Oklahoma for which rations are issued, this sum is thought by a majority of your committee to be entirely too large to be justified. Only \$275,000 of the above amount was carried by the last appropria-

tion bill. Only about \$217,000 was used for equalization, leaving approximately \$1,000,000 that was expended for salaries and expenses. The subcommittee of this committee interrogated Commissioner Valentine closely on this item, and it was the commissioner's opinion that a marked saving could be made in the administration of the affairs of the Five Civilized Tribes at that called. It was also developed in the Muskoge Agency and that the office was too highly organized and too expensive for the services rendered. It developed also in the hearings, and is a fact, that the rolls were closed March 4, 1907, hence no expensive for the services rendered. It developed also in the hearings, and is a fact, that the rolls were closed March 4, 1907, hence no expensive for the services rendered. It developed is in the hearings, and is a fact, that the unallotted lands of the Five Civilized Tribes have been wise of server for sale during the second of the property of immediately again offering the same for sale, and this feature of expense may be dispensed with.

What is known as the segregated coal land bill, having become a law at this session of Congress, contains an item for a \$50,000 appropriation is an interest of the committee of the property of the committee of the committee of the property of the committee is of the opin of the committee of the committee of the committee is of the opin of the heart of the committee of the committee

special expenditure will test this tribe.

We have eliminated the adjudication of all claims from this bill. We have eliminated the adjudication of all claims from this bill, and the bill as presented carries no unnecessary amounts of money known to us; on the other hand, we have appropriated as much money as we thought would meet the demands of the Indians for the fiscal year ending June 30, 1913.

Mr. STEPHENS of Texas. Mr. Chairman, I have examined closely the report of the Commissioner of Indian Affairs and all the information I could get relating to the appropriations carried in this bill, and of Indian lands, and I find that under an act of Congress of 1907 about 2,000,000 acres of land have been allotted to 13,000 Indians. Under that act each Indian was entitled to 320 acres of grassland and 160 acres of farming land, 40 acres of irrigable land, or an average of 153 acres per capita. The expenses of the allotment I find to be \$215,000, or \$16.70 per capita. I find 6,000 persons have been employed, according to the last report of the Commissioner of Indian Affairs, in all the departments of this Indian Bureau, at an Affairs, in all the departments of this Indian Bureau, at an expense of \$215,000. I find, further, that 6,000 employees have had control of 307,000 Indians, which is the entire number of Indians in the United States, including mixed bloods. Each employee has control of 51 Indians. I find by examination of reports from the Bureau of Indian Affairs that we have in the Indian schools 24,500 Indian pupils: that we have paid for education in the last fiscal year \$3,519,605, or about \$15 per capita. This per capita is high, for the reason that many of these schools are nonreservation schools, where we are appropriating guite a lot of money for transportation, board, and propriating quite a lot of money for transportation, board, and maintenance of pupils.

The reservation schools have appropriated for their special \$1,450,000. The nonreservation schools are \$1,644,605 per annum. The school buildings are of the value of For all educational purposes we are using annually \$3,519,605, leaving for all other purposes \$3,945,655, making a

The industrial work—that is, teaching Indian students agriculture and mechanical pursuits-amounted last fiscal year to about \$400,000, making a grand total of \$3,919,605, or nearly \$4,000,000, out of the \$7,000,000, in round numbers, for all the money used in the Indian Bureau for all Indian purposes.

I find that we have many excellent nonreservation Indian Among these are some excellent industrial schools, especially Carlisle and the Sherman Institute, and others that I will not undertake now to mention. Many of these schools are situated in the West, and I know that they are doing excellent work; but, Mr. Chairman, I believe that this Government should provide Indian day schools on the reservations and not build any more nonreservation schools. I do not subscribe to the doctrine that we should give a college education to Indian children, but we should give them common-school education; and this should be done in day schools on their reservations. This should be done at or near the home of the Indians, and could be done there for much less than the high estimate here of \$15 for each Indian child educated off the reservation in boarding schools in some far-away State.

Mr. Chairman, I have given these facts and figures in order to meet the arguments of some men living in the East who have been taught all their lives to believe that the Indians have been wronged and robbed by our Government, I defy any man to show that any Government has ever used the efforts that this Government has used to civilize and make easy the mode of life of any of its wards. You will not find in the history of any nation where the aborigines have been as well treated and cared for as have the Indians of our country. Compare their present condition with the condition that they were in before the white people came to this country and organized this Government and you find that the criticisms of the eastern people and humanitarian societies are unjust and unfounded, and that the condition of the Indians at the present time is immeasurably better than before the palefaces came here. reason for the belief that the white man always robs the Indian; neither do I think that all good Indians are dead ones. The figures I have given here will, I hope, clearly bear out my contention.

Mr. Chairman, I ask the gentleman from South Dakota [Mr.

BURKE | to consume some of his time.

Mr. BURKE of South Dakota. Mr. Chairman, I had not intended to say anything on this bill at this time. five-minute rule I shall discuss some of the provisions of the bill, and will only want to make a very brief statement now. In many respects the bill meets my approval. The appropriations are within the estimates. In fact, they are lower, I think, in practically every instance than the estimates. The amounts carried by the bill are substantially the amounts in the last Indian appropriation act. There is very little legislation in the bill. I think perhaps the most important legislative provision is one which prohibits the expenditure of public funds in the education of Indian children of less than one-quarter Indian bleed under certain conditions. I think it is good legislation.

I do, however, take exception to the report submitted by the committee with reference to the affairs of the Five Civilized Tribes in Oklahoma, and particularly in reference to the discontinuance of what are known as the district agents. The report which has been read from the desk discloses that it is the report of the majority of the committee. The minority of the committee did not file minority views, because it is rather unusual for the minority to file views on an appropriation bill, but I want it distinctly understood that the minority do not concur with the views of the majority as set forth in the report, and that when we reach the portion of the bill where the items that are discussed in the report, with which we do not agree, are contained, I then propose to state my reasons, and I am sure other members of the minority of the committee will join in expressing their opposition to the position taken by the majority. I hope when that time comes we may have a full attendance in the House, so that the Members will understand what the propositions are that we differ about.

The most I want to do at the present time is to bring to the attention of this committee the fact that the members of the Committee on Indian Affairs are not unanimous in the con-clusions of this report, so far as the same refers to the Five Civilized Tribes in Oklahoma, and particularly with reference to the discontinuance of the district agents.

Mr. Chairman, I yield five minutes to the gentleman from Kansas [Mr. Jackson].

Mr. JACKSON. Mr. Chairman, I do not care at this time to anything upon this bill. As the gentleman from South Dakota [Mr. Burke] has intimated, other members of the committee, as well as myself, may have something to say upon specific provisions of the bill in the five-minute debate.

At the present time I wish to say a few words concerning the so-called excise tax bill. My excuse for introducing that subject again is that the other day, when the constitutionality of this law was attacked, certain Members on the other side of the House seemed to resent it. The author of the bill, and of the House seemed to resent it. The author of the bill, and even the distinguished gentleman from Alabama [Mr. Underwood] seemed not only to resent it, but to be somewhat annoyed by the fact that certain Members on this side of the House refrained from voting, or voted against that bill, because they said, on its face, the law showed that it was unconstitutional.

Mr. Chairman, during the discussion of that bill the gentleman from Iowa [Mr. Towner] introduced an amendment proposing to exempt from the provisions of the tax the salaries of the Federal judges of the country and other judicial officers.

The amendment was not only rejected, but Members on that side of the aisle rejected it with certain glee and jocularity. They seemed to think it was funny that any Member of this House should question the right, as the gentleman from Illinois Mr. Foster] expressed it, to tax Federal judges. For that reason I am going to ask to have read, in my time, a certain document which I discovered of record in the files of the Supreme Court of this country. Before I do so, however, I wish to observe that this is not the first time that Congress has undertaken to tax the salaries of Federal judges and to retain in the Treasury a part of the compensation which Congress had voted them, and which Members will remember the Constitution provides shall not be diminished during the term of office of the Federal judges. On this occasion, when Congress before attempted this, the tax was not collected, because the Chief Justice of the United States, Justice Taney, wrote a letter to the Secretary of the Treasury and directed that officer not to collect the tax, because it was unconstitutional, and also directed that that letter be spread upon the records of the court. thought perhaps some of our friends upon the other side of the aisle might be interested in what this eminent judicial authority of the Democratic Party had to say upon that question. desire also to read the concluding sentences of a decision in the Court of Claims, to be found in the Court of Claims Reports, volume 26, page 274, in which case the heirs of Justice Wayne of the Supreme Court of the United States recovered the amount of that tax paid by Chief Justice Wayne, without protest. The decision concludes as follows:

Another defense is set up that the application of the income tax to the salaries of Federal judges was not erroneous and that the deductions from such salaries were not illegal. In view of the opinion of the Attorney General in 1869 (13 Opin., 131) and of the protest of Chief Justice Taney, on file in the Supreme Court and read in the trial of the case, as well as the actual refund to all the judges except those in like condition of Mr. Justice Wayne, and the general acquiescence of the profession in that view of the law, we shall not at this late date enter upon the consideration of that question.

In other words, the Court of Claims held that it was so apparent and so evident to every one that such a tax would be unconstitutional that it would not be considered.

Mr. Chairman, the point about this is, and I think most of the lawyers of this House will agree with me, that a bill which upon its very face fixes a measure of taxation which is manifestly illegal and unconstitutional must be unconstitutional as a whole, and that this provision which has been insisted upon, upon the other side of the House, is liable to, and in all probability will, render the entire law unconstitutional. This may also be noticed as a fair sample of caucus legislation. Bills are not read in caucus or carefully considered, but passed by title or general understanding. now ask that the letter of Chief Justice Taney be read in my time.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

[Extract from the minutes of the Supreme Court of the United States. December term, 1862. March 10, 1863.] ORDER OF COURT.

Ordered, Upon the request of the Chief Justice, that the following letter from him to the Secretary of the Treasury be entered on the records of the court:

WASHINGTON, February 16, 1863.

Sin: I find that the act of Congress of the last session imposing a tax of 3 per cent on the salaries of all officers in the employment of the United States has been construed in your department to embrace judicial officers, and the amount of the tax has been deducted from the salaries of the judges.

The first section of the third article of the Constitution provides that "the judicial power of the United States shall be vested in one Supreme Court and such inferior courts as Congress may from time to time ordain and establish. The judges of both the Supreme and inferior courts shall hold their offices during good behavior, and shall at stated times receive for their services a compensation which shall not be diminished during their continuance in office."

The act in question, as you interpret it, diminishes the compensation of every judge 3 per cent, and if it can be diminished to that extent by the name of a tax it may in the same way be reduced from time to time at the pleasure of the legislature.

The judiciary is one of the three great departments of the Government, created and established by the Constitution. Its duties and powers are specifically set forth and are of a character that requires it to be perfectly independent of the two other departments, and in order to place it beyond the reach and above even the suspicion of any such influence the power to reduce their compensation is expressly withheld from Congress and excepted from their powers of legislation.

Language could not be more plain, than that used in the Constitution. It is moreover one of its most isaportant and essential provisions, for the articles which limit the powers of the legislative and executive branches of the Government and those which provide safeguards for the protection of the citizen in his person and property would be of little value without a judiciary to uphold and maintain them which was free from every influence, direct or indirect, that might by possibility in times of political excitement warp their judgments.

Upon these grounds I regard an act of Congress retaining in the Treasury a portion of the compensation of the judges as unconstitutional and void, and I should not have troubled you with this letter if there was any mode by which the question could be decided in a judicial proceeding. But all of the judg

Hon. S. P. Chase, Secretary of the Treasury.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. Morrison having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had agreed to the amendments of the House of Representatives to the bills of the following titles:

S. 252. An act to establish in the Department of Commerce and Labor a bureau to be known as the children's bureau;

S. 5718. An act to authorize the Secretary of the Interior to secure for the United States title to patented lands in the Yosemite National Park, and for other purposes; S. 2434. An act providing for an increase of salary of the

United States marshal for the district of Connecticut; and

S. 3475. An act extending the time of payment to certain homesteaders on the Cheyenne River Indian Reservation, in the State of South Dakota, and on the Standing Rock Indian Reservation, in the States of South Dakota and North Dakota.

The message also announced that the Senate had agreed to the amendments of the House of Representatives to the concurrent resolution (S. Con. Res. 19) relating to the fiftieth anniversary of the Battle of Gettysburg.

The message also announced that the Senate had passed the

following resolution:

Resolved, That the Secretary be directed to furnish to the House of Representatives, in compliance with its request, a duplicate engrossed copy of the bill (8, 2819) to reimburse certain fire insurance companies the amounts paid by them for property destroyed by fire in suppressing the bubonic plague in the Territory of Hawaii in the years 1890 and 1900.

INDIAN APPROPRIATION BILL.

The committee resumed its session.

Mr. BURKE of South Dakota. Mr. Chairman, I yield 20 minutes to the gentleman from Pennsylvania [Mr. BATES].

Mr. BATES. Mr. Chairman, I feel almost like making an apology to the members of the committee for rising to make even a few remarks on the frayed and tattered subject of the tariff. It is, however, the "old. old story." I only do so because I desire that there shall go into the record of the proceedings of this House a few observations on transportation and its relation to the rates of duty which should be collected on manufactured products at our ports of entry.

The president of the Bethlehem Steel Co., the leading independent producer of steel and iron in this country, states that if the steel schedule which passed this House of late should become a law that he will sell out his property and retire from business. He states that the question is altogether a matter of wages for the workingman, and that the American manufacturers can not compete with foreign makers of steel if duties are reduced below the rates of the Payne law. He states that under equal conditions steel can be made as cheaply in the United States as in any other country. He does not say that it is made as cheaply, nor does he say that it can be made as cheaply unless we can compel the American workingman to accept the same scale of wages paid abroad. He further states that if labor was as cheap here as abroad that he and his association in the great steel business of the country would ask no protection whatever.

DANGER FROM OUTSIDE COMPETITION CONSTANTLY INCREASING.

"Our plant," he says, "is only 100 miles from New York, and it costs as much to put our steel there as it does to bring it from Holland." He states emphatically that the present tariff rate is necessary to the prosperity of the steel business.

The point which I desire to bring to the attention of this House to-day is that with freight rates by rail and by water constantly decreasing there is a greater demand for protection from foreign competition than ever before, This need is in

the very nature of things.

The distance which foreign goods must be carried and the cost of transportation over that distance alone serve to create a protective wall for the domestic producer. In late years these conditions of distance and transportation have absolutely changed. The railroad and the modern steamship have reduced the cost of transportation compared with that in the early part or even in the middle of the century just ended, while the tele-graph and the telephone have annihilated distance and time.

Merchandise from the interior of Europe, ordered by tele-phone, telegraph, and cable, transported from its place of production by trolley road, canalized rivers, or boats operated by steam or electricity, or by railway to the Atlantic, and thence by great steamships, built to carry hundreds of carloads at a single voyage, across the ocean, and again transported to the interior of the United States by the cheapest land transportation ever known to man, can be placed at the door of the consumer in the Mississippi Valley for a very small percentage of the cost of transporting the same at the middle of the last century.

CHEAP FREIGHTS HAVE DESTROYED NATURAL PROTECTION.

As a result the protection which distance and the cost of transportation afforded to the local producer has disappeared, and without a protective tariff established by the Government, he has as his direct competitor the low-priced labor of any and every part of the world. The cheap labor of the densely populated countries of Europe, the 140,000,000 low-priced workers of Russia, the 300,000,000 people of India, whose average wage is but a few cents per day, and the 400,000,000 workers of China are to-day as much the competitors of the workman of the United States as though they were located but just across the border. Modern methods of transportation and communication have

brought these great masses of producers to our very doors, and without the protection which the tariff affords would place that cheap labor in as close competition with our own as it would have been a half century ago if located but a hundred

miles away.

As an example of the reduction in cost of transportation may be cited the fact that the annual average freight rate on wheat from Chicago to Liverpool by the cheapest method of transportation in 1873 was 40 cents per bushel and in 1912 8 cents per bushel, or but one-fifth that of only a decade ago. Comparing conditions now with those of the early part of the last century, the reduction is still greater, and the cost of transportation at the present time may safely be said to be less than one-tenth of that then existing. An illustration of the reduction in cost of transportation through modern methods is found in the fact that the census of 1880 showed that the railways could transport a ton of wheat for a given distance as cheaply as a single bushel could be transported the same distance by horsepower, and railway rates have fallen practically one-half since that time. That high authority, the Encyclopedia Britan-nica, states in its 1903 edition that the mechanic in Liverpool may now pay with one day's wages the entire cost of transporting a year's supply of bread and meat for one man from Chicago to that city.

Originally the danger to domestic industries from foreign competition was much less than at the present time. Mer-chandise brought into any country from abroad must first be at

the cost of transportation, and in times when the cost of transportation was great, and when goods were necessarily trans-ported by animal power and by sailing vessels only, this high cost of carriage was of itself a protection to the domestic producer in any country. True, the producer of merchandise just across the border line of a country had an enormous advantage over the producer a thousand or five thousand miles distant, but as only a small proportion of the producers were located near to the border line such countries did not find it necessary to establish high tariffs to protect their own producers or manufacturers.

These facts illustrate how completely modern methods have destroyed the protection which the local producer formerly had against foreign competitors and explain the reason why modern governments have found it necessary, one by one, to adopt the protective system, until now many men in the most ardent and chief remaining supporter of the nonprotective system, the United Kingdom, are seriously discussing the adoption of a protective tariff. This gradual destruction of the natural protection formerly afforded by distance and cost of transportation accounts for the fact that it has been found necessary to maintain the protective tariff on the various industries as they have developed, and that this necessity for maintaining protection for those industries has meantime been recognized by all other leading manufacturing countries of the world whose industries were developed even before those of the United States, except in the case of the United Kingdom, whose people are now clamoring for a return to protection of their long-established domestic industries. This reduction in cost of transportation is indeed one of the chief causes of the steady movement toward protection, which has characterized the history of the world during the last half century. The fact that, with improved methods of transportation and a narrowing of distances and cheapening of cost of transportation, the whole world has become the next-door neighbor of each community has compelled that community to establish tariff duties of a character which would reduce the competition offered by the cheap labor of those communities, against which distance no longer affords protec-

Practically all of the 500,000 miles of railway and 16,000,000 tons of steamship tonnage with which the world is now supplied have been created since the middle of the last century; the world's international commerce has quadrupled while the world's population was increasing but 50 per cent; and during that very period the nations of the world have, one by one, found it necessary to establish tariff protection to take the place of that protection which distance and high cost of transportation formerly afforded. [Applause.]

However full, with something more We fain the bag would cram, We sigh above our crowded nets For fish that nover swam. No bounty of indulgent heaven Our vain desires can stay. Self-love is still the tartar mill For grinding prayers alway.

The man who pleads for the "poor consumer" usually forgets that every man is a producer before he can be a consumerevery citizen except the pauper, the criminal, and the idle rich.

There were 270,000 wage earners in the iron and steel blast furnaces and rolling mills in 1910; multiply this by 5 to include wives and children. Are not these people consumers? One hundred and fifty thousand more in the smaller steel industry, with their families as well. Do they not consume?

The wages paid in this industry for 1910 was \$180,000,000. In the woolen industry alone 168,000 wage earners with annual wages of \$7,243,000. And so on through the whole list of industries, trades, professions, and callings, with the exception of the three undesirable classes which I have above enumerated. It makes up practically our whole body politic.

Every consumer is a producer, but he is a producer before he is a consumer, and the Republican Party, through the principle of the protective tariff, has ever had regard to the earning and purchasing power of the citizen to the just reward of his productivity, whether through capital or labor, to the end that he may have the means to buy the necessaries of life and more besides. I believe that upon wages and the proper distribution of wealth is based the hopes of our future civilization. Our civilization is not one of class and cast, but one that tends to lift all to a higher level.

American exports increase from month to month. Although this is a presidential year, a time usually clouded with business hesitation, yet our American exports for the eight months ending March 1, were greater in value than in any corresponding eight months of any preceding year. The total was \$640,000,000 against \$571,000,000 for the corresponding months

of 1911, and as against \$491,000,000 for the same months in 1910 and, also, as against \$420,000,000 for the corresponding months in 1909. It is estimated that the total exports for this fiscal year will be more than \$1,000,000,000.

President Taft's administration is credited with having originated our present foreign policy. He is entitled to the credit. We hear it called "dollar diplomacy," and the splendid results above noted are its justification. Every country on the globe recognizes the value of the "dollar diplomacy" as one of the most potent agencies for peace among the nations. It has come to be realized that there is no bond so strong or that can be relied upon so safely to keep nations from engaging in serious disputes or actual warfare as commercial bonds. Notwithstanding the mournful cries of agitators and disappointed men, our natural business growth has gone forward and the exports of the United States show a trend toward prosperity throughout the whole land. Trade is resuming its normal flow and the general effect on the average man who labors and toils

will be excellent. [Applause on the Republican side.]
Mr. JACKSON. Mr. Chairman, I am authorized by the gentleman from South Dakota [Mr. Burke], in his absence, to vield to the gentleman from Massachusetts [Mr. GARDNER] the balance of the time upon this side.

The CHAIRMAN. The gentleman from Massachusetts is recognized.

THE RECALL OF JUDGES AND OF DECISIONS.

Mr. GARDNER of Massachusetts. Mr. Chairman, one of the leaders of the Republican Progressive League has said that a firm belief in the recall of judges by the people is the true acid test of a progressive. I dispute an analysis determined by any such chemistry. I deny the application of the epigram and in its place I offer a truer maxim. A firm belief in the founda-tions of our Federal Constitution is the rock from which the liberal reformer defies the radical destroyer. The people of this country are the motive power of the ship of state, the Congress chosen by the people is its rudder, and the Constitution adopted by the people as the expression of its profoundest beliefs is its ballast.

The reactionaries of this Nation are hopelessly routed and now, as always in the world's history, a new line of cleavage has appeared between the forces which have put the old order to flight.

On one side of this new line of cleavage we find the men who wish to prune and pare and train and cultivate the tree of life. On the other side we find the men who believe that the tree is so old and so rotten that it must be pulled up by the roots and a new one planted.

SELF-LIMITED DEMOCRACY V. PURE DEMOCRACY.

The issue is squarely joined between those who believe in a self-limited democracy and those who believe in a pure democracy.

A self-limited democracy is one which declares that it will bind itself and fortify itself against its own hasty, unjust, or oppressive action by imposing on itself a constitution. It is a democracy which declares that its constitution shall be based on eternal truths and on a full recognition of the rights of every man to his life, his liberty, and his property. Such a Constitution we now possess and, hitherto, since this Government was formed, save during the period of our Civil War, all the people have submitted to its restrictions. But now comes forward a body of men who call themselves Socialists and who deny the right of individuals to hold property. Joined with the Socialists in the movement for fundamental constitutional changes are those radicals who believe in private property, but base their faith on a pure democracy.

Let us see what a pure democracy is. Let us see what a purely democratic government must provide as its machinery. A pure democracy is a government where the will of the majority must at each and every moment be the supreme law of the land. A purely democratic government must obliterate the line which separates a constitutional provision from a law by making it possible for a majority of the people to disregard either at any time. Such a government will naturally provide an Initiative by which any reasonable number of voters may propose a law or a constitutional provision and a Referendum by which a majority of the voters may accept or reject a law or a constitutional provision. It will naturally provide an Imperative Mandate by which the majority of the voters may command the President or any executive officer to do its will, and a Recall of the President and of all other legislative and executive officers who shall fail to obey the orders of the majority or who shall perform their duties in an unsatisfactory manner. urally provide for the Review or Recall of Judicial Decisions and for the Review of Jury Verdicts when the voters so desire.

It will naturally provide for the Recall of Judges and, perhaps, for the punishment of juries who disobey the majority or perform their duties in an unsatisfactory manner. It will naturally provide for proportional and minority representation and for a single chamber, instead of the Senate and House. It ought to abolish the veto power of the President, and it must give the franchise to all adults living in the United States-men and women, black and white, citizens and aliens. When all these changes are adopted there will be a pure democracy in the United States.

THE IMMEDIATE PROGRAM.

Of course, there is to-day in this country no group of men calling for the immediate adoption of this whole program, but large numbers of our citizens are demanding that its cardinal points shall forthwith be made the law of the land. The campaign for the Initiative, Referendum, and Recall is in full swing, and the Review of Judicial Decisions has but recently been added to the immediate program.

The Review of Judicial Decisions has never been tried in this

The Initiative is new and is now undergoing a trial in some of the States of the Union.

The Referendum has always existed here in one form or another, though not in the form now advocated.

Elective officers, including elective judges, have always been subject to the Recall in the sense only that the voters might al-

ways decline to reelect them. o-day I shall only discuss the question of the Recall of Judges by the people, and to some extent, the Review of Judicial Decisions by the people.

TENURE OF JUDGES.

Since the foundation of our Government life judges in this country have never been subject to recall by the people, and, except recently in a few States, elected judges have been subject thereto only to the limited degree which periodical elections afford. Various means, however, of removing judges by the legislature have been in force in the different States. Some States, like Massachusetts, provide that judges may be removed on address by the legislative and executive power acting jointly, and the removal may be made for any reason or for no reason at all. In Massachusetts the joint action of the governor, the council, the senate, and the house is necessary for a removal by address.

All States provide for the removal by impeachment of judges who have been guilty of misconduct. For an impeachment, the concurrent action of the senate and the house is required, but no

action by the governor is necessary.

All judges of the United States hold office during good behavior and can be removed only by impeachment. Yet such is the ingenuity of the American people that ways and means have always been found to remove life judges and superfluous judges when absolutely necessary for the public welfare, even if those This end has judges have committed no impeachable offense. been accomplished by reducing the number of judges and subsequently increasing them again. It has been accomplished abolishing a court and simultaneously creating a new one with a different name, but with practically the same functions. In my own State of Massachusetts, in 1859, the Court of Common Pleas was abolished and the Superior Court established for the express purpose of making a change in judges. The same device has again been employed in Massachusetts much more recently. A clumsy and difficult mode of procedure, I grant you, but effective for all that.

SOURCE OF THE DEMAND FOR RECALL.

It is only a few years since Mr. Dooley convulsed the country with laughter when he said that perhaps trade might not follow the flag, but that the Supreme Court followed the election re-turns. We acknowledged the exaggeration, but we admitted the grain of truth, because we knew full well that irremovable judges, like other men, only to a lesser degree, are influenced by changes in the times and changes in public sentiment. What reversal of opinion has come over the people so that to-day men listen eagerly when they are told that our Federal judges care nothing for public opinion and always decide questions in a narrow and reactionary spirit?

We are living in an age of discontent, much of it justifiable, much of it the artful creation of the demagogue. When men are discontented and filled with anger they do not attack with discrimination, but they attack blindly in all directions. For several years past the people have been turning out of power those representatives whose views do not meet their views and have been substituting men who share the same opinions as their electors. This is as it should be. This is the true remedy that which my constituents believe, it is my sworn duty to follow my own judgment while I am still in Congress; but nevertheless the people in my district should turn me out of Congress if our difference in views is important.

Why is it that in the wave of change which has swept over England the British judges and the British courts have not been the subject of attack? Why should discontent manifest itself in one direction at home and in another direction abroad?

It is partly because the British court procedure has been reformed and ours is still archaic. But why blame our courts for the use of worn-out tools? It is our legislatures and our lawyers who have been remiss in supplying them with no new ones, and the people ought not to tolerate this remissness one day longer.

Far more significant than any question of difference in procedure between the two countries is the fact that our courts are charged with two great unpopular functions which the British courts escape.

American courts must declare void all laws, no matter bow popular, which violate any of the provisions of our fundamental law, the Constitution.

As if that function were not sufficient cause for unpopularity, the additional duty is imposed on our judges of issuing injunctions in labor disputes, and they are further charged with the necessity of themselves punishing for contempt of court, without a jury trial, all citizens who violate those injunctions.

The burden of unpopularity arising from the constitutional necessity must be borne; but Congress and the legislatures of the States can and, as I believe, ought to remove the burden of unpopularity arising from the denial of a jury trial in proceedings for contempt to enforce injunctions.

Such are, for the most part, the motives which have led to a demand for the Recall of Judges by vote of the people.

AN "APPEAL TO BEASON."

Unfortunately, there is also a more sinister motive, confined however, I am confident, to a small minority of our people.

In California last autumn there was a campaign for the adoption in that State of the Recall of Judges by vote of the people.

The following article appeared in the Appeal to Reason, edited

by Eugene V. Debs:

The fight at the polls this fall will center around the adoption of the initiative, referendum, and recall amendments to the constitution. Under the provisions of the recall amendment the judges of the Supreme Court of California can be retired. These are the men who will decide the fate of the kidnaped workers. Don't you see what it means, comrades, to have in the hands of an intelligent, militant working class the political power to recall the present capitalist judges and put on the bench our own men? Was there ever such an opportunity for effective work? No; not since socialism first raised its crimson banner on the shores of Morgan's country. The election for governor and State officers of California does not occur till 1914. But with the recall at our command we can put our own men in office without waiting for a regular election.

Can this mean anything except that Debs's object was to use the recall of judges for the purpose of securing the acquittal of the McNamara brothers? Few Socialists would knowingly lend their approval to such a motive.

THE CHARGES AGAINST THE JUDGES.

Whatever the causes may have been which breathed the breath of life into the movement for the Recall of Judges by the people, here are the principal counts in the indictment: That the courts, when they interpret the law, favor property rather than mankind; that the judges must necessarily become involved in politics, and often become the tools of their political allies; and that the judges are biased against all change in the existing order of things. Thank heaven a belief that judges act from corrupt motives has found no root in the American breast. The ermine is still glorious and unsmirched by the slime of the slanderer. Yet it has not escaped calumny. No mortal man can escape that, be he as chaste as snow and as pure as ice.

Prof. Beard, of Columbia College, who has published what is probably the best compilation in favor of the Initiative, Referendum, and Recall, tells us that judges must necessarily be drawn into politics, and Senator Jonathan Bourne, Jr., of Oregon, tells us that from one ocean to the other experience has taught us that some of them will be influenced by the wishes of

the men to whom they owe their positions.

I believe that both Prof. Beard and Senator Bourne have in mind such judges as are elected or appointed for a fixed term of years. I am afraid that it is true that some weak judges, as the time for their reelection or reappointment approaches, may allow their eyes to wander to the political outlook of the moment instead of centering their regard wholly on the statute book. I feel that in such cases an unpopular litigant or a litigant with an unpopular cause might get something less than

For that reason I have no hesitation in pronouncing in favor and the only sure remedy. If I can not bring myself to believe of the Massachusetts judiciary system. Our judges, high or low, are all appointed for life by the governor of the State, and they never enter into politics. Why should they enter into politics? They have nothing to lose and nothing to gain by it. Of the Massachusetts system, more hereafter.

SENATOR OWEN'S INDICTMENT AND THE ANSWER.

In July, 1911, Senator Owen, of Oklahoma, chairman of the national committee of the Initiative and Referendum League of America, in order to prove his contention that the Supreme Court disregards the welfare of the people, presented a list of

the specifications in his indictment.

He instanced certain taxation laws of certain States which have been set aside by the Supreme Court. The statute of Kansas imposing a special license tax on the Western Union Telegraph Co. is typical of this class of statute. It appears that the State of Kansas already fully taxed the Western Union Telegraph Co. for business done in Kansas, and this special license tax was an indirect endeavor to tax that company on business done in other States. Kansas, like many of the States of the Union, has been spending vast amounts of money, and it was not unnatural that its legislators should be willing to risk the constitutional question in an endeavor to compel outside business to assist in paying the bills of their own State. The Constitution does not permit the execution of such devices.

Senator Owen also tells us that the fourteenth amendment of the Constitution was adopted to guard the negro, but that it has been used to protect trusts and monopolies in imposing long hours of labor. The fourteenth amendment certainly was adopted primarily to guard the negro, but that part of the amendment to which Senator Owen refers was copied from the fifth amendment to the Constitution, adopted in 1791. The fourteenth amendment certainly never intended to give negroes

greater rights than those accorded to white people.

The employers' liability act for the protection of employees was, as Senator Owen alleged, declared unconstitutional by five judges against four. The decision, however, related to the interference with State authority by the peculiar terms of the The act has since been react rather than to its essence. drafted and passed by Congress and the court has held it to be

constitutional in its new form.

It is not true, as alleged by Senator Owen, that the arbitration act "passed as the result of the great strike in Chicago in 1894, was destroyed by the courts." A reference to the decision which he quotes shows that the arbitration act to which he refers was passed June 10, 1898, and that only one paragraph therein was declared unconstitutional. As a matter of fact this act, known as the Erdman Act, promises excellent results in the future.

It is not true that the interstate-commerce acts have been emasculated by the Supreme Court, and I can not understand how Senator Owen or anyone else can think so. The original interstate-commerce act and its amendments have brought the

railroads under strict Government control.

It is true, as Senator Owen says, that in 1895 the income-tax law of 1894 was declared unconstitutional by the United States Supreme Court, and the various States of the Union are now engaged in ratifying a proposed change in the Constitution designed to meet that decision.

No one denied the power of Congress to impose an income tax, provided that the amount of money to be drawn from each State in the Union should be in proportion to that State's population. No one denied the power of each State in the Union to impose within its own borders such an income tax as it might think fit.

But the income tax of 1894 was not apportioned among the States of the Union according to the population of each State. On the contrary, the amount to be raised in each State would be, roughly, in proportion to the total income of the citizens of that State.

The clauses in the Constitution on which the opponents of the tax relied read as follows: "Representatives and direct taxes shall be apportioned among the several States which may be included within this Union according to their numbers," and No capitation or other direct tax shall be laid unless in proportion to the census or enumeration hereinbefore directed to be taken." It was not for the Supreme Court to consider the It was not for the Supreme Court to consider the merits of the law. The whole question at issue was as to whether an income tax is or is not a direct tax.

The Supreme Court decided that an income tax is a direct tax, and therefore declared the law of 1894 to be unconstitutional because it did not apportion the tax to the States according to their respective populations. I am not a lawyer, but it has always seemed to me that if an income tax is not a direct tax then nothing except a poll tax is a direct tax.

Justice Harlan dissented from the Supreme Court in the in-

declares that Justice Harlan is a patriot and deserves the thanks of the country. I always admired the late Justice Harlan and I revere his memory, but I can not forbear to point out to Senator Owen that it was Justice Harlan who handed down the Kansas tax decision and the Arbitration Act decision which the Senator denounces in the same indictment.

SOME MODERN INSTANCES.

While Senator Owen is searching the records of the last 17 years to discover decisions of the Supreme Court with which to find fault, it is well to cite a few of its decisions which have upheld recent legislation. There is no need to go back 17 years. I shall confine myself to decisions fresh in all your memories, decisions handed down within the last two or three years. ' For examples, I call your attention to the decisions in favor of the Oklahoma Bank Act, the Oregon Initiative and Referendum Provision, the North Dakota Coal Rate Act, the United States Corporation Tax Act, the United States Safety-Appliance Act, and the United States Employers' Liability Act. Moreover, during the last few years there have been numerous decisions in cases arising under the Interstate Commerce Act and the Railroad Rate Act which have very much strengthened the hands of the Interstate Commerce Commission in exercising its control over the railroads.

By a number of recent decisions of the Supreme Court the right of corporations to withhold their private books and papers from inspection by the authorities has been practically annulled,

I by no means deny that some cases have occurred in which the courts in some of our States have failed to construe constitutional provisions in the light of present-day conditions. Each and every one of these cases has been violently brought before the public, while the numberless cases in which the State courts have shown themselves fully alive to the expansion of modern thought have passed quite unnoticed.

Throughout this discussion it is well to remember that only that small percentage of laws which contain provisions of doubtful meaning or of doubtful constitutionality is likely to require interpretation by our Supreme Courts, State or National.

A SELF-CONTAINED REMEDY.

After all, a decision that a wise law is unconstitutional carries its own remedy with it. If the decision is correct, experience has shown either that the law will be amended or else that the Constitution will be altered in the prescribed manner. If, on the other hand, the decision is incorrect, other courts in other States will rule differently on the same question. A new law will be passed, substantially the same as the old one, and this time it will be found constitutional.

THE RECALL OF JUDGES WILL BE SLOW TO SHOW RESULTS.

I assume that we shall all agree that the Recall of Judges, if it should be adopted, would be slow to show evil results, even though every day it might be undermining our system of government. If the State were to dissolve the marriage tie, the results would by no means show at once. Most of us would continue to live with our wives as heretofore, but here and there, day by day, family life would be undermined by hastily contracted and quickly dissolved alliances until at last the whole rottenness of the system would be exposed. For 50 years after it joined the Union, the State of Rhode Island lived under a constitution or charter which practically could not be amended. It was a thoroughly vicious system, as all men can see to-day, yet the State lived under it for half a century before it resulted in the armed uprising of the people known to American history as Dorr's rebellion.

If, as I believe, the adoption of a provision for the Recall of Judges should put fear into the hearts of men who ought to be fearless, it by no means follows that all at once the entire bench would become cowards. The poison would be slow but sure. It might be many, many years before the public would realize that it was suffering from cowardly judges, that industry languished, perhaps, because capital had become timid, and that men's rights were but doubtfully assured. Even then it might be many more years before the people would surrender the power of Recall. Flatterers of the voters would prove to them that all which was needed was a few amendments, larger percentages of the population to sign the Recall petition, and changes of that sort. If the people once decide to assume the power to Recall the Judiciary, even if it prove to be a great error, yet they will not relinquish that power until the havoc which it has wrought is patent to every eye.

TIMID JUDGES.

The people believe that Congressmen are cowardly. extent that is the truth. How could it be otherwise? Can a married man, middle-aged or advanced in years, face with the dauntlessness of a hero the prospect of a return to private life, come-tax decision. For this act and for others Senator Owen | followed by an attempt to gather together the remnants of a shattered law practice? Unless he has means of his own, such courage is hardly to be expected. Can any Congressman, rich or poor, fail to quiver at the thought of the wound to his pride and self-esteem which defeat would entail? He who could descend the ladder of power without pain and without humiliation never could have climbed it at all.

How can we be otherwise than cowardly? If against our true beliefs we bow to the wishes of our electors, then they rightfully despise us. If, on the other hand, we fail to yield, then they rightfully defeat us. In politics, as in war, long life and courage do not often go hand in hand. If it were otherwise, courage would not be courage but rather policy.

Many of you have been judges. Most of you are of the caliber of which judges are made. Place my friend here at my left on the bench with a life tenure and he will be as brave and impartial and upright as a man can be. Place him on the bench for a long term of years and he will be a little less brave and a little less impartial, especially as election time or the time for reappointment draws near. Place him on the bench for a term of five years and he will be timid and yielding. Suspend the Recall over his head and he will ultimately become as timid as we Congressmen. The old traditions of the bench will support his independence for a while, but sooner or later the same causes which make us timid will produce a like effect on him.

Let us concede that in the nature of things Congressmen must be more or less yielding and more or less timid; do the people wish their judges reduced to this same level? "But," says the academic philosopher, "the people will make up their opinions according to a judge's full record. They will respect a courageous judge and will refuse to recall him."

Experience has taught all practical politicians that it is a great error to suppose that men will habitually vote for the candidates whom they respect. As a rule, men will vote for the candidates who will give them what they want, and men easily persuade themselves that that which they want ought in justice to be given to them. Furthermore, it is not true that men as a whole judge candidates by their entire records. Men forget, new voters come forward, and a candidate is only too likely to be judged by his most recent action. One of the most moving sights I ever saw in this Hall was at the expiration of the last Congress, when a venerable Democratic Member arose to bid us farewell. He had served his district and the people faithfully for 20 years, as we well knew. He had never been attacked by his constituents for any vote he ever cast except one, but that one vote was fatally fresh in the minds of the people. He had voted on the unpopular side on a question of the rules of the House, and it was feared that he might do so again. No political change had taken place in his district; but his former services were forgotten and he was defeated.

COMMON GROUND.

I suppose that we shall all agree that no plan for the selection or tenure of judges can be perfect. "To produce good without some admixture of ill is the prerogative of the Deity What we are all seeking is not a perfect system, but the best method by which we may obtain and retain just and impartial judges.

I suppose that we shall further agree that if the recall is once established as the law of the land it will not be possible to restrain its use. Those who believe that it will be used only as a last recourse will find that it can as readily be used as

a first resource.

The contention that public business should be conducted on the same principles as private business, and that every corporation retains the right to recall its agents, appears to me hardly worth an answer. In the first place, the judge is not an agent, but, rather, a referee. In the second place, public business can never be conducted like private business for the simple : cason that it is not private business. In all private corporations men vote in proportion to the number of their shares. Does anyone suppose that such a system could be applied in matters of government?

Stripping the discussion of the Recall of Judges by the people of all minor issues and of all casuistry, two great questions First, ought judges to be more accountable to the people than they are now? Second, if greater accountability is desirable, will or will not its advantages be more than offset by an inferior type of judge on our benches?

OUGHT THE MAJORITY TO RULE WITHOUT RESTRAINT?

The theory that the majority of the people should have the right to recall judges who render decisions not to their liking, and the theory that the people should have the right to recall or overrule the decisions themselves, both rest on the assumption that the majority should have the right to govern in any way that it sees fit. Here is the fundamental error. The ma-

jority must govern, yet it must not govern for the majority alone, but for the whole people. In order that it may not sacrifice the rights of the minority, their rights are set forth and protected in the Constitution.

The United States Constitution prescribes the powers which shall vest in the National Government. It also enumerates certain powers which neither the National nor the State Governments are to possess. For instance, the Constitution forbids either the National or the State Governments to pass a law taking away any man's right to be tried by jury, if he is accused of crime.

It forbids the passage of a law taking away one man's property and giving it to another man or to any number of men.

It forbids the passage of a law permitting slavery.

It forbids the passage of a law depriving any man of his vote on account of his race.

It forbids the passage of a law impairing the obligation of a contract. For example, if the State of Massachusetts were to issue 4 per cent bonds to the people, then the State is forbidden to pass a subsequent law reducing the rate of interest to 3 per cent on the bonds already sold.

IS MANKIND JUST?

Most men will admit that all those provisions in the Constitution are just and sound. Many of you perhaps will say that the majority of the people would never at any time vote to set aside any judicial decision based on those principles. I am by no means so sure of that. Let us see.

Do the people always allow jury trials to men accused of crimes which arouse violent popular indignation? The record of lynchings participated in by entire communities would seem

to show the contrary.

Are men always considerate of each other's property rights? If the question were put to the whole people to-day whether men of the Slavonic race, for instance, should have the right to vote, are you quite sure that the majority would not vote

If I recollect rightly, I have heard of States trying to repudiate their bonds. Suppose some small State should issue bonds for internal improvements at 4 per cent interest, and suppose that those bonds were taken by Wall Street capitalists. Suppose; furthermore, that times were to become hard and that this State needed money for its own citizens, are you perfectly sure that a majority of the people of that State, under the guise of a special tax or otherwise, might not vote to reduce that interest to 3 per cent? Even the fact that those bonds had been sold by the Wall Street capitalists to savings banks might not save them, and the poor depositors in the savings banks might well be the true sufferers.

Now, if a majority will do any or all of those things, will it not also overturn any decision of a court which tries to interfere, if the Recall or Review of Court Decisions is permitted? Will that majority tolerate any judge who stands in the way of its will if it has the right to recall him? Does not the whole history of the world show that unrestrained majorities are tyrannical and unjust? Ask the first Irishman you see whether he thinks the English majority has been just to the Irish

The fact is that in its very nature a constitution is a contract which the citizens of a country make with each other, promising each other to do certain things and not to do certain other things, until the contract or constitution shall be changed by amendment. And right here appears the fallacy of the argument that if the people are competent to adopt a constitution they must be competent to declare what they meant when they adopted it; in other words, they must be capable of interpreting This means that a majority of the people is the proper interpreter of the meaning of a contract or constitution made especially to secure the rights of the minority. In other words a majority which has made a law is to be empowered with the right to decide whether or not the provisions of its own law fall within the limitations previously agreed upon by the Con-That this position is untenable can be seen by reducing an illustration to a small scale.

A PACIFIC ISLAND—THE CONSTITUTION INTERPRETED BY VOTE OF THE PEOPLE,

Suppose five men live on an island in the Pacific, and suppose that they all raise cattle. Inevitably disputes will arise, and some sort of government must be formed to prevent blood-shed and destruction. They agree to fence off their lots and to keep their cattle within their own boundaries and not to slaughter or appropriate each other's animals. That agreement is a constitution.

The strongest man and the weakest man alike agree to it and all the men disarm. There comes a heavy storm and blows down one man's fences. His cattle escape, damage his neighbors' crops, and pasture on their lands. Thereupon his neighbors each slaughter one of the escaped animals for his own use. The owner of the cattle declares that his neighbors have violated the constitution by slaughtering his cattle. neighbors contend that he himself has violated the constitution by not keeping up his fences and that they have suffered damage thereby. "Moreover," they say, "we are a majority of the people and we decide that we have not violated the constitution." Whereupon the owner of the cattle would probably arm himself once more and hire one of the people to fight on his side. How much better it would have been if those five men in the first place had chosen the wisest man as judge and had agreed to regard his decisions as final. Perhaps you think that the majority of those people were entitled to interpret for themselves the constitution which they had adopted.

HAVE HUMAN BEINGS NO ABSOLUTE RIGHTS?

A little over half a century ago the world was startled by a doctrine which found great currency in many States of the Union. The dictum went forth that the negro had no rights which the white man was bound to respect. And now the doc-trine is gaining ground that the minority of the people have no rights which the majority may not vote to overthrow if it sees fit. That, in plain English, is the doctrine of the "Review of Judicial Decisions by the People."

The doctrine of the "Recall of the Judiciary by the People."

is not quite so extreme, because some courageous judges will be found who will face the recall and face a poverty-stricken and humiliating old age rather than render a decision, no matter how popular, which runs counter to the Constitution.

Just so a number of Republican Senators were found who had the courage to break away from the Republican Party and vote against the impeachment of Andrew Johnson. Nearly every student of history to-day recognizes that those Senators were in the right, yet no one of them was reelected to the Senate, and it is told that one of them ended his life as a crossing sweeper.

THE BILL OF RIGHTS.

There is no case arising under the Constitution to which there are not two parties. If the question in dispute rests on the constitutionality of a law, then there is a majority of the people on one side and a minority of the people on the other. To hold that the judge is the agent of that majority is to make of him an advocate, not a judge.

The Massachusetts Bill of Rights, adopted in 1780. declares: It is the right of every citizen to be tried by judges as free, impartial, and independent as the lot of humanity will admit.

But can a judge with the recall hanging over his head be as free, as impartial, and as independent as the lot of humanity

Will dependence on the majority lead to independence of the wishes and hopes of that majority?

Rufus Choate describes the duty of a judge in these words:

He shall know nothing about the parties, everything about the case. He shall do everything for justice; nothing for himself; nothing for his friend; nothing for his patron; nothing for his sovereign. If on one side is the executive power and the legislature and the people—the sources of his honor, the givers of his daily bread—and on the other an individual nameless and odious, his eye is to see neither, great nor small.

Do you believe that judges, with the sword of recall hanging over them, could possibly avoid being conscious of the probable political consequences to themselves arising out of unpopular decisions or out of decisions against powerful interests or against powerful counsel?

WHAT SORT OF JUDGES SHOULD WE GET UNDER THE RECALL SYSTEM?

In a certain city in Massachusetts it used to be said that no mayor could ever last long. If he enforced the liquor laws, he was defeated, and if he refrained from enforcing them, he met the same fate. Do you care to put your judges in that position? What sort of men do you think would consent to become judges under such conditions?

Let any lawyer of standing ask himself whether he would accept the position of judge under a recall system. Most of you will say "no." Failures at the bar might clutch at the you will say "no." Failures at the bar might clutch at the straw. Ambitious young lawyers might be candidates under this uncertain tenure. Probably most of these ambitious young lawyers would accept the office as an advertisement and a help toward building up the private practice to which they intend to return. How many successful men deeply learned in the laws would care to put aside their practice for the uncertain tenure of a judgeship?

The salary of a judge is small compared to that which the majority of our Federal judges could earn in private practice. Yet they have accepted the smaller salary because the appointment assures their future for life, modestly but very honorably.

Once establish the Recall and every able man before becoming a judge will carefully weigh the situation which will confront

him. He will not fail to realize that he may be called upon to decide questions which involve the press, which involve elections, which involve religious questions, which involve powerful corporations, which involve employers and employed, which involve liquor laws, which involve cases for damages where the community is the defendant and some unpopular citizen the plaintiff.

No judge can escape such embarrassing cases, and no human being can deny that often a judge would be in danger of recall, no matter which way he should decide the cases brought before him. Will such a prospect as that attract the kind of man whom the people desire as judge? Says the casuist, "Do you mean to say that an honest and upright man will hesitate to accept a judicial office merely because he may some time be called on to face a fair trial by the citizens? Can he not trust the people to acquit him if he has done no wrong?" I mean to say exactly that. Every man within the I mean to say exactly that. Every man within the sound of my voice often does things which he feels to be right, knowing full well all the time that he might have the greatest difficulty in persuading a censorious world of the purity of his motives.

A "FAIR TRIAL BY THE CITIZENS,"

But would the Recall be a "fair trial by the citizens"? By no means. It would be a trial in which the accused must face not only his judges but at the same time another candidate for his position. Perhaps this other candidate might be more popular. Perhaps while the judge was secluded in his office the other candidate might have been continually building up his political strength with the new voters. A fair trial im-plies that the defendant may summon witnesses and crossexamine them. A fair trial implies that the defendant's side shall be heard by jurymen who shall listen attentively to the whole case. Under the Recall the accused has no such rights. He can not bring before the public the newspapers or magazines which have been breathing insinuations against him, He can not cross-examine his accusers. He can not compel voters to listen to his side of the case. He can not compel the newspapers to be just in their treatment of the evidence. No one can picture the situation of such a judge better than it was pictured on the floor of this House last May:

pictured on the floor of this House last May:

The recall is a political indictment found without evidence, charging no offense, moral or legal, presented to the entire community as a court. The defendant is stripped of all presumptions. He can not answer the charge, because no charge is necessary to convict him.

The answer is made that the recall simply affords the judge an opportunity to go before the people at another election.

Yes; but how does he go? Does he go as a clean-hearted, clear-headed candidate, resting his claims upon his ability as a judge or his honor as a man? Does he go with pride gathered as the fruits of a nisctul life? Does he go as the embodiment of courage and particitism? No; he goes with character dismantled by the attacks of those who would destroy him. He goes with his oath of office broken by the furtive whisperings of those who hold a grudge. He goes with his honor stained by the vulgar hands of the reckless accuser. He goes leaving his family at home in the shadow of disgrace. He goes, impugned, impeached, outraged, and dishonored, not so much to regain the worthless office, but to restore his shattered fame and recover his foreclosed honor.

How will it finally affect the character of our judiciary? What ultimate contribution will it make to the stability of good government?

Would the possibility of a trial of this kind attract to the

Would the possibility of a trial of this kind attract to the

bench the kind of men whom we need?

THREE WORLD-WIDE MOVEMENTS.

In the last 150 years there have been three separate epochs when world-wide discontent and world-wide change have simultaneously manifested themselves.

In the first of these epochs occurred the uprising of Poland under Kosciuszko, the American Revolution, the French Revolution, and an entire change in the map of Europe.

The second of these epochs was marked by the revolution of 1848 in France, the uprisings of Garibaldi in Italy, of Kossuth in Austria-Hungary, the overthrow of the Sonderbund in Switzerland, and the Chartist upheaval in England. During this second epoch we Americans were engaged in a war with Mexico, which for a short space of time distracted the minds of the people. The spirit of discontent, however, manifested itself here, not only by the rapid growth of the movement against slavery, but by various other movements of a popular nature. For example, in a single decade seven States of the Union adopted the system of electing their judges, a policy previously unknown in this country.

The present epoch of change and discontent began with fundamental reforms in New Zealand. During the last 10 years Australia, Great Britain, Germany, and France have been struggling with the new problems. Revolutions and changes in forms of government have occurred in the last decade in Russia, Persia, Turkey, Portugal, and China.

It was during the first epoch of world-wide change that our National Constitution was adopted. Singularly enough both

National Constitution was adopted. Singularly enough, both

parties to the discussion of the question of the Recall of Judges by the people quote the sayings of the fathers who built that Constitution. Jefferson was our minister to France during the framing of the Constitution, so he had no part in the work. Nevertheless, both sides quote him to prove their respective

I am by no means one who thinks that all wisdom died with the fathers; neither am I one who believes that their wisdom

can be lightly disregarded.

A son standing on his father's shoulders can see a greater distance than his sire, but the range of his vision is destroyed should he attempt to rely on his own stature alone. Wisdom is cumulative. Each age adds its wisdom and experience to the wisdom and experience of the ages that have gone before. How foolish, therefore, would our own age show itself to be were we to refuse consideration to the wisdom and experience of the fathers of the Constitution.

In the Constitutional Convention of 1787 a proviso was offered to make the Federal judges removable by the President on the application of the Senate and the House. But one State voted in favor of this proviso; so that to-day our Federal judges are appointed by the President for life and can only be removed by finding them guilty on impeachment. You may quote Jefferson as you choose. "The devil can quote scripture for his pur-

Mr. BARTLETT. Mr. Chairman, may I interrupt the gen-

tleman a moment at this point?

Mr. GARDNER of Massachusetts. Yes; I yield to the gen-

Mr. BARTLETT. The gentleman refers to people quoting Jefferson. Jefferson never suggested any idea that the appointment of a judge should be passed on by the people. He simply suggested that the judges should be appointed for definite periods, confirmed by two-thirds of the Senate in the first instance; and if the same judge was reappointed, that his confirmation should be by a vote of two-thirds of the House. He never suggested they should be elected by popular vote, or that their decisions should be submitted to the vote of the people.

Mr. GARDNER of Massachusetts. It was in 1816 that he

made that suggestion, was it not?

Mr. BARTLETT. Yes; about that time, after the decision in the case of Cohens v. Virginia, by Chief Justice Marshall.

Mr. GARDNER of Massachusetts. The fact remains that

even this modified method of removal by Congress was sustained in the Constitutional Convention by the vote of only one State. To be sure Senator Owen explains all this by telling us that the fathers who wrote the Constitution were reactionaries. The world has always thought otherwise.

The German historian, Von Holst, in his History of the Constitution of the United States, gives a most interesting account of the movement toward a pure democracy in the second epoch of discontent and change which I have specified. Speaking of this country in the middle of the last century, he says-I quote from the translation:

How strong this tendency to the radicalization of democracy was can best be seen by the many efforts, more or less successful, made in many States to apply even to the judicial office the principles of pure democracy.

He then quotes many of the arguments and speeches made for and against bringing the courts under popular control. The reasons urged on both sides are precisely the same arguments which are being formulated to-day. Even the terminology used is exactly the same. The so-called "Progressive Democracy" of Mississippi undertook to interrogate all candidates for judgeships as to what their decisions would be on the question of the right of that State to repudiate its debts.

Von Holst says:

With the utmost shamelessness it was declared to be a public right to pledge judicial candidates before their election to decide questions which might be brought before their court in a certain way, because, according to the genuine democratic principle, public opinion ought to be the law of the land.

The great German historian then points out that the Supreme Court had by no means stood still, as alleged, nor had it been a rock against which the waves of public opinion had broken in vain. Said Von Holst:

The truer comparison would be with a glacier, stiff and firm and yet moving forward, and, as it slides down, always adapting itself to the bed on which it lies. Slowly and quietly the Supreme Court had changed with the times.

Slowly, quietly, and surely will the Supreme Court always change with the times if its independence is respected. But should its independence be wrested from it, rashly and rapidly will it leap from innovation to innovation, hurriedly will it seek to reflect each irresponsible impulse of the hour, until the time will come when the world shall say that the greatest tribunal

ever devised by the mind of mortal has become a victim to the folly of mankind.

SOME MASSACHUSETTS HISTORY.

While other States were being swept by the fire of pure democracy Massachusetts by no means escaped. A constitutional convention was called in Boston in 1853. Although the amendment providing that Massachusetts judges should be elected was voted down, nevertheless a proviso limiting their tenure to 10 years was carried. Fortunately, however, the people rejected the new constitution, and to-day Massachusetts judges, from the highest to the lowest, are still appointed for life by the governor of the Commonwealth. Massachusetts judges from the highest to the lowest can only be removed by impeachment or on address by the senate and house, if the governor and council give consent.

Have the events proved Massachusetts right or wrong in adhering to the practice of the fathers? If our system is wrong the fact must have appeared ere now. Men can not for over a century gather grapes from thorns nor figs from thistles. Question the next lawyer you see as to which State bench stands highest and hands down the best decisions. He will tell you

that the Massachusetts bench stands first of all.

Mr. HAMILTON of Michigan. May I interrupt the gentleman to suggest there that Mr. Bryce, in his American Commonwealth, puts the State of Michigan right alongside of Massachusetts?

Mr. GARDNER of Massachusetts. Do you ever hear whispers that Massachusetts judges have unholy alliances with politicians or with corporations? No; because those judges are appointed for life and fear no man.

Ask yourselves whether such whispers have been unheard in the States where judges are elected for short terms in the interest of pure democracy. The movement for the Recall of Judges in those States answers the question.

No Republican platform and no Democratic platform in Massa-

chusetts has ever demanded the Recall of Judges.

No Republican platform and no Democratic platform in Massachusetts has even demanded an elective judiciary. Could this, by any possibility, be the record if our system had proved a failure? In the past year it has fallen to the lot of our Democratic governor, Mr. Foss, to make many appointments to the Massachusetts bench. His selections have commended themselves to everyone. I read in a newspaper a little while ago of an interview between the governor and a certain Republican, who had called to congratulate him on his appointments of judges. In the course of the interview Gov. Foss explained that he had experienced great difficulty in getting the best men to serve. Do you think that his task would have been lighter if these men had been obliged to face the torture of a political canvass and an uncertain tenure?

Can it be that the people of Massachusetts are so different from the people in other States, or is it the fact, perchance, that our system is the true system? For myself, I feel that the movement to control the judiciary, begun in the middle of the last century under the guise of progress, has proved a step

backward instead of a step ahead.

THE RECALL OF JUDGES BY ADDRESS OF THE LEGISLATURE.

Of late the Massachusetts constitutional provision for the removal of our life judges by address of the legislature has been quoted as a precedent for the Recall of Judges by the People. Yet no one, so far as I can find, has made a study of the question to see whether in Massachusetts this provision has worked well or worked badly or has simply been a useless vermiform appendix of our system. Habitually this Massachusetts constitutional provision has been misstated. Few people seem to be aware that it requires the consent of the governor, the consent of his council elected by the people, and the consent of both branches of the Massachusetts Legislature before a judge can be removed This method of relieving the Massachusetts bench by address. of undesirable judges has been resorted to but twice within the last 100 years and only five times in the history of the State.

In 1803 three judges were removed—two of them on conviction before the Supreme Court of extortion and the third on account of paralysis. The two extortionate judges could clearly and properly have been removed by impeachment, and probably the paralytic could have been removed by the same process if the legislature had so desired. Certainly that paralytic must have been neglectful of the duties of his office. Be that as it may, in one way or another, physically or mentally disabled judges have always been separated from the bench. I know of no one who maintains the contrary, so I doubt whether any new method of separation is required in such cases. To remove by process of impeachment a paralytic judge who refused to resign might perhaps seem severe, but it could be done. In the

last analysis the Senate and the House are the sole judges as to what constitutes an impeachable offense.

The two cases of removal by address occurring in Massachusetts during the last 100 years are those of Judge Day and Judge Loring, both of them probate judges. Judge, Day was removed on address for misconduct and maladministration in office. Clearly he could have been removed as well by impeachment.

The most notorious case, however, is that of the removal of Judge Loring purely for political reasons. A full account of it can be found in the Diary of Richard H. Dana, one of the founders of the Free Soil Party.

Judge Loring held simultaneously the office of Massachusetts judge of probate and the office of United States commissioner. In 1854, when the abolition movement in Massachusetts was nearing its climax, Anthony Burns, a fugitive slave, was captured in Boston by the United States authorities. He was brought before Judge Loring, acting in his capacity as United States commissioner. Mobs gathered in the street, endeavoring to free Burns. Bloodshed took place, and the trial was conducted in a court room surrounded by United States artillerymen and marines. Dana became volunteer counsel for the fugitive slave. In his diary he tells us that Judge Loring treated the case with fairness. As the record was complete and the question of identity established, there was nothing for the judge to do except to surrender the slave to his master. When the legislature met an address was brought forward calling for the removal of Judge Loring from his position as judge of probate in Massachusetts. No contention was made that he was not a good judge of probate. Nothing was alleged against him, except that when acting as United States commissioner—an absolutely different office—he had performed an unpopular duty. Passions were aroused, feeling was at fever heat, and at first no one was found courageous enough to point out the impropriety of the proposed address. Dana's diary tells us how he asked his fellow abolitionists to help to stem the tide. It tells us how he went to Quincy and to Dexter, and how they agreed with him but would not help him. Finally, Dana took his popularity in his hands, went alone before the legislature, and opposed the Nevertheless it was adopted in the session of 1855. Henry J. Gardner, the Knownothing governor of Massachusetts, resting on his constitutional rights, refused to remove Judge Loring. The State went Knownothing again in the autumn elections, and Gov. Gardner was reelected and reelected once more the next year. An address against Judge Loring was again adopted in 1857 and again discountenanced by the governor. It was not until 1858 that Judge Loring was finally removed by Gov. Nathaniel P. Banks.

Such is the history of the most famous instance of removal on address by the Legislature of Massachusetts.

THE EXPERIENCE OF THE STATE OF MAINE.

Now, let us turn to the State of Maine, where the provision for removal of judges by the legislature is nearly the same as in Massachusetts. Throughout the history of the State of Maine only one judge was ever removed on the address of the legislature. Judge Davis was removed from the bench of that State entirely for political reasons. I condense a history of the case taken from the Monthly Law Reporter.

In January, 1856, owing to a question arising under the new constitution of the State of Maine, two individuals, Mr. Baker and Mr. Emery, simultaneously claimed to be sheriff of Cumberland County. Mr. Baker at the time held office as sheriff under an old commission which by its terms had not yet expired. Mr. Emery had, been appointed by the governor to supersede him. Mr. Baker claimed that the governor had exceeded his powers, inasmuch as by the terms of the new constitution, recently adopted by the people of Maine, sheriffs must be elected and not appointed. Mr. Emery maintained that the time for election had not arrived, and that meanwhile all officers remained as before under the power of the executive.

Judge Davis recognized Mr. Baker, the incumbent of the office, as the legal sheriff. For this act he was removed by the legislature nearly or quite on a party vote. The office so left vacant was not filled. The next year the political complexion of the Maine Legislature had been changed by the autumn elections and a new governor had been chosen. Thereupon Judge Davis was reappointed to his position.

CONCLUSION.

It is idle for anyone to assert or for anyone to deny that Abraham Lincoln would have been removed under a recall system in 1861 or 1862. Neither contention can be proved. It is well to remember, however, that a large majority of the people in 1860 voted for other candidates for the Presidency. Lincoln was the choice of a minority only, and we must not forget that

men elected merely by a plurality of votes are peculiarly likely to be recalled as soon as anything goes wrong.

The northern forces were defeated repeatedly in 1861, 1862, and the spring of 1863. Men shook their heads and mistrusted the ability of the President. Under a recall system, can you doubt that a movement for the recall of Lincoln would have been inaugurated? That the movement would have been successful no one can say, although that is my opinion; but does anyone doubt that it would have been inaugurated? Could anything have been worse than to plunge the country into another presidential campaign in 1861 or 1862? Yet a minority can always force an election under the recall system, irrespective of what the wishes of the majority may be.

The recall advocates tell us that the device would seldom be used against judges. I am inclined to concede some force to that view. I should expect to see it used more often in the earlier years of its adoption, because throughout the Union to-day the bench is honored by many a judge who will courageously stand for the truth, unpopular as it may temporarily be.

Gradually the bench will change. Judges will be intimidated by the fate of their courageous associates. Men will not seek the bench as a career unless they are willing and ready to make their decisions conform, not to the law and to the Constitution, but to the wishes of each temporary majority. The recall will seldom be invoked against a bench of timeservers.

The enemies of the judiciary tell us that judges are frail, weak, erring men, like ourselves, and that their opinions are no better than our own. I grant you that judges, like all men, are by nature subject to frailty, weakness, and error. Is that a good reason for the adoption of a system which will magnify those defects? Should it not rather be the aim of our system to strengthen, to intrench, and to guard the judge against those infirmities which are the inheritances of every son of Adam?

No influence in office is so purifying as fixity of tenure. If anyone doubts that fact, let him take counsel with those administrators of our Government whose memory goes back beyond the time when our reformed civil-service system became a living reality. Subject a man in office to the necessity of watching the political barometer and you will find that one eye, if not both, will be watching the storm signals instead of the public service. Secure that same man in his position, provide for his support, and he will glance neither to the right nor to the left from the line of his duty.

In conclusion, I can not resist the temptation to borrow an illustration from Justice Wendell Phillips Stafford, of the Supreme Court of the District of Columbia. In ancient Rome the tribunes of the people were charged with the duty of annulling laws which struck at fundamental rights. Demagogues and designing men, whose purposes had been thwarted, advised the Romans to do away with the tribunes. History tells us that the people were brought to a wise determination of the question by the relation of a fable. "Once upon a time," said the tribunes, "the wolves advised the sheep to get rid of their watchdogs because they interfered with the sheep going where they pleased and were really the only obstacle to a perfect understanding between the forest and fold." When, afterwards, the Roman people forgot this fable and gave up their tribunes, they lost their liberty, and they never regained it till they got their tribunes back.

The watchdog may anger the sheep and may restrain the sheep against their impulses, but he is their security and the protector of each one of them. Let the flock think twice before it exchanges the watchdog for the wolf.

Mr. BURKE of South Dakota. Mr. Chairman, how much time have I remaining?

The CHAIRMAN. The gentleman has seven minutes re-

Mr. BURKE of South Dakota. I reserve the balance of my time.

Mr. STEPHENS of Texas. Mr. Chairman, I yield such time as he may desire to the gentleman from Texas [Mr. RANDELL]. Mr. RANDELL of Texas. Mr. Chairman, there is pending in the Judiciary Committee of the House a bill (II. R. 8158) entitled:

To prevent graft by prohibiting the giving or receiving of gifts, employment, or compensation from certain corporations by Senators, Representatives, Delegates, or Resident Commissioners in the Commess of the United States, or Senators, Representatives, Delegates, or Resident Commissioners elect, and the judges and justices of the United States courts, and prescribing penalties therefor.

This bill was introduced during the present Congress at the last session, on April 29 (calendar day May 1), 1911. One similar has been introduced in the House for the last eight years. The intention of it is to remove a condition which I regard, and many other men who are patriotic in their motives and purposes regard, as unwholesome for legislation, and there-

fore against the best interests of the country. We all know there must be a pure source in order to get legislation that is pure. Laws will be made in the interest of the people and the people only when they are made by the representatives of the people uninfluenced by any improper motive. This bill has been approved by the Democracy of this House, time and time again, and opposed by the Republican side of the House just as often. Some years ago, when we were considering a codification of the criminal laws of the United States, this same bill in two sections—practically the same bill—was offered and voted upon, many Members taking part in the discussion. The Republican side voted solidly against it. All those who voted for the amendment were Democrats, and only three Members with Democratic commissions voted with the Republicans. I mention this merely as a matter of history, showing our alignment. The fact is the Democratic Party in this House has been committed to this legislation for a long time; and it seems to me if there ever was a nonpartisan question, one that any man as a Representative, be he Democrat or Republican, ought to consider purely in the interest of the people, it would be a question like

Our illustrious Speaker, the gentleman from Missouri [Mr. CLARK 1, took the floor and engaged in the debate, favoring this amendment. Our distinguished leader on this side, the gentleman from Alabama [Mr. UNDERWOOD], also argued in its be-Quite a number of other distinguished gentlemen spoke in favor of the bill, all of them on the Demicratic side. A few Representatives upon the Republican side of the House opposed this amendment, some of them showing some feeling. The gentleman from Pennsylvania [Mr. Moon], who had charge of that bill, opposed the measure for three reasons. None of them, however, was against the principle involved nor the terms of One was that it had not been reported by the committee; one, that it was not offered as an amendment of a proper section in the criminal codification; and the other was that he did not want to bring in new legislation by amendment, but that, at the proper time, reported by a proper committee, it could be enacted. Is there a man here, is there a citizen in this country, who will not admit that the legislative department ought to be impartial-that the situation here should be one that is clean, one that is impartial, one where no improper influence could hold up its head and sit amongst us and use its influence upon the opinions of those who make the laws? Is it right that those who own the corporations and such interests as are affected by the tariff laws should not only be permitted to sit in this Congress-sent here by their constituents-but that while here they should act as the agents, officers, and the attorneys of and receive fees and compensation from those corporations? Ought an officer, an agent, or an attorney of a railroad to sit on the Committee on Interstate and Foreign Commerce?

I mention that committee to make the application plain. Well, in only a less degree, it applies to every Member who does not sit upon that committee, but who votes on the bill in the House. Ought the officers, the agents, the attorneys, and the employees of cotton mills, of the woolen mills, of the Steel Corporation, of the packing houses, of all the various, numberless corporations interested in legislation write and vote upon the bills affecting those interests? Should a Member be an officer, agent, or attorney of these and other corporations during his term of service? Should they continue to sit on the principal committees of this House, and in the Senate, and vote on the legislation of the country? If so, where is the interest of the people? Who will look after that? Every vote should be cast absolute for the benefit of the people and them. should be cast absolutely for the benefit of the people, and them only. It is the interest of the public that every person should have all of his or its just rights. No one can ask any more. If in legislation injustice is done to the cotton mill or to the woolen mill or to the corporation engaged in the steel business or in the packing business, if, I say, an injustice is done to anyone, it is against the interest of the people that you and I are sent here to serve. When we serve them we do justice to all and when we serve the interests we do an injustice to all the people. Am I talking to men who are responsive to the thought that I suggest? Is my position untenable? I know what the agents and the attorneys and the beneficiaries of the trusts say about it. In talking where they are ashamed to de-clare against it they say, "Oh, well, yes, we favor the prin-ciple—but," and that conjunction is the biggest part of what they have got to say about it. "We favor it—but." But what? Not in favor of putting it in practice; not in favor of stopping this wrongful system. The distinguished gentleman, the leader of the minority on one occasion at a former Congress when I was making some remarks in reference to the necessity for this legislation, said, "I do not believe there is a man in Congress in such employment."

It showed the innocence of his mind. If the Speaker should appoint a commission to investigate just what are the employments of Members-just what are the conditions in reference to the subject of this bill-the country would be astonished. I am not saying this as a censor; I am not saying it from the standpoint of one who rises and says, "I am better than thou." am saying it as a Member of this House, responsible as such to the House and to the country. The gentleman himself, no doubt, in the innocence of his mind, would also be astonished.

You can find, with respect to any bill that ever passes this House on any question affecting any of what we call "the interests," that it is reported and voted on by some Members who are engaged in employments prohibited by my measure. Not that they are dishonest; I do not claim that they are dishonest; but I mean men who are subject to the improper influence of "the interests." I will not say that they yield to improper influence, but I do say that you will find men who are in a position where that influence will act upon them if they will yield to it, and I say they have no right to be in that attitude; they have no such right-moral or political. But, Mr. Chairman and gentlemen, they have the legal right, and the only protection the people have against such influence is the honor of the individual and collective membership of the Congress and their recognition of the proper ethics of their position.

One man may think a certain employment is right and another may think it is not, but in dealing with the great questions between "the interests" and the people the House and the Senate should occupy positions above suspicion. I say, Mr. Chairman, that no Member of this House or Senate ought to be permitted by law to be the officer or the agent or the attorney of or to receive a gift or a fee from any corporation or any other person interested in legislation.

Is that sound or unsound? If it is a sound proposition then wake up to your responsibilities and pass this bill.

Some men say, "Well, now, I have the right to take employment; it will not influence me." I have nothing to say against that. If any man wants to say that he desires to occupy a position that is remunerative to him and which in the minds of some people must put him in a questionable attitude, that is a matter with him, not with me. But as a citizen of this country, as a citizen of the great State of Texas, as a representative of the people who sent me here, I propose to say here and now, as I have said in the past, that no matter what desire the interests may have, and those who wish their employment, I insist that it is a public necessity to make a law which shall say they shall not do it. [Applause on the Democratic side.]

We took a vote on this question, I believe, on the 21st day of January, 1908. The Democrats were in the minority then; the Republicans were in an overwhelming majority. The vote stood 88 for my measure, all of them Democrats, and 109 against it,

all Republicans but 3.

The Democrats in the House are now in the majority. have a committee considering this bill. The Democrats are in the majority on it. There has been a tremendous amount of work before that committee. It has been reported, and reported in the papers of my State, that the Randell antigraft bill had been voted down by the Committee on the Judiciary. I was informed by the committee, in session, that that is a mistake: they simply voted against displacing the anti-injunction bill and taking up this measure in its stead. If I had been a member of the committee, I would probably have voted that way myself. I simply mention this so as to disabuse the minds of those who care in reference to that report. It cuts no figure.

This matter is before the Committee on the Judiciary. speaking now with the express purpose of calling the attention of the Members of the House to this measure, which I regard as of prime importance. I am not here for the purpose of criticizing the committee. They have practically had the matter in hand only four months. It was not up for consideration at the last session. There were other things then that demanded their attention. I am not criticizing the committee. It will act as soon as it can, no doubt, and I am informed that it will act

But I am now-because I may not have an opportunity a few days later-calling the attention of the House to this important measure. I ask you, as Democrats, responsible to the country for the action of this House, to consider it, to stand by your guns and look squarely at this question. There are some Mem-bers here who were not Members of the former Congresses before which this measure was pending.

I appeal to Members on that side, not as Republicans, but as American representatives, sent here by American constituencies; I appeal to them to consider this bill as a nonpartisan measure and cease to make it a party matter—cease to stand up simply because the majority on that side is opposed to a reform like

this—cease to act as a solid party blocking this legislation. We may have some trouble on this side. Men may think differently. They may be influenced by self-interest or they may be influenced by the arguments of those who are actuated by selfinterest. They may have a different complexion of mind from myself on this question. But, gentlemen of this House, I urge you, each and every one, to take this right home to your hearts. You know that we can not enact proper legislation unless the situation here is such that we can get an impartial consideration of every question. You know that the attorneys for the railroads ought not to make a railroad rate bill. You know that the attorneys and officers of the corporations that are asking for high protective tariffs ought not to make our tariff legislation. You know full well that those in the employment of the distillerles ought not to make the laws in reference to our internal revenue. You know that the packing houses ought not to have legislation affecting them made by men in their employment.

These interests are tremendous in their political power. But when they come and sit about the galleries here and look down on this House and over in the Senate they ought to be confronted with a statute. When they say, "I want to employ that man; I like the way he performs; I want him in my employment," they ought to be confronted with a statute which says, "You can not reach by your employment gifts or fees, under the laws of the land, any Member of Congress in either House. He can not be your agent or your attorney. He represents the people, and the people only. When he acts, he will act free from your influence."

Not only that, but those of us who are not in the employment of "the interests" have rights in the premises. Under present conditions practically every Member is subject to the general suspicion which may apply to so many. And I have no doubt that an investigation would show that the majority of the Members of this House and of the Congress are engaged in employments to-day which the passage of that bill would stop. believe it is true that nine-tenths, or perhaps a much larger percentage, of those employments are absolutely innocent in themselves; but the situation is there. There is the connection of the officer with the institution. There is the connection of the agent with his principal. There is the connection of the attorney with his client. Suppose a certain corporation that has some Member employed for some honorable service desires a certain amendment to a bill affecting it. Suppose that amendment is a proper one. Suppose the Member who is the attorney of that corporation or some corporation similarly affected votes for it. He is in a position where it can be charged that that vote was cast as the result of influence, when, as a matter of fact, it was not, and his vote represented his righteous judg-ment-about it. Some men will yield to such an influence, not ment-about it. Some may do it corruptly. Some men will yield to the influence of those with whom they are associated and to whom they are under obligation. Other men under similar circumstances will lean so far back on the question in order to be sure not to be influenced that they fail to be upright, while there are some who do not lean too far back or too far forward, but maintain their equilibrium. The fact that a situation is one that most people would regard as ordinarily having an improper influence on the human mind is a sufficient reason for removing that influence.

I believe that if the attention of each Member of Congress had been called especially to this measure, and he had been in a position where he felt it was his duty to consider it, to perfect it and to bring it out of committee and before the House, it would have been a law long ago. It is a measure that appeals to the fairness of everyone. It is a measure that appeals to the honor of the Congress. It is a measure that is just to everyone. It will do justice to those who otherwise are reflected upon by the present situation.

Thanking the members of the committee for their very courteous treatment of me in the hearings upon this matter, I urge them to consider this bill and to bring it out, I hope, in the form in which it has been introduced. I wish to say in this connection that I have no pride of authorship, so far as the wording of the bill is concerned. If the Judiciary Committee, in their wisdom see proper to make amendments, it is their business to do so if they favor the principle of the bill. I believe the members of that great committee are too big, too highminded, too brave, too honorable to report this bill adversely if they see proper to do so-without at the same time saying whether they favor the principle in the bill, or whether they are absolutely opposed to what this bill seeks to do. If they see proper to bring it back as it is I think it will be a wise thing to I believe the bill is all right. If they see proper to make any necessary amendments I should like to see them do it as

soon as possible. If they will not report the bill favorably, then let them report it unfavorably, and let the House say how it stands on this measure. We will put it on the calendar and let the representatives of the people declare what they desire, and not bury the bill in the committee, as the Republicans have heretofore always done.

Mr. Chairman, thanking the committee for its very patient attention, and bespeaking for my measure the patriotic, careful, painstaking study of every Member, to the end that the right may be accomplished, that justice may be done, that legislation may be proper, and that the sources of legislation may be purified, I yield the floor, and yield back the balance of my time. [Applause.]

Mr. STEPHENS of Texas. I yield such time as he may desire to the gentleman from Georgia [Mr. Adamson].

Mr. ADAMSON. Mr. Chairman, I certainly appreciate the generosity of my distinguished friend from Texas [Mr. Ste-PHENS], and I am sure that he exercised that generosity with full confidence that I would not abuse it. The big-hearted gentlemen from "the wild and woolly West," who have made the Committee on Indian Affairs illustrious ever since I have been in Congress, have always been good to me and permitted me almost every year to manifest my affection for "Lo, the poor Indian," by making a speech upon the Indian appropriation bill.

I wish to say further that my affection for the noble red man has been greatly intensified by the kind treatment of the gen-tlemen of the Committee on Indian Affairs, and by my acquaintance with such representative wild men as my illustrious colleague from Oklahoma, the Hon. Charlie Carter, and other

high-class savages of his type. [Applause.]

It is true I have never talked about the subject under consideration, but I have given my aboriginal friends good advice about "stable finances," the "unstable character of doubtful whisky," the advantages of wearing clothes, and a great many other vital subjects.

At this time I wish to talk to them about the subject of transportation, which has come to be almost as important to

them as to white folks.

By authority of the Committee on Interstate and Foreign Commerce I have reported to this House a bill looking to the regulation of charges on parcels carried by express companies, and the utilization of the system by rural routes. I will read the bill as reported and the report filed therewith:

the bill as reported and the report filed therewith:

That the rates hereinafter stated shall hereafter be the maximum rates to be applied either in first fixing rates by the express companies or in their correction or regulation by the Interstate Commerce Commission, and no higher rates shall be charged and collected by express companies engaged in interstate commerce for receiving, transporting, and delivering packages or parcels not exceeding 11 pounds in weight and valued at not more than \$50 between a point in one State, Territory, or District in the United States and another point in a different State, Territory, or District in the United States, whether the transportation occurs on the line of a single express company or on a through route or shipment operated by two or more connecting express companies:

"Between any two points in the United States more than 2,000 miles apart, 12 cents per pound.

"Between any two points not more than 1,200 miles apart, 7 cents per pound.

per pound.
"Between any two points not more than 800 miles apart, 5 cents per

pound. "Between any two points not more than 600 miles apart, 4 cents per

Between any two points not more than 250 miles apart, 2 cents per

Provided, That no company shall be required to carry any package for less than 10 cents.

"Between any two points not more than 250 miles apart, 2 cents per pound.

"Provided, That no company shall be required to carry any package for less than 10 cents.

"Sec. 2. That any person delivering to any agent or office of any express company in the United States any parcel at the time under the law mailable on rural routes plainly addressed to any person or in care of any person on any rural mail route the initial post office of which is at or in the same town, village, or city with any express office of any express company, may pay in advance both the proper express charges and the United States postage required to carry such parcel on the rural mail route. On arrival at the terminal express office of the same or any connecting express company where originates the mail route to which the parcel is directed the agent at such office shall mail such parcel, paying the proper postage thereon. Likewise any person on any rural route, the initial post office of which is in the same town, city, or village with any express office, may, in addition to paying the postage appropriate on any parcel at the time under the law mailable on rural routes addressed and mailed to any person at any express office in the United States, pay to the rural letter carrier the proper express charges thereon to the point of destination, whereupon it shall be the duty of such rural letter carrier, upon his return to his initial post office, to deliver such parcel to the express office and prepay the express thereon.

"It shall be the duty of the postmasters and the express agents to execute receipts to conform to this provision.

"Sec. 3. That it shall be unlawful for any express company operating a single line or any number of express companies making a through route or shipment to charge more in the aggregate than the maximum price fixed for any distance set out in section 1 of this act or to fail or refuse to do any act or render any service p

Federal, within the jurisdiction of which court such violation shall have occurred."

The purpose of this bill is to facilitate and perfect, at least to improve, the regulation of the express companies, and by requiring cooperation with rural routes give to the people in the rural communities the advantage of transportation, convenient, safe, and at reasonable prices for small parcels.

The progress of the act to regulate commerce was amended with a teve statement of the act to regulate commerce was amended with a teve statement of the act to regulate commerce was amended with a teve statement of the statement of the progress made up to this time in bringing them to practices and charges reasonable and agreeable to the people has been very unsatisfactory. So it was deemed essential to make some further efort at regulation. Your committee concluded that it would be wise to fix maximum rates adjudged by Congress to be reasonable and just as a guide to the express companies in the first instance and to the Interstate Commerce Commission in the second instance and to the Interstate Commerce Commission in the second instance and to the Interstate Commerce commission in the second instance and to the Interstate Commerce commission in the second instance and to the Interstate Commerce to the companies and innovation—but it is not revolutionary nor drastic nor even arbitrary. It is believed that the maximum rates faced in the bill are such as will prove remunerative to the express companies. In fact, this legislation is already producing its effect. It has come to the knowledge of the committee that since this bill was introduced the companies are giving their attention to improved methods and more companies are giving their attention to improved methods and more companies are giving their attention to improve methods and more companies are giving their attention to improve methods and more companies are giving their attention to improve methods and more companies are giving their properties of the properties of the pr

ossage and paylor to any point on any express line in the united States.

The bill provides that the express agent and the postmaster shall execute proper receipts to conform to the provisions of the bill.

The committee hopes that the proposed legislation may find favor with Congress and may speedily become a law.

Last week several papers printed the following:

Practically dividing the country into sections, providing a specific tariff for each one, Chairman Adamson, of the House Committee on Interstate Commerce, will introduce a bill requiring express companies to carry a package weighing 11 penuds any distance for 12 cents.

If this bill is passed it will defeat the purpose of a provision in the post-office appropriation bill, which establishes an experimental parcel post in connection with the rural free-delivery system. Under the post-office bill an 11-pound package will be delivered for 25 cents.

I immediately wrote one of them the following letter and received prompt reply, acknowledging the injustice and promising correction.

DEAR SIR: I find in your last paper inclosed clipping. From the identity of language it was evidently taken from a very unfair and erroneous press report which I saw last week. It is evident, therefore, that it did not originate with you, although a little effort on your part would have enabled you to publish the exact truth. You are generally so fair and faithful in serving your readers that I am not inclined to scold you. The statement that I will introduce a bill not only contravenes the fact, but is misleading as to the character and intention of the legislation. The bill was introduced nearly a year ago, when there was no prospect of any report or action on parcel post, local or general, and was introduced pursuant to my efforts of 15 years on the Commerce Committee to regulate the charges of express companies.

on the Commerce Committee to regulate the charges of express companies.

It is untrue and misleading in that it also says that my bill "would defeat the parcel post planned for rural-mail routes." The contrary is true. The bill utilizes that service and encourages it. The inclosed statement correctly gives the grades of maximum charges by express companies of from 2 cents per pound for 2500 miles or less up to 12 cents per pound for 3,000 miles. Originally that was all there was in the bill, but when I learned that the Post Office Committee would report a parcel post for the rural-delivery routes, where there is no express company, I immediately proposed an amendment to the bill requiring the express company at the delivery office to mail a parcel addressed to a patron of a rural route, if, under the law, the parcel was mailable,

and also to authorize the people on rural routes to have mailable packages delivered to the express company at the initial office, so that the two will connect and supplement each other. It must be clear to everybody that the general parcel post provided for in the post-office bill fixing blanket rates all over the country will be met by the express companies, which will simply cut the ahort rates enough to take the business away from the Post Office Department, but that cut will not be sufficient to relieve or satisfy the people. The large bulk of small parcels, inhe-tenths, if not ninety-nine one-hundredths, is short-distance business. Everything under five or six hundred miles is already carried by the express companies for less rates than those fixed in the post-office bill, and yet they are not low enough.

The people are entitled to have their small packages carried conveniently, speedily, safely, and cheaply. We have the power, and it is our duty, by regulation, to compel the transportation companies to do that. I am willing to do it. If we can establish the maximum rates named in my bill it will afford relief to everybody on the railroad. It would not be proper for our committee to make a report establishing a parcel post on rural-delivery routes. That is the province of the Post Office Committee. If it were proper, we would unhesitatingly do so. Therefore we can only provide, as in my bill, that such parcels as are mailable on rural routes can be transported on the rural routes in connection with the express companies. Instead of anything in my bill being antagonistic to parcel post, it may be that the Government will be compelled to resort to the parcel post as an instrument of controlling and regulating the transportation companies and driving them to do what they ought to do voluntarily in the first fastance. Transportation companies resist and litigates so stubbornly, causing interminable routes in a cordance with the distance and weight and make them lowed to the first and uncertainty can not dela

Mr. Chairman, I have carefully read the pending bill and the report thereon filed in this House by the Committee on the Post Office and Post Roads. Among all of its interesting provisions it is probably true that at this time the most important and engrossing feature is the proposition to establish parcel post, general and local. So far as the rural parcel post is concerned, there ought to be no hesitation nor probationary period nor experimental test. There is no railroad nor express company to serve the people in the rural districts; there are no facilities for carrying parcels. It is very inconvenient and expensive to quit work and go or send to town to carry or bring back small parcels. Those people keep up the roads which are traveled by the rural carriers employed by the Government. It does not involve the ownership of any railroad or express company or public road or instrumentalities of transportation for the Government to accommodate those people by carrying their parcels at a reasonable price. I am sorry the bill does not contain the Shackleford combination good roads rental bill, which requires the Government to pay \$10 a mile per annum for the use of the country roads. I hope it will be offered and adopted as an amendment. We ought to provide, in conjunction with the mail, for carrying mailable parcels on all rural routes. Whether they are carried on the same vehicle as the mail or whether enough is charged to pay the expense thereof are details that can be worked out. I do not subscribe to the doctrine that the Post Office Department should be self-sustaining at the expense of efficiency and convenience. Efficient and convenient service to the people is the prime desideratum. With that object in view, of course, the system ought to be administered with scrupulous honesty and as economically as consistent with efficiency. Of course, the provision for a general parcel post is in response to a demand which originated in protest against the robber charges and practices of the express companies, which have been deaf to all remonstrances and defiant to all efforts to If the express companies had put in an honest and just and reasonable scale of rates and had promptly delivered packages and collected but once for each parcel, there never would have been a demand for a railroad parcel post. It has been six years now since the express companies were made subject to the "act to regulate commerce." If in the six years there has been any perceptible difference in their practices, the change has been for the worse. An investigation now going on has disclosed so many violations of the law that it would be has disclosed so many violations of the law that it would be impossible for the existing courts to try all of the cases if they were all prosecuted. The result has been to arouse the people to a storm of indignation, if not fury. Furious protest would be perfectly justifiable. The reason that the people demand a parcel post is that if that were adopted the department would be compelled to put it in regardless of the cost. There would be no uncertainty about it, and the express companies could not delay and nullify the enforcement of the act by protracted litigation. That is the reason it is urged. I presume the arbitrary limit of weight, fixed at 11 pounds, is adopted to conform to the foreign postage rate adopted by the Postal Union. Of course, those who insist on the parcel post fully understand that as the Government does not own the railroads in this country, as do the monarchical Governments which have the parcel post, it is necessary to contract with the railroads for the transportation of all mailable matter. Therefore it is doubtless understood that parcels can not be carried as rapidly and conveniently as first-class mail, for in that event the cost would be so high as to be prohibitive. Of course, in the classification of the mail, merchandise, in order to receive a low rate, would, as now, be handled and carried less rapidly than first class mail. So understanding the situation, it would not be expected that letters and papers going at first-class rate would be delayed to await the slower transportation and delivery of merchandise carried as third or fourth class mail. two or three errors, however, that have appeared in the discussion of this matter. One is, it is urged in order that the department may make money and extinguish the deficit in the I have no sympathy for such an argument. the Government ever goes into the business of transporting merchandise for the people, it should be solely for the convenience of the people, and should be resorted to for the sole, justifiable reason that private enterprise will not perform the service on honest and reasonable terms; and I would not have one cent of profits go into the Treasury for rendering that service. If from the necessity of the case it has to be done, let officiency be maintained at as low a cost as is consistent therewith. The objection most strongly urged to the service is the wrong one, and in my judgment has no application. It is that the service would injure local merchants by allowing their patrons easy access to other markets. In my judgment that is greatly exaggerated. Several times in my life I have heard men of prominence in different towns object to convenient train service for fear their citizens would go out and trade in other It is a very narrow and mistaken view. Easy communication works both ways. Its benefits are reciprocal. many goods things come in as go out. The general result is improvement, growth, and enlightenment. The fear that the people will spend their substance in riotous patronage of distant department stores is a pipe dream.

The usual countryman is a smart citizen and a shifty trader. It may be that the department stores will bait new customers with one or two honest deals, but at most the third tip will be The second or third deal will be a swindle, and it won't take many orders to satisfy the customers that their local merchants will give them the squarest deal—at least show them the goods before they buy, and give them a chance to refuse the goods and keep their money. A slight acquaintance with such mail bargains of the department stores as have come to my attention would be the surest possible guaranty of securing to all the local merchants the entire trade of their communities. That argument is a bugaboo that there is absolutely nothing in. Besides, an honest zone system would remove that danger. The only real valid argument against the parcel post is one never urged, to wit: The Government owns no railroads in this country and would find the operation of a parcel post very expensive, very inconvenient, and violative of our time-honored policy of noninterference with the business of transportation companies which pay taxes for the right to exist and do business, and which by the Constitution we have absolute power to regulate and control, both as to charges and practices, as completely as if the Government owned them all. The only valid argument for the parcel post is one that is also never mentioned by its advocates, and that is that the transportation companies will not render the service to the satisfaction of the people; that the Government can not effectively regulate them, and utterly fails to make them render reasonable service at reasonable prices to the people; and that therefore it is the duty of the Government, from the necessity of the case, regardless of cost or inconvenience, to put in the service and see that the people are accommodated. Now, I have been loath to discuss this subject or commit the seeming impropriety of intruding in any way upon the jurisdiction of the Committee on the Post Office and Post Roads. I have been more reluctant because I have been serving on another committee which has jurisdiction over the transportation companies, and which has been trying to subject them to reasonable and just regulation. I confess that success has not yet been attained by us, but I do not acknowledge that it can not be done. I am still trying. If I believed that it would be impossible to do so, I would unhesitatingly vote to adopt a parcel post as a means of doing what the Government had failed otherwise to do-compel the transportation com-

panies to do their duty. We desire to secure the passage of the bill reported, putting maximum rates upon parcels carried by express companies. We made the maximum rate for 3,000 miles the same as foreign postage rate on the theory that it would not be a hardship on the companies to carry across the continent an 11-pound package at the same price for carrying it across the continent and across the Pacific Ocean and across Asia; and we graded the charges down according to distance to 2 cents a pound for 250 miles or less, with a minimum charge of 10 cents. That bill ought to be passed. If it were passed it would give satisfaction to everybody who lives on a railroad. The bill also provides for the accommodation of all rural delivery patrons by requiring the express office to mail the packages when addressed to patrons of rural-delivery routes, and by authorizing patrons of rural-delivery routes to require rural carriers to deliver to the express companies packages to be expressed. The system provided by the bill would prove eminently satisfactory in my judgment. The only improvement I could think of would be to require the railroads to render the service instead of the express companies. That, of course, would eliminate the express companies from the business entirely; and if they resist this arrangement at all I am willing just to strike their names from the bill and substitute the railroads in their stead. The service in connection with the rural routes can be carried on just as well with the railroads as with the express companies. If, however, Members of Congress believe that we have failed and will continue to fail so to regulate the transportation companies as to secure satisfactory service for the people, and as a dernier resort believe it necessary to embark the Government in the transportation business by adopting a general parcel post, then I insist that it shall be a rational, practical, and satisfactory system. The plan proposed in the bill will not satisfy the people. Ninety per cent or more of the small parcels are carried short distances. It may be that \$1.21 cents is cheap enough or too cheap to carry 11 pounds 3,000 miles, but for one such package transported there are many packages-scores of packages-transported less than a thousand miles—yea, less than 500 miles; most of them less than 200 miles. The great number of people who have small packages which ought to be carried for 25 cents for a short distance will not be satisfied to pay the high blanket rate in order to enable one man to have his package carried 3,000 miles at a low rate, Whatever system is adopted, whether in the Post Office Department or imposed on the express companies or railroads, should prescribe rates according to the distance and the size of the package.

Nothing else will satisfy the people; but the main practical fact to face is this: If we adopt that blanket rate for the entire country, the express companies will at once select and cut every rate with which they can afford to compete and take away all of the business from the Government, making just as little reduction as possible in order to secure the business, and still carry the business at rates exorbitantly high, so that even if this Congress adopts a blanket-rate parcel post, which will neither satisfy the people itself nor result in forcing the express companies to reduce their rates to a satisfactory basis. I shall feel it my duty to continue to work to compel either the express companies or the railroads to carry for the people small parcels at reasonable and just rates with safety and reasonable speed. I have never believed that the Post Office Department would carry much of the business for a long time even if we adopted a parcel post with low rates and zone distances, because the express companies, if they continue in business, will cut every rate on which they can make a profit by securing the business. Of course the Government could hold the business by excluding the express companies from competition. That would be unnecessary if the rates were graded and fixed so low that the express companies could not profitably underbid them. If they were fixed so high that the express companies could afford to underbid them, they should be allowed to do so. . The people would not consent for the Government to forbid the reduction in cost. It is contrary to our public policy to exclude anybody from doing business, and it would be treating the people wrong to prevent them from securing as cheap transportation as possible. I concede that if we can not secure for the people fair treatment from the transportation companies the Government may rightfully extend the limited parcel-post system already in vogue and reduce the rates so as to secure for the people the accommodation which can not otherwise be secured; but I contend that that is the only justification for it, and if we are driven to it let us make it effective by adjusting the rates and the service so as either to accommodate the people thereby or force the express companies to do their duty by reforming their rates and practices in order to hold the business. If we can not otherwise bring the transportation companies

into correct conduct, then I believe it will be justifiable to use the Post Office Department as an instrument either to force

them to do their duty or abandon the business

Mr. Chairman, I am glad that the Post Office appropriation bill reported to this House contains so many good things. It comes within 50 cents a month of paying \$90 a month to carriers on standard rural routes—the amount I have been asking for them for several years. The bill provides the further reform, which I have been demanding so long, that carriers be paid for the additional distance when they are required to travel above 24 miles. A large number of them have been imposed upon by having to travel from 1 to 5 miles without pay. This bill puts an end to that injustice. Another reform is only partially provided for in the bill, but thereby a great improvement is effected. Under the old gradation of 2 miles some carriers have had their routes shortened a few hundred yards below a grade and been compelled to accept pay for 2 miles less; a great many of them have suffered injustice in that way. The pending bill reduces the grades to 1 mile. It ought to be a quarter of a mile, or, at least, the carrier ought to be paid for major fractions of a mile. In practice these two classes of injuries have been inflicted on carriers through the efforts of inspectors to make a showing for economy. I am constrained to believe that they misconstrued to some extent the economy doctrines of the department, for in a majority of the cases with which I am acquainted the carrier was deprived of a few dollars a month at the expense of the efficiency of the service, which I do not believe met with the approval of the people. In a great many cases of such injustice brought to the attention of the Fourth Assistant Postmaster General he made prompt corrections. Under the changed conditions effected by this bill I hope the inspectors will be instructed to study and promote the efficiency of the service and the convenience of the people without trying to save money at the expense of either and at the cost of the carrier.

I approve the advance toward town and village delivery. is undoubtedly the duty of the Government to make more liberal provision for free delivery within the towns and villages. The rules on that subject have been entirely too rigid heretofore, depriving people of large towns and villages of the service because the receipts of the office did not amount to \$10,000 per annum, although rural carriers passed in and out through every principal street delivering the mail in all of the rural districts.

Mr. BURKE of South Dakota. Mr. Chairman, I yield to the gentleman from Minnesota [Mr. Nye].

Mr. NYE. Mr. Chairman, I was called out of the Chamber and heard but a portion of the address of the gentleman from Texas [Mr. Randell]. I think no other member of the Committee on the Judiciary was present during his address, except the last two or three minutes, when the gentleman from Illinois [Mr. Graham] was in the Chamber.

Will the gentleman yield? Mr. RANDELL of Texas.

Mr. NYE. Certainly.

Mr. RANDELL of Texas. I do not know how the gentleman

can know that if he was not present.

Mr. NYE. I was here long enough to hear the gentleman from Texas say, if I understood him correctly, that he thought a majority, if not nearly all the Members of this House, if they were entirely free from all connection with the interests at home, either corporate or otherwise, would support his bill upon which he has spoken.

Mr. RANDELL of Texas. If the gentleman will yield, I never said anything of that kind. The gentleman misunder-

stood me

Mr. NYE. I understood the gentleman to use language of

that import.

Mr. RANDELL of Texas. I said I thought a large majority of this House and of Congress would have to quit some employment if this bill went into effect. I did not say anything about how they would vote.

Mr. NYE. The gentleman said something to the effect that the bill would have been acted upon before if it was not for the

influences

Mr. RANDELL of Texas. If the gentleman will pardon me again, I said I believed that if Members of this House, each individually, had studied the bill and had seen proper to personally consider it, the bill long ago would have become a law, and I think so now.

I do not wish to misquote the gentleman at all. Mr. NYE. Mr. RANDELL of Texas. I know the gentleman does not.

Mr. NYE. I certainly understood the gentleman to say or to use language to the effect that the reason the bill had not been acted upon was due to the fact that the various interests which Members are more or less directly-not dishonestly but directly or indirectly influenced by at home had prevented such action.

Mr. RANDELL of Texas. The gentleman is mistaken.

Mr. NYE. The reporter has the gentleman's remarks, and if I have misconstrued them the notes will show. I want to say that I am not so familiar with the bill as other members of the Judiciary Committee who have carefully studied it. I am in the minority on that committee; but my reading of the bill has given me the impression that it is entirely too drastic and impracticable to be seriously considered, and it may not be any breach of confidence to say that my understanding from members of the committee is that the author of the bill was not ready to consent to any such material amendment as most of the members of the committee think is proper.

Mr. RANDELL of Texas. The gentleman from Minnesota was present in the committee, and he will remember that, on the contrary, I explicitly told the members of the committee that I did not propose to personally agree to amendments that I did not like, but that I earnestly desired that they would make any amendment they saw proper and report the bill.

In view of the persistence of the gentleman in Mr. NYE. reference to his bill ever since I have been a member of the committee, it seems to me that it is better for the committee and the House, and better for the gentleman, if he would move to discharge the committee and bring before the House the merits of his bill rather than to indirectly reflect upon the membership of the committee and the House.

Mr. RANDELL of Texas. Mr. Chairman, I disclaim any such effort. There was not a word in my speech reflecting on the

Members of this House.

Mr. NYE. Indirectly I think that would be the effect of it. Mr. RANDELL of Texas. It would not indirectly; the gentleman misunderstood me.

Mr. STEPHENS of Texas. Mr. Chairman, if there is no further general debate I ask that the bill be read under the fiveminute rule.

The CHAIRMAN. The Clerk will read the bill,

The Clerk read as follows:

The CHARMAN. The Clerk will read the bill.

The Clerk read as follows:

For the construction, repair, and maintenance of ditches, reservoirs, and dams, purchase and use of irrigation tools and appliances, water rights, ditches, lands necessary for canals, pipe lines, and reservoirs for Indian reservations and allotments, and for drainage and protection of irrigable lands from damage by floods, \$300,000, to remain available until expended: Provided, That no part of this appropriation shall be expended on any Irrigation system or reclamation project for which specific appropriation is made in this act or for which public funds are or may be available under any other act of Congress: Provided further, That nothing herein contained shall be construed to prohibit reasonable expenditures from this appropriation for preliminary surveys and investigations to determine the feasibility and estimated cost of new projects, for investigations and surveys for power and reservoir sites on Indian reservations in accordance with the provisions of section 13 of the act of June 25, 1910, or to prevent the Burcau of Indian Afairs from having the benefit of consultation with englacers in other branches of the public service or carrying out existing agreements with the Reclamation Service; for pay of 1 chief inspector of irrigation, who shall be a skilled irrigation engineer, \$2,500; for traveling expenses of 2 inspectors of irrigation, at \$3 per diem when actually employed on duty in the field, exclusive of transportation and sleeping-car fare, in lieu of all other expenses authorized by law, and for incidental expenses of negotiation, inspection, and investigation, including telegraphing and expense of going to and from the seat of government and while remaining there under orders, \$4,200; in all, \$310,700: Provided also, That not to exceed 7 superintendents of irrigation, who shall be skilled irrigation engineers, may be employed.

Mr. MANN. Mr. Chairman, I reserve a point of order on the

Mr. MANN. Mr. Chairman, I reserve a point of order on the paragraph. I hope the gentleman will give us any information he has which would lead us to continue this extravagant work of irrigation on the different Indian reservations. I understand that some of these projects have been commenced and others contemplated where the expenses will be very large and the benefits probably very small. It is a very easy matter for us to appropriate Indian money for irrigation projects, although this particular money, I believe, is appropriated out of the Treasury of the United States. Just what benefit is it to us to have these appropriations made? Why should not all the expense of the irrigation of a project be paid out of the funds belonging to the tribe which the project is intended to benefit if there is any benefit? I think it is time that we had some statement as to

the irrigation projects under the Indian Service.

Mr. STEPHENS of Texas. I will state to the gentleman that all these reservations where this appropriation for irrigation is to be carried on is in the arid part of the West, and it is impossible to teach these Indians the art of agriculture and make them self-sustaining unless it is done by irrigation. No crops can be grown without water can be put on the ground, and it takes money to do this; and our Indian wards have no money, hence we must furnish it to them. The white people in the country where these Indians live farm by irrigation only, and we must adopt the same methods for the Indians. Congress in 1902 passed the reclamation act and adopted the same methods as are found necessary on the Indian reservations.

The irrigation reclamation act which we passed a few years ago provided that all of the funds derived from the sale of the public lands of the United States should be paid into the Treasury for the use and benefit of building irrigation plants, dams, and ditches and thus aiding the white home builders of the West. Then, if that was a good rule and a good law for the whites, it is certainly a better rule and a more just one for the Indians. That precedent having been established for the white man, I think is a full answer to the inquiry of the gentleman.

Mr. MANN. Let me ask if this appropriation is reimbursable?
Mr. STEPHENS of Texas. This one is not, but some of these
Indians have a surplus of lands, and it is proposed as soon as
we get these Indian lands irrigated and the country opened up,
and the lands become saleable, at the proper time to put the
surplus Indian lands on the market and sell them, and if the
Indians then have sufficient funds to reimburse the Government
for this appropriation, Congress can do it. If they can not
spare the money without pauperizing the Indians, then Congress
will let them keep their money; but in most instances the word
"reimbursable" occurs in the acts providing for irrigation
schemes. The committee was of the opinion that much of
these lands would be of sufficient value when placed on the
market and sold to white settlers to reimburse the Government,
and we have adopted the policy of making the payments in such
cases reimbursable.

Mr. FERRIS. Will the gentleman yield? Mr. STEPHENS of Texas. Certainly.

Mr. FERRIS. The reply of the gentleman from Texas to the gentleman from Illinois refers to irrigation generally, because as a matter of fact this particular item is a nonreimbursable item. I did not know as the gentleman from Texas made it clear to the gentleman from Illinois although the part of the gentleman's answer which related to the Indians without funds would answer it.

-Mr. MANN. Mr. Chairman, it is perfectly clear, and I knew that before I asked the question, that this appropriation is not reimbursable. The theory of carrying on an irrigation project is to increase the value of the land, at least to the extent of the cost of the irrigation project. If it does not increase the value of the land to the extent of the cost of the irrigation project, the project ought not to be carried on. Everyone will admit that.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. FERRIS. Mr. Chairman, I ask unanimous consent that the gentleman's time be extended for five minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. MANN. Mr. Chairman, I would like to have a fuller explanation. Otherwise I shall insist upon the point of order.

Mr. FERRIS. Mr. Chairman, in addition to what the gentleman from Texas [Mr. Stephens] has just stated, in reply to man from Texas [Mr. Stephens] has just stated, in reply to the question, I desire to add this: This bill, as all gentlemen who have read the bill know, has irrigation items running through it from the first leaf to the last leaf. Where the In-dians have money, we have, I think, uniformly, and I think without exception, provided that the irrigation project should be reimbursable. This particular item, however, is made to cover a class of cases where the Indians have no money, where they have little areas of land in a dry section of the West they have little areas of land in a dry section of the West, where we had hoped to make them self-supporting. In the case of the Indians living in a country where they have no rainfall, which is a Sahara, the Indian Office came before us and explained that for a nominal cost per acre, and for a reasonable sum they had found feasible projects where irrigation would be a success, and where the Indians would be benefited and made independent, where they are now helpless. The blessing of water on their lands would lift from the Federal Government the duty or the obligation of appropriating rations or annuities for them, and this item was made to cover that class of cases where they have no money and no means of sustenance; and if we did not do this, we would have to grant some other affirmative relief, which would be in the nature of a direct appropriation. Direct appropriations and lump-sum payments are not as a rule desirable or to the best interest of the Indians.

What I have said is undoubtedly subject to the general objection that always lies with reference to irrigation. The gentleman from Illinois [Mr. Mann] well knows that in the last few years under the general reclamation project we have expended an enormous sum of money. I will ask the gentleman from Wyoming if he can tell me what is the exact amount?

Mr. MONDELL. It is something less than \$60,000,000.

Mr. FERRIS. I think Mr. Newall stated to me that it was about \$60,000,000.

Mr. MANN. A great deal more than the benefits will ever be.
Mr. FERRIS. I think perhaps that is so, but they have had
to blaze the way, and it has taken money to get the experience
to make irrigation a success. The Indian Office has an irrigation bureau, which has tried to follow along and perform the
same service as the General Government is doing for the white
citizens.

Mr. MANN. Yes; but the gentleman from Oklahoma does not contend at all that the General Government ought to pay out of the Federal Treasury for irrigation projects for the benefit of the white citizens unless the Treasury is to be reimbursed when the land is to be disposed of. Upon what theory can the gentleman claim that it is our duty to irrigate lands which the Indians own and buy lands, because this covers that, for that purpose, and then pay that out of the General Treasury with no reimbursement? If the land is not benefited to the extent of the expenditure, the expenditure ought not to be made. If it is benefited to the extent of the expenditure, it is only fair that the Treasury shall be reimbursed.

that the Treasury shall be reimbursed.

Mr. FERRIS. Mr. Chairman, I submit that the Treasury can not be reimbursed where there is nothing from which to reimburse it.

Mr. MANN. The land is there. When the land is sold, with the added value, if there be an added value by reason of the irrigation, why should not the Treasury be reimbursed?

Mr. FERRIS. Where they have large areas of land, and surplus land, that can be sold. It has been the intention of the committee to make it reimbursable, but I call the gentleman's attention to the fact that there are many Indians in the United States who have little or no land and who have no trust funds to reimburse anything. It is for this class that this provision becomes necessary.

Mr. MANN. When the first irrigation projects came in—in the Indian bill—they were not made reimbursable, and I called the attention of the House to the fact that if money was to be expended from the Treasury to make lands worth more, that when that land was sold at a higher value the Treasury ought to be reimbursed, because we are under no obligation, out of the Treasury, at the expense of the general public, to increase the value of any man's land without any expectation of getting it back.

Mr. FERRIS. Mr. Chairman, I would say in reply to that, that what the gentleman says regarding the Indian question goes to the root of it. If the gentleman takes the position that it is not the duty of the Federal Government to do anything for the Indian, who was the original occupant of this country, then this bill should be pruned to a great extent; but I call his attention to the fact that when I came to Congress a few years ago we were appropriating \$14,000,000 to \$16,000,000 a year. This bill is carefully pruned down until it appropriates something over seven million, and it is impossible to leave a helpless and defenseless people without a dollar or an acre of land, and the Federal Government, I think, very justly has taken in hand the matter of trying to make the Indians independent. You can not make them independent by appropriating only annuities to them and issuing quarterly rations. The better plan would be to fix the land so that they themselves would work out their own salvation.

The CHAIRMAN. The time of the gentleman has expired.
Mr. MANN. Mr. Chairman, I ask that the time of the gentleman be extended for five minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. FERRIS. Mr. Chairman, I was about through, other than to say that the whole theory of the Government and of the Indian Committee and the Indian Office and the Indian Department, so far as I have been able to acquaint myself with it, has been along the line that the Federal Government was committed to the policy of taking care of its Indian wards. I think there can be no question about the advisability of this, or the justice of it, either, for that matter.

Mr. MANN. Well, I do not think anybody can complain about what the Federal Government does for the Indians. If the Federal Government appropriated the same amount per capita for the whites that it does for the Indians out of the Treasury it would cost more than \$2,000,000,000 a year.

Mr. FERRIS. Undoubtedly.

Mr. MANN. Does the gentleman think we ought to take an acre of Indian land, put \$10 improvement on it and make it worth \$20 and present that \$10 to the Indians, and that we are not to get back?

Mr. FERRIS. If by doing that we can make the Indian a self-supporting and independent citizen and then turn him loose and let him go his own way as an independent, self-supporting citizen, I say, yes.

Mr. MANN. The gentleman knows that never will happen. The gentleman talks about cutting down the Indian appropriation bill. The way it has been cut down is because we appropriated large sums of money to pay the principal or to capitalize the annuities and paid it directly out of the Treasury. Now, of course, in the end that results in cutting the appropriation, but this bill carries how much, in the neighborhood of \$7,000,000 out of the Treasury

Mr. FERRIS. But some of this is reimbursable; a good deal,

Mr. MANN. It is part reimbursable, Mr. FERRIS. Part; yes.

Mr. MANN. And that is a considerable sum of money. Now, we propose to go ahead-of course, the office in the irrigation service in the department would never stop-go ahead and spend money out of the Treasury on the theory it makes the Indian lands worth more, and then when the land is worth more the Treasury does not get the benefit of it. The gentleman would not advocate that policy about anybody else, nor does anybody know how this money was expended last year unless the office

Mr. BURKE of South Dakota. If the gentleman will permit me, I can perhaps give him some information throwing some light on the subject. I agree fully with what the gentleman from Oklahoma [Mr. Ferris] has said in reference to our duty toward the Indians of the country. Now, this appropriation is an appropriation carried entirely for and it is used mostly on small irrigation projects. First, it includes the salaries of the men who constitute the irrigation force in the Indian office, the chief engineer and the other officers and employees of that department. In the last Congress we put a limitation in the Indian appropriation bill in the House to the effect that hereafter no irrigation project should be commenced costing to exceed \$25,000.

The CHAIRMAN. The time of the gentleman has expired. Mr. BURKE of South Dakota. Mr. Chairman, I would like to be recognized in my own right. I believe the point of order

The CHAIRMAN. The gentleman from South Dakota.

Mr. BURKE of South Dakota. I was about to say the Senate amended it, so that the limitation, when the bill came back to the House, was raised to \$50,000, but in conference it was agreed to make it \$35,000, and that is now the law. In every irrigation project of any size we provide at the present time that the cost of it shall be reimbursable from the proceeds received from the sale of the surplus land belonging to the Indians. The gentleman says we have no information as to how the last appropriation was expended. I call his attention to a provision in the Indian appropriation act for 1911, which directed the Secretary of the Interior to furnish to the Speaker of the House or the Congress by the 1st of the following December a detailed itemized statement of the expenditures of this fund. That statement has been furnished as a document. I think it is Senate Document No. 689, first session Sixty-first

If the gentleman will take the hearings he will see that the estimate for the appropriation for this year is divided into amounts running from \$1,000 up as high as \$20,000. Many of the items are for the purpose of repairing the irrigation systems that we now have upon the reservations. This appropriation does not contemplate that any part of it shall be used in construction of any new project. No project of a large acreage is contemplated by it, and I will give the gentleman just a few

of the items. Take, for instance-

For the development of an irrigation system by draining the land at some points and irrigating at others with the waters thus obtained on the Cahuilla Reservation, Cal., \$3,000.

Then it goes on to state there are 152 Indians that will be benefited on this reservation, and explains why we ought to make that appropriation. Then there is an item-

For the development of an irrigation supply at Santa Rosa School, Cal., \$3,000.

Then in another place at the Pala School-

For installation of a pumping plant and concrete pipe system, \$5,000. Then another one-

For continuing the construction of concrete pipe lines, water lines, and pumping stations on the Morongo Reservation, \$7,000.

And there are a number of small items which, in the aggregate are considerable, which I may say are required to keep in repair the projects that have heretofore been constructed, because we have been engaged in this kind of work for many years, and we have been making annual appropriations for new projects, but, as I said, this does not contemplate the construction of any large projects, and no project can be constructed costing more than \$35,000 without direct authority of

Mr. MANN. I was fully aware of that when I read the item, will say to the gentleman, but does the gentleman contend that it is the duty of the Federal Government out of the Federal Treasury to pay for the expenses of repairs for these irrigation projects for the benefit of people who are using the irrigation projects?

Mr. BURKE of South Dakota. Oh, not a dollar of money is expended on any irrigation project that anybody is benefited from directly other than the Indians. I do not suppose, if we have provided a plant so that water can be obtained for some Indians, if a white man came along he could not water his team, but so far as appropriation being used for the benefit of

anybody but the Indians, there is no suggestion of it.

Mr. MANN. No; but here is the point: We can provide for an irrigation project for the benefit of the Indians so they can become self-supporting, and the first result of that is we have to repair the project at our expense. If, when we give them an irrigation project and put them upon lands to make them self-supporting and they can not maintain the project, when will they become self-supporting?

Mr. BURKE of South Dakota. Well, that question, Mr.

Chairman, I am unable to answer.

The CHAIRMAN. The time of the gentleman has expired. Mr. MANN. Mr. Chairman, I ask that the gentleman may

have five minutes more.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois? [After a pause.] The Chair hears

Mr. BURKE of South Dakota. I wish to call attention to an item here for the construction of a small reservoir and improvements on the present irrigation system at the Soboba School, California, \$1,000. The gentleman must take into consideration that \$300,000 is not a great sum of money when you distribute it throughout the country in keeping up the repairs and building new reservoirs and sinking wells and other things to supply the Indians with water.

As far as there being a legal obligation, it is the same as the items that we appropriate for education. It is in the line of our policy of taking care of these people, who are wards of the Government. And I want to say further that both the committee as now constituted and the committee in the last Congress were very particular to ascertain whether or not we were expending money from the Federal Treasury that might properly be charged to the Indians where they had money and without violating any treaty obligations. And I think that we have covered practically all expenditures of any considerable amount in the bill, so that they are reimbursable.

Mr. MANN. Well, this item is not reimbursable.
Mr. BURKE of South Dakota. No; because there is nothing to reimburse it from.

Mr. MANN. Three hundred thousand dollars-

Mr. BURKE of South Dakota. Two hundred and fifteen thousand dollars.

Mr. MANN. Three hundred thousand dollars for this purpose; say, three hundred and ten altogether. Now, does the gentleman claim that when we construct an irrigation project for the benefit of the Indians we are bound after that to keep that project in repair out of the Federal Treasury?

Mr. BURKE of South Dakota. Just as much, I will say, Mr. Chairman, as we are bound to keep a schoolhouse shingled that

we build for the education of the Indian children.

Mr. MANN. Does the gentleman put the preparation of the land for permanent cultivation on the same basis as the building of a schoolhouse?

Mr. BURKE of South Dakota. Precisely. Mr. MANN. If I thought that was the attitude of the com-

mittee, I would certainly make a point of order.

Mr. BURKE of South Dakota. It looks toward the education of the Indians along practical lines and tends toward making them self-supporting.

Mr. MANN. It is not for the education of the Indians, but it is to make the Indians self-supporting, or to make their land more valuable for sale. If they can not maintain the irrigation

project, we ought not to give that to them.

Mr. BURKE of South Dakota. The gentleman should understand that these irrigation projects are not on individual allotments, but are upon reservations. In one instance we have an item that will be proposed as a committee amendment, carrying \$5,000, if I remember aright, in order to provide water for the sheep and herds that belong to the Navajo Indians.

Mr. MANN. They need the water for the sheep and herds. They have the sheep and herds, and they are unwilling to pay for the water for them.

Mr. BURKE of South Dakota. They have nothing to pay it with.

Mr. MANN. They have the sheep and herds. The gentleman from South Dakota says it is to provide water for their sheep and herds, and it must be paid for by the General Government. Here they propose all the way through to construct irrigation projects in order that the Indians may cultivate the soil. Then after a project is constructed we are expected to support the Indians, or support the project, by repairing it.

Mr. BURKE of South Dakota. The gentleman does not dis-

tinguish between specific reclamation projects that are carried in this bill and this item that we are now considering. One is

general, while the other is specific.

Mr. MANN. But this will cover repairs on the specific

Mr. BURKE of South Dakota. I beg the gentleman's pardon. It states that no part of this appropriation shall be used on any project for which a specific appropriation is made.

Mr. MANN. Yes, in this act; I understand that. But where the project has been constructed under a specific appropriation

it can still be repaired out of this appropriation.

Mr. BURKE of South Dakota. If the gentleman will examine the Senate document to which I have called his attention, I think he will find that no part of this fund has been used upon any projects for which there has been a specific appropriation.

Mr. MANN. Well, I think the gentleman has no statement on

Mr. FOWLER. Mr. Chairman, in the appropriation for last year there was \$325,000 appropriated for this same purpose. would be very glad to have some of these gentlemen in the West who are closer to these reservations than I am to tell me

Something about the expenditure of that \$325,000 last year.

Mr. STEPHENS of Texas. Will the gentleman yield?

The CHAIRMAN. Does the gentleman from Illinois yield to the gentleman from Texas?

Mr. FOWLER. Yes.
Mr. STEPHENS of Texas. I have this statement explaining this appropriation for the fiscal year ending June 30, 1911. The amount appropriated for 1912 was \$325,000, and the amount for 1911 was \$259,800. This is an analysis of that expenditure:

Irrigation, Indian reservations. Fiscal year ending June 30, 1912, amount appropriated___ \$325,000.00 Fiscal year ended June 30, 1911: _____ 259, 800. 00

Amount expended	241, 051. 13
Unexpended balance	12, 242. 87
Analysis of expenditures: Employees Material Heat, light, and power Subsistence Hardware, equipment, etc Live stock Forage Transportation of supplies Traveling expenses Telegraphing and telephoning Stationery and office supplies Third annual installment for building and operation charges, Truckee-Carson project Miscellaneous	190, 295. 65 15, 478. 89 609. 90 378. 53 8, 557. 07 375. 00 428. 70 1, 266. 28 13, 388. 91 406. 13 1, 211. 09
DITOCCHARCOGO	2, 100. 00

247, 557, 13

The employees referred to were engaged in building these reservoirs and irrigation ditches. It will be seen that the total is \$247,557.13, leaving an unexpended balance of \$12,342. This statement of expenditures comes direct from the Irrigation Bureau of the Indian Department, and the appropriation was expended in the ways I have stated here.

Mr. FOWLER. That was all expended for the purpose of

making these lands more valuable, was it not?

Mr. STEPHENS of Texas. To make them inhabitable at all. They would not otherwise be used by the Indians except for grazing purposes, unless these irrigation ditches were placed on the land for their use and benefit. It would be arid without

Mr. FOWLER. And it is intended to keep them up by con-

tinued appropriations, is it not?

Mr. STEPHENS of Texas. Not necessarily so, because if we provide homes for these Indians in that way on lands made productive by irrigation they will be self-supporting. Many of them are now self-supporting on irrigated farms.

Mr. FOWLER. Is it proposed to keep up this irrigation process indefinitely? Is that the policy?
Mr. STEPHENS of Texas. Only until the Indians are able to take care of themselves.

Mr. FOWLER. And there is no time fixed when you expect

that to be the case?

Mr. STEPHENS of Texas. As fast as they become selfsupporting and get water on the land we can let them become citizens of the State where they live, and their children can

then be educated in the white schools in the neighborhood where they live, and in a few years there will be no Indian question; but the Indians will all become citizens, and commingle with the white citizens. We expect in a few years to turn the Indians over to the States if we carry out the policy we have indicated, and we believe it can be successfully carried out.

Mr. FOWLER. Mr. Chairman, it appears to me that this appropriation is rather useless, from the explanation that has been given. I am inclined to think that it is an appropriation for the purpose of giving benefits to others than the Indian Then, I am inclined to think that the appropriation itself, if it were intended for irrigation purposes and not for other purposes within the scope and intent of this bill, is without authority of law. You might just as well make an appropriation to drain the lands of any other section of country as to drain the lands on any of these reservations. I have not gone into the matter as thoroughly as I might have done, because of the fact that I do not live close to these reservations; but I am inclined to think that the point of order ought to be made against this item of this bill, and I think I shall make it, and I do make it.

The CHAIRMAN. The gentleman from Illinois will state his

point of order.

Mr. STEPHENS of Texas. I make the point of order that it is too late to make the point. This matter has been discussed for several minutes by several gentlemen on the floor. I do not understand that the point of order was reserved.

The CHAIRMAN. The Chair understands that the gentleman

from Illinois [Mr. Mann] reserved the point of order.
Mr. FOWLER. Yes, I should have done the same thing had not the gentleman from Illinois [Mr. Mann] reserved the point of order.

The CHAIRMAN. The gentleman will state his point or

order.

Mr. FOWLER. The point of order, Mr. Chairman, as I understand the matter, is that an appropriation for irrigation purposes is not within the province and scope of the subject matter. The bill provides for appropriation of money for current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1913.

Now, the question of irrigation is no more within the scope of this legislation than it would be if it were for the purpose of irrigating land in any other part of the country, or for the purpose of appropriating money to dredge any stream of the country, in order that the land might be drained into that stream. This is not a bill for the purpose of irrigation or for the purpose of taking care of land or for the improvement of land. It is a bill for the purpose of making appropriations for the various Indian reservations of this country so that they may be properly taken care of, to give them a sufficient supply of money to carry on good schools, and for such other purposes. That is what this bill is intended for, but not for the purpose of irrigating land to make it more valuable, when the Government will get nothing out of it; but the bill is for the purpose of giving the Indians an opportunity to become educated and to become citizens of this country. I do not think it was contemplated by the law authorizing the Government to care for and protect its wards to appropriate money to drain their lands and make them more valuable.

Mr. OLMSTED. Mr. Chairman, that is the most remarkable point of order that I have ever heard since I have been in Congress—that a provision which is in the bill is not within the scope and provisions of the bill. I do not think that in all the eight large volumes of Hinds' Precedents, for the compilation of which we paid \$20,000, you will find that anybody ever made such a point of order before. This is a bill making appropria-tions for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, "and for other purposes." This provision under consideration makes an appropriation for certain irrigation and other purposes in connection with Indian lands and for employees of the Indian Bureau. That is surely a purpose contemplated and provided for in the bill. It is actually in the bill and therefore within the scope and provisions of the bill. Furthermore, the appropriation is for perfectly legitimate purposes.

Mr. FOWLER. Could you not, then, just as consistently say that that provision of the bill would give you a right to appropriate money for the purpose of the Army or the Navy, or any other department of this Government?

Mr. OLMSTED. If that was one of the purposes of the bill, and it had such a provision, I should say that provision was within the bill.

Mr. FOWLER. I put it to you this way: Is there any law for making this kind of an appropriation under this bill?

Mr. OLMSTED. That is a different question. I have not looked that up, but I assume that there is.

Mr. FOWLER. I do not think there is. I think it is entirely new legislation.

Mr. OLMSTED. That is another point.
Mr. FOWLER. That is my point of order.
Mr. MILLER. Mr. Chairman, a parliamentary inquiry. The decision now to be rendered by the Chair is upon the point of order raised by the gentleman from Illinois [Mr. Fowler]?

The CHAIRMAN. It is.

Mr. MILLER. And the decision of the Chair will rest upon the character of the point of order which he has raised, and upon that alone.

The CHAIRMAN. The Chair will try to make it so

Mr. FOWLER. I make the point of order that this is new legislation.

Mr. OLMSTED. Mr. Chairman, the gentleman made one point of order and reserved no other. Therefore he can not make a second point of order now.

Mr. MILLER. If I understand the point raised by the gentleman from Illinois [Mr. Fowler], it is this: That the Committee on Indian Affairs have reported in their appropriation bill a subject over which they had not jurisdiction, a subject matter that they had no business to recommend to the House for an appropriation, or for legislation of this character; in other words, that we have attempted to aid the Indians by making an appropriation for the irrigation of their lands, and that we have no authority and no right to do that.

I do not care to address myself at any length upon the point, because it must be apparent to the Chairman at the very outset that, as suggested by the gentleman from Pennsylvania [Mr. Olmsted), this is a most unique, novel, and new point of order. The Committee on Indian Affairs have for years reported items of this exact character. This House has passed similar appro-

priations for many, many years.

We have undertaken to inaugurate irrigation projects in most parts of the country and they have been for the welfare and benefit of the Indians. That is the object of this bill; that is the character of this provision. It is for the civilization, benefit, and welfare of the Indians, and unquestionably the point of order which the gentleman has raised can not be sustained.

Mr. MURDOCK. Mr. Chairman, a parliamentary inquiry. The CHAIRMAN. The gentleman will state it. Mr. MURDOCK. If a Member in Committee of the Whole

merely makes a point of order without elaborating what the point of order is, can he be forced by any sort of process to state his point of order, and is not the Chairman under the necessity of holding the point of order good even if the Member does not state it fully?

The CHAIRMAN. Does the gentleman from Kansas have any hesitation in reaching the conclusion that the gentleman from Illinois has not been explicit in what he has stated?

Mr. MURDOCK. As a matter of fact, Mr. Chairman, I did not hear the gentleman from Illinois, but I did hear the gentleman from Minnesota ask the Chair if the Chair in his decision would confine himself to the point of order made by the gentleman from Illinois; and that is the reason I asked the Does the Chairman of the Committee of the Whole question. House on the state of the Union necessarily confine himself to the exact point of order made by the gentleman who makes it?

Mr. OLMSTED. Mr. Chairman, I never heard that the Chairman of the Committee of the Whole was in any way bound to read the mind of the gentleman making the point of order or to guess for himself what the point of order might be. He asks very properly, as the Chairman did in this instance, the gentleman from Illinois to state his point of order. The gentleman from Illinois stated his point of order, and that is the point of order for decision.

Mr. FOWLER. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. FOWLER. I desire to know if there is any difference in making a point of order in explaining what is meant by a point of order and in naming it in certain terms? I explained my point of order as being practically that this was outside of the provisions of the law making appropriations of this character. I further said that it was new legislation, and upon that proposition I made the point of order, and on that question I ask a ruling of the Chair.

Now, what I want to know is if the Chair is not compelled. when a point of order is raised against any appropriation, to look into the appropriation and see whether it is a proper appropriation in the bill, whether all the points of order that might have been raised against it are in fact raised against

it or not.

The CHAIRMAN. The Chair will say to the gentleman from Illinois that there is no obligation resting upon the Chair to investigate the merits of the bill. It is his duty only to hear the arguments on the point of order made and pass upon the same.

Mr. BURKE of South Dakota, Mr. Chairman, I desire to call the Chair's attention to the fact that this appropriation provides not only for construction, but for repair and protection of irrigation projects. I think it has been settled, and well settled, that where an appropriation has been made for the construction of something, especially where the limit of cost has not been made, that it is then in order to appropriate money for the repair or the maintenance of that particular project or building, or whatever it may be.

I will say that some considerable portion of this money is actually used in repair work and in protecting work that has

been already constructed.

Mr. STEPHENS of Texas. Mr. Chairman, I desire to give the reason for this appropriation, as stated by the Department of the Interior, so as to enable the Chair in arriving at a decision to know what the reasons are for the expenditure of the money. The department says:

This fund, which is not reimbursable, is a very important one to the welfare of many needy Indians. It is applicable for work on various reservations, where the Indians have no resources, which can be used as a basis of credit to obtain leans from the Government. It is used for both irrigation and drainage, also for the protection of irrigable lands from damages by flood; it is also used for the payment of annual reclamation charges for Indian lands under the Truckee-Carson, Nev., and Salt River Valley, Ariz. reclamation projects. It provides for the expenses of the office of chief inspector of irrigation, in connection with the exercizing of general supervision over all irrigation work performed on Indian reservations, including the preparation of monthly and annual cost reports, covering expenditures made from the general fund, tribal moneys, or special appropriations.

Some of these works are under way, appropriations have heretofore been made for them, and we should continue to make the appropriations for the purpose of carrying out and com-pleting the works under way. I think also it comes under the Holman rule, Rule XXI, that wherever an appropriation is made that will reduce in the future the amount of money to be spent for any purpose it is not subject to a point of order. It is evident, according to the understanding of the department and the understanding of the committee, that these projects will in the future take the Indians off the hands of the Government so that they will no longer be wards of the Government, and that the Government will not have to make appropriations for them in 10 or 20 years. I believe that under both of these clauses it is not subject to a point of order; first, because the projects are already under way and there have been appropriations made for them, and, second, it will reduce expenditures which we must make from year to year in order to have the projects completed.

Mr. OLMSTED. Will the gentleman yield for a question?

Mr. STEPHENS of Texas. Certainly.

Mr. OLMSTED. Did I understand the gentleman to say that this appropriation is for the continuation of work already in progress?

Mr. STEPHENS of Texas. Several of them.

Mr. OLMSTED. And therefore brings it within the exception of Rule XXII, which permits appropriations in continuation of public works already in progress.

Mr. STEPHENS of Texas. The Truckee-Carson and the Salt River Valley and the Arizona and several others are already

under way

Mr. FOWLER. Will the gentleman yield?

Mr. STEPHENS of Texas. Certainly.

Mr. FOWLER. Is not a portion of this appropriation for new work

Mr. STEPHENS of Texas. I do not so understand it. provides for the expenses of officers, the chief inspector of irrigation, who has heretofore been in office, created several years ago as soon as we entered into the irrigation of Indian lands. We have had him for several years, and now have a general supervisor over irrigation. We have had for several years an irrigation engineer, and all of these have been carried on the pay roll, and we must continue to carry them on the pay roll

unless we abandon these projects.

Mr. FOWLER. What does this mean: "For construction, repair, and maintenance of ditches, reservoirs, and dams"?

Mr. STEPHENS of Texas. That is for the construction of irrigation ditches and reservoirs.

Mr. FOWLER. Yes; construction.

Mr. STEPHENS of Texas. How can you get the water on the Indian lands unless you have ditches and reservoirs and dams?

Mr. FOWLER. Is it not for new work that has not been

begun?

Mr. STEPHENS of Texas. It is not.
-Mr. FOWLER. What is meant by "construction"?

Mr. STEPHENS of Texas. No new project costing over \$25,000 can be begun without authority from Congress. If it will cost less than \$25,000 then the department does not have to go to Congress.

Mr. FOWLER. The paragraph says:

Water rights, ditches, land necessary to canals, pipe lines and reservoirs for Indian reservations and allotments and for drainage and protection of irrigable land from damage by flood.

Mr. STEPHENS of Texas. The lands can not be used for irrigation unless all those things are done. Unless you prevent the land from being washed away, you can not use the irriga-tion ditch. Suppose your ditch would be washed out, how could you irrigate the land below the broken ditch?
Mr. FOWLER. So it is for a new purpose?

Mr. STEPHENS of Texas. No; it is not. It is for a purpose that the land is already being used for, and in order to prevent the ditches from being ruined and destroyed we must

expend this money.

Mr. Chairman, I insist that a large portion of the appropriation is without any legal authority, that there is no law for it. It is new legislation for a new construction, for new purchases, for new appliances, and I insist that where a part of an appropriation is without authority, it being new legislation, the whole paragraph goes out on a point of order. I insist that it is new legislation.

Mr. MILLER. Mr. Chairman, the gentleman has now included in his objections some things that he did not include at

the outset.

Mr. FOWLER. Mr. Chairman, I beg the gentleman's pardon,

but I have included these points all of the time.

Mr. MILLER. It may be that the gentleman had them in mind, but I, of course, am confined in my judgment to the exact words that the gentleman used. It is very likely that he had them in mind, but he did not state them.

The CHAIRMAN. The Chair perhaps will be able to clear that up by saying that the gentleman's point of order was probably continuous. The gentleman rose and made one point of order and then rose later and made another, combining the

Mr. MILLER. Mr. Chairman, I was not criticizing that at all.

I wonder if the gentleman from Illinois [Mr. Fowler] realizes what the effect of sustaining that point of order would be? I wonder if he realizes what the effect would be upon the Indian upon the land; and of the Members of this House, I take it that the gentleman from Illinois is just as desirous of looking after the welfare of the Indian as any other. I wonder if he realizes that the Indian, whether we view it rightly or wrongly, has been pushed to the westward until he now occupies the arid region, practically, of the United States. He is obliged to occupy in large numbers the semiarid or the arid regions of the country. Recognizing that he is situated in this environment, in years past we have taken up the subject of irrigation of his lands, to assist him, knowing, as we must know, that we can solve the Indian question, and only solve it, by making the Indian self-supporting, by placing him in an environment where he is given land from which he can earn a livelihood. We have solved it in the question of irrigation, I think, better than it has been solved in any other way. We have placed in his hands a means or opportunity for earning a livelihood and establishing his independence.

I sincerely trust that the gentleman will withdraw his point Why? To remove this would mean the absolute paralysis of the irrigation projects of the Nation in relation to the Indians; it would mean that we would have to withdraw the engineers who are directing the irrigating of the Indian lands throughout the Nation, and withdraw the appropriation that provides for looking after the detail that must arise in a large diversified project such as this. It would withdraw the irrigation of the lands of Indians in places like Nevada, in places like Utah, where the Indians are poverty stricken, where they have no tribal funds, and are the charitable wards of the Government; and we are by this trying to put them in the way of being self-supporting. I do not believe that the gentleman from Illinois wants to do that. If I understand the attitude he has assumed heretofore on the floor of this House, he is the friend of the Indian, and he would rather aid him than harm him, and I want to say that insisting upon that point of order, and the sustaining of it, would strike the greatest blow to the welfare of the Indians that has been stricken in the history of legislation by this Congress. [Applause.] But, Mr. Chairman, I do not concede the point of order. I simply ask the gentle-

man from the standpoint of the welfare of the Indian, which

he must have at heart, to withdraw his point of order.

Mr. FERRIS. Mr. Chairman, I think the rule requiring appropriations to be authorized by existing law, except those in continuance of appropriations for such public works and objects as are already in progress, applies in this instance. I do not think the gentleman's point of order is good and, in the second instance, I desire to reiterate what the gentleman from Minnesota [Mr. Miller] has said, to merely emphasize the fallacy of making such a point of order. For the last few years each year we have been carrying on an Irrigation Bureau in the Department of Indian Affairs. The bureau is now in existence, is created by law, and it is a bureau to do what? It is to afford irrigation to helpless and defenseless Indians. There you have a bureau in actual operation. You have irrigation projects partially completed, which will go to rack and ruin but for the continuation of the very projects that are begun. Now comes the gentleman from Illinois [Mr. Fowler] making a point of order which I do not think is good at all, but if the item were subject to a point of order I can not conceive with what consistency the gentleman would come in and allow all of the irrigation and all of the money expended for the last five years to go to rack and ruin. To leave this item out of the bill for one year would permit the ditches to fill up, allow the pumps to rust out, and the irrigation projects to be ruined and destroyed, and surely if the point of order were good, no man who understood the facts would make the point of order. But I do not think that, under the rule to which I have just referred, that the point of order is good. I think it ought to be overruled. The committee with great care went into this question. It was a unanimous report. Everyone who knows the facts will support it. This bill should not be mutilated and cut to pieces without knowing what havoc and ruin they inflict.

The CHAIRMAN. The Chair is prepared to rule. parent that the contention of the gentleman from Illinois is founded on an erroneous understanding of the bill, a mistaken idea. As the Chair understands it, the provision at issue is merely the continuation of a drainage system that has been going along from year to year and must continue from year to year in order to protect it against depreciation and ruin. On that ground, and that alone, the Chair will overrule the point

of order.

The Clerk read as follows:

For the suppression of the traffic in intoxicating liquors among Indians, \$75,000.

Mr. MANN. Mr. Chairman, I move to strike out the last word. A few years ago this item was \$25,000. Then it was increased to \$50,000. It is now \$75,000. I am in favor of appropriating all the money necessary to prevent the traffic of intoxicating liquors among the Indians, but it occurs to me that since the appropriation of \$25,000 Oklahoma has come into the Union as a State, Arizona and New Mexico have come into the Union as States, and we have no Territory in the United States, except the District of Columbia, where the General Government has ordinary police power; and I would like to know whether of local self-government by the different States the progress where the Indians reside is to be accompanied by an additional increased appropriation by the General Government to enforce what the States ought to enforce themselves-the control of the liquor traffic. How much will it be now from year to year? How much of this money is expended in Oklahoma, when we used to expend over the country only \$25,000 when it was a Territory? I suppose now we expend a great deal more than then, since it is a State, and what becomes of the money we are expending?

Mr. STEPHENS of Texas. Will the gentleman yield?

Mr. MANN. Certainly.

Mr. STEPHENS of Texas. Just the other day some of it was spent in this city, where some Indians went into a saloon and bought and drank whisky.

Mr. MANN. Yes; and I never heard anything more ridiculous in the world then prosecuting men here in the city of Washington because they sold a drink to Indians. It is absolutely ridiculous, although it may have been contrary to law.

Mr. STEPHENS of Texas. Mr. Chairman, it is a violation of the law, and the officers would have been remiss in their duties had they not arrested those men.

Mr. MANN. If the Government would enforce all the laws in the same rigid manner that they enforced that most of us would make a trip to some place. [Laughter.]

Mr. STEPHENS of Texas. I desire to say that this amount is the same amount as carried in last year's bill, \$75,000, and I have here the manner in which it was expended. The unexpended balance of the appropriation of last year was \$1,431.

The amount appropriated was \$75,000. The amount expended was \$68,342, leaving an unexpended balance of \$3,089, and here is an analysis of this expenditure. The employees received \$31,610; traveling expenses, \$30,013; transportation of supplies, \$159; telephone and telegraph, \$657; stationery and office supplies, \$783; rewards for arrest, and so forth, \$4,627; miscellaneous, \$490; making a total of \$68,342, with an unexpended balance of \$3,089

Mr. MONDELL. How many employees were there?
Mr. STEPHENS of Texas. It does not state the number. It says, traveling expenses, \$30,000; employees, \$31,610.
Mr. MANN. How ridiculous it is to have \$30,000 in traveling expenses out of this appropriation.

Mr. STEPHENS of Texas. I can answer the gentleman's inquiry by saying this: This service is charged with the duty of protecting over 300,000 Indians scattered through a large part of the United States and Territories. One chief special officer, 2 assistant chiefs, 11 regular officers, 4 constables, and over 100 fee deputies were engaged in this work. I think that is a complete analysis of the expenditures for this purpose.

The Clerk read as follows:

The Clerk read as follows:

For support of Indian day and industrial schools, not otherwise provided for, and for other educational and industrial purposes in connection therewith, \$1,450,000: Provided, That hereafter employees of Indian schools may be allowed, in addition to annual leave, educational leave not to exceed 15 days per calendar year for attendance at educational gatherings, conventions, institutions, or training schools, if the interests of the service require, and under such regulations as the Secretary of the Interior may prescribe, and no additional salary or expense on account of this leave of absence shall be incurred: Provided further. That no part of this appropriation, or any other appropriation provided for herein, shall be used to educate children of less than one-fourth Indian blood, whose parents are citizens of the United States and the State wherein they live and where there are adequate free school facilies provided and the facilities of the Indian schools are needed for pupils of more than one-fourth Indian blood.

Mr. MANN. Mr. Chairman, I reserve a point of order on the paragraph. Just what is the reason for this first proviso in regard to educational leave? How much leave do employees of the Indian schools get now?

Mr. STEPHENS of Texas. The leave at present is 30 days,

I understand.

What is the excuse, the real excuse offered? If we increase the leave, we will be flooded by demands of every other employee of the Government for the same extra amount of leave of 15 days a year.

Mr. STEPHENS of Texas. This is because the existing requirements of the department requires these teachers to remain on the reservation and school all the while and they are not permitted to get this leave to attend these farmers' institutes and State normal institutes and the other places where they can be informed as to what is going on in the educational world, and they lose pay if they leave.

Mr. MANN. They could get it under the annual leave if they desired.

Mr. STEPHENS of Texas. But this annual leave does not

take place at the time.

Mr. MANN. The annual leave usually takes place when it is desired to take place. It is just as easy to have it take place then as at any other time. Now, does the gentleman have the idea of granting leave to employees in Washington here to attend conventions at some places in addition to their annual leave, or that the Post Office Department may grant an additional leave of 15 days in order for some one to attend some extra picnic on the theory that it might be of good to the service?

Mr. STEPHENS of Texas. We are only following the rule of other States of permitting them to attend these schools. I know they do in my State. The teachers are permitted to attend, and it is strongly recommended by the department for the reason that they will render better service.

Mr. FERRIS. Will the gentleman yield? Mr. MANN. Certainly.

Mr. FERRIS. The matter was presented to the committee with great care by the chairman of the committee, and the situation, in addition to what the chairman has stated, is this: As the matter now stands they have 30 days' leave when they can go away. During the summer months there is nothing for them to do except to remain around the school grounds at these Indian schools. If they leave to go and attend any normal institute or any agricultural institute or any normal school for the pur-pose of improving their minds and obtaining information as to agricultural pursuits-and most of these schools have farms in connection with them-they lose their pay, and the result is that they do not get to attend these schools. This amendment permits them to go and attend these schools, and the result of this arrangement is the Government gets improved service. unless they pay their tuition?

They get no additional pay. The service is benefited and no change is made except the abrogation of a rule or regulation not in keeping with the best interests of the service.

Mr. BURKE of South Dakota, Mr. Chairman, will the gentle-

man yield?

Mr. FERRIS. They get no additional pay.

Mr. BURKE of South Dakota. They can only go with the consent of the Indian Department.

Mr. FERRIS. Precisely; and it costs the Government nothing. If they do not do this, they hang around the Indian school all summer, and thus fail to improve their minds with infor-

mation that would be of value.

Mr. GRAHAM. Mr. Chairman, in nearly every city in the country the teachers are now required to attend the teachers' institutes and gatherings of that sort. I think that in my colleague's home that is a compulsory requirement. It is in many instances, and I think it is a very wise one, which prevents the teachers from growing too narrow and hidebound. They get out and swap ideas, and get new ideas, and really become very much better qualified to do their work, because they mingle with other minds and exchange ideas with others. I take it, as has just been stated, that this gives them no additional vacation time. It only gives them leave to go off the reservation instead of spending their vacation time on the reservation.

Mr. MANN. I do not wish to doubt what gentlemen have said; but it seems to me very improbable that a teacher in one of these Indian schools can not step off the reservation, except for the 30 days that she gets as annual leave. I regard that as

highly improbable.

Mr. FERRIS. It was stated in terms as emphatic as the commissioner could use that the regulations forced that.

Mr. MANN. Then they should change the regulation. idiot would make such regulation and then ask Congress to

legislate to reform the regulation? [Laughter.]
Mr. BURKE of South Dakota. My information, obtained from the hearings had before the committee, is that the commis-

sioner said it was a decision of the comptroller.

Mr. MANN. It would not be a regulation, then. a matter of law. I doubt very much if there is any such law or decision of the comptroller.

Mr. Chairman, may I ask, in reference to the other proviso, in reference to the education of children of less than one-fourth Indian blood, whose parents are citizens of the United States and of the State wherein they live, does this allow the education of white children whose parents are foreigners, or whose parents are not citizens of the State wherein they live?

Mr. FERRIS. The answer to the question of the gentleman from Illinois, as it has come to us in the hearings and as we agreed upon was this—although I will state in the first instance that there should be a slight amendment offered, which the gentleman from South Dakota [Mr. Burke] has prepared, and which will be offered later, under the treaty, and I want to answer as briefly as I can, now, the question of the gentleman from Illinois—the Commissioner of Indian Affairs advised us that the schools were running over full in many instances, and that many of the Indian children could not now receive instruction in the schools under the appropriations made. He told us that if we would adopt this amendment and thereby eliminate Indians of less than one-fourth Indian blood, where the parents were citizens of the United States and where they had adequate facilities in white schools, it would enable him to get more Indian children into the Indian schools and fewer white children.

Mr. MANN. Suppose the parents were not citizens; suppose

they were foreigners?

Mr. FERRIS. We have nothing to do with foreigners unless they are Indian children. We do not try in Indian schools to educate the children of foreigners at any time. The idea here is to get rid of a lot of Indian children who have only a taint of Indian blood in them, and who, in fact, ought to be educated in the local community where they live, in the white schools.

Mr. COOPER. Ought you not to insert the words "Indian children" in line 2, page 3?

Mr. FERRIS. The amendment referred to is on page 5.
Mr. COOPER. I mean page 5.
Mr. MANN. It has been said that that would be the effect of this proposition-to permit the white children to remain in the

Mr. FERRIS. Oh, I think not. Mr. MANN. Oh, but white children certainly do go to some of these Indian schools. Certainly they do; and did in some of these places that we have specifically provided for in the past.

Mr. DAVENPORT. I would like to ask the gentleman from Illinois what schools there are where white children attend

Mr. MANN. It would not make any difference there, whether they paid their tuition or not. There are Indian schools where the white children go.

Mr. DAVENPORT. That is what I was asking the gentle-

man; what Indian schools they were?

Mr. MANN. The gentleman himself can probably tell me. Mr. FERRIS. That does not apply to the Indian schools in my neighborhood. White children do not go to Indian schools in Oklahoma, but children do go to the Indian schools who have little strain of Indian blood and who are in reality white children, and the local community ought to school them. We believed the suggestion of the chairman of the committee to be a wise one-that children whose fathers and parents are wellto-do white men who have married Indian women, the children having only a strain of Indian blood, should be educated in the white schools of the community. Surely the Federal Government ought not to educate those children. This amendment would eliminate that class of children.

Mr. MANN. This proposition, as I understand it, is for the purpose of restricting the number of those who may go to school; to cut out some who may go to the Indian schools?

Mr. FERRIS. That is the idea.

Mr. STEPHENS of Texas. Children whose fathers are voters and citizens

Mr. MANN. That is the point I asked about in the first place. What is the point about the father being a citizen? Suppose

their fathers are not citizens?

Mr. STEPHENS of Texas. This applies only to the schools where there are not adequate facilities for the schooling of the Indian children.

Mr. MANN. Why should we give the preference to the children of foreign parents over children whose parents are citizens of the United States?

Mr. MILLER. I think the gentleman from Illinois must be mistaken in the belief that the children of foreign parents attend the Indian schools in the United States. If that is being

done, it should be eliminated immediately. Mr. MANN. I think in the gentleman's own State there have been instances of that, but I can not give the gentleman the particulars now. I have a very distinct recollection in regard to that. We have had such a provision in the law. But what does the provision mean-

Whose parents are citizens of the United States?

What is the point about that?

Mr. MILLER. It means those who have allotments, Mr. GRAHAM. Does it not refer to certain classe Does it not refer to certain classes of Indians, as distinguished from those who are not citizens?

Mr. CARTER. Precisely. It refers to the Indians who have been given United States citizenship and makes a distinction between Indian citizens of the United States and those not yet granted such citizenship.

That is the purpose of it, is it? Mr. MANN.

Mr. CARTER. That is the purpose.

Mr. MANN. Very well, I withdraw the point of order.

Mr. BURKE of South Dakota. I offer the following amend-

The CHAIRMAN. The gentleman from South Dakota offers an amendment which the Clerk will report.

The Clerk read as follows:

Page 5, line 1, after the word "herein," insert the words "except appropriations made pursuant to treaties."

Mr. BURKE of South Dakota. The purpose of this amendment is apparent. It is simply to protect children who have rights under treaties, although they may have less than one-fourth Indian blood. The purpose of the proviso was to limit the expenditure of public money and not moneys that the Indians have, which belong to them by reason of treaties.

Mr. FERRIS. This is the amendment which saves us from

being forced to override treatles.

Mr. BURKE of South Dakota. That is the purpose of it. Mr. FERRIS. There was no thought on the part of any member of the committee of overriding the provisions of treaty

Mr. BURKE of South Dakota. The committee was desirous of limiting the appropriations made only from public moneys.

Mr. FERRIS. So far as it could be done in the face

So far as it could be done in the face of treaty stipulations.

Mr. BURKE of South Dakota.

Mr. STEPHENS of Texas. I believe it was agreed that the committee should offer this amendment on the floor.

The CHAIRMAN. The question is on the amendment of the gentleman from South Dakota [Mr. Burke]

The question being taken, the amendment was agreed to.

Mr. STEPHENS of Texas. Mr. Chairman, it is getting late, and I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. BARNHART, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 20728) making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1913, and had come to no resolution thereon.

ENROLLED BILLS SIGNED.

Mr. CRAVENS, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills

of the following titles, when the Speaker signed the same:

H. R. 15471. An act making appropriation for repair, preservation, and exhibition of the trophy flags now in store in the Naval Academy, Annapolis, Md.; and

H. R. 20842. An act to provide for a tax upon white phosphorus matches, and for other purposes.

LEAVE OF ABSENCE.

By unanimous consent leave of absence was granted to Mr. KENNEDY, indefinitely, on account of illness.

ADJOURNMENT.

Mr. STEPHENS of Texas. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 20 minutes p. m.) the House adjourned until to-morrow, Friday, April 5, 1912, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of the Treasury, inviting attention to House Document No. 45, relative to the administration of the offices of the Treasurer and Assistant Treasurer of the United States in their temporary absence, etc. (H. Doc. No. 673); to the Committee on Way and Means and ordered to be printed.

2. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Mespillion River, Del. (H. Doc. No. 678); to the Committee on Rivers and Harbors and ordered to be printed

with illustrations.

3. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of St. Lucie Inlet, Fla. (H. Doc. No. 675); to the Committee on Rivers and Harbors and ordered to be printed.

4. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Tugaloo River, Ga. and S. C. (H. Doc. No. 676); to the Committee on Rivers and Harbors and ordered to be printed.

5. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Chester River, Pa. (H. Doc. No. 677); to the Committee on Rivers and Harbors and ordered to be printed with illustrations.

6. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Medomok River, Me. (H. Doc. No. 674); to the Committee on Rivers and Harbors and ordered to be printed with

illustrations.

7. A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Mary A. Pryor, administratrix of Washington Pryor, deceased (H. Doc. No. 672); to the Committee on War Claims and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. SLAYDEN, from the Committee on Military Affairs, to which was referred the bill (H. R. 22204) granting a right of way to the Panama-Pacific International Exposition Co., or any other party or parties approved by the Secretary of War, across the Fort Mason Military Reservation in California, reported the same with amendment, accompanied by a report (No. 487), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. WATKINS, from the Committee on Military Affairs, to which was referred the joint resolution (S. J. Res. 87) authorizing the Secretary of War to receive for instruction at the United States Military Academy at West Point, Messrs. Humberto Mencia and Juan Dawson, of Salvador, reported the same without amendment, accompanied by a report (No. 497), which said bill and report were referred to the House Calendar.

He also, from the same committee, to which was referred the joint resolution (S. J. Res. 91) authorizing the Secretary of War to receive for instruction at the United States Military Academy at West Point Mr. Manuel Agüero y Junqué, of Cuba, reported the same without amendment, accompanied by a report (No. 498), which said bill and report were referred to the House Calendar.

Mr. COVINGTON, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (H. R. 22340) to regulate foreign commerce by prohibiting the admission into the United States of certain adulterated seeds and seeds unfit for seeding purposes, reported the same without amendment, accompanied by a report (No. 499), which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. WHITE, from the Committee on Pensions, to which was referred sundry bills of the House, reported in lieu thereof the bill (H. R. 22867) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors, accompanied by a report (No. 488), which said bill and report were referred to the Private Calendar.

Mr. HUGHES of Georgia, from the Committee on Military Affairs, to which was referred the bill (H. R. 11397) authorizing the appointment of Maj. George A. Armes, United States Army, retired, to the rank and grade of major general on the retired list of the Army, reported the same with amendment, accompanied by a report (No. 496), which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:
By Mr. PEPPER: A bill (H. R. 22865) granting to postal em-

ployees of the United States the right to receive from it compensation for injuries sustained in the course of their employment; to the Committee on the Post Office and Post Roads.

By Mr. HUMPHREY of Washington: A bill (H. R. 22866) to protect American trade and American shipping from foreign monopolies; to the Committee on the Merchant Marine and

By Mr. WARBURTON: A bill (H. R. 22868) to allot the lands on the Queniult Reservation, and for other purposes; to the Committee on Indian Affairs.

Also, a bill (H. R. 22869) providing for the sale of timber on the Queniult Indian Reservation and expenditure of the proceeds therefrom for the construction of a road into and through a part of the Queniult Indian Reservation, Wash.; to the Committee on Indian Affairs.

Also, a bill (H. R. 22870) making an appropriation for the construction of a wagon road through a portion of the Queniult Indian Reservation, Wash.; to the Committee on Indian Affairs. By Mr. LEVER: A bill (H. R. 22871) to establish agricul-

tural extension departments in connection with agricultural colleges in the several States receiving the benefits of an act of Congress approved July 2, 1862, and of acts supplementary thereto; to the Committee on Agriculture.

By Mr. HARTMAN: A bill (H. R. 22872) providing for the purchase of a site and the erection thereon of a public building at Tyrone, in the State of Pennsylvania; to the Committee on Public Buildings and Grounds.

By Mr. MONDELL: A bill (H. R. 22873), providing for reclamation town-site fund; to the Committee on Irrigation of Arid

Lands. Also, a bill (H. R. 22874) to provide for the reorganization of the General Land Office; to the Committee on the Public Lands.

By Mr. SMALL: A bill (H. R. 22875) to authorize the construction of a lighthouse upon Diamond Shoal and to provide for the purchase thereof by the United States; to the Committee on Interstate and Foreign Commerce.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. MORRISON: A bill (H. R. 22864) to compensate and suitably recognize the services of Sergt. Maj. John Champe to the United States of America; to the Committee on the Public Lands.

By Mr. WHITE: A bill (H. R. 22867) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors; to the Committee of the Whole House.

By Mr. AMES: A bill (H. R. 22876) for the relief of Michael F. O'Hare; to the Committee on Claims.

By Mr. ANTHONY: A bill (H. R. 22877) for the relief of Mrs. Max S. Retter; to the Committee on Claims.

By Mr. ASHBROOK: A bill (H. R. 22878) granting an increase of pension to Charles C. Gasche; to the Committee on Invalid Pensions.

By Mr. BARCHFELD: A bill (H. R. 22879) granting an increase of pension to John Campbell; to the Committee on Invalid Pensions.

By Mr. BARNHART: A bill (H. R. 22880) granting an increase of pension to J. J. Babcock; to the Committee on Invalid Pensions.

Also, a bili (H. R. 22881) granting an increase of pension to Harris E. Butler; to the Committee on Invalid Pensions.

By Mr. BURNETT: A bill (H. R. 22882) granting an increase of pension to Deedamy Findley; to the Committee on Invalid Pensions.

By Mr. CANTRILL; A bill (H. R. 22883) granting an increase of pension to Enoch L. Brewer; to the Committee on Invalid Pensions.

By Mr. COLLIER: A bill (H. R. 22884) for the relief of the

city of Jackson, Miss.; to the Committee on Claims.

Also, a bill (H. R. 22885) for the relief of Mrs. William Atkinson; to the Committee on War Claims.

By Mr. DICKINSON: A bill (H. R. 22886) granting an increase of parsion to Samuel M. Paleon, to the Committee on War Claims.

crease of pension to Samuel M. Baker; to the Committee on Invalid Pensions

By Mr. GOEKE: A bill (H. R. 22887) granting an increase of pension to Lorenzo D. Barnhart; to the Committee on Invalid Pensions.

By Mr. HARTMAN: A bill (H. R. 22888) granting a pension to Mary E. Wertz; to the Committee on Invalid Pensions.
By Mr. HAUGEN: A bill (H. R. 22889) for the relief of Rob-

ert McFarland; to the Committee on Military Affairs.

By Mr. LEWIS: A bill (H. R. 22890) granting a pension to Cecilia Ogle; to the Committee on Invalid Pensions.

Also, a bill (H. R. 22891) granting an increase of pension to Winifred W. Strippy; to the Committee on Invalid Pensions.

By Mr. McCREARY: A bill (H. R. 22892) for the relief of John Flaherty; to the Committee on Military Affairs.

By Mr. McGILLICUDDY: A bill (H. R. 22893) granting an

increase of pension to William H. Foss; to the Committee on Invalid Pensions.

By Mr. O'SHAUNESSY: A bill (H. R. 22894) granting an increase of pension to Eliza Hutchinson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 22895) granting an increase of pension to Ellen O'Donnell; to the Committee on Pensions.

By Mr. PARRAN: A bill (H. R. 22896) for the relief of Pay Inspector Worthington Goldsborough, United States Navy; to the Committee on Naval Affairs. By Mr. PEPPER: A bill (H. R. 22897) granting an increase

of pension to Arabella L. McElravy; to the Committee on Invalid Pensions.

By Mr. POST: A bill (H. R. 22898) granting a pension to Lizzie Whiteside; to the Committee on Invalid Pensions.
Also, a bill (H. R. 22899) granting an increase of pension to Harvey Brooks; to the Committee on Invalid Pensions.
By Mr. RUCKER of Colorado: Λ bill (H. R. 22900) granting an increase of pension to Algernon S. Tebbs; to the Committee

on Pensions.

By Mr. SMITH of California: A bill (H. R. 22901) to reimburse the city of Coronado and the Coronado Beach Co. for protecting property from the encroachment of the Pacific Ocean; to the Committee on Claims.

By Mr. SPEER: A bill (H. R. 22902) granting an increase of pension to Richard M. Hoffman; to the Committee on Invalid Pensions.

By Mr. TAGGART: A bill (H. R. 22903) granting an increase of pension to William H. Stites; to the Committee on Pensions.

By Mr. UTTER: A bill (H. R. 22904) granting an increase of pension to Susan L. Tourgee; to the Committee on Invalid Pensions.

Also, a bill (H. R. 22905) granting an increase of pension to Napoleon A. Vaslett; to the Committee on Invalid Pensions. By-Mr. WILSON of New York; A bill (H. R. 22906) to appoint Earle Farwell, late midshipman, an ensign in the United

States Navy; to the Committee on Naval Affairs,

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER: Petition of citizens of the State of Missouri, favoring bill providing for building of one battleship in a Government navy yard; to the Committee on Naval Affairs.

By Mr. ANDERSON of Minnesota; Petition of J. H. Eggers,

jr., and 15 others of Plainview, Minn., protesting against extension of parcel-post system; to the Committee on the Post Office

and Post Roads.

By Mr. ANTHONY: Petition of S. T. Barrett and other citizens of Centralla, Carrie O. Needham and other citizens of Torganoxie, W. N. Bestwick and other citizens of Bancroft, Edward Brien and other citizens of Bern, H. M. Turner and other citizens of Muscolah, J. G. Belsham and other citizens of Seneca, John A. Peck and other citizens of Tecumseh, all in the State of Kansas, in support of House bill 21225, relating to oleomargarine; to the Committee on Agriculture.

Also, petition of Amanda Christianson and other citizens of Corning, Kans., in support of Kenyon-Sheppard bill, relating to interstate shipment of intoxicating liquor; to the Committee on

By Mr. ASHBROOK: Petition of William M. Zentmeyer and other citizens of Newark, Ohio, protesting against enactment of interstate-commerce liquor legislation; to the Committee on the Judiciary.

By Mr. BARCHFELD; Papers to accompany bill for the relief of John Campbell; to the Committee on Invalid Pensions.

By Mr. BULKLEY: Memorial of Cleveland (Ohio) Chamber of Commerce, urging enactment of legislation to provide for a 1-cent postage rate; to the Committee on the Post Office and Post Roads.

By Mr. CALDER: Petition of the Ossining (N. Y.) Branch of the American Society for the Prevention of Cruelty to Animals. for enactment of House bill 17222; to the Committee on Inter-

state and Foreign Commerce.

By Mr. COX of Ohio: Memorial of the Westwood Civic League, of Dayton, Ohio, for legislation providing for woman suffrage throughout the United States, its colonies, Territories, and dependencies; to the Committee on the Judiciary.

Also, petition of Lodge No. 273 of the Brotherhood of Rail-

road Trainmen, for enactment of Senate bill 5382 and House

bill 20487; to the Committee on the Judiciary.

Also, petition of citizens of Middleton, Ohio, for construction of battleships in Government navy yards; to the Committee on

By Mr. DIFENDERFER: Petitions of citizens of Perkasie and Richlandtown, Pa., for enactment of the Berger old-age pension bill; to the Committee on Pensions,

Also, petitions of granges, Patrons of Husbandry, protesting against reduction in the tax on oleomargarine; to the Commit-

tee on Agriculture.

Also, petitions of citizens of the State of Pennsylvania, for enactment of House bill 19133, providing for a governmental system of postal express; to the Committee on Interstate and Foreign Commerce.

Also, petitions of citizens of the State of Pennsylvania, protesting against parcel-post legislation; to the Committee on the

Post Office and Post Roads.

Also, petition of Patriotic Order Sons of America of Morristown, Pa., protesting against admission of nondesirable immigrants; to the Committee on Immigration and Naturalization.

Also, memorial of Royersford & Spring City Trades Council, protesting against Senate bill 2564; to the Committee on

Printing.

Also, petition of the Willow Grove (Pa.) Methodist congregation, for passage of Kenyon-Sheppard interstate liquor bill; to

the Committee on the Judiciary.

Also, petition of Penns Park (Pa.) Council, No. 973, Junior Order United American Mechanics, in favor of Burnett bill on immigration; to the Committee on Immigration and Naturaliza-

Also, petition of the Woman's Christian Temperance Union of Norristown, Pa., for passage of Kenyon-Sheppard interstate-liquor bill; to the Committee on the Judiciary.

Also, petition of Loyal Temperance Legion of Abington, Pa., for passage of Kenyon-Sheppard interstate-liquor bill; to the Committee on the Judiciary.

Also, petition of the Newtown (Pa.) Friends' Association, protesting against repeal of anticanteen law; to the Committee on

Military Affairs.

Also, petition of Alfred E. Hunt Camp, No. 1, Department of Pennsylvania, United Spanish War Veterans, favoring House bill 17470; to the Committee on Pensions.

By Mr. DYER: Papers to accompany bill for the relief of Thomas Payne (H. R. 22741); to the Committee on Pensions.

By Mr. ESCH: Memorial of the Milk Producers' Association, for retention of the special tax on colored oleomargarine; to the Committee on Agriculture.

By Mr. FITZGERALD: Papers to accompany bill for the relief of Samuel Castell (H. R. 22742); to the Committee on

Invalid Pensions.

Also, petition of the Consumers' League of Philadelphia, urging an appropriation for the building of a pier at the Philadelphia Immigrant Station; to the Committee on Appropriations.

Also, memorials of the Senate and Assembly of the State of New York, for legislation to protect migratory game birds; to

the Committee on Agriculture.

Also, memorial of the Twenty-eighth Ward Taxpayers' Protective Association, of Brooklyn, N. Y., urging an appropriation for the building of two battleships; to the Committee on Naval Affairs.

Also, memorial of the Maritime Association of the Port of New York, indorsing the action of Congress with respect to the battleship *Maine*; to the Committee on Naval Affairs.

Also, petitions of the Men's Brotherhood of Union Church, of Worcester, Mass., and of the Sorosis Club of Stockton, Kans., for a special appropriation for enforcing the white-slave traffic

act; to the Committee on Appropriations.

Also, memorial of the Seamen's Church Institute, of New York, for enactment of Senate bill 2117; to the Committee on

Interstate and Foreign Commerce.
Also, memorial of Chestnut Tree Bark Disease Conference at Harrisburg, Pa., favoring the bill before Congress appropriating \$80,000 for the use of the United States Department of Agriculture in chestnut-bark disease work; to the Committee on Agriculture.

Also, petition of citizens of Brooklyn, N. Y., favoring building of one battleship in a Government navy yard; to the Committee

on Naval Affairs.

Also, memorial of Senate of the State of New York, favoring building of one battleship at the Brooklyn Navy Yard; to the Committee on Naval Affairs.

Also, petition of the Brooklyn League, favoring building of one battleship at the Brooklyn Navy Yard; to the Committee

on Naval Affairs.

Also, memorial of board of directors of Philadelphia Chamber of Commerce, against the reduction of annual appropriation for Consular and Diplomatic Service; to the Committee on Foreign Affairs.

Also, memorial of board of directors of American Manufacturing Export Association of New York, relating to reduction of \$597,206 in the appropriation for maintenance of foreign

service; to the Committee on Foreign Affairs.

Also, memorial of Business Men's Association of Elmira, N. Y., favoring Senate bill 4308 and House bill 17736, for 1-cent letter postage; to the Committee on the Post Office and Post Roads.

Also, resolutions of the Maritime Association of the port of New York, urging an appropriation for the maintenance of the various marine schools throughout the country; to the Committee on the Merchant Marine and Fisheries.

By Mr. FORNES: Petition of Retail Cutlers' Association of New York and vicinity, for legislation prohibiting the issuance of coupons and trading stamps; to the Committee on Interstate and Foreign Commerce.

Also, petition of the International Dry-Farming Congress, urging that the survey of the public lands be completed, etc.;

to the Committee on the Public Lands.

By Mr. FULLER: Petition of citizens of New Orleans, La., against placing sugar on the free list; to the Committee on Ways and Means.

Also, petition of C. A. Burrows, of Lancaster, Pa., in favor of the passage of the Berger old-age pension bill; to the Committee on Pensions.

Also, petition of D. L. Ambrose, of Canton, Ill., concerning pension legislation; to the Committee on Invalid Pensions.

Also, petition of W. C. Wickwire, of Belvidere, Ill., in favor of the passage of the Anthony bill, to establish a warrant grade in the Army; to the Committee on Military Affairs.

Also, petition of the International Dry-Farming Congress, favoring an appropriation for completing survey of public lands; to the Committee on the Public Lands.

Also, petition of Milk Producers' Association of Illinois, Indiana, and Wisconsin, in favor of the passage of the Haugen bill, relating to the coloring of oleomargarine, etc.; to the Com-

mittee on Agriculture.

Also, petition of National Civic Federation, favoring the passage of the Brantley bill, for a Federal commission to investigate subject of employers' liability and workmen's compensation, etc.; to the Committee on Interstate and Foreign Com-

Also, petition of Price & Schmidt and other merchants, of Hinckley, Ill., in opposition to the enactment of parcel-post legislation; to the Committee on the Post Office and Post Roads.

Also, petition of J. C. Reardon, of Pecatonica, Ill., favoring the establishment of a parcel-post service; to the Committee on the Post Office and Post Roads.

By Mr. GARDNER of Massachusetts; Memorial of the Clarence L. Bartol Camp. No. 16, United Spanish War Veterans, favoring passage of the Crago bill (H. R. 17470); to the Committee on Pensions.

By Mr. GOOD: Petition of citizens of State Center, Iowa, for passage of the Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

Also, petition of citizens of the State of Iowa, for enactment of the Haugen agricultural bill; to the Committee on Agriculture.

By Mr. HAMMOND: Petition of W. R. Benton and 11 others, of Martin County, Minn., favoring an investigation of certain alleged combinations of coal dealers as requested by the city

alleged combinations of coal deniers as requested by the city council of Two Harbors, Minn.; to the Committee on Rules.

By Mr. HAMILTON: Resolution of the quarterly conference of Elizabeth charge, Methodist Episcopal Church South, of Palestine, W. Va., for passage of an effective interstate liquor law; to the Committee on the Judiciary.

By Mr. HARTMAN: Petition of citizens of Juniata, Pa., pro-

testing against parcel-post legislation; to the Committee on the Post Office and Post Roads.

Also, petition of citizens of Cambria and Glen White, Pa., for construction of battleships in Government navy yards; to

the Committee on Naval Affairs.

By Mr. HENRY of Texas: Petition of merchants of Moody, Tex., against the passage of a parcel-post law; to the Committee on the Post Office and Post Roads.

By Mr. HOWELL: Petition of Clifton Pierce, American Fork, Utah, and Mrs. A. M. Young, Ogden, Utah, favoring amendments to copyright act of 1909; to the Committee on Patents.

By Mr. HUMPHREY of Washington: Petition of citizens of Bellingham, Wash., for enactment of Senate bill 4043, etc.; to the Committee on the Judiciary.

Also, petition of members of Improved Order of Red Men of Seattle, Wash., for an American Indian memorial and museum building in the city of Washington, D. C.; to the Committee on Public Buildings and Grounds.

By Mr. KAHN: Memorial of Local No. 510, of Sign and Pictorial Painters of San Francisco, Cal., relative to legislation affecting labor; to the Committee on Labor.

Also, memorial of U. S. Grant Council, No. 19, Junior Order United American Mechanics, of San Francisco, Cal., relative to pending immigration legislation; to the Committee on Immigration and Naturalization.

Also, petition of the Woman's Christian Temperance Union of San Francisco, Cal., for the Kent bill to restore citizenship to American women who marry foreigners; to the Committee on Immigration and Naturalization.

Also, memorial of San Francisco Labor Council, for enactment of House bill 20423; to the Committee on the Judiciary.

By Mr. LEE of Pennsylvania: Petition of citizens of State of Pennsylvania, favoring the building of one battleship in a Government navy yard; to the Committee on Naval Affairs.

Also, memorial of Seventh-day Adventist Church of Wade, Pa., protesting against enactment of House bill 9433; to the Committee on the Post Office and Post Roads.

Also, petition of citizens of Wade, Pa., protesting against enactment of Senate bill 237; to the Committee on the District of Columbia.

By Mr. LEWIS: Petition of the Woman's Christian Temperance Union and other citizens of St. James, Md., praying speedy passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. McGILLICUDDY: Petition of citizens of Lewiston, Me., favoring Senate bill 5474, for postal-express service; to the Committee on Interstate and Foreign Commerce.

By Mr. McMORRAN: Resolution of the Detroit (Mich.) Real Estate Board, favoring the Lincoln memorial road; to the Committee on the Library.

Also, petition of citizens of Lapeer County, Mich., favoring the Watkins-Field bill; to the Committee on the Judiciary.

By Mr. MONDELL: Petition of sundry citizens of Cowley, Wyo., protesting against the enactment of any legislation removing the present duty on sugar; to the Committee on Ways and Means.

By Mr. NYE: Petition of citizens of Minneapolis, Minn., favoring the construction of one battleship in a Government

navy yard; to the Committee on Naval Affairs.

Also, memorial of Charles E. Bond Camp, No. 9, United Spanish War Veterans, Minneapolis, Minn., indorsing House bill 17470; to the Committee on Pensions.

By Mr. SHERLEY: Petition of citizens of fifth Kentucky district, urging the building of a battleship at the Brooklyn Navy Yard; to the Committee on Naval Affairs.

By Mr. SPEER: Papers to accompany bill for the relief of

Jesse M. Manson; to the Committee on Invalid Pensions.

By Mr. TAYLOR of Colorado; Memorial of Sangre De Christo Lodge, No. 31, Brotherhood of Railroad Trainmen, of Salida, Colo., favoring House bill 20487, known as the workingman's compensation law; to the Committee on the Judiciary.

By Mr. UTTER: Petition of the Board of Trade of Pawtucket,

R. I., protesting against the elimination of the Rhode Island section by the Board of Engineers for Rivers and Harbors in its plan for an intercoastal waterway from Boston, Mass., to Beaufort, N. C., together with statistics; to the Committee on Rivers and Harbors.

By Mr. WILSON of New York: Petition of the Central Foundry Co. of New York, favoring passage of House bill 16844; to the Committee on Interstate and Foreign Commerce.

Also, petition of the Merchants' Association of New York, favoring Senate bill 2117, to promote the efficiency of the Public Health and Marine-Hospital Service; to the Committee on Interstate and Foreign Commerce.

SENATE.

FRIDAY, April 5, 1912.

The Senate met at 2 o'clock p. m. Prayer by the Chaplain, Rev. Ulysses G. B. Pierce, D. D. The Journal of yesterday's proceedings was read and approved.

EXPENDITURES FOR FOREST RESERVATIONS (H. DOC. NO. 681).

The VICE PRESIDENT. The Chair lays before the Senate a communication from the Secretary of Agriculture, transmitting, pursuant to law, a statement of the disbursements of the Department of Agriculture for salaries and other compensation of inspectors, forest supervisors, deputy forest rangers, assistant forest rangers, and the number of each class, which will be referred to the Committee on Agriculture and Forestry and ordered to be printed. The order to print will include, if there be no objection, certain illustrations.

Mr. HEYBURN. Should there not be an order to print first before the reference?

The VICE PRESIDENT. That was the order, that it be printed and referred.

Mr. HEYBURN. And referred afterwards. Mr. WARREN. It goes to the printer first. Mr. HEYBURN. I thought it was stated th

Mr. HEYBURN. I thought it was stated the other way.

The VICE PRESIDENT. The Chair may have stated it in a roundabout way, but that is what the Chair intended to state.

SENATOR FROM MAINE.

Mr. JOHNSON of Maine. I present the credentials of my colleague [Mr. Gardner], chosen by the Legislature of the State of Maine to fill the unexpired term ending March 4, 1913. I ask that the credentials be read.

The VICE PRESIDENT. The credentials will be read.

The Secretary read the credentials of Obadiah Gardner, chosen by the Legislature of the State of Maine a Senator from that State for the term ending March 4, 1913.

The VICE PRESIDENT. The credentials will be referred to

the Secretary of the Senate for the files of the Senate.

Mr. JOHNSON of Maine. The Senator elect is present and ready to take the oath of office.

The VICE PRESIDENT. The Senator elect will present himself at the desk to take the constitutional oath of office.

Mr. GARDNER was escorted to the Vice President's desk by Mr. Johnson of Maine, and the oath prescribed by law having been administered to him he took his seat in the Senate.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by D. K. Hempstead, its enrolling clerk, announced that the House had passed the joint resolution (S. J. Res. 93) authorizing the Librarian of Congress to furnish a copy of the daily and bound Congressional Record to the undersecretary of state for external affairs of Canada in exchange for a copy of the Parliamentary Hansard.

The message also announced that the House had passed the bill (S. 2) supplementary to and amendatory of the act entitled "An act for the division of the lands and funds of the Osage Nation of Indians in Oklahoma," approved June 28, 1906, and for other purposes, with amendments, in which it requested the concurrence of the Senate.

The message further announced that the House had passed a concurrent resolution (No. 46) providing for the printing for the use of the House of Representatives of 5,000 copies, on manila paper, of a wall chart on hookworm and soil pollution, in which it requested the concurrence of the Senate.

The message also announced that the House had passed a concurrent resolution (No. 47) providing for the printing of 30,000 copies of the message of the President of the United States of February 12, 1912, transmitting a communication from the Secretary of Agriculture submitting a report on the Mexican cotton-boll weevil, etc., in which it requested the concurrence of the Senate.

The message further announced that the House had disagreed to the amendment of the Senate to the bill (H. R. 16661) to relinquish, release, and quitclaim all right, title, and interest of the United States of America in and to all the lands held under claim or color of title by individuals or private ownership or municipal ownership situated in the State of Alabama which were reserved, retained, or set apart to or for the Creek Tribe or Nation of Indians under and by virtue of the treaty entered into between the United States of America and the Creek Tribe or Nation of Indians on March 24, 1832; asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. Ferris, Mr. Dent, and Mr. Mondell managers at the conference on the part of the House.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the Vice President:

S. 252. An act to establish in the Department of Commerce and Labor a bureau to be known as the Children's Bureau; S. 2434. An act providing for an increase of salary of the

United States marshal for the district of Connecticut;

S. 3475. An act extending the time of payment to certain homesteaders on the Cheyenne River Indian Reservation, in the State of South Dakota, and on the Standing Rock Indian Reservation, in the States of South Dakota and North Dakota;

S. 5748. An act to authorize the Secretary of the Interior to secure for the United States title to patented lands in the

Yosemite National Park, and for other purposes;

H. R. 14918. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors;

H. R. 15471. An act making appropriation for repair, preservation, and exhibition of the trophy flags now in store in the Academy, Annapolis, Md.; and

H. R. 20842. An act to provide a tax upon white phosphorus matches, and for other purposes.

PETITIONS AND MEMORIALS.

The VICE PRESIDENT presented a memorial of sundry citizens of Dyer, Tenn., remonstrating against the extension of the parcel-post system beyond its present limitations, which was referred to the Committee on Post Offices and Post Roads.

He also presented petitions of the congregations of the First Baptist Church of Bessemer, Ala.; the Methodist Episcopal Zion Church of Worcester, Mass.; and of the Methodist Episcopal Church South of Bridgeport, Ala.; of members of the Salvation Army of Worcester, Mass.; and of the Woman's Christian Temperance Unions of Bridgeport, Ala., and Bessemer, Ala., praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating liquors, which were referred to the Committee on the Judiciary,

He also presented a telegram, in the nature of a petition, from N. B. Thistlewood, of Mounds, Ill., praying that an appropriation be made for the relief of the flood sufferers of lower Illinois, which was referred to the Committee on Commerce.

He also presented petitions of Carpenters and Joiners' Local

the Cigar Makers' local unions of Porto Rico; of Typographical Union, No. 478, of San Juan; of Painters, Decorators, and Paper Hangers' Local Union, No. 550; of Bricklayers' Local Union, No. 10982; and of the Porto Rico Federation of Labor, of San Juan; of Cigar Makers' Local Union, No. 449, of Ponce; and of Carpenters and Joiners' Local Union, No. 1389, of Santruce, all in the Territory of Porto Rico, praying for the establishment of a department of agriculture and labor in that Territory, which were referred to the Committee on Pacific Islands and Porto

He also presented a petition of Cigar Makers' Local Union, No. 449, of Ponce, Porto Rico, praying that the citizens of Porto Rico be permitted to become citizens of the United States, which was referred to the Committee on Pacific Islands and Porto Rico.

Mr. BRISTOW presented petitions of sundry citizens of Stockton and Salina, in the State of Kansas, praying for the enactment of legislation to prevent the nullification of State liquor laws by outside dealers, which were referred to the Committee on the Judiciary.

He also presented a memorial of sundry citizens of Burlington, Kans., remonstrating against the enactment of legislation to provide for the coloring of oleomargarine in imitation of butter, which was referred to the Committee on Agriculture and Forestry.

Mr. GALLINGER presented the petition of Alva H. Morrill, pastor of the Christian Church, of Franklin, N. H., praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which was referred to the Committee on the Judiciary.

He also presented the petition of E. H. Brown, of Dover, H., praying that an increased appropriation be made for fighting forest fires, which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of the Columbia Heights Citizens' Association of the District of Columbia, praying that an appropriation be made for the construction of a new school building in Park View subdivision, District of Columbia, which was ordered to lie on the table.

He also presented a petition of the Columbia Heights Citizens' Association, of the District of Columbia, praying for the enactment of legislation to provide for the establishment of parks throughout the city of Washington, which was referred to the Committee on Public Buildings and Grounds.

He also presented the memorial of Daniel F. Buckley, Boston, Mass., remonstrating against the removal of the duty on sugar, which was referred to the Committee on Finance.

Mr. ASHURST. I present a memorial adopted by the Legislature of the State of Arizona protesting against the confirmation of Richard E. Sloan to be Federal judge of the State of I ask that it be printed in the RECORD. This is the first legislature that has convened in the State of Arizona, and is composed of strong, able men from all the walks of life in that State and will compare favorably with the legislatures of any of the older States.

The VICE PRESIDENT. The memorial is one that must be presented to the Senate in executive session, the Chair thinks. It is a matter that relates to the action of the Senate in executive session, and it should be there presented and be disposed of by the Senate in executive session.

Mr. ASHURST. Then I now request that the RECORD show that I offered it here

The VICE PRESIDENT. Certainly; the RECORD will show

Mr. ASHURST. Thank you.
Mr. WATSON presented petitions of the congregations of the Methodist Episcopal Church South of Reader, and the Methodist Episcopal Church South of Elizabeth, and of sundry citizens of Farmington, Bridgeport, and Glendale, all in the State of West Virginia, praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which were referred to the Committee on the Judiciary.

He also presented a petition of the Chamber of Commerce of Bluefield, W. Va., praying for the adoption of a 1-cent letter postage, which was referred to the Committee on Post Offices and Post Roads.

He also presented a petition of sundry citizens of Follansbee, W. Va., praying for the appointment of a commission on industrial relations, which was referred to the Committee on Education and Labor.

Mr. CULLOM presented a memorial of the Illinois State Asso-Union, No. 1450, of San Juan; of the joint advisory board of ciation, Master House Painters and Decorators, remonstrating against the passage of the so-called eight-hour bill, which was referred to the Committee on Education and Labor.

He also presented a petition of the Western Branch of the Aetua Insurance Co., of Chicago, Ill., praying for the enactment of legislation to prevent the nullification of State liquor laws by outside dealers, which was referred to the Committee on the Judiciary.

He also presented a memorial of the Milk Producers' Association of Illinois, remonstrating against the enactment of legislation to provide for the coloring of oleomargarine in imitation of butter, which was referred to the Committee on

Agriculture and Forestry.

He also presented memorials of sundry citizens of Galesburg and Astoria, in the State of Illinois, remonstrating against the establishment of a parcel-post system, which were referred to the Committee on Post Offices and Post Roads.

Mr. CRAWFORD presented a petition of sundry citizens of Brookings, S. Dak., praying for the enactment of legislation to provide for national prohibition, which was referred to the

Committee on the Judiciary.

Mr. WILLIAMS presented a memorial of sundry citizens of Mississippi, remonstrating against the extension of the parcel-post system beyond its present limitations, which was referred to the Committee on Post Offices and Post Roads.

Mr. CURTIS presented memorials of sundry citizens of Buckeye, Allen, Beaumont, Neal, Hallowell, Circleville, Lyndon, Hanston, Manchester, Westphalia, Dover, Junction City, Council Grove, Hope, Dwight, Argonia, Beverly, Wilson, Rydal, Carlton, Papico, Kipp, Lecompton, Larned, Burlington, Shields, Pawnee Rock, Haven, Russell, Wilsey, Vassar, Clyde, Waverly, Horton, Herrington, Mount Hope, Florence, and Glasco, all in the State of Kansas, remonstrating against the enactment of legislation to permit the coloring of oleomargarine in imitation of butter, which were referred to the Committee on Agriculture and Forestry.

He also presented a memorial of sundry citizens of Topeka, Kans., remonstrating against the extension of the parcel-post system beyond its present limitations, which was referred to

the Committee on Post Offices and Post Roads.

He also presented a petition of sundry citizens of Corning, Kans., praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which was referred to the Committee on the Judiciary.

Mr. ROOT presented a memorial of sundry citizens of Conesus, N. Y., remonstrating against the extension of the parcelpost system beyond its present limitations, which was referred

to the Committee on Post Offices and Post Roads.

Mr. REED presented petitions of the congregations of the Ozark Presbyterian Church, of Mount Vernon, and of the Christian Union Church of Blue Ridge, of the Woman's Christian Temperance Union of Lamar, and of sundry citizens of Carthage, all in the State of Missouri, praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which were referred to

the Committee on the Judiciary.

He also presented memorials of sundry citizens of St. Louis, New Cambria, Elvins, Green Ridge, Crowder, Bismark, Hale, Richmond, Cabool, and Kansas City, all in the State of Missouri, remonstrating against the extension of the parcel-post system beyond its present limitations, which were referred to the Com-

mittee on Post Offices and Post Roads.

He also presented petitions of sundry citizens of Eminence, Bryant, Rockville, Taberville, Weldon Springs, St. Charles, White Water, Richland, Laquey, Bloodland, Republic, Billings, and Plato, all in the State of Missouri, praying for the establishment of a parcel-post system, which were referred to the Committee on Post Offices and Post Roads.

Mr. CLAPP presented memorials of sundry citizens of Winona, Minneapolis, New York Mills, St. Paul, Windom, and Rush-more, all in the State of Minnesota, remonstrating against the establishment of a parcel-post system, which were referred to the Committee on Post Offices and Post Roads.

REPORTS OF COMMITTEES.

Mr. WATSON, from the Committee on Public Buildings and Grounds, to which was referred the bill (S. 5814) to provide for the erection of a public building at Charles Town, W. Va., reported it with an amendment and submitted a report (No. 568) thereon.

Mr. GALLINGER, from the Committee on the District of Columbia, to which were referred the following bills, reported them each with amendments and submitted reports thereon:

S. 5990. A bill to provide for the extension of the underground system of the Washington Railway & Electric Co. and the City & Suburban Railway of Washington along certain ferred to the Committee on Finance, which was agreed to.

streets in the city of Washington, and for other purposes (Rept. No. 569); and

S. 6096. A bill to amend subchapter 2, chapter 19, of the Code of Law for the District of Columbia, by providing a penalty for willful omission to return library property in the District

of Columbia (Rept. No. 570).

Mr. GALLINGER, from the Committee on the District of Columbia, to which was referred the bill (S. 5063) to reorganize the municipal court of the District of Columbia, to increase the jurisdiction of said court, to provide a common-law trial by jury therein, and to regulate the appeal from the judgment of said court, reported adversely thereon, and the bill was postponed indefinitely

Mr. BRISTOW, from the Committee on Military Affairs, to which was referred the bill (S. 1330) for the relief of Joseph B. Riley, alias Thomas B. Keesy, reported it with an amendment

and submitted a report (No. 571) thereon.

Mr. DU PONT, from the Committee on Military Affairs, to which was referred the bill (S. 5681) for the relief of former occupants of the present military reservation at Point San Jose, in the city of San Francisco, and to repeal an act entitled "An act to refer the claim of Jessie Benton Fremont to certain lands and improvements thereon, in San Francisco, Cal., to the Court of Claims," approved February 10, 1893, asked to be discharged from its further consideration and that it be referred to the Committee on Claims, which was agreed to.

He also, from the same committee, to which was referred the bill (S. 5547) for the relief of James Butler and others, asked to be discharged from its further consideration and that it be referred to the Committee on Claims, which was agreed to.

Mr. JONES, from the Committee on Fisheries, to which was referred the bill (S. 4850) to establish on the coast of the Pacific States a station for the investigation of problems connected with the marine fishery interests of that region, reported it without amendment and submitted a report (No. 572) thereon.

He also, from the same committee, to which were referred the following bills, reported them severally with an amendment and

submitted reports thereon:

S. 239. A bill to establish a fish-cultural station in the State of Alabama (Rept. No. 573);

S. 90. A bill to establish a fish-cultural station in the State of Colorado (Rept. No. 574);

S. 6011. A bill to establish a fish-cultural station in the State

of Connecticut (Rept. No. 575);

S. 4645. A bill to establish a fish-hatching and fish-cultural station for the hatching and propagation of shad upon or near the seacoast, in the State of Georgia (Rept. No. 576);

. 142. A bill to establish a fish-cultural station in the State of Idaho (Rept. No. 577);

S. 263. A bill to establish a fish-cultural station in the State of Minnesota (Rept. No. 578);

S. 4757. A bill to establish a fish-cultural station in the State of Nevada (Rept. No. 579);

S. 268. A bill to establish a fish-cultural station in the State of Rhode Island (Rept. No. 581); and

S. 365. A bill to establish a fish-hatching and fish-cultural station at a point in the eastern portion of the State of South Dakota to be selected by the Secretary of Commerce and Labor (Rept. No. 582).

Mr. JONES, from the Committee on Fisheries, to which were referred the following bills, reported them severally with

amendments and submitted reports thereon:

S. 231. A bill to establish a fish-culture station at the city of Fargo, in the State of North Dakota (Rept. No. 580);

S. 4550. A bill to establish a fish-cultural station in the State of Washington (Rept. No. 583);

S. 423. A bill to establish a fish-culture station in the State of Utah (Rept. No. 584); and

S. 457. A bill to establish a fish-cultural station in the State

of Oklahoma (Rept. No. 585).

Mr. JONES, from the Committee on Fisheries, to which was referred the amendment submitted by Mr. Nelson January 8. 1912, proposing to appropriate \$25,000 for the establishment of a fish-cultural station, in the State of Minnesota, intended to be proposed to the sundry civil appropriation bill, reported it with an amendment, submitted a report (No. 592) thereon, and moved that it be referred to the Committee on Appropriations and printed, which was agreed to.

Mr. CLAPP: from the Committee on Interstate Commerce, to which was referred the bill (S. 5682) for the relief of claimants who have paid money into the United States Treasury under compulsion of an unconstitutional statute, asked to be discharged from its further consideration and that it be re-

Mr. NELSON, from the Committee on Commerce, to which was referred the bill (H. R. 21170) granting to El Paso & Southwestern Railroad Co., a corporation organized and existing under the laws of the Territory and State of Arizona, a right of way through the Fort Huachuca Military Reservation, in the State of Arizona, and authorizing said corporation and its successors or assigns to construct and operate a railway through said Fort Huachuca Military Reservation, and for other purposes, asked to be discharged from its further consideration and that it be referred to the Committee on Military Affairs, which was agreed to.

Mr. NELSON, from the Committee on Commerce, to which were referred the following bills, reported them each with an

amendment and submitted reports thereon:

S. 5883. A bill to extend the time for the completion of a bridge across the Missouri River at Yankton, S. Dak., by the Yankton, Norfolk & Southern Railway Co. (Rept. No. 586); and

S. 5882. A bill to extend the time for the completion of a bridge across the Missouri River at or near Yankton, S. Dak., by the Winnipeg, Yankton & Gulf Railroad Co. (Rept. No.

Mr. NELSON, from the Committee on Commerce, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

H. R. 20486. An act authorizing the construction of a bridge across the Willamette River at or near Newberg, Oreg. (Rept. No. 588); and

H. R. 20286. An act authorizing the fiscal court of Pike County, Ky., to construct a bridge across Russell Fork of Big

Sandy River (Rept. No. 589).

Mr. WILLIAMS, from the Committee on Military Affairs, to which was referred the bill (S. 5091) to authorize the War Department to use the unexpended balance of appropriations heretofore made by Congress for the construction of a Navy memorial in the Vicksburg National Military Park, and for other purposes, reported it with an amendment and submitted a report (No. 590) thereon.

LANDS OF CHOCTAW AND CHICKASAW NATIONS.

Mr. OWEN. From the Committee on Indian Affairs I report back favorably, without amendment, the bill (S. 6078) amending the act entitled "An act to provide for the sale of the surface of the segregated coal and asphalt lands of the Choctaw and Chickasaw Nations, and for other purposes," approved February 19, 1912. It is a short bill, and I ask unanimous consent for its present consideration.

The VICE PRESIDENT. The bill will be read for the infor-

mation of the Senate.

The bill was read, as follows:

Be it enacted, etc., That section 1 of "An act to provide for the sale of the surface of the segregated coal and asphalt lands of the Choctaw and Chickasaw Nations, and for other purposes," approved February 19, 1912, be, and the same is hereby, amended by adding thereto:

"And praxided further. That where any cometery now exists, land adjoining same, not exceeding 20 acres, may be sold at its appraised value to some suitable person as trustee as an addition to such cemetery."

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered as in Com-

mittee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. CRAWFORD:

A bill (S. 6190) granting a pension to Isaac N. Gerhart (with accompanying papers); to the Committee on Pensions. By Mr. GRONNA:

A bill (S. 6191) to provide for the disposal of certain lands in the Fort Berthold Indian Reservation, N. Dak.; to the Committee on Public Lands. By Mr. ASHURST:

A bill (S. 6192) to provide for the purchase of a site for a public building in the city of Prescott, Ariz.; to the Committee on Public Buildings and Grounds.

By Mr. WATSON:

A bill (S. 6193) granting an increase of pension to George W. James (with accompanying paper); to the Committee on Pensions.

By Mr. SMOOT:

A bill (S. 6194) to amend section 2322 of the Revised Statntes of the United States, relating to mineral locations; to the Committee on Public Lands.

By Mr. CHILTON:

A bill (S. 6195) for the relief of Granville Perry; and A bill (S. 6196) for the relief of the heirs of Russell White: to the Committee on Claims.

A bill (S. 6197) granting a pension to Sarah Hunter;

A bill (S. 6198) granting a pension to M. C. Jenkins; A bill (S. 6199) granting a pension to Lucinda Patterson;

A bill (S. 6200) granting a pension to John B. Bromley; A bill (S. 6201) granting a pension to Mary M. Pollard; and A bill (S. 6202) granting an increase of pension to James A.

Mahaffy; to the Committee on Pensions.

AMENDMENTS TO RIVER AND HARBOR BILL (H. R. 21477).

Mr. OLIVER submitted an amendment relative to the survey of the Schuylkill River, Pa., from the Delaware River to Gibsons Point, etc., intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

Mr. JOHNSON of Maine submitted an amendment proposing to appropriate \$3,500 for improving South Bristol Harbor, Me., intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Com-

merce and ordered to be printed.

Mr. BURTON submitted an amendment authorizing the Secretary of War to report as to the advisability of the west breakwater in Kahului Harbor, Hawaii, etc., intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

Mr. PERKINS submitted an amendment proposing to appropriate \$200,000 for improving the harbor at Nawiliwili, Hawaii, intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce

and ordered to be printed.

Mr. BANKHEAD submitted an amendment proposing to lease to the Birmingham Water, Light & Power Co. the Government right in and to the water power created by Dams Nos. 16 and 17 on the Black Warrior River, Ala., etc., intended to be proposed by him to the river and harbor bill, which was referred to the Committee on Commerce and ordered to be printed.

Mr. NELSON submitted an amendment proposing to appropriate \$15,000 for completing construction of low reservoir dam at Gull Lake, Minn., etc., intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

VANCOUVER BARRACKS, WASH.

Mr. DU PONT submitted an amendment intended to be proposed by him to the bill (S. 4663) to authorize and empower the Secretary of War to locate a right of way for and to grant the same and the right to operate and maintain a line of railroad, telephone, telegraph, and electric-transmission lines through Vancouver Barracks and Military Reservation, in the State of Washington, to Washington-Oregon Corporation, its successors and assigns, which was ordered to lie on the table and be printed.

PROMOTION OF INTERNATIONAL ARBITRATION.

Mr. BURTON submitted an amendment proposing to appropriate \$2,500 for the contribution of the United States toward the maintenance of the Bureau of the Interparliamentary Union for the Promotion of International Arbitration at Brussels, Belgium, intended to be proposed by him to the diplomatic and consular appropriation bill (H. R. 19212), which was ordered to lie on the table and be printed.

WITHDRAWAL OF PAPERS-PRESTON SHARP.

On motion of Mr. Gamble, it was

Ordered, That the papers accompanying Senate bill 5928, Sixty-second Congress, granting an increase of pension to Preston Sharp, be withdrawn from the files of the Senate, no adverse report having been made thereon.

WITHDRAWAL OF PAPERS-WILLIAM C. REEVES.

On motion of Mr. GAMBLE, it was

Ordered, That the papers accompanying Senate bill 5028, Sixty-second Congress, granting an increase of pension to William C. Reeves, be withdrawn from the files of the Senate, no adverse report having been made thereon.

CONSERVATION OF HUMAN LIFE (S. DOC. NO. 493).

Mr. OWEN. I present a memorial relating to the conservation of human life as contemplated by the bill (S. 1) providing for a department of health. I move that the memorial be printed as a Senate document.

The motion was agreed to.

SERVICE PENSIONS.

The VICE PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendment of the Senate to the bill (H. R. 1) granting a service pension to certain defined veterans of the Civil War and the War with Mexico, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. McCUMBER. I move that the Senate insist on its amendment to the bill, consent to the conference asked by the House, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to, and the Vice President appointed Mr. McCumber, Mr. Burnham, and Mr. Gore conferees on the part of the Senate.

HOOKWORM AND SOIL POLLUTION.

The VICE PRESIDENT laid before the Senate the following concurrent resolution (No. 46) of the House of Representatives, which was read and referred to the Committee on Printing:

Resolved by the House of Representatives (the Senate concurring), That there be printed for the use of the House of Representatives 5,000 copies on manila paper of a wall chart on hookworm and soil pollution, and that the same be distributed through the folding room of the House of Representatives.

MEXICAN COTTON-BOLL WEEVIL.

The VICE PRESIDENT laid before the Senate the following concurrent resolution (No. 47) of the House of Representa-tives, which was read and referred to the Committee on Printing:

Resolved by the House of Representatives (the Senate concurring), That there be printed 30,000 copies of the message of the President of the United States of date February 12, 1912, transmitting a communication from the Secretary of Agriculture submitting a report on the Mexican cotton-boll weevil, together with said report (S. Doc. No. 305), of which 10,000 copies shall be for the use of the Senate, to be distributed through the Senate document room, and 20,000 copies for the use of the House of Representatives, to be distributed through the House document room.

SENATOR FROM ILLINOIS.

The VICE PRESIDENT. Is there other morning business? Mr. BRISTOW. Mr. President, I should like to inquire of the Committee on Privileges and Elections about when we may expect a report on the Lorimer case? I do not see the chairman of the committee present, and I ask the question of some member of the committee or of the subcommittee who may be

Mr. JONES. Mr. President, I did not understand the Senator

Mr. BRISTOW. My inquiry was about when we may expect a report on the Lorimer case. I understood that the committee had reached a conclusion in the matter a week ago, and I was inquiring when the report would be submitted to the

Mr. JONES. Mr. President, I desire to say that the chairman of the committee is not now on the floor, but I can assure the Senator from Kansas that the report will be prepared and submitted to the Senate just as soon as it is possible to do so. The chairman is putting in practically all of his time in getting the report ready, and there will be no unnecessary delay. are about 9,000 pages of testimony in the record, and the Senator from Kansas can realize that it is quite a task to prepare and submit a report in such a case. We are, however, going to do it just as soon as possible.

Mr. BRISTOW. The reason I make the inquiry is that time is passing; the first week of April is almost gone, and I do not think the Senate desires to spend another summer in Washington; but there is the Lorimer case, and then we have not had from the Committee on Finance a report on any of the tariff bills. It seems to me that unless we expedite business somewhat we shall soon have a congestion which will keep us here until August.

I will say that, so far as the time of the Committee on Privileges and Elections is concerned, I have spent almost a year on that committee and on this case; I have attended every meeting of the committee every day; and I am just as anxious to get through with it as is the Senator from Kansas. The chairman of the committee is now present, and I think he will bear me out in stating that this report will be prepared and submitted as soon as it can justly be prepared

Mr. BRISTOW. I might add, for one, that I should regret to be compelled to spend another summer in Washington. am now serving my fourth year in the Senate, and every summer since I have been a Member has been spent in session. We have now the Lorimer case, the tariff bills, and other impertant legislation to consider, and unless we get at that business soon we shall have hot weather with us, and then we will find ourselves struggling through another summer to conclude our work. So far as I am concerned, I shall oppose any adjournment until we dispose of the Lorimer case and other important legislation.

Mr. JONES. Mr. President, I desire to say that the Senator from Kansas does not want to avoid hot weather any more than I do.

THE METAL SCHEDULE.

Mr. PENROSE. I am directed by the Committee on Finance, to which was referred the bill (H. R. 18642) to amend an act entitled "An act to provide revenue, equalize duties, and en-courage the industries of the United States, and for other pur-poses," approved August 5, 1909, to submit an adverse report (No. 591) thereon. I ask that the bill be placed on the calendar. The VICE PRESIDENT. The bill will be placed on the

calendar.

Mr. SIMMONS. In the absence of the Senator from Texas [Mr. Bailey], who is the ranking minority member of the Committee on Finance, I desire to say that the majority report of the committee was not submitted to the minority members until yesterday and that the minority will, just as soon as the Senator from Texas can prepare the report, present a minority report in favor of the House bill.

Mr. CUMMINS. Mr. President, at the proper time I intend to offer amendments to the bill just reported by the chairman of the Committee on Finance [Mr. Penrose], proposing to revise the metal schedule, and I should like to ask the chairman of the committee about what time he expects to bring the bill before the Senate for consideration? I think we ought to have all the information we can on that subject in order that we may prepare for the discussion.

Mr. PENROSE. Mr. President, I do not know that I am the individual to whom such an inquiry should be addressed, as the majority of the Committee on Finance has reported adversely on the bill. Just what the friends of the measure propose to do with it, I am not in a position to explain. I take it that the bill, being on the calendar, will, from time to time, be the subject of speeches by different Senators interested in the subject as may suit their convenience and the convenience of the Senate.

Mr. CUMMINS. Mr. President, I supposed, notwithstanding the fact that the report was an adverse one, that the measure was still in charge of the chairman of the Committee on Finance. I am sure that his wishes with regard to the time for bringing it on for discussion would be heeded by the Members of the Senate. Of course we can fix no definite day now, but if he could suggest about when the bill would be brought up for either amendment, passage, or for indefinite postponement, I think it would be helpful to those of us who are expecting to have something to do with its ultimate disposition.

Mr. PENROSE. Mr. President, so far as I have any informa-tion on the subject, several Senators have advised me that they expect to speak upon this measure in opposition to it. when they will be ready to do so I am not at this time advised. I will, however, be glad to confer with the Senator from Iowa and try to suit his convenience in arranging about the disposition of the measure so far as I have any jurisdiction over it.

Mr. CUMMINS. Very well. Any time will suit me; but I

think, in view of the other business before the Senate, that it would be very desirable if we could know a little while in advance when the bill is expected to be taken up for disposal.

Mr. SIMMONS. Mr. President, I think I can say to the Senator from Iowa that the minority report will be in some time about the middle of next week; certainly toward the latter part of next week. I think it is the desire of the minority members of the committee that the matter shall be taken up by the Senate for discussion just as soon after the minority report is filed as is possible. There does not now seem to be very much business of importance before the Senate, and it seems to me that it is a very good time for us to take up a measure of this kind; yet, not knowing exactly when the minority report will come in, I suppose Senators are not now prepared to go on with the argument. I repeat, I believe we shall have the report in next week, and I do not see any reason why we should not be able to

take up the bill the week after next.

Mr. PENROSE. Mr. President, so far as I am concerned, I shall cheerfully cooperate with the Senator from North Carolina to expedite action on the bill and have it taken up at the very earliest possible date.

Mr. CUMMINS. Mr. President, I assume, then, that nothing will be done with respect to the bill, unless some Senator desires to speak generally upon it, until the week after next.

Mr. SIMMONS. I should assume not; yet I do not see any reason why, if any Senator wishes to address the Senate upon the bill he should not do so next week, although we may not then have the minority report in.

Mr. CUMMINS. I am not so much interested in speeches on the subject as I am in action upon it, though I do not think I

shall care to offer the amendments I desire to offer until near the time when action is expected.

I trust the Senator from Pennsylvania, Mr. SIMMONS. having the bill in charge, will find himself in a position to call it up week after next and have it made the unfinished business, so that we may get through with it as quickly as possible.

Mr. PENROSE. I shall be very glad to do so, Mr. President, so that this and all other pending tariff bills may receive prompt action in order to facilitate the adjournment of Con-

EMPLOYEES OF COMMON CARRIERS.

Mr. CHAMBERLAIN. I desire to give notice that on Monday next, immediately following the routine morning business, I wish to-address the Senate on the bill (S. 5382) to provide an exclusive remedy and compensation for accidental injuries, resulting in disability or death, to employees of common carriers by railroad engaged in interstate or foreign commerce, or in the District of Columbia, and for other purposes.

POST ROADS AND RURAL DELIVERY ROUTES.

Mr. OWEN. Mr. President, I should like to give notice that on Monday next, following the remarks of the Senator from Oregon [Mr. Chamberlain], I will address the Senate on the bill (S. 2935) to provide for the construction, maintenance, and improvement of post roads and rural delivery routes through the cooperation and joint action of the National Government and the several States in which such post roads or rural delivery routes may be established.

AMENDMENT OF PRINTING LAWS.

Mr. SMOOT. I move that the Senate proceed to the consideration of the bill (S. 4239) to amend, revise, and codify the laws relating to the public printing and binding and the distribution of Government publications.

The motion was agreed to; and the Senate, as in Committee

of the Whole, resumed the consideration of the bill.

The VICE PRESIDENT. The pending amendment is that offered by the Senator from Idaho [Mr. HEYBURN], which the Secretary will again state.

The Secretary. On page 75, line 15, it is proposed to strike out "eight" and insert "two"; in line 16, on the same page, to strike out "four" and insert "one"—

The VICE PRESIDENT. Does the Senator desire the propo-

sitions treated as one amendment?

Mr. HEYBURN. I think the amendment might be read through.

The VICE PRESIDENT. And considered as one amendment?

Mr. HEYBURN. Yes.
The VICE PRESIDENT. The Secretary will state the entire amendment, and it will be treated as one amendment unless there be objection.

The Secretary. It is also proposed in line 17, page 75, to strike out "one dollar and a half" and insert "fifty cents," so as to make the paragraph read:

The superintendent of documents is authorized to furnish to subscribers the daily Congressional Record at \$2 for the long session and \$1 for the short session, or 50 cents per month, payable in advance.

It is also proposed, on page 75, line 18, after the word "advance," to insert:

The Postmaster General is hereby authorized and directed to make, on or before the 1st of July, 1912, such rules and regulations as will enable all postmasters in the United States to receive popular subscription for the daily Congressional Record at the aforesaid terms per year, and report all such subscriptions and account for and pay the amount received therefor to the Public Printer.

Mr. HEYBURN. Mr. President, no measure more important to the Members of the Senate and the people of the United States will be presented at this session of Congress. If this bill should pass and the Members of Congress should wake up some morning and read it they would be astonished, but they would be helpless. It is intended through this measure to turn over to a syndicate of newspapers the function of telling the people what their representatives in Congress are doing, and to tell the people what the executive departments of the Government are doing. It is in the nature of a proposition for silence unless you pay for the knowledge.

I would not have addressed the Senate upon this question to-day except that I feel that it is important almost beyond estimation. It proposes to reduce to the very minimum the opportunity for the people to know what their representatives, not only in Congress but in the executive departments, are It proposes to place in the hands of the committee a power greater than Congress itself should possess, and at the expense of Members of Congress.

To-day is the last occasion I shall be with you for some time to come, and I came here only to place the responsibility for

the action in connection with this bill upon those of you who will remain here. I hope to be able to set a fire under this bill that will burn it up this morning. It is without excuse for its existence or for the form in which it is presented.

Mr. President, ordinarily I am not particular whether or not all Senators are present or only myself, but inasmuch as I intend the responsibility to be one that can not be avoided by the statement "I was not present," I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll. The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Cummins	Lippitt	Pomerene
Borah	Curtis	Lodge	Rayner
Bourne	Dillingham	McCumber	Reed
Bristow	du Pont	McLean	Root
Bryan	Fall	Martine, N. J.	Shively
Burnham	Foster	Myers	Smith, Ariz.
Burton	Gallinger	Newlands	Smith, Mich.
Catron	Gamble	Oliver	Smoot
Chamberlain	Gardner	Owen	Swanson
Chilton	Gronna	Page	Thornton
Clapp .	Heyburn	Penrose	Warren
Clarke, Ark.	Johnson, Me.	Perkins	Williams
Cullom	Jones	Poindexter	Works

Mr. SWANSON. My colleague [Mr. MARTIN of Virginia] is detained from the Senate on account of serious illness in his family.

Mr. JOHNSON of Maine. I desire to announce that the junior Senator from New York [Mr. O'GORMAN] is necessarily absent from the Chamber.

Mr. SHIVELY. I am requested to announce that the senior Senator from Missouri [Mr. Stone] is necessarily absent from the city. He is paired on all votes with the senior Senator from Wyoming [Mr. WARREN]

I also desire to announce that my colleague [Mr. Kern] is

unavoidably absent.

Mr. MARTINE of New Jersey. I was asked to state, on behalf of the Senator from South Carolina [Mr. SMITH], that he is necessarily absent, having been unavoidably called home.

I am requested to announce that the junior Mr. JONES. Senator from Kentucky [Mr. Bradley] is unavoidably absent from the city.

Mr. BRYAN. I desire to announce that my colleague [Mr. FLETCHER] is necessarily absent from the city on business of the Senate

The VICE PRESIDENT. Fifty-two Senators have answered

to their names. A quorum of the Senate is present.
Mr. HEYBURN. Mr. President, I am inclined to believe that

the interest manifested in this measure is not going to be very intense, and I shall not expend an undue amount of energy in impressing or seeking to impress upon Senators the importance of this question. I shall probably let them find it out. They may some day be asking the attention of the Senate for relief.

An attempt is to be made to inaugurate an entirely new system of law as a substitute for the existing law. I am not going to characterize that attempt as surreptitious, but I am going to characterize it as silent. When the bill first came in I asked that it be reprinted so that the changes from existing law might be in italics or distinguishing figures or letters. I thought an order was entered to that effect, but it seems that it was not so stated; so that there is nothing in this print of the bill by which anyone can know existing law as compared with the proposed changes.

Mr. SMOOT. Mr. President, I do not want to interrupt the

Mr. HEYBURN. Do not hesitate about that, please. I should like to be interrupted.

Mr. SMOOT. I have no particular desire to do it, but I wish to call the Senator's attention to the fact that the morning after his request was made we had placed upon the desk of every Senator a printed bill showing the comparisons of the proposed bill with the present law, and I thought every Senator had a copy of that print. I know the request was com-Here is a copy of it.

Mr. HEYBURN. I saw that document, and it was the sight of it that made me suggest the ordinary manner of procedure, so that in the body of the bill we would know, without referring from one page to another and reading down for comparison,

that which we are entitled to know.

I have undertaken this morning to direct attention to an amendment which I offered, which I thought was broad enough to bring up, perhaps, all of the questions involved in this

Under existing law every Senator is entitled to send out 88 copies per day of the Congressional Record. The Vice President is included in that order. There is, I take it, no Senator in this body who has not requests from his constituents for many times that number. They are requests of right. Those who are interested in the making of laws are those that we left at home.

Some people think, or seem to think, that the only people who are interested in the making of laws are those who make them. That would be true in a monarchy, or a kingdom, or the old-fashioned sort of arbitrary government. But every man of responsibility in point of citizenship is entitled to know promptly and fully what we are doing, what we are proposing to do, and how we are proposing to do it; and he is entitled to know the expressed views of every Member of this body upon those questions. It is his right as much as it is the right of the Senator to draw his pay for services.

We are not sent here in blind confidence that we will do the will of our constituency. They are entitled to know why we are acting and to what purpose. A lot of ridicule is heaped upon the Congressional Record by gentlemen who would like to assume the responsibility of informing the public from their own standpoint and in their own way what Congress is doing. Had experience proven that they were of the high measure of responsibility that we might expect them to be, we could rest with that. There was a time when the newspapers in this country reported the proceedings in Congress, and the people of the country, who support the newspapers and who own Congress, could be advised every day of what we did, and we would have the opportunity of suggestions as to their views. But the time has come when the only purpose which Congress seems to serve to the people who call themselves reporters is that of sensation and jest.

If the generations that are to assume the responsible duties of citizenship were to be educated only through the newspapers, the Government would not last long, and the newspapers would be out of a vocation.

I have some very refreshing comments by newspapers, which I have clipped from time to time, as to their views on the right of the people to the truth—to accurate information. One newspaper man said openly that the newspapers of the country intended to mold public opinion, and that in molding public opinion they proposed to state the facts that would justify their purpose. That is the spirit that is behind the attempt to suppress through legislation a legitimate system of advising the people of the truth.

A newspaper man with a conscience must squirm when he reads his account of the proceedings of this body in the presence of some one who tells him that he has read the official statement. He must squirm, as all men squirm, when they are convicted of making garbled statements, or misstatements of fact, or when they are convicted of suppressing all or any part of the truth, or when they are convicted by a simple inspection of a responsible official record of having suppressed or distorted or misstated the action of a Member of Congress in either House, because they liked him or did not like him, or because it was the policy of this paper or that to boost one man and not another.

I would not charge any lember of this body with being affected or influenced by what the newspapers might say, or what they might fail to say, as to his manner of performing his responsible duty, because it would be a slander upon a Member of this body.

The only safeguard to the people, so far as it is a safeguard, is the Congressional Record. It speaks the truth, and nothing but the truth. In this body there is no such thing as "leave to print." What men say is recorded at the desk, is printed and is sent out at the expense of the people for whom it was printed, because they want it. If you could suppress the Congressional Record, Munchausen's Travels would be mild compared with the newspaper statements of what transpired in Congress. And I can take up the papers of this morning in this city, and in the city of New York, and others, and convict any man who dares to deny it.

I read the newspapers. There are many facts of interest and value stated in them. After you have gotten over the first page and the large type of scandals and crimes you will find in fairly sizeable type further on some statements that are worthy of consideration.

Now, Mr. President, I did not rise for the purpose of attacking the newspapers, but with the intent, among other things, of making a few statements which I defy them or any other person to disprove. The man who comes here caring what they say about him ought not to be here and the man who being here cares ought to leave. I do not say that out of disrespect for journalism in its true sense; I say it as a correct rebuke to those who, enjoying the courtesy of this body, abuse it. They treat the Members of this body, without regard to their per-

sonnel, as though they were merely here for the purpose of their amusement and that Congress was a great joke. We give them special rates in the mail. We passed an insane bill giving them special rates under the tariff laws. They will sit snugly here, guests without courtesy, and may I not this morning express the truth about it when it is wrapped up in this provision of the bill so snugly? The whole effort is to reduce the power of the CONGRESSIONAL RECORD as a medium of true statement to the people as to what Congress does.

I am going to look into the facts. The amendment which I have proposed to make is on page 75 of the bill. At present the Congressional Record is furnished only on a solvent basis, the price being fixed at a figure that meets the cost of its production. The daily edition is about 28,000. Just think of it. It is sent to only 28,000 of the American people out of more than 40,000,000 who are capable of reading it and understanding it. Only 28,000 copies are printed. The cost of the Congressional Record for the first session of the Sixty-first Congress was \$6.30; that is, per issue. I mean to say for each Congressional Record through the term. For the second session of the Sixty-first Congress it was \$13.63; for the third session it was \$5.98; making the total cost \$25.91 for printing the Congressional Record for that Congress—the Sixty-first.

Now, \$25.91 is a pretty big price for an American citizen to pay for knowing what his representatives are doing and how they are doing it. It was subscribed for—and only a few people know where it can be obtained or how it may be obtained—by 205 subscribers for the first session, which brought a revenue of \$582.50. There were 282 subscribers for the second session, which brought a revenue of \$1,157.50. There were 719 subscribers for the third session, which brought a revenue of \$1,478.50, making a total for the Sixty-first Congress of \$3,219.50 for those who subscribed at that very high price.

Of course, that can not be termed a popular subscription. There are a very comparatively small number of the people who can pay \$25 a year for subscription to the Congressional Record. The amendment which I have offered and which is under consideration provides as follows:

On page 75, line 15, strike out the word "eight" and insert the word "two."

That is, the bill provides that the subscription shall be \$8 per long session of Congress. I propose to reduce it to \$2.

Then the next amendment is in line 16. I propose to strike out \$4 for the short session and insert \$1 for the short session, and in line 17 I propose to strike out \$1.50 per month and insert 50 cents per month.

Now, those are popular prices. They would make it entirely available to all the people.

Then I propose to insert the following, on line 18, after the word "advance," and this is a part to which I desire especially to direct the attention of Senators:

The Postmaster General is hereby authorized and directed to make, on or before the 1st of July, 1912, such rules and regulations as will enable all postmasters in the United States to receive popular subscriptions for the daily Congressional Record at the aforesaid terms per year, and report all such subscriptions and account for and pay the amount received therefor to the Public Printer.

I have taken some pains to inquire as to public sentiment and the probable results of this amendment. I have no hesitation in saying—and I speak from the consensus of a large scope of opinion—that there would be 2,000,000 subscribers to the Congressional Record at those prices, \$1 for the short session and \$1.50 or even \$2 for the long session.

The post offices of the United States will announce in bold form in their waiting hall, where the people congregate, that subscriptions are received there and the price. They would announce something that a lot of people do not know, that the Congress of the United States would meet at Washington on a certain day, and that a record, a correct record, of its daily proceedings would be published each day. It would become the subject of controversy among the people in the neighborhood until it would soon be known that a popular subscription was open for the Congressional Record. It would promote controversy as to what was reported in the Congressional Record. It would set young and old, especially the younger portion of the citizens, to discussing and considering and weighing the opinions of men and the responsible acts of their representatives.

I have been sending for years into a mining camp in Idaho the Congressional Record, together with other documents. I was there last year, and I asked an old-timer, who had been there all the time and in whose name I sent the paper, "George, what becomes of these Congressional Records?" He said, "I will tell you. They come to me first, and I read them aloud to all the boys in the cabin, and when they know that the Congressional Record is there I have quite an au-

dience. Then," he said, "we discuss it in all parts of this mining camp. Then the boys will come to me and they will say, 'George, I wish you would let me see that page in the Record where So-and-so said so-and-so.'" And those people are pretty live people. He said that goes on and that copy of the Record passes from hand to hand, is loaned from cabin to cabin, and you will see the last of it in fragments of some man's speech or the record of some vote; and by that time they will have another one. He said the result is that that mining camp is as well informed on the proceedings of Congress as any equivalent number of people in the United States, and I know it by the letters they write me.

I have said before, and I repeat it, because it is proper in this connection, during the Easter holidays not many years ago a nephew of mine, then in Yale College, came down to visit us. He had known Congress only through the newspapers, and it was more or less of a joke or a farce, or the coming together of grafters, according to the newspapers that he read. He stayed here as my guest and sat in that gallery for a week. He came to me, and he said, "Uncle, I want you to send me the CONGRESSIONAL RECORD," and he recited to me about his change of opinion. I, of course, arranged to send it to him. He wrote me that he had enlisted the sympathy of his class in it, and he formed right there in that great institution of learning a political club, and during the period that he was there that club was a live political institution, each proud of the knowledge he had of what Congress meant, each glorifying that which he had viewed with some measure of contempt before. other college I had the same experience. I sent them the They organized a political club for information and individual improvement with the same general result. When those boys left the college those clubs did not die, because they were recruited from the ranks.

Now, I have given you the two extremes—the mining camp away up in the mines of Idaho; and I have given you the experience in the foremost educational institution of the world. I assure you that at every point between those along the line like conditions exist, and my appeal to you this morning is to take interest enough in this question to advise yourselves about it.

We have some other duties besides proposing and arguing legislation. We are the great educators of the American people in the political science of government. It is not enough that we understand these questions. It is not enough that 88 of the constituents of each of us should have the opportunity to know. It is our duty to make available to them that which belongs to them. Our services are their property. They are the Government, we are their representatives in the Government. Yet we act sometimes, it seems to me, as though we were the Government. Those people select their representatives with the idea that the representative is going to be of some substantial use, not only in enacting laws for their present government, but in laying the foundation in the intelligence of the people for the enactment and enforcement of laws in the years to come.

Mr. President, what do they propose to do in this bill? They propose not to increase the opportunity of the people to know what we do through the Record, but to reduce it to nothing. This amendment proposes a solvent proposition. Whether or not it is solvent, it is a worthy and justifiable expenditure of the money of those people and these people. It is proposed that hereafter, instead of Senators having the right to send 88 copies of the Congressional Record to a selected few of their constituents, they shall have the opportunity of sending—I will state it accurately so that there will be no question about it—

Provided, That the superintendent of documents may supply, on the request of the Vice President, Senators, Representatives, Delegates, and Resident Commissioners, not to exceed five copies each of any publication of the Government not authorized by this section.

I am glad I ran across that. That I will deal with later. Here it is. There shall be furnished—

to the Vice President and each Senator, Representative, Delegate, and Resident Commissioner there shall be furnished three copies of the dally RECOED, one to be delivered at his residence, one at the Capitol, and one to be reserved by the Public Printer in unstitched form to be promptly bound in paper when each semimonthly index shall be issued.

Instead of getting 88 copies for your constituents, you get none. You get three copies for yourself, one of which will be retained by your trustee, to be bound later. Why, I suppose we shall hardly be able to know within the Chamber what we are doing or what was said or what we did. We get two copies only for our use, one for our committee room and one for the house. No provision is made for the one under the desk; I suppose that is to be cut off; but it is immaterial. The thing is reduced to such an unjust and absurd proposition that I shall not spend time in discussing whether the one under the desk is in lieu of the one for the committee room or the one at the house.

Mr. SMOOT. Mr. President-

The PRESIDING OFFICER (Mr. Curis in the chair). Does the Senator from Idaho yield to the Senator from Utah?

Mr. HEYBURN. Yes; I yield.

Mr. SMOOT. I know that the Senator from Idaho wants to be absolutely just and correct in the matter, but the bill provides that—

Mr. HEYBURN. Now, do not anticipate what I am just going to take up. I know what the bill provides. If the Senator wants to correct something, well and good; but I prefer to take up the questions as to what the bill provides as my own original statement.

Mr. SMOOT. Mr. President, the Senator made a statement

Mr. HEYBURN. I think I will forestall the Senator and not yield longer at this time.

The PRESIDING OFFICER. The Senator from Idaho de-

clines to yield.

Mr. HEYBURN. That is the old, old way of doing some things. I am just about to state, and I have it in hand, what

things. I am just about is the old, old way of doing some things. I am just about to state, and I have it in hand, what they do. In section 68, paragraph 1, the bill provides:

Sec. 68. Par. 1. The Vice President and each Senator shall be entitled to not to exceed \$2,500 annually, and each Representative, Delegate, and Resident Commissioner not to exceed \$1,800 annually, in value of documents and publications authorized by this section, an account of which with the Vice President, each Senator, Representative, Delegate, and Resident Commissioner shall be kept by the superintendent of documents.

That goes to the question of charges against what you might call the right to buy Congressional Records. We have that right now—the right to buy them; we need no act of Congress to give us the right. This money provision of \$2,500 would allow us for last year \$1,800 for Congressional Records. That much of it would have been expended in sending out 88 copies. I have the figures before me. The amount allowed, \$2,500, and the cost of the last two years' Congressional Records for 88 copies, our past and present allotment, would take \$1,860 out of that for Congressional Records alone, and we would have \$640 left to buy for our constituents the public documents which we now send them.

Mr. SMOOT. Mr. President—
The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Utah?

Mr. HEYBURN. Yes; I yield.

Mr. SMOOT. The average for every Senator for the last 10 years for 88 Congressional Records is \$660. There is no question about that and it has been stated here on the floor over and over again. Under the law, as the Senator will observe if he will read it, the price is \$8 for a long session and \$4 for a short session. That has on an average of 10 years amounted to \$660.

Mr. HEYBURN. I have here from the officer-if he is an officer-charged with the management of the Congressional Record, whose place of business is in Statuary Hall, a written statement in regard to this matter, which I procured yesterday. He is the man who knows what these things cost. In the short session of the Sixty-first Congress the cost per set ran down to \$5.98. Beyond the passage of the appropriation bills there was little done in that session that would have interested many people, although there were a large number of questions involved in their consideration. In the long session of that Congress, however, the cost per set was \$13.63. I took that Congress as a criterion because it is of recent date-in fact, it is the last Congress-and I added the three sessions together and it resulted in an aggregate of \$25.91 for the Congressional Rec-ORD per set for that Congress.

Mr. SMOOT. I will say, Mr. President, that the average cost of the Congressional Record for the Sixty-first Congress, first session—the short session—was \$5.937 per copy, and for the Sixty-first Congress, second session, which was the long one, of which the Senator speaks, the average cost was \$13.621 per copy.

Mr. REED. Mr. President—
The PRESIDING OFFICER (Mr. OLIVER in the chair).
Does the Senator from Idaho yield to the Senator from Mis-

Mr. HEYRURN, Yes.

Mr. REED. I should like to say that if it costs \$13 a copy per session to print the Congressional Record, we had better get a different Public Printer, because that is certainly about six times as much as it ought to cost to print it.

Mr. SMOOT. Mr. President—
The VICE PRESIDENT. Does the Senator from Idaho yield to the Senator from Utah?

Mr. HEYBURN. Yes.

Mr. SMOOT. That statement was made offhand, I know; but if the Senator knew exactly what the length of the session

was and the amount of paper that it took to print the debates he never would have made such a statement, because, Mr. President, the Sixty-first Congress, second session, was a long session, the one during which there was the tariff discussion, and in the RECORD for that session there were 11,723 pages; the paper cost on an average 3.42 cents per pound, and the actual cost of the Record during that session was \$13.621 per copy.

Mr. REED. Mr. President—
The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Missouri?

Mr. REED. If the Senator from Idaho will pardon me—

Mr. HEYBURN. Yes; I yield to the controversy.

Mr. REED. Does the Senator from Utah undertake to say that this cost of \$13 per session for the RECORD, assuming there was the same amount of printed matter, would continue to be \$13 per copy if we printed a vast number of copies? Is not that cost made up very largely of composition, of the original work of setting the matter?

Mr. SMOOT. Mr. President, I have a statement here from the Public Printer to the effect that there would be about 10 per cent saved in that amount, provided a million copies of the RECORD had been published.

Mr. REED. That only 10 per cent would be saved?

Mr. SMOOT. That only 10 per cent would be saved. Mr. REED. I may have made a reckless statement a while ago, and it must have been if the Senator from Utah so characterized it; but I undertake to say that any printer on earth who says that you can not save more than that in printing vast quantities is making a statement that can not anywhere be

borne out by the facts.

Mr. SMOOT. Mr. President, I wish to say that after the Public Printer, in reporting upon what 1,000,000 copies would cost according to the figures in the amendment of the Senator from Idaho, stated that the difference between the cost of 1,000,000 copies and 2,000,000 copies—that is, 1,000,000 extra—would be 10 per cent. As to the difference in cost of printing the 27,000 copies that are now issued and 1,000,000 copies, I have no figures. I am simply giving the information I have from the Public Printer as to the difference in cost between printing an issue of 1,000,000 copies and an issue of 2,000,000 copies.

Mr. HEYBURN. Mr. President, the statement as to the vast expense that would be incurred by doing that which ought to be done is of secondary importance. Of course it costs something to perform every act of government, and the people expect it to cost something. The item of cost involved in this matter, under the most exaggerated estimate that has been made, is one of insignificance compared with the importance of this question.

I do not accept the figures made by an officer who does not want to carry out the proposition, but wants to find some way not to do it. I say that without intending to animadvert upon the officer personally; but they are comfortably and snugly fixed in the Government Printing Office now and they do not want to be disturbed. That, however, is a consideration of no importance whatever. The question here is, Shall we make the Congressional Record the subject of popular subscription, so that all the people may know truthfully what happens? would be better for them to remain in ignorance and not know at all than to be compelled to depend upon newspaper accounts of what is done in this body.

Mr. President, I shall put into the RECORD in connection with my remarks, with the consent of the Senate, a statement showing the average cost of the RECORD for the long and short sessions, and I shall ask leave to print in connection with it the statement in the handwriting of the officer specifically charged with accounting for the Congressional Record.

The PRESIDING OFFICER (Mr. CURTIS in the chair). the absence of objection, permission is granted for printing in the Record the papers referred to by the Senator.

The papers referred to are as follows:

Statement showing the average cost per long and short session of printing the daily Congressional Record.

Sessions.	Copies.	Pages.	Total cost.	Average cost per copy per session,
Sixtieth Congress, first session (long) Sixtieth Congress, second session (short) Sixty-first Congress, first session (special) Sixty-first Congress, second session (long) Sixty-first Congress, third session (short) Sixty-second Congress, first session (special)	27,172	10,371	\$271,966.14	\$10.009
	27,172	5,438	176,084.83	6.4803
	27,000	6,522	219,294.20	8.122
	27,754	11,723	378,347.82	13.632
	27,571	5,411	163,705.50	5.937
	27,571	5,636	173,702.57	6.302

28,000	First. The printed edition daily is about
\$6, 30 13, 63 5, 98	Second. The cost of printing per set for the first session Sixty-first Congress (short session) was
25, 91	
582. 50 1, 157. 50	Third. There were 205 subscribers, first session Sixty-first Congress, at a revenue of. There were 282 subscribers, second session Sixty-first Congress,
	at a revenue of There were 719 subscribers, third session Sixty-first Congress,
1, 478. 50	at a revenue of
3, 219, 50	

Mr. HEYBURN. The Senator from Utah has some large figures as to the cost of this proposed change. I have a copy of them here. The Public Printer, in voluntary response to the Senator's suggestion, addressed a letter to the Senator from Utah, under date of January 11, 1912, in which he says:

DEAR SENATOR: I have the honor to acknowledge receipt of your communication of January 9 requesting a statement relative to the cost of certain proposed changes in the printing of the Congressional Record. In reply thereto the following statement is submitted—

Now, mark you, he says:

One million copies of the RECORD printed in its present form could not be produced in the buildings now occupied by the Government Printing Office.

I have serious doubt as to the accuracy of that statement, because I think it was based upon an assumption that is not to be recognized.

An edition of 1,000,000 copies of the Congressional Record daily can be printed and produced in an economical manner by—

1. Printing the daily Record in newspaper form; size of pages 19 by 23, five column;

2. The installation of three octuple perfecting newspaper presses, with stereotyping and mailing equipment;

3. The construction of a building having an approximate floor space of 50,000 square feet, and not exceeding three stories in height, adjacent to the railroad yards in the northern or southern sections of the city. city.

Not one of those suggestions is necessary to be taken into consideration. He immediately proposes to print a newspaper of standard size containing this matter, when he has already set up and plated in the office the standard Congressional RECORD. He proposes, in reply to this suggestion, in order to discourage its consideration, to erect a new building, equip it with new presses, and start a newspaper. Well, we all know, or at least, unfortunately, too many of us know, what it costs to start a newspaper. This reminds me somewhat of the to start a newspaper. statement of a man who wants to induce you to start a newspaper so that he can have a job as editor. His estimates on the cost of starting the newspaper are very enticing, as a rule, but the experience of those who accept his suggestion and put up the money are just about in line with this suggestion by the Public Printer.

Let us cut out all of that, because none of it is necessary. Not a particle of that expenditure is necessary. The Congres-SIGNAL RECORD is set up, and it is only a question of the number of presses that you use in printing it; that is all. You can multiply them; and presses are not very expensive as compared with a few years ago. You can set up those extra presses and attach them to the machinery and you can print these additional copies.

It is not at all necessary that these copies should be printed on the same day with the present edition or go out in the same mail. There is no such haste in the printing and mailing of the copies proposed under this amendment as in the case of the copies required here for immediate reference. If they go out the next day or the next it is quite sufficient. What the people want is to know what is done here, and the question of a few hours as to when they know it is not so material.

You can dismiss all of that first antagonistic argument. Now we come to this:

Ten carloads of paper-

That is something substantial-

would be consumed daily, and storage space for a 10 days' supply, or 100 carloads, would be necessary.

That is a great item—storage for the paper upon which the RECORD is to be printed. I wonder what the great papers, that print very nearly this number of copies, do to store their paper. That is a trifling objection. It is not substantial.

We come now to another item:

The daily mail shipment would amount to approximately 12 carloads. Why, when we are dealing with our general appropriation bill for the Post Office, the question of buying or hiring or subsidizing 12 carloads does not cause a blink of the eye on the part of any Senator in this body. They do not even stop to read it. It goes right along in the general swing of legislation. This is much less than I expected. I had no idea that a million copies of the Congressional Record could be carried on 12 cars.

The cost of production in newspaper form, based upon the issues and average number of pages during the three sessions of the Sixty-first Congress, and the gain or loss, would be approximately as follows.

It is all on a false basis, because I do not think anyone would want it printed in newspaper form. Here are his figures where he gets up into the upper register. They are based on the last Congress:

Number of issues; First session, 123; second session, 168; third ssion, 82.

Average number of pages per issue: First session, 56; second session, 60; third session, 64.

Cost of 1,000,000 copies of each issue, page 10 by 23—

He is still sticking to something that nobody has suggestedfive columns, on paper at 3 cents per pound-

That would have been an interesting item if we were discussing Canadian reciprocity-

First session, \$8,348; second session, \$8,858; third session, \$9,466.

That makes the cost of paper for a Congress approximately between \$27,000 and \$28,000.

So he makes it add up as follows:

Cost of 1,000,000 copies each of all issues, first session, \$1,026,804; second session, \$1,612,156; third session, \$776,212.

That is the cost for 1,000,000 copies. Now, listen to this:

Cost of one copy of all issues, first session, \$1.02; second session, \$1.61; third session, 78 cents.

Mr. SMOOT. Mr. President—
The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Utah?

Mr. HEYBURN. Yes; I yield.

Mr. SMOOT. I merely want to call the Senator's attention to the fact that that is the cost of the actual printing, and does not include the cost of paper.

Mr. HEYBURN. It is the cost resulting from the addition of the items I have just read, and is so stated.

No increase in the composing-room equipment of the Government Printing Office would be necessary. The matrices would be made in the present Government Printing Office and taken from there to the RECORD printing and plate-making plant.

There would be no extra cost there.

The cost of new equipment would be approximately \$140,000.

That equipment is already mentioned, and it would not be necessary at all. Of course, there would be a necessity for increasing the printing presses and some of the things belonging to that class of work.

There is the statement, and the worst that statement can produce is an increased cost of about \$552,000. Well, what are we going to get for it? That is the material question. That is the question that arises with every intelligent man having money to pay for something: "What am I going to get for it-for this less than a million dollars?

You are going to get a popular education of the people in that which, were they educated in it to-day, would obliterate much of the vice and ignorance and mistaken impression that

exists to-day. It is worth more than that many millions, if you can accomplish this obliteration, to do so.

Mr. President, I regret that I can not remain to listen and participate in the debate, if debate shall follow, upon this question. I have endeavored to state—and I believe I have succeeded, at least to some extent—the basic facts upon which this

change rests. In what interest is it proposed?

This country has never voluntarily taken a backward step in anything that would advance the intelligence of the people, or their opportunity to gain intelligence. Is the Congressional Record to be made a joke? Is there any Senator here, speaking for himself, who would confess that his utterances were a joke? I know there is no Senator here so ungracious as to charge that the utterances of another Senator were a joke.

That being the case, are we to degrade ourselves in the rank of intelligent consideration, or in the ability to perform our high duties, by legislating our utterances into oblivion? Are we to confess to the American people that we either do not care or do not dare to let them know or give them the oppor-tunity to know what we say and what we do? To suppress or diminish the opportunity of the people in this respect is to confess that our work will not bear inspection-is to confess that the duties we perform are unimportant or ill performed.

No man will charge any Senator upon this floor with urging a measure such as this from selfish motives, or motives of selfexploitation. A Senator who would entertain such a thought would be unworthy of the position. When we go out, as we do every two years, and meet not only our own immediate constituents in our States, but the people elsewhere, are we not sometimes impressed with the thought that they not only need but that they desire an opportunity to know how the Government is conducted?

This is the Government. The Congress of the United States . is the Government. Those who carry out our mandate ard merely the agencies of government. Sometimes you would think they stood in splendid rank above us. But that is a thought that will not last beyond the first criticism. I repeat, because the idea seems to be lost sight of so often at the cost of intelligent participation in government, that the Government is in the legislative bodies. The Constitution puts it there. It created it first, and it stands in the first rank of our Government. are three departments or branches of the Government—the legislative, the executive, and the judicial. That is the order of rank. No man can change it by donning a uniform, or by adding an inch of tape to his regalia. Can it be said that that which we do in our responsible capacity is of no interest to the people, or none of their business?

If the execution of a law is not in entire harmony with and obedience to the mandate of Congress, then the executive officer violates his duty. If it is in exact accordance with the mandate of Congress, then to Congress belongs the credit-if credit is due—for the law, with its virtues, its efficiency, or its defects.

Mr. President, I should like to feel in this hour that Congress,

recognizing the dignity and importance of their functions due to the people, will show a willingness that the people shall know what they are doing, and, rather than circumscribe it, that they will make it more easy to accomplish.

The post offices are the best medium through which to take these subscriptions, because the people go to the post offices, and will continue to go there, I suppose, more than to any other center. They will say to each other, "Have you subscribed for the Congressional Record?" "No; it is too expensive. I can not pay six, eight, or ten dollars a year for it." "Oh, well, but you do not have to now. You can get it for a dollar a year for the short session and for a dollar and a half, or, at the outside, two dollars, for the long session." "How do I get it?" "Why, go right there to the postmaster's window and subscribe for it"; and his subscription goes to the Public Printer, and the Public Printer puts him on the mailing list.

That is all there is of this amendment. What I have said in general criticism of the bill, outside of this amendment, has been only to prompt other Senators to a closer investiga-

tion of the bill.

This is no emergency legislation, except, if there be an emergency clause in it, it is this amendment. Outside of this amendment there is not a rule or regulation in it that could not be

dealt with next year as well as this.

Mr. President, I have not had time to examine all of this bill, nor have I felt equal to that duty. But I do know that it is one of those pieces of fallacy that we sometimes encounter, based upon a desire to change something, to put the head where the feet ought to be, without regard to the effect, or to destroy something because, for sooth, some three or four or half a dozen men do not appreciate its value.

I repeat that this legislation either ought to go back to the committee or that which is contained in this amendment should be taken up for affirmative action as a separate measure, without waiting for the bill; and I shall feel no jealousy if any other Senator shall see fit to do that in my absence, for it is a worthy measure.

Now, Mr. President, I have said all that I am able to say at this time. I sincerely hope that the pending measure will not be put through with accelerated speed at the expense of careful

and proper legislation.

Mr. SMOOT. Mr. President, so that there will be no misunderstanding as to what the bill provides, and in part answer to the criticism made by the Senator from Idaho [Mr. HEY-BURN], I want to call the attention of the Senate to the figures, and they are the accurate cost of printing the Congressional RECORD.

In the first place, Mr. President, under the present law the rate charged for the Record for a long session is \$8 per copy, and for a short session it is \$4 per copy. The proposed bill does not intend to change those figures, but we have provided a valuation system. Each Senator will be credited at the beginning of the session with \$2,500, which he can use in the selection for distribution of any public documents. If a Senator wants to spend it all in copies of the Congressional Record, he can do so.

The Senator from Idaho said that taking the SS RECORDS that a Senator is entitled to under the present law it would amount to about \$1,800 of the \$2,500 allotment. present and proposed law the charges are and will be \$8 for the RECORD for the long session and \$4 for the short session, so you can see it would be impossible for the 88 Records to amount to \$1,800. It is not so under the present law, and the proposed law does not change the rate one penny. In the short session 85 copies at \$4 would be \$352, instead of \$1,800, and in the long session it would be \$704, instead of \$1,800, as stated by the Senator. Taking an average of the two, it would be \$528, instead of \$1,800. Taking a number of years, say, the last 10 years, the average value of 88 Records has been \$660. The average value of the Yearbook, and every Senator has had to his credit 1,152 volumes, at a cost for each of 95 cents, amounts to \$1,094.40. In the past Senators have had issued of those two items alone to the amount of \$1,754.40, and the other publications, on the \$2,500 basis, would be \$745.60.

So, under the proposed bill, Mr. President, even at the prices charged, if every Senator wanted to send the full amount of his allotment of \$2,500 in Records, he could send to his constit-

uents 625 copies.

I listened to what the Senator said in relation to the RECORD and how it has been appreciated by his constituents. I have no doubt but many of the parties receiving the Record appreciate it, but I do know there are others who do not. I have gone into law offices and I have seen stacked up in the corner of the office the Congressional Record with the wrappers just as they were when they left Washington. Only to-day a Senator said to me that he had been sending the Congressional Record for years to a lady friend of his in his State. When asked if she was receiving it, she answered saying, "Yes; I am receiving it, and it makes the best kind of iron holder."

Mr. President, I am aware it is not altogether a question of what the Record costs, but that is worthy of consideration. When the Senator from Idaho introduced his amendment I started an investigation to see exactly what it would cost the Government. I addressed a letter to the Public Printer and also one to the Postmaster General, asking what the actual cost of an additional million copies would be. The answer that I received from the Postmaster General is dated January 18,

1912, in which he says:

Your letter of the 9th instant requesting that an estimate be prepared and submitted for the information of the Printing Investigation Commission of the cost of carrying in the mails 1,000,000 copies of the daily Congressional Record per day and per session, as provided for in Senate bill 145, and also an estimate of any additional expense which, in my opinion, this bill would place on the Post Office Department, has been received, and in reply I have the honor to advise you as follows:

In order to estimate the annual cost of transporting and handling 1,000,000 copies per day of the Record it was necessary, first, to ascertain the probable weight to be transported and handled annually. It was learned that the average number of issues each year for the past four years was 181. Based on an average number of pages per issue of 56 and the weight of the paper in use at present, the average weight per copy is found to be 4 ounces. From these figures an annual weight of 45,250,000 pounds to be transported and handled is ascertained.

Multiplying this weight by 3.61 cents, the latest estimated cost per pound for transporting second-class matter paid at the pound rate averaged for all hauis, as shown in the department's supplemental statement submitted to the Postal Commission on Second-class Mail Matter on October 20, 1911, gives a product of \$1,633,525, the estimated cost per annum for transporting 1,000,000 copies per day for 181 days.

Mr. BRISTOW. Mr. President—

Mr. BRISTOW. Mr. President-

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Kansas?

Mr. SMOOT. I do.

Mr. BRISTOW. Has the Senator figured just how much that is per copy—that is, I mean per set or per issue?

Mr. SMOOT. I can soon figure that. It would be \$1.63% cents per year.

Mr. BRISTOW. How much per year would that be for a copy of the RECORD?

Mr. SMOOT. One dollar and sixty-three cents per year.

Mr. BRISTOW. It seems to me that is a very extravagant cost. It is very much more, it appears to me, than it ought to cost. That is more than the paper it is printed upon would

Mr. SMOOT. There are about 4 ounces of paper. Mr. SMOO1. There are about 4 offices of paper. The average cost of paper to-day is $3\frac{7}{20}$ cents per pound. That was the contract price for the coming fiscal year. The average price of paper has been $3\frac{43}{100}$ cents per pound for the last 10 years.

Mr. BRISTOW. Now—

Mr. POINDEXTER. Will the Senator yield for a question?

The PRESIDING OFFICER. The Senator from Utah has yielded to the Senator from Kansas. Does the Senator from Utah yield further, and to whom?

Mr. SMOOT. I yield to either Senator.

Mr. POINDEXTER. I wish to ask one brief question.
Mr. BRISTOW. Certainly; I yield for that purpose.
Mr. POINDEXTER. Can the Senator inform us on what
system the Government buys the paper?

Mr. SMOOT. Every year we advertise in papers in the different cities of the United States for bids. Those bids are ferent cities of the United States for bids. Those bids are generally opened in the month of February. The quantities required and specifications of every kind of paper used by the Government are sent to all the leading manufacturers of paper, giving the exact analysis of the paper, size, and so forth, I

Every manufacturer in bidding bids upon the specifications as furnished, knowing exactly what the paper contains, strength required, and size of sheets.

Mr. CUMMINS. Mr. President-

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Iowa?

Mr. SMOOT. I do.
Mr. CUMMINS. I am afraid my question will indicate no very great familiarity with the subject on my part. I want to understand it, and I think this is the best time to get a little knowledge upon it.

The bill proposes to put to the credit of each Senator \$2,500 for each session of Congress, and permits him to take out public documents to that value, according to his own selection?

Mr. SMOOT. At actual cost, with 10 per cent added.

Mr. CUMMINS. So I have stated up to this time the fact?

Mr. SMOOT. That is true.

Mr. CUMMINS. These documents are charged to him at

Mr. SMOOT. With 10 per cent added.

Mr. CUMMINS. With 10 per cent added. Does that cost include the free disposition or circulation of the same document by other officers of the Government?

Mr. SMOOT. Outside of Senators and Representatives?

Mr. CUMMINS. Yes. Mr. SMOOT. The law specifically provides what each de-

partment is entitled to receive.

Mr. CUMMINS. What I was coming to is this: Suppose there were 10,000 copies of a particular document printed. Suppose the department which issued that document or had a right to circulate it sent out 5,000 copies free. The Senate and House would get the other 5,000 copies. Would the cost charged up to a Senator include the cost of the free documents

Mr. SMOOT. It would not, Mr. President.

Mr. CUMMINS. Why is it that the departments are not compelled to have an allowance and to take out their documents in the same way and have them charged up to the departments, just as it is proposed to charge up the documents to Senators?

Mr. SMOOT. If the Senator will glance over the bill he will find that it provides the number that can be printed of all documents issued by the departments. We limit those issues and they can not print more than the number provided by law. I think the number usually runs at about 3,000, in some cases

Mr. CUMMINS. Those are exclusive of the copies circulated

by Senators

Mr. SMOOT. Entirely so; and if they desire more printed than the law allows it can not be done unless Congress acts upon it.

Mr. CUMMINS. Now, I come again to my question. Suppose a department has 3,000 copies, but the whole issue is 10,000 copies. In ascertaining the cost of a particular copy, have you adopted as the basis the entire cost of the 10,000 copies?

Mr. SMOOT. It very seldom happens that a department prints a congressional document and very seldom that Congress prints a department publication. A congressional document is given a number and called a Senate or House document. Departments have their publications printed as department publications. The latter are distributed as department publications, by the department issuing the publication, and has nothing to do with documents that may be ordered by Congress. Therefore it is charged to their printing allotment, not to that of

Mr. CUMMINS. I do not understand that. Take the Agricultural Yearbook as an illustration. That is published and circulated by the Members of Congress. The cost of each one of those books will be charged up to us— Mr. SMOOT. To Members of Congress.

Mr. CUMMINS. And against the \$2,500 allowed.

Mr. SMOOT. That is true, but-

Mr. CUMMINS. Will that cost be ascertained by taking the whole number of copies printed and dividing the whole cost by the whole number, or will it be ascertained in some other

Mr. SMOOT. The Yearbook is ordered to be printed by Congress; it is not charged to the Agricultural Department; and if there are 100,000 copies printed the cost is based on the issue of 100,000 copies. I will say to the Senator that the issues since I have been here have been as high as 150,000, but

generally there are about 100,000 copies.

Mr. CUMMINS. Will the seeds that are furnished by the Agricultural Department also be charged up to Senators?

Mr. SMOOT. We have nothing to do with that, Mr. President; that is provided for in the agricultural appropriation

Mr. CUMMINS. Where do we get our right to distribute I am asking purely for information.

Mr. SMOOT. Through the agricultural appropriation bill. Mr. CUMMINS. And they will not be included in the \$2,500?

Mr. SMOOT. Not at all.

Mr. CUMMINS. Then we are to buy, at the public expense, of course, \$2,500 worth of documents at the actual cost of those documents with 10 per cent added?

Mr. SMOOT. That is true, Mr. President; and under that system you can buy whatever public document is of interest to

Mr. CUMMINS. Has there been any limit upon Senators heretofore?

Mr. SMOOT. There has always been a limit.

Mr. CUMMINS. What is the limit now? Mr. SMOOT. If the up number is printed, each Senator is entitled to two or three copies. What I mean is that when any document is printed as a public document, say, 1,274 copies, they are divided between the House and the Senate and the different departments, and it amounts to about two or three

copies to each Senator.

Mr. CUMMINS. And we are now to be limited to \$2,500?

Yes. Mr. SMOOT.

Mr. CUMMINS. What is the limit now for which \$2,500 is substituted?

It is about \$2,300, I will say to the Senator; and the \$2,500 is a little above what Senators have to send out under the present system.

Mr. CUMMINS. Why not cut it down a little?

Mr. SMOOT. Because I think under this system the public documents will be used to better advantage and more freely. Besides, the Members of the House feel that they ought to have an increase, so I am told. We thought, taking the whole average for a number of years back, that it would be a proper basis to make it \$2,500 for the Senate and \$1,800 for the House.

Mr. CUMMINS. Suppose an edition of a document is exhausted and I come in and have a credit to my account. I ask for 100 copies of that document. Will they be printed, then?

Mr. SMOOT. They will be printed just the same as they are

to-day.

Mr. CUMMINS. They will not be printed to-day, because they will say the edition is exhausted. I doubt whether, if the selections were made and we asked for more than are printed, the Printing Office would then go and print them,

Mr. SMOOT. Whenever there is a sufficient number of orders to print the Public Printer will certainly print them.

Mr. CUMMINS. How many? This bill does not fix the number

Mr. SMOOT. No; the Senators fix the number. Mr. CUMMINS. Does the bill provide for any catalogue of documents so that a Senator can go and make from that catalogue a selection if he desires?

Mr. SMOOT. The same catalogue under the bill will be published as is published to-day by the superintendent of documents.

Mr. CUMMINS. That is pretty large.
Mr. SMOOT. No; the weekly catalogue is not large.
Mr. CUMMINS. Oh, the weekly catalogue.
Mr. SMOOT. The Senator was no doubt referring to the yearly catalogue.

Mr. CUMMINS. This substitute must in some way furnish Senators an opportunity to make the selection they require.

We have provided for that, Senator.

Mr. CUMMINS. So far as one Senator is concerned I would require more knowledge on the subject in order to make the I have not the least idea.

The bill provides that the superintendent of Mr. SMOOT. documents shall issue a catalogue. It compels him to issue it just the same as he is compelled to issue it to-day, and the Senator will get one of those catalogues just the same as he gets it

Mr. CUMMINS. I am very much obliged for the information, and it is purely for information that I made the inquiries. One more, and I will not make another-at least, not immediately. Do we get the Congressional Record at cost now?

Mr. SMOOT. We get it at less than cost under the bill. Mr. CUMMINS. If other documents are charged at cost,

why not the Congressional Record?

Mr. SMOOT. Because of the fact that we do not change the

rate from what it is under the present law. In the present law it has been \$8 for a long session and \$4 for a short session.

Mr. CUMMINS. It would not, then, disturb the precedent or custom if we were to reduce that price somewhat in accordance with the views of the Senator from Idaho [Mr. HEYBURN]. It would simply be a further reduction?

Mr. SMOOT. It would be a further reduction and a greater

cost to the Government.

Mr. BRISTOW. Mr. President-

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Kansas?

Mr. SMOOT. Certainly.

Mr. BRISTOW. I suppose every Senator has the experience of having requests for valuable documents, and requests that he has to decline because the quota which is assigned to him is exhausted. A great majority of the Senators, those representing the larger States, have greater calls for the valuable documents and for the RECORD than the quota assigned to them. So the documents that are actually sent out do not represent the demand that is made. I think the Senator's estimate as to the amount that would be required to supply the demand may be very much too low. The expensive documents are those most sought after. So the bill would put the burden upon every Senator of assigning so much of the available appropriation to this purpose or that purpose and deciding as to which of his constituents he would favor and those whose requests he would decline, and it might be a very serious embarrassment.

Mr. SMOOT. That is arbitrarily fixed now.
Mr. NELSON. Mr. President—
The PRESIDING OFFICER. Does the Senator from Utah

yield to the Senator from Minnesota?

Mr. SMOOT. Under the bill it would not be arbitrarily fixed. If a Senator had assigned to him under the present law, and if he wanted to get 3 or 4 or 5 or 6 or 10 or 20

Mr. LODGE. Mr. President—
The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Massachusetts?

Mr. SMOOT. I yield to the Senator from Minnesota; he

was on his feet first.

Mr. NELSON. What I want to suggest to the Senator from Kansas is that it has been my experience that of the valuable documents, so called, the most important documents, we always get a very limited number. I have never been able to get from my quota enough to supply the demand. So this would not cut us off. I would like to get as much as we have ever received.

Mr. SMOOT. And a Senator gets documents he does not

want under the present arrangement.

Mr. NELSON. We could get a great deal more under the proposed law of those valuable documents than we get to-day.

Mr. BRISTOW. But I want to suggest to the Senator from Minnesota, if the Senator from Utah will permit me, when he does that he does it at the expense of other documents. Now, take the agricultural bulletins. The Senator from Minnesota, I know, has need for every one of them he gets, and he could use a great many more than those assigned to him.

Mr. NELSON. If the Senator will allow me, my experience with the agricultural bulletins is that they are not distributed to me at all. I get hundreds of requests for them, and I present them to the Agricultural Department, and they are filled from there.

Mr. SMOOT. I was going to say to the Senator-

Mr. NELSON. They do not come under this head at all. Mr. SMOOT. They are not provided for in this bill; they are

printed by the Agricultural Department.

Mr. BRISTOW. But given a credit of \$2,500. But each Senator, as I understand it, is

Mr. SMOOT. Yes.

Mr. BRISTOW. Now he has a credit of 12,000 agricultural

Mr. SMOOT. The Senator is mistaken.

Mr. BRISTOW. That does not come out of this appropriation at all?

Mr. SMOOT. The agricultural bulletins are published by the Agricultural Department. The appropriation is made directly to that department for the publication of them, and it is not charged to Senators and never has been. They are not congressional documents. The charge against the \$2,500 only includes the documents that are either a Senate document or a House document.

Mr. NELSON. I want to say, if Senators will allow me, that within the last six months I have had probably several thousand calls for those agricultural bulletins. All I have done is to send the calls to the Department of Agriculture and they would fill them, and continue to fill them unless the edition is exhausted. They have not been a part of the quota. They are not in the

list sent to us of documents in the folding room to our credit.

Mr. SMOOT. They never go to the folding room. The Senator has a certain number to his credit, and if he sends out that number then his credit is exhausted. That is provided for in the appropriation bill, and has nothing whatever to do with the printing bill.

Mr. BRISTOW. Well, if it has not, I am glad.

Mr. SMOOT. It has nothing whatever to do with it.

Mr. BRISTOW. I am glad to know that, Mr. SHIVELY. Mr. President—— The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Indiana?

Mr. SMOOT. I do. Mr. SHIVELY. The Senator stated a few moments ago that in case a document was a favorite document and there was a large demand for it, under the proposed system a Senator could avail himself of it and supply the demand, so far as he was concerned.

Mr. SMOOT. That is true.

Mr. SHIVELY. Of course, there is a difference in the value of these documents, as admitted by Senators. Does this bill give such flexibility in the number of publications as to accommodate the supply to the demand?

Mr. SMOOT. The bill provides that if the Senator from

Indiana should desire to take his allowance of \$2,500 in one

document he could do so.

Mr. SHIVELY. Yes; but where would the document be?

Suppose we all concluded that we wanted to take it all in one

document, where would you have that supply?

Mr. SMOOT. At the Government Printing Office.

Mr. SHIVELY. Do you mean to say that, under the pending bill, of every document there will be a sufficiency so that each Senator could make a demand upon it to the value of \$2,500 and not exhaust the supply?

Mr. SMOOT. Of course that would be true if such a thing

ever happened; but it never would happen.

Mr. SHIVELY. I know that particular case would never happen, but it involves the same principle. There are some documents which are favorites whilst others are not, and they are therefore neglected. Do you say that under your proposition we can make a choice, make a selection, make a requisition for the amount we like? Suppose it is a favorite document, is there any provision in this bill by which in any way the supply of documents could be adjusted to the demand?

Mr. SMOOT. I see what the Senator desires to know. We have what is called "the edition system." We issue the documents in editions only as they are called for, so that whenever there was a sufficient demand a new edition would be issued.

Mr. President

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from New York?

Mr. SMOOT. Yes; I yield. Mr. ROOT. I wish to ask the Senator from Utah whether any attempt has been made to determine the quantity of the different kinds of documents which ought to be printed. By an examination of the great mass of unused publications referred to in the report on page 40, I see this quotation from the report of the Select Committee on Useless Papers and Documents:

The entire number of old pamphlets and publications which are now in the folding room, and for which there is practically no demand, exceeds 1,000,000 copies. There is in the vaults perhaps 1,000 tons of useless paper which cumbers the earth and is of no value to anyone.

I suppose a publishing house would regulate the size of the editions of a particular kind of book which it ventured to put out by its past experience as to the demand for that kind of a book. My inquiry is, What attempt has there been to furnish a standard for fixing the size of the editions to be published of the different kinds of documents which we authorize to be

printed? Mr. SMOOT. Mr. President, the superintendent of documents has gone into that question very thoroughly. He has examined the question of the number usually required of each class of From the experience he has had and that which publications. the Public Printer has had, they seem to think that at least they will be able to work in the future upon the same system as do the publishing houses in the United States. The number necessary to be issued of the different documents can almost be determined now from the number issued in the past, and it is believed that in the future there will be no more documents printed than will be actually called for.

Mr. ROOT. I should like to ask the Senator from Utah whether he does not think that it might be a useful thing, as a guide to our action, to provide that there shall be each year a report made to the Senate, or to each House of Congress, of the number of documents authorized the preceding year which

have not been distributed?

Mr. SMOOT. Mr. President, that is provided for by requiring an annual report of the Public Printer, showing the amount of work that has been done, the receipts of the Government Printing Office, and a detailed statement of everything pertaining to that office.

Mr. ROOT. Does the provision to which the Senator from Utah refers specifically require the officer to state what number

of copies of each document has been distributed and what number remains in stock?

Mr. SMOOT. Section 58, paragraph 5, of the pending bill

Sec. 58. Par. 5. The superintendent of documents shall submit to the Public Printer monthly a report showing, by title, the number of copies of Government publications received by him from all sources, specifying each; the number of copies sold; the total sum received for the same; the number of copies distributed to depository libraries, congressional valuation distribution, and otherwise; and the number on hand.

That paragraph provides for a monthly report from the superintendent of documents to the Public Printer. Then the Public Printer is required at the end of the year to make a complete statement to Congress showing the result of the different reports made by the superintendent of documents.

Mr. ROOT. That is, he is required to make a report which may include that, but he is not specifically required to do so?

Mr. SMOOT. It does include that,
Mr. ROOT. There is another subject that I should like to
inquire about. Has the committee considered the question as to whether this rigid rule, without reference to the population to be served in the way of distribution, accomplishes the real object of the printing of public documents? I assume that we print these documents in order that they may be read. We want the people of the country to get the information. Take the Congressional Record. We all of us agree, I am sure, with the view taken by the Senator from Idaho [Mr. Heyburn], though we may not agree with the measures which he proposes to give effect to it. We desire that the people of the country shall be correctly informed about what we are doing here and the reasons that are stated here for our action. The committee fixes a limit of \$2,500 for all documents which may be disof Congressional Records, which, I think, is now 88.

Mr. SMOOT. Not cutting off the Congressional Record.

Mr. ROOT. Well, the Congressional Record has to be paid

for or accounted for out of the \$2,500.

Mr. SMOOT. That is true. It is included in the estimate

that Senators receive to-day.

Mr. ROOT. The Senator from Illinois [Mr. Cullom] has some four million and odd people in his State; the Senator from Pennsylvania [Mr. Pennose] has six million and odd; and my colleague [Mr. O'GORMAN] and I have between nine and ten million. How many people are there in Utah?

Mr. SMOOT. About 450,000. Mr. ROOT. About 450,000. Then there are somewhere between 20 and 30 times as many people in my State as there are in Utah. You are going to cut the people in New York off from the Congressional Record unless they are people who can afford to pay \$8 a session for it.

Mr. SMOOT. The Senator has forgotten that there is a

House of Representatives.

Mr. SMITH of Michigan. They have forgotten us.

Mr. SMOOT. The Senator from New York must remember that his State has 36 more Members of the House of Representatives than has Utah.

Mr. ROOT. Well, that is no reason why we should— Mr. SMOOT. Every Member of the House of Representa-tives is allowed \$1,800; and we have arranged the question of the distribution as to population by allowing every Representa-

tive to have \$1,800 credit.

Mr. ROOT. Does the Scnator, then, abandon the idea that the allotment to Senators of these documents is for the purpose of distributing the documents to the constituents of Senators and treat the allotment as being merely a personal perquisite

of the Senator?

Mr. SMOOT. I do not think that is the case, and I am sure it was not the intention. I think that the western Senators. perhaps, have as great a demand for public documents, or a greater demand, I will say, in many cases than have the Senators from New York. This particularly applies to horse books, yearbooks, cattle books, irrigation reports, and so forth. If the Senator from New York does not require such books for his constituents, then he can send them more Congressional Records.

Mr. ROOT. I do not doubt that the constituents of the Senator from Utah want the horse books, but my constituents want to read the solid and substantial material supplied by us here.

Mr. SMITH of Michigan. The Statistical Abstract, for instance.

Mr. ROOT. They want intellectual food.

Mr. SMOOT. Under this proposed system the Senator from New York can send a portion of his quota in horse books and he can send as a portion of it the Congressional Record or any other public document he thinks his constituents desire.

Mr. BORAH. Mr. President-

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Idaho?

Mr. SMOOT. I do.

Mr. BORAH. Could we not get a public document on auto-

mobiles for New York? [Laughter.]
Mr. SMOOT. That would rest entirely with the Senate; but I do not think the Senator from New York would make such a

Mr. ROOT. Well, as I have at least 10 times as many constituents as has the Senator from Idaho [Mr. Boran], who are owning and operating farms, I hardly think it would be necessary to follow his suggestion.

Mr. BORAH. As I understand, then, the Senator is in a posi-

tion to utilize his number of horse books?

Mr. ROOT. Certainly; and I have probably 10 times as many demands for the horse books as I can fill from the 4,000,000 people who live in the country districts in New York.

Mr. SMOOT. Of course that is true. Mr. NELSON. Mr. President—

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Minnesota?

Mr. SMOOT. I do. Mr. NELSON. If the Senator from New York will allow me, I want to call his attention to the fact that under the present system he only gets a limited supply of those books.

Mr. ROOT. I know; and I think it is entirely inadequate.

Mr. NELSON. And the same is true of the Record. You get

no more for the State of New York than we do for the State of Minnesota. Each Senator has the same allotment; but under the proposed new system he can pick out the documents he de-sires and can get more of them than he now does.

Mr. ROOT. I think that, apart from the Congressional Record, the new system is an improvement on the old allotment arrangement; but I do not think it goes further than that.

Mr. SMOOT. The only way that that could be obviated would be to lower the price of the RECORD or leave the price as it now is and increase the allotment to each Senator. greater distribution of the Record is desired, one of the two systems must be adopted; but I think when every Senator has had the experience of distributing \$2,500 worth of public documents there will be hardly a Senator who will not say that that is ample to cover all the documents he desires to distribute.

Mr. ROOT. Mr. President

The PRESIDING OFFICER. Does the Senator from Utah yield further to the Senator from New York?

Mr. SMOOT. I yield to the Senator.

Mr. ROOT. Does not the Senator from Utah think that there is a difference between the distribution of the Congressional RECORD and other documents?

Mr. SMOOT. Yes; Mr. President. Mr. ROOT. At seems to me that we ought to try to promote the distribution of the RECORD to all the people who want to read it; I think that is rather fundamental, and that we ought not to put barriers in the way. I would rather have the Senator cut down the allowance for documents generally and make a special arrangement so that everybody in the United States who was really willing to read the RECORD should be able to get it.

Mr. SMOOT. Let me call the attention of the Senator to the fact that we have not distributed the entire number of Records that have actually been published in the past.

Mr. BRISTOW. Mr. President-

Mr. SMOOT. I will answer the Senator. I know just exactly what he is going to say, but let me get through with my statement, and then I will tell the Senator what he was going to say. In the second session of the Fifty-seventh Congress there were four parts of the Congressional Record, and about 27,000 copies were printed, of which 5,504 were not distributed.

Mr. SMITH of Michigan. Mr. President

Mr. SMOOT. I ask the Senator to wait until I get through. In the first session of the Fifty-eighth Congress there were 3,680 sets of the Record not distributed; in the second session of the Fifty-eighth Congress there were seven parts of the RECORD, and 3,780 sets were not distributed; in the third session of the Fifty-eighth Congress there were five large volumes of the RECORD, of which 4,201 sets were not distributed; and in the second session of the Fifty-ninth Congress there were six parts and 1,410 sets were not distributed. I am perfectly aware that there are a number of Senators who would have been glad to have those Records for distribution in their States, but that number was not distributed.

Mr. SMITH of Michigan. Mr. President-The PRESIDING OFFICER. Does the Does the Senator from Utah yield to the Senator from Michigan?

Mr. SMOOT. I yield. Mr. SMITH of Michigan. As a matter of fact, those Records

Mr. SMOOT. They were the bound volumes.

Mr. SMITH of Michigan. The bound volumes come late, after the subject matter has ceased to be of any practical interest, and you might as well attempt to circulate a last year's bird's nest.

Mr. SMOOT. Mr. President, let me tell the Senator that there would not be any bound volumes if Senators wanted to distribute the daily RECORD as issued from day to day. No one is compelled to keep any part of his allotment of 88 volumes to be bound

Mr. SMITH of Michigan. Mr. President—
The PRESIDING OFFICER. Does the Senator from Utah yield further to the Senator from Michigan?

Mr. SMOOT. Yes

Mr. SMITH of Michigan. Mr. President, I think that I have never had during all the time that I have been in either House a dozen requests for bound volumes of the Congressional Rec-ORD. I would much prefer to send the RECORD out from day to day, when the subject matter is being discussed. I undertake to say that there are not many Senators or Representatives who know that they have the bound volumes to their credit now.

Mr. SMOOT. Mr. President, every Representative and every Senator is notified. He makes up the list of those to receive the daily Record at the beginning of every session of Congress. He can reserve as many as he desires of the number allotted to him to be bound or he can make up a list the very first day of the session of Congress and send out every one of the 88 sets

of the Record in daily form if he so desires.

Mr. WILLIAMS. Mr. President—

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Mississippi?

Mr. SMOOT. Certainly.

Mr. WILLIAMS. I think the Senator from Utah is failing to consider facts growing out of human nature. Each Senator is asked at the beginning of a session how many copies of the RECORD he wants distributed in the daily RECORD form and how many he wants to reserve for the bound volumes. Suppose I make a calculation and conclude that I had better keep back five sets for bound volumes. I do that because the year before, perhaps, I have sent on request, or generally without request, to educational institutions or college libraries that number of bound volumes. As the Senator from Michigan has said, nobody makes requests for bound volumes of the Record except school or other libraries. So I keep back a certain number of Records, thinking that there will be that many requests; but the requests are not made and that number of bound Records is left on my hands. I dare say that that is just exactly how this accumulation of undistributed bound volumes grew up.

Each man of prudence will keep back as many as he thinks will be called for, and in order to be on the safe side may keep back a copy or two move than will be called for; but my experience is, although the demand is not so pressing here as it was at the other end of the Capitol, that every copy of the daily RECORD is called for. What makes it worse is the fact that the weekly newspapers in each district seem to think that they are entitled to the daily Congressional Record, and in a certain sense they are, because they boil it down, sift it, and get out of it what goes to the public; and by the time you get through supplying the weekly newspapers you have very few copies left for precisely the kind of people who ought to get them—men here and there who are students of public affairs, whose opinions are well worth cultivating, because they are going to influence other people. So that it seems to me that the fact which the Senator from Utah has stated-which is undeniably a facthas no application at all to the question as to whether there shall or shall not be more copies of the daily Record distributed.

Mr. SWANSON. Mr. President—
The PRESIDING OFFICER. Does the Senator from Utah

yield to the Senator from Virginia?

Mr. SMOOT. In a moment. I first want to say to the Senator from Mississippi that what he says I believe is absolutely the fact, but under the system proposed a Senator can send in a list of names, whether 60, 80, 100, 120, or more, and that number of Records will be charged to him. Then, at the end of the session, if there are calls for bound volumes of the Record, all he has to do is to order one, two, three, or whatever number of sets he may desire, and there will not be a copy left.

Mr. SWANSON. Mr. President—
The PRESIDING OFFICER. Does the Senator from Utah

yield to the Senator from Virginia?

Mr. SMOOT. I yield. Mr. SWANSON. Mr.

Mr. SWANSON. Mr. President, I should like to ask the Senator who has charge of this bill what objection would be or the committee have to a suggestion either to increase or to rethat were undistributed were the bound volumes, were they not? tain the present quota of Congressional Records, and then

change the system for the distribution of other publications as suggested in the report and recommendation of the committee?

My objection to the CONGRESSIONAL RECORD being charged to the quota of documents to which a Senator is entitled, is this: In States near Washington the Congressional Record is somewhat like a daily paper, and there is a great desire for it; but when a week elapses before it is received, oftentimes matters discussed in the Record are forgotten, and, of course, in such case the bound volumes are worth about as much as the daily RECORD. I know, however, that the demand upon me for the daily Congressional Record from the State of Virginia far exceeds the number I can furnish. At the beginning of each session of Congress I try to comply with all the requests that come to me for the Congressional Record.

The requests are so many, however, that under the system proposed my entire quota of documents would be charged up at the beginning of the session, and if subsequent requests should come in I would be entitled to no further documents. Then all I could do would be to make arrangements to buy the documents for my constituents, which would about take all my salary. Now, having only 88 copies of the Congressional Record furnished me, after I have supplied that number, I can very properly write that my quota has been exhausted, and

that is a satisfying reply to my constituents.

It seems to me that we should reach a conclusion as to the distribution to be made of the Congressional Record. it should be distributed more freely and more largely than it is at present. I was a subcommittee of the Post Office Committee to whom was referred the proposed amendment, which was then a separate bill, offered by the senior Senator from

Idaho [Mr. HEYBURN].

After examining the cost of the proposed change and bringing the matter before the full Committee on Post Offices and Post Roads, the conclusion was reached, after discussion, though no resolution was passed, that rather than go to the expense of millions of dollars in printing the Recom for cheap, popular distribution, in accordance with the idea suggested by the Senator from Idaho, we would recommend an increase in the quota of Congressional Records allotted to Senators and Members of the House of Representatives. I think the time has arrived to do this. I think simply to provide an edition of 28,000 copies of the Congressional Record is certainly a very small dissemination of the information contained in that RECORD.

There are occasions when it is sent to people who do not read it. They read it when there is an exciting debate or when there is an important matter under consideration or when there is something in which they are interested, but no one has the time to read the Record continuously. I do not do that myself, and I presume the Senator from Utah does not read one-fifth of the Record. Frequently, as the Senator suggested from his own observation, it is not even opened; but that does not mean that all Records are not opened. I guarantee there are very few people who receive the RECORD who do not read the discussions and debates in Congress on matters in which they are interested.

I should like for the Senator to consent, on behalf of the committee, to increase the quota of Congressional Records allowed Senators and Members of the House of Representatives, and then let his suggestion as to other public documents, making an allowance to each Senator of documents to a value of \$2,500, be adopted. I think that is a better system of distribution of the general run of documents than we have at present. I know I have to my credit a great many documents which to me are useless and an incumbrance, but which other Senators may desire, and which I very gladly give them when they make the request. The proposed change makes the dis-tribution useful and beneficial; and if it is beneficial, if it provides for the sending of documents to the people who desire them and need them for information, I can not see why we can not increase the quota of the RECORD to two or three hundred for each Senator and Representative and make the allowance \$2,500 for other useful documents it is proposed to send out, and let Senators and Representatives select what they desire.

I should like for the Senator to consent to an amendment providing for an increase, say, of 100 or even 10 or 12 Records to each Senator and Member of the House, and then provide for the distribution of other documents by charging them up to the amount of \$2,500. I think under such a method Senators will obtain documents which are useful to them and their constituents and that they will have ample to supply the demand for documents and for the Congressional Record, and I feel satisfied that very few documents will then be left on the

hands of the Government. Mr. SMITH of Michigan.

Mr. President-

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Michigan?

Mr. SMOOT. If the Senator will wait until I answer the Senator, then I will yield.

Mr. SMITH of Michigan. I also want to make an observation to the Senator from Virginia. I want to tell him-and I will do it very briefly if the Senator from Utah is willing that this plea of his for CONGRESSIONAL RECORDS and public documents is about the last stand that Senators and Representatives are making to get anything in their own right. They have been refined out of about every other thing. and if they refine us out of this we shall finally fall back on the right to ask the Secretary of State for letters of introduction to the consular and diplomatic officers of the United States. That will be about all that we can do.

Mr. SMOOT. Mr. President, I want to say to the Senator from Virginia that the easiest way to bring that about would be to lower the price of the RECORD, as suggested by the Senator from Idaho, but perhaps not to the point suggested in his amendment. But before doing that, I want to tell the Senator just what it is going to cost. I have had an idea that we were trying to practice economy. I know I have had a jolt once or twice of late when the question of economy has been attempted. Still, for all that, I shall insist, as far as I am concerned, in being economical with the Government's money as far as pos-

sible.

Mr. SWANSON. If the Senator will permit me—
The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Virginia?
Mr. SWANSON. The Senator does not want to exercise economy in education and information?
Mr. SMOOT. Oh not at all

Mr. SMOOT. Oh, not at all.
Mr. SWANSON. I understand—
The PRESIDING OFFICER. The Senator will suspend for a moment. Senators desiring to interrupt will please address the Chair. The reporters have complained two or three times this afternoon that they could not hear the interruptions. The Chair hopes that hereafter Senators will address the Chair before interrupting the Senator who has the floor.

Mr. SMOOT. Mr. President, I will now continue with the letter of the Postmaster General.

Mr. SMITH of Michigan. Mr. President—
The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Michigan?

Mr. SMOOT. Yes.

Mr. SMITH of Michigan. Before the Senator continues on that branch of the matter, I want to call the attention of the Senate to what I regard as a very serious thing in this bill. is found in section 37. I want to let the Senate know that there is something here besides a disposition to curtail the distribution of the RECORD and public documents.

Mr. SMOOT. If the Senator is going to make a speech, I would rather put in this letter now, and then I will yield to the The Senator's reference to section 37 brings up an

entirely different question than this.

Mr. SMITH of Michigan. I know it, and I am afraid it will

be lost sight of.

Mr. SMOOT. Then, Mr. President, I refuse to yield until I get through with this subject. Then I will take up the other

The PRESIDING OFFICER. The Senator declines to yield. Mr. SMITH of Michigan. I do not care to interrupt the Senator.

Mr. SMOOT. Very well. I will continue with the letter of the Postmaster General:

The cost a pound for the other services rendered by the Post Office Department in connection with the handling of this volume of matter is estimated at 4.86 cents, or \$2,199,150 for the year. The total estimated cost to the department of transporting and handling the matter, therefore, is \$3.832,675. This estimate might be reduced to some extent should the publication be separated to routes, States, and districts, in conformity with the schemes of distribution recently issued in connection with such separations by publishers, but the amount of such reduction can not be stated.

Mr. BRISTOW. Mr. President—
The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Kansas?

Mr. SMOOT. If it is on this subject. Mr. BRISTOW. It is. Will the Senator please read again the total amount that the Postmaster General estimates as the

Mr. SMOOT. Three million eight hundred and thirty-two thousand six hundred and seventy-five dollars.

Mr. BRISTOW. That is more than a twentieth, if I remember correctly, of the entire estimated cost of handling all the second-class matter that is handled in the United States mail. I do not believe any such expense or cost would be incurred. It seems to me, without investigating it in detail, that it is ridiculous to say that the distribution of the Record would cost one-

twentieth as much as the entire second-class mail matter of the United States

Mr. SMOOT. Mr. President, this statement is based upon the hearing before the Commission on Second-Class Matter in New

York City

Mr. BRISTOW. I do not care what it is based upon, if the Senator will excuse the remark. The Postmaster General estimates, if I remember the figures correctly—and if I do not I shall be glad to be corrected—that the cost of handling secondclass mail matter in the United States is something over \$60,000,000 per annum. Is that right?

Mr. SMOOT. Then, if that is the case, this is not 20 per cent of the total.

Mr. BRISTOW. I said it was one-twentieth. I did not say 20 per cent.

Mr. GRONNA.

Mr. GRONNA. Mr. President—
The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from North Dakota?

Mr. SMOOT. I do. Mr. GRONNA. I believe the statement the Postmaster General made in that regard was that the loss was some \$58,000,000.

Mr. BRISTOW. Mr. President—
The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Kansas?

Mr. SMOOT. I yield to the Senator.

Mr. BRISTOW. Does the Senator from Utah remember what was the department's estimate of the cost of handling second-

Mr. SMOOT. Mr. President, I do not remember it; but I got this report, which says that the total expense per pound for second-class mail matter is 0.0847 cent. The estimate of the Postmaster General for the extra 1,000,000 copies is based upon each issue of the RECORD weighing on an average of 4 ounces, and upon an average issue of 181 days. On that basis the total cost would be \$3,832,675.

Mr. ROOT. For how many copies?

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from New York?

Mr. SMOOT. For 1,000,000 copies. The PRESIDING OFFICER. The Chair will ask the Secretary to read the rule.

The Secretary. Rule XIX, on page 19 of the Standing Rules of the Senate, provides:

1. When a Senator desires to speak he shall rise and address the Presiding Officer, and shall not proceed until he is recognized, and the Presiding Officer shall recognize the Senator who shall first address him. No Senator shall interrupt another Senator in debate without his consent, and to obtain such consent he shall first address the Presiding Officer; and no Senator shall speak more than twice upon any one question in debate on the same day without leave of the Senate, which shall be determined without debate.

Mr. BORAH. Mr. President-

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Idaho?

Mr. SMOOT. I yield. Mr. BORAH. The Secretary is reading the rules of the Senate?

The PRESIDING OFFICER. The rules of the Senate. Mr. BRISTOW. Mr. President-

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Kansas?

Mr. SMOOT. I yield to the Senator. Mr. BRISTOW. Has the Senator now the figures in regard to the estimated cost of handling second-class mail matter?

Mr. SMOOT. In the same report, Mr. President, I find that the expense of handling second-class mail matter to-day is \$59,692,439.64. The revenue is \$7,042,161.08. In other words, there is a loss of \$52,650,278.56.

Mr. BRISTOW. According to those figures, then, the cost of handling second-class matter is approximately \$59,000,000. The estimated cost of handling the Record would be \$3,800,000, or approximately one-sixteenth of the entire expense of handling second-class matter, which includes all the papers, the magazines, and everything else that has the second-class rate. seems to me, without analyzing the statement in detail, that those figures can not be accurate.

Mr. SMOOT. Mr. President, the report also shows that the total weight of second-class mail matter is 692,624,512 pounds, and the weight of a million copies of the daily Record is 45,250,000 pounds. So, if the Senator will multiply 45,250,000 pounds by 16 he will be not very far from or even a little be-

yond the amount of the actual weight of second-class matter.

Mr. ROOT. Mr. President—

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from New York?

Mr. SMOOT. Certainly.

Mr. ROOT. I should like to ask the Senator from Kausas if he appreciates how heavy the Congressional Record really [Laughter.]

Mr. BRISTOW. I will suggest that if the RECORD is as heavy as indicated by the figures which the Senator from Utah is presenting, it should be made lighter in avoirdupois at least,

which could be done by using a much lighter paper.

Mr. SMOOT. Mr. President, since I have been chairman of the Joint Committee on Printing we have changed the weight of the paper twice, and the last time we did it I remember that a number of Senators complained that it was altogether too light.

In this connection I want to call the attention of the Senate to the fact that if a million copies of the RECORD are printed daily it will require 10 carloads of paper. The Congressional Record comes in 4, 5, 6, and 7 parts a year, according to the length of the session, sometimes with as many as 11,723 pages during the session. Before putting a price upon it, and before we go headlong into this proposition of a cheap edition, I think the Senate ought to know just where we will land and what it is going to cost. Then, if we desire to incur the cost, I will have no objection; and I think the easiest way to reach that result is to reduce the price. But in so doing the Government would not be reimbursed by the money that the subscriber pays.

Mr. GALLINGER. Mr. President—

The PRESIDING OFFICER. Does the Senator from Utah

yield to the Senator from New Hampshire?

Mr. SMOOT. I yield.

Mr. GALLINGER. Mr. President, I will merely suggest in that connection that the weight of the Congressional Record is partly due to the fact that we are getting into the habit of printing in it pretty much everything that can be conceived of. Every time we discover a paper that we think of interest to the individual a request is made to put it in the Congressional RECORD. We used to object to it, but we do not do so any more.

Now, Mr. President, inasmuch as there is no possibility of the bill being passed to-night, I want to ask the Senator if he will not let the matter go over, as there is a little business that some Senators would like to transact and an executive session

is desired?

Mr. WILLIAMS. Mr. President—
The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Mississippi?

Mr. SMOOT. I yield to the Senator from Mississippi. Mr. WILLIAMS. Before that suggestion is considered I should like to make a suggestion to the Senator from Utah for him to respond to, not now, but later, in connection with his bill and in connection with the matter being discussed at this

I am not sufficient of a local historian to know how the habit or custom grew up of Representatives and Senators in Congress distributing every sort of public document, but it has grown up. The truth is that there is no common sense in the idea of Senators and Congressmen distributing any documents of any description except the Congressional Record itself, House documents, Senate documents, House bills, Senate bills, House reports, and Senate reports.

There is no reason at all, founded on common sense, why a Senator or a Representative should be selected for the purpose of distributing a Horse Book or an Agricultural Yearbook. There are a thousand reasons why the Agricultural Department ought to do it. There is no reason under the sun why a Senator or a Member of the House should be selected to distribute garden seed. There are a hundred reasons why an experimental farm of the Agricultural Department should do it. There is no reason why you or I should distribute Coast and Geodetic Survey Reports. There are reasons why, upon request of citizens, the experts in that business should send out those reports for the information of the people. There is no reason why you or I should distribute the reports of the Smithsonian Institu-There are reasons why they should be distributed, but tion. not by us.

In other words, we Senators and Members of the House have seized as a political asset upon the distribution of public documents, and it has cost the Government of the United States a great deal of money, and it will cost the Government of the United States a great deal more money if it is persisted in, if it gradually increases from session to session and from year to year, as it inevitably must, because we are human beings and are possessed of human nature.

The Senator can not equalize all this by saying that at the beginning of the session somebody must say what sort of document he wants, because he does not know. He is distributing these things on request. I think there are a good many people in the United States who believe that a Senator or a Representative has a right to send out as many copies of the Con-GRESSIONAL RECORD as he chooses.

One word more, if the Scnator will pardon me for the length of the interruption, because I am asking no answer now. I see very many reasons why the Congressional Record should be distributed to the people of the United States as cheaply as possible and in as great numbers as possible, and why it should be distributed by Senators and Members of the House, because it is a defense of themselves from any false or unjust or untrue attack; and it is not only that, which is a small matter, but it is the actual diary of the United States Government; and the people, who are the masters of their public servants, ought to have as nearly as possible a daily report from their public servants.

But I want the Senator to direct his attention to getting Senators and Representatives rid-if they will permit themselves to be rid of it, which I doubt-of this business of distributing, as a political asset, for the purpose of strengthening themselves in their districts and States against possible opposition, all sorts of public documents that ought to be distributed, but ought to be distributed by other people and not by them; by other departments of the Government which are in closer touch with the interests, with the special individuals, that these things ought to go to. There are a great many of these reports that are matters of information to scientists, matters of information to doctors, matters of information to sailors, matters of information to soldiers. They are sent to us to distribute instead of being distributed by the medical department, by the War Department, by the Agriculture Department, and by the various other branches of the Government who by the very nature of their business are kept in touch with the class of people who want to read that sort of literature.

I shall not ask any response to that suggestion at this time, and I beg the pardon of the Senator from New Hampshire; but I wanted to get that off my mind while I had it on my mind.

Mr. GALLINGER. It is a very good point.

Mr. CUMMINS. Mr. President—
The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Iowa?

Mr. SMOOT. Yes; I yield.

Mr. CUMMINS. I, too, desire to suggest a matter with no expectation of an answer now. The cost of distributing the CONGRESSIONAL RECORD has been based upon an alleged cost per pound of distributing second-class mail matter. I should like to know, at some future time, whether the Senator concurs in the view of the Postmaster General that it costs 81 cents a pound to distribute second-class mail matter in this country.

The Senator knows that that statement has been very sharply and, as I think, successfully challenged in several investigations that have been made by Congress. I myself am led to believe. from all the testimony that has been laid before us, that it does not cost half that much. But I should like the Senator to beceme familiar, if, indeed, he is not already familiar, with what has been developed in Congress upon that subject, and be able to give us his own judgment as to what it will cost to circulate the RECORD.

Mr. SMOOT. As suggested, I will not attempt at present to answer either the Senator from Mississippi or the Senator from Iowa. But I have all the information that I could gather from the department as to the cost of transportation of second-class matter. I will say frankly to the Senator that I really do not know what it actually costs. I know, however, as he says, that it is a disputed question.

Mr. CUMMINS. I think the Senator will not know when we meet again, because nobody knows. But we do know this: Anybody who examines or analyzes the statements of the Post Office Department knows that many of the items which have been included in order to ascertain this cost are erroneously included. I think it is the judgment of anyone who has examined the subject that, whatever it may cost, it does not cost anything

approximating S₂ cents a pound.

Mr. SMOOT. Mr. President, of course, when the bill is up for consideration again I should like to finish the statements showing what the Postmaster General and the Public Printer say this will cost the Government. Then, of course, every Senator can judge for himself as to whether it is correct or not. Then, too, they can judge as to whether there should be a decrease in the price that shall be charged for the RECORD. I will say now that whatever decrease may be made in the price of the RECORD will be an increased allowance to each Senator under the valuation system.

COMMITTEE SERVICE.

Mr. OLIVER was, on his own motion, excused from further service upon the Committee on the District of Columbia.

Mr. BURNHAM was, on his own motion, excused from further service upon the Committee on Cuban Relations and the Committee on Pacific Islands and Porto Rico.

Mr. GALLINGER, on behalf of Mr. Briggs, asked that he be excused from further service upon the Committee on Conservation of National Resources and the Committee on the Geological Survey, and Mr. Briggs was excused.

Mr. GALLINGER, on behalf of Mr. Works, asked that he be excused from further service upon the Committee on Coast Defenses and the Committee on Patents, and Mr. Works was

excused.

Mr. GALLINGER, on behalf of Mr. Brown, asked that he be excused from further service upon the Committee on Pacific

Railroads, and Mr. Brown was excused.

Mr. GALLINGER, on behalf of Mr. Boran, asked that he be excused from further service upon the Committee on Revolutionary Claims, and Mr. Boran was excused.

Mr. GALLINGER, on behalf of Mr. Jones, asked that he be excused from further service upon the Committee on Industrial

Expositions, and Mr. Jones was excused.

Mr. GALLINGER submitted the following resolution, which was read, considered by unanimous consent, and agreed to:

Resolved, That Mr. Catron be assigned to the following committees: Expenditures in the Department of the Interior, chairman; Coast Defenses; Conservation of National Resources; Cuban Relations; Industrial Expositions; and Pacific Railroads; and Resolved, That Mr. Fall be assigned to the following committees: Expenditures in the Department of Commerce and Labor, chairman; District of Columbia; Geological Survey; Pacific Islands and Porto Rico; Patents; and Revolutionary Claims.

COMMITTEE ON EXPENDITURES IN DEPARTMENT OF COMMERCE AND LABOR.

Mr. GALLINGER submitted the following resolution (S. Res. 276), which was read and referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Committee on Expenditures in the Department of Commerce and Labor be, and it hereby is, authorized to employ a clerk at a salary of \$2,220 per annum and a messenger at \$1,440 per annum, to be paid from the contingent fund of the Senate until otherwise provided for by law.

ADJOURNMENT TO MONDAY.

Mr. GALLINGER. Mr. President, at the request of many Senators on both sides of the Chamber who have important committee work to do, I move that when the Senate adjourns to-day it be to meet on Monday next.

The motion was agreed to.

LEVEE PROTECTION AT MOUND CITY, ILL.

Mr. CULLOM. I introduce a joint resolution, and I want to

have a dispatch read showing the justification of it.

The joint resolution (S. J. Res. 96) appropriating \$10,000 for the purpose of maintaining and protecting against impending floods on levee at Mound City, Ill., was read the first time by its title and the second time at length, as follows:

Resolved, etc.. That the sum of \$10,000 be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, to be expended under the direction of the Secretary of War in maintaining and protecting against impending floods the levee at Mound City, III.

Mr. CULLOM. I ask leave to have read the dispatch I send to the desk.

The PRESIDING OFFICER. Without objection, the Secretary will read as requested.

The Secretary read as follows:

MOUND CITY, ILL., April 4, 1912.

Senator SHELBY M. CULLOM, Washington, D. C .:

At a citizens' meeting held to-night it was decided to ask you to secure for the city of Mound City, Ill., the sum of \$10,000 from appropriation recently made to aid us in our flood-stricken condition. Water at top of 4 miles of levee all around city; no money in treasury. Financial aid necessary at once to save us from handation. Can you not have same wired to city treasurer here?

M. F. BROWNER, Mayor. DANIEL HOGAN.
W. A. WALL, County Judge,
F. J. Kuny,
President Mound City Commercial Club.

Mr. CULLOM. This morning I received the telegram which has just been read, and I applied to the Mississippi River Commission, asking them to send to Mound City some of the money we have already appropriated. They telegraphed me that they can not use it, because the appropriation was made for the Mississippi River alone. So I have introduced the joint reso-I hope it may pass at once, because there is great Intion. distress there

The PRESIDING OFFICER. Is there objection to the pres-

ent consideration of the joint resolution?

There being no objection, the joint resolution was considered as in Committee of the Whole.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

EXECUTIVE SESSION.

Mr. CULLOM. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After 10 minutes spent in executive session the doors were reopened, and (at 5 o'clock and 40 minutes p. m.) the Senate adjourned until Monday, April 8, 1912, at 2 o'clock p. m.

NOMINATIONS.

Executive nominations received by the Senate April 5, 1912. SURVEYOR OF CUSTOMS.

Henry C. M. Burgess, of Nebraska, to be surveyor of customs for the port of Lincoln, in the State of Nebraska. (Reappointment.)

COLLECTOR OF CUSTOMS.

Luke B. Colbert, of Massachusetts, to be collector of customs for the district of Marblehead, in the State of Massachusetts. (Reappointment.)

ENGINEER IN CHIEF, REVENUE-CUTTER SERVICE.

Charles Albert McAllister to be engineer in chief of the Revenue-Cutter Service of the United States, to succeed himself.

APPOINTMENT IN THE ARMY. .

CORPS OF ENGINEERS.

Wistar Morris Chubb, of Ohio, to be probational second lieutenant in the Corps of Engineers for a period of one year.

PROMOTIONS IN THE ARMY.

COAST ARTILLERY CORPS.

Lieut. Col. Ira A. Haynes, Coast Artillery Corps, to be colonel from April 1, 1912, vice Col. John C. W. Brooks, retired

from active service March 31, 1912.

Maj. Archibald Campbell, Coast Artillery Corps, to be lieutenant colonel from April 1, 1912, vice Lieut. Col. George F. Landers, detailed as adjutant general on that date.

Capt. Marcellus G. Spinks, Coast Artillery Corps, to be major from April 1, 1912, vice Maj. George T. Patterson, detailed as adjutant general on that date.

First Lieut, Chauncey L. Fenton, Coast Artillery Corps, to be captain from April 1, 1912, vice Capt. Marcellus G. Spinks,

promoted. Second Lieut. Isaac E. Titus, Coast Artillery Corps, to be first lieutenant from April 1, 1912, vice First Lieut. Chauncey L. Fenton, promoted.

CONFIRMATIONS.

Executive nominations confirmed by the Senate April 5, 1912. CONSUL.

Wesley Frost to be consul at Charlottetown, Prince Edward Island, Canada.

COLLECTORS OF CUSTOMS.

John W. Howell to be collector of customs for the district of Fernandina, in the State of Florida.

Edward R. Stackable to be collector of customs for the district of Hawaii, in the Territory of Hawaii.

SURVEYOR OF CUSTOMS.

Ernest I. Edgeomb to be surveyor of customs for the port of Syracuse, in the State of New York.

ATTORNEY GENERAL OF PORTO RICO.

Wolcott H. Pitkin, jr., to be attorney general of Porto Rico. ASSISTANT AGENT ALASKA SALMON FISHERIES.

Ward T. Bower to be assistant agent Alaska salmon fisheries, Division of Alaska Fisheries.

ENGINEER IN CHIEF REVENUE-CUTTER SERVICE.

Charles Albert McAllister, engineer in chief Revenue-Cutter Service.

POSTMASTERS. CALIFORNIA.

Joseph Charles Beard, Burlingame. Mrs. J. C. Miller, Bishop.

CONNECTICUT.

Harry W. Crane, Wethersfield. George P. Edwards, Collinsville. George W. Randall, Rockville. Charles T. Welch, Windsor.

DELAWARE.

Harry B. Johnson, Wyoming.

FLORIDA.

David B. Raulerson, Lake City.

GEORGIA.

Annie C. McCord, Harlem.

Isaac W. Abbott, New Market. William A. Grummon, Rockwell, Richard Hudgel, Anthon.

MAINE.

Fred H. Atwood, Rumford. Horace K. Purinton, Fairfield.

MASSACHUSETTS.

Harry E. Clough, South Acton. Martin E. Stockbridge, Dalton.

MICHIGAN.

Will S. Carpenter, Gaylord. George L. Curtis, Birch Run. Edmund O. Dewey, Owosso. Orlo S. Pattison, Caro.

MISSOURI.

Samuel B. Craver, Madison. Benjamin C. Klusmeier, La Grange. Andrew J. Ryker, East Prairie. Charles L. Zenge, Canton.

NEBRASKA.

Robert E. Chittick, Stuart. James H. Overman, Stella.

OKLAHOMA.

Charles O. Frye, Sallisaw.

OREGON.

Harry H. Martin, Carlton. Elizabeth Thompson, Nyssa. C. H. Van Denburg, Cottage Grove.

PENNSYLVANIA.

Daniel W. Bedea, Shenandoah. Joseph A. Buchanan, Ambler. Thomas D. Davis, Girardville. Charles S. Madeira, Fleetwood. Nathaniel B. Miller, Clarendon.

SOUTH DAKOTA.

Arthur A. Blomquist, Milbank. Harry L. Stearns, Bryant.

WASHINGTON.

Fred E. Kirby, Friday Harbor. John O. Wilson, Cosmopolis.

HOUSE OF REPRESENTATIVES.

FRIDAY, April 5, 1912.

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the fol-

lowing prayer:

We bless Thee Almighty God that we may look up to Thee and call Thee Father and be assured of Thy care and solicitude; in our sorrows we may come to Thee and be comforted, in our weakness we may approach Thee and be comforted, in our weakness we may approach Thee and be strengthened, and in all the perplexities and vicissitudes of life we may call upon Thee and receive light. So let Thy blessing, we beseech Thee, come to all that we may be comforted attentions. to all that we may be comforted, strengthened, and guided through the busy whirl and turmoil of life's activities, and Thine be the praise through Jesus Christ our Lord. Amen.

The Journal of the proceedings of yesterday was read and

approved.

SPEAKER PRO TEMPORE FOR TO-MORROW.

The SPEAKER. The Speaker will be absent to-morrow, and the Chair appoints the gentleman from Alabama [Mr. Underwood to preside as Speaker pro tempore.

THE LATE REPRESENTATIVE LOUDENSLAGER.

Mr. BROWNING. Mr. Speaker, I ask unanimous consent for the consideration of the resolution which I send to the Clerk's desk.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

Ordered, That Sunday, May 5, 1912, at 12 o'clock noon, be set apart or addresses on the life, character, and public services of Hon. Henry Loudenslager, late a Representative from the State of New Jersey.

The resolution was agreed to.

ORDER OF BUSINESS.

Mr. STEPHENS of Texas. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill H. R.

20728, the Indian appropriation bill.

The SPEAKER. The gentleman from Texas moves that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the Indian appropriation bill.

Mr. POU rose.

The SPEAKER. For what purpose does the gentleman rise? Mr. POU. I rise for the purpose of making a motion that the House resolve itself into Committee of the Whole House for the consideration of bills on the Private Calendar. I would like to say, pending the motion of the gentleman from Texas, that several Fridays have passed and the Committee on Claims has given the right of way to other committees. We have considerable work ready for this House, and if the House wishes to consider other matters it is a matter of no more concern to me than to any other Member of the House,

The SPEAKER. The motion of the gentleman from Texas [Mr. Stephens] is a preferential motion. If the House desires to go into the consideration of the Indian appropriation bill, it will vote for the motion of the gentleman from Texas. prefers to consider private claims, it will vote down the motion

of the gentleman from Texas.

Mr. POU. If the gentleman will yield a moment-

Mr. STEPHENS of Texas. I do not yield the floor, but I will yield for a question.

Mr. POU. I think the bill that the Committee on Claims has for consideration can be disposed of in an hour's time.

Mr. STEPHENS of Texas. Mr. Speaker, I can not yield to the suggestion of the gentleman from North Carolina to dis-pense with our bill. We have spent months in its preparation and have proceeded to considerable length in its consideration, and I do not feel disposed to yield to the gentleman.

Mr. HENRY of Texas. Mr. Speaker, I want to ask both the gentleman from Texas and the gentleman from North Carolina to yield to me while I present a privileged resolution that will

not take two minutes to dispose of.

COMMITTEE ON ELECTIONS NO. 2.

The SPEAKER. The gentleman from Indiana has a matter of pressing nature that will take but a moment.

Mr. STEPHENS of Texas. I will yield.

Mr. KORBLY. Mr. Speaker, by direction of the Committee on Elections No. 2, which has under consideration the contested election case of Gill against Catlin, I ask unanimous consent that the committee may sit during the session this afternoon.

The SPEAKER. The gentleman from Indiana asks unanimous consent that the Committee on Elections that has in charge the election case of Gill against Catlin have the privilege of sitting during the session to-day. Is there objection?

There was no objection.

COMMITTEE ON RULES.

Mr. HENRY of Texas. Now, will the gentleman yield to me to present a privileged resolution?

Mr. STEPHENS of Texas. I will yield to the gentleman to

present his resolution.

Mr. HENRY of Texas, Mr. Speaker, I ask unanimous consent that I be allowed to present the resolution, without prejudice to the gentleman from Texas or the gentleman from North Carolina

The SPEAKER. The gentleman from Texas asks unanimous consent that he present a privileged resolution, without prejudice to the parliamentary status as between the gentleman from Texas and the gentleman from North Carolina. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

The Clerk read as follows:

House resolution 481 (H. Rept. 501).

Resolved, That in order to obtain full and complete information, for the purpose of determining what legislation is needed, the Committee on the Judiciary is authorized and directed to make a full investigation of all matters touched upon in House resolution No. 405 within the jurisdiction of said committee; and said committee is authorized, as a whole or by subcommittee, to sit during sessions of the House and the recess of Congress, to compel the attendance of witnesses, send for persons and papers, to administer oaths to witnesses, and to employ experts, counsel, accountants, and clerical and other assistants.

The Speaker shall have authority to sign and the Clerk to attest subpeans during the sessions or recess of Congress.

Mr. MANN. Will the gentleman yield?

Mr. HENRY of Texas. I will.

Mr. MANN. Does the gentleman have any idea as to what this investigation will cost?

this investigation will cost?

Mr. HENRY of Texas. I have not a very definite idea. Probably the chairman of the Judiciary Committee would be better advised as to that.

Mr. MANN. There is no limitation to the amount? Mr. HENRY of Texas. There is no limitation. The custom at this session has been to allow the Committee on Accounts to bring in a resolution limiting the amount.

Mr. STERLING. Will the gentleman yield? Mr. HENRY of Texas. Certainly.

Mr. STERLING. What is resolution 405?

Mr. HENRY of Texas. In regard to the investigation of the coney Trust. The gentleman will remember that the caucus Money Trust. resolution divided the resolution and referred various parts of it to the several committees having jurisdiction. A part went to the Committee on Banking and Currency, part to the Judi-ciary Committee, part to the Committee on Interstate and Foreign Commerce, and part of it to the Committee on Election of President and Vice President, and so forth.

Mr. MANN. If the gentleman will yield for a moment, I have no intention of opposing the resolution. But I wish to call the attention of the House to the fact that these committees of investigation have already spent over \$70,000. much this will cost I do not know. How much additional cost of the investigations already going on I suppose no one knows. Up to date I have not seen any valuable product resulting from

the investigation.

Mr. NORRIS. I want to suggest to the gentleman from Texas that while it may be an error on the part of the Clerk, as this resolution was read it said "to require the attention of wit-

Mr. HENRY of Texas. "Attendance of witnesses."

Mr. NORRIS. I presume it was a mistake in reading. Mr. HENRY of Texas. I move the previous question.

The previous question was ordered.

The SPEAKER. The rule provides that after the previous question is ordered one motion to adjourn is in order and no other dilatory motion is allowed.

The question is on agreeing to the resolution.

The question was taken, and the resolution was agreed to.

CREEK INDIANS, ALABAMA.

Mr. CLAYTON. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 16661) to relinquish, release, remise, and quitclaim all right, title, and interest of the United States of America in and to all the lands held under claim or color of title by individuals or private ownership or municipal ownership situated in the State of Alabama which were reserved, retained, or set apart to or for the Creek Tribe or Nation of Indians under or by virtue of the treaty entered into between the United States of America and the Creek Tribe or Nation of Indians on March 24, 1832, and move to disagree to the Senate amendments and ask for a conference.

Mr. Speaker, a parliamentary inquiry. Mr. MANN.

The SPEAKER. The gentleman will state it.

Mr. MANN. Where is this bill at the present time? The SPEAKER. It is on the Speaker's table.

Mr. MANN. Then the gentleman from Alabama will have

to get it before the House.
Mr. CLAYTON. Mr. Speaker, I have asked unanimous consent to take it from the Speaker's table and bring it before the House.

The SPEAKER. The gentleman from Alabama asks unanimous consent to take from the Speaker's table the bill H. R. 16661, with Senate amendments, disagree to the Senate amendments, and ask for a conference.

Mr. MANN. Mr. Speaker, reserving the right to object, I would like to inquire what the bill is about?

Mr. CLAYTON. It is the Creek Indian land bill, with which the gentleman is undoubtedly familiar. The Senate has struck out the House bill and substituted another bill, which, in the opinion of the Representatives from the State of Alabama, does not afford any relief.

Mr. MANN. I have no objection.
The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The Clerk will report the Senate amendments. The Clerk reported the Senate amendments.

The SPEAKER. The question is on disagreeing to the Senate amendments and asking for a conference.

The question was taken, and the Senate amendments were

disagreed to.

The Chair announces the following con-The SPEAKER. ferces on the bill H. R. 16661.

The Clerk rend as follows:

Mr. FERRIS, Mr. DENT, and Mr. MONDELL.

INDIAN APPROPRIATION BILL.

Mr. STEPHENS of Texas. Mr. Speaker, I now renew my motion that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the Indian appropriation bill.

The question was taken; and on a division (demanded by Mr. Stephens of Texas) there were—ayes 63, noes 21.

So the motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 20728, the Indian appropriation bill, with Mr. BARNHART in the chair.

The Clerk read as follows:

For construction, lease, purchase, repairs, and improvements of school and agency buildings, and for sewerage, water supply, and lighting plants, and for purchase of school sites, \$425,000.

Mr. FOWLER. Mr. Chairman, I reserve a point of order to this paragraph. I desire to know what school sites are to be purchased. There is a provision in this paragraph for the purchase of school sites, and I desire to know of the chairman of this committee what school sites are contemplated to be purchased, and if the school sites have previously been located?

Mr. STEPHENS of Texas. Mr. Chairman, I do not think that the bill is subject to this point of order. This item is for the purchase of necessary school sites and for the upkeep of these school plants, and this is the justification for the amount, read-

ing from the hearing at page 26:

Thus the amount available for upkeep of the plants was 3.8 per cent of their total value, which percentage has been found inadequate to keep the buildings and property in good condition and to prevent deterioration of the school and agency plants. Experience teaches that from 5 to 10 per cent is necessary to keep up plants of this character. For the fiscal year 1913 the superintendents of the several schools entitled to the benefits of this appropriation have estimated, as absolute necessities for permanent construction work, buildings, water, lighting, sewer systems, etc., \$583,980. Their total estimates for absolute necessities, however, including repairs as well as constructive work, amount to \$752,276. Deducting their estimates for construction only, this leaves a balance for repairs of \$168,296.

This includes all of the Indian school buildings in the United States in which Indian children are now being taught. The children are there now in everyday and Indian schools in the United States, and this item is not subject for that reason to a point of order. Mr. FOWLER.

What schools are to have these new sites on

the reservations'

Mr. STEPHENS of Texas. There is only one instance in which there is any new plant, and that is building a barn for one of the schools in a cold climate where there is an industrial school now being taught. They have an old shed where horses and cattle are kept, and we thought it was necessary, on the recommendation of the superintendent of that school and on the recommendation also of some of the supervisors who have been out there and who have examined into the matter, to recom-mend that this barn should be rebuilt. That is the only instance of a new building.

I do not think that adding to this shed a better building would be a new building in the sense of a new appropriation, and I think that the barn could have a shed attached to it without subjecting the item to a point of order.

Mr. FOWLER. Yes; but the language is:

And for purchase of school sites.

What school sites are contemplated by this appropriation? Mr. STEPHENS of Texas. In many places in the United States where the schools are being taught the lands have been allotted to the Indians on the reservations, but it may be necessary for school buildings to be erected on Indian allotments, and there ought to be some provision for paying for the acre or 2 acres or whatever is necessary of these Indian lands to be transferred to the Indian Bureau for school purposes.

Mr. FOWLER. Mr. Chairman, clearly I grant that there ought to be all of the provisions for educating the Indians that

are necessary, and for one I shall not be an obstructionist in

that direction.

There is not a man in America who is more grateful or more generous or more in favor of giving to the wards of this Government all that is absolutely necessary for their care, for their education, and for their civilization for the purpose of making them real citizens of this country, but, Mr. Chairman, to appropriate money for the purpose of purchasing new school sites without first having decided in advance that they are necessary is, in my opinion, a very dangerous precedent to set in this Congress. While I do not desire, Mr. Chairman, if I can learn that these school sites are necessary, to press this point of order, but, Mr. Chairman, I think that it is—

Mr. CARTER. I would like to ask the gentleman in charge of the bill a question. This item here provides for what is known as reservation schools, does it not?

Mr. CARTER. As I remember, there is a general law authorizing the construction of buildings on reservations for Indian schools, and in that event the gentleman's point of order would not be good against this item. I do not understand these to be the large, elaborate boarding schools, but the small day schools, as a rule, attended largely by children from the reservation who return home at night. If it is true that these are reservation schools, then the gentleman's point of order must fall, because the general law gives authority to build such

Mr. STEPHENS of Texas. I think so; that is my under-

Mr. FOWLER. Then should not the bill specify that it is for the purpose of purchasing sites on these small reservations? Mr. CARTER. That might improve the verbiage, but it has been carried in this language for a good many years-I think ever since I have been in Congress, anyway, and, I expect, long

before.

standing.

Mr. STEPHENS of Texas. It has been the law a good many years.

Mr. FERRIS. I presume that when the gentleman from Illinois becomes aware of the fact that the appropriation of last year was \$425,000-

Mr. FOWLER. I know that fact.

Mr. FERRIS. Just a moment-precisely the same amount we are appropriating this year, and that makes the annual upkeep of less than 4 per cent for keeping up the repairs of all the Indian schools throughout the United States, I am sure he will conclude that the department has not been extravagant, but, on the contrary, they have been saving, painstaking, and careful. Again, I want to call his attention to the fact that in the estimates the department asked for \$650,000, and they thought it was imperatively needed, but the committee thought inasmuch as they had gotten along last year with \$425,000 they would hold them down to the old estimate. Now, with regard to the point of order of the gentleman. This committee has jurisdiction to legislate and appropriate for the upkeep and repair and maintenance and welfare of the Indian Department. And if the gentleman from Illinois, or any other gentleman, is going to attack the committee in its authority to appropriate for the welfare of the Indians and for their best interests and for their best welfare, why the Indian appropriation bill would be riddled without either warrant of law or without consideration or a knowledge of the facts,
Mr. FOWLER. How much of the appropriation will be used

Mr. FOWLER. for this purpose?

Mr. FERRIS. The gentleman wants to know how much will be appropriated. Probably none, but in some instances where allotment work is being carried on they have come up so close to the Indian school that in order to acquire a little corner or to square it off, or in order to get a road, or something of that kind from the school to connect with the depot or to connect with the town in which they do their trading-the gentleman can know how imperative that is and how necessary it is. Probably no site will ever be purchased under this. Probably no parcel of land will be bought, but it was thought advisable to give them authority so that they can make a road or a walk, and I think the gentleman would do ill to press his point of order if it were good, and I am sure it is not good, because the Indian Committee has full jurisdiction to appropriate and keep

up the schools of the Government.

Mr. FOWLER. Mr. Chairman, that is just the reason I have reserved this point of order. It is because of the indefiniteness of this paragraph with reference to all of the items which are enumerated therein. I take it, Mr. Chairman, that in an appropriation where there are several items to be covered by a specific sum that each one of those items ought to be designated specifically, with the full amount that is to be expended in carrying into effect the different purposes of the appropriation. The precedent, Mr. Chairman, of making appropriations indiscriminately, without naming the amount so that the amount should cover the whole cost of the item, is so great that I do not think this House can afford to sanction this para-Each item sought to be covered by the appropriation should be set out definitely, and the sum therefor should be specified, so that the people of the country could tell just where their money is expended and for what purpose.

I am aware, Mr. Chairman, of the need of these Indian schools, and I would not divert one single, necessary penny from their relief, but I do say, Mr. Chairman, that this committee can, by appropriate amendment, give the necessary re-

lief after the point of order is sustained.

Mr. FERRIS. Will the gentleman yield?

The CHAIRMAN. Does the gentleman from Illinois [Mr. FOWLER] yield to the gentleman from Oklahoma?

Mr. FOWLER. Yes.

Mr. FERRIS. Is the gentleman aware that we have 2.331 schools and 79 boarding schools to keep in repair all the year, and does the gentleman think that out of an appropriation of \$425,000, where the total per capita is 4.8, the sum is sufficient

Mr. FOWLER. That is not the question. The question is, What need is there for the purchase of school sites, how many are needed, and in what reservations; also what are they to cost, and how much is necessary to be appropriated therefor? This paragraph is silent upon all of these propositions, and yet you ask us to support this bill.

Mr. JACKSON. Mr. Chairman—
The CHAIRMAN. Will the gentleman from Illinois yield to the gentleman from Kansas?

Mr. FOWLER. I will. Mr. JACKSON. Can the gentleman suggest some better way in which the Government could acquire school sites for these Indian schools than to place it in the hands of department to condemn or acquire them and pay out the sum to be authorized? The gentleman certainly does not want a site to be selected and then placed before Congress and have it voted upon. Some officer must have the discretion to select sites and approve them, as has been suggested, in the case of the condemnation of the public roads or other things that the department needs for this service. Now, can the gentleman suggest some better way to accomplish that than that which is sought to be accomplished by this provision? Mr. FOWLER. I would accomplish this matter just the same

as any other matter ought to be accomplished.

Mr. JACKSON. That is a very indefinite answer.

Mr. FOWLER. It is necessary to locate the sites necessary for the building of the schools. If there is no necessity for building a school, there is no necessity for the site. First determine whether the school is necessary, and, if it is determined

necessary, then locate the site.

Mr. FINLEY. Mr. Chairman, I demand the regular order.

Mr. FOWLER. I think it is subject to a point of order, but, in view of what has been said, I withdraw the point of order.

The Clerk read as follows:

The Clerk read as follows:

To conduct experiments on Indian school or agency farms designed to test the possibilities of soil and climate in the cultivation of trees, grains, vegetables, and fruits, for the purposes of preserving living and growing timber on Indian reservations and allotments, and to advise the Indians as to the proper care of forests: Provided, That this shall not, as to timber, apply to the Menominee Indian Reservation in Wisconsin; for the employment of suitable persons as matrons to teach Indian women housekeeping and other household duties, and for furnishing necessary equipments and renting quarters for them where necessary; for the employment of practical farmers and stockmen in addition to the agency and school farmers now employed; and to superintend and direct farming and stock raising among Indians, \$400,000: Provided further, That not to exceed \$5.000 of the amount herein appropriated may be used to conduct experiments on Indian school or agency farms to test the possibilities of soil and climate in the cultivation of trees, grains, vegetables, and fruits: Provided also, That the amounts paid to matrons, farmers and stockmen herein provided for shall not be included within the limitation on salaries and compensation of employees contained in the act of June 7, 1897.

Mr. MANN. Mr. Chairman, I reserve a point of order on the

Mr. MANN. Mr. Chairman, I reserve a point of order on the paragraph. I would like to make an inquiry of the gentleman from Texas [Mr. Stephens] as to how this money has been

Mr. STEPHENS of Texas. For the fiscal year ending June 30, 1912, the amount appropriated was \$400,000; for the fiscal year ended June 30, 1911, the amount appropriated was \$350,-000, and the amount unexpended was \$55,067.15, leaving amount expended \$294,932.85, as shown by the analysis of the expenditures, which is as follows:

Ana

Employees Construction and repair of buildings	\$270, 548, 44 3, 590, 69
SubsistenceEquipment, furniture, etc	1, 448, 89 3, 254, 38
Purchase of live stock	1, 310, 00 654, 57 11, 265, 14
Stationery and office supplies	629. 29 1, 626. 50
Total	964, 95 294, 932, 85

Mr. MANN. Mr. Chairman, I presume very likely that may be as definite information as the gentleman has, although if it is, I regret, of course, that the information is not of much value.

Where was the money spent?
Mr. STEPHENS of Texas. I find in the estimates for last year's appropriation the following statement relating to the ex-

penditure of this money. It says:

The reports from the field indicate that progress is being made in farming and that the Indians, through the constant urging of these farmers and stockmen, are making greater efforts to develop their land and improve their stock.

Eliminating the area under the Union superintendency, ther are approximately 34,614,137 acres of unallotted land and 12,408,926 acres of allotted land under the jurisdictions at which these men (excepting 15 of the expert farmers who are estimated for Union Agency) are or will be employed. The population of these reservations is approximately 189,845 Indians, which, if divided by the total number of farmers and stockmen to be employed, would give each man approximately 912 Indians to look after. During the fiscal year 1910 there was an acreage of approximately 55,389 allotted and approximately 18,691 acres of unallotted land under cultivation by the Indians. These figures are not accurate, for the reason that reports before the office are incomplete. They are probably much too low.

Mr. MANN. Mr. Chairman, last year we inserted in the bill a provision requiring an annual report in reference to this appropriation, because I had objected several years to the appropriation being made with no information before the House. The gentleman has not given any information of any value to the House. That may be the fault of the Indian Office.

Mr. STEPHENS of Texas. I think it is the fault of the In-

dian Office. The figures for the fiscal year 1911 are not all in the report, because the reports from the field have not reached the office, and therefore the data for that year have not yet reached it. The gentleman can well understand why they have

not reached the office.

Mr. BURKE of South Dakota. Will the gentleman yield?

Mr. MANN. I can not understand why reports up to the last day of June have not yet reached the office, when the law requires that the report should have been made to Congress on the 1st day of last December.

Mr. BURKE of South Dakota. If the gentleman will yield, I will say that the information was furnished strictly in accordance with the requirements of the law and is printed in House

Document 211 of this session of Congress.

Mr. MANN. What is the information? It is the duty of the Indian Committee to have examined the House document and to have given us the information.

Mr. BURKE of South Dakota. I simply call the gentleman's

attention to the fact that the document can be had.

Mr. MANN. Very likely. I am asking for information with reference to the item in the bill.

Mr. STEPHENS of Texas. I will present to the gentleman

the full report.

Mr. MANN. It is the duty of the gentleman in charge of the bill to know what is in the report; and if that is all the information that is contained in the report, then the report does not comply with the law. We have a right to know how much of this money has been expended in advising the Indians in reference to the proper care of forests, and how much has been expended in advising the Indian women in regard to housekeeping and other household duties, and how much has been expended in advising the Indians in regard to stock raising, and how much of it has been expended in testing the possibilities of soil and climate in the cultivation of trees, grains, and so forth.

Mr. BURKE of South Dakota. If the chairman of the committee will refer to page 38 of the hearings, and following pages, he can give the gentleman the information he asked for.

Mr. MANN. Why can not the gentleman from South Dakota

do it?

Mr. BURKE of South Dakota. The gentleman from Texas

has charge of the bill, and I defer to him.

Mr. STEPHENS of Texas. In the hearings, on page 38, I

find this discussion:

mr. Meritt. Where we have no large timber interests the farmers on the reservations and other employees, under the direction of the superintendent, take care of the forest work without having expert foresters or forest assistants.

Mr. Burke. Is any part of the money appropriated for protecting the forests reimbursable?

Mr. Meritt. No, sir; none of the money appropriated for this work is reimbursable.

Mr. Burke. The proceeds from the timber that is sold on the reservations go to the Indians?

Mr. Meritt. The proceeds are deposited under a heading known as "Indian money, proceeds of labor," and under a decision of the Comptroller of the Treasury that money is available for administrative purposes, and we are now using some of the proceeds from the sale of timber to help protect the forests, and for administrative purposes for the benefit of the Indians.

Mr. Burke. Do I understand that you have a fund from the sale of timber, dead, or down, or otherwise, from reservations that you can expend for administrative purposes, and that in addition to the appropriation that is made by the appropriation bill here?

Mr. Meritt. We have not been selling very much timber during the last year or two on account of the low price being paid for timber, but we can, under the discretion of the Sceretary of the Interior and in accordance with the decision of the Comptroller of the Treasury, use the proceeds from the sale of timber for administrative purposes.

Mr. Burke. How much is being used, if you know?

Mr. Meritt. We are not using very much, because we are not getting very much money from the sale of the timber at this time on account of the low price.

Then follows a statement showing by reservations the esti-

Then follows a statement showing by reservations the estimated amount of timber, its value, and the salaries of persons employed in forestry work in the Indian Service during the fiscal year ended June 30, 1911. That is two pages long, itemizing

everything as succinctly as it can be done. Here it is:

Statement showing by reservations the estimated amount of timber, its
value, and the saluries of persons employed in forestry work in the
Indian service during the fiscal year ended June 30, 1911.

			Employees.			
*	Acreage, tribal and	Estimated stumpage value of	Special. Fore		est guards.	
×	allotted.	timber.	Num- ber.	Sala- ries.	Num- ber.	Total salaries.
ARIZONA.						
Camp McDowell Colorado River Fort Apache Navajo Pima San Carlos San Xavier Truxton Canyon Western Navajo	300 15,000 640,000 430,000 30,000 386,000 6,440 32,000	\$6,000 75,000 3,000,000 7,500,000 65,000 600,000 8,600 51,200			2 1 3 2	\$900 600 900 1,200 1,000 900
CALIFORNIA.						
Campo	40 287 10,000 129,000 36,692 800 45,000	80,000 4,490,000 2,300 1,200 65,000			2 1	900
COLORADO.					1	
Navajo Springs Southern Ute		2,000			1	900
Coeur d'AleneFort HallFort Lapwai	32,000 43,340 28,000	140,000			13	750 3,020
IOWA.					- 1	
Sac and Fox	500	2,000				
Chippewas, Lake Superior	15, 517	68,730				
MINNESOTA.						
Fond du Lac	58,500 39,304 55,212 110,237 300 343,878	• 650,000 68,800 119,000 1,200,481 10,000 1,662,352	1	\$1,800	3 5 2 2	900 1,050 480 720 1,050
MONTANA.						
Blackfeet. Crow. Flathead Fort Belknap. Fort Peck. Tongue River.	10,000 12,800 218,000 32,000 10,000 70,000	120,000 76,800 5,394,000 384,000 60,000 900,000	i	2,250	2 2 9 	1,050 400 2,920 2,800
NEBRASKA.						
Omaha	1,640	26, 240				
NEW MEXICO. Albuquerque Pueblo Jicarilla. Mescalero. San Juan. Santa Fe Pueblo Zuni.	10,000 120,000 350,000 5,000 10,000 1,500	55,000 1,110,000 4,500,000 50,000 57,000 22,500			8	3,600
NORTH CAROLINA.						1
Cherokee	50,000	100,000				
NORTH DAKOTA.						
Fort Berthold	10,000 9,600	250,000 87,500			1	84
OKLAHOMA.		The state of			HILL	
Osage Otoe Pawnee Ponca Sac and Fox	3,000 400 5,000 15,508	63,000 12,000 75,000				
oregon.	-	and the same of		1 5 6		1 3.
Klamath, Roseburg, Siletz, Umatilla, Warm Springs,	789,942 80,000 4,000 3,020 233,000	23,683,260 800,000 217,000 18,373 2,305,000			9 2 1	4,84 70 45 90 2,10

Statement showing by reservations the estimated amount of timber, its value, etc.—Continued.

		tribal stumpage and value of	Employees.			
	tribal		Special.		Forest guards.	
			Num- ber.	Sala- ries.	Num- ber.	Total salaries.
SOUTH DAKOTA.						
Crow Creek	4,000	\$1,500				
Lower Brule Pine Ridge	1,900	40,000 150,000				\$2,340
Rosebud	65,000	50,000			3	960
UTAH.	,	00,000				
Uintah and Ouray	10,000	41,250			3	1,180
WASHINGTON.						
Colville	707,000	3,279,000	1	\$1,800	7	3,400
Spokane	120,000	1,777,545		41,000	3	1,200
Cushman.	226,000	5, 108, 126 275, 000			3	960
Neah Bay	21,960	275,000				
TulalipYakima	550,000	400,000 2,500,000			8	3,740
WISCONSIN.						
Hayward	21,278	102,084	Same	553755535	3	1,800
Keshena	161,280	8,250,000			4	2,880
Lac du Flambeau	30,000	245,000			1	420
La Pointe		1,355,550	1	1,800	3	1,800
WYOMING.	- 3					
Shoshone	300	11,250			3	1,125
Grand total		84,040,781	4	7,650	126	60, 430

Statement showing the estimated amount of timber upon tribal lands of certain Indian reservations and its estimated value.

	Amount.	Value.
Fort Apache.	1,000,000,000	\$3,000,000
Navajo	3,000,000,000	7,500,000
San Carlos.	221,000,000	600,000
Hoopa Valley	740,000,000	740,000
Nez Perce	100,000,000	200,000
Red Lake	140,000,000	1,200,000
Blackfeet	80,000,000	120,000
Crow	64,800,000	64,800
Flathead	1,493,000,000	4,479,000
Tongue River	300,000,000	600,000
Mescalero	1,500,000,000	4,500,000
Eastern Cherokee	40,000,000	100,000
Klamath	5,000,000,000	11,000,000
Warm Springs	2,280,000,000	2,280,000
Colvine	3,279,000,000	3,279,000
Cushman	4,274,000,000	4,274,000
Neah Bay	271,000,000	271,000
Yakima	2,000,000,000	2,500,000

Mr. MANN. Very well. How much was applied to the teaching of Indians how to properly care for forests? How much

of this was expended for that purpose?

The CHAIRMAN. The time of the gentleman has expired.

Mr. MANN. Mr. Chairman, I ask unanimous consent for five

The CHAIRMAN. The gentleman from Illinois asks unanimous consent for five minutes more. Is there objection? There was no objection.

Mr. BURKE of South Dakota. The gentleman can get that on page 40 of the hearings.

Mr. MANN. Why do you leave out this year the exemption of the Red Lake Indian Reservation in Minnesota from this

Mr. STEPHENS of Texas. This is the information covering that point as contained in the hearings:

Industrial more and once of timb

3	massitut work and cure of timber.	
3	Fiscal year ending June 30, 1912: Amount appropriated Fiscal year ended June 30, 1911:	\$400,000.00
1	Amount appropriatedAmount expended	350, 000. 00 294, 932. 85
1	Unexpended balance	55, 067. 15
	Analysis of expenditures: Employees Construction and repair of buildings Subsistence Equipment, furniture, etc. Purchase of live stock Forage	270, 548, 44 3, 590, 69 1, 448, 89 3, 254, 38 1, 310, 00 654, 57

Analysis of expenditures—Continued. Traveling expenses Stationery and office supplies Rent Miscellaneous	\$11, 265, 14 629, 29 1, 626, 56 964, 95
Industrial work and care of timber, 1913, \$400,000.	294, 932, 85

Industrial work and care of timber, 1913, \$400,000.

Appropriation for the fiscal year 1912, \$400,000.

Of the \$400,000 appropriated for the fiscal year 1912 to conduct experiments on Indian school and agency farms, for purposes of preserving living and growing timber on reservations and allotments and to advise the Indians as to the proper care of forests, for the employment of practical farmers and stockmen in addition to the agency and school farmers now employed, and to superintend and direct farming and stock raising among the Indians, \$225,000 was set aside for agriculture and stock purposes and \$5,000 for experimentation.

Mr. MANN. That is what the gentleman read before.

Mr. STEPHENS of Texas. That covers all the timber work, and shows what has been done with it last year.

Now, with reference to the expert farmers, I have this infor-

Per dlem of supervisors	
S109 S709 S709	
Annual estimate, supplies for stock 1, 013, 00	, 276, 64 , 600, 00
Typewriting machine for supervisor 69.75	, 920, 00 , 082, 75
	879.39 , 120.61
	,000.00

Now, here is the forestry work report, from page 32 of the hearings:

FORESTRY WORK IN INDIAN SERVICE, 1912

The total amount allowed for forestry work in the Indian Service during the fiscal year 1012 is \$120,000.

This amount has been apportioned as follows:	
1 forester, salary, per diem, and expenses 1 assistant forester, salary, per diem, and expenses 1 district forester, salary, per diem, and expenses 4 lumbermen, salaries, per diem, and expenses 15 forest assistants and all expenses 1 draftsman and expenses 1 clerk 1 stenographer 91 forest guards Office supplies and equipment Field supplies and equipment Contingencies, fire fighting, trespass, and other special examinations, building of telephone lines, trails, roads, etc.	\$5,660 3,800 3,850 15,250 25,000 1,000 1,000 42,180 3,000 15,910
	120 000

I can not imagine how we could furnish a better statement unless we stated what amount of timber each fire burned, its value, on what reservation, on what range of mountains, and in what county and State the fire took place. The gentleman from Illinois certainly would not expect that.

Mr. MANN. I would not. I will say to the gentleman from

Texas that I have not before seen House Document No. 221. escaped me in some way. It seems to contain the information desired.

Mr. STEPHENS of Texas. That is correct.

Mr. MANN. It seems to contain information which the gentleman has not been able to give.

Mr. Chairman, I withdraw the point of order.
The CHAIRMAN. The gentleman from Illinois withdraws his point of order. The Clerk will read.

The Clerk read as follows:

For payment of Indian police, including chiefs of police at not to exceed \$50 per month each, and privates at not to exceed \$30 per month each, to be employed in maintaining order, and for the purchase of equipments and rations for policemen at nonration agencies, \$200,000.

Mr. MANN. Mr. Chairman, I move to strike out the last word. What service do these Indian police now render except to draw their salaries?

Mr. STEPHENS of Texas. Mr. Chairman, I desire to say in reply to the gentleman-in answer to the gentleman's questionthat the amount appropriated was \$8,000. The amount expended was \$6,618.

Mr. MANN. I am talking about the amount of \$200,000. Mr. STEPHENS of Texas. There are two items carried here. On what line is that?

Mr. MANN. At the bottom of page 7, for the payment of Indian police. This item has been in the bill for years. Originally it went into the bill when there was occasion for Indian What occasion is there now for Indian police? Do the States assume no responsibilities when these Indians are made citizens?

Mr. STEPHENS of Texas. In answer to the gentleman's question I will make this statement: The next item is the one I thought had just been read. I thought he was referring to the one for the payment of the Indian police, including chiefs of police at not exceeding \$50 per month and privates at not exceeding \$30 per month, the whole item amounting to \$200,000—that is the amount the gentleman asked in regard to, is it not? This is the same amount that was asked for and granted last year.

Mr. MANN. I understand it has been granted for several

years; but what is it used for? How many Indian police are there, where are they located, and what do they do now?

Mr. STEPHENS of Texas. I am very glad to answer the gentleman's question. There are over 600 police officers employed to maintain order on the various reservations throughout the United States. By the means of this body of men much has been accomplished toward bettering conditions on the various reservations. With the opening of the reservations throughout the country many questionable characters are drawn toward the Indian country, and the necessity for the continuance of this force is more apparent. Out of this fund also is paid the equipment for the police and rations at nonration agencies.

Mr. MANN. Where are these Indian reservations now, which have been thrown open to settlement, on which we still maintain

Indian police?

Mr. STEPHENS of Texas. They are in Oklahoma, where we have over 100,000 Indians; in South Dakota, where we have about 20,000; in North Dakota, where there are possibly 10,000; in New Mexico and Arizona, where there are about 61,000 Indians, and there are various reservations in other States and possibly a hundred different tribes of Indians scattered all over the United States.

Mr. MANN. We have all told in the United States less than 350,000 Indians, according to the census. Here you propose to maintain a police force of 600 Indians. Most of the Indians have been made citizens, most of the reservations have been abolished, and the land is now in private ownership. When is this to cease? Is the appropriation used for this purpose, or some other?

Mr. STEPHENS of Texas. It will not cease until the Indians become civilized and become citizens of the States in which they reside, so that the local authorities, the constables and State officers, whose duty it is to keep the peace, can take charge of the Indians. Then, and not until then, will it cease. Then, and not until then, can we discontinue these appropriations. As long as we have the Indians under our charge we must have policemen. The Indian, like the white man, needs policing, needs protecting, as well as punishing, and I know of no other way to do it except by making an appropriation for a police force.

The CHAIRMAN. The time of the gentleman from Illinois

[Mr. Mann] has expired.

Mr. MANN. I ask that I may proceed for five minutes.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent to proceed for five minutes. Is there objection? There was no objection.

Mr. MANN. The fact is that as we bring these Indians into citizenship we increase their power in this House, and gentlemen here, reflecting the natural sentiments of their Indian constituents, now desire, as mankind always has desired, to protect those men who are holding office.

Mr. STEPHENS of Texas. If the gentleman will yield at that point, we have not an Indian in the State of Texas who is under the care of the Government. We have Indians there, but we take care of them ourselves.

Mr. MANN. Then probably there are no Indian police in the State of Texas. Perhaps Texas does her own policing.

Mr. STEPHENS of Texas. We certainly do.

Mr. MANN. Oklahoma ought to do the same thing. The Dakotas ought to do the same thing. Arizona ought to do the same thing. So ought the other States where the Indians have been made citizens and have received their allotments in severalty. Why is it that as we go ahead, civilizing the Indians under our method, making allotments in severalty, we still have to support them, police them, and attend to them in every

Mr. FERRIS. If the gentleman will yield, I think the question of the amount and the number has been gone over thoroughly enough, and I think what the gentleman wants to get at is what these Indian police do.

Mr. MANN. Yes.

Mr. FERRIS. I move to strike out the last word. I think I can give the gentleman from Illinois a little information on that point.

In a great many reservations where, as the gentleman knows, allotments have been taken up, most of the land has been allotted. In many reservations there are, however, unallotted areas, large sections which have not as yet been allotted. These are usually leased to cattlemen for different sums and for different terms of years or months as the case may be. Indian police are very helpful to the agents, so the Indian agents tell me, in running around and determining the brands of the cattle, and whether any outside cattle are run in to be pastured for which no pay is collected. They tell me that the Indian police are also helpful, from the fact that they camp and live up and down the streams, and they see that no timber is cut or removed from the Indian lands. Again, they tell me, and I believe it is a fact, that they are helpful to the agency in this way: In many cases they no longer employ a regular force of interpreters to help them with their lawsuits, their payments, and the leasing of their lands, and the different things that are necessary to be done for the Indians. These Indian policemen are paid small salaries, from \$25 to \$50. They keep horses of their own and use them to ride around, and these Indian policemen can be used as interpreters and to run errands and to communicate to the Indians things which they ought to know. often the Indians are not within reach of mail facilities, can neither read nor write, and do not go to a post office once in five years. So the Indian service needs some one who can talk the language, who can be sent on errands, and communicate information which the Indians need to know. Of course, this only applies to full-bloods. I think it would be a serious mistake to dispense with the Indian police, for the reasons I have given. Whether or not there are too many in any certain reservation and too few in some other reservation, I am not clearly advised; but the commissioner advises us that as equitably as he can he has distributed the Indian police on the different reservations, where they protect the timber, assist in the leasing of the land, assist in transacting Indian business, and, probably most important of all they do, act as interpreters for the agents.

Mr. BURKE of South Dakota. Let me suggest that they also do much toward preserving order, removing trespassers, and also in suppressing the introduction of liquor upon the reserva-

Mr. FERRIS. That is true. They help keep the peace among the Indians. Another thing which I omitted to state, there are usually old, trusted, tried Indians around every reservation, who are known to the white people and to the agent, and the agent usually designates some such Indian, who serves as a go-between in all these matters, between the Indians, the agency, and also between the white people and the Indians having business relations. I do not think the appropriation ought to be stricken out.

Mr. DAVENPORT. Mr. Chairman, upon the question of Indian police I am not prepared to speak for all the reservations. There are some reservations in Oklahoma that would probably need Indian police. But I can say that in the Five Civilized Tribes, where we have assumed full jurisdiction as citizens of the State, that we do not have any use for Indian police. Every precinct has its constable, every county has its sheriff and deputy sheriff, and there is no necessity for Indian police in that section. But, as I say, there are sections that would need Indian police in order to carry out certain regulations of the department.

Mr. FERRIS. I take it that if the Indian Commissioner distributes them equitably he would not put any Indian police in that part of the community where the Indians are competent, for I am opposed to supervising people who need no supervision. He has full power to put them where they are needed in the

blanket reservations.

Mr. DAVENPORT. If the Indian Commissioner would equitably distribute them, I would raise no objection. But I want to say here that they have not been equitably distributed in my part of the State of Oklahoma. They have been distributed in sections where they are not needed, and I am opposed to the continuation of any number of officers not needed. I am opposed to their being sent to communities where they do as much harm as they do good. I personally know that in the full-blood district of the Cherokee Nation they have done as much harm as good. They are not needed because there are plenty of officers competent to enforce the law and police regulations in the administration of affairs of the State. There are other sections where Indian police are probably needed. They are the reservations that have not been open to full citizenship and lands allotted as they have been in my section.

Mr. McGUIRE of Oklahoma. Mr. Chairman, I want to add a word to what has been said by my colleague [Mr. DAVENPORT]. The Committee on Indian Affairs acted on the evidence presented to it by the Commissioner of Indian Affairs, or that department, and this is the usual appropriation, as I understand it. Since the matter has arisen I want to further call the attention of the committee to conditions in my district and other places in Oklahoma. It is a fact, as was stated by my colleague [Mr. FERRIS], that in the large reservations where there are few settlements-in the grazing countries-these police are needed. I now have in mind two counties, or two reservations, where these police are used for nothing more or less than messengers for the local superintendent. I am a little surprised that this appropriation is not cut. I believe that notice should be served on the Indian Department that the amount will be reduced after this year because, as has been said by the gentleman from Oklahoma [Mr. DAVENPORT], I know where Indian police are being used who are not needed; but, as stated by other members of the committee, they are an indispensable necessity on the big reservations in such places as South Dakota.

Mr. BURKE of South Dakota. I will say that in the last Congress the matter was considered carefully, and it was decided that we could get along with less police, but that they were not receiving what was an adequate consideration for their services. So we left the amount as it was and increased the amount that is being paid to each policeman. So we have less policemen in number, but they get more pay.

Mr. McGUIRE of Oklahoma. Is there any statement as to whether there are fewer of them?

Mr. BURKE of South Dakota. There are fewer of them because they have increased the salaries all along the line. The highest salary that can be paid is \$50 a month, and my recollection is that the previous salaries were \$20 and \$30 a month.

Mr. FERRIS. That is true. After the reservation is opened up the Indian does not have free grass and free hay and pasture, and he has to buy it, and the Indian would no longer serve as a policeman for the amount that he was then receiving.

Mr. McGUIRE of Oklahoma. That is true, and this condition prevailed in the organized counties all through the State. They have local officers, and I know instances where these Indian police are pure ornaments, and nothing more or less.

Mr. MANN. Will the gentleman yield? Mr. McGUIRE of Oklahoma. Certainly.

Mr. MANN. Are any of these Indian police connected with the Osage Tribe?

Mr. McGUIRE of Oklahoma. I think not.

Mr. MANN. I am speaking of the Osage Tribe. Mr. McGUIRE of Oklahoma. I do not know of any.

Mr. MANN. Do we have any judges?

Mr. McGUIRE of Oklahoma. No but they have dispensed with them. Not now. We used to have,

Mr. MANN. We maintain Indian police in the Five Civilized Tribes in Oklahoma.

Mr. McGUIRE of Oklahoma. The gentleman who represents that district knows more about that than I do. reservations in my district where they are not needed and ought to be dispensed with. They are simply messenger boys. But I want it understood that that condition does not prevail in the big reservations where there are few settlers.

Mr. MANN. That is what I am speaking of. Here we divide the lands, make the Indian a citizen, have the State assume jurisdiction, and we pay out of the Federal Treasury for the policing and in some places for the judges, when the Indians have plenty of property and the State has plenty of authority.

Mr. McGUIRE of Oklahoma. That is quite true, and I think

that after this year the appropriation ought to be cut.

Mr. MANN. The gentleman is aware, of course, that an office with money to spend like this finds it very convenient to give this or some other man a job, and a demand for an officer here and an officer there is easier to yield to than it is to refuse.

Mr. McGUIRE of Oklahoma. That is quite true.

Mr. MANN. This appropriation ought to be cut in two, as a matter of fact. Mr. Chairman, I move, on page 8, line 1, to strike out the words "two hundred" and insert the words " hundred and fifty," so that it will read "one hundred and fifty thousand dollars." That is a modest cut.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

On page 8, line 1, strike out the words "two hundred" and insert the words "one hundred and fifty."

Mr. STEPHENS of Texas. Mr. Chairman, I hope the amendment will not prevail, for the reason that we do not know but that these policemen are needed, and until we have further

information in regard to the matter I think it would be very unsafe to cut out this appropriation. Mr. JACKSON. Will the gentleman yield?

Mr. STEPHENS of Texas. Yes.

Mr. STEPHENS of Texas. Tes.

Mr. JACKSON. I would like to ask the gentleman from Oklahoma [Mr. Ferris] a question. Is it true that these men are simply selected or appointed by the Indian agent?

Mr. FERRIS. On his recommendation.
Mr. JACKSON. And some of them are voters?
Mr. FERRIS. None of the Indians on the west side, in my district, exercise the right, although every one of them has the

Mf. JACKSON. There are men who do have political influence in the territory inhabited by the Five Civilized Tribes?

Mr. FERRIS. That is true in that side of the State where they are a little further advanced.

Mr. JACKSON. Is it not true that these local police could be made a very effective political machine?

Mr. FERRIS. That could be done if it was in an intelligent, far-advanced community, but I do not think the police ought to be used in communities where the Indians are civilized and

Mi. JACKSON. It is true that this sort of an arrangement, where these men are simply selected locally, could be made much more effective as a political machine without any intervention or civil-service examination, or anything of that sort, than some of the officers who have been taken out of the appro-

priation by this present bill.

Mr. FERRIS. In a community where the State is organized and the country is thickly settled, I think, perhaps, that is true, but let me say to the gentleman that I am in this situation: Six counties of my district are in the Five Tribes' part of the State. The balance of my district is on the west side of the State. In counties that are in the Five Tribes' part of the State the Indians there are practically all white men, They serve on reception committees in matters of importance. are the leading lawyers and doctors and business men of the community. On the west side of the State, where I live, we have Indians who are real Indians, who do not really transact business with the white people at all, except through their agents. In districts of that character I feel and the agents in charge feel that a few trusty, reliable Indian police around the agency are of help. I have recently talked with some of them. Personally I think that where the Indians are backward, not well along with civilization, and where they are not sufficiently advanced to come in contact with business propositions and transact business in everyday affairs, I think a few Indian police would be really helpful to the Indians and to the administration without any consequence one way or the other.

Mr. JACKSON. It is true they exist all over the territory. Mr. FERRIS. I never have come in contact with any Indian

police in my Five Tribes' district.
Mr. JACKSON. There is one other question that I wanted to ask before I conclude. In the matter of this increase of salaries the gentleman states that he had some explanation to

Will he tell why the salaries were increased?

Mr. FERRIS. I have the version of the commissioner and the version of the local agents. Prior to the time the Indian lands were opened up these Indian horses they used as mounts could graze on the common. They could get hay on the common and stack it up, but as soon as every acre of land was fenced up, with some white men residing on it, they did not have any public domain for the horses to forage on.

Mr. JACKSON. Does not the gentleman think that this would be a good place to cut this appropriation to \$150,000?

Mr. FERRIS. It certainly would not interfere with any-body unless it be the Indian administration, and I think you will find if you did cut it that the Indian administration will be crippled in places, and it is not my intention or desire to have that done.

Mr. DAVENPORT. Mr. Chairman, I want to ask permission to further answer the question the gentleman from Kansas [Mr. JACKSON] asked of my colleague from Oklahoma [Mr. FERRIS]. I think the gentleman from Kansas is cowect in regard to the organization of the Indian police in a number of these places. So far in the Cherokee Nation and a portion of the Creek Nation it has been nothing more or less than a political organization in the last four years. Great complaint has gone up among the people there because of that one fact. It now has a tendency to bring about discord and dissatisfaction, and it brings about conflict between the local officers and these police, that goes on and will continue to go on, and if the bill was in such shape that I could make the motion to amend I would provide an amendment by which there should be no Indian police appointed by the department in any organized county or municipality within any organized State.

Mr. JACKSON. I would like to ask the gentleman, since he seems to be familiar with it, about what per cent of the Indian police on the east side of the territory are white men?

Mr. DAVENPORT. Well, they are considerably mixed. As a matter of fact, they are usually taken, as some other tribal officers are, from the influential men of the localities. There are about, I think, now 14 or 16 Indian police in that section of

the State. My recollection is only 15 or 16.

Mr. McGUIRE of Oklahoma. Will the gentleman allow me to make this statement in answer to the question he asked. The Five Civilized Tribes are somewhat different from the Indians in the west end of our State and Indians generally throughout the United States. The gentleman should realize that the Five Tribes have had 50 or 75 years of influence of civilizing tenden-cies over the other fellows. Now, as to over in my end of the State, there is absolutely nothing in it anywhere. I do not know much about political organizations or political ina-

Mr. JACKSON. You do not have the policemen— Mr. McGUIRE of Oklahoma (continuing). In my section of the State a full blood who works for \$25 a month seldom goes to the polls and you never hear about politics from them.

Mr. JACKSON. You have very few.

Mr. McGUIRE of Oklahoma. We never thought of it in that connection there, and in fact I do not think there are any machine politics in that part of the State.

The CHAIRMAN. The question is upon the amendment

offered by the gentleman from Illinois.

The question was taken, and the amendment was rejected. Mr. FOWLER. Mr. Chairman, I desire to offer a further

The CHAIRMAN. The Clerk will report it.

The Clerk read as follows:

Amend, page S. after the word "dollars," in line 2, by inserting the following: "Provided, That none of this sum shall be used in the Five Civilized Tribes."

Mr. STEPHENS of Texas. Mr. Chairman, I reserve a point of order on that. I withdraw it.
Mr. FOWLER. Mr. Chairman, I desire that the amendment

should read "Five Civilized Tribes."

The CHAIRMAN. By unanimous consent the amendment will be amended as desired by the gentleman. [After a pause.] The Chair hears no objection, and the Clerk will report the amendment as amended.

The Clerk read as follows:

Amend, page 8, after the word "dollars," in line 2, by inserting the following: "Provided, That none of this sum shall be used in any of the Five Civilized Tribes."

Mr. FOWLER. Mr. Chairman, from the discussion here it has developed that the Five Civilized Tribes of Indians are as intelligent as the ordinary people of this country. I understand that they are citizens of the country. I understand that they are as well behaved as people ordinarily are. If it be true, as was developed in the conversation between the gentleman from Kansas [Mr. Jackson] and the gentleman from Oklahoma [Mr. DAVENPORT], that this police force has been used largely for political purposes in the past, certainly this appropriation can serve no useful purpose. Inasmuch as they are able to take care of themselves, and inasmuch as they live, as I understand, in organized counties in organized States, where there is no use for this police force, I think this amendment ought to prevail. If there is a locality or reservation wherein there is need for this police force, I have no objection to it if it is really and substantially demanded by the people of that reservation or that territory; but, Mr. Chairman, in the light of the discussion which has gone on here I think that none of this money ought to be used among these tribes for the purpose of having police to dominate over them with clubs and play politics with them.

Mr. FERRIS. Mr. Chairman, I want to say I am in agreement with some of the sentiments advanced by the gentleman from Illinois [Mr. Fowlers]. He has uttered not one truth but several, but the conditions, I think, hardly warrant this House in excluding practically one-third of the Indians of the United States from this service. Now, I am one of those who think there is very little of this service necessary in the Five Civilized Tribes' part of the State, but I call his attention to the fact that it would not do with the full-blooded Indians in the eastern half of the State, even though for more than 50 years they have had their own legislatures and governed themselves, and that they have one of themselves in this House and one in the Senate of the United States, at the other end of this Capitol. I do not want to strip the department of the right to send agents there, or Indian police there, if they think it is necessary. Now, you understand it is not incumbent upon the department to send a great horde of Indian police into a community where the people are intelligent; and if they do that, the department

is subject to criticism rather than the whole system of Indian police. I think the objection of the gentleman from Illinois strikes at one specific condition which is but an incident, to wit, the inequality of distributing the Indian police, rather than striking at the entire system in its entirety; and I think that if anybody should suggest to the Indian Commissioner that he has been sending too many Indian police there, and that he should not send them there, he would stop it. But we ought not to take away the right of sending a few there in the event they are needed, and if the amendment of the gentleman prevails it would preclude the sending of them at all.

Mr. FOWLER. Will the gentleman yield?
Mr. FERRIS. I do.
Mr. FOWLER. Do not you elect these Indians to offices in counties in which they live, such as sheriffs, constables, etc., for the purpose of maintaining order not only for the Indians, but for the whites also?

Mr. FERRIS. The gentleman from Illinois is entirely correct. The governor of our State at time is an Indian citizen, zen. We have a United States Senator who is an Indian citizen, The governor of our State at this time is an Indian citias well as a Member of this House who is an Indian citizen. The speaker of the Oklahoma Legislature is an Indian citizen. They hold many of our best and most responsible positions and they are entitled to do so. I rejoice perhaps more over that one thing than any other thing—there is no feeling between the Indians and the whites. We elect them to the best offices in the State and support them, and I desire to call the attention of the House to this fact. In our State one class of people, the whites, are over 1,500,000 in population; the Indian population is only a little over 100,000. Where the ratio of strength is so unequal it shows consideration, good feeling, good dealing, and wholesome results. It is worthy of mention. It is a beautiful scene to see two races moving side by side in the progressive new State.

Mr. FOWLER. Do not these Indian officers make just as good policemen as white officers?

Mr. FERRIS. Precisely; but the gentleman should discriminate, and the House should understand that an Indian who has a sixth or an eighth or sixteenth or thirty-second or sixtyfourth Indian blood is an Indian citizen, so far as statutes are concerned, but is not an Indian so far as reality is concerned. Even though we are getting along so amicably, I am not one to withdraw every species of protection from those full-blood Indians in the backward parts of the State in the full-blood settlements.

Mr. FOWLER. Is there any more use of Indian police for those Indians in Oklahoma than there is for police in Ohio, Illinois, and Indiana?

Mr. FERRIS. Oh, yes; there are no Indians in the States mentioned. We must keep within range of the mark. I am sharing largely the views of the gentleman. It has been my purpose to accurately describe to some extent the conditions of the Five Civilized Tribes. Most of these Indians need nothing, and the committee has made marked reductions.

Mr. FOWLER. Is not the appointment of police over these Indian tribes an insult to their intelligence and to their efforts

for education and civilization?

Mr. FERRIS. If police were appointed that attempted to meddle with the affairs of a man who only had a slight strain of Indian blood and who was a lawyer or a doctor, or some other leading citizen, of the community, I would say yes. Over in the eastern part of the State we have some Indians who need supervision. The word "Indian" has no meaning as applied to a citizen of 64 per cent Indian blood.

Mr. CANNON. Will the gentleman yield?
Mr. FERRIS. I will.
Mr. CANNON. Do those people whom you call Indians make a part of the 100,000 as against the 1,600,000 of the whites?

Mr. FERRIS. They do. Mr. CANNON. How ma

How many of those Indians whom you call Indians are not Indians?

Mr. FERRIS. There are probably about 18,000 or 20,000 full bloods, as shown by the rolls, but there are not that many in reality. Some are on as full bloods who are not.

reality. Some are on as full bloods who are not.

The CHAIRMAN. The time of the gentleman has expired. Mr. FOWLER. I ask unanimous consent that the time of the gentleman from Oklahoma [Mr. Ferris] may be extended five

The CHAIRMAN. Is there objection?

There was no objection.

Mr. FOWLER. One other question, and then I am done. Are not these Indians who are full bloods as easily controlled as the ordinary citizen of your State?

Mr. FERRIS. From a standpoint of obedience to law and order I say yes, unhesitatingly, but from the standpoint of

capability to do business you must of yourself agree with me that it could not be true. A full-blooded Indian, from the nature of things, is not as keen of intellect and not as keen of mind to transact business, and has not the business sagacity the white man has. The intermingling of blood makes a keen mind, but there is something about the full blood that will not, as a rule, adapt himself to the white man's ways. He is not as keen and as able to cope with his white brother on business deals.

Mr. WICKLIFFE. Some are Indians by adoption, are they

Mr. DAVENPORT. Some are Indians by adoption.

Mr. GRAHAM. Is it not a part of the Indian policeman's duty to assist the Indian in the transaction of business, and his business to prevent the sale of liquor, and so forth?

Mr. FERRIS. I stated partially a while ago what I intend to say now. This is based on observation. They use the Indian police in my home county and in seven or eight counties in which I am intimately acquainted, to help the Indian farmers in agreements as to leases. They send them as a special envoy to perform errands. They travel up and down the creeks and see that no timber is cut from the Indian lands. They do service and are a great deal of help. It encourages the Indians to give them employment and responsibility. It has a good effect and I have never heard of ill effects from it in full-blood communities.

Mr. CANNON. Mr. Chairman, I move to strike out the last

The CHAIRMAN. There is an amendment pending.

Mr. CANNON. I will oppose the amendment pro forma, although I want to be square and say that, after listening to my colleague from Illinois [Mr. Fowler] and the gentleman from Oklahoma [Mr. Ferris], I am for the amendment.

I want to congratulate the State of Oklahoma on its marvelous progress. It is unexampled, so far as I know or believe, by the history of any other State. [Applause.] The State is fully organized. Full citizenship is given to the full bloods and to the mixed bloods. They have intelligence. Why, the gentlemen that I have met representing that country are quite six while anybody else is half a dozen. [Laughter.]

Now, what have we? A powerful State, a rich State, fully organized into counties, with all the official machinery; 600,000 pure white people and 100,000 of Indian blood, but not a great many of them full bloods.

Mr. BURKE of South Dakota. Mr. Chairman, if the gentleman will allow me, I will correct the gentleman in his figures. I think the number of white people in Oklahoma is about

Mr. DAVENPORT. One million four hundred thousand. Mr. CANNON. Oh, I thought it was 600,000. As the Dutch-

man said, "Vurse and vurse." I will not tell it all. [Laughter.] Now, you propose to appropriate \$200,000, to do what? For the payment of Indian police, including chiefs of police, at not exceeding so much a day, employed in maintaining order, and for the purchase of equipment and rations for policemen on duty at non-ration agencies, \$200,000. There is no more reason for this appropriation than there is to make such an appropriation

for any other State in the Union for that purpose, undue interference—

Mr. FERRIS. Mr. Chairman, will the gentleman yield there?
Mr. CANNON (continuing). And a reflection, as well as an interference, with the State of Oklahoma, a State full born, with a million and a half of white people and 100,000 Indians, so-called Indian citizens. God helps those who help themselves,

and in justice to the citizenship of Oklahoma, in justice to the Indians, full bloods, if you choose, I think the time has arrived when they should stand, each man, upon his own feet. [Applause. Mr. FERRIS. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Illinois yield to the gentleman from Oklahoma?

Mr. CANNON. Yes. Mr. FERRIS. Of course, the gentleman is aware that it is within the discretion of the commissioner as to whether he will send one policeman there or not?

Mr. CANNON. O my friend. With high respect to the Indian Commissioner, with high respect to the humanitarian that sometimes is taking care of people who would be better off if they were not taken care of [laughter and applause], in view of the fact that from the time the white men landed at Jamestown, Va., and from the time they arrived on the eastern coast of Massachusetts the aborigines have been driven back and back and back with a strong hand; there are some good people-all good people, but mistaken as these people are-at a distance, having nothing else to do, many of them, who, if

they can get an Indian child and fasten him to a girdle will go moving around and say, "Lo, see what we are doing for righteousness." [Laughter and applause.]

I speak with high respect, and have no individual in mind, but if this population in Oklahoma, if these Indians in Oklahoma homa, are competent for self-government, as I believe they are, and if a few of them are not competent, by the aid of the common school and without being fed panada—a mixture of boiled bread and molasses and vinegar that obtained out on the Wabash [laughter]—they become responsible, each man for himself; and if once in a while perchance somebody does not observe the law, there is enough force there to restrain, to punish. I think it is time to withdraw the arm of the Government and withdraw the Treasury from these people who have made this remarkable progress, so great, in their citizenship. [Applause.]

Mr. CARTER. Mr. Chairman-Mr. MILLER. Mr. Chairman-

The CHAIRMAN.
MILLER] is recognized. The gentleman from Minnesota [Mr.

Mr. MILLER. Mr. Chairman, I have gathered from the remarks of the gentleman from Illinois [Mr. Cannon] that he opposes this appropriation because some of these Indian policemen may be utilized in Oklahoma, or rather that he opposes this appropriation because all of these Indian policemen are to be used in Oklahoma. If I misunderstood the gentleman, I stand ready to be corrected.

Mr. CANNON. If the gentleman will permit, I——Mr. MILLER. I am surprised that the gentleman did not read the provisions of the bill carefully and become informed about this. If he had stopped to think for a moment he would see that this provision provides for Indian policemen through-out the whole United States, and that conditions existing in Oklahoma are quite different from those in other parts of the

Mr. CANNON. If the gentleman will allow me, I will say I was addressing myself to the amendment offered by my colleague [Mr. Fowner], and advocating the adoption of that

Mr. MILLER. I understood the gentleman was opposed to the amendment.

Mr. CANNON. No. On the contrary, I said I was for the amendment.

Mr. MILLER. Then, I made a mistake. However, the remarks of the gentleman were applied generally to the Indian question, and I think some words may be fittingly said in re-

sponse thereto.

We have had a doctrine in the human race, I suppose since time began, which is fittingly expressed in the words, "each man for himself, and the devil take the hindmost." I have never heard that doctrine advocated as a rule to be followed by the Government in the administration of Indian affairs until to-day. It may be that the strong hand of the white man, in his effort to protect and aid the Indian, has not at all times been successful; but, Mr. Chairman, if we should to-day remove the protecting care of the Government from the Indians, we would turn the Indians over to those portions of the white race that are rapacious, that are full of greed, and who have no consideration for any human being save themselves. We would place the Indian in a condition so infinitely worse than the condition he is in now—a condition so frightful that the imagination palls before the picture.

I want to say to the gentleman from Illinois, that it is only because the Government has held its protecting arm about many of the Indian tribes in the Nation during the past few years that those Indians have a bit of ground to live on; that those Indians have some clothing to their backs, shelter in which to dwell, and some food to live upon; and I deprecate exceedingly that anyone should advance a doctrine to this House that it is the duty of the Government now, after we have, if you please, acquired their land, and we have driven them from the fertile valleys and put them upon the arid and semiarid regions, to withdraw aid and protection, saying that we can and should extend these benefits to them no longer. By this proceeding these wards of the Government would be turned over to human wolves in white skin.

Mr. CANNON. Will the gentleman allow me?

Mr. MILLER. Certainly.

Mr. CANNON. This amendment applies to the Five Civilized Tribes, and to those only. My remarks were addressed to the amendment, and I hope the gentleman will recognize the scope of the amendment.

Mr. MILLER. I shall be pleased to speak for a minute or

two on that precise point.

About a year and a half ago I was a member of a committee that visited this exact region. We met these Indians, saw the conditions under which they lived, tried to understand those

conditions, and to ascertain, if possible, something that might be done for their welfare in certain respects.

While it is undoubtedly true that the State of Oklahoma is to be congratulated for the great progress she has made, having advanced, indeed, more rapidly and more brilliantly than any other like area of our land; and while she is to be particularly congratulated upon the consideration that has been extended by her and her citizens to the Indians, yet I beg to reply that the Indian country there was dedicated to the Indians many years ago and guaranteed to be exclusively theirs by this Government; and, further, if you withdraw the strong hand of the Government, which during these recent years has protected the Indians, you will turn that pleasing picture into one of horror and the blackness of night. Instead of having a peaceable, law-abiding community, where these friendly and amicable relations exist, you will have the hunter and the prey; you will have the spoiler and the despoiled. You will have that condition, not because the people of Oklahoma are any worse than the people elsewhere. It may be that they are a little better. It will be because you will turn over to the rapacious ones among them, who exist there as well as elsewhere, the richest prize that ever yet has been an incentive to greed or tempted the rapacity of mankind.

The most of these Indians are to be found in the eastern part of the State of Oklahoma. A great many of them are just as intelligent and capable of transacting their affairs as almost any man on the floor of this House, and yet, as the gentleman from Oklahoma [Mr. Ferris] has recently so well said, a great many of them are not. If the Government of the United States does not look after them, does not protect them, nobody will. They are or should be the objects of the consideration of this House.

Mr. Chairman-

The CHAIRMAN. Does the gentleman from Minnesota yield to the gentleman from Illinois?

Mr. MILLER. Yes. Mr. FOWLER. I desire to ask if the gentleman knows of any of the Five Civilized Tribes who are not capable of selfcontrol and self-government?

Mr. MILLER. Does the gentleman mean any individuals? Mr. FOWLER. I mean any individuals of the Five Civilized

Tribes

Mr. MILLER. Most assuredly. There are 35,000 Indians in eastern Oklahoma to-day who have not had their restrictions removed, because they are not competent to handle their own affairs.

Mr. FOWLER. Are there not only 18,000 full blood Indians . in Oklahoma'

Mr. MILLER. My dear sir, that has nothing to do with the question. I said there were 35,000 who had not had their restrictions removed.

Mr. FOWLER. Is that any reason why they are not capable of self-control and self-government?

Mr. MILLER. They have not had their restrictions removed, because they are not capable of administering their own affairs properly. I do not care to be interrupted further, unless the gentleman has something more important than that to say.

I think very likely the Indian police have a less important place in some parts of Oklahoma than in almost any other Indian country in the United States, but permission should be given to the Secretary to send them there in case of need.

The State of Oklahoma is a prohibition State. Saloons are not to be found in the State of Oklahoma, as far as I know. The sale of liquor is restricted, and yet everybody knows that there is no place in the Union where liquor can not be had. Everybody knows that even in liquor States the Indian gets his liquor surreptitiously. Likewise the Indian in Oklahoma, as well as elsewhere in the United States, can get liquor surreptitiously, unless he is protected from himself. Indian police there, as elsewhere, afford the best protection the Indians have from the curse of liquor.

Will the gentleman yield for a question? Mr. MANN.

Mr. MILLER. Certainly.

Mr. MANN. I will ask the gentleman whether in his judgment there is any relationship between Oklahoma being now a prohibition State and the increase of the appropriation to prevent the sale of liquor to Indians from \$45,000, as it was before Oklahoma was a prohibition State, to \$75,000, now that Oklahoma has been made a prohibition State? [Laughter.]

Mr. MILLER. I think some other parts of the United States

have gone dry as well as Oklahoma.

Mr. STEPHENS of Texas. Mr. Chairman, I ask unanimous consent that debate on this paragraph and amendments thereto be closed in 10 minutes.

Mr. CARTER. I should like to ask the gentleman-

Mr. STEPHENS of Texas. Certainly.

Mr. CARTER. I should like to have 3 or 4 minutes out of

Mr. DAVENPORT. So should I.

Mr. MANN. Will not the gentleman make it 15 minutes? Mr. STEPHENS of Texas. If we can have a unanimous-

consent agreement, I will agree to 15 minutes.

Mr. FOWLER. Mr. Chairman, I want about 3 minutes, and I should like to know the number of gentlemen who want to speak on this.

Mr. MANN. Just three; that is all.
The CHAIRMAN. The gentleman from Texas asks unanimous consent that debate on this paragraph and amendments thereto close in 15 minutes. Is there objection?

There was no objection.

Mr. DAVENPORT. Mr. Chairman, if I thought this amendment would be an injury to any citizen residing in the Five Civilized Tribes, I would not agree to it. If I thought we did not have ample police protection in the Five Civilized Tribes to take care of our outlaws as well as our sister State of Virginia is now taking care of hers, I would not favor this amendment. The Indian police originally were used for the purpose of policing the Indian reservation in the Indian nations. Gentlemen may disagree with me as to the competency of the Five Civilized Tribes in education or intelligence. Twenty-two years of actual experience with them has convinced me that the Indian is no more susceptible to getting drunk than is the average white man; that he takes care of his property as well as the average white man; and that he is as well behaved when sober or drunk as the average white man. [Laughter and applause.] As 100,000 Indian citizens in Oklahoma are to 1,500,000, I say to you to-day that you can not find a class of citizenship in the world that will compare better with the white man than the Indians in Oklahoma. [Applause.]

Something has been said to the effect that if you did not protect the Indian he would be deprived of his property and soon get rid of it. I want to call your attention to-day to the fact that there are many Indians in Oklahoma who can not sell their lands because the restrictions have not been removed. That is not because they are not competent to take care of their interests. I want to call attention to Stephen Peak, of Delaware County, Okla., who is a college graduate and was for three and a half years superintendent of education, and still he could not sell an acre of his land because the Government said he was not competent. A more upright citizen does not live in that country than Mr. Peak. It is not a fact that if the restrictions are removed the Indian would spend his money. An Indian will take care of his property as well as the average white man. When I say that, I class myself with the white man. I have lived among the Indians sufficiently long to know that it is a question of theory instead of practice when they say that the Indian can not take care of his property. I ask you if 40 per cent of the people in Washington to-day are not, so to speak, indigent or without very large holdings of property, and that 20 per cent owns the majority of the property. Would you put a ban on them and say that they ought not to be allowed to sell their property, and send an additional police officer over from Virginia because they could not take care of their property? So here, where 40 per cent do not own much property, is that because of a want of competency? Now, I am not in love with the advocacy of some people of the distribution of property or for equalizing property. You may keep the Indian tied hand and foot, but you will never teach him in that way to take care of his property. There is only one way you can teach a man, and that is to give him instructions and the right to use his property to his best interest. This amendment, if it should fail, would not keep a single Indian's property for him. If the amendment pravails, it will not cause a single Indian to part with his property. It ought to prevail, because we have an organized government, as has been said by the gentleman from Illinois [Mr. Cannon], fully competent to police the country and take care of the affairs, and there is not a people in the world that are more law-abiding and who will assist the officers of that country than the Indian citizens. [Applause.]

Mr. CARTER. Mr. Chairman, I want to say a word in defense of the Indian police, not as he is to-day, but as he was in the past. The original duties of the Indian police in old Indian Territory was for the purpose, not of arresting, not of apprehending, but for killing outlaws. Whenever an outlaw got so dangerous and desperate that a deputy marshal was afraid to attack him, the Indian agent called together a detachment of Indian police, ordered them out, and the outlaw disappeared from the face of the earth.

It may seem to be rather a gruesome proposition in this enlightened day to defend or speak in praise of officers in the business of killing people, but as I look back upon our country

as it existed then I am sure that those brave, fearless men, such as the Indian police were, men who did not hesitate to take their lives in their hands for the preservation of law and order, were the moving force in bringing order out of chaos.

Later on the Indian police was used for placing the Indian allottee in possession of his allotment. And he still did valuable service there. I think there were probably then from 15 to 20 Indian police in the service on the east side of our State.

Now they are used for carrying out the orders of the Interior Department. They are used occasionally for placing an allottee in possession of an allotment. Most of that work has been completed. Occasionally there is a case where an allottee who was a Snake, or who belonged to the Ketoowah Society, who would have nothing to do with an allotment. In these cases the Indian may not yet have been placed in possession of his allotment. The only machinery for placing him in possession would be the Indian police.

Now, I am very sure that we have too many Indian police in Oklahoma, and there is a good deal of truth in the statement of the gentleman from Kansas [Mr. Jackson] and in the statement of my colleague from Oklahoma [Mr. DAVENPORT]. would favor dispensing with these agents entirely in Oklahoma at the present time were it not for the reason I have stated, were it not that it might slightly disorganize the Indian Service and leave them without men to do this specific work.

There is another small service the police render now, and that is they patrol the timberlands which belong to the tribe, and may render some service in looking after the segregated mineral lands which are soon to be sold. When this property is disposed of I shall be very glad to join the Members of the House in dispensing completely with the police service in Okla-

homa.

I want to say, further, in reply to what the gentleman from Illinois [Mr. Cannon] has said, that whenever this Congress or the Federal Government gets ready to turn over the affairs of our Indians to the State of Oklahoma for settlement, the State of Oklahoma will gladly accept that responsibility and discharge it in a spirit and manner that will be more beneficial to the Indians than the present system, in my opinion, because they are closer to the Indian and understand him better, and, I believe, are in a position to-day to better know what is to his best interest. But until that time comes some machinery must be provided for the working of the present plan. I agree to what gentlemen have said about this appropriation being too large and expensive and think our committee should see to it that the item is materially reduced next year.

The CHAIRMAN. The time of the gentleman has expired.
Mr. FOWLER. Mr. Chairman, I was delighted with the argument presented by my colleague, Mr. Cannon, of Illinois. What was said by him goes to the essence of this amendment. It has always been the theory of those in authority, in order to perpetuate their control and supremacy in Government, to insist that their subjects are weak and helpless and incapable of selfcontrol and self-government. I think that this discussion has revealed one thing, if it has revealed anything, and that is this: That these Five Civilized Tribes of Indians in Oklahoma are as intelligent for the purpose of managing their own affairs, as intelligent to partake in the government of their own counties, in their State, and in this Nation as the ordinary citizen in this country. The wonderful confidence which the 1,500,000 white people of the State of Oklahoma have shown in the ability of these Indians, in their intelligence, and in their fidelity to trust by electing them to important offices in the various counties, in the legislature of the State, and in the Congress of the United States, shows that they are just as competent and just as able and capable of self-control and self-government as any other people in that State, and when I say that I do not reflect at all upon the intelligence of the people of the great State of Oklahoma. Mr. Chairman, these Five Civilized Tribes are noted for their industry and high state of civilization, for their obedience to organized government and their ability to They have become citizens of this counadminister the same. try by choice, and it should be the policy of this Government to place them upon an equality with all other citizens of this country, sharing the same rights and assuming the same respon-Mr. Chairman, it has been said that they number sibilities. less than 100,000, while the white population of Oklahoma number more than 1,500,000. Yet they are held in such high esteem that the white people have elected to send one of them as their Representative on the floor of this House and another to represent the State of Oklahoma in the United States Senate. These men are the peers of any in either branch of Congress, and I dare say none will deny this proposition.

Mr. Chairman, the necessity for policing these tribes by force and arms has passed long ago. To place a policeman with a star on his breast over them is an insult to them and a disgrace to the American people. I therefore trust, Mr. Chairman,

that this amendment will prevail.

The CHAIRMAN. All time has expired.

Mr. MURDOCK. Mr. Chairman, I ask unanimous consent that the amendment be again reported.

The CHAIRMAN. Without objection, it will be so ordered.

There was no objection.

The amendment was again reported.

The CHAIRMAN. The question is on the amendment.

Mr. GRAHAM. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.
Mr. GRAHAM. If the amendment prevails, does the amount remain at \$200,000, or will the amount be open for amendment by way of reduction?

Mr. STEPHENS of Texas. Debate is closed upon all amendments and also, as I understand, on the paragraph. It can be offered without debate

The CHAIRMAN. The Chair holds that if the amendment is adopted the paragraph will be open to amendment without debate. The question is on the amendment offered by the gentleman from Illinois.

The question was taken, and the Chair announced the noes seemed to have it.

On a division (demanded by Mr. Fowler) there were-ayes 20, noes 24.

So the amendment was rejected.

Mr. MURDOCK. Mr. Chairman, I move to strike out the word "two," in line 1, page 8, and insert the word "one."
The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend, page 8, line 1, by striking out the word "two" and inserting in lieu thereof the word "one."

The question was taken, and the Chair announced the noes seemed to have it.

On a division (demanded by Mr. MURDOCK) there were-ayes 23, noes 30.

So the amendment was rejected.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. Floyd of Arkansas having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed bills of the following titles, in which the concurrence of the House of Representatives was requested:

S. 5137. An act for the relief of Alice V. Houghton;

S. 5246. An act to redeem a certain outstanding certificate of indebtedness issued by the late board of audit of the District of Columbia, and for other purposes;

S. 5817. An act granting to the county of Hill, in the State of Montana, the jail building and fixtures now upon the abandoned Fort Assimilation Military Reservation, in the State of Montana; and

S. 290. An act to authorize the appointment of dental surgeons in the United States Navy.

INDIAN APPROPRIATION BILL.

The committee resumed its session.

The Clerk read as follows:

The Clerk read as 1010ws:

For pay of special agents at \$2,000 per annum; for traveling and incidental expenses of such special agents, including sleeping-car fare and a per diem of \$3 in lieu of subsistence when actually employed on duty in the field or ordered to the seat of government; for transportation and incidental expenses of officers and clerks of the Office of Indian Affairs when traveling on official duty; for pay of employees not otherwise provided for; and for other necessary expenses of the Indian service for which no other appropriation is available, \$85,000.

Mr. FERRIS. Mr. Chairman, I move to strike out the last I merely do this to call the attention of the committee to the fact that this appropriates \$85,000 for special agents for reservations to act in conjunction with and for the Secretary of the Interior. He has the power to designate that these agents go to any part of the United States and perform any task that he desires to have them do, and carry out his orders and his commands wheresoever he may designate them. I merely do that to the end that the committee may not overlook the fact that we are here appropriating \$85,000 for special agents, whereas heretofore we have appropriated \$200,000 for Indian police, both of which are field men to do field service in the service of the United States. I withdraw the pro forma amendment. We shall later on in the bill call your attention to the fact that we have eliminated the \$100,000 item for agents that I do not think we need. I am in favor of a reasonable supply of officers, but there has been in the past too many and should be reduced.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. Floyd of Arkansas

the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had insisted upon its amendment to the bill (H. R. 1) granting a service pension to certain defined veterans of the Civil War and the War with Mexico disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. McCumber, Mr. Burnham, and Mr. Gore as the conferees on the part of the Senate.

INDIAN APPROPRIATION BILL.

The committee resumed its session.

The Clerk read as follows:

Sec. 2. For support, civilization, and education of Indians in Arizona and New Mexico, \$330,000.

Mr. MANN. Mr. Chairman, I reserve the point of order on the paragraph. I would like to ask the gentleman what is the proposition now? What has been the policy heretofore of appropriating for the support and civilization of Indians in Arizona and New Mexico on reservations? Do I understand this is for the support, civilization, and education of all Indians in the State, regardless of whether they are on reservations or not

Mr. STEPHENS of Texas. I have an amendment which I think will cover that. I have an amendment of this kind: On page 8, line 16, after the word "support," strike out the comma and insert the word "and" and strike out the word "education.

The CHAIRMAN. The Clerk will report the amendment. The Clerk read as follows:

Amend, page 8, line 16, after the word "support," by striking out the omma and inserting the word "and." Page 8, line 16, after the word civilization," strike out the words "and education."

Mr. MANN. Is that to be expended on all Indians, regardless of whether they are on reservations or not? Heretofore we have only contributed for Indians on reservations.

Mr. STEPHENS of Texas. There are many scattered bands of Indians in Arizona and New Mexico. The Indians there live by raising sheep, hogs, cattle, and so forth. There is very little farming in that country, and a great many of them have flocks of sheep, and they herd these flocks and graze them on the pub-They have the same right on the public domain of lie domain. the United States as other citizens, and they are often off their reservations and form little scattered communities where they herd their stock, and it is necessary to extend the provisions for schools and other purposes to these scattered bands of Indians.

Mr. MANN. What is the proposition now? The propriation is limited to support and civilization of Indians on reservations. What do they do now?

Here is the report. I will read it:

SUPPORT OF INDIANS IN ARIZONA AND NEW MEXICO-AMOUNT ASKED FOR, \$380,000.

\$380,000.

There are over 20 superintendencies in these two Territories, with a total population of over 56,000 Indians to be supported from this fund. These Indians are engaged largely in stock raising, and to assist them in this industry about \$40,000 has been expended for the purchase of stock, which has been issued to the Indians in order to place them on a self-supporting basis. Practically one-half of the amount appropriated this year was used for the payment of salaries, traveling expenses, fuel for the maintenance of the plants, forage for the stock, and other items necessary to properly administer the affairs of these Indians. The increase in the estimate is for the purpose of providing additional educational facilities for these Indians as a part of their civilization.

Mr. MANN. I know; but what excuse do they give for proposing now to include all the Indians instead of Indians on the reservations?

Mr. STEPHENS of Texas. Because many of the Navajos and other tribes are off their reservations.

Mr. MANN. Well, what does the department.

Mr. BURKE of South Dakota. I can give the gentleman the information. The statement was made that it was changed for this reason: That there are a number of Indians of Arizona and New Mexico who are not on the Indian reservations, and that the constraints are the controlled to the constraints. that the comptroller may limit us in the object of this appropriation if those words are not stricken out.

Mr. MANN. Are they using the present appropriation for that purpose, not yet having been limited by the comptroller? Mr. BURKE of South Dakota. I presume they are. It was

not an important change

Mr. MANN. It is very important if it proposes to include a large number of Indians who are not now receiving any support. Mr. BURKE of South Dakota. We did not increase the amount, but simply provided for the support of the Indians

in those Territories.

Mr. HAYDEN. I do not know anything about the conditions in New Mexico, but I know there are over 5,000 Papago Indians in southern Arizona who are not in Indian reservations. The public lands where they have been accustomed to live have having taken the chair as Speaker pro tempore, a message from been withdrawn from entry and been given to them, and some

money has heretofore been expended, and it is to give them money that this change has been made. They are very deserving Indians

Mr. JACKSON. Did I understand the gentleman's contention, the chairman of the committee, to strike out the word

education "?

Mr. MANN. While I am not satisfied at all with the effort that has been made to extend the scope of education, in the absence of more special language I will withdraw the point of order.

Mr. JACKSON. Mr. Chairman, while I have the floor I would like to say to the chairman that I was not aware that an amendment had been proposed.

Mr. MANN. He agreed to propose it.

Mr. JACKSON. Has it already been passed on by the committee?

Mr. FERRIS. Yes; and suggested by the hearing. Mr. MURDOCK. Has the amendment been offered? Mr. FERRIS. This has been read for information.

Mr. MURDOCK. But has not been offered.

Mr. JACKSON. It seems to me, Mr. Chairman, if this appropriation of \$330,000 is made, the word "education" ought by all means to stay in the bill.

Mr. FERRIS. If the gentleman will yield right there Mr. JACKSON. Let me complete my statement, and then the gentleman can more intelligently inquire, if he wishes to do so. I have the information from the superintendent, and proof from other sources, that education is needed very badly among the Navajo Indians in Arizona. Perhaps one of the greatest necessities that has not been relieved by this associa-

Mr. STEPHENS of Texas. I will state that the Navajo In-

dians have a large reservation.

Mr. JACKSON. This money can be used upon either reservation. If I recollect it, there are 7,500 of these so-called "roaming" Indians who are not in schools. The Navajos, I think, without exaggeration are among the best Indians the country has ever had. They have always been civilized. They were in a high state of civilization when the country was discovered.

Mr. STEPHENS of Texas. If the gentleman will yield at that point, I will state the reason why the Navajo children

are not in school.

Mr. JACKSON. Yes. I think I know what the gentleman

will say, but I will yield.

Mr. STEPHENS of Texas. The reason given by the department is-and I have been on the reservation and personally know—that these Indians are scattered all over their reserva-tion and adjacent public domain. They live by the herding of their sheep and other stock on the range. They may be here to-day and there to-morrow, and it is impossible to locate them long enough to acquire homes so as to educate their children unless we enact a compulsory education law. There is a bill now pending before our committee to that effect, and I hope it will become a law. It will force these children to go to school.

The CHAIRMAN. The time of the gentleman from Texas
[Mr. Stephens] has expired.

Mr. MURDOCK. Mr. Chairman, what is pending now? The CHAIRMAN. The amendment of the gentleman from

Mr. STEPHENS of Texas. I offer it now.

Mr. MURDOCK. The amendment, I will say, has not been offered, except to be read for information.

Mr. STEPHENS of Texas. I now ask that the amendment be

The Clerk read as follows:

Page S, line 16, after the word "support," strike out the word "common" and insert the word "and."

Page S, line 16, after the word "civilization," strike out the words "and education."

Mr. JACKSON. Now, Mr. Chairman, although I am a member of the committee, I wish to state that I am opposed to the amendment

Mr. STEPHENS of Texas. That was proposed by the department.

Mr. JACKSON. I do not know as that would make any difference. I understand there are some 7,500 of them that are not in school. But the supervisors of these schools tell me that these Indians are perfectly willing to attend school; that the only reason they have not been in schools is that they have not school facilities. The Navajo people are an intelligent people. They have never objected to their children attending the schools. It is true they can not attend their schools, because there are none within their reach. The only way they can be schooled is by taking and putting them into boarding schools. Now, if I understand, it is for the purpose

of using \$50,000 of this money for these extra schools that the appropriation was asked of this sum mentioned on page 65.

Mr. MANN. Sixty-five thousand dollars was not granted. They asked for \$350,000, and the committee granted only \$330,000.

Mr. JACKSON. Well, the argument is practically the same. They asked for \$380,000 and received \$330,000. That is correct. But if there is any opportunity to use any of this sum to further the school facilities among these Navajo people it ought to be done. I can not see any good in cutting out the word "education."

Mr. CARTER, I do not know what the reason is for cutting out the word "education," except it has not been carried in bills heretofore. That amount has been in the past appropriated "for support and civilization" and not "for support, civilization, and education." How the word "education" got in I do not know, and what the purpose of the department is in cutting it out I can not say.

Mr. JACKSON. Did it not get in by Mr. Meritt asking it for educational purposes?

Mr. CARTER. It was in last year.

Mr. CARTER. It was in last year. Mr. FERRIS. Mr. Chairman, I ask unanimous consent to be allowed to give an explanation of this item.

Mr. MANN. Just one moment, Mr. Chairman. Is it the intention to cut the sum from \$330,000 down if the word "education"

is stricken out?

Mr. FERRIS. I will reply to that particular phase. This is the situation, and if I make a misstatement in any respect I will ask the gentleman from South Dakota [Mr. Burke] to refresh my memory and set me right; The Indian Office had asked for \$50,000 more than they were awarded by the committee. They drew the language of the section on the theory that they were going to get the extra \$50,000 and that the \$50,000 was going to be used for the schools, and it necessitated the words "and education." We disallowed that \$50,000 and \$50,000 was going to be used for the schools, and it necessated the words "and education." We disallowed that \$50,000 and decided that they should receive, all told, for schools, only \$1.450,000. That being true, the striking out and refusing to give them the \$50,000 asked for brought it to the basis where they would need all the \$330,000 to maintain the 20 superintendencies or agencies that exist out there. The prospect of receiving the \$50,000 that they asked for, which we did not allow them, was the reason for inserting the words "and educa-' and when it was not allowed the words ought to have gone tion. out. That would have brought the item back to what it ought to be without them, so that anybody looking for appropria-tions for education in the bill would find them all in one item, \$1,450,000.

I think the House will recognize the fact that it is wrong in principle and in policy and in everything else to have a little item for education here and a little item there for education, scattered all through the bill, thereby making it difficult to estimate the expenses for that object.

Mr. MANN. That is why I made the point of order.

Mr. BURKE of South Dakota. If the gentleman will permit, I think he will recall that when the limitation was put upon the item of \$1,450,000 for support of schools, the commissioner was asked the question whether, with that limitation, he could not get along with less money, that limitation being that Indians of less than one-fourth Indian blood should not be permitted to be educated in the Indian schools, and the commissioner stated that they expected to educate more children and particularly We considered therefore that we would strike of the Navajos. out the \$50,000 that they desired to be put at that place in the bill and leave the appropriation as it was in the last year's bill; but the word "education" got in there on the suppositon that we would allow the other.

Mr. MANN. You increased the educational appropriation by

\$30,000.

Mr. FERRIS. That was for another purpose.

Mr. BURKE of South Dakota. Yes; that was for another purnose

Mr. McGUIRE of Oklahoma rose.

Mr. FERRIS. Mr. Chairman, I yield to the gentleman from Oklahoma [Mr. McGuire].

Mr. McGUIRE of Oklahoma. Mr. Chairman, I would like to understand this a little more fully. The fact that you omitted the word "education" does not mean that the children of those tribes shall not have educational facilities?

Mr. FERRIS. Not at all.

Mr. McGUIRE of Oklahoma. Because there is not an Indian child in the United States that has not educational facilities, for the reason that if he does not have them at home there are the nonreservation schools that he may enter?

Mr. FERRIS. That is quite true.

But are we not getting into Mr. McGUIRE of Oklahoma. trouble here? There is a provision to the effect that children of less than one-fourth Indian blood can not enter certain schools.

Mr. FERRIS. That is true. The committee thought it wise to so provide.

Mr. McGUIRE of Oklahoma. Now, there are certainly some children here of less than one-fourth Indian blood. Where are

they going to have school advantages?

Mr. FERRIS. In reply to that I will say that the gentleman will recall that we had that matter up yesterday. That amendment has a string to it. Before any Indian child of less than one-fourth Indian blood is excluded from any school his parents must first be citizens of the United States. In other words, the Indian restrictions must have been removed and they must have been declared, either by the department or the Congress, to be full citizens. And a second string is tied to that amendment, and that is that there must be educational facilities open to the child and convenient to him, so that the child can be sent to school. In this event there is no opportunity to exclude any child from schooling, for if he does not attend one he may the other.

Mr. McGUIRE of Oklahoma. I remember that. The gentleman is right.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas [Mr. Stephens].

The question was taken, and the amendment was agreed to.
The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

For maintenance, including purchase of electricity for irrigation wells already completed, and the completion of the lateral irrigating ditches thereunder, \$15,000: Provided, That the Secretary of the Interior be, and hereby is, authorized to locate and construct a dam and necessary works in connection therewith at or in the vicinity of the location known as the San Carlos Reservoir site on the Glia River, in Arizona, for the purpose of irrigating Pima and other Indian lands, together with the lands of the Glia River Valley; and in carrying out said plan to locate and construct irrigation works for the storage, diversion, and development of waters, including criesian wells, and for the purpose of impounding water and providing for the Irrigation of said lands; and the authority granted by the act approved June 17, 1902 (32 Stat. L. p. 388), entitled "An act appropriating the receipts from the sale and disposal of public lands in certain States and Territories to the construction of irrigation works for the reclamation of arid lands," so far as applicable and not inconsistent herewith, is hereby extended and made to apply to the provisions of this act: Provided, That in carrying out the provisions of this act the Secretary of the Interior is hereby directed to make suitable prevision for the protection of the Pima and other tribes of Indians affected thereby, or who may be benefited thereunder, and to provide that a supply of water shall be first retained out of the impounded waters sufficient to properly irrigate an allotment of 10 acres of land for each member of the said Pima Indian Tribe: Provided further, That if the Secretary of the Interior concludes that the reports of reputable engineers have not sufficiently determined the suitability, for foundation purposes, of the rock formation of the sites proposed for construction of the reservoir and irrigation works, he is hereby authorized, in his discretion, to request the President to direct the

Mr. MANN. Mr. Chairman, I make a point of order against

the paragraph that was read.

Mr. STEPHENS of Texas. Mr. Chairman, I admit that the point of order is well taken, and I offer a substitute for the part that is proposed to be stricken out-an amendment, which I send to the Clerk's desk.

Mr. MANN. Has the point of order been sustained? The CHAIRMAN. The point of order is sustained. Mr. STEPHENS of Texas. I offer in lieu of that paragraph the amendment which I send to the Clerk's desk.

The CHAIRMAN. The Clerk will read the amendment.

The Clerk read as follows:

Committee amendment to the Indian appropriation bill: Commencing with line 12, page 9, strike out all down through and including the word "Interior," and in line 17—

Mr. MANN. The amendment, Mr. Chairman, should be simply to insert it as a new paragraph.

The Clerk read as follows:

Commencing with line 12, page 9, strike out all down to and including the word "Interior," in line 17, page 11, and insert in lieu thereof the following:

"For maintenance, including purchase of electricity for irrigation wells already completed, and the completion of the lateral irrigating ditches thereunder in connection with the irrigation of the lands of the

Pima Indians in the vicinity of Sacaton, in the Gila River Indian Reservation, \$15,000: Provided, That the Secretary of War be, and he hereby is, directed to convene a board of not less than three engineers of the Army of wide reputation and large experience to make the necessary examinations, borings, and surveys for the purpose of determining the reasonability and practicability of constructing a dam and reservoir at or in the vicinity of the Box Canyon on the San Carlos Indian Reservation, known as the site of the proposed San Carlos Reservoir on the Gila River, Ariz., and the necessary irrigation works in connection therewith to provide for the irrigation of Indian, private, and public lands in the Gila River Valley. Said board of engineers to submit to Congress the results of their examinations and surveys, together with an estimate of cost, with their recommendations thereon, at the earliest practicable date. The sum of \$10,000, or so much thereof as may be necessary, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, for the purpose of conducting said investigation."

Mr. MANN. I reserve a point of order on the amendment, and I should like to make this suggestion to the gentleman in charge of the bill: This is a matter which, if entered upon, will involve a very large expenditure of money, and I hope that the gentleman will ask unanimous consent to pass over this amendment, so that we may have the opportunity of examining it. I think outside of the committee probably no one has seen it until it is now offered on the floor.

Mr. STEPHENS of Texas. At the request of the gentleman,

will ask that this be passed.

Mr. FOSTER. With the understanding that the point of order is reserved.

Mr. MANN. The point of order is reserved. Mr. HAMMOND. What is the request?

Mr. STEPHENS of Texas. To have it passed over and returned to later.

Mr. HAMMOND. I desire to ask the gentleman who offered the amendment how it differs from the bill?

Mr. MANN. It is entirely different. Mr. STEPHENS of Texas. I will state to the gentleman that this item in the bill provided for locating and building a dam and reservoir at a place on the Gila River known as the San Carlos dam site for the purpose of furnishing water to these Indians out of the Gila River; but that was seriously objected to by the committee, and we finally agreed, in lieu of that, to ask for a survey for the purpose of ascertaining whether it was a feasible project before proceeding to make a

direct appropriation.

Each of these amendments involves the question of abandoning the well system that we have heretofore entered upon, but will continue to operate the wells now completed. We have not contemplated boring any more wells for irrigating these Indian We desire to use the natural flow of the Gila River by building the San Carlos dam, so that they will have river water for irrigation purposes instead of well water, it having been demonstrated to the satisfaction of the committee that if well water is used a few years on their lands that it will render the land valueless for raising crops. If that is true, the money that we are expending on this well system will be entirely lost.

Mr. HAMMOND. I am somewhat familiar with the conditions, but I am trying to get at the condition in which we are House bill 18244 has been incorporated into the Indian

appropriation bill.

Mr. STEPHENS of Texas. That was offered, but was stricken out on a point of order.

Mr. HAMMOND. That has been stricken out on a point of order?

Mr. STEPHENS of Texas. Yes. Now, we propose to substitute for that the amendment which I have sent to the Clerk's desk, which has been read, and that amendment is to be postponed and passed over until some future time.

Mr. HAMMOND. It will be considered before this bill passes? Mr. STEPHENS of Texas. Yes; before the consideration of

the bill is finished.

Mr. MANN. Unanimous consent has been asked to pass it. Mr. CALLAWAY. Will the gentleman from Texas yield for a question?

Mr. STEPHENS of Texas. Yes.

Mr. CALLAWAY. This amendment provides an appropriation of \$10,000 to make an investigation of the San Carlos project, to see whether or not it is feasible.

Mr. STEPHENS of Texas. Yes.
Mr. CALLAWAY. Does the gentleman know that thousands and thousands of dollars have already been spent by the Government to determine whether or not that project is feasible, and that there are numbers of reports which have been made upon it by the engineers?

Mr. STEPHENS of Texas. I am aware of that. That happened several years ago; but recently the department seems to have changed that opinion, and the department is now trying to sustain the well system of irrigation. We believe the department to be wrong in that. We believe we should return to the system of irrigating these lands from the river, and that is the

object of this amendment.

Mr. CALLAWAY. Does the gentleman know, further, that the Casa Grande Water Users' Association, down there, have been trying to get the Reclamation Service and the Interior Department to let them build the dam there and take care of the lands of the Indians, who have a prior right to this water? They want to enter into a contract to build this dam and finance it themselves.

Mr. STEPHENS of Texas. I am fully aware of that, and at the proper time I shall oppose that proposition, because I think the Government should build this dam, and that the water should be distributed between the white settlers owning land there, requiring them to pay whatever may be assessed against them under the reclamation act, and that the Indians should have water furnished to them without payment for it, because the lands are theirs. That should be done under just rules and regulations. There is only one river there and only one system proposed. Let me state that this is the object which we have in view. The gentleman from Arizona [Mr. HAYDEN] is, I understand, in strict accord with this amendment. He was not here at the time this matter was considered, but he has looked it up very closely, and I understand that this amendment meets with his approval.

Mr. GRAHAM. Will the proposed amendment be printed? Mr. STEPHENS of Texas. It will be printed in the RECORD.
The CHAIRMAN. The gentleman from Texas [Mr. STEPHENS] asks unanimous consent that the amendment which he has offered be passed for future consideration. Is there objection?

There was no objection. The Clerk read as follows:

For the development of a water supply for domestic and stock purposes and for irrigation for nomadic Papago Indians in Pima County, Ariz., to be immediately available, \$5,000.

Mr. HAYDEN. Mr. Chairman, I offer the amendment which send to the Clerk's desk.

The amendment was read, as follows:

Amend, after line 21, page 11, by adding the following paragraph:

"For beginning the construction of the Ganado irrigation project on the Navajo Indian Reservation in Arizona, in accordance with the plans submitted by the chief engineer of the Indian service and approved by the Commissioner of Indian Affairs and the Secretary of the Interior, in conformity with section 1 of the act approved April 4, 1910: Pravided, That the total cost of the project shall not exceed \$60,100, \$35,000.

Mr. MANN. Mr. Chairman, I have reserved a point of order on the amendment.

Mr. HAYDEN. Mr. Chairman, I desire to quote from the Commissioner of Indian Affairs in his justification for this item. He says:

This is a large reservation, containing approximately 12,000,000 acres of land, of which very little is susceptible of irrigation. The Indians are excellent workers and will make good use of all the water furnished for the raising of hay and grain for their flocks during the winter season. They depend largely on the sheep industry for their subsistence, with some farming in the river bottoms, and under conditions which would be discouraging to a white man. Very little assistance has been given these Indians by the Government, and it is believed the expenditure of funds necessary to construct this project will show good returns for the money expended and will protect the water rights for these Indians.

Now, Mr. Chairman, this project is not a new one, and it has been very carefully investigated by the department. In March, 1909, H. F. Robertson, superintendent of irrigation, made a preliminary report on this project, and that report was sent to the Indian Office. By direction of the chief engineer, W. H. Code, a further investigation was ordered. In 1910 this investigation was made, the report, which contained an estimate of the cost, being made October 5 of that year by Mr. Robertson. When this report was referred to the consulting engineer, Mr. Robertson was again respected to the consulting engineer. son was again requested to go back to the reservation and make a further investigation regarding the amount of silt in the water, and also in regard to the stream flow. In order to obtain this data regarding the silt and water supply, the report was delayed until February 14 of this year, and therefore the amount needed for this project could not be submitted in the regular estimates by the department. All of this information is now available, and plats and surveys are all prepared.

Mr. FOSTER. Will the gentleman yield? Mr. HAYDEN. Certainly. Mr. FOSTER. The report says that very little of the 12,-000,000 acres is susceptible of irrigation. Can the gentleman tell us about how much is susceptible to irrigation?

Mr. HAYDEN. A very small part of the 12,000,000 acres. is estimated that the cost of this project will amount to \$60,100, and that when the land on the river bottom below the reservoir

is irrigated it will cover 1,775 acres. There are now living on this land over 400 Indians, and if they are given an allotment of 5 acres each it would supply 355 of them with permanent homes. The chief advantage of this project is that it is unlike the Indian irrigation work in many other places in the United States, where an irrigation project is started and then they try to move the Indians away from their old homes onto new lands. Here the water is brought to the land that the Indians are already cultivating, which is a great benefit.

Mr. FOSTER. This will give each Indian about 2½ acres of

land.

Mr. HAYDEN. There are 1,775 acres. You divide that up in 5-acre allotments and you can supply 355 Indians.
Mr. FOSTER. I misunderstood the gentleman as to the

number

Mr. MANN. The gentleman says 400 Indians. He means men, women, and children.
Mr. HAYDEN. Certainly; allotments are made in that way.

Mr. MANN. But you do not make allotments of irrigated land to bables.

Mr. FOSTER. Would there be 100 heads of families?

Mr. MANN. My recollection is that there are about 80.
The CHAIRMAN. The time of the gentleman from Arizona has expired.

Mr. STEPHENS of Texas. I ask unanimous consent that

The CHAIRMAN. The gentleman from Texas asks unanimous consent that the time of the gentleman from Arizona be extended five minutes. Is there objection?

There was no objection.

Mr. HAYDEN. Mr. Chairman, there are now living in the vicinity of this proposed reservoir over a thousand Indians, and there will be no difficulty at all about getting them to go on the land. The difficulty is to get the water on the land that they now have. Now, in regard to the measurement of the flow of this stream, the water flows in the wintertime, during the rainy season, and the hydrographic data shows that there is enough flood water to fill this reservoir 50 times. The trouble is that the water does not come in the right time of the year when the Indian needs it, and this reservoir is to conserve that water.

Mr. MONDELL. Will the gentleman yield? Mr. HAYDEN. With pleasure.

Mr. MONDELL. What is the source of this water supply? Mr. HAYDEN. It is the Rio Pueblo Colorado, a stream that rises in the mountains on the Navajo Reservation.

Mr. MONDELL. Is this an entirely new project? Mr. HAYDEN. Entirely new.

Mr. MONDELL. It contemplates the erection of a dam and the construction of ditches.

Mr. HAYDEN. The land to be irrigated lies right below the reservoir, so that there will be no need of constructing very long ditches.

Mr. MONDELL. Has the matter been carefully investigated? Mr. HAYDEN. I stated a moment ago that the first preliminary investigation was made in 1909, and the matter was again investigated in 1910 and referred to the consulting engineer of, the department. The Assistant Secretary of the Interior and the Commissioner of Indian Affairs have both been upon the ground and strongly recommend this project. Unfortunately the data was not assembled in time to be available for the use of the Indian Bureau this year when the estimates were submitted to the Committee on Indian Affairs.

Mr. MONDELL. Is this stream a branch of the Gila River?
Mr. HAYDEN. Oh, no; it is in the extreme northeast corner
of Arizona. The waters from this stream flow into the Little Colorado and from there into the Colorado.

Mr. MANN. Will the gentleman yield? Mr. HAYDEN. Certainly.

Mr. MANN. What was the provision in the Indian appropriation act of 1910 in reference to this matter?

Mr. HAYDEN. I presume that was—
Mr. MANN. I do not want what the gentleman presumes; I have the same paper in my hand that the gentleman has in his.

Mr. BURKE of South Dakota. Mr. Chairman, I think I can give the gentleman that information. The act of last year says "hereafter no irrigation project shall be commenced costing more than \$25,000 until a survey and estimate of cost has been submitted."

That, I understand, is what this document refers to. The department has made a survey and submitted the estimate of cost.

Mr. MANN. But there was no specific item relating to this project in the bill.

Mr. BURKE of South Dakota. Not at all; it had no reference to it.

Mr. HAYDEN. The law provides that you can not enter into any new construction or new projects that will cost more than \$25,000

Mr. MANN. I know what the general law is on the subject. Mr. STEPHENS of Texas. It has to be approved by Con-

Mr. MANN. Mr. Chairman, so far as I am concerned, I will

withdraw the point of order.

Mr. STEPHENS of Texas. I accept the amendment for the reason that there is a lump-sum appropriation here for irrigation purposes, and, as has been stated by the gentleman from South Dakota, we can not enter upon any new projects for irrigation costing over \$25,000. As this is to cost \$60,100, it is necessary that Congress should authorize this work.

The CHAIRMAN. The question is on the amendment offered

by the gentleman from Arizona,

The question was taken, and the amendment was agreed to. The Clerk read as follows:

FLORIDA

SEC. 4. The unexpended balance of the appropriation of \$10.000 "for relief of distress among the Seminole Indians in Florida, and for purposes of their civilization," made in the Indian appropriation act approved March 3, 1911, shall remain available until expended.

Mr. MANN. Mr. Chairman, I make the point of order—I will reserve the point of order. Will not the gentleman be willing to change that so as to merely reappropriate the money instead of making a permanent appropriation?

Mr. STEPHENS of Texas. I have no objection.

Mr. MANN. How much has been expended; does anybody know?

Mr. STEPHENS of Texas. I have a statement here in regard to that.

SUPPORT OF SEMINOLES IN FLORIDA.

Fiscal year ending June 30, 1912, amount appropriated___ \$10,000.00

Fiscal year ended June 30, 1911:
Amount appropriated
Amount expended 15, 000. 00 2, 798. 78 12, 201, 22 Unexpended balance ___

Analysis of expenditures: Employees_____

1,600.00 1,198.78 Traveling expenses _____

With the appropriations heretofore made for support of the Seminole Indians in Florida a special agent was appointed and spent some nine months in the field investigating local conditions and ascertaining particulars regarding these Indians, with a view of establishing schools and other educational facilities for their benefit. A comparatively accurate census was prepared and considerable land set aside by Executive order for their benefit in addition to lands heretofore purchased under special appropriations by Congress between the years 1895 and

Future conditions among these Indians may require prompt steps for their support and relief, which can best be met by having funds at hand to meet such emergencies as may arise. The unexpended balance of the appropriation heretofore made is deemed sufficient for this purpose, provided it is made available until expended, without an additional appropriation being necessary.

Mr. MANN. Mr. Chairman, it is not a large amount, but it is quite a principle. The Indian Office ought to know better than to ask Congress to appropriate money for support and make it available indefinitely regardless of when it shall be used. These appropriations ought to be made from year to year, so that somebody knows something about whether the money is expended and how expended, and we ordinarily get that in-formation through the committee that has charge of the appropriation. The Indian Office has no business to make such a request.

Mr. STEPHENS of Texas. Will the gentleman offer an

amendment? I will accept it.

Mr. MANN. Mr. Chairman I withdraw the point of order and offer an amendment, and that is, to strike out in lines 22 and 23 the words "shall remain available until expended" and insert in lieu thereof "is hereby reappropriated and made available during the fiscal year ending June 30, 1913."

Mr. STEPHENS of Texas. I have no objection to the amend-

ment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk rend as follows:

Page 12, lines 22 and 23, strike out the words "shall remain available until expended" and insert in lieu thereof the words "is hereby reappropriated and made available during the fiscal year ending June 30, 1913."

The question was taken, and the amendment was agreed to.

Mr. FERRIS. Mr. Chairman— The CHAIRMAN. For what purpose does the gentleman rise?

Mr. FERRIS. I move to strike out the last word.

Mr. MURDOCK. The last word of what?

Mr. FERRIS. Of this section, or the first word.

Mr. MURDOCK. Mr. Chairman, I make the point of order that there is nothing pending.

Mr. MANN. Oh, yes; the paragraph is still pending.
Mr. MURDOCK. But we have passed the paragraph.
Mr. FERRIS. Oh, no; I merely made the motion to ask the gentleman from Illinois—

The CHAIRMAN. The Chair overrules the point of order.
Mr. FERRIS (continuing). If he did not think there might
be some reason for thinking they are not going to spend this This amount has been appropriated year after year, and they have not been taking any affirmative steps for doing anything for the Seminole Indians. The facts are these Indians are just as wild as rabbits in the Everglades of Florida. I do not care to criticize, but I understand the Indian Office has done nothing as yet-they sent a man who rode around there-and it seems to me if they are not going to expend this money, the question is whether or not there ought to be a direction for the expending of the money or the withdrawal of the appropriation, or something done. That thought was brought about by the suggestion of the gentleman from Illinois of reappropriating every year a sum of money to do a specific thing and not have anything done. It seems to me we ought to bring about some action.

Mr. FOSTER. Does not the gentleman think that if these Indians are as wild as he says they are—as wild as rabbitsit is pretty hard to spend the money on them? Maybe they are

doing the best they can.

Mr. FERRIS. Perhaps that is true. The gentleman may have suggested the truth; and if it is impossible to lasso or catch them or do anything, why keep on appropriating every

year this amount of money?

Mr. MANN. We do not keep on appropriating this amount of money. There never has been but one appropriation for this purpose. It went into a bill through, I think, an erroneous ruling of the then Chairman upon a point of order which I made, and I said then that the money could not be expended properly; that there was no way of expending the money and no need of appropriating it; but some gentlemen had gotten interested in the Seminole Indians in Florida through literature, or something of that sort, and insisted upon the appropriation. Now, I suppose they have expended two or three thousand dollars hiring somebody to run around, and I do not suppose the Indians have had any benefit.

Mr. FERRIS. They do not contend that they have. Mr. MANN. They never will have any benefit from it. do not need any money from the Treasury of the United States. They have been taking care of themselves since Florida came into our country, and they are still doing so since the other Seminoles were expelled from Florida. It is not necessary for us to take care of these Indians, as they are amply able to do it. I did not endeavor to strike out the appropriation because I did not think it would do any good, and I do not believe in the practice of placing in the hands of a department a sum to be

expended when they please, if they please, with no knowledge on the part of Congress of what they are doing.

Mr. MURDOCK. Mr. Chairman, I would like to ask the chairman of the committee if he thinks any hardship would work to the Indians if we struck out this appropriation?

Mr. MANN. They would never know it. [Laughter.] Mr. MURDOCK. I would like an answer from the chairman Mr. MURDOCK. I would like an answ of the committee, if he will kindly give it.

Mr. BURKE of South Dakota. Mr. Chairman, I would like to say in defense of this proposition, I think this was appropriated for two years ago, and if I am not mistaken the item was put in the bill in another body.

Mr. MANN. Oh, it was put in the bill here in this House over a point of order which I made.

Mr. BURKE of South Dakota. I did not recall that for a certainty, but I do recall that the Senators from the State of Florida interested themselves sufficiently to bring it to the attention of Congress and represented that the condition of the Seminole Indians was very deplorable; that it would be but a short time, in their opinion, when they could no longer support themselves, and it was the judgment of the committee at that time that we ought to make a small appropriation as an emergency measure for their care and support, and also for the purpose of obtaining information and ascertaining their real condition, and also learning their number. My understanding is that the Government has set aside some land for these particular Indians; that there has been some progress made toward doing something permanent looking to their support and welfare, and while, as has been stated, possibly there may not be very much done, if we do not continue this appropriation-only a very modest amount—as we have heretofore been appropriating, and in view of the representations made by the commissioner, as will

appear in the hearings, it seems to me that this provision, limited as it is, simply continuing the appropriation for the next fiscal year, is wise, and that there is no likelihood of its being expended if there is no necessity for it. So I hope it will not be stricken out.

Mr. STEPHENS of Texas. Mr. Chairman, I hope the amend-

ment will not fail.

Mr. MURDOCK. I withdrew the amendment. The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

For pay of 1 clerk, at \$1,200, and 1 lease clerk, at \$1,000 per annum, an addition to employees otherwise provided for at the Nez Perce Agency; in all, \$2,200.

Mr. FOWLER. Mr. Chairman, I reserve a point of order to this paragraph of the bill. Pending the discussion, I would like to have the chairman of the committee explain the necessity

for this additional expense for clerks.

Mr. FERRIS. I have not the statement before me. These are the objections they have had with reference to this item. As we read through the bill, we will come to two or three more items of this kind which will seem to be new matter and do not appear in the former law. However, we have taken that from a general appropriation and distributed it among the States, where it was properly placed, and we thought it would be clearly a better method of legislation. Mr. FOWLER. That does not answer my inquiry. I want

to know the necessity for these additional clerks and the duties

performed by them.

Mr. FERRIS. I do not understand that it is an additional clerk at all. We have had this same clerk all the time, only we have not been carrying him under the proper designation. we have been legislating for these States, we have taken this one from a lump sum, and we thought each item ought to say on its face what it was, and that each State ought to be charged with the force that was employed in it.

Mr. FOWLER. Under what item of this bill is that lump

sum provided for?

Mr. FERRIS. The item is eliminated from the bill entirely.

It appeared in the former law.

Mr. BURKE of South Dakota. This bill carries an item for contingencies and general incidental expenses, and the Secretary of the Interior found that from that fund they were employing annual employees at different agencies of the United States, and the commissioner stated that the Secretary took the position that these places that were filled by clerks annually employed ought to be specifically appropriated for. Consequently, we put those clerks in the bill in the proper places, dividing them among the States, and took the total from the appropriation that we otherwise would have made, so it does not add anything to the bill and is really better legislation.

Mr. FOWLER. I would like the gentleman to be more spe-

cific about the lump sum.

Mr. MANN. There was last year an item carried in the current law for contingencies in the Indian service, amounting to \$\frac{\text{N115,000}}{\text{cond}}\$, which provided for the payment of employees not otherwise provided. It is true in this bill, and I think this is the item under which these clerks have been heretofore carried. The CHAIRMAN. The time of the gentleman from Illinois

[Mr. Fowler] has expired.

Mr. MANN Mr. Chairman, I ask unanimous consent that the time of the gentleman from Illinois [Mr. Fowler] be extended for five minutes.

The CHAIRMAN. Is there objection? [After a pause.]

The Chair hears none.

Mr. BURKE of South Dakota. The amount appropriated was \$115,000, and I think in this bill it was cut to \$89,000.

Mr. MANN. It is out entirely.

Mr. BURKE of South Dakota. My recollection is, if it is out, it ought to be in the bill, and my recollection is that it is in the bill. We reduced it a few hundred dollars. I do not know just the amount. We reduced it by the further amount that these positions aggregate.

Mr. FERRIS and Mr. MANN rose.

FOWLER. I yield to my colleague from Illinois [Mr. MANN].

Mr. MANN. I thank the gentleman, but I have said what I wished to say

Mr. FERRIS. On page 4 of last year's Indian bill it provides in certain terms:

For contingencies of the Indian service; for traveling and incidental expenses of the Commissioner of Indian Affairs and other officers and employees in the Indian service, including clerks detailed from the Bureau of Indian Affairs for special service in the field; for traveling and incidental expenses of special agents, at \$3 per day when actually employed on duty in the field, exclusive of transportation and sleeping-car fare, in lieu of all other expenses, including expenses of going to

and from the seat of government and while remaining there under orders; for pay of employees not otherwise provided for; and for pay of special agents, at \$2,000 per annum each, \$115,000.

A provision of that kind would separate the different amounts required at the different agencies.

Mr. MURDOCK. There is a remnant of that in this bill. Will the gentleman point it out in this bill?

Mr. BURKE of South Dakota. Mr. Chairman—
Mr. FOWLER. I do not yield the floor.
Mr. BURKE of South Dakota. Just for a suggestion. My attention is called to the fact and I am not able to find the provision in the bill, but it was so reported and should be in the The item was \$115,000, and we appropriated, as I recall, about \$89,000 or \$90,000, and it puts these few positions, which amounted to something like \$14,000 or \$15,000, in separate places in the bill; but we reduced the estimate by considerable, but I do not know what has become of the item for contingencies of the Indian service.

We did not intend to eliminate anything but Mr. FERRIS.

the \$20,000 item.

Mr. BURKE of South Dakota. More than the twenty

Mr. FERRIS. They were asking twenty, and we distributed over the States something like—\$12,690, I think, is the exact amount. It is better administration. It shows what was actually being done. It creates no new offices. It saves \$8,000. It must therefore be a wholesome provision that will appeal to the good judgment of the committee and the Congress.

Mr. MILLER. Will the gentleman yield to me?
Mr. FOWLER. Yes.
Mr. MILLER. It is contained on page 8 of the bill, and is the item as to which the gentleman from Oklahoma [Mr. Ferris] made some remarks. The amount is \$85,000. Is that not the item, the paragraph, that was also covered?

Mr. BURKE of South Dakota. That is the item. It has

been changed.

Mr. MILLER. It has been reduced from \$115,000 to \$85,000.
Mr. FOWLER. Mr. Chairman, I ask unanimous consent for the extension of my time for five minutes.

The CHAIRMAN. The gentleman from Illinois [Mr. Fowler]

asks unanimous consent for five minutes more. Is there ob-

jection?

There was no objection.

Mr. FOWLER. Now, Mr. Chairman, I do not yet understand, and no one has yet made it clear, where this lump sum, out of which this appropriation is taken-

Mr. BURKE of South Dakota. Page 8 of the bill, lines 5

to 14.

Mr. FOWLER. I see; but that does not satisfy me. It goes on with special agents at \$2,000 each-

Mr. MURDOCK. Mr. Chairman, will the gentleman yield? The CHAIRMAN. Does the gentleman from Illinois yield to the gentleman from Kansas?

Mr. FOWLER. Yes. Mr. MURDOCK. Will the gentleman for his own informa-tion read lines 12, 13, and 14, on page 8? That answers his

Mr. FOWLER. Well, I have already read those lines. Mr. MURDOCK. It says, "for pay of employees not otherwise provided for, and for other necessary expenses of the Indian service for which no other appropriation is available, \$85,000." That is broad enough to cover anything.

Mr. FOWLER. Well, Mr. Chairman, I desire further to ask the chairman of the Committee on Indian Affairs how the Nez Perces Agency has been cared for in the past, which is now provided for by these two clerks?

Mr. STEPHENS of Texas. Out of a larger appropriation in

the lump sum.

Mr. FOWLER. Are there not other people who look after the clerical work that is intended to be looked after by these additional clerks?

Mr. STEPHENS of Texas. Here is the language heretofore carried in the bill: "For pay of special agents at \$2,000 per annum," etc., \$150,000. That is on page 4 of the Public Document No. 454.

Mr. FOWLER. Mr. Chairman, I am not satisfied with the explanation. I make the point of order.

Mr. GRAHAM. It is not subject to a point of order. Mr. FOWLER. I make the point of order.

Mr. BURKE of South Dakota. I hope the gentleman will not insist upon his point of order if he understands it.

Mr. FOWLER. If I understand it I will not. Mr. BURKE of South Dakota. The present law provides The CHAIRMAN. The time of the gentleman from Illinois

Mr. BURKE of South Dakota. I would like to be recognized in my own time. Or, Mr. Chairman, I ask unanimous consent that the time of the gentleman from Illinois [Mr. Fowler] be extended five minutes.

The gentleman from South Dakota [Mr. The CHAIRMAN. Burke] asks unanimous consent that the time of the gentleman from Illinois [Mr. Fowler] be extended five minutes. Is there

There was no objection.

Mr. BURKE of South Dakota. Now, if the gentleman will

Mr. FOWLER. I yield to the gentleman from South Dakota

[Mr. BURKE]

Mr. BURKE of South Dakota. The present law provides: "For the contingent expenses of the Indian service, for salary and expenses of the Commissioner of Indian Affairs and other employees of the Indian service," and so forth, and "for pay of other employees not otherwise provided for, and for pay of special agents at \$2,000 per annum, \$115,000." Now, out of that Now, out of that \$115,000 there were employed at these agencies two clerks or employees for which we specifically appropriate now at the salaries stated in this item-the same salaries that are now being paid. The Secretary of the Interior suggested, so the commissioner informed us, that he thought it would be better administration and better legislation if such positions were specifically appropriated for, and the committee thought the suggestion a good one. Consequently we have put such employees in the bill at different places where they belong, dividing them up among the several States, and have deducted the amount of the aggregate of these several places from the \$115,000, "and then some," and have made the item only \$85,000, and have saved, as I remember, \$8,000 by the transaction.
Mr. MANN. Will the gentleman yield?

Mr. BURKE of South Dakota. Yes.

Mr. MANN. What other employees are there at these offices,

and how are they paid?

Mr. BURKE of South Dakota. There is probably a superintendent

Mr. MANN. What is the superintendency paid out of?

Mr. BURKE of South Dakota. Out of an appropriation that is provided.

Mr. MANN. But what is the theory of maintaining one office and paying one official out of one appropriation and his clerk out of another

Mr. BURKE of South Dakota. As to that I am unable to answer the gentleman. I understand that at these agencies they have certain employees that are carried in addition to what are known as the regular employees, and they have hereto-fore paid these particular persons from the contingent fund.

Mr. FERRIS. If I may suggest to the gentleman, in some cases where the Indians have money we draw from their funds, which makes the method of payment different in different

agencies.

Mr. FOWLER. Have the duties performed by these clerks been performed by any other persons in the past?

Mr. BURKE of South Dakota. I will say to the gentleman that these employees have been employed right along, and have been paid these salaries that are stated here out of the lump-sum appropriation of \$115,000. Now we simply provide that they shall be paid in salaries specifically appropriated for at the

agencies where they are employed.

Mr. FOWLER. Who fixed the salaries heretofore?

Mr. BURKE of South Dakota. The department.

Mr. FOWLER. Now you intend to create offices for places heretofore performed by employees.

Mr. BURKE of South Dakota. No; we do not create them.

Mr. FOWLER. You propose to create them and fix their salaries

Mr. BURKE of South Dakota. No; we do not create anything. If the gentleman thinks it would be better administration to strike these items out and give them a lump sum, and give the department carte blanche to do as it desires, then he will insist upon his point of order. But it seems to me if the gentleman understood what the purpose of this change is, he would not press his point of order.

Mr. FOWLER. I do not want the gentleman from South Dakota to presume too much on my ignorance, for I have been studying this subject very carefully for some time. I think I know full well the object of this legislation.

Mr. BURKE of South Dakota. I think the fact will appear o the gentleman that it is better legislation as it is carried in

the bill than it would be to present a lump-sum appropriation.

Mr. MILLER. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. The time of the gentleman from Illinois has again expired.

Mr. MILLER. I ask unanimous consent, Mr. Chairman, that the time of the gentleman from Illinois [Mr. Fowler] be extended five minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. FOWLER. I yield to the gentleman. Mr. MILLER. It seems to me that this is a start in the right direction, and a start that ought to have been made a long time ago, and one that, it seems to me, the gentleman from Illinois [Mr. Mann] would naturally cooperate in. The Indian Department has been paying a large number of its employees out of a lump-sum appropriation intended for general purposes, and it is sometimes very difficult to find out just what rela-

Mr. FOWLER. Do they not still continue to do that out of the lump sum of \$85,000?

Mr. MILLER. No.
Mr. FOWLER. It says "other employees."
Mr. MILLER. No; these employees would not or should not be paid out of that, and would not be paid out of that if they remained in here. If we strike this out we will have to go back and increase that former paragraph of \$85,000 to \$120,000.

Mr. FOWLER. Why do you not segregate the entire work of the different departments and make a specific appropriation

for each one of them?

Mr. MILLER. That is just what I was talking about. job is too big to tackle all at once, but this is a start. No will say to the gentleman that there are certain general superintendents of agencies who are now being paid out of the educational fund. I do not think that is right. I do not think any general superintendent of an agency in the United States in the Indian service ought to be paid out of the educational fund. I think he ought to be paid specifically, the same as we are providing for these two clerks at this place.

Mr. FOWLER. Why did you not do that with all of the rest of the force and service provided for in the \$S5,000?

Mr. MILLER. The gentleman asks a pertinent question, and I can only answer it by saying that the job is too big to tackle all at once, but that this is a start in the right direction.

Mr. FOWLER. If you had done that and segregated them there might have been less objection to the paragraph under consideration.

Mr. MILLER. It is absolutely impossible to make a general

separation, covering all of the employees at one time.

Mr. FOWLER. Is it not a fact that under the lump sum appropriation the person in control could put his force here and there, wherever there was work to be done; but in the segregation as you undertake to make it in the Nez Perce Agency, if there is no work to be done there by these two clerks they are idle, are they not?

Mr. MILLER. There is work for them to do or they would

not be there

Mr. FOWLER. I have seen nothing to show that there has been a sufficient amount of work there at this agency to employ these two clerks.

Mr. MILLER. Oh, well, the assumption of the gentleman certainly is not well founded. They would not have been employed originally if there had not been work for them to do; and if the gentleman is familiar with the work at that agency he must know that there is work there for each of these clerks to per-

form.

Mr. FOWLER. How big is that agency?
Mr. MILLER. It is big enough to require more than these two.

Mr. FOWLER. Then why did you not provide for more?

Mr. MILLER. I have answered the gentleman's question. can not answer it more specifically.

Mr. FOWLER. Mr. Chairman, I make the point of order. The CHAIRMAN. The point of order is overruled. Clerk will read.

The Clerk read as follows.

Sec. 6. For pay of one financial clerk, at \$600, and one physician, at \$480 per annum, in addition to employees otherwise provided for at the Sac and Fox Agency, Iowa; in all, \$1,080.

Mr. FOWLER. Mr. Chairman, I reserve a point of order to that paragraph of the bill.

Mr. STEPHENS of Texas. Mr. Chairman, that is founded on the same facts as the last one ruled upon by the Chairman.

Mr. FOWLER. Mr. Chairman, I do not desire to be captious about any of these appropriations, but I do say that under the former rulings of the Chairmen of this committee, not only is this item subject to a point of order, but the last item against which a point of order was made was also subject to it.

Mr. FOSTER. It is the creation of new offices.

Mr. FOWLER. It is not only the creation of a new office, but it is a diversion of the money which has been appropriated

Mr. FOSTER. Mr. Chairman, if my colleague will permit, I think it is the duty of the gentleman in charge of the bill to show any authorization of law for these officers, and where they have ever been created by law.

Mr. STEPHENS of Texas. That has been stated several

Mr. FOWLER. I do not desire to yield at this time. The second section of Rule XXI, found on page 400 of the Manual, provides that-

Manual, provides that—

No appropriation shall be reported in any general appropriation bill, or be in order as an amendment thereto, for any expenditure not previously authorized by law, unless in continuation of appropriations for such public works and objects as are already in progress. Nor shall any provision in any such bill or amendment thereto changing existing law be in order, except such as being germane to the subject matter of the bill shall retrench expenditures by the reduction of the number and salary of the officers of the United States, by the reduction of the compensation of any person paid out of the Treasury of the United States, or by the reduction of amounts of money covered by the bill: Provided, That it shall be in order further to amend such bill upon the report of the committee or any joint commission authorized by law or the House Members of any such commission having jurisdiction of the subject matter of such amendment, which amendment being germane to the subject matter of the bill shall retrench expenditures.

On page 403 of the Manual:

On page 403 of the Manual:

An appropriation for a public work in excess of a fixed limit of cost or for extending a service beyond the limits assigned by an executive officer exercising a lawful discretion or by actual law or for purposes prohibited by law is out of order. * * In the administration of the rule it is the practice that those upholding an item of appropriation should have the burden of showing the law authorizing it.

Now, Mr. Chairman, there are a number of decisions upon

this question.

On page 404 there is a ruling by a former Chairman which held that the purchase of a separate and detached lot of land is not admitted. That decision is quoted at length in volume 4, paragraph 3776, of Hinds' Precedents:

Also a proposition to change a rule of the House is subject to a point of order. The object to be appropriated for may be described without violating the rule. Propositions to establish affirmative directions for executive officers, or to take away an authority or discretion conferred by law, are subject to the point of order. Limits of cost for public works may not be made or changed or contracts authorized.

Now, Mr. Chairman, there are a number of decisions holding that where a certain agency has been created for the use and administration of a certain fund, if the name of the agency is changed or if the appropriation be fixed from an indefinite to a definite sum of money, it is a new appropriation or new legislation and is subject to a point of order.

Mr. Hinds, in his Precedents, shows examples of former rulings in the House sustaining points of order of that character.

Now, Mr. Chairman, I think I have a precedent here in point. I cite Hinds' Precedents, page 502, volume 4, which is not just the point I had in mind, but it bears upon that same question:

the point I had in mind, but it bears upon that same question:

The Chair has found two precedents which may be claimed to sustain the point of order made by the gentleman from Illinois. The first is a ruling made by Mr. Hopkins, of Illinois, in the first session of the Fifty-fourth Congress, to be found on page 1192 of the Record for that session. In that case an amendment providing for the establishment of a manual-training school had been offered and a point of order was made against it. It appeared that the general object of educating the Indians was carried on at the place where this training school was intended to be located, but that no education of the class or kind described in the amendment had yet been undertaken. Upon that ground it was pressed upon the Chair that the amendment provided for something other than "a public work or object in progress," and upon that ground, apparently, the point of order was sustained.

Now, there is another holding that I do not leave the part had a

New, there is another holding that I do not lay my hand on just now where the Chair, in a former ruling in this House, held that where an appropriation had been made, as I recollect, practically in a lump sum for the purpose of carrying out certain objects, where it was sought to change it from a lump sum and segregate it to specific objects in which there was created certain offices with fixed salaries, it was held to be new legislation and

subject to a point of order.
Mr. MURDOCK. Will the
Mr. FOWLER. Certainly.

Will the gentleman yield right there?

Mr. MURDOCK. Does the gentleman in that connection contend that where a lump sum has covered, say, the services of five men in the civil service, that a recitation in the law of the five men, naming their respective salaries, is new legislation? Does he claim it subjects the bill to a point of order; is that his

Mr. FOWLER. No; that is not exactly the point of order. The point of order is that you create here new offices and under-

take to fix the salaries therefor.

Mr. MURDOCK. If this paragraph in issue does not create new offices, if these offices were covered in another paragraph in the current law, then does his point of order lie?

Mr. FOWLER. I think so, because it is a diversion from the channel which is authorized by the previous law, and this is a an office was created and paid out of a lump-sum appropriation,

new law in which it is intended to create new offices or new positions, fixing the salaries, and thereby diverting the funds from the way in which there is authority under the law at

present for that purpose.

Mr. MURDOCK. If the gentleman's point is good, is not Congress powerless to segregate a lump sum?

Mr. FOWLER. I think not.

Mr. MURDOCK. Why not?

Mr. FOWLER. Because of the fact that that matter can be reached any time Congress sees fit to reach it.

Mr. CARTER. If the gentleman from Illinois will permit me, I want to ask the gentleman from Kansas if he thinks that a mere appropriation of a sum of money in an appropriation bill is an authorization for an office?

Mr. MURDOCK. Certainly, where under a lump sum carried as a contingent fund the same men have been employed.

Mr. CARTER. But does it follow that that is an authorization of law

Mr. MURDOCK. These precise offices have existed before.
Mr. FOWLER. No; that is not the contention by anybody
that these offices have existed at all, because this lump sum has been appropriated and placed under the jurisdiction and control of a certain agency that carries that out by himself alone, and

be has the disposal of the services and is the director himself.

But here there is an effort to divert that fund from the purpose for which it was intended. It is an attempt to segregate it and create two new offices and fix the salaries therefor.

Mr. GRAHAM. Will my colleague allow me to ask the gentleman from Kansas a question?

Mr. FOWLER. I will yield to the gentleman.

Under the old law, where \$85,000 was appro-Mr. GRAHAM. priated as a lump sum-

One hundred and fifteen thousand dollars. Mr. MURDOCK. Mr. MURDOCK. One hundred and litteen thousand dollars. Mr. GRAHAM. Whatever the amount was, that could be paid out by the commissioner to such employees as he saw fit to employ. But this provision specifies two particular cases and takes it out of the power of the commissioner to change them,

thereby creating two new offices.

Mr. MURDOCK. Would the gentleman think the point of order would lie against this very paragraph if it was included as a part of the paragraph, on page 8, which relates to con-

tingent expenses?

Mr. GRAHAM. Yes; if it specified two particular new offices in such a way that, in spite of the commissioner, those who held them should remain in them for one current year. Even though the work they are required to do should disappear the offices remain and they are not under the discretionary power of the Two new offices are thereby created over which commissioner. the commissioner would have no discretionary power or control. He could not abolish them or deprive the men holding them of their salaries, even though the work ceased.

Mr. FOWLER. Mr. Chairman, I desire the attention of the Chair for one moment to make myself clear on the proposition. The lump sum which has been appropriated heretofore, I presume, was under authority of law. That lump sum was placed under the control of the commissioner to carry out this work as he saw proper. He could hire a man 1 day or 20 days or a year, if he saw fit under that authorization, and pay him any

sum agreed upon.

Now, it is proposed to take a portion of this work away from the control of the commissioner and give it to two specified created offices, entirely new, without any authorization under the law as it stands now, and fix their salaries, over which the commissioner has no control whatever. Therefore it becomes new legislation, creating new offices and fixing the salaries therefor, different from what the authorization is now, and hence, I take it. Mr. Chairman, it is new legislation. I do not desire to take up the time of the House, but I insist upon my point of order.

Mr. MANN. Mr. Chairman, it has been more or less of a controverted question in the House where a lump-sum appropriation was made under authority at law and an office was created by the person in charge of that lump-sum appropriation, as to whether that office could then be specifically carried in an appropriation bill by name at the same salary as under the lump-sum appropriation. I do not propose to discuss it at length, but perhaps the latest ruling made on the subject was during the discussion of the agricultural appropriation bill. There the question was distinctly presented on a point of order whether it was in order to appropriate specifically for an office at a specified salary, which office had heretofore been filled and paid out of a lump-sum appropriation. I have forgotten at present who was in the chair, but the Chairman of the Committee of the Whole at that time ruled distinctly that where

that then it was in order for the committee to report in order on a bill making appropriations an item for that office with the salary carried which was already being paid. I take it, Mr. Chairman, that there is no doubt Congress, either by express provision of law or by reason of the policy of the Government, is entitled to maintain Indian agencies. I do not now recall just what was said, but I referred awhile ago to the fact that I made a point of order on the item in the bill for the Seminole Indians last year or the year before when it first appeared. I thought it was a perfectly good point of order. We were under no obligations, so far as treaties were concerned, to aid in the support of those Indians. So far as we were concerned, they were like other citizens of the United States, but for reasons which were then presented on the floor the then Chairman held that it was the policy of the United States, either by expressed law or by inference of law, to give aid and support to the Indians, and to the end of that policy it was in order to make an appropriation for the first time without specific treaty or other authority of law for the benefit of the Seminole Indians, and that item went into the bill and remained in the bill. The same rule would apply in general terms to the maintenance of the Indian agencies, would apply in general terms to the lump-sum items in the bill, or in the existing law out of which these officers are now paid, and if that rule is to be followed and then the ruling made recently by the Chair on the agricultural bill is

the ruling made recently by the Chair on the agricultural bill is to be followed, why this item would have to be held in order.

The CHAIRMAN. The Chair fully appreciates that the point of order made against the paragraph is similar to the one made against the previous paragraph. The Chair's ruling on that paragraph was based largely upon the information received from the committee, that this appropriation, for such it may be completed the committee of the large graph provided. be called, is merely an itemization of the lump sum provided on the previous page of the bill. Heretofore, as the Chair understands it, this appropriation has been made in a lump sum. and the manner of the distribution of the amount has been left to some other authority than the Congress. Under the action of the committee in this bill the committee has undertaken to distribute these items to the several States where they think they properly belong, and with that understanding the Chair held that the point of order was not well taken. If the Chair was right in the previous ruling, as he believes rulings of this sort have been made before, he must also overrule the point of order in this instance, and he does so, and the Clerk will read.

The Clerk read as follows:

For pay of one special agent at \$1,100 and one financial clerk at \$900 per annum, in addition to employees otherwise provided for at the Mackinac Agency; in all, \$2,000.

Mr. Chairman, I reserve a point of order to this paragraph of the bill. I desire to ask if the services which are provided for here have been administered heretofore and dispensed by the commissioner?

Mr. STEPHENS of Texas. Mr. Chairman, this is the lan-

guage carried in the last bill and in this:

For pay of one special agent, \$1,100, and one financial clerk at \$900 per annum.

The lump sum amounted to some \$85,000 this year, and here-tofore it amounted to some \$125,000, if I remember correctly, so there is a reduction, and it is on all fours with the other points of order which the gentleman has made.

Mr. FOWLER. Mr. Chairman, I am not complaining of the amount of the appropriation at all. I want to congratulate the chairman and his committee upon their conservatism in making reductions and retrenchments in these appropriations; but, Mr. Chairman, I think that this is new legislation, and I make the point of order.

The CHAIRMAN. The gentleman will state it.

Mr. FOWLER. That the paragraph creates new positions. It says, "For the pay of one special agent at \$1,100," and there is no authorization for this special agent, Mr. Chairman. Then it provides for "one financial clerk at \$900." There is no authorization for that clerk. I say there is no authorization under the law for those particular positions. It is subject, in my opinion, to the point of order, because it is without authoriza-

we have been discussing at length this afternoon—\$85,000 in the present bill—and this one special agent was inserted for the State of Michigan, and it is the only special agent they have there. We are paying out of the lump sum for this special agent, and it is not a new office or a new officer and does not increase the amount, but decreases the amount of the lump sum.
Mr. FOWLER. What becomes of this new office?

What becomes of this new office? Is it in

existence to-day?

Mr. STEPHENS of Texas. It is not a new office. The one special agent has always been used and heretofore appropriated for under the lump sum.

Mr. FOWLER. Is there any provision in the law for this special agent?

Mr. STEPHENS of Texas. There is a special agent now, and this amount will be segregated to pay for these positions.

Mr. FOWLER. Can you refer me to the law creating this special agent?

Mr. STEPHENS of Texas. They have general authority to run all these agents, or else they could not maintain them. They have the power to appoint them.

The CHAIRMAN. The Chair is ready to rule on this unless

the gentleman wishes to be heard further.

Mr. FOWLER. Mr. Chairman, I do not desire to be heard

The CHAIRMAN. The Chair overrules the point of order. The Clerk read as follows:

MINNESOTA

SEC. 9. For support and education of 225 Indian pupils at the Indian school, Pipestone, Minn., and for pay of superintendent, \$39,175; for general repairs and improvements, \$2,500; in all, \$41,675.

Mr. HAMMOND. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment. The Clerk read as follows:

Amend by striking out the words "twenty-five hundred dollars," in line 10, page 15, and inserting in lieu therof "\$4,500, \$1,500 of which shall be used for the installation of an electric lighting system and \$500 of which shall be used for the construction of coal sheds," and by striking out the word "forty-one," in line 11, on page 15, and inserting in lieu thereof the word "forty-three."

Mr. STEPHENS of Texas. Mr. Chairman, I desire to say that at the time this matter was presented the bill had been made up and was not before the committee, and I have no objection to the item going into the bill, because it has been agreed to by the committee.

The CHAIRMAN. Does the gentleman wish to be heard on

his amendment?

Mr. HAMMOND. Just a word, Mr. Chairman. ment increases the appropriation by \$2,000, \$1,500 of which amount shall be appropriated for an electric lighting plant and \$500 for coal sheds. The situation is this: There are about 200 pupils in the school. No provision for housing coal at all. About 1,000 tons are used each year, and the greater portion of it is left outside to be disintegrated by the elements and destroyed. The gas plant is an antiquated one. Seven out of the 12 buildings are lighted by gas generated from 4 separate generators. I do not desire to take up the time of the committee. I presented the matter to the Committee on Indian Affairs, and this amendment was accepted by the committee. Unless there are questions to be asked me I desire a vote upon the amendment.

The question was taken, and the amendment was agreed to. The Clerk read as follows:

The Secretary of the Interior is hereby authorized to advance to the executive committee of the White Earth Band of Chippewa Indians in Minnesota the sum of \$1,000, or so much thereof as may be necessary, to be expended in the annual celebration of said band to be held June 14, 1912, out of the funds belonging to said band.

Mr. FOWLER. Mr. Chairman, I reserve a point of order on the last paragraph and desire to ask the chairman of the committee if the bridge for which this \$1,000 is appropriated is ex-

mittee if the bridge for which this \$1,000 is appropriated is expected to be beneficial to this tribe of Indians.

Mr. MILLER. This is not a new item. It has been carried in every appropriation bill for many years. The Chippewa Indians of Minnesota have a reunion and sort of festival each year about the 14th of June. It has grown to be a great event. To this festival, as it may be so termed, Indians from the Dakotas come by invitation. They have elaborate ceremonics and games, and they comport themselves in a highly creditable manner, and I think it is the most picturesque and valuable entertainment among the Indians of anything in the Northwest. It is as dear to them almost as the hurial grounds of their It is as dear to them almost as the burial grounds of their fathers. They look forward to it as one great event. It is their own money. We are not appropriating any money belonging to the Government. Of course, the only way they can get

the money is in this way.

Mr. MURDOCK. What is the action of the expenditure of the \$1,000?

Mr. MILLER. A thousand dollars is simply part of what it costs. These Indians have in the Treasury about \$10,000.000, and there are about \$3,000,000 more for timberlands that have already been sold but not paid for.

Mr. FOWLER. About how many Indians congregate in this

Mr. MILLER. They congregate from every part of the Northwest, and I think they come from Canada now. I think, conservatively stated, there are 6,000 Indians who participate.

Mr. FOWLER. Do you think it has created a friendly feeling?

Mr. MILLER. Yes.
Mr. FOWLER. And has been beneficial in its results?
Mr. MILLER. Splendid. And they take up for discussion and consideration questions for their own benefit.

The FOWLER I withdraw my point of order, Mr. Chair-

The Clerk rend as follows:

The Secretary of the Interior is hereby authorized and directed to make an investigation of the conditions on the Navajo Indian Reservation at Shiprock, N. Mex., with respect to the necessity of constructing a bridge across the San Juan River at Shiprock on said reservation, and also to cause surveys, plans, and reports to be made, together with an estimated limit cost for the construction of a suitable bridge at that place, and submit his report thereon to Congress on the first Monday in December, 1912, and the sum of \$1,000, or so much thereof as may be necessary, is hereby appropriated for the purpose herein authorized.

Mr. MANN. Mr. Chairman, I reserve a point of order on

that paragraph.

Mr. STEPHENS of Texas. I desire to state, Mr. Chairman, that this bridge was washed out, I understand, last year. The abutments are still there, but the bridge has gone, and the main part of the Navajo Reservation is, I understand, on the south side of the river. This San Juan River is a tributary to the Colorado River of the West. A considerable portion of this Indian reservation is on the opposite side of the river from the railroad, and it has to be crossed by the Indians in order that they may get to the railroad points of shipment, and so forth. They must haul their wool and other products across this bridge. It is a dangerous mountain stream and unsafe to ford, and very often extremely dangerous when there is a rise in the The matter was submitted to our committee, and we were unanimously of the opinion that the bridge should be rebuilt for the benefit of these Indians.

Mr. MANN. Mr. Chairman, it may be necessary. I do not know. It is only recently they have adopted the policy, I think, for building these bridges for the benefit of the Indians out of the General Treasury. A few years ago there were various propositions of this sort introduced in the House which went to the committee of which I had the honor to be a member and for a while the chairman. We never reported any of them favorably, but last year we put a provision in for three new bridges in Arizona and New Mexico, payable out of the General Treasury.

Now, here is the new State of New Mexico, which has some obligation in reference to building bridges. Here is an Indian reservation that ought to have some obligation in reference to the construction of bridges that are needed. On what principle do the gentlemen expect the Federal Treasury to pay for the construction of bridges in a State? We fought here for three whole days as to whether we would contribute the sum finally of \$15,000 to help construct a bridge the necessity for which was caused by the Government taking possession of some property over in Massachusetts for a naval station of some kind. And yet offhand, without consideration and without knowledge, we propose to expend money in the State of New Mexico for the construction of a bridge which may or may not be needed. It certainly is not needed, so far as the convenience of the Government of the United States is concerned.

Mr. FERRIS. Will the gentleman yield at that point? Mr. MANN. I will yield at any point for information.

Mr. FERRIS. The Government did build the former bridge, and when the floods came they washed away a bridge that had been constructed by the Federal Government. It cuts off five or six hundred Indians from their trading point. The Department now asks in their estimate for \$16,000 for the construction of We gave them an amount sufficient to go and inthis bridge. vestigate what the real situation was and to determine whether or not the Federal Government ought to build a bridge there again and to determine also what it should cost.

Mr. MANN. I should think that \$1,000 for making an estimate on the cost of constructing a bridge that costs only \$16,000 was an exceedingly liberal estimate of the estimated expenses

of the estimate. [Laughter.]
Mr. FERRIS. Well, it is not required that more shall be

expended than is necessary.

Mr. MANN. Does the Government maintain the roads that lead up to the bridge? Ah, the gentleman nods his head. But

Mr. FERRIS. I will say to the gentleman that I did not nod my head.

Mr. MANN. Oh, the gentleman who lives in the far West did. I am not referring to the gentleman from Oklahoma. Under what obligation does the Government rest, having built a bridge and given it to these people, now to rebuild it because it has been destroyed? We would think ourselves very lucky, indeed, in my town if we could get the Government to build a bridge the first time, much less follow it up and rebuild it every time it needs rebuilding.

Mr. MURDOCK. Oh, you are not an Indian. [Laughter.]
Mr. MANN. We have more Indians in Chicago than there
are in the United States outside of Chicago of red skin. [Laughter.]

Mr. BOEHNE. Of what tribe? [Laughter.] Mr. STEPHENS of Texas. Mr. Chairman, I do not think the

item is subject to a point of order.

Mr. MANN. The item is subject to a point of order, but I will withdraw the point of order, although the item should never have been in the bill.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

For pay of one special agent at \$1.050, one physician at \$600, and one financial clerk at \$600 per annum, in addition to employees otherwise provided for at the New York Agency; in all, \$2,250.

Mr. FOWLER. Mr. Chairman, I reserve the point of order

against that paragraph.

Mr. Chairman, I have discovered, in comparing this bill with the law which was passed at the last session of the last Congress, that it appropriated for New York \$10,500. Now, the same \$10,500 is appropriated, and in addition to that there is \$1,050 appropriated for a special agent, \$600 for a physician, and \$600 for a financial clerk. Mr. Chairman, I can not understand why it is that these three places should be created here in this section when they have not had any existence heretofore.

Mr. Chairman, I desire to inquire of the gentleman now relative to some of these tribes. I see that the Senecas of New York are dealt with and that the Six Nations of New York are dealt with. I desire to ask if these two different appropriations are intended for two different and separate reservations?

Mr. STEPHENS of Texas. They are Indians in reservations, but under treaty stipulations with the United States Govern-

ment. They are wards of the Government.

Mr. FOWLER. Do these two reservations approximate each

other, or are they some distance apart?

Mr. STEPHENS of Texas. I have never been in that country, and I can not answer.

Mr. FOWLER. I should be glad to have an answer. Mr. FORNES. Mr. Chairman, if the gentleman will permit, can answer. They are 50 miles apart.

Mr. FOWLER. I thank the gentleman. Now, I desire to know from the chairman of the committee, or some one else of the committee, where this special agent will be located that

looks after these two different reservations?

Mr. FERRIS. In reply to that, if the gentleman desires an answer, I will say that the Commissioner of Indian Affairs has full power to direct the agent to go from one part of the agency to the other, and has full power to send the agents out into the field, and from one agency to another. And I want to say, Mr. Chairman, that this is simply one of those items that have been segregated, and the amount in the aggregate is \$8.000 less than the sum total of the general fund that we have segregated.

Mr. FOWLER. If he is a traveling agent you do not fix

any limit to the expense for his mileage or traveling expenses.

Mr. FERRIS. Well, the department has some latitude with reference to that. I do not know exactly what it is. The commissioner has some general appropriation that he can use for that purpose.

Mr. FOWLER. Where is the physician located? Mr. FERRIS. Wherever the commissioner thinks his services are needed most.

Mr. FOWLER. These agencies are 50 miles apart, as I understand. Do you expect to send a physician 50 miles, back and forth, on a salary of \$600 a year?

Mr. FERRIS. I do not know what is in the mind of the

commissioner.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. FOWLER. Mr. Chairman, I ask unanimous consent to have my time extended five minutes.

The CHAIRMAN. The gentleman from Illinois [Mr. Fowler] asks unanimous consent that his time be extended five minutes. Is there objection?

There was no objection.

Mr. FOWLER. Now, Mr. Chairman, I can not understand the provision creating this position. It provides for only one

physician. There are two agencies at least, and they are at least 50 miles apart.

Mr. STEPHENS of Texas. Does the gentleman imagine that there could be several hundred Indians 50 miles apart that

did not have an agency doctor?

Mr. FOWLER. That is the point I make. There is only one position created by this act. Now, where is he located? Is he on one of these reservations, or on the other, or on both? Do his duties require him to deal with both of these reservations?

Mr. McCULER of Oklahoma. If the gentleman will permit,

Mr. McGUIRE of Oklahoma. If the gentleman will permit, it seems to me this paragraph locates this physician. The item says, "For pay of one special agent, at \$1,050, one physician, at \$600, and one financial clerk, at \$600 per annum, in addition to employees otherwise provided for at the New York Agency.' That is wherever the New York Agency is.

Mr. FOWLER. That is, in addition to what is otherwise provided for at the New York Agency this position is provided. Now, where is he located, and what services is he to perform?

Mr. McGUIRE of Oklahoma. He is to perform the services for the Indians of the New York Agency-whatever Indians are accessible to that place. I take it that this is one of the smallest amounts appropriated for a physician. Not infrequently a large number of Indians will be living near a small place.

Mr. FOWLER. Where is the New York Agency located? Will the gentleman answer that? I want to get an understanding of your bill.

Mr. STEPHENS of Texas. In the State of New York.

Mr. FOWLER. No; I mean at what definite point. Mr. McGUIRE of Oklahoma. I do not know at what definite point. Evidently it is near some town, and the chances are that the physician lives in some town.

Mr. FOWLER. The gentleman does not give me any information.

Mr. McGUIRE of Oklahoma. The gentleman does not give me any opportunity to. Will the gentleman yield to me for a further statement?

The CHAIRMAN. Does the gentleman yield?

Mr. FOWLER. No; I do not yield further, Mr. Chairman, because the gentleman does not give me any further information. [Laughter.]

Mr. McGUIRE of Oklahoma. The gentleman will not permit me to.

Mr. FOWLER. It is because the gentleman can not.
Mr. FORNES. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Illinois yield to the gentleman from New York?

Mr. FOWLER. Yes; I yield. Mr. FORNES. In answer to the gentleman's question, I will say that one agency is in the western part of my county, near Lake Ontario, and the other is in Cattaraugus County, near the southern boundary of the State of New York.

Mr. FOWLER. Where is this physician to be located? He may be located at one place, but he at-Mr. FORNES. tends both these places. He is the consulting physician.
Mr. FOWLER. How far apart are these agencies?

Mr. FORNES. About 50 miles apart.

Mr. FOWLER. Do you run your doctor 50 miles, back and forth, at a salary of \$600?

Mr. FORNES. He can go by rall from one agency to the

Mr. FOWLER. Mr. Chairman, the gentleman is very kind in his explanation. I would like to insist upon my point of order, but inasmuch as the committee has shown a disposition to try to segregate this work and make it specific and more intelligent, I will withdraw my point of order. [Applause.]
The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

The Clerk read as Iollows;

The Secretary of the Interior is hereby authorized to withdraw from the Treasury of the United States, at his discretion, the sum of \$25,000, or so much thereof as may be necessary, of the funds on deposit to the credit of the Kiowa, Comanche, and Apache Tribes of Indians in Oklahoma, for the support of the agency and pay of employees maintained for their benefit, and he is hereby authorized to withdraw from the Treasury the further sum of \$40,000, or so much thereof as may be necessary, of the funds on deposit to the credit of the Kiowa, Comanche, and Apache Tribes of Indians in Oklahoma, for the construction and equipment of an Indian hospital upon the Fort Sill Indian School Reservation in Oklahoma, to be used only for the benefit of Indians belonging to said tribes; in all, \$65,000.

Mr. MANN. I reserve a point of order on the paragraph.

Mr. MANN. I reserve a point of order on the paragraph.
Mr. FERRIS. Mr. Chairman, for the past three years the Klowa Indian agent at Anadarko, Okla., has been constantly at work trying to secure a hospital and a home for the Indians of his reservation that are afflicted with trachoma and ophthalmia, diseases of the eyes. A physician was sent down there by the Indian Office last year to make an examination of the different schools, to see what per cent of the Indians were afflicted, and represented them to be. I have here and will read a statement of the result of that investigation which I think will show the grave necessity for this item. The physician who made the examination was Dr. W. H. Harrison, designated by the department to go out there and make the investigation.

I read from the hearing:

The total number of boys examined at the Fort Sill School was 92, 23 of whom had trachoma, 19 ophthalmia, and the percentage of those diseased was 45; 42 were under treatment. The total number of girls examined was 80, 23 of whom had trachoma, 30 ophthalmia, and 66 per cent were diseased; 53 were under treatment. The total number examined at the Fort Sill School was 172, 46 of whom had trachoma, 40 ophthalmia, and 55 per cent were diseased; 95 were under treatment. At the Riverside School—

These are two schools on the same reservation-

the total number of boys examined was 66, 56 of whom had trachoma, 21 had ophthalmia, and 84 per cent were diseased; 56 were under treatment. There were 85 girls examined, 56 of whom had trachoma, 28 ophthalmia, and 66 per cent were diseased; 56 were under treatment. The total number examined at Riverside was 151, 112 of whom had trachoma, 49 ophthalmia, and 75 per cent were diseased; 112 were under treatment.

trachoma, 40 ophthalmia, and 75 per cent were diseased; 112 were under treatment.

At the St. Patrick's Catholic Indian School there were 36 boys examined, 21 of whom had trachoma, 10 ophthalmia, and 58 per cent were diseased; 21 were under treatment. There were 52 girls examined, of whom 39 had trachoma, 15 ophthalmia, and 75 per cent were diseased; 39 were under treatment. The total number of pupils examined at the St. Patrick School was 88, 60 of whom had trachoma, 25 ophthalmia, and 66 per cent were diseased; 60 were under treatment.

The CHAIRMAN. The time of the gentleman from Oklahoma

Mr. FERRIS. I hope I may have 10 minutes in which to explain this matter. It is a very important matter, and I am anxious to lay the whole matter before the House.

The CHAIRMAN. The gentleman from Oklahoma asks unani-

mous consent that he may proceed for 10 minutes. Is there objection?

There was no objection. Mr. FERRIS. He says:

At the Rainy Mountain School the number of boys examined was 69, 59 of whom had trachoma, 21 ophthalmia, and 85 per cent were diseased; 59 were under tractment. There were 72 girls examined, 61 of whom had trachoma, 18 ophthalmia, and 85 per cent were diseased; 61 were under treatment.

Mr. COOPER. Will the gentleman state those figures again? Mr. FERRIS. He says there were 72 girls examined, 61 of whom had trachoma and 18 ophthalmia.

Mr. COOPER. Sixty-one and 18 added together making 79, or 7 more than the total number of girls,

Mr. FERRIS. He states that 85 per cent were diseased. It may refer to another school. There seems to be a slight discrepancy in those figures.

Mr. COOPER. What were the ages of these children?

Mr. FERRIS. From 6 years to 21 years. This statement is found on page 253 of the hearings. The total number examined at Rainy Mountain School was 141, 120 of whom had trachoma, 39 ophthalmia. Eighty-five per cent were diseased, and 120 were under treatment. Then, there is a telegram signed by 20 or 30 doctors, which reads as follows:

LAWTON, OKLA., December 15, 1911.

Hon. Scott Ferris, M. C., Washington, D. C.:

We, the physicians of Lawton, Okla., and members in good standing of Comanche County Medical Society, having had some hospital experience with Indians of this vicinity and knowing they are in great need of hospital attention and will be greatly benefited by same, urge that you spare no effort to secure the passage of the Stecker Hospital bill.

Very respectfully,

E. Brent Mitchell, M. D.; H. A. Angus, M. D.; E. S. Goch, M. D.; L. T. Goch, M. D.; P. G. Dulap, M. D.; Jackson Broshears, M. D.; W. N. Hitch, M. D.; B. D. Meeker, M. D.; James L. Lewis, M. D.; F. W. Hammond, M. D.; C. S. Mercdith, M. D.; E. S. Dunlap, M. D.; C. H. Hucs, M. D.; Louis A. Milne, M. D.; and D. A. Myers, M. D., secretary.

I have a letter from the agent-it is a very long one-to the effect that they will not admit these afflicted children to the regular hospital.

I want to explain that few of the Kiowa and Comanche Indians are far enough along with civilization to be readily admitted to the white hospital. They are almost blanket Indians.

Mr. MURDOCK. Will the gentleman explain to us the reason

for this appalling state of affairs?

Mr. FERRIS. I will give the gentleman the facts as I know them.

Mr. MURDOCK. How long has this condition obtained? Mr. FERRIS. This disease prevails among the old Indians as well as the young ones. They come to my office to see me about their matters, and their eyes are so glued together and stuck together from the disease that they have to be led.

Now, these people have in the Treasury over \$4,000,000 to their credit and more than a million yet due them. I am not to see whether the conditions were as severe as the agent had lasking the Federal Government to appropriate it for them, but I think there ought to be a small sum withdrawn from their own funds for the present for the benefit of these Indians.

Mr. MURDOCK. Has this condition obtained for a long time

or is it something of recent development?

Mr. FERRIS. It seems to be growing worse. there now about 11 years, and some of them have had eye diseases all that time. For awhile few, if any, knew what it was. I did not know what ailed them. I thought it was a kind of scrofula or something of that kind, but the physician of the Interior Department, Dr. Harrison, who was sent out there, and the local physicians who come in contact with it, call it ophthalmia and trachoma. They designate it in two ways. I am not able to distinguish which is which. The only thing I know is that they walk the streets of my town and neighboring towns with their eyes glued together and in a pitiable condition.

Mr. COOPER. Is it not understood that trachoma can be communicated by the use of the same towel or anything of that

Mr. FERRIS. I understand that is a well-recognized fact. Mr. COOPER. It is a most remarkable thing to read that out of 72 girls in a school there are 61 afflicted with that horrible disease.

Mr. FERRIS. I have merely read all of these things so that gentlemen may see how almost universal the disease prevails among them.

Mr. COOPER. It is a sickening recital.

Mr. FERRIS. It is, indeed.
Mr. COOPER. It is strange that such a condition, amounting almost to a pestilence, should have been raging there among these Indians in any such way as that.

Mr. FERRIS. Now, I want to read what the agent in charge

Mr. KINDRED. Will the gentleman yield to me?

Mr. FERRIS. Certainly.
Mr. KINDRED. May I inquire of the gentleman how many Indians is it proposed may use the hospital? How many are there to be accommodated?

Mr. FERRIS. About 4,081 Indians on this reservation. Mr. KINDRED. And all of them are to have the privilege of using a hospital to cost \$40,000?

Mr. FERRIS. That is the intention. They would not all be here at once. The disease does not confine them to their beds. there at once.

Mr. KINDRED. Is it intended to have a hospital so constructed that these diseases can not be further communicated to other patients in the hospital?

Mr. FERRIS. I may say that it provides that the hospital shall be constructed near the center of the reservation, out in the country, where patients can be treated for these terrible diseases

Mr. KINDRED. Has not the gentleman observed that there are fewer cases of trachoma and ophthalmia among the Indians who are careful about the sanitary surroundings and observe the rules of personal cleanliness?

Mr. FERRIS. I think that is true. I think it prevails only among the backward tribes. They do not have it on the east side. where the Indians are well along with civilization and education.

Mr. KINDRED. That comports with the fact that it is a highly contagious disease, but flourishes mostly among those who are uncleanly.

Mr. MORGAN. Will the gentl Mr. FERRIS. With pleasure. Will the gentleman yield for a question?

Mr. MORGAN. I observe that the hospital is to be located on the Fort Sill Reservation.

Mr. MORGAN, Car Can the gentleman state any substantial reason why the hospital should be located at Fort Sill rather than

at Anadarko or some other agency?

Mr. FERRIS. It is very near the center of the entire group of counties that have the Indians living in them. That is the first reason. The second reason is that it is near the largest Indian boarding school—the Fort Sill boarding school. An additional reason is that the lands that are to be sold from which the revenue is to be derived lie practically all in this locality. I think that will be satisfactory to the Indians, will be satisfactory to the white citizens, and satisfactory to all concerned when it is once explained.

Mr. MORGAN. The gentleman thinks that that would be a

more suitable location than at the agency at Anadarko?

Mr. FERRIS. We thought so. It is 40 miles south to the Texas line, it is 40 or 50 miles to the extreme northern line of the reservation, and it is equally divided between the east and the west; it is 35 miles to the line to the former Indian Territory and about 35 or 40 miles west to the Greer County,

Mr. MORGAN. I did not hear all of the gentleman's statement, for I was out for a few moments, but I want to ask him if this hospital is intended simply for the children afflicted with diseased eyes, or is it for the infirm and old Indians as well as the young?

Mr. FERRIS. I take it, and it is so stated in all the conversations with the agents of the Indians, and the Indians themselves have expressed the hope that it will be for all of them.

Mr. MORGAN. The entire sum will be used to construct the

hospital. Now, where is the provision for maintaining it?

Mr. FERRIS. I have an answer to that question. That has not been overlooked, but has been submitted to the department. They have little remnants of land left over from land sales and openings, and there has been a bill introduced and referred to the Indian Committee, on which a very emphatic and favorable report is to be made, to the effect that these remnant lands shall be sold and the proceeds therefrom go into a hospital

fund for maintenance and original cost.

Mr. MORGAN. If the gentleman will permit me a word, a portion of these Indians, as the gentleman knows, live in the second congressional district

Mr. FERRIS. That is true. [The time of the gentleman from Oklahoma [Mr. Ferris] having expired, by unanimous consent he was given 10 minutes more.

Mr. MORGAN. Mr. Chairman, as I was saying, I was very much interested in this proposition, or in any other that will be for the benefit of the Indians in my district.

Mr. FERRIS. I understood the gentleman, and he has been interested at all times, and full credit should be given to the gentleman for his part in securing this legislation.

Now, Mr. Chairman, if I may proceed a little further, I will

read from a letter from the Kiowa agent:

There are under my supervision 4,081 Indians, and as far as ordinary business matters between man and man are concerned, 95 per cent of these people are noncompetent and require governmental supervision. They are scattered throughout 108 townships, or over an area 70 by 90 miles in extent, which makes it impossible to properly care for them from a medical standpoint, as it is a physical impossibility for the agency physician to cover so large a territory and keep in proper touch with his patients. Trachoma, tuberculosis, various other diseases, and the usual per cent of painful accidents prevail among them. When within reach of an agency physician they call on him for treatment, if the medicine man or woman does not get the patient first.

I will explain what he means. The Indians have been in the habit of using an herb. I think they call it pyote. They have a superstition that it is the only medicine that can be of any use in curing these diseases. There are a number of Indians who now think they do not want the hospital. They have talked to me about it and they have talked with several Members of the House. They think that a hospital ought not to be built. However, the older Indians, those afflicted with the diseases, want it built, and have so expressed themselves in my office within a few months. Three or four of the Indians came to Washington and said that they wanted a hospital, and wanted the Federal Government to pay for it. They did not want it paid for out of their funds. I said to them that they had \$4,000,000 in the Treasury and had \$1,000,000 yet due from lands that had been sold and are being paid for one-fifth each year, and that that money ought to be used to cure them.

The letter goes on to say:

The letter goes on to say:

If they have individual funds, the nearest practicing physician is called, and, in the case of necessary operations a transfer is frequently made to a hospital in one of the neighboring cities. These cases are expensive, and the Indians can not afford the financial drain on their limited resources.

The death rate among children is large, as there is no proper place provided where they can be treated under trained supervision; the physician's efforts invariably fail because his directions are not followed, and dieting is not understood by the Indians generally.

The establishment and maintenance of an Indian hospital is a necessity and should no longer be delayed. Once in operation it will prove a great blessing to these people and will be fully appreciated by them. It will provide a place where their own language is spoken, enabling them to explain intelligently their sufferings and bring them all the relief that science can command, free of cost.

This institution could be made self-supporting. The reserved agency lands herein recommended for sale can well be spared for this purpose, and I know of no better purpose to which the proceeds of such a sale could be applied.

Mr. McGUIRE of Oklahoma. Will the gentleman yield?

Mr. FERRIS. Certainly.

Mr. McGUIRE of Oklahoma. Is it not a fact that aside from the schools the physicians have investigated that a large number of children on these reservations remain away from school because they are the severest cases—that their cases are so intensified that they are unable to go to school, and of those the gentleman has no report?

Mr. FERRIS. That is correct. Old men come hobbling up where there are no allotments, as it formerly belonged to Texas. on my porch leading each other by the hand afflicted with this

Now, it is a disease that can be cured. This record was submitted to the Committee on Indian Affairs, and the committee was almost appalled, and they uniformly authorized it to be inserted, and the Indian Commissioner stated in the hear-

ings that he was in hearty accord with the proposal.

Now I want to refer to the objection of a few Indians. are a few Indians, as I have said, the young and stalwart, that are now and they now think they will be displeased with this provision. Some of them may have called on some of the Members of the House. They want a hospital, but they want the Federal Government to build it. I took the responsibility of this provision myself, and I think the gentleman from Oklahoma [Mr. Morgan] will share it with me, particularly as he has some of these Indians in his district. I think that where Indians have more than \$4,000,000 to their credit and only 4,000 of them and have more than \$1,000,000 due them, it will not do an injustice to them to withdraw a small sum of about \$10 per capita, so that they may have a place where they can be treated. The agent told me himself he had found water running under the tents where women were giving birth to children, and where a physician would not go unless the Indian does pay the money for it. That is the situation that prevails. The agent is very anxious about this; he is familiar with every detail of this. He has lived in the barracks with some of these Indians while some of them were scout officers, as he has said in another part of the letter, for the past twenty-odd years, and shows that he is entirely familiar with the disease; that he is entirely familiar with the Indians and entirely familiar with the country, and he thinks that this ought to be given. Now, unless somebody cares to ask a question-

Mr. BURKE of South Dakota. Will the gentleman yield for

a moment?

Mr. FERRIS. I will.

Mr. BURKE of South Dakota. Mr. Chairman, I wish to say I favor this appropriation, and in justification for taking the money of the Indians in this instance and appropriating it for the purpose of erecting a hospital for their benefit-in justification therefor I want to say that an agreement was made with the Kiowa and Comanche Indians some years ago by which they ceded and sold to the United States all of their reservation for a consideration of \$1,000,000, and that agreement, of course, had to be ratified by Congress. received here it was ratified by the House and sent to the Senate, and a reservation was made in the agreement by which 480,000 acres was reserved for the use of the Indians as a pasture.

Mr. STEPHENS of Texas. Five hundred and five thousand

Mr. BURKE of South Dakota. Four hundred and eighty thousand acres, as I remember.

Mr. STEPHENS of Texas. Then there was a small wood res-

ervation reserved.

Mr. BURKE of South Dakota. The treaty provided that the Indians cede and convey to the United States all their interest in the reservation for a consideration of \$1,000,000, subject to 480,000 acres being reserved temporarily for their use as a pasture, as I have already stated. The balance of the reserva-tion was open to settlement and disposed of, with the exception that 25,000 acres was arbitrarily reserved by the Secretary of the Interior for the use of the Indians as a wood lot, as I recall it, without any authority of law. That 25,000 acres was reit, without any authority of law. That 25,000 acres was reserved and not disposed of, in addition to the 480,000 acres. By reason of the opening to settlement of the surplus lands, towns and cities sprung up, railroads were extended, and the lands increased very materially in value.

The CHAIRMAN. The time of the gentleman has expired. Mr. BURKE of South Dakota. I ask that my time be ex-

tended for five minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from South Dakota? The Chair [After a pause.]

Mr. BURKE of South Dakota. Of course, the Indian allotments greatly increased in value also by reason of this development, and later a bill was introduced by the distinguished gentleman, the present chairman of the Committee on Indian Affairs, Mr. Stephens of Texas, proposing to sell the 505,000 acres reserved, if that is the correct amount, and give to the Indians the proceeds. I opposed that bill in one Congress and it was defeated in the House. My opposition was based upon the theory that we had once purchased the land from the Indians and had paid them therefor a full consideration. That if there was no further use by the Indians of this undisposed of land then it belonged to the United States and it was not necessary for us to again purchase it from the Indians. Later a bill was again presented in another Congress and it finally

passed and became a law, and the 505,000 acres were sold under conditions by which the lands sold to the highest bidder and brought on an average about \$11 an acre. Am I correct?

Mr. FERRIS. Twelve dollars and a half.

Mr. BURKE of South Dakota. Twelve dollars and a half an acre, so that we gave to these Indians, after having once purchased all the lands within their reservation, a fund of something like \$5,000,000. Now, my own opinion is that they would probably be better off to-day if they never had had the 5,000,000; that the condition that the gentleman has described, which is certainly deplorable, would not prevail if it had not been that they had such a fund upon which they could depend for their support. Having given them the money, as I have already indicated, we certainly can and ought to appropriate it as in our judgment will be for their best interests, and I know of no better way of using some of this money than for the purpose that this \$40,000 is to be used.

I was somewhat surprised to learn from the gentleman that the conditions are as deplorable as he has described, in view of the laudatory speeches which were made earlier in the afternoon as to the attitude of the people of Oklahoma toward the Indians; and it simply demonstrates, Mr. Chairman, that the Indian, I do not care whether he is in Oklahoma or wherever he is, has to depend upon the Federal Government or else he suffers when distress overcomes him. Now, I say again that I think this is a worthy proposition, and I think we could expend the money of the Indians in no better way than as pro-

vided for in this item.

Mr. STEPHENS of Texas. Mr. Chairman, I desire to state that I hope this item in this bill will be adopted. I have passed through this reservation frequently in the last few years on my way from the Capital to my home, and I know the condition described by the gentleman from Oklahoma is true. I have seen these Indians, and these diseases of the eye are certainly not only painful, but there is great danger of infection. I understand that these diseases originated in Mexico among the Mexican Indians and came down through Arizona, passed through New Mexico to Oklahoma, and these Oklahoma Indians have become infected, as I have personally observed. therefore hope that this item in this bill will become a law and that this hospital will be built for these Indians.

Mr. MANN, Mr. Chairman, the Government is now employing between 100 and 150 physicians for the purpose of giving treatment to Indians. It maintains a hospital for the treatment of trachoma in Arizona, where extreme cases can be sent. The gentleman from Oklahoma gives to the House a statement concerning trachoma in Oklahoma which has no application whatever to the proposition pending before the House now.

There are something less than, I believe, 4,000-

Mr. FERRIS. Four thousand and eight, one.
Mr. MANN. Where does the gentleman get his figures? Mr. FERRIS. From the letter of the agent who has them in

Mr. MANN. If the letter of the agent is no better than some other figures furnished in the report of the committee or in the hearings before the committee, it is not worth much. I see, for instance, statistics of the department in one place give the census of the Indians as now proper that was taken 20 years ago and gives a statement of two or three thousand Indians, where the census of the United States, taken last year, gives a little over 1,000, and I apprehend the figures are somewhat similar in this case. My information is there are 2,880 members of the Klowa, Comanche, and Apache Tribes in Oklahoma, covering a territory of 70 by 90 miles, scattered sparsely through that territory.

Talk about bringing these Indian women to a hospital in the center of it for childbirth. How absolutely ridiculous! last place they want to go is to a hospital, and they would not be able to gather together from over this territory 70 by 90 miles for that purpose. I apprehend there are not accidents enough to demand a hospital. There is \$40,000 proposed for less than 3,000 individuals. That there may be some trachoma is extremely likely. I do not deny that there may be, but trachoma is not treated by segregating the patients in a hospital.

The CHAIRMAN. The time of the gentieman has expired. I ask unanimous consent for five minutes more.

Mr. MANN. I ask The CHAIRMAN. Is there objection?

There was no objection.
Mr. FORNES. Would you consider it a useless effort to build a hospital in a town containing, say, about 3,000 people? It is claimed there are about 3,000 Indians here. Is it not as well to say those Indians ought to have some place to be sent in order to be treated as to say so where there is an aggregation of about 3,000?

Mr. MANN. The cases are quite different than putting a hospital in a territory covering about 70 by 90 miles square. But there is not a town in the United States with 3,000 that has a \$40,000 hospital. But that is not all. Lawton, in this very reservation, has several hospitals that are open to these Indians.

A Member. The gentleman is mistaken.

Mr. MANN. The gentleman says I am mistaken, but I be-

lieve I am correct

Mr. STEPHENS of Texas. Does the gentleman believe the infectious diseases ought to be brought in in connection with others?

Mr. MANN. Does the gentleman believe that these contagious diseases should be brought into a hospital in connection with all the ills of mankind? That is what you propose to do. You propose to bring these diseases into hospitals where you have cases of childbirth and accident cases.

Mr. STEPHENS of Texas. Is the gentleman not aware that buildings can be scattered over quite a distance, like they are

here—a considerable distance apart?

Mr. MANN. You can not separate many by means of \$40,000. Mr. KINDRED. Did not the gentleman from Oklahoma

Mr. MANN. I do not know what he stated. Ask him.

Mr. KINDRED. He asked that the eye diseases, and so forth, were to be detached from the main hospital. And that

would obviate the objection of the-

Mr. MANN. The geutleman from New York knows that there is nothing of that kind here, nor is it the intention of the Indian agent to erect detached hospitals there. Nor did they expect, when it was first presented, to make it a hospital for trachoma. They find a sad state of affairs there and elsewhere in reference to trachoma, and they do not need a hospital to control it. What they need is better police regulations. What they need is to wipe Oklahoma off the map and have General Government control, but that is impossible to do. If Oklahoma were not a State, there would not be any trouble about trachoma there, because the gentleman would not control it.

The CHAIRMAN. The time of the gentleman from Illinois

[Mr. Mann] has expired.

Mr. MANN. Mr. Chairman, I ask unanimous consent for five minutes more.

The CHAIRMAN. Is there objection?

Mr. STEPHENS of Texas. I desire to submit a request for unanimous consent that all debate be closed in five minutes.

Mr. MANN. I shall object to that. The gentleman from Oklahoma [Mr. Ferris] had 25 minutes, and the gentleman from South Dakota [Mr. Burke] had 20 minutes, and half of my time was taken by other gentlemen.

Mr. STEPHENS of Texas. Will the gentleman agree to 10

minutes more?

Mr. MANN. So far as I am concerned, you can close debate

Mr. STEPHENS of Texas. The reason for that is that I wish to yield to the gentleman from Pennsylvania [Mr. Olm-STED to bring up that part of the bill under the State of Pennsylvania, because I understand there is sickness in his family, and he desires to get away.

Mr. MANN. I can close in two minutes.

Mr. DAVENPORT. Will the gentleman yield?
Mr. MANN. It depends upon how much time I have.
Mr. DAVENPORT. We will get you the time.
Mr. MANN. Then I yield.

Mr. DAVENPORT. Do you think if it were possible to wipe Oklahoma off the map and give the Indians the funds that have been withheld by the Government, it would wipe the disease out of the United States?

Mr. MANN. I would not wipe Oklahoma off the map under any circumstances. [Applause.] We know what they have done under the direction of the gentlemen of the Committee on

Indian Affairs and Congress itself.

Now, Mr. Chairman, I do not pretend to know whether this hospital ought to be constructed or not. The gentleman from Oklahoma stated that some Indians came here. Among other Members of the House, they visited me. Whether their statement in reference to the case is correct or not, I do not know. They said they did not need the hospital; that they do not want If the Government desires to build it out of the Federal Treasury, of course they would not object. Last February, only recently, when this matter was still pending in the Committee on Indian Affairs, these tribes asked the Indian Commissioner for permission to come to Washington and be heard before this committee.

This was his reply, dated February 20:

Answering your telegram of February 18, requesting permission to visit Washington to protest against the proposed erection of a hospital on the Kiowa Reservation, you are advised that, since the bill for the

proposed hospital does not contemplate the use of tribal funds, the office sees no reason why your committee at this time should visit Washington, and your request is therefore not approved.

That is signed by Mr. Charles F. Hauke, Acting Commissioner of Indian Affairs, and is transmitted through this Indian committee to the superintendent.

Now, it strikes me that under these circumstances these Indians are entitled to a hearing before their committee before

their matter is foreclosed.

Mr. Chairman, I think the item is subject to a point of order. It proposes to authorize the Secretary of the Interior, among other things, to withdraw from the Treasury \$40,000 of funds on deposit to the credit of these Kiowa, Comanche, and Apache Tribes in Oklahoma for the construction and equipment of a hospital on the Fort Sill Indian School Reservation. Those funds are placed in the Treasury by reason of a law which provides with reference to their disposition, and there is no authority now existing for Congress to take that fund out of the Treasury for the purpose of constructing this hospital. I make the point of order.

Mr. FERRIS. Mr. Chairman, I had hoped that the gentleman would not make the point of order, for the reason that I did not want to have him appear hostile to this proposition. fortunately for the Indian and fortunately for the community. the item is not, in my opinion, subject to a point of order, as I think I can demonstrate from the law. I read from the Revised Statutes, chapter 2580, page 213, which provides for the opening of the land from which this fund is derived, and under the subhead which provides for the disposition of these funds I

Provided. That the money arising from the sale of said lands shall be paid into the Treasury of the United States and placed to the credit of said tribe of Indians, and said deposit of money shall draw 4 per cent interest per annum, and the principal and interest of said deposit shall IC expended—

I want the committee to hear this last part-

for the benefit of said Indians in such manner as Congress may direct.

This law is now in full force and effect. This is the act which opened that country to settlement. This is the law that governs the payment of these funds. After the gentleman reads that section I am sure that he will admit that the point of order is not good. Congress having full authority to expend the money for any purpose it desires, the committee having full jurisdiction over Indian matters, the amendment itself being germane, the law itself authorizing us to expend this money for whatsoever purposes Congress directs-all this renders the point of order not well taken, and the amendment is not subject to a point of order.

Mr. MANN. Mr. Chairman, I think the gentleman is mistaken. Congress has the power by legislation to provide this hospital out of these funds, or make any other disposition of the funds. That is a matter of legislation. What we meet now is a point of order on an item in an appropriation bill, and the question is whether that item is authorized by law. Congress has not disposed by legislation of these funds. It is competent for Congress to do it. Why, Mr. Chairman, we have millions of money in the Treasury. Every dollar of it is subject to disposition by Congress. It does not require a statute law to say that Congress may appropriate every cent of it. But when it comes to an item in an appropriation bill you must have authority for the appropriation. We have the authority to legis-late and provide for the disposition of the funds, and this Committee on Indian Affairs undoubtedly has the authority to report a bill which is pending before it making provision for this hospital. But it has not reported such a bill. No such bill has been passed. There is no law providing for it, and so long as that is the case I maintain that there is no authority for the item in the appropriation bill.

Mr. FERRIS. Mr. Chairman, I just desire to add one state-

ment to the suggestion I made a few moments ago. gress of the United States and the Committee on Indian Affairs have the authority to appropriate money for the welfare of these Indians so long as it does not change an existing law. This authority was given when the act was passed opening the country which created this precise fund, and I do not think the gentleman ought seriously to contend that his point of order is

The CHAIRMAN. The Chair will have to ask the indulgence

of the committee until he investigates the matter.

Mr. MANN. Well, Mr. Chairman, I will ask unanimous consent, or will ask the gentleman from Texas [Mr. Stephens] to ask unanimous consent, if he wants to go to the other item, if the Chair desires to pass this one over temporarily.

Mr. STEPHENS of Texas. Then I will submit the request,

Mr. Chairman.

Mr. FERRIS. Reserving the right to object, let us have a ruling before we quit to-night, so that we will not have to hash the thing all over to-morrow.

Mr. STEPHENS of Texas. Then, Mr. Chairman, I will ask unanimous consent that the Pennsylvania item may be called

up out of its order.
The CHAIRMAN. The gentleman from Texas asks unanimous consent that the Pennsylvania item be taken up out of its order. Is there objection? [After a pause.] The Chair hears nene.

Mr. STEPHENS of Texas. I will ask the Clerk to read.

The CHAIRMAN. The Clerk will read.
The Clerk read as follows:

PENNSYLVANIA.

SEC. 20 For support and education of Indian pupils at the Indian school at Carlisle, Pa., and for pay of superintendent, \$132,000; for general repairs and improvements, \$5,000; for completing steam heating plant, \$7,500, to be immediately available; in all, \$144,500.

Mr. STEPHENS of Texas. Mr. Chairman, I desire to yield to the gentleman from Pennsylvania [Mr. Olmsted], for the purpose of offering an amendment.

Mr. OLMSTED. Mr. Chairman, I offer an amendment, which send to the Clerk's desk.

The CHAIRMAN. The Clerk will read the amendment offered by the gentleman from Pennsylvania [Mr. Olmsted].

The Clerk read as follows:

On page 29, line 5, strike out the word "five" and insert the word "twelve," so that as amended it will read "for general repairs and improvements, \$12,000."

Mr. OLMSTED. Mr. Chairman, I thank the gentleman from Texas [Mr. Stephens] and the committee for the courtesy extended to me. I offer this amendment in the hope that it will be acceptable to the committee. I shall take but a moment to

explain it.

The Carlisle Indian School is located on property which the Government has owned for nearly a century. It was formerly used as a Cavalry barracks. It has cost the Government something like a million of dollars. Some of the buildings are pretty old, and the cost of repairs is at least equal to that of any other school with similar buildings and capacity. allowed in this instance is very much lower than the needs of the institution require. Sherman Institute, California, which has 550 pupils, is allowed in the bill \$10,000 for repairs and improvements. Haskell Institute, with 750 pupils, is allowed \$10,000. Salem, Oreg., with 600 pupils, is allowed \$9,000. Rapid City, S. Dak., with 250 pupils, is allowed \$8,000, while Carlisle is allowed but \$5,000. This institution needs \$12,000 for resident to the bill state of the control of the co pairs. It had last year 1,228 pupils enrolled, and the average attendance was 1,021; so that if \$12,000 be allowed for repairs and improvements to this institution, it will be less in proportion than the sum allowed in this bill to other schools, while the buildings at Carlisle are older and more repairs are needed. offer the amendment in the hope that the chairman [Mr. Ste-

PHENS] will accept it.

Mr. STEPHENS of Texas. There is a measure pending that will, I hope, transfer the 120 students at Hampton, Va., to Carlisle or some other school. I do not think the Hampton School is any better than the Carlisle School. I am simply making a statement of the reasons why I will agree with the gentleman from Pennsylvania to meet him halfway. The estimate on this item was, I understand, \$9,000 for improvements. The committee reduced that estimate, and if the gentleman will meet me on that halfway ground I will agree to that.

Mr. OLMSTED. I believe the estimate by the department was \$9,000.

was \$9,000.

Mr. STEPHENS of Texas. That is correct.
Mr. OLMSTED. Since then the superintendent of the school has had an interview with the department, and he writes me that the department, if called upon, would approve \$12,000. However, the Superintendent of Indian Affairs is not here today. He went to Carlisle yesterday to attend the commence-ment. I have had no communication with him, and am not authorized to speak for him. I do not wish to have any controversy at all with the Committee on Indian Affairs on this matter, and if the gentleman from Texas [Mr. Stephens] will say \$10,000, I will consent to modify my amendment, although

the school really needs the \$12,000.

Mr. STEPHENS of Texas. Mr. Chairman, it would be violating the precedents, or rather furnishing a bad one, for an Appropriation Committee to exceed a department estimate. The only reason I agree to \$9,000 is because it is the amount the department asked for in their estimate. And for the further reason that I hope the students at Hampton will be transferred to this Indian school at Carlisle or some other equally good one; and the fur-ther reason that a great many of the buildings at Carlisle are

old frame buildings and badly out of repair. I have visited the school frequently and know the conditions there. The number of students is greater than in any other Indian school in the United States, and they are conducting an excellent school there. In view of all the existing facts and conditions I am willing to let the amount stand as estimated by the department at \$9,000.

Mr. OLMSTED. Very well, Mr. Chairman, if I may have

consent, I will modify my amendment so as to make it \$9,000

instead of \$12,000.

The CHAIRMAN. The Clerk will report the modification.

The Clerk read as follows:

Modify the amendment by striking out "twelve" and inserting " nine."

The CHAIRMAN. The question is on the amendment of the gentleman from Pennsylvania.

The amendment was agreed to.

Mr. BURKE of South Dakota. I desire to say just a word on the point of order pending against the item for the hospital for the Kiowa and Comanche Indians at Fort Sill. My contention is that we have already by legislation provided that the proceeds from the sale of certain lands should be placed in the Treasury to the credit of these Indians. The money therefore is their money. It is not in the same status as are funds generally that belong to the United States that are in the Treasury. These moneys were deposited there to the credit of these Indians and belong to them; and in my judgment there is no question at all but what they are subject to appropriation without any additional legislation. Now, if it was general money in the Treasury, it would be a different proposition. We appropriate annually for these Indians for their care and support from the funds in the Treasury belonging to them, strictly in accordance with the law, and under the language of the act which was read by the gentleman from Oklahoma [Mr. Ferris] I can not see how it is possible to sustain the point of order that this is not authorized by law.

The CHAIRMAN. The Chair wishes to call the attention of the committee to section 822 of the House Manual and Digest:

Appropriations for new buildings and Government institutions have sometimes been admitted when intended for the purposes of the institutions; but later decisions, in view of the indefinite extent of the practice made possible by the early decisions, have ruled out propositions to appropriate for new buildings in navy yards and other establishments. Appropriations for new schoolhouses in the District of Columbia, for new Army hospitals, for new lighthouses, armor-plate factories, and for additional playgrounds for children in the District of Columbia have also been held not to be in continuation of a public work.

The citation by the gentleman from Oklahoma of the statute which he says authorizes this action by the committee seems to the Chair to provide that the funds of these Indians derived from the sale of lands shall be placed in the National Treasury to their credit and draw a specified interest. But it occurs to the Chair that after these funds are placed there by statutory enactment it would certainly require legislation of some sort to take these funds out and disburse them, and therefore require new legislation. The Chair is inclined to hold that the point of order by the gentleman from Illinois is well taken, and does so hold, and the Clerk will read.

Mr. STEPHENS of Texas. Mr. Chairman, I have another

amendment to that same section.

Mr. CAMPBELL. Mr. Chairman, I would like to ask the gentleman from Texas how long he intends to continue to-night, Mr. STEPHENS of Texas. I would like to reach the para-

graph in relation to the Five Civilized Tribes.

Mr. CAMPBELL. I have an amendment that will probably take considerable time to discuss, and I would like to get away before long. It will come in on this same page.

Mr. STEPHENS of Texas. We will determine that when we reach it.

The CHAIRMAN. The Clerk will report the amendment. The Clerk read as follows:

On page 23, after line 4, insert the following paragraph:
"That the Secretary of the Interior be, and he is hereby, authorized to withdraw from the Treasury of the United States, at his discretion, the sum of \$250,000, or so much thereof as may be necessary, of the funds on deposit to the credit of the Klowa, Comanche, and Apache Tribes of Indians in Oklahoma, and pay out the same for the benefit of said tribes for their maintenance and support and improvements of their homesteads, for the ensuing year, in such manner and under such regulations as he may prescribe."

Mr. STEPHENS of Texas. Mr. Chairman, in justification of that item I desire to submit the following letter, dated March 19, 1912, from the department:

Three successive crop failures in Oklahoma, resulting from severe droughts, have left the Klowa, Comanche, and Apache Indians in a deplorable financial condition, and they are now in urgent need of assistance until a crop can be produced.

In this connection your attention is invited to the inclosed copy of a letter dated March 6, 1912, from Ernest Stecker, superintendent of the

Klowa, Comanche, and Apache Indians, setting out in detail the financial conditions of these Indians, particular attention being invited to the following paragraph from said letter:

"The years of 1909, 1910, and 1911 were disastrous on account of severe droughts, which burned up the crops year after year, and owing to these conditions and the large Indian credits outstanding business was paralyzed. Banks refused to make loans; wholesale houses are crowding the retailers, who, in turn, are crowding the Indians for a settlement. The money lenders harass them to such an extent that they are afraid to remain at home and they wander about, dodging the collectors, in state of unrest which is becoming a menace to their progress. Because of the fact that these three tribes have large funds and always enjoyed liberal payments, business of all kinds has taken long chances with them, and to-day I believe their section of the country is in a more embarrassing financial condition than any other section in the United States."

Here is what the department recommends:

I have the honor to recommend and urge that the proposed legislation receive the early and favorable consideration of your committee and the Congress.

This is the same item that the bill has been carrying year after year. The committee cut it out of our bill as reported to the House without knowing the condition of these Indians, and I therefore ask that this amendment be placed in the bill. It

was estimated for by the department.

Mr. MANN. The gentleman says that we have been carrying

the item year after year.

Mr. STEPHENS of Texas. For four years.

Mr. MANN. On account of the drought conditions?

Mr. STEPHENS of Texas. No; we have been giving this amount of money, and we thought this year we could dispense

with it. It is from their own funds.

Mr. MANN. I understand that, but we have given them appropriations several times on account of the drought down there. Does the gentleman think, as suggested by some one near me, that next year it will be a flood that we will be asked to provide against?

Mr. STEPHENS of Texas. I hope not. Sufficient for the day

is the evil thereof, as the Good Book says.

Mr. MANN. Is it not a fact that the Indians have already been taught to believe that they can live on what they can get out of the Treasury of the United States, which belongs to them, it is true, and that they will not and do not do any work of any kind?

The CHAIRMAN. The question is on the amendment offered

by the gentleman from Texas.

Mr. MORGAN. Mr. Chairman, I would like to ask the gentieman from Texas a question or two. I would like to know if there is any provision made for the Cheyennes or Arapahoes?

Mr. STEPHENS of Texas. No; there is no request from the department in their behalf. Had there been, we would have investigated the matter and made the appropriation if the facts justified it. This amendment has been authorized by the Committee on Indian Affairs and at the request of the agent of these Indians and of the department we have agreed to accept the amendment, and I have therefore offered it on the floor. Had the Cheyennes or any other Indians come before the committee and shown the same condition and state of facts, we would have treated them in the same way.

The CHAIRMAN. The question is on the amendment of-

fered by the gentleman from Texas.

The question was taken, and the amendment was agreed to. The Clerk read as follows:

For support and education of 500 Indian pupils at the Indian school at Chilocco, Okla., and for pay of superintendent \$83,500; for general repairs and improvements, \$6,500; in all, \$90,000.

Mr. STEPHENS of Texas. Mr. Chairman, I ask unanimous

consent that this item be passed.

Mr. CAMPBELL. Mr. Chairman, I desire to offer an amendment and have it read for information and have it printed.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

The Clerk read as follows:

At the end of line 21, page 23, insert the following:

"The Secretary of the Interior is hereby authorized and directed to enter Into an agreement with the Campbell Soil Co., of Lincoln, Nebr., or any other competent persons or company, for a demonstration by said soil-culture company of what is known as the Campbell system of Intensive, scientific soil culture and dry farming, under rules and regulations to be prescribed by him; such contract to provide 640 acres out of what is known as the Chilococ Reservation, used in connection with the Chilococ Indian School, in Oklahoma, shall be entered upon by such soil-culture company so contracted with and used for intensive and scientific farming for a period of 20 years; said farm to be open at all times for Indians and other citizens of the United States wishing practical instruction in and information as to the value of such system of farming, the consideration for such instruction being the free use of said land for said period of 20 years: Provided, That the party or parties contracting to operate such farm shall give a sufficient bond, to be approved by the Secretary of the Interior, for the faithful performance on its part or their part of the conditions of the contract and the observance of the regulations prescribed by the Secretary of the Interior."

Mr. McGUIRE of Oklahoma. Mr. Chairman, I reserve the point of order against the proposed amendment.

Mr. STEPHENS of Texas. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.
Accordingly the committee rose; and Mr. Underwood having assumed the chair as Speaker pro tempore, Mr. BARNHART, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 20728—the Indian appropriation bill—and had come to no resolution thereon.

ENROLLED BILLS SIGNED.

Mr. CRAVENS, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bill of the following title, when the Speaker signed the same:

H. R. 14918. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors.

The SPEAKER announced his signature to enrolled bills of

the following titles:

S. 252. An act to establish in the Department of Commerce and Labor a bureau to be known as the children's bureau;

S. 5718. An act to authorize the Secretary of the Interior to secure for the United States title to patented lands in the,

Yosemite National Park, and for other purposes; S. 3475. An act extending the time of payment to certain homesteaders on the Cheyenne River Indian Reservation, in the State of South Dakota, and on the Standing Rock Reser-vation, in the States of South Dakota and North Dakota;

S. 2434. An act providing for an increase of salary of the

United States marshal for the district of Connecticut; and S. J. Res. 93. Joint resolution authorizing the Librarian of Congress to furnish a copy of the daily and bound Congressional Record to the undersecretary of state for external affairs of Canada in exchange for a copy of the Parliamentary Han-

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees as indicated below:

S. 5137. An act for the relief of Alice V. Houghton; to the

Committee on Claims.

S. 5246. An act to redeem a certain outstanding certificate of indebtedness issued by the late board of audit of the District of Columbia, and for other purposes; to the Committee on the District of Columbia.

S. 5817. An act granting to the county of Hill, in the State of Montana, the jail building and fixtures now upon the abandoned Fort Assimilboine Military Reservation, in the State of Montana; to the Committee on the Public Lands.

S. 290. An act to authorize the appointment of dental surgeons in the United States Navy; to the Committee on Naval

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL. Mr. CRAVENS, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States, for his approval, the following bills:

H. R. 20842. An act to provide for a tax on white phosphorus

matches, and for other purposes;

H. R. 15471. An act making appropriations for repair, preservation, and exhibition of the trophy flags now in store at the Naval Academy, Annapolis, Md.; and

H. R. 14918. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors.

RESIGNATION FROM A COMMITTEE.

The SPEAKER pro tempore laid before the House the following letter.

The Clerk read as follows:

Hon. CHAMP CLARK, Speaker House of Representatives, Washington, D. C.

MY DEAR MR. SPEAKER: I hereby tender my resignation as a member of the Committee on Election of President, Vice President, and Representatives in Congress. Very respectfully, yours.

The SPEAKER pro tempore. Without objection, the resignation is accepted. [After a pause.] The Chair hears none.

ELECTION OF COMMITTEE MEMBERS.

Mr. SHACKLEFORD. Mr. Speaker, by direction of the Committee on Ways and Means and at the request of the gentleman from Illinois [Mr. Mann], chairman of the conference of the minority, I nominate Mr. Charles A. Lindbergh, of Minnesota, to fill the vacancy caused by the resignation of Mr. Olm-

STED, which has just been read.

The SPEAKER pro tempore. The gentleman from Missouri moves the election of Mr. Lindbergh, of Minnesota, to fill a vacancy on the Committee on the Election of President and Vice President.

The question was taken, and the motion was agreed to.
Mr. SHACKLEFORD. Mr. Speaker, I move, at the request of
the gentleman from Illinois [Mr. Mann] and by direction of the Committee on Ways and Means, that Mr. J. Hampton Moore, of Pennsylvania, be elected to fill a vacancy now existing on the Committee on Foreign Affairs.

The question was taken, and the motion was agreed to. Mr. SHACKLEFORD. Mr. Speaker, by direction of the Committee on Ways and Means and at the request of the gentleman from Illinois [Mr. Mann], chairman of the conference of the minority, I nominate Hon. Marlin E. Olmsted, of Pennsylvania, to fill a vacancy on the Committee on Appropriations, and move his election.

The question was taken, and the motion was agreed to.

ADJOURNMENT.

Mr. STEPHENS of Texas. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 34 minutes p. m.) the House adjourned to meet to-morrow, Saturday, April 6, 1912, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, a letter from the Secretary of Agriculture, transmitting, pursuant to provision in Agriculture appropriation bill, approved March 4, 1911, statement of exenditures for national forest administration, etc. (H. Doc. No. 681), was taken from the Speaker's table, referred to the Committee on Agriculture, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. SMITH of Texas, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (H. R. 21960) to authorize the Port Arthur Pleasure Pier Co. to construct a bridge across the Sabine-Neches Canal, in front of the town of Port Arthur, reported the same with amendment, accompanied by a report (No. 502), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. MONDELL, from the Committee on the Public Lands, to which was referred the bill (H. R. 21221) making a grant of lands for school purposes in block No. 31, town site of Powell, Shoshoni reclamation project, Wyoming, reported the same without amendment, accompanied by a report (No. 503), which said bill and report were referred to the Committee of the Whole

House on the state of the Union.

Mr. LOBECK, from the Committee on the District of Columbia, to which was referred the bill (H. R. 21768) to provide for a primary nominating election in the District of Columbia, at which the qualified electors of the said District shall have the opportunity to vote for their first and second choice among those aspiring to be candidates of their respective political parties for President and Vice President of the United States, to elect their party delegates to their national conventions, and to elect their national committeemen, reported the same with amendment, accompanied by a report (No. 504), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. LONGWORTH, from the Committee on Ways and Means, to which was referred the bill (H. R. 16518) for the relief of the Fifth-Third National Bank, of Cincinnati, Ohio, reported the same without amendment, accompanied by a report (No. 500), which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 2 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. POST: A bill (H. R. 22907) to provide American registry for the steamer Damara; to the Committee on the Merchant Marine and Fisheries.

By Mr. MOORE of Pennsylvania: A bill (H. R. 22908) providing for the adjustment and payment of the accounts of letter carriers arising under the eight-hour law; to the Committee on

By Mr. HANNA: A bill (H. R. 22909) providing that the United States shall in certain cases make compensation for the use of highways for carrying free rural-delivery mail; to the

Committee on Agriculture.

By Mr. BATHRICK: A bill (H. R. 22910) to place upon the free list certain food and other products; to the Committee on

Ways and Means

By Mr. HOBSON: A bill (H. R. 22911) to provide for auxiliary vessels for the Navy; to the Committee on Naval Affairs. By Mr. PROUTY: A bill (H. R. 22912) regulating lobbying

and preventing employees of the Government of the United States and the District of Columbia from raising funds for lobbying purposes; to the Committee on the District of Columbia.

By Mr. SULZER: A bill (H. R. 22913) to create a depart-

ment of labor; to the Committee on Labor.

By Mr. LENROOT: Resolution (H. Res. 482) amending Rule XXVII, providing for a Suspension Calendar; to the Committee on Rules.

By Mr. FORNES: Memorial of the Senate of the State of New York, asking legislation for the protection of migratory game birds; to the Committee on Agriculture.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:
By Mr. ADAIR: A bill (H. R. 22914) granting a pension to

John R. Fisher; to the Committee on Invalid Pensions.

Also, a bill (H. R. 22915) granting a pension to Otto

Marlotzi; to the Committee on Invalid Pensions.

By Mr. AKIN of New York: A bill (H. R. 22916) granting a pension to Melvin Howe; to the Committee on Invalid Pensions.

By Mr. BROWN: A bill (H. R. 22917) granting a pension to Virginia Hendrick; to the Committee on Invalid Pensions.

By Mr. BURKE of Wisconsin: A bill (H. R. 22918) granting a pension to Mary J. Chambers; to the Committee on Invalid Pensions.

Also, a bill (H. R. 22919) granting a pension to Sarah E. Coleman; to the Committee on Invalid Pensions.

By Mr. DAVIS of Minnesota: A bill (H. R. 22920) granting an increase of pension to John Phelan; to the Committee on Invalid Pensions

By Mr. DOREMUS: A bill (H. R. 22921) granting a pension to Frank Morgan; to the Committee on Pensions.

Also, a bill (H. R. 22922) granting a pension to Mary Dunn;

to the Committee on Pensions.

By Mr. FIELDS: A bill (H. R. 22923) granting an increase of pension to Thomas P. Degman; to the Committee on Invalid Pensions.

Also, a bill (H. R. 22924) granting an increase of pension to David A. Tipton; to the Committee on Invalid Pensions.

By Mr. FAIRCHILD: A bill (H. R. 22925) granting an increase of pension to Philip Fitch; to the Committee on Invalid ensions.

By Mr. FRENCH: A bill (H. R. 22926) granting a pension to Edward Flannery; to the Committee on Invalid Pensions.

Also, a bill (H. R. 22927) granting an increase of pension to

Sarah A. Bailey; to the Committee on Invalid Pensions.

By Mr. GOULD: A bill (H. R. 22028) granting a pension to Thomas Hopkins; to the Committee on Invalid Pensions.

By Mr. KONOP: A bill (H. R. 22929) granting an increase of

pension to Robert C. Cole; to the Committee on Invalid Pen-

By Mr. LA FOLLETTE: A bill (H. R. 22930) granting a pen-

sion to John Miller; to the Committee on Invalid Pensions.
By Mr. LONGWORTH: A bill (H. R. 22931) granting an increase of pension to Edward Lenihan; to the Committee on Invalid Pensions.

By Mr. McMORRAN: A bill (H. R. 22932) granting a pen-

sion to Elizabeth Bowles; to the Committee on Invalid Pensions, By Mr. MANN: A bill (H. R. 22933) granting an increase of pension to Daniel W. Edgar; to the Committee on Invalid Pen-

By Mr. RUBEY: A bill (H. R. 22934) granting a pension to Margaret E. Oursborn; to the Committee on Invalid Pensions

Also, a bill (H. R. 22935) granting a pension to P. B. Pulley;

to the Committee on Invalid Pensions.

Also, a bill (H. R. 22936) granting an increase of pension to John H. Morrison; to the Committee on Invalid Pensions.

By Mr. STEPHENS of California: A bill (H. R. 22937) granting a pension to Daniel J. Strout; to the Committee on Invalid Pensions.

By Mr. STEPHENS of Nebraska: A bill (H. R. 22938) granting an increase of pension to Thomas E. Langdon; to the Committee on Pensions

By Mr. TAGGART: A bill (H. R. 22939) for the relief of

John K. Wren; to the Committee on Military Affairs.

By Mr. THOMAS: A bill (H. R. 22940) granting an increase of pension to Reason J. Dobbs; to the Committee on Invalid Pensions.

By Mr. TOWNSEND: A bill (H. R. 22941) for the relief of the heir of John Holloway; to the Committee on Claims.
By Mr. WEBB: A bill (H. R. 22942) granting a pension to

Rachel Biggs; to the Committee on Invalid Pensions. Also, a bill (H. R. 22943) granting a pension to William E.

Henry; to the Committee on Invalid Pensions. Also, a bill (H. R. 22944) granting a pension to James F.

Morrisey; to the Committee on Pensions.

Also, a bill (H. R. 22945) granting an increase of pension to William Rigsby; to the Committee on Invalid Pensions.

By Mr. WHITE: A bill (H. R. 22946) granting an increase of pension to William H. McAtee; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid

on the Clerk's desk and referred as follows:

By Mr. AIKEN of South Carolina: Petition of the third division of the Edgefield Association, of Madoc, S. C., for passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

Also, petitions of O'Neal Street and Mollohon Methodist Church, of Newberry, S. C.; of Baptist Association of Edgefield, S. C.; and of the Woman's Missionary Society of South Main Street Church, of Greenwood, S. C., in favor of passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary

By Mr. AINEY: Petition of citizens of East Athens, Bradford County, Pa., in favor of passage of Kenyon-Sheppard inter-state liquor bill; to the Committee on the Judiciary.

Also, petitions of Granges Nos. 237 and 1166, Patrons of Husbandry, for enactment of House bill 19133, providing for a governmental system of postal express; to the Committee on Interstate and Foreign Commerce.

By Mr. ALEXANDER: Petition of the Christian Union Church and others, of Blue Ridge, Harrison County, Mo., for passage of Kenyon-Webb interstate liquor bill; to the Commit-

tee on the Judiciary

By Mr. ANDERSON of Minnesota: Petition of J. A. Larson and 5 others, of Hayfield, Minn., against extension of parcelpost system; to the Committee on the Post Office and Post Roads

By Mr. ANSBERRY: Petitions of Dr. Homer S. Ainsworth and A. I. Clymer, of Van Wert, Ohio, for enactment of House bill 17222; to the Committee on Interstate and Foreign Com-

By Mr. ASHBROOK: Papers to accompany bill for the relief of E. M. Kizer (H. R. 15288); to the Committee on Military Affairs.

Also, papers to accompany bill for the relief of Caroline L. Loftus (H. R. 2270); to the Committee on Invalid Pensions.

Also, petition of Rev. J. S. Harvey and the West Bedford

charge of the Methodist Episcopal Church, West Bedford, Ohio, for passage of the Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

Also, petition of Louis Bieber and 20 other citizens of Newark, Ohio, protesting against passage of Kenyon-Sheppard interstate

liquor bill; to the Committee on the Judiciary.

By Mr. BARCHFELD: Resolutions of the city council of Pittsburgh, Pa., and Civic Club of Allegheny County, Pa., protesting against House bill 21292, authorizing construction of bridge across Monongahela River in city of Pittsburgh by Liberty Bridge Co.; to the Committee on Interstate and Foreign Commerce.

By Mr. BARTHOLDT: Petition of 120 citizens of St. Louis, Mo., in favor of the construction of one battleship in a Govern-

ment navy yard; to the Committee on Naval Affairs.

Also, petition of 172 citizens of St. Louis, Mo., in favor of House bill 20281, providing for a 1-cent tax on margarin; to

the Committee on Agriculture.

Also, petitions of the Chamber of Commerce of Sacramento, Cal.; the Board of Trade of Kansas City; the Business Men's League of St. Louis, Mo.; the American Manufacturers' Export Association of New York City; and the Chamber of Commerce of Pittsburgh, Pa., in favor of proposed International Congress of Chambers of Commerce, to be held in Boston, Mass.; to the Committee on Foreign Affairs.

Also, petition of the Workingmen Helpers' Association, the Aloysius Untuetzung Verein, and the St. Boniface Society of St. Louis, Mo., protesting against a resolution of inquiry in relation to Catholic Indian missions; to the Committee on Indian Affairs.

Also, petitions of 15 citizens of St. Louis, Mo., asking that the duties on raw and refined sugars be reduced; to the Com-

mittee on Ways and Means.

Also, petitions of S. H. Morton & Co., of St. Louis, and citizens of Jefferson Barracks and Valley Park, Mo., in favor of a parcel post; to the Committee on the Post Office and Post Roads.

Also, petitions of the St. Louis Advertising Men's League; the Jno. M. Eckles & G. A. Tanly Hardware Co.; the Hammer Dry Plate Co.; the Missouri Retail Hardware Association; the J. Harris Lumber Co.; the Majestic Manufacturing Co.; the Simmons Hardware Co.; the A. C. Clayton & Sons Printing Co.; Albert Ashwell; W. H. Vogt and 28 other citizens of St. Louis; the Grossheim Hardware Co., of Webster Groves; and V. B. Beckman & Co., of University City, Mo., protesting against parcel-post legislation; to the Committee on the Post Office and Post Roads.

Also, petitions of United Spanish War Veterans and members of Camp Corporal Lorance B. De Witt, Army of the Philippines, of St. Louis, Mo., in favor of enactment of House bill 17470; to

the Committee on Pensions.

Also, petitions of the Pendleton Grain Co.; George D. Barnard Co.; the Merchants' Exchange of St. Louis; and the Mexico Commercial Club, of Mexico, Mo., for 1-cent letter postage; to

the Committee on the Post Office and Post Roads.

Also, petitions of the Business Men's League, Scudder-Gale Grocer Co., Ferguson Waterproof Co., American Fixture & Showcase Manufacturing Co., the Koken Barbers' Supply Co., T. B. Boyd Furnishing Goods Co., J. F. Conrad Grocer Co., and the Campbell Iron Co., of St. Louis, Mo., protesting against House bill 16844, providing for the marking of all manufactured articles; to the Committee on Interstate & Foreign Commerce.

Also, petition of the Polish National Alliance of Chicago, Ill., protesting against the illiteracy test of immigrants; to the Com-

mittee on Immigration and Naturalization.

Also, petition of the Missouri Fish and Game League, of St. Louis, Mo., in favor of House bill 36, providing for the protection of migratory game birds of the United States; to the Committee on Agriculture.

Also, petition of Consolidated Coal Co., of St. Louis, Mo., in

Also, petition of Consolidated Coal Co., of St. Louis, Mo., in favor of President Taft's proposition to create a national commission on labor; to the Committee on Labor.

Also, petition of St. Philomena's Technical School, St. Louis, Mo., protesting against Borah bill; to the Committee on Labor.

Also, petition of Augustus L. Abbott and 46 other citizens of St. Louis, Mo., in favor of the abblaceta beautiful to the Committee of the citizens of the committee of St. Louis, Mo., in favor of the children's bureau bill; to the Committee on Labor.

Also, petition of the General Federation of Women's Clubs, St. Louis, Mo., in favor of the children's bureau bill; to the Committee on Labor.

Also, petition of sundry women of New York, in favor of the restoration of the Army canteen; to the Committee on Military Affairs.

Also, petition of sundry citizens of St. Louis, Mo., in favor of the Kenyon-Sheppard interstate liquor bill; to the Committee

on the Judiciary.

Also, petition of sundry citizens of St. Louis, Mo., in favor of House bill 16450, introduced by Mr. Carlin; to the Committee on the Judiciary.

Also, petition of the Parker-Russell Mining & Manufacturing Co., of St. Louis, Mo., protesting against the reduction of the tax on sugar; to the Committee on Ways and Means.

By Mr. BARTLETT: Petition of J. F. Waldrup, W. F. Daniel,

and other citizens of Macon, Ga., asking to have one battleship built in a Government navy yard; to the Committee on Naval Affairs.

By Mr. CRAVENS: Petition of citizens of Greenwood, Ark., for construction of one battleship in a Government navy yard;

to the Committee on Naval Affairs.

By Mr. DAVIS of Minnesota: Petition of voters of the township of Henderson, Sibley County, Minn., for passage of Kenyonship of Henderson, Minn. Sheppard interstate liquor bill; to the Committee on the Judiciary

Also, petition of voters of North Mankato, Nicollet County, Minn., for passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

Also, petition of citizens of Pine Island and Zumbrota, Minn., protesting against parcel-post system; to the Committee on the ost Office and Post Roads.

Also, petition of Thomas F. Shaughnessy, of Belle Plains, Minn., and by Minnesota Cooperative Dairies' Association,

against Lever oleomargarine bill; to the Committee on Agri-

By Mr. DOREMUS: Petition of Charles A. Bush and others, of Detroit, Mich., for passage of the Berger old-age pension bill; to the Committee on Pensions.

By Mr. FOCHT: Papers to accompany bill for the relief of Luther Detwiler (H. R. 17304); to the Committee on Pensions. By Mr. FORNES: Memorial of Camas (Mont.) Hot Springs

Commercial Club, relative to certain irrigation projects; to the Committee on Irrigation of Arid Lands.

Also, petition of the State Board of Charities of New York, for illiteracy test of immigrants; to the Committee on Immigration and Naturalization.

Also, petition of the Illinois Bankers' Association, for farm demonstration work throughout the country; to the Committee on Agriculture.

Also, petition of the National Civic Federation, for a work-man's compensation law; to the Committee on the Judiciary. Also, petition of William McKinney, of New York City, pro-testing against certain proposed patent legislation; to the Committee on Patents.

By Mr. FULLER: Petition of Max John and other merchants, of Mendota, Ill., against the enactment of parcel-post legislation; to the Committee on the Post Office and Post Roads.

Also, petition of the National Civic Federation, favoring the passage of the Sutherland bill (S. 5382), to provide remedy and compensation for accidental injuries to railway employees, etc.; to the Committee on Interstate and Foreign Commerce.

By Mr. GOULD: Petition of the Woman's Christian Temperance Union of Ripley, Me., and the People's Methodist Episcopal Church, of Ripley, Me., for passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary

Mr. HAWLEY. Petitions of the Woman's Christian Temperance Union of The Dalles and citizens of Oregon City, Oreg., for passage of the Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. HAMLIN: Papers to accompany bill for the relief of John Echaff (H. R. 22395); to the Committee on Invalid Pen-

By Mr. HIGGINS: Petition of Ashford Woman's Christian Temperance Union, of Ashford, Conn., for passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

Also, petition of citizens of Thompson, Conn., against passage of parcel-post bill; to the Committee on the Post Office and Post

Also, petition of the Woman's Christian Temperance Union of Waltham, Mass., favoring passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. JACOWAY: Petition of D. Y. Richards and 60 other citizens, of Conway, Ark., for the Sulzer parcel-post bill; to the

Committee on the Post Office and Post Roads.

By Mr. LAWRENCE: Petition of the members of Mohegan Tribe, No. 106, Improved Order of Red Men, of Pittsfield, Mass., in support of the bill for an Indian memorial building in Washington, D. C.; to the Committee on Public Buildings and Grounds. By Mr. LEVY: Petition of the Retail Cutlers' Association of

New York and Vicinity, for legislation to prohibit the issuance of coupons and trading stamps; to the Committee on Interstate and Foreign Commerce.

Also, petition of the Illinois Bankers' Association, for farm demonstration work throughout the country; to the Committee

on Agriculture.

Also, memorial of the Buffalo Chamber of Commerce, indorsing pending legislation to improve the foreign service; to the Committee on Foreign Affairs.

Also, petition of Camas (Mont.) Hot Springs Commercial Club, relative to certain irrigation projects; to the Committee on

Irrigation of Arid Lands.

By Mr. LEWIS: Petition of Noah E. Cramer and 200 other citizens of Frederick County, Md., for a Lincoln memorial highway from Washington to Gettysburg; to the Committee on the

By Mr. McKINNEY: Petition of citizens of East Moline, Ill., for passage of the Griest bill, extending the benefits of free delivery of mail to smaller cities; to the Committee on the Post Office and Post Roads.

By Mr. McMORRAN: Petition of Frank Burt and others, of Capac, Mich., protesting against the enactment of parcel-post legislation; to the Committee on the Post Office and Post Roads.

Also, petition of Frank Burt and others, of Capac, Mich., asking legislation with reference to the express business; to the Committee on Interstate and Foreign Commerce.

By Mr. MOORE of Pennsylvania: Memorial of the pastor and members of the Bethlehem Presbyterian Church, of Philadelphia, favoring House joint resolution 163, in opposition to alcoholic liquor traffic; to the Committee on the Judiciary.

By Mr. PARRAN: Papers to accompany bill for relief of Rachel A. Houck (H. R. 22804); to the Committee on Invalid

By Mr. RODENBERG: Memorial of Trades and Labor Assembly of New Athens, Ill., favoring House resolution 396; to the Committee on Rules.

Also, memorial of Trades and Labor Assembly of New Athens, Ill., favoring House bill 11032; to the Committee on the Judiciary.

Also, memorials of Brotherhood of Painters, Decorators, and Paperhangers of America, and Local No. 7, International Brotherhood of Photo-Engravers, of Belleville, Illi, favoring House bill 13114; to the Committee on Pensions.

By Mr. SPEER: Papers to accompany bills for the relief of James Miller, Alexander C. Kellam, and Richard M. Hoffman (H. R. 22449, 22453, and 22902); to the Committee on Invalid

Pensions.

By Mr. STEPHENS of California: Memorial of the South Pasadena (Cal.) Chamber of Commerce, for improvement of the Railway Mail Service; to the Committee on the Post Office and Post Roads.

Also, petition of Charles D. Chase, of Los Angeles, Cal., for parcel-post legislation; to the Committee on the Post Office and

By Mr. SULZER. Memorial of the Seattle (Wash.) Chamber of Commerce, relative to encouragement of American ships engaged in coastwise commerce through the Panama Canal; to the Committee on Interstate and Foreign Commerce.

By Mr. TAGGART: Petitions of citizens of the State of Kanfor parcel-post legislation; to the Committee on the Post

Office and Post Roads.

Also, petitions of citizens of the State of Kansas, protesting against parcel-post legislation; to the Committee on the Post Office and Post Roads.

Also, petitions of the Woman's Christian Temperance Union and citizens of Prairie Center, Kans., for passage of the Ken-yon-Sheppard interstate liquor bill; to the Committee on the Judiciary

Also, petitions of citizens of the State of Kansas, for enactment of House bill 21225; to the Committee on Agriculture.

Also, petitions of Camps Nos. 9 and 15, Department of Kansas, United Spanish War Veterans, for enactment of House bill 17470; to the Committee on Pensions.

Also, memorials of the Mercantile Club of Kansas City, Kans., and the Kaw Valley Drainage District, for improvement of a certain portion of the Missouri River; to the Committee on Rivers and Harbors.

Also, petition of citizens of the State of Kansas, for construction of one battleship in a Government navy yard; to the Com-

mittee on Naval Affairs.

Also, memorial of the Golden Belt Educational Association of Kansas, for enactment of Senate bill 3; to the Committee on Agriculture.

Also, petition of the Kansas City Live Stock Exchange, asking that the special tax on oleomargarine be reduced to 1 cent per pound; to the Committee on Agriculture.

Also, petition of Local No. 158, United Garment Workers of America, of Fort Scott, Kans., for enactment of House bill 20432; to the Committee on the Judiciary.

By Mr. TOWNER: Petition of A. H. Lathrop, pastor of the Methodist Episcopal Church, Creston, Iowa, for speedy passage of Kenyoh-Sheppard bills (S. 4043 and H. R. 16214); to the Committee on the Judiciary

By Mr. WATKINS: Petition of citizens of Shreveport, La., for construction of one battleship in a Government navy yard;

to the Committee on Naval Affairs.

By Mr. WOOD of New Jersey: Petition of Central Labor Union of Trenton, N. J., urging that a clause be inserted in this year's naval appropriation bill, providing for the building of one battleship in a Government navy yard; to the Committee on Naval Affairs.

Also, petition of J. G. Saffarthwait, of Trenton, N. J., for a Lincoln memorial road from Washington to Gettysburg; to the Committee on the Library.

Also, petition of N. L. Coleman, of Trenton, N. J., asking that the duties on raw and refined sugars be reduced; to the Committee on Ways and Means.

By Mr. YOUNG of Texas: Petition of A. M. Tate and other citizens, of Kemp, Tex., in favor of legislation to prohibit gambling in farm products, etc.; to the Committee on Agricul-

HOUSE OF REPRESENTATIVES.

SATURDAY, April 6, 1912.

The House met at 12 o'clock noon, and was called to order by

Mr. Underwood as Speaker pro tempore.

The Rev. N. H. Holmes, D. D., of Washington, D. C., offered

the following prayer:

Lord Thou hast been our dwelling place for all generations. Before the mountains were brought forth, or ever Thou hadst formed the earth and the world, even from everlasting to everlasting, Thou art God."

Thou hast commanded all men everywhere to worship Thee in spirit and in truth; help us we beseech of Thee to do so here

Cause Thy blessing, we pray Thee, to rest upon Thy servant the Speaker of this House, and upon all its Members and their families; may neither death nor any evil befall any of them,

nor any harm come near their dwelling places.

"Our Father who art in heaven" help these eminent representatives of a great people in the discharge of their grave responsibilities, and so guide them in their deliberations that they may give proof of not forgetting their accountability to

God of infinite wisdom, who giveth of the same liberally to all men that asketh of Thee, and upbraideth not, be wisdom and strength to our President and his Cabinet, to the governors of the States and Territories, and to all in authority in the Nation. Cause them to let all the ends they aim at be their country's, their God's, and truth. For then shall their final award be, "Well done, good and faithful servant," and a grateful country shall hold them in everlasting remembrance.

Save our glorious land from the curse of intemperance, where awful wrecks of men and nations lie scattered adown the centuries of time. Help this generation to know and understand that no earthly power can deliver us from the "wee" of God hurled against the man "who putteth the bottle to his

neighbor's mouth and maketh him drunken also."

O God, our help in ages past, our hope for time to come, by the prayers and tears and the bloody sweat of heroic sires, and the unspeakable valor of their worthy sons, Thou hast raised up this Nation to be a great power and inspiration in this world for righteousness and good government, and to incite men and nations to struggle against tyranny and oppression, hear our prayers for our Union, strong and great, for our glorious ship of state. Oh, keep her a-sailing ten thousand years; and Thine shall be the glory and praise now and forever.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Platt, one of its clerks, announced that the Senate had passed bill and joint resolution of the following titles, in which the concurrence of the House of Representatives was requested:

S. 6078. An act amending the act entitled "An act to provide for the sale of the surface of the segregated coal and asphalt lands of the Choctaw and Chickasaw Nations, and for other purposes," approved February 19, 1912; and

S. J. Res. 96. Joint resolution appropriating \$10,000 for the purpose of maintaining and protecting against impending floods

the levee at Mound City, Ill.

SENATE BILL REFERRED.

Under clause 2 of Rule XXIV, Senate bill was taken from the Speaker's table and referred as follows

S. 6078. An act amending the act entitled "An act to provide for the sale of the surface of the segregated coal and asphalt lands of the Choctaw and Chickasaw Nations, and for other purposes," approved February 19, 1912; to the Committee on Indian Affairs.

ORDER OF BUSINESS.

Mr. ADAMSON. Mr. Speaker, on account of illness in my family in Georgia I necessarily have to be absent for a few days, but before going I desire to make a short statement and submit a request to the House. As is known, matters from the Committee on Interstate and Foreign Commerce are not privileged, and therefore they have to take their chances in the course of business. Heretofore, however, I am glad to acknowledge, the House has always been extremely affable, and we have never had the slightest difficulty in securing an agreement on any important matters which we have brought forward for consideration. At this time we have on the calendar a number of important measures reported from our committee, one of them of transcending importance. We have waited until the tariff bills could be disposed of, and the appropriation bills could be well advanced, all of which have now been accom- in the consideration of bills.

plished. The session is now far gone, and we are compelled to ask that the House take some order for the consideration of the bill to which I refer for the maintenance and operation of the Panama Canal, and the sanitation and government of the Canal Zone. I do not think it stands on a plane with any other measure before the House. I do not think anybody ought to object to its being considered without having to wait on appropriation bills. The latter take two or three weeks each in this House and go to the other end of the Capitol, where they are disposed of in two or three hours. Already we have been chided for not pressing more aggressively for consideration, and apprehension has been expressed that legislation may fail of enactment at this session. I am going to ask unanimous consent that following the Post Office appropriation bill the Panama Canal bill be in order and stand as the continuing order until disposed of subject to the conference reports, Calendar Wednesday, suspension, and unanimous-consent business, and other privileged matters.

The SPEAKER pro tempore. The gentleman from Georgia asks unanimous consent that the Panama Canal bill shall be the continuing order of business, not to interfere with conference reports, suspension days, and Calendar Wednesday, and

Mr. JOHNSON of South Carolina. Reserving the right to object, Mr. Speaker, how much time will the bill take?
Mr. ADAMSON. I do not think it will take much

I do not think it will take much time. Certainly not as much as the appropriation bills. It will take a good deal more time at the other end of the Capitol than at this end.

Mr. JOHNSON of South Carolina. I want to state to the gentleman that the legislative, executive, and judicial appropriation bill has been waiting for four weeks. We have been waiting to get the right of way. Unless the gentleman can indicate about how much time the bill will take, and a very

reasonable time, I shall be obliged to object.

Mr. ADAMSON. I have no idea that our bill will consume more than two days' time in general debate and one day under the five-minute rule. The difficulty is that the appropriation bill which the gentleman refers to will perhaps take a couple of weeks in this House, postponing our matter a good deal longer than the consideration of our matter would postpone his business in this House, and his bill will be readily disposed of when it reaches the Senate while our bill would probably be delayed over there by long debate. I believe two or three days will dispose of the bill in the House.

The SPEAKER pro tempore. The Chair will call the attention of the gentleman from South Carolina [Mr. Johnson] to the fact that the gentleman from Georgia [Mr. Adamson] thinks it will not interfere with privileged bills. All appro-

priation bills are privileged bills.

Mr. ADAMSON. I refer to such incidental matters as may come up in the course of business. I do not think that we should wait on appropriation bills, because they will take so

much time and this will not.

The SPEAKER pro tempore. The Chair recognizes the importance of the bill to which the gentleman refers, and there is no question that the House ought to pass the bill and that it ought to become a law before this session of Congress adjourns, and undoubtedly will, but I do not think a continuing order should be made that will interfere with the passage and consideration of appropriation bills. The Chair would like to ask the gentleman from Georgia to modify his request so it will not interfere with appropriation bills.

Mr. MANN. Mr. Speaker, if the gentleman will permit-Mr. ADAMSON. I yield to the gentleman from Illinois [Mr.

MANNI.

Mr. MANN. It seems to me that if the gentleman would ask unanimous consent that this bill would have the same status as the bill reported from a committee, with the right to call it up at any time, that that would give the bill a privileged status, and it could be determined afterwards by agreement between the gentlemen in charge of bills whether it should precede or if some appropriation bills should precede.

Mr. ADAMSON. The great difficulty in the way, Mr. Speaker, is that if we give way to one of the other bills it will mean two weeks' delay; if the other bills give way to this it means perhaps two or three days, and they would even up the time at the other end of the Capitol. I suggest to the gentleman from Illinois that all I want is to reach some understanding in the House whereby we may come to an early consideration of

Mr. MANN. If the gentleman could get the consent, I suggest he could undoubtedly arrange with the gentleman from South Carolina and others in charge of appropriation bills, or possibly arrange in reference to the time which would be taken The SPEAKER pro tempore. Does the gentleman from

Georgia [Mr. Adamson] modify his request?

Mr. ADAMSON. I believe I am willing to act on the suggestion of the gentleman from Illinois [Mr. MANN] if it is proper to do so, and request that this bill have the same status as those other bills which are privileged, with the right to have it called up at any time.

The SPEAKER pro tempore. The request of the gentleman from Georgia is that the canal bill, which is already designated as such, shall have the status of the other bills which are privileged, with the right to call it up at any time on recognition of

the Speaker. Is there objection?

Mr. KNOWLAND. Mr. Speaker, reserving the right to ob-

Mr. JOHNSON of South Carolina. Reserving the right to object, Mr. Speaker, will the gentleman from Georgia agree that his bill shall consume not more than two days? If so, I am willing to consent that the bill shall have the right of way.

Mr. ADAMSON. The trouble is, Mr. Speaker, that I would not be able to bind all gentlemen by my agreement. I am willing for my part to make only a very short speech myself, but I can not say as to others. However, I do not think it will be possible that we shall consume more than three days.

Mr. JOHNSON of South Carolina. I am willing if the gentleman will agree that the consideration of this bill will not

consume more than three days.

The SPEAKER pro tempore. Is there objection to the re-

quest of the gentleman from Georgia?

Mr. KNOWLAND. Reserving the right to object, Mr. Spenker, I would like to ask whether it is the intention of the chairman of the Committee on Interstate and Foreign Commerce to give those members of the committee who have signed a minority report a fair allotment of time? As I understand it, if this order goes through, the bill can be called up at any time and it would not require unanimous consent as to the allotment of time.

Mr. ADAMSON. Mr. Speaker, I will not denominate that question "a work of supererogation," in the language of Scripture, but I think the gentleman from California [Mr. Know-LAND | knows that I am perfectly willing to be fair with him and the Members signing the minority report, as far as I am concerned, and so far as I can control the time he shall have a fair portion of it.

Mr. KNOWLAND. There have been sufficient requests to those signing the minority report, I think, to occupy a full day in debate, and maybe longer.

Mr. ADAMSON. I will not insist upon anything else than

fairness and I will not consent to anything else.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia? [After a pause.] The Chair hears none, and it is so ordered.

QUESTION OF PRIVILEGE.

Mr. RANDELL of Texas. Mr. Speaker—— The SPEAKER pro tempore. For what purpose did the gentleman rise?

Mr. RANDELL of Texas. To a question of privilege. I see, Mr. Speaker, in this morning's Washington Post a statement as follows:

That Representative Choice B. Randell of Texas "exaggerated" when he charged in the House Thursday that nearly every Member of the House and Senate is "approachable" and "in the employ of some interest or subject to some influence," was the opinion expressed generally at the Capitol yesterday.

The SPEAKER pro tempore. The House will be in order. The gentleman from Texas rises to a question of personal privilege, and the Chair desires to hear distinctly what the gentleman may say in order to judge of the character of the question.

Mr. RANDELL of Texas. This is a question of privilege, Mr. Speaker. The statement goes on:

Mr. RANDELL of Texas declared that he did not mean they are corrupt. He has a bill to make it unlawful for Senators and Representatives to receive retainers from corporations engaged in interstate commerce.

Mr. BARTLETT. Mr. Speaker, a point of order.

The SPEAKER pro tempore. The gentleman from Georgia

will state his point of order.

Mr. BARTLETT. The Chair has not decided that the matter presented by the gentleman from Texas [Mr. RANDELL] is a matter of personal privilege or a matter of privilege respecting the House. Which is it?

The SPEAKER pro tempore. So far as the gentleman has stated it, it is not a question of personal privilege under the

rules.

Mr. RANDELL of Texas. Mr. Speaker, if the Chair will pardon me, I rose to a question of privilege. It was the Speaker that misunderstood me and stated that I rose to a question of personal privilege. I rose to a question of privilege, and if the

Speaker will pardon me a moment, I will state that the ground on which I claim the right to speak on the question of privilege is that the newspaper statement says I stated on the floor of the House that "nearly every Member of the House and Sen-ate is approachable," putting "approachable" in quotation marks, which means that they were susceptible to corrupt approach. I say that that is a reflection upon the dignity and the honor and the proper procedure of this House, and I rise to

a question of privilege. Mr. BARTLETT rose.

The SPEAKER pro tempore. The Chair recognizes the gen-

tleman from Georgia [Mr. BARTLETT].
Mr. BARTLETT. I merely rose, Mr. Speaker, for the purpose of having the precedents set right. Does the Chair decide that the question mentioned is one affecting the privileges of the House's

The SPEAKER pro tempore. Rule IX, relating to questions of privilege, states that-

Questions of privilege shall be, first, those affecting the rights of the House collectively, its safety, dignity, and the integrity of its proceedings; second, the rights, reputation, and conduct of Members, individually, in their representative capacity only; and shall have precedence of all other questions, except motions to adjourn.

The Chair holds that the language used brings the statement of the gentleman from Texas within the rule, and he is recog-

nized as a matter of privilege.

Mr. RANDELL of Texas. Mr. Speaker and gentlemen of the House, I am sorry indeed that from misapprehension or other reason such a charge should have been made. I can readily understand that men may be inaccurate in their hearing and that possibly some person may have misunderstood what was said on Thursday, but the statement itself is so absurd, when taken in connection with the sentence following it, that it appears to me at least that gentlemen who publish these things in the papers-and they have a right to publish them-would have been put upon inquiry as to whether or not there was a misunderstanding in reference to the statement, To say that nearly every Member of this House and of the Senate is approachable, in the sense that it is published, simply means that they have their hands behind them, wanting something to be put into them fraudulently and clandestinely. To follow that with a statement that "I did not mean they are corrupt" is absolutely absurd; as much so as to say I think that a man is a horse thief, but that I do not question his integrity. Why, if the party understood me to say that he would say, "Why, I certainly am mistaken; I will ask him about that before I publish it."

Mr. Speeker and gentlement I decime to take only a chart

Mr. Speaker and gentlemen, I desire to take only a short portion of your time. The business of the House is such that we ought to proceed with it in a little while. But it seems to me that I should be derelict in my duty to myself and to you if I did not, on this occasion, call attention to this matter and disabuse the minds of any who may not have read the

RECORD, but who did see the statements in the press.

This is not the only report of that kind that has been made in the papers. I am very sorry, indeed, that the misunder-standing occurred. For the benefit of those who have not seen the RECORD and of those who may not see that particular copy, and for the benefit of those who desire to know what the facts are, I will read the only part of my remarks con-cerning which I can understand how a mistake of that kind might have been made. In my remarks on Thursday I said, among other things-

Not only that, but those of us who are not in the employment of "the interests" have rights in the premises. Under present conditions

Mark my language here-and I hope every Member of this House will do me the justice and the courtesy to read every word of my speech of Thursday—

Under present conditions practically every Member is subject to the general suspicion which may apply to so many.

That is very plain. If the law permits Members to be employed by and be the agents or attorneys or officers of corporations, how does any man know whether I am or not? It may be that some may think that is perfectly proper, and others may not think it improper. One may think it violates the ethics, and another may think it does not violate the ethics, but if it is a matter of any consequence, it is a matter worthy of consideration.

And I have no doubt-

Mark every word here-

And I have no doubt that an investigation would show that the majority of the Members of this House, and of the Congress, are engaged in employments to-day which the passage of that bill would stop-

Referring to my bill,

I believe it is true-

Mark what I say-

that nine-tenths or perhaps a much larger percentage of those employments are absolutely innocent in themselves, but the situation is there

Now, suppose that bill does cut out employment by any corporation, no matter how innocent the employment. If the condition is such, if the interest of the public is such, that a general law which is intended to reach a special condition would cut that off, the fact remains that while such would be the effect it ought not to stand in the way of a just reform. But it does not follow that the parties are necessarily wrong in engaging in such employment while it is not prohibited by law, and the question would simply arise, "Shall this employment be cut out in order to accomplish the elimination of other employments which we do not desire to continue?" It might be that there were only 10 per cent, or only 5 per cent-there might not be more than one in a hundred-and yet the bill might be good.

Suppose the law against bribery had never been enacted, and the question to-day was to pass a law against bribery. In order to support that have we got to say that the Members of this House, or any number of them, are susceptible to bribery, or taking bribes, or liable to take bribes? Not at all. We simply mean that such a thing might be, and if it ever did occur it

ought to be against the law.

Now, here is a bill that refers not to a criminal bargain in reference to a Member's vote, but which refers to a situation of employment, a business connection that might have and would naturally have some personal influence upon the mind of the party engaged. That makes a proper question for consideration. That is not a matter of insult to anybody. If the bill is meritorious, it ought to be passed; if not, it ought to be considered

in all seriousness and not passed.

But, my friends, the idea of those on the outside who want to fight this proposition that has been pending here so long seems to be to make a fight between the advocates of the proposition and the Members of Congress. Of course, if it is only a quarrel between the advocates of the bill and the Members of the House and Senate, the advocates of the bill would have very little chance of success. The question is between the people and "the interests" that the people do not want to see have personal business with their Representatives while serving here.

Mr. BARTLETT. Mr. Speaker, a point of order.

The SPEAKER pro tempore. The gentleman will state his

point of order.

Mr. BARTLETT. The gentleman from Texas is not now discussing a matter of privilege, either affecting the privileges of

the House or of personal privilege.

The SPEAKER pro tempore. The Chair sustains the point of order. The gentleman from Texas will please proceed in order.

Mr. RANDELL of Texas. Mr. Speaker, I do not wish to trespass either upon the ruling of the Speaker or any proper rule of debate. In order to understand the ruling, I would like to ask the Speaker if he means

The SPEAKER pro tempore. The Chair will state to the gentleman from Texas that he was discussing a bill which is pending before the House and not a question of privilege when the gentleman from Georgia [Mr. BARTLETT] made his point of The gentleman, under the rules of the House, is required to confine his discussion to the pending question of privilege. The Chair will ask the gentleman to proceed in

Mr. RANDELL of Texas. I do not understand the Chair to rule that I can not discuss the terms of the bill, in reference to the matters that I did discuss here, but that in general I ought not to discuss the bill.

The SPEAKER pro tempore. The gentleman from Texas was discussing the purposes and merits of a bill pending in Congress,

and not the question of privilege to which he rose.

Mr. RANDELL of Texas. Mr. Speaker, I think there is very little difference in the mind of the Speaker and myself in reference to the rule; but there were some things I have said that probably are not strictly within the rule; but the question, as I understand it, is about and pertaining to everything that I said on this subject before the House on Thursday. desire to read my speech, which I made on that day, in detail. I think I understand the ruling, however, and I will endeavor to keep within it.

Mr. BARTLETT. Will the gentleman permit me to inter-

rupt him?

Mr. RANDELL of Texas. Certainly.

Mr. BARTLETT. I have no objection to the gentleman having all the time he wishes, by unanimous consent, to discuss the bill or to discuss any other proposition he wants to discuss before this House; but I do think it is a bad precedent to establish that under the guise of a privilege, either a privilege affecting the rights of the House or a personal privilege affecting the rights of a Member, we should discuss measures here under a grant of right to discuss them as a matter of personal privilege when the opportunity probably would not be otherwise accorded to discuss the bill.

Now, I desire to say to the gentleman from Texas that if he wants to discuss his bill or any other matter pertaining thereto I am willing that he shall have unanimous consent as long as he desires, but I do not think he ought to do it under a claim

of privilege

Mr. RANDELL of Texas. Mr. Speaker, I do not think I need unanimous consent. The gentleman could not give unanimous consent. I do not think I am any more likely to act under a "guise of privilege" than anyone else that is honest.

Mr. BARTLETT. I did not mean it in any offensive way; I

meant under any grant of privilege.

Mr. RANDELL of Texas. Now, Mr. Speaker, the charge goes on to say that certain distinguished Members of Congress have given their views. One begins with Senator Dillingham, of Vermont, chairman of the Committee on Privileges and Elections, and it says he said that-

Regardless whether or not such employment in big legal cases would influence a Senator, public sentiment is such that he could not accept. I have no way of knowing how many Members of Congress would come under the provision of the Randell bill, but I think the percentage would be very small.

There are other quotations, Mr. Speaker, which I ask to put in my remarks, because I want all Members of the House to read what I have to say, and I ask unanimous consent that I may print these statements from the paper and extracts from the Record showing what different public men have said on this matter

The SPEAKER pro tempore. The gentleman from Texas asks unanimous consent to extend his remarks in the Record.

Is there objection? [After a pause.] The Chair hears none.

Mr. RANDELL of Texas. Mr. Speaker, there is a misapprehension in reference to this matter that is likely to mislead Members. For instance, they take it that this bill is directed The statement in the paper shows that such at the lawvers. is the idea of gentlemen in this House and in the Senate. Mr. Speaker, on that subject I want to disabuse the minds of my brother Members at both ends of the Capitol. The statement I made in the House, and on the bill about which they were made, is no attack on the lawyers; it is no attack on any particular business in the country. On the contrary, it does not apply to any particular class of men. It expressly forbids that any Member shall be an agent or officer or representative or an attorney of any corporation or other persons interested in legislation.

So you see that the statement in the press that my bill is against receiving retainers was a misstatement of the bill and its scope

Mr. THOMAS. Mr. Speaker, may I ask the gentleman a question?

Mr. RANDELL of Texas. I will yield to the gentleman.

Mr. THOMAS. I wish to ask the gentleman if he intended by his remarks the other day, or intends to-day, to cast any reflection upon the Judiciary Committee of the House or any member of that committee in reference to his particular bill?

Mr. RANDELL of Texas. I am glad the gentleman from Kentucky asked me that question, because I am glad to say that not a word nor a line in my speech has any such tendency. On the contrary, if one will take the speech and read it over and notice everything that is said that pertains to the bill and to the committee he will find that it not only compliments that great committee, but also the honorable gentlemen who occupy positions upon it.

Mr. THOMAS. The gentleman does not intend now to cast

any reflection on the committee?

Mr. RANDELL of Texas. Certainly not; I am not here to reflect on the committee nor on any Member of the House.

Mr. MURDOCK. Will the gentleman yield?
Mr. RANDELL of Texas. Certainly.
Mr. MURDOCK. The gentleman did say in his speech this: And I have no doubt an investigation would show that a majority of the Members of this House and of Congress are engaged in employment to-day which the passage of this bill would stop.

Mr. RANDELL of Texas. Certainly I said that. Mr. MURDOCK. That was in connection with the gentleman's statement about Members of Congress and the big interests in this country being in control—the newspapers generally all over the country carried the statement that the gentleman said he believed that the majority of the Members of Congress were influenced by the so-called big interests. Now, the gentleman did not say any such thing. Is not that true?

Mr. RANDELL of Texas. I think that is exactly the case. If the gentleman was in when I began my speech this morn-

Mr. MURDOCK. I have listened to the gentleman intently, and I have been here through all the gentleman's remarks.

Mr. RANDELL of Texas. Then let me repeat for the benefit

of every Member of the House and all who may be interested in the subject that it seems to me the statement I complain about in the newspaper was made under a misapprehension and a misunderstanding of what I said in that very sentence the gentleman has read.

Mr MURDOCK. The gentleman did not say then and does not say now that a majority of the Members of Congress are susceptible to influences of big interests. He did not say it then and he does not say it now?

Mr. RANDELL of Texas. No; I did not say it then and I do not say it now. The charge was also made that I said they were "approachable." I did not say that. I said that they were in a position where they could be employed, so far as the law was concerned; and I said an investigation of the matter, in my opinion, would disclose the fact that a majority of the In my opinion, would disclose the fact that a majority of the Members of this House and of the Senate were engaged in employments which were prohibited by my bill. I said in that very connection that, in my opinion, nine-tenths, and perhaps a much larger per cent, of these employments were absolutely innocent. In other words, what I meant by "innocent" was that, so far as the purpose of my bill was concerned, if no other employment existed except such innocent employments, then there would be no reason for the bill; that the bill was intended to reach the situation that could not be reached except by a general law prohibiting such employment, and thereby you would cut out many employments absolutely innocent in them-

Now, it is said in this Post article that the honorable Speaker. Mr. Clark, says that he does not believe that more than 5 or 10 per cent of the Members of the House are engaged in occupa-tions where the employment might affect legislation. Why, Mr. Speaker and gentlemen, that practically was my statement. If 10 per cent, if 5 per cent, of the Members of this House have employments that would be against public policy the bill ought to pass. That is not a statement that these men are corrupt.

Gentlemen, I will not take more of your time. I ask you again to do me the courtesy and the favor to read my bill, to read my speech on the bill, to read the quotations that I will put in with these remarks, and then I ask every Member of this House and of the Senate to do his duty by the people of the United States. No matter whether the papers may criticize me, no matter whether they misunderstand or abuse me, I want you to understand that I am here for the honor of Congress and not for the discredit or dishonor of any Member of it. I am here to speak and work along the line I am talking now and not to reflect upon the motives of my brother Members. If anyone here is in favor of the bill let him go to work for it. There are many Members here on this side and on that side of the Chamber who openly say that it ought to be the law. Then go work for the bill. I thank you, gentleman, for the courtesy. Mr. EDWARDS. Will the gentleman yield?

Mr. RANDELL of Texas. I will yield to the gentleman.

Mr. EDWARDS. In making the statement that there are men in Congress who are being reached by improper influ-

Mr. RANDELL of Texas. I did not say that.

Mr. EDWARDS. In substance.

Mr. RANDELL of Texas. I did not say it in substanceand with all courtesy to the gentleman, it is rather taxing my patience for such language to be reiterated.

Well, in making the charges you have Mr. EDWARDS.

Mr. RANDELL of Texas. That is all right.

Mr. EDWARDS. Does not the gentleman think it is fair to the membership of this House and to the membership of Congress that the gentleman would certainly make no such charges unless he had the facts to back them up, and does not the gentleman think it is fair to the Congress and to the country to give the names of the Members and give the facts? [Applause.]

Mr. RANDELL of Texas. Why, Mr. Speaker, I do not expect to give to the Congress nor to the Members the name of any Member that I think is engaged in any such practice, and I say to the gentlemen, the few who applauded that remark, that there is not one of you but who knows that there are Members of Congress engaged in employment which this bill, if you pass

Mr. JAMES. Will the gentleman yield for a question? Mr. RANDELL of Texas. Certainly.

Mr. JAMES. Does not the gentleman think his statement that a majority of the Members here are employed in representing corporations

Mr. RANDELL of Texas. I did not say that.

Mr. JAMES (continuing). Or interstate concerns that are prohibited by the provisions of his law—does not the gentleman think that is too broad a statement?

Mr. RANDELL of Texas. I did not say that.

Mr. JAMES. Well, I understood the gentleman-Mr. RANDELL of Texas. I would like Members of the House to listen and hear me repeat again what I said, and this is in

cold type in my speech in the RECORD.

Mr. JAMES. If the gentleman will pardon me, I listened a moment ago to the gentleman's statement, and I am not propounding this question in a controversial sense-

Mr. RANDELL of Texas. I understand that. Mr. JAMES (continuing). Because I voted for a bill upon this question the gentleman introduced when it was up before, and I stand ready to vote now for a bill prohibiting Members of Congress from representing corporations doing an interstate business; but some Members of Congress like myself on this floor take exception to remarks that are a wholesale denunciation of the entire membership upon this floor, including myself and others who supported the gentleman's bill. Now, I do not believe-and I may say I know the gentleman well, having served with him upon a committee—that the gentleman means to cast any personal reflection upon any Member upon this floor; but they do not like those remarks which he uttered a moment ago, and I called the attention at the time of some of my colleagues sitting near to the gentleman's statement that he believed a majority of the Members were employed whose employ-ment would be forbidden by this bill. Speaking for myself, I desire to say that I have never accepted any case of any sort from any corporation or interstate concern since I have been a Member of Congress.

Mr. RANDELL of Texas. Mr. Speaker, I simply will reiterate what I said Thursday, and here is the exact language. I know it by heart, but I will read it:

And I have no doubt that an investigation would show that the majority of the Members of this House and of the Congress are engaged in employments to-day which the passage of that bill would stop. I believe it is true that nine-tenths, or perhaps a much larger percentage, of those employments are absolutely innocent in themselves, but the situation is there.

Now, what employment? Is it simply to take a retainer? Why, a man may be a bank president. I do not claim that it is any discredit to remain one when he comes to Congress. He may be an officer of various corporations and receive a salary. My bill would prohibit these things. He may be an agent of various corporations. My bill would prohibit that. He may be an attorney for a municipal corporation. My bill in its present form would stop him from that employment. In the wisdom of the House in passing upon the bill they can make such exceptions as they may desire. They can say the hill shell not be made and the stop of the House in passing upon the bill they can make such exceptions as they may desire. They can say the hill shell not be made as they may desire. ceptions as they may desire. They can say the bill shall not apply to an organization not organized for profit. They may say it shall not apply to municipal corporations; and they might make various exceptions.

It is only my opinion that it would stop some employments now engaged in by a majority of the Members of the House.

Now, is that any reflection on anyone?

Mr. JAMES. The impression that was gathered by the pub-Mr. JAMES. The impression that was gathered by the public, I am sure, from reading the remarks of the gentleman and the drift of the speech was this, that a majority of the membership of this House were engaged in accepting retainers and in employments and businesses upon which they were called upon to legislate-

Mr. RANDELL of Texas. I did not say that.

Mr. JAMES. And I ask the gentleman—

Mr. RANDELL of Texas. I am glad the gentleman calls attention to that, because it specially emphasizes what I am saying. I am not apologizing to anybody, but I am simply endeavoring to get this matter straight.

Mr. JAMES. That unfortunately is the impression the newspapers sought to give that might be gathered from the remarks.

papers sought to give that might be gathered from the remarks

of the gentleman.

Mr. RANDELL of Texas. That is the reason I rose to a question of privilege.

Mr. HAMH/TON of Michigan. May I ask the gentleman a

question?

Mr. RANDELL of Texas. Certainly.
Mr. HAMILTON of Michigan. Does not the gentleman know
from his experience here on the floor of this House and his knowledge of the membership of the House that man after man who has served here for any length of time has absolutely given

up his whole law practice, and has no practice at all and never receives a retainer of any kind, and would not the imputation which has been given circulation be a reflection upon such a man as that?

Mr. RANDELL of Texas. I think not, because I am one of

them, an attorney

Mr. HAMILTON of Michigan. Then the gentleman ought to

be fair to himself.
Mr. RANDELL of Texas. I am, and that is the reason I

have been advocating this bill.

Mr. HAMIL/TON of Michigan. Man after man has come here

and gone out of the Congress poorer than when he came in, and those men ought to receive fair credit.

Mr. RANDELL of Texas. That is all true, and I stand here for the honor of those men and for the honor of the Congress. and I do not cast any reflection upon any man because he is a Member of Congress. On the contrary, I stand for the honor of the Congress when I say——
Mr. COX of Ohio. Mr. Speaker, a point of order.

Mr. RANDELL of Texas. There is one thing I want to say in this connection right now, before my time is up.

Mr. COX of Ohio. Mr. Speaker, a point of order.
The SPEAKER pro tempore. The gentleman will state it.
Mr. COX of Ohio. Mr. Speaker, I make the point of order
that the gentleman from Texas yielded the floor a few minutes

ago, and then, without permission, took the floor again to answer a question propounded by my colleague from Georgia, and now my point of order is, having yielded the floor, the gen-

tieman has no further right to the floor at all.

Mr. JAMES. Mr. Speaker, the gentleman from Texas [Mr. RANDELL] did not yield the floor. He merely indicated that he was going to quit speaking, and at that moment he was interrupted. I hope the gentleman will not be taken off his feet by a point of order.

Mr. CLAYTON. I hope the gentleman will be allowed to say

all he wants on this subject. [Laughter and applause.]
The SPEAKER pro tempore. The gentleman from Ohio [Mr. Cox | made the point of order that the gentleman had already yielded the floor. The Chair holds that the gentleman had not yielded the floor, because he had not taken his seat.

Mr. RANDELL of Texas. I want to call the unprejudiced and unbiased attention of the gentlemen of this House—and I would like to have the attention of the chairman of the Committee on the Judiciary, because in his tone, if I mistake not, he is not altogether feeling right, although I do not understand why he should not. [Laughter.] It will be a great source of regret to have anyone—especially the gentleman from Alabama-have any personal feeling about this. I say this because of the applause which followed his peculiar tone and manner.

Mr. CLAYTON. I said that in perfect good faith. I am in no wise responsible for the laughter and applause that might follow what I may have said, nor am I responsible for any de-

rision that may have followed your remarks.

Mr. RANDELL of Texas. Now, Mr. Speaker, I want the attention of every Member of the House, and I ask him just to lay aside all matters of feeling and look squarely at the proposition. If a statement that the majority of this Congress are engaged in business that would be prohibited by my bill is a reflection upon them, is not that sufficient proof that the bill ought to pass? Just stop and think about it. If it is an insult to say you have such engagements, then ought not such engagements to be prohibited? If the bill has no merit, then this statement has no insult. But the bill has merit, and the statement is not an insult. The bill is intended to prohibit employment not best for the proper consideration of the public business. In other words, Members of Congress should not be officers, agents, employees, or attorneys of corporations and others interested in legislation while serving the people in the making of laws.

Mr. GARNER. I understood my colleague to say that his contention was that a man was unfit for Congress if he should devote his attention to the public interests, according to your law?

Mr. RANDELL of Texas. I did not say anything of the kind. The gentleman will pardon me. I do not see why he thought so.

Mr. GARNER. That is why I thought so.
Mr. RANDELL of Texas. The gentleman was here and helped the Democrats put the Republicans in a hole on this question, and every Democrat voting on this side was in favor of the measure, and I suppose the gentleman was. I am in favor of the bill, and the bill says that a Member shall not be an officer, agent, or attorney of corporations or any person having an interest in legislation.

Mr. HAMILTON of Michigan. I want to ask the gentleman a question. A minute ago, in answer to the gentleman from Texas [Mr. Garner], he said the gentleman from Texas helped to put the Republicans in the hole. Does the gentleman want to convey the suggestion that Republicans are engaged in transactions that would make them amenable to the provisions of his bill any more than Democrats?

Mr. RANDELL of Texas. I meant to say this, that when the penal law was up I offered amendments practically the same as my bill, and the Democrats voted to put them in the law and the Republicans voted against them, and the Record will show there were 88 votes on this side and 109 on that side; and I say that everyone on this side was a Democrat and every one of

the 109 were Republicans but 3.

Mr. HAMILTON of Michigan. You do not mean to suggest that everybody who voted against your bill was corrupt?

Mr. RANDELL of Texas. In my opinion, we did show to the

country that the Republicans were not in favor of a reform like this and that the Democrats were in favor of it; and I think it had something to do perhaps with the election of 1908. Now, as to whether or not one man is more corrupt than another

man, I have nothing to say.

Mr. GARNER. Does the gentleman believe a man, when he is elected to Congress, ought to devote his time and attention to the practice of law whether he represents a corporation or

not?

Mr. HAMILTON of Michigan. What was the date of that vote?

Mr. RANDELL of Texas. January, 1908.

Mr. HAMILTON of Michigan. Was it in Committee of the Whole?

Mr. RANDELL of Texas. It was when we were considering the codification of the criminal law.

Mr. HAMILTON of Michigan. Was it a record vote?
Mr. RANDELL of Texas. Yes; it was in the Record. I will read it to you.

Mr. HAMILTON of Michigan. Was it an "aye" and "no"

vote?

Mr. RANDELL of Texas. No; it was in Committee of the

Whole; a record vote could not be taken.

Mr. FERRIS. Mr. Speaker, the gentleman from Texas rose sometime ago to speak to a question of privilege. He has spoken

nearly an hour, and debate has now assumed a phase with ref-erence to a bill that passed in 1908.

Mr. RANDELL of Texas. I know the Chair and the House will not hold me entirely responsible for the digression. conform to the rule. I wish again to appeal to every Member of the House, regardless of party, to consider this question about which we are talking. Do not let it resolve itself into any question between you and me. Consider the measure and do your duty to yourselves and to your country. [Applause.]

Mr. HENRY of Texas. Mr. Speaker, I ask unanimous consent that I may be allowed to proceed for 20 minutes.

Mr. FERRIS. Reserving the right to object, Mr. Speaker-Mr. CAMPBELL. Mr. Speaker, I hope the gentleman from Oklahoma will not object.

The SPEAKER pro tempore. The gentleman from Texas [Mr. Henry] asks unanimous consent to be allowed to proceed

for 20 minutes. Is there objection?

Mr. FERRIS. Reserving the right to object, Mr. Speaker, we are found in this attitude: We are here in the middle of an appropriation bill, it is late in the session, and Congress is trying to proceed with the business of the House. I do not know what the gentleman from Texas [Mr. Henny] has in his mind to speak upon, but I take it that it is on a question of personal privilege just presented by his colleague, Mr. RANDELL. Of course, I dislike to stand in the gentleman's way, but the Indian bill ought to be finished to-day.

Mr. HENRY of Texas. If there is any objection to it, Mr. Speaker, I shall not detain the House this morning. It is in regard to the matter that has been discussed-pertaining to that subject.

The SPEAKER pro tempore. The gentleman from Texas withdraws his request.

Mr. BARTLETT. Mr. Speaker—
Mr. CLAYTON. Mr. Speaker, I ask unanimous consent that I may have 10 minutes in which to make some remarks with reference to the matter referred to by the gentleman from Texas [Mr. RANDELL].

Mr. FERRIS. Reserving the right to object, Mr. Speaker, the proposition now resolves itself into this: Two gentlemen have now elected to reply to the gentleman from Texas [Mr. RANDELL]. There may be 20 others who will elect to reply. The charges involve every man in the House equally. I expect at this rate that the proceedings could be indefinitely prolonged, so that each one of the 394 Members of the House may desire to reply. I do not think that the House should consider this matter at such great length. The gentleman has said he meant no reflection. We are paying too much attention to an evident misunderstanding.

Mr. JAMES. Mr. Speaker, does not the gentleman from Oklahoma think that the chairman of the Committee on the Judiciary, before which the bill referred to by the gentleman from Texre [Mr. RANDELL] is now pending, ought at least to have the courtesy extended to him of making a reply to the gentleman from Texas?

Mr. CLAYTON. I ask for five minutes in which to make a brief statement.

MANN. Make it 10 minutes.

Mr. Sp

Mr. RANDELL of Texas. Mr. Speaker, I ask that the gentleman be allowed 10 minutes.

Mr. FERRIS. The gentleman from Kentucky [Mr. James] a moment ago suggested that there is some reason why the gentheman from Alabama [Mr. Clayton] should be heard rather than any other person. I have read the remarks of the gentleman from Texas [Mr. RANDELL], and I must admit that I do not see why the gentleman from Alabama [Mr. Clayton] should be permitted to reply more than the chairman of any other committee who was not present when the remarks were delivered.

Mr. JAMES. I did not say that I understood that the chairman of the Committee on the Judiciary was not present when the remarks were made, but he is the chairman of the committee which has custody and jurisdiction of the bill introduced by the gentleman from Texas [Mr. RANDELL], and I think the gentleman from Oklahoma will see the propriety of permitting him to make a statement.

Mr. STEPHENS of Texas. Mr. Speaker, I ask that at the expiration of the 10 minutes the Indian appropriation bill be

Mr. JAMES. I ask unanimous consent, Mr. Speaker, that the gentleman from Alabama [Mr. Clayton] be allowed to proceed for 10 minutes.

Mr. FINLEY. I hope there will be no objection to that. Mr. STEPHENS of Texas. I now give notice, Mr. Speaker, that I shall object to any further extension of time after the expiration of the 10 minutes.

The SPEAKER pro tempore. The gentleman from Alabama [Mr. Clayton] asks unanimous consent to proceed for 10 minutes. Is there objection?

There was no objection.

Mr. CLAYTON. Mr. Speaker, this is an occasion calling for the calm consideration on the part of the House of the matters and things that have been referred to in the course of the remarks made by the gentleman from Texas [Mr. RANDELL] could, if the rules of this House permitted me so to do, tell to the membership here that perhaps too much regard for the feelings of the gentleman from Texas has kept the Committee on the Judiciary from making an announcement on his measure to

Mr. Speaker, measures are presented to Congress for different purposes. I do not stop here and now to go into that matter, or to intimate for what purpose the particular bill was introduced by the gentleman from Texas. I am not concerned with

his purposes or with his motives.

The Committee on the Judiciary of this House is charged with the high responsibility of passing upon the constitutionality and the wisdom and the necessity for measures that go to that com-It is a delicate and difficult duty to meet in most cases. It has been peculiarly delicate and difficult in this case because of the personal relations between some of the members of the committee and the gentleman from Texas [Mr. RANDELL]-a very kind and cordial feeling.

The committee—if I were permitted to transcend the rules of the House—has had under consideration not only once, but often, his measure, and had accorded to him, not only once, but several times, the opportunity to be heard in behalf of his bill, in advocacy of it. There has been accorded to him a full hearing, let me repeat. The committee has considered his bill as deliberately and dispassionately as Members of this House and as honest men should consider every legislative proposition. [Applause.] As lawyers, as honest men, the members of that committee have unanimously reached the conclusion, so far as I am able to ascertain or state it, that the gentleman's bill ought not for a multitude of reasons to be enacted into law. [Apause.] We have analyzed the bill-Mr. RANDELL of Texas. Mr. Sp plause.]

Mr. Speaker, will the gentleman

yield to me for a question?

Mr. CLAYTON. I have but a few minutes, and the gentleman knows the embarrassment under which I labor by reason of this limited time.

Mr. RANDELL of Texas. Will the gentleman inform me when the committee came to that conclusion?

Mr. CLAYTON. I say the members of that committee

Mr. RANDELL of Texas. Has not the subcommittee reported a number of amendments to the bill to the full committee?

Mr. CLAYTON. I think that some of the amendments were ridiculous, and I may say that I also think some of the proposed provisions of the bill are absurd.

Mr. RANDELL of Texas. They were ridiculous, were they? Mr. CLAYTON. In my opinion some of those amendments were ridiculous. I am expressing my opinion and making no charge. But in order to give some reason for reporting the gentleman's bill to the full committee certain amendments were suggested that addded nothing to the supposed merits of the bill, if it ever had any; and I, for one, would not agree to such.

Now, Mr. Speaker, I may say that I had the aid of the gentleman from West Virginia [Mr. Davis]—and I want to stop here long enough to say that there is no better lawyer in the whole scope of my acquaintance than the gentleman from West Virginia [applause]—and we have studied that bill, anxious, if we could, to please the gentleman from Texas [Mr. RANDELL]. We have analyzed it, and we find that all that there is in the bill calling for legislation that would be wise is now the law. For instance, the matter of free passes. That is a restricted term. The gentleman from Texas does not want free passes to be given. The law already prevents transportation companies from furnishing transportation—a broader term than "free passes," to which the gentleman would narrow the terms of the existing law.

Now, the prohibition of free passes provided in the bill is on the statute books in broader and better terms than those employed by the gentleman in his bill. And what is the necessity for a statute on that subject when it is now the law? If that statute be not sufficiently comprehensive let the gentleman amend it by a bill for that purpose. And as to claims against the Government, that is provided for by existing law. No Member of Congress can prosecute claims against the Government.

Mr. RANDELL of Texas. The gentleman does not mean to say that my bill covers claims against the Government? The

bill does not touch that.

Mr. CLAYTON. I am of the opinion that some phases of it do touch that. And so when you go through with the analysis of the different propositions involved it could be stripped down to one proposition, in the opinion of some of the members of the committee. Possibly a bill could be passed limiting it to lawyers for transportation companies. I say possibly it could be stripped to that, and I merely express the opinion of some of the members of the committee.

Now, I have here with me this analysis, and I ask the gentleman from Oklahoma [Mr. Ferris] and the gentleman from Texas [Mr. Stephens] in so important a matter to let me put before the House the analysis of this bill, and leave it to the judgment of the Members of this body whether or not this committee have acted wisely in not reporting the measure of the gentleman from Texas [Mr. RANDELL] to this House.

The SPEAKER pro tempore. The time of the gentleman has

expired.

Mr. BARTLETT. I ask unanimous consent that the gentleman from Alabama have 15 minutes.

Mr. STEPHENS of Texas. Mr. Speaker, in the interest of

the consideration of the Indian appropriation bill, I ask that debate on this question be confined to 10 minutes.

The SPEAKER pro tempore. The Chair will state that this is a request for unanimous consent, and only one request can be submitted at a time. The gentleman from Alabama [Mr. CLAYTON] asks unanimous consent that he be allowed to proceed for 15 minutes. Is there objection?

There was no objection.

Mr. CLAYTON. Mr. Speaker, I am very much obliged to the other gentleman from Texas [Mr. Stephens] for his indulgence.

Before putting this analysis in its entirety before the House, permit me to say in behalf of the Committee on the Judiciary that we have not only given full and patient hearing to this bill, but to many other matters that have come before that committee at this session of Congress, and we have invariably tried to be fair, to meet public necessities, and to recommend to this House the passage of wise laws. We have also into this House the passage of wise laws. We have also invariably tried, Mr. Speaker, not to bring into this House anything that was indefensible. The membership of that committee would scorn to so prostitute their intellectual integrity as to bring from the great law committee of this House a measure that was indefensible in order to take care of their own fortunes in a campaign or to promote the political fortunes

of any Member of this House in his campaign. [Applause.] We act deliberately and conscientiously.

Let me also say that I am a member of a working and longsuffering committee. And whenever any of you get on the Judiciary Committee you will realize that the problems that vexed the patience of Job were minor in their nature; and if Job had been put up against the vexations and annoyances that harass that committee and its members he would have thought his troubles were light ones. Gentlemen, you would welcome some of the afflictions of that ancient celebrity; you would rather have boils all over you and be unable to sit even in the ashes, as he sat, than to have such troubles put upon you as are thrust upon the members of the Judiciary Committee of this House. [Laughter.] So, with Job-like patience here and before the committee, I have listened and the committee have listened to many gentlemen with their complaints and with their ideas, real or imaginary. It is not every man that thinks he is charged with an idea who has an idea. Some men imagine they are thinking. Some men imagine they are proposing legislation. Some men imagine that they need a bill for campaign purposes. Often gentlemen labor here under a mistaken belief of what the people will say about our conduct, because it is feared that somebody back at home will misunderstand them. I wish I had more time to talk on that subject. Let us trust to the honesty and the good sense of the people always.

But to the analysis of this bill. I ask those of you who are lawyers and you intelligent laymen to listen to this analysis. And let me say on behalf of myself that three months ago, as chairman of the Judiciary Committee, I asked that we come before this House with this analysis of this bill and the reasons for our action, and stand upon our position as being right, and meet all the criticisms that might be hurled at us here or else-

Section 1 of this bill forbids all persons, natural and artificial, within five enumerated classes, to give any Member of either branch of Congress or the Federal judiciary any free transportation of persons or property, any frank or franking privilege, any money or other thing of value, or to transfer, directly or indirectly, anything of value for an inadequate consideration.

The class of donors inveighed against are: (a) Any railroad company, or sleeping-car, dining-car, steam-beat, express, telegraph, or telephone company; in other words, common carriers and companies already subject to the act to regulate commerce and prohibited from doing the things denounced in this bill.

(b) "Any company incorporated by or under an act of the Congress of the United States"; chief among which are, of course, the national banks.

(c) Companies "organized under the laws of any State," which includes, of course, all that great host of corporations, both large and small, by which the bulk of the commercial business of the country is now carried on, no matter how trifling their size or how restricted their purpose, and also all municipal, quasi public, and eleemosynary corporations.

(d) "Any corporation, person, or firm engaged in interstate commerce" which would fairly include every individual engaged in manufacturing, mining, or merchandizing in the United States on any other than the most restricted scale.

In its scope this bill is as boundless almost as God Almighty's It is as boundless in its scope as the whole territory of the United States, including every kind of business and almost every kind of occupation imaginable, so that it would prevent Members of Congress from doing well-nigh everything except to come here and be Members of Congress. You could not engage in any activity of life that an ordinary man engages Have we fallen so low, has the American Congress become so despicable, that we must pass this bill? During the vacations of Congress you, Mr. Speaker, and I could not follow some pursuit to supplement our salaries to support our families. Have the people gotten so suspicious of us that we must by this sort of sweeping and drastic statute cut ourselves off from everything else? I apprehend not. Returning to the analysis:

Any corporation, person, or firm "that is directly interested in proposed or pending legislation in the Congress. class, in view of the multitude and diversity of the subjects proposed and offered for congressional action, may be fairly said to open at some time or other for every citizen of the United States and the dependencies thereof.

It will be seen that this bill is not aimed at bribery, a crime sufficiently covered by existing law. It does not content itself with denouncing gifts made with criminal intent to influence the action, vote, or decision of Members of Congress in their official capacity, but announces the far broader doctrine, new to the law as we have it, that any gift made to any Member of

Congress or to any Federal judge by any of the persons named, whether the motive be one of friendship, courtesy, or charity, and with whatsoever absence of intent to affect his official conduct, is so inimical to the public welfare and so severe a strain upon the moral fiber of the recipient as to be per se criminal.

Questions as to the value of the thing given, the relationship existing between the donor and donee, all these are brushed aside along with the benign and universal maxim of the criminal law that nemo reus est nisi mens sit rea. The gift of a box of cigars from a friendly wholesale merchant on Christmas is clearly within the purview of this bill. Without delaying to suggest them, countless illustrations will present themselves where, in the customary intercourse of daily life, such a doctrine reduces itself-using the word in no unkind sense-to an absurdity.

In so far as free transportation, franks, or franking privileges are concerned, these subjects are already embraced within the laws to regulate commerce, and the inhibition is therein extended, as it should be, not only to Members of Congress but to the public at large.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. CLAYTON. Mr. Speaker, I ask unanimous consent that I may finish this.

Mr. BARTLETT. Mr. Speaker, I ask unanimous consent that the gentleman may have time to conclude the statement that he is now making,

Mr. STEPHENS of Texas. How long a time does the gentleman want?

Mr. CLAYTON. I should say it would take me 5 or 10 minutes

The SPEAKER pro tempore. The gentleman from Georgia asks unanimous consent that the gentleman from Alabana may conclude his statement.

Mr. STEPHENS of Texas. I shall have to object to that. Mr. BARTLETT. I ask unanimous consent that he may conclude his statement, not to exceed 10 minutes.

The SPEAKER pro tempore. The gentleman modifies his request, and asks unanimous consent that the gentleman may proceed for not exceeding 10 minutes.

Mr. RANDELL of Texas. Reserving the right to object, I would like to ask the gentleman from Alabama a question. I

think that is only fair to me.

Mr. CLAYTON. Very well; the gentleman sees the difficulty under which I labor on account of the limited time.

Mr. RANDELL of Texas. I do not want to object, but I want to understand the gentleman. Is the statement that the gentleman is reading from a statement from the committee or

one prepared by the gentleman himself or by somebody else?

Mr. CLAYTON. I can easily answer that.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia? [After a pause.] The

Chair hears none. Mr. CLAYTON. I will state to the gentleman that this is a statement, the joint product of the gentleman from West Virginia [Mr. Davis] and myself.

Mr. RANDELL of Texas. Did the gentleman ever give me the benefit of it during any hearings before the committee?

Mr. CLAYTON. We did not.

Mr. RANDELL of Texas. Or of any of the statements contained in it?

Mr. CLAYTON. We did not; and we did not feel called upon to do it. There is no reason why we should have done so; but I want to say that on yesterday, after the gentleman's remarks had been printed, some members of the committee and other Members of the House expressed great dissatisfaction, and took exceptions to some of the statements made by the gentleman from Texas. I said to the gentleman from Texas in the cloakroom, "I hope you will stay over here next week, because I think the committee will at least agree with me that cause I think the committee will at least agree with me that we ought to make a public statement in regard to your bill on the floor of the House. I think it but fair to you that you should be here in the city." That was the substance of it, and that is the reason I told him. He told me that he might go to Texas. I then told him that I could not tell what the committee would do, but very likely the committee would make a statement to the House in regard to his bill.

Mr. RANDELL of Texas. This is the statement that the continuous from Alphanus referred to?

gentleman from Alabama referred to?
Mr. CLAYTON. This is a statement that was in preparation and would have been submitted to the committee, and I believe that the committee would have unanimously indorsed this statement which I am now making. But in order that the gentle-man from Texas may be perfectly at rest, the committee will take action on the matter and doubtless will favor an expression in entire accord with the statement I am now making. Of

course the gentleman from Texas knows that he could have moved to discharge the committee from the consideration of this bill at any time, and the gentleman knows that I told him that neither I nor any other member of the committee would oppose such a motion. In this way it was possible for the gentleman to have gotten his bill before the House.

Returning to the analysis. Moreover, broad as are the classes of donors named, including in express terms all of the corporations of the country, municipal, quasi public and private, com-mercial and eleemosynary, and most of its active citizenship, what reason can be assigned why they should not be further broadened, if the principle of the measure is to obtain, so as to include expressly all persons, both natural and artificial, and all unincorporated associations of natural persons, such as the various labor organizations, trades unions, farmers' alliances, temperance organizations, and fraternal orders, all of which are from time to time aroused to interest in legislation and in litigation?

Section 2 of the bill denounces the receipt by Members of Congress or judges of any free transportation, frank or franking privilege, or gift of money or other thing of value, but for some reason unknown to your committee the enumeration of prohibited donors is different from that of section 1. This will appear when the several classes are similarly arranged; for

example:

(a) Any railroad, steamboat, sleeping-car, dining-car, or express company, telegraph, or telephone company.

(b) Any company chartered by an act of Congress.(c) Any company "organized under the laws of any State."

(d) Any corporation or firm engaged in interstate commerce, or

(e) Officers or agents of any such firm, company, or companies.

Thus the last class in section 1-

corporations, firms, or persons directly interested in proposed or pending legislation-

Is omitted, and officers or agents of the corporations named are added. Nor does this section contain the inhibition of the first against the transferring, "directly or indirectly, of anything of value for an inadequate consideration." Your comthing of value for an inadequate consideration." mittee can see no reason for this difference.

Section 3 goes beyond the mere interchange of gifts, and for-

bids any Member of Congress to-

Directly or indirectly hold or take any office, employment, or service, or receive any salary, fee, or pay as officer, agent, representative, or attorney from any—

(a) Railroad company, or ship, express, telegraph, telephone, or sleeping-car company, or any public-service corporation—

If the railroad attorney is to be excluded, why not exclude

the ambulance chaser? [Applause.]

the ambulance chaser? [Applause.]

(b) Any corporation chartered by an act of Congress of the United States, or

(c) Organized under the laws of any State, or

(d) Any firm, company, or corporation organized or conducted in violation of the antitrust laws of the United States, or

(e) That is charged with or has been convicted of a violation of any of the antitrust laws of the United States, or

(f) Any corporation engaged in interstate or foreign commerce, traffic, or business, or commerce, or business between any Territories, or any State or Territory, or between the District of Columbia and any State or Territory of the United States, or any foreign power, or

(g) Any person, firm, or corporation interested in legislation or other business of Congress (character not specified), existing or anticipated.

Lines 8 to 16, page 4 of the bill, embrace the attempted penal clause of this section, which, referring as it does to any "company or person" or "officer or agent of such company or companies" violating its provisions, is clearly misplaced, and lacks connection with the residue of the section, while section 4 of the bill defines the crime of the Member or the judge violating its provisions as a "high misdemeanor," and prescribes severe

No comment need be made upon the broad field of employment or service from which it is thus sought to exclude Members of Had the bill forbidden them to accept during their terms of office any employment of any other character whatsoever, it would have been easier to understand its purpose. Your committee assumes that every Member of Congress agrees that during his term of office no outside concerns should be permitted to interfere with the discharge of his official duties; but, on the other hand, it is unquestionably true that from time to time, more especially during the recesses of Congress, he may, without subtracting in the least from his efficiency as a Member, give some attention to other matters. Nor, indeed, could it be otherwise so long as Members of Congress are taken from the ranks of men active in the affairs of their various communities. Apparently the draftsman of the bill realized this, and so the exclusion is not absolute nor the bill based upon this predicate.

But the clear inference of this section of the bill is that employment in any capacity, although entirely disconnected from official duties, by any person of the classes named is incom-

patible with independence on the part of the Member employed and thus hostile to the public interest. Your committee can not concur in this suggestion. Many, perhaps a majority of the Members of Congress in both branches, have been, are, and no doubt will be, lawyers; no grosser reflection could be made, not only upon them, but upon the profession as a whole, than the assertion that they were unable to draw with conscientious nicety the line between professional employment and public

duty.

That lawyers have done so in all times the history of the profession in all ages attests. Nor, as to the Members of Congress who are not lawyers is there any warrant for the imputation that personal independence and public loyalty are at the command of any chance employer. If there be any instances to the contrary, they may be safely left to the judgment of their

constituencies.

Nor is this third section of the bill more consistent than those which precede it. If employees of all the various classes named are to be excluded on the ground of the employer's prospective or possible interest in legislation or "business of Congress," why not also the officers, agents, representatives, or attorneys of labor organizations, trades-unions, temperance societies, or farmers alliances; or why not those whose interests in trade or litigation or in legislation would be or are adverse to the various classes enumerated? Or if the officer of a national bank or the attorney of a mining or manufacturing corporation, for instance, is to be forbidden a seat in Congress, why should the principal stockholder or the chief owner of either-whose interest is certain and direct and not the tenuous connection of a chance employment-be permitted to sit?

Your committee is unwilling to believe that the moral stamina of those holding positions in the legislative or judicial department of the Government is so weak that it demands the pretense of support offered by this bill. Were it so, it would be

indeed a sad day for the country.

We repeat that in so far as the crime of bribery is concerned, the most drastic and sweeping provisions are to be found in the existing law. And in so far as the prohibition of free transportation and franking privileges are concerned, by common carriers of whatever class, the act to regulate commerce and the several acts amendatory thereof are broad and

ample.

Of the measure as a whole your committee can only say that it is, in their judgment, not only an unnecessary piece of legislation, but one the passage of which would cast reflection upon the honor of any person holding any of the positions of public trust specified, which would fan the flames of popular distrust against the legislative and judicial branches of the Government, and would bring both them and those responsible for the passage of the bill into well-merited contempt.

Why is it, Mr. Speaker, that attorneys and agents of so many concerns are inveighed against in this bill, and the stockholders, the people who own the companies, are left free to come into Congress? Why is it, Mr. Speaker, that the attorneys of almost every kind of a corporation are said by this bill to be unfit to sit in Congress? And why is it that the damage-suit lawyers, who by themselves or their agents chase every ambulance, or the "ambulance chasers," as they are ordinarily termed, are permitted by this bill to sit in high places? Is a damage-suit lawyer any better than any other sort of a lawyer? In order that the state of the existing law as to bribery and

corruption may appear, let me here quote certain sections of the act to codify, revise, and amend the penal laws of the United States, passed March 4, 1909, and now in force, known

as the Criminal Code:

set the Criminal Code:

Sec. 39. Whoever shall promise, offer, or give, or cause or procure to be promised, offered, or given, any money or other thing of value, or shall make or tender any contract, undertaking, obligation, gratuity, or security for the payment of money, or for the delivery or conveyance of anything of value, to any officer of the United States, or to any person acting for or on behalf of the United States in any official function, under or by authority of any department or office of the Government thereof, or to any officer or person acting for or on behalf of either House of Congress, or of any committee of either House, or both Houses thereof, with intent to influence his decision or action on any question, matter, cause, or proceeding which may at any time be pending, or which may by law be brought before him in his official capacity, or in his place of trust or profit, or with intent to influence him to commit or aid in committing, or to collude in, or allow, any fraud, or make opportunity for the commission of any fraud, on the United States, or to induce him to do or omit to do any act in violation of his lawful duty, shall be fined not more than three times the amount of money or value of the thing so offered, promised, given, made, or tendered, or caused or procured to be so offered, promised, given, made, or tendered, and imprisoned not more than three years.

Sec. 41. No officer or agent of any corporation, joint-stock company, or association, and no member or agent of any firm, or person directly or indirectly interested in the pecuniary profits or contracts of such corporation, joint-stock company, association, or firm, shall be employed or shall act as an officer or agent of the United States for the

transaction of business with such corporation, joint-stock company, association, or firm. Whoever shall violate the provision of this section shall be fined not more than \$2,000 and imprisoned not more than two years.

transaction of business with such corporation, Joint-stock company, association, or neit not. Whoever as \$1,000 and imprivious of this rect has been accounted by the control of the contr

contract or agreement is made for the general benefit of such incorporation or company; nor to the purchase or sale of bills of exchange or other property by any Member of or Delegate to Congress, or Restdent Commissioner, where the same are ready for delivery, and payment therefor is made at the time of making or entering into the contract

therefor is made at the time of making or entering into the contract therefor is made at the time of making or entering into the contract or agreement.

SEC. 117. Whoever, being an officer of the United States, or a person acting for or on behalf of the United States, in any official capacity, under or by virtue of the authority of any department or office of the Government thereof; or whoever, being an officer or person acting for or on behalf of either House of Congress, or of any committee of either House, or of both Houses thereof, shall ask, accept, or receive any money, or any contract, promise, undertaking, obligation, gratuity, or security for the payment of money, or for the delivery or conveyance of anything of value, with intent to have his decision or action on any question, matter, cause, or proceeding which may at any time be pending, or which may by law be brought before him in his official capacity, or in his place of trust or profit, influenced thereby, shall be fined not more than three times the amount of money or value of the thing so asked, accepted, or received, and imprisoned not more than three years; and shall, moreover, forfeit his office or place and thereafter be forever disqualified from holding any office of honor, trust, or profit under the Government of the United States.

SEC. 131. Whoever, directly or indirectly, shall give or offer, or cause to be given or offered, any money, property, or value of any kind, or any promise or agreement therefor, or any other bribe, to any judge, judicial officer, or other person authorized by any law of the United States to hear or determine any question, matter, cause, proceeding, or controversy, with intent to influence his action, vote, opinion, or decision thereon, or because of any such action, vote, opinion, or decision thereon, or because of any such action, vote, opinion, or decision thereon, or because of any such action, vote, opinion, or decision thereon, or because of any such action, vote, opinion, or decision thereon, or because of any such action, vote, opinion, or decision thereon, or because of large the United States.

SEC. 132. Whoever, being a judge of the United States, shall in any wise accept or receive any sum of money, or other bribe, present, or reward, or any promise, contract, obligation, gift, or security for the payment of money, or for the delivery or conveyance of anything of value, with the intent to be influenced thereby in any opinion, judgment, or decree in any suit, controversy, matter, or cause depending before him, or because of any such opinion, ruling, decision, judgment, or decree, shall be fined not more than \$20,000, or imprisoned not more than 15 years, or both; and shall be forever disqualified to hold any office of honor, trust, or profit under the United States.

The SPEAKER pro tempore. The gentleman from Alabama

The SPEAKER pro tempore. The gentleman from Alabama asks unanimous consent to extend his remarks in the Record. Is there objection? [After a pause.] The Chair hears none.

Mr. RANDELL of Texas. Will the gentleman allow me to

ask him a question?

INDIAN APPROPRIATION BILL.

Mr. STEPHENS of Texas. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the purpose of further considering the bill (H. R. 20728) making appropriations for the current and contingent expenses of the Bureau of Indian Affairs.

LEAVE OF ABSENCE.

The SPEAKER pro tempore. The Chair will first present a personal request.

By unanimous consent, Mr. LITTLEPAGE was granted leave of absence, for six days, on account of important business.

INDIAN APPROPRIATION BILL.

The SPEAKER pro tempore. The gentleman from Texas moves that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 20728, the Indian appropriation bill.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 20728, the Indian appropriation bill, with Mr. BARNHART in the chair.

Mr. STEPHENS of Texas. Mr. Chairman, I believe that the

Chilocco School matters are now pending, but I desire to ask unanimous consent to turn to page 22, line 15, an Oklahoma item, and ask to reoffer an amendment, after the word "benefit," in line 21, down to the end of the paragraph. I will

nt, in line 21, down to the end of the paragraph. I will modify that request by offering the whole paragraph, beginning with page 22, line 15, and ending on line 4, page 23.

The CHAIRMAN. The gentleman from Texas [Mr. Stephens] asks unanimous consent to return to page 22 for the reconsideration of the paragraph beginning with line 15 to page 23, line 4. Is there objection?

There was no objection. Mr. STEPHENS of Texas. Mr. STEPHENS of Texas. Mr. Chairman, I now offer the amendment, beginning with line 15, on page 22, and ending with line 4, on page 23—the original paragraph. Will the Clerk

please report the amendment?
The CHAIRMAN. Will the gentleman state the amendment

again?

Mr. STEPHENS of Texas. The amendment begins with line 15, page 22, and ends with line 4, page 23, of the bill. It reinstates the paragraph that went out yesterday on a point of order. We desire to reconsider that matter, and I offer it as an amendment in lieu of the other.

The CHAIRMAN. The Clerk will report the amendment. The Clerk read as follows:

The Secretary of the Interior is hereby authorized to withdraw from the Treasury of the United States, at his discretion, the sum of \$25,000, or so much thereof as may be necessary of the funds on deposit to the credit of the Kiowa, Comanche, and Apache Tribes of Indians in Oklahoma, for the support of the agency and pay of employees maintained for their benefit, and he is hereby authorized to withdraw from the Treasury the further sum of \$40,000, or so much thereof as may be necessary, of the funds on deposit to the credit of the Kiowa, Comanche, and Apache Tribes of Indians in Oklahoma, for the construction and equipment of an Indian hospital upon the Fort Sill Indian School Reservation in Oklahoma, to be used only for the benefit of Indians belonging to said tribes; in all, \$65,000.

Mr. MANN. Mr. Chairman, I reserve a point of order on the amendment for the purpose of saying this is a paragraph that I made a point of order on yesterday and on which it was stricken out. I had some doubt yesterday in regard to the advisability of making this appropriation. Usually I resolve those doubts in favor of the committee, and especially on health matters. While I have still some doubt, I have concluded, so far as I am concerned now, to resolve the doubt in favor of the gentleman from Oklahoma [Mr. Ferris], and therefore I with-

draw the point of order.

The CHAIRMAN. The question is on the adoption of the amendment offered by the gentleman from Texas.

The question was taken, and the amendment was agreed to. Mr. CAMPBELL. Mr. Chairman, just before the committee rose on yesterday I offered an amendment, which was read, authorizing the Secretary of the Interior to make a lease of certain lands belonging to the Chilocco Indian Reservation to a company, or any person, for the purpose of experimenting with intensive farming. And to that amendment the gentleman from Oklahoma [Mr. McGuire] reserved a point of order. to speak briefly to the merits of the amendment without refering to the point of order involved. The Chilocco Indian Reservation embraces 13½ sections of land, about a section and a quarter of which is now under cultivation. The remainder is raw prairie and good land in a rich, agricultural county in one of the very best sections of our whole country. is used merely for raising grass. The hay is cut in season and sold by the Chilocco Indian School. The object of this amendment is to establish, under the supervision of that school, an experimental farm for intensive farming. It is not intended that it shall be a farm solely to demonstrate the value of dry farming, for indeed we have generally seasonable rains there. But the purpose is to have a farm there upon which the best methods of farming may be practiced and taught. Everybody knows now that farmers differ one from another in the success they achieve upon their farms, and that the reason for the difference in their success is not in the soil necessarily, not in the climate necessarily, but the manner in which the soil is cultivated and the farming carried on.

I was at the White House some months ago and saw a number of boys ranging in age from 9 to 15. It was learned they were boys who had been engaged in intensive farming and were at the White House at the request of the President, who highly commended them. It was stated that each of them had cultivated 1 acre of ground and had raised corn upon that 1 acre to the amount of from 80 to 211 bushels to the acre. A farmer cultivating 160 acres of land out in the midcontinent thinks he has a good crop of corn if he has 35 and 40 bushels to the acre. It would be better for him and better for the country if the farmers throughout the land knew how to produce 100, 150, or 200 bushels to the acre. The Campbell system, intensive or dry farming—and by the way, I have no connection with it, although I think and know how it should be done—

Mr. MANN. I suppose it is a desire to have a distinguished

Mr. CAMPBELL. Not at all, although the name is worthy. Mr. MANN. It does not require proof. You will admit it. [Laughter.] But a man by the name of Campbell did demonstrate that with certain systems farming could be carried on successfully in dry sections.

The CHAIRMAN. The time of the gentleman from Kansas

[Mr. CAMPBELL] has expired.
Mr. CAMPBELL. Mr. Chairman, I ask unanimous consent to proceed for five minutes.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. MANN. Will the gentleman yield to a question? Mr. CAMPBELL. Yes.

Mr. MANN. Under this scientific style or culture system. which is advocated by this Campbell Co., can you not produce larger crops than are otherwise produced in that part of the country?

Mr. CAMPBELL. Yes.

Mr. MANN. Why do they not buy 600 acres and make more money than they are now able to do, by using their own systems?

Mr. CAMPBELL. That is a pertinent question. This company is teaching farming. The company is in Omaha, I understand, and has established farms at points throughout the country and is teaching farming, showing that by their system better crops can be produced than by the system usually followed throughout the country.

Mr. MANN. If that is the case, why do not they get rich by

farming?

Mr. CAMPBELL. Let me ask, Does the gentleman from Illinois, who is a practical farmer, deny that by intensive farming

increased crops can be produced?

Mr. MANN. Why, not at all. But I doubt very much whether there is any occasion for the Government to give the use of land for the purpose of demonstrating the fact that careful culture and intensive farming will produce better crops. If these people have a patent method for producing larger crops, why do they not apply it for their own benefit?

Mr. CAMPBELL. For the same reason that the gentleman from Illinois, who is a practical farmer and knows that by intensive farming crops can be doubled and even quadrupled, and he does not engage extensively in intensive farming. The land in question is rich and raises nothing but prairie hay. Without expense to the Government or to the Indians, this land could be used in such a way as to be highly valuable to that whole section of country. Now it is raw land that is producing nothing.

Mr. MANN. I am thinking of doing that instead of staying

here. [Laughter.]

Mr. CAMPBELL. I hope the gentleman will not decide to We have 12½ sections of raw land, producing prairie hay, that ought to be utilized in demonstrating the value of intensive farming in that section of the country.

If the American Indian is not to be driven off the face of the earth entirely, his future will continue on the farm. He will be a farmer rather than a mechanic or a business man. I see no reason why, under the direction of that school, it would not be wiser to utilize 1 section of the 12 sections of land in establishing and maintaining a model farm than to leave it as raw prairie. It is true that gentlemen can ask questions, Why do this? I say do it because it will be of value to the Indian; do it because it will be of value to that property and to that portion of our country. I would rather have that 1 section of land after it had been cultivated for 20 years by this company, or any other company, than have it as raw land at the end of 20 years. It will be more valuable to that school, and it will be more valuable to the people of the United States, and it will

dians and to that section of the country The fact that it has not been done before is not a reason why it should not be done now. The fact that this company would profit by it is not an argument against it, because at the same time that this company is profiting by the use of the land, so will every Indian who attends that school and that whole

be more valuable during all that period of 20 years to the In-

country profit by it.

The CHAIRMAN. The time of the gentleman has expired.

Mr. CAMPBELL. Mr. Chairman, I thought I had asked unanimous consent for 10 minutes.

The CHAIRMAN. The Chair understood the gentleman to ask for five minutes.

It was 10. I ask for 5 minutes more, Mr. CAMPBELL. Mr. Chairman.

The CHAIRMAN. The gentleman from Kansas asks unanimous consent to proceed for five minutes more. Is there ob-

There was no objection.

Mr. CAMPBELL. It has been suggested that it is unfair to that section of the country to ask Congress to authorize the leasing of a section of land for dry farming, for fear that it will give the country the impression that that country is in a semiarid section. The purpose is not to demonstrate the value solely of dry farming, but to demonstrate the value of intensive scientific farming for the benefit of the Indian, for the benefit of the white man, for the benefit of everybody in that whole section of the country.

I have some resolutions here that have been drawn up and adopted at Arkansas City, near that section of the country, and a letter, which I shall ask leave to insert as a part of my

remarks in the RECORD.

Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN. The gentleman from Kansas [Mr. Camp-BELL] asks unanimous consent to insert a letter and a resolution in the RECORD. Is there objection?

There was no objection,

Following is the letter and resolution referred to:

THE COMMERCIAL CLUB OF ARKANSAS CITY, KANS., January 17, 1912.

Hon. P. P. CAMPBELL, M. C., Washington, D. C.:

Our Commercial Club and the farmers of this section of the country have been giving careful and serious attention and study to W. H. Campbell's system of intensive scientific soil culture and farming during the past two years. We have satisfied ourselves that in most seasons our section of country has a sufficient rainfall, if properly conserved, to mature any crops that can be grown in our section of country. In a crude way some of our farmers have been experimenting by following as nearly as they could the system advocated by Mr. Campbell.

The Campbell Soil Culture Co., of Lincoln, Nebr., who have capitalized the ideas of Mr. Campbell on the question of scientific farming, have made a proposition to our Commercial Club which we believe, with some modifications, perhaps, is a practical proposition. And we are anxious to have the same carried through, and we believe that if it can be that it will result in grent good in developing our farming interests in this section of the country and the obtaining of results from farming that will place our soil as the most productive of any in the world.

interests in this section of the country and the obtaining of results from farming that will place our soil as the most productive of any in the world.

The average farmer says in regard to the Campbell system that it is all right, but it can not be successfully carried on in large farming. The Campbell Soil Culture Co. proposes to take 640 acres and to carry on an experimental demonstration farm upon this tract of land for a period of not less than 10 years—our idea would be to make it not less than 20—conducting a model farm in every way, in improvements, machinery, culture of the soil, and commercial truck gardening in the most intense and scientific manner; pure seed, horticulture fruit, and ornamental trees and shrubbery, and to show to the people, and farmers in particular, that this farming can be carried on successfully on a large farm as well as upon a small tract. The farm would always be open to agricultural students who may wish to secure firsthand information on genuine farming. This instruction by observation would be without cost.

The Government owns 13½ sections of land immediately south of this city, known as the Chilocco Reservation, used in connection with the Chilocco Indian Schools. What better thing could Congress do than to authorize the Secretary of the Interior or the Commissioner of the General Land Office to enter into a contract with the Campbell Soil Culture Co., agreeing that if it will maintain an experimental demonstration farm on 640 acres of this land on the lines suggested above for a period of not less than 15 years, and 25 years if they could be induced to enter into a contract for that length of time, that at then the Government would convey to it said land in fee simple.

The Government is expending hundreds of thousands of dollars annually in maintaining experimental stations at all of our State agricultural schools and at other stations. This proposition is in line with what the Government is comment to will not adopt any means that would be more effective and cost as l

J. Mack Love, President. WM. Klunerly, Secretary Commercial Club of Arkansas City, Kans.

ARKANSAS CITY, KANS., January 19, 1912.

Hon. P. P. CAMPBELL, Washington, D. C.

Hon. P. P. Campbell, Washington, D. C.

My Dear Ma. Campbell: I want to supplement the official commercial club letter which I herewith inclose you by a personal appeal of my own in support of this proposition.

I have been investigating Mr. H. W. Campbell's system of scientific intense soil culture for the past six or eight years and have observed the results growing out of an intelligent application of his theories in different parts of the country. And I have satisfied myself that in the semiarid sections of our country it is the most efficient idea that has been advanced to improve our farming methods. It does not require any extra expenditure of money in the way of improvements such as surface irrigation or subirrigation would necessitate. It requires very little additional labor, but it does require a scientific knowledge of your soil and its conditions and requirements, what to do, and when to do it, with practically the same tools that have been used by our farmers in the past. This knowledge and intelligence applied to farming, I am satisfied, will bring as great results as this letter inclosed predicts.

I know that there are some most respectable authorities that are not favorably impressed with Mr. Campbell's idea. I know that some of the employees in the Bureau of Agriculture are not enthusiastic over his idea. Some of these people have theories of their own. I have investigated different theories and they all have more or less merit in them, but my observation and experience leads me to believe that there are none of them that equals Mr. Campbell's.

Here is a proposition that will do, in my opinion, more good for the farming interests of Kansas and Oklahoma than any other proposition that can be encourage this scheme. Most of the farmers, you know, are "from Missouri and must be shown," and a practical experimental demonstration farm successfully conducted and managed as this one must be will do more to start the farmers on the right line than all of the papers and schools that you could gather t

Mr. McGUIRE of Oklahoma. Mr. Chairman, I desire to speak to the merits of this amendment for a minute. This Chilocco Indian Reservation, as has been stated by the gentleman from Kansas [Mr. Campbell], comprises 13½ sections. It lies adjacent to the Kansas line. The nearest point is 4 miles from the city of Arkansas City, in Kansas, in the third district of Kansas, represented by the gentleman from Kansas. Just south of it, 5 miles from the nearest point of the reservation, is the county seat of Kay County, Okla., the county in which this land is located—the town of Newkirk.

With a view to supporting the measure if possible I took up.

With a view to supporting the measure, if possible, I took up the matter with the citizens of Kay County, Okla. I wanted, if possible, to indorse this proposed amendment. Every person from whom I heard on the subject was opposed to it. They are citizens of Kay County. The gentlemen asking for it are in Kansas. The only person in Kansas from whom I have heard concerning it was an attorney, a friend of mine, living at Arkansas City, the place in which I understand the resolutions

to be printed in the RECORD were produced.

In the first place, this is not an arid country. There is not an acre of that land in its wild state that is worth less than \$40. The improved land in this same section sells for in the neighborhood of \$100 an acre. Land when leased in this section of the State of Oklahoma leases for about \$4 per acre.

Now, observe: This amendment proposes to lease this land for 20 years. The 640 acres are worth about \$2,500 a year and in 20 years would net in cash—that is, the rental given to these parties—more than \$50,000. It is nothing more and nothing less than a proposed speculation by these gentlemen who want this land.

Mr. FOSTER. Mr. Chairman, will the gentleman yield? The CHAIRMAN. Does the gentleman from Oklahoma yield

The CHAIRMAN. Does the gentleman from Oklahoma yield to the gentleman from Illinois?

Mr. McGUIRE of Oklahoma. I do, with pleasure.

Mr. FOSTER. Then I understand that it is simply giving to these people 640 acres of free land?

Mr. McGUIRE of Oklahoma. Yes; if it could be done. Not only that, but here is an agricultural college within 50 miles of it, where the most scientific farming is carried on. I doubt whether the Campbell Co. would do any more in the way of scientific experimentation than the agricultural college of Oklahoma is doing. homa is doing.

More than that, we have now editing in the State of Oklahoma a farm journal one of the best posted men in Oklahoma, and one who was at the head of the Oklahoma State Agri-cultural College for many years. He would take this land and pay a rental for it for any number of years. I doubt if there is a more skillful or more scientific farmer in America

than the editor of that paper.
So it resolves itself into this proposition: Certain gentlemen would like to secure a section of as fine land as there is anywhere in the State of Oklahoma, and I never saw a finer agricultural country. The land there is very much like the agricultural land in southern Illinois. That is what it means—to give these parties this land.

Now, just a word as to the point of order. Mr. BURKE of South Dakota. Let the gentleman make the point of order.

Mr. McGUIRE of Oklahoma. Mr. Chairman, I make the point of order that it changes existing law, that it is unauthor-The CHAIRMAN. The gentleman from Oklahoma makes the

point of order on the amendment. Does the gentleman want to be heard on the point of order?

Mr. McGUIRE of Oklahoma. For a moment. The act of

May 17, 1882, contains this provision of law:

And the Secretary of the Interior is hereby authorized to cause to be constructed, at a point in the Indian Territory adjacent to the southern boundary of the State of Kansas and near to the Ponca and Pawnee Reservations, and upon a section of land suitable in quality and location for the industrial purposes of said school, which section of land is hereby reserved for said purpose, a building suitable in size and convenience for the instruction and care of 150 Indian children; and shall cause to be instructed therein in the English language and in industrial pursuits the children of such of the Indian tribes located in the Indian Territory as are least provided for under existing treaties or laws; and for this purpose there is hereby appropriated the sum of \$25,000, or so much thereof as may be necessary, to be immediately available: Provided, That not exceeding \$15,000 of this sum shall be expended in the erection, completion, and furnishing of said building.

That is the law that we have upon this subject. The President of the United States, after this institution was located, promulgated this proclamation:

EXECUTIVE MANSION, July 12, 1884.

It is hereby ordered that the following-described tracts of country in the Indian Territory, viz, sections 13, 14, 15, 16, 21, 22, 23, 24, 25, 26, 27, 28, and the east half of sections 17, 20, and 29, all in township No. 29 north, range No. 2 east of the Indian meridian, be, and the same are hereby, reserved and set apart for the settlement of such friendly

Indians belonging within the Indian Territory as have been or who may hereafter be educated at the Chilocco Indian Industrial School in

That proclamation was July 12, 1884.

This region, or what is now the State of Oklahoma, was then all designated in the law as the Indian Territory.

This same country was opened to settlement for white people on the 16th day of September, 1893. I do not know what authority the President had for the proclamation of 1884. as the question at issue is concerned, it makes no difference. Congress evidently desired, before the country was opened to settlement, to give validity to the President's proclamation, and the following provision of law was passed in March, 1893, and the country was opened to settlement on the 16th of September,

Sections 13, 14, 15, 16, 21, 22, 23, 24, 25, 26, 27, 28, and the east half of sections 17, 20, and 29, all in township No. 29 north of range No. 2 east of the Indian meridian, the same being lands reserved by Executive order dated July 12, 1884, for use of and in connection with the Chilocco Indian Industrial School, in the Indian Territory, shall not be subject to public settlement, but shall, until the further action of Congress, continue to be reserved for the purposes for which they were set apart in the said Executive order. And the President of the United States, in any order or proclamation which he shall make for the opening of the lands for settlement, may make such other reservations of lands for public purposes as he may deem wise and desirable.

It will be noticed that the President's proclamation, which is now in force, and which can only be changed by the enactment of law, reserves this land and sets it apart for the settlement of such friendly Indians belonging within the Indian Territory as have been or may hereafter be educated at the Chilocco In-

dustrial School in such Territory.

The situation in that country at that time was this: There were no settlements. The entire State of Oklahoma, excepting the Five Civilized Tribes, was all grazing territory. There were various Indian tribes located there, but they were not farming. The land was grazed by southern cattle, which roamed over it in immense herds. They were encroaching upon the territory adjacent to the school, and the history of it is that the Indians would bring their children there, but they had no places to camp, no places to stop, no places to pitch their tepees, and the President reserved these sections of land for them to live upon while they were in attendance there at that school, and the purpose set forth in that proclamation has not been changed. In fact, the proclamation has been given validity by the Congress of the United States. Therefore it requires an act of Congress to change the terms of it. The terms are that these sections are reserved for these friendly Indians who desire to educate their children.

Mr. STEPHENS of Texas. Mr. Chairman, I think there can be no question that this is new legislation. This land, 7,000 or 8,000 acres in extent, is reserved for school purposes and is now being used for those purposes. Of course, if it can be diverted to any other channel, new legislation is necessary to divert it from the channel in which it is now being used. think there is no question about it being subject to the point of

order.

The CHAIRMAN. The Chair understands that there is no warrant of constitutional or statutory authority authorizing an agent of the Government to enter into a contract with a company or corporation for such a purpose as this amendment proposes. The amendment clearly provides a new venture in experimental farming, and it also provides compensation therefor, the proceeds of the farm, for 20 years. There is no question in the opinion of the Chair but that all of these features of the amendment are new legislation. The point of order is sustained. The Clerk will read.

The Clerk read as follows:

For pay of one stenographer and typewriter, \$900 per annum, in addition to employees otherwise provided for at the Shawnee Agency.

Mr. FOWLER. Mr. Chairman, I reserve a point of order to

the paragraph just read.

Mr. STEPHENS of Texas. Mr. Chairman, this is the same kind of an item that the Chair ruled on three times yesterday. It has been recently ruled on by other Chairmen. This item provides for the pay of one stenographer and typewriter, \$900 per annum, in addition to employees otherwise provided for at the Shawnee Agency. This item is now segregated instead of being included in the lump sum. It creates no new office and no new conditions concerning it, except to transfer it from one part of the bill to another.

Mr. FOWLER. Mr. Chairman, I desire to be heard briefly on the point of order. The statute which gives the authority for the appropriation for this agency I have before me.

reads as follows:

Each head of a department is authorized to employ in his department such number of clerks of the several classes recognized by law and such

messengers and assistant messengers, copyists, watchmen, laborers, and other employees, and at such rates of compensation, respectively, as may be appropriated for by Congress from year to year.

That is section 169 of the Revised Statutes of the United States, and is found on page 27. Section 158 provides for the different departments in name, such as the Department of Justice, the Department of the Navy, the Department of War, and the Post Office Department, enumerating all of the executive departments.

The rule of the House which relates to this question is paragraph 2 of Rule XXI, found on page 400 of the Rules of this

House:

No appropriation shall be reported in any general appropriation bill or be in order as an amendment thereto.

It was said on yesterday by my distinguished colleague from Illinois, Mr. Mann, that the recent rulings of the Chair during this session of Congress had been to overrule points of order made against provisions in appropriation bills which provide for new offices and fix the salaries thereof. I desire to call the attention of the Chair to the appropriation bill for the District of Columbia. On page 65 of that bill for this session was a provision for one sanitary and food inspector. There was a point of order made against that provision of the bill, which was There was a point sustained by the Chair.

Mr. FERRIS. Will the gentleman yield?
Mr. FOWLER. I had a systematic way of presenting this question, and I had desired to do it in my own way, but I will yield.

Mr. FERRIS. I do not care to interrupt the gentleman, only to say that that was a clear case of creating a new office, whereas the paragraph under consideration does not add a

single office.

Mr. FOWLER. Mr. Chairman, I think I will be able to show that this section does create a new office absolutely. In an appropriation bill for the Department of Agriculture for this session of Congress there was, on page 62, a provision for 10 skilled laborers at \$840 each. A point of order was made to this provision of the bill and it was sustained by the Chair. On page 69 of the same bill there was a provision for increasing the salary of a clerk, one executive clerk, \$1,600; the amount provided for in the existing law was \$1,400, an increase of \$200. A point of order was made to that provision of the bill and the Chair sustained the point of order. The paragraph under consideration provides for one stenographer and typewriter, and fixes the salary at \$900 per annum, in addition to employees otherwise provided for at the Shawnee Agency.

Now, Mr. Chairman, it is perfectly clear that the work which is intended to be done by this typewriter has been done by the clerk of the Shawnee Agency, who had no fixed identity nor a fixed salary. Now, here is an effort to divide that work, to give it to an additional new officer created by this bill and at a fixed salary. The authority for the performance of the duties at that agency is under the section of the law which I have read here-169 of the Revised Statutes. Up to this time there has been no designated officer for that agency by law. The only way that the work has ever been done by that agency has been by and under the authority and direction of the head of that department, by employing whatever labor was necessary in order to discharge the duties of that agency.

Now, it is sought here to designate and set apart a new position known as the typewriter and stenographer, whereas in fact there has been in the past no such office. To contend that this paragraph does not create an office and fix the salary thereof is to deny the plain intent and meaning of the English language

I desire to call the attention of the Chair to a famous ruling

upon this question by a famous chairman in the past:

On February 27, 1906, the Army appropriation bill was under consideration in Committee of the Whole House on the state of the Union when certain paragraphs were read providing for certain clerks, watchmen, and so forth, at the headquarters of the division of the Department of the Army. Mr. James A. Tawney, of Minnesota, made the point of order to these expenditures that they were not authorized by law. On February 28 there was a debate upon this proposition and the ruling of the Chair, Mr. Hull, of Iowa, in which he said:

The gentleman from Minnesota makes the point of order that the items on pages 9 and 10, providing for an increase in the number of clerks, messengers, and laborers at the headquarters of the division of the department and office of the Chief of Staff are obnoxious to clause 2, Rule XXI. So much of that clause as applies to this case is as follows.

Then he read section 169 of the Revised Statutes, the same as that which I have just read.

Mr. CAMPBELL. Will the gentleman yield for a correction? Mr. FOWLER. I will yield.

Mr. CAMPBELL. The gentleman from Iowa, Mr. Hull, had charge of the bill on the floor and was not in the chair.

Mr. FOWLER. I was only speaking from recollection; not having been here, I depended on my recollection from reading the decision. It may possibly be, but my recollection still is that Mr. Hull was in the chair.

Mr. CAMPBELL. He was chairman of the Committee on Military Affairs, and had charge of the bill on the floor, and

endeavored to have the point of order overruled.

Mr. FOWLER. The gentleman from Minnesota, Mr. Tawney,

made the point of order.

Mr. CAMPBELL. Yes; and the gentleman from Iowa resisted the point of order, and contended that the item was not

subject to a point of order.

Mr. FOWLER. That may be true, Mr. Chairman. I believe
Mr. Boutelle, of Illinois, was in the chair. In passing upon the question further the Chairman said:

The gentleman from Minnesota [Mr. Tawney] makes the point of order that the items on pages 9 and 10 for an increase in the number of clerks, messengers, and laborers at headquarters of divisions and departments and the office of Chief of Staff are obnoxious to clause 2 of Rule XXI. So much of that clause as applies to this case is as

order that the Hems on pages 9 and 10 for an increase in the number of cierks, messengers, and laborers at headquarters of divisions and departments and the office of Chief of Staff are obnoxious to clause 2 of Rule XXI. So much of that clause as applies to this case is as follows:

"No appropriation shall be reported in any general appropriation bill, or be in order as an amendment thereto, for any expenditure not previously authorized by law."

The first question is, What law authorizes this appropriation? The only law referred to is that contained in section 160 of the Revised Statutes, which is as follows:

"Bach head of a department is authorized to employ in his department such number of cierks of the several classes recognized by law, and such messengers, assistant messengers, copylists, watchmen, laborers, and other employees, and at such rate of compensation, respectively, as may be appropriated for by Congress from year to year."

The next question, of course, is whether these cierks referred to intens to which objection has seen patternt. The employed by the head of the chair of the chair law. Hopkins], as referred to on page 2404 of the RECORD, third session Fifty-fifth Congress, but it appears at that time the Chairman of the Committee of the Whole was not familiar with the ruling of the Attorney General, which has been submitted to. In that ruling, which was referred to in the following year in the decision made by the occupant of the chair at that time [Mr. Sheman, of New York) overruling the decision of Mr. Hopkins, are found these words defining a department:

"The department, with its bureaus or branches, is, in contemplation of the law, an establishment distinct from the branches of the public service and the officers thereof which are under its supervision."

This will be found in volume 13 of the opinions of the Attorney General, on page 207. It seems, therefore, that in arriving at a conclusion on this question the present occupant of the clair must hold that a department, as referred to i

Mr. BURKE of South Dakota. Will the gentleman yield?

Mr. FOWLER. Yes; I will yield.
Mr. BURKE of South Dakota. I take it the gentleman is assuming that this creates a position and that the Secretary of the Interior has the power to create such a position. Is that his position?

Mr. FOWLER. My position is, Mr. Chairman, that this paragraph creates a new office not authorized by law and fixes a salary not authorized by law.

Mr. BURKE of South Dakota. Will the gentleman allow me to interrupt him?

Mr. FOWLER. No; I do not care to be interrupted, unless the gentleman wants to ask a question.

Mr. BURKE of South Dakota. I want to cite a statute which I am sure the gentleman has overlooked.

Mr. FOWLER. If the gentleman desires to read a statute

I have no objection whatever.

Mr. BURKE of South Dakota. Then I will read a statute,

This is contained in the act of June 7, 1897, a reenactment of the act of 1875, and provides:

That hereafter not more than \$10,000 shall be paid in any one year for salaries or compensation of employees regularly employed at any one agency for its conduct and management, and the number and kind of employees at each agency shall be prescribed by the Secretary of the Interior.

Now, up to the limitation of not exceeding \$10,000 the Secretary of the Interior has the authority to employ these people. They are now employed, and now we are simply providing for them specifically out of the lump sum. Mr. FOWLER. Mr. Chairman, I will finish the decision of

the Chair in a former ruling in this House, which I was reading when interrupted by the gentleman from South Dakota [Mr.

It would appear, therefore, from the ruling of the Attorney General and from these decisions that the clerks of the Government outside of the departments in Washington must be provided for by specific law, and that items in an appropriation bill providing for such clerks or increasing their number beyond that previously provided by law would not be in order. The Chair therefore is constrained to sustain the point of order. of order.

I desire to call the attention of the Chair to another famous ruling, made by Mr. Hull, of Iowa, upon this same point of order

in 1896; in which my contention is sustained.

in 1896, in which my contention is sustained.

3080. The law having established an office and fixed the salary it is not in order on an appropriation bill to provide for an unauthorized office and salary in lieu of it. On February 17, 1896, the Agricultural appropriation bill was under consideration in Committee of the Whole House on the state of the Union. The paragraph relating to the salaries in the Burcau of Animal Industry having been reached Mr. Leonidas F. Livingston, of Georgia, made the point of order that the appropriation of salary for the chief clerk had been omitted, although the statute organizing the department specified that there should be such cierk and fixed his salary, and that an assistant chief of division not authorized by law was appropriated for.

The Chairman ruled that the point of order was well taken.

Mr. STEPHENS of Texas. Mr. Chairman, I desire to state to the gentleman that these are provided for in the lump sum of \$85,000.

Mr. FOWLER. Mr. Chairman, that is no information to me at all. I can understand, and I have tried to make myself clear, that there is a distinction in the authority to create clerks and places in the city of Washington at the heads of departments and creating them in the various departments outside of the city of Washington.

The law itself makes this distinction, the Attorney General of the United States makes this distinction in his ruling, and the rulings of the former Chairmen of this House have fol-

lowed that ruling.

The CHAIRMAN. The Chair trusts that the gentleman from

Illinois [Mr. Fowler] will be brief.

Mr. FOWLER. I will take but little more time, Mr. Chairman. There is this distinction, Mr. Chairman, between this provision in this bill and the provision that the Chair has ruled upon in the past: The provisions that were made in the previous portions of this bill were made for the purpose of doing certain work, as that of a clerk at an agency, which has been performed by employment by the head of the bureau. That is not a case of a clerk, but is the case of employing clerical help, designating him as a typewriter and stenographer, and fixing salary therefor. Now, Mr. Chairman, the ruling during this session of Congress has been, invariably, whenever a position of this character has been created by a provision in an appropriation bill, to sustain a point of order whenever it has been made, and there is not an exception to the statement which I have made up to the time of the consideration of this bill, and I repeat, Mr. Chairman, that the creation of this typewriter and stenographer is not a necessary incident to the Shawnee Agency, because any servant who has been performing these duties in the past, or any laborer who has been hired for that purpose, or anyone who, by the Commissioner of Indian Affairs, has been appointed at that agency for the purpose of discharging this duty might have also been required to perform the general duties of a clerk. Now it is proposed by this bill to separate this duty into two parts by leaving the general work of the clerk to be done the same as heretofore, by appointment by the Commissioner of Indian Affairs at a sum fixed by the commissioner, and to create the office of stenographer and typewriter, and, further, to also take away from the commissioner the right to fix the salary.

The power to create one position of this character for this agency carries with it the authority to create two positions or any number of like positions. The right to fix \$900 as the salary of this office carries with it the power to fix it at \$9,000 or any other sum, however great. To hold that this is not new legislation and subject to a point of order is to destroy the rule which is here invoked. The Chair ought to sustain the point

of order or have the rule repealed.

The CHAIRMAN. The gentleman from Illinois in his elabobecause I would like to bring it to the attention of the Chair. rate and careful presentation has gone into a good many details not relative to the point of order, as the Chair sees it. For instance, he cites, I believe, in the first reference that a clerk in some previous ruling had had a salary increased by \$200. That was clearly new legislation and subject to a point of order. Later he gives numerous citations which pertain entirely to employees and departments within the District, and last he gives a citation on the increase of clerks and of salaries. The Chair has held, as he believes he has authority for so doing, that this appropriation for these clerks is already provided in this bill in a lump sum. The committee has not sought to usurp any legislative authority, because it is already authorized by law to do that very thing. The committee has seen fit to subdivide this lump appropriation into subsequent paragraphs and specify thereby what shall be done with the lumpsum appropriation. That, in the opinion of the Chair, is not new legislation, and the Chair therefore overrules the point of The Clerk will read.

The Clerk read as follows:

For pay of one assistant clerk at \$720, one constable at \$540, and one lease clerk at \$800 per annum, in addition to employees otherwise provided for at the Sac and Fox Agency, Okla.; in all, \$2,060.

Mr. FOWLER. Mr. Chairman, I make a point of order to the paragraph just read. I do not desire to be heard.

Mr. STEPHENS of Texas. Mr. Chairman, I desire the Chair

to rule. This is on all fours with the previous paragraph.

The CHAIRMAN. The Chair overrules the point of order.

The Clerk read as follows:

For pay of one financial clerk at \$720, one assistant clerk at \$780 per annum, in addition to employees otherwise provided for at the Seneca Agency; in all, \$1,500.

Mr. FOWLER. Mr. Chairman, I make the point of order to this paragraph of the bill. I do not care to be heard.

The CHAIRMAN. The Chair overrules the point of order.

The Clerk read as follows:

FIVE CIVILIZED TRIBES.

SEC. 18. For expense of administration of the affairs of the Five Civilized Tribes, Oklahoma, and the compensation of employees. \$150,000: Provided, That \$25,000, or so much as may be necessary, of the above amount is hereby appropriated and made immediately available for payment of salaries of persons employed in connection with the work of advertising and sale of surplus and unallotted lands and other tribal property belonging to any of the Five Civilized Tribes, to be expended under the direction of the Secretary of the Interior: Provided further, That during the fiscal year ending June 30, 1913, no money shall be expended from the tribal funds belonging to the Five Civilized Tribes, except for schools, without specific appropriation by Congress.

Mr. FOWLER. Mr. Chairman, I reserve a point of order on this paragraph.

Mr. MILLER. Mr. Chairman, I raise a point of order on this paragraph. I am a member of the committee.

Mr. FOWLER. Mr. Chairman, I make a point of order to the whole paragraph.

The CHAIRMAN. Did the gentleman from Minnesota [Mr.

MILLER] make a point of order? Mr. MILLER. I make a point of order on so much of the paragraph just read as is contained in lines 13 to 24, inclusive. It means a new proviso.

Mr. FOWLER. Mr. Chairman, I make a point of order on the full paragraph, and I do not desire to be heard on it.

[Mr. MILLER addressed the committee. See Appendix.]

Mr. FERRIS. Mr. Chairman, as I said some time ago in the colloquy with the gentleman from Minnesota [Mr. MILLER], I want to get the form of his point of order settled before I address my remarks to it. Did the gentleman make two points of order as to the two different provisos?

Mr. MILLER. No; I made one point of order; but I said the argument would be a little different on each of the two provi-

sions.

Mr. FERRIS. The matters are entirely foreign to each other. Will the gentleman now allow the point of order to be passed upon which affects the first proviso? If so, I can then address my remarks to the second.

Mr. MILLER. I will ask the gentleman if he would rather do it in that way than to have the point of order sustained as

to both and then offer the other as an amendment?

Mr. FERRIS. I concede the point of order as to the deficiency appropriation, and I suggest that that be disposed of, in order that we may then bring before the committee the second matter. If the gentleman will not agree to that, then I will have to offer the second proposition as an amendment.

Mr. MILLER. I will accommodate the gentleman. Mr. FERRIS. Then if the Chair will rule on the point of order as to the first proviso, I concede that it is good. I had rather hoped the gentleman would not make it, because it gives them \$25,000 to pay the deficiency with that they seem to have accumulated.

Mr. MANN. Does not the gentleman think it would be more advisable to have the Chair rule on the entire point of order, pages 8 and 9.]

because then the Chair would express an opinion upon each proposition? Perhaps, then, the gentleman from Oklahoma might be able to persuade the gentleman from Minnesota to leave the first item in the bill.

Mr. FERRIS. No; I really do not think so for the reason it would merely cumber the RECORD to reoffer and reinsert the paragraph without really accomplishing anything, so far as I can see. They are, as a matter of fact, two distinct propositions, hence I can see no wrong in the procedure suggested by me. I ask unanimous consent that the gentleman's point of order may be segregated and the first proviso be passed upon which I concede. That will leave the bill with the second proviso in, which is the limitation on the department in expending Indian funds, the only thing at issue.

The CHAIRMAN. The point of order as to the first proviso

is sustained.

Mr. FERRIS. Mr. Chairman, the gentleman from Minnesota, at great length, produces numerous and sundry laws which he says this provision repeals. About that I have no question and will not debate with him for one moment. I do not think we are at variance so far as the facts are concerned so far as they apply to the pending point of order. It does repeal the remnants of laws scattered over several appropriation bills, scattered over several special acts, scattered through many previous laws; but, to take up the gentleman's argument where he left it, he concedes that it is a wiping out and reduction of officers, and in order to emphasize that point I will read the so-called Holman rule:

No appropriation shall be reported in any general appropriation bill, or be in order as an amendment thereto, for any expenditure not previously outhorized by law—

Now, if it stopped there the gentleman's argument would certainly be good, our case would be lost, and the Chair would have nothing to bewilder him or perplex him in ruling. But look what follows:

unless in continuation of appropriation for such public works and objects as are already in progress.

This would not and could not confuse the Chair, for it has no application here.

Nor shall any provision in any such bill or amendment thereto, changing existing law, be in order except such as, being germane to the subject matter of the bill—

No one will question the germaneness of the provision, for this is the Indian Committee, having jurisdiction over Indian matters. Let me proceed with the rule—

shall retrench expenditures by the reduction of the number and salary of the officers of the United States—

The gentleman's whole argument is that we are going to work havoc and ruin because we are going to do what? Because we are going to retrench and cut down the officers and their salaries-211 of them now, under one roof in one block. Let me continue:

by the reduction of the number and salary of the officers of the United States, by the reduction of the compensation of any person paid out of the Treasury of the United States, or by the reduction of the amounts of money covered by the bill: Provided, That it shall be in order further to amend such bill upon the report of the committee or any joint commission authorized by law or the House members of any such commission having jurisdiction of the subject matter of, such amendment, which amendment being germane to the subject matter of the bill, shall retrench expenditures.

Now, Mr. Chairman, I hold in my hand a report from the Commissioner of Indian Affairs giving the expenditures for the Five Civilized Tribes for the last fiscal year. Let me call it to the attention of the committee.

STATEMENTS SHOWING AMOUNTS OF MONEY APPROPRIATED AND USED BY FIVE CIVILIZED TRIBES. JANUARY 25, 1912.

Statement showing total amount of money used during the fiscal year 1911 for the Five Civilized Tribes for all purposes, including tribal funds.

[Furnished by the Indian Bureau to the subcommittee preparing the Indian appropriation bill for the fiscal year ending June 30, 1913.]

	Per capita payments.	Salaries.	Attorneys' fees.	Support and civili- zation.	Total.
All tribes jointly, in- cluding appropri- ation for adminis- tration of affairs. Choctaws. Checkasaws. Creek. Cherokee. Seminoles.	\$98, 135. 67 32, 711. 93	\$270,033.10 70,577.07 29,254.33 39,329.47 25,206.35 10,525.33	\$25, 132, 09 6, 382, 62 19, 523, 80 6, 789, 76	\$124, 927, 71 260, 805, 59 106, 762, 20 58, 148, 84 106, 132, 79 17, 645, 53	\$394, 960. 81 454, 650. 22 175, 111. 08 117, 002. 11 133, 128. 93 28, 170. 86
Total	130,847.00	444, 925. 65	57,828.27	674, 422. 46	1,308,023.99

[See House Document No. 208, Sixty-second Congress, second session,

Statement showing total money appropriated by Congress for the Five

Civilized Tribes for 1908, 1909, 1910, 1911, and 19.	12.
1908.	
Commission Five Civilized Tribes	300, 000. 00 15, 000. 00
Tribes	25, 000 00
Investigation of fraudulent leases, etc.	25, 000 00 10, 000, 00 6, 000, 00
Clerical and other expenses, town lots, etc	6, 000, 00
Leasing of mineral and other lands, etc	30, 000. 00 30, 000. 00
Sale of inherited and other lands, etc.	18 000 00
Incidentals, inspector's omce, including employees	22, 000, 00
Incidentals, inspector's office, including employees	10,000,00
Care and support of insane Indian Territory	35, 000, 00
Care and support of insane, Indian Territory	35, 000, 00 10, 000, 00
- Carperson Control of the Control o	
Total	743, 000. 00
1909.	
G . I . I . I' . Cl-III . I mallan	140 410 00
Trains schools Pive Civiliand Philas	143, 410, 00 300, 000, 00
Core of emban Indian children Five Civilized Telbas	10, 000, 00
Protecting property interests of minor allottees etc	90, 000, 00
Commission Five Civilized Tribes	15, 000, 00
Removal of intruders, etc.	90, 000, 00 15, 000, 00 20, 000, 00
Removal of restrictions, allotted lands.	25, 000, 00
Investigation of fraudulent leases	10, 000.00
Investigation of fraudulent leasesSale of inherited and other lands	15, 000. 00
Leasing of mineral and other lands	40, 000. 00
Clerical and other expenses, town lots	6, 000. 00
Care and support of insane Indians in Oklahoma	20, 000, 00
Leasing of mineral and other lands. Clerical and other expenses, town lots. Care and support of insane Indians in Oklahoma Incidentals in Oklahoma, including employees	22, 000. 00
Total	
1910.	1,20, 220.00
1910.	
Pay of superintendent, Union AgencyClerical and other expenses, town lots, etc	4, 500, 00
Clerical and other expenses, town lots, etc	6, 000, 00
Leasing of mineral and other lands	30, 000, 00
Appraisal and sale of restricted lands	25, 000. 00
Removal of intruders, Five Civilized Tribes	17, 000. 00
Removal of restrictions, allotted lands	25, 000. 00 17, 000. 00 15, 000. 00 90, 000. 00
Clerical and other expenses, town lots, etc. Leasing of mineral and other lands. Appraisal and sale of restricted lands. Removal of intruders, Five Civilized Tribes. Removal of restrictions, allotted lands. Protecting property interests of minor allottees. Protecting property interests of minor allottees (deficiency)	50, 000. 00
ficiency)	10, 000. 00
Indian schools, Five Civilized Tribes	150, 000, 00
Indian schools, Five Civilized Tribes	150, 000, 00 140, 000, 00
Total	487, 500. 00
1911.	
Administration of affairs, Five Civilized Tribes.	200, 000. 00
Administration of affairs, Five Civilized Tribes (reimbursable), deficiency act Mar. 4, 1911 Protecting property interests of minor allottees Equalizing allotments Chickasaw freedmen. Court costs, etc., in suits of Indian allottees Indian schools, Five Civilized Tribes.	30, 000, 00
Protecting property interests of minor allottees	90 000 00
Equalizing allotments Chickasaw freedmen	20, 000, 00
Court costs, etc., in suits of Indian allottees	10, 000. 00
Indian schools, Five Civilized Tribes	20, 000. 00 10, 000. 00 75, 000. 00
Total	425, 000, 00
1912.	
	4EE 000 00
Administration of affairs Five Civilized Tribes, 1912 Protecting property interests minor allottees, Five Civi-	175, 000. 00
ligad Teibes 1912	100, 000, 00
lized Tribes, 1912	100, 000, 00
Total	275, 000, 00
In relation to money expended in connection with the	

In relation to money expended in connection with the Five Civilized Tribes in Oklahoma the Secretary of the Interior, in response to Senate resolution of January 9, 1911, sent to the Senate a communication from the Commissioner to the Five Civilized Tribes, dated February 3, 1911, transmitting therewith a statement taken from the records of his office, showing the expenditures from congressional appropriations of \$2,791,840 68 from March 3, 1893, to December 31, 1910, and showing the total area allotted to the Indians of the Five Civilized Tribes to be 15,945,260,12 acres, at a cost per capita of \$27.58 to each of the 101,227 citizens allotted.

There was also transmitted a copy of a letter from the acting superintendent of the Union Agency, dated January 28, 1911, submitting, a statement of expenditures in connection with schools among the Five Civilized Tribes from July 1, 1808, to June 30, 1910, aggregating \$5.832,291.15, of which amount \$4.693,697.25 was paid from tribal funds, \$1,021,983.77 from congressional appropriation fund "Indian schools, Five Civilized Tribes," \$108,927.10 from the fund "Indian schools, Five Civilized Tribes, surplus court fees," and \$7,683.03 from the fund "Care orphan Indian children." (See S. Doc. No. 825, 61st Cong., 3d sess.)

The Commissioner of Indian Affairs has submitted a statement show-

schools, Five Civilized Tribes, surplus court fees," and \$7,083.05 from the fund "Care orphan Indian children." (See S. Doc. No. 825, 61st Cong., 3d sess.)

The Commissioner of Indian Affairs has submitted a statement showing the total amount of moneys used during the fiscal year 1911 for the Five Civilized Tribes for all purposes, including tribal funds. The disbursements are as follows:

\$217,080.00

Equalization payment	\$217, 030, 60
Expended from appropriations made by Congress Expended from tribal funds for general purposes, includ-	867, 283, 90
ing \$30,000 specifically appropriated for appraising	00 007 01
timberland	89, 027, 61
Tribal officers and employees, including expenses	45, 226, 08
Tribal attorneys, including expenses	57, 828, 27
Expended from miscellaneous receipts, general purposes,	01,020.21
sale of certificates, copies of records, blue prints, etc	17, 985, 40
	1, 846, 59
Refund on town-lot sales	9, 201. 71
Improvements on town lots	405.00
Taxes on forfeited lots	313, 41
10 per cent Boynton town lots	174, 66
Expended for schools:	
Appropriated by Congress\$62, 147, 13	
From surplus United States court fees_ 63, 875. 02	
From tribal funds 245, 487, 64	
From tribut runus 240, 401. 04	071 500 70
The state of the s	371, 509, 79

1, 177, 833, 04

Deducting from the aggregate, \$1,177,833.04, the following items, which aggregate \$730,796.45, leaves a balance of \$447,036.59, which is the amount used for general purposes, salaries, expenses, etc., of the Commissioner to the Five Civilized Tribes, the union agent, and the several district agents, during the fiscal year 1911:

Aggregate		\$1, 177, 833, 04
Equalization	\$217, 030, 60	
Repayment	9, 201, 71	
Appraising timberland	30, 000, 00	
Education	371, 509, 79	
Tribal attorneys	57, 828, 27	
Tribal officers	45, 226, 08	was discount
la contraction of the contractio		730, 796, 45

447, 086. 59

Mr. FERRIS. This is from the Commissioner of Indian Affairs and was brought out in reply to a question asked by myself in the Committee on Indian Affairs while the matter was being inquired about. I have printed above the figures of the gentleman from South Dakota so the House will have both sets of figures before it. The total amount of expenditures for the Five Civilized Tribes was \$1,308,023.98. The gentleman from South Dakota had some amended figures which he has put in the RECORD in the same connection, and they show that we have expended \$1,177,833.04, making a difference of something over \$100,000. I shall neither deny nor affirm the correctness of his figures, for either set of figures will answer the purpose of this argument.

Mr. BURKE of South Dakota. The gentleman from Okla-

homa ought to concede that the second figures are correct.

Mr. FERRIS. They may be so; I have no reason to think otherwise. The figures first read were the figures supplied to me in the hearings; the gentleman from South Dakota got his afterwards. I have no reason to change my figures. Both sets came from the Indian Office. I repeat, for the purpose of this argument—either set will do—either set is bad enough.

Mr. BURKE of South Dakota. I think in fairness to myself and this committee the gentleman should say that the figures I have presented were accompanied by a letter from the commissioner explaining that they were correct, and how the error crept into the other figures.

Mr. FERRIS. I know; the gentleman from South Dakota does not assume that my figures were not supplied as I have related and from the source I have stated. Now, I hold in my hand the names and salaries of the people that work at the Five Civilized Tribes of Oklahoma. Two hundred and eleven of them in number. One agency has 211 officers. For all purposes they expended last year over \$1,000.000. Some one may say they need this large sum. I deny it, and join issue squarely at the start. It is too large a sum. Some one may say that it is not all for salaries and expenses. That is true; but as the commissioner gave us in the hearings the exact figures, I want to read it item by item, so that the House can know what has transpired there. This is a statement showing the total amount of money used during the year 1911 for all purposes, including the tribal funds, furnished the committee for the fiscal year ending June 30, 1911. There was paid for administration of affairs, salaries, and so forth, \$444,925.65; attorneys' fees, \$57.828.27; support and civilization, \$674,422.46; for per capita payments, or equalization, \$130,847.60.

Of the amount that actually reached the Indians' pocketbook there was \$130,847, the sum last named.

Now, out of the total expenditure during the last fiscal year of \$1,308,000, if my figures are correct, there reached the Indians approximately \$130,847.60. Now, what is the natural thing for us to conclude? The conclusion can be but one, and that is that too many officers and too much salary and expenses down there. Five years ago our State came into the Union. On March 4, 1907, the tribal rolls were closed. There has not been any Indian enrolled since that time.

The completion and closing of the rolls in 1907 obviates that expense since that time. That expense has been fully done away with. No enrolling board has been kept there, and no one has been enrolled since that time, unless the department has done it here in Washington. Of the salaries of these employees, for which they ask this deficiency appropriation of \$25,000, independent of the \$1,308,000, I hold a list in my hand. They are 211 in number ·

	Union Agency, Okla.	Salary.	
1.	Dana H. Kelsey, superintendent	\$4,500	
2.	Richard Kessel, cashier and special disbursing agent	2, 750	
3.	Roscoe S. Cate, financial clerk	2, 400	
4.	Frank G. Janeway, chief clerk, intruder division	1,800	
5.	David Buddrus, chief clerk, accounts division	1,620	
6.	Frank H. Walkup, chief clerk, lease division	1,620	
	William M. Baker, chief clerk, royalty division		
	Perry E. Hewitt, chief clerk, sales division	1,620	
9.	Edward M Morton, chief clerk, restrictions division	1,620	
10.	Millard F. Earley, chief clerk, town-lots division	1,620	
11.	William E. Hiskey, assistant cashier	1,620	
12.	William Kremer, clerk	1. 620	
13.	Blanche Oppenhelmer, chief clerk, mail division	1,500	
14.	Minnie T. Bassett, clerk	1,500	

	Salary.	100 Tax Taxan Janifes	Salary
15. A. G. McGregor, appraiser 16. John B. O'Neil, appraiser 17. Frank A. Kemp, field clerk. 18. Frank Robb, field clerk. 19. Chester J. Klick, clerk. 20. Lee Ludlow, clerk. 21. George W. Wachtel, clerk. 22. John M. Brown, chief clerk, typewriter division. 23. John J. Lyons, appraiser. 24. William H. Van Doran, appraiser. 25. W. L. Hammond, appraiser.	1,500	128. Joe Jones, janitor 129. Manuel Haynes, janitor 130. Spencer Clanton, janitor	\$540 480 420
18. Frank Robb, field clerk 19. Chester J. Klick, clerk	1,500 1,440	130. Spencer Clanton, janitor 131. Fletcher Daniels, janitor 132. James Johnson, laborer 133. C. McDonald, chief of police 134. Richard L. Taylor, private	42 42
21. George W. Wachtel, clerk.	1, 400 1, 320	134. Richard L. Taylor, private	36 36 36
23. John J. Lyons, appraiser	1, 200 1, 200 1, 200	135. John Pusley, private 136. Thomas P. Roach, private 137. Thomas Tiger, private	210 240
24. William H. Van Doral, appraiser 25. W. L. Hammond, appraiser 26. Patrick E. Boyle, appraiser 27. Richard B. Choate, appraiser 28. George B. Rennie (temporary), appraiser 29. Charles V. Pyle, financial cierk 30. Edward J. Burke, clerk 31. Raymond Short, clerk 32. John E. Brasel, clerk 32. William C. Garrett clerk	1, 200 1, 200	138. (Now vacant), private	24 24
27. Richard B. Choate, appraiser 28. George B. Rennie (temporary), appraiser	1, 200 1, 200 1, 200	140. Wiley Jimboy, private	240
30. Edward J. Burke, clerk	1, 200 1, 200	143. Richard F. West, private 144. Joe Hilderbrand, private	240
32. John E. Brasel, clerk	1, 200 1, 200	145. Ezekiel P. Parris, private	240 240
34, J. F. Kennedy, clerk 35. James F. McClean, clerk 36. Ernest Brown, clerk	1, 200 1, 200	147. John B. Smith, private	240 240
36. Ernest Brown, clerk 37. Henry H. Hay, clerk 38. George M. McDaniel, clerk 39. Oliver C. Hinkle, clerk	1, 200 1, 200	149. (Now vacant), private	240
39. Oliver C. Hinkle, clerk 40. G. Porter Brockett, clerk	1, 200 1, 200	152. McGee Johnson, private 153. Alf McGay, private	24
41. Clarence M. Smith, clerk	1, 200 1, 200	154. Zennie McIntosh, private 155. Sampson C. McKinney, private	24 24
43. John G. Hough, clerk 44. John M. Simpson, expert farmer	1, 200	156. George Nelson, private	240 240
46. Frank Gibbs, expert farmer	1, 200	158. William H. McKinney, private	240
48. James W. Reynolds, expert farmer 49. Claren M. Brandt, expert farmer	1, 200 1, 200	161. James Patterson, private	24 24
50. Kyle Gray, expert farmer 51. John W. Ijams, expert farmer	1, 200 1, 200	163. Freeland G. Alex, private 164. Daniel A. Long, private 165. James H. Alexander, private	24 24
52, Alvin A. Bear, additional farmer 53, Alfred J. Kriete, bookkeeper	1, 200	165. James H. Alexander, private	240 240 240
55. John T. Wilkinson, stenographer	1, 200	DISTRICT AGENTS.	24
37. Henry H. Hay, clerk. 38. George M. McDaniel, clerk. 39. Oliver C. Hinkle, clerk. 40. G. Porter Brockett, clerk. 41. Clarence M. Smith, clerk. 42. James R. Taylor, ir., clerk. 43. John G. Hough, clerk 44. John M. Simpson, expert farmer. 45. Charles W. Cranford, expert farmer. 46. Frank Gibbs, expert farmer 47. Edward A. Porter, expert farmer 48. James W. Reynolds, expert farmer 49. Claren M. Brandt, expert farmer 50. Kyle Gray, expert farmer 51. John W. Hams, expert farmer 52. Alvin A. Bear, additional farmer 53. Alfred J. Krlete, bookkeeper 54. Robert W. Quarles, jr., assistant clerk 55. John T. Wilkinson, stenographer 56. Meda Potter Hunt, stenographer 57. Mabel L. Shoults, stenographer 58. W. S. Boren, clerk	1, 200 1, 080	168. Amasa J. Ward, supervising district agent	2, 00
60 Laurie Bronson, clerk	1, 080	on duty and actual necessary traveling expenses), super-	2, 00
61. Westley F. Harn, clerk 62. Robert F. Klatt, clerk 63. Austin A. Mitchell, clerk	1, 080	vising district agent 170. Charles F. Bliss (\$3 per diem in lieu of subsistence when on duty and actual necessary traveling expenses), supervis-	2 200
64. George I. Harvey, clerk 65. Earl L. Woodruff, clerk 66. William F. Newbold, jr., clerk	1, 080 1, 0	ing district agent	2, 00
67. Edward Short, clerk	1,000	172. Frank B. Long (actual traveling expenses and \$2 per diem	1,80
68. Henry H. Wood, clerk 69. John Spangenberg, clerk	1,080	in lieu of subsistence when on duty away from head- quarters), district agent	1, 80
70. Anna E. Day, stenographer 71. Ada Powell, stenographer 72. Watie E. Robertson, stenographer	1,080		1 00
72. Watte F. Robertson, stenographer 73. Mayne R. White, stenographer 74. Lucy M. Bowman, stenographer 75. Naomi Lammers, stenographer 76. Ray H. Carner, clerk 77. Robert W. Fields, clerk 78. Charles B. Wilson, clerk	1,080	174. Thomas J. Farrar (actual traveling expenses and \$2 per diem in lieu of subsistence when on duty away from headquarters), district agent. 175. Charles Wilson (actual traveling expenses and \$2 per diem in lieu of subsistence when on duty away from head-	1, 80
75. Naomi Lammers, stenographer 76. Ray H. Carner, clerk	1, 080 1, 020 1, 020	headquarters), district agent 175. Charles Wilson (actual traveling expenses and \$2 per diem	1, 80
75. Charles B. Wilson, clerk	1,020 1,020	in lieu of subsistence when on duty away from head- quarters), district agent	1, 80
80. Thomas K. Kinnard, clerk 81. Frederick W. Sunderworth, clerk	1, 020 1, 020	quarters), district agent 176. Herbert G. House (actual traveling expenses and \$2 per diem in lieu of subsistence when on duty away from headquarters), district agent	1,80
78. Charles B. Wilson, clerk. 79. Zac Farmer, clerk. 80. Thomas K. Kinnard, clerk. 81. Frederick W. Sunderworth, clerk. 82. George W. Sickles, clerk. 83. William R. Snyder, clerk. 84. Snowden P. Morrison, clerk. 85. Dorothy C. Hamacher, clerk. 86. Lillian K. Pierce, stenographer. 87. James B. Myers, stenographer. 88. Gertrude Hooten, stenographer. 89. Cora E. Glendenning, stenographer. 90. Josle L. Goble, stenographer. 91. Myrta Sams, stenographer. 92. Breeze Peery, stenographer. 93. Edna E. Smith, stenographer. 94. Nellie M. Emerson, stenographer. 95. F. Louis Stempson, stenographer. 96. Harry B. Seddicum, additional farmer. 97. David L. Maxwell, additional farmer. 98. George H. Bartlett (temporary), additional farmer. 99. Janet K. Langenberg, clerk. 100. James L. Granger, clerk. 101. John T. Moore, clerk. 102. Henrietta Drake, clerk. 103. Ida Frophet, stenographer. 104. Charles A. Wright, stenographer. 105. William L. Lay, stenographer. 106. Rachel Redpath, stenographer. 107. Armstead B. Keith, stenographer.	1, 020	177. Sherman G. Brink (actual traveling expenses and \$2 per diem in lieu of subsistence when on duty away from	
85. Dorothy C. Hamacher, clerk	1, 020 1, 020	headquarters), district agent and \$2 per diem	1, 80
87. James B. Myers, stenographer 88. Gertrude Hooten, stenographer	1,020 1,020	in lieu of subsistence when on duty away from head- quarters), district agent. 179. William H. Reynolds (actual traveling expenses and \$2 per	1, 80
89. Cora E. Glendenning, stenographer 90. Josle L. Goble, stenographer	1,020	diem in lieu of subsistence when on duty away from headquarters), district agent	1,80
92. Breeze Peery, stenographer 93. Edua E. Smith, stenographer	1, 020 1, 020	headquarters), district agent 180. David Shelby, district agent 181. Eldon Lowe, district agent 182. Stephen A, Mills, district agent	1, 80 1, 80
94. Nellie M. Emerson, stenographer 95. F. Louis Stempson, stenographer	1, 020 1, 020	 182. Stephen A. Mills, district agent. 183. E. C. Backenstoce (actual traveling expenses and \$2 per diem in lieu of subsistence when on duty away from 	1, 80
96. Harry B. Seddicum, additional farmer 97. David L. Maxwell, additional farmer	1,000	headquarters), district agent 184. Charles Bozarth (actual traveling expenses and \$2 per	1, 80
99. Janet K. Langenberg, clerk	960	diem in lieu of subsistence when on duty away from headquarters), district agent	1, 80
101. John T. Moore, clerk	960 960	185. Edwin C. Ryan, special assistant district agent 186. Martin J. Mueller, district agent	1, 60
103. Ida Prophet, stenographer	960 960	187. A. Lisle Irvine (actual necessary traveling expenses when absent from headquarters), assistant district agent	1, 40
106. Rachel Redpath, stenographer	960 960	when absent from headquarters), assistant district agent_ 180. Alexander Crain (actual necessary traveling expenses when absent from headquarters), assistant district agent	1, 20
108. Mamie A. Tabor, stenographer 109. S. J. Pebworth, constable	960		1, 20 1, 02
110. Byron E. Sheffield, clerk	900	191. C. E. Bearse (actual necessary traveling expenses when absent from headquarters), assistant district agent 192. Edward L. Gelder (actual necessary traveling expenses)	1,02
106. Rachel Redpath, stenographer 107. Armstead B. Keith, stenographer 108. Mamie A. Tabor, stenographer 109. S. J. Pebworth, constable 110. Byron E. Sheffield, clerk 111. Joe Lessley, clerk 112. Jayne Williams, clerk 113. Victor Murat Kelley, clerk 114. Susan E. Vaulx, clerk 115. Edwin G. Robbins, clerk 116. Irvin O. Correll, stenographer 117. Archibald Saunders, stenographer 118. Lee H. Andrews, stenographer 119. Filmer Fields, clerk 120. Filzabeth A. De Vasher, clerk 121. William E. Foltz, clerk 122. Henry La Croix, stenographer 123. William J. Farver, assistant clerk 124. Levi W. Jones (temporary), assistant clerk 125. Edward E. Burney (temporary), assistant clerk 126. Alex Coats, janitor 127. Honey Hawkins janiter	900 900 900	When absent from hendidarters), assistant district agent	1, 20
115. Edwin G. Robbins, clerk 116. Irvin O. Correll, stenographer	900	194. Clarence A. Stevens, assistant district agent	1, 020
117. Archibald Saunders, stenographer118. Lee H. Andrews, stenographer	900	absent from headquarters), assistant district agent	1, 200
119. Filmer Fields, clerk 120. Elizabeth A. Delty valer, clerk	840 840 780		1, 020
122. Henry La Croix, stenographer 123. William J. Faryer assistant clerk	780 780 720	197, Harry Montague, assistant district agent 198, James E. Bentley, assistant district agent 199, Clarence F. Kohlmeier, assistant district agent 200. James W. Rodgers (actual necessary traveling expenses when absent from headquarters), assistant district agent	1, 02
124. Levi W. Jones (temporary), assistant clerk125. Edward E. Burney (temporary), assistant clerk	720 720	when absent from headquarters), assistant district agent_ 201. Henry M. Tidwell, assistant district agent_ 202. Earl G. Lockwood (actual necessary traveling expenses	1, 200 1, 200
126. Alex Coats, janitor	600	202. Earl G. Lockwood (actual necessary traveling expenses when absent from headquarters), assistant district agent.	1, 20

Salary. 203. Arthur W. Dunnagan (\$3 per dlem in lieu of subsistence when on duty and actual necessary traveling expenses), assistant district agent.
204. Mac Seeley (actual necessary traveling expenses when absent from headquarters), assistant district agent.
205. D. C. Morrison (\$3 per dlem in lieu of subsistence when on duty and actual necessary traveling expenses), oil inspector \$1,200 duty and actual necessary traveing expenses, spector

206. H. Bert Drake, assistant district agent
207. Fred S. Cook (actual traveling expenses and \$2 per diem in lieu of subsistence when on duty away from head-quarters), special district agent
208. Charles J. Hunt (actual necessary traveling expenses when absent from headquarters), special assistant district 1,800 1,600 2,500 agent
209. Dixson H. Bynum, probate attorney
210. John B. Kelsey (actual necessary traveling expenses when
absent from headquarters), grazing-fee collector
211. Eugene T. Johnson (actual necessary traveling expenses
when absent from headquarters), grazing-fee collector 1,500 1,500 MEMORANDUM.

MEMORANDUM.

Chairman Stephens and Mr. Scott Ferris, of the Indian Committee, have requested that the Indian Office prepare a statement by States, and each State to be on a separate memorandum:

The number of Indians in each State.

The amount appropriated last year for the Indians of each State by tribes, giving the total, this to include the school, irrigation, and contingency appropriations.

Also a statement by States, showing the amount paid to mission, sectarian, or other contract schools of all classes, giving the name of denomination of each school for the past fiscal year.

This statement is to include all moneys expended by the Indian Service for the Indians of each State.

Mr. MUPDOCK. Are these men paid out of the tribal funds.

Mr. MURDOCK. Are those men paid out of the tribal funds

or by action of this Congress?

Mr. FERRIS. They are paid both ways. Congress pays part of them out of United States funds. The bill carried \$275,000 last year, and there were some other acts also prior thereto which allowed the Government to expend part of the proceeds of leasing, sales, and so forth, but most of it comes out of Indian

Mr. MURDOCK. There was over \$1,000,000 spent in this service.

Mr. FERRIS. That is true; to be accurate, \$1,308,023.98. Mr. MURDOCK. But Congress only passed upon \$275,000?

Mr. FERRIS. That is pretty near to it. I think that is it

I am sure it is.

Mr. MURDOCK. Who audits the balance of the expenditure? Mr. FERRIS. The Department of the Interior and various arms and offices created by them. Now, on the east side of Oklahoma there are 101,000 allottees. That includes freedmen. They were slaves of the Indians, and they were allotted by the Federal Government Indian lands. In addition to that, that term includes the intermarried white people who have not a drop of Indian blood in their veins. It includes those who are practically white citizens. In five of the counties in my district, known as the Chickasaw country, the men on reception committees who meet me and other public men who visit the towns are Indian allottees, who are Indian citizens, bankers, and leading citizens. Some of them are leading lawyers and candidates for office, and really are the leading citizens of the country. Why, then, should we thus inflict such detailed supervision upon them that they do not need or desire? Some may say havoc and trouble may result if we cut this off. This belief is only indulged in by the people who hold the jobs and the people they can influence. They are most all allowed expenses in addition to their salaries, and this is always a dangerous provision, for it is so often abused. What do they do without money for traveling expenses? They journey to Washington to perpetuate them selves. They scream out against those who would curtail them, and say they alone are keeping the Indians from disaster, want, and plunder. It is not true. Our State is well organized with a full quota of officers, and there are few who feel longer a necessity of perpetuating any such expense or any such number of officers to supervise in a State which needs little, if any, supervision from without. The sovereign State, with its million and three-quarters population, does not want the Federal Government to inflict its supervisors upon it or its citizens, who do not need them. I do not desire to speak offensively of any one of them, as I think they are good men, but they should not be kept in Oklahoma and transact business for people who know as much about business as they do, sometimes more. In any event, the time has come to cut loose from all of those white men and near-white men.

When the gentleman from Oklahoma [Mr. Carter] came to Congress he could not sell his land, and it is still restricted; the Senator from Oklahoma [Mr. Owen] could not sell his land, and it is still restricted. Can anyone view with mild contemplation any such spectacle as that? Can anyone justify such procedure as that, a \$2,000 clerk supervising men whom a sovereign State is willing to and does elect to Congress and the Senate? The gentleman from Minnesota [Mr. MILLER] has, with great eloquence and | homa. It is a lament and a sigh on the lips of every Indian in

precision, called our attention to what would happen if we withdraw. I answer his eloquence and his argument with the blunt statement that we are not withdrawing. We are still specifically reappropriating \$150,000 in this identical bill that will employ 60 people at \$2,500 per year each. This is plenty. It may be too much.

Mr. MANN. Yesterday, when some of us were trying to reduce the appropriation for Indian police, partly in the Five Civilized Tribes, the gentleman from Oklahoma vigorously resisted the amendments and he stated that it was often necessary to have somebody to watch over a portion of these peoplenot the eminent lawyers or the bankers, but a very large population of these Indian tribes who needed assistance. How does the gentleman reconcile that with his statements now that all of them are competent to transact their own business?

Mr. FERRIS. The gentleman misstates my position.

Mr. MANN. His whole argument was that all of them were

Mr. FERRIS. That is not my argument. We have in certain parts of the Choctaw Nation some people who may need supervision and help as yet, and I am not one who wants to withdraw that protection from all of them. That is what I said yesterday. The Kiowa-Comanche country, where I live, only spent \$25,000 last year, the year before, and that is all they got this year; and we are giving to these people \$150,000 specifically for Oklahoma in addition to all the general appropriations on the subject, any part of which can be used in Oklahoma for any character of service the department desires. minority members and other members on that side of the House contend that havoc will result if those 211 officers are not re-I am one of those who think otherwise. Are we to let tained. 211 officeholders in one-half of Oklahoma use up in salaries and expenses the Indian funds, and use them all up in four or five years? Are we going to permit the Secretary to go on using the Indians' funds when the treaties stipulate against it? Are we going to allow them to spend money for service we do not need and the Indians do not want? This is not the mission of the Federal Government; this will lay our Government open to just criticism, which none of us crave. It is the duty of the Federal Government to keep its promises and not use up all of their money in salaries.

I do not mean to inject any criticism into this debate, but let me tell you the history of how these 211 officers got on the pay roll of that one agency. I shall not overstep the bounds of propriety when I state it. Nineteen years ago the Federal Government-and there are men here who remember it-took upon themselves the task of going down to administer upon the estate of these Five Tribes people. They admonished and instructed the commissioners who went down into this country that the job probably would not last more than two years, and they themselves at that time did not expect that it would last half that long. Nineteen long years have passed, and still they are there, and instead of retrenching and getting out they are increasing and sticking tighter to their jobs.

Mr. MURDOCK. The gentleman is speaking of the Dawes

Commission.

Mr. FERRIS. Yes; the Dawes Commission. Nineteen long years have passed. The first year they expended approximately \$14,000. They have now, when the business of the tribe is practically all completed, only a few little remnants of land left, the Indians about all civilized, the sale of the coal and mineral lands were provided for in a separate bill this session, the bill carrying an appropriation of \$50,000, so the Muskogen Agency would not be troubled with the matter to pay all expenses in-The bill even establishes a temporary agency cident thereto. at McAlester, that inflicts no duties upon these union agencies and their 211 employees. Now, when we come in and try to limit this and try to get rid of some part of these 211 unnecessary officers in the interest of economy, in the interest of justice, in the interest of a safe and sane guardianship, what are we met with? We are met with the proposition that we are trying to destroy ourselves and trying to destroy our Indian people. It is farcical; it is unsound; it will not bear the understanding of this House. Let me drop back to the history

Mr. MONDELL. This is the old union agency?
Mr. FERRIS. Yes. Let me drop back to the history of this. They began with an appropriation of about \$14,000-or, rather, they expended that amount the first year. Last year they expended \$1,308,023.98. I may be inaccurate as to a few hundred dollars, but it is \$1,177,000, as stated by the gentleman from South Dakota. Instead of having finished up their guar-dianship in two years, as was expected, they have accumulated and crept up in the expenditures year by year. It is a joke and a smile of derision on the lips of every white man in OklaOklahoma that there are no means whereby they may be re-

lieved from this too much detailed supervision.

But to the end that I might be mistaken and overzealous in my statement, let me call attention to what the Indian Commissioner said in the hearings on the bill. We had hearings on this very proposition. This was debated and fought out at length in the committee. Now, let me call the attention of the committee to what the commissioner said. We were talking on this particular item in the hearings during the preparation of the bill. He called attention to the fact that we could not close it up, from the fact that we had 34,000 suits pending, but as Congress appropriated for the Department of Justice, or, rather, through the regular appropriation committee, \$50,000 each year to carry on those suits, this union agency has nothing to do with those suits. Quoting from printed hearings, which are available and are not disputed or controverted:

Mr. Ferris. But inasmuch as that matter is being handled almost exclusively from the Department of Justice—I think I am right about that—do you not think it fair to say that these expenses ought to be diminished and that this agency force ought to be cut down?

Commissioner VALENTINE. I have no quarrel with you on that point. I think it ought to be cut down and terminated as early as practicable.

Let me read further:

Mr. FERRIS. And no havoc or disaster would be the result if a marked cut was made, would there?

Commissioner VALENTINE. I think not.

Mr. MILLER. Will the gentleman permit me to ask him just one question?

Mr. FERRIS. I asked him this further question:

And do you think there could be considerable economy practiced at the Muskogee Agency?

Commissioner VALENTINE. There is no question in my mind.

Mr. MILLER. Will the gentleman permit me to ask just a question?

The CHAIRMAN. Does the gentleman from Oklahoma yield?

Mr. FERRIS. I will. Mr. MILLER. If a man was afflicted with an affection in his ear, would the gentleman suggest that his head should be cut off? Mr. FERRIS. Not at all. We have left \$150,000 in this bill. The gentleman has stated that we are leaving no protection so much that it must be ringing in the gentleman's ears. We have appropriated in appropriate terms in this very bill \$150,000 for the administration of the Five Civilized Tribes, and I am not sure, after hearing the speech of the gentleman from Illinois [Mr. CANNON] on yesterday, but what that may be too large a sum rather than too small.

Oklahoma has been admitted into the Union more than five

Mr. MANN. You were sure, then, the appropriation ought

not to be cut down?

Mr. FERRIS. The gentleman mistakes my position all the It has not been my purpose to withdraw entirely, but I imagine I will go a long way further than the gentleman will go toward cutting down appropriations for salaries of needless

Much worse things could happen to our State than to cut down even yet the appropriation. That is not the thing we have suffered from most. I do not charge anything wrong against the Secretary of the Interior or his department. I do not charge anything in the way of a dishonest act on their part. I do not think there really is any unless it be the crime of omission. But it has been a constant accumulation of the pay roll by people who want jobs-a case of some person coming up here and thinking he would like to do this for the Indians, or do that for the Indians and some one imagining in his own mind that he can cook up some kind of a service that would do the Indians good. The Indian has been a kind of an experiment station which never passes the propaganda period. The thing that the Indians need most-not only the intermarried whites, but also the Indian mixed bloods and those who have a little strain of Indian blood in them-is to be given their money the Federal Government is holding and their property, and then to be let alone.

The Five Civilized Tribes Agency ought to be cut down to about the size of the Kiowa Indian Agency. The appropriation for it ought to be cut down to at least \$100,000 the first year; and there ought to be down there 8 or 10, or perhaps 20, good. keen, honest, straightforward men who would assist in the management of the affairs of those people. The supervision has been too acute, too minute. It has made the Indian dependent rather than independent. It is all wrong in theory and in fact. The Department of Justice is sending its men down there to sue whether the Indian wants suits or not. Some of them are all right, but most of them are ill-advised. The Commissioner The Commissioner of Indian Affairs is sending his men to enforce the rules and regulations and check up the other officers. It is a network of details with no results. We are suffering from too many

officers. We are suffering from too much detailed supervision. You are destroying our State and spoiling the Indian. We have offered an amendment, and the committee has adopted it, which will save money for the Government and save money for the

It was said a little while ago-

Mr. MANN. Mr. Chairman, will the gentleman yield right there for a question, for information?

The CHAIRMAN. Does the gentleman from Oklahoma yield to the gentleman from Illinois?

Mr. FERRIS. I do.

Mr. MANN. Is it at this agency that they pass upon the question of removing restrictions upon alienation?

Mr. FERRIS. I am glad the gentleman asked that question.

Mr. MANN. I am asking it for information.
Mr. FERRIS. I am glad the gentleman asked it, and I am

glad to give the information to him. They are merely advisory. They can not finally settle anything. They merely report up This is the course they pursue: The applicant files an application with the field agent, and the field agent transmits it to J. George Wright, and J. George Wright transmits it to David H. Kelsey, and David H. Kelsey transmits it to the Commissioner of Indian Affairs, and the commissioner then sends it to the Secretary, and so on to Mr. Fisher or to Mr. Adams, one of the two officials who finally pass upon it. It is almost like a cat chasing its tail, and the details are so numerous and the delays so great that little good is accomplished.

Mr. MANN. Some one makes an investigation?

Mr. FERRIS. Yes.

Mr. MANN. Do the people in this office who are paid out of the tribal funds, or of any other office that are paid out of tribal funds, make the investigation of competency?

Mr. FERRIS. Yes; they pretend to make an investigation, but it is not final. These field men only report conditions, a

thing the Indian farmer or Indian police could do.

Mr. MANN. What would happen if you would cut out the appropriation of the tribal funds in reference to the question

of competency and the removal of restrictions?

Mr. FERRIS. I can answer the gentleman. Congress in its wisdom, in 1908, very rightfully and justly, as I believe, passed an act providing that all Indians of less than half Indian blood should have their restrictions removed. They are made full citizens by the statehood act, as the gentleman from Illinois knows. That act released the greater part of them from restrictions. It went further than that. It stated that as to all Indians between half and three-quarters blood the restrictions as to the surplus should be removed, and they were required to keep the homesteads.

As to those of three-quarters blood and up to full blood, they are still restricted, both as to homestead and surplus, so that you see Congress itself has stepped in and said whose restriction shall be removed and whose restriction shall not be removed; and, at the same time, Congress has declared that the tribal roll of the Five Civilized Tribes shall be final as to the quantum of Indian blood of those on that roll. So that is the solution of the restriction, legislation, and conditions on that particular point.

Mr. MANN. I do not wish unduly to interrupt the gentleman.

I am asking for information-

Mr. FERRIS. I am glad the gentleman does. I am very

glad to give him any information I may have-

Mr. MANN. But the statement has been made repeatedly that there is a large number of members of these Indian tribes who are still incompetent under the law, whose restrictions have not been removed. Can the gentleman tell how many of those there are?

Mr. FERRIS. Their books show that there are about 35,000 still restricted, but lots of them are as competent as we are. Some of them are on the roll as full bloods and three-quarter bloods when they have little Indian blood in their veins. Lots of white men fraudulently got onto the rolls.

Mr. MANN. Are not some of those seeking to have thefr

restrictions removed?

Mr. FERRIS. Yes; some of them, but few of them ever

realize on their ambitions through the department.

Mr. MANN. That requires investigation. What I wanted to get at is whether this provision would prevent proper investigation or require that all the expense of that investigation should be paid out of the Treasury. And in the same connection let me ask the gentleman about leases and things of that sort.

Mr. FERRIS. I will be glad to answer the gentleman if I can.

Mr. BURKE of South Dakota. Will the gentleman allow me to interrupt him?

Mr. FERRIS. I was just going to answer the gentleman.

Mr. BURKE of South Dakota. The gentleman from Oklahoma is giving the gentleman from Illinois some information which I do not think he would give if he would permit me to point this out to him: The gentleman does not wish to give to the House the information that those who pass upon the question of the removal of restrictions are paid in part of their

compensation or expenses from the tribal funds?

Mr. FERRIS. Oh, yes. The commissioner says that a great deal of money is paid out for that purpose. He says that J. George Wright is spending a great deal of tribal money, and says they are using lots of funds from the leasing and royalty

Mr. BURKE of South Dakota. I will say to the gentleman that not one dollar of it has been expended in that way, and the gentleman can not find it in the record where a single, solitary cent has been expended out of the tribal funds, out of the Union Agency, or the commissioner to the Five Civilized Tribes, except in the sale and advertising of lands and the

collecting of the money therefrom.

Mr. FERRIS. Oh, well, the gentleman seeks to say that they have expended the tribal funds only for certain specific I do not know how he arrives at that conclusion. The commissioner himself, when I asked him the question, said that J. George Wright, the commissioner to the Five Civilized Tribes, does expend a great deal of the Indian tribal moneys. He may not expend it for a certain kind of officers, but he does expend it for some officers, and a great deal of it at that. He expends the difference between \$275,000, the amount that is appropriated from the Federal Treasury, and the \$1,308,000 that was spent altogether.

Mr. BURKE of South Dakota. How much does J. George

Wright spend?

Wright spend?

Mr. FERRIS. Oh, I have given the amounts. I do not care who spends it, whether it be the Secretary, or J. George Wright, or who. I invite the gentleman and the House to read the printed hearings on this bill and see what the Indian Commissioner says about spending tribal funds. They spend it, and that is enough to know. Any quibble about it is unimportant. The treaty says they shall not spend it, but they do.

Mr. CANNON. Will the gentleman allow me right there?

Mr. FERRIS. Yes.

Mr. CANNON. The tribal funds, as I understand, are very large and as long as the money belongs to the Indians and there

large, and as long as the money belongs to the Indians and there are tribal funds and this service is for the Indians, why should

are tribal funds and this service is for the Indians, why should not the expense be paid for from the tribal funds?

Mr. FERRIS. The question of the gentleman is one that should be answered, and I am glad to give him my answer. It is nevertheless true that the Atoka agreement, the Cherokee treaty, and so forth, with which my colleagues, Mr. Carter and Mr. Davenfort are much more familiar than I, is to the effect and in substance that if the Fire Civiliand Fither whether and in substance that if the Five Civilized Tribes, who have maintained a government of their own for more than 50 years, owning their own lands, would allow the whites to come in there and open up the lands and settle up the estate the Federal Gov-

and open up the lands and settle up the estate the Federal Government would bear all the expenses of settling up the affairs.

Mr. CANNON. Then the contract should be carried out.

Mr. FERRIS. I knew the gentleman would answer that way.

That should be done in all fairness. The Indians' affairs are so nearly completed that we do not want officers now. As a State we do not need the officers that perform no good service, but are anxiety to be relieved from their generalists. but are anxious to be relieved from their supervision, which has long since become offensive to these Indians and whites alike. Our State is well equipped to take care of all but a few full bloods, who are incompetent, and I measure my words when I

say few. The fact that they are restricted is not the test.

Mr. McGUIRE of Oklahoma. Will the gentleman permit just

a short statement?

Mr. FERRIS. I yield to the gentleman. Mr. McGUIRE of Oklahoma. The gentleman seems to be going into the merits of the case as well as discussing the point of order

Mr. FERRIS. I had not intended to do so, except by way of reply to what has been said by the gentleman from Minnesota. It will be recalled that he used a good deal of latitude in the matter.

Mr. McGUIRE of Oklahoma. Since the matter has arisen, I hope the gentleman will call the attention of the committee to the fact that this involves a section of country as large in area as the State of Indiana, and that nearly a third of all the Indians of the United States are there, with all these complications.

Now, I would like to ask the gentleman whether he has made any computation with respect to the same number of Indians in other sections of the United States, and as to whether the

expenditures connected with the governing of the same number of Indians here are any larger than they are for 100,000 Indians on other reservations? My understanding is that the expenditures here are very much less. I understood that word came from the Indian Department. I have not looked it up, because I know the gentleman is prepared on all these matters

Mr. FERRIS. There is no other agency in the United States the expenses of which are as great as this. Nothing even approaches it within my knowledge, and I was on the subcom-

mittee of three that made this bill.

Mr. McGUIRE of Oklahoma. 1 mean combined agencies deal-

ing with the same number of Indians.

Mr. FERRIS. The expenditures here are more unusual than at any other agency that I know of. Now, let me give the committee some of the facts with reference to what they collect, and something as to what they expend in the different tribes. The receipts, by tribes, as shown by the annual report of the Commissioner to the Five Civilized Tribes first, then immediately following the receipts are the amount expended for each tribe as shown by the Indian Commissioner, developed in the hearings on the Indian appropriation bill. They are as follows:

ACCOUNTS DIVISION.

A total of 27,940 vouchers, consisting of 14,522 royalty, 10,348 land sale, and 3,070 miscellaneous disbursement, were paid during the year, as compared with 20,766 for the previous year.

Receipts and disbursements for the fiscal year ended June 30, 1911.

RECEIPTS.		
Choctaw Nation:		
Town lots	\$74, 373, 37 130, 609, 71 3, 126, 25 6, 634, 56	
Coal royalties Asphalt royalties Timber royalties Stone and ballast royalties	130, 609, 71	
Timber revelties	8, 126, 25	
Stone and ballast royalties	138. 19	
Rental segregated coal and asphalt	200.20	
lands	58, 770, 76	
Rental unallotted lands	24, 503, 22	
Lease unallotted lands for tank-site	000 00	
Condemned lands for railway pur-	900.00	
poses	1, 113, 50	
Condemned lands for State-prison	2, 220.00	
site	11, 745. 30	
Condemned lands for public purposes_	360.00	
Sale unafforted lands for school pur-	4 005 00	
poses	1, 335. 00 1, 314. 00	
Sale of improvements on town lots_ Sale of town-site maps	23, 87	
Pipe-line damages	3, 428. 66	
Damages unallotted lands	239. 70	
Annual Control of the		\$318, 616. 09
Chickasaw Nation: Town lots	01 501 11	
Town lots	24, 791, 14 43, 536, 54	
Coal royalties Asphalt royalties	1 049 07	
Timber royalties	2, 211, 55	
Stone and ballast royalties	1, 042, 07 2, 211, 55 46, 06	
Stone and ballast royalties Rental segregated coal and asphalt		
lands	19, 590, 23 8, 167, 75	
Rental unallotted lands	8, 167. 75	
Lease unallotted lands for tank-site	300.00	
Condemned lands for railway pur-	200.00	
poses	371.16	
Condemned lands for State-prison site	3, 915. 10	
Condemned lands for public purposes_	120.00	
Sale unallotted lands for school pur-		
poses	445.00	
Sale of improvements on town lots	438, 00 46, 80	
Sale of tribal property Sale of town-site maps	5 25	
Pipe-line damages	5. 25 1, 142. 89	
Damages unallotted lands	79.90	The state of the s
	THE STREET	106, 249, 44
	-	101 005 50
		424, 865. 53
Cherokee Nation:		
Town lots	11, 932, 72	
Sale unallotted lands for school pur-	-	
poses	801.00	
Condemned lands for rallway pur-	007 45	
Pontal vinelletted lands	225. 15 4. 50	
Rental unallotted lands	60. 00	
Rent of tribal jail Pipe-line damages	4.00	
Sale of town-site maps	1.50	
		13, 028. 87
Creek Nation:	04 505 00	
Rental unallotted lands	21, 797. 03 228. 26	
Rental Pecan boarding school	75. 00	
Rental house at Wetumka boarding		
school	7.00	
Sale unallotted lands for school pur-		
poses	3, 000. 00	
Sale Coweta boarding school	3, 000. 00	
Sale tribal propertyStipulated judgments town-lot suits_	17, 035. 00	Company of the compan
Interest on note under stipulated	11, 000.00	
Interest on note under stipulated judgments town-lot suits	272, 60	
Sale of town-site maps	13. 50	
	ALERT STREET	42, 643. 39

Seminole Nation: Sale unallotted lands for school pur-

poses _______Sale of tribal property_______Rental unallotted lands ______

\$40.00 192.35 60, 60

\$202 95

STATEMENTS SHOWING AMOUNTS OF MONEY APPROPRIATED AND USED BY FIVE CIVILIZED TRIBES.

JANUARY 25, 1912.

Statement showing total amount of moneys used during the fiscal year 1911 for the Five Civilized Tribes for all purposes, including tribal funds.

	Per capita payments.	Salaries.	Attorneys' fees.	Support and civili- zation.	Total.
All tribes jointly, in- cluding appropria- tion for administra- tion of affairs. Choctaws Chickasaws Creek Cherokee Seminoles.	\$08, 135, 67 32, 741, 93	\$270,033,10 70,577,07 29,254,33 39,329,47 25,206,35 10,525,33	\$25, 132, 09 6, 382, 62 19, 523, 80 6, 789, 76	\$424,927,71 260,805,39 106,762,20 58,148,84 106,132,79 17,645,53	\$394, 960. 81 454, 650. 22 175, 111. 08 117, 902, 11 138, 128, 90 28, 170. 86
Total	130, 847, 60	444, 925. 65	57, 828. 27	674, 422, 46	1, 308, 023. 98

Mr. FERRIS. A casual observance and comparison of these figures will show administration more fantastic and weird than has yet been heard of. It will show a vanishing of the Indian funds by a process more rapid than should longer be permitted.

Mr. MANN. Mr. Chairman, will the gentleman yield for a

question?

Mr. FERRIS. I will.

Mr. MANN. It is very evident that the committee can not get through this matter to-night. It is quite evident that it will probably require a large attendance here. To-morrow will be Easter Sunday, and in the performance of my religious duties I should like to get away. I hope the gentleman will yield for a motion to rise.

Mr. FERRIS. I do not care to detain the committee or to

proceed to-night—— Mr. CANNON. The gentleman will have the floor when we

come together again.

Mr. FERRIS. If the suggestion is agreeable to the committee, I have no objection. I yield the floor to the chairman of the committee for the purpose of making a motion that the com-

Mr. STEPHENS of Texas. I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and Mr. Underwood having resumed the chair as Speaker pro tempore, Mr. BARNHART, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 20728) making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1913, and had come to no resolution thereon.

ADJOURNMENT.

Mr. STEPHENS of Texas. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock p. m.) the House adjourned until Monday, April 8, 1912, at 12 o'clock

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of the Treasury, transmitting copy of a communication from the Secretary of the Interior submitting estimates of deficiencies in appropriations required by the Interior Department for the public-land service (H. Doc. No. 683); to the Committee on Appropriations and ordered to be printed.

2. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of the Pascagoula River, Miss. (H. Doc. No. 682); to the Committee on Rivers and Harbors and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. BYRNES of South Carolina, from the Committee on War Claims, to which was referred the bill (H. R. 16820) to revive |

the right of action under the captured and abandoned property acts, and for other purposes, reported the same without amendment, accompanied by a report (No. 505), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. JOHNSON of Kentucky, from the Committee on the District of Columbia, to which was referred the bill (H. R. 14094) declaring the carrying openly or concealed about the person any pistol, bowie knife, dirk or dirk knife, blackfack, dagger, sword cane, slung shot, brass or other metal knuckle in the District of Columbia a felony, reported the same with amendment, accompanied by a report (No. 506), which said bill and report

were referred to the House Calendar.

He also, from the Committee on the District of Columbia, to which was referred the bill (S. 5271) to confer concurrent jurisdiction on the police court of the District of Columbia in certain cases, reported the same without amendment, accompanied by a report (No. 507), which said bill and report were referred to the House Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows

A bill (H. R. 21830) granting a pension to Silas W. Lincoln; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 15297) granting a pension to Susie S. Neher; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions,

bill (H. R. 22747) granting an increase of pension to Callman Elbinger; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 22756) granting an increase of pension to Charles Scott; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 19284) granting a pension to R. E. Pelham; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 18698) granting a pension to Thomas W. Crossman; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (II. R. 22794) granting a pension to Sophia M. Human; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 7634) granting a pension to Frank Selmar; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials

were introduced and severally referred as follows:

By Mr. ALLEN: A bill (H. R. 22947) providing for an increase of salary of the United States district attorneys for the northern and southern districts of Ohio; to the Committee on the Judiciary.

By Mr. DOREMUS: A bill (H. R. 22948) to place on the free list butter, eggs, potatoes, poultry, and other food products; to the Committee on Ways and Means.

By Mr. CARTER: A bill (H. R. 22949) regulating the ex-

penditures of the funds belonging to the Five Civilized Tribes in Oklahoma; to the Committee on Indian Affairs.

By Mr. MALBY: A bill (H. R. 22950) to provide for the improvement of navigation in the St. Lawrence River and for the construction of dams, locks, canals, and other appur-tenant structures therein at and near Long Sault, Barnhart, and Sheek Islands; to the Committee on Rivers and Harbors.

By Mr. REHLLY: A bill (H. R. 22951) to establish a fishhatching and fish-cultural station on the Branford River, in the State of Connecticut; to the Committee on the Merchant Marine and Fisheries.

By Mr. SHACKLEFORD: A bill (H. R. 22952) providing that the United States in certain cases shall make compensation for the use of highways for carrying rural mail; to the Committee on Agriculture.

By Mr. DODDS: A bill (H. R. 22953) for the preliminary examination and survey of the harber and waterways at Charlevoix, Mich.; to the Committee on Rivers and Harbors.

By Mr. BATES: A bill (H. R. 22954) to reestablish the grades of admiral and vice admiral in the United States Navy, and for

other purposes; to the Committee on Naval Affairs. By Mr. SHARP: A bill (H. R. 22955) to create a commission on railway construction and operation for the purpose of investigating the causes of the frequency of railroad wrecks and their prevention; to the Committee on Interstate and For-

By Mr. PEPPER: Resolution (H. Res. 483) authorizing the printing of publication on propagation of mussels; to the Committee on Printing

By Mr. BARTHOLDT: Concurrent resolution (H. Con. Res. 48) providing for a Pan-American commission for the geographic delimitation of boundaries; to the Committee on Foreign Affairs

By Mr. NEELEY: Joint resolution (H. J. Res. 290) proposing an amendment to the Constitution providing that judges of certain inferior courts shall be elected by the electors of the several judicial districts, and shall hold their offices during a term of six years; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions

were introduced and severally referred as follows:

By Mr. ANSBERRY: A bill (H. R. 22956) granting an increase of pension to John Hartman; to the Committee on Invalid Pensions.

By Mr. BATES: A bill (H. R. 22957) granting a pension to

John O'Hagan; to the Committee on Invalid Pensions.

By Mr. BOOHER: A bill (H. R. 22958) granting an increase of pension to John Zollars; to the Committee on Invalid Pen-

By Mr. BROWN: A bill (H. R. 22959) granting a pension to

Lydia A. Long; to the Committee on Pensions.

By Mr. CANDLER: A bill (H. R. 22960) for the relief of the estate of Henry Mitts, deceased; to the Committee on War Claims.

By Mr. CARTER: A bill (H. R. 22961) for the relief of

Mary Hurd; to the Committee on War Claims. By Mr. COLLIER: A bill (H. R. 22962) for the relief of the heirs of Alexander M. Dinkins; to the Committee on War Claims.

Also, a bill (H. R. 22963) for the relief of the estate of George

R. Weathersby, sr.; to the Committee on War Claims.
By Mr. CULLOP: A bill (H. R. 22964) granting an increase of pension to John F. Nixon; to the Committee on Invalid Pensions.

By Mr. DOREMUS: A bill (H. R. 22965) granting a pension to Pierre L. Carmouche; to the Committee on Pensions.

By Mr. FIELDS: A bill (H. R. 22966) granting a pension to Henderson Ramey; to the Committee on Pensions.

Also, a bill (H. R. 22967) granting an increase of pension to Charles W. King; to the Committee on Invalid Pensions.

Also, a bill (H. R. 22968) granting an increase of pension to

Felix Warren; to the Committee on Invalid Pensions.

Also, a bill (H. R. 22969) granting an increase of pension to Abraham W. Spradling; to the Committee on Invalid Pensions. Also, a bill (H. R. 22970) granting an increase of pension to

B. C. Crosthwait; to the Committee on Invalid Pensions. Also, a bill (H. R. 22971) granting an increase of pension to

Levi H. Colburn; to the Committee on Invalid Pensions. Also, a bill (H. R. 22972) granting an increase of pension to James Rice; to the Committee on Invalid Pensions.

By Mr. FOCHT: A bill (H. R. 22973) granting an increase of pension to George D. Shaver; to the Committee on Invalid

Also, a bill (H. R. 22974) for the relief of the estate of John Magee, deceased; to the Committee on War Claims.

By Mr. GOLDFOGLE: A bill (H. R. 22975) for the relief of Nathan Van Beil and others; to the Committee on Claims.

By Mr. GREEN of Iowa: A bill (H. R. 22976) to remove the charge of desertion and grant an honorable discharge to James Owens; to the Committee on Military Affairs, By Mr. HAWLEY: A bill (H. R. 22977) granting a pension to

Maggie E. Russell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 22978) granting an increase of pension to
John J. Willoughby; to the Committee on Pensions.

By Mr. HOBSON: A bill (H. R. 22979) for the relief of the

sufferers of the Maine; to the Committee on Claims.

By Mr. LINDSAY: A bill (H. R. 22980) granting an increase of pension to Aloysius Stulz; to the Committee on Invalid

By Mr. MOON of Tennessee: A bill (H. R. 22981) for the rehief of the Christian Church of McMinnville, Tenn.; to the Committee on War Claims.

Also, a bill (H. R. 22982) for the relief of the trustees of the First Baptist Church of Chattanooga, Tenn.; to the Committee on War Claims

By Mr. MURRAY: A bill (H. R. 22983) granting an increase of pension to Charles McGoldrick; to the Committee on Pensions.

By Mr. NEELEY: A bill (H. R. 22984) granting an increase of pension to William J. Blakeley; to the Committee on Invalid Pensions.

Also, a bill (H. R. 22985) granting an increase of pension to

Arthur J. Hays; to the Committee on Invalid Pensions. By Mr. REILLY; A bill (H. R. 22986) to remove the charge of desertion from the military record of John Ganey; to the

Committee on Military Affairs.

By Mr. SAMUEL W. SMITH: A bill (H. R. 22987) granting a pension to Caroline M. Brotherton; to the Committee on In-

valid Pensions. By Mr. TAYLOR of Ohio: A bill (H. R. 22988) for the re-

lief of Carrie A. Grigsby; to the Committee on Claims.

Also, a bill (H. R. 22989) granting an increase of pension to

Also, a bill (H. R. 22989) granting an increase of pension to Hicks Wamsley; to the Committee on Invalid Pensions.

Also, a bill (H. R. 22990) granting an increase of pension to William H. Barker; to the Committee on Pensions.

By Mr. WHITE: A bill (H. R. 22991) granting a pension to Mary E. Carr; to the Committee on Invalid Pensions.

By Mr. WICKLIFFE: A bill (H. R. 22992) granting an increase of pension to Williard H. Mitchell; to the Committee on Pensions Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ANDERSON of Minnesotn: Petition of M. O. Wilkie, of Grand Meadow, Minn., and 10 others, against extension of parcel-post system; to the Committee on the Post Office and Post Roads.

By Mr. ANSBERRY: Petition of Dr. James E. E. Morrison, of Van Wert, Ohio, in support of House bill 17222; to the Committee on Interstate and Foreign Commerce.

Also, memorial of the Friendly Hand Division, No. 218, Brotherhood of Locomotive Engineers, of Montpeller, Ohio, in support of Senate bill 5382 and House bill 20487; to the Committee on the Judiciary

By Mr. BATES: Petition of Bessemer Division, No. 280, Railway Conductors, of Albion, Pa., for a workmen's compensation law; to the Committee on the Judiciary.

Also, petition of the Erie City Iron Works, Erie, Pa.; also Isador Sobel, postmaster, Erie, Pa., favoring the passage of the Bates bill (H. R. 22596) requiring double postage on certain mail matter forwarded on which sufficient postage is not pre-

paid; to the Committee on the Post Office and Post Roads. Also, petition of the Erie Chamber of Commerce, for an appropriation of funds for the Bureau of Manufactures; to the Committee on Appropriations.

Also, petition of Frenchtown Grange, No. 1181, favoring passage of House bill 19133, providing for a governmental system of postal express; to the Committee on Interstate and Foreign Commerce.

By Mr. BLACKMON: Petitions of citizens of the State of Alabama, protesting against parcel-post legislation; to the Committee on the Post Office and Post Roads.

By Mr. CANDLER: Papers to accompany bill for the relief of the estate of Henry Mitts, deceased; to the Committee on War Claims.

By Mr. CARTER: Petitions of citizens of the fourth congressional district of Oklahoma, protesting against parcel-post legislation; to the Committee on the Post Office and Post Roads.

By Mr. CARY: Memorial adopted by Tug Firemen and Linemen's Protective Association of the Great Lakes, Milwaukee, Wis, Indorsing House bill 18787, the Wilson eight-hour bill; to

the Committee on Labor.
Also, petition of Wisconsin Humane Society, Milwaukee, Wis., favoring House bill 17222, relative to the interstate transporta-tion of calves; to the Committee on Interstate and Foreign Commerce.

Also, memorial of the Milk Producers' Association, opposing the reduction of the tax on oleomargarine; to the Committee on Agriculture.

By Mr. DANFORTH: Petition of W. H. Birmingham and 14 other residents of Rochester, N. Y., favoring the construction of a battleship in a Government navy yard, preferably the Brooklyn Navy Yard; to the Committee on Naval Affairs, By Mr. FOSS: Memorial of the Milk Producers' Association,

for legislation prohibiting the coloring of oleomargarine and reducing the special tax to 1 cent per pound; to the Committee on Agriculture,

By Mr. FULLER: Petition of Illinois State legislative board Brotherhood of Locomotive Engineers, favoring the passage of House bill 20487, workman's compensation bill; to the Committee on Interstate and Foreign Commerce.

Also, petition of Seth C. Earl Post, Department of Illinois, Grand Army of the Republic, of Ottawa, Ill., against the passage of the Owen bill relating to a Federal department of public health; to the Committee on Interstate and Foreign Commerce.

Also, petition of C. A. Mohr and other merchants of Shabbona, Ill., in opposition to the enactment of parcel-post legislation; to the Committee on the Post Office and Post Roads.

By Mr. GREEN of Iowa: Petitions of citizens of Orient, Iowa, for passage of the Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

Also, petition of citizens of Iowa, in favor of the Berger old-

age pension bill; to the Committee on Pensions.

By Mr. HANNA: Petition of Emil Barth, of Haynes, N. Dak., asking that the duties on raw and refined sugars be reduced; to the Committee on Ways and Means.

Also, petition of Presbyterian Church of Kintyre, N. Dak., for passage of the Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

Also, petition of citizens of Glen Ullin, N. Dak., against removing the special tax on oleomargarine; to the Committee on Agriculture.

Also, petition of Charles Hull, of Edgeley, N. Dak., for enactment of House bill 20595, amending the copyright act of 1909; to the Committee on Patents.

Also, petitions of citizens of Kathryn and Kensal, N. Dak., protesting against parcel-post legislation; to the Committee on the Post Office and Post Roads.

Also, petition of citizens of Paradise, N. Dak., for investigation of an alleged combination between coal dealers; to the

Committee on Rules. By Mr. HAWLEY: Petition of the Woman's Christian Tem-

perance Union of Klamath Falls, Oreg., for passage of the Kenyon-Sheppard interstate liquor bill; to the Committee on

Also, resolution of the quarterly conference of the Drain Charge of the Methodist Episcopal Church, for the passage of an effective interstate liquor law; to the Committee on the Judiciary.

By Mr. HENSLEY: Petition of E. D. Vogt, of Ste. Genevieve, Mo., for enactment of House bill 20595, amending the copyright act of 1909; to the Committee on Patents.

By Mr. JACOWAY: Petition of Local Union 665, F. E. and C. U. A., of Quitman, Ark., for parcel-post legislation, etc.; to the Committee on the Post Office and Post Roads.

By Mr. LEWIS: Petitions of Grange No. 195, Patrons of Husbandry, of Oakland, Md., for passage of House bill 19133 and Senate bill 5474, for establishment of a postal express; to the Committee on Interstate and Foreign Commerce.

Also, petition of Grange No. 195, Patrons of Husbandry, of Cakland, Md., for passage of Senate bill 3, providing for vocational education; to the Committee on Agriculture.

By Mr. MAGUIRE of Nebraska: Petition of citizens of Palmyra, Nebr., for enactment of the Haugen oleomargarine bill; to the Committee on Agriculture.

By Mr. MANN: Resolution of Chicago Veterinary Society, in favor of House bill 16843; to the Committee on Military Affairs.

Also, petition of directors of Milk Producers' Association of Illinois, favoring retention of 10 per cent tax on oleomargarine, etc.; to the Committee on Agriculture.

By Mr. RELLLY: Patition of members of New Haven (Conn.)

By Mr. REILLY: Petition of members of New Haven (Conn.) Lodge, No. 726, International Association of Machinists, for construction of one battleship in a Government navy yard; to the Committee on Naval Affairs.

Also, petition of members of Improved Order of Red Men of the second congressional district of Connecticut, for an Amerian Indian Memorial and Museum Building in the city of Washington, D. C.; to the Committee on Public Buildings and Grounds.

By Mr. SHARP: Petition of residents of Huron County, Ohio, protesting against the passage of any legislation establishing a parcel-post service; to the Committee on the Post Office and Post Roads.

Also, petition of the Woman's Christian Temperance Union of Perrysville, Ohio, favoring passage of the Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. SPARKMAN: Petition of citizens of Tampa, Fla., for construction of one battleship in a Government navy yard; to the Committee on Naval Affairs.

By Mr. SULZER: Memorial of the National Civic Federation, Washington, D. C., indorsing the workmen's compensation bill now pending in Congress; to the Committee on the Judiciary.

Also, petition of citizens of Conifer, Colo., for enactment of House bill 14, providing for a general parcel-post system; to the Committee on the Post Office and Post Roads.

Also, petition of the National Civic Federation, for enactment of a workmen's compensation law; to the Committee on the Judiciary

By Mr. TAYLOR of Ohio. Petition of Joseph Schonthal and other citizens of Columbus, Ohio, protesting against passage of the Dillingham bill; to the Committee on Immigration and Naturalization.

By Mr. YOUNG of Kansas: Petition of citizens of Norton, Kans., protesting against the passage of a parcel-post system; to the Committee on the Post Office and Post Roads.

SENATE.

Monday, April 8, 1912.

The Senate met at 2 o'clock p. m. Prayer by the Chaplain, Rev. Ulysses G. B. Pierce, D. D.

DESIGNATION OF PRESIDENT PRO TEMPORE. Mr. LODGE took the chair as Presiding Officer and said: Acting under the resolution of the Senate, in the absence of

the Vice President, I call the Senate to order.

Mr. GALLINGER. It is proper, Mr. President, that I should state that on Friday last the Vice President called my attention to the fact that he would be absent from the Senate today, and it was my purpose during the day to ask that the senior Senator from Georgia [Mr. Bacon] should be selected as President pro tempore for this day. It quite escaped my mind that that duty rested upon me and it was neglected.

I now, Mr. President, ask unanimous consent that the senior Senator from Georgia [Mr. Bacon] be designated to act as President pro tempore for this day.

The PRESIDING OFFICER. The Senator from New Hampshire asks unanimous consent that the Senator from Georgia

[Mr. Bacon] be designated as President pro tempore for this day. Is there objection? The Chair hears none, and it is so ordered.

Mr. BACON thereupon took the chair as President pro tem-

Mr. GALLINGER. I offer the following resolution, for which I ask present consideration.

The PRESIDENT pro tempore. Does the Senator desire that it shall be acted upon before the Journal is read?

Mr. GALLINGER. I think it ought to be. It relates to the

selection of a President pro tempore.

The resolution (S. Res. 277) submitted by Mr. Gallinger was read, considered by unanimous consent, and agreed to, as follows:

Resolved, That the Secretary wait upon the President of the United States and inform him that the Senate has elected AUGUSTUS O. BACON, a Senator from the State of Georgia, President of the Senate pro tempore, to hold and exercise the office this day in the absence of the Vice President.

Mr. GALLINGER submitted the following resolution (S. Res. 278), which was read, considered by unanimous consent, and agreed to:

Resolved, That the Secretary notify the House of Representatives that the Senate has elected AUGUSTUS O. BACON, a Senator from the State of Georgia, President of the Senate pro tempore, to hold and exercise the office this day in the absence of the Vice President.

THE JOURNAL.

The PRESIDENT pro tempore. The Secretary will read the Journal of the last legislative day.

The Secretary proceeded to read the Journal of the proceedings of Friday last, when, on request of Mr. Smoot and by unanimous consent, the further reading was dispensed with and the Journal was approved.

MOTOR AND OTHER VEHICLES IN GOVERNMENT SERVICE (S. DOC. NO. 496).

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of Commerce and Labor, transmitting in response to a resolution of the 25th ultimo certain information relative to the number of carriages, motor vehicles, etc., owned and operated by the Government and used by the Department of Commerce and Labor, which was referred to the Committee on Appropriations and ordered to be printed.

FINDINGS OF THE COURT OF CLAIMS.

The PRESIDENT pro tempore laid before the Senate communication from the assistant clerk of the Court of Claims, transmitting certified copies of the findings of fact and conclusions of law filed by the court in the following causes:

Charles A. Miner v. United States (S. Doc. No. 510); and Bessie Frazer, Nannie Frazer, and Kate Frazer Redd, sole heirs of Oliver Frazer, deceased, v. United States (S. Doc. No. 511).

The foregoing findings were, with the accompanying papers, referred to the Committee on Claims and ordered to be printed.

The PRESIDENT pro tempore laid before the Senate communications from the assistant clerk of the Court of Claims, transmitting certified copies of the findings of fact filed by the

court in the following causes:

Emmet W. Smith v. United States (S. Doc. No. 512) Ambrose B. Williams v. United States (S. Doc. No. 513); Abram Epstein v. United States (S. Doc. No. 514) Nelson F. English v. United States (S. Doc. No. 515); Stephens A. Ingles v. United States (S. Doc. No. 516); John Glanzmann v. United States (S. Doc. No. 522); Dennis Kelly v. United States (S. Doc. No. 517) Sidney B. Williams v. United States (S. Doc. No. 520); Forest Crocket v. United States (S. Doc. No. 521); Moses Molette v. United States (S. Doc. No. 519) Henry C. Mace v. United States (S. Doc. No. 523) William G. Singleton v. United States (S. Doc. No. 531); John Pinckney v. United States (S. Doc. No. 518) Fred H. Collins v. United States (S. Doc. No. 541) William H. Parker v. United States (S. Doc. No. 526); Alfred Strange v. United States (S. Doc. No. 542) Ezra T. Marney v. United States (S. Doc. No. 540) William M. Terrill v. United States (S. Doc. No. 525); John J. O'Neill v. United States (S. Doc. No. 527) William F. Burns v. United States (S. Doc. No. 528); Harry E. Drake v. United States (S. Doc. No. 530) James Downing v. United States (S. Doc. No. 529); Perry McCarty v. United States (S. Doc. No. 532) Joseph M. Mohr v. United States (S. Doc. No. 524) William G. Govan v. United States (S. Doc. No. 534); Joseph M. Taylor v. United States (S. Doc. No. 533); Joseph A. Decatur v. United States (S. Doc. No. 535); Silas S. Myers v. United States (S. Doc. No. 537); John Jordan v. United States (S. Doc. No. 538); Erbin P. Higgins v. United States (S. Doc. No. 539); Stephen A. Smith v. United States (S. Doc. No. 536); Willis E. Stimson v. United States (S. Doc. No. 543) William H. Witta v. United States (S. Doc. No. 546); Sandy Hester v. United States (S. Doc. No. 544) Thomas Thompson v. United States (S. Doc. No. 545); Louis Pryor v. United States (S. Doc. No. 509); George King v. United States (S. Doc. No. 508); James E. Rogers v. United States (S. Doc. No. 507); George Jacobus v. United States (S. Doc. No. 505); David D. Hannegan v. United States (S. Doc. No. 504); John Brown v. United States (S. Doc. No. 498); Lemuel Gay v. United States (S. Doc. No. 506); Olaf Swanson v. United States (S. Doc. No. 502) Wilson R. Scribner v. United States (S. Doc. No. 501); Fergus McCarthy v. United States (S. Doc. No. 497); Jacob Renner v. United States (S. Doc. No. 499); John W. Graham v. United States (S. Doc. No. 500); Charles B. Carter v. United States (S. Doc. No. 547); Llewellyn K. Webber v. United States (S. Doc. No. 503). The foregoing findings were, with the accompanying papers, referred to the Committee on Claims and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by A. C. Johnson, its assistant enrolling clerk, announced that the House had passed the joint resolution (S. J. Res. 96) appropriating \$10,000 for the purpose of maintaining and protecting against impending floods the levee at Mound City, Ill., with amendments, in which it requested the concurrence of the Senate.

ENROLLED JOINT RESOLUTION SIGNED.

The message also announced that the Speaker of the House had signed the enrolled joint resolution (S. J. Res. 93) authorizing the Librarian of Congress to furnish a copy of the daily and bound Congressional Record to the undersecretary of state for external affairs of Canada in exchange for a copy of the Parliamentary Hansard, and it was thereupon signed by the President pro tempore.

PETITIONS AND MEMORIALS.

The PRESIDENT pro tempore presented petitions of the congregations of the Greendale People's Church, of Worcester, Mass.; the Swedish-Finnish Lutheran Church, of Worcester, Mass.; the Congregational Church of Warwick, R. I.; the Baptist Church of Fairlawn, Ala.; of the Fairview Methodist Church, of Birmingham, Ala.; of the Woman's Christian Temperance Unions of Ceres, Cal., and Shelbyville, Tenn., praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating liquors, which were referred to the Committee on the Judiciary.

He also presented a petition of the Chamber of Commerce of the State of New York, praying that an appropriation be made for the improvement and deepening of the channels in New York Harbor, which was referred to the Committee on Commerce.

Mr. GALLINGER presented the petitions of D. E. Danforth and M. P. Baker, of North Weare, N. H., praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which were referred to the Committee on the Judiciary.

He also presented resolutions adopted by the Anacostia Citizens' Association, of the District of Columbia, favoring an appropriation for the maintenance of the Columbia Hospital, Washington, D. C., which were ordered to lie on the table.

He also presented a petition of Local Grange No. 48, Patrons of Husbandry, of Antrim, N. H., praying for the establishment of a parcel-post system, which was referred to the Committee on Post Offices and Post Roads.

on Post Offices and Post Roads.

He also presented a resolution adopted by the Anacostia Citizens' Association, of the District of Columbia, remonstrating against the assessment of property in the eastern section of Washington, D. C., to pay for parks, which was referred to the

Committee on the District of Columbia.

Mr. CULLOM presented a petition of Siboney Bay Camp, No. 8, Department of Illinois, United Spanish War Veterans, of Rock Island, Ill., and a petition of C. A. York Camp, No. 14, Department of Illinois, United Spanish War Veterans, of Elgin, Ill., praying for the enactment of legislation to pension widow and minor children of any officer or enlisted man who served in the War with Spain or the Philippine insurrection, which were referred to the Committee on Pensions.

He also presented a petition of sundry citizens of West Salem, Ill., praying for the establishment of a parcel-post system, which was referred to the Committee on Post Offices and Post Roads.

He also presented resolutions adopted by the Association of Commerce of Chicago, III., favoring the negotiation of commercial reciprocity treaties between the United States and the Latin-American Republics, which were referred to the Committee on Finance.

He also presented petitions of sundry citizens of Villa Grove, Dupo, and Chicago, all in the State of Illinois, and a petition of the Illinois State Legislative Board of the Brotherhood of Locomotive Engineers, praying for the passage of the so-called employers' liability and workmen's compensation bill, which were ordered to lie on the table.

He also presented a memorial of Seth C. Earl Post, Department of Illinois, Grand Army of the Republic, of Ottawa, Ill., remonstrating against the establishment of a national department of health, which was referred to the Committee on Public Health and National Quarantine.

Mr. GRONNA presented a petition of the Woman's Christian Temperance Union of Hankinson, N. Dak., praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which was referred to the Committee on the Judiciary

the Committee on the Judiciary.

He also presented a petition of 131 members of Local Lodge, Brotherhood of Railroad Trainmen, of Enderlin, N. Dak., and a petition of Local Lodge No. 463, Brotherhood of Railroad Trainmen, of Grand Fork, N. Dak., praying for the enactment of legislation to provide an exclusive remedy and compensation for accidental injuries, resulting in disability or death, to employees of common carriers by railroads engaged in interstate or foreign commerce, or in the District of Columbia, and for other purposes, which was ordered to lie on the table.

Mr. WORKS presented memorials of sundry citizens of California, remonstrating against any reduction of the duty on sugar, which were referred to the Committee on Finance.

Mr. OWEN presented resolutions adopted at a mass meeting of sundry citizens of Osage County, Okla., favoring the rules and regulations with reference to oil and gas leases recommended to the Secretary of the Interior by the Osage Tribe of Indians, which were referred to the Committee on Indian Affairs.

Mr. CULBERSON presented a memorial of sundry citizens of Sour Lake, Tex., remonstrating against the extension of the parcel-post system beyond its present limitations, which was referred to the Committee on Post Offices and Post Roads.

Mr. HITCHCOCK presented a memorial of members of the Scottsbluff Club, of Scottsbluff, Nebr., remonstrating against any reduction in the duty on sugar, which was referred to the Committee on Finance.

He also presented memorials of sundry citizens of Diller and Auburn, in the State of Nebraska, remonstrating against the enactment of legislation to permit the coloring of oleomargarine in imitation of butter, which were referred to the Committee on Agriculture and Forestry.

Mr. ASHURST presented a patition of the Woman's Christian Temperance Union of Camp Verde, Ariz., praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which was referred to the Committee on the Judiciary.

He also presented a petition of sundry citizens of Bellevue, Ariz., praying for the establishment of a parcel-post system, which was referred to the Committee on Post Offices and Post

He also presented a petition of the Board of Trade of Nogales and Santa Cruz County, Ariz., praying that an appropriation be made for the construction of a Federal building at Nogales, in that State, which was referred to the Committee on Public Buildings and Grounds.

He also presented a petition of sundry citizens of San Pascual Valley, Imperial County, Cal., praying that an appropriation be made for the construction of a bridge across the Colorado River at Yuma, Ariz., which was referred to the Committee on

Indian Affairs.

Mr. GARDNER presented petitions of Local Grange, Patrons of Husbandry, of Charleston, and of sundry citizens of Warren, Washington, Appleton, Waldoboro, Union, Liberty, and South Hope, all in the State of Maine; of sundry citizens of Haverhill. Mass.; and of Local Grange of Fredonia; Ross Grange, of Falconer; and Centralia Grange, of Sinclairville, Patrons of Husbandry, in the State of New York, praying for the establishment of a postal-express system, which were referred to the Committee on Post Offices and Post Roads.

Mr. OLIVER presented a petition of members of the Fruit Growers' Association of Adams County, Pa., praying for the enactment of legislation providing for the further dissemination of agricultural and domestic science information from State experiment stations, which was referred to the Committee on

Agriculture and Forestry.

He also presented petitions of Washington Camps, No. 465, of Waymart, No. 75, of St. Clair, and No. 256, of Schaefferstown, all of the Patriotic Order Sons of America, in the State of Pennsylvania, praying for the enactment of legislation to further restrict immigration, which were ordered to lie on the

He also presented a petition of Union Grange, No. 977, Patrons of Husbandry, of Lake, Pa., praying for the establishment of a parcel-post system, which was referred to the Committee

on Post Offices and Post Roads.

He also presented petitions of the congregations of the St. James Lutheran Church, of Pittsburgh; of the Philadelphia Conference of the Methodist Episcopal Church; of the Methodist Episcopal Church of Pittsburgh; and of the Presbyterian Church of Gettysburg, all in the State of Pennsylvania; praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating liquors, which were referred to the Committee on the Judiciary.

He also presented petitions of the congregations of the Church of God of Alberton, of the Methodist Episcopal Church of Ambridge, of the Presbyterian Church of New Salem, of the Methodist Episcopal Church of Gettysburg, of the Presbyterian Church of Gettysburg, of the Christian Endeavor Society of Monessen, and of the Philadelphia Conference of the Methodist Episcopal Church, all in the State of Pennsylvania, praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which were referred to the Committee on the Judiciary.

Mr. KERN presented memorials of sundry citizens of Kokomo, Ind., remonstrating against the enactment of legislation compelling the observance of Sunday in post offices, which were referred to the Committee on Post Offices and Post Roads.

He also presented memorials of sundry citizens of Kokomo, Ind., remonstrating against the enactment of legislation compelling the observance of Sunday as a day of rest in the District of Columbia, which were ordered to lie on the table.

He also presented a memorial of members of the Commercial Club of Decatur, Ind., remonstrating against any reduction of the duty on sugar, which was referred to the Committee on Finance.

He also presented petitions of sundry citizens of Richmond, Ind., praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which were referred to the Committee on the Judiciary.

He also presented a petition of Iron Molders' Local Union No. 345, of Peru, Ind., praying for the enactment of legislation providing for the construction of one of the proposed new battleships in the Brooklyn Navy Yard, which was referred to the Committee on Naval Affairs.

Mr. POMERENE presented a petition of sundry citizens of Lafayette, Ohio, praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating liquors, which was referred to the Committee on the Judiciary.

He also presented a petition of the Tug Firemen and Linemen's Protective Association of Cleveland, Ohio, praying for the passage of the so-called eight-hour bill, which was referred to the Committee on Education and Labor.

He also presented a petition of Local Lodge No. 14, Licensed Tugmen's Protective Association, of Sandusky, Ohio, praying for the enactment of legislation providing that all motor boats in excess of 40 feet in length engaged in freight or passenger traffic shall carry a licensed pilot and a licensed engineer, which was referred to the Committee on Commerce.

He also presented petitions of Guiding Star Council, No. 124, of Syracuse; Pride of the Valley Council, of East Liverpool; Local Council No. 176, of Mount Washington, of Daughters of America; and of members of the Junior Order United American Mechanics of Brad, all in the State of Ohio, praying for the enactment of legislation to further restrict immigration, which were ordered to lie on the table.

He also presented a petition of the Woman's Christian Temperance Union of Neffs, Ohio, praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which was referred to the Committee

on the Judiciary.

Mr. BROWN presented petitions of sundry citizens of Ravenna, Gering, Neligh, and Stratton, all in the State of Nebraska, praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which were referred to the Committee on the Judiciary.

He also presented memorials of sundry citizens of Riverside, Wausa, and Shea, all in the State of Nebraska, remonstrating against the enactment of legislation to permit the coloring of oleomargarine in imitation of butter, which were referred to the Committee on Agriculture and Forestry.

He also presented a memorial of members of the Commercial Club of Bayard, Nebr., remonstrating against any reduction of the duty on sugar, which was referred to the Committee on

Finance.

Mr. OVERMAN presented petitions of sundry citizens of Spray, Winston Salem, and Louisburg, all in the State of North Carolina, praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which were referred to the Committee on the Judiciary.

He also presented memorials of sundry citizens of Pollocksville, Murphy, and Roxboro, all in the State of North Carolina, remonstrating against the extension of the parcel-post system beyond its present limitations, which were referred to the Committee on Post Offices and Post Roads.

He also presented petitions of sundry citizens of Statesville and Hightowers, in the State of North Carolina, praying for the establishment of a parcel-post system, which were referred

to the Committee on Post Offices and Post Roads.

Mr. SHIVELY presented resolutions adopted by the board of directors of the Chamber of Commerce of South Bend, Ind., favoring the erection of a memorial to Abraham Lincoln in monumental form on the site approved by the Fine Arts Commission, which were referred to the Committee on the District of Columbia.

He also presented petitions of sundry members of the Brotherhood of Locomotive Engineers, residents of Howell, Garrett, Huntington, and Indianapolis, all in the State of Indiana, praying for the passage of the so-called employers' liability and workmen's compensation bill, which were ordered to lie on the table.

He also presented a petition of John Hill Division, No. 248, Brotherhood of Locomotive Engineers, of Elkhart, Ind., praying for the enactment of legislation authorizing the construction of one of the proposed new battleships in a Government navy yard, which was referred to the Committee on Naval Affairs.

Mr. WETMORE presented a petition of the congregation of the Roger Williams Baptist Church, of Providence, R. I., and a petition of sundry citizens of Carolina, R. I., praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which were referred to the Committee on the Judiciary.

He also presented a petition of Rock Hill Grange, Patrons of

Husbandry, of East Greenwich, R. I., praying for the establishment of a parcel-post system, which was referred to the Committee on Post Offices and Post Roads.

Mr. RAYNER presented petitions of sundry citizens of Oakland and Lanham, in the State of Maryland, praying for the establishment of agricultural extension departments in the various State colleges, which were ordered to lie on the table.

He also presented petitions of sundry citizens of Oakland and Lanham, in the State of Maryland, praying for the establishment of a governmental system of postal express, which were referred to the Committee on Post Offices and Post Roads.

He also presented a petition of the congregation of the Church of The Brethren, of Frederick City, Md., and a petition of the Woman's Christian Temperance Union of Woodensburg, Md., praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which were referred to the Committee on the Judiciary.

Mr. SMITH of Michigan presented petitions of sundry citizens of Prattville, Comstock, Hartford, Owosso, Detroit, Ensley, Dowagiac, and Chesaning, all in the State of Michigan, praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which were referred to the Committee on the Judiciary.

He also presented a petition of Local Grange No. 1362, Patrons of Husbandry, of Thompsonville, Mich., praying for the establishment of a parcel-post system, which was referred to the Committee on Post Offices and Post Roads.

Mr. McLEAN presented a petition of Local Grange No. 136, Patrons of Husbandry, of East Canaan, Conn., and a petition of Mattabessett Grange, No. 42, Patrons of Husbandry, of Middletown, Conn., praying for the establishment of a parcelpost system, which were referred to the Committee on Post Offices and Post Roads.

He also presented a petition of sundry citizens of Bridgeport, Conn., praying for the passage of the so-called eight-hour bill. which was referred to the Committee on Education and Labor.

He also presented a petition of Consolidated Lodge, No. 609, Independent Order American Mechanics, of New Haven, Conn., praying for the enactment of legislation authorizing the construction of one of the proposed new battleships in the Brooklyn Navy Yard, which was referred to the Committee on Naval Affairs.

Mr. PERKINS presented a petition of the Chamber of Commerce of San Francisco, Cal., praying for the adoption of certain amendments to the navigation laws, which was referred to

the Committee on Commerce.

He also presented a memorial of members of Group No. 7, Polish National Alliance of the United States of North America, of San Francisco, Cal., remonstrating against the enactment of legislation to further restrict immigration, which was ordered to lie on the table.

He also presented a petition of sundry citizens of Oakland, Cal., praying for the enactment of legislation ceding the vacant Government land adjacent to the Redwood Park to that State, which was referred to the Committee on Public Lands.

He also presented memorials of sundry citizens of San Francisco, Willows, Hamilton City, and Chico, all in the State of California, remonstrating against any reduction of the duty on sugar, which were referred to the Committee on Finance.

Mr. SMITH of Arizona presented a petition of members of the Corporation Commission of Arizona, praying for the enact-ment of legislation providing for the abolishment of the Commerce Court, which was referred to the Committee on the Judiciary.

MEMORIAL OF LEGISLATURE OF ARIZONA.

Mr. SMITH of Arizona. Mr. President, in this connection, if it is appropriate, and I confess myself as yet unfamiliar with the rules of the Senate, I presented a day or two ago, soon after my first introduction to this body, a joint resolution from the State Legislature of Arizona that touched on the question of the confirmation of a public officer appointed by the President. It was ruled by the Vice President that the memorial must be referred to the executive session of the Senate. I for the time consented to the ruling. I have since considered the matter, and I am convinced that the resolution of a State legislature directed to this body is not to be forever buried in the darkness and silence of the executive session, but that it is entitled to publication in the RECORD.

I ask unanimous consent that the memorial passed by the

Legislature of Arizona remonstrating against the confirmation of R. E. Slean as judge of the District Court for the District of

Arizona be printed in the RECORD.

Mr. LODGE. I thought the Senator had concluded.

Mr. SMITH of Arizona. I only want to make another motion

in case unanimous consent is not granted.

Mr. LODGE. Mr. President, all matters relating to the confirmation of nominees are part of the executive business. though treaties have been discussed on two occasions in public, which are also executive business, I have never known a confirmation discussed, and papers relating to the confirmation of nominees have always been held to be executive documents.

The practice of printing resolutions of legislatures in the RECORD is, I think, not a matter of rule but only of courtesy. It seems to me this resolution, if submitted at all, ought to be submitted in executive session. It can there be spread upon | zona yield to the Senator from New Hampshire?

the journal of the executive session. I think it would be very dangerous to set the precedent of presenting in open session papers relating to confirmations. We are all well aware that papers relating to the character and fitness of nominees often contain assertions which are entirely unfounded, and it would do great damage to the individual if published. They are submitted only to committees for consideration and are guarded with the greatest confidence and care. I think to break through that precedent would be most unfortunate.

In this case it is impossible to suggest that there is any desire of maintaining secrecy about this paper, because it is a public document. All I am contending for is the preservation of what seems to me a very essential rule in the consideration of

the executive business in regard to confirmations.

Mr. GALLINGER. The rule has never been violated.

Mr. LODGE. I am not aware that the rule has ever been broken through. Moreover, Mr. President, there are many resolutions in favor of this nominee. If we print the resolutions of the legislature, we must print also in the RECORD the resolutions of the minority of the legislature in favor of the confirmation of Mr. Sloan; we must print resolutions of the bar association in his favor, and I think we open the door to a very dangerous practice.

I therefore object to unanimous consent.

Mr. SMITH of Arizona. Mr. President, I appreciate fully the dangers to which the Senator from Massachusetts alludes in printing in the Record personal petitions or private letters or charges against a nominee, but he is going entirely outside of the present proposition when he fails to discriminate between the solemn resolution of a State legislature, addressed to the Senate of the United States in temperate, proper, and modest language, being denied publication in the RECORD and a private petition which might vilify and assail the character of a nominee. It appears at once that these questions stand on different grounds.

I am only at this time carrying out the request of the legislature of my State, which asked me to present this memorial. I have looked over the RECORD as far as I could, and I have failed to discover a single case where the printing of the memorial of a State legislature has been refused. I do not know what has been the rule of the Senate, but as far as I can discover from recent investigation the resolutions of a State legislature have been printed in the RECORD. I have looked the precedents over, and I have not found a single case where a resolution of a State legislature, no matter what it touched upon, was hidden forever from the proceedings of the session of the legislative body.

I therefore move the Senate that the resolutions to which I

have referred be printed in the RECORD.

The PRESIDENT pro tempore. The Senator will send the resolution to the desk and the Secretary will state it.

Mr. LODGE. Mr. President, I make the point of order that

it is not in order to print in the RECORD a document relating to executive session.

Mr. SMITH of Arizona. The very question for the Senate to decide is whether it is in order.

decide is whether it is in order.

Mr. LODGE. It is a question of order.

The PRESIDENT pro tempore. If the document has been presented and is a part of the files of the executive session, the Chair would regard the point of order as well taken. Chair would regard the point of order as well taken. The Chair was not present at the last session of the Senate and therefore is not personally advised as to whether or not this paper belongs to the executive files.

Mr. LODGE. The Vice President, at the last session, ruled that it was out of order to present it in open session. There has been no opportunity to present it in executive session since, that I am aware.

that I am aware of.

Mr. SMITH of Arizona. If the Senator will permit an interruption, I did not present it in executive session. The memorial was sent to me and to my colleague for presentation before the Senate and not in executive session. I refused to present it in executive session. The President of the Senate did rule on my first application that it was executive business." fessing my want of knowledge of the rule, I consented that it should be passed over for the time. The Vice President may or may not have presented it in executive session. I have nothing to say about that. I have presented the resolution here. I do not know whether the Vice President presented it in executive session or not. I simply take the position that the resolution of a State legislature has the privilege of being printed in the RECORD. I could get it in the RECORD by rising and reading it. would not infringe a single law of the Senate or any rule of it under any conditions.

Mr. GALLINGER. Mr. President—
The PRESIDENT pro tempore. Does the Senator from Ari-

Mr. GALLINGER. I will not interrupt the Senator. I thought he had concluded. I desire to say a word in my own

Mr. SMITH of Arizona. This is all I have to say. I am in an embarrassing position on account of not knowing the rules of

the Senate.

Mr. GALLINGER. Mr. President, the exact status of this case is that the Senator from Arizona offered this memorial as coming from the State legislature, stating the purport of it.

Manifestly it related to executive business. The Vice President, Manifestly it related to executive business. as I think properly, ruled that it could not be received in open session, and thereupon the Senator from Arizona, as I remember, withdrew the memorial. No executive session has supervened that I recall and it is again presented in open session.

Now, Mr. President, I have been here a good while and I have never known an instance where a matter relating to the confirmation of a nomination sent to the Senate by the President of the United States was presented, or at least was admitted in open session, and I think when the Senator from Arizona comes to consider this matter fully he will see that it would be a very unfortunate thing if the Senate should break down that well-established rule, which, so far as I know, has never been called in question. I therefore trust that the pres-ent occupant of the chair will rule that it can not be received in open session, inasmuch as it is a matter pertaining to the executive business of this body.

Mr. CULBERSON. Mr. President, I call attention to Rule XXIX, which expressly provides how communications and resolutions from the legislature of a State of the University.

lutions from the legislature of a State of the Union may be received. The rule provides that motions to print shall go to the Committee on Printing unless the Senate otherwise orders, and the Senator from Arizona has moved that the matter be printed

in the RECORD.

The PRESIDENT pro tempore. What is the particular point that the Senator makes on that rule?

Mr. CULBERSON. The particular point is that it is for the Senate at this time to decide the matter on the motion of the Senator from Arizona.

Mr. LODGE. That rule relates to printing; not to publica-

tion in the RECORD.

The PRESIDENT pro tempore. The Chair will state that the present occupant of the chair, being but a temporary occupant of it, would not undertake to overrule the ruling made by the Vice President, but the Chair will submit the point of order to the Senate if it is so desired. If it is desired that the point of order shall be submitted to the Senate, the Chair occupying the embarrassing position which has just been stated, will submit it to the Senate. If it were an original proposition submitted to the Chair, of course the Chair would take the responsibility of ruling upon it.

Mr. SMITH of Arizona. I was not thinking of the absence of the Vice President at the time I made the motion, but if the present occupant of the chair would prefer to leave it to the Vice President upon his return or feels any embarrassment in

now acting, I will defer the matter to a near future day.

The PRESIDENT pro tempore. The Chair would prefer that that should be done, because of the embarrassment which necessarily would be involved in a reconsideration by the present occupant of the chair of what has already been decided by the permanent presiding officer of the body.

Mr. SMITH of Arizona. Appreciating that situation, I withdraw the motion for the present.

The PRESIDENT pro tempore. The motion for the present is withdrawn.

REPORTS OF COMMITTEE ON FISHERIES.

Mr. OVERMAN, from the Committee on Fisheries, to which was referred the bill (S. 1569) to establish a fish-cultural stawas referred the bill (S. 1909) to establish a lish-cultural station in the State of North Carolina, reported it with an amendment and submitted a report (No. 594) thereon.

He also (for Mr. Fletcher), from the same committee, to which was referred the bill (S. 2346) to establish a fish hatch-

ery and biological station in the third congressional district of Florida, reported it with amendments and submitted a report (No. 593) thereon.

BILLS INTRODUCED.

Bills were introduced, read the first time and, by unanimous consent, the second time, and referred as follows:

By Mr. CLARKE of Arkansas:

A bill (S. 6203) to establish a fish-cultural station at Monte Ne, in the State of Arkansas; to the Committee on Fisheries.

By Mr. JOHNSTON of Alabama:

A bill (S. 6204) granting certain lands to the State of Alabama for the use of the insane hospital; to the Committee on Public Lands.

A bill (S. 6205) for the relief of Charles J. Allison; to the Committee on Claims.

By Mr. SHIVELY:

A bill (S. 6206) granting an increase of pension to Joseph Cole (with accompanying papers); to the Committee on Pensions.

By Mr. KERN: A bill (S. 6207) for the relief of Edgar A. Darling (with ac-

companying papers); and A bill (S. 6208) for the relief of John Lynch (with accompanying paper); to the Committee on Military Affairs.

A bill (S. 6209) granting an increase of pension to Henry Whitinger

A bill (S. 6210) granting an increase of pension to Charles S. Leonard (with accompanying papers);
A bill (S. 6211) granting an increase of pension to Jonas

Skinner (with accompanying papers);
A bill (S. 6212) granting an increase of pension to John Miller

(with accompanying papers); and
A bill (S. 6213) granting a pension to William H. Albert
(with accompanying papers); to the Committee on Pensions.
By Mr. BRANDEGEE;

A bill (S. 6214) granting an increase of pension to Wilfred Norman, jr.; to the Committee on Pensions.

By Mr. BURNHAM:
A bill (S. 6215) granting an increase of pension to John S.

Varney; and A bill (S. 6216) granting an increase of pension to Patrick Conley (with accompanying papers); to the Committee on Pensions.

By Mr. OVERMAN:

A bill (S. 6217) to codify, revise, and amend the laws relating to the Judiciary, ratified March 3, 1911; to the Committee on the Judiciary

A bill (S. 6218) granting a pension to James M. Odell; to the Committee on Pensions.

By Mr. OWEN: A bill (S. 6219) providing for the purchase of permanent improvements on the segregated coal and asphalt lands of the Choctaw and Chickasaw Nations by the citizens erecting such improvements; to the Committee on Indian Affairs.

A bill (S. 6220) for the relief of certain Shawnee and Delaware Indians (with accompanying paper); to the Committee

on Claims.

By Mr. BOURNE:

A bill (S. 6221) for the relief of John W. Hagan; and A bill (S. 6222) for the relief of William Corley; to the Committee on Public Lands.

AMENDMENT TO RIVER AND HARBOR BILL.

Mr. CULBERSON submitted an amendment relative to the nonnavigability of all or any of the waters lying between Har-bor Island and the mainland, Texas, etc., intended to be pro-posed by him to the river and harbor appropriation bill (H. R. 21477), which was referred to the Committee on Commerce and ordered to be printed.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. JONES submitted an amendment proposing to appropriate \$3,000 for the repair and improvement of the road in the military reservation at Fort Canby, Wash., etc., intended to be proposed by him to the Army appropriation bill (H. R. 18956), which was ordered to lie on the table and be printed.

Mr. WETMORE submitted an amendment proposing to appropriate \$25,000 for the establishment of a fish-cultural station in the State of Rhode Island, intended to be proposed by him to the sundry civil appropriation bill, which was referred to the

Committee on Fisheries and ordered to be printed.

Mr. OLIVER submitted an amendment proposing to create an additional division of the Railway Mail Service at Pittsbugh, Pa., etc., intended to be proposed by him to the Post Office appropriation bill, H. R. 21279 (with accompanying paper), which was referred to the Committee on Post Offices and Post Roads and ordered to be printed.

PARTY FUNDS (S. DOC. NO. 495).

Mr. HITCHCOCK. I present a pamphlet prepared by Perry Belmont on the abolition of the secrecy of party funds, the origin of the movement, its purposes, and effect. I move that the pamphlet be printed as a Senate document.

The motion was agreed to.

WORKMEN'S COMPENSATION AND EMPLOYERS' LIABILITY (S. DOC. No. 479).

Mr. SUTHERLAND. I have a number of letters which have been transmitted to me from trainmen's organizations relative to the pending workmen's compensation bill. I do not ask that the letters be printed in the RECORD or that they be referred. move that they be printed as a Senate document. The motion was agreed to.

COST OF LIVING IN EUROPEAN COUNTRIES.

Mr. SMOOT. I ask that 500 additional copies of House Document 617 be printed, 150 copies for the use of the Department of State and 350 copies for the use of the Senate document room, The PRESIDENT pro tempore. Without objection, the order

will be entered.

The order as agreed to was reduced to writing, as follows:

Ordered, That there be printed 500 additional copies of House Document No. 617, "Cooperation and Cost of Living in Certain Foreign Countries," of which 150 copies shall be for the use of the Department of State, and 350 copies for the Senate document room.

WORKMEN'S COMPENSATION AND EMPLOYERS' LIABILITY.

Mr. SMOOT. I ask that 1,000 additional copies of Senate Document 475, being the opinions of the State Supreme Courts of New York, Massachusetts, Washington, Montana, Wisconsin, and Ohio construing the workmen's compensation and industrial insurance laws of those States, and the Supreme Court of the United States in the second employers' liability cases, January 15, 1912, be printed for the use of the Judiciary Committee of the Senate.

The PRESIDENT pro tempore. Without objection, the order

will be entered.

The order as agreed to was reduced to writing, as follows:

Ordered, That 1,000 additional copies of Senate Document 475, "Workmen's Compensation and Employers' Liability," be printed for the use of the Committee on the Judiciary of the Senate.

LEVEE PROTECTION AT MOUND CITY, ILL.

The PRESIDENT pro tempore laid before the Senate the amendment of the House of Representatives to the joint resolution (S. J. Res. 96) appropriating \$10,000 for the purpose of maintaining and protecting against impending floods the levee at Mound City, Ill., which was to strike out all after the resolving clause and insert:

That the appropriation made by the act entitled "An act appropriating \$350,000 for the purpose of maintaining and protecting against impending floods the levees on the Mississippi River," approved April 3, 1912, is hereby made available for the purpose of maintaining and protecting against impending floods the levees on rivers tributary to the Mississippi River.

Mr. CULLOM. I move that the amendment be concurred in. The motion was agreed to.

The title was amended so as to read: "A joint resolution to amend an act entitled 'An act appropriating \$350,000 for the purpose of maintaining and protecting against impending floods the levees on the Mississippi River,' approved April 3, 1912."

WORKMEN'S COMPENSATION AND EMPLOYERS' LIABILITY.

Mr. CHAMBERLAIN. Mr. President, I desire to have placed before the Senate the bill (S. 5382) to provide an exclusive remedy and compensation for accidental injuries, resulting in disability or death, to employees of common carriers by railroads engaged in inerstate or foreign commerce, or in the Dis-

trict of Columbia, and for other purposes.

The PRESIDENT pro tempore. The bill referred to by the Senator from Oregon, in the absence of objection, will be considered as before the Senate.

Mr. CHAMBERIAIN. Mr. President, I would have much pre-ferred to have had the distinguished chairman of the commission [Mr. Sutherland] address the Senate in the opening discussion upon this bill, but he prefers to have me first address the Senate, reserving what he has to say in the matter to some further stage of the bill.

Mr. President, the whole purpose of the bill now under consideration, the principles involved, both as to the law governing such legislation and the facts necessary to be considered in the preparation thereof, are so fully discussed and presented in the report of the commission, of which I had the honor to be a member, to the President of the United States and by him transmitted in a special message to Congress, that it would seem to be a work of supererogation to attempt to further dis-cuss the subject. It is a measure, however, of such vast import, involving the rights of so many employers and employees engaged in interstate transportation and affecting such immense financial interests that even if it be difficult to add anything of value to what has been said in the report of the commission, yet I deem it proper, at the risk of repetition, to discuss the subject briefly here.

The principle of compensation for injury or death was first recognized by Congress in the act entitled "An act granting to certain employees of the United States the right to receive from it compensation for injuries sustained in the course of employment," approved May 30, 1908. That act provides for the payment of compensation for injuries to any person employed by the United States as an artisan or laborer in any of the manufacturing establishments, arsenals, or navy yards, or in the construction of river and harbor or fortification work,

or in hazardous employment on construction work in the reclamation of arid lands, or the management or control of the same, or in hazardous employment under the Isthmian Canal Commission, where such injury was received in the course of such employment, unless such injury is due to the negligence or misconduct of the employee injured, and where the injury continues more than 15 days. It provides, further, for the payment to certain next of kin and dependents of the employee in case death results from the injury, and the methods of procedure in case of injury or death are prescribed at length by the act.

It will thus be seen that the justice as well as the policy of the payment of compensation by the Government to its own employees has been fully recognized by Congress.

But the act under consideration is one of first impression, so far as it seeks to regulate interstate commerce or those engaged therein, and its importance necessitates a discussion of the constitutional provision out of which must be derived the power of Congress to legislate upon the subject as well as those provisions which, from the viewpoint of those who oppose the same, seem to restrict, limit, or prohibit the exercise of such power.

As a preliminary step to the discussion it seems pertinent to call attention to conditions which exist with reference to those engaged in interstate commerce and to the necessities which, from the standpoint of a sound public policy, a due regard for justice and the safety of the public, the employees, and those dependent upon them have given birth to the suggestion of the propriety of legislation fixing the liability of the employer and the compensation of the employee or his representatives in case of death.

It is unfortunate that reliable statistics in the United States are not accessible to show the total number of injuries and deaths as the result thereof in the different, and particularly in the hazardous, employments of the country. Nor is it possible to show, except approximately, what employment here is the most hazardous, or what rank in that respect employment in the railway service bears. It would be fair, however, it seems to me, to apply as a standard of comparison, the result of reliable information obtained in England as to the death rate from injuries of those engaged in the different employments. There the annual mortality has been found to be as follows:

Seamen, per 10,000

Miners, per 10,000
Quarrymen, per 10,000
Rallway employees, per 10,000

Nontextile factory operatives, per 10,000

Textile factory operatives, per 10,000

From this it would appear that railway employees rank fourth in the list of mortality per annum, but statistics prove that the annual mortality rate in this country among railway employees is far greater than in Great Britain or in any of the countries of Europe. Railway employment must be ranked as one of the most hazardous of employments in the United States, judging from the carefully compiled statistics of other countries. Certain it is that if the number of those killed and countries. Certain it is that if the number of those killed and injured in all other hazardous employments were added to those killed and injured in railway employment, the figures would not only be terribly appalling, but would shock the minds, hearts, and consciences of the American people, who, as they come and go in the ordinary avocations of life, do not stop to think that for almost every moment of time in each day of the year one or more of their fellow men are being killed or so eximpled and mained as to be thrown upon the cold charities. crippled and maimed as to be thrown upon the cold charities of the world absolutely without hope, themselves and fami-lies dependent upon the private and public charities of the country.

An examination of the statistics furnished by the Interstate Commerce Commission discloses that from June 30, 1809, to June 30, 1907, there were engaged in railway employment for

each year the number of persons following.

Mr. President, I am not going to tire the Senate by reading statistics, but I make the general request, without repeating it in each instance, that the statistics I intend to embody in my remarks may be printed in the Record without reading them.

The PRESIDENT pro tempore. Without objection, it will be so ordered.

Mr. CHAMBERLAIN. I deem it sufficient to say simply that in 1899 there were 928,924 men employed, and in 1907 their number had increased to 1,672,074:

1899	928, 924
1900	1, 017, 653
1901	1, 071, 169
1902	1, 189, 315
1903	1, 312, 537
1904	1, 296, 121
1905	1, 382, 196
1906	1, 521, 355
1907	1, 672, 074

In this connection I submit certain comparative statements and analysis thereof contained in one of the briefs submitted to the commission in the course of the hearings had on the bill under consideration, covering the period from June 30, 1888, to

SUMMARY A .- Comparative statement of accidents to railway employees for the years named,

Year ending June		es killed.	Employees injured.		Total employees killed or injured.		
30—	Number.	Per cent.	Number.	Per cent.	Number.	Per cent.	
1907 1906 1905 1904 1903 1902 1901 1900 1899 1898 1897 1896 1896 1897 1896 1893 1894 1893 1894 1893 1894 1893 1894 1893 1894 1893 1894 1895 1895 1896 1896 1898 1898 1898 1898 1898	4,534 3,929 3,361 3,632 3,608 2,969 2,675 2,550 2,210 1,958 1,983 1,861 1,823 2,727 2,554 2,660 2,451 1,972 2,675	8.55 7.41 6.34 6.85 6.80 5.00 4.81 4.16 3.69 3.19 3.51 3.41 4.81 5.01 4.62 3.72 3.72	87, 644 76, 701 66, 833 67, 067 00, 481 50, 524 41, 142 39, 643 34, 923 31, 761 27, 697 29, 969 23, 422 31, 729 28, 267 26, 140 20, 028 20, 028 20, 148	10.79 9.44 8.23 8.26 7.44 6.22 5.06 4.88 4.30 3.40 3.16 2.89 3.48 3.27 3.48 2.76 2.47	92,178 80,630 70,194 70,699 63,493 43,817 42,193 33,719 29,360 21,800 21,245 30,801 28,800 24,847 22,200 22,218	10.63 9.33 8.11 8.11 6.18 5.00 4.87 4.22 3.33 3.11 2.00 3.55 3.55 3.28 2.25 2.55	
Total	53,046	100.00	812, 181	100.00	865, 227	100.00	

SUMMARY B.—Comparative statement showing number of railway employees in service and the per cent killed or injured for the years named.

Year ending June 30—	Employ-	Empl kill	oyees ed.	Empl		Total en killed or	
	ees in service.	Num- ber.	Per cent.	Num- ber.	Per cent.	Num- ber.	Per cent. 5.51 5.30 5.08 5.45 4.88 4.50 4.09 4.15 4.00 3.85 3.57 3.855 3.50 3.24
1907. 1906. 1505. 1904. 1503. 1902. 1503. 1902. 1501. 1500. 1899. 1898. 1897. 1894. 1893. 1894. 1893. 1893. 1892. 1890.	1,672,074 1,521,355 1,382,196 1,296,121 1,312,537 1,189,315 1,071,169 1,017,653 928,924 874,559 823,476 820,020 785,034 779,608 873,002 821,415 784,285 749,301 704,743	4,534 3,929 3,361 3,632 4,606 2,967 2,255 2,250 2,210 1,963 1,861 1,811 1,823 2,727 2,727 2,451 1,972 2,451	0.27 -26 -24 -28 -27 -25 -25 -24 -21 -23 -23 -31 -31 -33 -33 -33 -33 -33 -33 -33 -3	87,644 87,6701 66,833 67,667,00 60,481 50,524 41,142 31,761 31,761 27,660 22,422 31,722 25,696 23,422 31,722 25,696 22,422 31,720 25,696 22,422 31,720 25,096 22,422 31,720 25,096 22,422 31,720 25,096 22,422 31,720 25,096 20,028 20,028 20,028	5. 24 5. 04 4. 84 5. 17 4. 61 4. 25 3. 90 3. 76 3. 63 3. 63 3. 62 3. 27 3. 01 3. 63 3. 44 8. 33 2. 90 2. 84 (1)	92,178 80,630 70,194 70,699 64,087 53,403 43,817 20,330 37,133 37,133 37,133 37,135 20,360 30,821 25,800 24,847 22,000 22,218	5.30 5.08 5.45 4.88 4.50 4.09 4.15 4.00 3.85 3.57 3.85 3.50 3.24

1 Figures not available.

SUMMARY C .- Comparative statement showing mileage operated and accidents to railway employees per 100 miles of line for the years named.

Year ending June	Mileage operated (single track).	Emple kill	oyees ed.	Emple inju	oyees red.	Total en killed or	ployees injured.
		Number.	Per 100 miles of line.	Number.	Per 100 miles of line.	Number.	Per 100 miles of line.
1907 1906. 1905. 1905. 1904. 1903. 1902. 1901. 1900. 1898. 1897. 1898. 1896. 1896. 1896. 1896. 1896. 1896.	229, 951 222, 340 216, 974 212, 243 205, 314 200, 155 195, 562 187, 535 184, 648 183, 284 183, 284 177, 746 175, 691 169, 780 162, 397 160, 404 153, 385 163, 884	4, 534 3, 929 3, 361 3, 632 2, 909 2, 675 2, 550 2, 210 1, 935 1, 931 1, 831 1, 831 2, 727 2, 560 2, 451 1, 972 2, 970	2 2 2 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	87, 644 76, 701 66, 833 67, 667, 667 60, 481 50, 524 41, 230, 643 31, 761 27, 696 25, 696 25, 696 25, 422 22, 422 22, 396 22, 207 22, 396 20, 028	38 34 31 31 29 25 21 10 19 17 16 14 14 14 15	92,178 80,630 70,194 70,699 64,087 53,481 42,193 33,719 29,360 27,507 22,245 34,456 30,821 28,800 24,847 22,200 22,218	40 36 36 32 33 33 31 26 22 21 21 21 16 16 17 17 17 18 19 19 19 19 19 19 19 19 19 19 19 19 19

SUMMARY D.—Comparative statement of accidents to railway employees showing the number of minutes clapsing for one employee killed or injured, and the average number of employees killed or injured per day, for the years named.

Year ending June 30—	Emp	loyees ki	lled.	Emplo	yees inju	red.	Total employees killed or injured.				
	Num- ber.	Num- ber min- utes elaps- ing for one killed.	Av- er- age per day.	Num- ber.	Num- ber min- utes elaps- ing for one injured.	Av- er- age per day.	Num- ber,	Number min- utes elaps- ing for one killed or Injured,	Av- er- ngo per day.		
1807	4,534 116 12	87,644 76,701 66,833 67,067 60,481 50,524 41,142 30,643 31,761 27,667 29,969 25,696 23,422 31,720 28,267 28,267 20,028 20,028	6 7 8 8 8 9 10 13 13 15 17 17 19 18 22 21 21 22 20 23 26 26	240 210 183 183 166 138 113 108 96 87 76 82 70 64 87 77 77 72 61 55 55	92,178 80,630 70,194 64,087 70,699 64,087 83,493 44,817 42,193 37,133 33,719 29,360 31,830 27,567 25,245 34,456 30,821 28,800 24,847 22,000 22,218	6 7 7 7 8 10 12 12 14 16 16 18 17 19 21 15 17 18 21 24 24	252 221 192 193 176 146 120 115 102 92 81 87 75 69 94 84 79 68 60 60				
Total Average	53,046	214	7	812,181	16	111	865, 227	15	133		

ANALYSIS OF SUMMARIES.

ANALYSIS OF SUMMARIES.

Summary A.—The first summary presented shows the number of railway employees killed, the number injured, and the total casualties for 20 years from 1888, the first year after the establishment of the Interstate Commerce Commission, to 1907, inclusive. During this period 53,046 employees lost their lives at the post of duty and over 800,000 employees were either maimed or crippled. The total casualties numbered 865,227, an average for the 20 years covered of over 43,000 a year. The per cent column is introduced to facilitate comparison of the years given with the total figures for the entire period.

Summary B.—The next summary shows the number of employees in service and the proportion killed and injured. The falling off in the number employed, as indicated by the figures for the years 1894 to 1898, was due to the panic of 1893, and reflects one of the economics introduced by the railway managements during the hard times following this financial crisis. The per cent column for employees killed clearly indicates the constant recurring death risk of the railway employee. There is hardly any perceptible fluctuation of this ratio for the years shown, and means approximately that 1 employee out of every 400 in service was killed each year. The proportion of injured has gradually increased each year until for 1907, the last year covered, the 5.24 per cent given indicates that 1 employee out of every 20 in service is injured, or that an employee in the service of a railway for 10 years has an even chance of being injured.

Summary C.—This summary, showing the mileage operated and the number of employees killed and injured per 100 miles of line, reflects from another angle the constant recurring death risk year after year. The number linjured increases each year in a greater ratio than the mileage operated, and apparently substantiates the results shown by the injured column of Summary B.

Summary D.—The last summary presented shows the number of minutes clapsing for each casualty and the averag

It is instructive to compare the figures of other countries with those given above, and I draw your attention to those in continental Europe, where workmen's compensation laws have been generally adopted. The figures show that the number of killed and injured in this country, as I have heretofore stated, is much larger in proportion to the number of employees engaged in railway traffic than in continental Europe.

Five-year average

Tito year accraye.											
Countries.	In- jured.	Killed.	Number of employees to 1 in- jured.	Number of employees to I killed.	Number of employees.						
Argentina. Austria. Belgium British India. Canada¹ Denmark France. Germany Hungary. Norway Prussia Russia. Sweden. Switzerland. United Kingdom¹ United Kingdom¹ United Kingdom¹ United Kingdom¹ United Kingdom¹	320 1,455 611 612 1,015 19 576 1,498 215 12 916 2,209 148 1,467 4,250 77,334	88 106 54 375 217 11 278 636 108 2 452 644 36 37 430 3,568	258 100 113 786 118 588 517 431 496 340 485 261 250 26 134 19	928 2, 205 1, 380 1, 282 1, 017 1, 068 1, 016 988 2, 125 984 1, 180 1, 031 1, 071 1, 071 1, 351 421	82,670 233,726 69,129 481,109 110,845 11,187 296,887 646,426 106,726 4,251 445,076 760,452 37,123 40,031 580,953 1,502,044						

1 United Kingdom, 14-year average; Canada, 4-year average.

For the years 1908, 1909, and 1910 our commission has made an exhaustive and searching inquiry into the accidents to railroad employees in the United States, a subcommittee (of which I had the honor of being chairman) being formed for that purpose, and blanks being specially devised by the efficient secretary of the commission, Mr. Launcelot Packer, to ascertain the relative seriousness of the injuries, their relation to the numbers employed, and the economic loss to the country as well as to the railroads during that period. The results having been published with our report, I need only call attention to the startling fact that calculations, based on the age of those killed and the actual days of disability of those injured, indicate that approximately 161,634,000 possible days' work were withdrawn from the productive energy of the country solely through accidents to railroad employees. The figures tabulated are indeed appalling, and it is not to be wondered, in view of these facts that in the past 25 years, or I may say within the past decade, there has been a loud and persistent demand on the part of employees engaged in all forms of hazardous employment for a modification of the doctrines which have prevailed and which, in their ultimate effect, have practically cast the burdens of industrial accidents upon the employees and their families, who are least able to bear them, and who have been, in the majority of instances, forced to become objects of public charity or else have been assisted and supported by the insurance organizations of employees themselves that have been created to meet the conditions of modern industrial life. One would suppose that because of the laws which have been passed from time to time requiring the installation of safety appliances and other instrumentalities for the prevention of accidents to employees within the past few years the percentage of employees killed and injured, notwithstanding the increase in the number of such employees, would have gradually diminished, but the contrary is true, and in consequence the number of injured and helpless men and their dependents has been steadily growing larger. The burden of their support, no matter from whence that support comes, gradually became heavier and in consequence, thinking men, whether of the class of employers or employees, in every civilized country have been drawn to a profound consideration of the whole question. The trend of opinion is toward a policy that will make every business bear the burden of industrial accident where human agencies are involved, just as it does and has always done with respect to the inanimate instrumentalities employed.

Let us inquire into the relations of the master and servant as it existed originally, and at common law, and its gradual modification to meet varying social and industrial conditions. The subject is so large that it would be out of place to do more than to state general principles, and that in a most general way. While the fundamental rules may not differ essentially in the various civilized countries, they have found different application, not only in other countries, but as well in the several States of the Union. It was because of the harshness of the modern law of negligence, its injustice to the employee, and the economic waste that has always followed attempts to enforce the claims of employees against the employers that has had much to do with crystallizing the idea of compensation, irrespective of negligence, into concrete legislation whereby the burdens of industrial accident in all employments are being shifted from the employee to the employer and hence upon the business itself.

Strange as it may seem, the United States and the several States of the Union have been rather behind other countries in legislation along the lines of the bill under consideration for the amelioration of conditions growing out of industrial accident. Only within very recent years has the subject been brought to general attention and discussion, although for more than a quarter of a century compensatory legislation has been in force on the Continent of Europe and elsewhere. Changes in the form of this legislation are gradually taking place everywhere as experience suggests them. It is not possible that an ideal condition can ever be attained, but there is certainly reason to hope, judging the future by the past, that the time is not far distant when employer and employee will be brought closer together, and the condition of both be very much improved by wholesome legislation for compensating employees for industrial accidents.

The history of responsibility for tortious acts shows several stages of development common to the leading nations of the These successive stages represented adjustments of the law by legislatures and by courts to the prevailing social policy of the times. There was at first an absolute liability irrespective of negligence for tortious acts, a voluntary act causing harm being inevitably followed by civil responsibility. A successive stage then recognized certain defenses to that absolute liability by appeal to some standard of moral blame, such as "inevitable

modern law of negligence with its "command or consent test" of responsibility, which in the last century developed into the test of "implied command from a general command or authority known as the doctrine of 'respondent superior.'" Very similar developments took place in all countries with reference to the liability of the master to his servant for injuries received in the course of his employment, and it became the rule, briefly and generally stated, that the injured servant could not recover from the master except by showing that he was guilty of negligence; in other words, that he had failed in a given case to exercise a proper degree of care or to perform some duty required by the express or implied terms of his contract, and that the injury had resulted therefrom. This rule was adopted when the conditions of industrial life were entirely different from those which exist to-day. The relations between the master and servant were of the simplest kind, and not only did the master come in direct contact with the servant, but each was known to the other, and the servant generally received instructions directly from the master without the intervention of an agent or other person. With the development in social and industrial life these conditions have entirely changed, and relations which were formerly simple have become exceedingly complex. master now is generally not the individual, but an aggregation of individuals in the form of a corporation, employing thousands and some times hundreds of thousands of men, all receiving employment and instructions through numerous agencies in the different departments of the master's work. Not only that, but the master in the great majority of cases does not know his servants and never comes in touch or contact with them. earliest departure from the common-law rule of liability is to earliest departure from the common-law rule of hability is to be found in the case of Priestly v. Fowler (3 Mees, and W_v , 1), decided by Lord Abinger in 1837, where it was held that a master could not be held responsible for an injury to his servant if such injury was caused by the negligence of a fellow servant, and that "the principles of justice and good sense require that a workman should take on himself all the ordinary risks of his employment.'

In 1841 the Supreme Court of South Carolina, in Murray v. South Carolina R. R. (1 McMullan, 385), laid down the doctrine that wherever a company, or an individual, employs several persons to effect by a joint effort any business, each person so employed takes on himself all the risks of the service which do not result from the mismanagement or improper conduct of the company itself, and each servant agrees to take on himself the risk of all injuries to result from the mismanagement or negligence of the other servants of the company engaged in the same undertaking.

In Farwell v. Boston & Worcester R. R. Corporation (4 Met., 49) the question was whether, for damages sustained by one of the persons in the employ of the defendant, by means of the carelessness and negligence of another, the plaintiff has a remedy against the common employer. The court, through Judge Shaw, stated: "The general rule resulting from considera-The court, through tions as well of justice as of policy is that he who engages in the employment of another for the performance of specified duties and services for compensation takes upon himself the natural and ordinary risks and perils incident to the performance of such services, and, in legal presumption, the compensation is adjusted accordingly, and we are not aware of any principle which should except the perils arising from the carelessness and negligence of those who are in the same employment."

These decisions form the basis, largely, of all subsequent decisions involving the relations of master and servant in cases of negligence, and have become as firmly established as the law of the land as if their origin were traced to legislative enact-The result has been to place the burden of accidents caused by the carelessness of a fellow servant on the employee and to compel the employee to assume as a part of his contract of employment the burden of all risks inherent in the trade or business in which he is engaged.

It would be interesting to trace the modification and application of these doctrines of defense, which, together with that of contributory negligence, have their birth in the decisions of the courts rather than in legislative enactment, but it is not practicable to do so. There are as many applications of the rules growing out of them as there are States in the Union, and one might with entire propriety say, as there are courts administering the law in the various States of the Union. It is only necessary to state the underlying principle of the law of negligence as it exists to-day as a result of the decisions of the courts, and in a general way to add that the same restrictions put upon it have prevailed in the Federal as well as in the State courts, where there has been no legislative modification thereof. That law is, that the employer is liable only in case necessity." From this stage developed by degrees the more he is at fault—that is, he must have been negligent in some

respect-and this negligence must have been the proximate and sole cause of the accident. Under it the contract of employment carries with it four obligations on the part of the employer. and these are: First, to provide and maintain a reasonably safe place to work; second, to supply reasonably safe machinery, tools, and appliances with which to work; third, to furnish reasonably competent servants to assist in the work; fourth, to promulgate rules and regulations to conduct business on a The default of the employer in any of these safe system. respects resulting in injury to the servant while the servant himself was in the exercise of due care for his own safety, rendered the master liable for such injury. In the same contract, on the other hand, it is agreed on the part of the servant, either expressly or by implication, first, that the servant would assume the ordinary risks of the service which he engaged to perform, including the risk of injury from the negligence of his fellow servants; and, second, that he himself would use rea-sonable care to avoid injury. The defenses which, through the sonable care to avoid injury. The defenses which, through the decisions of the courts, were thus made available to the master to defeat the claims of the servant were, first, that the injury was the result of the negligence of a fellow servant; second, that the injury was one of the risks which the servant had assumed as incident to the employment; and, third, that the servant was not in the exercise of due care or was guilty of contributory negligence.

The result in practice of the application of these rules as enunciated by the courts, with the burden of proof upon the employee, who in the very nature of things has not the facilities for obtaining the evidence necessary to sustain his case, has made recovery impossible in the great majority of cases involving claims of employees for damages for injuries received in the course of their employment.

Nor is that the only result. The negligence basis for compensating for industrial injuries engenders hostility and bitter antagonism between employer and employee; it renders uncertain the claims of those injured, where uncertainty, above all things, should be eliminated, and entails litigation which is tedious, sometimes endless, and always expensive; it makes possible the ambulance-chasing lawyer, who, whether the injured employee has a just claim or not, induces the execution of a contract, under the terms of which he is to receive for his services from 25 per cent to 50 per cent of any amount that may be recovered; it causes great economic waste, and a large part of the money which ought to be paid to the injured employee is dissipated in vexatious litigation, with all its concomitant evils; and, finally, it in effect shifts the burdens of industrial accident from the employer, or, in the final analysis, from the business where it should fall, to the employee, who is least able to bear it.

Many of the States of the Union have gradually modified and some have abolished one or other of the defenses of fellow-servant fault, assumption of risk, and contributory negligence, in some instances measurably restoring the relation between the employer and employee as it existed prior to the decision in Priestly against Fowler, supra, and the other leading cases to which I have referred, making the master liable to the servant for injuries received in the course of his employment; but it may be stated with reasonable certainty that no two States have

adopted uniform statutes governing the subject, so that it is practically impossible to harmonize the various decisions of the courts except as to the general principle involved.

It was in this state of the law and under such conditions growing out of its application in the several Commonwealths that Congress passed the employers' liability law, which was approved June 11, 1906, whereby it undertook to establish the relation between employer and employee, abolished the defense of fellow-servant fault, and alleviated the harshness of the doctrine of contributory negligence by providing that in all actions thereafter brought against any common carrier to recover damages for personal injuries to an employee, or where such injuries have resulted in his death, the fact that the employee may have been guilty of contributory negligence shall not bar a recovery where his contributory negligence was slight and that of the employer was gross in comparison, but the damages shall be diminished by the jury in proportion to the amount of negligence attributable to such employee.

The constitutionality of the act was successfully called in question; not, however, on account of any lack of power upon the part of Congress to legislate upon and to regulate the relations between employers and employees, and between the latter amongst themselves, when engaged in interstate commerce, but because it included many subjects wholly beyond the power to regulate commerce, although dependent for its sanction upon that authority. On the contrary, the power of Congress over the subject of the agencies of interstate commerce, whether animate or inanimate, while so engaged is expressly recognized, and I shall refer to the decision later in this argument.

To meet the objections raised by the Supreme Court, Congress passed the act approved April 22, 1908, which reenacted the provision of the former act with respect to contributory negligence, abolished the fellow-servant rule, and modified that of assumption of risk. The constitutionality of this last act was assailed, but was sustained by the Supreme Court in a decision to which I shall later refer.

While both of these statutes are steps in the right direction, in that they tend to alleviate the conditions of employees engaged in interstate commerce, they yet fail to meet the necessities of the situation, because in the final analysis they afford relief to the comparatively few who can establish negligence on the part of the employer and leave the majority of the employees without any remedy for injuries resulting from risks inherent in the business and in cases not covered in terms by the provisions of the act.

Reliable statistics are not obtainable in this country showing the proportion of accidents due to the carelessness of the employee, those due to the employee, and those inherent in the trade or business; but the Imperial Insurance Office of Germany publishes at 10-year intervals special studies of industrial accidents compensated under the national accident insurance system for workmen. It would be fair to use the figures thus compiled for purposes of comparison here, for it is probable that the results would not be materially different in this country if reliable data were accessible. I call attention to the German statistics for the two decades ending 1897 and 1907, as published in Bulletin 92 of the Bureau of Labor, January, 1011, at page 65, as follows:

Fault of the employer, of the workmen, etc.: Per cent of accidents due to fault of employer, of workman, etc., classified by causes of injury, 1907 and 1897.

	Per cent of persons killed or injured to whom compen- sation was paid for the first time for whom reports were obtained.	Per cent of accidents due to— Fault of employer.				Per cent of accidents due to—									
					Fault of the workman.										
Apparatus, etc., causing the injury.		Defective apparatus, arrangements, etc.	Absence of or defective safety appliances.	Absence of or defective regulations, supervision, etc.	To- tal.	Lack of skill, inat- ten- tion, or care- less- ness.	Failure to use safety appli- ances or re- moval of same.	Acts con- trary to rules, regula- tions, etc.	Horse- play, mis- chief, intoxi- cation, etc.	Un- suit- able cloth- ing.	To- tal.	Fault of both employer and work-man.	Fault of fellow work-man orthird party.	of the	Other causes (chance, act of God, etc.).
rand total: 1907(81,248 cases)	99. 13 97. 66	5.40 7.15	4.69 7.82	1.97 1.84	12.06 16.81	28.96 20.85	2. 22 1. 92	9.48 5.44	0.55 1.19	0.05	41. 26 29. 89	0.91 4.66	5.94 5.28	37-65 42-05	2. 18 1. 31
Accidents caused by machinery: 1907. (19,803 cases) 1897. Accidents due to causes other than ma-	99.56 98.16	5. 42 6. 96	12.00 16.32	1.55 2.34	18. 97 25. 62	28.75 25.58	4. 61 3. 23	18.04 13.29	1. 60	.14 .88	52.21 44.58	2.01 9.52	3.93 3.97	22.57 16.04	.31
chinery: 1907(61,445 cases) 1897	98.99 97.50	5.39 7.21	2.32 5.00	2.11 1.68	9.82 13.89	29.03 19.29	1.44 1.48	6.70 2.84	.51 1.05	.03	37.71 25.02	3.56 .05	6.59 5.72	42.53 50.66	2.79 1.66

If the figures in the foregoing tab! are accurate, or approximately so, and if the same conditions had existed in the United States, recoveries under the present liability laws could have been had in 1897 in 12.06 per cent of the cases of accidents, and in 1907 in 16.81 per cent, these being the numbers attributable to the fault of the employer, whilst all other accidents were due either to the fault of the workman, or of employer and workman, or of the fellow workman or a third party, or the general hazard of the industry, or other causes. How much to be preferred, therefore, is a law like the one under consideration, which abolishes the doctrine of negligence and compensates for injuries without regard to fault?

So complex have become the instrumentalities and appliances for earrying on interstate commerce that in the majority of cases it is impossible to fix the blame for accidents, or to ascertain whether the employer or employee is at fault, or whether they are, in given cases, inherent in the business itself. To meet innumerable cases, therefore, in which there is at present no relief attainable under liability laws, to put an end to litigation, to save the present great economic waste, to fix the status of those injured without regard to negligence or fault, and to place the burden of accident where in justice and on the grounds of public policy it properly belongs, most of the civilized countries of the world, and many of the States of the Union, have resorted to the principle of compensation for all injuries, doing away entirely with the doctrine of negligence as the basic principle of recovery and abolishing the defenses which have been instrumental in defeating recovery in times past. In other words, to the enactment of laws which allow a compensation to the employee for accidents which occasion injury or death without the necessity for tracing them to fault in either party, proportionate to the wage scale of the employee at the time of such injury or death.

This the act under consideration has attempted to do. The tendency of all civilized countries has been toward the enactment of laws fixing beforehand definitely the liability of the master and the rights of the employee through the instrumentality of compensatory legislation. It would be interesting to trace the development of this legislation through its several stages in this and other countries, but works upon the subject are easily accessible, and I do not deem it necessary to attempt more than to call attention to the fact that since the const more than to call attention to the fact that, since the enactment of the first law upon the subject by Germany in 1884, with its subsequent modification and amendments, the following countries have moved along the lines toward which the act under consideration is tending: Austria, Belgium, Denmark, Finland, France, Greece, Hungary, Great Britain, Alberta, British Columbia, Quebec, Cape of Good Hope, Transvaal, New Zealand, New South Wales, Queensland, South Australia, Western Australia, Italy, Laxemburg, Netherlands, Norway, Russia, Spain, Sweden, and Switzerland.

Sweden, and Switzerland. Having traced briefly the history of the growth and develop-ment of the law of liability for negligence, and the defenses which have gradually become available to defeat recovery in the majority of cases, and having shown that under the present system no recovery can be had for accidents inherent in the trade or due to the negligence of the employee, which together constitute the major part of accidents in industrial life, I will discuss the act under consideration from the constitutional standpoint.

Mr. HITCHCOCK. Mr. President-The PRESIDENT pro tempore. Does the Senator from Oregon yield to the Senator from Nebraska?

Mr. CHAMBERLAIN. Certainly.

Mr. HITCHCOCK. Do I understand the Senator, in quoting the experiences of other countries, to refer to their laws as being confined to railroads and transportation companies?

Mr. CHAMBERIAIN. The laws of continental countries

cover all hazardous enterprises.

Mr. HITCHCOCK. All hazardous enterprises? Mr. CHAMBERLAIN. Yes, sir.

Mr. HITCHCOCK. Manufacturing and mining—Mr. CHAMBERLAIN. Yes.

Mr. HITCHCOCK. As well as transportation? Mr. CHAMBERLAIN. They cover nearly all the hazardous To proceed with the discussion of the act from the constitu-

tional standpoint:

First. Congress has the power to exercise control over the relations of common carriers by railroads and their employees while both are engaged in interstate commerce under the commerce clause of the Constitution, which vests in it the au-

to regulate commerce with foreign nations and among the several States.

Second. There is no restriction upon the exercise of this power imposed either by

(a) The fifth amendment, which provides that no person

be deprived of life, liberty, or property without due process of law; nor shall private property be taken for public use without just compensation.

(b) The seventh amendment, which provides-

In suits at common law where the value in controversy shall exceed \$20 the right of trial by jury shall be preserved.

(c) The fourteenth amendment, which provides that no State shall-

deprive any person of life, liberty, or property without due process of law.

The fourteenth amendment really is an inhibition against the States upon the enactment of laws which shall violate the provisions of the fourteenth amendment. I have referred to it here because it is referred to in so many of the decisions where the fourteenth amendment is invoked as a defense to legislation enacted by the several States of the Union.

The Supreme Court of the United States, it seems to me, has settled the question that Congress has the power under the commerce clause to reasonably regulate the relations between employer and employee where both are engaged in foreign commerce or in commerce between the States, including commerce between the District of Columbia and a State or in the District of Columbia; and that there are no restrictions, limitations, or inhibitions in either the fifth, the seventh, or the fourteenth amendments that would prevent the full exercise of that power in the manner it is sought to be exercised in the act under consideration, or that would render the act obnoxious to any other constitutional provision.

I will discuss these propositions in their order as briefly as

it is possible to do so.

First. Congress has the power under the commerce clause to legislate upon and to exercise control over the relations of employers and employees while both are engaged in interstate

Chief Justice Marshall, in Gibbons v. Ogden (9 Wheat., 196), in discussing the power of Congress under the commerce clause,

We are now arrived at the inquiry, What is this power? It is the power to regulate; that is, to prescribe the rule by which commerce is to be governed. This power, like all others vested in Congress, is complete in itself, may be exercised to its utmost extent, and acknowledges no limitations other than are prescribed in the Constitution. * * If, as has always been understood, the sovereignty of Congress, though limited to specified objects, is plenary as to those objects, the power over commerce with foreign nations and among the several States is vested in Congress as absolutely as it would be in a single government having in its constitution the same restrictions on the exercise of the power as are found in the Constitution of the United States. The wisdom and the discretion of Congress, their identity with the people, and the influence which their constituents possess at elections are in this, as in many other instances, as that, for example, of declaring war, the sole restraints on which they have relied to secure them from its abuse. They are restraints on which the people must often rely solely in all representative governments.

As sustaining the same proposition I refer to the following

As sustaining the same proposition I refer to the following cases: Lottery case, 188 U. S., 354; Northern Securities Co. v. United States, 193 U. S., 335; Employers' Liability cases, 207 U. S., 492; Southern Ry. Co. v. United States, decided October 30, 1911; Edgar G. Mondou v. New York, New Haven & Hart-30, 1911; Edgar G. Mondou v. New York, New Haven & Hartford Ry. Co.; Northern Pacific Ry. Co. v. Babcock, administratrix; New York, New Haven & Hartford Ry. Co. v. Walsh, administratrix; Walsh, administratrix, v. New York, New Haven & Hartford Ry. Co., all decided January 15, 1912.

Mr. WILLIAMS. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Ore-

gon yield to the Senator from Mississippi? Mr. CHAMBERLAIN. I do.

Mr. WILLIAMS. In this bill as it came from the author there was a provision to which my attention was called which seemed to me to be very objectionable. It was a provision intended to shift the losses from the employer to the consuming public. It was a provision directing virtually the Interstate Commerce Commission to take into consideration when it was dealing with the question of the reasonableness of rates—
Mr. CHAMBERLAIN. That was eliminated, I will say to

the Senator.

Mr. WILLIAMS. Yes; and I want to emphasize it. directed virtually the Interstate Commerce Commission to take into consideration when fixing rates the loss that was placed on these railroads by the payment of this compensation.

I had handed me this morning a circular attacking this bill upon the ground that that provision was in it. With that attack I had, of course, a very great deal of sympathy, because if you enable the transportation companies merely to charge up to the consumer, the shipper, the general public, all these things it would have no tendency to make them any more careful than they are now. I think the actual statistics show now that we and wound on our railroads 50 persons where in Great Britain 1 is killed or wounded in the same service.

I want, therefore, in this connection, with the consent of the Senator, to call attention to the fact that section 31 of the House bill has been stricken out by the Senate committee.

Mr. CHAMBERLAIN. That has been eliminated.

Mr. WILLIAMS. That is the fact.
Mr. CHAMBERLAIN. Yes.
Mr. SUTHERLAND. Will the Senator from Oregon allow me a moment?

Mr. CHAMBERLAIN. Certainly.
Mr. SUTHERLAND. The bill was introduced in both

Mr. WILLIAMS. I will revise that for the RECORD. I do not mean the House bill. I meant the first print of the bill as introduced by the Senator from Utah.

Mr. SUTHERLAND. The Senate Committee on the Judiciary eliminated the section to which the Senater from Mississippi has called attention.

Mr. WILLIAMS. Section 31 of the bill as introduced.

Mr. SUTHERLAND. Yes; and the House committee has not yet concluded its consideration of the bill. What will happen to the section there of course we do not know.

Mr. WILLIAMS. That was a mere slip of the tongue, about

the House bill. I merely meant the printed bill before me. Mr. CULBERSON. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Oregon yield to the Senator from Texas?

Mr. CHAMBERLAIN. I yield. Mr. CULBERSON. I ask the Senator from Oregon, in connection with what the Senator from Mississippi has invited attention to, if the bill does not, notwithstanding the elimination referred to, fix the expenses of administering the law on the people of the United States through the Treasury?

Mr. CHAMBERLAIN. There is not any question about that, and I am frank enough to say that in the final analysis in the administration of this bill the consumer will have to pay the

expenses incurred under it.

In this connection, inasmuch as the question has been raised, I want to call the attention of the Senate to a little pamphlet by Mr. Edward Bunnell Phelps, who is the editor of the American Underwriter, on the cost of this added expense to the consumer. He makes a computation from the data obtained by the commission at its hearings, and says:

A complete shift to the traveling public by American railways of the entire presumable cost of the United States commission's plan of workmen's compensation, as the commission figures it out, would add eighty-nine one-hundredths of 1 per cent to the operating expenses of the railway service of this country, had not a large part of the cost already been included in their expenses for the last three years. Even if the entire eighty-nine one-hundredths of 1 per cent were to be added and the cost evenly distributed all along the line, the men who had been paying \$50 for a railway ticket or for the use of a freight car would be asked henceforth to pay precisely \$50.45 for that same service.

Mr. WILLIAMS. Yes; but, Mr. President, if the Senator from Oregon will forgive me a moment more, if I believed that the effect of this bill, with section 31 stricken out, would be naturally to enable the railroads anyhow to charge up their negligence and carelessness and maladminstration to the shipping public, instead of charging it to their stockholders, and therefore making their stockholders more careful about whom they selected as directors and presidents, I would not be in favor of the bill. If, with the provision stricken out, they would still do that, I shall offer at the proper time a provision in the language of section 31, except that instead of saying that it shall be declared to be the policy of Congress that the burden under this act shall be considered an element in the cost of transportation, I shall insert the word "not," so as to read "not the policy, and the Interstate Commerce Commission in any proceeding before it affecting rates is expressly directed not to recognize the effect of this policy."

Now, as to the point mentioned by the Senator from Texas,

the mere compensation of these adjusters and that sort of thing, I think is almost infinitesimal in comparison with the entire matter. In addition to that, it seems to me that the public does owe some duty to the men employed and injured.

Mr. CHAMBERLAIN. I will ask the Senator if he does not think that the animate agencies of interstate commerce-that is, the men-ought to be placed on as lofty a plane as the inanimate agencies; that is, the cars?

Mr. WILLIAMS. That is precisely what I am contending

Mr. CHAMBERLAIN. But in the final analysis that expense comes out of the consumer. It must come out of the consumer, in the very nature of things.

Mr. WILLIAMS. Oh, I beg the Senator's pardon. If I am conducting a factory, and the Senator is conducting another. and I conduct mine so carefully and so well, or, to be complimentary, the Senator conducts his so carefully and so well, as to have very little broken machinery, very few accidents to boilers, and various other things, if he keeps things well oiled and well taken care of, he can add every item of that saving to the dividends of his stockholders. And if I am careless about mine I have to take it out of the dividends of my stockholders, because he and I are engaged in a competitive business, and he with good administration will fix the price at his cost of production plus a fair profit, unless we combine.

Now, railroads can not fix the price. The best-conducted railroad can not fix the price for another, because they do not compete. They run in different territory. So the State, the Government, has to fix the price of transportation. But in general industrial business, except at the minimum, except under the best administration, the charges of deterioration and destruction of machinery are not charged to the consumer, for every dollar is taken out of the pockets of the stockholders in their dividends.

Mr. CHAMBERLAIN. I can not see, whether a business is well conducted or ill conducted, but that the expenses of operation, whether good or bad, must be deducted from the earnings

of the industrial enterprise, whatever it may be.

Mr. WILLIAMS. Surely, then, the Senator has not understood me if he says he can not see any difference in operating expenses. The main difference between a well-conducted business and a badly conducted business would be in regard to small operating expenses in comparison with the output and large operating expenses in comparison with the output. When you come to a very badly conducted business and a very wellconducted business the difference in the life of machines is one of the most important things. If you come to the simplest business, like farming, for example, the farmer who takes care of his mowers and reapers and plows and wagons and the farmer who does not take care of them are differentiated by a sum sufficient to cause the one farmer to make money and the other to go out of profitable business. That is true of all sorts of business.

In this connection I will say that one of the greatest fallacies in economic administration is that we presume to deal with an imaginary average when, of course, there is none. Some people, and notably our friends on the other side of the Chamber, are dealing with business the least well administered, with business the least economically conducted, and then they want to carry it on with a profit. The real truth is that we ought to view our legislation from the standpoint of well-conducted business and not from the standpoint of badly conducted business

Mr. CHAMBERLAIN. I will ask the Senator if he does not think it will tend to make the railroad companies more careful if they find by a law which we have enacted that they are compelled to pay a fixed liability in cases of accident?

Mr. WILLIAMS. That is the proposition I am disputing. I am in favor of the bill, but the proposition I have in mind is that if by any means you permit the transportation companies to charge up to the shipping public the losses which they have incurred largely by their own negligence or carelessness you do not accomplish the main purpose that you and I ought to have in view. The main purpose that you and I ought to have in view is not the purpose of compensating the man who is injured or of compensating the widow and children of the man who is killed but to prevent the man from being killed and the man from being injured.

Mr. CHAMBERLAIN. That is the inevitable tendency of this

legislation.

Mr. WILLIAMS. I think so, too, but that tendency will be emphasized if you provide that the carriers must themselves lose on account of these accidents.

Mr. SUTHERLAND. Mr. President-

The PRESIDENT pro tempore. Does the Senator from Oregon yield to the Senator from Utah?

Mr. CHAMBERLAIN. I yield to the Senator.
Mr. SUTHERLAND. Will the Senator permit me to make a suggestion to the Senator from Mississippi? The Senator from Mississippi of course will recognize that some accidents happening on a railroad and happening in any industry are

Mr. WILLIAMS. Yes; but I also recognize that they ought to be only one-aftieth of what we now suffer. Great Britain

has demonstrated that.

Mr. SUTHERLAND. I do not care for the exact figures now. It is sufficient for the purpose of illustrating what I am going to say to have it admitted that some number of accidents are

Now, with reference to those accidents which are inevitable I think the Senator from Mississippi will concede that that would be a proper element to charge against the consumer or against

Mr. WILLIAMS. If they could be differentiated from the others, I think I would agree with you about that, but you must have a general rule after all. So I would make a general rule to fit the major part and not the minor part of accidents

Mr. SUTHERLAND. With the permission of the Senator from Oregon I will say that after this law goes into operation, I imagine the Interstate Commerce Commission will discover what number of accidents are normal or are properly to be charged as the inevitable risks of the industry; and to that extent—of course, it will not be an exact figure—but as nearly as possible to that extent it will permit them to enter into its calculation fixing the amount of charges which the railroad company may make. Now, then, having determined that, when any railroad company exceeds that by negligence or in any other way, to that extent it will be penalized. It can collect from the traveling public and to the extent that it may curtail its accidents so that they fall below the normal, the stockholders will reap the benefit of it.

Mr. WILLIAMS. I hope the Senator is right, but the Senator from Oregon had just made the admission that, in his opinion, all of it must come out of the shipper, or, as we call it for the

purpose of discussion, the consumer, because the consumer of the transportation is the shipper.

Mr. CHAMBERLAIN. Just as all other expenses of operation.

Mr. WILLIAMS. It was that admission I was calling attention to, and it is because of that admission, under the provisions of this bill, that I shall at the proper time offer an amendment directing the Interstate Commerce Commission not to consider it, because, even if what the Senator from Utah says is true, to wit, that a certain number of unavoidable accidents occur out of the natural hazard of business than can not be avoided by any human intelligence or any human carefulness or foresight, and even if that part ought to be charged to the consumer, it is so small in comparison with the general loss that rather than run any risk of having it all charged up to the consumer and considered by the Interstate Commerce Commission as a factor in fixing rates, I would make the employer stand that loss also, with the idea of making him doubly careful and with the idea of preventing loss of life and limb, which is much more important than compensating for it after it has happened.

Mr. CHAMBERLAIN. Mr. President, in making the admis-

sion that in the final analysis the expense must come out of the consumer I did not mean to confess that in the first instance the expense would come out of the consumer; but the expense created under this act might be more than any company in a certain contingency could stand. It has to come from some-where, and like the expense of operation in other cases it seems to me it would have to come out of the earnings, and that comes

out of the consumer in the end.

In this connection I might say that the statistics gathered by the commission show in a general way that the railroad companies pay now about ten millions per annum under the liability laws, and practically only about five millions of that money goes to the employees. The balance is a great economic waste. It goes somewhere; it does not go to the employee.

The best computation we have been able to make is that under this bill the amount that the railroad companies will be compelled to pay will be about \$15,000,000, and all of it goes to the employee. That is the purpose of this legislation. It is to stop that economic waste and see to it that the people who are injured shall have the benefit of it.

Mr. WILLIAMS. I am in perfect sympathy with that purpose and I think the bill is a very great improvement upon existing conditions. I hope the Senator does not misunder. stand me. But while we are considering it I was thinking about

making the bill better still.

Mr. CHAMBERLAIN. Mr. President, I have been drawn a ittle away from the orderly discussion of this object as I wanted to present it. I did not intend at this time to discuss the features of the bill, but simply to discuss it from the legal standpoint and leave to my fellow members of the committee or to some one else the provisions of the bill in detail. However, I may have something to say about that myself later on.

In Southern Railway Co. v. United States, supra, it was insisted inter alia that the safety-appliance acts of Congress should be pronounced invalid, as being in excess of the power of Congress under the commerce clause of the Constitution. objection was overruled (164 Fed., 347), and the Supreme Court

of the United States, Justice Van Devanter rendering the decision, said:

of the United States, Justice Van Devanter rendering the decision, said:

We then come to the question whether these acts are within the power of Congress under the commerce clause of the Constitution, considering that they are not confined to vehicles used in moving interstate traffic. The answer to this question depends upon another, which is, Is there a real or substantial relation or connection between what is required by these acts in respect of rehicles used in moving intrastate traffic and the object which the acts obviously are designed to attain, namely, the safety of interstating it in another way, Is there such a close or direct relation or connection between the two classes of traffic, when moving over the same railroad, as to make it certain that the safety of the interstate traffic and of those who are employed in its movement? Or, stating it in another way, Is there such a close or direct relation or connection between the two classes of traffic, when moving over the same railroad, as to make it certain that the safety of the interstate traffic and of those who are employed in its movement will be promoted in a real or substantial sense by applying the requirements of these acts to vehicles used in moving the traffic which is intrastate as well as to those used in moving the traffic which is intrastate as the two chicles used in moving the traffic which is interstate? If the answer to this question, as doubly stated, be in the affirmative, then the principal question must be answered in the same way. And this is so, not because Congress possesses any power to regulate interstate commerce as such, but because its power to regulate interstate commerce is plenary and competently may be exerted to secure the safety of the persons and property transported therein and of those who are employed in such transportation, ac matter what may be the source of the dangers which threaten it. That is to say, it is no objection to such an exertion of this power that the dangers intended to be avoided arise, in wh

The act of Congress approved June 11, 1906, entitled "An act relating to liability of common carriers engaged in commerce between the States and between the States and foreign nations to their employees," was not sustained by the court, but the power to regulate the relation of master and servant to the extent that regulations adopted by Congress on that subject are solely confined to interstate commerce was expressly recognized. Justice Moody, while dissenting from the conclusion reached by the court, concurred in the view of the majority as to the power of Congress, and further elaborated the subject in the following language:

It would seem, therefore, that when persons are employed in inter-state or foreign commerce, as the employment is an essential part of that commerce its terms and conditions and the rights and duties which grow out of it are under the control of Congress subject only to the limits on the exercise of that control prescribed in the Constitution. (Employers' Liability cases, 207 U. S., 463.)

To meet the constitutional objection to the act of June 11, 1906, the act of April 22, 1908, was passed by Congress and the act amendatory thereof of April 5, 1910. The constitutionality of these acts was assailed on practically the same grounds as those urged against the act of June 11, 1906, and the cases all submitted and decided by the Supreme Court at the same time; and in one opinion, rendered January 15, 1912, the acts were sustained in their entirety in Mondou v. New York, New Haven & Hartford Railroad Co., supra. The power and authority of Congress, under the commerce clause, to regulate the relations of common carriers by railroad and their employees, while both are engaged in such commerce, was fully sustained in an exhaustive opinion pronounced by Justice Van Devanter. In the course of his opinion he said:

course of his opinion he said:

The clauses in the Constitution (Art. I, sec. 8, clauses 3 and 18) which confer upon Congress the power "to regulate commerce * * among the several States" and "to make all laws which shall be necessary and proper" for the purpose have been considered by this court so often and in such varied connections that some propositions bearing upon the extent and nature of this power have come to be so firmly settled as no longer to be open to dispute, among them being these:

1. The term "commerce" comprehends more than the mere exchange of goods. It embraces commercial intercourse in all its branches, including transportation of passengers and property by common carriers, whether carried on by water or by land.

2. The phrase "among the several States" marks the distinction, for the purpose of governmental regulation, between commerce which concerns two or more States and commerce which is confined to a single State and does not affect other States, the power to regulate the former being conferred upon Congress and the regulation of the latter remaining with the States severally.

3. "To regulate" in the sense intended, is to foster, protect, control, and restrain, with appropriate regard for the welfare of those who are immediately concerned and of the public at large.

4. This power over commerce among the States, so conferred upon Congress, is complete in itself, extends incidentally to every instrument and agent by which such commerce is carried on, may be exerted to its utmost extent over every part of such commerce, and is subject to no limitations save such as are prescribed in the Constitution. But, of

course, it does not extend to any matter or thing which does not have a real or substantial relation to some part of such commerce.

5. Among the instruments and agents to which the power extends are the railroads over which transportation from one State to another is conducted, the engines and cars by which such transportation is effected, and all who are in anywise engaged in such transportation, whether as common carriers or as their employees.

6. The duties of common carriers in respect of the safety of their employees, while both are engaged in commerce among the States, and the liability of the former for lajuries sustained by the latter, while both are so engaged, have a real or substantial relation to such commerce, and therefore are within the range of this power. Cooley v. Board of Wardens, 12 How., 299, 315-317; The Lottawanna, 21 Wall., 558, 577; Sherlock v. Alling, 93 U. S., 99, 103-105; Smith v. Alabama, 124 U. S., 465, 479; Nashville, etc., Railway Co. v. Alabama, 128 U. S., 96, 99; Peirce v. Van Dusen, 78 Fed., 693, 698-700; Baltimore & Ohio Railroad Co. v. Baugh, 149 U. S., 368, 278; Patterson v. Bark Endora, 190 U. S., 169, 176; Johnson v. Southern Pacific Co., 196 U. S., 1; Schlemmer v. Buffalo, etc., Railway Co., 205 U. S., 1; Employers' Liability Cases, 207 U. S., 463, 495; Adair v. United States, 208 U. S., 161, 176-178; Baltimore & Ohio Railroad Co. v. Interstate Commerce Commission, 221 U. S., 612, 618; Southern Railway Co. v. United States, 222 U. S., 20. He further held that—

He further held that-

In view of these settled propositions it does not admit of doubt that the answer to the first of the questions before stated must be that Congress in the exertion of its power over interstate commerce may regulate the relations of common carriers by railroad and their employees while both are engaged in such commerce, subject always to the limitations prescribed in the Constitution, and to the qualification that the particulars in which those relations are regulated must have a real or substantial connection with the interstate commerce in which the carriers and their employees are engaged.

In this opinion the court decided adversely to the contentions of the defendants that the act in question violated any of the provisions of the Constitution of the United States, and applyprovisions of the Constitution of the United States, and applying the law as there enunciated to the compensation act now under consideration Congress has plenary power over the subject attempted to be covered by the provisions thereof.

In the case of Adair v. United States (208 U. S., 161) Justice

Harlan expressly recognized that the court in the employers' liability cases had sustained the power of Congress with respect to the relation of master and servant while both are engaged in interstate commerce, holding that—

In that case the court sustained the authority of Congress under this power to regulate interstate commerce and prescribe the rule of liability as between interstate carriers and its employees in such interstate commerce in cases of personal injuries received by employees while actually engaged in such commerce.

In the case of Atlantic Coast Line v. Riverside Mills (219) U. S., 201) Justice Lurton, speaking for the court, said :

The test of power

Said Mr. Justice White, in the employers' liability cases heretofore referred to-

is not merely the matter regulated, but whether the regulation is directly one of interstate commerce or is embraced within the grant conferred on Congress to use all lawful means necessary and appropriate to the execution of the power to regulate commerce.

In Baltimore & Ohio Railroad v. Interstate Commerce Commission (221 U. S., 612) Mr. Justice Hughes said:

By virtue of its power to regulate interstate and foreign commerce Congress may enact laws for the safeguarding of the persons and prop-erty that are transported in that commerce and all of those who are employed in transporting them.

It will thus be seen from this brief reference to the decisions of the Supreme Court that the power and authority of Congress under the commerce clause is fully recognized as extending to the health, the lives, and the limbs, as well as to the property, of the citizen when these or any of them are in any way engaged in or affected by interstate transportation.

There can be no reason, either in law or morals, in this day and generation for recognizing the application of the commerce clause of the Constitution to property, to the vehicles and machinery, and to the appliances used in commerce between

the States, and denying its application for the protection of the lives and limbs of the employees, who are as much, if not more, necessary to the conduct of the traffic than are the other agencies used therein. It has therefore been found by the courts to be necessary to extend the rule beyond any limits that might have been conceived of by the framers of the Con-

stitution when that instrument was prepared.

Innumerable decisions might be cited to show that the commerce clause has been extended in its application to the persons, as well as to the things involved in interstate commerce; but these recent cases to which attention has been called are sufficient, it seems to me, to show the universal applicability of this clause to all of the instrumentalities and agencies of interthis clause to all of the instrumentalities and agencies of inter-state commerce. But, conceding this to be true, are there any inhibitions against the power of Congress under the commerce clause in any other provision of the Constitution? Because if there are any restrictions upon its extension to the regulation of the relations between employer and employee, such restrictions to that extent limit or forbid such regulation.

Second. Neither the fifth, the seventh, nor the fourteenth amendments limit or restrict the power of Congress to exercise plenary power over the subject under discussion.

Does the fifth amendment, which forbids that any person shall be deprived of life, liberty, or property without day persons of law, and the taking of private property for public use without just compensation, limit or restrict the power of Congress under the commerce clause? If it does, the act under considera-tion is void. I maintain that the act in question is not obnoxious to the fifth amendment, and in considering this question it is appropriate to consider the rights of both the employer and

the employee as affected by the fifth amendment.

The act under consideration from and after the time of its taking effect undoubtedly affects the statutory as well as the common-law rights of the employee to the extent, first, that it takes away from him the right of action which he now has against his employer for damages for injuries occasioned by the negligence of the employer; and, second, it fixes the maximum amount of compensation that he shall receive for the classes of injuries mentioned in the act, as well as the amount recoverable by his representatives in case of death; in both of which cases the amount now recoverable is dependent upon the verdict of the jury, unless, as in some States, the maximum of recovery in case of death is fixed by statute.

This right of action, whether under statute or under the com-

mon law, is not a property or a vested right within the meaning of the fifth amendment to the Constitution. It is settled by a long line of authorities that there is no vested right under the Constitution in any common-law right of action or remedy. In

Munn v. Illinois (94 U. S., 113), the court said:

But a mere common-law regulation of trade or business may be changed by statute. A person has no property, no vested interest, in any rule of the common law. That is only one of the forms of municipal law, and is no more sacred than any other. Hights of property which have been created by the common law can not be taken away without due process; but the law itself, as a rule of conduct, may be changed at the will, or even at the whim, of the legislature, unless prevented by constitutional limitations. Indeed, the great office of statutes is to remedy defects in the common law as they are developed and to adapt it to the changes of time and circumstances.

To the same effect is the decision of the court in Campbell v. Holt (115 U. S., 628), where it was insisted that the right to defense is a vested right and a right of property which is protected by the provisions of the fifth amendment, and the court say:

by the provisions of the fifth amendment, and the court say:

It is to be observed that the words "vested right" is nowhere used in the Constitution, neither in the original instrument nor in any of the amendments to it.

We understand very well what is meant by a vested right to real estate, to personal property, or to incorporeal hereditaments. But when we get beyond this, although vested rights may exist, they are better described by some more exact term, as the phrase itself is not one found in the language of the Constitution.

Judge Cooley, Constitutional Limitations, page 438, says:

"Vested rights can not be taken away by legislative enactments, but a right can not be considered a vested right unless it is something more than such a mere expectation as may be based upon the anticipated continuance of the present general laws. The legislators may change such general laws constitutionally except as to a right of interest that may have already accrued or became perfected. * * In organized society every man holds all he possesses and looks forward to all he hopes for through the aid and under the protection of the laws; but as changes of circumstances and of public opinion, as well as other reasons affecting the public policy, are all the while calling for changes in the laws, and as these changes must influence more or less the value and stability of private relations and strengthen or destroy well-founded hopes, and as the power to make very many of them could not be disputed without denying the right of the political community to prosper and advance, it is obvious that many rights, privileges, and exemptions that usually pertain to ownership under a particular state of law and many reasonable expectations can not be regarded as vested rights in any sense."

Some of the States have in their constitutions, in substance, the provision of Magna Charta: "Every man shall have a remedy for injury done him in person, property, or reputation." Nevertheless, the principle last above stated has been sustained in St

stitutional provision. Instances are: Templeton v. Linn Co. (51 L. R. A., 730), in which the supreme court of Oregon said:

"The words, 'and every man shall have a remedy by due process of law for injury done him in person, property, or reputation,' are claimed to operate as a guaranty in favor of all persons who might be injured by a county's neglect, that the legislature should never so change the statute as to destroy the liability of such county. In other words, the constitution found a certain liability created by statute resting upon the several counties and tied the hands of the legislature so that such liability should endure as long as the constitution shall remain in force. As a proposition of constitutional law this contention seems startling, and although the constitutions of many of the States of the Union contain substantially the same provision as section 10, supra, no judicial authority was cited upon the argument in support of it, and I think it may be safely assumed that none exists. * * At the time of the repeal the plaintiff had no cause of action against Linn County, and her sole cause of complaint is that the repeal of the statute before the injury cut off a means of action which she otherwise would have had against the county. * * Vested rights are placed under constitutional protection and can not be destroyed by legislation. Not so with those expectancies and possibilities in which the party has no present will list we will be supplied to the statute before the injury cut off a means of action which she otherwise would have had against the county. * * Vested rights are placed under constitutional protection and can not be destroyed by legislation. Not so with those expectancies and possibilities in which the party has no present will list may be safely as a proposition of the statute before the injury cut off a means of action which she otherwise would have had a gainst the county. * * Vested rights are placed under constitutional protection and can not be destroyed by legislation. Not

tional protection and can not be destroyed by legislation. Not so with those expectancies and possibilities in which the party has no present interests."

Williams v. Galveston (90 S. W. Rep., 505, Tex. Civ. App.), in which the court said:

"The citizen has no property right in a rule at law; and while rights may accrue to him under the operation of a legal rule which becomes vested and can not be taken away from him by the change of the rule, he can not be heard to complain if, before such property rights become vested, the rule is so changed that no rights can accrue thereunder."

In the Territory of New Mexico a statute which limited the liability for personal injury was attacked as unconstitutional because it deprived an injured person of the right to compensation for an injury without due process of law, and the court in

disposing of this contention said:

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Appellant contends that it (the statute) is unconstitutional in that it deprives her of her property without due process of law. This contention is based upon the hypothesis that she has a cause of action against the appellee, which is property; and the act deprives her of it without the "judgment of her peers and the law of the land." This is petitio principii, in assuming that she has a cause of action. Conceding that a cause of action for personal injuries is property, the cause of action—i. e., the property—must exist before one can be deprived of it at all. A statute which abrogates a cause of action for a personal injury before such cause of action has arisen, or before the injury occurs, or requires certain things to be done by the injured party as conditions precedent to a cause of action, does not deprive the injured party of his property without due process of law. For, in view of such a statute, the party has or can have no cause of action until the conditions of the statute which give it have been performed. It is certainly within the power of a legislature to declare what facts, occurring within its jurisdiction, after the passage of the act, shall or shall not constitute a cause of action, though such facts may or may not, if occurring before the legislative enactment, have been actionable. In other words, a legislature may create a right of action which never existed before, or abolish one that had before existed, if, in doing so, it does not affect rights which vested prior thereto. A party injured after a legislature has taken away the right of action for personal injuries can no more complain of it than a party against whom a right of action is given for an injury resulting in death can of such a legislative enactment. For the one party is no more injuriously affected by such legislation than the other. In the one case, what was before actionable cases to be so; in the other, what was not before

A statute in Pennsylvania provided that-

when any person shall sustain personal injury or loss of life while lawfully engaged or employed on or about the roads, works, depots, and premises of a railroad company, or in or about any train or car therein or thereon, of which company such person is not an employee, the right of action and recovery in all such cases against the company shall be such only as would exist if such person were an employee, provided that this section shall not apply to passengers.

This statute was attacked as in conflict with the fourteenth amendment, in that it deprived the plaintiff of his remedy for injury occasioned by the negligence of the defendant and was a denial of due process of law. When the case came before the Supreme Court of the United States in Martin v. Pittsburg, etc., Ry Co. (203 U. S., 284) the court, through Justice White, said:

The contention that because in the cases referred to the operation of the State laws, which were sustained, was to augment the liability of a carrier, therefore the rulings are inapposite here, where the consequence of the application of the State statute may be to lessen the carrier's liability, rests upon a distinction without a difference. The result of the previous rulings was to recognize, in the absence of action by Congress, the power of the States to legislate, and, of course, this power involved the authority to regulate as the State might deem best for the public good, without reference to whether the effect of the legislation might be to limit or broaden the responsibility of the carrier. In other words, the assertion of Federal right is disposed of when we determine the question of power, and doing so does not involve considering the wisdom with which the lawful power may have been understated conditions exerted.

And the views previously stated are adequate to dispose of the assertion that the Pennsylvania statute is void for repugnancy to the fourteenth amendment. If it be conceded, as contended, that the plaintiff in error could have recovered but for the statute, it does not follow that the Legislature of Pennsylvania in preventing a recovery took away a vested right or a right of property. As the accident from which the cause of action is asserted to have arisen occurred long after the passage of the statute, it is difficult to grasp the contention that the statute deprived the plaintiff in error of the rights just stated. Such a contention in reason must rest upon the proposition that the State of Pennsylvania was without power to legislate on the subject—a proposition which we have adversely disposed of. This must be, since it would

clearly follow if the argument relied upon were maintained, that the State would be without power on the subject. For it can not be said that the State had authority in the premises if that authority did not even extend to prescribing a rule which would be applicable to conditions wholly arising in the future.

And again, in Louisville & Nashville R. R. Co. v. Mottley (219 U. S., 467), in disposing of the contention of the right to a remedy for a tort inflicted in the future, the court held that, even in the case of a contract right where the consideration had been fully paid, it was within the regulative power of Congress under the commerce clause, and held that even after the enactment of the act of June 29, 1906, known as the interstate com-merce act, it was unlawful for a carrier to issue interstate transportation in pursuance of a prior existing contract to do so as compensation for injuries received, and, even though valid when made, such a contract can not now be enforced against the carrier by suit.

That is where a man and his wife were seriously injured in a railroad accident, and in settling the case the company agreed to give and the parties agreed to accept an annual pass during the rest of their lives as full compensation for the injury, but after the passage of the Sherman Act the Supreme Court held that that contract was revoked under the terms of the act, and that the railroad company had no power to issue passes to them even in the face of a contract which was in existence prior to

the enactment of that law.

And in the case of Mondou v. New York, New Haven & Hartford Railroad Co., to which I have heretofore referred, the court reaffirmed the doctrine laid down in the case of Munn v. Illinois (94 U. S., 113), that a person has no property nor vested interest in any rule of the common law, and held-

The natural tendency of the changes described-

Referring to changes in the common-law defenses-

Referring to changes in the common-law defenses—
is to impel the carriers to avoid or prevent the negligent acts and omissions which are made the bases of the rights of recovery which the statute creates and defines; and, as whatever makes for that end tends to promote the safety of the employees and to advance the commerce in which they are engaged, we entertain no doubt that in making those changes Congress acted within the limits of the discretion confided to it by the Constitution. (Lottery Case, 188 U. S., 321, 353, 355; Atlantic Coast Line R. R. Co. v. Riverside Mills, 219 U. S., 186, 293.)

We are not unmindful that that end was being measurably attained through the remedial legislation of the several States, but that legislation has been far from uniform, and it undoubtedly rested with Congress to determine whether a national law, operating uniformly in all the States upon all carriers by railroad engaged in interstate commerce, would better subserve the needs of that commerce. (The Lottawanna, 21 Wall., 558, 581-582; Baltimore & Ohio R. R. v. Baugh, 149 U. S., 368, 378-379.)

These decisions, and others which might be cited, establish the doctrine that there is no property right involved in either the common law or statutory right of action for damages, or in the remedy, that is not subject to the regulative power of the commerce clause or which may not be taken away without making the act obnoxious to the due-process clause of either the fifth or the fourteenth amendments to the Constitution.

While the act under consideration cuts off the rights of the employee engaged in interstate commerce in so far as his right of action and his remedy is concerned, it also destroys the defenses, both at common law and under statutes, of the employer while engaged in interstate commerce, in that, first, it abolishes the defenses of assumption of risk, contributory negligence, and fault of the fellow servant; and, second, it imposes a fixed and compulsory liability upon the carrier while engaged in such commerce, without regard to fault or negligence, whether upon his own part or upon the part of the employee, or whether inherent in the business, for injuries received by the employee.

Is this obliteration of these defenses, whether by Congress or by State legislatures, and the imposition of liability without fault a violation of the due process clause of either the fifth or the fourteenth amendments? With reference to this it may be stated, as in the case of an employee, if these defenses are property or vested rights, or if the imposition of liability without fault is the taking of property without due process of law, then the act under consideration must be held as inhibited by these constitutional provisions, and therefore void and beyond the power of Congress. The authorities cited fully sustain the doctrine that these defenses do not constitute a vested right, nor are they property within the meaning of the fifth and fourteenth amendments; and Congress has the power to abolish or modify them, as well as to substitute others in their stead if in its wisdom it sees proper to do so.

But it is contended that imposing a liability upon the employer engaged in interstate commerce to pay an employee while engaged in such commerce, where there is no fault upon the part of the employer, even though there may be negligence and fault on the part of the employee, is the taking of private property without due process of law and without compensation. I maintain that the doctrine is well established by many of the courts of last resort in many of the States of the Union and by the Supreme Court of the United States, where the question has been raised, that the imposition of liability without fault is not the taking of private property without compensation nor violative of the right of due process of law. Instances of statutes imposing liability without fault are not new in national

or State legislation.

Sections 4585 and 4803, Revised Statutes of the United States. provide for the assessment and collection by the collectors of customs at the several ports of the United States from the master or owner of every vessel of the United States arriving from a foreign port, or of every registered vessel employed in the coasting trade, before such vessel should be admitted to entry, the sum of 40 cents per month for each and every seaman employed; the moneys so collected to be placed to the credit of a fund for the relief of sick and disabled seamen. The principle of these acts originated more than a hundred years ago, and its constitutionality has never been-so far as I have been able to ascertain—controverted or questioned.

It might be charged against these statutes that it was the taking of property without due process of law, but the principle involved would unquestionably be sustained on the theory that it was necessary to the protection of the public health and safety of those engaged in this particular hazardous employ-

State statutes imposing liability without fault have been almost universally upheld as not violative of any constitutional provision. Illustrations of this are to be found in those which impose upon common carriers liability for loss of goods in-trusted to them for shipment, where the loss is not attributable in any sense to the negligence of the carrier; those which make the carrier liable for fires caused without negligence from sparks from the engine; those which levy an assessment upon banks which are without fault for the payment of the depositors of insolvent banks; those which impose upon an employer who is without fault liability to an employee for the negligent act of another employee who is guilty of negligence; those which impose upon the landlord who leases his property where intoxicating liquors are sold and injuries are suffered by those who become intoxicated, even where the lessee of the premises sold without the knowledge of the landlord; those which impose liability without fault upon carriers for injuries suffered by passengers, except where the injury is caused by the passenger's criminal negligence or by his violation of some express rule of the company actually brought to his attention; those which impose liability for the killing of stock trespassing upon the right of way of the carrier; and those imposing liability upon free insurance agents, based upon the amount of insurance effected by them, for the benefit of a fund to care for and cure sick and injured firemen.

These statutes have been sustained by the courts of last resort as not obnoxious to the State constitutions, which follow closely the Federal Constitution, nor violative of either the fifth

or the fourteenth amendments.

A law of Kansas imposed upon railroad companies liability for injury to one of their servants inflicted by the personal wrongful act of a fellow servant where the carrier was without fault or negligence. This statute was attacked on the ground that it was violative of the fourteenth amendment, but the court, in Missouri Pacific Ry. Co. v. Mackey (127 U. S., 205), in disposing of this contention, said:

In disposing of this contention, said:

The only question for our examination, as the law of 1874 is presented to us in this case, is whether it is in conflict with clauses of the fourteenth amendment. The supposed hardship and injustice consist in imputing liability to the company, where no personal wrong or negligence is chargeable to it or to its directors. But the same hardship and injustice, if there be any, exist when the company, without any wrong or negligence on its part, is charged for injuries to passengers. Whatever care and precaution may be taken in conducting its business or in selecting its servants, if injury happen to the passengers from the negligence or incompetency of the servants, responsibility therefor at once attaches to it. The utmost care on its part will not relieve it from liability, if the passenger injured be himself free from contributory negligence. The law of 1874 extends this doctrine and fixes a like liability upon railroad companies where injuries are subsequently suffered by employees, though it may be by the negligence or incompetency of a fellow servant in the same general employment and acting under the same immediate direction. That its passage was within the competency of the legislature we have no doubt.

In Bertholf v. O'Reilly (74 N. V. 509), the constitutionality

In Bertholf v. O'Reilly (74 N. Y., 509), the constitutionality of a statute imposing liability upon a landlord who knowingly leases his premises for saloon purposes, for losses resulting from intoxication caused by the sale of liquor by his lessee, without fault upon the part of the landlord, Judge Andrews, in delivering the opinion of the court, said:

And the act of 1873 is not invalid because it creates a right of action and imposes a liability not known to the common law. There is not such limit to legislative power. The legislature may alter or repeal the common law. It may create new offeness, enlarge the scope of civil remedies, and fasten responsibility for injuries upon persons against

whom the common law gives no remedy. We do not mean that the legislature may impose upon one man liability for an injury suggered by another with which he had no connection. But it may change the rule of the common law, which looks only to the proximate cause of the mischief, in attaching legal responsibility and allow a recovery to be had against those whose acts contributed, although remotely, to produce it. * * The liability imposed upon the landlord for the acts of the tenant is not a new principle in legislation. His liability only arises when he has consented that the premises may be used as a place for the sale of liquors. He selects the tenant, and he may, without violating any constitutional provision, be made responsible for the tenant's acts connected with the use of the leased property.

A statute in Nebraska makes a railroad company liable in damages for injuries sustained by a passenger, regardless of the question of negligence upon the part of the company, except where the injury is caused by the passenger's criminal negligence or by his violation of some express rule of the company actually brought to his attention. It was objected to this statute that it violated the due process law clauses of the State and Federal constitutions, but the Supreme Court of Nebraska, in Chicago, Rock Island, etc., Railway Co. v. Zernecke (59 Nebr., 689), sustained it, and on appeal to the Supreme Court of the United States (183 U. S., 582) that court sustained the statute against this attack, and said:

United States (183 U. S., 582) that court sustained the statute against this attack, and said:

In Omaha & R. V. R. Co. v. Chollette (33 Nebr., 143), the words of the statute exempting railroad companies from liability, "where the injury done arose from the criminal negligence of the persons injured." were defined to mean "gross negligence," "such negligence as would amount to a flagrant and reckless disregard" by the passenger of his own safety, and "amount to a willful indifference to the injury liable to follow." This definition was approved in subsequent cases. It was also approved in the case at bar, and the plaintiff in error, it was in effect declared, was precluded from any defense but that of negligence, as defined, or that the injury resulted from the violation of some rule of the company by the passenger brought to his actual notice, and the company, as we have said, was not permitted to introduce evidence that the deraliment of its train was caused by the felonious act of a third person. The statute, thus interpreted and enforced, it is asserted, impairs the constitutional rights of plaintiff in error. The specific contention is that the company is deprived of its defense, and not only declared gullty of negligence and wrongdoing without a hearing, but adjudged to suffer without wrongdoing, indeed even for the crimes of others, which the company could not have foreseen or have prevented.

Thus described, the statute seems objectionable. Regarded as extending the rule of liability for injury to persons which the common law makes for the loss of or injury to things, the statute seems defensible. And it was upon this ground that the supreme court of the State defended and vindleated the statute. The court said:

"The legislation is justifiable under the police power of the State, so it has been held. It was enacted to make railroad companies insurers of the safe transportation of their passengers as they were of baggage and freight, and no good reason is suggested why a railroad company should be relea

This same statute was upheld by the Circuit Court of Appeals of the Eighth Circuit in Clark v. Russell (97 Fed., 900), the court saying:

peals of the Eighth Circuit in Clark v. Russell (97 Fed., 900), the court saying:

A further contention of the plaintiffs in error is that the statute violates the fifth and fourteenth amendments of the Constitution of the United States, in that it deprives the railroad company of its property "without due process of law," and denies to it the equal protection of the laws. The fifth amendment has no application to the States and in no way affects their powers. In all jurisdictions inferior to the Supreme Court, we think it must be regarded as settled for the present that statutes imposing an additional or even absolute liability on railroads for injuries to passengers or property are not repugnant to the Constitution of the United States. A statute of Missouri made every railroad company operating a railroad in that State absolutely responsible in damages for property injured or destroyed by fire communicated by its locomotive engines, and declared a railroad company had an insurable interest in property along its route that authorized it to insure such property. The question whether this statute was repugnant to the Constitution of the United States came before the Supreme Court in the case of Railway Co. v. Mathews (105 U. S., 1). The contention of the railroad company in that case was exactly what the contention of the plaintiffs in error is in the case at bar. In the introduction to the opinion the court said:

"It has been strenuously argued in behalf of the plaintiff in error that this statute is an arbitrary, unreasonable, and unconstitutional exercise of legislative power, imposing an absolute and onerous liability for the consequences of doing a lawful act and of conducting a lawful business in a lawful and careful menner, and that the statute violates the Constitution of the United States by depriving the railroad company of its property without due process of law and by denying to it the equal protection of the laws."

After a learned and exhansitive review of all the cases, the court unanimously hel

their part, and show that the courts have uniformly maintained their validity. A statute of Massachusetts made the hisbility of a refirond company for the destruction of property by fire communicated from its part. The supreme judicial court of Massachusetts held this act valid upon grounds that have ever since been held to be sufficient to uphold such legislation. Chief Justice Shaw, delivering the judgment, said:

"We consider this to be a statute purely remedial and not penal. Railroad companies acquire large profits by their business. But their business is of such a nature as necessarily to expose the property of advantage to the public, companies are authorized to maintain them, dangerous though they are; and so they can not be regarded as a nuisance. The manifest intent and design of this statute, we think, and this legal effect are, upon the considerations stated, to afford some indemnity against this risk to those who are exposed to it and to throw the responsibility upon those who are thus authorized to use a somewhat dangerous apparatus, and who realize a profit from it." (Hart e. Railroad corp. (1847), 13 Met. (Mass.), upon the railroad company what dangerous apparatus, and who realize a profit from it." (Hart e. Railroad corp. and the profit of the statute was a smalled probably other States, and their constitutionality has invariable een upheld. A Kansas statute made railroad companies doing business in that State liable for all damages done to an employee in consequence of the negligence of other employees. In Railway Co. e. Mackey (127 U. S., 205) the statute was assailed as unconstitutional, and the Surpeme Court, in answer to that contention, said:

"The contention of the company, as we understand it, is that the law imposes upon railroad companies a liability more proviously existing. In the enforcement of which their property may be taken, and thus in pace to this contention is that the liability imposed by the law of 1874 arises only for injuries subsequently committed. It has no application

In Minneapolis, etc., Ry. Co. v. Herrick (127 U. S., 210), a statute of Iowa which extended liability of the carrier for the willful wrongs, whether of omission or commission, of the agents, engineers, or other employees, was sustained against the attack that it was the taking of property without due process of law.

In the case of Noble State Bank v. Haskell, known as the Oklahoma Guaranty Law case (22 Okla., 48), and on appeal to the Supreme Court of the United States (219 U. S., 104), the latter court, overruling the contention that the act takes private property for a private use and creates a liability without fault, said:

fault, said:

The substance of the plaintiff's argument is that the assessment takes private property for private use without compensation. And while we should assume that the plaintiff would retain a reversionary interest in its contribution to the fund, so as to be entitled to a return of what remained of it if the purpose were given up (see Receiver of Danby Bank v. State Treasurer, 39 Vt., 92, 98), still there is no denying that by this law a portion of its property might be taken without return to pay debts of a failing rival in business. Nevertheless, notwithstanding the logical form of the objection, there are more powerful considerations on the other side. In the first place it is established by a series of cases that an ulterior public advantage may justify a comparatively insignificant taking of private property for what, in its immediate purpose, is a private use. (Clark v. Nash, 198 U. S., 361; Strickley v. Highland Boy Mining Co., 200 U. S., 361, 527; Offield v. New York, New Haven & Hartford R. R. Co., 203 U. S., 372; Bacon v. Walker, 204 U. S., 311, 315.) And in the next it would seem that there may be other cases besides the everyday one of taxation, in which the share of each party in the benefit of a scheme of mutual protection is sufficient compensation for the correlative burden that it is compelled to assume. (See Ohio Oil Co. v. Indiana, 177 U. S., 190.) At least, if we have a case within the reasonable exercise of the police power as above explained, no more need be said.

And, further:

And, further:

It may be said in a general way that the police power extends to all the great public needs. (Canfield v. United States, 167 U. S., 518.) It may be put forth in aid of what is sanctioned by usage or held by the prevailing morality or strong and preponderant opinion to be greatly and immediately necessary to the public welfare. Among mat-

ters of that sort probably few would doubt that both usage and preponderant opinion give their sanction to enforcing the primary conditions of successful commerce. One of those conditions at the present time is the possibility of payment by checks drawn against bank deposits, to such an extent do checks replace currency in daily business. If, then, the legislature of the State thinks that the public welfare requires the measure under consideration, analogy and principle are in favor of the power to enact it. Even the primary object of the required assessment is not a private benefit, as it was in the cases above cited of a ditch for irrigation or a railway to a mine, but it is to make the currency of checks secure and by the same stroke to make safe the almost compulsory resort of depositors to banks as the only available means for keeping money on hand. The priority of claim given to depositors is incidental to the same object and is justified in the same way. The power to restrict liberty by fixing a minimum of capital required of those who would engage in banking is not denied. The power to restrict investments to securities regarded as relatively safe seems equally plain. It has been held, we do not doubt rightly, that inspections may be required and the cost thrown on the bank. (See Charlotte, Columbia & Augusta R. R. Co. v. Gibbes, 142 U. S., 386.) The power to compel beforehand cooperation, and thus, it is believed, to make a failure unlikely and a general panic almost impossible, must be recognized if government is to do its proper work, unless we can say that the means have no reasonable relation to the end. (Gundling v. Chicago, 177 U. S., 183, 188.) So far is that from being the case that the device is a familiar one. It was adopted by some States the better part of a century ago and seems never to have been questioned until now. (Receiver of Danby Bank v. State Treasurer, 39 Vt., 92; People v. Walker, 17 N. Y., 502.) Recent cases going not less far are Lemieux v. Young (211 U. S., 489, 490); Kidd, D

In Holden v. Hardy (169 U. S., 366) the court said:

In Holden v. Hardy (169 U. S., 366) the court said:

An examination of both these classes of cases under the fourteenth amendment will demonstrate that, in passing upon the validity of State legislation under that amendment, this court has not failed to recognize the fact that the law is, to a certain extent, a progressive science; that in some of the States methods of procedure which at the time the Constitution was adopted were deemed essential to the protection and safety of the people, or to the liberty of the citizen, have been found to be no longer necessary; that restrictions which had formerly been laid upon the conduct of individuals, or of classes of individuals, had proved detrimental to their interests; while, upon the other hand, certain other classes of persons, particularly those engaged in dangerous or unhealthful employments, have been found to be in need of additional protection. Even before the adoption of the Constitution much had been done toward mitigating the severity of the common law, particularly in the administration of its criminal branch. The number of capital crimes, in this country at least, had been largely decreased. Trial by ordeal and by battle had never existed here, and had fallen into disuse in England. The earlier practice of the common law which denied the benefit of witnesses to a person accused of felony had been abolished by statute, though so far as it deprived him of the assistance of counsel and compulsory process for the attendance of his witnesses it had not been changed in England. But to the credit of her American colonies let it be said that so oppressive a doctrine had never obtained a foothold there.

The present century has originated legal reforms of no less importance. The whole fabric of special pleading, once thought to be

colonies let it be said that so oppressive a doctrine had never obtained a foothold there.

The present century has originated legal reforms of no less importance. The whole fabric of special pleading, once thought to be necessary to the elimination of the real issue between the parties, has crumbled to pieces. The ancient tenures of real estate have been largely swept away, and land is now transferred almost as easily and cheaply as personal property. Married women have been emancipated from the control of their husbands and placed upon a practical equality with them with respect to the acquisition, possession, and transmission of property. Imprisonment for debt has been abolished. Exemptions from execution have been largely added to, and in most of the States homesteads are rendered incapable of seizure and sale upon forced process. Witnesses are no longer incompetent by reason of interest, even though they be parties to the litigation. Indictments have been simplified, and an indictment for the most serious of crimes is now the simplest of all. In several of the States grand juries, formerly the only safeguard against a malicious prosecution, have been largely abolished, and in others the rule of unanimity, so far as applied to civil cases, has given way to verdicts rendered by a three-fourths majority. This case does not call for an expression of opinion as to wisdom of these changes or their validity under the fourteenth amendment, although the substitution of prosecution by information in lieu of indictment was recognized as valid in Hurtado v. California (110 U. S., 516). They are mentioned only for the purpose of calling attention to the probability that other changes of no less importance may be made in the future, and that while the cardinal principles of justice are immutable the methods by which justice is administered are subject to constant fluctuation, and that the Constitution of the United States, which is necessarily and to a large extent infexible and exceedingly difficuit of amendment, shoul

These cases fully sustain the doctrine that the imposition of liability without fault is not in violation of the due process clause or the taking of private property without compensation under the fifth and fourteenth amendments.

Third. Is there anything in the act under consideration which is violative of the seventh amendment to the Constitution, which preserves the right of trial by jury in controversies where the sum in dispute is in excess of \$20? If so, Congress has not the authority to enact it. I maintain that the right of trial by jury is reserved in the act under consideration. Reference to sections 8, 9, and 14 of the act discloses that three methods are provided for the settlement of claims for compensation between the employer and the employee: First, they may settle by agreement, according to the limitations of amount and time as established thereby; second, they may organize and constitute a committee or committees for the purpose of settling disputes and awarding compensation in accordance with the limitations as to amount and time prescribed by the act; and, third, in

default of an agreement between the parties or the submission by them to a committee of arbitration, either of the parties may institute proceedings for the adjustment of the claim before an adjuster, who shall promptly make and render his findings, returning them with the pleadings and other papers to the clerk of the United States district court of the proper district, and at any time within 20 days after receiving a copy of the findings either party may file exceptions thereto, and the case shall be tried and determined by the court de novo, and either party shall have the right to a trial by jury as in cases at common law. It will thus be seen that the right to trial by jury is preserved to either of the parties to the controversy, and the objection that the act is violative of the seventh amendment to the Constitution is not tenable, even if it be conceded that these proceedings are suits at common law, in view of the fact that the common-law right of action, as well as the remedy, are practically abrogated by the court under the authority of the decisions to which attention has heretofore been called.

There is respectable authority to sustain the proposition that in measures of this kind, which are regulative in their character and are intended for the general welfare, the right of trial by jury might be taken away and still the act be not obnoxious to the seventh amendment. This objection was made to the workmen's compensation act of the State of Washington, and Judge Fullerton disposed of it adversely to the contention. In delivering the opinion of the court, he said:

Workmen's compensation act of the State of Washington, and Judge Fullerton disposed of it adversely to the contention. In delivering the opinion of the court, he said:

The common-law system of making awards for personal injuries has no such inherent merit as to make a change undesirable. While courts have often said that the question of the amount of compensation to be awarded for a personal injury is one peculiarly within the province of the Jury to determine, the remark has been induced rather because no better method for solving the problem is afforded by that system than because of the belief that no better method could be devised. No one knows better than judges of courts of nisi prius and of review that the common-law method of making such awards, even in those instances to which it is applicable, proves in practice most unsatisfactory. All judges have been witnesses to extravagant awards made for most trivial injuries and trivial awards made for injuries ruinous in their nature; and perhaps no verdicts of juries are interfered with so often by the courts as verdicts making awards in such cases. There is no standard of measurement that the court can submit to the jury by which they can determine the amount of the award. The test of reasonableness means but little to the ordinary juror. Unused as he is generally to witnessing the results of injuries, he is inclined to measure his verdict by the amount of disorder he observes, rather than by the actual amount of disablement the injury has caused. Nor is he nided in this respect by the testimony of medical experts. Conflicting as such testimony usually is, it tends rather to confuse than to enlighten him. Perhaps the whole difficulty lies in the fact that the question is too much one of opinion and not enough of fact. It must be remembered, also, that the remedy afforded by the common law, as we have elsewhere remarked, can be applied only in a limited number of cases of injury—cases where the linjury is the result of negligence on the part of the employer

In the case of Capital Traction Co. v. Hoff (174 U. S., 1), the Supreme Court practically determined the question that statutes of this character are not obnoxious to the seventh amendment, and held that the right of trial by jury has been preserved; and the questions involved in such trial have been so well stated in the memorandum submitted by Messrs. Stetson, Sherman, Packer, and Moran, law members of the committee of the National Civic Federation, that I quote therefrom in support of the proposition which I am now urging upon the attention of the Senate:

Under such a law the right to trial by jury of all issues of fact would be preserved. The principal question of fact arising under that law would be:

1. Whether or not the injured person was in defendant's employ.

2. Whether or not he was of a class of employers to whom the law employers.

- applied.

 3. Whether or not the accident arose out of and in the course of the

- 3. Whether or not the accident arose out of and in the course of the employment.

 4. Whether or not the injury was due to an excepted cause.

 5. Whether or not the injuries claimed for resulted from the accident or from an accident.

 6. The amount of compensation.

 The first five issues involve no constitutional question. The sixth, the amount of compensation, it is submitted, would be determinable by the jury according to the rules of the law of compensation, just as now the amount of damages is determined by the jury according to the rules of the law of tort. That the rules of compensation are so simple

and certain as to leave little for the jury, and therefore to be conducive to prompt settlements, informal arbitrations, and other methods of avoiding jury trials, is an advantage and not an objection.

Under the existing law of negligence the jury has a wide discretion in determining the amount of damages and can add to them a solaritum for pain and anguish and a further amount as a penalty. This flows from the nature of the liability which is for a wrong. But the compensation liability is not for a wrong. Over the facts by which the amount of the loss is to be measured the jurisdiction of the jury would remain unaltered, and the only change would be in the nature of the liability and not in the function of the jury in regard to such a liability. Therefore the contention that by fixing the measure of the liability the compensation law would be depriving the jury of its inalienable function amounts simply to a contention that a legal right or liability that once has been triable by a jury never can be abrogated or restricted, which we do not admit.

Neither does there seem to be conclusive force in the more specific objection that in case of fatal injuries, by definitely regulating the amount of compensation, a compensation law would deprive the jury of its constitutional functions. At the time of the adoption of the constitution there was no liability for damages for fatal accidents. Later a liability was imposed by statute, but at first a limit upon the amount of damages was generally fixed regardless of whether or not the netual damages exceeded that limit. Is there any constitutional principle that permits an arbitrary limitation upon the amount of damages that a jury may assess in such cases, and yet prohibits limitations upon the amount of compensation?

I come now to the decisions of the courts of last resort bear-incourse the intervention.

I come now to the decisions of the courts of last resort bearing upon State legislation having for its purpose the imposition of liability upon employers in favor of employees.

Mr. WILLIAMS. Mr. President, before the Senator comes to that

The PRESIDENT pro tempore. Does the Senator from Oregon yield to the Senator from Mississippi?

Mr. CHAMBERLAIN. I do.
Mr. WILLIAMS. I notice another attack has been made upon the bill, and I desire to ask a question, principally for informa-tion and for explanation, because I am very anxious that the first presentation of it shall cover some of these attacks against The attack is made that the employees' counsel fees are limited by the act, whereas the employers' counsel fees are not. In making the attack it is urged that this virtually permits the employer to have the best legal talent in the world and cuts the employee off from it. I suppose the provision of the bill to which reference is made in this attack is clause 5, on page 24, which reads as follows:

(5) Wherever counsel or agent for the employee has stipulated for a fee, the agreement for such fee to be valid shall be made in writing and filed with the adjuster or clerk of the court in which the case is pending, and the employee shall not be liable to pay any counsel fee in excess of the amount allowed by the adjuster or the court. In every case it shall be the duty of the adjuster or the court, as the case may be, rogardless of any agreement, to fix the compensation, which shall not exceed a fair and reasonable sum for the services actually rendered.

Now, the question I want to ask the Senator from Oregon is this: Does he think or does he not think that it would be well to insert the word "employer" after the word "employee," in this clause, so that it will read:

Wherever counsel or agent for the employee or employer has stipulated for a fee, the agreement for such fee to be valid shall be made in writing and filed with the adjuster or clerk of the court in which the case is pending, and the employee or employer shall not be liable to pay any counsel fee in excess,

And so forth.

Then the adjuster would fix the fees in both cases and keep the transportation company from having the immense advantage of being able to pay an immensely superior lawyer's fee.

Mr. CHAMBERLAIN. Personally, I will say I do not see any objection to the amendment. As a matter of fact that provision was framed particularly to protect the employee against the exorbitant charges that he now suffers—

Mr. WILLIAMS. I understand.

Mr. CHAMBERLAIN. From 25 to 50 per cent of the amount recovered. Yet I believe this is the first time the question has been raised. As a matter of fact, I suppose the men who usually appear for the employers are employed on an annual salary,

paid by the company. But I do not see any objection to inserting that language, I will say to the Senator.

Mr. WILLIAMS. I think as a rule that is true, and I do not myself see very much in it; but it is always well to disarm criticism and hostility by doing anything that is not harmful to the legislation.

Mr. SUTHERLAND. Mr. President-

The PRESIDENT pro tempore. Do Oregon yield to the Senator from Utah? Does the Senator from

Mr. CHAMBERLAUS. I yield. Mr. SUTHERLAND. It seems to me the suggestion made by the Senator from Mississippi would be rather impracticable, because the lawyers for the railroad companies, as has already been suggested, are employed on an annual salary, I think almost without exception. They are employed not only to attend to this class of cases, but to all the business of the carrier.

Mr. WILLIAMS. I understand that.

Mr. SUTHERLAND. And it would be almost an impossible thing to separate the charges which might be made by them for services of this character from the other services rendered.

Mr. WILLIAMS. Then I would suggest that the word "employer" be inserted with a provision that it shall not apply wherever the regular annually retained attorney of the road is engaged in the case.

Mr. OVERMAN. Would not this be the result, no matter how you fix it, along the line suggested? The railroad always have the best attorneys in the country they can get

Mr. WILLIAMS. If they are permitted to pay the highest

salary, of course.

Mr. OVERMAN. While the employee is not represented by such counsel.

Mr. CHAMBERLAIN. I am unwilling to concede that, because I do not believe my friend the Senator from North Carolina is employed by railroads, and-

Mr. OVERMAN. But I could not go into court for \$10, whereas the railroads get the best lawyers they can get.

Mr. WILLIAMS. With an exception that when the regular counsel, counsel receiving an annual fee, is employed, this shall not apply. I think it would be a good thing to put such a provision into the bill for the purpose of minimizing as much as possible this advantage now enjoyed by the carrier.

Mr. CHAMBERLAIN. I should like to say in reply to the Senator that the pay of the employee's attorney comes out of the compensation that he may receive under the act, while the amount paid the railroad's attorney does not come out of the compensation of the employee, but is paid by the railroad com-

Mr. WILLIAMS. In the ultimate analysis they both come

out of the railroad treasury. Mr. CHAMBERLAIN. Yes.

Mr. WILLIAMS. They come from the same source exactly, and if you can put the parties upon an equal footing, or an approximately equal footing, or upon a footing upon which they would not be without this provision, I think it would be a good thing.

Mr. CHAMBERLAIN. I have no objection to it.

Mr. SMITH of Georgia. Mr. President—
The PRESIDENT pro tempore. Does the Senator from Oregon yield to the Senator from Georgia?

Mr. CHAMBERLAIN. Certainly.

Mr. SMITH of Georgia. Would it not be better to provide, especially in view of the character of the compensation to be given for these injuries, that if the railroads fail to settle, in view of the act, and the employee is compelled to go into court, the compensation of the attorney for the plaintiff shall be in addition to the amount allowed and shall be paid by the railroad also?

Mr. CHAMBERLAIN. I would not assent to that.

Mr. WILLIAMS. Mr. President—
The PRESIDENT pro tempore. Does the Senator from Oregon yield to the Senator from Mississippi?
Mr. CHAMBERLAIN. I yield.
Mr. WILLIAMS. If the Senator from Oregon will pardon

me, there is another reason in this case. It would be much fairer under present conditions to charge counsel fee, because the man is forced to employ counsel, but when you give him another remedy, and he goes into court of his own accord when he might have gone into the other tribunal, it would be rather

unjust to make the railroad company pay his counsel fee.

Mr. SMITH of Georgia. Is not the Senator from Mississippi mistaken when he says this is an additional remedy?

dressed to the senate of the Commonwealth, under the peculiar laws and the constitution of that State, in answer to the questions proposed by that body with reference to a contemplated workmen's compensation act, expressed themselves as follows:

The first section of the act (Pt. I. sec. 1) provides that "In an action to recover damages for personal injury sustained by an employee in the course of his employment, or for death resulting from personal injury so sustained, it shall not be a defense—

"I. That the employee was negligent;

"2. That the injury was caused by the negligence of a fellow employee."

"1. That the employee was negligent:

"2. That the injury was caused by the negligence of a fellow employee;

"3. That the employee had assumed the risk of the injury."

This section deals with actions at common law. We construe clauses 1 and 2 in their reference to negligence as meaning contributory negligence or negligence on the part of a fellow servant which falls short of the serious and willful misconduct which, under Part II, section 2, will deprive an employee of compensation. So construed, we think that the section is constitutional. We neither express nor intimate any opinion whether it would be unconstitutional if otherwise construed. The rules of law relating to contributory negligence and assumption of the risk and the effect of negligence by a fellow servant were established by the courts, not by the constitution, and the legislature may change them or do away with them altogether as defenses (as it has to some extent in the employer's liability act) as in its wisdom in the exercise of powers intrusted to it by the constitution it deems will be best for the "good and welfare of this Commonwealth." (See Missouri Pacific Railway v. Mackey, 127 U. S., 205; Minnesota Iron Co. v. Kline, 199 U. S., 593.)

The net expressly provides that it shall not apply to injuries sustained before it takes effect. If, therefore, a right of action which has accrued under existing laws for personal injuries constitutes a vested right or interest, there is nothing in the section which interferes with such rights or interests.

The State of Washington enacted a workmen's compensation law March 14, 1911, and later proceedings were instituted to test its constitutionality in the case of State of Washington ex rel. v. Clausen, decided September 27, 1911. The policy and purposes of the act are recited in the first section substantially as follows:

as follows:

It recites that the common-law system governing remedies of workmen against employers for injuries received in hazardous employments are inconsistent with modern industrial conditions; that in practice such remedies have proven economically unwise and unfair; that their administration has produced the result that little of the cost thereof to the employer has reached the workmen, and that little only at a great expense to the public; that the remedy to the individual workman is uncertain, slow, and inadequate; that injuries in such employments, formerly occasional, have become frequent and inevitable; that the welfare of the State depends upon its industries, and even more upon the welfare of its wageworkers. And it thereupon declares that the State of Washington, exercising its sovereign powers, withdraws all phases of the premises from private controversies and provides sure and certain relief for workmen injured in extrahazardous work, and their families and dependents, regardless of questions of fault, to the exclusion of "every other remedy, proceeding, or compensation, except as otherwise provided in this act." It thereupon abolished civil actions and civil causes of action for personal injuries incurred in extrahazardous employments, and the jurisdiction of the courts thereon, except as in the act provided. It is compulsory in form and does away with all common-law

It is compulsory in form and does away with all common-law and statutory remedies and defenses.

The objections, amongst others, urged against this act were: That it violates section 2 of article 1 of the State constitution and the fourteenth amendment to the Constitution of the United States, which provide that no person shall be deprived

of life, liberty, or property without due process of law.

(2) That it violates the provision of the fourteenth amendment to the Constitution of the United States, which provides

for the equal protection of the law.

(3) That it violates section 21 of article 1 of the State constitution, which provides that the right of trial by jury shall remain inviolate.

Each of these objections was held untenable in a lengthy and able opinion pronounced by Judge Fullerton. In sustaining the policy of the law, he said:

unjust to make the railroad company pay his counsel fee.

Mr. SMITH of Georgia. Is not the Senator from Mississippi mistaken when he says this is an additional remedy?

Mr. CHAMBERLAIN. This is exclusive.

Mr. SMITH of Georgia. All other remedies are taken away by this act.

Mr. WILLIAMS. If he chooses to leave it to the adjuster, he is not compelled to go into court under this act.

Mr. CHAMBERLAIN. He can settle it without going into court at all.

Mr. WILLIAMS. This is an additional remedy.

Mr. WILLIAMS. This is an additional remedy.

Mr. WILLIAMS. This is an additional remedy.

Mr. WILLIAMS. It is an alternative remedy.

Mr. SMITH of Georgia. Is not the hearing before the adjuster really going into court? Is not that another name for a master in chancery of the Federal court, and does not he proceed to hear it just like a judge?

Mr. CHAMBERLAIN. Practically.

Proceeding now with the discussion of this subject and to a consideration of the decisions by the courts of the States which have enacted compensatory legislation, I call attention to the fact that the justices of the supreme judicial court of Massachusetts, in a communication under date of July 27, 1911, ad-

injuries traceable to the dangers incident to industry, no remedy at all is afforded. The act, therefore, having in its support these economic and moral considerations, is not unconstitutional for the reasons suggested upon this branch of the argument.

Mr. OVERMAN. I understand the committee have made a thorough examination of the English law upon this subject.

Yes; the commission has. Mr. CHAMBERLAIN.

Mr. OVERMAN. Do I understand you to say that the law works well in England?

Mr. CHAMBERLAIN. Fairly well, though there is a good deal of objection to it. They have an employers' liability act in addition to the compensation act.

Mr. OVERMAN. Why did you leave out the optional plan? In England they have an option. Why make it compulsory? There the employee not only can take advantage of this act, but he can go into court. Why not make it optional here as it is in England?

Mr. CHAMBERLAIN. That is what almost all the railroad people asked us to do—make it elective in form rather than compulsory. I believe the railroad counsel were a unit in asking that it be made so.

Mr. OVERAGE.

Why not? What is the reason for not Mr. OVERMAN.

Mr. CHAMBERLAIN. Because there ought to be an end to litigation, and the amounts to be paid to employees in case of accident or death ought to be determined before the accident.

Mr. SUTHERIAND. Mr. President—
The PRESIDENT pro tempore. Does the Senator from Ore-

gon yield to the Senator from Utah? Mr. CHAMBERLAIN. I yield. Mr. SUTHERLAND. So far as I know, the English act is the only one in Europe which permits any option. In England there are three laws under which an action for personal injury

may be brought: First, it may be brought under the common law; second, it may be brought under the employers' liability

statute; and, third, under the compensation law.

Now, the option is given, but in practical operation it amounts to nothing, because at the common law all of the common-law defenses are preserved in their utmost rigor, so that the employee who is injured finds it of no sort of advantage to resort to the common-law remedy. Under the employer's liability statute the amount of the recovery is limited strictly to an amount which in most cases is afforded by the compensation act. So the employee does not resort to the employer's liability act, because he could recover no more under that than under the compensation law.

Mr. OVERMAN. We do not necessarily have to fix that rule

Mr. SUTHERLAND. That is quite true. At the proper time I intend to discuss that feature of it, and I shall undertake to point out to the Senator some very substantial reasons why we ought not to permit the option.

Mr. OVERMAN. I knew the Senator was very well informed on the subject, and I wanted to hear from him on it.

Mr. REED. Mr. President—
The PRESIDENT pro tempore. Does the Senator from Ore-

gon yield to the Senator from Missouri?
Mr. CHAMBERLAIN. I yield.
Mr. REED. I desire to ask the Senator from Utah a question while he is on his feet. He says that in England three methods of procedure are preserved: One, the right to sue under the common law; second, the right to sue under the employer's liability act; and, third, under the compensation act; but that the right to sue under the common law amounts to nothing, because the common-law defenses are preserved. Does the Senator mean to say as broadly as he did that there are no recoveries under the common law? Are there not plenty of cases where there can be-and have there not always been-a recovery under the common law

Mr. SUTHERLAND. Oh, yes; there can be a recovery, but what I mean to say is this: That if the action is brought at common law the injured employee must first of all prove the negligence of the master. He must disprove his own, the burden of proof at common law being upon him. Then it is subject also to the defense of fellow-servant fault, without any of the modifications we have seen fit to introduce in the statutes of some of the States; and also the defense of assumption of risk. When the action is brought at common law, all of those

defenses are preserved-

Mr. REED. I understand. Mr. SUTHERLAND. As I have already stated, in their utmost rigor. So that while theoretically he has the right to resort to the common law, practically he does not do it, because it is of no advantage. So he does not resort to the statutory remedy of the employers' liability, under which he must prove

negligence and under which certain defenses are done away with, because when he sues under that statute he can recover generally only the same amount as under the compensation law. So there is no reason for him to do it.

The preservation of these three alternative remedies under the English law in practical operation is of no consequence whatever. That is what I mean to say.

Mr. REED. As I understand, in England the common-law right of action is preserved, along with the common-law defenses, and under that in case a man is injured without negligence or fault on his part contributing and where there is negligence on the part of the master, he recovers an unlimited amount; that is, there is no legal limitation. There is the limitation which a court might impose, provided the judgment was unconscionable. So that that right has been preserved.

I ask the Senator if he really means to say that there are not

many cases arising at common law were, when the plaintiff is able to meet all the requirements of the common law, when he is without fault on his own part and the fault is clearly that of the master, he is allowed to recover damages within the discretion of the jury?

Mr. SUTHERLAND. I mean to say that since the amended compensation act was passed in 1906 it is a very rare thing for an injured employee to resort to either of the other remedies. He takes his compensation under this law.

Mr. REED. One of the objections—
Mr. SUTHERLAND. But I will say to the Senator, further, that if there was a general resort to these other remedies, I

should consider it a very unwise provision.

Mr. REED. Without saying that I am opposed to this bill, because I am not prepared to say it, one thing that seems to me as an objection is this: In the matter of receiving compensation it puts the man who has been guilty of no negligence whatsoever, and who may have been injured by the grossest negligence on the part of the master, upon a level with the man who has himself been guilty of negligence which directly contributed to the injury, and limits, if I understand the bill correctly, the recovery in both cases to the same sum.

Is there not a real advantage, a real equity in the English system which permits that man whose hands are clean of all negligence, who has exercised the highest diligence, who has been in the pursuit of his vocation according to the strict rules of right and who has been injured through the gross negligence of his master-is there not equity and right in the English proposition which preserves to him his old common-law right to recover the full measure of his injuries?

Mr. SUTHERLAND. I hope the Senator will read the report of the committee upon that precise proposition.

Mr. REED. I will do so.

Mr. SUTHERLAND. I will not take the time to enter upon the discussion of it now. If the Senator has not done so, I invite his attention to the report upon that subject.

Mr. SMITH of Georgia. Mr. President

The PRESIDENT pro tempore. Does the Senator from Oregon yield to the Senator from Georgia?

Mr. CHAMBERLAIN. Certainly.

Mr. SMITH of Georgia. At the time I sought to interrupt the Senator from Oregon he had just said that the reason for not making this statute cumulative to the remedies already existing was the desire to terminate litigation. I wish to call the Senator's attention to the compensation that is given in at least one instance, and to what seems to me utterly inadequate compensation, and to ask if he thinks the desire to terminate litigation is a sufficient justification for such trifling compensation for such an injury?

Now, take the case of the loss of a foot at or above the ankle. Forty-eight months at \$50 a month would be all that would be paid to a high-class engineer who was making \$200 or \$250 a month. His foot would be cut off about the ankle, and he would receive in monthly payments only one year's salary, nothing for disformity, and nothing beyond that, and that salary would be paid at the rate of \$50 a month. I want to ask the Senator if he thinks that the object of terminating litigation is a sufficient reason for such trivial compensation for an injury

of that character?

Mr. CHAMBERLAIN. The Senator will remember that in the first part of what I have had to say I showed that a very small proportion of the men who lose a foot and a very small proportion of the men who lose a leg, or even their limbs, are able to recover at all under the present system of law. Under

this system they will get something.

Mr. SMITH of Georgia. Under the present statute if the injury was due partially to his own negligence he can recover. The present statute is broad enough to cover that. Our statutes

passed in 1908 and 1910 provide for that.

The PRESIDENT pro tempore. The Senator will suspend for a moment. The bour of 4 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

The Secretary. A bill (S. 4239) to amend, revise, and codify the laws relating to the public printing and binding and the distribution of Government publications.

Mr. SMOOT. I ask unanimous consent that the unfinished business may be temporarily laid aside.

The PRESIDENT pro tempore. The Senator from Utah asks that the unfinished business be temporarily laid aside. It will be so ordered, without objection. The Senator from Oregon

will proceed.

Mr. CHAMBERLAIN. There is not any question, Mr. President, but that if the present system remains there are employees of railroad companies who will recover large verdicts. There is not any doubt about that under the act of 1908. But it is also true that that act leaves the element of negligence to be considered in every case, and while the old common-law doctrine of contributory negligence is modified in a very great degree, still it is there. It is the purpose of this act to eliminate the consideration of negligence as an element of recovery, and while it is true, as I said, that a great many will not get as much under this compensation law as they get under the present law, there are over 75 per cent under this law who will get relief who do not get anything now.

Mr. SMITH of Georgia. Does the Senator think that 75 per cent of the engineers now injured can not recover under the present law? I do not mean this law, but under the present

statute applicable to interstate transactions.

Mr. CHAMBERLAIN. That is, of those engaged in interstate commerce.

Mr. SMITH of Georgia. Yes.
Mr. CHAMBERLAIN. Probably I put it broader than I should have put it. I will say, in the States, except possibly in Georgia, 75 per cent of the engineers would not recover in a case of accident.

Mr. SMITH of Georgia. But this act applies only to interstate commerce. And it applies only to such matters as the present Federal statute applies to.

Mr. CHAMBERLAIN. That is true. I stated the proposition

more broadly than I should.

Mr. SMITH of Georgia. The Federal statute provides for recovery for practically everybody, even though the negligence of the employee contributed to the injury. His negligence, unless it was the exclusive cause, would not deter a recovery

Mr. SUTHERLAND. Will the Senator from Oregon permit me to ask the Senator from Georgia a question?

Mr. CHAMBERLAIN. I yield for that purpose.

Mr. SUTHERLAND. In the experience of the Senator from Georgia, what amount does a brakeman receive in the railroad service for the loss of a feet?

Mr. SMITH of Georgia. Five thousand dollars.

Mr. SUTHERLAND. How much of it goes to the lawyers? Mr. SMITH of Georgia. Twenty-five per cent or one-third.

Thirty per cent is about the average.

Mr. SUTHERLAND. In the West-in my own State and in most of the States of the Union, we pretty carefully gathered information on this point, which I have and which I will submit at the proper time-the ordinary charge is 50 per cent on the part of the lawyers.

Mr. SMITH of Georgia. There is no reason why this amount taken from the men should be given to the railroad companies. Mr. CHAMBERLAIN. But we are proposing to give it to

the men and not to the railroads.

Mr. SUTHERLAND. The railroads are not to get it all, for the railroads will pay out 25 per cent more than they are

paying out to-day.

Mr. SMITH of Georgia. I will state frankly that my examination of the act has satisfied me that those figures could not be possibly sustained. I do not agree with the Senator about that.

Mr. SUTHERLAND. I am sorry the Senator from Georgia does not agree with me, but I will say to the Senator that these

figures were gathered with a good deal of care.

Mr. SMITH of Georgia. Were they gathered under the opera-tion of the present Federal statute? Has the present Federal statute been in operation long enough for that purpose, or were they gatherd under the old law, before the present employers' liability act?

Mr. SUTHERLAND. They were gathered during the last three years; a great many of them last year.

Mr. SMITH of Georgia. Very few cases were tried under it during the earlier part of the period of three years.

Mr. SUTHERLAND. It includes some of those cases: I do

not know, of course, how many.

Mr. SMITH of Georgia. What I had in my mind was that if we should let this matter go over until fall and give the present law a little longer operation before we hasten through with a new law we would be in a better position to determine

what ought to be done.

Mr. SUTHERLAND. This law should be passed, because it has behind it the serious desire of the vast majority of the railroad employees of this country. Committees of those organiza-tions have been studying this question very carefully, and they desire to have the principle of this law established. I suggest to the Senator from Georgia that the wise thing to do would be to pass this law and let it go into operation, and if we find that in some respects the schedule with regard to the plan fixed is not high enough, with our experience we can lift it to the proper place.

Mr. SMITH of Georgia. I should like to ask the Senator if he thinks that a schedule for cutting off a foot of an engineer that pays him only \$2,400 in payments of \$50 a month is any-

thing comparable to just compensation?

Mr. SUTHERLAND. O Mr. President, of course no man is going to sell his foot for that amount of money, but that is not the theory upon which the law ought to be drafted at all. The theory upon which these compensation laws are drafted is that the law takes care of the whole body of employees.

Mr. SMITH of Georgia. I was not suggesting that he sell his foot. I was suggesting the cold compensation for his finan-

cial loss.

Mr. SUTHERLAND. I am answering the Senator that this applies to the whole body of workmen, those who lose their feet through their own negligence and through the negligence of the employer and through nobody's negligence at all. The theory of it is to take care of the whole body of workmen during a period of readjustment. Of course it is not as much as a man who receives the highest verdict will receive, but upon the average it is more than the average man receives at the hands of a jury, as the statistics will absolutely demonstrate.

Mr. SMITH of Georgia. Do you propose to cut off the highsalaried man without regard to what he was earning and put the \$2,400 man down to the estimate of the \$100 man and limit him to only \$2,400 in full payment when you destroy his capacity

to follow his business?

Mr. SUTHERLAND. We propose, Mr. President, to fix, as is done in all these compensation laws, not only in the Old World, but those that have been adopted in the various States in the Union, a maximum and a minimum, the maximum being \$100 and the minimum being \$50. While the effect of that will be to reduce some men who receive more than \$100 down to the \$100 limit it will lift a very large number of other men up to the \$50 limit. The Senator shakes his head. I know what I am talking about.

Mr. SMITH of Georgia. No; I think the Senator is mistaken.

Mr. SUTHERLAND. I am not mistaken.

Mr. SMITH of Georgia. We will discuss it later on. Of course, I do not want to interject a detailed discussion into the speech of the Senator from Oregon, but I can not accept that view as correct.

Mr. SUTHERLAND. The Senator is entirely welcome to his view of it, but I insist that I have a right to my view of it.

Mr. SMITH of Georgia. I am not objecting to the Senator having his view of it, but I do not wish the Senator to set up his view to me as though I was going to accept it as correct, when I am satisfied it is not correct.

Mr. SUTHERLAND. I am quite sure the Senator from Georgia will not accept any of these statements, as far as that is concerned.

Mr. SMITH of Georgia. I will accept any of them that I think are correct.

Mr. SUTHERLAND. The Senator will permit me to say to him, at any rate, that based upon the figures which we have gathered this will be the effect, that out of the total number of men who are injured in the railway service 50 per cent of them receive more than \$125 a month and 10 per cent of them receive more than \$100 a month, so that 15 per cent of them receive more than \$100 a month—that is, of men who are injured. So the effect of this will be to bring down 15 per cent of the men to \$100 as a maximum limit, but 29 per cent of the men who are injured receive less than \$50 a month, so that while the 15 per cent will be brought down to the maximum the 29 per cent will be lifted up to \$50.

Mr. SMITH of Georgia. You take the lowest man and cut his pay half in two when he is utterly disqualified from work, do you not? You do not pay the lowest man all that he loses.

APRIL 8.

When he is utterly disqualified you cut the highest half in two, and you-cut the lowest half in two.

Mr. ASHURST. Mr. President—
The PRESIDENT pro tempore. Does the Senator from Oregon yield to the Senator from Arizona?

Mr. CHAMBERLAIN. I yield.

Mr. ASHURST. I have listened with much profit and interest to the whole discussion of this bill by the distinguished Senators who have spoken upon the measure. I would, with the kind indulgence of the Senator from Oregon and the Senate, like to ask the reason why the bill, in addition to the things pointed out by the distinguished Senator from Georgia [Mr.

SMITH], is exclusive as a remedy instead of cumulative.

Mr. CHAMBERLAIN. Mr. President, I desire to say in reference to that subject that it will be taken up a little later. As I said awhile ago, I prefer to discuss it now from the legal standpoint and leave that question to be considered apart. But if the Senator will read the report of the commission and the hearings upon which that report was based, I think he will learn at least the reasons which animated the commission in framing this bill as a compulsory one instead of making it an elective one.

Mr. ASHURST. I have read that, but fall to find therein sufficient reasons, to me at least, for making this remedy exclusive instead of cumulative. Therefore I asked the Senator the

question.

Mr. CHAMBERLAIN. I will say that the States have adopted different views in reference to that, and their experience under the elective system and under the compulsory system has not been great enough for them to state the result, but the commission felt that the compulsory system was best, because it made the matter definite and certain and compelled all parties. both the railroad companies and the employees, to resort to the one forum for the application of a definite remedy. In other words, if it were an elective system the railroad companies in certain districts might elect to come under the operation of the law and the employees refuse, so that we might have a law attempted to be enforced in one section of the country entirely different from that chosen to be operated in another section. There ought to be uniformity and an end of the litigation which grows out of the present system and which would certainly not be lessened by the elective system if it were attempted to be put in force.

But, Mr. President, while I do not object to interruptions, I am anxious to get through the discussion which I had in mind, and if there are questions which Senators desire to ask I would be glad to have them propound them after I get through.

I will state that the act adopted by the Legislature of Washington was compulsory and exclusive, and it extended over a

great many hazardous industries of the State.

The Legislature of Montana in 1909 passed an act to create a State accident insurance and total permanent disability fund for coal miners and employees at coal washeries, the constitutionality of which was successfully attacked in the case of Cunningham, State Auditor, v. Northwestern Improvement Co. The lower court sustained the act, but this decision was reversed by the supreme court of the State November 21, 1911. The objections urged against the act, amongst others, were:

(1) That it operates to deprive those subject to its terms of their right to trial by jury, guaranteed by both Federal and

State constitutions.

(2) That it operates to take property without due process of law and violates the provisions of both Federal and State constitutions.

(3) That it denies to employers the equal protection of the

laws

Each of these objections, except the last, was disposed of in favor of the constitutionality of the act, but for the reason that all employers of a class were compelled to pay a tax-recoverable, if necessary, by action of law-into a common fund, whilst to the employee was left the right, at his election, to pursue his remedy under the law of liability or to participate in the common fund, the court held the statute unconstitutional as not affording the employer the equal protection of the laws. The court say:

court say:

The injured employees of one operator may all resort to the indemnity fund, while those of another may elect to appeal to the courts. The result is that the employer against whom an action is successfully prosecuted is compelled to pay twice. He has fully paid his assessments under the act, and is also obliged to pay damages. This fact is so palpable as to be needless of discussion. The act in this regard is not only inequitable and unjust, but clearly illegal and void, as not affording to such employer the equal protection of the laws. The Legislature of the State of Washington guarded against this contingency by abolishing all actions for negligence, chapter 74, Session Laws. Washington, 1911. The General Assembly of Maryland, in an act somewhat similar to ours (see Pub. Loc. Laws of Maryland, 1910, ct. 153, sec. 10), provided:

"If any suit or action be brought against any operator for or in respect of any injury or disability received by an employee while in the

discharge of his duty or for death resulting therefrom * * * and said operator shall appear and defend such suit or action, and a judgment shall be rendered against him, he shall, after satisfying said judgment shall be rendered against him, he shall, after satisfying said judgment * * be entitled thereafter to deduct from the payments required to be made by him * * a a sum equal to the amounts of said judgment and costs."

The manner in which the equal protection of the laws shall be afforded to the operator is, of course, for the legislative body to determine, but some method must assuredly be provided to protect him from double payments. The act in its present form is, in this regard, so repugnant to all ideas of equity and equality that it must, we think, appeal to every right-thinking person on the most cursory examination as unjust. It was to guard against such legislation as this, as we apprehend, that the framers of all American constitutions guaranteed to the citizen the equal protection of the laws.

In this connection I have also quoted the reasons of the court

In this connection I have also quoted the reasons of the court for holding that there ought to be a compulsory law not only in Montana but in every State in the Union. It is really a stronger argument in favor of the law than the argument of the court is in overruling the law. The necessity for a change in the present system is so forcefully stated by the court, notwithstanding the conclusion arrived at, that I quote it as showing the entire approval by it of a proper compensation law. The court say:

withstanding the conclusion arrived at, that I quote it as showing the entire approval by it of a proper compensation law. The court say:

At the outset it may be stated that the act, viewed as a whole, presents certain fundamental propositions, novel in this jurisdiction, which, although they have lately been the subject of serious consideration by courts and students of present-day conditions, involving, as they do, grave questions of constitutional law as well as of economics, are yet so comparatively new in conception that their supposed basic principles have not been recognized as sound by some tribunals and law writers, and may be said not to have been accepted in their entirety by any court. It will not suffice to say that because the theory or design of the lawmaking power, as evidenced by the act, is one which is not only new in principle, but revolutionary of certain preconceived and deeply rooted notions of lawyers, therefore the act is unconstitutional. Nevertheless, it is the duty of courts to jealously guard the constitutional rights of the citizen.

It is matter of common knowledge among lawyers and laymen alike that our present system of compensation for injury or death of an employee caused by the actual or imputed negligence of his employer has given rise to conditions which seem to demand an abrogation of that system. This demand is so widespread and insistent that we shall do well to inquire into the reasons therefor.

In this State the affirmative defenses of contributory negligence and assumption of risk, including in the latter the negligence of a fellow servant, are still generally available to the employer. The result is that in many cases the maimed employee and in case of his death his dependents are obliged to bear the whole burden of misfortune. Ho or they may suffer the humiliation of becoming public charges, with the consequent additional expense to the taxpayer. The injury or death may have been the result of inevitable accident in the course of the employment, in which event the

The Legislature of Wisconsin in 1911 passed a workmen's compensation law, the constitutionality of which was assailed successfully in the lower court, but on appeal to the Supreme Court in the case of Borgnis et al. v. Falk Co., decided December 14, 1911, the decision of the lower court was reversed and the constitutionality of the act fully sustained:

It divides all private employers of labor into two classes: (1) Those who elect to come under the law, and (2) those who do not so elect. It takes away the defenses of assumption of risk and negligence of a coemployee from the second class (except that where there are less than four coemployees the latter defense is not disturbed), but leaves both defenses intact to the first class. It prescribes the manner in which an employer may elect to come under its terms, and how an employee may make his election, and when silence on the part of the employee will be considered an election; but it does not in terms compel either employer or employee to submit to its provisions.

In other words, by electing to come within the provisions of the act the employer might avail himself of the defenses above mentioned in an action for damages, and the right of election is left to the employee also to come within the provisions of the act, thus excluding him from the remedy by action for damages.

As in the preceding cases to which attention has been called, the court, as preliminary to a discussion of the law, states the reasons dictated by justice and public policy for the enactment

of such a law, as follows:

It is matter of common knowledge that this law forms the legislative response to an emphatic, if not a peremptory, public demand. It was admitted by lawyers, as well as laymen, that the personal-injury action brought by the employee against his employer to recover damages

for injuries sustained by reason of the negligence of the employer had wholly failed to meet or remedy a great economic and social problem which modern industrialism has forced upon us, namely, the problem of who shalt make pecuniary recompense for the toll of suffering and death which that industrialism levies and must continue to levy upon the civilized world. This problem is distinctly a modern problem. In the days of manual labor, the small shop, with few employees, and the stage-coach, there was no such problem or, if there was, it was almost negligible. Accidents there were in those days, and distressing ones; but they were relatively few, and the employee who exercised any reasonable degree of care was comparatively secure from injury. There was no army of injured and dying, with constantly swelling ranks marching with halting step and dimming eyes to the great hereafter. This is what we have with us now, thanks to the wonderful material progress of our age, and this is what we shall have with us for many a day to come. Legislate as we may in the line of stringent requirements for safety devices or the abolition of employers' common-law defenses, the army of the injured will still increase, and the price of our manufacturing greatness will still have to be paid in human blood and tears. To speak of the common-law personal-injury action as a remedy for this problem is to jest with serious subjects, to give a stone to one who asks for bread. The terrible economic waste, the overwhelming temptation to the commission of perjury, and the relatively small proportion of the sums recovered which comes to the injured parties in such actions, condemn them as wholly inadequate to meet the difficulty.

In approaching the consideration of the present law we must bear

whelming temptation to the commission of perjury, and the relatively small proportion of the sums recovered which comes to the injured parties in such actions, condemn them as wholly inadequate to meet the difficulty.

In approaching the consideration of the present law we must bear in mind the well-established principle that it must be sustained, unless it be clear beyond reasonable question that it violates some constitutional limitation or prohibition. That governments founded on written constitutions which are made difficult of amendment or change lose much in flexibility and adaptability to changed conditions there can be no doubt. Indeed that may be said to be one purpose of the written constitution. Doubtless they gain enough in stability and freedom from mere whimsical and sudden changes to more than make up for the loss in flexibility; but the loss still remains, whether for good or ill. A constitution is a very human document and must embody with greater or less fidelity the spirit of the time of its adoption. It will be framed to meet the problems and difficulties which face the men who make it, and it will generally crystallize with more or less fidelity the political, social, and economic propositions which are considered irrefutable, if not actually inspired, by the philosophers and legislators of the time; but the difficulty is that, while the Constitution is fixed or very hard to change, the conditions and problems surrounding the people, as well as their ideals, are constantly changing. The political or philosophical aphorism of one generation is doubted by the next, and entirely discarded by the third. The race moves forward constantly, and no Canute can stay its progress.

Constitutional commands and prohibitions, either distinctly laid down in express words or necessarily implied from general words, must be obeyed, and implicitly obeyed, so long as they remain unamended or unrepealed. Any other course on the part of either legislator or judge constitutes violation of his oath of office; but

Practically the same objections were made to the Wisconsin statute as were urged against the constitutionality of the stat-utes of Montana and Washington, and each of them was considered at length and held to be without merit.

In conclusion the court say:

We have now discussed all of the contentions made against the law which we deem entitled to detailed treatment, and we find no serious difficulty in sustaining its fundamental and essential provisions. As said in the beginning of this opinion, this law forms the answer of the legislature to a very widespread demand. It is a legislative attempt to reach, within constitutional lines, some fair solution of a serious problem which other nations, not restricted by written constitutional inhibitions, have solved, or partially solved, years ago. Doubtless the law will need and will receive changes and amendments as time shaltest its provisions and demonstrate its weak points. It would be unreasonable to expect that a law covering so important a subject along lines not before attempted should be perfect, or very near perfect, upon its first enactment. If experience shall demonstrate that it is practicable and workable, and operates either wholly or in great measure to put an end to that great mass of personal-injury lifigation between employer and employee, with its tremendous waste of money and its unsatisfactory results, which now burdens the courts, the long and painstaking labors of those legislators and citizens who collaborated in framing it will be fittingly rewarded by a result so greatly to be desired. That result will mean a distinct improvement in our social and economic conditions.

The Legislature of Ohio, by an act approved June 15, 1911, created a State insurance fund for the benefit of the injured and the dependents of killed employees. Its constitutionality was assailed in the case of the State ex rel v. Creamer, State Treasurer, on the grounds, amongst others, that it takes private property without due process of law, in contravention of both the Federal and State Constitutions, but the supreme court of the State, on February 6, 1912, overruled each of the objections in a lengthy opinion and sustained the constitutionality of the act as not being violative of either the Federal or the State

The Legislature of the State of New Jersey enacted a workmeu's compensation law in 1911, elective in form, and I am advised that in a proceeding brought to test its constitutionality the lower court has sustained it in its entirety, though the question has not yet been determined by the supreme court of that State.

It remains now to consider the decision of the Court of Appeals of New York in the case of Ives v. South Buffalo Railway Co., decided March 24, 1911, involving the workmen's compensation law of that State enacted in 1910, providing for the compensation of workmen in certain dangerous employments. The supreme court of the State affirmed the constitutionality of the act, but this judgment was reversed by the court of appeals in a lengthy and learned opinion. It may be safely affirmed that this decision has done more to stay the progress of legislation along the lines of the enlightened thought of the country in other Commonwealths than any other decision of recent years, and this notwithstanding the fact that the case is referred to and the views of the New York court not concurred in in the decisions of the Supreme Courts of Washington, Ohio, and Wisconsin. The frame of mind in which the distinguished judge of the court of appeals who pronounced the opinion approached the discussion is disclosed by his statement made as he entered upon a discussion of the constitutional questions involved, as

follows:

The statute, judged by our common-law standards, is plainly revolutionary. Its central and controlling feature is that every employer who is engaged in any of the classified industries shall be liable for any injury to a workman arising out of and in the course of the employment by "a necessary risk or danger of the employment or one inherent in the nature thereof; * * provided that the employer shall not be liable in respect of any injury to the workman which is caused in whole or in part by the serious and willful misconduct of the workman." This rule of liability, stated in another form, is that the employer is responsible to the employee for every accident in the course of the employee is at fault or not, except when the fault of the employee is so grave as to constitute serious and willful misconduct on his part. The radical character of this legislation is at once revealed by contrasting it with the rule of the common law, under which the employer is liable for injuries to his employee only when the employer is guilty of some act or acts of negligence which caused the occurrence out of which the injuries arise, and then only when the employee is shown to be free from any negligence which contributes to the occurrence. The several judical and statutory modifications of this broad rule of the common law we shall further on have occasion to mention. Just now our purpose is to present in sharp juxtaposition the fundamentals of these two opposing rules, namely, that under the common law an employer is liable to his injured employee only when the employer is at fault and the employee is free from fault, while under the employee is at fault, unless this latter fault amounts to serious and willful misconduct.

The objections urged against the act were, amongst others:

The objections urged against the act were, amongst others: (1) That it deprived parties of the right of trial by jury in violation of both the Federal and State Constitutions. it violated the fourteenth amendment of the Federal Constitution and section 6 of Article I of the State constitution, which guarantee all persons against the deprivation of life, liberty, or property without due process of law.

The Supreme Court of Washington disposed of this decision without endeavoring to reconcile it with its own, and admitted,

frankly, that the two were in conflict, saying:

frankly, that the two were in conflict, saying:

In the foregoing discussion we have not referred to the decision of the Court of Appeals of the State of New York in the case of Ives v. South Buffalo ky. Co. (201 N. Y., 271: 94 N. E., 431), which holds the workmen's compensation act of that State to be in conflict with the due process of law clause of the State constitution and the fourteenth amendment to the Constitution of the United States. The case has, however, been the subject of extended consideration in the briefs of counsel, and it is urged upon us by counsel for the auditor as conclusive of the questions at bar. The act the court there had in review is dissimilar in many respects to the act before us and is perhaps less easily defended on economic grounds. The principle embodied in the statutes is, however, the same, and it must be conceded that the case is direct authority against the position we have here taken. We shall offer no criticism of the opinion. We will only say that, notwithstanding the decision comes from the highest court of the first State of the Union and is supported by a most persuasive argument, we have not been able to yield our consent to the view there taken.

The Supreme Court of Wisconsin, while contending that the statutes of New York and Wisconsin were materially different in that the former was elective and the latter compulsory and did not present the same questions as to the constitutional features involved, yet declined to express an opinion as to the

The Supreme Court of Ohio, in the case to which I have referred, like the Supreme Court of Wisconsin, found a material difference in the statutes of New York and Ohio which justified a nonconcurrence with the decision in the Ives case and disposed of it by saying:

The case of Ives v. South Buffalo Ry. Co. (201 N. Y., 276) (relied on by some of counsel) involved a statute different in many essentials from the Ohio law. Its controlling feature was that every employer engaged in any of the classified industries should be liable to a workman for injury arising in the course of the work by a necessary risk inherent in the business, whether the employer was at fault or not and whether the employee was at fault or not, except when his fault was willful. willful.

Willful.

The court held the law invalid, as imposing the ordinary risks of a business (which under the common law the employee was held to assume) on the employer. The court states one of the premises on which it proceeds as follows:

"When our constitutions were adopted it was the law of the land that no man who was without fault or negligence could be held liable in damages for injuries sustained by another."

But that rule was not of universal application. At common law one may sustain such relation to the inception of an undertaking that he will be held liable for negligence in the progress of the enterprise even though he have no part or connection with the negligent act itself which caused the injury. Such, for instance, as where the owner of property contracts with an independent contractor to do work which, though entirely lawful, yet has inherent probabilities of harm if negligently performed. The position in the line of causation which employers sustain in modern industrial pursuits is of course the basic fact on which employers' liability laws rest.

As to the right to abolish the defense of assumption of risk, it is enough to say here that the great weight of authority is against the New York position and the position of such of the counsel in this case as insist on that rule. Some of counsel appearing against the validity of this law concede the right to abolish the defenses referred to. The Supreme Courts of Massachusetts, Wisconsin, and Washington have recently held in cases sustaining the validity of statutes similar to the one here attacked that it is within the legislative power to abolish the defense referred to. (In re Opinion of Justices, 96 N. E. Rep., 308 (Mass.); Borguls v. Falk Co., 133 N. W. Rep., 209 (Wis.); State, ex rel. v. Clansen, 117 Pac., 1101 (Wash.).)

The reasoning of the court in the Ives case is cogent but not convincing. The fundamental principle underlying it is that the legislature is without power to impose liability without fault, and that to do so would be the taking of property without due process of law, contrary to the fifth and fourteenth amendments. An examination of that decision will show that while the court undertakes to distinguish the case from the numerous cases decided by the courts of last resort in many of the States of the Union and by the Supreme Court of the United States sustaining statutes imposing liability without fault, it wholly fails to satisfactorily do so. It is safe to say that the opinion does not meet the approval of the profession generally. As an evidence of this fact, I submit that Mr. Ernst Freund, professor of law in the University of Chicago, in the hearings before the commission stated that an inquiry was instituted among teachers of constitutional law in the law schools of the principal American universities, and that only 2 of them were in accord with the decision of the court of appeals in the Ives case, while 15 united in the following statement of reasons why the views of the court should not prevail. That statement of these 15 is so cogent and forcible that I give it as a part of my address, with the names of the gentlemen who pronounced the opinion, and I think it is entitled to as much respect at the hands of the Senate as the decision of any court, because they are all eminent gentlemen and learned in the law. They say:

I think it is entitled to as much respect at the hands of the Senate as the decision of any court, because they are all eminent gentlemen and learned in the law. They say:

1. There is no controlling difference in constitutional principle between the abrogation of the fellow-servant doctrine and the liability of the employer for an accident which is due to a risk inherent to the trade. For where the employer has used all possible care in selecting and supervising his servant, the negligence of that servant resulting and supervising his servant, the negligence of that servant resulting and supervising his servant, the negligence of that servant resulting and supervising his servant, the negligence of that servant resulting and supervising his servant, the negligence of that servant resulting and supervising his servant, the negligence of that servant resulting and supervising his servant, the negligence of that servant resulting and supervising his servant, the negligence of the servant resulting and supervising his servant, the negligence of the servant resulting and control of the servant resulting his manner as a solid. Conceding, as the court of appeals does, that the legislature can not create the liability which was proposed to be created by the act.

2. The decision takes an untenable view of the effect of the guaranty of due process. Constitutional limitations rest either upon explicit constitution or upon the principles implied in the spirit and history of our institution or upon the principles implied in the spirit and history of our institution. The new principle of workmen's compensation is not opposed to any explicit provision nor to any previous judicial decision interpreting the Constitution. The case concededly presented a new problem. It is submitted that a court should not read into the fundamental law of the State any limitations that stand in the way of the progress of the law toward better social justice within the limits of established institutions. The Constitution commits the law making a

into new and not less useful forms. (Hurtado v. California, 110 U. S., 531.)"

Percy Bordwell, University of Iowa; Andrews A. Bruce, University of North Dakota; Eenst Freund, University of Chicago; E. A. Gilmore, University of Wisconsin; F. J. Goodnow, Columbia University; Frederick Green, University of Illinois; James Parker Hall, University of Chicago; Alfred Hayes, Ir., Cornell University; C. H. Huberich, Leland Stanford Jr. University; W. J. Jones, University of California; Gidor Loeb, University of Missouri; Roscoe Pound, Harvard University; Henry Schofield, Northwestern University; H. M. Towner, University of Iowa; W. W. Willoughby, Johns Hopkins University.

Mr. Alfred P. Thom, general counsel for the Southern Railway Co., appeared before our commission, and he is one of the ablest lawyers in the country. He favored a law of this kind, but, like some of the Senators who have addressed the Senate, he rather favored an elective system, and gave his reasons for it. He discussed at length before the commission in a very able argument the decision in the Ives case, and I quote from him to show what his opinion was of this case. Thom said:

Congress has power to enact such legislation, if confined to the District of Columbia and the Territories and to interstate and foreign commerce, inasmuch as such legislation does not violate any rights of property of the employer protected by the fifth amendment.

I will say in general terms he favored the enactment of such a law, and in his mind there was no question but what Congress has absolute right and power to regulate the relation between master and servant where both are engaged in interstate commerce.

Those who question this proposition-

Says Mr. Thom-

Says Mr. Thom—

Those who question this proposition hase their objection on the assertion that such legislation involves the statutory imposition of liability without fault, and insist that a statutory imposition on a property owner of liability without fault is to take away his property without due process of law.

This is the fundamental and essential postulate that underlies the decision of the court of appeals of New York in the recent case of Ives v. South Buffalo Railway Co. (94 N. E., 431).

I ask your attention a moment to that decision.

* * The new statute," the court says, "as we have observed, is totally at variance with the common-law theory of the employer's liability. Fault is no longer an element of the employee's right of action."

Again, the court says:

"When our constitutions were adopted it was the law of the land that no man who was without fault or negligence could be held liable in damages for injuries sustained by another. That is still the law, except as to the employers enumerated in the new statute, etc."

And again:

"If it is competent to impose upon an employer who has omitted no legal duty and has committed no wrong a liability based solely upon the legislative flat that his business is inherently dangerous, it is equally competent to visit upon him a special tax for the support of hospitals and other charitable institutions, etc."

"We conclude, therefore, that in its basic and vital features, the

hospitals and other charitable institutions, etc."

And again:
"We conclude, therefore, that in its basic and vital features, the right given to the employee by this statute does not preserve to the employer the 'due process of law' guaranteed by the constitutions, for it authorizes the taking of the employer's property without his consent and without his fault."

And he concludes:

And he concludes:

* * * There are statements, many times reiterated in that decision, that the basis of it is that the taking of the employer's property to pay for an injury inflicted without the employer's fault is a taking of property contrary to the fifth and to the fourteenth amendments of the Constitution of the United States and to similar provisions in the constitution of New York. Now, if that postulate is unsound, the whole fabric of the New York decision falls to the ground. It rests on no other postulate. It is put upon no other basis. It atands on that one foundation—the constitutional principle that the taking of one man's property to pay for an injury received by his employee without his fault is the taking of his property without due process of law.

He then discusses at length decisions in conflict with that in

He then discusses at length decisions in conflict with that in the Ives case.

The decisions to which I have heretofore referred sustaining statutes imposing liability without fault show conclusively, it seems to me, the vice of the decision of the court of appeals in the case referred to.

It will thus be noticed that there is an entire lack of harmony in the character of the legislation as well as in judicial construction on the subject of workmen's compensation, the statutes of Montana, Wisconsin, and New Jersey giving to the employee the right to elect whether he will sue in damages or come within the provisions of the compensation acts, while those of Washington and New York, like the one under consideration, are compulsory, doing away entirely with the present-day rights and remedies for recovery of damages in case of injury. In some cases the common-law defenses are taken away from an employer who fails to submit to the provisions of the law, and in others, where the employee fails so to do, the employer is permitted to avail himself of these same defenses.

I think I have shown by the decisions of the courts of last resort that Congress has plenary power under the commerce clause of the Constitution to reasonably regulate the relations

between employers and employees while both are engaged in interstate commerce, and that there are no restrictions or limitations upon the exercise of that power in any other constitutional provision.

That the bill under consideration has no other purpose than the regulation of that relation and that it is a reasonable regu-

lation I think must be conceded.

I therefore turn to a very brief discussion of the attitude of the employers and employees as disclosed at the hearings before the commission. It is proper to say that the gentlemen who appeared before the commission to represent the cause of employees without exception displayed distinguished ability and evinced a profound knowledge of every phase of the questions involved. The arguments made were impressive and able, and it is no disparagement of the distinguished attorneys who appeared on behalf of the employers to say that these representatives of the employees equaled them in their ability to present their views clearly, logically, and forcefully. Nearly, if not all, of the employees of interstate carriers were represented at the hearings, and at each separate stage of the proceedings were advised as to the progress being made by the commission.

Following are the leading representatives of the different organizations of employees who from time to time appeared and

discussed the measure.

W. G. Lee, president of the Brotherhood of Railroad Trainmen, representing 117,000 men. One of the Senators questioned whether the laboring people were represented. He represented 117,000 men. I assume that the men elected by the railroad employees to these highest places represent the sentiment of the employees in all of these bodies.

G. H. Sines, vice president of the same order.

A. B. Garretson, president of the Order of Railway Conductors, representing 48,000 men.

I am taking these figures as the men testified to them before the commission.

 L. E. Sheppard, acting president of the same order.
 W. E. Stone, president of the Brotherhood of Locomotive Engineers.

W. S. Carter, president of the Brotherhood of Locomotive

Firemen and Enginemen.

H. E. Wills, assistant grand chief engineer of the Brotherhood of Locomotive Engineers and joint national legislative representative of the Order of Railway Conductors and of the Brotherhood of Railroad Trainmen and of the Brotherhood of Locomotive Engineers.

Arthur E. Holder, legislative committee, American Federation

of Labor, representing 924,606 men.

Samuel Gompers, president of the same order.

As a matter of fact, the statistics from which I have quoted show that there are only about 1,600,000 men engaged in interstate commerce. So we see that practically all these men were represented, assuming that these persons did represent them, and I do not think that any of these gentlemen who appeared before the commission would have assumed to represent a body of men whom they did not represent, and nobody, so far as I have been able to learn, questioned their authority to appear before the commission for them.

Mr. WILLIAMS. In this connection, I want to say, if the Senator from Oregon will permit me, that as far as the State of Mississippi is concerned I have received letters from men who are not officers or officials of any of these organizations, but who are members of them; in other words, I have received letters from private soldiers in this army all over the State, and without exception every man who has written has asked me to vote for this bill.

Mr. CHAMBERLAIN. I think that might be said almost universally, Mr. President. I have in my possession here now copies of some 35 or 40 letters (I believe the Senator had them published as a Senate document) from local lodges expressing

the hope that this bill would pass.

Mr. OVERMAN. If the Senator will permit me, I will say this demand is not universal.

Mr. CHAMBERLAIN. I did not say universal; I said almost

Mr. OVERMAN. I want to say that I was appointed on the subcommittee with the Senator from Utah [Mr. SUTHERLAND] and others, and we took some testimony which showed that it was not by any means universal. Even these organizations did not represent a very large section of the country. It was their desire that this matter should be postponed 30 or 60 days at least, until the national organizations could meet. The national organizations of these laboring men have not met since this bill was introduced. All they asked for was that this mat-

ter should go over until their great councils should meet and the subject should be discussed among them, when we would know what were the views of the laboring men on the railroads.

Mr. SHIVELY. Mr. President-

The PRESIDENT pro tempore. Does the Senator from Oregon yield to the Senator from Indiana?

Mr. CHAMBERLAIN. Yes.

Mr. SHIVELY. If the Senator will permit me, I wish to ask him about these indorsements. Did the men who came before the committee have this particular bill before them, or were they indorsing the general principle of a compensation act?

Mr. CHAMBERLAIN. I want to say, in answer to the Senator from Indiana, that they not only were there when the commission decided upon the adoption of the general principles that they thought such a law ought to contain, but they were there when the tentative bill was drafted. They were also there when the bill was finally agreed upon by the commission, and it was discussed in every feature of it and at every meeting. This measure in all of its forms was submitted for discussion.

Mr. SHIVELY. The Senator means to say that that tentative bill was substantially the bill which is now before the

Senate?

Mr. CHAMBERLAIN. Substantially the same bill.
Mr. SUTHERLAND. Mr. President, if the Senator will permit me, I will say that at the hearing at which the Senator from North Carolina [Mr. Overman] was present the other day upon this identical bill two of the heads of these four great organizations of the country were present and indorsed this bill, and the legislative representative, who is here in Washington all the time representing those two and another, indorsed it in the most emphatic terms.

Mr. SHIVELY. That is a little suggestive. What made me curious was that there was no opposition developed among these men until the specific proposition was laid before them.

Mr. SUTHERLAND. No.

Mr. SHIVELY. I understood the Senator from North Carolina [Mr. Overman] to say that opposition was developed and that it was at the time they had the specific proposition of this bill before them.

Mr. SUTHERLAND. There has been some opposition developed in three States, and, so far as I know, in three States only. Those are the States of North Carolina, Georgia, and Texas. How serious the objection is in Texas I do not know, but in Georgia and North Carolina a great many of the men have been objecting to this bill. I think when they have come to understand what it does their objections will disappear; but, of course, that is only my opinion. I may be mistaken about that.

Mr. SHIVELY. I can very well understand that these men might favor the general principle of a compensation act, whether it was cumulative or exclusive, and still not be in favor of this specific measure.

Mr. CHAMBERLAIN. Mr. President, I had not quite completed the list of those who appeared and the views of the rep-

resentatives of the different organizations.

With the exception of Mr. Carter, all of these gentlemen favored the compulsory compensation principle and, generally, the bill as it is now reported to the Senate, except possibly they were of the opinion that a higher scale of compensation and a longer term of payments should be provided for. Mr. Carter opposed the measure on principle at first and preferred the employers' liability law and its extension beyond its present scope, both by Congress and the State legislatures, but has later gone on record as neither opposing nor approving the bill. I understand that was the position he took before the committee the other day, when I did not have an opportunity to meet with the

Neither time nor space permits me to give even a summary of the arguments of these gentlemen, and I respectfully refer the Senate and the country to the report of the hearings, where

these arguments are printed at length.

In addition to these, there were in attendance at at least a part of the hearings the following members of the trainmen, who represented the trainmen on the lines given, members of the Order of Railway Conductors, who represented the conductors on the lines given, and members of the Brotherhood of Locomotive Firemen and Enginemen, who represented the lines

These men appeared there, sat around the table, and listened to the discussion. They were invited by the chairman of our committee, after the discussions were had, to participate in the deliberations of the commission:

John L. Rowe, New York, New Haven & Hartford Railroad. E. V. Kapp, Pennsylvania Railroad Lines East.

W. W. Jones, Pennsylvania Railroad.

M. Holiday, New York Central & Hudson River Railroad.

W. J. Welsh, Delaware, Lackawanna & Western Railroad.
W. N. Doak, Norfolk & Western.
H. M. Cousins, Richmond, Fredericksburg & Potomac. Washington Southern Railroad.

J. R. Sharetts, Western Maryland Railroad.
 J. C. Staples, West Jersey & Sea Shore Railroad.
 T. J. Sproul, Pennsylvania Railroad.

Harry K. Cahre, Pennsylvania Railroad.

J. R. Cummings, Buffalo & Susquehanna Railway.

James Tracey, Pennsylvania Railroad. Jos. A. Hughes, Pennsylvania Railroad. T. E. Crosson, Pennsylvania Railroad.

J. H. Dalton, Lake Shore & Michigan Southern Railway.

R. H. Lanter, Atlantic Coast Line Railroad. J. B. Dyer, chairman, Delaware & Hudson Co.

The following are chairmen of the Order of Railway Con-

J. Wall, New York, New Haven & Hartford Railroad.

S. C. Stambaugh, Buffalo & Susquehanna Railway.

James Dougherty, Pennsylvania Railroad.

J. T. Downey, Delaware, Lackawanna & Western Railroad. J. D. Moon, Chesapeake & Ohio Railway.

R. W. Moore, Southern Railway. M. C. Slattery, New York Central & Hudson River Railroad.

S. J. Brooks, Atlantic Coast Line Railroad. W. L. Eisle, Philadelphia & Reading Railway. W. J. Burke, Baltimore & Ohio Railroad.

B. L. Purdick, Long Island Railroad. A. V. Newton, Lake Shore & Michigan Southern Railway.

J. B. Hendricks, Pennsylvania Railroad.

Oliver Irwin, Pennsylvania Railroad Lines West.

Brotherhood of Locomotive Firemen and Enginemen: H. E. Core, Pennsylvania Railroad Lines East.

H. G. McComas, Pennsylvania Railroad Lines. Mr. THORNTON. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Oregon yield to the Senator from Louisiana?

Mr. CHAMBERLAIN. I yield to the Senator.

Mr. THORNTON. In reference to the question which has just been raised as to whether these employees knew what specific bill they wished to have passed, I will say to the Senator from Oregon that I have to-day received telegrams from two different divisions of the Brotherhood of Locomotive Engineers in my State. We all know what a powerful and intelligent body that is, and that they also receive a high rate of com-pensation. They both specifically refer to this particular bill and indorse it.

Mr. CHAMBERLAIN. They both indorse the bill?

Mr. THORNTON. Yes.

Mr. CHAMBERLAIN. One is from R. E. Owens, secretary and treasurer of Division 426, Brotherhood of Locomotive Engineers, dated at New Orleans, La., and the other is from Mr. P. S. Mulhearn, secretary treasurer Ouachita Division 326, Brotherhood of Locomotive Engineers.

Mr. THORNTON. I suggest that the Senator read them.

Mr. CHAMBERLAIN. I will read the telegrams, inasmuch as the Senator from Louisiana has been kind enough to pass them to me. They are as follows:

NEW ORLEANS, LA., April 6, 1912.

J. R. THORNTON, United States Senator, Washington, D. C.:

We, the voters and members of Division 426, Brotherhood of Locomotive Engineers, do earnestly request that you vote for and use your influence for the passage of Senate bill 5382 and House bill 20487.

R. E. Owens, Secretary and Treasurer.

MONROE, LA., April 6, 1912.

J. R. THORNTON, United States Senate, Washington, D. C.:

I am instructed by Ouachita Division 326, Brotherhood of Locomotive Engineers, to ask you to support Senator Sutherland's bill (S. 5382), We consider this matter very important.

P. S. MULHEARN, Scoretary-Treasurer.

As I said awhile ago, the gentlemen whose names I have read were given an opportunity to express their views before the commission upon the provisions of the pending bill. In this connection I think it proper to say that the utmost publicity possible was given by the commission of the hearings which

were to be had from time to time. The Associated Press had its agents there, and the first tentative plan of the commission was published in full and sent by the Associated Press throughout the country. Not only that, but blank forms of inquiry were prepared by the commission and sent by its secretary to the heads of the labor organizations interested in this matter, and to the local lodges all over the country, so that I can not see how it is possible that any members of the different lodges did not know what was going on.

The railroads were represented before the commission by their general counsel and others. A committee of 21 railroad attorneys was formed, 7 from each section of the country, to consider and, if possible, to agree upon a compensation plan. Being unable to agree as to the principle involved or as to the form such legislation should take, these gentlemen presented their views individually. While many opposed the principle, others favored it, but all agreed that the amounts of compensation as finally determined upon by the commission and inserted in the bill were too high and would unreasonably increase the cost of railroad operation.

So that practically, stating the matter generally, the difference between the railroad people and their employees was simply a question of the amount of compensation provided for under the bill; the railroad employees, on the one hand, insisting that it was too low, while the railroad people were insisting that it was too high, and would greatly add to the expense of railroad expension

pense of railroad operation.

All interests had an opportunity to express their views in reference to the measure under consideration, Mr. President, at every stage of its preparation, and if anyone interested in any phase of the question failed to approve or oppose it was his own fault, for, as I have already stated, the greatest publicity was given of the hearings before the commission and of the desire of every member thereof to hear from all on so important a subject.

The opportunity is now offered to Congress to enact what is generally conceded to be the greatest piece of constructive legislation that has been presented to it for many years. It ought to be passed at the present session, and with as little delay as possible; but whether Congress passes it or not, it is safe to predict that within the next few years there will not be a State where legislation having the same purpose in view will not find lodgment on the statute books.

It is pretty generally conceded by the employers in almost every industry that such legislation in some form or other is just, as an instrumentality to put an end to uncertainty and to fix the extent of liability for all classes of occupational injuries; and some employers, without any legislation, have voluntarily, adopted some form of compensation for injured employees. It is demanded by most of the employees in hazardous employments, in the hope that they may feel assured, in case of accident, that they will not become dependent, and that their families and dependents, in case death results from such accident, will not become the objects of public or private charity.

As the subject comes to be better understood it will eventually be demanded by both employers and employees, in order that the antagonisms which the present liability laws occasion may be alleviated by a statute which fixes the rights and responsi-bilities of both without regard to fault upon the part of either. It is demanded by justice, as well as by a sound public policy. Public policy demands that there be an end to expensive and vexatious litigation and is interested in preventing the enormous economic waste which the present system entails. And, finally, justice demands that those who risk their lives in hazardous employments and add to private and to national wealth millions of dollars each and every year shall not be compelled to bear the whole burden of occupational accidents; it demands, as a matter of right and not as a charity, that pro-vision shall be made by the industries which occasion the injury or death, for the rapidly increasing army of cripples and de-pendents—an army which will not be diminished until every industrial enterprise understands that payment must be made, without regard to fault, for every injury to its employees—it demands in the particular case that this measure shall be speedily enacted into law and that the human instrumentalities of interstate commerce shall be put upon a higher plane than the inanimate agencies thereof, which are maintained and kept in repair at the expense of the industry as long as possible and then cast into the scrap heap, just as the unfortunate human agencies, maimed and crippled, helpless and hopeless, are now turned out upon the cold and unwilling charities of the world.

ALICE V. HOUGHTON.

Mr. OWEN. Mr. President-

Mr. MARTINE of New Jersey. Mr. President, I move to reconsider the vote by which the bill (S. 5137) for the relief of Alice V. Houghton was passed on Friday last. On that day, in executive session, I entered a request, as though in legislative session, to reconsider the vote by which the bill was passed, and I now desire to press that motion.

Mr. LODGE. Mr. President, I merely wish to call attention to the fact that the Senator from Oklahoma [Mr. Owen] has given notice that he wished to speak to-day after the conclusion of the remarks of the Senator from Oregon [Mr. Cham-

BERLAIN]

The PRESIDENT pro tempore. The Chair recognized the Senator from New Jersey because he understood the Senator simply desired to enter a motion.

Mr. MARTINE of New Jersey. I now wish to make the motion to reconsider the vote by which the bill for the relief of

Alice V. Houghton was passed.

The PRESIDENT pro tempore. The Chair did not understand that the Senator now desired to have the bill taken up or he would have recognized the Sanator from Oklahoma [Mr. Owen], who first addressed the Chair. The Chair understood the Senator from New Jersey merely wished to enter the motion.

Mr. MARTINE of New Jersey. No; I entered the motion to

reconsider on last Friday.

The PRESIDENT pro tempore. Under the circumstances the Chair feels constrained to recognize the Senator from Oklahoma.

Mr. MARTINE of New Jersey. Very well; I yield. Mr. BRISTOW. Mr. President, if the Senator from Oklahoma will permit me, I think the Senator from New Jersey is mistaken in saying that he entered the motion to reconsider.

Mr. MARTINE of New Jersey. I entered—
Mr. BRISTOW. The Senator gave notice that he would enter a motion, and I myself objected to entering the motion at that time in the absence of the chairman of the committee. I certainly shall have to object to taking up the motion in the absence of the chairman of the committee,

Mr. MARTINE of New Jersey. I think the RECORD, if the Senator will pardon me, will show that I did enter a request to reconsider, and asked that it go over a legislative day.

The PRESIDENT pro tempore. The Chair is informed that the RECORD does not show that the motion was in fact entered; and the Chair suggests that the Senator now enter the motion.

and then the Senator from Oklahoma can proceed.

Mr. MARTINE of New Jersey. Well, then, I now most respectfully enter the motion to reconsider the votes by which the bill was ordered to be engrossed for a third reading, read the third time, and passed.

The PRESIDENT pro tempore. The motion is now en-

tered.

Mr. WILLIAMS subsequently said: Mr. President, a parliamentary inquiry. Has the motion made by the Senator from New Jersey been recognized by the Chair?

The PRESIDENT pro tempore. The motion has been entered

by the Senator.

Mr. WILLIAMS. Does that save its place?

The PRESIDENT pro tempore. Yes; and the matter is in abeyance.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by A. C. Johnson, its assistant enrolling clerk, announced that the Speaker of the House has signed the enrolled joint resolution (S. J. Res. 96) to amend an act entitled "An act appropriating \$350,000 for the purpose of maintaining and protecting against impending floods the levees on the Mississippi River," approved April 3, 1912, and it was thereupon signed by the President pro tempore.

POST ROADS AND RURAL-DELIVERY ROUTES.

Mr. OWEN. Mr. President, I ask that Senate bill 2935 be laid before the Senate.

The PRESIDENT pro tempore. The Chair lays before the Senate the bill referred to by the Senator from Oklahoma, the title of which will be stated.

The Secretary, A bill (S. 2935) to provide for the construction, maintenance, and improvement of post roads and ruraldelivery routes through the cooperation and joint action of the National Government and the several States in which such post roads or rural-delivery routes may be established.

Mr. OWEN. Mr. President, Senate bill 2935, prepared by the

his experience as the chief executive of my old home Commonwealth of Virginia.

This bill provides for the appropriation of \$20,000,000 annually for the construction, maintenance, and improvement of post roads and rural delivery routes through the cooperation and joint action of the National Government and the several States in which such roads may be established, the Nation and State contributing equally to the cost. The value of this proposal is that the Federal Government would at once take the initiative and make available to every State the expert knowledge gathered together by the Federal Government on the construction and maintenance of good roads.

This initiative is of supreme importance. No great public enterprise will receive proper attention unless some one is charged with the direct duty of attending to that business.

Experience has shown that the private individual will not take the initiative in building good roads, because the task is too great for him, and in like manner the county, except for the laws passed by the State, would not initiate good roads except in special instances. But with the Federal Government taking the initiative, inviting the State cooperation, every State would be strongly stimulated to improve the roads. This feature of this bill is of great value.

The good-roads department under this bill would speedily formulate and submit to the various States a method of co-operation which would result in coordinating the State and basis. I am sure that the people of my own State of Oklahoma would be glad to cooperate with the Federal Government in improving the highways and rural routes. In the constitution of Oklahoma we established a department of highways, and Hon. Sidney Suggs, of Ardmore, the strenuous and able head of this department, is actively organizing public opinion in support of this the next great step in the national development of the Republic.

Mr. President, nothing that I shall say will be either original or novel, but the facts and the reasons should be emphasized on the attention of the country. The improvement of the public roads of the United States is urgently necessary for a variety of reasons.

The national growth and prosperity must depend on good roads.

The development of the suburban schools, churches, mail delivery, the intelligence and social intercourse of the country people, the attractiveness, the value, the financial returns, and the physical productiveness of the farm depend upon good roads. Cheaper food products and cheaper manufactured products both depend upon good roads.

Inaccessible and muddy roads cost the Nation a thousand

millions annually.

Justice to the farmer, who pays 60 per cent of the taxes and gets but little in return, demands it. The value of the public school, the press, the pulpit, the platform, and all the advantages of civilized life depend upon access, and access upon good roads. The extension of trade, the improvement of the opportunities to the citizen, the relief of the congestion of population in the cities depend upon good roads.

Good roads are absolutely necessary in peace and in war. They are the chief agency of a great industrial people for the

free interchange of the products of labor.

THE CONSTITUTIONALITY OF FEDERAL AID TO GOOD ROADS.

It has been said that the United States has no constitutional right to contribute to the building of good roads. I emphatically deny it.

Under section 8, Article I, of the Constitution, Congress is expressly authorized to establish post roads, and is given power "to collect taxes," "to provide for the common defense and general welfare of the United States."

The perfection of the postal highways and of the Rural Free Delivery Service will extend post roads over every important road in the United States upon which any national attention need be given, and the right of the United States to provide for the common defense carries with it the right to establish national highways, as Rome did, for the movement of our national troops in time of war and for the "general welfare" and the movement of interstate commerce and transportation in time of peace.

The right to provide for the general welfare of the United States sufficiently covers national aid in establishing highways of stone as well as of steel rails throughout the United

Why, Mr. President, Congress authorized the Cumberland Senator from Virginia [Mr. Swanson], is drawn in the light of Road at the headwaters of the Potomac in 1811 at a cost of \$7,000,000, and in 11 years about this period 14 great highways were authorized to be built by Congress,

It was the generally acknowledged doctrine of our forefathers that the Government had this right, and from 1850 the Government granted aid to highways with steel rails from the Mississippi to the Pacific coast and subsidized the Union Pacific, the Central Pacific, the Northern Pacific, the Southern Pacific, and gave away 200,000,000 acres of the public domain in support of

national highways

These contributions would be worth approximately \$2,-000,000,000, which went to private persons and private corpora-tions for the building of national highways.

There is no merit in the contention that the National Government may not contribute to the support of post roads within

the States.

Down to the most recent days, since the War with Spain, there has been expended from our National Treasury for road

Porto Rico 2 The Philippines 3 The Canal Zone 1

8, 384, 073 Total __ THE URGENT NECESSITY FOR NATIONAL AID.

Mr. President, we have the biggest country, the finest land, the richest people-and the poorest roads on earth. reason for this, and the reason is that our road-building system is based on the old localized English system in the days of the American Colonies, and has never been adequately improved

to meet the advancing knowledge of civilization.

In many of our States we still keep up the destructive and wasteful system of fluancing road building by taxing adjoining property and administering the construction and maintenance by utterly unskilled, intensely localized management, which is very often too incompetent to merit consideration or defense. It is grossly unjust to tax the farmer to build and sustain the road which passes through his farm, when that road, in fact, is a highway used by tens of thousands who ought to contribute their proportionate part to the construction of the highway.

The National Government, which raises revenue by taxing every man, and the State government, which raises its revenues by taxing all the people, should cooperate with these taxes levied on all the people to construct these highways which are used by all the people just in proportion to the use of the roads. To compel the construction and maintenance of the main highways by the local citizen who has had no opportunity of being instructed in the construction or maintenance of roads is necessarily to place the highways under an administration not equipped to do this work under the safeguard of thoroughly scientific knowledge, which is essential to proper results. Millions have been squandered by this obsolete method, and the roads remain to-day as an overwhelming witness of the incompetence of past management. For example, under the present laws of Texas, in a State which spends more than \$8,000,000 annually on road improvement, the county judge is the one absolute authority on road matters. Such a thing as a county engineer, except by special act of the legislature, seems to be unthought of.

In France, where they have the best roads in the world, at the head of the road system there is a magnificent technical school of roads and bridges, maintained at the expense of the National Government, from which graduates are chosen as highway engineers to build and maintain the roads of France. There is an immediate cooperation between the Republic, the departments, and the communes as completely as an organized army, directed by the most intelligent head possible to obtain.

At the head of the administrative organization is a director general of bridges and highways, under whom are the chief engineers, ordinary engineers, and subordinate engineers, the latter being equivalent in rank to noncommissioned officers in the The subdivisions are under the direction of principal conductors and ordinary conductors. Next in line come the foremen of construction gangs, the clerks employed at headquarters, and, finally, the patrolmen, each having from 4 to 7 kilometers of highway under his immediate supervision.

The great administrative machine working in complete harmony, with definite lines of responsibility clearly established, accomplishes results with military precision and regularity. In this great army of workers not the least important unit is the patrolman, who has charge of a single section of the road. He keeps the ditches open, carefully fills holes and ruts with broken stone, removes dust and deposits of sand and earth after heavy rains, removes the trees, shrubs, and bushes, and when ordinary work is impossible breaks stone and transports it to the point where it is likely to be needed. He brings all matters requiring attention to the notice of his chief.

Every detail requiring attention is carefully noted and reported to the central authorities, so that at any time the exact condition of every foot of road throughout France may be ascertained.

Here is a system, the best in the world, over which mag-nificent highways vast volumes of farm products find their way at a cost of from 7 cents to 11 cents a ton per mile. Over these roads motor cars can travel 50 miles an hour without danger. They are beautiful. They are lined on either side by ornamental and fruit trees. They are of great commercial value. They lower the cost of living, both to the town and the country, by furnishing the city with cheap food and furnishing the country with cheap freight in transporting their products to town and their materials back to the farm.

In France at the present time there are 23,656 miles of national routes, which cost \$303,975,000 to build. There are 316,898 miles of local highways, built at a cost of \$308,800,000, of which the State furnished \$81,060,000 and the interested localities \$227,740,000. The roads of France are classified into five different divisions:

First. The national routes, traversing the various departments

and connecting important centers of population.

Second. The department routes, connecting the important centers of a single department and bisecting the national routes. Third. Highways of general communication, little less impor-

tant than the previous class.

Fourth. Highways of public interest, traversing a single canton and connecting remote villages with more important roads.

Fifth. Private roads.

In the German Empire a similar system prevails, and these great nations, including the other nations of Europe, for that matter, set an example to the people of the United States which they would do well to follow.

In England they have a much more localized system, and in consequence there is in England the most striking example of lack of uniformity of road work and of excessive expenditure

in proportion to mileage.

The most perfect road system, however, is that of France, which has the most highly centralized management of all the road systems.

It is not my purpose, Mr. President, to go into detail with regard to the best methods of construction, but only to point out the extreme importance of centralized initiative and centralized knowledge proceeding with efficiency upon a fixed basis.

I do not regard Senate bill 2935, which I advocate, as necessarily an absolutely perfect bill, but I do regard it as a step of correction and I do believe that out of this means.

very great importance, and I do believe that out of this measure, if it be enacted into a law, we would enter upon a proper

system.

I believe we should have a legislative reference bureau (for which I have heretofore contended), for the convenience of Congress in digesting and arranging data and making preliminary drafts of bills and which in this case might thoroughly work out a perfected plan suitable to the use of the United States under our particular form of government, providing a system for the most perfect cooperation between the National and State Governments for the development of good roads in this country.

THE COMMERCIAL VALUE OF GOOD ROADS.

Mr. Halbert P. Gillette, an engineer of ability, has with great pains estimated the cost of hauling agricultural products to and from the farm. (S. Doc. No. 204, 60th Cong., 2d sess., p. 56.)

The average haul in the United States is 12 miles of 2,000 pounds at a cost of 25 cents a ton, on an average of \$3 a ton for delivering farm products from the farm to the railway.

In France the cost of hauling a ton a mile is 7 cents and in Germany and England from 9 cents to 12 cents. The direct loss on the tonnage actually hauled in the United States is perfectly enormous. The Interstate Commerce Commission reports show that the railroads handle upward of 900,000,000 tons of freight, of which 32 per cent, or approximately 275,000,000 tons, are the products of forest, field, and miscellany.

Estimating only 200,000,000 tons at a cost of \$3 a ton, we have \$600,000,000 in this item, of which over \$400,000,000 is a flat loss, due to bad roads; but these figures are only a fraction of the haul. To this must be added the enormous tonnage hauled from farm to farm, from farm to village, from farm to town, from farm to canals, wharves, and docks for shipment by water. The unemployed land, the defectively developed land, the wasted products not hauled because of the expense and of impassable roads, the lack of intensive farming at any distance from cities because of the expensive hauling are grave factors of the huge loss due to bad roads. The loss by bad roads upon any reasonable basis would probably exceed \$1,000,000,000 per annum, or the cost of conducting our National Government.

We have bad roads standing as a barrier, preventing the hauling of products from the farm, because the cost of hauling is too high and products are wasted on the farm.

Lands distant from market are not cultivated at all and farms reasonable near to the markets are not put into crops

which would be productive of large bulk, because of the ruinous expense of hauling such products, and for this rea-son there are huge areas uncultivated in the United States, estiand there are huge areas themstrated in the United States, estimated by the Department of Agriculture at over 400,000,000 acres. Improved roads would develop this vast domain and make food products cheaper. It would lead to intensive and more extended farming. Where the average value is \$8.72 per acre of wheat, \$7.03 an acre of corn, the value of vegetables in 1890 was \$42 an acre and of small fruits \$80 an acre.

The commercial value of good roads, therefore, would mean a saving of a thousand million dollars annually. It would mean bringing into cultivation vast areas of land now uncultivated. It would bring intensive farming on the lands which are now cultivated. It would mean very much cheaper food products. It would mean the improved financial, social, religious, and edu-

cational condition of the farmers.

It would mean a vast increase in the farming population drawn from the congested cities for the benefit of city and country alike.

IT WOULD INCREASE THE VALUE OF FARM LAND.

We have about 850,000,000 acres of farm land improved and unimproved in the United States.

The good roads will exercise a tremendous influence over in-

creasing the value of farm lands accessible to good roads. By "accessible" it must not be understood as being immediately on a perfected highway. It is an important fact that a team of horses for two hours out of a day can exert about four times their average tractive force without injury. For this reason they may pull a heavy load for 3 or 4 miles over a dirt road to a perfect highway without injury, and then carry the heavy load easily to market a long distance without harm, so that the farmers within 3 or 4 miles on either side of a good highway would be directly benefited by it; and with the King drag road leading off 4 or 5 miles on either side of a perfected highway all of the farmers of the country could be brought in touch with good roads at a minimum expense to the great increase of their farm-land values.

BAD ROADS MEANS LOSS OF POPULATION.

The sections of country which have lost in population by the last census are conspicuous for impassable roads. In 25 counties, for example, selected at random by the United States Office of Public Roads, the population between 1890 and 1900 fellaway over 3,000 persons in each county where the roads showed an average of only 1½ per cent of improved roads, while in another 25 counties, in which there was an average of 40 per cent of improved roads, the population in each county had increased over 31,000

It is density of population and accessibility of land which increase the value of land.

GOOD ROADS MEAN BETTER SCHOOLS AND CHURCHES.

Improved roads mean improved schools and churches. the roads are very bad the children can not easily attend school, nor can the people easily attend the churches, but with good roads they could do so. In the States of Massachusetts, Rhode Island, Connecticut, Ohio, and Indiana, in which, in 1904, about 35 per cent of the roads were improved, 77 out of each 100 pupils enrolled attended the schools regularly; but in the five States of Alabama, Mississippi, Arkansas, Georgia, and South Dakota, which had, in 1904, only 1.5 per cent of good roads, only 59 out of each 100 pupils enrolled could attend public schools regularly. Thus good roads enable 30 per cent more children to attend school.

THE PRESENT CONDITION OF THE PUBLIC ROADS.

We have to-day 2,155,000 miles of public roads within the United States. Less than 180,000 miles are macadamized or

improved with hard surfacing.

More than nine-tenths of the public roads and highways of the United States in the rainy season are almost unfit for use, and a large part in a very rainy season are utterly unfit for use and impassable, to the grave injury of the farmer and the equal injury of the town people who depend upon him for regular

supplies of food.

In some of the States improved State methods are being put into force, but the department of good roads of the United States Government should be stimulated in the highest degree, so as to furnish the people of the United States with full information upon the important commercial, financial, educational, and social aspects of this great national problem. The department should be put in a position where it can stimulate public attention and bring all of the States into harmony with this great scientific Road building and road maintenance is a great It has taken generations of men to learn the best problem. methods of road building and maintenance, and the highest knowledge in the world in scientific road building should be

so that he could be a direct beneficiary of the advancement of human knowledge in this respect.

THE RELATION OF PUBLIC ROADS TO THE FARMER.

Farm life should be made more attractive. No matter how fertile the land or how favorable the climate, if the farmer is imprisoned by bad roads, he can not enjoy fully farm life. He can not conveniently reach the school, the church, the town, or his friendly neighbors if the roads are very bad.

We can not expect the greatest social, moral, mental, and material development of the farmer if the roads are bad.

Only 8.2 per cent of the total road mileage of the United States is improved at the present time, yet we expended approximately \$79,000,000 in work on roads in 1904. The expenditure has \$79,000,000 in work on roads in 1904. The expenditure has been entirely out of proportion to the results accomplished. The reason for this I have pointed out. It is due to the extreme localization, bad road laws, bad administration, and lack of coordination. We have little skilled supervision, with but few men with a knowledge of road building or of any profound interest in it. The laws must be changed, and they can only be changed and greatly improved by instructing the public mind and public men.

The profit of the farmer is represented by the difference between the cost of production and transportation and the selling If he can cut the transportation in half, he will materially benefit himself financially; and if the cost of transportation could be reduced \$600,000,000, the farmer would easily be benefited to the extent of one-half of this saving, granting that the city inhabitants would benefit by the other half of the saving. We complain of the high cost of living, and do not sufficiently analyze the reasons for the high cost. Lower transportation means lower cost of living, both to the farmer and

City resident.
We should perfect the national waterways likewise and con-

trol the railways to lower the cost of transportation.

The mean cost of carrying wheat from New York to Liverpool-by water 3,100 miles-is only 3.8 cents per bushel, while it costs the farmer on an average more than that to haul his wheat to the railway station.

The consular reports show that hauling in Germany, France, and England is frequently as low as 7 and 8 cents a ton a mile,

and rarely higher than 13 cents.

The cost on fair earth roads is 25 cents a ton per mile; on earth roads containing ruts, 39 cents; on sandy roads when wet, 32 cents; on sandy roads when dry, 64 cents; on black gumbo when thoroughly wet passing is impossible. Steep grades on the roads is another serious tax on transportation, because "the chain is no stronger than the weakest link."

If the farmer has good roads, he can take to the town two or three times as much in a load as he does now. He could haul to town from a distance two or three times as great as he does now. He could haul to town products which now are prohibited by the expense of hauling. He could raise a larger variety of products suitable for marketing. He would be directly benefited by making the town, the people, and the school more accessible.

He would be benefited by making his neighbors easier of access, and in that way his social pleasure and personal happi-

ness would be increased.

He would be able to deliver his farm products to the town every day in the year, and therefore would have a steady market throughout the year for his products, whereas he may be by muddy roads excluded for two and three months at a time from his market, and the town people in like manner may be deprived of vegetables, fowl, eggs, milk, and other farm products which are essential to their comfort.

In Bradley County, Tenn., bonds were issued for 160 miles of excellent macadam roads, and lands that were valueless before these roads were built now find ready purchasers at

from \$15 to \$30 per acre.

EFFECT OF ROAD IMPROVEMENT ON TRAFFIC.

If the roads were improved, traffic would not be congested at one season and very limited at another season, because the transportation of the crops could be made at convenience and uniformly without the interruptions of bad weather. The railroads could, therefore, maintain a more regular service with a smaller equipment, fewer employees, and less cost of operation. This means cheaper freight rate for all the people and lower cost of living.

I have not taken into account the wear and tear on teams due to bad roads, the destruction of wagons and vehicles, the danger to life and limb from bad roads.

THE RELATION OF GOOD ROADS TO THE PUBLIC HEALTH.

If the roads are perfectly good, the physician or surgeon can with the modern motor car go to the aid of one in danger of death almost immediately, but when the roads are impassable placed at the disposal of the humblest citizens of this Republic death might ensue before relief could be obtained. If the roads are wet and bad and children march to school with wet and muddy feet, their vitality is lowered and loss of life must

THE DIFFERENCE BETWEEN THE CITY AND THE COUNTRY.

Many men complain that there has been a steady movement from country to city. The reason is plain. The city is more attractive to live in because it has perfect roads of asphalt, The city is more macadam, and Belgian block, and concrete sidewalks. son need to have his feet muddy in going from one point to an-In the city is concentrated many of the things that human beings desire, but if the country had good roads it human beings desire, but it the country and good would be a more desirable place to live in than the city. The would be a more desirable place to live in than the city. The away from the roaring noise of the city and the everlasting grind of the wheels of the street car. In the country he has his own fresh food, prepared by nature, at his hand; eggs, fresh milk, cream, butter, fresh vegetables of all kinds, and fresh fruits—peace, young animal life to interest and please him, and nature smiling back in his face and giving him 10,000 per cent for every seed he plants. With good roads he can come to the city when he likes and go back to his peaceful, pleasant home, satisfied.

City life enervates and weakens human beings, as a rule, be-cause of the nervous strain of city life, while in the country a man grows strong, with steady nerves, good lungs, and brawny limbs. The conditions of country life should be made more attractive. The social intercourse and pleasure of country people, proper school facilities, and church advantages should be made available with good roads. From the country has sprung the greatest men of genius and patriotism. Nearly half of all of our people are engaged in agriculture, and they furnish half of the taxes and produce three-fourths of the wealth of the Nation. I am in favor, for their sakes, of stimulating the building of good roads, but let us remember that the building of good roads is just as important to the city man who lives on the produce of the country as it is to the countryman who raises that food supply. It is of equal importance and value to both the residents of the city and of the country. It is of equal im-portance to the professional man and to the laborer, to the farmer and the city merchant, to the producer and the consumer. It means lower cost of living to all. It means great commercial and financial advantage to all. It means greater pleasure and enjoyment of life to all.

Many of our Government expenditures are made without return, but here is a magnificent investment, which, if it were based upon the credit system, would pay 15 per cent on every dollar judiciously invested and would add to our national wealth more rapidly than any other national investment into which we could invest our national credit or our national energies. experience of other States has shown the importance of the State taking the initiative and guiding the activities of the counties and in this way getting greater results. This has been fully explained by the Senator from Virginia as the experience

in that State.

AN AVENUE TO EMPLOY THE UNEMPLOYED.

If we had this system established we could give employment to the unemployed at rates that would not attract men already engaged but would attract men out of work and in need. are hundreds of thousands of men of this class available.

Mr. President, this bill ought to be immediately reported and passed. I remind Republicans that public sentiment has so far crystallized that in their national platform of 1908 they cor-dially indersed aid to good roads in the following language:

We recognize the social and economic advantages of good country roads, maintained more and more largely at public expense and less and less at the expense of the abutting property owner. In this work we commend the growing practice of the National Agricultural Department by experiment and otherwise to make clear to the public the best methods of road construction.

And I remind my brother Democrats that in our last platform we had the following plank.

POST ROADS.

We favor Federal aid to State and local authorities in the construction and maintenance of post roads.

Let us fulfill in good faith our party pledges.

THE VALUE OF INTENSIVE FARMING-" BACK TO THE LAND."

"Gentlemen, in 40 years we shall have over 200,000,000 people, and this estimate does not fully take into account the geometric progression which immigration makes probable under the enormous growth of seagoing vessels of mammoth size.

"Our breadstuff exports in 25 years has decreased 24 per cent, notwithstanding large areas of new lands producing wheat and corn.

"Our home demand for wheat in a quarter of a century has

grown 80 per cent more than the supply of wheat.
"The object contemplated by the National Farm Land Congress is to develop farm lands, encourage home building on the happy for himself, for the faithful woman who loves him, and

farm, increase the productiveness of our farm land, make our farms more accessible by the building of good roads and improved national and local highways, and make our farms a potential factor in promoting the wealth, the health, the beauty, and happiness of the Nation. Nothing could be of greater national importance.

"With these objects I find myself deeply in sympathy. One of my earliest recollections was of the intensive farming of a piece of land in Lynchburg, Va., of about 21 acres, surrounded by a high brick wall; the inclosed land was divided up into a dozen or more plots of ground, with graveled walks lined in certain parts of the garden with dwarf box and with flower

"Some of the squares were used for vegetables, Irish and sweet potatoes, beets, parsnips, salsify, okra, radishes, onions, lettuce, cabbage, mustard, asparagus, tomatoes, several kinds of sweet corn, the watermelon, cantaloupe, and sweet pumpkin for cooking, rhubarb, and other succulents. Other beds against the brick wall had beds of strawberries, raspberries, blackberries, currants, gooseberries, and various vines.

"Even in the winter this land furnished the table with vege-

tables stored in sand pits, and with fruits preserved and canned, and with pickles, marmalades, and other things edible.

"I remember sweet herbs in this garden—of thyme, sage, etc.

I recall with affection certain arbors devoted to the grape, which, in their season, had a special charm for me. Around the edge of these squares were many beautiful varieties of fruit-of peaches, of pears, the sweet Sickle, the Royal Bartlett, the Damson, the plum, the cherry, the apple. The yellow June apples in that garden were sweet enough to tempt, and often did tempt, a small boy about my size to risk an appearance before the Throne of Grace without any other preparation than an incredible number of June apples eaten in reckless disregard of conse-

quences.
"I have never seen anywhere a more beautiful variety of hyacinths and tulips than grew in this garden, with all the oldfashloned English flowers-the jonquil, the narcissus, the crocus, the lilles of the valley, the phlox, the snapdragon, and many others; the Easter lily, the tiger lily, and a great variety of

roses.
"I remember the yellow and red honeysuckle, covering a trellised summerhouse, mingling its fragrance with the pleasant odors of the climbing rose which helped to cover it.

"As I used to enter this charming spot of land from the diningroom door, I recall passing between two trees of crepe myrtle and, few steps farther on, by two large shrubs of the euonymus. There were several large box trees in the garden, whose thick cover afforded a hiding place for many birds, whose twilight repose I used to disturb for my amusement by shaking the trees.

"There was in this garden a large clump of cane which fur-

nished the boys of the place with convenient fishing rods, and everywhere throughout this 2 acres was manifest the highest intelligence, the finest taste, and unceasing industry.

"The guardian spirit of this garden was my mother, under

whose hand everything which grew out of the ground always flourished. I have always thought that the ministering angels who supervise the growth of plants must have specially loved the gracious spirit of my mother, for her plants lived, no matter what happened to the gardens of other people. I shall never be satisfied until I am able to own and to enjoy such a garden as she had, and with which she made my boyhood days happy. Adjacent to the garden was a big smokehouse where we put up our own ment, and a yard where the chickens and ducks flour-ished and helped to feed the family.

"I may be forgiven these personal reminiscences when I point to the fact that this two acres and a half of land furnished a very large household with the greatest abundance of food in the form of vegetables, fruits, berries, grapes, throughout the year, as well as with an abundance of beautiful flowers. It was intensive farming. Every foot of the ground was kept thoroughly manured, the plants were transplanted from time to time where their nature required it, and the life habits of every plant were

studied and thoroughly understood.
"In contrast to the productive power of this two and one-half acres, I have seen, in Indian Territory, a poor farmer trying to cultivate enormous areas of land with a single team, and with the invariable result that his crop was so poor as to afford him and his family not even the necessaries of life, much less its conveniences or the luxury of fruits and flowers. Such a farmer, with bad and muddy roads to travel, is practically isolated from the market, from the school, from the church, and from other conveniences and pleasures of civilized life, and can not conveniently or cheaply deliver to market even those things which he does raise.

"The man who works more land than he can cultivate thoroughly well wastes his time; he does more: He makes life up-

for the little children who look to him for guidance. He is not as useful nor as happy a citizen as he would be if he concentrated himself on 40 acres, cultivated a garden, kept a few cows for milk and butter, raised chickens and other fowls and domestic animals out of which the profits of the farm arise.

COMPARISON WITH ENGLAND, GERMANY, AND FRANCE

"In England, Germany, France, Belgium, and Holland the people obtain much higher results than in the United States. The average wheat production of Great Britain is over 32 bushels to the acre, and in the United States only a little over

13 bushels to the acre.

"I spent the summer in Germany and France, and there I saw that every foot of the ground was thoroughly cultivated. It was divided up into very small tracts, and off at a distance would look like strips of carpet laid upon the rolling fields. There was constant rotation of crops; they were busily engaged in fertilizing with manures, making the ground richer. farm roads were in splendid condition, and thousands of miles of surveyed, carefully leveled and graded turnpikes afforded the farmer cheap transportation, so that a single team might move 4 or 5 tons with less difficulty than half a ton could be moved by the same team on some of the terrible roads in the United States. What an object lesson to the people of the United States are these splendid roads, which increase the value of the farm, bring the farmer nearer to every convenience of civilized life, make his products more valuable, and make the conditions of life much more attractive.

"Along these roads I observed miles of fruit trees, the cherry, the apple, the pear, and every one of them marked with a num-

ber indicating ownership.

"I think I never saw a house so poor that it did not have its vegetable garden and its garden of flowers.

"In coming from Fifty-seventh Street down to the Auditorium, on the Illinois Central, the back lots of the American homes, seen from the cars, shabby, dirty, and unkempt, are absolutely distressing and shocking to those who have positive views in regard to making land either useful or beautiful.
"Every such back lot in Germany and France and England or

Belgium or Holland would be a valuable vegetable garden ornamented with flowers. We can be engaged in no better business than in leading our people back to the use, and the perfect use, of our most precious heritage—the land. Let us get back to the land.

THE VALUE OF THE FARM AS A NATIONAL RESOURCE.

"Our farms produced last year eight thousand millions of created wealth. Our cotton crop alone furnished enough export cotton to give us a balance of trade in our favor. The output of the American farm, by proper cultivation, could, however, be immediately doubled, and by reclaiming waste places with proper cultivation, could easily produce over twenty billions of wealth per annum-a sum about equal to the total accumulation

of a century in the banking resources in all of our 25,000 banks.
"The work of such men as Luther Burbank, of Santa Rosa, Cal., in improving plant life has a value of which our people

generally have had an adequate conception.

"In Oklahoma a new plant has been developed from the common seeding Bermuda, called the "Hardy Bermuda," which has great national value. It has been developed by careful selection of plants which have withstood severe freezing. The plant has as good nutritive quality as timothy; it comes up early in the spring; it has a root over a foot deep; it grows almost as thick as the hair on the head; it grows luxuriantly in the face of dry weather; will successfully stand the most extreme drouth; is not killed by many days of overflow; will grow on alkali spots and in the sand. It will produce a very large amount of food to the acre, and is an excellent grazing grass. It is impossible to exaggerate the value of a plant of this character, which will convert land heretofore unproductive into productive areas of great value. Our people must have food, and this plant will produce great food supplies from land heretofore producing We must emphasize making our lands more productive by using proper suitable plant life and concentrating labor on the land.

IMPROVEMENT OF THE NATIONAL HEALTH.

"The annual death rate of New Zealand is nine to a thousand. and of the various Australian States, ten to a thousand. In the United States it is over sixteen to a thousand-60 per cent more than in Australia. If our people can be led back to the farm, where they can get plenty of fresh air, fresh vegetables, milk and butter, and chickens, we will save these lives which now amount to over a half million beings per annum in excess of what it ought to be.

"The tables of mortality show that this high death rate is very largely due to the bad housing, bad food, and bad sanitary

conditions of the very poor in our congested cities.

"In the fight on tuberculosis abundant fresh air has been demonstrated to be essential to a recovery. Abundant fresh air is essential to keep people well who are not now sick, and is all the more important when they become afflicted with the extremely dangerous tubercle bacillus. Let us encourage our people to get back to the land, and we shall greatly improve the national health.

IMPROVEMENT IN SELF-RELIANCE AND OTHER MORAL QUALITIES.

"In cultivating the land, all of the moral qualities are stimulated, independence, self-reliance, initiative, courage, honesty of In working on the land, a man is able to provide his own comfort; he can build his own house with his own hands; he can supply every article of food he needs, and create a surplus sufficient to buy other things. He receives nothing for which he does not give an equivalent; he promotes his own comfort, his own self-respect, and his own dignity. The greatest men of the Nation have come from the farm. The man on the farm, who is cultivating a small piece of land of his own, need have no fear of being suddenly discharged by his employer and left with a family on his hands to feed, and no means to buy food or pay rent until he finds another job. On the farm there is no danger in losing his job.

"This gives a man courage, self-reliance, and those moral qualities which go to make up good citizenship. private virtue of the individual citizen our Republic can not rise to its great and honorable destiny. Let us get back to the land. Let us improve the roads that lead to the farm and from the farm and give the farm greater attractiveness because of

its accessibility to the towns and cities.

THE VALUE OF SMALL HOLDINGS.

"The French Revolution was due to the abuse of the unrestricted land holdings of the nobility, from which vast incomes were derived, thus leading to a great extravagance of the landholding class in the face of the extreme poverty and misery of the unemployed landless masses. The landholders were so rich they did not need to use the land in full, but devoted very large areas to game preserves, while the poorer French people, who had also been brought into the world by the hand of the Omnipotent, were denied access to the land by the landlords, who preferred to see their estates used in large part for purposes of amusement, as hunting parks. The French law, of course, sustained the French landlord until the corrupt extravagance of the landholding class and the abject hunger and misery of the multitudes led to the overthrow of the laws which permitted this condition, and the bloody French Revolution followed.

"The revolution resulted in the subdivision of France into small landholdings, which, under the laws of inheritance, was

still further subdivided.

"The result of this subdivision has been intensive cultivation and great agricultural wealth from the soil of France, making it one of the richest nations in the world. The reverse of this policy is seen in Spain and Mexico, where huge estates have been permitted to exist, with the unavoidable result that the productive capacity of the land has not been developed, and where the extremes of great wealth and abject poverty are in more marked contrast than in any other civilized country

"The United States should pursue a policy of small land-holdings, and the State of Oklahoma has led the way by pass-ing laws imposing a progressive tax on large holdings of land, for the purpose of stimulating actual home building, of pro-

moting the greatest productive capacity of the land, and for the abatement of the nuisance and danger of large landed monopoly.

"The smaller subdivision of land will lead, therefore, directly to its intensive cultivation, and just in degree as the lands are thoroughly well cultivated, just in that degree will the value of farm lands increase, and with the increase in the value of farm lands, and the growth of their productions, just in that degree will city property and suburban property increase in value.

"Likewise, this will lead to the building of good roads, and to

the increase of the liberty, of the independence, and of the personal happiness of all of our people, both on the farm and in the cities. Our cities are sadly congested and millions of people could be led to the farm, both to their own welfare and to the advantage of the Nation. The pimp, the cadet, the white woman slave would be more useful and happier as an honest plowman, gardener, and milkmaid.

"THERE IS A CHARM ABOUT THE FARM.

"Under proper conditions nothing can be more beautiful or more attractive than the farm life. In times past with bad roads and muddy weather, and fields too big for the farmer to cultivate successfully, men have often worked themselves down, have grown weary, have made themselves poor, by ill-directed effort, and have made themselves, their wives, and children sorrowful and miserable in consequence. Under such conditions the farm has often been like a prison instead of being a place of liberty, prosperity, and happiness. The boys and girls have too often been glad to leave the farm to get away from its dull routine and solitude. But the time has come when there should be a complete reversal of all this. We have learned how to avoid these things and the valuable lesson should be universally taught and made a common heritage.

"Let the man-if he have too much land-sow his excess in grass, in hardy Bermuda; let him confine himself to what he can thoroughly cultivate; use only plant life suitable to the seasons, as kaffir corn and milo maize for dry weather, and learn how to do the work well; let him surround himself with a beautiful garden; let the women and children be taught to love these

things and the farm will become a lovely home.

"It's a good thing to keep the children on the farm, away from the temptations and evil suggestions that surround them on every hand in the city. In the light of modern invention, with our wonderful modern transportation, with electric railroads running everywhere, with rural mail delivery, with cheap power, heat, and light, with improving values in farm products, with cheapening goods of every description, every family man should have a piece of land, if it is only 10 acres, or 1 acre, upon which he might surround himself with the fragrance and the blossom and the fruit of plant life, where he might raise healthy, happy children. What can be more beautiful, or more valuable than a well-kept vegetable garden, filled with all kinds of foods of every flavor—filled with berries and grapes, and trees bearing fruits and nuts, and ornamented with the endless procession of flowers each advancing season affords?
"What more attractive than to be surrounded by the young

and cheerful life of the farm—young chickens, ducks, turkeys, calves, lambs, pigs, colts, and last but not least, the opportunity to have a few good dogs, whose love and companionship is not the least of the attractions of the farm.

"'Back to the farm' should be the bugle call to the youth of

our land.

"Back to the farm, where peace and quiet and sound, refreshing sleep follows happy labor, where we can hear the birds, singing their songs of thanksgiving in the early morning among blossoming trees, where homely joys can give a life of happiness, where men and women grow sound of heart and strong of limb

"Back to the farm, with the friendly brute for neighbor, Where honest content will make amends for every city glamour.

"I should like to see an agricultural school of practical instruction and of plant and seed distribution in every agricultural county in the United States, where the care of cattle and horses and sheep and swine and domestic fowl and the economies of farm life and its productive capacity should be properly taught; where the great lesson might be taught and emphasized by the Government-both National and State-that there is no profession more honorable than farming, and that no occupation is of such vital importance to the wealth and health of the Nation.

"I rejoice at an opportunity of giving expression before the National Farm Land Congress of the deep interest which I feel in this matter, and I trust that this congress may be the beginning of an organization which will emphasize in the most powerful manner the importance of the farm to our national wealth

and to our national health and happiness.

"This congress should, above all things, emphasize the great importance of good roads to and from the farms of the country. It should encourage State and National aid to good roads, so as to bring to the expenditure on road building the greatest degree of intelligence and efficiency and concentrated effort. This is, perhaps, the most important factor of all in making the farm more desirable to the people, in making the farm more attractive, in making it more remunerative, and giving to it those elements which are necessary and essential to peace of mind and to the prosperity and happiness of the farmer."

ALLOTTEES OF THE FIVE CIVILIZED TRIBES.

Mr. OWEN. I ask unanimous consent to call up a local bill, Mr. Owen. I ask thanmous consent to can up a local pin, which is not objected to by anyone and which is important to my State. It is the bill (S. 4948) to amend an act approved May 27, 1908, entitled "An act for the removal of restrictions from part of the lands of allottees of the Five Civilized Tribes, and for other purposes."

The PRESIDENT pro tempore. Is there objection to the property consideration of the bill?

present consideration of the bill?

Mr. BRISTOW. I should like to inquire of the Senator from Oklahoma if that is not the bill to which my colleague objected? Mr. OWEN. His colleague agrees to the bill, I will say to

the Senator from Kansas. He objected to it the other day, but has withdrawn his objection upon explanation.

Mr. SMOOT. I will say to the Senator from Kansas that I spoke to the senior Senator from Kansas, and he told me he

had withdrawn his objection. Therefore I interpose no ob-

By unanimous consent the Senate, as in Committee of the Whole, proceeded to consider the bill.

The PRESIDENT pro tempore. The bill has already been read, the Chair is informed.

The bill proposes to amend section 9 of the act referred to so as to read as follows:

So as to read as follows:

SEC. 9. That the death of any allottee of the Five Civilized Tribes shall operate to remove all restrictions upon the allenation of said allottee's land: Provided, That no conveyance of any interest of any full-blood Indian heir in such land shall be valid unless approved by the court having jurisdiction of the settlement of the estate of said deceased allottee: Provided further, That if any member of the Flye Civilized Tribes of one-half or more Indian blood shall die leaving issue surviving, born since March 4, 1906, the homestead of such deceased allottee shall remain inalienable, unless restrictions against alienation are removed therefrom by the Secretary of the Interior in the manner provided in section 1 hercof, for the use and support of such issue during their life or lives, until April 26, 1931; but if no such issue survive, then such allottee, if an adult, may dispose of his homestead by will free from all restrictions; if this be not done, or in the event the issue hereinhefore provided for die before April 26, 1931, the land shall then descend to the heirs, according to the laws of descent and distribution of the State of Oklahoma, free from all restrictions: Provided further, That the provisions of section 23 of the act of April 26, 1906, as amended by this act, are hereby made applicable to all wills executed under this section. This section shall apply to the lands of all deceased allottees who died prior to the passage of this act.

The bill was reported to the Senate without amendment, or-

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, and was read the third time.

Before the bill passes I should like some Mr. WILLIAMS. information about it. Who is in charge of the bill?

I have charge of it.

Mr. WILLIAMS. Is it the bill which affects the rights of the Mississippi Choctaws to some extent?

Mr. OWEN. In no way.

Mr. WILLIAMS. In no way?

Mr. OWEN. In no way.

The PRESIDENT pro tempore. The question is, Shall the bill pass?

The bill was passed.

ALICE V. HOUGHTON-RECALL OF BILL.

Mr. MARTINE of New Jersey. I move that the Senate recall from the House of Representatives the bill (S. 5137) for the relief of Alice V. Houghton.

The PRESIDENT pro tempore. The Senator from New Jersey moves to recall from the House a bill, a motion for the reconsideration of the passage of which has already been en-

Mr. BRISTOW. I hope the Senator will not ask action on that motion this evening. The chairman of the committee is not present, and he stated to me this afternoon that he did not want it taken up in his absence.

Mr. MARTINE of New Jersey. My only thought in pressing it was that I did not want to lose my position or status in this matter. I want the bill to come to the Senate, that we may act upon it again.

Mr. BRISTOW. As I understand, the Senator has given notice that he will ask that it be reconsidered, which preserves his right to bring it up at any time.

Mr. MARTINE of New Jersey. All right. That is perfectly

satisfactory to me, with that understanding.

The PRESIDENT pro tempore. The Senator, then, withdraws his motion?

Mr. MARTINE of New Jersey. I withdraw it. Mr. WILLIAMS. What was the understanding? Mr. WILLIAMS. What was the understanding? The PRESIDENT pro tempore. The Senator from New Jer-

sey has entered a motion to reconsider the vote by which the bill passed the Senate; the bill has gone to the House, and the Senator has now made a motion to recall the bill in order that the Senate may consider the motion to reconsider.

Mr. WILLIAMS. If the motion to recall the bill is postponed what assurance is there that the House will not in the

meantime act upon it?

Mr. BRISTOW. I do not know. Mr. WILLIAMS. It seems to me it would be better to act now upon the motion to recall.

The PRESIDENT pro tempore. Action upon the motion to recall will not in any way act upon the motion to reconsider.

Mr. WILLIAMS. No.

Mr. SMOOT. Perhaps it would be just as well to vote upon that in the first place.

Mr. WILLIAMS. The motion to reconsider will still be pending, and can be acted upon later; but there is danger in post-poning action upon the motion to recall, because the House may concur in the Senate's action, and if so, the bill would go

to the President at once.

Mr. SMOOT. There is no danger of that.

Mr. WILLIAMS. There may or may not be, but it is better

not to take the chance.

The bill was referred to the Committee on Claims in the House, and the Senator knows that it can not be acted upon anyhow before Wednesday.

Mr. WILLIAMS. Then, why object to this motion?

Mr. SMOOT. The chairman of the committee is not here. Mr. WILLIAMS. Oh, well.

Mr. SMOOT. I do not think there ought to be any action

taken in his absence.

Mr. WILLIAMS. I do not see that that has anything to do with it. It seems to me if the Senate really desires to recall the bill, there is very little excuse for running the risk of the House concurring in the action of the Senate and the bill becoming a law before we get a chance to consider it at all. would not be discourteous, of course, to the chairman of the committee, but there is no discourtesy involved, because the main motion—the motion to reconsider—is in abeyance.

Mr. MARTINE of New Jersey. I do not now ask action on

the motion to reconsider.

Mr. WILLIAMS. The chairman will be back before we will consider that. I would not consider that motion in his absence, but the motion to recall, which is merely preliminary to the motion to reconsider, I think we had better act upon now.

Mr. SMOOT. As far as the Senate is concerned, I do not

know how it would vote upon this question.

Mr. WILLIAMS. I do not, either.

Mr. SMOOT. There is not a quorum here to-night. Senators have left.

Mr. WILLIAMS. We could soon get a quorum if necessary.

Mr. SMOOT. I do not know.

Mr. WILLIAMS. But I do not think that is necessary, and I do not see the use of making a fight upon the simple motion to recall a bill preliminary to a motion to reconsider it. I do not see what is under the objection.

Mr. SMOOT. There is nothing under the objection other

Mr. WILLIAMS. There is nothing over it.
Mr. SMOOT. Other than that I believe that action of this kind should not be taken while the chairman is absent, especially in view of the fact that he requested that no action be

taken in his absence.

Mr. WILLIAMS. That means action upon the bill. It does not mean action between the two Houses in order to get the bill back into the possession of the Senate. All this motion does is to seek to get the bill back into the possession of the Senate; and if the bill comes back into the possession of the Senate, the question remains what the Senate will do with the motion to reconsider. I would not have a thing done by the Senate in the absence of the chairman except to get the bill back into its possession.

The PRESIDENT pro 'tempore. Senators will indulge the Chair. The Chair will have read the rule with reference to the matter. There seems to be a requirement under the rule. The Secretary will read the second paragraph of Rule XIII.

The Secretary read as follows:

2. When a bill, resolution, report, amendment, order, or message, upon which a vote has been taken, shall have gone out of the possession of the Senate and been communicated to the House of Representatives, the motion to reconsider shall be accompanied by a motion to request the House to return the same, which last motion shall be acted upor immediately and without debate, and if determined in the negative shall be a final disposition of the motion to reconsider.

Mr. WILLIAMS. It seems there is no right even to debate it, and the motion must be put to the Senate.

Mr. MARTINE of New Jersey. I most respectfully press my

motion.

Mr. BRISTOW. I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Senator from Kansas suggests the absence of a quorum. The Secretary will call the

The Secretary called the roll and the following Senators answered to their names:

Bacon Shively Smith, Ariz. Smith, Ga. Smith, Mich. Crane Cullom Cummins du Pont McComber Martine, N. J. Myers Nelson Bourne Brandegee Bristow Brown Owen Gallinger Johnson, Me. Johnston, Ala. Stephenson Swanson Warren Burnham Burton Catron Chamberlain Chilton Percy Poindexter Pomerene Warren Williams Kern Lea Reed

Mr. BRYAN. I wish to announce that my colleague [Mr.

FLETCHER] is necessarily absent.

Mr. SWANSON. I desire to state that my colleague [Mr. MARTIN] is detained from the Chamber on account of serious illness in his family.

Mr. WARREN. I desire to state that my colleague [Mr. CLARK] is out of town.

The PRESIDENT pro tempore. Upon the call of the roll 39 Senators have responded to their names. A quorum of the Senate is not present.

Mr. GALLINGER. I move that the Senate adjourn.

WILLIAMS. I move that the Sergeant at Arms be directed to request the presence of absent Senators.

Mr. GALLINGER. I think my motion takes precedence.

The PRESIDENT pro tempore. The Senator from Mississippi moves that the Sergeant at Arms be directed to request the attendance of absent Senators. The Senator from New Hamp-shire moves that the Senate adjourn, which motion takes precedence of the motion of the Senator from Mississippi. question is on agreeing to the motion of the Senator from New Hampshire that the Senate adjourn. [Putting the question.] The Chair is in doubt, and will ask Senators to indicate their votes by raising their hands. [After a count.] motion to adjourn the ayes are 20, the noes 18.

So the motion to adjourn was agreed to, and (at 5 o'clock and 28 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, April 9, 1912, at 2 o'clock p. m.

HOUSE OF REPRESENTATIVES.

MONDAY, April 8, 1912.

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the fol-

lowing prayer:

Eternal God, our heavenly Father, we thank Thee for the beautiful and inspiring custom which obtains throughout the length and breadth of Christendom in celebrating at this season of the year the resurrection of the Christ, which proves the power of life over death, deepens our faith and confidence in Thee our Father, kindles our hopes and aspirations anew, strengthens our convictions, and makes the whole world akin. Grant that we may be inspired by the uplifting services to better lives, purer motives, nobler endeavors. In the spirit of the Lord Jesus Christ. Amen.

The Journal of the proceedings of Saturday was read and

approved.

ORDER OF BUSINESS.

Mr. JOHNSON of Kentucky. Mr. Speaker, when the House adjourned on Saturday the Indian appropriation bill was under consideration. The committee is anxious to proceed with that to-day, and that they may do so I ask unanimous consent that next Thursday be substituted for to-day for District business. The SPEAKER. This being District day, and the Committee

on Indian Affairs being anxious to finish the Indian appropriation bill, the gentleman from Kentucky, chairman of the District Committee, asks unanimous consent that Thursday next be substituted for to-day. Is there objection?

There was no objection.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to the following:

To Mr. Adamson, for 10 days, on account of illness in his

To Mr. RUCKER of Colorado, indefinitely, on account of illness. WITHDRAWAL OF PAPERS.

Mr. Smith of New York, by unanimous consent, was given leave to withdraw from the files of the House, without leaving copies, papers in the case of H. R. 23919, in favor of William P. Wheeler, Sixty-first Congress, second session, no adverse report having been made thereon.

THE LATE SENATOR ROBERT L. TAYLOR.

Mr. SIMS. Mr. Speaker, I ask unanimous consent to place in the Record as a part of my remarks, a part of the funeral oration of Rev. W. S. Neighbors, D. D., president of Sullins College, Bristol, Tenn., delivered at the obsequies of the late Senator Robert L. Taylor, at the Auditorium at Knoxville, Tenn., on the 5th day of April, 1912. Dr. Neighbors spoke most feelingly, as he had had that intimate acquaintance and close fellowship with Senator Taylor that enabled him to know and to keenly appreciate the deepest sentiments as well as the outward life of the lamented Senator.

At the close of this great funeral oration there was not a tearless eye in that vast throng of Tenneseeans who had gathered there to pay this last sad tribute to the distinguished

The SPEAKER. The gentleman from Tennessee asks unanimous consent to insert in the RECORD the part of the funeral oration of Rev. Dr. Neighbors, of Tennessee, delivered at the

obsequies of the late Senator ROBERT L. TAYLOR. Is there objection?

There was no objection.

The oration referred to is as follows:

There was no objection.

The oration referred to is as follows:

Of the public life of Senator TAYLON I shall not try to speak except incidentally. I am in no wise furnished for such a duty, and besides the Nation has spoken. Almost every State in the Union has spoken. Every rairload station from Washington to Nashville and back to Knoxville has spoken. Every great daily newspaper has spoken, and most wisely, of Senator TAYLON's public career.

I wish I were fully able to unfold to you the secrets of Senator TAYLON's apublic career.

I wish I were fully able to unfold to you the secrets of Senator TAYLON's apublic career.

I wish I were fully able to unfold to you the secrets of Senator TAYLON's arrevolved have given them without hesitation and perhaps quite dogmatically.

I wish I were fully able to unfold to you the secrets of Senator TAYLON's and the secret of his power over men. When, years ago, I knew him less intimately than when he died, if I had been asked for these won was his unbounded friendship for all sorts and conditions of humanity, reaching its climax in that proverb. "He who would have friends must show himself friendly." I still hold to this as a general proposition, but what is friendship? It is not a baseless fabric. It must be founded on something that makes it secure.

In the second place, I would have, years ago, told you that the secret of this man's power was in the beautiful songs and stories that touched every chord in every human heart. But then songs and stories are sing all of his songs and total all of his songs and stories are give them point and pathes and pungency and power. I might have sung all of his songs and total all of his audiences and yet have won no heart.

In the third place, I would have sald that the secret of his power over men was due to the simple way in which he uttered his thoughts, I still hold to that as a reasonably true proposition, but what is simplicity? It is not shallowness—the mere play upon the surface of things. It is not a natural or a common produ

ment. He was always deep enough to get to the bottom of things, and that is deep enough. He was always strong enough to tear down the fortifications of all of his opponents and carry the day, and that was strong enough.

I have seen him when whole multitudes came floating into port upon the tears that flowed down his manly cheeks. I have seen him with a mere wave of the hand silence or stir the crowds, just as he willed. I have seen the mere cut or twinkle of his eye change the whole atmosphere of the listening throngs. I have seen the pucker of his lips make his hearers laugh or cry.

But it is of the humbler things in his life that I wish to speak to-day. He was a complete exception to the old rule, "A prophet is not without honor save in his own country." He was most highly honored at home. The people believed in him and followed him. Again and again I have seen him step off of the train at his home town after weeks of absence, and his way was literally blocked by people of all grades and distinctions; even the negroes and the little children followed him. Anxious though he was to get home, the crowds about him often exacted a speech before they would let him go. I have seen his family play a trick on the town people and send a closed carriage to some secret place and notify him to get off on the opposite side, slip to his carriage, and steal away home.

His relation to negroes was remarkable. In his dealings with them there was no ax to grind. He simply cared for them, and they responded graciously to his great spirit. In some of his great lectures where he mentioned the names of "Rastus" and "Ephraham," you may have thought those were fancies, but they were the real names of the real negroes that belonged to the Senator's father before the war. In one of his lectures he tells at length the story of Uncle Rufus and how he had come to his home from time to time, and how that one afternoon he stayed with him in his yard and talked of the days before the war. till in memory the boy was again upon the old negro

Taylor family. As they put the remains of the old darkey away close beside his master Senator Taylor stood at his grave and wept, as on another day he had stood at his father's grave and wept.

Here is another story settling forth his tender relationship to his father's old darkies: Returning from one of his lecture tours, he said to me, "I have had the greatest trip of my life this time. Over in Arkansas I found that I had a few days to spare between my lecture engagements and I found that I was within a few miles of some of my father's old darkies who moved away to that State after the war, whom I had not seen for 30 years. I gave De Long Rice, my manager, the dodge and went to spend the time with these old negroes. When I got into the community and told them that I was 'Bob' Taylor, they gathered around me in a circle and looked me in the face and cried out in unison: 'Is dat you, Bon?' I said, 'Yes; this is Bob.' They fell back and laughed. They gathered around me again and more excitingly said: 'Is dat you, Bon?' and I said 'This is Bob Taylor. Then they cried and said: 'Bob, we are mighty glad to see you. We haven't seed you since you's a boy back at the old home.' One of them said: 'Bob, my son Jim's been gone for three years but if anybody was to ask me which I'd rudder see, Bob Taylor or my son Jim, I swear 'fore de Lord I could not tell.'"

HIS LIFE IN HIS HOME.

you since you's a loop back at the old home? One of them said: 'Bon, my son Jim's been gone for three years but if anybody was to ask me which I'd rudder see, Bon Taxlon or my son Jim, I swear 'fore de Lord I could not tell.'"

If you never knew Senator Taxlon in his home, much of the best and most remarkable in him you never knew. No consecutive the said and the selected of the set of the great, the saddest of the said, and the sickest of the sick, according to the conditions that obtained at home.

If every member of his family was happy and strong he was the folliest boy there—into every kind of mischler and playing every kind of mischler and playing every kind of the sick of the sick, according to the conditions that obtained at home.

If every member of his family was happy and strong he was the folliest boy there—into every kind of mischler and playing every kind of the sick. I have seen the dear, sensitive soul walk the floor in agony, face all pinched and drawn, over the sufferings of any member of his the patient was out of danger, stir the whole household with laughter, almost before the tears of grief were gone from his face.

Happy Valley, the home of his childhood, and Robin's Roost, the home of his later years, were not pootle fancies with him. They were to him the best of all he held seared any cent and the him he had seared any cent and the him him to the heart of the paradise of fools, as compared to his home. Only a few weeks ago it was my pleasure to spend a day with him in Sullivan County. I was sent for to dedicate a schoolbouse. Senator honest sons of foll. He made it. There were no Republicans there that day; whatever they were elsewhere and on other days, they were all blended into a great brotherhood that day. The Senator reached his climax when he urged the hogs to see Thildren's and which him solid and the house of God and never a place for merriment or even light things with him. He was never quite will be had so and the was never under the upper hand of his bread and the upper hand

And this his epitaph shall be, When ended are his days: None knew him but to love him. None named him but to praise,

FLOOD ON THE OHIO RIVER.

Mr. FOWLER. Mr. Speaker, I would be glad to have the joint resolution which I send to the desk read for information. The gentleman from Illinois asks to have a joint resolution which he presents read for information.

Mr. STEPHENS of Texas. I will yield for that purpose only

if it is short.

The Clerk read as follows:

House toint resolution 201.

Resolved, etc., That the sum of \$25,000 be, and the same is hereby, appropriated, cut of any money in the Treasury not otherwise appropriated, to be used and expended under the direction of the Secretary of War for the purpose of strengthening and maintaining the levee at Shawneetown, III., against impending floods.

Mr. FOWLER. Mr. Speaker, I ask unanimous consent for the present consideration of the resolution, because of the emergency which exists at Shawneetown at the present time.

Mr. STEPHENS of Texas. Mr. Speaker, I can not yield for

that purpose.

The SPEAKER. The gentleman from Texas objects.

Mr. STEPHENS of Texas. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the Indian appropriation bill.

The SPEAKER. The gentleman from Texas moves that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the Indian

appropriation bill.

Mr. FINLEY. Will the gentleman from Texas indulge me just a moment? I would like to know if this proposed appro-Will the gentleman from Texas indulge me priation by the gentleman from Illinois [Mr. Fowler] is not for a point north of Cairo, where the previous appropriation applied. I think it is a matter that ought to be considered here and now.

Mr. STEPHENS of Texas. Mr. Speaker, three days ago this House appropriated \$350,000 for this very purpose.

Mr. FINLEY. No; this is for a point north of Cairo, where

the other appropriation applied.

Mr. RESSELL. Mr. Speaker, I want to say in reply to what the gentleman from Texas has said that that appropriation of \$350,000 was for the use of the Mississippi River Commission, that has no jurisdiction over the Ohio River. The \$350,000 applied exclusively to the Mississippi River. Mr. STEPHENS of Texas. What is t

What is the sum asked for by

this resolution?

Mr. FOWLER. Twenty-five thousand dollars.

Mr. STEPHENS of Texas. Can not this appropriation or a part of this \$350,000 be used on the Ohio River?

Mr. RUSSEIL. It can not. It is for the Mississippi River Commission, and they have no jurisdiction over the Ohio River. Mr. STEPHENS of Texas. This is for the same object as the other appropriation.

Mr. FINLEY. No; it is a different locality, and information has been received that the flood has reached this point and some

relief is absolutely necessary.

Mr. STEPHENS of Texas. Mr. Speaker, I will consent to

yield for its consideration.

Mr. FITZGERALD and Mr. MANN reserved the right to object

Mr. MANN. Mr. Speaker, I would like to ask in reference to the Senate joint resolution which was passed on Friday last appropriating \$10,000 for Mound City.

Mr. FOWLER. That is 60 miles below Shawneetown. Mr. MANN. I understand; but the gentleman's resolution

would not cover that,

Mr. FOWLER. No, sir. Mr. MANN. Well, I think if one is considered we ought to consider both at the same time.

The SPEAKER.
Illinois speaking of? What resolution is the gentleman from

Mr. MANN. Senate joint resolution 96, appropriating \$10,000 for the purpose of maintaining and protecting against floods

on the levee at Mound City, Ill.

The SPEAKER. The Chair has that resolution before him. The gentleman from Illinois asks unanimous consent for the present consideration of the resolution which the Clerk has

Mr. FITZGERALD. Mr. Speaker, reserving the right to object, I desire to call the attention of the House to this situation. Last week \$350,000 was appropriated for the purpose of strengthening and protecting the levees of the Mississippi River under the Mississippi River Commission. There is on the Speaker's table a joint resolution passed by the Senate appropriating \$10,000 to protect a levee at Mound City, on the Ohio River. That resolution was passed in the Senate upon a statement made by a Member of the Senate similar to the statement

made by the gentleman from Illinois, based upon no investigation by anyone connected with the Federal Government, but upon the strength of a telegram which had been received by a Senator. I desire to call the attention of the House to what the telegram states:

MOUND CITY, ILL., April 4, 1912.

Senator SHELDY M. CULLOM, Washington, D. C ..

At a citizens' meeting held to night it was decided to ask you to secure for the city of Mound City, Ill., the sum of \$10,000 from appropriation recently made, to aid us in our flood-stricken condition. Water at top of 4 miles of levee all around city; no money in trensury. Financial aid necessary at once to save us from inundation. Can you not have same wired to city treasurer here?

M. F. BROWNER, Mayor.

DANIEL HOGAN.
W. A. WALL, County Judge.
F. J. Kuny.

President Mound City Commercial Club.

In other words, Mound City desires the Federal Government to put \$10,000 in the city treasury to pay its citizens to do the work on its levees to protect the city. What the situation is here I do not know, but there are more than 2,000 miles of river protected by such levees, and if the Federal Government, upon telegrams from persons in various localities that a condition exists such as described in this telegram, is to allow the appropriation of money to prevent the levee being broken here, the Federal Treasury will be unable to meet the demands upon it.

Mr. JAMES. Will the gentleman yield?

Mr. FITZGERALD. Certainly.
Mr. JAMES. I want to state to the gentleman that I think he misunderstands the real situation at Mound City. I do not believe that they want the money to put in the treasury to pay their own people to do the work on the levees, because all up and down the Ohio River, as well as the Mississippi River, those people have been making donations and hundreds and thousands of citizens have been working night and day without a

dollar of pay.

I do not believe that the State of Illinois, the State of Kentucky, the State of Missouri, or any other State would have to pay men to protect their own property or that of their neighbors by hiring them out of money furnished by the Federal Government. They will do all possible in their power

without price, but they need assistance.

Mr. FITZGERALD. Mr. Speaker, I may have a misunderstanding of what is desired there, but I read correctly the message sent by the mayor of the city, and it is to have \$10,000 wired to the city treasurer of Mound City, and for what purpose, if not to pay for the services of those who are to do the work?

Mr. MANN. Mr. Speaker, will the gentleman from New

York yield?

Mr. FITZGERALD. Mr. Speaker, I will ask the gentleman to wait a minute. There has been a request from certain sections for aid in the way of food and shelter for those who have been made destitute as a result of the flood. Some resolutions were introduced for the purpose of providing relief, one by the gentleman from Kentucky [Mr. James], and the other by the gentleman from Missouri [Mr. Russell]. Those gentlemen and others have had conferences with the President of the United States, and the President has directed the Quartermaster General and the Commissary General of the Army to furnish throughout that section rations and tents wherever necessary temporarily to provide for those made destitute. I have been in communication with the President about the matter, and I shall ask the Clerk to read a letter sent to me by the President on the 5th of this month to show exactly what the situation is.

The SPEAKER. The Clerk will read the letter.

The Clerk read as follows:

THE WHITE HOUSE, Washington, April 5, 1912.

Washington, April 5, 1912.

Hon. John J. Fitzgerald,
Chairman Committee on Appropriations,
House of Representatives.

My Dear Mr. Fitzgerald: As I told you yesterday, by direction of the Secretary of War, two officers of the Quartermaster Department have been sent to that part of the Mississippi Valley where floods are reported. We have had telegraphic communication from them, but they have opened communication with the mayor of the latter town. This is owing to interruption in the railroad traffic and the necessity for proceeding part way by boat.

I write to say that I do not think it wise to make any appropriation for the purpose of buying food and other supplies until these officers reach the ground and give us some idea of the amount needed and the extent of the suffering and destitution.

Meantime, before any appropriation is made, the Secretary of War will not hesitate to use of the Army supplies whatever is immediately needed, and I have no doubt that he has near at hand a sufficient amount to relieve such suffering as can be relieved in that way. I shall advise you to-morrow of any further information that we have received.

I inclose a copy of a telegram from Capt, Hegeman for your information.

Sincerely, yours.

tion.

Sincerely, yours,

WM. H. TAFT.

Mr. FITZGERALD. Mr. Speaker, so far as taking care of those made destitute and temporarily in need of food and shelter is concerned, everything is now being done that can be done, but if at every place along the river which is threatened by the flood some one is to telegraph to a Member of Congress asking that ten or twenty-five thousand dollars be made available to protect the work at that particular place, then every Member of Congress representing a district bordering upon those rivers would be compelled to ask similar relief for the threatened places in his district.

Mr. JAMES. Mr. Speaker, will the gentleman yield?

Mr. FITZGERALD. Yes.
Mr. JAMES. Mr. Speaker, the letter just read from the President to the gentleman from New York is in reference to the situation on the Mississippi River. This question that is now up for consideration is upon the Ohio River. The letter from the President deals with a situation relative to food for the people. The resolution under consideration deals with the question of strengthening the levee itself. I think a mistake was made the other day when the \$350,000 was made immediately available for the purpose of strengthening the levees of the Mississippi River, that the resolution appropriating that sum did not provide also for strengthening the levees along the rivers tributary to that river, because no one could argue that the Government ought to protect the levees of the Mississippi River and deny protection to the people who are behind the levees of the Ohio River. That is the situation exactly as it is presented here. I agree with the gentleman from New York that ordinarily it is not good policy to appropriate money upon telegrams, but I do say that the Ohio River ought to have an amount of money, so far as it may be necessary, expended to protect the people along that river as the Mississippi River, and represent a district that is skirted by both rivers.

Mr. FITZGERALD. Mr. Speaker, the appropriation made for the Mississippi River was made upon a report furnished by the Chief of Engineers, upon information obtained in a proper

way, giving some idea of the situation.

Mr. JAMES. That is exactly true, but at that time the Ohio River had not gotten to that stage where it was thought there

would be danger of overflows.

Mr. FITZGERALD. People in sections along the Ohio River would never have dreamed of applying to the Congress for relief to aid them in this way if it had not been for the passage of the other resolution.

Mr. MANN. Mr. Speaker, will the gentleman yield?

Mr. MANN. Mr. Speaker, win the gentleman yield?
Mr. FITZGERALD. Certainly.
Mr. MANN. Mr. Speaker, the gentleman referred to the telegram from the officials of Mound City, and stated, as the telegram does, that they desired the money wired to the city trensurer. But the gentleman notices that the resolution which was passed by the Senate, and which is now on the Speaker's table, provides that the money shall be-

Expended under the direction of the Secretary of War in maintaining and protecting against impending floods the levee at Mound City, Ill.

Mr. FITZGERALD. I understand that.

Mr. MANN. It is not proposed by either of the resolutions, as I understand it, to contribute any money to the municipality.

Mr. JAMES. Oh, not at all.

Mr. MANN. But to authorize the Secretary of War to expend money for the protection of levees on the Ohio River in the same manner as Congress, under suspension of the rules in the House the other day, provided for the protection of levees on the Mississippi River. The gentleman says we get information by wire. That is true. Unfortunately the floods do not wait. They are there; and the only way we can get information appropriately and in time is by wire. Is not the gentleman from New York willing to let the House vote on a proposition of this sort?

Mr. FITZGERALD. Not with the information I have about Mound City. The Chief of Engineers states that the water at Mound City is all backwater. There is no current whatever. There are three levees there, one above the city, which it was never proposed an attempt should be made to protect sufficiently to withstand the floods, because it covers a section which is undeveloped, low swamp land that could not be protected. Another levee is below the city, protecting lands taken over by a company for irrigation purposes. The company, some years ago, refused to permit anybody to go in there to do any work at all, but finally granted a right of way to the Big Four Railroad, if I be not mistaken, upon condition that it should build a levee. The other levee is around the city, and in the opinion of the Chief of Engineers it is ample to withhold the waters that are backed up there.

If these resolutions pass, whenever any Member of Congress

threatened cities it would be impossible to refuse the appropriation, whether it would be needed or not, and there would be a flood of requests here that would make the flood in the Mississippi River look insignificant.

Mr. MANN. If the gentleman will yield-

Mr. FITZGERALD. I do.

Mr. MANN. After all the Secretary of War will not expend any more money there than necessary for the protection of the levee, and in a case like this where there is imminent danger of a great disaster, ought not we to be willing to authorize the expenditure of money by the Secretary of War instead of requiring a report by him in advance and take his judgment to that extent?

Mr. FITZGERALD. I think not. I think we should act upon some information. These floods at these places are not of this unexpected character that the gentleman would have the

House to believe.

Mr. MANN. I think this flood probably is the worst they have had; certainly by long odds worse than any since I have been a Member of the House.

Mr. FITZGERALD. It has been known for weeks it was coming; preparations have been made for its coming, and yet in some of the flooded sections it was necessary to use force to drive the people from their homes. They understand the conditions much better than we do. I do not believe that we would be justified in making these appropriations in this way, putting every Member of the House who has a district bordering on the Mississippi River in a position where he would be coerced into introducing a similar resolution without knowledge or information as to the necessity. Now, the truth is, since Saturday the flood has been subsiding to some extent.

Mr. CANNON. Will the gentleman yield?

Mr. FITZGERALD. I yield to the gentleman. Mr. CANNON. I will be glad to make just a short statement. The United States, under the guise or the name of promoting navigation, have for a quarter of a century contributed to the levee system on that great river. I said the other day, and I repeat it now, that the levee system, in my judgment, is of much greater importance than the navigation. The substance is what we are after. The other day before any levee had broken, in anticipation of the flood, we appropriated \$350,000 to strengthen the levees and meet emergencies on the Mississippi River in the present emergency arising from the great flood, perfectly proper, We helped to make those levees. That was in anticipation—we did not wait for telegrams, did not wait for the water to get up so that it would break any levee. I voted for it, and I stand ready to vote something for it again if it is necessary. Now, what is the situation? The Ohio River, a great tributary of the Mississippi; Cairo, at the junction of the two rivers; Mound City 4 miles from the Mississippi; and on the Chicago.

City, 4 miles from the Mississippi; and on the Ohio, a little higher up, Shawneetown—and I want to say here and now at Shawneetown the levees were largely constructed by the United States under authority of a provision which was contained in a river and harbor appropriation bill. Ice piers have been builded along the Ohio River by authority of a provision carried in the river and harbor appropriation bill. I want to say, further, I believe there may be an immediate occasion, not to appropriate to Mound City, not to appropriate to Shawneetown, not to appropriate for any other specific place, but general in its terms, guarded as the \$350,000 appropriation was guarded on the Mississippi, where we made an appropriation a week or 10 days ago, to be expended under the direction of the Secretary of War, within his discretion, acting through his officers, to lend a helping hand. What for? Not to feed the people. The President is feeding the hungry people, jumping the authority on assurances that that appropriation will be reimbursed; but an

are examples. Mr. FITZGERALD. Let me suggest this to the gentleman from Illinois. I will not object to a joint resolution which will make available the appropriation made the other day to the service on rivers tributary to the Mississippi River. That takes care of the entire situation-

appropriation, general in its terms, to protect the levees on the

Ohio River and like unto which Mound City and Shawneetown

Mr. CANNON. I am perfectly willing-

Mr. FITZGERALD. And will relieve this House-

Mr. CANNON. I am perfectly willing for that, because if the \$350,000 appropriation, in the chapter of accidents in the providence of God, does not prove sufficient we can appropriate an additional amount. If a joint resolution can be prepared, or, say, we take up the Senate joint resolution and amend it by striking out all after the enacting clause and inserting the provision that the gentleman suggests-

Mr. FITZGERALD. Let me suggest to the gentleman from Illinois that if his colleague will withdraw this resolution, I shall receive a telegram from anybody anywhere in these shall have prepared an amendment to the one that is on the Speaker's table, and then he can come in and ask to have it taken up, the amendment adopted, and sent back. It can be done in a few minutes.

one in a few minutes.

Mr. WICKLIFFE. Will the gentleman yield?

The SPEAKER. Does the gentleman yield?

Mr. FITZGERALD. I do.

Mr. WICKLIFFE. I want to ask if it is not contemplated

that this shall be taken out of the amount already appropri-

Mr. FITZGERALD. It would make that appropriation avail-

Mr. WICKLIFFE. Why could not that be done by a separate measure'

Mr. FITZGERALD. It would not be a bad situation there,

Mr. FILGERARD. It would not be a but situation there, then, if additional money was required.

Mr. WICKLIFFE. It is quite apparent to the gentleman that every bit of that money will be needed. I am perfectly willing to vote for any measure of relief for the people of whom you speak, but I think you ought to grant that by separate appropriation and not take it out of what is already appropriated.

Mr. FITZGERALD. The gentleman from Louisiana knows the recommendation of the Chief of Engineers was for \$250,000

and Congress appropriated \$350,000.

Mr. WICKLIFFE. The recommendation was for more. The President recommended \$500,000 himself.

Mr. CANNON. Will the gentlemen allow me a suggestion? It is perfectly safe to authorize the Secretary to utilize the \$350,000 and to use it on the other tributaries in the discretion of the President, because there is no doubt but that that approor the resident, because there is no doubt but that that appropriation will be reenforced by an additional appropriation the moment that it appears to be necessary.

Mr. WICKLIFFE. That might be, Mr. Speaker.

Mr. FOWLER. Mr. Speaker, I will be glad to make a statement of the conditions at Shawneetown.

Mr. Speaker, on last Thursday I returned from my district. Shawneetown lies about 20 miles above my home. I had information then with reference to the floods at that place, and I was reliably informed by citizens of that town that there was a condition prevailing there that was likely at any moment to destroy the lives and property of the citizens of that city.

Mr. Speaker, the levee is so built that the northeastern portion thereof comes directly in contact with the great flood cur-rent of the river during high water. A few years ago during a stage of flood and overflow an immense body of water swept down against that portion of the levee, cut an awful gap in it, and swept through the city, without giving any warning, like a mighty hurricane, destroying all life and property in its wild and furious course. As a result of that dreadful catastrophe more than 25 unsuspecting men, women, and children found watery graves. That condition exists there to-day, and these people are in imminent danger not only of losing their property, but of losing their lives also.

It was well said by my colleague from Illinois [Mr. CANNON] that this levee was constructed under the supervision largely of the War Department. It was repaired when it broke a few years ago by specific appropriation by Congress. Now, in order that it may be protected and that there may not be a repetition of the dreadful disaster which occurred a few years ago I am requested by the people of Shawneetown to ask Congress to appropriate a small sum to relieve the situation, make more certain the city's defense, and provide against the destruction of their lives and property.

Mr. DYER. Will the gentleman yield for a question?

Mr. FOWLER. In just one moment. Mr. Speaker, I have been informed by the Weather Bureau within the last hour that the river is still rising at that point. I am also informed by that bureau that it will be at an acute and dangerous stage for the next 8 or 10 days to come. At any time during this period, Mr. Speaker, the levee might break and then destruction would follow in its wake. Now I yield to the gentleman from Missouri [Mr. DYER].
Mr. DYER. Mr. Speaker, I would like to know from the gen-

tleman from Illinois if the suggestion made here by the chairman of the Committee on Appropriations [Mr. FITZGERALD] to make available this fund already appropriated of \$350,000 to the river as well as its tributaries will not cover the situation

so far as his resolution is concerned?

Mr. FOWLER. I am not wholly prepared to say that it would. If an appropriation can be made available for the purpose of reaching the situation that exists there to-day, I will not only be glad to have it done, but I will be satisfied for the time being at least. But I would like to have an assurance, Mr. Speaker, that the money can be made available at once, because I understand that a pressing necessity exists now, and not at some time in the future. We need it now.

Mr. MANN. Mr. Speaker, will my colleague yield?
Mr. FOWLER. Yes, sir.
Mr. MANN. I would like to suggest that I have drafted a provision which, if agreed to, could be inserted in the Senate joint resolution now pending, as a substitute. It reads like this:

That the appropriation made by the act entitled "An act appropriating \$350,000 for the purpose of maintaining and protecting against impending floods the levees on the Mississippi River," approved April 3, 1912, is hereby made available for the purpose of maintaining and protecting against impending floods the levees on rivers tributary to the Mississippi River.

Would that be satisfactory? If it should turn out that they would need more money, that would be provided hereafter.

Mr. FITZGERALD. I do not think there would be any difficulty in regard to that.

Mr. FOWLER. Mr. Speaker, I presume that might relieve the situation for the present. I do not know, personally, how much is needed, but the people of Shawneetown say that \$25,000 will be needed. If that sum can be appropriated to relieve the situation, Mr. Speaker, I will be perfectly satisfied with it.
Mr. WICKLIFFE. Will the gentleman yield?
The SPEAKER. Does the gentleman from Illinois [Mr.

FOWLER] yield to the gentleman from Louisiana [Mr. Wick-LIFFE ?

Mr. FOWLER. Yes, sir. Mr. WICKLIFFE. There is a precedent for your action today. As I understand it, there was a special appropriation made in 1882-two of them, in fact-for the relief of sufferers from the flood, and for that reason the gentleman's measure, as

he has it, has a precedent for action by this House.

I want to see the gentleman from Illinois [Mr. Fowler] get the relief he desires, and I am heartily in favor of his measure, but I do not think it ought to come out of this money that has already been appropriated for the purpose of the prevention of floods by this river or the prevention of crevasses and for protection, and not for the purpose of reparation. I am heartily in favor of relief being granted, but I do not think that it ought to be done by diverting money that has already been appropriated and which, in my judgment, will all be necessary for the specific purpose for which it was appropriated.

There is nothing here from the engineers to show that any part of this appropriation of \$350,000 will not be necessary for application to the specific purposes for which it was appropriated. I think certainly the engineers ought to be consulted before we should go to diverting to some other channels this fund that has already been appropriated for another purpose.

Mr. CANNON. Will the gentleman yield there?

Mr. WICKLIFFE. As I say, I wish to be understood as not in any way opposing the suggestion of the gentleman from Illinois [Mr. Fowler], and not in any manner wanting to refrain from giving relief to these people. I am heartily in favor of it, but I think that relief should be given by a specific appropriation. Do not give it by diverting funds that are already appropriated, every cent of which is necessary for the purpose

Now, you propose to divert that fund in the absence of any information from the engineers showing that they do not need it all. I hope the House will take that view of the matter and grant the relief desired in a different avenue from that now

proposed for diverting this fund.

Mr. CANNON. Mr. Speaker, will the gentleman yield? Mr. WICKLIFFE. Yes. Mr. CANNON. If the gentleman will allow me, I want to

say to the gentleman from Louisiana that by unanimous consent, on a bare suggestion, the \$350,000 was appropriated. Now, when the representatives of the tributaries of the Mississippi River come in asking that a small relief be given them and that this fund be utilized, if the fund needs reenforcement the same wise and generous treatment will be accorded.

Mr. WICKLIFFE. That is all right; but I say do it by increasing the amount of the fund already appropriated and not by deducting from that fund that has already been appropriated. Now, I am meeting the gentleman's proposition, and showing

how certainly it can be done without danger.

Mr. CANNON. Precisely; and this can be done by unanimous consent.

Mr. WICKLIFFE. You may have unanimous consent to it, provided nothing is diverted from the \$350,000 that has already been appropriated. I am heartily in favor of a further appropriation for the purpose proposed by the gentleman from Illinois.

Mr. CANNON. The gentleman no doubt stands alone of all

the Mississippi River Members in his objection.

Mr. WICKLIFFE. I do not wish, Mr. Speaker, to be put in the attitude of objecting. I do not object. I am simply asking that this amount be given in the regular way and not be given by diverting what has already been given to the engineers to

Now, Mr. Speaker, I would like to ask anyone in this House if there is any expression from the engineers with reference to this subject? Will the chairman of the Committee on Appropriations give me his attention? Have the engineers stated that any part of this fund now proposed to be taken could be taken from the appropriation of \$350,000 without in any way jeopardizing the success of the engineers' efforts in holding the levees?

Mr. FOWLER. Mr. Speaker, I will yield to enable the gentleman from New York [Mr. FITZGERALD] to answer, but after that

I can not yield further.

The SPEAKER. The gentleman from Illinois [Mr. Fowler]

has the floor

Mr. FITZGERALD. Mr. Speaker, I have not made any inquiry as to that. What I did ask of the Chief of Engineers was information regarding the situation in Mound City. telegram was sent to the Army engineer at Cincinnati on Saturday morning, and up to within an hour or so ago no word had been obtained from him.

Mr. WICKLIFFE. Now, does not the gentleman think that in the absence of word from the engineers it would be a very

Mr. FITZGERALD. I think not—
Mr. WICKLIFFE. That any part of this fund could be safely

diverted?

Mr. FITZGERALD. I think not. I think if the gentleman from Louisiana and others understood that he and they could get through the House, by unanimous consent, a resolution appropriating \$350,000 for that purpose; if the situation demanded additional money the same thing would happen again. I think it is hardly fair that in the preparation of that resolution the tributaries of the Mississippi should have been omitted. That ominission was probably inadvertence in that it failed to include the tributaries of the Mississippi River in the relief proposed.

Mr. WICKLIFFE. But the gentleman is incorrect there. The territory of the Mississippi River Commission was covered in that appropriation bill. Now, the gentleman is seeking to enlarge that scope, but without giving one cent more money. If you will give an additional amount of money for that proposed enlarged territory, I am perfectly willing. I simply do not want to take this fund that has already been appropriated, which the engineers have not told Congress will not be necessary, and divert it without their knowledge and without adding more to it. The solution of the question is to add more to it.

Mr. FOWLER. Mr. Speaker

The SPEAKER. The gentleman from Illinois [Mr. Fowler]

Mr. SISSON. I am trying to get the gentleman from Illi-

nois [Mr. Fowler] to yield to me. The SPEAKER. Does the gentleman from Illinois [Mr.

Fowler yield to the gentleman from Mississippi [Mr. Sisson]?
Mr. FOWLER. I will in a few minutes. Mr. Speaker, I did not expect to get into a controversy with gentlemen from the Mississippi River districts when I introduced this resolution. I was only trying to protect the people of my district, because I felt that I knew more about its wants than any other Member of this House. At least, I ought to know, because it is my duty to keep in close touch with the immediate wants of my constituency. I do not know whether the amount appropriated a few days ago for the relief of the people on the Mississippi River is in excess of what is really needed or not, but I do say that the amount provided for in my joint resolution is not too much to repair and strengthen the levee at Shawnestown, Ill. It is to be expended under the direction of the War Department and need not be wasted nor one dollar of it expended for any useless purpose.

Now, Mr. Speaker, with the consent of my colleague from Illinois, Mr. Mann, I will yield to the distinguished gentleman from Mississippi [Mr. Sisson]. [Applause.]

Mr. SISSON. Mr. Speaker, I hope the gentleman from Louisiana [Mr. Wickliffe] will not object to this amendment to the resolution.

Mr. WICKLIFFE. Will the gentleman yield just for one

question?

Mr. SISSON. Yes.

Mr. WICKLIFFE. Let me say that I have not as yet objected; but I want to impress upon the House the fact that no part of this money ought to be diverted from the specific fund without the consent of the engineers or their recommendation. I am heartly in favor of adding more to it. I have not objected yet, and if the gentleman will give me the assurance, and if the chairman of the Committee on Appropriations will join resolution.

in it, that when further money is needed it will be forthcoming, so far as gentlemen here are concerned, I am willing to yield the point.

Mr. SISSON. I believe I have the permission of the gentle-

man from Illinois [Mr. Fowler]-Mr. FOWLER. Yes.

Mr. SISSON. As far as I am personally concerned, as long as the fund asked for is for the purpose of protecting the levees of the Mississippi River and its tributaries, I shall have no objection to the proper amount of money being appropriated by Congress. [Applause.] But here is my objection to the resolution of the gentleman from Illinois [Mr. Fowlers]. If you make a specific appropriation for a specific town, then every town and village from New Orleans to the sources of the Mississippi, Missouri, and Ohio will appeal to its individual Congressman to get a specific appropriation to protect the levees in

front of that town.

Mr. WICKLIFFE. Right on that point—
Mr. SISSON. Mr. Speaker, I decline to yield.
The SPEAKER. The gentleman from Mississippi declines to

yield.

Mr. SISSON. Practically every dollar's worth of property that I have in this world is behind the Mississippi levees, and the very money that the gentleman wants diverted for his place is money that has been appropriated to protect the property that I own in the Yazoo and Mississippi Valleys; but I am unwilling that that river shall receive special appropriations that the tributaries do not receive. [Applause.] I am more than willing to leave this matter to the sound discretion of the engineers in charge of the respective rivers, in the belief that they will expend it where it is needed and where it will do the most good. If we need more than \$350,000, Congress can appropriate it; but let us not vote more than \$350,000 now. Let us vote for the amendment of the gentleman from Illinois [Mr. MANN]. and that may be able to save the entire situation.

Mr. WICKLIFFF. I would like to state, and this may pos-Mr. WICKIFFF. I would like to state, that this may plossibly settle the matter, that I am assured by those with whom I have talked that when further appropriations are necessary for the Mississippi River Commission this House will grant them; and in view of that understanding I will withdraw any

objection that I might otherwise make.

gentleman from Illinois [Mr. The SPEAKER. The

FOWLER!

Mr. MANN. Pending the request of my colleague from Illinois, I ask unanimous consent that the Speaker lay before the House Senate joint resolution 96. When that has been done I shall move to strike out all after the enacting clause and insert the amendment which I have proposed.

The SPEAKER. The Chair lays before the House Senate joint resolution 96, which the Clerk will report.

The Clerk read as follows:

Senate joint resolution 96.

Resolved, etc., That the sum of \$10,000 be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, to be expended under the direction of the Secretary of War in maintaining and protecting against impending floods the levee at Mound City, Ill.

Mr. Speaker, I move to strike out all after Mr. MANN. the enacting clause and insert as a substitute the amendment which I send to the Clerk's desk.

The Clerk read as follows:

Strike out all after the enacting clause and insert: "That the appropriation made by the act entitled 'An act appropriating \$350,000 for the purpose of protecting against impending floods the levees on the Mississippi River,' approved April 3, 1912, is hereby made available for the purpose of maintaining and protecting against impending floods the levees on rivers tributary to the Mississippi River."

The question was taken, and the amendment was agreed to. The amended joint resolution was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. FOWLER, a motion to reconsider the vote whereby the joint resolution was passed was laid on the table.

Mr. MANN. Mr. Speaker, I ask that the title may be amended so as to read: "To amend an act entitled 'An act appropriating \$350,000 for the purpose of maintaining and protecting against impending floods the levees on the Mississippi River,' approved April 3, 1912."

The SPEAKER. Without objection, the title will be so

amended.

There was no objection.

Mr. FOWLER. Mr. Speaker, in view of the action just taken by the House I withdraw my request for unanimous consent to consider my joint resolution.

The SPEAKER. The gentleman from Illinois withdraws his

Mr. FOWLER. Not the resolution, but I withdraw the request for present consideration.

The SPEAKER. That withdraws the resolution. The gentleman can offer it again if he wishes.

INDIAN APPROPRIATION BILL.

Mr. STEPHENS of Texas. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 20728, the Indian appropriation bill.

The motion was agreed to.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union, with Mr. BARNHART

in the chair.

The CHAIRMAN. The House is now in Committee of the Whole House on the state of the Union for the further consideration of the Indian appropriation bill. The regular order of procedure is that the gentleman from Oklahoma may continue his argument on the point of order raised by the gentleman from Minnesota [Mr. MILLER]. Before recognizing the gentleman from Oklahoma the Chair desires to inquire of the chairman of the committee and the gentleman from South Dakota [Mr. Burke] whether or not they can agree on any time for debate on the point of order. It is the purpose of the Chair to give full and free discussion, but he is anxious to close up the matter.

Mr. STEPHENS of Texas. Mr. Chairman, I ask unanimous consent that all debate on the point of order and on the pending

paragraph be concluded in 30 minutes.

Mr. MANN. Mr. Chairman, the gentleman from Oklahoma [Mr. Ferris] discussed the point of order for a few moments, but has been discussing the merits of the proposition, which is all right. I think there is no one else who desires to be heard on the point of order, but if the point of order should be over-ruled some gentlemen may desire to be heard further. I hope

the gentleman will not make the request at this time.

Mr. FERRIS. The House is aware that there was a good deal of matter came into the debate outside of and inde-pendent of the pending point of order. I believe the status of the matter tersely stated is that those favorable to the point of order have consumed 1 hour and 30 minutes, while those opposed to the point of order have consumed about 30 minutes. may not be absolutely correct, but that is in round numbers correct. Of course gentlemen recognize the desire to get on with the bill, and I have made up my mind that I would try and conclude what I had to say in a short time. That would make on this side about one hour all told. The gentleman from That would Oklahoma [Mr. Carter] desires to be heard for about 20 minutes, and the gentleman from Kansas [Mr. Jackson] for five minutes. I thought, as I say, I would conclude my remarks in a few minutes, which would take up the time asked for by the gentleman from Texas [Mr. Stephens]. Of course, if considerable more time is desired on the other side the request of the gentlemen ought to be modified .-

Mr. MANN. The gentleman will remember that when we agreed upon the time for general debate the gentleman from South Dakota said that he desired time to discuss this at considerable length. Now, I suggest to the gentleman that this is probably the last hotly disputed item in the bill.

Mr. FERRIS. If the gentleman will pardon me it is not. The gentleman from South Dakota will offer an amendment, which will require time for discussion and which will go very largely into this same matter.

Mr. MANN. I understand it relates to the same matter. Mr. BURKE of South Dakota. Mr. Chairman, I want to state that I do not desire to be heard on the point of order. understand the gentleman from Oklahoma [Mr. Ferris] desires talk for 5 or 10 minutes, and the other gentleman from Oklahoma [Mr. Carter] desires to talk for 20 minutes, and I understand the gentleman from Kansas wants a few minutes. Now the gentleman from Oklahoma [Mr. Ferris], when he took his seat on Saturday, was discussing the merits of the para-graph to which the point of order has been made. If that point of order should be overruled, I shall then make a motion to strike out the paragraph.

Following the disposition of that motion I shall offer as an amendment an item proposing to appropriate \$100,000 for the district agents, and I want to say whatever I may have to say upon both propositions at that time, so that if the gentlemen will go on now with the 30 or 35 minutes that they desire to occupy, I will say that I shall not take any time on the point of order and will accept the ruling of the Chair, so far as I am

concerned, without saying anything.

Mr. FERRIS. That is satisfactory.

Mr. STEPHENS of Texas. Then, Mr. Chairman, with the understanding that there is to be no discussion on the proposi-

Mr. MURDOCK. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. MURDOCK. Is not the time to be used in discussing the point of order wholly within the discretion of the Chair?

The CHAIRMAN. The Chair understands that it is wholly

within the discretion of the Chair, but the Chair sought to get an expression of those interested of how much time they might want, because he did not want to arbitrarily suppress debate. Mr. CARTER. Mr. Chairman, if the gentleman from Okla-

homa [Mr. Ferris] desires only five minutes, and the gentleman

from Kansas [Mr. Jackson] only five minutes-

Mr. MURDOCK. Mr. Chairman, I shall want five minutes upon the merits of the proposition.

Mr. CARTER. I am speaking now about the point of order. Mr. MURDOCK. I do not desire anything on the point of order.

Mr. CARTER. Then, Mr. Chairman, I can conclude what I have to say upon the point of order in 15 minutes, so that the whole time would amount to only 25 minutes.

Mr. MANN. That will be satisfactory. Mr. FERRIS. Mr. Chairman, on Saturday last, as the committee will recall, the gentleman from Minnesota [Mr. MILLER] presented both facts, law, and argument at great length. Most of his remarks were devoted to the facts, and in my reply to him on Saturday a great portion of my remarks related to the facts rather than to the particular point of order under discussion. I had expected, under the excitement of the moment, to go more into the facts on Saturday than I did, or probably will do now, knowing as I do that later this same question will perhaps be brought up by an amendment which the gentleman from South Dakota will offer. What I want to say now will be directed to the point of order.

It will be recalled, I think, that on Saturday the gentleman from Minnesota [Mr. MILLER] quite at length presented to the Chair and to the committee a recent decision by the Chairman of the Committee of the Whole House on the state of the Union, the gentleman from Virginia [Mr. Saunders], when the Army appropriation bill was under consideration. The provision of the bill under discussion at that time reduced the number of

regiments of the United States Army from 15 to 10.

A point of order was made against the provision of the bill, and the question was debated whether or not that provision brought itself within the Holman rule. As I understood from the presentation of the gentleman from Minnesota [Mr. MILLER], I was of the opinion that the Chair had sustained the point of order, but on looking at the decision I find that the Chair overruled the point of order, and I desire to read fragments of that decision for the benefit of the Chair.

I quote now from the decision of the Chair:

I quote now from the decision of the Chair:

The precedents say in this connection that the amendment, being in itself a complete piece of legislation, must operate, ex proprio vigore, to effect a reduction of expenditures. The reduction must appear as a necessary result; that is, it must be apparent to the Chair that the amendment will operate of its own force to effect a reduction. (Manual and Digest, p. 409, Hinds, vol. 4, p. 595.) But it is not necessary for this conclusion of reduction to be established with the rigor and severity of a mathematical demonstration. It is enough if the amendment, in the opinion of the Chair, will fairly operate by its own force to retrench expenditures in one of the three ways indicated. This result must be a necessary result, not a conjectural result or a problematical result. It is true that, having reference to the difference of minds, one chairman might hold that retrenhment would be the necessary result of an amendment, while another chairman, or the committee on appeal, might be of a different opinion; but this is inevitable. The law is clear, for instance, that at times a court upon the facts can hold, as a matter of law, that there was no negligence. Still, upon the same facts one court will derive this conclusion, while another court, on appeal, will reach a different conclusion.

Passing from that, I desire to read another portion of the

Passing from that, I desire to read another portion of the decision, which refers particularly to the Holman rule:

The Chair does not undertake to fix in terms the amount of reduction that this amendment will carry, but that a reduction will follow seems to be a fair and necessary conclusion from its provisions.

Let me now read the concluding paragraph of the chairman, wherein he overruled the point of order; and I contend that the case is fairly in line with this, and was cited by the gen-tleman from Minnesota on Saturday in support of his own posi-

This ruling of the Chair does not take from the committee a particle of authority. In the first instance, the Chair must be satisfied that the necessary effect of an amendment offered under the Holman rule will be a retrenchment of expenditures, in conformity with the rule, but from this ruling of the Chair holding the amendment to be in order an appeal may be taken, and the committee, in the exercise of its authority of ultimate interpretation, can reverse the Chair, if it is in error, and fix the interpretation which the committee in its wisdom thinks the rule should carry.

The holding of the Chair at that time was that all that was necessary for the Chair to have in his mind or before him were facts which would cause a retrenchment of expenditures, and I call the Chair's attention to the fact that the entire speech of the gentleman from Minnesota [Mr. Miller] was a lament over the fact that this did cut down the number of officers and did retrench expenditures too much, and that this did reduce expenses to an extent which he thought was perilous. If the gentleman was proceeding in a court of law his whole statement would be subject to demurrer. He has conceded the very set of facts that the Holman rule seeks to correct, to wit, the reduction of officers that are not needed, and the Holman rule gives us an avenue to cut them down and reduce expenditures on appropriation bills. An analysis of his argument must make it exceedingly easy for the Chair to conclude it is a retrenchment and a reduction, hence clearly within the Holman rule.

I revert now from that decision to the rule itself. As to the provision in this bill, there is no question as to its germaneness. No one will assert that it is not germane. No one, I think, can consistently contend that the Chair has not sufficient information before him that it does reduce the expenditures.

Mr. BURKE of South Dakota. Mr. Chairman, does the gentleman contend that the rule applies where the reduction is a saving of expenditures to some one other than the United

I intend to get to that and hope to fully cover it. none will gainsay or seriously contend for the benefit of the Chair that this does not eliminate certain officers of the United States, that this does not in itself save from \$800,000 to \$900,000 annually. Now, as to the question of whether or not these are Government officers I desire to be heard on that for a moment, and I think when I am through the Chair will agree with me that there can be no longer any doubt about it. These officers are employed by whom? There can be but one undisputed answer, the Federal Government. Do they consult the Indians? The answer is, They do not. These officers are discharged by whom? By the Federal Government and it alone. The Indians are not consulted with reference to their employment or discharge. They are paid by the Government, warrants issued by the Federal Treasury over which the Indian has no control and is not consulted nor his consent necessary or even sought. His funds are used and deposited without his assent or suggestion. It seems to me nothing can be so clear as to determine the character of these officers as to the fact that they are employed by the Federal Government; they are discharged by the Federal Government; they are paid by warrant from the Federal Treasury, and, Mr. Chairman, it ought to be said that nearly everyone of them are under the Civil Service. Can there be found anywhere so clearly defined a method to determine that they are Government officers? It was contended at some length by the gentleman from Minnesota [Mr. MILLER] that these were not Government officers, but they were Indian officers or officers for the benefit of the Indian Service. Such a theory in the light of the uncontroverted facts are not tenable, are not convincing nor sound. The fact that they are officers in the Indian department render them none the less officers. Most of their salary comes out of the United States Treasury and not from Indian funds.

Mr. MILLER. If the gentleman will permit, I desire to state to him that my point was not that these were not Government officers, but that the fund was not a Government fund, that the moneys to be paid out were not Government moneys but Indian

Mr. FERRIS. I understand. That is true but partially, as most of their salary is appropriated for out of the Treasury and not out of Indian funds.

Mr. MILLER (continuing). So there is no retrenchment of

Government funds. Mr. FERRIS. I think I recall the gentleman's contention, and if I have misstated it he can correct me, or the House will know. Mr. Chairman, this amendment, in effect, following the decision of Mr. Saunders, of Virginia, on the Army appropriation bill on February 9, shows there can be but one result, and that is that this does two things: First, it reduces the expenditures of the Government; second, it reduces the number of officers of the Government. It accomplishes precisely what the Holman rule was intended to accomplish. Now, that part of the gentleman's argument could, I think, be conceded, that it changed existing law; about that there is no contention. It does change existing law not only in one place, but in a number of places, but of course the Chair will well remember, and has the rule before him, that it is permissible to change existing law where a retrenchment and saving is sought; and the distinction that the gentleman seeks to make between the Indian fund and Government fund is a twilight zone so obscure that no one can I

find it. The Indian moneys go into the Federal Treasury and are merged there. They are under the full control of the United States for all purposes. They can be expended for their benefit or in their behalf, and the Federal Government has complete control over the entire property—can expend it where it will or withhold it where it will. We are fortunate and the Chair must be fortunate and the House is fortunate in finding such a recent case cited by the advocates of this point of order which so well explains the rule. The gentleman from Virginia [Mr. SAUNDERS], in making his decision-and it is at great length; it is found on page 1999 of the RECORD, February 9-goes into the proposition and makes it clear that an amendment on its face need not show a reduction, but it was sufficient that the Chair had before him facts and figures which themselves made him know in his own mind that there was a reduction and a saving. I revert to the statement of the gentleman from Minnesota, who stated it more eloquently than I can hope to do. that this amendment if adopted would reduce the number of officers; that this amendment would cut down the expenditures of the Government. I can not conceive of a more wholesome rule than the Holman rule; I can not conceive of a more just rule than the Holman rule. I can not think of an instance where the Holman rule could be so well applied and where it could accomplish so much. I hope the Chair will find the provision is in order on this bill and overrule the point of order now pending.

Mr. JACKSON. Mr. Chairman, it seems to me that the vital question on this point of order is the point last touched upon by the gentleman from Oklahoma [Mr. Ferris]; that is, whether or not the Holman rule applies to trust funds held in the Treasury of the United States or other funds which are being administered by the Government of the United States. Not much discussion until that of this morning and a few minutes occupied by the gentleman from Minnesota [Mr. MILLER] has been devoted to the question of order. The remarks, especially to the newer members of the committee and the newer Members of the House, have been, of course, very interesting and instructive, but they have not, with these exceptions, touched upon the real question as to the point of order. Now, it is conceded, Mr. Chairman, that this amendment does repeal existing law.

It is placed in the bill upon the recommendation of the com-Therefore we find ourselves controlled entirely by the

very last sentence of the rule, which reads:

The amendment, being germane to the subject matter of the bill, shall retrench expenditures.

Now, the language is broad. It does not say, as was argued by the gentleman from Minnesota [Mr. MILLER], that they must be expenditures coming finally and eventually out of the Treasury of the United States, but the word "expenditures" is used in its broadest sense. If there be any limitation at all upon the meaning of that word, it would be the same limitation which is imposed upon the earlier use of the word in the same section and the interpretation upon that use of the word, which is as to the expenditures covered by the bill.

Now, will anyone contend for a moment that if we do change the law by the adoption of this amendment that we do not reduce the expenditures covered by this Indian appropriation bill?

Mr. MILLER. Will the gentleman kindly point out in just what respect?

Mr. JACKSON. I do not care to yield at this time.

Mr. MILLER. I do not care for the gentleman to yield, but we all ought to know.

Mr. JACKSON. I will do so, but as to his suggestion I think

he and I agree exactly upon it.

According to the decision cited by the gentleman from Minnesota [Mr. Miller] and the gentleman from Oklahoma [Mr. Ferris], we are not compelled to put our fingers upon the provision which reduces the expenditures covered by this bill. But leaving that consideration aside for a moment, let me call the attention of the Chair and of the gentleman from Minnesota [Mr. MILLER], at his suggestion, that on Saturday evening, in answer to my direct question, the gentleman admitted, as he must admit, that if this amendment is written into the law this provision of the appropriation act of the last Congress will be repealed. And the provision reads as follows:

That contracts for professional legal services of attorneys may be made by the tribes for a stipulated amount for any period, in no case exceeding one year in duration, with \$1,000 the annual amount, with necessary expenses to be approved and paid under such direction of the Secretary of the Interior, but such contracts for legal services shall not be of any validity until approved by the President.

The gentleman admits that by the passage of this amendment that provision of the law falls. Therefore I say there is no escape from the conclusion that if Congress never appropriates

another dollar the funds under the control of the Government will be retrenched at least \$5,000.

Mr. MILLER. Does not the provision assume that Congress will appropriate?

The gentleman argued just the other day Mr. JACKSON. that because of this law the Indian tribe would be left without legal counsel and Congress would be called on to appropriate money or else these tribes would be entirely without legal

Now, then, you can not assume that Congress is going to be more expensive than some other body. You can not assume that Congress is adopting the rule for the purpose of appropriating, but when a law that authorizes a fixed expenditure is stricken down it will be assumed that Congress will not legislate in the future to make the expenditures more than they are at the present time. The assumption is that Congress wants to discontinue that appropriation. But, Mr. Chairman, just a word now on whether the Holman rule applies on expenditures belonging to the trust funds of the Government. It has not been mentioned so far in the debate that the Kerr decision which has been referred to so many times here in the ruling on this question in this session of Congress was a decision on the Indian appropriation bill. It is cited in Hinds on page 410; and while that decision is not decisive at this point, it seems to me it does furnish considerable elucidation of the proposition involved. The amendment in that year proposed to change the control of the Indian affairs from the Department of the Interior to the War Department. Speaker Kerr rested his decision upon the very proposition that the provision did not show upon its face that it would reduce expenditures. The expenditures covered by that provision were both the tribal funds and the Government funds, and it seems to me to be plain that if the very originators of this rule in the first discussions did not rely upon the fact that Indian funds were to be saved and re-trenched as the reason for the maintenance of the point of order, it ought to have some weight with the Chair in passing upon this point of order at the present time. So it seems the precedents, including the Kerr decision and the decisions cited here by these other gentlemen, point to the fact that when we come to consider the tribal funds that are in the hands of the Government we must apply the same rule to their expenditure as we do the expenditure of other Government money

What else, Mr. Chairman, are they but Government moneys? Is there a dollar in the Treasury of the United States belonging to these tribes that the United States is not responsible for? Does any gentleman contend here that if by any circumstance or accident or dishonesty the Government should lose these funds that belong to the Five Civilized Tribes the people of the United States would not be taxed to replace those funds? So eventually this question depends upon the honest administration of this fund by the Government of the United States as

it has agreed to do under the treafy.

Mr. CAMPBELL. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Kansas [Mr. Jackson] yield to his colleague [Mr. CAMPBELL]?

Mr. JACKSON. Yes. Mr. CAMPBELL. Does the gentleman contend that this fund held by the Government in a fiduciary capacity is really money belong to the Treasury of the United States and for which the Government is responsible except as a trustee?

Mr. JACKSON. Why, Mr. Chairman, I think my statement was clear. The fact that it is money held under a fiduciary capacity makes the Government responsible for its faithful administration. What else does it mean?

Mr. CAMPBELL. But the conclusion reached by the gentleman was that therefore it was money belonging to the United States and must be appropriated as other money in the Treas-

ury of the United States is appropriated.

Mr. JACKSON. I think that is what it means in the final analysis, so that I say that when the point of order is based upon the fact that these moneys do not come out of the revenues in the Treasury of the United States there is nothing to it, because eventually they do come out of the revenues of the United States. Why, here in the hearings the commissioner, in justifying his appropriation this year, sets down the money received from the grazing leases and the sales of lands and deducts it from the appropriation made by the Government of the United States. Now, if any of those moneys are lost, if any of them are loosely administered, then it is self-evident that the appropriation must be larger my reason of the amount lost or misapplied.

I do not care to argue now on the merits of that proposition. but wish merely to call the attention of the Chair to the fact that the commissioner to the Five Civilized Tribes in his justification shows conclusively that out of the money derived from

Meases over \$28,000 was turned over to the officers of the Government for their compensation.

Now, is it asking for too much; is it asking for anything other than what is fair and safe under the law, as I observe it, in the appropriation of our funds, that we ask that the tribal funds expended be appropriated by the Congress of the United States?

Mr. CARTER. Mr. Chairman, on Saturday the committee was regaled in a very entertaining manner by the gentleman from Minnesota [Mr. Miller] on behalf of the point of order which he made against the paragraph under consideration. I remember now, the reasons he gave for subjecting this item to a point of order were threefold:

First. That the restriction changed existing law;

Second. That this item dealt with a trust fund, and that trust

funds did not come within the purview of the Holman rule; and Third. That it would not be ex proprio vigore a retrenchment. To the first point, to wit, that the amendment changes exist-ing law, we do not except, but claim that the change effects a retrenchment of such a nature as falls plainly within the Holman

To the second point, to wit, that trust funds do not come within the scope of the Holman rule, we most seriously object; and I want the Chair's undivided attention now, because I am discussing the only point submitted by the gentleman which should really be given serious consideration; and we claim that this is nothing more than imaginary assumption on the part of the gentleman, illogical and far-fetched, and it is certainly not borne out by any language of the rule or any of the decisions thereon.

Let us see to what dangerous extremities such logic as this may lead us. He would exempt these funds from the Holman rule. Bear in mind, Mr. Chairman, that the funds dealt with by this paragraph are Indian funds, administered by the Federal Government in the capacity of guardian to ward. If we follow the gentleman's contention to the logical conclusion, we bring ourselves in the last analysis to the dangerous and unbring ourselves in the last analysis to the dangerous and unbring ourselves. tenable grounds of asserting the right of the guardian to administer the funds of a ward more loosely, more recklessly, and with less accountability than if they were his own individual funds. As a conclusion of either law or equity this seems to me so absolutely absurd and ridiculous that I can not believe that the gentleman from Minnesota, good lawyer that he is, expected the Chair to take the suggestion seriously.

But the gentleman asseverates we can only construe this proviso as a retrenchment by the rankest kind of supposition and hypothesis, and that the Holman rule does not justify any such hypothetical construction, yet before the gentleman had finished his remarks we heard him attempt vigorously to apply his point of order to the salfsame paragraph on the hypothesis that the Federal departments might be more economical than Congress.

I stand with the gentleman, Mr. Chairman, in his first statement that the rule does not justify hypothetical construction.

ment that the rule does not justify hypothetical construction. It certainly does not justify any such visionary and romantic argument as that Congress or any other parliamentary body may be more extravagant than the Federal departments.

"But," says the gentleman, "this is not by its own force a retrenchment," and he cited from the decision of the Chair already quoted from by the gentleman from Oklahoma [Mr. Ferris] on behalf of his contention. There are some things in that decision which both the gentleman from Minnesota [Mr. that decision which both the gentleman from Minnesota [Mr. MILLER] and the gentleman from Oklahoma [Mr. Ferris] seem to have overlooked, and that is the purpose and intent of the Chairman to give to the Holman rule the most liberal construction. For instance, on page 1999 of the Congressional Record of this session you will find that the Chair used this language:

The purpose of the Holman rule is most beneficent and proper, and it should have a liberal construction in the interest of retrenchment.

Later on in the same column we find this statement by the

We are certain to give a liberal construction to the rule as held in the interest of retrenchment. * * * It is enough if the amendment, in the opinion of the Chair, will fairly operate by its own force to retrench expenditures in any of the three ways indicated.

In conclusion, the Chair used this language:

In the words of the Speaker, Mr. Kern, it (the Holman rule) is a beneficent rule. It should be construed to secure beneficent results.

And that is exactly how we propose to apply it in this instance. And that is exactly how we propose to apply it in this instance. The gentleman says this is, in fact, not a retrenchment, and yet all of us who were here late Saturday afternoon well remember how he told us, with tears in his voice, of the havoc and disorganization that this restriction would bring down upon the heads of the Indian service in Oklahoma—and why? For the reason that it took away certain appropriations, and the gentleman was so specific in his citations of these appropriations that I want to call the attention of the Chair to each item. He told us that the language in this bill repealed the following even dozen appropriations:

The appropriation for tribal officials.

The appropriation for claims against the tribes. The appropriation for collection of tribal moneys.

The appropriation for mining trustees. The appropriation for tribal councils.

The appropriation for sale of lands.

The appropriation for equalization of allotments.

The appropriation for certain clerk fees. The appropriation for sale of town lots.

The appropriation for the sale of tribal buildings.

The appropriation for the expenses of depositing money in banks.

The appropriation for tribal attorneys.

As a matter of fact, there was expended from the tribal funds last year about \$670,000. This amendment restricts the expenditure of those funds to schools alone, and by the most liberal construction of the law not over about \$300,000 could be used for schools, so this amendment actually retrenches the expenditures of these funds more than 50 per cent.

Now, in conclusion, I have just this to say upon the point of order: This item deals simply with funds and expenditure of funds in the Federal Treasury for which the Federal Government is responsible in the capacity of guardian to ward. It either increases expenditures or decreases expenditures, or it does absolutely nothing. It is not claimed in any seriousness that it increases expenditures. Therefore, if it does not decrease expenditures, it does nothing. It does not change existing law, and in that case the point of order is not well taken. If, on the other hand, it decreases expenditures, it comes clearly within the scope of the Holman rule, and the point of order

must, in that event, be overruled.

The CHAIRMAN (Mr. Barnhart). It has been both a pleasure and a profit to the Chair to give the advocates and opponents of the point of order at issue unlimited time and scope for the presentation of arguments, and they have shown a familiarity with the question and a tendency to frankness and fairness which entitles them to special commendation. The Chair considers these evidences of careful research and skillful preparation of facts as conclusive assurance of wholesome legislative endeavor, and hopes he may have as much concern for good government in his ruling as the Members have indicated in their active solicitude for right legislation in this matter.

[Applause.]

The so-called Holman rule is, in the opinion of the Chair, peculiarly suited to the pending point of order in that it furnishes an opportunity to exercise his judgment in behalf of emergent needs or demands like the controverted provision in this bill whereby a saving in Government expenditures is unquestionably implied and expressed. This rule, which is No. 21, sets forth in the second paragraph as follows:

No appropriation shall be reported in any general appropriation bill, or be in order as an amendment thereto, for any expenditure not previously authorized by law, unless in continuation of appropriations for such public works and objects as are already in progress. Nor shall any provision in any such bill or amendment thereto changing existing law be in order, except such as being germane to the subject matter of the bill shall retrench expenditures by the reduction of the number and salary of the officers of the United States, by the reduction of the compensation of any person paid out of the Treasury of the United States, or by the reduction of amounts of money covered by the bill: Provided, That it shall be in order further to amend such bill upon the report of the committee or any joint commission authorized by law or the House Members of any such commission having jurisdiction of the subject matter of such amendment, which amendment being germane to the subject matter of the bill shall retrench expenditures.

The Chair hears no specific question raised against the position of the proponents of the bill that the paragraph which the point of order seeks to eliminate is both theoretically and practically germane. The contenders that the point of order should be sustained only insist that the limit of expenditures therein contemplated does not pertain to the United States revenues proper and therefore the Holman rule exception or exceptions do not apply. But it has been shown, and not disputed, that most of the officials who would be affected by this legislation are under United States civil-service regulations and are thereby manifestly recognized as Government officials or em-And if they are so considered and are regulated and paid the same as other Government officials, the common sense conclusion is that they should be considered as such; and if they are within the list of "officers of the United States," either technically or practically, the reduction of their number and of the amounts paid to them as salaries and expenses, wherein the Government is responsible, would bring the provision of the bill for their curtailment purely within the concept ing, which I think would be in the interest of saving time.

of the Holman rule. On the other hand, if it be that they are in no way a part of the Government service; that the United States does not consider them within its service as officials and employees; and if the proposed reduction in expenditures can not properly be considered retrenchment of expenditures for the Government, then the course for the Chair would be clearly blazed by the facts.

But most of these premises are matters of doubt. plainly sets forth that no provision in any appropriation bill or amendment thereto changing existing law shall be in order

except where the said change shall retrench expenditures.

The gentleman from Minnesota [Mr. MILLER] contends, with unchallenged argument, that the enactment into law of the provision in the bill here in dispute would curtail the scope of service now given to the Indians by the Government, in substance, strip the Indians of official guardianship that would be detrimental to their welfare and their communities' wellbeing. And the gentleman from Oklahoma [Mr. Ferris] admits that curtailment of officers is the intent of the provision, and declares it to be a complete indictment of the position of the gentleman from Minnesota that the Holman rule can not here apply, although reducing the number of officers and reducing expenditures is precisely what the Holman rule specifies as permissible new legislation in an appropriation bill.

Another contention of the gentleman from Minnesota [Mr. Miller] and others is that the officers and expenditures to be reduced by the provision of the bill are not United States officers nor United States expenditures, but Indian guardianship officers and expenditures. Of course the Chair is fully advised that, technically speaking, the money to pay the expenditures which it is sought to limit by the provision of the bill now in consideration is a trust fund to which the Government has no right or title except to hold and expend as directed by law. But here the question of Government authority in so-called fiduciary capacity involves Government liability and responsibility, and it requires more judicial acumen than the Chair possesses to decide that those employed by the Government, obligated by the Government, and paid out of Government trust funds are any the less officers of the United States than if they were employed by the same general agency to perform service in some other branch of Government responsibility.

And so, through the fog of contention, which is well founded in many respects on both sides of this complex parliamentary situation, the Chair sees one undisputed fact standing out clearly, and that is the intent of the Holman rule to enable the Congress to discharge useless officers and reduce expenditures, including salaries, by the broadest possible privilege. Hence, when the Government employs these Indian officers, has power to discharge them, pays them through one of the regularly constituted Government bureaus, and recognizes and regulates them in all ways as Government officials, in the opinion of the Chair they are in fact such and thereby subject to regulation

by Congress.

The Chair, clothed as he is with this temporary authority, is not disposed to be a revolutionist and overthrow the opinions and practices of his illustrious predecessors, but he would have it understood that as a layman rather than an expert, the line of demarcation between the Government acting as trustee for the people as a whole, or for any particular class, is so indistinct that it is not visible in a matter-of-fact discrimination. Therefore, on the wholesome theory that technical error on the side of right is never actually wrong, and that economy in behalf of the Indian wards of the Government is an obligation as sacred and binding as safeguarding the expenditure of the whole people's revenues, the point of order is overruled. [Applause.

Mr. BURKE of South Dakota. Mr. Chairman, I move to

strike out the second proviso.

Mr. MANN. I ask to have the amendment reported.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

On page 25, strike out all of lines 21, 22, 23, and 24.

Mr. BURKE of South Dakota. Mr. Chairman, I ask unanimous consent that I may address the committee for 30 minutes. The CHAIRMAN. The gentleman from South Dakota asks unanimous consent that he may address the House for 30 minutes.

Mr. STEPHENS of Texas. Let me ask the gentleman if it would be agreeable to have one hour's debate, the time to be

equally divided?

Mr. BURKE of South Dakota. Mr. Chairman, I understand there are several Members who desire to be heard briefly on both sides of the House. I would like to have this understand-

After this motion to strike out the proviso is disposed of I shall offer an amendment proposing to add \$100,000 to the bill for the employment of district agents in the Five Civilized Tribes. If I get the 30 minutes' time that I have asked for, I shall discuss incidentally that feature of the question and will not discuss it after I offer the amendment. I think, perhaps, so far as this side is concerned, we could agree that the discussion should all be in advance of that amendment.

Would it not be practicable for the gentleman to offer his amendment in lieu of the matter which the gentleman desires to strike out, so that it would all be pending

Mr. BURKE of South Dakota. Yes. Mr. Chairman, I move to strike out that portion of the bill which has been reported by the Clerk and insert in lieu thereof the matter I send to the Clerk's desk

The CHAIRMAN. The Clerk will report,

The Clerk read as follows:

On page 25 strike out all of lines 20, 21, 22, 23, and 24, and insert in lieu thereof the following:

"For salaries and expenses of district agents for the Five Civilized Tribes in Oklahoma and other employees connected with the work of such agents, \$100,000."

Mr. FERRIS. Mr. Chairman, I want to make an inquiry of ne gentleman. There may be gentlemen on the floor of this House that would desire to support one proposition and perhaps not support the other.

Mr. BURKE of South Dakota. We can have a separate vote

on the proposition.

Mr. MANN. Mr. Chairman, I ask unanimous consent that both amendments offered by the gentleman from South Dakota, one to strike out and the other to insert as a new paragraph, may be considered as pending to be voted upon separately at the conclusion of the debate.

Mr. FERRIS. I think the procedure suggested by the gentleman from Illinois is the one that should be adopted; that is,

that we can have a separate vote on the amendment.

Mr. MANN. That will bring a separate vote instead of one vote to strike out and insert. The gentleman from South Dakota makes a motion to strike out and another motion to insert as a new paragraph. I ask unanimous consent that that may be done and that each amendment may be voted upon at the close of the debate.

Mr. STEPHENS of Texas. I ask unanimous consent that all debate on the proposition shall be confined to one hour.

The CHAIRMAN. Will the gentleman from Texas withhold his request until this is disposed of? The gentleman from Illinois asks unanimous consent that both propositions of the gentleman from South Dakota be considered pending as separate amendments, and that they be voted upon separately at the end of the debate. Is there objection? There was no objection.

Mr. BURKE of South Dakota. Now, Mr. Chairman, I ask unanimous consent that I may address the committee for 30

Mr. MANN. How much time is desired on that side?
Mr. BURKE of South Dakota. I am unable to state. I
think it would be better to allow the debate to run for a while. I know that there are gentlemen on the other side who favor one part of my amendment and who want to be heard upon it.

Mr. FERRIS. Mr. Chairman, will the gentleman from South

Dakota yield?

Mr. BURKE of South Dakota. Yes.

Mr. FERRIS. It will be remembered that in the colloquy between this side of the House and the gentleman's side of the House the gentleman from South Dakota suggested that he be given plenty of latitude, so far as time was concerned, and that is in the mind of everyone. I wondered, however, how many long speeches were expected to be made on the gentleman's We are now operating under the five-minute rule, and I do not think the House will indulge each one of us in taking that length of time. If there are many long speeches, I think we had better proceed, after the gentleman makes his speech, under the five-minute rule.

Mr. BURKE of South Dakota. Mr. Chairman, I will suggest to the gentleman that this is a very important subject. gentleman from Kansas [Mr. CAMPBELL] has been on the Committee on Indian Affairs for many years, and I know that he desires to be heard upon the question, and I think the House will be interested in hearing what he may have to say. I do not desire to occupy the major part of the time to the prejudice of other members of the committee. I understand there are gentlemen upon the Democratic side of the House who desire to be heard, and I know there are one or two other members of the committee upon this side who desire to be heard, but I do not other side.

think at any great length. The gentleman from Oklahoma [Mr. McGuire], I believe, desires time. If the gentlemen on that side do not wish to take time, perhaps they will allow us to use more than they do; but my opinion is they will conclude before we get through that they will use as much time as we

Mr. FERRIS. Mr. Chairman, while that side of the House has used more time than we have in the former debate, yet if we can get through upon this side, we are willing to let them use the time again. This is a hofly contested question, and we will want to be heard. Gentlemen must know that there is a great deal of pressure brought to bear by the leaders of the House that we get through with this bill as quickly as possible, and I desired only to know how many long speeches would be made upon that side of the House.

Mr. CAMPBELL. Mr. Chairman, I think I can get through in 30 minutes with what I desire to present to the House.

Mr. FERRIS. Mr. Chairman, I ask unanimous consent that debate on this item proceed until 4 o'clock, at which time we shall take a vote on the pending amendments and all amendments to the paragraph.

Mr. MANN. Mr. Chairman, the gentleman from South Da-kota wants half an hour and the gentleman from Kansas [Mr.

kota wants half an hour and the gentleman from Kansas [Mr. Campbell] wants half an hour, and I understand that the gentleman from Kansas [Mr. Murdock] desires some time.

Mr. FERRIS. If we should consume a longer time than after 4 o'clock upon this item, we would have to abandon all hope of trying to get through with the bill to-day, and the necessity is quite great that we get through the bill to-day.

Mr. MANN. We set aside Thursday in place of to-day to be used for District day. What is coming up that is so important

used for District day. What is coming up that is so important

to-morrow?

Mr. BURLESON. The Post Office appropriation bill.

Mr. FERRIS. The gentleman from Illinois heard the debate here in reference to the Post Office appropriation bill and other matters

Mr. MANN. The Post Office appropriation bill would have to skip Thursday

Mr. FERRIS. Does not the gentleman think we could all curtail our time a little and get through by 4 o'clock? a matter which is in our own State, and we have five Members from that State. We ought to have as much latitude granted to us as to gentlemen who reside in other States.

Mr. MANN. Here is a case where we are discussing matters actually in the bill. This relates to a subject matter before the House, something not always usual in debate. It seems to me that gentlemen ought to have as much time as they think they

need to present their side of the matter.

Mr. FERRIS. Two hours and seven minutes is pretty good

time on one amendment, I think.

Mr. BURKE of South Dakota. The gentleman from Oklahoma will remember that he talked on Saturday for about 30 minutes.

Mr. FERRIS. I did.

Mr. BURKE of South Dakota. And he talked almost entirely upon the merits of the proposition, while the gentleman from Minnesota [Mr. MILLER] was simply discussing the law. The gentleman from Oklahoma read to the House a statement of the amount of moneys that were expended in connection with the administration in the Five Civilized Tribes. His whole argument was along the line of details connected with the administration of affairs down there. There was no opportunity to reply to that, and certainly in presenting two propositions here I ought to have 30 minutes

Mr. MANN. Is there any other item in the bill which will

be hotly contested?

Mr. CARTER. Yes; there is one other item; the Virginia item.

Mr. BURLESON. I do not think that will take 10 minutes. Mr. MANN. I ask unanimous consent, Mr. Chairman, that debate on this amendment run until 20 minutes past 4 o'clock, the time to be equally divided, to be controlled by the gentleman from Texas and the gentleman from South Dakota.

Mr. FOSTER. Mr. Chairman, reserving the right to object, is it the intention of the gentleman from Illinois to insist that the committee shall rise about 5 o'clock?

Mr. MANN. I shall not insist upon that.
Mr. FOSTER. So that we can get through with the bill to-night.

Mr. MANN. If there is any likelihood of getting through with the bill, I am willing to sit until 6 o'clock.

Mr. BURKE of South Dakota. I will say that this side is

as anxious to get through with the bill as gentlemen on the

Mr. STEPHENS of Texas. We are very anxious to close it

The CHAIRMAN. The gentleman from Illinois asks unanimous consent that all debate on the pending paragraph close at 20 minutes after 4 o'clock.

Mr. MURDOCK. Mr. Chairman, reserving the right to object, I would like to ask the gentleman from Illinois if that includes both the motions?

Mr. MANN. Both amendments.

Mr. MURDOCK. And at 4.20 this afternoon there will be a vote upon those, and the five-minute rule is abrogated after the debate on these two motions?

Mr. GRAHAM. If I understand, both propositions are to be discussed as one and at the end of the debate they are to be voted upon separately.

Mr. MANN. That is already the order of the committee.

The CHAIRMAN. Is there objection? [After a pause.] he Chair hears none. The time is to be controlled by the The Chair hears none. gentleman from Texas [Mr. STEPHENS] and the gentleman from

South Dakota [Mr. Burke].

Mr. BURKE of South Dakota. Mr. Chairman, it is going to be rather difficult in the limited time for me to cover the questions involved in the amendment which I have offered. It will be necessary first to make a very brief statement of what comprises the Five Civilized Tribes. Prior to 1893 there were in the Indian Territory the five tribes, namely, the Cherokees, Creeks, Seminoles, Choctaws, and Chickasaws. They each had Creeks, Seminoles, Choctaws, and Chickasaws. They each had their own system of government. They selected their own administrative officers, they had their own councils or legislatures, if that is the proper term for them. They had their own courts, and the United States directly did not exercise any supervision whatsoever over their affairs. The territory comprising the Five Civilized Tribes in area is as large as the State of In-The territory comprising the diana, embracing about 19,000,000 acres. The Indians owned absolutely the fee to all of that great territory, except that they could not dispose of same without the consent of the United States. In 1893 it was brought to the attention of Congress that there existed a condition of affairs in the Five Civilized Tribes that needed attention, and Congress created what was known as the Dawes Commission. The Dawes Commission went to the Indian Territory, and they submitted in due course of affairs reports to Congress. In the report submitted November, 1894, the commission reported finding a deplorable state of affairs and a general prevalence of misrule. In the report of the commission dated November 18, 1895, the commission said:

Commission dated November 18, 1895, the commission said:

There is no alternative left to the United States but to assume the responsibility for future conditions in this Territory. It has created the forms of government which have brought about these results, and the continuance rests on its authority. * * * The commission is compelled by the evidence forced upon it during its examination into the administration of the so-called governments of this Territory to report that these governments in all their branches are wholly corrupt, irresponsible, and unworthy to be longer trusted with the care and control of money and other property of Indian citizens, much less their lives, which they scarcely pretend to protect.

For several years these Indians declined to negotiate or consider any agreement looking to a division of their lands, but finally, in 1897, a treaty was entered into between the United States and the Seminoles, which was followed, as I recall, by the so-called Atoka agreement of 1898 with the Choctaw and Chickasaw Indians, which was ratified and became the law of the land, and later separate agreements with the Creeks and Cherokees were entered into and ratified. The United States undertook and agreed to make a roll of the persons entitled to membership in the Five Civilized Tribes and to allot the land to the members thereof. The commission began operations, and I do not think I overstate it when I say that almost everybody down in that section of the country, as well as many others throughout the United States, claimed the right of enrollment by reason of Indian blood or by reason of intermarriage or some other grounds that entitled them to recognition as members of one or the other of the five nations.

As I have just stated, following the agreements with the Five Civilized Tribes the Dawes Commission began the making of the rolls. There were many complex and complicated questions involved, and the work necessitated the examination of old tribal rolls and the delving into family records covering a period of 75 There was much litigation over the matter, and the work of settling the enrollment was greatly handicapped and delayed by such litigation. There was also congressional legislation affecting the subject of enrollment, with the result that, while it was originally supposed the matter could be disposed of very promptly, it took many years to complete the work, and it is true that there has been some dissatisfaction on the part of the Indians because the work has not been completed sooner, but, Mr. Chairman, there is no gentleman in this House, whether he comes from Oklahoma or elsewhere, who will contend that any of the delay in settling the affairs of the Five Civilized Tribes sioner was here at the time and available, and that is a fact, but

has been due in any manner to any negligence on the part of the United States or the officials who have been in charge of the Suit after suit has been brought in the courts, cases taken to the Supreme Court, involving the question of enrollment and the right to participate in the distribution of the tribal properties. Something has been said about a large attorney fee having been paid to certain attorneys for services rendered to the Indians under a contract. It is true that a fee was paid to one firm of attorneys in Oklahoma of \$750,000, but it was paid as the result of legislation enacted by Congress which created a citizenship court, and the fee was determined by that court by Congress referring the matter thereto after the Secretary of the Interior had refused to approve a contract allowing a fee of more than \$250,000, so that if there is any blame attached in connection with that affair Congress is responsible; but in any event the Indians did not suffer thereby, as the fee was paid for a service which resulted in striking from the rolls 3,000 or 4,000 persons who had been, it was alleged, improperly enrolled, and had they not been stricken therefrom they would have participated in the distribution of the estate.

Mr. Chairman, that question has nothing to do with the issues involved at this time, and I am not going to take up the time of the committee in discussing it. Mr. Chairman, in view of my very limited time, I will be obliged to come at once to a discussion of the merits of the proviso which my amendment pro-poses to strike out, and will therefore not discuss further the history of the Dawes Commission and the commissioner who succeeded that commission, covering the lapse of time since the commission was first created.

It was stated on the floor on Saturday by the gentleman from Oklahoma [Mr. Ferris], in substance, that there is a force of people employed with the organization that is engaged in closing up and administering the affairs of these nations that is unnecessary and greater than is required, and that it involves an expenditure of money that is extravagant; that there are a large number of persons on the pay roll who ought not to be continued any longer. The gentleman is not specific in stating in what. respect there is extravagance or what number of persons are employed whose services can or ought to be dispensed with.

Mr. Chairman, the Committee on Indian Affairs is now constituted, so far as the majority of the committee is concerned, as a new committee with the exception of its distinguished chairman, Mr. Stephens of Texas, and I think it will be admitted that the members of the majority of the committee are not in a position to be familiar with the details as to what has transpired in the way of legislation pertaining to the Five Civilized Tribes, or how much money is necessary to be expended for a proper administration of their affairs, as would be the case if they had served on the committee for some years.

Mr. FERRIS. Will the gentleman yield?

Mr. BURKE of South Dakota. I trust the gentleman will not take up my time. I am not going to discredit the gentleman's ability to obtain knowledge, but I am going to show that the gentleman has not very much knowledge about this subject. These gentlemen, as I have stated, being new upon the committee, could hardly, it seems to me, advise the House very intelligently as to the details of this proposition without having had hearings upon the question. The gentleman from Oklahoma says that we did have hearings, and he refers to the printed hearings showing that the Commissioner of Indian Affairs was before the subcommittee, and by reference to the hearings it will be disclosed that no other person or official con-nected with the Indian Service appeared before the committee to discuss the affairs of the Five Civilized Tribes, and I do not think the gentleman will contend that anyone who had any think the gentleman will contend that anyone who had any information on the subject from any department appeared, except the commissioner, Mr. Valentine, and he showed himself clearly disqualified to give any information of any value, and I call attention to his statement before the subcommittee, when asked in relation to the matter, he said: "I can only speak in this matter for the Indian Office, as these affairs are not directly under me. They are carried on by the personal representatives of the Secretary of the Interior, who reports simply through my office to the Secretary." And he went on further through my office to the Secretary." And he went on further and said that he had no direct knowledge of the subject, and it is apparent that he was unable to give the committee any information. I want to call the particular attention of this committee to the fact that the commissioner in charge of affairs in Oklahoma, who has been in charge for a number of years, and a man who knows every detail pertaining to what has transpired for many years relative to the affairs of the Five Civilized Tribes, was not invited to appear before the committee, and did not, as a matter of fact, appear or give the committee any information whatsoever. My colleague on the committee from Minnesota, Mr. Miller, calls to my attention that the commisfor some reason the majority of the committee did not want any information, and the only reason that they could have had for not having the commissioner before the committee was that they knew that the facts would not sustain them in what is attempted by the proviso which has been made a part of this bill.

I want to ask the House if the question involved the expenditure of money in connection with the construction of the Panama Canal and the matter was being considered in a committee if Col. Goethals would not be summoned from Panama in order that he might advise the committee, but certainly if he was in the city the committee would not assume to act without consulting him and would not call some official from some bureau or department who had no direct knowledge of the

The report of the majority of the committee accompanying this bill asserts that by reason of there being a union agent at Muskogee as well as the Commissioner to the Five Civilized Tribes that there is a great duplication of work and, therefore, unnecessary expense is incurred, and the gentleman from Oklahoma mentioned this fact in his remarks on Saturday. I want to say there is nothing whatever to sustain the report of the committee or the statement of the gentleman in this respect, and for the purpose of disproving that there is any foundation for the statement I want to read a letter received recently from the Acting Secretary of the Interior, in which he refers to a report made by an inspector who went to Muskogee for the express purpose of inquiring and investigating this very question, and I may say that the investigation was made by Maj. James H. McLaughlin, who is probably the oldest and best-posted official in the Indian Service, having had more than 40 years of active experience in dealing with the Indian directly and with tribal affairs, and his report, therefore, can be accepted as conclusive on this question. The letter from the Acting Secretary of the Interior containing a reference to the report of Mr. McLaughlin is as follows:

DEPARTMENT OF THE INTERIOR, Washington, March 9, 1912.

Hon, Charles H. Burke,

House of Representatives.

Sir: The department is in receipt of your letter dated February 27, stating it has been asserted that there is a great duplication of work in connection with the Commissioner to the Five Civilized Tribes and the union agent, and requesting to be informed whether there has been any investigation by this department to ascertain whether or not there is any duplication of work and, if so, that a copy or extract of any report may be furnished your office touching this question.

Replying thereto, you are advised that it appears from the records of the department that Inspector James McLaughlin, in compliance with instructions, submitted a report under date of June 4, 1010, wherein he stated that he had spent three weeks inspecting and investigating affairs in Oklahoma in connection with the offices of the Commissioner to the Five Civilized Tribes and the superintendent, union agency, and reported that he found said offices well organized and the number of clerks employed appeared necessary and rendered satisfactory service. In connection therewith he further stated:

"I have inspected the different branches or divisions of both offices above mentioned and find that the work of the commissioner is confined to undivided property of these tribes up to and including allotratent, while the Union Agency has supervision of the affairs of the individual Indian after allotment.

"I find no duplication of work in these offices, except that communications between the superintendent of Union Agency and the Indian Office pass through the office of the commissioner to the Five Civilized Tribes for his indorsement; but no additional records are kept other than the mere noting, for reference, of the dates of such communications passing through the commissioner's office. The utmost harmony appears to exist between the two offices, and considering the peculiar complicated conditions of afairs here and the many conflicting interests involved, together with the fact that there are abou

Samuel Adams, Acting Secretary.

The gentleman from Oklahoma stated on Saturday-and I think has repeated the statement to-day—that during the fiscal year 1911 there was expended in connection with the affairs of the Five Civilized Tribes direct \$1,308,000, or thereabouts, and he gives the impression that this large amount was expended largely for expenses. I was somewhat supprised by world well. largely for expenses. I was somewhat surprised he would make the statement as to the amount, as he was aware that the Com-missioner of Indian Affairs had corrected the statement, reducing it to \$1,177,000, and I do not think the gentleman is fair in wanting to convey the impression that for whatever purpose the money was used it is greater than \$1,177,000. At the time I called his attention to a corrected statement furnished by the Commissioner of Indian Affairs, and read to him or allowed him to read the letter transmitting the statement, and for the information of the House I will read the letter, which is as follows.

DEPARTMENT OF THE INTERIOR, OFFICE OF INDIAN AFFAIRS, Washington, February 14, 1912.

Hon. Charles H. Burke, House of Representatives. SIR:

Regarding the statement of expenditures for the Five Civilized Tribes during the fiscal year 1911, furnished you informally January 25, 1912, it is found on further investigation that the sum of \$130,847.60 under the heading "Per capita payments" should be eliminated from that statement, as that amount was part of the sum paid in the equalization of allotments and is included in said statement under the heading "Support and civilization." A corrected analysis of expenditures for the fiscal year 1911 is transmitted herewith, as requested by you informally this morning, for the information of the committee.

Respectfully,

C. F. Hauge.

Respectfully. C. F. HAUKE, Second Assistant Commissioner. Statement showing total amount of moneys used during the fiscal year 1911 for the Five Civilized Tribes for all purposes, including tribal

	Equalization payment.	Salaries.	Attorney fees.	Support and civi- lization.	Total.
All tribes, from appro- priations. All tribes, from miscel- laneous receipts. Choctaw tribal funds. Chickasaw tribal funds. Creek tribal funds. Ceek tribal funds. Seminole tribal funds.	98, 135, 67 32, 711, 93 86, 183, 00	42,787.99 42,396.84	\$25, 132. 09 6, 382. 62 10, 523. 80 6, 789. 76	33,749.50 39,419.98	\$429, 431, 03 \$1, 860, 42 313, 959, 04 115, 632, 04 101, 340, 62 116, 338, 82 19, 271, 03
Total	229573.86	500, 447. 01	57,828.27	389, 983. 90	1,177,833.0

1"Equalizing allotments, Chickasaw Freedmen, Five Civilized Tribes," 1911 appropriation act.

The gentleman endeavored to impress upon the House that with the exception of about \$200,000 the \$1,308,000, as stated by him, was all expended for administration and that not a dollar of benefit went to the Indians except about \$400,000 collected for the tribe. Now, if I am not quoting him correctly as to his statement-

Mr. FERRIS. I do not want to interrupt the gentleman, but I will say that I stated this: That out of the \$1,308,000, as furnished us in the subcommittee, later amended by the figures that you secured, amounting to \$1,177,000, only about \$200,000 ever reached the Indians' pocketbooks if the gentleman is correct, and only \$130,000 if my figures are correct.

Mr. BURKE of South Dakota. And you make that statement now?

Mr. FERRIS. I make that statement now.

Mr. BURKE of South Dakota. Analyze this statement and see how much there is in the gentleman's contention. I wish to say that I have here a statement that was within a few days officially transmitted by the Secretary of the Interior to the Committee on Indian Affairs of the Senate, and it is a full and complete statement of all expenditures and disbursements made on account of the Five Civilized Tribes, covering four fiscal I will give to the House the benefit of these figures, not only for the fiscal year 1911, but for four years beginning with 1908. The statement follows:

Financial statement of all expenditures and disbursements made on account of the Five Civilized Tribes, covering the fiscal years 1908,

	1908	1909	1910	1911
EXPENDITURES FOR ADMINISTRA-				
Congressional appropriations: "Administration, Five Tribes"—				
By Commissioner Five Tribes	\$162,540.05 123,613.38	\$139,608.64 142,804.25	\$134,721.76 138,554.55	\$85,510.87 145,706.78
By claims through Indian Office	5,667.93	8,039.63	7, 536. 75	9, 284. 98
Total	291, 821. 36	290, 452, 52	280, 813. 06	240, 502, 63
Other appropriations by Congress— For district agents ¹ For industrial work (expert farmers) ² For pay of Indian police ² . For rent of buildings ²	8,093.33	93,799.91 7,786.66 5,160.00	80, 377, 10 129, 40 8, 857, 31 6, 596, 16	80, 479, 06 8, 404, 03 8, 500, 94 7, 916, 16
Total	13, 193. 33	106,746.57	95, 959, 97	114,300.24
Total from congressional appropriations.	305,014.69	397, 199. 09	376, 773. 03	354, 802. 87

District agency service was first organized, commencing July 1, 1908. Increase explained by addition of force of expert farmers for industrial and agricultural work among and protecting interests of the full-blood and restricted Indians.
 Expended from general appropriations for Indian service.

Financial statement of all expenditures and disbursements made on

	1908	1909	1910	1911
EXPENDITURES FOR ADMINISTRA-				
TION—continued.		Y to let		
Tribal funds: Salaries and expenses Gov-				
ernment employees on ac- count tribal collections and				
investigation of and pay-				
ment of outstanding tribal claims, authorized by sec. 11,				
Supervisor of Mines, formerly	1\$10,397.59	2\$31,293.79	3\$14,112.67	4 \$5 , 803. 15
United States mine inspec-				
tor for Indian Territory, retained during 1908 and				
1909, after statehood, at request of tribes		3,338.08	2, 271. 25	
Paid from miscellaneous receipts, not congressional or tribal				
funds, being fees charged for cer- tifled copies of records, etc., and				
expenses of preparation paid				
from such proceeds, as authorized by sec. 8, act of Apr. 26, 1906.	9,998.75	12,827.66	12,521.14	17,985.40
schools.				
Cost of support of schools, Five Civilized Tribes:				7-11
Paid from congressional funds.		238, 696, 34	106, 861. 97	62,147.13 63,875.02
Paid from surplus court fees Paid from tribal funds	41,911.86 414,724.13	3,796.00 339,506.56	14,086.83 291,116.98	245, 487. 64
Total	743, 304. 51	581,998.90	412,065.78	371,509.79
DISBURSEMENTS FOR SPECIAL AND OTHER PURPOSES.				
Congressional appropriations				
(other appropriations by Congress):				
For care of insane, \$35,000, ap-				
propriated by act approved Mar. 1, 1907	29,338.73	£02,09		
Suppression of smallpox, by act approved Mar. 1, 1907,				
\$10,000 Copying allotment records for	1,079.71			
State of Oklahoma, author- ized by act of May 27, 1908,				
appropriating \$15,000		14,655.05		
Equalizing Chickasaw freed- men allotments, authorized				
by act of Apr. 4, 1910 Tribal funds:				12,543.26
Salaries and expenses— Tribal officers	69,775,90	62,049.35	59,039.95	40, 279, 13
Tribal attorneys	69,775.90 27,538.51 41,388.75	66, 405. 03 36, 085. 93	40,467.67	40,279.13 54,130.82 1,464.80
Payment of old outstanding warrants and claims, au-	41,000.10	30,000.00	.5, 408. 20	1,101.00
thorized by act of June 21,	White the second second	une suettre vasa		
Thorized by act of June 21, 1906, sec 11. Court costs, litigation, etc., authorized by act of Apr. 26,	78,073.53	138, 028.11	284.58	
	10,044.34	8,747.41	6,791.30	4,580.64
Special damages to Indians	20,021.01	0,131.31	0,101.00	4,000.02
for improvements on town sites, authorized by acts of				
July 1, 1902, and June 30, 1909	1,012.61	344.10	217.88	174.63
Paid Indians for improve- ments on segregated coal				
land, authorized by Choc- taw-Chickasaw agreement,				
July 1, 1902, sec. 58	198, 452.70	65,329.10	6,635.75	405.00
Per capita payments 5 Expense of making per capita	114, 150. 60	479, 092. 40	74,749.65	12, 260. 43
payments, required by acts of June 28, 1908, and May				
28, 1904. Explorations and drilling coal		5, 443. 88		
lands, authorized by act	3			
June 21, 1906, appropriating \$50,000, reimbursable from	-	20.00	The second	
tribal funds	30, 681. 42	17,972.05	595.86	.2
acres of Choctaw timber- lands, authorized by general			THE PLANT	
deficiency act Mar. 4, 1911,	- 3	- 1	1	29, 824, 23
Rent of storerooms for tribal		***********		20,824.23
records turned over to de- partment from tribes, as re-	1			
quired by law		£50.00	362.30	
town sites on coal lands, authorized by act May 27,				
1908, sec. 7	bed to	8.112.28	2,454,42	7,779.07

1 Expended in collecting \$771,611.81, costing 51+ per cent.

2 Expended in collecting \$510,340.57, costing 71+ per cent.

2 Expended in collecting \$520,122.80, costing 71+ per cent.

4 Expended in collecting \$520,122.80, costing 71+ per cent.

4 Expended in collecting \$2,053,796.96, costing 71- per cent.

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4 Expended in collecting \$2,053,796.96, costing 71- per cent.

5 Increase a collected \$1,572,966.22. Tribal expenses authorized act Mar. 3, 1911, and includes \$3,408 paid tribal representatives attending sales.)

5 These payments embrace a per capita payment to each of the following: \$20 and \$28 to Seminoles; \$20 to Choctaws and Chickasaws. Also remnants of previous payments of various amounts to loyal Creeks and to Cherokees on account of outlet payment, and remnants to Delawares of \$102.55 each and Choctaws and Chickasaws of \$35 and \$40 each.

Financial statement of all expenditures and disbursements made on account of the Five Civilized Tribes, etc.—Continued.

	1908	1909	1910	1911
DISBURSEMENTS FOR SPECIAL AND OTHER PURPOSES—continued.				
Tribal funds—Continued. Construction of sidewalks around tribal capitol buildings. Equalization of allotments, payment authorized by acts Apr. 26, 1906, and Mar.		\$1,299.52	\$7,122.31	
3, 1909			211,913.50	1217, 140. 60
1908. Payment to Cherokee intermarried whites, authorized		7,388.94		
by act May 27, 1908 Public-road damages, authorized by act Apr. 26, 1906,			69,051.21	
sec. 24. Taxes on town lots declared forfeited		2.50	30.00	313. 41
Refunds on account of errone- ous collections.	\$576.07	7.061.82	1.447.19	9,201.61
Refunds on account of reap- praisement of town lots, au-	90,10.01	7,002.52	1,440.10	8,201.01
thorized by act May 29, 1908. Preparing roll of deceased Seminole Indians and as-	**********	21,920.12		
eertaining and locating heirs upon request of tribe			2,258.16	

By referring to the disbursements for the year 1911, I want to call attention to the fact that only a little over \$400,000 of moneys appropriated by Congress and tribal moneys were expended for administration purposes; \$217,030.60 was paid in equalizing allotments and went directly to the Indians. The statement also shows that there was a per capita payment to the Indians of \$12,543.26, and that there was paid out for education \$371,509.79. You will notice that the proviso does not propose to discontinue the expenditure of money for education. In other words, no exception is taken to the expenditure of \$371,509.79. Of the amount expended from appropriations by Congress, \$29,824.28 was expended in appraising the timber lands belonging to the Indians, and was from an appropriation of \$30,000 carried in the deficiency bill for 1911, and came from the Appropriation Committee, the Indian Committee having nothing to do with it. It is not an annual charge. The timber land belonging to the Choctaw and Chickasaw Nations comprise \$1,279,000 acres and was appraised at \$3,500,000, adding over \$1,000,000 to former appraisement. The whole amount of tribal funds expended by the commissioner and the union agent during 1911, as shown by the statement, is \$55.803.15, which was expended in collecting approximately \$480,000, thereby adding that amount to the tribal revenues; \$111,000 of the amount so col-lected was rent of unallotted lands and rents collected for the surface of the segregated coal and asphalt lands, and the amount would not have been collected if it had not been for this expenditure. The expenditure was also used in the investigation of various claims, and covered the cost of advertising the sale of 949,180 acres of land which sold for the aggregate amount of \$6,250,831.68, part of the expenditure being to pay the expenses of a representative of the tribe who was present and representing the Indians at each sale. The expenditure of the \$55,803.15 was specifically authorized by Congress. The \$17,985.40 expended, as shown by the statement, was not spent from either congressional appropriation or tribal funds, but was realized from fees charged for certified copies of records, and expended from such proceeds for the purpose of preparing such records and certified copies, and is authorized by the law to be so expended. In other words, not one dollar was expended without authority of law, and every expenditure had to be approved by the Secretary of the Interior and audited through the Treasury. The moneys expended for salaries and expenses of tribal officers can not be charged, and should not be, to the expense of administration, and it can not be claimed that the Government does more than to supervise such expenditures.

Mr. CARTER. Mr. Chairman, will the gentleman yield for just a short question?

The CHAIRMAN. Does the gentleman from South Dakota yield to the gentleman from Oklahoma? Mr. BURKE of South Dakota. Yes.

Mr. CARTER. I wanted to ask the gentleman if it is not a fact that no tribal funds can be paid out except upon approval by the President.

Mr. BURKE of South Dakota. All tribal acts appropriating money under the law must be approved by the President. The Government supervises the expenditures. In 1906, and if I am not correct in the date the gentleman from Oklahoma will cor-

rect me, Congress provided, and I think in accordance with an agreement made with the tribes, that expenditures thereafter should only be made upon acts submitted to the President of the United States for his approval and that the Government should supervise the payment and that all tribal warrants would have to be submitted to the commissioner and the department for approval. The statement has been made that there was no great amount of expense connected with the Five Tribes when they were under their own government. My recollection, Mr. Chairman, is that there was such a condition of grafting and extravagance that it became necessary to put some restriction upon it and that after the Government took charge of the fiscal affairs of the tribes it was found that there were outstanding tribal warrants amounting to hundreds of thousands of dollarsthing like \$800,009—issued by the Cherokee Nation alone. When the Gore committee was in Oklahoma, in August, 1910, we dis-covered that there had been a duplication of warrants issued by some of the natious aggregating a very large amount and that it was almost impossible to determine how much had been issued in warrants that were fraudulent and without any considera-tion. In other words, until the Federal Government stepped in and exercised control of their fiscal affairs the conditions were intolerable.

The statement that I have submitted and to which I have referred shows that there was expended during 1911 for salaries and expenses of the tribal officers \$40,279.18. This was to pay the salaries and expenses of a governor, or principal chief, in each of the five tribes; a secretary to the governor; two coal commissioners in the Choctaw and Chickasaw Nations, which represent the tribes to see that royalties are collected; and of the other different tribal officers who are employed in connection with the tribal government, and is not an expenditure of the United States at all. It was guaranteed by the Government, as the gentleman will admit, that these tribal governments should be continued until the tribal properties were disposed of and the proceeds distributed, and tribal governments could not be maintained without having certain officials and incurring some expense, and, considering the number of persons comprising the Five Civilized Tribes and the great value of their estate, I do not consider the amount expended as excessive. I understand one of the duties of the governors is to execute deeds for lands that are disposed of.

The statement will show that there was paid out to attorneys during the fiscal year of tribal moneys \$54,130.82. This amount was paid to attorneys under contract and included salaries and expenses. When the so-called Gore committee was in Oklahoma investigating Indian contracts it carefully inquired into each contract made with the several tribes, and I want to quote briefly what the report says regarding these contracts:

The tribes mentioned in the contracts referred to have large and valuable property, and there are many questions constantly arising relative to their affairs which require the services of attorneys, and in the opinion of the committee, notwithstanding the obligation of the Government to administer their affairs and finally dispose of their estates, they should be permitted to have the aid of counsel of their contradaction. estates, they own selection.

The committee found that the contracts under which there was expended for salaries and expenses \$54,130 were all reputable attorneys, and that the services were necessary and were being performed, with the exception of one contract, and after the report of the committee was made public that contract was discontinued, reducing the annual expense about \$13,000. committee concluded its report with a statement that these contracts, except one, were proper and necessary for the protection of the property and the rights of those comprising the Five Tribes.

Mr. MURDOCK. Mr. Chairman, will the gentleman yield for a question?

The CHAIRMAN. Does the gentleman from South Dakota yield to the gentleman from Kansas?

Mr. BURKE of South Dakota. Certainly,

Mr. MURDOCK. The gentleman says that within the last year an expenditure of \$54,000 was made to attorneys? Mr. BURKE of South Dakota. Yes, sir.

Mr. MURDOCK. Did Congress pass upon that \$54,000? Mr. BURKE of South Dakota. Congress only passed upon it in this way. I have not the time to quote the law, but it provided that contracts might be made subject to approval by the Secretary of the Interior or the President. As a result of our investigation of Indian contracts we incorporated in the Indian appropriation bill, approved March 3, 1911, the following provision:

That tribal confracts which are necessary to the administration of the affairs of the Choctaw and Chickasaw Tribes of Indians may be made by the Secretary of the Interior: Provided, That contracts for professional legal services of attorneys may be made by the tribes for a stipulated amount and period, in no case exceeding one year in dura-

tion and \$5,000 per annum in amount, with reasonable and necessary expenses to be approved and paid under the direction of the Secretary of the Interior, but such contracts for legal services shall not be of any validity until approved by the President.

Of course, since that law was enacted no contract could be made at an annual compensation greater than \$5,000, with reasonable and necessary expenses, and I believe there are now contracts with each of the five tribes, all with reputable law-It is absolutely necessary that they have attorneys, as they have much litigation. The attorney for the Cherokee Nation has appeared for his tribe in a number of cases in the Supreme Court of the United States, and attorneys for other nations have also appeared in that court representing their respective nations. This is not an expenditure that is a charge upon the Treasury of the United States.

Mr. MURDOCK. That comes out of the tribal funds and is

approved by the Secretary of the Interior.

Mr. BURKE of South Dakota. Yes; that comes out of the tribal fund and is approved by the Secretary of the Interior and the President of the United States.

Mr. MURDOCK. There is no specific appropriation?

Mr. BURKE of South Dakota. No; there is no specific ap-

propriation.

Mr. McGUIRE of Oklahoma. The gentleman stated that there was one contract that the committee thought provided for an exorbitant fee for salary. What contract was that?

Mr. BURKE of South Dakota. The gentleman can refer to

the report of the Gore investigating committee, and he will find what contract is referred to. It is a fact that there was one of these contracts

Mr. McGUIRE of Oklahoma. That contract has been discontinued.

Mr. BURKE of South Dakota. That contract has been discontinued.

Mr. McGUIRE of Oklahoma. And that contract was for

\$12,000 a year.

Mr. BURKE of South Dakota. Yes. It also provided for expenses.

Mr. McGUIRE of Oklahoma. And the committee regarded it as exorbitant and recommended that it be discontinued, and it

has been discontinued.

Mr. BURKE of South Dakota. Yes. Now, my time is running and I must conclude what I have to say. My contention is that these Indians are entitled to have attorneys; that there are people in Oklahoma—and I do not mean all of the people are that way-who would like to take away from these Indians every vestige of protection that they have and leave them to every vestige of protection that they have and leave them to their tender mercies, and this, in my opinion, is responsible for the proviso which proposes to discontinue expenditures, but I do not mean by this to imply that the gentlemen from Oklahoma are intentionally actuated by any such motive or purpose, and the same is true with reference to the elimination of the appropriation that has heretofore been carried to provide for employment of certain district agents, and a part of my amendment is to restore that item and provide an appropriation for the district agents.

Before I discuss that part of the amendment I want to say a word about what was accomplished during 1911 by the Commissioner to the Five Civilized Tribes and the Union agent and how much benefit was derived from the money expended. My friend from Oklahoma, Mr. Ferris, has stated that only about \$400,000 went to the Indians. At this point I want to say that the Commissioner to the Five Civilized Tribes is the agent of the Government who is discharging the trust of settling the affairs of the several nations and that his office deals only with the tribes and has nothing to do with individual Indians other than to inspect and generally supervise the work of the Union Agency and see that instructions of the department are carried out. The Union agent supervises the affairs of the individual Indians and the district agents work under him. During the fiscal year 1911 there was collected for the tribes from all sources \$480,830.74, which went into the Treasury to their credit. There was received from tribal sales of unallotted lands sold during the year \$1,572,966.22 in cash.

Since November, 1910, there has been sold 16,425 tracts of land aggregating 949,180 acres, sold for \$6,250,831.68, of which there was paid in cash one-fourth. These lands sold at an average price of \$6.58 per acre. They were sold at auction, terms one-fourth cash, one-fourth payable in one year, and the balance in two years, with 6 per cent interest. At the solicitation of Oklahoma Members of Congress the department has authorized extensions of payments as investigation warrants and this has required a large amount of correspondence and detail, as can be

imagined.

There are yet remaining to be sold 11,115 tracts, aggregating 817,228 acres, and also 1,279,000 acres of timberlands, which timberlands have been appraised at \$3,500,000. The unallotted lands are intermingled with allotted lands, scattered throughout the territory comprising the Five Tribes, and the work of separating same, tabulating descriptions, preparing maps showing the location of each tract, printing lists with descriptions for each sale, replying to letters of inquiry, furnishing desired information, selling lands at aucton, recording sales, issuing receipts to purchasers for 25 per cent paid at the time of sale, and thereafter opening ledger accounts for each tract and purchaser, receiving remittances as due, together with computing interest thereon, issuing certificates of purchase after approval of each sale, and finally preparing deeds to purchasers, having same approved by the proper tribal officers and the department, and recording and delivering same is all of an exacting character, and must also be finally noted on all of the various township allotment plats and checked to insure accuracy and prevent confusion thereafter in land titles.

The Union agent has supervision of the affairs of the restricted individual Indians, and they number about 35,000. To give some idea of the amount of business transacted by his office, I will say that during the fiscal year ended June 30, 1911, the agency received \$2,698,376 and disbursed \$2,273,546. It received 73,433 letters and 49,904 vouchers, circulars, and so forth. It mailed out 151,936 letters and about 47,940 vouchers. There were 1,378 individual Indian leases filed-1,110 oil and gas and 268 agricultural and miscellaneous—during the year, against 1,661 the previous year. There were on June 30, 1911, 8,596 individual Indian accounts on the books of the agency, of which there are at present deposited in 52 national banks 3,637 accounts, aggregating \$1,170,259.72. The amount of rent and royalty on oil and gas during the year paid to Union agent for individual Indians and handled through the agency amounted to \$1,365,826.52. There were 1,162 separate matters requiring field investigation in connection with oil and gas leases. It is estimated the number of oil wells drilled in the lands of the individual Indians of the Five Tribes during the year aggregated 3,640, and the oil marketed aggregated 41,053,000 barrels, of which about 19,000,000 barrels was from lands of Indians under departmental leases, the royalty on which aggregated about \$833,000. The price of oil June 30, 1911, was 48 cents, which has since advanced to 60 cents at the present time. There were 1,393 applications for removal of restrictions on alienation of restricted Indian allotments during the year.

Since May 27, 1908, restrictions have been removed from such class to the extent of 131,937 acres conditionally, the money realized therefrom being handled and disbursed to Indians for improvements under supervision of the agency from time to time; and restrictions from 93,573 acres were unconditionally removed, whereby Indians were permitted to dispose of same without supervision, making a total of 225,510 acres of land allotted to restricted Indians, allenated since May 27, 1908, the date of the restrictions act. Three hundred and sixty-eight petitions for approval of deeds executed by full-blood heirs of deceased allottees who had died prior to May 27 were made during the year, and there was collected as additional consideration to amount approved by probate courts, \$66,284.52, making a total of 718 such deeds approved by the department since May 27, 1908, and a total additional amount realized of \$94,938.28. In addition thereto 871 tracts of land sold belonging to individual Indians, aggregating 67,790.47 acres, consideration \$674,730.71. Land sold for \$74,498.79 above the appraised price. During the last four months of the fiscal year 88 houses and 22 barns were built for Indians.

I wish to call particular attention to the large amount of business done by the union agent, and that it involves oil and gas leases and the supervision of the expenditure of a large amount of money belonging to these incompetent Indians, which may suggest that possibly there is some motive in trying to withdraw the protecting hand of the Government from supervising their affairs other than their best interests. 16 district agents who work under the union agent, and each have under their supervision about 6,000 citizens, over 2,000 being within the restricted class.

Mr. FERRIS. Will the gentleman yield? Mr. BURKE of South Dakota. I have very little time.

The gentleman is aware that we appropriate \$150,000 for that agency, and that that will employ 60 people at \$2,500 a year.

Mr. BURKE of South Dakota. The gentleman from Minnesota [Mr. Miller] has shown to the gentleman from Oklahoma [Mr. Ferris] that under the law which was passed in 1911 the proceeds from the sale of these tribal unallotted lands may be deposited in the banks of Oklahoma, and that there is to-day deposited in 94 banks \$2,500,000, which is drawing from 4 to 6 per cent interest. There is also on deposit something like

\$1,500,000 belonging to individual Indians in 52 banks, supervised by the union agency and to some extent under the supervision of these district agents.

Now, does the gentleman think they can continue that sort of business and take away these representatives of the Government and leave it to you people in Oklahoma to see that the Indian funds are not dissipated? You might as well take the bars from the Treasury of the United States and withdraw the guards, open the vaults, and say to the people of Washington "Look out for the funds of the United States that are on de-

posit in the Treasury."

Mr. FERRIS. If the gentleman will allow me to answer the question which he has asked, the district agent has no more to do with the bank deposits than a prairie dog has to do with the solar system. The district agents do not even come within gunshot of it. That is not a part of their duties at all, and never was

Mr. BURKE of South Dakota. The gentleman is mistaken there, as in many other particulars, for the district agents certainly do furnish the union agent with information relative to the banks that may apply for Indian funds and are used from time to time to get information in connection with banks where individual funds are deposited whenever the union agent may desire it.

I find that I have used more time than I intended and I must omit discussing some questions that I had intended to talk about; but I want to summarize what I have stated and will say that as a result of the moneys expended during 1911 there was received for the Indians—the tribes as a whole and individual Indians—the following amounts:

	\$480, 830, 74 1, 572, 966, 22 1, 365, 826, 52 674, 730, 71
--	--

Total ____ __ 4, 094, 354, 19

There has been allotted to the Indians of the Five Civilized Tribes 15,945,260.12 acres, at a cost per capita of \$27.58 to each of the 101,227 citizens allotted, which is much less than the average cost of making allotments.

The annual tribal income from all sources belonging to the tribes from interest account, rental account, and royalties will now aggregate about \$600,000. This has nothing to do with moneys collected and received on account of individual Indians. The gentlemen from Oklahoma object to the United States taking from the moneys received the cost of collection. I may say, Mr. Chairman, that I had something to do with the pro-vision referred to by the gentleman from Minnesota that au-thorizes the expense of selling the lands being deducted from the proceeds, and it was my purpose that so long as there was no obligation resting on the United States to perform that service without charge that the cost of the collection and sale should be deducted from the proceeds. I may say that I insisted just as strongly on paying every dollar of the expense of administration when there is an obligation resting upon the United States to do so

Mr. Chairman, I think it will be admitted that the value of the property of the Five Civilized Tribes is not less than \$30,000,000. While it has been estimated all the way from \$20,000,000 to \$4,000,000,000, I do not think any gentleman will question but that \$30,000,000 is a conservative and reasonable estimate of the value of this estate. This is a big proposition, but so is the construction of the Panama Canal. The gentleman from Oklahoma [Mr. Ferris] makes much of the statement that there are 211 employees under one roof. There are more than 211 employees in the Census Office, more than that in the Post Office, more than that in the Treasury Department, more than that in the War Department. The question I want some gentleman to point out to me is, What particular number of that gentleman to point out to me is, What particular number of that number can be discontinued without injury to the service? There is not a suggestion that all of them are not needed, but simply because we have 211 employees it is too many.

Mr. CARTER. Will the gentleman yield?

Mr. BURKE of South Dakota. My time is very short.

Mr. CARTER. I want to ask the gentleman how he can determine that unless the expenditures are brought before Congress and Congress is given some supervision of the matter?

Mr. BURKE of South Dakota. Before enacting such drastic legislation as you propose, my position is that there ought to be

legislation as you propose, my position is that there ought to be an opportunity so that these estimates can be submitted, so that Congress, if it is going to pass upon it, can pass upon it intelligently and not do it arbitrarily and absolutely stop the wheels of administering the affairs of the Five Civilized Tribes. I had supposed that these gentlemen were anxious to close up the affairs and yet sight on the eye of the time when the belonger of affairs, and yet right on the eve of the time when the balance of the property is to be disposed of and the final distribution made

they propose this proposition that will be such a handicap that the final settlement will be deferred for a considerable time, and I want to serve notice upon them that they will be responsible

for the delay.

Mr. Chairman, I have talked longer than I ought to have talked, but before concluding I must refer briefly to another subject, and that is in regard to these district agents. These district agents that I propose to reinstate are paid for by the appropriation made by the Government, an appropriation provided for first in 1908, and they have to do with these restricted Indians, about 35,000 in number, the real Indians, that belong to the Five Civilized Tribes. They supervise their affairs. They advise them in relation to the expenditure of their money. gentleman from Oklahoma [Mr. DAVENPORT] made the statement before the subcommittee that he does not propose to have any representative of the Federal Government in his State dictating as to where an Indian shall buy this or buy that.

Mr. DAVENPORT. I said so far as I could prevent it. Mr. BURKE of South Dakota. I accept the qualification. Mr. Chairman, that condition prevails in every part of the United States where there are Indians. Our white friends in Oklahoma are protesting against the fact that the Federal Government is in some way preventing them from getting what the

Indian possesses. That is the proposition. The gentleman said—and I think I asked him the question if he had a ward and the ward wanted to buy a horse and he as his guardian thought he would let him have the horse, or if he wanted to buy a suit of clothes and he thought he ought to have a suit of clothes—that he would give him the money and he would say, "Go and buy where you choose." My position is that these restricted Indians, with these great sums of money, should be guarded, should be protected. Pass the proposition that is pending before this House to-day and it will be followed, my friends, by a chapter of infamy in Indian history that has never yet been approached during the history of this Government, and Congress will be responsible. I want to say that wherever there has been scandal in connection with the administration of Indian affairs, in most instances you will find that the fault primarily lies with the Congress itself. I say let us not make it possible for scandal to happen in Oklahoma in connection with the Five Civilized Tribes. Does any gentleman question any act that has ever been performed by the present administration? Is there any suggestion of mal-fensance? Is there any suggestion of fraud? Is there any sug-gestion that the Indian has not gotten his due? On the con-trary, it is an administration that I think can not be criticized or questioned by any man.

Mr. CARTER. Mr. Chairman, the gentleman is very much mistaken about that.

Mr. BURKE of South Dakota. . Mr. Chairman, I have not the

time to yield.

Mr. MANN. When the gentleman is telling the truth it hurts.
Mr. BURKE of South Dakota. The present commissioner of
the Five Tribes is a man of the highest character, possessed of great business and executive ability, and has been in charge of the affairs since the Dawes Commission was discontinued; he has been connected with the Indian service in the field and employed in responsible positions for the past 29 years, and since 1898 has represented the Secretary of the Interior in the Five Tribes, and during his whole service not one word or suggestion has ever been uttered against his personal character or against his administration. What I have said of the commissioner I can say of the union agent. He is a most faithful and painstaking official and has also been in the Indian service in different capacities in the field for the past 18 years and in the Five Tribes since 1899, and is devoted to his work and particularly solicitous about the welfare of the restricted and full-blood Indians under his care. I am going to give you something now that will make you think for a moment what is back of this attempt to change conditions in Oklahoma-ostensibly done in the interest of economy, ostensibly to stop extravagance, based upon general charges; but let us see what we find down in Oklahoma. When this item of doing away with the district agents was decided by the subcommittee the friends of our distinguished friends from Oklahoma got busy and sent the news to their State and it got into the papers, and under date of February 24 this dispatch from Washington was published: WASHINGTON, February 25.

Washington, February 23.

When Representative Scott Ferris termed Oklahoma's 16 district Indian agents "political smellers, misfits, without authority, and men who should hunt for another job," he sounded their official death knell, it is believed.

When the Indian appropriation bill goes to Congress from the House Indian Affairs Committee no funds will be provided for the perpetuation of these jobs. Representative Ferris estimates that the elimination of the officials from Uncle Sam's pay roll will help the Treasury Department \$100,000 and at the same time greatly please people all over the State, who cordially dislike the activities of these men.

The Indian appropriation bill, on which the members of the subcommittee, including Representative Ferris. have been working for several weeks, has just been completed and it is in the nature of a bombshell for the Indian Office of the Department of Interior and its hangers on who have been holding down soft berths in the service.

Representative Ferris, in urging the discontinuation of the district Indian agents, gave 10 reasons why their offices should be abolished, and his cohorts on the Indian Affairs Committee agreed.

AGENTS NOT NEEDED.

He said: "There no longer exists any necessity for them, since conditions in the new State are thoroughly settled. They have no final or complete jurisdiction or power to do any single act. Our courts are equal in integrity with the courts of any State. The Five Tribe Indians are superior in intelligence to any Indians in the United States, and district agents are not maintained in any other tribe. They merely add one link to the now too long circuit of red tape in the transaction of Indian business. They inflict minute and troublesome supervision over competent Indians who are rendered more dependent than independent as a result thereof.

"District agents were discontinued two years ago on the west side of the State, where the incompetent Indians live. There is no reason for their continuance on the east side.

"Our State resents the reflection on our State of forcing supervision on us that does not prevail in any other State. Oklahoma is no longer an orphan.

on us that does not prevail in any other State. Oklahoma is no longer an orphan.

"These agents are not selected by reason of any knowledge of law or Indians, merely political smelling agents.

"They are misfits without authority or power to do anything, and ought to hunt another job."

CARTER ADDS STINGER.

CARTER ADDS STINGER.

The chief cause of concern to the Indian Office, however, is Representative Carter's accepted amendment, which has the hearty sanction of every member of the Oklahoma delegation, Republicans and Democrats alike, forcing the Indian Office to make specific requests for funds in carrying on its activities each year. This forces publicity as to just what channels the funds of the Indians are directed, something which heretofore has been impossible to get without great difficulty.

This plan also means the abolishment of one of the high-salaried positions of officials for the Five Civilized Tribes. It is declared by friends of economy that the work of J. G. Wright, commisioner of the Five Tribes, and Dana H. Kelsey, superintendent of the Union Agency, overlaps, and that when this is definitely shown one of the positions will be cut off and the work of supervision of the Five Tribes will be placed in fewer hands. A number of lesser employees in the Indian service in Oklahoma also will have to go, it is declared.

It is declared that a great amount of Indian money is spent in unnecessary salaries and positions in the Indian service, and the Republicans are thus able to strengthen their political machine.

Then, I find that that article was reproduced and sent generally throughout the State of Oklahoma in a letter, and I have several of them here, but I am going to read only one of them, because they are all alike. It was a letter sent out in the interest of these dear, poor, suffering Indians upon the station-

And More Commercial Club, and is as follows:

And More Commercial Club,
Ardmore, Okla., February 5, 1912.

Dear Sir: Inclosed find clipping from yesterday's Oklahoman. If you are of the same opinion as our congressional delegation seems to be, write three letters at once—one to Congressmen Charles D. Canter and Scott Ferris, thanking them and telling them the sentiment in this respect in your community, and one to Senator Owen, urging that he sees to it that the action of the House of Representatives be sustained in the Senate. Speak to others and have them to do likewise. No time should be lost.

Yours, truly,

Mr. Chairman, it.

Mr. Chairman, it will be recalled that we had before us not very long ago a bill for the sale of the segregated lands, which bill provided for the sale of the surface. When that bill was brought into the House it contained a provision that the McAlester Country Club have the privilege of purchasing the land that it occupied at the appraised valuation-about 160 acres. These guardians of the people, the gentlemen from Oklahoma, overlooked the fact that nearly \$100,000 in rentals were being received annually from people who were occupying the segregated lands, many of them with valuable improvements, and yet there was no suggestion that they have the privilege of buying the land upon which they had lived for many years by paying the appraised price. However, in the case of the McAlester Country Club they were more solicitous. Evidently they are influenced and concerned more by following the suggestions of commercial and country clubs than they are in looking after the interests of the Indians and the common people of Oklahoma.

I want to quote, now, two or three newspaper articles-and I have them here in large numbers-from the papers of both parties, published in Oklahoma. Speaking of the proposed discontinuance of the district agent, the Vinita Weekly Journal, of Vinita, Okla., March 1, 1912—I do not know its politics—

DISTRICT INDIAN AGENTS.

According to press reports sent out from Washington, there seems to be a disposition on the part of Congress to discontinue the district agents of the Five Civilized Tribes. Should this be done, the field will then be open and very inviting for the grafter and those who prey upon the defenseless Indian. They would soon be without allotments, and every vestige of support would be wrested from them.

The full bloods, who have depended upon the protection of the Government and are now well along in years, would become objects of charity, and their last days would be robbed of that quiet, peaceful ending in life, and their children would grow up to be blind and dependent upon, in many instances, a guardian who has assumed to care

for them from a charitable standpoint, when back of it all it is for their own benefit.

While the present probate judges of the various counties are doing all in their power to protect these minors, we learn from the judges that the assistance along this line that the district agent and his help gives can not be overestimated.

The district agent and the county judge have acted in absolute harmony, and the best of feeling prevails, and to discontinue this work means for the Government at this time to withdraw its support from those whose unbounded duty it should be to protect. And were Congress as familiar with conditions as the writer of this article, instead of withholding this appropriation they would increase it, that the district agent might more successfully prosecute his work and defend the defenseless and the full blood who so fully confide in the work and protection that the district agent affords them.

Mr. DAVENPORT. Mr. Chairman, will the gentleman yield.

Mr. DAVENPORT. Mr. Chairman, will the gentleman yield there? I want to say to him that the Vinita Weekly Journal is a

Republican paper.

Mr. BURKE of South Dakota. Mr. Chairman, if the gentleman wants it from Democratic papers, I can accommodate him. I refer him to the Vinita Chieftain of February 27, 1912, which I understand is a Democratic paper, and it says:

understand is a Democratic paper, and it says:

The proposition to discontinue the local Indian agencies in eastern Oklahoma is, in the opinion of the Chieftain, premature and ill advised. This view may be at variance with the sentiment of those who are anxious to terminate the rule of the Interior Department over the Indians of Oklahoma, but a close study of the situation and a familiar knowledge of the condition of the full-blood Indians of eastern Oklahoma leads us to believe these agencies should remain for the present. Our full-blood Indians are the most helpless class of citizens in Oklahoma, and the most prone to waste their substance and neglect their opportunities. Maj. Cusey, the local agent at Vinita, is doing a good work among the full-blood Indians of this section. They trust him and their confidence is not misplaced. His advice and supervision is saving them money and putting many of them on the road to self-support. These people are not able to take their place in the rough-and-tumble struggle of the business and industrial world just yet, and would be an easy prey to the grafters and land sharks.

I will also quote from the McAlester News-Capital of Febru-

I will also quote from the McAlester News-Capital of February 28. I presume the gentleman will say it is a Republican paper, although I can hardly see what difference it makes as to the politics of a newspaper in discussing a question of this kind:

[From the McAlester (Okla.) News-Capital.] The News-Capital has been investigating as to who are chiefly inter ested in the abolition of the district Indian agent system, and it hasn't found a grafter yet who was not whooping it for abolition, although many other people have been misled into joining them. If some of the Indian agents have been recreant, those abuses should be corrected; but we insist that the probate machinery of the State courts is not able to handle the amount of minor Indian land now in eastern Oklohome.

The following from the Nowata Daily Advertiser of Feb-

ruary 26:

[From the Nowata (Okla.) Daily Advertiser, Monday, Feb. 26, 1912.]

The existence of the Indian agency is purely a business proposition with the Government. It was needed when it was created, and is needed now more than it was needed when created. For now, the whites, aggressive and awake to every opportunity and ready to take every advantage presented them, have full knowledge of the Indian's childlike qualities when it comes to considering the value of a dollar, and it would be but a few months until every Indian would be shorn of his properties.

The Indian agency is of the ounce-of-prevention sort, and were they wiped out of existence, regardless of harping to the contrary, the pound of cure resulting would cost the people a pretty penny.

I have a number of other clippings from newspapers in Oklahoma, both Democratic and Republican. I also have a statement from William H. Murray, a prominent Democratic citizen of Oklahoma, president of the constitutional convention. It seems that the gentleman from Oklahoma [Mr. Ferris] sent him a telegram, as he did to many others, with reference to discontinuing the district agents, and Mr. Murray answered him as follows

Abolition of district agents would be a fatal mistake so long as department supervises sale of Indian lands. District agents, who can get information first hand, should be continued. They protect both Indian and white purchasers. Moreover, transfers are made quicker and more certain than if directly made through Washington office, which naturally thinks us all grafters. District agents can discern the honest purchaser. Robbing of either Indian or white man is wrong.

I have letters from 40 probate or county judges in Oklahoma, from all of the tribal officers, a number of district judges, a number of district attorneys, and many other State officials, and from the very best people in Oklahoma, all protesting against what they believe to be a mistake, namely, to take from these Indians the protection afforded them by the district agents.

I have been compelled in a hurried way to go over this matter in a somewhat disconnected manner, and I know I have not made myself as clear as I would like to have done, but in the limited time at my disposal it has been impossible. As I have said, these people, if they are to be left a prey to these people whom the gentleman from Minnesota referred to as rapacious, Heaven knows it will not be long until they are without anything. The Supreme Court, in a recent decision, in an opinion by Mr. Justice Hughes, decided that the courts had jurisdiction where the United States had brought 30,000 suits against persons who had acquired lands from Indians fraudulently. In a test suit when a demurrer had been interposed on the ground that the United States did not have authority to bring the suit,

in the opinion the court, speaking of one of the Five Civilized Tribes, said:

If these Indians may be divested of their land, they will be thrown back upon the United States, and upon the United States a pauperized, discontented, and possibly belligerent people.

I appeal, Mr. Chairman, to this House that this proposition has had absolutely no consideration, so far as the committee is concerned. There were no hearings except that the Commissioner of Indian Affairs, who knew nothing whatever about it, appeared before the subcommittee, and I say that before we take this drastic and radical step to stop the wheels of administration of the affairs of the Five Tribes and take away from the helpless and restricted Indians the protection afforded through the district agents, we ought to hesitate and at least wait until the next session of Congress. I thank the committee. [Applause.]

Mr. STEPHENS of Texas. Mr. Chairman, I yield to the

gentleman from Kausas [Mr. Jackson] five minutes.

Mr. BURKE of South Dakota. Mr. Chairman, if the gentleman will pardon me, how much time have I consumed?

The CHAIRMAN. Forty-five minutes.

Mr. BURKE of South Dakota. How much time have I left? The CHAIRMAN. The gentleman has 27 minutes remaining. Mr. JACKSON. Mr. Chairman, I hardly know what I can say in five minutes to interest the committee upon so large a question. I find myself a little bit in a mixed situation. If there is any one thing more than another in the House that I have noticed since I have been here, it is the fact that the committees of the House, in my judgment, are inclined to tyrannize over the rest of the House. My brief experience in legislative bodies has been to the effect that this is not a good thing; and so I find myself here to-day confronted with the proposition as to whether I shall agree with the committee, a majority of which belongs to the opposite political party, or whether I shall go with the minority, of my own party; whether I shall be a regular by staying by the minority of the committee or be more regular by staying with the majority of the committee. And I want to say that it is with considerable hesitation that I have come to the conclusion that it is my duty in this matter to stand with the majority of the committee and seemingly to oppose the opinion of the minority of the committee. I have great regard for the minority members of the committee. Especially do I want to say that I have a high regard for our leader, the ranking member on that committee. I think that I violate no confidence and am guilty of no reflection upon the other members of the committee, the distinguished chairman, or the other distinguished gentleman, at present the Vice President of the United States, who was for many years the chairman of this committee, when I say that in my judgment there is no other man in the United States who possesses more knowledge of the needs and necessities of these Indian people of the United States or is more faithful to their interests, who has better judgment, as a rule, in acting for their interests, than the leader of the minority side of our committee, the gentleman from South Dakota [Mr. Burke]. And so I say I hesitate very much to disagree with him upon this question, but it does seem to me that, taking it from all sides, all the facts that have been produced in the committee, and even the judgment of the gentleman from South Dakota himself, that these two measures, the abolition of the drawing and the using of tribal funds without an appropriation by Congress, and the other one the abolition of these district agents, ought to be carried through at this session of Congress. Now, I have spoken of the gentleman from South Dakota and his opinion. I have the same high regard for the present Secretary of the Interior and of the Commissioner of the Indian Office; but I do not feel upon this measure of the abolition of the expenditures of the tribal funds that we are really acting in opposition to the judgment of those gentlemen.

It is the general opinion of all persons who have anything to do with the management of affairs in Oklahoma that there must be a change of the official organization there and a cutting down of expenditures.

Mr. Valentine, the Commissioner of Indian Affairs, discussed the general situation at length at the hearings before the committee. Among other things, he said (p. 293):

Commissioner Valentine. The present system is this: This district agent reports to the Union Agency; the Union agent approves it for the Five Civilized Tribes; then it comes to our office. Another sort of an approval takes place there; then it goes to the office of the Secretary of the Interior for action.

The Chairman. Then, in your view, there is no way to prevent duplication of this work? It goes from the district agent to the Union Agency, from there to your department, and from your department to the Secretary of the Interior.

Commissioner Valentine. I think some of that machinery could be cut out.

The CHAIRMAN. Well, which would you cut out?

Commissioner Valentine, I think you could cut out all of it and confine it to the Union Agency.

The CHAIRMAN, I think so, too.

The gentleman from Oklahoma, BIED S. McGuire, who is also an authority on matters connected with Oklahoma Indian affairs and who is now apparently against these provisions of this bill, in the hearings said (p. 320):

I would cut out the Dawes Commission. I would have one head of that institution, the Five Tribes. It had always been so until the creation of the Dawes Commission, which was created for a special purpose, and that purpose has long since gone by. I would now concentrate all under one head, one agency, making it either a superintendency or an agency. I would put in charge there some good, strong executive man. You can get them for just what you are paying Mr. Wright or Mr. Ryan. You can get good men, good executive, men, who will take that position and run things in a businesslike way for just what either one of them is getting. In the next appropriation bill I would reduce the expenses to at least \$150,000.

The committee has not gone as far as Mr. McGuire advised. It has cut the appropriation to \$150,000. It has not abolished Mr. Wright's office—and he is the successor of the Dawes Commission—but has allowed about \$39,000 for his use.

If the provision preventing the use of tribal funds is adopted, he will be prevented from increasing that sum by \$36,580, the amount proposed to be used, based on last year's estimate, from the tribal funds unless Congress shall specifically authorize it,

I can imagine no cruder or more reprehensible manner of administering public funds than that of allowing public officials to collect and disburse the public money without appropriation by legislative action. Think of allowing a guardian to so administer the funds of his ward. It has led to extravagant administration in this matter, and it will always do so.

The Indian funds are public funds. Otherwise what right has the Government to administer them? The makers of the Constitution understood this principle of honest government administration when they wrote into the Constitution:

No money shall be drawn from the Treasury but in consequence of appropriations made by law.

Shall the public funds of our white citizens be administered under the Constitution and the funds of our Indian citizens administered outside of its provisions?

Here are some statements of the commissioner from the hearings on this question (pp. 306 and 314):

ings on this question (pp. 306 and 314):

Mr. Carter. Thirty-six thousand, then. At that you are spending a very large per capita for that number and, in addition, you use a large amount from the tribal fonds?

Commissioner Valentine. Yes; and I think that amount should be materially reduced; I would chop it out completely.

Mr. Carter. Eliminating the consideration of the schools, do you not realize that since Congress is responsible for the administration of this money, Congress and this committee should have something to say about how it is to be spent?

Commissioner Valentine. Absolutely; that is why I ask you to let it go one year more, with a provision requiring the strictest kind of accounting for every cent of this money.

Mr. Ferris. Suppose that amendment was so modified by a proviso that it should not apply to schools; what would you then say to it?

Commissioner Valentine. I would want to refresh my mind as to the other items which are separate.

Mr. Ferris. I thought you were just about to say that if the schools can be taken care of it would remove your objections.

Commissioner Valentine. I think it would, largely, but I want to be fair to the other items.

Mr. Ferris. Surely, the other would not be in danger.

Commissioner Valentine. I do not recall what that money is used for. I will look it over and be glad to give you anything on that point.

On the other question, that of the district agents, it appears

On the other question, that of the district agents, it appears that the work done by these agents can be as well attended to by others in the Indian service and at less expense to the Government, and less delay and annoyance to the Indians. As it has been in the past the work of these agents is a duplication of the work of other officers. The restricted Indian and his estate is officered to the point where patience as well as supervision ceases to be a virtue.

It seems to be conceded that the annual expense of the administration of the Five Tribes is about \$850,000. The entire annual income of their property does not exceed \$1,500,000.

It is urged that the district agents are necessary to attend to probate matters. Whatever may have been the condition in the past, it is evident from the report of the Indian officers themselves that in the future the interests of minor and dependent Indian heirs must depend on the courts of Oklahoma and the laws of that State. The Government, after it intrusts the State to look after these matters can not continue to give the State government the same minute supervision it has given to the tribal government of the Indians.

I read into the record abstracts from the report of officials of the Indian Office, showing the condition in Oklahoma is satisfactory to the Indians' interests. Commissioner J. George Wright, in his report of June 30, 1911, says, on page 42:

Owing to the large number of restricted Indians and the extent of territory, together with the fact that the probate conditions were not satisfactory, a separate district agency was created of McCurtain County, and every effort made to relieve the situation. The State

commission of charities and corrections likewise had employees upon this work and with the perfect accord in which the two offices worked made the result inevitable, namely, a revolution in probate matters. The county judge resigned and his successor was immediately appointed.

On page 49 of the same report Supt. Dana H. Kelsey, in referring to the improved conditions, says:

referring to the improved conditions, says:

This has been made possible by the fact that the county courts with few exceptions have heartily cooperated with the district agents in their efforts to protect the Indian minor. In fairness to the courts, it should be stated that the volume of probate business of this character pending in each court is so great that it is a physical impossibility for them to give it the attention it should have. Considering these conditions, great credit is due the county judges for the manner in which they have handled this business. While it is true that in some counties there has been a disposition to take advantage of the crowded condition of the docket, yet, viewed as a whole, the condition of the probate business in eastern Oklahoma is much improved.

While it has not been possible to do with the limited force and the large volume of work required of the district agents as much as desired during the past year, plans are under way, with the detail of a number of special probate assistants in the different counties, to make a systematic checking and investigation of all Indian probate cases in those counties, and as rapidly as possible extend the work. With the hearty cooperation and the excellent efforts of the county judges in a number of counties where the special probate checking is now under way and the assistance of the tribal attorneys a much greater amount of probate work and the incident good results that follow will be done during the coming year.

And, again on page 78, Mr. Kelsey says:

And, again on page 78, Mr. Kelsey says:

In this connection it should again be mentioned that, in addition to the assistance of nearly all of the county judges, with whom the district agents are most closely in contact, the cooperation of many other county and State officials is a matter which deserves especial mention, as results have been accomplished in many cases by reason thereof which would not otherwise have been possible. Invaluable assistance has been rendered in the matter of the estates of minor Indians by Miss Kate Barnard, commissioner of charities and corrections of the State of Oklahoma, and her general attorney, Dr. J. H. Stolper.

I shall therefore support the recommendations of the com-

Mr. STEPHENS of Texas. Will the gentleman from South Dakota go ahead?

Mr. BURKE of South Dakota. I have used 45 minutes, and I think the gentleman ought to consume more than 5 minutes. Mr. STEPHENS of Texas. Mr. Chairman, I yield to the gentleman from Oklahoma [Mr. DAVENPORT] five minutes.

Mr. DAVENPORT. Mr. Chairman, it is my purpose at this time to speak of the Five Civilized Tribes of Indians in Okla-

homa and to review their history to some extent, beginning with their early life and their relation to the Government of the United States.

The tribes now known as the Five Civilized Tribes of Indians are the Cherokees, Choctaws, Chickasaws, Creeks (or Muskogee), and Seminoles, located in the eastern part of the State of Oklahoma, which was formerly known as the Indian Territory. The term "civilized" has been applied to these five tribes for almost a century, and when the word "civilized" is applied to Indian tribes it always relates to the Five Civilized Tribes of Indians which I have just mentioned. been applied to an Indian reservation, and never will be.

We are dealing to-day with a civilized people and not a savage race. We shall see before I conclude the true meaning of the word "civilized."

I first want to speak of the Indian as being the first human settler found upon the North American Continent. He is the pioneer settler of this country, and when the white man, in his great desire to explore new fields and discover new continents, landed on the shores of the North American Continent, afterwards to become this splendid land of ours, it was the Indian whom he first met. At that time not in a civilized state, but the Indian in his primitive and savage state. The explorers were received by the Indian in a friendly way and assisted them in landing and welcomed them. It was the North American Indian who was then occupying the wilderness, soon to become the greatest country in the world, which afterwards became the home of the most powerful nation on earth, and has been peopled by the most hospitable, energetic, and homogeneous nation ever known to mankind.

Soon after the landing on the North American Continent by the pioneer Pilgrims they began to try to teach the Indian the white man's language and customs and to ingratiate themselves into the confidence of the red man, in whose midst they had settled. Shortly thereafter another band of emigrants came to the New World, and after forming settlement it soon had settled. became apparent to the Indian that his neighbor was seeking to encroach upon his untrammeled and unlimited hunting grounds. This bold encroachment of the unknown white man upon the Indian was more than the Indian would bear, and soon trouble arose, and, as is always the case of the strong against the weak, after many hard-fought battles and untold and unbearable hardships the Indian was forced to abandon his location and seek new hunting grounds in the wilderness farther back from the shores, thereby leaving the home of his original settlement and the home dear to his savage breast and go to unknown and unsettled lands and again establish his cabin and home, where he could again live in peace and pursue

his native sports unmolested by the white man.

We find that this condition did not remain long, for hardly had the Indian settled in his new location when new emigrants from the Old World would land and push forward into the interior of the country, and would soon be encroaching upon the settlements of the Indian, and again trouble arose. The Indian objected to the white settlers coming into his settlements, which would bring about nothing but disputes and trouble between the two races, but, as before, the white settler being the dominant race, would force the Indian farther back into the interior and would by force and acquisition assume ownership of the lands which had been occupied by the Indian. Again the Indian was driven from his settlement by the white race and pushed farther back into the interior, and where he had to build new settlements, undergoing hardships and sufferings incident to the pioneer life and the establishment of new homes.

Thus you will find that the North American Continent was settled by the pioneer, and the Indian was driven from place to place, always protesting against the invasion of his white brother and demanding his rights as a native; but the Great White Father had not yet thrown his protecting wings over poor Lo, the weak and defenseless Indian, nor had it been discovered by the early settlers the great importance of a Government that was to be established becoming the guardian of the Indian. I ask why? Was it because no definite property rights had been established that needed the guardianship of those of to-day who are or would be protectors of the Indian ward as long as his money and property last, or was it because no occa-sion had yet arisen to justify the act? Be that as it may, the Indian did not receive any protection from the colonist settlers nor did the Government then established try to give aid or exercise guardianship over the Indian or his property. However, time went on until the colonist became involved in a controversy, which afterwards grew into a conflict with the mother country, growing out of the passage of a stamp act and a tea party held by the colonists, which is commonly known in American history as the Boston tea party, the result of which was a war between the colonies and the mother country.

After war was declared and during the war for the first time do we find the colonies recognizing the property rights of the Indians and soliciting their aid in the war, and we find on September 17, 1778, the United States of North America entering into a confederation or treaty with the Delaware Tribe of Indians, and your attention is invited to the first article of that

treaty, which is as follows:

That all offenses or acts of hostilities by one or either of the contracting parties against the other be mutually forgiven and buried into the depths of oblivion, never more to be had in remembrance.

From this article we find the United States of North America willing, if the Indian was willing, to bury all past differences and to assume not only a friendly relation to the Delaware Tribe of Indians but to recognize them as a power or government sufficiently strong to treat with as an independent power. In the making of treaties with independent powers by a government it is perhaps always well that we look at the motive prompting that action, and when we examine further into the treaty mentioned we find that in the third article the motive prompting this agreement, upon the part of the United States of North America, was to secure the aid of the Delaware Indians in helping them fight the War of the Revolution, and to secure passage over the Delaware Indians' lands to certain forts which the King of England and certain adherents had on the Lakes. Certainly a laudable undertaking by the United States, and one that should honestly and sincerely be carried out. It was a question of self-preservation and triumph of independence and liberty to the United States.

The Delaware Indians, as history shows us, entered into this agreement, and to the best of their ability carried out the provisions, by not only giving to the United States passage over their territory to the forts of the King of England which were located on the Lakes, but many brave and gallant warriors assisted in fighting that war, which gave to the United States

liberty and independence.

We also find further in that treaty, as we find in many subsequent treaties, that the Delaware Indians should have the right to form a State and have representation in Congress, providing that the provision with reference to having the Delegate in Congress met with the approval of Congress. This provision was never carried out, as it seems that it never met with the approval of Congress.

A further investigation shows that the United States of America recognized a treaty-making power with the Cherokee Tribe of Indians, who are one of the members of the Five Civilized

Tribes with which we are dealing; and on November 28, 1785, the United States entered into an agreement with the Cherokees, which agreement settled the boundary of the territory that was owned by the Cherokee Tribe, and the Cherokees agreed to restore to the United States all prisoners that had been taken by them, and the United States agreed to restore all prisoners of the Cherokee Tribe taken by them. Article 3 of that treaty bound the Cherokees to acknowledge protection of the United States, and article 5 specifically provided that no citizen of the United States should settle on the Indians' lands owned by the Cherokees and which was described within the boundaries of the territory belonging to the said Indians. This is the first treaty that we find where the Government of the United States recognizes the Cherokees, which is one of the members of the Flye Civilized Tribes of Indians, as having treaty-making power.

On January 3, 1786, we also find that the United States entered into a treaty with the Choctaw Tribe of Indians, which is also one of the Five Civilized Tribes with which we are dealing, and also in the same year we find them treating with the Chickasaws. In 1790 we find them treating with the Creeks as an individual tribe having treaty-making power. In all of those treatles you will find that the territory belonging to the Indian tribes is specifically laid out by metes and bounds, so that they had separate and distinct landed territories where no other tribe could encroach upon their lands within the described bounds without the consent of the tribe. Each of the tribes which are now known as the Five Civilized Tribes exercised their own local self-government, and each were separate and distinct in their government.

Treaty after treaty was made with these tribes relating to their governmental affairs and to their property interests in the various parts of the United States, in each of which treaties the rights of the Five Civilized Tribes were recognized not only as to property rights, but as to possessing treaty-making power, and the guaranty of the United States protecting them against foreign powers was extended.

The Five Civilized Tribes under those conditions built up a stable government, establishing an executive, a legislative, and a judicial division of their government. They also established a system of free schools, in order to educate the younger generation, to fit and prepare them for the duties of citizens in their government.

At various times after November 28, 1785, treaties were made between the Government of the United States and the members of the Five Civilized Tribes, relating to the property and rights of said tribes, all of which tribes were then living east of the Mississippi River. On December 29, 1835, at New Echota, in the State of Georgia, a treaty was entered into by and between the representatives of the United States, on behalf of the United States, and the representatives of the Cherokee Tribe of Indians, on behalf of the Cherokee Tribe, in which treaty the said Cherokee Tribe of Indians sold and relinquished its title to all lands owned and controlled by the said tribe east of the Mississippi River, the consideration for said sale by the said Cherokee Tribe of Indians to the United States Government being \$5,000,000 in money and 7,000,000 acres of land, the 7,000,000 acres of land being a portion of what is now occupied by the Cherokee Tribe of Indians in the State of Oklahoma, which was prior to statehood known as the Cherokee Nation.

by the Cherokee Tribe of Indians in the State of Oklahoma, which was prior to statehood known as the Cherokee Nation.

After the treaty of 1835 at New Echota the said Cherokee Tribe of Indians moved to their new location west of the Mississippi River. Similar treaties to the one made with the Cherokee Tribe were made between the Government of the United States and the four other tribes included in the Five Civilized Tribes, namely, Choctaws, Chickasaws, Creeks, and Seminoles.

After the making of these treaties all the tribes moved to their new location west of the Mississippi River and established their own governments, and continued under their own tribal governments for many years.

On August 7, 1856, the Creek and Seminole Indians entered into an agreement with the United States whereby the boundaries of the Seminole and Creek lands west of the Mississippi River were defined.

Each of the tribes in their new location established a government, republican in form, having their own code of laws, their own courts, their own legislature, and their own executive department, constituting a complete form of government. They also established a system of free schools and academies for the purpose of educating their people and teaching them to become useful men and women. Their governments prospered, were stable in form, and their laws were rigidly enforced. When the tribes were moved west of the Mississippi River there were and are now many of their members who were men highly educated and of means, having been prosperous in their

professional and business life in the old nation east of the Mississippi River. After coming to their new location other treaties of minor importance were made with the individual tribes, embracing the Five Civilized Tribes, for a release or sale of a portion of their lands, but there was still retained a large portion by each tribe, which was valuable land, and many of them engaged in farming and stock raising, as well as other pursuits usually followed by a civilized people.

As many of the members of the Cherokee Tribe and of the other tribes embracing the Five Civilized Tribes were slave owners before they moved west of the Mississippi River, when they emigrated many of these slave owners moved their slaves with them to their new home and new location, and continued to own their slaves up to the time of the beginning of the Civil War, when a great portion of the slaves were released and emancipated by their owners, and in February, 1863, the legislators of the Cherokee Nation passed an act abolishing slavery forever within the Cherokee Nation.

When the lands west of the Mississippi River were patented to the members of the Five Civilized Tribes it was provided the lands of each of these tribes should be held in common by the individual tribe, each tribe holding the land separate and apart from the other tribe; and it was further provided that they should not have any right to sell the lands to any individual or to anyone save and except the Government of the United States, without the consent of the Government of the United States, and when an individual member of the said tribes died all his right in the common property died with him. You may examine all the treaties made prior to the breaking out of the Civil War, and in all of them you will find that the Government of the United States had recognized the Five Civilized Tribes as governments competent to make treatles, and the United States also pledged the tribe the protection of the United States Government, but at no time will you find in any treaty where it is provided or required that there should be any guardianship exercised over the Indians other than that his property should be retained in common and that their tribal relations should continue. You will also find in all of these treaties prior to the Civil War a disposition on the part of the representatives of the Government of the United States to be fair with the Indian and to protect his property as against the interest of the other nations of the world, and you will find that in none of the treaties up to the time of the Civil War had the representatives of the Government of the United States ever attempted to prohibit or prevent the members of either of the Five Civilized Tribes from owning slaves, buying, or selling them. They were treated on an equal footing with other slave owners throughout the United States, and when the War of the Rebellion broke out, so far as the right of a member of either of the Five Civilized Tribes was concerned, they stood on the same level with all other citizens of the United States who dealt in slaves.

This fact is mentioned, Mr. Chairman, in order to call your attention to what I believe to be the greatest injustice and grossest outrage ever perpetrated upon the tribes by the Government of the United States.

By the treaty-making power of the United States Government, and shortly after the close of the Civil War, treaties were forced upon these poor, weak, and defenseless Indians. Under the provisions of the said treaties the tribes were required to give their slaves an interest in the common property of the said tribes and, in some instances, both money as well as land. I feel that all who thoroughly understand the situation will blush with shame when they refer to these treaties. Before calling your attention to the provisions of the treaty, I desire to say, Mr. Chairman, that when the war broke out it is true that the Indians living in the section of the country they did, the members of the different tribes divided, some joining the Union Army and some joining the Confederate Army, and served with distinction throughout the entire war. A distinguished member of the Indian tribe who joined the Confederate forces was Gen. Stan Watie, a full-blood Cherokee Indian, and may it be said to his credit that there was never a braver or more gallant commander in the army. His name will ever live in the memory of his people and in the history of his country as a gallant soldier.

After the close of the unfortunate war and during the reconstruction period conditions in the Five Civilized Tribes in the Indian Territory were such that it became necessary, or at least seemingly so, that the Government of the United States enter into a further treaty with the individual tribes in their tribal capacity as to the further management of their property and the maintaining of their respective governments in the Indian Territory. The slaves who had been owned by the members of the Five Civilized Tribes had been emancinated and given their

citizenship, the same as the other slaves who had been owned throughout the slave States. Some of these slaves belonging to the members of the Five Civilized Tribes had remained in the Cherokee and other nations of the Five Civilized Tribes, and some had enlisted in the Union Army and were scattered throughout the different States of the Union at the close of the war.

I now want to call your attention to the provisions in the treaty between the United States and the Cherokee Tribe of Indians, as well as the treaties between the United States and the other tribes embracing the Five Civilized Tribes, wherein it was provided to give to their ex-slaves, in order to be permitted to reorganize their former governments, holding the same together, and maintain their property rights, an interest in their lands and moneys. In calling your attention to this treaty, I do so in order that the facts may be submitted to a candid and thinking people, and let them see whether or not an injustice, if not a crime, was or was not done these tribes.

Article 9 of the treaty between the United States and the Cherokee Tribe of Indians made July 19, 1866, among other things, provides as follows:

* * They further agree that all freedmen who have been liberated by voluntary act of their former owners or by law, as well as all free colored persons who were in the country at the commencement of the rebellion and are now residents therein or who may return within six months, and their descendants, shall have all the rights of native Cherokees. Provided, That owners of slaves so emancipated in the claves so emancipated.

April 28, 1866, a treaty was made between the Choctaw and Chickasaw Tribes of Indians and the Government of the United States, and in article 4 of said treaty the following provision is made:

* * * That while the said freedmen now in the Choctaw and Chickasaw Nations remain in said nations, respectively, they shall be entitled to as much land as they may cultivate for the support of themselves and families. In cases where they do not support themselves and families by hiring, not interfering with existing improvements without the consent of the occupant, it being understood that in the event of the making of the laws, rules, and regulations aforesaid, the 40 acres aforesaid shall stand in place of the land cultivated as last aforesaid.

June 14, 1866, a treaty was made between the Government of the United States and the Creek (Muskogee) Tribe of Indians, and in article 2 of said treaty, among other things, the following is provided:

* * * And inasmuch as there are among the Creeks many persons of African descent, who have no interest in the soil, it is stipulated that hereafter these persons lawfully residing in said Creek country under their laws and usages, or who have been thus residing in said country and may return within one year from the ratification of this trenty, and their descendants, and such other of the same race as may be permitted by the laws of the said nation to settle within the limits of the jurisdiction of the Creek Nation as citizens (thereof), shall have and enjoy all the rights and privileges of native citizens, including an equal interest in the soil and national funds. * * *

May 21, 1866, a treaty was made between the Government of the United States and the Seminole Tribe of Indians, and article 2 of said treaty, among other things, provided as follows:

* * And inasmuch as there are among the Seminoles many persons of African descent and blood who have no interest or property in the soil and no recognized civil rights, it is stipulated that hereafter these persons and their descendants, and such other of the same race as shall be permitted by said nation to settle there, shall have and enjoy all the rights of native citizens, and the laws of said nation shall be equally binding upon all persons of whatever race or color who may be adopted as citizens or members of said tribe.

I have set out the provisions of the treaties between the United States Government and each of the Five Civilized Tribes, which requires each of these tribes to give to their emancipated slaves in the Choctaw and Chickasaw Nations a portion of their property; in the Cherokee, Creek, and Seminole Nations they require them to give their ex-slaves an equal interest in their lands as well as their money. These treaties were forced upon the respective tribes in order that they might reestablish themselves in an organized government of their own, and were forced upon these tribes by a Republican administration.

Shortly after the close of the Civil War, and in these treaties, we find for the first time an effort on behalf of that Republican administration to force the emancipated slaves upon the tribes and give to their ex-slaves an interest in their property. I know not under what theory the administration of 1866 undertook to justify this kind of bold, high-handed tyranny, if not to say robbery. Why it was that they desired to heap this outrage upon the members of the Five Civilized Tribes and force them to take the negroes in their tribes and give them an equal interest in their lands and moneys because some few members of the tribes were slave owners is beyond my comprehension.

capacity as to the further management of their property and the maintaining of their respective governments in the Indian Territory. The slaves who had been owned by the members of the Five Civilized Tribes had been emancipated and given their mated. No one then could realize the value of the property of

the Five Civilized Tribes nor tell what the forced division would amount to in dollars and cents. The properties of each of the Five Tribes were held in common by the individual tribe and, as stated herein, could not be disposed of without the consent of the Government of the United States, nor could any individual member sell his interest in the common property. Therefore, Mr. Chairman, when the treaties were made the only thing that we can do is to reach a conclusion by the circumstances and conditions that existed at that time, and, judging by those circumstances and conditions, we are led to believe that this injustice was forced upon these tribes because some few of their members had taken part in that unfortunate war and enlisted on the side of the Confederacy, but I take the position that the gravity of the offense is not justified, if it be true that these negroes were forced upon the members of the Five Civilized Tribes because some few of the tribal members had joined the Confederacy, and that the entire tribe should not be held responsible for the acts of some few of its members.

Passing from the question for the present, Mr. Chairman, of the provisions in the treaties with reference to making the exslaves in the different nations heirs to a portion of the estates of the Indians, I will show you later the value of the property in the said nations and the number of negroes who were enrolled in each of the Five Civilized Tribes, and to whom land and money have been and will be distributed.

The Government of the United States was not satisfied with the provisions in the treatles forcing the negroes on the Indian, but in the latter part of the sixties they passed an act through Congress, without the consent of the Five Civilized Tribes, giving to the railroad company 100 feet of land on either side of its right of way through the entire Indian Territory and 200 additional feet at water stations and towns along the road. This quantity of land was taken from the tribal property for the benefit of the railroad company without any consent whatever on the part of the tribes.

There was also another provision in that act of Congress passed in the latter part of the sixties which provided in substance that the railroad company first to construct its road through the Indian Territory shall have, in addition to the 100 feet on either side of its right of way and additional 200 feet at water stations and towns, each alternate section for 10 miles on either side of its track through the said Indian provided the land should cease to be Indian land and the tribal governments become extinct. Under this provision what is now known as the Missouri, Kansas & Texas Railway Co. has been suing in the different courts of the United States trying to recover many thousands of dollars secure the land. This act of Congress was passed and the right of way granted, and the provision made for the alternate sections, without the consent or knowledge of either of the members of the Five Civilized Tribes, thus making another chapter in the history of the protecting Government, shameful to look upon and unjust to the Indian. This provision was also passed by a Republican Congress under the guise of protection, which was willing to cede to the railway corporation a very great portion of the Indian lands and moneys.

Of course, Mr. Chairman, the importance and magnitude of this grant to the railroad company was not and could not at that time be realized, for the reason that the lands through which the track run were sparsely settled and 100 feet on either side did not appear to be a very large quantity of land; but in after years, when the tribe increased in population and the white settlers began to come in, by permission of the tribal governments and the United States the railroad company which had constructed its track through the Indian Territory began to take possession of its 100 feet and 200 feet additional at water stations and towns, and the land became very valuable for town-site purposes; and it was then the magnitude of the attempted grant by Congress to the railroad company without the consent of the Indian was realized.

This condition existed for many years, and in the early part of the seventies the tribal population had begun to rapidly increase and emigration of the white people, or United States citizens, also begun to rapidly increase, and as the tribal governments had no jurisdiction to regulate the behavior or settle property disputes between the Indians and United States citizens, it became necessary to have some forum in which to adjust their differences, and by different acts of Congress the United States courts at Fort Smith, Ark., Paris, Tex., and Fort Scott, Kans., were given jurisdiction over capital offenses and other felonies committed in the Indian Territory as well as jurisdiction over controversies between United States citizens and the members of respective tribes. As the courts were located a great distance from the Indian Territory, and as the population continued to increase, it soon became necessary that a different

form of government should be instituted nearer the people, and in March, 1889, by an act of Congress a United States court was established at Muskogee, Ind. T.—now Oklahoma—having limited jurisdiction. An amended act was passed by Congress May 2, 1890, increasing the jurisdiction of the United States in the Indian Territory and establishing the Territory of Oklahoma, and providing that the United States courts in the Indian Territory should be held in Muskogee, McAlester, and Ardmore, Ind. T. These courts were established and still the population continued to increase, and in March, 1895, by an act of Congress jurisdiction of all offenses in the Indian Territory was taken away from the courts at Fort Smith, Ark., Fort Scott, Kans., and Paris, Tex., and given to the United States courts then established in the Indian Territory.

In the meantime the Indian population had been steadily increasing, and conditions had arisen by which it seemed apparent that a change of government was necessary whereby all citizens should be subject to the same government and the same courts, and that the respective tribes should take their lands in severalty; and in 1893 Congress provided for a commission, which afterwards became commonly known as the Dawes Commission, to proceed to the Indian Territory and try to negotiate a treaty with the respective tribes.

This commission continued to work in the Indian Territory until each of the Five Tribes had entered into an agreement with the Government of the United States, agreeing to allot their lands among the members of their tribe and to abandon their tribal relations and become subject to the laws of the United States. The treaties with each of the respective tribes was different in form to meet the conditions that existed in each of the separate tribes, but all aiming at the same object, viz, to allot their lands and abandon the tribal relations. The Government of the United States, through its representatives, agreed with these tribes to make a correct roll of the citizens of each of the Five Civilized Tribes entitled to receive an allotment of land and participate in the funds. Rolls were made under the provisions of the various acts of Congress relating thereto.

The rolls of the Five Civilized Tribes were finally closed on March 4, 1907, and approved by the Secretary of the Interior on that date—that is, the Secretary of the Interior was restricted by legislation and prohibited from placing the name of anyone on either of the rolls of the Five Civilized Tribes after March 4, 1907.

In this connection, Mr. Chairman, for fear the matter may slip my mind, I want to say that on the closing days of the making of the roll which closed on March 4, 1907, the Government of the United States, through its representatives, again was not unmindful of the interest of the freedmen or the negroes who had been slaves in the Cherokee Nation, and in considering the names sent in from the Dawes Commission to the Secretary for enrollment, there appeared as applicants for enrollment, as freedmen, on the Cherokee tribal rolls a certain negro family, known as the Riley family. This Riley family of negroes had been living in the Cherokee Nation for a number of years, claiming rights under article 9 of the treaty of 1866, made between the Cherokee Tribe of Indians and the Government of the United States, to be freedmen citizens of the Cherokee Nation—that is, negroes who had been slaves of the Cherokees, but who had been liberated by the voluntary act of their owners or by law, and had either remained in the Cherokee Nation during the war or had returned to the nation within six months after the ratification of the treaty of 1866.

The Commission to the Five Civilized Tribes had taken testimony of witnesses in the Cherokee Nation, and also the testi-mony of witnesses who had resided in Kansas near Girard, and who had known the Riley negroes in Kansas for some time after the ratification of the treaty of 1866. The testimony was voluminous, and had been such that the commission had found on two different occasions that the Riley negroes were not entitled to enrollment as freedmen citizens of the Cherokee Na-This case reached the Department of the Interior some time during the day of the 3d of March, 1907, which fell on Sunday, and the day preceding the day under the law the rolls had to close, the closing day being March 4, 1907. It was my misfortune, as it would seem, Mr. Chairman, to be representing the Cherokee Tribe of Indians as one of its attorneys of record in the city of Washington, D. C., on that date. knew that the Commission to the Five Civilized Tribes had decided adversely to this Riley family of negroes, but I further knew that the Riley negroes had filed on certain lands in the Cherokee Nation, a great portion of which was in the new oil field, known as the Alluwe oil field, located in the Cherokee Nation, Ind. T., but now what is a part of Nowata and Rogers Counties, Okla. I further knew, Mr. Chairman, that a great effort was being made to secure the enrollment of these

Riley negroes, but knowing, as I did, that the preceding week of March 4, 1907, the Interior Department had affirmed the decision of the Commission to the Five Civilized Tribes denying the enrollment of a number of freedmen, or negroes, claiming to be entitled to enrollment who had made as strong a case as the Riley negroes, I felt, judging the future by the past, that we had a right to believe these Riley negroes would not be enrolled, but to my surprise when the department passed upon these cases, 20 minutes after 10 o'clock on the evening of March 4, 1907, just 1 hour and 40 minutes before the rolls must close, the decision of the Commission to the Five Civilized Tribes had been reversed and the Riley negroes had been placed upon the rolls of the Cherokee Tribe of Indians, to the number of 93, in keeping with the provisions of article 9 of the treaty of 1866, thus adding 93 more names that would share in the lands and moneys of the Cherokee Tribe of Indians.

This, too, was done during a Republican administration, and the Cherokee Tribe of Indians, of whom you hear so much talk about being incompetent to manage their own affairs, had to bear the burden imposed upon the tribe by his would-be guardian, and give up to these negroes this great quantity of

valuable oil land and money.

These incidents are cited for the purpose of reviewing the history and policy of the Government of the United States toward the Five Civilized Tribes of Indians, and for the further purpose of showing that while a great desire is manifested by the representatives of the Government to protect the Indians as against speculators and men who would deprive the Indian of his property, and for the purpose of showing that in past treaties and legislation, if viewed from an unbiased standpoint, every time the question came up for either treaty or legislation or interpretation of a treaty or a law the negro freedman, the ex-slave of the Indian, received the benefit of the doubt and the question was decided against the Indian.

I now want to call the attention of the House to the number of acres of lands that were to be allotted that each of the Five Civilized Tribes owned, the number of allottees to participate in the allotments, giving them by blood, and the number of freedmen and number of intermarried white citizens who were, under the law, entitled to enrollment:

The Cherokee Tribe of Indians at the time they began to take their allotments owned 4,420,067.73 acres of land, and from this amount of land there were reserved from allotments by reason of certain legislation enacted by Congress, heretofore mentioned, with reference to giving right of ways to railroads through the Indian Territory, town-site purposes, and cemeteries, schools, and churches, 22,880 acres of land, leaving subject to allotment 4,397,187.73 acres of land.

This amount of land left for allotment purposes in the Cherokee Nation was to be allotted to the citizens who had been enrolled on the Cherokee rolls and comprised the following: Cherokees by blood, 36,304; adopted Delawares, 197; intermarried white citizens, 286; Cherokee freedmen or negroes, of which I have heretofore spoken, 4,911, making a total entitled to participate in the allotment of 41,698. It is estimated that an allotment of land at the time the allotment was made was reasonably worth the sum of \$1,500. The number of freedmen or negroes mentioned above each received an allotment of land in the Cherokee Nation worth \$1,500, making a total valuation of land received by the freedmen, or negroes, who were forced upon the Cherokees by reason of the unjust provision of the treaty of 1866, of \$7,336,500. Mr. Chairman, what would any gentleman upon the floor of this House say if our Government should to-day say that any class of people in the United States should be required to divide their property in the same way as the representatives of the Government of the United States required the Cherokee Indians to divide with their ex-slaves or negro freedmen? Not only did these negroes or ex-slaves receive this amount of land, but they also received at different times per capita payments of money the tribe had deposited in the Treasury of the United States, and will also, when the tribal affairs are finally wound up, receive their pro rata share of the funds undisturbed.

The Creek Tribe of Indians, at the time they began making their allotments, owned 3,079,094.61 acres of land, from which was reserved from allotment for railroad rights of way, townsite, church, school, and cemetery purposes 16,018.53 acres, leaving subject to allotment 3,063,076.08 acres of land. The number of citizens upon the Creek rolls entitled to receive allotments were: Creeks by blood, 11,909; freedmen or negroes, 6,807; making a total of 18,716 citizens regularly enrolled entitled to participate in the allotments. A reasonable estimate of the value of each allotment at that time was \$2,000. Each of these value of each allotment at that time was \$2,000. Each of these freedmen or negroes received an allotment valued at \$2,000, or of the Union have made cession after cession of land to the

a total of \$13,614,000, to say nothing of the money they have received from different sources or per capita payments.

The Choctaw Tribe of Indians, at the time they take their allotments, owned 6,953,048.12 acres of land, from which was reserved for railroad rights of way, segregated land, and other purposes 46,253.06 acres of land, leaving to be allotted 6,490,515.06 acres. The number of citizens who were entitled to receive allotment were: Choctaws by blood, 19,189; negroes or freedmen, 5,994. The treaty of 1866 only required them to give their freedmen, or ex-slaves, 40 acres of land. The reasonable valuation at the time the alloting began of 40 acres of land in the Choctaw Nation was \$1,000, which makes a total value of \$5,994,000 given to these ex-slaves or freedmen.

The Chickasaw Tribe of Indians owned the following number of acres of land at the time they began making their allotments, 4,707,904.28, from which was reserved for various purposes 45,074.89 acres, leaving subject to allotment 4,662,829.39 acres to be allotted to the citizens of the Chickasaw Nation. There were 6,337 Chickasaws by blood, and 4,607 freedmen or negroes, making a total of 10,944 citizens entitled to participate in the lands. The Chickasaws, like the Choctaws, were only required to give to the freedmen, or ex-slaves, 40 acres of land. This 40 acres of land at the time of the beginning of allotment was reasonably worth \$1,000, making a total of \$4,607,000.

The Seminole Tribe of Indians owned, at the time they began making their allotments, 365,851.67 acres of land; from this amount there was reserved for town sites, watersheds, railroad rights of way, schools, churches, and cemeteries 2,500.88 acres, leaving a balance to be allotted of 363,263.67 acres. The number of citizens entitled to receive allotments were: Seminoles by blood, 2,138; freedmen or negroes, 986. The Seminoles, like the Cherokees and Creeks, by reason of their treaty of 1866, which was forced upon them by the Government of the United States, were compelled to give to their ex-slaves equal rights, and each allotment in the Seminole Nation, at the time the selections were made, was reasonably worth \$1,500, making a total of \$1,479,000 these freedmen or negroes received from the distribution made of land in the Seminole Nation, and no mention is made of the amount of money they have received from the invested funds of the Seminoles, of which there were several million dollars distributed and several million yet to be distributed.

Mr. Chairman, the attention of the House is carefully invited to the figures given with reference to the Five Civilized Tribes, for the reason they will show that by reason of the terms of the treaties of 1866 made with these weak and defenseless tribes of Indians, the wards of the Government were required to take into their estates their ex-slaves, who had been emancipated, and to give each of these freedmen or ex-slaves in the choctaw and Chickasaw Nation 40 acres of land and in the Cherokee, Creek, and Seminole Tribes an equal right to share in the lands and moneys. It will show that by the unjust provisions of the treaties of 1866 the land value alone amounts to over \$33,000,000, and for what? No consideration whatever. The negroes never paid anything for the land and the tribes were required to part with this enormous amount of property and money without any just compensation, and under such conditions and circumstances that no intelligent man can justify the acts of the representatives of the Government of the United

States at that time.

In my opinion, the Government of the United States should repay to the respective tribes the value of the lands that were given to these negroes, who were ex-slaves, and that the funds should be paid into the Treasury of the United States to the credit of the respective tribes, and when final disposition of the affairs of the respective tribes are made the money paid per capita to the members of the said tribes. If we want to be generous and to deal with the Five Civilized Tribes fairly, as the representatives of the Government of the United States, I say why do not the representatives of this Government try to correct this grave wrong which has been perpetrated upon these tribes of Indians, wards of the Government? Has anyone ever heard of a recommendation being made by the Department of the Interior or any other branch of the Government desiring to control the property and money of these respective tribes to compensate them for this gross outrage? If the representatives of the Government want to deal fairly with these tribes, I suggest that they commence to correct the great wrongs that have been perpetrated and not continue to try to hold these Indians in their clutches until their landed interest and funds have been exhausted.

I want to speak generally for a minute regarding the bill under consideration, and in a general way with reference to the treaties of the different tribes throughout the United States.

United States by solemn treaties and agreements, which ces-

sions aggregate hundreds of millions of acres.

In consideration of these cessions of land, as provided in the several treaties and agreements, the United States has solemuly obligated itself to make certain payments of money to the tribes, to carry out certain other obligations, and to perform certain duties of administration; and, with perhaps only two exceptions, these treaties and agreements do not provide that either the tribes of Indians or the individual citizens thereof shall pay the Government of the United States for the performance of these duties which were undertaken as a consideration for the only thing which the Indians had-landor that the money to be expended in the administration of Indian affairs generally shall be reimbursed from the proceeds of the sale of their lands or from their moneys held in trust by the Government.

Notwithstanding these incontrovertible facts, in the bill now under consideration, H. R. 20728, a bill making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1913, there is found, on page 2, lines 15 to 19, inclusive, an appropriation of \$215,000 for the survey, resurvey, classification, and appraisement of lands to be allotted in severalty under the provisions of the Dawes Act, which is to be-

repaid proportionately out of any Indian moneys held in trust or otherwise by the United States and available by law for such reimbursable purposes and to remain available until expended.

This same provision of law is found in every Indian appropriation act passed by the Congress since the act of February 8, 1891 (24 Stat., 388), and, being generally applicable to all Indian tribes and reservations, is, so far as is known or can be ascertained, without justification, without foundation in law or equity, and without the consent of the Indians.

On page 12 of this bill, lines 10 to 16, inclusive, is found an appropriation of \$18,000 for the reclamation or maintenance

charged on Yuma allotments-

to be reimbursed from the sale of surplus lands or from other funds that may be available, in accordance with the provisions of the act of March 3, 1911.

The act of March 3, 1911, referred to in the bill under consideration, is also an Indian appropriation act, and this act contains a similar provision for the reimbursement of \$18,000.

There does not appear to be any agreement with the Yuma Indians with respect to the reimbursement of moneys expended by the Government in behalf of the administration of their affairs.

On page 16 of this bill, lines 21 to 25, inclusive, is found an appropriation of \$15,000 for extending the construction and maintaining the Milk River irrigation system on the Fort Belknap Reservation, in Montana, "reimbursable in accordance with the provisions of act of April 4, 1910."

The act of April 4, 1910, referred to is an Indian appropriation act made in the same manner, and there does not appear to be any agreement with the Fort Belknap Indians to reimburse the Government for the expenditure of this money.

On page 17 of this bill, lines 1 to 7, inclusive, is found an appropriation of \$200,000 for continuing the construction of irrigation systems to irrigate the allotted lands of the Indians of the Flathead Reservation, in Montana, and the unallotted irrigable lands to be disposed of "under authority of law," "reimbursable in accordance with the provisions of the act of April 4, 1910," which provision does not appear to be based on any

agreement or treaty with these Indians.

There is also found on page 17 of this bill, lines 12 to 17, inclusive, an appropriation of \$100,000 for irrigation on the lands of the Indians of the Blackfeet Indian Reservation, in Montana, "reimbursable in accordance with the provisions of the act of March 1, 1907," which contains a similar provision. So far as known or can be ascertained there is no warrant or authority of law for charging either the Flathead or the Blackfeet Indians with the cost of this administration of their affairs by

On page 28 of this bill, lines 8 to 26, inclusive, there is found an appropriation of not to exceed \$155,000 for continuing the construction of an irrigation system within the Klamath Indian Reservation, in the State of Oregon, and it is provided "that the entire cost of the project shall be repaid into the Treasury of the United States from the proceeds for the sale of timber

or lands on the Klamath Indian Reservation."

So far as can be ascertained, there is no agreement or treaty with these Indians providing that the proceeds of the sale of timber or the proceeds of the sale of their lands shall be used for any such purpose.

On page 33 of this bill, lines 1 to 5, inclusive, is found an appropriation of \$75,000 for an irrigation system for the Utes, in Utah, reimbursable under the provisions of the act of June 21, 1906.

So far as can be ascertained, they did not agree or stipulate that their moneys should be expended for this purpose.

On page 34 of this bill, lines 4 to 7, inclusive, there is found an appropriation of \$15,000 for an irrigation system on land allotted to Yakima Indians in the State of Washington "reimbursable in accordance with the provisions of the act of March, 1, 1907."

On page 35 of this bill, lines 10 to 15, inclusive, is found an appropriation of \$50,000 for an irrigation system within the diminished Shoshone or Wind River Reservation, in Wyoming, "reimbursable in accordance with the provisions of the act of March 3, 1905."

So far as is known or can be ascertained, there is no agreement or provision for the use of the moneys of these Indians

for any such purpose without their consent.

The aggregate amount of these so-called reimbursable appropriations in this bill is the sum of \$843,000, all of which is without authority and without consent of the Indians and in many instances, it is believed, without even their knowledge. I am against such action and will oppose the use of the Indians' money to provide a position for some political hanger-on who has no interest in the Indians' welfare except as far as his salary goes.

Reference is also made to House Document No. 208, Sixtysecond Congress, which is a letter from the Secretary of the Interior to the Speaker of the House of Representatives, setting forth the fiscal affairs of Indian tribes for the fiscal year

of 1911.

This report shows that during that year there was disbursed for salaries of employees \$1,799,022.23; for support and civilization, \$3,402,660.49; and that the receipts during that year were \$10,384,131.18. In some instances the report shows that the expenses were much greater than the receipts and that the balance of the expenses were withdrawn from the general funds of the Indians.

I tried to get a complete report, but failed. Why, I do not know. And because I could not get a detailed statement I want to insert in the RECORD the figures taken from the report of the Secretary of the Interior under the provisions of the act of March 3, 1911, known as House Document No. 208, as to the Five Civilized Tribes. Speaking of the disbursements with reference to the individual tribes, under the title "Salary of employees," he says of the Choctaws there was expended \$70,577.07; Chick-

ne says of the Choctaws there was expended \$(0,677.07; Chick-asaws, \$29,254.33; Creeks, \$39,329.47; Cherokees, \$25,206.35; Seminoles, \$10,525.33.

Under the caption "Compensation of counsel and attorneys' fees": Chectaws, \$25,132.09; Chickasaws, \$6,382.62; Creeks, \$19,523.80; Cherokees, \$6,789.76. There was nothing in the Seminole Netton

Seminole Nation.

Now, we come to the next most important item, namely, For support and civilization"—the supporting and civilizing of a civilized people:

Choctaws, \$260,805.39; Chickasaws, \$106,762.20; Creeks, \$58,148.84; Cherokees, \$106,132.79; Seminoles, \$17,645.53.

I can not give any further explanation with reference to details, nor have I been able to get any further information. I asked for it the latter part of last month from the department, and up to this day I have not had any information as to what portion of that money was spent from the Government fund and what portion was spent from the tribal fund. Therefore the report must stand as it is, unexplained, and the layman must draw his own conclusions as to the funds used to pay the amount.

No one can examine the report of the Secretary of the Interior, contained in House Document No. 208, without blushing with shame or being overcome with laughter. You can read this report over and over, but no living man can tell from the report what employees are paid or for what purpose in either of the Five Civilized Tribes, nor can you tell from the report from what funds they were paid. It does not state whether it is money used belonging to the Government or to the respective tribes. Neither can you tell whether it is money appropriated by Congress or whether it was paid out by the Secretary of the Interior under that same discretion we hear so much about in all Indian legislation. Evidently it was paid under the Secretary's discretion.

I want to call the attention of the House to the amount expended, as shown by the Secretary's report, in the Five Civilized Tribes for support and civilization. The total amount claimed to have been paid was \$549,494.75. Quite a handsome sum, and if properly expended would go a long way toward educating, supporting, and civilizing a civilized people, the class of people we are dealing with home

are dealing with here.

It is indeed quite a handsome sum for a guardian to expend upon his uncivilized ward, and especially in view of the fact that the guardian has for more than a century recognized his ward

as competent to make treaties and to contract with him, by which the ward parted with valuable property, landed interests, and exchanged with the guardian other lands and moneys. Chairman, it is absurd to entertain such a proposition. Why is it that the facts were not stated? The people should know, and can only know by the facts being stated. Every honest, fairminded, intelligent, thinking man who knows anything about the Five Civilized Tribes of Indians knows that not a dollar was expended last year in civilizing these Indians, and it is an insult to the intelligence of the Indian to send such statements to the public. It may sound well for the yellow journals or dime novels, but the statement is untrue, and I take this opportunity to say so. These Indians have been civilized for many years, are highly educated, law-abiding, God loving, God serving, and are as capable of managing their own affairs as many of the representatives of the Government who are sent down there to manage their affairs for them. Money may have been spent by the honorable Secretary of the Interior, but not for support and civilization. Why this term was used he alone can tell, and he alone will have to explain. For more than 100 years the Five Civilized Tribes of Indians have maintained themselves, not receiving a dollar from the Government of the United States except from their own funds and property. They have been self-supporting, and the history of our Government will show this statement to be correct. Yet we are confronted with the report showing large sums of money for civilization of a civilized peoplc. If I may venture a prediction, you will find that the representatives of this great Government of ours will continue to try to civilize these Indians just as long as they have any land and money, and as soon as both are-exhausted their great anxiety to civilize the Indian will cease.

The Indians in the Five Civilized Tribes are anxious to be placed upon the plane of the citizens of any other State, and are anxious to be recognized as having sufficient intelligence to manage their own affairs, just the same as any other United Stafes citizen. All of these Indians are United States citizens, and citizens of the State of Oklahoma, with full power of citi-zenship save and except to handle their own money and landed They are elected and fill some of the highest offices interests. of the State. They are legal voters, members of our juries, and in every way exercise the full functions of the American citizen except as herein stated-when it comes to handling their money and lands. Many of these Indians who are officeholders, lawyers, business men, and professional men in the State of Oklahoma can not sell an acre of their land unless the restrictions are removed by the honorable Secretary of the Interior under existing laws. I insist that the time has come when this condition should cease and American manhood should govern the representatives of the American Government, and these United States citizens, though Indian by blood, should be given all the

rights of the true meaning of American citizenship.

Now, Mr. Chairman, I want to say a few words in opposition to the motion of the gentleman from South Dakota to strike out the paragraph in the pending bill. This motion should not be granted, and I am confident that the gentleman from South Dakota will not seriously urge that this motion be sustained, but will strongly urge the amendment following this paragraph if his motion to strike out the paragraph is not sustained. Instead of striking out this paragraph, if it were permissible at this time, I would amend the same by inserting, in line 23, on page 25, after the comma, following the word "schools," the

The equalization of allotments, per capita payments, and the salaries and accessary expenses of the chiefs, governors, assistant chiefs, secretaries, interpreters, and mining trustees of the gaid tribes of Indians, and the attorneys of said tribes employed under contracts approved by the President of the United States under existing laws. The necessary expenses of the tribal officers herein named to be paid upon itemized youthers presented to the proper disbursing officer of the Government.

So that the paragraph would provide for the paying of tribal officers from the funds of the respective tribes without specific appropriation for the length of time mentioned in this bill. It is necessary that these tribal officers be retained for a time, at least until the tribal affairs have been closed, as there must be some officers to execute the deeds of conveyance and other deeds necessary to be executed in order to properly convey the title in the respective tribes to the property remaining unsold or unallotted.

As to the amendment offered by the gentleman from South Dakota, providing for the appropriation of \$100,000 to pay a class of employees in Oklahoma, I want to register my protest

against the amendment.

I have no fight to make on any individual Indian agent in that country, or upon any district agents, but I do say that there has come a time when there ought to be some reduction of force in that country, and I believe the \$150,000 carried in that bill any great quota of officers, and my contention is that the is sufficient to maintain that force and efficiently manage the \$150,000 for the work of the Union Agency at Muskogee is

business of the Five Civilized Tribes. The gentleman from South Dakota [Mr. Burke] has spoken of a number of accounts necessary to keep the funds in the banks down there. deposits are negotiated from the head office in Muskogee. show me a banking institution anywhere in the world that handles the same amount of money that has as many employees as that institution at the Union Agency, at Muskogee, Okla. You can take any corporation in the world, any banking institution in the United States, and you can manage it, with more accounts, and they will be efficiently managed, and it will not require one-fourth of the help that is being used in the agency at Muskogee. I say to you, it is not necessary to keep all those officers in that country.

It is urged by the Department of the Interior that the appropriation of \$100,000 is necessary to properly and satisfactorily handle the Indian affairs in the Five Civilized Tribes in Oklahoma. There are now, in round numbers, about 101,000 Indians in Oklahoma. The State of Oklahoma has a population of about 1,600,000 inhabitants, 101,000 of whom are Indians. It is a very small per cent of them that are restricted—that is, Indians that can not sell their property without the consent of the Secretary of the Interior. Many of them are intelligent, upright business men and women, fully competent to manage their own affairs, highly educated, and do not need the assistance of a Govern ment officer to look after their affairs. Anyone familiar with the conditions in the Five Civilized Tribes knows that these Indians do not need the daily assistance of a Government officer. There are about 15,000 or 16,000 full-blood Indians in the entire Five Civilized Tribes.

When the act of Congress of May 27, 1908, was passed there was a provision authorizing the Secretary of the Interior to designate parties in different parts of the Five Civilized Tribes to assist in winding up the affairs of the Five Civilized Tribes and protect the property of the Indians. Four years have passed, all of the property in the Cherokee Nation has been allotted and sold, save and except an orphan school, the capitol building and grounds, the Cherokee Advocate Publishing Co. and grounds, and the jail site, thus leaving only four pieces of property in the Cherokee Nation to be disposed of.

Some of the fractional tracts of land in the Cherokee Nation were sold on credit and some of the back payments yet remain to be paid, but the work in the Cherokee Nation is practically closed, and there is no necessity whatever for the great number of Government officers in the said nation as heretofore.

The Creek Tribe of Indians have no surplus lands and necessarily do not need as large a quota of officers as have heretofore been used. Neither does the Seminole Tribe. In the Cherokee and Creek Tribes all the patents to their lands have been issued and delivered to all of the Indian citizens, save and except a few citizens who have opposed allotments from the start

and refused to receive their patents.

A different condition exists in the Seminole Nation, and I regret to say that the Interior Department has refused to deliver the patents to any of the Seminole Indian citizens, notwithstanding the patents have been signed by the governor of the said nation and the Secretary of the Interior for more than four years. However, the patents are being held by the Secretary of the Interior, and he refuses to deliver the same. The question may be asked. Why does the Secretary do this? The answer is found in his contention that if the patents were de-Hvered it might in some way injure certain suits that have been brought against purchasers in the Seminole Nation. say that, under existing laws, it would in no way whatever strengthen the title to any purchase that might have been made in violation of law, nor would it aid anyone that has been sued in his defense. The truth is it is materially damaging the landowners and farmers who desire to purchase farms in that na-The Indian allottee who desires to sell a portion of his allotment can not get as great a sum for his land as he could should be be in a position to give a clear title. On the other hand, the purchaser who desires to buy a tract of land to make a permanent home for himself and family, upon which he might spend the remainder of his days, will not go into that country and purchase land where the title is not clear. Thus, you will see, it not only injures the Indian but also the honest farmer who desires to purchase a home. Yet you hear the cry from the Interior Department that they are trying to protect the interest of the Indian. Each step taken by the Interior Department is taken with a view of perpetuating their hold upon the Indian tribes and continuing their offices in the respective nation, for which the appropriation contained in the amendment offered by the gentleman from South Dakota is asked.

Certainly after more than four years, and with the affairs of the Indian tribes practically closed, there is no necessity for amply sufficient to employ a sufficient number of parties to perform the duties required in winding up the affairs of the said tribes. There is no necessity at this day and age to continue a bunch of officers scattered over the country for political purposes as in the past,

Not all of the district Indian agents have been actively engaged in politics, but some of them who have heretofore resided and been located at Westville and Vinita, Okla., just prior to election have spent a great part of their time in political work, and have not always had a high regard for the kind of political work they performed. I am opposed to the appropriation, and insist that it is unnecessary, and the amount should not be appropriated. In the remarks made by the gentleman from South Dakota, he stated something with reference to a statement I should have made before the committee as to how I would permit a ward to spend his money. I stated in substance that I would have the ward select what he would need, and then I would present the matter to our probate court, and get the court to approve the transaction. say now, that one of the serious objections that has been lodged against the district agents scattered over the country is that in making purchases for the Indian, which purchases are paid for out of the Indian's own money, they have not always gone to the store where the articles could be purchased the cheapest, but they have had certain stores with whom the Indian had to trade, and certain men with whom the Indian is required to purchase his horses and mules, and I have grown tired and extremely disgusted with receiving letters regularly from the different business men through the district complaining of this kind of procedure and asking why it was that the Indian was engineered to certain business houses and required to purchase their goods. I could not answer further than to say that I supposed it was because the Indian agent exercising jurisdiction over the Indian deemed it best to send the Indian to purchase his goods from some Republican who was engaged in business near the agent's office.

And I am not the only one that has received these kind of complaints; there are other Members whose districts border on the Indian Territory line receiving the same complaints. I am not objecting to the expenditure of the Indian funds nor where the money is spent, provided it is spent for the best interest of the Indian, but I do not believe that there should be a monopoly and the Indian required to go to certain specified places. I believe he should be permitted to spend his money where it would do him the most good.

It is not a question with me of the men who are appointed as agents in Oklahoma as much as it is the system they use after they are appointed. We certainly have reached the place where we can begin to retrench and cut down the expenditures and where the Indian citizenship can be placed upon a higher plain than being governed by a set of district Indian agents who are forced upon them for no other purpose than to hold a job.

It has developed during the discussion of this bill that many suits have been brought, about four years ago, to settle these land titles, and now, after waiting four years, no definite settlement has been reached.

The gentleman from Kansas [Mr. CAMPBELL] called the attention of the House to what would seem a very flagrant outrage upon the interest of an allottee in the State of Oklahoma in one of the counties of the State by the county court, and stated that this transaction occurred in 1907. If so, this occurred before statehood and while we had only the United States courts in the Indian Territory part of Oklahoma, but I will be fair with the gentleman and concede that he is honestly mistaken, because the truth is that the affair mentioned occurred after statehood and under the very nose and observation of the district Indian agents, and the occurrence is one of the best reasons presented for not continuing these agents throughout the district, because that up to the present the conditions have not changed in the least. Perhaps, in some instances, the agents have been of some benefit to the Indian citizen, but taking them as a whole they have been a far greater drawback to the Indian than the good they have done, considering the expense.

I have been unable to arrive at an accurate detailed statement of the expenses of these agents. In making an effort to secure an accurate statement from the Indian superintendent at the Union Agency, Muskogee, Okla., he advised that the expenses for the current fiscal year averaged for each district Indian agent \$6,250. He further states that in some instances special probate work has been done and is being done, so that the expenses in the different districts vary a great deal. This is as nearly an accurate statement as I have been able to get as to the expenditure of any of the Indian funds or the funds appropriated by Congress. They always ring in something that is will.

special, and state that the figures vary generally, without giving any further information.

There is absolutely no reason why this appropriation of 00,000 should be added at this time. The general appropria-\$100,000 should be added at this time. tion included in this bill for the Five Civilized Tribes is amply sufficient to carry on this work, and besides there is a very large appropriation made for special agents. If it becomes necessary, let some of these special agents be assigned to the Five Civilized Tribes.

We had up for discussion the other day a provision making appropriation for the Indian police. I opposed that provision, as Oklahoma has ample protection for its citizens, and these Indian police were not needed. I oppose this \$100,000 appropriation on the same ground. Oklahoma has a complete State organization, and the offices are filled by as competent officers as any State in the Union, by men of high integrity, educated, and who desire to see the law enforced as rigidly as any living man. We also have a department of charities and corrections, which is doing excellent work in our State, and daily looking after the interest of the citizens in the State, and this department is assisting the county courts to perform their probate work, and is doing as valuable service as the Government officers in Oklahoma.

There has, perhaps, been some unfair dealings with the estates of the Indians, but this condition not only exists in the Five Civilized Tribes, but exists in any State in the Union where estates are to be adjusted by the courts and the landed interests are to be sold through the courts or partitioned. But it would seem that because we are in Oklahoma and in an Indian country all the controversies arising out of landed estates are charged up to the incompetency of the Indian. It is untrue and should not be so construed.

The Indian citizen in Oklahoma should be placed on an equal plane with the citizens of that State or any other State, and the courts in Oklahoma and its officers are as well qualified and competent to take care of its citizens as any Government officers sent down there by the Interior Department, and I respectfully submit that the amendment providing for \$100,000 should be defeated.

Mr. STEPHENS of Texas. Mr. Chairman, will the gentle-

man from South Dakota use some of his time?

Mr. BURKE of South Dakota. How much time has the gentleman on the other side used?

The CHAIRMAN. The gentleman from Texas has used 15 minutes and has 57 minutes left.

Mr. BURKE of South Dakota. Inasmuch as the gentleman has 57 minutes left and I have only 20 minutes, I think the gentleman from Texas ought to give some of his time.

Mr. STEPHENS of Texas. I yield 20 minutes to the gentleman from Oklahoma [Mr. CABTER].

Mr. CARTER. Mr. Chairman, an Irishman fresh from the Emerald Isle landed in one of the new towns in western Oklahoma during a campaign on the cow law-a proposition to determine whether old Bossy should be kept in the pen or left to termine whether old Bossy should be kept in the pen or left to browse upon the public domain. Pat had never heard of such an election, but finally one day he ran into the corner drug store and said to his friend, the drug clerk, "Begorrah, I'm beginning to understand this bloody cow law at last." "What do you know about the cow law?" said the druggist. "I know this," says Pat, "I can always tell which man owns the cow be the end of the argymint he takes.'

In this instance I own the cow. I am one of the Five Civilized Tribes, and if the gentleman from South Dakota [Mr. BURKE] is correct in his estimate of the value of the property of the Choctaw and Chickasaw Tribes, I and each of my family would be entitled to about \$1,200 to \$1,500 from this estate.

The gentleman from South Dakota [Mr. Burke] made one statement which I do not think I can afford to let go unchallenged. The gentleman may not have intentionally attempted to implicate anyone of wrongdoing, but by inference he certainly left that impression. The gentlemen in a colloquy between himself, myself, and another gentleman, said that this restriction, defended by myself and the gentleman from Oklahoma [Mr. Ferris] would take from the Five Civilized Tribes every vestige of protection they now have and that Members of the House might draw their own conclusions as to why we favor it.

Mr. Chairman, I yield neither to the gentleman from South Dakota nor to any other man on the face of the earth in my loyalty to the Indian people and their interests. I yield to no man in fidelity to my own race of people, and no man is willing to make a greater sacrifice than I in order that the helpless Indian may be protected in every possible way, so that they may in the end be merged into this great American citizenship and take care of themselves, as I verily believe they eventually

Recurring to the paragraph under consideration, I venture the assertion that never were trust funds handled by such devious and irregular course as is pursued in the administration of the funds of the Five Civilized Tribes of Oklahoma by this Government.

Here we are administering in a fiduciary capacity upon an estate worth many millions of dollars, paying salaries and expenses, buying, selling, bartering, exchanging, and receiving royalties, rents, and sales moneys, running up to the milliondollar mark on both sides of the ledger every year, for all of which the responsibility rests solely upon this Congress, and yet we do not take the precaution to put the slightest restriction upon our disbursing agent.

The purpose of this amendment is simply to bring the expenditure of these tribal funds under the same careful rules and regulations as are required with the funds of the Federal Government. To require regular submission to the proper committee of estimates necessary to cover the expenses of administration, so that this committee may pass upon the justice of these estimates and recommend the necessary appropriation to Congress before the money is spent.

If you will run back over the Indian appropriation bills for the past few years, the items for the Five Civilized Tribes in Oklahoma are sure to arrest your attention, for you will immediately notice that this is the one lone State in which there seems to have been a gradual decrease, year by year, in the expenses of administering the affairs of Indian tribes. To the uninitiated it might look as though at last some progress were actually being made toward a real settlement of at least a portion of Indian affairs. But if you will investigate more closely into these conditions you will find that as we blew out the candle at one end we simply lit the other and started it burning in full blast, for as the regular appropriations of funds from the Federal Treasury have been cut down just in that proportion has the use of tribal funds been correspondingly increased.

Mr. MURDOCK. Will the gentleman yield? The CHAIRMAN. Does the gentleman from Oklahoma yield to the gentleman from Kansas?

Yes.

Mr. MURDOCK. Now, if any expenditure is made in the Indian Territory after this last proviso has become a law, does Congress then pass upon the expenditures made-that is, the expenditures in the year ending June 30, 1913?

Mr. CARTER. That is the only object of the proviso-to bring these expenditures to Congress for appropriation.

Mr. BURKE of South Dakota. You can not spend a dollar. Mr. MURDOCK. I wish the gentleman from Oklahoma would answer that question. Would we provide for it in a general deficiency bill?

Mr. CARTER. Let me say this: Under the present law the Secretary and the Comptroller of the Treasury have rulederroneously, I think-that they have plenary power to go into these tribal funds and expend them without any restriction whatever, except as regards schools, and even that is a very limited restriction.

Mr. COOPER. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Oklahoma yield to the gentleman from Wisconsin?

Mr. CARTER. I will be glad to yield to the gentleman. Mr. COOPER. Do I understand the gentleman from Okla-

homa to say that there are officials who have authority without restriction to use the funds of these tribes?

Mr. CARTER. Mr. Chairman, that is absolutely true, and the only thing we seek to do by this amendment is to stop that practice. That is absolutely the only purpose of this amend-

Mr. COOPER. Does the gentleman mean that the officials in the office at Muskogee use those funds to suit themselves, without any limitation?

Mr. CARTER. Oh, they are limited by the Secretary of the Interior, but not by Congress.

Mr. COOPER. Has the Secretary of the Interior the authority under existing law to use those tribal funds absolutely in his discretion?

Mr. CARTER. He claims to have the right, and he exercises the right; so that answers the gentleman's question completely.

Mr. COOPER. Then I am free to say that I do not think any man, any executive officer, should have unlimited control over Government funds or trust funds.

Mr. CARTER. Yes, Mr. Chairman; and every fair-minded Member of this House thinks the same way; and thinking that, they can not possibly be consistent and still vote against this restriction.

Mr. JACKSON. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Oklahoma yield to the gentleman from Kansas?

Mr. CARTER. Yes. Mr. JACKSON. Th The gentleman had in mind the funds collected and used by the Commissioner to the Five Civilized Tribes, Mr. J. George Wright, and Assistant Commissioner Ryan as having been applied to the payment of their salaries as an illustration of what the gentleman from Wisconsin asked

Mr. CARTER. I have not the figures at hand, but-

Mr. COOPER. The gentleman can approximate the amount. Mr. CARTER. There was paid out last year \$660,000 under the supervision of the Indian Office from the funds of the Five Civilized Tribes in Oklahoma, about all of which Congress knows nothing on the face of the earth. The Commissioner of Indian Affairs first stated that there had been paid out some \$900,000 of these funds; but he afterwards corrected that statement, at the suggestion, I understand, of my friend from South Dakota [Mr. Burke], and reported the amount as only \$660,000.

Mr. BURKE of South Dakota. Does the gentleman seriously

make that statement?

Mr. CARTER. Yes, sir; I have the authority of the gentleman from South Dakota for making it.

Mr. BURKE of South Dakota. The amount of tribal moneys expended out of the tribal trust funds to tribal officials was only \$56,000, and then \$17,000. Not one dollar of it went to Commissioner Wright or any Union agent.

Mr. CARTER. Oh. Mr. Chairman, I said not one word about the money going to Commissioner Wright. I said that \$660,000 had been expended of the tribal funds without any authority, and I got my information from the gentleman from South Dakota himself.

Mr. BURKE of South Dakota. "The gentleman from South

Dakota" never gave the gentleman that information.

Mr. CARTER. Will the gentleman state whether or not \$660,000 was expended out of those tribal funds?

Mr. BURKE of South Dakota. It was not.

Mr. CARTER. Mr. Chairman, I find that there was \$1,-177,000 used of all funds last year, according to the most recent report of the commissioner, and of that amount Congress appropriated \$277,000. I think that with the exception of a few small items, if you will deduct \$277,000, the amount appropriated by Congress, from the total amount consumed, you will get a fair estimate of the amount expended from the tribal funds.

Mr. BURKE of South Dakota. The congressional appropriation was over \$360,000. Why can not the gentleman state the figures correctly?

Mr. CARTER. I understood the gentleman in his remarks

to-day to say \$277,000.

Mr. BURKE of South Dakota. No; I did not say so. Mr. CARTER. How much does the gentleman say? Mr. BURKE of South Dakota. I say \$370,000.

Mr. CARTER. Very well; we will accept that statement; and that will leave considerably more than \$660,000 expended

from tribal funds.

Now, Mr. Chairman, there has developed right here in this debate a situation which ought to convince this committee of the necessity of Congress taking direct supervision of these The three or four different Members who have attempted to give the expenditures of these funds for the last year all seem to differ. The gentleman from Oklahoma [Mr. Ferris] makes one statement, \$900,000; the gentleman from South Dakota [Mr. Burke] makes an entirely different statement, and I myself seem to labor under a different impression from both the other gentlemen. All three of us are members of the Indian Committee and have, I assume, done our utmost to get the proper information. As a matter of fact, Mr. Chairman, the Commissioner of Indian Affairs, the principal officer charged with the responsibility of administering these funds, has made several different and distinct statements as to the amount expended out of the tribal funds for the last fiscal year. I called attention to these discrepancies before the Indian Committee, and offered these errors in the commissioner's statement as sufficient reasons why Congress should take immediate supervision over the expenditure of these funds

Certain members of the Indian Committee took exception to what I had to say and indirectly accused me of making charges against the commissioner. I deny that I made any such charge. The fact remains, however, Mr. Chairman, that the commissioner did make several gross errors in his statements about these funds. But it is only human to err. It is but natural that such mistakes should be made by any man given such un-bridled use of trust funds. So, without any reflection on the gentlemen who have given these conflicting statements, I still

insist that these discrepancies in the commissioner's statements, these conflicting ideas in the minds of members of the Indian Committee, should be sufficient evidence to convince the most skeptical of the necessity of Congress taking supervision of these funds, as it does with the funds of the Federal Government, and all other funds for which it is responsible.

Mr. BURKE of South Dakota. Will the gentleman yield?

Mr. CARTER. Certainly.

Mr. BURKE of South Dakota. Does the gentleman say that the \$217,000 spent by way of equalization is an expenditure not

authorized by Congress:

Mr. CARTER. Mr. Chairman, it does not matter whether the expenditures are authorized or not; that has nothing to do with the case. It is not material whether the money was spent for a good or bad purpose. It does not matter whether it was spent for salaries, for per capita payments to Indians, for equalization payments, for expenses or what not. The point is that the money is spent in a loose, haphazard manner, without any safe check by Congress.

Since Congress is solely responsible for the administration of these funds, does the gentleman think there is any valid reason why Congress should not take some kind of supervision over Would any man attempt to justify the contention that trust funds might be handled more loosely than one's own individual funds? Is it not the duty of every member of this committee and of this House, no matter what his other views may be, to see to it that no such charges of loose administration and wanton extravagance might be brought to our door in the future?

Congress is to-day facing a responsibility which it can no longer evade or put aside. It is no defense to say that this Congress did not pass nor construe the law under which these abuses have grown up, for we well know that Congress has the power to change the law whenever it desires to do so. Then, suffice it to say, that since Congress has this day been served with ample notice of the condition of the funds of our helpless wards, henceforth and forevermore the responsibility solely upon the shoulders of the Members of this House.

I have no desire to cut off any necessary expense, but I do say there should be some system in handling these tribal funds, and that since Congress is responsible for administration, not one single penny should be expended without specific appropriation by Congress.

Mr. BURKE of South Dakota. And yet the proviso which the gentleman is in favor of excepts the amount which may be expended for education, and \$371,000 was expended last year for

that.

Mr. CARTER. O Mr. Chairman, the amount used for schools is the one single amount that is limited by law.

Mr. BURKE of South Dakota. You think there is a difference between them?

Mr. CARTER. Certainly.

Mr. BURKE of South Dakota. There is not a particle of

Mr. CARTER. But there certainly is such difference and the department recognizes it and so construes it.

Mr. BURKE of South Dakota. Not a particle of difference. Mr. CARTER. O Mr. Chairman, the gentleman is clearly mistaken about that. I ask him to simply refer to section 10 of the act of April 26, 1906, and he will find that it specifically provides that there shall not be spent for the schools of any of

the respective tribes more than was spent in the year preceding the passage of the law, and that is the only restriction upon these funds, which the gentleman should know if he does not

know.

Mr. COOPER. I should like to ask the gentleman from Oklahoma another question, because this statement is one of the most significant that I have ever heard in debate recently in this House. As far as the expenditure of funds is concerned, does the gentleman know of any other executive officer in this Government who can without limitation draw on the funds in the United States Treasury, or any funds, without authority of Congress?

Mr. CARTER. I never heard of any such outrageous handling

of any kind of trust funds in my life.

Mr. CAMPBELL. Has the gentleman heard of the Reclamation Service?

Mr. CARTER. I am not familiar with the Reclamation Service. If it is conducted in that way, it should not be.

Well, it is. Mr. CAMPBELL.

Mr. CARTER. It does not matter. It should not be.

Mr. CAMPBELL. And the Forestry Service. Mr. CARTER. The gentleman from South Dakota [Mr. Burke] speaks very confidently of the Five Civilized Tribes being on the verge of a final settlement of their affairs. My

friends, we have heard that seductive statement on the east side of Oklahoma for the last 18 years, and yet we seem to get no nearer the coveted final settlement. The gentleman from South Dakota ought to know that our affairs can not be finally settled up until all moneys are collected, and that will not come about for several years yet, for the proceeds of the sales of lands already disposed of will not all fall due for two or three years, and we will never get a settlement of our tribal affairs until the departments are jarred loose from the free and untrammeled use of these funds. It is but natural that we should not get a settlement under present conditions, when we have a horde of officials, honest though they may be, given absolute and free access to the funds of the tribe.

Mr. BURKE of South Dakota. Will the gentleman yield?

Mr. CARTER. Yes.

Mr. BURKE of South Dakota. The gentleman does not wish to tell the House that expenditures have not decreased in the Five Civilized Tribes?

Mr. CARTER. That certainly is my belief. Mr. BURKE of South Dakota. The gentleman knows that they have substantially decreased, notwithstanding we are carrying \$100,000 for district agents.

Mr. CARTER. I am speaking of appropriations.
Mr. BURKE of South Dakota. Expenditures. I call the gentleman's attention to the statement which will appear in the Record in my remarks.

Mr. CARTER. Well, before you took supervision of our affairs it did not cost \$1,300,000 to administer them.

Mr. BURKE of South Dakota. Heaven knows how much it

Mr. CARTER. Heaven knows how much it costs now. It never cost any such amount as that to manage the affairs of the Five Civilized Tribes. That would be a physical and financial impossibility, because the tribes did not have that much annual income.

Gentlemen on that side of the aisle rail at this amendment because, as they say, it will disorganize the Indian service; because, as they say, the service will not be able to do sufficient work, for the reason that it will not in the future have sufficient funds if this restriction is retained in the bill. The man that makes such a statement as that assumes that Congress will not do its plain duty, and makes the charge that this Congress has not the energy nor the ability to make the appropriation necessary for such service.

I want to say, Mr. Chairman, that I proposed this amendment to the subcommittee considering the Indian appropriation bill more than six weeks ago, and during all that time the honorable Commissioner of Indian Affairs has not furnished the committee with any estimate as to the amount that should be appropriated if this amendment was retained in the bill. And why? Ah, there is the rub. If these estimates had been furnished our committee, all necessary amounts would have been placed in the bill and that would have deprived the gentleman from South Dakota [Mr. Burke] and the gentleman from Minnesota [Mr. Miller] of the last vestige of misleading argument at their command. That would have deprived these distinguished gentlemen of parading before this House this very statement about disorganizing the Indian service.

The gentlemen are unduly alarmed when they think that this Congress will adjourn without making these appropriations if the departments of this Government do their duty. The gentlemen have not yet gotten away from Washington for this session of Congress and may not get away until far into the dog days. It should only take a few short hours' committee work, and less time on the floor of this House to put through an appropriation for all the items necessary to this service, and Congress will have ample time to do it and will do it. Then the result of this restriction will be not to impede the administration of Indian affairs in Oklahoma, but to facilitate and improve such administration and prevent a repetition of the wanton extravagance that seems to have been so freely indulged in during the recent past.

Now, with regard to the district-agent amendment I have only time to remind this committee that Oklahoma has been a State for almost five years and she is as fully equipped to protect and care for her minors as the average State in this Union. Our courts are vested with full jurisdiction of probate matters and the judges have the right to appoint attorneys for incompetents. Furthermore, Mr. Chairman, we have in Oklahoma a State board of charities and corrections, presided over most efficiently and courageously by that fearless defender of the weak and helpless-Miss Katie Barnard. There has been created in her department a special bureau for this very purpose-the care of Indian minors-with an attorney at its head, equally capable and enthusiastic, in the person of Dr. J. H. Stolper, and I would

1912.

like to see the color of the grafter's eye that puts any shady deal across the plate when these two crusaders are on watch.

The CHAIRMAN. The time of the gentleman from Oklahoma has expired.

Mr. BURKE of South Dakota. Mr. Chairman, I now yield five minutes to the gentleman from Illinois [Mr. Graham]

Mr. FERRIS. Mr. Chairman, I will also yield five minutes to the gentleman. How much time have we remaining on this

The CHAIRMAN. The gentleman has 37 minutes. The gen-

tleman from Illinois is recognized for 10 minutes.

Mr. GRAHAM. Mr. Chairman, getting time from both sides, I suppose I owe a divided allegiance in this matter. That is exactly the situation, for I am on both sides of the pending propositions. It seems to me, Mr. Chairman, that the mere reading of the proviso in question is a sufficient argument in its favor:

Provided further, That during the fiscal year ending June 30, 1913, no money shall be expended from the tribal funds belonging to the Five Civilized Tribes, except for schools, without specific appropriation by Congress.

The inference which it is necessary to draw from the language is that heretofore these moneys have not been specifically appropriated by Congress. That is certainly a very bad business method. It seems to me that such discretion should not be ledged in the hands of any man unless he be an angel, and there are very few of them in the Indian service. It seems to me, however, that the phrase "except for schools" should also be stricken out, and that all these moneys should be specifically appropriated.

I think, therefore, that the mere reading of that proviso is sufficient argument in its favor, and I shall vote for it. At the same time, what little experience I have had in these matters convinces me that the 16 district agents are among the most useful men to the real Indians that there are in the service. This question involves only the real Indians, not the "near Innot those who are practically white men and who are

capable of attending to their own affairs.

There are down there about 40,000 real Indians, and they represent property assets of about \$40,000,000. My understanding of the situation is that these 16 district agents have been giving real attention to the rights of those real Indians, and that if they are removed those real Indians will be a prey to white men and "near Indians," who desire the possession of their property. I have in my hand a statement from a citizen of that State in which he says that in the county court of Seminole County there are now over 1,400 probate cases involving the rights of real Indians. The custom down there has been for some white man, in case of the death of an Indian who has property, to go to those who would inherit his property, and through them apply to be appointed guardian. For a consideration the natural guardian gives to this white man the right to qualify as the guardian. As soon as he does that he advertises his ward's real estate for sale, and it is sold, very often for a sum of money that would not be more than its rental value for one year. I have an instance before me of an Indian boy whose guardian had rented two allotments belonging to the boy for \$79 a year, and of the \$79 only \$17 went to the child and the rest of it for expenses, \$27 of that amount going to some man who went on the request of the guardian simply to look at the land and nothing more.

mply to look at the land and nothing more.

Mr. CARTER. Mr. Chairman, will the gentleman yield?

Mr. GRAHAM. I could not very well; I have not the time.

Mr. CARTER. Just for a question.

Mr. GRAHAM. Will the gentleman get me more time?

Mr. CARTER. I shall do my best.

Mr. GRAHAM. That is not enough. I have in my hand the opinion of the Supreme Court of the United States, filed on the first day of this month, in the case of Heckman and Owen v. The United States, involving this very question and these very lands. I read from a statement in the opinion of the court by Mr. Justice Hughes:

The Government states in its brief that between July 14, 1908, and October 12, 1909, the United States brought 301 bills in equity against some 16,000 defendants to cancel some 30,000 conveyances of allotted lands, made by as many or more grantors, members of the Five Civilized Tribes, upon the ground that the conveyances were in violation of existing restrictions upon the power of allenation.

The court in this case decides that the case was well taken, upholds the petition of the attorney for the Government, and cancels the conveyance. That case stands upon the same footing practically with 30,000 other cases of similar character. Now, where there are 40,000 real Indians and 30,000 conveyances have been made, which should not have been made, according to the Supreme Court of the United States, is that not sufficient evidence to prove that those Indians need somebody | Dakota use the rest of his time?

to stand between them and the would-be grantees who want possession of their allotments?

Mr. CARTER. Mr. Chairman, will the gentleman yield there? We will get him some more time.

Mr. GRAHAM. Mr. Chairman, I repeat, that under these circumstances somebody is needed to look after the rights of not the "near Indians," but the real Indians; that 40,000 Indians, 30,000 of whom have made conveyances which the Supreme Court has declared to be void. My understanding of the situation is that these 16 district agents have been doing that kind of work, have been in touch with the probate courts, have been watching the proceedings in those courts, and representing those Indians and preventing them from losing or sacrificing their rights. If that be so, I say it would be a very unwise act of Congress, by cutting off an appropriation from which they get their salaries, to deprive the real Indians of the services of those 16 men who are doing real work for the real Indians.

So, while the proviso recommended by the majority of the committee may be a wise one, and I shall vote for it providing that no moneys of any considerable amount should be taken out of the tribal funds without appropriation of Congress, yet, on the other hand, I say that these 16 district agents are the saviors of the real Indians, standing between them and those who would deprive them of their inheritances, deprive them of what the Supreme Court says is theirs and ought to be theirs under the law.

Therefore, Mr. Chairman, it was exceedingly apropos that both sides should yield me time.

Mr. FERRIS. Mr. Chairman, will the gentleman yield? Mr. GRAHAM. Yes.

Mr. FERRIS. I know how fair-minded the gentleman is on matters of this kind, and I know that he desires to be fair-minded at this time. These Indian agents, if they perform any service at all, perform it in connection with the probate courts. These 30,000 suits to which the gentleman referred are suits brought by the Department of Justice, for which we appropriate \$50,000 each year from the Appropriation Committee, and have done so for four years. They have made an estimate for it These suits are handled exclusively by the again this year. Department of Justice.

Mr. GRAHAM. I was aware of that and I mentioned the fact that there were 30,000 suits pending merely to illustrate the other fact that there must have been 30,000 instances in which the grafters were after these real Indians to get their lands away

Mr. CARTER. Will the gentleman allow me to state that two such suits were brought to cancel conveyances which I myself gave, and that a majority are those kinds of cases?

Mr. GRAHAM. Then the whole 30,000 are not like the ones

decided by the court.

Mr. CARTER. Certainly not, but nobody knows how many of them are; probably a couple of thousand of them are meritorious suits

Mr. GRAHAM. I do not refer to you, my friend, as an Indian, and if I had my way you would not appear on the books as an Indian at all. There are now men classified as Indians who are little more Indian than I am, and their presence among the real Indians is a serious trouble and that trouble will never be removed-

Mr. CARTER. Perhaps the gentleman would like to have me removed from the rolls in order that he might take my place. Mr. GRAHAM. I have no desire to go on the rolls, but if I did I would think I had as much right there as some gentle-

men who are on the rolls now. Mr. FERRIS. Mr. Chairman, I yield the gentleman two minutes more.

Mr. GRAHAM. There is but little more I want to say. I think I have made my position clear on the matter. I am as convinced as I can be that Mr. Valentine, Commissioner of Indian Affairs, was correct when testifying in this matter before the Committee on Investigation of the Interior Department that if these 16 Indian agents were removed there would be 16 White Earths down in Oklahoma. He qualified that by saying 8 White Earths, because each agent represents 2,500 Indians, so 2 agents would represent about as many Indians as there are in the White Earth Reservation in Minnesota, and what he meant was this, that if those agents are removed then the real Indians and their property are liable to become the prey of every designing knave down in that country who wishes to get the Indians' property, and the result will be 8 White Earths down in Oklahoma and that means an unbearable condition, a condition that is a stench in the nostrils of every honest American citizen. [Applause.]

Mr. STEPHENS of Texas. Will the gentleman from South

Mr. BURKE of South Dakota. I only have 22 minutes remaining, which I am going to divide up between two speakers only, and I believe I have the closing, and I would prefer the gentleman should use some of his time, unless he is to have only one speaker.

Mr. STEPHENS of Texas. Mr. Chairman, I yield to the gentleman from Kansas [Mr. Murdock] five minutes.

Mr. MURDOCK. Mr. Chairman, this second—that is, the last proviso in this paragraph appeals to me because it is, to my mind, a rather momentous chapter in the story of the American Indian. Some 20 or 30 years before the Civil War several of the southern Indian tribes, afterwards known as the Five Civilized Tribes, were transported to the Indian Territory, and under a treaty made with the white men it was literally prescribed that as long as grass grows and water runs these Indians were to hold this new, duly described land. Now, it happened that I lived in my youth next to the Indian Territory, where I could observe, in a way, its development. Some 25 years ago a citizen of my city, a man by the name of Payne, whose memory is much revered in Oklahoma, a man who for a period served, by the way, as one of the Capitol police at this end of the Capitol, started an agitation for the opening of a tract of non-Indian land in the center of all the rest of the Indians' reserve, namely, Oklahoma, and finally David Payne, pioneer, a man of much repute and worth, succeeded in opening Oklahoma to settlement. We all knew in that day in my part of the country that here was the beginning of the end of the American Indian; that here was the entering wedge. knew that you could not put a white population in the center of the Indian country without dissipating finally the last resting place of the red man. And so it proved. Only a few years after the opening of Oklahoma the people of the country began to realize the dreadful state of affairs that obtained in the Five Civilized Tribes. Crime was rampant. Congress appointed the Dawes Commission. I remember the members of the commission well; I interviewed them as a young newspaper reporter. They were five grave, august eastern statesmen. They took a very cursory view of the condition in the Indian Territory and promptly impeached it. There followed their recommendation an appraisement of the Indians' lands and allotment. The more recent history the gentleman from South Dakota has given to you, and correctly. Now, as revealed in this provise, we come to another chapter, almost the last-the proposition that Congress shall surrender the control over the expenditure of money in the conduct of the affairs of these Five Civilized

So far as the mixed blood is concerned I have little sympathy I believe him as capable in the management of his affairs, almost in every instance, as I am in managing mine, but as a westerner who has watched the migration of the Indian and his gradual disappearance, I do have concern for the full blood, and I do not believe that this Government, in its right of rigid control and audit of expenditures, should take its protecting arm away from him. Now, the way to keep that protecting arm over the American Indian as we find him in the Five Civilized Tribes as a full blood is to retain this last That proviso means that no expenditures shall be made for these Five Civilized Tribes unless this Congress, not the Secretary of the Interior, not some impossible, ridiculous, tribal council, not some special agent in Oklahoma, but this Congress, acting through the House and the Senate, shall specifically appropriate for all the expenditures in the tribes. [Applause.]

Mr. COOPER. Mr. Chairman-

The CHAIRMAN. For what purpose does the gentleman from Wisconsin rise?

Mr. COOPER. I wanted to address myself to the question before the House for three or four minutes.

Mr. FERRIS. We have not very much time. How much time does the gentleman desire?

Mr. COOPER. Not more than two or three minutes.

Mr. FERRIS. I will say that every bit of the time has been promised, and numerous requests have been turned down.

Mr. STEPHENS of Texas. Will the gentleman from South Dakota [Mr. Burke] use some of his time?

Mr. BURKE of South Dakota. Mr. Chairman, I vield 10

minutes to the gentleman from Oklahoma [Mr. McGUIRE].

Mr. McGUIRE of Oklahoma. Mr. Chairman, I shall address myself principally to the proposition to discontinue the employment of what is known here as "district agents." But before I enter upon that feature of the discussion I will say that I am a little bit afraid that the House has some misunderstanding about the so-called enormous expense of the agency at Muskogee, which controls the Five Civilized Tribes, half the area of the State of Oklahoma, and about one-half of all the Indian

business of the United States. When you come to understand, gentlemen, that right here in a section of country as big as the average State of the Union is nearly half of all the Indian business of the United States, and employs only 216, and does involve but a small portion of expenditure outside of these reservations in connection with the Indian business, you will see that it may not necessarily be such extravagant administration. The statement was made here the other day that the expenses of the commission at Muskogee had increased over what they were in the time of the Dawes Commission; that the first appropriation for the Dawes Commission was \$16,000, whereas to-day it was \$150,000. Gentlemen, that may be misleading. In fact, it is misleading. Why, I can remember the day when Sitting Bull was costing the Government nothing except to guard the frontier. There were no Indian minors there to supervise, and consequently no expenditures. remember distinctly when the expenses in connection with the Five Civilized Tribes were comparatively little. When was that? When they held their land in common, when there was absolutely nothing to do by that Indian agency save and except to pay these annuities twice a year. Oh, how things have changed, gentlemen. There is not one single acre of land in Oklahoma to-day, save and except the reserves, that is not embodied in an Indian allotment-that is, so far as it may concern the Indians. That which is the case with the Five Civilized Tribes is absolutely the case with every Indian tribe in the State of Oklahoma.

Take the Pawnee Tribe, for instance, in my own county. few years ago an agent and two clerks could transact their business. Why? Because they held their land in common, and all they had to do was to keep an account with the Government of the United States. Ah, but the country was open to settlement, and some gentlemen say then certainly the expenditures ought to decrease. Is that true? Every Pawnee took an allot-Then followed the local government; then followed 50 guardianship cases in my county, and a number of those guardians appointed by reason of political favoritism. Some left the country, some settled their accounts squarely and honestly, others met with misfortune, some moved away, and it was finally discovered that these cases required attention from the Department of the Interior. And then it was a special agent was sent there to look over those cases. And that which was true in that county was true in every county wherever there were Indians in the State of Oklahoma. Hence the necessity of appointing the district agents they want to dispose of here. Some of those agents have made mistakes. There may be men among them who are incapable and who are dishonest. but the practice is right, and the principle ought to be adhered to by

this House and by this Congress.

Ah, the gentleman from Illinois [Mr. Graham] gave you a volume of information when he told you that in one county—think of it—in one county among the Five Civilized Tribes there were 1,400 guardianship cases.

Mr. CARTER. Will the gentleman yield?

Mr. McGUIRE of Oklahoma. I yield.
Mr. CARTER. I just wanted to ask the gentleman where

the district agents were when that was done?

Mr. McGUIRE of Oklahoma. I will get to that. trict agents when some of that was done were on the ground. But the guardianship cases were so numerous they could not get to them-they needed more agents; and I say instead of decreasing the agents you ought to increase them. It was found to be a necessity at the east end of the State where the Five Civilized Tribes were after we had the first experience in the western part of the State, which was settled up by the white

Now, they say there has been some graft. There has been some graft; some graft that I regret exceedingly. It was stated by the gentleman from South Dakota [Mr. Burke] that there had been an attorney's fee of \$12,000 paid to an attorney practicing here in the city of Washington. I remember that very distinctly.

Mr. CARTER. Mr. Chairman, will the gentleman yield? The CHAIRMAN. Does the gentleman from Oklahoma yield to his colleague?

Mr. McGUIRE of Oklahoma. I yield to the gentleman.
Mr. CARTER. Can the gentleman give to the House the
name of this attorney and any information about why he was

appointed?

Mr. McGUIRE of Oklahoma. Regretting it as I do-I do not like to mention names—the gentleman referred to, who was

kind it has been made in the end right. I say that things have been done down there that ought not to have been done; but let me tell you that if you discontinue those agents who are now in every county, the interests of the Indians will not be as well protected as they are now. The government at Muskogee can not reach every section of that State, 150 miles away. Do you realize, gentlemen, that Muskogee is 150 miles away from some sections of the Five Civilized Tribes? I say that that local government can not reach out 150 miles and take care of 1,400 guardianship cases in one county, and what is true in this county is true in practically every other county.

Now, if a probate judge is overtaxed, or, if in some instances, he should be showing political favoritism, there can be no harm in having some additional supervision. Then if the Indian agent should happen to be incompetent, or should happen to be dishonest, in any case there can be no harm coming from having him superintended or watched by a good, honest probate judge. The least you can say, gentlemen, is that this is putting up a further guard against the destruction of the minor and the incompetent Indian in that country. I say, again, there are 27 or 28 counties within the Five Civilized Tribes, with 14 agents-a little more than one to each two counties-and I undertake to say that there is not one of those agents who is not having all he can do. If one happens to be dishonest, if one happens to be incompetent, relieve him. gentlemen, do not relieve those incompetent Indians down there of this service that is absolutely necessary for the preservation of the property of those Indians who have to cope with the white man on every side of them. [Applause.]

Mr. Chairman, I yield back the remainder of my time.
Mr. STEPHENS of Texas. Mr. Chairman, I yield to the
gentleman from Wisconsin [Mr. Cooper] three minutes.

Mr. COOPER. Mr. Chairman, I desire to say a word only concerning the surprising fact developed here that the Secretary of the Interior has had unlimited discretion in the expenditure of the trust funds of those five tribes. I am sure that nowhere else in the United States is such power over trust funds or public funds of any kind vested in any executive officer. The constitution of the State of Wisconsin expressly prohibits the payment of any money out of the State treasury except in pursuance of an appropriation by law. Of course, no man ought to have access to public funds, to expend them, without restrictions, in his discretion; much less should he have access to the funds of a cestui que trust, to expend them without limit at his pleasure. Therefore I am uncompromisingly in favor of fixing by statute the maximum amount which can be expended by the Secretary of the Interior in behalf of these Indians for

As the gentleman from Illinois [Mr. GRAHAM] and the gentleman from Oklahoma [Mr. McGuire] suggested, there ought to be officials there to see that the interests of the full-blood Indians are thoroughly protected against adventurers seeking to rob them. But the maximum possible amount that may be expended for district agents and the maximum amount that can be used for any other purpose should be fixed plainly and absolutely in the statutes of the United States beyond the mere

discretion of any officer of the Government.

We should by law protect the trust funds of helpless Indians as the constitutions of the respective States protect their public funds against unrestricted expenditures by executive officers.

The CHAIRMAN. The time of the gentleman has expired. Mr. STEPHENS of Texas. How many speeches does the gentleman from South Dakota expect to have on his side?

Mr. BURKE of South Dakota. I shall use the balance of my

Mr. STEPHENS of Texas. Then I will yield to the gentleman from Oklahoma [Mr. Ferris] such time as he may desire. Mr. BURKE of South Dakota. Mr. Chairman, what time is

The CHAIRMAN. The gentleman from South Dakota has 12 minutes and the gentleman from Texas has 22 minutes re-

Mr. FERRIS. Mr. Chairman, the whole debate has resolved itself into the question as to whether or not this amendment leaves enough officials down there to transact legitimately and properly the business that the Federal Government has reason to expect to be transacted. I shall sweep aside all matters not pertinent to this one proposition and address myself to it.

This bill carries \$150,000, and that has been agreed to. amount can be used for administrative purposes in the Five Civilized Tribes in any way the Indian Office desires. It is without restraint, without limit; it is theirs for district agents,

special agents, or anything they desire.

Mr. COOPER. I want to ask the gentleman one question

right there.

The CHAIRMAN. Does the gentleman from Oklahoma yield to the gentleman from Wisconsin?

Mr. FERRIS. I do. Mr. COOPER. Wil Will that permit the employment of these district agents?

Mr. FERRIS. Precisely; and they can spend any part of it or all of it for that purpose, if they so desire.

Mr. CAMPBELL. Not unless you strike out this proviso.

Mr. FERRIS. This proviso has nothing to do with the text. The text appropriates \$150,000 for administration, and they can use it for any purpose they desire. Let me follow out this line of thought. The \$150,000 carried in this bill will employ 60 people, at \$2,500 per annum each. They can be used for any

purpose desired.

This bill, in addition to this \$150,000 specifically designated for Oklahoma, carries \$200,000 for Indian police, which is a field service, and can be used wherever desired in the field. In addition to that an item has already been agreed to, carrying \$85,000 for district agents, the very same class of service that is now under consideration. Of course they are not by the bill specifically designated for Oklahoma, but the department can send them there if they desire. I hope the gentleman from Wisconsin [Mr. Cooper] will listen to this, because I want him to hear it.

This bill carries \$85,000 for district agents, precisely the class of employees referred to by the gentleman from Illinois [Mr. GRAHAM]. Further, the Indian commissioner and the Interior Department can designate any or all of that \$85,000 for district agents to Oklahoma, if that is desired. They can send any part of that \$200,000 worth of police to Oklahoma if they desire. I want everyone to understand there is no limitation or restraint on the expenditure of these funds mentioned.

In addition to that, the bill is full of appropriations for Indian farmers, for Indian matrons, for all kinds of field service,

and for the protection of Indian wards generally.

In addition to that-and I want this committee to have this fact before it-the Department of Justice has exclusive control of these 34,000 suits that the gentleman from Illinois [Mr. Graham] refers to. The Indian Office has nothing to do with that. For the last four years we have appropriated each year \$50,000, through the regular Committee on Appropriations, for the Department of Justice, who go down there and take this matter in hand entirely independent of the Indian Office or Interior Department.

So, in addition to the \$150,000 here appropriated, in addition to the \$85,000 here appropriated, in addition to the \$200,000 here appropriated, which items are already agreed to, we appropriate, through the Committee on Appropriations, of which the

gentleman from New York [Mr. Fitzgerald] is chairman, \$50,000 each year to carry on these suits.

Now, I want to repeat what I said last Friday. I said then that I was not one of the control of the con that I was not one who wanted to withdraw protection from the full-blood incompetent Indians of Oklahoma, and I say so now. I do not advocate it now, nor will I next year, or the next year if I am here, or wherever I may be as a private citizen. We have a little handful of full-blood Indians who need some protection, but \$150,000 will employ 60 people at a salary of \$2,500 a year for each one of them, and that amount is carried in this identical bill. An item of \$85,000 is already agreed to, and that will employ a lot of district agents, and the Interior Department can send any or all of them to Oklahoma if they

There is in the Committee on Appropriations—and I went to see Mr. Courts, the clerk of that committee, to ascertain this now estimated for and going to be allowed \$50,000 for the Department of Justice again this year. I say here on my responsibilty as a Member, with a knowledge of this country and these Indians covering 25 years, that 60 people are probably too many rather than too few. Sixty people, at \$2,500 a year, are enough for full and complete administration for the little handful of full-blood Indians who remain there, and the rest of them do not need supervision. They come to you and they say, "We have 101,000 allottees." That is true. But they do not tell that they are made up of white men, negroes, intermarried citizens, men who are not even vaccinated as Indians. let alone being helpless incompetents, as some of these people would have you believe. The closing up of these affairs in Oklahoma is like the ever-recurring Japanese war that we hear about every year when the Army and Navy bills are up for passage. The prophesied trouble is feigned for the purpose of merely perpetuating themselves in office.

Their fears are not well grounded. Those people are nearly

all competent in the Five Tribes part of our State. Of course, this does not apply to the backward Indians of other reservations, but it is certainly true over there. Some of the so-called

Indians, why, if they were even vaccinated for Indians it would not "take." Men like Senator Owen, like the gentleman from Oklahoma [Mr. Carter], leading bankers, leading merchants, are Indian allottees, are a part of this 101,000 allottees. what propriety can the American Congress put minute and detailed administration upon such people who do not desire it and do not need it? Twenty-five hundred dollars apiece for 60 men, I again repeat, is apt to be too much administration rather than too little. Already the State is reeking, groaning, and complaining and asking to be relieved from it. The Indians are asking, When will we get our property? When can we be free to manage our own affairs? They say that it is because we seek to defend men who are irregular. have not more citizens in Oklahoma that are irregular than in other States. But, my friends, over in the grand old State of Virginia the other day a little irregularity has recently transpired. It brought a pain in the heart of every good man to know that the grand old Commonwealth of Virginia should be so blighted by such a terrific crime. We have a few things in Oklahoma, but nothing in comparison with that which took place in Virginia. We have some few people there that are not good people, but because we have a few people there that are not good are you going to indict and challenge all? Are you on a false theory going to gobble up in salaries and trips to Washington all of the Indian funds and make great drains on the Federal Treasury by sending 211 people down there to hold jobs that are not needed?

But even if I am mistaken when I say that we have too much administration rather than too little, this amendment does not for one moment keep this Congress from bringing in a bill here to-morrow or the next day or the next day to provide for any people that may be needed on the pay rolls. I will be entirely frank with gentlemen. I think that each one of these tribes should have an attorney if they want it. I will support such a bill. I think perhaps they ought to have a chief. I will support such a bill and help get it out of the Indian Committee. think each chief should have a secretary. I will help support that and help get it out of the Committee on Indian Affairs. I will, and some of the other Members will, display some activity to get those things out of the committee, but to let present conditions go on and let over a million dollars be expended in salary and expenses annually ought not to longer prevail. You may roll it under your tongue until you are tired and these stubborn facts will not down. You may assert that you spend this for certain purposes, and that for another purpose, and this for an additional purpose, but, my friends, they do expend the Indian money and they ought not to expend it. I call your attention to the printed hearings, on pages 275, 276, 277, and 278, which show what is going on down there. I will print for the benefit of the House the pages of the hearings for their information:

Mr. Ferris. You are acquainted with the organization of the Muskogee Agency, are you not?
Commissioner Valentine. Yes, sir.
Mr. Ferris. You are acquainted with the commissioner, Mr. Wright, also Dana H. Kelsey?
Commissioner Valentine. Yes, sir.
Mr. Ferris. I ask you if these agencies are not pretty highly organized with reference to heads and subheads?
Commissioner Valentine. I should state substantially so.
Mr. Ferris. How much disaster and havoe would be wrought if we cut off that \$74,000 and appropriated \$100.000 for carrying on the affairs of the Five Civilized Tribes and placed it under the direction of the Interior Department, so that the Secretary could cut the expenses and direct that the expenses down there should come within the appropriation?
Commissioner Valentine. I should say that that would be a little drastic for the first year, until they saw, bout the the second commissioner valentines.

Commissioner Valentine. I should say that that would be a little drastic for the first year, until they saw how the organization worked

out.

Mr. Ferris. But is it fair to say just the first year, when for three consecutive years the incoming Congress has directed, in terms as positive as it could write them, that those affairs should be closed up in one year?

one year?

Commissioner VALENTINE. Not in that sense, but during the first year in which a very substantial change in reorganization has been made.

Mr. FERRIS. But it would not be without ample notice?

Commissioner VALENTINE. I think anyone can concede that it will be

Mr. FERRIS. But it would not be without ample notice?
Commissioner Valentine. I think anyone can concede that it will be ample notice.

Mr. Ferris. I will read from the act of 1908; and I find this language on page 24 of that act (Public No. 104); the title was "For completion of the work":

"For the completion of the work heretofore required by law to be done by the commissioner to the Five Civilized Tribes, \$143.410, said appropriation to be disbursed under the Secretary of the Interior, and the Secretary of the Interior is directed to so disburse this appropriation as to complete said work by July 1, 1909."

Commissioner Valentine. That is very clear standing by itself, Mr. Ferris, but I think it only fair to call your attention to other provisions in some of those bills which made it substantially impossible to comply with them. There were not only those provisions in the bill, but sufts pending which made it absolutely impossible to comply.

Mr. Ferris. The suits are being handled by the Department of Justice, are they not, for which specific appropriations are made?

Commissioner Valentine. This is not the point; but we could not wind up the affairs of these tribes until we knew how the suits were decided.

Mr. FERRIS. But inasmuch as that matter is being handled almost exclusively from the Department of Justice—I think I am right about that—don't you think it fair to say that these expenses ought to be diminished and that this agency force ought to be cut down?

Commissioner VALENTINE. I have no quarrel with you on that point. I think it ought to be cut down and terminated as early as practicable.

Mr. Ferris. The allotment work done there is nearly completed in all of these tribes, is it not?

Commissioner Valenting. Substantially completed.

Mr. Ferris. Authority of law has been given for the sale of all the surplus lands excepting the segregated lands, has it not, and legislation is pretty well under way for that now, as far as the surplus is concerned?

surplus lands excepting the segregated lands, has it not, and legislation is pretty well under way for that now, as far as the surplus is concerned?

Commissioner Valentine. Yes, sir.

Mr. Ferris. Then, don't you think there could yet be a marked decrease in the official force and in the amount the Federal Government has got to expend to carry on those affairs down there for the present? Commissioner Valentine. I do, sir.

Mr. Ferris. And no havoe er disaster would be the result if a marked cut was made, would there?

Commissioner Valentine. I think not.

Mr. Ferris. He does use some money from the leasing division and some from the surplus-sales division?

Commissioner Valentine. I think he does.

Mr. Ferris. They have at the Muskegee Agency what is known as the leasing division, a royaity division, sales and accounts division, restriction division, field and intruder division, and pipe-line division. Pon't you think that is an unusually highly organized concern down there, and could not a great lot of those divisions be dispensed with and economy practiced there?

Commissioner Valentine. I think, while they look rather numerous on paper, that Mr. Kelsey, superintendent of the Union Agency, has his office pretty well organized; I think the really unnecessary expenses. If I am correct in thinking that there is some, lies not so much internally in his office, or even internally in the office of the commissioner to the Five Civilized Tribes, perhaps, as in the duplication that exists between the two offices, and that the substantial saving which could be made would be made in combining those two offices under one head, in splitting them up as suggested in response to the question of you gentlemen here.

Mr. Ferris. J. George Wright's division spends a great deal of tribal money.

Mr. Ferris. You would not care at this time to indicate which one of the all money.

Mr. Ferris. You would not care at this time to indicate which one of the all money.

Commissioner Valentine. Mr. Wright, I think, spends a great deal of tribal money.

Mr. Ferris. You would not care at this time to indicate which one of those divisions could be best dispensed with?

Commissioner Valentine. No, sir.

Mr. Ferris. You think it would be better to cut the appropriation and let him divide it as he thinks best?

Commissioner Valentine. I think that should be left to the administration office.

Mr. Ferris. There were, at the beginning of 1908, 2.800,000 acres of land, and they have been selling a great deal of that, have they not, Mr. Commissioner?

Commissioner Valentine. That is as I recall it.

Mr. Ferris. That leaves about 1,200,000 acres not disposed of; that includes the surplus land, does it not?

Commissioner Valentine. I do not think it includes either the segregated area of 1,500,000 acres of timberland. We generally handle those reserve lands under three items: Segregated coal lands over 400,000 acres, and the so-called forest reserves, about 1,500,000 acres, and the rest of the surplus lands.

Mr. Ferris. There is no legislation provided for to dispose of all those lands?

Commissioner Valentine. Except the segregated lands.

Mr. Ferris. There is no legislation provided for to dispose of all those lands?

these lands?

Commissioner Valentine. Except the segregated lands.

Mr. Ferris. You are using the funds from the proceeds to pay for the expenses of the sale?

Commissioner Valentine. Yes, sir.

Mr. Ferris. And of the segregated lands?

Commissioner Valentine. We can not completely pay the expenses, because the compitoller has limited us as to what we can use that money for.

Mr. Ferris. But there is authority in the legislation to use the proceeds of the funds from the sales?

Commissioner Valentine. We are asking wider authority than we now have.

now have.

Mr. Franis. If the segregated surface bill becomes law (it has just passed both Houses), it provides that there shall be sufficient funds deducted from the proceeds of the sales to carry on that expense, does not? Commissioner Valentine. I have not read the bill. That is my

understanding.

Mr. Ferris. Well, that is a fact. And do you think there could be considerable economy practiced at the Muskogee Agency?

Commissioner VALENTINE. There is no question in my mind.

Mr. Ferris. That is all.

The lieutenant governor of our State is an allottee; the speaker of the legislature is an allottee, one of the 101,000 that we hear so much about here in debate. We have men in the legislature; we have sheriffs, county officers; we have men, even, who are nonresidents of the State that go to make up the 101.000 people. I do not charge a thing against a single man down there. I presume they are good men; I do not know them all personally, but I know a good many of them. I do not make any inflammatory charges against any of them in the Interior Department. I do desire to say, and we all recognize it, that by negligence or good nature, or both, and by a desire of men to hold positions these pay rolls have grown and grown and grown and climbed and climbed until last year, the fiscal year ending June 30, 1911, the expenses reached the high-water mark of \$1.308,023.98. For the year 1908 they were \$743,000; for 1909 they were \$716,000; and for 1910 they were about \$900,000—I have not the exact figures. For many years it has been too

much. I have the names and the salaries on this sheet of every man that works at the Union Agency. It appears in the earlier part of my remarks. There are 211 of them in one town, at one agency, to administer upon a little handful of Indians like Senator Owen and Representatives Carter and Davenport. time has come when the Federal Government ought to take off its hands, segregate these white men, segregate the freed men, segregate the men who are only vaccinated Indians, and draw the agency down to a small affair and to an expense of less than \$100,000 a year in the operation of it; and then they can do full justice and full credit and have removed from Indian administration people who are not entitled to be considered as Indians at all. The word "Indian" has no meaning when applied to men with scarcely no Indian blood in their veins.

Mr. CARTER. Will the Mr. FERRIS. Certainly. Will the gentleman yield?

Mr. CARTEIL. I want to ask the gentleman if in the list of 211 persons are included tribal chiefs or attorneys or other officials of the Five Civilized Tribes.

Mr. FERRIS. I think not, although there is an item of \$57,000 for attorneys; but I presume those are special attorneys. They do not contain tribal officers proper, I am quite sure.

Mr. MILLER. Will the gentleman yield to me? Mr. FERRIS. I will.

The gentleman says that he is in favor of Mr. MILLER. having attorneys for each of the Five Civilized Tribes to look after their interests, involving many millions, before all the courts up to the Supreme Court of the United States. If this provision should become a law that employment will have to cease, unless some other provision is made by Congress

Mr. FERRIS. That is true, but that does not frighten or

appall me in the least. We can provide for them.

Unless there is some legislation between now Mr. MILLER. and June 30 the tribes will be without chiefs and attorneys and without all other tribal authority of a tribal government. Does the gentleman think, and is he willing to state, there is any reasonable certainty there will be any legislation by Congress between now and June 30 providing for that?

Mr. FERRIS. I think so, and I think it will come in much less time than the gentleman expects. I anticipate that the Senate will strike out this provision and insert the whole proposition, and I think then we will take care of the attorneys, one for each tribe; but if I have my way, which I seldom have, they will not spend \$57,000 for attorneys next year. They will spend about \$5,000 a year for each of the five tribes, which will be a total of \$25,000 a year for the whole five tribes, and while I shall probably support it as vigorously as will the gentleman, because I am willing to have a good attorney for each tribe share the responsibility with the delegation in Congress, for they may do some good—probably will; have in the past and may in the future—yet much money has been squandered for attorneys' fees in the past. We should see to it there is no repetition of it or a possibility of a repetition of it. We can ill afford to allow Indian money to be used up in attorneys' fees.

They have in the past paid \$750,000 to one firm of attorneys for fees, which shall never prevail again if I can be heard to protest against it and the Congress or the department heeds my protest. They probably should have one attorney, but not a dozen. They should not have their property fled up under a 5 per cent contract or a 10 per cent contract or a 20 per cent contract or a 50 per cent contract, and I shall protest every time I can be heard, wherever I can be heard.

Mr. CONNELL. Mr. Chairman, will the gentleman yield? Mr. FERRIS. Yes.

Mr. CONNELL. The gentleman stated that there were 211

employees looking after a handful of Indians.

Mr. FERRIS. That is true.

Mr. CONNELL. Can the gentleman state how many Indians are in that handful which it takes 211 employees to take care of?

Mr. FERRIS. I can reply to the gentleman that there are 101,000 allottee

Mr. MURDOCK. How many restricted Indians?

Mr. FERRIS. The Indian Office records show about 35,000; but many of those are as competent as I am, or as able to be here as I am, are as able to present their case in any forum of the United States as I am. Let me call your attention to the fact that Senator Owen and Congressman Carter are two of those 101,000 allottees, and could not even sell their land when they came to Congress, and that was only about five years ago. There are many men who have not been fortunate enough to get into Congress, and hence they are still tied up, at least some of them are. They are still held to be incompetent; they are still supervised; they are compelled to be paid their own money

in \$10 monthly payments or not at all. Such work is wrong ab initio and should not longer prevail.

Mr. KINDRED. Mr. Chairman, will the gentleman yield for a question? Mr. FERRIS.

Yes.

Mr. KINDRED. Do the Indian agents under the law possess police authority, and, if so, would that obviate the necessity for

employing so many policemen?

Mr. FERRIS. It might work out in that way. I do not know just how that would work out. The police roll is authority that prevails throughout the United States, and it is the same service that prevails everywhere in the United States. It is a general appropriation of \$200,000 for police not specially for Oklahoma, but can be used anywhere in the States. The service they are trying to inject into this bill prevails nowhere in the United States, except in the Five Civilized Tribes. As a specific proposition we do appropriate generally \$85,000 for district agents, but they may be designated anywhere in the United States. There is no special designation anywhere except in eastern Oklahoma, where Indians are more competent than any-where in the United States.

Mr. JACKSON. Is it not true that the number of allottees,

as the gentleman stated, is 101,000?

Mr. FERRIS. Yes.
Mr. JACKSON. And is it not true that that includes 16,055 allotments made to the Potawatomi Indians of Kansas, very few of whom ever went to the Territory?

Mr. FERRIS. I can not answer as to the number. There were some of that kind. For instance, I am informed that Senator Curtis, of Kansas, has an allotment in our State, and he has never lived there.

Mr. JACKSON. And is it not true that, according to the Federal census of 1907 and of 1910, there are only about 75,000 Indians of the Five Civilized Tribes?

Mr. FERRIS. I do not think there are that many; I do not think it even approaches that number. I think that the real truth of the business is that there are not over 5,000 or 6,000 Indians that need supervision in that Five Tribes part of the State, possibly 10,000 at the outside. There are so many white men on the rolls by intermarriage, adoption, and so forth; that

is why the totals are so large.

Let me draw a comparison here; it may be of interest to the House. I live right in the middle of the Kiowa, Comanche, and Apache Tribes of Indians. They are full-blood Indians, and they really need an agent and a detailed supervision that these gentlemen speak about. They have no district agents. At that agency they expend only about \$25,000 annually, and I think no one complains of the sufficiency of the service there. We have a good agent and a few good men to help him, and everything gets along all right without field agents.

Mr. MANN. But they have trachoma.

Mr. FERRIS. Yes; and through the gentleman's generosity we gave them a hospital the other day that should have been They have needed it some time. given them sooner. Mr. MANN. Maybe if they had district agents they would

not have trachoma.

Mr. FERRIS. I think the district agents are not very effective trachoma operators. Let me proceed a little further. me read from the report of the department—the last one issued by the commissioner of the Five Civilized Tribes to the Secretary of the Interior-and let me show you what he says he took in and what the Secretary says they expended, by tribes. That ought to be interesting information; that ought to be in-

formation that would interest everyone here.

The figures I will quote are from the current reports of the commissioner of the Five Civilized Tribes and from the Commissioner of Indian Affairs. There are five of these tribes, and I will refer to them one at a time. The receipts of the Choctaw Nation were \$318,616, and they expended \$454,650.22—pretty In the Chickasaw Nation the receipts good administration. were \$102,219.44, and they expended \$175,111.08-pretty good administration. In the Cherokee Nation, of which Mr. Daven-PORT is a member, they collected \$13,028.87, and they expended \$138,128.90. In the Creek Nation they collected \$42,643.39, and expended \$117,002.11. In the Seminole Nation they reached the high-water mark of ridiculousness; they collected the magnificent sum of \$292.95, and they expended \$28,170.86. There were some additional receipts, but they consisted of proceeds from land sales, the transfer of tribal money from the Interior Department to local banks through the union agency and do not properly belong as receipts. Some of the totals I have quoted do not belong there as receipts. Remember, this is all independent of the general appropriation that is carried in this bill aggregating nearly \$8,000,000; this is independent of the \$50,000 that we appropriate through the Committee on Appropriations for the Department of Justice; this is independent of the \$85,000 that this bill carries for agents; and independent of the \$200,000 that this bill carries for police. We ask to be relieved from the officers that we do not need. [Applause.]

The CHAIRMAN. The time of the gentleman has expired, and the gentleman from South Dakota [Mr. Burke] is recog-

nized for 12 minutes.

Mr. BURKE of South Dakota. Mr. Chairman, I yield the balance of my time to the gentleman from Kansas [Mr. Camp-BELL].

Mr. CAMPBELL. Mr. Chairman, we are fast approaching the last chapter that shall be written on the American Indian. The final word of the gentieman from Oklahoma was we protest against the officers of the United States coming into his State to help supervise the Indian. The Government of the United States is the guardian of the Indian and the Indian is its ward. There are 35,000 full bloods in the State of Oklaits ward. There are 35,000 full bloods homa and in the Five Civilized Tribes-

Mr. FERRIS. The gentleman does not mean full bloods, but

restricted Indians. Many of those are mixed bloods.

Mr. CAMPBELL. About 18,000 full bloods. It has been the ambition of the State of Oklahoma, since it has become a State, to con-rol everybody within its borders. The people who made it a State got in there in spite of those who were endeavoring to protect the Indian. The Indian is there now struggling for his last rights. By the provision of this bill he will be for his last rights. By the provision of this bill he will be without even an attorney to appear for him. The grafter on every hand is waiting for the passage of this bill so that he can exploit the Indian. I have been in Oklahoma among the Five Civilized Tribes. I have been alone among them; I have been there with a committee. The disposition shown toward the Indian is this: If you can get his property, get it; it does not matter how. If you can get the property of an Indian child. matter how. If you can get the property of an Indian child, get it; it does not matter how you do it. Within recent months the most horrible murder has been perpetrated in order to get the property of Indian children—helpless children.

Mr. DAVENPORT. Those were negroes, were they not?
Mr. CAMPBELL. They were enrolled under the Indian laws.
They had valuable land, and the persons who wanted it could not get it until they put dynamite under the house occupied by those innocent children and dynamited the house and killed the children.

Mr. DAVENPORT. That was the Taft incident. I would like to ask the gentleman-

Mr. CAMPBELL. No; I can not yield to the gentleman.
Mr. DAVENPORT. The gentleman has reference to—
Mr. CAMPBELL. I have reference to the case of Herbert

and Castella Sells, in Muskogee County.

Mr. DAVENPORT. Well, the Taft incident in Muskogee

County, I know all about that.

Mr. CAMPBELL. I know all about it. I know that the man who perpetrated that infamous murder would never have been brought to justice if it had not been for the district agents which you drop out of this bill. That is not all. Some of the probate courts, under the laws of the State of Oklahoma, have worked with these grafters and have aided in the robbing of Indian children. I shall give some of the cases:

Elisha Hodges, a half-blood Choctaw Indian child, 11 years of age, had 320 acres of land. A guardian was appointed. Later his guardian made application to the court to lease 26 acres of that land to a man by the name of Buell. The land was leased as a stone quarry for 10 years, at \$25 a month, payable in advance. The same day the guardian of this Indian child filed with the same probate court, before Judge Phillips, of Bryan County, a petition to sell 320 acres of land, alleging it was necessary to sell the land to get money to pay for the support of the Indian child-Mr. CARTER.

Will the gentleman yield?

Mr. CARTER. Will the gentleman yield.

Mr. CARTER. I yielded to the gentleman when I had no more time than the gentleman has.

The child's

Mr. CAMPBELL. I have only a few minutes. The child's property was ordered sold-the 320 acres, including the tract that had been leased at \$25 a month. The property sold for \$420 to the lessee, Buell.

One hundred dollars was taken of this as court expenses; the child got \$320-\$20 more than he would have gotten for one

year's rent. The probate judge approved that sale.

That probate judge on the 30th day of December, 1907, appointed I. K. Pool, a white man, as guardian of his own child by an Indian mother. A few days after that he filed a petition to sell 320 acres of land that this child had inherited from its mother. It was stated the sale was necessary to pay for the keep of the child and improve the child's homestead. The court ordered the land sold, and it was sold. I will give the report of the administrator on the sale of the land and thus show how honestly the property of Indian children will be cared for if gentlemen from Oklahoma can keep Government agents out of that State.

Mr. FERRIS. Will the gentleman yield?

Mr. CAMPBELL. I can not yield.

Mr. FERRIS. The gentleman is making a serious assault that ought not to go in the RECORD.

Mr. CONNELL. Does the gentleman think that judge ought

to be recalled?

Mr. CAMPBELL. He was defeated for renomination. pears from the record that L. W. Rushing, J. L. Austin, and W. J. Kendall were appointed as appraisers. They appraised the laud at \$2,560. The land was sold for \$2,000 to one of the appraisers, Mr. Rüshing. It further appears that on February S, 1908, the guardian filed a petition to sell his ward's interest in the allotment of Bensie Bobb, deceased. Now, let us have the final report:

On December 2, 1908, the guardian filed his report, as follows:

Receipts: From sale of Summle Pool's surplus allotment From sale of Summle Pool's homestead allotment From sale of Bensie Bobb's estate From rent of ward's allotment in 1908	950, 00
	2, 830. 75
Expenditures: By cash to Julius Campbell, for allotment By cash to Julius Campbell, for allotment of S. B. Pool_ Clearing and breaking 140 acres, at \$10 per acre 2 sets of houses, cribs, wells, lots, etc Court costs, publication, attorney's fee, cfc Time, traveling expenses, witness's fees, etc 3.636 bois d'arc posts, set at 12½ cents each 66 spools of galvanized barbed wire, at \$3.80 per spool	1, 400, 00
Less court reduction	4, 967, 90 75, 00

The court cut off \$75 of that, which left this child indebted to this guardian in the sum of \$2,062.15 on that transaction. The court ordered the sale of the child's homestead to pay the guardian for this balance. And yet Oklahoma protests against Government agents going into that State to protect Indian children and Indian wards. Let me say this, that the conscience of Oklahoma about judges has been aroused, and the 40 probate judges have asked that district agents be not discontinued, but that they be furnished to act as guardians ad libitum to all incompetent wards of the Government who come in their

Mr. FOSTER. What were the district agents doing?

Mr. CAMPBELL. They were not appointed at that time.
Mr. CARTER. What was the date?
Mr. CAMPBELL. In December, 1907, and the district agents were not appointed until May 27, 1908.

The CHAIRMAN. The gentleman's time has expired. All time has expired. The question is on the amendment of the

gentleman from Minnesota [Mr. MILLER].

Mr. BURKE of South Dakota. Let it be stated.

The CHAIRMAN. The amendment of the gentleman from South Dakota is to strike out the proviso, which the Clerk will report.

The Clerk read as follows:

Page 25, beginning with line 20 and ending with line 24, strike out: "Provided further, That during the fiscal year 1913 no money shall be expended from the tribal funds belonging to the Five Civilized Tribes, except from schools, without specific appropriation by Congress."

The CHAIRMAN. The question is on agreeing to the amend-

The question was taken, and the Chair announced that the noes seemed to have it.

Mr. BURKE of South Dakota. Mr. Chairman, I ask for a division.

The committee divided; and there were—ayes 24, noes 55.

So the amendment was rejected.

The CHAIRMAN. The Clerk will report the next amendment as a new paragraph.

The Clerk rend as follows:

After line 12 add the following as a new paragraph:

"For salaries and expenses of district agents for the Five Civilized Tribes in Oklahoma and other employees connected with the work of such agents, \$100,000."

Mr. BURKE of South Dakota. Mr. Chairman, that amendment should follow the proviso and not come in after line 12. The proviso not going out, the amendment should follow the

The CHAIRMAN. The question is on the amendment offered by the gentleman from South Dakota [Mr. BURKE].

The question was taken, and the noes seemed to have it. Mr. BURKE of South Dakota. Division, Mr. Chairman. The committee divided; and there were-ayes 40, noes 51. Mr. BURKE of South Dakota. Mr. Chairman, I demand

Tellers were ordered; and the Chairman appointed Mr. STEPHENS of Texas and Mr. Burke of South Dakota.

The committee again divided; and the tellers reported-ayes

So the amendment was rejected. The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

The Secretary of the Interior is hereby authorized to pay, out of the funds of the Chickasaw Indians now on deposit in the Treasury of the United States, to Douglas H. Johnston, governor of said nation, the sum of \$3,000 per annum from March 1, 1910, to March 1, 1912.

Mr. WILLIS. Mr. Chairman, I desire to reserve a point of order on the paragraph just read. It is quite apparent on the face of the proceedings here that this is an expenditure not authorized by existing law. If there is any doubt about it, the reading of the committee hearings at pages 309 and 310 would convince one that it is not authorized by existing law, because it is there stated, in a statement made before the committee by the gentleman from Oklahoma [Mr. Carter], that-

The Chickasaw governor originally drew \$1,500, but the Chickasaw Legislature passed an act raising the governor's salary to \$3,000. The succeeding August an election was held, Gov. Johnson was elected, and inaugurated in September. The bill came to the President, Mr. Roosevelt, and he disapproved it. The bill dld not become a law.

In other words, the very authority that is sought to be quoted here as a basis for this appropriation—a bill passed by the Chickasaw Legislature—is stated not to have become a law. Then, further on in the hearings, on the next page-page 310a statement appears to the same effect. The gentleman from Oklahoma [Mr. Carter], in response to a query by the chairman. says:

I do not know what was in his mind about it. He has told me he always thought Congress would pay him \$3,000.

In other words, it appears that we are to appropriate this amount because somebody thought Congress was going to do it. I think there should be an explanation. I reserve my point of order, Mr. Chairman.

Mr. CARTER. Mr. Chairman, the point of order is conceded. There is no doubt but that the paragraph is subject to a point of order. I can not state any more fully the facts than they have been stated in the hearings as read by the gentleman from Ohio [Mr. Willis], but I will repeat just briefly.

The Chickasaw governor originally drew \$1,500. 1902, as I now remember, the Chickasaw Legislature passed an act increasing that salary to \$3,000. Previous to that time the act of June 28, 1898, required the approval of all bills appropriating money from the tribal treasury by the President of the United States. That bill was sent on to the President for his approval. At that time the President was a little out of humor with the tribal chief and disapproved the bill. Whether his disagreement with the chief had anything to do with this disapproval I know not, but that has been charged. rate the act did not become a law. But the tribe by that act expressed their willingness for their chief to have \$3,000.

I can see no impropriety in paying it to him. He is still

serving the tribe as chief.

I offer this as an evidence of my good intent and good faith to assist in providing for the Five Civilized Tribes such officials as they need if they will only leave that to be done by Con-

Mr. WILLIS. Does the gentleman yield?

Mr. CARTER. Yes. Mr. WILLIS. Does the fact appear that the council of this nation still believes that the governor should have \$3,000? Have they done anything or taken any action to that effect since this bill was vetoed by the President?

Mr. CARTER. Not since then. I think that is the last

action taken.

Mr. WILLIS. When was that? Mr. CARTER. That was in May, 1902, and if I am not mistaken the act of July 1, 1902, took away from the tribal council the right to increase salaries. I am not sure about that.

Mr. WILLIS. If they are anxious that the governor shall have this salary, it is curious that they did not pass the bill again and put it up to the President for his signature.

Mr. CARTER. The tribal council can only meet when the

Secretary of the Interior permits them to meet, and he has not permitted the council for the Chickasaw Nation to meet for several years.

Mr. WILLIS. I do not desire to be contentious about this matter. I have no doubt that this is a worthy governor. certainly has an able and distinguished advocate here, and I do not make the point of order.

Mr. MANN. Mr. Chairman, I make the point of order.

Mr. FOSTER. I make the point of order, Mr. Chairman. The CHAIRMAN. The point of order is sustained.

The Clerk read as follows:

For support and education of 600 Indian pupils, including native pupils brought from Alaska, at the Indian school, Salem, Oreg., and for pay of superintendent, \$102,000; for general repairs and improvements, \$9,000; for construction of industrial building, \$6,000; in all, \$117,000.

Mr. WILLIS. Mr. Chairman, I move to strike out the last word, simply for the purpose of getting some information. What is the reason for requiring that these pupils shall be brought from Alaska? Why can they not just as well be taken care of in Alaska as to bring them at great expense to Oregon for education?

Mr. STEPHENS of Texas. If the gentleman will permit me, we have no Indian schools in Alaska, and we do not wish at the present time to enter into the making of appropriations for that purpose. I understand that there are very few Indians in that country, and it is cheaper to bring them down to Oregon.

Mr. WILLIS. Is that the idea of the Commissioner of Indian Affairs, that they shall be brought down to Oregon, rather

than be educated in schools in Alaska?

Mr. STEPHENS of Texas. We have numerous requests of that kind, and it has been done for several years at the request of the Department of the Interior. There are some Indians there, but not enough to warrant the establishment of an Indian school there.

The Clerk read as follows:

The Clerk read as follows:

For continuing the construction of the Modec Point irrigation project, including drainage and canal systems within the Klamath Indian Reservation, in the State of Oregon, in accordance with the plans and specifications submitted by the chief engineer in the Indian Service and approved by the Commissioner of Indian Affairs and the Secretary of the Interior in conformity with a provision in section 1 of the Indian appropriation act for the fiscal year 1911, \$50,000 appropriated in the act of March 3, 1911, is hereby made available until expended: Provided, That the total cost of this project shall not exceed \$155,000, excluding the sum of \$35,141.59 expended on this reservation to June 30, 1910, and that the entire cost of the project shall be repaid into the Treasury of the United States from the proceeds from the sale of timber or lands on the Klamath Indian Reservation.

Mr. MANN. I reserve a point of order on that.

Mr. FOWLER. I reserve a point of order on the last paragraph, especially on that portion which relates to the \$50,000 appropriated by the act of March 3, 1911, and which reads as follows:

Is hereby made available until expended.

The words "until expended" are too broad. This committee is providing for appropriations for Indian affairs, and has a right to make appropriations for the next fiscal year, and that I suggest that an amendment be made to that part of alone. the bill, so that it may provide for a reappropriation of this sum. I reserve the point of order, Mr. Chairman, with the view of getting some information from the chairman of the committee.

Mr. MANN. If my colleague will yield-

Mr. FOWLER. Certainly. Mr. MANN. It is customary in all these appropriations for irrigation projects, river and harbor improvements, and things of that sort, to have the appropriations remain available until expended. I think it is usually not necessary to include those words in the act. Just what the difficulty was here, of course, I do not know; but it is customary, when an appropriation is made for a permanent improvement, that that shall continue available until expended.

Two years ago we passed an act covering everything back into the Treasury that was not expended, thereby repealing that law which made these appropriations available until ex-We found that that interfered with appropriations for pended. river and harbor improvement, and we passed a special provision, providing that river and harbor appropriations should remain available until expended. I presume that by reason of the first act which I have just referred to this appropriation was not so intended.

The CHAIRMAN. The time of the gentleman from Illinois [Mr. Fowler] has expired.

Mr. MANN. I ask unanimous consent that my colleague have five minutes more.

The CHAIRMAN. The gentleman from Illinois [Mr. MANN] asks unanimous consent that the time of his colleague [Mr. FOWLER] be extended five minutes. Is there objection?

There was no objection. Mr. FOWLER. It is not contended that the Congress has the authority to make an appropriation beyond the coming fiscal year? Mr. MANN.

Congress has the authority, without any question, but I think the item is subject to a point of order on the ground that this committee is only authorized to report appropriations for the next fiscal year.

Mr. FOWLER. I did not mean Congress, but this Appropriations Committee

Mr. MANN. I think it is likely that it is subject to a point of order, but it is customary to have appropriations of this char-

acter remain available until they are expended.

Mr. GARNER. May I interrupt the gentleman to ask him if it is not also the custom in river and harbor work or contract work, where a certain authorization is made, and part of it is made available for that fiscal year, to contract with reference to the final appropriation for the whole amount to complete the work?

That is undoubtedly the custom.

Mr. GARNER. And that is the only economical way in which it can be done?

Mr. MANN. I think so.

Mr. FOWLER. Mr. Chairman, I am not sure but that if this amount was reappropriated it would serve the purpose intended

by the language here

I am inclined to think, from my limited experience with these appropriation bills, that this language is subject to a point of order, because of the fact that the authority to appropriate under such circumstances is confined to the coming fiscal year; and, while I am not intending to obstruct or intending to try to defeat any legislation, I would like very well to have it reappropriated.

The CHAIRMAN. Does the gentleman from Illinois offer an

amendment?

Mr. FOWLER. I will offer as an amendment the following: Strike out the words "is hereby made available until expended" and insert "is hereby reappropriated."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

In line 18, strike out the words "is hereby made available until expended" and insert in lieu thereof the words "is hereby reappropriated."

Mr. FOWLER. A parliamentary inquiry, Mr. Chairman, The CHAIRMAN. The gentleman will state it.

Mr. FOWLER. Is it not necessary to withdraw the point of order before this vote is taken?

The CHAIRMAN. The gentleman did not make the point of

order; he reserved it.

Mr. MANN. Mr. Chairman, I reserve a point of order with the amendment pending. What is the reason for inserting the proviso here which is apparently the existing law?

Mr. BURKE of South Dakota. I will say that the existing law uses the word "including," and this uses the word "excluding." If the word "including," which appeared in the last act, was not wrongfully put in, which I am not prepared to say whether it was or not, the project could not be completed within the limit of cost as the existing law reads. This is simply to change it, and it must be changed if we do the construction for the \$185,000.

Mr. MANN. I notice also that it provides "excluding the sum of \$35,141.59 expended on this reservation June 30, 1910. The language in the last law was "expended on this project."

Mr. BURKE of South Dakota. That is because there was some money used on the reservation many years ago which had no value.

Mr. MANN. The change then was made deliberately?

Mr. STEPHENS of Texas. Yes; it was money that had been thrown away

Mr. BURKE of South Dakota. Not necessarily thrown away. Mr. MANN. Mr. Chairman, I withdraw the point of order. The CHAIRMAN. The question is on the amendment offered

by the gentleman from Illinois [Mr. Fowler].

The question was taken, and the amendment was agreed to. The CHAIRMAN. The next paragraph of the bill has already been passed, and the Clerk will read.

The Clerk read as follows:

For continuing the construction of lateral distributing systems to irrigate the allotted lands of the Uncompangre, Uintah, and White River Utes, in Utah, and to maintain existing irrigation systems, authorized under the act of June 21, 1906, to be expended under the terms thereof and reimbursable as therein provided, \$75,000.

Mr. JONES. Mr. Chairman, I desire to offer the following amendment as an independent section.

The Clerk read as follows:

Amend section 22, as follows: "For support and education of 120 Indian pupils at the school at Hampton, Va., \$15,000."

Mr. JONES. Mr. Chairman, this amendment seeks to restore to this bill a part of an appropriation which the annual bill for the support of the Indian Service has carried for more than 30 years, an appropriation which for a third of a century has not been omitted from the Indian bill. There is located at Hampton, Va., what is known as the Hampton Normal and Agricultural Institute, a private institution. This well-known school

has had a contract with the United States Government which, as I have said, it has existed for more than three decades, and under which it is provided that as many as 120 Indian students shall be received for the sum of \$167 each. At present there are 83 such students attending this school.

The Hampton School may be said to be the pioneer in industrial education-that is, education in the trades-in the United States. Carlisle, a Government institution, is but an offshoot of Hampton. The reason for the existence of this contract is that the Hampton School is the only one in the United States where Indians can receive equally as good normal and industrial training, where they can be equally as well trained to teach and equally as well taught the domestic sciences. It is diffi-cult for me to understand, Mr. Chairman, upon what theory the Committee on Indian Affairs has eliminated from this bill an appropriation which for many long years has been shown to have been of inestimable benefit to the young and ambitious Indians of the whole country.

The report which I hold in my hand assigns but one reason.

It says:

It is the opinion of a majority of your committee that there are adequate facilities provided for the higher education of the Indian pupils now being educated at Hampton on or near their reservation.

And then adds:

Your committee is therefore of the opinion that a considerable saving to the Government could be made by educating these children in Government schools already provided for the higher education of Indians, thus saving the needless expense in the transportation of these pupils, and otherwise incurred, in taking them from their reservations in the West and educating them at the farthest point in the East, and paying \$167 per capita for their education at that point, while it is shown that schools with equal facilities and advantages are educating pupils similar to these being educated at Hampton at much less than \$167 per capita,

Mr. Chairman, I have read every word that appears in the hearings bearing upon this subject, and, so far as I can discover, the only witness who appeared before the committee was the Commissioner of Indian Affairs, Mr. Valentine, and I can not find one single word in his testimony which in the slightest degree bears out the statements contained in the report of the committee which I have just read.

The CHAIRMAN. The time of the gentleman from Virginia

has expired.

Mr. JONES. Mr. Chairman, I have not before participated in the debate upon this bill, which has now been in progress for three days, and inasmuch as this is a very important matter to a great school in my State, I ask unanimous consent that I may be permitted to address the committee for 15 minutes.

The CHAIRMAN. The gentleman from Virginia asks unanimous consent that he may address the committee for 15 min-

utes. Is there objection?

Mr. MANN. Mr. Chairman, reserving the right to object, can we not reach an agreement as to how much time shall be

expended on the amendment?
Mr. STEPHENS of Texas. Mr. Chairman, I would like to have it confined to 20 minutes—10 minutes to be used by the

gentleman from Virginia and 10 by myself.

Mr. CARTER. Mr. Chairman, I would like to have five or

six minutes on the amendment.

Mr. STEPHENS of Texas. I will yield that to the gentleman from Oklahoma.

Mr. JONES. Mr. Chairman, there are other gentlemen who wish to speak upon this proposition. I think the gentleman from Massachusetts [Mr. McCall] desires to be heard.

Mr. MANN. Mr. Chairman, I have no desire to cut off any

gentleman

Mr. STEPHENS of Texas. It is now the usual time for the committee to rise, and I would like very much to have the bill passed this evening.

Mr. JONES. Mr. Chairman, there is no regular time for ad-

journment, and I hope there will be no objection to my request for 15 minutes.

Mr. STEPHENS of Texas. Then, Mr. Chairman, I shall submit a request for unanimous consent that all debate on this paragraph, on the motion made by the gentleman from Virginia, close in 25 minutes.

Mr. MANN. Mr. Chairman, I hope the gentleman will not insist upon that request.

Mr. FERRIS. Mr. Chairman, will the gentleman yield?

Mr. STEPHENS of Texas. Yes.

Mr. FERRIS. I think there is but one more controverted item in the bill-

Mr. MANN. There are several amendments to be offered, I am told.

Mr. FERRIS. I think if there could be an agreement had as to the Pima item, that it may go into the bill as agreed upon by the committee-

Mr. MANN. The committee amendment?

Mr. FERRIS. Yes; the amendment offered by the committee. Mr. MANN. I am perfectly willing to agree to that. I re-

serve the point of order upon it.

Mr. STEPHENS of Texas. Then, Mr. Chairman, I ask unanimous consent to recur at this time to page 9 of the bill, line 12, for the purpose of offering the following amendment which I send to the desk and ask to have read.

The CHAIRMAN. The gentleman from Texas asks unant-

mous consent to recur to page 9, line 12, for the purpose of

offering an amendment. Is there objection?

There was no objection.

Mr. STEPHENS of Texas. Mr. Chairman, I offer the fol-

lowing amendment.

Mr. FERRIS. Mr. Chairman, I ask unanimous consent that we pass over for the present the Hampton School item and proceed with the reading of the bill, and then we can consume such time as is left upon the Hampton item.

Mr. MANN. I understand the gentleman from Wyoming has an amendment to offer which will probably take 15 or 20 minutes, and I think there will be one or two other amendments.

Mr. STEPHENS of Texas. Mr. Chairman, I call for the

reading of my amendment.

The CHAIRMAN. The Clerk will read. The Clerk read as follows:

The Clerk read as follows:

Insert as a new paragraph, following line 11, page 9, the following:

"For maintenance, including purchase of electricity for irrigation wells already completed and the completion of the lateral irrigating ditches thereunder in connection with the irrigation of the lands of the Pima Indians in the vicinity of Sacaton, in the Gila River Indian Reservation, \$15,000: Provided, That the Secretary of War be, and he hereby is, directed to convene a board of not less than three engineers of the Army of wide reputation and large experience to make the necessary examinations, borings, and surveys for the purpose of determining the reasonability and practicability of constructing a dam and reservoir at or in the vicinity of the Box Canyon, on the San Carlos Reservoir, on the Gila River, Ariz., and the necessary irrigation works in connection therewith to provide for the irrigation of Indian, private, and public lands in the Gila River Valley; said board of engineers to submit to Congress the results of their examinations and surveys, together with an estimate of cost, with their recommendations thereon, at the earliest practicable date. The sum of \$10,000, or so much thereof of as may be necessary, is hereby appropriated out of any money in the Treasury not otherwise appropriated for the purpose of conducting said investigation."

Mr. MANN. Mr. Chairman, the other day I reserved the

Mr. MANN. Mr. Chairman, the other day I reserved the point of order upon this amendment. I will withdraw the point of order. I have only one regret in respect to it, however, and that is that the committee has seen fit to use such a word as "reasonability," thereby enlarging the English language.

Mr. STEPHENS of Texas. Mr. Chairman, this suspends the action of the department in respect to the irrigation develop-ment of the Gila River in Arizona. The committee has gone through the matter very carefully, and this amendment has been suggested and written in the department and it is satisfactory to the gentleman from Arizona [Mr. HAYDEN]. There is no objection to it from any source and I ask for a vote.

The CHAIRMAN. The question is on agreeing to the amend-

ment offered by the gentleman from Texas.

Mr. MONDELL. Mr. Chairman, I would like to speak to the amendment. Mr. Chairman, I shall offer no objection to the adoption of the amendment, but I want to make a suggestion in regard to it, and that is it is very doubtful whether the investigation proposed is at all necessary. There have been a number of investigations of the situation on the Gila River in the locality referred to. The Reclamation Service has made a full and exhaustive examination of the situation. One was made by the hydrographic branch of the Geological Survey before the reclamation act was passed, and since that time I think there has been another investigation made by the Indian Bureau. So there is now practically all the information that is obtainable with regard to the Gila River, the amount of water it carries, the amount of silt-as to the feasability of a dam at the point proposed, as to the amount of land that might be irrigated. There have been many people who have been much exercised on behalf of these Indians and some people have thought that they were more exercised on their own behalf than they were on behalf of the Indians. The probability is, after we get through, we will discover we could buy for these Indians 100-acre farms at \$100 an acre much more cheaply than we can undertake to supply them an uncertain water supply from the Gila River. I say we have the facts, but they are somewhat scattered in various documents, and I think the Army has not yet investigated the question. I think all the other branches of the Federal Government that could by any possibility have anything to do with these matters have investigated it, but perhaps it will be well to call in the Army engineers and have them get together the information we have and seek further information, and at the end we will probably discover that it

if we build it it will fill up inside of a few years with silt. If there is anything further to be done for these Indians, who, by the way, have one of the most expensive irrigation plants in the world, a pumping plant, if there is anything more that should be done for them, it will probably be to take them from the reservation and buy farms for them. That would seem to be much cheaper than to build a reservoir and canals.

Mr. STEPHENS of Texas. Mr. Chairman, I ask for a vote. The CHAIRMAN. The question is on the adoption of the amendment offered by the gentleman from Texas.

The question was taken, and the amendment was agreed to. Mr. JONES. Now, Mr. Chairman, I renew my request that I may be permitted to address the House for 15 minutes upon this proposition.

The CHATRMAN. The gentleman from Virginia asks unanimous consent to address the House for 15 minutes. Is there

objection? [After a pause.] The Chair hears none.

Mr. JONES. Now, Mr. Chairman, I wish to call the attention of this committee to one or two pregnant facts. As I was proceeding to point out when my time expired, it is claimed in the report of the committee accompanying this bill that there are schools located on the Indian reservations and supported by the Government at which the Indian children can be taught all the branches which are taught at Hampton, and much cheaper. Stress is laid in this report on the fact that the distance to be traveled by the Indian children from the reservation to Hampton is very great and therefore entails considerable cost to the Government. I am informed, and I believe the statement can not be questioned, that the normal courses at one time taught at the reservation schools are no longer taught there, and that it is not now pretended in any quarter that the Indian students at the reservation schools are trained in the art of teaching. There is not, I am told, a reservation school which attempts even to fit its scholars for teaching. So much, then, for the claim that the reservation schools are equipped to take the place of the Hampton school. Indeed, Mr. Chairman, there is no school in the United States which has the same appliances and which can afford the same facilities for giving Indian children normal, industrial, and agricultural education. This much must be conceded, I think. No less a distinguished educator than Dr. Eliot, late president of the great University of Harvard, is upon record as saying that there was no school, no university in America which presented the same or an equal combination of academic and industrial teaching as Hampton, and Dr. Gilman, president of the great University of Johns Hopkins, has declared that we could better spare any two universities in the United States than the Hampton Institute. And Gov. Woodrow Wilson, when president of Princeton University, indorsed the Hampton school in terms of commendation and praise scarcely less strong. I think, therefore, we may dismiss the proposition that there is any other school in the country possessing equal facilities with those of the Hampton Normal and Agricultural Institute, and where the Indian student can receive the training of which he stands the greatest need.

Mr. McGUIRE of Oklahoma. In this connection will the gentleman yield?

Mr. JONES.

Mr. JONES. Yes; for a question.
Mr. McGUIRE of Oklahoma. I was just going state, before
the gentleman left this point of his discussion, that this is the
cheapest school for Indians in the United States—that is, it costs less per annum per capita to educate the Indians here in this school than anywhere.

Mr. JONES. I am very much obliged to the gentleman for this information; I was not informed as to that. I do know, however, that the Hampton Institute does not derive any profit from the \$167 which the Government pays for the education of the Indian children which attend that school. With the authorities of this school it is not a question of making money out of the Government. The Government receives far more than it gives.

Mr. CONNELL. Will the gentleman yield? The CHAIRMAN. Does the gentleman yield to the gentleman from New York?

Mr. CONNELL. For just one question.

Mr. JONES. I do.

Mr. CONNELL. Does the gentleman believe that the removal of the Indian from the Hampton School will cripple the work of the school or make it less effective than it was or tend to its disruption?

Mr. JONES. I do not believe that the loss of these Indian students will impair the efficiency of the school, but what I do say is that, in my judgment and in the judgment of those who are far better qualified than I am to speak upon this subis impossible to build this great dam on the Gila River, and that | ject, the Indians who attend the Hampton School are being better fitted to take their places in the world than it is possible for them to be elsewhere. I base this opinion not only upon what has been said by the distinguished educators from whom I have quoted, but also upon what was said by the Commissioner of Indian Affairs to the committee which prepared this measure. But the committee not only maintains in its report that the Indians can be as well educated at the reservation schools as at Hampton, but it states that they can be more cheaply educated there, and assigns as a reason for this that it costs a great deal to transport them from the reservations to Hampton. Upon this subject I appeal from what is said in the report to what my friend, the distinguished chairman of the committee, who doubtless wrote the report, said on the floor of the House on Friday last. On that day, in reply to something said by the gentleman from Pennsylvania [Mr. Olmsten], the chairman of the committee is reported to have said-I read from the Con-GRESSIONAL RECORD:

There is a measure pending that will, I hope, transfer the 120 students at Hampton, Va., to Carlisle or some other school. I do not think the Hampton School is any better than the Carlisle School. I am simply making the statement of the reasons why I will agree with the gentleman from Pennsylvania [Mr. OLMSTED] to meet him halfway.

If, notwithstanding what is said in the report upon this subject, it is now the purpose to take the Indian students from Hampton and transfer them to Carlisle, I fail to see how the Government is to save the traveling expenses dwelt upon in the It is just as expensive to transport Indians from the reservations to Carlisle as to transport them to Hampton. I submit that the chairman of the committee has himself effectually disposed of the economy argument attempted to be made For it now seems that it is not the purpose to educate the Indians, who would prefer to go to Hampton, in the fine schools we have been told so much about on the reservations and at a considerable saving to the Government, but to send them to Carlisle where there can be no traveling expenses saved. The distance from the reservations is just as great to Carlisle as it is to Hampton.

Mr. CARTER rose.

Will the gentleman from Virginia [Mr. The CHAIRMAN. Jones] yield to the gentleman from Oklahoma [Mr. Carter]? Mr. JONES. I will.

Mr. CARTER. Just a short statement. There is a saving by transferring the children from Hampton to Carlisle, because, as the gentleman has already stated, it costs \$167 per capita at Hampton and only \$138 at Carlisle.

Mr. JONES. Mr. Chairman, the gentleman hardly wishes to be understood as saying that the difference between \$167 and \$138 would be saved in the matter of transportation in sending the Indians to Carlisle rather than to Hampton. I have said nothing as to the cost of educating Indians at Carlisle, because I possess no knowledge on that subject. I have been trying to show that, in the light of what was said on this floor on Friday last, the economy argument of the report had no legs to stand upon. The gentleman from Oklahoma [Mr. McGurre] made the statement a few moments ago that the Indians are being educated cheaper at Hampton than at any other schools. leave that matter to the two gentlemen from Oklahoma for settlement. I have no information in regard to it. My contention is-and it is one that is supported by abundant testimony-that the reservation schools are not to be compared to the Hampton school. If excellence is to be considered, then Hampton Institute, in my opinion, is a much cheaper school than even Carlisle.

As I have said, the Government has even abandoned the normal courses in the reservation schools. Hampton, therefore, is practically the only school in the country-certainly the only one outside of Carlisle-where Indians are prepared to teach their own race. It can not be contended that even Carlisle is anything like as well equipped as Hampton to turn out competent Indian teachers. Having in mind what is said in the report as to the saving to the Government in educating the Indians at the reservation schools rather than at far-away Hampton, and the frankly avowed purpose of the chairman of the committee to transfer the Hampton Institute students to Carlisle and not to the reservation schools, I am at a loss as to how to meet the various and conflicting arguments of those who are opposed to restoring the appropriation for educating a certain number of Indians at Hampton.

I have heard it whispered around that there were negroes educated at the Hampton school as well as Indians. I wish to say in respect to this that whilst this is true, it is also true that the negro students and the Indians occupy different dormitories and are not even brought together in the mess halls.

I wish to state further that the State of Virginia, which I have the honor to represent in part upon this floor, has been !

appropriating for years out of the land funds considerable sums toward the maintenance of the Hampton School, and to-day is the first time I have ever heard this race question raised. There is not in all this land a community where there is more of culture and refinement than is to be found at Hampton. It is one of the very oldest cities in America, and there is no educational institution in America which is surrounded by more uplifting influences. A year spent in Hampton upon the beautiful grounds of this institution, and amid such elevating environments, is in itself an education for a poor Indian child whose whole previous life has been spent upon a reservation. Indians who have been educated at Hampton are the best proof The Indians have never objected to the presence of negroes at this school. No complaint has ever come from the white inhabitants of Hampton and the State of Virginia has never withheld from this school her bounty because Indians and negroes met together in the lecture halls and shops and on the experimental farms. Moreover, in the space of a third of a century this is the first time this argument has been advanced here in support of the proposition to take from the Indians the very best educational facilities they have ever enjoyed. There has never been the slightest friction between the two races in all these years at Hampton. They are not brought together in the dormitories or in the dining rooms, and there has never been complaint on the part of any Indian because of the fact that they meet in the classrooms, the shops, and the fields.

Mr. McCALL. Will the gentleman yield? The CHAIRMAN. Will the gentleman from Virginia [Mr. Noss] yield to the gentleman from Massachusetts [Mr. Mc-JONES] CALL

Mr. JONES. I will.

Mr. McCALL. And the question has not been raised for 30

years in Congress before. [Applause.]
Mr. STEPHENS of Texas. The history of this school dates back to 1868. At that time Capt. Pratt, of the United States Army, and others captured a hostile band of Indians in the Many of them were young Indian men and women.

They were carried in captivity to some fort in Alabama.

In order to test the question of the practicability of Indian education, these young Indian prisoners were sent to Hampton and put into that negro school, while the older Indian prisoners were kept in captivity in Alabama. This school had been organized a few years after the Civil War by Gen. Armstrong, and for the purpose of educating the negro children of the South. This school was, as I understand, organized and chartered by the missionary societies of the United States. were several hundred negro students in the school at the time these Indian prisoners of war were put by force in the school. They could not help themselves, as they were prisoners and had to adapt themselves to their surroundings.

Congress at the next session made a small appropriation to pay for their instruction. Capt. Pratt, now Gen, Pratt, of the United States Army, retired, was placed in charge of these Indians, and also of the Hampton school for a few years, and later he organized the Indian school at Carlisle, Pa., and remained there for possibly 20 years in charge of the school.

This was strictly a school where only Indians were then and now taught. I can say without fear of successful contradiction that it is one of the best and cheapest Indian schools in the United States, as is shown by the Government reports on Indian schools. That statement shows that it costs only \$128.36 per capita per annum for each student in this Carlisle Indian School. No one will deny but that they have a very capable and competent corps of professors there, and this school being constantly attended by a large number of Indians, the capacity has been increased, so that now it can accommodate two or three hundred more pupils. I have this information directly from Government reports and from the officers of this school.

When the idea was first originated by Capt. Pratt of educating the Indians, we had no nonreservation Indian schools in The education of the Indian children was prothe country. vided for in contract schools. Those contract schools have all been abandoned except the one at Hampton. This Hampton School is therefore the last of that system of schools. Every Indian pupil instructed at that school costs the Government \$167 a year. We make a contract with the officers of the Hampton Negro School to pay \$167 for every Indian that goes there.

For many years that amount of money has been paid to these contract schools. They provide at Hampton for 120 Indian students. There are only 83 reported as enrolled and there are only 71, as I understand it, in average daily attendance at that school. That fact shows that the Indians themselves, dropping from 120 down to 83 or 71, whichever computation you desire to make, do not desire to attend that school and will not do it.

Mr. REDFIELD. Mr. Chairman, will the gentleman yield? The CHAIRMAN. Does the gentleman from Texas yield to The CHAIRMAN. Does the the gentleman from New York?

Mr. STEPHENS of Texas. Certainly.
Mr. REDFIELD. Did the gentleman's committee consult the principal of Hampton Institute before making this recom-

Mr. STEPHENS of Texas. He was here and made a written statement in regard to the matter for use by the committee. The committee was not in session when he was here; hence he had no opportunity—and asked for none—to appear before it. Mr. REDFIELD. Was he asked to appear before the com-

mittee?

Mr. STEPHENS of Texas. The facts are as I have stated

and are not disputed.

Mr. REDFIELD. Is it not a fact that he was afforded no opportunity to present the facts concerning the institution?
Mr. STEPHENS of Texas. It is not a fact. He did not ap-

pear before our committee, because it was not in session when

he left his statement with me.

Mr. REDFIELD. Is it not a fact that the reason why, as you say, these pupils do not want this education is because at the Hampton Institute they conduct this system of education on a higher plane of normal teaching than is the case in any other school, Carlisle included, and that, therefore, as is the case in every other educational institution, those drop out who can not meet the standard?

Mr. STEPHENS of Texas. It is not.

The CHAIRMAN. The time of the gentleman has expired.
Mr. STEPHENS of Texas. Mr. Chairman, I ask unanimous consent to be allowed to proceed for five minutes more.

The CHAIRMAN. The gentleman from Texas [Mr. Stephens] asks unanimous consent to proceed for five minutes

more. Is there objection?

There was no objection.

Mr. STEPHENS of Texas. There is another cogent reason, in my opinion, why these Indian pupils should be educated in the schools in the West and not in Hampton. It is this: We have many first-class Indian industrial Government schools built and in operation there now, including the Sherman School in California, the Haskell School in Kansas, and the Chilocco School in Oklahoma, and this is the first time I have heard these Government Indian schools lightly or disparagingly spoken of. I do not think the gentleman from New York has the correct idea with regard to these western schools. They are, as I have stated, Indian industrial schools, and they are equipped fully with all the up-to-date appliances, and they have the best teachers that the Government can get for the work in those Indian schools.

Several of these western nonreservation schools have been abandoned and sold or used for other purposes; and I can not conceive of any valid reason why these Hampton students should not be transferred from this negro school, where they are educated with 600 negroes, and educated in our own Government Indian schools in the West or at the Carlisle Indian

School in Pennsylvania.

Why should we keep up at great expense to the Government these schools in the West for the purpose of educating Indians, and send these 83 Indians to the farthest point in the East, at Hampton, as stated in the report, for the purpose of educating them, at great cost for transporting them to Hampton and then back home?

There is another objection to Hampton School. The Indians as a race are subject to diseases of the lungs. Many of them die with the white plague. They are raised on the western plains and in the western mountains, and when they are brought to the East the damp, cold climate only hastens and develops this disease. These Indian boys and girls do not have the same strength, the same capacity, and the same health that they have on their native heath in the West.

For all these reasons I apprehend that the committee were right in striking from this bill this appropriation. No legitimate reason can be given why these 120 Indians should remain at Hampton at great expense to the Government when we have Indian schools taught by Government employees. Why humiliate the Indian boys and girls, our wards and dependents, by educating them in the same schools with negro children? seemed to your committee that we should use our own schools, our own teachers, and separate these two races, and thus elevate the red race to the level of the white race and not degrade and humiliate him by sinking him to the low plane of the negro race.

Mr. REDFIELD. Mr. Chairman, I move to strike out the last word. I believe that the chairman of the Committee on Indian Affairs [Mr. STEPHENS of Texas] is the one who is un-

der a misapprehension as to the facts about Hampton Institute. Unless 20 years' time spent in touch with this institution and with the gentlemen who are responsible for this institution and visits to it have taught me nothing at all, the chairman of the committee seems not to be informed as to what Hampton Institute is.

Mr. STEPHENS of Texas. Will the gentleman yield?

Mr. REDFIELD. Yes.

Mr. STEPHENS of Texas. I was at Hampton less than two months ago, and was among those students.

Mr. REDFIELD. I am glad to hear it. It is a pity the gen-

tleman did not use his opportunities better.

Mr. STEPHENS of Texas. Oh, yes; but I have been there. Mr. REDFIELD. Hampton is a normal school. It does not

teach as Carlisle teaches. It does not aim to teach as the west-ern schools teach, and does not desire to do so. Hampton Institute teaches teachers. It produces, not Indians

well trained in industrial arts, but Indians who teach industrial arts; and all over America, in the various schools of which the chairman of the committee has spoken and which I admire, there are to-day the graduates of Hampton Institute, teaching their own people. That school stands upon an utterly different level from these other contract schools. It is a strictly normal school. It stands as the Teachers' College in New York City stands to the high schools of that city. It teaches its pupils to be instructors of their own people, and in the absence of a definite statement as to the precise nature of its work from the officers of that institute it is not proper for this committee to make their present report. Only to-day the principal of the school told me he had had no adequate means of placing before the committee the facts as to the normal training which all of us know who are interested in Hampton Institute is the peculiar work of that school.

Mr. McCALL. Mr. Chairman, I hope that the amendment of the gentleman from Virginia [Mr. Jones] will be carried. It practically carries an appropriation which we have made every year for 30 years or more. The gentleman from Virginia [Mr. Jones] is one of the oldest Members of this House, and this appropriation has been made every year during his term of No good reason whatever has been shown why service here. the Government should abandon this institution. There is one thing in regard to it that has not been stated in the debate. and that is that it is one of the best endowed schools in the whole South. It has a plant of over \$1,000,000 in value, and it is especially fitted to give a high grade of instruction. It does not imply any criticism of schools that are run upon a different plan to speak a good word for this school. President. Eliot, who is one of the most distinguished educators in the world, has said that he knows no place where there is such good combination of academic and industrial training as at

The chairman of the committee [Mr. Stephens of Texas] at one moment is attempting to show that this school should be discontinued because the number of pupils there is only 80, when it should be 100 or more, and in the next breath he tells us that some Indian schools in the West are absolutely going out. So, evidently, there is a broader reason than that which he gives. The return that the Indian gets from that school, from the income derived from investments and from the use of the industrial opportunities there, is much more than the Government contributes toward his education. I think it would be a great mistake to drop this historic institution. It is doing great work for both races, and I submit that if a State like Virginia does not object the gentleman from Texas [Mr. Stephens] certainly should not object. If you weaken that school by taking away this appropriation, you weaken that school by taking away this appropriation, you weaken it for all the scholars who go there, and I think it would be a very narrow policy for this House of Representatives, after it has been engaged in this beneficent work for 30 years, to discontinue its appropriations.

The people of the North are interested in this school. They have given hundreds of thousands of dollars toward its maintenance and toward its funds and its appliances. I believe all denominations would regret to see the House take the action which is proposed by this bill.

Mr. FINLEY. Will the gentleman permit a question? Mr. McCALL. Certainly.

Mr. FINLEY. I understand that this is not an industrial school, as is the school at Carlisle, Pa.; that it is rather a school for the training of teachers.

Mr. McCALL. It is both an industrial and academic school. Mr. FINLEY. I want to ask the gentleman if conditions in Oklahoma and other States have not changed vastly in the last 10 or 25 years, and could not the teachers now be trained in their institutes of learning?

Mr. McCALL. That has not been developed yet. I say that you will have better schools in Oklahoma and in other States where the Indians live if they have an opportunity to educate their children at the Hampton Institute.

Mr. JONES. I want to say that they had a normal course in these State institutions and it has been abolished.

Mr. FINLEY. There are institutions of learning, colleges and schools, in Oklahoma and elsewhere, and why can not the teachers be trained there? I think if anything should be done for the Indians it should be largely along industrial lines, so that they may be qualified to make a living.

Mr. McCALL. If the gentleman from South Carolina does not believe that we should give them an academic training, perhaps he would vote to discontinue the school, but if he does he will vote to discontinue the highest training school for the Indian race in America.

Mr. FINLEY. Mr. Chairman, the argument that this appropriation should be continued because it is a high-grade institution and that the appropriation should not be taken away from it, I can not concede as sound. The State of Oklahoma has colleges, it has institutions of high learning, it has training schools where Indians and white people and citizens of that State can go and be trained to teach, the same is true else-

I do not think that the facts warrant the statement that Hampton Institute should be maintained and supported because it is a training school for Indian teachers. I think the teachers for the Indians can be trained elsewhere. I think the Indians should largely have industrial training. Of course there should be teachers among the Indians properly trained. The Indians are a great race and have made great progress, and I hope they will make more progress, but I do not think that sufficient has been shown here in the way of facts to warrant Congress to continue the appropriation for maintaining and supporting this institution of learning.

Mr. SLAYDEN. Will the gentleman yield? Mr. FINLEY. I will. Mr. SLAYDEN. I understood the gentleman from Massachusetts [Mr. McCall] to say that if it was the idea of the gentleman from South Carolina that the Indian should not have an academic training then he should vote against this amendment. I want to know whether that suggestion is accurate, whether they can not have both an academic and an industrial training in the vicinity of their homes.

Mr. FINLEY. Mr. Chairman, I made no statement that will bear any such construction. The Indian should have an academic training, and he should also have an industrial train-

ing.
Mr. SLAYDEN. I think the gentleman from South Carolina misunderstands me.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. Floyd of Arkansas having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed the following resolution (S. Res. 278):

Resolved, That the Secretary notify the House of Representatives that the Senate has elected Augustus O. Bacon, a Senator from the State of Georgia, President of the Senate pro tempore, to hold and exercise the office this day in the absence of the Vice President.

INDIAN APPROPRIATION BILL.

The committee resumed its session.

Mr. MILLER. Mr. Chairman, each year the Government expends a large sum of money for the education of the Indian. To my mind this is simply a question as to where the money can best be expended and produce the best results. The gentleman from South Carolina [Mr. Finley] has just stated that his objection to this amendment for the education of the Indian children at Hampton Institute is that there are provisions in the various States from which these Indians come for their education at home. If he will look into the subject for a moment, he will come to the conclusion that he is under a misapprehension of facts. It is true that in the various States from which these Indian children come there exist normal schools, colleges, and other institutions of learning, but in none of them is there provision made by the Government for the education of Indian children. In none of them is provision made by the Government to pay the expenses of educating a single Indian boy or girl. The thing to be considered here is whether the Government shall expend a certain amount upon the education of the Indian children at Hampton in preference to expending the same amount upon the education of Indian children somewhere else. I for one take it as exceedingly un-wise to discontinue the education of the Indians at Hampton.

For more than a generation Indians have been educated there with pronounced success.

It is generally accepted among people engaged in educational work that it is more than ordinarily desirable for children, white or Indian, to be taken from the immediate surroundings in which they may be born and in which their early roundings in which they may be born and in which their early life has been passed, taken from thence to another portion of the country, there to be educated, that they may have the benefit of the customs, the culture, the ideas, the society there to be found. It is a part of a liberal education, and a most important part. While it is true as a general policy that we should restrict our educational institutions to Indian reservations, there should be some exceptions. The only two exceptions of any practical benefit to-day are those at Carlisle and Hampton. The advance of the whites has gradually pushed the Indians farther and farther, till now most of the Indians are located in Western States. It is of the utmost value that a part of them, during the formative period of their lives, should be schooled in the East. The East has much to give them that they need. I hold that no American boy can behold Plymouth Rock or Bunker Hill without being a truer patriot and a better man. No youth, either white or Indian, is there whose love of country would not be advanced, whose manhood or womanhood would not be strengthened, by dwelling in the classic atmosphere at Hampton, the spot where American civilization was first born and where three centuries of American history have been written.

I believe in Carlisle, but I also believe that institution is already large enough and that you will injure the institution, that you will injure the children sent there, if you increase the number to be educated there by taking those now at Hampton. Let Carlisle stand in all her glory; let Hampton continue her splendid work of upbuilding American Indian manhood and womanhood.

Mr. STEPHENS of Texas. Mr. Chairman, I have investigated that matter, and they can easily take care of this number.
Mr. MILLER. Mr. Chairman, it has been stated that these Indians all come from the far West, and that the cost of transporting them to the East is great and should be stopped. facts do not bear out that contention in any particular degree. I have here the statistics showing the States from which these children have come during the past 30 years. I would, in this connection, call the attention of the committee to the fact that from Florida 16 have come, and this institution is located the nearest to Florida of any Indian school in the land.

Three have come from Maine, 1 from Massachusetts, and from the Empire State of New York have come 159, a number exceeded by no other State in the Union, excepting alone the States of South Dakota and Wisconsin. Also, Mr. Chairman, there have come from the State of North Carolina 51, and today there are many Indian children in North Carolina who have no place to go to school unless they go to this school at Hampton. Hampton is performing a great work in the education of the Indian. It is teaching the Indian how to live by his hand and how to train his mind that the brain and hand may work together. It teaches the Indian to be self-supporting, and in so far as it does this it solves the Indian question. Hampton does more. It trains Indian boys and girls in the art and science of teaching and instructing their kinsmen, teaches them to be teachers, trains them to be instructors. No other Indian school in the world does this. No system of Indian schools is complete without it. We need Hampton. The other Indian schools need Hampton. The Indians need Hampton. Every consideration for the welfare of the Indian demands that we retain Hampton. I sincerely trust, I fervently entreat, the committee to vote for the offered amendment.

The CHAIRMAN. The time of the gentleman from Minnesota has expired.

Mr. STEPHENS of Texas. Mr. Chairman, I move that all debate on this amendment close in 10 minutes.

The CHAIRMAN. The question is on the motion of the gentleman from Texas that all debate on the pending amendment close in 10 minutes.

The question was taken, and the motion was agreed to. Mr. CARTER. Mr. Chairman, Hampton is a school attended

by Indian and colored children only, in the State of Virginia, where mixed schools are prohibited.

I disayow here and now any prejudice against the colored ace. I have known the negro from infancy. From my earliest childhood he was my daily companion and playmate. As I grew up he was my co-worker on range, field, and ranch. In later years he has been my faithful servant and stanch adherent and follower; and through all I have found him to be grateful to a fault, faithful in his friendship to me, and responsive to a trust when once you made him clearly understand

the responsibility of that trust. But notwithstanding the kindly feeling that I have for the colored man, experience has taught me the utter futility of any and all efforts to bring the negro into any closer social relationship with the white man.

Now, I want to ask the gentleman from Virginia [Mr. Jones] if he expects to elevate the Indian by practicing upon him a

policy to which he himself will not condescend?

Mr. JONES. Mr. Chairman, I will say to the gentleman that the answer to his question is to be found in the character of the Indian graduates. The very best educated, the most prominent and influential Indians to be found in the United States to-day, were educated at Hampton, and they all praise the course of education there and indorse the school.

Mr. CARTER. Mr. Chairman, I shall not embarrass the gentleman from Virginia by pressing the question, because we

all know full well his views upon this subject.

Much has been said first and last about the wonderful things we have done for the Indian, but let us not forget what the Indian has done for the white man. Let us not forget that this land of liberty-this great Republic, one of the greatest in area as well as otherwise on the face of God's moral vineyard-has been carved exclusively from the former domain of the red man, and in most every instance without an adequate considera-

There was a time when the will of the North American Indian was supreme upon this continent-a time that when his sacred rights were infringed upon he entreated not nor asked for quarter, but rushed out upon the bloody warpath and waged cruel and relentless war, just as civilized nations are wont to do to-day. [Applause.] But that was before the white man started

his benevolent assimilation steam roller. [Laughter.]

The history of the contact of these two races—the red and the white-reveals to us that ever since the great Genoese navigator landed on the sunny shores of San Salvador the white has been demanding and the red has been conceding. The white man began by asking for a night's lodging. The Indian consented, and before the dawn of day the white man planted a cross and in the name of a pretended Christianity claimed the lodging place for his own. He asked for a few acres of land on which to plant a small patch of Indian corn. The Indian consented, and the white man claimed a State. The Indian was then told that his presence in the State was undesirable, that he must move on westward, to a reservation, and, as was truthfully stated by the gentleman from Minnesota [Mr. Milles], promised that the reservation should be his, free from intrusion by the white man, so long as grass grew and water ran, but hardly had the ink dried on the instrument of your plighted faith when you informed the Indian that he must select a small allotment from the reservation and surrender the residue for homes for his white brothers. You asked him to give up his tribal government, his chief, his council, and all his revered, traditional tribal institutions. The Indian responded by assuming the responsibilites of your United States citizenship. He was next asked to give up his free, wild, untrammeled life. He answered by accepting your mode of living, your book learning, and joining in your march of civilization and progress.

You then asked the Indian to give up the religion of his forefathers. He responded by surrendering the Great Spirit and happy hunting grounds and accepting faith in your God, your heaven, and all that the Christian religion implies; and finally, Mr. Chairman, the white man has demanded and the Indian has conceded until he has nothing left but his self-respect, and now you come to him with Hampton school and ask him to surrender that self-respect by placing his children on a social equality with an inferior race, a level to which you yourself will not deign to

descend. [Loud applause.]

Mr. JONES. I would like to ask the gentleman if there is anything compulsory in my amendment?

The CHAIRMAN. The question is on the amendment offered

by the gentleman from Virginia. The question was taken, and the Chair announced the noes

seemed to have it. On a division (demanded by Mr. Jones) there were-ayes 33,

noes 65. So the amendment was rejected.

The Clerk read as follows:

WASHINGTON.

Sec. 23. For support and civilization of the D'Wamish and other allied tribes in Washington, including pay of employees, \$7,000.

Mr. FERRIS. Mr. Chairman, I move to strike out the last word, for the purpose of making a request. The American word, for the purpose of making a request. The American Congress, I think, is especially fortunate at this time in having with them a Member who is particularly familiar with the disease known as trachoma. This House very generously and very righteously, I think, adopted an amendment providing for a

hospital for the treatment of those affected, and at my request the Member from New York, Dr. Kindren, has presented a chart here. I trust he will be allowed to proceed for a few minutes, and I hope the committee will hear him.

Mr. MANN. Mr. Chairman, reserving the right to object, it is now 5 minutes to 6 o'clock. Does the gentleman intend to move that the committee rise after the gentleman from New

York concludes?

Mr. FERRIS. Mr. Chairman, I ask unanimous consent that the gentleman from New York [Mr. KINDRED] have 10 minutes in which to address the House on the disease of trachoma, with the understanding that after that the committee shall rise.

The CHAIRMAN. The gentleman from Oklahoma asks unanimous consent that the gentleman from New York may have 10 minutes in which to address the committee. Is there objection? [After a pause.] The Chair hears none, and it is so

[Mr. KINDRED addressed the committee. See Appendix.]

Mr. RAKER. I ask unanimous consent to extend by remarks in the RECORD.

The CHAIRMAN. The gentleman from California [Mr. RAKER] asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. FERRIS. Mr. Chairman, I make a similar request. The CHAIRMAN. The gentleman from Oklahoma [Mr. Ferris] makes a similar request. Is there objection?

There was no objection.

Mr. STEPHENS of Texas. Mr. Chairman, I also make a similar request.

The CHAIRMAN. The gentleman from Texas [Mr. Ste-PHENS] also asks unanimous consent to extend his remarks in the Record. Is there objection?

There was no objection. Mr. MANN. I ask unanimous consent, Mr. Chairman, to ex-

tend remarks in the RECORD.

The CHAIRMAN. The gentleman from Illinois also asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. JONES. I ask unanimous consent, Mr. Chairman, to extend my remarks in the Record also.

The CHAIRMAN. Is there objection to the request of the

gentleman from Virginia? There was no objection.

Mr. CANNON. I would like to ask the gentleman from New York [Mr. KINDRED] this question: Does this trouble of which he speaks attack anybody but Indians?

Mr. STEPHENS of Texas. Mr. Chairman, I move that the

committee do now rise.

Mr. KINDRED. If I had the time I would be very glad indeed to answer the gentleman's question.

Mr. STEPHENS of Texas. I move that the committee do

now rise, Mr. Chairman. The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. BARNHART, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 20728-the Indian appropriation bill-and had come to no resolution thereon.

ENROLLED JOINT RESOLUTION SIGNED.

The SPEAKER announced his signature to enrolled joint reso-

lution of the following title:

S. J. Res. 96. Joint resolution to amend an act entitled "An act appropriating \$350,000 for the purpose of maintaining and protecting against impending floods the levees on the Mississippi River," approved April 3, 1912.

ADJOURNMENT.

Mr. STEPHENS of Texas. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 6 minutes p. m.) the House adjourned until to-morrow, Tuesday, April 9, 1912, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Attorney General of the United States, transmitting, pursuant to House resolution adopted March 12. 1912, findings of the Kansas City court of appeals in the matter of disbarment of Leslie J. Lyons, United States district attorney (H. Doc. No. 685); to the Committee on the Judiciary and

ordered to be printed.

2. A letter from the Secretary of the Treasury, transmitting copy of a communication from the Acting Secretary of the Interior submitting estimate of appropriation for furniture and office appliances for the office of the Secretary and the bureaus of the department (H. Doc. No. 684); to the Committee on Appropriations and ordered to be printed.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Pensions was discharged from the consideration of the bill (H. R. 17891) granting a pension to Thomas Butler, and the same was referred to the Committee on Invalid Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials

were introduced and severally referred as follows:
By Mr. NYE: A bill (H. R. 22993) to provide for an increase in the limit of cost of a public building at Minneapolis, Minn.; to the Committee on Public Buildings and Grounds.

By Mr. DOREMUS: A bill (H. R. 22994) to amend the laws

relating to the judiciary; to the Committee on the Judiciary. By Mr. RAKER: A bill (H. R. 22995) to establish a national ark service, and for other purposes; to the Committee on the Public Lands.

Also, a bill (H. R. 22996) authorizing the Secretary of the Interior to set aside certain lands to be used as a sanitarium by the Order of Owls; to the Committee on the Public Lands.

By Mr. FERGUSSON: A bill (H. R. 22997) to provide for the surveying of the unsurveyed lands in the State of New

Mexico; to the Committee on the Public Lands.

By Mr. BYRNS of Tennessee: A bill (H. R. 22998) providing that the United States, in certain cases, shall make compensation for the use of highways for carrying rural mail; to the Committee on Agriculture.

By Mr. BARTHOLDT: A bill (H. R. 22999) providing for the construction and maintenance by the city of St. Louis, Mo., of an intake tower in the Mississippi River at St. Louis, Mo.;

to the Committee on Interstate and Foreign Commerce.

By Mr. HENRY of Texas: A bill (H. R. 23000) providing for publicity of contributions and expenditures for the purpose of influencing or securing the nomination of candidates for the offices of President and Vice President of the United States; to the Committee on Election of President, Vice President, and Representatives in Congress.

By Mr. ALEXANDER: A bill (H. R. 23001) to amend section 4472 of the Revised Statutes of the United States relating to the carrying of dangerous articles on passenger steamers; to the Committee on the Merchant Marine and Fisheries.

By Mr. FOWLER: Joint resolution (H. J. Res. 291) to ap-

propriate \$25,000 to maintain the levee at Shawneetown, Ill.; to the Committee on Appropriations.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions

were introduced and severally referred as follows:

By Mr. ALEXANDER: A bill (H. R. 23002) for the relief of
Henry Benson; to the Committee on Military Affairs.

By Mr. ALLEN: A bill (H. R. 23003) granting an increase of
pension to Mary E. Acton; to the Committee on Invalid Pen-

By Mr. ANDERSON of Minnesota: A bill (H. R. 23004) granting an increase of pension to George H. Suits; to the Com-

mittee on Invalid Pensions. By Mr. ANDERSON of Ohio: A bill (H. R. 23005) granting a pension to Landon G. Harper; to the Committee on Invalid

Pensions. By Mr. AUSTIN: A bill (H. R. 23006) for the relief of Isaac Jenkins; to the Committee on Military Affairs,

Also, a bill (H. R. 23007) for the relief of Randall H. Trotter;

to the Committee on Military Affairs.

Also, a bill (H. R. 23008) for the relief of heirs of James

Moore, deceased; to the Committee on War Claims. Also, a bill (H. R. 23009) for the relief of heirs or estate of John Jones, deceased; to the Committee on War Claims.

Also, a bill (H. R. 23010) for the relief of the estate of George W. Dice; to the Committee on War Claims.

Also, a bill (H. R. 23011) granting a pension to James C.

Smith; to the Committee on Pensions.

Also, a bill (H. R. 23012) to remove the charge of desertion standing against John St. Clair; to the Committee on Military Affairs.

By Mr. BURKE of Wisconsin: A bill (H. R. 23013) granting an increase of pension to Albert Butler; to the Committee on Invalid Pensions

By Mr. BYRNES of South Carolina: A bill (H. R. 23014) granting a pension to Robert Wilks; to the Committee on Pen-

By Mr. CARLIN: A bill (H. R. 23015) for the relief of the heirs of Jackson Hogeland, deceased; to the Committee on War Claims.

By Mr. CLAYPOOL: A bill (H. R. 23016) granting an increase of pension to David B. Zeigler; to the Committee on Invalid Pensions.

By Mr. COOPER: A bill (H. R. 23017) granting an increase of pension to Cornelius W. Robinson; to the Committee on Invalid Pensions.

By Mr. CULLOP: A bill (H. R. 23018) granting an increase of pension to Henry C. Fellows; to the Committee on Invalid Pensions

Also, a bill (H. R. 23019) granting an increase of pension to Noah Brown; to the Committee on Invalid Pensions.

By Mr. DAVENPORT: A bill (H. R. 23020) granting an increase of pension to Edward S. Lane; to the Committee on Invalid Pensions.

By Mr. DICKINSON: A bill (H. R. 23021) granting an increase of pension to John W. Rains; to the Committee on Invalid Pensions

By Mr. EDWARDS: A bill (H. R. 23022) for the relief of

Z. T. De Loach; to the Committee on War Claims.

Also, a bill (H. R. 23023) for the relief of the heirs of Richard

B. Sconyers; to the Committee on War Claims.

Also, a bill (H. R. 23024) for the relief of the heirs of John Brannen, deceased; to the Committee on War Claims.

Also, a bill (H. R. 23025) for the relief of the heirs of Mrs.

M. E. Elders; to the Committee on War Claims.
Also, a bill (H. R. 23026) for the relief of the estate of Eman-

uel R. Cox; to the Committee on War Claims. Also, a bill (H. R. 23027) for the relief of A. F. Mira or his

heirs at law; to the Committee on War Claims.

Also, a bill (H. R. 23028) for the relief of the estate of

Martha E. Trowell; to the Committee on War Claims.

By Mr. FOCHT: A bill (H. R. 23020) granting an increase

of pension to David P. Little; to the Committee on Invalid Pensions.

By Mr. GRAY: A bill (H. R. 23030) granting a pension to Edgar C. Harris; to the Committee on Pensions.

Also, a bill (H. R. 23031) granting a pension to Harvey L. Rutherford; to the Committee on Pensions.

Also, a bill (H. R. 23032) granting an increase of pension to Jerusha A. Patton; to the Committee on Invalid Pensions.

Also, a bill (H. R. 23033) granting an increase of pension to Hugh L. Mullen; to the Committee on Invalid Pensions. Also, a bill (H. R. 23034) granting an increase of pension to

Henry M. Kocher; to the Committee on Invalid Pensions. Also, a bill (H. R. 23035) granting an increase of pension to William H. Dakins; to the Committee on Pensions.

Also, a bill (H. R. 23036) granting an increase of pension to Henry C. Peterman; to the Committee on Invalid Pensions.

Also, a bill (H. R. 23037) granting an increase of pension to Valentine Steiner; to the Committee on Invalid Pensions. Also, a bill (H. R. 23038) granting an increase of pension to

John A. Branson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 23039) granting an increase of pension to Frederick S. Rudy; to the Committee on Invalid Pensions. Also, a bill (H. R. 23040) granting an increase of pension to

Nathan J. Otto; to the Committee on Invalid Pensions. By Mr. HARRISON of New York: A bill (H. R. 23041) to remove the charges of desertion from the military record of Louis Scharnikow and grant him an honorable discharge; to the

Committee on Military Affairs. By Mr. HARTMAN: A bill (H. R. 23042) granting a pension to Agnes C. Wunderligh; to the Committee on Invalid Pen-

By Mr. HAYES: A bill (H. R. 23043) to patent certain semiarid lands to Luther Burbank under certain conditions; to the Committee on the Public Lands.

By Mr. HOUSTON: A bill (H. R. 23044) for the relief of the Cumberland Presbyterian Church, of Murfreesboro, Tenn.; to the Committee on War Claims.

Also, a bill (H. R. 23045) for the relief of the First Presbyterian Church of Fayetteville, Tenn.; to the Committee on War Claims.

Also, a bill (H. R. 23046) for the relief of Calhoun Lodge, No. 26, Independent Order of Odd Fellows, Fayetteville, Tenn.; to the Committee on War Claims.

Also, a bill (H. R. 23047) for the relief of the Methodist Episcopal Church South, of Tullahoma, Tenn.; to the Committee on War Claims

By Mr. MOON of Tennessee: A bill (H. R. 23048) granting an increase of pension to Joshua Pack; to the Committee on Invalid Pensions

By Mr. MORRISON: A bill (H. R. 23049) granting a pension

to William A. Brown; to the Committee on Pensions.

By Mr. O'SHAUNESSY: A bill (H. R. 23050) granting a pension to Mary S. Bowen; to the Committee on Invalid Pen-

Also, a bill (H. R. 23051) granting an honorable discharge to

John May; to the Committee on Military Affairs. By Mr. PAYNE: A bill (H. R. 23052) granting an increase of pension to Edwin E. Cleaveland; to the Committee on Invalid Pensions.

Also, a bill (H. R. 22053) granting an increase of pension to Thomas Scott; to the Committee on Invalid Pensions.

By Mr. RICHARDSON: A bill (H. R. 23054) for the relief of

William Fuller; to the Committee on Pensions.

By Mr. SCULLY: A bill (H. R. 23055) granting an increase of pension to Holmes C. Grant; to the Committee on Invalid

By Mr. SIMS: A bill (H. R. 23056) for the relief of the legal representatives of Jessie Russell, deceased; to the Committee on War Claims.

By Mr. SULLOWAY: A bill (H. R. 23057) granting an increase of pension to James Warren Brown, alias James Warren; to the Committee on Invalid Pensions.

By Mr. TAGGART: A bill (H. R. 23058) granting an increase of pension to William L. Miller; to the Committee on Invalid

Also, a bill (H. R. 23059) granting an increase of pension to Alexander Parks; to the Committee on Invalid Pensions.

Also, a bill (H. R. 23060) granting an increase of pension to Thomas J. Lamunyon; to the Committee on Invalid Pensions.

By Mr. UNDERHILL: A bill (H. R. 23061) granting a pension to Caleb W. Story; to the Committee on Invalid Pen-

By Mr. WILLIS: A bill (H. R. 23062) granting a pension to Arminta Lary; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. AIKEN of South Carolina: Petition of citizens of Ninety Six, S. C., for an American Indian memorial and mu-seum building in the city of Washington, D. C.; to the Com-

mittee on Public Buildings and Grounds.

Also, petitions of the Central Methodist Church, the Lutheran Church, and the Associate Reformed Presbyterian Church, of Newberry, S. C., favoring passage of Kenyon-Sheppard inter-state liquor bill; to the Committee on the Judiciary.

By Mr. ANDERSON of Minnesota: Papers to accompany bill for the relief of George H. Suits; to the Committee on Invalid Pensions.

By Mr. ASHBROOK: Petition of J. A. Richardson and 20 other citizens of Newark, Ohio, protesting against the passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

Also, petition of Walter Schonands and 13 other citizens of Millbuch, Ohio, asking immediate enactment of parcel-post bill (H. R. 14); to the Committee on the Post Office and Post

By Mr. AUSTIN: Petition of James R. Moore, administrator of estate of James Moore, deceased, praying for reference of his claim to the Court of Claims; to the Committee on War Claims.

Also, petition of C. J. Jones, heir of John Jones, deceased, of Knox County, Tenn., for reference of his claim to the Court of Claims; to the Committee on War Claims.

By Mr. AYRES: Memorial of the Amateur Athletic Union. for appointment of a commissioner to represent the United States Government at the coming Olympian championships; to the Committee on Foreign Affairs.

Also, memorial of the Chamber of Commerce of the State of New York, for passage of bill providing for creation of a Federal commission on industrial relations; to the Committee on Rules.

Also, memorial of the Chamber of Commerce of the State of New York, favoring passage of House bill 20044; to the Committee on Foreign Affairs,

Also, memorial of San Francisco Chamber of Commerce, indorsing House bill 20626; to the Committee on Interstate and Foreign Commerce.

By Mr. DAVENPORT: Papers to accompany bill for the relief of Edward S. Lame; to the Committee on Invalid Pensions.

By Mr. DYER: Petition of Whitman Agricultural Co., of St. Louis, Mo., protesting against passage of House bill 21100; to the Committee on the Judiciary.

Also, petition of Cornelia Greene Chapter, Daughters of the American Revolution, of St. Louis, Mo., for enactment of House , bill 19641; to the Committee on Appropriations.

Also, petition of Cornelia Greene Chapter, Daughters of the American Revolution, of St. Louis Mo., for erection of a national archives building in Washington, D. C.; to the Committee on Public Buildings and Grounds.

Also, petition of citizens of St. Louis, Mo., for construction of one battleship in a Government navy yard; to the Committee on Naval Affairs.

Also, memorial of Camas (Mont.) Hot Springs Commercial Club, relative to certain irrigation projects; to the Committee on Irrigation of Arid Lands.

Also, petition of A. G. Peterson, of Hot Springs, Ark., legislation increasing the efficiency of the Army Hospital Corps; to the Committee on Military Affairs.

Also, petition of the Illinois Bankers' Association, for farm demonstration work throughout the country; to the Committee on Agriculture.

Also, petition of the International Dry Farming Congress, for a survey of the unsurveyed portions of the public domain; to the Committee on the Public Lands.

Also, petition of L. J. Laughton, jr., of Capital Heights, Md., for improvement of Sixty-first Street NE., as provided in House bill 19636; to the Committee on the District of Columbia.

Also, petitions of Locals Nos. 223 and 238 of the United Garment Workers of America, for enactment of House bill 20423;

to the Committee on the Judiciary.

Also, petition of the Association of Master Plumbers, for 1-cent letter postage; to the Committee on the Post Office and Post Roads.

Also, petition of citizens of St. Louis, Mo., for establishment

of a children's bureau; to the Committee on Labor.

Also, petition of the Missouri Veterinary Medical Association, for legislation to promote the efficiency of the veterinary serv-

ice of the United States Army; to the Committee on Military Affairs. Also, petitions of the St. Louis Sales Managers' Association

and the Ross List & Letter Co., of St. Louis, Mo., in favor of 1-cent letter postage; to the Committee on the Post Office and Post Roads.

Also, petition of the Model Baby Shee Co., of St. Louis, Mo., in favor of House bill 15926; to the Committee on the Judiciary.

Also, papers to accompany House bill 22056; to the Committee on Claims.

By Mr. FORNES: Memorial of the Amateur Athletic Union, for appointment of a commissioner to represent the United States at the coming Olympian championships; to the Committee on Foreign Affairs.

Also, memorial of the Chamber of Commerce of the State of New York, indorsing House bill 20044; to the Committee on Foreign Affairs.

Also, memorial of the Chamber of Commerce of the State of New York, for the creation of a Federal commission on industrial relations; to the Committee on Rules.

Also, petition of the Merchants' Association of New York, protesting against certain provisions of the Post Office appropriation bill; to the Committee on the Post Office and Post Roads.

By Mr. FULLER: Petition of H. B. Stevenson, of Capron, Ill, favoring adoption of joint resolution concerning the importation for sale of beverages containing alcohol, etc.; to the Committee on the Judiciary.

Also, petition of Cordova Chamber of Commerce, Cordova, Alaska, favoring an annual appropriation for wagon-road improvement, etc.; to the Committee on Appropriations.

By Mr. GARNER: Petition of members of the Farmers' Educational and Cooperative Union of the fifteenth congressional district of Texas, for legislation prohibiting gambling in all

farm products, etc.; to the Committee on Agriculture.

By Mr. HAMLIN: Papers to accompany bill for the relief of
Martha Coslett (H. R. 17075); to the Committee on Invalid Pensions.

Also, petition of citizens of the State of Missouri, for construction of one battleship in a Government navy yard; to the Committee on Naval Affairs.

By Mr. HANNA: Petition of Knut Bjornaht, of Haynes, N. Dak., asking that the duties on raw and refined sugars be

reduced; to the Committee on Ways and Means.

Also, petition of citizens of Talley, N. Dak., for parcel-post legislation; to the Committee on the Post Office and Post Roads.

Also, petition of citizens of Reynolds, N. Dak., protesting against parcel-post legislation; to the Committee on the Post Office and Post Roads.

Also, petition of citizens of the State of North Dakota, asking that an action instituted against certain individuals by the Government be dropped; to the Committee on the Judiciary.

Also, petition of the Methodist Episcopal Church, Hensel, Pembina County, N. Dak., for passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. HARTMAN: Petitions of Granges Nos. 309 and 1339, Patrons of Husbandry, for enactment of House bill 19133, providing for a governmental system of postal express; to the Committee on Interstate and Foreign Commerce.

By Mr. KINDRED: Memorial of the Amateur Athletic Union, for appointment of a commissioner to represent the United States at the coming Olympian championships; to the Committee on Foreign Affairs.

Also, memorial of Chamber of Commerce of the State of New York, indorsing House bill 20094; to the Committee on Foreign Affairs.

Also, memorial of Chamber of Commerce of the State of New York, for the creation of a Federal commission on industrial relations; to the Committee on Rules.

By Mr. LAFEAN: Petition of the St. James Lutheran Church of Gettysburg, Pa., favoring passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary

Also, petition of the Presbyterian and Methodist Episcopal Churches of Gettysburg, Pa., favoring passage of the Kenyon-Sheppard interstate liquor bill; to the Committee on the Ju-

Also, petition of the St. James Lutheran Church and Methodist Episcopal Church and Presbyterian Church, all of Gettysburg, Pa., favoring the passage of joint resolution 163; to the Committee on the Judiciary.

By Mr. LINDSAY: Memorial of the Amateur Athletic Union, for appointment of a commissioner to represent the United States at the coming Olympian championships; to the Committee on Foreign Affairs.

Also, memorial of Chamber of Commerce of the State of New York, for the creation of a Federal commission on industrial relations; to the Committee on Rules.

Also, memorial of Chamber of Commerce of the State of New York, indorsing House bill 20044; to the Committee on Foreign Affairs.

By Mr. McKENZIE: Petition of citizens of Winslow, Ill., for passage of the Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary

By Mr. McKINNEY: Resolutions of the Siboney Camp, No. 3. United Spanish War Veterans, Department of Illinois, of Rock Island, Ill., favoring passage of House bill 17470; to the Committee on Pensions.

By Mr. MARTIN of South Dakota: Petition of the Congregational Christian Endeavor of Mitchell, S. Dak., favoring passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. MOON of Tennessee: Papers to accompany bill for the relief of Joshua Peck; to the Committee on Invalid Pen-

By Mr. MOTT: Petition of the Chamber of Commerce of the State of New York, favoring passage of House bill 21094; to the Committee on Rules.

Also, petition of the Chamber of Commerce of the State of New York, favoring passage of House bill 20044, for improvement of foreign service; to the Committee on Foreign Affairs.

By Mr. PATTEN of New York: Memorial of the Amateur Athletic Union, for appointment of a commissioner to represent the United States at the coming Olympian championships; to the Committee on Foreign Affairs.

Also, memorial of Chamber of Commerce of the State of New York, indorsing House bill 20044; to the Committee on Foreign Affairs.

Also, memorial of Chamber of Commerce of the State of New York, for the creation of a Federal commission on industrial relations; to the Committee on Rules.

By Mr. PRAY: Petitions of residents of Bearcreek and Alberton, Mont., urging that a clause be inserted in the naval appropriation bill providing for the building of one battleship in a Government navy yard; to the Committee on Naval Affairs.

By Mr. RAKER: Memorial of the Polish Society of California, protesting against an illiteracy test in the immigration laws; to the Committee on Immigration and Naturalization.

Also, memorial of the Chamber of Commerce of San Francisco, Cal., favoring House bill 20626; to the Committee on Interstate and Foreign Commerce.

Also, petition of the citizens of California, protesting against House bill 20281 and favoring House bills 19338 and 21225; to the Committee on Agriculture.

Also, memorial of the Chambers of Commerce of Oakland and Alameda, Cal., favoring House bill 18227 establishing the National Redwood Park; to the Committee on the Public Lands.

Also, memorial of 3,000 members of the California Retail Grocers' Association, opposing a parcel-post system; to the Committee on the Post Office and Post Roads.

Also, memorial of the Chamber of Commerce of Alameda, Cal., favoring Senate bill 3367; to the Committee on the Public Lands.

Also, petition of citizens of California, opposing House bill 20281 and favoring House bill 21225; to the Committee on Agriculture.

Also. petition of Bert L. Waite, of Arcata, Cal., favoring House bill 20595; to the Committee on Patents.

Also, memorial of the Chamber of Commerce of Alameda, Cal., relative to the Lincoln memorial; to the Committee on the Library.

By Mr. REILLY: Memorial of the Amateur Athletic Union, for appointment of a commissioner to represent the United States at the coming Olympian championships; to the Committee on Foreign Affairs.

Also, petition of Metavessett Grange, No. 42, of Middletown, Conn., for a general parcel-post system; to the Committee on the Post Office and Post Roads.

By Mr. RICHARDSON: Petition of citizens of Lauderdale County, Ala., for parcel-post legislation; to the Committee on the Post Office and Post Roads.

By Mr RODENBERG: Petition of certain citizens of Pocahontas, Iil., favoring passage of House bill 16214; to the Com-

mittee on the Judiciary.

By Mr. SCULLY: Petitions of Sam Unsbach, of Jersey City, and Howard H. Reid, of Point Pleasant, N. J., for enactment of House bill 20595, amending the copyright act of 1909; to the Committee on Patents.

Also, petition of J. Norman Shinn, of Pleasantville, N. J., for establishment of free delivery in the smaller towns and cities; to the Committee on the Post Office and Post Roads.

Also, petition of members of United Harbor, No. 1, for legislation to improve the efficiency of the Public Health and Marine-Hospital Service; to the Committee on Interstate and Foreign Commerce.

Also, memorial of the American Antitrust League, for extending the Federal arbitration act to the coal industry, etc.; to the Committee on the Judiciary.

By Mr. SIMS: Petition of residents of Jackson, Tenn., for

workmen's compensation act; to the Committee on the Ju-

Also, petition of citizens of Mansfield, Tenn., for enactment of House bill 14, providing for a general parcel-post system; to the Committee on the Post Office and Post Roads.

By Mr. J. M. C. Smith: Petition of 121 citizens of Pottsville, the Woman's Christian Temperance Union of Pottsville, Mich., and 23 citizens of Fulton, Mich., for passage of the Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

Also, petition of Bellevue Grange, No. 134, Bellevue, Mich., favoring passage of parcel-post system; to the Committee on the Post Office and Post Roads.

By Mr. SHEPPARD: Papers to accompany House bill 31231, to correct the military record of H. S. Hathaway; to the Committee on Military Affairs.

By Mr. SULZER: Memorial of the Amateur Athletic Union, for appointment of a commissioner to represent the United States at the coming Olympian championships; to the Committee on Foreign Affairs.

Also, memorial of Chamber of Commerce of the State of New York, indorsing House bill 20044; to the Committee on Foreign Affairs.

Also, petition of the Merchants' Association of New York, opposing certain sections contained in the Post Office appropriation bill as reported from the committee; to the Committee on the Post Office and Post Roads.

Also, memorial of the Cordova (Alaska) Chamber of Commerce, for certain improvements in the Territory of Alaska; to the Committee on the Territories.

By Mr. TALBOTT of Maryland: Petition of Emory Church Young Woman's Christian Temperance Union, of Woodensburg, Md., for passage of Kenyon-Sheppard interstate liquor bill; to

the Committee on the Judiciary.

By Mr. WEDEMEYER: Petition of citizens of Addison,
Mich., for passage of the Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. YOUNG of Michigan: Petition of citizens of Houghton and Barazo, Mich., protesting against passage of House bill 9433; to the Committee on the Post Office and Post Roads.

Also, petitions of citizens of the twelfth congressional district of Michigan, for parcel-post legislation; to the Committee on

the Post Office and Post Roads.

Also, petitions of citizens of Calumet and Houghton, Mich., protesting against parcel-post legislation; to the Committee on the Post Office and Post Roads.

Also, petition of citizens of Escanaba, Mich., for old-age pen-

sions; to the Committee on Pensions.

Also, petitions of churches and citizens in the twelfth congressional district of Michigan, for passage of the Kenyon-Sheppard interstate liquor bill; to the Committee on the Judi-

Also, petitions of citizens of Delta and Chippewa Counties, Mich., against bill providing that motor boats over 40 feet in length shall carry licensed pilots and engineers; to the Committee on the Merchant Marine and Fisheries.

SENATE.

TUESDAY, April 9, 1912.

The Senate met at 2 o'clock p. m. Prayer by the Chaplain, Rev. Ulysses G. B. Pierce, D. D. The VICE PRESIDENT resumed the chair.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. Smoot and by unanimous consent, the further reading was dispensed with and the Journal was approved.

DEMOTED EMPLOYEES OF THE POST OFFICE DEPARTMENT (S. DOC. NO. 548).

The VICE PRESIDENT laid before the Senate a communication from the Postmaster General, transmitting, in response to a resolution of January 22, 1912, a statement of the number of railway mail clerks and other post-office employees who have been demoted since January 1, 1912, which was referred to the Committee on Post Offices and Post Roads and ordered to be printed.

PETITIONS AND MEMORIALS.

The VICE PRESIDENT presented resolutions adopted by the board of aldermen of the city of New York, favoring an appropriation for the deepening of the East River, N. Y., which were referred to the Committee on Commerce.

He also presented a petition of the Citizens' Northwest Sub-urban Association, of Tenleytown, D. C., praying that an ap-propriation be made for the construction of a George Washington memorial building in the District of Columbia, which was

ordered to lie on the table.

He also presented petitions of the congregations of the Methodist Episcopal Church, the Baptist Church, the Presbyterian Church, and the Methodist Church South, and of the Woman's Christian Temperance Union, of Stevensville, and of the Woman's Christian Temperance Union of Como, all in the State of Montana, praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating liquors, which were referred to the Committee on the Judiciary

Mr. GALLINGER presented a memorial of the Park View Citizens' Association, of the District of Columbia, remonstrating against the enactment of legislation authorizing the extension and widening of Spring Road, Washington, D. C., which was

ordered to lie on the table.

He also presented a memorial of the Rhode Island Avenue Suburban Citizens' Association, of the District of Columbia, remonstrating against the proposed increase in water rates in the District of Columbia, which was referred to the Committee on the District of Columbia.

Mr. SHIVELY presented a petition of Local Division No. 548, Brotherhood of Locomotive Engineers, of Peru, Ind., praying for the passage of the so-called employers' liability and workmen's compensation bill, which was ordered to lie on the table.

Mr. GRONNA presented a petition of sundry citizens of North Dakota, praying for the establishment of a parcel-post system, which was referred to the Committee on Post Offices and Post Roads

Roads.

He also presented a petition of Local Lodge No. 709, Brother-hood of Railroad Trainmen, of Minot, N. Dak., praying for the enactment of legislation to provide an exclusive remedy and compensation for accidental injuries, resulting in disability or death, to employees of common carriers by railroad engaged in interstate or foreign commerce or in the District of Columbia, and for other purposes, which was ordered to lie on the table.

Mr. CULLOM presented petitions of sundry citizens of Winslow and Pleasant Grove Township, in the State of Illinois, praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which were referred to the Committee on the Judiciary.

Mr. SUTHERLAND. I present resolutions adopted by the Citizens' Northwest Suburban Association, of the District of Columbia, in favor of the bill (S. 5494) to provide a site for the George Washington Memorial Building. I ask that the resolutions lie on the table and be printed in the Record.

There being no objection, the resolutions were ordered to lie on the table and to be printed in the RECORD, as follows:

on the table and to be printed in the Record, as follows:

Approval of Senate bill 5494, to provide a site for the George Washington Memorial Building.

Whereas Senate bill 5494 provides for a site in Armory Square for the erection of a George Washington Memorial Building to serve as a convention hall for patriotic, scientific, professional, and other organizations interested in promoting the welfare of the American people, which will furnish ample accommodations for the small and large conventions of American and foreign representatives of numerous organizations, which are yearly increasing in numbers because the city of Washington is recognized as the center of American thought and activity and as the most beautiful and healthy city on the American Continent; and

Whereas the erection of this memorial building will gratify the national demand for a national convention hall in the Nation's Capital where no adequate facilities now exist; and

Whereas this bill provides that the erection and maintenance of this memorial hall shall be paid for by private donations and subscriptions, which we regard as too uncertain and difficult to obtain, as shown by the history of the Washington Monument; and

Whereas this association, on the 6th day of May, 1010, unanimously adopted a resolution for the erection of a national convention hall in this city by an appropriation from Congress of \$3,000,000, which would make certain its early completion for the free dissemination of ideas, on the same patriotic policy which created the Congressional Library at a cost of \$6,000,000 for the free distribution of books: Therefore be it

Resolved by the Citizens' Northwest Suburban Association in public meeting assembled this 5th day of April, 1912. That while we favor this

Therefore be it

Resolved by the Citizens' Northwest Suburban Association in public meeting assembled this 5th day of April, 1912, That while we favor this bill for the donation of the site, we strongly oppose the plan for the erection and maintenance of said building, and we unanimously petition the Congress of the United States in the name of the 90 per cent of the people of the District of Columbia and the Nation to amend said bill by appropriating \$2,000,000 to construct and complete said George Washington Memorial Building, so that the people of this generation may enjoy the benefits thereof: be it further

Resolved, That a copy of this resolution and petition be presented to the President of the Senate and the Speaker of the House, and a copy to the chairman of the Committee on Public Buildings and Grounds of the Senate and House of the Sixty-second Congress.

A true copy.

C. C. Lancaster, President.

C. C. LANCASTER, President. A. J. YOWELL, Secretary.

Mr. DU PONT presented memorials of sundry citizens of Wilmington, Del., remonstrating against enactment of legislation compelling the observance of Sunday as a day of rest in the District of Columbia, which were ordered to lie on the table.

Mr. PENROSE presented petitions of sundry citizens of Philadelphia, Newtown, Cornwells, and Lumberville, all in the State of Pennsylvania, praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation for sale of beverages containing alcohol, which were referred to the Committee on the Judiciary.

Mr. CULBERSON presented a memorial of sundry citizens of Weatherford, Tex., remonstrating against the extension of the parcel-post system beyond its present limitations, which was referred to the Committee on Post Offices and Post Roads.

Mr. STONE presented a memorial of sundry citizens of St. Joseph, Mo., remonstrating against the extension of the parcelpost system beyond its present limitations, which was referred to the Committee on Post Offices and Post Roads.

Mr. POMERENE presented a memorial of the Northeast Washington Citizens' Association, of the District of Columbia, remonstrating against the proposed increase in the salaries of certain District officials, which was ordered to lie on the table.

THREE-YEAR HOMESTEAD BILLS.

Mr. BORAH. I present a telegram, in the nature of a petition, which I ask may lie on the table and be printed in the RECORD. The telegram relates to the three-year homestead bills.

There being no objection, the telegram was ordered to lie on the table and to be printed in the RECORD, as follows:

SPOKANE, WASH., April 8, 1912.

Senator W. E. Borau, United States Schate, Washington, D. C.:

Thousands discouraged homesteaders on temporarily nonproductive land watching anxiously fight for homestead bills. At present men with means commute and leave poor men with families of small children needing the land, who would make permanent and in time prosperous homes if requirements were reasonable; starved out.

IRA MACLAREN.

CHAS. VANDEWALKER.

W. C. SMITH.
E. A. POTTER.
F. C. VANDEWALKER.

Mr. BORAH. In the same connection I ask to have printed in the Record two editorials, one from The Oregonian, of Portland, Oreg., of April 4, and the other from the Washington Post of April 9.

The VICE PRESIDENT. Without objection, it is so ordered. The editorials are as follows:

> [From The Oregonian, Portland, Oreg.] KEEP AMERICANS IN THE UNITED STATES.

KEEP AMERICANS IN THE UNITED STATES.

Congress has at last awakened to the necessity of taking some steps to check the tide of emigration from the United States to Canada. The argument in favor of the three-year homestead bill which appealed most forcibly to eastern Members was the fact that in the year 1910 this migration totaled 125,000, and that the emigrants took with them about \$125,000,000 to start their new homes in Canada. That country is gaining population at the rate of 1,000 a day, while the border States are yearly losing thousands of people, and Iowa has had a net loss of population in the last census period.

The explanation is the difference in the treatment accorded settlers on Government iand in the two countries. Canada holds out the hand of welcome to them, has liberal land laws, and gives them every aid and encouragement in making a start. The United States imposes on homesteaders arduous conditions, which exclude practically all except small capitalists, regards them with suspicion, and has special agents dogging their steps. Settlers are likely to have their claims contested and to be kept in ignorance of the grounds of the contest until too late to make an adequate defense. This condition exists, too, at a time when the whole Nation has become alive to the necessity of turning the proportion of food producers to food consumers.

By reducing the period of residence on a homestead from five to three years and by granting the settler five months' leave of absence each year, the three-year homestead bill will increase the inducement to settle on the public domain and stay the migration to Canada. A change in the Land Office regulations whereby a settler will have the same chance to know the charges and the witnesses against him as has a defendant in a court of justice—in fact, a change in the entire attitude of the Land Office to the settler—will still further aid in keeping Americans in the United States.

[From the Washington Post.] BARRIERS TO HOME SEEKERS.

Professedly the Government is administering the homestead laws in a more liberal spirit than during the height of the conservation craze, but Congress now knows that the barriers to the settlement of public lands to-day are. If anything, more obstructive than ever before. While the Government assents to the passage of a bill reducing from five to three years the time within which homesteads may be patented, it insists upon the retention of the other barsh constructions given the laws of 1906 and 1910, knowing full well that the door to settlement would be closed as effectually as now whether the time limit be three years or five.

As the only remaining public lands suitable for agriculture are covered by timber and lie within the national forests, would-be settlers are required to make entry under the forest homestead law. This law rests on the fallacious theory that in a pecuniary sense timbered lands are more valuable for their timber than for agricultural possibilities. Thus the Government argues that the standing crop of timber has a greater value than an endless succession of farm crops. Had such a lame policy been adopted in the early days, the development of the Republic would have been restricted to the fur and fishing industries. The virgin forests still would-cover the vast expanse of lands now profitably occupied by 90.000,000 people, and from which has been derived more than \$75,000,000,000 of accumulated wealth.

The homesecker, under the present system of laws, encounters the provision that the timber on the 100 acres on which he has set his heart must first be sold to another and cut off before it can be listed for entry. "This precantion," we are told, "is taken to eliminate timber speculation and to encourage bona fide homesteading." Next' the Government leisurely sets about ascertaining, by a tedious process, whether the land is andapted to agriculture. Of the 5,216 applications for homesteads listed in 1910, 4,193 of these still awaited action at the close of the year.

Then comes the survey

MASON M. MAXON.

Mr. DU PONT, from the Committee on Military Affairs, to which was referred the bill (S. 6088) for the relief of Mason M. Maxon, asked to be discharged from its further consideration and that it be referred to the Committee on Claims, which was agreed to.

ALEXANDER MACKENZIE AND OTHERS.

Mr. CRAWFORD, from the Committee on Claims, to which was referred the bill (S. 5902) for the relief of Alexander Mackenzie and Henry L. Abbot, both on the retired list of the United States Army, and (S. 6152) for the relief of Charles J. Allen, United States Army, retired, reported the following reso- referred to the Committee on Commerce.

lution (S. Res. 279), which was considered by unanimous consent and agreed to:

Resolved. That the claims of Alexander Mackenzie and Henry L. Abbot, both on the retired list of the United States Army (S. 5902), and Charles J. Allen, United States Army, retired (S. 6152), now pending in the Senate, together with all the accompanying papers, be, and the same is hereby, referred to the Court of Claims, in pursuance of the provisions of an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911; and the said court shall proceed with the same in accordance with the provisions of such act and report to the Senate in accordance therewith.

BILLS AND JOINT RESOLUTION INTRODUCED.

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. LEA: A bill (S. 6223) for the relief of the heirs of Hiram Wilhite, deceased:

A bill (S. 6224) for the relief of heirs or estate of John Jones,

deceased (with accompanying paper); and A bill (S. 6225) for the relief of heirs or estate of James Moore, deceased (with accompanying paper); to the Committee on Claims.

A bill (S. 6226) to prevent the nullification of State anti-gambling laws by international or interstate transmission of race-gambling bets or racing odds; to the Committee on the Judiciary.

By Mr. STEPHENSON:
A bill (S. 6227) granting an increase of pension to Calvin A. Cary (with accompanying papers); to the Committee on Pensions.

By Mr. CULLOM:

A bill (S. 6228) for the relief of Francis H. Connelly (with

accompanying papers); to the Committee on Claims.

By Mr. DU PONT:
A bill (8. 6229) granting an increase of pension to William

T. Patterson; and
A bill (S. 6230) granting a pension to Hilda P. Wurfel; to the Committee on Pensions.

By Mr. PENROSE: A bill (S. 6231) granting an increase of pension to John S. McGinness:

A bill (S. 6232) granting a pension to Frederick Wagner (with

accompanying paper); and
A bill (S. 6233) granting a pension to Charles L. Greene

(with accompanying papers); to the Committee on Pensions.

By Mr. CLARKE of Arkansas:

A bill (S. 6234) granting an increase of pension to William Johnson; to the Committee on Pensions.

A bill (S. 6235) for the relief of Bessie Thomas; to the Committee on Claims.

By Mr. LODGE: A bill (S. 6236) granting an increase of pension to Annie Varnum Smith (with accompanying papers); and

A bill (S. 6237) granting an increase of pension to Alfred C. Taft (with accompanying papers); to the Committee on Pensions.

By Mr. GORE: A bill (S. 6238) for the relief of the heirs of Calep H. Stevens: to the Committee on Claims.

A bill (S. 6239) granting an increase of pension to Noah E. Curtis (with accompanying papers);

A bill (S. 6240) granting a pension to Elvira Mizee (with accompanying papers);
A bill (S. 6241) granting an increase of pension to John A.

Andrews (with accompanying paper);

A bill (S. 6242) granting an increase of pension to Harlan P. Reeves (with accompanying papers); and

A bill (S. 6243) granting an increase of pension to Andsell H. Beam (with accompanying papers); to the Committee on Pensions.

By Mr. PAGE: A bill (S. 6244) to restore Capt. Harold L. Jackson, retired, to the active list of the Army; to the Committee on Military

By Mr. GALLINGER:

A joint resolution (S. J. Res. 97) authorizing the Fifteenth International Congress on Hygiene and Demography to occupy temporary structures erected by the American Red Cross and to erect temporary structures in Potomac Park, Washington, D. C.; to the Committee on the District of Columbia.

AMENDMENTS TO RIVER AND HARBOR BILL (H. R. 21477).

Mr. STEPHENSON submitted an amendment relative to the improvement of Kewaunee River, Wis., etc., intended to be proposed by him to the river and harbor appropriation bill, which was ordered to be printed and, with the accompanying paper, Mr. CULLOM submitted an amendment relative to the improvement of the Illinois River from Copperas Creek to La Salle, Ill., intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

WINTER GAME ELK RESERVE, WYO.

Mr. WARREN submitted an amendment proposing to appropriate \$50,000 for the establishment of a winter game elk reserve in the State of Wyoming, etc., intended to be proposed by him to the agricultural appropriation bill (H. R. 18960), which was referred to the Committee on Agriculture and Forestry.

WITHDRAWAL OF PAPERS-MARY I. CLARK.

On motion of Mr. Brandegee, it was

Ordered, That the papers in the case of Mary I. Clark, S. 1158, Sixty-second Congress, first session, be withdrawn from the files of the Senate, no adverse report having been made thereon.

OUORUM OF COMMITTEES.

Mr. CLARKE of Arkansas. I submit the resolution which I send to the desk, and I ask unanimous consent for its present consideration.

The resolution (S. Res. 280) was read, as follows:

Resolved, That the several standing committees of the Senate, having a membership of more than three Senators, are hereby respectively authorized to fix, each for itself, the number of its members who shall constitute a quorum thereof for the transaction of such business as may be considered by said committee; but in no case shall a committee, acting under authority of this resolution, fix as a quorum thereof any number less than one-third of its entire membership.

The VICE PRESIDENT. Is there objection to the present consideration of the resolution?

Mr. GALLINGER. I object.
The VICE PRESIDENT. Objection is made. The resolution will go over.

FUNERAL EXPENSES OF THE LATE SENATOR TAYLOR.

Mr. LEA submitted the following resolution (S. Res. 281) which was read and referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Secretary of the Senate be, and he hereby is, authorized and directed to pay from the miscellaneous items of the contingent fund of the Senate the actual and necessary expenses incurred by the committee appointed by the Vice President in arranging for and attending the funeral of the late Senator Robert L. Taxlon, from the State of Tennessee, vouchers for the same to be approved by the Committee to Audit and Control the Contingent Expenses of the

RIVER AND HARBOR IMPROVEMENTS (S. DOC. NO. 549).

Mr. CULBERSON. I ask to have printed as a Senate document an address by Brig. Gen. William H. Bixby, Chief of Engineers, United States Army, and a member of the American Society of Civil Engineers, delivered before the National Rivers and Harbors Congress, Washington, D. C., December 7, 1911, and also extracts from an address delivered before the National Rivers and Harbors Congress, Washington, D. C., December 8, 1910, upon river and harbor improvements under the Corps of Engineers, United States Army.

The VICE PRESIDENT. Without objection, an order there-

for will be entered.

OSAGE INDIANS IN OKLAHOMA.

The VICE PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 2) supplementary to and amendatory of the act entitled "An act for the division of the lands and funds of the Osage Nation of Indians in Oklahoma," approved June 28, 1906, and for other purposes, which were, on page 1, after the enacting clause, to strike out all down to the word "That," in line 8; on page 1, line 8, after the word "That," to insert "until the"; on page 1, line 8, after "lands," to insert "of the deceased members of the Osage Tribe of Indians"; on page 1, line 9, after "be," to strike out "subject to taxation from and after the date of strike out "subject to taxation from and after the date of death of the allottee; and until said lands be"; on page 1, line 12, to strike out "moneys" and insert "any money"; on page 2, line 6, after "council," to strike the comma; on page 2, line 6, after "recommendation," to insert "and approved by it"; on page 2, line 7, to strike out "homesteads or other" and insert "surplus"; on page 2, line 9, after "approve," to strike out all down to the period in line 14; on page 2, line 22, to strike out "probate" and insert "county"; on page 3, lines 1 and 2, to strike out "probate" and insert "county"; on page 3, line 15, to strike out "probate" and insert "county"; on page 3, line 23, to strike out "probate" and insert "county"; on page 3, line 23, to strike out "probate" and insert "county"; on page 3, line 23, to strike out "probate" and insert "county"; on page 3, line 23, to strike out "probate" and insert "county"; 3, line 15, to strike out "probate" and insert "county"; on page 3, line 23, to strike out "probate" and insert "county"; on page 4, line 9, after "gas," to insert "coal"; on page 4, to strike out lines 14 to 21, inclusive; on page 4, line 22, to strike out "6" and insert "5"; on page 4, lines 24 and 25, to strike out "turn over" and insert "pay"; on page 4, line 25,

after "blind," to insert "insane"; on page 5, lines 6 and 7, to strike out "so afflicted as"; on page 5, line 7, to strike out "or an allottee non compos mentis" and insert "who is incompetent"; on page 5, lines 8 and 9, to strike out "except upon the appointment of a guardian and an order of the proper court" and insert "except to a guardian of such person duly appointed by the proper court"; on page 5, line 10, after "filing," to insert "by such guardian"; on page 5, line 13, to strike out "7" and insert "6"; on page 5, lines 14 and 15, to strike out "desire to and can"; on page 5, lines 14 and 15, to strike out "as"; on page 5, line 15, after "partition," to strike out "of"; on page 5, lines 16 and 17, to strike out "the county court of Osage County, State of Oklahoma," and insert "any court of competent jurisdiction"; on page 5, line 21, to strike out "county" and insert "said"; on page 5, line 21, to strike out "may" and insert "said"; on page 5, line 24, to strike out "county"; on page 6, line 5, to strike out "turned over" and insert "paid"; on page 6, line 9, to strike out "turned" and insert "paid"; on page 6, line 12, after "or," where it first appears, to insert "with the approval of the Secretary of the Interior"; on page 6, line 12, after "guardian," to strike out all down to the page 6, line 11, after "guardian," to strike out all down to the page 6, line 11, after "guardian," to strike out all down to the page 6, line 11, after "guardian," to strike out all down to the page 6, line 11, after "guardian," to strike out all down to the page 6, line 11, after "guardian," to strike out all down to the page 6, line 11, after "guardian," to strike out all down to the page 6, line 12, after "guardian," to strike out all down to to insert "with the approval of the Secretary of the Interior"; on page 6, line 12, after "guardian," to strike out all down to the period in line 14; on page 6, line 18, to strike out "8" and insert "7"; on page 6, lines 19 and 20, to strike out "or at any time heretofore or hereafter"; on page 7, line 8, to strike out "Secretary of the Interior" and insert "county court of Osage County, State of Oklahoma: Provided further, That nothing herein shall be construed so as to exempt any such property from liability for taxes"; on page 7, line 9, to strike out "9" and insert "8"; on page 7, line 10, after "Indians," to insert "not mentally incompetent"; on page 7, line 15, after "approved," to insert "before or after the death of the testator"; on page 7, line 17, to strike out "10" and insert "9"; on page 7, line 21, to strike out "11" and insert "10"; and on page 8, line 18, to strike out "12" and insert "11."

Mr. OWEN. I move that the Senate concur in the House

Mr. OWEN. I move that the Senate concur in the House amendments.

The motion was agreed to.

CHOCTAW AND CREEK TREATY LANDS.

The VICE PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendment of the Senate to the bill (H. R. 16661) to relinquish, release, remise, and quitclaim all right, title, and interest of the United States of America in and to all the lands held under claim or color of title by individuals or private ownership or municipal ownership situated in the State of Alabama which were re-served, retained, or set apart to or for the Creek Tribe or Nation of Indians under or by virtue of the treaty entered into between the United States of America and the Creek Tribe or Nation of Indians on March 24, 1832, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. JOHNSTON of Alabama. I move that the Senate insist upon its amendments, agree to the conference asked for by the House, and that the Chair appoint the conferees on the part of

the Senate.

The motion was agreed to; and the Vice President appointed Mr. Curtis, Mr. McCumber, and Mr. Stone conferees on the part of the Senate.

ALICE V. HOUGHTON-RECALL OF BILL.

The VICE PRESIDENT. The morning business is closed. The question is on agreeing to the motion of the Senator from New Jersey [Mr. Martine], coming over from the last legislative day, to recall from the House of Representatives the bill (S. 5137) for the relief of Alice V. Houghton.

Mr. WILLIAMS. Before the question is taken on the motion,

suggest the absence of a quorum.

The VICE PRESIDENT. The Senator from Mississippi suggests the absence of a quorum, and the Secretary will call the

The Secretary called the roll, and the following Senators answered to their names: Pomerene

Crawford Culberson Cullom Ashurst Bacon Borah Bourne Brandegee Cummins Curtis du Pont Briggs Bristow Foster Gallinger Gronna Hitchcock Johnson, Mc. Brown Bryan Burnham Burton Catron Chamberlain Chilton Clarke, Ark. Johnston, Ala. Kern ·Lea

Lippitt Lodge McCumber McLean Martine, N. J. Myers Nelson Nixon Oliver Overman Owen Page Penrose Percy Perkins

Pomerene Rayner Reed Shively Simmons Smith, Arlz. Smith, Ga. Smoot Stephenson Sutherland Swanson Thornton Warren Wetmore Williams

Mr. SWANSON. My colleague [Mr. Martin] is detained from the Senate on account of serious illness in his family.

Mr. WARREN. I wish to state that my colleague [Mr.

CLARK] is absent for the day.

The VICE PRESIDENT. Sixty Senators have answered to the roll call. A quorum of the Senate is present. The question is on agreeing to the motion of the Senator from New Jersey [Mr. Martine], to recall from the House the bill which the Secretary will state by title.

The Secretary. A bill (S. 5137) for the relief of Alice V.

Houghton.

The VICE PRESIDENT. The question is on agreeing to the motion of the Senator from New Jersey.

The motion was agreed to.

AMENDMENT TO PRINTING LAWS.

Mr. SMOOT. I move that the Senate proceed to the consideration of the bill (8. 4239) to amend, revise, and codify the laws relating to the public printing and binding and the distribution of Government publications.

The motion was agreed to; and the Senate, as in Committee

of the Whole, resumed the consideration of the bill.

Mr. SMOOT. Mr. President, when the bill was up for consideration on last Friday I had reached the point as to what it would cost to distribute through the mails a million copies of the Congressional Record per year. From the report of the Postmaster General the amount would be \$3,832,675.

I also requested the Public Printer to submit certain infor-

mation for the use of the committee as to whether there were any obstacles in the way or any difficulties to overcome at the Government Printing Office in printing a million extra copies if Congress should so decide. I received a letter from the Public Printer, dated January 11, 1912, in which he makes this statement:

Dear Senator: I have the honor to acknowledge receipt of your communication of January 9, requesting a statement relative to the cost of certain proposed changes in the printing of the Congressional Record. In reply thereto the following statement is submitted:

One million copies of the Record printed in its present form could not be produced in the buildings now occupied by the Government Printing Office.

An edition of 1,000,000 copies of the Congressional Record daily can be printed and produced in an economical manner by—

1. Printing the daily Record in newspaper form; size of pages 10 by 23, five column—

23, five column-

The Senate will note that that is an entire change from the form of the RECORD as it is printed to-day.

2. The installation of three octuple perfecting newspaper presses, with stereotyping and mailing equipment;
3. The construction of a building having an approximate floor space of 50,000 square feet, and not exceeding three stories in height, adjacent to the railroad yards in the northern or southern sections of the

jacent to the railroad yards in the northern of city.

Ten carloads of paper would be consumed daily, and storage space for a 10 days' supply, or 100 carloads, would be necessary.

The daily mail shipment would amount to approximately 12 carloads. The cost of production in newspaper form, based upon the issues and average number of pages during the three sessions of the Sixty-first Congress and the gain or loss would be approximately as follows:

Number of issues: First session, 123; second session, 168; third session, 82.

Average number of pages per issue: First session, 56; second session,

Number of issues: First session, 123; second session, 168; third session, S2.

Average number of pages per issue: First session, 56; second session, 00; third session, 64.

Cost of 1,000,000 copies of each issue, page 19 by 23, five columns, on paper at 3 cents per pound: First session, \$5,348; second session, \$8,858; third session, \$9,460.

Cost of 1,000,000 copies each of all issues: First session, \$1,026,804; second session, \$1,012,150; third session, \$776,212.

Cost of one copy of all issues: First session, \$1.02; second session, \$1.61; third session, 78 cents.

No increase in the composing-room equipment of the Government Printing Office would be necessary. The matrices would be made in the present Government Printing Office and taken from there to the Recond printing and plate-making plant.

The cost of new equipment would be approximately \$140,000.

The matter appearing in the daily Record would be revised, remade-up, and reprinted for the bound Record in its present form, and the charge for composition placed against the bound Record.

Yours, respectfully,

Samuel B. Donnelly, Public Printer.

SAMUEL B. DONNELLY, Public Printer.

Mr. President, as will be seen from the report of the Public Printer, in order to comply with the amendment offered by the Senator from Idaho [Mr. HEYBURN], the form of the RECORD would have to be changed; the size would have to be changed; it would have to be printed in five columns; and it would be almost impossible to accomplish the result.

Mr. BRISTOW. Mr. President—
The PRESIDING OFFICER (Mr. BRANDEGEE in the chair).
Does the Senator from Utah yield to the Senator from Kansas?

Mr. SMOOT. I yield.
Mr. BRISTOW. Why would it be necessary to change the form or the size of the Record?
Mr. SMOOT. On account of the necessity for using presses

form of the Record as it is to-day, it would be impossible to make the impressions necessary; that is, the number that would be necessary to print a million copies a day.

Mr. BRISTOW. But we have no assurance that a million

copies will be required.

Mr. SMOOT. Well, Mr. President, if we pass the law, we would have to be in a position to meet the requirement if it came; and from what the Senator from Idaho has said, not only would the people be glad to subscribe for a million copies of the Record, but he thinks there would be 2,000,000 copies subscribed for. In order to provide for a million copies we would have to provide floor space for 100 carloads of paper so as to have 10 days' supply on hand. No printing office can run-especially the Government Printing Office, that is required to produce almost immediately after the daily adjournment of the two Houses of Congress the debates of the day-without at least having 10 days' supply of paper on hand.

Mr. BRISTOW. Does the Senator from Utah think there

would be a million subscribers to the RECORD?

Mr. SMOOT. If I were going to offer any opinion, I would say I hardly think so; and yet that would only be an opinion. Mr. BRISTOW. May I inquire what kind of presses are now

used in the publication of the Congressional Record? Mr. SMOOT. The presses that we have now at the Government Printing Office are as follows:

The Government Printing Office has three web presses upon which the RECORD can be printed. Web press No. 3 takes eight 8-page signa-

That would mean, of course, that there would be 8 times 8 pages, or 64 pages-

This press cost \$38,500 and has a capacity of 150,000 impressions in 24 hours. Web press No. 37 takes four 8-page signatures, cost \$23,000, and has a capacity of 150,000 impressions in 24 hours. Web press No. 938 takes four 8-page signatures, cost \$25,000, and has a capacity of 150,000 impressions in 24 hours. These presses print, cut, and fold the signatures.

With our present pressroom and bindery equipment we can print and mail 100,000 copies of a 128-page RECORD in each 24 hours.

And that is only one-tenth of the amount for which the amendment provides.

This is our maximum capacity. The RECORD, however, seldom makes 128 pages, and an edition of 100,000 can be undertaken on our present equipment with safety.

Mr. BRISTOW. Mr. President, the Senator from Utah suggests that the amendment provides for a certain number. As I understand, the amendment does not provide for any number, but it provides that the price of the RECORD shall be \$1 for

the short session and \$2 for the long session. Mr. SMOOT. Mr. President, I was thinking of the original amendment offered by the Senator from Idaho, wherein it is specifically stated that the price would not be \$1 and \$2 until there had been a million copies of the Record subscribed for. The Senator from Kansas is right in saying that the amendment which we now have under consideration does not provide for any specific number; but that is one of the dangers of this whole amendment, that we shall have to provide for the printing of a million copies; and if we only receive 100,000 subscriptions the figures of loss per copy will be greatly in excess of what are claimed to be the figures with the issue of a million copies.

Mr. BRISTOW. Allow me to inquire why does the Senator propose to provide for the printing of a million copies when he has not the slightest idea that they will be needed?

Mr. SMOOT. I will not say that I have not the slightest idea that they will be required.

Mr. BRISTOW. As I understand, there is now an equipment to print 100,000 copies of the RECORD. In my judgment, that is as many as will be called for in five years, and probably more. Why not wait, and not provide for the additional copies until they are needed?

Mr. SMOOT. Mr. President, we are now printing 32,000, indeed nearly 33,000, copies of the Congressional Record every day. So that would only mean an increase of about 67,000 copies to bring it up to the ultimate limit of what the Government Printing Office could print each 24 hours, providing they were furnished the extra presses that they have asked for in a communication addressed to the chairman of the Committee on Printing.

Mr. BRISTOW. Can the Senator advise the Senate how

many of the 32,000 copies are paid subscriptions?

Mr. SMOOT. I can tell the Senator exactly the number of paid subscriptions, and I will give the figures for several different sessions, as they vary slightly. In the first session of the that will run faster and make more impressions per day than those we now have in the Public Printing Office. Under the Sixtieth Congress there were 110 paid subscriptions; in the second session of the Sixtleth Congress, 145; in the first session of the Sixty-first Congress, 110; in the second session of the Sixty-first, 113; and in the third session of the Sixty-first Congress, 160.

Mr. BRISTOW. With the price at \$4 for the short session and \$8 for the long session there are practically no Records subscribed for—only 100 or so for each session. Does not the Senator from Utah realize that the reduction in the price to a dollar for the short session and \$2 for the long session would not lead to any such enormous increase as is contemplated by the Senator from Idaho?

Mr. SMOOT. My opinion is that it would not reach a million copies. I can not tell whether it would or not, but in my

opinion it would not.

Mr. BRISTOW. In my judgment it would not reach a hundred thousand. There will be several thousand citizens, I should say, throughout the country who would like to keep informed as to what is going on here in Congress, and the paid subscriptions might vary from 10,000 to 25,000. That would not cost the Government much, and I think it would be a good thing. It seems to me that we are anticipating dangers that are very remote indeed when we undertake to provide for any large increase in the subscriptions because we reduce the price

to a nominal figure.

Mr. SMOOT. Mr. President, I really think that the Senator overlooks the fact that if the Record could be secured for a dollar, to begin with there would be perhaps very many people take it. I think that it being a new thing and the newspapers calling attention to it more than likely there would be, at least for a year or two, a great many subscribers for the RECORD; but I do not believe in four or five years from now that there would be as many subscribers. However, I do believe, if we adopted the amendment, that we would be put in a position of being compelled not only to provide extra room but extra machinery, and the cost to the Government would be very great.

In connection with the cost to the Government, I wish to call the Senate's attention to the cost of the paper used in printing one copy of the daily Record per session. The average number of issues for a session is 181; the average weight per Record is 4 ounces; the total weight for a session is 45½ pounds; the average price of the paper per pound is 3.5 cents; the total cost of the paper for one copy per average session is \$1.583; cost, including blank pages, is \$1.70. Senators understand that nearly every daily Record issued has a blank page on the back and pages containing the names and addresses of Members of Congress and a number of other items, such as the rules of the Joint Committee on Printing; all these go out of the bound or official Record, and the cost I have given also includes the blank

The total cost of paper for the Sixty-first Congress, second session, in which there were 10,602 pages in the Congressional

Record, was \$2.769; the cost, including blank pages, was \$2.85. Now, under the amendment, if it should carry, for the short session the Government would receive 70 cents less than the actual cost of paper to every subscriber, and for the long session would receive 85 cents less than the actual cost of the paper for every subscriber.

Mr. BRISTOW. But the Government is not printing the Congressional Record as a business proposition any more than it prints agricultural bulletins, of which each Senator has 12,000 to distribute. They cost the Government a lot of money, but they are distributed free of charge for the purpose of disseminating information in regard to agriculture. It is for the general welfare of the country. Now, why should we not dis-tribute the Record at a nominal price, in order that the people who are interested in the action of Congress in the daily proceedings here may be informed as to exactly what is being done? It seems to me that there is no publication the Government issues, out of the many that are distributed free of cost. that could be more properly distributed than the RECORD, and, as has been suggested to me by a Senator sitting near by, if the capacity of the Government's present equipment is 100,000 copies, as the Public Printer states, we could limit the edition to 100,000 in order to prevent the embarrassment that might come if a very large number of subscriptions should be asked for; and then when the 100,000 limit has been reached Congress can take up the question as to further extending and enlarging the equipment. That would save the embarrassment which the Senator from Utah anticipates.

Mr. SMOOT. That would certainly be an improvement, Mr. President, over the amendment offered by the Senator from Idaho. I want to say to the Senator that if the Senate feels that it is incumbent upon the Government, or if it thinks it is a good thing to do to print and sell the Record at less than cost-

a great deal less than half its cost-of course the bill ought to be amended to meet that desire of the Senate; but before the amendment is agreed to, I want the Senate to understand exactly what it is going to cost; and then, if they vote to amend the law, they will do so with their eyes open, and they will know just what it is going to cost the Government to do it. I would not put a straw in the way if that is the sentiment of the Senate, but the committee carefully considered this matter. The Printing Committee of the House met with the Printing Committee of the Senate, and we decided that it was hardly proper at this time to put that burden upon the Government. I have here an estimate which I will roughly state to the Senate of what a million copies would cost.

Mr. BRISTOW. Well, Mr. President, if the Senator can do so, I should like to have him make an estimate on a hundred thousand copies. I think to estimate on a million is simply

visionary

Mr. SMOOT. Of course, a hundred thousand extra copies would cost a great deal more in comparison than the figures

given here for a million copies.

Mr. BRISTOW. Why?

Mr. SMOOT. For the very reason that in printing a million copies we would have to print it in a different form, and we are figuring upon paper here worth 3 cents. Another thing, we could run off a million copies within, perhaps, five times of what it would take to run off a hundred thousand copies, and we could run off 2,000,000 copies cheaper by 10 per cent than we could 1,000,000.

Mr. BRISTOW. There will never be a demand for two millions or one million. As I understand the Senator, a hundred thousand copies of the Recond as this one here [exhibiting] would measure the present equipment of the Government Printing Office. Of course, I do not think there would be a demand for a hundred thousand copies for some time at least, but what I should like would be an estimate of what an edition of a hundred thousand of these would cost. That would be 67,000 more than are now printed.

Mr. SMOOT. That is, a hundred thousand extra above what

we are now printing?

Mr. BRISTOW. No; an edition of a hundred thousand all It seems to me that nothing could be more beneficial than to give an opportunity to the inquiring citizens of the United States who are especially interested in the proceedings of Congress to get the RECORD at a nominal price. Then they would know what actually transpires here.

A good deal has been said about the accuracy of the news-aper reports as to the proceedings in Congress. The truth is paper reports as to the proceedings in Congress. that the American newspaper does not print the proceedings of Congress. The American newspaper prints sensational things that happen in Congress. The papers print somewhat elaborate summaries of what happens when the whole public is aroused, but the everyday proceedings of Congress-appropriation bills and things of that kind-get no space in the American newspapers. In every State, in every county, there are a few men active in public affairs, active in business, who would like to know what goes on here, and if they could get the RECORD without any great expense they could inform themselves and secure accurate information. It would be, I think, an education to the public and certainly a protection to Members of Congress if they should be misrepresented by the public press in any way. It seems to me there is a good deal of force in the suggestion.

Mr. SMOOT. From an estimate of what the RECORD cost for the first session of the Sixty-second Congress, and taking that as an average, the 67,000 extra copies of the Record would

Mr. BRISTOW. Of course, as a matter of fact, the 67,000 additional copies would not cost the same proportionate amount as the 33,000 that are printed. The additional 67,000 would be very much less per copy, of course, than the initial 33,000.

Mr. SMOOT. I recognize that fact, and in so doing I did not take the long session into consideration, but I took the average of 5,636 pages, which would be a little more than the short The short sessions average about 5,400 pages and the long sessions sometimes as high as 11,000 pages. So I think I have etimated it low enough, at least in the \$521,286.

Mr. BRISTOW. I do not think anything would bring the people in more close and intimate relationship with the legislative branch of their Government or give them greater information as to what is going on in Congress than to be able to get the Record cheaply, and I think they ought to know what we do. I think it is to the public interest that they should know, especially when the responsibility of passing upon questions of governmental policy is gradually being thrown upon the shoul-ders of the people themselves, more in these times than ever before. It seems to me it is time that Congress should make some provision by which a wide distribution could be made of the actual record proceedings of the two Houses.

Mr. SMOOT. Let me suggest to the Senator that to provide for his suggestion the bill should be amended on page 75, line 18, after the first word "advance" by inserting this:

Provided, That the edition of the daily Congressional Record shall not exceed 100,000 copies.

Mr. BRISTOW. I was just getting ready to suggest that at the end of line 11 of the amendment offered by the Senator from Idaho-

Mr. SMOOT. I think it better to leave the bill just as it is and to insert after the word "advance" these words:

Provided, That the edition of the daily Congressional Record shall not exceed 100,000 copies.

I think that will meet the case exactly.
Mr. BRISTOW. "Advance." On what line, please?

Mr. SMOOT. Line 18, page 75, so that the paragraph would read this way:

The superintendent of documents is authorized to furnish to subscribers the daily Congressional Record at \$8 for the long session and \$4 for the short session—

Or whatever we decide to make the rates-

or \$1.50 per month, payable in advance; Provided, That the edition of the daily CONGRESSIONAL RECORD shall not exceed 100,000 copies.

Mr. BRISTOW. If the Senator would consent, then, to strike out "eight," in line 15, and insert "two," and to strike out "four," in line 16, and insert "one," I think it would be entirely satisfactory to me.

Mr. SMOOT. Let me ask the Senator, would be go as low

as \$2 and \$1?

Mr. BRISTOW. I would; yes. I would make a nominal charge in order to prevent men who did not want it ordering it simply because they could get it free. If a man pays \$2 or \$1 for the RECORD he wants to read it, and if he wants it and

is willing to pay that small amount, I say he ought to have it.

Mr. SMOOT. In doing that I suggest to the Senator, instead
of \$1.50 per month, in line 17, it should be 50 cents per month.

Mr. BRISTOW. I agree to that. Strike out \$1 and leave it 50 cents. I believe the Senator from Utah will find it is the sense of the Senate that these amendments to the bill should

Mr. SMOOT. If it is the sense of the Senate I have no objection to it, and if the Senator will make his motion I shall not oppose it, if the Senate feels that that is the proper thing

Mr. BRISTOW. Of course there is a pending motion, and I would have to move it as a substitute for the pending motion. Mr. SMOOT. Perhaps the Senator had better move it as a

substitute and allow the Senate to vote upon it.

Mr. BRISTOW. Mr. President—
The PRESIDING OFFICER. The Chair will state to the Senator from Kansas that it would be in order to amend the amendment, if he so desires.

Mr. SMOOT. All the amendment required would be to put in, after the word "advance" in the amendment of the Senator from Idaho, these words:

Provided, That the edition of the daily Congressional Record shall not exceed 100,000 copies.

Mr. BRISTOW. That is all the amendment which is re-

Mr. SMOOT. That is all that would be required in the amendment of the Senator from Idaho.

Mr. BRISTOW. I move to amend the amendment by inserting, in line 11, after the word "advance"—

Provided, That-

Mr. SMOOT. In line 18, you mean. The Senator has the wrong line.

Mr. BRISTOW. I have a copy of the amendment, Mr. SMOOT. I have not.

Mr. BRISTOW. Insert:

Provided, That the total copies printed shall not exceed 100,000.

The PRESIDING OFFICER. Will the Senator from Kansas be kind enough to restate his proposed amendment to the

Mr. BRISTOW. Will the Senator from Utah restate the language he proposes to incorporate? I do not have it here. Mr. SMOOT. It is:

Provided, That the edition of the daily Congressional Record shall not exceed 100,000 copies.

Mr. BRISTOW. That is to be inserted in line 11 of the amendment, after the word "advance."

The PRESIDING OFFICER. The Secretary will report the amendment proposed by the Senator from Kansas to the amendment of the Senator from Idaho.

The Secretary. After the words "payable in advance" it is proposed to insert:

Provided, That the edition of the daily Congressional Record shall not exceed 100,000 copies,

The amendment to the amendment was agreed to.

The PRESIDING OFFICER. The Senator from Utah has

Mr. SMOOT. I have no further remarks to make upon this amendment now, as it seems the Senate desires the Record to be sold at that price, and therefore I shall say nothing more as to the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from Idaho as amended. I should like to have the amendment read.

The PRESIDING OFFICER. The Secretary, without objection, will again report the amendment proposed by the Senator from Idaho as amended.

The Secretary. On page 75, line 15, it is proposed to strike out "eight," at the end of the line, and insert in lieu thereof the word "two," so as to rend:

The superintendent of documents is authorized to furnish to subscribers the daily CONGRESSIONAL RECORD at \$2 for the long session.

On line 16, on the same page, strike out "\$4" and insert "\$1," so that, if amended, it will read, "and \$1 for the short session"; in line 17 strike out the words "one dollar and a half" and insert in lieu thereof the words "50 cents," so that it will read, "or 50 cents per month, payable in advance"; after the word "advance" comes the amendment offered by the

Senator from Kansas, to insert the following words:

Provided, That the edition of the daily Congressional Record shall not exceed 100,000 copies.

And after the amendment to the amendment just stated insert as a part of the amendment of the Senator from Idaho the following:

The Postmaster General is hereby authorized and directed to make, on or before the 1st of July, 1912, such rules and regulations as will enable all postmasters in the United States to receive popular subscriptions for the dally CONGRESSIONAL RECORD at the aforesaid terms per year, and report all such subscriptions and account for and pay the amount received therefor to the Public Printer.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Idaho as amended.

The amendment as amended was agreed to.

Mr. LODGE. Mr. President, I should like to ask the Senator from Utah whether it would not be better to separate the Record from the documents generally which are to be charged against the amount of money allotted to a Senator. It seems to me if the Record is to be included with the other documents it will be very embarrassing indeed for Senators, because the demand for the Record will be very large, as we all know, and it will be difficult to make people understand why we can not send indefinitely until the entire amount of money allowed us is exhausted. I think it would be better, if necessary, to make some reduction in the amount of money against which we can draw, and leave the RECORDS out and have it ar-

ranged as it is now.

Mr. SHIVELY. Mr. President—
The PRESIDING OFFICER. Does the Senator from Massachusetts yield to the Senator from Indiana? Mr. LODGE. Certainly.

Mr. SHIVELY, I thoroughly approve of the suggestion made by the Senator from Massachusetts. It seems to me the RECORD ought to be distinguished from all these other documents relating to all sorts of public questions, and that they

should not fall in the same category with the Record.

Mr. SMOOT. Since the price of the Record has been reduced as it has been, I think myself it ought to be arranged that the Record shall be distributed as it has been in the past and shall not fall within the valuation plan. I have the amendments to cover that question all through the bill. I will begin offering the amendments.

Before doing that, however, I want to say that I have had a number of conferences with a number of Senators who are in-terested in this valuation plan, and if the suggestion of the Senator from Massachusetts is accepted then the amount allowed to each Senator and to each Representative should be reduced. My amendments will provide for a reduction for each Senator to \$2,000 and each Representative to \$1,400, or a reduction of \$500 on the allowance to each Senator and \$400 on the allowance to each Representative; and then, of course, the Record will not be charged, and the number that is allowed each Senator now, 88, will be continued.

Mr. LODGE. Does the \$2,000 that the Senator proposes cover about the average value of the documents now sent out?

Mr. SMOOT. It a little more than covers it. The average.

Mr. SMOOT. It a little more than covers it. The average for 10 years of the Record, as charged under the valuation plan, would be \$560 per annum.

Mr. LODGE. That is, on the old basis?

Mr. SMOOT. On the old basis. But by this amendment we will just take \$500 off, and under the \$2,000 plan it gives every Senator more than he has had in the past.

Mr. BRISTOW. Mr. President—
The PRESIDING OFFICER. Does the Senator from Massachusetts yield to the Senator from Kansas?

Mr. LODGE. I have yielded the floor. Mr. SMOOT. I yield to the Senator from Kansas. Mr. BRISTOW. There is this difficulty which I see, and I want to submit it to the Senator from Utah. The full report of the Monetary Commission is valued at about \$45 in cloth binding.

Mr. SMOOT. I should judge bound it would be that amount. Mr. BRISTOW. Yes; \$45 is the value fixed on a copy of the Monetary Commission's report. Each Senator, as I understand, has been assigned two sets. I think I have had requests for a dozen sets or more. Now, all of those requests, except two, have been denied necessarily, because those were all I had to distribute. With a credit of \$2,000 to me, if I complied with the requests for a dozen copies or more of a set of books that cost \$45, it would make a big hole in my credit.

I received yesterday morning a request for a full set of the books which compose the report of the Immigration Commission. If I remember rightly, they cost about as much as the

report of the Monetary Commission cost.

Mr. SMOOT. What is the last report to which the Senator

Mr. BRISTOW. The full set of the report of the Immigration Commission, a very large work, containing many volumes.

Mr. SMOOT. Has the Senator ever received a request for

the whole set?

Mr. BRISTOW. I received a request yesterday morning.
Mr. SMOOT. The only volume I have ever received a request
for or ever had a Member of the House or the Senate ask about is volume 6. That is about the only volume that I have ever

heard of any request for.

Mr. BRISTOW. I have received a number, three or four requests at least, within the last year for an entire set.

Mr. SMOOT. I will state that those documents would not

come under the valuation plan.

Mr. BRISTOW. We have no valuation scheme at present. and when they are printed each Senator is assigned so many copies for distribution,

Mr. SMOOT. The Senator refers to the immigration report. Mr. BRISTOW. Yes.

Mr. SMOOT. That was a commission report. Therefore the report would not be charged to the Senator's allotment

Mr. BRISTOW. But it is a public document, and it is distributed as other public documents are. The senior Senator from Vermont [Mr. DILLINGHAM] was the chairman of the commission.

Mr. SMOOT. That is true.

Mr. BRISTOW. What documents would be charged to the \$2,000 credit, and what would not be?

Mr. SMOOT. Only those documents that are printed by order of the Senate or House of Representatives. The Immigration Commission's report will not be charged to the allotment of the Senator.

Mr. BRISTOW. It has not been completed yet.

Mr. SMOOT. No; but when completed it will not go as an

allotment to a Senator or a Member.

Mr. BRISTOW. It might or it might not. That would depend on the action of the Senate. The report of the Immigration Commission may be a public document, the same as the report of any other commission or congressional committee might be, and the assignment might be made, and in that event it would come out of the \$2,000. It was this point which I feared the Senator from Utah did not fully consider. That is a valuable document. The distribution of it is limited to a few numbers. There are many requests coming to Senators for these documents, and they are declined, because Senators do not have them for distribution. Now, with this credit, they would have them for distribution, and this valuable document would soon absorb the \$2,000, so the amount that has been used by Senators in the past will not be at all an accurate estimate as to what will be called for in the future.

Mr. SMOOT. In my speech I delivered in the Senate on this very point I called the attention of the Senate to this point, and

The estimates for each year include not only the standard publications to which I have already referred, the Congressional Eccord, and the Congressional Directory, but also every special publication that Congress ordered printed and distributed through the folding rooms, such as "Diseases of the Horse," "Diseases of Cattle," "Hinds' Precedents,"

"Tariff Hearings," "Jefferson's Bible," "Memorial Addresses on Lin-coln, Garfield, and McKinley," "Moore's Digest of International Law," "Charters and Constitutions," and the "Conference of Governors."

The amount estimated includes those special publications. would not include the immigration report nor the Monetary Commission report, but it does include every publication that is made a public document with a number and allotted so many to each Senator.

Mr. BRISTOW. I want to thank the Senator for explaining that, because I had supposed that all these valuable books would be taken out of the allotment, and in that event the \$2,000 would

soon be absorbed.

Mr. JONES. Mr. President-

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Washington?

Mr. SMOOT. Certainly.
Mr. JONES. What is there in the bill that eliminates those documents from the others?

Mr. SMOOT. They are not specifically mentioned in the bill,

but they have been handled by the folding room.

Mr. JONES. But you are going to do away with the folding room hereafter?

Mr. SMOOT. Yes; the folding room is to be done away with, but there is a document room.

Mr. JONES. They will be charged up to us when we get them out of the allotment.

Mr. SMOOT. No; not out of the allotment.

Mr. JONES. What is there in the bill which says they will not be charged up against the allotment? We have to take the terms of the law as to what will be charged up against the allotment. In a hurried reading I do not see anything that eliminates those things.

Mr. SMOOT. I think I can tell the Senator exactly what will

be charged.

Mr. President, I want to say to the Senator from Kansas that the average for each Senator of what is drawn is a little less than \$2,500, as stated, including all the documents, the Record, and all. So even if you drew as many as you have in the past, or even more, your account would be sufficient to cover all these special documents.

Mr. BRISTOW. But, Mr. President, the objection I was making was that heretofore these valuable and expensive documents have been limited usually to two copies for each Senator, but sometimes as many as eight. When requests come as they do, as every Senator knows from his own experience, for these valuable books and we have a credit we must of course give them to our constituents or refuse to give them. If we furnish them, they will make our documents cost a great deal more in the

future than they have done in the past.

Mr. SMOOT. Not unless the Senator distributes more, and the Senator certainly must take the responsibility as to how many of each shall be distributed. Here are the Monetary Commission reports, some 40-odd volumes, I think, in the whole issue, and it would not be fair for one Senator to dis-

tribute 20 or 25 of those and another Senator none.

In this valuation plan a Senator must use his own judgment as to how many he will distribute, and whatever is sent out is charged to him under the \$2,000 valuation. That sum is sufficient to take care of everything that he is called upon to send It has done so in the past, and more. I do not think it

should be materially increased for the future. Mr. BRISTOW. Now, to illustrate, a Senator will receive a request for the reports of the Monetary Commission. I have received a great many such requests for the full report from bankers and men interested in financial matters. I do not have them for distribution, except the two copies, and they have been already distributed. I will have them for distribution, and every Senator will, under this proposition, and he will have to refuse to send them or send a document that is worth \$45 probably to 15 or 20 of his constituents. Then a request comes for the Horse book, the Cattle book, and other documents, and by the time the requests are exhausted for the valuable documents that we now decline to send because we have not got we will be very short of a credit for the ordinary distribution of the documents that are now distributed. That is an inevitable result.

Mr. SMOOT. No. Mr. BRISTOW. Unless you refuse arbitrarily to send documents to constituents whom you would like to favor. I think it is putting a responsibility on a Senator that would be exceedingly embarrassing and that none of us would care to assume.

Mr. SMOOT. The Senator speaks of the Monetary Commission report. A publication like that does not come very often in a Congress. But under the valuation scheme, if this bill be-

comes a law, that particular document would not be charged in the allotment; but if a Senator wants more than the two copies, then of course Congress will have to order a reprint of it, and that is done here time and time again. There is hardly a day but that a Senator arises and asks unanimous consent that public document numbered so-and-so be reprinted, and that gives every Senator his two extra copies, or if it goes to the document room direct they are drawn from there as called for,

irrespective of what a Senator is entitled to receive.

Mr. BRISTOW. That brings up the very point the Senator from Washington [Mr. Jones] raised. Where in the bill is the dividing line, so that we may know what does come within the

allotment and what does not?

Mr. SMOOT. We will have to specify here when the Senate authorizes an edition printed greater than the ordinary number. The proposed law itself, in section 44, paragraph 2, provides

Either House may by simple resolution order reprints or copies printed in addition to the usual number to the amount of \$500; if the cost exceeds that sum or if it is proposed to make such publications available for congressional valuation distribution—

That is, if it exceeds that amount-

the printing shall be ordered by concurrent resolution unless the resolution is self-appropriating, when the order shall be by joint resolution.

Then right in that connection is section 68, paragraph 4:

Documents specifically ordered printed by Congress for congressional valuation distribution and the following Government publications shall be subject to distribution by the superintendent of documents under the provisions of this section: Provided, That the superintendent of documents may supply, on the request of the Vice President, Senators, Representatives, Delegates, and Resident Commissioners, not to exceed five copies each of any publication of the Government not authorized by this section which he may have in stock and charge the same against their respective valuation accounts.

Mr. BRISTOW. Then there is a provision in the bill by which publications, such as the report of the Monetary Commission, can be printed for distribution, the same as they are now, and not be charged to this allotment?

Mr. SMOOT. It rests entirely with the Senate as to what

action shall be taken.

Mr. JONES. Mr. President—
The PRESIDING OFFICER. Does the Senator from Utah yield further to the Senator from Washington?

Mr. SMOOT. Certainly.
Mr. JONES. Is not that covered by the proviso just read, on page 72, that where there are documents not covered in the enumeration, then we can get five copies charged up to our allot ment.

Mr. SMOOT. Charged up to your allotment; that is, if the Senate directs that they shall be distributed under the valuation system.

Mr. JONES. This provision says:

Provided, That the superintendent of documents may supply, on the request of the Vice President, Senators, Representatives, Delegates, and Resident Commissioners, not to exceed five copies each of any publication of the Government not authorized by this section which he may have in stock and charge the same against their respective valuation accounts.

Mr. SMOOT. That is the valuation. Mr. JONES. So if some document like the Monetary Commission report is printed and is not covered by the enumeration in this section, we get five copies and have it charged up to our

Mr. SMOOT. And five only. That is about the number of special publications that each Senator now gets.

Mr. SWANSON. Mr. President—
The PRESIDING OFFICER. Does the Senator from Utah

yield to the Senator from Virginia?

Mr. JONES. I should like to ask one more question. As I understand it, there is no provision, if the bill becomes a law, by which documents printed go to Senators and Representatives free?

Mr. SMOOT. As public documents? Mr. JONES. Yes. Mr. SMOOT. No; they will be charged to the valuation

Mr. JONES. If we want to get any documents we will have them charged to the allotment?

Mr. SMOOT. Charged to the allotment, except those that go to the document room.

Mr. JONES. That is what I want to get at. There will be a document room through which we will get some documents that will not be charged to the valuation account?

Mr. SMOOT. They never have been charged where they were

not given a number.

Mr. JONES. We have not had this charging process hereto-

Mr. SMOOT. I mean as estimated in the account as being charged.

Mr. JONES. What I am trying to get at is, if the bill becomes a law, what are we going to get without having it charged against the allotment? Will we get anything?

Mr. SMOOT. Everything that goes to the document room

under this valuation system will be charged to the Senator as

drawn out by him or on his order.

Mr. JONES. But that does not answer my question. I want to know, if the bill becomes a law, whether there are documents we will get—I do not care where they come from—that will not be charged against the allotment; and if so, what documents?

Mr. SMOOT. What is called upnumber will not be charged, but anything above the upnumber which you are entitled to, if the first publication, will be charged to the Senator.

Mr. JONES. Is there not a provision in the bill that gives us a certain number of each publication?

Mr. SMOOT. To begin with? Mr. JONES. To begin with.

Mr. SMOOT. That is called the upnumber.
Mr. JONES. They come to us without being charged to the allotment?

Mr. SMOOT. The law provides for that out of the 300 given to Senators of each issue— Mr. JONES. Three hundred? Mr. SMOOT. Not for each S

Not for each Senator, but for the Senate.

Mr. SMITH of Michigan. Let me ask a question. The Senator from Washington [Mr. Jones] prompts me to ask whether the old custom by which Senators have been advised as to their credit of certain documents which they were at liberty to send out as they were requested to do will be still in vogue? We will be credited with \$2,500 worth of these numerous documents?

Mr. SMOOT. Each Senator will be credited with \$2,500.

Mr. SMOOT. Each Schalor will be credited with \$2,000.

Mr. SMITH of Michigan. And if a Senator gets anything, he has just got to ask for it and specify the number of copies?

Mr. SMOOT. He has to-day the monthly catalogue of the United States public documents issued under the law. It is required to be issued. Every Senator has one of them furnished him, and he can select exactly what he wishes from the public documents.

Mr. SMITH of Michigan. Each Senator also has a statement from the folding room that there are to his credit certain documents, for instance, culogies on the life of the late Senator Daniel and documents of a similar character. Do I understand that there will be anything of that character standing to the credit of Senators after the bill becomes a law?

Mr. SMOOT. Two thousand five hundred dollars is credited to each Senator, and he can draw and have charged to his

credit any publication.

Mr. SMITH of Michigan. I understand that instead of various documents being placed to his credit, as has been the custom for many years, he finds to his credit \$2,500 a year, and if he desires to invest that money in documents he takes the catalogue that the Senator holds in his hand and selects from it what he desires. Is that correct?
Mr. SMOOT. That is correct.

Mr. SMITH of Michigan. So the initiative is entirely with the Senator and Representative, and he finds nothing to his credit but this sum of money.

Mr. SMOOT. That is absolutely true. The Senator can then

send to his constituents whatever documents they are interested in.

Mr. SMITH of Michigan. He can, but he will have to spend

good deal of time to find out what he wants.

Mr. BRIGGS. Mr. President—
The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from New Jersey? Mr. SMOOT. Certainly.

Mr. BRIGGS. As I understand it, Mr. President, the proposition of the Senator from Utah is to reduce our allowance by the cost of Records based on the old price of \$8.

Mr. SMOOT. It would be more than we intend to reduce it if we took the full amount of the \$8 and the \$4; that is, the average would be \$5.66 a year.

Mr. BRIGGS. Under this proposition the RECORD will cost \$3 instead of \$8.

Mr. SMOOT. Two dollars.

BRIGGS. Three dollars for two sessions—for a Con-It seems to me that that is the basis for the reduction Mr. BRIGGS. gress. that should be made in our allotment.

Mr. SMOOT. In granting \$2,500 that is more than the allotment in the past which Senators have ever drawn.

Mr. SWANSON. More than we have sent out.

Mr. SMOOT. More than we have sent out, as the Senator from Virginia suggests. Certainly \$2,000 will cover that, and

more, too, provided the RECORDS are not charged to them. It was increased because of the very fact that there was a feeling that there should be more RECORDS distributed, but under this plan, now that the amendment of the Senator from Idaho has been adopted, you are going to receive the Records as you are receiving them to-day.

Mr. BRIGGS. But, Mr. President, we would be two or three hundred dollars better off if we did not have the RECORDS taken

out and kept our \$2,500 allowance.

Mr. SMOOT. I believe that you will find that you will have more public documents to your credit than you can distributemore under this system than you have ever had in the past.

Mr. BRISTOW. Mr. President-

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Kansas?

Mr. SMOOT. I do. Mr. BRISTOW. Let me inquire of the Senator from Utah what is the use of skimping ourselves in the distribution of the valuable documents that we print? If they are printed by the Government for distribution, they ought to be distributed. If they are worth printing, they are worth reading, and why should we haggle over a hundred or two hundred dollars? not leave the \$2,500 as it is and take the Records out, and then allow enough to make up for the additional demand we will have for the more valuable documents, which have been curtailed heretofore because of the limited number available?

Mr. SMOOT. It is only a question of expense. If the Senate feel that they want the allotment to remain at \$2,500 for Senators and at \$1,800 for Members of the House, in addition to the Record, it is for the Senate to decide.

Mr. SWANSON. Mr. President—
The PRESIDING OFFICER. Does the Senator from Utah

yield to the Senator from Virginia?

Mr. SMOOT. I do. Mr. SWANSON. Mr. President, I fully concur with the Senator from Kansas [Mr. Bristow]. I see no necessity for being parsimonious in connection with the publications of the Government. The Congressional Record and other publications of the Government are the only means 92,000,000 people have of becoming acquainted with the vast transactions here in Washington, covering vast expenditures and vast endeavors in governmental effort. It seems to me, after we ascertain what our constituents are interested in and know what they want, that, instead of \$2,500 being sufficient, three or four thousand dollars would not be an excessive amount to provide publications containing information and education for the people in connection with governmental affairs. I wish to offer an amendment, on page 72, line 15, after the word "thereto," to insert the following:

To each Senator 88 copies; to each Representative 60 copies.

Mr. SMOOT. There will have to be a number of amendments

Mr. SWANSON. I should like to have determined the question whether we are going to have the RECORDS free or not.

Mr. SMOOT. That, as I understand, has virtually been determined; but I want to offer amendments that will cover the matter clear through the bill.

Mr. SWANSON. Now, instead of reducing the amount from \$2,500 to \$2,000, I should like to increase it to \$3,000.

The PRESIDING OFFICER. Will the Senator from Virginia kindly restate his amendment? The Secretary did not get it

Mr. SWANSON. The Senator from Utah says he will offer an amendment which will apply throughout the entire bill, giving Congressional Records free to Senators and Members of the House as now provided by law. Then, with that provision in the bill, the only question of difference will be as to whether

we shall have \$2,000 or \$2,500 worth of documents.

Mr. SMOOT. That is the only question; but, of course, if we have the \$2,500 allotment, I shall offer an amendment to cover

the whole question.

Mr. SWANSON. Mr. President, I should like to say something in reference to having an allotment of \$2,500. The Senator from Utah says

Mr. SMOOT. And the RECORDS also. Mr. SWANSON. And the RECORDS. The Senator seems to be very good on a trade.

Mr. CLARKE of Arkansas. Mr. President—
The PRESIDING OFFICER. Does the Senator from Utah

Mr. CLARKE of Arkansas. I want to call the attention of my friend from Virginia to the fact that the 88 Records we now receive are furnished to us at the prices fixed for about

\$135, so that there is no justice in taking \$500 off in order to

supply that one item.

Mr. SWANSON. I was going to suggest that the Senator from Utah is about the finest trader on documents I have ever known. He seems to have readily consented, as soon as the amount of the allotment was decreased, for the Records to be furnished free. Mr. President, it seems to me that for documents and publications that are needed and desired by the people, \$2,000 worth will not be sufficient; but there will be a demand for three or four thousand dollars' worth. I know I have demands for a great deal more than I can send. I have a great many documents to my credit that I do not send out, because the people are not interested in them and never read them; but of the documents the people want, such as are instructive to them, I could easily send out five or six thousand dollars' worth to the delight of the people and to their benefit, so far as information affecting governmental matters is concerned.

Mr. SMOOT. The Senator will find that \$2.000 worth will

furnish him with a great many public documents, because of the fact that they are published at a very low price. surprised to find how many he will receive. He will be

Mr. SWANSON. I could send the entire amount in agricultural yearbooks, which are instructive, beneficial, and desired. I wish to say that I do not believe any farmer gets a yearbook who is not benefited thereby; and not only that, but the country is benefited, because those books teach modern, up-to-date farming. I do hope that the Senator will be desirous of putting more information and valuable education amongst the people, rather than be endeavoring to limit us to \$2,000 worth of documents. I should like to have the amount fixed at \$3,000, for I could send even that amount out in yearbooks alone. They are not merely designed to suit a passing fancy or for mere political effect or benefit, as some people imagine, but they are valuable, for they bring better crops and they give the experience of the Agricultural Department in modern farming. As I have said, they are exceedingly beneficial, and the demand upon me for them far exceeds any possibility of my meeting it. Then, there are other publications relating to cattle, horses, and so forth.

Mr. SMOOT. Mr. President, I desire to offer an amendment. The PRESIDING OFFICER. Does the Senator from Vir-

ginia withdraw his amendment?

Mr. SWANSON. The Senator from Utah says that he will Mr. SWANSON. The Senator from Utah says tl offer an amendment that will cover what I proposed.

Mr. SMOOT. On page 69, line 25, after the comma and following the word "section," I move to insert "except the Congressional Record."

The PRESIDING OFFICER. The Secretary will state the

proposed amendment.

The Secretary. On page 69, line 25, after the word "section," it is proposed to insert the words "except the Congres-SIONAL RECORD.

The amendment was agreed to.

Mr. SMOOT. On page 72, I move to strike out all of subdivision 2, down to and including line 21, on page 75. I desire to have that stricken out.

The PRESIDING OFFICER. Does the Senator from Utah propose to strike out the portion referred to as it has been amended heretofore?

Mr. SMOOT. As it has been amended, and then I will ask to have inserted provisions to conform to the suggestions that have been made by Senators.

The PRESIDING OFFICER. The Secretary will state the

amendment proposed by the Senator from Utah.

The Secretary. On page 72, beginning with line 13, subdivision 2, it is proposed to strike out down to and including line 21, on page 75.

The amendment was agreed to.

I offer the following amendment-Mr. SMOOT.

The PRESIDING OFFICER. The Secretary will state the amendment.

Mr. SMOOT. It is, on page 83, following line 17, to insert what I have sent to the desk as a new section 69, paragraph 1.
The PRESIDING OFFICER. The Secretary will state the amendment.

The Secretary. On page 83, following line 17, it is proposed to insert as a new section the following:

to insert as a new section the Ioliowing;
Sec. 69, Par. 1. The Public Printer shall furnish the Congressional Record as follows, and shall supply gratuitously no others in addition thereto:
To the Vice President and each Senator, S8 copies; to each Representative, Delegate, and Resident Commissioner, 60 copies; to be supplied daily as originally published or in the revised and permanent form bound on in half russia, as each may order, but not to exceed 5 copies of the Record shall be bound for the Vice President and each Senator, Representative, Delegate, and Resident Commissioner, respectively, if more than that number of copies remain to the credit of each at the

close of any session of Congress, unless specifically requested by the vice President, and each Senator, Representative, Delegate, and Resident Commissioner entitled to order such bound copies; to the Vice President and each Senator, Representative, Delegate, and Resident Commissioner there shall be furnished 3 additional copies of the Vice President and each Senator, Representative, Delegate, and Resident Commissioner there shall be furnished 3 additional copies of the Gallar (Commissioner there shall be furnished 3 additional copies of the Gallar (Commissioner there shall be furnished 3 additional copies of the Gallar (Commissioner there shall be furnished 3 additional copies of the Gallar (Commissioner there shall be furnished 3 additional copies of the Gallar (Copies) to the Senate, for the search of the Senate, for the search of the Senate, for the Senate, for the Senate, for the Senate, for the United States, the United States of the Senate, not to exceed 20 daily copies; to the Clerk and the Doorkeeper of the House, for office as the Senate, for the use of the Senate, not to exceed 20 daily copies; to the Cresident, for use of the Excentive Office, 4 copies of the Associate Justices of the Supreme Court of the United States, the marshal and the clerk of said court, each 1 copy of the daily Recombination of the Associate Justices of the Supreme Court of the United States, the marshal and the clerk of said court, each 1 copy of the daily Recombination of the Senate and the House of the Senate and the House of the Senate and the House, 1 copy of the daily Recombination of the Senate and the House of the Senate and the House, 1 copy of the daily Recombination of the Senate and the House of the Senate and t

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from Utah.

The amendment was agreed to.

Mr. SMOOT. Now, Mr. President, I shall not ask that the allotment be decreased from \$2,500, but will consent that it may remain as it is in the bill.

Mr. KERN. I offer the amendment which I send to the desk. The PRESIDING OFFICER. The Secretary will state the

amendment.

The Secretary. On page 23, section 27, line 17, it is proposed to strike out the word "pressmen," and also to strike out the words "in charge," in line 21, on the same page.

Mr. KERN. Mr. President, the effect of the amendment is to increase the wages of pressmen from 55 cents an hour, as provided by the bill, to 60 cents an hour. It has no other effect. The reason for the amendment, as given to me by the officers of the union who are interested, briefly stated, are as follows:

First, the increased cost of living since the rate of 50 cents per hour was established.

The present rate was established shortly after the Civil War was

The present rate was established shortly after the Civil War, was reduced 10 cents per hour during the panic of 1873, but was restored

Second, the remarkable progress in the design and construction of printing machinery in the last 25 or 30 years.

To operate the printing machines of to-day, with their enormously increased output and greatly improved quality of printing, requires much greater skill and imposes greater responsibilities upon the pressmen than the comparatively simple machines of 30 years ago.

It was then that the rate of 50 cents an hour was established.

Third. The danger of injury which is always present in the operation of complicated machinery.

In answer to the argument against the amendment which is based upon a report furnished by the Department of Commerce and Labor, which presents the rates of wages paid to pressmen in other cities, it can be said:

First. The rates of wages paid in other cities are provided for in agreements which cover short periods of from one to five years, and almost invariably increased at the expiration of the contracts covering them. On the other hand, if this bill is enacted into law, it will probably remain unchanged for many years.

Second. In all these agreements in the cities referred to between the employers and the employees the minimum rates only are stipulated, leaving the employer free to pay as much more as he sees fit. This bill provides the maximum rate which can be paid.

Third. A large per cent of pressmen in our large cities receive more than 60 cents an hour, the rate provided for in this amendment. For over five years the pressmen have been engaged in a struggle to have their compensation increased and several bills have been introduced in both Houses of Congress with this end in view, but up to the present time they have not secured consideration.

I understand this bill makes very liberal provision as to

I understand this bill makes very liberal provision as to working overtime, night work, and Sunday work. I am also informed that similar provisions equally liberal are made by other employers to their employees in the other cities referred to. These men claim—and they seem to be fair-minded men, reasonable men—that 60 cents an hour is a fair rate and, under the circumstances named, entirely reasonable and ought to be adopted.

Mr. SMOOT. Mr. President, I have just as much sympathy for the laboring man as any Senator can possibly have. I have listened to the pressmen tell their side of the story a number of times. I was impressed with the statement they made, and in order to get at the facts as they really existed in this country I addressed a letter to the Department of Commerce and Labor relative to wages paid pressmen in different parts of our country and received an answer from the Secretary of that department dated February 21, 1911, in which he says:

Referring to your letter of the 2d instant and my reply, dated February 4, I beg to transmit herewith two tables, containing the results of the investigation made by the Bureau of Labor with regard to rates of wages and hours of labor in certain occupations in the newspaper and job printing industries.

In the following 15 cities inquiries were made by the agents of the Bureau of Labor as to the union scale of prices and hours, as well as the actual rates paid and the hours per week worked in the selected occupations on newspapers and also in book and job offices:

New York, N. Y.; Chicago, Ill.; Philadelphia, Pa.; St. Louis, Mo.; Boston, Mass.; Cieveland, Ohio: Baltimore, Md.; Pittsburgh, Pa.; Detroit, Mich.; Buffalo, N. Y.; Milwaukee, Wis.; Cincinnati, Ohio; Newark, N. J.; Washington, D. C.; and Jersey City, N. J.

Table 1 contains the data for newspaper offices in the 15 cities, the occupations covered being hand compositors, linotype operators, and web pressmen. A separate statement is made for the employees in these occupations engaged on day and on night work. The scales, wages, and hours of labor for pressmen's assistants, which are given in connection with the statement for pressmen, cover brakemen, tension men, ollers, and platers. and platers.

In order not to take too much of the time of the Senate, I wish to say that the present rate paid to pressmen is 50 cents an hour. The bill provides an increase to 55 cents per hour, or an advance of wages to the pressmen of \$12,500 per annum. The Department of Commerce and Labor reports that in New York City the union minimum scale is 50 cents; the average actual rate, including union scale, is 51.2 cents.

In answer to the remarks made by the Senator from Indiana, as given him by the pressmen, wherein it is stated that the minimum scale only is quoted, I wish to say that not only is the union minimum scale given, but the average actual rate paid in the different cities, as reported by the Department of Commerce

and Labor, is given.

Mr. KERN. Mr. President—
The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Indiana?

Mr. SMOOT. I yield.

Mr. KERN. Is it not true these outside wage scales are

subject to be raised at any time?

Mr. SMOOT. It is true they could be raised, and it is also true we could amend the law and raise pressmen at the Government Printing Office, but I want to say that the wage scale that is provided in this bill, of 55 cents an hour, is higher than is paid pressmen anywhere in the United States, with the single exception of these working on the mammoth web presses that are used in New York and one other city in the list of cities reported.

Mr BROWN. Mr. President—
The PRESIDING OFFICER. Does the Senator from Utah

yield to the Senator from Nebraska?

Mr. SMOOT. I yield.
Mr. BROWN. Of course, that is a very important statement if it is true. I have no doubt the Senator thinks it is true, but should like to know what information he has on which to base the statement that there is no place in the United States where higher rates are paid to pressmen than 55 cents an hour.

Mr. SMOOT. With the exception of those who are running the large web presses in New York City and Washington, D. C. I will say that in the 15 cities named we know it is true, and not only that, but I asked the representative of the pressmen if the figures reported by the department were wrong to let me know, and they have not reported to me that they were wrong.

Mr. BROWN. I do not suppose the pressmen or anybody else has the figures as to the cities outside of those quoted, but there are a great many other cities in the country than the cities quoted.

Mr. SMOOT. The report covered 15 of the largest cities in

the country

Mr. BROWN. The rates paid pressmen in the moderately sized towns in this country are higher than 55 cents.

Mr. SMOOT. I should think-Mr. BROWN. I want to ca Mr. BROWN. I want to call the attention of the Senator further to the fact that in every instance he has cited the actual rate paid is higher than the minimum fixed by the union scale, and I should like to inquire of him why it would not be the right and the just and the fair thing to provide in this bill a minimum instead of a maximum rate.

Mr. SMOOT. We have to appropriate every year for the ressmen. They are provided for in the appropriation bill. pressmen. The men know exactly what they are getting. There is not a pressman in the Government Printing Office who is not well taken care of. He has 30 days' leave of absence. He is paid 20 per cent higher for night work, and he is paid one and a half times for Sunday work. He is paid double for holiday work. There is not a concern in the United States that gives

a pressman 30 days' leave of absence.

Answering the Senator from Nebraska, I wish to say we had a representative of the pressmen before the committee and gave him a hearing, and he failed to inform the committee of any printing establishment paying pressmen more or as much as 55 cents per hour. I want the pressmen in the Government Printing Office to be the best-paid pressmen in the United States, and they will be under this bill. They have advantages that no other pressmen in the United States have, and I do not object to it, because I should like to see the Government Printing Office the most perfect printing office in the world, with the best class of men. We are giving them more than any other office that I know of for the same class of work. That is the

reason I was in favor of the advance to 55 cents an hour.

Mr. BROWN. Mr. President—

The PRESIDING OFFICER. Does the Senator from Utah yield further to the Senator from Nebraska?

Mr. SMOOT. I yield. Mr. BROWN. I do not understand why it is necessary in the case of the pressmen to fix a rate by a standard that is definite and certain, when the rate is left to the discretion of the Public Printer in cases of emergency as to some other employees. And I can not understand the reason for the discrimination that is made in this same section against these pressmen in authorizing an increase of 20 per cent to employees doing night work who are not on annual salary. Does that same provision apply to pressmen, or are they excluded?

Mr. SMOOT. I did not understand what the Senator said. Mr. BROWN. I was trying to call the Senator's attention to

the last provision in this section, on page 24:

The list provision in this section, on page 24:

Provided further, That the pay of all the employees of the Government Printing Office engaged on night work between the hours of 4 clock and 30 minutes postmeridian and 8 o'clock antemeridian, except hose receiving annual salaries fixed either by law or by the Public Printer, shall be 20 per cent in addition to the amount paid for day

Mr. SMOOT. A pressman is not on annual salary; he is paid by the hour.

Mr. BROWN. Then, the provision allows them 20 per cent increase?

Mr. SMOOT. For night work.

Mr. SMOOT. For hight work.

Mr. BROWN. That is, those not on annual salary.

Mr. SMOOT. It allows not only that, but one and a half times for Sunday work and double for holiday work.

Mr. BROWN. I am talking about the section wherein you have provided for an increase of 20 per cent for employees not salaried. Why are the pressmen denied the benefit of that provision?

Mr. SMOOT. They are not denied it.
Mr. BROWN. It applies to them?
Mr. SMOOT. It applies to them.
Mr. BROWN. Tell me again why you allow 20 per cent to some employees and increase the pressmen, as you have by this definite and fixed rate, only 2½ per cent. The existing rate is definite and fixed rate, only 21 per cent. T 50 cents an hour and you raise it to only 55.

Mr. SMOOT. That is the regular increase per hour, but that does not affect the night rate at all. The pressmen under this

bill will get, instead of 50 cents an hour, 55 cents, and for night work 20 per cent in addition, which would be 11 cents, or 66 cents per hour.

Mr. BROWN. Does not the Senator know that under this provision, which grants 20 per cent increase to some employees not on annual salary, some of the subordinates will receive more money than the principals, who are on an annual salary?

Mr. SMOOT. There is no department in the Government that gives extra compensation to a man who is on annual salary.

Mr. BROWN. The Government has the power to increase the compensation whether it is an annual salary or a per diem.

Mr. SMOOT. If a man accepts an annual salary that is all he expects to get, but the pressmen work by the hour, and sometimes they work one day and sometimes the next day they are not working full time, and they are entitled to the 20 per cent. But a man who is hired by the year receives his year's compensation.

Mr. BROWN. Most of the pressmen, as I understand, work, as a matter of fact, day in and day out and month in and month out the entire year.

Mr. SMOOT. They do not work by the year. They work by the hour.

Mr. BROWN. They do not draw a per annum salary.
Mr. SMOOT. They work by the hour.
Mr. BROWN. It seems to me the justice of the matter depends upon whether the wage is reasonable or unreasonable, no matter whether it be by the hour or the year. I do not understand this blanket provision which cuts out from under the fellow working by the year any increase, but does give it to those working by the hour.

Mr. SMOOT. I should like to ask the Senator if he knows a single man in the Government Printing Office who is paid a salary by the year who works at nighttime, unless he under-stands before he accepts the position that night work is what

is expected of him?

Mr. BROWN. Every man who accepts employment accepts it on the condition of the salary paid, whether he works by the day or the year. But take the night foreman of the linotype. He is on an annual salary. He gets \$2,250 a year, I think, and yet under this provision men who are subordinates to him, if they work at night will earn more than he receives as salary.

Mr. SMOOT. I do not think that is so.

Mr. BROWN. It is a matter of computation.

Mr. SMOOT. I want to say to the Senator that that position is sought by I do not know how many people-a thousand men

perhaps would like it.

Mr. BROWN. All positions are sought by hundreds of men.

Mr. SMOOT. I have never heard any complaint on the part of the man holding that position. I have never heard him ask

for 20 per cent more because he works at night.

Mr. BROWN. I do not think we are legislating to answer the complaint of anybody, but I think when we have here a provision fixing salarles we ought to have some sort of a standard, some rule that shall apply to all employees alike, and the test ought to be the value of the service and not whether the contract is by the year or by the hour.

Take these pressmen. They get 50 cents an hour. For many years they got 50 cents an hour. Afterwards it was reduced to 40 cents. Now, for some time it has been 50 cents. You propose to increase the pressmen's compensation 21 per cent.

Mr. SMOOT. We propose to increase it right out 10 per cent.

He is drawing now 50 cents an hour.

Mr. BROWN. Five cents—a nickel—an hour increase in wages. He gets the same wages that he got 20 years ago. He

has nothing on which to raise a family.

Mr. SMOOT. At 55 cents an hour, I think, he will get more than pressmen in any other printing office.

Mr. BROWN. The Senator has made that statement, and yet he bases it upon nothing except the returns of 15 cities in the United States.

Mr. SMOOT. Allow me to call the attention of the Sena-

Mr. GALLINGER. Mr. President—
The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from New Hampshire?

Mr. SMOOT. I yield.
Mr. GALLINGER. Before the Senator proceeds to that I should like to ask him if he knows whether or not, when these men received 50 cents an hour in the sixties, they had the privileges which they have now?

Mr. SMOOT. None whatever.

Mr. GALLINGER. Did they then have 30 days leave of

absence?

Mr. SMOOT. They did not.

Mr. GALLINGER. I suppose the Senator is not sure that in those early days they got these large allowances for over-

Mr. SMOOT. They did not.

Mr. GALLINGER. It makes quite a difference.

While I am on my feet, if the Senator will permit me, I will say that I think the Senator from Nebraska ought to tell us what cities there are in the United States where pressmen get more than is allowed by this bill. The committee has taken 15 of the large cities. It is not likely they are paying more in some rural community than in New York or Cleveland or Philadel-We ought to have the information if there is such a city.

Mr. BROWN. I have no information about cities. I have not given any list of cities. But when the Senator cites 15 cities in the United States and undertakes on that statement to base the conclusion that it applies to every city in the United States, I think he ought to give us some additional information.

Mr. GALLINGER. It follows, it seems to me—and there is no room for controversy—that the compensation given all classes of workmen in the 15 larger cities of the United States must be the maximum. It is inconceivable to me that there can be any smaller place where more is paid. I know in my own little city, which is not a very large one, they get not much more than half what they get in the large cities.

Mr. BROWN. Then they are very much underpaid, if that

is true.

Mr. GALLINGER. That may be so.

Mr. BROWN. But the statistics which the Senator from Utah is handing around the Senate this afternoon do not purport to be a report from every concern engaged in the printing business. Mr. SMOOT. I will tell the Senator how many concerns in

each city were investigated.

Mr. BROWN. My information comes from men in the press business. They may not know, but they tell me that over this country the prices are above 55 cents an hour on an average. They did not cite any cities to me, and I did not inquire of them, but the fact remains that the wages of everybody else has been increased much more than 10 per cent, and yet the press-men are left practically on the same basis they were 50 years ago. I do not think it is fair; I do not think it is right; and I do not think the facts as submitted by the Senator from Utah warrant the conclusion which he has incorporated in this section of the proposed law.

Mr. SMOOT. I suppose it would be too long to go through every item here, and I do not believe it would enlighten the Senate very much, but the investigation was made in the 15 cities, not in one establishment, but a number of establishments,

and it was the union rate of wage for those cities.

In New York City the union minimum scale was 50 cents; the average actual rate, including union scale, 51.2 cents.

In Chicago the union minimum scale was 50 cents; the average actual rate, including union scale, was 51.9 cents.

In Philadelphia the union minimum scale was 41.7 cents; the average actual rate, including union scale, was 41.7 cents.

We are paying the pressmen here 13.3 cents per hour more. and not only that, but we are giving them 30 days' leave of absence, and paying them 20 per cent more for night work, and one and a half times for Sunday, and twice for holidays.

In St. Louis the union minimum scale was 46.9 cents; the average actual rate, including union scale, was 47.2 cents.

Boston, 45.8 cents; actual rate, 46.7 cents.

Cleveland, 37.5 cents; average actual rate, 43.8 cents.

Baltimore, union minimum scale, 37.5 cents; average actual

rate, 38.6 cents; and that is the rate 40 miles from here.
Mr. JONES. The Senator says 30 days' leave of absence.

Mr. JONES. The Schuld Says' leave with pay?

Mr. SMOOT. Thirty days' leave with pay.

Mr. BROWN. By the hour?

Mr. SMOOT. The same rate per hour that they get, and that is eight hours per day, or \$4 a day, or \$120 for the 30 days. They are allowed \$120 every year as leave of absence. Mr. NELSON. Are they not allowed in addition a limited

sick leave with pay?

Mr. SMOOT. That is included in the 30 days. They have no sick leave in the Printing Office.

Mr. BROWN. It is really 30 days' sick leave instead of 30 days' leave of absence.

Mr. SMOOT. No; they have no sick leave at all in the Government Printing Office.

In Baltimore, 40 miles from here, the union minimum scale 371 cents. We are providing 55 cents.

Pittsburgh, union minimum scale, 37½ cents. The average actual rate is 43.3 cents.

Milwaukee, 43.8 cents; average actual rate, 47.1 cents.

Cincinnati, union minimum scale, 42.7 cents; average actual rate, 42.7 cents.

I think that, taking those 15 cities into consideration, we may well say it is the average wage paid to pressmen all over the United States, and I want to say that when we provide 55 cents an hour here I believe they are as well paid as any in the United States. I want them to be as well paid and I want them to have these wages

Mr. President, I trust that the amendment offered by the

Senator from Indiana will not be agreed to.

The VICE PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Indiana [Mr. KERN].

The amendment was rejected.

Mr. SMITH of Michigan. Mr. President, I desire to ask the Senator from Utah why the word "procure" in the present law is omitted from line 22, page 31, section 37, of the proposed bill.

Mr. SMOOT. The Senator will notice that instead of "procure" the bill says "supply." In other words, the Government Printing Office, as the Senator knows, has made some loose-leaf ledgers, but I want to say to the Senator that they have

infringed nobody's patent, nor do they intend to do so.

Mr. SMITH of Michigan. I am glad to have the Senator's assurance on that point, although it would have been more potential had it come from a court of law.

Mr. SMOOT. I will say to the Senator that in the hearings, and I think he was present, the Public Printer told us that there

had been no infringement upon anybody's patent.

I will state the object of the change and then the Senator can speak to it. As it is to-day a traveling man representing any loose-leaf ledger company can go out into Utah or Idaho or California to the supervisor of a forest reserve and solicit an order for a new loose-leaf ledger, we will say, and that order is sent to Washington to the Agricultural Department designating, perhaps, that particular kind of a ledger. The question arose as to whether the Public Printer under the law was compelled to furnish that particular loose-leaf ledger or whether under the law as it is to-day he could furnish a looseleaf ledger that would answer every purpose that in his judgment would be just as good. The Comptroller of the Treasury gave that decision, and this is what the representative of the Kalamazoo Loose-leaf Ledger Co. reported:

The Comptroller of the Treasury has already held that loose-leaf binding books were included among patented devices with which to file uniform official papers, so that the mere inclusion of the words "loose-leaf books" in the new bill really has no effect whatever except to put what has been construed to be the law as the law in specific

That is why we have used the word "supply," so that the Public Printer can supply either by purchase or make at the Government Printing Office a loose-leaf ledger whenever he is

requested to do so.

Mr. SMITH of Michigan. Mr. President, of course I realize the fact that there is no interest whatever in this bill, and Senators are apparently not giving the matter much attention, being content to accept the judgment of the chairman of the Joint Committee on Printing. But Senators who do me the honor to listen will be impressed with the idea that the word 'procure" in the present law is a wise limitation. To strike it out would place in the hands of the Public Printer additional our would place in the hands of the Public Printer additional power to manufacture whatever is needed by a Government officer. If you strike out the word "procure" and leave in the word "supply," you invest the Public Printer with unlimited authority to establish such a plant in connection with the Government Printing Office as will enable him to meet every restriction of the Correspond without the all of restrictions. quirement of the Government without the aid of private enterprise or competition.

If it only means what the Senator from Utah says it means, he can afford to restore the word "procure" in the bill and let the law stand as it is to-day. Does the Senator object to

doing that?

Mr. SMOOT. I do not think that would help it at all, because the Comptroller of the Treasury has ruled that they could

supply them, and they have done so in the past.

I want to call the attention of the Senate to the fact that this business of making loose-leaf ledgers does not amount to a very large sum, as the total cost in the Government Printing Office, including the purchase of metal plates and the making of the books, was only \$6,538.89; but on the amount that was made the Government saved \$968.59.

There is no danger at all in this proposition, because the law specifically states that the Public Printer can not make anything at the Government Printing Office that will cost more

than he can purchase it at outside.

Mr. SMITH of Michigan. I should like to see the word "proremain in the law.

Mr. SMOOT. There is no need of it.

Mr. SMITH of Michigan. I should like to have it remain, and thus insure the benefit of private competition in purchases

of this character.
Mr. SMOOT. I took this matter up with the Treasury Department, and this is what they said:

partment, and this is what they said:

The loose-leaf binder and card index are rapidly taking the place of the old bound-book system for public records in the departmental service. It is important, therefore, in the interest of economy and uniformity, that these systems be made as uniform and perfect as possible. Under the present system the loose-leaf binders are obtained by this department from outside contractors through the Public Printer. The great variety of loose-leaf binder devices on the market and the extensive range of prices quoted on them make it practically impossible to maintain anything like uniformity in the public records and files. It is believed that, in the interest of economy, promptness of delivery, and uniformity, the Public Printer should adopt and furnish directly from his office an improved device or devices for use in all Government offices. This could be done, it is thought, without infringing on patent rights. It is recommended that such authority be granted the Public Printer by law. Printer by law.

Mr. President, this is not going to prevent the purchase of Ioose-leaf ledgers from concerns outside.

Mr. SMITH of Michigan. Then leave the law as it is.

Mr. SMOOT. The last purchase that we made from the Kalamazoo Loose Leaf Ledger Co. was \$3,548.92, and that one purchase was more than one-half of all the Government Printer So why put the Government into a position made last year. where there will be any question that they can buy or make a loose-leaf ledger if they so desire, or if a department of the Government to-day desires one for the State Department, one for the Interior Department, one for the Department of Commerce and Labor, of the same size and the same quality, why not let the Government furnish it?

Mr. SMITH of Michigan. This is the field of individual in-itiative and private enterprise. Why should we continually encroach upon it and extend the power of the Government? That is not the function of the Government. It would be more credit-

able to Russia than to the United States.

If this does not mean anything why does the Senator insist

so strongly upon its repeal?

Mr. SMOOT. Mr. President, I do not think the Senator from Michigan would say that if the Public Printer can manufacture a certain line of loose-leaf ledgers that are just as good for the purposes for which they are made as any other concern can possibly make, and if the Public Printer can make them cheaper,

the Government ought to buy them somewhere else.

Mr. SMITH of Michigan. The Government can supply itself at the minimum of cost in this way and avoid an unnecessary investment in plant and buildings, in the event that no satisfactory bid is proposed. The alternative is presented.

Mr. SMOOT. The Senator desires to put in the words "procure and supply"?

cure and supply"?

Mr. SMITH of Michigan. I am quite content to leave the law as it is now, namely, after the word "to," in line 22, to add the word "procure."

Mr. SMOOT. "Procure or supply?"

Mr. SMITH of Michigan. No; after the word "to," in line 22, section 37, to add "procure."

Mr. SMOOT. Add the words "procure or."

Mr. SMITH of Michigan. "Procure" is the present law.

Mr. SMOOT. "Procure and."

Mr. SMOOT. "Procure and."

Mr. SMITH of Michigan. That is the present law.
Mr. SMOOT. Since a construction has been given it, of course, if they can supply them, why not leave it then with the word

Mr. SMITH of Michigan. The statute has been construed by the Attorney General and it has been construed by the

comptroller. Why not leave the law as it is now?

Mr. SMOOT. I think the law ought to be changed so that there will be no question about it. I am perfectly willing to accept the amendment and say "authorized to procure or supply." Then there all here ply." Then there will be no question about it. If a manufacturer's bid is lower than it can be manufactured for at the Government Printing Office, then the Public Printer has to buy from him under the law, because he can not pay for an article more than it will cost to produce it.

Mr. SMITH of Michigan. The difference between the Sena-

tor and myself is not difficult to understand.

Mr. SMOOT. If the Senator will accept the words "to procure or supply" I will agree to that amendment.

Mr. SMITH of Michigan. I will let the law stand as it is.

Mr. SMOOT. Then it will be worse than it is to-day, for it

would be an absolute monopoly.

Mr. SMITH of Michigan. Oh, no; the Public Printer can supply himself when all other avenues fail to bring desirable results.

Mr. SMOOT. I am perfectly willing to say to every manufacturer in this country that the Government Printing Office can buy the loose-leaf ledger if he can furnish it for less money than the Public Printer can make it. I do not think the Senator ought to ask any more than that. I am not willing that the Government shall be tied up so it must buy a certain kind of loose-leaf ledger.

Mr. SMITH of Michigan. No; and I do not want to tie the hands of the Government, and I do not want it to go into this

business itself if possible to avoid it.

Mr. SMOOT. But the law protects him in that. The law specifically says that he can not do it unless he can furnish it for less than the price at which it is quoted by the private manufacturers.

Mr. SMITH of Michigan. If the theory of the Senator from Utah is to be carried out and all the departments of the Government are to supply their own necessities we would have to enlarge our investments tremendously.

Mr. SMOOT. Last Friday we were told that the reason why we do not want to print a million extra Records is because the Public Printer did not want to take any more responsibility; that he has a splendid job, and does not want any more work. Now, we are told that the Public Printer is seeking more power and more work.

Mr. SMITH of Michigan. He may not be seeking it, but he is not running away from it, and the Senator from Utah is trying to put new and unnecessary responsibilities upon him.

Mr. SMOOT. No; I am trying to protect the Government. Mr. SMITH of Michigan. I will say to the Senator, I think he is very conscientious in his motive, but he likes power and exercises his full proportion and does it very well, I admit.

Mr. SMOOT. If we can not meet it down at the Government Printing Office, then we can not purchase any kind of books

of any sort.

Mr. SMITH of Michigan. For years some of the purchasing officers of the Government seemingly had their favorites, and am opposed to it.

Mr. SMOOT. That is just what I am trying by this bill to knock out

Mr. SMITH of Michigan. But you are hesitating on a very

small word. I do not see why you do not accept it.

Mr. SMOOT. I want to say that the Public Printer, as well as all Senators here, know that the loose-leaf-ledger work that is being put in at the Government Printing Office is virtually work that the Government Printing Office has done for years.

Mr. SMITH of Michigan. The Senator from Utah is assum-

Mr. SMITH of Michigan. The Senator from Utah is assuming that I am especially interested in loose-leaf ledger because it is a Michigan enterprise. I want to say to him once for all that I am interested only in keeping the Government from invading any unnecessary field of private enterprise.

Mr. SMOOT. The whole theory of the Government Printing Office is to take care of the printing that is required by Con-

gress.

Mr. SMITH of Michigan. I fear the Senator will start a clothing factory by and by to clothe public officials. Mr. SMOOT. At cost?

Mr. SMITH of Michigan. Yes; at cost, because that will be an inducement. I do not think the Government justified in taking this course. It is a mistake. If you enjoy fair competition, industries can be managed better by private enterprise. I ask the Senator to accept the present law, which is fully understood by all the departments of the Government.

Mr. SMOOT. If the Senator will offer an amendment after the word "to," to make it read "procure or supply," I will gladly accept it; but, as the Senate knows the situation, if that is not agreeable to the Senator, let him offer the amendment and let the Senate decide. I think the Senate understands the

situation

Mr. SMITH of Michigan. I do not think so.

Mr. SMOOT. I want the Government in a position where there will be no kind of manufactured article in this country that the Government Printing Office can not get along without, and when the Government Printing Office can make something just as good, that the one who makes the article can hold up

the Government, I do not care what it is.

Mr. SMITH of Michigan. When I raised my objection to a change of law I was not absolutely convinced that I was giving the exact reason that was in the mind of the Senator from Utah in framing that section, but I have become thoroughly convinced now that it is the purpose of the Senator from Utah to estab-lish under the head of the Public Printer and under his own supervision a plant sufficient to manufacture whatever is needed by the Public Printer-

Mr. SMOOT. No.

Mr. SMITH of Michigan. For all departments of the Gov-

ernment, upon their requisitions.

Mr. SMOOT. No, Mr. President; not only that, but I want to say that the practice of the Public Printer up to to-day does not justify any such construction. The Public Printer to-day would

mo more think of buying an article—

Mr. SMITH of Michigan. You mean of making it.

Mr. SMOOT. No; of buying an article that could be purchased for less than he could make a similar article for than

he would think of increasing his own wages.

Mr. SMITH of Michigan. In figuring the cost of making that article in a private enterprise you would figure the interest on your investment and depreciation, which is never considered in the account of the Public Printer.

Mr. SMOOT. We would figure just what the article was quoted at the Government Printing Office. We do not have to figure about what it costs the private manufacturer, because we know just what the Government has to pay him for it.

Mr. SMITH of Michigan. The disposition of the Senator from Utah to have his own way about this matter is painfully apparent to us all. But I want to suggest to the Senator that he could with perfect propriety let the law stand as it is in this section and render a real service to the Government. The Senator from Utah shall not put this new burden upon the Government if I can prevent it.

Mr. SMOOT. I do not want it to go any other way than the Senate wants it to go. If the Senator will offer his amend-

ment we will vote on it and let the Senate decide.

Mr. SMITH of Michigan. I prefer the present law.

Mr. SMOOT. I do not prefer to accept it, for the reason that

there has been a question raised-Mr. SMITH of Michigan. Th The Senator knows we have no quorum. I do not want to be forced into making the point. Mr. SMOOT. We can get a quorum here very readily.

been construed? The Senator wants the word "or" and I want the word "and."

Mr. SMOOT. Mr. President, there is no question that if we use the word "or" the Public Printer can procure and purchase or he can supply.

Mr. SMITH of Michigan. But if you use the word "and"

you would accomplish the same thing.

Mr. SMOOT. There is a question about it.

Mr. SMITH of Michigan. Yes; a little question. Mr. SMOOT. The very fact that it was brought up before the Comptroller of the Treasury shows that there was a question about it. Why have a question when in revising the law we can make it so plain that anyone may understand what it

Mr. SMITH of Michigan. And that is the reason I am urging

the Senator to leave the law unchanged.

Mr. SMOOT. I will ask the Senator to offer the amendment, then, as he wants it, and let the Senate vote upon it. Whatever the Senate wants is what I want.

Mr. SMITH of Michigan. The Senator from Utah knows

that we have no quorum.

Mr. SMOOT. There are quite a number of Senators in the

Chamber now.

Mr. SMITH of Michigan. Nobody is interested. A group of Senators over there are probably discussing Democratic politics, and they are not interested in this bill. [Laughter.] I am not going to submit such an important question at such an inopportune time. Will not the Senator accept my suggestion and leave the law as it stands?

Mr. SMOOT. I can hardly refuse the Senator when he

pleads in this way.

Mr. SMITH of Michigan. If it troubles the Senator when the matter finally gets into the Senate, I will submit it again.
Mr. BRISTOW. Mr. President, why should not the law be

amended if it can be improved?

Mr. SMOOT. Certainly. Mr. BRISTOW. It seems to me from this discussion that the Senator from Utah has stated several reasons for amending this bill.

Mr. SMITH of Michigan. It is very evident, Mr. President, that the Senator from Kansas has not heard the discussion. The Senator from Utah has had his way about every line of the bill, because nobody would sit in the Chamber long enough to combat him, and the moment a point is raised he brings figures so indefinite and voluminous as to overwhelm his antagonist and submerge the point.

I want to say to the Senate-and now that I have the attention of a group of very intelligent statesmen on the other side of the aisle [laughter], I want to say to them—that if they per-

mit this change to be made in the law they will place an additional responsibility upon the Public Printer, which may call for the construction of additional buildings and the investment of hundreds of thousands of dollars in machinery for the purpose of supplying by his own hand what he may be able to secure cheaper by competition from established industries throughout the country who are engaged in these enterprises.

Mr. BRISTOW. Mr. President, I should like to inquire of the Senator from Utah if it is not also true that the Public Mr. BRISTOW. Printer might not be able to save the Government from extortionate prices by himself supplying some necessities which otherwise he would be compelled to go out and buy, probably at exorbitant prices as the result of combinations?

Mr. SMITH of Michigan. I would like to ease the anxiety of my friend from Kansas. If that is to be the principle of government that is to be adopted, if that is to be the policy of this Government, there is no end to its ramifications. If you can not rely upon fair competition and honest judgment, the Government will be obliged to go into every business that concerns its welfare. I do not exactly like the idea of the Government taking on that which private enterprise is better fitted to

The Senator from Kansas has been connected with the Post Office Department of the Government; he was a very efficient officer, and in a position of great responsibility. I should like to ask the Senator from Kansas whether he believes that he could operate the Post Office Department at less expense than it is being operated by the Government and give the same serv-

ice that is now given to the American people?

Mr. BRISTOW. Well, Mr. President, I believe I could; but that is quite a difficult question to answer.

Mr. SMITH of Michigan. I am surprised. I thought I was taking the Senator on most familiar ground.

Mr. BRISTOW. I think there could be economies in some respects, if the Post Office Department were operated as a private business would be operated, and in others the Government operating the postal service has a very great advantage; but that is not the issue here. The Government is maintaining a printing office because it is necessary to do so; and there is a provision in this bill that the Public Printer shall purchase or procure or supply-

Mr. SMITH of Michigan. No; one moment. The Senator from Kansas is usually accurate, but that is just the word that

is left out.

Mr. BRISTOW. But the Senator from Utah is perfectly

willing to incorporate that in it.

Mr. SMITH of Michigan. The present law gives the Public Printer the right to procure and supply, and the Senator from Utah has struck out the word "procure" and left in the word "supply." I should like to have the law stand as it is, but he is willing to permit the word "procure" to be restored in his bill, provided the word "to" is changed to "and."

Mr. SMOOT. No; "and" to "or."

Mr. SMITH of Michigan. "And" to "or."

Mr. BRISTOW. So as to read "procure or supply." Is not that fair?

Mr. SMOOT. Absolutely.

Mr. SMITH of Michigan. On the whole, I do not know but that it might be held so; and if I am to incur insurgent opposition on my left hand and reactionary opposition on my right, I am going to yield right now. [Laughter.] Will the Senator from Utah accept the amendment?

Mr. SMOOT. In perfecting the bill, in view of all that has been said in the investigations that have been made regarding it, and of the misunderstandings that have existed in the past, I do not believe that it would be proper to accept the amendment.

Mr. SMITH of Michigan. But the Senator said he would

do so.

Mr. SMOOT. I will accept the amendment so as to use the words "procure or"—yes.

Mr. SMITH of Michigan. I will agree to that.

Mr. SMOOT. I move that the bill be amended, on page 31, line 22, by inserting after the word "to" the words "procure or." cure or.

The VICE PRESIDENT. The amendment will be stated. The Secretary. On page 31, line 22, after the word "to," it is proposed to insert the words "procure or."

The VICE PRESIDENT. The question is on agreeing to the

amendment.

The amendment was agreed to. Mr. SMITH of Michigan. Mr. President, I do not want the Senator from Utah to be under the impression that the amendment fully meets my contention.

Mr. SMOOT. I understand that.

Mr. SMITH of Michigan. I am taking it because it is the

best I can do in such a combat.

Mr. CUMMINS. Mr. President, emboldened by the very distinguished success of my friend the Senator from Michigan in securing this most important amendment, I desire to ask the Senator from Utah a question with respect to another part of the same section, which I regard as much more vital, unless there is some explanation for it that does not occur to me. On page 32, in reciting those things which the Public Printer may procure or supply, the section provides:

And other similar forms of printing and binding which may include patented articles when the needs of the service require the same.

Is there a general statute which requires the Government to pay royalty or compensation for the use of a patent when it appropriates it for Government purposes?

Mr. SMOOT. I am informed that there is not.

Mr. CUMMINS. How does the Senator from Utah defend the proposition that when the Government grants a monopoly of a certain invention to a patentee without making any reservation at all, it shall then, upon the order of the head of an executive department or the Public Printer, appropriate that invention to its own use?

Mr. SMOOT. Mr. President, I do not defend it, nor do I think that the result would be as suggested by the Senator. It is true that every loose-leaf ledger-and that is the only

Mr. CUMMINS. I am not talking about loose-leaf ledgers;

I am talking about all kinds of inventions.

Mr. SMOOT. If the Senator will permit me, the Government Printing Office never uses a loose-leaf ledger or any other patented article that is required to be purchased by the Government Printing Office, without procuring the patented article from the patentee and paying the patentee for the article. For instance, this loose-leaf ledger here [indicating] was made at the Government Printing Office, but the Public Printer purchases the patented articles, in the book, from the patentee. and the arrangement is perfectly satisfactory to the patentee as to price and as to the Government Printing Office using

Mr. CUMMINS. Then, unquestionably, the Senator from Utah will be willing to accept an amendment which shall provide that the invention is not to be used without the consent of

the patentee

Mr. SMOOT. I am perfectly willing to accept such an amendment, if necessary; but under this provision it is "procured or supplied," and even in the supplying of it the Public Printer in the past has always purchased from the patentee, and, as I have already said, has paid the patentee for the article used.

Mr. CUMMINS. I do not know anything about the history of the Government Printing Office in that respect, but I do know of several instances in which other departments of the Government have deliberately appropriated inventions as to which the Government had theretofore granted a monopoly.

Mr. SMOOT. Particularly the War Department.
Mr. CUMMINS. And there has been no remedy whatsoever.
I have regarded that course on the part of the Government as dishonest in the highest degree, and I do not want a similar practice to be authorized for the Government Printing Office. If the Government desires—and I have often thought it might be wise if the Government would change its law accordinglyto reserve for its own use, without the consent of the patentee, the right to employ the invention in its own governmental affairs, that would be quite a proper thing to do; but for the Government to give a piece of property to one and then deliberately steal it has always seemed to me to be reprehensible beyond the possibility of exaggeration. I would like the Public Printer to be protected against that temptation, and I propose, therefore, as an amendment to insert the words "with the consent of the patentee."

Mr. SMOOT. I am in full sympathy with the statement made by the Senator from Iowa, and if the Senator will offer his amendment at this time, covering that particular point, I cer-

tainly have no objection to it.

Mr. CUMMINS. I propose an amendment, after the word "articles," line 4, page 32, to insert "with the consent of the patentce.

Mr. SMOOT. So that it will read:

And other similar forms of printing and binding, which may include patented articles, with the consent of the patentee, when the needs of the service, etc.

I have no objection to that amendment.

Mr. CUMMINS. Consent of the owner of the patent should also be included, because the patent might have passed out of the hands of the patentee.

Mr. SMOOT. "The owner or the patentee," then.

Mr. CUMMINS. "The owner or the patentee."

The VICE PRESIDENT. The amendment will be stated.

The Secretary. On page 32, line 4, after the word "articles," it is proposed to insert the words "with the consent of the owner or patentee."

The VICE PRESIDENT. The question is on agreeing to the

amendment.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments made as in Committee of the Whole were concurred in.

Mr. SMOOT. On page 36, line 10, I move an amendment to change the words "section 77 of this act" to "section 78 of this act," to conform to the changes that have been made in the bill.

The VICE PRESIDENT. The amendment will be stated.

The Secretary. On page 36, line 10, it is proposed to strike out "seven" and insert "eight," so as to read "section 78 of this act."

The amendment was agreed to.

Mr. SMOOT. On page 42, line 19, I move to amend by striking out "seventy-nine" and inserting "eighty."

The VICE PRESIDENT. The Secretary will state the

amendment.

The Secretary. On page 42, line 19, it is proposed to strike out "seventy-nine" and insert "eighty."

The amendment was agreed to.

Mr. SMOOT. I ask that the subdivisions in section 68 be re-numbered and that all sections following 69 be renumbered.

The VICE PRESIDENT. Without objection, that will be

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

RECULATION OF IMMIGRATION.

Mr. LODGE. I move that the Senate proceed to the consideration of Senate bill 3175, the immigration bill.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 3175) to regulate the immigration of aliens to and the residence of aliens in the United States.

I now ask that the bill just taken up be tem-Mr. LODGE. porarily laid aside for the purpose of enabling the Senator from New Hampshire [Mr. Gallinger] to call up a matter in which he is interested.

The VICE PRESIDENT. Without objection, the bill will be temporarily laid aside.

HEARINGS BEFORE THE COMMITTEE ON FOREST RESERVATIONS.

Mr. GALLINGER. I ask unanimous consent for the present consideration of Senate resolution 254.

There being no objection, the resolution was considered by unanimous consent, and agreed to, as follows:

Resolved. That the Committee on Forest Reservations and the Protection of Game, or any subcommittee thereof, be authorized to send for persons and papers and to administer oaths, and to employ from time to time stenographers to report such hearings as may be had in connection with any subject which may be pending before said committee, and to have the same printed for its use, the expenses thereof to be paid out of the contingent fund of the Senate; and that the committee, or any subcommittee thereof, may sit during the sessions of the Senate.

EXECUTIVE SESSION.

Mr. CULLOM. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After eight minutes spent in executive session, the doors were reopened.

HOMESTEADERS ON COEUR D'ALENE INDIAN RESERVATION.

Mr. LODGE. I ask unanimous consent that the unfinished business be temporarily laid aside, although I do not know that the request is necessary. The VICH PRESIDENT. It has already been temporarily

laid aside.

Mr. BORAH. I ask unanimous consent for the present consideration of the bill (H. R. 18661) to provide for an extension of time of payment of all unpaid payments due from homesteaders on the Coeur d'Alene Indian Reservation, as provided for under an act of Congress approved June 21, 1906.
There being no objection, the Senate, as in Committee of the

Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. BORAH. I move that the Senate adjourn.

The motion was agreed to, and (at 5 o'clock and 3 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, April 10, 1912, at 2 o'clock p. m.

NOMINATIONS.

Executive nominations received by the Senate April 9, 1912. COMMISSIONER OF EDUCATION FOR PORTO RICO.

Edward M. Bainter, of Missouri, to be commissioner of education for Porto Rico, vice Edwin G. Dexter, resigned.

PROMOTIONS IN THE ARMY.

COAST ARTILLERY CORPS.

Capt. Jacob C. Johnson, Coast Artillery Corps, to be major from April 3, 1912, vice Maj. Philip R. Ward, detailed as quartermaster on that date.

First Lieut, Lucian B. Moody, Coast Artillery Corps (detailed captain, Ordnance Department), to be captain from April 3,

1912, vice Capt. Jacob C. Johnson, promoted.

First Lieut. Donald C. McDonald, Coast Artillery Corps, to be captain from April 3, 1912, vice Capt. Lucian B. Moody, whose detail in the Ordnance Department is continued.

Second Lieut. Frederic A. Price, jr., Coast Artillery Corps, to be first lieutenant from April 3, 1912, vice First Lieut. Donald C. McDonald, promoted.

CHAPLAIN.

Chaplain Francis P. Joyce, Fourth Field Artillery, to be chaplain with the rank of captain from March 21, 1912, after seven years' service in the grade of first lieutenant, in accordance with the provisions of an act of Congress approved April 21, 1904.

APPOINTMENTS IN THE ARMY.

INFANTRY ARM.

Moses King Goodridge, midshipman, United States Navy, to be second lieutenant of Infantry, with rank from March 30, 1912.

COAST ARTILLERY CORPS.

John Absalom Baird, midshipman, United States Navy, to be second lieutenant in the Coast Artillery Corps, with rank from December 19, 1911.

PROMOTIONS IN THE NAVY.

To be chief gunners in the Navy from the 22d day of March, 1912, upon the completion of six years' service as gunners:

William C. Bean, and Edward W. Furey.

UNITED STATES ATTORNEY.

Frederick A. Scott, of Connecticut, to be United States attorney for the district of Connecticut, vice John T. Robinson, term expired.

UNITED STATES DISTRICT JUDGE.

Edward E. Cushman, of Washington, to be United States district judge for the western district of Washington, vice George Donworth, resigned.

POSTMASTERS.

ALABAMA.

Augustus L. Hawley to be postmaster at Abbeville, Ala., in place of Henry L. Marsh, deceased.

ALASKA.

Earle L. Hunter to be postmaster at Juneau, Alaska, in place of John T. Spickett. Incumbent's commission expires April 28, 1912.

ARIZONA.

E. J. Lehman to be postmaster at Clifton, Ariz., in place of William F. J. Weiss, resigned.

CALIFORNIA.

Calla J. Westfall to be postmaster at Venice, Cal., in place of Calla J. Westfall. Incumbent's commission expired April 2, 1912.

COLORADO.

James L. Moorhead to be postmaster at Boulder, Colo., in place of James L. Moorhead. Incumbent's commission expired March 12, 1912.

FLORIDA.

William L. Keefer to be postmaster at Fort Pierce, Fla., in place of William L. Keefer. Incumbent's commission expires April 20, 1912.

GEORGIA.

Thomas E. Oden to be postmaster at Blackshear, Ga., in place of Thomas E. Oden. Incumbent's commission expired February 10, 1912.

Samuel B. Robison to be postmaster of Sandersville, Ga., in place of Samuel B. Robison. Incumbent's commission expires April 21, 1912.

Robert J. Webb to be postmaster at Alpharetta, Ga. Office became presidential January 1, 1912.

ILLINOIS.

Charles F. Douglass to be postmaster at Ashland, Ill., in place of Charles F. Douglass. Incumbent's commission expired March 2, 1911.

Leander F. Gowdy to be postmaster at Enfield, Ill., in place of Leander F. Gowdy. Incumbent's commission expired January 29, 1912.

KANSAS.

William H. Smith to be postmaster at Colby, Kans., in place of William H. Smith. Incumbent's commission expires April 17, 1912.

MICHIGAN.

Frank E. Hardy to be postmaster at Big Rapids, Mich., in place of Hiram E. Hardy, deceased.

Byron S. Watson to be postmaster at Breckenridge, Mich., in place of Byron S. Watson. Incumbent's commission expired March 25, 1912.

MONTANA

Ovid S. Draper to be postmaster at Bonner, Mont. Office became presidential April 1, 1912.

NEW JERSEY.

Peter P. Cluss to be postmaster at Leonia, N. J. Office became presidential October 1, 1911.

Charles L. Flanagan to be postmaster at Riverton, N. J., in place of Charles L. Flanagan. Incumbent's commission expires May 6, 1912.

NEW YORK.

Charles L. Dix to be postmaster at Forestville, N. Y., in place of Charles L. Dix. Incumbent's commission expires April 13, 1912.

Frederic A. Purdy to be postmaster at Croton Falls, N. Y., in place of Frederic A. Purdy. Incumbent's commission expires May 1, 1912.

De Witt C. Titus to be postmaster at Hempstead, N. Y., in place of De Witt C. Titus. Incumbents' commission expired February 10, 1912.

NORTH DAKOTA.

John P. Grady to be postmaster at New England, N. Dak., in place of J. A. Meyer, resigned.

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John Welch to be postmaster at the National Military Home, Ohio, in place of William H. Hallam, resigned.

OKLAHOMA.

Daniel G. Dodds to be postmaster at Beggs, Okla., in place of Daniel G. Dodds. Incumbent's commission expires April 28, 1912.

Arthur E. Leap to be postmaster at Collinsville, Okla., in place of Arthur E. Leap. Incumbent's commission expires April 28, 1912.

Frank J. Van Buskirk to be postmaster at Seminole, Okla. Office became presidential January 1, 1912.

Charles W. Young to be postmaster at Carnegie, Okla., in place of Charles W. Young. Incumbent's commission expired March 30, 1912.

PENNSYLVANIA.

John W. Chamberlain to be postmaster at Wyalusing, Pa., in place of John W. Chamberlain. Incumbent's commission expires April 28, 1912.

WEST VIRGINIA.

C. B. Stewart to be postmaster at Northfork, W. Va., in place of Nina B. Stewart, resigned.

CONFIRMATIONS.

Executive nominations.confirmed by the Senate April 9, 1912.

CONSULS.

John K. Baxter to be consul at St. Pierre, St. Pierre Island. Henry C. A. Damm to be consul at Stettin, Germany. William C. Teichmann to be consul at Mannheim, Germany.

UNITED STATES ATTORNEY.

John L. McNab to be United States attorney for the northern district of California.

CALIFORNIA DÉBRIS COMMISSIONER.

Maj. Charles H. McKinstry to be member of the California Débris Commission.

PROMOTIONS IN THE ARMY.

CHAPLAIN.

* Chaplain Timothy P. O'Keefe to be chaplain with the rank of major.

CAVALRY ARM.

First Lieut. James Huston to be captain.

FIELD ARTILLERY ARM.

Second Lieut. Frederick A. Prince to be first lieutenant.

Appointments in the Army.

MEDICAL RESERVE CORPS.

To be first lieutenants.

Edward Lucien Aymé.
Frank Bernard Baldwin.
Albert Fitzhugh Beverly.
Paul Clements.
Emile Louis De Lanney.
William Lawrence Estes.
Albert Adolph Fricke.
John Cooper Graham.
Harold M. Hays.
John Hunter Selby.
Harlan Shoemaker.
William Dey Herbert.

PROMOTIONS IN THE NAVY.

The following-named ensigns to be lieutenants (junior grade):

Frank R. King, Jacob H. Klein, jr., Roy P. Emrich, Walter F. Lafrenz, George C. Logan, and Richard E. Cassidy.

Boatswain Albert Seeckts to be a chief boatswain.

Lieut. (Junior Grade) Ferdinand L. Reichmuth to be a lieutenant.

The following-named ensigns to be lieutenants (junior grade):

David S. H. Howard, Francis D. Pryor, and Ralph B. Horner.

POSTMASTERS.

ALABAMA.

George C. Brown, Citronelle.

David Sloan, Crested Butte. Carl D. Van Dorn, Oak Creek.

ILLINOIS.

William Folkerts, Witt. John Grierson, Morrison. George Isherwood, Tampico. Yale T. Kiblinger, Morton.

KANSAS.

George Delaney, Axtell. Joshua M. Roney, Norcatur. J. L. Stevens, Stockton. Anna R. Wood, Selden.

MICHIGAN.

Richard L. Owen, Ypsilanti.

MONTANA.

Thomas Hanlon, Hobson (late Philbrook). Patrick H. Tooley, Moore.

HOUSE OF REPRESENTATIVES.

Tuesday, April 9, 1912.

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the fol-

lowing prayer:

Eternal God, our heavenly Father, ever near to us and always ready to help those who put their trust in Thee, make us more susceptible to heavenly influences and incline our hearts to do Thy will, that with clear vision and firm, unfaltering footsteps we may go forward with undaunted courage as the duties of the hour unfold themselves, leaving the results to Thee, who doeth all things well. For Thine is the kingdom, and the power, and the glory, forever. Amen.

The Journal of the proceedings of yesterday was read and approved.

THE BUSINESS OUTLOOK.

Mr. SISSON. Mr. Speaker, I ask unanimous consent to have printed in the Record the speech of Hon. William C. Redfield, delivered at Cincinnati on February 10, 1912, on "Some phases of the business outlook."

The SPEAKER. The gentleman from Mississippi [Mr. Sisson] asks unanimous consent to have printed in the Congressional Record a speech recently made at Cincinnati by Mr. Redfield, of New York, on "Some phases of the business outlook." Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

Following is the address referred to:

SOME PHASES OF THE BUSINESS OUTLOOK.

Address of the Hon. William C. Redfield before the Business Men's Club of Cincinnati, Ohio, February 10, 1912.

"In speaking to a fellow Member of the House of Representatives a few days ago of what I reckon to be the great commercial value of the Philippines, he, being one of those minded to get rid of those islands as quick as possible, was kind enough to say to me that he preferred 'principle rather than pelf.' Before this body of business men I wish emphatically to protest against the idea which prevails too much to-day—that the business world is largely a world of plunder. Not that any responsible group of men quite venture to affirm this to be so, but that their actions and their words almost or quite assume it as a basis. Certainly a friendly ear is not always turned to the requests of the business community, and the sensitiveness of credit seems often to be unknown. It is true that the selfishness of some has reflected to a degree upon us all, but for that reason it is more necessary to affirm, as I now do, that the business men of America are, with rare exceptions, upright and highminded men, respecting the rights of others, conscious of their duties to their fellows, seeking prosperity through service rather than through selfishness, and with personal consciences never so active and with public ideals never so high as to-day. Commerce is the ally of uplift and develops, not destroys. And this great club of 1,600 members is a witness that you as business men meet with open minds; each willing to learn from the other; each glad to give from his knowledge to the other. Therefore it is a special pleasure to talk with you over some of the common problems of our daily work.

"And this daily task of ours is a far more complex thing than it once was. Our business life touches now questions of public policy, questions of human interest, matters of social uplift. Others claim the right to supervise and guide our business affairs as never before, and a righteous and watchful public opinion requires us in some degree to be our brothers' keepers whether we will or will not. Commercial life is difficult enough without what an editor has recently called "the ebullitions of parochial statesmen" to add to our many cares. Never was sanity and sobriety of public thought more needed than to-day.

"Let us select from the many problems that press on our thought one that is new and growing, and consider it briefly, both as it is in itself and in relation to some of our other Many of us as children were taught that our isolation on this continent, separated by broad oceans from the older worlds, was a great benefit, and we grew up, perhaps, with the idea that we were sufficient unto ourselves. But as we have become older new facts have forced these provincial views to the rear and now we face another outlook. For years we have known that the farmers and the millers of the Central and Western States have depended largely on foreign markets for their very living. It would have gone hard with Minnesota and Dakota and other States in the past if England had not needed But you and I had no sooner become accustomed to the idea that we were a great food-exporting nation than the picture Wheat and flour no longer reign in our export trade, and our manufactures have taken their place. Had one come here to Cincinnati 20 years ago to say then that in 1912 we should be selling a thousand million dollars per annum of manufactured goods abroad I fear that even this progressive city would have heard with doubting ears; and yet this change has come about, and not only are we exporting of our manufactures to this extent, but the proportion grows. It is now over 45 per cent of our total exports, while foods of all kinds have sunk to 18 per cent. This great change, whereby the output of our shops has taken the place of the products of our farms, has gone on so quietly that now we realize it almost with a shock. It runs counter to very much that we have accepted as solid beliefs hitherto. I seem to recall, I am sure you have heard, that there were men who once said we needed a high tariff wall to keep us from the invasion of the products of the pauper labor of Europe, but now all of a sudden, as it seems, we from the hitherside have o'erleapt the wall and found pleasant and profitable markets beyond it.

"In these markets, however, we are not alone. There are others beyond that wall, and since we have gone out there and found it good let us see who these other fellows are and whether they or we, or both, are likely to find it desirable to stay there. While we have been bringing our total output of manufactures

to where they are worth twenty thousand millions yearly, a like yet different progress has taken place elsewhere. Germany in her thorough, studious way has gone scientifically to work to develop herself. Her population expands with great leaps; has grown one-half in what seems a few years. Her soil is by no means virgin territory. Her natural resources, compared with our own, are not large, but he who grasps what Germany has done with the resources she has can no longer be an enemy of conservation here at home. To intensive study of forest, farm, and factory at home she has added industrial expansion abroad; has tied the continents to her with steamship lines, and placed her banks at strategic points all round the globe, so that the German merchant finds the German ship and the German banker ready to aid him in buying and selling German manufactures in Valparaiso or Yokohama, or almost wherever he may be, and German exports of her manufactures have grown until they form two-thirds of her total exports and increase. Her export sales of her manufactures are greater than ours. They are backed by the most perfect public and private organizations on earth, by schools in which men are trained from their boyhood to the patriotic and lucrative purpose of expanding German trade. In the application of training and science and organization to business and industrial development Germany has no peer. A few days since a German, interested in their steel industry, said to a friend going there: 'If you think our ability to produce steel cheaply in Germany depends upon the wages we pay, you will find when you get there that you are wrong. It is on the perfection of our organization that our industries are based."

Outside the wall we have built around ourselves is another than Germany—namely, England. If with our great resources in our continental area we rejoice over an export trade of manufactures of a thousand millions, being 5 per cent of our total product of manufactures, may not the Englishman be justly proud that in 1909 he sent abroad from his contracted and 'tight little island' fifteen hundred millions in value of manufactures, or over 78 per cent of his total exports? Indeed, only so recently as 1907 his foreign sales of manufactures were over seventeen hundred millions, being 80 per cent of his foreign trade, and the best estimate available is that the United Kingdom exports its manufactures in the proportion of one to five, being a percentage of manufactured exports of more than three times our own. This solid trade rests upon a substantial base of the greatest mass of free capital in the world and upon a banking system as free and flexible as the air and as universal, and upon control of shipping that places the products of English mills wherever the English seller wills them to go, by lines controlled in his own interests. Thus, briefly, I have sketched the trinity of great competitors beyond our tariff wall. There are others, but Great Britain, Germany, and we are 'the big We must stay there or shut down our shops. We have gone out into the world because we must. The product of our mills and our men and our minds has grown so large that it has burst through territorial and traditional lines. Even while we have sought protection from others, those very others have become our customers.

"For many years the great expanse of our own land and the demands of its increasing people gave our shops sufficient to do. As time went on our shops waxed large and their output grew larger, till one day we found, some of us, that we were making that which we could not sell at home. Looking over the edge of the wall we found people there who liked what we had to sell and were willing to pay for it. We sold it to them; we found the habit pleasant, and the habit has grown. But observe that the foreign market has been the normal outgrowth of a domestic market; that one is not antagonistic or abnormal to the other, but the natural and fit supplement to it. Just so England's great internal trade is the basis on which her foreign trade rests, and the export trade of Germany is the outcome of her great domestic commerce. They, indeed, approach the export market on a basis more like necessity than we, for our domestic demand is enormously greater than theirs, and yet there are shops in America that would not run full time to-day were they to lose their export trade. Our foreign trade is also a safety valve that relieves the pressure of overproduction at home.

"So, almost without knowing it, we have become one of the three greatest factors in the world's commerce in manufactures, and the door of a golden opportunity has swung wide open. If, like the Senator of a few years past, one were to ask, 'What have we to do with abroad?' the answer would be, 'We have everything to do with abroad.' Let us therefore ask ourselves frankly. What shall we do with this opportunity? That depends on what it means to us. Are times ever slack in Cincinnati?

Are there days when the shop superintendents more than catch up with the sales managers, when the wail of the salesman is heard in the land and the leaves of the order book are unfilled? Do there come weeks of part time and of men laid off, with sad homes to which to go, since there is no work to sustain them? Have there been anxious hours when costs were great because output could not be made sufficient in the market that was available to distribute the burden charge widely enough to make things pay? Perhaps you have known what it means to have a plant made for production lie idle, eating its head off. haps there is some product you could cheaply make but which your particular market did not want. Perhaps there was some by-product that could be made if you knew where it could be sold. For these and similar ills the door of opportunity that lies open affords a remedy. Out there beyond the wall are many men of many minds, some of whom will like what you make, or will take what you would make if you could sell it, or who can use enough of your present product to add to the output of to-day that which shall make the whole cost less per unit. Suppose we all go out into the larger world and try as others have done. You of Cincinnati are not less clever than those of Detroit. A thousand automobiles monthly go thence abroad, and Detroit prospers. I have seen the products of Dayton in many lands. Indeed, I found products of Cincinnati on

the other side of the globe.

"But when we get beyond the 3-mile limit you and I will not find it all plain sailing. There are some troubled waters on that business sea, and our craft will need steering just as it does at home. Toy boats do not navigate those waters. The German and the Englishman are not easily beaten on their own ground, and they have hitherto had to help them certain of our own domestic ghosts. It is strange that so practical a people as we should be ghost worshippers, but we have been, and some of us still are. One ghost, called the 'Rate of wages,' has long stalked about on top of the tariff wall and scared us with his ferocious visage. He has a fellow ghost called the 'Cost of production.' While we, fearful of these specters, have many of us feared to cross the wall, the Englishman and the German have fattened and grown rich, somewhat at our expense. If you and I will follow those bolder spirits among us who have faced these ghosts and dealt at first hand with them, we shall find, as others have, that they turn out not to be so bad; indeed, the ghost called the 'Rate of wages,' when you treat him well and give him a square deal, is a kindly spirit, and just as you come to understand him the other ghost, called the 'Cost of production,' retreats and becomes harmless. Indeed, it is not for retreats and becomes harmless. Indeed, it is not far wrong to say that foreign trade is based on a state of mind. The trouble has been that we have worried a lot about these ghosts and have not been troubled as much as we ought to have been about certain real vigorous devils. A good cartoonist could make a rather clever picture of some American manufacturers. He could picture them sitting behind their tariff wall-a sort of industrial shut-in society-looking up at the ghosts at the top of the wall, wanting to get over the wall but afraid of the ghosts, while behind them in their own shops rage unnoticed and un-hindered rampant devils of waste, neglect, and inefficiency. So our getting over the wall and finding it possible to stay on the other side profitably, along with our friends, the English and the Germans, comes back after all to our own shops and to the problems in them with which we have to deal.

"The trouble with us is that we have always seen the ghosts on the wall, but the devils have been invisible. Let us go hunt for them now, and to find them quickly let us look right within ourselves. If there is a devil of blindness about our shops, the chances are that you and I have been blinded by him. If there is a devil of neglect about our plant, the chances are that it is you and I who have been neglectful. If the demon called 'Inefficiency' hovers about our works, the probability is that you and I are in his grip. If the evil spirit of waste is about, the chances are that he is there with our unconscious consent. So the first thing to do, my fellow business men, to get into the pleasant lands beyond the wall is to become our own severest critics and to follow out the old brief proverb, 'Man, know thyself.' Do you want export trade? Do you want to know how to get it and keep it against the German and Englishman? Then begin in your own shop here in Cincinnati, and begin first of all with yourself. This is, perhaps, not pleasant doctrine, but it is a fruitful one. Shortly ago a friend was called by a large concern to reorganize it on a scientific basis. When he presented his plan the manager was mad. He said to my friend, 'I hired you to prepare a plan showing me how to work the men in the shop, and you begin with a plan which tells me how to work myself,' and he would have none of it. There have been a number of cases where economy was prohibited because it commenced with the management. We do not say, of course, that we know it all, but we merely think competent teachers are scarce. I recall one case where the owner was very proud of a machine shop, which in certain respects was working at oneeightieth of its full capacity. It is not long since the owner of a large plant told me that while no doubt inspection would develop in his shops certain faults here and there, he was sure nothing could be done which would seriously improve his way of working. The devils had him hard and fast. On the con-trary, I recall a man who at the end of 20 years was vividly conscious of the things he did not know about his own business. He said that he could never afford to be satisfied with his way, because when he was satisfied he knew he would need the Lord to help him, because he would then have ceased to help himself.

"There is a great plant in the East which sends out its fore-men, at the company's expense, many times a year, both into America and into Europe, just to see what they can learn. truth is, a modern shop must be more or less of a schoolhouse, and in it the manager must be one of the pupils. One of the examiners for the Tariff Board, in its recent investigations of Schedule K, told me that he visited 16 shops in an industry collateral to the woolen and worsted trade. I asked him if in any of the shops he visited the owners and managers knew what their goods cost them. He said they thought they did, but that they did not, and it had been his duty in several cases to show them why and to what extent they were mistaken. Naturally, to the next question, Did any of these shops have an accurate system of cost keeping? he replied in the negative. The devils of which I have spoken were having it all their own way in this trade. Seriously, gentlemen, then, conceiving that export trade is desirable, necessary, and possible, the first way to get it is to begin in your own shops at home. From a somewhat long experience at home and abroad I have never yet found a shop where, if the devils I have mentioned were driven out and in their place the mighty spirit of "self-help" was installed, the ghosts gave any more trouble. So let us all go into our own shops and forget our traditions and throw our fetishes away. Turn the clear light of truth and honest inquiry on our-Let us recall that nothing is good because we do it, and no method is desirable because we have been in the habit of doing things that way. Let us, so to speak, stand outside ourselves and look at ourselves and test our ways, whether they be good or not. If we will do this with an open mind and sincere vision, the result will surprise the best of us. Washington, nor in the customs, but within ourselves, is the best protection found.

'We shall find that this self-study will bring some things into new relations. It should teach us, for example, that in dealing with the four elements in cost-material, burden, selling expense, and labor-there is most ample opportunity for brains in the study of the first three. We shall be likely to find that the study of the burden charge by itself can be made continuously profitable. More than one goodly business ship has gone to wreck on this rock. The ratio of selling expense to output and its adaptation to possible prices will afford food for sober and patient thought. Both these subjects remind me of what Edward Atkinson used to say about the need for fire pails in factories. His ruling was, 'Put in all the fire pails for which you have room, then put in some more.' Deal this way with your burden and selling charges. Back up your purchasing agent now and then with some original reflections of your own on the subject of material and supplies. All this is a man's job, and when with effort and pain you have gotten these three down to a safe and sane point from which, through years to come, you can still further steadily reduce them, then see what the spirit of 'self-help' says to you about the last and the minor element in cost, namely-labor. Now of all the four parts of costs, labor is the only one that is alive. Material is Our burden charge is clearly a dead load. Our selling expense we aim to kill, and let us hope we shall reduce it to a corpse of proper size. But the one living element in production, the one part of cost having real vitality, is labor, and that is very much alive. Because it is alive it may be responsive, and by the same token it may be obstructive. It is the greatest force in industry; the only living force, too often a wasted force, too rarely a force used as we use an enginereciprocally. Let us think of this a bit with candid and open

'You and I are very careful about buying a machine. here who make the machines for which Cincinnati is famous are very careful that the machines you sell are adapted for their special use. You advertise them as such and your customer buys them solely because they are adapted to the service he requires from them. When they get them under your in-

structions they are treated with great care. They are not overstrained, for you and your customer know something about the fatigue of metals. They are not overheated. What would you do with the foreman that often allowed bearings to get overheated? They are kept free from dust; you put in exhaust systems to take the dust out from where it will do harm to a machine. They are most carefully lubricated, and you do not let moisture come where it will do them harm. In brief, that machine, being a valuable investment, is treated according to the laws of its nature, and you carefully learn those laws and obey them because it pays. So with your material. That is especially adapted to the use to which it is to be put and you are careful not to waste it or to use for one purpose that material which is better adapted to another. This also, therefore, is utilized in your shop according to the laws of its nature. Your buildings, your transmission appliances, your power plant, your light, your arrangement, and all the complex apparatus that makes the unit you call your plant, are carefully arranged, each element fitted to its particular service so as to be most efficient, so as to require the least of maintenance cost and the smallest repair outlay. How now about your men? Is the same careful process of selection applied to them? You do not use a lathe for screw-machine work. Are your men adapted or trained to their special task with the same precision? Your industrial history shows that you do not hesitate to pay largely for an efficient machine. Are you as willing to pay largely for an efficient man? Is the same strict care given to the conditions that human nature requires for its best work that is given to the conditions which mechanical nature requires for its best work? Have you carefully avoided the obstructive element in this living part of production, and are you and I as carefully cultivating the responsive element in it? When the spirit of 'self-help' controls us all and we have driven the devils out of our shops, we shall come to understand, you and I, that in the responsive power of our working force lies the mightiest element in production. One that may make the difference be-tween loss and profit, between peace and war. I have known a shop in which there never was put upon the stationery anything to the effect that contingent delays due to strikes were not matters for which the house was liable, but where it was quite the custom to send the bills out for less than the price at which the goods were sold because the high efficiency of a responsive working force had made them cost less than was

expected.

"But some one will say labor makes mistakes, makes unreasonable demands. Doubtless. But are you and I like the sheriff

of Nottingham who-

Never yet had made a mistake Would like to for variety's sake?

"And when it comes to being unreasonable, why, let him that is without sin among us cast the first stone. As I look into my own mind and heart I can not begin heaving rocks on this basis

Can you?
"We need export trade for a proper and steady balance to our home business; and to keep our costs down by holding our product up. Our two great foreign competitors have many advantages of position, wealth, experience, and knowledge. We have chiefly to rely on the alertness and initiative of ourselves and our workmen. It is of the very essence of our safety that we pull together, a united force in every shop, hands and brains in unison to the common and growing profit, to the larger wage, to the lower cost and the lessened price. Gentlemen, your domestic business needs to feel the throbbing pulse of the larger world of foreign commerce. 'One must be done, the other not left undone.' Stability in home markets depends largely on ability in foreign ones. But the larger life is not entered, the door of opportunity is not passed by standing pat any more than it is by joining a club or an export association, good as these are. Fighters in the world's arena must lay aside every weight and the habits of thought and traditions that so easily beset them, and with keen self-training address themselves to the contest. The world is said to grow through its discontent and your trade will grow on your own self-discontent with every present standard and method. The place for narrow men is in ruts; for dead men in graves. The big world calls for big men, large in outlook, broad in view, keen enough to see that economy lies not so much in saving as in wise expenditure.

"Industrial education has here in your noble city made great strides that have brought you deserved honor, but there are two kinds of industrial education—that of the hand and brain within the shop; that of the heart and brain within the office. I plead for both, for these two are one. One need not speak for any method of management. These are many, of varied and different merit. But for one great, broad, generous, and effi-

cient spirit of management I may fairly plead. One that shall be intolerant of waste of all kinds and to which neglect shall be a sin. One that shall set high standards of efficiency but equally high ones of sympathy. One that shall be large enough to see that with proper equipment and wise direction the well-paid man is the cheapest producer. One that shall slay the spirit of gaining through gouge and shall bring to life the spirit of success through service.

"Does this seem practical to your minds? If not, let us reduce it to details. Never give up self-study. There will always be something to learn about your ways. 'The goblins they

will get you if you don't watch out.'

"Don't let your initiative get sterilized by a tariff or any-This may be as a friend says it is-grossly inferential,' but it is true nevertheless.

"It is not wise to sterilize the initiative of your working force by looking so hard at a quarter yourself that you can't see the

five-dollar bill beyond.

"A justly discontented force can cost you more directly and indirectly than the most expert and costly supervision can ever find out.

"The cheapest and most efficient discipline is that which a well-paid, hopeful, and zealous working force naturally create. "The cutting of piecework rates and wages is the hall-mark

of inefficient management.

"Obsolete machinery is the foe of profits, the brother of high cost, and the friend of bad methods.

"A Bourbon superintendent who can't learn is as bad and no

worse than a Bourbon employer who won't learn.

worse than a Bourbon employer who won't learn.

"Export trade begins at home, in your own shop, and first with the head of it. To get it bring your wages and output up—your costs and prices down; know what is doing in your own plant and you can smile at a competing world.

"When you have good stuff to sell, well and cheaply made, properly designed, and of regular quality, well packed, you will have no trouble to sell it abroad. What one country or market won't take another will. It's a large world. Export trade is not an 'easy snap,' but it is a necessary filler. Our shops are built to run, to produce and the money of Argenting will buy built to run, to produce, and the money of Argentina will buy bread and cheese in Cincinnati.

"When things are dull at home, why cut off our earnings at the root? A large market is better than a little one. balanced demand of all the earth is steadier than the needs of any one country, however large. There is room in many lands to do what is not now done at all, or to do better what is now

"Finally, gentlemen, I have not sought to deal with details but with essentials, and the most essential thing in our shop is, or ought to be, ourselves. Therefore I have tried plainly to speak to you of our own needs for self-help—the same thing in our industrial life that we teach our children in our private lives. Let us therefore lay down certain laws for ourselves:

"A thing is not right because we do it. "A method is not good because we use it.

"Equipment is not the best because we own it.

"The wisest of us has much to learn,

"None of us can afford to be deceived about our own affairs. "It is better by self-criticism to find and correct our own faults than to have our customers do it for us

"It is a sound law of the business world—"To thine own self be true and it shall follow as the night the day: Thou canst not

then be false to any man.'
"And I end as I began. To get by the law of gouge and grasp is not true commerce. Against that law our enlightened business sense protests, and with equal force it protests against the wicked assumption that our business men are in any large part

under the control of the law of gouge and grasp.

"Commerce is service, the friend of the worker, the servant of the consumer. I venture a protest against the spirit of attack that far too much prevails. Criticism should be a sane and sober process. This is not found in that tyrannous type of mind that involves those who disagree with it in torrents of common abuse and denunciation. All are not wicked at whom mud is thrown, and righteousness is not advanced by evil means. We believe in progress; it is a law of business to do so. But we believe also in moderation and base our hopes for the future on moderate progressiveness and on progressive moderation, in public as well as in business affairs.'

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as fol-

To Mr. Green of Iowa, for 10 days, on account of important business.

To Mr. Brown, for 3 days, on account of important business.

INDIAN APPROPRIATION RILL.

Mr. STEPHENS of Texas. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of House bill 20728, the Indian appropriation bill.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill ff. R. 20728, the Indian appropriation bill, with Mr. Barnhart in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of House

bill 20728, which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 20728) making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1913.

The CHAIRMAN. The Clerk will proceed with the reading of the bill under the five-minute rule.

The Clerk read as follows:

For extension and maintenance of the irrigation system on lands allotted to Yakima Indians in Washington, \$15,000, reimbursable in accordance with the provisions of the act of March 1, 1907.

Mr. LA FOLLETTE. Mr. Chairman, I offer the following amendment, which I send to the Clerk's desk.

The CHAIRMAN. The Clerk will report the amendment of-

fered by the gentleman from Washington [Mr. LA FOLLETTE].

The Clerk read as follows:

On page 34, at the end of line 7, amend by adding the following:

"For support and civilization of the Kalispel Indians in the county
of Pend Orelile, State of Washington, to erect a school building, employees' quarters, and other necessary buildings and providing the same
with equipment, in the purchase of stock, implements, seeds, and other
articles necessary to promote the general welfare of said Indians, including the employment of teachers and instructors, under the jurisdiction of the Spokane Indian School, Spokane, Wash., with the approval
of the Secretary of the Interior, \$10,000."

Mr. STEPHENS of Texas. Mr. Chairman, I reserve a point of order on the amendment.

The CHAIRMAN. The gentleman from Texas reserves a point of order on the amendment. The gentleman from Washington [Mr. LA FOLLETTE] is recognized.

Mr. LA FOLLETTE. Mr. Chairman, I am well aware that this item is subject to a point of order, but I have hopes that after the Committee of the Whole House hears of the condition of these Indians and their status at the present time it will be willing to forego the point of order and allow this amendment to pass

would like to read to the committee a letter which I received some little time ago, bringing to my attention the condition of these Indians. This letter is from the Rev. Father L. Taelman, now president of Gonzaga College, Spokane, Wash., but for many years a missionary among the Indians of northeastern Washington, and held in fondest reverence by all the tribes of that section:

GONZAGA COLLEGE, Spokane, Wash., February 16, 1912.

Hon. William L. La Follette, Spokane, Wash., February 16, 1912.

House of Representatives, Washington, D. C.

My Dear Mr. La Follette: I greatly desire to interest you in behalf of a little band of Kalispel Indians, 98 in all, who live along the Pend (Orelle River, across from Cusick, Wash. As I visit these Indians every second month, I know them well and am thoroughly familiar with their conditions and circumstances. As far as I know, no Indians have been more neglected by our Government, and yet none are more deserving of assistance. In my 10 years' experience amongst different fribes, I have never come across an equal number of Indians that are so moral, law-abiding, trustworthy, and just as this little tribe of Kalispels. The testimony of their white neighbors across the river is to the same effect. Their spiritual condition is excellent, but their material and intellectual condition is truly deplorable. None of these Indians have ever been to school, because there never was a school there. They have never been taught to farm their land, because they were never given an Indian farmer who could show them how to do it, and as they have always been poor and destitute, they had no means to buy farm implements. Some 25 years ago they were forced away from their land around Cusick and had to go across the river, where 9 sections of land were given to them. As this land was never allotted, some Indians to-day are absolutely without land. These Indians are asking for a good man who could be an Indian farmer to them, as is done in many other places. If such a man could be the teacher, and in spring, but particularly during the three vacation months (June, July, and August), help and direct the Indians for their crops and teaching the women how to prepare a decent meal or keep their houses clean, the greatest benefit would be conferred upon these poor Indians who are at present absolutely neglected in every way. I accompanied the Indian inspector, Mr. Baker, last week on his visit to those Indians, and he also realiz

Rev. L. TAELMAN, S. J., President.

Mr. Chairman, a couple of days ago I read in my daily paper from Spokane-the Spokesman-Review-the following concerning this same little band of Indians:

INDIANS NEAR STARVATION—FATHER TAELMAN TELLS OF PITIFUL CONDI-TION OF CALISPELS—LACK OF FOOD BLAMED FOR DEATHS OF FOUR CHILDREN IN LAST FEW WEEKS.

That the Calispel Indian Tribe is in a pitiful condition and that the chief is subsisting on a fare of Indian bread and coffee was the annuncement made by the Rev. Father Taciman, president of Gonzaga College, on his return from the reservation, where he conducted services yesterday.

yesterday.

"I have seen few cases where a tribe seemed to be in a more pitiful condition," said the Rev. Father Taelman. "I find that during the last few weeks four children and an Indian woman have died. The Indians are not neglecting their services, but are more destitute than can be

"I found the old blind chief, Massala, scated with other Indians making a meal on the Indian bread smeared with lard as a substitute for butter. This, together with a little coffee, was their only food."

The Rev. Father Taelman reports that the second chief, Nicola, has been ill, but is now recovering. It is believed that the poor diet may have been responsible for the ailments which caused the death of the children.

The CHAIRMAN. The time of the gentleman has expired. Mr. LA FOLLETTE. Mr. Chairman, I ask for five minutes

The CHAIRMAN. The gentleman from Washington [Mr. La FOLLETTE] asks unanimous consent to proceed for five minutes more. Is there objection?

There was no objection.

Mr. LA FOLLETTE. Mr. Chairman, some 25 years ago this band of Calispel Indians were, by Government authority, removed from their hunting grounds, or the country which they had inhabited, to some reservation—the Indian Department could not tell me this morning what reservation, but their impression was that it was the Flathead—but, as is always the case in moving Indians, there were a part of them who did not want to be taken away from their home, and a little band of them was given 9 sections of land, set apart by the Government for a reservation, and there for 25 years they have remained absolutely without any assistance from the Government. In those days they got along very well, because there was still game and fish in the country. The country has settled up. game and fish in the country. The country has settled up. The game has been run out of the mountains. These Indians are now absolutely destitute, and some of them are suffering for the necessaries of life. If they could have this little appropriation and be given a start, it would be only a short time until they would be self-supporting. We have some reservations in our State, and the Indians on those reservations are almost self-supporting, only \$27,000 being appropriated for the six reservations in the State of Washington.

Mr. FOSTER. Mr. Chairman, may I inquire how many of

these Indians there are?

Mr. LA FOLLETTE. About 100-96 or 98 of them-and 20 of them are of school age.

Mr. FOSTER. The total population-men, women, and children-is about 100?

Mr. LA FOLLETTE. Yes.

Mr. FOSTER. These Indians own the land on which they

live, do they not?

Mr. LA FOLLETTE. No; it belongs to the United States Government. It was simply withdrawn from entry. They own nothing. They were poor when they were put there, and they are poorer now. The Government has had no means by which it could do anything for them. It takes an act of Congress to The Government has had no means by which do that. If this amendment passes, then the Government can look after them. These nine sections of land which have been withdrawn from entry have never been allotted, and because of the fact that the country has settled up, the game has disappeared, and the Indians have no means of obtaining food and are absolutely destitute at the present time.

Mr. FOSTER. Does the Government support these Indians at all?

Mr. LA FOLLETTE. It never has given one dollar to them. It only allowed them to remain upon this land when they refused to leave their homes. The Government put them across the river from where they had lived, onto these nine sections of land, and there they have been ever since, without any assistance in any way. I obtained that information from the Indian Department this morning, and while I could not get anything except the expressed desire, the Indian Department has said it would be glad to have this legislation pass, so that they would be able to do something for these Indians.

Mr. STEPHENS of Texas. Mr. Chairman, I will ask the gentleman if it is not a fact that these Indians have been self-

sustaining for the last 25 years?

Mr. LA FOLLETTE. All the sustenance they have had for the last 25 years is what they have obtained for themselves. The Government has never done anything for them, only to allow them to occupy this land.

Mr. STEPHENS of Texas. Is it not also a fact that the gentleman's State has been in the Union 40 or 50 years?

Mr. LA FOLLETTE. No, sir; my State has been in the

Mr. STEPHENS of Texas. You have been represented by Senators and Members of the House, and now have two Members of the House?

Mr. LA FOLLETTE, Yes.

Mr. STEPHENS of Texas. Do you know why it is that the attention of the Indian Affairs Committee of the House has

never been called to this state of affairs?

Mr. LA FOLLETTE. I think the only reason in the world has been that these Indians until now have never got into this destitute condition. As I say, the country has settled up. This is in the most mountainous, timbered, and probably the least developed part of our State. As I said before, so long as there was game there the Indians could make a living.

Mr. STEPHENS of Texas. Is it not a fact that this band of Indians broke off from the original band because they refused

to leave this mountainous country?

Mr. LA FOLLETTE. Yes.

Mr. STEPHENS of Texas. Refused to go down where a good

reservation was given them?

Mr. LA FOLLETTE. I can not tell the gentleman anything about that. The gentleman with whom I talked at the Indian Office this morning

The CHAIRMAN. The time of the gentleman from Wash-

ington has expired.

Mr. STEPHENS of Texas. Mr. Chairman, I can not withdraw my objection to this amendment. Does the gentleman desire more time?

Mr. LA FOLLETTE. If I can not induce the gentleman to withdraw his objection, there is no use in my taking up the time of the committee.

Mr. STEPHENS of Texas. I should like to ask the gentleman

another question.

Mr. LA FOLLETTE. I shall be glad to answer it. Mr. STEPHENS of Texas. Has the gentleman anything at all from the Indian Department, or from any supervisor Indians in that country, expressing an opinion in favor of the passage of this amendment?

Mr. LA FOLLETTE. Yes.

Mr. STEPHENS of Texas. Did the gentleman ever present

anything of the kind to our committee?

Mr. LA FOLLETTE. I presented it a few weeks ago to the House, but when I made inquiry at your committee room there was no record of the matter, and I had expected that the amendment would be printed and come back to me. Senate amendments, I knew, were printed, but I did not discover that House amendments are not so treated until the bill was called For that reason, until this measure came before the House, I never called it to the attention of the committee, and did not know that the bill was to be reported so soon.

Mr. STEPHENS of Texas. Is it not a fact that the gentleman from Washington [Mr. Warburton] is a member of the

committee?

Mr. LA FOLLETTE. He is; but I was waiting until I could get a copy of the bill and I could bring it before the committee. I admit that I am at fault, and I am trying to correct

it if possible.

Mr. STEPHENS of Texas. Does the gentleman think that the committee would be justified in accepting an amendment on the floor about which they know nothing? I believe there are 20 members of the committee, and I am the only one that the gentleman has talked with in regard to it. I do not think that the amendment should be adopted until the facts are investigated.

Mr. CAMPBELL. Will the gentleman yield?
Mr. LA FOLLETTE. Certainly.
Mr. CAMPBELL. May I suggest that in view of the apparent oversight that this matter may well be presented to the Senate and be taken care of there, giving the gentleman from Texas and the other conferees an opportunity to inquire into the merits of the claim before the matter reaches the conferees?

Mr. LA FOLLETTE. I think that is all right, and I think it

would be satisfactory.
Mr. CAMPBELL. I think the gentleman from Washington

Mr. CAMPBELL. I think the gentleman from washington might be taken care of in that way.

Mr. LA FOLLETTE. I wanted to bring it before the House and call the attention of the committee to it, and if gentlemen will call up the Indian Department they will find that the department will corroborate what I say.

Mr. MANN. Will the gentleman yield? Mr. LA FOLLETTE. I will. Mr. MANN. I notice that the amendment offered by the gentleman provides for the purchase of seed and various other things. The provision that is usually carried in the bill is for "support and civilization." Is it necessary, if the gentleman gets the money, to have the item provide specifically for these things?

Mr. LA FOLLETTE. I do not know that it is, but the Indians need these things. There will have to be seed purchased. It may not be necessary to specify them.

Mr. MANN. Did the gentleman have any special reason for specifying these things instead of providing for "support and

civilization," as is the usual form?

Mr. LA FOLLETTE. No; I did not have any particular reason, except that they would need them, and I wanted to fix it so that they would get what they absolutely needed. If they can get a start, I am satisfied that in a short time they will be self-supporting

Mr. STEPHENS of Texas. Mr. Chairman, I think that this should go to the Senate, where it could be investigated by the committee in the regular order, and then, if the gentleman can justify his claim, the conferees will take care of it in the best light placed before us. I insist on the point of order.

The CHAIRMAN. The gentleman from Texas insists on his

point of order, and the point of order is sustained.

Mr. LA FOLLETTE. I thank the committee for according

The Clerk, proceeding with the reading of the bill, read as

For support and education of 175 Indian pupils at the Indian school, Shoshone Reservation, Wyo., and for pay of superintendent, \$31,025; for general repairs and improvements, \$3,000; in all, \$34,025.

Mr. MONDELL. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

In lines 6 and 7, page 35, strike out the words "thirty-one thousand" and insert the words "thirty-two thousand five hundred," and in line 8, page 35, strike out the word "three" and insert the word "four."

Mr. STEPHENS of Texas. To that, Mr. Chairman, I reserve

point of order.

Mr. MONDELL. Mr. Chairman, this amendment is not subject to a point of order. It increases the item for support and education of Indian pupils at the Indian school on the Shoshone Reservation, Wyo., \$1,500; and increases the item for repair \$1,000, or \$2,500 all told. This increases the item to the amount of the estimate.

This is not the gentleman's road amendment? Mr. FERRIS. Mr. MONDELL. No. I am surprised the committee did not allow the amount estimated, inasmuch as the Indian commissioner rather forcefully stated the reasons for the increase over the appropriation of last year. The committee has appropriated exactly the amount that was appropriated last year, but the Indian agent asked for an increase of about \$5,000. The Secretary reduced that to an increase of \$2,500.

Mr. STEPHENS of Texas. Is it not a fact that a part of that was the salary of the superintendent?

Mr. MONDELL. A part of the increase is to meet this condition of affairs: The salary of the superintendent at that reservation was reduced some time ago by an increase in his bond. The amount of money in his possession had been increasing, and the bond was not considered sufficient under the circumstances. The Indian commissioner thereupon increased his bond. The amount which it was necessary for him to pay for the premium on the increased bond reduced his salary somewhat.

Mr. STEPHENS of Texas. Mr. Chairman, is it not a fact that all the superintendents are required to give these bonds in

conformity with the rules and regulations of the Government?

Mr. MONDELL. Mr. Chairman, that is true; but this superintendent has had an unusual amount of money in his possession, and his bond is considerably larger, nearly twice that of some other agents under the same conditions. The amount which it is proposed to increase the salary of the superintendent is small. tendent is small. It is proposed to increase by a small amount the salaries of several other employees who are now very poorly paid. I want to call the attention of the committee to

poorly pand. I want to can the attention of the commerce to the fact that this is an exceedingly important agency. Mr. STEPHENS of Texas. Is the gentleman aware of this fact, that all of these bills uniformly carry this increase, and we have objected to all of them, and that we could not afford to make an exception in any case without going back and treating

all of these agents in the same way?

The CHAIRMAN. The time of the gentleman has expired.

Mr. MONDELL. Mr. Chairman, I ask unanimous consent to proceed for five minutes longer.

The CHAIRMAN. Is there objection? There was no objection.

Mr. MONDELL. Mr. Chairman, I insist that the chairman of the committee shall not convey the impression that the in-

the superintendent. The salary of the superintendent may be increased \$200, if this additional appropriation is granted, or it may not be. That is a matter which is left to the judgment of the Indian Commissioner. I visited this school last fall, and I know that there are quite a number of the employees there who are miserably underpaid, and I know, in addition to that, that they have been attempting to run this school with such a small cost that the Indian pupils have not in all cases had all of those things that should be had for their comfort. It is one of those things that should be had for their comfort. It is one of the cheapest schools in the country. The average cost per capita is nearly \$50 less than that of some of the schools in the States immediately to the west of Wyoming. In addition to that a part of this increase, \$1,000, is for repairs. We have many good buildings at that school, but they have reached a point when they must be repaired and repaired to a certain extent or our expectation. extent or our property will rapidly depreciate. I talked with the superintendent in regard to his estimate for repairs, and he said that he had reduced it to the last penny that they could get along with, and yet the commissioner reduced that, and now the committee reduces it an additional \$1,000, so that the amount proposed to be appropriated is about \$2,000 less than the superintendent says is absolutely essential at that school in order to keep those buildings in repair. I have no doubt that is true. I went about with him, and he pointed out here and there where expenditures were absolutely necessary if we are to maintain those buildings in any sort of usable condition. This is an increase of \$2,500 over the present appropriation. The increase has been asked for by the Indian Commissioner because he believes it is absolutely essential, and the small portion of that increase that might or might not be paid to the superintendent—an increase of perhaps \$200—is certainly not such an increase that anyone need feel disturbed about, in view of the fact that this superintendent not only cares for this school, but has charge of a reservation of half a million acres and of great irrigation systems. As a matter of fact, his salary ought to be twice what it is, and I hope the committee will agree to the increase.

Mr. STEPHENS of Texas. Mr. Chairman, I do not think that we should agree to this suggested increase, and that the gentleman's amendment should not become a part of this appropriation bill, for the reason that on page 5 we have a general ump-sum appropriation for the very purpose that he desires.

The item is in the following language:

For construction, lease, purchase, repairs, and improvements of school and agency buildings, and for sewerage, water supply, and lighting plants, and for purchase of school sites, \$425,000.

That is a lump-sum appropriation which can be used by the Commissioner of Indian Affairs and by the Secretary of the Interior and applied to this school. There is no necessity for making a special exception in favor of this school. If we did, we would be called upon to make a special exception in the case of every similar Indian school in the United States.

Mr. MONDELL. But the committee has already given them \$3,000 for repairs in this item.
Mr. STEPHENS of Texas. For general repairs and improvements, \$3,000. If there is any more needed, there is no question but that they could take it out of the general fund; and as I have stated, it is not necessary, in my judgment, for them to come to Congress for all these different amounts that they are asking for by special amendments. It should be taken care of in the lump-sum appropriation.

I call attention to the further fact that the teachers and superintendents and other employees of the Indian schools have asked for a uniform advance of salaries all over the country. We have reduced them all to the amount carried last year, and it would be unjust to except this school from this reduction and leave all of the other schools with the reduced amount. We are placing this school on the same footing as all other

Indian schools.

Mr. MONDELL. Is it not true that the lump-sum appropriation can not be used for a purpose for which there is a specific Is not that a rule that runs through the bill? appropriation?

Mr. STEPHENS of Texas. I do not think so. I think that this lump sum is distributed under the jurisdiction of the Commissioner of Indian Affairs.

Mr. MONDELL. Then why make any specific appropriation if the lump-sum appropriation can be used for the same pur-

Mr. STEPHENS of Texas. We have an estimate made by the department and sent in to us, and part of this estimate is an increase of salaries, and we have uniformly reduced that amount to the sum carried in last year's appropriation.

Mr. MONDELL. Mr. Chairman, if the gentleman will allow me, I will say to him that I made a request last fall for the use of some of this lump-sum appropriation for repairs on this crease I am asking for is wholly an increase of the salary of school, and was informed that inasmuch as there was a specific appropriation it could not be used, and they did not get an appropriation which they needed to repair the washhouse that they were building.

Mr. BURKE of South Dakota. Will the gentleman yield for

an interruption?

Mr. STEPHENS of Texas. Certainly.

Mr. BURKE of South Dakota. I would like to call the gentleman's attention to the fact that at the Pierre School, with the same number of pupils that are at the Shoshone School, the amount appropriated and used last year for employees was \$12,829, and at Cheyenne it was \$12,848; in other words, they were about the same. At Pipestone School, Minnesota, with 225 pupils-that is, 50 more than at either of the other schools-the amount used was only \$1,635 more for the additional pupils, and I will say at the Pierre School, for the benefit of the gentleman from Wyoming, they have operated a large farm of 300 acres and therefore are required to have employees more than a school that has not a farm.

Mr. MONDELL. They have a very large farm upon which

they raise things

The CHAIRMAN. The time of the gentleman has expired.

Mr. MANN. Mr. Chairman, in this connection I would like to inquire of the gentleman in charge of the bill whether any schools or agency plants are recommended by the Secretary to be discontinued in the report which he made in December last, assuming that he made such a report; I have not seen it. The law carried last year a provision requiring the Secretary to make a report on the 1st of December last as to all schools and agencies, giving various amounts of information and recommendutions and reasons for continuing of discontinuing the agency plants or schools.

Mr. STEPHENS of Texas. I think the Bismarck School is the only one I can recall now as not being necessary at the

present time, and they never estimated for that.

Mr. MANN. I assume that he complied with the law giving a statement of the reasons why the schools and agency plants should be continued or why they should be discontinued. current law, the appropriation law, provides that the Secretary of the Interior shall accompany such report with the recommendation, supported by a statement of his reasons therefor, as to the necessity or advisability of continuing or discontinuing each such school or agency plant.

Mr. STEPHENS of Texas. The gentleman from South Dakota can explain the Bismarck School matter.

Mr. MANN. I just wanted to know in a general way.

Mr. BURKE of South Dakota. I will say for the benefit of
the gentleman that the report was made and it has been published as a House Document. It is House Document No. 200, Sixty-second Congress, second session. My recollection is the report does not recommend the discontinuance of any school for which an appropriation is carried in this bill, but in submitting the estimates for the several Indian schools no estimate was submitted for the Bismarck School, North Dakota. The committee, however, made an appropriation for that school. Unless I am mistaken—and I think I am correct about it—the Bismarck School was not specially referred to in this report as a school that ought to be discontinued, but—
Mr. MANN. The gentleman knows there has been a good

deal of controversy in the House and in the department and in the country as to whether a lot of these Indian schools and agencies ought to be abolished or whether they ought to be continued, and there have been reports and statements emanating from the department that various schools ought to be discontinued. I simply ask whether in this report the Secretary did advise or give reasons for the discontinuance of any school

or agency plant?

Mr. BURKE of South Dakota. My understanding is not where an appropriation is carried in this bill, but I am not ab-

solutely certain about it.

Mr. MANN. I was wondering when we really get down to brass tacks what the department would advise as to the discontinuance of schools which various officials of the department in reports have advised were useless.

The CHAIRMAN. The question is on the amendment offered

by the gentleman from Wyoming.

The question was taken, and the Chair announced the noes seemed to have it.

On a division (demanded by Mr. MONDELL) there wereayes 16, noes 67.

So the amendment was rejected.

The Clerk read as follows:

For continuing the work of constructing an irrigation system within the diminished Shoshone or Wind River Reservation, in Wyoming, in-cluding the maintenance and operation of completed canals, \$50,000, reimbursable in accordance with the provisions of the act of March 3, 1905.

Mr. MONDELL. Mr. Chairman, I offer an amendment as a new paragraph.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Insert as a new paragraph, at the end of line 15, page 35, the fol-

"For continuing the work of read and bridge construction on the Shoshone Reservation, Wyo., \$20,000, relmbursable in accordance with the provisions of the act of March 3, 1905."

Mr. STEPHENS of Texas. Mr. Chairman, I reserve the point of order against the amendment.

Mr. MONDELL. Mr. Chairman, I ask unanimous consent that I may have 15 minutes in which to discuss this amendment.

The CHAIRMAN. The gentleman from Wyoming asks unanimous consent that he may discuss the amendment for 15 minutes.

Mr. STEPHENS of Texas. Could not the gentleman con-

clude in 10 minutes?

Mr. MONDELL. Well, I do not believe I can. I do not believe I can properly cover the subject in 15, but I will endeavor to do so.

Mr. STEPHENS of Texas. Will the gentleman also discuss the point or order?

Mr. FOSTER. Settle the point of order first, and then take the time.

Mr. MONDELL. I do not think the amendment is subject to

a point of order.

Mr. FOSTER. Let us settle the point of order first.

Mr. MONDELL. The point of order has not been raised, as I understand it.

Mr. STEPHENS of Texas. Mr. Chairman, I make a point of

order that it is new legislation.

The CHAIRMAN. The gentleman from Texas makes a point

of order that it is new legislation.

Mr. STEPHENS of Texas. That is the point of order I will make. It is not germane to the bill and is new legislation. I will give the gentleman reasonable time.

Mr. MONDELL. Mr. Chairman, I ask unanimous consent to

have 15 minutes

The CHAIRMAN. The gentleman will understand that there is a point of order pending. The Chair will hear the gentleman on the point of order.

Mr. MONDELL. The fact that there is a point of order pending does not prevent the Chair from submitting my request.

The CHAIRMAN. The Chair understands that the gentleman from Wyoming [Mr. Monderl.] asks unanimous consent to proceed for 15 minutes to discuss the merits of the amendment.

Mr. STEPHENS of Texas. I object to that, because I think

he should also discuss the point of order, so that the Chair will

be prepared to rule upon it.

The CHAIRMAN. The point of order has been made.

Mr. FOSTER. Mr. Chairman, I ask unanimous consent that the gentleman from Wyoming have 15 minutes, and that at the end of that time the Chair shall rule upon the point of order.

Mr. MANN. The gentleman from Texas [Mr. Stephens], as I understand, reserved a point of order.

The CHAIRMAN. He made a point of order.
Mr. MANN. He stated it four or five times so that it could be heard here, but not by the Chair, that he reserved the point of order.

The CHAIRMAN. The gentleman from Hlinois [Mr. Foster] asks unanimous consent that the gentleman from Wyoming may

have 15 minutes. Is there objection?

Mr. MILLER. The subject of road building is a very great one, and several of us are interested in it, although we have not felt justified in bringing it before this Congress for dis-

cussion, for reasons that must be patent and apparent. This discussion could only be of an academic character.

Mr. MONDELL. I do not know about that, Mr. Chairman.

Mr. MHLLER. I hope that the gentleman from Wyoming may have 10 minutes.

Mr. MONDEILL. My discussion is not at all academic. It is very practical, and I expect to get the appropriation ulti-

mately

The CHAIRMAN. Is there objection? [After a pause.] Chair hears none, and the gentleman from Wyoming [Mr. Mon-

DELL] is recognized.

Mr. MONDELL. Mr. Chairman, the Shoshone Indian Reservation is in the central-western portion of Wyoming. It is 65 miles in length and from 25 to 30 miles in breadth. The resermiles in length and from 25 to 30 miles in breadth. vation was formerly much larger than at present—the part of the map colored yellow being the present reservation—the reservation formerly being on the lines I indicate by the pointer. Five years ago the Shoshone and Arapahoe Indians ceded a million and three-quarters acres of land, a considerable portion of which has been settled upon. They retain the diminished

reserve 65 miles long and 20 to 30 miles in breadth and containing approximately 500,000 acres. South of the reservation is one of the oldest and best irrigated regions in our State, the Lander Valley. North of the reservation are the lands coming under irrigation on the ceded portion of the reservation. The reservation lies directly across the highways of travel running north and south and northwest and southeast through that portion of the State-the highway from Lander northwest to the upper Wind River and the Yellowstone Park, the highway north into the Big Horse Basin, and the northwest and southeast highway running up and down the Big Wind River. All these cross the reservation—a reservation 65 miles by 30, a reservation owned entirely by the Indians, practically none of which is taxable. There is, maybe, a little personal property owned by a very few lessees on the reservation which is tax-There is, maybe, a little personal property able in the county of Fremont. With that exception neither the county nor the State of Wyoming receives a penny of revenue from that 500,000 acres.

The maintenance of the county government, the development of the country, all necessitates travel across this reservation. There is no way to avoid it. There have been bridges built over the streams bordering the reservation at one time and another, and perhaps a year and a half ago the county of Fremont erected two steel bridges, one on the northern border of the reservation, crossing the Big Wind River, and one on the southern border of the reservation, across the Popoagie, a branch of the Little Wind River. Those two bridges, one end of each resting upon the reservation, cost the county, together with the approaches, a large sum of money. The stretch between those two bridges, approximately 25 miles in length, is all on the Indian reservation. The county has no revenue derived from the land along that road. It has no authority to expend any money on that road. For the roads there, from time to time, the superintendent of the reservation has used small sums of money that he has been able to secure from one appropriation and another, in an effort to keep them in something like a passable condition.

The road approaching from the south is a first-class highway. The road leading from the reservation to the north is, or will be, a first-class highway also. But there are 20 to 25 miles between these two bridges, both built by the people of the county, neither of which cost the Government a penny. That stretch of road is practically impassable without considerable expenditure. It is true that the Indian Service has bridged Little Wind River on the road near the center of the reservation, but with that exception they have not been able to do much in road repair or bridging.

Now, in addition to that, there is another road leading from Lander to the Wind River Agency at that point [indicating on the map] marked by the dark yellow spot, and from the agency and school there is a road leading up the Wind River. In addition to the north and south road, as I said a moment ago, the road leading from Lander and the agency and the school, some 22 miles, and then the road leading from the agency northwest to the northwest border of the reserve. That road is approximately 55 miles in length. The part between Lander and the school has been kept in fairly good condition. The new bridge across the North Fork, leading on to the reservation, built by the people of the community and without cost to the Indians, necessitates a reconstruction of a part of the road to the agency. The road is used, as are all these roads, by the Indians as well as the whites. Then there is the road northwest from the agency across Bull Lake Creek and up the Wind River. It is necessary to reconstruct that road for a very considerable distance in order to avoid some very steep hills, which the Indians find very difficult to pull with their leads of poles and logs, and it is also necessary in doing that to build a steel bridge across the Bull Lake Creek at that point. The Indian Office estimates that will cost \$10,000. The Indian Bureau estimates that in order to put these roads on the reservation in as good a condition as the roads in the surrounding territory an expenditure of \$67,000 will be required, and the Indian Bureau and the Interior Department have recommended such appropriation. The committee did not see fit to make that appropriation or any appropriation for this purpose, although I appeared before them and stated the facts fully, as will be seen by reference to the printed hearings.

Now, the question is, What are you going to do about it, and what does the Committee on Indian Affairs expect us to do? We have built the bridges connecting the reservation with the adjacent territory, but we can not certainly be expected to build the roads on the Indian land, on land all of which is owned by the Indians, for there is not an acre of this reservation-no; I will not say there is not an acre, because there are a few tracts out of the hundreds of thousands of acres that vation to the adjacent territory in another State.

belong to the white men-but it is practically Indian land, and most of it will remain Indian land for a long time to come.

Mr. CARTER. Is any of this land taxable?

Mr. MONDELL. None of the Indian land; not an acre of it will be taxable for many years without a change of legislation, except that the Secretary may use his discretion in the matter of allowing certain Indians to alienate their lands.

Mr. STEPHENS of Texas. Is this the road concerning which the gentleman, in explaining the bill to the committee, stated that it was expected to make it part of a great automobile highway from the Atlantic to the Pacific?

Mr. MONDELL. The gentleman did not so state; but the Secretary of the Interior, in urging the appropriation, after having stated that the Indians used and needed all these roads, further called attention to the fact that the main roads across the reservation would be a part of a great transcontinental automobile highway.

Mr. STEPHENS of Texas. If so, is it not a fact that this would be the first step in the connecting link to make the United States Treasury build a great automobile road from one side of the country to the other?

Mr. MONDELL. The gentleman can settle that to suit him-I do not appear here in behalf of anybody who wants to use those roads for automobiles; but I say that if the road should be constructed, I know of no reason why American citizens traveling northwest to the Yellowstone Park should not go over the road if they are disposed to do so. I want to say to the gentleman, however, that we are not depending on this road as our only highway to the Yellowstone National Park, because the State of Wyoming has laid out a State highway leading into the national park, and this road across this reservation is no part of it. But the fact that these roads would be available for automobile travel is not an argument against them, but in their favor.

Mr. STEPHENS of Texas. Will the gentleman explain to us how his amendment is germane to a section which provides for constructing an irrigation system within the Shoshone or

Wind River Reservation?

Mr. MONDELL. My amendment is offered as a separate paragraph. It has nothing to do with the paragraph which pre-It is a separate paragraph, germane to the purposes of this bill, intended to continue a work now in progress, and proposing a continuation of work on roads already laid out and upon which work has been done for many years.

Mr. STEPHENS of Texas. By the Indians and by the citizens

living there

Mr. MONDELL. By the Indians entirely. Mr. STEPHENS of Texas. And not by the United States Government.

Mr. MONDELL. By the Indians, under Federal appropriations

Mr. STEPHENS of Texas. Then it would be entirely a new system of Government construction—that is, a new proposition for the Government to go inside of an Indian reservation, however large it might be, and construct roads from one side to nnother.

Mr. MONDELL. Oh, no; and I will say to the gentleman that I think we ought to be frank about these roads on Indian They have been built and patched for years out reservations. of appropriations dug up here and there. I have been chasing down to the Indian Office ever since I can remember to get the Indian Office to find a few dollars here and there that could be used on these roads and bridges,

The CHAIRMAN. The time of the gentleman from Wyoming

has expired.

Mr. MONDELL. I ask unanimous consent that I may have five minutes more.

Mr. STEPHENS of Texas. Mr. Chairman, I dislike to ob-

Mr. MONDELL. I hope the gentleman will not object,

because I want to explain that very point.

The CHAIRMAN. The gentleman from Wyoming asks unanimous consent that his time be extended five minutes. Is there objection?

There was no objection.

Mr. LONGWORTH. Would the State of Wyoming have a

right to build these roads within that reservation?

Mr. MONDELL. That point has been raised, and it is not certain that the road officials of Fremont County would not be subject to action on their bonds if they spent on that Indian reservation the money raised from general taxation in the district. We have gone further than people have generally in the Indian country, in that we have built our own bridges across the streams bordering the reservation. The Indian bill last year carried an item to build a bridge joining an Indian resernever asked for that. We have built our own bridges at a We now have several good bridges which our people have built joining the reservation to the adjacent territory. The Government has never spent a cent in building one of

those now in use.

They have been using a few dollars here and a few dollars there out of sundry and divers appropriations carried in this bill one time and another to patch these roads. I think it is very much more decent and dignified for Congress to appropriate money for these roads, knowing that it is to be used to build decent roads across the Indian reservation rather than to compel the Indian Office to search hither and you and through various appropriations to get a few dollars that can be used for the purpose of building roads and bridges that are necessary. I think we ought to approach this thing frankly.

Mr. BURKE of South Dakota. Will the gentleman yield?
Mr. MONDELL. I have only five minutes, but I will yield as soon as I finish this thought. Do you propose that for all time to come there shall be 500,000 acres in the center of the State of Wyoming, paying nothing whatever to the State, over which we are expected to maintain roads? That is the question.

We are expected to maintain roads? That is the question. Now, I will yield to the gentleman from South Dakota.

Mr. BURKE of South Dakota. As I understand, the gentleman from Texas [Mr. Stephens] has made a point of order against this proposed amendment?

Mr. MONDELL. He has reserved it. I want to argue the point of order after I have finished my remarks on this amend-

Mr. BURKE of South Dakota. Then, the gentleman proposes

to argue the point of order later?

Mr. MONDELL. Certainly.

Mr. BURKE of South Dakota. I thought there was unanimous consent that it be disposed of after the gentleman was through with his remarks.

Mr. MONDELL. No. Mr. Chairman, has my five minutes

expired?

The CHAIRMAN. No; the gentleman has one minute more. Mr. MONDELL. I want to emphasize in that one minute this proposition: Is it the policy of the Indian Committee, is it the policy of Congress, to maintain in the center of a State a great area of 65 miles in length and 30 miles in breadth, as in this case, and refuse to build any roads across that area, which lies right across the main highways of travel? I do not think that when Congress understands that proposition it will stand for it at all. My amendment will make this expenditure reim-bursable out of funds that will be received from land sales, and the money will be paid out to the Indians for their labor. Nine-tenths will be spent on the reservation for labor. The In-dians need to have the roads built as much as do the people of the surrounding country. It is intolerable that these roads are not put in better condition. I hope the committee will not adhere to the narrow policy which it seems to have pursued in making up this bill. I do not ask what we ought to have, but a comparatively small sum that is absolutely necessary.

Mr. STEPHENS of Texas. Mr. Chairman, I make the point

of order against the amendment.

Mr. MONDELL. And I would like to be heard on the point

The CHAIRMAN. The gentleman from Illinois [Mr. Foster] asked unanimous consent that the gentleman from Wyoming proceed and that a ruling be made on the point of order after the 15 minutes' presentation of the merits of the amendment.
Mr. MANN. But, Mr. Chairman, no such request was sub-

mitted to the committee.

Mr. FOSTER. I remember distinctly of making the request. Mr. MONDELL. But I did not accede to the request.

Mr. MANN. No such request was submitted to the committee by the Chair.

The CHAIRMAN. The Chair submitted it to the House.

Mr. MANN. I submit that the Chair did not submit the request to the House in the manner the Chair has stated.

Mr. MONDELL. I was giving careful attention to the matter because that was the very thing I did not want.

The CHAIRMAN. The Chair must ask for some information on the point of order before he can rule intelligently.

Mr. FOSTER. Mr. Chairman, my distinct understanding is that if it had not been for the committee acceding to my request I should have objected to the 15 minutes' time.

Mr. MONDELL. But the gentleman did not put it in that

Mr. CARTER. Mr. Chairman, a parliamentary inquiry. The CHAIRMAN. The gentleman will state it.

Mr. CARTER. Is it not a fact that after unanimous consent was granted an extension of time was given to the gentleman from Wyoming of five minutes, and did not that affect the origi-

nal unanimous-consent agreement? As I understand it, the situation is this: The gentleman from Illinois [Mr. Foster] did submit a request for unanimous consent to the effect that the gentleman from Wyoming proceed for 15 minutes and at the end of that time the Chair should decide the point of order. Whether the Chair put the last part of the proposition to the House I am not sure; but even if the Chair did put to the committee that part of the request requiring the Chair to rule when the 15 minutes had expired, and even grant that the committee did so order, subsequent to that time the gentleman from Wyoming was granted five minutes more. Now, did not the last agreement vacate the prior order to the effect that the Chair should rule in 15 minutes?

The CHAIRMAN. The Chair recollects that the gentleman from Illinois [Mr. Foster] asked unanimous consent that the gentleman from Wyoming might proceed for 15 minutes and at the end of that time the Chair should rule on the point of order. The Chair, without stating the request as made by the gentleman from Illinois, submitted the request and announced that without objection it was so ordered. But the gentleman from Illinois, Mr. Mann, now protests that he did not hear the request as put by the gentleman from Illinois and that the Chair did not so state it, and the gentleman from Illinois is probably right in that. The Chair desires to be perfectly fair, and also states, as he has before, that he must have some information, in one respect at least, on this point of order before he can intelligently rule, and therefore the Chair is disposed to recognize the gentleman from Wyoming, and the gentleman from Wyoming will proceed in order.

Mr. MONDELL. Mr. Chairman, I shall be very brief. This item proposes the continuation of a work already in progress, to wit, the building of certain roads, and the repair of certain roads and bridges and their continuation. These roads were

aid out many years ago.

Mr. STEPHENS of Texas. Mr. Chairman, in order to reach a conclusion upon this matter, I shall withdraw the point of order and ask for a vote upon the amendment.

The CHAIRMAN. The gentleman from Texas withdraws the

point of order and asks for a vote on the amendment offered by the gentleman from Wyoming.

Mr. MANN. Mr. Chairman, may we have the amendment again reported?

The CHAIRMAN. Without objection, the Clerk will again report the amendment. There was no objection, and the Clerk again reported the

amendment. The CHAIRMAN. The question now is on the amendment

offered by the gentleman from Wyoming. The question was taken; and on a division (demanded by Mr.

MONDELL) there were—ayes 16, noes 44.

So the amendment was rejected. Mr. MONDELL. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Insert at the end of line 15, page 35, as a new paragraph, the fol-

Insert at the end of fine 10, page 10wing:

"For repair and maintenance of roads and bridges on the Stoshone Reservation. Wyo., \$10,000, reimburseable in accordance with the provisions of the act of March 3, 1905."

Mr. STEPHENS of Texas. Mr. Chairman, on that I make the point of order that it is not germane and that it is new legislation.

Mr. MONDELL. But the gentleman yielded the point of order on an amendment identical with this.

Mr. STEPHENS of Texas. I withdrew it in the interest of saving time.

Mr. MONDELL. Then we shall have to argue the point of order. Mr. Chairman, I want to emphasize that this will not cost the Government of the United States a penny. These people have 500,000 acres, 65,000 acres of which are under first-class irrigation systems. It is the finest 500,000-acre tract in that part of our State. They did own 1,700,000 acres of land lying immediately north, which is gradually being sold and the proceeds paid them. The sale of that land will be expedited by a measure, which recently passed the House, allowing homestead proofs to be made in a shorter period of time.

The people are anxious to have these roads built; the Indians will build them themselves. The \$10,000 which this will allow the commissioner to use for this purpose is of Indian funds and will be expended paying the Indians for days' work, and let me say that these Indians need the employment. They are earning a little something from their lands, but in the meantime they need employment and they want to build these roads. They want these bridges put across their canals and across the streams. It is their money. They provide in their treaty that their money may be used for this purpose, and yet the committee refuses the Indians the right to use a small part of their own money to build their own bridges and roads.

Mr. FERRIS. Mr. Chairman, I rise to a point of order. The CHAIRMAN. The gentleman will state it. Mr. FERRIS. Mr. Chairman, the gentleman from Wyoming offers an amendment and the gentleman from Texas does not reserve the point of order, but makes the point of order. That calls for an immediate ruling of the Chair. The gentleman is proceeding by unanimous consent, and I object to his further proceeding in this manner.

Mr. MANN. But we gave the gentleman from Oklahoma [Mr. Ferris] a great deal more time on the question of his hospital.

Mr. CANNON. Mr. Chairman, the time in the discussion of a point of order is entirely within the discretion of the Chair. The five-minute rule does not apply to an argument on a point of order.

Mr. MANN. Mr. Chairman, gentlemen will not make any time by objecting to fair consideration. The CHAIRMAN. The gentleman from Wyoming must dis-

cuss the point of order.

Mr. MONDELL. Mr. Chairman, I have not any desire to unnecessarily take up the time of the committee.

The CHAIRMAN. The gentleman from Wyoming will proceed in order.

Mr. MONDELL. Mr. Chairman, I do not think that I have the reputation of needlessly taking up the time of the committee, but this is an important matter. It is not subject to a point of order. These Indians own or did own 1,700,000 acres of land, subject to entry and sale, which is being entered right along. They own 500,000 acres of land in fee, part of which is under an irrigation system that cost a half million of The ditches thread the entire northern portion of the reservation. It is difficult to get anywhere on account of these newly-constructed unbridged ditches, and there are streams needing bridging. Mr. CARTER.

Mr. CARTER. Will the gentleman yield?
Mr. MONDELL. I shall be very glad to.
Mr. CARTER. Mr. Chairman, there is no desire, I think, on the part of any gentleman to shut off the gentleman from Wyoming, because he is very well posted on these matters, and would like very much to hear him, but the leaders of the House are coming down on the chairman of our committee pretty hard to get this bill out of the way in order that other important matters may be taken up and disposed of. I would be very glad to hear the gentleman, so far as I am concerned, but we would like to have some understanding as to how long the gentleman would like to proceed.

If the gentleman will indicate how much time he desires I think it can be arranged without friction, and we would be very glad to submit a unanimous-consent request that would give him sufficient time.

Mr. MONDELL. I could get through in a very short time if it were not for the interruptions. The interruptions consume a very considerable amount of time, and I presume that if it had not been for them I would have been through before now.

Mr. CARTER. I thank the gentleman for not branding them unimportant interruptions.

The CHAIRMAN.

this proposition.

The gentleman from Wyoming will proceed to a discussion of the point of order or the Chair will rule. Mr. CARTER. Mr. Chairman, I ask unanimous consent that the gentleman may have 10 minutes to discuss the merits of

Mr. MONDELL. Mr. Chairman, I do not desire further time to discuss the merits of this question. If in the time that the committee has kindly given me I have not been able to place in the minds of gentlemen an understanding of this situation, then the case is hopeless. If I have not made the case clear there is no possibility of doing so, and I will address myself to the point of order, Mr. Chairman.

The CHAIRMAN. The Chair will say to the gentleman from the CHAIRMAN.

Wyoming that the Chair cares to be especially informed with respect to the matter whether or not this is a continuation of a

work that has already been commenced. Mr. MONDELL. Mr. Chairman, I will endeavor to inform the Chair on that subject by saying that over 80 years ago, possibly longer-I have forgotten the exact date-Capt. Bonneville established a trading station at Little Popongie River, and from that trading station roads were built northwest to the headwaters of the Little and Big Wind Rivers, northeast to the Owl Creek Mountains, and west in the direction of Fremont Peak; that the road leading north from Bonneville's old camp on the north fork toward Bull Lake and to the head of the Wind River has been used ever since, as have the other roads mentioned. These Indians have been occupying this reservation since 1868, and they have been doing work on roads on the res-

ervation all that time. They have been doing work on the road leading from the old north fork bridge northeast toward Stagners and across to the Big Wind River for 30 years. a road leading northwest from old Fort Washakie to the head of the Wind River, thence on into Jacksons Hole, part of which is one of the few roads in this country that was built under a Federal appropriation for military purposes, and a part of that appropriation was used on this reservation, most of it being used on the head of the Big Wind River and beyond Jacksons Hole country. There is a road from the subagency at Arapahoe to the old fort and the school and agency. All these roads and others have been used for the last 40 years, and more Federal appropriations have been used from time to time-appropriations made in the Indian bills-for the improvement of all these roads. Last year a bridge was built across the Little Wind River out of an appropriation carried in this bill, and all the work which has been done on these roads all these years has been performed under appropriations carried in this bill.

The CHAIRMAN. The Chair would like to inquire of the

chairman of the committee, for his guidance, if these statements

are corroborated.

Mr. STEPHENS of Texas. What is the Chair's question? The CHAIRMAN. The question is as to the building of these roads. If it be true that these roads have been constructed by the Government from time to time, and it is only a continuation of a work, there is no occasion for further argument.

Mr. STEPHENS of Texas. There has never been, to my knowledge, any appropriation made for building roads from United States funds on Indian lands. If so, it has escaped my observation, and I am satisfied in the last 15 years there has

been no such appropriation.

Mr. MONDELL. The Chair will notice the gentleman does not venture the opinion that these roads have not been built with money carried in Indian appropriations. I have personal

knowledge that they have been so built.

Mr. STEPHENS of Texas. Can the gentleman show a single act of Congress anywhere directly appropriating money for building roads on Indian lands?

Mr. MONDELL. I do not imagine I am called upon to find specific appropriations for certain definite roads, but I have in my hand a letter from the Assistant Commissioner of Indian Affairs which shows very clearly that sums carried in appropriations made by the Indian bill last year were used in the construction of roads on this reservation. This is from the letter

of December 26, C. F. Hauke, Assistant Commissioner—
Mr. STEPHENS of Texas. Has that road ever been author-

ized by any act of Congress?

Mr. MONDELL. I do not know of any act of Congress authorizing any road on a reservation nor do I know that such an authorization is necessary.

Mr. STEPHENS of Texas. Then they are diverting funds, when they are working on that road, appropriated for other They are converting funds to be used for one purpurposes. pose to another if they are doing it, and they are doing it without the knowledge or sanction of Congress.

Mr. MONDELL. The gentleman has been on the Committee on Indian Affairs for a long time, and he knows perfectly well that there have been roads built on Indian reservations and they have been built with Indian appropriations; the gentleman

knows perfectly well they have been built.

Mr. BURKE of South Dakota. The fact that we may have built a bridge somewhere does not make this amendment proper

at this time

I want to ask the gentleman if it is not the fact that from moneys appropriated for subsistence, instead of issuing rations to Indians who are able to work, the policy of the department has been to pay them by the day for their labor by themselves and teams, and that the work that they perform is upon the roads within the reservation, and that is the only money that

has been expended for roads on the Shoshone Reservation?

Mr. MONDELL. No; I think that is not true. In fact, I know it is not true on this reservation, because no such issues have been made to these Indians. They are self-supporting. All they want is to spend their own money to build their own roads, and the members of the committee argue they ought not be allowed to do it. The money will be paid to Indians for work building these roads.

Mr. BURKE of South Dakota. What I desire to know of the gentleman is this, whether or not an act providing for the sale of the surplus land of these Indians provides that the profits that go into the Treasury may be appropriated for the improvement of the roads upon that reservation?

Mr. MONDELL. The act contains a general provision with regard to the use of those funds, just as it contains a general

provision for the use of funds for irrigation purposes.

Mr. BURKE of South Dakota. I will call the Chair's attention to the fact that an appropriation that was proposed in this bill for an Indian hospital at Fort Sill, Okla., proposed to use the money of the Indians, on the supposition that it was in the Treasury subject to appropriation for that purpose, and the Chair ruled otherwise, and this is exactly on all fours with this proposition. This proposes to pay for roads from the funds of the Indians received from the sale of their surplus land, and there is no law authorizing it.

Mr. MONDELL. That is it. Mr. FERRIS. Does the Chair care to hear further?

The CHAIRMAN. The Chair is prepared to rule. In the absence of any citations by the gentleman from Wyoming of authority for the construction of those roads, the point of order is sustained, and the Clerk will read.

Mr. MONDELL, Mr. Chairman, I offer the following amend-

The CHAIRMAN. The gentleman from Wyoming offers an amendment, which the Clerk will report.

The Clerk read as follows:

Insert at the end of line 15, page 35, as a new paragraph, the fol-

lowing:

"For construction, repair, and maintenance of bridges on the Shoshone Reservation, in Wyoming, \$10,000, reimbursable in accordance with the provisions of the act of March 3, 1905."

Mr. STEPHENS of Texas. I make a point of order on that.

The CHAIRMAN. The Chair is ready to rule.
Mr. MONDELL. If the Chair will hear me—

Mr. STEPHENS of Texas. I make a further point of order

that it is dilatory also.

Mr. MANN. I make a point of order that there is no quorum present, if we are to proceed on those tactics. If the gentleman wants to proceed in that way, he will not save any time by it.

Mr. MONDELL. Mr. Chairman, my amendment is not subject to a point of order, as I will prove to the Chair if he will

give me the opportunity.

The CHAIRMAN. The gentleman from Illinois [Mr. Mann] raises the point of no quorum. The Chair will count. [After counting.] One hundred and six Members are present—a quorum. The Clerk will again report the amendment.

The amendment was again read.

Mr. MONDELL. Now, if the Chair will allow me—

Mr. STEPHENS of Texas. Mr. Chairman, I move that all debate close on this paragraph and all amendments thereto at the end of five minutes.

Mr. MANN. Mr. Chairman, I make the point of order that that motion is not in order, debate not having commenced on the

amendment.

The CHAIRMAN. The point of order of the gentleman from Illinois [Mr. Mann] is sustained.

Mr. MANN. I will be fair if you will be fair. You can not

get us away from fair discussion.

The CHAIRMAN. The Chair will state that he will relieve the committee from any agitation or responsibility by saying that he will hear the gentleman from Wyoming briefly on the point of order.

Mr. BURKE of South Dakota. The point of order has been

withdrawn, Mr. Chairman.
Mr. MONDELL. The amendment is not subject to a point of order, and therefore the point of order is withdrawn. Mr. Chairman, my amendment as it now stands provides an appropriation of \$10,000 for bridges on the diminished Shoshone Reservation, and on this point I would like to have the attention of the gentleman from Texas [Mr. Stephens]. When these Indians sold their land they realized their reservation was entirely surrounded by streams requiring bridges-streams of continuous flow. They expected to be called upon to expend a large sum of money for the building of bridges, and in anticipation of that they specifically wrote in the treaty a provision providing that a portion of the funds should be used for building bridges. But we have not called upon them. We have not asked the Indian Office to build those bridges. Fremont County has built bridges across all of the streams bounding the reservation, connecting it with the surrounding country.

The Chair has held my amendment for roads and bridges out of order, but an amendment such as I now offer, for bridges only, is not subject to the point of order, for the treaty provides that a part of the funds of these Indians may be used for the

purpose of building bridges.

In order that the road leading northwest from the agency may be improved there must be a new bridge across Bull Lake Creek, as suggested in the letter of the Indian Commissioner.

In addition to that these Indians have built an extensive irrigation system. They have many miles of canals and laterals, few of which are bridged. The road running across the reservation from north to the south crosses some of these ditches.

The Indians own them. They own the land. They have, or will have when their lands are sold, the money. They want to build the bridges, but the Indian Committee says they shall not use their own money, which they themselves have set apart for this purpose in the treaty, for the building of bridges on the reservation.

Now, what does the committee propose? Does it propose that the Indians shall not have the opportunity to build these bridges? Does the committee propose that they shall not have the use of \$10,000 of their own money for this purpose, and shall not have an opportunity to use it?

Mr. FERRIS. Mr. Chairman, will the gentleman yield? The CHAIRMAN. Does the gentleman from Wyoming yield

to the gentleman from Oklahoma?

Mr. MONDELL. Yes; I will yield; because I hope the gentleman's heart will soften to the extent of \$10,000.

Mr. FERRIS. The gentleman says they have \$10,000. They

have not a cent of money.

Mr. MONDELL. The gentleman knows that the sale of their nonirrigable grazing lands is coming on this summer, and that they have a larger area of land that has been homesteaded, and the homesteaders are paying for it, and that we passed a bill a few days ago which allows the homesteaders to make proof promptly, which will expedite payments. There is a further large area withdrawn for irrigation, which will eventually be paid for. Some of these moneys will be to their credit in a short time, and we ask they be allowed to use their own money in the bridging of the irrigating ditches and small streams. The treaty provided that the funds could be used for this purpose. Now, the committee may not want to enter upon the policy of expending Federal money to build roads or bridges on Indian reservations generally, but surely the committee will not

go back on the treaty.

The CHAIRMAN. The time of the gentleman has expired.

Mr. STEPHENS of Texas. Mr. Chairman, I move that all debate now close on this paragraph and the pending amend-

ments thereto.

The CHAIRMAN. The gentleman from Texas moves that all debate be now closed on this paragraph and amendments thereto. The question is on agreeing to that motion.

The motion was agreed to.

The CHAIRMAN. The question now is on the amendment offered by the gentleman from Wyoming.

The question was taken, and the Chairman announced that the noes seemed to have it.

Mr. MONDELL. A division, Mr. Chairman. The committee divided; and there were—ayes 34, noes 51.

So the amendment was rejected. The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

For support of Shoshones in Wyoming: For pay of physician, teacher, carpenter, miller, engineer, farmer, and blacksmith (art. 10, treaty of July 3, 1868), \$5,000; for pay of second blacksmith, and such iron and steel and other materials as may be required, as per article 8, same treaty, \$1,000; in all, \$6,000.

Mr. McGUIRE of Oklahoma. Mr. Chairman, I ask unanimous consent to extend my remarks in the Record of yesterday by inserting a letter or statement received from the firm of Kappler & Merillat, Osage attorneys, in reply to an anonymous statement filed in the Record and made a part of the Record on Saturday by the gentleman from New York [Mr. AKIN].

The CHAIRMAN. The gentleman from Oklahoma [Mr.

McGuire] asks unanimous consent to extend his remarks in the

RECORD. Is there objection? There was no objection.

Following is the letter referred to:

WASHINGTON, D. C., April 5, 1912.

Hon, THERON AKIN.

House of Representatives.

DEAR SIR: In the CONGRESSIONAL RECORD of April 3 we find you caused to be inserted an anonymous letter intended to reflect upon ourselves as attorneys for the Osage Tribe of Indians and upon the Secretaries of the Interior who have approved our contracts as tribal

series as attorneys.

The letter, like most muckraking articles, has some small measure of truth, but as a whole is false, and in its essence is untrue, misleading, and vindictive.

The letter accuses the Secretary of the Interior of having improvidently and apparently improperly approved contracts with the firm of Kappler & Merillat, and further alleges that we had not the experience and competency to warrant our employment.

The letter alleges that prior to the approval of these contracts, which contracts were approved May 6, 1908, Mr. Merillat had never had any experience in the practice of the law, and that Charles J. Kappler, until March 4, 1906, had never attempted to practice law.

The fact of the matter is that Mr. Merillat was admitted to practice in the Supreme Court of the United States June 2, 1902, and that for more than three years prior to admission, as required by the rules of the Supreme Court of the United States, he had been a member of the bar of the highest court of the District of Columbia. Furthermore, he had not only been a member of the bar of the Supreme Court of the District of Columbia.

very active practice during more than the three years preceding, and continued in an exceedingly active practice of the few milt the date of approval of our contracts with the Osage Tribe of Indians, and since them. His status at the bar can very readily be ascertained by you by application to Mr. Edward it. Thomas, president of the Br. Association practice had neithed the active personal prosecution or defense of cases of fraudicient conveyance, will contests, and probate matters, real estates and production of the properties of cases of fraudicient conveyance, will contests, and probate matters, real estates the production of the properties of deeds and wills, trial of land contests and Indian cases, actions of mandamus, prohibiting, injunction, and receivership, and the conduct of various other legal courts of the District of Columbia, but the Court of Appeals of the District of Columbia, but the Court of Appeals of the District of Columbia, but the Court of Appeals of the District of Columbia, but the Court of Appeals of the District of Columbia, but the Court of Appeals of the District of Columbia, but the Court of Appeals of the District of Columbia, but the Court of Appeals of the District of Columbia, but the Court of Appeals of the District of Columbia, and the Court of the United States. He had had the honor as the trial member of the firm to win the only cases of the District of Columbia and the Court of Courts of the Court of Co

Oklahoma.

It was expressly understood and agreed between the Osage Tribe and ourselves that these services should not include what was known as the civilization-fund claim, amounting to more than \$700,000. It must be obvious that no competent attorney would undertake to render the services which we have rendered to the Osage Tribe, including as it has not only the matter of the 37 white persons referred to, but their representation in various other matters before the executive departments and the Congress of the United States, the defense of suits in the courts involving the question of the taxation of their lands, their ownership of lands along the Arkansas River, the right of the tribe to

the mineral royaltics which was questioned by individual allectics, the legal advice for the amount and of acres of their lands, and general personal advice for the amount and so of acres of their lands, and general personal advice for the amount and the source of their lands, and general personal advice for the amount of their lands and general personal advice for the personal advice for their lands and general personal advice for the personal adviced acres of the personal adviced several adviced for the personal adviced several adviced for the personal adviced for the personal

after full public advertisement and after reception of sealed bids, based upon the minimum terms hereinbefore referred to, on the ground that only in this way could scandal be avoided and the trust duty or relationship of the Government of the United States to the Osage Tribe of Indians be fulfilled. We have adhered in endeavoring to obtain the best terms possible for our clients, although threatened that if we persisted an attack would be made upon us and our contract, which expires April 8, 1912, would fail of renewal.

The Osage bill before the House was the result of several conferences with the Osage Council, the Interior Department, Congressman McGuine, and Senator Owen, and also after a conference of all the opposing elements in Osage County. On some points in the measure we yielded our personal views in order to obtain unanimous support within the tribe and to ayoid an opposition that might have prevented passage of the bill, which bill meets the approval of the entire tribe and marks a large advance step in its affairs. The several reports on the bill in the Sixty-first and Sixty-second Congresses by the Secretary of the Interior, printed in the reports of the House and Senate Committees on Indian Affairs, and the amendments suggested by the department and the committees of Congress, show that the interests of the Indians have been thoroughly safeguarded.

It will be readily seen from the foregoing that we necessarily must have made enemies in the performance of our duty, and, although on the floor of the House you declined to state the name of the author of the letter you inserted in the Recoup, we have no hesitation in saying to you that the inspiration and also the authorship is reasonably apparent from the context of the letter, and can be traced to persons having personal animus against ourselves because our sense of duty has disagreed with their selfish interests.

Inasmuch as you have caused the anonymous letter reflecting on the Secretary of the Interior and our firm to be inserted in the Congr

Mr. STEPHENS of Texas. Mr. Chairman, I ask unanimous consent to return to page 27, lines 7 to 12, inclusive, for the

purpose of offering an amendment.

The CHAIRMAN. The gentleman from Texas asks unanimous consent to return to page 27, lines 7 to 12, inclusive, for the purpose of offering an amendment. Is there objection?

Mr. MANN. Reserving the right to object, I would like to know what it is.

Mr. STEPHENS of Texas. The amendment comprises the lines stricken out, from 7 to 13, on page 27. The original language was this:

The Secretary of the Interior is hereby authorized to pay, out of the funds of the Chickasaw Indians now on deposit in the Treasury of the United States, to Douglas H. Johnston, governor of said nation, the sum of \$3,000 per annum from March 1, 1910, to March 1, 1912.

I will state that this governor has received no pay for the last two years, and that a point of order was made against it the other day, and the item went out of the bill. I hope the gentleman will now withdraw the point of order. It will save the introduction of a new bill.

Mr. MANN. Reserving the right to object, I would like to ake a little statement. When this item was read the other make a little statement. day it went out on a point of order raised jointly by my colleague Mr. Foster and myself. Since that time I have examined the matter, and find that in 1908 the appropriation bill carried an item for a salary of \$1,500 to Gov. Johnston, and authorized the payment of that salary thereafter. In the appropriation bill of 1910, for the fiscal year 1911, there was carried an item to pay Gov. Johnston \$3,000 a year from some time in 1906 until March 1, 1910. That was in the appropriation act for the fiscal year 1911, and apparently that act contemplated that Gov. Johnston would not be paid \$3,000 a year

duties as governor and he has received no compensation. I shall not object and shall not renew the point of order, but if no better excuse is offered when this item comes before the House on a subsequent occasion, if I am here as a Member of the House, I shall then insist upon the point of order unless better reasons are given than have been given yet for his per-

after March 1, 1910. I am informed, however, by gentlemen upon the committee that Gov. Johnston has performed the

forming the services.

The CHAIRMAN. Is there objection?

There was no objection.

The CHAIRMAN. The Clerk will report the amendment.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. HARDWICK having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed bill of the following title, in which the concurrence of the House of Representatives was requested:

S. 494S. An act to amend an act approved May 27, 190S, entitled "An act for the removal of restrictions from part of the lands of allottees of the Five Civilized Tribes, and for other

purposes.'

The message also announced that the Senate had passed the following resolution:

Resolved, That the Secretary be directed to request the House of Representatives to return to the Senate the bill (S. 5137) for the relief of Alice V. Houghton.

The message also announced that the Senate had agreed to the amendments of the House of Representatives to the joint resolution (S. J. Res. 96) appropriating \$10,000 for the purpose of maintaining and protecting against impending floods the levee at Mound City, Ill.

INDIAN APPROPRIATION BILL.

The committee resumed its session.

The Clerk read as follows:

Amend, on page 27, after line 6, by inserting the following: "The Secretary of the Interior is hereby authorized to pay, out of the funds of the Chickasaw Indians now on deposit in the Treasury of the United States, to Douglas H. Johnston, governor of said nation, the sum of \$3,000 per annum from March 1, 1910, to March 1, 1912."

The CHAIRMAN. The question is on the amendment of-

The CHARLAIA. The question is on the amendment offered by the gentleman from Texas [Mr. Stephens].

The question being taken, the amendment was agreed to.

Mr. STEPHENS of Texas. Mr. Chairman, I move that the committee do now rise and report the bill with amendments to the House with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. Barnhart, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 20728) making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1913, and had directed him to report the same back to the House with sundry amendments with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The SPEAKER. Is a separate vote demanded on any amendment? If not, the Chair will put them in gross.

No separate vote was demanded on any amendment.

The amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, and was accordingly read the third time and passed.

On motion of Mr. Stephens of Texas, a motion to reconsider

the last vote was laid on the table.

POST OFFICE APPROPRIATION BILL.

Mr. MOON of Tennessee. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 21279) making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1913, and for other purposes; and pending that motion I ask unanimous consent that the time for general debate be not limited at present, and that the gentleman from Massachusetts [Mr. Weeks] and myself control the time.

The SPEAKER. Pending the gentleman's motion to go into the Committee of the Whole House on the state of the Union, the gentleman from Tennessee [Mr. Moon] asks unanimous consent that the gentleman from Massachusetts [Mr. Weeks] and himself control the time in the general debate until further

ordered. Is there objection?

Mr. MANN. I suppose the time will be equally divided.

Mr. MOON of Tennessee. The time is always equally divided between the two sides.

The SPEAKER. Is there objection? There was no objection.

The motion of Mr. Moon of Tennessee was agreed to. Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 21279) making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1913, and for other purposes, with Mr. Hay in the

Mr. HAY took the chair amid general applause.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of a bill which will be reported by the Clerk.

The Clerk began the reading of the bill.

Mr. MOON of Tennessee. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. The gentleman from Tennessee asks unanimous consent that the first reading of the bill be dispensed. with. Is there objection?

There was no objection.

Mr. MOON of Tennessee. Mr. Chairman, by permission of the House I shall discuss the main features of this measure, leaving the consideration of its features in detail to the discussion of its paragraphs under the five-minute rule, and then with a brief review of other matters of local and general in-terest conclude. The bill carries, in accordance with estimates for the service, appropriations for all of the subdivisions of the

Post Office Department in detail. The estimates were \$261,-The committee recommends appropriations in the aggregate \$259,827,949, or a decrease over the departmental estimates of \$1,352,314, after a careful review of the estimates, the annual growth of the service, and comparison with previous estimates and the extent of unexpended balances. It is of course impossible for exact estimates to be given, owing to the character and uncertainty of some of the service to be performed and the changing conditions and necessities of the service. From the report of the auditor the committee finds an apparent deficiency of \$627,845.94 in the department for the fixed year 1011 as shawn in the report

Since the report was made, however, the auditor advises me that when I called for a statement from the department that he did not give unaudited receipts after June 30, 1911, to be credited to that year, and that statements of receipts and expenditures on various accounts are coming in for audit for that year, and that it is impossible now to tell whether there will be a surplus or a deficit for the fiscal year ending June 30, because the full receipts and expenditures are not yet ascertainable. It will therefore be seen that there is no way of telling yet whether there will be a surplus or a deficiency, but it is more than probable that the amount either way will not be very great. This department is therefore self-sustaining, or nearly so.

The appropriation made by the Congress for the service in 1897 was \$92,571,564.22. The deficiency in revenue for that year was \$11,411,277.65. The last appropriation bill carried \$258,352,713.

The enormous growth in appropriations and expenditures in this department is due to our increase in population, to the extension of the service, and the additional use of the mails by the people produced, in the main, by the enlargement of com-mercial and industrial pursuits of all kinds. This is the largest bill ever presented to Congress for the service of any department in the history of the country, and, perhaps, the largest presented in any legislative body in any country in the world, and yet, in our opinion, it contains no more than is necessary for the proper administration of postal affairs, and it will not likely cause a single dollar—to carry out its provisions—to be drawn from the General Treasury. Under it a surplus will no doubt arise.

The Post Office Department is an immense business institution. It not only in its operation reaches every portion of every city, town, village, and hamlet in the United States, but it extends into the most remote rural localities, and in its foreign service stretches its arms beyond the seas. By a proper and economical administration of its affairs under wise laws the service may yet be greatly extended to the benefit of the people and without a loss but with a great gain of revenue. It can be made to produce unquestionably not only the revenue necessary to support itself, but, in part, to support other departments of the Government.

By improper management and inconsiderate and unwise legislation in the extension of the service it may cause an annual loss of many millions of dollars to the people of the United States.

The increase in the number of clerks and employees provided for in this bill is in accordance with the recommendations of the department and seems to be necessary for the maintenance and extension of the service. The recommendation for appropriations for the postal savings-bank system seems necessary if this policy is to be pursued. I have, personally, always opposed this innovation as unwise, useless, and expensive. There seems to me to be no justification for the borrowing by the Government of the people's money at 2 per cent in order to loan it to the banks at 2½ per cent under guarantee of safety. It is proposed to establish 40,000 depositories under this bill, with a central depository in Washington. There are now established about 7,000 of these depositories. The central office in Washington has 113 men and is conducted now at the expense of more than \$125,000 a year. There seems to be engaged outside of the city of Washington in the various post offices about 1,242 men who give an average of 44 minutes a day of their time to The purpose of the department is to increase the this work. offices to 40,000, with an addition of 8 men to every thousand offices established, in the central office at Washington, making ultimately about 375 men in this office. The vast army of men that will be employed in this work outside of Washington can be estimated only from the fact that 33,000 more offices are to be established. It is estimated that for the next fiscal year it will take \$280,000 to maintain the office in Washington, and the remainder of the \$600,000 is asked for outside of the city of Washington. There has been disbursed on account of this service \$408,446.35. The interest due to the Government by banks to date-that is, interest receivable-is estimated to be

\$55,170 by the department, and the interest payable by the Government is \$20,190. The letter of the Postmaster General, made an appendix to the report, gives a detailed statement of the operation of the bank. This institution, to me, seems to exist largely to create offices and officeholders. I expressed my view in opposition to it when the bill was passed in the House. Yet Congress in have had no occasion to change those views. its wisdom established the postal savings-bank depositories, and its friends claim that it will be an ultimate success, and the committee therefore, by a substantial majority, recommends the appropriations asked for for the further establishment, maintenance, and enlargement of the system, mainly because the law is new and the system has not been fully tested. It is to be hoped that the immense loss up to date in its operation may not continue.

There is some new legislation on this bill that deserves serious consideration. This legislation, under the general rules of the House, is not in order under the bill, but its importance is such that the committee desires a special rule to make it in order in the public interest. Indeed, but for the general rule of the House this legislation would be more properly placed upon this bill than elsewhere. I shall not now enter into a full discussion of this legislation. The text of the bill shows what it is. The report which I have made I will ask to be made a part of my remarks as an appendix, and that the Clerk read now that part of it pertaining to new legislation.

The Clerk read as follows:

NEW LEGISLATION.

NEW LEGISLATION.

In section 1 under subdivision Railway Postal Car Service, office of Second Assistant Postmaster General, is this proviso:
"Provided further, That after the 1st of July, 1917, the Postmaster General shall not approve or allow to be used or pay for any full railway post-office car not constructed of steel, steel underframe, or equally indestructible material, and not less than 20 per cent of the new equipment shall be put into operation annually after July, 1912; and after the passage of this act no contract shall be entered into for the construction of steel underframe cars."

This provision was inserted in the bill to provide for ultimate protection for a class of employees (railway mail clerks) whose lives are in constant danger in the discharge of their duties, from the defective postal-car construction. The date for changes in cars as therein provided was fixed at July, 1917, to avoid injustice being done under the present contracts for the use of mail cars, and to afford the department time for changing cars to class demanded.

Section 2, to provide fraud by mail contractors.

Section 3, to authorize an increase in naval mail clerks' bonds, now limited to \$1,000.

Section 4, to protect against fraud in weighing mails and to readjust compensation therefor.

Section 5, fixing for letter carriers in the City Delivery Service and clerks in first and second class post offices an eight-hour day and for extra pay or compensatory time for work by clerks and carriers in such offices.

offices.

Section 6, to protect employees against oppression and in the right of free speech and the right to consult their Representatives.

Section 7, to provide for a reclassification of railway postal clerks.

Section 9, granting a slight increase of rural letter carriers' pay.

Section 10, for experimental mail service in villages having post offices of the second and third class.

Section 11, amending the law so as to include the Marine Corps among those who may be designated as naval mail clerks and assistants, and the provision in section 1 providing for the promotion of postal clerks and letter carriers and the ultimate increase of pay to railway postal clerks, are all self-explanatory and manifestly so just as to require no special discussion in this report.

PARCEL POST.

quire no special discussion in this report.

PARCEL POST.

Section 8 of this bill contains provisions in reference to mail matter of the fourth class. Under existing law we have a general parcel post fixing the postal rate at 1 cent an ounce with a limit of 4 pounds for mail matter of the fourth class (merchandise). This is an ounce and not a pound rate.

By the terms of the International Postal Convention the people of 23 foreign countries may now transmit fourth-class matter (merchandise) through our mails at the rate of 12 cents a pound with a limit of 11 pounds. This is not an ounce rate, but a pound rate. This bill provides for a similar pound rate and limit for the use of our people in our mails that is given by us to foreign countries. The section does not provide for the rate on a fraction of a pound, but for a flat pound rate to a limit of 11 pounds at 12 cents a pound, and each fraction of a pound over 1 pound carried under this section would cost 12 cents. The ounce rate law now in force is not repealed by this section and there is no inconsistency or conflict in the two acts that would operate as a repeal of the ounce postal section by implication. So that one desiring to send a package of less weight than a pound through the mails can do so at the rate of 1 cent an ounce. Thus far the parcelpost question seems sufficiently clear to assure us against a loss of revenue and detriment to any business conditions in its application.

One of the most difficult questions connected with proposed postal progress arises with the suggestion to create a general unlimited parcel post for the transportation of merchandise at a flat rate of 8 cents a pound or less, with a limit of 11 pounds or a greater number of pounds.

The advocates of this proposition insist that the rate on fourth-class matter (merchandise) was at one time 8 cents a pound with no loss of revenue, but an increase of revenue; that the zone system of transportation charges used by the express companies is unnecessary and cumbersome; that express

The eponents of a general unlimited pareel jost insist that it will tend to concentrate business in the large cittes and be indurious to rural communities and small towns and cities; that it is a step in the wrong direction—paternalistic and dangerous in its tendencies; that it would ereate an enormous deficit in the Post Office Department; that it would revolutionize the commercial system in the United States; that it would destroy the prosperity of innumerable country towns and villages, and therefore must be regarded as a menace to the welfare of all the people; that it is class legislation in that it discriminates against the country merchant and favors the great retail mail-order houses; that ciple and unfair in practice; and they further insist that a rural parcel post.

The most of people living in the country and engaged in agriculture and other pursuits, so far as we can secure information, and the large-post law. The country merchant and nearly all merchants of the smaller cities and towns oppose the law. This seems to be the alignment. Self-interest, the mainspring of most of our actions, seems to be commanding in both factions. We do not think that the advantages friends claim, nor that the disadvantages would be nearly so great as its enemies fear.

The necessity for conservative legislation in view of such a contention and division among the people is apparent. We should seek to may arise from any proposed legislation in the interests of the masses of the whole people. Laws should bear, as nearly as possible, equally and justiy on all classes under all conditions. We have heard much restimony, very interesting in its details, but for the most part from the setting very resting the second of the search people is apparent. We should seek to may all self-seek under all conditions. We have heard much restimony very interesting in its details, but for the most part from the advantage of the whole people. Laws should bear, as nearly as possible, equally and justiy on all classes under all conditions. We

Mr. MOON of Tennessec. In explanation of the first section of this parcel-post provision that establishes the pound rate of 12 cents, it is assumed that it will not induce much mail matter of the fourth class. If one desires to send a single pound for delivery over a railroad line and a rural route, the rate would be 12 cents to the office or delivery place and 5 cents on the rural delivery route, or 17 cents, under this act. the present law it could be carried direct for 16 cents. Under

If the package weighed a pound and eight ounces it could be carried for 24 cents under the present law. It would cost the same under the proposed law, as all fractions of a pound pay pound rates. There is little or no advantage to the sender of packages up to 4 pounds under this section over the old act. If you desired to send three pounds and an ounce, the charge would be 4S cents, and 3 pounds and 1 ounce under the existing law would cost 40 cents. Mailable matter would not often exceed the limit of 4 pounds in weight unless very compact, as the requirements of the rules and regulations as to the size and shape of packages mailable would usually prevent this. Then,

change in the present parcel-post law by this provision, but only to equalize as far as possible the pound rates between the citizen and the foreigner.

Mr. KENDALL. Mr. Chairman, will the gentleman yield? Mr. MOON of Tennessee. Certainly. Mr. KENDALL. I would inquire how many steel cars are now under construction, if the gentleman is aware of that fact? Mr. MOON of Tennessee. I can not tell the gentleman without looking through the report. When we get to that item I will take pleasure in explaining it.

Mr. KENDALL. And also how long a time will be required before the expiration of the contract?

Mr. MOON of Tennessee. Nineteen hundred and seventeen, I think. Most of the cars now under construction are partly steel, underframe, but after the year 1917 it is hoped that the House will order that they be built all of steel.

Mr. Chairman, there are a great many of the people of the United States who do not have city delivery or rural delivery of mail. They are people who live at second and third class post offices, who are entitled to the benefit of these mail facilities. This bill makes a suggestion to the House that the Postmaster General shall, with the small amount of money appropriated in the bill for that purpose, experiment and determine how these people may be best served and what the cost of the service will be, and whether it be wise to inaugurate it.

In the administration of the affairs of the Government it has been deemed, as a matter of discipline on the part of the department, that the employees of the Government of the United States, whatever be their complaint either as to the service they are engaged in, the manner in which they are treated, or anything else affecting the public service, shall not have the right to consult their Senators and Representatives in Congress for redress of the wrongs and grievances of which they complain. It is possible that if this great department were under a military service, such discipline might be wise; but this committee is of opinion that it does not in any manner facilitate or benefit the service, nor does it in any way bring the employees of the Government closer to those who are immediately above them. to deny them this right. On the contrary, it creates a hostility between the chiefs in the office and the men who are in the ranks of the service. This committee has provided in a section of the bill a remedy for this situation, granting to the employee of the Government the right to be heard upon any grievance that he has, the right to be heard before he shall be dismissed from the service, and the right, most sacred of all his rights, to appeal to his Senators and Representatives for protection, without the possibility of discharge because of so doing.

There are other minor features of new law which will readily appeal to you upon the reading, but which it is unnecessary for me now to discuss. There is, however, one proposition in this bill that I know all Members view with more trepldation than anything that has reached you for quite awhile, one proposition about which I think Congressmen have been more unhappy than anything I have seen in the last 10 or 12 years, and I know right now that if every one of you were to vote your sentiments without your constituents knowing about it, you would say that this proposition should not be heard until after the next election. [Laughter.] But we can not help it. We have to bring it before you, and if the Committee on Rules will make it in order, gentlemen may answer to their constituents whether they want a parcel post, whether they want a general parcel post, or a parcel post limited to the rural route, and the character of the post that they desire. There are two sides to this question, and they are both pretty warm sides. If gentlemen present could see the tens of thousands of demands from the merchants of the United States that no kind of parcel post be inaugurated, and then if they could see the tens upon tens of thousands of demands on the part of the farmers of the United States that a parcel post shall be inaugurated, they would readily understand how this committee felt in approaching a question upon which there was so great a division. The report, question upon which there was so great a division. on pages 8, 9, and 10, discusses the question. I shall not take the time of the House to review the questions presented in the report for consideration. I desire to say briefly, however, that with the many obstacles presented on one side to any enactment at all, and the demands upon the other that the committee have felt that the features which they here present in this bill were the only wise ones to be presented at this time. The merchants of the country say that if a general parcel post is enacted their business is to be destroyed, because the farming communities of the country, under a low rate of postage, will send to the great cities, far away from the seat of business and location where they live for their goods and merchandise; that it will too, the large packages could go cheaper by freight, if not by express, than by mail. It was not intended to make any radical ment and growth of small and rural communities; and that

it will be practical concentration or centralization of the trade of the country in the vast commercial centers of the country, and therefore injuriously affect not only the merchants themselves, but a vast majority of people who have commercial relations with the local country merchants.

Upon the other hand, the farmers say that they are entitled, as a matter of right, to patronize that market which gives them the cheapest goods and that they are entitled, as a matter of right, to have that legislation from the Congress of the United Sates that will enable them to reach any market of the United States in which it may be beneficial for them to trade, and that we have no moral right in the interest of mercantile interests, locally, to deprive them of the benefits to which they feel they are entitled in an all-American market. These are the questions, briefly, with which we had to deal.

Again, it is said that the United States, under the postal conventions, permits 23 foreign countries to send mail through the United States to the extent of 11 pounds at 12 cents per pound. while it requires the American citizen to pay at the rate of 1 cent an ounce, or 16 cents per pound, for mail carried in the

United States.

Mr. MURDOCK. Mr. Chairman, will the gentleman yield?

Mr. MOON of Tennessee. I do.

Mr. MURDOCK. Mr. Chairman, I have read very carefully the report of the committee—I suppose prepared by the chairman—and I find that he says in his report, under the subhead of "parcel post," this:

The ounce-rate law now in force is not repealed by this section.

Meaning by that that the old rate of 1 cent an ounce on parcels up to 4 pounds in weight remains in the law. Now, if that be true, I want to ask the gentleman this: If the provision in the bill as it now stands becomes law, and I as a citizen walk up to a post-office window with a 14-ounce package with 12 cents in stamps on it, the clerk will say, "You have not paid sufficient postage on your 14-ounce package by putting 12 cents in stamps on it." If I then go around the corner and add a couple of ounces of sand to my package and again present it to the clerk, will not that clerk, under the law as it is proposed by this bill, then say, "Twelve cents is enough." In other words, as this law is constructed are not we providing, in a system where we pay for the carrying of mail by weight, for sending a higher weight package for a lesser sum than we pay for a lesser weight package in the same system? Is not that true?

Mr. MOON of Tennessee. I will explain it to the gentleman in a moment. I am about proceeding to discuss that point.

Mr. MURDOCK. Is not that the fact under this system?

Mr. MOON of Tennessee. I did not quite catch the gentle-

man's last proposition about the 2 ounces of sand.

Mr. MURDOCK. This is the proposition, that if a person presents a 14-ounce package at the post-office window with 12 cents in stamps upon it, under this law the clerk would say, if the old 1 cent an ounce law now stands, as the gentleman says it does, "No; 12 cents will not carry this 14-ounce package; you will have to put 14 cents on this 14-ounce package." I can take the same package, add 2 ounces of sand or anything else to it and bring my package up to 16 ounces, present it, and then the clerk will say, "Twelve cents is now sufficient." In other words, under the ounce and pound rates the gentleman has in this bill it will take 14 cents to carry a 14ounce package and it will take 12 cents to carry a 16-ounce package?

Mr. MOON of Tennessee. I will answer the gentleman in a

moment.

Mr. MURDOCK. This report says clearly that the old rate

of a cent an ounce is to remain the rate.

Mr. MOON of Tennessee. I understand that. Mr. Chairman, I will answer the gentleman's question in the remarks I was about to make before he asked the question. The committee felt that inasmuch as foreign governments had the right to send mall through the United States at the rate of 12 cents per pound that the same rate ought to be accorded to the American citizen. Now, I am going to be entirely frank with this House on that question. The proposition put in this bill permitting mail to be carried on the same terms that it is carried under the international convention is not put there to cover nor was it intended to be an answer to the demand for a general parcel post in the United States. It was more to meet the argument than anything else that we were giving to the foreigner that which we did not give to the American citizen through the mails. do not think that this proposition of 12 cents a pound is going to be of material benefit to anybody, for the reason that it is a pound rate and not an ounce rate. It does not provide for fractions of pounds. It provides for pounds only. It does not repeal the law that provides for the ounce rate. That law is not inconsistent with the statute which we are proposing. They

can be administered together without conflict, as one is for the

ounce and the other is for the pound.

Mr. MURDOCK. Now, will the gentleman yield?

Mr. MOON of Tennessee. I trust the gentleman will wait until I get through with this. I can not yield any further now. Now, suppose you want to send anything under a pound. have got the ounce rate, and you can send it under that if you If you want to pay at the pound rate, we take it that in construing the laws together the department would hold that if anything less than a pound were offered it could go at the rate of a pound; but when you cross the pound mark, there you come to the two statutes, one fixing the rate by the ounce and the other by the pound, and the pound rate can not be severed; it can not be divided into fractions,

The ounce rate will have no longer an application, because you have passed to the pound limit. Therefore if you carried a pound and an ounce it would cost you 24 cents. It will be cheaper decidedly to use the other statute. There is no reason why it should not do it. It is an even-pound proposition without any fraction whatever. The ounce proposition is on the fraction. It may be the gentleman's proposition is correct, but I hardly think it would be in construing the two statutes together. I do not think this section is of great value. It will only cost the American citizen the same rate as it costs the foreigner and give us a pound rate instead of an ounce rate, but does not affect the existence of the pound rate. Suppose you take 3 pounds and a fraction at 12 cents a pound. pounds would be 36 cents, and the fraction would be the same as a pound. It would be 48 cents. Suppose you take 3 pounds a fraction under the old rate and it would be 49 So there would be no difference in it until you reach the 4-pound proposition. When you have reached the 4-pound limit, then you have reached the limit where it is cheaper to send by freight than to use the mails of the United States, because we are advised in the ordinary zone limit that the express companies fix they will really carry a package of 11 pounds for about 85 or 90 cents. It would be cheaper, however, if you were shipping across the continent to use the mail instead of express.

Mr. NORRIS. If it does not interrupt the gentleman, I would like to ask him at this point whether he could give any figures as to the actual cost as compared with the receipts of our foreign mail; that is, international packages. Do we make money

or lose money under the present law?

Mr. MOON of Tennessee. It is hard to tell whether we do The settlements made by foreign governments with the United States are a system of balances, I understand. They take one against the other. I am not prepared to say. I would not be prepared except on information from the department, and I have received no information from them except that we are three years behind in obtaining the balance.

Mr. NORRIS. Then the department itself does not k Mr. MOON of Tennessee. It has not so advised us Then the department itself does not know-

Mr. NORRIS (continuing). What that particular system is costing us?

Mr. MOON of Tennessee. I will say to the gentleman that while we have no accurate information from the department, the impression I have from what has been stated there is that it does not cost the Government anything. I mean that the Government makes a profit by it, perhaps, in the general balances. In other words, if the gentleman wants to know whether, in my opinion, or not we can transport mails to the United States outside the zone rate at 12 cents a pound, I believe we can.

Mr. NORRIS. I was anxious to know, because it bears on the other question somewhat, whether in these longer hauls from one nation to another it costs the Government, or Governments, more to transport the packages than they actually get from the persons who pay the postage?

Mr. MOON of Tennessee. I am not prepared to give the gen-

tleman accurate information on that question.

Now, I will proceed to a brief discussion of the other sections of the bill, but before passing from this section I want to be frank with the House on this question. I do not believe this first section establishes an effectual general parcel post. not believe it is going to be of any material benefit either to the farmer or to the merchant. It is put there to equalize the foreign and domestic proposition in a measure, upon this question, and more, as I said before, than anything else, to meet the suggestion that we were treating the foreigner better than our own people.

Mr. J. M. C. SMITH. I understood the remark of the chairman to be that for 1 pound it would be 12 cents.

Mr. MOON of Tennessee. Yes.

Mr. J. M. C. SMITH. What would it be for 17 ounces?

Mr. MOON of Tennessee. For 17 ounces it would be 24 cents. Mr. J. M. C. SMITH. So that increasing the weight by 1 ounce it adds 12 cents more?

Mr. MOON of Tennessee. Yes. It does not interfere with the ounce-rate proposition. This is a pound proposition, and not an ounce proposition.

Mr. J. M. C. SMITH. That was a continuation of the inquiry of the gentleman from Kansas [Mr. Murdock].

Mr. GREEN of Iowa. Will the gentleman yield for a fur-

ther question?

Mr. MOON of Tennessee. Yes.

Mr. GREEN of Iowa. I notice the gentleman stated, and I also find in the report of the committee, that this provision for the pound rate does not interfere with the ounce rate now in

Mr. MOON of Tennessee. I do not think a proper construction of the act would interfere with it; no.

Mr. GREEN of Iowa. I would like a little further explanation in reference to that, for this reason: I observe, in section 8, that postage shall be paid on matter of the fourth class at the rate of 12 cents a pound, as therein provided. Now, the only exception made is with reference to matter carried on the rural routes.

Mr. MOON of Tennessee. Exactly. The gentleman will observe this, that this is a pound rate, and it is not an ounce rate. They are under entirely distinct laws and are distinct proposi-There is no conflict, in my judgment, between the two statutes. Of course, I do not know what the department may hold about it. I do know that when the question was first submitted to the department as to what their construction would be, the construction that the department adhered to was that which I have given. Since then I have been advised by one portion of the department that there is some doubt as to what the construction ought to be. But I do not think, myself, that there will be any great trouble on that account, even if the department should conclude and construe the act so that the fraction of a pound would assume the ounce rate. If that should be applied to it-instead of the pound rate being applied to the fractions-then the benefits to be derived under this act are still not of very great service to the people, in my judgment.

Mr. KENDALL. The gentleman's proposed bill establishes the pound rate elsewhere than on the rural routes, and there the ounce rate is established?

Mr. MOON of Tennessee. Yes; in another section the other applies.

Mr. ANTHONY. Mr. Chairman, will the gentleman yield? The CHAIRMAN. Does the gentleman from Tennessee yield to the gentleman from Kansas?

Mr. MOON of Tennessee. I do.

Mr. ANTHONY. Would the gentleman state the objection to making a simple rate of three-fourths of a cent an ounce on a simple package? Would there be any objection to that?

Mr. MOON of Tennessee. There might be an objection to

that. I do not know of any serious objection to that if the House desired to do it. But the committee had not thought that was the best way to present the matter to the House.

Mr. GREEN of Iowa. Mr. Chairman, will the gentleman

yield a little further?

The CHAIRMAN. Does the gentleman from Tennessee yield to the gentleman from Iowa?

Mr. MOON of Tennessee. Yes. Mr. GREEN of Iowa. What I had in mind was this, that having fixed the rate per pound, would not that wipe out the

Mr. MOON of Tennessee. Oh, no; I think not. I think the ounce proposition stands by itself, and the pound proposition stands by itself. Under the general rules of construction they are to be construed together. Where there is a conflict between the two acts the first act will yield to the latter. But there is no material conflict between them, and there is no construction that can be made of either act, I think, that will destroy the

Mr. LOBECK. Mr. Chairman, will the gentleman yield to me

for a question?

The CHAIRMAN. Does the gentleman yield?

Mr. MOON of Tennessee. Yes.

Mr. LOBECK. If the package comes from Europe to this country at 12 cents a pound, and if it is 1 pound, the rate is 12 ounces; but if it is 18 ounces, what would the rate be?

Mr. MOON of Tennessee. Under the pound rate?

Mr. LOBECK. No; coming from Germany, say, if it were 18

Mr. MOON of Tennessee. That comes under the international agreement. That would be 24 cents.

Mr. KENDALL. I want to ask the gentleman from Tennessee, Has the Committee on the Post Office and Post Roads considered the propriety of establishing a four and three-quarters rate for the purpose of avoiding confusion?

Mr. MOON of Tennessee. No. The committee did not think

that there would be any conflict between the two laws on that account. In fact, the committee did not care to establish that. It simply met the proposition that the American people were entitled to the same pound rate that the foreigner has.

Mr. KENDALL. I wondered if the gentleman had considered that in connection with the Post Office authorities.

Mr. MURDOCK. Mr. Chairman, will the gentleman yield for a question?

The CHAIRMAN. Does the gentleman from Tennessee yield to the gentleman from Kansas?

Mr. MOON of Tennessee. Yes.

Mr. MURDOCK. I have heard it charged in the newspapers— but I am unable to read into the law just where the charge rests-that under this provision, as written in this bill, a farmer could not send a package from the farm to a man in town, but that the man in the town could send the package to the man out on the farm. Now, I want to ask the gentleman from Tennessee in that connection this question—

Mr. MOON of Tennessee. The gentleman ought to have denied that when he heard it as a member of the committee.

Mr. MURDOCK. How is that?

Mr. MOON of Tennessee. I say the gentleman ought to have denied that as a member of the committee when he heard it.

Mr. MURDOCK. I went through the bill again, and I found myself puzzled as to this. I will ask the gentleman what would happen in a ruling in a case like this: A farmer starts a package from his farm addressed to John Jones, living at 220 Pennsylvania Avenue. Now, when that package comes from the farm to the post office here in Washington, is that package, say a 3-pound package, deliverable by a city carrier? In other words, will this rural parcel rate enter into the city service? I can not tell from a reading of the bill.

Mr. MOON of Tennessee. I do not think it will.

Mr. MURDOCK. The gentleman thinks the addressee would have to come to the post office and get his package?

Mr. MOON of Tennessee. Yes.

Mr. LEWIS. Mr. Chairman, will the gentleman yield further on that point?

The CHAIRMAN. Does the gentleman from Tennessee yield to the gentleman from Maryland?

Mr. MOON of Tennessee. Yes. Mr. LEWIS. I want to ask the gentleman from Tennessee whether the test of admissibility to the mall service under the rural-delivery section, as well as under the 12-cents-a-pound section, is that it is mailable under the fourth-class law?

Mr. MOON of Tennessee. Unquestionably.
Mr. LEWIS. Now, I want to ask the gentleman from Tennessee whether there is anything produced on the farm that is mailable under the fourth-class law?

Mr. MOON of Tennessee. Oh, yes.

Mr. LEWIS. What?

Mr. MOON of Tennessee. Bulbs, and potatoes, and a few things like that are mailable, and the department can extend that construction to suit itself if it finds that the legislative intent justifies it.

Mr. LEWIS. I want to suggest, in justification of my ques-

tion, that I have gone over the list

Mr. MOON of Tennessee. I do not believe there is any holding that chickens can go, but there are a good many other things.

Mr. LEWIS. Why potatoes and not chickens?

Mr. MOON of Tennessee. I do not know. The ruling has not gone that far. They may reach that yet.

Mr. KENDALL. Perhaps the question has never been pre-

Mr. MOON of Tennessee. Probably the question has never been presented.

Mr. LEWIS. I want to suggest to the gentleman from Tennessee that under the fourth-class law, defining the mailability of articles, nothing produced on the farm except dried fruit and queen" bees is subject to reception, either under the ruraldelivery clause or the other.

Mr. MOON of Tennessee. I think that is a mistake. They have held that bulbs, and potatoes, and things of that sort are mailable. Still, that is a matter for the department. would not undertake to make a list of things that should be mailable as fourth-class matter. That is a matter of depart-mental regulation, and I assume that under the term of "general merchandise" anything that is held to be salable, of a mercantile nature, whether a farm product or anything else, would unquestionably go if the Congress in the passage of a law indicated that intent. I am sure that the department would give that construction in that case.

Mr. LEWIS. I want to say to the gentleman from Tennessee that my understanding of the situation is that all those things are excluded by the very definitions of this bill.

Mr. MOON of Tennessee. I think not. That will be a matter of construction by the department.

Mr. KENDALL. The department has already acted on these things.

Mr. MOON of Tennessee. Passing from that section, to

which we have already given too much time—

Mr. HAMILTON of Michigan. I suppose I am woefully ignorant about this, but I have been submitting inquiries to my friends near me, and they seem to be about as ignorant as I am. I want to pursue the inquiry of the gentleman from Kansas [Mr. MURDOCK] about a package coming in from the country, directed to 220 Pennsylvania Avenue, Washington, D. C., and I want to inquire why, when that package comes to the post office here, it should not go right on to 220 Pennsylvania Avenue?

Mr. MOON of Tennessee. Because 220 Pennsylvania Avenue is not on any rural route, and the section provides for the delivery of goods on these particular routes.

Mr. HAMILTON of Michigan. I suppose that settles it.

[Laughter.]

Mr. MONDELL. Mr. Chairman, in framing this provision for a parcel post on rural routes, did the committee—
Mr. MOON of Tennessee. Before the gentleman asks that

question will be permit me to discuss for a moment the second section, and then I will come to that and answer his inquiry if I am able.

Mr. MONDELL. Certainly.
Mr. MOON of Tennessee. It will be observed that this bill contains a section that asks for a commission to investigate and determine the propriety and wisdom of the establishment of a general parcel post. The reasons are given in the report why this commission should be established. The report says:

why this commission should be established. The report says:

The necessity for conservative legislation in view of such a contention and division among the people is apparent. We should seek to secure all the advantages possible and avoid all the disadvantages that may arise from any proposed legislation in the interests of the masses of the whole people. Laws should bear as nearly as possible equally and justly on all classes under all conditions. We have heard much testimony, very interesting in its details, but for the most part from those who express an opinion from a general view of general conditions. We need specific facts and not merely opinions on which to pass intelligent and satisfactory legislation. It would seem essential that we know how this innovation in our postal system will affect our revenue; what additional burdens we must assume in increased numbers of employees, and the increased railway and carriage pay; whether a flat rate can be established for the whole of the United States or not and at what figure; whether it would be wise to adopt the zone system of transportation and pay for carriage or not; how far this extra service would interfere with the handling of first, second, and third class mail matter; the probable losses and profits under different rates; the effect on the centralization of trade; whether the express companies could under one system or another secure the short hauls and leave the long and expensive hauls to the Government; whether it would first be best to condemn the express companies contracts with the railroads or not, and use them, or to force the railroad companies to equal rates for the Post Office Department that is granted the express companies, or to pursue either of these courses; to know the tendency of the system to read and sunfain monopolies, and its effect on the commercial and farming interests of the country. On these matters there should be some definite information (in the interest of the general public) for use in the enactment of a wise law on the

Mr. LEWIS. Will the gentleman yield?

Mr. MOON of Tennessee. In a moment. Now, gentlemen, it is impossible for us to tell. Your committee has no means of knowing, at least no information has been brought before us. that will enable us to tell how a general parcel post, covering the whole of the United States, without a zone rate and at a particular figure, carrying parcels from New York to California. will affect your revenues. We do not know whether we are going to get the long hauls or the short hauls. We do know that to-day, under the contract between the express companies and the railroad companies, the express companies pay about three-quarters of a cent per pound wheelage to the railroad companies, and that they have some divisions of net profits of which we are not informed, and that the Government of the United States can not get a contract, or has no contract that we can use, for less than 62 or 7 cents a pound. It is impossible for the Government, paying that rate of transportation and the cost of handling the mails, to compete with an express company

in combination with a railroad company at a rate amounting to only one-sixth or one-seventh as much.

In my opinion, before we establish this parcel post, we must obtain information of an accurate and definite nature from men before whom experts will come and give testimony that will justify legislation here. We must have a contract with the railroad company that is equal in its benefits to that given to the express companies, or the Government must exercise its sovereign power to take control of the express companies by condemnation. [Applause.] You can not deal with a great question like this hastily. You may plunge into the midst of it to-day on a proposition for 6 cents or 7 cents for carrying packages of 10, 15, or 20 pounds throughout the United States and involve the Government in debt to the extent of \$100,000,000, a You must know what you are doing before you undertake it; you must have knowledge, you must have information on the subject before you undertake an enactment of this kind.

I know the pressure is coming strong on you from all the farmers of the United States demanding the passage of this bill or that bill or the other bill, but pray, what do the farmers in the United States know about it more than we do? We want to subserve their interests as a part of our people. There is no part of our great American people that deserves more consideration than do the farmers of the United States at the hands of this Congress, but in subserving the great mass of our fellow countrymen we do not want to strike down the interests of any other class, we do not want to paralyze the commercial interests of any section of our country. Let us know, let us be certain what we are about, and then let us proceed to the enactment.

They say that this bill is an entering wedge. Surely, if it is anything, that is all it is. It does not offer much to the farmer, but what it does offer is indicative of the fact that we propose an investigation that will give more, and in giving more we do not propose to paralyze any industry of our country if we can avoid it. [Applause.]

That is the reason for this commission. Your inquiry should be made complete, your information should be satisfactory not only as to the effect upon your revenues, but upon your commercial affairs. Now I will yield to the gentleman from Maryland.

I thank the gentleman from Tennessee. Mr. LEWIS. committee has in its so-called rural clause gone into what might be called the rural parcel post, and the rates proposed are 5 cents for the first pound and 2 cents for each additional pound up to and including 11 pounds, making 25 cents for 11 pounds.

Mr. MOON of Tennessee. Yes.

Mr. LEWIS. Now, I want to ask the chairman of the committee upon what data, if any, these rates were made? And I want to suggest, so that he can meet the point in his reply, that my studies lead me to believe that the rates established for the

for rural purposes and some 250 miles of railway haul besides.

Mr. MOON of Tennessee. The gentleman from Maryland is perhaps much better informed on this question than I, as he has been a student of economics along that line. The reason for the establishment of the rural parcel post is apparent. In the establishment of a general parcel post and the handling of the mail matter the Government would have to go into a system something like the express system. It would have to increase its employees; it would have to have its agents and fix the zones of transportation; it would, in fact, take over an immense express business, covering all the States of the Union. But in the rural parcel post we do not have to add a single dollar of expense in order to have the law carried out. have our routes established; we have our carriers and their equipment, all together sufficient to carry out the rural proposition. And, then, the rural proposition is limited to the route upon which the service begins and must end. We therefore can establish the rural parcel post without an additional dollar of expense to the people of the United States and without incurring the possibility of these troubles that would arise from the establishment of a general system covering the whole coun-The difference is, as I hope the gentleman will observe, very wide between a general parcel post and a mere local parcel This is established as an experiment.

The department estimates that this rural parcel post, although an experiment, costing nothing more, excepting perhaps a slight raise in the salary of the rural carriers—this system, over 42,000 routes in the United States, would yield us seven to ten million dollars' profit annually, helping to remove the deficit that has heretofore existed in the establishment and maintenance of the rural delivery routes.

Mr. SLAYDEN. Will the gentleman tell us just how he gets that estimate?

Mr. MOON of Tennessee. There are 42,000 routes, and if you carry a full 11-pound package four times over each one, three hundred and sixty-odd times a year, they get more than that

Mr. MONDELL. Now will the gentleman yield to me?

Mr. MOON of Tennessee. I will yield to the gentleman from

Mr. MONDELL. Did the committee in considering the establishment of a rural free delivery parcel post consider the feasi-

bility of extending such parcel post to star routes?

Mr. MOON of Tennessee. We did not think it wise to do anything more than we have done at this time-to establish it for that rural route and limiting it to the matter arising and ending for delivery on the route.

In other words, to be entirely frank with the gentleman, we wanted to touch this question just as lightly as we could to get it into the House, and then let the House determine what it wanted to do in regard to the matter and by its united wisdom do the best we can for farmers, merchants, and all citizens.

Mr. MONDELL. Did the committee consider first that there are regions where there are practically no rural free-delivery

routes?

Mr. MOON of Tennessee. It did.

Mr. MONDELL. There are entire States that have not over a dozen such routes, but which are covered from one end to the other with star routes, which are for all practical purposes rural

free-delivery routes.

Mr. MOON of Tennessee. I concede that the gentleman's suggestion is a wise one, and one that ought to be carried into full effect when this rural-route matter is permanently established; but this is only an experiment to last two years, and we thought it ought to be made on the established routes and not upon the star routes.

Mr. MONDELL. The committee, then, did not consider the

extension of the system to the star routes?

Mr. MOON of Tennessee. Oh, no.

Mr. MONDELL. And, therefore, there were no reasons given

Mr. MONDELL. And, therefore, there were no reasons given why the system should not be extended?

Mr. MOON of Tennessee. No; and I think there is no sound reason why it should not be extended to the star routes, where there are no rural routes, ultimately, if the system is adopted; but we are experimenting for two years on the rural routes.

Mr. MONDELL. Why not at the same time broaden the experiment a little to routes of practically the same character?

Mr. MOON of Tennessee. I do not know that there would be

Mr. MOON of Tennessee. I do not know that there would be any serious objection to that, but it is a matter that the committee did not take into consideration.

Mr. MURDOCK. Mr. Chairman, will the gentleman yield?

Mr. MOON of Tennessee. Certainly.
Mr. MURDOCK. Mr. Chairman, I want to clear up a point, if the gentleman will permit, on the exact meaning of the law. Can a man under this bill, on a rural route, send a package from

the farm to the city post office?

Mr. MOON of Tennessee. He can, if that city post office is the end or the beginning of that particular rural route.

Mr. MURDOCK. That is what I mean. The starting of the

rural route is to be construed as on the rural route.

Mr. MOON of Tennessee. Yes. Most of them start from the

cities.

Mr. MURDOCK. But the gentleman holds that that package having reached the city post office, no matter what its weight, can not get into the City Delivery Service.

Mr. MOON of Tennessee. I think not under the terms of this

Mr. MURDOCK. If out here in the city of Washington some citizen places on the collection box a 3-pound package, with the parcel-rate postage on it, addressed to some man on a rural route in Virginia, is the collector under this law prohibited from collecting that package for entrance into the mails as a parcel going to the rural route in Virginia?

Mr. MOON of Tennessee. He would put it into the mail as general mailable matter, and if it did not have the rate of postage on it that it ought to have under the general law it would be held for that purpose. If he wanted to get it on the rural route and obtain the benefit of the low rate of postage, he would

have to deposit it somewhere on that route.

Mr. MURDOCK. Would not the gentleman be under the necessity of taking his package to this city post office from which the route starts?

Mr. MOON of Tennessee. If he wanted to get the benefit of the low rate, he would.

Mr. MURDOCK. But he could not get that low rate by

placing it on a post box out here in the city.

Mr. MOON of Tennessee. I do not think he would; but the postmaster might hold that the box was a part of the means of

collection for that particular post office and that wherever a box was placed that was the post office for the purpose of mailing matter. That is a matter of construction in the department, and I would not undertake to say how they would hold.

Mr. MURDOCK. There is another question I would like to ask the gentleman. I do not think the committee considered it at all. That is, in nearly all of the parcels arrangements in other countries some provision is contained as to the dimensions of packages. There is no such provision in this bill.

Mr. MOON of Tennessee. There is no such provision here.

Mr. MURDOCK. Why not?

Mr. MOON of Tennessee. Because it is not necessary to put it in the bill. The department already has a rule as to the dimensions of packages, merchandise, as to size.

Mr. MURDOCK. It is a very indefinite proposition as to

being nondeliverable.

Mr. MOON of Tennessee. Yes. There are a great many things that ought to be in a bill providing for parcel posts that Yes. There are a great many we did not deem it proper to consider or place in a bill that merely provided for an experiment along that line over established rural routes. The matters of which the gentleman speaks are matters of administration and not an item of legislation to be decided-

Mr. MURDOCK. However, the parcel arrangement in other countries absolutely fixes the maximum size of the packages. I think the Japanese provision is 3 by 3 feet, whereas under this law it would be possible, if the feathers were light enough, to

send a freight car full.

Mr. ALEXANDER. Mr. Chairman, I think if the gentleman will consult the regulations with reference to fourth-class mail matter that he will find specified just what the size of the package shall be by regulation, and this provision simply extends the fourth-class mail packages to packages weighing 11 pounds instead of 4 pounds; that is all. The size of the package in the present law is expressly stated.

Mr. MURDOCK. I think there is absolutely nothing in the law or regulations as at present constituted which regulates the dimension of any package. It is merely an indefinite one.

Mr. MOON of Tennessee. As a matter of fact, there are rules in the department on that subject.

Mr. SAMUEL W. SMITH. Will the gentleman yield for a

question?

Mr. MOON of Tennessee. I will.

Mr. SAMUEL W. SMITH. Does the gentleman understand there is anything in this bill to prevent, say, for instance, a firm like Sears, Roebuck & Co., of Chicago, establishing an agency of their own at a village or city wherever there are

rural routes and send their goods there to be sent out?

Mr. MOON of Tennessee. No; this committee would not put anything in the bill to prevent Sears, Roebuck & Co. or anybody else carrying on business in any way they saw fit. It is not the purpose of the committee, and we do not care what benefits Sears, Roebuck & Co. get out of it, or anybody else. just proposing to make this experiment to determine the final wisdom of a parcel post, general in its character.

Mr. AKIN of New York. Will the gentleman yield for a

question?

Mr. MOON of Tennessee. I will. Mr. AKIN of New York. Is it not a fact that the American Express Co. have agencies all through the country where they purchased goods to deliver to these people in the country, just as well as Sears, Roebuck & Co. or Montgomery Ward & Co. do?
Mr. MOON of Tennessee. I do not know whether that is a

fact or not; they never came about me. Mr. AKIN of New York. I have made purchases through the

American Express Co. Mr. ANDERSON of Minnesota. Will the gentleman permit

me to ask a question?

Mr. MOON of Tennessee. I will. Mr. ANDERSON of Minnesota. I understood the gentleman in his colloquy with the gentleman from Kansas to say that you could not ship a package from one rural route to another rural route, both from the same post office, at the benefit of the 2-cent rate.

Mr. MOON of Tennessee. Well, I think that is the meaning of this section, that it is confined to the particular route upon which it originated. That is the reason why the price is so You will observe, gentlemen, that this bill does not propose to establish a complete parcel post. It is very far from it. It proposes only to obtain by experiment and as a result of a commission the facts upon which we must determine later whether such a system, such an innovation in our postal system, shall be inaugurated or not. Now, if you will permit me to pass away from this question-

Mr. FORNES. Will the gentleman yield for a question?

Mr. MOON of Tennessee. I will.

Mr. FORNES. Does the Government assume the responsibility of total loss of the package? Suppose the 11 pounds are in value \$150. The sender will have it registered and the registration will cost him 10 cents. Now, we are aware that the delivery of packages through the rural route is attended with greater danger of loss than it would be in small towns or a city, and in other words, suppose, as has been stated I believe, that it would not require additional equipment, and that in the rural route there might be 50 packages weighing 11 pounds each. Would it be possible with the present equipment of that rural carrier to take the 550 pounds without considerable additional expense?

Mr. MOON of Tennessee. Where he will be overloaded very heavily there might be some additional expense, but there is no likelihood of there being so much weight for transportation, and if there were one good team could carry it. As to the first inquiry which the gentleman made, I desire to reply that the Government does not insure packages beyond the sum of \$30,

I believe.

Mr. FORNES. That is the limit, \$30?
Mr. MOON of Tennessee. Yes, sir.
Mr. KENDALL. Mr. Chairman, I hope the gentleman will not understand that these inquiries are captious, because they are not. I understand from the provisions of this bill a patron living on route 1, for instance, could not send a package over his route through the local post office to a customer on route 2. Am I correct in that?
Mr. MOON of Tennessee. That is correct.

Mr. KENDALL. Suppose one patron of the route lives 3 miles from the post office, and desires to transmit a package to a patron living 7 miles farther on the road; he may do that? Mr. MOON of Tennessee. Yes.

Mr. MURDOCK. Mr. Chairman, it would not be possible for

a farmer to send another farmer a comb of honey, would it?

Mr. MOON of Tennessee. I do not know what the department would rule about honey as mallable matter. You can not tell that in advance.

Mr. MURDOCK. One absolutely could not. , Mr. MOORE of Pennsylvania. Will the gentleman yield? Mr. MOON of Tennessee. I yield to the gentleman from

Pennsylvania.

Mr. MOORE of Pennsylvania. I assume that the department stores would very largely avail themselves of this 5 cents per pound rural route provision. May I ask whether if any large deposits of parcels and packages were made by a department store in the center of a large city, it would be necessary to de-posit in the main city post office, or carry to a starting point on the rural route?

Mr. MOON of Tennessee. I do not understand exactly what

the gentleman means.

Mr. MOORE of Pennsylvania. Would it be necessary for the store to deposit in a city post office or from a starting point on

the rural route?

Mr. MOON of Tennessee. I think if under this provision they carry packages, whether they start in one city or in another, it will be necessary to make this delivery to a postmaster on the route or at the starting point.

Mr. MOORE of Pennsylvania. Within the city limits?

Mr. MOON of Tennessee. In the city limits or country either. It has got to be delivered on the particular route.

Mr. MOORE of Pennsylvania. Has the gentleman thought of the possibility of the disposal of the carrier wagons by the large stores and the taking over of wagons by the Government?
Mr. MOON of Tennessee. I hardly understand what the gen-

tleman means.

Mr. MOORE of Pennsylvania. It is highly probable if the department stores avail themselves of this provision there would be a very large exchange of delivery wagons. That is to say, the department store would be relieved of the delivery service,

which the Post Office Department would take on.

Mr. MOON of Tennessee. The Post Office Department would not take it on outside of the main office, I take it. I think the gentleman is mistaken about the effect it would have in one view of the situation. For instance, if you were going to send from the city of Philadelphia, where the gentleman resides, to a rural route somewhere in the State of Maryland, it would not pay the department store, in my opinion, to ship to the town and then have to pay the extra postage from there over the rural The cost of postage in the first instance at 12 cents a pound would be cheaper.

Mr. MOORE of Pennsylvania. The eighth section of the bill

provides:

That on each and all rural mail delivery routes of the United States the postmaster at the starting point of such route shall until June 30,

1914, receive and deliver to the carrier or carriers of said routes all articles, parcels, or packages not prohibited to the mails, etc., that the carrier shall receive—

And so forth.

Now, I want to make myself clear to the gentleman, because I regard this as a very vital matter in connection with this whole parcel-post question. The great volume of this business will undoubtedly come from the department stores. Now, where is the post office to take on this business that goes onto the rural

Mr. MOON of Tennessee. At some initial point or some point along the line of the particular route. It can not go from one

route into another.

Mr. MOORE of Pennsylvania. Can the department store de-

liver these packages in a post-office box at the corner?

Mr. MOON of Tennessee. I do not think so. I think the sender would have to put it in the post office. I do not know what the department would rule on that subject. That is a matter that is not for construction under this act. The proper construction of this act would not involve that proposition in

any way, and it is a matter for construction.

Mr. MOORE of Pennsylvania. The gentleman sees how important it is in the matter of expense. The delivery service of a large store is a large item of expense. If the department store rids itself of the horses and wagons which it necessarily must maintain for this rural delivery as well as for the city service and the Government takes over that business, it becomes a large item.

Mr. MOON of Tennessee. I do not think the department would so hold. I think if they put the goods in a delivery box out in the city it would have to be accompanied, under the general law, not with a special rural delivery stamp, but general

postage.

Mr. MOORE of Pennsylvania. The words." delivered at the starting point" would seem to imply—
Mr. MOON of Tennessee. The starting point would be in the

city post office, I think, and not in the box.

Mr. KENDALL. In the post office?

Mr. MOON of Tennessee. In the post office.
Mr. KENDALL. The question of the gentleman from Pennsylvania is whether the Government would be obliged to col-

Mr. MOON of Tennessee. The second section provides that the Postmaster General will make the regulations necessary,

and so forth.

Mr. MOORE of Pennsylvania. Assuming that I am the owner of a large department store, which I am not, that I have to deliver 5,000 small packages to-night to farmers, who ordered them by mail, do I send to the postmaster of my city to come and get these packages, or do I send them to the post office?

Mr. MOON of Tennessee. If you want to send them under general postage, under the postage provided by general law, you must deliver them in the packages, I take it, and the department wagons, the Government wagons, would take them out. But if you wanted to avail yourself of the special low rate for the rural route, I think your department store would have to take those packages to the post office or deliver them to the carrier somewhere along the route; but, as said before, it will be subject to construction and regulation by the Postmaster Gen-

Mr. MOORE of Pennsylvania. If I put them in the box on the corner, the Government must provide facilities for the large quantity that I have to deliver every day

Mr. MOON of Tennessee. I take it they would make you

pay the extra postage. I do not know.

Mr. MOORE of Pennsylvania. I would like to ask the gentleman one other question. Why is it necessary to apply these reduced rates—that is to say, up to 5 cents a pound on parcels—to the rural routes only? Why should not the city dweller, who is perhaps no more favorably situated financially than the dweller in the country, be excluded from the advantages of a lower rate or a 5 cents per pound rate?

Mr. MOON of Tennessee. Because we want to deal later, not now, with the city citizen. We are dealing now with the country citizen on this proposition.

Mr. MOORE of Pennsylvania. Then the proposition is sim-

ply an experiment to be tried out on the country dweller, and the city dweller is to take his chances in the future?

Mr. MOON of Tennessee. The gentlemen in the city will be provided for, no doubt, by the commission.

Mr. KENDALL. They are already provided for. Mr. MOORE of Pennsylvania. As to these parcels delivered by department stores, I understand there is nothing in this bill which enables them to avail of the long haul, say, from Baltimore to California, at this 5 cents a pound rate?

Mr. MOON of Tennessee. Nothing in the world. If he wants to ship his goods he must pay the postage under the general law. But he is entitled, of course, to the benefit of the low rate of the rural route when he puts his matter on that route for delivery on that route, as provided for in this bill.

Mr. MOORE of Pennsylvania. Then the long haul is left for

the commission to provide for?

Mr. MOON of Tennessee. That is a matter involved in the

general proposition to be considered by the commission.

Mr. BORLAND. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Tennessee yield to the gentleman from Missouri?

Mr. MOON of Tennessee. I do.
Mr. BORLAND. I notice that the law provides that these packages that the postmasters are authorized to receive are packages that are not prohibited by law to be mailed as falling under the classification of fourth-class mail matter. that include any perishable matter? For instance, something was said here a little while ago about a comb of honey. this parcel post there could be no delivery of that, could there?

Mr. MOON of Tennessee. The section provides for that under the rules and regulations of the Post Office Department. Under the general law, construing the meaning of merchandise entitled to be mailed under the old law, the department has had a very wide discretion and a wide latitude, and it has from time to time increased the number of articles that may properly be carried under it. I would assume, however, that the department in the exercise of its wisdom in determining this matter as an administrative proposition would not undertake to carry a matter that was perishable in its nature; certainly not very far.

Mr. BORLAND. This amendment would not cover, then, any such articles as poultry, or eggs, or butter, or any of the

commodities that the farmer produces and deals in?

Mr. MOON of Tennessee. It might if the department so held, but by the terms of the act there is no provision for any specific thing. The act provides for that which is merchandise and legal fourth-class matter. It is largely a matter of construction by the department.

Mr. LEWIS. At that point, will the gentleman answer this

question?

Mr. MOON of Tennessee. Yes; I will answer the gentleman from Maryland

Mr. LEWIS. What is included under fourth-class matter now has already been defined by the Postmaster General, and it does not include as many as 150 articles?

Mr. MOON of Tennesce. Yes; and the Postmaster General may extend it by construction. He has extended it from bulbs, to begin with, to 150 articles, such as the gentleman speaks of, and he may extend it still further so as to include 10,000 articles.

Mr. FINLEY. Mr. Chairman, will the gentleman yield? The CHAIRMAN. Does the gentleman from Tennessee yield

to the gentleman from South Carolina?

Mr. MOON of Tennessee. Yes.

Mr. FINLEY. My construction of what is mailable or not mailable depends on whether the article is or is not of a dangerous character or of such character as would be injurious to the mails.

Mr. MOON of Tennessee. Of course matter dangerous in

character is not mailable at all.

Mr. BORLAND. Of course the gentleman from Tennessee understands that one of the great matters which commends the proposition of the parcel post to the farmer is that it would enable him to deliver to customers packages of farm products.

Mr. FINLEY. Then, if the articles would injure the mails in any way the department could, by regulation, exclude them, and if they would not injure the mails the department could admit

Mr. SAMUEL W. SMITH. There is no limitation now as to the amount of weight that the rural carrier can carry, is there? Mr. MOON of Tennessee. Does the gentleman mean the

amount of load, for instance? Mr. SAMUEL W. SMITH. No; if the farmer wants the rural carrier to bring out 50 pounds of merchandise the carrier must do it?

Mr. MOON of Tennessee. The law does not require him to carry 50 pounds. The limit of mail matter is 4 pounds now. Whatever the rural carrier may carry beyond that is purely a matter of courtesy on the part of the carrier.

Mr. SAMUEL W. SMITH. That is to say, the carrier is not

limited as to the amount he can carry to the farmer?

Mr. MOON of Tennessee. Oh, no; he is not limited as to the extent of his courtesy. The law does not deal with him except as to the mailable matter, the limit of which is 4 pounds.

Mr. SAMUEL W. SMITH. Then, there is not anything in this bill, as the gentleman understands it, that would repeal any portion of the existing law, as to what the rural carrier may carry.

Mr. MOON of Tennessee. The law now limits the rural carrier to 4 pounds in one package. This section provides for 11

pounds in one package.

Mr. GARNER. What the gentleman from Michigan has reference to is that it would not change the rule which gives the carrier the right to accommodate a farmer if he wants to.

Mr. MOON of Tennessee. Oh, no; there is nothing in the

law on that.

Mr. MOSS of Indiana. Under the provision of this bill, if it should become a law, no post office in the United States would have to handle any more rural-delivery packages than went from that particular office to the patrons along the route, or originated on that particular route.

Mr. MOON of Tennessee. The carrier would have to handle the matter that originated at that office, and nothing more in the way of packages, except that he received on the route for

delivery on the same route.

Mr. MOSS of Indiana. So, if any one store were to sell 5,000 packages for delivery, they would have to be sold to the patrons of that particular office, accommodated by the rural

routes out of that one office.

Mr. MOON of Tennessee. I would not undertake to say that. You can not limit the right of a citizen, wherever he lives, to use the mails of the United States. I do not believe this act It provides for matter delivered to the post would do that. office at the initial point and arising on the route, but the matter may be brought from a great distance to that initial point, and there be mailed. You could not prohibit a citizen of New York from delivering in any post office in the United States anything he wanted to, if it was mailable, and having it mailed there, and obtain the benefit of the rural rate on it.

Mr. MOSS of Indiana. If 5,000 packages were to be mailed at any one point on a rural route, they would have to be ad-

dressed to the patrons of that particular office.

Mr. MOON of Tennessee. Yes; they would have to be addressed to patrons of that route.

Mr. MOSS of Indiana. And the person mailing them would have to deliver those 5,000 packages at that particular office?

Mr. MOON of Tennessee. Yes. Mr. PROUTY. Is there anything in this law that would prevent a rural mail carrier from entering into a private contract to carry these packages at less than the rate received by the Government?

Mr. MOON of Tennessee. There is nothing on that subject

in this statute.

Mr. PROUTY. Ought there not to be?

Mr. MOON of Tennessee. The gentleman will perhaps offer it.
Mr. PROUTY. If a mail carrier found he was not getting anything for carrying this mail, is there anything to prevent him offering to carry it for less than the amount of the postage, and in that way getting the benefit of the amount paid?

Mr. MOON of Tennessee. I think the general law would deal

pretty heavily with a carrier who violated the postal laws; but

this is not a penal provision.

Mr. PROUTY. I understood the gentleman to say that this did not interfere with a carrier entering into a private arrangement-

Mr. MOON of Tennessee. As an individual, I think not.
Mr. PROUTY. Suppose it costs 25 cents to send a package
by mail, and the carrier says, "I will carry that package for you for 10 cents"?

Mr. MOON of Tennessee. If a rural carrier should make an arrangement that was in fraud of the revenues of the Government, I think he would be a criminal and be punished. did it simply as a matter of accommodation and not acting in his capacity as a carrier and not circumventing the rights of the Government, I think he would have a right to do that, of

Mr. PROUTY. Suppose he says, "I will take this out for you

for nothing.'

Mr. MOON of Tennessee. He could not carry it as a mail carrier for nothing. He would have to take it back to the office and leave it there until there were stamps put on it.

Mr. PROUTY. Suppose he says, "I will carry this out for you for 10 cents"?

Mr. MOON of Tennessee. I do not think he could do that. Mr. PROUTY. Suppose he should offer to carry it for 15

Mr. MOON of Tennessee. I do not think he could do anything to violate the postal laws and regulations.

Mr. CARTER. That would be against the law.

Mr. PROUTY. It is not against the law for the carrier to

offer to carry 15 pounds now.

Mr. MOON of Tennessee. Not as an individual; but it is against the law for him to carry matter that is mailable and subject to postage, if the package does not exceed 4 pounds. As a matter of accommodation to the farmer, he can carry anything he wants to; but when it goes in as mailable matter, it is limited to 4 pounds.

Mr. PROUTY. Does not the gentleman think there ought to be a special provision prohibiting rural carriers from doing

Mr. MOON of Tennessee. There might be. There are many things that might be hedged about in the law, but this is not a proposition of that sort; this is the inauguration of a system which we ought to be careful about; it is ground on which we should tread very lightly.

Mr. LOBECK. Why should not the rural carrier have the

right to carry packages as the railroad company does, that also carries the mail?

Mr. MOON of Tennessee. If gentlemen are through asking me questions about the matter I should be glad to depart for a few moments from the consideration of postal matters to the discussion of some other matters.

Mr. JACKSON. Will the gentleman permit one more ques-

Mr. MOON of Tennessee. I have left that question, but if the

gentleman wants to go back, I will yield.

Mr. JACKSON. I want to ask the gentleman what the reason was—I did not hear the previous questions—for not providing for the collection of these packages by the rural carriers when they are on the way to the post office?

Mr. MOON of Tennessee. This is a rural-route proposition.

There is a provision in the bill which permits the carriers to

collect them on their routes.

Mr. JACKSON. I mean when the rural carrier is on the way back to the post office, why should he not take up packages and carry them to the post office and let them go back on the rural route the next day?

Mr. MOON of Tennessee. If they are on his route he has a

right to carry them.

Mr. JACKSON. Why limit it to his route? Why not allow it to go on any other man's route?

Mr. MOON of Tennessee. Because we thought it wise to experiment on separate routes and not have the matter too much confused.

Mr. JACKSON. I can not see why that would not be extend-

ing the experiment.

Mr. MOON of Tennessee. The gentleman understands that the rural carrier can take up matter on the route going and coming if it is on the rural route.

Mr. JACKSON. That may be, although I doubt it, according to the language of the section. The language in the section is that the package shall be carried from the post office.

Mr. MOON of Tennessee. No; the statute provides that he can take it anywhere on the route, and he can carry it and

deliver it anywhere on the route.

Mr. JACKSON. On his route. That is the same question that was discussed a moment ago. If this is an experiment,

why limit it to one route?

Mr. MOON of Tennessee. Because we want to see the effect of the experiment on each distinct and separate route without confusing it with any other. We wanted to make it as simple as possible.

Mr. JACKSON. Assuming that there are three routes from a small post office, what is the objection to allowing the carriers on route 1 to collect the mail, carry it to the post office for mailing so that it may go out on routes 2 and 3?

Mr. MOON of Tennessee. If it pays the extra postage when it gets to the post office, it can, but this low postage was intended to carry the mail over one route only. You can send things all over the country; it does not prohibit that, but it gives this additional benefit of this low rate for matter delivered on the route and carried over the routes of the patron.

Mr. JACKSON. If I understood the gentleman from Tennessee, he said that the Postmaster General might have authority to extend to the carrier authority to collect this mail.

Mr. MOON of Tennessee. The question was raised as to whether if matter that was intended for the rural route was delivered to a box in the city, the Government could take that up and send it to the post office, and then send it over a rural route, or whether the party that had the package would have to deliver it to the post office. I said for the purpose of securing a lower rate my idea would be that the department would hold that it would have to be delivered to the initial office, but that it was possible that the department might hold that you their thanks and appreciation for the consideration which

wherever a delivery box was placed, that was constructively a delivery to the department when put in the box. But that is a matter of administration, and one which I would not undertake to determine.

Mr. JACKSON. I see no reason why, when carriers have their wagons and other equipment sufficient to carry packages out, they should not be allowed to collect them and bring them

Mr. MOON of Tennessee. That may be, but the committee did not think it wise to cumber this measure with that suggestion.

Mr. JACKSON. Might it not result in lessening the number of packages mailed, and therefore the revenues collected under the experiment you seek to make?

Mr. MOON of Tennessee. This is the first real opportunity that has come to me since the change of party power in the House to express the sense of appreciation and gratitude which my constituents feel to this body for legislation national in its character, but locally beneficial to them. For several Congresses past the rights of my constituents, in common with the general public interest, have been fully appreciated and recognized by Congress. You have been kind to me as a Representative of this constituency by placing me in positions where I might be of service to them as well as to the country; you have given me service upon the Committee on the Territories, upon the Rivers and Harbors Committee, upon two postal commissions—the result of whose labor was the saving of many millions of dollars to the country—and on the National Waterways Commission, and on the Committee on the Post Office and Post Roads, and finally assigned me to the chairmanship of this great committee. You have, at my request, enlarged the customhouse at Chattanooga, erected a post-office building at Cleveland, and authorized the erection of one at Winchester, and I hope that at no distant day you will authorize one for Athens, Madisonville, Sparta, McMinnville, and South Pittsburg, and other places in the district. You have improved the Chickamauga and Chattanooga National Military Park, and on my motion added 1,000 acres of land to it.

This House has recently passed the bill I introduced, which I am sure the Senate will approve, establishing a brigade post at Fort Oglethorpe in this park; on my motion you have had constructed a road, at the expense of \$50,000, from Lookout Mountain to Chickamauga National Military Park; you have made Chattanooga a port of entry; you have granted lands to the use of the State troops; you have granted the payment of a vast number of war claims to people and churches and lodges in my district; you have enabled me to have established rural routes throughout the congressional district, with free mail delivery in the counties; under unusual circumstances you permitted me to present and have passed in the House a bill to erect a lock and dam in the Tennessee River, which will save over a million dollars to the Government of the United States and secure navigation to the mountainous section of the river, and at the same time producing an electric power that will lessen greatly the cost of all articles manufactured in that section; and again, under most unusual circumstances, you permitted me to extend the time for the construction of this lock and dam in the Tennessee River as provided in the original bill; you have granted, during my services here, appropriations sufficient to complete improvements of the Hiwassee River for the full length of its navigable waters. This work has been completed and a surplus returned to the Treasury. You have granted appropriations during my service in the House to the extent of about \$5,000,000 for the improvement of the Tennessee River. While a member of the Committee on Rivers and Harbors in 1909 I offered a resolution for the complete survey and improvement of the Tennessee River, which you kindly adopted and which became a part of the law in that bill. That survey has been made and the report of the engineers thereon filed with Congress, which is most exhaustive in its character and by the terms of which \$6,700,000 is to be expended on the Tennessee River in the next five years for the completion of its improvement and the obtaining for all the river navigation "the year around," giving a depth of 6 feet from Paducah to Chattanooga and 3 feet from Chattanooga to Knoxville. The Rivers and Harbors Committee has approved this project, and it has been passed in the House of Representatives and will unquestionably become the law of the land. This is a great national improvement. The Tennessee River is the third or fourth greatest stream of the United States. The commerce that will be moved and benefits that will come from the perfect navigation of this great waterway will be greater to the people of the Tennessee Valley than any that can possibly come from any other source. I should feel derelict in the performance of my duties to the people I represent if I did not now express to

you have shown them in all matters and the great public interest that you have manifested in the consummation of this great

national project.

It has often been charged on the hustings and recently strongly suggested in speeches on the floor of this House that the States forming the late Confederacy were not fairly and justly dealt with in the matter of revenue by the Federal Government, and that they do not obtain the advantages in legislation that they are entitled to. This, no doubt, was true some years ago, but a careful examination of the statutes and the revenue receipts and disbursements will show that this condition no longer exists. When the Representatives from these States were more deeply interested in the discussion of party politics than in the material benefits to come to their people, the Representatives of the other sections of the country were looking after the material welfare of their States. For this reason in the sections that they represented rivers and harbors were opened up to the commerce of the country and public buildings were erected; but of late years by reason of continued service and experience of Representatives from the South consideration of partisan politics has largely yielded to the more sensible policy of conserving the interests of the people that they represent. The long period of time in which their interest was neglected was such that it will take many years to give to them the justice so long denied.

A review or partial analysis of revenue receipts and disbursements may be interesting in considering the suggestions

made:

Total.

Reccipts, fiscal year 1911.

Ordinary receipts: Customs Internal revenue Ordinary Public lands Miscellaneous from the departments, District of Columbia, bureaus, and so on	\$314, 497, 071, 24 289, 012, 224, 20 33, 516, 976, 59 5, 731, 636, 88 58, 614, 466, 08
Total ordinary receipts. Public debt receipts, proceeds of Panama Canal bonds. Public debt receipts, national-bank note fund.	701, 372, 374, 99 18, 102, 170, 04 40, 232, 555, 00
Total receipts into the general fundPostal revenues	759, 707, 100, 03 237, 879, 823, 60
Total receipts, including postal revenues	fiscal year 1911. \$904, 638, 18 40, 230, 73 43, 336, 05 181, 939, 26 87, 786, 04 2, 535, 424, 41 15, 250, 33 8, 780, 552, 68 1, 533, 440, 35

Arkansas has no port of entry. Arkansas is in the customs district of Louisiana, as is the State of Oklahoma and parts of other States

14, 273, 685, 83

The total customs receipts of the United States is \$314,497,-071.24. Deducting \$14,273,685.83 paid by the States named above, being late Confederate States, the amount paid by the other States of the Union appears to be \$300,223,385.41.

Fiscal year 1911.

	Internal revenue.		
States.	Ordinary.	Corporation tax.	Total by States.
Virginia North Carolina South Carolina Georgia Florida Alabama (Mississippi is a part of the	\$7,618,279.96 7,168,028.41 126,161.98 281,622.35 1,319,692.43	\$586,317.16 109,925.89 58,270.65 237,822.76 101,009.39	\$8,204,597.12 7,277,050.30 184,432.63 519,445.11 1,420,701.82
revenue district of Alabama and included in the same). Louisiana Tennessee. Arkansas Texas	102,753.89 4,630,345.31 2,240,517.09 108,817.43 906,250.24	213, 477, 61 205, 890, 94 193, 082, 04 70, 501, 05 471, 215, 82	316, 231, 50 4, 836, 236, 25 2, 433, 509, 13 179, 318, 48 1, 377, 406, 06
Total	24, 502, 469. 09	2, 247, 513. 31	26,749,018.40

Total receipts of the United States from internal revenue: Ordinary, \$289,012,224,20; corporation, \$33,576,976.59; making a grand total of \$322,529,229.79. That is, the people of the late Confederate States pay \$26,749.018.40 of this tax, and the other States of the Union in the aggregate, \$295,780,211.39.

ther States of the Union in the aggregate, \$295,780,211.39.

As shown, the receipts for the fiscal year ending June 30, 1911, into the general fund derived by the Government from customs, internal revenue (including corporation tax), sales of

public lands in each district and State, and from miscellaneous sources amounted to \$701,372,374.99. The receipts on account of public debt from sales of Panama Canal bonds was \$18,102,-170.04, and from deposits for retirement of national-bank notes \$40,232,555, making a total revenue of \$759,707,100.03, exclusive of postal-revenue receipts. The disbursements for ordinary and extraordinary purposes, other than those of the Panama Canal and public debt, amount to \$654,137,997.89. The disbursements for the Panama Canal were \$37,063,515.33, and for public debt, retirement of national-bank notes, and miscellaneous redemptions, \$35,223,333.35, making a total disbursement, exclusive of postal receipts payable from the postal revenues, of \$726,424,849.57. The postal revenues amount to \$237,860,705.48. The postal revenues are applied to the postal expenditures, and the receipts and expenditures are nearly even. The great cities of the country furnish the bulk of postal revenues.

The figures used are from the reports of the Treasury, Interior, and Post Office Departments.

Assuming that the people of the States furnish equally the postal revenues, and that the revenues derived from the departments and bureaus and sale of public lands are contributed equally by the people of the States in proportion to the population, we then have the apparent fact that in the late Confederate States there is collected ordinary revenue and corporation tax to the extent of \$26,749,018.40, and that in the same States there is collected customs duties to the extent of \$14,273,685.83, making a total of customs duties, internal revenue, and corporation tax collected in these States of \$41,022,704.23.

In the other States of the Union in the aggregate is collected ordinary internal revenue and corporation tax, \$295,780,211.39, and customs duties to the amount of \$300,223,385.41. It appears therefore that in these two combined sources of revenues that there is collected in the late Confederate States \$41,022,704.23, and in the other States \$596,003,597.80.

While this is a correct statement of the revenue received by the United States from customs duties, as to amounts collected in the States mentioned, it is only a statement of duties paid at the ports of entry in those States. It might ordinarily be assumed that duties paid in the State would be paid at the customhouses in the State, and all the Southern States mentioned except Arkansas have several customhouses; but it is not fair to do so in considering this revenue, because of the enormous amount of revenue paid at the port of New York and other large ports by the people of various States. It is impossible therefore to segregate these payments and know exactly what is paid by the people of one State at the ports of entry in another; yet, looking at the actual customs duties collected at the various ports, it is clear that the States named pay but a small proportion of these duties from the figures given, and it is true, as a matter of common knowledge, that there is not a very heavy trade in these States in imported goods. The customs duty, of course, is paid in the first place by the importer, but is paid ultimately by the consumer. not a direct tax on the people, and no part of it, of course, is paid out of the State treasuries. The internal revenue, except corporation tax, which is paid by the corporations, does not come out of the treasury of the States, nor is it a direct tax on the people. It is a tax on the privilege of manufacturing and selling tobacco, cigars, snuff, whisky, beer, wines, and all alcoholic liquors. This tax of course is paid in the first place by the manufacturers and dealers in these articles. It, however, is ultimately paid by those who consume these articles. It is impossible therefore to tell what proportion is used by consumers in one State made in another. Therefore, in making any estimate as to revenues and disbursements, it can only be done by a statement of Treasury figures, showing collections from the respective States; but assume that the people of the 11 States named pay as much in customs duties and internal revenue outside of their borders as they do within, or \$82,000,000 in round figures, instead of \$41,000,000, the disparity is still so great that the situation is not materially

If instead of the Federal method of collecting taxes a direct tax was levied on the people and apportioned among the States in accordance with population, the late Confederate States would pay nearly one-fourth of the revenue necessary to be raised, as these States contain a little less than one-fourth of the population of the United States. The population of the United States is 91,972,266.

The population of these States, by States, is as follows:

labama	2, 138, 093
rkunsas	1, 575, 449
lorida	752, 619
corgia	2, 609, 121

Mississippi Louisiana Texas North Carolina South Carolina Virginia Tennessee	1, 656, 388 3, 896, 542 2, 206, 287 1, 515, 400
Total	22, 393, 414

It is to the advantage of the States named to assume that the people of these States pay equally with the other States moneys from postal revenues and from the sale of public lands and miscellaneous sources. Leaving these matters out of the calcula-

cenaneous sources. Leaving these matters out of the calculation of revenues we have a total from customs duties and internal revenue and corporation tax of \$637,026,301.03, of which the States named pay \$41,022,705.23.

Nearly one-fourth of the customs and internal revenues should be paid, on the basis of population, by these States, or the sum of \$159,256,575.25. Deducting from this sum on account of the fraction in population these States have less than one-fourth of the total: they should pay about \$140,000.000. count of the fraction in population these States have less than one-fourth of the total; they should pay about \$140,000,000. Instead of this payment, they actually pay \$41,022,705.23, or less than their pro rata share by \$99,000,000 in round numbers. It is clear that the amount contributed by these States is exhausted in the payment of their pro rata share of the ordinary expenses of the Government as adminstered through the various departments, and that it is probable that no part of the revenues they pay are ever applied to the payment of pensions, and but little, if any, to rivers and harbors appropriations or public buildings. Still, we find that there is applied in these States for the purpose of river and harbor improvement annually about \$8,000,000, and for parks, reads, public buildings, and so forth, some, \$3,700,000; pensions, \$12,489,667.21. The two tables following show the proportion between the States of these appropriations: Appropriation for rivers and harbors.

		_ \$907, 700
	irolina	
	rolina	
Coordin n	nd Alabama	
Theorgia at	nd 'Florida	
Fiorida		_ 1, 110, 000
Florida ar	nd Alabama	- 5,000
Alabama _	and Mississippi	685, 000
Alabama a	and Mississippi	_ 20,000
Mississippi	1	_ 654, 500
Louisiana,	Arkansas, and Texas	_ 45,000
Texas		_ 1, 090, 000
Arkansas	and Louisiana	_ 367, 000
Arkansas_		_ 179, 500
Tennessee	and Alabama	_ 1,755,000
Tot	tsl	_ 8, 162, 735
Amount of	f money paid out of the Treasury into the States	
The state of the s		for pensions.
Alabama _		for pensions. \$596, 445. 74
Alabama _ Arkansas	1	for pensions. \$596, 445. 74 . 642, 605. 59
Alabama _ Arkansas Florida	1	for pensions. \$596, 445, 74 , 642, 605, 59 815, 836, 77
Alabama _ Arkansas Florida Georgia	1	for pensions. \$596, 445, 74 , 642, 605, 59 815, 836, 77 543, 352, 41
Alabama _ Arkansas Florida Georgia Louisiana	1	for pensions. \$596, 445. 74 , 642, 605. 59 815, 836. 77 543, 352. 41 , 024, 613. 60
AlabamaArkansas FloridaGeorgia Louisiana Mississippi	1	for pensions. \$596, 445, 74 , 642, 605, 59 815, 836, 77 543, 352, 41 , 024, 613, 60 724, 961, 82
AlabamaArkansas FloridaGeorgia Louisiana Mississippi South Car	1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	for pensions. \$596, 445, 74, 642, 605, 59 815, 836, 77 543, 352, 41, 024, 613, 60 724, 961, 82 302, 562, 44
Alabama Arkansas Florida Georgia Lusisiana Mississippi South Car Tennessee	1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	for pensions. \$596, 445, 74 , 642, 605, 59 815, 836, 77 543, 352, 41 , 024, 613, 60 724, 961, 82 302, 562, 44 , 190, 810, 87
Alabama Arkansas Florida Georgia Louisiana Mississippi South Car Tennessee Texas	1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	for pensions. \$596, 445, 74 , 642, 605, 59 815, 836, 77 543, 352, 41 , 024, 613, 60 724, 961, 82 302, 562, 44 , 190, 810, 87 , 504, 851, 68
Alabama Arkansas Florida Georgia Louisiana Mississippi South Car Tennessee Texas Virginia Virginia	1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	for pensions. \$596, 445, 74 , 642, 605, 59 815, 836, 77 543, 352, 41 , 024, 613, 60 724, 961, 82 302, 562, 44 , 190, 810, 87 , 504, 851, 68 , 480, 553, 80
Alabama Arkansas Florida Georgia Louisiana Mississippi South Car Tennessee Texas Virginia Virginia	1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	for pensions. \$596, 445, 74 , 642, 605, 59 815, 836, 77 543, 352, 41 , 024, 613, 60 724, 961, 82 302, 562, 44 , 190, 810, 87 , 504, 851, 68

This Treasury statement would indicate that the States named do not suffer from the collection and disbursements of Federal revenue, and that their Representatives are awake to their necessities and rights as members of the Union. It may be interesting also to make some further comparison between the States. There is collected revenues as follows in States named:

_ 12, 489, 667, 21

States.	Internal revo- nues.	Customs,
Massachusetts Connecticut New York Pennsylvania New Jersey Maryland West Virginia Ohio Indiana Michigan Illinois Wisconsin Minnesota Iowa Kansas Nebraska Missouri California Kentucky	\$7,307,001.38 3,219,042.40 44,475,463.90 27,606,300.04 9,776,823.33 9,549,874.22 1,783,861.81 21,828,616.81 31,133,384.24 7,007,615.96 53,514,408.18 9,582,454.31 3,449,236.03 1,267,955.37 604,103.84 2,771,882.65 12,470,680.53 9,041,128.80 33,295,173.68	\$24,059,437.82 956,815.56 209,314,092.46 21,495,769.90 4,638,891.16 2,859,709.31 438,381.52 2,998,476.62 10,867,695.78 880,959.73 1,012,475.41 33,847.00 127,848.12 3,085,182.00 8,027,578.33 214,767.32
Total	289, 774, 866. 73	291,810,391.25

In the 19 States named above the customs and internal revenue collected is \$581,585,257.98. To this add the \$41,022,705,23 collected in the Southern States named and the total is \$622,-607,963.21. Deduct this amount from the total of all customs and revenues collected in the United States—that is, \$637,026,-301.03—and we have a balance of \$14,419,337.82, which is paid by the other 18 States. These 18 States, it will be seen, pay about one-third of the amount paid in by the 11 States of the late Confederacy. It will be observed that the overwhelming bulk of the revenue from these sources comes from the 19 States named, and in these States will be found the overwhelming majority of persons entitled to pensions under the law. this observation it seems that the States that furnished the Union soldiers are practically paying the pensions. It may be observed that the disparity in payment by States is very remarkable. The State of Alabama pays \$87,786.04-of customs, Mississippi pays \$15,450.33, a total of \$103,236.37. They pay in internal-revenue and corporation tax jointly \$316,231.50. Alabama payers in the payment of bama draws in pensions \$596,445.74 and Mississippi \$724,961.82. In river and harbor improvements they jointly draw about \$1,360,000, and their proportionate share of public buildings.

There is collected in the State of Tennessee in customs

\$150,887.80 and in internal-revenue and corporation tax \$2,433,-599.13, making in all \$2,584,487.90. There is paid back into Tennessee from the United States Treasury in pensions the sum of \$3,190,810.87 and river and other improvements from \$500,000

to \$1,000,000 or more annually.

There is collected from Tennessee in revenues of all kinds about six times as much as from Alabama and Mississippi jointly. Kentucky, an adjoining State to Tennessee, and about the same size, pays about twelve times as much as Tennessee, and New York pays more than seven times as much as Ken-

South Carolina pays a little less than \$230,000 in revenue of all kinds. She receives in pensions \$302,000 and in other appropriations something over \$200,000, and yet she pays more

than some of the Western States.

In view of these facts it may be regretted that so many Members from the Southern States felt it to be their duty to vote against an increase of pensions to soldiers for the most part residing in the territory that pays more than nine-tenths of all of the revenue of the United States, although the measure was introduced by a Democrat and reported by a Democratic committee and received the votes of a majority of the Democrats of the House, and is in line with the national platform of the

Democratic Party. There is much misconception on revenues.

The remarkable statement has been made in debate in the other House and here that every man, woman, and child in the United States pays \$1.73 each annually toward the payment of pensions. This statement is based on the population and on the fact that in 1910 there were 91,000,000 of people, in round numbers, in the United States, and division is made on this basis of the pension appropriation for that year, and then the \$1.73 is multiplied by the number of persons in each State to secure the alleged amount paid by that State. For instance, Alabama's population was 2,138,093. On the basis that each person paid \$1.73, her contribution to pensions would be \$3,698,900.89. She received back in pensions \$596,445.74, and paid in excess of receipts \$3,102,455.15. And so the calculation has been made as to each State. This would be a very reasonable and sensible statement of the situation if the facts justified it.

As a matter of fact, however, Alabama paid in customs duties \$87,786.04, and in internal revenue and corporation tax she paid \$316,231.50, and this included Mississippi's part of the internalrevenue tax, because Alabama and Mississippi are one internalrevenue district, making a total of \$404.017.54 for Alabama, including Mississippi's internal-revenue collections. This is all cluding Mississippi's internal-revenue collections. the money that was collected in Alabama from all sources and paid into the Federal Treasury, as shown by the report of the Secretary of the Treasury of the United States, from which alone we can judge. The Treasurer's report does not show any such figures as \$3,698,900.89 paid in pensions or from all sources in Alabama. This is a fallacious calculation outside of official record, and based on the idea that people pay a per capita tax, or an assumption that it would be that amount if they did pay a per capita tax. As a matter of fact, there is no per capita tax collected in the United States, nor any other direct tax paid to the Federal Government.

If we were to follow up the same idea that is suggested here and apportion the whole of the billion of dollars collected and expended by the United States among the 91,000,000 people, it would show that every man, woman, and child in the United States contributes annually about \$11 per head to the support of the Federal Government. Of course, everybody knows that

this is not true. The Federal Government does not collect any per capita tax or any direct tax from anyone. The tax it collects is customs duties, internal revenue, and corporation tax, and the figures are given by the Treasury reports and show that the late Confederate States pay in about \$41,000,000 all told, and this is not collected from the States, does not come out of the State treasury, but is absolutely paid by the consumers of whisky, wines, tobacco, cigars, and snuff, and those who use imported goods. To assume what a State would pay if legal conditions existed that required such payment, is the position of those who advance these fallacious theories. The collected revenue shows exactly what it does pay, and it is useless to base supposed payments on facts that do not exist. We had as well admit the truth of the situation. We can go to our Treasury reports and get the exact figures. They are shown here. The folly of assuming that the Government collects a per capita tax is apparent. It does nothing of the sort, and, of course, the calculation falls, in view of the fact that the predicate upon which it is based has no existence.

It is in the power of the people of each State to practically control the amount of revenue contributed by them to the United States. If they are contented to use home-made or American goods instead of imported or foreign goods they would pay no customs duties. If contented not to use tobacco, cigars, liquor, wines, and beer, they would pay no internal revenue except the corporation tax. The internal revenue collected in the States under prohibition laws is largely reduced, but the revenues of the other States not under prohibition is increased, because these States ship liquor, beer, and so on, under the in-terstate-commerce provision of the Constitution into the dry States for consumption. If all of the States prohibited the sale and manufacture of alcoholic liquors there would be no internal revenue except from tobacco and the corporation tax, and the loss in Federal revenue would have to be made up otherwise. The people do not complain of the amount of revenue raised, but of the injustice of the operation of the method of raising customs revenue-which is the tariff imposed on articles manufactured abroad and imported into the United States-the system by which they are made to contribute untold millions of dollars to the manufacturers. The theory of the Republican Party that tariff taxes should be so high as to restrict, and prohibit in many instances, importations, and thus protect the home manufacturer from foreign competition in trade, must of necessity result in a great reduction in customs revenues, to the disadvantage of our Treasury, and enabling those engaged in any particular line of industry to establish a monopoly in that line by fixing the price of the particular article on the market. Under combinations by domestic manufacturers to control prices, competition among them ends, and foreign competition having been destroyed by law the consumer is left to the mercy of the protected manufacturer, and must pay from 200 to 1,000 per cent more for articles manufactured in the United States than he should pay under a legal status that does not protect such monopolies and trust combinations. The consumers—the people—pay these prices made possible by the laws of their country enacted against their interests by their own representatives. They do not make the payment to the own representatives. They do not make the payment to the United States; it does not get the benefit of the conditions, but they do pay it indirectly in enlarged prices paid for manufactured goods used, and the money goes to the manufacturer and not into our Treasury. This method of using the taxing power of Congress to enrich the few at the expense of the people is the just cause of complaint against the Republican system of taxation. The theory must of necessity bring distress to the masses because of the inequality and injustice of its operation.

The Democracy maintains that Congress has no moral right to use the taxing power to protect and enrich a few people as the result of a system to the detriment of the many; that taxation should be only for the purpose of raising a sufficient amount of revenue to administer the Government economically, and that oppression begins where that line is passed; that in the adjustment of tariff duties the burdens of taxation—if exact equality can not be obtained—should fall on the luxuries of life used by the wealthy, who are able to pay for them and who receive proportionate to their wealth protection from the Government, to the end that the smallest possible tax may fall on the necessities of life which all the people must have. [Applause on the Democratic side.] This great party to-day, as in the past, stands guard over the constitutional rights and liberties of the people. It not only demands reform in the method of tariff taxation, but in expenditures. It insists on the utmost efficiency in all of the departments of the Government and just remuneration for all services rendered by its employees, and for retrenchment and reform and economy in public affairs in its true sense,

which ever involves the advancement and progress of a great people and not mere reduction in appropriations.

It has stood against the arbitrary exercise of power by the Speaker of the House, and while divided in the House as to the method of accomplishing the same in the Sixty-first Congress, it was united on this question in the Sixty-second Congress and on the policy advocated by a small minority of the party in the Sixty-first Congress, and the rules that the minority fought for then are the rules of the House to-day, and destroy the arbitrary power of the Speaker and vindicate the wisdom of that minority view.

In pursuance to the national platform and the pledges of its representatives it has passed, a majority of the party casting their votes for the bill-a bill for an increase of pensions to Civil and Mexican War soldiers. Casting aside sickening sentimentality on that question, it has met and dealt with the stern facts, as only patriots can. Understanding the obligations of the Republic to the soldiers who preserved it, it grants to them in their hour of necessity an increase in pensions in proportion to the increased cost of living and to the length of service rendered. In doing so it makes it possible in the interest of economy to dispense with the expenditure annually of millions of dollars paid for examiners on the road, medical boards, and the expenses of agencies and rents and large numbers of employees and the further increase of pensions by special acts of Congress-in most cases-which have reached the enormous number of 35,987. It prevents the use of this great department for political purposes in close and doubtful districts and States in While some of these considerations were persuathe North. sive, no secondary consideration determined the conduct of the Democratic House in passing this bill. It is due to the volunteer soldiers of the Union just as a similar bill is due to the surviving soldiers of the Confederacy by the people of the States they defended against the aggression of the Union Army. These burdens are the necessary incidents of the war between

Mr. TRIBBLE. Mr. Chairman, may I ask the gentleman a question?

Mr. MOON of Tennessee. Not now. I want to get through with what I have to say. I am not making any objection to the views of anybody else, but, Mr. Chairman, I have believed it to be my duty, standing here not merely as a Representative from the particular district and section from which I come, but as a Representative in common with all others of the people of the United States, to meet this great question in a just way.

I have said that in view of the sources of the revenue, and in view of the fact that not one dollar of Federal tax is paid out of the State treasury of any State in this matter to the support of the United States, and in view of the fact that there is not a single dollar of Federal tax levied on and collected directly from any individual of this Union, in view of the fact that the bulk of our revenue rises either from corporation tax, customs duties, or on imported goods, from the internal revenue assessed on the sale of whisky, beer, tobacco, and wines, and that the consumers of these articles pay it, and not the treasuries of the States, that therefore I have felt it was a little out of order for me to complain that the Federal soldier is getting more pension than some people think he ought to have, when I have insisted on every stump in the district that I represent that he ought to have the fullest measure of compensation that a great and beneficent Government can give him. [Applause.]

I have declared that no government was worthy of existence that did not maintain its soldiery that defended its honor and preserved its integrity in the hour of peril. [Applause.] I have said, too, that in that great contest between the States, the greatest of modern times, a contest when most of us were but small children or were not born, in which the Union armies sought to protect and maintain the perpetuity of the greatest Government that ever lived, while the Confederate Army stood against Union aggression for the protection of constitutional liberty and the rights of States [applause], that it is immaterial what you think about that contest, whether you think one side was right or wrong, we are here as representatives of the whole people of the United States, and we must consider the question as only just men can consider a great national question. should be no sectionalism on this question. While I would give the full measure of pensions to the Federal soldier, if it were in my power I would tax every State in the late Confederate States to give every old Confederate soldier who needed it a dollar a day, because under a faith that was as sacred as his religion he protected the Southern States against the invasion and aggressions of the Northern armies in the greatest contest for liberty that mankind ever saw. [Applause.]

I voted for increased pensions because in my heart I know it is right. [Applause.] Next, for political reasons, which are

only secondary, I gave that vote. The Democratic Party in its national platform declared for an increase or liberal pensions for the soldiers. The national Democracy knew what it was doing and meant what it said. A Democrat introduced that bill after a Democratic conference in this House. A Democratic committee reported it to this House, and a majority of the Democrats in this House voted for it; and so long as I have faith in the Democratic Party as affording the best principles and policies with which to maintain the honor and glory of my country I will, unless there be some just or moral reason to the contrary, stand by its organization on this floor. [Applause on the Democratic side.]

The Democracy has ever stood against the wicked policy of the Republican Party in attempting to subsidize railroads and ship companies. It gave to me—if I may be pardoned for mentioning it—the signal honor of leading the party in the House in the four great contests upon these questions, in which we were victorious notwithstanding the overwhelming Republican majorities in the House, perhaps the only instances in the last 14 years where the Republican Party was defeated on measures demanded and supported in the national platform. Treasury was saved \$40,000,000. The Democracy has opposed combinations and trusts and the exorbitant tariff bills known as the Dingley and Payne-Aldrich bills; government by commission and the multiplication of offices and officers to eat up the substances of the people; it opposed the Philippine policy of the Republican Party and useless extravagance in the establishment of colonies, in which policy enough money has been wasted to build all the locks and dams of the navigable rivers of the United States or to construct thousands of miles of highway across the continent; it has opposed giving away the people's money to expositions and foreign charities; it has opposed the increase in the salaries of high officials; it opposed the un-Democratic adjustment of Diplomatic and Consular Services by which chosen favorites serve the people in foreign lands; it opposed the encroachment and the arbitrary exercise of power by Federal courts.

It has maintained the freedom of the press and ever opposed the laws that would curtail its power; it has demanded an income-tax law, to the end that the wealth of the country may bear its proportionate part of the burdens of the Government that protects that wealth; it has supported pure-food laws, that the people of the States, under the interstate-commerce laws, may be protected against unwholesome food; it has favored amendments to the Constitution to elect Senators by direct vote of the people; it has favored railroad-regulation laws and enlargement of the powers of the Interstate Commerce Commission, that it might properly enforce its decrees in all cases of freight-rate discrimination; it has sought to protect the people against the greed of monopoly under any and every condition.

It favors appropriations for rivers and harbors, which can not, in my opinion, be made available to their full extent until the Government of the United States shall ultimately grant aid, in connection with States and counties, for the construction and building of great highways under the post-office and post-roads clause of the Constitution; it has favored the admission of the States of Okhahoma, Arizona, and New Mexico, now constituting a part of the Union; it favored a policy of conservation of Alaska; it has favored more stringent laws for the control of the trusts and corporations; it now, as ever, favors a tariff for revenue only; it favored the farmers' free list and reciprocity and the reduction of revenues on schedule K, and the reduction of all the tariff schedules to a revenue basis for the purpose of suppressing monopolies; it favors an efficient Navy and a small but efficient Army; it opposed the establishment of postal savings banks as unnecessary and as entailing untold cost on the people and as a forerunner of a great central national bank in the control of the money powers, spending our currency at will against the interest of the laboring man and the man of small property; it has favored a reasonable and just parcel-post law; it favors a law prohibiting gambling in farm products and to further restrict undesirable immigration; it has ever been the friend of labor; it opposed the repeal of the eight-hour law on the Isthmus of Panama; it opposed the antieight-hour law on the Isthmus of Franama; it opposed the anti-compulsory pilotage bill; it favored hours of service bill for railway employees; it opposed the ship-subsidy bill, including conscript provision of seamen; it favored the employers' lia-bility bill, affecting employees on railways engaged in interstate commmerce; it favored the child-labor bill for the District of Columbia; it opposed the repeal of the employers' liability bill enacted by the Legislature of New Mexico when a Territory; it opposed compulsory investigation of labor disputes; it has favored the payment of just war claims against the Government; it has ever favored the proper exercise by each of the coordinate branches of the Government of the functions that belong to finds for its habitat no particular section, but lives the world

them under the Constitution and has opposed the encroachment of the one upon the other. Her Representatives have held firmly to the doctrine that a Representative in Congress is not merely a Representative of the district he represents, but is a Representative of the whole people of the United States. That while it is their duty to look after their local interests, it is always their duty to see that a national interest is blended with their local interest for which they ask an appropriation, and that in dealing with great public questions and in the distribution of public revenue no sectional lines should control. It is immaterial from whence the revenue is collected; it must be used in the promotion of the public interest for the Republic as a unit.

Believing in the preservation of the rights of the States under the Constitution, Democracy also believes in the preservation and the exercise of the rights of the Federal Government guaranteed by the Constitution, to the end that both Federal and State Governments may move in their respective orbits and accomplish the purposes in the interest of the people for which these governments were inaugurated.

The Democratic Party has stood against the doctrine of imperialism in this country, a question that is scarcely an issue now, but which is ever a blot upon the fair name of the Republic; the colonization of alien people and the maintenance of power and authority over people who are unwilling to yield to that power. We may forgive the sins of imperial power, but as long as we shall live it will glitter in our eyes to remind us of our treason to our Constitution and to our Republic. [Applause on the Democratic side.]

Mr. GARRETT. Mr. Chairman, will the gentleman permit me? The CHAIRMAN. Does the gentleman from Tennessee yield to his colleague?

Mr. MOON of Tennessee. I will yield to the gentleman from Tennessee

Mr. GARRETT. There has been reported from the Committee on Insular Affairs a bill providing for Philippine independence, which we expect to take up and pass at this session.

Mr. MOON of Tennessee. I was not aware of it, but I thank my friend and colleague for the suggestion. I had hoped that when the Democratic Party came into power in this House it would offer some measure that still would tell of its love of freedom, of its hope of liberty at last for all mankind.

The strength of a republican form of government is in the proper diffusion of its powers and the separation and independence of its coordinate branches, yet making each in a measure a check on the power of the other under a constitution ordained by the people. The stability of a republic depends on the liberal participation in its affairs by the people. The stability of a monarchy depends upon the centralization of its powers and the absence of popular control. Despotism is the child of monarchy, liberty the offspring of the republic. Monarchy survives by force; the republic by the patriotism and the enlightenment of its people. The United States is only a semirepublic. It elects but one class of all of its officers—the Representatives in Congress-by the direct ballot of the people. Wisdom would dictate closer relations of the people with our Central Government. The trial of our institutions demonstrates the capacity of the people for complete government, and we have lived long enough half monarchy and half republic. Let the people choose the President, the Senators, the district marshals, collectors of revenue, district attorneys, and postmasters by direct vote at the ballot box as State officials are chosen. We need more the ballot box as State officials are chosen. We need more democracy infused into the Federal Constitution and the liberalization of its provisions in behalf of the people. The nations of the earth are progressing; they are breaking the chains that bind them to thrones and asserting the right of man to determine his own destiny. Despotic Turkey and Russia have yielded to a constitution and the Celestial Kingdom is giving death to the Imperial Dragon that for centuries has poisoned the liberties of her people. Mankind is demanding the assertion of the rights of man everywhere.

Mr. Chairman, while I am ever a partisan, while I do believe profoundly in the principles and policies of the Democratic Party generally, there have been, and I suppose there always will be, times when my judgment, whether sound or not, will not be in exact accord with that of many of my party associates. I would feel that I was a slave to party and not a free man if I could not think in the interest of my country before I thought in the interest of my party. [Applause.] Let us rejoice to see the principles of Democracy spreading over the earth; I do not mean a partisan Democracy, but that great democratic thought that makes the world restless to-day; that great innate force for good that has actuated men in all the ages—the love of freedom, the love of justice; that love that

over; that great spirit of democracy that whispered words of hope into the ears of men before Aaron was a priest, Moses a prophet, or David a king-ever seeking justice, ever standing for the right-that spirit that survived the chariot wheels of the pagan warrior, the battle-ax of the Romans, the inquisition of the Spaniards, and the cannons of Great Britain; that spirit that has lived to kindle the fires on every altar erected to human liberty, that has opened the doors of every temple, where men worship their Creator in obedience to their own consciences; that has loosened the shackles of slaves and placed the crown on the brows of the martyrs to truth; that catches the humble boy by the hand and leads him into the path of rectitude and bids him follow it as the only open way to the pinnacles of immortal fame.

That spirit, standing under the shadow of the cross, that has echoed the divine proclamation for 2,000 years of "Peace on earth and good will to men"; that directed the hand that wrote the Declaration of Independence and hovered over the cradle of the Republic, may it live until every kingdom shall fall and every empire shall be dissolved, that government in obedience to the will of the governed may arise upon their ruins. Then the nations shall know that it was not the hand of man, but the fingers of God that fixed the stars on the flag of the Republic to light the path of liberty through all the ages to come. [Prolonged applause.]

Mr. WEEKS. It is not my purpose, Mr. Chairman, at this time to engage in a discussion of the details of this bill, or even to refer to the political differences which the chairman of the committee has suggested in the admirable speech which

The fact that he has suggested political differences might lead members of this Committee of the Whole to conclude that there are political differences in the making up of a post-office appropriation bill. Such is not the case. Since I have been connected with the Post Office Committee there has been no politics in the manner of making up the appropriation bills providing for this great service.

And it is well for the members of the Committee of the Whole to be reminded that the volume of business conducted by the Post Office Department is probably the largest business conducted by any organization in the world. Certainly it is larger than that conducted by any corporation in the United States. And this bill which the House now has under consideration is the largest appropriation bill that has even been passed by the American Congress.

It has been a pleasure to me, as a member of the committee, to feel that in making up this bill there have been no political differences; and as a minority member, having unqualified confidence in the patriotism, the mental integrity, and great knowledge of the details of this service which the chairman has, it has been a great pleasure to me to work with him in making up the most economical bill possible.

.Later on I may make some comments about the details of the bill, but now I yield one hour to the gentleman from Wyoming [Mr. MONDELL].

The CHAIRMAN. The gentleman from Wyoming [Mr. Mon-DELL] is recognized for one hour.

Mr. MONDELL. Mr. Chairman, it is somewhat embarrassing to follow the exceedingly beautiful tribute to the principles of nonpartisan Democracy and the eloquent and patriotic perora-tion of the gentleman from Tennessee [Mr. Moon] with the discussion of a prosaic subject. And yet the subject I propose to discuss has to do with the great principles of democracy. Those principles are founded on the recognition of the fundamental rights of men.

Starting with the proposition that all men are created free and equal and endowed by their Creator with certain inalienable rights, we proceed to lay down rules to govern the conduct of men, to the end that they may be secure in the enjoyment of equality and right. These rules have to do, among other things, with the use and enjoyment of property.

One of the rules laid down in this country at the beginning was that men should acquire property rights in real estate in fee simple, that it should begin at the stars and end in the center of the earth, and that when a man had acquired the right to landed property that right should be secure in all respects, not to be affected in any way in value except by due process of law.

In recent years there has been much agitation for a departure from our past public-land policy with regard to titles in real estate, and some people have assumed that this was a relatively unimportant and simple matter to be settled by a line or two of law here or there, and while from their standpoint its effect would be beneficial, they seem never to have realized the effect would be very far-reaching. Any such view or opinion must

necessarily arise from a lack of investigation or consideration of the problems involved.

I do not want to suggest here that we of the West are disturbed to an unwarranted degree touching our position as citizens of the Union. And yet, whether an American citizen lives in New York or Wyoming, in Colorado or Massachusetts, in Arkansas or Virginia, he has the right under the Constitution to occupy the same position in relation to the Federal Government as the citizen of any other State. He has the right to demand that whatever may be the laws that affect the citizen in his relations with his Government shall apply alike to all.

Furthermore, the newer States having come into the Union on an equality with their sister States, have the right to demand that their permanent relations with the Federal Government

shall be in all respects the same as that of the older States.

The Supreme Court held in 1845, in the case of Pollard's Lesse v. Hagon, that the United States had no municipal sovereignty, jurisdiction, or right of soil except for temporary purposes and to execute the trust which it held for the States and for their people.

The permanent reservation by the Federal Government of a portion of the fee or title to lands it disposes of, creates a condition affecting both the citizen of the State and the State itself not consistent with the trust by which the Government holds public lands and tending to profoundly affect both the individual citizen and the State in their relations with the Federal Government and in a manner which deprives them of that equality to which the State and the individual is entitled under the Constitution.

The Federal Government and the States have passed title to the lands belonging to them east of the Mississippi River and to a very considerable portion of the lands lying west. These lands have all passed by titles in fee simple, conveying all that there was in the land of whatever kind or character. Without regard to the character of the law under which title has passed, when it has passed it has become a title in fee. Lands acquired under agricultural laws are not, of course, supposed to contain mineral, but if later found to contain mineral then it belongs to the owner of the land. Lands acquired under mineral laws have not generally been valuable for agricultural purposes, and yet if they are so valuable they can be used for agricultural purposes. Since the enactment of our mineral laws our rule has been one of separation of mineral from agricultural lands in the disposition of the lands.

OUR LAND POLICY.

At the beginning coal was not considered a mineral in the sense that took it out of the agricultural category, and so the coal lands east of the Mississippi River and some of those of the country west passed into private hands under agricul-tural title. But with the enactment of the coal law in the seventies coal lands came to be recognized as nonagricultural, and not enterable under the agricultural land laws. With the passage of the mineral statutes in the sixties we first clearly distinguished between metalliferous mineral lands and agricultural lands. At the beginning of this separation of lands into classes we were not over careful in examining lands before title passed, and it is true that some mineral land, or lands containing some mineral, passed into private ownership under agricultural title; but that has certainly not been the case in the last 10 or 20 years. The general character of the public domain as to mineral and nonmineral is now well known by our people and the officials of the Government are well informed as to the character-mineral or nonmineral-of most of our public lands, so that it is the rare exception for an entryman to initiate an agricultural title to land valuable for minerals.

All public coal lands have been so designated, and in order to be on the safe side very large areas of land containing coal of a character now valueless, or at such a depth that it can not now be worked, or in veins so thin as not to be workable, and other lands where only geological surmise suggests the presence of coal are all included in coal withdrawals. So that it is impossible at this time to acquire coal lands under an agricultural title unless they be acquired under the law which authorizes the taking of such lands, reserving the coal to the Government. So it is with the oil lands, with the phosphate lands, and so forth.

The gold and silver and metalliferous bearing lands are located in the mountains and hilly regions of the country; their location is fairly well understood, and no one undertakes to make an agricultural entry of them. And so we have been going on for many years. This rule of separating lands into classes provides for the entry of nonmineral lands under various laws, homestead entries, desert entries, timber and stone entries, isolated-tract entries, and so forth; the entries of the metalliferous minerals under the placer and lode acts, the coal under

the coal law, and so forth; but when the title has once passed the owner becomes the proprietor of all that the land may con-The homesteader is first subject to the general supervision of the Land Office and subject to private contest during the period which he lives on the land before he can make proof. Thereafter, for six years, the Government may contest his title if in the opinion of anyone he has knowingly attempted to acquire mineral land under an agricultural title. All this thoroughly protects our mineral lands against agricultural

It can be said without fear of successful contradiction that under this system the per cent of our lands which pass to patent under agricultural laws, which subsequently are found to contain mineral, is very small. On the other hand, the entryman acquiring land under mineral laws acquires all there is in the land. He may acquire lands under the coal-land law and subsequently the lands may be found to contain oil or gas. A man may acquire, as they did in the early days, in Leadville, lands that were valuable for silver, and later dig from those lands vast wealth successively in gold and in lead and in zinc. Whatever the land contains, once the title passes to him, is his.

Now, it is proposed to modify this rule. Of course those who propose the modification do not understand how profound a change in our system this involves. Never having considered the matter carefully and thoroughly and fundamentally, it all seems very simple to them and as something that ought to be

They say:

Why, the farmer seeks land of the Government for a farm. He swears that it contains no mineral and he seeks no mineral. Why should he have any? Why not simply say that if at any time in the future mineral should be found it shall belong not to him but to some one to whom the Government may give the right to prospect for, mine, and extract it?

NOT SO SIMPLE AS IT SEEMS.

It seems very simple to these gentlemen. Let us see what the proposition is. We had before us the other day a bill reducing the homestead period from five to three years-that is, the homesteader to-day on the public domain may make proof and secure title at the end of five years; he must within seven years. The new law provides that he may prove up at the end of three years; he must within five. So the period is reduced two years, and certain gentlemen imagine that this is so great a boon granted or to be granted to the homesteaders of the West that those who are interested in those homesteaders and anxious to help them and to see the country developed would be willing to accept any sort of limitations placed upon the title which might thus pass. As one of those profoundly interested in seeing that western country developed and anxious to further assist in that development, I am constrained to say that I consider it more important that when the western homesteader shall receive his title he shall receive a title that is of real value than that he shall receive it a trifle sooner than now. It is more important to him that when he acquires his little home he shall be the monarch of it, shall have control of it, shall own it, than that he shall have it handed to him as an empty husk of but little value a year or so sooner than he would under the present law. When the three-year homestead bill was before the House the other day, the gentleman from Nebraska [Mr. Norris] proposed to recommit with an amendment, as

I move to recommit the bill to the Committee on the Public Lands, with instructions to said committee to forthwith report the same back to the House amended as follows: Insert, after line 2, page 3, the following: "No entry for a homestead or a patent, issued on the same, shall convey any right to sait, potash, coal, petroleum, natural gas, gold, silver, copper, iron, or other mineral within or under the land conveyed by the patent, or any exclusive or other property or interest in, or any exclusive right or privilege with respect to any lake, river, spring, stream, or other body of water within or bordering on or passing through the land covered by the entry."

As the geutleman from Alaska [Mr. Wickersham] has just suggested, the homesteader would not have much left if such an amendment were agreed to. I said to a gentleman who favored this amendment, "What is it you propose? Do you propose to wipe out the distinction between mineral and nonmineral lands? Do you intend by this amendment to say to all homesteaders that there is no longer a distinction between mineral and nonmineral lands, and that you may now go on any lands, no matter how valuable they may be for mineral, and plant yourself there as a homesteader?" He said, "Certainly not." I said, "What is it you propose to gain?" "Oh," he said, "you folks out there have been criticizing the Interior Department for years because they have been delaying the issuance of patents. I am told they have been delaying the issuance of patents partly because of the examinations conceived to be necessary in order to make sure that the land covered by an entry is nonmineral—contains no mineral." Of course that is a mistaken idea in the main. Few of the delays in the issuance of public-land patents have been based on

any necessary inquiry or investigation touching the question of minerals, but most of them have had to do with a variety of other matters, and unless we wipe out the distinction between mineral and nonmineral lands and invite the homestead settler and the desert entrymen and the timber and stone entrymen and the purchaser under isolated tract laws onto all lands, mineral and nonmineral alike, we shall not by any such amendment dispense with the service of a single, solitary Federal

So long as we maintain the distinction between those two classes of lands there must of necessity be reasonable scrutiny and investigation to make quite certain that the agricultural entryman is neither intentionally nor unintentionally acquiring under his agricultural patent lands known to be valuable for minerals. Those who have approved the amendment to which I have called attention, whom I have asked if they proposed to wipe out the distinction between mineral and nonmineral lands, have said that would not do. Those who are informed on the subject have suggested that to do that would invite all sorts of fraud, would subject the homesteader to the temptation of attempting to secure a partial estate in certain classes of mineral lands in the hope that the title thus acquired would be valuable in other ways than as a home and a farm. So it is not proposed to wipe out the distinction, and therefore all of the arguments that will be sent broadcast over the western country to persuade people to favor these limited patents, all the statements which will be made to our people in order to get them to favor the acceptance by their Representatives of limited patents on the theory that there will be no more harassing delays, have no foundation in fact.

There never has been any necessity for many of the harassing delays from which our land entrymen have suffered, there would be no less excuse for them after the mineral was reserved than now. Assuming that it were wise to write into the land laws this nonmineral provision, why write it into a homestead law? Have we reached a point where we want to deny the homesteader, the farmer, the title we grant to the entryman under the desert-land law, under the Carey Act, which is granted to him who buys his land at public auction, who acquires his land from Indians, who secures his land in the numerous methods other than homesteading under which nonmineral lands are acquired? Has it come to this that we are so fearful that the farmer, the homesteader, shall acquire something not visible on the surface that we must withhold from him the possibility of a complete title which we grant to others? Assuming that it were wise to do it, what I have said simply emphasizes the fact that a homestead law is not the place to write the monarchial theory that the mineral belongs to the Crown.

Mr. LAFFERTY. Will the gentleman yield?
Mr. MONDELL. I do.
Mr. LAFFERTY. I would like to have the gentleman explain, if he will, what effect these reservations would have upon the owner of the land so far as it would work out in a practical

way?

Mr. MONDELL. That is just what I was coming to. Of course, the gentlemen who are so free in offering these reservations have not studied the matter sufficiently to realize that they could not be placed upon the statute books without an elaborate and carefully digested set of provisions with respect to the right retained by the Government. That, in the first place, as a legal proposition you must retain the right to re-enter and that under that right retained you must work out a system under which the Government or its agents or its lessees may go upon those lands, what their rights would be, the conditions under which they may go upon them, and what shall be their rights when they do go upon them. Let us assume that this amendment becomes the law, just as it was proposed the other day, and a tract of 160 acres of land containing no sort or mineral, so far as anybody knows or is able to guess, should pass into the hands of a homesteader, and then in the course of years into the hands of his children and his children's children, and 10 or 20 or 50 or 100 years from now some one should want to dig or to drill upon this land in the hope of finding oil, gas, salt, hot water, limestone, fuller's earth, or clay. What would happen? Let us say that the first man who came along concluded that he would like to drill for oil. Suppose we should have a law—of course not under this amendment, because the of mineral, so far as anybody knows or is able to guess, should have a law-of course not under this amendment, because they have not even reserved the right of reentry, and the amendment proposed would therefore be practically ineffectual—but assum-ing that it was written so that it meant something, that it asserted the right of reentry and provided that a bond should be furnished by the lessee or prospector and he secured the right to prospect for oil—
Mr. LAFFERTY. Will the gentleman yield right there?
Mr. MONDELL. Yes.

Mr. LAFFERTY. Would not this prospector, even 50 years after a patent was granted and an orchard was growing over the entire homestead, claim the right to an easement to go into that orchard and dig for oil, dig for coal, and any other form of minerals that he might claim was underneath the surface,

and barass the owner in that way?

Mr. MONDELL. That would altogether depend upon what you write into your statute. If you did not write anything into the statute more than proposed by this amendment, the Lord only knows what he would claim and the Lord alone could tell what would occur; but if we did write into the statuteif we are going to do this thing, we ought to do it in a way to make it effective, in a way so it is understandable; if we did do it, and the party was to secure the right, whatever that right was, to bore for oil, and did bore for oil, what would his right be in the estate? Would he then claim to be the owner of the residue of the estate which the Government withheld? If not, and another party proposed to bore for gas, what would his rights be as compared with the man who bores for oil or the original claimant under this proposed squatter title?

Mr. SLOAN. Will the gentleman yield?

Mr. MONDELL. I will be glad to do so. Mr. SLOAN. Could not you trust the Government, with its right of eminent domain and condemnation and entryway, in that case to do justice to the owner of that land where the minerals had been reserved?

Mr. MONDELL. You could not trust anyone to do justice where you had provided a condition under which justice was impossible. If the gentleman will listen to me for a moment, I

think I can convince him it will be impossible.

Mr. SLOAN. It will be a pleasure for fifteen minutes on that

proposition.

Mr. MONDELL. If the second claimant desired to bore for gas, what would his rights be as against the owner of the husk of the estate, as against the owner of the right to bore for oil? And if in the drilling operations neither should find oil or gas but should strike salt, then what would be their rights in the premises as compared with that of the squatter owner? What would the man who received the patent have? What would he own? Could he dig a well? And if so, could he take clay from the bottom of it with which to chink his barn, without by so doing being amenable to the law for having used a mineral upon his land? Could he sink an artesian well? And if so, how deep? And, as water is a mineral, what would be his right to the mineral after he found it? And if it were hot and mineralized, then who would own it, the Government or the man who owned the surface? And if he struck a cavern, with some few stalagmites and stalactites, whom would they belong to and who would own the hole in the ground in which they were found? How many coston is the product of the product of the stalagmine of the found? How many estates is it proposed to have and create on one small piece of ground?

How many different conflicting estates is it proposed to establish upon the farm of the homesteader, and would the time ever come that anybody would ever have a title to any part of that estate of which they would be confident and in which they could

be secure?

Mr. LAFFERTY. Will the gentleman yield for one more question?

Mr. MONDELL. I will be glad to do so. Mr. LAFFERTY. Is it not true that under this provision that after the owner of the homestead has built a house, say, worth \$40,000, the mineral that might be under the house having been reserved, that the Government, or those who claimed under the Government, might seek to mine it, and could compel him to move his house in order that they might seek or remove that mineral?

Mr. MONDELL. If the amendment means anything at all, of course it means that.

Mr. LAFFERTY. Is not that a certain implication?
Mr. MONDELL. I think so. Otherwise the courts would say that Congress did a senseless and a useless thing. If we are going to do this thing, we would have to have legislation in detail as to all these questions.

Mr. TAYLOR of Colorado. Will the gentleman yield?

Mr. MONDELL. I will be glad to do so.

Mr. TAYLOR of Colorado. I want to ask if it is not true

that the proposed limitation on the titles of public lands, which are now sought to be placed in these bills by the Department of the Interior, would be a constant cloud on the title and a menace and a nuisance in conveyance, and be liable to create a multiplicity of suits for years to come between the owners and the occupiers or transferees of the property?

Mr. MONDELL. They not only would be liable to, but they would be absolutely certain to. It would be impossible to avoid it. It was suggested the other day that while we should not wipe out the distinction between mineral and nonmineral

land, it would not be as necessary as it is now to be absolutely certain that land passing under nonmineral title is free from mineral or minerals of value. If we should have that sort of a policy, then the sort of thing that the gentleman from Colorado [Mr. TAYLOR] has suggested would multiply infinitely. But they say, "You gentlemen have already done this very thing. Why do you protest against something which you have yourselves proposed and brought about?" Of course, a man who propounds that sort of a question simply exposes his ignorance of the whole subject.

Mr. BURKE of South Dakota. Can the gentleman give us any information as to what, if any, extent valuable mineral has been discovered on land to which the title has been acquired under the homestead laws during all the time that the home-

stead laws have been in force?

Mr. MONDELL. Practically none in recent years; and if I do not touch on that later I hope the gentleman will call my attention to it, for I want to refer to it. Our conservation friends say to us, You have done what we now propose, in the case of coal lands. Let us analyze for a moment what we have done as to coal lands, lands known or believed to contain coal. Coal of one sort or another is found over vast areas of the public domain. We have probably some 30,000,000 or 40,000,000 acres in the public domain of the United States that contain coal of some kind, a large portion of it of no present value, a considerable portion of which may never be workable.

But still it is coal land, its general location is known, and all has been withdrawn; a large amount classified. tinction being maintained between coal or mineral lands and agricultural lands, it was impossible to use the lands which are of value for agricultural purposes and of no present value

for coal.

What did we do in those cases? Still maintaining the distinction between the two classes of land, we provided that if a man desired, with full knowledge of the situation, to go upon such lands and secure such title as was provided, he could do He goes upon the lands knowing them to be coal lands, and he files upon them under the nonmineral-land laws, waiving the right to what? To the body of the coal, to nothing below it, and to nothing above it, neither to the sandstone roof nor the clay floor; the Government retains title to nothing in the way of mineral except the coal deposit; the owner of the patent has an absolute fee to everything in that land saving alone the body of that one mineral.

There is no conflict there. Each man's right is as clear and well defined as it is possible to make a right in property. There is, in fact, no division of the estate, rather the reservation of the body of a deposit of known character and generally of known location. In such a case there is no difficulty in providing the terms and conditions under which the known reserved mineral may be taken. Such legislation has no relationship whatever to the blanket reservation of all minerals,
Mr. TAYLOR of Colorado. Mr. Chairman, I hope the gen-

tleman will refer to the water reservation before he gets

through.

Mr. MONDELL. Yes; I will in one moment.

Now, as to the suggestion of the gentleman from South Dakota [Mr. Burke] as to what extent mineral lands have passed under agricultural titles, there was a time when we paid no attention to coal lands, and all of the coal of the Virginias and Tennessee and of Illinois and Indiana and eastern Kansas passed under agricultural titles. I have never been able to find

out who suffered thereby.

To me it is not a thing to be greatly regretted that an Illinois farmer owns some coal, I do not understand how anybody is injured by reason of that fact. But we departed from that policy long ago, and for years no man has been able to acquire land that has any coal on it under the agricultural-land laws. The Secretary of the Interior will assure you of that, and all the people in his office will assure you of it; and not only that, but they have kept on the safe side, and have called coal land much land which will never be worked for coal.

There was a time when iron was not considered of especial value and when some lands known to contain iron, in Minnesota and Wisconsin and Michigan, passed under agricultural titles. But no man secures any title to iron lands in these days unless he complies with all the provisions of the placer act. I give it as my belief that in the past 15 years there has not passed into private ownership under the agricultural-land laws an amount of lands containing mineral of any value that need worry anyone. Admit, for the sake of argument, that it should occur that here and there lands should pass into the hands of the homesteader on which in after years deep drilling should discover oil or gas or salt, deep shafting should flud valuable clays or fuller's earth, or in still rarer cases in our mountains deep mining might develop the metalliferous minerals. Who under heaven is going to be harmed, and who under the flag is going to be benefited, if in that event some Federal agent must be called in and some one must put up a bond and the owner of the surface must be injured in his property to the end that the Government may receive a miserable pittance in the form of a lease? In the very nature of things the cost of such administration would be five, ten, a hundred times more than all of its returns.

It has been suggested that as but few tracts patented under the homestead law are likely to be found, at any time in the future, to contain mineral, the majority of entrymen will not be affected one way or another, by a reservation of the mineral, and therefore should not object to such reservation.

This strikes me as being very curious reasoning. the titles of tens and hundreds of thousands of homesteaders be limited and abridged to their certain disadvantage and possible considerable loss in order that the National Government, like a miserly and avaricious landlord, may retain control over a dab of mineral that may be found on one tract out of a thousand years or centuries after the title has passed?

It is the part of wisdom for us to adhere to our time-honored system. They say that Canada has adopted a new system. I do not pretend to know why or when or how, but I do know that if it is what is proposed in this amendment it will not work in Canada any more than it would work with us. certainly is no reason on earth why such a system should be adopted here. It will be beneficial to no man unless to some Government lease agent. It will work hardship on the man who owns the land, and in the long run be beneficial to nobody.

We should maintain the distinction we have always maintained between mineral and agricultural lands; but when title passes, whoever secures the title should own what is contained in the land. There would be just as much sense in saying that a man who secures the title to 160 acres of land under the placer acts, because the land is valuable for gypsum or limestone, should not have the right to plow and raise wheat upon it if there be any part of it that is of a character permitting

that to be done.

Should we withhold from a man who secures under the mineral-lode law land valuable for silver, the copper or the gold that might be found on his claims? And would you say that the man who, under the lode law, secures title to a mineral lode should not have the right, he or his successors a hundred years afterwards, to drill on the land and have the benefit of whatever he might find? It seems to me that this talk of the separation of our lands into numerous estates is based upon a misconception of what it would lead to or a misunderstanding of what is proposed, and certainly a failure to realize the endless confusions which would result.

RESERVING RIGHTS IN WATER.

Another provision of this amendment relates to water. It

Or any exclusive or other property or interest in, or any exclusive right or privilege with respect to any lake, river, spring, stream, or other body of water within or bordering on or passing through the land covered by the entry.

The Federal Government is a landed proprietor, holding the public lands in trust for their disposition. With regard to its lands it has the same rights in water that any other proprietor has. In the States where the common-law doctrine of riparian rights applies the Federal Government, as a landowner, owns the springs upon its lands and the right to have the waters of the streams that flow through its lands flow undiminished in volume and unaffected in quality. This is not a right arising out of national sovereignty, but appertaining as a landowner. In those States beyond the Mississippi, where the State has exercised its unquestioned right to modify or abrogate the rule of riparian rights in the waters of nonnavigable streams, the States have asserted or adopted the law of appropriation. The constitution of the State which I have the honor to represent provides that the waters of the State belong to the people of the State, and no one can acquire any right to the use of water except through an orderly procedure and process of ac-

Mr. SLOAN. If your State reserves the water rights, why should not our Government, with equal right and propriety,

reserve its mineral rights?

Mr. MONDELL. The question the gentleman asks is so broad, and the two things are so utterly dissimilar—
Mr. SLOAN. You are discussing them both.
Mr. MONDELL. I am discussing them both, but the gentleman says if my State reserves the water, why should not the Federal Government reserve the mineral. The gentleman from Nebraska is a good lawyer. He knows how wide is the difference between the character of the sovereignty of the Federal

Government and the sovereignty of the people within the States. The gentleman knows that this is a National Government of limited granted powers, and that the residue of the sovereignty of the American people abides in them and in their Commonwealths.

The gentlemen will realize that there is no analogy whatever between the proposition which contemplates the withholding by a proprietor in passing title of an interest in the estate, and the retention by the sovereign people of control over the use of an essential appurtenance to the estate. In the one case an attempt is made to perpetuate a permanent landlordism by a proprietor, which, though sovereign in certain respects, has no police powers, for the purpose of ultimately securing valuable returns for the thing retained. In the other case the State representing the complete police power and sovereignty of the people, maintains control over a valuable adjunct or appurtenance, not with a view of securing returns, but for the purpose of defending the citizen in the right of user he acquires. do not understand how the gentleman can recognize any similarity or relation between the two propositions.

Mr. TAYLOR of Colorado. Will the gentleman permit a sug-

gestion in answer to the question of the gentleman from

Nebraska?

Mr. MONDELL. Certainly. Mr. TAYLOR of Colorado. The water was reserved to the arid States because it was absolutely necessary to make their land worth anything and for the purpose of building up that western country. If we had not had the water controlled for use, all of the lands would have been worthless, and our States

never would have been what they are to-day.

Mr. MONDELL. Of course, as the gentleman from Colorado knows, the Western States had the right to apply the law of riparian ownership or the law of appropriation. Under their condition the rule of public control and private appropriation was necessary. By reason of the necessities of aridity we apply the world-wide law of appropriation, the law which prevails nearly all over the earth, except in the British Isles and in portions of the eastern half of the United States—the old Roman law, the law on which ancient civilization was built, and the only law under which invitation goals are appropriation. and the only law under which irrigation systems can flourish.

The Congress of the United States has no more right to say

that that water shall be given or withheld than it has power to determine that the bow of promise shall or shall not span

the heavens after the rain.

What authority has the United States Government, in parting with the title to its lands, to reserve riparian rights in water? Who ever heard anywhere-and I propound this as a layman to you lawyers—that a riparian owner could part with the title to his land and retain his riparian rights? If any such doctrine was ever proposed outside of a madhouse, until this amendment, I never heard of it. What is a riparian right? It is a right appurtenant to the land. Whence comes it? It comes from ownership of the land. Whose is it? It is the property of the man that owns the land, as a right inseparable from the land. It is appurtenant to and a part of the real estate. The Federal Government is preceding to page a law under which it. Federal Government is proposing to pass a law under which it shall say to the States, "I will part with the title to my land as owner, but I will reserve whatever riparian rights are appurtenant thereto." It is absurd and ridiculous beyond words.

The Federal Government owns no water anywhere. It controls navigable streams—nothing more. So far as actually reserving any water, the amendment would not be effective. It would not cut any figure. The Federal Government has nothing to reserve, The people have reserved the control of water; it belongs to them, and no man acquires a property right in it and no right

to it, except the right of use.

Let us analyze the water amendment and see what is actually proposed and what its effect would be. It provides:

No entry for a homestead or a patent issued on the same shall convey any right * * * or any exclusive or other property or interest in or any exclusive right or privilege with respect to any lake, river, spring, stream, or other body of water within or bordering on or passing through the land covered by the entry.

I think I have made it clear, if it was not already clear, in the minds of those having knowledge of the subject, that the National Government in parting with title to land can not retain any riparian rights. Whoever owns land has whatever rights such riparian ownership carries under the State laws or under the common law. In the arid States no riparian rights attach to land, therefore the Federal Government has no rights in nonnavigable waters in those States, riparian or otherwise. It might be urged, therefore, that so far as the arid States are concerned the statute would be ineffective and harmless. So far as reserving something the Government does not own, it would be ineffective, but infinitely harmful, nevertheless, as I shall attempt to show a little later.

HOW IT WOULD AFFECT THE HOMESTEADER.

Some people whose imaginations have been stirred over alleged dangers of water-power monopoly have no doubt imagined that this reservation was intended to, or would, ward off such dangers; such may have been the purpose; such would not be the effect, as no Federal legislation could prevent the owner of land acquired under a homestead from acquiring a water right from the State for any lawful purpose, including the generation of power. It does have, however, a concealed and sinister purpose, and its effect would be to at least give color to the assertion of the right of the Federal Government to prevent a home-steader from fencing his land if it had upon it a spring, a water hole, a stream, or a dry run occasionally carrying water; and this would seem to be its real purpose and intent.

There is at this time, as there has been for years, a considerable sentiment in certain quarters for the leasing of public lands for grazing purposes. Leaving out of consideration the question as to the wisdom or propriety of so doing, I trust there is no one who desires, in the furtherance of such a plan,

to prevent bona fide homestead entry.

We are informed, however, that the Interior Department is at this time sending its agents abroad over the public-land States to spy out the location of public land containing springs, water holes, or streams, with a view of reserving the same from settlement, and that such reservations are being rapidly made under claim of authority and presumedly in the interest of a proposed leasing policy.

I can not believe such a policy of withdrawing lands that may have water upon them can or will be continued; if it should, a homesteader could acquire no such lands; but if peradventure he should, the water reservation proposed, if it had any effect at all, would certainly prevent the homestead settler from securing any exclusive right to such water, and to make that prohibition effective the homesteader and his grantees for all time would necessarily be prevented from building any fences which would prevent free access by all the world to such water; and if this provision should be written into this homestead bill it would apply to all unperfected home-steads as well as to all homesteads hereafter taken. As a matter of fact, the claim might be asserted under the proposed amendment that the homestead settler could not acquire the exclusive right to use water for irrigation or other purposes upon his land under State law. Does the condition thus created appeal to the present or intending homestead settler of the country or to anyone who does not desire to have the remaining public lands, without regard to their character, remain for all time to come an open grazing common, to be leased or otherwise controlled by the National Government?

POWER SITES.

But the latest and most unique proposition is not contained in this lovely amendment. The latest proposition suggested as a limitation on the homesteader's title is that there shall be reserved from all the lands which a homesteader may acquire the gentlemen are much disturbed lest the homesteader shall get something of value—they say nothing about the desert entry-man, about the timber-and-stone claimant, about the isolatedtract purchaser, about the Carey Act entryman-they put everything on the homesteader; he is the fellow from whom we must reserve everything but the empty husk of a title. [Applaus The CHAIRMAN. The time of the gentleman has expired.

Mr. WEEKS. Mr. Chairman, I yield the gentleman 15 min-

Mr. MONDELL. Mr. Chairman, I may not use all that time, but I want to go a little further into this power-site proposition. The proposition is now, as suggested to the conferees, that the title granted to the homestead settler shall, by some provision of legislation, the character of which I can not clearly contemplate, withhold from him the fee to such an extent that if his land should ever be needed for water-power purposes, for the development of power from water, for the transmission of power, he shall surrender his title, without payment, to such portion of his land as may be needed for such purposes.

I have asked why this was proposed, and all I can get is a hazy suggestion that somebody, somewhere, is threatening to monopolize the water power of the country. Inasmuch as it is claimed that somebody is attempting to monopolize the water power of the country, it is now proposed to hold up the homesteader and make him give up his land when the water mo-That is what it means if it means anything at all; and instead of striking at monopoly, it gives the monopolies an opportunity to secure without money and without price the property of the homesteader. Does anyone imagine that a homesteader will accept any such title as that, a mere temporary easement, terminable without compensation whenever any-

one may desire to use any or all this land for a ditch, a plant, or a line for power?

Some one may suggest that only in an occasional instance would land be needed for such use. Perhaps not, but would that be any satisfaction to those whose lands were so taken? Under the laws of all the arid States lands may be taken for such purposes on payment of fair compensation. Shall the constitutional prohibition against taking property without due

compensation be ignored in the case of the homesteader?
We have had withdrawn from entry some hundreds of thousands of acres of land under the title of "power sites." average citizen who has never seen these lands can not be expected to understand what they are like. Up here, within the sight of the dome of the Capitol, at the Great Falls of the Potomac, is a water power better than any within the 100,000 square miles of my State. And yet the waters of the Potomac have flowed over these precipices since time began. For many years, within easy carrying distance of transmission lines from this water power, a half a million people have dwelt. Yet that

water flows unused, unharnessed, unuseful to men.

Out in the western mountains where there is one man to the square mile every tract of land near or upon which, by the most lively imagination, a dam or ditch may be built or a transmission line may ever be carried is withdrawn as a power site. You imagine power sites as occupying the sylvan dells and the rocky ledges abutting upon the dashing fountains of the mountains. Perhaps there are some such. Come out and see some of them on the desert, miles away from where water flows except in floods, along streams that have not fall enough to ever tempt power development, wherever a fervid imagination may conjure up a possible development, large or small. It is urged on behalf of this water-power reservation that if it is adopted the power sites may be restored to entry. Would it be impolite to call that executive coercion? For one, Mr. Chairman, I would say that, trying and vexatious as the powersite withdrawals are, they would stand unused and untenanted until Gabriel blew his horn before I would agree to that kind of a reservation in the patent of all homesteaders. [Applause.]

Certain gentlemen seem to fear that if we are not careful the people of the Western States will rob themselves or allow themselves to be despoiled by their own domestic enterprises; they will allow themselves to be crushed under the iron heel of monopoly; that they are so pusilianimous that they will allow their citizens to be plundered and their rights denied. If that is the kind of people that live in those Western States, the Federal arm is not strong enough to save them. But that

is not the kind of people we have there.

Where have the people most successfully asserted their rights as against monopolistic combinations? In the States, What sovereignties have been most effective in controlling corporations? The States. But they say that the right of the State to control the development and use of power may be questioned; that great corporations may go out there and construct vast works and generate and transmit electricity and the State be powerless to control them.

STATE CONTROL COMPLETE.

There is absolutely nothing in the contention that the arid States can not fully control the use of water in the generation of electricity and provide the terms and conditions under which the power generated may be used and disposed of, but, in order that there might be no doubt in the minds of any on that question, I have introduced a bill for the restoration to appropriate entry the lands covered by the so-called power sites, as follows:

entry the lands covered by the so-called power sites, as follows:

A bill for the restoration under certain conditions of lands included in power-site withdrawals.

Be it enacted, ctc., That from and after the passage of this act lands included in power-site withdrawals shall be subject to disposal under the public-land laws applicable to such lands, but all locations, selections, or entries of such lands and all patents issued therefor shall be on the express condition that any denial on the part of the claimant or owner of such lands, or of any person or corporation occupying or using the same for the generation or transmission of electric power or energy, of the authority of the State in which such lands are located to supervise and control all such operations and to fix conditions and rates under which power may be generated, transmitted, or sold, or any refusal to accept or abide by any supervision, control, condition, or rate established by or under State authority shall work a forfeiture of all claim or title to such lands, and, upon the determination of such denial or refusal by a court of competent jurisdiction in a suit which may be instituted by any party in interest, the title to such lands shall revert to the United States.

In the State which I have the honor to represent there is no

In the State which I have the honor to represent there is no demand for power sites as such. I do not have in mind a single instance where anyone is seeking a power-site location on the public land in Wyoming. Fuel is cheap and steam plants are, in the main, and will be for many years to come, if not for all time, as cheap and more satisfactory than the majority of waterpower plants; but our people do desire here and there to utilize lands covered by power-site withdrawals for irrigation development, farming, and industrial purposes. Irrigation enterprises of considerable magnitude are delayed and sometimes made impossible by power-site withdrawals. The State alone can grant the right to use water for power and other purposes—the State can and does control such use. We are perfectly willing and we prefer, if there be any question about it, that the Govern-ment shall part with title to lands that may be used some day for power purposes, or to all lands, for that matter, with the express recognition of the right of the State to control. The right exists, but such a statute as I have proposed removes all doubt in the matter, and with such a law on the statute books no one can reasonably insist upon the continuation of the with-drawal of such lands from use, except those who use the bugaboo of water-power monopoly as an excuse for interference with the rights of the people in the States and to perpetuate a Federal bureaucratic control of the resources of the States.

Anyone securing the right to the use of water in the arid States secures it under condition that it shall be used under State control, and that being true, is it necessary for the Federal Government to step in and attempt to protect the people of the Western States against local water users? If we have reached a point where such control is necessary, then we have reached a stage where we must confess that self-government is a failure, and I have not as yet reached that point. Neither do

I ever expect to reach that point.

Mr. TAYLOR of Colorado. Mr. Chairman, will the gentleman yield?

Mr. MONDELL. Certainly.
Mr. TAYLOR of Colorado. I wish before the gentleman closes that he would refer to the proposed limitation concerning

timber.

Mr. MONDELL. Mr. Chairman, that is a proposition that was not contained in the amendment I have referred to. It was presented as a separate amendment and voted down. It proposed that no land principally valuable for its timber should pass under a homestead title. As a matter of fact, that is and always has been the law. Our laws have always contemplated that the land should pass into private ownership under that law which provided for the disposition of its resource of greatest value. Land is coal land if it is principally valuable for coal. Land is metalliferous mineral land if it is principally valuable for metalliferous products. It is oil land if it is principally valuable for oil; and by the same token it is timberland if it is principally valuable for timber. There are some of us whose people would never be affected by a provision of that kind. I do not believe that in the entire extent of my State there are 160 acres of land which any man would say were more valuable for timber than for agriculture that anybody would think of taking as a homestead.

The objection that comes principally from the gentleman from the Pacific slope is this, that we have now reached a time when along the slopes of the mountains and in the rugged hill country adjacent to irrigated ranches, adjacent to the farms, adjacent to the industries of the valley, are lands that are rough and broken and that contain some timber. They are not particularly valuable as farms, but they are valuable enough to make a good home for some man and his family who expects, in addition to the farming of his land, to earn his living partly by working in the adjacent vineyards or hayfields or in the industrial opera-

tions of the region of one sort and another.

So gradually people are taking up this rough, broken land, containing some timber, and I think there would be cases, and that is what gentlemen of the coast region fear, where an overzealous special agent would say that because the land was not valuable for agricultural purposes and did contain some timber therefore it was more valuable for timber than agricultural purposes. Now, we all know that there is practically no valuable timber anywhere on the public domain unreserved. All timberlands of any considerable value in the country have long since passed into private ownership or been included in forest reserves. What is left are the tag ends here and there

After our good lands have been disposed of, after all the better lands have gone, we have met this condition of public mind formed by a few—I was going to say fanatics, but I do not want to be offensive—formed by a few men of extreme views playing upon the cupidity of many well-meaning people who do not That has been the trouble. If the country could know as we know the conditions that surround us and confront us, if the country could know as we know that we have reached the time when we need the man on the land more than the man needs the land, that we are more anxious to get him than he is to come, that we are anxious to see our hillsides occupied and our valleys developed, that we know that our Commonwealths can not become great until we have a population such as they are capable of supporting, they would aid us in securing legislation which will encourage settlement and development instead of urging such as will retard and discourage it. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

[Under the privilege to extend his remarks in the RECORD Mr. Mondell submitted a paper prepared by him giving reasons why, in his opinion, certain amendments proposed to the threeyear homestead bill should not be adopted.]

HOMESTEAD REQUIREMENTS.

Mr. MONDELL. In the letter of the Secretary of the Interior of February 15, 1912, to the chairman of the Committee on the Public Lands of the House of Representatives the Secretary states that if Congress is to pass the three-year homestead law it should contain certain restrictions which are contained in Canadian homestead laws, and which he sets out as follows. I have suggested briefly why they should not be adopted.

"(1) No entry for a homestead shall convey any right to any minerals within or under the land covered by the entry, or any exclusive or other property or interest in, or any exclusive right or privileges with respect to, any lake, river, spring, stream, or other body of water within or bordering on or passing through the land covered by the entry."

Homestead entrymen under our laws must prove the nonmineral character of their lands. Except in the case of surface entries of coal land we have never departed from this policy. Mineral lands should be entered under mineral laws, with such exceptions of limited patents as Congress may from time to time provide. There is no more reason for departing from this policy under a three-year than under a five-year homestead.

The right which the homestead entryman acquires respecting water on or bordering his land depends on State law and not national legislation. In the few public-land States where the common-law rule of riparian rights prevails he has the usual rights of a riparian owner. In most of the remaining publicland States the law of appropriation prevails and no right to water attaches except by appropriation under State law and must be respected, else no reclamation could be accomplished. This feature of the Canadian law takes the place of our State statutes of appropriation. It has no place in American land

laws.

"(2) The Commissioner of the General Land Office may, if he deems it necessary, require the holder of a homestead entry to furnish proof, by declaration or otherwise, that he is duly per-forming his homestead duties each year subsequent to the date

of his entry.

This provision of yearly proof under the homestead law, similar to our provision under the desert-land law, may be necessary in Canada owing to the absence of the right of private contest. It is burdensome without being necessary under our system.

"(3) If a homestead entryman fails in any year to fulfill the requirements of the laws with respect thereto, the Commissioner of the General Land Office may cancel the entry, and all rights of the entryman therein shall cease and determine. Any subsequent applicant for the same land may be required to pay in cash reasonable compensation for the improvements of the person whose entry is canceled, and the commissioner may, in his discretion, pay to the latter the amount of such compensation in whole or in part."

The Commissioner of the General Land Office, or rather in the final analysis the Secretary of the Interior, now has the power to cancel entries for failure to comply with the provisions of the homestead laws, and does so cancel many entries every

The requirement of payment to the Government by the subsequent entryman of the value of improvements could not be grafted on our general homestead system without changing its entire character, and this is equally true of the repayment to the defeated entryman. These provisions are necessary under the Canadian system because of the fact that the Government makes loans to homesteaders and must have some means of reimbursement.

"(4) If the entry is obtained for lands which are ascertained to be valuable on account of merchantable timber upon it, the entry may be canceled within six months of its date.'

Our homestead laws have always recognized the right of the homesteader to homestead timbered lands fit for cultivation. If a departure was to have been made from this policy it should have been made when we had homestead lands containing valuable timber. There are no considerable areas of such lands now, and a provision of this kind now would simply increase the cost of administration and harass every settler who might homestead lands containing a few trees. The enlarged homestead law now prohibits the entry of lands containing merchantable timber.

"(5) If after entry is obtained it is ascertained that the land entered, or any portion thereof, is necessary for the protection of any water supply or for the location or construction of any works necessary to the development of any water power, or for purposes of any harbor or landing, the Commissioner of the General Land Office may, at any time prior to the issuance of patent, cancel the entry or withdraw any portion of the land entered; but where the land is required for the location or construction of works necessary to the development of any water power the withdrawal or cancellation shall extend only to such land as is necessary for that purpose."

We have no homestead lands on harbors or landings. When we did we had no such provision. The President now has power to withdraw lands for power sites, and rights of way for

ditches are reserved in patents.

"(6) Everyone who buys, trades, or sells or professes to buy, trade, or sell land, or any interest in or control of land, open to homestead entry, or for which homestead entry has been made but upon which patent has not issued, shall be guilty of an indictable offense."

Any offer or contract to sell or encumber a homestead prior to submission of proof showing that a title has been earned

subjects the entry to cancellation under our laws.

"(7) Every homestead entryman shall be required, in addition to residence, to have erected a habitable house on the land embraced in his entry and to have cultivated such an area of land in each year as is satisfactory to the Commissioner of the General Land Office."

The bill reported requires proof of a habitable house, and as to the ordinary 160-acre homestead entry the amount of cultivation required is entirely within the discretion of the Secretary of the Interior. On all other homesteads-enlarged and reclamation homesteads-the area of cultivation is prescribed

"(8) Every homestead entryman shall, prior to the issuance of patent and as a prerequisite therefor, make proof of his compliance with the law, such proof to be in the form of a sworn statement by the entryman, corroborated by the sworn statements of two disinterested parties resident in the vicinity of the lands covered by the entry.

All this and more is now required by our laws.

"(9) Any person who receives a consideration for abandoning a homestead or who pays a consideration for such aban-

donment shall forfeit the right of homestead entry.

Our laws do not recognize any consideration for relinquishing a homestead, but a homesteader is sometimes obliged to abandon his homestead before making proof, and it would work great hardship and serve no good purpose to attempt to punish him for securing what he can for his expenditures of time and money from another intending settler. Canada meets this situation by charging the new settler for improvements and paying the former settler. Their law recognizes certain direct assignments, and the prohibition against assignments generally is necessary to protect Government loans (see 5). Our plan is

The above statements make it clear that all the essential requirements contained in the Canadian law are met by our various statutes. Our Government makes no loans on homesteads, hence the Canadian provision for protecting loans has no place in our law. On the other hand, the right of private contest for failure to comply with the law is with us the strongest influence in enforcing compliance with the law.

On the other hand, Canada has many liberal provisions in

her homestead laws we do not have, as follows:

1. In Canada one is a qualified entryman at 18 instead of 21, as with us, and a homestead may be reserved for a person

2. No one is barred by reason of owning other lands. us the entryman must not be proprietor of more than 160 acres.

3. The Canadian entryman need only reside on the land six months in a year, and residence on a farm owned by the entryman or his relatives within 9 miles of the homestead is accepted as residence on the homestead.

4. A Canadian homesteader may secure an additional 160 acres by preemption or purchase, and straight sales of agricul-

tural lands are frequently made.

Mr. BURKE of South Dakota. Mr. Chairman, I wish to discuss for a few moments the question of the making of a tariff law and how certain bills have been made and passed by this Congress dealing with this subject, and why the President vetoed the bills that were passed during the special session. also want to point out that his action in vetoing the several bills was fortunate from a standpoint of the business of the country and the best interests of the people, and was justifiable from every standpoint. I will also discuss briefly the present position

of the Republican Party in levying duties, and show why that party ought to be intrusted to enact tariff legislation. begin by asking and answering the following questions:

Are you a business man?

If so, would you voluntarily allow a lawyer or a professional politician to manage your business affairs?

Certainly not.

Then, are you willing that a tariff law which vitally affects your business shall be framed by a committee of lawyers who have no business training or experience and no knowledge of

the conditions upon which your welfare depends?

The answer must be emphatically "No."

And yet this is the dangerous and absurd policy of the Democratic Party. It has attempted to carry out its program. The fact that it has been unsuccessful and that the country has been saved from disaster is due to the wisdom, courage, and patriotism of President Taft.

His action adds to his splendid record of notable achieve-

The story of what President Taft has done and is doing must appeal forcibly not only to business men everywhere, but to the farmer, the workingman, and to every class of citizen. It is due to the sagacity of President Taft that a Tariff Board has been created and that honest, straightforward, and sensible business principles are being applied to the revision of the tariff.

Whatever else the numerous and intricate details of the tariff may be, they are neither legal nor political in their nature. They are primarily questions of business. into every phase of production and manufacture. They enter The tariff schedules must take into consideration the practical questions of cost of production, the supply of raw material, the effect of foreign labor competition upon the welfare of the American workingman. The Tariff Board, a nonpolitical, nonpartisan organization of experts, investigates and reports upon these matters. No corporation would undertake to settle the all-important and vital details of manufacture by consulting either lawyers or professional politicians. Business men must manage business affairs.

This is President Taft's idea. He knows that the methods by which tariff schedules have been prepared in the past have been faulty and unsatisfactory. Tariff laws, almost invariably, have been framed to meet some political exigency and by men who, unfortunately, were not conversant with business affairs. President Taft realizes that whatever criticism may attach to the present tariff law is due to the fact, as stated by him in a message to Congress, that the rapidity with which it was pre-pared made it impossible to base it upon sufficient accurate information. Out of his wise suggestion that the imposition of tariff duties should be more of a business question and less of a political question and that the rates should be ascertained by experts of long training and accurate knowledge the Tariff Board was born.

Why did President Taft take this action so important to the business interests of the country?

Look at this list of Democratic Representatives and their

OSCAR W. UNDERWOOD, of Alabama (no profession or occupation given in the Congressional Directory).

CHOICE B. RANDELL, of Texas, lawyer.

Francis Burton Harrison, of New York, lawyer.

WILLIAM G. BRANTLEY, of Georgia, lawyer.

Dorsey W. Shackleford, of Missouri (no profession or occupation given in the Congressional Directory)

CLAUDE KITCHIN, of North Carolina, lawyer. OLLIE M. JAMES, of Kentucky, lawyer.

HENRY T. RAINEY, of Illinois, lawyer. Lincoln Dixon, of Indiana, lawyer.

WILLIAM HUGHES, of New Jersey (no profession or occupation given in the Congressional Directory).

CORDELL HULL, of Tennessee, lawyer. W. S. Hammond, of Minnesota, lawyer.

Andrew J. Peters, of Massachusetts, lawyer. A. MITCHELL PALMER, of Pennsylvania, lawyer.

Is this the Committee on the Judiciary of the House of Representatives? Not at all. It is the entire Democratic membership of the Ways and Means Committee, which has undertaken to regulate the enormous business of this country through the tariff bills which it has framed. The profession which they follow is shown in their autobiographies in the Congressional Directory.

Thus in a committee which prepares measures which are purely commercial and which deal with prices, weights, importations of all kinds, and business matters generally there are 11 lawyers out of 14 members, and if the other 3 have any business experience or training it was not of sufficient value or

extent to be noted in their autobiographies. The great commercial interests of the country can not afford to have their enormous investments intrusted to the care of men who have no connection with nor knowledge of business affairs. wisdom in dealing with the adjustment of labor cost and the relation of raw material to the finished product is not as desirable as practical knowledge and experience. It could not be otherwise than that a bill prepared by lawyers should fail to stand the test of business analysis.

The mere fact that the bill framed by the Democratic Ways and Means Committee would have been enacted into law but for President Taft's veto illustrates the utter incapacity of the Democratic Party to deal with national affairs. It must not be forgotten that if the Democratic House of Representatives is continued in power this same committee of lawyers will again attempt to regulate the tariff, with certain disaster to the

President Taft believes, and the country believes with him, that when legislation is attempted which vitally concerns the business interests of the country such legislation should be based upon an intelligent understanding of all the facts. The work done by the Tariff Board appointed by him is the first effort in the history of the country to place tariff revision upon a systematic and sensible basis. This is so true and the support which the American people will give President Taft for his course in the matter is so certain that the Democratic Party in the House of Representatives is doing its utmost to discredit the President's sagacious policy. It only needs, how-ever, an intelligent understanding throughout the country of the President's position to win him universal commendation. There is no comparison between the haphazard, uncertain, and inaccurate methods pursued by the Democrats and the direct, practical, and safe plan which the President originated, advocates, and would put into complete operation.

Labor constitutes a large proportion of the expense in all production and manufacture. The prime factor in the making of a tariff law is the difference in labor cost between the United States and foreign countries. The Tariff Board has thoroughly and conscientiously investigated this difference in order that duties should be made adequate, and only adequate, to equalize the difference in cost and production at home and abroad. Before it could make its report, the Democratic House of Representatives sought to create some popularity for itself by revising the wool schedule, regarding which there had been considerable controversy. Its work was so illogical, so far removed from all knowledge of business conditions, and so threatening to the industries of the country that President Taft promptly and emphatically vetoed the measure. He took the ground that the proposed law was injurious to public policy and failed to show a fair regard for the interests of the producers and the manufacturers, on the one hand, and the consumers on the other.

But when the Tariff Board, as the outcome of painstaking

investigation into every phase of the wool industry, submitted a unanimous report upon the wool schedule President Taft promptly recommended to Congress that it "proceed to a consideration of this schedule with a view to its revision and a

general reduction of rates."

And when the Tariff Board, having conducted a similar thorough and scientific inquiry into the details of the cotton schedule, submitted another unanimous report, President Taft, with true progressive spirit, again indicated his willingness to accept accurate and rational tariff revision. He asked Congress to proceed to revise the schedule and reduce the rates.

I base this recommendation-

He said-

on the declaration of the platform on which I was elected, that a reasonable protective tariff should be adjusted to the difference in the cost of production at home and abroad.

The tariff law is composed of thousands of items, each one dealing with some American industry. These must be fitted together like some intricate piece of machinery, each one working in harmony with the other, so as to form a perfect union of labor and capital, production and consumption. To attempt to fit together these multitudinous parts without expert knowledge and advice is like asking a blacksmith to mend a watch.

Men whose minds are not trained along business lines, who have no conception of business details, and who have had no connection with business concerns can not revise the tariff with accuracy or justice. A committee of Congress may summon witnesses; but these, in the main, have only one point of view their own selfish considerations. What is needed, therefore, is the plan which President Taft has devised as the logical outcome of the declaration of the Republican national platform—a plan which enables an expert board to investigate thoroughly, intelligently, and impartially the conditions existing at home 1912 over \$93,000,000 to the Army, and that was for war.

and abroad and to report its findings of fact. Under such a plan the element of uncertainty is eliminated and a compre hensive, satisfactory law is secured which, in the words of President Taft, is based upon public policy and has a fair regard for the interests of the producers and the manufacturers, on the one hand, and the consumers on the other.

The tariff law does not affect big business alone. It enters into the welfare of every manufacturer, whether he owns a single factory or operates upon a large scale. It concerns every farmer, whether he be the possessor of a few acres or an immense ranch. It is vital to the workingman, because it must take into consideration the product of his poorly paid fellow worker in foreign lands. It is, above all, the principal factor in the life of every American citizen, because upon the proper application of the principle of protection rests the prosperity

of the entire country.

If the tariff is too low, as was the case with the Democratic tariff of 1803, manufactories are compelled to close, workmen are out of employment, and universal distress and suffering prevail. If the tariff is too high, as may happen when there is no intelligent basis of schedule construction, complaints of favoritism and undue advantage must necessarily arise. Republican Party, under the statesmanlike leadership of President Taft, would solve the tariff problem so as to avoid both extremes. Knowing that through the operation of the principle of protection the United States has reached its present un-paralleled prosperity, it will not allow that principle to be sacrificed. The years when protection was menaced were years of leanness and suffering. Neither will it willingly allow the welfare of the country to be jeopardized by tariff laws framed upon personal influence or through legislative guesswork. It proposes a revision and reduction of the tariff upon solid, substantial, and practical lines, which will avoid, to again quote the words of President Taft—

The evil from which the business of the country has in times past suffered most grievously by stagnation and uncertainty, pending a settlement of a law affecting all business directly or indirectly.

This is the intelligent policy and the comprehensive program which the Republican Party presents to the business interests

of the country.

When it has become thoroughly known to the American people there can be but one response. It will be overwhelmingly sustained at the polls. It means business stability, a fair profit to the producer and manufacturer, the largest degree of consideration for the workingman and the consumer. It means a revision of the tariff schedules without serious disruption of business with its attendant evils of enforced idleness and hunger. It demonstrates the regard of the Republican Party for the public welfare and will be carried to a triumphant conclusion through the energy and wisdom of President Taft.

Mr. MOON of Tennessee. Mr. Chairman, I yield 40 minutes

Mr. MoON of Pennesylvania [Mr. Grecg].

Mr. GREGG of Pennsylvania [Mr. Chairman, the bill under present consideration, generally known as the Post Office appropriation bill for the fiscal year ending June 30, 1913, carrying with it not only the appropriation of money necessary for conducting the postal affairs of the Government for the ensuing year, but also new legislation in regard to postal affairs, is probably the most radical departure from past reports and bills known in the history of our country. Many reasons can possibly be given for the departure from previous custom in regard to the presentation of appropriation bills by the Committee on the Post Office and Post Roads, but suffice it to say that sufficient reason is given when it is stated that progressive legislation has been demanded for years without any tangible results, and that the party in power in the House has concluded that the public is entitled to that relief for which it has been contending for years. That relief from past conditions was needed can not be denied. That relief is forthcoming and will be admitted upon a perusal of this bill, to which I shall refer Under the system of conducting the affairs of this Government there are many departments that are necessary to be taken care of in appropriations. They include Agriculture; the Army; the Diplomatic and Consular Service; the District of Columbia; fortifications; Indian affairs; the legislative, judicial, and executive branches; the Military Academy; the Navy; pensions; rivers and harbors; and many other items included in the sundry civil, deficiency, and miscellaneous appropriation bills, together with the permanent annual appropriations which are provided for by law. The grand total for appropriations made for the year ending June 30, 1912, was \$1,026,682,881.72. Practically all of the revenue required to carry on the business of the Nation is received through the Treasury Department in the way of taxes, internal-revenue receipts, and the Post Office Department. We appropriated for

We appropriated in 1912 almost \$5,500,000 for fortifications, and that was for war; we appropriated for the same period \$1,163,000 and over for the Military Academy, and that was for war; for the same year we appropriated \$126,478,000 and over for the Navy, and that was for war; for the same year we appropriated \$153,682,000 for pensions, the fruits of war; and yet for agricultural purposes only \$16,900,000, to be used in times of To the Diplomatic and Consular Service \$3,988,000 and some dollars for obtaining and maintaining peace, and for the post office \$259,134,468; and yet the post office, as I have stated, is practically the only self-sustaining branch of the Government outside of the Treasury Department.

A DEFICIT IN THE POST OFFICE DEPARTMENT.

Early in this session of Congress we were all congratulating ourselves that the Post Office Department was self-sustaining, but the final figures from the auditor show a deficit in the department for the fiscal year of 1912 of \$627,845.94, instead of a surplus of \$219,118.12. No department of the Government is such a benefactor for its welfare and existence as the Post Office Department. Through it messages of love and letters of sorrow are transmitted with wonderful dispatch. The channels of business would be clogged without its regular and speedy use. Education, which has been said to be "the bulwark of our Nation," is contained in the numberless newspapers, magazines, and periodicals which are carried daily, weekly, and monthly by means of this wonderful system. And right here let me say that in this age of progress, in this new age, in this great twentieth century, when nearly all transportation is revolutionized by the wonderful motive power electricity, in this age of cheap and swift and ever cheaper and swifter transportation, in this age when the thoughts of the master minds and the pencilings of the less educated can be sent in the custody of our Federal Government from ocean to ocean and from the Lakes to the Gulf, it will not do for this great leader among nations to lag behind in this marvelous march of progress.

The most potent factor that we have had in developing our

country, in educating our people, in making them more patri-otic, and in bringing them closer to others is the newspaper, the periodical, and the magazine. The post office, whether urban or interurban, has been a great factor in disseminating information to our people, and this great House of Representatives. which is so responsive to the wishes of the people, will not be picayunish in providing for the welfare of this branch of the

Government.

While the Committee on the Post Office and Post Roads has been liberal in its allowances and has taken care of the various branches of the Post Office Department which are most instrumental in bringing about good service to the patrons, yet it is well to remember that, although the Postmaster General submitted revised estimates aggregating \$261,180,631, the committee recommends for appropriation in this bill \$259,829,749, which is a decrease in the amount of the final department estimates of \$1,352,314.

STEEL BAILWAY MAIL CARS.

Heretofore I have said that radical changes in the existing law have been made in the bill now before the committee. In the first instance it has provided:

That after the 1st of July, 1917, the Postmaster General shall not approve or allow to be used or pay for any full railway post-office car not constructed of steel, steel underframe, or equally indestructible material, and not less than 20 per cent of the new equipment shall be put into operation annually after July, 1912; and after the passage of this act no contract shall be entered into for the construction of steel underframe cars.

This provision was inserted in the bill to provide for the ultimate protection of railway mail clerks, whose lives are in constant danger in the discharge of their duties from the defective postal-car construction. No class of men employed in the Government service to-day-and in saying this I take into consideration the naval and military services of our country-are in more constant danger of injury and death than they.

While it is true that the day for changes in cars was fixed at July, 1917, this was done to avoid injustice being done under the present contracts for the use of mail cars and to afford the department time for changing the cars to the class demanded.

Another section provides against fraud by mail contractors, preventing them from entering into any combination for furnish-

ing supplies to the Government.

Another section provides for the increase in the bonds of naval mail clerks. Another provides against the fraud practiced in weighing the mail and the readjustment of compensation therefor. This bill also takes another advance step in fixing for all carriers in the City Delivery Service and clerks in the first and second class post offices an eight-hour day and extra pay, or compensatory time, for work by carriers in those offices.

This bill also provides for the reclassification of railway postal clerks and for increasing their pay. It provides for this important branch of the postal service the total sum of \$21,035,550. Moreover, it allows an increase for travel allowance of railway mail clerks over the appropriation of 1912. This increase will provide for the full allowance of \$1 per day provided for under existing law. It also provides for an increase in the compensation paid the carriers in the Rural Delivery Service.

FREE MAIL DELIVERY IN TOWNS AND VILLAGES.

Probably one of the most important extensions of the postal service will be found in section 10 of this bill, which provides that after June 30, 1912, an experimental mail delivery may be established in towns and villages having post offices of the second and third class that are not by law now entitled to Free Delivery Service. This practically means that in the future all of the towns of our country having a population of 1,000 or more will enjoy Free Delivery Service to the same extent as those patrons of the post offices who live in much larger towns and cities. Heretofore the free delivery of mail matter was confined to every incorporated city, village, or borough containing a population of 50,000 within its corporate limits and at every place containing a population not less than 10,000 within its corporate limits, or at any post office which provides a gross revenue not less than \$10,000, and, of course, to the Rural Free Delivery Service. It also provides for the promotion of clerks in post offices of the first and second class by an automatic process.

THE "GAG RULE" CONDEMNED.

One of the most salient features of this bill is section 6, which is intended to protect employees against oppression and in the right of free speech and the right to consult their representatives. Two orders have emanated from the Executives, in the following language:

PRESIDENT ROOSEVELT'S ORDER.

All officers and employees of the United States of every description, serving in or under any of the executive departments or independent Government establishments, and whether so serving in or out of Washington, are hereby forbidden, either directly or indirectly, individually or through associations, to solicit an increase of pay or to influence or attempt to influence in their own interest any other legislation whatever, either before Congress or its committees, or in any way save through the heads of the departments or independent Government establishments in or under which they serve, on penalty of dismissal from the Government service.

THEODORE ROOSEVELT.

It is hereby ordered that no bureau, office, or division chief, or subordinate in any department of the Government, and no officer of the
Army or Navy or Marine Corps stationed in Washington, shall apply
to either House of Congress, or to any committee of either House of
Congress, or to any Member of Congress, for legislation, or for appropriations, or for congressional action of any kind, except with the
consent and knowledge of the head of the department; nor shall any
such person respond to any request for information from either House
of Congress, or any committee of either House of Congress, or any
Member of Congress, except through, or as authorized by, the head of
his department.

WILLIAM H. TAFT.

Heretofore and now the post-office clerk, the carrier, and railway mail clerk was not permitted to appeal to his Representa-tive in Congress. If he appealed to one of the heads of the department that particular officer sent it back to the postmaster or the head of his division. The result was that forever thereafter this particular employee enjoyed the ill will of his immediate superior. The fact is that the postmaster becomes the boss of that particular locality, and a complaint not made to him receives no consideration whatever. It is responsible for the discontent that exists now among all of the postal employees of the Nation, and it is for the purpose of wiping out the existence of this despicable "gag rule" that this provision is inserted. The rule is unjust, unfair, and against the provisions of the Constitution of the United States, which provides for the right of appeal and the right of free speech to all its citizens.

THE PARCEL POST.

By far the most important feature of this bill is that section providing for the parcel post. I doubt if any legislation enacted by the present Congress will be so important as the adoption of this provision. For years the people of our Nation have been petitioning Congress for the establishment of such a system, and the mouthpieces of the people of the Nation-the newspapers and periodicals-have been demanding that the United States Government should institute and maintain a parcel-post system. Attention has been directed time and again to the methods prevailing in foreign countries and the success that has attended the establishment of the parcel-post system, until today the general demand for some system of parcel post has become so great that this Congress will be required, if it desires to respond to the wishes of the people, to enact some legislation along this line. Whatever it is must necessarily be experimental in its character. Whatever this experiment, I am positive that ultimately—in fact, presently—there will be established a system that will give entire satisfaction to the entire country. There is no question about the legal right to carry on such a business. The fundamental law gives authority to Congress. In the final due to the Constitution of the United gress. In the final draft of the Constitution of the United States as adopted, among the granted and enumerated powers of the Federal Government, in section 8, we find the following language: "Congress shall have power to establish post offices and post roads.

Long before the adoption of this instrument the provisional government and the Colonies and the various States under the Articles of Confederation provided for the employment in the public service of expresses and special messengers in taking and carrying private letters. So that there was long precedent and carrying private letters. So that there was long precedent for including in the final draft of the Constitution the provision that I have herein referred to, viz: "Congress shall have power to establish post offices and post roads." The act of February 20, 1792, was the first after the adoption of the Constitution which fixed the rates of postage on mail matter, and it specifically provided for the carrying of packets. President Monroe, in a message to Congress dated May 4, 1822, called attention to the fact that Congress was given power to locate post offices and routes by which mails should be carried from one post

So as to diffuse intelligence as extensively and to make the institution as useful as possible; to fix the postage to be paid on every letter and packet that is carried; to support the establishment and to protect the post office.

Further on he said:

Post offices were made for the country, and not the country for them. They are the offspring of improvement.

And from that date on the importance of the post office in the development of the country and its usefulness to all the people was accentuated in the messages of Presidents succeeding Monroe and by the legislative actions of the various Congresses. PARCEL POST IN FOREIGN COUNTRIES.

The present agitation of the parcel-post system, I believe, is indirectly chargeable to the fact that parcels can be sent to foreign countries under the international union agreements at a rate of 12 cents per pound up to 11 pounds, while it costs the people of our Nation 16 cents per pound to mail a parcel weighing not more than 4 pounds to any point within the United States. This discrimination is unjust and is more frequently used as an illustration in favor of a parcel-post system within the United States than any other argument that can be produced.

It is contended that if the Government of the United States can carry a parcel from San Francisco to Paris at 12 cents per pound, why should the American pay 16 cents per pound and the weight be limited to 4 pounds, while the foreigner's weight has an 11-pound limit? There was and is no answer to this question. Further it was inquired that if Italy, France, the United Kingdom, Germany, Austria, and many other foreign nations, 23 in all, and many of them much weaker than ourselves, can enjoy the blessings of a parcel post, why not this great and powerful Nation of ours? In the meantime free delivery has been extended to the rural communities and the telephone has been installed. Why can not the farmer have the benefit of a parcel-post system in order to market his products and bring him in closer touch with the outside world? these questions and the varying interests have culminated in a universal demand for a parcel-post system, and at this present session of Congress, in this House alone, we find no less than 17 different bills, varying from the number of pounds to be carried in the United States malls at a specific sum per pound to 2 bills providing for the condemnation and purchase of the franchises, and so forth, of the express companies of the United States for the purpose of establishing a parcel-postal express.

Mr. DYER. Will the gentleman allow an interruption?

Mr. GREGG of Pennsylvania. Surely.

Mr. DYER. What articles does the gentleman think the farmers will market by the parcel post should this provision

Mr. GREGG of Pennsylvania. If the gentleman will pardon me I think as I go along I will develop my idea in reference to this which will answer the question the gentleman is now

Mr. DYER. Will the gentleman's argument as he goes along also explain what the result of the establishment of the parcel post will be upon the commercial houses and upon the retail houses in the various portions of the country?

Mr. GREGG of Pennsylvania. Yes; I think if my time is sufficient I will be able to give the gentleman my ideas and answer the question which the gentleman has now asked.

PROVISIONS OF PRESENT BILL.

Out of this multiplicity of bills the Committee has framed the bill which is now under consideration. This bill provides as follows:

That hereafter postage shall be paid on matter of the fourth class at the rate of 12 cents per pound, except as herein provided.

That no article, package, or parcel shall be mailable as matter of the fourth class which exceeds 11 pounds in weight, except as herein pro-

That no article, package, or parcel shall be maliable as matter of the fourth class which exceeds 11 pounds in weight, except as herein provided.

That on each and all rural mail delivery routes of the United States the postmaster at the starting point of such route shall, until June 30, 1914, receive and deliver to the carrier or carriers of said routes all articles, parcels, or packages not prohibited to the mails by law and failing under the definition of fourth-class matter and not weighing in excess of 11 pounds, for transportation and delivery on said routes only; and the carriers shall receive at intermediate points on all rural routes such mall matter of the fourth class for delivery on their respective routes only.

That postage shall be paid on all articles, parcels, or packages entitled to transportation under the provisions of this act as matter of the fourth class on rural mail delivery routes only at the following rates: One cent for each 2 ounces or less, 2 cents for more than 2 ounces but not more than 4 ounces, 3 cents for more than 4 ounces but not more than 8 ounces, 4 cents for more than 8 ounces but not more than 12 ounces, 5 cents for more than 12 ounces but not more than a pound, and 2 cents per pound for each additional pound or fraction thereof up to and including a total of 11 pounds. That the Postmaster General shall make all rules and regulations necessary and not inconsistent with law to the proper execution of this act.

That for the purpose of a full and complete inquiry and investigation into the feasibility and propriety of the establishment of a general parcel post a commission of six persons, three of whom shall be appointed by the Speaker of the House of Representatives and three by the President of the Senate, is constituted, with full power to appoint clerks, stenographers, and experts to assist them in this work. They shall review the testimony already taken on the subject of parcel post by deem desirable. For the purpose of defraying the expenses of this commission the su

This question, then, brings us squarely to the issue. I am satisfied that at this time there are those who will contend that this bill does not purpose giving a parcel post; that it is intended to delay action on this important subject; in short, that it is intended as a sop to the people; and, further, that it is intended to mollify certain interests. Nothing could be farther from the truth. When I recall the many meetings that were held by this great Post Office Committee, when I recall that for many days, yes, weeks, the committee, during the torrid weather of last summer, sat and listened with patience and interest to the arguments for and against the parcel-post system, undertaking to secure all possible information on the when I recall that for days this past winter the memsubject. bers of this committee, some of whom have been long in the service of this House and their country, considered, consulted, and argued on the parcel-post question, each trying to evolve a bill that would suit the demands of the country and respond to the wishes of the greatest number—I repeat, when I recall all these investigations, without hesitation I challenge any man in this Chamber to even doubt the integrity of the bill or the lofty purposes that inspired it. I know that when the fervor of this discussion has ended all, with one accord, will acclaim that this bill is entirely fair and satisfactory.

THE OPPOSITION TO THE PARCEL POST.

I am fully aware that great opposition has been manifested to the passage of a parcel-post measure. Since the report of the committee has been filed in the House an attack has been made on section 8 of this bill, which I have quoted, by those who are in favor of the immediate passage of an unlimited parcel-post bill and by those who demand a postal express. The opposition to a parcel-post system, in the first instance, originates with those who are unalterably opposed to a general parcel post, contending that not only this bill but all bills which attempt to regulate the rate of postage on fourth-class mail is an entering wedge to the system. Those who reason thus are likely correct, and all classes of people in the United States might as well make up their minds now as well as later that the parcel post is coming and that when it comes it will The opponents of a general unlimited parcel be here to stay. The opponents of a general unlimited parcel post insist that it will tend to concentrate business in the large cities and be injurious to rural communities and small towns and cities; that it will destroy the prosperity of innumerable towns and villages. In short, the principal opposition comes from those merchants who honestly believe and earnestly contend that it discriminates against the class known as the countered that the class known as the class known a try merchant and favors the great retail mail-order houses located in many of the large cities.

THE MAIL-ORDER HOUSE.

It is a fact that the mail-order house exists. It has existed for many years, and now as heretofore the great bulk of its business has been done throughout the country by freight and occasionally by express. The reason of this is that it makes the article to the consumer cheaper. The articles which are

purchased from the mail-order house are usually of the character known as "staples." As I have stated, it is the rule that these are shipped by freight. The consumer pays the freight at the place of delivery. The mail-order house receives its money for the articles purchased before delivery, and so far as an individual transaction between the mail-order house and the purchaser is concerned, the transaction is ended there. If the mail-order house undertook to do business with its customer through the Post Office Department, a different condition would The mail-order house would be compelled to pay the postage freight, if you so desire to call it, in advance. result would be that the mail-order house would be compelled to do one of two things: First, to increase the price-list cost of the article in order to meet the paid-in-advance freight or postage; or, second, lose a profit to that exent. But the parcel post will not be the thorn in the side of the merchant that will hurt. The parcel post will not be the medium that will hurt the merchant. The mail-order house will continue to do business in the same old way, just as it has in the past, parcel post or no parcel post. The chief medium through which the mall-order house has been transacting its business in the past has been through its agents. The parcel post will not increase this character of business nor can it prohibit it. The system by which the agent works is something like this: Desiring to engage in business, the agent writes to a mail-order house and secures a catalogue, together with a contract from the house showing the amount of his commission. The agent then proceeds to solicit orders from the residents, householders of his community, and with the money, the cost price, less his commission, he mails these orders to the mail-order house. goods ordered are then selected, boxed or crated, and then consigned and shipped by freight to the agent, who proceeds to distribute the particular orders given by his customers. Just here is where the competition comes in with the local merchant.

The mail-order house buys in large quantities, or perhaps buys what is known as "seconds," and consequently thus is enabled to undersell the local merchant either by selling cheaper for the reason already given or because it is an inferior article which it not known by the customer. This agent will not cease to work and cease to sell. He can not and will not use the parcel post. The freight rate is much cheaper, and for the further reason that he is protected by law by the

decisions of the highest court in our land.

More than once actions at law have been instituted for the purpose of having the court declare that when a mail-order house filled an order, for example, in the city of Chicago and shipped it to Pittsburgh, and at the latter place was distributed snipped it to Pittsburgh, and at the latter place was distributed by the agent of the mail-order house, that the sale took place in Pittsburgh and therefore the agent would be amenable to the local and mercantile laws of Pittsburgh. The Supreme Court of the United States held otherwise, and in two cases which I now recall, both being Pennsylvania cases, specifically that such a sale was local. In the case of Regular, that held that such a sale was legal. In the case of Rearick v. The Commonwealth of Pennsylvania (203 U. S., 507), the Supreme Court of the United States, reversing the Superior

Supreme Court of the United States, reversing the Superior Court of Pennsylvania, said:

Interstate commerce is unlawfully burdened by a municipal ordinance exacting a license fee from a person employed by a foreign corporation to solicit within the municipality orders for groceries, which the company fills by shipping goods to him for delivery to, and the collection of the purchase price from, the customer, who has the right to refuse the goods if not equal to samples, such goods always being shipped in distinct packages, corresponding to the several orders, except in the case of brooms, which, after being tagged and marked like the other articles, according to their number, are then tied together in bundles of about a dozen and wrapped up conveniently for shipment.

This same doctrine was laid to

This same doctrine was laid down earlier in another Pennsylvania case, Brennan v. City of Titusville (153 U. S., 289), and was followed in the case of the Chicago Portrait Co. v. City of Macon (147 Fed. Rep.). Thus it will be seen that the retail merchant will not need fear the parcel post, but his ancient enemy the agent who represents a foreign concern and who uses the railroad freight as his medium for distribution.

THE COUNTRY MERCHANT.

Again it is urged that the parcel post will drive the exclusively country merchant out of business-the merchant who trades in the small villages. I can not see that this will happen; but, on the contrary, I believe it will help. To-day he handles a small stock and his customers are confined to the residents of his immediate vicinity. His stock is not necessarily There is no need that it should be big, consequently he makes a small profit and is satisfied. But institute the parcel post on his rural route, and with the telephone, watch his business increase. The trade he enjoyed before will not leave him. His old customers will remain and trade with him just as they did before, and in addition will bring to him their produce, so that he can in turn trade with the resident of the larger town or

city. In other words, the country merchant who is up to date will extend his former small trade heretofore confined to his small community by getting in touch with various householders of the larger towns and cities, and daily, if necessary, furnish them with the necessaries of life, fresh, pure, and unstored. It will be but a simple process of expansion, and the live, active, American storekeeper will readily adapt himself to the changed conditions and establish a trade which will greatly exceed his fondest dreams. Moreover, this merchant, of necessity, purchases in small quantities. He buys from a jobber or a merchant in a larger adjoining town who carries a larger stock with a greater assortment. He will, under the parcel post, write or telephone, and in a day replenish his stock, outside of large orders for groceries and like articles, at a cost much below the price he now pays in freight or expressage, with the additional drayage or the time lost in using his own conveyance.

Postmaster General Meyer, in 1908, said:

Postmaster General Meyer, in 1998, said:

The free rural delivery has improved materially and intellectually the life of great numbers of the farmers and those living in rural communities. Is it too much to ask that the department shall make a further use of this important system, a use which, while adding appreciably to the postal revenues, will directly and vitally benefit every man, woman, and child within reach of a rural route? The countryman would have the necessities of life delivered at his age at an average cost of 2 cents a pound, thereby facilitating and increasing consumption. This would mean augmentation of the trade of the thousands of country merchants. The commercial traveler should appreciate the advantages of this system; it would increase his orders, because the country merchant buys from the jobber or wholesaler. Every component part of our commercial system would feel the effects of an increased prosperity.

What the Postmaster General said in 1908 is true to a greater degree to-day

As I said before, another objection to the present bill comes from those who contend that this bill which provides a system of parcel post does not go far enough; that it is a makeshift and will not give an unlimited parcel post. A careful reading of the bill will disclose the fact that the real purpose is to provide the very thing that its opponents deuy it has given. It not only provides a flat rate of 12 cents per pound upon packages up to 11 pounds and a rate of 5 cents per pound for the first pound and 2 cents additional up to 11 pounds over the rural routes, but it specifically provides that a commission to be composed of Members of the House of Representatives and the Senate take up the question in an orderly, systematic way, and specifically provides the sum of \$25,000 for "a full and complete inquiry and investigation into the feasibility and propriety of the establishment of a general parcel post." This committee will have the assistance of all the testimony, documents, and records of the House and Senate, together with the very valuable testimony recently adduced at the hearings before the Interstate Commerce Commission, when the question of the excessive charges of express companies for carrying goods was in process of investigation, as well as the right to call experts to assist them in this work. It is proposed in at least two bills which have been introduced in the House and which, to all intents and purposes and the end to be obtained, to condemn and purchase the franchise, rights, real, and personal property of express companies. Much circulation has been given not only to these bills, but to the speeches delivered on this subject in the House, with the result that there is a general demand caused, I think, by a misunderstanding of the facts and a wrong impression of the effects of these bills by the people at large, and especially by the farmers of the Nation. It is proposed in both these bills to condemn the franchises of the express companies and to cause them to be operated under the powers conferred upon the Post Office Department. To my mind, such a course is unwarranted.

THE EXPRESS COMPANIES AND THE PARCEL POST.

It is true that for years the express companies have been preying upon the people of the country who have had occasion and necessity to ship packages and parcels over their routes. It is also true that these express companies have made fabulous sums from their business. The revelations made in the Interstate Commerce Commission investigation into the conduct of the express business are astounding. For instance, it was discovered that the earnings of one company from the time of its formation to the time of the hearings had been \$598,158,930, and in that time it had distributed dividends amounting to \$43,500,000, yet it practically began business without a cent of actually invested capital. The Interstate Commerce Commission, in its second annual report on the statistics of express companies in the United States for the year ended June 30, 1910, shows that the net operating revenue of the 13 companies covered by its report increased from \$12,294,008 in 1909 to \$14,508,280 in 1910, a gain of \$2,214,272, or 18.01 per cent. I only offer these figures at this time for the purpose of showing that if the Federal Government undertakes to go into this business of a general parcel post-and it can do so at a profit-it

will practically wipe out any deficit in the Post Office Department. But why should the United States Government, by condemnation proceedings or by contract of sale with these express companies, take over their franchises, rights, and properties?

Mr. LEWIS. Mr. Chairman, would the gentleman from Pennsylvania desire to yield? If he does not, I will not press the

question.

Mr. GREGG of Pennsylvania. My time is very limited.

Mr. LEWIS. I do not want to take up the gentleman's time, of course, if he does not desire me to ask the question.

Mr. GREGG of Pennsylvania. How much time have I re-

maining?

The CHAIRMAN. The gentleman has six minutes remaining. Mr. GREGG of Pennsylvania. I think that is just about sufficient time to enable me to conclude.

Mr. LEWIS. If the gentleman prefers not to yield, under the

circumstances, that is all right.

Mr. GREGG of Pennsylvania. If we proceed according to either of the bills that have been introduced, we do so by condemnation proceedings. Now, how do these bills provide, then that the Government shall acquire the rights, privileges, and properties of the express companies? The bills themselves answer, by appraisement. This appraise that shall be made in the first instance by the Interstate Commerce Commission. And then, if either party shall be dissatisfied with the amount awarded, the same may, on appeal by either party, be reviewed and revised by a court of commerce, and from its determina-tion a further appeal may lie on behalf of either party to the Supreme Court of the United States to determine the amount of the just compensation to which said express companies shall be entitled. If the express companies are making the fabulous sums that I have named, and which are correct according to the best statistics we can gather, will they willingly relinquish their franchises, rights, and properties to the Government, or will they contest this condemnation not only through the Interstate Commerce Commission but in the Commerce Court and in the Supreme Court of the United States?

You all know the delays of the appellate courts and the technicalities that are raised. Do you suppose that these express companies would give up their great profits without a fight to the last ditch? No. I will venture the prediction that with the usual law's delays, and in either case there would be no usual delays but unusual ones, that a decade would not see the end of these cases. Then why should the United States Government with all its facilities and with all its equipments pay the express companies gigantic prices and sums for a business that it is fully able to institute, originate, and conduct. The general balance-sheet statement of the express companies as of June 30, 1910, shows that the total assets of these 13 companies were \$204,710,036.91, and of this amount the items which are most

directly devoted to the service approximate:

\$15, 890, 048, 77

9, 435, 620, 17

332, 494, 76

5, 685, 833, 34

10, 916, 445, 46 Real property_____ Equipment
Materials and supplies
Advance payments on contracts
Franchises, good will, etc 43, 260, 442, 50

Mr. LEWIS. Mr. Chairman, I think the gentleman ought to yield on that point. The gentleman is quoting the general balance sheet of the express companies of America as being something over \$200,000,000. He has not stated that at least \$160,000,000 of that balance sheet represents investments of the express companies in outside undertakings—investments wholly separable from the capital invested in the express functions per se, and without intention, of course, he may lead his hearers and readers to a false conception of the cost of acquiring the express companies of the country.

Mr. GREGG of Pennsylvania. I am afraid the gentleman

was not paying very close attention.

Mr. LEWIS. I paid very close attention.

Mr. GREGG of Pennsylvania. I said the total assets of these 13 companies were \$204,710,000, and of this amount the items which are most directly devoted to the service approximate a total of \$43,260,442.50, which leaves a balance to be applied to the particular item to which the gentleman refers, and that is the very reason I say that the express companies will not, under any circumstance, agree to give up the things they now own without a great long fight.

Mr. LOBECK. Mr. Chairman, will the gentleman yield? The CHAIRMAN. Does the gentleman from Pennsylvania yield to the gentleman from Nebraska?

Mr. GREGG of Pennsylvania. Yes. Mr. LOBECK. Would it be best for the Government, in the opinion of the gentleman, to buy their outside investments-

Mr. LOBECK. To prosecute the postal express company? Mr. GREGG of Pennsylvania. What I do mean to say is this, that owing to the fact that these 13 express companies own these particular investments-

Mr. LOBECK. Outside—
Mr. GREGG of Pennsylvania. Yes; if you would in any way attempt to take away from them the carrying of express matter, such as they are carrying now, under those circumstances and owing to the fact that they do own these things that are probably valuable, and in view of the fact that they carry the amount of express matter that they do, they would fight us to the last ditch. We do not need to condemn the property of the last difen. We do not need to condemn the property of the express companies. I should oppose that feature of it. What I contend for is this, that through this commission that is provided for in section 8 of this bill, the United States Government can and will operate a system of express according to zones and according to the ideas which that particular commission shall report to Congress.

The CHAIRMAN. The time of the gentleman has expired.

Mr. GREGG of Pennsylvania. I would like to have five

minutes more, Mr. Chairman. Mr. MOON of Tennessee. I yield to the gentleman five minutes more

The CHAIRMAN. The gentleman from Pennsylvania [Mr. Gregg] is recognized for five minutes more.

Mr. LOBECK. Then the gentleman would favor a zone sys-

tem? Mr. GREGG of Pennsylvania. I will come to that in a moment.

THE GOVERNMENT SHOULD ESTABLISH ITS OWN EXPRESS SYSTEM.

Thus it will be seen that these express companies can not be taken over by the Government without great cost and long and tedious legislation. I repeat that there is no necessity for an investment of this kind. The Government does not need to take them over at a cost of \$1,000,000 or many million dollars. All it needs to do is to establish its own express service by a parcel-post system.

Mr. LEWIS. Now, will the gentleman yield again?

The CHAIRMAN. Does the gentleman from Pennsylvania yield to the gentleman from Maryland?

Mr. GREGG of Pennsylvania. Yes.

Mr. LEWIS. The gentleman is a very ardent advocate, as I judge from his remarks, of the postal transport of the small shipment. Naturally, of course, he will favor its being carried on the most economical terms. I want to suggest to him that the advantage in taking over the express companies and the express contracts is that the Government would then be paying about 7 cents a ton-mile to the railways for carrying the shipments, whereas under the present postal railway pay we are paying about 12 cents a ton-mile, and the cost of acquiring the express companies would probably be saved to the Government in the first year of postal-express management in the mere matter of railway pay.

The gentleman used the expression "postal express," and I have no doubt that as a public servant he means the same general proposition that I do myself. That is the reason I sug-gested to the gentleman from Pennsylvania that I was constrained to take the view that the express proposition must be eliminated from the bill and the most advantageous terms of transportation by the railways be secured by securing the

express contracts.

Mr. GREGG of Pennsylvania. The gentleman interrupted me for the purpose of asking a question, and now he has repeated a speech that I have already read in the Record. But I want to say to the gentleman that while it is true in a general way that it costs 12 cents a pound to carry the mail, I believe that includes mail of the first class and all similar mail. But if I read the report of the Postmaster General correctly, I think it was Postmaster General Meyer who said that mail of this character can be carried by arrangement with the railway companies at not over 9 cents a pound. I may be mistaken.

Mr. LEWIS. The gentleman misunderstood me. I spoke of

12 cents a ton-mile

Mr. GREGG of Pennsylvania. I regret I can not yield. The CHAIRMAN. The gentleman declines to yield.

Mr. GREGG of Pennsylvania. By an expenditure of sums of money, which do not necessarily need to be great, to enlarge its equipment and by the employment of more men it can give a service equal to and greater and better than any that any express company can render. This Government has always been able to handle great problems. Our superstructure has been built upon a sound basis, a business basis. On that we stand

Mr. GREGG of Pennsylvania. I do not know whether it would be or not, if the gentleman from Nebraska will pardon me. Every opportunity has been grasped and we have taken advantage of every statistic that we could to add to our resource-

fulness as a business Nation. We can forge to the front in this kind of a parcel post. We can outclass the United Kingdom, France, Germany, and the other countries that have established and now maintain a parcel post. We can give to the people of our country, to the business men of our country a system of parcel post which will be universal in its character, which will stand first among the nations of the world.

I repeat there is no necessity for the purchase of express companies by this Government. Let us establish a system of our own. Let us establish a system that will give to our people such trade relations as they demand and as they need. This bill proposes this very thing. This bill temporarily provides for a general parcel post and for a limited parcel post over the rural routes. The commission that is provided for will take into consideration and will report to this Congress such facts, such statistics that will enable us to proceed along the lines I have suggested. This commission, through the information that has already been obtained and through expert testimony that will be taken, will seek to fix broad zones within which express matter can be carried at its actual cost. This actual cost will embrace no profits fabulous in their amount, but the real cost of transportation and the necessary amount of expense connected with its handling.

This bill if passed will give to the American people a parcel post unexcelled, unequaled, a strictly and emphatically American parcel post, and that means a system which will render the greatest service to the greatest number at the lowest cost, and without profit. [Applause.]
Mr. MOON of Tennessee. Mr. Chairman, I move that the

committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. HAY, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 21279, the Post Office appropriation bill, and had come to no resolution thereon.

ALICE V. HOUGHTON.

The SPEAKER laid before the House the following resolution of the Senate:

Resolved, That the Secretary be directed to request the House of Representatives to return to the Senate the bill (S. 5137) for the relief of Alice V. Houghton,

The SPEAKER. The question is on agreeing to the resolution of the Senate.

The resolution was agreed to.

PRIMARY NOMINATING ELECTION, DISTRICT OF COLUMBIA.

Mr. LOBECK. Mr. Speaker, I ask unanimous consent to file a supplemental report on House bill 21768, from the Committee on the District of Columbia, and ask that the report be printed and a reprint of the bill be had, showing amendments made by the committee.

The SPEAKER. The Clerk will read the title of the bill. The Clerk read as follows:

A bill (H. R. 21768) to provide for a primary nominating election in the District of Columbia, at which the qualified electors of the said District shall have the opportunity to vote for their first and second choice among those aspiring to be candidates of their respective political parties for President and Vice President of the United States, to elect their party delegates to their national conventions, and to elect their national committeemen.

The SPEAKER. Is there objection?

Mr. MANN. Reserving the right to object, do I understand that the bill as reported to the House does not carry all the amendments that were agreed to in the committee?

Mr. LOBECK. No, sir; it does not. I was instructed by the committee to put in the necessary amendments, so as to make it of date May 28, so that the election can take place this year. Hereafter it will be in April.

The SPEAKER. The gentleman from Nebraska [Mr. Lobeck] asks unanimous consent to file a supplemental report on the bill H. R. 21768, a primary bill for the District of Columbia, and also for a reprint of the bill and committee amendments thereto. Is there objection? [After a pause.] The Chair hears

SENATE BILL REFERRED.

Under clause 2 of Rule XXIV, Senate bill of the following title was taken from the Speaker's table and referred to its appropriate committee, as indicated below:

S. 4948. An act to amend an act approved May 27, 1908, entitled "An act for the removal of restrictions from part of the Lands of allottees of the Five Civilized Tribes, and for other purposes"; to the Committee on Indian Affairs.

ADJOURNMENT.

Mr. MOON of Tennessee. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 8 minutes p. m.) the House adjourned until Wednesday, April 10, 1912, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, a letter from the Secretary of the Treasury, transmitting copy of a communication from the Secretary of War, submitting estimate of appropriation required by the War Department for the construction on the Panama Canal Zone of a military barrack (H. Doc. No. 689), was taken from the Speaker's table, referred to the Committee on Appropriations, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. KITCHIN, from the Committee on Ways and Means, to

which was referred the bill (H. R. 16690) for the relief of scientific institutions or colleges of learning having violated sections 3297 and 3297a of the Revised Statutes and the regulations thereunder, reported the same without amendment, accompanied by a report (No. 512), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. JOHNSON of Kentucky, from the Committee on the District of Columbia, to which was referred the bill (H. R. 22642) providing for the protection of the interests of the United States in lands and waters comprising any part of the Potomac River, the Anacostia River or Eastern Branch, and Rock Creek and lands adjacent thereto, reported the same without amendment, accompanied by a report (No. 513), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. ALEXANDER, from the Committee on the Merchant Marine and Fisheries, to which was referred the bill (H. R. 22580) to authorize the change of the name of the steamers Syracuse and Boston, reported the same without amendment, accompanied by a report (No. 514), which said bill and report were referred to the House Calendar.

Mr. BURNETT, from the Committee on Public Buildings and Grounds, to which was referred the bill (H. R. 13774) providing for the sale of the old post-office property at Providence, R. I., by public auction, reported the same with amendment, accompanied by a report (No. 515), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. STEVENS of Minnesota, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (S. 1524) to authorize the construction and maintenance of a dam or dams across the Kansas River in western Shawnee County or in Wabaunsee County, in the State of Kansas, reported the same with amendment, accompanied by a report (No. 517), which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. SHERWOOD, from the Committee on Invalid Pensions, to which was referred the bill (8, 5045) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors, reported the same without amendment, accompanied by a report (No. 510), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill (8, 5193) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows. and dependent relatives of such soldiers and sailors, reported the same without amendment, accompanied by a report (No. 511), which said bill and report were referred to the Private Calendar.

Mr. ANTHONY, from the Committee on Military Affairs, to which was referred the bill (H. R. 15286) for the relief of Gustay A. Hesselberger, reported the same with amendment, accompanied by a report (No. 516), which said bill and report were referred to the Private Calendar.

Mr. BURKE of Wisconsin, from the Committee on Invalid pensions, to which was referred sundry bills of the House, reported in lieu thereof the bill (H. R. 23063) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of such soldiers and sailors, accompanied by a report (No. 509), which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows

By Mr. McGUIRE of Oklahoma: A bill (H. R. 23064) for the relief of the Iowa Indians in Oklahoma; to the Committee on Indian Affairs.

By Mr. CANDLER: A bill (H. R. 23065) to prohibit the receipt, delivery, or transmission of interstate or foreign messages, or other information to be used in connection with, and to prohibit interstate and foreign transactions of every character and description that in anywise depend upon margins as a part thereof, and for other purposes; to the Committee on Agriculture.

By Mr. BARTHOLDT: A bill (H. R. 23066) to amend an act to regulate the immigration of aliens into the United States, approved February 20, 1907; to the Committee on Immigration and Naturalization.

By Mr. HUMPHREY of Washington: A bill (H. R. 23067) to amend the laws relating to navigation; to the Committee on the Merchant Marine and Fisheries.

By Mr. RUCKER of Missouri: A bill (H. R. 23068) to amend an act entitled "An act providing for publicity of contributions made for the purpose of influencing elections at which Representatives in Congress are elected"; to the Committee on Election of President, Vice President, and Representatives in

By Mr. CLAYTON: A bill (H. R. 23069) to amend section 4 of the act of July 2, 1890, entitled "An act to protect trade and commerce against unlawful restraints and monopolies"; to the Committee on the Judiciary

Also, a bill (H. R. 23070) to increase the limit of cost of public building at Eufaula, Ala.; to the Committee on Public Buildings and Grounds.

By Mr. UNDERWOOD: A bill (H. R. 23071) to amend paragraph 709 of section 1 of the act entitled "An act to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes," approved August 5,

1909; to the Committee on Ways and Means.

By Mr. LINDBERGH: Resolution (H. Res. 484) compelling Members of the House to file a statement with the Clerk showing the nature of any and all kinds of business they may have interests in, together with pecuniary interests of their families, etc.; to the Committee on Rules.

By Mr. RUCKER of Missouri; Resolution (H. Res. 485) authorizing the appointment of a select committee to determine as to whether or not money has been used to influence legislation, etc.; to the Committee on Rules.

By Mr. CLAYTON: Resolution (H. Res. 486) authorizing payment of certain expenses incurred by the Committee on the Judiciary; to the Committee on Accounts.

By Mr. McCALL: Concurrent resolution (H. Con. Res. 49) to print 10,000 copies of Bulletin No. 91, entitled "The importation into the United States of the parasites of the gipsy moth and the brown-tail moth;" to the Committee on Printing. By Mr. GARDNER of Massachusetts: Joint resolution (H. J.

Res. 292) authorizing the Secretary of the Interior to lease to benevolent and fraternal organizations for a term of years certain public lands; to the Committee on the Public Lands

Also, memorial of the Legislature of Massachusetts relating to improvement of the Merrimac River; to the Committee on Rivers and Harbors.

By Mr. CURLEY: Memorial of the Legislature of Massachusetts relating to improvement of the Merrimac River; to the Committee on Rivers and Harbors.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolu-tions of the following titles were introduced and severally referred as follows:

By Mr. BURKE of Wisconsin: A bill (H. R. 23063) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war; to the Committee of the Whole House.

By Mr. ANTHONY: A bill (H. R. 23072) granting a pension to Elizabeth McDowell; to the Committee on Invalid Pensions. Invalid Pensions.

By Mr. BOEHNE: A bill (H. R. 23073) granting a pension to Emory O, Maples; to the Committee on Pensions.

Also, a bill (H. R. 23074) granting a pension to Nancy A. Aydelott; to the Committee on Invalid Pensions.

By Mr. BROWNING: A bill (H. R. 23075) granting an increase of pension to Hiram D. Beckett; to the Committee on Invalid Pensions.

By Mr. BULKLEY: A bill (H. R. 23076) to remove the charge of desertion from the military record of Charles V. Wells; to the Committee on Military Affairs.

By Mr. CLARK of Missouri: A bill (H. R. 23077) granting an increase of pension to Hiram Hardwick; to the Committee on Pensions

By Mr. CRAVENS: A bill (H. R. 23078) granting patent to certain lands to the legal heirs of W. F. Nichols; to the Com-

mittee on the Public Lands.

By Mr. CULLOP: A bill (H. R. 23079) granting an increase of pension to James G. Bullock; to the Committee on Invalid Pensions.

By Mr. DENT: A bill (H. R. 23080) for the relief of George P. Heard; to the Committee on Military Affairs.
By Mr. DICKINSON: A bill (H. R. 23081) granting an increase of pension to William D. Reed; to the Committee on Invalid Pensions.

By Mr. FIELDS: A bill (H. R. 23082) granting a pension

to John W. Martin; to the Committee on Invalid Pensions. By Mr. FORDNEY: A bill (H. R. 23083) granting an increase of pension to John Lamott; to the Committee on Invalid Pensions.

By Mr. FORNES: A bill (H. R. 23084) to reinstate Edward. Dieter as second Heutenant in the United States Marine Corps; to the Committee on Naval Affairs.

By Mr. GOOD: A bill (H. R. 23085) granting an increase of pension to Samuel P. Foy; to the Committee on Invalid Pen-

By Mr. GRAY: A bill (H. R. 23086) to correct the military record of Henry L. Kester; to the Committee on Military

By Mr. HARDWICK: A bill (H. R. 23087) for the relief of estate of William Brantley Ryle, deceased; to the Committee on War Claims.

By Mr. HARDY: A bill (H. R. 23088) for the relief of the heirs of Uriah Ward; to the Committee on War Claims.

By Mr. HARTMAN: A bill (H. R. 23089) granting an increase of pension to Joshua B. Williams; to the Committee on Invalid Pensions.

By Mr. HAWLEY: A bill (H. R. 23090) granting an increase of pension to Isaac Hutchins; to the Committee on Invalid

By Mr. HUMPHREY of Washington: A bill (H. R. 23091) granting an increase of pension to John Kelly; to the Committee on Invalid Pensions.

Also, a bill (H. R. 23092) granting a pension to Frederick P. Tuite; to the Committee on Pensions.

By Mr. McCALL: A bill (H. R. 23093) for the relief of Mordecai P. Bean; to the Committee on Military Affairs.

Also, a bill (H. R. 23094) granting a pension to Felix Legan; to the Committee on Invalid Pensions.

By Mr. McGUIRE of Oklahoma: A bill (H. R. 23095) grant-ing an increase of pension to Owen Hymer, alias Owen Bhymer; to the Committee on Invalid Pensions.

By Mr. NEELEY: A bill (H. R. 23096) granting an increase of pension to Jesse N. Albright; to the Committee on Invalid

Also, a bill (H. R. 23097) granting an increase of pension to William Sewards; to the Committee on Invalid Pensions.

By Mr. NORRIS: A bill (H. R. 23098) to correct the military record of Joseph Gorman; to the Committee on Military

By Mr. OLMSTED: A bill (H. R. 23099) granting an increase of pension to Christian Sharer; to the Committee on Invalid Pensions.

Also, a bill (H. R. 23100) granting an increase of pension to James Appleton; to the Committee on Invalid Pensions.

By Mr. RUSSELL: A bill (H. R. 23101) granting an increase of pension to Robert H. Bickers; to the Committee on Invalid Pensions.

By Mr. SLEMP: A bill (H. R. 23102) granting a pension to

By Mr. STANLEY: A bill (H. R. 23103) for the relief of Martha A. Troop; to the Committee on Military Affairs.

By Mr. YOUNG of Kansas: A bill (H. R. 23104) granting an

increase of pension to Joseph McMullen; to the Committee on

Also, a bill (H. R. 23105) granting an increase of pension to C. F. S. Aimes; to the Committee on Invalid Pensions.

By Mr. WICKERSHAM; A bill (H. R. 23106) for the relief

of Henry States; to the Committee on the Territories.

By Mr. WILLIS: A bill (H. R. 23107) granting an increase

of pension to John C. Babbs; to the Committee on Invalid Pen-

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ANDERSON of Minnesota: Petition of W. J. Disney & Sons and 7 others, of Zumbro Falls, Minn., against extension of the parcel-post system; to the Committee on the Post Office and Post Roads.

By Mr. ASHBROOK: Petition of W. F. Croul and 8 other citizens of Layland and Killbuck, Ohio, asking for immediate en-actment of the parcel-post system; to the Committee on the Post

Office and Post Roads.

Also, petition of the Licking Division of Ohio, No. 166, Order of Railway Conductors, asking for the passage of Senate bill 5342 and House bill 20487, the employers and workmen's compensation act; to the Committee on the Judiciary.

Also, petition of W. A. Walton and 20 other citizens of Newark, Ohio, protesting against the passage of the Kenyon-Sheppard interstate liquor bill; to the Committee on the Judi-

By Mr. BULKLEY: Memorial of the Cleveland Clearing House Association, for 1-cent letter postage; to the Committee on the Post Office and Post Roads. By Mr. CALDER: Memorial of the Amateur Athletic Union,

for appointment of a commissioner to represent the United States at the coming Olympian championships; to the Committee on Foreign Affairs.

Also, petition of M. C. Reeves, of Brooklyn, N. Y., for construction of a Lincoln memorial road from Washington to

Gettysburg; to the Committee on the Library.

Also, petition of Central Federated Union of Greater New York and vicinity, for conferring American citizenship on Porto Ricans and creating a department of labor and agriculture for the island; to the Committee on Insular Affairs

Also, memorial of Chamber of Commerce of the State of New

York, for enactment of House bill 20044, for the improvement of the foreign service; to the Committee on Foreign Affairs.

Also, memorial of the Chamber of Commerce of the State of New York, for creation of a Federal commission on industrial

New York, for creation of a Federal Commission on Industrial relations; to the Committee on Rules.

Also, petition of Local Union No. 132, Cigarmakers' International Union of America, for enactment of House bill 17253; to the Committee on Ways and Means.

Also, memorial of Cordova (Alaska) Chamber of Commerce, for certain improvements in that Territory; to the Committee on the Territories.

By Mr. CAMPBELL: Petition of citizens of the third congressional district of Kansas, for parcel-post legislation; to the Committee on the Post Office and Post Roads.

By Mr. CATLIN: Petitions of the Williams Patent Crusher & Pulverizer Co. and of the Whitman Agricultural Co., of St. Louis, Mo., against House bill 21100, providing for a trial by jury in contempt cases; to the Committee on the Judiciary.

By Mr. COX of Ohio: Petition of citizens of Dayton, Ohio, for an effective interstate liquor law; to the Committee on the

Judiciary.

By Mr. CURLEY: Petition of citizens of Boston, Mass., for enactment into law of parcel-post system; to the Committee on the Post Office and Post Roads.

By Mr. DRAPER: Memorial of the Chamber of Commerce of the State of New York, for amending the navigation laws; to the Committee on the Merchant Marine and Fisheries.

Also, memorial of the Chamber of Commerce of the State of New York, relative to operation of the Panama Canal; to the

Committee on Interstate and Foreign Commerce. By Mr. ESCH: Petition of Central Federated Union of Greater New York and vicinity, for conferring American citizen-ship on Porto Ricans and creation of a department of labor and agriculture in that island; to the Committee on Insular

By Mr. FLOYD of Arkansas: Papers to accompany bill for the relief of John Estep (H. R. 16729); to the Committee on Invalid Pensions.

By Mr. FORNES: Papers to accompany bill to reinstate Edward P. Dieter as second lieutenant in the United States Marine Corps; to the Committee on Naval Affairs.

Also, memorial of the Chamber of Commerce of the State of New York, for amending the navigation laws; to the Committee on the Merchant Marine and Fisheries.

Also, memorial of the Chamber of Commerce of the State of New York, relative to the operation of the Panama Canal; to the Committee on Interstate and Foreign Commerce.

By Mr. FOSTER: Petitions of citizens of Effingham and Vandalia, Ill., against the enactment of parcel post; to the Com-

mittee on the Post Office and Post Roads.

By Mr. FULLER: Petition of the Chamber of Commerce of the State of New York, against proposed prohibition in the use of the Panama Canal by steamship companies in which railway companies have an interest, etc.; to the Committee on Interstate and Foreign Commerce.

Also, petition of the Central Federated Union of Greater New York and vicinity, for American citizenship and the creation of a department of labor and agriculture for Porto Rico;

to the Committee on Insular Affairs.

By Mr. GARNER: Petition of St. Henry's Society, of New Berlin, Tex., relative to measures relating to Catholic Indian mission interests; to the Committee on Indian Affairs.

Also, petition of Lodge No. 491, Brotherhood of Locomotive Firemen and Enginemen, for enactment of the proposed employees' compensation act; to the Committee on the Judiciary.

Also, petition of citizens of Mercedes, Tex., protesting against parcel-post legislation; to the Committee on the Post Office and

Post Roads.

By Mr. GARRETT: Petition of residents of Martin, Tenn., protesting against parcel-post legislation; to the Committee on

the Post Office and Post Roads.

By Mr. GOLDFOGLE: Petition of the Central Federated Union of Greater New York and Vicinity, for conferring American citizenship on Porto Ricans and creation of a department of labor and agriculture in that island; to the Committee on Insular Affairs.

Also, memorial of the Amateur Athletic Union, for appointment of a commissioner to represent the United States at the coming Olympian championships; to the Committee on Foreign

Also, memorial of the Chamber of Commerce of the State of New York, for enactment of House bill 20044, for the improvement of the foreign service; to the Committee on Foreign

Also, memorial of the Chamber of Commerce of the State of New York, for creation of a Federal commission on industrial

relations; to the Committee on Rules.

Also, memorial of the Cordova (Alaska) Chamber of Com-merce, for certain improvements in that Territory; to the Committee on the Territories.

Also, memorial of the Pittsburgh City Council, remonstrating against extension of the permit to build a bridge over the Monongahela River in the city of Pittsburgh, Pa., as contemplated in House bill 21292; to the Committee on Interstate and Foreign Commerce.

By Mr. HANNA: Petition of citizens of the State of North Dakota, urging repeal of the reciprocity treaty with Canada; to the Committee on Ways and Means.

Also, petition of Barthel Gimster, of Haynes, N. Dak., asking that the duties on raw and refined sugars be reduced; to the Committee on Ways and Means.

Also, petition of citizens of the State of North Dakota, for parcel-post legislation; to the Committee on the Post Office and Post Roads.

Also, petition of C. D. Hathaway, of Merricourt, N. Dak., protesting against further extension of the parcel-post system; to the Committee on the Post Office and Post Roads.

Also, petition of Joseph Matters and E. B. Matters, of Fargo, N. Dak., for enactment of the Kenyon-Sheppard interstate liquor

bill; to the Committee on the Judiciary.

By Mr. HARDWICK: Petition of B. F. Ryle, heir of William Brantley Ryle, deceased, praying reference of his claim to the Court of Claims under section 151 of the act approved March 3, 1911; to the Committee on War Claims.

By Mr. HARDY: Papers to accompany bill for the relief of Uriah Ward; to the Committee on War Claims.

By Mr. HARTMAN: Petition of citizens of Johnstown, Pa.,

for certain amendment to the Federal Constitution; to the Committee on the Judiciary.

By Mr. HAYES: Memorial of the Chamber of Commerce of Alameda, Cal., in favor of Lincoln memorial; to the Committee on the Library.

Also, memorial of the Chambers of Commerce of Sunnyside, Oakland, and Alameda, Cal., in favor of passage of House bill 18227; to the Committee on the Public Lands.

Also, petition of C. D. Stoesser, of Watsonville, Cal., opposing passage of a parcel-post system; to the Committee on the Post Office and Post Roads.

Also, petition of the C. S. Pierce Lumber Co., Fresno, Cal., opposing the passage of a parcel-post system; to the Committee

on the Post Office and Post Roads.

Also, petition of the Sign and Pictorial Painters' Union No. 310, of San Francisco, Cal., opposing action of W. B. Moses & Son, of Washington, D. C.; to the Committee on Labor

Also, petition of the California Retail Grocers and Merchants' Association, against parcel post; to the Committee on the Post

Office and Post Roads.

Also, petition of the San Francisco (Cal.) Labor Council, in favor of House bill 20423; to the Committee on the Judiciary

Also, petition of U. S. Grant Council, No. 19, Junior Order United American Mechanics, disapproving immigration bill now before the Senate; to the Committee on Immigration and Naturalization.

Also, petition of the Woman's Christian Temperance Union of California, favoring passage of the Kent bill to restore citizenship to American women who marry foreigners; to the Committee on the Judiciary.

Also, memorial of the Chamber of Commerce, San Francisco, Cal., in favor of House bill 20626; to the Committee on the

Merchant Marine and Fisheries.

Also, petition of the Varsity Theater, Palo Alto, Cal., against House bill 20595, to amend section 25 of the copyright act of 1909; to the Committee on Patents.

Also, petition of citizens of Saratoga, Cal., for passage of Kenyon-Sheppard interstate liquor bill; to the Committee on

the Judiciary

By Mr. KAHN: Petitions of Luhman & Creon and F. B. Voorhies & Sons, of San Francisco, Cal., for enactment of House bill

21225; to the Committee on Agriculture. Also, petition of United States Indian Warriors, of San Fran-

cisco, Cal., for pensioning of the officers and enlisted men who served in the Indian wars between 1865 and 1890; to the Committee on Pensions.

Also, petition of the California Barrel Co., of San Francisco, Cal., for free passage of American ships through the Panama Canal; to the Committee on Interstate and Foreign Commerce. Also, petition of the California Retail Grocers and Merchants'

Association, of San Francisco, Cal., opposing parcel-post legisla-tion; to the Committee on the Post Office and Post Roads. Also, petition of the California Development Board of San

Francisco, Cal., for appropriation to enforce the white slave traffic act; to the Committee on Appropriations.

Also, memorial of Polish Society of California, opposing further restrictions on immigrants; to the Committee on Immigration and Naturalization.

Also, memorial of the Chamber of Commerce of San Francisco, Cal., for enactment of House bill 20626; to the Committee

on the Merchant Marine and Fisheries.

Also, petition of T. C. Friedlander, of San Francisco, Cal., for appropriation for improvements in the light and fog signal stations on the coast of California; to the Committee on Interstate and Foreign Commerce.

By Mr. KINDRED: Petition of the Chamber of Commerce of the State of New York, for amending the navigation laws; to the Committee on the Merchant Marine and Fisheries.

Also, petition of the National Rivers and Harbors Congress, Washington, D. C., for free passage of American ships through the Panama Canal; to the Committee on Interstate and Foreign Commerce.

Also, petition of the Central Federated Union of Greater New York and Vicinity, urging that American citizenship be conferred on Porto Ricans and that a department of labor and agriculture be created for that island; to the Committee on Insular Affairs.

By Mr. LINDSAY: Memorial of the Chamber of Commerce of the State of New York, for amending the navigation laws; to the Committee on the Merchant Marine and Fisheries.

Also, memorial of the Chamber of Commerce of the State of New York, relative to the operation of the Panama Canal; to

the Committee on Interstate and Foreign Commerce.

Also, memorial of the Central Federated Union of Greater New York and Vicinity, urging that American citizenship be conferred on Porto Ricans, and that a department of labor and agriculture be created for that island; to the Committee on Insular

By Mr. LOBECK: Memorial of the Northeast Washington Citizens' Association, protesting against any increase of salaries of officials of the District of Columbia who now receive more than \$2,000; to the Committee on the District of Columbia.

Also, memorial of the Los Angeles (Cal.) Chamber of Commerce, for free tolls to American ships in Panama Canal; to the Committee on Interstate and Foreign Commerce.

Also, petition of 29 citizens of Ruskins, Nebr., against parcelpost law; to the Committee on the Post Office and Post Roads.

By Mr. McCOY; Petition of Hat Finishers' Union, Local No. United Hatters of North America, favoring passage of Hamill bill, for retirement of civil-service employees; to the Committee on Reform in the Civil Service.

By Mr. MOTT: Petition of the Chamber of Commerce of State of New York, in favor of the opening of the Panama Canal to all tonnage; to the Committee on Interstate and

Foreign Commerce.

Also, petition of Smithville Grange, Smithville, N. Y., favoring enactment of parcel-post law; to the Committee on the Post Office and Post Roads.

By Mr. NYE: Petition of Cooper Machine Operators, Local 75, of Minneapolis Minn., favoring construction of one battleship in a Government navy yard; to the Committee on Naval Affairs.

By Mr. PATTEN of New York: Memorial of the Chamber of Commerce of the State of New York, for amending the navigation laws; to the Committee on the Merchant Marine and Fisheries.

Also, memorial of the Chamber of Commerce of the State of New York, relative to operation of the Panama Canal; to the Committee on Interstate and Foreign Commerce.

By Mr. RAKER: Papers to accompany House bill 19460; to

the Committee on Invalid Pensions.

By Mr. REDFIELD: Memorial of the Chamber of Commerce of the State of New York, for enactment of House bill 20044, for the improvement of the foreign service; to the Committee on Foreign Affairs.

Also, memorial of the Chamber of Commerce of the State of New York, for creation of a commission on industrial relations;

to the Committee on Rules.

By Mr. REYBURN: Petition of the Central Federated Union of Greater New York and Vicinity, urging that American citizen-ship be conferred on Porto Ricans and that a department of labor and agriculture be created for that island; to the Committee on Insular Affairs.

Also, resolution of the Philadelphia (Pa.) Drug Exchange, in favor of 1-cent postage; to the Committee on the Post Office

and Post Roads.

By Mr. ROBERTS of Nevada: Petition of citizens of Sparks, Nev., asking that a clause be inserted in naval appropriation bill providing for the building of one battleship in a Government navy yard; to the Committee on Naval Affairs.

Also, petition of citizens of Nevada, in favor of House bill 16450, to punish the unlawful breaking of seals of railroad cars containing interstate or foreign shipments, etc.; to the Committee on the Judiciary.

By Mr. WEDEMEYER: Petition of citizens of Ann Arbor, Mich., for the passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. WILLIS: Papers to accompany House bill 23062, granting a pension to Arminta Lary; to the Committee on Invalid Pensions.

Also, papers to accompany House bill 4639, granting an increase of pension to Williamson T. Tway; to the Committee on Invalid Pensions.

By Mr. WILSON of New York: Petition of the Central Federated Union of Greater New York and Vicinity, for conferring American citizenship on Porto Ricans and creating a department of labor and agriculture for that island; to the Committee on Insular Affairs.

Also, memorial of the Chamber of Commerce of the State of New York, for the creation of a Federal commission on industrial relations; to the Committee on Rules.

Also, memorial of the Chamber of Commerce of the State of New York, for enactment of House bill 20044, for the improvement of the foreign service; to the Committee on Foreign Affairs.

Also, memorial of the Chamber of Commerce of the State of New York, relative to operation of the Panama Canal; to the Committee on Interstate and Foreign Commerce.

Also, memorial of the Chamber of Commerce of the State of New York, for amending the navigation laws; to the Committee on the Merchant Marine and Fisheries.

Also, memorials of the Allied Boards of Trade and Taxpayers' Association and the Twenty-eighth Ward Taxpayers' Protective Association, of Brooklyn, N. Y., for the building of battle-ships at the Brooklyn Navy Yard; to the Committee on Naval Affairs.

SENATE.

WEDNESDAY, April 10, 1912.

The Senate met at 2 o'clock p. m. Prayer by the Chaplain, Rev. Ulysses G. B. Pierce, D. D. The Journal of yesterday's proceedings was read and approved.

MOTOR AND OTHER VEHICLES IN GOVERNMENT SERVICE (S. DOC. NO. 550).

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Interior, transmitting, in response to a resolution of the 25th ultimo, certain information relative to the number of carriages, motor vehicles, etc., owned and operated by the Government and used by the Department of the Interior, which was referred to the Committee on Appropriations and ordered to be printed.

SHADRACK SECHREST V. UNITED STATES (S. DOC. NO. 551).

The VICE PRESIDENT laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact and conclusion of law filed by the court in the cause of Shadrack Sechrest v. United States, which, with the accompanying paper, was referred to the Committee on Claims and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by D. K. Hempstead, its enrolling clerk, announced that the House had passed a bill (H. R. 20728) making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1913, in which it requested the concurrence of the Senate.

The message also returned to the Senate, in compliance with its request, the bill (S. 5137) for the relief of Alice V. Houghton.

PETITIONS AND MEMORIALS.

Mr. CULLOM presented a petition of the Association of Commerce of Chicago, Ill., praying for the enactment of legislation to permit corporations to make returns at the end of their fiscal years, which was referred to the Committee on Finance.

He also presented a petition of members of the Christian Endeavor Society of the Memorial Christian Church, of Rock Island, Ill., praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which was referred to the Committee on the Judiciary.

He also presented a memorial of the Illinois Lumber and Builders' Supply Dealers' Association, remonstrating against the passage of the so-called eight-hour bill, which was referred to the Committee on Education and Labor.

Mr. GALLINGER presented a petition of Local Division No. 417, Order of Railway Conductors, of Woodsville, N. H., praying for the passage of the so-called workmen's compensation bill, which was ordered to lie on the table.

He also presented a petition of Local Grange No. 188, Patrons of Husbandry, of Rumney, N. H., praying for the establishment of a parcel-post system, which was referred to the Committee on Post Offices and Post Reads.

He also presented a memorial of the Columbia Heights Citizens' Association, of the District of Columbia, remonstrating against the enactment of legislation to provide for the widening and extension of Spring Road, Washington, D. C., which was ordered to lie on the table.

Mr. LODGE. I present resolutions adopted by the Legislature of the Commonwealth of Massachusetts, relative to the improvement of navigation on the Merrimac River. I ask that the resolutions be printed in the RECORD and referred to the Committee on Commerce.

The resolutions were referred to the Committee on Commerce and ordered to be printed in the RECORD, as follows:

THE COMMONWEALTH OF MASSACHUSETTS, 1912.

Resolutions relative to the improvement of navigation on the Merri-

mae River.

Whereas the Merrimac River, the second largest stream in this Commonwealth, has not received from the National Government such attention as a river of so great commercial value should receive; and Whereas the Merrimac Valley can be made an ideal locality for great industries if adequate facilities for water transportation are provided by the Government of the United States by improving the navigability of the said river and thereby developing a suitable waterway from Lowell to the sea: Therefore be it

Resolved, That the Senators and Representatives in Congress from Massachusetts are hereby requested to take early and concerted action to bring before Congress the necessity of such an appropriation as may be sufficient for the purpose above specified.

Resolved, That certified copies of these resolutions be sent by the secretary of the Commonwealth to the Secretary of War and to each of the Senators and Representatives in Congress from Massachusetts. In house of representatives, adopted March 12, 1912. In senate, adopted in concurrence March 21, 1912.

A true copy. Attest:

ALBERT P. LANGTRY, Secretary of the Commonwealth.

Mr. SMITH of Arizona presented a petition of the Woman's Christian Temperance Union of Phoenix, Ariz., praying for the enactment of an interstate liquor law to prevent the nullifica-tion of State liquor laws by outside dealers, which was referred

to the Committee on the Judiciary.

He also presented petitions of the board of supervisors of Pima County, of the board of directors of the Chamber of Commerce and of the mayor and members of the city council of Tucson, all in the State of Arizona, praying for the enactment of legislation providing that the United States court for the district of Arizona shall hold one term of court annually at Tucson, as well as at other cities in that State, which were

referred to the Committee on the Judiciary.

Mr. ASHURST presented a petition of sundry citizens of Yuma County, Ariz., praying that an appropriation be made for the construction of a bridge across the Colorado River at Yuma, in that State, which was referred to the Committee on Commerce.

Mr. SHIVELY presented a memorial of the Kyle Creamery Association, of Dearborn County, Ind., remonstrating against the enactment of legislation to permit the coloring of oleomargarine in imitation of butter, which was referred to the Committee on Agriculture and Forestry.

Mr. PERKINS presented a memorial of the board of super-

visors of Yuba County, Cal., remonstrating against any reduction of the duty on sugar, which was referred to the Committee on Finance.

He also presented petitions of sundry citizens of Berkeley and Santa Cruz, in the State of California, praying that an appropriation be made for the suppression of the so-called white-slave traffic, which were referred to the Committee on Appropriations.

Mr. CRANE presented resolutions adopted by the Legislature

of the Commonwealth of Massachusetts, relative to the improve-ment of navigation on the Merrimac River, which were referred to the Committee on Commerce.

REPORTS OF COMMITTEES.

Mr. CURTIS, from the Committee on Pensions, to which were referred the following bills, reported them each with amendments and submitted reports thereon:

H. R. 18336. An act granting pensions and increase of pensions certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war (Rept. No. 595); and

H. R. 18335. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war (Rept. No. 596).

Mr. DU PONT. I am directed by the Committee on Military Affairs, to which was referred the bill (H. R. 21170) granting to El Paso & Southwestern Railroad Co., a corporation organized and existing under the laws of the Territory and State of Arizona, a right of way through the Fort Huachuca Military Reservation, in the State of Arizona, and authorizing said corporation and its successors or assigns to construct and operate a rallway through said Fort Huachuca Military Reservation, and for other purposes, to report it favorably without amendment, and I submit a report (No. 599) thereon. I ask that the House bill take the place of Senate bill 5658 of a similar title on the calendar, being Order of Business No. 398.

The VICE PRESIDENT. Without objection, the House bill reported by the Senator from Delaware will take the place of the Senate bill on the calendar, and the Senate bill will be postponed indefinitely.

Mr. DU PONT, from the Committee on Pensions, to which was referred the bill (S. 117) granting an increase of pension to Annie G. Hawkins, reported it with an amendment and submitted a report (No. 597), together with the adverse views of the minority, thereon.

He also, from the same committee, to which was referred the bill (S. 118) granting an increase of pension to Harriet Pierson Porter, reported it with amendments and submitted a report (No. 598), together with the adverse views of the minority, thereon.

COMMITTEE ON EXPENDITURES IN DEPARTMENT OF COMMERCE AND LABOR.

Mr. BRIGGS, from the Committee to Audit and Control the Contingent Expenses of the Senate, to which was referred

Senate resolution 276, submitted by Mr. Gallinger on the 5th instant, reported it without amendment, and it was considered by unanimous consent and agreed to, as follows:

Resolved, That the Committee on Expenditures in the Department of Commerce and Labor be, and it hereby is, authorized to employ a clerk at a salary of \$2,220 per annum and a messenger at \$1,440 per annum, to be paid from the contingent fund of the Senate until otherwise provided for by law.

BILLS INTRODUCED.

Bills were introduced, read the first time and, by unanimous consent, the second time, and referred as follows:

By Mr. ASHURST:
A bill (S. 6245) to provide for an enlarged homestead entry in Arizona where sufficient water suitable for domestic purposes is not obtainable upon the lands; to the Committee on Public Lands.

By Mr. FALL:

A bill (S. 6246) granting public lands to the State of New Mexico for the construction of public roads and bridges; to the Committee on Public Lands.

By Mr. CHILTON:

A bill (S. 6247) to provide for the bringing of suits against the United States by Virginia, West Virginia, Kentucky, Delaware, Pennsylvania, New Jersey, Georgia, Connecticut, Massachusetts, Maryland, South Carolina, New Hampshire, New York, North Carolina, and Rhode Island, which was read twice by its title.

The VICE PRESIDENT. The bill will be referred to the

Committee on the Judiciary.

Mr. CHILTON. Mr. President, I do not wish to have the bill referred at the present time. I should like to make an explanation of it to the Senate.

The VICE PRESIDENT. Does the Senator desire to have the bill remain on the table?

Mr. CHILTON. I desire to have the bill remain on the table, and either at this time or immediately after the morning business I wish to address myself for a few minutes to the bill.
The VICE PRESIDENT. The bill will lie on the table.

By Mr. CHILTON:

bill (S. 6248) granting an increase of pension to Bettie F. Edens

A bill (S. 6249) granting an increase of pension to Samuel W. Harden; and

A bill (S. 6250) granting an increase of pension to George F. Brown; to the Committee on Pensions.

By Mr. SMITH of Arizona:

A bill (S. 6251) granting lands to the State of Arizona for construction and maintenance of roads, highways, and bridges; to the Committee on Public Lands,

By Mr. PERKINS:

A bill (S. 6252) to relinquish the title of the United States to certain property in the city and county of San Francisco, Cal. (with accompanying papers); to the Committee on Public Buildings and Grounds.

By Mr. GALLINGER:

A bill (S. 6253) granting a pension to Miranda A. Hishley (with accompanying paper); and

A bill (S. 6254) granting a pension to John F. Miller (with accompanying papers); to the Committee on Pensions.

By Mr. GUGGENHEIM:

A bill (S. 6255) granting an increase of pension to John Luzerne Taylor (with accompanying paper); and

A bill (S. 6256) granting an increase of pension to Jackson J. Lane (with accompanying papers); to the Committee on Pen-

bill (S. 6257) granting an increase of pension to Ellis Gully (with accompanying papers); to the Committee on Pen-

By Mr. SHIVELY:

A bill (S. 6258) granting a pension to Ellis T. Padgett (with accompanying papers); to the Committee on Pensions.

By Mr. WILLIAMS:

A bill (S. 6259) for the relief of the estate of William Penn, deceased; to the Committee on Claims.

By Mr. KERN:

A bill (S. 6260) granting a pension to Esther E. Stucky (with accompanying papers);

A bill (S. 6261) granting an increase of pension to John O.

Branson (with accompanying papers); and A bill (S. 6262) granting a pension to Elizabeth E. Carr (with accompanying papers); to the Committee on Pensions.

AMENDMENTS TO RIVER AND HARBOR BILL (H. B. 21477).

Mr. BACON submitted an amendment proposing to increase the appropriation for improving Altamaha, Oconee, and Ocmul- resolution should go over under the rule. I did so, thinking

gee Rivers, Ga., from \$40,000 to \$75,000, etc., intended to be proposed by him to the river and harbor appropriation bill. which was referred to the Committee on Commerce and ordered to be printed.

Mr. GRONNA (for Mr. McCumber) submitted an amendment proposing to appropriate \$150,000 for improving the Missouri River from Kansas City to Le Beau, S. Dak., intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered

to be printed.

He also (for Mr. McCumper) submitted an amendment proposing to appropriate \$235,000 for the construction of a lock in the Yellowstone River, Mont., etc., intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. BORAH (by request) submitted an amendment authorizing the Secretary of the Interior to approve the findings of the District Court of Oklahoma for Kay County in the matter of the determination of the heirs of Buck Bill, a deceased Tonkawa Indian, etc., intended to be proposed to the Indian appropriation bill (H. R. 20728), which was referred to the Committee on Indian Affairs and ordered to be printed.

Mr. GUGGENHEIM submitted an amendment proposing to appropriate \$25,000 for the post office at Greeley, Colo., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and

ordered to be printed.

He also submitted an amendment proposing to appropriate \$500,000 for the post office at Denver, Colo., etc., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

He also submitted an amendment proposing to appropriate \$100,000 for the purchase and distribution of seeds where on account of climatic conditions in 1911 the crops were a failure, etc., intended to be proposed by him to the Agriculture appropriation bill (H. R. 18960), which was referred to the Committee on Agriculture and Forestry and ordered to be printed.

Mr. CURTIS submitted an amendment proposing to appropriate \$50,000 for the construction of a steel bridge across the Kansas River at Fort Riley, Kans., etc., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be

printed.

Mr. WARREN submitted an amendment proposing to expend not exceeding \$5,000 of the appropriation for the enforcement of the food and drugs act for the purchase of all right, title, and interest in and to the Marsh test for detecting artificial coloring matter in whisky, etc., intended to be proposed by him to the Agriculture appropriation bill (H. R. 18960), which was referred to the Committee on Agriculture and Forestry and ordered to be printed.

Mr. OWEN submitted an amendment proposing to appropriate \$1,000 out of any moneys of the Osage Indians for the removal of restrictions upon the alienation of all or only a described portion of the surplus lands of any Osage allottee, etc., intended to be proposed by him to the Indian appropriation bill (H. R. 20728), which was referred to the Committee on Indian Affairs

and ordered to be printed.

HOUSE BILL REFERRED.

H. R. 20728. An act making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1913, was read twice by its title and referred to the Committee on Indian Affairs.

QUORUM OF COMMITTEES.

The VICE PRESIDENT. The Chair lays before the Senate the following resolution, coming over from the previous legislative day.

The Secretary read Senate resolution 280, submitted yester-

day by Mr. Clarke of Arkansas, as follows:

day by Mr. CLARKE of Afkansas, as follows:

Resolved, That the several standing committees of the Senate, having a membership of more than three Senators, are hereby respectfully authorized to fix, each for itself, the number of its members who shall constitute a quorum thereof for the transaction of such business as may be considered by said committee; but in no case shall a committee, acting under authority of this resolution, fix as a quorum thereof any number less than one-third of its entire membership.

The VICE PRESIDENT. The question is on agreeing to the resolution.

Mr. GALLINGER. Mr. President, yesterday I asked that the

that possibly the chairman of the Committee on Rules, who was not present, might have some wish concerning it. If the chairman of the Committee on Rules has not expressed a desire that the resolution should go to the committee, I certainly shall not interpose any objection to its consideration.

Mr. CLARKE of Arkansas. The chairman of the committee has not communicated any such request to me. I have no information that the chairman of the Committee on Rules desires that it shall be referred to the committee.

Mr. GALLINGER. Then, it is agreeable to the Senator to

have it referred?

Mr. CLARKE of Arkansas. No: I do not see any necessity for referring it. Nobody has requested that that should be done. It contains a simple proposition.

Mr. GALLINGER. I beg the Senator's pardon; I thought the Senator said the chairman of the committee desired to have it referred.

Mr. CLARKE of Arkansas. No; I said he did not indicate any desire to have it referred.

Mr. GALLINGER. Very well. Mr. CURTIS. Mr. President, I think it would be unwise to pass the resolution, and I move that it be referred to the Committee on Rules.

The VICE PRESIDENT. The Senator from Kansas moves

that the resolution be referred to the Committee on Rules.

Mr. CLARKE of Arkansas. Mr. President, the resolution
presents a simple proposition, and it might just as well be defeated by the direct action of the Senate as to die by being buried in the Committee on Rules. It does not propose any very radical change in the procedure here. I understand it to be a fact that a number of committees, without any authoriza-tion from the Senate, have now fixed their own quorum at less than a majority. The large increase that has been made in the membership of the important committees of the Senate makes it exceedingly difficult to conduct the business that regularly comes before the committee. If a majority is required to attend on all occasions, it frequently results in no meeting being held. The purpose of the resolution is to stimulate a desire upon the part of those who are indifferent to committee service to be present on occasions where they have something to say, or something to offer, or something to resist.

This is not any invention of my own. The presentation of it at this time has resulted from an inconvenience that we have encountered on several occasions before one of the important committees of the Senate. The proposition was made to institute the rule indicated in the resolution by the action of the committee itself. The proposition involving the power of the committee to do that was referred to the junior Senator from Michigan [Mr. Townsend] and myself as a committee to ascertain the condition of the law as we understood it as to the power of the committee to inaugurate a practice of this kind. We came to the conclusion that that could not be done by the action of the committee alone; that the committee itself, being a creature of the Senate, has no legislative power and must be governed by such limitations as the common law or the action of the Senate impose upon it.

The matter has been mentioned to several who are connected with important committees of the Senate, and they deem it a real improvement in the conditions. It is so safeguarded that it can not operate to the detriment of any public interest. The matter is always subject to the control of the full committee, and in the last analysis it is subject to the control of the Sen-If abuses under it should grow up, they can be readily

ascertained and corrected.

I do not believe there is anything connected with it that would justify its reference at this time. I see no difference between referring it now and defeating it at this time. opposed to its being referred, for the reason that there is not anything in the subject matter that calls for a very elaborate examination at the hands of the Committee on Rules.

Mr. CURTIS. Mr. President, I fully realize the truth of what the Senator from Arkansas says regarding the attendance of the larger committees. Many of those committees have regular days to meet, and at times a quorum is not present. Some Senators are so situated on committees that they are often required to attend two meetings a day, and they do meet that requirement, while other Senators on perhaps the same committees neglect' to attend, resulting, of course, in the lack of a quorum.

I believe it would be a mistake upon the part of the Senate by a resolution to say to Senators, "We are going to excuse you from attending to your duty on committees." Our form of government provides for the rule of the majority, and I can not believe this rule should be either restricted or abandoned. think, instead of passing this resolution, a little publicity would result beneficially. Let every standing committee report to the mously in favor of such measures.

Senate, if efforts to secure a quorum fail, the names of the members who do attend their meetings, and let those who do not attend give here their excuses for failing in their obvious duty. Senators know there are Members of this body who have not attended the sessions of this body 20 days since last December, while other Members are here continuously attending to their business trying and endeavoring to secure reports from committees

I think the adoption of this resolution would be not only a mistake for this reason, but for additional reasons. If you do not require the attendance of a quorum in order to report a measure from a committee, you will have reports on bills by two, three, four, and five members of committees. It seems to me that would be a very serious mistake. I believe, rather than reduce the number required to make a quorum, it would be better to adopt some rule making it necessary that members attend the committee meetings.

I am, for one, opposed to the resolution. Mr. BRANDEGEE. Mr. President, I suggest the absence of a

The VICE PRESIDENT. The Senator from Connecticut suggests the absence of a quorum, and the Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst Bacon Borah Crawford Culberson Cullom Lea Lippitt Lodge McCumber McLean Martine, N. J. Myers Nelson Nixon Overman Owen Pomerene Reed Shively Smith, Ariz. Smith, Ga. Smith, Mich. Cummins Curtis du l'ont Fall Bourne Brandegee Briggs Bristow Smoot Stephenson Sutherland Swanson Fall Foster Gallinger Gronna Guggenheim Hitchcock Johnson, Me. Johnston, Ala. Bryan Burnham Burton Owen Page Penrose Percy Perkins Thornton Warren Wetmore Williams Catron Chamberlain Chilton Clarke, Ark. Crane Jones

Mr. BRYAN. My colleague [Mr. Fletcher] is necessarily absent from the Senate. He is paired with the junior Senator

from Kentucky [Mr. Bradley].
Mr. SWANSON. My colleague [Mr. Martin of Virginia] is detained from the Senate on account of serious illness in his

Mr. SMITH of Michigan. I desire to announce the absence of my colleague [Mr. Townsend] from the Chamber. He is unavoidably absent on business.

Mr. JONES. I desire to announce that my colleague [Mr. Poindexter] is unavoidably detained from the Chamber. also desire to state that the junior Senator from Kentucky [Mr. Bradley] is absent from the city on important business.

The PRESIDING OFFICER (Mr. Lodge in the chair.) nine Senators have answered to their names. A quorum is

Mr. WARREN. Mr. President, I ask that the resolution submitted by the Senator from Arkansas [Mr. Clarke] be

The PRESIDING OFFICER. The Secretary will again read the resolution.

The Secretary read as follows:

The Secretary read as follows:

Resolved, That the several standing committees of the Senate, having a membership of more than three Senators, are hereby respectively authorized to fix, each for itself, the number of its members who shall constitute a quorum thereof for the transaction of such business as may be considered by said committee; but in no case shall a committee, acting under authority of this resolution, fix as a quorum thereof any number less than one-third of its entire membership.

Mr. WARREN. Mr. President, I can understand the anxiety of the Senator from Arkansas [Mr. Clarke] and those who wish this resolution to pass, because we had at the last session and have had in the present session great inconveniences from nonattendance of members of committees. We have enlarged all of the committees, I think, too much; they have too many members; but that ought not to be a reason for nonattendance. It seems to me, however, that the change in the rule proposed should at least go to the Committee on Rules, as it must under the rules of this body. I think there will be a way found so that committees can relieve themselves in some degree by doing more subcommittee work.

I know in some of the committees, for instance, in the Committee on Claims, which has some thousands of bills before it during every Congress, that committee finds it very difficult to get its members to attend and to obtain a quorum. When I was chairman of that committee, and I think since then, there has been an understanding that a certain number, perhaps half or one or two less than half, could report unimportant bills, when those members of the committee present were unani-

Mr. CRAWFORD. Mr. President, I will say to the Senator from Wyoming that the Committee on Claims is now doing practically what this resolution calls for-that is, it decides what number of members shall be regarded as a quorum for the transaction of business-and by the full committee that number has been fixed and agreed upon. So that when that number that the committee has already agreed shall act as a quorum is present, their action is taken as the action of the full committee. I did not suppose that any such resolution as this was necessary, because the Committee on Claims, I repeat, has been doing that very thing.

Mr. WARREN. Well, Mr. President, I understand that in a degree that is true; but I will ask the Senator, for instance, if he, as chairman, has a third of his committee present, and of that third he barely has one majority for a measure, is that considered the action of the entire committee, and is a bill

reported here in consequence?

Mr. CRAWFORD. It is not, because, unless we have the number which has been agreed upon by the full committee as a quorum present and acting, the committee does not regard that it has authority to act.

Mr. WARREN. That is exactly the point that I wish to

make, Mr. President.
Mr. CURTIS. Mr. President—
The PRESIDING OFFICER. Does the Senator from Wyoming yield to the Senator from Kansas?

Mr. WARREN. Certainly.
Mr. CURTIS. Mr. President, I wish to suggest that I think, if the Senator will examine the authorities, he will find that a committee has no right to make a ruling providing that a smaller number than one-half shall constitute a quorum of the committee, and if the committees are proceeding in that way I think they should change their mode of procedure, unless, by the passage of a resolution or in some other manner, such authority

is given by the Senate.

Mr. CRAWFORD. I will admit that I have never looked into the matter critically; but, as I understand, it is a rule that has prevailed in the Committee on Claims for a long time, and it is one which seems to have been accepted as the permanent policy of the committee since I became a member of it.

Mr. WARREN. Yes; but we provided that those questions should go before the whole committee, or that at least a majority of the whole committee should ratify before reporting to

Mr. CUMMINS. Mr. President—— Mr. WARREN. Just a moment. Mr. President, it seems to me that this Senate has a right to expect, and to demand, of every committee that, when a measure comes in here accompanied by the report of that committee, it shall have been considered and passed upon by a majority of the committee.

Mr. CUMMINS. Mr. President—
The PRESIDING OFFICER. Does the Senator from Wyoming yield to the Senator from Iowa?

Mr. WARREN. Yes.

Mr. CUMMINS. Possibly the Senator from Wyoming is under a misapprehension in regard to the terms of the pending resolution. The resolution does not fix one-third of the membership of the committee as a quorum. It gives the committee the power to determine the number which shall constitute a quorum, and the provision is that the committee shall not fix less than one-third of its members in determining what shall constitute a quorum.

Mr. WARREN. I understand that.

Mr. CUMMINS. It can not be assumed, therefore, that if this resolution were to be passed, each committee or every committee would fix one-third of its membership as sufficient for

Mr. WARREN. Well, Mr. President, I will ask the Senator if he thinks it a good thing to have the Senate as a body pass upon the question that each committee need have only a third of its members present to do business?

Mr. CUMMINS. Answering the question, I will say that I think it would be very wise of the Senate to give to each committee the authority proposed to be vested by this resolution. It can not be assumed that the committees would abuse the There is most urgent need for some such remedy as this. I think the initial trouble is that the committees of the Senate are too large.

Mr. WARREN. There is no doubt about that.
Mr. CUMMINS. And some of the committees are made up of Senators who have a great deal of work to do, and it is utterly impossible for them to attend the meetings of the committees, so as to transact the business which has been deputed to their care. But I intend to speak upon the resolution a little later.

Mr. WARREN. The Senator will admit, however, that the busiest ones are usually those who are present, and the ones who are not present at the committee meetings are usually

those who shirk all or nearly all committee work.

Mr. CUMMINS. Mr. President, I do not want to be invidious or to make any invidious comparisons. I think, generally speaking, what the Senator from Wyoming has just stated is true; but with a committee of 16 or 17 members, having important work before it, having tried for weeks and months to secure a quorum, it is obvious that we must do something in order that the important legislation now before the committees may be reported to the Senate. I believe that one-half of the bills upon the calendar have been reported without a majority of the committees from which they came concurring in them.

Mr. WARREN. I think the Senator is mistaken.

Mr. CUMMINS. I do not know; that is a mere estimate of

Mr. WARREN. I think the Senator is mistaken about that, Mr. CUMMINS. But I know that a large number are so The Senator from South Dakota [Mr. CRAWFORD] reported. has just stated what the rule of the Committee on Claims is. and there are a great many bills here from that committee; but if this rule were adopted the members of a committee could still be present if they wanted to be. It simply enables the committee to do business and to put the Senate in possession of some of the bills that have been introduced and have been referred to the committees.

Mr. CRAWFORD. If the Senator will permit me just a word there, I would not want the impression to go out that the Committee on Claims were acting upon important matters with only a negligible number present. The rule to which I have referred requires at least 7 members to be present to authorize the reporting of a bill, the committee consisting of 15 members. They never undertake to authorize the reporting of a bill unless there have been at least 7 members present at the meeting.

Mr. CUMMINS. Precisely.
Mr. SMOOT. And then the members of the committee must

be unanimous in their action.

Mr. CUMMINS. That is a mere matter of adjustment. I do not think that an important bill ought to be sent back to the Senate without the concurrence of a very substantial part of the committee that have considered it; but unless some remedy is devised for the trouble we are now experiencing this session will close without a report upon a very great deal of legislation which many Members believe to be most important.

Mr. DU PONT. Mr. President—
The PRESIDING OFFICER. Does the Senator from Wyoming yield to the Senator from Delaware?

Mr. WARREN. Certainly.
Mr. DU PONT. I simply desire to say to the Senator from Iowa that, so far as the Committee on Military Affairs is concerned, that is not the rule of procedure. No bills have been reported at this session from the Military Committee without having received the assent of a quorum of the committee.

Mr. BRISTOW. Mr. President, I should like to inquire—
The PRESIDING OFFICER. Does the Senator from Wyoming yield to the Senator from Kansas?
Mr. WARREN. I yield.
Mr. BRISTOW. I should like to inquire of the chairman

of the Committee on Military Affairs if it is not a frequent custom for members of the committee just to telephone "Count me in making a quorum," and never to appear in the committee room at all while bills are being considered?

Mr. DU PONT. In reply to that I will say that sometimes that occurs, not only in the Military Committee, but in every other committee of the Senate that I have ever sat upon, and sometimes an absent Senator authorizes another to cast his vote.

Mr. CUMMINS. Permit me, then, to ask the Senator from Delaware if he believes that it is lawful for any member of any committee to telephone to the chairman of the committee or to the clerk of the committee giving authority to be counted as a member present and thus create a quorum?

Mr. DU PONT. I have never examined critically the rules of the Senate in regard to that question. I only know that ever since I have been a Member of this body it has been the custom.

Mr. WARREN. Mr. President-The PRESIDING OFFICER. The Senator from Wyoming is entitled to the floor, but five other Senators are on it.

Mr. WARREN. We seem to be getting into a running debate. I am perfectly willing to yield, but I can only yield to one Senator at a time.

Mr. GALLINGER and Mr. McCUMBER addressed the Chair. The PRESIDING OFFICER. To whom does the Senator from Wyoming yield?

Mr. WARREN. I yield to the Senator from New Hampshire. Mr. GALLINGER. I want to call attention to section 5 of Article I of the Constitution of the United States, which pro-

Each House shall be the judge of the elections, returns, and qualifi-cations of its own Members, and a majority of each shall constitute a quorum to do business.

Now, Mr. President, it seems to me that a full quorum of a committee is as important as a quorum of the Senate. Jefferson's Manual, page 102, says "a majority of the committee constitutes a quorum for business." I hope that will not be There is a remedy, and that is to discharge a committee by a vote of a majority of the Senate if a committee does not report; but I think it a very dangerous precedent to establish to provide by a resolution of the Senate that less than a majority shall constitute a quorum of any committee of the body. Mr. McCUMBER.

Mr. President-

Mr. WARREN. I yield to the Senator from North Dakota.
Mr. McCUMBER. I want to ask, in answer to the statement
made by the Senator from Iowa [Mr. CUMMINS], would the Senator think it a good practice for a committee consisting of 15 members to authorize 5 members, or one-third, to act as a quorum, and then on any matter that comes before them 3 would constitute a majority of the 5, so that any bill coming to the Senate from a committee of 15 would only represent the votes and the sentiment of 3, or one-fifth of the entire com-Is not the Senator getting on dangerous ground and advocating a proposition that will return to plague us and be disastrous by reason of legislation not having proper consideration in committee and the Senate having to consider it wholly upon the floor?

Mr. CUMMINS. I think it would require extraordinary circumstances to warrant a committee of 15 or 16 in fixing the number 5 as a qourum and permitting a majority of the quorum to report a bill. There are circumstances, however, which, I think, would justify that procedure, because, after all, if the procedure was instituted the Senate would know when the bill was reported whether it represented the views of a majority of the committee or the views of a majority of a quorum.

Mr. McCUMBER. But is not the Senate entitled to an opin-

ion of the majority of the committee?

Mr. CUMMINS. I am, however, not at all insistent about the number which shall constitute a quorum. My idea is that when a committee is constituted, and has had long experience, and has discovered that there are about so many members who can be induced to attend its meetings and no more, it ought to have the power to fix a less number than a majority as a quorum in order to do its business, and there are committees of the Senate in that condition.

Mr. McCUMBER. If there is a single committee of the Senate in that condition, there should be a resolution reducing the number upon the committee. If the committee is too large, then the number ought to be reduced, so that we will have at least a majority of the committee report on every bill reported to the Senate.

I am speaking in the time of the Senator from Wyoming. Mr. WARREN. I hope the Senator from North Dakota will talk sufficiently loud so that I may hear him.

Mr. McCUMBER. The Senator from Iowa suggested that we are overcoming the rule by receiving a telephone message from a member of the committee-

Mr. CUMMINS. By a phone message. Mr. McCUMBER. Is it not better to have a phone message from a member who has studied the question than not to have his vote at all and nothing but a minority of the committee to present the matter to the Senate?

Mr. WARREN. I should say undoubtedly so.

Mr. McCUMBER. It seems to me very dangerous. Mr. BORAH. I desire to ask the Senator from North Dakota a question on that point. Do we derive very much benefit or value from a member who does not attend the committee meetings? If he has not sufficient interest to attend the meetings

of the committee, do we derive very much benefit from his formal vote? Mr. McCUMBER. Quite often we do. In many instances two committees meet at the same hour. The subject may have been considered by the member who is absent, and while he

can not be present at both places, he may have very clear convictions as to what his vote ought to be.

This is doubly true when the Finance Committee is holding meetings every day and its members can not attend it and other committees of which they are members. The Senator knows that as well as I do. I have been here 13 years, and I The Senator

those who attend the sessions of the Senate may be divided properly into two classes-one class doing work in the committee, the other class doing very little work in committee, but doing the talking in the Senate. I think we need their attendance in committee, and I think we ought to forego a great deal of talking in the Senate in order that Members may do some of the work before the committees, and for that reason, if I had no other, I would have them present in committee before the legislation was voted upon.

Mr. CUMMINS. Mr. President—
Mr. WARREN. Of course, I yield, but I—
Mr. CUMMINS. How will the Senator from North Dakota force any other Senator to be present at a committee meeting? Mr. McCUMBER. By reporting nothing out of a committee

until all the Senators, or at least a quorum, are present.

Mr. CUMMINS. Mr. President—
Mr. CLARKE of Arkansas. I rise to a point of order. We

can not hear what is going on. The VICE PRESIDENT. T The Senator from Arkansas rises to the point of order that there is so much confusion in the Senate Chamber that those not favored with seats in close proximity to the speaker do not know what is going on. The

point of order is well taken.

Mr. WARREN. Mr. President, I have only a few words to say. It is not to resist the spirit behind this resolution. I intended to call the attention of the Senate to the matter to which the Senator from New Hampshire directed attention and which must have attention, of course. It seems to me we ought to follow the general rule and have this resolution go to the Committee on Rules and see if we can not help to solve this problem. I think it can be solved, but I am not prepared to reduce the Committee on Finance, and the Committee on Appropriations, and the Committee on Naval Affairs, and the Committee on Military Affairs, or any other committee to a point where it is expected to have only three or four members present to do business. I think we ought to provide some way so that the work may be expeditiously done by one or two or three men, if you please, in subcommittee, as to the details, but before we are called upon to pass upon a bill we ought to know that a majority of the committee members have passed upon it.

Mr. SHIVELY. I should like to know whether the Senator is impressed with the clause of the Constitution that was read by the Senator from New Hampshire as bearing on this question. Of course, as the Senator knows, all committee work is

minority work.

Mr. WARREN. Mr. President, I take broader grounds. I believe in the majority ruling in committee and everywhere else, and that we ought to have no bill here until we know it has had proper consideration by the committee. That is my desire.

Mr. BACON. I should like to ask the Senator from Wyoming if it is not true that a great many appropriation bills come here that have not been considered by a majority of that committee?

Mr. WARREN. I have never known, in my service in the Senate, an appropriation bill to come here that did not have the consideration of the majority of the committee, and if the Senator from Georgia knows of any instance, I wish he would inform me. Of course such a bill may have come here, but certainly I have never been one to report or to knowingly consent to the report of a bill from the Appropriations Committee that did not have the consideration of a majority of that committee.

Mr. BACON. I have never been a member of that committee, and I do not speak with personal knowledge, but I certainly have heard members of that committee, when certain measures came up, say that they had been considered by two or three members of the committee and that the committee at large had not considered them. I have heard statements to that effect made.

Mr. WARREN. I do not want to believe that any bills have come in in that way. I know of none. It is true, however, that a Senator on the Appropriations Committee, who is not on the subcommittee considering that particular subject, may not be able to be present when the full committee is in session, and therefore he knows nothing of what is in the bill unless he has given it his personal attention and study; but if he is absent, there are enough of the Members present to make a majority of the committee. So far as I know, in the various appropriation bills, in the Committee on Agriculture, in the Committee on Military Affairs, and in the Committee on Appropriations proper, and others, it would be considered almost treason to bring into the Senate an appropriation bill unless it had had the consideration of a majority of the committee.

Why do we have committees? Why do we have majority have found that those who attend the committee meetings and rule? Why should we let a committee of 17 allow, 2 or 3 Members to do the business? It is preposterous, in my mind, and yet I think the very object can be reached through the proper subdivision of the committees into subcommittees.

Mr. BACON. I do not wish to misrepresent the committee at all, but I have very frequently had the matter called to my attention. A House bill carrying possibly a hundred million dollars goes to the Committee on Appropriations. It is considered by two or three men, constituting a subcommittee. It goes to the full committee and is passed upon by the full committee on the recommendation of the subcommittee without examination and consideration by the full committee. That is what I mean.

Mr. WARREN. If the full committee, when they meet, have sufficient confidence in the subcommittee, it is rather hard to expect them to give close detailed study to it.

Mr. BACON. Yes.
Mr. WARREN. But by their presence and by their assent they form a majority of the committee, and it is thus agreed to. I do not dispute the Senator when he says there may have

been such occasions, but I do not know of one.

Mr. BACON. The illustration given by the Senator covers the whole ground. I spoke of the fact of a bill embracing a hundred million dollars being considered by a subcommittee and then a very hasty session of a majority of the full committee. The committee would not act by any examination of the bill, but simply take it upon the faith they have in the subcommittee. I say that is practically the same as if two members of the committee had sat.

The full committee does not give it consideration. I think it is a very great evil. I am not arguing in favor of the proposition to have less than a majority of a quorum of the committee do business. I call attention to the fact that in practice that is now done, and what the Senator from Wyoming has said is a full substantiation of the statement previously made to me by members of the committee-not the committee as at present constituted—that a bill covering a hundred million dollars would come before the Senate without its ever having been examined in detail by more than two members of the committee. That is what I say, and the Senator by his statement practically

concedes it. I say that is a great evil.

Mr. WARREN. I can hardly give full assent to the broad statement the Senator has made. The subcommittees on appropriation bills are always composed of five members, and it is, of course, quite possible that all the five members may not be present, but there has been great care in all the bills I have ever assisted in bringing out. I have never sat at the table where the bills were not considered. When a great bill like the sundry civil bill comes over here, at the last night of the session, a few hours before it is to be put upon its passage, naturally the consideration of the full committee has to be best. There is no one on this side or on the other side to be blamed, but it is a matter which is pushed hard upon us at the last end of the session, when we have an hour fixed for adjournment.

Mr. LODGE. If debate is to continue, I should like to suggest that the Senator from Washington [Mr. Jones] gave notice several days ago of his desire to address the Senate this morning, and it seems to me we might allow this matter, which evidently is liable to give rise to further debate, to go over until to-morrow, in order to allow the Senator from Washington to proceed with his speech.

Mr. CUMMINS. So far as I am concerned, that is entirely in the hands of the Senator from Arkansas, but I do not

Mr. CLARKE of Arkansas. I have not any reason to object to the resolution going over for a reasonable length of time.

use a few minutes in explanation of a bill he introduced this morning. If it is agreeable to the Senate, it will be entirely agreeable to me to yield to him.

Mr. CHILTON. I desire to thank the Senator from Washington for his courtesy in yielding to me.

The VICE PRESIDENT. The bill will be read by title.

The SECRETARY. A bill (S. 6247) to provide for the bringing The Secretary. A bill (S. 6247) to provide for the bringing of suits against the United States by Virginia, West Virginia, Kentucky, Delaware, Pennsylvania, New Jersey, Georgia, Connecticut, Massachusetts, Maryland, South Carolina, New Hampshire, New York, North Carolina, and Rhode Island.

Mr. CHILTON. Mr. President, I introduced a few moments ago a bill giving jurisdiction to the Court of Claims in certain metters offering the thirteen original States as to glain metters.

matters affecting the thirteen original States as to claims which the people of Virginia and West Virginia believe they have against the Federal Government. I do not desire to take much of the time of the Senate, for two reasons, first, because this is not the time to discuss fully the provisions of the bill and to state the reasons why the Senate should pass it; and I have the additional reason that the very attractive subject of the Senator from Washington [Mr. Jones] and his well-known ability to handle that or any other subject so as to both entertain and enlighten the Senate constrain me to wish that he should have as much time as possible during the day.

The bill which I have introduced has in mind a condition in this country more than a hundred years ago, and it is what might be termed a smasher of idols. Confessedly, the bill and what it purports to do will change what is the common under-

standing of history.

It has always been supposed that the State of Virginia in 1784 conveyed to the Federal Government what is known as the Northwest Territory, without reserve and without condition, and that the Federal Government took title to that property as an individual would do, with the absolute right to dispose of the subject matter and also with the right to appropriate the proceeds of the sales. There never was a greater error committed by history, and it is my purpose now simply to review briefly the history of this grant and to put in the Record some of the papers and public documents bearing upon this question so that the proper committee, in the consideration of this bill, of so much importance to the thirteen original States, and especially to my State, and of so much importance to the Government, should start off in the investigation that will be made of it in possession of the facts and with a general understanding of the contention of the States of West Virginia and Virginia.

It is well known that at the time the original Confederation or Federal alliance of the States was made, one of them, the State of Maryland, declined to become a party to that compact. She made remonstrances to what was then the Federal organization against the large boundaries of land held by New York, Connecticut, Georgia, Virginia, and possibly other She made it known to the Continental Congress that she would decline to become a party to the original Federal compact until such time as that question should be settled, claiming that it would give the States having the large boundaries of western lands a power and an influence in the Federal organization inconsistent with the position which Maryland, without a public domain, would occupy in that compact.

I want to put the remonstrance of the State of Maryland into the RECORD, and I ask permission, without reading it, that that

document may be inserted as a part of my remarks.

The VICE PRESIDENT. Without objection, permission is

The matter referred to is as follows:

ACTION OF MARYLAND.

Mr. CLARKE of Arkansas. I have not any reason to object to the resolution going over for a reasonable length of time. If the Senator from Iowa [Mr. CUMMINS] wants to submit some remarks, I would not want to take him off the floor. Otherwise let the resolution go over until to-morrow.

Mr. CUMMINS. Let it go over until to-morrow, and I shall desire then to resume the floor and make some observations.

The VICE PRESIDENT. Without objection, the resolution, with the pending motion to refer, will go over until the last moment of the morning hour to-morrow.

UNITED STATES V. AMERICAN TOBACCO CO.

Mr. CUMMINS. While I am on my feet I desire to give note that on Friday morning immediately after the morning business I will ask the Senate to consider the bill (S. 3607) to give the right of appeal to the Supreme Court of the United States against American Tobacco Co. and others.

STATE CLAIMS FOR NORTHWEST TERRITORY.

Mr. JONES. The Senator from West Virginia [Mr. CHILTON] has informed me that he has to go away, and he would like to

and some other neculiar circumatances may have induced some State to accede to the present Confederation, contrary to their own interests and judgments, it requires no great share of foresight to predict that when those causes cross to operate the States which have thus acceded to the Confederation will consider it as no longer binding and the long the consideration of the confederation will consider the same applied to the least shadow of exclusive right, in our judgment, they are considered the same spirit which hath prompted them to insist on a claim so extravagant, so of acquire them? We think not. We are convinced the same spirit which hath prompted them to insist on a claim so extravagant, so wild are considered. It is a superiority of wealth and strength to oppress by open force their less wealthy and less powerfur those States, will necessarily follow, which, by an unfair construction of the Confederation, may be stripped of a common interest and the common banefits derivable from the western country. Suppose, for the consequences to Maryland of such an undisturbed and undisputed possession? They can not escape the least discerning a small proportion of the confederation which we have the probabile consequences to Maryland of such an undisturbed and undisputed possession? They can not escape the least discerning a small proportion of the lands in question, would draw into her treasury was sume of money, and, in proportion to the sum arising from such sales, would be enabled to lesses her taxes. Lands comparatively cheen and taxed to the lands of the confederation of the confederation of the

T. DUCKETT, Clerk of the House of Delegates.

Mr. CHILTON. West Virginia is prepared to show at the proper time that the above protest of Maryland against Virginia's title to the Northwest Territory was not based upon any substantial defect in Virginia's title nor upon any fact unknown to the country at that time. But whatever may have been Virginia's title, it proved to be ample to secure every foot of the Territory to the Federal Government. It need not be argued here that a trustee can not sell the land and then refuse to account for the proceeds upon the ground of a defective title. Here the trustee disposed of the land, and her grantees are in undisputed possession.

The Continental Congress fully appreciated the gravity of the situation and its helplessness to induce Maryland to come into the Confederation. The Articles of Confederation left to the States unconditional control of their western lands. The power of the Congress respecting these lands was limited to the settlement of boundaries in dispute between States. (Art. IX.) Therefore Virginia, as to her territory, was sovereign and independent, and there was no power that could compel her to part with her title except upon her own terms. The Congress referred the above instructions of Maryland to her delegates to a committee, which made a report, and on the 6th day of September, 1780, the following proceedings were enacted:

IN CONGRESS OF THE CONFEDERATION, Wednesday, September 6, 1780.

Congress took into consideration the report of the committee to whom were referred the instructions of the General Assembly of Maryland to their delegates in Congress respecting the Articles of Confederation and the declaration therein referred to, the act of the Legislature of New York on the same subject, and the remonstrance of the General Assembly of Virginia, which report was agreed to and is in the words following.

bly of Virginia, which report was agreed to and is in the words following:

"That, having duly considered the several matters to them submitted, they consider it unnecessary to examine into the merits or policy of the Instructions or declarations of the General Assembly of Maryland or of the remonstrance of the General Assembly of Virginia, as they involve questions, a discussion of which was declined, on mature consideration, when the Articles of Confederation were debated; nor, in the opinion of the committee, can such questions be now revived with any prospect of conciliation; that it appears more advisable to press upon those States which can remove the embarrassments respecting the western country a liberal surrender of a portion of their territorial claims, since they can not be presserved entire without endangering the stability of the general Confederacy; to remind them how indispensably necessary it is to establish the Federal Union on a fixed and permanent basis and on principles acceptable to all its members; how essential to public credit and confidence, to the support of our Army, to the vigor of our councils and success or our measures, to our tranquillity at home, our reputation abroad, to our very existence as a free, sovereign, and independent people; that they are fully persuaded the wisdom of the respective legislatures will lead them to a full and impartial consideration of a subject so interesting to the United States and so necessary to the happy establishment of the Federal Union; that they are confirmed in these expectations by a review of the before-mentioned act of the Legislature of New York, submitted to their consideration; that this act is expressly calculated to accelerate the Federal alliance, by removing, as far as depends on that State, the impediment arising from the western country, and for that purpose to yield up a portion of territorial claim for the general benefit: Whereupon

"Resolved, That copies of the several papers referred to the consideration; that this act is exp

Tuesday, October 10, 1780.

Resolved, That the unappropriated lands that may be ceded or relinquished to the United States, by any particular State, pursuant to the recommendation of Congress of the 6th day of September last, shall be disposed of for the common benefit of the United States, and be settled and formed into distinct republican States, which shall become members of the Union, and have the same rights of sovereignty, freedom, and independence as the other States; that each State which shall be so formed shall contain a suitable extent of territory, not less than 100 nor more than 150 miles square, or as near thereto as circumstances will admit; that the necessary and reasonable expenses which any particular State shall have incurred since the commencement of the present war in subduing any British posts, or in maintaining forts or garrisons within and for the defense, or in acquiring any part of the territory that may be ceded or relinquished to the United States shall be reimbursed. reimbursed.

That the said lands shall be granted or settled at such times and under such regulations as shall hereafter be agreed on by the United States in Congress assembled, or any nine or more of them.

Shortly thereafter the State of Virginia passed a resolution of her legislature suggesting a plan under which she would convey this northwest domain to the then Federal Alliance. That was passed in January, 1781, and amounted to a proposition to the Continental Congress. In two months thereafter, to wit, in March, 1781, Maryland ratified the Federal compact and became a part of the first Federal Government formed upon this continent, and thereby the way was paved to form what is now the United States Government under our present Constitution.

But, Mr. President, the cession that was made by Virginia, under the grant of authority to her commissioners to make that cession, was not an absolute one. Virginia made certain reservations in her deed of cession, and to those particularly I want to call the attention of the Senate.

The deed made by Virginia was in strict conformity to the act of its legislature authorizing it to be made. The legislative act is, indeed, recited in the deed. The grant, it will be seen, is to "the said States, Virginia inclusive," and "for the uses and purposes and on the conditions of the said recited act."

On the 20th day of October, 1783, Virginia, through her legislative branch, authorized the cession of the Northwest Territory to be made, and on March 1, 1784, her delegates in the Con-

tinental Congress presented the deed of cession, and the following proceedings took place:

PROCEEDINGS OF CONGRESS.

March 1, 1784, Virginia, through her delegates in the Continental Congress, Thomas Jefferson, Samuel Hardy, Arthur Lee, and James Monroe, completed the act of cession, the following proceedings being had in Congress:

On motion of Mr. Howell, of Rhode Island, the following resolution was adopted:

Whereas the General Assembly of Virginia, at their session commencing on the 20th day of October, 1783, passed an act to authorize their delegates in Congress to convey to the United States, in Congress assembled, all the right of that Commonwealth to the territory northwestward of the River Ohio; and

Whereas the delegates of the said Commonwealth have presented to Congress the form of a deed proposed to be executed pursuant to the said act, in the words following:

"To all who shall see these presents, we, Thomas Jefferson, Samuel Hardy, Arthur Lee, and James Monroe, the underwritten delegates for the Commonwealth of Virginia, in the Congress of the United States of America, send greeting:

"Whereas the General Assembly of the Commonwealth of Virginia, at their sessions begin on the 20th day of October, 1783, passed an act entitled 'An act to authorize the delegates of this State in Congress to convey to the United States, in Congress assembled, all the right of this Commonwealth to the territory northwestward of the River Ohio,' in these words following, to wit:

"Whereas the Congress of the United States did, by their act of the 6th day of September, in the year 1780, recommend to the several States in the Union having claims to waste and unappropriated lands in the western country a liberal cession to the United States, for the benefit of said States, all right, title, and claim which the said Commonwealth had to the territory northwest of the River Ohio, subject to the conditions annexed to the said act of cession.

"And whereas the United States in Congress assembled have, by their act of the 13th of September last, stipulated the terms on which they agree to accept the cession of this State, should the legisla

to consider she has made, earnestly press upon the other State of an analytic cessions equally liberal for the common benefit and support of the Union:

"He it cuacted by the general assembly, That it shall and may be lawful for the delegates of this State to the Congress of the United States, or such of them so assembled are hereby fully authorized and empowered, for and on behalf of this State, by proper deeds or instrument in writing, under their hands and senis, to convey, transfer, assign, and make over unto the United States in Congress, and the said delegates or such of them so assembled are hereby fully authorized and empowered, for and on behalf of this State, by proper deeds or instrument in writing, under their hands and senis, to convey, transfer, assign, and make over unto the United States in Congress assembled, for the benefit of said States, ali right, title, and claim, as well of soil as jurisdiction, which this Commonwealth hath to the territory or tract of country within the limits of the Virginia charter, situate, lying, and being to the northwest of the River Ohio, subject to the terms and conditions contained in the before-recited act of Congress of the 1917 conditions contained in the before-recited act of Congress of the 1917 conditions of the recited and ferritory, not less than 100 nor more than 150 miles square, or as near thereto as circumstances will admit; and that the States so formed shall be distinct republican States and admitted members of the Federal Union, having the same rights of sovereignty, freedom, and independence as the other States.

"That the necessary and reasonable expenses incurred by this State in subding any British posts or in maintaining forts and garrisons within and for the defense, or in acquiring any part of, the territory so ceeded or relinquished shall be fully relimbursed by the United States; and that one commissioner shall be appointed by Congress, one by this Commonwealth, and another by those two commissioners, who, or a majority of them, shall be

"And whereas the said general assembly, by the resolution of June 6, 1783, had constituted and appointed us, the said Thomas Jefferson, Samuel Hardy, Arthur Lee, and James Monroe, delegates to represent the said Commonwealth in Congress for one year, from the first Monday in November then next following, which resolution remains in full

"Now, therefore, know ye that we, the said Thomas Jefferson, Samuel Hardy, Arthur Lee, and James Monroe, by virtue of the power and authority committed to us by the act of the said General Assembly of Virginia before recited, and in the name and for and on behalf of the said Commonwealth, do by these presents convey, transfer, assign, and make over unto the United States, in Congress assembled, for the benefit of the said States, Virginia inclusive, all right, title, and claim, as well of soil as jurisdiction, which the said Commonwealth hath to the territory or tract of country within the limits of the Virginia charter situate, lying, and being to the northwest of the River Ohio, to and for the uses and purposes and on the conditions of the said recited act. In testimony thereof we have hereunto subscribed our names and affixed our seals in Congress the 1st day of March, in the year of our Lord 1784, and of the independence of the United States the eighth."

Resolved, That the United States in Congress assembled are ready receive this deed whenever the delegates of the State of Virginia are

The delegates of Virginia then proceeded and signed, scaled, and delivered the said deed, whereupon Congress came to the following resolution:

Resolved, That the same be recorded and enrolled among the acts of the United States in Congress assembled.

The claim which will be urged arises out of the following clause in the act of Virginia and in the deed of cession:

Clause in the act of virginia and in the deed of cession:

That all land within the territory so ceded to the United States and not reserved or appropriated to any of the before-mentioned purposes, or disposed of in bounties to the officers and soldiers of the American Army, shall be considered as a common fund for the use and benefit of such of the United States as have become or shall become members of the Confederation, or Federal Alliance, of the said States, Virginia inclusive, according to their usual respective proportions in the general charge and expenditure, and shall be faithfully and bona fide disposed of for that purpose and for no other use or purpose whatsoever.

The contention, torsely stated is that the United States has

The contention, tersely stated, is that the United States has treated this territory as if it had the absolute title and ownership thereof, and has failed to respect the rights of the thirteen original States, for whose "use and benefit" the territory was granted. There is no great mystery about the proposition. courts are sought in order to settle, first, what is the construction of the above reservation; and, second, if a trust was created, how much does the trustee owe to the beneficiaries, if

anything?

It is hard to conceive how lawyers and statesmen could drop into the error that by such a grant as that and with such a reservation as that the Federal Government could dispose of, give away, or sell this vast domain without regarding the reserva-tions which I have just read. There is no room for construc-tion. It construes itself. It either creates a trusteeship in the National Government, with the National Government as the trustee and the thirteen original States as the beneficiaries, or else it is a conveyance with a condition subsequent, and a condition subsequent is just as binding upon the grantee who accepts as a condition precedent. A condition precedent prevents title from vesting until the condition shall be performed. A condition subsequent allows the title to vest at once, but it does not relieve the grantee from the duty of performing each and every condition when he accepts the conveyance and takes the property under it.

The Confederation was little more than a limited partnership among the States for common defense. There was no way of enforcing against a State in that Confederation an order or law of the Congress concerning western lands. There was no power delegated to the Congress concerning territory or its management and government. The sovereign States were paying the expenses of the Revolutionary War out of a common fund "supplied" by the States "in proportion to the value of the land in each State," and so forth. (Art. VIII, Confederation.) The Federal Government was then a mere agent of the States, and the grant made by Virginia kept that relation in view. Each of the original States had the right to own land and to be the beneficiary under a trust. Each could purchase, hold, and sell land. The Confederation owned nothing, but many of the States, like Virginia, claimed western lands. This was the situation when the present Constitution was framed and ratified. The Constitution afterwards formed provided that when ratified by nine States it would be effective as to those ratifying.

Suppose, Mr. President, that only the nine States necessary to make the present Constitution binding should have ratified it, surely those nine could not have appropriated a trust subject belonging to the thirteen States, for the other four would then have come to the trustee, the National Government, for a set-It so happened that the thirteen States did ratify it, but if they

had not done so we can at once see that the other four, which had been left out, even under the construction which history has mistakenly made of this grant, could have had their part of it proportioned and could have compelled the trustee by wellknown principles of equity practice to account for the trust

Mr. President, we are not left alone to the circumstances of the parties and contemporaneous history for the construction of that instrument. Before the Constitution of the United States was ratified, while we had nothing but the slim Federal Alliance, the National Government applied to the State of Virginia to change some of the terms of the original cession, thus recognizing the rights of Virginia. Even when she wanted to change the number of States that should be made out of that great territory she had to go back to the State of Virginia and ask Virginia's consent to it, which consent Virginia gave as to that particular matter and none other, not changing the terms of the grant with which my bill deals. This action of the United States is set forth fully in the paper prepared by Dr. Fuller, to which I will call attention later, and I will, therefore, not read any part of that action of Congress here.

But the Constitution of the United States was, bear in mind, a contemporaneous act. We had as president of the Constitutional Convention George Washington, a citizen of Virginia, who was familiar with the whole subject of Virginia's territorial limits and her cession to the Federal Government. was provided in that Constitution that contracts, similar to this, which were made with the States, should be preserved, and were not thereby swallowed up by the national entity which was created when the Constitution was adopted.

I call attention especially, first, to section 3 of Article IV of the Constitution of the United States, which provides that-

The Congress shall have power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States; and nothing in this Constitution shall be so construed as to prejudice any claims of the United States or of any particular State.

There could not have been any claim of any particular State except the claims regarding the Revolutionary War and this particular claim which was reserved to all of the thirteen original States by the munificence of the old State of Virginia. This clause of the Constitution could not possibly have had any purpose except to protect the States in their prior dealings with the Federal Government. The first part of the sentence grants power to govern the "territory" of the United States; the second part protects all "claims" of the States. The fact that this protection to "claims" of the States is inserted in the clause dealing with the "territory" of the United States is most convincing that the framers of the Constitution had in

mind the Virginia cession.

Again, Article VI of the Constitution provides that—

All debts contracted and engagements entered into before the adoption of this Constitution shall be as valid against the United States under this Constitution as under the Confederation.

We must keep in mind the very limited powers of the Confederation, the enlarged powers of the Federal Government under the Constitution, and the fact that when the Constitution was written the proceedings of the Legislature of Virginia and the Continental Congress concerning this cession were recent events. Virginia's part in drafting and ratifying the Constitu-tion must be construed from the standpoint of her prominence in the Union, her importance as a State, the prominent position occupied by her representatives in the convention, and the great deliberation which she pursued in making the cession. Having created a trust for herself and her 12 sister States, it was natural that her representatives in the convention would see to it that in creating a new government in which the States would reserve less of their sovereignty, the trust would be protected. It seems to me that the two clauses of the Constitution quoted furnish all the guaranties needed by the thirteen original States to preserve their rights in the cession of 1784; but I would hate to think that this great Government would choose to occupy the unenviable position of administrator de son tort, much less that of a faithless trustee.

I shall reserve for a later time, when this bill shall come back into the Senate, as I hope it will, a more minute discussion of what this grant has meant to this Government, what has been brought to this Government from the great munificence of the State of Virginia; but suffice it to say at the present time that that grant embraced the States of Ohio, Indiana, Illinois, Wisconsin, Michigan, and a part of Minnesota, 170,000,000 acres of land, a munificence unknown anywhere else in history. It stands to-day as a monument to the old State of Virginia that in the hour of the Government's peril, when others hesitated Virginia gave her all that this might become a great Nation; and in view of the small reservation that she made here for the benefit of those interested, for the benefit of those most concerned, it is not asking too much, it seems to me, when she and those occupying the same position which she does in reference to this fund should come now to the Government, I

when positions have changed, when the Government has all and the States of Virginia and West Virginia have littlesay it is not asking too much when they come now to the Federal Government and ask that a simple, plain trust shall be executed as the parties to it evidently intended it should be

I should mention that this territory or the great States which have been formed from it have furnished seven Presidents of the United States. The present President of the United States came from that territory. All the three who died at the hand of an assassin came from those States. I may say further that it will not be the fault of the States in that territory if they do not continue the habit of furnishing Presidents of the United States for some time to come, because we have in that territory at least four active candidates and I think about five dark horses at the last tabulation that I made. When we think what this territory has been to the United States; what has been enacted within the States created from it; what its men have done for commerce, art, literature, and humanity; and then consider what might have been Virginia's position had she retained it and thus kept her boundaries intact, from the ocean to the Great Lakes and the Mississippi, the imagination is baffled in any attempt to conceive what differences it would have made in history, and at the same time the generosity of Virginia towers above the most extreme view that may be taken of the possibilities to the national purse strings that may result from a settlement of this trust.

Mr. President, it may be asked why Virginia and West Virginia have so long remained silent and why they should demand at this particular time that this trust be settled. That really has nothing to do with the case, but it may be answered that you need not call upon the trustee to account until the trustee has disposed of the trust subject. It has only been recently that the United States Government has disposed of the last of this land.

Another reason, Mr. President, is that there has been no tri-bunal in which my State, West Virginia, could litigate this matter, either at law or in equity.

But it may be said as a third reason that the States and the people who were generous to the Federal Government in 1784 would be equally so now, only that the time has come when their creditors are pressing them for a settlement, and it is but just and right that they should call upon their greatest debtor, the National Government, to make a settlement of a matter long, long standing.

Mr. President, this bill asks for no appropriation; it does not ask the Government to commit itself to anything except justice and a "square deal"; but it does ask that a jurisdiction and a tribunal may be provided in which each and all of the thirteen original States, including the two daughters of Virginia, West Virginia and Kentucky, may present their claims, may have them heard, and finally that an appeal may be had to the Supreme Court of the United States. Certainly the United States can trust its own courts to do it ample and complete justice. can trust its own courts to do it ample and complete justice. So thoroughly have the people of Virginia and West Virginia convinced themselves of the justice of this cause that they are perfectly willing to leave it in the last instance to the highest tribunal of the Government. This bill provides that the case may be first tried by the Court of Claims, and then, on appeal, by the Supreme Court of the United States.

Mr. President, as a part of my remarks I should like to introduce a resolution of the State of Virginia passed in 1910, which I will not read, but ask to have inserted in the RECORD, calling upon her Representatives in Congress to present this claim.

The VICE PRESIDENT. Without objection, the resolution will be inserted in the RECORD.

The resolution referred to is as follows:

House journal and document, Legislature of Virginia, 1910 (p. 757).

Mr. Page offered the following joint resolution:

Mr. Page offered the following joint resolution:

"Be it resolved by the house of delegates (the senate concurring),
That the question of the rights of Virginia in the Northwest Territory,
or in the proceeds derived or to be derived from the sales or other disposition of the lands granted under the ordinance session [cession] and
disposed of in contravention of such ordinance by the Government of the
United States, be submitted to the Virginia delegation in Congress with
the request and direction that they take such steps as may be necessary
to determine and safeguard the rights of Virginia in the premises, if
any she may have, and the governor of Virginia is requested to cooperate
with the said Virginia delegation in regard to this matter."

Which was agreed to.

Ordered, That Mr. Page carry this joint resolution to the senate and
request their concurrence.

A message was received from the senate by Mr. Halsey, who informed
the house that the senate had agreed to the joint resolution.

Mr. CHILITON I will say Mr. Provident that for a long

Mr. CHILTON. I will say, Mr. President, that for a long time the Senators from Virginia and West Virginia have been investigating this subject, and the bill which I have presented. as shown from the memoranda on the back of it, is the result

of the labors of the two Senators from Virginia and the two Senators from West Virginia. When one of the present Senators from Virginia was governor of that State he took a great interest in this subject and transmitted to the general assembly of that State a communication, a very strong paper, from Dr. R. B. Fulton, formerly of the University of Mississippi, who made a very thorough investigation of this subject. I should like permission to insert, as a part of my remarks, the message of the governor of Virginia and the accompanying papers. It is Virginia Senate Document No. 3. I would ask to omit such parts of this document as I have already quoted, indicating in the Record the omitted part by stars.

The VICE PRESIDENT. Without objection, permission to

do so is granted.

The document referred to is as follows:

(Senate Document No. 3.)

COMMUNICATION FROM THE GOVERNOR OF VIEGINIA, TRANSMITTING CERTAIN CORRESPONDENCE AND REPORTS IN REFERENCE TO THE CLAIM OF VIEGINIA AGAINST THE UNITED STATES GOVERNMENT ON ACCOUNT OF THE CESSION OF THE NORTHWEST TERRITORY.

COMMONWEALTH OF VIRGINIA, GOVERNOR'S OFFICE, Richmond, Va., January 21, 1919.

To the General Assembly of Virginia:

Richmond, Va., January 21, 1010.

To the General Assembly of Virginia:

Superintendent of Public Instruction Hon. J. D. Eggleston, and Dr. Robert B. Fulton, superintendent of the Miller School, have called to my attention a large claim which the State of Virginia has against the Federal Government, arising from the cession to the United States of the vast territory once possessed by this Commonwealth north of the Oblo River. Dr. Fulton has, at the request of Superintendent Eggleston and myself, for some time been making a thorough investigation of this matter, and has compiled a complete and detailed statement of this claim, which appears to establish its justice and legality, and imposes upon me the duty of transmitting the facts and information obtained by him to you for consideration and action.

Prominent Virginians, including Commodore Maury and Superintendent of Public Instruction Dr. William H. Ruffner, have presented in writings and reports this claim of the State of Virginia.

Succinctly stated, the claim presented is as follows:

The vast territory north of the Obio River was included in Virginia's original charter of 1609, which charter was prior to the charter of any other State, and which territory was included in the boundaries of Virginia when she asserted her independence and organized her government as a sovereign State in 1770. This territory, in addition to being Virginia's by charter rights, became hers also by conquest, since it was conquered from the British by Virginia troops, commissioned by the governor and council of Virginia. The expenses incurred by these troops in this conquest were paid out of the treasury of this Commonwealth. Virginia was in actual possession and control of this territory until her ecssion to the Federal Government and the acceptance of her cession by the Federal Government. Prior to this cession this territory until her by charter rights, by conquest, and by actual possession, this territory was derived from this eession of the State of Virginia to the United St

Thus the prior rights of Virginia to this territory have been judicially determined.

In the act of Virginia making the cession of this large territory to the United States and in the deed of conveyance in pursuance of the act of the general assembly executed by her representatives in the Continental Congress, Thomas Jefferson, Samuel Hardy, Arthur Lee, and James Monroe, according to her directions, were contained certain conditions, which conditions the Federal Government accepted. Among the conditions thus enumerated and accepted by the Federal Government was the following:

"That all the land within the territory so ceded to the United States and not reserved or appropriated to any of the before-mentioned purposes, or disposed of in bounties to the officers and soldiers of the American Army, shall be considered as a common fund for the use and benefit of such of the United States as have become or shall become members of the confederation or Federal alliance of the said States, Virginia inclusive, according to their usual respective proportions in the general charge and expenditure, and shall be faithfully and bona fide disposed of for that purpose, and for no other use of the United States Government, through Congress, has uniformly the littled States Government, through Congress, has uniformly

bona fide disposed of for that purpose, and for no other use or purpose whatsover."

The United States Government, through Congress, has uniformly recognized that this territory ceded was derived from Virginia, and that she was bound by the conditions contained in the act of cession. Desirous of changing some of the conditions contained in the act of cession regarding the establishment of new States in the ceded territory, she requested Virginia to make some alterations in these conditions, which Virginia consented to, permitting the creation of States different from the original cession. By requesting Virginia to make this change Congress recognized that she had no right, even in the creation of States in this territory, to alter the terms of the original act of conveyance without the consent of the State of Virginia.

Out of this territory ceded by Virginia were formed the States of Ohio, Indiana, Illinols, Michigan, Wisconsin, and a portion of Minnesota. The United States received by this cession 170,208.623 acress of land. Of this land some was appropriated to comply with the conditions contained in the act of cession accepted, other than the one above stated. The largest portion of it was soid and paid into the Treasury of the United States and used in payment of the public debt and in the payment of Federal expenditures. It may possibly be contended that this portion was, under the terms of the cession, used for the benefit of all States, as contained in the cession made by Virginia. But, contrary to the expressed conditions contained in the act of cession descended in the act of cession, used for the benefit of all States, as contained in the cession made by Virginia.

sion, Congress at different times, in the aggregate, appropriated 28,808, 212 acres of land, and \$2,953,654.70, derived from the sale of these public lands, entirely to local uses within these six States. These amounts of land and money were appropriated for local school purposes, construction of canals, improvement of local roads, and other purposes within these States, entirely local. Thus it appears that more than one-fifth of the lands ceded by Virginia under definite provisions and conditions, reserving to Virginia an interest in them, has been disposed of in ways that have given no "use and benefit" to Virginia, as distinctly reserved for her in her "use and benefit" to Virginia, as distinctly reserved for her in her act of cession. At the time that Virginia ceded her western territory to the United States Virginia's proportion in the general charge and expenditure was about one-seventh of the whole, and thus her reserved interest in the lands not specifically applied for the purposes stated in the deed of concession was about one-seventh. The value of this land donated to local uses was the price fixed by Congress when it was fast offered for sale, would be \$77.713.424. This, added to the amount of money appropriated of \$2,958,6534, would make the total value of the donation for local purposes, clearly contrary to the terms and provisions of cession, amount to \$80,695,078. Subject to such claims as might exist in behalf of Kentucky and West Virginia, which were then a part of Virginia, Virginia has a right to demand of the Federal Government her part of these lands and money, which Congress appropriated entirely to local uses and for which Virginia received no benefit.

The full statement of Dr. Fulton, which I file with this message, indicates other large and fair claims of Virginia, which the limit necessarily given to this message precludes me from mentioning. Though reserving to herself a fair share of the use and benefits to be derived from these many millions of acres of land, it appears that Virgi

CLAUDE A. SWANSON, Governor.

COMMONWEALTH OF VIRGINIA, DEPARTMENT OF PUBLIC INSTRUCTION, Richmond, Va., January 22, 1910.

His Excellency CLAUDE A. SWANSON,

His Excellency Claude A. Swanson,

Governor of Virginia, Richmond, Va.

My Dean Governor: In the State school reports of Supt. W. H. Ruffner for the years 1871-1873, extended mention is made of the claims of Virginia against the United States, based on the cession of the Northwest Territory.

I started an investigation of these claims in 1906, but found that it would take too much of my time from official duties. Knowing that Dr. R. B. Fulton, at one time chancellor of the University of Mississippi and now president of the Milier School of Virginia, had an intimate acquaintance with the public-land legislation and policies of the United States Government, I asked him, in the spring of 1907, to make a thorough investigation of Virginia's rights in the premises.

A few months ago, as you will recall, Dr. Fulton and I had a conference with you in regard to this matter and laid before you the results of the investigation made by Dr. Fulton. You suggested certain further lines of inquiry, which have been carefully pursued since that

I transmit herewith a letter from Dr. Fulton, with accompanying documents, for your consideration and for such action as you think the interests of the State demand.

I am, sir, with high regard,

Respectfully, yours,

J. D. Eggleston, Jr.,

J. D. Eggleston, Jr., Euperintendent of Public Instruction.

THE MILLER SCHOOL,
MILLER SCHOOL POST OFFICE, ALBEMARIE COUNTY, VA.,
Miller School, Va., December 22, 1909.

Hon. Joseph D. Eggleston,
Superintendent of Public Instruction, Richmond, Va.

My Dean Mr. Eggleston: In the spring of the year 1907 you called my attention to the statements published by your predecessor in office, the late Dr. William H. Ruffner, in his first, second, and third annual reports as superintendent of public instruction (1871–1873), regarding the reserved interest of the State of Virginia in the lands northwest of the Ohio River, which lands she ceded, under certain conditions, to the United States in 1784. Soon after this conversation, in June, 1907, you requested me to make an examination of the matter to which Dr. Ruffner referred, and you supplied me with copies of the reports above mentioned and gave many helpful suggestions.

The matter has had my most careful consideration. I have sought original sources of information, as well as the opinions of statesmen and writers which might throw light upon the subject. While its various ramifications have led in many directions, have been involved with many coordinate or conflicting interests, and have extended over a long historical period, I trust that the essential facts which should form the basis of a correct judgment are shown with sufficient clearness in the condensed statement herewith presented.

In this statement I have brought together, in proper sequence, certain well-known historical facts, and have made references to the authorities consulted.

The subject is of more than academic interest, since it involves questions of right and justice and patriotism, and concerns the great State of Virginia in her relations to her sister States and to the kepublic.

You are at liberty to use this paper in any way which you may think proper.

proper. Very sincerely, yours,

ROBERT B. FULTON.

THE VIRGINIA LAND CESSION OF 1784.

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The first settlements of the English upon the Atlantic coast of North America were made under charters or grants from the British Crown. The texts of these charters may be found in "Poore's Charters and Constitutions of the United States." A brief discussion of the 13 original American colonies, as constituted under the royal charters, may be found in Dr. B. A. Hinsdale's "The Old Northwest." (Published by Silver, Burdett & Co., 1899.) Hinsdale follows the texts of the charters as given by Poore. In these charters the attempts made to specify limits and boundaries in an unknown continent unavoidably led to controversy when the settlements were extended from their original centers. It is not the present purpose to discuss these controverses, but only to state such facts as relate to the subject in hand.

The settlement at Jamestown in 1607 was made under a charter given in 1606 by King James I. "But as it did not prove satisfactory, the King in 1609 granted to the London Co. a second charter, in which he bounded the colony that henceforth monopolized the name of Virginia, as follows:

"* * Situate, lying, and being in that part of America called

ginia, as follows:

"* * Situate, lying, and being in that part of America called Virginia, from the point of land called Cape or Point Comfort, all along the seacoast to the northward 200 miles, and from the said point of Cape Comfort all along the seacoast to the southward 200 miles, and all that space and circuit of land lying from the seacost of the precinct aforesaid up into the land throughout from sea to sea. And also all the islands lying within 100 miles along the coast of both seas of the precinct aforesaid. * * * " (Hinsdale, "The Old Northwest," p. 73.)

the precinct aforesaid. * * * " (Hinsdale, "The Old Northwest," p. 73.)

When Virginia asserted her independence and organized her government as a sovereign State in 1776 she reaffirmed her charter right to the territory in the limits fixed by King James I in 1609. Section 21 of her constitution, adopted June 29, 1776, reads:

"The territories contained within the charters erecting the colonies Maryland, Pennsylvania, North and South Carolina are hereby ceded, released, and forever confirmed to the people of those colonies, respectively, with all the rights of property, jurisdiction, and government, and all other rights whatsoever which might at any time heretofore have been claimed by Virginia, excepting the free navigation and use of the rivers Potomack and Pohomoke, with the property of the Virginia shores or strands bordering on either of the said rivers, and all improvements which have been or shall be made thereon.

"The western and northern extent of Virginia shall in all other respects stand as fixed by the charter of King James I, in the year 1609, and by the public treaty of peace between the courts of Great Britain and France in the year 1763, unless by act of legislature one or more territories shall hereafter be laid off and governments established westward of the Alleghany Mountains. And no purchase of lands shall be made of the Indian natives but on behalf of the public by authority of the general assembly." (Hening's Stats, of Va., vol. 9, pp. 118-119.)

This territorial claim of Virginia, based upon her charter, placed her western boundary at the Missispin River, and left an undetermined

lished westward of the Alleghany Mountains. And no purenase or lands shall be made of the Indian natives but on behalf of the public by authority of the general assembly." (Hening's Stats. of Va., vol. 0, pp. 118–119.)

This territorial claim of Virginia, based upon her charter, placed her western boundary at the Mississippi River, and left an undetermined extension northward for her territory northwest of the Ohio River.

Acting under instructions from the governor and council of Virginia, dated January 2, 1778. George Rogers Clark, in command of Virginia troops, in 1778 and 1779 captured all the British posts in the territory northwest of the Ohio, excepting those in the extreme north on the Great Lakes, and held the territory from the Ohio to the Lakes in the name of Virginia.

"The Northwest had been won by a Virginia army, commanded by a Virginia officer put in the field at Virginia's expense." (Hinsdale's "The Old Northwest." p. 158.)

On October 27, 1777, the Continental Congress in framing the Articles of Confederation which were to be submitted to the several States for acceptance, inserted a clause to the effect that "No State shall be deprived of territory for the benefit of the United States." (Secret Journals of Congress under date Oct. 27, 1777.)

"The six smaller States which held no western lands contended with tenacity and determination that said lands should not be held by the States owning them for their exclusive use, while the seven States which claimed and under the Confederation held vast sections of Crown grant lands in the West held the contrary opinion." (History of the Public Domain, p. 60, Government Printing Office.)

Maryland refused to sign the Articles of Confederation until the States holding or claiming western territory should make a surrender of these lands or claims to the United States. Her general assembly voted, on December 15, 1778, vigorous instructions to her delegates in Congress urging the views and contentions of Maryland, which were presented in Congress, January 6

Virginia ceded and the United States in Congress assembled accepted all of her territory northwest of the river Ohio, under the several conditions above shown. On July 7, 1786, Congress asked of Virginia alterations of the conditions of the above act of cession, as far as these conditions relate to the limits of new States to be formed in the territory so ceded, on account of difficulty in forming the lands into States with boundaries as contemplated in the deed of cession. Following is the resolution adopted in Congress July 7, 1786 (History of the Public

Domain, pp. 69-70. Journals of Congress, July 7, 1786. Hening's Statutes of Virginia, Dec. 30, 1788, vol. 12, p. 789):

"Resolved, That it be, and it hereby is, recommended to the Legislature of Virginia to take into consideration their act of cession, and revise the same so far as to empower the United States in Congress assembled to make such a division of the territory of the United States lying northerly and westerly of the river Ohio, into distinct republican States, not more than five nor less than three, as the situation of that country and future circumstances may require, which States shall hereafter become members of the Federal Union, and have the same rights of sovereignty, freedom, and independence, as the original States, in conformity with the resolution of Congress of the 10th of October, 1780."

On July 13, 1787, Congress passed the ordinance for the government

hereafter become members of the Federal Union, and have the same rights of sovereignty, freedom, and independence, as the original States, in conformity with the resolution of Cengress of the 10th of October, 1780."

On July 13, 1787, Congress passed the ordinance for the government of the territory northwest of the river Ohio, which embraced the above proposition as to the number of States in the Virginia cession. The subject matter of this ordinance had been under consideration by Congress from May 10, 1786. (History of the Public Domain, p. 150.)
December 30, 1788, the General Assembly of the State of Virginia passed the following (act of Virginia of 30th December, 1788):

"Whereas the United States in Congress assembled did, on the 7th day of July, in the year of our Lord 1786, state certain reasons showing that a division of the territory which hath been ceded to the said United States by this Commonwealth, into States, in conformity to the terms of cession, should the same be adhered to, would be attended with many inconveniences, and did recommend a revision of the act of cession, so far as to empower Congress to make such a division of the said territory into distinct and republican States, not more than five nor less than three in number, as the situation of that country and nuture circumstances might require. And the said united States in Congress assembled have, in an ordinance for the government of the original States and the people and States in the said territory, it:

"ART. V. There shall be formed in the said territory not less than three nor more than five states; and the boundaries of the States, as soon as Virginia Shall alter ber act of cession and consent to the same, shall become fixed and established as follows, to wit: The western State in the said territory shall be bounded by the Mississippi, the Ohio, and Wabash Rivers; a direct line drawn from the Wabash and Post Vincents, due north to the territorial line to the Lake of the Woods and Mississippi. The middle State shall be bounded by

And it is expedient that this Commonwealth do assent to the proposed alteration, so as to ratify and conform the said article of compact between the original States and the people and States in the said territory.

2. Be it therefore enacted by the general assembly, That the afore-recited article of compact between the original States and the people and States in the said territory northwest of Ohio River be, and the same is hereby, ratified and confirmed, anything to the contrary in the deed of cession of the said territory by this Commonwealth to the United States notwithstanding. (History of the Public Domain, p. 70. Hening's Statutes of Virginia, vol. 12, p. 780.)

That there was thus formed a definite contract and agreement between the United States and the State of Virginia, and an engagement by Congress to carry out the definite purposes and conditions of this agreement, is clearly shown by the words of the acts above quoted, and the circumstances under which they were passed.

That the distinct conditions upon which Virginia's deed of cession was made were recognized as binding by the United States, at the first, is shown by the fact that the several conditions, marked (A), (B), (C), (D), (E), above, have, through various later enactments, been carefully fulfilled by Congress. (See Land Laws of the United States.)

The obligation and engagement distinctly stated in the last condition upon which the Virginia cession was made and accepted, marked (F) above, must remain forever binding as at first, unless annulled by formal joint action by Congress and the State of Virginia, or rendered void by the adoption of the Constitution of the United States after the cession was made, or specifically fulfilled by Congress.

There has been no legislation by the State of Virginia and the Congress changing this last condition.

The Constitution of the United States, Article IV, section 3, declares that the Congress shall have power to dispose of and make all needful rules and regulations respecting the territory or oth

be so construed as to prejudice any claims of the United States or of any particular State.

Article VI of the Constitution of the United States declares that "All debts contracted, and engagements entered into, before the adoption of this Constitution, shall be as valid against the United States under this Constitution, as under the confederation."

The engagement entered into by the United States with Virginia is thus not rendered void, but reaffirmed by the terms of the Constitution of the United States.

As to the fulfillment of this last and most important of the conditions and engagements in Virginia's act of cession, it appears from all the history and record of the matter that Virginia, through no fault of hers, has entirely failed to receive her due and proportionate share of the use and benefit of these lands in the territory northwest of the river Ohio, as distinctly provided and reserved in her deed of cession.

The following statement, relating to the specific performance of the engagement entered into by Congress to dispose of the lands ceded by Virginia in the manner and for the purpose stipulated, can be verified by the citations given.

As above recited, on March 1, 1784, the United States acquired from Virginia title to the soil and jurisdiction of the territory northwest of the river Ohio under the conditions stated. Immediately Congress began the enertment of legislation for the government of this territory, and for the disposition of the lands therein.

On March 1, 1784 (History of the Public Domain, pp. 147-149, Journals of Congress, Mar. 1, 1784), a committee, consisting of Mirgonia, and Virginia, Mr. Chaec, of Maryland; and Mr. Howell, of month of the western territory. This report was discussed and finally adopted, after amendment, on April 23, 1784. (History of the Public Domain, pp. 148-149. Journals of Congress, Apr. 23, 1784.)

This remained in force as law until the adoption of the ordinance for the government of the territory of the United States northwest of the river Ohio of July 13, 1787. (History of the Public Domain, pp. 149-133. Journals of Congress, July 13, 1787.)

This remained in force as law until the adoption of the ordinance for the government of the territory of the United States northwest of the river Ohio of July 13, 1787. (History of the Public Domain, pp. 149-133. Journals of Congress, July 13, 1787.)

On April 29, 1784 (History of the Public Domain, pp. 149-137.)

On April 29, 1784 (History of the Public Domain, pp. 196-197), Congress, by resolution, called the attention of the States still holding western lands to the fact of former resolutions of Congress asking for cessions; and "in presenting another request for further cessions," stated (speaking of persons who had furnished supplies to carry on the war; "These several creditors have a right to expect that funds shall be appeared to the construction of the States still holding western lands to the fact of former resolutions of Congress asking for constructions of the states of

Under this policy Congress fell into the habit of donating lands freely and liberally in the territory ceded by Virginia, apparently without considering whether or not the conditions of this cession were being fulfilled by such donations and grants for local benefit.

As the result of this indefinite policy, the lands in the territory ceded by Virginia have been practically all disposed of by the United States without any adjustment or settlement of Virginia's reserved interest therein.

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As the result of this indefinite policy, the lands in the territory ceded by Virginia have been practically all disposed of by the United States without any adjustment or settlement of Virginia's reserved interest therein.

Passing by for the present the facts, which are of record in the Treasury Department of the Government, showing the receipts from the lands which were sold by the United States in the territory ceded by Virginia, and the disposition made of these receipts in the payment of the public indebtedness or otherwise, attention is called to the facts regarding the disposal by Congress of large tracts of land in the territory ceded by Virginia for various purposes, essentially local in their character, in the States organized in that territory, in which purposes and the subsequent uses and benefits of the land thus donated Virginia and the other of the original 13 States had no part.

The History of the Public Domain, prepared by the Public Land Commission in pursuance of the acts of Congress of March 3, 1879, and June 16, 1880, revised under subsequent acts of Congress and published by the Government Printing Office, 1884, and the Land Laws of the United States, Volume I and II (House Miscellaneous, 2d sess, 47th Cong., 1882-83, Vols. XVII and XVIII), show that Congress has made grants or donations of lands for the special benefit of the five States—Ohio, Indiana, Illinois, Michigan, Wisconsin—formed out of the territory ceded by Virginia as follows:

1. One section or square mile in each township of 36 square miles was given in these States by Congress to the legislatures of these five States for public schools. This means one thirty-sixth part of the lands in each State, a total of 4,365,917 acres. (History of the Public Domain, pp. 223-228. Land Laws of the United States, Vol. I, Nos. 28, 215, 346, 493, 622.)

3. Three per cent or 5 per cent of the net receipts for sales of lands by the United States in each of these States was given to t

and in Michigan and Wisconsin 5 per cent of such proceeds; total, \$2,854,254.70. (History of the Public Domain, p. 238.)

4. Congress gave to each of these five States 500,000 acres of the public lands in these State for internal improvements—a total of 2,500,000 acres. (History of the Public Domain, p. 255.)

5. For canal-construction purposes Congress gave to Indiana, Ohio, Illinois, Wisconsin, and Michigan, from the year 1824 to June 30, 1880, a total of 4,424,073,06 acres. (History of the Public Domain, p. 250.)

6. For military roads in Wisconsin and Michigan within the same period Congress gave more than 523,000 acres. (History of the Public Domain, p. 260.)

7. Land grants for railroads to these States and corporations therein, up to June 30, 1880, amounted to, in Illinois, 2,595,053 acres; in Michigan, 3,355,043 acres; in Wisconsin, 3,553,865 acres; total, 9,504,861 acres. (History of the Public Domain, pp. 269, 270.)

8. Congress gave to these several States salt springs and saline lands as follows: To Ohio, 24,216 acres; to Indiana, 23,040 acres; to Illinois, 121,029 acres; to Michigan, 46,080 acres—a total of 214,371 acres. (History of the Public Domain, p. 218.)

9. Under the swamp land acts Congress gave to Illinois 1,451,974 acres: to Indiana, 1,252,708 acres; to Michigan, over 5,640,000 acres; to Wisconsin, over 3,036,548 acres; to Ohio, 25,640 acres—a total of over 11,406,847 acres. (History of the Public Domain, p. 223.)

10. Congress gave in land bounties to soldiers of the Continental Line and in the War of 1812, 8,095,220 acres in the territory ceded by Virginia, and the grants made in the reserved Virginia military district for the Virginia troops on Continental establishment amounted to 3,770,000 acres—a total granted in bounties up to 1861 on these two accounts of 11,865,220 acres. (History of the Public Domain, pp. 232–234.)

11. Besides all the above, there were numerous grants on special accounts for river improvements, private donations, to special schools, for the local support of re

That part of Minnesota lying east of the Mississippi River and of the ninety-fifth meridian was included in Virginia's cession. It includes, by count of townships and fractions on our efficial United States map, 16,588,800 acres.

The total acreage of lands surveyed by the United States in the territory ceded by Virginia is as follows [History of the Public Domain, p. 189]:

	Acres.
In Ohio	25, 576, 960
In Indiana	21, 937, 760
In Illinois	35, 465, 093
In Michigan	36, 128, 640
In Wisconsin	34, 511, 360
In Minnesota, east of Mississippi River	16, 588, 800

In Minnesota Congress gave even more liberally to local uses. As shown by the citations above, one-eighteenth of the area of Minnesota was given for schools, and for all the local uses above specified a total of 17.184.233 acres was granted. Approximately one-third of all the land in this State was thus given for local uses. In that part of the State lying in the Virginia cession this would amount to 5,529,600 acres, and \$99,400 in cash.

The amounts of land granted by Congress to Ohio, Indiana, Illinois, Michigan, and Wisconsin, or to persons in these States, for local uses, as shown under the headings numbered above, omitting the tenth heading, are as follows:

ing, are an ionoma.	
1acres	4, 365, 917 299, 520
3	\$2, 854, 254, 70
4acres	
6do	523, 000 9, 504, 861
8acres_	214, 371
9	11, 406, 847 100, 000

Total (\$2,854,254.70 in cash) ______do__ Similar grants in Minnesota, east of the Mississippi, amounted to_____acres__ And \$90,400 in cash. 33, 334, 589, 06

Total for local uses (\$2,953,654.70 in cash)__do__ It thus appears that more than one-fifth part of the lands ceded by Virginia under definite proviso and conditions reserving to Virginia an interest in them has been disposed of in ways that gave no "use" or "benefit" to Virginia, having been donated by Congress to local in-

"benefit" to Virginia, having been donated by Congress to local interests.

At the time when Virginia ceded her western territory to the United States her "usual respective proportion in the general charge and expenditure" was about one-seventh of the whole, as shown by the requisition made by Congress upon the 13 States at that time. At the time of the cession her reserved interest was, therefore, one-seventh of all the lands not specifically applied to the purposes stated in the deed of cession.

The value of the lands donated to local uses, amounting to 38,864,189 acres, as shown above, computed at \$2 per acre, which was the price fixed by Congress when they were offered for sale, by the act of May 18, 1796 [History of the Public Domain.

or May 18, 1796 [History of the Public Domain, p. 2051, would be	\$77, 728, 378, 00 2, 953, 654, 70
Total value of donations	80, 681, 032, 70 170, 208, 613
shown, amounted to	110, 200, 010
The total granted for local uses wasdo Total granted in bounties to soldiersdo	38, 864, 189 11, 865, 220
	50, 729, 409
As shown above{do	170, 208, 613 50, 729, 409
Balance sold or to be sold	119, 479, 204

The price received varied from time to time, but probably averaged at least \$1 per acre. This would indicate receipts from sales of lands in the Virginia cession aggregating probably \$100,000,000. The exact facts are matters of record in the departments in Washington.

A study of all the acts and resolutions passed by Congress and the several States regarding the cession of lands claimed by the original States, as set forth in the History of the Public Domain, pages 60 to \$1, shows that these cessions were asked by Congress, and made by the States for the purpose of securing, through the sale of the lands, funds by which the financial embarrassment of Congress could be relieved, and the public debt extinguished. The act of Congress of March 3, 1795, above quoted, distinctly provides for this use of the proceeds of the lands edded. The public debt incurred in the War of the Revolution was eventually extinguished, and it appears from the last condition in Virginia's deed of cession that, as soon as this was accomplished, her reserved interest should have become immediately available for her use and benefit.

No attempt has been made in this paper to discuss the interest of any other of the original 13 States in Virginia's cession. It appears that Kentucky and West Virginia, being formed out of territory was made, would logically have an interest dependent on Virginia's interest. I have not found that the State of Virginia has ever taken formal action looking to an investigation or adjustment of her reserved interest in the lands ceded to the United States March 1, 1784.

Very respectfully,

R. B. Fullton.

Mr. CHILTON. Mr. President, the State of West Virginia would not have it thought that this "claim," reserved in the cession of 1784 and protected by two clauses of the Constitution, is an idea born of her troubles concerning the debt of the State of Virginia referred to in the first constitution of West Vir-The suit between the two States growing out of that debt is now pending in the Supreme Court and will proceed in an orderly manner. West Virginia will meet her just obligaan orderly manner. West Virginia will meet her just obliga-tions, whether the Federal Government shall be compelled to settle the trusteeship created by the Virginia cession or not. But it need not be denied that the proceedings in the suit which I have mentioned have been disappointing to West Virginia, and if she be compelled to pay a large sum of money to Virginia she will look upon it as a hardship. But, by the same rule which would hold her liable for Virginia's debt, she would be entitled to the funds accruing to Virginia prior to the division of the State. If territory or population be a basis for apportioning obligations, it is also a basis for a division of assets. West Virginia shall, in the end, have any part of the Virginia debt to pay she will need her share of the trust funds now in the hands of the Federal Government; if she be not required to respond, then her share of that fund is none the less the heritage of the two Virginias.

There is a court provided by law in which anyone having a claim against the Government can litigate it. All sorts of claims of Indians and citizens, Indian tribes, and corporations are settled in this tribunal. The Government denies justice to none. It was in response to the demand that this Government. ment shall be just to everyone that the Court of Claims was created. But shall it be said that the Government will deny to any State the same justice which she grants to all the world

besides?

It can not, then, be conceived that the Government will make Virginia and West Virginia, whose bounty she accepted in times when she was in sore straits and the other beneficiaries under an express trust, the only exceptions to the rule that no creditor shall be denied a hearing in a court of justice. A hearing is all that is asked. The States interested will accept the decision of the courts of the United States upon the construction to be placed upon the cession and upon every matter involved in the claim. Congress is not called upon to take any position upon the merits of the controversy. It would be an arbitrary course for any alleged trustee to deny the trust and refuse the beneficiaries an opportunity to establish it; but under the peculiar relations occupied by the Government, under the facts which I have outlined, it would be unspeakably arbitrary, unfair, and unwise to refuse a sovereign State the poor boon of a fair and impartial hearing in a court of justice.

This bill makes no appropriation, recites no facts, and assumes no position upon the title papers or upon the acts of any of the parties. The Government's liability can not be fixed until the last word shall be said by the Supreme Court. States interested ask for no favors, but they do demand justice. I thank the Senator from Washington [Mr. Jones] for his

courtesy in yielding to me.

The VICE PRESIDENT. Without objection, the bill will be referred to the Committee on the Judiciary.

Mr. JONES. Mr. President-

Mr. SWANSON. Will the Senator from Washington yield to me for five minutes?

Mr. JONES. I am pleased to yield to the Senator from Virginia

Mr. SWANSON. Mr. President, I do not propose to make an address, but I wish to say, in regard to the bill introduced by the Senator from West Virginia [Mr. Chilton], that the senior | presented for decision by some tribunal; and we concur in the

Senator from Virginia [Mr. Martin] and myself, who were directed by the general assembly of our State to take this matter up, have concurred in the bill and that we shall cooperate with the Senator for the presentation and prosecution of this claim according to instructions given us by the General As-

sembly of Virginia.

I wish to say in this connection that this is the first time the Senators or the Representatives in the other House from Virginia have had authority to present this matter for the consideration of Congress. As the Senator from West Virginia has well said, this territory, amounting to 170,000,000 acres, was ceded to the Federal Government by the State of Virginia, with the reservations the Senator has named. One hundred and seventy million acres were included in this cession. Forty million acres of that land were diverted from the trust; in other words, it was not used for the common good and benefit of the 13 States, but was used for local purposes within the States embedied in this cession; used for road purposes; used for school purposes; used for entirely local purposes; within the States, contrary to the terms of the cession made by the State. The purpose of this bill is to ascertain the amount of this land and its value that was perverted from the trust which was to be used for all the 13 States, and after that is ascertained, to see what is a proper division of this fund, which was improperly diverted, improperly used, and to divide it justly and fairly among the States according to the terms of the cession from Virginia.

This cession from Virginia has always been recognized as the only title that the United States possessed to this territory. It was Virginia's by her charter of 1609; it was Virginia's by She commissioned the soldiers; out of the treasury of the State she paid the troops that, under George Rogers Clark, captured this territory and held it from the British

Government.

It was Virginia territory when the cession was made. that territory was a part of the State of Virginia, and was known as Illinois County. Virginia exercised authority over it; writs ran in her name in the territory; cessions to land were made by her, and everybody acquiesced in her title. The United States Government has accepted this cession. It contained conditions as to the creation of States. The Federal Government desired to change these conditions, and, recognizing that it had no authority except through this cession, sent a request to the General Assembly of Virginia asking the General Assembly of Virginia to change the conditions under which States could be created out of this territory, and Virginia consented to the changes.

This cession has been recognized by the Supreme Court of the United States, in 5th Wheaton, where a case was decided affecting the boundary line between Kentucky and Indiana. It was contended that Indiana had a right of admission to the Union independent of this cession. The Supreme Court of the United States, in an opinion delivered by Chief Justice Marshall, said that the Federal Government had no authority and no right to this territory, except as it obtained it through this cession, and that the boundary line between Indiana and Kentucky must be fixed by the cession made by Virginia of the Northwestern Territory.

Thus the right to the Northwestern Territory, the right of the trust, has been recognized by every department of the Federal Government, recognized by Congress when it asked Virginia to change the conditions under which States could be created, recognized by the Supreme Court of the United States in fixing the territory of Kentucky and the territory of Indiana. It has been recognized also by reason of the fact that it has always been held that the provision made by Virginia for excluding slavery from the Northwestern Territory was a condition that could not be changed. This was the condition imposed by the General Assembly of Virginia. With these conditions recognized by all the departments of the Government, it is a clear, legal, just, and fair case; and I am satisfied that there is no tribunal in the world that would not render a judgment for Virginia in accordance with the terms of this trust.

The question is asked, Why has not this case been presented earlier? There have been no representatives in Congress au-

thorized by the State to present it.

The amount of money that has been thus diverted at the sale price of \$2 an acre, which was obtained for the land, will amount to over \$80,000,000, and there can be no question that that \$80,000,000 of this trust fund has been perverted from a general use for the good of the 13 original Colonies to local uses within these States.

It seems to me that Virginia, which has been generous to this Union in gifts and in States, has a right to have this claim

measure introduced by the Senator from West Virginia to let the Court of Claims and the Supreme Court of the United States determine this question. If it is right, if it is just, if it is honest, the Federal Government should pay it to the States and to those who have aided Federal power and Federal growth by such a magnificent gift as the State of Virginia presented to the Federal Government,

I simply desired to make these remarks, following the speech made by the Senator from West Virginia, to let it be understood that Virginia, through her authorities in the State, has directed her Senators and Representatives to present this claim to the Federal Government for settlement and adjudication.

PROGRESSIVE RULE OF ACTION IN JUDICIAL MATTERS.

Mr. JONES. Mr. President, anyone expecting the sensational in what I have to say will be disappointed. Anyone expecting a discussion of the presidential campaign need not listen. The temptation to jest, to be sarcastic, to denounce, to talk politics, or characterize is very strong, but I shall not do either. not the place nor the time to talk politics; too much politics is attempted here. We are not sent here for that, and, in my judgment, the best politics would be to go seriously about our duties and pass such legislation as we believe would be for the good of the people, rather than to seek party or factional advantage.

He plays politics best who serves his people best.

A most peculiar condition exists in this country to-day. Our people, as a whole, are living better now than ever before and better than any other people on the face of the earth. sume more of the necessaries of life and enjoy more of the lux-uries than ever. There is more employment at better wages. We are better clad and better fed, as well as better housed. Farmers, merchants, and business men are more successful. Markets, foreign and domestic, are growing and extending with rapid strides. Manufacturing is increasing. Transportation rapid strides. Manufacturing is increasing. Transportation lines are taxed to the utmost to handle the country's business. Every material, social, and moral condition is on a higher plane. Justice is administered more impartially. Legislators are more responsive to the deliberate will and well-considered desires of the people. The Nation is more prosperous. Life is sweeter, and the future is brighter in its prospects for peace, happiness, and prosperity than at any one time in our history. With everything to make us happy and everything to make us confident of the future, with everything to inspire us with trust in our Government, ourselves, and our future, and with everything to make us contented and happy, we are restless, uneasy, discontented, unhappy, suspicious, and intolerant. We are engaged in a saturnalla of political vituperation. Justice and fair dealing are thrown to the winds. Appeals to passion and prejudice dis-place reason and logic. Vileness and corruption are sought for eagerly, and we rejoice if we are successful in our search. Sinister motives prompt those who disagree with us, and none are good save ourselves.

Under the banner of progression anarchy is preached in honeyed phrase and fulsome flattery. Our sense of justice and fairness is deadened by loud declamation and insidious suggestion. Rules of conduct evolved through centuries of struggles for human rights and liberty, and at the cost of blood and treasure, are cast aside as worthless by self-proclaimed apostles of progression, and the rules and methods of ages ago are now held up to us as the only safe, sane, and progressive rules for our

guidance.

Until a short time ago supposedly new ideas, as old as governments among men, were advocated with some show of reason and prudence. A new Richmond, however, has rushed upon the political field. The real, consistent, faithful leader of radical political thought, whose courage, consistency, and faithfulness we all admired, even if we did not accept all the doctrines advocated, became ill and exhausted. The banner he was faithfully and bravely carrying was drooping. This new Richmond rushed upon the political scene, threw his hat into the ring, and shouted to the wavering hosts to follow him on the highway of progress and victory. Hoping to reap where others had sown, he sought to pluck the fruit of victory to his own bosom. Having worked and won with the despised standpatters, and not being practiced in the principles of modern political progress, he, with the recklessness of ignorance and the rashness of the new convert, is appealing to all that is base, selfish, and unjust in the apparent hope of gratifying an insatiable ambition.

In his campaign for place and power he seems to have forgotten the honors bestowed upon him by his party and by the people of the country. He seems to be unmindful of the dignity and deportment of one who has filled the most exalted position in the gift of man. We expect and tolerate the actions and utterances of the ordinary politician, but it is a shock to our people to see their idol seeking place and power by appealing to passions, prejudices, and hatreds and whose most powerful passions, prejudices, and hatreds and whose most powerful

argument is denunciation of the motives and honesty of those who oppose him. For temporary applause, to secure the support of the unthinking, he would substitute the biased, warped, and inflamed opinions of the multitude for the judgment of those acting in a judicial capacity based on sworn evidence, weighed and balanced by those rules and principles which have been brought forth from the crucible of time to insure justice to the poor and the rich, the weak and the strong.

I do not propose to discuss the initiative, referendum, or the recall, of which this overnight convert would have the people believe he has always been a devoted advocate. I shall notice only the latest suggestion advanced for the guidance of those acting in a judicial capacity. It is so startling that its mere

statement should be enough to bring it condemnation.

In my judgment the most appalling proposition ever suggested for the approval of a justice-loving and a fair-dealing people was advanced by former President Roosevelt in a speech delivered at Detroit, Mich., on the evening of March 30, last. Mr. Roosevelt said, according to the report contained in the Washington Post of March 31, and I quote not a mere sentence, but at length from this utterance, so as to be perfectly fair:

I wish to direct your attention to the last instance of the working in actual practice of the President's theory of government of the people by what he calls a representative part of the people. Remember that Abraham Lincoln's statement was that we needed a "government of the people, for the people, by the people," and that the proposed improvement is to have it a government by a "representative part" of the people. In practice, as I have already said, this has always meant government by a thoroughly unrepresentative part of the people against the interests of the whole people; it means and can only mean government of the people, for the special interests, by the bosses.

CITES LORIMER CASE.

The immediate illustration of this fact is afforded by what the Senate committee has done in the Lorimer case. The reactionary members of both parties of the committee have stood by Lorimer, and against the protest of the minority have recommended that he be allowed to continue in his place.

Do you think that the representatives who have acted in this way really represent the people? I don't. Do you think that this specimen of government of the people by a representative part of the people—represents an improvement on government by the people? I don't. For instance, one of the gentlemen who signed the report on behalf of Mr. Lorimer was Senator Dilligham, of Vermont. I do not for one moment believe that if the people of Vermont could vote on this issue they would vote to retain Mr. Lorimer in the Senate. I do not for one moment believe that the people of Washington and South Dakota would have voted for Mr. Lorimer, and yet their Senators, Messrs. Gamele and Jones, did. It seems to me that this Lorimer case, so far from being an argument in favor of the President's position that we should have government of the people by a part of the people, is a strong argument for more direct government by the people, a strong argument for the direct election of United Statos Senators by the people.

In passing, I desire to say that, in my judgment, Mr. Roosevelt presented in this suggestion the strongest possible argument that can be made against the election of Senators by the people. I am in favor of the election of Senators by the people; people. I am in favor of the election of Senators by the people; I voted for that proposition before Mr. Roosevelt ever even thought of it, and yet if to elect Senators by the people is to make them cowards and faithless to their duty, their trust, their conscience, and their convictions, then I would have none of it. I do not believe the suggestion of ex-President Roosevelt that it would make cowards of men to have them elected by the people to the Senate is worthy of our consideration. I think such a suggestion is an insult to the intelligence of the people of this country. I was elected to this body just as directly by the people as any man will ever be if we should amend the Constitution as proposed, and I do not think such election has made me hesitate to do what I believe to be right on any question that may come up.

This argument may have caught the fancy of those who listened without grasping the full significance of the statements made, but no proposition was ever advanced by the wildest made, but no proposition was ever advanced by the principal anarchist more subversive of the principals of human justice or human rights and good government than the principal suggestion contained in this statement. What is that suggestion? To what does it lead? Let us see. What is the Lorimer case? To what does it lead? Let us see. What is the Lorimer case? Is it a legislative matter? No. Does Mr. Roosevelt understand it to be a matter of legislation? To assume so is to charge him with woeful ignorance. This I will not do, although it probably would be much more charitable to him to do so.

The Lorimer case does not involve legislative discretion and judgment, and he knows it. It is a solemn, judicial matter, and judgment, and he knows it. It is a solemn, judicial matter, and he knows it. Mr. Lorimer has a certificate of title to a seat in this body from the State of Illinois. It is charged that this certificate was secured by corruption. Is that true? That is the issue Senators are to decide, not as legislators, but as judges. We are made judges by the Constitution of our country, which we have taken a solemn oath to uphold and defend. The committee to which he refers was appointed to investigate the charge of corruption in connection with Mr. LORIMER'S elec-

It was charged with the duty of taking testimony to sustain or refute this charge and to report upon its truth or We have for days and weeks and months listened to sworn testimony on both sides of the issue. Every suggestion of evidence bearing upon it has been followed and fully examined. Almost 9,000 pages of testimony have been taken and every individual having any knowledge that relates to the truth of this charge has been invited to present it. Each and every member of the committee has deliberated over that evidence, weighed it, and reached a conclusion upon it. A majority have reached the conclusion that the charge is not true. Our consciences and our judgments, upon a careful weighing of the evidence, tell us that corruption was not used to secure the election of Mr. LORIMER.

Mr. BORAH. Mr. President—
The VICE PRESIDENT. Does the Senator from Washington yield to the Senator from Idaho?

Mr. JONES. Certainly.

Mr. BORAH. I do not desire to interrupt the Senator at this time, if he prefers to have interruptions postponed until he concludes, but I want to ask the Senator at some time a question or two for the purpose of securing information upon the particular matter he is now discussing.

Mr. JONES. The Senator may ask his question. I will say

to the Senator that I do not propose to go into the merits or the

demerits of the Lorimer case.

Mr. BORAH. I do not desire to lead the Senator into a discussion of the merits of the Lorimer case, but I wish to know whether the Senator and those who agree with him are controlled by the doctrine of res adjudicata or by the fact that the evidence as retaken failed to sustain the charge against Senator LORIMER.

Mr. JONES. Speaking for myself, I am governed by the evidence taken before the committee, in addition to the view that the matter, being settled by the solemn judgment of the Senate, ought to remain settled. But I am convinced by the evidence, however, that corruption was not shown.

Mr. BORAH. The Senator was not controlled, in his judgment, by the legal doctrine, which, it is claimed by some, would prohibit the Senate from again going into the question?

Mr. JONES. I was not.
Mr. BORAH. May I ask a further question, in order that the matter may be clear to my mind? The Senator was convinced by evidence controlling to his mind other than that brought out at the former hearing?

Mr. JONES. Not only that, but the evidence brought out

previously was absolutely discredited on this hearing.

Mr. BORAH. Then the position of the Senator is that the evidence on this hearing was entirely different in its probative effect from the evidence taken in the former hearing?

Mr. JONES. Yes, sir.

What should we do? Should we condemn Mr. Lorimer or should we acquit him? The question is not whether our judgment is correct or not, but whether, having reached it, we should follow it. Shall we disregard our own judgment and our own convictions and deny him a seat in this body? Where is the man who would say "Yes" to that? No one, save Mr.

What does former President Roosevelt say? He says, in effect: "Senator Jones, you read the testimony; you weighed the evidence; your judgment and conscience tell you to find that this seat was not secured by corruption, but the people who elected you believe otherwise, not upon the evidence but upon impressions secured through biased and warped newspaper reports, and you therefore should disregard your judgment, violate your conscience, and condemn Mr. Lorimer." This is the latest rule for judicial action suggested by this selfproclaimed leader of progress. Because we have not followed it we are not progressive, but reactionary. This was the rule of action followed by Pilate nearly nineteen hundred years ago. This is the first time, I venture to say, in our history, or in the history of any civilized people, that Pilate's rule of judicial action has met the approval of any man, save those who crucified Jesus, and they despised him for following it. If former President Roosevelt had been standing on one side when Pilate delivered Jesus to the Jews, after having examined into the charges and found no fault in him, but, at the demand of the people, turned him over to them for crucifixion, he would have clapped his hands and exclaimed "Most righteous, most honorable, most just judge!"
Mr. POINDEXTER.

Mr. President-

The VICE PRESIDENT. Does the Senator from Washington yield to his colleague?

Mr. JONES. Certainly. Mr. POINDEXTER, I do not know that I am exactly clear as to the illustration which the Senator is now making. Does

the Senator mean to parallel Jesus Christ with the Senator from Illinois

Mr. JONES. At least he would have done this if he had been as progressive then as he is now. I am charitable enough to believe, however, that he would have been a reactionary

He says the people of the State of Washington will not approve of my course. I am proud of the people who elected me. They are as intelligent, as just, and as righteous a people as can be found in any State of this Union. They may have the impression that Mr. Lorimer should not be seated. They may have the impression that he secured his seat corruptly, but they would despise me, and justly so, if they believed for one moment that I would set aside my solemn judgment and conviction based on the evidence and vote against him because I thought such a course would please them. I have so much fulth in them and their sense of what is right that I do not believe one can be found within the confines of my State who is such a reactionary as to approve and desire to see applied to-day in this or any other case the rule of judicial conduct practiced by Pontius Pilate. If Mr. Roosevelt made this suggestion seriously it is shocking. If he made it ignorantly it is pitiable. If he made it to secure votes it is despicable.

You will note that this is not a suggestion that the judges should decide a case according to their judgment of the law and the evidence and then allow the people to pass upon it and reverse it if they do not approve. It goes further than that. It suggests that the people shall make the decision, that the judge shall disregard the law and the evidence and try to ascertain what he thinks the people desire to be done in the case, and then act in accordance with what he believes is their This proposition is so extreme, so shocking, so conjudgment. trary to all principles of enlightened jurisprudence, so antagonistic to the basic principles of judicial action that have been brought forth in the crucible of time for the protection of life. liberty, and property that I can not conceive of the state of mind or the purpose that prompted its utterance. I leave this mystery for the people themselves to solve. Not until the founda-tions of the Republic rock under the assaults of passion and injustice will such a proposition meet the approval of any considerable number of our people.

I wish I could think he was misquoted. I wish I could think he inadvertently spoke as he did. I wish I could think it a slip of the tongue. No one can read the statement I have quoted, however, and conclude otherwise than that it was a deliberate, premeditated, and carefully prepared statement, and as such, it seems to me, it must challenge the universal condemnation of our people regardless of political belief or station in life. If this rule is to be followed then judges must instruct juries that they are not to decide cases upon the law and the evidence submitted to them, but they must endeavor to find out what the public sentiment is with reference to the matter at issue and decide it in accordance with that. Judges instead of instructing the jury as to what the law is should try to tell them what the public sentiment is.

This is the essence of lynch law. In the paper yesterday afternoon I saw that a poor wretch who had been acquitted because the evidence against him was not sufficient to convict him was taken out and riddled with bullets. There is no more excuse, gentlemen of the Senate, for disregarding the law and the judgments of the courts if they do not agree with the opinion of the people than there is for the riddling of that poor wretch Suggestions from those in high standing that with bullets. laws should be disregarded and no heed given to judgments not in accord with what may seem to be public opinion encourage and foster these lawless outbreaks, and those who promulgate such suggestions are more dangerous to our institutions and our public welfare than the open lawbreaker.

A few weeks ago the former President was called as a juror, but was always excused from service. According to the newspapers he was much disappointed and could not understand why the attorneys would not allow him to act as a juror in any of the cases that were brought for trial. When finally excused he expressed his disappointment and declared he would have given the parties to the suits a square deal. I wondered myself why he was not allowed to act as a juror; I understand now. The attorneys no doubt understood or had knowledge of his progressive ideas as to the duty of the judge or jury to decide a case, not on the law or the evidence, but in accordance with popular opinion on the matter at issue; and it is no wonder that they did not desire to trust the interests of their clients to him.

If such a rule is to be followed in judicial matters, what of the safeguards about human rights and liberties of which we have so proudly boasted? What of our ideas as to justice and the judge? What of the figures of justice, blindfolded, with

scales evenly balanced? These should be razed from our temples and in their place should be placed a masked figure with a rope about the neck of the trembling victim. This is the ultimate of this monstrous doctrine. Instead of the judge instructing the jury to try the poor, trembling, friendless outcast at the bar by the law and evidence adduced against him, he must instruct them to disregard this and to try him by a biased and influmed public opinion. This is the doctrine of the leader of alleged progression. "Oh! Justice, thou art fled to brutish beasts."

This statement of Mr. Roosevelt is an insult to the members of the minority of the committee. He assumes that they have rendered their verdict in accordance with what they believe to be the views of the people of their respective States rather than from their conviction. He intimates that they have followed the supposed views of their constituents rather than the sworn evidence to which they have listened. I do not agree with them, but I am so confident of their integrity and courage, and of their realization of their duty as judges, that I will not believe they are acting upon any such theory until they

Mr. Roosevelt seemed to be confident that Mr. Lorimer secured his seat in the Senate by corruption. What does he know about it? Has he heard the testimony? No. Has he read the testimony? No. Does he form his judgment on the case from his knowledge of the facts? No. What is the foundation for his judgment? Not evidence; not facts. What, then? The record in this case shows the basis for his action. It was reported last year with a great blare of trumpets that Mr. Roosevelt had refused to sit at the banquet table with Mr. LORIMER. It was a spectacular performance and one which doubtless impressed the country with the high sense of honor which it suposed actuated him. In the minds of the people he condemned Mr. LORIMER, and it was, no doubt, so intended. It helped to create the impression that Mr. LORIMER has acted corruptly in securing his election. Upon what evidence did he base this action? The record in this case shows that the sole basis for his action was the following:

An enemy of Mr. LORIMER told Mr. Roosevelt that another enemy of Mr. Lorimer had told him that a friend of Mr. LOHIMER had told him that money had been raised to secure Mr. Lorimer's election. Mr. Roosevelt told his informant that this was the reason he had refused to sit at the table with Mr. LORIMER. I leave the people of the country to say whether or not any man is justified in condemning another man upon such

Mr. President, there are some so constituted that they rejoice when an evil charge is brought against another and weep and lament when a jury brings in a verdict of not guilty. I can not understand such a nature. It is a pleasure to me to believe an evil charge unfounded and I rejoice when, after a fair trial and no undue influence, a verdict of "not guilty" is brought in, A few days ago the validity of the title of the venerable Senator from Wisconsin to a seat in this body was attacked. I was strongly against him, but I rejoiced when a majority of this Senate, men abler than I and acting just as honestly and conscientiously as I, held his title good. The majority may not always be right, but it is more apt to be right than the minority, and when it decides in favor of innocence I accept its verdict with no regrets. Am I wrong in this? Is such a state of mind an evidence of reactionary tendencies? If so, I prefer it to being a progressive, with the disposition of a vulture or a hyena.

Mr. President, the former President of the United States says, in effect, that he does not believe for a moment the people of Washington would approve my vote on the Lorimer case. They may not approve my verdict, but they are not condemning my action. They may doubt the correctness of my judgment, but they will not condemn me for doing what I believe to be right. I have received but one letter from my constituents condemning my course, and that was written in Chicago. I have received many commending my action. The communication which I received condemning my action only strengthens my conviction that I am right. I am going to read the communication to the Senate as a sample of the state of mind of many of those who have helped create the public opinion and as showing the character of that phase of public opinion that Mr. Roosevelt asks us to follow. Listen:

Say, Jones, honestly, how much did you get? Everybody knows that ou would not reverse your position, disgrace your State, ruin yourself s far as you have done, without getting a big swag for it. Shame!

He did not dare sign his name.

ONE ILLINOISAN.

Gentlemen of the Senate, are we to be controlled in our action by a public sentiment upon matters of which the Consti-

sentiment growing out of minds so inflamed that they can not see any good in any man or any decision if it is not in accordance with their view.

I have been told that some suggestions similar to this have been made in some of the papers, and it is peculiar, to say the least of it, that every paper containing any such suggestion is a paper that claims to be progressive. I feel sorry for a man whose mind is in the condition that this man's is. He can not help it. No man, controlled by a mental cesspool, can act any differently from that, and he deserves pity, pity of the profoundest kind.

I have received letters commending my course, and I am going to read an extract from one. This man is not afraid to sign his name. He does not ask that it be treated as confidential, but I am not going to give his name because I am not going to turn loose upon him a lot of human hyenas who could see no honesty in our acting contrary to their opinions. He is dean of the law school of one of the oldest colleges in one of the oldest States of the Union. This is what he says:

DEAR SENATOR-

I want to say that I never met him in my life-

Just a line to assure you of my appreciation, respect, and thanks for your conscientious, courageous, and manly course in voting for the acquittal of Senator Lorimen on the evidence before your committee.

As a lawyer, I would consider my conscience outraged and be heartily ashamed to vote otherwise. My dear Senator, I fail to comprehend how any lawyer, deep in the lore of the profession, could fail to coincide with your view of the case. I should dislike to have it appear in my life record that prejudice mastered my reason in the interest of vague rumor and irremediable injustice.

Mr. President, it may not be necessary, but, nevertheless, I desire to state what has been my course in this case. When charges were made and it was certain that the Senate would be called upon to pass upon the truth of these charges, I realized that I would be called upon to act as a judge in the case. therefore did not read any newspaper comments upon it; I wanted to be free to decide it on the law, the evidence, and the record. I did so. My verdict on the first record was against Mr. LORIMER. I have followed the same course in this investigation and purpose continuing to do so. I have not read any newspaper reports or comments of or upon the evidence. have endeavored to free my mind as much as possible from the conclusion reached in the other case in order that I might consider and weigh the evidence upon which this decision must be based. Is this course wrong? I think not. I have heard the evidence; I have seen the witnesses. I believe the record will show that I have been present on every day, except two just before Christmas, the committee was in session. I shall not now discuss the case or the reasons for my verdict. I shall do that later on. I will only say that in my judgment no new facts have been brought out that militate against Mr. Lorimer, and the old case against him has been overturned and destroyed. I am as firmly convinced as it is possible to be that this election was not secured by corruption, and that his title to a seat in this body is just as valid as that of any Senator against whom no charges have been brought. I know that minds may differ upon the effect of certain testimony. They may weigh it differently; they may reach different conclusions upon the same state of facts and both be perfectly honest in their conclusions. I may be wrong in the conclusion I already have reached, but I have reached my conclusion, my judgment is determined, my conscience is satisfied, and I could not act otherwise. I have too much confidence and faith in the adherence of the people in this country to those principles which have been recognized as insuring a fair and honest judgment to believe that they will condemn any man for acting in accordance with what he believes to be right.

And Pilate, when he had called together the chief priests and the rulers and the people,
Sald unto them, Ye have brought this man unto me, as one that perverteth the people: and, behold, I, having examined him before you, have found no fault in this man touching those things whereof ye accuse

him;
And he said unto them the third time, Why, what evil hath he done? I have found no cause of death in him: I will therefore chastise him, and let him go.
And they were instant with loud voices, requiring that he might be crucified. And the voices of them and of the chief priests prevailed.
And Pilate gave sentence that it should be as they required. (St. Luke xxiii, 13, 14, 22, 23, 24.

This is the rule of action which Theodore Roosevelt advocates to-day as a progressive rule of action. This is the rule of action he would have me follow. Let every liberty-loving, fair-dealing citizen in this Republic answer to himself this question: "Do I approve this rule of action?" As for me, I will never follow it under any circumstances, here or elsewhere.

During the delivery of Mr. Jones's speech,

The VICE PRESIDENT. The Senator from Washington will suspend. The hour of 4 o'clock having arrived, the Chair lays tution makes us judges, and are we to be influenced by a public | before the Senate the unfinished business, which will be stated.

The Secretary. A bill (S. 3175) to regulate the immigration of aliens to and the residence of aliens in the United States.

Mr. LODGE. I ask that the unfinished business be temporarily laid aside.

The VICE PRESIDENT. Without objection, upon the request of the Senator from Massachusetts, the unfinished business will be temporarily laid aside. The Senator from Washington will proceed.

At the conclusion of Mr. Jones's speech,

Mr. OWEN. Mr. President, I do not agree with the Senator from Washington [Mr. Jones] that this is merely a judicial question. On the contrary, I believe that the Lorimer case should be determined as a legislative question, the Senate of the United States determining for itself under the rule and under the law its own membership, and that it should be guided in its determination of the question of Mr. LORIMER retaining his scat by the best interests of this Republic.

Regardless of the question as to whether Mr. Lorimer was guilty of personal corruption, and regardless of whether or not Mr. LORIMER knew of corruption in the Legislature of Illinois, I believe, provided always that there was established by competent evidence proof of corruption in the purchase of a single vote in obtaining this seat for Mr. LORIMER, that the election should be declared void. In no other way can the power of corruption be so effectually and adequately checked in electing

Senators under the present system.

Mr. President, the Senator from Washington has ventured to repeat on the floor of the United States Senate the precedent of Pontius Pilate delivering Christ to be crucified as an example of the folly of permitting the judgment of the common people to prevail over the decision or conduct of an upright judge. This Pontius Pilate precedent has been repeated many times in the public press recently as an argument against the progressive program of "the rule of the people" in this country. This argument implies that Pontius Pilate was a fair example of an upright judge who was compelled to yield to the clamor of the unthinking people, to "the inflamed opinion of the mul-titude," as the Senator from Washington says. I take issue with the Senator from Washington in his apparent interpretation of the Pontius Pilate precedent. I believe in the recall of such a judge as Pontius Pilate.

Mr. President

The VICE PRESIDENT. Does the Senator from Oklahoma yield to the Senator from Washington?

Mr. OWEN. I yield to the Senator from Washington. Mr. JONES. I will say to the Senator that he and I might not be far apart on that proposition.

Mr. OWEN. I am glad to know that we are together on some

proposition.

Mr. JONES. I am myself in favor of the recall, the initiative, and referendum within proper restrictions, within State lines, but I do not think that question was at all involved in what I said.

Mr. OWEN. I should even prefer the recall of the unjust judgment of Pontius Pilate rather than to allow to stand his criminal decision of yielding innocence to murder.

Mr. JONES. Mr. President-

The VICE PRESIDENT. Does the Senator from Oklahoma yield further to the Senator from Washington?

Mr. OWEN. I yield to the Senator from Washington, Mr. JONES. It seems to me the Senator fails to appreclate just the position I took. My position is that Pontius Pilate should not have yielded at all, but should have sacrificed his office and his life if necessary to avoid the conviction of a man whom he thought was innocent.

Mr. OWEN. I agree with that view of the Senator from Washington, but the fact is that this judge did not do that. This wicked judge sent to death the innocent prisoner at the bar before him, and the common people are wrongfully charged with his political crime by those using the Pontius Pilate prece-

Mr. JONES. Mr. President-

The VICE PRESIDENT. Does the Senator from Oklahoma yield further to the Senator from Washington?

Mr. OWEN. I yield to the Senator from Washington. Mr. JONES. The only difference between Pontius Pilate and myself on that proposition is that I am not going to yield to the clamor.

Mr. OWEN. I congratulate the Senator from Washington on having established an important difference between himself and

Pontius Pilate.

In the first place, Pontius Pilate was not an upright judge. He was a stand-pat, pie-counter politician from the house of Tiberius Cæsar, serving as governor in Judea under the patronage system of the Roman Empire.

Mr. JONES. Mr. President-

The VICE PRESIDENT. Does the Senator from Oklahoma yield further to the Senator from Washington?

Mr. OWEN. I yield to the Senator from Washington. Mr. JONES. The only fault that I have to find with Pontius Pilate's stand-pat proclivities is that when it was necessary to stand pat he became a progressive.

Mr. OWEN. He had but little conception of justice or mercy, Mr. President, or of the progressive movement of to-day, which stands for equal rights to all; but he well understood how to stand pat with the political machine in Rome and in Jerusalem that gave special privilege to him and his allies at the expense of the common people. His master, Tiberius, under whom he was trained, found amusement in having men and wild beasts fight to the death in the arena at Rome for his entertainment. When Jesus Christ was brought before Pontius Pilate and Pilate found no wrong in him, the chief priests falsely charged Christ with seeking to be "King of the Jews" and threatened Pilate as an office holder. "If thou let this man go, thou art not Cæsar's friend. Whosoever maketh himself a king speaketh against Cæsar."

Then it was that this governor, this political judge from Rome, the direct product of political patronage, yielded the innocent prisoner at the bar to be crucified in the face of justice and the prayers of his own good wife to save himself from possible inconvenience or misrepresentation at Rome, and he was sufficiently a villain that he wrote a false title and put it on the

Jesus of Nazareth, the King of the Jews. (John xix, 19.)

Pilate's wife advised him to mercy and justice. No woman had a dishonorable part in the crucifixion of our Lord.

Not she with traitorous kiss her Saviour stung, Not she denied him with unholy tongue, She, when apostles shrunk, could dangers brave, Last at the cross and earliest at the grave.

This unspeakable scoundrel, who ended his base career by suicide, is held up by the standpatters who use the Pontius Pilate precedent as a model judge, who wanted to do right, and the common people are charged with being to blame for his infamous crime.

The common people were not responsible for the death of Christ. They in reality admired and loved Christ. It is of record in St. Mark (xii, 37) that "the common people heard Him gladly," and throughout the Scriptures it is manifest that great multitudes of the common people surrounded Jesus and hung upon His teachings, which, though not recorded, were so engraved in the memory of those same common people who heard Him that the wonderful prophecy of Christ after nineteen hundred years is still verified-

Heaven and earth shall pass away, but My words shall not pass away. (Matt. xxiv, 35.)

The chief priests had soldiers employed to watch the grave of Christ to keep the common people from removing the body, and the common people—the fishermen, the sailors, the laborers, the farmers of Judea—instead of condemning Him to death, treasured His words in their hearts, although they could not read and could not write, and treasured these words so faithfully that they were handed down from generation to generation until they have converted the whole world to the wisdom and beauty of His teachings. And I remind the Senator from Washington that the essence of the doctrine of Christ is the moving force now of the progressive movement in America and throughout the world. It is the doctrine of the brotherhood of man. The doctrine of altruism. The doctrine of service. It is a doctrine which was utterly opposed to the system of government in Judea in the days of Pontius Pilate, which Christ expressly criticized and condemned. He opposed the exercise of unjust authority by the rulers over the people, and advised His followers to the contrary in the following words:

But it shall not be so among you; but whosoever will be great among you, let him be your minister; and whosoever will be chief among you, let him be your servant. (Matt. xx, 26-27.)

This is the doctrine of the progressive movement in the United States—that the people shall rule and the official shall be a minister, a scrvant, and not a ruler.

The truth is the people did not exercise the power to rule in Judea. Christ Himself, in speaking to His disciples, reminded them of this fact:

Ye know that the princes of the Gentiles exercise dominion over them, and they that are great exercise authority upon them. (Matt. xx, 25.)

In reality Pontius Pilate and Herod were "the princes of the Gentiles" who exercised this dominion over the common people, and Annas and Caiaphas, the chief priests, the captains of the temple and the elders, were those who exercised authority over the common people.

Christ was not condemned to death by the common people, but was sent to His death at the hands of the Roman soldiers by the chief priests and scribes of the hierarchy at Jerusalemthe misrepresentatives of the common people.

Christ Himself said:

Behold, we go up to Jerusalem; and the Son of Man shall be be-trayed unto the chief priests and unto the seribes, and they shall con-demn Him to death, and shall deliver Him to the Gentiles (the Roman soldiers) to mock, and to scourge, and to crucify Him. (Matt. soldiers) t xx, 18-19.)

At the very time that this prophecy was made Christ entered Jerusalem, and the common people met Him with great enthusiasm.

A very great multitude spread their garments in the way: others cut down branches from the trees, and strewed them in the way, and the multitudes that went before, and that followed, cried, saying, Hosanna to the son of David: blessed is He that cometh in the name of the Lord: Hosanna in the highest. (Matt. xxi, 8-0.)

And it was with this enthusiastic following of the common people behind him that-

Jesus went into the Temple of God, and cast out all them that sold and bought in the Temple, and overthrew the tables of the money changers * * and said unto them, It is written, My house shall be called the house of prayer, but ye have made it a den of thieves. (Matt. xxi, 12-13.)

The "den of thieves" was a part of the political machine of Jerusalem.

And when the chief priests and seribes saw the wonderful things that He did, * * * they were sore displeased. (Matt. xxl, 15.)

It was not the common people who condemned Christ, as the Senator from Washington erroneously believes. It was "the chief priests and the elders," who "were sore displeased," who took counsel against Jesus to put Him to death. (Matt. xxvii, 1.) It was "the chief priests and elders" who were guilty of the unspeakable infamy of bribing Judas Iscariot with 30 pieces of silver to betray Christ. (Matt. xxvii, 3.) It was "the chief priests and the elders" that persuaded their strikers and hangers-on that they should prefer Barabbas and destroy Jesus. (Matt. xxvii, 20.)

Jesus was not accused by the common people; he was accused by "the chief priests and the elders." (Matt, xxvii, 12.) It was "the chief priests and elders" that selzed Jesus in the garden and led Him to Annas and then to Caiaphas, the high priest, where the scribes and the elders were assembled. (Matt. xxvi,

It was "the high priest" who charged Christ with blasphemy and it was the priests and the elders who declared Him guilty of blasphemy and worthy of death. (Matt. xxvii, 65-66.)

It was "the chief priests, the captains of the temple, and the elders" who seized Christ in the garden and to whom He replied. (Luke xxii, 52.)

It was they who took Him and led Him and brought Him to the high priest's house. (Luke xxii, 52-54.) It was the chief priests and scribes who stood and vehemently accused Him before Pilate and Herod. (Luke xxiii, 10.)

Mr. President, the men who were responsible for the crucifixion of Christ were Pilate, the political judge, the beneficiary of a despicable standpat military patronage, and the machine politicians of the hierarchy in Jerusalem, who had wormed themselves in authority, and it was not the common people who were responsible.

The common people heard Him gladly. The common people threw their clothes and palm branches in the streets for Him to ride over, and shouted hosannas, and when Pilate and Herod yielded to the demand of the machine politicians of Jerusalem, of the reactionaries and conservatives of Jerusalem, and turned Christ over to the soldiers of Herod for crucifixion, the common people followed Him with weeping and with sorrow. The Scripture says:

And there followed Him a great company of people, and of women, which also bewalled and lamented Him. (Luke, xxIII, 27.)

Jesus, turning unto them, said, "Daughters of Jerusalem, weep not for e, but weep for yourselves and for your children." (Luke xxili, 28.)

If the people of Judea had had the power which had been delegated to the machine politicians of Jerusalem they would not have permitted Christ to be crucified.

The Senator from Washington evidently thinks that Pilate was a virtuous judge and that the common people of Jerusalem were a howling meb. The fact is Pontius Pilate was a typical machine politician from Rome, the beneficiary of imperial patronage, willing to crucify Christ himself and write with his own hand a false epitaph over the cross, rather than risk the loss of his political job, and the web that Jed Ponting risk the loss of his political job, and the mob that led Pontins Pliate to this crime was not a mob of the common people but was a mob of temple thieves led by "the high priests," "the

captains of the temple," "the elders," the beneficiaries of the hierarchy of Jerusalem, who, being possessed of delegated power, used it in defiance of the will of the masses of the common people of Jerusalem.

Let us hear no more of the Pontius Pilate precedent. Even if it had been true that the masses of the common people of Judea had been as ignorant and as bloodthirsty as the standpat politicians of Rome and of Jerusalem, who murdered Christ under the pretense of law, still no parallel is justified to be drawn between people worthy of this description and the common people of the United States of America. Nineteen hundred years ago the common people could not read; nineteen hundred years ago the common people could not write; nineteen hundred years ago the common people had no books, no newspapers, no telegraph, no telephones, no transportation; nineteen hundred years ago the common people had no opportunity to understand the problems of government. In this day and generation nearly every single one of the great mass of the common people can read, can write, and has before him every morning the news of the world for his information. The average citizen of the United States to-day knows more than Herod and Pilate and Tiberius Cæsar rolled into one, and knows more than the chief priests, the captains of the temple, and the scribes of that era. I believe in the rule of the people, and I invite the Senator from Washington and all*those who oppose the progressive inovement to find a new argument and to abandon the precedent of Pontius Pilate.

Mr. JONES. Mr. President, I fear that some one has imposed upon the Senator from Oklahoma [Mr. Owen] by palming off upon him a progressive version of my speech before he began the preparation of the speech that he has just delivered in answer to mine, or else I have failed to make myself clearly understood. It has been the furthest from my intention to make any attack upon Christ, and yet the Senator's very carefully delivered address seems to be based upon that idea. I join with him in his attack upon Pontius Pilate; I join in his commendation of the life, the doctrines, and the character of

STANDARD OIL AND AMERICAN TOBACCO COS.

Mr. POMERENE. The senior Senator from Iowa [Mr. Cum-MINS] gave notice that he would address the Senate on Friday I desire to give notice that immediately following his speech I shall, with the permission of the Senate, submit some remarks on Senate concurrent resolution No. 4, instructing the Attorney General of the United States to prosecute the Standard Oil Co. and the American Tobacco Co.

ARMY APPROPRIATION BILL.

Mr. DU PONT. I move that the Senate proceed to the consideration of the bill (H. R. 18956) making appropriation for the support of the Army for the fiscal year ending June 30, 1913, and for other purposes.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Military Affairs with amendments.

Mr. DU PONT. I ask unanimous consent that the formal reading of the bill be waived and that the bill be read for amendment, the committee amendments to be first considered.

The VICE PRESIDENT. Is there objection? The Chair hears none, and that is the order of the Senate.

hears none, and that is the order of the Senate.

The Secretary proceeded to read the bill.

The first amendment of the Committee on Military Affairs was, under the subhead "Office of the Chief of Staff," on page 2, line 3, after the word "stationery," to insert "typewriters and exchange of same," so as to make the clause read:

Army War College: For expenses of the Army War College, being for the purchase of the necessary stationery, typewriters and exchange of same, office, tollet, and desk furniture, textbooks, books of reference, scientific and professional papers and periodicals, printing and binding, maps, police utensits, employment of temporary, technical, or special services, and for all other absolutely necessary expenses, including \$25 per month additional to regular compensation to chief clerk of division for superintendence of the War College Building, \$9,000.

The amendment was agreed to.

The next amendment was, under the subhead "Office of the Chief Signal Officer," on page 5, line 13, after the word "and," to strike out "airplanes" and insert "aeroplanes"; in line 23, before the word "thousand," to strike out "seventy-five" and insert "fifty"; in line 24, before the word "thousand," to strike out "seventy-five" and insert "one hundred"; and on page 6, line 1, after the words "repair of," to strike out "airplanes" and insert "aeroplanes," so as to make the clause read:

Simal Service of the Army: For express of the Simal Service of

Simal Service of the Army: For expenses of the Signal Service of the Army, as follows: Purchase, equipment, and repair of field electric telegraphs, signal equipments and stores, binocular glasses, telescopes, heliostats, and other necessary instruments, including necessary mete-

orological instruments for use on target ranges; war balloons and aeroplanes, including their maintenance and repair; telephone apparatus (exclusive of exchange service) and maintenance of the same; electrical installations and maintenance at military posts; fire control and direction apparatus and material for field artillery; maintenance and repair of military telegraph lines and cables, including salaries of civilian employees, supplies, and general repairs, and other expenses connected with the duty of collecting and transmitting information for the Army by telegraph or otherwise, \$350,000: Provided, however, That not more than \$100,000 of said amount shall be used for the purchase, maintenance, operation, and repair of aeroplanes and other aerial machines.

The amendment was agreed to.

The next amendment was, on page 6, line 12, after the word "dollars," to insert:

Provided, That the Secretary of War is authorized and directed to reduce the tolls on Alaska cable and telegraph messages to 50 per cent of the present rates during a period of six months from and after July 1, 1912, and then to fix such rates as he may deem warranted by the business developed during said period of reduced rates.

So as to make the clause read:

Washington-Alaska military cable and telegraph system: For defraying the cost of such extension and betterments of the Washington-Alaska military cable and telegraph system as may be approved by the Secretary of War, to be available until the close of the fiscal year 1914, from the receipts of the Washington-Alaska military cable and telegraph system that have been covered into the Treasury of the United Sates, the extent of such extensions and the cost thereof to be reported to Congress by the Secretary of War, \$50,000; Provided, That the Secretary of War is authorized and directed to reduce the toils on Alaska cable and telegraph messages to 50 per cent of the present rates during a period of six months from and after July 1, 1912, and then to fix such rates as he may deem warranted by the business developed during said period of reduced rates.

The amendment was agreed to.

The next amendment was, under the head of "Pay of officers of the line," on page 6, line 26, before the word "dollars," to strike out "six million eight hundred and ninety-three thousand nine hundred and eight" and insert "seven million seven hundred thousand seven hundred," so as to make the clause read:

For pay of officers of the line, \$7,700,700.

Mr. OVERMAN. I should like to inquire why the increase of a million dollars in this appropriation? I think we ought to have some explanation.

Mr. DU PONT. I did not hear the Senator from North Carolina.

Mr. OVERMAN. I notice an increase in this appropriation over the amount carried by the House bill of a million dollars or more in this clause.

Mr. DU PONT. I will say to the Senator from North Carolina that the estimate was \$7,700,700. The Senate committee has made the bill agree with the estimate, because it is based on the number of men in the Army and their salaries. It is simply a mathematical computation. The evidence before us shows that if this appropriation is reduced, it will simply make a deficit. I will read to the Senator what Paymaster Gen. Whipple says on the subject:

The CHAIRMAN. * * With respect to this, there appears to be an increase of nearly \$500,000.

Gen. Whipple. The number and grades of officers authorized by law in the several branches of the line of the Army are provided for in this estimate. The rate of pay computed as provided by the act of May 11, 1908, and the additional pay for length of service is based upon the longevity record of the officers as shown by the Official Army Register. The authorized number of second lieutenants of the line is 963, but it is estimated that the original vacancies to the number of 242 created by the promotions incident to increase of officers of higher grade by the net of March 3, 1911, will not be filled in excess of 150 during the fiscal year 1913. Therefore, the estimate is submitted for 871 second lieutenants of the line instead of 963, the authorized number.

Then he goes on to say that, with this reduction, the amount

reported by the committee is the exact sum that will be required to pay the officers of the Army.

Mr. OVERMAN. Why did the House of Representatives cut it down a million dollars? Do they propose to dismiss some of the officers?

Mr. DU PONT. That is a question that the Senate Military Committee has not been able to determine, but I have stated the facts. We have decided that it would be useless to decrease

the amount; if we should do so, the decrease would simply appear in a deficiency bill.

Mr. JOHNSTON of Alabama. I wish to remind the Senator from Delaware that the House proposed to reduce the Army by

five regiments of Cavalry.

Mr. DU PONT. Yes; that has been taken into consideration. Mr. JOHNSTON of Alabama. And the Senate amendment proposes to put that back.

Mr. OVERMAN. That is the reason for this? Mr. JOHNSTON of Alabama. That is the only reason. Mr. DU PONT. That is one of the reasons.

The VICE PRESIDENT. Without objection, the amendment is agreed to.

The reading of the bill was resumed.

The next amendment was, on page 7, line 2, after the word "million," to strike out "five hundred and twenty-four" insert "seven hundred and sixty-seven," so as to read:

For additional pay to officers for length of service, to be paid with their current monthly pay, \$1,767,120.

The amendment was agreed to.

The next amendment was, in line 4, after the word "dollars." to strike out:

That no money appropriated by this act shall be paid to any officer for any period during which he shall have been detached for any duty of any kind for more than four of the preceding six years from the organization in which he is commissioned, unless such continuous detachment from such organization for more than four years shall have been specifically authorized by law.

And insert:

And insert:

Provided, That hereafter in time of peace no officer of the line shall be detached or permitted to remain detached from his regiment or corps who has not served for at least three years of the preceding period of six years prior to such detachment with the regiment or regiments of Cavairy, Field Artillery, or Infantry, or with the organizations of the Coast Artillery Corps, to which he shall have been assigned by the War Department; but this shall not apply to officers detailed in the Ordnance Department and the Burcau of Insular Affairs, as authorized by the act of Congress approved June 25, 1906, and March 2, 1907.

Mr. WARDEN, I cell the attention of the Senator from

Mr. WARREN. I call the attention of the Senator from Mississippi to the three-year period referred to in the amendment.

Mr. WILLIAMS. Mr. President, I think the provision in this bill as it came from the other House for the purpose of curing the evil aimed at in the proviso was much stronger and much more satisfactory. I shall therefore move that the language of the amendment, beginning on line 11 of page 7, be stricken out, and that there be substituted for it the language of the original bill, which reads as follows:

That no money appropriated by this act shall be paid to any officer for any period during which he shall have been detached for any duty of any kind for more than four of the preceding six years from the organization in which he is commissioned, unless such continuous detachment from such organization for more than four years shall have been specifically authorized by law.

The language of the bill as it came from the other House contained these two cardinal ideas: That no money appropriated by this act should be put where the provisions of the act are violated. The amendment strikes that proviso out. And then it contains the idea that unless such continuous detachment from his command for more than four years was specially authorized by law the officer shall receive no pay. The amendment as reported by the Senate committee—I registered my objection to that in the committee—reads in this way:

Provided, That hereafter in time of peace no officer of the line shall be detached or permitted to remain detached from his regiment or corps who has not served for at least three years of the preceding period of six years prior to such detachment with the regiment or regiments of Cavalry, etc.

In other words, it forbids this thing to be done; but if it is done, there is no punishment for it to anybody; there is no deprivation of pay. I think the Houses of Congress had better keep their hands upon the purse strings, and that the right way to control the executive departments is to keep our hands upon the purse strings and to see to it that when laws which we make are violated no pay shall go to those who are complicit in their violation.

Then, in addition to that, the Senate amendment provides:

But this shall not apply to officers detailed in the Ordnance Department and the Bureau of Insular Affairs, as authorized by the act of Congress approved June 25, 1906, and March 2, 1907.

It may be possible that that language is equivalent to the language of the House provision:

Unless such continuous detachment from such organization for more than four years shall have been specifically authorized by law.

But it may be possible that there are other statutes also that are as worthy of consideration in this connection as the act of June 25, 1906, and the act of March 2, 1907. I think the language of the House bill is stronger, simpler, more direct, and

better calculated to accomplish the purpose.

Mr. JOHNSTON of Alabama. Mr. President, the trouble about the provision in the House bill is that the officer might be detailed by order of his superior officer and kept on detailed duty longer than he desires to stay, so that he will be unable to get back to his command within the time prescribed. In such a case it is not the fault of such an officer. He is bound to obey his superior officer. He may be detailed by the President. So the punishment is put on the wrong man; you punish him for not going back to his regiment when he is ordered not to go back.

Mr. WILLIAMS. Mr. President, I am familiar with that argument. It does not seem to me to be cogent, because I believe if you provide that officers shall not be paid in these cases

their superior officers are not going to order these violations of the law. I am sure the President would not violate the law when he knew that the man who was ordered to violate it would have to suffer for it, and I am sure if some other officer of the Government undertook to violate it by giving such an order that his attention would be called to it by the inferior officer, and if he still persisted in it, it seems to me, he would render himself liable to a penalty. But, at any rate, as it is render himself liable to a penalty. But, at any rate, as it is now you have no means to enforce the law after you make it, and you will have, I think, just as much of this huddling around Washington on the part of pets in the Army as you ever have had, and each man will excuse himself upon the ground that he was ordered by some superior officer and that he could not help it. I am familiar with that argument in connection with a great many other organizations besides the Army. I am told that if a railroad man obeys his boss and violates the interstatecommerce law of the country he ought not to be punished, I am in favor of teaching men in every department of this Government that their so-called boss is not their boss, but that the law is their boss, and that ought to be carried even into the Army itself.

Mr. WARREN. Mr. President, the discipline of the Army is not like that of civil institutions. It is based upon prompt, unquestioned obedience of orders from superiors. the Senator in the desire to put an end to this continuous detail of officers about Washington or other so-called "soft places"; but the House strikes at the wrong parties. The House strikes at the officer himself, who may be obeying the orders of his superior officer, and takes away his pay. If there is to be any fine or stoppage of pay, it ought to be upon the responsible man, the man who gives the order, and not upon the poor second lieutenant or first lieutenant or captain who may be obeying the order. Therefore, the Senate amendment is considered better than the House provision; and in any event, if the Senate amendment carries, both will go to conference, and if any arguments can be advanced or any papers can be produced that give us a different light, we can avail ourselves of them; but it looks to me as if the House provi-

sion seeks to punish some one other than the responsible party.

Mr. DU PONT. Mr. President, there are one or two points in connection with this matter that have not been touched upon, to which I should like to call the attention of the Senate. The House provision is so framed that it will be possible to evade the intention of the proposed law, as I shall proceed to point out. The House provision is as follows:

That no money appropriated by this act shall be paid to any officer for any period during which he shall have been detached for any duty of any kind for more than four of the preceding six years from the organization in which he is commissioned, unless such continuous detachment from such organization for more than four years shall have been specifically authorized by law.

This proposed legislation is defective in that officers are not now commissioned in organizations, but in an arm of the service. Section 2 of the act of October 1, 1890, Twenty-sixth Statutes, page 562, provided that "all appointments in the line of the Army shall be by commission in an arm of the service, and not by commission in any particular regiment," and section 2 of the act of April 26, 1808, Thirtieth Statutes, page 364, provided that "hereafter all vacancies occurring in the Cavalry, Artillery, and Infantry above the grade of second lieutenant shall * * * be filled by promotion according to seniority from the next lower grade of each arm." Officers of all grades in each arm of the service are now assigned to regiments and transferred from one regiment to another, as the interests of the service may require, by orders from the War Department. See section 2, act October 1, 1890; Twenty-sixth Statutes, page 562.

The provision referred to also would seem to be inexpedient, for the reason that an officer on detached service may be liable to forfeiture of pay should he not arrive at the station of the regiment to which he is regularly assigned at the expiration of four years from the date of his detail.

The provision is so stringent, using the words "for any period during which he shall have been detached for any duty of any kind," that it might be construed to include the period of time during which the officer is en route to his regiment, for that is a duty enjoined upon him by the order relieving him from de-

The hardship to the officer will be apparent when it is considered that an officer can not relieve himself from duty, but the order must be issued by superior military authority. The the order must be issued by superior military authority. order might be delayed by oversight or by neglect, or it might not be issued in time, and further, even if the order be issued in ample time the officer might be delayed by unforeseen delays on railroads or steamships, so that, without any laches on his part, he might be subject to forfeiture of pay.

It might be used also as an engine of persecution by which an officer could be deprived of his pay.

It is submitted that any legislation providing that officers of the Army shall not remain on detached service more than four years in six should not place the responsibility for the execution of the law upon officers who must obey the orders of their military superiors and have no authority to relieve themselves from the operation of the orders which placed them on such detached duty. To assume otherwise, as the provision under consideration would seem to indicate, would be subversive of all military discipline.

Further, there might exist a great exigency which would render it highly prejudicial to the public interests to relieve an officer at the expiration of his four years' detail, even temporarily; yet the provision in question makes no exception in any case; it applies to "any duty of any kind," unless "specifically authorized by law."

In view of the above grave objections to the legislation under consideration, it is submitted that the proviso, page 6, lines 22-25, and page 7, lines 1-3, should be stricken out, and the following proposed amendment should be substituted therefor:

Provided. That hereafter in time of peace no officer of the line shall be detached or permitted to remain detached from his regiment or corps who has not served for at least two years of the preceding period of six years with the regiment or regiments of Cavalry, Light Artillery, or Infantry, or with the organizations of the Coast Artillery Corps, to which he shall have been assigned by the War Department; but this shall not apply to officers detailed to the Philippine Constabulary, the Alaskan Road Commission, the Ordnance Department, and the Bureau of Insular Affairs, as authorized by the acts of Congress approved January 30, 1903; May 14, 1906; June 25, 1906; March 2, 1907.

The proposed amendment not only strikes at the root of the trouble resulting from the absence of officers on detached service, but makes definite the period an officer must serve with the arm of the service to which commissioned and the regiment to which assigned.

I will now call the attention of the Senate to the laws governings details to the Staff Corps and departments. They are as follows:

DETAILS TO STAFF CORPS AND DEPARTMENTS.

All officers so detailed shall serve for a period of four years, at the expiration of which time they shall return to duty with the line, and officers below the rank of lieutenant colonel shall not again be eligible for selection in any staff department until they shall have served two years with the line. (Sec. 26, act Feb. 2, 1901; 31 Stat., 755.)

DETAILS TO GENERAL STAFF CORPS.

All officers detailed in the General Staff Corps shall be detailed for periods of four years unless sooner relieved. * * * * Upon being relieved from duty in the General Staff Corps, officers shall return to the branch of the Army in which they hold permanent commissions, and no officer shall be eligible to a further detail in the General Staff Corps until he shall have served two years with the branch of the Army in which commissioned, except in case of emergency or in time of war. (Sec. 3, act Feb. 14, 1903; 32 Stat., S31.)

It is to be observed that when an officer has been detailed for four years he is required by existing law to return to duty with the line for two years. Now, duty "with the line" or "with the branch of the Army in which they hold permanent convenissions" (the words used in the above-quoted acts) does not necessarily mean duty with the regiment to which an officer is assigned by the War Department, an officer being commissioned in an arm of the service—Cavalry, Artillery, or (See acts of October 1, 1890, and April 26, 1898, Infantry. quoted above.) As matters now stand, when he has completed his four years' detail and is returned to the line, he still may be detached for other duty away from his regiment, provided it is in the line, or, in the case of an officer relieved from the General Staff Corps, in the arm to which he is commissioned.

Further, the requirement of law that an officer shall not serve more than four years in any period of six years in the staff departments only applies to officers below the rank of lieutenant colonel.

The House provision does not do away with that at all; it leaves the door open to abuse, so far as lieutenant colonels and colonels are concerned.

The VICE PRESIDENT. The question is on agreeing to the amendment of the committee.

Mr. SWANSON. Mr. President, before the vote is taken—
Mr. WILLIAMS. I think the amendment to the amendment
is in order first, is it not?
The VICE PRESIDENT. The suggestion of the Senator
from Mississippi was to strike out what the committee proposed

to put in. It simply reverses it; that is all.

Mr. WILLIAMS. Very well.

Mr. SWANSON. I understand the amendment under discussion is the one on page 7.

The VICE PRESIDENT. The Senator is correct.

Mr. SWANSON. I should like to ask the chairman of the

committee to what extent the amendment would interfere with

the present detail of Army officers to military colleges and to aid in the instruction and discipline of State volunteer forces?

Mr. DU PONT. It does not interfere at all with the existing regulations and law on the subject. It simply provides that if an officer has been on such a detail for four years he is then to return to his regiment for at least two years. It puts an end to the abuse by which certain officers are always away from their regiments upon agreeable duties, while certain other officers are always with their regiments, often at disagreeable stations and engaged in disagreeable duties. That is the object of the amendment.

I do not think that the United States Gov-Mr. SWANSON. ernment can render better service to its military arm than to furnish sufficient and ample details to military schools and in aid of the State volunteer forces. I should dislike to see any amendment pass that interferes with that.

Mr. WARREN. It does not affect it at all. Mr. DU PONT. It does not affect it. It simply provides that at the end of the four years the officer detailed shall go back to

his regiment and another shall take his place.

Mr. SWANSON. Suppose there is a special officer like we have had for some time at the Virginia Military Institute or the Virginia Agricultural College, who proves very efficient and arouses good military enthusiasm, under this amendment is he bound to leave at the end of the four years, even though his services are still desired?

Mr. WARREN. That is the present law.

Mr. DU PONT. That is the present law and has been the law

for many years.

Mr. SWANSON. And this changes it but does not interfere

Mr. DU PONT. This is simply intended to prevent the evasion of that law.

Mr. WARREN. The proposition advocated by the Senator from Mississippi [Mr. Williams] would not change the law, but would fine an officer and take away his pay if he should remain over the four years on detailed duty.

Mr. SWANSON. I am not speaking about the amendment offered by the Senator from Mississippi. I am speaking about the amendment of the committee. To what extent does that restrict the assignment of officers to military schools and in connection with State volunteer forces?

Mr. WARREN. It does not affect it at all. It reaffirms the law as it is. The reason for the amendment being put in here was to change the provision of the House bill, which really provided for fining the wrong man. An officer might be prevented by order of his superior officer from rejoining his regiment within the period required.

Mr. OVERMAN. 4 should like to ask why the exception is made in line 19 in favor of the officers of the Bureau of Insular Affairs? It is said we want to get rid of these haugers-on in Washington, who are detailed here and stay here indefinitely, while officers less favored stay with their commands and never get away. I think the object sought to be attained by the provision is a good one, but I can not understand why the exception is made. The provision is made to apply to every other bureau except the Bureau of Insular Affairs. Officers in the other bureaus are required to go back to their commands at a certain time, but the officers of the Bureau of Insular Affairs are excepted.

Mr. DU PONT. I will say to the Senator from North Carolina that there are only two officers detailed in the Bureau of Insular Affairs. There is a special law authorizing their detail, and it has been represented to the Military Committee by the War Department that their experience and familiarity with the duties in that bureau, which are exceptional, are of great importance, and that the law should not be changed as to them. As I have said, there are only two officers detailed there.

Mr. OVERMAN. Only two officers detailed in the whole bureau?

Mr. DU PONT. Only two officers of the Army are detailed in the Bureau of Insular Affairs.

Mr. OVERMAN. Gen. Edwards and Col. McIntyre? Mr. DU PONT. Gen. Edwards and his assistant. Mr. OVERMAN. I know Col. McIntyre, and he is a very

valuable man.

Mr. DU PONT. They are appointed for four years under the

Mr. OVERMAN. They have been in this bureau for how long, I will ask?

Mr. WARREN. Col. McIntyre has been there less than four years and Gen. Edwards has been there about five or six years.

Mr. OVERMAN. I know Col. McIntyre has been there only

4 years, but has not Gen. Edwards been there about 10 years?

Mr. WARREN. He is chief of the bureau.
Mr. OVERMAN. I know he is chief of the bureau.
Mr. WARREN. He is serving, I think, his second term, and has been there for perhaps six years. He may have been here in Washington before that on other duty, or on that same duty before his appointment as brigadier general under the law. He has been over to the Philippines and to our other outlying possessions many times on duty pertaining to the important

office he has so ably filled.

Mr. OVERMAN. I know he has been serving in Washington for 8 or 10 years, and I do not know why an exception should be made in his case. It is proposed to provide that officers detailed to other bureaus shall go back to their commands at the end of the four-year period, while this officer may be kept here indefinitely. Col. McIntyre, as I have stated, is a very valuable man. I know him to be such. He came here three years ago, and has proven a very efficient and capable officer in the Bureau of Insular Affairs; but we can get other men in the Army to do the work, and Col. McIntyre, when his time is out, can go back to his command the same as other good men. Gen. Edwards has been here six years, according to the Senator from Wyoming, and why not let him go back to his command and another officer can take his place? Why keep him here indefinitely? Why not give some other officer a

Mr. WARREN. It is not a matter of men, but it is a matter of the peculiar work that they have to do in the Bureau of Insular Affairs. They not only have to deal with Army matters, but they have also to deal with civil matters in connection with the civil government of the islands.

Mr. OVERMAN. I think there is more than one man in the Army; I think there are plenty of men who can do the same work

Mr. WARREN. Undoubtedly; but they do not have the same experience.

Mr. OVERMAN. It is only administrative work, and we could get just as good administrative officers as either one of these men.

Mr. DU PONT. That is a different proposition, but special knowledge is required on the part of these officers. As I have said, there are only two officers affected by this provision in the Bureau of Insular Affairs, and there seems to be special reasons why they should be excepted.

Mr. OVERMAN. Does the Senator think that there is any more reason, on the ground of efficiency, to keep these men in the Insular Bureau than in any other bureau? The general idea is to give some other men a chance and send these men back to be with their companies, in order that they may have a knowledge of the men in the regiments and the companies to which they belong, instead of being in Washington in a bomb-proof position. If that principle is right as adopted, with respect to every other department, why make an exception of the Insular Bureau?

Mr. DU PONT. One of these officers, Col. McIntyre, has not been here four years, but the other officer, Gen. Edwards, is on a second detail, and his case is similar to those of other chiefs of bureaus who are detailed for four years. The Quartermaster General, the Commissary General, and the Chief of Ordnance have all been detailed.

Mr. OVERMAN. If the principle you have adopted is allright, and I think it is, that these officers ought to go back to their regiments and companies, why should it not be followed in

Mr. DU PONT. This amendment does not affect the chiefs of bureaus. It was not intended to affect them. It would not affect the Quartermaster General.

Mr. OVERMAN. Is it the idea to have them stay here indefinitely?

Mr. DU PONT. That depends on the President. He has the right under the law to redetail them or to send them back after four years. That is a matter within his discretion.

Mr. OVERMAN. But in this amendment you do not leave the President any discretion, because you make an exception.

Mr. DU PONT. It is in the discretion of the President to detail an officer as brigadier general to be the chief of a bureau, Mr. OVERMAN. I understand that under this amendment, with the exception of these two officers, they all have to go back, because you make only two exceptions.

Mr. DU PONT. This amendment, if the Senator will bear

with me a moment, applies to officers of the line.
Mr. OVERMAN (reading):

Hereafter in time of peace no officer of the line-

Mr. DU PONT. Of the line.

Mr. OVERMAN (reading):

Shall be detached.

Mr. DU PONT. It has nothing to do with the staff officers, but with officers of the line.

Mr. OVERMAN. These officers in charge of bureaus are not officers of the line?

Mr. DU PONT. If Gen. Edwards is an officer of the line, he is subject to the general law about details.

Mr. OVERMAN. If he is not an officer of the line, what sort of an officer is he? Is the head of this bureau a staff

Mr. DU PONT. The head of the Bureau of Insular Affairs?

Mr. WARREN. His position makes him such.
Mr. OVERMAN. What would be his position if he went back to the ranks with his men?

Mr. DU PONT. I do not know positively. Probably a colonel of Infantry

Mr. OVERMAN. A colonel of Infantry?

Mr. DU PONT. I am not positive.

Mr. OVERMAN. By reason of his position is he a staff officer?

Mr. DU PONT. By reason of the law.

Mr. OVERMAN. Would not that be so as to every other bureau head where the President designates him?

Mr. DU PONT. No; because the staff officers— Mr. OVERMAN. I understood the Senator to state that by reason of the fact that he was made chief of the bureau he became a staff officer and not an officer of the line.

Mr. DU PONT. For the time being. Mr. OVERMAN. That would be so as to every other detailed officer who is the head of a bureau.

Mr. BRIGGS. It would be if he was not on the staff when he was detailed.

Mr. OVERMAN. He is a line officer. If he is a line officer,

he stands in the same position with every other officer. Mr. WARREN. He is not a line officer while he is serving under his four years' commission as brigadier general.

Mr. OVERMAN. Neither would any other man be.

Mr. WARREN. The heads of departments or bureaus are of two kinds. In one the position is filled by those who come up by regular promotion in their regular corps or department, like the Surgeon General, like the Judge Advocate General, the Quartermaster General, and the Commissary General. There are certain others filled by detail, and this is one which is provided for by special law. But of the others the Quartermaster General, the Commissary General, the Paymaster General, and others are regular staff officers.

Mr. OVERMAN. I understand that, but this man has not come up from the staff. He comes by special detail here, and he stands like every other detail. They can never be staff officers, I am told, and I want to know why an exception is

made in this case.

Mr. WARREN. Here is a law that provides especially for this bureau. It provides differently from any other. He could not come up in regular promotion from this bureau, because there was no such bureau. It was thought better to have a bureau that would handle these semimilitary matters apart from the staff or corps positions, and the law provides that the head shall be, while so serving, a brigadier general, and under the law he has been appointed. In the case of Gen. Edwards, he has been reappointed. This amendment does not affect him. If we should not adopt this proposition, his position would be just as it now is.

Mr. OVERMAN. Why put it in if it does not affect it? I do not like exceptions. If a rule is to be adopted, I want it to be general; and I ask if it does not affect him why make it a

special exception in his case.

Mr. LODGE. Mr. President, as chairman of the Committee on the Philippines, a place which I held for many years, I was brought into very close contact with the Bureau of Insular The bureau was created for the purpose of dealing particularly with the affairs of Porto Rico and the Philippines. Gen. Edwards had served with credit and for a long time in the Philippine Islands, and he was selected for that bureau.

I think it is only just to him to say he has done admirable work there and has been of the greatest possible assistance to Congress in all matters connected with those islands. Only two Army officers are detailed there, and it seems to me it would be unfortunate to apply a hard and fast rule to that particular bureau. He comes up for detail just like every other officer and changes can be made, but to have Gen. Edwards and Col. McIntyre both leave the bureau would be a great misfortune to the service. Gen. Edwards was obliged to be before the Committee on Finance the other day in regard to the tariffs as affecting Porto Rico, and he is called upon for all kinds of matters of that sort. I think the bureau is quite an exceptional one, and that the President ought not to be restricted in his right to keep one or two officers there, when it may not be possible for him to find just the man for work of such a very special character.

Mr. WILLIAMS. Mr. President, if the Senate amendment is voted down and the language of the bill as it came from the House is thereby restored, it will not affect the Insular Bureau nor will it affect this other exception made in the Senate amendment, because the House text makes an exception, in

which it says:

Unless such continuous detachment from such organization for more than four years shall have been specifically authorized by law.

That is, by some statute outside of this.

Mr. LODGE. The Senator thinks that that covers those two bureaus under those two special acts?

Mr. WILLIAMS. Undoubtedly.

Mr. OVERMAN. And makes a general rule without specifying any exception?

Mr. WILLIAMS. And makes a general rule without specifying.

Mr. LODGE. I think that it the better way to do it.

Mr. WILLIAMS. I am of the opinion, and I think Senators will agree with me after thinking about it-

Mr. CHAMBERLAIN. Mr. President-

Mr. WILLIAMS. In a moment. There is a general law also outside of the military appropriation bills relating to agricultural and mechanical colleges and military schools in the States to which officers are detailed, and the language of the House bill, "unless such continuous detachment from such organization for more than four years shall have been specifically authorized by law," would cover that, too. I state that because the Senator from Virginia asked a question upon that point. There is a law that covers the Insular Bureau. There is a special law that covers the Ordnance Department. These two acts are referred to here. There are laws that concern the agricultural and mechanical colleges and the detail of officers there to teach military tactics, and there is a law covering certain other details for school purposes in the States. I do not remember it exactly; perhaps the Senator from Massachusetts does. But besides the regular mechanical and agricultural colleges there are other schools in which tactics is taught by detailed officers.

Mr. LODGE. They are assigned to the States themselves for the instruction of the militia.

Mr. WILLIAMS. None of those is affected, because the language which the House used was intended to prevent that, The House merely intended to prevent this detail by favoritism, this detail by orders of superior officers, and it carefully preserves such cases of detail for longer periods as are authorized by law or by some statute.

One other word. The Senator from Wyoming said something that has merit in it, I think, because he says that the man who ought to be punished for a violation of the law is the man who issues the orders and not the man who obeys them. I think myself if the man who issues them lost his pay they would not be issued. When the superior officer knew that he would not issue the order; he would not undertake to violate the law. But if the Senate amendment shall be adopted, I shall then move to restore the House text with this change of language from the House bill. The House text reads:

That no money appropriated by this act shall be paid to any officer for any period during which he shall have been detached for any duty, etc.

I shall move afterwards, if my present effort shall fail, that this language shall take the place of the Senate amendment, with this change:

That no money appropriated by this act shall be paid to any officer for any period during which any other officer by his order shall have been detached, etc.

That will strike the man who gives the order and will strike him right here in Washington where he has given it.

Mr. LODGE. The Senator of course has examined this matter, and I suppose he is sure as to the effect of lines 9 and 10. In what I have said I referred simply to the Bureau of Insular Affairs.

Mr. WILLIAMS. What page?

Mr. LODGE. Page 7. The Senator said if those two lines, lines 9 and 10, on page 7—

Mr. WILLIAMS. I did not mean lines 9 and 10. I ought

to have said 4 and 5.

Mr. LODGE. I understand that. The Senator said that those words, "unless such continuous detachment from such organization for more than four years shall have been specifically authorized by law "-

Mr. WILLIAMS. The Senator has a different bill from the one I have. Those words are on lines 4 and 5 in my copy of

Mr. LODGE. Those words cover the Insular Bureau; they

are all sufficient.

Mr. WILLIAMS. It reads, "shall have been specifically authorized by law"; and the Senate amendment shows what specific laws cover those two cases.

Mr. LODGE. Exactly. I think it is very important in regard to the Ordnance Department. The Ordnance Department does require experts, and there are only a few officers, comparatively,

who are experts in ordnance.

Mr. WILLIAMS. I think that, too, to a limited extent; but I think in those cases it ought not to be carried too far. I think there ought to be more than a few officers qualified for that work

Mr. LODGE.

I quite agree with that. T. The House text will permit the permanent Mr. DU PONT. detail of officers of the Philippine Constabulary. The Senate amendment cuts that off and requires them to be returned to their regiments. You are aware, of course, the detail is with higher rank and pay. In some respects they are very attractive

The VICE PRESIDENT. The question is on agreeing to the amendment of the committee.

The amendment was agreed to.

Mr. WILLIAMS. I wish to offer an amendment. The Senate committee amendment has been adopted?

The VICE PRESIDENT. It has been.

Mr. WILLIAMS. I move to strike out the amendment just adopted and to substitute for it the following language.

The VICE PRESIDENT. That can not be done at this stage. The Senate as in Committee of the Whole has just agreed to this proposition.

Mr. GALLINGER. It can be done in the Senate.

The VICE PRESIDENT. It can be done in the Senate, but not at this stage.

WILLIAMS. I know, but I am offering a different amendment now. I am offering an amendment to the proposi-tion just accepted by the Senate.

Mr. LODGE. The Senator will have to do that in the Senate. Mr. WILLIAMS. The Senate committee amendment has just

been agreed to?
The VICE PRESIDENT. Yes.

Mr. WILLIAMS. It has become a part of the bill?

The VICE PRESIDENT. Yes.

Mr. WILLIAMS. Now, I offer an amendment to the Senate committee amendment.

The VICE PRESIDENT. The Senator from Mississippi can offer the amendment when the bill gets into the Senate, but at this stage the Senate has just said it will accept that exact

Mr. LODGE. It can not be amended at this stage.

Mr. WILLIAMS. A parliamentary inquiry. It has been the practice hitherto, where I have practiced, that you could move a substitute for something, and then, if the substitute failed, you could still move to amend the original proposition, or if an amendment succeeded you could, after its success, move to amend the amendment.

The VICE PRESIDENT. The rules of the Senate-and the Chair regrets that he did not fully understand what the Senator from Mississippi had in his mind, or he would have called them to his attention-provide that where the proposition is to strike out and insert, both propositions are amendable prior

to putting the motion to strike out and insert.

Mr. WILLIAMS. Then, when we get into the Senate I will offer the amendment. I want to give notice of it now. The Clerk can take it down. It will be the language of the House bill, except that the word "he," on line 1 of the bill I have, will be stricken out and there will be substituted for it, "any other officer by his order," so that it will read:

That no money appropriated by this act shall be paid to any other officer for any period during which any other officer by his order shall have been detached for any duty of any kind for more than four of the preceding six years from the organization in which he is commissioned, unless such continuous detachment from such organization for more than four years shall have been specifically authorized by law.

I now give notice of that amendment.

The VICE PRESIDENT. The reading of the bill will be resumed.

Mr. SWANSON. Before we pass from this item I should like to ask the chairman of the committee what is the reason for the increase in pay of officers of the line-about nine hundred thousand above what was contained in the House bill?

Mr. LODGE. It has already been explained.

Mr. SWANSON. I was not then in the Chamber, Mr. DU PONT. I do not know that I quite understand the Senator from Virginia. Does he refer to the pay of the enlisted men of the Army?

Mr. SWANSON. To the pay of officers of the line. Mr. DU PONT. I have already explained it in great detail. Mr. SWANSON. If it has been explained, all right. I was out at the time.

The reading of the bill was resumed.

The next amendment of the Committee on Military Affairs was, on page 7, line 25, to strike out "fifteen million eight hundred and thirty-two thousand" and insert "sixteen million two hundred and thirty-two thousand nine hundred and fifty-four," and on page 8, line 1, after the word "dollars," to strike out "Provided, That no part of the appropriation in this act for the pay of officers and enlisted men shall be paid to any officer or enlisted man in active service for any period of time lost by him on account of diseases which are the result of his own intemperate use of drugs or alcoholic liquors or other misconduct,"

and insert:

Provided, That any officer or enlisted man in active service who shall be absent from duty on account of disease resulting from his own intemperate use of drugs, or alcoholic liquors, or other misconduct, shall not receive pay for the period of such absence from any part of the appropriation in this act for the pay of officers or enlisted men, the time so absent and the cause thereof to be ascertained under such procedure and regulations as may be prescribed by the Secretary of War: Provided further, That in time of war or when war is imminent, and after the President shall, by proclamation, have called upon honorably discharged soldiers of the Regular Army to present themselves for reenlistment therein within a specified period, subject to such conditions as may be prescribed in said proclamation, any person who shall have been discharged honorably from said Army, with character reported as at least good, and who, having been found physically qualified for the duties of a soldier, shall reenlist in the line of said Army or in the Signal Corps thereof within the period that shall be specified in said proclamation, shall receive on so reenlisting a bounty which shall be computed at the rate of \$8 for each month for the first year of the period that shall have elapsed since his last discharge from the Regular Army and the date of his reenlistment therein under the terms of said proclamation; at the rate of \$6 per month for the second year of such period; and at the rate of \$2 per month for the third year of such period; and at the rate of \$2 per month for the third year of such period; and at the rate of \$2 per month for any subsequent year of such period; and at the rate of \$2 per month for any subsequent year of such period, but no bounty in excess of \$300 shall be paid to any person under the terms of this act.

So as to make the clause read:

So as to make the clause read:

For pay of enlisted men of all grades, including recruits, \$16,232,954:

Provided, That any officer or enlisted man in active service who shall be absent from duty on account of disease resulting from his own intemperate use of drugs, or alcoholic liquors, or other misconduct, shall not receive pay for the period of such absence from any part of the appropriation in this act for the pay of officers or enlisted men, the time so absent and the cause thereof to be ascertained under such procedure and regulations as may be prescribed by the Secretary of War: Provided further, That in time of war or when war is imminent, and after the President shall, by proclamation, have called upon honorably discharged soldiers of the Regular Army to present themselves for reenlistment therein within a specified period, subject to such conditions as may be prescribed in said proclamation, any person who shall have been discharged honorably from said Army, with character reported as at least good, and who, having been found physically qualified for the duties of a soldier, shall receilist in the line of said Army or in the Signal Corps thereof within the period that shall be specified in said proclamation, shall receive on so recenlisting a bounty which shall be computed at the rate of \$8 for each month for the first year of the period that shall have elapsed since his last discharge from the Regular Army and the date of his reenlistment therein under the terms of said proclamation; at the rate of \$8 per month for the second year of such period; at the rate of \$2 per month for the third year of such period; and at the rate of \$2 per month for any subsequent year of such period, but no bounty in excess of \$300 shall be paid to any person under the terms of this act.

Mr. OVERMAN. I should like to ask the Senator a question.

Mr. OVERMAN. I should like to ask the Senator a question. How much will the bounty amount to?

Mr. DU PONT. If the Senator will permit me, I will make an explanation of the entire provision.

Under the legislation now in force our Regular Army is an expansible Army; that is to say, its strength on a peace footing is much less than it would be in time of war. fantry companies, in time of peace, are limited to 68 men instead of 153 men, which would be their strength on a war footing; and troops of Cavalry, in time of peace, are limited to 65 men instead of 100 men on a war footing. As the Regular Army, in passing from peace to war, must be increased by such a large number of enlisted men, it is of the utmost importance that as many of them as possible should be proficient in the military art. To this end various plans have been suggested by the War Department by which a soldier, after serving a certain number of years under the colors, should pass into the reserve and only be called out once or twice for a very brief period, say, 10 days, for the purpose of instruction, and with the understanding, of course, that in case of actual or threatened hostilities he was to rejoin the colors and serve until the expiration of his time.

All these plans are based on the proposition that if a reserve be created monthly or quarterly payments must be made to the reservists. Even if such payments be small, say, \$2.50 a month or \$30 a year, with a reserve of 30,000 men, we would be paying out \$900,000 annually for pay alone, and the expense of mo-bilization for instruction would make the cost over \$1,000,000 per annum. In addition to this great yearly expense, which would be chargeable to Army disbursement, there would seem to be other grave objections to the plan. After paying the reservist for three years—or more, if the reserve period be longer than that—he may die or become physically disqualified for military service. Further, if the reservist, for any reason, be disposed to shirk active service, with our vast expanse of territory, it would be difficult, if not impossible, to find him and force him to return to the colors,

Under the committee amendment the money which otherwise would be paid monthly or quarterly is paid in a lump sum, provided the discharged soldier actually joins the colors and is found physically fit for service. In other words, instead of paying in advance by the month for service which may not be performed, the amendment provides for paying a corresponding amount in one sum for service which is actually rendered.

The VICE PRESIDENT. The question is on agreeing to the

amendment reported by the committee.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment was, on page 9, line 12, to strike out "five" and insert "six," so as to read:

For additional pay for length of service, \$1,635,000.

The amendment was agreed to.

The next amendment was, on page 9, line 13, after the word "dollars," to strike out "Provided, That on and after the 1st day of July, 1912, there shall be 10 regiments of Cavalry, and no more, in the United States Army, and that the officers who shall be rendered supernumerary by this reduction in the number of Cavalry regiments shall be retained in service, and shall be assigned to vacancies in their respective grades as such vacancies shall occur in the Cavalry, or, in the discretion of the President, to such vacancies in their respective grades as shall occur in any other arm of the service: Provided further, That all officers of Cavalry made surplus by such reduction shall be transferred proportionately to the Infantry, Field Artillery, Coast Artillery, Cavalry, according to their relative commissioned personnel strength; and that the officers so transferred shall take rank in the branch to which transferred according to length of commissioned service: And provided further, That no officer shall be reduced in grade; and the Secretary of War is directed to carry out the provisions of this act."

Mr. WILLIAMS. Mr. President—
Mr. WARREN. I do not want any misunderstanding—

Mr. WILLIAMS. That brings us up to the provision in the House bill reducing the Army by five Cavalry regiments. think that will bring on some discussion, and it has been suggested that this would be a good time to adjourn and take it up

Mr. WARREN. I think with the notice which the Senator from Mississippi gave the committee itself of his intention of bringing up this matter for debate, we ought not to consider it now, and probably the best thing to do would be to adjourn now and take it up to-morrow.

Mr. WILLIAMS. I want to oppose the Senate amendment to the House bill and support the House proposition reducing the Army by these five regiments.

Mr. OVERMAN. Let us adjourn.
Mr. DU PONT. I have no objection to the item being passed
over for the present.
The VICE PRESIDENT. The Senator from Delaware asks

unanimous consent to pass over the amendment to strike out, beginning with the word "Provided," in line 13, page 9, and ending

with the word "act," in line 6 on page 10.

Mr. WILLIAMS. I suggest to the Senator from Delaware that it is now half past 5 o'clock. The Senate ought to have some sort of regular hours. We seem to have none. I think it would be a good idea if we should adjourn every day at 5 o'clock, so that gentlemen may have some regular hour at which to eat their dinner

Mr. GALLINGER. If it is agreeable to the Senator from

Mr. GALDINGER. If it is agreeable to the Schuler From Mississippi, I will move that the Senate adjourn.

Mr. WILLIAMS. Very well.

Mr. DU PONT. I should like to give notice that I will call up the bill to-morrow immediately after the morning business. Mr. GALLINGER. I move that the Senate adjourn.

The motion was agreed to; and (at 5 o'clock and 28 minutes p. m.) the Senate adjourned until to-morrow, Thursday, April 11, 1912, at 2 o'clock p. m.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, April 10, 1912.

The House met at 12 o'clock noon.

The Speaker, on taking the chair, was greeted with general

The Chaplain, Rev. Henry N. Couden, D. D., offered the fol-

lowing prayer:

Our Father in heaven, whose goodness stands approved, we thank Thee for the Christ spirit which came into the world nineteen hundred years ago, and which is coming more abundantly into the hearts of Thy children everywhere, in spite of the untoward circumstances of life which make for selfishness, the root of all evil. Free us, we beseech Thee, from its thraldom, that day by day we may rise to the sublime heights of the perfected manhood; in Christ Jesus, our Lord. Amen.

The Journal of the proceedings of yesterday was read and

approved.

COMMITTEE ON ELECTIONS NO. 2.

Mr. ALLEN and Mr. RUCKER of Missouri rose.

The SPEAKER. The Chair recognizes the gentleman from Ohio [Mr. ALLEN].

Mr. ALLEN. Mr. Speaker, I ask unanimous consent that the Committee on Elections No. 2 be permitted to sit this day during the session of the House, to hear arguments of counsel in the contested election case of Kinney v. Dyer.

The SPEAKER. The gentleman from Ohio asks unanimous consent that the Committee on Elections No. 2 be permitted to sit during the session of this day. Is there objection? [After a pause.] The Chair hears none.

HON, CHAMP CLARK.

Mr. RUCKER of Missouri. Mr. Speaker, I ask unanimous consent for one minute in order to make a statement to the

The SPEAKER. The gentleman from Missouri [Mr. Rucker] asks unanimous consent to address the House for one minute.

Is there objection? [After a pause.] The Chair hears none.
Mr. RUCKER of Missouri. Mr. Speaker, in behalf of all Missourians, and hundreds of thousands of Democrats throughout the country, I desire to publicly express our great appreciation of the magnificent indorsement given yesterday to the distinguished Speaker of this House by the splendid Democracy of Illinois. [Applause.] The overwhelming vote given Speaker CLARK in the primaries of Illinois makes him inevitably the nominee of the Democratic party for President of the United States, and he will be triumphantly elected. [Loud applause.]

INDIAN DEPREDATIONS.

The SPEAKER. This is Calendar Wednesday. The call rests on the Committee on Indian Affairs. The bill, H. R. 14667, is on the Union Calendar, and is the unfinished business of the House. The House therefore automatically resolves itself into the Committee of the Whole House on the state of the Union, and the gentleman from Illinois [Mr. Foster] will take the

The CHAIRMAN. The Clerk will report the bill. The Clerk read the bill, as follows:

A bill (H. R. 14667) to amend an act entitled "An act to provide for the adjudication and payment of claims arising from Indian depreda-tions," approved March 3, 1891.

the adjudication and payment of claims arising from Indian depredations," approved March 3, 1891.

Be it enacted, etc., That the first section of paragraph 1 of an act entitled "An act to provide for the adjudication and payment of claims arising from Indian depredations," approved March 3, 1891, be, and the same is hereby, amended so as to read as follows:

"First. All claims for property of citizens or inhabitants of the United States, except the claims of Indians herefore or now in tribal relations, taken or destroyed by Indians belonging to any tribe in amity with and subject to the jurisdiction of the United States, without just cause or provocation on the part of the owner or agent in charge, and not returned or paid for, and in all adjudications under said act as now amended the allonage of the claimant shall not be a defense to said claims: Provided, That the privileges of this act shall not extend to any person whose property at the time of its taking was unlawfully within the Indian territory: Procided further, That all cases heretofore filed under said act of March 3, 1891, and which have been dismissed by the court for want of proof of the citizenship of the claimant, shall be reinstated and readjudicated in accordance with the provisions of this act: Provided further, That nothing in this act shall be construed to authorize the presentation of any other claims than those upon which suit has heretofore been brought in the Court of Claims: Provided further, That all acts and parts of acts. In so far as they conflict with the provisions of this act, are hereby repealed."

Mr. FERRIS. Mr. Chairman, this bill has been on the Union

Mr. FERRIS. Mr. Chairman, this bill has been on the Union Calendar some time, and I think it is fair to say that the Committee on Indian Affairs is under considerable obligation to the chairman for leaving this bill in the background until less important bills could be disposed of. This bill has been before the House on numerous occasions, unanimously reported by the

committee. It was at this time again unanimously reported. The gentleman from Minnesota [Mr. MILLER] reported this bill during the last Congress, and he made a report which shows an exhaustive study and plenty of ability, both in the report and in the presentation of the matter.

This bill excludes all new cases; only applies to cases now

pending.

This bill only applies to cases where the Indians committing

the depredations are in amity with the United States.

The best estimate is that it only will incur a possible liability

of \$500,000. Of course, it may be much less.

This bill would involve a very large sum if the amity clause were out, but the committee omitted it purposely, and will, I think, keep it out purposely.

The first act on the subject was in 1799, and aside from a

short period subsequent to 1859.

These people have suffered at the hands of the Federal Government wards, and by a series of precedents covering 113 years the Federal Government should pay the damages and depreda-tions of its wards. I think the bill ought to pass.

I reserve the balance of my time.

Mr. MILLER. Mr. Chairman, as stated by the gentleman from Oklahoma [Mr. Ferris], this is not a subject which is new to the membership of the House. This is one phase of legislation that has been on the statute books in one form or another for more than a century. I have no desire to go into an exhaustive statement of the history of the legislation nor of the various statutes that have been passed, but a word showing the leading characteristics of the legislation may not be out of

First, Mr. Chairman, let me state that the present bill is one uncomplicated by what might be termed extraneous features: There have been introduced in the last session of Congress a large number of bills proposing to change the law which now controls in the matter of Indian depredations. Nearly all of these provided for four changes in the law, some of them providing for two, and this one, Mr. Chairman, which has finally been reported, provides for but one. Briefly, what are those four changes? First, there has always been a restriction in the matter of recovery in Indian depredations to cases where the acts were committed by Indians who were at enmity with the United States, and one of the features of the bills that have been introduced is to remove amity requirement. This bill did not incorporate that feature, and I will say, Mr. Chairman, in passing, that that is a feature which, if incorporated, would cost the Government of the United States a large sum of money. Another feature that some of these bills has sought to change is the requirement of a proper joinder of parties plaintiff. Under the rules and regulations adopted by the Court of Claims, before which tribunal these cases are all tried, it has been necessary there shall be a complete joinder of parties plaintiff at the inception of the suit. That is, if the case had developed to a certain degree and it was found certain parties had not been joined who, if joined, would be able to recover in the action, there has been no way by which they could be joined and participate in judgment.

Some of the bills have provided for correcting this and provided for the admission of new parties plaintiff. We have omitted that from the bill as reported. Another feature that has grown up in the handling of these cases before the Court of Claims is a requirement that there should be stated in the action, properly named, the Indian tribes to which belonged the band or individuals who committed the depredation. To illustrate, if the party bringing the action alleged that the Indians who committed the depredation—who broke into the pasture, for instance, and ran off the stock-was a Sioux Indian, when, as a matter of fact, he was an Arapaho or Comanche, as proven subsequently by the evidence, his cause of action failed. Some of the bills propose this to be changed and cor-We have omitted that from the bill as presented.

The other provision in the bills that have been introduced bearing upon this question contemplates a change in the existing law so as to permit an inhabitant to recover as well as a citizen. What do we mean by that? We mean that under the law as it now exists, and has existed since 1801, in order for a claimant to recover he must have been a citizen of the United States at the time of the commission of the depredation. is presented to the House for consideration at this time changes the existing law only in that it extends to inhabitants the right to recover, instead of having it restricted to citizens.

A word, therefore, of the history of this legislation, to show why we deem it advisable to bring in this change at this time. The first law passed by Congress bearing upon Indian depreda-

tions was that of 1796. The opening paragraph of that law was as follows:

That if any Indian or Indians belonging to any tribe in amity with the United States shall come over or across the said boundary line into any State or Territory inhabited by citizens of the United States and there take, steal, or destroy any horse, horses, or other property belonging to any citizen or inhabitant of the United States.

Mr. Chairman, it will be observed that the original law passed by Congress with respect to Indian depredations provided that recovery could be had by an inhabitant as well as by a citizen.

Mr. BURKE of South Dakota. Will the gentleman give the

date of that act?

Mr. MILLER. The date of that act was 1796. It was reenacted in the same language and the same terms in 1799.

Mr. Chairman, the subject was later up before Congress for further legislation, and the same provision was reenacted in 1802. It was again up for consideration and reenacted once more in 1834. Therefore four specific acts of Congress, over a period of about half a century, placed upon the statute book the right of recovery by an inhabitant as well as a citizen.

Again, the Revised Statutes of 1878 contained this provision,

as far as an inhabitant is concerned, identical in effect with the language of the bill now pending. A change was made, however, in 1885. An entire act was not then put upon the statute books, but a resolution providing for an investigation of Indian depredation cases limited the investigation to cases wherein the claimants were citizens.

When the subject was up for complete legislation in 1891, this part of the law contained in the earlier statutes was changed so that recovery could be had only by citizens of the

United States.

There has been no legislation upon the subject since that time. It must become apparent to anyone, even from this very hasty summary of the legislation, that the attitude of Congress dur-ing nearly all of the period covered by these laws has been that not alone the citizen should recover, but that the right in that respect should be extended to the inhabitant as well. Now, why? In the first place, nearly all of these depredations have been committed upon the frontier. We do not find Indians on the warpath or breaking away from amicable relations in ones and twos and threes, and committing depredations upon organized society in old settled communities, because the Indians are not there and because those regions are properly policed and protected by the Government, so that they could not do it if they tried. These depredations have been among the pioneers of the West, and particularly the Southwest, where opportunities seem to have been presented for this class of marauding.

Mind you, this law does not provide that there shall be recovery for losses sustained due to acts of Indians on the war-There never has been recovery for that class of depredation, and this law does not contemplate it. It means that where the wards of the Government, who in this case are the Indians, under the care of the Government, and for whose acts the Government is and must be held accountable, where these people in amicable relations with the United States shall break out and commit acts of depredation upon peaceable citizens, steal their horses, steal their cattle, burn their barns, and destroy their property, that then the Government must make restitution

for the loss sustained.

The class of people affected, as before stated, have always been pioneers.

Now, why is there a peculiar hardship resulting to this class of people by restricting the right of recovery to citizens? In the first place, the time has never been when many of the pioneers and settlers in the great West were not of foreign birth, and at the time of their first settlement have not been citizens of the United States

Our laws have hitherto, until recently, permitted foreigners to come in, declare their intention to become citizens, and settle on the frontiers and get homesteads. That policy has been beneficial in great, far-reaching results. Now, these individuals who are of that character, who sustained injury, certainly ought to have as great and full a right to recover as citizens of the United States. Many of these cases are such that the depredations were sustained by men who were then not citizens but subsequently became citizens. In many cases, also, the individuals thought they were citizens, but as a matter of fact they were not citizens at the time.

The report shows that one man reached some distinction among his people, and he must have reached considerable dis-tinction, because he was selected and elected a Delegate to this body from the Territory of Arizona, but found himself in a position where he could not prove appropriate citizenship to

recover under this act.

The records are somewhat full of cases where individuals thought that a person was a citizen, a person who had always assumed to act as a citizen and performed citizenship duties in the community, had served in the Army or in the Navy with distinction and with heroism, yet when brought to the crucial test of proving citizenship in this court found he was unable to do so.

One thing further. In many of these cases, being cases that arose on the frontier, opportunities for acquiring citizenship were extremely limited. The country was but sparsely settled, courts were in session only at uncertain times and at distant points, and it is not to be wondered at that a large number of frontiersmen let years and years go by before they acquired full rights of citizenship. If they sustained an injury before this right was ultimately secured, they certainly ought to have a right to recover therefor by all the considerations that ought to be extended in cases of honest justice.

One other consideration that has always been somewhat strong in my mind, Mr. Chairman, is that the time was when each nation looked upon all persons coming to it from another nation as foreigners and of a hostile disposition. We are all acquainted with the fact that many generations past when a citizen of one country who went into another country was looked upon and treated as a public enemy; but closer and better relations have come to be the fashion to-day, and we look upon no nation as civilized that does not extend to citizens of other civilized nations practically full rights of property and practically the same protection that is extended to its own citizens.

Now, this is a discrimination in the law that is barbaric in its terms, not to use a stronger expression. It is out of harmony with the spirit of the times. The cases are not very numerous which it would cover, but the mere fact that it is there indicates that we have not legislated in the spirit of modern civilization and progress.

We ought to extend to the citizens of Great Britain, to the citizens of Germany, to the citizens of Norway and Sweden, the same protection that we give to our own in a case of this kind.

Some query may naturally be raised as to the extent of the claims that now exist and will be affected by this change in the act. I will say, Mr. Chairman, that the committee has considered this matter very carefully over several years, had hearings of a public nature, had a full expression from the Department of Justice in respect to the matter, and the gentleman who is in charge of this class of cases in the Attorney General's office informs us that he is now in a position to tell with considerable accuracy, almost to a reasonable certainty, the number of claims and the amount of money that they will carry and that will be affected by this change in the law. He says not to exceed \$500,000 will be affected. Mind you, this change does not permit the bringing of any new suits. We make no change in that part of the law; no suit can now be brought that was not started under the terms of the act of 1891, which gave a reasonable period in which to bring suit. We are not opening up the fields for fresh exploitation. We are not enlarging opportunities for bringing cases against the United States. We are simply giving to a class of claimants now in the court in litigation the right to be protected as well as other citizens, who are likewise bringing their cases also for the same class of injuries. So, it seems to me, Mr. Chairman, that the amount affected is not large, the number of cases is not numerous, and that the proposed change is right.

It is in harmony with the treatment accorded citizens of one nation by another nation. It is recognizing that those who have been injured by this particular provision of the law are undoubtedly among the most worthy claimants of them all.

Mr. BYRNS of Tennessee. Mr. Chairman, will the gentleman

vield?

Mr. MILLER. Certainly.

Mr. BYRNS of Tennessee. How much will be involved if this

bill becomes a law?
Mr. MILLER. Not to exceed \$500,000.
Mr. BYRNS of Tennessee. Mr. Chairman, I have been reading the report, and I gathered the impression from the report made by the Attorney General, Mr. Knox, I believe at that time, that it would involve possibly \$8,000,000.

Mr. MILLER. That would be true if we changed the law in

respect to all of the four ways that I discussed some time ago.

Mr. BYRNS of Tennessee. I understood from his statement that that would be true, provided Congress eliminated the necessity of showing amity on the part of the tribe to which the

Indians committing the depredations belonged. I will ask if this bill under its terms does not eliminate that necessity?

Mr. MILLER. Of amity? Oh, no. The bill distinctly includes the requirement that the Indian committing the depredation shall have been in amity with the United States.

Mr. BYRNS of Tennessee. Why are these words added to the bill; "And subject to the jurisdiction of the United States"? That is an entirely new provision, and, if I understand the statement made in the hearings by Mr. Thompson, an Assistant United States Attorney General, those words would have the effect of eliminating the necessity of showing amity.

Mr. MILLER. On the contrary, that is a further restriction. The Indian must not only have been in amity, but he must also have been under the jurisdiction of the United States. For instance, if an Indian who was not under the jurisdiction of the United States was here and committed a depredation the United States would not be liable. This is a further restriction upon that same matter.

Mr. BYRNS of Tennessee. If the gentleman will pardon me just a moment, I find here—not a statement, but a letter submitted by Mr. Knox, at that time Attorney General, dated March 10, 1902—the following:

The bill under consideration eliminates the defense based upon the want of amily between the United States and the tribe whose members are charged with the depredation by substituting for the words "in amity with the United States" the words "subject to the jurisdiction of the United States."

Mr. MILLER. Mr. Chairman, I am not surprised that the gentleman makes the inquiry, because it is appropriate. I will say, however, that the letter of the Attorney General is not addressed to this bill, but was addressed to a bill which was

before him at that time, which did remove the amity clause.

Mr. BYRNS of Tennessee. I understand that perfectly well, but the letter of the Attorney General refers to the very words that are used in this bill, and states, if I read it correctly, that the use of those words will eliminate the necessity of showing amity on the part of the Indian. That was what I wanted the gentleman to explain.

Mr. MILLER. Mr. Chairman, I do not think those words have ever been in any bill directly before the Attorney General in this connection. They may have been in some other paragraph. But this is certainly a further restriction upon the right of recovery. It is not an enlargement, but a restriction. The Indian must not only be in amity with the United States, but must be subject to the jurisdiction of the United States and ward of the Government.

Respecting the amity feature, it having been suggested, if I may be permitted to say further, one of the most careful estimates, if legislated upon in the way proposed, is that it would probably cost the Government four or five millions of dollars.

Mr. SLAYDEN. Mr. Chairman, is it not true that this bill proposes to eliminate citizenship as a necessary condition?

Mr. MILLER. That is all it does. It absolutely changes the law in no respect excepting to enlarge the right of recovery to inhabitants as well as citizens. That will affect a few cases now pending in the Court of Claims, which cases the Attorney General's department think ought to be given this relief, and which it seems to me in common sense ought to be given relief.

Mr. SLAYDEN. The existing law bars men who now and for many years have been citizens, but who were not citizens when the depredations were committed and who have been therefore unable to collect.

Mr. MILLER. That is precisely true.

Mr. SLAYDEN. They have been, therefore, discriminated against.

Mr. MILLER. Yes. Mr. MANN. Mr. Chairman, will the gentleman yield for a

Mr. MILLER. Certainly.

Mr. MANN. The proviso in the bill reads:

That the privileges of this act shall not extend to any person whose property at the time of its taking was unlawfully within the Indian Territory.

I believe it has always been provided in any bill that authorized claims that the authorization should not extend to persons who were unlawfully within the Indian country. notice this proviso leaves that out and makes a provision that the privileges of this act shall not extend to any person whose

property was unlawfully within the Indian Territory.

Mr. MILLER. I think that the word "territory" should be changed to the word "country."

Mr. MANN. Does the gentleman think also if the person was unlawfully within the Indian country he should be deprived of any claim?

Mr. MILLER. There could be no injury to his property hardly unless the individual was unlawfully within the coun-

try.

Mr. MANN. But the individual might have been unlawfully within the country, the property might have been lawfully within the country or somewhere else. I ask whether

this is inserted by design or whether it is possibly careless

phraseology

Mr. MILLER. I do not think there is anything particular in that phraseology one way or the other. I do not see there is any hardship to the Government resulting from it, or any reason why the language as used here is not in the interest of economy and justice. The right to recover is for injury to property and not to persons, and by requiring that the property shall not be unlawfully within the Indian country we exclude more cases than if we substitute persons for property. essential thing is that the injury is to the property and not the person; therefore it is proper to say the property should not be

unlawfully within the Indian country.

Mr. MANN. Suppose the person is unlawfully within the Indian territory. Does the gentleman think a person ought to

have a claim then?

Mr. MILLER. No; I do not, and I am inclined to think, while I have not the facts, that this is a greater restriction than the other language by far, because the injury is not to the person, but to the property.

Mr. MANN. It would not be a greater restriction if you make it read this way, that the privileges of this act shall not extend to any person who, or whose property at the time of its taking, was unlawfully within the Indian territory.

Mr. FERRIS. Will the gentleman yield?
Mr. MILLER. I do.
Mr. FERRIS. I want to suggest to the gentleman from Illinois that I do not know that his amendment would hurt anybody; but can he cite a case where it will do any good? For example, under what condition would a man be in the Indian territory unlawfully? A man has always had the right to come and go as he desired, to come and go in the Indian territory, and that is not true with reference to his property; for example

Mr. MANN. Nor is it true in reference to the individual, as I

can show the gentleman later.

Mr. FERRIS. When was it otherwise?

Mr. MANN. Always. Mr. JACKSON. Mr. Chairman, I want to make the same suggestion which the gentleman from Illinois made, that all the time it has been a felony for a foreigner to be in the Indian

Mr. MILLER. I beg the gentleman's pardon; that is a gross misstatement of fact, and I will tell the gentleman why it is.

Mr. JACKSON. I will be glad to know.
Mr. MILLER, Under the original act of 1796 specifying the part of the United States that should thereafter be considered Indian territory, and the part that should thereafter be considered white territory, it was a criminal offense without a passport to go into the Indian country, and that same legislation has occurred in some instances later, but outside of these the gentleman's statement is not correct.

Mr. JACKSON. That same provision was carried in the act

Mr. MILLER. Absolutely; in respect to the Indian territory as a whole, and the gentleman ought to know it.

Mr. SLAYDEN. Will the gentleman permit an inquiry?
Mr. MILLER. Certainly.
Mr. SLAYDEN. What is the meaning, precisely, of those two words "Indian territory"?

Mr. MILLER. Well, I am not in a position where I can speak as to the word "territory"; I think myself that word should be "country," because country has derived a meaning by frequently being used in statutes, and the meaning I think It should have where the statute does not prescribe the area is the country "occupied and inhabited by the Indians."

Mr. SLAYDEN. But does it mean, or has it ever been held to mean, any definite reservation exclusively recognized as be-

ing the residence and property of the Indians?

Mr. MILLER. I think it has always been held to mean a country that the Indians had a right to occupy.

Mr. SLAYDEN. Now permit one more question, please. Mr. MILLER. I will elucidate that a little further. I have just been furnished by the gentleman from South Dakota

Mr. SLAYDEN. There is one other question I would like to

ask the gentleman.

Mr. MILLER (continuing). With a statute, a very old one, which defines somewhat the Indian country. It does not pretend to define Indian country for all purposes in the United States, but defines it for one purpose. It is as follows:

That all that part of the United States west of the Mississippi, and not within the States of Missouri and Louislana, or the Territory of Arkansas, and also that part of the United States east of the Mississippi River, and not within any State to which the Indian title has not been extinguished, for the purpose of this act, be taken and deemed to be in the Indian country.

That relates to the liquor law.

Mr. SLAYDEN. Now, one other question. Depredations have been committed by Indians in amity with the United States on people who were not citizens at the time. They were not living in any Indian country in the sense that they were within the reservation that was held by law or executive order or other order to be the peculiar country of the Indian. They were, for example, living in the State of Texas, in established counties and subdivisions of the State of Texas. The Indians raided that country; they came in from long distances, often from the Indian Territory, and they murdered people and stole cattle and horses, and committed depredations in the meaning of the words used in this and in prior acts. Now, those people would not be held, could not possibly, I fancy, be held to have been in the Indian Territory or the Indian country. There never was any Indian country in the State of Texas where most of these depredations occurred. There never was an Indian reservation in the State of Texas. The raiding Indians came from an Indian country into strictly white country.

Mr. MANN. This would allow those claims.

Mr. MILLER. This refers to that class of cases, and would include all who come within it.

Mr. SLAYDEN. The Indian Territory, as the gentleman knows, has a peculiar meaning in the Southwest. When we use the phrase "Indian Territory" down there we mean, or did before the creation of the State, that division of the country known as Oklahoma. All doubt as to the meaning of those words should be removed if this bill is to pass.

Mr. MANN. There is not any doubt as to what the words Indian country" mean.

Mr. SLAYDEN. It says "Indian Territory." Mr. MANN. The words "Indian Territory" are inserted here accidentally, so far as the committee is concerned, undoubtedly.

Mr. MILLER. I think seriously, however, that this is in the nature of a restriction rather than an enlargement in view of the suggestion made by the gentleman from Illinois [Mr. MANN]. For instance, if a man should be passing through an Indian territory, and by "territory" I do mean an Indian country that is exclusively within the control of the Indians, he would be unlawfully in the Indian country. His property might be 500 miles away in a peaceful white region, and the Indians might raid and destroy his property. If we restrict the right to recover to persons lawfully on the ground at the time when the property was destroyed, he could not recover, although the purpose of the act is to recover for injury to property and not to persons.
Mr. MANN.

Will the gentleman yield?

Mr. MILLER. Certainly.

Mr. MANN. The gentleman gives a case that probably has never happened. I will give the gentleman a case that did happen, of when a white man went into the Indian country for the purpose of revenge, and while he was there his property was destroyed, he having stirred up the trouble. Why should he have a claim against the Government?

Mr. MILLER. I never heard of such a case. Is the gentleman aware of such? I am positive if there was such a case the Attorney General of the United States, who has been working on the matter for years, would have called it to the atten-

tion of the committee.

Mr. MANN. I am not aware of the particular case, but I will say that I have been informed by men who are aware that

just such cases are pending.

Mr. MILLER. I am frank to say that I have no information to that effect, except, I will say, that in his statement the Attorney General has given us no such case as mentioned. Mr. SISSON. Will the gentleman yield?

Mr. MILLER. Certainly.
Mr. SISSON. I have been unable to get a report until a few minutes ago. They seem to have been exhausted. Some question has been raised as to the amount that is carried in the bill. I notice this language on page 13:

Taking this \$8,500,000 upon the same basis of 40 per cent, it would leave the amount that would probably go to judgment at \$3,400,000. That is the most careful estimate we can make of it, and there is no reason I can see for thinking that the percentage would not keep up.

Now, is that the amount that would be carried in this bill? Mr. MILLER. No, Mr. Chairman; that is the amount that would be carried in a bill that removed the amity clause. The Assistant Attorney General is speaking of a bill that would include the amity clause.

Mr. SISSON. We ought to be able to arrive at an absolute certainty as to what the bill would cost if nothing but cases

pending are to be included in this bill.
Mr. MILLER. That is true.

Mr. SISSON. Can the gentleman tell exactly what it would

Mr. MILLER. Approximately \$500,000; not to exceed that amount. That is a statement of the Assistant Attorney General.

Mr. SISSON. Is there a list of the claims here? Mr. MILLER. Not a list of the claims. There is the statement by Mr. Thompson, which I inserted at the last Congress, which stated that he was able for the first time to give a reasonable and approximately precise statement of the amount involved by the citizenship clause.

Mr. SISSON. It does not necessarily mean that each claimant be allowed for that amount, because the recovery might be less than the amount claimed. But does he mean to state the amount

claimed will not exceed \$500,000?

Mr. MILLER. He means that, having gone through the cases from A to Z, as he says, and gotten an accurate estimate of what the conditions are and what the testimony is, the amount will not be more than \$500,000, although the aggregate as claimed is considerably in excess of that.

Mr. SISSON. If he is mistaken in his prophecy about what the court might do it might turn out that the court might exceed it very much. There is no absolute certainty upon that state-

ment of what the bill will finally cost when enacted.

Mr. MILLER. I will say to the gentleman that all who have spoken on both sides of this question seem to be of the opinion that \$500,000 is the extreme outside amount, and that we can safely act on that assumption.

Mr. SLAYDEN. Mr. Chairman, will the gentleman yield? The CHAIRMAN. Does the gentleman from Minnesota yield

to the gentleman from Texas?

Mr. MILLER. Yes; I yield.

Mr. SLAYDEN. Suppose the court has found that \$550,000 or \$650,000 or \$750,000 was honestly due the claimants and was a just debt. Should it not be paid just as well as \$300,000?

Mr. SISSON. Of course, all just debts on the part of the

Federal Government ought to be paid to a penny. Nobody wants us to repudiate them. But I do not think, when by act of Congress we assume obligations

Mr. SLAYDEN. We are not assuming obligations.

Mr. SISSON. We are; because the court here has specifically decided that the claimants were not entitled to anything. This act is endeavoring to create an obligation which the court said did not rest upon the Government. We are giving a right here, because in the past the acts of the public enemy have never been guarded and protected by the Federal Government. Simply because Indians are at war with citizens in the States, it does not follow, unless the Government is willing to assume such an obligation, that those citizens have a pecuniary or moral right of recovery against the Government. A man assumes some risk when he moves out into the Indian country. A man assumes some risk when he goes into every business. The Government is not an insurance company. Under the old act no obligation was created by that act. Congress is now creating an obligation that the court says did not formerly exist.

Mr. SLAYDEN. Suppose a man did not move into the Indian country, but is in his own country and is entitled to protection by the Government, and the Indians come in there

and murder his family and take away his cattle?

Mr. SISSON. I do not think the Government ought to pay for it. Suppose, for instance, this very night down in my home, in my State, my house should be burned down and my wife and babies should be killed—the Government should not be required to pay for it. The Federal Government is not an insurance company. Originally, I might not have been opposed to the legislation when the act was first passed creating the obligation, but now you are enlarging it. This I say, Mr. Chairman, in answer to the gentleman from Texas [Mr. Slay-DEN], and not for the purpose of getting into a colloquy with the gentleman from Minnesota [Mr. MILLER]. This is in answer to the gentleman from Texas. Can the gentleman state, with any degree of certainty, what obligation the Government is assuming?

Mr. MILLER. I can state that with that degree of certainty. These cases have been pending there for many years, and the Assistant Attorney General has gone through them carefully and knows approximately what the amount will be and practically what the estimate of the damage will be.

Mr. SISSON. This practically means, then, that Congress is appropriating that money which the evidence shows under the

old cases is due?

Mr. MILLER. No; I will not say that.
Mr. MANN. Mr. Chairman, will the gentleman yield?
The CHAIRMAN. Does the gentleman from Minnesota yield to the gentleman from Illinois?

Mr. MILLER. Yes. Mr. MANN. Is not this the fact, that Mr. Thompson, the Assistant Attorney General, figured out the proportion of claims which have been allowed as compared with the amounts claimed

in the cases that had been disposed of, and then took the same proportion with reference to these others in arriving at the amount of \$500,000?

Mr. MILLER. He pursued that method, but not that method alone. He pursued that method and arrived at the result, and found that that was in harmony with the investigation of the cases I have indicated.

Mr. MANN. My recollection is that he made no special investigation of the cases.

Mr. MILLER. I have talked with Mr. Thompson a number of times about these cases, and-

Mr. MANN. So have I. Mr. JACKSON. Mr. Chairman, will the gentleman yield? The CHAIRMAN. Does the gentleman from Minnesota yield to the gentleman from Kansas?

Mr. MILLER. Yes. Mr. JACKSON. The gentleman said, in answer to the gentleman from Illinois [Mr. MANN], that no such cases were included here.

Mr. MILLER. My reply was that no such cases are now pending. This does not extend the right of recovery to cases

not now pending.

Mr. JACKSON. If the gentleman will permit me, I have here the general statute carrying the provision of law of which the gentleman spoke, concerning foreigners going in the Indian territory. It seems it was carried on as late as 1834. Now will the gentleman give us again what his interpretation is as to what constituted Indian territory, say in 1859 or 1860?

Mr. MILLER. Does the gentleman mean Indian territory or

Indian country?

Mr. JACKSON. That country to which this statute would apply, which made it a misdemeanor for a foreigner to go in

there without a passport. Mr. MILLER. That mi That misdemeanor feature did not enter except in a few particularly expressed cases in the statute. As I stated before, the first expression was in the law of 1796, and as late as 1859. I do not think there was any other such law.

Mr. JACKSON. I call the gentleman's attention to that

Every foreigner who shall go into the Indian country without a passport from the Department of the Interior, superintendent, agent, or subagent of Indian affairs, or officer of the United States commanding the nearest military post on the frontiers, or who shall remain intentionally therein after the expiration of such passport, shall be liable to a peralty of \$1,000. Every such passport shall express the object of such person, the time he is allowed to remain, and the route he is to travel.

Now, what was the Indian country at the time these Indian

claims were sought to be recovered?

Mr. MILLER. There must be something in connection with that act specially naming that which is Indian country, because that did not obtain generally throughout the United States. The act of 1796 did specify what was Indian country and what was not. It described a line which passed about through the middle of the State of Tennessee. The land west of that was Indian country and that east of it was white country. I am sure that in various treaties which we have made with individual tribes in years since then we have guaranteed to the Indians that there will not be trespassing upon their lands by white people excepting when duly authorized by passports. But

that did not extend generally through the Indian country.

Mr. JACKSON. There was a general trading act with the Indians, regulating the sale of intoxicating liquors and everything of that kind. The words "Indian country" must mean reservations or other territory set aside by the Government for

the exclusive occupation of the Indians.

Mr. MILLER. I desire to say a word in response to the remarks of the gentleman from Mississippi [Mr. Sisson]. I do not think he was in the Chamber when I first began to talk upon this subject. If he had been, he would have heard me say that this does not propose to give a brand-new right to anybody. It is the restoration of a right which had been given to the same people by four successive acts of Congress, extending over a period of almost three-quarters of a century, and taken from them by a subsequent act of Congress. It is the opinion of the Committee on Indian Affairs that that restriction in the later statute was unwarranted and extremely unjust.

It might be that I would join with the gentleman in opposition to legislation of this kind in its inception; and if we had before us now a proposition as to whether or not we would pay a dollar for depredations committed by Indians, I do not know but I might be opposed to it. But that is not the case we have confronting us. The policy of this Government to pay for Indian depredations has been in existence, with one exception, a period of 11 years in which it did not exist, for more than a century, and during the greater part of that time, and particularly the first half of the time, the right to recover was extended to the inhabitants as well as to the citizens. This right to recover is not given in cases where the public enemy has committed the depredation, as gentlemen seem to assume. not extend to cases of depredations by Indians on the warpath, by Indians in open insurrection against the Government of the United States, by Indians in open rebellion, or by Indians participating in a great conflict such as the War of 1812, the Mexican War, or the War of 1861. It restricts its operations to that class of Indians who are the wards of the Government, who are on friendly terms with the Government, who are the objects of the care and solicitude of the Government; and the Government has the right and the power to protect them, and also to restrain them. The right to recover is analogous to the principle of the old English law which existed for a long period of time, making the father responsible in damages for the torts of his son. It is precisely the same principle of law. I am not saying that it is a good principle of law. I am saying we have had it for more than a century, and I am saying that this restriction eliminates the most worthy class of those who would be benefited by any act of this kind; that it prevents recovery by individuals who, of all those who have ever been affected, ought to have restitution made.

Mr. MANN. I understood the gentleman to say that it has been the policy of the Government for more than a hundred years, with the exception of 11 years, for the Government to be responsible for Indian depredations. That is not my understanding, and I ask the gentleman, if I may, what 11 years he

refers to

Mr. MILLER. It was from 1850 to 1870, as I recall it. It may have been a little longer than that.

What act was passed in 1870?

It is possible it was the act of 1885.

Mr. MANN.
Mr. MILLER. It is possine...
MANN. Was it not 1891? Mr. MILLER. Oh, no; there is the act of 1885, because the right of an inhabitant to recover was stricken out in 1885.

Mr. MANN. Is it not a fact that there was no claim recognized by the Government for Indian depredations after the law of 1859, to be paid out of the Federal Treasury, until the act of 1891, which provided that claims might be filed with the Court of Claims?

Mr. MILLER. I am sure that is not the case. I am positive that there was an act of 1885; and, without being able to cite the statute, my recollection is that recovery by inhabitants who

are not citizens was only prohibited between 1859 and 1870.

Mr. MANN. The gentleman said 11 years, and I thought the gentleman had the statute. I am quite sure the gentleman is mistaken, and that there never has been any provision, except

the act of 1891, since the repeal of the act of 1859.

Mr. MILLER. I am positive that it was in the Revised Stat-

utes of 1878 for I read it myself.

Ir. MANN. Very likely; to be paid out of the Indian money

and not out of the Treasury of the United States.

Mr. MULLER. I will say that this act originally contemplated that the Federal Treasury would be reimbursed, but, of course, it has not been.

Mr. MANN. Not that it would be, but that it might be. After the act of 1891 the Federal Treasury disclaimed responsibility. Mr. MILLER. The only period was between 1859 and 1870, when the right of recovery did not exist.

Mr. MANN. I am not saying that the gentleman is mistaken, but if he is not it is my fault, for I have investigated all of the statutes commencing with 1802 and before that on this subject.
Mr. BYRNS of Tennessee. Mr. Chairman, I want to call the

gentleman's attention to the statement by Mr. Thompson, attorney for the Government before the Committee on Indian Affairs, as bearing right on the point discussed by the gentleman from Illinois. It is found on page 12 of the report. He says:

It might be interesting to the committee to know—if they do not already know it—that in 1859 the United States passed an act providing that from that time on they should not be liable for Indian depredations, and from 1859 down until the act of March 3, 1891, was passed there was no liability on the part of the Government for any Indian depredations, because it was specifically provided that they should not be liable.

Mr. MILLER. That is undoubtedly in the hearings, but I am

positive that the statute of 1878 contains the act, and that in 1885 the word "inhabitants" was included for the first time.

Mr. BYRNS of Tennessee. Is it not a fact that the act of 1878 applied to Indian funds and provided that the money should be paid out of the Indian funds and not out of the Federal Treasury?

Mr. MILLER. Perhaps that is true; but still it was a right of recovery from some source, recognizing the right of recovery

in actions of this character.

Mr. Chairman, just one word in conclusion. I think the Department of Justice recognizes that with this one amendment, if passed, there will be a speedy closing up of the entire Indian depredation question and that Congress will not hereafter

be importuned to change the law in respect to these other They have certainly importuned Congress during recent years to exclude the amity provision and the joinder of plaintiffs and defendants, but we have thrown that all out, and, as a result, concluded that there should be a change in this one respect and only one, and if that is made we can reasonably expect that this matter will soon be closed up.

Mr. BURKE of South Dakota. Will the gentleman yield?

Mr. MILLER. Certainly.

Mr. BURKE of South Dakota. I think the statements made by Assistant Attorney General Thompson are probably correct, and the acts of 1878 and 1885——
Mr. MANN. Which I have here.
Mr. BURKE of South Dakota (continuing). Provided that

any person who suffered any damage committed by the Indians could file a claim, and that the act of 1891 which reenacted the old law which was repealed in 1859 limited suits to cases where the claim has been filed within the time limited provided in the act of 1885.

Mr. JACKSON. That is correct, substantially. He filed the claim with the Indian agent, and if the tribe did not pay it he

could take such other action as he desired.

Mr. BURKE of South Dakota. Suits were brought, and because the claimants were unable to show citizenship, and this bill proposes to reinstate those suits only, and does not give any-body the right to bring a suit who did not file his claim within the provisions of the act of 1885, if that is the act.
Mr. MHLLER. That is absolutely true.

Mr. CANNON. Will the gentleman yield for a question? Mr. MILLER. I will.

Mr. CANNON. It seems from memoranda that I have here, which, I presume, is correct, that the estimate, if this bill becomes a law as you propose to amend it, subjects the Federal Treasury to the payment of about half a million dollars; that is, it amends the law by inserting the word "inhabitant" instead of the word "citizen." The gentleman, I presume, is aware that the Committee on Indian Affairs in the Fifty-eighth Congress, there being a majority and a minority report, proposed to change the law touching amity, and also in other particulars, and that if the law was changed touching amity it would subject, as near as could be estimated, the Government to the payment in round numbers of \$5,000,000. There was also legislation proposed striking out the words "band" and "nation," which would give a lot of cases that had been adjudicated new status in the Court of Claims.

Now, considering the many thousands of claims that are pending in the Court of Claims which have been adjudicated, that have been defeated under the law of 1891, which was a very liberal law, subjecting the Government to obligations that it was not subject to prior to the enactment of that law, and after the long line of litigation that elapsed in the years from 1891 to 1912, does not the gentleman think that this is merely the camel's nose, this \$500,000, and that this bill, if it should be passed and one bar let down, would be, as I say, merely the camel's nose? Now, without criticizing the Senate, speaking of that great body, a smaller body than ours, and not referring to anything that has been done so as to bring me outside the rule, I want to say that if matters of legislation of this kind get into that body by our passing this bill, it will come back here with amendments which would take several Philadelphia lawyers some time to discuss and understand.

The Senate has no rules, and it is always submitted to a majority vote as to whether or not a proposition is in order upon an appropriation bill; and in the closing days of the session, perchance, this bill may come back to us fastened upon an Indian appropriation bill, a complete throwing down of all the bars; and under the leadership of a swarm of attorneys, whose habitat is Washington and who presumably have contingent in this large number of claims, are we not liable to take on this burden for the benefit of this swarm of attorneys who represent these ancient claims, which were nothing but claims until 1891, and in the end may not the Treasury be sacrificed for their benefit? I do not know one of them, but I do know that they swarm here in Washington about the department and about Congress as thick as blackberries about an old country schoolhouse, which was pretty thick out on the Wabash years ago. In view of what I have stated, which I believe to be the fact, does not the gentleman think it would be wisdom on the part of the House not to even insert the camel's nose? [Applause.]

The CHAIRMAN. The time of the gentleman from Minne-

sota has expired. Mr. MILLER. Mr. Chairman, I would like to have five minutes more in which to answer the gentleman's query, for I believe he desires it to be answered.

Mr. CANNON. Oh, I am speaking in the best of good faith.

Mr. SISSON. Mr. Chairman, I believe I have the floor. I will now yield five minutes to the gentleman.

Mr. MANN. Why not let him extend his time? I ask unanimous consent that the gentleman have 10 minutes more.

Mr. CANNON. Why not let the gentleman go on until he concludes, because this is a wonderfully interesting series of questions, and I ask that the gentleman may have such portion of an hour as he may desire to occupy.

The CHAIRMAN. There is already one request for unani-

mous consent pending. The Chair will put the first request. The gentleman from Illinois [Mr. Mann] asks unanimous consent that the gentleman from Minnesota [Mr. MILLER] have 10 minutes. Is there objection?

Mr. CANNON. Mr. Chairman, I shall amend that by asking unanimous consent that he have 30 minutes. I do this because of my great respect for the gentleman from Minnesota and his real ability, because if he can enlighten me I want to be en-

The CHAIRMAN. The gentleman from Illinois [Mr. CAN-NON] asks unanimous consent that the gentleman from Minnesota [Mr. Miller] be given 30 minutes. Is there objection?

There was no objection.

Mr. MILLER. Mr. Chairman, I do not care to occupy any great portion of 30 minutes unless other questions may be propounded that I may be able to answer. The gentleman from Illinois [Mr. Cannon] has pertinently inquired respecting the possibility of an enlargement of this bill, if we pass it, before it becomes a law. Mr. Chairman, the Indian Committee of this House will probably furnish conferees if amendments are made in another body to this bill, and as one member of that committee who will certainly not be one of the conferees, I still feel myself justified in saying that if this bill should be returned with any amendment enlarging it in any respect it would not receive the support of the House conferees or of any member of the Indian Committee.

Mr. MADDEN. Mr. Chairman, will the gentleman yield for a question?

Mr. MILLER. Certainly. Mr. MADDEN. Is there anything in the bill or in the report indicating how much money is involved in it?

Mr. MILLER. Five hundred thousand dollars.
Mr. MADDEN. Not to exceed that?
Mr. MILLER. Yes. It has also been suggested by the gentleman in very earnest language, and I know he has thought of this subject for many years, because it has been up for consideration for many years, that if we let down the bars, as it were, create an opening perhaps 6 inches wide, the camel's nose will be poked through, and the first thing we know somebody will give that camel such a shove from the rear that the whole animal will burst clean through the fence. I will say in answer to that that if this legislation is right we ought to enact it, no matter what somebody else, in our judgment, might do in the way of wrongful conduct. The specific act for us to perform here is to pass this bill or not, as it stands, and upon its merits, not that we should be intimidated, not that we should hesitate because some other body may change it in such a way as to us looks dangerous. The amount involved here, as has been so many times stated, is about half a million. The Committee on Indian Affairs proposes to stop there. The Committee on Indian Affairs-and I am quite sure they will be supported by the membership of the House-would resist to the last ditch any attempt by any body or any individual to extend the provisions of this law one inch further, to make the opening in the fence one inch larger. It is true, as the gentleman has stated, that residing within the city of Washington, this beau-tiful Capital of the Nation, there are many lawyers prosecuting claims against the Government. Many of them are occupied in Indian claims against the Government. Some of them are occupied, no doubt, in the prosecution of these depredation claims.

I have no more feeling or regard for them than has the gentleman from Illinois. I have no more desire to assist them in the prosecution of their work than has he or any other Member of the House. I deprecate exceedingly that we have this situation and this condition, and as for myself I have done what I could in the last two years or so to restrict and curb the activities of these individuals in order that rightful cases might receive proper treatment at the hands of Congess unhampered by the fact that some attorneys might be interested in the result. It perhaps is true that these cases are and will be prosecuted in the Court of Claims by attorneys. I do not know any circumstances associated with their employment, but it is not a matter that concerns us, Mr. Chairman. If this is a rightful change in the law designed and calculated to benefit a deserving class of individuals, then it ought to be made. how much do they range in amount?

If it is not a proper relief to give to proper individuals, then it ought not to be made. A client with a good cause ought not to be driven out of court because he has a bad lawyer. That is all I care to say.

Mr. NYE. Will the gentleman permit a question?

Mr. MILLER. The gentleman from Illinois [Mr. MANN] de-

sires to ask me a question.

Mr. MANN. The gentleman awhile ago stated there were only 11 years when persons did not have the right to claim for Indian depredations. He subsequently brought his statement to 1859 and the Revised Statutes of 1878, which does not cover the case at all, and then to the act of 1885, which is cited in the report, and, I will say to the gentleman, I hold it in my hand. Now, it does not provide for the payment of Indian claims at all in any way, shape, or manner, but provides for an investigation of certain Indian depredation claims of citizens-

With a reference to the date and cause creating an obligation for payment to be made.

And in connection with that report from the Secretary-

What funds now existing or to be derived by reason of treaty or other obligation out of which the same could be paid.

And hence this bill did not recognize any liability of the Fed-

eral Treasury for the payment of the claims.

Mr. MILLER. I never so stated. The right to recovery either from the Indian treasury or from the Government Treasury, and it is contemplated that would be reimbursable, as I

have stated time and time again.

Mr. MANN. Then, the gentleman's reference to the 11 years was wrong, because the law has been for more than a century that you could recover for Indian depredations, to be paid out of the funds of the Indians where they were at fault. Leaving out the II years and except payable out of the Indians' funds, there was no provision for the payment of any Indian depredations from 1859 until we passed the claims act in 1891, unless I am mistaken, and if I am I would be very glad to have the gentleman correct me the gentleman correct me.

Mr. MILLER. As I stated before, I am not absolutely certain about those dates. There was a period when those claims

were not collected from the Government.

Mr. MANN. Fifty-nine to ninety-one.
Mr. MILLER. From 1859 to 1870; it may have been a longer period, but I also say and reiterate that the statute of 1878

contained a proviso along this same line, and the act of 1885 contemplated recovery, and that is what I meant.

Mr. MANN. Oh, yes; but not out of the Federal Treasury.
Mr. MILLER. That is hardly—
Mr. MANN. There is the period from 1859 to 1891, when the claimants got their claims lobbled through Congress with the aid of claim agents.

Mr. MILLER. They did not get it until up to 1891; there is no question about that. I yield to the gentleman from Minne-

Mr. NYE. I want to ask if this is a unanimous report of the committee?

Mr. MILLER. It is.
Mr. JACKSON. I beg the gentleman's pardon—
Mr. MILLER. I am speaking of the report; there is no minority report filed.

Mr. NYE. How do you estimate that this will cost a half a

million dollars?

Mr. MILLER. That is estimated by the Assistant Attorney General, who has charge of these cases. These cases are all now in the Court of Claims, are ready to be prosecuted through to judgment because, under the act of 1891, all depredation claims had to be filed and suit commenced within a certain length of time after 1891. These cases therefore are cases that have been there since that time. There are lots of other cases that have not been adjudicated. Now, the Assistant Attorney General has taken these cases that have gone there and looked at the evidence and made a calculation of what amount probably can be proven in the way of recovery, if recovery is allowed, and he says that he can give a reasonably accurate estimate, and that estimate is \$500,000.

Mr. NYE. A great many people have been foreclosed, have they not, by lapse of time or something of that kind who had equitable claims—as equitable as those that you now recognize?

Mr. MILLER. That is true. There are some people who undoubtedly have equitable claims and who have been fore-closed because of laches. We did not propose to touch those. I will say to the gentleman that there are lots and lots of Indian depredation cases that this will not touch, because we do not propose it should touch them.

Mr. BYRNS of Tennessee. Will the gentleman yield before he closes? What is the character of these claims. I mern,

Mr. MILLER. They range in amounts from a few dollars up through the hundreds, and in one or two cases they are quite large amounts.

Mr. BYRNS of Tennessee. I notice in the hearings there is one claim of \$240,000 for the Wells-Fargo Express Co. Is that included in the \$500,000 to which the gentleman referred?

Mr. MILLER. I am sure it is not; that is a different claim.

Mr. BYRNS of Tennessee. That would be subject to the defense of amity.

Mr. MILLER. Amity; yes.
I understand the only large claims, up into the thousands of dollars, are sums for cattle that were stolen and destroyed and taken from Texas, and we have never had an Indian reservation in the State of Texas.

Mr. BYRNS of Tennessee. Now, one more question, if the gentleman will yield. The gentleman states it has been estimated by the Assistant Attorney General that if this bill is passed it would involve possibly \$500,000. Does the gentleman know how much these claims aggregate? As I understand it, he estimates there will be about 40 per cent of the total amount that will be allowed. I want to know if the gentleman can tell us how much the aggregate amount of these claims would be?

Mr. MILLER. My recollection is that two or three million

dollars is the aggregate amount claimed.

Mr. BYRNS of Tennessee. The Assistant Attorney General estimates that only about half a million of that amount would be allowed?

Mr. MILLER. I think he has it somewhere in his report. Mr. BYRNS of Tennessee. I have not been able to find it.

Mr. MILLER. I can not turn to it just at this moment; I thought it was in the report. But my recollection is that it is something under \$3,000,000 and something over \$2,000,000.

Mr. SISSON. I do not intend to detain the House long, but I wish to discuss the question announced by the gentleman from Minnesota [Mr. MILLER] in reference to these Indian claims.

I do not think there is a government in the world that has ever agreed to pay the torts of its citizens. The citizen may be wronged by another citizen, may be wronged by an individual who may not be a citizen, and he becomes individually liable for his own wrongs. There is this sound principle of law which is universally announced, that where a government through one of its arms shall injure a citizen of the United States it becomes the duty of the United States Government as a government to take the matter up with the foreign nation, because the citizen is unable to deal alone with the government. He must ask the interposition, then, of the Government to adjudi-But in every case where the wrong has been cate those claims. committed by a citizen of another government, the money paid comes out of the treasury of the government whose arm or whose citizen has committed the wrong upon us or upon the citizen of the United States. So in this case the Federal Government, being the guardian of the Indian, I should have no objection to these claims being prosecuted against the Indian for his wrong and the money being paid out of the Indian's own money, because while the Government supervises him, takes care of him, he still has a separate entity; he has a peculiar government within our own Government, and we guard his funds for his own benefit and for his own future development. Now, in the event that he shall commit a wrong or members of his tribe shall commit a wrong, it becomes the duty of the Government, from 1859 to 1891, to pay it out of the funds of the Indians and not out of the funds of the people of the United States. So that prior to 1859 this money was paid out of the Federal Treasury; the principle is wrong. No government ought to pay for the tort of its citizens or of the people who live within its jurisdiction.

In addition to that, these people who have prosecuted these claims and failed, because the law is written as it is in 1891, have had their day in court and have failed to recover. here is what strikes me as being a gross injustice in reference Thousands of people, perhaps, whose rights were just as sound under the amended act-that is, the act as we propose to amend it-just as sound as the rights of the few people who pursued their remedy. If you go to a man and ask him to pay your claim, and he would ask you if you were a citizen of the United States, he would, if he was an honest lawyer, tell you that you need not bring your case. the man who does not prosecute his case in the face of the statute as written in 1891 loses his right under this amendment, but the man who discovers he was not a citizen, and whose case was dismissed on that ground, is the man who has rights under this proposed bill, which is superior to those of the people who had the same rights in 1891 but wisely kept out of

In addition to that, the Government of the United States has been put to the trouble and to the expense of defending these suits and won their cases, putting them out of court. Now, Congress has written a statute permitting their recovery, and you come and put a favored few back into this bill, and if it shall become the law, then it is wrong in morals to treat the citizen differently in this bill than in the manner in which you treated the citizen who did not prosecute in 1891.

Mr. STEPHENS of Texas. Mr. Chairman, will the gentle-

man yield?

The CHAIRMAN. Does the gentleman from Mississippi yield to the gentleman from Texas? Mr. SISSON. Certainly.

Mr. STEPHENS of Texas. I desire to know if the gentleman is acquainted with the fact that this does not apply to any persons except those who brought suit heretofore under the act of 1891, and that that act ran out of force and effect within three years from that date?

Mr. SISSON. Yes.

Mr. STEPHENS of Texas. And is the gentleman acquainted with the fact that a great many suits were brought under that act while it was pending, and that those suits were suits that were dismissed on technicalities, and that there are very few of them, relatively, amounting, I think, in all to less than \$500,000?

Mr. SISSON. Now, Mr. Chairman, I will say to my friend from Texas that that is the very objection that I have to putting these people back into court. These people who were litigious, who had lawyers who were willing to go to court and take a chance—these 50-per-cent lawyers, who take no chances on costs, but who get 50 per cent of what is recovered-were the ones who brought those suits. Another lawyer, we will say, tells his clients who are claimants that they have no right of recovery under the law, and the man who was litigious and who pursued his case is now given a status and a standing by this bill, when hundreds of other people, believing that Congress had not given them the right to recover, are compelled to stand aside. The litigious litigant is the man who had a

special privilege under this bill. That is wrong.

Mr. STEPHENS of Texas. Mr. Chairman, will the gentle-

man yield again?

The CHAIRMAN. Does the gentleman from Mississippi again yield to the gentleman from Texas?

Mr. SISSON. Yes; I yield to the chairman of the Committee on Indian Affairs.

Mr. STEPHENS of Texas. Mr. Chairman, I desire to inform the gentleman from Mississippi that this bill only reinstates cases dismissed by the Court of Claims for the reason that the plaintiff in the suit could not prove his citizenship, which was by the act of 1891 made mandatory on him to do before he could recover pay for the property taken or destroyed by Indians. The court held that this proof had to be made affirmatively, the plaintiff having the burden of proof thrown on him. Many suits were dismissed for this reason. We now by this bill desire to reinstate these cases on the docket of that court by adding the words "or inhabitant" after the word citizen in the old law, so as to read "citizen or inhabitant," etc. These cases were dismissed on technicalities.

The provision for judgment in behalf of inhabitants or citizens is in accord with all the various acts, beginning with that of 1796, by which indemnification was promised to habitants as well as to citizens, by various acts, to wit, in 1796, 1799, 1802, 1834, and by section 2166 of the Revised Statutes, this promise was made the inhabitants or citizens. It was not until the passage of the act of March 3, 1885, which authorized the Secretary of the Interior to investigate claims for depredations, that that provision for inhabitants was omitted. Then, when the act of March 3, 1891, conferring jurisdiction of such claims upon the Court of Claims was passed, the right of recovery was limited to citizens. This change of the old law and the refusal to permit inhabitants to recover and requiring strict proof of citizenship has resulted in great injustice to those who suffered losses of property at the lands of the Indians. These injuries have been done to the poor pioneers of the West, who were at the same time suffering all the privations of a new country and who were poorly equipped to meet such losses, and in some instances, in my own State, counties on the frontier lost their organization and the white settlements were driven back for many miles. Two counties I remember in my own district, Young and Clay Counties, were disorganized, the county seats abandoned, many of the inhabitants murdered, and the property all taken and destroyed by the savages. And it is a great hardship on these people to be refused payment because they could not prove that their ancestors had been duly naturalized citizens

of the United States. Many of the ancestors of these people were of foreign birth and lived in their early youth in the eastern part of the United States and took out their naturalization papers there, moved to the West, and died there. death their children would often lose their naturalization papers, and when these suits were brought they would be unable to prove their citizenship, and thus would be thrown out of court. Other claimants had been inhabitants of the Republic of Texas and assumed that when Texas was annexed to the United States that they would also become citizens of the United States, but this court in these Indian depredation cases held that they were not citizens of the United States and were not entitled to recover from the Government for the loss of their property. Others living in the original Territory of Nebraska relied on an incorrect but not unreasonable construction of the organic act establishing that State, and have never, according to the definition established by this court, perfected their citizenship. Hence these lost their suits.

Many soldiers of the United States Army, at the close of the war, were ordered to the western frontier and engaged in wars with these Indians and were discharged at the posts nearest to them. Many of these soldiers supposed that the oath taken on enlistment made them citizens of the United States; many of them are drawing pensions from the Government. These men on being released from the Army settled in this western country and have become property owners and voters, but when their property was stolen and they brought suit to recover for it they found they had been mistaken as to their citizenship and could not recover. Many held important State and county offices; had been leaders in public movements in their respective sections. Mr. Campbell was a Delegate from Arizona when it was a Territory and served in Congress. He lost property from these Indian depredations, and after his death his wife could not prove his citizenship in this court, and lost her suit and died in hopeless poverty.

The Territory of Utah was settled between 1848 and 1860, and had a Territorial organization in the early sixties. The probate court was a court without a seal and was not a court of record. These early settlers believed, and the probate judges so held, that they could naturalize these settlers and make them citizens of the United States. Many of them lost property from Indian depredations, brought these suits, and found that they could not recover because these probate courts attempting to naturalize them were not courts of record and had no seal.

Congress has five times, by special bills, waived this requirement of citizenship and permitted inhabitants to recover for the ment of citizenship and permitted inhabitants to recover for the loss of their property by private bills as follows: Toussaint, Private, No. 108 (1899); Fred Weddle, Private, No. 664 (1900); Lynch, Private, No. 1154 (1907); Trabing, Private, No. 385 (1907); and Brown, Private, No. 385 (1907).

Judge Lynch, the one mentioned above, lived in Albany, in my

district; had served many years as county judge of his county; had been born in England; his father moved when he was but a child to California, and died there. His father was a voter and citizen of California. Judge Lynch was a voter and officeholder in Texas, but he was unable to prove that his father had ever been naturalized, hence he lost his case in the court, and I introduced this private bill for him and it finally passed and became a law. I believe on every principle of equity and justice and good conscience that this bill should pass.

Mr. SISSON. I have been as indulgent as I could to let the gentleman from Texas [Mr. Strephens] make his speech.

Mr. STEPHENS of Texas. Four besides the Lynch case. Mr. SISSON. I suppose these cases will illustrate. The gentleman may have three or four or five or six others, Mr. STEPHENS of Texas. There are many.

Mr. SISSON. As a matter of fact, is it not true that nearly all of these cases were dismissed because they could not comply with the first section of the act of 1891? If they could have complied with the act of 1891, under the decisions of the courts, of course they would not be here.

Now, Mr. Chairman, in further answer to the gentleman from Texas [Mr. Stephens], I have no doubt that he may find many specific cases, perhaps, where the litigants were unable to comply with the act of 1891, and in each case the litigant was not a citizen of the United States. He was a mere inhabitant of the United States. Now, not being a citizen, he lost his case. It was dismissed for want of jurisdiction, as the report says. The claimant who lived in Texas was unfortunate in that he did not know the law; the claimant in Utah was unfortunate in that he did not know the law; but ignorance of the law excuses no man. He has no right to take advantage of his ignorance. Under this particular bill you permit a man who had no rights under the act, as the court has decided, to bring were all paid out of Indian funds.

Mr. SISSON. Under these acts or treation, was the amount reimbursable to the Treasury from the Indian funds?

Mr. JACKSON. The Treasury never paid any of them; they were all paid out of Indian funds.

this suit. He did bring the suit, and lost it. Thousands of people might be found who at that time had just claims against the Government, as they thought, but their attorneys advised them, after getting the facts, "You had better not bring the sult. You would lose your suit; you would lose your time; you would have to pay the costs, because you can not recover."

If in 1801 this Congress had passed the act in the form in which it is proposed to pass this act to-day, then all those who had claims would have been put upon an equal footing with the people who have come into court, and you would not have excluded those people who had rights and declined to go into These people who did go into court had no more rights in equity and they have no more rights under this act than the people had who declined to go into court. If you are acting upon the question of justice or injustice, of fairness or unfair-If you are acting ness, then those people who did not press their claims in court had as many rights in equity as these people have who did go into court. I deny that the Federal Government ought to have paid any of these claims out of the Federal Treasury. I think it is wrong to tax the people of the United States to pay the losses of citizens. The gentleman has said that these people went out and builded up the West. True. And so did the peo-ple in all these Eastern States build up these States. Each sec-True. And so did the peotion was doing its part in building up the country. ple happened to go out and assume the risks incident to the acquiring of that mighty domain, where great fortunes have been made, not only in the development of railroads, but where fortunes have been made in working the land. ing to go and drive the Indians farther and farther west; and because they assumed those risks some of them lost their property. But it was wrong in principle for the Government ever to pay any of them. And since it was wrong in principle for the Government ever to have paid any of them, it is not right for the Government now to pay those who brought suit when others did not bring suit because they were advised by their attorneys that they could not comply with the law of 1891

Mr. STEPHENS of Texas. Will the gentleman yield for a question?

Mr. SISSON. I will.

Mr. STEPHENS of Texas. I desire to ask the gentleman if he is familiar with the fact that in 1796, and from then up until 1858, Congress steadily pursued the policy of permitting men to file claims against the United States Government for Indian depredations, and if the Indians had property, to pay those claims out of the money to their credit? Is the gentleman aware of the fact that if the Indians had money in the Treasury they could be forced to pay for their depredations?

Mr. SISSON. Oh, yes; I learned it, however, this morning. Mr. STEPHENS of Texas. Does not the gentleman believe that that having been the law for many years, that property rights were established, and that we should still follow that out?

Mr. SISSON. That law expired in 1859 and was never reenacted.

Mr. STEPHENS of Texas. Yes; it was reenacted in 1891.

Mr. SISSON. That is the very complaint I have, that you are giving a few citizens who took advantage of rights given them under the act of Congress of 1891—that you are giving a few people who had no rights under that act who went into court, solely because they went into court, I say you are giving them rights over men who did not go into court, who were sensible and had good counsel, when they had cases just as good as those who actually went into court. In 1859 the last Democratic Congress before the Civil War passed an act specifically providing that the Government would pay for Indian depredations.

Mr. STEPHENS of Texas. This only applies to cases that were brought under the act of 1891.

Mr. SISSON. That is the very complaint I am making. I do not think if the gentleman understood me there would be any disagreement between us. You are giving these men who went into court under the act of 1891, simply because they did go into court, an advantage over the man who declined to go into court under the act of 1891.

Mr. JACKSON. If the gentleman will yield, I want to say that the statement of the chairman, the gentleman from Texas, is hardly accurate when he says that during all the time prior to 1859 they filed claims. They only filed them with the Indian agent of the department for the purpose of the department adjusting the claims against the Indian tribes. They were only paid when there was a specific treaty with the Indians.

Mr. SISSON. Mr. Chairman, I have no objection to any man paying for his own torts, but Congress and the American people ought not to be made to pay for them. When I do a wrong against a man or the people I ought to be compelled to suffer in damages, but other people ought not to be compelled to suffer in damages for my wrong. If a railroad carelessly runs its train and it becomes wrecked and results in loss of life, is it any reason why the Federal Treasury should respond in damages for the carelessness of the railroad company? Certainly not. The railroad company will respond in damages for its carelessness in managing its trains without due regard for the lives of men and the rights of its passengers.

The Federal Government ought not to be called upon to make restitution to the people who assumed the risk of going West and taking up homes among the Indians. These people must assume the risks of citizenship in whatever place they may live. In some sections of our country, in some sections of the greater cities, you will find men who are just as liable to depredations as those who live among the Indians, but the Federal Government ought not to be called upon to pay money because a man lives in a bad ward in a city or because he is visited by porch climbers or because he may be subjected to robbery. Because a man is robbed on a train is no reason on earth why the Federal Government should be called upon to pay for the tort, no reason why the Federal Government should be called upon to pay the damages.

Mr. STEPHENS of Texas. Is the gentleman familiar with the Comanche and Kiowa war, with the depredations of the Apache Indians, when depredations causing the loss of millions

of property and thousands of lives were lost?

Mr. SISSON. I never was there, because I live down among civilized people in Mississippi. I had the right to move into the uncivilized country; but when a man determines to move into an uncivilized country in order to get Indian land, in order to drive the Indian away from his home-and I want to say that I expect I would be worse than a Comanche Indian if I was treated as he was-I say it takes all there is

Mr. STEPHENS of Texas. Then, the gentleman believes that the settlers were at a disadvantage and that the country

never should have been settled?

Mr. SISSON. Oh, I am glad there were men who were willing to assume the risk and go out there. I am glad that there were men willing to cross the Atlantic and build this mighty Republic on this hemisphere, and I want people always to do honor to those sturdy immigrants that came and built this mighty temple of liberty, in which peace, plenty, liberty, and happiness may prevail. [Applause.] But, Mr. Chairman, I am not carried off my feet with the idea that I am willing to give special privileges to a man because he did his part in going out West and building up the country. If the Indians were so bad as that, then the people ought not to have gone; but they did go, and when they went they assumed their own risk. But if the gentleman's theory is a correct one, then every man out West that ever lost a dollar's worth of property in the wars with the Indians, although he himself was there, perhaps, doing that which he ought not to do, he was there endeavoring to build up the country, we ought to pass a sweeping bill and let everybody recover.

The trouble with the gentleman's bill is that he permits only a few to recover, notwithstanding they had no rights in court, but who got a lawyer who was willing, as I stated, to take 50 per cent of what he recovered, who said to them that he was willing to take the chance if they were willing to take the chance, that he would bring the suit for them, and if he won anything it would be that much for both of them. That sort of man gets into court and the other citizen, who in 1891 had just as good and perhaps a more meritorious case, does not. You permit the litigous man, represented by a lawyer who is willing to take 50 per cent, to come into court. You are going to reinstate him and his rights, when he has had his day in court, and nothing is said about the other claims of citizens who were advised by good, honest lawyers to stay out of court. They get no rights under this bill. That is not right.

Mr. STEPHENS of Texas. Will the gentleman yield?

Mr. SISSON. Yes.
Mr. STEPHENS of Texas. What would the gentleman think of a case of this kind, which is an actual case. Mr. Campbell, who was the second delegate from the State of Arizona, about 45 years ago, and who represented the Territory of Arizona in this very body, under the laws of the United States, about that time lost all of his property by depredation by Apache Indians. He died leaving a family helpless. His widow now is poor, and the children are poor. They lost everything they had. In 1891 this suit was brought. I do not know whether the attor-

neys were to get 10 per cent or 5 per cent or 50 per cent. makes no difference with the justice of the claim. Mr. Campbell served his country in this very body, but they raised the question that he had been born abroad, and he could not prove that his father had been naturalized. Does the gentleman think that is a just case? Yet that is exactly what he is fighting here.

Mr. SISSON. I think in the first place that he ought not to think it was wrong. I think it was wrong. I think it was wrong. I think it was wrong to have paid him one dollar out of the Federal Treasury. If the Indians did him wrong, or if I do you a wrong, if I injure you in your personal property, then you should respond to me, and the Indians should respond to

Mr. STEPHENS of Texas. How about the ward?

Mr. SISSON. If I injure my ward, I should respond in damages.

Mr. STEPHENS of Texas. But suppose the ward injures somebody else?

Mr. SISSON. If somebody else injures my ward, I do not have to respond in damages.

Mr. BURKE of South Dakota. But suppose the gentleman's

ward injures somebody else?

Mr. SISSON. Then, I will let the ward pay for the injury out of his own money. I do not object to your paying this out of the Indian fund.

Mr. KENDALL. And the ward has a big fund.

Yes; the ward has a considerable fund; and Mr. SISSON. my understanding is that as a class some of them are the

richest people in the world.

Mr. STEPHENS of Texas. Will the gentleman yield with reference to my own State for one question? When Texas entered the Union there was a contract in the annexation law to the effect that the Government of the United States should protect the Texas frontier, and since that time they have done so; but a great many claims have been recognized and paid.

Mr. SISSON. All of that I concede, Mr. Chairman.

Mr. STEPHENS of Texas. If they did agree to do that, and a citizen of Texas was injured, would not that citizen have a just claim against the United States?

Mr. SISSON. No. His claim would be against the Mexican Government, or against the offending party. Does the gentle-man tell me that the Federal Treasury ought to respond in damages to the people if the damage is done by a civil war?

Mr. STEPHENS of Texas. No. Mr. SISSON. In the act of war?

Mr. STEPHENS of Texas. But this was by Indians. That is the contention here.

Mr. SISSON. If the Indian is engaged in warfare?

Mr. STEPHENS of Texas. But the Indians were the wards of the Government.

If the Indians are engaged in warfare they Mr. SISSON. should respond in damages. Does the gentleman mean to tell me that because we have a foreign invader here, and the highest obligation of the Federal Government is to protect us in time of war, that because of the act of God or of the public enemy the Public Treasury should respond in damages because of

injury done by that invader?

I do not believe that the Government will ever commit itself to that proposition. Here is a case where a band of Indians, it may be, came and destroyed a man's property. Is that any reason why the Federal Treasury should respond in damages on that account? There is a reason why the Indian should pay, and this committee will find difficulty in having a bill of this kind passed unless they cite precedents-and how many crimes are committed in thy name, O Precedent! How many evils has the human family suffered in all the generations of the past because bad precedents are followed by legislative bodies!

Mr. FERRIS. Mr. Chairman, I think the gentleman will find precedents for this matter ranging over the last 113 years.

as the first act was passed in 1799.

Mr. SISSON. That is true; but you find your monstrosities in government that date back from the earliest dawn of history, and we should not follow those monstrosities, we should eliminate the evil and follow that which is good. There is no reason, because one Congress does a wrong and takes out of the Federal Treasury that which is contributed by all the people and turns it over to a few people, that we should follow in their footsteps. If that were true, it would be a perfect outrage for the Democrats to succeed in the next election, because as a precedent for 16 years you have been passing bills like the Payne-Aldrich, the Dingley, and other bills of that kind. I hope my good friend from Oklahoma will not be hoisted on that petard. Mr. FERRIS. Will the gentleman yield?

Mr. SISSON. I will. Mr. FERRIS. I did not rise particularly to debate the merits of the matter. I thought the gentleman was bemoaning the fact that we were about to set a precedent.

Mr. SISSON. No; I was bemoaning the fact that you are

following a bad precedent.

Mr. FERRIS. Then, I misunderstood the gentleman.
Mr. SISSON. I said I was bemoaning the fact that you take as a precedent the act of 1891, which ought never to have been passed, and that in 1859 they abandoned the policy of taxing the Federal Treasury for these wrongs and up until 1891 paid them out of the Indian funds. They were then acting in accordance with justice and right. The man who commits a wrong is responsible for the wrong. The man who does an outrage ought to pay for that outrage. You ought not to punish the innocent taxpayers of the entire country by taking out of their funds money to pay for wrongs committed by another.

Mr. STEPHENS of Texas. Will the gentleman yield?

Mr. SISSON. I will.
Mr. STEPHENS of Texas. Is the gentleman aware of the fact that prior to 1859 when men moved to the West they imagined it was the law that whenever property was injured, destroyed, taken, and so forth, that they had a claim against the Indians, and that if the Indians could not pay it they had a claim against the United States Government?

Mr. SISSON. I have no idea what their views of it were, but because a man moves out there with that impression is no reason why a Government obligation existed.

Mr. STEPHENS of Texas. Does the gentleman imagine that men would have gone there if they did not believe the Government would protect them?

Mr. SISSON. Why, many a man went out West hunting a

fight, not to avoid one.

Mr. STEPHENS of Texas. Does the gentleman believe they would have carried their wives and children and their property into that country-

Mr. SISSON. Of course, the wife and mother is always will-

ing to go and share the hardships of father and son.

Mr. STEPHENS of Texas. And it is just such men who have adde the West what it is. What I desired to ask the gentlemade the West what it is. man was, if there had not been that encouragement to settle up that country

Mr. SISSON. I am not aware of any encouragement of that

Mr. STEPHENS of Texas. Do you think they would have gone into that wild country, except with that understanding when they went into this country, that after they went there and built up homes and built up the country and made it what it is, that they would be protected, and that if their property was destroyed they would get pay for it, and would it not be unfair to have induced those settlers to go there under false pretenses that they would be thus protected?

Mr. SISSON. No. no—
Mr. JACKSON. I want to inform the distinguished chairman of the committee that in Texas quite the contrary was true. Ever since 1859 the Government has said specifically that it would not be responsible for these depredations.

Mr. STEPHENS of Texas. Will the gentleman yield at that

point?

Mr. SISSON. Mr. Chairman, I believe I have the floor, but I am willing to yield to the gentleman for that purpose.

Mr. STEPHENS of Texas. To ask a question.

Mr. SISSON. I am willing to yield to the gentleman. Mr. STEPHENS of Texas. Thank you. I want to make this inquiry: In 1859 these people were already in the West, and the gentleman's State was then settled in 1859, and his State has many of these claims pending, and in my State and nearly all of these Western States there were settlers there at that time, and those claims arose after the Civil War, from 1865

Mr. JACKSON. The gentleman knows our State was not settled in 1859; there were a few early settlers there, and it was settled after 1859, and after that time the Kansas troops followed the Comanche and Apache Indians into the gentle-man's own State and destroyed and captured them. We are not here seeking the Government to pay these claims.

Mr. STEPHENS of Texas. Are not all of these claims pend-

ing coming to old settlers of that country?

Mr. SISSON. I decline to surrender the floor further. I wish to be as liberal as I can, but I can not yield the floor entirely to the gentleman. I want to say to the gentleman if his contention is true, the descendants of those people who landed up in New England, the people who settled Jamestown, the people act of 1891.

who settled around Baltimore, the people who started this Government in the colonies and which you have eliminated by the that it was an error of the descendants of Roger Williams that

statute of limitation—all of those people back in those early days—ought to be paid. You have no right to select a few people under this bill or select one fellow because he has brought a lawsuit. You have no right to pick him out and deny the same right to other people. Now, I yield to the gentleman from Wyoming [Mr. MONDELL].

Mr. MONDELL. The gentleman stated forcibly the proposition, and we all agree with him on it, that the Government should not be responsible for the act of a public enemy. Does he make no distinction between the act of a public enemy and

the act of a ward of the Government?

Mr. SISSON. So far as legal liability is concerned, there can be absolutely no difference. The guardian assumes no responsibility for the act of his ward. The ward might be called upon to respond in damages out of his own money, and unless he has a guardian he is particeps criminis, or aids and abets in the wrong, the suit would be against the ward, the judgment would be against the ward and not against the guardian and paid out of the ward's property.

Mr. MONDELL. Yes; but the refusal to wipe out the dis-

tinction between the Indian at war and at peace with the United States is not based on the argument the gentleman is now making, but on the argument that it is the act of a public enemy,

Mr. SISSON. Do you contend that it is the act of a public

enemy'

Mr. MONDELL. What I am not able to understand is how a ward of the Government of the United States, over whom the Government has established guardianship, can be placed in the

category of a public enemy.

Mr. SISSON. I have not done so. But I stated at the outset that the obligation would be infinitely greater upon the Federal Government, whose especial duty it is to protect us against the public enemy-that it would be more in the nature of a national obligation, because a citizen can not protect himself against a foreign enemy and the Government can, and there would be more reason for your contention if it was a public enemy than if it was the act of a private citizen or an Indian who was living here as an alien in our midst.

Yes; but the Government can protect its Mr. MONDELL. citizens against the acts of its ward, because the ward is con-

stantly under the control of the Government.

Mr. SISSON. So is everybody under the control of the Government. Murder is committed every day, arson is committed every day, and all sorts of crimes are committed, but the Fed-Treasury does not respond in damages, and yet the Federal Government is the guardian of the liberty and rights of the people.

When the State declines to give them that protection it becomes the duty of the Government to give them the protection

of their life, liberty, and pursuit of happiness.

Mr. SHACKLEFORD. Does it provide for the heirs of Roger Williams for the hardships which they endured back in the early days in Massachusetts?

Mr. SISSON. It is a wonderful oversight, I will say to the gentleman. He did a great deal to build up this country, and upon the theory which our friends are now advancing we ought to go back and recompense the heirs of Roger Williams and his associates for the money and property taken from them by the Indians.

Mr. SHACKLEFORD. What per cent of the people who were depredated by the Indians are now left and would receive the benefits of the bill if it were carried out?

Mr. SISSON. I have no idea, and the report does not show. do not know whether the claims are for 100 or for 50 years. You can not find out from the report.

Mr. SHACKLEFORD. But would it not, most of it, go to the attorneys here who represent these claimants rather than

to the claimants? Mr. SISSON. I do not think that where there is any justice in the claim that a man should be deprived of his rights, be-

cause his attorney gets a fee frequently, however he is deprived of too much of what he recovers by his attorney.

Mr. RAKER. Is it not a fact that the statute now provides

the attorney can only get a certain per cent? Mr. SISSON. Not when the contracts were made in 1891. Mr. RUCKER of Missouri. Is it not a fact that the courts have held that all contracts made are absolutely null and void, and that all that they can recover is specified in the law?

Mr. JACKSON. The provision stated by the gentleman from California is the law. But I want to say to the gentleman from Missouri [Mr. Rucker] that it was a mistake that the heirs of Roger Williams did not present their claims under the

some champertous lawyer did not hunt them up and present their claims?

very wisely stated that if this bill should pass this House it might open up enormous floodgates, and the limitations that this committee has placed upon this bill might be removed. But if you pass this bill I am willing to assert, without any fear of successful contradiction, that the other claims that have been brought, which are not included in this bill, will be brought forward, and that in a few years after this litigation has ended the Committee on Indian Affairs will be besieged by petitioners urging the justice of these other claims, and they will assert that here is a precedent for it; that you set a precedent for it not only in 1891, but that in 1912 you set another precedent, and this becomes a precedent that opens up the floodgate for the eleven millions. In other words, the suits against the Government that were lost under the act of 1891, according to this report, aggregate \$11,000,000.

Now, if those claims aggregate \$11,000,000, the unbrought claims might amount to \$40,000,000. Nobody knows what they would amount to, and when you begin to approach that sea it is very doubtful where you will end.

I used to think that Congress could control its own expenses. I have changed my mind about that. Congress has very little control over Government expenses. We do not exercise very much control over them, but we take the precedents of past Congresses, and we do not have the courage to set new prece-

dents along the right lines. [Applause.]

The trouble is that here is now an act that was wrong, and we are citing that as a reason why this present bill should be shall not support a bill of this kind. I presume that the bill will pass. But I am opposed to all legislation of Where the Federal Government incurs an obligation whereby the Government takes the property of a citizen and uses it, where my Government issues a note or a bond or an obligation, I want it to be paid to the last penny, and I want it to be paid without litigation. I want the obligations of the Federal Government always to be met sacredly and promptly. But I am unwilling that the Federal Government should be continually loaded down with those claims and assumed burdens that are unjust and with those expenses that are unfair, which may impair the ability of the Government to take care of the honest and legitimate claims which it has itself incurred. I am unwilling with my vote or with my influence to permit this Federal Government to pay anything in the future for the torts committed by citizens or aliens IIving within its boundaries. I want the citizens to have all the civil rights that they should have under the civil law, but I am unwilling, because a crime has been committed, that the Federal Treasury should be called upon to respond in damages.

These are the reasons why I am unwilling to support this bill. I sincerely trust that Congress at this session will set the precedent by which we may cease to do these-as I view

them-unlawful and unwarrantable things.

Mr. STEPHENS of Texas. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Mississippi yield

to the gentleman from Texas?

Mr. SISSON. Certainly.

Mr. STEPHENS of Texas. I desire to ask the gentleman if it is not a fact that, taking into consideration the condition of Mexico at the present time, where millions of dollars' worth of property belonging to citizens of the United States has been destroyed down there, and the lives of a great many of our citizens have been destroyed in that country by Yaqui Indians, who have committed many depredations in the various States of the Republic of Mexico—is the gentleman aware that the American citizens who have suffered from Indian depredations down there have claims pending against the Mexican Govern-ment, which the United States Government has demanded shall be paid, and-

Mr. SISSON. Yes: and the United States Government should

demand payment.

Mr. STEPHENS of Texas. Will not the gentleman allow me

to finish the question?

Mr. SISSON. Yes; but I am unwilling that a gentleman shall ask two questions that are not susceptible to answer except one at a time. The gentleman can keep on questioning, but I wish to answer only one question at a time.

The Federal Government is the only Government that can deal with the Mexican citizen, and the Federal Government can deal with the Mexican citizen only through the agency of the Mexican Government. Since the Mexican Government alone has the right of control and ownership over its own ter-

ritory, and control over its own citizens in all international affairs, that Government must deal with the United States Government. You can not deal with the Mexican citizen other-

Mr. STEPHENS of Texas. But does not the United States Government, coming back to the question that I asked, demand that its citizens shall be protected, when the United States citizens have suffered the destruction of property in Mexico?

Mr. SISSON. That is absolutely true, and she ought to do

STEPHENS of Texas. If a Mexican came into our country, and his property was destroyed by a foreigner, is not this Government under the same obligation to do what we demand of Mexico?

Mr. SISSON. Of course.

Mr. STEPHENS of Texas. Just reversing the application of the principle.

Mr. SISSON. It involves an absolutely different principle. Mr. STEPHENS of Texas. That is all we ask you to do in

this bill.

Mr. SISSON. It involves a different principle. In that case you have got to go into a foreign forum; you have got to go into a foreign jurisdiction; you have got to go into an unfriendly court, under an unfriendly Government, and it is upon that principle of international law that they recognize the right of a government to intervene, to protect the citizen in another country; but within our own borders, does the gentleman contend that if a wrong is committed upon a citizen by another citizen, or by an alien, it is the business of the Federal Government to go and make restitution for the wrong? Upon the reasoning of the gentleman every time a murder is committed, every time a house is broken into or burned down, every time a piece of property is destroyed, every time a porch climber goes and takes the jewels out of the home of the rich or takes food out of the hovel of the poor, since the Government is under obligation to protect the citizen, then the Federal Government would be under some obligation to respond in damages. I repudiate that doctrine as being unsound in toto.

Mr. STEPHENS of Texas. Does not the gentleman believe we ought to treat Mexico as we demand that Mexico shall

treat us?

Mr. SISSON. Of course. Mr. STEPHENS of Texas. And if we demand that an American citizen in Mexico shall be paid for Indian depredations committed upon him there, why should we not recognize our obligation to pay damages to a Mexican residing in the United States for depredations committed upon him by Indians within the United States?

Mr. SISSON. If the people of the United States or the people of a State, acting as a mob, attack a foreigner because he is a foreigner, although he is behaving himself and not doing anything to bring it about, then it becomes the duty of this Government not only to prosecute our own citizens and punish them for it, but it becomes the duty of this Government to see to it that the foreigner is recompensed for the property destroyed. That is a matter of international law for the promotion of international peace and for the prevention of war and bloodshed. But it is upon an entirely different principle to the contention here, that the Government should pay for the property that a man loses within his own country, where he has the rights of the courts.

Mr. STEPHENS of Texas. But I am speaking of foreigners. They should be protected by us, the same as we demand that Americans shall be protected in a foreign country. We ought to protect a Mexican residing in this country, the same as we demand that Mexico shall protect an American residing in that country, and the same principle is involved here.

Mr. SISSON. I do not think so.

Mr. BYRNS of Tennessee. I want to suggest to the gentleman from Mississippi, in reply to the gentleman from Texas [Mr. Stephens], that these agents came into this country in the face of an express declaration on the part of the United States Government, by the act of 1859, that it would not pay for any property destroyed by Indians, and their property was not destroyed until probably 15 years after the passage of that act.

Mr. STEPHENS of Texas. The gentleman is entirely wrong. That was in reference to going into the Indian country. was held to mean Indian reservations, and if they went into Indian reservations in opposition to the law of the United States they were not protected; but these people were not on any Indian reservation. They were on their own homesteads, in the occupation of their own land, and it was while they were so occupying it, in the business of farming and stock raising, that they were injured.

Mr. BYRNS of Tennessee. They were there in that country 15 years after the United States Government had passed a statute expressly stating that it would not pay any damages that might be sustained at the hands of Indians, and it seems to me it is on an entirely different footing from the proposition put by the gentleman from Texas [Mr. STEPHENS].

Mr. STEPHENS of Texas. It is not, for the reason that the men affected by this bill are foreigners; and I say that the foreigners coming into this country must be protected in their lives and property by this Government; and I will cite the case of the Italians who were killed 20 or more years ago in New Orleans by the Mafia. The gentleman remembers that?

Mr. SISSON. Perfectly. They killed Mr. Hennessey, the chief of police of New Orleans.

Mr. STEPHENS of Texas. Was not this Government held

responsible for that?

Mr. SISSON. The Government of the United States assumed responsibility, because the treaty that the United States Government has with Italy and with England, and that it had with Russia until it abrogated it, guarantees safe residence and safe passage to the citizens of those countries. It is a specific obligation which this Government has assumed, and the reason it has been assumed by this Government is in order that friendly relations may exist.

It is within the treaty power of the United States Government. Being within the treaty power it became the duty of the Federal Government to carry out the obligations they were under to the Italians residing, living, and working and doing business here. If the Government of the United States should decline, we would be compelled to settle the national differences by force, which is not only more expensive but is the most barbarous method on earth. But that is not true with reference to citizens who are not citizens of foreign countries. Here you have an entirely different principle involved, with no international agreement involved.

Mr. STEPHENS of Texas. Is not the only difference that the property of the Italians was destroyed by a mob in New Orleans? What is the difference between being destroyed by a mob of citizens and it being destroyed by the wards of the

Nation?

Mr. SISSON. There is a great deal of difference. Mr. MANN. Will the gentleman allow me to make a suggestion?

Mr. SISSON. Certainly. Mr. MANN. In the case which the gentleman from Texas is citing, the foreign Government itself made a representation to our Government through the diplomatic channels. That is true in reference to all the cases to which the gentleman has referred. Can the gentleman cite any case where a foreign Government has made any representation to this country in the case of these claims?
Mr. STEPHENS of Texas.

Yes; in the matter of the

Yakimas a few days ago by the Mexican Government.

Mr. MANN. Has there been any claim made by any foreign Government, or any representative of a foreign Government, on account of any Indian depredation claims which this bill covers?

Mr. STEPHENS of Texas. They have in the Yakima Indians from Mexico.

These claims are not covered by this bill here. Mr. SISSON. Let me ask the gentleman from Texas if this foreign government, this alien government, the Indian government, has made representations through the State Department, and if the State Department had entered into an agreement with them that it would present to Congress the demands and endeavor to get it settled peaceably and quietly?

Mr. STEPHENS of Texas. That is a part of the question

Mr. SISSON. I understand that certain attorneys have got up these cases, brought under the act in the Court of Claims, because that is the only court in which a citizen can pursue his remedy against the United States, and that you are asking for the amount of damages these men suffered?

Mr. STEPHENS of Texas. How can suits be brought and

prosecuted without attorneys in any court?

Mr. TOWNER. Will the Mr. SISSON. Certainly. Will the gentleman yield?

Mr. TOWNER. I want to ask the chairman of the committee a question.

I will yield for that purpose.

Mr. TOWNER. Is there not a slight inconsistency between the proposition that these claims can be enforced as coming from a foreign government and the proposition that they can be enforced because of the relation that these wards bore to their guardian, the Government of the United States?

Mr. STEPHENS of Texas. The point is that this bill provides that a foreigner living in this country who has property that was destroyed by the wards of the Government and who has brought suit within the time required by the act of 1891 shall have his case reinstated for the reason that he understood

that his property would be protected, and is demanding that.
Mr. SISSON. Now, Mr. Chairman, I can not yield further.
Mr. MADDEN. Will the gentleman yield for just one ques-

tion?

Mr. SISSON. Yes; for a question.
Mr. MADDEN. As a matter of fact, these Indians were not
the wards of the Government at the time of these depredations, were they?

Mr. SISSON. I can not answer that, because I do not know

from what source the depredations came.

Mr. MILLER. The bill provides that the Indians who committed the depredations must have been under the jurisdiction

of the United States.

Mr. SISSON. Mr. Chairman, I want to state that the Federal Government, however sympathetic may be the claims that may be made, the Government can not equalize conditions. The Federal Government can not pay people for the loss of property. Disastrous fires have occurred, and the Federal Government has never undertaken to pay for the property. Disastrous floods have come and washed away millions of dollars' worth of property, leaving people homeless, and the Federal Government has, from a humanitarian point of view, given them food and shelter until the impending danger was passed, which it is right and proper that it should do, but it has never paid them for the property loss. When these calamities come over communities over which the people have no control then the Federal Government, out of its bounty, has been willing to prevent human suffering and starvation, but it is wrong in principle to endeavor to get the Federal Government to pay these people for the damages which they have suffered, and it is equally wrong to reimburse for losses by virtue of the depredation of Indians, and only selecting these people who brought suit under the act of 1891 and leaving out all the others. If it is right to permit these to recover, it is right to throw wide open the floodgates. As the gentleman from Texas [Mr. Slayden] said, it is not a question of the amount of money, not a question of the amount of damages; it is a question of the obligation that the Government is under.

I do not want to make fish of one and fowl of another. these people had rights prior to 1801 that were just as good as the rights of these people who pursued their remedy under the act of 1891, then we should tear the doors down and let them all into the same temple of justice and fairness; and just as certain as you pass this bill, just so certain are you going to have to answer with your hand on your heart, Are you willing to deny these people the rights and privileges for depredations that we recognized they suffered and yet give them to those people who brought their suits in 1891? Mr. Chairman, I can not support this bill. [Applause.]

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. Floyd of Arkansas having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed without amendment bill of the following title

H. R. 18661. An act to provide for an extension of time of payment of all unpaid payments due from homesteaders on the Coeur d'Alene Indian Reservation, as provided for under the

act of Congress approved June 21, 1906.

The message also announced that the Senate had agreed to the amendments of the House of Representatives to the bill (S. 2) supplementary to and amendatory of the act entitled "An act for the division of the lands and funds of the Osage Nation of Indians in Oklahoma," approved June 28, 1906, and for other purposes.

The message also announced that the Senate had insisted upon its amendment to the bill H. R. 16661, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. Curtis, Mr. McCumber, and Mr. Stone as the conferees on the part of the Senate.

INDIAN DEPREDATIONS.

The committee resumed its session.

Mr. STEPHENS of Texas. Mr. Chairman, I ask unanimous consent that all debate on this bill be closed within an hour.

Mr. SISSON. Mr. Chairman, I object.

Mr. JACKSON. Mr. Chairman, no member of the committee has had an opportunity yet to speak against the bill.

Mr. STEPHENS of Texas. Can we get some agreement as

to time; can the gentleman suggest some time?

Mr. MANN. I would like to ask the gentleman whether somebody desires to speak in favor of the bill and how much time they desire. Several of us desire some time against the

Mr. STEPHENS of Texas. I will state that we desire to use as much time as the gentlemen have on that side. My object was to get this bill through to-day, so that other matters might be taken up, as we are pressed for time.

Mr. MANN. The gentleman from Kansas desires an hour, I desire an hour myself against the bill, and there are several other gentlemen who desire some time against the bill, which involves several million dollars and ought not to be hurried

The CHAIRMAN. The gentleman from Kansas is recognized

for one hour.

Mr. JACKSON. Mr. Chairman, I am opposed to this bill. have been opposed to it ever since I heard it first mentioned in the committee, and I have yet to hear some good reason why I should be for it. The bill proposes to inaugurate a new policy of the Government toward the Indian tribes and the people of the United States who have suffered. It has been argued here that it is an entering wedge for other claims, or, as the gentleman from Illinois [Mr. CANNON] facetiously remarked, it is an entrance of the nose of the camel into the tent. Mr. Chairman, it is more than any of these. It is by one direct act of Congress an opening of the doors of the courts and the Treasury of the United States for the purpose of reimbursing the settlers of the Western States for all depredations which they suffered at the hands of the Indians.

Mr. MONDELL. Will the gentleman allow me-

Mr. MONDELL. Will the gentleman allow me— Mr. JACKSON. Mr. Chairman, I decline to yield at this me. Gentlemen may reason about this matter as they believe and divide between the north and the northwest side of a hair, but after all it comes back to the proposition—that is, the proposition is to go back into history for 100 years—and open up the courts of the country and the Treasury of the United States in order that these people whom the Government had for that length of time constantly, with the exception, I believe, of about 10 or 11 years, refused to pay, may now be permitted to present their claims against the Government. There has been much said about the law in this case, and I am unwilling to have it go forth that the Committee on Indian Affairs as a whole stands for this law or that the Committee on Indian Affairs as a whole stands for this report. I can hardly imagine a report or a statement of a case that would more unfairly state a proposition, so far as the law is concerned, than this report does

Mr. MILLER. Just an inquiry,

Mr. JACKSON. I do not care to yield at this time. I would rather make my statement so that I can get it before the committee.

Mr. MILLER. The gentleman is making a very pronounced-

The CHAIRMAN. The gentleman declines to yield. Mr. MILLER. I think the gentleman ought to yield; I Mr. MILLER. I think the gent thought I might induce him to yield.

It is the gentleman's time, and it is The CHAIRMAN. within his control.

Mr. JACKSON. I think I will satisfy the gentleman. Mr. MILLER. You will, if you will give me two minutes to

Mr. JACKSON. The gentleman has had an hour and a half

Mr. MILLER. Only I do not talk that way when I have the

Mr. JACKSON. What I want to refer to, Mr. Chairman, is this: Here is the report of the committee, written, I understand, by the gentleman from Minnesota, and here is his statement concerning the law that I say states the matter clearly in an unfair manner. On page 2, it begins as follows:

unfair manner. On page 2, it begins as follows:

That part of existing law requiring the claimant to be a citizen of the United States at the time of the depredation can hardly be justified on any reasonable ground and has resulted in severe hardship and marked injustice. This requirement of citizenship is of recent origin, having first been adopted in 1885, and no particular reason can be found for its having been engrafted upon the law. The original acts did not contemplate any such limitation upon the right to recovery. The first act was passed in 1796. In that year a general law was enacted defining the relations between the whites and Indians. The promise of compensation to the whites for Indian depredations was undoubtedly to prevent reprisals and private warfare.

The language of the original act, approved May 19, 1796 (1 Stat. L., 472), is as follows:

Indoubtedly to prevent reprisals and private warrare.

The language of the original act, approved May 19, 1796 (1 Stat. L., 472), is as follows:

"That if any Indian or Indians belonging to any tribe in amity with the United States shall come over or across the said boundary line into any State or Territory inhabited by citizens of the United States and there take, steal, or destroy any horse, horses, or other property belonging to any citizen or inhabitant of the United States

""

This language is also that contained in the act of March 3, 1799 (1 Stat. L., 747); in the act of March 3, 1802 (2 Stat. L., 143); in the act of June 30, 1834 (4 Stat. L., 731); and in the Revised Statutes of 1878, section 2156. The discrimination in favor of citizens of the United States was first made in the act of March 3, 1885 (23 Stat. L., 376), and was followed in this act of March 3, 1891 (26 Stat. L., 851).

Now, this statement of the law could not be taken to have meant anything else than that prior to 1885 all of the claims of people who lost property by Indian depredations, whether citizens of this country or of foreign nations, were to be recompensed by the United States Government. I will admit that the statement does not say that exactly, but I say that it so infers, because anyone who reads that would get that impression, and I have no idea but a majority of the Members of this House who read that statement, as was evidenced from the debate here on the part of the gentleman from Mississippi [Mr. Sisson], had the impression that the Government had promised redress to these men who suffered wrong at the hands of the Indians.

But such was not the case, and the fact is that the Government never promised, with the exception of the short period between 1834 and 1859, that it would recompense anybody for any

Indian depredation.

Mr. RAKER. Will the gentleman yield for a question right there?

Mr. JACKSON. Yes.
Mr. RAKER. Is there any provision in this bill different from the act of 1891 save and except that which permits those who were residents of the United States to recover and does not confine it to a citizen?

Mr. JACKSON. I think there are minor provisions.
Mr. RAKER. In what way?
Mr. JACKSON. Of course the limitation is changed. The gentleman will understand that. That is all I recall now.
Mr. RAKER. Then, with the exception of that provision to

permit a man who was a resident but not a citizen, the policy of the Government and all the rules governing the former acts and the decisions of the Supreme Court on that subject are not

and the decisions of the supreme court on that subject are not at all affected by this act, are they?

Mr. JACKSON. I think not.

Mr. RAKER. Will the gentleman yield to one other question?

Mr. JACKSON. Certainly.

Mr. RAKER. It was referred to here by the gentleman from Missouri [Mr. Shackleford] in answer to the gentleman from Mississippi [Mr. Sisson] that attorneys would get all the bene-May I call your attention to section 9 of the act of 1891. found in volume 2, Federal Statutes Annotated, page 100, in which it was held that all contracts entered into in regard to these claims are absolutely null and void, and the only fee any man or attorney or attorneys or agent or agents can obtain is 15 per cent of the entire amount, and with exception, which might as to attorneys' fees?

Mr. JACKSON. I think that is true. That is my understanding of the law. I do not know of anything that has repealed it. I investigated that question, at the gentleman's suggestion, a week or so ago, and I think that is true.

Mr. RAKER. One other question: Then the argument of the

gentleman from Mississippi, that it would go to attorneys, is one that he did not make the other day when the question of war claims was up and when there was an amendment to the act as to attorneys' fees?

Mr. JACKSON. The gentleman will remember I made that argument then.

Mr. RAKER. The gentleman from Mississippi [Mr. Sisson] did not then state that this money would all go to attorneys, and he voted for the bill.

Mr. JACKSON. Let me reply to the gentleman.

Mr. SISSON. Let me say to the gentleman right here-

Mr. JACKSON. I think the gentleman can get in later. What the gentleman from California says, I think, is true, and I think the statute referred to by him a very meritorious one in some respects, and I expect to discuss it a little further along. But the argument of the gentleman from Mississippi does not fall entirely, because if you look at the latter section of the lawand I have it here-you will discover this rather curious provision in section 9:

But in no case shall the allowance exceed 15 per cent of the judgment recovered, except in cases of claims of less amount than \$500 or where unusual services have been rendered or expenses incurred by the claimant's attorney, in which case not to exceed 20 per cent of such judgment shall be allowed by the court.

Mr. RAKER. Another question. Where there are extraordinary expenses the jurisdiction of the court is confined to a limit of 20 per cent-Second Federal Statutes, page 100?

Mr. JACKSON. Yes, sir; and the expenses.

Mr. RAKER. No. All expenses and attorneys' fees shall not exceed 20 per cent.

Mr. JACKSON. The court is not limited to the expenses. The 20 per cent is as to the attorney fees. Now, Mr. Chairman, I desire to say to the gentleman from California that I stand upon the broad ground on this claim as I understood the gentleman from Mississippi [Mr. Sisson] to stand, and I stand upon it on the war claims also, that no man ought to be allowed to take a claim against the Government and pay expenses of the litigation. But here is a law by which you propose to give these men who took these claims to attorneys when it was against the law, and they presented them against the Government of the United States, and now you propose to give them 20 per cent for unusual services.

Mr. RAKER. The Supreme Court of the United States has never held in this or in any other kind of cases that it was unlawful for a man to take a contingent fee in a suit of this

character

Mr. SISSON. I want to say to the gentleman from California, with the permission of the gentleman from Kansas

Mr. JACKSON. Certainly.

Mr. SISSON. That I agree entirely with the statement made by the gentleman from Kansas with reference to attorneys' fees. I do not believe that an attorney ought to be permitted to appear before these courts unless he is limited in the fee which he is to receive. And we had a provision in an appropriation bill carrying appropriations to pay certain claims against the Government that the fees should be limited, and I was willing to support an amendment to the bill to make it a crime for an attorney to charge more than the law permitted. I will say right here, further, with your permission, that that does not limit the attorney to 20 per cent as a matter of fact, because after the fee is paid, as the testimony before the Committee on Appropriations showed, the receipts show 15 and 20 per cent were collected on claims; and then there would be a private settlement with the client where 50 per cent would be collected in all.

Mr. RAKER. One other question, and then I am through. I agree fully with the policy of the law and the wisdom of it. I refer to this in answer to the question suggested by the gentleman from Mississippi [Mr. Sisson], whether the judgments awarded by the Court of Claims in Indian depredations would not go to attorneys to an extent of more than 15 or 20 per cent.

Let me say to the gentleman that that sug-Mr. SISSON. gestion was made by the gentleman from Missouri [Mr.

SHACKLEFORD] and not by me.

Mr. RAKER. I accept the gentleman's statement. You can not prevent men from committing crimes, and that would not be any reason why a man, after he had violated the statute, would

not commit a crime afterwards.

Mr. JACKSON. Mr. Chairman, I did not agree to have speeches made in my time, but I want to thank the gentleman from California for his suggestion. It was at his suggestion that I first looked up the statute. The very facts that he has just stated show that no matter how careful we may be in these matters, no matter how carefully we restrict the matter of attorneys' fees and fees of agents and lobbyists, yet after all we all understand that in the long run in these old claims that are dug up, 40 or 50 years old, against the Government, the bulk of the money recovered goes to some one who is taking an active part in prosecuting the claims against the Government and not to the real claimant.

Now, I take it that if we do our duty at this session of Congress we will pass a law similar to this one in regard to Indian depredation claims, but one with a more rigid requirement to the effect that no man shall take claims against the Government of any kind and pay the expense of litigation. I do not object to contingent fees to lawyers, but I do object to their fostering litigation against the Government by advancing money to pay the expenses of lawsuits. The courts have always held that, except where it has been authorized by statute such as this one, such claims are champertous and void, and ought to be.

Now, Mr. Chairman, what I meant when I said that this report was unfair in the statement of the law I have already indicated to the gentleman from Minnesota [Mr. MILLER], but I desire now to make this other statement: I think it is unfair in the fact that it seems to proceed upon the theory that these men had some rights as against the Government and would have recovered if it had not been for the word "inhabitant,"

which the gentleman claims was stricken out by the law of 1885. Now, the real truth is that prior to 1872 the claims of the Indians against the Government of the United States were roughly divided into two classes—those where the Government had treaty relations with the Indians and those that concerned Indians who had never treated with the Government at all.

All of the legislation to which the gentleman refers as having taken place prior to 1834 referred to that class of Indians who had treaty obligations with the Government. These were treaties made with the Indians at the close of some Indian war. They were treaties made with the Indians at the time they were placed upon the reservations where they were taken, whereby the Indians agreed that they should recompense the white settlers for any depredations committed by the members of their tribes.

Of course where such treaty relations existed it was perfectly proper for the Government to step in and undertake to determine these differences between the Indian tribes and the white settlers, but never prior to 1834 did the Government assume to pay any of these claims itself. This law was in effect from 1834 until 1859.

Mr. MILLER. Here is the statute of 1834, if the gentleman

wants to read it.

Mr. JACKSON. I will read it:

Mr. JACKSON. I will read it.

Provided also, That unless such claims shall be presented within three years after the commission of the injury the same shall be barred, and if the nation or tribe to which such Indians may belong receives an annuity from the United States, such claim at the next payment of the annuity shall be taken therefrom and paid to the party injured; and if no annuity is payable to such nation or tribe, then the amount of the claim shall be paid from the Treasury of the United States.

That was the act of 1834; but in 1859, in the closing words

of the Indian appropriation act, this language was used:

That so much of the act entitled "An act to regulate trade and intercourse with the Indian tribes and to preserve peace on the frontiers," approved June 30, 1834, as provides that the United States shall make indemnification out of the Treasury for property taken or destroyed in certain cases by Indians trespassing on white men, as described in the said act, be, and the same is hereby, repealed.

After 1859 no one ever thought and no one ever claimed that the Government of the United States was liable to anyone for depredations by the Indians except where the treaties made with the Indians made the Indians' property liable for those claims, and the Government undertook to administer this property and to determine the claims.

Furthermore, this act of 1834, which, it is claimed, the act of 1891 revived and made efficient again, had a provision in it that all claims should be presented within three years from the time of the injury, and now it is conceded in this report that these claims originated from 1860 to 1870, the major part of them. I read from page 17 of the report, from a statement made by the Assistant Attorney General, Mr. Thompson:

Yes; the great majority—in fact, I would not now know what per cent, but a very large per cent—of these cases are for claims where the depredation occurred between 1860 and 1875. From 1860 to 1870 is the larger part, but I should think 75 or 80 per cent of these claims were for property taken between 1860 and 1875.

And so, if the law is as I understand it to be-and there can not be any question about it—and if it is true, as the gentleman from Minnesota [Mr. Miller] says it is, that the statute contained the word "inhabitant" prior to 1885, all of these men had more than their three years in which to present these

claims, and absolutely neglected to do it.

So the statement of the gentleman from Texas [Mr. Ste-PHENS], that there is any equity involved, falls to the ground, because these men had ample time to present their claims, if they had any, and there is no merit in the claim of any equity being involved.

But the truth is, gentlemen, that all of the equity that there is in these cases lies in the fact that somebody else has been paid, and because somebody else has been paid that these gentle-

men think they ought to be paid something.

Mr. KINKAID of Nebraska. Will the gentleman yield for a question?

Mr. JACKSON. Yes. Mr. KINKAID of Nebraska. I should like to know if the gentleman from Kansas, and if the committee, as far as he is advised, approve of the restriction on claims for Indian depredations contained in the words "in amity," in line 11 of the first page?

Mr. JACKSON. I will say to the gentleman that I do not approve of any depredation claims. I am opposed to all of approve of any depredation claims. I am opposed to an or them; but I can readily see that if we pass this law the gentleman from Nebraska [Mr. Kinkaid], and perhaps some of us from Kansas who have such claims, will be back here at the next session of Congress asking you to strike out the words "in amity," so that our people in Kansas and Nebraska may have the same benefit which the gentleman from Texas [Mr. STEPHENS] now asks for his people.

Mr. KINKAID of Nebraska. That is my suggestion and my position.

Mr. JACKSON. I said in the beginning that this was more than the entering wedge. It is the plain declaration of the

Congress of the United States that we are now entering upon the policy of adjusting all of the claims for damages between the settlers of the West and the Indian tribes, and that the Government of the United States proposes to guarantee their payment.

Mr. RAKER. Will the gentleman yield for a question?

Mr. JACKSON. I will.

Mr. RAKER. Is it not a fact that the plain provision of the bill, and one of its main purposes, is to give those who were declared not to be citizens an opportunity to adjust their claims in cases where it has been determined that they were residents, and that they came within the other provisions of the act, and that this act specifically provides that no new case can be filedonly those already on file now in the Court of Claims are the ones to be determined and adjudicated and no others?

Mr. JACKSON. I understand that is one provision, and that

is one reason why I am opposed to it.

Then where could there be any other batch of Mr. RAKER.

claims come in?

Mr. JACKSON. If you are going to pay these claims in Texas because these Indians are in amity, do you suppose that the people of Kansas and Nebraska are not coming back to have the word "amity" stricken out next year, when it was in those States that the Indians went on the warpath and destroyed the lives and property of our settlers? Do you suppose the Congress of the United States can preserve the policy of paying a lot of people who neglected to take out naturalization papers and at the same time refuse payment to honest citizens of the country who suffered at the hands of the Indians? I simply say that we are entering upon a policy of paying all Indian claims, and you can reason about it as you please, but you will come back to the proposition that if you pay these claims you ought

to pay all Indian claims.

Mr. MILLER. Will the gentleman yield?

Mr. JACKSON. I will. I refused a mo Mr. JACKSON. I will. I refused a moment ago to yield because I wanted the gentleman to understand my position

about his report.

Mr. MILLER. I rejoice in the opportunity to assure him that I have no personal pride in this report. I drew the report two years ago. I agreed with it then, as I do now, and I wish to say in reference to the report that after having heard the gentleman from Kansas I am absolutely certain that he does not know what is in the report.

Mr. JACKSON. That may be true, and I think there are others here who do not know and could not learn from reading

the report.

Mr. MILLER. But, Mr. Chairman, that is not what I rose to ask the gentleman. I understood the gentleman to say in his opposition to the bill in committee-and he having mentioned the fact, I take it for granted that it is public property, and I am privileged to refer to it-

Mr. JACKSON. Certainly you are; I voted against it in

committee.

Mr. MILLER. His position here is based upon the fact that he is opposed to any legislation on this question. Is it not also a reason that the gentleman gave in committee that his opposition to the bill was because it gave a right to recover to an inhabitant who had already filed a case and did not extend that right to those who had not filed their cases? Was not that the only objection the gentleman made?

Mr. JACKSON. No; I think not. I did give that as a basis

of my opposition.

Is it not a fact on the floor of the House re-Mr. MILLER. cently he made the same objection in the same terms for the same reason?

Mr. JACKSON. I made it about a month ago, and I still

make it now.

Mr. MILLER. There is nothing about it except that the gen-

tleman may have enlarged his reasons since then.

Mr. JACKSON. I have not, although I may not have stated them all. I will say that I refuse to stand for any proposition which has for its evident purpose the satisfaction of a lot of claims that have been hunted up and brought in here by a lot

of claim agents against the Government.

Mr. MILLER. Will the gentleman allow me to read an extract from page 2328 of the Record, where the gentleman

stated:

My objection was that it seemed to prefer a certain class of claimants who filed their claims at a time when they had no right to file them. I shall oppose the bill for that reason, because it is clearly in the interest of a certain number of the claims that have been filed in the court and adjudicated.

It strikes me forcibly that there is an inconsistency between passing a bill because it does not extend the right to others, does not go far enough, does not let the floodgates down com-

pletely enough, and opposing it absolutely because it legislates at all on the subject. I think the gentleman is under some obligation to clear that up.

Mr. MADDEN. Will the gentleman allow me to ask him a question?

Mr. JACKSON. Let me answer this question first.

Mr. MADDEN. But this refers and relates to the question.

Mr. JACKSON. Very well.

Mr. MADDEN. I want to ask the gentleman if he would favor this or a similar bill if claimants in the territory he represents were permitted to present their claims at the same time?

Mr. JACKSON. I would not. I see no inconsistency in the position I assumed the other day; and with due respect to the gentleman from Minnesota, I give him the credit of thinking that he does not, either. I certainly would oppose a bill if I thought it was wrong in principle, and in addition to being wrong on general principles, it sought to prefer a certain class of people, and giving them certain advantages-giving to a lot of attorneys and claim agents a lot of claims where the real owners of which have long since passed out of existence.

Now, the gentleman from Texas seems to think that his State is particularly interested in these claims and that they ought to be paid because of certain inequalities that they have suffered and certain equities that they have for relief. But, Mr. Chair-

man, I hardly think that that is true.

If these men were inhabitants of the country, lawfully upon the Indian territory or in the vicinity of the Indians, it was their laches that caused them not to be citizens of the United States. The great golden West, of which so much has been said here to-day, was not made by men who went out to trade among the Indians as citizens of foreign countries, or men who went near the Indians in their vicinity for the purpose of taking Indian lands and retaining their citizenship under foreign flags. The great West was built by men who went into the West for the purpose of building themselves homes as American citizens. [Applause.] And this Government never pretended and never extended its protection over foreigners who were dealing with Indian tribes because the Indian tribes were wards of the Government. These tribes who committed the depredations in Texas were not wards of the Government. They were what Texas were not wards of the Government. They were what Chief Justice Marshall declared the Indian tribes to be in the early part of the century, that they were really nations, "domestic dependent nations," with full rights under the Constitution to treat with the Government, and we owed no more duty to protect the foreign citizen against these tribes than we do to protect the foreigner in Mexico at the present time against the depredations of Indians and the rebels under the Mexican Government.

Mr. MILLER. If the gentleman will permit me at this point.

Mr. JACKSON. Yes; I will.
Mr. MILLER. I understood the gentleman to take the position that the report was erroneous in that for the first time-I will modify that and not say the first time, but say it attempts to create the impression that the Government prior to 1885 was liable for this class of depredation claims to inhabitants as well as to citizens, and I understood him to criticize it and claim that never prior to 1834 was the United States liable

for Indian depredations. Am I correct in that?

Mr. JACKSON. That is the law as I understand it.

Mr. MILLER. And that is the basis of the gentleman's objection to the report, and upon that he bases the remarks which he made a little while ago.

Mr. JACKSON. Yes.
Mr. MILLER. Then I beg leave to call his attention to the original act of 1796, found in Statutes at Large, volume 1, page 472, section 14, all of which I will not read, but I will read part-

Mr. JACKSON. Certainly.
Mr. MILLER. The first part of that I copied in the report, because that is all it seemed to me that was pertinent in this case. It is as follows:

And be it further enacted, That if any Indian or Indians, belonging to any tribe in amity with the United States, shall come over or across the said boundary into any State of Territory inhabited by citizens of the United States and there take, steal, or destroy any horse, horses, or other property belonging to any citizen or inhabitant of the United States—

There is where I stopped in the report and put in the asterisks. I will read this so the committee may decide for themselves-

or of either of the Territorial districts of the United States, or shall commit any murder, violence, or outrage upon any such citizen or inhabitant it shall be the duty of such citizen or inhabitant, his representative, attorney, or agent to make application to the superintendent or such other person as the President of the United States shall author-

ize for the purpose, who, upon being furnished with the necessary documents and proofs, shall, under the direction or instruction of the President of the United States, make application to the nation or tribe to which such Indian or Indians shall belong for satisfaction; and if such nation or tribe shall neglect or refuse to make satisfaction in a reasonable time, not exceeding 18 months, then it shall be the duty of such superintendent or other person authorized, as aforesaid, to make return of his doings to the President of the United States and forward to him all the documents and proofs in the case that such further steps may be taken as shall be proper to obtain satisfaction for the injury; and in the meantime in respect to the property so taken, stolen, or destroyed the United States guarantee to the party injured an eventual indemnification.

Now, if the United States guarantees all of these proceedings to the injured party that he will be indemnified, is not the United States obligated on a bond?

Mr. JACKSON. I think not. Mr. MILLER. And the same language exactly is found in the act of 1799, and also in 1802, which is practically the same as the one that he quoted from, the act of 1834.

Mr. JACKSON. Why, I have it here; it was carried up to

Certainly; and will the gentleman kindly explain how the United States can guarantee that if he has been despoiled of his property he will be paid in full for that, unless the United States can be made to do it in case the Indians

Mr. JACKSON. Why, the answer is quite simple. The language which the gentleman has just read is as plain as can be. t meant that the Government would see that the claimant was indemnified out of the property of the Indian, if he had any, but it did not say, as by the act of 1834 and as the gentleman now seeks to make the act of 1891 read, that if the Indian tribes had no property the Government would pay it out of the United States Treasury. His report-and evidently the gentleman still thinks so-would indicate to this House that the Government had all the time promised that these claims would be paid out of the Treasury of United States if the Indian tribes

had not the property with which to pay them.

Mr. MILLER. If the gentleman guarantees the payment of a note, and the maker of the note does not pay it, does he have

Mr. JACKSON. Oh, well; that is another question. The Government did not agree to pay anybody. That is just the question. The Government only promised to see that these people were indemnified out of the property of the Indians, and the gentleman can not find a single claim ever paid out of the Treasury of the United States, unless it was reimbursable out of the property of the Indians, prior to 1834. And I read, Mr. Chairman, here from the-

Mr. MILLER. It is all reimbursable. It is reimbursable under the act of 1891.

Mr. JACKSON. I mean that it is not actually reimbursable. Mr. MILLER. It is actually reimbursable under the act of 1891. I hold here a report from the Attorney General's office showing, I presume, 150 cases there under the act of 1891 wherein the amounts paid have been reimbursed to the United

States, and of which 75, probably, are from the Osage Nation.

Mr. JACKSON. If the treaty so provided, or the statutes passed by Congress subsequent to the time so provided, prior to 1834, the Government paid no claim unless it paid it out of the property of the Indians. I desire now in connection with the report of the gentleman to read from the opinion of Love v. The United States, in the Twenty-ninth Court of Claims, which contains a very comprehensive history of this entire legislation:

contains a very comprehensive history of this entire legislation;

It has been urged in argument that a departmental construction has been given to the law since 1872, of which Congress were aware when the Indian depredation act was passed; that the Secretary of the Interior had again and again examined and approved claims where the depredations were committed in time of war.

If this had been a departmental usage in the true sease of the term, this argument would be one of great weight. If the Interior Department had finally determined and paid such claims during a period of 19 years, and Congress had again and again appropriated money for satisfying such awards, it might well be said that this act of 1891 was but a continuation of an existing policy. But such was not the fact. The Secretary of the Interior determined nothing. During these 10 years he was never invested with discretion to pay one such claim; he simply took the place of a committee and investigated. Moreover, his reports were never approved by Congress; for 19 years they remained unacted upon, which indicates, if it indicates anything, that they were disapproved, and finally the Indian depredation act declared that his investigations "shall cease from the taking effect of this act."

(Sec. 13.) The fact undoubtedly is that Congress were neither satisfied with these investigations nor clear as to the legal rights of the parties, and therefore referred the thousands of cases that had accumulated for the investigation and decisions of the judiciary both as to the law and the facts.

Mr. MANN. I understand the opinion the gentleman is now reading relates to the act of 1885.

Mr. JACKSON. The acts of 1872, of 1885, and 1891.

Mr. MANN. I mean in reference to the investigation under the act of 1885

Mr. JACKSON. Certainly.

Mr. MANN. Which a while ago was cited to us as the case where Congress had provided for the payment of certain claims.

Mr. JACKSON. That is it. Mr. MANN. I did not mention the gentleman from Minnesota [Mr. MILLER], although I had in mind what he said. I understood him to cite the case, and cited the same with the intention of giving the same impression, I think.

Mr. MILLER. I beg the gentleman's pardon. The court says, or designs to say, that the purpose is to change in the

act of 1885 from inhabitants to citizens.

Mr. MANN. When I read the report in the first instance I received the impression that the act of 1885 provided for the payment to citizens of these Indian depredation claims, but when I examined the act I found it provided for an investigation, and nothing further was ever done under the investigation.

Mr. MILLER. It was contemplating the payment by some

future appropriation.

Mr. MANN. Well, the gentleman knows how these acts get into legislative bills. We pass an item making an appropriation for some purpose, with no intention whatever of biling Congress or influencing Congress as to the policy it shall pursue thereafter, but for the purpose of obtaining information. Unfortunately, in this case the act of 1885 did lead to the act of 1891, which ought never to have been passed.

Mr. JACKSON. Then, Mr. Chairman, let me say to the gentleman that the court put an interpretation upon the act of 1891 which they never should have put upon it, which formed an obligation on the part of the Government of the United States to pay these claims. Let me read a little further in

this report.

I want to say to the gentleman from Minnesota [Mr. Miller]. if I may have his attention, that I got the same impression from the report which the gentleman from Illinois [Mr. MANN] expressed. Let me read further from this report.

Mr. MILLER. Is the gentleman reading from the report on

the case?

Mr. JACKSON. I am reading from the opinion of the court, Mr. MILLER. Do not attack my statement or report, but attack the court's opinion.

Mr. JACKSON. I am citing the opinion of the court to show

Mr. JACKSON. I am citing the opinion of the court to show how accurate the report is. The opinion states:

It has also been urged that the policy of the United States for a century and more has been to indemnify those who suffered from Indian depredations without attempting to right their own wrongs and to make the Indians pay, when it can be done, for their misdeeds committed either in peace or war. And it is said that it would be most illogical to so construe the statute that when a few Indians are guilty the innocent majority of a tribe shall be charged with the consequences of their own acts.

The only policy known to the court is that of maintaining peace. The Government has virtually said, both to the Indians and to its own citizens on the frontier. "If you will only refrain from war, we will see that individual sufferers on either side shall be indemnified for the lawless aggressions of individual criminals of the other." It is unhapply too well established that these Indian wars too often have been incited or begun by our own people. In this case now before the court the claimant seeks to recover upon these facts narrated in his own evidence.

I call attention to this because I understood the gentleman from Minnesota [Mr. Miller] to say that no such case as that cited by the gentleman from Illinois [Mr. Mann] could occur.

Mr. MILLER. The gentleman does not understand my statement any more than he understands the report made on that subject. I never made that statement. I said that so far as I was advised no such case as that was now pending before the Court of Claims, and therefore no such case could be affected by the bill. I did not think there was any such case pending, because I had not heard of anyone who knew of such a case that is pending.

Mr. JACKSON. I read further from the opinion of the court:

A company of volunteers had been quietly organized, and on the 8th day of October, 1855, they struck the first blow on a large band of Indians who professed the utmost friendship to the settlers. Those who survived the slaughter hastened to the reservation, and persuading the few who were remaining there to join them commenced their work of retaliation at that point, and then striking down the river continued it in their flight, and did it fearfully well.

Then the court says:

To indemnify such persons for losses in such a war would be to give a bounty for the encouragement of Indian hostilities.

Gentlemen, that simply illustrates what the true relation between these Indian tribes and the Government of the United States has been from the first, and that has been to treat these Indians as domestic nations and treat with them as nations. The Government never intended that it would pay people who happened to suffer by larceny of otherwise on the part of the Indians, and therefore I say that the only true policy is that if the Government now proposes to pay Indian claims it should

begin at the bottom and open up the courts and the Treasury of the United States and let us have an adjustment all along the line

Why talk about the depredations of Indians in Texas from 1860 to 1870? I apprehend that no State in the Union has suf-fered so many Indian depredations as has my own native State of Kansas. In these very wars that are talked of here the fighting on Kansas soil was ten times as severe as it was on Texas soil. Not in the entire history of Indian warfare in this country have such examples of cruelty and savagery on the part of the Indians been afforded as those which occurred in western Kansas from the year 1860 up to the year 1870. And the depredations committed by those Indians can not be recompensed in money. You can not benefit the men who were settlers there by now opening the Treasury of the United States to the attorneys and claim agents.

Upon the little island of Arickaree, in the Republican River, a band of Kansas men held at bay for days and days all of the combined tribes of the Indians who inhabited those western plains. They lived upon mule meat and upon horse meat until two of their number escaped and walked over the plains to a post of the United States Army and brought relief from those savages who had attacked them, and after that these Indians were followed back into the Indian Territory and into Texas and were destroyed or captured. But by the terms of this bill the depredations committed by those Indians could not be

paid for, because they were on the warpath.

Now, then, the Indians who went into the settlements and took the school-teachers from their desks and carried them away as captives, the Indians who went in and carried off the children of the early settlers of Kansas were upon the warpath, and under this bill it is not pretended that any money shall be paid for the damages that these Indians committed.

Under what kind of equities can you expect that these men who have built up their country under such circumstances as that shall now be taxed to pay a few foreigners down in Texas, or out upon the western plains, or in some other part of the country, for some property that was stolen by Indians who were not at war?

There is one other fact here that I want to mention concerning this law, and then I am done; and that refers to this provision of the bill which provides practically that the claims as adjudicated by the Secretary of the Interior shall fix the amounts to be paid.

I understand that the most of this amount of half a million dollars consists of claims due the large cattle firms in Texas for property loss; and under this bill it is proposed not only to allow these claimants to reinstate their claims, but it is proposed that the Government shall assume the burden of proof, of showing that the amount of property which was taken away was not correctly found by the Secretary of the Interior in his investigation. You are not only going to allow these attorneys and claim agents to make the claims lawful which were unlawful at the time they filed them, but you are going to preclude the Government from its right to show what the actual damage WAS.

And so I conclude, Mr. Chairman, that instead of this being a bill to do equity, it is a bill to favor a certain lot of claim agents and attorneys who presented these claims a quarter or half a century ago, who were defeated then, and who now propose, by the help of this Congress, to be reimbursed for their trouble then, and to be paid their attorneys' fees for prosecuting these claims.

The CHAIRMAN. If there is no further general debate, the

Clerk will read the bill.

Mr. MANN. I should like to inquire how many gentlemen

desire to be heard in favor of the bill?

Mr. FERRIS. Mr. Chairman, unless the gentleman desires to debate the bill further, I will ask that it be read under the five-minute rule.

Mr. MANN. I intend to debate the bill, and as I do not care to talk to empty benches, I make the point that there is no

quorum present

The CHAIRMAN (Mr. FOSTER). The gentleman from Illinois [Mr. Mann] makes the point of order that there is no quorum present. The Chair will count. [After counting.] Sixty Members present; not a quorum. The Clerk will call the

The Clerk proceeded to call the roll, when the following Members failed to answer to their names:

Adamson Ainey Andrus Ansberry Anthony Austin Ayres Barchfeld	Bartlett Bates Bowman Bradley Broussard Brown Buchanan Bulkley	Burgess Burke, Pa. Butler Calder Cannon Cantrill Cary Clark, Fla.	Copley Cox, Ind. Currier Dalzell Dickson, Miss. Dies Difenderfer Donohoe
Darchield	Buikiey	Clark, Pla.	ропопое

Howell Hughes, W. Va. Humphrey, Wash. Humphreys, Miss. Jacoway Johnson, Ky. Kahn Moon, Pa. Moore, Tex. Morse Mott Murray Needham Olmsted Palmor Sherwood Slemp Small Elierbe Evans Fairchild Smith, Saml. W. Smith, Cal. Sparkman Faison Fields Kann Kennedy Kindred Knowland Langham Palmer
Parran
Patten, N. Y.
Patton, Pa.
Payne
Peters
Porter
Powers Fordney Stack Stanley Stephens, Cal. Stephens, Nebr. Sterling Stevens, Minn. Sulloway Fornes Langham
Langley
Lawrence
Lee, Pn.
Lindsay
Littlepage
Littleton
Lloyd
Longworth
Loud
McCall
McCreary
McDermott
McGuire, Okla.
McHenry
McKenzle
McKinley
McKenzle
McKinley
McLaughlin
Martin, Colo.
Matthews
Mays Gallagher Gardner, Mass. Glass Goeke Goldfogle Sulloway Switzer Talbott, Md. Taylor, Ala. Taylor, Ohio Thayer Thistlewood Tilson Townsend Underhill Vreeland Powers Prince Pujo Rainey Randeil, Tex. Ransdell, La. Gould Green, Iowa Griest Gudger Rauch Reyburn Roberts, Nev. Robinson Guernsey Vreeland Warburton Webb Wilder Wilson, Ill. Wilson, Pa. Hartman Rodenberg Rothermel Rouse Rucker, Colo. Iaugen Henry, Tex. Higgins Hinds Sabath Sharp Sheppard Sherley Hobson Houston Mays Mondell

The committee rose; and Mr. GARRETT having taken the chair as Speaker pro tempore, Mr. Foster, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 14667, and finding itself without a quorum, the roll had been called; that 234 Members had answered to their names, and he herewith presented a list of the absentees.

The SPEAKER pro tempore. The gentleman from Illinois, Chairman of the Committee of the Whole House on the state of the Union, reports that that committee, having under consideration the bill H. R. 14667, finding itself without a quorum, caused the roll to be called; that 234 Members have answered to their names, and that he presents a list of the absentees. A quorum being present, the committee will resume its session.

Mr. STEPHENS of Texas. Mr. Speaker, I desire to submit a

request that this bill and amendments

Mr. MANN. I make the point of order that that can not be done.

The SPEAKER pro tempore. The Chair sustains the point of order. The Chair will say to the gentleman from Texas that no motion is in order now.

Mr. MANN. Except a motion to adjourn.

The committee resumed its session, with Mr. Foster in the

chair.

Mr. MANN. Mr. Chairman, before I address myself to the subject matter of the bill under consideration, I wish to remind Members that on a prior occasion in the House, and on one or two occasions out of the House, I have had the honor and pleasure of suggesting to the Democratic Party the desirability of nominating as its candidate for President the honorable Speaker of this House. [Applause.] I wish now to call attention to the fact that yesterday my State delivered the goods. [Laughter and applause.]

Mr. KONIG. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Illinois yield to

the gentleman from Maryland?

Mr. MANN. I do not. Mr. Chairman, I desire to engage the attention of both sides of the House to the bill under consideration which in itself is important, but as bearing upon the action which this House shall take upon the bill is more important still as related to other bills, some now on the calendar and others being pressed for consideration by committees and by the House. Every new Member of this body placed upon committees where it is possible becomes subject to the pressure and the influence of claim agents, claim attorneys, and ordinary claimants. Every time the complexion of the House changes politically and new committees come in, additional pressure is brought to bear upon the new committees. That has been the case for many years and it is the case now.

Mr. GARNER. Will the gentleman yield for a question? Mr. MANN. I will not. When I am through making a statement I will be very glad to yield to the gentleman from Texas or any other gentleman. I desire to make a consecutive statement, something which is very often not permitted in the House by reason of inquiries constantly made from the floor, as the

gentleman from Texas will appreciate.

Mr. GARNER. I suppose that the gentleman from Illinois is guilty of interruptions as much as any other Member of the House.

Mr. MANN. That is a very easy matter to state, but as a matter of fact "the gentleman from Illinois" rarely interrupts a man on the floor of the House making a consecutive statement, unless he has stopped for an interruption. I frequently quiz gentlemen who are asking unanimous consent, but seldom men who are making speeches unless they have already yielded.

Mr. Chairman, this bill is a bill to provide for the payment of Indian depredation claims, as gentlemen state, to the amount of half a million dollars. Nobody knows what the amount will The total amount of the claims which can be adjudicated under the provisions of the bill as it stands is more, as I understand, than \$2,000,000. By a process of reasoning they have assumed that only one-quarter of the claims would be successful. Nobody knows.

But whether it is half a million dollars or two or three million dollars, I want to call the attention of the House to the

facts in regard to it.

In 1891 Congress passed a law providing for the adjudication of these Indian depredation claims in certain cases, but confined the right of the claimant to those who were citizens of the United States. Previous to that, in 1885, Congress had passed a law authorizing the Secretary to make an investigation of Indian claims, intending them to be paid out of the Indian funds, the moneys belonging to the Indian tribes who had committed the outrages, but made no provision for the payment of

the money.

Now, let me take you back in history for a moment. The gentleman from Minnesota [Mr. Miller] to-day gave the impression to me, if not to the House, that during the entire life of the country or practically for more than 100 years, with the exception of a short period of time, the man who went into the Indian country and was there injured or had his property destroyed by the Indians had a claim against the United States. But nothing is further from the fact. In 1802 Congress passed an act in reference to Indian depredation claims. It has been assumed by the gentlemen who made the report and the gentlemen who have argued in favor of the bill that it provided for the payment of claims like this. What were the facts? That act provided that if an Indian or Indians belonging to any tribe in amity with the United States shall come over or cross the said boundary line into any State or Territory inhabited by citizens of the United States, and there take, steal, or destroy, and so forth, the Government would pay the claim, if it could obtain the money from the Indian funds, or pay it out of the Trensury, with the provision that no one could go into the Indian country except under a pass, and for trading purposes, under regulations fixed by the United States. No provision was made for the payment of any claim for outrages committed in the Indian Territory itself, or the Indian country, upon citizens who unlawfully went into that country; but if a tribe in amity with the United States broke away from its boundaries and crossed into the United States, then we provided that we would pay the claim out of the property of the Indians.

In 1834 we enlarged that by a provision that we would pay for property taken within the Indian territory, with a provision property taken within the Indian territory, with a provision that no alien could go into the Indian country without a passport from the War Department, which passport must express the object of the person, the time he is allowed to remain, and the route he is to travel, and it contained a further provision that if the injured party, his representative, attorney, or agent, should in any way violate any of the provisions of the act by taking or attempting to obtain private satisfaction or revenge, then he should forfeit all claim upon the United States for such

indemnification.

The act of 1802 expressly provided that if the person whose property was damaged crossed into the Indian country he should forfeit all claim for damages. It fixed the boundary line between the Indian tribes or Indian country and the United States and forbade citizens or residents of the United States, except in certain conditions, going into the Indian country, and regulating trading with the Indians generally. It contained the following section, which was repealed by the act of 1834, to wit:

following section, which was repealed by the act of 1834, to wit:

Sec. 14. And be it further enacted. That if any Indian or Indians, belonging to any tribe in antity with the United States, shall come over or cross the said boundary line into any State or Territory inhabited by citizens of the United States and there take, steal, or destroy any horse, horses, or other property belonging to any citizen or inhabitant of the United States or of either of the territorial districts of the United States, or shall commit any murder, violence, or outrage upon any such citizen or inhabitant, it shall be the duty of such citizen or inhabitant, his representative, attorney, or agent, to make application to the superintendent or such other person as the President of the United States shall authorize for that purpose; who, upon being furnished with the necessary documents and proofs, shall, under the direction or instruction of the President of the United States, make application to the nation or tribe to which such Indian or Indians shall belong for satisfaction; and if such nation or tribe shall neglect or refuse to make satisfaction in a reasonable time, not exceeding 12 months, then it shall be the duty of such superintendent or other person authorized as aforesaid to make return of his doings to the President of the United States and forward to him all the documents and proofs in the case, that such further steps may be taken as shall be proper to obtain satisfaction for the injury; and in the meantime, in respect to

the property so taken, stolen, or destroyed, the United States guarantee to the party injured an eventual indemnification: Provided always, That if such injured party, his representative, attorney, or agent shall in any way violate any of the provisions of this act by seeking or attempting to obtain private satisfaction or revenge by crossing over the line on any of the Indian lands he shall forfeit all claim upon the United States for such indemnification: And provided also, That nothing herein contained shall prevent the legal apprehension or arresting, within the limits of any State or district, of any Indian having so offended: And provided further, That it shall be lawful for the President of the United States to deduct such sum or sums as shall be paid for the property taken, stolen, or destroyed by any such Indian out of the annual stipend which the United States are bound to pay to the tribe to which such Indian shall belong.

The act of June 30, 1834, regulating trade and intercourse with the Indian tribes, prohibited any foreigner going into the Indian country without a passport from the War Department or some other official named, which passport must express the object of the person, the time he is allowed to remain, and the route he is to travel. The act of 1834 repealed the act of 1802 and acts amendatory thereof.

The act of 1834 provided that the Government guaranteed the persons injured by Indian depredations in certain cases an eventual indemnification; and if the amount of the claims could not be paid out of annuities from the United States, then such claims should be paid from the Treasury.

Section 17 of that act is as follows:

Section 17 of that act is as follows:

Sec. 17. And be it further enacted, That if any Indian or Indians belonging to any tribe in amity with the United States shall, within the Indian country, take or destroy the property of any person lawfully within such country, or shall pass from the Indian country into any State or Territory inhabited by citizens of the United States, and there take, steal, or destroy any horse, horses, or other property belonging to any citizen or inhabitant of the United States, such citizen or inhabitant, his representative, attorney, or agent may make application to the proper superintendent, agent, or subagent who, upon being furnished with the necessary documents and proofs, shall, under the direction of the President, make application to the nation or tribe to which said Indian or Indians shall belong for satisfaction; and if such nation or tribe shall neglect or refuse to make satisfaction in a reasonable time, not exceeding 12 months, it shall be the duty of such superintendent, agent, or subagent to make return of his doings to the Commissioner of Indian Affairs, that such further steps may be taken as shall be proper; in the opinion of the President, to obtain satisfaction for the injury; and, in the meantime, in respect to the property so taken, stolen, or destroyed the United States guarantee to the party so injured an eventual indemnification: Provided, That if such injured party, his representative, attorney, or agent shall in any way violate any of the provisions of this act by seeking or attempting to obtain private satisfaction or revenge, he shall forfeit all claim upon the United States for such indemnification: And provided also, That unless such claims shall be presented within three years after the commission of the injury the same shall be barred. And if the nation or tribe to which such Indian may belong receive an annuity from the United States, such claim shall at the next payment of the annuity be deducted therefrom and paid to the party injured; and if no annu

There came the time when in the progress of the development of this country much land was taken and settled upon west of the Mississippi River. People did go into the Indian country, and although it was, theoretically at least, against the law, Congress knew that people would go into the Indian country, and they permitted them to do it, taking their own chances. The last Democratic Congress before the war, in 1859, repealed the provision carrying any liability against the Federal Treasury for any Indian depredation:

And be it further enacted, That so much of the act entitled "An act to regulate trade and intercourse," etc., as provided that the United States shall make indemnification out of the Treasury for property taken or destroyed in certain cases by Indians trespassing on white men, as described in said act, be, and the same is hereby, repealed: Provided, however, That nothing herein contained shall be so construed as to impair or destroy the obligation of the Indians to make indemnification out of the annuities as prescribed in said act.

From 1859 to the present time the law has been, and is now, that the Federal Treasury does not attempt or pretend to indemnify the man who voluntarily puts his head into the lion's mouth or walks into the Indian country and takes his chances of making a fortune on the one side or losing his property on the other. That law of 1859 is still the law of the land. But in 1891 we provided that various claims might be submitted to the Court of Claims-claims that were years old, most of them occurring between 1860 and 1875, a majority of them probably occurring during the time of the Civil War. There is no more reason for paying those claims in favor of foreigners who were forbidden to go into the Indian country, who were without legal license, who took their chances and lost, then there would be for paying claims for all the property destroyed in the Civil War. [Applause.]
We have paid the claims of our own citizens who took

chances and went into this Indian country, but this bill proposes that having forbidden foreigners the right to go into the Indian country and stir up trouble, having forbidden them the right to do it, we shall now, after they went into the Indian

country and stirred up trouble with the Indians and lost by it, recompense them for all their losses. Who can defend such a bill on principle? Their report says that we should treat the foreigners in the same way that we treat our own citizens. We forbade them to go into the country. We did not desire them stirring up trouble with the Indian tribes. We tried to keep them from it. If they went there, they went there on their own responsibility and should have taken their own chances. treat very well everybody who has a real claim against the United States. It is those who have doubtful claims of long standing that we examine with great care. At the time these claims accumulated there was a law expressly providing that the Government would not be responsible for depredations or damages-that we would not assume the liability. It is now said because, under the influence of the claimants, our own people, we have paid them back their money, we should also pay foreigners, when the law provided, first, that we would not be responsible for any damages; and, second, that the foreigners must keep out of the way. Oh, I know it is easy to give some individual case, as has been done, of some man who thought he was a naturalized citizen, who thought that he was a citizen of the United States, and to present a hard case of some man who held office, who was elected supposing that he was a citizen, and tell how it is an injustice to him.

Perhaps it is, so far as comparing him with others. But the great mass of these claims are not in behalf of people who thought they were citizens. They are in behalf of claimants who knew they were foreigners, knew the law forbade them to go into the Indian country at all, but who, lured on with the hope and desire of wealth, which lures men at all times into temptation, went there, taking their chances and knowing that the law expressly provided that if they did the Federal Treasury should not be held responsible. I know what chances some of those pioneers in the West took. No one has greater respect for them than I have. I think the man who settled a new country exhibited more bravery and underwent greater trials with less reason for enthusiasm than he who marches in line of battle and takes his life in his hands there. I was raised, myself, not in the far West but in the new country, when no man thought for a moment of going through a year without the deadly trouble of miasma, ague, and fever, and the thousand and other ills which come with them. Health entire for a year—no one had it. It left its mark, and many have suffered troubles as men always do, but remember that in the end those who succeeded received rewards which are not easy to obtain otherwise and elsewhere. There is, in my judgment, no reason which can be given why we should commence to open the Treasury of the United States for the payment of these old claimsone-half a million, perhaps, here, as stated on one side; two or three million, perhaps, as stated on the other side—when by striking out four words in that bill as an amendment, at the other end of the Capitol, it could increase the claims to \$10,-000,000 or \$12,000,000. I am in favor now of closing the doors of the Federal Treasury to those agents and attorneys who, through contracts or purchases, own great quantities of claims which they say we ought to pay out of the Treasury for the benefit of the poor and the innocent, but which, if paid, would never be seen by the poor or the innocent. [Applause.]

Mr. MILLER. Mr. Chairman, I would like to ask the gentleman a question, if he has finished his statement.

Mr. MANN. Certainly.

Mr. MILLER. I understood the gentleman to offer as a particular objection to the report of the committee that the statutes heretofore passed by Congress did not contemplate that the United States should indemnify the people who had been injured by Indian depredations prior to 1891.

Mr. MANN. I hope I did not so mix it up. I did state under the law prior to 1859 the United States Government did make

itself liable under certain conditions.

Mr. MILLER. Then the gentleman desires to have his statement such as to show that from 1796 until 1859 the Government itself did obligate itself to pay these claims, provided the Indians did not?

Mr. MANN. I stated before, and if it is any benefit to the gentleman I will state it again, that up to the act of 1834 the Government made no provision for the payment of any claim which arose in the Indian country; that from 1834 to 1859 it did make provision and from 1859 to the present time it has made no provision except under the claims act of 1891. Now, is that sufficiently explicit?

Mr. MILLER. I think it is. In that connection I would invite the gentleman's attention to part of the statutes which he has cited in 1902, which is found on page 144—
Mr. MANN. It is section 14 of the statute I have here.

Mr. MILLER. This was enacted first in 1796-

Mr. MANN. I have it here.

Mr. MILLER. And reenacted in 1790 and reenacted in 1802. Mr. MANN. Yes.

Mr. MILLER. And the part to which I invite his attention in this connection is the following:

Provided, alrays, That if such injured party, his representative, attorney, or agent, shall, in any way, violate any of the provisions of this act, by seeking, or attempting to obtain private satisfaction or revenge, by crossing over the line, on any of the Indian lands, he shall forfeit all claim upon the United States for such indemnification.

Mr. MANN. The gentleman has read it correctly.

Mr. MILLER. And, also, I find these words:

And in the meantime, in respect to property so taken, stolen, or destroyed, the United States guarantees to the party injured an eventual indemnification.

Mr. MANN. The gentleman still reads correctly. The trouble with my friend from Minnesota is—and that is the trouble with his report made on this bill in a former Congress—that he sees something in it somewhere that pleases his fancy, and there

What is this about? The gentleman has not stated, but I will state what it is about. I stated it to the committee before, and if the gentleman had been familiar with it he would have understood. The claims that are there referred to are these:

That if any Indian or Indians-

This is a part of the sectionbelonging to any tribe in amity with the United States shall come over or across the said boundary line into any State or Territory inhabited by citizens of the United States and there take, steal, or destroy any horse, horses, or other property belonging to any citizen or inhabitant of the United States—

And so forth.

What was the line? The boundary line between the Indian country and the States and Territories of the United States; and if an American citizen went to the Indian country under this act and there his property was lost, he had no claim. But if the Indians, belonging to a tribe at amity with the United States, came over on the east side of the Mississippi River out of the Indian Territory, or east of where the Indian Territory was, and took property, the man who lost had a right to indemnifica-tion, providing he himself did not seek any means of revenge. But all of these claims would not have been covered by that act.

Mr. MILLER. I have no controversy with the gentleman

on that statement.

Mr. MANN. I do not suppose the gentleman could have on a question of fact.
Mr. MILLER. The impression has been attempted to be

conveyed to the House by the gentleman from Illinois that under no circumstances did the United States Government guarantee the payment of these claims. The law is plain and clear that there was a right of recovery only when the Indians passed over the line where they ought not to be in all the cases prior to 1834. What I desire to state further in this connection, Mr. Chairman, is that with slight modification that is the We have no Indian area in the country and no law now. white area.

Mr. MANN. Can the gentleman find any provision to-day for paying any depredation claim? Suppose it occurred yesterday; is there any provision for it? Suppose there had been any depredation since 1890, is there any provision in the law, or does this bill pretend to make any provision for any such claim?

Mr. MILLER. Certainly not.

Mr. MANN. There has been no law providing for it since 1859. Mr. FERRIS. Will the gentleman yield?

Mr. MANN. In just a moment,

I do not know who drew this bill. It has been introduced by various gentlemen in the House, but whoever drew it drew it very skillfully. I take it it was a claim agent who drew it in the first place. It omits entirely a provision that was in all the previous laws, that if the claimant himself was unlawfully in the Indian country he could not recover. This bill provides that the provisions in this act shall not extend to any person whose property when taken was unlawfully in the Indian Ter-I called the gentleman's attention to the fact that ritory. I called the gentleman's "Territory" should be "country."

Possibly that was an inadvertence, but it was no inadvertence of the man who drew the bill and put in that if the claimant himself was unlawfully in the Indian country he could not recover. That was designedly fixed that way, although the law had never allowed any claim on these Indian depredations where the claimant himself had unlawfully gone into the Indian country. I now yield to the gentleman from Oklahoma [Mr. Ferris].

Mr. FERRIS. I merely wanted to make an observation.

The gentleman seems to be indulging in a good deal of delight-

Mr. MANN. I do not indulge in that persiflage.

Mr. FERRIS (continuing). When he says there is no law now permitting any citizen to recover from any depredation received at the hands of the Indians. That is so, but there has been no occasion for any such law since 1891. They are practically all allotted. They are becoming civilized. Prior to that the conditions were very much different.

Mr. MANN. We appropriated here the other day \$300,000 or \$400,000 for Indian relief and for the civilization of the Indians and various things of that kind. When the gentleman from Oklahoma [Mr. Ferris] wants help, and very properly, I think, to open the doors of the Treasury for the benefit of his State, he takes that side, and when the interest is on the other side he takes the other side, and I would do the same thing if I were from his State.

Mr. JACKSON. The gentleman speaks of the act of 1834. I have said, and I still say, that there is no provision that the Government would consider any claim whether it originated east or west of the territory. I would ask him now if he ever knew of a claim that was made prior to 1834 that was not paid out of the funds of the Indian tribes?

Mr. MILLER. Of course I can not. I am not familiar with

all of it.

Mr. MANN. The gentleman from Kansas is correct. Under these prior acts it was obligatory upon the Government officials if the claim was allowed to pay it out of annuity to the Indian, if there was such an annuity.

Mr. MILLER. Practically the law of 1891.
Mr. MANN. I beg the gentleman's pardon. He is not familiar with the law.

Mr. MILLIER. I might do better for him and state that to-day I hold in my hand 200 of these cases that the Govern-

ment has paid since 1891.

Mr. MANN. But the gentleman has read the act of 1891, which provides that, but he has not read the subsequent act of Congress, which provides that those claims shall not be paid out of the Indian funds unless the Secretary of the Interior believes it can be done without injuring the support and civilization of the Indians. He is not paying it because of that provision, which the gentleman had not succeeded in putting into

Now, Mr. Chairman, I do not desire to detain the House longer. I reserve the balance of my time.

The CHAIRMAN. The gentleman has 17 minutes remaining. Mr. FERRIS. Mr. Chairman, I yield five minutes to the

Mr. FERRIS. Mr. Chairman, I yield hive inhities to the gentleman from Texas [Mr. Garner].
Mr. GARNER. Mr. Chairman, the gentleman from Oklahoma has yielded me five minutes. The gentleman from Illinois [Mr. Mann] is usually very courteous when it comes to interruptions. But a moment ago he would not yield to me when I sought to interrupt him, when he was trying to make the impression on the House that the reason for the report on this bill by the committee, as made up at the present time, was the fact that it was composed of new Members, and that claim agents and claim lawyers and Members of Congress who were interested in claims had brought pressure to bear upon new Members, and therefore this bill had been reported when it should have remained in the committee.

Now, what is the history of this legislation? The gentleman's side of the House has been in control here for the last 16 years. There has been a report upon this bill, favoring this identical legislation, from his side of the House, when the majority of the committee was composed of trained men, such as the present Vice President of the United States [Mr. Sherman], when he was chairman of that committee, when the House was in the control of the Republican Party; there was a unanimous report from that committee twice within the last seven years. That bill has been considered in this House, and even under suspension of the rules, when it took a two-thirds vote, even with the chairman of the committee, Mr. Shemman, against the bill, it lacked only 8 votes of passing the House, Democrats as well as Republicans voting for it.

Mr. JACKSON. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Texas yield to the gentleman from Kansas?

Mr. GARNER. I do.
Mr. JACKSON. I presume the gentleman is aware of the fact that the present Vice President of the United States, when chairman of the Committee on Indian Affairs, signed a minority

report against this bill?

Mr. GARNER. Yes; I just stated that when the gentleman interrupted me; that even with the opposition of the chairman of the committee himself, he having, as we must concede, greater influence with his own committee than anyone else, the committee nevertheless reported this bill after due consideration

from his committee, over his protest, and that this House, a Republican House, under suspension of the rules, voted on it. and in that vote it lacked only eight votes under a suspension of the rules, where it took a two-thirds' vote to put it through.

Mr. JACKSON. I understood the gentleman to say that the committee had unanimously reported it.

Mr. GARNER. If I made that statement, I made it errone-

Now, again, the gentleman from South Dakota [Mr. Burke] has been chairman of that committee. His committee, under a Republican administration, with the Democrats joining with him, at the last session of the last Congress reported this bill. and it was on the calendar for passage when that Congress

I may say further that the present committee contains members who have been on that committee for years, such as the gentleman from Texas [Mr. STEPHENS] and the gentleman from Minnesota [Mr. MILLER] and the gentleman from South Dakota [Mr. BURKE]. The Republicans and Democrats have joined in a report on this bill; and so the gentleman from Illinois [Mr. MANN] is undertaking to mislead the House when he undertakes to convey the idea that the new members of that committee have forced this bill out without due consideration.

Now, what is this bill? If the act of 1891 was advisedly passed, then there is no reason on the face of the earth why this bill ought not also to pass. What did the act of 1891 provide? It provided that citizens of the United States might recover. Every other act that had been passed by the United States Congress provided that "citizens" and "inhabitants" might recover. The Court of Claims decided that the word "citizen" should not include "inhabitants," and I will give you, gentleman, an illustration from my own county, where

The CHAIRMAN. The time of the gentleman has expired. Mr. GARNER. I ask for five minutes more.

Mr. FERRIS. Mr. Chairman, I yield five minutes more to

the gentleman.

Mr. GARNER. A man living in my own county, who has been county judge of the county, who has been foreman of the grand jury, who served in the Army for four years, brought a suit under the act of 1891. The proof was complete, but the Court of Claims held that because he landed here when he was 2 years old he could not recover under that act.

Mr. FERRIS. Mr. Chairman, will the gentleman yield for a

question?

The CHAIRMAN. Does the gentleman from Texas yield to the gentleman from Oklahoma?

Mr. GARNER. Certainly.
Mr. FERRIS. Is it or is it not a fact that when the Republic of Texas relinquished its government and became a part of our own Government it was the general belief that that agreement or act which admitted Texas to the Union conferred citizenship on their residents at that time?

Mr. GARNER. Mr. Chairman, that has been the general understanding, and the courts of our State have held it to

Mr. FERRIS. I will ask the gentleman what the Court of

Claims has held in that regard?

Mr. GARNER. The Court of Claims held that a citizen of Texas, a State which came into this Union not as the other States have come, but by a convention or agreement of two Republics, was not a citizen if, when he originally came to Texas. he was not, under the general laws of the United States, a citizen of the United States. In other words, if a man landed on Texas soil from a foreign country before it became a part of the United States, although he was a citizen under the law of Texas, although he was a citizen of the Republic of Texas, the Court of Claims held that he could not recover under this act and was not a citizen of the United States.

Now, I submit to any fair-minded gentleman if it is just that the act of 1891 should be complied with and the Government should be held responsible to the citizens of this country; is it just that you should not extend that same right to a man who landed here when he was a baby, and should he not recover for

his property upon the same ground?

As to whether the act of 1891 is wise or unwise I will not undertake to discuss, because I think the gentleman from Minnesota has covered the case clearly. If I understand the argument of the gentleman from Illinois [Mr. MANN], if he had been a Member of Congress in 1891 he would have opposed the original act that authorized citizens to recover. Am I correct in that assumption?

Mr. MANN. Some people are supposed to be prophets of the future. I am not even a prophet of the past. I will say to

the gentleman frankly that I am opposed to this bill.

Mr. GARNER. Ah, Mr. Chairman, the gentleman avoids the

Mr. MANN. I do not avoid the question. The gentleman might as well ask me some crazy, fool question about something that I do not know. The gentleman is able to tell what he personally would have done under certain circumstances 20 years ago. I prefer to live in the present. I know what I do ncw, not what I would have done under supposititious circumstances 20 years ago. Come down to date. [Applause and laughter.]

Mr. GARNER. Mr. Chairman, the gentleman from Illinois does not always know what he ought to do at the present time.

Mr. MANN. That may be true.

Mr. GARNER. The gentleman from Illinois is unwilling to say whether he would support the act to authorize a citizen to Has the gentleman any reason to offer why an inhabitant of this country should not have the same protection of our laws against our wards that a citizen has? Can the gentleman offer any reason why an inhabitant who has lived here all his life should not have the same consideration and protection at the hands of this Government that a man has who was born in this country? The gentleman asks me what I would have done. I do not know what I might have done in 1891, when this bill was under consideration, but I do say that there is no justice or right in the proposition that you will pay one man when the Indians take his property, and that a neighbor who lives beside him, who happens not to have been a citizen of this country, must go out of court upon the ground that he was not a citizen and not entitled to the same consideration as a person who happened to be born here. That is the position I take with reference to this bill.

Whether the act of 1891, as originally passed, was a correct policy for this Government or not I am not prepared to say; but I do say that no man can stand on the floor of this House and approve of the act of 1891 and justly oppose this bill.

[Applause.]

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. Sisson having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed bill of the following title, in which the concurrence of the House of Representatives was requested:

S. 4239. An act to amend, revise, and codify the laws relating to the public printing and binding and the distribution of Gov-

ernment publications.

INDIAN DEPREDATIONS.

The committee resumed its session. Mr. FERRIS. Mr. Chairman, I had not intended to say anything at all on this bill. I intend to consume only a few minutes now.

The question at issue really is, Shall we now treat citizens who have been knocked out on a technicality precisely as the

act of 1891 treats all other citizens?

The act of 1891 must have been based on the fundamental proposition that so long as Indians are wards of the Government, so long as they are under the supervision of the Government, ment, and so long as they commit raids and depredations, and felonies and larcenies upon their white neighbors, that long it shall be the duty of the Federal Government to indemnify the sufferers at their hands.

What is the situation? Claims have been brought under the act of 1891 on the theory, and I believe it is the correct theory, that the Federal Government should be as much responsible for what its Indian wards do as that a father should be responsible what its Indian wards do as that a lattice accorded theory or an for what his son does. Whether that be a correct theory or an forwhat his son does. Whether that he accorded theory or an accordance of 1801 made that provision. What incorrect theory, the act of 1891 made that provision. does this act do? It simply reenacts that law and inse

does this act do? It simply reenacts that law and inserts the word "inhabitant" along with the word "citizen."

What was the situation? Men living in Texas who came into the Republic by a treaty or agreement or convention between the Republic of the United States and the Republic of Texas came in with the full belief and expectation that they were to be full citizens of the United States. Most of them were full citizens of the United States, but while the Republic of Texas was in existence, practically all the time they were engaged in some character of warfare. Some of the people of that State have neglected the full legal requirements with ref-

erence to citizenship.

What happened? The Indians that lived in the very county in which I now live went into Texas, scalped the people, stole horses, stole cattle, burned their houses, burned their crops, stole little children, stole little girls and held them for ransom. Then what happened? These people proceeded to Washington, to the Court of Claims, and tried to recover an indemnity against the Federal Government under the act of 1891. The

Court of Claims held that there was some technicality which prevented their establishing their citizenship. who had held office, who had sat on the jury, who had exercised the right of citizenship for 40 years, who had had property destroyed by the Government wards, and they were knocked out on a bare naked technicality.

This act simply reenacts the act of 1891, broadening the scope to this extent, so that an inhabitant, as well as a full citizen, can go in and recover from property actually lost.

Mr. COOPER. Will the gentleman yield? Mr. FERRIS. Certainly.

Mr. COOPER. In what year were those depredations committed?

Mr. FERRIS. The gentleman from Texas and those who were then on earth will know better than I. I think it was from 1850 up to 1865 and 1870, and perhaps as late as 1880.

Mr. STEPHENS of Texas. They occurred in the sixties,

about the close of the war.

Mr. COOPER. These depredations were committed, then, before the act of 1891 was passed?

Mr. FERRIS. Yes. We have had legislation ever since 1799; in some periods it applied, and in some it did not.

Mr. COOPER. Some of these claims are 40 years old, or

were 40 years old at the time the law was enacted.

Mr. FERRIS. Some of them; no, not 40 years old; they arose

in 1880, and the act was passed in 1891. The gentleman from Mississippi [Mr. Sisson] this afternoon at great length-I do not know with what consistency-debated that it was neither now nor in the future or in the past the duty of the Federal Government to pay for what the Indian ward does. My reply to that is that the act of 1891, and different acts ranging all the way from 1799 to the present, a period of 113 years, has recognized it. I have no disposition to evade the real issue. I think they ought to recognize them. I think the Federal Government, so long as it maintains and holds super-

vision over the Indians, ought to pay for these depredations. Mr. SISSON. Will the gentleman yield?

Mr. FERRIS. Yes.

In 1859, the last Democratic Congress before Mr. SISSON. the war, dld not they explicitly repudiate the doctrine and provide that no more money should be paid out of the Federal Treasury for Indian depredation claims?

Mr. FERRIS. There was some legislation on that point. Mr. SISSON. Is not that the fact?

Mr. FERRIS. I have not the act before me.

Mr. SISSON. But is it not the fact?

Mr. FERRIS. I have not the act before me, and I do not adopt the gentleman's statement.

Mr. SISSON. The statement the gentleman made was that from 1799 down to the present time they had recognized it, which is not the fact.

Mr. FERRIS. I did not say that; I said that off and on for

the last 113 years they had recognized it.

Mr. SISSON. I will say to the gentleman that I do not believe there ever was a time or can be a time when the Federal Government should be made liable for torts committed by Indians or anybody else.

Mr. FERRIS. I heard the gentleman say that in his speech and elucidate it. I differ with the gentleman, with his logic, with the principle, and with the law. The Congress of the United States differed with him in 1891 when they passed an act providing exactly for the things that the gentleman says he is opposed to. Now, I want to make it as clear to the House as I can that this is nothing but the reenactment of the statute of 1891, except that it allows the man in Texas who was knocked out on a bare technicality to be treated as other citi-

Mr. JACKSON. Will the gentleman yield?
Mr. FERRIS. Yes.
Mr. JACKSON. Of course, the gentleman recognizes the fact that the act of 1891 did not by its terms create any liability against the Government; it was only by the construction of the court that it was held that it went back and created a liability that was created by the act of 1834-a thing that Congress never thought of.

Mr. FERRIS. I do not remember as to that; perhaps the gentleman is correct. This reenacts the law of 1891, but makes it apply to noncitizens the same as citizens.

Mr. CALLAWAY. Will the gentleman yield?

Mr. FERRIS. I will.
Mr. CALLAWAY. There is a question that occurs to me that you are leaving out in this bill the character of citizenship that should be allowed to come in with the same claim of justice as these people now have. I refer to those that did not file their suits under the act of 1891. They were on the same footing as

the people you let in, except that they knew they were noncitizens and knew that the law at that time did not allow them to come in. When you enact this law you allow any man to come in who violated the statute. Now, will not these people who did not come in come here next year and say that they have the same right to have their claims adjusted, and will you not have a bill come in for these people next year as you have for these people this year?

Mr. FERRIS. I understand the gentleman. Mr. CALLAWAY. Mr. Chairman, and now the gentleman is arguing that we ought to allow these in, because they are on the same footing, so far as justice is concerned, with the men we did let in, and next year will not the gentleman have just as good an argument for those we are now excluding as he has

now for those that we then excluded?

Mr. FERRIS. These people are on the same footing with those the gentleman has in mind save in this respect, that these people have filed their suits and have done some overt act toward the establishment of their claims, have manifested diligence, whereas those who have not manifested diligence are guilty of laches and delay in seeking to recover, and I think those laches might well foreclose against them.

Mr. CALLAWAY. Was it a lack of diligence on the part of those people when, under the law, they knew they could not come in, to have failed to have come in and bring suit ?

Mr. FERRIS. The gentleman is talking about something that neither he nor I know anything about. No one knows what was in the minds of those people who did or did not bring suit. The fact remains that some of them elected to take action and some did not. It may be assumed those that did not act have no claim.

Mr. BURKE of South Dakota. Is it not a fact that in practically all these cases that went out of court on the ground of citizenship the claimant supposed when the suit was brought

that he was in fact a citizen of the United States?

Mr. FERRIS. I think that is quite true. He went into court and in good faith prosecuted his suit clear from the first to the last, and, finally, however meritorious his facts might be, however great the loss may have been that he suffered, however atrocious and vicious the assault or villany or crime or theft

atrocious and vicious the assault or villany or crime or theft that was committed, he could not recover because he was not, under strict construction, a citizen of the United States. This act merely enlarges the act of 1891 in the interest of justice.

Mr. SISSON. Mr. Chairman, will the gentleman yield?

Mr. FERRIS. Mr. Chairman, I hope I may proceed for a few moments. The gentleman consumed a whole hour and I do not care to yield to the gentleman at present. I will yield to him a little later. I am not misquoting the gentleman. If to him a little later. I am not misquoting the gentleman. If I were misquoting him or quoting him at all I would not refuse to yield under any circumstances. I do not intend to proceed

longer than for a few minutes.

It has been asserted here, I think too often, that this bill in all probability would appropriate or snake out of the Federal Treasury all the way from half a million to eight microst of dollars. That is not so. It does not snake anything out of the Treasury. It merely gives the right of recovery to these men who, diligently and earnestly trying to recover their property, have actually prosecuted their claims clear to the highest court provided therefor and at the end of that litigation find themselves in the deplorable attitude of being knocked out on a bare technicality.

The best estimate that the committee could give, and the estimate I think is a correct one, is that of the \$2,000,000 of claims that are now on file we thought we were very generous in assuming that only one-quarter of them would ever proceed to judgment and recovery. Therefore, a very generous and liberal estimate would be that the sum that could be recovered would be \$500,000. This House knows, and every practicing lawyer knows, that a claim 30 or 40 years old is almost impossible to establish. Nearly every such claim falls for want of evidence.

Mr. MADDEN. Mr. Chairman, will the gentleman yield?

Mr. FERRIS. I hope I may go on for a moment.
Mr. MADDEN. I just heard the gentleman say that they
estimated that not more than \$500,000 of the \$2,000,000 of claims could be brought to judgment. How did the gentleman reach that conclusion?

Mr. FERRIS. We went upon the assumption that indulging in the wildest hopes there could not be more than one-quarter of the pending claims collected, and no other claims than those pending can come in. I really think a much smaller sum than

that will actually be collected.

Mr. MADDEN. Then, in the report of this committee the statement to the effect that this involves only possibly judgment to the extent of \$500,000 is simply the wild hope indulged in by the committee which made the report.

Mr. FERRIS. The gentleman is very far from the facts. That is the Assistant Attorney General's opinion, and he has great knowledge and information upon the subject, and if the gentleman had read the report he would know that fact

This provision does not apply to any new suits. This does not encourage new litigation. It merely seeks to do common justice to the suits now pending. They must prove amity before they can recover. That serves as sufficient protection, and it ought to remove the objection of this House to this bill, and I believe it would if the House could understand that this limitation is not going to be struck out in the Senate and the amendment then agreed to by the conferees and the House committee when the bill comes back. I think on a former occasion when the bill was up for consideration under unanimous consent the gentleman from Illinois [Mr. Mann] made some suggestion along that line; that if he had some intimation from the committee that we would not permit the Senate to so amend it as to knock out these restrictions, as I now recall and if I am mistaken he can correct me—it was his belief that the bill would not be unjust or seriously objectionable.

Mr. MANN. I think I did not make any such statement. called attention to the fact then, if the gentleman desires me to

state

Mr. FERRIS. I would like to have the gentleman state, for I want to get his present view, whether I am correctly inter-

preting him or not.

Mr. MANN. That by an amendment striking out four words of the bill you could increase the liabilities under it about \$10,000,000; and if that amendment were made in the Senate it would then be a privileged matter in the House to move to concur in the Senate amendment some day in the closing hours of the session, when the friends of the bill were on hand and its

opponents were probably out in their districts.

Mr. FERRIS. Well, I think the gentleman can now be assured, and I think most of the committee are now in my hearing and they can assure the gentleman and the committee that no such change in the bill will be permitted, and if they did it is within the power of the gentleman to make the point of order and send it to the committee, which I know he would, with the

usual vigilance he employs here.

Mr. MANN. He would certainly if it was within his power, but the difficulty is that the bill is in that shape where it does not require unanimous consent to move to concur in the Senate amendment, if the amendment be offered striking out a portion of the bill. If the Senate had inserted a new provision in the bill and it came here, it would have to go automatically to the committee from the Speaker's table, except by unanimous consent, but the claims agent who drew this bill drew it in such shape as to avoid thus coming in conflict with the rules of the House.

Mr. FERRIS. Well, the gentleman with great length and energy proceeded time and again to state that the bill was

drawn by some claims attorney.

Mr. MANN. I hope the gentleman would not think that I say that with any feeling of criticism at all. Most of these bills are drawn by people interested in them, some bright person, and if I had a claim against the Government of this particular sort I might employ a good claims attorney to prepare the bill. I do not think it is any criticism, and far be it from me to criticize the committee in reference to the preparation of the bill or the report on the bill. I have been working on the drafting of bills too long not to know what valuable assistance you get from other people.

Mr. FERRIS. And if I had it left to me on the question, I would appeal from the gentleman's decision to have it drawn elsewhere and have him draw the bill himself. However, the criticism he makes in reference to this bill has no application to me, because I did not draw the bill, I did not introduce it, and

no living soul has ever even asked me to be for it or support it.

I do not think it will help a single citizen in my State; if it will, I do not know it. No one has solicited me on the subject. Of course, it would be all right if they did, but they did not, either in my district or the district of any of my four col-leagues. I have the utmost and most explicit confidence in the gentleman from Texas who introduced this bill, the chairman of the committee

Mr. MANN. We all have.
Mr. FERRIS (continuing). And I feel sure that this committee ought to be satisfied in reference to the bill. I do not know, but I suppose the city is infested—

Mr. BURKE of South Dakota. Will the gentleman yield?
Mr. FERRIS. I do.
Mr. BURKE of South Dakota. I want to call the gentleman's attention to the fact that no claim attorney appeared before the committee favoring this bill.

Mr. FERRIS. Not at all.

Mr. BURKE of South Dakota. And I want to say since the bill has been reported—that is, a similar bill in the last Congress covering amity-that the claim attorneys have ceased absolutely to have any interest in the proposition.

Mr. FERRIS. I think it is undoubtedly true the claims attorneys would like to have us bring in all the old, dead, stale ciaims in the United States, and snake out of the Treasury \$6,000,000 or \$5,000,000; but this bill does not do that. It merely lets the adjudicated cases that have gone out have a new trial, and they ought to have a new trial, and I do not care what anybody says about it. This thing of every time a piece of legislation comes in here and somebody gets up and assaults it, charging some outside, extraneous influence is being wielded over the Congress-I do not take much stock in that. I believe that to-day is a little better than yesterday, and that to-morrow will be a little better than to-day; and I do not take any stock in the proposition that this Congress is filled up with dishonest men. I do not believe that, and I believe there are but few, if any, dishonest men here. I believe when a man advocates a bill in this House he believes it is right, and I think there are few exceptions to that rule.

I think we have had in the last few months occasions where men ran in at the last moment when some bill was under consideration and shouted out "monopoly," or shouted out "graft," or shouted out some other scurrilous criticism. This House ought not to be stampeded by any wild and fantastical statement. This House ought to take up every bill on its own merits and deal with it, and any extravagant or unusual statement made at the last moment by some man who knows nothing about the measure, by some man not even on the committee, by some man who has not heard the debate, is not fair to the House, is not fair to the committee, is not fair to the authorunfair to the advocates of the bill and cheap advertisement for the Member crying out.

They can roll it under their tongue until they are tired, but it is not right.

Now, my district has less interest, I expect, in this bill than that of any man in this House; at least no district has less interest. However, I believe the passage of this bill, if it does anything, will bring some temporary, if not lasting, criticism or at least some unkindly reference to some of the Indian people who live in the western part of my district. So, if I pursued my own inclination for a moment, I would oppose the bill rather than favor it. But rather than pursue my own inclination, rather than to shield the people of my own district against injustice of old, I think this bill ought to pass. People who have been knocked out of court on a bald technicality after they thought they were citizens ought to have them adjudicated when their they were citizens ought to have their claims adjudicated when their nearest neighbors have had their claims adjudicated and paid.

All along the border, and my district adjoins Texas for 150 miles, are people who have lost their children through Indian depredations. Quanah Parker, who died last year, lived in my county. He was chief of the Comanches. His own mother was stolen from a Texas family and brought up into the Indian country and lived there until she died.

Mr. JACKSON. Mr. Chairman—
The CHAIRMAN. Will the gentleman from Oklahoma [Mr. Ferris] yield to the gentleman from Kansas?

Mr. FERRIS. I will.

Mr. JACKSON. These matters you have been speaking of, including the capture of those noted Indians, occurred in time of war, did they not?

Mr. FERRIS. Not at all. They occurred at a time when certain of these Indians were charged with crossing over the Red. River and burning down houses and stealing horses and cattle and bringing them back into Oklahoma.

Mr. JACKSON. That seems to me to be pretty good evidence that they were on the warpath.

Mr. FERRIS. There is no question of that. Mr. JACKSON. This bill does not propose to do anything

Mr. FERRIS. A little band of Indians would run across the Red River and steal a man's entire drove of horses in a night and run them back into the Indian country. You can pass the matter by on a technicality if you will, but you will probably do a good deal of injustice if you do not pass this bill.

Mr. JACKSON. Do you not think it would be an injustice to the people who did suffer such injuries during the time the Indians were on the warpath to refuse to pay them and pay these people who suffered damages from thieves when the Indians were at peace?

Mr. FERRIS. These Indians were at peace.

Mr. JACKSON. Judging from what the gentleman says, I would not think they were at peace.

Mr. FERRIS. Will the gentleman say that the people over in Virginia were at war because the Allens over there elected

to murder the judge and kill all the officers of the court?

Mr. JACKSON. The gentleman's argument was, as I understood, that, paying the Indian depredations committed, as proposed in this bill, it is pretty poor policy not to continue it to the people of Texas, say, who lost their lives and property, when the Indians were at war.

Mr. FERRIS. This does not apply to Texas any more than it applies to Kansas. And it does not apply to Kansas any more than it applies to Nebraska. It is a general bill.

Mr. JACKSON. The gentleman knows that they apply to only those applicants who at the expense of time, and the attorneys who were prosecuting these claims, filed their claims before the Government after they were refused in the courts.

Mr. FERRIS. The gentleman misstates the situation. I can not yield to the gentleman for that.

Mr. JACKSON. Does the gentleman pretend to say it applies

to any other class of claimants?

This is a reenactment of the statute of 1891, Mr. FERRIS. broadened, as I have told you. I can say for one of the Indian Committee, and I think others are here who will join with me in the same thought, that the Senate will not be permitted to load this bill by including all of those cases outside of the amity cases. And I hope the House will pass the bill.

The CHAIRMAN. The Clerk will read. Mr. SISSON. Mr. Chairman, one moment. The gentleman from Oklahoma [Mr. Ferris] declined to yield to me a moment I have always been willing to yield to him, but he declined to yield to me.

I want to state to the committee that my friend's argument on laches is one that has no place in this debate, because negligence to pursue a right follows the creation of the right under the statute, and if this bill becomes a law it will come in poor grace for anybody who votes for this bill, because a few men sought to pursue a right which the statute did not give, to deny a right to all the hundreds of people and thousands of people to whom this act of 1891 did not apply. And when you do, you are going to set the precedent, and there will be no laches argued against them, because Congress gave them no right; and when you do you will have the floodgates open, and those Members who vote for this legislation will be compelled, in order that they may be consistent, to vote to give these men opportunity to recover damages. My opinion is that the amount of those damages will run from \$40,000,000 to \$60,000,000 on these old claims, and then where will it end?

Mr. RAKER. Mr. Chairman, I desire to take only five minutes of the committee's time.

Mr. CAMPBELL. I wanted to ask the gentleman from Mississippi [Mr. Sisson] a question first, if he will permit me.

Mr. SISSON. Certainly.

Mr. CAMPBELL. I would be glad to have the source of the gentleman's information, as to where this \$60,000,000 of claims will come from? Who presents them?
Mr. SISSON. The report states that there is between

\$10,000,000 and \$11,000,000 of these suits that were brought in some other form against the Government and dismissed on technical grounds.

Now, the man who is not a citizen, the man who had nothing to do with the litigation-because the act did not apply to himwill carry you back to all these scalps that have been talked about here, to all the depredations of Indians committed upon people who were not citizens; and there is no telling where the matter will end. Forty or fifty or sixty million dollars are the amounts of the various estimates made by some gentlemen who are on the committee. I have discussed the matter with them, but I personally know nothing on earth about it myself.

Mr. CAMPBELL. I will state that no claims have been suggested of any character whatever that would indicate any amount like that.

Mr. SISSON. The claim now before us aggregates \$11,-000,000.

Mr. CAMPBELL. Oh, there is a vast unrecess
\$11,000,000 and \$60,000,000.

Mr. SISSON. That is true. I am glad the gentleman from
[Laughter.] It shows he is Mr. SISSON. That is true. I am glad the gentleman from Kansas has made that discovery. [Laughter.] It shows he is making wonderful progress when he knows that there is a difference between \$11,000,000 and \$60,000,000. Now, if you have \$11,000,000-

Mr. RAKER. Mr. Chairman, of course I yielded to the gentleman from Kansas [Mr. CAMPBELL] only for a question, and I do not want my time to be taken up in this way.

Mr. SISSON. I beg the gentleman's pardon. I did not know I thought I was talking in my own time. My statement was that \$11,000,000 was the amount of claims that had been filed and dismissed. I get that from this report. Those were claims of people who had no standing under the act and who did not pursue their rights. If you open the floodgates and they do attempt to pursue all their rights that were occasioned by virtue of Indian depredations, it might go into the hundreds of millions. I do not know where it will end. It is purely a matter of speculation. The gentleman from Kansas [Mr. CAMPBELL] does not know, and no member of this committee knows, where it would end.

Mr. CAMPBELL. The gentleman from Mississippi does not contend that this act opens the door wide beyond the act of

1891, does he?

Mr. SISSON. There is some difference of opinion as to the number of claims involved. The committee, I understand, insists that but half a million dollars will be recovered. matter of fact, the entire claims aggregate \$1,500,000, but about one-third of this, or about 40 per cent, is what it is believed will be actually recovered if the suits are prosecuted.

But as to the precedent set, however, and as to the reason why you should let down the bars to let in the claims, it will let in the \$11,000,000 of claims, and if you allow a portion of them, you certainly ought not to deal unfairly and refuse to

allow the others to come in.

Mr. RAKER. Mr. Chairman and gentlemen of the committee, there is just one matter that I wish to add to the argument

that has been presented.

The gentleman who has just taken his seat [Mr. Sisson] has discussed the amount of these claims. It ought to be conceded and settled without any dispute that the only matters involved are the claims of those whom the Court of Claims adjudicated not to be citizens. Their claims must have been on file with the Court of Claims. Otherwise they can not be considered.

The Department of Justice, the Department of the Interior, and the Indian Office estimate that these claims amount to about \$500,000, now pending, undetermined, and unsettled, and that are to be adjusted by this bill, and no one to-day is able to say that the amount recoverable under this bill will be \$100,000 or \$500,000 until the Court of Claims determines the exact amount.

The largest possible amount is \$500,000.

Now, on the question as to residents not being entitled to recover, the original act said that the claimants must be citizens of the United States. It excluded those who had made application to become citizens. If at the time of the depredation a man had declared his intention to become a citizen, he lost his claim. If upon the day that the depredation was committed he was not a citizen, but in the following week he took the oath and became a citizen of the United States, his claim was defeated under the act of March 3, 1891.

To confirm that fact I call the attention of the committee to the decision of the Supreme Court of the United States upon that question. It shows how unjust it is that a man who with his family went into that frontier country and helped to settle it up shall have his claim rejected because on the day the depredation was committed he had not received his final papers. His neighbor, side by side with him, and whose property he went out to protect, has been granted compensation by this Government; but the man who had not received his final papers upon the day when the depredation was committed is deprived of his right, no matter what occurred afterwards. Is that fair? Is that just?

The Supreme Court of the United States, in the case of Johnson v. The United States, decided on January 13, 1896, and reported in One hundred and sixtieth United States, page 546, decided this question. The court used the following language:

Congress did not by the act of 1891 assume in behalf of the United States responsibility for all acts of depredation by Indians, nor grant to the Court of Claims authority "to inquire into and finally adjudicate" all claims therefor. It carefully specified those which might be

cate" all claims therefor. It carefully specified those which might be considered by that court.

By the first clause jurisdiction is given of "claims for property of clitzens of the United States taken or destroyed." But claimant had no such claim. It is for property of an alien taken and costroyed.

True, he is now a clitzen and was at the time of the passage of the act. But the language is not "claims of citizens for property," which might include his case. The definition is of the character of the claim and not of the status of the claimant; if the property was not when taken or destroyed the property of a citizen, a claim therefor was at that time clearly outside the statute, and, while the status of the claimant may have changed, the nature of the claim has not.

At the time this act was passed, in 1891, he was a citizen. A short time after the depredation was committed he was a But the Supreme Court holds that at the time of the depredation he must have been a citizen. I know of the case of one claimant, Robert Johnson, who lived at Susanville, Lassen County. He has lived there for over 25 years. I have seen him serve on grand juries and petit juries, and he held lution.

county offices for over 10 years. He presented his claim for depredations. When he presented his claim he supposed he was entitled to his, the same as the rest.

At the time he lost his property he was rearing and protecting his family. When the agent came to take the testimony he was asked who his father was. He came to this country as a boy and was unable to prove that his father had been naturalized, was unable to find the papers, although he was able to prove that his father voted, and that in one of the Eastern States his father had served upon a jury. He had a just and honest claim for property absolutely destroyed, amounting to over \$10,000 at a low estimate. His widow, who now lives in that country, ought to have some consideration. Although he took his case before the Court of Claims, they held that he was unable to determine his citizenship at the time of the depredation, notwithstanding the fact that he was a citizen for years and participated in the Government. He could not find his father's naturalization papers, and therefore his right was lost.

This proposed legislation changes no right; it gives the naturalized citizen or the man who is not a naturalized citizen only the right, only the same protection, that his neighbor, a citizen, who was living by his side had. It gives him the same right as the American citizen who, living as his neighbor, had already obtained by virtue of the act of 1891 and the decision of the Court of Claims. This is an honest, just bill to the man who went to the western country and helped build it up, allowed better the time a networked altieur but who went to though not at the time a naturalized citizen, but who ought to be given the same right as those who were citizens and be entitled to the reasonable compensation for the property lost. Of course, the whole matter is to be determined by the judg-

ment of the court from the evidence presented.

Mr. MADDEN was recognized.

Mr. STEPHENS of Texas. Mr. Chairman, I move that the

committee do now rise.

Mr. MADDEN. Mr. Chairman, I have the floor, but I am willing to yield to the gentleman for the purpose of making the motion.

Mr. STEPHENS of Texas. I am willing that the gentleman shall take the floor on the next Calendar Wednesday.

Mr. MANN. Why not dispose of the bill to-night?

Mr. STEPHENS of Texas. The gentleman from Illinois [Mr. Madden] will probably take an hour, and it is now nearly half

Mr. MANN. The gentleman from Illinois will not talk an

hour.
Mr. MADDEN. Oh, I will talk an hour or an hour and a half, if permitted; but I am willing to yield to the gentleman from Texas to move that the committee rise.

Mr. STEPHENS of Texas. Then, Mr. Chairman, I renew my motion.

The question was taken; and on a division (demanded by Mr. Burke of South Dakota) there were 49 ayes and 17 noes.

So the committee determined to rise.

Accordingly the committee rose; and Mr. Hughes of Georgia baving taken the chair as Speaker pro tempore, Mr. Foster, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 14667) to amend an act providing for the adjudication of claims arising from Indian depredations and had come to no resolution thereon.

The SPEAKER pro tempore. The gentleman from Illinois, Chairman of the Committee of the Whole House on the state of the Union, reports that that committee has had under consideration the bill H. R. 14667, and had come to no resolution thereon.

ENROLLED BILL SIGNED.

Mr. CRAVENS, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bill of the following title, when the Speaker signed the same:

H. R. 18661. An act to provide for an extension of time of payment of all unpaid payments due from homesteaders on the Coeur d'Alene Indian Reservation, as provided for under an act of Congress approved June 21, 1906.

SENATE BILL REFERRED.

Under clause 2, Rule XXIV, Senate bill of the following title was taken from the Speaker's table and referred to its appropriate Committee, as indicated below: S. 4239. An act to amend, revise, and codify the laws relating

to the public printing and binding and the distribution of Gov-ernment publications; to the Committee on Printing.

METROPOLITAN COACH CO.

Mr. ANDERSON of Ohio. Mr. Speaker, I ask unanimous consent for the consideration of the resolution which I send to the Clerk's desk

The SPEAKER pro tempore. The Clerk will report the reso-

The Clerk read as follows:

House resolution 489.

Resolved, That the Clerk be directed to request the Senate to furnish the House of Representatives with a duplicate engrossed copy of the bill (S. 2904) entitled "An act to confer upon the Commissioners of the District of Columbia authority to regulate the operation and equipment of the vehicles of the Metropolitan Coach Co."

The SPEAKER pro tempore. Is there objection to the present consideration of the resolution?

There was no objection.

The resolution was considered and agreed to.

ADJOURNMENT.

Mr. STEPHENS of Texas. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 24 minutes p. m.) the House adjourned until to-morrow, Thursday, April 11, 1912, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of the Treasury, transmitting copy of a communication from the Secretary of the Interior submitting estimate of appropriation to enable the Secretary of the Interior to assist members of the Turtle Mountain Band of Chippewa Indians in North Dakota to settle up and improve homesteads taken upon the public domain (H. Doc. No. 692); to the Committee on Indian Affairs and ordered to be printed.

2. A letter from the Secretary of the Treasury, calling attention to Book of Estimates relating to Life-Saving Service and submitting supplemental estimate of appropriation for salary of one superintendent for the life-saving stations on the coast of New Jersey (H. Doc. No. 691); to the Committee on

Appropriations and ordered to be printed.

3. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Indiana Harbor, Ind. (H. Doc. No. 690); to the Committee on Rivers and Harbors and ordered to be printed, with illustrations.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows

A bill (H. R. 1889) granting a pension to Thomas W. Botkin; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 13918) granting an increase of pension to William Winegartner; Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 22926) granting a pension to Edward Flannery; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 21999) granting a pension to George Tillapaugh; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 22930) granting a pension to John Miller; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 22928) granting a pension to Thomas Hopkins; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 9257) granting a pension to Julia A. Ferber; Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 3299) granting a pension to Elizabeth Staffen; Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 20221) granting an increase of pension to Roland Savage; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 20080) for the relief of the estate of Wiley J. Davis; Committee on Claims discharged, and referred to the Committee on War Claims.

A bill (H. R. 17810) for the relief of the heirs of James Rockwell, deceased; Committee on Claims discharged, and referred

to the Committee on War Claims.

A bill (H. R. 20335) for the relief of William H. W. James; Committee on Claims discharged, and referred to the Committee on War Claims.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials

were introduced and severally referred as follows:

By Mr. DAVENPORT: A bill (H. R. 23108) providing for the removal of restrictions from certain lands in the Cherokee

By Mr. CANTRILL: legal representatives of the removal of restrictions from certain lands in the Cherokee

Nation, Oklahoma, and for other purposes; to the Committee on Indian Affairs.

By Mr. POST: A bill (H. R. 23109) to purchase, improve, and perpetuate the site of old Fort Buchanan; to the Committee on the Library

By Mr. LEVER: A bill (H. R. 23110) to provide for the collection, transcription, and publication of material relating to the educational history of the United States; to the Committee on Education.

By Mr. ALEXANDER: A bill (H. R. 28111) to carry into effect the provisions of a convention for the unification of certain rules with respect to assistance and salvage at sea; to the Committee on Foreign Affairs.

By Mr. ESTOPINAL: A bill (H. R. 23112) to extend the limits of the port of entry of New Orleans, La.; to the Committee on Ways and Means.

By Mr. TUTTLE: A bill (H. R. 23113) to fix the standard barrel for fruits and vegetables; to the Committee on Coinage, Weights, and Measures.

By Mr. KENDALL: A bill (H. R. 23114) for the acquisition of a site and the erection thereon of a public building at Albia, Iowa; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 23115) for the acquisition of a site and the erection thereon of a public building at Newton, Iowa; to

the Committee on Public Buildings and Grounds.

By Mr. MANN: A bill (H. R. 23116) authorizing insurance companies and fraternal beneficiary societies to file bills of

interpleader; to the Committee on the Judiciary.

By Mr. HAYDEN: A bill (H. R. 23117) to fix the times and places of holding district court for the district of Arizona and creating divisions thereof; to the Committee on the Judiciary

Also, a bill (H. R. 23118) for the erection of a public building at the city of Globe, State of Arizona; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 23119) for the erection of a public building in the city of Douglas, State of Arizona; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 23120) to provide for the purchase of a site for a public building in the city of Nogales, Ariz.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 23121) to provide for the purchase of a site for a public building in the city of Prescott, Ariz.; to the Committee on Public Buildings and Grounds.

By Mr. LEVER: Resolution (H. Res. 487) authorizing the printing of additional copies of the hearings on bill relating to agricultural education, and on bill relating to the importation of nursery stock; to the Committee on Printing.

By Mr. BORLAND: Resolution (H. Res. 488) requesting the

Attorney General to transmit certain papers with reference to Leslie J. Lyons; to the Committee on the Judiciary.

By Mr. GARDNER of Massachusetts: Joint resolution (H. J. Res. 293) authorizing the Secretary of the Interior to lease to benevolent and fraternal organizations for a term of years certain public lands; to the Committee on the Public Lands.

By Mr. ROBERTS of Massachusetts: Memorial of the Legislature of Massachusetts, relating to the improvement of navigation on the Merrimac River; to the Committee on Rivers and Harbors.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:
By Mr. ANSBERRY: A bill (H. R. 23122) granting an in-

crease of pension to William Knight; to the Committee on Invalid Pensions.

By Mr. BARTHOLDT: A bill (H. R. 23123) for the relief of Lena Schmieder; to the Committee on Claims.

Also, a bill (H. R. 23124) granting a pension to Margaret Shea; to the Committee on Pensions.

By Mr. BLACKMON: A bill (H. R. 23125) granting a pension to James Harrison; to the Committee on Invalid Pensions.

By Mr. BROWNING; A bill (H. R. 23126) for the relief of

John Kelly; to the Committee on Military Affairs.

By Mr. BURKE of Wisconsin: A bill (H. R. 23127) granting

an increase of pension to Carl Graefe; to the Committee on Invalid Pensions.

By Mr. BYRNS of Tennessee: A bill (H. R. 23128) for the relief of the estate of John G. Tarkington; to the Committee on War Claims

Also, a bill (H. R. 23129) for the relief of the estate of Robert Locke; to the Committee on War Claims.

By Mr. CANTRILL: A bill (H. R. 23130) for the relief of the legal representatives of S. C. Bromley, deceased; to the Com-

By Mr. DAVIDSON: A bill (H. R. 23131) granting an increase of pension to Hope M. Craig; to the Committee on Invalid Pensions

By Mr. DODDS: A bill (H. R. 23132) granting an increase of pension to Charles H. Houk; to the Committee on Invalid

By Mr. FAIRCHILD: A bill (H. R. 23183) granting an increase of pension to Orville A. Benton; to the Committee on Invalid Pensions

By Mr. FIELDS: A bill (H. R. 23134) granting a pension to

Mary Bruce; to the Committee on Pensions.

Also, a bill (H. R. 23135) granting a pension to Conway Applegate; to the Committee on Invalid Pensions.

Also, a bill (H. R. 23136) granting an increase of pension to Thomas B. Hughes; to the Committee on Invalid Pensions.

Also, a bill (H. R. 23137) granting an increase of pension to

Stephen S. Lewis; to the Committee on Invalid Pensions.

By Mr. GARRETT: A bill (H. R. 23138) for the relief of
W. B. Booker; to the Committee on War Claims.

By Mr. GOOD: A bill (H. R. 23139) granting an increase of

pension to William Vance; to the Committee on Invalid Pen-

By Mr. GRAY: A bill (H. R. 23140) granting an increase of pension to Sarah J. Appleton; to the Committee on Invalid Pensions.

By Mr. GREEN of Iowa: A bill (H. R. 23141) granting a

pension to Dorcas Cuppy; to the Committee on Invalid Pensions. By Mr. HAYDEN: A bill (H. R. 23142) authorizing the Secretary of the Treasury to pay Eli Sears \$480 for property destroyed by the Pima Indians; to the Committee on Indian Affairs

By Mr. HOWARD: A bill (H. R. 23143) for the relief of J. G. Ramsey; to the Committee on War Claims.

Also, a bill (H. R. 23144) for the relief of the heirs of J. M.

Fowler, deceased; to the Committee on War Claims.

Also, a bill (H. R. 23145) for the relief of the heirs of

Elizabeth House, deceased; to the Committee on War Claims, Also, a bill (H. R. 23146) for the relief of the heirs of Henry Parks, deceased; to the Committee on War Claims.

Also, a bill (H. R. 23147) for the relief of the heirs of Clark McLendon, deceased; to the Committee on War Claims.

Also, a bill (H. R. 23148) for the relief of the heirs of Cleve-

land Clay, deceased; to the Committee on War Claims.

Also, a bill (H. R. 23149) for the relief of the heirs of Green Lee Bagley, deceased; to the Committee on War Claims.

Also, a bill (H. R. 23150) for the relief of the heirs of W. B.

Perry, deceased; to the Committee on War Claims.

Also, a bill (H. R. 23151) for the relief of the heirs of James Watts, deceased; to the Committee on War Claims.

Also, a bill (H. R. 23152) for the relief of the heirs of John H. Parker, deceased; to the Committee on War Claims.

Also, a bill (H. R. 23153) for the relief of heirs of Rebecca

Booth, deceased; to the Committee on War Claims. By Mr. KENT: A bill (H. R. 23154) for the relief of Ira

Davis; to the Committee on Claims. Also, a bill (H. R. 23155) granting a pension to Albert F.

Horne; to the Committee on Pensions.

By Mr. KINKAID of Nebraska: A bill (H. R. 23156) granting an increase of pension to William Reynolds; to the Committee on Invalid Pensions.

By Mr. O'SHAUNESSY: A bill (H. R. 23157) granting a pen-

sion to Charley Jackson; to the Committee on Pensions.

Also, a bill (H. R. 23158) granting an increase of pension to

Joseph N. Weaver; to the Committee on Invalid Pensions.

Also, a bill (H. R. 23159) granting a pension to Bridget Mc-

Garrahan; to the Committee on Pensions.

By Mr. POWERS: A bill (H. R. 23160) for the relief of Joe

Griffin; to the Committee on War Claims Also, a bill (H. R. 23161) for the relief of E. J. Cox; to the

Committee on War Claims. Also, a bill (H. R. 23162) for the relief of H. B. Howard; to

the Committee on War Claims. Also, a bill (H. R. 23163) for the relief of John Lee; to the

Committee on War Claims. Also, a bill (H. R. 23164) for the relief of the heirs of Green

Adams, deceased; to the Committee on War Claims.

Also, a bill (H. R. 23165) for the relief of the heirs of John Davidson, deceased; to the Committee on War Claims. Also, a bill (H. R. 23166) granting an increase of pension to

Pinckney D. Compton; to the Committee on Invalid Pensions. By Mr. RAUCH: A bill (H. R. 23167) granting a pension to

Joseph H. Mayo; to the Committee on Pensions.

Also, a bill (H. R. 23168) granting an increase of pension to

Stephen L. Freel; to the Committee on Invalid Pensions.

By Mr. RICHARDSON: A bill (H. R. 23169) granting a pension to Margaret A. Gilley; to the Committee on Pensions.

By Mr. RIORDAN; A bill (H. R. 23170) granting a pension

to Theresa Sheidmantel; to the Committee on Invalid Pensions. By Mr. RUCKER of Colorado: A bill (H. R. 23171) granting an increase of pension to Mary E. King; to the Committee on Invalid Pensions

By Mr. SELLS: A bill (H. R. 23172) granting an increase of pension to Worley H. Stepp; to the Committee on Pensions. By Mr. SCULLY: A bill (H. R. 23173) granting an increase

of pension to Henry J. Van Iderstine; to the Committee on Invalid Pensions

By Mr. SHERWOOD: A bill (H. R. 23174) granting an increase of pension to Samuel H. Reeder; to the Committee on Invalid Pensions.

Also, a bill (H. R. 23175) granting an increase of pension to Joseph Veo; to the Committee on Invalid Pensions.

By Mr. TALBOTT of Maryland: A bill (H. R. 23176) grant-

ing an increase of pension to James O. Wetherell; to the Committee on Invalid Pensions.

By Mr. SLEMP: A bill (H. R. 23177) for the relief of W. V. B. Tilson; to the Committee on War Claims.

Also, a bill (H. R. 23178) for the relief of the heirs of R. Tilson, deceased; to the Committee on War Claims.

By Mr. WARBURTON: A bill (H. R. 23179) granting an increase of pension to Silas D. Gibson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 23180) granting an increase of pension to Francis M. Purviance; to the Committee on Invalid Pensions.

By Mr. WOOD of New Jersey: A bill (H. R. 23181) granting

a pension to Samuel R. Ballentine; to the Committee on Invalid Pensions.

By Mr. YOUNG of Michigan: A bill (H. R. 23182) for the relief of Abraham Whitehorn; to the Committee on War Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows

By Mr. ANDERSON of Minnesota: Petition of L. E. Warren and seven others, of Brownsdale, Minn., against extension of parcel-post system; to the Committee on the Post Office and Post Roads.

By Mr. BURKE of Wisconsin: Petition of Stadt Verband, of Chilton, Wis., protesting against the passage of all prohibition or interstate-commerce liquor measures now pending; to the Committee on Interstate and Foreign Commerce.

Also, memorial of Deutsche Americaner Verein, of Oconto, Wis., against the passage of all prohibition or interstate-commerce liquor measures now pending; to the Committee on Interstate and Foreign Commerce.

By Mr. BUTLER: Petition of Lyndell Grange, Patrons of Husbandry, for enactment of House bill 19133, providing for a governmental system of postal express; to the Committee on Interstate and Foreign Commerce.

Also, petition of the session of the United Presbyterian Church, Oxford, Pa., favoring speedy passage of the Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. BYRNS of Tennessee: Papers to accompany bill for the relief of estate of Robert Locke; to the Committee on War Claims.

Also, papers accompanying bill for the relief of the estate of Tarkington, to the Committee on War Claims. John G.

By Mr. DAUGHERTY: Petition of 300 citizens of Monett, Mo., for investigation of the Government's prosecution of the Appeal to Reason, a Girard, Kans., publication; to the Committee on Rules

By Mr. DICKINSON: Petition of 34 citizens of Johnson County, Mo., in favor of placing the regulation of express companies and other common carriers, their rates and classifications, in the hands of the Interstate Commerce Commission; to the Committee on Interstate and Foreign Commerce.

By Mr. FULLER: Petition of Louis Gardner, veterinary surgeon, of Sycamore, Ill., in favor of the passage of House bill 16843, to consolidate the veterinary service in the United States Army, etc.; to the Committee on Military Affairs.

Also, petition of the Chamber of Commerce of the State of New York, concerning tonnage rates for Panama Canal, etc.; to the Committee on Interstate and Foreign Commerce

By Mr. HAMLIN: Papers to accompany House bill 17072; to

the Committee on Invalid Pensions.

By Mr. HANNA: Memorial of the Methodist Episcopal Church at Caveller, Pembina County, N. Dak., favoring passage of the Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

Also, petition of citizens of Braddock, N. Dak., for enactment of House bill 14, providing for a general parcel-post system; to the Committee on the Post Office and Post Roads.

Also, petition of citizens of Ellendale, N. Dak., protesting against parcel-post legislation; to the Committee on the Post

Office and Post Roads.

Also, petition of citizens of Epping, N. Dak., protesting against proposed increase in rates on second-class mail matter; to the Committee on the Post Office and Post Roads.

Also, petition of citizens of Blaisdell, N. Dak., for an investigation of an alleged combination existing between coal dealers; to

the Committee on Rules.

Also, petition of Oscar King, of Cole, N. Dak., asking that the duties on raw and refined sugars be reduced; to the Committee

on Ways and Means.

Also, petition of citizens of the State of North Dakota, protesting against proposed legislation to create a new land district in eastern Dawson and Custer Counties, Mont.; to the Committee on the Public Lands.

Also, petition of citizens of Grand Forks, N. Dak., for construction of one battleship in a Government navy yard; to the

Committee on Naval Affairs.

By Mr. HAYES: Petitions of residents of the State of California in favor of House bill 18227, which provides for the ceding of land adjacent to the California Redwood Park, in Santa Cruz County, to the State of California, to be added to Redwood Park; to the Committee on the Public Lands.

Also, petition of the Chamber of Commerce of San Jose, Cal., for free passage of American ships through the Panama Canal; to the Committee on Interstate and Foreign Commerce.

Also, petition of the Civic Department, California Club, favoring special appropriation for enforcement of the white slave traffic act; to the Committee on the Judiciary.

Also, petition of Photo Play Theater, Half Moon Bay, Cal., for passage of House bill 20595, to amend section 25 of the

copyright act of 1909; to the Committee on Patents.

Also, petition of J. L. Pryor, Pacific Grove, Cal., in favor of House bill 20835, relative to pay and allowances of officers of the Navy; to the Committee on Naval Affairs

Also, petition of C. L. Koster, San Francisco, Cal., favoring House bill 7271, relieving American bottoms in the coastwise trade from canal tolls; to the Committee on Interstate and Foreign Commerce.

Also, petition of D. W. McNeill, commander in chief of United States Indian Warriors of California, favoring House bill 779, for benefit and pensions of the officers and enlisted men who served in the Indian wars; to the Committee on Pensions.

By Mr. HIGGINS: Petition of Clinton Grange, No. 77, Clinton, Middlesex County, Conn., favoring passage of the Kenyon-Sheppard interstate liquor bill; to the Committee on the Judi-

By Mr. HILL: Resolutions of Group No. 1285, Polish National Alliance of the United States, of New Milford, Conn., against the provision which requires from every immigrant an educational test; to the Committee on Immigration and Naturaliza-

By Mr. HOWELL: Petition of H. A. Sims and others, of Utah; of J. F. Goss, manager of the Orpheum Theater, Ogden, Utah; and of Lamoni Call, manager of Bountiful Opera House, Bountiful, Utah, favoring certain amendments to the copyright act of 1909; to the Committee on Patents.

By Mr. HUGHES of New Jersey: Memorial of the Society for the Prevention of Cruelty to Animals of the Passaic County district, New Jersey, for enactment of House bill 17222; to the Committee on Interstate and Foreign Commerce.

By Mr. KAHN: Memorial of the Native Daughters of the Golden West, urging that the United States Government acquire the Calaveras, or Mammoth, Grove of Big Trees in Califormia; to the Committee on Agriculture.

Also, petitions of residents of San Francisco, Cal., for enactment of House bill 21225; to the Committee on Agriculture. By Mr. KENT: Petition of 21 residents of Clipper Mills and

vicinity, Cal., urging passage of Berger bill providing old-age pensions; to the Committee on Pensions.

Also, petition of 167 residents of Healdsburg, Cal., urging extension of free postal delivery to towns having population of 1,000 or more; to the Committee on the Post Office and Post

By Mr. LANGHAM: Petition of the Woman's Christian Temperance Union of Plumville, Indiana County, Pa., favoring passage of Kenyon-Sheppard interstate liquor bill; to the Commit-

By Mr. McCOY: Petition of the Brotherhood of Locomotive Engineers, of Jersey City, N. J., favoring passage of House bill Invalid Pensions.

2487-workmen's compensation bill; to the Committee on the Judiciary.

By Mr. McKINNEY: Petition of members of the Christian Endeavor Society of Memorial Christian Church, Rock Island, Ill., favoring passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. MARTIN of South Dakota: Petitions of citizens of

the State of South Dakota, asking that the duties on raw and refined sugars be reduced; to the Committee on Ways and

Means.

By Mr. MOTT: Petition of G. D. Bailey Post, No. 200, Grand Army of the Republic, Lowville, N. Y., in favor of increase in pensions for Civil War veterans; to the Committee on Invalid Pensions.

By Mr. O'SHAUNESSY: Petition of members of the Men's Bible Class of St. John's Episcopal Church of Providence, R. I., favoring passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. RAKER: Resolutions of Berkeley Center of the California Civic League, Berkeley, Cal., favoring the appropriation for the enforcement of the white-slave act; to the Committee on

Appropriations.

By Mr. RUCKER of Colorado: Petition of O. M. Markle and others, of Hudson, Colo., against the passage of House bill 18493 and favoring passage of House bill 21225; to the Committee on Agriculture.

Also, petition of D. C. Winship and others, of Denver, Colo., against the repeal of the anticanteen law; to the Committee on

Military Affairs.

Also, resolutions adopted by Henry W. Lawton Camp. No. 1, Department of Colorado, favoring passage of House bill 17470. to pension widows and minor children of any officer or enlisted

man who served in the War with Spain or the Philippine insurrection; to the Committee on Pensions.

Also, petitions of Ed. W. Winter and others, of Glen, and Walker Glaister and others, of Seibert, Colo., for passage of House bill 21225 and protesting against House bill 18493; to the Com-

mittee on Agriculture.

By Mr. SCULLY: Memorial of the Chamber of Commerce of the State of New York, relative to operation of the Panama Canal; to the Committee on Interstate and Foreign Commerce.

Also, memorial of the Chamber of Commerce of the State of New York, for amending the laws relating to navigation; to the Committee on the Merchant Marine and Fisheries.

Also, memorial of the Amateur Athletic Union, for appointment of a commissioner to represent the United States at the coming Olympian championships; to the Committee on Foreign Affairs

By Mr. SULZER: Memorial of the Chamber of Commerce of the State of New York, for the creation of a Federal commission on industrial relations; to the Committee on Rules.

Also, memorial of the Chamber of Commerce of the State of New York, relating to the operation of the Panama Canal; to the Committee on Interstate and Foreign Commerce.

Also, memorial of the Chamber of Commerce of the State of New York, for amending the laws relating to navigation; to the Committee on the Merchant Marine and Fisheries.

Also, petition of the Central Federated Union of Greater New York and Vicinity, urging that American citizenship be conferred on Porto Ricans, and that a department of labor and agriculture be established for the island; to the Committee on Insular Affairs.

Also, petitions of residents of Mead, Wash., and New York City, for enactment of House bill 14, providing for a general parcel-post system; to the Committee on the Post Office and

Post Roads.

By Mr. TOWNER: Petition of 38 citizens of Osceola and Woodburn, Iowa, against a parcel-post system; to the Committee on the Post Office and Post Roads.

By Mr. UNDERHILL: Petition of residents of the State of

New York, for parcel-post legislation; to the Committee on the Post Office and Post Roads.

By Mr. WARBURTON: Memorial for the construction of a road through the Rainier Forest Reserve, in the counties of Pacific and Lewis, State of Washington; to the Committee on Agriculture.

Also, petition of the Vancouver Commercial Club, for an appropriation for a Federal building; to the Committee on Public Buildings and Grounds.

By Mr. WOOD of New Jersey: Affidavits to accompany bill granting a pension to Samuel R. Ballentine, of Mendham Township, Morris County, State of New Jersey; to the Committee on

SENATE.

THURSDAY, April 11, 1912.

The Senate met at 2 o'clock p. m.

Prayer by the Chaplain, Rev. Ulysses G. B. Pierce, D. D. The Journal of yesterday's proceedings was read and approved.

SENATOR FROM TENNESSEE.

Mr. LEA. Mr. President, I present the credentials of Hon. Newell Sanders, appointed by the governor of Tennessee to fill the vacancy created by the death of the late Senator TAYLOR, I ask that the credentials may be read by the Secretary.

The VICE PRESIDENT. The Secretary will read the

credentials.

The Secretary read the credentials of Newell Sanders, appointed by the governor of the State of Tennessee a Senator from that State to fill the vacancy in the term ending March 3, 1913.

The VICE PRESIDENT. Without objection, the credentials

will be referred to the Secretary for the files of the Senate.

Mr. LEA. Mr. Sanders is present and ready to take the oath of office.

The VICE PRESIDENT. The Senator appointed will present himself at the desk to take the constitutional oath of office.

Mr. Sanders was escorted to the Vice President's desk by

Mr. Lea, and the oath prescribed by law having been administered to him, he took his seat in the Senate.

INTERNATIONAL RADIOTELEGRAPHIC CONFERENCE (S. DOC. NO. 553).

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the Acting Secretary of State, submitting an estimate of appropriation for inclusion in the diplomatic and consular appropriation bill for the payment of the expenses of expert delegates to the International Radiotelegraphic Conference to be held at London, June, 1912, etc., \$5,900, which, with the accompanying paper, was referred to the Committee on Appropriations and ordered to be printed.

MOTOR AND OTHER VEHICLES IN GOVERNMENT SERVICE (S. DOC. NO. 554).

The VICE PRESIDENT laid before the Senate a communication from the Commissioners of the District of Columbia, transmitting, in response to a resolution of the 25th ultimo, a statement showing the number of carriages, motor vehicles, etc., owned and operated by the Government and used by the District government, which, with the accompanying paper, was referred to the Committee on Appropriations and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, requested the Senate to furnish the House with duplicate engrossed copies of the following bills, the originals having been lost or mislaid:

S. 2904. An act to confer upon the Commissioners of the District of Columbia authority to regulate the operation and equipment of the vehicles of the Metropolitan Coach Co.;

S. 4314. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors; and

S. 4623. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors.

ENROLLED BILL SIGNED.

The message also announced that the Speaker of the House had signed the enrolled bill (H. R. 18661) to provide for an extension of time of payment of all unpaid payments due from homesteaders on the Coeur d'Alene Indian Reservation, as provided for under an act of Congress approved June 21, 1906, and it was thereupon signed by the Vice President.

PETITIONS AND MEMORIALS.

The VICE PRESIDENT presented a petition of the congregation of the First Methodist Church of Bessemer, Ala., praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating

liquors, which was referred to the Committee on the Judiciary.

Mr. GALLINGER presented a petition of Arlington Grange,
No. 139, Patrons of Husbandry, of Winchester, N. H., praying
for the establishment of a parcel-post system, which was referred to the Committee on Post Offices and Post Roads.

Mr. WORKS presented petitions of the congregations of the First Church of Christ, Scientist, the Western Presbyterian Church, the Wesley Methodist Episcopal Church, the Immanuel Baptist Church, the Union Wesley African Methodist Zion Church, the Emmanuel Protestant Episcopal Church, Anacostia; the Hamline Chapel, the Grace Baptist Church, of members of the in Alaska (Rept. No. 603); and

Vaughn Class of the Calvary Baptist Sunday School, the North Capitol Methodist Episcopal Church, the Fourth Presbyterian Church, the Strauss Memorial Christian Church, the Kendall Baptist Church, the Keller Memorial Lutheran Church, the Peck Memorial Chapel, the Calvary Baptist Church, the Waugh Methodist Episcopal Church, the Church of Our Father, Universalist, the Foundry Methodist Episcopal Church, the Eastern Presbyterian Church, the Sherwood Presbyterian Church, the First Church, the Iowa Avenue Methodist Episcopal Church, the Douglas Methodist Episcopal Church, the B Street Christian Church, and of sundry citizens, all in the District of Columbia, praying for the enactment of legislation to diminish the number of saloons in the District and for more stringent regulation of those now in existence, which were referred to the Committee on the District of Columbia.

Mr. ASHURST presented a petition of sundry citizens of Show Low, Ariz., praying for the enactment of legislation to provide relief respecting the method of acquiring homesteads and the alleged excessive charges of the forest reserve, which

was referred to the Committee on Public Lands.

He also presented a petition of the Nogales and Santa Cruz County Board of Trade, of Arizona, praying for the enactment of legislation to provide for the early settlement of the matter of the Baca Float, No. 3, contest, which was referred to the Committee on Public Lands.

He also presented a petition of the Woman's Christian Temperance Union of Phoenix, Ariz., praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which was referred to the Com-

mittee on the Judiciary.

He also presented the petition of Rufus Walter, post quartermaster sergeant, United States Army, of Whipple Barracks, Ariz., praying for the enactment of legislation to provide for the discontinuance of the grade of post noncommissioned staff officer in the Army and creating the grade of warrant officer in lieu thereof, which was referred to the Committee on Military Affairs.

Mr. BRISTOW presented a memorial of sundry citizens of Kansas City, Kans., remonstrating against the extension of the parcel-post system beyond its present limitations, which was referred to the Committee on Post Offices and Post Roads.

Mr. CHAMBERLAIN presented petitions of sundry citizens of Myrtle Point and Oregon City, in the State of Oregon, praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which were referred to the Committee on the Judiciary.

Mr. NELSON presented a petition of the Woman's Christian Temperance Union of Browns Valley, Minn., praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating liquors, which was referred to the Committee on the Judiciary

Mr. LODGE presented petitions of the congregation of the Baptist Church of North Uxbridge and of sundry citizens of Springfield and Westfield, all in the State of Massachusetts, praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which were referred to the Committee on the Judiciary.

Mr. RAYNER presented petitions of sundry citizens of Grayton, Md., praying for the establishment of a governmental system of postal express, which were referred to the Committee on

Post Offices and Post Roads.

REPORTS OF COMMITTEES.

Mr. BORAH, from the Committee on Education and Labor, to which was referred the bill (H. R. 9061) limiting the hours of daily service of laborers and mechanics employed upon work done for the United States, or for any Territory, or for the District of Columbia, and for other purposes, reported it without amendment and submitted a report (No. 601) thereon.

Mr. GALLINGER. On the 9th day of last month the bill (S. 3812) to regulate public utilities in the District of Columbia and to confer upon the Commissioners of the District of Columbia the duties and powers of a public utilities commission was recommitted to the Committee on the District of Columbia. I now report the bill back with amendments, and I submit a report (No. 602) thereon. I ask that the bill be placed on the calendar

The VICE PRESIDENT. The bill will be placed on the calendar.

Mr. SMOOT, from the Committee on Public Lands, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

S. 5860. A bill to provide for agricultural entries on coal lands

S. 5957. A bill providing for the issuance of patents to entrymen for homesteads in the so-called Flathead irrigation project

Mr. SMOOT, from the Committee on Public Lands, to which was referred the bill (S. 5679) to amend section 2 of an act to authorize the President of the United States to make withdrawals of public lands in certain cases, approved June 25, 1910, reported it with amendments and submitted a report (No. 605) thereon.

Mr. MYERS, from the Committee on Indians Affairs, to which was referred the bill (S. 5350) authorizing and directing the Secretary of the Interior to investigate and report upon the advisability of constructing roads upon the diminished Colville Indian Reservation in the State of Washington, and for other purposes, reported it with amendments and submitted a report (No. 606) thereon.

Mr. WARREN, from the Committee on Military Affairs, to which was referred the bill (S. 2903) providing for the military status of John Gray, reported it with amendments and submitted a report (No. 607) thereon.

ROCK RIVER (ILL.) DAM.

Mr. NELSON. From the Committee on Commerce I report back favorably, without amendment, the bill (H. R. 20190) to extend the time for the construction of a dam across Rock River, Ill., and I submit a report (No. 600) thereon. I call the attention of the senior Senator from Illinois [Mr. Cullom] to the bill.

Mr. CULLOM. I ask for the immediate consideration of the

The VICE PRESIDENT. The Secretary will read the bill

for the information of the Senate.

The Secretary read the bill, and, there being no objection, the Senate, as in Committee of the Whole, proceeded to its consid-

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. SWANSON (for Mr. MARTIN of Virginia); A bill (S. 6263) providing for the improvement of the roadway from the railroad depot at Fredericksburg, Va., to the national cemetery near Fredericksburg; to the Committee on Military Affairs.

By Mr. SIMMONS:

A bill (S. 6264) granting an increase of pension to Pleasant W. Lowe (with accompanying paper); to the Committee on Pensions.

By Mr. GALLINGER:

A bill (S. 6265) to amend an act entitled "An act to reorganize and increase the efficiency of the personnel of the Navy and Marine Corps of the United States," approved March 3, 1899; to the Committee on Naval Affairs.

By Mr. BACON:

A bill (S. 6266) to make lawful certain agreements between employees and laborers and persons engaged in agriculture or horticulture, and to limit the issuing of injunctions in certain cases, and for other purposes; to the Committee on Education and Labor.

By Mr. PERCY:

A bill (S. 6267) for the relief of Alice Petrie Watkins, Charles Petrie, and heirs of Eva Petrie Hamilton, of Mississippi; to the Committee on Claims.

By Mr. SMITH of Arizona: A bill (S. 6268) to fix the times and places of holding district court for the district of Arizona, and creating divisions

thereof; to the Committee on the Judiciary.

By Mr. CATRON:

A bill (S. 6269) to provide for the purchase of a site and the erection of a public building thereon in the city of Santa Fe, in the State of New Mexico; to the Committee on Public Buildings and Grounds.

By Mr. OWEN:

A bill (S. 6270) granting an increase of pension to Ellis C. Howe (with accompanying paper); to the Committee on Pen-

A bill (S. 6271) authorizing the construction of a national highway from the Canadian border line immediately south of Winnipeg, Canada, through the States of North Dakota, South Dakota, Nebraska, Kansas, and Oklahoma to Galveston, (with accompanying paper); to the Committee on Post Offices and Post Roads.

By Mr. SMOOT:

A bill (S. 6272) to amend the reclamation law (with accompanying papers); to the Committee on Public Lands. By Mr. BROWN:

A bill (S. 6273) to codify, revise, and amend the laws relat-

ing to patents; to the Committee on Patents.

Mr. BROWN. In connection with the bill I desire to present a statement, being an analysis of the bill section by section. move that it be printed and referred to the Committee on Patents with the bill.

The motion was agreed to.

By Mr. BRANDEGEE:

A bill (S. 6274) for the relief of Edward W. Whitaker; to the Committee on Military Affairs.

AMENDMENTS TO RIVER AND HARBOR BILL (H. R. 21477).

Mr. CHAMBERLAIN submitted an amendment relative to the establishment of a harbor of refuge at Port Orford Harbor, at Grave Yard Point, Oreg., intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

Mr. PENROSE submitted an amendment relative to the purchase of the existing Chesapeake & Delaware Canal, which connects the Chesapeake Bay with the Delaware River, etc., intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Com-

merce and ordered to be printed.

Mr. BANKHEAD submitted an amendment proposing to appropriate \$60,000 for an inland waterway from Pensacola Bay to Bay La Launch, Fla. and Ala., etc., intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

Mr. KERN submitted an amendment proposing to appropriate \$25,000 for the construction of a breakwater to protect the entrance to the harbor at Indiana Harbor, Ind., etc., intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. ASHURST submitted an amendment proposing to appropriate \$250,000 to enable the Secretary of the Interior to carry into effect the provisions of the sixth article of the treaty of June 8, 1868, between the United States and the Navajo Nation or Tribe of Indians, etc., intended to be proposed by him to the Indian appropriation bill (H. R. 20728), which was referred to the Committee on Indian Affairs and ordered to be printed.

Mr. PENROSE submitted an amendment proposing to appropriate \$80,000 to meet the emergency caused by the continuous spread of the chestnut-bark disease, etc., intended to be proposed by him to the agricultural appropriation bill (H. 18960), which was referred to the Committee on Agriculture

and Forestry and ordered to be printed.

OMNIBUS CLAIMS BILL.

Mr. GARDNER submitted an amendment intended to be proposed by him to the bill (H. R. 19115) making appropriation for payment of certain claims in accordance with findings of the Court of Claims, reported under the provisions of the acts approved March 3, 1883, and March 3, 1887, and commonly known as the Bowman and the Tucker Acts, which was referred to the Committee on Claims and ordered to be printed.

ADDRESS BY PRESIDENT TAFT (S. DOC. NO. 552)

Mr. GALLINGER. I ask to have printed as a Senate document an address by President Taft delivered in Concord, N. H., on the 19th of March last.

The VICE PRESIDENT. Without objection, an order there-

for is entered.

COMMITTEE SERVICE.

Mr. CLARKE of Arkansas, on behalf of Mr. BAILEY, asked that he be relieved from further service upon the Committee on Irrigation and Reclamation of Arid Lands, and Mr. BAILEY was excused.

Mr. CLARKE of Arkansas, on behalf of Mr. BRYAN, asked that he be relieved from further service upon the Committee on

Public Lands, and Mr. Bryan was excused.

Mr. CLARKE of Arkansas, on behalf of Mr. Warson, asked that he be relieved from further service upon the Committee on Indian Affairs, and Mr. Warson was excused.

Mr. CLARKE of Arkansas, on behalf of Mr. Lea, asked that he be excused from further service upon the Committee on Naval

Affairs and the Committee on the District of Columbia, and Mr. LEA was excused.

Mr. CLARKE of Arkansas submitted the following resolution, which was read, considered by unanimous consent, and agreed to:

Resolved, That the following assignments to service on the standing committees of the Senate be, and the same are hereby, made as follows:

Mr. Lea, of Tennessee, to Committees on Military Affairs and Post Offices and Post Roads.

Mr. Watson, of West Virginia, to Committee on Naval Affairs.

Mr. Watson, of Myest Virginia, to Committee on Public Buildings and Grounds, Pensions, Indian Affairs, Industrial Expositions, Conservation of National Resources, and Forest Reservations and Protection of Game.

Mr. Smith of Arizona, to Committees on Public Lands, District of Columbia, Irrigation and Reclamation of Arid Lands, Geological Survey, and Railroads.

and Railroads.

Mr. DU PONT. I ask that I may be excused from further duty upon the Committee on Education and Labor and the Committee on Expenditures in the War Department. It is owing to great committee duties on committees other than these

two that I make the request.

The VICE PRESIDENT. Without objection, the request of the Senator from Delaware is complied with, and he is excused

from further service upon the committees named.

EMPLOYERS' LIABILITY AND WORKMEN'S COMPENSATION.

Mr. SMITH of Georgia. Mr. President, I desire to give notice that upon Monday next, immediately after the routine business, with the consent of the Senate, I shall wish to address the Senate upon the bill (S. 5382) to provide an exclusive remedy and compensation for accidental injuries, resulting in disability or death, to employees of common carriers by railroads engaged in interstate or foreign commerce, or in the District of Columbia.

QUORUM OF COMMITTEES.

The VICE PRESIDENT. The Chair lays before the Senate resolution No. 280, submitted by the Senator from Arkansas [Mr. Clarke], coming over from the last legislative day with a motion pending that the resolution be referred to the Committee on Rules.

Mr. CLARKE of Arkansas. I ask that the further considera-

tion of the resolution may be postponed until to-morrow.

The VICE PRESIDENT. Without objection, that order is made.

ARMY APPROPRIATION BILL.

Mr. DU PONT. I move that the Senate proceed to the consideration of House bill 18956, the Army appropriation bill.

The motion was agreed to; and the Senate, as in Committee

of the Whole, resumed the consideration of the bill (H. R. 18956) making appropriation for the support of the Army for the fiscal year ending June 30, 1913, and for other purposes

Mr. WARREN. Before proceeding further with the bill, I ask the Senate to turn back to correct a date on page 7. In the amendment of the committee, in line 22, after the word March," I move to strike out "second" and insert "twenty-hird," and, in the same line, to strike out "seven" and insert third. ten," so as to read: "March 23, 1910." The amendment was agreed to.

The VICE PRESIDENT. Without objection, the amendment of the committee as amended is agreed to. The pending amendment is the amendment of the committee, to strike out the proviso, beginning with the word "Provided," in line 13, page 9.

Mr. WILLIAMS. Mr. President, this bill as it came from the House contained a proviso that upon and after the 1st day of July, 1912, there shall be 10 regiments of Cavalry and no In other words, the House of Representatives thought that the present military force of the United States ought to be reduced by five regiments of Cavalry.

There is a great deal of difference of opinion, difference of statement at any rate, as to what five regiments of Cavalry cost the United States per annum. I think that the cost of a cavalryman may be safely placed at about \$1,200 a year in continental America and some 20 per cent more in the Philippines. But however that may be, and whatever may be the amount of money that would be saved per annum by the bill, it will be a very considerable amount, very much needed now, and still more to be needed after a little while, after certain

recent legislation of the two Houses goes into effect.

I am a firm believer, Mr. President, in the idea that the House of Representatives of this Government, the only branch of the Government which is directly elected by the people, ought to hold the purse strings of the Nation. I believe that the Government of the United States would be very much better if the House of Representatives were to assert itself and insist upon its constitutional right to hold the purse strings. In Great Britain every muniment of English liberty owes its existence to the insistence of the House of Commons, the only existence to the insistence of the House of Commons, the only body there directly elected by the people, upon this principle. Tawney, at that time chairman of the Appropriations Com-

There is not one single solitary institution of political or civil liberty dear to the liberty-loving English-speaking race that is not due to the fact that the House of Commons always insisted

upon this principle.

Under the Constitution itself the House of Representatives is in control of money bills. It is empowered to originate bills which, "raise revenue." This is a historic phrase and means the same as "supply bills" or "money bills," "raising revenue" wherewith the Executive can "carry on the Government" and pay its various agents. Under the Constitution the Senate of the United States is given power to amend such bills. This power to amend has been abused to the point that it frequently amounts virtually to origination. It has happened more than once that the Senate has struck out all except an enacting clause and substituted an entirely new bill.

In opposing the Senate committee amendment, which is to strike out the House provision for the reduction of the Army by these five Cavalry regiments, I am advocating not only the principle involved, but I am also advocating the particular legislation upon its own merits. I merely mentioned what I did because one of the objections that has been made to it was that the House of Representatives was legislating upon an appropriation bill. The House of Representatives ought to legislate upon appropriation bills, wherever it has no other way of insuring and enforcing its will and the will of the people whom it directly represents except by control of appropriations, and it is following the long-beaten path of the progress of the Eng-

lish-speaking race when it does that. But, in addition to that, there is no reason why, even if the principle be not well stated by analogy, the United States should have any greater Army now than it had prior to the Spanish-American War, except that it ought to have about 10,000 additional men in the heavy Coast Artillery. I want to see the Army of the United States reduced to what it was then plus about 10,000 men in the heavy Coast Artillery. I believe, situated as we are and enjoying a continental insularity, that it is wiser to spend such money as we propose to spend for defense-and we ought to make that ample-in the way of fleets to seek our enemies at sea and there sink or cripple them than it is to permit them to land with the hope of whipping them after they have landed, though I have no doubt of the fact that in the long run we could whip them after they landed. army once landing here could never get away unless in ships, and then only if the enemy held command of the sea. be perfectly willing to see the money that we save by this House proviso go into a battleship, an additional one for defense; I would be still more willing to see it go into a great many other things of more importance to the American people than either.

Mr. President, while I am on this subject I propose to direct my remarks a little bit outside of the immediate question. lay down the proposition that this is the most extravagant Government that the white race is carrying on anywhere on the surface of the earth to-day and with least excuse for large expenditures per capita, extravagant in the expenditure of money, with an extravagance that is growing day by day, with additional employees, additional salaries, increased salaries, increased provisions for all departments of the Government of the United

States. I hold in my hand a little book, which is very interesting, which I recommend to Senators to read, containing some lectures delivered at the Columbia University of New York by Henry James Ford, sometime professor of politics in Princeton It is entitled "The Cost of Our National Govern-University. It is entitled "The Cost of Our National Government." I think some of you will be a little bit astonished—none of the older Members of the Senate will be—to learn how much money this Government does spend, what it amounts to per capita, and how it has grown not only absolutely, but per capita.

The net disbursements of this Government in 1878 were \$236, 964,327; in 1888 they had grown to \$259,653,959; in 1898 they had grown to \$443,368,582; and in 1908 to \$659,196,319.

To put the comparison in another way-

I am quoting now from a statement of George B. Cortelyou, Secretary of the Treasury under President Roosevelt, which follows this statement and is quoted in this book-

To put the comparison in another way, which even more graphically illustrates the expansion, the growth in ordinary expenses—

Ordinary expenses-

for carrying on the Government, excluding interest on the public debt, but including payments for pensions and for many public works, was from \$135,000,000 in 1878 to \$638,000,000 in 1908, an increase of nearly 400 per cent in a generation.

Meanwhile, Mr. President, the increase of population during this period, during which expenditures increased 400 per cent,

mittee of the House of Representatives, made March 4, 1909.

In no period, except in time of war, have the expenditures of our National Government increased so rapidly, both in the aggregate and per capita, as these expenditures have increased during the past eight years.

Mr. WARREN. Mr. President-

The VICE PRESIDENT. Does the Senator from Mississippi yield to the Senator from Wyoming?

Mr. WARREN. May I interrupt the Senator? Mr. WILLIAMS. Yes; certainly.

Mr. WARREN. Mr. President, has the Senator from Mississippi overlooked the fact that in those years there has been this great growth in the country of river and harbor improvements, of the Panama Canal, and other works of that kind that are unusual and exceedingly valuable?

Mr. WILLIAMS. I have not overlooked it. On the contrary, I have just stated that, while the country was increasing in population 84 per cent, so out of all comparison was the increase of expenditures, that they were increasing 400 per cent-four

times as much and more.

Former Senator Aldrich, of Rhode Island, in a speech deliv-

ered upon this floor on April 10, 1909, said:

The rapidity with which our national expenditures have increased within the last three years is a source of anxiety if not of alarm. Simultaneously with the reduction in receipts of \$60,000,000 from 1907 to 1909, we have had an increase in expenditures of \$120,000,000.

Growing out of that speech there was inaugurated a sort of "joint high committee" for the purpose of investigating expenditures and reducing them. The Senate repented of its reformation soon afterwards, and this great high commission, composed of the chairmen of several committees and all that, was allowed to go into "innocuous desuetude" at the beginning of this Congress—the Congress in which we are now serving.

Mr. WARREN. Mr. President—

Mr. WARREN. Mr. President—
The VICE PRESIDENT. Does the Senator from Mississippi yield to the Senator from Wyoming?

Mr. WILLIAMS. I do.
Mr. WARREN. May I say, there, that the committee which
the Senator terms "a joint high commission" met during the last Congress and acted as the Senator says. It provided for a joint legislative commission to work up economies, budgets, and so forth, but its work was never acted upon at the other end of the Capitol, nor was there any corresponding committee to which measures might be referred for conference in the usual So when the Senate met in the present Congress it seemed to be satisfactory—we have heard no word to the contrary on either side of the Chamber—that that committee should be dropped until we could get cooperation on the House side through the appointment of a similar committee-a budget com-

mittee, if you please.

Mr. WILLIAMS. Mr. President, the Senator from Wyoming evidently has not accurately taken the spirit in which I am making these remarks. I am not attacking the Senator nor the Republican Party nor anybody else. I am arraigning the method of administration of this Government, and I am as well aware as is the Senator from Wyoming of the fact that most of these expenditures grow out of the disposition of the individual Members of Congress in both Houses to get everything out of the National Treasury they can for their States or "districts," for the purpose of making themselves strong at home. I am well aware of the fact that part of it grows out of this, too, that the Federal Government has no budget of any description; it does not attempt to adapt its expenditures to its revenue in any way; it divides responsibility in each House amongst members of committees, who are instructed by the rules of the Houses themselves to keep their proceedings secret; so much so, that it is against the rule of both Houses to mention anything upon the floor that happens in a committee. raigning the system whereby this sort of thing grows up; and in order to reach the arraignment I am furnishing you with a picture of the thing. I stated, in connection with that committee, that it had been allowed to go into innocuous desuetude; and with that statement surely the Senator from Wyoming will express no difference

Mr. WARREN. Mr. President, if the Senator— Mr. WILLIAMS. Whosoever's fault it was, this seeming effort to do something died out, died aborning almost. Now, I yield to the Senator from Wyoming.

Mr. WARREN. If I have misunderstood or misrepresented

the Senator, I beg his pardon.

Mr. WILLIAMS. Oh, no; I did not say "misrepresented";
I said "misunderstood."

Mr. WARREN. The only reason why I sought to interrupt the Senator was that there has been some criticism directed, I think unduly, to the older Members of the Senate because of the dropping of that committee, and I wished to have it un-

derstood how and why it was dropped. That was all. So far as the statement made by the Senator as to extravagance, and

so forth, is concerned, I take no issue with him.

Mr. WILLIAMS. Now, I want to carry on the painting of the picture, and I leave that question for future discussion, merely with this remark, that, so far as I am concerned, I do not thin that committee ought to have been dropped.

The per capita expenditure has increased from \$1.34-

Per head now, this is-

in the period from 1791 to 1796 to \$8.91 in 1907.

And it is more to-day.

If you count a family as consisting of five persons, that means that the Federal Government is taking from each family in the United States more than \$44.55 per annum, and yet we boast that we are comparatively not tax ridden. I state that there is not a civilized Government on the surface of the earth any more heavily tax ridden, especially when you add to the \$44.55 per annum which the Federal Government expends the

municipal, the State, and the county taxes in this country.

A great many people, I will say, lay a great deal of this blame upon pensions. We have got to be fair as we go along. Of course I think that recent pension legislation—and I voted against it—was uncalled for; but the ratio of expenditures on account of pensions has declined since 1869 from \$4.32 per capita to \$1.92, so that this great increase in expenditures is not even to be excused upon the ground of gratitude to the old soldier. It is nearly altogether due to legislative, executive, and Army and Navy expenses; and the excuse made for so much of them as grow out of the Army and Navy is that we "went a world powering" here a few years ago; that we are very proud of having gone a world powering, and that now, the first time in our existence, we are a world power." We no more of a world power now than we were before the Spanish-American War began. We may have a little bit higher reputation as a world power amongst some ignorant people somewhere, but not amongst intelligent people. We went out into a war with poor, old, decrepit Spain, ready to totter and fall at any moment if pushed. All that was necessary was to meet her, either on land or on sea, and she would shrivel, because there was no power, no strength behind her nor in her. Nobody who has any sense has ever considered the Federal Government of the United States or the people of the United States any stronger in a military or naval sense because they whipped Spain. The State of New York could have done it by itself and unassisted, so far as that is concerned; and I think if Texas had been allowed a free sweep at it she would have made a very good fight.

This thing of world powering I have a contempt for. I have a contempt for anybody, individual or nation, who does not go along and attend to his own business and let other people alone. I have just as great a contempt for the white man's undertaking to rule the brown man in the brown man's country as I have for any sort of legislation looking toward making the brown or the black man rule the white man in the white

man's country.

What have you done as a result of this world powering? Have you increased your military strength? No; you have decreased it. What sort of a game of chess were you playing? Before that you had all your men in line and you could make whatever gambit move you pleased. Now, you have subordinated your entire game to a pawn called the Philippine Archipelago and another pawn away out in front of your men and beyond support by them called the Hawaiian Islands. You have not added to your strength a particle. You have added to your weakness. No possession that you took has added to your strength except Porto Rico. That does, to a certain extent, do away with the necessity of quite so large a fleet in defense of the American Mediterranean, and what hold you have on naval stations in Cuba, to a large extent, strengthens you there. It has not been any time since an officer of this Government said-and I believe he is right-that if we engage in a war with any great power anywhere near our match in military and naval strength, the first thing we would have to do would be to let the Philippines go and to look for their recovery after beating the enemy elsewhere when we came to make a treaty of peace at the end of the war.

Mr. DU PONT. Mr. President—
The VICE PRESIDENT. Does the Senator from Mississippi
yield to the Senator from Delaware?
Mr. DU PONT. I should like to say to the Senator from Mississippi that, if he will look at the Hawaiian Island from a military standpoint and investigate that subject, he will see that they are really the key to the security of the whole of our Pacific coast, and that the naval station there is not out

of line in the defense of the country, but, on the contrary, it is a most important point to the whole of our western seacoast.

Mr. WILLIAMS. Mr. President, the Hawaiian Islands are 1,200 miles, at their closest point of contact, from the Pacific coast; they are nearly half as far away from us as is the coast of Ireland; and if we got into a war at all and undertook to defend the Hawaiian Islands, we would have to divide the fleet for the defense of continental United States and thus weaken We would have to weaken our fleet for continental defense in order to defend the Hawaiian Islands at all, except in so far as they were defended by fortifications and by land troops. They have increased the necessity for soldiers, and they have increased the necessity for a fleet. Before that we were not in the position of Great Britain, of whom Rudyard Kipling says that she must defend "a far-flung battle line." We had a continent which was substantially an island of defense. We were defended by 3,000 miles of water on one side and by from 5,000 to 6,000 miles upon the other; and we could say to Europe, "Let America alone; do not interfere with it; that is the part of the world where our hegemony we propose to assert, and then-

Mr. President-

The VICE PRESIDENT. Does the Senator from Mississippi yield to the Senator from New Jersey?

Mr. WILLIAMS. I will yield in a moment. And then, as a corollary of it, we were able to say, "We do not interfere with your affairs there"—in Europe or Asia. That was Jefferson's notion, John Quincy Adams's, and President Monroe's. I yield

Mr. BRIGGS. I should like to ask the Senator if he considers, from a military point of view, that it is no advantage to us to have the Hawaiian Islands in our possession rather than in the possession of another country?

Mr. WILLIAMS. No military advantage. The Hawaiian Islands can not defend the United States. The United States will have to defend them, if we ever get into any war, by sub-

tracting from both the Army and the fleet to do it.

Mr. BRIGGS. If the Senator from Mississippi will excuse me, I take issue with him there. I think the Hawaiian Islands would constitute a menace in the hands of any nation other than the United States. As he very well says, they are thou-sands of miles away. There is one point between our country and Asia that affords a station for coaling, and that is the Hawaiian Islands.

Mr. WILLIAMS. Let Asia alone, and we would not need any station. It is a station to go from.

Mr. BRIGGS. It is a station to come back to.

Mr. WILLIAMS. Oh, yes; it is a station to come back to if you are there, but do not go there.

It is a station to come back to. Mr. BRIGGS.

Mr. WILLIAMS. Long ago, in 1897, when we were centemplating taking the Hawaiian Islands, I said upon the floor of the House of Representatives that it was the first step in girdling the globe with stepping-stones on which to plant the American flag. I said the next step would be the Philippine Islands. and I remember that a distinguished Republican rose upon the floor of the House and asked by what warrant or right did the gentleman from Mississippi charge a Republican administration in power with the idiocy of contemplating such a step. I said by the right and warrant that a student of history has, who has studied the history of other nations pursuing a course of that sort from step to step. I then said, "After the Philippine Islands the next stepping-stone will be a point upon the mainland of China," and you Senators will yet see it unless we stop this I am a little outside of what I was talking about. foolishiness.

Mr. BACON. In connection with what the learned Senator from Mississippi has said about the debates of that day, I recall his memory to what I know is equally familiar to him as it is to me-that the statement recently made by a military officer, to which he has alluded, is nothing new; that both on the floor of the House and on the floor of the Senate, when the question of the acquisition of the Philippine Islands was acute, the statement was made time and again that the acquisition of the Philippine Islands would be the greatest step in the way of weakening our military power that could possibly be undertaken by the United States Government; and it is true.

Mr. WILLIAMS. In other words, to sum up that phase of the argument, we are less of a war power to-day for any purpose of national defense or national aggression than we were prior to the Spanish-American War, because we have got pawns out in the middle of the chessboard that would have to be protected or surrendered and to the defense of which our whole game must be subordinated.

I want in connection with this immediate question, from which I have strayed, to quote the language of a distinguished

Senator. I am sorry not to see him in his seat. He was then a Member of the House of Representatives. I refer to the Senator from Ohio [Mr. Burton]. He was speaking of the habit of the Senate to increase appropriation bills as they came from the House. Now, understand me, I am not charging the Senate with anything. I know how it happens for the most part. Members of the House themselves come over and beg Senators to increase the very things they failed to have increased in the House and they let this body of the Congress, which has the longer tenure of office, face the issue. I am merely stating the facts, and I am stating the importance of the House maintaining the control of the money bills and taking the responsibility and abiding by the responsibility and fighting it out to the end.

I hope that in connection with this particular matter the House of Representatives will sit until the end of its term and will let the military appropriations bill go without enactment rather than to permit the Senate to put the five regiments of Cavalry back after it has taken them off of the list of expenditures. My injunction to my friends in the House is to control

the purse strings of this Nation.

It is not to be wondered at-

Said the Senator from Ohio [Mr. Burron], then a Member of the House of Representatives

It is not to be wondered at in this year 1908, with all these defects in our system, with the growing wealth of the country, with the demands everywhere for these extravagant expenditures, that the appropriations for the coming year should mount up to more than a billion dollars; and it is an impressive lesson to this House—

The House of Representatives, in which he was speaking-

that we should call a halt. The first place for action, as I maintained, is not to yield the prerogative of the House to the Senate.

Let the relations between the upper House and the lower House, as they are sometimes called, be fixed, as they should be. Let this House, which is responsible to the country for the initiative of measures for revenue, be also responsible for the aggregate amount of appropriations.

Mr. WARREN. Will the Senator from Mississippi inform me of what particular use the Senate is in connection with appropriation bills if it is to accept them from the House and pass them as they come?

Mr. WILLIAMS. The Senate has many uses outside of that. Mr. WARREN. Why send the appropriation bills here at all

if the Senate is not to participate in their framing?

Mr. WILLIAMS. The Senate was not intended to be of any Mr. WILLIAMS. The Senate was not intended to be of any use in connection with bills raising revenue, except for the purpose of amending them by way of limitation and not for the purpose of originating new sources of expenditure. It is hard to draw the line, but there is a vast sight of difference between the power of amendment so exercised as to remain a power of amendment and a power of amendment so constantly and chronically exercised as to become and to constitute a power of origination.

Mr. WARREN. Will the Senator allow me to interrupt him?

Mr. WILLIAMS. Yes.

Mr. WARREN. This matter now before us is not such a case as the Senator inferentially quotes. Here is a case where the Senate proposes to fulfill the law as it stands and appropriate the money for the Army as the Congress of the United States has constituted it. On the other hand, the House undertakes in an appropriation bill to put in general legislation which, by its

own general rules and by our Senate rules, should be excluded.

Mr. WILLIAMS. Mr. President, the House has not violated a single rule of the House in putting this in. The House has a set of rules and it has a committee instituted for the purpose of bringing in special rules in cases of emergency to vary the standing rules. This particular provision was in order under the House rules as a "limitation on expenditures." The regular course was pursued in the House in connection with this

Now, the Senator very ingeniously places this amendment upon the ground of support by the Senate of the law. That is not the question. The question is: When the immediate representatives of the people desire to decrease expenditures and thereby, perhaps, decrease taxation, we stand in their pathway. As to the principle of putting general legislation upon an appropriation bill, there has not been a time in the history of any English-speaking race that sought and attained freedom when the House which directly represented the people did not resort to that method when they thought the question was important enough. As I stated in the beginning, there is not a munimunt of English or American liberty that is not due to that very precedent at some time and somewhere exercised.

Mr. CUMMINS. Mr. President-

The VICE PRESIDENT. Does the Senator from Mississippi yield to the Senator from Iowa?

Mr. WILLIAMS. I yield.

Mr. CUMMINS. This subject is comparatively new to me, and I am listening to the observations of the Senator from Mississippi with very great interest. I desire to ask him a question. Is the rule which he invokes in behalf of the House of Representatives to be applied conversely; that is to say, if the House authorizes the expenditure of \$75,000,000, has the Senate any right to reduce it to \$25,000,000?

Mr. WILLIAMS. Yes; I think so. I can not undertake—
Mr. CUMMINS. If the judgment of the House with regard
to the expenditures of the Government is to control, why should the Senate

Mr. WILLIAMS. The Senate would have a right to increase or decrease. The Senator is using the word "right" in the sense of power—constitutional power?
Mr. CUMMINS. Certainly.

Mr. WILLIAMS. To either increase or decrease. There is no dispute about that.

Mr. CUMMINS. I am not using it in the sense of power. I

am using it in the sense of propriety.

Mr. WILLIAMS. It depends upon the extent to which they undertake to amend. It is very hard to draw the line on one side of which it shall assume the power; on the other side of which it is contrary to the spirit of our institutions, when done by the Senate. But whatever that line may be, on one side of it it is a legitimate thing and on the other side of it it is a perversion of the spirit not only of our institutions but of the institutions of the English-speaking race everywhere, because this clause was put into the Constitution merely in imitation of the well-known and long-guarded powers of the House of Commons over "money bills."

Mr. CUMMINS. I do not think the Senator from Mississippi quite understands my question, or at least my purpose. I think we both recognize the rule of the Constitution and we both recognize the relation of the House of Representatives to the people of the United States. The Senator from Mississippi says practically that when the House has decided that the military establishment of the United States shall be reduced with the hope of reducing expenditures, although we have the legal power to restore the expenditure or to attempt to do it. we ought not to do it in view of the relations of the House of

Representatives to the people.

Now, recently the House of Representatives passed a bill en-Now, recently the House of Representatives passed a bill enlarging pensions, which involved an expenditure, as we are told, of something like \$75,000,000 per year in addition to the expenditures already authorized. We took the liberty of reducing that increased allowance to something like twenty or twenty-five million dollars per year. My query is whether the same rule applies to the pension bill as is sought to be applied to the military establishment. military establishment.

Mr. WILLIAMS. As a question of power, yes. As a question of propriety and right, no; and the reason of it is this: The House of Representatives, directly elected by the people, is put there to hold the purse strings of the Government in the interest of the people, for the purpose of keeping down public expenditures as low as it can; and the Senate ought to remember that. But I will go further. I say if you study the institutions of the English-speaking people which gave rise to this Constitution and which gave rise to this provision, you will find that the thing of all things that the House of Commons was most jealous about was the size of the Army, and there never was a time when the House of Lords dared, even in the time when the House of Lords directly amended bills, to trench upon the question of how large a standing army they should have in Great Britain. That was a question for the representatives of the people to decide and not for the representatives of the orders, and we here, although we are not representatives of the orders, are representatives of the States, of territorialities, of sectional divisions.

Mr. WARREN. Will the Senator from Mississippi allow me? Mr. WILIAMS. Certainly. Mr. WARREN. The Senator alludes to the constitutional

rights of the House with respect to appropriation bills. freely admit I am a bit rusty concerning the Constitution. I wish the Senator would insert in the Record the part of the Constitution to which he refers. He may be right, and I should like to read it, or have him read it to me.

Mr. WILLIAMS. I shall be glad to do it. I did not know that I needed to do it for a single Senator. I think I can repeat it substantially from memory:

All bills for raising revenue shall originate in the House of Representatives; but the Senate may propose or concur with amendments as on other bills.

Mr. WARREN. That does not say "appropriation bills."
Mr. WILLIAMS. I had no idea it would be necessary to read
the provisions of the Constitution.

Mr. WARREN. The Senator treated the subject as if it applied to appropriation bills as well as revenue bills. Does the Senator think that appropriation bills must, under the Constitution, originate in the House?

Mr. WILLIAMS. Bills making appropriations are bills which come under the term "raising revenue" as much as bills providing revenue. They raise revenue for the Government by appropriating supplies out of money in the Treasury. If no money is already there, then supplies must be raised by tax When an appropriation bill comes to the Senate it comes as it passed the House, and when the Senate makes any change in it it is entered as an amendment upon the House bill. has never been any dispute about the fact-the Senate never has disputed it—that the House alone has the right to originate bills making appropriations.

Mr. WARREN. The Senator is entirely mistaken. The Sen-

ate has originated appropriation bills.

Mr. WILLIAMS. Not general appropriation bills. Mr. WARREN. It is a matter of habit, of general practice, as I agree, that they originate in the House.

Mr. WILLIAMS. I have not time to go into that now.
Mr. WARREN. But there is nothing in the Constitution
which provides that appropriation bills shall originate in the

Mr. WILLIAMS. A revenue bill as defined in Great Britain, from which we got the idea, was not only a bill levying a tax, but a bill making general appropriations raising or supplying revenues to the Executive, and the Senate of the United States, from its very first session down until now, has recognized that principle, and this is the first time I have ever heard disputed the proposition that a general appropriation bill has to originate in the House of Representatives.

Mr. WARREN. I am not disputing-

Mr. WILLIAMS. And in the Senator's entire service here there has not been a general appropriation bill considered by this body that did not originate there, because this languagebills raising revenue-covers both descriptions of money bills.

I am willing for the Senator to quote from Mr. WARREN. practice; I am willing that he should quote the British Government; but I do not believe that in the Constitution an appropriation bill is confined for its origination to the House; hence I ask the Senator to confirm his assertion.

Mr. WILLIAMS. If the practice is not owing to the Senate's construction of the Constitution, the practice never would have existed, because there was no other basis upon which the Senate would have founded the practice; and I leave the general practice of the Nation in construction to answer the Senator. By the way, if the Senator will turn to Woodrow Wilson's book upon our constitutional Government he will there find, though I am not certain-it has been some time since I read it-quite a history of this matter.

Mr. BRIGGS. Mr. President—
The VICE PRESIDENT. Does the Senator from Mississippi yield to the Senator from New Jersey?

Mr. WILLIAMS. Certainly.

Mr. BRIGGS. I should like to ask the Senator if the book was written before or after 1910?

Mr. WILLIAMS. I am sometimes funny myself, but right now is not the time.

Mr. BACON. If the Senator from Mississippi will permit me, I wish to say something in response to the question propounded by the Senator from Iowa [Mr. CUMMINS]. The Senator from Iowa asked the Senator from Mississippi if by the reasoning which he was then pursuing it would not be equally true that the Senate could not with propriety reduce an appropriation made by the House.

I simply wish to call the attention of the Senator from Iowa to this fact: All students of English constitutional history will recall that originally the taxes were levied by the Crown. As the interests of the English people developed, there arose a contention on the part of the House of Commons, which was recognized, that no tax should be levied without the consent of the representatives of the people as found in the House of Commons, and incidentally that no appropriation should be made.

Now, the point is this: That contention was not because of

the right claimed to fix the amount which should be appropriated, but to limit the amount. In other words, the entire priated, but to limit the amount. In other words, the entire interest was that it should not exceed that which the House was willing to appropriate. Therefore, if the Crown, to whom these supplies were granted, should have said, "I will not use that much of it," it would have been in no manner in contravention of the contention of the House, which claimed itself the right to fix the amount of the appropriation. It is only when it exceeded it that the principle would have been destroyed, not when it was made loss when it was made less.

Mr. WILLIAMS. Now, Mr. President, I am going on to draw the picture of national extravagance as well as I can. Mr. Ford says, and says with absolute truth:

It appears from statements compiled under the direction of the appropriation committees, in the first session of the Sixtieth Congress, that the number of new offices created in excess of those abolished aggregated 10,682, with salaries aggregating \$9,087,987.50.

The Official Register for 1909 (commonly known as the Blue Book) contains a list of Federal officeholders aggregating 370,065.

Over a third of a million.

In 1816 the number was 6,327; in 1863, 49,212. From 1871 to 1881 the number increased from 53,917 to 107,095.

Double.

In 1899 the number was 208,215.

Nearly double again from 1881 to 1889.

So in the decade to 1909 the number was increased by-

Not to but-

by 161,850, or over 16,000 a year. Increased by over 16,000 new office-holders a year for that period.

Mr. President, the money that gets into the Treasury and is paid out of the Treasury does not fall like the manna of God from heaven did upon the children of Israel in the wilderness. Every single dollar of it must come out of the pocket of some citizen of the United States somewhere. Whether it be levied directly or indirectly not a dollar can get into the Treasury till that is not taken first out of the pocket of the citizen. There may be citizens so foolish that they do not know they are paying the taxes because they are levied indirectly, but that does not change the fact that they are paying them, and it does not change the fact that they are just that much poorer at the end of the year than they would have been if they had not paid

Now, I want to call your attention especially to the expenditures on legislative account. Members of the House and the Senate are sometimes very critical when it comes to the expenditures of the Executive department and the judicial department, but I am sorry to say that we are not very critical about our own expenditures, and I say advisedly "we" and "our," because what is the sin of one of us has been largely the sin of all of us.

As a result of such tendencies the expenditure on legislative account is enormously greater than in other countries.

What follows will astonish, I think, some of the older Members of the Senate, as it astonished me when I first read it, because it was a fact I had never looked into.

The British Estimates for 1907 provide a gross allowance of £42.543—

Which is \$212,000for the House of Lords-

This much-berated House of Lords. Very frequently when we are making stump speeches we thank God that the American people are not taxed to support a perfectly useless House of Lords, and we glow eloquently about great expenditures hung upon the backs and the bellies of the people by the House of Lords-

and £60,250 (about \$300,000) for the House of Commons. These amounts cover the cost of the official staff of the Houses of Parliament. For maintenance of buildings, furniture, fuel, stationery, printing, and general supplies, there are additional estimates aggregating £196,170—

Which is \$980,000-

a total of \$1,492,000-

Not quite a million and a half-

against which there is a set-off amounting to £32,450 (about \$162,000) for fees, as under the rules certain charges are made for committee hearings on private bills.

Mr. WARREN. Mr. President— Mr. WILLIAMS. Let me finish this, because I want the attention of the Senate to it.

Thus, the net charge upon the public treasury for the Parliament of the United Kingdom—

Now stop and think a minute before I finish reading this. The United Kingdom takes the place of a Federal legislature and of State legislatures. It does what both do in this country, and that is not all. It takes the part of an imperial legislature, and it governs from British East India to far-away Australia. Yet the net charge upon the public treasury for the Parliament of the United Kingdom was \$1,330,000 as against \$13,788,886 here, a million and a third in Great Britain for both houses, and thirteen million and three-quarters for these two Houses.

Mr. WARREN. Will the Senator permit me? Mr. WILLIAMS. You must remember that Mr. WILLIAMS. You must remember that the House of Lords has 615 members, the Senate at this time only 96. The House of Commons is composed of 670 members, and the House of Representatives of about 400; I have forgotten just how many-390 and something.

Mr. WARREN. Will the Senator permit me?
Mr. WHLIAMS. I yield.
Mr. WARREN. Will the Senator tell me the salaries of the Mr. WARREN. Will the Sena members of the House of Lords?

Mr. WILLIAMS. The members of the House of Commons receive no salary, neither do the members of the House of Lords.

Mr. WARREN. Very well. Mr. WILLIAMS. But, as I understand this statement, salaries are not counted in.

Mr. WARREN. No; but let me ask another question. Mr. WILLIAMS. This is a little over ten times as much for our Senate or House of Representatives as for the British House of Lords and the House of Commons.

Mr. WARREN. Will the Senator let me finish my question?

Mr. WARREN. Yes.
Mr. WHILIAMS. Yes.
Mr. WARREN. Would the Senator then have Members of Mr. WARREN. Would the Senator then have Members of the Legislature of the United States, our Congress, the Senate and the House, without salaries, so that only rich men could

occupy those places?

Mr. WILLIAMS. Oh, no.

Mr. WARREN. That is the key of the situation.

Mr. WILLIAMS. No; it is not.

Mr. WARREN. The British Government spends so little

Mr. WILLIAMS. The Senator can go off and multiply \$7,500 by 96, and then he can multiply \$7,500 by 400, and he can add the two together and he will find out that he is vastly mistaken in thinking salaries here have much to do with it.

Mr. WARREN. Oh, no. That would not give the result. There are several things to add to that.

Mr. WILLIAMS. Besides that, if I understand this statement, the salaries are not counted in the other expenditures.

Mr. WARREN. I take no issue with the Senator about the growth of expenditures in House and Senate, and indeed of extravagance, and I certainly will not take issue with him that both sides are equally guilty, if either one is, but the figures which the Senator quotes from a foreign country are in no way applicable here, unless, indeed, we propose to adopt their customs and have only those born to the manner and who are able to furnish themselves and their employees free of cost to their Government and serve here in the American Congress, instead of the men who can be and are supported upon their official salaries, thereby making the positions open to rich and poor

Mr. WILLIAMS. Mr. President, in a certain sense what the Senator from Wyoming has just said is true. I ask the Senators' attention. In order to make the comparison accurate, in order to make the two statements strictly analogous, you would have to add to the expenses of the Senate and House of Representatives of the Federal Government the expenses of the two houses of 48 States.

Mr. WARREN. Then, would the Senator abrogate the States

and have the United States Government handle the affairs of all the political divisions of the Union?

Mr. WILLIAMS. Did the Senator ask me whether I would have the United States Government attend to the affairs of all

the States, or did I misunderstand him?

Mr. WARREN. Would the Senator believe in the policy of abrogating the State governments and have the United States handle the civic powers of the States?

Mr. WILLIAMS. No, no; I may not be a reactionary, but that is one question upon which I am not, at any rate. I would go back more and more by day and night, by week and month.

Mr. WARREN. If the Senator will excuse me-Mr. WILLIAMS. I am now drawing a picture of the ex-

penditures; I am not engaged in a disquisition upon government. Mr. WARREN. I, perhaps, ought not to ask a question of that kind, but in these days of rapid change and great uplift I am never certain what may be in a speaker's mind in the way of progression.

Mr. WILLIAMS. Well, Mr. President, if there is anything I am solicitous about it is the happiness of the Senator from Wyoming in so far as his happiness may depend upon a placid state of mind concerning myself. I can, therefore, assure him that he need give himself no anxiety upon the subject. Whatever revolutions may take place elsewhere, and whatever revolutions may take place in my own mind I will more and more, the older I grow, be a devotee of the idea of local self-government, and instead of wanting a new nationalism I want a new stateism. I want the States to begin asserting themselves. But that has nothing to do with this question, and I shall go on now continuing to draw the picture.

There is one other thing to which I called attention the other

day while the Senator from Utah [Mr. SMoot] was speaking.

The public printing of the United States is a bottomless pit of The entire amount appropriated in 1908 by the British Parliament was \$3,740,000, which is three and three quarter millions in round numbers. To defray the expense of providing stationery, printing, paper, binding, printed books for the public service, to pay salaries and expenses of the sta-tionery office, and for sundry miscellaneous services, including reports of parliamentary debates, three and three-quarter millions. It is simply impossible to get at the corresponding congressional expenditures here in their utmost detail.

Remember, these figures I gave you for Great Britain were the entire printing bill of the Government, but the congressional expenditures alone here in 1908 included \$6,394,810 for the Public Printer—that is, things printed for and to be distributed by Congress, executive documents coming to Congress, documents of the Senate, documents of the House, bills, speeches. These are congressional expenditures, and they are nearly twice as

much as all British Government printing bills.

Now, there is a very easy way to reduce your printing expendi-I have no idea that it will be done, but it is to stop the distribution of most public documents by Senators and Congressmen and to let them be distributed by the several departments to the people, for whose use they are printed. There is no reason why Congressmen and Senators should distribute geological surveys; there is no reason why they should distribute coast and geodetic surveys; there is no reason why they should distribute Smithsonian reports; there is no reason why they should distribute farmers' bulletins; there is no reason why they should distribute agricultural yearbooks. If these various documents were distributed by the several departments to the people upon request and to the institutions of the country engaged in scientific pursuits upon their request, my word for it the publicprinting bill would fall 40 per cent the very first year.

So many of them are useless. I do not know how many tons of them are lying around the Capitol undistributed; nobody wants them; they ought never to have been published at all. If it had been left to the departments and bureaus to publish as many of them as they found from experience were requested year by year, they would not have been printed at all and would not be lying idle now.

Now, I want, before I close, to call attention to two very meritorious pieces of legislation that have been calculated to prevent the growth of expenditures; and both of them, strange to say, seem to have emanated from the same brain, the brain of a recent Member of the House of Representatives, Mr. Tawney, of Minnesota. It seems to me if they were obeyed all the time we would save a good deal. One of these provides

That hereafter no part of the public moneys, or of any appropriation heretofore or hereafter made by Congress, shall be used for the payment of compensation or expenses of any commission, council, board, or other similar body, or any members thereof, or for expenses in connection with any work or the results of any work or action of any commission, council, board, or other similar body, unless the creation of the same shall be or shall have been authorized by law, nor shall here be employed, by detail hereafter or heretofore made, or otherwise, personal services from any executive department or other Government establishment in connection with any such commission, council, board, or other similar body—

Now, mark this-

detailing for prsonal services from any executive department or other Government establishment in connection with any such commission, council, board, or other similar body.

In that connection let me make a statement. The Senate will, I know, excuse me for not giving the name of the complainant, because he would be discharged from the civil service at once if it were known.

I received, not over two or three weeks ago, a complaint from a civil-service employee of the Government who was in one of the departments here asking me to see if I could not see somebody and try to get him a transfer because his foreman, the chief of his bureau, every day after office hours insisted upon his driving his buggy or his carriage-some sort of conveyance, at any rate. I told the boy I was afraid to put a request of transfer upon that ground because I was afraid it would end in his dismissal from the service. That detail business ought to stop. But the most important thing I think that Mr. Tawney did in this connection was the provision which he caused to be adopted in the Congress after I left.

Now, remember, most of this trouble comes out of the fact that the United States Government has no budget. There is no correlation between the expenditures of the Government and the receipts of the Government. Mr. Tawney tried by section 7 of the sundry civil appropriation act which was passed on March 4,

1909, to provide a sort of budget. He provided:

SEC. 7. Immediately upon the receipt of the regular annual estimates of appropriations needed for the various branches of the Government it shall be the duty of the Secretary of the Treasury to estimate as nearly as may be the revenues of the Government for the ensuing fiscal year, and if the estimates for appropriations, including the estimated amount

necessary to meet all continuing and permanent appropriations, shall exceed the estimated revenues the Secretary of the Treasury shall transmit the estimates to Congress as heretofore required by law and at once transmit a detailed statement of all of said estimates to the President, to the end that he may, in giving Congress information of the state of the Union and in recommending to their consideration such measures as he may judge necessary, advise the Congress how in his judgment the estimated appropriations could with least injury to the public service be reduced so as to bring the appropriations within the estimated revenues, or, if such reduction be not in his judgment practicable without undue injury to the public service, that he may recommend to Congress such loans or new taxes as may be necessary to cover the deficiency.

I believe that may possibly be the turning point to some extent; I think it is almost invaluable legislation; I regard it as almost a revolutionary new departure upon the right side; and I congratulate the country upon the wisdom of the House Committee on Appropriations, which passed that resolution. For fear some of you may think I am partisan, I will say that it was a Republican House, with a Republican chairman of the Committee on Appropriations, that passed that provision.

Mr. President, I have drawn the picture. What is the lesson from it? That we ought to strain our nerves to try to circum-

scribe and limit the expenditures of this Government. There is no sense in having expenditures increase 400 per cent while

population increases only 84 per cent.

Where are you going to begin? I say there is no better place in the entire Government to begin than upon the standing Army. There are a great many other things, too, that we can get at later and follow this up. As for myself, I differ with some of my party colleagues in that respect. I do not believe some of my party coneagues in that respect. I do not be seen in a large navy, but I do believe in a due annual increase in the Navy, enough, at any rate, to keep it up. I do believe that an insular people, whether their island be an entire continent or a small island, should defend themselves mainly by an assertion of their sea power. I do not believe that an army is necessary to the defense of the United States Government, except to the extent that we had it prior to the Spanish-American War, plus about 10,000 men for trained Coast Artillery. In that branch, of course, you must have men who are trained for the service. I think we ought to cut as much as possible the military expenses of the Government. The so-called military expenses of the United States Government, if you count pensions as a part of them, with its little bit of an army, amount to about as much as those of the German Empire.

That is not all. After we have spent all this money during all this time, if the newspapers do not misreport things, the General of the Army reports that our Army at present is substantially worthless—that is to say, that it does not respond to what it purports to be. I do not know whether he said that; but if he did not, if anybody knows to the contrary, of course I want to be corrected. At any rate, that was in the public prints, I think, yesterday or the day before, as an utterance of the General of the Army somewhere. I hope that on this side of the Chamber and on the other side of the Chamber those of us who want the people burdened as little as possible will begin with this reduction now. If you do not begin here, where and

on what will you begin?

It has been said that it would have been wiser on the part of the other House to have reduced by making some of the reduction from the Infantry instead of making all of it from the Cavalry. Perhaps that may be true; but, whether true or not, we can reduce this much of the Cavalry now and we can follow it up after awhile with a reduction of four or five regiments from the Infantry as well. We have to begin somewhere, and I do not see any better place to begin than with the Cavalry. I myself have an idea that, constituted as the United States Army is, perhaps an Infantry that rides on horseback in order to get where it is needed and is drilled in both Cavalry and Infantry tactics, is our ideal Army, considering our necessities and our lack of necessities both put together; but, however that may be, I do not think the service of the United States with regard to its military arm is going to be hurt in the slightest degree by lopping off these five regiments of Cavalry. I hope, therefore, that the Senate amendment which restores them will be voted down.

Mr. BACON. Mr. President, before the Senator from Mississippl takes his seat I want to make a suggestion. I entirely agree with him in his general presentation of the fact of undue extravagance in the appropriations for the Government and in its administration, but there is one thing that must not be overlooked when the per capita expenditure of 20 years is compared with the per capita expenditure of the present day; and that is, that by a process which he and I both very greatly regret and deplore, the functions of the Federal Government have not only been increased but have been multiplied in the last 20 years, and necessarily the expenditures have more than kept pace with the per capita increase of population. The Federal Government formerly confined itself to functions which I

think were within the contemplation of the founders of the Government, but in twenty years, more than in the hundred years that preceded it, I think the Federal Government has overstepped the limits originally contemplated for it, and has ranged out into a vast field of functions and activities which necessarily involve an immense increase in the expenditures, even though there were no extravagance. I think we are suffering from both. We are suffering from this vast and unfortunate increase in the functions of the Federal Government and from the very great extravagance in supplying the funds which may be thought needed for the performance of those functions.

Mr. WILLIAMS. Mr. President, there is undoubtedly a great deal of truth in that, but that does not account for the fact of the expenditures. That would account for the fact that the expenditures ought to have increased, but it would not account for the fact that they ought to have increased beyond the increase of population in a great, new country, with a high birth rate and an immense immigration rate. Then the Senator from Georgia leaves out, while he is making his statement, the fact that when the figures which I have quoted were given at the beginning of one of these periods the per capita expenditure for the payment of interest upon the public debt and for the sinking fund to extinguish the public debt, as well as the per capita for pensions, was greater than it now is.

Mr. WARREN. Mr. President, just a moment. I do not like to allow the matter to stand exactly as it now does in regard to the powers and right of the Committee on Appropriations of the Senate, as viewed or expressed by the Senator from Mississippi [Mr. Williams]. It seems to me that, representing the Appropriations Committee for the moment, I ought to say that the House and the Senate have considered the matter before, and it is not claimed that the right of the House of Representatives to originate appropriation bills is either a constitutional right or that it has become a vested right by long practice. I ask to have a couple of paragraphs read from the compilation Precedents and Decisions of Points of Order in the Senate relating to this matter. I have marked the paragraphs I desire read. will say before the matter is read, however, that the reading will show that the Committee on the Judiciary in the House reported a resolution claiming that the House did not have the right exclusively to originate appropriation bills, but that the Senate had a right equally with the House. I now ask that the Secretary read.

The Secretary read from Gilfry's Precedents and Decisions on Points of Order in the United States Senate, page 53, as follows

The House of Representatives has assumed to itself the exclusive power to originate appropriation bills, but a plain and literal interpretation of the first clause of the seventh section of the first clause of the seventh section of the first article of the Constitution, which says, "All bills for raising revenue shall originate in the House of Representatives; but the Senate may propose or concur with amendments as on other bills," gives the power to originate to the Senate, as well as to the House. This interpretation was clearly upheld in the Senate by reports from a conference committee of March 2, 1871, and from the Committee on Privileges and Elections, April 24, 1872, by Mr. Carpenter, who said: "The fact that the Constitution so carefully provides that 'bills for raising revenue' shall originate in the House of Representatives, and made no such provision in regard to bills appropriating money, is conclusive that it was intended to restrict the Senate in the one case and not in the other." Mr. Knott, on February 2, 1881, from the Committee on the Judiclary of the House of Representatives, claborately discussed the power of the two Houses to originate appropriation bills; and the committee recommended the adoption of the following resolution relating to an appropriation bill passed by the Senate and referred to them "authorizing the Secretary of the Treasury to purchase additional lots of ground adjoining the new building for the Bureau of Engraving and Printing":

Resolved. That the Senate had the constitutional power to originate the bill referred, and that the power to originate bills appropriating money from the Treasury of the United States is not exclusive in the House of Representatives.

Mr. WILLIAMS. Now. Mr. President, one word, and I am

Mr. WILLIAMS. Now, Mr. President, one word, and I am through. The statement made was with regard to general appropriation bills. General appropriation bills, both in Great Britain and here, have always been upon a different basis than appropriation bills for specific purposes. I am aware of the fact that there has been some difference of opinion. There have been differences of opinion further than those indicated in the matter which has been read. The insistence upon the literal meaning of this clause has gone so far that at one time the Senate insisted that, while they did not have the right to raise revenues, they had a right to reduce them, totally forgetting the historic meaning of the phrase "bills to raise revenue," which means bills to originate revenue. I think—and with the permission of the Senate, I will try to execute the threat—that I can travel through the precedents and show that this is a very exceptional case. So far as that is concerned—

Mr. WARREN. The resolution is general, and not only applies to the specific bill but says "bills appropriating money" without exception.

Mr. WILLIAMS. It says "to originate appropriations." I will go back and look through the RECORD and I will get as near as I can the body of the discussions that have taken place upon that subject, and, with the permission of the Senate, I will insert them in the Record either with my present remarks or at some later date, if the Senate will give me that permission.

The VICE PRESIDENT. Without objection, permission is granted.

Mr. FOSTER. Mr. President, before the Senator from Mississippi leaves the floor, I should like to ask him if, in his opinion, should the House provision become incorporated into this bill and become a law, would it result in a reduction of the Army by five regiments; in other words, would the enlisted men of the five regiments be dismissed or discharged from the

United States Army?
Mr. WILLIAMS. The Senator means at once, before their several periods of enlistment have expired?

Mr. FOSTER. Yes.

Mr. WILLIAMS. Answering at first blush, I should think not; but that would be the effect of the legislation, at any rate, whether it took place immediately or whether it took place later.

Mr. FOSTER. It is provided, however, that the provision eliminating five regiments of Cavalry shall go into effect on the 1st day of July, 1912. Now, does the Senator think that this Government has the moral right—it may have the power; but the moral right-to dismiss those men from the service who have enlisted for three years?

Mr. WILLIAMS. Undoubtedly. At the end of the Civil War we dismissed hundreds of thousands of men who had enlisted for a year or two beyond what was the actual expiration of the war.

Mr. FOSTER. We have the power-

Mr. FOSTER. We have the power—
Mr. WILLIAMS. Any Government anywhere has the right to reduce its army whenever it pleases.
Mr. FOSTER. I do not doubt the power; I did not ask the Senator about the power, but I referred to the moral right.
Mr. WILLIAMS. I think the Government has the moral right, because an enlistment constitutes no contract.

Mr. FOSTER. There is a contract for enlistment for three

Mr. WILLIAMS. I understand that; but it is not a contract in the usual sense of that word. It is an agreement to do service so long as the Government needs the service, not to be longer than for a certain period. It is just like abolishing an office. You may reduce the number of clerks here in a department. It is true you have employed them, but that does not interfere with the power of dismissing them.

Mr. THORNTON. Mr. President, when I entered the Chamber this afternoon I had no idea of saying a word on the pending question, expecting to record my convictions on it only through my vote; but, with the sentiments that I have on the subject, I feel it to be my solemn duty most emphatically to record my dissent to the views advanced by the Senator from Mississippi [Mr. Williams] in so far as those views tend to favor the plan of reducing the present strength of the Army of

the United States.

I believe as much as he does in economy as a general principle, and I wish to see an economical administration of this Government just so long as it does not interfere with the efficiency of the administration, for I hold that efficiency is more important than economy. I wish to say that if the action of the House of Representatives—and I say it with all respect to the House—was dictated by the feeling of economy, then I think that it was economizing in the wrong direction, just as I think that if the same rule of conduct governed them in refusing appropriations for battleships they were also economizing in the wrong direction.

Now, it is certain that the very fact of itself, of the insular possessions of this Government, requires that we should have a larger standing Army than would be required if we did not

have those insular possessions.

I wish to say in this connection that the Senator from Mississippi can not possibly have any greater objection to the retention of those insular possessions than I have. I was honestly opposed to their acquisition at the time and I have been honestly opposed to their retention ever since. But we have those possessions, and we are in honor bound to act so as to maintain our possessions as long as we wish to do so. I wish to see us lose them, but not to lose them under compulsion from any foreign power. Rather would I have that we held on to them forever in spite of any ills that I think may come to us from their retention.

Now, if the fact that the House grounded its action, in addition to the economy question, upon the fact that the service was not in equilibrium, as it were, that there were too many Cavalry in proportion to the Infantry, then I think that instead of cutting down the Cavalry it would be far better to increase the Infantry until the equilibrium be restored.

It is idle to say we never will have wars. No man can tell that. The presumption is that what has been will be, and it is highly likely that in the future we will have wars. going on at this time in other parts of the world in which we are not yet involved, but we do not know when we will become involved in a war. I hope it may not be at all. But it may be next year and it may be before this year comes to a close.

The Senator from Mississippi says that in that event our greatest dependence would be upon our Navy to prevent a foreign foe from landing on our soil, but how can we depend upon that if the House of Representatives is going to prevent us from having the requisite Navy as it is doing by its present

Therefore, if we have an insufficient Navy, when that Navy is destroyed by a foreign enemy, nothing can prevent the landing of a foreign army on our shores, either on the west or the east or the Gulf portion of it.

Mr. WILLIAMS. Mr. President-

The VICE PRESIDENT. Does the Senator from Louisiana yield to the Senator from Mississippi?

Mr. THORNTON. I do. Mr. WILLIAMS. Does not the Senator from Louisiana admit that if any foreign enemy should destroy our fleet and any foreign enemy, a modern European power, with their millions of men under arms, should effect a landing upon our shores, 58,000 men could not oppose them much more than 38,000, and we would have to rely upon our manhood and the volunteer forces, anyhow? This is but a nucleus. It is insufficient. Of course, if you are going to have an Army big enough to whip England or Germany or France, if they should land on our shores, we should need an Army of half a million men.

Mr. THORNTON. I will answer the Senator from Mississippi by saying that the greater the number of our Regular Army the greater the resistance we can offer until the volunteers can be organized; and the less the number of the Regular Army the less resistance we can offer until the militia force is properly organized, which is another reason why I am opposed to the reduction of our Army from its present very small number in

comparison with the extent of our territorial area.

Mr. WARREN. Will the Senator from Louisiana allow me?

Mr. THORNTON. Certainly.

Mr. WARREN. I wish the Senator to make a note of the fact that if we are to go into war with volunteers or the militia there is no arm so useful as that of the Cavalry, where they have trained men to fight on foot or horseback, either as Infantry or Cavalry, and a sufficient number of horses prepared

Mr. THORNTON. Having been a member of the Cavalry arm of the service in the late Civil War, I am prepared to say that the statement of the Senator from Wyoming is entirely

Now, let us assume that a foreign force, on account of our insufficient Navy, has been able to effect a landing on our shores. The Senator from Mississippi says that in that event it would only be a question of time when we would be able to expel them from our country. Now, with that I agree. I do not believe that any foreign enemy could permanently maintain a foothold on any side of the United States. But why should we take the risk of the humiliation of having them land, of the great amount of blood and of treasure that would be expended in the time that it would take to repulse them from our shores? I suppose every Member of the Senate who has been a soldier himself knows of the great superiority at the outset of trained soldiers ever raw militia.

I do not hesitate to say, based upon my actual knowledge of such things, that I would rather have one regiment of regulars than four of untrained levies. Even admitting that they are of the same nationality, that they have the same natural physical courage, it takes time to train them and make them effective, and so I make the statement I do. If 4,000 raw leviesand the militia of this country are all raw levies, every one of them, without any exception-were to attack a regiment of which I was a member consisting of 1,000, those being regular troops, I would not hesitate to say that 250 on each side, if we were surrounded, could repel a thousand of the others.

Mr. President, I sincerely hope that the time will never come when this country will be submitted to the humiliation of seeing a foreign enemy land on her borders. But I wish to say that if that time does come—and I hope it will be after my time has gone—I do not propose to take the responsibility, which try fo every one takes who tries to cut down the Army and Navy of fense.

the United States, of having assisted to bring this shame and humiliation on my country; and feeling as I do on this question, every dictate of national pride and national patriotism impels me to oppose the views just advanced by the Senator

from Mississippi.

Mr. WILLIAMS. Mr. President, I shall not detain the Senate further than to state three thoughts, and then I shall sit down. In the first place, the Senator from Louisiana must not think that those who want to maintain or to increase the standing Army of the United States possess, in comparison or contrast with other Senators, a monopoly either of national pride or patriotism. In the second place, it would be well for the Senator to remember, following up his line of argument, if he wishes to have a sufficient fleet, that this amount of money saved here might build at least one additional battleship. place, it would be well for the Senator from Louisiana to remember what has been attributed to Von Moltke in connection with the proposition of invading England, a much easier job than invading the United States. Somebody asked him whether he had ever worked out a plan for landing troops in Great Britain, and he said, "yes," but that he had never succeeded in working out a single plan for getting them back after he had landed them. Nobody but an idiot in command of an army wants to land an army unless he thinks he can get it Our chief defense lies in that fact.

Mr. CULBERSON. Mr. President, I should like to ask the Senator in charge of the bill what now is the proportion of Cavalry to Infantry and Artillery in the United States Army?

Mr. DU PONT. I was just about to present the reasons which impelled the Military Affairs Committee, by a practically unanimous vote, or, at least, by a very large majority vote, to strike this provision from the bill, and in so doing I will cover the very point which the Senator from Texas has in mind.

Mr. CULBERSON. I should like the Senator, as a military man, to point out also what in his judgment ought to be the proportion between these arms of the military service.

Mr. DU PONT. I will make the statement, and then if the Senator finds that any point has not been covered, I will be glad to present it later.

The proviso on page 9, beginning at line 13, which reduced the number of Cavalry regiments from 15 to 10, has been omitted

for several reasons.

First. It was inserted without consultation with the military authorities and is strongly opposed by them as greatly weakening the Regular Army, or first line of defense, which should be strong in Cavalry for the reason that if Volunteers be called out regiments of Cavalry can not be organized, instructed, and made efficient nearly as quickly as can regiments of Infantry.

Second. The number of Cavalry regiments is not more than

is needed under present conditions.

While, as compared with the number of existing Infantry regiments, the number of Cavalry regiments is rather more than is considered theoretically necessary for a well-balanced force, the conditions in our Army differ from Continental Europe, whence we get our ideas of a well-balanced force. of Cavalry regiments for the Regular Army was fixed by law in 1901, after careful and mature deliberation. It is to be remembered that the Regular Army is our first line of defense, and that after it comes the militia, which has not a sufficient force of Cavalry to balance the militia regiments of Infantry. There are very few militia organizations of Cavalry, and the few that exist usually hire horses when needed.

The service that our Cavalry is actually performing on our southwestern boundary can not be performed efficiently by foot troops, and in this connection it may be stated that even with our present 15 regiments of Cavalry it has been found necessary to augment our mounted troops in that region by a force of

Texas rangers.

It is to be observed further that the approaching completion of the Panama Canal and the decision to fortify it involves the station of an additional force of 5,000 men in the Canal Zone, and that the establishment of our great naval base (requiring the expenditure of many millions) at Pearl Harbor, Oahu, Hawali, for the defense of our whole Pacific coast, demands the assignment of a large military force for its defense from land attack, and that this condition makes another and a new call

upon the Regular Army.

It is submitted that when, in addition to the previous duties of the Regular Army, at least 15,000 men are required for the defense of the Canal Zone and at Pearl Harbor, Oahu, it is neither the proper nor the appropriate moment for the reduc-

tion of the military establishment.

Third. The resulting economies will not compensate the country for the diminution in the efficiency of our first line of de-

A statement is submitted herewith showing the relative cost of a regiment of Infantry and a regiment of Cavalry. statement purports to show the overhead charges which enter into the calculation, and among the overhead charges the appropriations made in the legislative, executive, and judicial appropriation act for salaries for the several bureaus and offices of the War Department are included. As much of the work in some of the bureaus is purely civil, and in others relates to the militia as well as to the existing Army, it is evident that the entire charge for such services should not be included in this calculation. However, as worked out, the overhead charges for an Infantry regiment and for a Cavalry regiment are nearly the same, so that they can be omitted from consideration without changing the result.

Eliminating overhead charges, we find that the annual cost of an Infantry regiment is \$488,369 and of a Cavalry regiment is \$629,788; that is, the Cavalry regiment costs only 28.9 per cent

more than the Infantry regiment.

The ratio of cost of an Infantry regiment for one year in time of peace to the cost of a Cavalry regiment for the same period is as 1 is to 1.129, or approximately as 1 is to 1‡. This plainly shows that the wisest place to exercise economy is in reduction of the overhead charges and not in a reduction of the number

of the overhead charges and not in a reduction of the manuscrof enlisted men in the Army.

In conclusion, the hardships caused by the proposed reductions will fall upon the noncommissioned officers, from sergeants major down to corporals, who constitute, as has been well stated, the backbone of the Army. The noncommissioned officers can not be absorbed as such, for there are no places for them, and unless they are provided for by law as extra noncommissional officers they must be reduced to privates. sioned officers they must be reduced to privates.

The VICE PRESIDENT. The Senator from Delaware will suspend for a moment. The hour of 4 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (S. 3175) to regulate the immigration of aliens to and the residence of aliens in the United States.

Mr. LODGE. I ask that the bill be temporarily laid aside. The VICE PRESIDENT. Without objection, the request of the Senator from Massachusetts is complied with. The Senator from Delaware will proceed.

Mr. DU PONT. I will resume the reading of my statement. It is true the horses belonging to the five Cavalry regiments can be sold and the proceeds covered into the Treasury, but one of the greatest difficulties experienced in organizing a Cavalry regiment in time of war is to procure suitable horses, for the supply in our country is growing less each year, and the breeding of such horses can be promoted only by having a demand for them in time of peace.

Such a demand can be stimulated by keeping a strong mounted force in our Army in time of peace, and, as shown above, the difference in cost between keeping mounted and dismounted troops is very small indeed.

I now submit the table, which I ask may be incorporated in my remarks. It is a table showing the relative cost of Infantry and Cavalry regiments in detail.

The VICE PRESIDENT. Without objection permission is granted.

The table referred to is as follows:

RELATIVE COST OF A REGIMENT OF INFANTRY AND A REGIMENT OF CAVALRY.

In compiling these figures we have endeavored to cut out anything that could be considered as foreign to the uses of these two branches of the line.

The figures are taken almost entirely from the digest of appropriations, 1912.

It will be seen that the overhead charges are enormous and that the difference between the cost of a regiment of Infantry and a regiment of Cavalry as compared with these overhead charges is small.

Salaries of Secretary of War's office	\$147, 970, 00
Salaries of Adjutant General's office	781, 950, 00
Salaries of Inspector General's office	12, 560, 00
Salaries of Judge Advocate General's office	20, 800, 00
Calaries of Stage Advocate General's Office	
Salaries of Signal OfficeSalaries of Quartermaster General's office	25, 800, 00
Salaries of Quartermaster General's omce	278, 410. 00
Salaries of Commissary General's office	78, 840, 00
Salaries of Surgeon General's office	166, 288, 00
Salaries of Paymaster General's office	71, 900, 00
Salaries of Chief of Ordnance office	91, 760, 00
Contingent expenses, War Department	50, 000, 00
Stationery for office	25, 000, 00
Postage, War Department and its bureaus	500.00
Postage, war Department and its bureaus	
Rented buildings, War Department	10, 220, 00
Contingencies of the Army	40, 000. 00
	10, 000. 00
Military information section	10, 000. 00
United States service schools	25, 000, 00
Contingencies, headquarters military departments	7, 500, 00
Ordnance Department, pay of enlisted men	317, 356, 00
Post quartermaster sergeants	108, 000, 00
1 Ost quality master sergeants	200, 000. 00
Additional length of service for post quartermaster	20 000 00
sergeants	38, 000. 00
sergeants	111, 708. 00
Additional length of service, commissary sergeants	45, 000, 00

a i	Pay: Clerks, messengers, laborers at headquarters, divi- sions, departments, posts commanded by general	was be se
	officers Staff departments:	\$351, 240. 00
	Officers, Staff departments: Adjutant General's office Inspector General's Department Ougrapmastary's Department	110, 500, 00
1		75, 000, 00 340, 900, 00 183, 280, 00 1, 629, 660, 00 284, 220, 00 190, 460, 00 55, 000, 00 3, 362, 850, 00 70, 000, 00 2, 147, 670, 00
1	Subsistence Department Medical Department Ordnance Department	183, 280, 00
	Ordnance Department	284, 220. 00
	Pay Department	190, 460, 00 55, 000, 00
	Retired officers	3, 362, 850, 00
	'Judge Advocate General's Department	2, 147, 670, 00
	Miscellaneous pay: Hospital matrons, dental surgeons, contract surgeons. Extra duty, enlisted men, etc	4 177 692 00
	Regular supplies, Quartermaster's Department	8, 333, 387. 33
	Barracks and quarters	2, 100, 000, 00 1, 856, 050, 00
3	Barracks and quarters, Philippine Islands	600, 000. 00
-	Roads, walks, wharves, and drainage	449, 315, 79
	Aliscellaneous pay: Hospital matrons, dental surgeons, contract surgeons. Extra duty, enlisted men, etc	2, 250, 903, 27
	Construction and repair of hospitals	450, 000, 00
	Quarters for hospital stewards	125, 985, 00
	Army War College	10, 000, 00 125, 985, 00 12, 700, 00 700, 000, 00
	Medical and Hospital Department Library, Surgeon General's office Army Medical Museum	10, 000, 00
	Army Medical Museum	5, 000, 00 330, 000, 00
3	Dental surgeons Trusses, artificial limbs, etc	7, 000, 00 10, 000, 00
1	Ordnance Service	337 000 00
3	Ammunition for reserve supply, firearms and salutes, military posts Repairs at arsenals	500 000 00
1	Repairs at arsenals	500, 000, 00 536, 400, 00
9	Military post exchanges, schools, etc	600, 000, 00
1		
,	Total overhead charges	
1	Total enlisted force in organizations of the Army, including Signal Corps, Porto Rican Regiment, and Philippine Scouts Regiment of Infantry, total enlisted Regiment of Cavalry, total enlisted Percentage of regiment of Infantry to total enlisted	
1	Philippine Scouts	\$74, 059
	Regiment of Infantry, total enlisted	869 854
	Percentage of regiment of Infantry to total enlisted	1. 173
£	Percentage of regiment of Cavalry to total enlisted	
	Amount of overhead charges to be borne by regiment of Infantry	
	Amount of overhead charges to be borne by regiment	\$536, 644. 41
3		
9	of Cavalry Total enlisted men entitled to rations and clothing Percentage for regiment of Infantry Percentage for regiment of Cavalry	83, 762 1, 037
7	Percentage for regiment of Cavairy	1, 019
-	Total subsistence Total clothing Subsistence for regiment of Infantry Clothing for regiment of Infantry Subsistence for regiment of Cavalry Clothing for regiment of Cavalry Small arms firing, enlisted men, regiment of Infantry Small arms firing officers regiment of Infantry	\$9, 033, 579, 40 4, 901, 271, 67
1	Subsistence for regiment of Infantry	93, 678, 22
1	Subsistence for regiment of Cavalry	00 050 11
100	Clothing for regiment of Cavairy	40, 042, 50
V(2)	Small arms firing, enlisted men, regiment of Infantry	49, 943, 56 9, 993, 50
1	Small arms firing, enlisted men, regiment of Infantry— Small arms firing, officers, regiment of Infantry— Small arms firing, enlisted men, regiment of Cayalry	49, 943, 56 9, 993, 50 557, 50 11, 665, 64
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1	Small arms firing, enlisted men, regiment of Cavalry	11, 665, 64
1	Small arms firing, enlisted men, regiment of Cavalry	11, 665, 64 655, 50 15, 474, 40 324, 80 2, 579, 06 54, 13 25, 853, 80
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Overhead charges	Regiment of Infantry.	\$536, 644. 41
Subsistence		93, 678, 22
Arms		2, 911, 59
Forage		4, 996, 60 739, 55
Total		1, 025, 013. 40
Overhead charges	Regiment of Cavalry.	\$527, 494, 46
Pay		331, 460, 05
Clothing		• 47, 943, 56
Small-arms firing		12, 321, 14
Equipment		4, 363. 09 16, 191. 84
Forage		95, 167, 80 7, 800, 00
Horses		20, 686, 62
Horseshoes, etc		1, 801. 80
		Annual Control of the
		(F) (F) (F)

Mr. DU PONT. I will ask the Senator from Texas if he has

any further inquiry to make on this subject?

Mr. CULBERSON. I think the remarks of the Senator from

Delaware answer my inquiry, Mr. President.

Mr. BACON. I should like to ask the Senator from Delaware a question. The fact may have been stated previously during the debate, but I have not heard it.

Mr. DU PONT. Certainly.

Mr. BACON. I wish to know what is the maximum number now authorized by law of the Army in the several branches of it, and what is the present number?

Mr. DU PONT. The maximum number in time of peace by

law is 100,000.

Mr. BACON. I understand that to be the number in the ag-

Mr. BACON. I understand that to be the number in the aggregate, but as between the different branches.

Mr. DU PONT. That depends on the discretion of the President. He can vary the number of Cavalry, Infantry, and Arthur the can vary the number of Cavalry. tillery as the exigencies of the service may require, provided it does not exceed 100,000 in time of peace.

Mr. BACON. I will say to the Senator I was very familiar at one time with the matter, because we had a very extensive discussion on it in the Senate some 12 years ago. I understand the Senator to say that the relative proportion is within the discretion of the President. Am I correct?

Mr. DU PONT. The Senator is not altogether correct. Mr. BACON. I understood the Senator to say that. Mr. DU PONT. The Army is composed of 15 regiments of Cavalry, 30 regiments of Infantry, and 6 regiments of Field Artillery, as well as the Coast Artillery Corps and the ancillary arms, such as the Signal Service, the Corps of Engineers, and so on. It is the province of the President to say that the troops of a regiment of Cavalry shall be only 50 strong and that the companies of Infantry shall be much greater in numbers. In that way, within the limits of regimental organizations, he can vary the proportions of the strength of the different arms.

Mr. BACON. I can not understand what the Senator intended by his first reply. Can the Senator give the number who are in actual service in these various branches of the arms of

the service?

Mr. DU PONT. The actual number of Infantry is 65 men to a company.

Mr. BACON. But I am speaking about the actual number now in service.

Mr. DU PONT. In the Regular Army?

Mr. BACON. How many of Infantry, how many of Cavalry, how many of Coast Artillery, how many of Field Artillery?

Mr. DU PONT. I could not answer offhand with any degree of precision. Otherwise, I would be glad to give the Senator

Mr. BACON. If the Senator will pardon me, I will limit my inquiry to the Cavalry. What is the maximum number under the law which could be enlisted in the Cavalry arm of the service, and what is the present number?

Mr. WARREN. The present number is about 60 enlisted men to a troop, but it may be strengthened in time of war to a

Mr. DU PONT. That would be about 800 to a regiment, and 15 regiments of 800 would be 12,000. I suppose there are ten or eleven thousand of Cavalry.

Mr. BACON. Am I to understand, then, from the reply of both the Senator from Wyoming and the Senator from Dela- | me the book.

ware that in actual service the number of enlisted men is about 50 per cent of the possible number?

Mr. WARREN. About 60 per cent of enlisted men.
Mr. BACON. That is what I wanted to get.
Mr. OVERMAN. I want to ask if the President has power to increase the Army from time to time? We make a certain appropriation here for the Army. Has the President any right to pay for extra men other than the amount appropriated by

Mr. DU PONT. No; I do not know that he has; but, as you

know, if there were a great public exigency—
Mr. OVERMAN. Without regard to any public exigency, is there in the law a provision allowing the President to pay outside of the appropriation for men enlisted?

Mr. DU PONT. I will ask the Senator from Wyoming, the chairman of the Committee on Appropriations, to answer that

question. He can do it better than I can.

Mr. WARREN. The salaries of officers and the pay of men are provided for by law. I think it has been held that when they are enlisted and in the service they must be paid whether there is a direct specific appropriation or not, and the amount reported comes in as a deficiency. It has happened once that the appropriation bill for the Army failed and ran over for a number of months. Of course the men had to be paid.

But the President is confined to the limit of one hundred thousand for the Army, and he is also, of course, confined to the number of officers that we have provided by law. But their pay is automatic in a sense. If we appropriate an insufficient amount for the pay of the Army, such appropriations as are available, like incidentals, may be used. They are confined absolutely to the appropriation, but the law creating the Army and providing for the pay is older and stronger, if I may use that term, than an appropriation bill made for the time being.

Mr. OVERMAN. What authority has the Treasurer of the United States to pay a warrant for the payment of some officer whose office might be created by law when no appropriation was

made to pay him?

Mr. WARREN. Well, as far as that matter is concerned, I think that has been in the courts of the country and has been

Mr. OVERMAN. I should like to know the decision. It seems to me that that is in contravention of the Constitution.

Mr. WARREN. The Senator will have to accept my word for it now, as I have not the decision or decisions at hand. I may say to him that I have already cited a precedent where it has been done in the case of the Army, and it was declared to be legal.

Mr. OVERMAN. Decided by what courts?
Mr. WARREN. Perhaps it had been decided before that time by the courts.

Mr. OVERMAN. Then if he can do it in one instance he can do it in a thousand instances, and therefore he can pay money out of the Treasury without its being appropriated by Congress in contravention of the Constitution of the United States.

Mr. WARREN. That is not a fair construction of it at all. A military officer or enlisted man whose place is provided for

by law is quite a different thing.

Mr. OVERMAN. Suppose we created an office to pay an officer \$1,800 a year and appropriated no money for his payment-does the Senator think that the Treasurer would be warranted in paying out money when no appropriation was made to pay him?

Mr. BACON. If the Senator from North Carolina will permit me, I should like to call the attention of the Senator from Wyoming to another very important provision of the Constitution, which I understand is correctly explained by the Senator from North Carolina and is practically nullified by that practice. It is the provision of the Constitution which says that appropriations for the Army shall not be made for a term exceeding two years. That evidently is intended to more strictly limit the possibility of the payment of the Army without an appropriation than any other expenditure is intended to be limited. So far as I know there is no other provision of the Constitution to that effect or parallel to it, and we can all understand that it was made for a very wise reason.

Mr. WARREN. I of course defer to the superior knowledge of the Senator from Georgia as to the Constitution, but does not the Constitution provide that they shall not make contracts for the Army beyond two years?

Mr. BACON. No; there is a distinct provision in the Con-

stitution that appropriations for the support of the Army shall

not be made for a period exceeding two years.

Mr. WARREN. By way of contract.

Mr. BACON. The Senator from North Carolina kindly hands

Mr. WARREN. If the Senator will pardon me a moment, calculations of that kind do not come into what I understood to be the question of the Senator from North Carolina, because passing over one Congress of course the matter is taken care of in the next.

Mr. BACON. But I am asking whether the practice which I understand the Senator from Wyoming to say is one which exists, of paying soldiers the regular amount intended for their pay without an appropriation, is not a violation of the clause of the Constitution which I now read. In the enumeration of the powers of Congress we have:

To declare war, grant letters of marque and reprisal, and make rules concerning captures on land and water.

And, then, the next enumerated power is this:

To raise and support armies, but no appropriation of money to that use shall be for a longer term than two years.

There could not be a more drastic limitation than that; and, as I said, it is one peculiar to itself. There is no other provision in the Constitution which is at all comparable to it.

Let me say that there is by implication a general law that there can be no payment of money, except money which is appropriated. When it came to the question of the payment of soldiers and the support of the Army, a power which if left in the hands of the Executive might be abused, the Constitution Is not satisfied with the implied negation, but it makes an express prohibition that no money shall be appropriated for the support of the Army for a term exceeding two years.

Mr. WARREN. Mr. President—
Mr. BACON. If the Senator will permit me just a moment, the conclusion is this: When Congress makes an appropriation for a term of two years, complying literally with the Constitution—it is true that it is generally made for one year, but if the rule is good as to one it is just as good as to two—the intention is that under no circumstances can the Executive have the power to pay soldiers which are not authorized to be paid by the law; and, as I said, it is a most peculiar and unique provision and one without any other companion in the Constitution. It lays it as a direct and an express prohibition.

I confess I never knew the fact that there was any such

practice in the Government.

Mr. WARREN. There is no such practice. The Senator is laboring under a wrong construction of my remarks.

I misunderstood the Senator. Mr. WARREN. It is not a common practice.

Mr. BACON. I am not speaking about a common practice. It is not necessary that it should be a common practice, but if it is ever done at all-

Mr. WARREN. The Senator has been given a precedent.

But I did not mean to quarrel with him about that.

Mr. BACON. I think it is a violation of the law whenever it is done.

Mr. OVERMAN. Is it not frequently done? Mr. WARREN. Oh, if the Senator from Georgia will yield to me.

Mr. BACON. Certainly. Mr. WARREN. I do not know of its having been done on any occasion since I have been in the Senate and since I have been on either one of the two committees, the Committee on Military Affairs or the Committee on Appropriations; but it must be possible, and it seems to have been done in the past in the one instance I have mentioned. We provide in this appropriation bill, as we have heretofore provided, that all funds handled by the Paymaster General for pay of the Army-except mileage-shall constitute one fund from which he shall pay the Army, and while one specific account may be short another will be large. Since I have been connected with these affairs there has never been a time, with perhaps the one exception noted, when by actual paying out of money they have exhausted the entire appropriation before Congress could meet and act. The men are paid, but oftentimes the department comes in for a deficiency in December and asks for an additional fund to carry them around until the next July, the beginning of the new fiscal year. I only gave the one case to show that it had been done, and that it had been ruled upon as being proper, but that I leave to the Senator.

Mr. BACON. Ruled upon by whom?
Mr. WARREN. I leave that to the Senator.
Mr. BACON. No; I do not want it left in that way. Ruled

upon by whom? Mr. WARREN. Mr. WARREN. Ruled upon by the people who paid the money, by those who accepted it, by the administration which directed it, by the Congress, and, I understand, by the courts that permitted it.

Mr. BACON. I would be glad to have a citation of the case in the court.

Mr. WARREN. The Senator understands, of course, that I am not a lawyer nor a judge, and I do not have at my hands the precedents. I find them when I need them. The idea of undertaking to embarrass me in that way does not embarrass me at all.

Mr. BACON. Mr. BACON. Nothing was further from my purpose. Mr. WARREN. I am simply taking the practical side of it

Mr. BACON. I am not speaking of the fact that it has happened, but I am speaking about the question whether it was authorized when it did happen.

Mr. WARREN. I will state to the Senator that in 1877 there was a disagreement between the two Houses by reason of the provision contained in the House bill known as the posse comitatus clause, and the bill failed to become a law, and thereupon the War Department issued orders for the supply of the Army. General Order No. 49, of 1877, announced that there were no funds for the supplies after July 1, 1877, and it went on to say that, under section 3732 of the Revised Statutes, purchases could be made of clothing, subsistence, forage, fuel, quarters, and transportation.

Then General Order No. 51, of 1877, announced that there was no pay for the Army after June 30, and it published a form of certificate for pay vouchers and gave the names of pay-masters to certify the same.

Mr. BACON. I have no doubt of the precedent; the Senator's statement of fact that it had occurred was sufficient, but the question is whether there is any law that authorizes it. It is not a matter that presents an impossible situation where it can not be dealt with. Of course it is always known in advance when the Army appropriation is going to expire, and there is ample time within which Congress can be convened and can be informed of the fact that an appropriation is required, and an appropriation can be made, but what I take issue with is the possibility that the head of a department, or the President of the United States, if you please, can by any order issued by either one or the other take the place of an appropriation by Congress.

Mr. LODGE rose.

Mr. BACON. The Senator from Massachusetts [Mr. Lodge] desired to interrupt me?

Mr. LODGE. No; I will wait until the Senator is through. Mr. BACON. I beg pardon. There is only one other word to The Senator from Wyoming spoke of not being a lawyer and of my desire to embarrass him. Of course there was nothing further from my mind. But when I asked by what authority that action had been reviewed and approved, I understood the Senator to say that it had been approved by those who paid out the money and by those who received the money and by the courts. Now, of course, if the courts have ruled otherwise, and if certainly the Supreme Court has ruled otherwise, I have nothing further to say; but without any desire to embarrass the Senator whatever I inquired what court had ever made such a decision.

If the court has made it, I should like to have it made known, because I confess it has entirely escaped my attention, and I very greatly doubt whether the Senator upon investigation will find that any court, high or low, has ever determined that by an order of the Executive department, or any one of the departments, money can be paid out which has not been appropriated by Congress unless there is a general statute which authorizes it. In that case, of course, it would be done by the authority of

Mr. MARTINE of New Jersey. Mr. President, I confess that the coming of this proposition to the Senate is a source of genuine surprise to me, for were we not told a few weeks ago that we were living in a new era, that a new dawn, the dawn of peace had come? Did we not pass a few weeks ago the arbitration treaties, and were we not told then in eloquent words by the Senator from Massachusetts [Mr. Lodge], the Senator from Ohio [Mr. Burron], and the Senator from New York [Mr. Roor] that the passage of those treaties would lead to the disarmament of the great powers of the world; that rifles and sabers would be turned into plowshares and pruning hooks?

Mr. President, my heart swelled within me at the thought. To turn a vernal and barren furrow in springtime, even with a plowshare made of cast steel, with emphasis on the steel, is to me a great source of delight. But, O Mr. President, such delight would be tame in comparison with the pleasure of turning the vernal furrow in springtime with a plowshare made from steel of guns and rifles that shoot and from swords and sabers that slaughter. What a happy thought it was. But I find now that all this was an iridescent dream.

Mr. President, I did not believe it then, nor do I believe it now. I have sometimes said that notwithstanding the pleadings

with eloquent voice one would hardly believe that Senators believed it themselves

Senators proclaimed then, "Hail the day of peace." Yes; we join you in that, but first let us hail the day of justice. Let us hail the day of right, that day when mankind shall treat mankind as brothers. Then and then only will come the day of

Mr. President, notwithstanding the fact that we have passed the arbitration treaties, I do not believe that the millennium has come, nor do I believe that universal peace is yet in sight. We have not yet reached that condition when smitten on one cheek we are ready to turn the other also. Particularly I feel that this is true when I read from the document I have in my hand, which I procured from the Navy Department, that in Great Britain they have now on the ways, ready to slide into the quiet waters of the Mersey and Clyde, battleships, now building, of the *Drcadnought* type, 10; armored cruisers, of the *Invincible* type, 4; armored cruisers, 6,000 to 3,000 tons, 10; torpedo-boat destroyers, 31; submarine vessels and craft of the various kinds, 17; making a total of 72.

Mr. President, I find that Great Britain has on the ways 72 engines of war, of devastation, hell, and destruction that are ready to glide into the waters; and, in view of this fact, I must say that I protest against the thoughts and ideas that were so eloquently expressed, that we had reached the day of the millennium of peace when we would have no army and that arbitration would take its place.

In view of these facts, and of the report of the committee, I shall oppose any part that shall reduce the Infantry Arm of

this country

Mr. THORNTON. Mr. President, before the Senator from New Jersey takes his seat I should like to call his attention to the fact that we did not pass those arbitration treaties to bring about general peace, but that, on the contrary, we knocked them into a "cocked hat," using the expression of Gov. Wilson when referring to another matter.

Mr. MARTINE of New Jersey. As far as we could, we ratified them. I insist that only three Members of this body who would stand up here and support a Navy would be the three Members of the body who voted against them, and I happen to be one of them. The Senators went at least as far as they could in the proposition; but that has nothing to do with my position

in this case.

The VICE PRESIDENT. The question is on agreeing to the amendment of the committee.

The amendment was agreed to.

The reading of the bill was continued to line 5, on page 11.

Mr. WILLIAMS. Mr. President, I was temporarily out of the Chamber. I am informed that the amendment was voted on

The VICE PRESIDENT. The amendment was voted on and carried.

Mr. WILLIAMS. I thought the roll was to be called. I do not know whether it is in order, but I should like to have the yeas and nays on the amendment.

The VICE PRESIDENT. Is there objection to granting the request of the Senator from Mississippi that the year and nays be ordered upon the amendment which was carried, being the amendment to strike out on pages 9 and 10.

Mr. CULBERSON. I suggest that the question ought to be put whether the Senator can now demand the yeas and nays.

The VICE PRESIDENT. The Chair is perfectly clear upon

that point. It can only be done by unanimous consent. Mr. CULBERSON. It requires one-fifth of the Senators

present to order the yeas and nays, affirmatively stated.

The VICE PRESIDENT. And by unanimous consent of course the yeas and nays can be ordered.

Mr. CULBERSON. But the point is that it is too late. The VICE PRESIDENT. Certainly; except by unanimous

consent it is too late. Mr. CULBERSON. If the Senator from Mississippi would

request the yeas and nays, I would not make the point. I have no objection to the Senator making the request for the year and nays at this time.

Mr. WILLIAMS. That is all that the request for unanimous consent involves. If the request for unanimous consent is That is all that the request for unanimous granted, the yeas and nays can only be ordered by a one-fifth

Mr. CULBERSON. I have no objection to that. Mr. WILLIAMS. What I ask is unanimous consent to demand the yeas and nays; and then, if the demand is not seconded by a fifth of the Senators present, of course that is a different thing.

The VICE PRESIDENT. Of course the request technically must be to return to that portion of the bill, but the Chair called). My colleague [Mr. Townsend] is necessarily absent

thought probably it might be done under one unanimous consent

Mr. WILLIAMS. I ask unanimous consent to return to that portion of the bill for the purpose of then getting the yeas and navs, if that consent be given,

The VICE PRESIDENT. Is there objection to the request of the Senator from Mississippi to return to the amendment to strike out, on pages 9 and 10? The Chair hears none. Is there now objection to the request of the Senator to demand the yeas and mays? The Chair hears no objection to that.

Mr. WILLIAMS. Now I ask for the yeas and nays.
The VICE PRESIDENT. Is the request of the Senator from Mississippi for the yeas and nays seconded? [Putting the question.] Nine Senators have seconded the demand-not a sufficient number.

Mr. WILLIAMS. Is not that one-fifth of the Members pres-

ent, Mr. President?

The VICE PRESIDENT. It is not one-fifth of a quorum, and it is always assumed that a quorum is present.

Mr. WILLIAMS. Then I suggest the absence of a quorum.
The VICE PRESIDENT. The Secretary will call the roll.
Mr. WARREN. Will you withhold the suggestion just a second, Mr. President? The Senator from Mississippi certainly knows that every opportunity has been accorded him on this matter.

matter. Does he think it is necessary to pursue it any further?

Mr. WILLIAMS. I think it is absolutely necessary to have
a fair expression of the Senate as to whether one-fifth of its membership or one-fifth of a quorum can demand the yeas and

membership of other than the state of the present.

Mr. LODGE. Let the request be again put, Mr. President.

The VICE PRESIDENT. The Chair will again put the request. Those seconding the request for the year and nays will indicate it by raised hands.

The yeas and nays were ordered.

Mr. BACON. I understand the question to be on the amendment proposed by the committee.

The VICE PRESIDENT. Certainly.
Mr. BACON. And those who are in favor of the reduction of the present number of the Cavalry regiments will vote "nay" on the amendment and those who oppose it will vote "nay" on the amendment and those who oppose it will vote "yea." Am I correct?

The VICE PRESIDENT. Those who favor the amendment

will vote "yea" and those who oppose it will vote "nay."

Mr. WILLIAMS. The amendment keeps the Army at its

present force, and if the amendment is voted down, it reduces the Army five regiments.

Mr. WARREN. I think there is a misunderstanding about it, and in order that we may be sure—

The VICE PRESIDENT. The amendment is to strike out, beginning with the word "Provided," in line 13, on page 9, and ending with the word "act," in line 6, on page 10.

Mr. WARREN. A vote "yea" is to sustain the committee in striking it out?

The VICE PRESIDENT. A vote "yea" is to strike it out, which is the committee amendment. The Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. CULLOM (when his name was called). I have a general pair with the Senator from West Virginia [Mr. CHILTON]. I have a general do not know how he would vote if present, and I therefore withhold my vote,
Mr. BRYAN (when Mr. Fletcher's name was called).

colleague [Mr. FLETCHER] is necessarily absent. He is paired with the junior Senator from Kentucky [Mr. Bradley].

Mr. CUMMINS (when Mr. Kenyon's name was called). My colleague [Mr. Kenyon] is absent from the city. If present, he would vote "yea."

Mr. LODGE (when his name was called). I have a general pair with the junior Senator from New York [Mr. O'GORMAN]. I transfer that pair to the junior Senator from Illinois [Mr. LORIMER] and vote. I vote "yea."

Mr. SWANSON (when the name of Mr. MARTIN of Virginia

was called). My colleague [Mr. MARTIN] is detained from the Senate on account of illness in his family. He is paired with the senior Senator from New York [Mr. Root].

Mr. MARTINE of New Jersey (when the name of Mr. Smith

of South Carolina was called). I was asked to state for the Senator from South Carolina [Mr. Smith] that he is paired with the Senator from Delaware [Mr. RICHARDSON].

Mr. SHIVELY (when Mr. STONE'S name was called). The senior Senator from Missouri [Mr. STONE] is necessarily absent from the city. He is paired with the senior Senator from Wyoming [Mr. Clark].

Mr. SMITH of Michigan (when Mr. Townsend's name was

from the Chamber. I understand he is paired with the Senator from Maine [Mr. GARDNER].

The roll call was concluded.

Mr. JOHNSTON of Alabama. I wish to state that my colleague [Mr. Bankhead] is paired with the Senator from Idaho [Mr. HEYBURN]. I wish also to state that the Senator from Texas [Mr. Bailey] is paired with the Senator from Montana [Mr. Dixon]

Mr. CHAMBERLAIN. I am paired with the junior Senator from Pennsylvania [Mr. OLIVER], but I understand that he and I would vote the same way. So I take the liberty to vote. I

Mr. BRIGGS. I have a general pair with the Senator from West Virginia [Mr. Watson]. As he has not voted, I will

withhold my vote.

Mr. CULLOM. As I have stated, I have a general pair with the Senator from West Virginia [Mr. Chilton], but I transfer that pair to the Senator from Connecticut [Mr. Brandegee] and vote. I vote "yea."

Mr. PAGE. I wish to announce that my colleague [Mr. DII.-LINGHAM] is absent from the city. He is paired with the senior

Senator from South Carolina [Mr. TILLMAN].

Mr. BURNHAM. I have a general pair with the junior Senator from Maryland [Mr. SMITH]. In his absence I withhold my vote. If at liberty to vote, I should vote "yea."

Mr. JONES. I desire to state that the junior Senator from Kentucky [Mr. Bradley] is out of the city, and I desire that this announcement shall stand for the day.

Mr. WARREN. I desire to say that my colleague [Mr. CLARK] is out of the city for the day. He is paired with the

senior Senator from Missouri [Mr. STONE].

Mr. CURTIS. I am requested to announce that the Senator from South Dakota [Mr. GAMBLE] is paired with the Senator from Oklahoma [Mr. Owen]. I also wish to state that the Senator from Ohio [Mr. BURTON] is paired with the Senator from Nevada [Mr. NEWLANDS].

The result was announced-yeas 47, nays 6, as follows:

	YE.	AS-47.	
Ashurst Bacon Borah Bourne Bristow Brown Bryan Catron Chamberlain Crane Crawford Culberson	Cullom Cummins Curtis du Pont Fall Foster Gallinger Johnston, Ala. Jones Kern Lea Lippitt	Lodge McCumber McLean Martine, N. J. Myers Nelson Page Paynter Penrose Perkins Poindexter Rayner	Sanders Shively Smith, Ariz. Smith, Ga. Smith, Mich. Smoot Stephenson Sutherland Thornton Warren Wetmore
		YS-6.	
Clarke, Ark. Gore	Gronna Overman	Swanson	Williams
	NOT V	OTING-42.	
Balley Bankhead Bradley Brandegee Briggs Burnham Burton Chilton Clapp Clark, Wyo. Dayis	Dillingham Dixon Fletcher Gamble Gardner Guggenhelm Heyburn Hitchcock Johnson, Me. Kenyon La Follette	Lorimer Martin, Ya. Newlands Nixon O'Gorman Oliver Owen Percy Pomerene Reed Richardson	Root Simmons Smith, Md. Smith, S. C. Stone Tillman Townsend Watson Works

So the amendment was agreed to.

Mr. OVERMAN. Before the reading of the bill is resumedof course, this is hardly the proper place-I wish to say that I have been reading the report of the committee, which is very brief. I notice the increase over the House bill is \$7,537,453.80. I also notice that the bill, as reported from the Senate committee, carries a larger appropriation by \$2,726,925.01 than the last bill. I should like to know why there has been this exceedingly large increase over the last appropriation of nearly \$3,000,000 without any reason being given to show why it is

Mr. DU PONT. Mr. President, I will say to the Senator from North Carolina that the increases are mainly due to the fact that the committee has fixed the amount in accordance with the estimates, otherwise the only result would be a large deficiency, as the items of pay to officers and enlisted men are simply a

mathematical computation.

Mr. BACON. I hope the Senator will speak louder. We want to get the information, but we have not heard a word he has

Mr. DU PONT. There is so much confusion in the Chamber that I am not surprised.

The VICE PRESIDENT. The Senate will please be in order. Mr. DU PONT. I will repeat, for the benefit of the Senator

caused by fixing the amount slightly below the estimates, particularly in the case of the pay of officers and enlisted men. These estimates are based upon mathematical computations, taking into consideration the number of men and what they are allowed by law. Nothing was to be gained, in the opinion of the committee, by keeping them down below those figures, because it would simply lead to a deficiency bill. Then there are additions to the reserve ammunition, as the Senator will observe as we go on, mainly for the artillery and for the militia.

Mr. OVERMAN. Has the Army been increased since the last

appropriation bill?

Mr. DU PONT. No; but the militia has been given increased amounts of material necessary for its instruction and equipment

Mr. OVERMAN. How much additional has been given to the

national guard?

Mr. DU PONT. No addition to the number, but there have

been additions to their equipment.

Mr. OVERMAN. So that practically the Army is in the same condition that it was two years ago, and yet we increase the appropriation \$2,726,925 over the amount carried by the last appropriation bill.

Mr. DU PONT. I will say to the Senator from North Carolina that when the bill is completed and he has had an opportunity of examining each item he will see for himself the reasons for the increases, and I think they will be satisfactory

to him.

Mr. OVERMAN. I do not know whether I will or not, because the Senator has made no report here, except to state the fact of the increase. I thought he could give a general résume. so that we would be informed as we come to each item. I should like to have the Senator tell me the reason for this increase. He has admitted that the Army stands about where it did when we made the enormous appropriation of last year; but this bill carries \$2,700,000 more than the appropriation of last year, although, as I have said, the Army is the same as it was then, and there has been no increase in the number of the National Guard. I should like to know, therefore, why these increases are necessary.

Mr. WARREN. I desire to say, in answer to the Senator's statement, that the last Army bill was not an enormous bill; that it was several million dollars, about \$8,000,000 less

Mr. OVERMAN. I was a member of the committee, and the reduction was recommended by the President of the United States.

Mr. WARREN. I am not finding any fault with that reduction or with the Senator in connection with it, but the fact is that the amount appropriated by that bill was about \$8,000,000 less than the amount appropriated the year before. In order to enable us to make that reduction we omitted the provisions for maintaining the surplus of military supplies, such as clothing, and so forth; we provided nothing of consequence in the way of new artillery, which was very much needed for the militia, and so forth. The consequence is that on account of the lower appropriations of last year and the consumption of surplus stock that had been accumulated, it is necessary this year to make provision for reserve supplies. For instance, in the matter of clothing there were considerations involved, such as the proposition to have a different style of uniform; and, as the Senator well knows, there was much talk about cheaper clothing which might follow a change of the tariff, although the change, as Senators know, did not materialize, and the consequence is that we have greatly reduced, in fact, almost exhausted our surplus supply.

Now, taking the list of items in which increases have been recommended by the committee, here is the matter of clothing. For extra clothing-that is, for surplus clothing and camp and garrison equipage—there is an increase of \$618,429; for surplus ammunition for the Organized Militia, \$500,000; for field artillery for Organized Militia, \$480,000; and for automatic machine rifles, \$100,000.

Mr. OVERMAN. Now, I want to ask the Senator—
Mr. WARREN. One moment please—so that more than a million and a half of the increase goes to make provision for properly equipping the State militia and for surplus clothingmatters which were more or less neglected last year.

Mr. OVERMAN. Does not this mean the storage of great war supplies in warehouses in the country which we could get along

without?

Mr. WARREN. Not as to supplies for the militia. It is simply to make provision so that in the event they should be called into the field they may be properly armed and equipped.

Mr. OVERMAN. The statement in regard to accumulating supplies in warehouses may not apply to the militia, but as to from Georgia, that a large portion of the increase has been the other items is it not the purpose to fill up the storage warehouses with supplies that will carry us over perhaps two or

Mr. WARREN. Not so much as that, but it is to put us in a position so that if we should have trouble upon our borders tomorrow, or a month or two months from now, we would be able to uniform, arm, and equip the troops.

Mr. OVERMAN. Then the appropriations are in anticipation

of war, are they not?

Mr. WARREN. No; but to provide for items which have been habitually carried in the Army appropriation bill, but which were omitted last year, because, first, there was a great spasm of economy, in which we all joined; second, as I have already said, because of the prospect of the price for clothing being no higher and possibly lower; and, third, because there was quite a little talk about changes in uniform.

Mr. OVERMAN. The appropriations were reduced last year, then, on account of a spasm of economy in the country. Now that spasm has gone, and you want to enter upon another era of

extravagance.

Mr. DU PONT. Mr. President, I should like to call the attention of the Senator from North Carolina to one item alone. Last year the appropriation for the encampment and maneuvers of the Organized Militia, which occur periodically, as he is well aware, having been a member of the Committee on Military Affairs, was \$350,000. This year the estimates were \$1,350,000, and that amount is carried in the bill. That accounts for \$1,000,000 of increase.

Mr. WARREN. That is the same as the item in the bill two

Mr. DU PONT. It is the same as the item in the bill two

years ago.

The PRESIDING OFFICER (Mr. Curtis in the chair).

The Secretary will resume reading the bill.

Mr. SHIVELY. Before that is done, Mr. President, I want to inquire of the Senator from Wyoming what is meant by the word "surplus." Does that apply to a particular fund which is Does that apply to a particular fund which is appropriated in this bill?

Mr. WARREN. No; it simply relates to clothing and equip-ent. We use the word "surplus" to explain that we are undertaking to have a sufficient supply to last a few months or until more could be secured in replacement, if we should be called upon to use the armed forces of the United States

Mr. SHIVELY. Is it in the nature of an emergency fund to

meet an anticipated exigency?

Mr. WARREN. No; provision has always been made for surplus supplies, except once in a great while, like last year, when, for certain reasons, the surplus was allowed to run down. It is always considered proper and, in fact, necessary, to carry a sufficient surplus, so that supplies may be shipped from headquarters to various places where they are needed-to the Philippines, for instance, and other places-in order that we may at any time equip a few regiments should they be called in a hurry into active service.

Mr. SHIVELY. Let me ask the Senator— Mr. WARREN. If the Senator will allow me a little further, in order to buy clothing cheaply for the Army it is necessary to ask for the submission of bids. Those who bid on the contracts are furnished samples of the different kinds of cloth, and on those samples they base their bids, but they always ask, in order to make their bids as low as possible, that they may have a certain number of months in which to buy their supplies and manufacture the cloth. Now, the law is such that the Quartermaster's Department can not enter into any contract for clothing or any other supply until the money is actually appropriated by Congress. Therefore when this money is appropriated by this bill and becomes available on the 1st day of next July, it takes, in order to buy economically, many months before this clothing is delivered to the department, because of the time consumed in buying the cloth, letting the contracts, making up the goods, and so forth.

Mr. SHIVELY. One further question. What relation did the appropriation of last year bear to the estimates of that year; that is to say, was the appropriation cut several million dollars, as the Senator has stated, without reference to the estimates?

Mr. WARREN. I suppose we are permitted in the Senate to speak of what does not appear in print, but I think it was well understood-

Mr. SHIVELY. If it appeared in print, we probably would not have occasion to ask about it.

Mr. WARREN. It was well understood that after the estimates were made by the heads of the departments they were required to reduce them a certain number of million dollars. The estimates were returned to them and they eliminated that amount. Then there was a second request to reduce wherever it could be done without substantially injuring the Army.

The chairman of the committee has very properly stated the difference between the appropriation for maneuvers of the militia in this bill and the law of last year, which is over a million dollars. That is a varying amount. Every two years the mobile Army meets in conjunction with the militia, and that requires a million dollars or more, while in the alternate years the Coast Artillery has joint maneuvers with the militia in various localities, which requires a smaller amount; so that Army appropriation bills vary quite a little from year to year in that regard.

Mr. SMITH of Georgia. I wish to ask the Senator from Wyoming a question. I see in the report, following the item "Equipment, coast artillery, Organized Militia," an item of increase under the Subsistence Department. That is an additional

amount for the militia also, is it not?

Mr. WARREN. I do not understand the Senator. Mr. SMITH of Georgia. For the Subsistence Department there is an item of increase of \$383,594, just following the item

Equipment, coast artillery, Organized Militia." Mr. WARREN. It is not necessarily for the militia. The appropriation for subsistence and certain other supplies, of course, had to be increased so as to approximate the estimates when the committee decided that it would eliminate the proviso cutting the Army down by five regiments.

Mr. SMITH of Georgia. I wish to ask the Senator this additional question: Is there any increase to the Organized Militia,

except to the Coast and Field Artillery?

Mr. DU PONT. Does the Senator mean in numbers or in

supplies for them?

Mr. SMITH of Georgia. In the appropriation.

Mr. DU PONT. There is an increase in the appropriation of a million dollars to provide for the maneuvers of the milita. Then there is some increase for equipment of the Coast Artillery of the Organized Militia, amounting to \$275,000.

Mr. SMITH of Georgia. I find three items of increase affecting the Organized Militia. Those items seem to go exclusively

to the Field and Coast Artillery. Mr. DU PONT. Yes.

Mr. BU FONT. 1es.

Mr. SMITH of Georgia. Is there any increase to the National Guard outside of the Artillery?

Mr. DU PONT. I do not think there is independently of the million dollars, which is for their maneuvers. I do not remember any.

Mr. SMITH of Georgia. I asked the question because I am more interested in an increase to them than to the Artillery.

Mr. DU PONT. The committee has treated the militia as lib-

erally as possible, and I think the committee takes a great deal of interest, and the Senate as well, in providing equipment and proper organization for the militia of the different States.

Mr. SMITH of Georgia. But the increase seems to be exclu-

sively to the Artillery.

Mr. DU PONT. They were in the greatest need. They were very much worse off, inasmuch as they had not the necessary equipment for their proper instruction. Then, within the last year or two there have been a great many militia companies organized as Heavy Artillery, and it has been the policy of the department to encourage them, inasmuch as practically the militia has been made up heretofore of Infantry alone. That would account for the increase to the Artillery Arm.
Mr. SMITH of Georgia. And this increase will be in large

part to equip them?

Mr. DU PONT. To equip them; precisely.

The reading of the bill was resumed. The next amendment of the Committee on Military Affairs was, under the subhead "Hospital Corps," on page 12, line 8, before the word "thousand," to strike out "eight hundred and fifty" and insert "nine hundred and forty," so as to make the clause read:

For pay of enlisted men, \$940,000.

The amendment was agreed to.

The next amendment was, on page 12, line 10, before the word "thousand," to strike out "one hundred and sixty" and insert "one hundred and sixty-five," so as to make the clause read:

Additional pay for length of service, \$165,000.

The amendment was agreed to.

Mr. OVERMAN. I should like to ask the Senator a question. I desire to be informed about these matters. Why is there an increase of \$750,000 in foreign-service pay to enlisted men and \$266,000 for foreign-service pay to officers, making about a million dollars' increase for sending troops abroad on foreign service?

Mr. DU PONT. I will say to the Senator from North Carolina that the House cut out the item; in other words, it changed the law which provided additional pay to troops on foreign service, which means troops in the Philippines and in Alaska.

Mr. OVERMAN. It will cost us, then, next year \$1,000,000

Mr. DU PONT. The law was passed for the Philippines when they were first occupied, but the House cut that down and the Senate committee, after an exhaustive hearing of all those who are best informed upon the subject, decided to retain it, and therefore the appropriation was increased.

Mr. OVERMAN. I can not understand why there should be an increase of a million dollars in the Philippine Islands.

Mr. DU PONT. It is a matter of mathematical computation

of foreign pay, whatever it may amount to in figures.

Mr. OVERMAN. Does it take more troops in the Philippines

than ever before?

Mr. DU PONT. No. The force is about the same.

Mr. WARREN. We are not paying any more. Mr. OVERMAN. I want to know why there should be this increase of a million dollars?

Mr. WARREN. Because the House cut out the entire 20 per cent, not only with respect to the Philippine Islands but every cent, not only ...
other foreign country.
OVERWAN. You restore it?

Mr. OVERMAN. You restore it?
Mr. WARREN. We restore it to what it was before,
Mr. DU PONT. I have already said that.

The reading of the bill was resumed. The next amendment "Retired enlisted men," on page 17, line 11, after the word "dollars," to insert "Provided, That in computing length of service for retirement credit for double time for foreign service shall not be given to those who hereafter enlist," so as to make the clause read:

For pay of the enlisted men of the Army on the retired list, \$2,150,000: Provided, That in computing length of service for retirement credit for double time for foreign service shall not be given to those who hereafter enlist.

The amendment was agreed to.
Mr. WARREN. On behalf of the committee I have an amendment that should be added, on page 17, right after line 19. I will send it to the desk

The PRESIDING OFFICER. The amendment will be stated.
The Secretary. On page 17, at the end of line 19, strike out
the period after the word "dollars" and insert a colon and the following:

Provided, That the superinteadent shall receive such allowances of quarters, subsistence, and medical care during filness as may be prescribed in regulations by the Secretary of War.

The amendment was agreed to.

The reading of the bill was resumed and continued to the end of line 12, on page 18.

Mr. DU PONT. I wish to offer an amendment on the part of the committee.

The Secretary, On page 18, strike out all of lines 11 and 12, and insert in lieu thereof the following:

For pay of contract surgeons, \$13,800.

This is a reduction of expenses.

The amendment was agreed to.

The rending of the bill was resumed. The next amendment of the Committee on Military Affairs was, under the subhead "Miscellaneous," on page 19, line 1, after the word "Army," to

Provided further, That hereafter the age limit for the retirement of Army paymasters' clerks shall be the same as the age limit for the retirement of commissioned officers of the Army.

The amendment was agreed to.

The next amendment was, on page 19, line 22, before the word "thousand," to strike out "four hundred and seventy" and insert "five hundred," so as to make the clause read:

For commutation of quarters to commissioned officers, dental surgeons, and veterinarians on duty without troops at stations where there are no public quarters, \$500,000.

The amendment was agreed to.

The next amendment was, on page 19, line 24, before the word "hundred," to strike out "eight" and insert "nine"; and in the same line, after the word "dollars," to insert: "Provided, That when an enlisted man who is enlisted on or after July 1, 1912, is discharged from the service, except by way of punishment for an offense, he shall be entitled to transportation in kind and subsistence from the place of his discharge to the place of his original enlistment, or to such other place within the continental limits of the United States as he may select, to which the distance is no greater than from the place of dis-charge to place of original enlistment; but if the distance be greater he may be furnished with transportation in kind and subsistence for a distance equal to that from place of discharge to place of original enlistment, or, in lieu of such transportation and subsistence, he shall, if he so elects, receive 2 cents a mile, I

except for sea travel, from the place of his discharge to the place of his enlistment," so as to make the clause read:

place of his enlistment," so as to make the clause read:

For travel allowance to enlisted men on discharge, \$000,000: Provided, That when an enlisted man who is enlisted on or after July 1, 1912, is discharged from the service, except by way of punishment for an offense, he shall be entitled to transportation in kind and subsistence from the place of his discharge to the place of his original enlistment, or to such other place within the continental limits of the United States as he may select, to which the distance is no greater than from the place of discharge to place of original enlistment; but if the distance be greater he may be furnished with transportation in kind and subsistence for a distance equal to that from place of discharge to place of original enlistment, or, in lieu of such transportation and subsistence, he shall, if he so cleets, receive 2 cents a mile, except for sea travel, from the place of his discharge to the place of his enlistment.

Mr. DU PONT I move as an amondment to the such case of the place of the content o

Mr. DU PONT. Mr. DU PONT. I move as an amendment to the amendment after the words "Provided, That" to "insert" hereafter."

The amendment to the amendment was agreed to.

Mr. SHIVELY. I notice there is an increase of \$100,000 provided for traveling allowances for enlisted men. Is that an increase over what is allowed in the current appropriation act; or is it simply an increase over what is allowed in the House bill?
Mr. DU PONT. Do you mean in line 23, page 19?
Mr. SHIVELY. I am now examining your report. On page

2 I observe there is an increased allowance of \$100,000 for traveling expenses

Mr. DU PONT. Yes. The House appropriated \$800,000. The committee struck it out and propose to appropriate \$900,000. Mr. DU PONT.

Mr. SHIVELY. What was the appropriation last year?
Mr. DU PONT. Nine hundred and fifty thousand dollars last year. The appropriation reported by the committee is in accordance with the estimates and with a reasonable computation of the amount required.

Mr. SHIVELY. The appropriation in this bill now is \$800,000? Mr. DU PONT. The Senate committee has fixed it at \$900,000, increasing the House appropriation by \$100,000, which is in accordance with the estimates. Last year the appropriation was \$950,000, and the Paymaster General asserts that it is absolutely necessary that he must have this money to pay, otherwise there will be a deficit. That is the reason why we have increased it.

I am authorized by the committee to make this motion: Strike out the word "original," on page 20, lines 4, 7, and 10, in order to make the language conform to line 13.

The Secretary. On page 20, in lines 4, 7, and 10, before the word "enlistment," strike out the word "original."

The amendment to the amendment was agreed to. The amendment as amended was agreed to.

I wish to ask that a statement be printed Mr. DU PONT. in the RECORD. I will not read it. It shows the economies which will result from this action.

The PRESIDING OFFICER. Without objection, it is so ordered.

The statement referred to is as follows:

"The first legislation providing allowances for travel on discharge from the service is contained in the act approved March 16, 1802, entitled "An act fixing the military peace establishment of the United States," section 24 of which provided that—

"Whenever any officer or soldier shall be discharged from the service, except by way of punishment for any offense, he shall be allowed his pay and rations, or an equivalent in money, for such term of time as shall be sufficient for him to travel from the place of discharge to the place of his residence, computing at the rate of 20 miles a day.

"This section was repeated in the acts of January 11, 1812, and January 29, 1813, was continued in force under the general provisions of section 7 of the act of March 3, 1815, and is contained in a modified form in sections 1289 and 1290 of the Revised

"Section 1290 relates to enlisted men, and is as follows:

"Section 1290 relates to enlisted men, and is as follows:

"Sec. 1290. When a soldier is discharged from the service (except by way of punishment for an offense) he shall be allowed transportation and subsistence from the place of his discharge to the place of his enlistment, enrollment, or original muster into the service. The Government may furnish the same in kind, but in case it shall not do so, he shall be allowed travel pay and commutation of subsistence for such time as may be sufficient for him to travel from the place of discharge to the place of his enlistment, enrollment, or original muster into the service, computed at the rate of 1 day for every 20 miles.

"The past of May 26, 1000 (21 Stat 211) provided:

"The act of May 26, 1900 (31 Stat., 211), provided:

"Hereafter an enlisted man when discharged from the service, except by way of punishment for an offense, shall receive 4 cents per mile from the place of his discharge to the place of his enlistment, enrollment, or original muster into the service.

"The act of March 2, 1901 (31 Stat., 903), provided:

"For sea travel on discharge actual expenses only shall be paid to Meers, and transportation and subsistence only shall be furnished to officers, and enlisted men.

"The act of June 12, 1906 (36 Stat., 247), provided:

"For the purpose of determining allowances for all travel * * for enlisted men on discharge, travel in the Philippine Archipelago, the Hawaiian Archipelago, the home waters of the United States, and be-

tween the United States and Alaska shall not be regarded as sea travel and shall be paid for at the rates established by law for land travel within the boundaries of the United States.

"It will be observed that the above legislation was enacted at a time when travel was slow and expensive, and that it has been kept in force long after the rapid and comparatively inexpensive methods of modern transportation had completely changed

the situation.

"Further, the laws quoted above show that when an enlisted man is discharged from service, except by way of punishment for an offense, he receives free transportation and subsistence for sea travel and 4 cents a mile for other travel from the place

of his discharge to the place of his enlistment.

"The cost to the Government for transportation, which includes an upper berth in a tourist sleeping car, and for subsistence, which includes three meals a day at 50 cents each, amounts to a fraction over 2 cents per mile; while, as a matter of fact, discharged soldiers are paid 4 cents per mile for land travel and a like amount for travel by water within certain prescribed limits.

'The expense to the Government, therefore, of returning a discharged soldier to his home is almost twice as much as the actual cost of furnishing him transportation in kind, a berth in a sleeping car all the way and \$1.50 a day for his meals while

he is traveling.

"No reason is apparent why this extra expense of almost 2 cents a mile should be paid by the Government when the presents a mile should be paid by the Government when the presents a mile should be paid by the Government when the presents a mile should be paid by the government when the presents a mile should be paid by the government when the presents a mile should be paid by the government when the presents a mile should be paid by the government when the presents a mile should be paid by the government when the presents a mile should be paid by the government when the presents a mile should be paid by the government when the presents a mile should be paid by the government when the presents a mile should be paid by the government when the presents a mile should be paid by the government when the presents a mile should be paid by the government when the presents a mile should be paid by the government when the presents a mile should be paid by the government when the presents a mile should be paid by the government when the presents a mile should be paid by the government when the presents a mile should be paid by the government when the presents a mile should be paid by the government when the presents a mile should be paid by the government when the presents a mile should be paid by the government which it is the present a mile should be paid by the government which it is the present a mile should be paid by the government which it is the present a mile should be paid by the government which is the present a mile should be paid by the government which is the present a mile should be paid by the government which is the present a mile should be paid by the government which is the present a mile should be paid by the government which is the present a mile should be paid by the government which is the present a mile should be paid by the government which is the present a mile should be paid by the government which is the present a mile should be pa mile should be paid by the government which is the present a mil ent comforts and conveniences of travel can be provided by furnishing transportation in kind and subsistence. Accordingly there has been added to the item "for travel allowance to enlisted men on discharge," line 18, page 19, a proviso as follows:

"Provided, That when an enlisted man who is enlisted on or after July 1, 1912, is discharged from the service, except by way of punishment for an offense, he shall be entitled to transportation in kind and subsistence from the place of his discharge to the place of his original enlistment, or to such other place within the continental limits of the United States as he may select, to which the distance is no greater than from the place of discharge to place of original enlistment; but if the distance be greater, he may be furnished with transportation in kind and subsistence for a distance equal to that from place of discharge to place of original enlistment; but if then and subsistence he shall, if he so cleets, receive 2 cents a mile, except for sea travel, from the place of his discharge to the place of his enlistment.

"The saving that will result from this proviso is estimated to be \$460,750 a year, as shown in the memorandum from the Paymaster General hereto attached:

WAR DEPARTMENT,
OFFICE OF THE PAYMASTER GENERAL,
Washington, March 21, 1912.

The Chairman Committee on Military Affairs, United States Senate:

The transportation and subsistence furnished a soldier on discharge includes his actual railroad transportation, tourist sleeper accommodations, and rations commuted at the rate of 50 cents per meal and three meals to a day.

The following is a table showing the actual cost of transportation and subsistence between certain central points, viz:

	Railroad fare, cost to Gov- ernment.	Miles.	Tourist sleeper.	Commu- tation rations.	Cost per mile.
San Francisco to—					
New York	\$59.77	3,191	\$7.20	\$7.50	\$0.0233
Leavenworth, Kans	29.00	1,955	4.40	6.00	.0201
New Orleans, La	42.89	2,482	4.60	6.50	.0217
Atlanta, Ga	50.33 60.76	2,810 3,313	5.80 7.20	7.50 7.50	.0226
Roston, Mass	00.70	0,010	1.20	1.00	.0221
New Orleans, La	15,75	912	2,20	1.50	.0213
New York		912		1.50	.0241
Washington, D. C	16.64	790	1.75	1.50	.0252
Average cost per mile per who are actually furni based on upper tourist	ished railro	oad ticket	and slee	ping car.	
per day		u 14410113		a a 41.90	. 02262

The Annual Report of The Adjutant General for the fiscal year 1911 shows the ratio of reenlistments to original enlistments as approximately 2 to 3, or, in other words, 2 men reenlisted out of every 5 men discharged. Taking this ratio as a basis, the average cost of travel allowances to enlisted men on discharge under the proposed bill would be \$0.02157 per mile.

The Estimates of Appropriations, 1913, page 189, contain an item of \$000,000 for travel allowances of enlisted men on discharge to meet payments for the fiscal year July 1, 1912, to June 30, 1913. Following this estimate appears a note which reads:

"The estimate for travel allowance to enlisted men on discharge is based on a comparison of enlistments and discharges for four fiscal years, with the enlistments for the fiscal year 1910, which will determine the number of men discharged during the fiscal year 1913, and it is thereby indicated that the amount of \$900,000 for this purpose is necessary."

necessary."

There was disbursed from the appropriation, "Pay of the Army, 1910." covering the fiscal year July 1, 1900, to June 30, 1910, \$905,-481.59 for travel pay to enlisted men. For the fiscal year 1911 the expenditures for travel pay to enlisted men were unusually large, due to the fact that a large number of men were discharged during the fiscal

year 1908 (July 1, 1907, to June 30, 1908), and immediately reenlisted for Philippine service, their terms of service expiring during the fiscal year 1911. In addition to this the establishment of the maneuver emps and the mobilization of troops along the Mexican border also increased the expenses for a large number of men who were discharged in this territory. The expenditures to date indicate that this unusual cost of travel pay will probably continue throughout the current fiscal year (July 1, 1911, to June 30, 1912), but it is not believed that thereafter the disbursements for travel pay under existing laws and conditions will average much over \$1,000,000. Taking \$1,000,000 as a basis of the cost of travel pay for future fiscal years, the proposed measure will result in an ultimate saving of approximately \$460,750 a year.

As the proposed bill will affect only men enlisting or recalling after July 1, 1912, no saving will result within three years from such date, except in cases of such of those men who are discharged prior to the expiration of their term of enlistment, a small class.

Paymaster General United States Army.

The reading of the bill was resumed. The next amendment

The reading of the bill was resumed. The next amendment was, on page 21, after line 14, to insert:

For additional 10 per cent increase on pay of officers on foreign service, \$266,000.

The amendment was agreed to.

The next amendment was, on page 21, after line 17, to insert: For additional 20 per cent increase on pay of enlisted men on foreign service, \$750,000: Provided, That hereafter the laws allowing increase of pay to officers and enlisted men for foreign service shall not apply to service in the Canal Zone, Panama.

Mr. SHIVELY. I understood the Senator from Wyoming to say a moment ago that there had been no increase in the actual pay of the enlisted men on foreign service and that there would

Mr. WARREN. There is not. The usual appropriation was cut out entirely by the House, and this restores it. It was not here for us to cut out. We simply replace it.

Mr. SHIVELY. The term here is "for additional 20 per cent

increase on pay of enlisted men." Do you mean that that is

in the current appropriation act?

Yes; the law provides that enlisted men Mr. WARREN. serving in a foreign country or in territory not contiguous to the United States—that includes Alaska—except Hawaii, Porto Rico, and now the Canal Zone, shall receive 20 per cent additional pay. That has been the law for years. On the House side they simply left it out of the bill, and we are restoring it, which puts it on the same basis as it has been before.

That makes the appropriation conform to Mr. SHIVELY.

the general statute?

Mr. WARREN. Yes, sir.
Mr. DU PONT. That is it exactly.
The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. DU PONT. On page 21, line 13, I move to strike out the quotation marks inclosing the words "when authorized by law."

The amendment was agreed to.

The next amendment was, under the subhead "Philippine Scouts," on page 24, line 14, after the word "fund," to insert:

Scouts," on page 24, line 14, after the word "fund," to insert: Procided, That section 3620, Revised Statutes, as amended by the act of Congress approved February 27, 1847, shall not be construed as precluding Army paymasters from drawing checks in favor of the person or institution designated by indorsement made on his monthly pay account by an officer of the Army who is stationed beyond the continental limits of the United States, or In Alaska, or the Canal Zone, Panama, or en route thereto, if the pay account has been deposited for payment on maturity in conformity with such regulations as the Section of War may prescribe: Provided further, That payment by the United States of a check on the indorsement of the indorse specified on the pay account.

The amendment was agreed to

The amendment was agreed to.

The next amendment was, on page 25, after line 16, to insert: Equipment of Coast Artillery, armories, Organized Militia: Dummy guns and mortars; mounts for dummy guns and mortars; dummy ammunition; loading appliances; range and position finding equipment; alming and laying devices; subcaliber tubes and mountings therefor; labor and material necessary to install dummy guns and mortars, and to provide appliances and devices for instructional purposes in armory buildings provided by States for Coast Artillery companies of the Organized Militia, \$275,000.

Mr. SWANSON. Mr. President, I should like to have the attention of the chairman of the committee. Great difficulty is experienced by the organized Artillery forces of the State militia in obtaining horses for practice exercises. I know we have in Virginia plenty of Artillery companies, and when they go out for practice and carry out the guns for that purpose the present provision for supplies and equipment is not sufficient to cover this necessity. I wish to ask the chairman of the Military Affairs Committee to consent to an amendment authorizing the War Department, where the Secretary thinks it advisable, to use a part of the money provided for the Organized Militia of the State for the purpose of hiring horses for use in practice.

Mr. President, it seems to me that one of the greatest needs of our military service is the Artillery. It is impossible to have a well-equipped Artillery unless you have horses to take the guns out. I know, while governor of Virginia, it was impossible for me to get the funds to provide the horses for the Artillery in Virginia to go out as frequently as they desired and should go out. I understand it is held by the department that it can not permit any of the fund that is provided for furnishing ammunition, guns, and clothing to be used for this purpose. There is a strong effort now on the part of the Federal Government to induce people to volunteer in the Coast Artillery, the organized Artillery companies, because they recognize the great necessity for it in time of war, and I should like to have this necessity supplied in some way by an amendment at the proper place in this bill. I ask the chairman of the Military Affairs Committee if he has any objection to authority being granted to the War Department to permit funds given to the Organized Militia to be used for this purpose?

Mr. DU PONT. I will say to the Senator from Virginia that absolutely agree with him that the Artillery branch of the militia is a most important feature, and something should be done to improve it. In fact, as much should be done to improve it as is consistent with good sound public policy. But it seems to me inexpedient to adopt such an amendment at this moment, when the views of the War Department and of the Chief of the Bureau of Militia Affairs can not be ascertained. It would be

eminently proper and wise for us to consult them.

I am sorry the Senator from Virginia did not introduce his amendment earlier, so that it could have been fully considered by the Military Affairs Committee, from which something tangible might have resulted. It seems to me that the whole field has to be looked over. The militia artillery in the other States has to be considered, and the amount of expense involved must be looked into; and it is altogether too complicated a question for us to pass upon now.

Mr. SWANSON. Mr. President, it seems to me it is not a

very complicated matter to add a simple amendment to the appropriation for the Organized Militia authorizing a certain portion of it to be used for hiring horses for the Cavalry and for the Artillery of the State Organized Militia.

Mr. SMITH of Georgia. Will the Senator from Virginia allow me?

Mr. SWANSON. Certainly.
Mr. SMITH of Georgia. I desire to express my very cordial sympathy with the Senator's suggestion. I have been intimately associated with the National Guard for a considerable time during the past three or four years, and I know they have had great trouble in this respect. I know that especially our Artillery has had trouble. It is not very practical to appropriate a large sum for guns and ammunition and leave the Artillery without any provision to move and handle the guns. If there could be that simple authority given to the department-as I understand the department considers that it has not the authority—the department will handle the proposition.

Mr. DU PONT. If the Senator will permit me to interrupt him, I will say to him that I am perfectly willing to try to ascertain between now and to-morrow what views, if any, the department entertains with regard to that subject, and possibly we might frame some amendment which will meet his views. But, as at present advised, I would be unwilling to favor any amendment until it could be sufficiently looked into. I will try to stop at the department to-morrow on my way to the

Senate and see if anything can be done.

Mr. SWANSON. That is entirely satisfactory to me, but I should like to say, before I conclude my remarks, that I do not know of a more urgent need, so far as the Organized Militia is concerned, than to enable the Artillery to be well equipped and well practiced. They can not learn quickly. The State of Virginia has always been a State that furnished a great many Artillery companies. During the Revolutionary War the State far exceeded its part in this respect.

Now there are a great many Artillery companies in Virginia. The State has always been noted for its strength in Artillery and in a disposition to have good and splendid Artillery com-

Mr. WARREN. Mr. President-

The VICE PRESIDENT. Does the Senator from Virginia yield to the Senator from Wyoming?

Mr. SWANSON. I yield.

Mr. WARREN. Bearing upon this very question, I find that the Engineer Department desires to make this applicable for the next two years instead of confining it to one, and also to add any unappropriated balances. Therefore I will send to the desk an amendment of that nature and let it be read.

Mr. SWANSON. Does it pertain to the Artillery?
Mr. WARREN. It pertains to the dummy Artillery; the item
we have just been discussing.

The VICE PRESIDENT. Without objection, the Secretary will state the amendment.

The SECRETARY. It is proposed to add, at the end of line 26, on page 25:

Provided, That the foregoing appropriation and any other appropriations heretofore made for that purpose shall remain available until the end of the fiscal year 1914.

Mr. WILLIAMS. I want to ask the Senator from Virginia if he does not think there is great danger, if it is provided that the National Government shall hire horses for the Cavalry and Artillery arms of the National Guard, that most of the National Guard will convert itself into cavalry or artillery. Would it not be a great incitation to the local livery business? As I understand, the present Cavalry of the National Guard furnish their own horses.

Mr. SWANSON. I wish to say we have no cavalry company in Virginia. I do not think there is any in many of the States.

It is too expensive.

Mr. WILLIAMS. The Senator from Georgia or the Senator from Virginia mentioned the Cavalry arm as well as the Artil-

Mr. SMITH of Georgia. I did not mention the Cavalry. was referring especially to the Artillery. I think our Cavalry troopers in Georgia all own their own horses, and are horsemen. The difficulty is to procure horses that will do service for the Artillery, as they have had no training at all. It is exceedingly difficult to take an ordinary horse and put him at once with a gun behind him in an Artillery movement and find him proficient. To really handle guns satisfactorily part of the horses at least should have had some experience.

Mr. WILLIAMS. Mr. President, it is a pretty indefinite proposition, it strikes me, for the Government to take the position that it will hire horses, with no limitation upon the length of time they are to be hired or when the troops are to turn out.

It might mean a very great expense,
Mr. SWANSON. I will say, in reply to the Senator from Mississippi, that an Artillery company should turn out two or three times a year. They usually go to their encampment. The only necessity for horses is when they go to their encampment for instruction by Regular Army officers. When that time comes, the Government furnishes equipment of all kinds for the Infantry; they are furnished transportation; they are furnished food; they are furnished guns; they incur no expense; and they have their salaries paid at the rate the Regular Army officers and more received. Army officers and men receive.

When it comes to practice with the artillery, which is the most important part, they are confronted with the difficulty that there are no funds provided for horses to haul the guns. It is utterly impossible for them to carry them on the cars and get them to the encampment. So far as the artillery is concerned, there are no horses unless the members of the command will go into their own pockets to provide the means to hire horses. It is impossible to learn how to use the guns on a field

of battle unless the horses are provided and trained.

This does not increase the appropriation. Each State gets a certain pro rata part of this money, according to the number it has in the militia. The militia board of each State will apportion it between the Infantry and the Artillery and the Cavalry. As it is now, when the time for such practice comes, it is impossible for the governor of the State to provide the money in order that the men and the horses may have the practice necessary to make them efficient in time of war.

Mr. WILLIAMS. Does not the Senator from Virginia think it would be well, in case an amendment of that sort is adopted,

to limit the hiring to the annual encampment?

Mr. SWANSON. The purpose of the amendment, as I have drawn it, is to limit it to the Artillery. I did not know anything about the Cavalry because I had had no experience with their practice exercises.

Mr. WILLIAMS. I am not talking about the Artillery, but about limiting the provision to the annual encampment.

Mr. SWANSON. It reads:

Provided, That the War Department may use a part of this appropriation for the hire of horses for the practice exercises of the organized Artillery of the State militia.

Mr. WILLIAMS. Does not the Senator think it would be well to add "at the time of the annual encampment"? Otherwise Artillery companies might want to practice at other times, very

much to the benefit of the local livery stables.

Mr. SWANSON. The difficulty is that very frequently the State does not have an annual encampment. That is very expensive. Sometimes one encampment will absorb all the funds. clothing, ammunition, and equipment furnished for the entire year. Very frequently the governor or the military board will not have an encampment for a year, but will use the funds apportioned it to equip the command. Sometimes they will simply order out the Artillery for practice.

Mr. GALLINGER. Mr. President-

Mr. SWANSON. I yield to the Senator from New Hampshire. Mr. GALLINGER. It is agreed among Senators that the bill go over until to-morrow, as an executive session is desired, and I think the Senator from Illinois is ready to make that motion.

Mr. SWANSON. I will take pleasure in yielding for that purpose, with the privilege of bringing this amendment up to-mor-

row at this point.

Mr. DU PONT. Mr. President, I should like to remark to the Senator from Virginia that under the agreement the bill is being read for amendment, the committee amendments to be considered first. His amendment would not come in anyhow, even if it could be favorably considered, until after the amendments of the committee have been disposed of.

I give notice that I shall call up the bill to-morrow imme-

diately after the routine morning business.

Mr. WARREN. In view of the fact that I cited to-day and had inserted in the RECORD certain resolutions and records of the House bearing upon the powers of the Appropriation Committees, and that the Senator from Mississippi obtained leave to file other papers, I ask that I may also have leave to confer with him and file other papers if necessary to those he may file.

The VICE PRESIDENT. Without objection such permission

is granted.

Mr. CULLOM. Mr. President-

The VICE PRESIDENT. Does the Senator desire to leave the amendment pending?

Mr. CULLOM. I wish to leave the amendment pending. move that the Senate proceed to the consideration of executive business

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After 7 minutes spent in executive session the doors were reopened and (at 5 o'clock and 40 minutes p. m.) the Senate adjourned until to-morrow, Friday, April 12, 1912, at 2 o'clock p. m.

NOMINATIONS.

Executive nominations received by the Senate April 11, 1912.

POSTMASTERS.

ALABAMA.

Jethro D. Dennis to be postmaster at Marion, Ala., in place of Jethro D. Dennis. Incumbent's commission expired February 27, 1912.

ARIZONA.

Louisa Ferrall to be postmaster at Grand Canyon, Ariz., in place of Louisa Ferrall. Incumbent's commission expires May

Reuben S. Galusha to be postmaster at Ashfork, Ariz., in place of Reuben S. Galusha. Incumbent's commission expires May 23, 1912.

CALIFORNIA.

Charles S. Graham to be postmaster at Pleasanton, Cal., in place of Charles S. Graham. Incumbent's commission expired March 2, 1912.

Daniel J. Adlum to be postmaster at Missouri Valley, Iowa, in place of Daniel J. Adlum. Incumbent's commission expired April 9, 1912.

Ozro J. Kramer to be postmaster at Schaller, Iowa, in place of Carlos G. Aldrich, resigned.

Frank W. Rice to be postmaster at Wilmore, Ky., in place of Frank W. Rice. Incumbent's commission expires May 15, 1912. MINNESOTA.

Martin J. Rucker to be postmaster at Mazeppa, Minn. Office became presidential January 1, 1912.

MISSISSIPPI.

Thirza I. Clarke to be postmaster at Marks, Miss. Office became presidential April 1, 1912.

Alfred B. Clifton to be postmaster at Hernando, Miss., in place of Alfred B. Clifton. Incumbent's commission expires April 28, 1912.

Maze H. Daily to be postmaster at Coldwater, Miss., in place of Maze H. Daily. Incumbent's commission expires April 28,

Irene F. Elliott to be postmaster at Okolona, Miss., in place of Irene F. Elliott. Incumbent's commission expires April 28, 1912.

Frank Fairly to be postmaster at Mount Olive, Miss., in place of Frank Fairly. Incumbent's commission expires April 28,

Allen R. Frazier to be postmaster at Lexington, Miss., in place of Allen R. Frazier. Incumbent's commission expired December 16, 1911.

Charles L. Hovis to be postmaster at Ripley, Miss., in place of Charles L. Hovis. Incumbent's commission expires April 28,

Nellie Lide to be postmaster at Lumberton, Miss., in place of

Robert W. Hinton, resigned.

Thomas F. Logan to be postmaster at Friar Point, Miss., in place of Thomas F. Logan. Incumbent's commission expires April 28, 1912.

John R. Matthews to be postmaster at Wesson, Miss., in place of John R. Matthews. Incumbent's commission expires April

Bennett A. Truly to be postmaster at Fayette, Miss., in place of Bennett A. Truly. Incumbent's commission expires April 28,

John G. Webb to be postmaster at Pickens, Miss., in place of John G. Webb. Incumbent's commission expires April 28, 1912. NEVADA.

Quincy W. Hull to be postmaster at Ely, Nev., in place of Quincy W. Hull. Incumbent's commission expired April 2, 1912,

NEW YORK.

John T. Dare to be postmaster at Patchogue, N. Y., in place of John T. Dare. Incumbent's commission expires April 28,

NORTH DAKOTA.

W. C. Forman jr., to be postmaster at Hankinson, N. Dak., in place of Hans A. Alm. Incumbent's commission expired January 13, 1912.

Charles Leathart to be postmaster at Fairmount, N. Dak., in place of Charles Leathart. 'Incumbent's commission expired

January 13, 1912.

Mathew Lynch to be postmaster at Lidgerwood, N. Dak., in place of Mathew Lynch. Incumbent's commission expired January 16, 1912,

OKLAHOMA. James T. Ryan to be postmaster at Bennington, Okla. Office became presidential January 1, 1912.

OREGON.

Ione McColl to be postmaster at Gresham, Oreg., in place of Ione McColl. Incumbent's commission expired February 12, 1912.

PENNSYLVANIA.

Jennie M. Smith to be postmaster at Coal Center, Pa., in place of Jennie M. Smith. Incumbent's commission expires April 29,

PORTO RICO.

America Rossy to be postmaster at Ensenada, P. R. Office became presidential April 1, 1912.

SOUTH DAKOTA.

Fred N. Dunham to be postmaster at Wessington Springs, S. Dak., in place of Fred N. Dunham. Incumbent's commission expires May 22, 1912.

TENNESSEE.

James Rogers, jr., to be postmaster at Dyer, Tenn., in place of James Rogers, jr. Incumbent's commission expired April 9,

WISCONSIN.

James H. Elmore to be postmaster at Green Bay, Wis., in place of Albert G. Kurz. Incumbent's commission expired March 31, 1912.

Joseph L. Kidwell to be postmaster at Douglas, Wyo., in place of Joseph L. Kidwell. Incumbent's commission expires April 29, 1912.

CONFIRMATIONS.

Executive nominations confirmed by the Scnate April 11, 1912. CONSUL.

Stuart J. Fuller to be consul at Iquitos, Peru.

SURVEYOR OF CUSTOMS.

Henry C. M. Burgess to be surveyor of customs for the port of Lincoln, in the State of Nebraska.

COLLECTOR OF CUSTOMS.

Luke B. Colbert to be collector of customs for the district of Marblehead, in the State of Massachusetts.

UNITED STATES MARSHAL.

George L. Townsend to be United States marshal for the district of Delaware.

POSTMASTERS.

ARIZONA.

E. J. Lehman, Clifton.

GEORGIA.

Fred J. Allen, East Point. Albert S. Anderson, Millen. Nemie F. Awtrey, Lagrange. Charles B. Beacham, Lumber City. John H. Boone, Hazlehurst. William J. Campbell, Fairburn. William O. De Loache, Talbotton. William E. Dunham, Cochran. John W. English, Helena. Augusta Glover, Monticello. Lizzie Hamilton, Buford. Mattie H. Hanson, Forsyth. Edward A. Hollis, Reynolds. Newton T. Jones, Pelham. John C. Massey, Hartwell. James W. Riley, Butler. George P. Whigham, Bartow. William M. Wilson, Blue Ridge.

NEW YORK.

John M. Brown, Port Jefferson. Daniel L. Fethers, Sharon Springs. Frank S. Kenyon, Adams. Joseph J. Keenan, Potsdam.

NORTH DAKOTA.

W. C. Forman, jr., Hankinson. John P. Grady, New England. Charles Leathart, Fairmount. Mathew Lynch, Lidgerwood.

PENNSYLVANIA.

Eva J. Beeman, Lawrenceville.

HOUSE OF REPRESENTATIVES.

THURSDAY, April 11, 1912.

The House met at 12 o'clock m. The Chaplain, Rev. Henry N. Couden, D. D., offered the

following prayer:

Our Father in heaven, let Thy kingdom come in all our hearts, that with clear perceptions of right and duty we may strive earnestly and sincerely to exemplify in our daily life and conduct the sublime principles enunciated by the Master and fulfilled in His incomparable life and character, and glory and honor and praise be Thine forever. Amen.

The Journal of the proceedings of yesterday was read and

approved.

DUPLICATE ENGROSSED BILLS.

Mr. SHERWOOD. Mr. Speaker, I ask unanimous consent for the present consideration of the resolution which I send to the desk and ask to have read.

The Clerk read as follows:

House resolution 490.

Resolved, That the Clerk of the House of Representatives be instructed to request the Senate to furnish the House of Representatives duplicate engrossed copies of Senate bills 4314 and 4623, the originals having been lost or destroyed.

The SPEAKER. Is there objection to the present considera-

tion of the resolution?

Mr. MANN. Mr. Speaker, reserving the right to object, I have curlosity enough to want to know how so many of these bills get lost. We passed a resolution similar to this last

Mr. SHERWOOD. Two Senate pension bills were lost. I can not account for how they were lost. This is to supply

duplicates.

Mr. MANN. Mr. Speaker, of course I shall not object, but what is the matter that we lose so many of these bills? We passed a resolution last night similar to this for one bill, and now comes a resolution for two this morning.

Mr. SHERWOOD. They were not lost in this office. They

were never sent over.

The SPEAKER. The Chair will state to the gentleman from Illinois that the Speaker is informed that the Clerk of the

House holds receipts from the committee clerks for these bills. I do not know that that explanation explains, but it is stated

in justice to the clerical force at the desk.

Mr. MANN. That in part satisfies my curiosity. I do not

object.
The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The question is on agreeing to the resolu-

The question was taken, and the resolution was agreed to.

NORWEGIAN ICE BREAKER "KIT."

Mr. HARDY. Mr. Speaker, I filed a report from the Committee on the Merchant Marine and Fisheries this morning on the bill (H. R. 17235) to grant American registry to the Norwegian ice breaker Kit, and I ask leave that the minority have five days within which to file their views (H. Rept. 523, pt. 2). The SPEAKER. The gentleman from Texas asks unanimous

consent that the minority of the Committee on the Merchant Marine and Fisheries have five days within which to file their

views on the bill referred to. Is there objection? There was no objection.

CONSTRUCTION OF POST ROADS.

Mr. HENRY of Texas. Mr. Speaker, I submit the following resolution from the Committee on Rules, and ask that it be read.

The Clerk read as follows:

The Clerk read as follows:

Resolved, etc., That a joint committee of both Houses of Congress is hereby created, to be composed of three Members of the Senate, to be appointed by the President thereof, and three Members of the House of Representatives, to be appointed by the Speaker thereof. Any vacancy occurring on the committee shall be filled in the same manner as the original appointment.

The said committee is hereby empowered and directed to collect information and to make a thorough and complete investigation of the condition of the public highways in the several States of the Union, including the cost of transportation thereon; the improvement, construction, and maintenance of such public highways and the cost thereof; the cost of carrying the mail over such highways and the improvement of the mail service that may be obtained by the improvement of the post roads in the United States. The committee is hereby authorized and directed to report to the Congress all information obtained from such investigation, together with recommendations as to the advisability of the Congress granting national aid to the maintenance and building of post roads and national highways in the United States, and to make recommendations as to the proper legislation to be enacted by the Congress.

The said joint committee shall conclude its investigations and report to this Congress all the evidence taken and their findings and conclusions thereon. The same at the confidence of the conclude its investigations and conclusions thereon.

Congress.

The said joint committee shall conclude its investigations and report to this Congress all the evidence taken and their findings and conclusions thereon. The sum of \$25,000, or so much thereof as may be necessary, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to pay the necessary expenses of said joint committee, the sum to be disbursed by the Clerk of the House upon vouchers to be approved by the chairman of the committee.

Mr. MANN. Mr. Speaker, I make the point of order that the resolution is not a privileged resolution, and unless it can be called up at some time when gentlemen who may wish to be

heard upon the subject are present, I shall object.

Mr. HENRY of Texas. Mr. Speaker, I have not offered it as a privileged resolution. I intended to ask unanimous consent for its present consideration, but if the gentleman intends

Mr. MANN. Mr. Speaker, I think we ought to have a resolution of this sort, which is called up by unanimous consent, called up on unanimous-consent day, after the resolution has been reported and we have had an opportunity of seeing the resolution and the report.

Mr. SULZER. Mr. Speaker, will the gentleman from Texas yield for an inquiry?

Mr. HENRY of Texas. Certainly.

Mr. SULZER. Mr. Speaker, I desire to ask the gentleman if there is pending before the Committee on Rules a motion for a rule to make an amendment for a general parcel post in order to the pending Post Office appropriation bill? It is a matter of much moment to the people of the country, and I would like to know from the gentleman whether such a rule will be reported to the House ere the consideration of the Post Office appropriation bill is concluded?

Mr. HENRY of Texas. This is another matter, the gentle-

man understands.

Mr. SULZER. I am asking for information.

Mr. HENRY of Texas. I will state to the gentleman that the Committee on Rules has not yet considered the question about which he inquires, and there is now no way of knowing what they will do.

Mr. SULZER. When will the Committee on Rules take up

the matter?

Mr. HENRY of Texas. Within the next few days.

Mr. SULZER. Before the Post Office appropriation bill is disposed of?

Mr. HENRY of Texas. Before the bill leaves the House I think it will be taken up.

Mr. SULZER. I hope the committee will speedily consider the matter and bring in such a rule. The people demand a gen-eral parcel post, and the quickest way to get it is by legislation on the Post Office appropriation bill.

The SPEAKER. There is no question that this resolution is

not privileged.

Mr. HENRY of Texas. I concede for the present it is not privileged.

Mr. MADDEN. Mr. Speaker, will the gentleman from Texas

Mr. MADDEN. Mr. Speaker, will the gentleman from Texas yield for a question?

Mr. HENRY of Texas. Yes.

Mr. MADDEN. I would like to ask the gentleman whether, in the preparation of this resolution, while the committee was considering the propriety of building highways in rural districts at Federal expense, he or the members of the Committee on Rules gave any consideration whatever to the propriety of investigating the necessity for building out of the Federal Treasury streets used for the delivery of mails in the great cities of the country, and whether this resolution contemplates the ascertainment of facts in connection with the construction of streets in cities like New York, Chicago, Buffalo, Cleveland, and the other great cities of the country?

Mr. HENRY of Texas. Of course the gentleman's question is very far-reaching. We have left that to the proposed com-

mittee.

Mr. MADDEN. I noticed in the reading of the resolution that no mention was made of highways in cities used for the de-

livery of mail.

Mr. PAYNE. Mr. Speaker, if the gentleman will permit, I would like to suggest that the streets of the cities are usually good enough for the automobiles to get through, and there has not been the pressure from the automobile manufacturers in regard to the city streets that there has been in regard to the country roads.

Mr. HENRY of Texas. Mr. Speaker, seeing there might be

some slight objection, I withdraw the resolution.

The SPEAKER. The gentleman withdraws the resolution. This is District of Columbia day.

CONCEALED WEAPONS.

Mr. JOHNSON of Kentucky. Mr. Speaker, I desire to call up the bill H. R. 14094, on the House Calendar.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

The Clerk read as follows:

A bill (H. R. 14004) declaring the carrying openly or concealed about the person any pistol, bowie knife, dirk or dirk knife, blackjack, Cagger, sword cane, slung shot, brass or other metal knuckle in the District of Columbia a felony.

Be it enacted, etc., That it shall be unlawful for any person or persons within the District of Columbia to have concealed about their person or to carry openly any pistol, bowie knife, dirk or dirk knife, blackjack, dagger, sword cane, slung shot, brass or other metal knuckle; and any person or persons having any of said weapons or instruments concealed about the person or carrying the same openly in the District of Columbia shall be deemed guilty of a felony, and, upon conviction thereof, shall be imprisoned in the penitentiary for not less than one year nor more than three years: Provided, That prosecutions under this act shall be had by indictment in the Supreme Court of the District of Columbia: And provided further, That the officers, noncommissioned officers, and privates of the United States Army, Navy, or Marine Corps, police officers, oilicers guarding prisoners, officials of the United States or the District of Columbia engaged in the execution of the laws for the protection of persons or property, when any such persons are on duty, shall not be liable under this act.

Sec. 2. That so much of any section of the act approved May 11, 1898, entitled "An act to punish the carrying or selling of deadly or dangerous weapons within the District of Columbia, and for other purposes," which is inconsistent with this act, and only so far as the same may be inconsistent herewith, is hereby repealed.

The committee amendments were read, as follows:

Page 1, line 3, strike out "or persons."

Page 1, line 4, insert between the words "concealed" and "about" the words "upon or."

Same page, same line, strike out the word "their" and insert in lieu thereof the word "his."

Page 1, line 5, strike out the words "or to carry openly."

Same page, same line, strike out "dirk knife" and insert in lieu thereof "clasp knife."

At the end of line 5, page 1, insert "razor."

Line 7, page 1, after the word "knuckle," insert ", or other deadly weapon."

Same line, strike out "or persons."

weapon."

Same line, strike out "or persons."
Line 8. after the word "concealed" insert "upon or."
Same line, strike out "the" and insert in lieu thereof "his."
At end of line 8 and at line 9 strike out "or carrying the same
"openly," and insert in lieu thereof the word "while."
Line 10, insert semicolon after the word "felony." Same line, insert
a comma after the word "and." Same line, insert a comma after the
word "thereof."
Page 2, line 2, insert a period after "years." Same line, strike out
"Provided, That." Same line, use a capital P in the word "prosecutions."

tions."

After the word "Columbia," line 4, insert a period. Same line, strike out "And provided further."

Strike out all of lines 5 and 6, page 2, except the word "police" at end of line 6, and spell that word with a capital P.

Page 2, line 7, insert the word "legal" before the word "prisoners."
Same line, strike out "officials of the." At line 8, after the word "States," insert "marshals and their deputies." After the word

"States," strike out all in said line 8, as well as all of line 9 and all of line 10 to and including the word "duty," and insert in lieu thereof "marshals and their deputies while actually on official duty."

Strike out all of section 2.

Add to the bill the following:

"Any knife having a blade longer than three inches shall be deemed to be a deadly weapon.

"So much of any act as empowers anybody or any court to authorize anyone to carry a concealed deadly weapon.

"Sec. 2. This act shall take effect and be in force from and after its passage."

Mr. JOHNSON of Kentucky. Mr. Speaker, this bill as originally introduced by the gentleman from Tennessee [Mr. Sims] made it a felony for anyone to carry arms openly. The Constitution provides that arms may be borne openly, and the committee has stricken out all of that part of the bill with reference to the bearing of arms openly and have confined it alone to the carrying of concealed deadly weapons. The committee is of the opinion that this is an important bill, and this being the National Capital, that a law ought to be framed, and a stringent one, which might at some future time be adopted by all the States. It is already a misdemeanor to carry concealed deadly weapons in the District of Columbia, but it does not prohibit it. Deadly weapons are still being carried in the District of Columbia and frequently fines are assessed on that account. This bill makes it a felony to carry a concealed deadly weapon, and if it could make it more I would support it much more heartily. Those who have grown up in sections of the country where the carrying of concealed deadly weapons is engaged in are those who most earnestly strive to strike it down, and I believe that if it is made a felony in the District of Columbia to carry concealed weapons, a man feeling that everybody else is disarmed will go disarmed himself, and I believe making it a felony will disarm everybody in the District of Columbia. For reasons I am most earnestly advocating the passage of the bill just as it is. I reserve the remainder of my time, and yield to the gentleman from Tennessee [Mr. Sims] 10 minutes.

Mr. SIMS. Mr. Speaker, I introduced this bill, and anyone can see, if he will read the bill without the amendments, just how it was introduced. The committee have put in certain amendments after investigating the matter, and I do not desire to contend with the committee as to those amendments, but I certainly do most seriously advocate making it a felony to carry the weapons covered by this bill in the District of Columbia, except by those who are authorized by law to carry such weapons. Now, many years ago in the State of Tennessee there were carried by some citizens what was then known as bowie knives, which was made a felony to so carry. And after it was made a felony to carry that knife it was no longer carried, because you could not defend yourself even if you carried it. To defend yourself from deadly assault you were still liable to a felony for carrying it. In this Capital of the Nation, where one President of the United States has been shot down in a public railway station by a man capital of a conceptly weapon supplied without inby a man carrying a concealed weapon, anybody without in-curring more than a misdemeanor penalty can go around this Capital with deadly weapons in his pocket covered by the bill, with which, from the highest officer of the land, from the President himself down to the humblest citizen, he may shoot down and murder, I say it is a sad commentary upon our civilization that Congress will sit here and permit that which we can prevent and which can not possibly be of any use to any lawabiding citizen.

Like the gentleman from Kentucky [Mr. Johnson] said, if no person could carry a pistol without committing a felony, then it would not be necessary for gentlemen to carry pistols to protect themselves, because men would not take the risk. Even the burglar would not take such a risk. Look down in the State of Virginia where, a few days ago, a judge was shot down and several other persons killed by men present with deadly weapons concealed in their pockets. If it had been a felony to carry such weapons, in all probability, that crime would not have been committed. You can see when a man has a shotgun or a rifle or a sword in his hand. You can get out of his way or protect yourself from him, but from the man who carries a concealed weapon in his hip pocket or elsewhere there is no way to protect yourself, and there is no need at this day and time for any such weapon being carried in the District of Columbia or any other city. And when you make it a felony to carry such a weapon you will not need to carry it by reason of persons who may carry them in violation of law, for they will not carry them.

It was proven by the bowie-knife experience in Tennessee. It will be the same way here. And, further, it will stop the killing of persons innocently by reason of the pistol that is loaded and not known to be loaded. It has been only a few years since a boy killed a playmate here in just that way. There have been many homicides in the District of Columbia since I have been a Member of this body that would not have taken place had it not been that it was a mere misdemeanor to carry a concealed weapon. We do not need them. More people are killed accidentally by reason of the carrying of these weapons than have ever been saved from being killed by reason of having such weapons. Here we have the whole power of the Army and Navy for our defense. Here we have as effective a police force as any in the world for our defense; therefore people do not need to have pistols in their pockets except as provided in this bill.

I will vote for the bill even as amended.

Mr. HARRISON of Mississippi. I notice in the bill there are some exceptions as to deputies and marshals while actually engaged in their duties, providing that they can carry a pistol if concealed. Is there any exception drawn from any previous bill as to people whose lives have been threatened? Can they

carry a pistol?

Mr. JOHNSON of Kentucky. The latter portion of the bill

expressly sets that out.

expressly sets that out.

Mr. SIMS. If a man can go up and make an affidavit that he thinks his life is in danger, and wants to carry a pistol, then men will do the same thing when they think their life is in danger when they want to commit a crime. I think it is wrong that such a thing exists now. But as long as anybody is allowed to carry a pistol or concealed weapon as described in this bill, they may not need to make an affidavit. But when nobody is allowed to carry concealed weapons without going to the penitentiary, people will know that they will not need to protect themselves against such threatened crimes, and we ought to set an example here to every city in this country by making it a felony for the citizen or anyone else, except an officer of the law in the discharge of his duty, by preventing people going around as a walking arsenal in this year of grace

I hope there will be no opposition to this bill. I hope that no gentleman in this House feels that he will ever need to carry a pistol in the discharge of his duty in this House or this Capital. I am confident that no man has ever done so here voluntarily, and no man has ever done so here who would have done it if he knew he was protected by a law that kept everybody else from doing it. Whenever you make it a felony to carry a concealed weapon, unless you are in the exempted classes, you will have no fear of some other man carrying a pistol to commit a wrong, the punishment for which perhaps is not so great as applies to the simple carrying of the weapon.

I do not know whether I have used all my time or not, Mr. Speaker. If I have not, I yield back the balance to the gentleman from Kentucky [Mr. Johnson]. How much time have I

remaining?

The SPEAKER. Two minutes.

Mr. SIMS. I yield it back to the gentleman from Kentucky [Mr. Johnson]

The SPEAKER. The gentleman from Tennessee [Mr. SIMS]

yields back two minutes.

Mr. MANN. I would like a few minutes.

Mr. JOHNSON of Kentucky. How much time does the gentleman want. I will yield all you wish.

Mr. MANN. I will not take very long.

Mr. JOHNSON of Kentucky. I will yield whatever time the

gentleman wants.

Mr. MANN. Mr. Speaker, I never have carried any of these concealed weapons myself, but it strikes me that this bill is rather drastic in its terms. A man who would purchase a case knife, a table knife, at a store in this town and put it in his pocket to take it home under this bill would be subjected to imprisonment for one year in the penitentiary, with no discretion

on the part of the judge. I suppose that is not intended?

Mr. SIMS. Oh, no. It is not carried as a weapon in that case. A case knife is not described in the bill.

Mr. MANN. Oh, yes; a case knife is described in the bill—any knife having a blade longer than 3 inches shall be deemed to be a deadly weapon.

Mr. SIMS. That is

Mr. SIMS. That is an amendment by the committee.

Mr. MANN. And every man that carries a deadly weapon is subject, upon conviction, to imprisonment in the penitentiary for not less than three years. A man carrying home a razor that he had purchased and putting it in his pocket would be committing a felony, and if indicted for it there would be no escape from conviction and punishment by the court. This gives no discretion to the court.

Mr. CRUMPACKER. Mr. Speaker, will the gentleman allow

a question?

The SPEAKER. Does the gentleman yield?

Mr. MANN. Certainly. Mr. CRUMPACKER. Under the bill would a man be guilty of a crime if he would carry a razor with a blade about 23 inches long?

Mr. MANN. Under the bill a man would be guilty of a crime if he carried a razor at all of any length.

Mr. CRUMPACKER. I understood the gentleman to say that

the bill defined a knife to mean-

Mr. MANN. It defines any knife with a blade longer than 3 inches as a deadly weapon, and after enumerating razors and other deadly weapons it includes them under the generic term deadly weapons."

Mr. NORRIS. Does that include safety razors? [Laughter.]

Mr. MANN. I suppose it would.

Mr. CRUMPACKER. I suppose it covers razors generally

without regard to the length of the blade.

Mr. MANN. The bill prohibits the carrying of any pistol, bowie knife, dirk or dirk knife, blackjack, dagger, sword cane, slung shot, brass or other metal knuckle, with the amendments carried by the committee-clasp knife, razor, and so forth, or other deadly weapon.

Now, I do not know just what the provisions now are with reference to the carrying of deadly weapons. I believe we ought to have a strict law on the subject.

Mr. YOUNG of Kansas. Mr. Chairman, will the gentleman yield for a question?

The SPEAKER. Does the gentleman from Illinois yield to the gentleman from Kansas?

Mr. MANN. Certainly.

Mr. YOUNG of Kansas. The carrying of a deadly weapon under this bill would not be a penal offense unless the person carrying it attempted to conceal it?

Mr. MANN. He would not have to attempt to conceal it

if he put it in his pocket where it would be concealed.

Mr. YOUNG of Kansas. If he concealed it he would be

amenable to the law, and not otherwise.

Mr. MANN. If a man puts it in his pocket it is concealed. If it is covered with paper so that it is not observable it is concealed. That is not a matter of possible argument. If it were not concealed the bill would be of no value.

It seems to me that, in any event, instead of providing that upon conviction a person shall be imprisoned in the penitentiary for not less than one year, the court ought to have discretion as to the length of time. In the criminal code, which we revised a few years ago, we absolutely struck out in every place the provision fixing the minimum penalty of imprisonment and fixed the maximum, leaving it to the discretion of the court to determine what the minimum should be. I think we have not incor-

porated that provision anywhere else. We have pending in the other body a bill, favorably reported, which would send to punishment Members of this House and of the other body in reference to the use of the Congressional Library. I obtain from the Congressional Library five or six They are returned books every week, delivered at my home. every week, in my opinion; I am quite certain of it. But at the end of every term of Congress for years I have received a notice from the Librarian that certain books which had been sent to me had not been returned. A bill is pending, which will soon be over here-I believe it has been introduced into the House, and I see it was favorably reported the other day by

the District Committee in the House; a report has not been made yet, if so ordered—which makes that punishable, not if I willfully detain a book, but if I get the book and do not return it, although it may have been destroyed by accident.

Passing penal provisions of this sort may be great annoyance to the people who are innocent, and they usually result in the guilty people escaping, because while a man may be indicted for carrying home a razor if somebody wishes to take revenge upon him no ordinary jury would convict a person and adjudge him

guilty of a crime and send him to the penitentiary for it.

Mr. GRAHAM. Mr. Speaker, will the gentleman yield?

The SPEAKER. Does the gentleman from Illinois yield to

his colleague? Mr. MANN. Certainly.

Mr. GRAHAM. So far as I know, the law in every State has in it provisions similar to this proposed law, except as to the punishment. The carrying of deadly weapons concealed is a misdemeanor only. Now, does the gentleman from Illinois, my colleague, know of any cases where men were unjustly punished for this misdemeanor, as, for instance, the carrying of a table

knife concealed, or anything of that sort?

Mr. MANN. I think there is no case in any of the States where they define as a deadly weapon a knife having a blade

longer than 3 inches, without any further description than that.

Mind you, I am in favor of making the carrying of deadly weapons very objectionable to those who have heretofore carried them, so that it will not be done; but if we fix the law so that it is too extreme the result will be that in the end it will come to be violated with impunity.

Mr. GRAHAM. It seems to me that the only difference between this and most existing laws on the subject is in the severer punishment provided here.

Mr. MANN. I think that is the main difficulty. Mr. SIMS. The amendment which the gentleman speaks about, as to the length of the knife blade, is a committee amend-The gentleman thinks that amendment is too drastic. Would that prevent anybody to be punished who violated the law by carrying the other weapons mentioned, like the pistol, the dirk, the slung shot? Would the whole law fall because the prohibited length of a knife blade might, in the gentleman's opinion, be too short?

Mr. MANN. I do not think the law would fall at all. I was calling attention to the drastic penalties provided in the bill, which might subject entirely innocent people to imprisonment, with no right on the part of the court to do otherwise.

Mr. SIMS. Does not the gentleman have reason to believe that if a man bought a razor and carried it home, he would not be convicted either by a jury or a court of having committed an unlawful act?

Mr. MANN. I think it is not unlawful. I have reason to believe that if I purchased a razor and carried it home nobody would suspect me. [Laughter.]

Mr. SIMS. But there are some people who buy and carry razors as weapons, and use them as such.

Mr. MANN. If I should carry a razor home and use it, I do not know but I ought to be punished.

Mr. CANNON. Does the gentleman think the words "a blade longer than 3 inches" might be considered a provision to promote the use of safety razors? [Laughter.]

Mr. MANN. I think the "blade longer than 3 inches" does

not apply to a razor. I had hoped that the gentleman from Tennessee [Mr. Sims] and the gentleman from Kentucky [Mr. JOHNSON] would be willing to amend the bill so as to provide that the punishment should not exceed a certain amount of fine or a certain term of imprisonment, or both, in the discretion of the court.

Mr. SIMS. In other words, the gentleman wants to make it simply a misdemeanor, which it is now, and which does not

protect the people against pistol carriers.

Mr. MANN. I am perfectly willing not to define it either as a misdemeanor or a felony, but to leave it so that the court can inflict the three-year punishment, but so that the jury and the court are not required either to acquit a man or to send him to the penitentiary for one year, when nobody would believe in certain cases that it ought to be done.

Mr. JOHNSON of Kentucky. Mr. Speaker, several gentlemen have spoken of this bill as being very drastic. If it is not very drastic, then the committee have utterly failed in their purpose, because the purpose of the committee was to make it drastic. Unless it is made drastic, this practice of carrying concealed deadly weapons here will not be broken up, and to make it a felony is the only way to break it up. To make it a felony will disarm every man; and when we disarm every man, then no man can have any excuse for even wanting to carry a deadly weapon.

Mr. GRAHAM. Will the gentleman yield for a question?

Mr. JOHNSON of Kentucky. I will.

Mr. GRAHAM. Is there any overpowering reason why the

minimum punishment may not be made lower?

Mr. JOHNSON of Kentucky. As suggested by the gentleman from Tennessee [Mr. Sims], it might not be a felony then, and so far as I am concerned personally, I would rather see the minimum five years than one.

Mr. GRAHAM. Cases might arise where gross injustice would be done to some one who was really guilty under the law by sending him to the penitentiary for a year. I can conceive of cases where three months, or one month, might be punishment enough. Now, would not the bill, if it becomes a law, be more likely to be enforced by juries and courts if you give a

wider latitude in the punishment?

Mr. JOHNSON of Kentucky. I think not; that has been tried in Kentucky, where we have a statute making this very offense punishable by both fine and imprisonment, and in the punishment for every conviction imprisonment goes with the fine; yet it has not broken up the practice, and it is now being agitated by all the press in Kentucky to make this offense a felony, believing that will break it up. I wish to see it started right here.

Will the gentleman yield?

Mr. JOHNSON of Kentucky. Certainly. Mr. MANN. The gentleman from Kentucky and the gentleman from Tennessee refer to the matter of felony. I am not going to define what a felony is at this time. I call the atten-

tion of the gentleman to the fact that when we passed the codi-

fication of the criminal code in the Sixtieth Congress, one of the very distinguished members of the committee [Mr. Sher-LEY], being a colleague of the gentleman from Kentucky, we undertook to carry through, and did carry all through that bill, not a distinction between a misdemeanor and a felony, not provisions fixing the minimum penalty, but provisions like this. I am only reading the penalties for the various offenses, to which I opened by accident on this page.

SEC. 61. * * Shall be fined not more than \$500 or imprisoned not more than 90 days, or both.

SEC. 62. * * Shall be fined not more than \$1,000 or imprisoned not more than five years, or both.

SEC. 63. * * Shall be fined not more than \$10,000 or imprisoned not more than three years.

SEC. 64. * * Shall be fined not more than \$5,000 or imprisoned not more than two years, or both.

That form of penalty runs all through the criminal code, and has been substantially carried in most of the penal provisions or laws since that time. Does the gentleman think that there is any occasion here for departing from that theory of the criminal code?

Mr. JOHNSON of Kentucky. I do not care how it is ex-

pressed, so that the minimum penalty is a very severe one.

Mr. MANN. The way it is expressed all through the code fixes no minimum penalty at all. I think there is not a minimum penalty fixed in any provision in the criminal code either

for counterfeiting or anything else.

Mr. JOHNSON of Kentucky. The intention of this bill is to make a minimum penalty and make it severe, so that these matters may not be lightly treated and so that the court will have

to impose a severe penalty, though it be the minimum.

Mr. MANN. Then the gentleman thinks that in the matter of carrying a deadly weapon we ought to depart from the policy agreed upon and heretofore fixed by the action of Congress on these matters?

Mr. JOHNSON of Kentucky. I think so, because it is intended to deprive the court of the power to exercise leniency, which too often happens.

Mr. SIMS. With many men who carry pistols a fine would be ne punishment.

Mr. DIXON of Indiana. Will the gentleman yield?

Mr. JOHNSON of Kentucky. Certainly. Mr. DIXON of Indiana. In some States they have an exception that a traveler has the right to carry a pistol. You have no such exception.

Mr. JOHNSON of Kentucky. No; and I do not think we

ought to have.

Mr. DIXON of Indiana. Did the committee consider that proposition?

Mr. JOHNSON of Kentucky. Yes; but I think if a man goes into your State he ought not to be permitted to carry a pistol

any more than you who live there.

Mr. BARTHOLDT. Will the gentleman yield?

Mr. JOHNSON of Kentucky. I will. Mr. BARTHOLDT. Under the present law what authority grants the customary permit to carry concealed weapons? I understand it is the custom to grant permits to persons to carry concealed weapons.

Mr. JOHNSON of Kentucky. Yes; and I understand it is

greatly abused.

Mr. BARTHOLDT. Do the commissioners grant them? Mr. JOHNSON of Kentucky. They are granted by the court

for 30 days at a time and often renewed.

Mr. BARTHOLDT. I notice that there is a provision in this bill which does away with that.

Mr. JOHNSON of Kentucky. Yes; we do not want to permit anybody to carry concealed weapons, except it be an officer authorized to make arrests.

Mr. BARTHOLDT. Another question. This bill evidently

only applies to males.

Mr. JOHNSON of Kentucky. The gentleman will understand that the word "his" is male, but it applies to the genus homo, both to a male man and to a female man.

Mr. BARTHOLDT. I merely want to suggest that it ought

to embrace both male and female.

Mr. MANN. Under the provisions of the first chapter of the Revised Statutes that is so.

Mr. JOHNSON of Kentucky. Mr. Speaker, I yield five minutes to the gentleman from Mississippi [Mr. Sisson].

Mr. SISSON. Mr. Speaker, I want to call the attention of the House to some views I have on the matter. I do not suppose any Member of the House is more opposed to carrying concealed weapons than am I. I introduced a bill putting an internal-revenue tax on the manufacture and sale of these

Now, I can not advocate such a bill with my views of the Constitution, but if Congress is willing to apply the same prin-

ciples as were applied in the bill that was passed to destroy certain match factories the other day, you have a remedy that will be effectual and permanent and forever prevent carrying concealed weapons, and will break the evil up, root and branch.

The Constitution of the United States guarantees to a man the right to bear arms. The courts have held that the legislature can prescribe the manner in which arms may be carried, but neither a State legislature nor Congress can pass a law forbidding entirely the carrying of arms,

But I call the attention of the House to this provision of the Constitution:

Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

Of course, if we take the general view that the mind of Congress may determine absolutely what is an unusual punishment, without leaving it to the court, that provision of the Constitution might just as well not have been written, and for that reason all the criminal statutes that I know of in all the States of the Union, and, so far as I have examined, all the statutes defining an act to be a crime under the Federal Government, leave a wide discretion in the court so that he may not inflict nor be compelled to inflict upon the citizen a cruel and unusual punishment. I do not believe that the concealed-weapon law

has operated well throughout the country. I have always voted for a concealed-weapon law, and if a man is a habitual criminal, a habitual thug, a habitual thief, he ought to be punished as such, and the punishment in his case should be severe; but with the boy or the man who is not a criminal, the man who has never been charged with a crime, the same punishment would be severe and unusual. The young man in the country who might put a concealed weapon in his pocket, under this bill, would be branded as a felon before the country and his whole future destroyed. In many instances this punishment would not only be cruel, but it would be inhuman, and I believe that that provision of the Constitution should control us in making this bill, so that the court might be vested with a discretion in order that the punishment might not be cruel and unusual and degrading, and so that is would not destroy a young man's future hope and happiness. I be-lieve that the laws of the land ought to be so framed that they will make men better, and they will observe them. Punishment in one instance might be good, when it is mildly inflicted, and in another it might destroy a man's regard for the law and peace and quiet. I do not believe that punishment ought ever to be inflicted under the law for the sole and express purpose of injuring an individual. The purpose of punishment is that it may be an example to others; that it may cause others to cease to commit crime. There is no Indian revenge in the enforcement of law, and there ought not to be. Law ought to be enforced with the idea that it will preserve law and order, and deter other men from the commission of like crimes. sincerely trust that when the House shall vote upon this bill it shall have in it such an amendment as that suggested by the gentleman from Illinois [Mr. MANN], and Congress will then be doing a sane and rational thing.

The question suggested by my colleague from Mississippi [Mr. Harrison] is also worthy of consideration on the part of the House. In all the States that I know of the question of whether or not a man's life is in danger and whether a man's life has been threatened is always a matter of defense. In my own State the law is that no man has a right to get a permit to carry a concealed weapon. Such permission can now be obtained under the law in the District of Columbia, but where a man's life has been threatened, he must not only prove that, but more—that he has a good and sufficient reason to believe that he is in danger. It is a matter of defense. He must prove his defense before the jury. In this case the thug who cares nothing about the law may put a pistol in his pocket, and the law-abiding citizen, however mild the punishment might be, would not want to carry the weapon. If he is willing to take chances, if he is willing to say on oath, "I believe my life is in danger," if he is a reputable and good citizen and can go further and show that a dangerous man has threatened to take his life at any time he may see him, and that should be believed by the jury as a matter of defense, then, as long as that danger was impending, as long as that danger surrounded him, the law ought not to take away from the man that God-given right to defend his own existence.

Mr. JAMES. Mr. Speaker, will the gentleman yield for a question?

Mr. SISSON. Certainly.

Mr. JAMES. A person whose life has been threatened and who would go and make oath to it in order to get the right to carry a concealed weapon would have an equal right to swear

out a peace warrant against a man who threatened to take his

Mr. JOHNSON of Kentucky. And he has that right in the District of Columbia.

Mr. JAMES. And he could have the one who threatened his life put under bond to keep the peace. He would not have to kill him. He could have the man put in jail, and would that not be a better remedy?

Mr. SISSON. Under this bill no such right as that would be given.

Mr. JOHNSON of Kentucky. I will say to the geutleman from Mississippi that under the laws of the District of Columbia when a man does threaten the life of another he can be punished for a great length of time; he can be put in prison for a longer time in the District of Columbia than in any other place in the Union that I know of. If a man threatens the life of another, he can be indicted and tried, convicted, and imprisoned.

Mr. SISSON. That may be true, but let me tell the gentleman that I shall never, as long as I live under this free flag, feel that I am compelled to go and have a man incarcerated in order that I may be safe from an attack of another man.

Mr. JOHNSON of Kentucky. Then the gentleman would prefer to take the law in his own hands rather than have a law which prevents him being put in that position?

Mr. SISSON. I do not, but I do not want the statute so written that good men will frequently be compelled to take the law in their own hands.

Mr. JAMES. The remedy the gentleman should observe is that the law steps in and takes charge of this man who wants to take human life. It does not say to him, go and get a pistol: we give you that right, and perhaps the man will go and kill him, but the law can step in and take that man in charge and save life. Is not that a better remedy than to allow the man

to go out and get a pistol?

Mr. SISSON. The law never will say to any man, take a Mr. SISSON. The law never will say to any man, take a pistol and go kill him; but the law in nearly all the States I know permits a man if he shall be caught with a pistol on to make as a defense under the Constitution that his life was in danger.

Mr. JAMES. I will say where a man's life is threatened and he goes before a justice of the peace or county judge and makes oath that this man has threatened his life, then a warrant issues for this man to be brought before the court, and if it is shown that he has threatened this man he is put under bond to keep the peace in an amount as the justice may think wise. Is not that a better way than to give the man a pistol to go and kill him.

Mr. CULLOP. I would like to ask a question here of the gentleman from Kentucky.

Mr. SISSON. I have the floor, but I will yield to the gentle-

man for that purpose.

Mr. CULLOP. Did you ever know anybody to be bound over to keep the peace-

Mr. JAMES. Oh, in my practice of the law for 20 years I

have seen it frequently done.

Mr. CULLOP. My experience has been under a similar statute that the man always becomes very docile when the hearing is had, and he always escapes being bound over.

Mr. JAMES. Oh, frequently he is bound over to keep the peace, and it is just that sort of thing that has saved many lives in Kentucky.

Mr. CULLOP. My experience is different in that matter, or my observation, rather.

Mr. SISSON. Mr. Speaker, if a man shall give bond to keep the peace, and shall agree to keep the peace, it is quite possible that he may not keep his bond. It is quite possible that it would be ineffective, and the next time he met his adversary, if he had made up his mind he would take human life and ignore the bond, it would not protect anyone from assault. It would be a poor defense for him, after his adversary shall have made a bond, the next time he met him to find himself absolutely unarmed and helpless to defend himself.

The SPEAKER. The time of the gentleman has expired.

May I have five minutes more? Mr. SISSON.

Mr. JOHNSON of Kentucky. I yield the gentleman five minutes additional.

Mr. JACKSON. May I ask the gentleman a question? Mr. SISSON. Yes. Mr. JACKSON. There is nothing in this law in such an extreme case as the gentleman describes to prevent a man buying a Winchester and just carrying it around, is there?

Mr. SISSON. Of course not; but when a man comes with a Winchester down the street and I see him, I have the opportunity then of going and getting a Winchester and doing likewise, or I have the opportunity of getting out of the way; but when he carries the weapon concealed he has all the advantage of me in the world, and that is the reason I despise a man who takes an infamous arsenal around in his pocket, because if he does the opportunity to commit a crime is very great, and it is a great wrong, and we ought to take it away, if we could do it; but I want to say the law is not going to stop the criminal carrying weapons, and no man in this House believes it will ever.

Mr. JOHNSON of Kentucky. Then you are opposed to any

other law of this kind.

Mr. JACKSON. I want to call the attention of the gentleman to the fact it will not prevent the carrying of a weapon, but only

prevents the concealing of it.

Mr. SISSON. I think the law has done a good deal of good, but the law against murder has not prevented murders being committed and the law against arson has not prevented that crime, and I do not want to repeal them at all. Of course I would not repeal this law and I am willing this shall become a law if you can make the punishment in it reasonable and not unreasonable.

Would you think a burglar who carried a pistol Mr. SIMS. around and killed somebody was sufficiently punished when sent

to the penitentiary for one year?

Mr. SISSON. When a man carries a pistol it is an unusual punishment to send him to the penitentiary. I am unwilling that a boy 15, 17, or 18 years old who is caught with a pistol in the District of Columbia shall be sent to the penitentiary and have his young life blighted.

Mr. JOHNSON of Kentucky. He will not put it in his pocket

if this law passes.

Mr. SISSON. We ought to be angels, but we are not. We ought to deal with human nature as it is and not as it ought to be, and you will never make a man rise above himself or make him better by law. You can stop a man from stealing by putting him in jail, but you can not make him honest. can deter others from the commission of a like offense by punishing the offender. So I am unwilling that this bill should pass unless the court has some discretion. If he is an habitual criminal, without shame, then the punishment should be drastic. But this bill is entirely too drastic, and I agree thoroughly with the gentleman from Illinois when he says that there ought to be a provision here so that a man could be imprisoned or could be fined a small sum, within the discretion of the court, for the court at last will have to enforce any law you put upon the statute books, and we may just as well intrust the court to enforce the law and administer the punishment. [Applause.]

Mr. JOHNSON of Kentucky. Mr. Speaker, I move the previ-

ous question on the bill and amendment thereto.

Mr. MANN. I hope the gentleman will allow me to offer an

Mr. JOHNSON of Kentucky. I withdraw the motion. I did not know the gentleman wanted to offer an amendment.

Mr. MANN. If the gentleman will yield— Mr. JOHNSON of Kentucky. I withdraw my motion.

Mr. MANN. I will offer the amendment, and then I do not

The SPEAKER pro tempore (Mr. CLAYPOOL). The gentleman from Illinois [Mr. MANN] offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 2, line 1, after the word "shall," strike out all after the word "shall" down to and including the word "year," in line 4, and insert in lieu thereof the following:

"Be fined not more than \$1,000 or imprisoned not more than three years, or both."

Mr. JOHNSON of Kentucky. If you will put it "and both,"

I will agree to it.

Mr. MANN. Well, I could not do that. Mr. Speaker, the proposition which I have offered is to strike out the penalty of not less than one year nor more than three years, and insert in lieu thereof a fine of not more than \$1,000 or imprisonment of not more than three years, or both, to be left to the discretion of the judge.

In the criminal code, as I remarked a while ago, which we passed a few years back, we adopted the policy which is carried through every section of the code, using the form which I have used in this amendment. For instance, in section 2 of the code

it says:

Whoever * * * shall be fined not more than \$1,000 or imprisoned not more than one year, or both.

Mr. JOHNSON of Kentucky. I will ask the gentleman if a fine of \$1 could not there be imposed?

Mr. MANN. It might be, and perhaps ought to be. say a boy of a few years of age who had taken his father's revolver and put it in his pocket at home, as many a boy has done, and who is arrested for some offense, probably bicycle riding on the sidewalk, and a policeman, with whom he had some altercation, should find a revolver in his pocket, ought not to be sent to the penitentiary and ought not to be fined more than \$1.

Mr. SIMS. If that boy knew if he put his father's revolver in his pocket and went out with it, it would be a felony and he would go to the penitentiary, under those circumstances do you

believe that he would take it?

Mr. MANN. I do not believe there would be one boy in a hundred who would know what the law was on the subject. I would guarantee now that there is not a Member of this House, including the gentleman who drew the bill and the gentleman who reported the bill, who knows what the law is to-day on the subject of carrying deadly weapons, so as to cover every provision in it. And yet we expect boys to know all about it who know nothing with reference to the law at all.

Mr. SIMS. I want to ask the gentleman how many good fathers he thinks will keep a pistol stuck around their premises if it is a felony for his boy, or himself either, to carry a con-

cealed weapon?

Mr. MANN. Well, I think it is quite proper to keep a pistol in your house, or some other kind of weapon. While I have not done it in recent years, if I were keeping house here in some house in the town, and living there with my wife alone, I would feel I was derelict in my duty if I did not have some weapon in the house either to defend my wife in my absence

or defend ourselves at night. That is not against the law.

Mr. SIMS. Mr. Speaker, I am sorry the gentleman suffers so much fear. I have a larger family than he has, and I have never had a pistol in the house, and never expect to have, nor

any other kind of weapon.

Mr. MANN. The gentleman can afford to live in a better house than I can and on a street where there is better police protection.

Mr. SIMS. I am not so afraid of burglars that I have an old pistol lying around the house.

Mr. O'SHAUNESSY. May we have the amendment read

again? The SPEAKER. The Clerk will report the amendment.

Page 2, line 1, strike out, after the word "shall," down to and including the word "year," in line 4, and insert in lieu thereof the following:

"Be fined not more than \$1,000 or imprisoned not more than three years, or both."

Mr. SIMS. Mr. Speaker, I rise to oppose this amendment. You might almost as well not pass this bill as to pass it with this amendment. It is a mere discretionary punishment. Who wants to put a fine of \$1,000 on some white or black boy? The rich, who can afford to pay the money, will carry pistols, and the judges will not put any of them in prison when left to their discretion. If you want to ruin this bill, leave a discretion in the court, and most earnest pleas will be made to the court as to the respectability of the man and his family, that it is his first offense, and so on. Now, good Christian fathers, with a law making the carrying of pistols a felony, are not going to have them lying around a room where their wives or boys can use them or carry them.

For years the Evening Star of this city, a paper that has always advocated good morals, has asked for this legislation, and pointed out instance after instance where deaths and homicides have followed by reason of not having such a law as this on the books. I do not care what the laws of the District of Columbia are now. I can not repeat verbatim what they are. But I know they do not protect the people from the evil of carrying concealed weapons. What burglar, white or black, or what criminal, white or black, would care for going down and perjuring himself and saying that his life was in danger in order to carry a concealed deadly weapon? It is too late in this age of civilization for any gentleman to get up and oppose this bill on hypothetical, impossible cases which people imagine might happen.

Mr. O'SHAUNESSY. Mr. Speaker, will the gentleman yield? The CHAIRMAN. Does the gentleman from Tennessee yield to the gentleman from Rhode Island?

Mr. SIMS. Yes. Mr. O'SHAUNESSY. I want to ask the gentleman from Tennessee if the penalty of one year's imprisonment is the lowest prescribed for a felony in the District?

Mr. SIMS. I could not state positively how that is. But whether it is or is not, why does the gentleman want anything less than a year for a man to walk around here as a human arsenal, with the Army and the Navy, the Metropolitan police, and the Capitol police all here to protect him against any possi-

ble assaults that may be made upon him?

Mr. O'SHAUNESSY. I want to ask the gentleman this other question: Suppose the case suggested by the gentleman from Illinois [Mr. Mann], of a young man taking a pistol from his father's home. Does not the gentleman believe that a penalty of one year in a penitentiary, as provided under this bill, would, under those circumstances, be an excessive and an unusual punishment?

Mr. SIMS. Of course you can imagine hypothetical cases and impossible cases, and thereby prevent the passage of any criminal law. In the first place, the good father is not going to have the pistol. In the second place, the boy is not going to carry it; and in the third place, if such a case should occur, we have got the pardoning power. Now, we should not stand back and continue the present conditions for the sake of considerations which may be conjured up by a heated imagination as to a boy who might carry his father's pistol out while his father was holding a prayer meeting. I do not believe such a case will occur, and if it did the punishment would be so severe in its nature that the pardoning power would come to his relief.

Mr. O'SHAUNESSY. Will the gentleman permit another

question?

Mr. SIMS. Certainly, Mr. O'SHAUNESSY. Is there any power here that would grant a license permitting the carrying of a pistol?

Mr. SIMS. Yes. If a man thinks his life is in danger he can go down to court and obtain permission. That is a bad pro-

vision in the existing law.

Mr. KENDALL. This is a question now as to the policy or expediency of the punishment to be prescribed. Everybody concedes the wisdom of enacting proper safeguards as to the carrying of deadly weapons. Would the gentleman have any objection to striking out the minimum penalty in the bill and making the clause read that the punishment shall be imprisonment in the penitentiary for not more than three years?

Mr. SIMS. That is the suggestion of the gentleman from

Illinois

Mr. KENDALL. What could be the objection to allowing the court to determine in such a case and exercise a wide discretion

as to the punishment that ought to be applied?

Mr. SIMS. Let me tell you what would happen. human; they are open to appeals to sympathy when it is in their power to punish a crime and fix the penalty. As I say, the poor, friendless negro boy, or the poor, friendless white boy will be trotted off to his three years of punishment in the penitentiary, but the rich and influential boy will probably get the minimum. Now, why not have a rigid minimum? That is the way to prevent crime. Make the punishment in the first place such as will prevent the commission of the crime, and do not put it in the power of any judge to reduce it below that minimum

Mr. KENDALL. But suppose the question of guilt is to be

determined by the court-

Mr. SIMS. Certainly—Mr. KENDALL (continuing). In that case does the gentleman believe that juries can be assembled that will convict people where the punishment is as excessive as is provided in this bill?

Mr. SIMS. Oh, the punishment is never excessive when it

is necessary to have the law obeyed.

Mr. KENDALL. I think it would defeat the purpose of the bill itself.

Mr. SIMS. Do you think the jury and the judge would perjure themselves when the evidence is clear and plain, simply because the judge and the jury might differ with Congress as to the degree of punishment that ought to be inflicted?

Mr. KENDALL. Does not the gentleman know that in all history where penalties are too severe, the juries will not apply

No: I do not think that is true.

Mr. KONOP. Suppose I should put a razor in my pocket in the morning and bring it over to the barber shop to have it sharpened. Would I be subject to a penalty?

Mr. SIMS. Oh, no. You are not going to use it as a weapon.

No jury would convict you under those circumstances.

Mr. STANLEY. Mr. Speaker, will the gentleman yield? The SPEAKER. Does the gentleman from Tennessee yield

to the gentleman from Kentucky?

Mr. SIMS. I do.

Mr. STANLEY. Is there a provision in the bill defining when a man carries an instrument of death as a weapon and when he carries it as an ornament or in a legitimate way or accidentally, or anything of that sort?

Mr. SIMS. Yes. He never carries a weapon as an ornament secretly. He always carries it openly in that case, as he would carry a sword, or something of that sort. There is nothing in the bill to prevent that.

Mr. STANLEY. The gentleman does not catch my meaning, I fear. Is there anything in the bill—I was not here when it was read-excepting cases where a man, for instance, should buy a razor and take it home, or get his revolver repaired and have a piece of paper wrapped about it to take it home? Is there any distinction drawn here between carrying a weapon for purposes of homicidal fancies and carrying it for the innocent

purposes named by the gentleman?

Mr. JOHNSON of Kentucky. There are no more exceptions in this bill than there are in Kentucky, where the gentleman

lives.

Mr. STANLEY. The law says "carrying as a weapon." I caught it from the gentleman's speech, but not from the bill. Mr. KENDALL. There is no provision in this bill that makes

that distinction.

Mr. MANN. The bill does not even say "weapons." It says "instruments." It says "weapons or instruments."

Mr. KENDALL. It says "persons carrying these weapons." Mr. SIMS. It does not become a weapon unless it is carried My friend used a case knife as an illustration. P. You describe these things as being deadly as a weapon.

Mr. KONOP. weapons; and if I carry them, it does not make any difference for what purpose, I am liable under this bill.

Mr. SIMS. Oh, no; the gentleman is mistaken about that. Mr. YOUNG of Kansas. Is it not a fact that the carrying of any deadly weapon is not a violation of the law unless a man carries it in a concealed condition?

Mr. SIMS. In a concealed manner.
Mr. YOUNG of Kansas. And the question as to whether a man is carrying it in a concealed manner is a question purely of fact, triable by a jury or the judge.

Mr. SIMS. Certainly it is.
Mr. YOUNG of Kansas. So that the question that the gentle-

man asks can be answered very easily.

Mr. KONOP. If I carry a razor in my pocket, is not that concealed?

Mr. YOUNG of Kansas. That is purely a question of fact, to be tried by the judge or jury.

Mr. KONOP. The fact is that it is concealed in my pocket. Mr. SIMS. Does the gentleman want to amend this bill so as

to permit a razor to be carried as a weapon?

Mr. KONOP. Not at all. I should like to have the bill amended so that if a man carries a gun or a razor or a knife for any other purpose than that of assault he shall not be

guilty of a violation of the law.

Mr. SIMS. That would ruin the bill, and I am opposed to it. If the gentleman wants a law which will permit the carrying of dirks, sword canes, and other weapons, and yet make it necessary to prove that they are carried as weapons, when they are homicidal weapons, then the gentleman is opposed to the law, and that is all there is to it. What we ought to do, under the obligation resting upon us, is to make a rigid minimum penalty. When we enact such a law it will break up the practice of carrying deadly weapons. In this city, where two Presidents have been shot down by assassins who carried concealed weapons and where others may be, where they have a large force of secret detectives now who go around with the President every time he goes out, a minimum punishment of one year for carrying a concealed weapon is graciously low.

Mr. CALLAWAY. Will the gentleman yield for a question?

Yes. Mr. SIMS.

Mr. CALLAWAY. Does the gentleman think that the fellow who intends to kill a President will hesitate on account of the penalty for carrying a weapon of that kind?

Mr. SIMS. He might not, if he was crazy

Mr. CALLAWAY. Does the gentleman think that a man who intends to commit an offense that will subject him to capital punishment will be deterred by the penalty provided in this

Not in the case of a crazy man, of course not. Mr. CALLAWAY. Does the gentleman think a man who is going to commit a burglary will stop on account of the penalty provided in this bill for carrying a weapon?

Mr. SIMS. I certainly do.

Mr. CALLAWAY. He is going to commit a greater offense, that will submit him to a heavier penalty.

Mr. SIMS. He may not be caught. Is the gentleman opposed to this bill?

Mr. CALLAWAY. Yes; I am opposed, as a general thing, to any bill that makes a thing a felony that is not a crime per se.

Mr. SIMS. Then, the gentleman will have to amend every criminal code in this country, if he is in favor of making crimes only those things which are mala in se. If the gentleman desires to make nothing punishable unless it is a natural crime he will start a revolution in this country.

Mr. CALLAWAY. I said a felony. I am not in favor, generally, of making a thing a felony that is not a crime per se.

Mr. SIMS. Then, I have no argument with the gentleman. I am not surprised that he is opposed to this bill.

Mr. TRIBBLE. Suppose a sight-seeing party from my State washington there was a 15-year-old boy who had a pistol in his pocket. Does the gentleman think he ought to be sent to the penitentiary for a number of years?

Mr. SIMS. I think he ought to be sent somewhere for ever

starting with such a weapon.

Mr. TRIBBLE. I do not.

Mr. SIMS. I think he ought to be punished to some extent for living in a State that permits such a thing. It would be hard on the boy, but he ought to live in a better State.

Mr. TRIBBLE. May I ask the gentleman another question.

Suppose the laws of that State are lax, or it is no violation of law in that State, is it not natural to suppose that the boy might think it was so here?

Mr. SIMS. Why does your Georgia boy want to come to the Capital of the Nation with a pistol in his pocket?

Mr. TRIBBLE. Why do people violate the laws, anyway? Mr. SIMS. The gentleman states an extreme case that would not happen in 100 years.

Mr. HARRISON of Mississippi. Will the gentleman yield?

Mr. SIMS. Yes.

Mr. HARRISON of Mississippi. I want to ask the gentleman if it is not a fact that in some States-I know that it is so in my own State-that there can be set up as a defense the fact that a person was traveling such a distance from his home that took him beyond the circle of his friends and acquaintances, and might not the boy from Georgia be under the impression that the law was the same here as there?

Mr. SIMS. If he was, why that boy from Georgia would be

Mr. SIMS. It lie was, why that boy from deorgia honder pardoned or never convicted.

Mr. RAKER. Will the gentleman yield?

Mr. SIMS. Certainly.

Mr. RAKER. I see in the bill, in line 6, it speaks of a clasp knife, and in lines 6, 7, or 8 it says "or other deadly weapons."

That provision of the bill would prevent a man carrying a

pocketknife. All the courts have held that a knife that produced death is a deadly weapon.

Mr. SIMS. The bill provides for the length of blade—3 inches. It may be amended to make it 3½ or 4 inches. I want to say to gentlemen that the bill, before it was amended, was drawn by the corporation counsel of the District of Columbia. I did not draw it. It was drawn to meet conditions existing here, and the committee amendments are intended only to benefit the bill.

Mr. RAKER. Will the gentleman yield for a further question?

Mr. SIMS. Yes.

Mr. RAKER. Is there any difference between a blade 2 inches long and one 6 inches long as to the effect it will have in attempting to cut a man's throat?

I think so. Mr. Speaker, I yield the floor.

Mr. JOHNSON of Kentucky. Mr. Speaker, I move the previous question on the bill and amendments.

Mr. CULLOP. I hope the gentleman will not do that; I have an amendment.

Mr. JOHNSON of Kentucky. I will withhold it until the gentleman offers it. Mr. Speaker, I will withdraw the demand for the previous question and I demand the regular order.

The SPEAKER. The question is on the amendment offered

by the gentleman from Illinois.

Mr. DYER. Mr. Speaker, I want to say a word in favor of this amendment. I believe that if this bill is passed as it is, imposing a penitentiary sentence, that the law will repeal itself. I have had experience, as I have no doubt other gentlemen here have had, in the prosecution of men charged with the carrying of concealed weapons. We have in my State, and in the courts where I had some experience prosecuting, a statute-I often saw it called into action—which makes it a felony to carry concealed weapons. But it also provides punishment by jail and fine, as well as a penitentiary sentence. I have prosecuted numerous cases before juries of men charged with carrying concealed weapons, and I have never seen in my experience a jury that would send a man to the penitentiary for carrying a concealed weapon unless that man was a most vicious character to lead us to take this action out of regard to the safety of the

and a well-known criminal. Take a young man who would have a pistol in his pocket carrying it from a neighbor's to his own house for some protection of his family, and he should be caught with that weapon concealed in his pocket, you could not find a jury in this whole country that would send him to the penitentiary. But there are cases where men should be punished for carrying a weapon where it is not of such a nature as to invoke a penitentiary sentence. I hope the chairman of the committee will accept this amendment offered by the gentleman from Illinois. It will insure the carrying out of this proposed law, and insure what we want, a stop put to the carrying of concealed weapons in the District of Columbia.

If you find concealed weapons on a criminal or a vicious character, the jury and the court will ordinarily send him to the penitentiary; but you ought to make some provision for the man of good character, who has been found to have upon him a concealed weapon, or a man who is passing through the District. I do not believe that a man who is passing through the District, going from one place to another, should be convicted and punished for having a revolver upon him. The laws of most States make exceptions to such cases, and provide that where a man is merely passing through a State on a mission of business or otherwise, and conducting himself properly, that this law should not be made applicable to him. Let us pass this bill so that it can be enforced and will bring the results looked for. I hope, Mr. Speaker, that this amendment will be agreed to.

Mr. JOHNSON of Kentucky. Mr. Speaker, the object of this bill is to make the carrying of concealed deadly weapons a felony. When any amendment is adopted which makes it a smaller offense than a felony I am against it, because the law as it exists in the District of Columbia to-day fixes a small minimum fine, and that law is as good as the amendment that is offered. If such an amendment is adopted I shall move to lay all amendments on the table and hope the bill will be defeated.

Mr. TOWNER. Mr. Speaker, the consideration of this bill is, in my judgment, a very important matter, and I think it is well for the House to weigh carefully what is meant by it. It is possible to suggest cases in which the operation of this law may work a hardship. But if this House passes this bill to-day, making the carrying of a concealed weapon a felony, with no right in the court to impose a less punishment, the news of that action on the part of Congress will go all over the United States; and there is no 15-year-old boy with intelligence enough to find his way to the National Capital who will not know that such a law is in existence, and who will not know that he incurs this penalty if he carries a concealed weapon when he comes here. I am in favor of the action which is now contemplated, because I believe that any less punishment will not have the effect that is desired.

Mr. DYER. Mr. Speaker, will the gentleman yield? Mr. TOWNER. Certainly. Mr. DYER. Let us take the case of one of the boys that the gentleman mentions—a young man coming, say, from his own State, who does not know about this penalty of a penitentiary sentence for carrying a gun. Suppose he should have purchased one here in Washington or somewhere else and was carrying it home, does the gentleman think that he should be sent to the -penitentiary and made a convict and a felon because of that?

Mr. TOWNER. Mr. Speaker, I believe, in the first place, that there will be no boy, as I suggested a moment ago, of sufficient intelligence to find his way here who will not know, if this bill is passed, what will be the penalty for such an act.

Mr. Speaker, the time has come when this country must do something of this sort in order to stay the flood of violent crime that is the greatest disgrace this Nation to-day suffers, not only in the esteem of the world, but in the judgment of all good people. It is a striking commentary upon the standards that we have established in this country that we are to-day the most violent Nation on earth, the Nation that has the greatest percentage of violent crimes, the Nation that has the least regard for human life of any nation in the world, and, Mr. Speaker, it seems to me we can do no greater act to stem this tide of violence in the country than to set here an example that will go out to every part of the Nation that we are opposed to anything that will lead to further crimes of this character. While we here in the city of Washington maintain the open saloon and then invite those to come here with the tendency to buy revolvers or to bring them here, it seems to me we are almost inviting the conditions that arise when passions are inflamed until all restraint is taken away and crimes of violence follow. It seems to me that the high standards of our civilization, that the great necessity that we now see before us, ought lives of the citizens of the country, and especially of this district.

Mr. CULLOP. Mr. Speaker, I take it from the discussion here this morning that the purpose of this bill is to meet a local condition which is assumed to exist here in the city of Washington. At the proper time I desire to offer an amendment which I believe is necessary to perfect this bill and which I think the committee will adopt. That amendment will be as follows:

In line 4, after the word "Columbia," insert the words "not then and there being a traveler."

Mr. JOHNSON of Kentucky. If he is walking along the street is he not a traveler?

Mr. CULLOP. No; that is not the sense in which the word "traveler" is used at all, as the courts have defined it in State after State. It has a well defined meaning. The danger of this bill is the excessive punishment. When you add to a criminal statute an excessive punishment you have nullified the statute itself, and you can not enforce the punishment. When you make such a penalty as you propose here, you would be powerless to enforce the statute. Juries will not enforce it because the punishment provided is excessive. I hope that the amendment suggested by the gentleman from Iowa [Mr. Kendall] will be accepted, if you want to cure this evil.

In the commission of the offense here defined all offenders should not be punished alike. You have fixed the same punishment for everyone who commits this crime, no matter what the character of the offender and the aggravation attending its commission. A man who would carry a pistol or any other weapon in time of peace in a civilized country like this ought to be punished, of course. He has no need for it, and the punishment ought to be severe, but if you make it too severe, as you are attempting to here, you will be unable to enforce the statute, for the reason that the courts and the juries will hesitate to convict when persons charged are tried. For that reason I think that the suggestion of the gentleman from Iowa ought to be adopted, and also the amendment that I propose to offer.

Mr. JACKSON. Mr. Speaker, will the gentleman yield?
Mr. CULLOP. Certainly.
Mr. JACKSON. I would like to ask the gentleman if he thinks that Guiteau, who shot President Garfield, would be termed a traveler under the amendment that he offers?

Mr. CULLOP. Oh, you would not try him for carrying a concealed weapon. His offense would come under a different statute altogether. It is not in point.

Mr. JOHNSON of Kentucky. You would, if you had caught

him before he killed the President.

Mr. CULLOP. He would be tried for the crime that he committed, and if he was found in the city of Washington not passing through or traveling from one point to another, he would be found not to be a traveler under the construction that the courts in almost every State in the Union have placed upon that word when used in the connection it is here employed. Such an illustration is not pertinent to the subject matter under discussion.

Mr. JACKSON. Suppose some police officer had arrested him before he committed a crime?

Mr. CULLOP. He would not be guilty under the statement I have made of carrying concealed weapons.

Mr. JACKSON. He would be a traveler. Mr. CULLOP. No; he would not be a traveler under the construction courts have placed on similar statutes. It is a question of fact to be determined in the trial of the case, like any other question of fact.

Mr. JACKSON. Does not the gentleman think we ought to have some definition in the law as to what constitutes a

traveler?

Mr. CULLOP. Oh, no; we could not well do that, as the circumstances of every case must largely determine it. It is a question of fact under the proof whether a man is a traveler or not. If he is stopping here in Washington month after month he is not a traveler.

Mr. JACKSON. What does the gentleman think of the man who shot McKinley at Buffalo-I can not pronounce his name-

Czolgosz, I think it was, or something of that kind?

Mr. CULLOP. There is not anything in this statute which shows he was or was not a traveler at all; nothing whatever. He was not a traveler. He was punished for a higher offense.

Mr. JACKSON. My impression from what I remember of the history of the event is that he went there for the purpose of killing President McKinley and coming away again.

Mr. CULLOP. He was not a traveler, and no jury would have so found him to be; there is no trouble about determining the question of fact in such cases, as our decided cases show.

Mr. JACKSON. I am merely asking the question.

Mr. CULLOP. If the question had been presented to the jury, they would not have found him to be a traveler. Now, I want to call attention to another feature in the bill which is objectionable. In line 9, page 2, it contains this language, "officers guarding legal prisoners." Now, is there any prisoner who is not a legal prisoner?

Mr. JOHNSON of Kentucky. Plenty of them. Mr. CULLOP. I never heard of it. Who is not a legal prisoner if properly under arrest?

Mr. JOHNSON of Kentucky. Are not plenty of people ille-

gally agrested?

Mr. CULLOP. That presents a very different question. As long as he is in the custody of the officer he is a legal prisoner as far as the law is concerned. The word "legal" ought to go out of it or you will have simply emasculated the force of your statute on this subject. If a man is under arrest by an officer, he is legally holding him—at least by color of law if not by process of law—by the authority of the officer himself, who is made a guardian of the peace by virtue of his office, and you have simply made that provision nugatory if you leave it there in that way. Now, Mr. Speaker, I hope this bill will pass in proper form. The carrying of concealed weapons is one of the grave offenses of the country and should be prevented by proper police regulations.

Mr. BYRNS of Tennessee. Will the gentleman yield?

Mr. CULLOP. Yes.

Mr. BYRNS of Tennessee. I understood the gentleman to say the word "traveler" is pretty well defined or settled.

Mr. CULLOP. In the courts; yes.
Mr. BYRNS of Tennessee. Will the gentleman say that a man who lived just outside the District, or over in the city of Alexandria, who came to Washington for some purpose, was a traveler, or would it be necessary for him to live in Indiana or Tennessee?

Mr. CULLOP. Certainly not. That would be a question of fact under the proof whether he is a traveler or not, and the courts have repeatedly construed similar statutes. it in the language of several State statutes if we enact this

provision.

Mr. BYRNS of Tennessee. How far would he have to live from the city of Washington in order for him to come under the term of "traveler"?

Mr. CULLOP. He can live in the city of Washington and be a traveler, and he may live remotely from Washington and be here and not be a traveler. I hope the gentleman, as a lawyer, does not put up that kind of a proposition to me. A man in the city of Washington could be starting out on a journey and have a weapon and carry it and be a traveler, and a man living in Alexandria and coming here with a weapon in his pocket might not be a traveler.

Mr. McKELLAR. Would a Member of Congress be a traveler

under this bill?

Mr. CULLOP. He might be under some circumstances, and under others he would not be. If he lives here and goes about the city he would not be a traveler and could not claim immunity from punishment, and if he carried a weapon he should be condemned, and severely so. For him there would be no justification.

Mr. McKELLAR. I agree with the gentleman heartily on

that.

Mr. CULLOP. In my judgment, he ought to lose his seat if he carries one, because he, above all others, should not indulge in such a dangerous thing.

Mr. McKELLAR. I agree entirely with the gentleman in

that.

Mr. MADDEN. I wish to offer an amendment which I have written on the bottom of this page.

Mr. KENDALL. Is it a substitute?
Mr. MADDEN. It is an amendment to the amendment offered by the gentleman from Indiana [Mr. Cullor], and I ask to have it rend.

The SPEAKER pro tempore. The gentleman from Indiana has not offered an amendment.

Mr. CULLOP. I am going to offer it as an amendment at the proper time.

Mr. MANN. Mr. Speaker, I ask unanimous consent that all debate upon the amendment which I have pending be closed.

Then the gentleman can offer his amendment.

The SPEAKER pro tempore. The gentleman from Illinois asks unanimous consent that all debate on his amendment be closed. Is there objection?

Mr. DE FOREST. Mr. Speaker, I would like to have the amendment reported again.

The SPEAKER pro tempore. Without objection, the amendment will be again reported.

6

The amendment was again reported.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The question is now on the amendment offered by the gentleman from Illinois [Mr. MANN].

The question was taken, and the Chair announced that the

ayes seemed to have it.

Mr. JOHNSON of Kentucky. Division, Mr. Speaker. The House divided; and there were-ayes 57, noes 8.

Mr. JOHNSON of Kentucky. Mr. Speaker, I make the point of no quorum.

The SPEAKER. The Chair will count. [After counting.]

Evidently there is not a quorum present.

Mr. JOHNSON of Kentucky. Mr. Speaker, I demand the yeas

and nays on that.

The SPEAKER. The year and nays come automatically. The Doorkeeper will close the doors, and the Sergeant at Arms will notify the absentces, and the Clerk will call the roll.

The question was taken; and there were—yeas 183, nays 26, answered "present" 12, not voting 170, as follows: VEAS_192

	1EA	5-155.	
Akin, N. Y.	Driscoll, D. A.	Kitchin	Richardson
Alexander	Driscoll, M. E.	Knowland	Roberts, Mass.
Allen	Dyer	Konop	Roddenbery
Anderson, Minn.	Edwards	Korbly	Rubey
Anthony	Ellerbe	Lafean	Rucker, Mo.
Austin	Faison	Lafferty	Sells
Barnhart	Fergusson	La Follette	Shackleford
Bartholdt	Ferris	Lawrence	Sherley
Bathrick	Finley "	Lee, Ga.	Sherwood
Bell, Ga.	Flood, Va.	Legare	Simmons
Blackmon	Floyd, Ark.	Lenroot	Sisson
Boehne	Fowler	Lindbergh	Slayden
Booher	French	Linthicum	
Borland	Garner	Lloyd	Smith, J. M. C. Smith, N. Y.
Brantley	Garrett	Lobeck	Smith, N. Y.
Browning	Godwin, N. C.	McCoy	Stedman
Burgess	Goeke	McKenzie	Steenerson
Burke, S. Dak.	Goldfogle	McKinney	Stephens, Cal.
Burke, Wis.	Good	Madden	Stephens, Miss.
Burnett	Goodwin, Ark.	Maguire, Nebr.	Stone
Byrnes, S. C.	Graham	Mann	Sulzer
Calder	Greene, Mass.	Martin, S. Dak.	Sweet
	Gregg, Tex.	Miller	Switzer
Callaway Candler	Hamill	Moon, Tenn.	Taggart
Cannon	Hamilton, Mich.	Moore, Tex.	Toloott N V
Carlin	Hamlin	Morgan	Talcott, N. Y. Taylor, Colo.
	Hammond	Morrison	Thomas
Catlin	Hanna		Thomas
Claypool		Moss, Ind.	Tribble
Cline	Hardy	Murdock	Turnbull
Cooper	Harrison, Miss.	Needham	Tuttle
Cox, Ohio	Haugen	Necley	Underwood
Crago	Heald	Nelson	Utter
Crumpacker	Heflin	Norris	Volstead
Cullop	Henry, Conn.	Nye	Watkins
Curry	Hensley	O'Shaunessy	Webb
Danforth	Higgins	Payne	Wedemeyer
Daugherty	Hill	Pepper	Weeks
Davenport	Holland	Peters	White
De Forest	Howard	Pickett	Wickliffe
Dent	Hughes, Ga.	Post	Wilder
Dickinson	Hull	Pou	Willis
Dixon, Ind.	Jackson	Prouty	Wilson, N. Y.
Dodds	Kendall	Raker	Wood, N. J.
Doremus	Kent	Randell, Tex.	Woods, Iowa
Doughton	Kinkaid, Nebr.	Rees	Young, Tex.
Draper	Kinkead, N. J.	Reilly	
Diaher		Renty	

Adair Anderson, O	hio
Ashbrook	
Berger	
Denver	
George	
Gillett	

Byrns, Tenn. Campbell

Carter

Clayton Collier

Gray Hay Hayden Henry, Tex. Hubbard Johnson, Ky. Johnson, S. C.

NAYS-26. McKellar Macon Oldfield Padgett Redfield Rouse Russell PRESENT"-19

Howell

Sims Smith, Tex. Sulloway Towner Young, Kans.

ANSWERED "

Davidson Dwight Foster NOT VOTING-170.

Fuller Hobson McGuire, Okla. McMorran Riordan Stevens, Minn. Howland Hughes, N. J. Hughes, W. Va. Humphrey, Wash. Humphreys, Miss. Jacoway James

Connell Adamson Aiken, S. C. Ainey Fornes Foss Francis Connell Conry Copley Covington Cox, Ind. Cravens Gallagher Gardner, Mass. Gardner, N. J. Ames Andrus Ansberry Gardner, N. J.
Gardner, N. J.
Glass
Gould
Green, Iowa
Gregg, Pa.
Griest
Gudger
Guernsey
Hamilton, W. Va.
Hardwick
Harris
Harrison, N. Y.
Hartman
Hawley
Hayes
Helgesen
Helm
Hinds
Houston
Howell Curley Currier Dalzell Davis, Minn. Davis, W. Va. Dickson, Miss. Ayres Barchfeld Bartlett Bates Beall, Tex. Bowman Bradley Broussard Difenderfer Donohoe Dupré Esch Brown Buchanan Bulkley Burke, Pa. Burleson Estopinal Evans -Fairchild Farr Fields Fitzgerald Focht Fordney Butler Cantrill Cary Clark, Fla.

Jones Kahn Kennedy Kindred Konig Kopp Lamb Lamb Langham Langley Lee, Pa. Lever Levy Lewis Lindsay Littlepage Littleton Longworth Longworth Loud

McCall McCreary McDermott McGillicuddy McHenry McKinley McLaughlin Maher Maher
Malby
Martin, Colo.
Matthews
Mays
Mondell
Moon, Pa.
Moore, Pa.
Morse, Wis.
Mott Murray

Olmsted Page
Page
Palmer
Parran
Patten, N. Y.
Patton, Pa.
Plumley
Porter
Powers Porter Powers Pray Prince Pujo Rainey Ransdell, La. Rauch Reyburn Roberts, Nev. Robinson

Rodenberg Rodenberg Rothermel Rucker, Colo. Sabath Saunders Scully Sharp Sheppard Slemp Small Small Smith, Saml. W. Smith, Cal. Sparkman Speer Stack Stanley Stephens, Nebr. Stephens, Tex.

Sterling Talbott, Md. Taylor, Ala. Taylor, Ohio Thayer Thistlewood Tilson Townsend Townsend Underhill Vreeland Warburton Whitacre Wilson, III, Wilson, Pa. Witherspoon Young, Mich,

So the amendment was agreed to. The Clerk announced the following pairs: For the session:

Mr. Pujo with Mr. McMorran. Mr. Collier with Mr. Woods of Iowa.

Mr. Adamson with Mr. Stevens of Minnesota, Mr. Glass with Mr. Slemp.

Mr. Fornes with Mr. Bradley, Mr. Riordan with Mr. Andrus, Mr. Bartlett with Mr. Butler,

Until further notice: Mr. RAUCH with Mr. ROBERTS of Nevada.

Mr. PALMER with Mr. McKinley.

Mr. STANLEY with Mr. Young of Michigan.

Mr. Dies with Mr. Copley. Mr. Littleton with Mr. Dwight.

Mr. Murray with Mr. Matthews. Mr. Hamilton of West Virginia with Mr. Loud.

Mr. McGillicupdy with Mr. Guernsey, Mr. Sparkman with Mr. Davidson, Mr. Foster with Mr. Kopp.

Mr. DIFENDERFER WITH Mr. McCREARY, Mr. Curley with Mr. Prince, Mr. Rainey with Mr. Kennedy,

Mr. Talbott of Maryland with Mr. Parran.

Mr. Cox of Indiana with Mr. REYBURN. Mr. Beall of Texas with Mr. Griest.

Mr. Connell with Mr. Harris. Mr. Mays with Mr. Thistlewood, Mr. Rothermel with Mr. Cary. Mr. Clark of Florida with Mr. Langham,

Mr. Evans with Mr. Howell. Mr. THAYER with Mr. AMES.

Mr. TAYLOR of Alabama with Mr. RODENBERG.

Mr. Taylor of Airbama with Mr. Rodenberg,
Mr. McDermott with Mr. Foss.
Mr. Hobson with Mr. Fairchild.
Mr. Fields with Mr. Langley.
Mr. Byrns of Tennessee with Mr. Tilson.
Mr. Houston with Mr. Moon of Pennsylvania.
Mr. Gallagher with Mr. Fuller.
Mr. Small with Mr. Olmsted.
Mr. Covington with Mr. Moot

Mr. COVINGTON with Mr. Mott. Mr. Jones with Mr. Moore of Pennsylvania.

Mr. Jones with Mr. Moore of Pennsylvania.
Mr. Witherspoon with Mr. Mondell.
Mr. Wilson of Pennsylvania with Mr. Maley.
Mr. Underhill with Mr. McLaughlin.
Mr. Townsend with Mr. Longworth.
Mr. Stephens of Texas with Mr. Wilson of Illinois.
Mr. Stephens of Nebraska with Mr. Warburton.

Mr. STACK With Mr. VREELAND. Mr. SHARP WITH Mr. TAYLOR Of Ohio. Mr. Sabath with Mr. Sterling.

Mr. Rucker of Colorado with Mr. Speer. Mr. Page with Mr. Smith of California. Mr. Martin of Colorado with Mr. Samuel W. Smith.

Mr. Lewis with Mr. Pray. Mr. Patten of New York with Mr. Powers.

Mr. LEVER with Mr. PORTER.

Mr. Lee of Pennsylvania with Mr. Plumley.
Mr. Kindred with Mr. Patton of Pennsylvania.
Mr. Jacoway with Mr. Kahn.
Mr. Humphreys of Mississippi with Mr. Humphrey of Wash-

ington.

Mr. Hughes of New Jersey with Mr. Hughes of West Virginia.

Mr. HELM with Mr. HAYES.

Mr. Harrison of New York with Mr. Howland. Mr. Hardwick with Mr. Hawley.

Mr. Gudger with Mr. Green of Iowa.

Mr. Francis with Mr. Gardner of New Jersey. Mr. Fitzgerald with Mr. Fordney.

Mr. Dupré with Mr. Focht. Mr. Donohoe with Mr. Farr. Mr. Davis of West Virginia with Mr. Esch. Mr. Clayton with Mr. Dalzell.

Mr. CLAYTON with Mr. DALZELL.
Mr. CANTRILL with Mr. DAVIS of Minnesota.
Mr. BULKLEY with Mr. BURKE of Pennsylvania.
Mr. BROWN with Mr. BOWMAN.
Mr. AYRES with Mr. BATES.
Mr. ANSBERRY with Mr. BARCHFELD,
Mr. AIKEN Of South Carolina with Mr. AINEY.

For April 11, 1912: Mr. Carter with Mr. McGuire of Oklahoma.

From April 11 to April 16: Mr. James with Mr. McCall.

Ending April 13:

Mr. BUCHANAN with Mr. HARTMAN.
Mr. BYRNS of Tennessee. Mr. Speaker, I voted "no." I had forgotten that I was paired with the gentleman from Connecticut, Mr. Tilson. I desire to withdraw my vote and answer "present."

The result of the vote was announced as above recorded. The SPEAKER. The Doorkeeper will open the doors.

Mr. JOHNSON of Kentucky. Mr. Speaker, this is a reenactment of practically the existing law on the subject, and I therefore move to lay the bill and amendments thereto on the table.

The SPEAKER. The gentleman from Kentucky [Mr. Johnson | moves to lay the bill and amendments thereto on the table. The question is on agreeing to that motion.

The motion was rejected.

The SPEAKER. The Clerk will report the first committee amendment.

Mr. SIMS. Mr. Speaker, a parliamentary question.

The SPEAKER. The gentleman will state it.

Mr. SIMS. Does not the management of the bill now pass to the gentleman from Illinois [Mr. MANN]?

Mr. MANN. Oh, not at all.
Mr. SIMS. In the present parliamentary situation?
Mr. MANN. Oh, not at all in the parliamentary s Oh, not at all in the parliamentary situation. The mere offering of an amendment and its adoption do not transfer the control of the bill.

The SPEAKER. The Chair has charge of this bill now, and the Clerk will report the first committee amendment. [Ap-

The Clerk read as follows:

On page 1, line 3, strike out the words "or persons."

The SPEAKER. The question is on agreeing to the amend-

The question was taken, and the Speaker announced that the noes seemed to have it.

Mr. MANN. Mr. Speaker, I demand a division.

The SPEAKER. A division is demanded.

The House divided; and there were—ayes 59, noes 1.

So the amendment was agreed to.

The SPEAKER. The Clerk will report the next committee amendment.

The Clerk read as follows:

In line 4, after the word "concealed." insert the words "upon or."

The SPEAKER. The question is on agreeing to the amend-

The question was taken, and the amendment was agreed to. The SPEAKER. The Clerk will report the next committee amendment.

The Clerk read as follows:

In line 5 strike out the word "their" and insert the word "his."

The SPEAKER. The question is on agreeing to the amend-

The question was taken, and the amendment was agreed to. The Clerk read the next committee amendment, as follows: In line 5 strike out the words "or to carry openly."

The SPEAKER. The question is on agreeing to the amend-

The question was taken, and the amendment was agreed to. The Clerk read the next committee amendment, as follows:

In line 6 strike out the words "dirk knife" and insert the words "clasp knife, razor."

The SPEAKER. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to. The Clerk read the next committee amendment, as follows: In lines 7 and 8 insert the words "or other deadly weapon."

The SPEAKER. The question is on agreeing to the amend-

The question was taken, and the amendment was agreed to.

The Clerk read the next committee amendment, as follows: In line 8, strike out the words "or persons."

The SPEAKER. The question is on agreeing to the amend-

The question was taken, and the amendment was agreed to. The Clerk read the next committee amendment, as follows:

In line 9, insert the words "upon or."

The SPEAKER. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.
The Clerk read the next committee amendment, as follows:
In line 10, strike out the word "the" and insert in lieu thereof the word "his."

The SPEAKER. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to. The Clerk read the next committee amendment, as follows:

In line 10, strike out the words "or carrying the same openly" and insert the word "while."

The SPEAKER. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

On page 2, line 4, strike out the colon and the words "provided that prosecutions."

Mr. MANN. Mr. Speaker, I think there is an error in printing the amendment.

The SPEAKER. Has the gentleman from Kentucky any explanation to offer to the gentleman from Illinois?

Mr. JOHNSON of Kentucky. I have no explanation about it.
Mr. MANN. I say the amendment as printed proposes to
strike out "Provided, That prosecutions." The amendment
strikes out the word "prosecutions." That would require prosecutions in two places. The amendment should be to strike out
"Provided, That." The printing of the bill itself shows that.

Mr. CULLOP. And there should be a period after the word

" years.

Mr. MANN. The report shows that the printing of the bill is erroneous, and that the amendment intended is to strike out the words "Provided, That," and to commence the word "prosecution" with a capital P.

The SPEAKER. If there be no objection, the amendment, change, or correction suggested by the gentleman from Illinois

will be agreed to.

There was no objection.

The Clerk read the next committee amendment, as follows: In line 6, strike out the colon and the remainder of the line. Strike out all of line 7 and line 8 down to and including the word "police."

The amendment was agreed to.

The Clerk read the next committee amendment, as follows: In line 9 insert, after the word "guarding," the word "legal."

Mr. RAKER. Mr. Speaker, this amendment ought not to be adopted. If it is adopted, you will nullify the bill in part. Who is a legal prisoner? Are you going to wait until a man is convicted in order to determine that he is a legal prisoner? Must you try him before the officer is to take hold of him? I hope

this amendment will not be agreed to.

The question being taken, the amendment was rejected. The Clerk read the next committee amendment, as follows:

In line 9 strike out the words "officials of the."

The amendment was agreed to.

The Clerk read the next committee amendment, as follows:

Strike out all of line 10, after the word "states," and all of line 11, and all of line 12 to and including the word "duty."

The amendment was agreed to.

The Clerk read the next committee amendment, as follows:

In lines 12 and 13 insert the words "marshals and their deputies while actually on official duty."

Mr. RAKER. Mr. Speaker, I want to suggest to the House that the words in line 13, "while actually on official duty," ought not to remain in the bill. The marshal and his deputies ought to be permitted, while going to or from their homes or any other place, to have the necessary weapons, so that they may be able to use them when they get to the place of their official duty.

Mr. MANN. I suggest to the gentleman that the words "on official duty" also apply not only to marshals but to police officers. If the amendment remains in the present form police officers, officers guarding prisoners, marshals, and their deputies while actually on official duty will not be liable under this act, but a police officer going home after he has finished his work will be compelled to take his revolver out of his pocket and hold it in his hand on the way home, thereby frightening everybody whom he meets.

Mr. RAKER. Is it not considered proper that an officer may carry the necessary weapons at all times?

Mr. MANN. I agree with the gentleman entirely, that the words "while actually on official duty" ought to be stricken out of the amendment.

Mr. RAKER. I move that the words "while actually on official duty" be stricken out of the amendment in line 13.

The SPEAKER. The Clerk will report the amendment to the

amendment.

The Clerk read as follows:

In line 13 strike out of the amendment the words "while actually on official duty."

The amendment to the amendment was agreed to.

The SPEAKER. The question is on the amendment as amended.

The amendment as amended was agreed to.

The Clerk read the next committee amendment, as follows:

Strike out all of section 2 and insert the following: "Any knife having a blade longer than 3 inches shall be deemed to be a deadly weapon."

Mr. MANN. I ask for a separate vote on those two propositions. The first is a motion to strike out. The second is not an amendment to take the place of what is stricken out; it is an

entirely different proposition.

The SPEAKER. The Chair understands that it is divisible. The Clerk will report the first proposition.

The Clerk read as follows:

Strike out all of section 2.

Mr. RAKER. Mr. Speaker, it seems to me this part of the

bill ought not to go out.

The SPEAKER. Will the gentleman from California [Mr. RAKER] suspend to allow the reading of the part that it is proposed to strike out?

The Clerk read as follows:

Strike out all of section 2, which reads as follows:
"Sec. 2. That so much of any section of the act approved May 11, 1898, entitled 'An act to punish the carrying or seiling of deadly or dangerous weapons within the District of Columbia, and for other purposes,' which is inconsistent with this act, and only so far as the same may be inconsistent herewith, is hereby repealed."

Mr. RAKER. Mr. Speaker, the act referred to is section 855, and this act is intended to take the place of it. This bill makes a law which can be enforced, while section 855 contains this provision, to which I want to call the attention of the House:

SEC. 855. Carrying weapons: Any person who shall within the District of Columbia have concealed about his person any deadly or dangerous weapon, or who shall carry openly any such weapon, with intent to unlawfully use the same.

Now, this act takes out that provision; that is, the intent to unlawfully use the same, and makes the bill now, if it becomes a law, so that it will be effective; and when you find a man with a deadly weapon concealed on his person it then becomes effective, and upon the trial you do not have to prove what his intent was. The mere fact of his having the weapon concealed upon his person is the crime itself. To repeal this provision will give these gentlemen what they ask for, just what they desire; that is, to properly punish these men who are carrying around these various munitions of war. This amendment ought not to be allowed, and the original bill, as presented, ought to be so worded as to repeal section 855; otherwise you will have on the statute book a provision that you must prove that there was an intent to use the instrument before you can convict the

Mr. COOPER. Will the gentleman yield? Mr. RAKER. I will yield to the distinguished gentleman from Wisconsin.

Mr. COOPER. I have not seen a copy of the law of 1898, to which the gentleman refers, but do I understand him to say that if this committee amendment be adopted a conviction under this bill, if enacted into law, would require the prosecution to prove the intent?

Mr. RAKER. I think so, as it becomes a part and parcel of the law, and the two will be construed together.

Mr. MANN. Oh, no.
Mr. RAKER. But there is so much danger in the matter.
Mr. MANN. If the gentleman will pardon me, I can see no reason in the world why section 2 should not remain in the bill, although I have not heard any reason given for striking it out, but this would be a law by itself and stand on its own feet in any event. It is possible that the other law might remain and give them an opportunity to proceed under one law or the other which might not be desirable.

Mr. RAKER. I do not know how they construe the statutes in Washington that are passed by Congress, but with us if a valid act is found in the code of law and there is another provision of law applicable to the same subject, if they are not in

conflict-and this would not be in conflict-they are construed together. Here would be one act saying it was unlawful to carry, these weapons and in another act saying that before you can convict a man you must prove that he had an intent to unlawfully use it

Mr. COOPER. Will the gentleman read that provision? Mr. RAKER. Certainly; it is section 855:

Any person who shall in the District of Columbia have concealed on s person any deadly or dangerous weapon, or who shall carry upon if up such weapon with intent to unlawfully use the same, shall be ed not less than \$50 nor more than \$500, or be imprisoned not exceeding one year, or both.

And then it goes on with other provisions.

Mr. PADGETT. Does not the intent apply to the open carrying and not to the concealed carrying?

Mr. COOPER. Mr. Speaker, I desire to ask the gentleman one more question.

Mr. RAKER. I will yield. Mr. COOPER. Does not the clause which the gentleman read refer to the open carrying, the public carrying of the weapon,

and not refer to the concealed weapon?

Mr. RAKER. No; it refers back to three things: First, any person who shall have a deadly weapon with intent to unlawfully use it; next, any person who has a dangerous weapon and unlawfully intends to use it; third, any person who shall openly carry any such weapon with intent to unlawfully use it. unlawful intent goes back to all the purposes. There could be no question but that it would apply to all of them, and you must prove on the trial, and the jury must find—did the man have the weapon; second, did he have it with intent unlawfully to use it. You will find that act is not repealed; it is not in conflict with this act.

The courts are bound to hold, and will instruct the jury that they must find, that the defendant had the weapon on him; second, that he had it on him with intent to unlawfully use it. So, if you are going to remodel this law, if you are going to make it so it is absolutely effective and give some results and take these dangerous deadly weapons away from men carrying them around, and make it so it will be enforceable, you must repeal that provision. The only thing the court will instruct the jury is, "Did the defendant at a certain time have upon his person the particular kind of weapon named? And if so, you should find him guilty."

Mr. MANN. Will the gentleman yield?
Mr. RAKER. Certainly.
Mr. MANN. Does the gentleman doubt our power in one provision of law to levy a penalty against the carrying of a weapon with intent to do a bodily injury, and in another provision of the law levy a penalty against carrying concealed weapons without regard to intent?

Mr. RAKER. I do. I think there is no question about that. Mr. MANN. The gentleman thinks that we have not the

Mr. RAKER. I think we have, beyond any question. Mr. MANN. Here is the section of the law that now exists, which provides a penalty for carrying a weapon, either concealed or openly, with intent to do bodily injury; and here is a bill before us to prohibit the carrying of concealed weapons, regardless of intent. Does the gentleman claim that when construing the provisions of this bill, if it becomes a law, the court will have to read into it a provision levying a penalty against an entirely different offense-that of carrying a weapon, concealed or openly, with intent to do bodily injury?

Mr. RAKER. Is it not a fact that this bill is intended to provide against the carrying of these weapons named in the bill, known as deadly weapons? That act is intended to provide for the same thing, only it has a further provision that you must prove that the man had it on his person, openly or con-

cealed, with an intent to unlawfully use it.

Mr. MANN. But the gentleman will notice that this bill relates only to the carrying of concealed weapons, without regard to intent. The existing law provides against the carrying of weapons openly or concealed with intent to do a wrong.

Mr. RAKER. Mr. Speaker, I will concede this to the gentleman unquestionably, that under section 855, as to carrying weapons openly, that law will not be affected, but as to carrying concealed weapons, you add a new law, of the kind and character of this bill, which will control, and the question of intent will be there.

Mr. NORRIS. Mr. Speaker, will the gentleman yield?

Mr. RAKER. Certainly.

Mr. NORRIS. Mr. Speaker, I would like to suggest, in addition to what the gentleman from California [Mr. RAKER] said by way of answer to the gentleman from Illinois [Mr. MANN], that it strikes me that the court in the first instance, if we had these two laws on the statute books, would try to find out what

was the intention of Congress. There is no doubt in my mind but that we can do just what the gentleman from Illinois says.

Mr. RAKER. I concede that.

Mr. NORRIS. The court in determining our intention would take into consideration, to see whether we intended to repeal one law or another, the penalities in both of these acts, and it would then find that in the act which is the most severe, as far as the crime is concerned—that is, in the one where they prove intent, for instance, to commit a murder-the penalty provided is much less than the penalty provided in the other law, which simply provides against the carrying of concealed weapons.

Mr. RAKER. True. Mr. NORRIS. And And in doing that, it seems to me, the court would reach the conclusion that we could not have intended

such a condition to exist.

Mr. RAKER. In other words, that Congress never intended to put a man in State prison for years for merely having on his person a knife with a blade 3 inches long concealed in his pocket without proving that he had it there to use it for some unlawful purpose.

Mr. NORRIS. The court, I think, would likely hold that Congress never intended that simply because a man had a weapon concealed without any proof of intent, or perhaps with proof of no bad intent, that he might be sent to the penitentiary for a year or three years; whereas as a matter of fact, if he was found with a revolver on his person concealed and there was proven an intent to use it to take human life, that he could be sent to jail for only 30 days. It seems to me that the propositions are inconsistent.

Mr. MANN. Mr. Speaker, will the gentleman from California yield, that I may ask the gentleman from Nebraska a question?
Mr. RAKER. Certainly.
Mr. MANN. Mr. Speaker, the gentleman from Nebraska and

the gentleman from California, I think, has each distinguished the bench by being members thereof. I have never had that good fortune or bad fortune, whatever it may be called.

Mr. NORRIS. It is a bad fortune for the gentleman's people

that he has not.

Mr. MANN. Do I understand that the court, the judge on the bench, when he is construing a recent act of Congress or of the legislature which is clear and explicit as to what is the crime and what shall be the penalty, has to go back a good many years to see what Congress thought 15 or 20 years ago?

Mr. NORRIS. Is the gentleman through with his question?

Mr. MANN. Yes.

Mr. NORRIS. I would say, in answer to that, that a court if it could, and the acts were consistent, would permit them both to stand.

There is no conflict in these acts. Mr. MANN.

Mr. NORRIS. But the court would look behind and find that where we provided for a heavy penalty the crime was a minor one, and where we provided a light penalty the crime was grave, so the court would be inclined to say that Congress did not mean to do such a foolish thing, and therefore would hold that both of the acts could not and would not stand.

Mr. MANN. Whether both would stand is another question;

the last one would stand.

Mr. NORRIS. Well, there is no doubt about it.
Mr. MANN. Does the gentleman from Nebraska think that
in a case like this that the court, taking the recent act of Congress, would read into that act provisions which were in a former act of Congress that entirely changed the scope of the recent act?

Mr. NORRIS. I do not say that. I say I believe, in answer to the gentleman's suggestion, that both of these acts will stand and both remain in force; that the court would be apt to hold, by the passage of this act, that we repealed the other one, that we provided for a lighter punishment for a heavier offense

Mr. MANN. I think myself that it does not make any difference whether this act is repealed specifically or not; that to the extent we change the law the original act is repealed.

Mr. NORRIS. Well, I should think so.
Mr. MANN. I do not care whether it is repealed by special provision or not.

Or by implication.

Mr. NORRIS. Mr. RAKER. Will the gentleman permit me to ask him a question? Is it not a fact that it is a rare thing to find in any State an act where the mere fact of having one of these weapons on their person is a crime, and can the gentleman point out any particular State where such a statute is now in force?

Mr. MANN. I will say to the gentleman frankly I suppose if there is any Member of this House who is not familiar with the criminal laws of the country or the statutes I am that Member.

Mr. RAKER. I want to call the gentleman's attention to the reason I made the objection and it is this: In the present bill before the House I take from its language that where a man is charged under that act with having on his person or concealed on his person one of these instruments, you would not have to charge that he had it there with an intent of unlawfully using it, and upon the trial you would not undertake to prove that he had the intent unlawfully of using it, but the mere fact that within the District of Columbia he had that weapon concealed on his person he is guilty, and the jury should find him so under the instructions of the court.

Mr. COOPER. Mr. Speaker—
Mr. RAKER. I yield to the gentleman from Wisconsin.
Mr. COOPER. Mr. Speaker, I would like to call the attention of the gentleman from Nebraska to what the law would be if we enacted this bill. This is the existing law:

Any person who shall within the District of Columbia have concealed about his person any deadly or dangerous weapon, or who shall carry openly any such weapon, with intent to unlawfully use the same.

So the law now upon the statute books provides that if a man carries a concealed weapon, a dangerous weapon, or he carries the same weapon openly with intent so and so, he shall be punished. Surely there is no question about that at all. The comma in there, the punctuation, makes the last clause, with intent, to apply to both. There is no doubt about that; it is per-Now, then, suppose that we omit all reference to the carrying of weapons openly, there being no reference to that in the pending bill, then if we enact this into law, what do we have?

We have this law upon the statute books, provided that if anyone carries a dangerous weapon concealed with intent unlawfully to use the same he shall be punished, and we put on the books a law providing that if he carries these weapons concealed at all, without any regard to intent, he shall be punished, and the amendment would strike out the repealing clause. Then we have, necessarily, to repeal this, or, if it is to be repealed by implication, the question is, What would the courts do?

Mr. RAKER. Is it not a fact that the best way to avoid the question of what the court might determine, if this bill should become a law, would be to strike out this, or, in other words, vote against this proposed amendment and leave the bill as it

Mr. COOPER. The best way, in my judgment, would be, perhaps, to strike that out and insert an amendment repealing so much of section 855 as relates to the carrying of concealed and dangerous weapons.

Mr. MANN. That is all this does, really.

Mr. COOPER. That is what ought to be done, so there will be no necessity for any court to construe that at all, and that would make it perfectly clear, and it is not clear, as has been shown by the discussion here.

Mr. SIMS. Mr. Speaker, that section of the bill which is stricken out by way of amendment was drawn and put in by the corporation counsel of this District, for the purpose of making it clear that this act was to repeal so much of the act referred to as might be in conflict with this.

Mr. COOPER. Mr. Speaker, I move as a substitute for the committee amendment to strike out section 2 of the bill and

So much of section 855 of the act approved May 11, 1898, entitled "Code of Law for the District of Columbia," as relates to the carrying of concealed or dangerous weapons in the District of Columbia is hereby repealed.

The SPEAKER. The Chair would like to inquire of the gentleman from Wisconsin if he means his amendment to take the place of the motion to strike out and insert? That is practically what this committee amendment is, and the part they propose to insert embraces two separate, substantive propositions.

Mr. MANN. Mr. Speaker, I call the attention of the Speaker to the fact that the part that is to be inserted does not in any way relate to section 2, and it would not have been germane to offer an amendment to strike out section 2 and insert these provisions. They are inserted as additional paragraphs to section 1, and intended so by the committee, and strike out section 2. They ought to have been printed ahead of section 2.

The SPEAKER. Of course that is true. The Chair was going to call attention to that. What the Chair was trying to get at was, Is the amendment of the gentleman from Wisconsin

intended to take the place of it?

Mr. MANN. Of section 2, stricken out.

The SPEAKER. The Chair inquires of the gentleman from Wisconsin if the amendment which he has offered is to strike out section 2 and insert the matter proposed by him?

Mr. COOPER. Yes, sir. Mr. MANN. Will the gentleman from Wisconsin [Mr. Cooper] yield?

Mr. COOPER. Yes.

Mr. MANN. Is not the provision in section 2, "that so much of the act referred to which is inconsistent with this act, and so far as the same may be inconsistent herewith," precisely the same thing as the gentleman's amendment?

Mr. RAKER. I do not think there is any question about it.

That is what the gentleman means,
Mr. COOPER. I propose simply by my amendment to make It so plain that there would be no necessity for any future discussion such as has taken place here on the floor.

Mr. MANN. The discussion was partly in reference to other matters. I agreed that section 2 ought to remain in, but we

wanted it understood in the House what was intended by it.
Mr. RAKER. It seems to me that the amendment as it purpose. It strikes me as being more general than the one suggested by the gentleman from Wisconsin.

Mr. COOPER. I made it apply specifically to concealed

weapons.

Mr. RAKER. It is a better way in the repealing clause to specifically refer to the amendatory act than to say "sistent with this act." That requires a study of the act.

Mr. MANN. You can not name what is covered in that act. This act covers so much of or any section of the act which is "inconsistent with this act, and only in so far as the same may be inconsistent herewith."

Mr. RAKER. That covers it all.
Mr. MANN. The truth is, I felt like complimenting the gentleman from Tennessee [Mr. Sims], who introduced the bill, on framing the best repealing clause I have ever seen in the House.

Mr. RAKER. Mr. Speaker, do I understand that we are entitled to have a vote upon this amendment as to the striking out of section 2 without any consideration as to the proposed additions here?

Mr. MANN. Yes.

The SPEAKER. The Chair did not understand the inquiry.

Mr. RAKER. Section 2, on page 2 of the bill, includes lines
15 to 21. Now, can not we have a vote on that, and then take up the other matters in relation to section 2, and not complicate them in any way?

The SPEAKER. That is exactly what the Chair was fixing to do a while ago. Now, the gentleman from Wisconsin [Mr. Cooper] offers an amendment which the Clerk can not under-

stand.

Mr. COOPER. I think in view of what is being said here I

will move to strike out the committee amendment.

The SPEAKER. The question is on voting down section 2
Mr. COOPER. Vote down the committee amendment.
Mr. RAKER. That is right.

The SPEAKER. The amendment is to strike out section 2. The question is on agreeing to the amendment.

The question was taken, and the amendment was rejected.
Mr. RAKER. Now, Mr. Speaker, just one word on the other,
namely, lines 22 and 23, inclusive. I move to strike out. The question is with the idea that a knife a sixteen-hundredth part of an inch over 3 inches is a deadly weapon is the most ridiculous thing I ever heard of in my life, and ought to be defeated.

The SPEAKER. There are three substantive propositions comprehended in italics.

Mr. MANN. I ask for a separate vote, Mr. Speaker. The SPEAKER. The Clerk will report the first proposition. The Clerk read as follows:

Any knife having a blade longer than 3 inches shall be deemed to be a deadly weapon.

Mr. MANN. Mr. Speaker, I sympathize with the purpose of the committee in inserting this amendment, but it seems to be a mistake in some respects. A gentleman on the floor of the House a short time ago showed me a blade of a knife more than three inches long. The blade of an ordinary carpenter's knife would be more than three inches long. I have a number of pruning knives in my amateur garden at home that have blades that are more than three inches long. I would hate to think, if I had one of them in my pocket, that I might be arrested for carrying deadly weapons. Of course the provision in the bill applies to all kinds of knives, and, as I remarked before, it would apply to butcher knives, table knives, and all kinds of knives. I think the provision "deadly weapons" ought to be sufficient without inserting this.

The SPEAKER. The question is on agreeing to the amend-

The question was taken, and the amendment was rejected. The SPEAKER. The Clerk will read the next proposition. The Clerk read as follows:

So much of any act as empowers anybody or any court to authorize anyone to carry a concealed deadly weapon in the District of Columbia is hereby repealed.

The SPEAKER. The question is on agreeing to the amend-

The question was taken, and the amendment was rejected.

The SPEAKER. The Clerk will read the next amendment.

The Clerk read as follows:

SEC. 2. That this act shall take effect and be in force from and after

The SPEAKER. The Chair would suggest that if this section is to stand it should be marked "section 3."

Mr. MANN. Yes. I ask unanimous consent that that be made "section 3."

The SPEAKER. Without objection, it is so ordered. The question is on agreeing to that amendment.

The question was taken, and the amendment was agreed to.

Mr. CULLOP. Mr. Speaker, I move to amend by adding, in line 4, after the word "Columbia," the words "not then and there being a traveler."

The SPEAKER. The Clerk will report the amendment

offered by the gentleman from Indiana.

Mr. CULLOP. It should go on page 1, line 4, after the word "Columbia." Insert the words "not then and there being a traveler.

The Clerk read as follows:

In line 4, page 1, insert, after the word "Columbia," the words "not then and there being a traveler."

Mr. CULLOP. The purpose of this amendment, I think, may be explained by what has already occurred in the discussion. If a man is passing through the District of Columbia with a weapon on his person or in his grip—that is, about his personhe would be subject to prosecution and punishment under this act. If a man is on his way to attend to some business in a remote section of the country and passes through the District of Columbia and happens to stop off for an hour to change trains, he would be subject to the penalties of this bill if he carried a deadly weapon, although there was apparent need for him to carry it at his destination. In such event he ought not to be amenable.

Mr. RAKER. Mr. Speaker, will the gentleman yield for a question?

Mr. CULLOP. Yes. Mr. RAKER. For the benefit of what might follow, the gentleman just used an expression that I want to ask him about. Does the gentleman contend that if a man has a deadly weapon, we will say a bowie knife or a loaded revolver, in his valise, that it is on his person and he would be punishable under this act?

Mr. CULLOP. This does not stop with "on his person." It says "on or about his person." If he is walking up the street with it in his grip, it is about his person. The provisions of the measure are made drastic on purpose. Anybody would so construe that language. I am trying to get it perfected so that it will fill a useful purpose and not be a dead letter on the statute books.

Mr. RAKER. And if a lady would have a bowie knife or a pistol in one of these hand grips with strings or chains on, that

would be on her person, would it?

Mr. CULLOP. That is not a probable example, and I am surprised at such an illustration, but in such a case it would be on or about her person under this act as now proposed.

Does the gentleman think it would cover a Mr. RAKER. case of that kind?

Mr. CULLOP. That would come clearly within the definition of the measure as now proposed. It does not discriminate between somebody carrying it in a handbag or in a scabbard. The

language employed is "on or about his person," and it contains no exception as to sex. All are treated allke.

Mr. RAKER. Take the case of a man going from the depot to a hotel with a six-shooter in his grip. Would that apply to him?

Mr. CULLOP. Yes. Why not? There is no exemption as it is now written. This amendment is very appropriate for that reason, and I hope it will be adopted. Its purpose must be conceded by all to be a good one and one that will aid in the enforcement of the measure when put into practical operation.

Mr. MADDEN. Mr. Speaker, I wish to offer an amendment

to the amendment. The SPEAKER. The gentleman from Illinois [Mr. MADDEN] offers an amendment to the amendment, which the Clerk will The Clerk read as follows:

And it shall be the duty of the police of the District of Columbia to search every traveler entering the District and to confiscate any concealed weapon found in the possession of such traveler before allowing him to cross the line.

[Laughter.]

The SPEAKER. The question is on the amendment of the gentleman from Illinois [Mr. MADDEN] to the amendment of the gentleman from Indiana [Mr. Cullor].

Mr. MANN. To what is that amendment offered?

Mr. MADDEN. It is an amendment to the amendment of the gentleman from Indiana [Mr. Cullor].

The SPEAKER. If there be no objection, the Clerk will again report the amendment.

The amendment was again read.

The question being taken, the amendment to the amendment was agreed to.

The SPEAKER. The question is on the amendment of the gentleman from Indiana [Mr. CULLOP] as amended.

The question being taken, the amendment as amended was re-

Mr. MANN. Mr. Speaker, I move to reconsider the vote by which the amendment at the top of page 3 was disagreed to.

The SPEAKER. The Clerk will report the amendment. The Clerk read as follows:

Page 3, insert as lines 1, 2, and 3 the following:
"So much of any act as empowers anybody or any court to authorize anyone to carry a concealed deadly weapon in the District of Columbia is hereby repealed."

Mr. MANN. Mr. Speaker, this amendment recommended by the committee, which was disagreed to a little while ago, proposes to repeal the law which empowers the courts to authorize any person to carry a concealed deadly weapon. I would like to inquire of the gentleman who introduced the bill whether, under the form of the bill as it now stands, it would be possible for a regular night watchman to carry a pistol or other weapon for his protection or for the pursuit of a criminal? It seems to me that there ought to be some provision inserted in the bill which would authorize a regular watchman to have some kind of a weapon.

Mr. SIMS. The exemptions in the bill as introduced are the exact exemptions contained in the District Code. I neither added to nor took away any exemptions. I simply changed the punishment. The Code of the District of Columbia as it now exists contains all the exemptions from liability which were contained in my bill as I originally introduced it. I did not feel like taking any responsibility of adding to or taking away from the exemptions. In other words, if it is unlawful now for a night watchman to be armed, it will be unlawful with this bill enacted into law. If it is lawful now, it will be lawful under the bill if it is passed without amendment in that regard.

The SPEAKER. The gentleman from Illinois [Mr. MANN]

moves to reconsider the vote by which that amendment was re-

The question being taken, the motion to reconsider was agreed to.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Amend by inserting as lines 1, 2, and 3, on page 3, the words:

"So much of any act as empowers anybody or any court to authorize anyone to carry a concealed deadly weapon in the District of Columbia is hereby repealed."

The question being taken, the amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, and was accordingly read the third time and passed. Mr. MANN. I move to amend the title by striking out of the

first line the words "openly or." The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Amend the title by striking out the words "openly or."

The amendment to the title was agreed to.

Mr. MANN. The title ought to be further amended by striking out the words "or dirk knife" and inserting in place thereof the words "clasp knife, razor."

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Strike out of the title the words "or dirk knife" and insert the words "clasp knife, razor."

The amendment was agreed to.

RAKER. Will the gentleman from Illinois permit a question? Would it not be better to amend the title by inserting the words "upon or," before the word "about"? The title now reads "concealed about the person."

Mr. MANN. Personally, I think the word "about" covers

both upon and about.

On motion of Mr. Sims, a motion to reconsider the vote by which the bill was passed was laid on the table.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed without amendment bill of the following title:

H. R. 20190. An act to extend the time for the construction

of a dam across Rock River, Ill.

The message also announced that the Senate had passed the following resolutions:

Resolved, That the Secretary be directed to furnish to the House of Representatives, in compliance with its request, a duplicate engrossed copy of the bill (S. 2904) to confer upon the Commissioners of the District of Columbia authority to regulate the operation and equipment of the vehicles of the Metropolitan Coach Co.

Resolved, That the Secretary be directed to furnish to the House of Representatives. in compliance with its request, duplicate engrossed copies of the bills (S. 4314 and S. 4623) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors.

SPENCER ROBERTS.

Mr. JOHNSON of Kentucky. Mr. Speaker, in order to avoid going into Committee of the Whole twice I ask unanimous consent that the bill (H. R. 12371) for the relief of Spencer Roberts be considered in the House as in Committee of the Whole.

The SPEAKER. The gentleman from Kentucky asks unanimous consent that the bill H. R. 12371 be considered in the House as in Committee of the Whole. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

A bill (H. R. 12371) for the relief of Spencer Roberts, a member of the Metropolitan police force of the District of Columbia.

Be it enacted, etc., That the Commissioners of the District of Columbia are hereby authorized and empowered to appoint and promote Spencer Roberts, now a member of the Metropolitan police force of said District, in class 1, to any vacancy that may exist in class 3 of said Metropolitan police force.

The following committee amendments were read:

Amend, page 1, line 4, by striking out the word "empowered," and inserting in lieu there of the word "directed."

Amend, page 1, line 4, by striking out after the word "to" the words "appoint and."

Amend, page 1, line 6, by striking out the word "any" and inserting in lieu thereof the words "the first."

Amend, page 1, line 6, by striking out the word "exist" and inserting in lieu thereof the word "occur."

Mr. JOHNSON of Kentucky. Mr. Speaker, the remainder of

my time I yield to the gentleman from Rhode Island.

Mr. MANN. There is no time; we are in the House as in Committee of the Whole. Can the gentleman from Kentucky tell us whether the District Commissioners have any opposition to the passage of this bill?

Mr. O'SHAUNESSY. They have.

Mr. MANN. Are they opposed to the bill? Mr. O'SHAUNESSY. They are opposed to the bill. Mr.

The SPEAKER. The gentleman from Rhode Island is recognized for five minutes.

Mr. O'SHAUNESSY. Mr. Speaker, this bill is for the relief of a member of the police force of the District of Columbia who was unjustly discharged in 1905, it being then alleged that he made a false report to his superior officer, the substance of which was that he had been assaulted while on duty on his beat by two colored men and robbed of his revolver, and that his hat, gloves, and overcoat were badly slashed.

These matters came up for consideration before the police trial board, and he was reinstated in 1909, it being found that he told the truth and had been unjustly discharged. been reinstated by the commissioners, but he has lost his right to the grade in which he would now be if he had never been unjustly discharged. This bill merely restores him to the right that he would have had if he had not been unjustly discharged.

Mr. MANN. Will the gentleman yield? Mr. O'SHAUNESSY. I will. Mr. MANN. Does the gentleman think it is good policy for the Congress to require the commissioners or the superintendent of police to appoint or promote a police officer; does he think that the legislative body should undertake to usurp the functions of the administrative body and, in addition, to give to the commissioners the power to appoint and require them to appoint some one?

Mr. O'SHAUNESSY. I do, undoubtedly, because this man would have been entitled to this position if he had not been

unjustly discharged.

Mr. MANN. I am sorry that I yielded to the request for the bill to be considered in the House as in Committee of the Whole. Mr. O'SHAUNESSY. If the man has been unjustly removed,

he should be restored and have every right and privilege as if he had not been discharged.

Mr. MANN. That goes without saying; that is laying down an axiomatic truth. But is the opinion of Congress that a man has been unjustly removed to be imposed upon the administrative officers who are in superior control of the man? We never have done it in any other case. We frequently pass bills giving the President the power to appoint somebody in the Army or the Navy, either on the active or retired list, and various things of that sort, but in no case have we compelled the appointment. say that, in my judgment, the President of the United States, if he performs his duty properly, will not look at this bill a minute before he vetoes it. If you want to give the commissioners power to appoint this man I have no objection.

Mr. O'SHAUNESSY. I will say that it is not Congress that

is forming the judgment that he was unjustly removed; the commission has formed that judgment, and by virtue of that they should reinstate him. We are directing them to do a

simple act of justice.

Mr. MANN. Evidently they do not agree with you about it. Mr. O'SHAUNESSY. That makes no difference. Mr. MANN. I think it makes a great deal of difference as to whether the legislative body shall undertake to direct and require the appointment of some one by the administrative body. No such bill has ever been passed by Congress before within my knowledge. This bill was not proposed that way; the gentleman who prepared the bill only proposed to empower the commissioners to make the appointment. The committee proposes to amend it by directing them to make the promotion or appointment—a power over which the legislative part of the Government has no control.

It is the duty of the Executive or administration to make pointments. We may vary the law by giving them authority appointments. to make appointments where we have a police law, but by what right do we undertake to say that a particular man shall be appointed to a particular place? I have always resisted the executive encroachment upon the legislative powers, and I shall resist the encroachment of the legislative upon the administra-

tive power.

Mr. O'SHAUNESSY. We want to make sure of the restitution of this man to his rights.

Mr. MANN. The amendment that is pending is to strike out the word "empowered" and insert the word "directed." The bill, as introduced, reads:

That the Commissioners of the District of Columbia are hereby authorized and empowered to appoint and promote Spencer Roberts.

I do not know what the circumstances of the case are. read the report. The report indicates that this man has been unfairly treated, not by reason of the fault of anyone in the department. The circumstances are not set out very fully. Charged once with some offense, he was acquitted, but was afterwards dismissed. If the superintendent of police and the District Commissioners, who were charged with the control of the police force, and the whole force, being charged with the administration of the police laws of the District, think that this man ought to be appointed or promoted, authority conferred upon them is enough.

Mr. MADDEN. Have they not that power now? Mr. MANN. They have not under existing law. The law requires a man to serve a certain length of time in one class in order to be promoted to another class. If, in addition to that, we propose to tell them that they must do it, then there is no discipline left in the police department. Such an amendment ought not to be agreed to, in my judgment.

Mr. O'SHAUNESSY. Mr. Speaker, I ask unanimous consent

to proceed for five minutes.

The SPEAKER. The gentleman from Rhode Island asks unanimous consent to proceed for five minutes. Is there objec-

There was no objection.

Mr. O'SHAUNESSY. Mr. Speaker, I have no reason to be-lieve that the commissioners would do this act of justice. I have no reason, perhaps, to know that they would not do it. I have not communicated with them. I do not know what their thoughts or intentions are in the premises, but in order that all doubt may be dissipated, and in order that there may be absolute relief afforded this man, I do not believe that we should stand on any technicality just now, but that we should give him his rights as long as we have the power to do it.

Mr. MADDEN. Mr. Speaker, will the gentleman yield? Mr. O'SHAUNESSY. Yes. Mr. MADDEN. Does the gentleman think that the Members of Congress are in a position to know just exactly what the Commissioners of the District should do in the matter of disciplining members of the police force?

Mr. O'SHAUNESSY. But he is not under discipline.

Mr. MADDEN. Does the gentleman think it would be wise for the legislative branch of the Government to say to the executive branch of the Government, "You must conduct your affairs along certain lines, and if you do not do that we will enact laws that will direct you to do it, regardless of whether it is going to destroy discipline or not"?

Mr. O'SHAUNESSY. I do not believe that it would be destructive of discipline for the reason that the man is not under discipline. He has been restored. It has been recognized

that he was unjustly dealt with.

Mr. MADDEN. But does not the gentleman realize that if this man can get what he wants, regardless of whether the commissioners want him to have it or not, that that takes away the power of the commissioners to enforce discipline?

Mr. O'SHAUNESSY. Not at all. Mr. MADDEN. Certainly it does.

Mr. O'SHAUNESSY. Not at all. The man is not under charges

Mr. MADDEN. If this man can get it, every policeman knows that he can get what he wants, so there will not be any dis-

cipline in the police department.

Mr. O'SHAUNESSY. Let me say, Mr. Speaker, that if there is any policeman on the police force in this District who has been dealt with in the manner in which this man has been dealt with, he is entitled to the same justice that we believe ought to be given this man.

Will the gentleman tell the House what Mr. MADDEN. treatment this man has had to which he objects? He has not told the House anything at all about the unjust treatment the man has received. The House is not in possession of any facts to justify it in acting upon the bill that is presented by this

Mr. O'SHAUNESSY. In 1905 he found himself dismissed from the service, or was forced to resign, which was the equivalent of being dismissed, by virtue of the fact that a false conclusion had been arrived at by those who heard his case. He was without pay for four years. He is not looking for any If full justice were done this man, he would get back pay. back pay from the time he was forced to resign until he was reinstated.

Mr. MADDEN. What evidence has the gentleman to prove that the man was unjustly treated?

The SPEAKER. The time of the gentleman from Rhode Island has again expired.

Mr. O'SHAUNESSY. Mr. Speaker, I ask unanimous consent

that I may proceed for five minutes more. The SPEAKER. The gentleman from Rhode Island asks unanimous consent that he may proceed for five minutes. Is there objection?

There was no objection.

Mr. O'SHAUNESSY. Mr. Speaker, anticipating that some questions of this character might be asked, I suggested to the attorney for Mr. Roberts that he procure a letter from the gentleman who was one of the commissioners at the time this trouble occurred, and I am going to read that letter:

THE WASHINGTON HERALD, Washington, D. C., February 16, 1912.

Hon. Geo. F. O'SHAUNESSY, House of Representatives, Washington, D. C.

House of Representatives, Washington, D. C.

Dear Sir: Relative to a bill now before Congress for the relief of Spencer Roberts, having for its purpose his promotion to that class on the Metropolitan police force to which he would have been entitled had he not resigned in the year 1905, I beg to say that his resignation was enforced and was in reality brought about by the charge against him of having made a false report to his superior officers. It is true he was acquitted of that charge by the police trial board, but there was left great doubt as to the correctness of the charge until long after his enforced resignation, when the whole matter was fully cleared up and Mr. Roberts exonerated by the Board of Commissioners of the District of Columbia, and by that board's direction reappointed on the force.

The charge against him of having purchased some liquor while on duty, which liquor was not used by him but taken to his family, was a minor matter, and he would never have been removed or forced to resign on that account, the real cause being, as stated, the alleged false report.

report.
I think the passage of the bill would be a simple act of justice to Mr. Roberts. Very truly, yours,

HENRY L. WEST.

Mr. JACKSON. Mr. Speaker, will the gentleman permit a question?

Mr. O'SHAUNESSY. I will.

Mr. JACKSON. Was that letter which the gentleman has just read written before or after the amendment proposed by the committee?

Mr. JACKSON. Well, was that before the committee proposed to strike out the word "empowered" and write in the word "directed"?

Mr. O'SHAUNESSY. It was.

Mr. JACKSON. I understood the gentleman to say, or some one to say, that this bill had been drawn by another than the committee.

Mr. O'SHAUNESSY. The bill was drawn by a Member not

of the committee.

One other question I would like to ask the Mr. JACKSON: gentleman. Would this man have been entitled to this appointment-that is, would it have been compulsory under the law for this man to have been in the first grade now had he not been removed?

Mr. O'SHAUNESSY. I believe so.
Mr. JACKSON. The commissioners had no discretion whether he received this appointment or not if he had served that long. In other words, does this grade depend entirely upon length of service?

Mr. O'SHAUNESSY. Length of service and faithful perform-

ance of duty

Mr. JACKSON. Well, have the commissioners any discretion as to the character of service that entitles one to promotion?
Mr. O'SHAUNESSY. Without question they have.

Mr. JACKSON. They have? Mr. O'SHAUNESSY. Without a question. Mr. JACKSON. Then if the bill is passed in its present form, as has been suggested here, it will be practically Congress

selecting this man to be a member of the first grade.

Mr. O'SHAUNESSY. Because all the time he has done duty he has performed his duty faithfully, and it is only to be presumed he would have performed his duty just as faithfully all the while had he not been removed. Now, I want to say to the gentleman, think of the wages this man has lost, and then ask yourself if we are doing ample justice in merely restoring him to the grade which he would occupy.

Mr. JACKSON. Is there any proposition to pay wages? That is another matter; but the question I was calling to the gentleman's attention is, Are not we substituting the Congress to do the very thing these commissioners are supposed to do?
Mr. O'SHAUNESSY. I can not agree with the gentleman on

that proposition; I do not think so.

Mr. MADDEN. Mr. Speaker, I would be the last man on the floor of this House to do an injustice to any man who may be in any kind of employment, but I do not believe that this House has sufficient information upon which to base action asking the Commissioners of the District of Columbia to place this man in a given grade. I believe if we give the commissioners the power to place him in a grade that we have done everything we ought to do. Suppose we directed them to do it. They will be obliged to do so. If we give them the power, then it is optional with them whether they shall do it or not; and I have faith in the integrity of the commissioners sufficient to warrant me in believing that if this man is entitled to be promoted, if the commissioners have the power, he will be promoted. No act of Congress could be more destructive of discipline than the one sought by this bill. There is no business enterprise anywhere on the face of the civilized globe that could be successfully conducted under such a plan as this. The executive authority in any business enterprise must have discretionary power to regulate the discipline of that enterprise or it will fail.

The Government of the United States, or the District of Columbia, is only a business institution after all in which every citizen of the land is a stockholder, and it becomes the duty of the stockholder to do everything within his power to sustain the executive officers chosen in the proper performance of their duty; and no policeman, no matter how distinguished the service he may have rendered, should find himself in a position of saying to the executive authority over him that he can get what he wants regardless of what the disposition of the executive officer may be. This is a bad precedent which ought not to be established. If this man has had any injustice done him I believe it ought to be rectified, and I believe that when we give the power to the commissioners to reinstate him that we have rectified that injustice. Ah, but the gentleman from Rhode Island stated, he has been four years without pay. True, he was off the force for four years and during that time he drew no money out of the Public Treasury, but I do not assume, and I would not care to assume, that during that four years he was idle. Who knows but that during that period he carned more in the employment in which he was then engaged than he would have carned if he had been on the police pay rolls? Give the power to the commissioners to do this man simple justice, but do not, under any circumstances, direct that he shall be reinstated regardless of whether it is just or not. I hope with all my heart and with every intention to do justice to this man, as I would to any other man who is obliged to work for a living, that this amendment will not prevail. [Applause.]

Mr. LOBECK. Mr. Speaker, this police officer, Mr. Roberts, made a report on a certain occasion, as I recall it in the year 1905, that he had been beaten by some colored men, his clothing destroyed, and his revolver taken. His report was not believed and he was found guilty of misrepresentation, as I understand it, by the police trial board and he was obliged to resign, preferring to resign rather than be dismissed from the service.

A year or more afterwards one of the colored men, William Wooden, alias Hog Eye, whom Officer Roberts had described and given the name of as one of the two men that had assaulted and robbed him, was arrested and found to have in his possession the revolver taken from Roberts. This man pleaded guilty, and confessed to the assault and robbery just as Officer Roberts had reported, and was sentenced to impris-onment, and Officer Roberts was later reinstated and has made good.

Mr. WILLIS. Will the gentleman yield?
Mr. LOBECK. Yes.
Mr. WILLIS. I am anxious for some one to give a reason why the commissioners would not do justice to this man if they were empowered to do so. Why is it not a sufficient com-pliance if we give them the power to reinstate the officer? Why must we go ahead and say here that he must be reinstated regardless of the facts and the judgment of the commissioners?

Mr. LOBECK. Just the same as when the executive of a business corporation, as referred to by the gentleman from Illinois [Mr. Madden], is directed by the board of directors, and must do as directed. The District Commissioners will not give this man the proper rank that he is fairly entitled to when a vacancy occurs, for some reason unknown and unexplainable.

Mr. WILLIS. Will the gentleman yield?

The SPEAKER. Does the gentleman from Nebraska [Mr. Loneck] yield to the gentleman from Ohio [Mr. WILLIS].

Mr. LOBECK. Certainly.
Mr. WILLIS. That is the precise point on which I want to get information. How does he know they will not do the offi-cer justice? How does he find it out? The gentleman from Rhode Island [Mr. O'SHAUNESSY] also stated that. How do you know it?

Mr. LOBECK. We were informed to that effect.
Mr. WILLIS. How did you get the information?

Mr. LOBECK. There have been letters on file to that effect. Mr. WILLIS. Well, they ought to be in the report. The House is called upon to act here on information that the gentleman says is contained in letters.

Mr. LOBECK. I did not make the report; but this is simple justice to a man who has performed faithful service. There is no question as to his fidelity in the work done in this city. He is an honest, sober, and efficient officer, and I believe it is within the power of Members of this House to do simple justice to a man who has been faithful if the District Commissioners will not do so.

Mr. KONOP. Did the District Commissioners inform the

committee that they were opposed to this measure?

Mr. LOBECK. This is information that is one or more years old.

Mr. KONOP. Did they inform the committee by communication?

Mr. LOBECK. I think by communication.
Mr. KONOP. What reason did they give?
Mr. LOBECK. The same reason that the gentleman from Illinois [Mr. Mann] gave, namely, that it might have an effect on the efficiency of the service.

Mr. GOOD. Mr. Speaker—

The SPEAKER. The gentleman from Iowa [Mr. Good] is

recognized.

Mr. GOOD. Mr. Speaker, I can hardly understand the generosity of the District Committee. This bill shows on its face that it was introduced by request. The man who requested its introduction must have been the attorney for Spencer Roberts, or Spencer Roberts himself. It must have been satisfactory to Spencer Roberts and Spencer Roberts's attorney when it was introduced, and why should the District Committee bring in this bill now with an amendment which changes the whole tenor of the bill? The bill as introduced gave the commissioners authority to advance Mr. Roberts, but by the amendment they are directed that he shall be advanced. The committee say now that they have information that the District Commissioners will not do justice to this man. If this bill passes as originally introduced I doubt very much if the facts that are contained in this report are brought to the attention of the District Commissioners, if they will refuse to do simple justice to this police officer, who was undoubtedly wrongfully discharged. But, Mr,

Speaker, I think by the adoption of the committee amendment we will be setting a precedent that will lead this House and Congress into ways for which we will be sorry. Are we to sit as a body listening to the demands and appeals and to redress the wrongs of every police officer and every fireman? We have written in the statute books a wise provision in regard to their promotion, and I am in favor of the bill as it was originally introduced, and I am opposed to the committee amendment. will do no harm to pass the bill as introduced, and will give the commissioners authority to right a wrong. But for this House to say, on the information that is before it, that this man Spencer Roberts is entitled to greater relief than he himself thought he was entitled to when he asked that the bill be introduced, it seems to me is going a little bit too far.

The letter that was read by the gentleman from Rhode Island, if he will note, was dated sometime in February, 1912. bill that was before that committee then was not the bill that was reported here with this amendment. The bill upon which that letter was based was the bill which was originally introduceda bill that simply empowered the commissioners to reinstate him. The bill as amended was not reported to this House striking out the word "empowering" and inserting the word "directing" until more than a week after the letter was written, and therefore could not have been the same bill that was

put before the commissioners. It seems to me that the amendment reported by the committee should not prevail.

Mr. WILLIS. Mr. Speaker, I am certainly as much disposed as any Member of this House or this committee can possibly

be to do justice to this man.

I can not see upon what theory the committee proceed when they assume, if we give to the commissioners power to reinstate this man and promote him to this grade, that the commissioners are not going to act justly. There is no enlightening informa-tion in the report that accompanies this bill. I have read it all. What right have we to assume that the Commissioners of the What right have we to assume that the Commissioners of the District are not just as much disposed to do justice in this case as is the membership of this House? It is their business to know about things of this sort. The Members of this House do not know the details of this case. The members of the committee do not know the details of this case. At any rate, they have not set them forth here, except as they have read them from the report of the committee, and we have all done that.

Mr. LOBECK. We know those things to be facts.

Mr. O'SHAUNESSY. If the gentleman will yield to me, I

would like to enlighten him by reading this letter.

Mr. WILLIS. I will be glad, if I can get more time.

Mr. O'SHAUNESSY. This is the letter:

OFFICE OF THE CORPORATION COUNSEL, COLUMBIAN BUILDING, Washington, August 4, 1996.

OFFICE OF THE CORPORATION COUNSEL,
COLUMBIAN BUILDING,
Washington, August 4, 1906.

Hon. Henry L. West,
Commissioner, District of Columbia.

Dear Sin: I have very carefully considered the application of Mr. Spencer Roberts for reinstatement to the office of private on the Metropolitan police force, and beg to state that, in my opinion, the application should be granted.

Mr. Roberts was tried March 17, 1905, while I was chairman of the police trial board, upon a complaint charging, in the first specification, that on January 27, 1905, while on duty, he procured certain intoxicating liquor from one Farrell, a saloon keeper, through one Sindey Small; and charging, in the second specification, that the accused, on said date, drank said intoxicating liquor while on duty.

Upon consideration of the evidence then submitted, the trial board found the accused guilty of the charges set forth in the first specification, and not guilty of the charges of having drunk the intoxicating liquor; and as a punishment for the offense of procuring the liquor in question, while on duty, the board recommended the removal of the officer from the force. This recommendation was approved by the major and superintendent of police, and the commissioners were about to pass an order giving effect to the recommendation, when, to avoid dismissal, Mr. Roberts resigned. Shortly thereafter the trial board was directed to give Mr. Roberts a rehearing, upon the statement of Mr. M. A. Ballinger, his attorney, that he had been unable to secure the attendance of certain material witnesses at the former hearing.

The rehearing took place in May, 1905, at police headquarters, when Mrs. Roberts, the wife of the accused, John W. Keetz, Charles Anderson, Dr. Stone, Sergt. Kramer, Sergt. Schneider, Sergt. Conlon, Capt. Conmor, Christian Hansen, and Mr. Roberts simself gave further testimony at this hearing.

Whilst I concurred in the finding of the trial board I was never altogether satisfied of Mr. Roberts's guilt. I feared, from the first, that the board

fest prejudice against Mr. Roberts, I reached the conclusion that he was unworthy of belief, and I accordingly disregarded his testimony.

In this connection I beg to call attention to the contents of the report of Capt. Swindells, dated June 26, 1905, which will be found amonget the papers in this case. It will be seen that after the rehearing Capt. Swindells, without notice to Mr. Roberts or his atforney, summoned this man Small to his office and had him make certain statements in reply to witnesses who gave evidence in behalf of Mr. Roberts on the rehearing. I need not say that it was improper for the captain to do this. If he wanted more light and thought that he could get it from Small, he surely should have had him summoned before the trial board and notified Mr. Roberts's counsel and given him an opportunity to appear and cross-examine the witness. I respectfully submit that these ex parte statements have no place in the case and should not be considered.

The SPEAKER. The time of the gentleman has expired. Mr. WILLIS. Mr. Speaker, I ask for five minutes more, so that the gentleman can finish the reading of the letter in my

The SPEAKER. The gentleman from Ohio [Mr. WILLIS] asks unanimous consent that his time be extended five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. O'SHAUNESSY. The letter proceeds:

Mr. O'SHAUNESSY. The letter proceeds:

I also find amongst the papers a "report" made by Pvt. J. S. Johnson as the result of an investigation as to the character of J. W. Keetz, which Capt. Swindells appears to have requested him to make. It would be just as improper to consider the statements set forth in this report as to consider the ex parte statements of Small—in fact, more improper. The persons who appear to have been interviewed by Johnson were not under oath; and if they had been summoned before the trial board I seriously doubt whether they could have qualified as witnesses.

trial board I seriously doubt whether they could have qualified as witnesses.

The fact that the witness Keetz forfeited collateral in the police court once upon a time would have very little weight, even if it had been proven in the regular and proper way. Mere forfeiture of collateral in the police court does not necessarily import guilt. I have frequently heard of innocent persons forfeiting small collateral in preference to going to the police court. I once had occasion to argue that guilt must be inferred from the mere forfeiture of collateral, and the court held that my contention was not well founded and decided against me.

So that I submit that the mere fact that Mr. Keetz once forfeited collateral in the police court in the sum of \$10 does not render him unworthy of credence.

According to the testimony, Mr. Roberts has by no means a bad record, and he has been a good, efficient policeman. The worst that can be said against him is that he has been at times a little overzealous in the performance of his duties. He was convicted of conduct unbecoming an officer on December 22, 1904, and fined \$25 and warned, and that was the only conviction standing against him at the time he was convicted of the offense of giving an order on a saloon keeper for intoxicating liquor while on duty. I will venture the assertion that there are a great many men on the force with worse records than Roberts.

I believe Roberts told the truth in this case, whutted to the heard.

I believe Roberts told the truth in this case, but I must confess that I thought otherwise from the testimony first submitted to the board; else I should never have assented to the recommendation for removal

I thought otherwise from the testimony first submitted to the board; else I should never have assented to the recommendation for removal from the force.

I have the honor to suggest that if you decide to look into this case that you carefully read Mr. Roberts's application for reinstatement. I think it is very worthy of consideration. It has made a favorable impression on me, and I think it contains very little that could be called exaggeration, notwithstanding the fact that it was probably prepared by Mr. Roberts's counsel.

I have taken more than ordinary interest in this case because of my belief in Mr. Roberts's innocence of the offense for which he was driven to resign, and because I myself, in a measure, am responsible for his being off the force, owing to my concurrence in the trial board's finding. He was wrongfully convicted, and I say let justice be done him though the heavens fall. Fint justifia ruat coelum.

The resignation was to all intents and purposes a dismissal from the force, and there can be no question, it seems to me, as to the authority of the commissioners to reinstate the applicant. If the commissioners reach the conclusion that he was improperly convicted, all that will be necessary will be to pass an order vacating and setting aside the order accepting Mr. Roberts's resignation and directing his restoration to duty.

duty.

The importance of this case and my desire to see justice done the applicant furnish my only apology for the length of this communication.

I have the honor to be,

Very respectfully, yours,

Mr. WILLIS. Who signed that letter? That is what I am waiting for.

Mr. O'SHAUNESSY. It is signed by A. Leftwich Sinclair, special counsel. He was one of the trial board, as you will see, that convicted the man.

Mr. WILLIS. Mr. Speaker, if any further evidence were necessary to show that this amendment ought not to be adopted, or, if adopted, that the bill ought not to pass, the communication that the gentleman from Rhode Island [Mr. O'SHAUNESSY] has read has furnished that evidence.

The question before the House is this: Shall we set aside the duly and properly constituted authorities, those who are placed at the head of the police department, and then, upon a mere statement or a letter written by somebody, special counsel for somebody

Mr. O'SHAUNESSY. Of the police commissioners— Mr. WILLIS. The Members of the House are called upon to pass upon the intricacies of these cases of promotion—
Mr. LOBECK. He states that this was the special counsel

for the commissioners.

Mr. WILLIS. I do not care anything about who it is. The point I am making is this: That the law provides a method whereby these matters can be attended to, and if the committee had reported this bill in the form in which the bill was originally introduced the commissioners would be given complete power in the premises. But they put that all aside. matter is brought in here, and if this is to be relied upon as a precedent hereafter when there is any trouble in the police force, cases are to be brought in here, letters are to be read, and prejudices are to be aired, and you will have an absolute end of all discipline in the police department of the District of Columbia.

Now, I submit, Mr. Speaker, that the sensible thing to do in this case is to proceed in the proper way. I do not want to do anything but justice. It is not necessary to argue with me that this man is an excellent policeman. I have no question about that. I feel sure he is. The point I make is that you are not proceeding now in the proper way.

Mr. O'SHAUNESSY. I want to say, Mr. Speaker, that we can save further discussion by accepting the bill in its original

Mr. WILLIS. Then I have nothing more to say. I am perfectly satisfied.

The SPEAKER. The time of the gentleman has expired. Mr. GARDNER of New Jersey. Mr. Speaker, I ask unanimous consent to insert some remarks in the RECORD.

The SPEAKER. The gentleman from New Jersey [Mr. GARDNER] asks unanimous consent to print some remarks in the RECORD. On this bill?

Mr. GARDNER of New Jersey. No. The SPEAKER. Is there objection?

Mr. AKIN of New York. Reserving the right to object, I should like to ask the gentleman if he has any letters that were purloined from my office and is going to insert them in the RECORD? I notice that there has been printed in the RECORD a letter that it is claimed was sent to me. If he will assure me that there is nothing that I have anything to do with, I will withdraw my objection.

Mr. GARDNER of New Jersey. I give the gentleman that

The SPEAKER. Is there objection?

There was no objection.

Mr. GARDNER of New Jersey. Mr. Speaker, the Republican Party is in no wise responsible for the high cost of living, except as it is responsible for better living.

More than this, the voter who would endeavor to escape the burden of this high cost by voting for Democratic candidates will not only fail to accomplish his desired relief, but he will find that he has invited a condition of universal distress.

Neither Republican laws nor Republican policies have occasioned the high prices which prevail, except as they have caused unexampled prosperity, which enables the burden to be more easily borne, while if the Democratic Party should come into power there will be a repetition of the hard times in 1893, when the workmen of the country made a sorrowful procession to the

No one questions the fact that during the past 20 years there has been a steady rise in the cost of the necessaries of life. Men and women who have hitherto lived in comparative ease and comfort-who have, at least, from fixed incomes been able to meet their expenses without incurring debt-now find that they must exercise the strictest economy if they are to live within their income. Those whose incomes from their occupations have not increased work harder and enjoy less. The problem of making both ends meet carries with it much anxiety

In a country like the United States, in which the political instinct is highly developed, there is a natural tendency to give to everything, from the most commonplace municipal ordinance to the ratification of a treaty or a decision of the Supreme Court of the United States, a political status. There exists, therefore, in the minds of many a belief that a political organization is responsible for unsatisfactory and undesirable conditions, even though these conditions bear no relation either to politics or to any system of government. The political organization in power is the Republican Party, and many well-meaning people believe that somehow it is responsible for their present situation.

Nothing could be further from the truth. Not only this,

but the election of a Democratic administration would impose

upon the country a period of absolute distress.

If the increase in the cost of living was confined to the United States, there might be some foundation for the assertion that it is due to the long-continued control of national affairs by the Republican Party.

On the contrary, the high cost of living is not experienced alone in this country. It is a world-wide problem. The reports from consular officers, obtained by direction of President Taft, and by him transmitted to Congress, demonstrate this fact. Prices have risen even in free-trade countries. Even in | erate to raise the price of foodstuffs.

distant Tokio the problem has become most acute. In Manchester, England, the figures show that the increase has been 13.6 per cent over 1898. The consul general at Paris reports that the increased cost of ordinary foodstuffs in northern France has become the most generally absorbing topic of public

In Germany living conditions have been seriously affected by the continued rise in the price of food products, many of the commodities having advanced beyond all previous records. Holland prices have been steadily rising since 1896. An official agricultural report covering important articles, such as beef, pork, eggs, butter, ham, wheat, and beet sugar, shows that the increase has ranged from 16 to 55 per cent in the 12 years following 1898. These products had also risen in price in 1911 as compared with 1910, and vegetables were also higher. In brief, every country in the world is struggling with the problem of higher cost of living.

If the trouble is universal the cause must be universal.

As money becomes more and more plentiful its purchasing power decreases. In the olden days in this country it required a basketful of Continental currency to purchase a barrel of flour, and when the printing presses of the Confederate States were turning out reams of paper money it cost a thousand dollars to buy a bushel of potatoes. Gold is now the basis foundation of money, and there is more gold in the world today than ever before.

We are now producing about \$500,000,000 annually, whereas 20 years ago the average yearly output was only \$100,000,000. In 25 years the average annual production has been quintupled and in 10 years the increase has doubled. This enormous addition to the basic money of the world has been a prime factor in lifting prices of commodities from their former level. We passed through the same experience in this country in 1850, following the sudden and spectacular discovery of gold in California. Then, as now, prices soared, and the effect was felt throughout the world. The contribution of California to the world's gold supply was, however, insignificant as compared with the amount which is now being extracted from the mines of South Africa, Australia, and the United States, including Alaska. There is no immediate likelihood of a diminution in the supply.

While the increase in the supply of gold is unquestionably the principal factor in the situation, there are other causes which must be considered. Not one of them, however, is directly or indirectly traceable to Republican legislation or policies and could not be affected by a change of administration.

First, the highly complex civilization which we have developed in this country compels a larger degree of expense in our daily existence.

Humanity rightly demands a constantly improving environment. The homes in which our people live are properly equipped with conveniences unknown to our forefathers. The day of the tallow candle has passed. The necessities of to-day were unattainable luxuries two generations, ago. Universal educa-tion has stimulated higher ideals of living, and these, while tending toward the improvement of the race, are not to be enjoyed without consequent additional expenditure. The single item of the telephone is an illustration. We are spending millions upon millions of dollars each year for the use and enjoyment of an invention which has become necessary to the conduct of our daily life. The automobile, while still a luxury to many, has also demonstrated its usefulness as a rapid means of locomotion and is deemed a requisite to the successful transaction of business. Innumerable instances of similar character might be cited as indicating drains upon the indi-Innumerable instances of similar vidual purse which did not present themselves in former years. Second, the production of foodstuffs has not kept pace in this

country with the growth of population.

There is, unfortunately, a trend away from the farm to the urban centers. The statistics of the census are convincing upon this point. Between 1880 and 1890 the increase in the number of persons engaged in agricultural pursuits was only 50 per cent, while in the same period the increase in the number engaged in manufacturing industries was 100 per cent. figures of the census also show that between 1900 and 1910 there was a drift of 11.6 per cent of the population toward the nonproducing food centers. The result of this movement toward the cities is shown in the decrease in the acreage of cereals harvested and in the quantity of cereals produced in the United States. The increase in the acreage of cereals harvested between 1900 and 1910 was only 3 per cent, while during the same period the increase in population was 18 per cent.

If we do not produce food in a ratio commensurate with the growth of population, the law of supply and demand will opPeople must eat to live. Food is a necessity, and if the supply becomes less adequate, which is the present fact, the available supply must increase in value. Out of this situation, however, the farmer emerges with much profit. The prosperity of the agriculturists in a large part of our country has never been so great as during the past two decades. The increase in the value of farm lands has been phenomenal and is to be recorded in billions of dollars—figures which are almost incomprehensible. Not only this, but the statistics of the Department of Agriculture show that the average increase in the price of articles purchased by the farmer has been only 12.1 per cent, while the average rate of increase in acreage values was 72.7 per cent, or six times as much. Thus the farmer has not been heavily burdened by comparison as a consumer, and yet has been able to market his product at a larger profit.

As a Nation we must rejoice that this prosperity has been experienced by the agricultural classes. The farmers constitute the bone and sinew of our population. In intelligence, regard for law, and industrious application they excel the tiller of the soil in other countries. A Republican administration has afforded them, through the institution of the free rural delivery of mail, exceptional advantages for prompt communication in matters of business and in the receipt of daily and weekly In addition to this, the banking facilities in agricultural sections have greatly improved, while the efforts which are being made in various localities, through agricultural colleges and experiment stations, developed under the broad and liberal policies of Republican administration, are producing ex-cellent results. The Republican Party is making every effort to meet the problem of the decrease in the food-producing class by making waste ground productive, by teaching the farmer how to get the largest results out of the earth with the least expenditure of time and labor, by dignifying the profession of the agriculturist, and demonstrating in every way its apprecia-tion of his work. The intelligent, scientific farmer is to-day the bulwark upon which we, as a Nation, rest, and to him, more than to anyone else, must we look for relief from the condition which a decreasing food supply has created.

The gold supply can not be diminished by legislation. Party platforms can not increase the number of food producers. The increased cost of the distribution of commodities, which is another factor in the high cost of living, is beyond congressional enactment or political policy.

In so far as this important matter can be regarded as within Government control the effort of the Republican administration has been steadily exercised in the direction of securing a reduction of this cost. The Interstate Commerce Commission, after a patient, careful, and impartial inquiry, has undertaken to place freight rates upon an equitable basis, and is now endeavoring to obtain fair treatment for the public in the matter of express charges. Neither the Interstate Commerce Commission nor any other governmental agency can, however, deal with the problem which confronts the retailer who, in order to meet competition and retain trade, is compelled to distribute small packages over a large area. This necessitates the maintenance of an expensive and extended system, and the cost is naturally borne in some degree by the consumer. In some of the larger cities the cost of delivery has become enormous and is a factor in the high cost of living which can not be ignored.

The extent to which the middleman figures in the commercial transactions of the present day is another vital matter. He can not be eliminated by a change of administration. His existence is not due either to Republican legislation or Republican policies.

It is important to remember that the protest against high prices is confined almost entirely to foodstuffs. There has not been an excessive increase in the cost of manufactured articles. This demonstrates that the tariff which protects the manufacturer from foreign competition is not the cause of the increased cost of living. In fact, the workingman has benefited by an increase in wages to help him meet the higher cost of living, although this ratio has not, in all cases, been proportionate to the heavy burden laid upon him. Like an endless chain, however, the increased cost of living leads to higher wages, and these, in turn, mean higher prices for the product of the workman. Appreciating this serious phase of the problem, President Taft, with sympathetic statesmanship, has recommended the creation of an industrial commission, which will make a thorough investigation into the whole matter. If, for instance, a manufacturing corporation which raises the wages of its employees reimburses itself for this additional outlay by raising the price of its product, there should be some authority to discover whether or not it is already enjoying inordinate profits and whether its business relations are such as to insure it an illegal monopoly of that product. The Republican Party would have both employer and employee mutually and equitably share in

a common prosperity, and its broad-minded leaders are working in this direction.

Overcapitalization may have been a contributing factor to the high cost of living, inasmuch as money which has been required to pay interest and dividends upon inflated values might have been saved to the consumer by decreasing the cost of production, or might have been devoted to paying higher wages to the workmen. President Taft's wisdom in dealing with great problems is again shown in his recommendation for the creation of a Federal commission which shall bear the same relation to industrial corporations as the Interstate Commerce Commission does to the railroads. This commission would unquestionably remedy much of the evil of overcapitalization which now exists.

Every fair-minded man must thus be convinced that the high cost of living is not due to Republican legislation or Republican policies. More than this, the present situation, which the Republican Party is endeavoring to remedy, would become immeasurably worse if legislation is enacted which would disrupt the business of the country. The Democratic Party offers no solution of the problem of the high cost of living, save through a radical assault upon the protective system which has given this country its unexampled prosperity.

Everyone must recall with serious misgiving the period when the Democratic Party was last given opportunity to revise the tariff—a period accompanied by universal business depression and much individual distress. As compared with those days of commercial despair, the burden of the increased cost of living seems light, indeed. The memory of that sorrowful time has not yet been effaced. The American people will certainly not jeopardize their present prosperity by inviting a repetition of 1893. The enactment of Democratic free-trade laws, such as have originated in the House of Representatives, would destroy American industry without solving the high-cost problem. What would be thought of a physician who, instead of curing his patient's malady, put the unfortunate man to death?

The Republican Party, now in control of national affairs, has from its very inception demonstrated its interest in and sympathy for the wage earner. It came into being as the friend of oppressed humanity and it has been always foremost in all efforts to secure improved conditions for the American people. It is doing everything in its power to solve the present problem, even though it recognizes that the conditions which exist are in no sense the result of its legislative or political policies. It will continue in the future to devote its best endeavors to relieving the people of the burden of the high cost of living. These efforts will be made, however, along rational and safe lines. They will not menace the business stability of the country, as would be the case if a Democratic administration should come into power, but, on the contrary, will make more certain our splendid progress as a Nation and the prosperity and happiness of each individual citizen.

The Republican Party is not only not responsible for the high cost of living, but it is the only party which can solve the prob-

lem without inviting national disaster.

The SPEAKER. The Clerk will report the first committee amendment.

The Clerk read as follows:

In line 4 strike out the word "empowered" and insert in lieu thereof the word "directed."

Mr. O'SHAUNESSY. That amendment is withdrawn. Mr. WILLIS. The gentleman wants this amendment voted down.

Mr. O'SHAUNESSY. I will withdraw it.

The SPEAKER. The gentleman can not withdraw it. It is a committee amendment.

The question being taken, the amendment was rejected.

The SPEAKER. The Clerk will report the next amendment.

The Clerk read as follows:

In line 4 strike out the words "appoint and."

Mr. MANN. Mr. Speaker, I am very glad that the gentleman has consented to the voting down of the preceding amendment, because it raised one of the most interesting questions that has come before the House. Here was a proposition in the bill originally authorizing the Commissioners to appoint and promote Spencer Roberts. Then, it was changed to a proposition to direct the Commissioners to promote Spencer Roberts.

to direct the Commissioners to promote Spencer Roberts.

The Constitution of the United States, fixing the powers of the President, says in connection with the appointment of various officials:

But the Congress may by Law vest the Appointment of such inferior Officers, as they think proper, in the President alone, in the Courts of Law, or in the Heads of Departments.

That has been construed to give Congress the authority to permit the District Commissioners or other officials to make appointments.

In this case the appointment has been made; but a proposition was made directing the commissioners to transfer the

appointee from one class to another class.

We frequently pass laws dividing employees into certain classes and automatically providing for their promotion. As a legislative power, that power is not questioned; but whether we have the power under the Constitution, an employee having already been appointed to an office, to direct the Executive to change the appointment and to put the appointee into a different office or a different class of the same kind of office is a very interesting question, which I did not wish to have raised by this bill.

Mr. GARRETT. Does the gentleman think that could arise with respect to an officer of the District of Columbia.

Mr. MANN. Oh, yes. Officers of the District of Columbia are officers of the United States. We create the government of the District of Columbia. We provide its officers, and while they are officers of the District of Columbia as Territorial officers are officers of the Territory, still they are officers of the Government of the United States.

Mr. GARRETT. The question is an interesting one, as the gentleman suggests. My recollection is that the Constitution provides that the District of Columbia shall be under the absolute control of Congress. I am not quoting the exact language.

Mr. MANN. I do not remember the express provision of the

Constitution.

Mr. JOHNSON of Kentucky. There is in the Constitution a provision that Congress exclusively shall legislate for the District of Columbia.

Mr. MANN. The provision of the Constitution is-

To exercise exclusive legislation in all cases whatsoever over such District.

That does not change the powers of the Executive under the Constitution. That is a mere power given to Congress to legislate concerning the District, as it would otherwise legislate concerning other places in the country. That is found on page 90 of the Manual. It is an interesting question, but it is not wise to raise it where it is not necessary.

Mr. GARRETT. My recollection of that provision of the Constitution in regard to appointment by the President is that it names specific appointments that the President shall make, and then provides that Congress may have power to provide for some other method of appointment of some other officers-"inferior

officers" is the expression used.

Mr. MANN. It says:

But Congress may by law vest the appointment of such inferior offi-cers as they think proper in the President alone, in the courts of law, or in the heads of departments.

That is the provision following the provision that the President shall make appointments of ambassadors, ministers, consuls, judges of the Supreme Court, and all other officers of the United States whose appointments are not herein otherwise provided for, the first of the officers being appointed by advice and consent of the Senate.

Mr. GARRETT. My impression has been, so far as the District officers are concerned, that they were exclusively under con-

trol of the Congress.

Mr. JOHNSON of Kentucky. In the debates on the act of 1878, commonly known as the organic act, this question was all thrashed out, and it was practically conceded by everybody that Congress had the right to make appointments-in other words, that the power given to the President to make appointments was the general law, and this was the exception to it.

If the gentleman will pardon me Mr. MANN.

Mr. JOHNSON of Kentucky. And in the original act, when it was first prepared and presented to Congress, provision was made for their appointment otherwise than by the President.

Mr. MANN. These appointments do not have to be made by the President; they are made by the commissioners. Please distinguish between the legislative power to create an office and to provide for filling it and the power to name the person who The power to create an office, the power to provide that it shall be filled, is a legislative function which we possess; but when it comes to naming the person who shall fill the office, that is an executive function which the legislative power does not possess

The SPEAKER. The time of the gentleman from Illinois has

expired.

Mr. GARRETT. I ask unanimous consent that the time of the

gentleman be extended five minutes.

The SPEAKER. The gentleman from Tennessee asks that the time of the gentleman from Illinois be extended five minutes. Is there objection?

There was no objection.

Mr. GARRETT. That is due, is it not, to the legislative enactment which gives the President the power to appoint?

Mr. MANN. Without legislative enactment the President only has the power of appointment to any office under the Govern-

ment of the United States.

Mr. GARRETT. Except those provided by the Constitution. Mr. MANN. He has the power to appoint them, all executive and judicial offices. Of course, he does not have the power yet to appoint Members of Congress, although some Executives have sought to exercise it indirectly.

Mr. GARRETT. The indications are that it may be exercised in some States in a short time. I have understood that the provision of the Constitution gives power to Congress to absolutely wipe out the District government, change it entirely.

Mr. MANN. Undoubtedly.

Mr. GARRETT. And wipe out every officer in it. Mr. MANN. Undoubtedly we have the power. We can wipe them all out.

Mr. GARRETT. If we can wipe them all out, why not wipe

out one?

Mr. MANN. We can wipe out one, but we can not say that a certain person shall occupy a certain office. We can say that the President may appoint him to the office, we may create the office and we may provide that it shall be filled by the Executive, but we have not the power to appoint. The power to fill the office, the power of naming the person, is not a legislative power, as I contend, but is an Executive power; and in this day, and I suppose there always was a time, when the different branches of the Government seek to encroach upon each other, and when the Executive at times apparently seeks to encroach upon the legislative power, we ought to be careful that we do not attempt to usurp the Executive and administrative power by claiming that as a part of the legislative power.

Mr. JOHNSON of Kentucky. Mr. Speaker, if the gentleman will permit an interruption, the office was created under the territorial form of government in 1871, and it was continued by the act of June 20, 1874, and continued by the act of June 11, 1878, which is known as the organic act. The office was created way back yonder. Long before the introduction of this bill Mr. Roberts had been appointed under these acts. This is not an act to again appoint him, but it is an act to change him from one position, which the commissioners may do, and by lapse of time to another grade of the same position, which

would increase his compensation.

Mr. MANN. I admit to the gentleman that the question is different from the question of original appointments. The gentleman from Kentucky [Mr. Johnson], who is our authority in the House upon District matters, just stated that this police

force was created, I think, in 1871.

Mr. JOHNSON of Kentucky. Originally in 1861.

Mr. MANN. My recollection is not very distinct, but it is that the Metropolitan police force was originally created in 1861.

Mr. JOHNSON of Kentucky., In 1861; but that was before we had the municipal government of the District of Columbia. We had the three divisions—Georgetown, Washington, and the levy court. The mayor of Georgetown, Washington, and the right to appoint police; the mayor of the city of Washington had the right to appoint police; and the levy court had the right to appoint police; but not until 1871, February 21, was that authority conferred upon the governor.

Mr. MANN. My recollection is that in the act of 1861 they

created a police force for the District of Columbia.

Mr. JOHNSON of Kentucky. Its functions to be exercised

by the three authorities.

To be assigned in part to the city of Washing-Mr. MANN. ton, in part to the city of Georgetown, and in part to the coun-

try districts.
Mr. JOHNSON of Kentucky. That is correct.

One-half the cost of those officers who were as-Mr. MANN. signed to the different localities to be paid by taxation raised upon the different municipalities.

Mr. JOHNSON of Kentucky. That is correct; and the rest the United States Government was to pay. Mr. MANN. I am glad that my recollection agrees with the recollection of the gentleman from Kentucky. I do not know which of us would be the older to remember personally in regard to that.

Mr. FOSTER. Neither gentleman need tell his age. [Laughter.] The SPEAKER. The question is on agreeing to the amend-

The question was taken, and the amendment was agreed to.
The SPEAKER. The Clerk will report the next amendment.

The Clerk read as follows:

Line C, strike out the word "any" and insert in lieu thereof the words "the first."

The SPEAKER. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to, The SPEAKER. The Clerk will report the next amendment.

The Clerk read as follows:

Line 7, strike out the word "exist" and insert in lieu thereof the word "occur."

The SPEAKER. The question is on agreeing to the amendmont.

The question was taken, and the amendment was agreed to.

The SPEAKER. The question now is on the engrossment and third reading of the bill as amended.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. O'SHAUNESSY, a motion to reconsider the vote by which the bill was passed was laid on the table.

Mr. JOHNSON of Kentucky. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the purpose of considering District of Columbia business.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of District business, with Mr. Oldfield in the chair.

RECLAMATION AND DEVELOPMENT OF ANACOSTIA RIVER AND FLATS.

Mr. JOHNSON of Kentucky. Mr. Chairman, I call up the bill (H. R. 22642) providing for the protection of the interests of the United States in lands and waters comprising any part of the Potomac River, the Anacostia River or Eastern Branch, and Rock Creek and lands adjacent thereto.

The CHAIRMAN. The Clerk will report the bill.

The Clerk read as follows:

The Clerk read as follows:

Be it enacted, etc., That for the purpose of establishing and making clear the title of the United States it shall be the duty of the Attorney General of the United States to institute as soon as may be, or whenever in his judgment it is deemed proper, a suit or suits in the Supreme Court of the District of Columbia against all persons and corporations, or others, who may have, or pretend to have, any right, title, claim, or interest adverse to the complete title of the United States in and to any part or parcel of the land or water in the District of Columbia in, under, and adjacent to the Potomac River, the Anacostia River or Eastern Branch, and Rock Creek, including the shores and submerged or partly submerged land, as well as the beds of said waterways, and also the upland immediately adjacent thereto, including made lands, flats, and marsh lands.

partly submerged land, as well as the beas of children partles the upland immediately adjacent thereto, including made lands, flats, and marsh lands.

Sec. 2. That the suit or suits mentioned in the preceding section shall be in the nature of a bill in equity, and there shall be made partles defendant thereto all persons and corporations, or others, known to set up or assert any claim or right to or in the land or water in said preceding section mentioned, and against all other persons and corporations, or others, who may claim to have any such right, title, or interest. On the filing of said bill process shall issue and be served, according to the ordinary course of said court, upon all persons and corporations, or others, within the jurisdiction of said court; in case said land is in actual adverse possession to the United States notice shall be given, by advertisement in two newspapers published in the city of Washington, for three weeks successively, of the pendency of said sult, and citing all persons and corporations, or others interested in the subject matter of said suit or in the land or water in this act mentioned, to appear, at a day named in such notice, in said court to answer the said bill and set forth and maintain any right, title, interest, or claim that any person or corporation, or others, may have in the premises; and the court may order such further notice as it shall think fit to any party in interest.

Sec. 2. That the said cause shall then proceed with all practicable

set forth and maintain any right, title, interest, or claim that any person or corporation, or others, may have in the premises; and the court may order such further notice as it shall think fit to any party in interest.

Sec. 3. That the said cause shall then proceed with all practicable expedition to a final determination by said court of all rights drawn in question therein, and the said court shall have full power and jurisdiction by its decrees to determine every question of right, title, interest, or claim arising in the premises and to vacate, annul, set aside, or confirm any claim of any character arising or set forth in the premises; and its decree shall be final and conclusive upon all persons and corporations, or others, parties to the suit, or who shall fall, after public notice as hereinbefore in this act provided, to appear in said court and litigate his, her, their, or its claim, and they shall be deemed forever barred from setting up or maintaining any right, title, interest, or claim in the premises.

SEC. 4. That if on the final hearing of said cause the said Supreme Court of the District of Columbia shall be of opinion that there exists any right, title, or interest in the land or water in this act mentioned in any person, or corporation, or others, adverse to the complete and paramount right of the United States, the said court shall forthwith and in a summary way proceed to ascertain the value of any such right, title, interest, or claim, exclusive of the value of any improvement to the property covered by such right, title, or interest made by or under the authority of the United States, and report thereof shall be made to the Congress.

SEC. 5. That from the final decree of the Supreme Court of the District of Columbia, and every part thereof, in the premises, an appeal shall be allowed to the United States, and to any other party in the cause complaining of such decree to the Supreme Court of the United States, which last-mentioned court shall have full power and jurisdiction to hear, tr

Sec. 6. That for carrying out the provisions of this act there is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated, the sum of \$25,000, to be expended only upon the direction and approval of the Attorney General for such purposes as he may deem necessary.

Mr. MANN. Mr. Chairman, I hope somebody will give us an explanation of this bill and let us know whether it is a proposition in an indirect or direct way, whatever it may be, to acquire Rock Creek Park. I am heartily in favor of that, but I would like to know whether this is accomplishing the purpose.

Mr. JOHNSON of Kentucky. Mr. Chairman, the gentleman from Illinois is a trifle facetious in respect to acquiring Rock Creek Park, when it has already been acquired. The Attorney General drafted this bill and sent it over, and it has been approved by the Department of Justice and by the Commissioners of the District. I am not particularly wedded to it, for the reason that perhaps ultimately it does mean a park; but whether it does or does not should not be a matter of serious consideration at this time, because, as a matter of fact, the United States Government owns land in the Anacostia Flats to which adverse title is set up, and there are squatters on some of it, and clouds on the title to some of the very many lots over there. What is to become of them finally should not be a question now. If the United States Government owns them, the United States should recover them and the title should be cleared and put in the United States. After that is done, if the United States wishes this property for its own use or Congress consents that it may be given to the District of Columbia for a park system, that becomes another question.

But the first question, as I said, is if the United States Government owns valuable land, and it does, then the clouds to title should be cleared and all squatters should be removed and all disputes settled. This is the first bill, I understand, that has ever sought to do that and that alone. The various other bills which have been introduced relative to this subject have carried with them a park plan or an assessment of damages upon the property owners in that section over there. This does not deal at all with that. It deals with nothing except the question of regaining United States property which the Attorney General of the United States says belongs to the United States and removing clouds from the title of property which the Attor-

ney General says belongs to the United States.

Mr. MANN. If I understand, if the gentleman will yield, it is proposed by this bill not to give the Attorney General authority to commence condemnation proceedings, but simply to file a bill to quiet the title of the United States

Mr. JOHNSON of Kentucky. To file a bill in equity, the

bill says Mr. MANN. Just where is this property? Will the gentleman

tell us? Mr. JOHNSON of Kentucky. It is along the Eastern Branch of the river above and below the navy yard and on both sides

of the river, extending to the Maryland line of the District of Columbia.

Mr. MANN. Will the gentleman tell us whether there is involved in any way, directly or indirectly, in this bill or the proceedings which this bill is a part of, a proposition to condemn a portion of that property and pay for it by special assessment? Mr. JOHNSON of Kentucky. I understand not,

Mr. MANN. The gentleman knows there has been a good

deal in the newspapers on that subject.

Mr. JOHNSON of Kentucky. There has; but this does not pertain to this bill.

Mr. MANN. I understand it does not pertain to this bill, but does it not pertain to purpose for which this bill is directed; that is, that the Government shall assert its title to certain property over there with the expectation of then condemning property to which it does not have title as the court shall ascertain and raise the money by assessment?

Mr. JOHNSON of Kentucky. No; that is not the object of this bill. The object of this bill is to take away from the use of other people this property when it belongs to the United

States Government.

Mr. MANN. Can the gentleman estimate at all the area that

would be involved here?

Mr. JOHNSON of Kentucky. I asked the Department of Justice for that information, and they have not given me the accurate figures. They say it requires some measurements that have not been made, but there are a good many hundred acres that the United States Government is entitled to in that section. They also desire the passage of this bill that some needed land which is in question just beyond the navy yard may be acquired for the purpose of extending the navy yard.

Mr. MANN. Of course this really appropriates quite a considerable sum of money to quiet the title to not a very large area of land. It is safe to say that if there are people living upon this land claiming title to it that not many of them will have as much money proportionately to spend in defending their

title as the Government will have in prosecuting its title.

Mr. JOHNSON of Kentucky. Well, the committee left that matter—the bill appropriates \$25,000, and as to whether that is too large or not the committee left it to the discretion of the

Attorney General.

Mr. MANN. I understand. I do not think the committee is subject to any criticism for that. That, however, indicates the size of the undertaking and the value of the land in a way, and the quantity of land which may be concerned. Is it possible that the Government owns several hundred acres of land down here on these creeks or branches which other people are in possession of?

Mr. JOHNSON of Kentucky. No; but the question arises on a change of the river in one respect, as to what point the Government does go, and the whole matter in some sections is in dispute and there is but one way of arriving at the correct ownership of it, and the Attorney General had the committee to understand this was the only way he could see by which it

could be arrived at.

Mr. MANN. We made an appropriation a few years ago, I think, of \$10,000 to be expended by the Attorney General in investigating the title of the Government to certain river front I do not know whether they were these lands lands down here. or not. Does the gentleman know whether this is the result

of that investigation in part?

Mr. JOHNSON of Kentucky. This goes further than the Anacostia Flats, if the gentleman will notice. It goes to the Anacostia River, the Eastern Branch, and also on the Rock Creek land. The Department of Justice contends that there are some pieces of property in the Rock Creek section that belong to the United States Government and they want to get into that.

Mr. MANN. Well, I may say, personally, I hope the Government will obtain title to this property, and having obtained it will keep the property as a public park or part of a park system and not sell it or otherwise dispose of it. I think that we can

not have enough parks in a growing city like Washington.

Mr. JOHNSON of Kentucky. I differ with the gentleman in that I would not convert the entire District of Columbia into

parks.

Mr. MANN. Well, the gentleman does not differ with me about that, because I would not do that.

Mr. JOHNSON of Kentucky. But the gentleman's remarks

were pretty nearly that broad.

Mr. MANN. Well, I meant we can not have enough, because

Congress will never be willing to have enough, The CHAIRMAN. The Clerk will report the bill under the

five-minute rule. The Clerk proceeded with and concluded the reading of the

Mr. JOHNSON of Kentucky. Mr. Chairman, I move to lay the bill aside with a favorable recommendation.

The motion was agreed to.

POLICE AND FIREMEN'S PENSIONS.

Mr. JOHNSON of Kentucky. Mr. Chairman, I move now to call up the bill (H. R. 20840) to provide for deficiencies in the fund for police and firemen's pensions and relief in the District of Columbia.

The CHAIRMAN. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 20840) to provide for deficiencies in the fund for police and firemen's pensions and relief in the District of Columbia.

A bill (H. R. 20840) to provide for deficiencies in the fund for police and firemen's pensions and relief in the District of Columbia. Be it enacted, etc., That the Commissioners of the District of Columbia are hereby authorized and directed hereafter to cause to be annually levied upon all property in the District of Columbia which is now or which may hereafter become subject to general taxation, such a rate of taxation as will provide such sum or sums as will be sufficient to meet any present or future deficiency in the fund now set aside by law for the payment of police and firemen's pensions and relief in the District of Columbia: Provided, That the tax so levied shall be collected by the collector of taxes in and for the said District of Columbia, and the proceeds thereof shall by him be deposited in the Treasury of the United States to the credit of the said fund or funds for the payment of the police and firemen's pensions and relief provided by law. The Treasurer of the United States shall from time to time, when the existence of any deficiency in the fund for payment of police and firemen's pensions and relief shall be certified to him in writing by the Commissioners of the District of Columbia, pay from the Treasury of the United States the sum or sums necessary to meet said deficiency under the written direction of the said commissioners in order that each person lawfully entitled to any part of said police and firemen's pensions and relief fund may receive the same in full.

SEC. 2. That this act shall take effect upon its passage.

Mr. LOBECK. Mr. Chairman, I move that the Clerk dispense with the further reading of the bill and that the gentleman in charge make a statement of it.

The CHAIRMAN. The gentleman from Nebraska moves that the first reading of the bill be dispensed with. Is there ob-

Mr. MANN. It is a very short bill, and I think it ought to be read.

The CHAIRMAN. The gentleman from Illinois [Mr. MANN] objects, and the Clerk will read.

The Clerk concluded the reading of the bill, as follows:

The Clerk concluded the reading of the bill, as follows:

SEC. 2. That the tax, the levy and collection of which is herein provided for, shall be an additional one, over and above the tax rate now provided for by general law, and the proceeds thereof shall not be used for any purpose other than that hereinbefore authorized. Said tax shall be levied and collected, as above provided, by the Commissioners of the District of Columbia at the same time as the tax on all property now subject to general taxation in the said District. There shall be no contribution to either of the aforesaid funds, either directly or indirectly, from the United States. The Commissioners of the District of Columbia are hereby directed, on the first day of each and every month until the first collection of taxes under this act shall have become available, to draw a requisition upon the Secretary of the Treasury of the United States for such sum or sums as will, when added to the amount already to the credit of each of the hereinbefore-named funds, be sufficient to pay in full the amount lawfully due each and every person upon the roll of the police relief fund, District of Columbia, as well as those upon the roll of the firemen's relief fund, District of Columbia; and the said Secretary of the Treasury shall cause to be paid the amount of said requisition for the said purposes out of any moneys in the Treasury to the credit of the District of Columbia which can, in the opinion of the said commissioners, be spared for the time being from any fund held by the said Treasury for the District of Columbia: Provided, however, That any money so used shall be repaid to the fund from which it was taken out of the first money collected under the tax herein provided for: And provided further. That no part of the money gathered under said levy shall be paid to those upon the rolls of either of the said two relief funds until all of the money taken out of the Treasury as aforesaid shall have been refunded thereto.

Sec. 3. That all acts or parts of act

Also the following committee amendments were read:

Page 1, lines 10 and 11, strike out the words "payment of police and firemen's pensions and relief in the District of Columbia: Provided, That," and insert in lieu thereof the words "benefit of the police relief fund, District of Columbia, and of the firemen's relief fund, District of

Page 1, lines 10 and 11, strike out the words "benefit of the police relief fund, District of Columbia,"

Page 2, line 6, strike out the words "fund or funds for the payment of the police and firemen's pensions and relief" and insert in lieu thereof "police relief fund, District of Columbia,"

Page 2, line 9, strike out the words "fund or funds for the payment of the police and firemen's pensions and relief" and insert in lieu thereof "police relief fund, District of Columbia, and firemen's relief fund, District of Columbia, and firemen's relief fund, District of the words "Secretary of the Treasury."

Page 2, line 19, strike out the word "Treasurer" and insert in lieu thereof the words "Secretary of the Treasury."

Page 2, line 11, strike out the words "fund for payment of police and firemen's pensions and relief" and insert in lieu thereof "police relief fund, District of Columbia, or firemen's relief fund, District of Columbia."

Page 2, line 15, strike out the word "pay" and insert in lieu thereof "cause to be paid."

Page 2, line 19, strike out the words "Police and firemen's pension and relief fund" and insert in lieu thereof "police relief fund, District of Columbia, or firemen's relief fund, District of Columbia."

Page 2, line 22, strike out "Sec. 2. That this act shall take effect upon its passage" and insert the following:

"Sec. 2. That the tax, the levy and collection of which is herein provided for, shall be an additional one, over and above the tax rate now provided for by general law, and the proceeds thereof shall not be used for any purpose other than that hereinbefore authorized. Said tax shall be levied and collected as above provided by the Commissioners of the District of Columbia at the same time as the tax on all property now subject to general taxation in the said District. There shall be no contribution to either of the aforesaid funds, either directly or indirectly, from the United States. The Commissioners of the District of Columbia, are hereby directed on the first day of each and

Mr. JOHNSON of Kentucky. Mr. Chairman, I yield the remainder of my time to the gentleman from New York [Mr. REDFIELD

Mr. REDFIELD. Mr. Chairman, this bill is intended to provide a permanent means for obtaining funds, now lacking, to pay the pensions provided by law to policemen and firemen of the District of Columbia. It does not in any way alter or affect the District pension law or the basis on which those pensions are paid or in any form whatever affect the pensions themselves. It simply aims to provide for the payment regularly of the shortage now unpaid—the pensions which are legally due to the firemen and policemen of the District and which are specified

in full in the report accompanying the bill, each pensioner being given by name and address, the cause of the pension, the date,

and the amount being fully stated in the report.

The money from the present sources permitted by law is not sufficient with which to pay these men that which belongs to them. There was a shortage during the fiscal year just closed of about \$15,000, and the pensioners failed to receive the money due them by that amount. There is an estimated shortage in the fiscal year ending June 30, 1912, of about \$25,000, and by so much the pensioners will fail to get the money which has been lawfully set aside for them. This condition of a decreasing supply for an increasing fund has been going on for a number of years. It was foreshadowed in Report No. 429 of the Senate, of the Sixtleth Congress, first session. At that time that report, to which reference is made in the report of your committee, pointed out the condition which now exists.

This fund is one that has always been wholly paid by the District of Columbia. Into it not a dollar of United States money has ever gone. It is supplied by a dollar per month retained from the officers' pay, by certain fines, which are deposited to the credit of the firemen's relief fund, and from certain

other resources, like the dog tax and others.

There has been a continuous history here of temporizing with this fund. As it ran short from one source or another there would be added a certain amount to it. That method of dealing with it has proved increasingly unsatisfactory, and now your committee thought it-

Mr. MADDEN. Would it interrupt the gentleman if he were to allow me to ask him a question?

Mr. REDFIELD. No.
Mr. MADDEN. I notice the amount of the pension varies greatly. I was wondering whether there was any fixed amount granted as pensions, and why, and how?

Mr. REDFIELD. That is by law, I believe, charged upon the

Commissioners of the District.

Mr. MADDEN. And it is optional with them as to what they shall allow?

Mr. REDFIELD. Yes; save that there is a maximum fixed.

Mr. MADDEN. I was wondering if it would not be very much better if there were some special amount fixed by law,

instead of leaving it optional with the commissioners.

Your committee did not attempt, I will Mr. REDFIELD. say to the gentleman from Illinois [Mr. MADDEN], in the faintest way here to alter or change the existing pension law, or to deal with it at all; but, accepting the law as it stood, your committee attempted to provide means of payment of that now lawfully to be paid, but, as a matter of fact, largely unpaid.

Mr. MADDEN. Will the gentleman state what the maximum

pension is per month?

Mr. REDFIELD. Fifty dollars per month. Mr. MADDEN. Does that include commanding officers as

well as patrolmen?

Mr. REDFIELD. I think the commanding officers receive a larger sum, fixed by statute. That is all reviewed in Senate Report No. 429, to which reference is made.

Mr. MADDEN. I notice that some of these pensions are

higher than \$50 a month.

Mr. REDFIELD. I think the officers' pensions are higher, being fixed by statute. But I repeat that the committee did not attempt to alter the law fixing the pensions, but, assuming that to be lawfully fixed, to provide for the shortage of the fund, and

Mr. MADDEN. How much is that shortage now?

Mr. REDFIELD. The shortage for the year ended June 30, 1911, was about \$15,000. The figures here, which were obtained from the auditor of the District, stated that in the police fund the shortage was \$10,304.30.

Covering how long a period?

Mr. REDFIELD. For that year. And the shortage in the firemen's fund for that year was \$5,262, and for the present year ending June 30, 1912, there is an estimated shortage of approximately \$25,000.

Mr. MADDEN. When the pension is once fixed, is it within the power of the commissioners to increase that pension or

reduce it?

Mr. REDFIELD. I am not prepared to say what the law is on that subject, for the reason that-

Mr. JOHNSON of Kentucky. This does not affect it.
Mr. REDFIELD. This bill does not deal with that at all.
Mr. MADDEN. The reason why I asked the question is that I was wondering whether some law could not be enacted fixing at a specific amount the pension to be paid, and whether if that were done it would not meet the case; whether we would not have revenue coming in from the present sources to meet all

future needs if we figured out exactly what pensions we could

pay.

Mr. REDFIELD. I will say to the gentleman that that could only be done by scaling down very materially the pen-

Mr. MADDEN. I would be in favor of paying all deficiencies

if we adopted the policy which I have suggested.

Mr. REDFIELD. The committee would like to have it placed clearly before the House that they are not presenting a pension bill. No pension bill has been suggested by the committee or contemplated by them in this connection. But accepting the law now existing, and taking it as it stands, the committee have endeavored by this bill to provide the funds for making the necessary payments under it.

Mr. MADDEN. I hope the gentleman will excuse me for interrupting him, but I am only asking for information. I do

not want to embarrass the situation at all.

Mr. REDFIELD. I am very glad to have the gentleman ask all the questions he desires.

Mr. MADDEN. I was wondering whether the gentleman from New York could tell us what is the aggregate amount of pensions paid to the firemen and policemen annually?

Mr. REDFIELD. That appears in detail in the report, on pages 2 and 3, for the years 1898 to 1911, inclusive.

Mr. MADDEN. What is the aggregate? Mr. REDFIELD. I can tell the gentleman the aggregate of the two funds by adding together the figures which appear in the report

Mr. JOHNSON of Kentucky. It is \$125,000 in round num-

Mr. REDFIELD. It is \$120,000 to \$125,000 a year for the two funds

Mr. JOHNSON of Kentucky. To which fund is added the \$700 or \$800 monthly which they themselves pay by taking a dollar a month from their respective salaries.

Mr. MADDEN. What is the average annual income from the present sources to be applied for pensions of these two classes?

Mr. REDFIELD. The total receipts from all sources for the

year 1911 for the police fund were \$81,500 and for the firemen's fund, \$40,200.

Mr. MADDEN. What are those sources?

Mr. REDFIELD. From the dog taxes—
Mr. MADDEN. What do those taxes amount to?
Mr. REDFIELD. The dog tax for the year 1911, which went to the police fund, was \$22,115.14. None of that was applicable to the firemen's fund.

I will say to the gentleman from Illinois that this is all shown in detail in the very full information furnished by the auditor of the District, to be found on pages 2 and 3 of the report.

Furthermore, in order that this whole matter might be ventilated as fully as possible, you will find on page 4 of the report not only a statement of the pensions that are now paid, but a comparative statement, showing what they are now as compared with what they were at the time of the last legislation upon the subject.

On the final pages of the report will be found the name, address, and length of service of each pensioner, and the amount

and cause of each pension now paid.

Mr. MADDEN. Are the widows and orphans of firemen and policemen pensioned?

Mr. REDFIELD. They appear upon this list and are stated to be widows and children, in each case where such is the fact. I am very glad to have these detailed questions asked, because the committee have tried in this report to cover these details

so fully that they can easily be studied.

There appears, also, on page 5 of the report, the results that will be carried by this bill in the shape of increased taxation, from which it would appear that, reckoning this deficiency as \$5,000 per annum more than it now is, assuming it to be \$30,000 instead of approximately \$25,000, the auditor of the District states, and it is shown in this report, that the net results will be that a man paying taxes on property valued at \$10,000 will be called upon to pay 85 cents a year because of this measure,
Mr. MANN. In that connection will the gentleman yield?

Mr. REDFIELD. With pleasure.

Mr. MANN. Is not very much of the property in the District unimproved, and is not the valuation of such unimproved lots so low that the tax under the gentleman's proposition would not amount to so much as one cent per lot? And is it not a rather expensive proposition to apportion a tax of 1 or 2 cents against each lot?

Mr. REDFIELD. I am not sufficiently informed as to the details of property in the District to say to what extent the condition mentioned by him prevails, but I have taken this up

with the auditor of the District and have gone over it with him very carefully, and he assures me that there will be no material, practical difficulty as to expense in assessing and allotting this tax.

Mr. MANN. Does not this bill require that this tax shall be

separately extended on the tax rolls?

Mr. REDFIELD. Not at all. This bill expressly requires the opposite of that. A misunderstanding to that effect arose as to this bill in its original form, but when it was amended and a section was added by the committee, it was then expressly stated, and it is understood by the auditor of the District, that this is not a separate tax, but is to be a portion of the tax now authorized by law.

Mr. MANN. I have no doubt but that the gentleman is cor-When I read this bill I had the impression, and I have

the impression now, that it requires a separate tax.

Mr. REDFIELD. I call the attention of the gentleman to lines 2 and 5, inclusive, on page 3:

Said tax shall be levied and collected, as above provided, by the Commissioners of the District of Columbia at the same time as the tax on all property now subject to general taxation in the said District.

In bringing that matter to the attention of the auditor for the District, he approved verbally and, in fact, revised completely the whole form not only of that paragraph, but of all the bill, in order that it might conform to the existing practice.

Mr. MANN. I suppose the auditor speaks with some degree

of authority.

Mr. REDFIELD. I thought he did.

Mr. MANN. But the provision in the bill that the tax shall be an additional one, over and above the tax rate now provided by general law, would seem to me to indicate that this was to be extended separately and not added to the tax rate:

Mr. REDFIELD. I would say to the gentleman that I have never known any construction of the word "additional" to mean separate, and upon bringing that to the notice of the auditor of the District he did not see that distinction. Speaking for myself, as the author of the bill, I will be glad to accept any phraseology to make it more explicit.

Mr. MANN. When you say that a certain thing shall be additional to something else, it means separate; it does not mean a part of. When you say that a tax shall be an additional tax, it seems to me that it means a separate tax. Certainly that matter ought to be arranged so that there will be no difficulty

in reference to the collection of taxes and tax sales

Now, I would like to ask the gentleman one other question, assuming that this bill will not be disposed of to-night, so that the gentleman may be prepared to give the information on the subject when the bill comes up again. The gentleman has referred to the committee having made no change in reference to the pension laws, but only endeavored to provide money to pay the pensions now allowed by law. So that the gentleman will be prepared, I wish to call his attention, in a way, to what seems to me to be the fact that pensions now allowed by law are not fixed pensions at all, but a provision that so much money shall be in the policemen and firemen's pension fund to be distributed by the allowance of the commissioners. The law does not provide the amount to be allowed for pensions at all, although it has a limitation, but provides a fund out of which pensions shall be paid. I do not understand how it can be said that when you increase the fund you are simply providing money for the payment of pensions now allowed by law, when the only allowance is a fund now provided out of which the commissioners may pay pensions.

I suggest to the gentleman now that there are other matters to be brought before the House. I desire to be heard at some length on the bill myself in reference to civil pensions. It is

now 5 o'clock.

Mr. JOHNSON of Kentucky. Mr. Chairman, I move that the committee rise and report the bill H. R. 22642 to the House with a favorable recommendation.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. Oldfield, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 22642) for the protection of the interests of the United States in lands and waters comprised in part of the Potomac River, Anacostia River or Eastern Branch, and Rock Creek, and lands adjacent thereto, and had directed him to report the same back without amendment, with the recommendation that the bill do pass; that the committee had also had under consideration the bill (H. R. 20840) to provide for deficiencies in the fund for police and firemen's pensions and relief in the District of Columbia, and had come to no resolution thereon.

The SPEAKER. The question is on the engrossment and third reading of the bill, of which the Clerk will report the

The Clerk read as follows:

A bill providing for the protection of the interests of the United States in lands and waters comprising any part of the Potomac River, the Anacostia River or Eastern Branch, and Rock Creek, and lands adjacent thereto.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

MARY DANAHER AND JULIA FERN DANAHER

Mr. LLOYD. Mr. Speaker, I present a privileged report on House resolution 472.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

House resolution 472 (H. Rept. 535)

Resolved, That there shall be paid out of the contingent fund of the House to Rose McCall, guardian of Rose Mary Danaher and Julia Fern Danaher, minor daughters of Thomas J. Danaher, late Capitol policeman, an amount equal to six months of his regular pay as such policeman, and an additional amount, not to exceed \$150, to pay the funeral expenses of said Danaher.

Mr. LLOYD. Mr. Speaker, Thomas J. Danaher was a Capitol policeman who died a short time since. This is the usual resolution providing for the payment of an amount equal to six months of his regular pay to his family.

The resolution was agreed to.

DANIEL B. WEBSTER.

Mr. LLOYD. Mr. Speaker, I also present the following privileged report from the Committee on Accounts, which I send to the desk and ask to have read.

The Clerk read as follows:

House resolution 292 (H. Rept. 533).

Resolved, That the Clerk of the House be, and he is hereby, authorized and directed to pay, out of the contingent fund of the House, to the executors of the estate of Daniel B. Webster, late a laborer in the House of Representatives, an amount equal to six months of his salary and an additional amount not exceeding \$250 to pay the funeral expenses of the said Daniel B. Webster.

With the following amendment:

Line 3, after the word "House," strike out the words "to the executors of the estate" and insert in lieu thereof the words "to Della Webster Simms, Martilla Webster Jones, Francis Webster Honesty, Nettie Webster Brogsdale, and Sylvia Webster Barnes, daughters and sole heirs."

The SPEAKER. The question is on agreeing to the amend-

The question was taken, and the amendment was agreed to. The SPEAKER. The question now is on agreeing to the

The question was taken, and the resolution was agreed to.

ADDITIONAL CLERK, COMMITTEE ON ENROLLED BILLS.

Mr. LLOYD. Mr. Speaker, I also present the following privileged report from the Committee on Accounts, which I send to the desk and ask to have read.

The Clerk read as follows:

House resolution 463 (H. Rept. 532).

Resolved, That the chairman of the Committee on Enrolled Bills be, and he is hereby, authorized to appoint an additional clerk of said committee, who shall be paid out of the contingent fund of the House at the rate of §6 per day from and after the time he entered upon his duties, which shall be evidenced by the certification of said chairman.

With the following amendment:

Lines 5 and 6, strike out the words "from and after the time he entered upon his duties, which shall be evidenced by the certification of said chairman" and insert in lieu thereof the words "during the remainder of the present session of the Sixty-second Congress."

The SPEAKER. The question is on agreeing to the amend-

Mr. MANN. Mr. Speaker, will the gentleman yield?

Mr. LLOYD. Certainly.

Mr. MANN. Is the work in the enrolling and engrossing rooms now so great that they have to have this additional

Mr. LLOYD. Yes. This clerk is usually provided about a month earlier.

Does this clerk go in the enrolling or in the en-Mr. MANN. grossing room?

Mr. LLOYD. In the enrolling room.

The SPEAKER. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to. The SPEAKER. The question now is on agreeing to the resolution as amended.

The question was taken, and the resolution was agreed to.

ASSISTANT CLERK, COMMITTEE ON THE JUDICIARY.

Mr. LLOYD. Mr. Speaker, I also present the following privileged report from the Committee on Accounts, which I send to the desk and ask to have read.

The Clerk read as follows:

House resolution 354 (H. Rept. 534).

Resolved, That the Committee on the Judiciary is hereby authorized to employ an assistant clerk at a salary of \$1,600 per annum, to be paid from the contingent fund of the House.

With the following amendment:

Line 3, strike out the words "\$1,600 per annum" and insert in lieu thereof the words "\$6 per day during the remainder of the present session."

The SPEAKER. The question is on agreeing to the amend-

Mr. MANN. Mr. Speaker, is this a resolution for the Committee on the Judiciary?

Mr. LLOYD. Yes. Mr. MANN. I hope that it will pass.

The SPEAKER. The question is on agreeing to the amend-

The question was taken, and the amendment was agreed to.

The SPEAKER. The question now is on agreeing to the resolution as amended.

The question was taken, and the resolution was agreed to.

INVESTIGATION OF SHIP LINES.

Mr. LLOYD. Mr. Speaker, I also present the following privileged report from the Committee on Accounts, which I send to the desk and ask to have read.

The Clerk read as follows:

House resolution 470 (H. Rept. 530).

Resolved, That all expenses that may be incurred by the Committee on the Merchant Marine and Fisheries under resolution (H. Res. 425) adopted February 24, 1912, authorizing said committee to investigate the methods and practices of various lines of ships, etc., to an amount not exceeding \$25,000, shall be paid out of the contingent fund of the House of Representatives on vouchers ordered by said committee, signed by the chairman thereof, and approved by the Committee on Accounts, evidenced by the signature of the chairman thereof.

Mr. MANN. Mr. Speaker, as I understand it, this resolution carries \$25,000.

Mr. LLOYD. Yes. This carries the same amount as was provided in the matter of the investigation of the Steel Cor-Yes. This carries the same amount as was poration and in the matter of the investigation of the Sugar Trust.

Mr. MANN. I think the sugar investigation did not carry \$25,000.

Mr. LLOYD. The gentleman is right. That was \$10,000. Mr. MANN. The other carried \$25,000. It seems to me that the gentleman from Missouri ought to be willing to start with less than \$25,000. He will find it embarrasses him more than anybody else to have \$25,000 at his command, with the hungry horde that will be pressing on him on every side in a campaign.

Mr. LLOYD. Mr. Speaker, I yield to the gentleman from Missouri [Mr. Alexander].

Mr. ALEXANDER. Mr. Speaker, I will say to the gentleman from Illinois that so far there has been no hungry horde after the gentleman from Missouri.

Mr. MANN. The gentleman has not had any money yet.

Mr. ALEXANDER. We had prospects, and ordinarily that is

Mr. MANN. Why, here you are going into a political campaign. I do not think the gentleman will use the money for a political campaign, but a thousand people will want him to do so and suggest persons to whom that money should be distributed. I have no objection, if he insists upon the \$25,000, although if I were in his place I would want to start in with a smaller sum, feeling that if I needed more money the House would be willing to grant it. We spent \$25,000 on the steel investigation. I do not think the gentleman will have time during the rest of this Congress to spend \$25,000 in the same way that it was spent in the steel investigation.

Mr. ALEXANDER. I wish to say to the gentleman from Illinois that the committee will not spend a dollar that is not necessary to be expended, and so far we have incurred no expenses except in the employment of one expert, who entered upon the discharge of his duties on Monday, but this investigation necessarily will extend beyond the present session of Congress into the summer months, and it is necessary that provision be made for the expenses that may be incurred. I hardly think it is necessary to assure the House that not one dollar will be expended unnecessarily.

Mr. MANN. Oh, nobody supposes the gentleman will voluntarily spend money unnecessarily, and yet every Member in this

of some person or under his control a large sum of money it inevitably means the employment of more people at higher salaries than would be provided with a smaller sum. The gentleman, instead of paying two or three hundred dollars a month for expert accountants, will find he will be called upon to pay \$500 to \$1,000 a month, because he has the money and they will tell him they will not work for less.

Mr. MURDOCK. Will the gentleman yield?
Mr. ALEXANDER. Yes.
Mr. MURDOCK. Will the gentleman explain what is proposed to be investigated under this resolution?

Mr. MANN. The Shipping Trust,
Mr. MURDOCK. It says, "Investigate the methods and practices of various lines of ships." What is the purpose?

Mr. ALEXANDER. Is the gentleman familiar with House resolution 425?

Mr. MURDOCK. I am not, and that is why I asked the question.

Mr. ALEXANDER. Well, in brief, it provides for an investigation of alleged foreign shipping combines, domestic shipping combines, and combines between domestic and foreign shipping, and the relations between them and the railroads and all related

subjects. It is a very comprehensive resolution.

Mr. MURDOCK. Will it be comprehensive enough to take in

the foreign subsidies?

Mr. ALEXANDER. Yes; and I will say to the gentleman that I have already taken up this and other subjects with the departments and am endeavoring to get all the information I can that is called for in the resolution through the departments of the Government. The information called for that will require investigations abroad I am undertaking to get through the State

Department and the Bureau of Trade Relations.

In connection with the chief of that bureau, I have formulated inquiries, which have gone forward to the diplomatic and consular representatives of our Government, to investigate the question of subsidies, subventions, bounties, and so forth, and to what extent they are paid by foreign governments, and the laws relating thereto, and whether or not rings and pools exist, and to what extent, if at all, they are legalized under the laws of other countries. We are seeking to get all that information called for abroad through these means. The War and State Departments and the Departments of Justice and Commerce and Labor are cooperating with the committee in every possible way. Mr. MURDOCK.

Now, would the resolution be comprehensive enough to take in the making of a contract between foreign ship companies and railroads in the matter of transporting immigrants to this country and after their arrival in New York

locating them in the West?

Mr. ALEXANDER. Yes; it is broad enough for that.

Mr. MURDOCK. Does the gentleman contemplate doing that thing?

Mr. ALEXANDER. No; we have not that matter directly in mind.

Mr. MANN. Is it not a fact that this resolution is broad enough to authorize an investigation of everything connected with the merchant marine since the memorable trip of Neah's Ark?

Mr. ALEXANDER. No; I think that we would be barred by the statute of limitations; at least I hope so. I am very sure I have no disposition to go that far back. In fact, in view of the campaign pending, I enter upon the labor involved with very great reluctance anyhow.

The question was taken, and the resolution was agreed to.

ENROLLED BILL PRESENTED TO THE PRESIDENT FOR HIS APPROVAL. Mr. CRAVENS, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States for his approval the following bill:

H. R. 18661. An act to provide for an extension of time of payment of all unpaid payments due from homesteaders on the Coeur d'Alene Indian Reservation, as provided for under an act of Congress approved June 21, 1906.

ENROLLED BILL SIGNED.

The SPEAKER announced his signature to enrolled bill of the following title:

S. 2. An act supplementary to and amendatory of the act entitled "An act for the division of the lands and funds of the Osage Nation of Indians in Oklahoma," approved June 28, 1906, and for other purposes.

CONTINGENT FUND DISBURSEMENT.

Mr. LLOYD. Mr. Speaker, I offer the following resolution. The SPEAKER. The gentleman from Missouri [Mr. LLOYD] House knows perfectly well that where you put into the hands offers a resolution, which the Clerk will report.

The Clerk read as follows:

House resolution 469 (H. Rept. 531).

House resolution 469 (H. Rept. 531).

Resolved, That the sum of \$4,000 shall be paid out of the contingent fund of the House of Representatives on vouchers ordered by the committee appointed under the resolution of the House of Representatives adopted May 16, 1911, to make an investigation for the purpose of ascertaining whether there have occurred violations by the United States Steel Corporation, or other corporations or persons, of the antitrust act of July 2, 1890, and the acts supplementary thereto, the various interstate-commerce acts, and the acts relative to the national banking associations, etc.; and that all vouchers ordered by said committee shall be signed by the chairman thereof and approved by the Committee on Accounts, evidenced by the signature of the chairman thereof.

The SPEAKER. The question is on agreeing to the resolution.

Mr. MANN. Mr. Speaker, can the gentleman tell us whether this will be the last installment of this continued story?

Mr. LLOYD. Mr. Speaker, I can not answer except to say this, that unless it is necessary to ask for an additional appropriation or allowance it will be sufficient.

Mr. MANN. That is certainly a clear and frank statement. [Laughter.]

The SPEAKER. The question is on agreeing to the reso-Iution.

The question was taken, and the resolution was agreed to. Mr. MANN. Mr. Speaker, I suggest to the gentleman that it

is getting pretty late.

Mr. LLOYD. Mr. Speaker, there are two other resolutions that I hoped to bring up, but the gentleman from Illinois is anxious that we conclude at the present time, and he has notified me of the fact that there is not a quorum present and that the question would be raised. I therefore move that we do now adjourn.

ADJOURNMENT.

The motion was agreed to; accordingly (at 5 o'clock and 18 minutes p. m.) the House adjourned until to-morrow, Friday, April 12, 1912, at 12 o'clock noon.

EXECUTIVE COMMUNICATION.

Under clause 2 of Rule XXIV, a letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Columbia River, Wash. (H. Doc. No. 693), was taken from the Speaker's table, referred to the Committee on Rivers and Harbors, and ordered to be

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. DENT, from the Committee on the Public Lands, to which was referred the bill (S. 244) extending the operation of the act of June 10, 1910, to coal lands in Alabama, reported the same with amendment, accompanied by a report (No. 522), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. HARDY, from the Committee on the Merchant Marine and Fisheries, to which was referred the bill (H. R. 17235) to grant American registry to the Norwegian ice breaker Kit, reported the same with amendment, accompanied by a report (No. 523), which said bill and report were referred to the Committee

of the Whole House on the state of the Union.

Mr. HENRY of Texas, from the Committee on Rules, to which was referred the joint resolution (H. J. Res. 262) creating a committee of Congress to investigate the building of post roads in the United States, reported the same without amendment, accompanied by a report (No. 524), which said joint resolution and report were referred to the Committee of the Whole House on the state of the Union.

Mr. McCOY, from the Committee on the Judiciary, to which was referred the bill (H. R. 21532) to incorporate the Rockefeller Foundation, reported the same without amendment, accompanied by a report (No. 529), which said bill and report were referred to the Committee of the Whole House on the state

Mr. PEPPER, from the Committee on Military Affairs, to which was referred the joint resolution (S. J. Res. 90) to authorize Capt. John W. Gulick, United States Army, to accept a position under the Government of the Republic of Chile, reported the same without amendment, accompanied by a report (No. 526), which said joint resolution and report were referred to the House Calendar.

Mr. DOREMUS, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (H. R. 20593) to authorize the Norfolk & Western Railway Co. to construct

sundry bridges across the Tug Fork of the Big Sandy River, reported the same with amendment, accompanied by a report (No. 527), which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. SHERWOOD, from the Committee on Invalid Pensions, to which was referred the bill (S. 5493) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors, reported the same without amendment, accompanied by a report (No. 518), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill (S. 5624) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors, reported the same without amendment, accompanied by a report (No. 519), which said bill and report were referred to the

Private Calendar.

He also, from the same committee, to which was referred the bill (S. 5415) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors, reported the same without amendment, accompanied by a report (No. 520), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill (S. 5670) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors, reported the same without amendment, accompanied by a report (No. 521), which said bill and report were referred to the Private Calendar.

Mr. DIFENDERFER, from the Committee on Pensions, to which was referred the bill (H. R. 23190) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows and dependent relatives of such soldiers and sailors, reported the same without amendment, accompanied by a report (No. 525), which said bill and report were referred to the Private Calendar.

Mr. HUGHES of Georgia, from the Committee on Military Affairs, to which was referred the bill (H. R. 606) for the relief of John Treffeisen, reported the same with amendment, accompanied by a report (No. 528), which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Pensions was discharged from the consideration of the bill (H. R. 13632) granting an increase of pension to William Denham, and the same was referred to the Committee on Invalid Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials

were introduced and severally referred as follows:
By Mr. DAVENPORT: A bill (H. R. 23183) providing for the removal of restrictions from certain lands in the Cherokee Nation, Okla., and for other purposes; to the Committee on Indian Affairs.

Also, a bill (H. R. 23184) directing the Secretary of the Interior to deliver patents to Seminole allottees, and for other purposes; to the Committee on Indian Affairs.

By Mr. BYRNS of Tennessee: A bill (H. R. 23185) to prevent and punish the desecration of the flag of the United States; to

By Mr. GARRETT: A bill (H. R. 23186) to amend an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911; to the Committee on the Judiciary

By Mr. LAFFERTY: A bill (H. R. 23187) creating a general parcel post; to the Committee on the Post Office and Post Roads.

Also, a bill (H. R. 23188) providing for an experimental parcel post, to continue until June 30, 1914, and restricted to a haul of not to exceed 150 miles; to the Committee on the Post Office and Post Roads.

By Mr. BARTLETT: A bill (H. R. 23189) to make lawful certain agreements between employees and laborers and persons engaged in agriculture or horticulture and to limit the issuing of injunctions in certain cases, and for other purposes; to the Committee on Labor.

By Mr. BOOHER: A bill (H. R. 23191) authorizing the Secretary of War to donate to Forest City, Mo., one small bronze cannon, with its carriage, and six cannon balls; to the Committee on Military Affairs.

By Mr. OLDFIELD: A bill (H. R. 23192) amending the statutes relating to patents; to the Committee on Patents.

Also, a bill (H. R. 23193) to codify, revise, and amend the laws relating to patents; to the Committee on Patents.

By Mr. PETERS: Memorial of the Legislature of the Commonwealth of Massachusetts relative to the improvement of the Merrimac River; to the Committee on Rivers and Harbors.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. DIFENDERFER: A bill (H. R. 23190) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows and dependent relatives of such soldiers and sailors; to the Committee of the Whole House.

By Mr. AKIN of New York: A bill (H. R. 23194) granting pension to Curtis D. Rowe; to the Committee on Invalid Pen-

By Mr. ALLEN: A bill (H. R. 23195) granting a pension to Charlotte Roller; to the Committee on Invalid Pensions.

Also, a bill (H. R. 23196) granting an increase of pension to Michael Rudisell; to the Committee on Invalid Pensions.

By Mr. ANDERSON of Ohio: A bill (H. R. 23197) granting an increase of pension to John McCormick; to the Committee on Invalid Pensions.

Also, a bill (H. R. 23198) granting an increase of pension to

Joseph H. Blaney; to the Committee on Pensions.

Also, a bill (H. R. 23199) granting an increase of pension to James D. Knights; to the Committee on Invalid Pensions.

Also, a bill (H. R. 23200) granting an increase of pension to William Eversole; to the Committee on Invalid Pensions.

By Mr. CANTRILL: A bill (H. R. 23201) for the relief of the legal heirs of Richard Horne, deceased; to the Committee on War Claims.

By Mr. CARY: A bill (H. R. 23202) granting a pension to Patrick Harkin; to the Committee on Pensions.

By Mr. DWIGHT: A bill (H. R. 23203) to correct the military record of Stephen Burrows; to the Committee on Military

By Mr. HANNA: A bill (H. R. 23204) granting a pension to William Stevens; to the Committee on Invalid Pensions.

By Mr. HULL: A bill (H. R. 23205) for the relief of Ram-

sey Dougherty; to the Committee on Military Affairs.

Also, a bill (H. R. 23206) granting a pension to Rhoda J.

Hufhines: to the Committee on Invalid Pensions.

By Mr. KINKAID of Nebraska: A bill (H. R. 23207) granting an increase of pension to Isaac W. Taylor, alias George R. Bundy; to the Committee on Invalid Pensions.

Also, a bill (H. R. 23208) granting an increase of pension to Amos Aspey; to the Committee on Invalid Pensions.

By Mr. LAFFERTY: A bill (H. R. 23200) granting a pension to Henry A. Ridgeway; to the Committee on Invalid Pen-

By Mr. LA FOLLETTE: A bill (H. R. 23210) granting an increase of pension to William T. Lambdin; to the Committee on Invalid Pensions.

By Mr. LANGLEY: A bill (H. R. 23211) granting a pension to Sylvester B. Miller; to the Committee on Invalid Pensions.

Also, a bill (H. R. 23212) granting an increase of pension to

Henry C. Soward; to the Committee on Invalid Pensions.

Also, a bill (H. R. 23213) for the relief of Peter Cline: to the Committee on War Claims.

Also, a bill (H. R. 23214) for the relief of William H. Nolcini; to the Committee on War Claims.

Also, a bill (H. R. 23215) for the relief of G. W. Little; to the Committee on War Claims.

Also, a bill (H. R. 23216) for the relief of Mart Salver: to

the Committee on War Claims. Also, a bill (H. R. 28217) for the relief of America Elam; to

the Committee on War Claims. Also, a bill (H. R. 23218) for the relief of M. P. Turner; to the Committee on War Claims.

Also, a bill (H. R. 23219) for the relief of the legal representatives of John D. Spencer; to the Committee on War Claims.

Also, a bill (H. R. 23220) for the relief of the legal represent-

atives of Daniel Reed; to the Committee on War Claims.

By Mr. LLOYD: A bill (H. R. 23221) granting an increase of pension to Charles Callison; to the Committee on Invalid Pen-

By Mr. MAGUIRE of Nebraska: A bill (H. R. 23222) granting a pension to James B. Downs; to the Committee on Pen-

By Mr. MAHER: A bill (H. R. 23223) granting an increase of pension to Mary Newell; to the Committee on Invalid Pensions

By Mr. MURRAY: A bill (H. R. 23224) granting an increase of pension to Richard McCarron; to the Committee on Invalid Pensions.

By Mr. O'SHAUNESSY: A bill (H. R. 23225) granting an increase of pension to Martin Casey; to the Committee on

By Mr. PADGETT: A bill (H. R. 23226) for the relief of S. H. Bailey, sr.; to the Committee on War Claims.

Also, a bill (H. R. 23227) granting a pension to Jacob Horne; to the Committee on Invalid Pensions.

By Mr. PARRAN: A bill (H. R. 23228) granting a pension to

Edith Mason; to the Committee on Pensions.

Also, a bill (H. R. 23229) granting an increase of pension to William H. Cole; to the Committee on Invalid Pensions.

By Mr. REILLY: A bill (H. R. 23230) granting an increase of pension to Osmer A. Talmage; to the Committee on Invalid Pensions.

By Mr. RUSSELL: A bill (H. R. 23231) granting an increase of pension to William A. Baty; to the Committee on Invalid Pensions.

By Mr. SMITH of California: A bill (H. R. 23232) to authorize the exchange of certain lands in the State of California; to the Committee on Indian Affairs.

-By Mr. STONE: A bill (H. R. 23233) granting a pension to Cornelia F. Huckins; to the Committee on Invalid Pensions.

By Mr. SWITZER: A bill (H. R. 23234) granting a pension

to Jessie Canterbury; to the Committee on Pensions.
Also, a bill (H. R. 23235) granting an increase of pension to
William McCartney; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ALLEN: Resolutions of the Council of the City of Cincinnati, Ohio, favoring passage of a bill for coinage of 3-cent pieces; to the Committee on Banking and Currency.

By Mr. ANDERSON of Minnesota: Petition of Marcus Satory

and 4 others, of Wabasha, Minn., against extension of parcelpost system; to the Committee on the Post Office and Post Ronds.

By Mr. ANDERSON of Ohio; Resolutions of the Military Order of the Loyal Legion of the United States, of Cincinnati, Ohio, urging passage of House bill 19401, for the erection in the city of Washington of an equestrian statue to the memory of the late Maj. Gen. Oliver O. Howard; to the Committee on the Library.

Also, petition of citizens of the District of Columbia along the route of the Sixteenth Street herdic line, urging enactment of a law for improvement of Sixteenth Street herdic line; to the Committee on the District of Columbia.

Also, petition of citizens of the District of Columbia, urging passage of Senate bill 2904, to confer upon the Commissioners of the District of Columbia authority to regulate operation and equipment of vehicles of the Metropolitan Coach Co.; to the Committee on the District of Columbia.

By Mr. ASHBROOK: Petition of Samuel C. Burrell and 8 other citizens of Newark, Ohio, against the enactment of interstate liquor legislation; to the Committee on the Judiciary.

By Mr. BARNHART: Memorial of South Bend (Ind.) Polish Alliance, against House bill to regulate immigration by educational qualification; to the Committee on Immigration and Naturalization.

Also, petition of citizens of Nappance, North Judson, and Rochester, Ind., protesting against parcel-post laws; to the Committee on the Post Office and Post Roads.

Also, petition of citizens of Elkhart, Ind., favoring passage of Berger bill, for old-age pensions for deserving men and women over 60 years of age; to the Committee on Pensions.

Also, petition of citizens of Fulton, Ind., protesting against a parcel-post system; to the Committee on the Post Office and Post Roads.

By Mr. BURKE of Wisconsin: Petition of Deutscher Kruger Verein, of Stevens Point, and Germania Unterstitzungs Verein, of Menasha, Wis., against the passage of all prohibition and

interstate-commerce liquor bills; to the Committee on Interstate and Foreign Commerce.

By Mr. CALDER: Petition of A. J. Clymer, Van Wert, Ohio, urging passage of House bill 17222 forbidding the transportation throughout the United States of unweaned calves; to the Committee on Interstate and Foreign Commerce.

Also, petition of the National Civic Federation, department on compensation for industrial accidents and their prevention, urging passage of Senate bill 5382—the workmen's compensa-

tion bill; to the Committee on the Judiciary.

Also, petition of Retail Cutlers' Association of New York and vicinity, urging support of bill for abolition of coupons and trading stamps; to the Committee on Interstate and Foreign Commerce.

Also, petition of R. H. Burns, of Brooklyn, N. Y., for passage of Senate bill 5955 for the relief of certain retired officers of the Navy and Marine Corps; to the Committee on Naval Affairs.

Also, petition of the Merchants' Association of New York, for legislation to promote the efficiency of the Public Health and Marine-Hospital Service; to the Committee on Interstate and Foreign Commerce.

Also, petition of the Chamber of Commerce of Pittsburgh, Pa., protesting against House bill 21292; to the Committee on Inter-

state and Foreign Commerce

Also, petitions of the Ohio Humane Society and Broome County (N. Y.) Humane Society, for enactment of House bill 17222; to the Committee on Interstate and Foreign Commerce.

By Mr. CRAGO: Petitions of Granges Nos. 1103 and 1438, Patrons of Husbandry, for enactment of House bill 19133, providing for a governmental system of postal express; to the Committee on Interstate and Foreign Commerce.

By Mr. DANIEL A. DRISCOLL: Memorial of the Chamber of Commerce of the State of New York, for enactment of House bill 20044, for the improvement of the foreign service; to the Committee on Foreign Affairs.

Also, memorial of the Chamber of Commerce of the State of New York, for the creation of a Federal commission on indus-

trial relations; to the Committee on Rules.

Also, memorial of the Amateur Athletic Union, for appointment of a commissioner to represent the United States at the coming Olympian championships; to the Committee on Foreign Affairs.

Also, petition of Division No. 382, Brotherhood of Locomotive Engineers of Buffalo, N. Y., for enactment of House bill 20487; to the Committee on the Judiciary.

Also, petition of Chafee Grange, No. 987, Patrons of Husbandry, against reducing the special tax on oleomargarine col-

ored in imitation of butter; to the Committee on Agriculture.

By Mr. MICHAEL E. DRISCOLL: Resolutions of the registration committee of the Metropolitan Association of the Amateur Athletic Union, held in New York City April 4, 1912, asking that a representative be appointed to represent the United States at coming Olympian championships, to be held in Stockholm in June and July of this year; to the Committee on Foreign Affairs.

By Mr. FERGUSSON: Petition of citizens of New Mexico, favoring bill to lessen the hardships of the homestead law; to the Committee on the Public Lands.

By Mr. FULLER: Petition of Dr. Rufus W. Finley, of Rockford, Ill., favoring the passage of House bill 16843, to consolidate the veterinary service in the United States Army; to the Committee on Military Affairs.

Also, petition of the Order of Knights of Labor of Washing-

ton, D. C., in favor of policemen and firemen's pension bill; to

the Committee on the District of Columbia.

By Mr. HAMLIN: Papers accompanying House bill 22797, to pension Carrie A. Hollenbeck, of Sedalia, Pettis County, Mo.; to the Committee on Invalid Pensions.

By Mr. HANNA: Petition of Division No. 202, Brotherhood of Locomotive Engineers, for enactment of House bill 20487; to the Committee on the Judiciary.

Also, petition of J. G. Jacobson, of Churchs Ferry, N. Dak., for a Lincoln memorial road from Washington to Gettysburg;

to the Committee on the Library.

Also, petition of F. J. Brownell, of Haynes, N. Dak., asking that the duties on raw and refined sugars be reduced; to the Committee on Ways and Means.

Also, petition of residents of Max, N. Dak., for enactment of House bill 14, providing for a general parcel-post system; to

the Committee on the Post Office and Post Roads.

Also, petition of residents of Bismarck, N. Dak., protesting against parcel-post legislation; to the Committee on the Post Office and Post Roads.

Also, petition of the Woman's Christian Temperance Union of Hawkinson, N. Dak., for passage of the Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. HOBSON: Petition of members of Vaughn class of

Calvary Baptist Sunday School, for restricting and reducing the number of saloons in the District of Columbia, etc.; to the

Committee on the District of Columbia.

By Mr. LAFEAN: Soldier's affidavit containing evidence to be filed in support of House bill 19755, granting increase of pension to William C. Stair, One hundred and seventh Pennsylvania Veteran Volunteers, a resident of the National Home, Washington County, State of Tennessee; to the Committee on Pensions.

By Mr. LAFFERTY: Petition of L. M. Karpentur and others, of the State of Oregon, and Mrs. Elizabeth Riebhoff and others, of Portland, and W. J. Hunter and others, of Lents, Portland, and Hillsdale, State of Oregon, favoring parcel-post system; to the Committee on the Post Office and Post Roads.

Also, petition of Frank J. Bradley and others, of Long Creek, Oreg., favoring parcel-post law, and of H. R. Van Slyke and others, of Freewater, Oreg., against passage of parcel-post law; to the Committee on the Post Office and Post Roads.

Also, petition of D. S. Kent and others, of Union, Oreg., for the passage of bill prohibiting gambling in farm products, etc.;

the passage of bill prohibiting gaining in farm products, etc., to the Committee on Agriculture.

By Mr. McMORRAN: Resolutions of the Grand Traverse Lincoln Club, of Traverse City, Mich., against the proposed use of the waters of Lake Michigan for sanitary purposes; to the Committee on Rivers and Harbors.

By Mr. MAHER: Memorial of the Chamber of Commerce of the State of New York, relative to operation of the Panama Canal; to the Committee on Interstate and Foreign Commerce.

Also, memorial of the Chamber of Commerce of the State of New York, urging creation of a Federal commission on industrial relations; to the Committee on Rules.

Also, memorial of the Chamber of Commerce of the State of New York, for enactment of House bill 20044, for the improvement of the foreign service; to the Committee on Foreign Affairs.

Also, memorial of the Chamber of Commerce of the State of New York, for amending the laws relating to navigation; to the Committee on the Merchant Marine and Fisheries.

Also, memorial of the Amateur Athletic Union, for appointment of a commissioner to represent the United States at the coming Olympian championships; to the Committee on Foreign Affairs.

Also, petition of Local No. 14, United Hatters of North America, of Newark, N. J., for retirement of civil-service employees; to the Committee on Reform in the Civil Service.

By Mr. MARTIN of South Dakota: Petition of St. Joseph's Catholic Society of Farmer, S. Dak., in regard to measures relating to Catholic Indian mission interests; to the Committee on Indian Affairs.

By Mr. NEELEY: Petition of citizens of Kiowa, Kans., favor-

ing passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. NYE: Petition of citizens of Minneapolis, Minn.,

favoring construction of one battleship in a Government navy

yard; to the Committee on Military Affairs.

By Mr. PARRAN: Memorial of Nenjemoy Grange, No. 306, Patrons of Husbandry, of Grayton, Charles County, Md., favoring passage of House bill 19133, to increase facilities and efficiency of the postal service; to the Committee on Interstate and Foreign Commerce.

Also, papers in support of bill for the erection of lights and construction of a sidewalk on Sixty-first Street, north and south of East Capitol Street, in the District of Columbia; to the Committee on the District of Columbia.

By Mr. RAKER: Petition of citizens of California, favoring

House bill 21225, to make eleomargarine and butter of a different color; to the Committee on Agriculture.

By Mr. REILLY: Memorial of the Chamber of Commerce of the State of New York, for amending the laws relating to navigation; to the Committee on the Merchant Marine and Fisheries.

Also, memorial of the Chamber of Commerce of the State of New York, relative to operation of the Panama Canal; to the Committee on Interstate and Foreign Commerce.

Also, petition of A. G. Hammond Camp, No. 5, Department of Connecticut, favoring passage of House bill 17470, providing a pension for the widows and minor children of Spanish War veterans; to the Committee on Pensions.

By Mr. SULZER: Petition of Central Union Labor Council of Greater New York, for appointment of a commission on indus-

trial relations; to the Committee on Rules.

Also, petitions of the Remington Typewriter Co. and John Boyle & Co., of New York City, for a general parcel-post system; to the Committee on the Post Office and Post Roads.

Also, petition of the Brunswick-Balke Collander Co., of New York City, in opposition to prohibitory liquor laws in the District of Columbia; to the Committee on the District of Co-

Also, petition of Frederick P. Seymour, of New York City, protesting against legislation to abolish privileges that manufacturers have enjoyed in maintaining uniform retail prices on patented articles; to the Committee on Patents.

By Mr. WILLIS: Papers to accompany House bill 23107, granting an increase of pension to John C. Babbs, late corporal Company F. Thirty-first Ohio Infantry, Civil War; to the Committee on Invalid Pensions.

By Mr. WOODS of Iowa: Petition of citizens of Webster City, Iowa, favoring passage of the Kenyon-Sheppard interstate liquor bill: to the Committee on the Judiciary.

SENATE.

FRIDAY, April 12, 1912.

The Senate met at 2 o'clock p. m. Prayer by the Chaplain, Rev. Ulysses G. B. Pierce, D. D. The Journal of yesterday's proceedings was read and approved.

INDIAN MONEYS-PROCEEDS OF LABOR (H. DOC. NO. 695). The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Interior, transmitting, pursuant to law, a detailed statement of expenditures of money carried on the books of the Interior Department under "Indian moneys, proceeds of labor," during the fiscal year ended June 30, 1911, which, with the accompanying paper, was referred to the Committee on Indian Affairs and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 12371. An act for the relief of Spencer Roberts, a member of the Metropolitan police force of the District of Columbia;

H. R. 14094. An act declaring the carrying concealed about the person any pistol, bowie knife, dirk or clasp knife, or razor, blackjack, dagger, sword cane, slung shot, brass or other metal knuckles in the District of Columbia a felony; and

H. R. 22642. An act providing for the protection of the interests of the United States in lands and waters comprising any part of the Potomac River, the Anacostia River or Eastern Branch, and Rock Creek and lands adjacent thereto.

PETITIONS AND MEMORIALS.

The VICE PRESIDENT presented a petition of the Central Committee of the Independence Party of the Territory of Porto Rico, praying for the postponement of all legislation relative to the status of the people of that Territory, which was referred to the Committee on Pacific Islands and Porto Rico.

He also presented petitions of the Presbyterian Woman's Christian Temperance Union of the Althea A. Taft Church, of Mendon, Mass.; of the congregations of the Baptist Church of Mendon, Mass., and the Christian Church of Bessemer, Ala.; of members of the Farmers' Club of Warrington, Pa.; of the congregation of the Methodist Episcopal Church of Mabel, Minn.; and of the Woman's Christian Temperance Union of Mabel, Minn., praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating liquors, which were referred to the Committee

on the Judiciary.

He also presented petitions of Washington Camps, No. 3, of Philadelphia; No. 8, of Harrisburg; No. 111, of Roxbury; No. 177, of Scranton; No. 184, of Linglestown; No. 194, of Sun-No. 177, of Scranton; No. 184, of Linglestown; No. 194, of Sunbury; No. 201, of Gowen City; No. 202, of Brodheadsville; No. 239, of White Haven; No. 303, of Philadelphia; No. 316, of Klingerstown; No. 393, of Bloomingdale; No. 395, of Philadelphia; No. 402, of York; No. 405, of Lemoyne; No. 427, of Molltown; No. 457, of Lilly; No. 486, of Susquehanna; No. 498, of Pen Argyl; No. 607, of Dallastown; No. 611, of Apollo; No. 625, of Aaronsburg; No. 629, of South Fork; No. 689, of Reading; No. 726, of Cashtown; No. 781, of Beallsville; No. 804, of Burgetstown; and No. 815, of Florence, of the Patriotic Order Sons of America, all in the State of Pennsylvania, praying for the enof America, all in the State of Pennsylvania, praying for the enactment of legislation to further restrict immigration, which

were ordered to lie on the table.

Mr. CULLOM presented a petition of Fred Bennitt Camp, No. 3, Department of Illinois, United Spanish War Veterans, of Pon-

tiac, Ill., praying for the enactment of legislation to pension widow and minor children of any officer or enlisted man who served in the War with Spain or the Philippine insurrection. which was referred to the Committee on Pensions.

Mr. WORKS presented memorials of sundry citizens of California, remonstrating against a reduction of the duty on sugar.

which were referred to the Committee on Finance.

He also presented a petition of members of the Native Daughters of the Golden West, praying for the enactment of legisla-tion to provide for the protection and preservation of the Calaveras or Mammoth Grove of Big Trees, which was referred to the Committee on Public Lands.

He also presented petitions of the congregations of the Congress Heights Methodist Episcopal Church, the McKendree Methodist Episcopal Church, the Metropolitan Presbyterian Church, the Church of the Covenant, the First Congregational Church, and of sundry citizens, all in the District of Columbia, praying for the enactment of legislation to diminish the number of saloons in the District and for more stringent regulation of those now in existence, which were referred to the Committee on the District of Columbia.

Mr. ASHURST presented the memorial of B. A. Fowler, of

Phoenix, Ariz., remonstrating against any reduction in the appropriation for the maintenance of the Forest Service, which was referred to the Committee on Agriculture and Forestry.

He also presented the petition of J. W. Stinson, of Tucson, Ariz., praying that an appropriation of \$150,000 be made to be used in exploring for artesian water and for oil and gas in Pima County, in that State, which was referred to the Committee on Appropriations.

Mr. THORNTON. I present two telegrams in the nature of petitions, which I ask to have read.

There being no objection, the telegrams were read and referred to the Committee on Interstate Commerce, as follows:

[Telegram.]

NEW ORLEANS, LA., April 8, 1912.

Hon. J. R. Thornton,

Member of Senate, Washington, D. C.:

The members of Sunny South Lodge, 211, Brotherhood of Railroad Trainmen, earnestly request your influence and vote in support of Senate bill 5382, workmen's compensation bill, as it vitally concerns the men in railroad service in your State.

W. H. ROBERTS. J. F. BOWEN.

[Telegram.]

NEW ORLEANS, La., April 9, 1912.

Senator THORNTON, Washington, D. C.:

Senate bill No. 5382, workmen's compensation, will come up for your consideration, and, as president of Lodge No. 669, Brotherhood of Railroad Trainmen, on behalf of the members, urgently request your assistance in the passage of the same. W. M. FITZGERALD.

Mr. CURTIS presented petitions of sundry citizens of McCune and St. Paul, in the State of Kansas, praying for the establishment of a parcel-post system, which were referred to the Committee on Post Offices and Post Roads.

He also presented a memorial of Junction Grange, No. 239, Patrons of Husbandry, of Michigan Valley, Kans., remonstrat-ing against the enactment of legislation to permit the coloring of oleomargarine in imitation of butter, which was referred to the Committee on Agriculture and Forestry.

He also presented a memorial of sundry citizens of Herington, Kans., remonstrating against the establishment of a parcel-post system, which was referred to the Committee on Post Offices and Post Roads.

Mr. LODGE presented a petition of members of the Massa-chusetts Veterinary Association, praying for the establishment of a veterinary corps in the Army, which was referred to the Committee on Military Affairs.

Mr. CATRON presented a petition of sundry citizens of Union County, N. Mex., praying for the adoption of certain amendments to the homestead law, which was referred to the Committee on Public Lands.

He also presented a memorial of sundry citizens of Melrose, N. Mex., remonstrating against any reduction of the duty on

Mr. CLAPP (for Mr. La Follette) presented a memorial of sundry citizens of Reedsburg, Wis., remonstrating against the extension of the parcel-post system beyond its present limitation. tations, which was referred to the Committee on Post Offices and Post Roads.

He also (for Mr. La Follette) presented a petition of the City Council of Green Bay, Wis., praying for the enactment of legislation providing for the coinage of 3-cent pieces, which was referred to the Committee on Finance.

He also (for Mr. La Follette) presented a petition of sundry citizens of Waukesha County, Wis., praying for the establishment of a parcel-post system, which was referred to the Committee on Post Offices and Post Roads.

Mr. BOURNE presented petitions of sundry citizens of Klamath Falls and Bellevue, in the State of Oregon, praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which were

referred to the Committee on the Judiciary.

He also presented a petition of sundry citizens of Dallas, Portland, Salem, Monmouth, Suver, Hammond, Corvallis, Albany, Brownsville, Holley, and Crawfordsville, all in the State of Oregon, praying for the enactment of legislation granting relief to William Corley, of Holley, Oreg., which was referred to the Committee on Public Lands.

Mr. GALLINGER presented resolutions adopted by the New Hampshire Annual Conference of the Methodist Episcopal Church, in convention at Nashua, N. H., favoring the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which were referred to

the Committee on the Judiciary.

REPORTS OF COMMITTEES.

Mr. BORAH, from the Committee on Irrigation and Reclamation of Arid Lands, to which was referred the bill (S. 5545) providing for the issuing of patent to entrymen for homesteads upon reclamation projects, reported it with amendments and submitted a report (No. 608) thereon.

Mr. SMOOT, from the Committee on Pensions, to which were referred the following bills, reported them each with amend-

ments and submitted reports thereon:

H. R. 18337. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of

said war (Rept. No. 609); and H. R. 19721. An act granting pensions and increase of pen-sions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows and dependent relatives of such soldiers and sailors (Rept. No. 610).

Mr. BRISTOW, from the Committee on Military Affairs, to

which was referred the bill (S. 186) to correct the military record of Francis M. Grinstead, reported it with amendments and submitted a report (No. 611) thereon.

He also, from the Committee on Territories, to which was referred the bill (S. 5211) to require the registration of vital statistics in the Territory of Alaska, and for other purposes, reported it with amendments and submitted a report (No. 612)

Mr. JOHNSTON of Alabama, from the Committee on Military Affairs, to which was referred the bill (H. R. 9420) authorizing the Secretary of War to donate to the city of Jackson, Miss., carriage and cannon or fieldpleces, reported it without amendment and submitted a report (No. 613) thereon.

He also, from the same committee, to which were referred the following bills, submitted adverse reports thereon, which were agreed to, and the bills were postponed indefinitely: S. 5442. A bill to correct the military record of Hezekiah

Cullen (Rept. No. 614); and S. 86. A bill for the relief of John Burke (Rept. No. 615).
Mr. POINDEXTER, from the Committee on Naval Affairs, to which was referred the bill (S. 5719) to increase the efficiency of the Medical Department of the United States Navy, reported it without amendment and submitted a report (No. 616)

Mr. BOURNE, from the Committee on Public Buildings and Grounds, to which was referred the bill (S. 6110) to provide for the erection of a public building on a site already acquired at Roseburg, Oreg., reported it with an amendment and submitted a report (No. 617) thereon.

BILLS AND JOINT RESOLUTION INTRODUCED.

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows

By Mr. SMITH of Michigan:

A bill (S. 6276) granting a pension to George G. Thirlby; A bill (S. 6277) granting a pension to Lovina Warren;

A bill (S. 6278) granting a pension to Christine Kimball; and A bill (S. 6279) granting an increase of pension to Joseph Johnston; to the Committee on Pensions.

A bill (S. 6280) for the relief of James C. Eslow; to the Committee on Claims,

A bill (S. 6281) authorizing and directing the Secretary of the Navy to place the name of Raymond W. Dikeman on the

retired list as a second lieutenant in the United States Marine Corps; to the Committee on Naval Affairs.

By Mr. DU PONT:

A bill (S. 6282) granting an increase of pension to Charles K. Conard (with accompanying papers); to the Committee on Pen-

A bill (S. 6283) increasing the cost of erecting a public building at Olympia, Wash.; to the Committee on Public Buildings and Grounds

By Mr. WORKS:

A bill (S. 6284) for the relief of W. A. Gara (with accompanying papers); to the Committee on Claims.

A bill (S. 6285) granting a pension to Martha L. Perry (with

accompanying papers); to the Committee on Pensions. By Mr. GRONNA:

A bill (S. 6286) to provide for the sale of isolated tracts withdrawn or classified as coal lands; to the Committee on Public Lands.

By Mr. REED:

A bill (S. 6287) granting an increase of pension to Christopher S. Alvord (with accompanying papers);

A bill (S. 6288) granting an increase of pension to Joseph

Walters (with accompanying papers); and A bill (S. 6289) granting an increase of pension to William Monks (with accompanying papers); to the Committee on Pensions.

By Mr. CLAPP (for Mr. La Follette): A bill (S. 6290) granting an increase of pension to Jennie M.

Smalley (with accompanying papers); and

A bill (S. 6291) granting an increase of pension to Inger A. Steensrud (with accompanying papers); to the Committee on Pensions.

By Mr. WETMORE:

A bill (S. 6292) for the relief of Martha E. Wolfrey, formerly Martha E. Terwilliger; to the Committee on Claims.

By Mr. CURTIS:

A bill (S. 6293) for the relief of Max S. Retter, his heirs or assigns (with accompanying paper);
A bill (S. 6294) for the relief of A. L. Robb; and

A bill (S. 6295) for the relief of the city of Topeka, Kans. (with accompanying paper); to the Committee on Claims A bill (S. 6296) granting an increase of pension to Eli King;

A bill (S. 6297) granting a pension to Mary Howard; A bill (S. 6298) granting a pension to Emma A. Diggs

A bill (S. 6299) granting an increase of pension to Reuben H. Chapel;

A bill (S. 6300) granting an increase of pension to C. F. S. Aimes;

A bill (S. 6301) granting an increase of pension to John W. Riffe;

A bill (S. 6302) granting an increase of pension to William H. Cook;

A bill (S. 6303) granting a pension to A. C. Constant;

A bill (S. 6304) granting an increase of pension to John M. Jarvis:

A bill (S. 6305) granting an increase of pension to Francis W. Thayer;

A bill (S. 6306) granting a pension to Lizzie H. McDaniel;

A bill (S. 6307) granting a pension to Josephus Utt; A bill (S. 6308) granting a pension to Lydia Martin;

A bill (S. 6309) granting a pension to John T. Peet;

A bill (S. 6310) granting a pension to Mary F. Markham;

A bill (S. 6311) granting a pension to Lizzie H. McDaniel;

A bill (S. 6312) granting a pension to Sarah A. Walker

A bill (S. 6313) granting an increase of pension to John Mahafa; A bill (S. 6314) granting an increase of pension to John Kuhn

(with accompanying paper);

A bill (S. 6315) granting an increase of pension to John L. Riley (with accompanying papers);

A bill (S. 6316) granting an increase of pension to John M.

Jarvis (with accompanying papers);
A bill (S. 6317) granting an increase of pension to James H. Moreland (with accompanying papers);

A bill (S. 6318) granting an increase of pension to Welcome

N. Bender (with accompanying paper);
A bill (S. 6319) granting an increase of pension to Jahiel Bowers (with accompanying paper);

A bill (S. 6320) granting an increase of pension to Young Doughtery (with accompanying papers);
A bill (S. 6321) granting a pension to Anna Shepard (with

l accompanying paper);

A bill (S. 6322) granting a pension to Daniel B. Waggoner

(with accompanying papers);
A bill (S. 6323) granting an increase of pension to Harvey II.

Carr (with accompanying papers);

A bill (S. 6324) granting an increase of pension to Samuel N.

West (with accompanying papers); and
A bill (S. 6325) granting an increase of pension to William Worthington (with accompanying papers); to the Committee on

By Mr. BAILEY (by request):
A bill (S. 6326) granting a pension to William E. Bailey (with accompanying papers); to the Committee on Pensions.

By Mr. GALLINGER:

A bill (S. 6327) to amend section 797a of Chapter XVIII of Subchapter XV of the Code of Law for the District of Columbia (with accompanying papers); to the Committee on the District of Columbia.

By Mr. CURTIS:

A joint resolution (S. J. Res. 98) fixing the number of presidential electors, and for other purposes; to the Committee on the Judiciary.

ALASKA RAILWAY COMMISSION.

Mr. SMITH of Michigan. By direction of the Committee on Territories, I introduce a bill to provide for the construction and equipment of 1,000 miles of railroad in Alaska, and for other purposes, and I ask to have it read for the information of the Senate and then referred.

The bill (S. 6275) to provide for the construction and equipment of 1,000 miles of railroad in Alaska, and for other purposes, was read the first time by its title and the second time

at length, as follows:

A bill (S. 6275) to provide for the construction and equipment of 1,000 miles of railroad in Alaska, and for other purposes.

miles of railroad in Alaska, and for other purposes.

Be it enacted, etc., That the President of the United States is hereby authorized and directed, through the Alaska Railway Commission, herein provided for, to make examinations and surveys for and to locate, construct, and equip such line or lines of railroad and such appurtenances thereto as are necessary or convenient for the operation and maintenance of such line or lines of railroad as common carriers as will, in his judgment, open up Alaska and lead to the development of its mineral, agricultural, and other resources, and will make it possible to obtain a coal supply suitable for the Navy and other Government uses: Provided, That this act shall not authorize the construction, exclusive of sidings, switches, and turnouts, of more than 1,000 miles of railroad.

clusive of sidings, switches, and turnouts, or more than 1,000 miles or railroad.

SEC. 2. That to enable the President to carry this act into effect there is hereby created the Alaska Railway Commission, to be composed of five members, who shall, by and with the advice and consent of the Senate, be appointed by the President and shall be subject to his removal. One member of such commission shall be an officer of the Engineer Corps of the United States Army, who shall be chief engineer and chairman of the commission.

SEC. 3. That the members of this commission, while actually engaged in the work of the commission, shall receive such compensation as shall be determined as just and equitable and as shall be fixed by the President, together with necessary traveling expenses and subsistence while going to and from and while engaged in the field service, and no more: Provided, That any person already in Government service, either appointed on or detailed to the commission, whose salary is fixed by law, may receive such additional compensation as may be just and equitable and as may be fixed by the President.

SEC. 4. That the President shall annually submit to Congress a report on the work of the Alaska Railway Commission, including a statement of expenditures, which shall contain a list of members of the commission and all technical employees thereof, together with their salaries.

SEC. 5. That the commission shall acquire, in the manner provided

ment of expenditures, which shall contain a list of members of the commission and all technical employees thereof, together with their salaries.

Sec. 5. That the commission shall acquire, in the manner provided by the act of Congress approved May—, 1898, entitled "An act to extend the homestead law to Alaska, and for other purposes," in the name of the Alaska Commission, the rights of way for any designated line or lines of railway and for the necessary station or terminal grounds in connection therewith; and the commission is authorized to exercise the right of eminent domain and may sue and be sued in the name of the Alaska Railway Commission. The President may make reservation of such additional public lands for rights of way, stations, terminal grounds, or other purposes, as may be necessary for carrying out the work herein authorized.

Sec. 6. That where any line designated for construction connects with any existing line the commission, subject to the approval of the President, may acquire by purchase such existing line, with all its appurtenances, at its fair and reasonable value: Provided, That the commission may, in its discretion, subject to the approval of the President, acquire by lease instead of by purchase any existing line or lines, upon such terms and conditions and at such rentals as may be agreed upon by the company owning such line or lines and the commission, but the rental shall not in any case exceed 4 per cent per annum upon the reasonable value of each line: Provided further, That the commission shall not be bound to acquire any such existing line or lines by either purchase or lease, but may contract for running powers and hauling rights over such line or lines at such fair and reasonable rates as may be agreed upon by the company owning such line or lines as and the commission, and in case of disagreement as to the reasonableness of any rate for transportation, the same may be determined by the Interstate Commerce Commission.

Sec. 7. That any line of railroad designated and construc

SEC. S. That the Secretary of the Treasury is hereby authorized to borrow on the credit of the United States, from time to time as the proceeds may be required to defray expenses on account of the line or lines of railroad herein authorized to be constructed or acquired, such sum or sums as may be sufficient therefor, and to prepare or issue therefor coupon or registered bonds of the United States in such form as he may prescribe and in denominations of \$100, \$500, and \$1,000, payable 50 years from the date of issue and bearing interest, payable in gold coin, at a rate not exceeding 3 per cent per annum, and the bonds herein authorized shall be exempt from all taxes or duties of the United States as well as from taxation in any form by or under State, municipal, or local authority: *Provided*, That said bonds may be disposed of by the Secretary of the Treasury at not less than par, under such regulations as he may prescribe, giving to all citizens of the United States an equal opportunity to subscribe therefor, but no commission shall be allowed or paid thereon, and a sum not exceeding one-tenth of paid thereon, and a sum not exceeding one-tenth of a printed, out of any mone of bonds here an authorized is hereby apprehicated out of any mone of bonds here an authorized is hereby apprehication paid to pay the expenses of preparing, advertiying, and issuing the same.

SEC. 9. That the bonds authorized by this act shall be known and designated as "Alaska railway bonds," and shall be a first lien and charge against the line or lines in respect of whilch the proceeds shall have been expended and against the revenues and property of such line or lines of whatever kind or description, present or future, and the net revenue to be derived from the line or several lines shall be devoted to the payment of the interest upon the bonds and to the payment and retirement of the principal thereof as hereinafter provided.

Sec. 10. That there is hereby appropriated, out of any money in the Treasury not oftenwise appropria

each mile operated," shall be, and both said clauses are, hereby repealed.

SEC. 12. That upon or prior to the completion of any line of railroad constructed hereunder the commission may, subject to the direction and approval of the Fresident, and upon tender, lease such line or lines for the operation thereof for a term not exceeding 50 years in such manner and on such terms as shall hereafter be provided by Congress.

SEC. 13. That the Alaska Railway Commission is hereby authorized, under the direction of the President, to perform any and all acts, including the employment of necessary technical, clerical, and laboring force, the rental of suitable quarters in Washington and elsewhere, the purchase of supplies, tools, and equipment that may be necessary and proper, for the purposes of carrying the provisions of this act into effect: Provided, That any tools, equipment, or other property belonging to the Government, used in constructing the Panama Canal or elsewhere, and no longer needed for such purpose, may be transferred to the commission for use in Alaska.

SEC. 14. That the provisions of the act of Congress approved May 3, 1908, entitled "An act granting to certain employees of the United States the right to receive from it compensation for injuries sustained in the course of their employment," are hereby extended and made to apply to persons employed under the provisions of this act.

The VICE PRESIDENT. Without objection, the bill will be

The VICE PRESIDENT. Without objection, the bill will be referred to the Committee on Territories.

AMENDMENTS TO RIVER AND HARBOR BILL (H. R. 21477).

Mr. CLAPP (for Mr. LA FOLLETTE) submitted an amendment relative to a survey of the mouth of the Siskiwit River on Lake Superior, and also for the improvement of Brule Harbor, Wis., etc., intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

Mr. SMITH of Michigan submitted an amendment relative to the improvement of Charlevoix Harbor, Mich., etc., intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered

to be printed.

He also submitted an amendment relative to the improvement of Gravs Reef Passage, off Waugoshance, in Lake Michigan, etc., intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

He also submitted an amendment relative to the survey, for the purpose of charting only, of Crooked Lake, Burt Lake, and Mullett Lake, and their connecting waters, etc., intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered

AMENDMENT TO INDIAN APPROPRIATION BILL.

Mr. ASHURST submitted an amendment proposing to appropriate \$250,000 to carry into effect the provisions of the sixth article of the treaty of June 8, 1868, between the United States and the Navajo Nation or Tribe of Indians, etc., intended to be proposed by him to the Indian appropriation bill (H. R. 20728), which was referred to the Committee on Indian Affairs and ordered to be printed.

AIDS TO NAVIGATION.

Mr. PENROSE submitted an amendment intended to be proposed by him to the bill (H. R. 22043) to authorize additional aids to navigation in the Lighthouse Service, and for other purposes, which was referred to the Committee on Commerce and ordered to be printed.

INDIAN LAWS.

Mr. CLAPP submitted the following resolution (S. Res. 282), which was read and referred to the Committee on Printing:

Resolved, That the manuscript of the laws, agreements, Executive orders, proclamations, etc., relating to Indian affairs, be printed as a Senate document.

COMMITTEE SERVICE.

Mr. Guggenheim was, on his own motion, excused from further service upon the Committee on Military Affairs.

PUBLIC-LAND ENTRIES.

The VICE PRESIDENT. The junior Senator from Oregon [Mr. CHAMBERLAIN] has asked in writing to be relieved from further service as one of the conferees on the part of the Senate on the bill (S. 3367) to amend section 2291 and section 2297 of the Revised Statutes of the United States, relating to homesteads. Without objection the request of the junior Senator from Oregon is granted. The Chair appoints the senior Senator from Nevada [Mr. NEWLANDS] to fill the vacancy.

THE POSTAL EXPRESS (S. DOC. NO. 557).

Mr. OWEN. I present a memorial relative to a postal express, which I ask to have printed as a Senate document and referred to the Committee on Post Offices and Post Roads.

Mr. SMOOT. I should like to ask the Senator on what sub-

ject is the memorial?

Mr. OWEN. The memorial relates to a parcel-post express. It is short and explains the reason why merchants should not

object to that system.

Mr. SMOOT. Is it a memorial from some organization?

Mr. OWEN. It is a memorial by George P. Hampton, secretary of the Postal Express Federation. As I have stated, it is not a long memorial, and will be useful for the purpose I have named.

The VICE PRESIDENT. Without objection, an order to print will be entered, and the memorial will be referred to the

Committee on Post Offices and Post Roads.

THE INITIATIVE AND REFERENDUM (S. DOC. NO. 556).

Mr. POMERENE. On March 20 there was ordered printed as a Senate document an address by ex-Senator Foraker, of Ohio, delivered before the Ohio Constitutional Convention, March 14, 1912. A few days later there was ordered printed an address by President Taft on the subject of the initiative and referendum, delivered before the General Court of the Legislature of Massachusetts, at Boston, March 18, 1912. I have a copy of a speech of Hon. Herbert S. Bigelow, delivered before the Ohio Constitutional Convention, March 27, 1912, on the same subject. I ask that it be printed as a Senate document.

The VICE PRESIDENT. Without objection, an order there-

for is entered.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. Latta, executive clerk, announced that the President had approved and signed the following acts and joint resolutions:

On April 5, 1912: S. 3686. An act authorizing the Secretary of the Interior to permit the Missouri, Kansas & Texas Coal Co. and the Eastern Coal & Mining Co. to exchange certain lands embraced within their existing coal leases in the Choctaw and Chickasaw Nations for other lands within said nations. On April 8, 1912:

S. 2434. An act providing for an increase of salary of the United States marshal for the district of Connecticut.

On April 9, 1912:

S. 252. An act to establish in the Department of Commerce and Labor a bureau to be known as the Children's Bureau;

S. J. Res. 96. Joint resolution to amend an act entitled "An act appropriating \$350,000 for the purpose of maintaining and protecting against impending floods the levees on the Mississippl approved April 3, 1912; and

S. 5718. An act to authorize the Secretary of the Interior to secure for the United States title to patented lands in the

Yosemite National Park, and for other purposes.

On April 10, 1912:

S. J. Res. 93. Joint resolution authorizing the Librarian of Congress to furnish a copy of the daily and bound Congress-SIONAL RECORD to the undersecretary of state for external affairs of Canada in exchange for a copy of the Parliamentary Hansard.

OUORUM OF COMMITTEES.

The VICE PRESIDENT. The Chair lays before the Senate a resolution coming over from a former legislative day, which will be read.

The Secretary read the resolution (S. Res. 280) submitted by Mr. Clarke of Arkansas on the 9th instant, as follows:

Resolved, That the several standing committees of the Senate having a membership of more than three Senators are hereby respectively authorized to fix, each for itself, the number of its members who shall constitute a quorum thereof for the transaction of such business as may be considered by said committee; but in no case shall a committee, acting under authority of this resolution, fix as a quorum thereof any number less than one-third of its entire membership.

The VICE PRESIDENT. The resolution is before the Senate. The pending question is on the motion of the Senator from Kansas [Mr. Curris] to refer the resolution to the Committee on Rules

Mr. CURTIS. I withdraw my motion to refer the resolution and offer the amendment which I send to the desk, if amend-

ments are now in order.

The VICE PRESIDENT. The Senator from Kansas withdraws his motion to refer the resolution and offers an amend-

ment to the resolution, which will be stated.

The Secretary. At the end of the resolution, after the word "membership," it is proposed to strike out the period, insert a comma, and to add "nor shall any report be made to the Senate that is not authorized by the concurrence of more than one-half of a majority of such entire membership."

Mr. CLARKE of Arkansas. I accept that amendment.
The VICE PRESIDENT. The Senator from Arkansas accepts the amendment, which therefore becomes a part of the resolution. Without objection, the resolution is agreed to.

UNITED STATES v. AMERICAN TOBACCO CO.

Mr. CUMMINS. Mr. President, I gave notice a day or two ago that at this time I would ask the Senate to consider Senate bill (S. 3607) to give the right of appeal to the Supreme Court of the United States to certain organizations or persons in the suit of the United States v. American Tobacco Co. and The Army appropriation bill is now in course of consideration and disposal, and I have no inclination to interpose the bill to which I have referred as against the further progress of the Army appropriation bill. Therefore, being informed that it will probably take all day to finish the Army bill, I renew my notice for to-morrow morning at the same time.

Mr. DU PONT obtained the floor. Mr. POMERENE. Mr. President

The VICE PRESIDENT. Does the Senator from Delaware yield to the Senator from Ohio?

Mr. DU PONT. I yield to the Senator from Ohio.

STANDARD OIL AND AMERICAN TOBACCO COS.

Mr. POMERENE. Mr. President, the other day I gave notice that I desired to address the Senate on the subject of Senate concurrent resolution No. 4, instructing the Attorney General of the United States to prosecute the Standard Oil Co. and the American Tobacco Co. As we were not able to complete the consideration of the military appropriation bill on yesterday, and it is the desire of the committee to complete that consideration to-day, I shall defer my proposed address until after the address of the Senator from Iowa [Mr. CUMMINS] to-morrow.

ARMY APPROPRIATION BILL.

Mr. DU PONT. I move that the Senate proceed to the consideration of the Army appropriation bill.

The motion was agreed to, and the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 18956) making appropriation for the support of the Army for the fiscal year ending June 30, 1913, and for other purposes.

Mr. DU PONT. Mr. President, after thanking the Senators

from Iowa and Ohio for their courtesy in this matter, I will proceed to answer, as promised, the suggestions of the Senator from Virginia [Mr. Swanson] in regard to the hiring of horses for the use of militia in the different States. I will say to him that I have looked up the question and find that authority for hiring such horses now exists under section 12 of the Regulations of the Organized Militia, adopted in 1909. An examination of this section and of section 13 will disclose the fact that horses may now be hired for the use of the organized field batteries of the militia with the sanction of the Secretary of War.

The VICE PRESIDENT. The question is on agreeing to the

amendment to the committee amendment, on page 25.

Mr. SWANSON. I wish to withdraw my suggestion of an amendment providing for the hiring of horses for the Artillery. find that in 1909, becoming operative in July, 1910, a provision was made authorizing the department to expend the money set aside to the States for this purpose. That occurred after I was governor of my State, and I did not know of that legislation until my attention was called to it by the chairman of the committee. That provision is ample; so I withdraw the amendment which I offered.

The VICE PRESIDENT. The Senator from Virginia withdraws the amendment offered by him. The question is on the amendment offered by the Senator from Wyoming [Mr. WAR-REN] to the amendment of the committee, which the Secretary

The Secretary. On page 25, after the word "dollars," in line 25, it is proposed to amend the amendment of the committee by inserting the following proviso:

Provided, That the foregoing appropriation and any other appropriations heretofore made for that purpose shall remain available until the end of the fiscal year 1914.

The VICE PRESIDENT. Without objection, the amendment to the amendment is agreed to, and, without objection, the amendment as amended is agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Military Affairs was, under the subhead "Subsistence Department," in the item of appropriation for the purchase of subsistence supplies, on page 28, line 25, after the words "in all," to strike out "\$8,605,273" and insert "\$8,988,867.42," and in line 6, after the word "fund," to insert "Provided, That hereafter the provisions of section 5 of the act of June 30, 1906 (34 Stats., p. 763), shall not be construed to apply to the Subsistence Department," so as to read:

Purchase of subsistence supplies: * * * in all, \$8,988,867.42, to be expended under the direction of the Secretary of War and accounted for as "Subsistence of the Army," and for that purpose to constitute one fund: Provided, That hereafter the provisions of section 5 of the act of June 30, 1906 (34 Stats., p. 763), shall not be construed to apply to the Subsistence Department.

The amendment was agreed to.

The next amendment was, under the subhead "Quarter-master's Department," in the item of appropriation for the purchase of regular supplies, Quartermaster's Department, on page 32, line 10, before the word "dollars," to strike out "Provided further, That no part of this appropriation shall be expended for the installation of an electric-lighting plant at Fort Niagara, seven million four hundred and fifty-six thousand seven hundred and seventy-three" and insert "seven million eight hundred and sixty-five thousand six hundred and eighty-eight," so as to make the proviso read:

Provided, That the funds received from such sales and in payment for such laundry work shall be used to defray the cost of operation of said ice, laundry, and electric plants; and the sales and expenditures herein provided for shall be accounted for in accordance with the methods prescribed by law, and any sums remaining, after such cost of maintenance and operation have been defrayed, shall be deposited in the Treasury to the credit of the appropriation from which the cost of operation of such plant is paid, \$7,865,688.

The amendment was agreed to.

The next amendment was, on page 32, line 14, before the word "thousand," to strike out "four" and insert "six," so as to make the clause read:

For the purchase of the necessary instruments, office furniture, stationery, and other authorized articles required for the equipment and use of the officers' schools at the several military posts, \$6,000.

The amendment was agreed to.

The next amendment was, on page 34, line 7, to increase the appropriation for incidental expenses, Quartermaster's Department, from \$1,736,337 to \$2,000,000.

The amendment was agreed to.

The amendment was agreed to.

The next amendment was, in the item of appropriation for purchase of horses for Cavalry, Artillery, Engineers, etc., on page 35, line 8, after the words "Military Academy," to insert "Provided further, That not to exceed \$500 of the money herein appropriated is authorized to be expended under the direction of the Secretary of War for the purchase of not less than five cups, to be awarded to horse breeders, to encourage breeding of horses suitable for military purposes" : and in line 24, before the word "thousand," strike out "two hun-

dred and seventy-five" and insert "three hundred," so as to

Provided further, That no part of this appropriation shall be expended for the purchase of any horses below the standard set by Army Regulations for Cavalry and Artillery horses, except when purchased as remounts, or for instruction of cadets at the United States Military Academy: Provided further, That not to exceed \$500 of the money herein appropriated is authorized to be expended under the direction of the Secretary of War for the purchase of not less than five cups, to be awarded to horse breeders, to encourage breeding of horses suitable for military purposes: Provided further, That the accounting officers of the Treasury are hereby authorized and directed to remove any suspensions or disallowances in the accounts of quartermasters for the fiscal years 1910, 1911, and 1912, for the purchase, care, and for seeds, machinery, and for labor and other expenditures in connection with the raising of forage at remount depots, from appropriations of the Quartermaster's Department, \$300,000.

The amendment was agreed to

The amendment was agreed to.

The next amendment was agreed to.

The next amendment was, in the item of appropriation for barracks and quarters, on page 37, after line 11, to strike out:

"Provided further, That no part of this appropriation shall be expended at any Army post which the Secretary of War has decided or may decide to abandon in the interest of the service: cided or may decide to abandon in the interest of the service: Provided further, That no part of this appropriation shall be expended at any of the following-named Army posts: Fort Apache, Boise Barracks, Fort Brady, Fort Clark, Fort George Wright, Fort Jay, Fort Lincoln, Fort Logan H. Root, Fort McIntosh, Fort McKenzie, Madison Barracks, Fort Meade, Fort Niagara, Fort Ontario, Fort Wayne, Whipple Barracks, Fort William Henry Harrison, Fort Yellowstone, Fort Ethan Allen, Plattsburg Barracks, Fort Robinson, Fort Missoula, Fort Logan, Fort Douglas, and Fort D. A. Russell: Provided further. That Fort Douglas, and Fort D. A. Russell: Provided further, That the Secretary of War be, and he is hereby, authorized to transfer and convey to the State of Texas, for the purpose of a State tuberculosis sanitarium, such portion of Fort Clark Military Reservation, not to exceed 640 acres, in the State of Texas, as the governor of the State or his representative and the President of the United States or his representative may agree upon: Provided, That should the State of Texas in any event refuse or fail to use or shall abandon the property herein authorized to be conveyed, or any portion thereof, for the purposes designated, then such land and property shall revert to the United States and become a part of the public domain thereof; one million six hundred and twenty-one thousand three hundred and eightynine" and insert "one million seven hundred and seventy thousand"; in line 14, page 38, after the word "dollars," to insert "Provided, That of the sum herein appropriated not exceeding \$20,000 may be expended for construction of an assembly building for the post at Fort Leavenworth, Kans."; and in line 17, after the word "Kansas," to strike out "Provided further, That no part of the sum appropriated by this act shall be used to convert a mobile Army post of less grade or size than a regimental post into a regimental post or a regimental post into a brigade post," so as to read:

Provided further, That of the amount herein appropriated the sum of \$25,000 shall be immediately available for the construction of barracks and quarters, \$1,770,000: Provided, That of the sum herein appropriated not exceeding \$20,000 may be expended for construction of an assembly building for the post at Fort Leavenworth, Kans.

The amendment was agreed to.

The next amendment was, in the item of appropriation for transportation of the Army and its supplies, on page 41, line 23, after the word "Oceans," to strike out "ten million seven hundred and twenty-three thousand five hundred and twenty-eight and insert "eleven million two hundred and fifty thousand," and on page 42, line 1, after the word "dollars," to insert "of which amount \$60,000 shall be immediately available," so as to make the proviso read:

which amount \$00,000 Shail be inimediately available, so as to make the proviso read:

Provided further, That in expending the money appropriated by this act a railroad company which has not received aid in bonds of the United States, and which obtained a grant of public land to aid in the construction of its railroad on condition that such railroad should be a post route and military road, subject to the use of the United States for postal, military, naval, and other Government services, and also subject to such regulations as Congress may impose restricting the charge for such Government transportation, having claims against the United States for transportation of troops and munitions of war and military supplies and property over such aided railroads, shall be paid out of the moneys appropriated by the foregoing provision only on the basis of such rate for the transportation of such troops and munitions of war and military supplies and property as the Secretary of War shall deem just and reasonable under the foregoing provision, such rate not to exceed 50 per cent of the compensation for such Government transportation as shall at that time be charged to and paid by private parties to any such company for like and similar transportation; and the amount so fixed to be paid shall be accepted as in full for all demands for such service; for the purchase and hire of draft and pack animals in such numbers as are actually required for the service, including reasonable provision for replacing unserviceable animals; for the purchase, hire, operation, maintenance, and repair of such harness, wagons, carts, drays, and other vehicles as are required for the transportation of troops and supplies, and for official, military, and garrison purposes; for drayage and cartage at the several depots; for the bire of teamsters and other employees; and for extra-duty pay of enlisted

men driving teams, repairing means of transportation, and employed as train masters; for the purchase and repair of ships, boats, and other vessels required for the transportation of troops and supplies and for official, military, and garrison purposes; for expenses of sailing public transports and other vessels on the various rivers, the Guif of Mexico, and the Atlantic and Pacific Oceans, \$11,250,000, of which amount \$60,000 shall be immediately available.

The amendment was agreed to.

The next amendment was, on page 42, line 10, after the word "stations," to strike out "five hundred and ninety-eight thousand five hundred and fifty-seven" and insert "eight hundred and eighty-nine thousand six hundred," so as to read:

Roads, walks, wharves, and drainage: For the construction and repairs by the Quartermaster's Department of roads, walks, and wharves; for payment of extra-duty pay to enlisted men employed in opening roads and in building wharves; for the pay of employees; for the disposal of drainage; for dredging channels; and for care and improvement of grounds at military posts and stations, \$889,600.

The amendment was agreed to.

The next amendment was, on page 42, line 12, after the word "dollars," to insert:

"dollars," to insert:

Provided, That \$70,000 of the sum herein appropriated may be used for the purchase of the tract of land now being leased from Mr. George W. Brackenridge for target and drill purposes, consisting of 310 acres, more or less, lying just north of the newly purchased ground of the military reservation of Fort Sam Houston, Tex., and extending to the county road recently completed around the reservation: Provided further, That \$22,000 of the amount herein appropriated may be expended to macadamize the roadway upon the Government property between the United States Government experimental farm and the Arlington National Cemetery. In the county of Alexandria, Va.: Provided further, That \$44,000 of the amount herein appropriated may be used for constructing a public road from a point near the southern end of the new Highway Bridge across the Potomac River to a convenient point on or near the southern boundary line, as near as practicable, to the old county road, which passes centrally through the Arlington Reservation, and, following said boundary line, as near as practicable, to the old county road, which passes centrally through the Arlington Reservation; thence along said road, improving and repairing it, to the northern boundary of the reservation; and that the Secretary of War is hereby authorized and directed to purchase or acquire by condemnation such piece or parcel of land as may be necessary for the construction of said road from the new Highway Bridge to the Arlington Reservation, said piece or parcel of land as may be necessary for the construction of said road from the new Highway Bridge to the Arlington Reservation, said piece or parcel of land not to exceed 4 acres: And provided further. That \$3,600 of the sum herein appropriated may be used for completing the macadamizing of the road between the city of Vancouver and the barracks at Vancouver Military Post.

The amendment was agreed to.

The amendment was agreed to.

The next amendment was, on page 43, line 18, to strike out:

The next amendment was, on page 45, line 15, to strike out:

Provided further, That no part of this appropriation shall be expended at any of the following named Army posts: Fort Apache, Boise Barracks, Fort Brady. Fort Clark, Fort George Wright, Fort Jay, Fort Lincoln, Fort Logan H. Root. Fort Mclincoln, Fort McKenzie, Madison Barracks, Fort Meade. Fort Niagara, Fort Ontarlo, Fort Wayne, Whipple Barracks, Fort William Henry Harrison, Fort Yellowstone, Fort Ethan Allen, Plattsburg Barracks, Fort Robinson, Fort Missoula, Fort Logan, Fort Douglas, and Fort D. A. Russell.

The amendment was agreed to.

The next amendment was, on page 44, line 13, after the word "dollars," to strike out:

Provided, That no part of this appropriation shall be expended for permanent Improvements at any of the following-named Army posts: Fort Apache, Boise Barracks, Fort Brady, Fort Clark, Fort George Wright, Fort Jay, Fort Lincoln, Fort Logan H. Root, Fort McIntosh, Fort McKenzie, Madison Barracks, Fort Meade, Fort Niagara, Fort Ontario, Fort Wayne, Whipple Barracks, Fort William Henry Harrison, Fort Yellowstone, Fort Ethan Allen, Plattsburg Barracks, Fort Robinson, Fort Missoula, Fort Logan, Fort Douglas, and Fort D. A. Russell.

The amendment was agreed to.

The next amendment was, on page 44, after line 23, to insert:

The next amendment was, on page 44, after line 23, to insert:

Construction and maintenance of military and post roads, bridges, and trails, Alaska: For the construction, repair, and maintenance of military and post roads, bridges, and trails in the District of Alaska, to be expended under the direction of the board of road commissioners described in section 2 of an act entitled "An act to provide for the construction and maintenance of roads, the establishment and maintenance of schools, and the care and support of insane persons in the District of Alaska, and for other purposes," approved January 27, 1905, as amended by the act approved May 14, 1906, and to be expended conformably to the provisions of said act as amended, \$125,000.

The amendment was agreed to.

The next amendment was, on page 45, line 21, before the word "thousand," to strike out "four hundred and fifty" and insert "six hundred," so as to read:

Barracks and quarters, Philippine Islands: Continuing the work of providing for the proper shelter and protection of officers and enlisted men of the Army of the United States lawfully on duty in the Philippine Islands, including repairs and payment of rents, the acquisition of title to building sites, and such additions to existing military reservations as may be necessary, and including also shelter for the animals and supplies, and all other buildings necessary for post administration purposes, \$600,000.

The amendment was agreed to.

The next amendment was, on page 46, line 16, after the word "reasons," to strike out "\$4,813,271" and insert "\$5,431,700, one-half of which amount shall be immediately available," so as to make the clause read:

Clothing and camp and garrison equipage: For cloth, woolens, materials, and for the manufacture of clothing for the Army, for issue and for sale at cost price according to the Army Regulations; for altering and fitting clothing and washing and cleaning when necessary; for equipage, and for expenses of packing and handling and similar neces-

saries; for a suit of citizen's outer clothing, to cost not exceeding \$10, to be issued upon release from confinement to each prisoner who has been confined under a court-martial sentence involving dishonorable discharge; for indemnity to officers and men of the Army for clothing and bedding, etc., destroyed since April 22, 1898, by order of medical officers of the Army for sanitary reasons, \$5,431,700, one-half of which amount shall be immediately available.

The amendment was agreed to.

The next amendment was, on page 49, after line 14, to insert: The next amendment was, on page 49, after line 14, to insert:

For settlement of claims for damages to and loss of private property belonging to citizens of the United States, Hawaii, and the Philippine Islands, \$32,616: Provided, That hereafter the Secretary of War is authorized to consider, ascertain, adjust, and determine the amounts due on all claims for damages to and loss of private property when the amount of the claim does not exceed the sum of \$1,000, occasioned by heavy gun fire and target practice of troops, and for damages to vessels, wharves, and other private property, found to be due to maneuvers or other military operations for which the Government is responsible, and report the amounts so ascertained and determined to be due the claimants to Congress at each session thereof through the Treasury Department for payment as legal claims out of appropriations that may be made by Congress therefor.

The amendment was agreed to.

The next amendment was, on page 50, after line 6, to insert: For the payment of claims of Indians and other claimants for the value of improvements made by them upon lands subsequently included in the Fort William H. Seward Military Reservation, \$2,384.

The amendment was agreed to.

The next amendment was, on page 50, after line 11, to insert: For reimbursement to one officer and certain enlisted men of the Army the money value of clothing worn out by them in the summer of 1910 while fighting forest fires in the Northwest, \$15,862.08.

The amendment was agreed to.

Mr. ĐU PONT. I move to amend by inserting, on page 50, after the word "hospitals," in line 23, a comma.

The amendment was agreed to.

The reading of the bill was resumed and continued to the

end of line 17, on page 54.

Mr. DU PONT. On page 54, line 1, after the word "laborers," I move to insert what I send to the desk.

The Secretary. On page 54, line 1, after the word "laborers." insert:

Compensation of civilian lecturers and payment of tuition fees of student officers at civil technical institutions.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Military Affairs was under the subhead "Ordnance Department," on page 55, line 20, after the words "Chief of Ordnance," to strike out "\$300,000" and insert "\$337,118.30, of which amount the sum of \$118.30 shall be used for the reimbursement of the Ordnance Department on account of the loss of arms, arm clasts, and screw drivers, issued to the Post Office Department," so as to make the clause read:

Post Office Department," so as to make the clause read:

Ordnance service: For the current expenses of the Ordnance Department, in connection with purchasing, receiving, storing, and issuing ordnance and ordnance stores, comprising police and office duties, rents, tolls, fuel, light, water, and advertising, stationery, typewriters and adding machines, including their exchange, and office furniture, tools, and instruments of service; for incidental expenses of the ordnance service and those attending practical trials and tests of ordnance, small arms, and other ordnance stores; and for publications for libraries of the Ordnance Department, including the Ordnance Office, and payment for mechanical labor in the office of the Chief of Ordnance, \$337,118.30, of which amount the sum of \$118.30 shall be used for the relimbursement of the Ordnance Department on account of the loss of arms, arm chests, and screw drivers, issued to the Post Office Department.

The amendment was agreed to.

The next amendment was, on page 56, line 13, before the word "hundred," to strike out "two" and insert "three," so as to make the clause read:

Ordnance stores—ammunition: Manufacture and purchase of ammunition and materials therefor for small arms for reserve supply; ammunition for burials at the National Soldiers' Home in Washington, D. C.; ammunition for firing the morning and evening gun at military posts prescribed by General Orders, No. 70, Headquarters of the Army, dated July 23, 1867, and at National Home for Disabled Volunteer Soldiers and its several branches, including National Soldiers' Home in Washington, D. C., and soldiers' and sallors' State homes, \$350,000: Provided, That no part of this appropriation shall be paid for small-arms powder at a price exceeding 71 cents a pound.

The amendment was agreed to.

The next amendment was, on page 57, line 3, before the word thousand," to strike out "seven hundred and forty" and insert "eight hundred and seventy-five," so as to make the clause read:

Small-arms target practice: Ammunition, targets, and other accessories for small-arms and machine-gun target practice and instruction; marksmen's medals, prize arms, and insignia for all arms of the service; and ammunition, targets, target material, and other accessories may be issued for small-arms target practice and instruction at the educational institutions and State soldiers' and sailors' orphans' homes, to which issues of small arms are lawfully made, under such regulations as the Secretary of War may prescribe, provided the total value of the stores so issued to the educational institutions does not exceed \$30,000, \$875,000.

The amendment was agreed to.

The next amendment was, on page 57, line 9, before the word "hundred," to strike out "six" and insert "seven," so as to make the clause read:

Manufacture of arms: For manufacturing, repairing, procuring, and issuing arms at the national armories, \$700,000.

The amendment was agreed to.

The next amendment was, on page 57, line 16, before the word "thousand," to insert "and fifty," so as to make the clause

Ordnance stores and supplies: For overhauling, cleaning, repairing, and preserving ordnance and ordnance stores in the hands of troops and at the arsenals, posts, and depots; for purchase and manufacture of ordnance stores to fill requisitions of troops; for Infantry, Cavalry, and Artillery equipments, including horse equipments for Cavalry and Artillery, \$750,000.

The amendment was agreed to.

The next amendment was, on page 58, line 12, before the word "hundred," to strike out "one" and insert "two," so as to make the clause read:

Automatic machine rifles: For the purchase, manufacture, and test of automatic machine rifles, including their sights and equipments, to be available until the close of the fiscal year ending June 30, 1914,

The amendment was agreed to.

The next amendment was, on page 58, line 25, before the word "thousand," to strike out "seven hundred and seventy" and insert. "one million two hundred and fifty," so as to read:

Insert" one million two hundred and fifty," so as to read:

Field artillery for Organized Militia: For the purpose of procuring field artillery material for the Organized Militia of the several States, Territories, and the District of Columbia, without cost to the said States, Territories, or the District of Columbia, but to remain the property of the United States and to be accounted for in the manner now prescribed by law, the Secretary of War is hereby authorized, under such regulations as he may prescribe, on the requisitions of the governors of the several States and Territories or the commanding general of the Militia of the District of Columbia, to issue said artillery material to the Organized Militia; and the sum of \$1,250,000 is hereby appropriated and made immediately available and to remain available until the end of the fiscal year 1914, for the procurement and issue of the articles constituting the same.

The amendment was agreed to

The amendment was agreed to.

The next amendment was, on page 59, after line 15, to insert: Ammunition for Field Artillery for Organized Militia: For procuring reserve ammunition for Field Artilley for the Organized Militia of the several States, Territories, and the District of Columbia, \$500,000.

Mr. BACON. I wish to make an inquiry of the Senator from Delaware, or some other member of the committee. I am now referring to the paragraph we have just passed before reaching this. I want to inquire when was the term "Organized Militia first introduced into an appropriation bill? It used to be the "National Guard."

Mr. DU PONT. In reply to the Senator from Georgia, I will say that that term is to be found in what is known as the Dick law—the legislation of 1901, as I remember it. The act designates that portion of the militia as the Organized Militia or the National Guard, so that they are synonymous in the terms

Mr. BACON. In that act it is so denominated—"Organized Militia" or "National Guard"?

Mr. DU PONT. Yes; or National Guard. Mr. BACON. I recollect that very well. That bill was afterwards amended, I think in 1903 or 1904.

Mr. DU PONT. In 1903, I think.

Mr. BACON. And that designation or denomination was still maintained?

Mr. DU PONT. Yes. Mr. BACON. Now, the inquiry I make of the Senator is this: I notice in the present bill, and I find it is also the case in the bill of last year-

Mr. DU PONT. Yes.

Mr. BACON. The term is not used in the alternative, but the term "National Guard" has been dropped entirely and only the words "Organized Militia" are used. I want to ask the Senator what time that innovation was first recognized, or when was it that that designation was first adopted?

Mr. DU PONT. I am not able to answer as to the precise time, but I bave always been under the impression that the words "National Guard" were dropped in the interest of

brevity.

In the interest of what? Mr. DU PONT. In the interest of brevity.

Mr. BACON. Brevity?

Mr. DU PONT. And that it has become gradually the practice to use it in various acts with reference to regulations, and

Mr. BACON. I am waiting for the Senator from Delaware to finish.

Mr. DU PONT. I am through. I think it is a great mistake to make that change.

Mr. BACON. In the Dick bill the words "Organized Militia" were used more as words of description. The words "National Guard" have become thoroughly identified with what we know as the volunteer organizations throughout the United States. They are everywhere called the National Guard.

Mr. DU PONT. If the Senator from Georgia will allow me, I take issue with him on the statement that it is synonymous with the term "volunteer organization." The Volunteers are a different organization entirely. The National Guard is purely and simply a militia organization.

Mr. BACON. I hope the Senator from Delaware will complete what he has to say, so that when I start I may make my statement with continuity.

Mr. DU PONT. I have nothing to say at the present time. I merely wish to explain, as the matter is being discussed, the difference between the Militia and the Volunteers. It seemed to me there was confusion in the mind of the Senator from Georgia in regard to those two classes.

Mr. BACON. I do not think the Senator is entirely correct in what he says. By "volunteer organizations" I mean organizations which are to be found in all the several States, in which citizens voluntarily associate themselves in military organizations. The Senator has confused in his mind that term with the Federal Volunteers which we have provided for in the act of 1899, I think, with the view of raising the troops that went to the Philippines. But the Federal Volunteer troops are altogether different from the volunteer troops in the dif-

In my part of the country it was a good while before the term "National Guard" was adopted. It was universal in the Northern States long before it was adopted in the Southern States. In the Southern States-certainly in my State, and I think in others—those organizations were called volunteers; but, recognizing the fact that the term "National Guard" was one that was attractive and dignified, and which was universally true of all the country, except, perhaps, in our particular section, these volunteer associations dropped the name by which they had previously been known and adopted the name of the "National Guard."

When I say that the National Guard was a volunteer organization, I do not mean that the name "volunteer" was the technical name of those organizations. I simply meant that they were organizations which were brought into existence by the voluntary action of the members who composed it. As is suggested to me by the Senator from Alabama, in some places

they were called State troops.

Mr. SWANSON. Mr. President-The VICE PRESIDENT. Does the Senator from Georgia yield to the Senator from Virginia?

Mr. BACON. Certainly.

Mr. SWANSON. I think possibly I may explain to the Senator from Georgia the use of this term. When the Dick bill was passed, there were certain conditions that the State had to comply with before it could get the benefit of the provisions of that law. I recall that the General Assembly of Virginia passed a law authorizing the governor to accept the provisions of the Dick bill and to have the troops organized under it. Then there was a distinction between the organizations that accepted its provisions and obtained supplies from the Federal Government and those who did not.

I presume from that time on, so as to designate the people who were entitled to the provisions and conditions given by the Federal Government, the term "Organized Militia" was used, meaning those who had organized and accepted the provisions of the Dick bill and consequently were designated as specific volunteers who were entitled to the provisions of the act. I suppose that is the way the term appears in the appropriation bill, because most of the States accepted the provisions and became organizations so as to get the benefits of the Dick bill.

Mr. ROOT. Mr. President-The VICE PRESIDENT. Does the Senator from Georgia yield to the Senator from New York?

Mr. BACON. With pleasure.

Mr. ROOT. I think if either of these terms were to be omitted, the one to be retained should be "the Organized Militia," following the course of legislative definition which we began with in the act known as the Dick bill. That bill, passed January 21, 1903, provided-

That the regularly enlisted, organized, and uniformed active militia in the several States and Territories and the District of Columbia, who have heretofore participated or shall hereafter participate in the apportionment of the annual appropriation provided by section 1661 of the Revised Statutes of the United States, as amended, whether known and designated as National Guard, militia, or otherwise, shall constitute the Organized Militia.

So the term "Organized Militia" is the statutory term for all of the State organizations, under whatever name, that par-ticipated in the apportionment of the annual appropriation. I understand it to be the fact that all these State organizations have participated in that appropriation and in the successive appropriations. So by their own act in coming in and participating in the provision made by Congress they have become what the law declares to be the Organized Militia, and are subject to the provisions of law in respect of their organization and discipline under the Constitution, and are entitled to the

provision made by our National Government for their support.
Mr. BACON. Mr. President, I am very much obliged both
to the Senator from Virginia and the Senator from New York for the suggestions which they make. I do not think, however, that they have allowed me to express myself sufficiently to enable them to catch the exact point or reason for the inquiry which I made of the Senator from Delaware. There is a very distinguished author who put in the mouth of one of his characters an inquiry which is very often repeated, and that is, "What's in a name?" The name "National Guard" is one which has been used by these organizations for 40 years. one which they use to-day. It is one that they are fond of and which they prize, and if you will examine their publications you will find that they always speak of themselves as the National Guard.

I am not making the interruption for the purpose of contending that there is no warrant in law for the use of the term "Organized Militia." I was simply desiring to suggest, in the interest of these organizations, that it would be better that the law should designate them as they designate themselves and give them a name that they themselves desire to have given

Mr. DU PONT. Mr. President—
The VICE PRESIDENT. Does the Senator from Georgia yield to the Senator from Delaware?

Mr. BACON. I do. Mr. DU PONT. I will say to the Senator from Georgia that I have not the slightest objection to have the term "National Guard" incorporated here on page 59, line 18.

Mr. BACON. I would be perfectly willing to say "Organized Militia known as National Guard." I am sure that they

do not want to be called militia.

Mr. DU PONT. I would prefer to use the term of the Dick bill, and say "or National Guard."

Mr. BACON. Very well, I am perfectly willing to have that done. The exclusion of it practically denies to them the name and it is the name by which their organizations are known generally. Their effects are greatly in that converting their effects are greatly to the convertion. Their officers are spoken of in that connection; they have publications in which they use that name altogether, and

have publications in which they use that name altogether, and I think it is a name which should be preserved. That was the sole purpose of my interruption.

Mr. DU PONT. Mr. President, I should like to say one word more in reference to what the Senator from Georgia has just said on the subject of volunteers. I appreciate that every member of the National Guard, the Organized Militia, is a volunteer in the sense that he voluntarily engages himself in the National Guard. So is the regular saldier a volunteer in the National Guard. So is the regular soldier a volunteer in that sense; he is one who voluntarily engages in the Regular Army. But the technical term "volunteer" applies to another class of

I move that the words "or National Guard" be inserted.

Mr. BACON. I suggest in the interest of brevity that it be inserted wherever the term occurs in the bill. It occurs several

Mr. DU PONT. If it occurs in other places, it is an oversight, I think.

wording of the bill and say "the National Guard or Organized Militia." Mr. LODGE. I suggest that it would be better to take the

Mr. DU PONT. Very well.
The VICE PRESIDENT. The amendment to the amendment will be stated.

The Secretary. On page 59, after line 15, before the words "Organized Militia," insert the words "National Guard or," and insert the same words in line 18, so as to read:

Ammunition for field artillery for the National Guard or Organized Militia: For procuring reserve ammunition for field artillery for the National Guard or Organized Militia of the several States, Territories, and the District of Columbia, \$500,000.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.
The next amendment of the Committee on Military Affairs was, on page 59, after line 20, to strike out the remainder of the bill in the following words:

SEC. 2. That hereafter all enlistments in the Army shall be made for the term of five years, and for all enlistments hereafter accomplished

fre years shall be counted as an enlistment period in computing continuous-service pay.

See: The pay is a pay to the state of laws authorizing increase of the See The pay of commissioned officers and callsted men of the Army serving the year of the United States contiguous thereto, are hereby repealed to the extent to which such increase of pay is authorized by such laws.

Sec. 4. That the effice establishments of the Quartermaster General, where the commissaor General, and the Paymaster General of the Army are the War Department, which shall be known as the Quartermaster Corps, and of which the Chief of the Quartermaster Corps created by this act shall be the head. The Quartermaster's Subsistence, and Pay Departments of the Army are hereby consolidated into and shall hereafter be adepartments shall hereafter be known as often. The officers of said departments shall hereafter be known as often. The officers of said departments shall hereafter be known as often. The officers of said apparent of the contrary, the provisions of sections 26 and 27 of the act of Congress approved February 2, 1901, entitled "An act Indied States," act of the contrary, the provisions of sections 26 and 27 of the act of Congress approved February 2, 1901, entitled "An act Indied States," act of the parament military establishment of the master Corps in the manner and to the extent to which they now apply to the Quartermaster's, Subsistence, and Pay Departments, and the provision of said sections of said act relative to chiefs of staff corps and departments shall, so far as they are applicable, apply to all offices of the said departments shall hereafter have the same tenure of commission in the Quartermaster Corps, and as officers of said corps shall have rank of the same gendes and actes as that now held by them, and, for the purpose of which they are applicable, apply to all offices the said and the same gendes and actes as that now held by them, and, for the purpose of the same general shall be carried as a grade above that of colo

lecretofore been subject to such supervision under the terms of the existing law.

Sec. 5. That as soon as practicable after the creation of a Quartermaster Corps in the Army not to exceed 4,000 civilian employees of that corps, receiving a monthly compensation of not less than \$30 nor more than \$175 each, not including civil engineers, superintendents of construction, inspectors of clothing, clothing examiners, inspectors of supplies, inspectors of animals, chemists, veterinarians, freight and passenger rate clerks, employees of the classified service, employees of the Army transport service and harbor-boat service, employees of the Army transport service and harbor-boat service, employees of the Army transport service and harbor-boat service, employees of the Army transport service and harbor-boat service, employees of the Army transport service and harbor-boat service, employees of the Army transport service and under the collisted men of said corps, and all enlisted men of the line of the Army detailed on extra duty in the Quartermaster Corps or as bakers or assistant bakers shall be replaced permanently by not to exceed 2,000 enlisted men of said corps; and for the purposes of this act the enlistment in the military service of not to exceed 6,000 men, who shall be attached permanently to the Quartermaster Corps and who shall not be counted as a part of the enlisted force provided by law, is hereby authorized: Provided, That the enlisted force of the Quartermaster Corps shall consist of not to exceed 15 master electricians, 600 sergeants (first class), 1,005 sergeants, 650 corporals, 2,500 privates (first class), 1,100 privates, and 45 cooks, all of whom shall receive the same pay and allowances as enlisted men of corresponding grades in the Signal Corps of the Army, and shall be assigned to such duties pertaining to the Quartermaster Corps as the Secretary of War may prescribe: Provided further, That nothing in this section shall be held or construed so as to prevent the employment of the class of civilian

from the provisions of this act or the continued employment of civilians included in the act until such latter employees have been replaced by enlisted men of the Quartermaster Corps.

from the provisions of this act or the continued employment of civilina included in this act and is such latter employees have been replaced by enlisted men of the Quartermaster Corps.

SEC. 6. That the office establishments of The Adjutant General, the Inspector General, and the Chief of Staff of the Army are beredy converged to the Control of the Chief of Staff of the Army are beredy converged to the Chief of Staff shall be the head. The General Staff, and of which the Chief of Staff shall be the head. The Adjutant General Staff, and of which the Chief of Staff shall be the head. The Adjutant General Staff converged to the General Staff corps and by the titles of the rank head by them therein, and except as heavily transferred to the General Staff corps, and the offices held by them may be affected, the provisions of socitions 20 and 17 of the act of General Staff corps and the offices held by them, and the control of the permanent military establishment of the United States, are hereby extended so as to apply to the General Staff Corps in the grade staff of the permanent military establishment of the United States, are hereby extended so as to apply to the General Staff Corps in the grade staff of the Chief Chief

further, That hereafter, when any officer shall, under the provisions of section 26 of the act of Congress approved February 2. 1901, entitled "An act to increase the efficiency of the permanent military establishment of the United States," be appointed or reappointed to an office with rank above that of colonel, his appointment to said office and his acceptance of the appointment shall not create a vacancy in the arm, corps, or department from which he shall be appointed, but he shall retain therein the same relative position that he would have held it he had not been appointed to said office, and he shall return to said relative position upon the expiration of his appointment to said office unless he shall be reappointed thereto.

SEC. 7. That hereafter no vacancies occurring in the grade of major general in the line of the Army shall be filled until the number of officers of that grade shall have been reduced by three, and thereafter the number of officers of said grade shall not exceed four; that hereafter no vacancies occurring in the grade of brigadier general in the line of the Army shall be filled until after the number of officers of that grade shall not exceed 11: and for the purposes of this argade shall not exceed 11: and for the purposes of this act general officers not commissioned as officers of any of the staff corps or departments of the Army shall be regarded as general officers of the line: Provided, That hereafter the number of officers above the grade of colonel who shall be members of the General Staff Corps under the provisions of section 3 of the act of Congress approved February 14, 1903, entitled "An act to increase the efficiency of the Army," shall be two. Provided further, That hereafter service as a cadet of the United States Military Academy or as a naval cadet or midshipman shall not be counted in computing for any purpose the length of service of any officer of the Army. Sec. 8. That the appropriations herein provided for the several departments consolidated under this act shall

Mr. DU PONT. Mr. President, the sections of the Army bill, from and including section 2, which are known as the legislative sections of the bill, have been stricken out, as the committee does not believe that important and radical legislation of this kind should be included in an appropriation bill, but should be discussed on its own merits as an independent measure as soon as the proposed plan of reorganization is received

from the War Department.

Section 2 provides for lengthening the term of enlistment from three to five years; section 3 cuts off the increase of pay for foreign service; section 4 consolidates the Quartermaster, Subsistence, and Pay Departments of the Army into one corps, and makes the chief of such corps a major general; section 5 provides for a service corps of enlisted men to take the place, sooner or later, of civilians now employed in the three departments named; section 6 consolidates The Adjutant General's Department, the Inspector General's Department, and the General Staff Corps into a bureau of the General Staff, thus fundamentally changing the duties of the General Staff Corps into that of an administrative bureau; section 7 reduces the number of general officers and the pay of all graduates of the Military Academy who have had less than 20 years' service under their commissions.

The subjects covered by these provisions directly affect the efficiency of the Army, and can not receive the careful consideration which their importance demands when included in the provisions of an appropriation bill. It is true the House Committee on Military Affairs gave considerable time to the consideration of the subjects involved, and your committee has heard thereon the Secretary of War, the Chief of Staff, Gen. Wood, and the Assistant Chief of Staff, Gen. Carter.

The consensus of opinion of the military authorities is that it is inadvisable at this time to attempt a partial reorganization of the Army. The entire subject of reorganization has been under prolonged investigation by the General Staff Corps, which corps was created by law for the purpose, among other duties, of studying and advising upon such subjects. The subject of reorganization is so vitally connected with the success of our arms and covers so wide a range that it has required a long time for consideration; and while the Secretary of War and the Chief of Staff have assured your committee that the report will be ready during the present session, it is believed to be the part of wisdom not to hurry so important a measure. Until fully matured by the military authorities of the War Department and by the Military Committees of the two Houses of Congress the time required for its full discussion should not be hastened by the urgency of an appropriation bill.

Mr. LODGE. Mr. President, I wish to say a word in regard

to the portion of the bill which has been stricken from it. If I approved every line of it I should still be very glad that the committee had stricken it out, and I trust the committee will be

fully sustained by the Senate.

The power to originate bills for raising revenue belongs to the House alone. There is no provision in the Constitution that gives to the House or to the Senate the sole power of originating appropriation bills. There is, in my opinion, nothing in the Constitution that can be twisted into any such limitaton. a week passes that we do not originate appropriation bills in the Senate. We originate them on claims, we originate them on public buildings, we continually originate them, and it is never questioned. There is no distinction in the Constitution between a general supply bill and a special appropriation for a specific object. But by long practice and, I think, very wise practice, general supply bills originate in the House, and that power is conceded to the House and has been conceded to it by the Senate. I think it is a proper arrangement. I think the great bills of supply should originate in the popular branch.

But, Mr. President, as it rests upon concession and practice it is a power that should be all the more carefully exercised. Both Houses have been extremely careful in their rules to prevent the attachment of legislative provisions to appropriation bills. The House has been far stricter than the Senate in that respect. The House rule provides that no amendment involving a change of existing law shall be in order, and that is a very stringent provision. In the Senate the point of order lies against anything that is new legislation, but both are directed to the same purpose, which is to prevent making the great appropriation bills the vehicle of general legislation.

I am well aware from long experience here that general legislation is at times attached to appropriation bills. Nobody considers it a good practice. But it has been very limited. It has been done in cases of emergency. It has been done in small matters where a point of order might lie, but where it would be only a technical objection. For many years the House in conference has enforced this principle with the utmost strictness. I have known case after case where the House had no objection to the amendment made by the Senate, but refused to admit it in conference, simply and solely because it was legislation.

The principle which underlies that practice and that rule is a sound one. If the great appropriation bills which must pass in order to carry on the Government are to be made the vehicle of legislation we put a pressure and a compulsion on either one of the Houses or on the Executive, which it is most improper to put.

In this particular case, Mr. President, an entire statute has been ingrafted upon this appropriation bill. It is not an emer-There is no demand for it. There is no great evil to be cured. It may be desirable to pass a statute reorganizing the Army, but it should come up as separate legislation. The rules of the House were set aside in order to do it, and we are now called upon to take the bill with this entire statute ap-The compulsion is obvious that if we do not take the bill with the statute appended the supply for the Army may

Mr. President, I for one had much rather see the supply bill for the Army fail for the time being than have the Senate yield in any respect to compulsion of this sort, which would curtail its constitutional powers and put it in a position which it ought never to occupy.

It is even stronger in the case of the Executive. To undertake to place upon the Executive the alternative of vetoing a supply bill, a great appropriation bill, or of accepting a statute which he may not approve is a position in which the Executive ought never to be placed. If I were the Executive under such circumstances I never would assent to a statute presented to me in

I think, Mr. President, in the interest of proper legislation and for the maintenance of the different powers of the several branches of the Government the Senate ought to refuse to accept statutes presented to them in this way on supply bills.

There is no question of the propriety of the general principle that the great appropriation bills should not carry legislation. No departure from it is a good thing, and such a departure as this is a very bad thing. I think it ought to be stopped at its inception, and I trust that the Senate, without any regard to whether this is a good measure or not—I care not whether I should approve every line in it-will make it perfectly clear that it can not submit to have general legislation of the most sweeping kind presented to it in this manner, with the threat of the failure of the supply bill hanging over them unless they

accept the statute which is appended to it.

Mr. SWANSON. Mr. President, my only purpose in rising at this time to make a reply to the Senator from Massachusetts [Mr. Lodge] is the impression he has expressed in regard to these provisions being contrary to the rules of the House. The chairman of the committee who prepared the bill is from my State. I wish to say in justification of him and in justification of the House of Representatives that the bill was prepared entirely in accordance with the rules of the House.

Mr. LODGE. Let me ask the Senator, was not the rule modified for that purpose?

Mr. SWANSON. It was not. Under the Democratic control of the House, since the time of Mr. Holman, of Indiana, there has been a rule in the House that legislation can be put on appropriation bills provided it reduces the expenditures of the Government That is the present rule of the other House, as I understand it.

Mr. LODGE. That may be the rule of the House at this session, but the rule of the House with which I was familiar was that an amendment to raise an appropriation was out of order while an amendment to lower an appropriation was in

Mr. SHIVELY. That is the rule now.
Mr. SWANSON. The Senator is entirely correct as to the practice when he was in the House.

Mr. LODGE. But, Mr. President, that never carried with it any obstacle to a point of order that an amendment was a change of existing law.

Mr. SWANSON. Mr. President, when I was a Member of the other House, which was Democratic, we had there what was known as the Holman rule, which rule provided that there might be legislation on an appropriation bill provided it reduced expenditures. That rule continued until the Republican Party came into control of the House of Representatives, when it was abolished.

As I understand, when the present House of Representatives adopted its rules, it made as a part of its rules and procedure the old rule known as the Holman rule, which provides that an amendment, though it changes existing law, is in order provided it reduces expenditures. That being the rule of the House of Representatives, the pending bill was prepared in accordance with that rule. These amendments would not have been in order unless they had resulted in decreased expenditures on the part of the Federal Government. I understand that all of the provisions of the bill that change existing law are of that character, and would result in a saving of expenditure by the Government. For the Senate to declare, as the Senator from Massachusetts would suggest, that that rule is contrary to the idea of the Senate, that propositions reducing expenditures, if put on appropriation bills, will not be considered by the Senate, seems to me to be a method of procedure that would not be wise on the part of the Senate.

The House of Representatives presents propositions on this appropriation bill carrying reduced expenditures—propositions for economy; they are presented to the judgment of the Senate; they are in order under the rules of the other House; they come here properly, and, it seems to me, they should be considered on their merits; and not by any system adopted in the Senate should we say they will not be considered under any circumstances.

Mr. President, with the vast expenditures of the Federal Government, with the great outflow of money from the Treasury every year, it seems to me it would be very wise for the Senate to adopt as a rule that any amendment that would reduce expenditures should be in order and be considered on its merits. Most of the reforms in legislation in Congress that have resulted in saving money to this Government have been under the operation of that rule. I should be glad to see the Senate adopt a rule permitting amendments to existing law to be attached to an appropriation bill, provided they would result in reduced expenditures. The advantage that would accrue from that is that it would give a government as efficient, a government as good, with less money; and unless a proposition results in a decrease of expenditure, it is not in order. But if we can run this Government more economically, as efficiently, and the proposition can be presented at the time the money is being appropriated out of the Treasury, it seems to me that such a rule is wise, and that such legislation should be fairly and justly considered on its merits by the Senate and also by the other branch of Congress.

Mr. LODGE. Mr. President, I referred to the rules of the two bodies as indicating what I believe they do indicate and have always indicated—the intention of both Houses not to make the general appropriation bills the vehicles of general leg-The fact that the other House has changed the rule does not in the least touch my point. It makes no difference, so far as the principle is concerned, whether the legislationas it could, with some slight technical phrase-reduces an appropriation or whether it increases it or whether it leaves it as it is. The vice of the system is putting general legislation on an appropriation bill, where such legislation does not pass by its own merits, is not intended to pass on its own merits, but is to be driven forward and driven through on the theory that we have got to have the appropriation bill passed in order

to carry on the Government. That principle I believe an unsound principle. I do not think it ought to be followed if it can possibly be avoided.

Mr. JOHNSTON of Alabama. Will the Senator from Massa-

chusetts allow me to make a suggestion?

The VICE PRESIDENT. Does the Senator from Massachusetts yield to the Senator from Alabama?

Mr. LODGE. Certainly I will yield to the Senator.
Mr. JOHNSTON of Alabama. Suppose that the provisions in this bill, or those in any other appropriation bill sent to us from the other House, should be against their rules, how can we correct them?

Mr. LODGE. Oh, their rules, Mr. President, are of no importance in this connection. I am speaking about a principle. referred to the rules merely as illustrating the attitude of the Houses, that is all.

Mr. JOHNSTON of Alabama. Each House is the judge of its

own rules

Mr. LODGE. Certainly; absolutely. I did not intend to make any reflection at all in regard to the operation of the I spoke of the practice of the other House as it was when I was a Member of that House, which is now a great many years ago, when, certainly, new legislation could not be put on an appropriation bill even if it reduced expenditures. I merely used it as illustrating the attitude of the Houses toward appropriation bills, which I believe to be a sound attitude.

Mr. SHIVELY. Mr. President—
The VICE PRESIDENT. Does the Senator from Massachusetts yield to the Senator from Indiana?

Mr. LODGE. I yield to the Senator. Mr. SHIVELY. I think if the Senator from Massachusetts will reflect he will recall that in his service in the other House the Holman rule was in force at least a part of the time. The Holman rule, of course, was a distinct exception to that general body of rules which the House has. The doctrine of the rule was that legislation the tendency of which was to reduce expenditures was salutary even on a general appropriation bill, was entitled to be considered on its merits, and it was protected by the rule for that reason.

Mr. LODGE. I may be wrong about it. My remembrance was that that applied only to the amount of the appropriation, that it was not in order to move an increase in an appropriation, but it was in order to move a decrease in an appropriation. I did not recall that it went to the extent of authorizing new

legislation.

Mr. SHIVELY. It very frequently happened, under the operation of that rule, that where the general statute prescribed the amount of a given salary, in the appropriation bill itself the salary was reduced. There were hundreds of such cases.

Mr. LODGE. I have no doubt that the Senator from Indiana is correct, and that the rule permitted new legislation, but the practice in the House of late years has certainly been to prevent any new legislation on appropriation bills under any cir-

cumstances.

Mr. SHIVELY. That is true. I think it was about the Fifty-third Congress that the rule was changed. While the rule has been changed and the practice has been changed in that respect, what followed, the increase of expenditures and all that, does not mean that the change of the rule was a salutary change.

Mr. LODGE. That may or may not be. I used it, as I repeat, merely as an illustration of the attitude of the two Houses, which is against new legislation being added to an appropria-tion bill. Of course, it is perfectly easy to put on any amount of legislation and make some little change in it that will reduce an appropriation; but I do not believe it is good practice, that it is fair to the Senate, or fair to the Executive-and I think that has been the general opinion in both branches—to put on an appropriation bill general legislation. I think the general principle on which we have always acted has been that general legislation must be considered on its merits, and wholly apart from an appropriation bill.

The VICE PRESIDENT. Without objection, the amendment is agreed to.

Mr. LEA. Mr. President, I desire to offer an amendment. Mr. WARREN. Will the Senator please wait a moment, until the committee amendments have all been offered?

Mr. LEA. I thought they had been offered.

Mr. WARREN. I have two slight amendments which I ask leave to offer on behalf of the committee.

The VICE PRESIDENT. The Senator from Wyoming offers an amendment, which will be stated.

Mr. WARREN. Mr. President, I ask to turn back to page 7 and insert the amendment which I send to the desk. The VICE PRESIDENT. The amendment will be stated.

The Secretary. On page 7, line 14, in the amendment of the committee heretofore adopted, before the word "years," it is proposed to strike out "three" and insert "two." The VICE PRESIDENT. Without objection, the amendment

is agreed to.

Mr. WARREN. I also ask leave to offer an amendment on the same page, a little lower down, to insert what I send to the desk.

The VICE PRESIDENT. The amendment will be stated. The Secretary. On page 7, in line 20, in the amendment of the committee heretofore adopted, after the word "Affairs," is proposed to insert "and the Board of Road Commissioners for Alaska."

Mr. BRISTOW. Mr. President, I should like to inquire— Mr. WARREN. Will the Senator allow the Secretary to read the remainder of the amendment, which is practically only one more word?

Mr. BRISTOW. Very well. The Secretary. And in the same line, before the words "of Congress," it is proposed to strike out "act" and insert "acts."

Mr. BRISTOW. I want to inquire in regard to substituting the word "two" for the word "three," in line 14, on page 7. I understood that the committee considered the matter and de-

cided that "three" was the desirable number.

Mr. WARREN. The Senator is right. It did, but afterwards-I had forgotten that the Senator was one of the proponents of the proposition—it was thought that it would make the assignments irregular. They should be in even years, two and four years; and to put it in that form-three years-would be to make it clash and out of harmony with all the other regulations regarding the matter.

Mr. BRISTOW. Could it not just as well be made four years

instead of three?

Mr. WARREN. It could be made four years, but is it good policy to send back to his command for four years an expert in the Quartermaster's Department or the Ordnance Department or any other department when two years would practically answer all purposes?

Mr. LODGE. Mr. President-

The VICE PRESIDENT. Does the Senator from Kansas yield to the Senator from Massachusetts?

Mr. LODGE. I rise to a question of order, The VICE PRESIDENT. The Senator will state it.

Mr. LODGE. I understand these amendments are offered to the amendment on page 7, which has already been agreed to by the Senate.

The VICE PRESIDENT. The Senator is correct. Literally speaking, the amendment can only be amended in the Senate.

Mr. WARREN. I understood that very well, but I thought I asked consent to offer the amendment. If there is any objection, of course Mr. LODGE. I

I did not know unanimous consent was asked. The VICE PRESIDENT. Unanimous consent was not asked. The Chair did not so understand. If the Senator from Massachusetts raises the point of order, the Chair sustains it, and the amendment can not now be considered.

Mr. LODGE. I know that it can be done by unanimous consent, of course, but the President ruled on yesterday—and perfeetly correctly, of course—that the Senator from Mississippi [Mr. Williams] could not offer an amendment to this amendment which had been agreed to.

The VICE PRESIDENT. At that time.

Mr. LODGE. And that he could offer it only in the Senate.

The VICE PRESIDENT. The Senator is correct.

Mr. LODGE. And I think if that rule is applied to the Senator from Mississippi, it ought to be applied to everyone else.

Mr. WARREN. Mr. President, the Senator from Wyoming asks no exceptions. Often, in making a request, I "ask" to do so-and-so, but neglect to ask, in plainly spoken words, as I ought to, unanimous consent. It was my intention to do so in this instance; but, not having done so, the Chair, of course, will rule that the amendment is out of order.

The VICE PRESIDENT. The Chair has so ruled, and the amendment can only be considered when the bill shall have been

reported to the Senate, except by unanimous consent.

Mr. BRISTOW. Referring to the amendment—
Mr. WARREN. It has been ruled out of order.
Mr. BRISTOW. I want to make a few remarks about both

of the amendments while I am on my feet. Referring to the amendment to substitute the word "two" for the word "three," in line 14, I am advised by the senior Senator from New York [Mr. Root] that, in his opinion, it would be very unwise to make the period three years because of its relation to other matters in the military establishment. Only having been a member

of the committee for a short time, of course, in a matter of that kind I would accept his judgment,

Mr. ROOT. Mr. President—
The VICE PRESIDENT. Does the Senator from Kansas yield to the Senator from New York?

Mr. BRISTOW. Certainly.

Mr. ROOT. I may say on the subject that the question of staff service, of detail service in relation to service with troops, was very fully discussed and considered and testimony taken upon it 10 years ago, at the time when we were changing from the old system of a permanent administrative Staff Corps, permanent quartermasters and commissaries, and so on, to the detail system. At the time when the question of staff details was considered the conclusion was reached very deliberately that it would be wise to provide that after a four years' detail in one of these departments the officer should be required to go back to his regiment for two years, and that is now embodied in the statutes which regulate those details. I think it would be a misfortune to make a change here that would involve very great confusion in construing different statutes and different rules, and it would be a misfortune to cut down the length of the possible detail from four years to three.

We have broken up the system of having permanent staff officers, who acquired special information and facility in the kind of work which has to be done under detail, and four years is a short enough time for a man to become familiar with that kind of work and render the best service. If the period were cut down below that, I think we would suffer seriously in losing the very best part of the service of the officers who are detailed, while requiring them to go back and serve two years with troops serves to keep administrative staff officers in touch with the military establishment. I think it would be a misfortune to change the rule. It certainly should not be done without a careful revision of existing statutes, which now prescribe a

Mr. JOHNSTON of Alabama. Mr. President, if the Senator

from Kansas will permit me-

Mr. BRISTOW. Certainly. Mr. JOHNSTON of Alabama. I will say that the amendment was inserted by the committee at my instance, as he will remember. The object was to prevent officers remaining constantly about Washington and to effect a change in that particular. Since the committee adopted that provision, however, I have become convinced that it will not do to leave it in the shape it is now in view of the existing statutes concerning other departments of the Army, so that I am perfectly content with the amendment suggested by the Senator from Wyoming.

Mr. BRISTOW. Mr. President, of course on matters of that kind I would not stand out against the opinion of the Senator from New York [Mr. Root], who himself has been Secretary of War and is very familiar with these matters, and the Senator from Alabama [Mr. Johnston], who has had far larger experience than have I; but, referring to the other amendment of the Senator from Wyoming [Mr. WARREN], I understand that it was considered by the committee and that the committee re-fused to accept it. I am somewhat surprised, therefore, that the Senator should offer that amendment here, because I understood that he accepted the action of the committee as wise.

Mr. WARREN. Mr. President, I will say, in that regard, that it was put in originally, and then, as the Senator knows, was stricken out because it was not considered necessary. We misunderstood the situation; but afterwards, when we understood that the provision, if it affected the Alaska road commissioners, would disarrange the work going on there, we thought it best to restore it as it was.

Mr. BRISTOW. Well, it has not been considered by the committee since, I am sure, for I have been present at every meet-

ing the committee has had.

Mr. WARREN. The Senator will understand that in matters of this kind that come up quickly while an appropriation bill is being considered it is usual to consult the proponents of the proposition or its objectors, as, for instance, in the case of the Senator from Alabama, who proposed the three-year requirement, which was subsequently changed to four with his consent; but if the Senator from Kansas [Mr. Bristow] objects to the Alaska amendment, I will not offer it. It has already been ruled out of order.

Mr. BRISTOW. I think—
Mr. WARREN. I think it would be unfortunate, but we will

let the matter go. I shall not insist upon it.

Mr. BRISTOW. I regret to disagree with the Senator from Wyoming, but I think it will be fortunate, instead of unfortunate, if that exception is not made.

Mr. DU PONT, I now offer individually the following amendment, to which I hope there will be no objection. The Intent of this amendment is to protect the tomb and last rest-

ing place of George Washington from any desecration, and it is needless to say that it is a subject in which a vast number of people all over the country have a very deep and abiding interest. I ask unanimous consent for the consideration of the amendment.

The VICE PRESIDENT. The amendment will be stated.

The Secretary. On page 59, after line 20, insert:

The Secretarry. On page 59, after line 20, insert:

There is hereby appropriated, out of any money in the United States Treasury not otherwise appropriated, the sum of \$33,000 to reimburse the government of the District of Columbia, which site is hereby transferred to the Secretary of War for such purposes as may be authorized by law, and the jurisdiction now vested in the Commissioners of the District of Columbia over said site, being that certain parcel of land in the county of Fairfax, State of Virginia, known as "Belvoir" or the "White House" tract, containing 1,500 acres, is hereby transferred to the Secretary of War : Provided. That the Secretary of War may, in his discretion, authorize the Commissioners of the District of Columbia to use such of the clay deposits on said site as may be required in the brick manufacturing plant in the workhouse institution at Occoquan, Va.: And provided further, That the sum herein appropriated is hereby made available for the purposes contained in the District appropriation act approved March 31, 1909, under the title of "Sites for reformatory and workhouse," as amended by the provision contained in the urgent deficiency act approved August 5, 1909; and the provision contained in the urgent deficiency act approved March 31, 1909, that the two tracts of land to be acquired as sites for a reformatory and workhouse shall be widely separated, and all laws and parts of laws in conflict herewith, are hereby repealed.

Mr. GALLINGER. I will ask the Senator from Delaware if

Mr. GALLINGER. I will ask the Senator from Delaware if the Commissioners of the District of Columbia have been consulted in reference to this amendment?

Mr. DU PONT. I will say to the Senator from New Hampshire that they have been consulted, and they transmitted this

draft of the amendment which has just been read.

Mr. GALLINGER. If that be so, I have no objection to the

amendment.

The VICE PRESIDENT. Without objection, the amendment is agreed to.

Mr. LEA. I now ask action upon the amendment which I sent to the desk.

The VICE PRESIDENT. The Senator from Tennessee offers

an amendment, which will be stated.

The Secretary. On page 17, line 3, after the word "dollars," insert the following proviso:

Provided. That hereafter in the computation of longevity pay the time served on active detail by retired Army officers shall be added to the service rendered by said officers prior to retirement for the computation of the pay to which they shall be entitled.

Mr. WARREN. Mr. President, I think I should have no objection to legislation of that kind offered as a separate measure,

with an opportunity to compare it with existing legislation, and also to first submit it to the department for report. Of course, the amendment is clearly out of order.

Mr. LEA. Will the Senator from Wyoming yield to me for a

Mr. WARREN. I yield, and will probably make the point of order later. However, I take pleasure in yielding to the Senator

from Tennessee for anything he wishes to say.

Mr. LEA. Mr. President, I think the amendment is approved by the War Department. I have not myself submitted it to the department, but I am informed it is approved by them. It merely restores the status which obtained before the amendment of 1903. It affects about 20 officers on the retired list, none of them above the rank of major, and merely makes an equality between men who have been placed on the retired list and who

are now on active duty.

Mr. WARREN. This subject is one that has had a great deal of consideration—the matter of retired officers called into active service—and I would prefer that we should have time to consider the proposed measure in direct comparison with the leg-

islation we have.

The amendment is not estimated for; it has not the indorsement of any standing committee; it has not been offered and printed and sent a day in advance to the committee in charge of the pending appropriation bill; it increases expenditures, and it is legislation, and I therefore make the point of order.

The VICE PRESIDENT. The point of order is sustained.

Mr. JONES. I desire to offer the amendment I send to the desk to be inserted on page 57, line 16.

The Secretary. On page 57, after the word "dollars," in

line 16, it is proposed to insert the following proviso:

Provided, That no part of this appropriation shall be expended for the purchase or manufacture of such ordnance stores to fill requisitions of troops as can be manufactured at Government arsenals from or by any person, firm, or corporation which has not, at the time of commencement and during the prosecution of the work of said ordnance stores, established an eight-hour workday for all employees, laborers and mechanics, engaged or to be engaged in the work on the ordnance stores named herein.

Mr. DU PONT. I make the point of order that the amendment is in contravention of Rule XVI of the Senate. There is no estimate for it, and it has not been to any committee.

Mr. JONES. It is simply a limitation on the appropriation, Mr. President.

Mr. DU PONT. The rule of the Senate to which I refer is that prohibiting general legislation on an appropriation bill.

Mr. GALLINGER. It is general legislation.

Mr. DU PONT. It has not been approved by the department, nor has it come before the committee or been considered there.

Mr. LODGE. It is general legislation. Mr. DU PONT. General legislation.

The VICE PRESIDENT. Section 1 of the rule to which the Senator refers reads:

Unless the same be moved by direction of a standing or select committee of the Senate.

The Chair would like to inquire whether this amendment is

moved by direction of a standing committee.

Mr. JONES. No; it is not, Mr. President.

The VICE PRESIDENT. Then the Chair thinks on that ground the amendment is not in order, and the Chair sustains the point of order.

Mr. JONES. I desire to offer a similar amendment to be inserted after the word "dollars" in line 12, on page 58.

Mr. DU PONT. I make a similar point of order.

The VICE PRESIDENT. Is the amendment and situation identical with the other one?

entical with the other.

Mr. JONES. Substantially so.

Mr. JONES. Substantially so.

WIGE PRESIDENT. The ruling will be the same, then. 4, page 59.

Mr. DU PONT. I make a similar point of order.

The VICE PRESIDENT. And the ruling will be the same, assuming it is a similar amendment and the situation is the

Mr. WORKS. -I offer the amendment I send to the desk.

The Secretary. On page 38, line 17, after the words "Fort Leavenworth, Kans.," insert:

For the construction of a general administration building at Fort Mason, San Francisco, Cal., to provide office accommodation for division headquarters, \$200,000.

The VICE PRESIDENT. Without objection, the amendment is agreed to.

Mr. DU PONT. I object. Mr. BACON. I wish to offer an amendment that I hope the committee will accept.

Mr. DU PONT. I had no opportunity to object to the amendment offered by the Senator from California.

The VICE PRESIDENT. Does the Senator from Delaware object to the amendment?

Mr. DU PONT. I object to the amendment.

The VICE PRESIDENT. The question, then, is on agreeing to the amendment offered by the Senator from California.

Mr. DU PONT. I make the point of order that it is new legislation.

Mr. WORKS. I hope the Senator from Delaware will not press the point of order until I can say a word in respect to it. Mr. DU PONT. I withhold the point of order, with great

Mr. WORKS. Mr. President, the amendment that I offer is, as I think, a matter of economy. The proposed amendment relates to that portion of the bill providing for the expenses of barracks and quarters. The amendment is intended to supply a permanent building for that purpose instead of renting quarters. At the last session of Congress I introduced a resolution, which was adopted, calling upon the Secretary of War to furnish an itemized statement of the amounts that were being expended by the Government in renting offices and other places for officers and employees of the department not upon Government-owned land. The Secretary of War made his report with respect to that matter, and it shows, amongst other things, that in the city of San Francisco the Government is paying as rental for offices for the division headquarters the sum of \$19,560, and for offices and storehouses, Quartermaster's and Medical Departments, \$18,000. It also shows that numerous other buildings and offices are rented by the Government for that purpose.

The report also shows, in explanation of the amount that is being paid for those purposes, as follows:

This office has made repeated efforts to secure an appropriation of \$200,000 for the construction of a general administration building at Fort Mason, to provide office accommodation for division headquarters—

which covers the offices that are now rented in the Chronicle Building in that city. It would enable the Government to house the numerous other officers and employees of the department and save an immense amount of money that is being paid out

I call attention to the summary contained in this report, showing the amount of money that the Government is now paying

out for this purpose, which, I think, should be seriously considered. It shows that-

Making a total paid for rent for these purposes____ 395, 666. 10

Now, so far as San Francisco is concerned, there is no excuse for the expenditure of money for any such purpose. Fort Mason and the Presidio are both close to the business portions of the city, and the Government might, with the expenditure of a very small sum of money, provide quarters for the officers and save this immense amount of money which is being paid for This report, submitted in response to the resolution adopted by the Senate, is somewhat long, and I should not like to take up the time of the Senate in reading it or having it read, but I ask that it may be included in my remarks and printed in the RECORD without reading. It contains, I think, quite valuable information.

The VICE PRESIDENT. Without objection, it will be so

ordered.

The report is as follows:

[Senate Document No. 123, Sixty-second Congress, second session.] ARMY QUARTERS RENTED IN SAN FRANCISCO.

Letter from the Secretary of War, transmitting information in response to Senate resolution of July 28, 1911, relative to buildings and offices rented for the use of the War Department in the city of San Francisco:

WAR DEPARTMENT, Washington, December 4, 1911.

The PRESIDENT OF THE SENATE.

The President of the Senate.

Sir: In response to Senate resolution dated July 28, 1911, directing the Secretary of War—

"to inform the Senate what buildings, rooms, dwelling houses, and offices are rented, leased, or otherwise acquired in the city of San Francisco, Cal., for the use of the Army or War Department, the amount paid for each, for what purpose the same and each of them are used, and also to inform the Senate what provision is made by the Government or the War Department for residences, offices, and all other uses, for the officers of the Army and other persons employed in the Army and the War Department, in or on the Presidio, or other Government-owned property in or near said city of San Francisco, and if homes and offices and other facilities for the use of such officers and employees on or in said Government-owned property are not provided, why the same have not been so provided.

"Also to inform the Senate whether dwelling houses, rooms, offices, or other places are being rented or leased in any other city or cities in this country for the use of such officers or employees; and if so, what properties are so rented or leased, the price paid for each, and for what each is used.

"Also to inform the Senate what is the total sum per annum now being paid by the Government for rented or leased property for the use of Army officers and employees of the Army and War Department"—

I have the honor to transmit herewith reports of the several bureaus and offices of the department furnishing the desired information.

Very respectfully,

H. L. Stimson,

H. L. STIMSON Secretary of War.

OFFICE OF THE QUARTERMASTER GENERAL,
Washington, August 15, 1911.

To the SECRETARY OF WAR.

OFFICE OF THE QUARTERNASTER GENERAL,

Sir: I have the honor to return herewith resolution of the Senate of the United States dated July 28, 1911, directing the Secretary of War to furnish to the Senate the following information:

1. What huildings, rooms, dwelling houses, and offices are rented, leased, or otherwise acquired in the city of San Francisco, Cal., for the use of the Army or War Department, the amount paid for each, for what purpose the same and each of them are used.

2. What provision is made by the Government or the War Department for residences, offices, and all other uses, for the officers of the Army and other persons employed in the Army and the War Department, in or on the Presidio, or other Government-owned property in or near said city of San Francisco, and if homes and offices and other facilities for the use of such officers and employees on or in said Government-owned property are not provided, why the same have not been so provided.

3. Whether dwelling houses, rooms, offices, or other places are being rented or leased in any other city or cities in this country for the use of such officers or employees; and if so, what properties are so rented or leased, the price paid for each, and for what each is used.

4. What is the total sum per annum now being paid by the Government for rented or leased property for the use of Army officers and employees of the Army and War Department.

In reply to the foregoing questions I have the honor to submit the following:

(A) Statement showing what buildings, rooms, dwelling houses, and offices are rented or leased in the city of San Francisco, Cal., for use of the Army, the amount paid for each, its location and the purpose for which each is used, the total yearly cost of which is \$72,622.20.

(B) Memorandum showing what provision is made by the Government for residences, offices, and all other uses for officers of the Army and other persons employed in the Army, in or on Government-owned property in or near the city of San Francisco, Cal., and the re

In regard to the subject of rented buildings in San Francisco, attention is invited to the fact that for the last three years this office has made repeated efforts to secure an appropriation of \$200,000 for the construction of a general administration building at Fort Mason, to provide office accommodation for division headquarters. Should this building be provided it will save approximately \$20,000 per annum.

Two storehouses are now in progress of construction at the Army supply depot at Fort Mason, and two others are contemplated and will be constructed if the funds asked for in the estimates to Congress for the fiscal year 1913 are allowed. This will entirely do away with the rental of the Fontana warehouse, and offices and storehouses for the Subsistence Department, making a total approximate saving of \$24,000 per annum.

The status of Fort Mason as a post for mobile troops is not definitely understood in this office, but it is thought that the battalion headquarters and company of Infantry now there will ultimately be removed, and that the quarters there will be utilized for the staff of the commanding general.

The transport wharves at the Army supply depot at Fort Mason are practically completed, and will be occupied in a short time. This will render the lease of Folsom Street wharf no longer necessary, and result in a saving of \$18,000 per annum.

No buildings or rooms are rented or leased for use as quarters for civilian employees of the Army employed in San Francisco or on Government property in the vicinity thereof, there being no appropriation of the Quartermaster's Department available for that purpose. Respectfully,

J. B. ALESHIRE, Quartermaster General, United States Army.

A.

Statement showing what buildings, rooms, dwelling houses, and offices, etc., are rented or leased in the city of San Francisco, Cal., for use of the Army, the amount paid for each, and the purpose for which each is used.

Property and use.	Location.	Rate per annum.
61 rooms, division headquarters	Chronicle Building Fontana warehouse, North Point Street.	\$19,560.00 18,000.00
Medical Departments. Office and storehouse, Subsistence Department.	Howard and Fremont Streets.	4,980.00
Storehouse, Subsistence Department (rented for six months only).	do	1,140.00
I room, quarters for— Sergt. Stolze	1211 Eagle Avenue	230. 40
Sergt. Young	1552 Greenwich Street	234.60
Pot Smith	140 Mason Street	234.00
Pyt. Berg	2138 Twenty-third Street 846 Vallejo Street	230. 40 233. 40
Pvt. Fox	309-c Castro Street	234, 00
Caret Moseley	522 Hyde Street	234.00
Pyt. Fritz	2234 Filbert Street	234.60
Sergt, McKenzie	1005 Powell Street	- 234.60
Pyt. Fritz. Sergt. McKenzie. Sergt. Zuern.	522 Hyde Street	234.00
Pvt. Rouse	243 Webster Street	234.00
Sergt. Widell	716 Howard Street 2980 Bush Street	240.00 234.00
Sergt. Blanchette	2514-a Bush Street	232, 20
NONCOMMISSIONED OFFICERS ON DUTY, PRESIDIO OF SAN FRANCISCO.		
1 room, quarters for—		
1 noncommissioned officer	2840 Union Street	240,00
Do	2720 Greenwich Street	240.00
Do	2436 Greenwich Street	240.00
Do	757 Guerrero Street	240.00
Do	2556 Lombard Street 3124 Steiner Street	240.00 240.00
Do	2832 Union Street	240.00
Do		240.00
Do	2834 Union Street	240.00
Do	2722 Greenwich Street	240.00
OFFICERS ON DUTY AT FORT MASON, CAL.		
8 rooms, quarters for officers	2802 Van Ness Avenue	810.00
grooms, quarters for officers	do	600.00
Apartment, quarters for officers	848 Gough Street	576.00
NONCOMMISSIONED STAFF OFFICERS ON DUTY AT FORT BARRY, CAL.		
1 room, quarters, 1 noncommissioned staff officer.	2842 Baker Street	192.00
Do	2327 Lombard Street	192.00
Dock, transports, and harbor boats	Folsom Street	18,000.00
grooms main recruiting station	660 Market Street	1,500.00
1 room, auxiliary recruiting station	10 East Street	576.00 420.00
DoQuarters for recruiting party (each)	778 Howard Street	168,00
A-27-1-1	200 240 4 5 100 100 100 100 100 100 100 100 100 1	
- Total		72,622.20

Memorandum showing what provision is made by the Government or the War Department for residences, offices, and all other uses for the officers of the Army, and other persons employed in the Army and War Department, in or on the Presidio or other Government-owned property in or near the city of San Francisco, Cal., and the reasons why homes and offices and other facilities for the use of such officers and employees on or in said Government-owned property are not provided.

Presidio of San Francisco, Cal.: Quarters are available at this post for G2 officers and 14 noncommissioned officers.' No additional quarters are necessary for officers for the present garrison at the Presidio of San

Francisco, but as a number of noncommissioned officers are assigned to duty in connection with the general hospital, it is necessary to hire quarters for 10 such officers.

Additional noncommissioned officers' quarters have not been constructed at this post, as funds have not been available for the purpose. Fort Barry, Cal.: This post has accommodations for 7 officers and 5 noncommissioned officers. There are sufficient officers' quarters available, but there is a lack of quarters for noncommissioned officers, making it necessary to hire quarters for 2 additional noncommissioned officers on duty there.

Additional quarters have not been constructed for noncommissioned officers at this post owing to the fact that funds appropriated under the appropriation "Barracks and quarters, seacoast defense," have been required for more important projects elsewhere.

Fort Mason, Cal.: There are 5 sets of quarters at this post for officers and 5 sets of quarters for noncommissioned officers. There are now stationed at this post, including the commanding general of the western division and his aids, 10 officers, making it necessary to hire quarters in San Francisco for 5 officers.

Additional quarters have not been constructed at Fort Mason for the reason that it is contemplated to abandon the same as soon after the completion of the Army supply depot as practicable, as the buildings at this post are very old and of frame construction and are fast becoming uninhabitable.

No quarters are being rented for noncommissioned officers at this post, as quarters already constructed are ample for that purpose.

coming uninhabitable.

No quarters are being rented for noncommissioned officers at this post, as quarters already constructed are ample for that purpose.

Fort Miley, Cal.: Quarters are available at this post for 8 officers and 6 noncommissioned officers, which are sufficient for the company of Coast Artillery stationed there, and no additional quarters are being rented either for officers or noncommissioned officers.

Fort Winfield Scott, Cal.: Construction work at this post has not yet been completed. Accommodations are nearing completion for 10 companies of Coast Artillery, and it is thought that with the 25 sets of officers' quarters and 14 sets of noncommissioned officers' quarters provided for no additional quarters will have to be rented.

Quarters for 13 noncommissioned officers on duty at headquarters, western division, at San Francisco, are rented for them at that place for the reason that there are no owned quarters in that city for their use nor accommodations for them at the Presidio or other posts in the vicinity.

Buildings, rooms, offices, etc., leased for use of the Army and War Department, at various cities in the United States, including recruit-ing stations and quarters for recruiting parties, other than at San Francisco, Cal.

Property and use.	Location.	Rate per annum.
ATLANTA, GA.		
1 room, quarters for Pvt. Pennell	39 Ripley Street 20 Bedford Place 408 Luckie Street	\$144.00 144.00 204.48
1 room, quarters for Pvt. Wright	273 Washington Street Currier, School, and Rip- ley Streets.	204. 48 900. 00
Offices, department headquarters	Candler Building	3,960.00
BANKS, FORT, MASS.		
1 room, quarters for 1 noncommissioned officer.	Winthrop, Mass	132, 00
Do	do	* 108.00 180.00
BOISE BARRACKS, IDAHO.		
1 room, quarters for Sergt. Mayben	221 Thatcher St., Boise. 410 Resseguie St., Boise. 404 Resseguie St., Boise. 402 O'Farrell St., Boise. 406 Resseguie St., Boise.	240, 00 240, 00 240, 00 240, 00 240, 00
BOSTON, MASS.		
Office, quartermaster, subsistence and pay departments.	263 Summer Street	10,500.00
Stable	Brookline, Mass 165 East Lexington St Boston, Mass	180.00 204.48 3,000.00
CHARLESTON, S. C.		
1 room, quarters for wharfinger	68½ Queen Street	144.00
CHEYENNE, WYO.		
1 room, quarters for Sergt. Compton	410 East 26th Street	240.00
CHICAGO, ILL.		
Quartermaster storehouse	6108 West Michigan St 77 East Lake Street 64 East Fourteenth St Halsted and 42d Streets. 3819 Pine Grove Ave	3,600.00 7,500.00 2,400.00 240.00 204.48
Lee. 1 room, quarters for Sergt. Lyons	161 East Erie Street 1215 Jackson Boulevard. 8932 Erie Avenue 1725 Wilson Avenue	204. 48 204. 48 204. 48 204. 48
COLLEGE PARK, MD.		
Aviation Field	College Park, Md	3,000.00

Buildings, rooms, offices	e, etc.—Continued.		Buildings, rooms, offices	e, etc.—Continued.	
Property and use.	Location.	Rate per annum.	Property and use.	Location.	Rate per annum.
CONSTITUTION, FORT, N. H.			OMADA, NEBR.		
1 room, quarters for commissary sergeant	New Castle, N. H	\$144.00	(On duty at Fort Omaha, Nebr.)		
1 room, quarters for Hospital Corps sergeant 1 room, quarters for master gunner, Coast Artillery Corps.	do	144.00 144.00	1 room, quarters for Sergt. Stewart	2720 Mcredith Avenue 6496 Thirty-first Avenue	\$144.00 144.00
DEMING, N. MEX.			1 room, quarters for Sergt. Herb	2013 Ames Avenue 2534 Fort Street	144. 00 144. 00
2 rooms, quarters for men en route to or from Fort Bayard.	Commercial Hotel, Deming.	240.00	Carpenter. 1 room, quarters for Sergt. Egan	5318 N. Twenty-afth Ave	144. 00
DENVER, COLO.	TV 4 V 4 1 T 1		PENSACOLA, FLA.		
5 rooms, office purchasing commissary	First National Bank Building.	1,740.00	2 rooms, quarters for 2 enlisted men	Pensacola	180.00
Office paymaster and quartermaster Warehouse DRAGON, UTAH.	do 1521 Twentieth Street.*	3,060.00	PHILADELPHIA, PA. 1 room, quarters for Sergt. Davis	2230 Fitzwater Street 1314 Walnut Street	144. 0 144. 0
Office and storeroom, Quartermaster's Department.	Dragon, Utah	300.00	I room, quarters for Sergt. Wiscombe PLATTSBURG BARRACKS, N. Y.	1325 S. Twenty-third St.	144. 00
FRONT ROYAL, VA.			1 room, quarters for Sergt. Buska	4 United States Avenue.	144.00
Land, pasture for colts, etc., for remount	Front Royal, Warren	1,099.92	1 room, quarters for Sergt. Rumpff	144 Brinkerhoff Street	144.00
depot. HOLBROOK, ARIZ.	County, Va.		PORTLAND, ME		222.2
Office and storeroom, Quartermaster's De-	Holbrook, Ariz	178.80	Office constructing quartermaster	655 Congress Street	900.00
partment.			PORTLAND, OREG.	DOT Obstance Comme	
1 room, quarters for Sergt. Simmons 1 room, quarters for sergeant, Hospital Corps.	305 Pleasant Street 119 Palm Street	144.00 144.00	Stable, 2 horses and surrey. Storage for bacon. 10 rooms, office and storerooms, disbursing quartermaster, chief and post paymasters.	265 Sixteenth Street 13th and Gl'son Sts 365 Washington Street	144. 00 (1) 2, 040. 00
FORT HOWARD, MD.			PRESIDIO OF MONTEREY, CAL.		
1 room, quarters for fireman, Coast Artillery	Fort Howard, Md	120.00	Storehouse for Government property	606 Pearl St., Monterey .	
Corps. I room, quarters for private	Brown's wharf, Balti-	108.00	PROVIDENCE, R. I.		
FORT HUNT, VA.	more, Md.		1 room, quarters for Corpl. Reynolds	50 Bowlet Street	144.00
1 room, quarters for Sergt. Payne	Hunters Station, Va	144.00	ST. LOUIS, MO.		
FORT JAY, N. Y.			1 room, quarters for Sergt. Baker	125 Louis Avenue 5008 Minerva Avenue	144.00 144.00
1 room, quarters for post quartermaster sergeant.	260 W. 146th St., New York, N. Y.	208.48	Office, paymaster	National Bank of Com- merce Building.	900.0
KANSAS CITY, MO.	2012, 27. 27		Medical supply depot	204 South Eighth Street. 217 North Main Street.	4, 200.00
Quartermaster's office	Scarritt Arcade	1,200.00 1,059.96	SAN ANTONIO, TEX.		3,000.0
MEXICAN BORDER.		495 804	1 room, quarters for Sergt. Horsley 1 room, quarters for Sergt. Bailey	414 Mason Street 917 Crosby Street	204. 4: 204. 4:
Camp site	Calexico, Cal	105.00	1 room, quarters for Sergt, Musselman 1 room, quarters for Sergt, Snyder 1 room, quarters for Sergt, Connor	101 Hood Street	144.0 144.0
MOBILE, ALA.	Wabile Ale	100.00	1 room, quarters for Sergt. Connor. 1 room, quarters for Chief Musician Johnson. 1 room, quarters for Sergt. Bohne.	903 Rogers Avenue 1126 Grayson Street	204. 4 144. 0
1 room, quarters for wharfinger	Mobile, Ala	120.00	1 room, quarters for Sergt. Macleod	111 N. 13th St	144. 0 204. 4
FORT MOTT, N. J. 1 room, quarters for Sergt. Woods	Fort Mott N I	144.00	SEATTLE, WASH.	San Antonio	
1 room, quarters for Fireman Goodwin 1 room, quarters for Engineer Shaner	do	144.00 144.00	Lodgings for enlisted men (temporary)	1315½ First Avenue	(2)
FORT MYER, VA.		*******	1 room, quarters for Sergt. Jandorf	5139 Terrace Drive 920 East Pike Street	(2) 207. 15 207. 15
1 room, quarters for Sergt. Smith	Mount Washington, Va.	144.00	1 room, quarters for Corpl. Rafferty	1717 Bellevue Street	207. 1 207. 1
NEW LONDON, CONN.			1 room, quarters for Sergt. Murphy	4012 12th Ave. NE 800 22d Ave	156, 4 156, 4
Office constructing quartermaster	Crocker House	600.00	1 room, quarters for Sergt. Moore	1516 Minor Avenue 115 Blaine Street	207. 1 156. 4
NEW ORLEANS, LA.			1 room, quarters for Sergt. Cortes.	902 West Armour Street. 605 Warren Avenue	207, 13 156, 48
Stable, 1 public animal	921 Perdido Street Gravier and St. Charles Streets.	120.00 1,080.00	1 room, quarters for Sergt. Hague. 1 room, quarters for Sergt. Lacey. 1 room, quarters for Master Signal Electrician Smith. 1 room, quarters for Sergt. Whitworth.		156. 49 156. 49
3 rooms, office quartermaster	Hibernia Bank Building	1,080.00	1 room, quarters for Sergt. Wylie.	902 West Armour Street. 1214 Minor Ave. North.	156, 4: 156, 4: 156, 4:
NEWPORT NEWS, VA.			1 room, quarters for Sergt. Robinson 1 room, quarters for Sergt. Sigmon	406 Pine Street	207. 15 207. 15
1 room, quarters for Sergt. Kelly	Hotel Newport	144.00	1 room, quarters for Corpl. Palmer	1409 Boren Avenue 1622 Summit Avenue 408 Sixteenth Ave. N	156, 43
NEW YORK CITY,			1 room, quarters for Sergt. Burton	2532 Ninth Ave. N. 1717 Thirteenth Ave. N. 6553 Twenty-fourth Ave.	156. 4 207. 11
1 room, quarters for Sergt. Marsden 1 room, quarters for Master Signal Electrician	1452 Wilkins Avenue 45 Manhattan Street	204. 48 204. 48	1 room, quarters for Sergt, Whitworth 1 room, quarters for Sergt, Wylie. 1 room, quarters for Sergt, Little. 1 room, quarters for Sergt, Robinson 1 room, quarters for Sergt, Sigmon. 1 room, quarters for Corpl, Palmer. 1 room, quarters for Sergt, De Long. 1 room, quarters for Sergt, Burton. 1 room, quarters for Sergt, Berisford. 1 room, quarters for Sergt, Greene. Offices, Signal Corps, Commissary, Pay, and Quartermaster Departments. 4 rooms, offices constructing quartermaster.	6553 Twenty-fourth Ave. Areade Building	156.45 7,307.0
Grant. 1 room, quarters for Sergt. Dekker	1829 Washington Ave 235 North Street, Jersey	204. 48 204. 48	Quartermaster Departments. 4 rooms, offices constructing quartermaster Storage (cold) for beef Quartermaster stable		789.11 31,500.00
1 room, quarters for Pvt. Micholle	City. 2617 Eighth Avenue 537 Greenwich Street	204. 48	Dock	Pier 11	9,600.00
Bubsistence storehouse	33 Pearl Street	19,000.00 7,000.00	STABLE ROOM FOR PRIVATE MOUNTS.		
Office chief signal officer	31 Pearl Street	2, 100. 00 800. 00	2 horses, Capt. C. O. Sherrill 1 horse, Lieut. R. P. Howell	Mobile, Ala	210.00 120.00
Garage Dock, Pier 12, East River	New York	300.00 13,900.00	1 25 cents per ton. 2 40 cents	each. Approximat	

Buildings.	rooms.	offices	etc -	Continued.

Property and use.	Location.	Rate per annum.
STABLE ROOM FOR PRIVATE MOUNTS—contd.		EV-FF
STABLE ROOM FOR PRIVATE MOUNTS—contd. 2 horses, Lieut. I. I. Hunsacker. 2 horses, Maj. C. A. F. Flagler. 1 horse, Capt. F. Q. Alstaetter. 2 horses, Lieut. R. C. Moore 1 horse, Capt. C. R. Rogan. 1 horse, Lieut. E. N. Coffey. 1 horse, Capt. C. S. Smith. 1 horse, Capt. H. C. Williams. 2 horses, Capt. J. A. Woodruff. 1 horse, Maj. E. S. Benton. 2 horses, Capt. F. Tompkins. 1 horse, Capt. F. Tompkins. 1 horse, Capt. G. E. Morton. 2 horses, Capt. F. Walton. 2 horses, Capt. R. F. Walton. 2 horses, Capt. R. F. Walton. 1 horse, Capt. R. F. Walton. 1 horse, Capt. J. E. Bloom. 1 horse, Capt. J. E. Bloom. 1 horse, Capt. M. S. Jarvis. 2 horses, Capt. M. S. Jarvis. 1 horse, Maj. H. J. Gallagher. 1 horse, Maj. H. J. Gallagher. 1 horse, Maj. H. J. Gallagher. 1 horse, Maj. M. F. Davis.	New Orleans, La Mobile, Ala Wheeling, W. Va New Cumberland, W. Va Nashville, Tenn Jackson, Miss Memphis, Tenn Savannah, Ga Vicksburg, Miss Sewanee, Tenn Northfield, Vt Duluth, Minn St. Louis, Mo Providence, R. I Valley Park, Mo Poughkeepsie, N. Y Newark, N. J Brooklyn, N. Y do	\$240.00
2 horses, Maj. C. A. F. Flagler 1 horse, Capt. F. O. Alstactter	Wheeling, W. Va	210.00 72.00
2 horses, Lieut. R. C. Moore	New Cumberland, W.Va.	144.00
I horse, Capt. C. R. Rogan I horse, Lieut. E. N. Coffey	Jackson, Miss	102.00 96.00
1 horse, Capt. C. S. Smith	Memphis, Tenn	132.00 48.00
2 horses, Capt. J. A. Woodruff	Vicksburg, Miss	264. 00
1 horse, Maj. E. S. Benton	Sewanee, Tenn	60, 00 288, 00
1 horse, Lieut. C. Briand	Duluth, Minn	96.00
2 horses, Capt. G. L. Byram	Providence, R. I	84. 00 180. 0
1 horse, Col. C. L. Potter	Valley Park, Mo	180. 00 360. 00
2 horses, Lieut. W. A. Austin	Newark, N. J.	240.00
I horse Capt. J. E. Bloom	Brooklyn, N. Y	180. 00 180. 00
2 horses, Capt. E. L. Phillips	Ithaca, N. Y	
I horse, Maj. M. F. Davis	Ithaca, N. Y. Seattle, Wash. Cornwall on Hudson,	120. 00 180. 00
2 horses, Maj. W. F. Flynn	N. Y. Davenport, Iowa	180.00
2 horses, Capt. G. B. Pritchard	Lexington, Mo	72. 00 60. 00
2 horses, Maj. W. F. Flynn 2 horses, Capt. G. B. Pritchard 1 horse, Capt. F. T. Arnold 2 horses, Capt. L. Parsons	Davenport, Iowa Lexington, Mo New London, Conn Kansas City, Mo	240.00
TACOMA, WASH.		0 400 0
Dock space	Alaska-Pacific Dock	2,400.00
(On duty, Walter Reed Hospital.) 6 rooms, quarters for Col. Arthur. 5 rooms, quarters for Maj. Rhoaris. 4 rooms, quarters for Capt. Ragan. 4 rooms, quarters for Capt. Ragan. 4 rooms, quarters for Capt. Pipes. 3 rooms, quarters for Capt. Pipes. 1 room, quarters for Sergt. De Birny. 1 room, quarters for Sergt. De Birny. 1 room, quarters for Sergt. Anderson. 1 room, quarters for Sergt. Everett 1 room, quarters for Sergt. Marshall 1 room, quarters for Sergt. McDermott. 1 room, quarters for Sergt. Wiltmarsh. 1 room, quarters for Sergt. Wiltmarsh. 1 room, quarters for Sergt. Wiltmarsh. 1 room, quarters for Sergt. Abner. 1 room, quarters for Pvt. Miller. 1 room, quarters for Pvt. Vaughn. 1 room, quarters for Pvt. Usughn. 1 room, quarters for Pvt. Dixon. 1 room, quarters for Master Signal Electricates.	1828 Columbia Road	864. 00
5 rooms, quarters for Maj. Rhoads	6711 Georgia Ave. NW	720, 00 576, 00
4 rooms, quarters for Capt. Jones	3327 Twentieth St. NW	576.00
3 rooms, quarters for Capt. Pipes	1712 Seventeenth St. NW.	576.00 390.00
1 room, quarters for Sergt, De Birny	Birghtwood, D. C	204. 48 204. 48
1 room, quarters for Sergt. Everett	Tacoma Park, D. C	204. 49
1 room, quarters for Sergt. Donnan	Silver Springs, Md	204. 45 252. 00
1 room, quarters for Sergt. McDermott	1737 F Street NW	156.49
1 room, quarters for Sergt. Whitmarsh	do	156. 48 204. 48
1 room, quarters for Pvt. Miller	203 D Street NW	204. 48 204. 48
1 room, quarters for Pvt. Vaughn	317 C Street NW	204. 45
1 room, quarters for Pvt. Dixon 1 room, quarters for Master Signal Electri-	422 Second Street NW West Cherrydale, Va	204. 48 144. 00
	1018 Tenth Street NE	
1 room, quarters for Master Signal Electri- cian Pollner.		204. 49
cian Poliner. I room, quarters for Sergt. Wood I room, quarters for Sergt. Litherland I room, quarters for Sergt. Whitehead 2 rooms, quarters for Nurse Brock 2 rooms, quarters for Nurse Hine I room, quarters for Sergt. Cleary I room, quarters for Pvt. Kendall I room, quarters for Sergt. Metzo I room, quarters for Master Gunner Leonard I room, quarters for Pvt. Neuner	314 W Street SE	144.00 156.48
1 room, quarters for Sergt. Whitehead	1120 Seventh Street NW.	204. 48
2 rooms, quarters for Nurse Hine	do	408.96 408.96
I room, quarters for Sergt, Cleary	1919 G Street NW	156.48 156.48
1 room, quarters for Sergt. Metze	301 R Street NW	204. 49
room, quarters for Master Gunner Leonard	600 Harvard Street NW.	192. 0 204. 4
1 room, quarters for Pvt. Neuner	2015 Aly Street NW. 2011 Eighteenth St. NW. 2020 D Street NW.	204. 4
1 room, quarters for Sergt, von Oehsen 1 room, quarters for Pvt. Brown	203 D Street NW	204. 49
f room, quarters for Pvt. Pattus I room, quarters for Pvt. Hargett	310 I HIRU SUREL IN W.	204.4
		204. 4
I room, quarters for Sergt, Stimmel	2036 O Street NW	156 4
1 room, quarters for Sergt. Tracey	471 G Street NW	204. 4
I room, quarters for Sergt, Stimmel. I room, quarters for Sergt, Gabsch. I room, quarters for Sergt, Tracey. I room, quarters for Sergt, Tracey. I room, quarters for Pvt, Tormey.	471 G Street NW	204. 4
I room, quarters for Sergt, Show	Takoma Park, D. C Clarendon, Va	204.4
I room, quarters for Master Signal Electrician Dillon.		
1 room, quarters for Sergt. Haring	nue SE.	204. 4
room, quarters for Pvt. Cahill	629 Maryland Ave. NE	204. 4 204. 4
I room, quarters for Pvt. Liberman I room, quarters for Pvt. Wurhaft	1314 I Street NW	204.4
2 rooms, quarters for Nurse Delano 2 rooms, quarters for Nurse James	The Beacon	408.9 408.9
I room, quarters for Sergt. Adams	318 M Street SW	204.4
Office, attending surgeonOffice and storeroom, Signal Corps	1720 H Street NW 1710-1712 Pennsylvania	1,000.0 2,100.0
Storehouse, quartermaster's	Avenue N.W.	3,600.0
Storehouse and stable	1514 Eckington Place	4,938.0
Stable and warehouse	236 Nineteenth St. NW	3,600.0
GarageStable and storchouse	Nineteenth St. and Vir-	1,500.0 2,700.0
	ginia Avenue NW	
Army Medical SchoolOffice, depot quartermaster.	532 Seventeenth St. N.W.	10,000.0 2,500.0
Office, depot quartermasterField medical supply depot	North Capitol and Pierce Streets.	5, 567. 1
FORT WAYNE, MICH.		
1 room, quarters for Sergt. Harbison 1 room, quarters for Sergt. Maj. Porter	Detroit, Mich	144.0 144.0
		110-110-110-1
TO CASE		194,685.6

Statement showing buildings, rooms, offices, etc., leased for use as United States Army recruiting stations, and for quarters for recruiting parties, at various cities in the United States.

Location.	Property and use.	Rate per annum.
Albany, N. Y., 513 Broadway Schenectady, N. Y.	6 rooms, main recruiting station 2 rooms, auxiliary recruiting station. 1 room, auxiliary recruiting station	\$660.00 276.00 216.00
Troy, N. Y. Glen Falls, N. Y. Atlanta, Ga., 23½ Whitehall Street. Macon, Ga.	4 rooms, main recruiting station 2 rooms, auxiliary recruiting station.	204. 00 840. 00 300. 00
Baltimore, Md.: 400 East Fayette Street 140 West Fayette Street Frederick, Md.	7 rooms, main recruiting station 1 room, auxiliary recruiting stationdq	1,200.00 192.00 180.00
Cumberland, Md	2 rooms, auxiliary recruiting station. 3 rooms, main recruiting station	240.00 1,110.00
812 Washington Street Lowell, Mass	3 rooms, auxiliary recruiting station. 4 rooms, auxiliary recruiting station. 2 rooms, auxiliary recruiting station. 1 room, auxiliary recruiting station.	800. 00 480. 00 240. 00 252. 00
363 Fulton Street	12 rooms, main recruiting station 6 rooms, auxiliary recruiting stationdo 5 rooms, auxiliary recruiting station.	1,650.00 300.00 600.00 600.00
Buffalo, N. Y.: White Building 546 Main Street. Jamestown, N. Y. Erie, Pa. Charlotte, N. C., 307 West Trade	2 rooms, main recruiting station 1 room, auxiliary recruiting station 2 rooms, auxiliary recruiting station. 1 room, auxiliary recruiting station 5 rooms, main recruiting station	960, 00 390, 00 258, 00 312, 00 390, 00
Street. Asheville, N. C. Greenville, S. C. Greensboro, N. C. Columbia, S. C. Spartanburg, S. C.	2 rooms, auxiliary recruiting station. 1 room, auxiliary recruiting station. 2 rooms, auxiliary recruiting station. do. do.	240.00 270.00 240.00 420.00 180.00
Chicago, Ill.: 505 South State Street 880 South State Street 601 West Madison Street 40 North Fifth Avenue	17 rooms, main recruiting station 5 rooms, main recruiting station 8 rooms, main recruiting station 2 rooms, auxiliary recruiting station do	3,000.00 1,620.00 1,260.00 696.00 840.00
73 West Van Buren Street 120 South Clark Street 3127 South State Street 9145 Commercial Avenue 507 West Madison Street 12 and 14 South Canal Street.	6 rooms, auxiliary recruiting station. 1 room, auxiliary recruiting station. 2 rooms, auxiliary recruiting station. 3 rooms, auxiliary recruiting station. do.	2, 280, 00 570, 00 360, 00 360, 00 450, 00
40) South Halstead Street. Cincinnati, Ohio, Burnet House. Maysville, Ky. Dayton, Ohio Hamilton, Ohio Cleveland, Ohio, Wickerling Block.	do. 7 rooms, main recruiting station 1 rooms, auxiliary recruiting station 2 rooms, auxiliary recruiting station 1 room, auxiliary recruiting station 9 rooms, main recruiting station	420.00 1,500.00 180.00 360.00 186.00 1,332.00
Youngstown, Ohio	3 rooms, auxiliary recruiting station. 2 rooms, auxiliary recruiting station. 5 rooms, quarters for recruiting	480. 00 324. 00 252. 00
Columbus, Ohio, 2221 North High Street.	party. 5 rooms, main recruiting station	720.0
Paris, Tex	1 room, auxiliary recruiting stationdodo 3 rooms, main recruiting station 1 room, auxiliary recruiting stationdodododo	216.00 216.00 720.00 180.00 300.00 96.00 600.00
Street. Trinidad, Colo Pueblo, Colo	1 room, auxiliary recruiting station.	204. 00 240. 00
212 Griswold Street 60 Monros Street Jackson, Mich Saginaw, Mich	6 rooms, main recruiting station 1 room, auxiliary recruiting station. 3 rooms, auxiliary recruiting station. 1 room, auxiliary recruiting station. 2 rooms, auxiliary recruiting station.	1,344.00 144.00 288.00 365.00 300.00
318-320 West Superior Street.	4 rooms, main recruiting station	660, 00 204, 00 192, 00 120, 00 180, 00
El Paso, Tex., Coles Building Deming, N. Mex	7 rooms, for use as main recruiting office, and for lodgings. 2 rooms, auxiliary recruiting station. do	1,554.00 360.00 336.00
Evansville, Ind., 214 Upper Sec- ond Street. Vincennes, Ind.	10 rooms, main recruiting station	720.0 144.0
Paducah, Ky Owensboro, Ky Drinceton, III. Princeton, Ind Hopkinswille, Ky	1 room, auxiliary recruiting stationdododododododo	168. 0 144. 0 180. 0 120. 0 180. 0
Grand Rapids, Mich.: 25 Canal Street. 113 Court Street. South Bend, Ind. Lansing, Mich. Kalamazoo, Mich. Elkhart, Ind.	3 rooms, main recruiting station 4 rooms, for lodgings 1 room, auxiliary recruiting station do do do 4 rooms, main recruiting station	600, 00 288, 00 365, 00 365, 00 365, 00 365, 00
Lewistown, Pa Williamsport, Pa		144.0 180.0 360.0

Location.

Livingston, Mont.
Huntington, W. Va., 905 Third
Avenue.
Ironton, Ohio.
Charleston, W. Va.
Portsmouth, Ohio.
Montgomery, W. Va.
Hinton, W. Va.
Hinton, W. Va.
Williamson, W. Va.
Indianapolis, Ind., 115 West
Washington Street.
Anderson, Ind.
Marion, Ind.
Lafayette, Ind.
Muncle, Ind.
Greensburg, Ind.
Shelbyville, Ind.
Jersey City, N. J.:
47 Montgomery Street.
160 Pavonia Avenue.
Hoboken, N. J.
Joplin, Mo., 416 Main Street.
Coffeyville, Kans.
Pittsburg, Kans
Springfield, Mo.
Parsons, Kans
Do.
Kansas City, Mo., 203 East
Twelfth Street.
St. Joseph, Mo.
Emporia, Kans.
Topeka, Kans
Topeka, Kans
Topeka, Kans
Sedalia, Mo.
Knoxville, Tenn., 405‡ West
Depot Street.
Pristol, Tenn.
Johnson City, Tenn

Bristol, Tenn.
Jellico, Tenn.
Johnson City, Tenn.
Middlesboro, Ky.
Chattanooga, Tenn.
La Follette, Tenn.
Lexington, Ky., 139 East Main

Street. Beaver Dam, Ky.....

Beaver Dam, Ky.
Bedford, Ind.
Camphellsville, Ky.
English, Ind.
Shelbyville, Ky.
Bloomfield, Ky.
Memphis, Tenn., 124 North Court
Street

Bloomleid, Ky
Memphis, Tenn., 124 North Court
Street.
Corinth, Miss.
Dyersburg, Tenn.
Jonesboro, Ark
Newark, N. J., 266 Market Street.
Paterson, N. J.
New Haven, Conn.:
830 Chapel Street.
84 Sylvan Avenue.
New London, Conn.
Waterbury, Conn.
Hartford, Conn.
Bridgeport, Conn.
Danbury, Conn.
New Orleans, La.:
327 St. Charles Street.
337 St. Charles Street.
337 St. Charles Street.
Mobile, Ala
New York City, N. Y.:
25-27 Third Avenue.
84 Cortlandt Street
185 Eleventh Avenue.
2306 Eighth Avenue.
2306 Eighth Avenue.
2307 Third Avenue.
2308 Third Avenue.
2308 Third Avenue.
2309 Third Avenue.
2309 Third Avenue.
231 Park Row.
509 Third Avenue.
2857 Third Avenue.

Tulsa, Okla...
Shawnee, Okla...
Muskogee, Okla...
Chiekasha, Okla...
Ardmore, Okla...
Omaha, Nebr., Omaha Savings
Bank Building.

Statement showing buildings, rooms, offices, etc.-Continued

Property and use.

2 rooms, auxiliary recruiting station. 3 rooms, auxiliary recruiting station. 2 rooms, auxiliary recruiting station. 5 rooms, main recruiting station....

1 room, auxiliary recruiting station.

do
do
zrooms, auxiliary recruiting station
frooms, main recruiting station....

1 room, auxiliary recruiting station..

....do...... do. 2 rooms, auxiliary recruiting station. 1 room, auxiliary recruiting station.

7 rooms, main recruiting station

7 rooms, main recruiting station.
6 rooms, auxiliary recruiting station.
2 rooms, auxiliary recruiting station.
5 rooms, main recruiting station.
3 rooms, auxiliary recruiting station.
5 rooms, auxiliary recruiting station.
1 room, auxiliary recruiting station.
2 rooms, for use as lodgings.
2 rooms, for use as lodgings.
2 rooms, realy recruiting station.

9 rooms, main recruiting station...

I room, auxiliary recruiting station. do. do. 2 rooms, auxiliary recruiting station. 5 rooms, main recruiting station....

1 room, auxiliary recruiting station.

do. 5 rooms, auxiliary recruiting station 4 rooms, auxiliary recruiting station

do...do...1 room, auxiliary recruiting station...

1 room, auxiliary recruiting station.

5 rooms, main recruiting station... 1 room, auxiliary recruiting station.

do.
2 rooms, auxiliary recruiting station.
3 rooms, main recruiting station...
2 rooms, auxiliary recruiting station...

....do.....

5 rooms, main recruiting station.... 2 rooms, for use as lodgings...... 3 rooms, auxiliary recruiting station.

15 rooms, main recruiting station... 17 rooms, main recruiting station... 3 rooms, auxiliary recruiting station. 2 rooms, auxiliary recruiting station. 3 rooms, auxiliary recruiting station.

5 rooms, auxiliary recruiting station.

5 rooms, auxiliary recruiting station.
do.
6 rooms, auxiliary recruiting station.
4 rooms, auxiliary recruiting station.
5 rooms, auxiliary recruiting station.
3 rooms, auxiliary recruiting station.
13 rooms, main recruiting station and for use as lodgings.
Shelter for 2 horses, Capt. Warren Dean.
1 room, auxiliary recruiting station.
2 rooms, auxiliary recruiting station.
do.

....do.....

Street.

Jackson, Ky

London, Ky

1 room, auxiliary recruiting station.

Irvine, Ky

Somerset, Ky

Little Rock, Ark., Main and Markham Streets.
Fort Smith, Ark

Texarkana, Ark

Los Angeles, Cal., 432 South Main Street.

Louisville, Ky., 508 West Green
Street.

Jackson, Ky

do

do

Tooms, auxiliary recruiting station and for lodgings.
3 rooms, auxiliary recruiting station.
3 rooms, main recruiting station.
3 rooms, main recruiting station.

.do.....do.

d.	Statement showing buil	dings, rooms, offices, etc.—Contin	nued.
ate per	Location.	Property and use.	Rate per annum.
\$480.00 480.00 360.00 654.00	Sloux City, Iowa. Lincoln, Nebr. Parkersburg, W. Va., 310½ Market Street.	2 rooms, auxiliary recruiting station	\$300,00 480.00 450.00
72.00 186.00 210.00 156.00 186.00	Clarksburg, W. Va. Philadelphia, Pa., 1229 Arch St Reading, Pa. Trenton, N. J Pittsburgh, Pa., 504 Smithfield Street.	I room, auxiliary recruiting station 6 rooms, main recruiting station 2 rooms, auxiliary recruiting station 1 room, auxiliary recruiting station 7 rooms, main recruiting station	150.00 1,749.96 288.00 300.00 1,530.00
180.00 1,200.00	East Liverpool, Ohio	2 rooms, auxiliary recruiting station. 1 room, auxiliary recruiting station. do. 5 rooms, main recruiting station	216, 00 180, 00
168. 00 180. 00 144. 00 96. 00 72. 00	Lewisten, Me.	2 rooms, auxiliary recruiting stationdo 1 room, auxiliary recruiting station 3 rooms, main recruiting station 1 room, quarters for Sergt. R. J.	300.00 324.93 252.00
840, 00 300, 00 600, 00 816, 00	Eugene, Oreg	Fuller. 2 rooms, auxiliary recruiting station. 4 rooms, main recruiting station 1 room, quarters for Corpl. John Reynolds.	186.00 900.00 144.00
216. 00 480. 00 702. 00 180. 00 270. 00 2,100. 00	Fall River, Mass Taunton, Mass Richmond, Va., 820 East Broad	2 rooms, auxiliary recruiting station. 1 room, auxiliary recruiting station. do do 6 rooms, main recruiting station and	302.76 262,00 360.00 268.00 600.00
300.00 180.00 300.00 240.00 552.00	Street. Norfolk, Va. Petersburg, Va. Roanoke, Va., Bear Building. Danville, Va Bluefield, W. Va. Lynchburg, Va. Rochester, N. Y., 26 East Main	for lodgings. 3 rooms, auxiliary recruiting station. 2 rooms, auxiliary recruiting station. 3 rooms, main recruiting station. 1 room, auxiliary recruiting station. do. do.	336,00 228,00 420,00 288,00 180,00
150, 00 96, 00 480, 00 420, 00	Sacramento, Cal. Fresno, Cal. Stockton, Cal	2 rooms, auxiliary recruiting station. 3 rooms, auxiliary recruiting station. 2 rooms, auxiliary recruiting station.	900.00 360.00 480.00 300.00
600, 00 144, 00 720, 00	Oakland, Cal Alameda, Cal St. Louis, Mo.: 1835 Market Street	Quarters for recruiting party	360.00 144.00 780.00
180. 00 150. 00 168. 00 120. 00 804. 00	500 North Fourteenth Street. 813 North Twelfth Street Alton III. Hannibal, Mo. St. Paul, Minn., 97 East Fifth Street.	1 room, main recruiting station. 6 rooms, for use as lodgings. 1 room, auxiliary recruiting station. 2 rooms, auxiliary recruiting station. do. 6 rooms, main recruiting station.	900.00 600.00 600.00 300.00 1,200.00
480, 00 300, 00 780, 00	Minneapolis, Minn	5 rooms, auxiliary recruiting station. 2 rooms, main recruiting station	1,002.60 600.00
1,500.00 180.00 180.00	Bank Building. Ogden, Utah. Poestello, Idaho. Savannah, Ga., 13 York Street. Jacksonville, Fla. Charleston, S. C. Seranton, Pa., 302 Lackawanna	1 room, auxiliary recruiting stationdo 4 rooms, main recruiting station 2 rooms, auxiliary recruiting stationdo	300.00
120.00 120.00 120.00 60.00 1,080.00	Allentown, Pa	3 rooms, auxiliary recruiting station. 2 rooms, auxiliary recruiting station. 4 rooms, main recruiting station.	750.00 270.00 240.00 942.00
144.00 144.00 240.00 780.00	Tacoma, Wash. Springfield, Ill., First National Bank Building. Paoria III	2 rooms, auxiliary recruiting station.	330.00 360.00 300.00
240. 00 520. 00 144. 00 360. 00	Bloomington, III. Decatur, III. Litchfield, III. Springfield, Mass., 17 Hampden Street.	2 rooms, auxiliary recruiting station. do. do. do. do. 6 rooms, main recruiting station	240.00 252.00 120.00 1,080.00
270. 00 375. 00 360. 00 300. 00	Litabburg Mace	1 room, auxiliary recruiting stationdododododododo	240.00 192.00 192.00 840.00 90.00
900, 00 396, 00 480, 00 2,820, 00	Binghamton, N. Y. Utiea, N. Y. Watertown, N. Y. Utiea, N. Y	arcenal, c. S. I. 3 rooms, auxiliary recruiting station. 1 room, auxiliary recruiting station. 2 rooms, auxiliary recruiting station. 3 rooms, for use as lodgings. 7 rooms, main recruiting station.	420.00 360.00 360.00 240.00
2,160.00 1,020.00 780.00 840.96 660.00	Terre Haute, Ind., 709 Wabash Avenue. Mattoon, Ill. Linton, Ind Champaign, Ill.	7 rooms, main recruiting station 2 rooms, auxiliary recruiting station 1 room, auxiliary recruiting stationdo	216.00 144.00 120.00
600, 00 900, 00 600, 00 720, 00 600, 00	Danville, Ill. Bloomfield, Ind Bloomington, Ind. Brazil, Ind. Clinton, Ind.	2 rooms, auxiliary recruiting station. 1 room, auxiliary recruiting station. do. 2 rooms, auxiliary recruiting station. 1 room, auxiliary recruiting station. do. 2 rooms, auxiliary recruiting station. do.	240.00 120.00 144.00 120.00 144.00
660.00 1,956.00 78.00	Toledo, Ohio, 414 Adams Street Sandusky, Ohio Fort Wayne, Ind Lima, Ohio	2 rooms, auxiliary recruiting station. do 6 rooms, main recruiting station. 2 rooms, auxiliary recruiting station. do do do 2 rooms, main recruiting station. 5 rooms, main recruiting station.	1,020.00 264.00 360.00 324.00 180.00
240.00 264.00 450.00 180.00	Mansfield, Ohio. Wheeling, W. Va., Mutual Savings Bank Building. Wichita, Kans., 301 East Doug-	2 rooms, main recruiting station 5 rooms, main recruiting station	300. 0 300. 0 840. 0
360.00 900.00	las Avenue. Hutchinson, Kans. Caldwell, Kans.	1 room, auxiliary recruiting station 2 rooms, auxiliary recruiting station.	216. 00 186. 00

323, 043, 90

Statement showing buildings, rooms, offices, etc.-Continued

Location.	Property and use.	Rate per annum.
Wellington, Kans	1 room, auxiliary recruiting stationdodo.	\$216,00 204,00 204,00
		1 128, 358, 24

This amount varies from year to year, as different recruiting stations are opened and closed. This does not include lodgings for recruiting parties and applicants for enlistment where same are paid for at so much per man per night.

Total for buildings, rooms, offices, etc., leased for use of the Army and War Department at various cities in the United States

Total for buildings, rooms, offices, etc., leased for use as United States Army recruiting station and for quarters for recruiting parties at various cities in the United States.

128, 358, 24 Grand total ...

D.

Statement showing the total sum per annum now being paid by the Government for rented or leased property for the use of Army officers and employees of the Army and War Department. \$72, 622, 20

194, 685, 66 128, 358, 24

Total----395, 666, 10

War Department,
Office of the Chief of Engineers,
Washington, D. C., November 10, 1011.

The SECRETARY OF WAR.

SIR. 1. Complying with Senate resolution 123, Sixty-second Congress, first session, adopted July 28, 1911, copy of which was referred to this

office by the War Department on August 16, 1911, I have the honor to submit herewith statements giving the information called for by the resolution, as follows:

1. A statement marked "A," showing what provision is made by the Government for residences, offices, and other uses of officers of the Corps of Engineers and employees of the Engineer Department at Large in or on the Presidio or other Government-owned property in or near the city of San Francisco, Cal. There are no buildings, rooms, dwelling houses, and offices rented or leased in the city of San Francisco for the use of the Engineer Department at Large, and no provision is made for otherwise acquiring such properties, except the statutory provision for the payment of commutation of quarters to officers not furnished with quarters in kind.

2. A statement marked "B," showing dwelling houses, rooms, offices.

quarters in kind.

2. A statement marked "B," showing dwelling houses, rooms, effices, and other places rented or leased in other cities within the continental limits of the United States for the use of officers of the Corps of Engineers or employees of the Engineer Department at Large, the price paid for each, and the purpose for which each is used. All of these leased properties are at present needed for the conduct of the business of the Engineer Department at Large, in connection with river and harbor work, fortification work, and other matters committed to the charge of the Chief of Engineers.

3. A statement marked "C," showing the total sum per annum now being paid by the United States for rented or leased property for the use of officers of the Corps of Engineers and employees of the Engineer Department at Large.

Very respectfully,

W. H. Bixby,

Chief of Engineers, United States Army

W. H. BIXBY, Chief of Engineers, United States Army,

STATEMENT A.—Showing buildings, rooms, dwolling houses, and offices rented, leased, or otherwise acquired in the city of San Francisco, Cal., for the use of officers of the Corps of Engineers and employees of the Engineer Department at Large, and provision made by the Government for residences, offices, and all other uses of such officers and employees in or on the Presidio or other Government-owned property in or near said city of San Francisco.

(a) There are no buildings, rooms, or other properties rented or leased in the city of San Francisco for the use of officers of the Corps of Engineers or employees of the Engineer Department. Officers stationed in the city are paid commutation of quarters in accordance with law

with law.

(b) Provision is made for the needs of the Engineer Department in buildings on military reservations or other Government-owned property in or near San Francisco, as follows:

Location.	Description of property.	Purpose for which used.
San Francisco	Rooms in United States customhouse	Offices California Débris Commission.
Do	dodo	River and harbor offices. Fortifications office.
Presidio	Storohouse	Storage of property
Fort Winfield Scott	Frame building, 18 by 24 feet	Field office during construction of batteries. Now used as post library.
Fort Winfield Scott	5-room cottage	Residence of general foreman in charge of engineer operations.
Do		Occupied by employees when necessary. Dwelling of Engineer watchman and stableman.
Do	Frame building, 30 by 30 feet	Field office for fortification work at Forts Miley, Mason, and Winfield Scott.
Fort Barry	do	Fleld office during construction of batteries. Now dwelling for Engineer watchman.
D0	do	Mess house when Engineer work of any consequence is in progress. Two rooms used as sleeping quarters for cooks, helpers, etc. One room as field office; one as sleeping quar-
		ters for foreman.
Do	Sleeping room in stable	Sleeping quarters for stableman; unoccupied at present. One as bunk house for Engineer mechanics, laborers, etc., whenever work of any con-
Do	Two frame buildings, each about 26 by 70 feet	eaguango is in progress at Fort Rarry Other hullding used for nost nurnesse
Do	Old frame building	Part used as paint shop by Engineer Department, the remainder used for post purposes.
Fort Baker	Two-story frame building	One side occupied by Engineer teamster at Fort Baker (who also performs duties of
		Part used as paint shop by Engineer Department, the remainder used for post purposes. One side occupied by Engineer teamster at Fort Baker (who also performs duties of watchman and general caretaker). When work is in progress at Fort Baker, the other side is used by foreman, and at times the assistant engineer maintains a bed in one of
		the rooms for use when detained at office late at night. (This portion of building vacant
		at present.)
D0	Two-story frame building, 30 by 114 eet	Bunk and mess house for Engineer mechanics and laborers. Not occupied at present, but needed whenever work of consequence is in progress at Fort Baker.
Do	Frame building, 18 by 30 feet	Field office and drafting room,
Fort McDowell	Old frame building	Used as bunk house by Engineer Department during construction of batteries at Fort
		McDowell. Now used for post purposes.

STATEMENT B.—Showing dwelling houses, rooms, offices, or other places rented or leased in other cities within the continental limits of the United States for the use of officers of the Corps of Engineers and employees of the Engineer Department at Large.

Location.	Description of property.	Purpose for which used.	Rent per annum.
Albany, N. Y	3 rooms on third floor of building at 25 North	Suboffice	\$400.00
Amherstburg, Ontario	Pearl Street. 3 rooms on second floor of Hough Block	Use of assistant engineer (in charge of improvement of Detroit River) and assistants.	439.9
Ashtabula, Ohlo	Site for water gauge 2 rooms in Burrill Block, corner Bridge and High Streets.	Operating United States water gauge. Office of assistant in local charge of harbor improvements at Ashtabula and	24. 0 150. 0
Astoria, Oreg	Portion of dock	vicinity. Berth for boats belonging to United States Engineer Department with rights to moor boats to dock for taking on supplies and during such times as boats	180.0
Bandon, Oreg	1 room in Eldorado Building. West 25 feet of lot 237 Rooms 1009–1019, 25 Pemberton Square Wharf.	are not in operation for the accommodation of one boat. Headquarters for assistant in local charge of improvement on Coquille River Site for temporary office. United States Engineer office. Wharf privileges.	3,000.00
Calhoun County, Ala	1 storeroom. 24 acres of land. Storage room 20 by 12 by 7 feet on dock. Strip of land 30 by 50 feet near Schermerhorn	For storing property For storage purposes For storage of United States property Storage ground for materials used in repair and construction of dikes, etc., in	72.0
Charleston, S. C	Dock. 1 wharf. 1 warehouse.	upper Hudson River. Wharfage for three seagoing dredges. Storage of patterns of machinery owned by the Government, and other Government property.	3,000.0 180.0

STATEMENT B.—Showing dwelling houses, rooms, offices, or other places rented or leased in other cities within the continental limits of the United States for the use of officers of the Engineer Department at Large—Continued.

Location.	Description of property.	Purpose for which used.	Rent per
Charleston, W. Va	4 rooms (and water-closet) in Kanawha Valley	Suboffice.	\$540.00
Chattanooga, Tenn Cold Spring Inlet, N. J. Columbia, Tex Columbus, Ga Detroit, Mich	Bank Building. 2 rooms in James Building. Boathouse. 1 storcroom 1 room. Fourth floor of Jones Building. Rooms 23, 23–33 in Campau Building. 250 lives foo of bothway tails of Poston &	United States Engineer office. Shelter of United States launch Hinda (temporary) Storage of United States property Suboffice (Chattahoochee River and tributaries) Used by Engineer officer and employees as office quarters. For use of Engineer officer and employees as office quarters. Wharfage for United States steamers, survey boats, and scows, and temporary	480. 00 48. 00 30. 00 72. 00 2, 400. 00 2, 520. 00 2, 280. 00
	Fourth floor of Jones Building. Rooms 23, 23-33 in Campau Building. 350 linear feet of northwest side of Boston & Maine R. R. wharf, Marginal Street, including section of 1-story shed, full width of same for 100 inches in length, together with certain rights of way to and from wharf.	storage of supplies and materials in transit between Boston and fortilications in the harbor.	
Fall River, Mass	Wharfage rights	Berth of United States dredge. Quarters for United States employees working on dam at mouth of Cape Fear River.	360.00 100.00
Fredericksburg, Va Galveston, Tex Georgetown, S. C	Storehouse and wharf on lot 272, Sophia Street and Rappahannock River. 8 rooms in Trust Building	Storage of Government property and plant pertaining to Rappahannock River improvement. United States Engineer office. Use of Government plant engaged on river and harbor improvement, and stor-	1, 200. 00 300. 00
Grand Rapids, Mich Harbor Beach, Mich	House; No. 57 Park Street	united States Engineer oiliee United States Engineer oiliee For use of superintendent in charge of harbor of refuge at that locality and his	549. 98 130. 00
Houghton, Mich	2 rooms	assistants at United States Engineer office. United States Engineer branch office.	300.00
Jacksonville, Fla	Part of fifth floor of Masonic Temple, Main and Monroe Streets. Storehouse on wharf at foot of Main Street	United States Engineer branch office For tools and United States property generally United States Engineer office Storage and wharters privileges	60.00 1,800.00 540.00
	1 room	Storage and wharfage privileges. Quarters and office of chief marine engineer supervising repairs to United States dredge Morgan (temporary).	240.00
	3,800 square feet floor space in Postal Telegraph Building. 1 storeroom	Office purposes, except 1 room used for storage of records, maps, etc	2,808.00
	63 acres of land (3½ miles from Lincoln, Ala.)	Storage of United States property. Storage purposes	50.00
Little Rock, Ark Los Angeles, Cal Marshfield, Oreg. Mobile, Ala	from sin city hall. 6 rooms in Central Building. 2 rooms on second floor of Lockhart Building 10 rooms in Y. M. C. A. Building 2 rooms at 270 South Water Street	United States Engineer office. 5 used for office and 1 for storage and testing. Headquarters for assistant in local charge of work at Coos Bay Harbor. United States Engineer office. Storerooms in caring for Engineer property. Storage of equipment, plant, and materials for lock and dam construction.	840.00 1,800.00 120.00 1,800.00
Monroe, La	Tract of land adjoining site of Ouachita River Lock and Dam 4, between Nichols and Stan- difer Avenue.	Storage of equipment, plant, and materials for lock and dam construction	360. 00 255. 0
Montgomery, Ala	10 rooms in Bell Building. 1 room in Main Street Building. Yard and storeroom. Rooms 406-408, First National Bank Building, 42 Church Street.	United-States Engineer office. Used as suboffice. Storage purposes. Used as suboffice by civilian employees in charge of river and harbor work in western end of New London district.	1,800.00 210.00 350.00 600.00
New Cumberland, W. Va New Orleans, La	Parcel of land at Dam 9 Ohio Diver	Storage purposes. Used as Engineer office, in connection with the public works of improvements in fourth district, improving Mississippi River.	12.00
Newport, R. I	2,200 square feet floor space on third floor of Met- ropolitan Bank Building. Rooms in Savings Bank of Newport Building. South side of Sullivan's wharf, with privilege of maintaining a storehouse and removal of same.	Used as Engineer office for Newport district Used as berth on south side of wharf for United States launches with privilege of taking on or landing passengers or freight over a float maintained by lessor.	1,000.00 504.00
Oswego, N. Y. Oshkosh, Wis. Parkersburg, W. Va. Pascagoula, Miss.	4 rooms in Second National Bank Bullding. 4 rooms in building at 34 Washington Street 3 rooms in Union Trust Building. Lower floor of warehouse, on Front Street, next to Louisville & Nashville R. R.	Used as suboffice in connection with improvement of Fox River, Wis. Used as suboffice. Warehouse and storage and care of public property for use on river and harbor improvements.	300. 00 480. 00 360. 00 120. 00
Philadelphia, Pa Do	9 rooms in Witherspoon Bldg., 1319 Walnut St Rooms 344 and 346, The Bourse	United States Engineer office. Offices for American representatives on the Permanent International Commission of Navigation Congresses.	3,000.00 720.00
Pittsburgh, Pa	11 rooms in Farmers' Bank Building	United States Engineer office	5,000.00 12.00
Portland, Me	Berth about 70 feet long on westerly side, about midway of length of wharf known as Portland	Storage purposes. United States Engineer office. Berth (and storchouse) of U. S. launch Norka.	1, 150. 00 200: 00
Portland, Oreg	Wharf, ground, and building on James River (opposite Richmond, Va.) having frontage of 313 feet on river and extending back therefrom	United States Engineer office. Suboffice. Tide-gauge house, storage of Government property, and wharf for Government boats, pertaining to James River improvements.	2,700.00 300.00 240.00
Rock Island, Ill	Suite No. 607 in Safety Building	United States Engineer office (temporary quarters) Suboffice (Coosa River) Storage purposes.	774.00 180.00 600.00
Russell County, Ala St. Louis, Mo	southeast corner Eighth and Chestnut Streets,	Offices of Mississippi River Commission—meeting rooms, storage rooms, and printing department.	6,724.00
St. Genevieve County, Mo	also smal room in basement of building. " Tract of land	Quarrying to the extent of 15,000 cubic yards of stone per year, and the right to quarry at the price of 2 cents per cubic yard in addition to the 15,000 cubic	300.00
Sandusky, Ohio	2 rooms in Lea Block, 604 Market Street	vards. Office of assistant in local charge of harbor improvement work at Sandusky	150.00
Savannah, Ga	Wharf property	and vicinity. For storage of property not in use and condemned property Mooring Government vessels. United States Engineer office	180.00 240.00
Seattle, Wash	Building.	Ctorogo purposad	20.00
Springdale, Pa	Parcel of land at Dam 3 Allegheny River	Storage purposesdo.	30.00 96.00
Toledo, Ohio	1 rooms in Colonnade Building. 1 room in building owned by G. H. Breymann & Bros., on north side of Main Street, near east end of Cherry Street Bridge.	do. Office of assistant in local charge of harbor improvement at Toledo and vicinity. Storage of tools and materials in connection with harbor improvement works at Toledo and vicinity. United States Engineer office.	144.00 72.0
Vicksburg, Miss		United States Engineer office	

STATEMENT B.—Showing dwelling houses, rooms, offices, or other places rented or leased in other cities within the continental limits of the United States for the use of officers of the Corps of Engineers and employees of the Engineer Department at Large—Continued.

Location.	Description of property.	Purpose for which used.	Rent per annum.
Washington, D. C	Dwelling house of 12 rooms, at 920 Seventeenth Street NW.	United States Engineer office	\$1,020.00
	5 rooms in Southern Building, Fifteenth and H Streets NW.	Offices by the Board of Engineers for Rivers and Harbors	2,670.00
West Memphis, Ark	Room 606 Westory Building	Office of chairman, American section International Waterways Commission Mooring floating plant in charge of the secretary (Mississippi River Commission) along river front adjacent to that now owned by United States.	900. 00 250. 00
Wilmington, Del	Berth on Christiana River at yards of Harlan & Hollingsworth Corporation, with room or space for storage of small lot of property, and water connections for use of fresh water for tank pur-	Berth for U. S. Inspection boat Gannet	48.00
Wilmington, N. C St. Martinville, La	poses. Storehouse. Dwelling house.	Storing Government property Temporarily as quarters for employees in connection with construction of Keystone Lock on Bayou Teche.	180.00
Total	3		70, 477, 92

2,640,00

STATEMENT C.—Showing total sum per annum paid by the United States for rented or leased property for the use of officers of the Corps of Engineers and employees of the Engineer Department at Large.

In other cities in this country, as per statement B_____ \$70, 477. 92
For offices, storehouses, and other purposes:
In Porto Rico_____ \$480. 00
In Territory of Hawaii_____ 1, 620. 00
In the Philippine Islands_____
In Habana, Cuba (raising the Maine) ____ 540. 00

2, 640. 00

Total under the Engineer Department_____ 73, 117, 92

WAR DEPARTMENT,
OFFICE OF THE CHIEF OF ENGINEERS,
Washington, November 10, 1911.

The SECRETARY OF WAR.

The Secretary of War.

Sir: 1. In connection with my report of this date on Senate resolution 123, Sixty-second Congress, first session, I have the honor to submit the following supplementary remarks upon the question asked in the last three lines of the first paragraph of the resolution, as follows:

"If homes and offices and other facilities for the use of such officers and employees on or in said Government-owned property are not provided, why the same have not been so provided."

2. As this is a question of War Department policy rather than of fact, the Chief of Engineers deems it proper that his remarks upon this subject be submitted separately from his formal report upon the facts of the case.

3. The officers of the Corps of Engineers on duty in San Francisco are not on duty with troops, but are engaged in directing works of river and harbor improvement, fortification work, and operations under the control of the California Débris Commission, and one is Chief Engineer Officer of the Pacific Division; and while it would be permissible and proper that the officer in charge of fortification work and the chief engineer officer of the division should have quarters on the Presidio or other Government-owned reservations in San Francisco, if there were available quarters not needed for military purposes, the policy of constructing quarters on a military post, and presumably from military funds, especially for the occupancy of officers engaged primarily on work not connected with troops, does not appear to be advantageous. These officers are stationed, not at the Presidio, but in the city of San Francisco. Except for a comparatively small amount of fortification work, their present duties are performed elsewhere than at the Presidio, and there is no public necessity for their residing on or near that or any other military reservation. Considering the initial cost of suitable quarters and the annual cost of upkeep, it is believed that the construction and maintenance of quarters for these officers on a Government

arrangements.
Very respectfully,

W. H. Bixby, Chief of Engineers, United States Army.

Buildings rented in the District of Columbia by the War Department for the fiscal year ending June 30, 1911.

Location.	Purpose for which required.	Annual rental.	
1729 New York Avenue NW. (Lemon Building).	War Department; post paymaster, United States Army; Drafting Divi- sion, Quartermaster General's Of- fice; Office Public Buildings and Grounds; Fine Arts Commission; blank room, depot quartermaster; blank room, Adjutant General's Office; photo room, Signal Service.	\$7,200	
610 Seventeenth Street NW	The Adjutant Generaldo.	1,500	
1720 H Street NW	Army Medical Dispensary, Surgeon General's Office.	1,000	
1800 F Street NW	Bureau of Insular Affairs	720	

Buildings rented in the District of Columbia, etc.-Continued

Location.	Purpose for which required.	Annual rental.
920 and 922 E Street NW., section A, fifth story and a section of office on first floor. ¹ 1744 G Street NW. ²	Bureau of Insular Affairs for the storage of records of the Military Government of Cuba from 1899 to 1902. Division of Militia Affairs.	\$1,500
1144 G Bucco IV W	Division of Militia Anthre	2,500
		15, 220

¹ The lessor has notified this department that the rental for this space is entirely inadequate and that he declines to rent the space for \$1,500 after the expiration of the present lease, June 30, 1912, and requests that the rental be increased to \$2,000 per annum. (See S. D. 1593/2 herewith.)

² This building has heen declared unsafe by competent authority, and arrangements have been made to secure another building for the purpose at the same rental from Sept. 1, 1911.

from Sept. 1, 1911.

M. R. THORP, Chief of Supply Division.

ISTHMIAN CANAL COMMISSION,
Washington Office, December 4, 1911.

Memorandum for the assistant and chief clerk, War Department:
In response to the request from your office for information regarding the lease of offices by the Isthmian Canal Commission, I beg to state that the Isthmian Canal Commission occupies, under a lease from Gen. Anson Mills, the five lower stories and basement of the eight-story steel structure on G Street, between Seventeenth and Eighteenth Streets NW., Washington, D. C., known as "Mills addition," at a rental of \$7,500 per annum.

The United States has the right to renew the lease from year to year for 10 years from April 1, 1905, by giving the lessor 30 days' notice.
The building is used for the offices of the Isthmian Canal Commission at Washington.

The statutory authority under which the lease was made will be found in section 7 of the act approved June 28, 1902. (See U. S. Stats., 481.)

F. C. Boggs,
Major, Corps of Engineers, United States Army,
Chief of Office.

Buildings rented by the War Department for national military parks. Gettysburg office building, per annum \$206 Vicksburg office building, per annum 720

JOHN T. DILLON, Chief Correspondence Division.

Mr. DU PONT. Even admitting that there would be a local economy in San Francisco by the adoption of this amendment, it is evident to my mind that any question of this kind should be considered as a whole all over the country and with reference to all parts of the military establishment, and that the War Department should have an opportunity to pass upon it

war Department should have an opportunity to pass upon it and express its judgment.

Mr. WORKS. Mr. President—
The VICE PRESIDENT. Does the Senator from Delaware yield to the Senator from California?

Mr. DU PONT. Certainly.

Mr. WORKS. I should like to ask the Senator from Delaware yield.

ware what consideration has been given to that portion of the report of the War Department which I have just read recommending the construction of this very building?

Mr. DU PONT. I did not understand that the War Department had recommended its construction. At all events it has not been estimated for; the subject has not been considered by the committee or reported by any standing committee of the Senate, and I therefore make the point of order.

The VICE PRESIDENT. The point of order is sustained.

Mr. BACON. I send to the desk an amendment which I ask may be read.

The Secretary. It is proposed to add as a new section the following:

Sec. 2. That the fourth section of the act of January 21, 1903, entitled "An act to promote the efficiency of the militia, and for other purposes," be amended by adding the following as a proviso thereto: "Provided, That the call for militia from any State shall be made by requisition made by the President upon the governor of said State, in which the number of troops required from such State shall be specified and the length of the service required of them."

Mr. President, I want to say just one word. I recognize that the amendment proposes general legislation. I think the present law is defective. Of course if the amendment is ruled out I shall introduce it as a separate bill, and I simply want to call attention to it because possibly it might be accepted and make the matter more easily disposed of.

The fourth section of the Dick Act is in this language:

It shall be lawful for the President to call forth, for a period not exceeding nine months, such number of the militia of the State or of the States or Territories.

And so forth.

Now, the proviso which I suggest and offer as an amendment to this bill simply describes the way in which the call shall be made. I think two things are manifest. In the first place, the proviso prescribes the manner which has been followed for over a hundred years up to the passage of the Dick bill. I want to say that I had a considerable part in the discussion when the Dick bill was passed.

But there were other features which were more directly within my contemplation at the time and that escaped me. I did not notice it at the time it was passed. Aside from the fact that it is the present provision in law, contrary to the practice of over a hundred years, I think it is important that we should conform to that form of practice for several reasons. I can not elaborate them all. I will not do it, because I do not know whether the Senate is disposed to accept it as an amendment now or to rule it out of order.

There is one consideration of a practical character, though, outside of all others, which it seems to me ought to commend this provision to the committee charged with the military affairs of the Senate. The present law contemplates necessarily only the calling out of such portion of the militia as may be organized. Manifestly the President would have no opportunity to call out any other part of the militia. That portion of the militia which is thus organized is an insignificant portion of the general militia of the States, and may upon occasion be utterly insufficient to meet the requirements of the call. I do not know how many, but I suppose the enrolled Organized Militia of the United States consists of certainly a very small number compared with what would be required if there was an emergency upon us.

The VICE PRESIDENT. Will the Senator suspend for a moment? The hour of 4 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated. The Secretary. A bill (S. 3175) to regulate the immigration of aliens to and the residence of aliens in the United States.

Mr. LODGE. I ask that the unfinished business may be temporarily laid aside.

The VICE PRESIDENT. Without objection, on the request of the Senator from Massachusetts, the unfinished business is temporarily laid aside. The Senator from Georgia will proceed.

Mr. BACON. It must be apparent that if an emergency would arise in which there should be a greater number required than is now found in what is known as the Organized Militia or the National Guard it would be impracticable to call for the or the National Guard it would be impracticable to call for the required number through the machinery of this law. Necessarily it would have to be done through the operation of the States in the organization of additional troops. That has occurred, of course, frequently, or several times, at least, in our history in the past. At the time of the outbreak of the Civil War, when Mr. Lincoln called for 75,000 troops, which was his first call, there was not that number of Organized Militia in the United States, and all the troops which were called out in the Civil War, both in the Union Army and in the Confederate Army, were called out in the way that this amendment provides they shall be called out—by a requisition upon the governor. they shall be called out—by a requisition upon the governor. If there are organized National Guard companies sufficient to meet the demand, of course the governor will order them out. If not, there is always a provision in the laws of the several States for the organization of companies, and in that way, the call being made by the governor, whatever the number may be, if it were a million men, the States could, through their proper organizations, or, rather, through the laws providing for the organizations, meet that demand. But as it now stands, if a call were made which exceeded the number, it could not be met; there would have to be some other rule.

There are a great many other considerations, Mr. President, which I will urge later if the committee is disposed to accept the amendment, but I will not take the time of the Senate now unless I find a disposition on the part of the committee to act

Mr. ROOT. Mr. President, I find myself in entire agreement with the Senator from Georgia upon the question of the propriety and desirableness of continuing to follow the traditional custom in regard to the calling out of the militia; but there are many things to be said regarding the particular change of the statute which the Senator from Georgia proposes, many things which would probably have to be said regarding any kind of a change that we should make. It is a large subject, a subject that ought to be very fully considered, and I do not think that we can properly consider it now. Therefore I feel disposed to make a point of order against the amendment.

Mr. BACON. I recognize that it is general legislation. simply desire to say that I will introduce a bill to the same effect and ask that it be referred to the Committee on Military Affairs in order that the matter may have the consideration

which the Senator from New York suggests.
The VICE PRESIDENT. The point of order raised by the Senator from New York is sustained. Are there other amend-

ments to the bill? Mr. SWANSON. Mr. SWANSON. Mr. President, in reply to the Senator from Massachusetts I said that the bill that we were considering was properly prepared under the rules of the House. He thought otherwise.

Mr. LODGE. No, Mr. President; I did not mean to question the Senator. He is undoubtedly right. The Holman rule has been readopted.

Mr. SWANSON. I simply wish to request that the rule of

the House be put in the RECORD without reading.
The VICE PRESIDENT. What is the number What is the number of the rule?

Mr. SWANSON. It is Rule XXI.

The VICE PRESIDENT. Without objection, the matter indicated by the Senator from Virginia will be inserted as a part of his remarks

The matter referred to is as follows:

RULE XXI .- ON BILLS.

1. Bills and joint resolutions on their passage shall be read the first time by title and the second time in full, when, if the previous question is ordered, the Speaker shall state the question to be, Shall the bill be engrossed and read a third time? and, if decided in the affirmative, it shall be read the third time by title, unless the reading in full is demanded by a Member, and the question shall then be put upon its

manded by a Member, and the question shall then be put upon its passage.

2. No appropriation shall be reported in any general appropriation bill, or be in order as an amendment thereto, for any expenditure not previously authorized by law, unless in continuation of appropriations for such public works and objects as are already in progress. Nor shall any provision in any such bill or amendment thereto changing existing law be in order, except such as being germane to the subject matter of the bill shall retrench expenditures by the reduction of the number and salary of the officers of the United States, by the reduction of the compensation of any person paid out of the Treasury of the United States, or by the reduction of amounts of money covered by the bill: Provided, That it shall be in order further to amend such bill upon the report of the committee or any joint commission authorized by law or the House members of any such commission having jurisdiction of the subject matter of such amendment, which amendment being germane to the subject matter of the bill shall retrench expenditures. (House Manual and Digest, p. 399f.)

Mr. LODGE: It was a change was it not from the previous

Mr. LODGE. It was a change, was it not, from the previous

Mr. SWANSON. It was a change, rather, going back to the previous rule.

Mr. LODGE. It was a reversion to the Holman rule.

Mr. SWANSON. The old Holman rule. I wish to say in justification of its being in accordance with its rules, that the Committee on Rules cut the expenditures from the estimates about \$9,000,000.

The VICE PRESIDENT. If there are no further amendments to be offered as in Committee of the Whole, the bill will be reported to the Senate.

Mr. WILLIAMS. I understand that the Senator from Virginia was talking about the provision striking off the Cavalry regiments. If that is the case, that was in order in the House and it was not a supercession of the rules, not only under the old Holman rule, but the rule which prevailed under Speaker Reed, Speaker Henderson, and everybody else. amendment in the House is a limitation upon the expenditure of the money it is not obnoxious to the general rule about new

The bill was reported to the Senate as amended, and the amendments were concurred in.

Mr. WILLIAMS. I have an amendment which is on the desk.

The VICE PRESIDENT. The Senator from Mississippi offers an amendment, which will be read.

The Secretary. On page 7, line 4, after the word "dollars," insert the following words:

That no money appropriated by this act shall be paid to any officer for any period during which any other officer by his order shall have been detached for any duty of any kind for more than four of the preceding six years from the organization in which he is commissioned, unless such continuous detachment from such organization for more than four years shall have been specifically authorized by law.

Mr. WILLIAMS. Mr. President, I offered an amendment in the Committee of the Whole, and the Senator from Wyoming made the objection to it that if no money should be paid out to the officer who was detached from the organization it would work this injustice, that some superior officer would order him detached and keep him there beyond the period of the law, and that instead of punishing the guilty party we were punishing the officer for obeying orders. My reply to that, you will remember, was that I did not believe the superior officer, if that were the law, would give the order. But I have changed this now, so that the money shall not be paid to the officer giving the order during the period in which the officer subject to his command is by his order violating the law.

I hope the amendment will pass.

Mr. WARREN. I understand that the Senator offers that as

a new amendment to come in at the end of page 7.

Mr. WILLIAMS. No; it is offered as an amendment to the Senate committee amendment, striking out the Senate committee amendment and substituting the language which has just been read, and I was explaining its effect.

Mr. WARREN. The Senate committee amendment striking

out the House paragraph is mixed up more or less with the one that follows. I have no objection, if the Senator will offer it as a separate amendment, and let it go in with the other, and then it will be in a position where the conferees can have possession of the whole subject.

Mr. WILLIAMS. If you do that, it seems to me that you would have two provisions in the bill which are not in accord with one another.

Mr. WARREN. That is exactly what I want to avoid.

Mr. WILLIAMS. Oh, yes; but— Mr. WARREN. I feared that the Senator, in striking it

Mr. WILLIAMS. Wait until I explain it. Mr. WARREN. May I have the Senator's attention for a moment? I feared that in striking that out the Senator might interfere with the amendment which followed, and therefore if he would put in his amendment before or after the other the conferees could make it all harmonious.

Mr. WILLIAMS. I can explain what I mean to the Senator. The language which is now in the bill as reported from the Committee of the Whole to the Senate is the language of the Senate committee's amendment adopted as in Committee of the Whole, and it reads:

Provided, That hereafter in time of peace no officer of the line shall be detached or permitted to remain detached from his regiment or corps who has not served for at least three years of the preceding period of six years prior to such detachment with the regiment or regiments of Cavairy, Field Artillery, or Infantry, or with the organizations of the Coast Artillery Corps, to which he shall have been assigned by the War Department; but this shall not apply to officers detailed in the Ordanace Department and the Bureau of Insular Affairs, as authorized by the acts of Congress approved June 25, 1906, and March 2, 1907.

Now, then, my amendment is to restore the House provision with a change. The House provision reads:

That no money appropriated-

My amendment is to strike out this proviso and restore the House provision with the change

Mr. WARREN. Let me get an understanding of what the Senator proposes to strike out.

Mr. WILLIAMS. Just what I read. Mr. WARREN. The one paragraph, but not the last part that he read.

Mr. WILLIAMS. All that I have read.
Mr. WARREN. That will not do.
Mr. WILLIAMS. Why not?
Mr. WARREN. Because that leaves it where we would not have possession of the second Senate amendment in conference. If the Senator will move that in place of the first paragraph

that we have stricken out, there would be no objection.

Mr. WILLIAMS. Well, then, I will word the amendment this way. I want to accord as far as possible with the wish of the Senator from Wyoming. I move to strike out this language; the clerks will follow the reading:

Provided, That hereafter in time of peace no officer of the line shall be detached or permitted to remain detached from his regiment or corps who has not served for at least three years of the preceding period of six years prior to such detachment with the regiment or regiments of Cavalry, Field Artillery, or Infantry, or with the organizations of the Const Artillery Corps, to which he shall have been assigned by the War Department.

And, stopping right there, then substitute for that language stricken out the following:

That no money appropriated by this act shall be paid to any officer for any period during which any other officer by his order shall have been detached for any duty of any kind for more than four of the preceding six years from the organization in which he is commissioned, unless such continuous detachment from such organization for more than four years shall have been specifically authorized by law.

Mr. WARREN. Will the Senator listen to me for a moment? If he would strike this out:

That no money appropriated by this act shall be paid to any officer for any period during which he shall have been detached for any duty of any kind for more than—

Mr. WILLIAMS. That is not my amendment.

Mr. WARREN. And put the Senator's amendment in, he would then leave this subject to action in conference, and it goes further in the line the Senator wants than does his own amendment. If he would strike out the upper paragraph and not strike the other out-

Mr. WILLIAMS. I catch the idea now. I did not at first catch it. I think we can agree upon it. I move, immediately following the period after the word "dollars," in line 4, on page 7, that there be inserted the following language, to wit:

That no money appropriated by this act shall be paid to any officer for any period during which any other officer by his order shall have been detached for any duty of any kind for more than four of the preceding six years from the organization in which he is commissioned, unless such continuous detachment from such organization for more than four years shall have been specifically authorized by law.

Mr. WARREN. That is all right. The Senator should, per-haps, put the word "Provided" at the commencement of his amendment

Mr. WILLIAMS. I see no necessity for it, but I have no objection to that.

The VICE PRESIDENT. The Secretary will report the amendment.

Mr. WILLIAMS. I see no necessity for putting in the word "Provided" at the beginning.

Mr. DU PONT. Mr. President, I must object to that, because as long as the word "organization" is put in it will fail to stop the very abuse we are trying to regulate. An officer now is commissioned in the Infantry, and he might be kept away indefinitely from his regiment by a process of favoritism if it is left in that way, and precisely the difficulty the Senator's

amendment is to regulate will occur.

The VICE PRESIDENT. The Secretary will report the

amendment as modified.

Mr. WARREN. I think the chairman of the committee misunderstands the situation, or proposition.

The VICE PRESIDENT. Let the Secretary first report the amendment.

Mr. DU PONT. I ask that the amendment may be read. Possibly I misunderstood it.

The Secretary. On page 7, line 4, after the word "dollars," strike out the period and insert a colon and the following words:

Provided, That no money appropriated by this act shall be paid to any officer for any period during which any other officer by his order shall have been detached for any duty of any kind for more than four of the preceding six years from the organization in which he is commissioned, unless such continuous detachment from such organization for more than four years shall have been specifically authorized by law.

The VICE PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Mississippi.

The amendment was agreed to.

Mr. WARREN. In line 14 I ask that the word "three" be stricken out and "two" inserted. I believe there is no objection to that.

The VICE PRESIDENT. The amendment will be stated.
The Secretary. On page 7, in the committee amendment, line
14, before the word "years," strike out "three" and insert "two."

The VICE PRESIDENT. Without objection, the amendment to the amendment is agreed to. Without objection, the amendment as amended is agreed to.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

MEAT-INSPECTION SERVICE (H. DOC. NO. 694).

The VICE PRESIDENT laid before the Senate the following message from the President of the United States, which was read, referred to the Committee on Appropriations, and ordered to be printed:

To the Senate and House of Representatives:

The Secretary of Agriculture, with my consent, has sent through the Secretary of the Treasury to the Congress an estimate for an appropriation of \$1,000,000 beyond the present permanent appropriation for the meat-inspection service in the Department of Agriculture. The increase is necessary to enable the department to inspect microscopically the flesh of hogs that is to be converted into meat food products which ordinarily are eaten without cooking. Several deaths have resulted from eating such products which contained triching. The Swiss minister is now seeking reparation on account of the deaths and serious illness of several citizens of Switzerland. These deaths and serious illnesses are claimed to have been caused by eating American meat which contained triching. The Department of Agriculture has issued warning circulars and caused notices to be printed in the newspapers of the country concerning the danger of eating such uncooked products. The microscopic inspection of the flesh of all hogs would require an increase of \$4,000,000 in the appropriation. This is not deemed necessary. There is ample authority in the meat-inspection act to make the microscopic inspection, but no money has ever been provided. Therefore I urge upon the Congress the appropriation of \$1,000,000 for this purpose on the ground that the emergency demands such action.

WM. H. TAFT.

THE WHITE HOUSE, April 12, 1912.

ENROLLED BILLS SIGNED.

A message from the House of Representatives, by D. K. Hempstead, its enrolling clerk, announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the Vice President:

S. 2. An act supplementary to and amendatory of the act entitled "An act for the division of the lands and funds of the Osage Nation of Indians in Oklahoma," approved June 28, 1906,

and for other purposes; and
H. R. 20190. An act to extend the time for the construction of
a dam across Rock River, Ill.

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles and referred to the Committee on the District of Columbia:

H. R. 12371. An act for the relief of Spencer Roberts, a member of the Metropolitan police force of the District of Columbia;

H. R. 14094. An act declaring the carrying concealed about the person any pistol, bowie knife, dirk or clasp knife or razor, blackjack, dagger, sword cane, slung shot, brass or other metal knuckles, in the District of Columbia a felony.

LANDS AND WATERS NEAR CITY OF WASHINGTON.

The bill (H. R. 22642) providing for the protection of the interests of the United States in lands and waters comprising any part of the Potomac River, the Anacostia River or Eastern Branch, and Rock Creek and lands adjacent thereto, was read twice by its title.

Mr. GALLINGER. Mr. President, some time ago the Senate Committee on the District of Columbia reported unanimously a bill almost identical with that bill, and it is now on the calendar. For that reason, I ask unanimous consent for the present consideration of the bill which has come from the House.

The VICE PRESIDENT. The bill will be read for the information of the Senate.

The Secretary read the bill.

Mr. GALLINGER. I am informed that a party connected with the office of the Attorney General has suggested to a member of the committee that a slight amendment is desired in this bill. I will therefore ask that it may lie on the table for the present.

The VICE PRESIDENT. Without objection, the bill will lie on the table.

EMPLOYER'S LIABILITY AND WORKMEN'S COMPENSATION.

Mr. CULBERSON. Mr. President, some days ago when the Senator from Utah [Mr. SUTHERLAND] reported the bill (S. 5382) to provide an exclusive remedy and compensation for accidental injuries, resulting in disability or death, to employees of common carriers by railroad engaged in interstate or foreign commerce, or in the District of Columbia, and for other purposes, I gave notice that I would at some convenient time submit minority views, or, rather, my individual views, in opposi-tion to the passage of the bill. I do that now and ask that the manuscript may be printed.

The VICE PRESIDENT. It will be printed, without objection, as Part 2 of Senate Report No. 553.

Mr. SUTHERLAND. Mr. President, I desire to give notice that on Monday, immediately after the conclusion of the routine morning business, I will ask the Senate to proceed to the consideration of Senate bill 5382, to which the Senator from Texas has just referred.

DIPLOMATIC AND CONSULAR APPROPRIATION BILL.

Mr. LEA. I ask unanimous consent for the present consideration of the bill (H. R. 17029) authorizing the Secretary of War to convert the regimental Army post at Fort Oglethorpe into a brigade post.

Mr. WARREN. There is an appropriation bill ready for action, and I shall have to object.

The VICE PRESIDENT. Objection is made to the request

of the Senator from Tennessee.

Mr. CURTIS. I desire to call up House bill 19212, the diplo-

matic and consular appropriation bill.

Mr. WILLIAMS. Will the Senator from Kansas yield to

me for just a moment to ask unanimous consent for the consideration of a little cannon bill?

Mr. CURTIS. Objection was made a moment ago to the consideration of a bill on the calendar, and that having been done in one case I hardly think it would be fair to have another bill taken from the calendar and considered.

Mr. WILLIAMS. Was not objection made to going to the calendar generally? I did not know that there was objection Was not objection made to going to the

to a particular bill.

Mr. CURTIS. That was the case. I ask the Senate to proceed to the consideration of the diplomatic and consular appropriation bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 19212) making appropriations for the Diplomatic and Consular Service for the fiscal year ending June 30, 1913, which had been reported from the Committee on Appropriations with amendments.

Mr. CURTIS. I ask unanimous consent to dispense with the formal reading of the bill, that it be read for amendment, and that the committee amendments be disposed of as they are

reached.

The VICE PRESIDENT. Without objection, that order will be followed. The Secretary will proceed to read the bill.

The Secretary proceeded to read the bill.

The first amendment of the Committee on Appropriations was, on page 2, line 20, before the word "thousand," to strike out "six" and insert "seven," so as to make the clause read:

Agent and consul general at Cairo, \$7,500.

Mr. BACON. I should like to ask whether or not the changes which have been made are in accord with the general bill, which I am not sure has been passed, but certainly it has been agreed upon by the Committee on Foreign Relations, classifying all the consuls and fixing their salaries. I would merely like to know if the rule of the committee has been followed.

Mr. LODGE. This is the particular case of Cairo. The Senator will remember that the consul general at Cairo is a diplomatic agent also, and he is appropriated for separately

and not in the general consular bill.

Mr. BACON. Yes. The Senator from Massachusetts is, of course, familiar with the bill that we passed in the Committee on Foreign Relations, and the Senator will understand the reason which prompted my inquiry.

Mr. LODGE. Certainly. I agree with the Senator entirely. We have no minister, of course, in Egypt. The consul general at Cairo is a diplomatic agent and he is so designated hereas agent and consul general.

Mr. BACON. I have not had an opportunity to go through There is no change made that will interfere with the the bill. general bill?

Mr. LODGE. There are no changes from the consular bill at all.

Mr. CURTIS. None whatever. The amendment was agreed to.

The reading of the bill was resumed.

The reading of the biff was resulted.

The next amendment of the Committee on Appropriations was, under the subhead "Salaries of ambassadors and ministers," on page 3, line 1, before the word "thousand," to strike out "forty" and insert "fifty," so as to make the clause read:

Chargés d'affaires ad interim, \$50,000.

The amendment was agreed to.

The next amendment was, on page 3, line 2, before the word "thousand," to strike out "fifty" and insert "sixty-one," so as to make the clause read:

Total, \$561,500.

The amendment was agreed to.

Mr. BACON. I will make the same inquiry about those mat-I think they were generally passed upon, were they not, I will ask the Senator from Massachusetts, in our consideration of those matters?

Mr. LODGE. These diplomatic posts we have never arranged in the bill.

Mr. BACON. It is only the consular matters? Mr. LODGE. Only the consulships in the law.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, under the subhead "Salaries of secretaries of embassies and legations," on page 3, line 10, before the word "hundred," to strike out "three thousand six" and insert "four thousand five," so as to make the clause read:

Japanese secretary of embassy to Japan, \$4,500.

Mr. BACON. Mr. President, of course I do not make inquiries for the purpose of interfering with the passage of the bill, but, as we are to vote on the appropriations, we ought to know something about the reasons for the changes in the law.

That is what I speak of.

Mr. CURTIS. The increases in these three items, for Japanese, Turkish, and Chinese secretaries, were made upon the recommendation of the State Department. They wanted \$5,000 appropriated for each of them. We did not give all that was estimated. The increase named in the bill was made because the agents there must understand the language of the countries to which they are assigned. They are Americans who are filling those places. The different messages must be translated into the language of the country, and the department thinks it important to appropriate a sufficient amount in order to get the right class of men to fill the places.

Mr. BACON. Mr. President, that statement is very satisfactory, but the Senator will recognize the importance of Senators being informed of the fact which he has just stated.

Mr. CURTIS. Certainly.

Mr. BACON. I will say, however, as suggested to me by the Senator from Indiana [Mr. Shively] sitting near me, that the same reasoning will apply, I presume, to the officers of almost every foreign country, though not to the same degree, I recognize, where they have not what might be called occult languages.

Mr. CURTIS. Not in the same degree as in those three

countries.

Mr. BACON.

Mr. BACON. That is true. The VICE PRESIDENT. Without objection, the amendment is agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, on page 3, line 12, before the word "hundred," to strike out "three thousand six" and insert "four thousand five," so as to make the clause read:

Turkish secretary of embassy to Turkey, \$4,500.

The amendment was agreed to.

The next amendment was, on page 3, line 14, before the word "hundred," to strike out "three thousand six" and insert "four thousand five," so as to make the clause read:

Chinese secretary, legation to China, \$4,500.

The amendment was agreed to.

The next amendment was, on page 5, line 11, before the word "hundred," to strike out "thirty-nine thousand one" and insert "forty-one thousand eight," so as to make the clause read: Total, \$141,875.

The amendment was agreed to.

The next amendment was, under the subhead "Salaries of diplomatic and consular officers while receiving instructions and making transits," on page 5, line 20, before the words "as may be," to strike out "or so much thereof" and insert "so much," so as to make the clause read:

SALARIES OF DIPLOMATIC AND CONSULAR OFFICERS WHILE RECEIVING INSTRUCTIONS AND MAKING TRANSITS.

To pay the salaries of ambassadors, ministers, consuls, and other officers of the United States for the periods actually and necessarily occupied in receiving instructions and in making transits to and from their posts, and while awaiting recognition and authority to act, in pursuance of the provisions of section 1740 of the Revised Statutes, so much as may be necessary.

The amendment was agreed to.

The next amendment was under the subhead of "Salaries of interpreters to embassies and legations," on page 6, after line 7,

Assistant Turkish secretary to the embassy to Turkey, to be appointed from the corps of student interpreters, \$2,000.

The amendment was agreed to.

The next amendment was, on page 8, line 13, before the word thousand," to strike out "thirty-five" and insert "thirtyseven," so as to make the clause read:

Total, \$37,750.

The amendment was agreed to.

The next amendment was, under the subhead "Contingent expenses, foreign missions," on page 9, line 6, before the word "postage," to strike out "repairs"; and in line 14, before the

word "thousand," to insert "and seventy-five," so as to make the clause read:

To enable the President to provide, at the public expense, all such stationery, blanks, records, and other books, seals, presses, flags, and signs as he shall think necessary for the several embassies and legations in the transaction of their business, and also for rent, postage, telegrams, furniture, messenger service, compensation of kayasses, guards, dragomans, and porters, including compensation of interpreters, and the compensation of dispatch agents at London, New York, San Francisco, and New Orleans, and for traveling and miscellaneous expenses of embassies and legations, and for printing in the Department of State, and for loss on bills of exchange to and from embassies and legations, \$375,000.

Mr. BACON. Mr. President, I should like the Senator from Kansas to state why that \$75,000 is to be added.

Mr. CURTIS. It is added upon the very urgent request of the department. I should like to read the letter of the department asking for the increase, because, I believe, that will explain it in fewer words than I can. The department says:

plain it in fewer words than I can. The department says:

Contingent expenses, foreign missions: The present appropriation of \$375,000 for contingent expenses was reduced to \$300,000 in the bill as reported to the House of Representatives. The amount so reported is far below the actual expenses of the Diplomatic Service, which were last year, with the exercise of the greatest economy, over \$351,000. It is from this fund that rent of the diplomatic missions must be paid, and leases once entered into can not be terminated except upon due notice, in accordance with the requirements of local law. Typewriters, postage, stationery, and furniture must be provided. At the present time a large part of the business of the Diplomatic Service is necessarily carried on by telegraph. Other nations use the telegraph, and if the United States would not sacrifice the interests of its citizens it must do likewise. The amount of expenditure for this purpose can not be foreseen, and hence the fund at the disposal of the department should be satisfactorily large to provide for all ordinary contingencies. With conditions as they are at present in various quarters of the world, the expense of telegraphing is not likely to decrease, and, in general, it is to be said that the business of our diplomatic missions is steadily increasing in consequence of the growth of our commerce and interests abroad, and therefore it can not be expected that an efficient service can be maintained at less than the present cost. Viewing the matter in the most conservative manner, it is my conviction that the present standard of efficiency in the Diplomatic Service can not be maintained with less than \$375,000 for contingent expenses—the appropriation for the current year.

The Senator will recall that \$351,000 was used last year for

The Senator will recall that \$351,000 was used last year for such expenses

The VICE PRESIDENT. Without objection, the amendment

is agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, under the subhead "Transportation of diplomatic and consular officers in going to and returning from their posts," on page 9, line 23, before the word "thousand," to strike out "twenty-five" and insert "fifty," so as to make the clause read:

To pay the cost of the transportation of diplomatic and consular officers in going to and returning from their posts, or when traveling under the orders of the Secretary of State, at the rate of 5 cents per mile, but not including any expense incurred in connection with leaves of absence, \$50,000.

Mr. CURTIS. That item was increased upon the recommendation of the department, because the allowance is fixed by law and the department can not meet the requirements with the appropriation as it was made by the House of Representatives. The Secretary urges very strongly that \$50,000 will be required.

Mr. BACON. Mr. President, I will state a matter which is familiar to all members of the Committee on Foreign Relations, but which possibly was not brought to the attention of the Com-

mittee on Appropriations.

This item, I am satisfied, has been very largely increased over what the estimate of the other House called for, because of the very general habit of transferring these officers from one post to another, with very short service at any one particular post. I do not make this statement for the purpose of opposing the increase, but simply for the purpose of emphasizing what I know was the general feeling of the Committee on Foreign Relations, that the practice of transferring consular officers from one post to another after a very short service-in some instances less than one year at a particular post—is not only undesirable for other reasons, but is certainly undesirable because of the fact that it imposes additional expense upon the Government in order that that may be done. I only call attention to it now because my so doing may have an influence upon the practice of the department in the future or in any legislation that we may be called upon to enact in pursuance of that practice.

The VICE PRESIDENT. Without objection, the amendment

is agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, on page 10, line 1, after the word "for," to strike out "legation" and insert "embassy," so as to make the subhead read: "Steam launch for embassy at Constantinople."

The amendment was agreed to.

The next amendment was, under the subhead "Emergencies arising in the Diplomatic and Consular Service," on page 11, line 10, after the word "dollars," to insert "together with the unexpended balances of appropriations made for this object for the fiscal years 1910, 1911, and 1912, which are hereby reappropriated and made available for this purpose," so as to make the clause read:

To enable the President to meet unforeseen emergencies arising in the Diplomatic and Consular Service, and to extend the commercial and other interests of the United States, to be expended pursuant to the requirement of section 291 of the Revised Statutes, \$50,000, together with the unexpended balances of appropriations made for this object for the fiscal years 1910, 1911, and 1912, which are hereby reappropriated and made available for this purpose.

Mr. BACON. I hope that amendment will be explained.
Mr. CURTIS. Mr. President, the department estimated for \$90,000 for this work, and state in their report, in the hearings, and in a letter to the committee that they can not get along with less than \$90,000 unless the unexpended balance be reapported. We find more examination and estimating the halong accordance in the committee of the strength propriated. We find upon examination and estimating the balance for the present fiscal year that there are about \$44,000 of unexpended balance. That may be a little high, but the amount is substantially that. The Secretary of State says in his letter:

Is substantially that. The Secretary of State says in his letter:

It is proposed by the bill as reported to the House to reduce the appropriation for this purpose from \$90,000 to \$50,000. The appropriation has been \$90,000 for several years, and experience has shown that while during several years the expenditures have been much less, in other years the exigencies have been such as to require practically the entire appropriation. As already explained to the committee of the House, many of these expenditures are of a temporary nature and are ultimately reimbursed and deposited to the credit of the appropriation in the Treasury. During the past two years these reimbursements have amounted to more than \$20,000 a year. The good that results from a judicious expenditure of this fund and the vital importance of having at the discretion of the President ample means with which to meet the unforcescen and exigent expenditures growing out of foreign relations lead me strongly to recommend that the amount of \$90,000 be appropriated, or, at least, the \$50,000 with the unexpended balance of the appropriation for the current year.

So the committee thought, under the circumstances if was

So the committee thought, under the circumstances, it was

best to reappropriate the unexpended balance.

Mr. BACON. The question I wish to ask the Senator is this, Is the Senator prepared to tell us what were the appropriations for the same purpose during the several years when

there was an unexpended balance?

Mr. CURTIS. The appropriation, as I am informed, has been \$90,000 for several years. In 1910 it was \$90,000, and there was a surplus of \$14,000. We appropriated \$90,000 last year and had a surplus of \$25,000; and the surplus for the present fiscal year can not, of course, be stated now, but it will be about \$30,000.

Mr. BACON. Mr. President, that is the point to which I wish to call attention. Of course, the Senator from New York [Mr. Root], who occupied the distinguished office of Secretary of State before he honored us by coming into this body, is very familiar with the details as to the year 1910, for instance, when he was Secretary of State. It seems that for the present fiscal year, with an appropriation of \$90,000, it is estimated that there will be an unexpended balance of \$30,000; in the year before, with an appropriation of \$90,000, there was an unexpended balance of \$25,000; and in 1909, when the distinguished Senator from New York was Secretary of State-I beg the Senator's pardon; I believe I am mistaken as to that, for the Senator went out of the office of Secretary of State, I think, about January, 1909; but, at any rate, under the present Secretary of State there have been two years that I have spoken of where there was a large unexpended balance, and in 1910 a balance, I think the Senator from Kansas said, of some \$13,000-

Mr. CURTIS. Fourteen thousand dollars for 1910.

Mr. BACON. So that now the amount of unexpended balance is in the neighborhood of \$68,000.

Mr. CURTIS. I beg the Senator's pardon. I said the unexpended balance for 1911 was \$25,000, whereas it was only \$25. Mr. BACON. That makes quite a difference.

Mr. CURTIS.

I beg the Senator's pardon. Mr. President, I am not going to make any Mr. BACON. point on it, but I do not understand why, if in one year the amount necessary to be expended for this work was only \$60,000. out of an appropriation of \$90,000, leaving a balance of some \$30,000, we should now be required to appropriate between \$90,000 and \$100,000.

I want to say, in all courtesy to the Committee on Appropriations, recognizing its very great ability and great industry and fidelity, that I think this appropriation bill, with the various items we are called upon to consider, illustrates and emphasizes the fact that the appropriation bill for the Diplomatic and Consular Service ought to be committed to the Committee on Foreign Relations, for the reason that the Committee on Appro-

priations, not being brought actually in direct touch with the details of the foreign service, are confronted here and there with an isolated item, upon which they are called upon to pass without general information and with only such detailed informa-tion as they can get from the department, whereas the Foreign Relations Committee, having within its knowledge and daily touch the entire range of the foreign service, when a particular item is presented are in a position to judge of that item in the light of that general knowledge and without being confined to that particular item. I repeat that I make this statement in the utmost deference to the Committee on Appropriations, and that my suggestion is only based upon the fact that necessarily, being in charge of other matters, the Committee on Appropria-tions are not in a position to judge of these increases as the Foreign Relations Committee would be under the circumstances.

The VICE PRESIDENT. Without objection, the amendment

of the committee is agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, under the subhead "International Bureau of Weights and Measures," on page 12, line 8, after the word "Measures," to strike out "for the year ending June 30, 1913," so as to make the clause read:

Contribution to the maintenance of the International Bureau of Weights and Measures, in conformity with the terms of the convention of May 24, 1875, the same to be paid, under the direction of the Secretary of State, to said bureau on its certificate of apportionment, \$2,895.

The amendment was agreed to.

The next amendment was, on page 15, after line 9, to insert: REPAIRS TO LEGATION AND CONSULAR PREMISES.

To enable the Secretary of State to keep in repair the legation and consular premises owned by the Government of the United States and occupied by its agents, \$10,000.

The amendment was agreed to.

The next amendment was, under the subhead "International Institute of Agriculture," at the top of page 17, to insert:

For the payment of the quota of the United States for the cost of translating into and printing in the English language the publications of the International Institute of Agriculture at Rome, \$5,000.

The amendment was agreed to.

The next amendment was, on page 17, after line 4, to insert:

INTERNATIONAL BAILWAY CONGRESS.

To pay the quota of the United States as an adhering member of the International Railway Congress for the year 1913, \$400.

The amendment was agreed to.

The next amendment was, under the subhead "International Sanitary Bureau," on page 17, line 11, after the word "Bureau," to strike out "for the calendar year 1913," so as to make the clause read:

For the annual share of the United States for the maintenance of the International Sanitary Bureau, \$2,830.79.

The amendment was agreed to.

The next amendment was, on page 18, after line 19, to insert: INTERNATIONAL SEISMOLOGICAL ASSOCIATION.

For defraying the necessary expenses in fulfilling the obligations of the United States as a member of the International Seismological Association, including the annual contribution to the expenses of the association and the expenses of the United States delegate in attending the meetings of the commission, \$1,300.

Mr. JONES. Mr. President, I should like to ask the Senator from Kansas what the obligations of the United States are with reference to this association?

Mr. CURTIS. The United States has joined the association as a member and agreed to keep up its membership until 1916. Until that time the Congress is really obligated to make the appropriation to pay our share of the expenses.

Mr. JONES. There has been no congressional action with

reference to the matter, has there?

Mr. CURTIS. There have been several appropriations.

Mr. JONES. Yes; but there is no continuing law with reference to it'

Mr. CURTIS. There is no existing law; but the item has been appropriated for, and the United States, through its representatives, has been a member and agreed to keep up that membership until 1916.

Mr. JONES. That is through the representatives of the State Department?

Mr. CURTIS. This is what the department says regarding it:

Inasmuch as the Government of the United States, by its formal notification of adherence to this association, became a member of the association, its status is determined by the agreement regarding the organization of the association, according to article 5 of which those nations are members of the association which have declared their adherence thereto, and by article 16 of the agreement which provides that the agreement is concluded for a period of 12 years, beginning April 1, 1904. Consequently, the earliest date on which this Government could withdraw from the association is March 31, 1916.

Mr. JONES. Has this agreement been ratified by the Senate in the shape of a treaty?

Mr. CURTIS. Not as a treaty, but by the fact that appropriations have been made to carry out the agreement.

Mr. JONES. Who made the agreement? Mr. CURTIS. As to that I am unable to advise the Senator definitely, but I understand the President authorized it.
The VICE PRESIDENT. Without objection, the amendment

is agreed to

Mr. BACON. Mr. President, I should like to make an inquiry of the Senator as to the portion of the bill on page 17, as it came from the House, making provision for traveling expenses of the judge and officers of the United States court in China. I will ask the Senator if the language of that provision corresponds to the similar provision in the case of our judges at home, and whether there is any provision as to how the accounts shall be rendered? I do not mean to say that it does differ, but I think the same provision ought to be included in that provision of law that is included in the provision of law relative to the accounts to be rendered by the judges of our circuit courts of appeal and district courts.

Mr. CURTIS. They are allowed, as I understand, from the

hearings

Mr. BACON. It is the same allowance—I recognize that.
Mr. CURTIS. The allowance is the same and the money is paid upon vouchers in the same way as in the case of Federal judges in this country.

Mr. BACON. Does not the law as to judges in the United States make reference to vouchers, while this provision makes none? That is the point I do not recall.

Mr. LODGE. I think that is provided for in the law establishing the court. That is my memory, and I am speaking only from memory.

Mr. BACON. I had something to do with the making of that law. I know the matter was referred to former Senator Spooner and myself, and all the provisions of the law were worked out as well as we could work them out; but whether there is a general provision in that law that vouchers shall be rendered, I do not distinctly remember.

Mr. CURTIS. The department requires vouchers. Secretary Knox stated in the hearings before the House committee that no money for this purpose was paid out except on duly

authenticated vouchers.

Mr. BACON. I presume, of course, that that regulation will be enforced; but I think when we do specify what shall be done in the case of district judges and judges of the circuit courts of appeal in the United States, we ought to have a similar provision as to the judge of the United States court in China. It may be that the provision in this bill does correspond with the law to which I have referred. I do not recall, but the language ought to be the same.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was under the subhead "Arbitration of outstanding pecuniary claims between the United States and Great Britain," on page 19, line 7, after the name "Great Britain," to strike out "including" and insert "in accordance with the special agreement concluded for that purpose August 18, 1910, and the schedules of claims thereunder, including office rent in the District of Columbia, and," so as to make the clause read:

For the expenses of the arbitration of outstanding pecuniary claims between the United States and Great Britain, in accordance with the special agreement concluded for that purpose August 18, 1910, and the schedules of claims thereunder, including office rent in the District of Columbia, and the compensation of arbitrator, umpire, agent, counsel, clerical and other assistants, to be expended under the direction of the Secretary of State, and to be immediately available, \$50,000.

The amendment was agreed to.

The next amendment was agreed to.

The next amendment was, under the subhead "International Congress of Hygiene and Demography," on page 20, after line 16, to strike out "For the continuance of the preliminary work necessary in preparing for the meeting in the United States in the fiscal year 1913 of the Fifteenth International Congress of Hygiene and Demography in pursuance of the invitation. Hygiene and Demography, in pursuance of the invitation ex-tended by the President of the United States in virtue of the joint resolution of the Congress thereof approved February 26, 1907, \$10,000, or so much thereof as may be necessary," and insert:

To enable the Government of the United States suitably to participate in the Fifteenth International Congress of Hygiene and Demography which is to be held at the city of Washington, D. C., in 1912, in pursuance of the invitation extended by the President of the United States in virtue of the joint resolution of the Congress thereof, approved February 26, 1907, and to meet the expenses that will actually and necessarily be incurred by the United States by reason of such invitation and meeting, \$40,000.

The amendment was agreed to.

The next amendment was, on page 20, after line 10, to insert: PERMANENT INTERNATIONAL COUNCIL FOR THE EXPLORATION OF THE SEA.

For the pro rata share of the United States in the administrative expenses of the Permanent International Council for the Exploration of the Sea, in the interests of the commercial fisheries, \$5,956; for the necessary expenses of an expert official representative in attendance at the annual meeting of the council and clerical and other expenses connected with the investigations, \$1,200; in all, \$7,156.

Mr. JONES. I desire to ask the Senator from Kansas how long we have been making appropriations for this purpose?

Mr. CURTIS. Since 1900. It originated in 1899 by an invitation of the British Government to the other States. This is our first appropriation.

Mr. JONES. We have never heretofore made any appropriation? Have we never before participated in this council?

Mr. CURTIS. The Government has participated-Mr. JONES. What is the purpose of the council.

Mr. CURTIS. It is in the interest of the fisheries.

Mr. JONES. What does the council do and how does it do it?
Mr. LODGE. It is really for the protection of and for information in regard to fisheries. It is a matter of great value to the fisheries. The expense is very small, and all maritime nations interested in that subject are represented in the council. The destruction of deep-sea fish is a very serious matter to all countries, and this is an attempt to get information on the sub-

The VICE PRESIDENT. The question is on agreeing to the amendment of the committee.

The amendment was agreed to.

The next amendment of the Committee on Appropriations was, on page 20, after line 21, to insert:

SECOND PAN AMERICAN SCIENTIFIC CONGRESS.

To enable the Government of the United States suitably to participate in the Second Pan American Scientific Congress, to be held at the city of Washington, D. C., in 1914, and for the necessary expenses for clerks, printing (including the publication of the proceedings of the congress in English and Spanish), stationery, and supplies, and other incidental expenses, including rent in the District of Columbia, and for the entertainment of the delegates, \$50,000, to be expended under the direction of the Secretary of State; and the Secretary of State is hereby authorized to invite the Governments of the American Republics to be represented by delegates at the said congress.

Mr. OVERMAN. I should like to inquire about this Pan American conference which is to be held here. It would seem that the United States is calling for this Pan American Congress. Is it a regular congress, called every few years? would seem so from the reading of the section:

The Secretary is hereby authorized to invite the Governments of the American Republics to be represented by delegates at the said congress.

Mr. ROOT rose.

Mr. CURTIS. I yield to the Senator from New York. Mr. ROOT. For many years the South American countries have been having a conference, an annual or biennial conference, in which they discuss a great variety of questions that are of common interest to the different countries-sanitary questions, international sanitary questions, quarantine, the protection of countries from disease, the attempt to do away with disease that is likely to be communicated to other countries, the simplification of customs laws and of the regulations which impede intercourse, and a great variety of questions that are of very great practical importance.

Some three or four or five years ago, acting under a newborn impulse of friendliness to the United States which arose about that time, they resolved to ask the United States to become a party to this regular meeting, and Congress authorized it and made an appropriation to enable the United States to We sent down to Chile at that time a very strong take part. representation, leading Americans from all parts of the country.

Mr. WARREN. At this point, does the Senator from New York remember what appropriation Chile made for this same purpose?

Mr. ROOT. I do not remember the exact figures, but it was

very large.
Mr. WARREN. I understood it was \$150,000.

Mr. ROOT. That would agree with my recollection. were very much pleased; indeed, our participation in that congress had a very marked effect in convincing the people of South America of our respect and regard for them and our desire to cooperate with them in a friendly way, so much so that at the close of the congress it passed a resolution to meet here next

Mr. OVERMAN. That is the point I want to get at.

Mr. ROOT. They passed that resolution. It is to give effect to that that this clause is in the bill.

Mr. CURTIS. May I add that 21 countries have already accepted the invitation?

Mr. OVERMAN. I am very glad to receive that information. I am heartily in favor of doing everything in our power to encourage friendly relations with South American countries, but from this language I could not understand whether the congress was ordered to be held here or whether we are now pro-It seems from the remarks of the Senator from New York that a resolution for the assembling of the congress has already passed, and I have no objection to the item.

Mr. ROOT. They responded in the most generous and friendly spirit to our advances, and this is to enable us to be

polite and friendly toward them.

Mr. JONES. I should like to ask the Senator from New York if this conference is composed of persons officially appointed by the different Governments?

Mr. ROOT. Yes. It includes representatives officially appointed by the Governments, and it also includes representatives of the leading universities and scientific institutions of the different countries.

Mr. JONES. It is not composed purely of individuals volun-

tarily coming together?

Mr. ROOT. Oh, no; it is official.
Mr. WARREN. Our appropriation in 1908, let me say to the
Senator from North Carolina, was \$35,000. It was on the

sundry civil appropriation act. Mr. OVERMAN. I am very glad to have the information from the Senator from New York, because I think it is a very important conference, and I heartily indorse the whole propo-

sition.

The VICE PRESIDENT. Without objection, the amendment is agreed to.

The next amendment of the Committee on Appropriations was, on page 21, after line 10, to insert:

COMPILATION OF CHINESE TREATIES.

For the printing and binding of a compilation by the Department of State of the treaties, contracts, and international arrangements entered into by the Empire of China with other Governments, \$2,500.

Mr. BACON. Let us have an explanation of that item, please.

It is a large sum of money.

Mr. CURTIS. That is for the printing and binding of a compilation by the Department of State of the treaties, contracts, and international agreements entered into by the Empire of China with other Governments.

It is the desire of the Department of State to recompile and publish the treaties, contracts, and other international and quasi international arrangements entered into during the period from the close of the Sino-Japanese War, in 1895, to the present time, which determine the rights and obligations of the Chinese Government in relation to the foreign powers and define the interrelations of those powers in the Chinese Empire.

The compilation has already been prepared, and the money is needed to print and bind it. It was prepared by W. W. Rockhill, or at least it is an extension of his publication.

Mr. BACON. Doubtless the Senator from New York can give us some detailed information in regard to the character of these documents and their volume. It is a large sum of money to be appropriated unless there is to be a large edition, and I would be very glad if the Senator would give us that information.

Doubtless he has it.

Mr. ROOT. The Senator from Georgia will doubtless recall the fact that we now have a volume which was authorized by Congress a number of years ago containing the treaties between China and other powers. But since that volume was printed a great deal has happened. China has entered into a great number of treaties with other civilized powers that modify and change very materially her relation to them, and it is a day's work to get together all those papers, even if you have access to the publications in which they are—and some of them are not actually published in accessible form—and to trace down the relation between China and other powers, in order to de-

termine what the present situation is.

Now, of course China's relations to other countries are not Now, of course China's relations to other countries are not separate and distinct as are the relations of a European country. It has relations with the treaty powers. Each treaty power has certain rights which depend upon and are affected by the treaties that China makes with other powers. We have the compound at Shanghai; we have the legations in Peking; and, under the favored-nation clauses, we are entitled and bound to see what China is doing with other countries. We exercise the right of extraterritoriality there; the matter is always complicated; and it is of really serious importance that our representatives, when called upon to maintain and assert American rights or to consider whether they shall interpose warning or suggestion in regard to anticipated movements, shall be able readily and without delay to ascertain what the real be able readily and without delay to ascertain what the real relation is. I think it is of very great importance, and that

the facts stated by the Senator from New York. I was anxious, however, that there should be a statement made, because to the ordinary reader it might appear like an exorbitant sum to print certain treaties, but I understand from what the Senator from New York says that it embraces really a very large number of treaties which, when bound, will constitute a very considerable volume. I presume, of course, the Committee on Appropriations has looked into the question whether the amount proposed to be appropriated is requisite for the purpose.

Mr. CURTIS. May I add that the department desires to print about 500 copies, and there will be maps and illustrations. The VICE PRESIDENT. Without objection the amendment

is agreed to.

The next amendment of the Committee on Appropriations was, on page 21, after line 15, to insert:

INTERNATIONAL CONFERENCE ON MARITIME LAW.

For participation by the United States, by officially appointed delegates, in the International Conference on Maritime Law to meet at Brussels, Belgium, in September 1912, \$5,000.

The amendment was agreed to.

The next amendment was, on page 21, after line 20, to insert: INTERNATIONAL RADIOTELEGRAPHIC CONFERENCE.

For the expenses of expert delegates to the International Radiotele-graphic Conference, to be held at London in June, 1912, \$5,000, and for the payment of the share of the United States in the necessary expenses of the conference and in the necessary expenses of the radiotelegraphic service of the International Telegraph Bureau at Berne, \$900; in all, \$5,900, to be immediately available.

The arsendment was agreed to.

The next amendment was, under the subhead "Expenses of consular inspectors," on page 23, line 2, before the word "thousand," to strike out "ten" and insert "fifteen," so as to make the clause read:

For the actual and necessary traveling and subsistence expenses of consular inspectors while traveling and inspecting under instructions from the Secretary of State, \$15,000.

The amendment was agreed to.

The next amendment was, under the subhead "Salaries to consular assistants," on page 22, after line 24, to insert:

For 10 additional consular assistants, \$10,000.

Mr. BACON. Mr. President—
Mr. CURTIS. The Secretary informed the committee that these assistants are very greatly needed, and with the permission of the Senate I will read the brief statement he makes in regard to it:

In regard to it:

In the estimates it was recommended that the corps of consular assistants be increased by the addition of 10, the object being to supply a large number of young men of suitable qualifications, who can be trained to act as vice and deputy consuls in places now too frequently filled by foreign subjects. The vast amount of valuable commercial data now being collected by our consulates can not with safety to our own people be accessible to vice consuls and clerks not in sympathy with American commercial expansion. Moreover, it is economy to increase the number of consular assistants, because, since they enter the service after examination, with the intention of winning advancement, they are more useful than clerks, and the experience which they accumulate greatly contributes to the efficiency of the service when they are ultimately advanced to the grade of consul. The gradual increase in the number of consular assistants will lead to a corresponding reduction in the expenditure for clerk hire. It is hoped that this recommendation will commend itself to the judgment of the Senate.

Mr. BACON. I desire to make a remark in connection with

Mr. BACON. I desire to make a remark in connection with that. We now have a general law which provides for 30 of these assistants. This is an illustration of what I have previously said as to the propriety of these matters being considered by the Committee on Foreign Relations. The question whether we should have 30 assistants or whether we should have 40 is one which properly should be considered by the Foreign Relations Committee. It is a matter with which the Appropriations Committee is not properly charged. The Appropriations Committee is not properly charged. The Appropriations Committee is not properly charged. mittee is charged with the question as to what is the proper amount of money required for the service.

Here, it will be seen, is a change made in the general law, and the subject matter is entirely taken away from the committee which is charged specifically with that duty. While, of course, it is a comparatively small matter, and I shall not interpose any objection, it is one which ought to have been referred, even if it was to be acted upon by the Appropriations Committee, to the Committee on Foreign Relations.

The amendment was agreed to. The next amendment was under the subhead "Allowance for clerk hire at United States consulates," on page 23, line 5, before the word "thousand," to insert "and fifty," so as to make the clause read:

Allowance for clerk hire at consulates, to be expended under the direction of the Secretary of State, \$350,000.

The amendment was agreed to.

the money will be well invested.

Mr. BACON. Mr. President, I am quite sure of the importance of it, having a general but not a detailed knowledge of the word "dollars," to strike out "thousand" and insert "and

seventy-one thousand six hundred," so as to make the clause

Expenses of providing all such stationery, blanks, record and other books, seals, presses, flags, signs, rent (allowance for rent not to exceed in any case 30 per cent of the officer's salary), postage, furniture, including typewriters and exchange of same, statistics, newspapers, freight (foreign and domestic), telegrams, advertising, messenger service, traveling expenses of consular officers and consular assistants, compensation of Chinese writers, loss by exchange, and such other miscellaneous expenses as the Fresident may think necessary for the several consular as and consular agencies in the transaction of their business, \$471,600.

Mr. CURTIS. This gives the department the amount of their estimate. Last year they used \$50,486 more than was allowed by the House. They used \$450,000 and over last year, and the Secretary in his letter to the committee says that, in his judgment, it is absolutely necessary to have this amount for the

Mr. BACON. I should like to ask the Senator whether in that paragraph there are detailed estimates for these various items or whether it is all lumped together just as it is here.

Mr. CURTIS. Of course we had it from the House only. My recollection is that it is a lump estimate, but in the hearings before the House committee the matter was gone into very exhaustively and the expenditures were explained very fully.

Mr. BACON. I should like to ask the Senator whether there was any evidence brought before the Senate committee that was not before the House committee; and I will state afterwards my reason for making the inquiry.

Mr. CURTIS. There was simply a letter calling the chairman's attention to the fact that this amount had been reduced. If the Senator desires, I will read to the Senate that part of the Secretary's letter.

Mr. BACON. I have no doubt the letter is to the effect that there has been a reduction and that the full amount is needed. If so, it is not necessary to read the letter, but we will accept

it as a statement from the Department of State. I merely call attention to it for the purpose of repeating what I have frequently had occasion to say in the Senate in regard to these appropriation bills, that the complaint that is made about extravagance is one well founded, I think, and is largely due to the fact that appropriation bills are brought into the Senate with general appropriations of lump sums for two or three different items at one time and all in one paragraph, and all estimated for and appropriated for in one lump sum, under conditions where it is utterly impossible for Senators to judge whether the appropriations are properly made or not, and there is no opportunity for the exercise of judgment and discrimination in determining whether or not there can be any saving in regard to those amounts. So as to all the appropriation bills.

Take this particular paragraph. There are probably 12 or 15 items—typewriters, traveling expenses, and so forth—all mixed together and appropriated for in one lump sum. It is an utter impossibility for any man to put his finger upon any item and say that the appropriation for that purpose is too large. The consequence is we have to swallow it whole and suffer from subsequent indigestion.

I should like to ask the Senator what is the total amount of the increase in this bill over the bill as it was passed by the House?

Mr. CURTIS. \$369,556. Mr. BACON. I simply desired to have the amount stated. I did not have it at hand.

The VICE PRESIDENT. The question is on agreeing to the amendment proposed by the Committee on Appropriations.

The amendment was agreed to.

The reading of the bill was concluded.

Mr. BURTON. I desire to offer an amendment.

The VICE PRESIDENT. The amendment will be stated.

The Secretary. On page 16, after line 11, insert:

For the contribution of the United States toward the maintenance of the Bureau of the Interparliamentary Union, for the promotion of international arbitration, at Brussels, Belgium, \$2,500.

Mr. CURTIS. In the absence of an explanation, I shall have

to make a point of order against the amendment.

Mr. BURTON. I will state that we appropriated for this union in the year 1911 an equal amount. It is found in the diplomatic and consular appropriation bill for that year, on page 10:

For contribution by the United States toward the maintenance of the Bureau of the Interparliamentary Union for the promotion of international arbitration, \$2,500.

It is the same sum and in almost exactly the same language. Again, in 1904, the Congress appropriated \$50,000 for their entertainment in this country. The union is made up, as is generally known, of members of legislative bodies of countries

having legislative bodies, and it has done a very salutary work.

Members of the House and of the Senate belong to the union.
Mr. CURTIS. I withdraw the point of order.
The VICE PRESIDENT. Without objection, the amendment is agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

Mr. CURTIS. I move that the Senate adjourn.

The motion was agreed to; and (at 5 o'clock and 27 minutes p. m.) the Senate adjourned until to-morrow, Saturday, April 13, 1912, at 2 o'clock p. m.

HOUSE OF REPRESENTATIVES.

FRIDAY, April 12, 1912.

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the fol-

lowing prayer:

Our Father in heaven, we thank Thee for every great thought spoken or written, for every heroic deed enacted, for every spiritual uplift which has made for the betterment of mankind; and we pray most fervently that Thy spirit may come in all fullness and power to possess our minds and hearts that we may add somewhat to the world's progress and so fulfill the law and the prophets, in Jesus Christ, our Lord. Amen.

The Journal of the proceedings of yesterday was read and ap-

CONTINGENT FUND DISBURSEMENT.

Mr. LLOYD. Mr. Speaker, I ask for the present consideration of the following privileged resolution from the Committee

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

House resolution 474 (H. Rept. 537).

House resolution 474 (H. Rept. 537).

Resolved, That the sum of \$7,500 shall be paid out of the contingent fund of the House of Representatives, on vouchers ordered by the Committee on Expenditures in the Interior Department or any subcommittee thereof, for the purpose of taking testimony in their investigations, as authorized under House resolution 358, adopted January 9, 1912.

That all vouchers ordered by said committee or any subcommittee of said committee shall be signed by the chairman of the committee thereof, approved by the Committee on Accounts, and evidenced by the signature of the chairman thereof.

The SPEAKER. The question is on agreeing to the resolution.

Mr. MANN. I wish the gentleman would give the reason for this.

Mr. Speaker, I yield five minutes to the gentle-Mr. LLOYD. man from Illinois [Mr. GRAHAM], chairman of the Committee on Expenditures in the Interior Department.

Mr. GRAHAM. Mr. Speaker, the purpose of the appropriation is to defray the expenses of a subcommittee to go down to Arizona and probably New Mexico to take testimony there with reference to the condition of some of the tribes of Indians in those States, and also with reference to reclamation projects in those States.

The reason for asking for the money to send the committee down there is merely for the purpose of economy. Some time ago the House appropriated for a subcommittee of this same committee to go to Minnesota. I have before me now some figures with reference to the expenses and the savings effected ngures with reference to the expenses and the savings effected by going to Minnesota instead of bringing the witnesses to Washington. On that trip there were 21 witnesses called, who came from Minneapolis or points beyond it, who, if they had come to Washington, would have traveled in the aggregate 25,376 miles more than they did travel. Ten cents a mile on that would be \$2,537.60. There were two witnesses who came to

Minneapolis from Oshkosh, Wis., and one from Wausau, Wis.

The saving on them by bringing them to Minneapolis instead of to Washington was \$235.80. The committee then went about 220 miles north of Minneapolis, to Detroit, because a great many of the witnesses needed lived near Detroit. Seventy-one witnesses were subpensed to that point. If they had come to Washington the aggregate additional mileage would have been 104,370 miles. At 10 cents a mile that would have aggregated \$10,437. That amount was saved by bringing them to Detroit instead of Washington. The total mileage which the committee thus saved aggregates thirteen thousand three hundred

and some odd dollars.

Mr. MARTIN of South Dakota. Would the gentleman yield

to me for a question?

Mr. GRAHAM. Certainly.

Mr. MARTIN of South Dakota. Did those 71 witnesses which the gentleman has referred to actually attend upon the hearings? Mr. GRAHAM. They actually attended, but some of them were not called upon to testify.

Mr. MARTIN of South Dakota. How many of them were

called upon to testify out of the 71?

Mr. GRAHAM. All of them but perhaps 15 witnesses who were called at the suggestion of Mr. Beaulieu, representing some Indian interests there. He asked that those witnesses be subpænaed. The committee subpænaed them, lest he should think he was discriminated against if they were not brought in.

Mr. MARTIN of South Dakota. In the other calculation there, in which the gentleman figured out a saving of \$325, how many witnesses were involved?

Mr. GRAHAM. Only three. Mr. MARTIN of South Dakota. Did they attend and testify? Mr. GRAHAM. Yes; they attended and testified. Then, on the other side of the account there are of course the personal expenses of the members of the subcommittee who went from Washington to Minneapolis. Only two members went. Mr. Mondell could not go, and did not. The mileage and personal expenses of the committee, the two members who went, aggregated \$404.13, which, of course, ought to be taken from the other, leaving an aggregate saving of about \$12,800 effected by means of sending a small subcommittee to the witnesses instead of bringing the witnesses here.

Mr. MILLER. Will the gentleman yield for a question?
Mr. GRAHAM. Certainly.
Mr. MILLER. As I recall the resolution formerly reported and passed by the House, it authorized the committee to spend \$2,500. At that time I thought that was insufficient.

The SPEAKER. The time of the gentleman from Illinois has expired.

Mr. LLOYD. Mr. Speaker, I yield five minutes' additional time to the gentleman from Illinois [Mr. Graham].

The SPEAKER. The gentleman from Illinois [Mr. GRAHAM]

is recognized for five minutes more.

Mr. MILLER. At that time I thought the amount was en-tirely insufficient if the committee intended to prosecute an exhaustive investigation of the subject matter.

I would also inquire of the gentleman if any of this \$7,500 reported by the resolution this morning is intended to be in payment of expenses incurred in the last trip to Minnesota?

Mr. GRAHAM. There will be a deficit in that. The expenses were more than \$2,500. But I would say, further answering that question, that the original amount of \$2,500 was not the suggestion of myself or anybody connected with the committee, and at that time the chairman was not aware that out of it would have to be paid stenographers' expenses and the expenses of a deputy sergeant at arms. The stenographers' fees alone will amount to about \$1,000.

Mr. MILLER. I will ask the gentleman if any of these 71 witnesses whom he has mentioned who appeared before the committee at Detroit and the twenty-odd who appeared before the committee at Minneapolis have had their mileage paid yet?

Mr. GRAHAM. The mileage has not been paid for the reason that the Clerk of the House refused to pro rate. He has not enough money to pay all of them, and he declines to begin pro rating. He thinks that would involve an unnecessary amount of trouble.

Mr. MILLER. I am sure the House wants the witnesses paid the legal amount. Can the gentleman inform us how much it would require in excess of the \$2,500 heretofore allowed to pay in full these unpaid claims for mileage due these witnesses?

Mr. GRAHAM. I can not accurately at this time, because the Clerk has been paying out of that \$2,500 expenses upon other matters than the White Earth matter. He has paid some other expenses which the committee incurred, treating that \$2,500 as a fund to the credit of the committee to defray expenses incurred from any source.

Mr. MILLER. Can the gentleman tell with reasonable accuracy how much would be required to pay these unpaid bills?

Mr. GRAHAM. At a mere guess, I should think a thousand dollars would be required. There will be that much expended in postage in answering inquiries from these witnesses if the bills are not paid soon.

Mr. HARDWICK. The gentleman will pardon me; if this

resolution is passed, will there be enough to pay them?

Mr. GRAHAM. Yes, Mr. MILLER. I assure the gentleman that I have no objection to that amount being given for the purpose. My only regret is that the original resolution did not provide specifically that a portion of this, at least, should go to pay the expense of the last investigation.

Mr. GRAHAM. Well, we did not think it necessary that it

should so specify on its face.

Mr. MILLER. Can the gentleman state whether or not the proposed investigation of the Indians in the Southwest will incur a greater expense than the investigation in South Dakota and Minnesota?

Mr. GRAHAM. The expense of the committee will be greater than it was in our case, because the distance is greater. The traveling expenses will be more than ours. But my present information is that there will not be so many witnesses called as there were in the White Earth case, so that we could not make a very intelligent estimate in that regard, because, as these investigations go on, they widen out and you can not at the beginning tell just what ground you have to travel over

before you get to the end.

Mr. MILLER. One more question. After this proposed investigation of Indian matters in the Southwest has been completed as contemplated by the resolution, has the gentleman in mind any other resolution contemplating additional investi-gations of Indian matters in other parts of the United States?

Mr. GRAHAM. When the original resolution was up the Crow Indians were spoken of, and the Crow question was one of the matters mentioned as being a subject for investigation.

I am now of the opinion that the amount asked for would probably cover such an investigation; but as to what the future may bring forth, I do not pretend at this time to be able to say.

Mr. MILLER. The purpose of my inquiry is to ascertain if the gentleman is in a position to state whether or not he con-

templates a general investigation of Indian matters throughout the United States, wherever he feels that the situation requires it

Mr. GRAHAM. It may be impossible to foretell that. "The gentleman," like a great many others, will have to fight for his political scalp next fall.

Mr. MILLER. I understand the gentleman has been renominated by a handsome majority, and I do not suppose he will have any trouble from the poor Republicans down there.

Mr. GRAHAM. If the Republicans would treat me as well as the Democrats have-if I should have no more competition at the election than I had for the nomination-I might go into the investigation business more extensively; but I can not make any statement about it now.

The SPEAKER. The time of the gentleman from Illinois has

expired.

Mr. LLOYD. I yield to the gentleman from Illinois five minutes more

Mr. GRAHAM. It is my present impression that beyond the possibility of an investigation of the Crow Indian affairs it would not be possible, even though the committee wished to do it, to go into anything else in the present session of Congress

or before the beginning of the next session.

Mr. MILLER. I will simply state to the gentleman that at the outset, as he well knows, I was opposed to the investigation contemplated at that time, because I did not think it would produce any beneficial results. If it is the intention of the gentleman and his colleagues to have this committee investigate the Indian situation, I have no objection, but I think the appropriation should contemplate that and should be sufficiently large for that purpose. And rather than limit it to \$7,500, I for one think the amount ought to be increased by doubling it; because, if the committee is going into the general investigation business, it ought to go into it thoroughly and completely, and not leave unpaid accounts behind. I am frank to say that I have a large number of communications from dissatisfied Indians, who want to know what is the matter with Uncle Sam, who say that they paid their own expenses to go as witnesses and paid 25 cents to the notaries before whom they made their affidavits, and they have not been paid a dollar.

Mr. GRAHAM. They charged the quarter up to Uncle Sam,

though, all of them.

Mr. MILLER. I do not think they ought to be put in that embarrassing position.

Mr. GRAHAM. I am glad I do not have to pay postage on my replies to all the inquiries I get about those witness fees.

Mr. HILL. When the gentleman began his remarks I under-

stood that this money was to be used partly for an investigation of the reclamation projects in Arizona and New Mexico. Has the House authorized an investigation into the expenditure of the reclamation fund?

Mr. GRAHAM. As I understand it, it is not necessary that the House should specifically authorize it. The committee has authority under the rules of the House to do it.

Have any charges been made in regard to improper use of the funds or claiming unnecessary or extravagant expenditures?

Mr. GRAHAM. No formal charges; but the group of committees, of which this is one, do not have to wait for charges to be Their duty requires them to take the initiative, and not wait until charges have been made.

Mr. HILL. I understand that. Then the committee is acting purely on its own initiative and without any reason except the natural desire to know from personal observation whether the

funds have been properly expended or not.

Mr. GRAHAM. That is not quite accurate. The committee have had many communications which have not been in the nature of formal charges, but have been in the nature of complaints and suggestions as to subjects that ought to be inquired

Mr. HILL. Have the committee made any attempt to verify the truth or the reasons for such complaints by inquiry of the

department officials here in Washington?

Mr. GRAHAM. The committee have gone over a great deal of material in the department files with reference to these matters, and are of the opinion that some of the reclamation

projects ought to be inquired into.

Mr. BURKE of South Dakota. Will my colleague on the committee yield for a suggestion? The gentleman from Connecticut [Mr. Hill] is undoubtedly laboring under the impression that this committee is investigating only expenditures in the Interior Department. As a matter of fact, this committee is investigating any subject under the Interior Department, from a reclamation project up to an Indian question; investigating questions of administration, questions of policy, and subjects that have no relation whatever to expenditures of money, although clearly under the rule that is all the committee can investigate; and I want to say to the gentleman that the committee is doing it against my protest as a minority member.

Mr. GRAHAM. In response to the remarks of my colleague on the committee, I want to say that he has persistently and consistently insisted that our committee had no jurisdiction to

do anything but breathe.

Mr. HILL. I know nothing about the facts in this case; but it struck me as a singular proposition that if no complaint had been made and no charges had been brought, if the committee was simply dividing itself up into several committees and going around the country watching where expenditures have been made, that the ultimate logic of the situation would be that the House of Representatives would be divided into 150 or 200 smelling committees, looking to see how expenditures had been made all over the United States, and that unless there was some good reason for it that ought not to be done. I have full confidence in the chairman of the committee, in his integrity, in his honesty, efficiency, and good management, but I really think there ought to be some ground, some reason given, for taking \$7,500 out of the contingent fund of the House, aside from the fact that the committee, having good olfactory nerves, want to go around the country looking after the method of expenditures.

Mr. HARDWICK. Why does the gentleman call them smell-

ing committees?

Mr. GRAHAM. Mr. Speaker, I will say, as I have said before, that without any special appropriation, under the rules of the House, this committee has the power to bring any number of witnesses from any part of the United States to Washington. We needed no appropriation for that.

Mr. HILL. I suppose that is true of every one of the 10

committees

Mr. GRAHAM. That is true of every one of the nine com-But instead of exercising that power the committee mittees. was willing in this case, for the purpose of making a saving to the Treasury, as I have shown has been done, to take this method.

Mr. HILL. But the gentleman evades my point. I want to know if there is any necessity for the committee going to investigate these reclamation projects-if they have any ground for it?

Mr. GRAHAM. The gentleman misapprehends the purpose of the committee. Under the rule of the House one object is Under the rule of the House one object is to find out whether there is any reason.

Mr. HILL. Can not that be done in Washington?

Mr. GRAHAM. Not very well.

Mr. HILL. Has the committee tried? Mr. GRAHAM. We have.

Mr. HILL. And failed?

Mr. GRAHAM. No; but we have satisfied ourselves that such an investigation should be made, and so long as the committee believes that it ought to be made it should be made thoroughly and cheaply.

Mr. HILL. I agree with the gentleman,

Mr. GRAHAM. And we believe it can be made more thor-

oughly and more cheaply by sending three men down there.

Mr. HILL. Very well; I will vote for the resolution or any resolution that will take the entire membership of that side out of this Hall and allow us to transact business here.

Mr. GRAHAM. I thank the gentleman for his compliment to me and to this side of the House, because this side of the House is well aware that the gentleman from Connecticut would be glad to get his hand into the pockets of the American people and rob them through a protective tariff, which he would be likely to do if this side of the House were vacant. [Laughter.]
Mr. LLOYD. Mr. Speaker, I yield 10 minutes to the gentle-

man from Illinois [Mr. Mann].

Mr. MANN. Mr. Speaker, I would like to inquire first whether, out of this resolution, there might be paid an amount for the services of the attorney who acted last summer for the committee.

Mr. GRAHAM. No. Does the gentleman understand? Mr. MANN. I heard the answer, but I understood the gentleman to say that they might pay the expenses of the investigation which he has just been carrying on in addition to the amount which has heretofore been allowed. Hence I assume that the resolution, the terms of which I do not recollect, does not confine it to any particular expense.

Mr. GRAHAM. The resolution does not, but the law and the

rules of the House do.

Mr. MANN. I am glad to know it. Mr. GRAHAM. I am glad to be able to give the gentleman information.

Mr. MANN. . Mr. Speaker, I doubt the propriety of sending any committee of the House away from Washington for any purpose, unless there be special reason for it. I think, as a rule, Members of the House ought to be here transacting the business

for which they are elected. There may be special reasons for this investigation. I do not When this committee went to make the investigation called the White Earth investigation I did not think that the chairman of that committee treated the minority fairly. There are three minority members upon the committee, and the chairman of the committee was notified that the gentleman from Wyoming [Mr. Mondell] could not attend on the trip which the committee made to the Northwest, because his duties required him, in his opinion, to remain in the House, an opinion in which I concurred. I do not believe it is fair for the chairman of a committee appointing a subcommittee to purposely appoint as a minority member of that committee one who has notified him he can not attend. So much for that.

Mr. Speaker, I am informed that this committee has in its employ in some manner a lady named Mrs. Grey, and I presume from what I have been told that it is not the intention to pay Mrs. Grey out of this fund provided, although I do not know as to that; but I will ask the gentleman from Illinois whether, as a matter of fact, regardless of the sources of pay, Mrs. Grey

has been doing work for the committee.

Mr. GRAHAM. Does the gentleman want an answer at this time?

Mr. MANN. Yes.

Mr. GRAHAM. A lady named Mrs. Grey has rendered the

committee some service.

Mr. MANN. Mr. Speaker, this is an investigating committee, engaged in ascertaining not only whether money has been improperly expended, but at present engaged in ascertaining what ought to be the policy of the Government concerning Indian affairs-an investigation which really should be carried on by the Committee on Indian Affairs; but, practically having in its employ this lady, Mrs. Grey, with facilities for knowing what is going on in the committee, she has exercised the right of seeking employment outside to represent people who would be affected by the action of this committee.

The gentleman a moment ago said that one of the purposes of the committee had been to investigate the Crow Indians. This lady has protested to the Secretary of the Interior against the employment of other attorneys for the Crow Indians, and has signed herself the representative of the Crow Indians of Mon-She has obtained employment and received pay from other Indians interested in matters which are pending in the department and over which this committee has jurisdiction to act. She has not only received pay in some cases, but she has sought employment in other cases. I do not believe that an employee of the House of Representatives ought to be permitted to obtain pay to represent somebody in matters before the House of Representatives. I do not believe that an employee of a committee of the House ought to be permitted to solicit or receive

any employment to act in matters over which that committee has jurisdiction. It seems to me a greater outrage and scandal could not be submitted to Congress or to the House than for an employee of the House or an employee of a committee of the House to take pay to represent an outside party before the House or before that committee. Would anyone justify one of the regular employees of this House acting as a paid lobbyist before the House? Will anyone justify even a clerk of a Member of the House, not on the salary roll himself, taking employment to lobby in the House? Can anyone justify an employee of a committee of the House soliciting employment to represent outside parties before the committee of which he or she is an employee? I think it is due to the House, due to the committee, due to my colleague from Illinois, that all the actions of this lady be disavowed and that she be promptly discharged by the committee with a reprimand for acting as she has. [Applause on the Republican side.]

The SPEAKER. The time of the gentleman from Illinois has expired.

Mr. LLOYD. Mr. Speaker, I yield five minutes to the gentle-

man from Illinois [Mr. Graham].
Mr. GRAHAM. Mr. Speaker, I want first to answer my colleague's statement with reference to the personnel of the subcommittee which went to Minnesota. The gentleman's statement with reference to the manner of the selection of the gentleman from Wyoming, Mr. Mondell, as a member of that committee has certainly been made under a misapprehension and does not conform to the facts. Mr. Mondell was ranking member of the minority upon our committee. As ranking member the chairman of the committee understood that it was the custom, and that it was the right of Mr. MONDELL to be named as the minority member of the subcommittee. He was so named. At the time his name was informally mentioned as the minority member of the committee Mr. Mondell said that he did not see how he could go, but he did not positively decline to go. He did later write a letter, not declining to serve, but tendering his resigna-

That letter reached me in Minneapolis, and I at once answered, regretting his determination not to act with us, and stating that I did not think I had any power individually to act upon that resignation, and that it would be presented to the full committee at the earliest practical moment. That was done, the resignation was withdrawn, and Mr. MONDELL is still a member of that subcommittee because he did not press his resignation. The gentleman who ranks next to him is now here. I call upon him, if he desires, to answer, to state whether he wanted to go or not. I think I violate no confidence in saying that he did not want to serve upon that subcommittee. He will be appointed as the minority member of the committee to go to Arizona, if such a committee is necessary and is justified by the action of the House.

There was no intention whatever to pick a member of the committee who would not or could not go. Far from it. We had hoped Mr. Mondell would go, and we hope that the minority member appointed with this other subcommittee will go, as I am informed he will, if this committee is authorized to leave soon, because his affairs will permit him to go in that case, but not if the committee's going is delayed further. know of no instance, Mr. Speaker, where the rule I have laid down has been violated—that is, the rule of seniority in the appointment of members of subcommittees-and as Mr. Mon-DELL was the ranking member of the committee with the minorhe was named the minority member of the subcommittee

for that reason and no other.

Mr. MILLER. Will the gentleman yield? Mr. GRAHAM. Certainly.

Mr. MILLER. I think this can probably be cleared up, and it ought to be cleared up even if it takes some additional time. Did not the gentleman know before he left the city of Washington to go to Minnesota that Mr. MONDELL would not serve on that committee?

Mr. GRAHAM. I did not know that he would not serve on the committee; he has since served notice that he would not,

but I did believe that he would go to Minnesota.

Mr. MILLER. Does not the gentleman think, even if Mr. MONDELL was the ranking man, it was absolutely obligatory upon him, in view of the practice of the House, that he should have appointed the next ranking man, and, if he would not go, appoint the next ranking man?

Mr. GRAHAM. No; I do not agree with the gentleman in that regard. The chairman had no knowledge that anyone wanted to go; he had some knowledge that none wanted to go. Mr. MILLER. Of course, nobody wanted to go unless it was the chairman of the committee, but they would have gone under

a sense of obligation to duty if their duties here had permitted. What I want to get from the gentleman is whether or not some Republican Member on that committee would have gone had he been appointed by the chairman.

Mr. GRAHAM. The chairman is unable to answer the

question.

Mr. BURKE of South Dakota. Will the gentleman permit me to put a question to the chairman? I would like to ask the chairman of the committee whether or not informally the minority did not suggest to the chairman that they would confer and suggest a member of the minority who would serve upon the committee?

Mr. GRAHAM. That occurred, and the Chair said in response to that that there was a well-established precedent in

the House; that there was a custom-

The SPEAKER. The time of the gentleman has again expired.

Mr. LLOYD. Mr. Speaker, I yield 10 minutes more to the

gentleman from Illinois.

Mr. GRAHAM. That there was a well-established custom in the House, much older than the chairman's service in the House, and he did not feel justified in breaking away from the precedent established.

Mr. BURKE of South Dakota. Mr. Mondell, I believe, was

present at that conference.

Mr. GRAHAM. I think so; I do not recall with certainty. Mr. BURKE of South Dakota. Did not, as a matter of fact, the chairman make this statement: That while in the House a rule had been adopted to allow the minority to choose its membership upon committees; that the Chair did not recognize that rule in the committee, though the suggestor did not have that in mind, but he did have in mind that the majority most naturally would want a minority representation upon the committee?

Mr. GRAHAM. I do not recall the latter part of the gentle-man's statement. I do recall that a remark was made to the effect that a majority of the House choose the membership of the House upon committees, but they did not consult the members of the committee as to where they would be placed upon

the committee.

Mr. BURKE of South Dakota. And there was no suggestion by the gentleman who mentioned the matter that he intended anything more than to mention that if the minority were given an opportunity to confer, they would probably be able to get one Member to serve, and it was so stated to the chairman.

Mr. GRAHAM. And the Chair at that time said he was not then prepared to decide that question, and it never arose again. Mr. BURKE of South Dakota. No; he appointed the ranking member and immediately left for Minneapolis.

Mr. GRAHAM. Not immediately.

Mr. BURKE of South Dakota. Very shortly. Mr. GRAHAM. Oh, no; nearly a week later. Now, Mr. Speaker, as to the other matter mentioned by my colleague from Illinois. He speaks about Mrs. Grey as an employee of the committee and the House. She was never an employee of the committee. Mrs. Grey gave the committee information that was of material value to it, and the committee will receive such information from the gentleman from Illinois, my colleague, if he will bring information to it

Mr. MANN. I will not take any pay for it—
Mr. GRAHAM. And the committee has been desirous and is desirous to know the facts whatever they are. Mrs. Grev has never to my knowledge received one dollar of public money and is in no way bound, as the gentleman from Illinois suggests that she is; she has never to my knowledge been in the employment of the Government.

What she has or has not been engaged in on the outside I have no knowledge, and I regard it as none of my business or of the committee's business. I repeat that the committee is desirous to know the truth wherever it comes from. They have no desire to know anything but the truth about these matters, and if anyone brings them information that proves to be true, the committee is willing to use it and let Congress and the country know what it is, whether it hurts the gentleman's feelings or not.

Mr. HUMPHREY of Washington. Will the gentleman yield for a question?

Mr. GRAHAM.

Mr. HUMPHREY of Washington, Is Mrs. Grey paid for furnishing this information?

Mr. GRAHAM. Mrs. Grey receives no public money whatever that I know of.

Mr. HUMPHREY of Washington. Do you know who does

Mr. GRAHAM. I have no knowledge of who pays her, and it is none of my business. She is interested in Indian matters, as are dozens of others here who come and bring us information, and if that information appears to be true we are bound to make use of it.

Mr. HUMPHREY of Washington. May I ask the gentleman another question? Do you know whether or not she is paid for

furnishing this information to the committee?

Mr. GRAHAM. It is entirely immaterial whether I know it The question is with reference to whether she is employed by the committee or by the House and receives public money. I repeat, that, so far as I know, she has never received a cent of public money, certainly not with my knowledge or

Mr. HUMPHREY of Washington. Will the gentleman yield again? I will ask this question direct: Does not the gentleman

know she is paid and know who is paying her?

Mr. GRAHAM. The gentleman repeats that he knows she has received no public money. And what other money she re-ceives is no business of the gentleman from Washington or of

Mr. HUMPHREY of Washington. Do you know that she has received public money?

Mr. GRAHAM. I have answered the question of the gentleman from Washington.

Mr. MANN. Mr. Speaker, I would like 10 minutes. Mr. LLOYD. How much time have I remaining, Mr. Speaker? The SPEAKER. The gentleman from Missouri has 13 minutes remaining.

Mr. LLOYD. I yield 10 minutes to the gentleman from Illi-

nois [Mr. MANN]

Mr. MANN. Mr. Speaker, when the committee was appointed I suggested the names of the members of the minority on this Committee on Expenditures in the Interior Department, and suggested the names of Mr. Mondell and Mr. Hanna, both of whom are experienced in land matters. I supposed that was what the committee was going to investigate. Subsequently, by reason of a resignation and a transfer of the gentleman from Missouri from this committee to another committee, made at my request, I suggested the name of the gentleman from South Dakota [Mr. Burke], because he was experienced in matters relating to Indian affairs, and supposing, of course, that in all fairness, when the subcommittee was appointed in reference to expenditures relating to Indians, the minority member who was posted on the subject of Indians would be selected as a member of the subcommittee. When the gentleman named his committee and named the gentleman from Wyoming [Mr. Mon-DELL], that gentleman informed my colleague he could not serve on the committee and go to the Northwest. He came to me and conferred with me in regard to it, and wrote a letter to the chairman of the committee, my colleague from Illinois [Mr. Graham], stating that he could not and would not go.

Mr. GRAHAM. He wrote no letter, except the one contain-

ing his resignation, of which I have spoken.

Mr. MANN. Now, the gentleman left town, and I think stopped in Illinois on the way.
Mr. GRAHAM. The gentleman is wrong.

Mr. MANN. But the gentleman now says he could not accept the resignation. The gentleman had the power of appointing the committee, and the chairman of a committee with power to appoint a committee has the power to substitute some one for a member who resigns, and always has had, and I repeat that it was absolutely unfair to the minority of the House, and, in my opinion, to the majority of the House, to decline to appoint on this committee which took this trip a minority Member who was willing to serve, whom we wanted to serve, and who knew something in reference to the subject matter.

Now, Mr. Speaker, the gentleman says that Mrs. Grey is not paid out of the public funds. I stated I understood that before. Who does pay her? Have we come to that status where an investigating committee has an employee paid by somebody interested in the investigation? Is somebody employing Mrs. Grey to act with this committee, who is afraid of being investigated? The gentleman admits that she is rendering the service. He wrote a letter to the Secretary of the Interior in November last, stating that Mrs. Grey desired access to the records in the Secretary's office. Mrs. Grey admits occupying a desk in the office of the Commissioner of Indian Affairs, because they have been informed that she was representing the Committee on Expenditures in the Department of the Interior.

Mrs. Grey visited the agency in Arizona last September, and desired to obtain information, and the agent in charge there wired to the Commissioner of Indian Affairs, asking whether he could furnish the information to Mrs. Grey, who claimed to

represent the Graham committee, and who claimed to be authorized to make investigations, and in accordance with the recommendation which had been made to the officers here the Commissioner of Indian Affairs wired to the agent in Arizona to extend to Mrs. Grey every official courtesy and to give her all the information in his office.

Who pays for that? The people who are being investigated?

Is the committee permitting somebody to act as an employee of the committee who is being paid by the persons who are under

investigation?

Suppose the Stanley investigating committee had attached to the personnel of that committee a paid employee of the United States Steel Corporation, with access to all of its papers? Mrs. Grey has done much more than that. In August last Mrs. Grey met an Indian by the name of Denominees and obtained from him a check for \$100 for services to be rendered in connection with Indian claims. In August last Mrs. Grey wrote a letter to an Indian which contained this:

I am at present employed by the committee of the House that is investigating the Indian Bureau, having on now an investigation of the Apaches of Arizona and also the White Earth, Minn. Both of these investigations were brought to the committee by me, and I am working with one of the attorneys of the Department of Justice who has charge of the prosecution of the White Earth Reservation in Minnesota.

And then she offers to have the restrictions on this Indian removed if he will pay her \$150, and also offers to represent the

tribe of Indians at \$10 a day.

Mr. MARTIN of South Dakota. Mr. Speaker, will the gen-

tleman yield?

In November last she sought the employment of Mr. MANN. another Indian, Henry Standing Bear, from whom she received money, and then stated that she was in the employ of the Committee on Expenditures in the Interior Department and could use her influence to obtain what the Indian wanted.

Why, when I was chairman of a committee of this House, if a clerk of mine had offered to represent a railroad company interested in legislation before my committee and it came to my knowledge, the employee would have been discharged at once and the papers referred to the Department of Justice. when my colleague's attention was called to the fact that this lady had obtained \$100 to represent Indians, and afterwards that the person who had paid the money became dissatisfied with the prospects and demanded the check back, I am informed by an affidavity which is an effect that the later that this later than the later that the later than the late by an affidavit, which is on file, that my colleague told Mrs. Grey to keep the money.

That is a greater scandal, in my judgment, than this committee will ever turn up [applause on the Republican side] with \$7,500 or with \$75,000. These investigating committees have already cost the Government close to \$100,000, and no scandal has yet been exploited as great as having an employee of the committee soliciting employment for the benefit of the influence which that employee could exert on the committee.

[Applause on the Republican side.]
The SPEAKER. The time of the gentleman has expired. The gentleman from Missouri [Mr. Lloyd] has three minutes.
Mr. ILOYD. Mr. Speaker, I ask for a vote.
The SPEAKER. Those in favor of the resolution will say

Mr. LLOYD. Mr. Speaker, there is a committee amendment. The SPEAKER. The Clerk will report the committee amend-

Mr. MARTIN of South Dakota. Mr. Speaker, will the gentleman yield to me for a question before a vote is taken?

The SPEAKER. Does the gentleman from Missouri yield

for a question?

Mr. MARTIN of South Dakota. As I understand the statement of Mrs. Grey, and the statement of the chairman of this committee now asking for additional funds, they appear to agree that this lady is in the employ of the committee?

Mr. GRAHAM. I beg the gentleman's pardon. I specifically

stated the contrary to that.

Mr. MARTIN of South Dakota. I understood the gentleman's statement, and it will appear in the Record, I hope, as he gave it. I would like to ask for information from the House before we appropriate further money for this purpose as to how this lady is paid for services to the committee.

The SPEAKER. Does the gentleman from Missouri [Mr. Lloyd] desire to reply to the gentleman from South Dakota?

Mr. LLOYD. I would rather not.

The Clerk read the committee amendment, as follows: Strike out, in lines 8 and 9, the words "or any subcommittee of said committee."

The SPEAKER. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The SPEAKER. The question now is on agreeing to the amended resolution.

The question was taken, and the Speaker announced that the noes seemed to have it.

Mr. LLOYD. A division, Mr. Speaker.

The House divided; and there were-ayes 67, noes 41. Accordingly the resolution was agreed to.

POST-OFFICE APPROPRIATION BILL.

Mr. MOON of Tennessee. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the Post Office appropriation bill; and pending that motion I ask unanimous consent that at 5.30 p.m. to-day the House take a recess until 7.30 p. m., the evening session to be devoted to general debate on the Post Office appropriation bill, and that the House adjourn at 11 o'clock

The SPEAKER. The gentleman from Tennessee [Mr. Moon] moves that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of House bill 21279, the Post Office appropriation bill; and pending that he asks that at 5.30 p. m. the House take a recess until 7.30 p. m., and adjourn at 11 o'clock to-night, the night session to be solely for general debate on this bill.

Mr. MANN. With no other business to be transacted at the

evening session?

The SPEAKER. No other business to be transacted, except

general debate.

Mr. Speaker, reserving the right to object, the Mr. MANN. gentleman from Tennessee expects that general debate will run through to-morrow, I take it? Mr. MOON of Tennessee. Yes.

Mr. MANN. As I understand it, there is an understanding that the bill will not be read under the five-minute rule this week?

Mr. MOON of Tennessee. Not before Tuesday, I think.

The SPEAKER. Is then There was no objection. Is there objection?

The motion of Mr. Moon of Tennessee was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 21279) making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1913, and for other purposes, with Mr. Hay in the chair.

Mr. WEEKS. Mr. Chairman, I yield such time as he desires to the gentleman from New York [Mr. CALDER].

Mr. CALDER. Mr. Chairman, it is with a feeling of extreme pleasure that I rise to speak in favor of several sections in the Post Office appropriation bill, which proposes changes in existing law. It is particularly gratifying to me, as I have always been a firm and consistent advocate of the reforms proposed, and it will afford me the greatest pleasure to cast my

vote in favor of having them enacted into law.

The provision in the bill instructing the Postmaster General not to approve or allow to be used or pay for any railway post-office car not constructed of steel, steel underframe, or equally indestructible material, will, I feel certain, meet the approval of every Member of this House. The provision has, no doubt, of every Member of this House. The provision has, no doubt, been placed there by the committee for the ultimate protection of the railway mail clerks, whose lives are in constant danger in the discharge of their duties from defective postal-car construction. The duties of railway postal clerks not only require ability of a very high order, but the position is also a hazardous The tendency of the times is to throw all proper safeguard and protection around those engaged in hazardous employment, and the Government should set an example in protecting the lives and limbs of those engaged in the distribution of the mails on the raflroads.

IN FAVOR OF AN EIGHT-HOUR LAW.

The section in the bill fixing an eight-hour day for letter carriers in the City Delivery Service and post-office clerks is one that meets with my most hearty approval. It has been the policy of the Government for the past 50 years to further an eight-hour day for all Government employees. Unfortunately and for some unknown reason the post-office clerks of this country have never enjoyed the benefits of an eight-hour law or, in fact, any law that places a limit on the hours of labor they can be employed in any one day. Why this discrimination has existed against these employees of our Government it is hard to understand, as their work is very exacting, and they deserve better treatment than they have received.

until June 30, 1900. When the Post Office appropriation bill was under consideration on April 24, 1900, the chairman of the House Post Office Committee offered an amendment from the floor limiting the hours of labor of letter carriers to 48 hours during the six working days of each week. An objection was made to the amendment proposed, as it would nullify the letter carriers' eight-hour law, but the chairman of the committee arose and assured the House that his proposed amendment was introduced for the benefit of the letter carriers and met with their approval. Accepting the assurance of the chairman of the committee, the objection was withdrawn, and the 48-hour amendment was agreed to by unanimous consent. When the House convened the following day several Members arose and offered a vigorous protest against the manner in which the 48-hour amendment had been introduced on the previous day and stated that the letter carriers were opposed to a change in the eight-hour law, and the chairman of the committee assured the House that he would agree to a separate vote on his amendment. This promise, however, was not kept, and it has always been a sore spot in the minds of the letter carriers of this country when they think of the way in which their eight-hour law was taken away from them. The 48-hour law was only in force for one year, as it proved so unsatisfactory that the Post Office Department made them. no effort to have it replaced in any future appropriation bill. For nine years more the carriers continued to enjoy the benefits of the eight-hour law, until, on May 31, 1910, the Court of Claims, in a test case, decided that the act of June 2, 1900, known as the 48-hour law, superseded the eight-hour law of May 24, 1888, and a return was made to the 48-hour law on July 1, 1910. Judging from the complaints received from the letter carriers in all parts of the country, the 48-hour law is meeting with general disapproval. It appears from these complaints that there is no general rule or system under which the men are employed, and each postmaster is permitted to place his own construction on the law. There is no penalty attached to a viola-tion of the 48-hour law on the part of administrative officers, nor can the carriers collect for any overtime when they are worked in excess of 48 hours.

The Supreme Court of the United States has held that where no provision for extra pay for overtime is contained in an act of Congress, and where there is no penalty attached to an officer of the Government for a violation of the law, that such an act is merely directory and can not be enforced. It can therefore be seen that the letter carriers, while presumably working under a 48-hour law, might just as well not be working under any law at all in so far as their being able to have the present 48-hour

law enforced.

I am a firm believer in the eight-hour law and believe it should be strictly enforced in every branch of the Government service. I know, from observation and investigation, the work that the letter carriers and post-office clerks are required to do, and no body of men are more entitled to the protection of an eight-hour law than are these men.

THE RIGHT OF APPEAL TO CONGRESS.

Another section in the bill which meets with my hearty approval is section 6, which grants protection to the postal employees against oppression and gives them the right of free speech and the right to consult their Representatives in Congress. Mr. Speaker, I have been a Member of this House for eight years and during that time I have always tried to study every question that came before this House for consideration in order that I could cast my vote intelligently and for the best interests of the American people. During my first session of Congress I was desirous of learning the needs of the postal service and inquiring into the conditions of the employees. To my surprise I found that under an Executive order these civiiservice employees could not give me any information and always referred me to the postmaster or the Post Office Department. I have always been at a loss to understand why such an order was ever issued, and the more I have studied the subject the more firmly I am convinced that it should be abrogated. There are always two sides to every question, and surely if any man is competent to express an opinion regarding the needs of the postal service it is the men who perform the actual work. anyone is competent to make known unsatisfactory working conditions, who, might I ask, is better qualified to lay his proper grievances before Congress than the men who have complaints to make and who suffer from these grievances? The enactment of section 6 in the pending bill will grant to employees in the postal service the right to be furnished with a written copy of charges preferred against them and will allow the employees a On May 24, 1888, Congress passed a law limiting the hours of labor for letter carriers in the City Delivery Service to eight hours each day. This law was enjoyed by these employees complete record of each case shall be filed in the proper departreasonable time to answer said charges in writing and submit

ment and copies shall be annually reported to Congress, and if the employee desires a complete record of his case it shall be furnished him on request. It will also nullify the Executive orders which prohibit employees from presenting their grievances to Congress, except through the head of their respective departments. It will, in other words, give assurance and confidence to the employees that they will at least get a square deal and will not permit of supervisory or executive officers filing charges of one kind against an employee and having him removed from the service or reduced in salary on evidence submitted on matters entirely foreign to the original charges that the employee has answered in writing. Supervisory officials will hesitate to trump up charges against an employee for the purpose of satisfying some personal feeling, as all cases of removals and reductions will be submitted to Congress each year, and if an employee can produce satisfactory evidence that he has not received the protection afforded in this bill his case can be made the subject of special inquiry if Congress so decides.

It will also permit associations of employees in the postal service to present their proper grievances to Congress without danger of the members losing their positions or being reduced in grade or compensation. It will assure the employees that their proper appeals for a redress of grievances will receive the attention they deserve and will allow the representatives of the employees to appear before committees of Congress—such as the Committee on the Post Office and Post Roads and the Committee on Reform in the Civil Service—to present their side of the case on pending matters affecting the interest of the employees. It will do away with the discontent and suspicion which now exists among the employees and will restore that confidence which is necessary to get the best results from the employees.

SUBSTITUTE LETTER CARRIERS.

Another matter that I desire to speak on to-day is one that should receive the attention of the House. I have repeatedly called the attention of the House to the unsatisfactory conditions surrounding the substitute letter carrier force of this country. I had hoped that the committee in its wisdom could have found some satisfactory solution to this perplexing problem and that something practical could be done for this branch of the service. Mr. Chairman, I submit herewith a statement showing the number of substitute clerks and carriers who have resigned from the postal service during the fiscal years ended June 30, 1909, 1910, and 1911:

	Substitute—		
Period.	Clerks.	Carriers.	Total.
July 1, 1908, to June 30, 1909. July 1, 1909, to June 30, 1910. July 1, 1910, to June 30, 1911.	317 417 423	540 698 712	857 1, 115 1, 135
Total	1,157	1,950	3, 107

I am not certain about the actual percentage of resignations, but am of the opinion that about 50 per cent of these who received appointments to the substitute service resign before they receive a regular appointment. I have endeavored in various ways to try and bring about a remedy in the hope that the substitute service could be made sufficiently attractive to induce the proper kind of men to accept these positions, as it is from the substitute force that the regular force of employees is recruited. I do not despair of my efforts, but will continue to draw the attention of Congress to the unsatisfactory condition surrounding the substitute letter carriers of the country

until I succeed in bringing about a remedy

To my mind the position should be abolished altogether, as it is a disgrace that men should be required to perform service under the present conditions. I believe that they should receive a regular salary, and that they should be required to work eight hours each day. They should be paid at least \$600 per annum during the time they serve as substitutes, as in this way they would be assured of a steady income and not be required to be living in a constant state of uncertainty as to what they will earn. I am further of the firm belief and conviction that it would be wise to abolish the \$600 grade altogether, so that when these men are appointed to regular positions after serving their period of substitution that their initial salary will be at least \$500 for the first year. If they serve as substitutes for a longer period than one year, I believe that the time they serve as such substitutes should count in their favor when they receive a regular appointment, and that their salary should be regulated accordingly and based on the salary law of March 2, 1907. I hope that the committee in its wisdom will take

this matter up after the Post Office appropriation bill is disposed of and that they will bring in a separate measure for the relief of the substitute letter carriers.

Mr. MOON of Tennessee. Mr. Chairman, I yield one hour to

the gentleman from Connecticut [Mr. Reilly].

Mr. REILLY. Mr. Chairman, I desire to address myself to

one or two of the legislative features of this bill.

The recommendation of the committee for an eight-hour workday for letter carriers and post-office clerks is in conformity with the settled policy of Congress, as indicated by legislation covering a period dating from 1868. The enactment of an eighthour law by Congress was unquestionably for the purpose of protecting the laboring man from the injurious consequences of prolonged physical effort, giving him more time for his personal affairs and more time and energy to devote to the cultivation of his moral and mental powers. This policy must be admitted by all to be a good one. The Federal Government has openly advocated this policy, and therefore the principle of the proposed legislation, I believe, should be considered and settled as approved in this bill.

The act of May 24, 1888, known as the letter-carriers' eighthour law, limited the hours of labor of letter carriers to not more than eight hours each day. Notwithstanding the enactment of this law by Congress, no bona fide effort was made by the Post Office officials to put it into effect until after a decision of the Supreme Court of the United States in the case of the United States v. Post (148 U. S. R., 124), which was a claim of a letter carrier for payment for overtime. The result of the findings of the Supreme Court in this case was that more than \$3,000,000 was allowed by commissioners appointed by the Court of Claims to letter carriers in all parts of the country for over-

time

After the decision of the Supreme Court was announced Postmaster General Bissell issued an order under date of January 1, 1895, to prevent the further making of overtime, and after this order was issued no overtime was made by letter carriers. Thus it will be seen that for nearly seven years after the enactment of the letter-carriers' eight-hour law the men were required to work more than eight hours each day, but when the court de-cided that the carriers should be paid for the extra service an order from the department stopped this abuse, and the carriers for the first time actually enjoyed the benefit of a law that should have been in force for the seven years previous.

To carry out the instructions of the Postmaster General, it only required a readjustment of the routes and schedules by postmasters, and this was done without materially curtailing the service, and the rearrangement was made in such a way that it hardly attracted any public attention. It was a matter for the postmasters and supervisory employees to arrange districts and schedules so as to utilize the time of the employees to the best possible advantage, and each postmaster was held accountable for bringing about the required change.

The letter carriers continued to enjoy the benefits of the eight-hour law until June 30, 1900. When the Post Office approprintion bill making appropriations for the Post Office Department for the fiscal year ended June 30, 1901, was under considera-tion, Mr. Loud, the chairman of the committee, offered an amendment from the floor on April 24, 1900, which reads as

follows:

Provided, That letter carriers may be required to work as nearly as Provided, That letter carriers may be required to work as nearly as practicable only eight hours on each working day, but not in any event exceeding 48 hours during the six working days of each week, and such number of hours on Sunday, not exceeding eight, as may be required by the needs of the service; and if a legal holiday shall occur on any working day, the service performed on said day, if less than eight hours, shall be counted as eight hours without regard to the time actually employed.

This 48-hour law did not give satisfaction either to the letter carriers or to the officials who honestly tried to enforce it. fact, it met with such general disapproval that on April 6, 1901, the First Assistant Postmaster General called upon the Assistant Attorney General for the Post Office Department for an opinion construing the proviso in the Post Office appropriation bill. The opinion rendered was that the proviso was temporary in its operation and would end June 30, 1901, and it was left to die a natural death for the reason that the officials who had previously favored it found that it was without merit and could not be operated successfully. During the first year that it was in force and effect there were as many different constructions placed on the law as there were minds to construe it, and the result was that the carriers never knew what their hours of duty were actually going to be.

Beginning July 1, 1901, a return was made to the eight-hour law of May 24, 1888.

Under date of April 8, 1909, the Postmaster General submitted a letter to the Court of Claims, asking for an opinion as to whether the act of May 24, 1888, known as the 8-hour law, or the act of June 2, 1900, known as the 48-hour law, was in force, stating in his communication that there were controverted questions of law involved and asking the court for an opinion. On May 13, 1909, the Postmaster General transmitted to the Court of Claims, for adjudication, the question of the right of a letter carrier in the Washington (D. C.) post office to re-

ceive additional compensation for overtime.

The case in issue was that, while the carrier did not work more than 48 hours during the 6 working days of the week, there were separate days in which he worked more than 8 hours. A decision in this case was handed down by the court on May 31, 1910, in which the court decided that the act of June 2, 1900, known as the 48-hour law, was still in force, and decided the case against the carrier. The case in issue was a test case made up by the Post Office Department officials, and there was no contention on the part of the carriers of the country that the 8-hour law was being violated, nor were there any claims pending for any overtime.

The experience of the past two years, judging from the complaints of the carriers, has been anything but safisfactory, and are similar to those experienced during the first year that the law was tried as an experiment. There is no penalty attached to the present 48-hour law that will compel its enforcement either by way of payment for overtime or by compelling a strict enforcement of the law by those intrusted to carry it out.

The enactment into law of the legislation recommended in this bill will give to the letter carriers and post-office clerks the benefits of an eight-hour workday, such as is now enjoyed by other Government employees, and is the well-settled policy of

Congress on this important question.

To my mind eight hours are as many as a man of average strength and health can keep up the exertion of his physical and mental forces, doing justice to his work, and retain his powers during the full office working period of a lifetime. The best interests of the postal service will be conserved by placing the clerks and carriers on an eight-hour basis, as the men will then know just how many hours of service they will be required to work and can give a better and more satisfactory service when they know that they will not be required or permitted to work an unlimited amount of time on some days, while not required to do an ordinary day's work on other days.

It is the contention of the Postmaster General that "the mails do not flow evenly or uniform in quantity on each day of the week." That the mail varies in volume is unquestionably true, and is it not a fact that the ordinary commercial business varies in activity from day to day and are not men expected and required to put forth extra effort on busy days while they can relax from their efforts on days when the volume of busi-

ness is not so great?

It seems to be the contention of the department that the men should be required to work continuously up to the highest pitch of their ability and should not be allowed any breathing spell. A good draft horse would not be treated by its owner in such a manner, for no animal could stand up under a continual grind if taxed to its utmost at all times. Under the present 48-hour law the men are worked as hard as they can peg and are driven to extremes on what the officials are pleased to call a heavy day, and if the next day's mail is not sufficient to load the carrier down and he has made overtime on the previous day why a trip is omitted and he is allowed to lay off a trip, but must take out all the accumulated mail on the following trip. The time he is off duty is of no use to him, as he must report on schedule time, and it is then he receives notice that a trip is omitted and he can lie around either in a room in the basement of the post office, or if there is no waiting room then he must go out in the street and wait until reporting time for his next trip.

In the meantime the business men who received orders in the

In the meantime the business men who received orders in the mail on that light day are penalized and their mail is not delivered to them because of a desire to economize by saving a few cents on the time of the poor letter carrier. The contention is made by the officials that if we put the postal service on an eight-hour basis it will require the appointment of addi-

tional men.

Well, supposing it does require the appointment of additional men? The same contention has been made whenever any bill has come before Congress limiting the hours of labor to eight, and it has been prophesied that dire calamity would follow the enactment of such legislation, and when the bills became laws it only required the adjustment of affairs to meet the new conditions required, and this will be the result if this bill passes.

If an emergency arises which will require the employment of clerks and carriers for a longer period than eight hours in order to deliver the mail, provision is made in this bill for

just such emergencies, and all that is necessary is to pay these employees for the extra service.

The department, in its desire to discredit the employees and in its opposition to an eight-hour law, makes use of the statement that—

there are many who would find in this opportunity to obtain additional compensation for overtime such inducement for loitering and wasting time that the additional cost of the service would be very much.

Mr. Chairman, I consider this a gratuitous insult to these men to say that they would take advantage of this provision to obtain additional compensation. The letter carriers and post-office clerks would prefer to have a strict eight-hour law that would limit the hours of duty to not more than eight hours under any conditions; but realizing that this would possibly curtail the service in emergency periods, they waived their personal desires in order to provide for the prompt delivery of the mail under every possible condition.

There are postmasters, assistant postmasters, and super-

There are postmasters, assistant postmasters, and supervisory employees in all post offices to see that the mail is gotten out on time and that each employee is doing his full duty, and it is a sad commentary on their ability and knowledge of the service if they could not detect loitering or expansion of time on the part of the employees. They are required to do this now under present conditions, and surely the enactment of an eight-hour law would in no way limit the proper supervision of

the service.

It is said that "in so far as practicable" letter carriers are now required to work no more than eight hours a day; and under a decision of the Court of Claims, rendered May 31, 1910, they can not be required to work more than 48 hours during the six working days of the week. Well, if this is so, there will need to be but little rearrangement of the service to put an eight-hour law into effect at once. The contention is made by the employees that their hours of service are not only uncertain, but that every principle of the 8-hour law is being violated and that there are as many different constructions placed on the 48-hour law as there are minds in the supervisory force.

Under the eight-hour law, passed May 24, 1888, which the letter carriers only enjoyed for a few years, there was little complaint from anyone, but those who are opposed to the eight-hour day on principle and those men holding official positions who strove to break down the eight-hour law by trying to get the carriers to evade it by working overtime and not recording it. In order to make the eight-hour law as obnoxious as possible the department issued an order that under no circumstances were carriefs to be permitted to work overtime, and when their eight hours was up they should return to the post office with the undelivered mail, which was held until the following day for delivery. Notwithstanding this handicap, the carriers performed their work in such a way that very little complaint came from the public, for the reason that when the men found that they had more mail than they could ordinarily handle they made extra efforts to get rid of all their first-class mail within schedule time.

VACATION AND SUBSTITUTES.

Another system which has been put into effect recently, and which has worked a severe hardship on the carriers, is the doubling up on their districts during the vacation period in order to save the expense of employing substitutes. As a rule the postmaster arranges to give the carriers their vacation during the summer months when it is claimed that the mail is light, and the men are compelled to serve their own district and part of the district of another carrier who is off duty on his vacation. The result is that the men are loaded down in the heated summer season, as they are in winter, with the additional labor of carrying not only their own district but additional territory with which they are unfamiliar. Complaints have been made that the men have been so taxed that they break down under the strain of the extra work placed on them during the summer vacation period and die in the harness.

FALSE ECONOMY.

Congress has appropriated money for the employment of substitutes for regular letter carriers during the vacation period, but the department instead of expending this money for the purpose for which it was appropriated has issued orders to postmasters to curtail the service and add additional territory to the men in order to economize in expenditures. Much has been said about the great economies practiced by the administration, and a publicity bureau seems to have been established to herald to the country the economies in the postal service. I am in favor of economy, as I believe that every Member of this House is also in favor of economizing along

proper lines the curtailing of expenditures of public moneys, and particularly in stamping out extravagant expenditures. One serious objection to the present policy of the Post Office Department is that economies are being practiced at the expense of a curtailment of the service to such an extent that the business people have entered serious and emphatic protests against the irregular delivery of the mails; and the economies practiced at the expense of the employees by adding every possible ounce that they can stand to their burdens I feel confident does not meet with public approval. It is always the case that when savings are to be made and expenditures curtailed that the first to feel the effect of it are the hardest worked and poorest paid employees, and this seems to be particularly so in the present management of the postal service, judging from the complaints received from the rural letter carriers, the railway mail clerks, the city letter carriers, and post-office clerks.

The Postmaster General, in his letter opposing the eight-hour law, states that—

It is the policy of the department to arrange the work of clerks and carriers so that their eight hours' daily service will cover the shortest possible period of time, and the hours of duty of the great majority should not extend over 10 hours, but it is not to the interest of the service to limit this employment to any given period of 10 hours, owing to the varying schedule of arrival and departure of mails at the different offices.

If it is so, as admitted, that the vast majority of these employees have their schedules limited to 10 hours or less, then it is all the more reason why a limit of time should be set in order to give all the employees the benefit of a limited 10-hour schedule. There should be some regard shown for the employees in arranging their tours of duty, and if a limit is placed by law that must be followed there is not a question of doubt in my mind but the postmasters will arrange the tours in such a way as to keep the men employed to the best possible advantage. A postmaster should be a man of executive ability, and if he possesses any of it at all he will see to it that his supervisory force arranges the work and schedules to get the best results. It shows to my mind that the employees are very liberal in their views when they are willing to have their 8 hours of service cover a period of 10 hours, and I believe it would show the proper spirit if the department officials would view things with a proper regard for the comfort and working conditions of the men.

SUNDAY WORK.

Until one year ago post-office clerks and letter carriers of this country were required to perform service on Sundays, for which they were not allowed either extra compensation or time off on one of the other six working days. Every possible effort was made to reduce Sunday service, and there being no law covering the subject each postmaster made such rules and regulations a he thought fit regarding the employment of these men on Sunday. The department stated many times that they were in favor of reducing Sunday service to the lowest possible minimum necessary to meet the proper requirements of the service, but as this was simply an expression of opinion or policy it was only followed in offices where the postmasters were really desirous and anxious to reduce Sunday service.

In the Post Office appropriation bill for the current fiscal year

In the Post Office appropriation bill for the current fiscal year provision was made to grant compensatory time on the working days to employees who are required to work on Sunday. The result has been that the great majority of the employees now enjoy one day of rest each week, but in order that all the employees should be granted this privilege the committee has recommended a provision which if enacted into law will give all the men the benefit of one day of rest in seven.

The Postmaster General, in closing his letter, states that—

it is thought that the plan of giving the department authority to allow not exceeding 30 days' leave of absence with pay to clerks and carriers would prove not only less expensive than the legislation proposed, but more advantageous to the employees affected.

Mr. Speaker, if the expressions of opinion received by me in letters and personal interviews I have had with the employees since becoming a Member of this House express the sentiment of the men throughout the country, and I believe they do, then the Postmaster General has no idea of what the true sentiment of the employees really is. While it is true that these men would no doubt enjoy 30 days' leave of absence each year if a law was passed granting them this privilege, yet I am firmly convinced that they would much prefer the legislation recommended in this bill, that will insure their promotion to the highest grades when they have earned such promotion by length of service and efficiency and limiting their hours of labor to eight hours each day and giving them a day of rest each week. Surely this is not asking too much, and I believe if every Member of this House had the same opportunity to investigate the working

conditions of the clerks and carriers of the post offices in this country they would join with the members of the Post Office and Post Roads Committee in placing the legislation recommended on the statute books.

GAG RULE.

The committee has recommended, with a few modifications, a bill introduced by Mr. LLOYD, of Missouri, which, to my mind, will correct an abuse that has been allowed to exist for too long a time. For the information of the Members of the House I will insert in the RECORD a copy of an Executive order covering the civil-service employees:

It is hereby ordered that no bureau, office, or division chief, or subordinate in any department of the Government, and no officer of the Army or Navy or Marine Corps stationed in Washington, shall apply to either House of Congress or to any committee of either House of Congress, or to any Member of Congress for legislation, or for appropriations, or for congressional action of any kind, except with the consent and knowledge of the head of the department; nor shall any such person respond to any request for information from either House of Congress, or any committee of either House of Congress, or any Member of Congress, except through or as authorized by the head of his department. (Executive order, Nov. 26, 1909.)

This rule, which is known by the employees as the "gag rule," has, as its name implies, effectually choked these employees and tied them hand and foot, and has prevented them from uttering any word of complaint even against the most outrageous treatment that could be heaped upon them. It has denied these employees the right of petition to Congress of their grievances unless their petition is presented through the head of the department under which they serve.

And by the way, that the Executive has experienced a change of heart, that he has realized that this is not a fair rule, is shown by the annulment of that rule to a certain extent within

the past 48 hours.

It is a fact well known to many Members of this House that employees of the Government, through their associations in convention assembled, have discussed conditions of employment, hours of labor, and matters affecting the working and sanitary conditions surrounding their employment, and have passed resolutions which have been submitted year after year to Cabinet officers under whom they serve, but their grievances or petitions or resolutions were never submitted to Congress by these officials. Considering this condition of affairs, I believe it is high time that Congress should listen to the appeals of these men and provide a way whereby they can properly present a petition to the Members of Congress for a redress of grievances without the fear of losing their official positions.

The legislation recommended in this bill will insure to all the civil-service employees in the postal service the right to be furnished with a written copy of charges preferred against them, and will allow the employees a reasonable time to answer said charges in writing and to submit affidavits in support of their defense. It also requires that a full and complete record of each case shall be filed in the proper department or office, and copies shall be annually reported to Congress, and if the employee desires a complete record of his case it should be furnished him on request. The bill also provides that a copy be furnished to the Civil Service Commission on request of that body. This will give assurance and confidence to the employees that they will at least get a square deal, and will not permit of officers filing charges of one kind against an employee and having him removed from the service or reduced in salary on evidence submitted by the officer on matters entirely foreign to the original charges that the employee has answered in writing. Men in official positions will hesitate to trump up charges

Men in official positions will hesitate to trump up charges against an employee for the purpose of satisfying some personal animus or a political grudge, as all the cases of removals and reductions will be submitted to Congress each year, and the Members of this body can get a copy of all the papers in any case, and will be relieved of the necessity of losing much valuable time in calling at the department in person on matters affecting the interest of one of the employees in whom they are interested. It will also nullify the provisions of the Executive order which I referred to in the beginning of my remarks on this subject, and will permit associations of employees in the postal service to present their grievances to the Congress or any Member thereof without danger of the employees losing their positions or being reduced in grade or compensation.

I know that some Members of this House will say that this

I know that some Members of this House will say that this might possibly open a way to indiscreet men to present their personal or imaginary grievances to Members of Congress, but if this is so such employees would have to assume the responsibility for their acts in the event of making false or misleading charges that could not be borne out by evidence on investigation. Above all, it would insure the right of petition to those employees whose rights have been taken away from them by this

Executive order, and I believe it is the duty of Congress, when flagrant injustice is brought to its attention, to provide a

remedy at once.

This legislation will assure the employees that their proper appeals for a redress of grievances will receive the attention they deserve and will allow the representatives of the employees to appear before the Committee on the Post Office and Post Roads or other committees of this House to present their side of the case on pending matters affecting the interest of the employees.

Under the present order of things the committee only gets one side of a case unless the members of the committee assume to themselves the responsibility of making a personal investigation or personal inquiry among the employees of their acquaintance. I believe it is well to have as much publicity as possible on public matters, and further believe that it is absolutely wrong and manifestly unfair and unjust to place the welfare of thousands of our citizens in the hands and at the mercy of the whims of any single individual, whether he be a Cabinet officer or anyone else. The employees in the postal service are, as a rule, men of high ideals and of good standing in their respective communities, and any law or rule that has for its object the curtailment of their rights will meet with just resentment. us lift this ban from around the necks of these men and take the gag from out their mouths and give them the assurance that the fact of their accepting a position in the Government service will not disbar them from presenting their proper petitions to

Mr. O'SHAUNESSY. What modification has been made of the gag rule by the recent order of the President?

Mr. REILLY. Practically none. It simply provides that an employee may petition Congress, but it must be done through the head of the department. He can have no direct communication with Congress or with any Member thereof.

Mr. O'SHAUNESSY. And heretofore— Mr. REILLY. Even that was prevented.

Mr. REILLY. Even that was prevented.

Mr. O'SHAUNESSY. Heretofore no petition made to the head of a department had ever been presented to Congress.

Mr. REILLY. Not so far as anyone knows; and it can be readily seen what standing an employee of the department would have thereafter if he complained of the conduct of a certain official or of the head of his department through the head of that department.

Mr. O'SHAUNESSY. The gentleman speaks of carriers getting vacations and having to work the route of another Has not that resulted in a poor service to the public?

Mr. REILLY. I do not think there is any question about the service deteriorating under that plan, because of putting double work upon a man in the heat of summer, when it is harder to perform.

Mr. O'SHAUNESSY. And making him serve a route with

which he is not familiar.

Mr. REILLY. With which he is entirely unfamiliar, or almost wholly so.

Mr. O'SHAUNESSY. Did the gentleman, as a member of the committee or as a Member of the House, receive complaints as to a spy system among the clerks also?

Mr. REILLY. I received one or two complaints of that sort, but they were not nearly so plain or so positive as those

in regard to the carriers.

Mr. O'SHAUNESSY. Is it not a fact that in the post offices of the country men who are employed by the Government as clerks are given collateral employment without compensation by postmasters and other supervising officials to spy upon their fellows in the service?

Mr. REILLY. I have heard such a story, but I would not pretend to say that it was true.

UNFAIR TREATMENT.

For several years past the President has issued an order each year declaring for a Saturday half holiday during the summer months. This order affects all Government employees in the departments and in the Government Printing Office and the Bureau of Engraving and Printing, but, strange to say, it does not include the letter carriers and clerks in post offices

In nearly all cities the postmasters and local officials take advantage of this order and take a well-earned rest after their weeks' work, and are better fitted to resume their duties on Monday morning. I stated a moment ago that the post-office clerks and letter carriers do not get the benefit of this Saturday half holiday. Yes; I repeat that they do not get the benefit of the order, and I further declare that during the heated term, at a season of the year when the President feels that the best interest of the service is conserved by granting the employees a

half holiday, these clerks and carriers are required to do more work than is expected of them at other periods.

SPYING SYSTEM.

I have been asked if I could not do something to stamp out the spy system. It seems that in some post offices there are men designated as "gum-shoe men," who go out and follow the carriers around on their districts and spy on them from doorways and behind tree boxes and wagons and other obstacles and note from a distance every little act of the carrier, whether he walks slowly or stops to answer a question of a citizen or to answer questions of householders, and the report of these spies is used as the basis of charges preferred against these men.

Sometimes the "gum-shoe man" is sent out with the carrier in order to test the district and find out if the carrier is doing his full duty in the shortest space of time. These men, unhampered and with nothing heavier in their possession than a watch which they generally hold in their hands, set a pace for the carrier and start to hotfoot it over the district. If the carrier can not keep up with the pace set for him, he is reported as delinquent and not doing all the work that the "spotter" thinks he should do. I do not believe that the people of this country are in favor of any such system as this, and if these conditions are true, I believe that it is well for Congress to be familiar with them, and there is no way that we can get this information unless we pass a law that will permit the employees to submit to their Member of Congress a statement of the conditions under which they work when these conditions become obnoxious.

COUNTING CARRIERS' STEPS.

Some communications received by me contain information that is news to me. One letter contained a copy of an order issued by the superintendent of the Brooklyn post office, which reads as follows:

On Tuesday, February 20, 1912, each carrier of the general post office will make an accurate account of the exact number of steps taken by him during the day while engaged in serving route or collecting. When submitting count at the end of each tour, each carrier will note on his slip the exact length in inches from heel to heel of an ordinary step taken by him.

In this same letter came a newspaper clipping from the Brooklyn Standard Union, which stated that 65 pounds of mail was the average amount taken out by letter carriers, and that this information had been gathered by the Committee on Expenditures in the Post Office Department, on a recent visit to that city. It was learned by the committee that the order I have read was actually issued by the superintendent and that it was expected that the carriers would obey it and furnish the information requested. I would like the Members of this House to try and draw on their imagination long enough to picture a letter carrier with 65 pounds of mail on his back, composed of letters, packages, newspapers, and magazines, trying to keep his mind on his work and at the same time count and measure every step he took from the time he left the post office until he returned. I have been informed that there are more than 1,000 letter carriers in the Brooklyn post office, and that when this order was issued that some of the men, in going over their routes and trying to obey it, were accused by the public of being intoxicated, and many of the public who had learned to respect their letter carrier, were so horrified at the conduct of the men that they actually believed that they were losing their minds, and this gag law would not permit of the presentation of these facts to the Members of this House by these employees. I would much prefer if some member of the Committee on Expenditures in the Post Office Department would explain to the House the conditions that they found in that office on their recent visit. [Applause.]

I want to say to you gentlemen that the condition I have described as applied to the letter carriers applies equally if not with greater force to the post-office clerks. I believe the charge that is being made by the department in opposition to this legislative feature of the bill, namely, this eight-hour provision, that it will be the cause of men delaying their route and thereby getting overtime, is not worthy of consideration. I believe that it is an insult to the honesty and integrity of these men, who are among the most faithful employees of this Government, and I believe further that any executive order issued by an understrapper, or by the Postmaster General himself, who will state that as a reason for opposing this eight-hour bill men will be induced to loaf to get overtime, is not worthy of that position and is not worthy of the confidence of the Members of this

House in anything he says. [Applause.]

These features of this bill, I believe, are humane in every respect. I believe that this eight-hour bill can be enforced without the expenditure of one additional dollar, because during the seven years when the department was made to have the eight-hour law lived up to it was done. These routes can be arranged, these terms of service of the post-office clerks can be so arranged, that the work can be done within the eight hours; and if overtime is necessary, I believe it is entirely a fair proposition that the clerks and carriers should be paid pro rata.

In England when overtime is performed the clerk or carrier is paid one and one-quarter or one and one-half time. In regard to the Sunday service, a man has been allowed compensatory time of 10 minutes to-day and 10 minutes to-morrow scattered through the week, and it does him no good whatever. This bill provides that when a man performs one or two hours' duty on Sunday he shall have the same length of time given in the following week day.

AS TO CLERKS.

Clerks in post offices of the first and second class have never been protected in any way by any legislation to limit their hours of labor. As a consequence, they have been compelled to work any number of hours that the whim or caprice of their superiors might see fit to exact.

In view of the accepted policy of this Government that not more than eight hours of labor in each day shall be demanded of its employees, it is impossible to justify the discrimination that excepts this worthy class of employees from the operation of this beneficent policy.

On June 30, 1911, there were 32,319 clerks employed in the 2,351 first and second class post offices of the United States.

The hours of labor and the working conditions of such a vast army of public employees can only be properly and safely regulated by statutory legislation.

It stands to reason that where the power of interpretation as to what constitutes a day's labor for these employees is vested in 2,351 individual postmasters, discrimination, favoritism, and chaos is bound to prevail. These postmasters, it must be borne in mind, constitute a shifting force, constantly coming and going. The condition as to their hours of labor has been so burdensome that for years these clerks have been appealing to Congress to enact legislation for their relief. Such legislation is their greatest need.

In 230 first and second class post offices, located in practically every State of the Union, the clerks report that for the month of October, 1911, they were actually on duty for a daily average of from 8 hours and 30 minutes to 12 hours. Because these clerks work behind the four walls of a post office, not much is known of the nature of their duties. Their work is exacting, both body and mind being constantly employed. A very large percentage is employed at night, working under artificial light and very often in poorly ventilated and crowded quarters. Besides the time the clerk is actually on duty at the post office, a large percentage of them are required to devote hours of study on their own time to master the difficult "schemes" of mail on their own time to master the difficult "schemes" of mail distribution, that they may rapidly and correctly distribute and dispatch the mail for every State in the Union. For these extra hours of study they receive no consideration whatever.

This proposed legislation provides that these clerks, as well as the letter carriers, shall be compelled to work not more than 8 hours a day, provided that the 8 hours shall be worked within a paried of 10 consecutive hours.

within a period of 10 consecutive hours.

There is an excellent reason for the proviso. Under existing conditions in the service, even where an eight-hour schedule may be in force, the eight hours is often spread out over a day of 12 hours and even more. This means that the clerk is compelled to report for duty three or more times a day. He is compelled to register off duty from two to four hours at a time. This time off duty is so broken up that it can not be put to any practical use by the clerk. He either remains within the post-office building or if his home is in the immediate vicinity he may go there for an hour or so.

The necessity for being within call of the office imposes a direct financial loss, because the employee is prohibited by the circumstances of his employment from living at a distance from the office where the rents are cheaper or where he might even hope to acquire a home. This system of compelling the employees to register off duty at different times of the day is peculiar to the postal service and it may safely be said that no

such system would be tolerated by a private employer.

In opposition to the enactment of this legislation it is contended that because of a supposed variation in the volume of the mails at different seasons of the year, it is impracticable to work the clerks on a daily schedule of eight hours, the eight hours to be worked within a period of 10 consecutive hours. That to establish an eight-hour day would mean that more clerks than are necessary would have to be employed during certain periods in order to have on hand a sufficient force to work the mails when the volume might be greater. That the

provision of this proposed legislation which provides that the employees affected shall be paid extra for all time worked in excess of eight hours would be a temptation to the employees to purposely extend their labors beyond the eight-hour period to increase their compensation. That the proposed legislation might prove costly and wasteful.

VOLUME OF MAIL.

In the first place, there is not such a great change in the volume of mail matter as might be supposed. Following is a table showing the total postal receipts by months for the fiscal year ended June 30, 1911, for the 50 largest post offices in the country:

July	\$7, 453, 818, 60
August	8, 492, 885, 26
September	9, 900, 181, 93
October	9, 696, 970, 57
November	9, 956, 475. 20
December	11, 528, 332, 63
January	9, 620, 564, 06
February	9, 339, 037, 50
March	11, 175, 486, 00
ADTII	9, 714, 929, 68
May	9, 238, 842, 86
June	9, 315, 525. 29

_____ 115, 433, 049, 58

The receipts from these 50 largest offices represent 48.52 per cent of the total receipts of the entire postal service.

There is, of course, a very close relationship between the postal revenues and the volume of mail matter.

A study of the postal revenues by months indicates that there is comparatively little change in the amount of monthly res comparatively inthe change in the amount of monthly receipts for eight months of the year, namely, September, October, November, January, February, April, May, and June, the average for these eight months being \$9,597,815.88. The receipts for November were \$9,956,475.20. This indicates remarkable uniformity in the volume of mail for eight months of the year.

The receipts for August are approximately \$1,000,000 less than this average for the eight months quoted, and the receipts

for July are approximately \$2,000,000 less.

These are the two abnormally light months of the year in midsummer and it is at this time that the clerks take their annual vacations of 15 days. The department has contended that during these summer months the clerks do not work as much as 8 hours a day and consequently are compensated for the days in winter when they are obliged to work 9 and 10 hours.

As a matter of fact the clerks never average less than eight hours a day because of the large number who take their vacations in the summer months, the clerks remaining on duty being compelled to take care of the work of the clerks who are on leave.

For the next fiscal year the department asked for \$175,000 to compensate substitutes who might act for clerks on vacation leave, this sum being \$50,000 more than the amount appropriated

for the current year.

On page 76 of the hearings on the Post Office appropriation bill we find the following statement by the First Assistant Postmaster General bearing on the subject:

Postmaster General bearing on the subject:

Mr. Grandfeld. Yes, sir. The law now provides for 15 days' leave of absence with pay, exclusive of Sundays and holidays, to clerks in post offices after one year's service. The appropriation heretofore made has enabled the department to allow substitutes for only about 10 per cent of the clerks. There has been no increase in the appropriation for several years and we have more or less trouble in providing a sufficient force of substitutes to take the place of clerks on leave, and for that reason we have asked for a considerable increase.

Mr. Finley. The clerks who remain on duty complain in some instances that they have been required to do overwork.

Mr. Grandfeld. Yes, sir; that has some bearing on it, too, but heretofore we have appointed most of the additional clerks on the 1st of July and utilized the services of the additional men during July and August in taking the places of the regular employees absent on leave. Last year, I think, we appointed more on October 1 than on July 1, because on October 1 the business in the post offices, as a rule, begins to increase materially.

This statement that the department does not furnish substi-

This statement that the department does not furnish substitute or auxiliary help for more than 10 per cent of the clerks on vacation makes it self-evident that the extra work thrown upon the clerks remaining on duty renders less than an eight-hour schedule in the summer impossible.

Reliable statistics gathered from the clerks themselves indicate very plainly that the clerks, and particularly those employed in the smaller first-class offices and those employed in second-class offices, are very frequently compelled to work from one-half to three hours in excess of eight hours per day in order that the work may be kept up during the vacation period. This condition of affairs robs the clerks of all opportunity for summer relaxation. The postal receipts for December and March are approximately \$2,000,000 above the average of the normal eight months of the year.

The receipts for these two months indicate an abnormal volume of mail. One of several ways to meet the emergencies of these two months, or any other period of emergency that may possibly arise, is provided for in this proposed legislation in the following quoted paragraph:

That in cases of emergency, or if the needs of the service require, letter carriers in the City Delivery Service and clerks in first and second class post offices can be required to work in excess of eight hours a day, and for such additional services they shall be paid extra in proportion to their salaries as fixed by law.

In connection with this paragraph it is essential to bear in mind that no legislation to limit the hours of labor can be legal and valid unless some penalty clause is included which will provide that extra pay must be paid for all services in excess of the eight hours.

The Supreme Court has held that the general eight-hour law of 1868, which applies to Government laborers, mechanics, etc., is merely directory and not mandatory, because it did not provide for any penalty in the event that the employee worked in excess of eight hours. Even this act does not cover clerks.

It hardly seems worth while to argue further against the

It hardly seems worth while to argue further against the absurd and groundless contention that under the operation of the law in this paragraph that the employees would purposely extend their tours of duty beyond eight hours for the sake of increasing their compensation. The men in the service want an eight-hour day. They are as loyal to the service as their superiors, and would scorn to take any such advantage of the law even if they were permitted to do so.

The department has at its command now an excellent remedy to apply to all emergencies of the service. The salary-classification act of March 2, 1907, providing for the classification and promotion of letter carriers and clerks employed in first and second class offices contains the following section:

That after June 30, 1907, auxiliary employees may be employed to be paid for actual service at the rate of 30 cents an hour: Provided, That such employees shall be required to work not less than two hours daily, and may serve as substitutes: And provided further, That such employees shall be eligible for appointment as clerks and carriers of the first grade.

This section was drawn by the department and, with the intention of providing a means with which to meet all periods of emergency by the employment of temporary help at the rate of 30 cents an hour.

Thus we see that the department itself has provided a way to prevent any overmanning of the service at any period of the year.

Suppose it should be necessary to employ the experienced clerks in excess of eight hours at such times as during the holiday period. The means is here provided. No attempt is here made to compel the Government to pay for this extra service at the rate of time and a half or time and a quarter. It is simply provided that the employee be paid exactly the same for time worked in excess of eight hours as he is paid for time within the eight hours.

If the theory of extra pay for time worked in excess of eight hours a day needs justification in the eyes of anyone it is to be found in the intention of the existing salary law of March 2, 1907, which contemplated meeting emergency periods by the employment of auxiliary help at the rate of 30 cents an hour. The average annual salary of the letter carrier is now \$1,084, and the average annual salary of the post-office clerk is \$1,082. On the basis of an eight-hour day the hourly compensation of these employees amounts to 36 cents.

Surely, then, if the services of a comparatively inexperienced "auxiliary" or "substitute" employee is conceded to be worth 30 cents an hour the service will surely be the gainer if during the holiday rush regular and experienced employees are at the command of the department at the average rate of 36 cents an hour.

If precedent were needed to justify the theory of extra pay for extra duty, it can be found in the English postal service. In the English service it is provided that time and a quarter be paid for all extra duty on week days. In the English service it is provided that all work on Sundays, Christmas Day, and on Good Friday be compensated for at the rate of time and one-half. For the purpose of recording all such extra duty the English service furnishes a stock form known as "extra-duty claim form." In the English system eight hours is a day's work and seven hours is a night's work.

That the department is not really opposed to extra pay for extra service in periods of emergency is indicated in the following statement of the First Assistant Postmaster General, which appears on page 113 of the hearings on the Post Office appropriation bill for 1913:

Mr. Grandfield. Yes, sir. I have examined only a few reports and I do not know to what extent the men were required to work overtime. However, I think it is a wise provision of law to permit this overtime at that particular season of the year.

This statement was made with reference to a clause concerning overtime for letter carriers which was incorporated in the current appropriation bill and which reads as follows:

That no part of this appropriation shall be used to pay letter carriers who are required or permitted to work for more than 48 hours in the six working days of a week: Provided further, That this limitation shall not apply to service performed during the first 5 and the last 15 days of the calendar year.

It must also be borne in mind that whenever a clerk is absent for any cause for a fraction of a day his pay is reduced on the basis of his hourly earnings.

However, there is really little to fear in regard to extra time for the employees. If the Congress establishes an eight-hour bill for post-office clerks, the department at Washington will have thrust upon it an incentive which does not now exist, to see that its army of supervisory officers throughout the country will so arrange the schedules of the employees that the 8 hours of work may be completed within a period of 10 hours. Experience has demonstrated that without such an incentive the department does not insist upon an intelligent arrangement of schedules.

HANDLING THE MAIL.

Another matter of importance in considering the practicability of an 8-hour day is the difference in the classes of mail matter. First-class matter, which is the great revenue-producing class of mail, does not by any means constitute the maximum proportion of all mail matter. Under existing conditions an effort is usually made to give the same service to the mail matter of second, third, and fourth class that is now given to first class. With the possible exception of daily and weekly papers and market reports, there seems to be no good reason why the same service should be given to the classes of mail matter which do not produce the same revenue. With the existence of an 8-hour schedule the force could be constantly employed for a period of 8 hours within 10 hours by giving first attention to first-class matter and, if there be periods of temporary lull, then attention could be devoted to the working of mail matter other than first class. The final argument made against this proposed legislation—that it might be costly—is entirely disproved by the following statement of the First Assistant Postmaster General, which appears on page 79 of the hearings on the Post Office appropriation bill for 1913:

Mr. GRANDFIELD. * * * About 85 per cent of the carriers and clerks complete their tour of duty within 10 hours, and probably 95 per cent within 11 hours, but in some instances their 8-hour tours of duty extend over 12 or 13 hours, I presume.

Then, if 85 per cent of the clerks and carriers complete their tour of duty within 10 hours, as this proposed legislation provides, it is most unjust not to extend the same working conditions to the remaining 15 per cent. Manifestly, if the principle of an 8-hour day in 10 hours is found to be practical for 85 per cent of the force, it is equally practical for all the force and can be extended to all the force without additional cost.

The public, the great patron of the mails, has much at stake in this proposed legislation. The public demands expedition in the handling of the mails.

The commerce and trade of our country is dependent upon an efficient and expeditious mail service.

There is no economy in failing to employ a sufficient force of clerks so that the mail can be handled quickly.

Where clerks are compelled to work in excess of eight hours it is patent that the force is not large enough and that some important mail matter is being delayed. That 8 hours should be worked within a period of 10 hours is at once reasonable and fair both to the service and to the employee.

COMPENSATORY TIME.

Another important paragraph of this proposed legislation is that which provides for the granting of compensatory time off duty for all work performed on Sundays by letter carriers and post-office clerks and which reads as follows:

That should the needs of the service require the employment on Sunday of letter carriers in the City Delivery Service and clerks in first and second class post offices, the employees who are required and ordered to perform Sunday work shall be allowed compensatory time on one of the six days following the Sunday on which they perform such service.

This provision has so much of merit in it that it needs no defense. The American people believe that every person should have one day of rest in seven, and preferably that day should be on Sunday. However, there are unique conditions prevailing in the postal service which demand that some labor be performed on Sunday.

The principle involved was recognized by the last Congress, which enacted the following legislation in the Post Office appropriation bill for 1912:

That hereafter for services required on Sundays of supervisory officers, clerks in first and second class post offices, and city letter carriers, compensatory time off during working days in amount equal to that of the Sunday employment may be allowed, under such regulations as the Postmaster General may prescribe, but this provision shall not apply to auxiliary or substitute employees.

This legislation was construed by the department to be permissive rather than mandatory, and the result is that in approximately 300 post offices of the first and second class the clerks have never received any compensatory time on week days for their Sunday labor.

There is no doubt that Congress intended this legislation to apply equally and fairly to all of the employees affected.

However, it seems to have been just loose enough in its wording to permit of misinterpretation. Many postmasters have so arranged the schedules of their employees that compensatory time for Sunday work is allowed in daily installments running as low as 10 minutes. Compenatory time allotted in this fashion is of no use to the employee whatsoever. Such an arrangement is but a manipulation of schedules to defeat the purpose of the legislation, which, no doubt, contemplated that if a clerk worked a full day on Sunday he should have a full day off on a week day

I hope the House will pass the provisions of this bill to which I have referred, as well as others to which I have had no time for reference. They are humane measures, and businesslike as well. They will be creditable to all who have part in making them laws and will be of vast benefit to a large class of faithful and efficient employees of the Government. [Applause.]

Mr. WEEKS. Mr. Chairman, I now yield one hour, or such time as he may desire, to the gentleman from Illinois [Mr. MADDEN].

Mr. MADDEN. Mr. Chairman, this is a very exhilarating situation in which I find myself. I do not wonder that it is so, for the bill that is pending affects every house in the United States and every person who lives in a house, and it is because of this, I assume, that all the Members are in their seats listening to what is being said on the pending question. [Applause.] I should be delighted if some one better qualified than I to speak on this subject of such vital importance to the American people were selected when every Member is so interested. do not believe that I am quite equal to the occasion. I fear that I am not. The post-office service is the greatest service of the Government. It expends a larger sum of money than any other service in the United States. It reaches more people than all the other services combined, and I do not wonder, in view of these facts, that every Member finds himself absorbed with interest in the discussion of the bill.

I realize that at a time like this it is only because of the vast interest they have in the discussion of this question that Members can keep themselves away from building up political fences or preventing them from being torn down. These are strenuous days. We are making Presidents, appointing and electing delegates all over the United States, either to select the Speaker of the House for the presidency, or some other man who is not yet in the public mind. We can not tell. To see the membership of the House so intense in their interests in the discussion of a great question like this, in the face of these politically strenuous times, speaks well for the patriotism of the membership in serving the people of the United States through the great postal service. [Applause.]

I wish I had the eloquence necessary to speak of the conditions affected by the postal service that the importance of the question justifies, but I have not, and I shall not attempt to place any flowery words in what I have to say. I shall attempt to call the attention of those Members who are present to the fact that one of the things in this bill which ought to receive more attention than it did receive from the committee is the compensation which should be paid to the men who do the lowest character of service in the Post Office Department, namely, the laborers. Every other class of servants in the post office service has had something done for them, while these men were ignored. I hope that when the bill is under consideration under the five-minute rule something will be done to increase the pay of these men. There is no chance for them to move up the ladder, because they are not subject to promotion in the classified service as the clerks and carriers are. They are not automatically promoted according to their length of service, but the work they do is not only strenuous but important, and some consideration ought to be given to them.

One of the things about which I desire to talk a little is the proposed legislation on parcel post. This bill provides for the reduction of the rate from 16 to 12 cents a pound, and the increase of the weight of the package from 4 pounds to 11 pounds, to enable the domestic package to be shipped from one point of the continent to the other on an equal basis with the packages that may be shipped from foreign countries under the International Postal Union Convention agreement.

The bill also provides that there shall be a so-called rural parcel post under which parcels up to 11 pounds may originate at the post office sending out the rural carriers into the rural districts, and the bill provides also that each of these rural carriers may take packages at intermediate points and deliver them to the destination at either end of his route. knows that this rural parcel-post proposition is not intended to give the service to the people which they are demanding. There is an attempt being made in the recommendation by this committee to satisfy the local village merchant who is opposed to the introduction of a parcel post and at the same time to satisfy the farmer who is in favor of a parcel post. The hope is that each one of these people will be so badly fooled that each will think he is getting what he wants, and at the same time that neither will get what he wants.

Personally I feel this way about the introduction of a parcel post. I think the Government of the United States is perfectly justified in using the post office as an instrumentality to distribute educational matter, such as letters, papers, books and magazines, and all things that will help to educate the people, but when it enters into the freight business and uses the Post Office Department to run a freight business, then I have some doubts about how it should enter upon the enterprise or whether it should enter upon it at all. Everybody must realize that if we enter upon the distribution of parcels to the people of the United States without first scientifically ascertaining just what we are going to do, how and what revenue we are going to receive, and how much it is going to cost to do the work, that we are not doing our whole duty not only to ourselves, but to the people.

I realize that there is an insistent demand on the part of the people, or a large part of them, for the establishment of a parcel post, and I realize also that there is an insistent demand on the part of an almost equally large number of the people that we shall not enter upon the enterprise. So it is an em-barrassing situation in which we find ourselves. We find that if we are for the proposition we are opposed by those who are against it, and if we are against the proposition we are opposed by those who are for it. But we have a duty to perform as Members of the Congress of the United States. It is our duty to study the question, to ascertain just what should be done, and we ought not to inaugurate a new system until we have scientific knowledge sufficient to warrant us in judging just what the outcome will be.

If we establish the parcel post unlimited, we begin to realize at once that we must establish freight depots in every city in the United States in order to take care of the freight that will be handed to the post office for distribution. The establishment of these freight depots will cost a vast amount of money; no-body knows how much. The cost of distributing these freight packages will be large; nobody knows how large. The cost of transportation of packages from New York to San Francisco will be just the same to the person who hands the package to the Government for transportation as it will be from New York to Yonkers. Everybody knows that you can not carry a package from New York to San Francisco for the same price that you can carry it from New York to Yonkers. The price fixed on the package, according to this bill, is 12 cents a pound, and the number of pounds that you can carry is limited to 11 in any one package. Twelve times 11 is 132. If you want to send a package of 11 pounds in weight from New York to Albany through the post-office service under this bill you will pay to the Government of the United States \$1.32.

Everybody knows that the Government of the United States is not going to get the opportunity to carry that package, because the express companies of the United States will carry the package from New York to Albany for less than 25 cents, or not more than 25 cents at any rate. So that under the provisions of this bill the Government of the United States will be called upon to carry every package for long-distance travel and the express companies will carry the packages for the short distances

Mr. LEWIS. Will the gentleman yield?

Mr. MADDEN. I will.
Mr. LEWIS. I do not wish to intrude-

Mr. MADDEN. I will be delighted. I am not as well informed on the matter as the gentleman, and I do not want him to take advantage of my innocence or ignorance.

Mr. LEWIS. The gentleman has just made a statement which sounds perfectly rational, and on a priori reasoning ought to be true, but in my judgment it does not happen to be true because of the anomalous circumstances surrounding the express company. The express company, on a 10-pound package from here to Baltimore, upon which it receives a rate of 25 cents, will get about 13 cents. On the long haul from here to

San Francisco on a like package for which it would charge about \$1.50 the express company would get 80 cents after paying the railroad for the haul. The services performed by the express companies in these instances would be practically identical as distinguished from the railway companies. The last thing the express company can afford to surrender under

its peculiar situation is the long-haul traffic.

Mr. MADDEN. Well, I am very glad, indeed, to have the statement of the gentleman, who has made a very thorough study of this subject, and I am sure he knows more about it than I do, but I am stating the proposition from the viewpoint as I see it, without having made a very exhaustive study of it. I am stating it from the viewpoint of a man who can not see how you can do a service over 3,000 miles distance at the same price you can do it over 150 miles distance, and I have never been able to understand how the Government of the United States could get the short haul at \$1.32, on the 11-pound package, when the express company can deliver that package to its destination at 150 miles distance from a starting point at 25

Mr. CANNON. Will the gentleman yield? Mr. MADDEN. Certainly.

Mr. CANNON. Is it not true that magazines and papers going at the pound rate are carried by the express company as long as they can carry at a profit, and the moment they can not carry at a profit then they unload on the Government, where it is carried at a loss? And if the gentleman's statement is correct, why do not the express companies carry 1,000 miles, from New York to St. Louis, or clear across the continent, or clear to the Philippines, if, according to the logic of the gentleman, Mr. Lewis, whatever the fact may be, they would make more out of the long haul than the short haul, and they would not give it up?

Did the gentleman refer to me?

Mr. CANNON. I asked the gentleman a question about the gentleman's answer.

Mr. LEWIS. There is not any question, I may say to the gentleman from Illinois, that the profitable hauls the express

companies have are the long hauls.

Mr. MADDEN. My understanding is, I may say with reference to the question of my colleague, that the express company carries magazines and newspapers to a point 700 miles or more from the place where they originate, and beyond that distance the post office carries them; so that if that be true, then the statement made by the gentleman from Maryland is not borne out by the facts. If the longer the distance they are carried by the express company the greater the earnings or the greater the profits, there is no reason then why, if his statement be a statement of scientific fact, the express company should not continue to carry from one end of the continent to the other, instead of limiting the territory over which they will carry at a given price.

Mr. LEWIS. The gentleman, I am sure, will pardon the further statement in order to clear up the situation. The express company in this country, on the average, receives 521 per cent of the rate charged. The services performed by it do not increase in expensiveness with the length of the haul. It performs nearly as much service in the matter of expensiveness in the short haul as it does on the average long haul, and yet it receives the identical proportion of the rate in each case. the long haul it gets about half the rate, and on the short haul it only gets half the rate.

Mr. MADDEN. Well, I can not understand why the express company can afford to divide the revenue with the railroad company when you also said that the railroad company and the express company are identical so far as the stockholders and a division of the profits are concerned. The men who own the railroads generally own the express companies, and while the express companies per se can not get more than 50 per cent of the revenue received, yet the men who are interested in the express companies get the other 50 per cent, so that they get it all between them.

Mr. PROUTY. I wish to make a suggestion rather than to

ask a question.

Mr. MADDEN. I will be delighted to yield to the gentleman. Mr. PROUTY. I wish to make a suggestion concerning the statement made here by the gentleman from Maryland [Mr. LEWIS]. Is not his logic faulty in this respect, that while express companies would be glad to hang on to the long haul, they can not control that? Is it not true that the man who does the shipping will be the man who determines by which route he will ship, whether by the mail service or by the express service, and that he will use the mail service when he can use it at cheaper rates than the express, and use the express when he can send it in that way at the lowest price?

Mr. MADDEN. Undoubtedly the economics of the situation vill compel the man who ships the package to ship it by the cheapest route.

Mr. LOBECK. Will the gentleman yield?

Mr. MADDEN. Yes, sir. Mr. LOBECK. The gentleman from Maryland [Mr. Lewis] made a statement on the profits which they receive on a package from Baltimore to Washington and on a package shipped across the continent, but the percentage of profit is as great on the short distance as on the long distance, is it not?

Mr. MADDEN. The percentage is as great, but the amount

is not as large.

Mr. LOBECK. But they will have more business between Baltimore and Washington than they would on the long haul?

Mr. MADDEN. Certainly.

So the aggregate of the business is what Mr. LOBECK.

makes the profit?

Mr. MADDEN. And the express company will take the aggregate of the business. The idea of the parcel post, which gives the American citizen the same rate as the foreigner can ship at now, is not going to accomplish anything for the American people. No man will ship an 11-pound package, at \$1.32, through the post office if he can ship that package by the express service for half that amount, and everybody will concede that you can ship the 11-pound package for less than \$1.32 for a distance of 700 or 800 miles or a thousand miles. So that when an American citizen sends an 11-pound package through the mails he is going to be certain that he sends it to a point where the postage charge is less than the express charge would be, if such a condition exists.

Now, I grant you that the provisions of this bill might, and probably would, increase the number of packages sent through the post office up to 4 or 5 pounds, but when you get beyond 5 pounds there will be no increase in the number of packages sent through the postal service, because the 5-pound package costs 60 cents, whether he sends it 1 mile or 3,000 miles.

And you can send a 5-pound package by express, I take it, to any point on the American Continent for less than 60 cents. A 4-pound package sent to any point in the United States would cost 48 cents. The chances are that the express charges in a case like that would be 50 cents. And so the citizen would have a 2-cent advantage by shipping the 4-pound package through the So while we pretend in this bill to establish a parcel post giving permission to the American people to use the mails for the distribution of packages, we are handing them a confidence game. I am not in favor of establishing any kind of a parcel post, or undertaking any other kind of business to be done by the Government of the United States, until we can do that thing with an intelligence that will enable us to see the outcome of the undertaking. There is no business man anywhere on the civilized globe that would establish a new branch of an already established business without ascertaining, first, what it would cost to put it into effect; second, what the business outcome of putting it into effect would be; third, how much money would be required to establish the facilities to enable it to transact the business in which he was about to For you must remember that if the Government of the United States undertakes to distribute freight, the people to whom this freight will be distributed will expect good and prompt service. They will send their packages to the Government. The Government must have some place to care for them, and that will involve the establishment of warehouses that will involve the expenditure of vast sums of money, that will necessitate the appointment of new managers, freight clerks, rate clerks, route clerks, and all that, in order to be able to tell what to do with these packages and how and when to send them.

Mr. FOWLER. The question that arose in my mind was this: How would you tell in advance, or how would you estimate in advance, the cost of this work without first having some kind of an experiment with it?

Mr. MADDEN. Here is what I do in my business: If the manager of any branch of my business comes to me and says he wants some new machinery, and it takes \$50,000 to buy that and install it, I want to know from him what result he expects to obtain by the investment of that additional money. And unless he can show me with reasonable conclusiveness what the outcome of that investment is to be, he would not get the money. And no man who has been successful in business life in this or any other country ever enters upon any great business enterprise without first knowing what it is going to cost and what the outcome is to be as nearly as possible.

Now, here is what I would propose in this bill:

We propose the appointment of a commission to investigate the parcel-post business everywhere in all its phases; to ascer-

tain just how it has worked where it has been established, and where it has been established what effect it has had on the postal service; what kind of service the people get as the result of the establishment of this branch of the post-office business; how they are satisfied with it; whether it affects the post office by creating a deficiency, or whether it gives them a surplus. We must enter upon this from a business viewpoint. There is no politics in it. There can not be. We realize that there is a great demand for the establishment of a parcel post. Everybody must admit that. But, realizing it, we must also say to the people that we are studying the question, and we must be conscientious in our study of the question.

There is no doubt but that the parcel post is inevitable. It is coming. It may be that it ought to come. I do not say that it cought not to. It may be that it ought to come now. But regardless of the demand, or regardless of how insistent the demand may be, we have the responsibility placed upon us of studying the reasons why we should do the thing that is demanded of us, and if we can show the people who are wanting this parcel post that it ought not to be established until it can be established along intelligent, legitimate business lines, I take it that there is not a man, woman, or child in the United States who will find fault with us for doing our duty conscientiously as we ought to do it.

Mr. LAFFERTY. Mr. Chairman, will the gentleman yield?

I will yield to the gentleman.

Mr. LAFFERTY. I would like to ask the gentleman what he considers the cause of this more or less general demand for

Mr. MADDEN. Well, so far as I am able to judge, I will tell the gentleman very frankly. We have a lot of very enterprising men in all the great cities of America who are engaged in the mail-order business, and they are really very enterprising and they deserve a great deal of credit for their enterprise. They will send you by express anything from a mule with a harness to a wagon that can be drawn by the mule. They buy the output of factories that make goods everywhere, and they sell them at cheap prices, and they send their catalogues on to the parlor table of every man who lives in a rural district throughout the land, and the two books in common use in the rural districts of the country are the Bible and the catalogue of the mail-order house.

Mr. LOBECK. Mr. Chairman, will the gentleman yield?
Mr. MADDEN. Yes.
Mr. LOBECK. The gentleman from Pennsylvania, who made a speech in favor of the parcel post the other day, said that these mail-order houses were enabled to sell their goods cheaper than the local houses because they bought "seconds." Do you think the Government ought to go into partnership with mailorder houses in putting out "seconds" where they illustrate them as beautiful goods and good goods in their books?

Mr. MADDEN The prople of the United States.

Mr. MADDEN. The people of the United States who have brains enough to enter upon great business enterprises have genius enough to place their wares before the American people in such an insidious way that even as intelligent a Member of Congress as the gentleman from Omaha is not able to see that he is being influenced by any of their advertising schemes.

Mr. LOBECK. Thank you.
Mr. MADDEN. And so the Government of the United States, if it does enter into partnership with these men, is not to blame, because the Government enters into such partnership through such men as my friend Lobeck, who has had wide experience in business of all kinds and who can form as intelligent a business conception on a proposition as any man in this House. Now, if he can be fooled in that way, why not other men who know as little as I do?

Mr. SAMUEL W. SMITH. If we pass this bill, or some legislation establishing a commission, how long does the gentleman think ought to be given them in order to make a satisfactory

report?

Mr. MADDEN. This bill provides that if the commission is appointed a report shall be made within a year. Is not that right, Mr. Chairman?

Mr. MOON of Tennessee. In January, 1914. Mr. MADDEN. They would be obliged to report at that time. Mr. AKIN of New York. Mr. Chairman, will the gentleman vield?

Mr. MADDEN. I yield to the gentleman from New York. Mr. AKIN of New York. Does not the gentleman believe that if I wish to purchase goods at some point 500 miles from my place and I can save \$5 by it, that that \$5 is just as good

buy the goods in the cheapest place he can buy. Everybody concedes the right to buy in the lowest market and sell in the highest market.

Now, I have thought about this a good deal; perhaps not very systematically, but I have thought about it, and my judgment is based purely on moral grounds. I really feel deal affected by the possibility of the change which will take place in American life in consequence of the establishment of a parcel post. I can very well recollect when I was a boy-that was a good while ago-when in the great city where I live all the streets outlying the business center were lined with shops. The business center in our city is contracted into a little area less than a mile square, and we have a city of 200 square miles in area, with a population of two and one-half millions of people. I recollect when every street outlying this business center was lined with shops, one shop having hardware, the next saddlery and leather goods, and others having dry goods, beets and shoes millions deletions and their saddlery. boots and shoes, millinery, clothing, and all the various kinds of business, each shop dealing in one kind of business or goods. I remember when those streets were lined with these shops, when everything looked clean and bright, and everybody looked happy and prosperous. The boys and girls living in the neighborhood of these shops were employed by the proprietors of the shops, perhaps no shop employing more than 10 or 15 or 20 boys and girls, and some as few as 1 or 2. The customers of the shops were the neighbors who lived around them. The boys and girls who were clerks there got a small or a large trade from their neighbors, depending upon their behavior. The proprietor of the shop was in close harmony with his employees. He took an interest in their welfare. Their neighbors did the same thing. We had a better moral condition then than we had later, or than we have now.

After awhile the idea of department stores entered the mind of some great money holder. He established a department store; he put stalls in his store under this one roof. In one stall he sold dry goods, in the next stall clothing, in the next stall hardware, in the next stall drugs. Next we find the proprietor of one of these outlying stores was obliged to sell his stock. His trade had gone to the department store. He was obliged to look for a job as manager of one of these departments. He was no longer an employer of labor; no longer in business for himself. He became an employee of one of these great department stores. The neighborhood in which he had done business before began to run down. The revenue that was received by the owner of the little building fell off. The neighborhood deteriorated. The boys and girls who were employed in this shop were obliged to go and look for jobs in the department store. Almost invariably they found employment there, but at lower wages. There was nobody in the ownership of the department store who knew the boy or the girl. Each one was checked into the store every morning and out every night like a piece of baggage. There was nobody there to look after their moral well-being. I can remember, when I was chairman of the finance committee of the great city of Chicago, walking along Madison Street one night with the chief of police, Maj. McClowery, now warden of the Leavenworth Peni-We met a very beautiful girl who accosted us. We stopped and talked to her and tried to find out what she was doing walking the streets and what she did for a living during the day. She told us that she was employed by one of the greatest department stores in the world, the greatest department store on earth, employing not less than 15,000 men and women as clerks and doing the greatest business of anything of its kind anywhere. She said that the compensation she received for her work there was so small that she was not able to make a living by it. We went the next day to the proprietor of that sto, e and told him the story. It was a heart-rending story, and I have remembered it ever since, and my heart bleeds at the condition which I then found and which I fear will prevail to a larger extent if we enter upon this enterprise of a parcel post. [Applause.]

What do you do? In every country town you take away the communication between the village and the man who lives on the farm. You do away with the community life. Ah, but you say, in your mercenary way, that this cheapens the distribution of the commodities and the necessities of life. But if you cheapen and degrade and demoralize life with it, what have you gained by the saving of a filthy dollar? Do you put the dollar above the man or the woman or the boy? Are you going to place the dollar above the morals of the Nation? Are you going to stand here in your mercenary way and say to the American to me as to the man in the town?

Mr. MADDEN. I do not think the gentleman would have sufficient intelligence to be allowed to run at large if he did not in the land in the future "? What I fear is that the same thing

in a more extensive way will happen through the mail-order houses that has happened in the great cities through the department stores.

Mr. LAFFERTY. Will the gentleman yield for a question? Mr. MADDEN. Yes. Mr. LAFFERTY. I should like to have the gentleman e I should like to have the gentleman explain what he thinks would happen if the express companies should reduce their rates, either voluntarily to the figure that those favoring a parcel post would perhaps fix as the postal rate, or if the Interstate Commerce Commission should be given the power to fix express rates, based on physical valuation, and that commission should then bring down express rates to what some of us think a reasonable figure, which will be offered as an amendment to this parcel-post bill.

Mr. MADDEN. Mr. Chairman, I am not trying to talk about this subject from a scientific standpoint, for, as I said in the beginning, I have not given to it the study that would enable me to speak about it from the standpoint of an expert; but I really believe that if a parcel post is established it ought to really believe that if a parcel post is established it ought to be established along scientific lines. It is not possible to successfully and profitably conduct the transportation of parcels through the Post Office Department at a flat rate from one end of the American Continent to the other. Somebody, somewhere, somehow, must sit down and figure out how far we can carry a package at a given cost, and then we must have the courage to fix the limit at that age! the courage to fix the limit at that cost.

The Government of the United States ought not to enter upon the establishment of a freight business under which it agrees to carry every package that may be offered to it for carriage for any distance on the American Continent at a flat rate.

Mr. CANNON. Will the gentleman yield?

Mr. MADDEN. I will yield to my colleague. Mr. CANNON. I believe the postage on a letter is 2 cents an ounce.

Mr. MADDEN. Two cents an ounce.

Mr. CANNON. And this small-weight mail substantially furnishes the revenue of the department-I do not know just the proportion, but two-thirds or three-quarters. That service, by law, we monopolize, both for the long haul and the short haul. Wherever a letter goes, if it goes in the mails, it must have a 2-cent stamp on it.

Mr. MADDEN. Except 1 cent in the offices where there are

no carriers, for local delivery.

Mr. CANNON. Yes; and for circulars, and so forth. Now, I am not an expert touching these matters, but can the gentleman or anybody inform us whether, in conducting a parcel-post system, we can with wisdom and safety take the long hauls and lose the short hauls and do for these packages what we do for the letters? In other words, monopolize the parcel-post business and cut the express companies out entirely?

I take it for granted that if we permanently enact parcel-post legislation at this session of Congress that that is a mate-

rial question for consideration.

Mr. MADDEN. It seems to me that if we undertake to monopolize the business at the same rate that is fixed in this bill and force the citizens of the United States to send through the post office their parcels at 12 cents a pound rate when they could send them by express for half that money, that we will not find ourselves very enthusiastically approved. Therefore I say that we ought to fix a zone system beyond which we will not carry a package at a given price. We ought to make a price within the zone sufficiently low to take the business away from the express companies, but as a matter of good business judgment and a matter of interest and fair dealing between the Government and the people who own the Government, the representatives of the people can not afford to say to the people that they must pay a fixed flat rate and must give all their business to the Government whether it be a long or a short haul in face of the fact that they can send the business on a short haul for less money than the Government can carry it. There is only one way to do this, and that is to get experts who can figure out exactly how far the Government can carry a given weight for a given price. There ought to be a price fixed for the carriage of a package within the zone fixed that will enable the Government to come out even in the enterprise, and at the same time to give to the people the facilities for the at the same time to give to the people the factories for the transportation of their packages at a price below what the express companies would charge. Then you have got it.

Mr. McKENZIE. Will the gentleman yield?

Mr. MADDEN. I will.

Mr. McKENZIE. In case we fix a rate by this parcel-post

system, will not the express companies meet that rate, and will not the people have the advantage of the low express rates as well as the post-office rates?

Mr. MADDEN. All right; if we fix the rates that will force the express companies to meet us we have accomplished the object. It really does not matter to the people whether they carry a package by express controlled by the railroads or whether they carry them by an express under Government control, by the postal service, provided they can get them carried at a price they think they ought to pay.

Mr. LEWIS. Will the gentleman yield?
Mr. MADDEN. I yield to the gentleman from Maryland.
Mr. LEWIS. Mr. Chairman, I wanted to ask the gentleman whether the thought he had given this subject had led him to whether the thought he had given this subject had led him to the conclusion that the making of the rates and regulations for the carrying of these parcels, whether under the form of par-cel post, per se, or under the form of parcel express, was an administrative question and not a legislative question, inasmuch as he spoke of experts being necessary to properly adapt

the rates to move the traffic?

Mr. MADDEN. Mr. Chairman, it is an administrative question if it is being administered by a man who has charge of a business enterprise that is not hedged around by laws which tie the hands of the man who is administering the affairs. a great business enterprise the manager of the business has the power to go either one way or the other. If he can not go on a straight line, he can zigzag; but the man who is managing a department for the Government of the United States is edged to go in the direction which the law points for him to go. He has no discretionary power. So, I say, before you charge him with the responsibility of successfully managing the enterprise you ought to give him the power to regulate the conditions as they ought to be regulated from the viewpoint of the gentleman from Maryland [Mr. Lewis]. Then I will admit that the gentleman's question as to the administrative features of this proposition is correct.

Mr. GARRETT. Mr. Chairman, will the gentleman yield? Mr. MADDEN. Yes. Mr. GARRETT. Mr. Chairman, this thought was in my mind in connection with the answer made by the gentleman from Illinois to his colleague, as to the meeting of the postage rates by the express companies. Of course, it is principally the rural citizen who is interested in this proposition, and unless your rural route is articulated in some way with the express company, it would be very difficult, it seems to me, for the express

company to make a rate that would meet the situation.

Mr. MADDEN. There is a point that I overlooked, I am frank to say. The delivery, of course, has something to do

with it.

Mr. GARRETT. Yes; in the case of a man 4 or 5 miles out

from town.

Mr. MADDEN. I agree that would be a serious objection to the express side of it, but if, as a matter of fact, in fixing a zone system we make a rate low enough to force the express companies to deliver goods, even to points where they would not have to be delivered into rural districts, we would have done something.

Mr. GARRETT. Undoubtedly.
Mr. MADDEN. Mr. Chairman, I think I have said all upon this question that I ought to say. I think that the thing that should be done by Congress above all things in connection with the establishment of a parcel post is to get the information upon which we can act intelligently.

Mr. J. M. C. SMITH. Mr. Chairman, will the gentleman

yield?

Mr. MADDEN.

Mr. J. M. C. SMITH. I would like to inquire whether or not as a member of the Post Office Committee the gentleman will explain to the committee here what investigation, if any, the Committee on the Post Office made of the rate fixed in this bill or the facilities for transportation?

Mr. MADDEN. I do not understand. I was not on the subcommittee that made the investigation for the establishment of the parcel post, but I read the hearings; and if I understood anything from the hearings it was this: That everybody who appeared before the committee made it less clear to the committee about what should be done with respect to the establishment of a parcel post.

Mr. McKENZIE. Mr. Chairman, just one question.

Mr. MADDEN. Yes. Mr. McKENZIE. Are we to understand that the rates fixed

in this bill were made simply as a matter of guess?

Mr. MADDEN. No. I will say to my colleague this with relation to the rates: There is an International Postal Union in which 23 countries outside of the United States participate, and to the conventions of the International Postal Union delegates are sent from each of these countries. They have the power to fix the rates for international postage. They have fixed the rate, and it was the International Postal Union that fixed the rate permitting foreigners to send packages up to 11 pounds in weight for 12 cents a pound into any city, town, or hamlet in the United States. The Congress of the United States never took any action on that question, and this I understand to be the first time that any Post Office Committee has recommended the reduction of the rate to the rate fixed by the international union. As a matter of fact, the United States had nothing to say about it. We reduced this to meet that.

Mr. CANNON. Mr. Chairman, as I understand the rate per

pound which is so much talked about, you can send parcels from far away into the United States for 12 cents a pound up to 11 pounds, whereas our own people have to pay more, and can send only 4 pounds. If the gentleman will indulge me to lay a foundation for a question, the number of packages which come in under the International Postal Union agreement would probably not be one ten-thousandth part of the packages that would be carried by the Post Office Department in the event we pass a parcel-post bill.

Now, as I understand the gentleman-and I want to see if I understand him correctly—this treaty for an international par-cel post was a treaty made by the President and ratified by the Senate

Mr. MADDEN. No, no; it is made by the International Postal Union Convention.

Mr. CANNON. I know. But where did he get authority; by treaty?

Mr. MADDEN. Yes; they made a treaty.

Mr. CANNON. Was it ever by legislation which passed the House?

Mr. MADDEN. No.
Mr. CANNON. Then, the House has, touching the international parcel post, abdicated its power to originate revenue bills, which is very strenuously insisted upon; but I do not care to go into that branch of the matter. Now, the gentleman is ingo into that branch of the matter. Now, the gentleman is in-clined to vote—he is on the committee—for the bill as reported by the committee?

Mr. MADDEN. I think so.

Mr. CANNON. That would try an experiment for two years.

Mr. MADDEN. That is on the rural routes.

Mr. CANNON. And would put the other into operation for how long?

Mr. MADDEN. There is no limitation upon the time of the other.

Mr. CANNON. No limitation upon the time of the other, but on the rural routes the rates are less.

Mr. MADDEN. The rates are the same, except that below

the pound the rates are fixed at varying prices.

Mr. CANNON. At varying prices—that is, as I hastily read the bill—so that this commission is to make its investigation

and recommendation by 1914.

Mr. MADDEN. By January, 1914, and the rural route will, if enacted as recommended by the committee, expire by limitation at that time if no other legislation were enacted.

Mr. CANNON. But in the meantime, if this legislation is enacted, we would be having an object lesson with an American parcel post the same as would come from foreign countries. We would be having an object lesson among ourselves.

Mr. MADDEN. Yes, Mr. CANNON. And then, in the gentleman's opinion, we would be in a position to legislate with better knowledge than we have now.

Mr. MADDEN. We should be.

Mr. LEWIS. If the gentleman will permit an observation. It has been shown conclusively, I think, that the 12 cents a pound rate is such that the express companies get the short traffic, and I am equally certain that the situation is such that the express companies would make rates that would take all In short, that there would be no traffic to the long traffic. speak of under this 12 cents a pound rate. Now, will the gentleman tell the committee how he thinks under these circumstances we are conducting any experiment at all with the 12-cent rate?

Mr. CANNON. Will the gentleman allow me to put a question right on top of that, because it is along the same line?

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. LEWIS. I ask that the gentleman may be given 10 minutes additional.

Mr. WEEKS. I yield to the gentleman from Illinois 10 min-

utes additional time.

Mr. CANNON. Make it 30 minutes if he wants it. He is discussing the bill; the first discussion I have heard of it. I did not hear the gentleman from Tennessee, and have been so busy in my committee work that I have not read his speech. Now,

as I understand it, the express company is a public utility, and that as the Interstate Commerce Commission, sustained by decisions of the highest courts, can fix and are fixing the freight tariff with only one limitation that they shall not be confiscatory and, as I understand it, the express company is a common carrier, and if I recollect aright it is the duty by express provision of law it was not necessary, for that matter, that they fix the rates for the express companies; and if that is correct, while I shall vote with the gentleman and with the committee because they have investigated and I have not, but if that statement is correct, there is nothing needed except the activity of the Interstate Commerce Commission to make express rates

what they ought to be.

Mr. MADDEN. Well, there is this, I can say in reply to the gentleman from Maryland and also to my colleague, that although the express rates may be reduced to meet fixed for the transportation of packages through the Post Office Department, we must also bear in mind the fact that the express company delivers its package from one point to another and receives it there, while the United States Government will deliver it from one of those points to the other and then hand it to the servant of the United States, the rural carrier or the city carrier, as the case may be, to deliver it to the house, and that while the express company will deliver it to the house consignee in a city within a given radius, it will not deliver to a citizen outside of the city or outside of a given radius of any city, so that even though the rate be lowered by the express company beyond the rate fixed under this bill or any other bill that Congress may enact, the rate of the express company would still be higher than the rate of the Post Office Department because of the added service that the Post Office Department would give to the citizen.

Mr. WEEKS. Mr. Chairman-

Mr. MADDEN. Mr. Chairman, I yield to my colleague on the committee.

The gentleman from Illinois, in reply to a Mr. WEEKS. question from his colleague, has correctly stated that one of the reasons for making the rate 12 cents a pound was on account of the international rate. I think he ought to add, as quite likely he will agree with me, that there was another reason which moved the committee to take this action, which was, that the receipts from fourth-class mail, which is substantially a parcel post, now amount to between \$4,000,000 and \$5,000,000, and \$5,000,000, and \$5,000,000, and \$5,000,000, and \$5,000,000, and \$5,000,000 and \$5,000,000, and \$5,000, and the department reports the cost of the service at a fraction

over 12 cents a pound. Mr. MADDEN. I a I agree exactly with the statement of my colleague, the ranking member of our side of this committee.

Mr. LEWIS. I apologize for this interruption— Mr. MADDEN. You do not need to do so. The gentleman illuminates anything that is being said.

Mr. LEWIS. There is not anything that distinguishes the difference in price in carrying parcels, the statement of the gentleman from Massachusetts [Mr. Weeks] to the contrary notwithstanding. The class of matter that he is talking about is mail business from half an ounce up to 4 pounds, and is not a line of data applied, as distinguished from this, of pound or weighty shipments. And no one knows in this country what it costs to carry parcels per se. Is not that correct?

Mr. MADDEN. In the face of the statement made by the gentleman from Maryland, to the effect that nobody knows what it costs the Government, does not the gentleman think it would be wise for somebody to find out what it costs the Government

before we enter upon this great enterprise?

Mr. LLOYD. It may be true that nobody does know what it costs to carry a package. It is true that the Post Office Department, some two years ago, sent out a statement to the effect that it cost twelve and a fraction cents to carry a pound of fourthclass matter. Whether that is a correct statement or not I do not know. But it is a statement that was given out by the Post Office Department and is the best information we have on that subject.

Mr. MADDEN. Anyway, the committee believed, Mr. Chairman, that the domestic citizen ought to be given the same advantages that are accorded to the people who live in other countries with respect to the shipment of packages through the Post Office Department. That is the real crux of the situation now.

Mr. J. M. C. SMITH. I would like to have the gentleman inform the committee the kind of merchandise that can be transported under this parcel post.

Mr. MADDEN. Any kind of merchandise that can be put in a package of a given size. They limit the size of the package, as I understand it, under the International Postal Union agreement, so that if you can not get 11 pounds in a package of a given size it can not be shipped through the mails, but what that size is I am unable to state.

Mr. GARRETT. Of course, with these international shipments the tariff laws of the various countries interfere, and any package shipped from a foreign nation that comes in is subject to our tariff laws. But I want to ask the gentleman if he has any data to which he can refer me, where I can ascertain anything about the amount of these international shipments of packages?

Mr. MADDEN. I really have no information upon the subject that would enable me to give an intelligent reply to the gentleman. I wonder if my colleague on the committee [Mr. Weeks] would be able to answer the question of the gentleman from Tennessee?

Mr. WEEKS. I did not understand the question.

Mr. GARRETT. I have wondered and have made some little effort, but not very much, I must say, to ascertain how much international shipment there was and how much of the parcel mail comes in here under this international postal agreement.

Mr. WEEKS. I have not the figures in mind. I can not

answer it offhand.

Mr. MADDEN. I do not think any member of the committee was able to ascertain just how much the packages shipped from other countries amount to.

Mr. GARRETT. That would be interesting in the study of

the question.

But we have a system of clearance between Mr. MADDEN. this country and other countries, through which the balances are settled by this country and by the other countries, and if the balance is in favor of this country the revenues coming from that source do not go into the treasury of the Post Office. So that while the Post Office Department may seem to have a deficit, for example, it might really, as a matter of fact, have a surplus.

The CHAIRMAN. The time of the gentleman from Illinois

has expired.

Mr. MADDEN. I would like to have just enough time to en-

able me to answer this question.

Mr. HILL. I would like the gentleman to have time enough also to answer another question.

Mr. WEEKS. Mr. Chairman, how much of an extension does the gentleman from Illinois require?

Mr. MADDEN. I would like to have 10 minutes. Then I

wili quit.

Mr. WEEKS. Then, Mr. Chairman, I yield 10 minutes to the gentleman. He is entitled to all the time he wants. He is a member of the committee, and he is discussing this question in an intelligent way, and therefore he ought to have all the time

[Applause.]

Mr. MADDEN. We have a system of taking balances. For instance, if the United States sends packages to a foreign country and that country sends packages to the United States, and our postage amounts to more than their postage does, the balance is settled in our favor by the country owing it. And the balance that comes to the United States, I may say for the information of the House—it being a revelation to me—although the work is performed by the Post Office Department and charged to the expenses of the Post Office Department and its management, yet the surplus revenue coming as a result of that work does not go to the credit of the Post Office Department at all, but goes into the Treasury of the United States, and can not be taken out and used as the ordinary postal receipts are used. And so, while I do not know exactly how much the aggregate of these balances in favor of the United States would amount to in any one year, I am rather impressed with the belief that during the last fiscal year it was several hundred thousand dollars. I am not stating this as an absolute fact, but just as an impression.

Mr. HILL. Mr. Chairman, will the gentleman yield now? Mr. MADDEN. I yield to the gentleman from Connecticut. Mr. HILL. If the gentleman will kindly take up his bill

and refer to page 36 he will observe that it is there provided-

That postage shall be paid on all articles, parcels, or packages entitled to transportation under the provisions of this act as matter of the fourth class on rural mail delivery route only at the following rates: One cent for each 2 ounces or less, 2 cents for more than 2 ounces but not more than 4 ounces, 3 cents for more than 4 ounces but not more than 8 ounces, 4 cents for more than 8 ounces but not more than 12 ounces, 5 cents for more than 12 ounces, 5 cents for more than 12 ounces but not more than a pound, and 2 cents per pound for each additional pound or fraction thereof up to and including a total of 11 pounds.

That fixes the rates on free rural delivery packages at a total of 25 cents on a package weighing 11 pounds. That refers to packages on rural routes only?

Mr. MADDEN. Yes.

cents referred to an excess charge over and above the 12 cents or is it deducted from the 12 cents? For instance, provided the gentleman lives on a rural route could I mail a package of merchandise from Washington to his house and have it delivered for 12 cents, or would it simply go to the nearest railroad station and from there carry an extra charge for delivery?

Mr. MADDEN. The 12 cents a pound rate is a general rate. which carries the parcel to the termination, no matter where that is, whether in the city, to be delivered by city carrier, or in the country, to be delivered by the rural carrier. But the rural package is confined only to the rural route.

Mr. LOBECK. Mr. Chairman, may I ask the gentleman from Missouri a question?

Mr. MADDEN. Certainly.
Mr. LLOYD. Oh, I do not care to take up the time of the gentleman from Illinois.

Mr. SAMUEL W. SMITH. The gentleman explained a moment ago that the balance, under the international arrangement, went into the Treasury and not into the Post Office Department. Is that in accordance with a provision in the treaty?

Mr. MADDEN. No. There is no law that has ever been enacted which enables the Post Office Department to receive the moneys from the international postal revenues. merely a matter of bookkeeping.

Mr. PAYNE. It simply goes into the general fund.
Mr. MADDEN. Yes; it simply goes into the general fund.
But it is only fair to say that if it went into the postal revenues, like the sale of stamps and all that, the income of the postal service would show a greater degree of efficiency with relation to its funds than is sometimes shown by the annual report.

Mr. LAFFERTY. I should like to ask the gentleman a question.

Mr. MADDEN. Yes. Mr. LAFFERTY. The gentleman has made a very interesting argument against the parcel post upon two grounds—first, that it would be impracticable at this time to adopt the parcelpost law because we do not know what it would lead to in the way of expenditure; and, second, that it would be a bad thing, if it was practicable, to have cheaper rates of transportation. I should like to ask the gentleman if he knows what is the nature of this American League of Associations, of which H. B. nature of this American League of Associations, of which H. D. Lyford, of the firm of Hibbard, Spencer, Bartlett & Co., of Chicago, is chairman; E. B. Moon, of Chicago, is executive secretary; and D. I. Williams, of Marshall Field & Co., of Chicago, is general secretary, who are sending out literature and maintaining a junta at room 310, Maryland Building, Washington, D. C., and what is the interest of that junta in this legislation? The gentleman mentioned the greatest department store in the world as being inimical to the best interests of Chicago. hold here a letter from this American League of Associations, of which D. I. Williams, of Marshall Field & Co., of Chicago, is general secretary, against the parcel post. I should like to have the gentleman go into that if he can.

Mr. MADDEN. I will say to the gentleman that I am not in the confidence of these men, that I have no relation with them in any manner, shape, or form, and that I am not able to answer the gentleman's question. I am not a seer. I am not able to see into the future or into the past.

Mr. CANNON. Will the gentleman allow
Mr. MADDEN. Yes.

Will the gentleman allow me right there?

Mr. CANNON. Does not the gentleman think it wise to follow his discussion of this bill as it has proceeded, to give information, and that it is unwise to get up some cry about a junta and try to switch the House to a prejudice by bringing in the plutocrats?

Mr. MADDEN. I have not attempted to argue against the establishment of a parcel post at all, if I understand my own attitude. I have tried to state the facts as I see them, realizing that at some time or other in the not-far-distant future we will be obliged to establish a parcel post. My contention is and has been and will be that we ought to have the information upon which to base intelligent action, and that is what I hope we will have; not only in connection with this legislation, but with all other important legislation that may be undertaken by this Congress. [Applause.]

By unanimous consent, Mr. Madden was given leave to extend

his remarks in the RECORD. , Mr. RUSSELL. Mr. Chairman, Clyde H. Tavenner has written some very interesting and instructive articles upon the sub-ject of the tariff and the strike at Lawrence, Mass., and in his letters exposing the condition of the workers at the Lawrence mills and calling the attention of the public to the manner in Mr. HILL. Now, if you turn to section 8 you will find it letters exposing the condition of the workers at the Lawrence provides "that hereafter postage shall be paid on matter of the fourth class at the rate of 12 cents per pound." Is the 25 which 92,000,000 of American citizens are being outrageously

taxed in order that a few greedy trust magnates may be still further enriched he has done a splendid work for the cause of honest and intelligent tariff reform and very much for the cause of the masses of the people.

These letters have so favorably impressed Hon. James T. LLOYD, of Missouri, chairman of the Democratic national congressional committee, that he has caused some of them to be supplied to about 2,600 newspapers in the smaller cities and towns of the United States.

I desire to insert some of them in the RECORD as a part of my remarks.

[From the Peoria (III.) Star.] (By Clyde H. Tavenner.)

(By Clyde H. Tavenner.)

It so happens that since the first attempt of this House to reduce the tariff on woolens, and thus reduce the cost of living to every man, woman, and child in the United States, which attempt was made fruitless because of President Taft's veto, there has been a strike of 30,000 men, women, and children workers in the great textile mills of the Woolen Trust at Lawrence, Mass.

This strike revealed, to the utter disgust of thousands of Americans of both parties who had previously placed more or less confidence in the principle of protection for protection's sake, but who now stand ready to denounce it at the poils at the first opportunity, that those millionaire Woolen Trust magnates who have been coming to Congress and obtaining excessive protection on the ground they were paying "American wages" and giving fair and decent treatment to their employees, have been handing out pure buncombe and working a gigantic double-barreled conspiracy on both consumers and employees.

The revelations springing from that strike have demonstrated to the satisfaction of even thousands of patrictic Republicans in this Nation that those Woolen Trust magnates have used the high tarlif on woolen goods only to enrich themselves. Having obtained a monopoly on the American market, the Woolen Trust has forced the consumer to pay exorbitant prices for blankets, underwear, and all kinds of women's and children's dress goods, and while growing rich beyond the dreams of avarice themselves they have forced their men, women, and even little children employees to accept starvation wages and have treated them almost like animals.

[From the Lawrence (Mass.) Eagle.]

(By Clyde H. Tavenner.)

Washington, D. C., January 25, 1912.

Driven from pillar to post for explanations to justify the Payne-Aldrich tariff tax, stand-pat protectionists long ago waived the theory that the foreigner pays the tariff and now stand on the assurance to the people that a prohibitive tariff is for the protection of "American" workingmen.

When Schedule K, which places a heavy tax on every article of woolen clothing worn by every man, woman, and child in the Nation, was up for discussion, Aldrich, Lodge, Smoot, and other special-privilege servers of the House and Senate declared their principal motive in levying a tax on these articles was to "protect" the "American" workingmen in the woolen industry.

Schedule K became a law, the prices of all kinds of clothing, made wholly or in part of wool, have advanced, and the combinations of manufacturers who contributed heavily to the Republican Party to have Schedule K framed and passed have made millions. But how have the "American" workingmen been "protected"?

The strike of 15,000 textile workers at Lawrence, Mass., one of many similar illustrations which might be given, throws some light on the subject. It puts the lie to the statement that Schedule K protects the "American" workman, because the information shows there are scarcely any "American" workman, because the information shows there are scarcely any "American" workman because the information shows there are scarcely any "American" workers left in the woolen manufacturing industry to protect. The mill owners have "protected" the "American" workman because the information shows there are scarcely any "American" workers left in the woolen manufacturing industry to protect. The mill owners have "protected" the "American" workingmen by driving them from their employment with low wages and unbearable working conditions, and by filling their places with contract laborers from the south of Europe. Effty-two different nationalities are represented by the strikers at

represented by the strikers at Jawresco, there.

Bayonets and decreased wages for the men, women, and children workers, instead of the workingman's paradise, pictured by Aldrich, Longe, and Smoot, is the definition of Schedule K that the mill workers at Lawrence are learning by actual experience.

BRINGING IN CHEAP LABOR.

In view of the strike of textile workers at Lawrence, Mass., it is interesting to know how the woolen mill owners attract cheap labor to their mills. Congressman A. P. Gardel, of Massachusetts, while speaking one day in the House, not on the fariff, but on the subject of immigration, contributed some valuable information. Mr. Garden is a stand-pat protectionist of the Aldrich school.

"For example," said Mr. Gardel, "suppose I am a Syrian conducting a Syrian boarding house in the city of Lowell, Mass. Perhaps some mill sends down to me for hands. I furnish them at a somewhat lower rate of wages than is expected by ordinary citizen help (American help). I find recurrent opportunities to supply the cotton mills with Syrians.

mill sends down to me for names. I turnish them at a most of wages than is expected by ordinary citizen help (American help). I find recurrent opportunities to supply the cotton mills with Syrians.

"Soon I hear that another mill is about to make an extension, so I say to myself, 'Back there in Syria is quite a profitable mine for me,' Perhaps I go to the mill treasurer and get an advance of money. Perhaps I have the money myself.

"I return to Syria or I send some trusted agent, very likely a Syrian resident of the United States. In Syria a number of emigrants are gathered together, and they come to America, and either by direct or indirect route, finally arrive at my boarding house in the city of Lowell. I tell them that if they do not pay me back the money advanced I will have them arrested; that they must hand over the full wages that they get in the mill on penalty of imprisonment. Everyone knows how easy it is for a stranger to break the laws or the ordinances in a land where he does not understand the language, and they are held in terror of the police.

he does not inderstant the languages while I feed them and keep them police.

"Meanwhile I take all their wages while I feed them and keep them alive just as I would feed and keep a horse alive that I had imported for use in a livery stable."

[From the Rock Island (III.) Argus.]

(By Clyde H. Tavenner.)

Washington, D. C., February 1, 1912.

Here is some more evidence of how "protection" does not protect the workingman.

The following is an extract from an appeal sent by the 30,000 men, women, and children, striking textile workers at Lawrence, Mass., to William M. Wood, president of the Woolen Trust:

"We are of the opinion that you have had ample time to consider the demands of the men, women, and children who have made the American Woolen Co. what it is to-day. In view of the fact that machinery has been improved, the workers turn off more and more work, but they are not paid accordingly, even though the price of food, clothing, and shelter has in many cases increased 50 and even 100 per cent within the last few years.

"We, the committee, are willing to meet the officials of the company at any time and submit the grievances of the strikers. So if you believe in a square deal you will not refuse to meet with us, but will come forward at once and try to bring the trouble to a final conclusion. You must bear in mind that the fact that these men, women, and children have not gone on strike for light or transient causes, but because they could no longer bear up under the burdens laid upon their shoulders. The American Woolen Co. has within the last few years built several mills, which are paid for, according to your own figures, and the company has even in the worst of times managed to pay dividends.

"The workers are of the opinion that the only competition left is the struggle among themselves for a miserable job at \$6, \$7, or \$8 a week."

This is kow Schedule K "protects" the workingman, solely for whose

This is how Schedule K "protects" the workingman, solely for whose benefit the Payne-Aldrich bill (according to Payne and Aldrich) was

penent the Payne-Aldrich out (according to PAYNE and Aldrich) was passed.

Since the protectionists admit that Schedule K, which places a heavy tax on every article of woolen ciothing sold in the United States, was designed solely to benefit the workingmen in the woolen industry, and since the \$6, \$7, and \$8 wages paid by the Woolen Trust demonstrates beyond successful contradiction that Schedule K does not protect the workers, why should the American people longer tolerate Schedule K?

[From the Moline (III.) Mail and Journal.] (By Clyde H. Tavenner.)

Washington, D. C., February 4, 1912.

Washington, D. C., February 4, 1912.

While 30,000 men, women, and children mill workers at Lawrence, Mass., were out of work because of a strike to prevent a cut in their \$6, \$7, and \$8 a week wages, Mrs. Evelyn Walsh McLean, mother of the baby that is heir to \$100,000,000, gave a \$35,000 dinner to 50 guests at Washington, the Nation's Capital.

The hostess at this banquet wore diamonds that actually cost more than half a million dollars. In her hair was displayed the famous "Hope" diamond, which cost \$180,000, and at her throat another celebrated gem, "Star of the East," which is even larger than the Hope diamond.

SEVEN HUNDRED DOLLARS PER PLATE.

The cost per plate at the McLean dinner was \$700. One item in the expense was for 4,000 yellow lillies imported from abroad at \$2 each.

cach.

One of the highest-paid will workers at Lawrence would have to work \$4\$ years to earn the cost of that banquet. The earnings of a dozen mill workers for half a century would not purchase the gems worn by Mrs. McLean. A Lawrence worker would have to labor 20 years to pay for the yellow lillies alone.

The strike of the men, women, and children at Lawrence, and the \$700-a-plate dinner at Washington is a striking example of conditions existing under a system of excessive protection in the year of our Lord 1012. Neither the Lawrence strike nor the McLean dinner are exceptions. They are but samples of many similar illustrations which could be cited if space permitted. Only recently William M. Wood, the head of the Woolen Trust, whose employees are now on a strike at Lawrence, was arrested for knocking down and running over a pedestrain with his automobile. When arraigned in court he was asked how many automobiles he owned, and his reply was that he did not know. Imagine a man so rich that he does not know how many autos he has on hand!

A WRONG SYSTEM.

A WRONG SYSTEM.

A WRONG SYSTEM.

Fortunes which make it possible for one woman to wear half a million dollars' worth of diamonds at one time and which enables a man to own so many automobiles he is unable to keep track of them necessarily come through the power to place an artificial price on the things which the common people must have in order to live.

It is significant, in this connection, that the tariff, the cost of living, \$700-a-plate dinners—everything but the workingman's wages—have increased hand in hand, revealing the intimate relationship of one to the other.

[From the Macomb (Ill.) Eagle.] (By C. H. Tavenner, special correspondent.)

Washington, February 6, 1912.

There are two sides to the strike of the 30,000 men, women, and children textile workers at Lawrence, Mass. The big press associations necessarily can not go into all of the details of the situation, for the reason that many of these details are not, strictly speaking, "news." The desperate struggle the mill workers have experienced in living on \$6, \$7, and \$8 per week wages paid them by the Woolen Trust is one of the features of the situation that has escaped general attention.

When it is considered that every man, woman, and child in the United States is taxed on every article of clothing they purchase "in order that the workers in the woolen industry may receive a fair day's wage," the strike becomes of national importance. The conditions being revealed at Lawrence show that Schedule K is an absolute failure so far as "protecting" the employees in the woolen industry is concerned.

The strike is demonstrating that the only viewpoint form

so far as "protecting" the employees in the woolen industry is concerned.

The strike is demonstrating that the only viewpoint from which Schedule K is a success is that it is making the people pay exorbitant rates for woolen clothing and blankets and making millionaires out of the men vaho contributed large sums to the Republican campaign fund with the understanding that Schedule K would be framed and passed by a Republican Congress.

In striking contrast to the \$6, \$7, and \$8 wages paid the men, women, and children mill workers and the proposed reduction of 22 cents a week, which is responsible for the strike, are the following facts as to the enormous profits of the woolen mills:

The amount paid out in dividends by the American Woolen Co. in 1902 was \$1,400,000. In 1911 it was \$2,800,000. The capital in 1902 was \$4,501,100, and in 1911 was \$60,000,000. The capital increased 20 per cent. Dividends increased 100 per cent.

Those who complain of higher prices of sheddy, of cotton where there should be wool to protect the human body from winter chill,

should know all about Lawrence, because Lawrence is positive proof of the big, double-pointed political lie of the year of our Lord 1912.

The whole argument on which tariff protection is based is this; "You give us protection against foreign labor, and we will be able to pay American wages to American workingmen." The strike at Lawrence, together with the report of the Commissioner of Corporations on the wage situation in the steel industry, which shows that men work under almost incredible conditions, reveals beyond the peradventure of a doubt that the whole fabric of the tariff protectionists is woven of the most sordid of lies and almost unbelievable greed.

Protection for the purpose of creating monopolies for American manufacturers has proven unwise. The people are permitting themselves to be taxed for nothing. But will they see it?

[Reprinted from the Johnstown (Pa.) Democrat.] (By Clyde H. Tavenner.)

WASHINGTON, February 17, 1912.

WASHINGTON, February 17, 1912.

As a result of the Payne-Aldrich tariff tax every person in the United States is paying from 30 to 100 per cent more for woolen clothing and blankets than the resident of Great Britain pays. And the woolen clothing put out by the American Woolen Trust is much inferior in quality to that sold in Great Britain.

William M. Wood, head of the Woolen Trust, draws down the bulk of the enormous profits extorted from the American people.

Marien E. Pew, a newspaper man who will not write an article unless he has the assurance that his paper will publish the facts as he finds them, was sent to Lawrence, Mass, to make an impartial investigation of the strike of the men, women, and children there. This is what he wrote about Wood:

"The story of the career of William M. Wood, president of the American Woolen Co., provides a curious paradox.

"This man is the oppressor of 150,000 miserable New England textile workers; a few years ago he was one of them. He is pitlless in his fight against the 30,000 strikers of Lawrence; in his youth he felt the sting of hunger that these strikers now rebel against.

"Fortune has smiled upon him and he has grown enormously rich; he declares that \$4 and \$9 per week is enough for the men and women who spin the product of his mills.

"It is said of George F. Baer, the anthracite baron, that he sincercly believes in his famous theory of the divine right of wealth. J. Plerpont Morgan was born to large fortune and has never seen the poverty of the steel slaves of Pittsburgh, though it is inconceivable that he does not know that it exists.

"Other great captains of industry are so comfortable in their clubs and palaces or so busy playing with the folbes of society that they may never think of what is happening beyond the vision of their dividends.

"Not so with Wood. He knows. These strikers are his neighbors. Their distress he sees. Their crices he hears.

"Wood's father was a Portuguese Jew immigrant. He labored in a cotton mill and died of tuberculosis, a diseas

"Wood's father was a Portuguese Jew immigrant. He labored in a cotton mill and died of tuberculosis, a disease common to cotton and wool spinners.

"The father's name is believed to have been Alphonse Lehair, or Levair. He changed his name to Wood by order of the mill bosses, who, in those days, listed their employees by name instead of number, and bookkeepers didn't like to fuss with strange, foreign names.

"William quit school when his father died. He got a job in the Wamsutta Mills, New Bedford. The boy was quick to learn. After a while he entered a bank and learned finance. Then he became treasurer of a Fall River cotton mill. He finally mastered the art of manufacturing and assisted in the introduction of shoddy cloth.

"Wood met and married the daughter of Frederick Ayer, who had made a great fortune out of patent medicines.

"Ayer had been buying mill stock, and the mills had not been prospering. He backed his son-in-law with millions, however, and, by a combination, adroitly managed tactics, including shoddy, Schedule K, and labor crushing. Wood made Ayer's fortune swell to proportions that made even the patent-medicine game seem tame.

"The son of the poor mill worker became a millionaire and formed the present Wool Trust.

"A few weeks ago he was in Washington banqueting the stand-pat Senators and Representatives and Taft's Tariff Board and pleading for tariff protection for his employees.

"To-day he is in Boston, giving out statements that trade conditions do not warrant meeting the demands of the strikers who left their looms rather than accept a cut in wages averaging only 22 cents per week.

"Wood says that no dividends are paid on the common stock of his

their looms rather than accept a cut in wages averaging only 22 cents per week.

"Wood says that no dividends are paid on the common stock of his company and only 7 per cent on the preferred.

"The fact is that the common stock is treasury stock, and the company has been stowing away an enormous surplus while the tariff salling was good.

"Wood is a dark-eyed, black-haired, nervous little man, with a vain conception of his power to control men—his workers, stockholders, politicians, editors, anyone and everyone who comes between him and the desired result.

"Wood works desperately hard at his business game in and out of season. It is said here that he keeps at such a high nervous tension that he can not compose himself to sleep at night until a massagist has operated upon him.

Are the American people willing to continue to contribute to Mr. Wood by paying more for shoddy than good woolen clothing sells for in England, or do they want the tariff on woolens reduced?

[From the Carthage (Ill.) Republican.] (By C. H. Tavenner.)

WASHINGTON, February 20, 1912.

Washington, February 20, 1912.

The Woolen Trust, having found that bayonets would not compel its \$6, \$7, and \$8 a week workers to call off their strike at Lawrence, Mass., is now utilizing the hunger of little children as a club to force the parents to return to work at reduced wages.

This is how the trust is using its new weapon:
Charitable organizations in several eastern cities, after reading of the desperate straits to which the strikers' children had been reduced, made arrangements to have hundreds of those children cared for in homes outside of Lawrence until the strike ended. Under this plan a few children were sent away, all of them going to reputable families.
With the knowledge that their children were being cared for tenderly, the mothers and fathers back in Lawrence gained courage to carry on their fight. Freed from their little ones' cry for bread, the strikers took renewed hope.

renewed lope.

What happened? The trust magnates, realizing that if all the little children were sent away from Lawrence the strikers could longer endure the struggle, at once issued orders to the servile police and militia com-

manders to put a stop to the deportation of the children. These magnates knew that where bayonets, persecutions, unlawful imprisonment, and all the other ordinary weapons of big corporations in fighting unions might fail, there remained one thing which the strikers could not long resist, and that was the suffering of their own children. The millionaires knew that while strong men and women could suffer in silence themselves they could not long bear to see their children hungry.

Accordingly, the order was issued to keep the children there. Immediately a squad of soldiers went to the stations, and when the strikers arrived with their children many of the mothers and fathers were clubbed and thrown into jail.

Diabolical as this may seem, it actually is being done, not in Russia, but right here in the United States.

The Woolen Trust, be it remembered, is the most highly protected of all the trusts. It makes millions of dollars annually in profits on stock that is watered until it is soggy.

Query: Since Aldrich and Smoor declared that Schedule K—which places a tax on every article of clothing used in the United States—was passed for the "protection" of the workers in the woolen industry, and since these workers receive not protection, but clubs and bayonets, why should Schedule K be longer tolerated?

[From the Quincy (III.) Journal.] (By C. H. Tavenner, special correspondent.)

WASHINGTON, February 22, 1913.

Nothing in the history of American tariff making has so thoroughly demonstrated the fallacy of the high-protection principle as the testimony of the Lawrence (Mass.) strikers before the House Rules Com-

demonstrated the fallacy of the high-protection principle as the testimony of the Lawrence (Mass.) strikers before the House Rules Committee.

The Woolen Trust is the especial pet of the high protectionists. In order that this trust may enjoy immunity from foreign competition, every man, woman, and child in the country pays tribute. All along this trust has said: "We must have a high tariff in order to protect our workmen. We can't pay American wages if we have to compete with the cheap labor of Europe."

The Rules Committee of the House summoned some of the strikers to Washington, and in the same room where Carnegie and Perkins told how they juggled millions, this committee heard fathers, mothers, and children tell how whole families were forced to live on \$5 and \$6 a week paid by the highly protected Woolen Trust. The witnesses told how they were forced to work 10 hours a day, how they had to use "a sort of molasses" as a substitute for butter, how children had to go into the mills at an early age in order to keep the family from actual starvation, and how the constant demand of the mill owners was for more and more speed.

In the committee room sat some of the mill children. They were fresh from the mills, and a mere glance at them told more than spoken volumes could tell. All had pinched faces. All were poorly dressed, some of them having only a cheap sweater in lieu of coat and overcoat. All had duil, expressionless faces, in which there was no trace of color or animation. All of them, moreover, were slightly deaf, because of their work amid the fearful clatter of the mill machinery, so that at times the committee members almost had to shout to make themselves heard.

Among them was one little Italian girl—Camilla Teoli by name—

times the committee members aimost had to shout to make themselves heard.

Among them was one little Italian girl—Camilla Teoli by name—who had caught her hair in a shafting and had suffered the aimost total loss of her scalp. She was unable to work for a year, during which she received not a cent in damages or compensation. When at last she was able to get out of her bed, she went back into the mills at a reduced wage, because she wasn't as strong as formerly.

All the children looked worn and old, as though they had been speeded up beyond the limit of endurance.

These children revealed, as nothing else could reveal, that "protecting American workingmen" is the last thought of the Woolen Trust. They stood as living proof that the motive in seeking a high tariff on wool was greed.

Now that you know the truth, Mr. Reader, what are you going to do about it? If you do not know just what action to take to make your feeling in the matter effective, here is a suggestion: You can vote against the party that framed Schedule K, and for the party that stands pledged to reduce the tariff on woolens almost one-half.

[From the Moline (Ill.) Mail and Journal.] (By C. H. Tavenner, special correspondence.)

WASHINGTON, March 1, 1912.

Washington, March 1, 1912.

That the "cheap foreign labor" of Europe, which the American trusts hold up as a bugaboo to frighten the workers of this country whenever tariff legislation is pending, is really better paid than the workmen in the highly protected Woolen Trust factories is shown by a comparison of the wage scales in the cloth mills of the United States and England.

"Cheap foreign labor" is the constant wall of the trusts, "We must have protection against this cheaper labor in order to pay our workmen American wages," they argue, and, then, as soon as they get the protection they immediately begin to gouge the consumer, and at the same time push their own wage scale down below that of the foreign mills with which they were in such frantic fear of competition. The following table will show what spinners are paid in the trust mills here and in the mills of free-trade England:

In England, full time, per week. In Lawrence, full time, per week.

In England, Juli time, per i	Deck.	In Lawrence, just time, per week.
MEN.		MEN.
Warpers Weavers (2 looms) Weavers (4 looms)	9. 00 7. 50 5. 50	Spinners \$5.10 to \$7.70 Carders 6.00 to 8.00 Combers 5.10 to 7.70 Drawers 5.00 to 7.70 Cop spinners 5.10 to 7.70 Twisters 5.00 to 6.10 Mule spinners 5.00 to 14.50 Weavers (12 looms) 10.00
WOMEN. Adults (average)	5. 00 3. 75	WOMEN. Combers (adults) 5. 10 Drawers (adults) 5. 00 Cop spinners 5. 10 Twisters 5. 00 Warp spoolers (girls) 5. 50

Different systems are used in the two countries, but where a direct parallel can be drawn the rate of pay is shown to be in favor of the English workman. The American Woolen Trust pays its weavers by the piece, and this makes his average for attending looms about 83 cents per loom, whereas in England the same sort of workman, for attending two looms, receives \$5.50 per week, or \$2.75 per loom.

The Woolen Trust is the most highly protected of all the trusts. It has shouted this cry of "cheap foreign labor" so long that many people have come to think that the workers in American mills, working under what the trusts call the "American standard," are magnates besides their low-paid English brethren. The reverse is true. The Woolen Trust wants protection for the sole reason that through protection it is saved from foreign competition and thus left free to gouge the American consumer at will. The workmen in the trust mills, mean-while, are given no share of these enormous profits which the trust takes from the people.

JUST LOOK AT THIS—CONSUMERS ARE BEING MADE THE GOLT AGAIN.

JUST LOOK AT THIS-CONSUMERS ARE BEING MADE THE GOAT AGAIN.

JUST LOOK AT THIS—CONSUMERS ARE BEING MADE THE GOAT AGAIN.

Anyone who thinks those millionaire Woolen Trust magnates at Lawrence, Mass., are increasing the salaries of their men, women, and children mill workers out of the generosity of their hearts—and out of their own pocketbooks—are mistaken. They are making the American people pay not only the amount of the increased wages, but every penny of the expense of the long strike.

"The people sympathized with the strikers" is the slogan of the mill owners; "now let them shoulder the expense."

Before any wages were increased the Woolen Trust magnates, who have been making profits of from 6 to 75 per cent on their investment, decided to advance the cost of clothing. And, as a matter of fact, the consumers began to actually pay increased prices for woolens and cottons in anticipation of the increased wages to be paid by the Woolen Trust before the announcement of the increased wages was made public. Cotton prints, calicoes, and the like have risen in price at wholesale in New York City a quarter of a cent in the last 10 days, and mill agents predict the increases will reach 2 cents a yard.

This will make a difference of 5 cents in an apron and 25 cents in the housewife's dress. Men's clothing is going up, and women's and children's woolen dress goods are declared to be next in line. The increases, it is estimated, will bring approximately \$12,000,000 into the coffers of the Woolen Trust within a year. Thus an accommodating public will bear the cost of the strike and increases in wages.

The men who work such games as this on both public and employees are but a handful in number. They are just a few rich men who own or control the majority of the stock of the Woolen Trust. It is practically these few men, and they alone, who are the sole beneficiaries of Schedule K.

Again the query: How long are 92,000,000 American citizens going to stand for a wool tariff, which taxes them outrageously on every stitch

Again the query: How long are 92,000,000 American citizens going to stand for a wool tariff, which taxes them outrageously on every stitch of clothing they use, merely in order that a few greedy Woolen Trust magnates may be still further enriched?

[From the Macomb (III.) Eagle.] (Special correspondence by Clyde H. Tavenner.)

WASHINGTON, March 27, 1912.

(Special correspondence by Clyde H. Tavenner.)

WASHINGTON, March 27, 1912.

When a woman purchases \$10 worth of woolen dress goods, \$4.87 of that \$10 represents the actual value of the goods and the remaining \$5.13 of the \$10 the amount of the tariff. In other words, should the same purchase be made in England, where there is no tariff on woolens, the woman would receive the same amount and quality of dress goods for \$4.87 that she pays \$10 for in this country.

This is because of the Payne-Aldrien ad valorem tariff of 105 per cent on this class of goods. When the Democrats came into power in the House of Representatives they framed a bill reducing the tax on woolens nearly 40 per cent. Had this bill been permitted to become a law the price of woolens would have been reduced to every consumer in the United States. But President Taft vetoed the bill. The Democratic majority of the House now presents the bill again.

The President, however, will have less excuse to veto the measure than he had before. He declared the first time that a certain Tariff Board had not made its report, and that to permit a reduction of the duties might make it impossible for the woolen manufacturers to "protect" their workmen.

The Tariff Board has now reported, showing that wages in the woolen industry are as high abroad as in this country in many instances. Then there has been a strike of the woolen mill workers at Lawrence, Mass., which has revealed beyond argument and beyond contradiction that the Woolen Trust magnates have been fooling and cheating the public all the time.

The strike of the \$6, \$7, and \$8 a week men, women, and children in the woolen mills brought to light the fact that while the mill owners have been declaring they were "protecting" their workers by giving them starvation wages and treating them almost like animals.

The last leg has been knocked from under the wool-tax argument, and President Taft has no excuse left to explain a veto of the Democratic downward-revision wool bill.

It will be impossible to fool

[From the San Francisco Star.] (Special correspondence by Clyde H. Tavenner.) THE SUGAR SCHEDULE.

WASHINGTON, March 28, 1912.

Washington, March 28, 1912.

The sugar industry in the United States, according to the wall going up from protectionists, will be ruined by the bill removing the tax from sugar, reducing the price to the consumer approximately 2 cents a pound. This, then, will be the fourth time the industry will have been "ruined," according to protectionists—always according to protectionists.

The standpatters said the industry would be ruined when Porto Rico sugar was admitted free. But it wasn't. Then they said it would surely perish when Philippine sugar was admitted free, and gave up the same cry when Cuban sugar was given a downward revision. During this time of "ruin" cane-sugar production in this country increased materially and beet-sugar production more than doubled, but the price of sugar has never censed to advance to the consumer. The wholesale price of standard granulated sugar on the day this item is written is \$5.85 per 100 pounds. One week ago to-day it was \$5.75; one month ago to-day, \$5.45; and one year ago, \$4.60.

Whether the Sugar Trust finds it necessary to increase prices to reimburse itself for the stolen millions it was forced to disgorge to the Government, following the exposure of the underweighing frauds, or whether the increases are actually justified by a shortage of sugar production abroad is considered a debatable question by many. But

the fact that the wholesale price of sugar in London averages 2 cents a pound less than in the United States the year around shows the advantage in favor of the consumers of the country where there is neither a sugar tariff nor a Sugar Trust.

WHERE UNDERWOOD STANDS.

WHERE UNDERWOOD STANDS.

Chairman Underwood, of the Ways and Means Committee, was interrupted in his speech against the sugar tax by a Louisiana Member, who inquired of Mr. Underwood what he anticipated would happen to the sugar industry of his State if the tax was taken off of sugar. Mr. Underwood stated that, in all frankness to the gentleman from Louisiana, that he did not know what would happen to the sugar industry of that State, but that he did know that the sugar production of Louisiana was less than one-tenth of the entire sugar consumption in the United States, and that he did not believe in the principle of taxing 92,000,000 people in order that a few sugar producers in one State might make more profit.

TWO SUGAR TRUST CHECKS.

When the bill to repeal the tax on sugar was up for discussion in the House Asher C. Hinds, of Maine, arose and loudly proclaimed that the ledger of the Sugar Trust in New York would show that the trust had sent checks to the campaign managers of both the Republican and Democratic Parties. Mr. Hardwick, of Georgia, replied. He said that what Mr. Hinds had stated was true, but that the same book also showed that the check intended for the Democratic campaign fund had been returned uncashed, whereas the one sent to the Republicans had been cashed and spent.

[From the Cheyenne (Wyo.) State Leader.]

(By Clyde H. Tavenner, special Washington correspondent of this newspaper.)

RICH MEN BEAR SMALL BURDEN IN COUNTRY-OWN 90 PER CENT OF WEALTH AND SHOULDER 10 PER CENT OF BURDEN-SIGNIFICANT STORY.

AND SHOULDER 10 PER CENT OF BURDEN—SIGNIFICANT STORY.

WASHINGTON, March 25, 1912.

Is it just that the men who own 90 per cent of the wealth of the United States should shoulder but 10 per cent of the burden of taxation for running the Government?

The Democratic House of Representatives believes that it is not, and hence the passage of the excise income-tax bill, which levies a tax of 1 per cent on incomes in excess of \$5,000 a year.

This does not mean that all persons having more than \$5,000 must pay a tax on the excess of that sum. It means that those who have an annual "income" or "profit" of more than \$5,000 must pay the 1 per cent on the excess of \$5,000. It will be necessary for a man to draw a higher salary than \$5,000 a year or to have a capitalized sum of about \$100,000 before he is called upon to pay 1 per cent tax on that portion in excess of \$5,000.

This is class legislation, the standpatters and protectionists say. They were never heard to complain, however, of the existing class legislation which permits the burden of Federal taxation to fall entirely upon the shoulders of the masses, taxing the average man, woman, and child on every stitch of clothing they wear and everything else they must have in order to live, while permitting all forms of wealth to go untaxed.

The masses of the people produce the wealth, and by legislative ad-

must have in order to live, while permitting all folius of wealth to go untaxed.

The masses of the people produce the wealth, and by legislative advantage a few get possession of it, and now these few object to the transfer to wealth of even the amount of revenue derived from the taxation of sugar, but one of the 500 things on which a tariff is levied. They would prefer that the Government continue to tax sugar instead of wealth, because they eat no more sugar than the section hand or the mill worker, and, therefore, under the present system are compelled to pay no greater tax to the Federal Government than does the poorest man. These facts may read strange, but they are facts, and will not be contradicted.

The United States is practically the only one of the great nations to-day that raises practically all its revenue by taxing the people according to their needs and practically according to their poverty and allows wealth to go untaxed, so far as the raising of money to build battleships, maintain the Army, and run the Government are concerned.

cerned.

If a fiscal system which requires a millionaire to pay no more tax to the Federal Government than the section hand or the factory worker is fair and just, there is no need of reform; but if such a system is unjust, the excise income tax is a move in the right direction to remedy it.

Mr. MOON of Tennessee. I yield to the gentleman from New

York [Mr. AKIN] 15 minutes.

Mr. AKIN of New York. Mr. Chairman, my purpose in speaking to-day is to explain to this House the methods that have been employed by some of the postmasters and the Post Office Department in trying to harm me in a way. I have in my hand nearly 100 scurrilous postal cards that were sent to me through the post office, the sending of which was countenanced by the postimaster in the city of Amsterdam, N. Y. I propose to show by the report of the post-office inspector that the postmaster there knew all about it, but did not understand the rules and regulations, although he had been in office 10 years; also the methods that were employed in the Post Office Department to change the name of a post office which was named after my father 35 years ago, not upon his request, but simply as an honor to him.

Mr. Chairman, I have noticed in the newspapers for several days certain remarks in relation to myself and my attitude in regard to a change of name of the post office named after my father at Akin, N. Y. This action to change the name of this post office was instigated by one Arthur W. Kline, at one time employed as my secretary, but who is not now acting in that capacity on account of his disloyalty and unfaithfulness, monumental gall and audacity, and mental stupidity, which will appear from a letter which I have in my possession and which I will ask to have inserted in the Record. Since he left my service he has been endeavoring to justify himself in his actions toward me by writing certain articles for the newspapers intended to place me in a wrong light. He also took advantage of the use of the post office for the purpose of sending me very nearly 100 scurrilous postal cards, which the post-office inspector who had charge of the investigation of the fraudulent use of the post office for that purpose found that the postmaster, who had been in office for 8 or 10 years, knowingly allowed to pass through said post office, or overlooked, by reason of his absence from the post office, at that time attending a political conference; and when his attention was called to this fact he crawled out of it by saying that he did not know what the rules and regulations were in regard to such matter.

Will the gentleman yield? Mr. WEEKS.

Mr. AKIN of New York. Yes.

Mr. WEEKS. I would like to ask the gentleman if he is going to submit any evidence of what the postmaster to whom he has referred has stated?

Mr. AKIN of New York. I have the report of the inspector

in regard to sending the postal cards.

Mr. WEEKS. Let me ask the gentleman if the inspector states in his report that the postmaster was away attending political conferences instead of attending to his duties?

Mr. AKIN of New York. No; but I was right there, and I know that he was not there, but was away attending a political I filed charges in the Post Office Department so that the Post Office Department might be able to ferret it out. There were letters written by different men who were mixed up in the affair who said that Mr. Liddle was here and Mr. Liddle was there, and that they talked with him about matters in regard to the selection of a Supreme Court judge.

Mr. SAMUEL W. SMITH. Will the gentleman yield? Mr. AKIN of New York. I will. Mr. SAMUEL W. SMITH. I would like to ask the gentleman how he was so fortunate as to get the report of the inspector? Mr. AKIN of New York. That I do not care to tell. I got it in a perfectly proper way. I asked for it and got it.
Mr. SAMUEL W. SMITH. Whom did the gentleman

Whom did the gentleman ask? Mr. AKIN of New York. I do not care to state. I state that with all kindness to the gentleman.

Mr. SAMUEL W. SMITH. I do not care to embarrass the

Mr. AKIN of New York. Oh, the gentleman is not embarrassing me at all.

Mr. SAMUEL W. SMITH. But I do not understand how the gentleman was able to get the report of an inspector in that

Mr. AKIN of New York. If the gentleman will look back to the remarks I made some time ago, he will see very clearly that this man has had charges preferred against him and that the department has not done anything about it, and also that I sent a letter to the President of the United States asking him to

take some action in the matter.

Mr. SAMUEL W. SMITH. But I am not interested in that.

Mr. AKIN of New York. Oh, there are very many things that you gentlemen are not interested in on that side, and espe-

cially in matters of this kind when they come up. [Laughter.]
Think of it, Mr. Chairman, a man who had held the office of postmaster for eight years paying so little attention to the office that he does not know the rules and regulations in regard to obscene and scurrilous postal cards, and yet this same post-master is retained in office by the administration, which had been notified repeatedly as to this man's inefficiency and ignorance of such rules.

I also wish to have inserted in the RECORD the name of one other person interested in the changing of the name from Akin to Fort Johnson, who is no other person than a former Member of Congress of this House, by the name of Lucius N. Littauer, who became famous by his notorious and fraudulent transactions with the War Department just previous to the closing of Mr. Roosevelt's administration; and, although his transactions are public records, yet by reason of the thimblerigging and the close affiliations and associations of this political beach comber, a man utterly distrusted, with whom no decent man would associate himself, and, furthermore, in whose company no respectable person living in his neighborhood would be found, whom no honest man would trust as far as he could throw a bull by the tail, I have been unable to procure the records from the War Department, as they are withheld by the department in order to protect this Littauer from exposure on account of his fraudulent transactions with the War Department.

To substantiate my position in reference to this man Kline, I ask unanimous consent to insert in the RECORD clippings from newspapers bearing their respective dates and copies of letters in the Post Office Department, as well as Post Office Inspector Daily's report in regard to Kline's questionable use of the mails to discredit me. It is not that I care, Mr. Speaker, what they call the village in which I live; I simply want to show the

motives of all the active participants in this move to cast reflection on me.

Furthermore, I wish to call attention, Mr. Speaker, to the brief prepared by C. P. Grandfield, First Assistant Postmaster General, wherein he claims that he told me the status of the I wish to call attention to the letter which I wrote to Mr. Grandfield, and then, by looking carefully at his answer, you will see that he did not give me the status of the case, and when he made that brief it was misleading and a falsehood; he did not answer the questions I asked him at all.

Mr. WEEKS. Will the gentleman yield?

Mr. AKIN of New York. I can not yield now, as I have only

Mr. WEEKS. I will yield the gentleman additional time to answer my question.

Mr. AKIN of New York. I will now yield to the gentleman. Mr. WEEKS. Is the gentleman going to include in his remarks the letter that he wrote the First Assistant Postmaster General and the Assistant Postmaster General's reply?

Mr. AKIN of New York. Yes; I am. I am going to be perfectly fair with you people [laughter], and you will know it

when I get through.

Mr. WEEKS. There are some of us people who are very glad to find out where the gentleman from New York belongs.

Mr. AKIN of New York. Oh, Mr. Chairman, I have not been at all delicate in stating where I belong in this House. I have stood in the middle of the floor here several times and voted as I thought was right, whether it was with the standpats on this side or gentlemen on that side, whoever they may have been. I am down here to cast a decent, honest vote when I think a bill is fair and decent, and I am not going to vote otherwise. I promised my people that I would not be coerced or intimidated from my purpose, from what I thought was right. [Applause.] If this hurts you people I can not help it, because it

Furthermore, I wish to call attention to the letter from Lucius N. Littauer of March 6, in which he speaks of changing the village name back to Fort Johnson; from "personal knowledge of the people living in this hamlet" he wishes to assure the Postmaster General that "if he gave his consent there would be practically a unanimous vote for the adoption of the name of Fort Johnson." Now, I wish to say, Mr. Chairman, that out of nearly 200 votes in the village of Akin only 34 votes were cast in favor of changing the name of this village, the balance of Fort Johnson." the voters staying at home or being at work and unable to vote, as the election was held in the afternoon and not in the evening, when the voters could get out to vote.

Although I understand that Mr. Littauer has been made a

delegate to Chicago to the national convention as a Roosevelt delegate, knowing him as well as I do, I think he will simply go there as a delegate for the purpose of seeing how much he can get, and not in the interests of the people of that district. This man, Littauer, has done more to debauch the voters of my district than any man who has ever been in my district in politics during my lifetime in that section.

Now, gentlemen, that is all I have got in here; there is no

more harangue in this thing after this.

Mr. WEEKS. I am glad the gentleman recognizes the stuff

that he has been reading.

Mr. AKIN of New York. I have sat here hour after hour and listened to nothing but harangue on that side. tleman from Illinois [Mr. MADDEN], who talked a few minutes ago on the Post Office bill, uttered nothing but a harangue. [Laughter.] We might as well all get in together on this [Laughter.]

Mr. WEEKS. If the gentleman from New York had listened to the gentleman from Illinois who spoke last he would have got some information which would have done him good.

Mr. AKIN of New York. The gentleman from Illinois got up and made a statement that they wanted a commission appointed so as to get all this information; that he did not know anything about it. I made up my mind that the man who was talking without any information did not know what he was talking about. [Laughter and applause.]

These letters, memoranda, and data simply go to show that the conditions as represented in my former speech were true, and that this deplorable condition does exist in the district which I represent. I did not deem the matter of the changing of the name of enough importance to leave my duties here in Congress to go home and take any action in the matter whatever. If the people of my town wish to live in a village named after a man who, without doubt, as is shown by the documentary history and the colonial history of the State of New York, had no better reputation than the Indian trader of 40 years ago-this Sir William Johnson dealt largely with the Mohawks and Iroquois, as well as the Hurons and Senecas,

maintained an elaborate establishment, and made no bones of debauching the Indians of both sexes at this old place; was instrumental in egging on Chief Hendricks in his massacres of the Indians along Lake Champlain, and carried on warfare unparalleled in atrocity all the way north to Quebec—then it is their affair. Now, if under these circumstances, the people care or are inclined to perpetuate the name of this old monster, I shall be perfectly satisfied to bow to the will of the majority.

Mr. COOPER. Mr. Chairman, will the gentleman yield?

Mr. AKIN of New York. Certainly.

Mr. COOPER. How long has that post office been called Akin?

Mr. AKIN of New York. Ever since 1873.

Mr. COOPER. After whom was it named?
Mr. AKIN of New York. My father. Now, to show you, he owned 185 acres of land in this old farm. There was not a house except the old home on it, and by reason of his activity and his business management we have now on that farm a village of 700 people, and it was in honor of him that a former Member of Congress, Mr. John H. Starin, thought it was due him as an old friend to name the post office after him instead of calling it Fort Johnson. He had the same feeling toward this old Sir William Johnson that every other decent man in that neighborhood had. They all knew that he was an old debauchee-an old rake.

In one of the letters to the Postmaster General, written by this young man by the name of Kline, he lays great stress on retaining the name of Fort Johnson, saying that it had been called Fort Johnson from colonial times until the present time. If this smart young man would get the documentary history of New York he would see that it was called Mount Johnson and not Fort Johnson. Moreover, I have lived in this same colonial mansion myself since I was a little boy 3 years old up to a short time ago, and during that time it was never known by any other name than "The Old Fort."

The CHAIRMAN. The time of the gentleman from New

York has expired.

Mr. WEEKS. Mr. Chairman, I yield the gentleman five

minutes more.

Mr. AKIN of New York. But there is a matter of history, not of colonial days, that perhaps may be uppermost in the memory of A. W. Kline's mind, and that is the records of the Akin schoolhouse and what became of the school moneys, and the partial recovery of the same by the committee appointed to collect the same, all of which he failed to notify the Post Office Department, was a matter of vital interest and history to the taxpayers of the village of Akin.

Now, Mr. Chairman, I have nothing else left but letters and data, and I ask unanimous consent that they may be inserted

in the RECORD.

The CHAIRMAN. What is the request of the gentleman? Mr. AKIN of New York. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from New York asks unanimous consent to extend his remarks in the RECORD. Is there

Mr. WEEKS. Mr. Chairman, as I have yielded the gentleman more time and he has not used it all, I would like to have him state what the letters are, to whom they were written, and by whom.

Mr. AKIN of New York. One letter is written to Mr. Burton Harrison, a Member of Congress, by this secretary. There are some newspaper clippings. I do not think that is very fair, I am here the same as any other man. I have told you there is nothing in there but newspaper clippings and the reports of inspectors

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

The letters and papers referred to are as follows:

AMSTERDAM, N. Y., March 7, 1911.

Amsterdam, N. Y., March 7, 1911.

Hon. Francis Burton Harrison,
Representative in Congress, Washington, D. C.

My Dear Sir: In view of the fact that President Taft has called an extra session of Congress, I am writing to ascertain if there would be any possibility of my securing a session job as a clerk to one of the committees in the new Congress.

While in Washington some few weeks ago I had the pleasure of meeting you with Congressman Akin, from the twenty-fifth district.

I am to be in Washington with Mr. Akin as his secretary, and would like to secure a committee appointment if possible. I do not believe that anyone can question my democracy, and if northern New York is entitled to any consideration in the matter of an appointment of this nature, I would like very much to have my name considered.

While I do not pose as the mouthpiece of the Congressman from the twenty-fifth district, and although one vote may not be of any value, still, nevertheless, in case of a pinch I would be in a position to help the Democrats out in case the one vote might be needed.

Thanking you in advance for anything you may do for me, I am, Very truly, yours,

W. Arthur Kline.

[From the Amsterdam (N. Y.) Sentinel, Mar. 11, 1912.]

The village elections in this vicinity passed off very quietly, there being but few contests. Perhaps most interest centered in the efforts of the opponents of Congressman AKIN to have the name of that village changed from AKIN back to Fort Johnson. In this they were successful. AKIN ELECTION.

The village of Akin by a vote of 34 to 8 has decided to change the name to Fort Johnson, some of the residents of the village taking advantage of the absence of Congressman Akin and thinking to annoy him by submitting the proposition to a vote. The dector didn't look upon the contest as of sufficient interest to leave his post in Washington to come home and vote. The little village has gained some fame through its prosperity as well as through its prosperity as well as through its prosperity as well as through its present president, Congressman Akin. But Ethan Akin, for whom the village was named, appealed to Grover Cleveland, at that time President of the United States, and a quietus was placed upon the new name so far as the post office was concerned. Both Fonda, Johnstown & Gloversville and Central-Hudson Railroad stations will continue to be known by the name Akin. Congressman Akin is understood to have declared the proceeding a piece of small politics, but he will undoubtedly pay his compliments to Postmaster General Hitchcock, whose sanction was given to the proposition to change the name, before the expiration of his term in Congress, which will not be until March 4, 1913.

[From the Amsterdam Recorder, Mar. 20, 1912.] AKIN SAYS HE DOESN'T CARE.

AKIN SAYS HE DOESN'T CARE.

A dispatch from Washington to the New York World says:

"They can change the name to anything they please and I will not lose any sleep over it," Representative Theron Akin said when he read that there is a movement on foot to change the name of the town in which he lives and which was named after his father.

"This town, which was nothing more than a post office, was named after my father 30 years ago," continued Mr. Akin. "It has grown until it has a population of about 700. If my political enemies hope to make any capital out of this thing they can go ahead. I think it's pretty small politics, but I shall do nothing to interfere with their activities. I can live there just as comfortably and just as happily, no matter what name they call it by."

[From the Amsterdam Recorder, April, 1912.]

[From the Amsterdam Recorder, April, 1912.]

Another episode which, it is said, has detracted from the popularity of Representative Akin was the institution by him of an action against Arthur Kline, of Amsterdam, formerly his private secretary, whom he accused of slandering him by means of postal cards. The action was brought before Judge Ray, in the United States court, and the impression is that it will not be pressed.

Mr. Akin's speech was "extended" in the Record under "leave to print." Here is a paragraph from the speech:

"It appears, Mr. Speaker, that the reason given why Mr. Taff failed to make his promise good to me in regard to the appointment of honest men for postmasters in my district was made public by a pinhead reporter in a spineless paper which is printed in my district, and I am well informed that the parties who imparted this information about my not being good and not being able to trust me were Lucius N. Littauer and one Cyrus Durey.

[Scurrilous postal cards mailed at Amsterdam, N. Y., addressed to Hon, THERON AKIN, Akin, N. Y. Case No. — Special. Office of post-office inspector in charge. Received Jan. 10, 1912, New York, N. Y. George W. Dally, Inspector, New York division. Report examined, approved, and forwarded to chief inspector Jan. 19, 1912. Signed E. L. Kincaid, acting post-office inspector, in charge division. Received Feb. 28, 1912.]

POST OFFICE DEPARTMENT Office of Inspector, Utica, N. Y., January 18, 1912.

Mr. W. W. Dickson, Inspector in Charge, New York, N. Y.

Mr. W. W. Dickson,
Inspector in Charge, New York, N. Y.

Sir: I have the honor to submit report in the matter of the mailing at Amsterdam, N. Y., on September 8, 9, 14, and 20, 1911, of scurrilous postal cards addressed to the Hon. Theron Akin, Member of Congress from the twenty-fifth New York district, in violation of section 498 of the Postal Laws and Regulations, edition of 1902.

This case was given attention at Amsterdam, N. Y., last September, in accordance with instruction from you under date of September 18, addressed to me at Ticonderoga, N. Y., following personal complaint to you by Representative Akin.

The objectionable postal cards, 84 in number, were addressed and delivered to complainant at Akin, N. Y. None have been mailed or received since September 20. Complainant accused W. Arthur Kline, a young attorney of Amsterdam, N. Y., who was formerly his secretary, with having written and mailed and with having caused same to be written and mailed. He is very familiar with Kline's handwriting, recognizes the writing on some of the cards as his, and can and did swear to that fact. A comparison of the handwriting on the cards, where same have been written by Kline as alleged by complainant, with Kline's handwriting to be found on the records of the village of Akin. N. Y., kept by him while clerk of the village prior to his employment as the Congressman's secretary, apparently warrants the charge that Kline wrote some of the cards. Although the writing on the cards in question is disguised, yet there is a strong similarity, in many instances, to Kline's known chirography. A noticeable peculiarity of Kline's infinishing a sentence, is to use a colon and a dash instead of a period. This peculiarity is noticed in many instances on the scurrilous cards, whether they have been prepared by hand or on the typewriter, as many were; but under the rules of procedure in the United States court the village records of Akin and other samples of Kline's handwriting, which had no bearing on the matter at issue, could no

The clerks in the Amsterdam office who handled them take refuge in the statement that they supposed the unmailability of post cards de-pended only on their obscenity or suggestiveness. The clerks and the postmaster pleaded ignorance of the regulations as applied to scurrilous

postmaster pleaded ignorance of the regulations as applied to scattled matter.

The facts in the case were submitted to the United States attorney. For the northern district of New York, at Binghamton, September 23 last, and the case was submitted to the grand jury at an adjourned term of the court which convened at Utica, N. Y., on the 16th instant. It failed to return a bill, and this action is final.

Mr. Akin desires that the cards be returned to him. The United States attorney has no objection to their return to him. Other papers submitted by complainant are in the United States attorney's files and can be secured from him direct if desired.

I recommend the return of the post and postal cards, which are fransmitted with this report to Representative Akin in accordance with his request, and that the case be closed.

Very respectfully,

George W. Daily,

Post Office Inspector.

BRIEF.

W. A. Kline asked about changing name to Fort Johnson March 20, 1912.

Name "Fort Johnson" approved March 1, 1912.
W. A. Kline again asks about changing name February 28, 1912.
W. A. Kline told no objection to name "Fort Johnson" March 2, 1912.

Hon. L. N. LITTAUER recommended change of name March 4, 1912. Hon. L. N. LITTAUER told no objection to changing name March 8, 12.

D12.
Representative Akin asked if order had been issued for change of ame March 8, 1912.
Representative Akin told status March 12, 1912.
Representative Akin told status March 12, 1912.
Certification of the change of name of the village March 25, 1912.
W. A. Kline asked to state if they desire name of post office changed.
W. A. Kline requests name of post office be changed April 1, 1912.

VILLAGE OF FORT JOHNSON, N. Y.,

Office of Clerk, April 1, 1912.

C. P. Grandfield, Esq.,

First Assistant Postmaster General,
Washington, D. C.

My Dear Sir: I have your favor of the 30th in regard to matter of change of name of post office at Akin, N. Y. The communication to which you refer as of date March 25, 1912, was to notify your department of the result of the election on the proposition to change the name of the village to Fort Johnson and a request that the post office be also changed. From the reading of the communication received from the Postmaster General, under date of March 2, 1912, I deemed that was all that was necessary to bring about the desired result. If I have failed to supply your department with any information in regard to the matter, kindly let me know and I will gladly furnish the same.

Very truly, yours,

W. Arthur Kline.

W. ARTHUR KLINE.

MARCH 30, 1912.

MR. W. ARTHUR KLINE.

Clerk Village of Akin, Akin, N. Y.

My Dear Sir: In reply to a communication dated the 25th instant, which the Postmaster General has referred to me, signed by yourself and the president of the village of Akin, in which you certify that the name of the village has been changed to Fort Johnson, you are requested to state whether your communication was intended as a request that the name of the post office at Akin be changed to agree with the present name of the village.

Very truly, yours,

C. P. Grandfield,

First Assistant Postmaster General.

C. P. GRANDFIELD, First Assistant Postmaster General.

NOTICE PURSUANT TO NO. 347 OF VILLAGE LAWS.

NOTICE PURSUANT TO NO. 347 OF VILLAGE LAWS.

[Received March 27, 1912, Postmaster General. First Assistant, received March 28, 1912, Postmaster General.]

To Hon. F. H. Hitchcock, Esq.,

Postmaster General, Washington, D. C.:

This is to certify that at the annual election held in the village of Akin, Montgomery County, N. Y., on the 19th day of March, 1912, the proposition, duly submitted pursuant to the provisions of section 347 of the village law, as found in Consolidated Laws of the State of New York, to change the name of the village from Akin to Fort Johnson was adopted.

In witness whereof we have hereunto set our hands and the seal of the village this 25th day of March, 1912.

JOHN K. MERGNER, President.

[SEAL OF VILLAGE.]

W. ARTHUR KLINE, Village Clerk.

MARCH 8, 1912.

Hon. LUCIUS N. LITTAUER, 122 South Main Street, Gloversville, N. Y.

My Dear Mr. Littauer: I beg to acknowledge the receipt of your letter of the 4th instant, with reference to changing the name of the village of Akin, Montgomery County, N. Y., to Fort Johnson, and to inform you that, so far as the department is concerned, there appears to be no objection to changing the name of the post office at that place to Fort Johnson, and I have therefore given my formal consent to the change of name of the village in accordance with the provision of the laws of the State of New York.

Yours, very truly,

F. H. Hitchcock.

[Littauer Bros., Gloves. New York office, 715-717 Broadway. Received March 6, 1912, Postmaster General.]

GLOVERSVILLE, N. Y., 122 South Main Street, March 4, 1912.

Hon. FRANK H. HITCHCOCK, Postmaster General, Washington, D. C.

MY DEAR MR. HITCHCOCK: You will have received a paper from the members of the village of Akin, Montgomery County, N. Y., to have the name of that village changed from Akin back to Fort Johnson, the name the village bore during the Cleveland administration. From personal knowledge of people living in this hamlet, I can assure you that, if your consent is given, there will be practically a unanimous vote for

the adoption of the name Fort Johnson, and I would be particularly gratified if you could see fit to gratify this request.

Very truly, yours,

LUCIUS N. LITTAUER.

MARCH 2, 1912.

Mr. W. Arthur Kline,

Clerk, Village of Akin, N. Y.

My Dear Sin: I beg to acknowledge the receipt of your letter of the 28th ultimo, and to say that your letter of February 20 was duly received and that the matter of the propriety of changing the name of the post office at Akin to Fort Johnson in the event of a similar change in the corporate name of the village was given prompt consideration. There appears to be no objection so far as the department is concerned to changing the name of the post office to Fort Johnson, and I therefore give my formal consent to the change of the name of the village, in accordance with the provision of the laws of the State of New York referred to in your letter.

Yours, very truly,

F. H. HITCHCOCK,

Postmaster General.

F. H. HITCHCOCK, Postmaster General.

[Received Feb. 29, 1912, Postmaster General.] W. ARTHUR KLINE, ATTORNEY AT LAW, BLOOD BUILDING, Amsterdam, N. Y., February 28, 1912.

Amsterdam, N. Y., February 28, 1912.

Hon. Frank H. Hitchcock,
Postmaster General, Washington, D. C.

My Dear Sir: On February 20 I directed a letter to you of which the inclosed is a copy. Having received no reply or acknowledgment of the same I have concluded that the same failed to reach your office. For the past month there has been a series of robberies at the Amsterdam post office—a great deal of first-class mail had been stolen. The thief when apprehended confessed to stealing a great many letters and destroying the same after ascertaining that they contained nothing of value. Laboring under the impression that the letter of mine might have been thus destroyed and wishing to be on the safe side I am inclosing copy of same as above indicated.

Very truly, yours,

W. Arthur Kline,
Village Clerk.

W. ARTHUR KLINE, Village Clerk.

[Copy of letter inclosed in above. Received Feb. 29, 1912, Postmaster General.]

FEBRUARY 20, 1912.

General.]

General.]

February 20, 1912.

Hon. Frank H. Hitchcock,

Postmaster General, Washington, D. C.

Dear Sir: At a meeting of the trustees of the village of Akin, N. Y., held on the 19th day of February, 1912, the following resolution was adopted:

By Trustee Charles Wood:

"Resolved, That at the annual election to be held on the 19th day of March, 1912, the following proposition be submitted to the electors of the village to be voted upon:

"Shall the name of the village of Akin, N. Y., be changed from Akin to Fort Johnson?"

Carried. All voting "Aye."

Under the provisions of section 347 of the village law, as found in the Consolidated Laws of the State of New York, before this question can be officially placed upon the ballot at the annual election it is necessary that the written consent of the Postmaster General of the United States accompany the same.

I am therefore requested to present this matter to you for your consideration. As you are probably aware, within the boundaries of this village is situated the old colonial fort built and occupied as a residence by Sir William Johnson during his term of office as commissioner of Indian affairs, just prior to the Revolution. This fort is now the property of the Montgomery County Historical Society, and the residence of the village are desirous of changing the name for the purpose of handing down to the future generations the old colonial name of the village.

As you will note from the resolution as adopted, the village election will be held on the 19th of March, 1912, and in order to vote upon this question it will be necessary for the consent to change from your office shall be in my hands, as village clerk, during the first week of March, so that the ballots may be properly prepared.

Trusting that you may see your way clear to grant this request upon the part of the village trustees, I am,

Very truly, yours,

W. Arthur Kline, Village Clerk.

W. ARTHUR KLINE, Village Clerk.

[Received Mar. 9, 1912, First Assistant Postmaster General.] MARCH 8, 1912.

MARCH 8, 1012.

Honorable First Assistant Postmaster General.

Post Office Department, Washington, D. C.

My Dear Sir: Notice comes to me that there is a project on foot to change the name of the post office at Akin, N. Y., to the name of Fort Johnson. Have you issued an order to change the name of that post office to that of Fort Johnson, and has there been any correspondence as to the change of the name, and who is the instigator of the project? Yours, respectfully.

THERON AKIN.

MARCH 12, 1912.

Hon. Theron Akin,

House of Representatives.

My Dear Sir: I am in receipt of your letter of the 8th instant, requesting information as to whether a change in the name of the post office at Akin, Montgomery County, N. Y., to Fort Johnson has been ordered. In reply, I beg to say that the department was officially informed that at a meeting of the board of trustees of the village of Akin it was decided to submit to a vote of the electors the question as to whether the name of the village should be changed to Fort Johnson, and that under the laws of the State of New York it was necessary, before the question could be officially placed upon the ballot, that the written consent of the Postmaster General be given. As there appeared to be no objection, so far as the department was concerned, to changing the name of the post office to Fort Johnson, in the event of the change of name of the village, the formal consent of the Postmaster General was given to the proposed change.

Very truly, yours,

C. P. Grandfield,

C. P. GRANDFIELD, First Assistant Postmaster General.

Mr. MOON of Tennessee. Mr. Chairman, I yield 30 minutes to the gentleman from New York [Mr. Redfield]. [Applause.]

Mr. REDFIELD. Mr. Chairman, I desire to acknowledge the courtesy of the gentleman from Massachusetts [Mr. Weeks] who has kindly yielded that I may speak at this particular moment, having engagements later in the day. As an Irish friend of mine said, I want to say before I commence that I agree most heartily with the gentleman from Illinois [Mr. Madden] in his regret that this bill does not yet provide for the promotion and advancement of the laborers employed in the Post Office Department. I hope it will ultimately come so to do, and I shall be glad to join with anyone who will bring that about. I think it is the duty of the United States Government to be a model employer, and that it should open the door of opportunity to its humblest servants as well as to those higher in its service.

I am sure also that the gentleman from Illinois [Mr. MADDEN] left unsaid one-half of what he had in mind when he spoke of the effect of the conditions of department-store employment and wages upon the young women in those stores. The other half I am sure he meant to say, and for him and in his behalf I want to say it in a moment or two now. I personally know four great department stores, one in Philadelphia, one in New York, one in Brooklyn, and one in Boston, the proprietors of which strain every nerve for the care of their working girls. On the minds of these men the rate of wages and the uplift of those girls is a moral charge. It never leaves their thought. One of them said to me one day: "Mr. Redfield, I would like to advance my 6,000 girls 50 cents a week, but I do not know now where the \$156,000 per year that that would cost is to come from." But by opportunity for promotion, and in every But by opportunity for promotion, and in every way he could do it, he strove to uplift those girls. And in like manner I know men in other cities who have esteemed it a privilege and a duty to strive to carry out the uplift of their employees to the full.

I want to speak, however, this afternoon upon section 5 of this bill, which has relation to the hours of work of the letter carriers, and to place before the committee certain facts collected by a subcommittee, of which I was chairman, a few weeks ago in the investigation of the post office at Brooklyn, N. Y., and which has not heretofore been made public. They have not yet appeared in the report of the subcommittee, because the matter was so large it has not been possible to get that report prepared, but they should be before the House in the discussion of this bill, which is directly affected by them. There are three distinct matters of which I wish to speak which affect the letter-carrier force in our great post offices. These are the matter of hours, the matter of the speed or the nervous tension under which the men work, and the matter of the weight those men carry, and on two of these matters I have before me official information coming from the department itself and acknowledged to be correct by the men themselves. I will first take up the question of hours, then, briefly, to which section 5 refers. I have in my hand the time cards of certain of the force in the general post office and in four stations in the city of Brooklyn during the latter part of February, 1912, and I read briefly from these cards, as it would be difficult to insert them in the RECORD without reading because of their peculiar form. I find the following facts relating to what are known as the "long tours" on the alternate weeks: One week these men work the straight eight hours. Their partners the following week work eight hours, and the man who this week works eight hours next week works what is called the "long tour." This results that on the 24th of February Mr. Paul A. Graw, attached to Station B of the Brooklyn post office, reported for duty at 5.45 a. m. and left duty finally for the night at 7.09 p. m. There is, of course, as you know, what is known as the midday "swing." That is, he actually worked from 5.45 in the morning until 9.57, when he gets a swing, and he reported again for duty at 3.15, and left at 7.09 p. m., or 8 hours and 6 minutes work, distributed, as you see, over a period of 131

The next day the same carrier's time was from 5.45 a, m, to 7.13 p. m.; the next day from 5.45 to 7.10; the next day was a holiday; and again on Friday of that week his time was from 5.45 to 7.17, and he completed the week by working on Saturday from 5.45 until 7 o'clock, in each case with the midday swing of which I have spoken. In the same station, Robert C. Green, jr., on the same day (Feb. 24, 1912) worked from 5.45 a. m. to 7.15 p. m.; the following day the same hours; the following day from 5.45 to 7.10; the following day was a holiday; and then on the next day he worked from 5.45 to 7, and on Saturday from 5.45 to 7.15. Thus I might read the whole of the cards for that station which gives all the details. I will turn now to Station S in another portion of the city, and I find Thomas J. McManus working on the 24th of February from 5.30 in the

morning until 6.25 in the evening, with a swing from 9.40 to 2.15. On Tuesday he worked from 5.50 to 6.20 in the evening; on Wednesday from 5.50 to 6.25; on Thursday it was a holf-day; on Friday he worked from 5.50 to 6.35; and on Saturday from 5.50 to 6.20, all with a swing in the middle of the day. This statement may be said to be typical of that station also. Now, referring to the general post office

Mr. WEEKS. May I ask the gentleman a question?
Mr. REDFIELD. Certainly, with pleasure.
Mr. WEEKS. I take it this is a residence section served by these carriers, is it not?

Mr. REDFIELD. Not altogether; one is and the other is mixed. The cards which I now hold in my hand are strictly a business section, and I brought these cards as representing two portions of the city in order that we might fairly cover the entire city. Now, in regard to the cards for the general post office, which is almost wholly a business section, I find that February 24 one Thomas C. Smith worked on Monday from 5.30 in the morning to 7.10 in the evening; on Tuesday from 5.45 to 7.10; on Wednesday from 5.45 to 7; Thursday being a holiday

I find George J. McNamara working from 5.30 in the morning of Monday, the 24th of February, to 5.58 in the evening; Tuesday, from 5.45 in the morning to 6 o'clock in the evening;

and so on in similar proportion in the general post office.

Referring, now, briefly to Station W, in the same post office,
I find John J. O'Neil, on the same day of February, working from 5.45 in the morning to 7.12 in the evening-this being extreme hours-with the swing in the middle of the day. On the 26th of February O'Neil worked from 6 a. m. to 7.17 p. m. I have other cards showing a similar record from the same station. And, finally, referring to the Flatbush Station, almost purely a residence station and the one in which I myself live, find James M. Ball, on the 24th of February, working from 5.45 in the morning to 5.45 in the evening, and on Tuesday, February 25, from 6 in the morning until 5.45 in the evening, again with the swing in the middle of the day, and on Wednesday from 6 o'clock in the morning until 5.40 in the evening. They worked in this station rather shorter hours, because it is more purely a residence district.

I will not read more cards, because they will be made a part of the committee's report, and any Member can see them.

That long service lasts for a week, and the length of the "swing" between the early and the late tour depends on the time when the carrier gets back from his morning service.

Mr. COOPER. What was the earliest hour at which any of them went to work, as you remember?

Mr. REDFIELD. Five-thirty.
Mr. COOPER. And that is understood as meaning that a man has to get up about 4.30 in the morning and get his break-

Mr. REDFIELD. I am glad the gentleman asked the ques-I asked witnesses under oath as to how these men got their breakfast, and was told they could not, of course, disturb their wives and children. They got up themselves at from 4.30 to 4.45, prepared their own simple breakfast, and got away from the house at 5 o'clock.

Mr. COOPER. And then they get home at half past 8 or 9

o'clock at night?

Mr. REDFIELD. I do not desire in any way to mislead the House as to the fact that these men in a given day of 24 hours do no more than 8 hours or within a few minutes of 8 hours' work. But each man during these broken days feels very keenly the consciousness that he has got to be back on his work, so to speak, and his mind must be upon it from 5 o'clock in the morning until 7 o'clock in the evening. And if there has been a heavy storm which has interrupted the traffic, I need not explain to this House the situation in which that man finds himself.

So much for what I may call the negative side of the case. The facts are admitted, because these cards were given me by authority of the post office. On the other hand, the question was asked, as a part of our committee investigation, How a change of hours would work? And I thought it was fair to have these facts under oath in order to pave the way somewhat for this discussion. The president of the local Letter Carriers' Association stated that it would be perfectly possible to arrange a schedule so that an 8-hour day within 10 hours' continuous time could be laid out without serious additional expense to the Government and without interruption to the work. And in that connection he pointed out what every business man knows to be true, that a late evening delivery for a business house is rarely of any great value, for any delivery in a down-town business district after 5 o'clock is practically worthless for use that day.

He was asked this more closely—the president of the Letter Carriers' Association in the Brooklyn post office was askedif he would cause to be prepared a schedule based upon the 8 hours in 10, and did so. I received it only a few days ago. It forms a portion of the subcommittee's report, and it is here now in my hand and is available for examination by any member of the Post Office Committee or anybody who desires to see it, and fully works out any kind of tour-two trips, three trips, four trips, five trips, and six-trip routes-all of them based upon continuous 8 hours' work, and all of them showing adjustment to the necessary convenience alike of the business and the residential districts of the city.

Mr. WEEKS. Mr. Chairman, will the gentleman yield? The CHAIRMAN. Does the gentleman from New York yield?

Mr. REDFIELD. Yes.

Mr. WEEKS. Has that routine, as arranged with the president of the Letter Carriers' Association, been submitted to the postmaster at New York?

Mr. REDFIELD. No; and the gentleman's question, if he will pardon me, shows that he was a little misled. This was the post office at Brooklyn.

Mr. WEEKS. I supposed the post office at Brooklyn was connected with the New York post office.

Mr. REDFIELD. No.

Mr. WEEKS. Has it been submitted to the postmaster at

Mr. REDFIELD. No; except that the question was asked in his presence and in the presence of his deputies whether such a one could be prepared, and it was prepared by a man in whom he has expressed confidence.

Mr. WEEKS. Did he agree that it was a practical arrange-

Mr. REDFIELD. As yet I can not say as to that of my own knowledge.

Mr. UTTER Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from New York yield to the gentleman from Rhode Island?

Mr. REDFIELD. Certainly. Mr. UTTER. Were these long carries, which the gentleman has reported, in the business section or in the residential sec-

Mr. REDFIELD. They were in both. They cover substantially typical areas—six of them—all over the city.

Now, as to the question of hours, it is my judgment, Mr. Chairman-after examining that post office for several days and making careful inquiry of the carriers in several of the stations—that the question of hours presented by this bill involves no more than an ordinary business adjustment, and would do justice to the men who are fairly, in all righteousness, entitled to it.

Now, I want to take up for a few moments another phase of this same subject. What do these men have to carry in the way of weights? We had before us, under examination, the superintendent of mails, who is in charge of the 1,100 and more carriers who operate in that post office. The committee requested each one of three stations and the general post office to prepare slips showing the largest weight taken out by any carrier during this investigation on certain days, which we fixed without the authorities knowing what they were to be in ad-These slips were to be signed by the carrier himself and by the superintendent of the station, so that there could be no question as to whether they told the truth or not.

I hold in my hand the slips representing the general post office and Stations B, S, and W, on the 1st and 2d of March, and, referring to those, I will read very briefly certain questions addressed by me to the superintendent of mail delivery in Brooklyn and his answers. And in saying this I do it with-out any thought, expressed or in my mind, of criticism of the officers of the post office. That is not at all my purpose. I simply am desiring to make a public record of facts which re-

late to the bill now under discussion. I read:

Mr. Redfield. What do you consider the maximum amount of mail a carrier can handle on one delivery trip?

Mr. Carrougher. Why, on the three-trip route he should carry 40

a carrier can handle on one delivery trip?

Mr. Carrougher. Why, on the three-trip route he should carry 40 pounds of mail.

Mr. Redfield. Do you know what the average load was that was taken out of the general post office in Brooklyn this morning?

Mr. Carrougher. I have an idea, but did not look at the figures, as I did not think you would want me to; but I have an idea that they would average about 60 pounds per man.

Mr. Redfield. Do the initialed tickets which have been handed by you to me, and which I show you, represent the loads taken out by the carriers this morning in the Brooklyn office?

Mr. Carrougher. Yes, sir.

Mr. Redfield. I call your attention to the fact that the tabulation made by Judge Towner from the slips shows the smallest load taken out this morning to be 52 pounds, and largest 81 pounds, or an average for 20 carriers of 65 pounds mail. To-day was not a day on which any

of the large publications had to be delivered. What would you say was the heaviest load a carrier would be obliged to take out at one time?

Mr. Carrougher. That is a very problematical question. A week ago Tuesday I weighed the mail on route 12, of which you have the corresponding weight, and he took out 112 pounds.

Mr. Redfield. Would it be unusual for a carrier to take out as many as 40 copies of the Ladles' Home Journal or a publication of corresponding weight on one trip?

Mr. Carrougher. That would be possible on several routes; not more than 10 in the whole office.

Mr. Redfield. And on those 10 routes that would mean an added load of approximately 40 pounds, would it not?

Mr. Carrougher. About that.

Mr. Redfield. So that if that route happened to be the one upon which these tickets which you have furnished showed a weight of 52 pounds a day, that load might become 90 pounds?

Mr. Carrougher. Yes.

It is hardly necessary for me to go through these tickets in detail, because the substance of them has appeared in the extracts from the testimony which I have read to you; but I hope that it may be possible to incorporate in this legislation a provision that a letter carrier shall not be required to take out at any one time over 75 pounds of mail. I think if it be considered that he must go in the stress of weather, without regard to what the conditions are, and that he must go on schedule time both as to his start and as to his return, 75 pounds of mail is all that a man should be expected to carry under such circumstances.

Finally, this that I shall speak about is a matter of individual judgment. It must be taken as meaning no more than that. I have been accustomed all my life to shops in which men working in considerable numbers have been employed. One gets a certain habit of knowing whether the men are overexerting themselves or not. It was my judgment, from visiting two of these stations at a time when work was progressing most rapidly, one of them the general post office, that these men were under high tension. In examining not 1 nor 2 nor 10, but more, that impression became very real to me, and upon inquiring of 3 of the carriers under oath as to that matter, they confirmed it, and their statements will appear in the record of the committee.

We have, then, a situation of this kind, that half the time in which those men are employed they are employed at hours which in their extremes may be said to be unusual and ex-Then they are occasionally obliged-I do not say cessive. often-I do not know how often-to carry what seems to me to be excessive loads, and that they are daily obliged to work under what seems to me to be high tension. The nervous speed with which the work must be done is, to my mind, a very real factor in it.

And this must be always borne in mind, that they are not merely like the man who has so much ordinary work to do, but this particular work must be done with a very high percentage of accuracy. Mistakes are not to any considerable extent allowable at all. So that there is here not merely a physical but a mental tension, the tension of a keen mind directed to very accurate work. Under these circumstances, which I have tried to describe as simply as I could and very briefly, I have felt, and feel now, that this legislation, which provides for these carriers working 8 hours in a continuous 10, is in the first place practical legislation, requiring no serious trouble, causing no injury to the service, and occasioning no special difficulty or excessive expense in its establishment and operation. In the next place I feel that it is wise. We have a force of men that is, I think, admirable. The gentleman whose testimony I have read spoke with great pride of his working I believe the force is now somewhat overstrained nervously. I believe it ought to be so adjusted in these details that we may feel that these men are working within and not beyond their powers. [Applause.]

I yield back the balance of my time.

Mr. UTTER. Of course, the purpose of the postal work is the public service. Did the committee take into consideration, from the postmasters' side, the question why they made this arrangement of hours? Of course, nobody believes there was a desire to make hard work, but it is a question of the public What did the postmaster say with reference to that?

Mr. REDFIELD. The man from whose testimony in part I have read was the superintendent of mails, the man next to the postmaster in that department. The testimony is quite voluminous. The arrangement I have read I have not read because it was exceptional, but because it was typical of the entire department in the large offices. These are in general, with a few minor exceptions, the usual conditions that prevail in the large offices. I want the gentleman from Rhode Island to understand that I am not holding any particular officer or officers accountable for the conditions. I think they have gradually grown up.
Mr. UTTER. I have not intended to imply that there was

any intention on the part of the gentleman from New York except to state fairly the facts. Will the gentleman state what the postmaster gave as a reason for recommending these hours? I understand that the postal carriers can only work eight hours in a day. Now, why is it? Has the public convenience made it necessary for the postmaster to make such an arrangement?

Mr. REDFIELD. In order, I believe, to get the largest amount of service at the least possible cost. I think they have, without meaning to do so, unconsciously "taken it out of" the men; and, if I may proceed a moment, there has been in particular post offices—and it was that fact which led to the inquiry—a very considerable reduction in the carrier force, with the result of throwing a larger amount of work on the men that remained.

Mr. UTTER. The conclusion of the committee naturally would be that in order to give the men 8 hours' labor within 10 hours it would be necessary to increase the force.

Mr. REDFIELD. I think it may not be. I think it may be accomplished by a readjustment, and I think the schedules which will appear in the report will show that fact.

Mr. UTTER. It is a practical question which can be deter-

Mr. REDFIELD. It is a practical question.

Mr. REILLY. Mr. Chairman, the gentleman from Rhode Island stated, in asking his question of the gentleman from New York, that the law now was that carriers should not work more than eight hours a day. That is not correct. It is 48 hours a week. They may work 10 hours to-day and 6 hours to-morrow.

Mr. REDFIELD. As a matter of fact, these cards are arranged for that very purpose in columns, which carry them over from day to day, the aggregate number of hours showing on a weekly basis instead of a daily basis.

Mr. FOWLER. Will the gentleman yield?

Mr. REDFIELD. Certainly.

Mr. FOWLER. In the gentleman's investigation he has detailed for long hours for men, did he discover from that examination any physical or mental effects that the long-hour service

had upon the employees?

Mr. REDFIELD. I must admit, Mr. Chairman, in answer to the question of the gentleman from Illinois, that I have not sufficient medical experience to be able to speak on the subject. We did examine three or four carriers in station B, who said that they were under a nervous strain and felt it. I think it is entirely reasonable to add that I think in the situation that the men work under at their desks preparing for the ringing of the bell—and the man who works toward the ringing of a bell is always under a strain—that these men standing at the desk and working with intensity, accuracy, and speed were under a certain amount of strain. I do not desire to exaggerate it, but I think it was really a strain.

Mr. WEEKS. Mr. Chairman, I now yield one hour to the gentleman from Minnesota [Mr. Steenerson] a member of the

committee.

Mr. STEENERSON. Mr. Chairman, I want to congratulate the House and the country on the fact that for the first time in many years we have arrived at a point where the postal department is, at least, on a self-sustaining basis. There is a dispute between the Postmaster General and the chairman of the Post Office Committee whether there is a small surplus or a small deficit, but that is of very little importance. If we take into consideration the fact that the postal service carries all of the congressional mail and all the departmental mail from which, if it bore postage like other mail, we would receive a revenue annually of four or five million dollars, there is really a profit from the service.

Another thing that challenges our attention is the fact of the rapid growth of the postal business. Ten years ago the appropriations were \$123,000,000. This bill carries \$259,827,749,

an increase of more than 100 per cent.

The increase is not only in the appropriations, but in the expenditures, at about the same ratio. The expenditures have exceeded the appropriations in every year except the last. The increase in population in the last decade was something like 20 per cent, whereas the increase in the expenditures for the postal service was more than 100 per cent. We are an industrial and commercial people, and the increase in the amount of our commerce is indicated by the increase in the per capita expenditure. There is a greater exchange of commodities, a greater diversity of industry, than there ever was before, and this necessitated an increased volume of commerce. The postal service is a good index to the progress and prosperity of the people. It may be a disputed question whether or not a postal deficit is a blessing or an evil.

When I first came to Congress nine years ago there was a postal deficit, and there had been quite a deficit for several years prior to that time. It had created considerable attention in Congress. In 1900 or in 1901 a commission was appointed by

authority of an act of Congress, known as the Wolcott Commission, to investigate the postal deficit and the cause thereof. That investigation inquired chiefly into the cost of carrying mail by railways, it being alleged that the prices paid by the United States for railway mail transportation were excessive.

After deliberating and after investigating for a couple of years a report was made by the majority that railway mail pay was not excessive, and by a minority it was. One of these minority reports was made by Mr. Moody, who was afterwards Justice of the Supreme Court of the United States. He pointed out the fact that the cost of carrying the mail by railway depended upon the size of the load carried on each car, and that where mail was carried in railway mail cars weighing perhaps 100,000 pounds, furnishing the accommodations of a traveling post office for several clerks, and carrying only two or three thousand pounds of mail, it necessarily involved an expense very much greater than if it was loaded with 4 or 5 tons or 6 tons, or, as sometimes happens in a storage car, with 20 tons. This investigation of railway mail pay resulted in no particular legislation by the next Congress, but the question came up in the Fifty-eighth, Fifty-ninth, and Sixtieth Congresses. We passed several acts reducing the railway mail pay on the heavy routes, where the average daily weight exceeded 5,000 pounds, and again we passed one that reduced the pay where a daily average exceeded 48,000 pounds, and we also made a horizontal reduction of 5 or 10 per cent. That seemed to satisfy the congressional mind for a time; but on the advent of the present Postmaster General the question arose indirectly in the discussion of second-class postage rates, which he contended involved a loss to the Government for the year 1909, I believe it was, of \$70,000,000. This was due to the fact that the rate per pound paid by the Government to the railways exceeded the postage received. The difference was so large that it exceeded by many times the amount of postage at 1 cent a pound collected from the publishers.

Congress, in order to solve this second-class postage problem, created a commission of inquiry, the so-called Overstreet commission. The department had extensive special mail weighings throughout the United States, a count of pieces, and an estimate of the distance that each piece or parcel was carried, After this commission had investigated the matter a year or so it found it could not complete its work, and so Congress gave it more time and also gave it authority to employ experts. The best accountants that money could hire were employed. They went to work and investigated the whole question of the cost of transportation of mail. An extensive report was made, embracing evidence covering thousands of pages, which, I venture to say, very few Members of Congress ever read.

We come down now to a year ago. The evidence was absolutely undisputed that the Government was carrying secondclass mail matter at a loss. How large a loss was perhaps in dispute, but it was a very heavy loss, more than twice as much as was paid for the carriage by the publishers. The Postmaster General urged, in view of the testimony, a change, but the committee did not report any legislation. There was a bill pending, I believe, that failed to be reported for want of time in a short session of the Sixty-first Congress, which did not provide for higher rates; but when the appropriation bill came over to the Senate the Committee on Post Offices and Post Roads agreed upon an amendment raising the pay for second-class matter from 1 cent to 4 cents a pound.

That naturally excited the publishers, and a delegation of them came to Washington and had a conference at the White House. They claimed they had not had sufficient opportunity to show their side of the question; that these investigations had been one-sided; and they appealed to the President for an opportunity to show the facts. Of course I am stating I was not present. I do not know this simply on hearsay. what took place, but that was the general talk in the newspapers and outside. They claimed that if they had an opportunity to present the matter fully and impartially to an impartial commission for a decision they would be glad to abide by the result. The result of that conference was that the Senate agreed upon a provision for a commission, which was inserted in the appropriation bill. One of the commissioners, it was provided, should be a justice of the Supreme Court of the United States. When that came to the House the gentleman from Tennessee [Mr. Moon], the ranking Democratic minority member on the Post Office Committee at that time, objected to having that provision in the appropriation bill, and it was finally arranged that it should pass as an independent resolution, and so the so-called Hughes Commission to investigate second-class mail matter was created. That commission went into the subject most extensively, and the Postmaster General, in his report of 1911, refers to the fact that this commission had been appointed and it had not yet reported when his annual report was made. He said:

made. He said:

The controversy over the department's recommendations on this subject had the desired effect of directing popular attention to the second-class mail problem, and the final outcome was the adoption by Congress of a joint resolution creating a commission to investigate the subject and make report. Extensive hearings were held by the commission during the summer, at which the officers of the department presented data in support of their contention as to the great loss incurred in handling second-class mail and submitted recommendations for a gradual equalization of postage rates on the basis of cost. As the first step in that direction the department suggested that the postage rate on second-class mail be increased I cent a pound, thus making a flat rate of 2 cents a pound, which charge should be regarded as merely tentative, however, leaving for future determination such additional increase as may be found necessary to meet the cost. It is hoped that the commission will look with favor on this recommendation and that legislation providing for its adoption will be enacted by Congress.

This is in the report of the Postmaster General. Now, the

This is in the report of the Postmaster General. Now, the President sent a message here on the 22d day of February transmitting the findings of the Hughes commission, in which they found that the cost of second-class mail was more than 5 cents a pound. They do not recommend as high a rate of postage as that; they recognize the revolution that it would create, and therefore they contented themselves with recommending an increase to 2 cents a pound, and the President in his message to Congress said, and I quote from the message:

The commission suggests that the department "maintain an adequate cost system, so that the effect of the new rates may be closely observed and a proper basis may be secured for the consideration of any future proposals."

and a proper basis may be secured for the consideration of any future proposals."

In these recommendations the Postmaster General and I heartily concur and commend them to the early attention of Congress. The proposed increase of 1 cent a pound in the second-class postage rate I believe to be most reasonable, and if sufficient time is allowed before the change goes into effect it should work little serious injury to the business of the periodical publishers, while equalizing, at least in measure, the burdens of postal taxation.

All these investigations have cost this Government at least a quarter of a million dollars, and yet this bill, although it carries all sorts of new legislation, is silent on the question of secondclass rates. It carries more new legislation than any appropriation bill I have ever known, and yet it omits the most important subject of new legislation, the most important matter so far as magnitude is concerned. I understand a year ago when our friends on the other side were in the minority that they favored an increase in second-class rates, but now that they are in the majority they are silent on the subject. [Applause on the Republican side.] Can it be that they pay any attention to the mighty influence of the newspapers? Why, bless your souls, no; they would not pay any attention to the influence of the newspapers and the magazines. [Laughter on the Republican

The fact that there is a presidential election coming on certainly can have nothing to do with that omission. It must be simply a lapsus that can not be accounted for in any manner. But they do recommend postal rate changes, not on the subject that has been the burning question for all these years, which the Government has spent a quarter of a million dollars in investigating, but they propose rural parcel post and general parcel post. They propose here in this bill to change the rate for parcels and merchandise and to investigate the subject afterwards. How did it happen that this horse was hitched behind the wagon? Here we have investigated one subject for five years and forgot to follow it up with proper legislation, but on another subject we legislate in advance of an investigation. Why should there be such a difference between the parcel post and second-class mail matter? I am simply throwing this out as a suggestion needing some explanation.

Will the gentleman yield to me for a Mr. MONDELL. question?

Mr. STEENERSON. Certainly. Mr. MONDELL. Is there no member of the committee

present who can answer the gentleman's interrogatory?

Mr. STEENERSON. Well, I suppose they will in due time.

I was not particularly anxious to have the interrogatory answered now

Mr. MONDELL. I supposed the gentleman was insisting upon an immediate answer.

Mr. STEENERSON. Well, if the gentleman from Wyoming desires to come to the rescue of any of the members of the Post Office Committee

Mr. MONDELL. I was not, but I was anxious to know what the answer was.

Mr. LLOYD. Mr. Chairman, I supposed the inquiry was a

facetious query that did not need an answer.

Mr. STEENERSON. Well, I would not object to one, but I have no doubt the matter will receive consideration in debate that will follow. I did not necessarily expect to have it discussed in my time.

The gentleman from Illinois [Mr. Madden] discussed parcel post from one point of view. The gentleman from Maryland

[Mr. Lewis] asked him some very interesting questions. I have no doubt that it is a fact, as the gentleman from Maryland said, that at 12 cents a pound, or \$240 a ton, there will not be very much traffic moved. I think the gentleman from Maryland [Mr. Lewis] is absolutely right in saying that this kind of parcel post will not be effectual in relieving those who desire that accommodation, because it is such a high rate that for ordinary merchandise it will be absolutely prohibitive. It will not move at that rate by mail. Perhaps it might yield a profit.

Mr. LEWIS. Will the gentleman suffer an interruption at

that point? He was kind enough to refer to me.

Mr. STEENERSON. Certainly.

Mr. LEWIS. Since that statement I have looked at the statement of the Postmaster General. With regard to the pound it is correct, but with regard to the piece the cost was found to be something less than 4 cents a piece, and the revenue a little

over 5 cents a piece.

Mr. STEENERSON. I think, perhaps, that may be correct, but it is not in accordance with my recollection. However, that can be settled later on. It is undoubtedly true that the rate of 12 cents a pound would be compensatory. I think that the right view to take is that we should not, at least, view the matter of parcel post entirely from the standpoint of the proposed patron. I think that it is the duty of Congress to consider it from the point of view of the Government. If we do, I think we will all agree that no parcel-post rate should be fixed that would involve the Government in a loss.

The business of transportation of parcels, or package freight, is not one of the necessary functions of government, but belongs rather to that field which is usually occupied by private enter-No political philosopher has as yet been able to lay down any certain rule to define the boundaries between what may or may not be properly undertaken as a government activity to the exclusion of the citizen. There are theories enough, but in actual practice governments only enter the field of private enterprise when it becomes necessary to protect the public from injustice and extortion. If these can be avoided by strict government regulation, it is wise to do so.

Originally the postal service was simply a service carrying the Government dispatches-intelligence from one Government agency to another—and it gradually took on the carrying of letters for the public. The idea that it should become the transporter of merchandise is a modern idea. The postal service has grown up to satisfy the need for rapid and certain transmission of intelligence by means of letters and newspapers and periodicals. That being the main function, our transportation system has been adapted to it, and it is an expensive one.

I have already alluded to the fact that it has carried small loads on heavy cars; that it has carried them at great speed, at frequent intervals, by rail and by star route. Now, if this had been designed from the beginning as a means for transporting freight, it would have been planned a little differently than it is. And therefore we find that the laws governing compensation to the railway companies, which carry the most of our mail, are based upon an entirely different plan than would have been designed for a concern doing freight business.

The law in regard to compensation of railways for carrying mail is a growth that started 40 or 50 years ago when railroads were young. The railway mail pay is based upon the average number of pounds which passes over each mile of railroad during the year—the average weight per day per year. It is not a fixed rate. It is a sliding scale, varying according to the density of the traffic. A railroad that carries only 200 pounds of mail on an average each day is paid a rate 20 times higher per pound than one that carries over 50,000 pounds.

The compensation paid the railroads for transporting the mails is a certain amount per mile per annum, based on the average weight per day carried over the whole length of the mail route. The average weight is ascertained every four years by special weighings for that purpose, a weighing being had annually in one of the four districts into which the country is divided.

The schedule of rates was fixed by the act of March 3, 1873 (chap. 231, sec. 1, 17 Stat., 558). This was reduced 10 per cent in 1876 (act of July 12, 1876, chap. 179, 19 Stat., 78); and a reduction of 5 per cent was made in 1878 (act of June 17, 1878, chap. 259, 20 Stat., 140). The act of March 2, 1907 (chap. 2513, 34 Stat., 1212), provided for a decrease of rates on routes where the average weight per day was between 5,000 pounds and 48,000 pounds, and on those where it was over 48,000 pounds, respectively. The following was the schedule in force during 1908. It is still in force, save that by the act of May 12, 1910 (chap. 230, 36 Stat., 362), the compensation on land-grant railroads for each 2,000 pounds carried in excess of 48,000 pounds was reduced from \$17.10 to \$15.39.

Schedule of rates for railway-mail transportation.

	Pay per mile per annum.					
Average weight of mails perday carried over whole length of route.	Rates al- lowable under act of Mar. 3, 1873.	Rates allowable under sets of July 12, 1876, June 17, 1878, and Mar. 2, 1907.	Rates allowable to land- grant rail- roads un- der acts of July 12, 1876, June 17, 1878, and Mar. 2, 1907.	Intermediate weight warranting allowance of \$1 per mile under the law of 1873 and the custom of the department, subject to acts of July 12, 1876, June 17, 1878, and Mar. 2, 1907.		
200 pounds	\$50.00	\$42.75	\$34.20	Pounds.		
200 to 500 pounds	75.00	64. 12	51.30	12		
500 to 1,000 pounds	100.00	85.50	68.40	20		
1,000 to 1,500 pounds	125.00	106.87	85.50	20		
1,500 to 2,000 pounds	150.00	128. 25	102.60	20		
2,000 to 3,500 pounds. 3,500 pounds. 3,500 to 5,000 pounds.	175.00	149.62	119.70	60		
5,000 pounds	200.00	171.00	136, 80	80		
For every additional 2,000 pounds over 5,000 pounds and under 48,000 pounds. For every 2,000 pounds over 48,000	25.00	20.30 19.24	16. 24	(103.96		
pounds	25.00	19.24	17.10	116.96		

Mr. NYE. Have we any report from this commission, or either of these commissions that the gentleman has mentioned, as to whether or not the Government is on the whole paying too much for the transportation of mail by rail?

Mr. STEENERSON. No; we have not. The department has made computations.

Mr. NYE. We have been a long while trying to get it.

Mr. STEENERSON. It will be readily seen that it is a difficult question to arrive at, because of the kind of service that is rendered. You can not estimate it by the pound. It actually costs that railroad that carries only 200 pounds a day a good deal more than they get for it. It is a strange fact. They have gone before the department, these short-line railroads from Long Island and elsewhere, and they have established by undoubted evidence that they carried the mail at a loss, although they received a rate 20 times greater than the rate paid to a road that carried over 48,000 pounds in average daily weight over its route. Here are two saveds enter the form weight over its route. Here are two sample routes taken from the report of the department, one with a dense traffic, and one with a light traffic, and we can see how it works out: Route No. 131002—Pittsburgh to Chicago, Pennsylvania Railroad—this No. 131002—Pittsburgh to Chicago, Pennsylvania Railroad—this route is 468.43 miles long and carries 211,644 pounds average daily weight, 74.68 trips per week, and receives the lowest rate of pay, and yet earns \$2,180.61 per mile per year, or a total of \$1,021,463.14. Route No. 133034—Rockport to Rockport Junction, Chicago, Indiana & Southern Railroad Co.—this route is 16.55 miles long and carries 274 pounds of mail daily, and makes an average of 12.50 trips per week. The average cost per mile per year is \$47.88, or a total of \$792.41. Less than a rural carrier would get for only six trips a

No. of route.	State and termini.	Corporate title of company.	Length of route.	Average weight of mails car- ried over entire route, per day.	Miles per hour,	Average trips per week.	Pay per mile per an- num for trans- portation.	Annual rate of pay for transportation.
131002 133034		Pennsylvania Co. (Chicago, Indiana & Southern R. R. Co. (Southern Ry. Co.	468. 43 16. 55	211,644 274	34. 64 18. 50	74.68 12.50	\$2,180.61 47.88	\$1,921,453.14 792.41

We have not been idle in this matter of reducing railway mail The fact is that we have reduced the railway mail nearly pay. The fact is that we have reduced the railway man hearly one-third in the last slx years. I made a computation some time ago. In 1900, out of the total disbursements in the service 31 car pay 21.4 per cent. That is, we decreased the railway-mail pay, if we based it upon the proportion of the total expenditures, about one-third in the 10 years. That is the reason we have per cent was for transportation by rail, and counting pay for railway post-office cars, it was 35 per cent. In 1910, out of total disbursements in the postal service we only spent 10 per cent for transportation by rail and counting railway post-office total disbursements in the postal service we only spent 19 per cent for transportation by rail and counting railway post-office been able to increase the pay of rural and city carriers as well as other postal employees. If last year we had paid at the rate we did 10 years ago we would have paid over seventy millions to the railroads instead of fifty. If you are going into the business of competing with the express companies without loss to the Government you will have to change your system of rail-way-mail pay either upon the basis suggested by the Postmaster General or some other logical and scientific system that would fit the different classes of matter to be carried. Postage is a flat rate fixed according to one factor—weight—regardless of distance, while in paying for transportation of mail by railroads the Government bases it on two factors—weight and distance. If, for instance, your country route is 100 miles, you can carry 100,000 letters for about the same expense as a single letter, but you could not carry 100,000 sacks of potatoes at the cost of carrying 1. With good roads you might carry 40 or 50 sacks for about the same cost, but there the limit would be reached. In transportation of freight the element of distance becomes a more and more important factor as weight and bulk increase. The Postmaster General in his report proposes a plan. He

READJUSTMENT OF RAILWAY MAIL PAY.

Another problem of great consequence to the postal service that should be acted on by Congress during the coming session is the compensation of the railways for carrying the mails. During the year the department completed the investigation begun early in the administration with the object of determining what it costs the railways to perform this service, and the report of the inquiry was submitted to Congress on the 12th of August last. The statistics obtained during the course of the investigation disclosed for the first time the cost of carrying mail in comparison with the revenue derived by the railways from this service. It appeared from these statistics that while many of the railways, and particularly the larger systems, made heavy profits from mail transportation, certain of the lines were actually carrying the

mails at a loss. As a result of the inquiry the importance of making some change in the method of fixing railway mail pay became apparent, and the department, after giving the subject careful consideration, decided to urge the abandonment altogether of the present plan of fixing such compensation on the basis of the weight of the mails carried, a plan that has proved to be exceedingly expensive and in other respects unsatisfactory. In substitution for this method the department recommended a plan by which the compensation should be determined on the basis of the amount of space required in cars for the handling of the mails, making proper allowances, of course, for the extent and frequency of the service performed. The new plan, if authorized by Congress, will require the railway companies each year to report what it costs them to carry the mails, and such other information as will enable the department to determine the cost of mail transportation, this cost to be apportioned on the basis of the car space provided and frequency of service rendered, and payment to be allowed at the rate thus determined in amounts that will cover the cost and 6 per cent profit. Should a railway be dissatisfied with the manner in which the department apportions the cost in fixing compensation, it will have an opportunity, under the proposed plan, to appeal to the Interstate Commerce Commission. If Congress gives the recommendation of the department in this regard its favorable consideration and authorizes a readjustment of railway mail pay in the manner suggested, it is believed that the resulting saving to the Government will amount annually to about \$0,000,000.

He estimates his plan would save \$9,000,000 a year. doubt if it would result in as great a saving as that, if we depend upon the railways to estimate the cost of doing the service. From what I have observed in the cases where railways rates have been litigated, both in Minnesota and in other States, there seems to be a great diversity of opinion about the cost of the service. The railroads in my State have been able to show that a rate is confiscatory which is perfectly profitable outside of the State in a neighboring territory, and I fear that if they leave it to the railroads to say how much the cost is they will outfigure us. [Laughter.] But the plan contemplates an appeal to the Interstate Commerce Commission, or some tribunal of that kind, to fix the cost, and then it ought to work out all right.

If the rates of the express companies of the United States had been regulated as they ought to have been regulated and as the railroad rates have been regulated, we would not have had this persistent demand for the Government taking over this species of freight transportation. The express companies have escaped regulation for some reason or other until very recently. We placed the express companies under the Interstate Commerce Commission a couple of years ago, and they have not yet had time to do anything. I understand they are considering that question and are about to issue an order in regard to express rates. I believe if that order is, as is usual with the orders of the Interstate Commerce Commission, based upon intelligent investigation and upon justice and right it will afford the people more real relief than the proposed new service.

Mr. WILLIS. Will the gentleman yield for a question?

Mr. STEENERSON. Certainly.

Mr. WILLIS. I want to ask the gentleman a question about the parcel post. On page 35 of the bill there is a paragraph about which I am anxious to have the gentleman's opinion. It says here:

That on each and all rural mail delivery routes of the United States the postmaster at the starting point of such route shall until June 30, 1914, receive and deliver to the carrier or carriers of said routes all articles, parcels, or packages not prohibited to the mails by law and falling under the definition of fourth-class matter and not weighing in excess of 11 pounds, for transportation and delivery on said routes

Further on it says:

And the carriers shall receive at intermediate points on all rural routes such mail matter of the fourth class for delivery on their respective routes only.

That is to say, this bill provides that there shall be this special rule of service if it originates at the distributing office or at any point on a route, but if I live on one route and I wish to send a package on another rural route it can not be done under this provision.

Mr. STEENERSON. No.

Mr. WILLIS. Why can not that be provided? Mr. STEENERSON. They prepared this rural route parcelpost provision in that form, and I presume they wanted to confine it to one route. I could not go into the philosophy of it.

Mr. WILLIS. Does the gentleman see any objection now to extending it to all the routes starting at one point?

Mr. STEENERSON. My opinion on that would be of very little value, because I have not made a specialty of that feature of the bill. I think if the gentleman will inquire of the chairman of the committee, or of the gentleman from South Carolina [Mr. Finley], he will get more valuable opinions than he can get from me.

The Hughes commission have made one suggestion, which is that there could be a law providing that the Government should not pay any higher rate than the railroad companies give to the express companies or any other patrons. For instance, it has been stated at the hearings that from a point like New York City to a point like Buffalo, 400 or 500 miles, the rate on newspapers is 1 cent a pound, and under the rates charged by the railroad companies to the Government we lose 5 cents a

Of course we ought to be glad to lose that, so that we can not complain if the express company competes and takes away some of that business. The express companies do take some of that business, because the railroad companies carry the newspapers for one-half cent a pound for that distance, whereas the railroad companies charge two or three times that much, on an average, for that distance to the Government. The Hughes commission made the suggestion that the law governing railway-mail pay might be so amended as to require that in no case should the rates allowed by the Postmaster General exceed the rates which the railroad company itself voluntarily grants to express companies or other patrons of the road, and it seems to me that might be a very valuable suggestion.

The Government now has a monopoly in carrying all letters, or first-class mail, and no one can engage in it; but certainly it would seem to me that the gentleman from Illinois [Mr. MAD-DEN] is correct in saying that we ought not to assert a monopoly of the package-freight business unless we can do it at a reasonable price. If we should assert a monopoly and charge \$240 a ton for it, that would destroy commerce and do more damage than we have ever done good by the postal service. It is ab-

solutely ridiculous.

Now, Mr. Chairman, there is another matter that I noticed in the speech of the chairman of the committee, and I want to refer to it. I had the honor to serve in the Fifty-eighth, Fiftyninth, and Sixtieth Congresses on this committee with the gentleman from Tennessee [Mr. Moon], and also in the present Congress, and I cheerfully and heartly testify to his faithfulness in the service of the people. I find in the speech which he made the following remarks:

The Democracy has ever stood against the wicked policy of the Republican Party in attempting to subsidize railroads and ship companies. It gave to me—if I may be pardoned for mentioning it—the signal honor of leading the party in the House in the four great contests upon these questions, in which we were victorious notwithstanding the overwhelming Republican majorities in the House, perhaps the only instances in the last 14 years where the Republican Party was defeated on measures demanded and supported in the national platform. Thus the Treasury was saved \$40,000,000.

Now, of course, having served with him on the committee, and being one of the men who opposed the railway subsidy and ship subsidies, I think I am entitled to share in the credit. says that the Treasury was saved \$40,000,000. I think the gentleman will certainly concede to the Republicans on the committee that stood by him a share of the honor of defeating the subsidies. In my humble way I think I was the first man to make an attack on the Southern Railway subsidy in the committee. Of course, the chairman was then the leader of the minority party in the committee. I made the fight so far as the Republican side was concerned. When the ship-subsidy fight came on, the Republicans on the committee were divided. The gentleman from Kansas [Mr. Murdock] and the gentleman from Wisconsin [Mr. Stafford]—not now here, but who was an able and conscientious Representative-stood by me most manfully. But what I object to in the statement is that he says that the legislation was demanded in the national Republican platform. That would make me out a sort of recalcitrant. I think that is what the ship-subsidy men called me. They had a magazine which they published, and said that I was a "re-calcitrant Republican" because I did not support the ship subsidy. I will insert in my speech the planks of the Republican platforms of 1904 and 1908, and I think I can convince the gentleman that the Republican platform never did declare for a railroad subsidy nor a ship subsidy, and therefore I was not a recalcitrant Republican but a loyal Republican in standing up with the gentleman from Tennessee on that proposition.

From 1904 national Republican platform:

We favor legislation which will encourage and build up the American merchant marine.

From 1908 national Republican platform:

We urge such legislation as will advance the merchant-marine prestige of the country, so essential to the national defense, the enlargement of avenues of trade, and the industrial prosperity of our own

My recollection is that there were more Democrats in the Fifty-eighth and Fifty-ninth Congresses who voted for railway subsidies than Republicans; at least a majority of the Democrats, if I recollect right, voted for it, and it was not until the Fifty-ninth Congress that we got rid of that in the Post Office

appropriation bill.

I congratulate the gentleman from Tennessee on his splendid record in this matter, but I say that the Republicans who stood by him, both in committee and on the floor of the House, are entitled to share in the honor, and that it is not fair to say that they were opposing the principles of the Republican platform, because all the Republican platform ever said on the sub-ject of subsidies was that it was in favor of laws to encourage the merchant marine, which was all right; they did not say that it should be done in any particular manner. We have done well to preserve the postal revenues for the postal business instead of using them for any such wild enterprise as that.

Now, Mr. Chairman, I want to discuss another matter very briefly for a few moments, which I think will interest my friends

on the other side of the House.

On the 11th day of February last year, while the agricultural appropriation bill was under consideration, it was my privilege to submit a few remarks in relation to the then pending Canadian reciprocity bill, and I believe it was the first speech delivered on that subject in the House. As it turned out it was fortunate I did so, because the bill was reported under a rule which excluded general debate.

When the present Congress was called into extra session a year ago, the Democratic Party, then in control of the House, adopted the very same tactics and forced the same measure through under a rule without amendment or free debate. They admitted that it would be unfair to compel the farmers to sell their products in a free-trade market while they had to buy in a highly protected market, but they said they proposed to remedy that by a radical reduction of the tariff downward, with the accent on the D, reducing it to a strictly revenue basis. When it was suggested that it would be safer to amend the reciprocity bill by attaching to it a general revision bill of at least the more important schedules such as wool, cotton, steel, and chemicals, they refused to do so, and proceeded to pass these bills separately, although they knew they had no chance of presidential approval.

So the reciprocity bill became a law, so far as we could make it a law, and it remains a standing offer on our part, and will take effect whenever Canada shall accept it by enacting reciprocal legislation. It is true that at the election held in Canada on the 21st of September last the parliamentary party responsible for the agreement was defeated, partly on that issue, but there is an indication that the Canadians may change their minds upon that subject and accept our offer, which they may

do at any time as long as our statute remains unrepealed. On the first day of the present session I introduced a bill to repeal the reciprocity law. It was referred to the Committee on Ways and Means, where it has slumbered peacefully ever since. Only last week I asked the chairman of the Committee on Ways and Means why his committee would not now take up my bill and report it to the House, and he replied that they expected Canand to change her mind and accept it. I take it that he has reason for that expectation. The same belief has been expressed in other quarters. This will be shown from the extract from the newspaper which I will herewith insert:

INSISTS ON FREE-TRADE "RECIPROCITY."

It is said that President Taft is displeased at the action of the Senate Committee on Finance in reporting favorably the bill repealing (with the exception of section 2, the free paper and pulp section) the Canadian agreement law of July 26, 1911. He wants the law to stand as it is, in the hope that Canada will change her mind and vote to ratify the agreement. The New York Herald's Washington correspondence of March 31 has the following:

"President Taft frequently has expressed his desire that despite the election of the antireciprocity party in Canada last September the act should remain on the statutes. He believes that ultimately the Canadian people will see the benefits of reciprocity and accept the American offer. Sir Wilfrid Laurier, formerly Prime Minister and still leader of the liberal party, believes that reciprocity will ultimately be accepted in Canada if the American offer is left standing.

"The Borden government, which came into power after a bitter and anti-American campaign, would be glad to see the offer withdrawn, the Canadian West feeling that it lost a great opportunity for an improved market for its grain through the rejection of reciprocity. While it is scarcely to be expected that the Borden government, elected as it was by the united support of the protected interests and on an antireciprocity platform, will voluntarily turn to the standing offer, the outlook for the ultimate success of the policy is better than its friends had hoped. A dispatch from Ottawa to the Herald says that the Borden government, should it desire reciprocity, would seek to negotiate a new agreement rather than accept the one negotiated last year."

It is perfectly reasonable, therefore, to say that there is a

It is perfectly reasonable, therefore, to say that there is a probability that unless the act is repealed it may go into effect in the near future.

The CHAIRMAN. The time of the gentleman has expired. Mr. WEEKS. Mr. Chairman, I yield 10 minutes more to the

gentleman from Minnesota. Mr. STEENERSON. Mr. Chairman, there is a deadlock, so that we have this situation: If the Canadians accept our offer that law will go into effect, but the farmer will get no compensation. It was argued here on the floor of this House that they were going to pass a free-list bill to compensate the farmer for his loss, and other tariff bills to compensate him for his loss, But he gets nothing because of the deadlock. The Tariff Board has reported, and it shows conclusively that both the wool and the cotton schedules are entirely too high, and, in the language of the President, indefensible, and yet no relief is promised. I could go into the specific items in that report to show how unreasonably high some of the rates are, and how the wool duties are so arranged that the manufacturer is, by the system of compensatory duties, compensated for what he does not pay, while the woolgrower is cheated out of the protection he is supposed to get. But I have not the time here.

Mr. Chairman, why should the farmer be subject to this danger of Canadian free trade while all other producers of the country are to continue to enjoy the advantage of extremely high duties? The Democratic leaders admitted when they proposed the farmers' free-list bill that they ought to compensate the farmers for the loss by reason of Canadian reciprocity, but they are now willing to take away or refuse that compen-The situation will be that the manufacturers, shielded by a friendly veto, will continue to enjoy excessive duties, while the farmer, if the Canadian reciprocity is accepted, will have He will be not the beneficiary, but the victim of free trade.

tariff revision. We all know why the Democrats passed the Canadian reciprocity bill. It was not because they liked it. They recognized full well that it was a one-sided affair, that the duties were so arranged as to sacrifice the farmers for the benefit of the manufacturers, and their benefit only. They passed that bill because they were under obligation to the President to do so. The President would not have called them into extra session and given them the opportunity that an extra session yielded unless he had understood that they were going to pass the Canadian reciprocity bill. They performed their share of the arrangement, whether it was a tacit or an express agreement. They passed that bill, because the President would not have called them together unless they had in some way convinced him they would do so. The Canadian people were given an opportunity to vote upon that proposition, and they voted against it. They refused to accept it. Is there any obligation on the part of the Democratic Party to continue that law now? I say none. I say, as I said to the chairman, they ought to report a repeal bill, because they have done their duty as the President expected

them to do it. They have given the consideration that he expected when they passed the bill, and, in order to prevent an injustice to the farmer resulting, they ought now to repeal the law. They may think that it is politically unwise to do so, but they certainly can not afford to go before the people and defend that kind of reciprocity. Are they going into this coming elec-tion and say that it is right to sacrifice the farmer's home market in favor or the automobile manufacturer? Are they going to say that it is right to put a duty of one dollar and a quarter a hundred on dressed meat or \$10 on an 800-pound steer when they give him the steer free from Canada?

The conversion charge, of which you have heard so much in tariff discussion, is in that case less than a dollar, and you give a duty of \$10, 1,000 per cent more than the total cost of production. Are you going to defend that in the next election? Then why not repeal it? There is no object in keeping it on the statute books, because if you are successful in the next campaign you certainly ought to be able to enact a more fair and a more just law than that. I say to the Democrats that you will gain nothing by refusing to repeal this law, and you are under no obligation to refuse to do so, but you are under obligation to repeal it because the tariff legislation that you have passed through this House will be deadlocked and will be ineffectual to save the farmer, and therefore the farmer is entitled to stand in the same place he stood before you started this latest tariff-revision program. If you do not do that you will readily see you are putting the farmers and not the President in a hole, because you have not given to the farmers that which they ought to have if they are going to bear these bur-dens which they are likely to do in case the Canadians change their minds. I therefore submit to the judgment of the majority of this House that they ought to report favorably the bill to repeal the Canadian reciprocity and let us go over to where we were before we started this proposed revision. We should not revise on the farmer until everybody else has also been revised. You should not let these people who are interested in Canadian reciprocity eat at the first table and let the farmer wait until the last table. You should serve them at the same table equally. [Applause.]
Mr. WEEKS. Mr. Chairman, I yield two minutes to the gen-

tleman from Kansas [Mr. MURDOCK].

Mr. MURDOCK. Mr. Chairman, in the spring of 1910 a gentleman, Nathan B. Williams, of Fayetteville, Ark., wrote me a letter pointing out the fact that the Government of the United States does not assert its monopoly in the carriage of second, third, and fourth class mail matter. Shortly after receiving that letter I informed myself on the subject and introduced a resolution in this House dealing exhaustively with the matter. Out of this there has grown up a discussion throughout the country, in this body and in the Senate, over the Government's right to exercise a monopoly in the carriage of the mails. I understand that the gentleman from Illinois [Mr. MADDEN], in his speech here this afternoon, insisted that it was not possible to assert that monopoly. Unfortunately, I did not hear him. I regret it, and I am taking that view of his speech from the remarks of the gentleman from Minnesota [Mr. Steenerson] who has just taken his seat.

I am one of those who do not believe that any governmental control over postage rates can be wholly effective until the Government asserts its monopoly in the carriage of mail matter. As I have pointed out for the last two years in these debates, if the Government has a flat, country-wide, inflexible rate the express companies, as competitors, will take over the short-haul business, which is renunerative, and leave the long-haul business, which is not remunerative, to the Government.

In order to throw some light on the power of the express companies to compete with the Government in the carriage of parcels I desire to make a short comparison between the rates provided in the proposed change in fourth-class rates in the pending bill and the rate charged by the American Express Co. to the postmaster general of Great Britain for the delivery of packages in the United States.

This contract was made between the American Express Co. and Great Britain in 1902, and a copy of it is on file with the

Interstate Commerce Commission.

The rates under the present proposed reduction of the fourthclass postage rate from 16 cents to 12 cents a pound and the raising of the mailable weight from 4 pounds to 11 pounds may be stated as follows, for the purpose of comparison with the British-American Express Co. rates:

PROPOSED CHANGE IN FOURTH-CLASS RATE. Parcels weighing 1 to 3 pounds. pounds. Express rate for British Government

Parcels	s reeighing 3 to 7 pounds.	Cents.
4 pounds		48
5 pounds		60
Express rate for British Go	overnment	48
	sceighing 7 to 11 pounds.	
8 pounds		\$0.96
Express rate for British Go	overnment	60
EXPRESS I	RATES FOR BRITISH PARCELS.	
To any place in New	y York, Brooklyn, Jersey City,	or Ho-
boken—		
		Cents.
Where the weight of the p	arcel does not exceed 3 pounds	12
Where the weight of the	parcel exceeds 3 pounds, but does	not
exceed 7 pounds		24
Where the weight of the	parcel exceeds 7 pounds, but does	not

To any place in the mainland territory of the United States not situate in New York, Brooklyn, Jersey City, or Hoboken-36

Where the weight of the parcel does not exceed 3 pounds.

Where the weight of the parcel exceeds 3 pounds, but does not exceed 7 pounds.

Where the weight of the parcel exceeds 7 pounds, but does not 48 exceed 11 pounds. A cursory glance at these figures will show that if the provi-

sion in the present post-office supply bill should become law the American Express Co. would not find a very serious competitor in the Government in the business of carrying parcels. this is not saying that the American Express Co. will deliver an 11-pound package for the American citizen for 60 cents, as it does for the British post office, in case this bill becomes law. It rather means that the express company will charge \$1 or \$1.25 for the delivery of an 11-pound parcel for the longer distances, for the express companies will continue to cut just under the Government's merchandise postage rates, in order to take most of the business away from the Government and yet main-

The express companies were driven out of the field of competition in the carriage of first-class mail in 1844. Until they were driven out the Government was helpless in its handling of first-class mail. Since then the Government has been supreme in that field. But in the meantime the express companies have waxed fat in the profits of the mailable parcel business, how-ever, and if the rates given to the British Government for the delivery of parcels in America by the American Express Co. are illuminating at all, they certainly reveal that a new governmental 12 cents a pound rate will not disturb them. They should be driven from our field; then we can advance in this matter with some certainty. I append that part of the contract between the British Government and the American Express Co. which pertains to rates, that its exact terms may be known:

which pertains to rates, that its exact terms may be known:

I. In respect of the services performed by the company under this agreement there shall be payable by the postmaster general to the company the following sums (that is to say):

A. In respect of conveyance—

(1) There shall be payable on every American parcel addressed to a place in New York, Brooklyn, Jersey City, or Hoboken—

Where the weight of the parcel does not exceed 3 pounds, 6d.

Where the weight of the parcel exceeds 3 pounds, but does not exceed 7 pounds, 1s.

Where the weight of the parcel exceeds 7 pounds, but does not exceed 11 pounds, 1s, 6d.

(2) There shall be payable on every American parcel addressed to nny place in the mainland territory of the United States not situate in New York, Brooklyn, Jersey City, or Hoboken—

Where the weight of the parcel does not exceed 3 pounds, 1s, 6d.

Where the weight of the parcel exceeds 3 pounds, but does not exceed pounds, 2s.

Where the weight of the parcel exceeds 7 pounds, but does not exceed 11 pounds, 2s, 6d.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

The committee informally rose; and Mr. Cullor having taken the chair as Speaker pro tempore, a message in writing from the President of the United States was communicated to the House of Representatives by Mr. Latta, one of his secretaries, who also informed the House of Representatives that the President had approved and signed bills of the following titles:

On April 3, 1912: H. R. 22772. An act appropriating \$350,000 for the purposes of maintaining and protecting against impending floods the levees on the Mississippi River.

H. J. Res. 263. Joint resolution to authorize allotments to Indians of the Fort Berthold Indian Reservation, N. Dak., of lands valuable for coal.

On April 5, 1912

H. J. Res. 232. Joint resolution extending the operation of the act for the control and regulation of the waters of Niagara

River for the preservation of Niagara Falls, and for other purposes.

On April 8, 1912:

H. R. 15471. An act making appropriation for repair, preservation, and exhibition of the trophy flags now in store in the Naval Academy, Annapolis, Md.

On April 9, 1912: H. R. 20842. An act to provide for a tax upon white phosphorus matches, and for other purposes.

On April 12, 1912: H. R. 14918. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors.

POST OFFICE APPROPRIATION BILL.

The committee resumed its session.

Mr. WEEKS. Mr. Chairman, I yield five minutes to the gentleman from Missouri [Mr. CATLIN].

Mr. CATLIN. Mr. Chairman, after protracted and persistent agitation covering a period of many years, the question is now directly presented to the House of passing upon the advisability of establishing or experimenting with, though in a limited way,

a parcel post in this country.

The demand for this extension in our postal system has arisen primarily because of a general feeling on the part of the people that they should be relieved from the burden of having to pay unfair and exorbitant express rates in the shipment of their small packages. I share with others in this view and in the belief that something should be done to remedy this hardship and prevent the conveniences of the people from being sacrificed for the continuing riches and aggrandizement of the express companies; however, I do not believe that the remedy for this is through the establishment of a parcels post, but rather that the obstacle is to be overcome by governmental regulation of express rates themselves, as in the case of railroad rates, through the decrees of the Interstate Commerce Commission, whose power has already been extended to such matter by the action of a former Congress

In its report the committee admits the necessity for conservative legislation on this subject and that some definite information should be gathered and obtained through commission investigation before any general and unlimited law should be established, but it proposes, in the bill presented, for the Government to first experiment in a limited way with a parcels post by providing for such a system on each of the rural routes for a period of two years, the postage rate to be 5 cents per pound for the first pound and 2 cents per pound over 1 pound and for fractions of a pound, up to 11 pounds' limit, on the theory that, if such a scheme shall prove unwise, it can be repealed or expire by limitation at the end of that time.

I object to the idea of experimenting at all, even in a limited way, in this important matter until after a careful investigation. just as I believe it is best to have accurate facts and information about the tariff schedules from a Tariff Board in order to properly fix the duties. Besides, such a limited parcels post on the rural routes will not be a fair test or experiment as to probable effects of a universal system, and while it will doubtless not prove as harmful as an unlimited one covering the entire country, still it is objectionable in that it would in the end probably be an entering wedge for a general parcels post, and for that

reason I am not in favor of it.

It does not follow because parcels post has worked to advantage in England, Germany, and other European countries that would be equally beneficial and profitable in the United States, where conditions as to area of square miles, number of people, and density of population are quite different. parcels post of England serves a population of about 42,000,000 of thickly settled people within an area of about 120,000 square miles, whereas we have a population of about 90,000,000, sparsely settled, and in an area of three and one-half millions or more square miles; or, in other words, thirty times more area to cover and only about twice the population, all of which will necessarily make a difference in the expense of carrying

I can not divorce myself from the conviction and argument that a domestic parcels post will drive out of business the country merchant and retailer, and have an injurious effect upon the rural towns and communities by decreasing property values and by tending to deplete them through a drift of their population to the larger cities, where business will necessarily become concentrated. Already this overcrowding of the cities is one of the causes of our present high cost of living, a condition rather to be avoided than further encouraged, and so appeal is constantly being made for the people to again go back to the smaller towns and farms. Moreover, the trade of the jobbing houses will be materially injured, if not destroyed, and the traveling men displaced by catalogues. In short, the commercial system of the country will be completely revolutionized by sub-stituting mail-order houses and cash payments for the credit system now existing and so important a factor in the development and building of new communities, and which many feel, as I do, is still much needed. [Applause.]

Mr. WEEKS. Mr. Chairman, I yield to the gentleman from

Missouri [Mr. Dyen].

Mr. DYER. Mr. Chairman, there are many features in this bill that I highly commend and which will have a tendency to work for the betterment and improvement of the service. It is not my intention at this time to enter into a discussion of the bill in general and to point out the improvements provided for in this bill for the clerks, carriers, railway mail clerks, and so forth. When the bill is read under the five-minute rule I hope to speak on these matters in detail and suggest still further changes in the present law, and probably offer some amendther changes in the present law, and probably offer some amendments to certain provisions of this bill, which, in my judgment, are needed to increase the pay in certain instances, provide for 30 days' annual leave for all the employees of the Post Office Department, as well as benefit the men by improving the conditions and facilities under which they have to work. At this time I rise specially to enter my opposition against section 8 of this bill, which section has to do with the establishment of a parcel post. I do not believe that the country is ready or prepared for the enactment into a law of that portion of this bill. I am one of those who believe that before entering upon so great a project, untried and new to this country, that a careful investigation should first be had as to the probable effect the establishment of a parcel post will have to the whole country, including its various industries and its people generally, This bill, so far as it refers to the establishment of a parcelpost law, is said to be for the special benefit of farmers. It is not claimed that it is to benefit any other class of people, but only those living upon rural free delivery routes. While I am heartily in favor of enacting legislation that will be of benefit to the farmers, I can not see my duty clear to vote for a law that will be harmful to the great commercial and retail interests of our country. Many thousands of men are employed in these industries, and I would be recreant to my duty as a Member of Congress should I favor the establishment of a parcel post, when, in my judgment, it would do irreparable damage to the great manufacturing and commercial houses, jobbers, and other industries, the success of which must and does mean the happiness and prosperity of so many people who obtain their liveli-hood in the employment therein and have their homes in the great cities and industrial centers of this country. The farmers, as a class, are as prosperous to-day as any people in our country, and we should turn our attention to the prosperity of millions of our people who do not earn their livelihood from the farm, and it is especially in the interests of that part of our American people that I enter my protest against the parcel-post feature of the bill now under consideration.

I have here a number of protests from representative citizens, commercial and individual interests, in my district who are opposed to the parcel-post feature of this bill. I desire to call the attention of the committee to these protests, with the hope that it will aid in the elimination of that section of this bill. I desire, Mr. Chairman, that I may have permission to insert in the RECORD the letters referred to for the information of the

The CHAIRMAN. The gentleman from Missouri [Mr. Dyer] asks unanimous consent to extend his remarks in the Record in the manner indicated. Is there objection? [After a pause.] The Chair hears none.

The letters are as follows:

SIMMONS HARDWARE Co., St. Louis, U. S. A., March 9, 1912.

Hon. L. C. DYER,

House of Representatives, Washington, D. C.

House of Representatives, Washington, D. C.

Dear Sir: In reply to yours of the 6th instant. We are very glad to have an opportunity to express our opinion on the subject of the proposed parcel-post appropriation (II, R. 21279), section 8.

In considering this matter we have endeavored to eliminate any selfsh business reasons that we may have against the passage of a general parcel post and to look at it solely from the broad view as to what is best for the country. If you will investigate, I think you will find that the equipment and facilities of the rural free delivery are such that it would be unable to handle either promptly or economically the great amount of business which would be thrust upon it by the passage of a general parcel-post bill, thus merely adding to the deficit of the Post Office Department instead of assisting in any way. It is an old business principle never to undertake extended business without first being ready for it in the way of handling facilities.

The principal objection would be the almost inevitable result of putting out of business the retail dealer in the small towns, because by means of a general parcel post the catalogue or mail-order houses in the large cities would be enabled to undersell the customers of this

refailer on all the rural free-delivery routes. For instance, a retailer situated, say, in Kanasa buys the bulk of his goods from the jobbing trade, and in one shape or another pays the freight on such goods from the manufacturer to his own town, while the catalogue or mall-order house in Chicago would find a large portion of this transportation charge absorbed by a general parcel post. You will readily see that under a general parcel post any transportation of articles, save for a very short distance, would inevitably prove exceedingly expensive; in fact, they would cost more than they would bring in the way of revenue, because of the flat rate which is apportioned without any regard as to distance. It is quite a serious question as to whether the consumer would, in the long run, obtain his goods any cheaper by patronizing dealing with the nearest town or city. It seems to use a very heavy price to pay for such possible reduction by the ellimation of one of the most valuable types of citizens and the drying up the small town, which is fast becoming the center of life and activity for all the neighboring farming community. Not only does the retailer now supply the farmers in his vicinity with all their wants, but he likewise takes their farm produce in exchange for his goods, gives them credit when they need it, and none of these things would be possible on the centralized plan where the farmer would deal with a large distribution is from the wholesaler to the retailer and from the retailer of the consumer, thus utilizing a large number of small distributing centers which are scattered throughout the country, and these centers are constantly growing and multiplying. They enable both the retailer and the consumer to get his goods quickly as he needs them and when he needs them, and so far this method seems to have proved both efficient and economical. We are quite convinced from over half a century of experience that it is the natural way and will continue, unless it be overfirown by some arbitrary and artificia

GEO. F. DITTMANN BOOT & SHOE CO., St. Louis, U. S. A., March 9, 1912.

Hon. L. C. Dyer,

House of Representatives, Washington.

House of Representatives, Washington.

Dear Sir: We want to thank you for the printed copy of the post office appropriation bill and for the report accompanying it.

We are active working members of the American League of Associations, the Western Association of Shoe Wholesalers, and the St. Louis Sales Managers' Association, all of which have voiced their opinion and given most emphatic and substantial reasons why the United States is not ready to adopt a parcel-post system of any nature, and we take this occasion to reiterate the sentiments that have been conveyed to the House committee by these associations, which represent some of the largest manufacturers and distributors in the United States.

Yours, truly,

Phil. A. Becker, Secretary.

PHIL. A. BECKER, Secretary.

THE BROWN SHOP Co., OF St. Louis, March 9, 1912.

Hou. L. C. Dyer,

House of Representatives, Washington, D. C.

My Dear Congressman: We understand the Committee on the Post Office and Post Roads of the House of Representatives contemplate reporting a bill providing for an extension of the international parcelpost agreement, as well as experimental local rural parcel post, together with a commission to investigate the subject.

We are firmly of the opinion that once a parcel-post law is written on the statute books the provision for a commission to investigate the subject will be of little or no avail.

We therefore urge upon you to use your influence, as well as power, looking toward the appointment of an impartial commission, and that no legislation be attempted until such a commission shall have made a thorough investigation and reported its findings, and the writer would appreciate a line from you in said connection.

The Brown Shoe Co.

THE BROWN SHOE Co., G. W. BROWN, President.

PETERS SHOE Co., St. Louis, March 12, 1912.

Hon. L. C. Dyer, M. C.,

House of Representatives, Washington, D. C.

Dear Sir: We appreciate your inquiry of March 7 and thank you for your courtesy in sending us the copy of House bill No. 21279 with the committee report on same. In reply will say that we believe that portion of the bill providing for the extension of parcel post to cover rural

routes should be defeated. If a commission is to be appointed to investigate the result of the workings of parcel post in Europe, the commission should be permitted to make its report before parcel post is extended. This goes without saying. We are opposed to all parcel post whether the limit in weight be 4 pounds, 11 pounds, or 100 pounds for the reason that we do not consider the moving of merchandise as a proper function of the postal department. The Government has control over the railroads and the express companies and should exercise that control, but do not see that the postal department has any more business carrying freight than the Department of Agriculture has to sell potatoes at less than cost to break a high potato market. The mere fact that the carrying of letters, which is the proper function of the postal department, yields that department a profit is no sound argument for the establishment of a freight-traffic department by the Post Office Department or the turning of the postal department into a common carrier.

ment for the establishment of a freight-traffic department by the Post Office Department or the turning of the postal department into a common earrier.

The only possible argument there can be for the establishment of a general parcel post is that it may facilitate the buying of goods by people in local communities from the mall-order houses or department stores. The effect that this has had in Europe is to practically eliminate the country town and make of it merely a "wide place in the road." The country merchant is not a merchant in Europe, but merely a storekeeper. We do not believe that any good American wants to see European conditions established in America. Investigation by a properly qualified commission will show that the European method of distribution does not result in a saving to the consumer, but merely inconveniences him in forcing him to wait for a mail-order shipment from the big distributing city. We do not believe that a parcel-post law will force the country merchant out of business, but it will naturally take away from him much of his trade in what may be termed the "luxuries," the profit on which to-day makes up for no profit on many of the staples, such as sugar and other articles that are bought by the people in large quantities. If the trade in the luxuries is removed, the country merchant must charge more for his staples. Statistics will show that the retail merchant is just about making both ends meet at the present time, hence a loss of his profit on luxuries will, as above stated, have to be made up by higher prices to the consumer on the staples.

We favor the commission plan because we are confident it will show the weakness of the European system of distribution and demonstrate that in this particular, as in practically all others, the United States is head and shoulders above the other nations of the world.

Yours, truly,

PETERS BRANCH OF INTERNATIONAL SHOE CO. OSBORNE.

FRIEDMAN-SHELBY SHOE Co., St. Louis, March 12, 1912.

Hon. L. C. DYER,

House of Representatives, Washington, D. C.

My DEAR Sin: Your favor of the 6th instant, also copy of the Post
Office appropriation bill (H. R. 21270) and report accompanying same,

Mr Dear Sin: Your favor of the 6th instant, also copy of the Post Office appropriation bill (H. R. 21279) and report accompanying same, duly received.

We realize that as interested parties our position in the matter might be misunderstood, but we sincerely believe that the supposed benefits to be derived from this measure will be far offset by the undesirable consequences bound to follow. Of course, you know about "the back-to-the-country" movement. The tendency of the times is for the people to leave the farm and small country towns and go to the cities. Magazines and the daily press are advocating "parcel post," and this measure, while supposedly in the interest of the farmer, bringing delivery to his door, really acts as a destroyer of life in the small country town. It will almost annihilate the small country merchant, and in consequence mitigate against the prosperity of the small country towns. Conditions in this country are not the same as they are in Europe. Many city papers are probably advocating this measure because they want the advertising from the large department stores, who are fast becoming mail-order houses and would utilize "parcel post." to drive out of business the small country merchants. It will deteriorate our manufactures, because goods sold from pictures, as they must be ff sold from catalogue and delivered through "parcel post." will not possess the merit that goods must have if bought where the buyer has the right to investigate the merchandise before purchasing the same; in buying from mail-order houses he must send his money in advance. He has no chance to see the goods. This act will concentrate business in the hands of the few—the large mail-order houses and department stores—and you can readily understand what the final outcome would be, which, we believe is contrary to the spirit of our people, for we want to save the small or middle man.

You are probably aware of the different arguments advanced against "parcel post by the American League of Associations at Chicago, as well

measure. Respectfully,

FRIEDMAN-SHELBY SHOE CO., By WILLIAM D'OENCH.

ROBERTS, JOHNSON & RAND SHOE Co.. St. Louis, Mo., March 14, 1912.

Hon. L. C. DYER, M. C., Washington, D. C.

DEAR SIR: As requested by you in your favor of March 6, we have read the section of House bill 21279 referring to parcel post and the report of the committee thereon.

In our opinion the passage of this bill will destroy the business of small towns and the small merchants. It will centralize the business in large cities and put it in the power of a few great corporations to practically control the business of the country as a whole. Every consumershould be interested in his immediate community. If he is a farmer, his lands will enhance in value in comparison with the growth of his nearest town. Statistics on land values all over America absolutely demonstrate this fact, and we are quite sure that the decline in the value of real estate brought about by the centralization of business in large centers will more than offset any gain in the price of merchandise that night result from the ability of the small communities to market in the large centers.

If the bill could be so drawn as to absolutely prohibit any article being accepted by rural mall delivery that did not originate at the starting point of the route and from actual dealers, and not from agents representing large establishments, who might establish agents

to distribute merchandise that would be sent by freight to the various points where rural mail routes start from, if this bill could be so sate-guarded, we could see no special objection to the bill. As far as this company is concerned, we are indifferent as to what is done. If it became necessary, we could no doubt distribute our merchandise to the consumer at a better profit than we are now doing to the retailer and at some saving to the consumer.

We are very much of the opinion, however, that the passage of this bill would be a detriment to the country as a whole. Anyone who has ever traveled through Europe can see clearly the effects of the parcelpost bill. Small towns have little or no general mercantile business, the consumers depending almost entirely on the large centers for their supplies, and we are sure that the passage of this measure will have the same results in this country.

Yours, very truly,

J. Johnson.

WERTHEIMER-SWARTS SHOE Co., St. Louis, U. S. A., March 14, 1912.

Hon. L. C. Dyer,

House of Representatives, Washington, D. C.

Dear Sir: We have yours of the 6th, in which you ask our opinion regarding bill H. R. 21279 and report accompanying same.

From the knowledge we have through newspaper publicity regarding parcel post we are very much opposed to it, and hope that you see the matter in the same light as we do, and endeavor your utmost to keep it from becoming a law. To us it appears it would mean a general upsetting of the whole country again and the gathering by a few large department stores in the metropolitan cities the entire retail business of the country, which is in itself a detriment to all interests—only another form of trusts.

The centralizing of the retail business in the hands of a few mailorder houses and department stores will throw millions of people out of work and reduce values of farm lands and products.

We sincerely trust that the bill will not pass.

Yours, very truly,

Werthelmer-Swarts Shoe Co.,

G. W. Milius.

WERTHEIMER-SWARTS SHOE CO., G. W. MILIUS.

MOUND CITY PAINT & COLOR Co., St. Louis, March 14, 1912.

Hon. L. C. Dyer,

House of Representatives, Washington, D. C.

Dear Sir: Replying to your favor of March 7 inquiring as to our judgment on that part of the Post Office appropriation bill which refers to the parcel post, would say that we thank you for your inquiry and the opportunity thus given us to express our opinion.

Without going into the arguments pro and con, which, as you know, have been pretty well argued, would say that we are against parcel post and would be glad to see our Representatives vote against that part of the bill when it comes up.

Again thanking you for your letter, I am,

Yours, very truly,

WM. H. Gregg, Jr.

NATIONAL CANDY Co., St. Louis, Mo., March 13, 1912.

Hon. L. C. Dyer, House of Representatives, Washington, D. C.

House of Representatives, Washington, D. C.

Dear Sir: I am very grateful to you for your kind letter of the 7th in regard to H. R. 21279, and we are, as are many other large business concerns, seriously opposed to parcel post.

Section 8 I can not help but feel is simply a move in the direction of gradually establishing a general and permanent parcel post, which establishment, in my judgment, would be a very serious matter for business in general and would reflect only benefit to those businesses which are in a position to handle their affairs through the parcel post, as, for example, the mail-order houses.

Yours, very truly,

V. L. PRICE, Chairman.

THE BROWN SHOE Co., St. Louis, U. S. A., March 16, 1912.

Hon. L. C. Dyer, House of Representatives, Washington, D. C.

DEAR SIL: Please oppose any legislation for the extension of parcelpost service until a thoroughly impartial commission can be appointed to investigate and report on same, and oblige
Yours, respectfully,

THE BROWN SHOE CO., Per I. H. SAWYER.

NATIONAL PICKLE & CANNING Co., St. Louis, U. S. A., March 22, 1912.

L. C. DYER, M. C., Washington, D. C.

Washington, D. C.

Dear Sir: Beg to advise you that I am opposed to the passage of the parcel-post bill now pending in Congress and upon which you will soon be called to vote. Principally because the large cities will be benefited at the expense of the smaller towns. The business of the National Pickle & Canning Co., of which I am assistant general superintendent, is done mainly in the small towns, the prosperity of which means to success of our business and the success of our business means the general prosperity of hundreds of our employees, and it seems to me that, in general, the large mail-order concerns, who are few in number, will be benefited largely at the expense of the small country merchant, of whom there are many scattered about doing good to their communities. I hope the bill gets no further than it now is, and that you will see your way clear to vote against it.

Yery truly,

FRANK R. MEXER,
2929 Henrietta Street.

ST. Louis, March 12, 1912.

Hon. L. C. DYER, House of Representatives, Washington, D. C.

Dear Sir: In reply to your letter of recent date, we believe that parcel post will seriously affect small towns in the interior. We inclose literature that may prove interesting reading.

With kind regards, we remain,
Yours, truly,

H. W. GILDEHAUS & Co.

St. Louis Advertising Men's League, St. Louis, March 27, 1912.

Hon. L. C. Dyer,

House of Representatives, Washington, D. C.

Dear Sir: The St. Louis Advertising Men's League, which has the membership of all the leading shoe firms in St. Louis among its membership, are opposed to action on the pending parcel-post bill before the receipt of the report of the commission.

Very truly, yours,

J. A. Troy,

Assistant Secretary.

J. A. TROY, Assistant Secretary.

Sr. Louis, Mo., March 25, 1912.

St. Louis, Mo., March 25, 1912.

Hon. L. C. Dyer,

Member of Congress, Washington, D. C.

Dear Sir: I wish to inform you that I am very much opposed to the parcel-post bill as being a direct blow at the business of this country in a retail way in most every line. The catalogue houses want to make all of us pay for delivering their goods by mall. I do not think the Government ought to go into the express business, as there are many other ways of spending our money, in my opinion, to better advantage. Hoping you will vote against this bill, and very much oblige, Yours, respectfully,

J. J. Hammond.

J. J. HAMMOND.

ST. LOUIS, March 9, 1912.

Hon. L. C. DYER, Washington, D. C.

Dear Sir: Your letter of the 7th to hand, also copy of the Post Office appropriation bill.

We are very glad of the opportunity of protesting to you against that part of it relating to parcel post. We feel that this measure will be detrimental to the business of the retail merchants throughout the small towns in the interior, and will of course indirectly affect the business of jobbers in the smaller cities as well as the larger.

Thanking you for your interest in this matter, we are,

Yours, truly,

Jas. H. Forbes Tea & Coffee Co.,

JAS. H. FORBES TEA & COFFEE CO., ROBT. M. FORBES, Vice President.

NATIONAL FEDERATION RETAIL MERCHANTS, Lexington, Mo., March 6, 1912.

Hon. L. C. DYER, Washington, D. C.

Hon. L. C. Dyer, Washington, D. C.

Dean Sir: Inclosed herewith you will please find copy of a letter singed by Mr. D. H. Naylor, jr., and addressed to a number of people in the Northwest country, the object of which is self-explanatory. I desire particularly to call your attention to the marked lines which conclusively prove the contention which the retail merchants of this country have brought forward, that the great agitation for parcel post in this country emanates from the mail-order houses. The original of this letter is on file with the Mississippi Valley Lumberman, Minneapolis, Minn., and can be verified by any Member of Congress. In view of the statements made in this letter I am warranted again in the name of the retail merchants of this country in protesting against the passage of any parcel-post legislation, and I trust that the evidence is so conclusive as to the real purpose and who are the real promoters of this proposed legislation and the objects which they hope to accomplish that you will east your influence and vote against any action upon this question. Certainly it is of such great importance that before doing so you ought to be willing to have the entire question investigated by a competent commission in order that intelligent action may be had by Congress.

Respectfully,

Respectfully, J. R. MOOREHEAD,
Secretary National Federation Retail Merchants.

[From the Mississippi Valley Lumberman, Feb. 9, 1912.] THE CATALOGUE HOUSE AND PARCEL POST-OPEN ADMISSION THAT THE LATTER WILL HELP THE FORMER.

During the past few weeks circular letters have been received by a number of people in the Northwest from D. H. Naylor, whose business card announces that he is the fiscal manager for M. W. Savage interests, of Minneapolis. This letter contains a number of statements regarding the great profits made by the catalogue houses, and offers to furnish information concerning the new issue of stock by M. W. Savage Factory (Inc.), for the purpose of financing an extension of business of that concern into a general catalogue house.

The point to which particular attention is called and which is commented upon in the editorial columns of this issue of the Lumberman is that the anticipated parcel-post legislation promises to enable catalogue houses to greatly increase their business. Further comment than that offered in the editorial referred to is not necessary here, excepting to impress the important fact upon all retail dealers that they should at once communicate with their Senators and Representatives in Congress, urging them to oppose the proposed parcel-post legislation. Following is the full text of the letter referred to above:

MINNEAPOLIS, MINN., January 31, 1912.

Dear Sir: The mail-order business of the "catalogue house" probably offers the greatest possibilities of any industry to-day.

While their profit on an individual article is small, the total profits on the hundreds of thousands of articles sold yearly enable them to earn and pay big dividends.

Take Sears-Roebuck, for instance; their total volume of business last year is reported as being over \$60,000,000. Whether these figures are exactly correct or not, we know this, that they did pay a dividend of 33½ per cent on their common stock after paying 7 per cent on the preferred stock outstanding.

Only a few years ago you could have secured common stock in that company for about \$20 per share; to-day it is selling for about \$180 per share.

Now, one more point regarding this mail order business.

company for about \$20 per share; to-day it is selling for about \$180 per share.

Now, one more point regarding this mail-order business. Statistics show it is rapidly increasing, and it is certain that just as soon as the parcel-post legislation is enacted it will without question increase to fifty times its present enormous volume.

During the present year one of the oldest and most successful firms in a special line of the mail-order business in Minneapolis has quietly branched out into a general catalogue house. While its main office will be in this city, it has a Chicago branch to handle the business from Eastern and Southern States.

The first big catalogue is already published, and many thousands of this edition are now in the hands of the consumers throughout the entire country. The orders are coming in in fine shape, and increasing daily.

The company, to take care of the increasing business, is planning on placing a little more of its stock with the investors. If you are in a position to consider an investment during the next month or so, this is a proposition that will be well worth your time to look into carefully. Don't overlook this point: It is an industry with unlimited possibilities and backed by successful and wealthy "interests." If you would like to receive full particulars, look over their catalogue and other mighty interesting data, just mail me the inclosed post card to-day. It will place you under no obligation whatever.

Very truly, yours.

O. H. NAYLOR, JR.

(The original of this letter is in our possession and can be seen by

(The original of this letter is in our possession, and can be seen by any interested person.—Editor.)

St. Louis, March 9, 1912.

Hon. L. C. Dyer, Washington, D. C.

Dear Sir: We have your letter of March 6, asking us for an expression in regard to the proposed parcel-post legislation.

This matter has been so thoroughly thrashed out from every point of yearcel post, but wish to say that in our judgment, and that of our customers, it will work a serious injury to the jobbing and retail interests, thereby indirectly affecting adversely the interests of the farmers and laborers, whose prosperity is thoroughly identified with that of the merchants of the smaller towns. We believe that the investigation which you have no doubt made will bear out the truth of this contention, and we trust that your vote and influence will be recorded against the adoption of the bill.

Thanking you for the courtesy shown us in asking for this expression of opinion, we remain,

Yours, truly,

Carleton Dry Goods Co.,

J. R. Curlee, Secretary.

CARLETON DRY GOODS CO., J. R. CURLEE, Secretary.

KANSAS CITY, Mo., March 6, 1912.

Hon. L. C. DYER, Washington, D. C.

Hon. L. C. Dyer, Washington, D. C.

Dear Sir: We are again advised that some parcel-post bills that are now before the House and Senate have been, or would be, reported favorably by the committees having them in charge.

We believe that it would be a very great mistake for any legislation of this kind to be passed without a more thorough investigation, and we ask again that you use your best endeavors to have a commission appointed to investigate the condition of the parcel post in foreign countries where it is now in force and to fully examine into the difference of conditions prevailing there and those prevailing in the United States.

We are sure that the conditions are so radically different that you would be convinced that the parcel post as outlined by the present bills would not be acceptable or to the advantage of the majority of the people of the United States.

Werbs-Freyschlag Mercantile Co.,

Per A. Janssen.

WEBB-FREYSCHLAG MERCANTILE CO., Per A. JANSSEN.

KANSAS CITY, Mo., February 26, 1912.

Hon. L. C. DYER, Washington, D. C.

Hon. L. C. Dyer, Washington, D. C.

Dear Sir: We wish to enter our profest against the proposed parcelpost measures now pending in Congress, and to ask that you give your voice and vote against their passage. We do this for the very good reasons, as it seems to us, that the parcel post would mean, first, a very great deficit in the postal revenues, not alone because of the cost of carrying same, but in the incidental expense necessary to handling the very greatly increased volume of fourth-class mail.

It would recessarily mean very large additions to most of the post offices in the cities; additional clerks to handle the parcels, and, in case of the rural routes, not only additional salaries to the rural carriers, but provisions for two horses where one is now sufficient, or that four would be necessary where two are now used, together with the increased cost of the vehicles for transporting the additional volume of mails.

increased cost of the vehicles for transporting the additional volume of mails.

We believe, further, that the Government has no right to go into the general carrying business; that it is wrong in theory and would be costly and cumbersome in practice. Further, it is, in a way, very detrimental to the mercantile business of the smaller towns, and will tend logically to the further upbuilding of the large cities and the destruction of the smaller town as a market place. This logically also would mean the destruction of present values of farm properties adjacent to the small towns and would demoralize business and society throughout the country. The demand for this parcel post, we honestly believe, is not a genuine one even on the part of the farmers, but is promulgated by the farm and mail-order papers which depend upon the catalogue and mail-order houses for their subsistence, and they thus foster an apparent demand that is perfunctory and not actually representative of the desires of the farmers themselves except as they are misled by specious arguments to work for it.

If a parcel post is contemplated, we would suggest that Congress appoint a special commission to investigate conditions abroad where parcel post prevails to look into both sides of the question. If it means a reduction of American rural communities to a state similar to those of Europe which "enjoy" parcel post, we do not believe the American people, as represented by their Senators and Representatives in Congress, would stand for it a minute.

Rather than to think of the Government going to the expense of adopting a general or parcel-post extension, allow us to suggest that a real need of the people is for 1-cent letter postage, and we would be very glad indeed to have you support House bill No. 17736.

We have written you at length on this subject because we feel deeply the importance of it to our city and the country in general. We know that we speak for practically every retail implement, vehicle, and hardware Club, of which the writer is se

Vehicle, and Hardware Club, of which treasurer.

We trust you will give this matter the consideration it deserves, and that you will aid us in defeating what we believe to be an oncrous measure designed and promulgated in the interest of the mail-order business almost solely.

Respectfully, yours,

Dictated by W. A. Jones, editor.

Mr. Speaker, I ask unanimous consent

Mr. STEENERSON. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. The gentleman from Minnesota asks unanimous consent to extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

Mr. REILLY. Mr. Speaker, I also ask unanimous consent to

extend my remarks in the RECORD.

The SPEAKER. The gentleman from Connecticut asks unanimous consent to extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

Mr. MOON of Tennessee. Mr. Chairman, I move that the

committee do now rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. Hay, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 21279) making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1913, and for other purposes, and had come to no resolution thereon.

AMERICAN MEAT (H. DOC. NO. 694).

The SPEAKER laid before the House the following message from the President of the United States, which was read, and, with the accompanying papers, referred to the Committee on Agriculture:

To the Senate and House of Representatives:

The Secretary of Agriculture, with my consent, has sent, through the Secretary of the Treasury, to the Congress an estimate for an appropriation of \$1,000,000 beyond the present permanent appropriation for the meat-inspection service in the Department of Agriculture. The increase is necessary to en-able the department to inspect microscopically the flesh of hogs that is to be converted into meat food products which ordi-narily are eaten without cooking. Several deaths have resulted from eating such products which contained trichinæ. The Swiss minister is now seeking reparation on account of the deaths and serious illness of several citizens of Switzerland. These deaths and serious illnesses are claimed to have been caused by eating American meat which contained triching. The Department of Agriculture has issued warning circulars and caused notices to be printed in the newspapers of the country concerning the danger of eating such uncooked products. The microscopic inspection of the flesh of all hogs would require an increase of \$4,000,000 in the appropriation. This is not deemed necessary. There is ample authority in the meat-inspection act to make the microscopic inspection, but no money has ever been provided. Therefore I urge upon the Congress the appropriation of \$1,000,000 for this purpose, on the ground that the emergency demands such action.

WM. H. TAFT.

THE WHITE HOUSE, April 12, 1912.

ENROLLED BILL SIGNED.

Mr. CRAVENS, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bill of the following title, when the Speaker signed the same:

H. R. 20190. An act to extend the time for the construction of a dam across Rock River, Ill.

ENROLLED BILL PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. CRAVENS, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States for his approval the following bill:

H. R. 20190. An act to extend the time for the construction of a dam across Rock River, Ill.

WITHDRAWAL OF PAPERS.

Mr. TAYLOR of Colorado, by unanimous consent, was granted leave to withdraw from the files of the House, without leaving copies, papers in the case of H. R. 20207, Sixtieth Congress, first session, introduced by Congressman Haggot, to pay John O'Connell certain moneys as custodian of old Fort Lyman, no adverse report having been made thereon.

Mr. FLOYD of Arkansas, by unanimous consent, was granted leave to withdraw from the House, without leaving copies, papers in the case of James L. Carpenter (H. R. 5720), first session Sixty-second Congress, no adverse report having been

made thereon.

LEAVES OF ABSENCE.

By unanimous consent, leaves of absence were granted as follows:

To Mr. Dickson of Mississippi, indefinitely, on account of illness in family.

To Mr. Hensley, for three weeks, on account of important public business.

To Mr. Callaway, for three weeks, on account of important public business.

To Mr. HANNA, for three weeks, on account of important public business.

AGREEMENTS BETWEEN EMPLOYERS AND LABORERS.

The SPEAKER laid before the House the following:

The Committee on Labor is hereby discharged from further consideration of H. R. 23189, to make lawful certain agreements between employers and laborers and persons engaged in agriculture or horticulture, and to limit the issuing of injunctions in certain cases, and for other purposes, and the same is hereby referred to the Committee on the Judiciary.

Mr. BARTLETT, That bill has been referred to the Committee on Labor?

The SPEAKER. Yes, sir.
Mr. BARTLETT. Has the Committee on Labor asked to

have its reference changed?

The SPEAKER. No. The Committee on Labor did not ask it. The Committee on the Judiciary did, and all bills of that kind have been formerly referred to the Committee on the Judiciary

Mr. BARTLETT. I do not care to take issue with the Speaker on that statement, but the change of reference, except by unanimous consent, is made in a way pointed out by the rules, as I understand it.

The SPEAKER. Unanimous consent is exactly what we are

trying to get.

Mr. BARTLETT. I know the rule. The Clerk read the statement that the reference of the bill was to be changed from the Committee on Labor to the Committee on the Judiciary. The rule, as I understand it, is that it must be done by unanimous consent, otherwise by motion at request from one of the two committees.

The SPEAKER. The usual modus operandi is that the Clerk reads the statement, whatever it is, and then the Chair says, "Without objection, the change will be made."

Mr. BARTLETT. Now, Mr. Speaker, I want to say this with reference to that bill: It is a bill drawn by myself and Senator BACON; and the bill introduced in the Senate was referred to the Committee on Education and Labor, of which Senator Borah is chairman. I will say that when I introduced the bill in the House I indorsed on it, "Referred to Committee on Labor," and am responsible for the reference to that committee. I wrote on it myself that it was referred to the Committee on Labor, because the bill, as its title indicated, had reference to disputes between employers and laborers and employees. While I have no objection to its being referred to the Committee on the Judiciary—as there are some things in it on which they would have jurisdiction—there are some things in it over which the Committee on Labor has jurisdiction. If the Committee on the Judiciary desire to have this bill referred to it, and make it known in a proper way, I will raise no objection to that. If the Committee on Labor, to which it has been referred, desire that the bill be not considered by that committee. but by the Judiciary Committee, I will have no objection to that. But I have not been consulted as to the change of reference. and I think I should have been. Therefore, at present, with really no objection, however, as to where it goes-either to the Committee on the Judiciary or the Committee on Labor-I shall

RECESS.

At 5 o'clock and 30 minutes p. m., in accordance with the order previously agreed to, the House took a recess until 7 o'clock and 30 minutes p. m.

AFTER RECESS.

At 7 o'clock and 30 minutes p. m., the recess having expired,

the Speaker called the House to order.

Mr. MOON of Tennessee. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the Post Office appropriation bill.

The motion was agreed to.

Accordingly the House resolved itself into Committee of the

Whole House on the state of the Union for the consideration of the bill H. R. 21279, with Mr. Saunders in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the further consideration of House bill 21279, making appropriations for the Post Office Department.

Mr. MOON of Tennessee. Mr. Chairman, I yield to the gen-

tleman from Ohio [Mr. BATHRICK] 25 minutes.
Mr. BATHRICK. Mr. Chairman, I have frequently noted that part of the routine of the House in which this is appropriately called "the Committee of the Whole House on the state of the Union." I understand, of course, that we have been considering this afternoon a very important bill, the Post Office appropriation bill. But I desire to say something on the state of the Union that will be of importance and interest to the Members of the House and perhaps to the whole country upon another subject with which I am intimately acquainted and, I think, quite important.

For many weeks a very hard-worked committee—the Committee on Expenditures in the Department of Agriculture—has been busy in the investigation of that department, and the subject of their more recent investigation has been popularly known as the Everglades investigation. Now, it is my purpose to deal with some of the matters in connection with that investigation which were not properly in all respects admitted in the testimony, because there was a regular line drawn by which the committee was to conduct its examinations. There was a regular plan mapped out, and a great deal of the testimony and matter which was correlative and which was in many respects important evidence was not admissible under the plan of investigation.

I desire to say that I do not in any respect intend any discourtesy to that committee nor to its very efficient chairman, Mr. Moss, and do not desire to forestall its report, which will appear before the Members of this House in due time. But in treating the subject I am obliged to deal with the facts which that committee will eventually no doubt include in its report.

In the latter part of 1907 a field force of engineers, in charge of one J. O. Wright, an employee of the Bureau of Drainage Investigations of the Department of Agriculture, was sent to Florida to investigate a plan for draining a large portion of the Everglades. In June, 1908, Mr. Wright made his report to his superior officer, Dr. C. G. Elliott, who was chief of this bureau. This report has not yet been published by the department, except in abstract form, and has not been published at all outside of Senate Document No. 89, which was printed upon the assumed authority of a resolution passed through the United States Senate August 7, 1911, or more than three years after this report was made. Let it be understood that Senate Document No. 89 was not published at the instigation of the Department of Agriculture or any of its officials, and does not contain the full report which, in its final revision, was the one which the department was willing to stand for as correct. Hence, it is true that the department has never published this report.

The object of the investigation was to ascertain whether certain allegations that had been made by Congressman Clark and myself were true. One of the allegations was that the department had suppressed a certain part of the report at the instigation of those who were interested in the sale of Everglade lands. No. 2 was, as a sidelight upon the matter and really not material, that Secretary Wilson, when requested to give the reason why he had suppressed this part of the report, said he was not running the department for the benefit of fools who did not know better than to buy land which they had not

I had appeared before the committee asking for an investigation, and Mr. Clark had also appeared for the same purpose. Hence the aim of Solicitor McCabe, in his defense of the Secretary, was to strike at us. He attempted to show that we were actuated by selfish and improper motives. In an effort to discredit Congressman Clark he produced correspondence which was utterly irrelevant to the inquiry, inconsequential, and finally revealing his futile attempt to prove that Clark himself was a dealer in land that might be in competition with the Everglades, and hence that Clark's motives showed bias and were not altogether disinterested. All that Solicitor McCabe brought out on this point was that Mr. Clark had casually, not as a man in the real-estate business—for he never was in that business—but simply incidentally, written one or two letters to some gentlemen who had asked him to find for them a piece of land in the State of Florida.

Mr. Clark wrote to them about one piece of land only, which he did not own himself and which was at least 250 miles distant from the Everglades, of an entirely different character of soil, and consequently not in competition with the Everglades in any manner. Mr. Clark has no land whatever in the State of Florida for sale, and this imputation upon his motives in asking for this investigation was wholly unfounded and without basis of fact.

Having thus assailed Mr. Clark's motives, the Secretary seized upon an opportunity to make a statement regarding a farm which I have in Florida, and upon which the chief product raised is potatoes. The attempt to induce the public, in widely published newspaper reports, to believe that I have conflicting interests in Florida, and that for this reason I demanded this investigation, is "very small potatoes," indeed.

It is true that I am part owner of 160 acres, situated over 300 miles from the Everglades in question. This property is purely a farm proposition. I have no land in Florida for sale, and this farm is not for sale, except under those conditions which might arise wherein any person might desire or be called upon to sell any property which he might own. I am in no way, directly or indirectly, interested in the real-estate business in the State of Florida, and I have no business connection of any character which would bring me into competition with the Florida Everglades. But my ownership in this farm and the experience in Florida agriculture, running over a period of to 10 years, is in truth the very reason why I have been interested in the investigation of the Florida Everglades carried on by the Moss committee. I believe that the manner employed by the land sharks of Florida in exploiting the Everglades was an exhibition of unusually bold misrepresentation and exaggeration, and I sought, in my official capacity, to assist, as far as possible, in saving the innocent poor people of this country from loss and disappointment.

Mr. AKIN of New York. Mr. Chairman, will the gentleman yield?

Mr. BATHRICK. Not now. I will yield later, but I prefer to go on with my statement at this time.

Mr. Chairman, there is no hope born in the human breast more wholesome and sacred than the hunger for home, wherein the beautiful visions of those not blessed with wealth by birth conjure to the mind of the struggling poor pictures of domestic happiness, comfort, and plenty, which can only be realized by the ownership of a home. Millions of our people are without this blessing, and those who clothe a lie in the habiliments of truth, and use it to delude the home seeker, are the vilest of all impostors and the most worthy of that indignant condemnation and odium deserved by any class of culprits who commit wrong in the name of business.

On some other occasion it will be my pleasure to deal with the question of the feasibility of the drainage proposition of the Everglades, and of the availability for agricultural purposes of this land, should they ever succeed in draining them; but at this time I desire to consider more fully those matters which bear upon the attitude of those defending the Department of Agriculture and Secretary Wilson in this investigation.

During Secretary Wilson's pretended testimony, which in many respects appeared to me as a plain evasion of testifying, he made vague and ambiguous reference to the subject of liars in this and other countries. Shortly thereafter, by way of more direct connection with those witnesses who were the object of his spleen, in pointed allusion he accused Congressman Clark, W. R. Hardee, and Capt. Sewell of having framed up their testimony. In other words, when not specifically referring to those gentlemen, he accused them of collusion in the arrangement of their evidence.

Congressman Clark, Mr. Hardee, and Capt, Sewell had sworn the Secretary told them he had suppressed a certain circular at the instigation of those interested in the Everglade lands. Secretary Wilson had done this, he did a great wrong, and he knew it; and it was very natural for Solicitor McCabe and the Secretary to cover up the fact and attempt to prove that he suppressed the circular for some other reason. This circular was an abstract in brief of the material features of the report which was made to Dr. Elliott by Mr. Wright and was used merely for the purpose of expediting office business. It was a sort of mimeograph letter, not for general circulation, but to use in reply to hundreds of inquirers who had written to the Department of Agriculture to secure information respecting Everglade lands. Rich land speculators had purchased land from the State of Florida by the hundreds of thousands of acres at \$2 per acre and were selling them for from twenty-five to as high as sixty and seventy-five dollars per acre. Millions of pieces of literature had been sent out by them, many thousands had purchased small parcels on the installment plan, and other thousands were contemplating purchasing under these alluring representations. These were the inquirers who were writing to the department for information. Their letters came into Dr. Elliott's department. To have written each an original letter, giving the facts they desired, would have been a tedious undertaking. Consequently the circular was prepared, approved by Dr. Elliott, and sent to each inquirer with a brief letter calling their attention to the inclosure.

I will print this circular, and a casual perusal will show why those interested in the sale of Everglade lands would desire its suppression:

[United States Department of Agriculture, Office of Experiment Stations.]

DRAINAGE INVESTIGATIONS—THE EVERGLADES OF FLORIDA.

Under acts of Congress granting to the States the Federal swamp and overflowed lands within their borders the State of Florida acquired the area known as the Everglades. The tract is, roughly, 100 miles long

and 40 miles wide, extending from Lake Okechobee to the southern end of the peninsula.

The reclamation and development of the Everglades has long been desired by the State, and a number of years ago some canals were excavated in the Kissimmee River Valley and west and southwest of Lake Okechobee. In 1906 the State secured the assistance of the Office of Experiment Stations, United States Department of Agriculture, and during the next two winters Drainage Investigations of that office conducted a survey and examinations, including a line of levels from Fort Myers to Lake Okechobee, south about 30 miles to Brown's store, and directly east across the Everglades to the vicinity of Pompano.

The climate of southern Florida seems as healthful as that of other localities having the same latitude. The United States Weather Bureau records from Jupiter and Fort Myers show that from 1898 to 1906, inclusive, the maximum temperature was 90° F. and the minimum 24°. The long and hot summers are usually very irksome to the people from more northern States, but do not seem detrimental to the health.

The normal annual rainfall in southern Florida is nearly 60 inches and the precipitation has reached 70 inches in a year. The wettest season is usually the months of July and August. The area of Lake Okechobee is approximately 733 square miles, and the water from seven and one-half times this area of land, lying to the north, flows into the lake. During the rainy season the lake overflows along the southern boundary. This overflow, together with the excessive rainfall upon the area, causes the swampy condition characteristic of the Everglades.

The soil of these lands consists largely of decayed and partly decayed vegetable matter, having the nature of muck or peat. This is underliked of the season of the season of the season of the season of the Glades are the "hammock lands," as they are locally known. The "hammocks" are small areas of from 1 to sometimes 10 acres, rising of 2 feet above the surrounding muck. The soil is more sa

at least partially drained, but undoubtedly much this will be fore any considerable areas will be habitable or fitted for cultivation.

For the drainage of the Everglades a very complete system of main ditches and laterals will be required and farm ditches in detail. Also in this soil provision must be made for irrigation or for maintaining the water in the ditches and soil at a fairly uniform depth, not too low, in order that there may always be sufficient moisture for the production of crops and to prevent the liability of the muck catching fire and

in order that there may always be sufficient moisture for the production of crops and to prevent the liability of the muck catching fire and burning.

The drainage of the Everglades is entirely feasible from an engineering standpoint, but the value of the lands when drained is still largely problematical. Some small drained tracts on the edge of the Glades have produced very satisfactory crops of vegetables. Usually, but not always, large quantities of fertilizers have been used. Several years ago sugar cane was grown on well-drained land near Kissimmee, considerably north of Lake Okechobee, and it appears that the yield of sugar should have been profitable on this plantation. On some of the hammock lands oranges and grapefruit have been raised, but for these large quantities of commercial fertilizers are almost always required.

Further information regarding the conditions in southern Florida will be issued later by the Office of Experiment Stations, United States Department of Agriculture, with an outline for the main drainage system to reclaim about 1,800,000 acres of the Everglades lying between Miami and Lake Okechobee and about the lake. Further than the preparation of such a drainage plan the National Government is doing nothing toward the drainage of the Everglades and has made no appropriation from which any such works may be constructed. The results of some preliminary investigations made near Miami in 1904 are published in Separate 9 from Office of Experiment Stations Bulletin 158. This publication and Farmers' Bulletin 238, "Citrus Fruit Growing in the Gulf States," may be obtained by addressing the Secretary of Agriculture, Washington, D. C. The director of the agricultural experiment station at Gainesville, Fla., can probably furnish information regarding soils and crops. The officials having charge of the drainage work being done by the State are the board of trustees of the internal improvement fund, Tallahassee, Fla.

January, 1910.

JANUARY, 1910.

Please notice, in this connection, that I state that this circular was approved by Dr. Elliott, who was chief and scientific expert of the drainage department, and if he approved it, such approval came from the highest authority on that subject in the Department of Agriculture. The probe of the investigation centered around this circular, as the publication which had been suppressed, the full report not having been issued. To be sure an excerpt of this report was sent to Mr. Hall, of Colorado Springs, a wealthy land speculator, and also to the governor of Florida. This excerpt, by permission of the Secretary, was published in Florida, and those convenient and favorable parts which suited the land sharks were published in their literature and given prominence as the report of the United States Government and starred as a national indorsement of the whole Everglades scheme.

It is very evident that Solicitor McCabe's plan of defense was an attempt to show that Secretary Wilson never saw the circular until the day he suppressed it, and to show that the immediate cause or instigator of the suppression was not connected with the "Everglade interests." The circular was suppressed in the presence of Senator Fletcher on the 4th of February, 1910. It is a fact that influences of "Everglade interests" behind Senting

Secretary Wilson was also attempting to conceal his true mo-tive for suppressing the circular behind the Senator also and bring forward a "framed-up" motive. It does not appear that Senator Fletcher himself was in any way involved other than as a medium through which the "Everglade interests" operated. The "Everglade interests" were hiding behind Senator Fletcher, and if Solicitor McCabe could show that these interests never appeared before the Secretary before Senator Fletchea's visit it might be possible to give some other reason than "Everglade interests" why the Secretary suppressed the circular. But the reasonable inference from the evidence clearly establishes the fact that "Everglade interests" came directly to the Secretary before Senator FLETCHER arrived and asked that the circular be suppressed.

In attempting to ascertain whether the Secretary did actually suppress this circular at the instigation of "Everglade interests," as was sworn to by Congressman Clark, W. R. Hardee, and Capt. Sewell, I will take the facts that are the closest to the date of and the reason for the suppression. One of the most pointed facts relating to the question of the influence of "Everglade interests" is contained in a telegram dated February 3, 1910, which was sent to the Hon. D. U. Fletcher, United States Senator from Florida, at Washington, D. C., by Gov. N. B. Broward, then governor of Florida. Gov. Broward at that time was publicly known to be the owner of many thou-sands of acres of this Everglade land, which fact he himself publicly acknowledged. This telegram is as follows:

Received a telegram, "Bulletin coming out from Agricultural Department knocking Everglades." I earnestly ask that you investigate and prevent any such action, if you can. I understand that Dr. H. W. Wiley, Chief Chemist Agricultural Department, is opposed to having his name used by companies selling Everglade land. They claim to quote Dr. Wiley's report to Secretary of Agriculture, 1891, page 170. They think they had a right to print excerpts of report, it being a public document, Am writing.

N. B. BROWARD.

Let us see if this telegram indicates any "Everglade interests" influence in the matter. First, I desire to state in justice to Senator Flercher that it does not appear that he acted in the matter other than in an intermediary capacity, and that upon receipt of a telegram from the governor of his State. Any Senator or Member of the House of Representatives receiving a telegram from the governor of his State asking him to do certain things would probably be expeditious in complying with the request. Senator Fletcher received the telegram on the 4th of February, 1910, and did act expeditiously. Note that the telegram asks him to stop a "bulletin" which was knocking the Everglades. Gov. Broward, being himself an owner of Everglade lands, naturally did not want this "bulle-tin" published. It turns out that the publication the governor referred to as a "bulletin" was a circular, and he asks that the Senator stop it.

Is there not indication of "Everglade interests" in that? Senator Fletcher went down to see the Secretary. After receiving this request from the governor, did he go there to stop the circular or not? The telegram begins by saying, "Received a telegram." Who did Gov. Broward receive this telegram a telegram." Who did Gov. Broward receive this telegram from? Was it from other "Everglade interests," who wanted the circular stopped as well as did the governor? The telegram also stated that Dr. Wiley is opposed to having his name used by companies selling. Everglade lands. In other wards the also stated that Dr. Wiley is opposed to having his name used by companies selling Everglade lands. In other words, the companies which are selling Everglade lands are in trouble with Dr. Wiley. Who told Gov. Broward that the Everglade lands sale companies were in trouble with Dr. Wiley? Was it not the Everglade sales companies themselves who told him this? The telegram states, "Am writing." The governor did write, and Senator FLETCHER received the letter. The Senator was asked to produce this letter, but declined. No one can tell, consequently, what the details of this letter might have shown respecting "Everglade interests." The Senator was asked if the letter disclosed the name of the man who wired to Gov. Broward, and he stated it did. Asked if he would furnish the name, he stated that he would, but did not.

Please remember that the date upon this telegram is part of the evidence that fixes the fact that that circular was suppressed on February 4, 1910, the day Senator Fletcher called upon the Secretary. Another evidence, indicating that it was suppressed on that day, is shown in the fact that after the 4th of February 1910, copies of letters sent to these inquirers when of February, 1910, copies of letters sent to those inquirers who kept writing to the department showed no longer any reference to "circular inclosed." As a matter of fact, everybody on both sides agrees that it was suppressed February 4, 1910.

On the morning of February 4, the Senator being in possession of this telegram, received a visit from one M. L. Bowen. M. L. It is a fact that influences of "Everglade interests" behind Senator Fletcher, and from other sources, were active in securing the suppression of this circular. It appears very plainly that while "Everglade interests" were hiding behind the Senator that not a remarkable coincidence that he happened to appear in the Senator's office with the circular about the same time the Senator received the telegram? M. L. Bowen represents another indication of the "Everglades interests" activity in securing the suppression of this circular. Did M. L. Bowen telegraph Gov. Broward about this circular? Or did Bowen telegraph his headquarters at Chicago and they in turn telegraph the governor? One point here is worth remembering also. This circular had been used for some time prior to February 3 to answer inquirers. "Everglade interests" certainly knew that it was out before February 3. This circular threw the whole Everglade crowd up in the air, and they were busy telegraphing, writing, and trying to stop it. That must have taken some time before they finally got Senator Fletcher in action on February 4. That fact is worth remembering in connection with the testimony and conduct of a Mr. Will and another man by the name of Howe, both of whom were connected with "Everglade interests."

On the morning of the 4th of February, 1910, Senator Fletcher took the circular given to him by M. L. Bowen and called upon Secretary Wilson. This circular, although a fair and honest abstract of the whole report as to all matters referred to in it, contains statements which were positively injurious to the "Everglade interests," and upon the face of it is evidence that they were desirous of having it stopped.

It is difficult to ascertain from the testimony what happened when Senator Fletcher called on Secretary Wilson. The Secretary says that the Senator did not ask him to suppress it. He says also that the Senator did not discuss the circular. He can not remember that Senator Fletcher showed him Gov. Broward's telegram, but the Senator is inclined to think he did show it to him. If the Secretary saw that telegram, how is it possible that he did not know that "Everglade interests" were demanding the suppression of this circular? If you had gone down there with a like message, would you not have shown to the Secretary a telegram from a man so high in authority as the governor of Florida? Whatever else happened, it is agreed that the Senator gave the circular to the Secretary. The Secrethat the Senator gave the circular to the Secretary. The Secretary pressed a button at his desk, and Mr. Arnold came in. Mr. Arnold, as respects department publications, is the man who stands next to the Secretary in authority. In Mr. Arnold's stands next to the Secretary in authority. In Mr. Arnold's close relation to the Secretary, how was it that he had never called the attention of the Secretary to this circular before? The Secretary immediately directed Mr. Arnold to have the thing discontinued, saying, according to Senator Fletcher's testimony, "This is not part of our business; we are here to furnish scientific data and the result of scientific investigation, In almost a moment's time he emphatically directed Mr. Arnold to stop the circular. Now, how did the Secretary know this was not scientific data, if that is the real reason why this circular was suppressed? Of course, Solicitor McCabe's defense, aiming to disprove the statement that the Secretary suppressed the circular at the instigation of the "Everglade interests," it would be quite natural to give some other reason. In support of this other reason the Secretary must say that the circular was not scientific, and, as he intimated in his testimony, crude.

If that is the real reason why he suppressed this circular, how could the Secretary know on such a brief examination that the circular was crude and unscientific? Why did he not send for Dr. Elliott, who is the foremost drainage expert in the world, and who approved this circular? Dr. Elliott is recognized as an authority on drainage in this country and abroad. He is referred to as such in the Encyclopedia Britannica, and his textbooks are used in many colleges and universities throughout this country and others. How was Secretary Wilson to know so quickly that this circular was crude and unscientific? There are many scientific subjects treated in the Department of Agriculture, by specialists employed for that purpose. Does Secretary Wilson embody within himself all such special scientific knowledge that he is enabled to pass judgment on these matters so quickly without consulting the educated men of the departments? Is it not a very transparent fact that this "crude and unscientific" reason for the suppression of this circular is a sham, and was trumped up merely for the purpose of trying to disprove the statements made by W. R. Hardee, Capt. Sewell, and Congressman Clark, that the Secretary suppressed it at the instigation of those interested in the Everglades? The Secretary infers that W. R. Hardee, Capt. Sewell, and Congressman Clark lied, and that their testimony was a product of collusion. Will anybody in this House believe this of Congressman Clark, who has for many years labored in behalf of his constituents and the country as a courageous, efficient, and honorable public servant? Clark had no interest in lying, and I defy anybody to show any such, either personal or political. Why should W. R. Hardee lie about it? Hardee's testimony was straight from the shoulder, unequivocal, and neither he nor Capt. Sewell had the remotest interest in the

subject. They are men of the highest standing and the best reputation for honesty and integrity in the community where they reside

Here are three good men and true, who swore that the Secretary of Agriculture did say that he suppressed the circular at the instigation of "Everglades interests," and I think it is very plain that he did say it, and that at that time he did tell the truth, but afterwards repented having told the truth. The Secretary states that on the 4th of February, 1910, the day Senator Fletcher called, was the first time he had seen that circular. The Everglades project was a big subject. It was not one of those small matters that might pass through the department unnoticed by the biggest men in it. It was talked about and discussed generally by all hands from the Drainage Department up to the Secretary. But it is plain that if the Secretary had been familiar with that circular before that 4th of February Solicitor McCabe's defense would fall. If the Secretary had been familiar with the circular before that, while it was being sent out, he could not have risen in his wrath and denounced it as unscientific, as it is alleged he did.

Strange testimony was given by a man by the name of Will. This man's testimony is shifty, equivocal, and abounding in terms employed by that character of witness who feels himself treading upon unsafe ground. Read it over and see for yourself if this is not true. Let us look at this testimony

self if this is not true. Let us look at this testimony.

Will swore that a Mr. Howe, who was an Everglades lands salesman, came to him and showed him this circular. Howe was indignant because the circular was a knock on the Everglades, and he and Will talked the circular over for an hour, and then they both went to the Department of Agriculture. Will states that he was interested in Everglades as a buyer, but hypocritically avers that he had not yet been convinced regarding its virtues sufficiently enough to be a seller of it. In other words, he states that he liked the land well enough to buy it himself, but in his superlative goodness had not yet learned enough about it to start in and sell it to others.

Both he and Howe, then, were interested in Everglade lands when they called at the department and saw Dr. True, Dr. Arnold, and Dr. C. G. Elliott. Will swears that Howe boldly and aggressively demanded of Dr. True and Dr. Elliott the suppression of that circular. Both Dr. True and Dr. Elliott the suppression of the circular and discourteous, and told them that if they did not suppress it he would go to Secretary Wilson. Will swears that the day on which they called at the department was the 7th or 8th of February, 1910. As I have already shown, everybody agrees that the circular was suppressed on the 4th of February, 1910.

Dr. True and Dr. Elliott refused to suppress the circular on Howe's demand, and then on the same day, and very shortly after they had been "bold and aggressive" with Dr. True and Dr. Elliott in their demand to have the circular suppressed, they did go to see Secretary Wilson. But Will swears and Secretary Wilson swears that when they were in his presence on that visit the circular was not mentioned. They were "bold and aggressive" in demanding of Dr. Elliott and Dr. True that the circular should be suppressed, and in that frame of mind they went to Secretary Wilson, as they had threatened to do. But when they got to him, according to the testimony, they did not even mention the circular, which Howe said had already lost him \$20,000. Howe must have taken his loss lightly to have forgotten it as soon as he came in the presence of the Secretary.

If there is anything sure on this earth, it is that Will and Howe called on Dr. True and Dr. Elliott before that circular was suppressed—before February 4, 1910—and they did not call on them on February 7 or 8, 1910. The order had come through from Secretary Wilson on the 4th of February, 1910, to Dr. True and Dr. Elliott to suppress the circular, and they had suppressed it.

Who can believe that if Will and Howe called on them on the 7th or 8th of February and made demand that the circular be suppressed that either Dr. True or Dr. Elliott would not have told them that it had been suppressed? But what is the reason that Solicitor McCabe tried to make it appear that Will and Howe came on the 7th or 8th of February instead of before the 4th of February?

The reason is that had it appeared that they visited the Secretary before he had suppressed the circular it would have been strong inference that he did it at the instigation of those who were interested in Everglade lands and not because it was crude and unscientific. Both Will and Howe were representing Everglade interests, and if it was shown that they called on the Secretary before the circular was suppressed it would have been a corroborative fact to support the statement made by Congressman Clark, W. R. Hardee, and Capt. Sewell. It is absurd to assume that Will and Howe did not call upon the Secretary before February 4, and it is absurd

to assume that, in their frame of mind, they did not mention the circular to him during that visit.

Whether the Secretary stated that he was not running the department for the protection of fools who did not know any better than to buy land they had not seen, or not, is not particularly material, but the fact is that after the circular was suppressed the Secretary sent out another kind of a letter to inquirers. In this he expressed it as "his judgment, no one should invest money in land without seeing it first." Congressman Clark, W. R. Hardee, and Capt. Sewell aver that the Secretary did say so, and it is evident from his opinion expressed in this letter that his mind dwelt upon thoughts of this character.

But after the Secretary had suppressed the circular letter on the alleged grounds that it was "crude and unscientific," let us loook at and consider the letter he himself sent out and see whether there is anything crude and unscientific about that. In this letter he told inquirers that the department had "no publication regarding these lands." The department had expended the people's money to get information about the Ever-This information was given to land speculators and to the State of Florida, but the Secretary suppressed the circular and then wrote to inquirers, telling them that the department had no "publication," notwithstanding that it was in possession of the entire report at that moment. The word "publication" is a subterfuge and a mere evasion. The circular was to all intents and purposes a publication, but he had suppressed it. The circular gave the people some facts; but what did the letter give them which he wrote after he had suppressed the circular? It told them, those who inquired, to ask the trustees of the in-ternal improvement fund, at Tallahassee, Fla., for information. These trustees have entire charge of the Everglades project, and I do not intend to reflect in any manner upon them. They had sold for the State a large quantity of land to R. H. Bolles, who was the man with big money behind several of these Everglades sales companies. During the investigation former Everglades sales companies. During the investigation former Attorney General Ellis, of Florida, represented this board of trustees, and on inquiry informed the committee that he not only represented them, but he represented also R. J. Bolles, the big chief exploiter of Everglades. He also stated that at the time he became attorney for the trustees he told them he was Bolles's attorney and that the trustees did not object to it. These trustees had a contract in behalf of the State as one of the parties and Bolles as the other, and they consented that Gen. Ellis should be attorney for both. This illustrates very plainly the communion of interests between the board of trustees of the internal improvement fund and the Everglades lands promoters. Gen. Ellis explained that the State's interests were bound up with the Everglades promoters, because if these promoters succeeded in selling large quantities of their lands and colonizing them it would increase the value of the State land. Now, there is where the "joke" appears in the Secretary's

He refers all inquirers to this board of trustees. In other words, he suppresses information direct from the scientists of this great Agricultural Department, and tells the inquirers to get it from the board of trustees, and the board of trustees turns the letters of the inquirers over to the Everglades sales speculators, because the State is interested in seeing them succeed. Then the land speculators write to the inquirers for the purpose of selling their land, all of which, boiled down, means that Secretary Wilson turned these inquirers over to the tender mercy of "Everglade interests." That is not "crude and unscientific," is it? That is another of the Secretary's jokes, which is side-splitting humor, indeed.

Now, I desire to speak, before closing, of another Agricultural Department joke. I will call this the "Juggernaut joke." A case where faithful, loyal employees are beset by the tyranny and persecution of those who manipulate a contemptible bureaucracy. This is the case of Dr. C. G. Elliott and Mr. A. D. Morehouse. When it appeared that this investigation was im-Morehouse. minent the department began to prepare its defense. intimated to C. G. Elliott that he would be the goat, and he was ordered to produce every scrap of information bearing upon this Everglades report and deliver it to Solicitor McCabe. After he had obeyed this order, and he himself was possessed of no correspondence bearing upon the subject, he and his assistant, Mr. Morehouse, were summarily dismissed. The real reason why they were discharged was the same reason why Glavis and Kirby, of the Ballinger case, were discharged, namely, to get them out of the way and out of reach of any fact that they might produce to sustain their own contentions and prove that some one higher up was culpable. That was the real reason, but it was not the reason that Solicitor McCabe succeeded in resurrecting from the years gone by.

J. O. Wright, above referred to, had left the Agricultural Department and had taken employment at more than twice his Government salary from the trustees of the internal improve-ment fund of the State of Florida. Dr. Elliott had seen fit, for apparent good reasons, to revise Wright's report. His revision was not suitable to Wright's employers. And in the controversy that arose because of this revision and the incidental withholding from publication of Wright's report, as submitted by him, Dr. Elliott incurred the antagonism of all Everglade promoters. Wright's report was highly colored and favorable in many respects to the business of selling Everglades, while Dr. Elliott's revision was scientific and would not serve as an advertisement for the Everglade promoters. Dr. Elliott, thus having incurred the antagonism of Everglade promoters and the hatred of Wright, the investigation being imminent, the Secretary, instead of taking that side of the question represented by his expert in the drainage department, found it desirable to get rid of Elliott and his assistant, Morehouse, who knew too much about the facts that would be brought out in the coming investigation. It was also desirable to do something to them that would frighten them into silence and to hang over their heads a threat of revenge if they attempted to tell the truth. They were accused of falsifying the accounts of the department. The case was taken before the grand jury at the instigation of Solicitor McCabe—the same McCabe in the Wiley case—and they were indicted. McCabe went back in the records three years and took up a technical charge against them wherein the Government stood to lose nothing and the accused stood to make not one cent.

The charge grew out of the appropriation made for the purpose of carrying on the departments of drainage and irrigation investigations. That was in 1909, which was the last year that these two separate subjects, or divisions, were cared for in one appropriation, and which method of appropriation was alone responsible for the condition resulting in alleged falsification of accounts. Dr. Elliott went west on a business trip, leaving a safe balance for drainage and enough to care for all outstanding obligations, with surplus to turn back into the Treasury. During his absence bills incurred by irrigation were dumped onto the doctor's drainage account, leaving him with a deficit. This was a mere juggling of bookkeeping, and if there was to be a deficit the irrigation side of the accounts should have taken it. Dr. Elliott had nothing to do with this book deficit, neither had his assistant, Mr. Morehouse, anything to do with it. But they had incurred Solicitor McCabe's and Secretary Wilson's displeasure, and the technical charge was found a very convenient method by which to get rid of them and punish them for telling the truth about the Everglades scandal. There was no intent on the part of Dr. Elliott or of Dr. Morehouse to make a cent, and there was no chance for the Government to lose a cent. That same scheme has been going on in the Government for many years. I do not uphold it, and it was an irregularity. But I say this, that Solicitor McCabe knew at that time of many other such instances, and if he could rise in his official capacity and rush forward the prosecution of those who had "falsified" accounts in that manner in these cases, why did he not arise in his wrath and do

so also in the other cases?

The CHAIRMAN. The time of the gentleman has expired.

Mr. MOON of Tennessee. Mr. Chairman, I yield 10 minutes more to the gentleman.

The CHAIRMAN. The gentleman from Ohio [Mr. BATH-RICK] is recognized for 10 minutes more.

Mr. BATHRICK. Now, the papers of this country have spread abroad the news that as a result of this investigation these two men have been indicted. The indictment is not a result of the investigation, but it is the result of the operation of the steam roller by autocratic tyrants in the Department of Agriculture. That is what it is the result of.

Understand, neither Elliott nor Morehouse could have made a cent, neither could the Government lose a cent, by the transaction, but it was a technical violation of the law; and I say to you that this thing has been going on in some departments of the Government for many years. I do not defend the practice, but if Elliott and Morehouse are to be ground to atoms in the cogs of this tyrannical bureaucratic machine I will do the very best I know how to see that some other people are given opportunity for explanation on the same count, and how high up in the Agriculture Department it will reach will remain to be seen.

Dr. Elliott is 62 years old, a quiet, inoffensive, unobtrusive, studious, scientific man, wedded to his occupation, loyal to his country, and beloved by all who know him. His sweet, loving wife came to me weeping, bowed down with this burden that has been placed upon them, and begged that I should tell the

grace to this country.

truth about this affair. They did not fear the truth; but in the operation of this contemptible persecution these old people, deprived of the salary that the department has been paying the doctor for years, have been obliged to draw upon their slender resources for the purpose of defraying the unusual expenses of collating evidence and preparing to defend themselves against this unrighteous charge and save their honor. The newspapers of this country have not known the story. If they have, they have not printed it. The word has gone out that the findings of this investigation resulted in the indictment of these two men. Dr. Elliott, like Dr. Wiley, was an ornament to the Department of Agriculture, but was obnoxious to the autocrats who stand at the throttle of the department steam roller.

The leakage from this department of cotton-crop reports a few years ago, the investigation of the department in the Wiley case, wherein a beneficent law, intended to protect the people of this country against poisonous food, was shown to be emas-culated and destroyed by the Secretary—up to this time the management of this department has been a scandal and a dis-

Only as short a time ago as March there was before the department consideration of the interstate shipment of doctored grain, grain that had been sulphurized for the purpose of concealing its quality and making it appear as of a higher grade. Now, what happened? Dr. Galloway, Secretary Wilson, and Dr. Wiley discussed what should be the procedure of the department in the matter. Finally Secretary quested Dr. Wiley to prepare a food-inspection decision pro-hibiting the shipment of this moldy chemicalized grain. Dr. Wiley ordered Dr. Doolittle to proceed to draw the decision, but before this decision was drawn or could be put into effect there was a meeting of the National Grain Dealers' Association at Washington at the Willard Hotel. The report of the proceedings of the meeting of the association carries the statement that Messrs. Wayne and Cornelius, who called on Secretary Wilson, gave out a memorandum of the interview, which states:

Secretary Wilson stated that the matter of seizure of grain out of condition had not as yet been called to his attention, and that he did not propose having any seizures made until he had had time to thoroughly investigate the matter himself.

This in face of the fact that, as above stated, he had only a few days before that had the conference with Dr. Wiley and Dr. Galloway, Mr. Reese and Assistant Secretary Hays being present part of the time. The Secretary said it had not yet come to his attention. Who lied? After the interview with Mr. Wayne and Mr. Cornelius the Secretary ordered the agreed-upon decision withdrawn.

That was the last straw, and Dr. Wiley resigned. Prior to this there had been another case respecting the sulphurization of dried fruit from California. The use of this class of preservative in dried fruits was a questionable process, and the department had decided to stop it, but a great cry went up from the growers and driers in California.

Secretary Wilson made a trip West, asserting that he went there for the purpose of looking into the question of forest reserves, but while there he saw the California fruit men and yielded to their expostulations and made arrangements whereby they could continue shipping the chemicalized fruit.

Secretary Wilson has been wondrous kind to the food dopers. He was kind to the fruit dealers who sulphurized their products. He was kind to the shippers of moldy grain, against the advice of his scientists, and reversed his own decision in the matter.

He was kind to the "Everglade interests" when he took the scientific information which the people had paid for away from them and turned all the home-seeker inquirers of this country over to the tender mercy of the land sharks of Florida.

In his testimony he says we should always be kind to young men, but he sanctioned the contemptible outrage of the persecution and discharge of Morehouse. He was kind to the big land speculator Hall, of Colorado Springs; he was kind to Senator Fletcher when he asked him to suppress the circular; he was kind to the trustees of the internal-improvement fund of Florida when they asked him for an excerpt of the report; but he was not kind to the people of this country when they asked him for the information which the department had gathered.

Mr. Chairman, like the pest of Sinbad the Sailor, this old man sits astride the shoulders of the people's rights, weighing down justice, obstructing the operation of laws intended to protect the people, and uncertain in his course of management of the expenditure of over sixteen millions annually of the people's money, he shifts from one decision to another at the

beck and call particularly of the big interests of this country.

I say to you that Secretary Wilson, in spite of what he may have done, is to-day a veritable barnacle on the side of the ship of state.

In private business men of advanced years voluntarily retire from active conduct of business affairs, actuated by self-interest and chance of self-harm that may come from mismanagement. But the Secretary seems not amenable to this sound reasoning in Government business.

Mismanagement does not harm him. He can stick until he is 100 years old, and it does not harm him; but it does harm the people of the United States, and I say that department smells to high heaven, and some strong, Herculean arm ought to reach down and clean it out. [Applause on the Democratic side. l

Mr. MOON of Tennessee. Does the gentleman from Massa-

chusetts desire to use any time?

Mr. WEEKS. I do not care to use any time, but I should like to make one suggestion to the gentleman who has just taken his seat

Mr. BATHRICK. All right, sir.
Mr. WEEKS. I do not think it makes any difference whether

Secretary Wilson is 82 or 75, but I notice the Congressional Directory says he is 77 years old.

Mr. BATHRICK. I am very glad to hear that, and thank the gentleman for the correction. I do not think it makes any difference either, as regards the conduct of the department, the way he is managing it.

Mr. MOON of Tennessee. Mr. Chairman, I yield one hour to the gentleman from Mississippi [Mr. WITHERSPOON]. [Applause.

Mr. WITHERSPOON. Mr. Chairman, I desire to call the attention of the committee to that part of the bill which relates to the parcel post.

The existing law provides for a very limited parcel post, in which the weight limit is 4 pounds and the postage rate is 16 cents a pound. The pending bill raises that weight limit to 11 pounds and reduces the rate of postage from 16 cents to 12 cents a pound. It also adds a rural parcel post, by which, for the rates therein named and within the limit of 11 pounds, parcels of merchandise may be carried from any point to any other point on a rural route but not beyond.

These changes in the proposed law raise several very interesting and to me very difficult questions. Whether the weight limit should be more or less than 11 pounds, whether the rate of postage should be the same for all distances or graded, whether the rate of postage should be more or less than 12 cents a pound, and whether the rural parcel post should be so connected with the mail as to limit the carriage and delivery of parcels received on the rural route to points on the same route, or so as to provide for their carriage and delivery at any point within the United States, are some of the questions which have excited the deepest interest and developed the most radical differences of opinion.

On the one hand, the advocates of this measure claim that if these questions are answered in accordance with their views, and the terms of the law made accordingly, it will solve all of our industrial troubles and insure universal prosperity.

Some people who do not even profess to understand the parcel post claim that it will do a great deal of good. One witness before the Post Office Committee stated that he and a large number of citizens he represented did not understand the parcel post and did not see how it was going to benefit them, but still he said it was very clear in their minds that it would do a great deal of good and that they all wanted it.

On the other hand, the opponents of the measure vehemently protest against any sort of parcel post, without any reference to the weight limit or the rate of postage, and ignoring the fact that we now have a limited parcel post, they declare that the very worst consequences will result from its maintenance. They denounce the carrying of parcels of merchandise through the mail as populistic and socialistic, and almost in the same breath they tell us that it is a scheme to concentrate the wealth of the country in a few urban centers and to promote the fortunes of the great mail-order houses in the large cities. However, no one has yet explained the logical connection between populism and socialism on the one hand and the con-centration of wealth and enrichment of Montgomery Ward & Co. and Sears, Roebuck & Co. on the other. But they confidently foretell that the establishment and maintenance of a parcel post will ruin and drive out of business the country merchant, will dispense with the services of 600,000 traveling men, and leave the poor farmer a helpless victim at the mercy of the great catalogue houses of the large cities.

Among all these objections it is strange that not a word of complaint can be heard from the great express companies, who are really the persons and the only persons to be injured and put out of business. This leads one to suspect that in some way the arguments of these threatened corporations have

found expression in the writings, the speeches, and the testimony of others who have been led to believe that they and not the express companies will be the victims of the parcel post.

The separation of the people into two such classes, marked by such radical and violent differences of opinion, makes it plain that nothing less than a solution absolutely correct will give popular satisfaction and that no ineffective compromise, however plausible, will be acceptable.

In order to ascertain the truth of the questions presented and to discover the correct solution of the problem, it seems to me necessary that we should consider the elements of those conditions on which the proposed law is to operate and to inquire how and to what extent we may expect bad or good results.

Now, the question of a parcel post manifestly relates to the subject of transportation, and the chief function of transportation is the interchange and distribution among the people of the products of the farm and the factory. On the one hand, we have the annual crops of American wealth, consisting of 3,000,000,000 bushels of corn, more than half a billion bushels of wheat, 16,000,000 bales of cotton, and other vegetable and animal wealth aggregating in value the sum of \$9,000,000,000. The magnitude of this annual production of agricultural wealth is too great for any accurate mental measurement, and for want of a more precise conception its greatness may be compared to those great mountains which, marking the western border of the continent, look down with wonder and pride upon that great valley in which this marvelous wealth is

On the other hand, we have our manufactures, issuing from thousands of factories, consisting of almost every article fit for human use, and amounting in the aggregate to the value of \$16,000,000,000 per annum. The minds which plan and direct the creation of all this wealth can hardly conceive its extent, and, in order to portray and emphasize its magnitude, I will compare it also to that great mountain range which skirts the eastern border of the continent from Canada to the far South and pillows its huge head upon the clouds while it listens to the music of the machinery hum and the industrial songs of American factories. [Applause.]

Now, the transportation of these products of the farms and the factory to the points of their consumption and their distribution among the people is the work of commerce. The aim of every steamboat, railroad company, of the banker, and the merchant, and of all others engaged in commerce is to effect this interchange and distribution.

The freights, discounts, dividends, profits, amounting to billions of dollars, constitute the price which agriculture and manufactures pay to commerce for its services in the distribution of their products. The production of all this wealth and its interchange and distribution is the business of the world, and the most important function of commerce is that of transportation. Without transportation there can be practically no production of wealth, for it is inconceivable that the farmer can till his land and make his product, his crops, without many articles that must come from the factory. Nor can any factory operate for a day without the products of the farm. And even if without transportation we could conceive of the existence of these vast products of the farm and factory, which I have already described, yet if each farmer had to use on his farm all that he produces, and if he could not dispose of the surplus that he does not need, and if no factory could use its products except to supply the wants of those who operate that factory, business would be paralyzed and civilized life would If the surplus products of the farm and the factory could not be transported to the points of their consumption, stagnation and ruin would be the result. The absolute necessity, therefore, for the transportation of the entire surplus of the products of the farm and factory can not be denied; and if the inability or failure to transport and distribute the entire surplus products of the farm and the factory would mean complete business ruin, then it follows necessarily that the failure or inability to transport any part of this surplus product of the factory and the farm is, pro tanto, a public detriment, and in the truth of that proposition lies the necessity for a parcel post [applause], for without it a large part of American wealth must be wasted, because it can not be distributed.

The transportation problem has been committed mostly to the express and railroad companies and those corporations interested only in the profits of the business have signally failed to solve the problem, and that failure creates the necessity that the Government should take action through a parcel post,

All merchandise, so far as it is the subject of transportation, may be divided into two classes. The first class consists of large quantities and is produced, bought, and sold by wholesale and transported as freight in carload lots, or at least in lots whose

weight exceeds 100 pounds. This class of merchandise is the subject of trade among the wealthier classes and, amounting to more than a billion tons per annum, it is conveyed as freight from the points of production to the centers of trade throughout the country, whence it finds its way on wagons to the country merchant.

The other class consists of small quantities produced mostly by farmers of small capital, doing a small business, and called parcels. While the first class amounts to more than a billion tons per annum, the amount of this second class seems to be unknown and can not be accurately estimated, except that it must exceed four and a half million tons a year, which, I believe, is the weight of that portion that is handled by the express companies. Between these two classes of merchandise there is an unjust and a flagrant discrimination in rates by the railroad and express companies in favor of the rich and against the poor, on account of which discrimination the transportation of this class of merchandise is either prohibited or reduced to a minimum, and this discrimination is the joint act of the railroad company and the express company. According to the regulations of the railroad companies they charge the same freight on all parcels of merchandise shipped as freight that do not exceed in weight 100 pounds, so that the shipment of 10 pounds of freight pays just 10 times as high a rate per pound as a shipment of 100 pounds or more. This discrimination debars small shipments of merchandise from being transported as

fregilt and drives them into the express.

But we find that the express company and the railroad company have entered into a contract by which the express company has bound itself never to charge less than 150 per cent of the rate charged by the railroad company on shipments of the same goods in larger quantities, and in actual practice the express company collects from the people more than 16 times as high a rate on the shipment of merchandise in small parcels as the railroad company collects on the same goods shipped in larger quantities. The express company makes no charge less than 25 cents, so that if your parcel is worth only 25 cents, you must pay the full value of it in order to have it transported; and on all parcels destined to go a long distance the express rates are so high as to be prohibitive. These discriminations make it impossible for any merchandise bought and transported in small quantities to be sold in competition with merchandise bought and transported in carload lots, and either prohibits the importation of these parcels or reduces them to a minimum, down to where the condition of the shipper is such that the rate is immaterial to him. Now, this discrimination against the small parcel and this prohibition against the transportation of merchandise in small quantities is a fact, or one of the facts, which not only justifies but necessitates a parcel post by the Government, and if this discrimination against the small parcels, if this prohibition against the transportation of parcels of merchandise weighing less than 100 pounds, is the evil to be remedied, then the remedy should be coextensive with the evil and the weight limit should be raised not from 4 to 11 pounds as provided in this bill, but from 4 to 100 pounds as demanded by the very conditions which call for any parcel post at all. [Applause.]

This discrimination either exists or it does not exist. If it does not exist, if the railroad and express companies do now carry merchandise in small parcels at reasonable rates and without any discrimination, if they do that, then there is no excuse for any parcel post at all, and the weight limit should not only not be raised from 4 to 11 pounds, but the law with reference to any parcels at all should be repealed. But if this discrimination does exist, if the railroad and express rates on merchandise shipped in small parcels is so high and exorbitant as to consume all the profits of the production of such merchandise, then the Government in providing a parcel post should fix the weight limit so as to embrace all parcels that can not profitably be sent by rail or express, and this applies as forcibly to the 100-pound parcel as it does to the 11-pound parcel. There is no reason that I can see why parcels weighing 11 pounds and under should be received in the mails and those weighing 11 pounds and over should be excluded. If the Government undertakes the business of carrying parcels on the ground that the railroad and express companies have failed to handle the business satisfactorily, then manifestly in logic it must provide for the handling of all parcels which those corporations have failed to handle satisfactorily, and that includes 100 pounds just as well as it does 11 pounds. And so I submit that the—
Mr. MOON of Tennessee. May I ask the gentleman a ques-

tion?

Mr. WITHERSPOON. Yes.

Mr. MOON of Tennessee. Does that include the 250-pound parcel as well as the 100?

Mr. WITHERSPOON. No, sir. Mr. MOON of Tennessee. Why not?

Mr. MOON of Tennessee. Why not? Mr. WITHERSPOON. For the very reason I have already explained. I do not understand there is any discrimination by the railroad company against the 250-pound parcel.

Mr. MOON of Tennessee. Do I understand the gentleman to mean that the definite point of discrimination is at 100 pounds? Mr. WITHERSPOON. I understand that that is the regulation of the railroad company and that it draws a distinction in rates between 100 pounds and over. Now, the second reason-

Mr. WILLIS. Mr. Chairman, will the gentleman yield at

that point?

Mr. WITHERSPOON. I will.

Mr. WILLIS. I am very much interested in the gentleman's scholarly presentation of this subject, and I would like to know the gentleman's plan for carrying this into effect. Would it be by taking it from the express companies-or perhaps the gentleman is coming to that?

Mr. WITHERSPOON. I will get to that after awhile. I can not discuss but one thing at a time. Now, the second argument I want to present to the committee is that the parcel post should be established because the railroads and express companies do not even pretend to extend the benefits of the service of transportation to the rural population. The fact is these corporations have never recognized the existence of the country at all, but they confine all their efforts and activities to the people living in the towns and cities. I submit that the country people have the same right and should have the same opportunity to have the products of their labor transported to the point of consumption as the people in the towns and cities, but this right has never been taken into consideration in the solution of the transportation problem. The farmer must transport in the best way he can the produce of his farm to some trading center before the railroad company and the express company will touch it. Now, as to corn, cotton, wheat, and other articles that are produced in large quantities and are bulky, the farmer can transport them to market as cheaply, perhaps more cheaply, than the Government can do it for him, and therefore he is not damaged by the failure of these corporations to take such articles at his farm; but on every farm there are numerous products, such as eggs, fowls, vegetables, and fruits, which are produced on such a small scale that after satisfying the wants of the farmer's family the surplus left is so small that the farmer can not afford to transport them to the market, and hence they are wasted.

Now, if the farmer knew that ample means were provided for the transportation of such merchandise to market at a reasonable price it would stimulate and increase the production of this kind of wealth, which could always be done without additional capital by utilizing labor which otherwise would be idle, and thus the wealth of the country would be increased. These by-products of the farm would often constitute and measure the farmer's profit and at the same time satisfy the wants and decrease the cost of living to the people in the town.

Mr. BLACKMON. Mr. Chairman—
The CHAIRMAN. Will the gentleman from Mississippi yield?
Mr. WITHERSPOON. Yes, sir.
Mr. BLACKMON. Is it the gentleman's idea of parcel post

that it will be required to carry poultry and eggs?

Mr. WITHERSPOON. Oh, yes. I do not care to discuss

Mr. BLACKMON. I want to ask you a question.
Mr. WITHERSPOON. I want to discuss what I consider are
the principles involved in this question.
Mr. BLACKMON. The gentleman declines to yield to my

question?

Mr. WITHERSPOON. I have yielded to your question.

Mr. BLACKMON. Are you in favor of a parcel post that would take a hundred pounds of poultry or of eggs through the mails with the facilities we now have?

Mr. WITHERSPOON. I will answer the gentleman's ques-

tion and say yes; and anything else that is good for the consumer in the city and that will give a profit to the farmer by benefiting the country. That is what I want.

Mr. BLACKMON. I would just like to ask another question. Is the gentleman in favor of maintaining a rural route such as we now have?

Mr. WITHERSPOON. Why, certainly I am.

Mr. BLACKMON. And do you think with a provision of the kind you suggest you can maintain the present rural routes and extend other rural routes?

Mr. WITHERSPOON. I think so. That is a question on which I am not an expert, and I did not propose to enlighten this committee on that. I just wanted to discuss certain general principles that I think underlie what would be a proper

parcel post. I was discussing the failure of the railroad and express companies to afford any facilities for the rural population. The fact that they do not recognize the possibility of this great increase in the production of wealth and provide for its transportation shows that the railroad and express business of the country is founded in ignorance of or indifference to the needs of the rural population, amounting to 40,000,000 people, and that very failure is one of the facts that I think necessitates a parcel post, and if their failure to provide for the transportation to market of this class of merchandise produced on the farm is the necessity for a parcel post, then manifestly that necessity embraces parcels of 100 pounds just as much as it embraces parcels of 11 pounds. If the inability or failure of the transportation companies to take care of the agricultural products existing in such small quantities that the farmer can not afford to carry them to market necessitates a parcel post, then manifestly the very necessity or reason why parcels of 11 pounds or under should be carried in the mails would apply with equal force to parcels weighing more than 11 pounds up to the point when the farmer could afford to provide his own transportation, which would be not less than 100 pounds, for it would be an economic waste for him to devote his own time and his wagon and team to the transportation to market of less than a In this second reason or necessity for a parcel post there is nothing that makes 11 pounds a reasonable limit to the admission and exclusion of parcels from the mails.

The third reason I submit to the committee why a parcel post should be now established, and that it should include parcels of 100 pounds, is that the Government is now the only one that conduct that business at a profit. Having taken up the parcels business so far as all those parcels that are embraced in what is known as the first, second, and third class mail are concerned, which, on account of their bulk, their size and weight, and high relative value, are the most profitable part of the business, the Government has rendered it impossible for any private person to conduct the business of transporting other classes of parcels at a profit. While the Government has made it impossible for anyone else to conduct this business profitably, the facilities already provided by the Government for the transportation of parcels embraced in the first three classes of mail will enable the Government to transport parcels of merchandise in many cases without any increase in the cost, and in no case with a proportionate increase in the cost.

Now, to illustrate: When the Government has provided a mail car on the train or a wagon on a rural route and that car or wagon is half filled with mail of the first, second, and third classes, manifestly it would cost absolutely nothing more to fill up the car or the wagon with parcels of merchandise. And in all those cases where the carriage of parcels of merchandise would necessitate procuring more space in the car or procuring a larger wagon, or an additional animal to draw the wagon, the increase in the cost would not be proportional to the increase in the revenue. So that, the Government having taken charge of so much of the parcel-transportation business as yields in revenue \$237,000,000 per annum and rendered it impossible for anyone else to conduct this business profitably, and having already incurred a large part, if not the principal part, of the cost necessary and incident to the conduct of the business, there is an imperative demand that it should carry for the people their parcels of merchandise. [Applause.]
Mr. MOON of Tennessee. May I ask the gentleman a ques-

tion or two there?

The CHAIRMAN. Does the gentleman yield?

Mr. WITHERSPOON. I yield to the gentleman from Tennessee.

Mr. MOON of Tennessee. You know the Government now carries at a very great loss second-class mail matter?

Mr. WITHERSPOON. I do not know that.

Mr. MOON of Tennessee. Well, the department thinks it

Mr. WITHERSPOON. Yes; and I think the department does

not know what it is talking about when it says so.

Mr. MOON of Tennessee. That may be, but the best statisticians and experts in the United States who have passed upon it think so. Whether it is so or not, I am not able to say; but I am assuming that it is so from the evidence that is before the committee and the country. I just wanted to ask the gentle-man a question leading to that. At what figure does the gen-tleman think we could afford to carry fourth-class mail matter and not incur a loss in its carriage?

Mr. WITHERSPOON. I beg the gentleman's pardon. coming to that directly. I am discussing a different thing right If anybody has a question to ask, I would prefer that he ask it about what I am discussing, and if he wishes to ask about some other matter I would prefer that he wait until I

get to that. I can not mix up things. I am now discussing another matter.

The Government having rendered it impossible for another to carry on the business, having taken over that portion of the parcel-transportation business which yields in revenue to the Government \$237,000,000 in a year, and the most profitable part of it, and therefore having made it impossible for any private enterprise to conduct the business, I say the demand that the Government should do it all is now imperative.

Mr. MOON of Tennessee. Does the gentleman mean to say that the Government has taken over all the matter over 4 pounds in weight?

Mr. WITHERSPOON. No, sir. I said all the parcel business; and what I mean by parcel business is periodicals and newspapers and books and all other things constituting the first, second, and third classes of mail matter, because they are

nothing but parcels. Mr. MOON of Tennessee. But it is the fourth-class matter that we now have under discussion.

Mr. WITHERSPOON. I know; but the Government has taken the other parcels, and I now say it should take them all; it ought to take them all.

Mr. WEEKS. Mr. Chairman, will the gentleman yield? The CHAIRMAN. Does the gentleman from Mississippi yield to the gentleman from Massachusetts?

Mr. WITHERSPOON. Yes.
Mr. WEEKS. Does not the gentleman know that the express companies carry a large amount of what would otherwise be second-class mail-papers and periodicals?

Mr. WITHERSPOON. That is my information; and if that is true, they do it in violation of the law, in my estimation.

Mr. WEEKS. Some of the large publishing companies transport the bulk of their publications in that way.

Mr. WITHERSPOON. I understand; and I say it is in violation of the law, and they ought to be stopped from doing it.

Having created the necessity that it should carry parcels of merchandise, the necessity exists as to parcels exceeding 11 pounds in weight just the same as to parcels of less weight. Indeed, when the Government undertakes to carry parcels weighing as much as 11 pounds, as proposed in the bill, then the necessity for its carriage of all parcels up to 100 pounds in weight becomes imperative, because the impossibility of a private person or corporation handling parcels which exceed 11 pounds in weight, while the Government takes all parcels up to 11 pounds, is manifest. No good reason can be given why the mails should be open to parcels of 11 pounds and closed to those of greater weight. If the fact that the Government alone can profitably conduct the transportation of parcels demands the parcel post, then the demand embraces all parcels up to 100 pounds.

Now, resuming, whether you regard this discrimination against the small parcel or this failure of the express and railroad companies to extend their services to the rural population or the fact that the Government alone can now profitably carry on this business; whether you regard any one of these, or all of them combined, as the reason or the necessity for a parcel post, I say that there is nothing in any one of these reasons, nor is there anything in all three of them combined, that gives any sort of support to the distinction made by this bill that the Government should receive parcels weighing as much as 11 pounds and should not receive any weighing over 11 pounds.

I desire now to call the attention of the committee to the question whether or not the postage rate on parcels should be the same for all distances, or should be graded. This bill proposes a flat rate. According to the provisions of the bill a parcel can be carried for the same postage, whether it is to go 10 miles or 4,000 miles. In thus adopting a flat rate, I submit that the committee is clearly right, and I hope they will be sustained, for several reasons.

The first reason is that the flat rate is the one generally adopted in foreign countries, where the parcel post has been in existence for many years, and the experience of those countries, in which, after many years' trial, no one has ever found any reason why the flat rate should be abandoned, is a reasonable assurance of its value. It is also in line with our own policy with regard to the first, second, and third classes of mail and in regard to the 4-pound parcel, which we have provided for heretofore. All of these can be carried any distance for the same amount of postage.

The flat rate is also in line with the contract made between the United Kingdom and the American Express Co., by which that express company carries all parcels coming to this country from England to any point in the United States at the same charge, without regard to the distance it has traveled. Now, a 11-pound parcel is 2 cents a pound.

long-standing policy should never be abandoned unless very cogent reasons can be given to show its unsoundness.

Mr. LAFFERTY. Mr. Chairman, will the gentleman yield at

Mr. DAFFERTY. Ar. Charman, whi the gentleman yield at that point for a question?

Mr. WITHERSPOON. Certainly.

Mr. LAFFERTY. Is it not a fact that in these foreign countries the weight limit is 11 pounds?

Mr. WITHERSPOON. Oh, no; that is not the fact at all.

Mr. LAFFERTY. What is the weight limit?

Mr. WITHERSPOON. It varies. In some countries it is 11 pounds, in some 22 pounds, in some 100 pounds, and in some 110 pounds.

Mr. LAFFERTY. If the weight should be fixed at 100 pounds in this country, at a flat rate from coast to coast, is it not probable that the manufacturers of flour and shingles on the Pacific coast would put up their products in 100-pound packages and send them through the mails?

Mr. WITHERSPOON. Would it be probable?
Mr. LAFFERTY. Yes; at a flat rate.
Mr. WITHERSPOON. I think it would be impossible.

Why? Mr. LAFFERTY.

Mr. WITHERSPOON. Because they would have to compete with the railroad companies as freight, and we can never make the rate on parcels such that you could compete with the railroad companies

Mr. LAFFERTY. I am in favor of a parcel post, but I want

one that will be practicable.

Mr. WITHERSPOON. So do I. If I wanted one that was impracticable I would not want one at all, because I do not see how you can have any other kind except a practicable one; but they have them in other countries, where they carry more than 110 pounds, and I submit that whatever people in any other country on earth can do we can do also. [Applause.]

The second reason why I favor a flat rate is that it is the most simple and inexpensive method. If you want to make a success of the parcel post one of the most important things you can do is to have it as simple and inexpensive as possible. Those who at heart do not want it would like to have you make it so expensive that it would break itself down. Those who really want it and would like to see it succeed should contend that it be as simple and as inexpensive as possible.

With the flat rate the only trouble and expense in determining the correct amount of postage is to weigh the parcel; and whether this trouble and expense be incurred by the sender of the parcel or by the postmaster, or by both, it reduces the expense, so far as the determination of the correct amount of postage is concerned, to a minimum; but if the postage rate is to be graded according to distance, it is almost inconceivable how you are ever going to find out how much postage to put on your parcel.

The expense of ascertaining how far it is from Boston, Ga., to Kalamazoo, Mich., will be such that most people would throw their parcels away rather than go to the trouble of finding how much the postage ought to be. You have got not only to weigh your parcel, but you have got to go and get some map, or some way to calculate the distance; and then when you get the distance your parcel has to go and the weight of it, if you have studied arithmetic, you may be able to sit down and work out how much your postage is.

The graded rate would not only result frequently in great confusion as to the correct amount of postage, but the cost of

assertaining it would often exceed the postage.

Mr. MOON of Tennessee. I believe the gentleman is speaking on the question of rates.

Mr. WITHERSPOON. Yes.
Mr. MOON of Tennessee. Will the gentleman answer my question, what the rate of postage ought to be per pound, on a flat rate?

Mr. WITHERSPOON. I intended to answer the gentleman fully when I began to discuss the question of how high the rates ought to be. Since the gentleman has asked the question twice, though, I will pause here to say that I do not believe any human being knows or can know, and I do not believe any commission you can ever appoint will find out exactly how much the postage rate ought to be. It is utterly impossible to do it. But my suggestion would be that the most sensible thing to do would be to try it on that rate that was adopted and proved satisfactory in England, and if it turns out to be too high we can reduce it. If it turns out to be too low, we can raise it.

Mr. SMITH of Michigan and Mr. MOON of Tennessee. What

was that rate?

Mr. WITHERSPOON. That rate as I remember it is 6 cents for a parcel weighing 1 pound, and then the rate decreases as the weight increases, up to 11 pounds, and the postage on an Mr. MOON of Tennessee. What is the average length of haul

Mr. WITHERSPOON. I do not know what is the average length of haul.

Mr. MOON of Tennessee. It is not more than one-fifth of what it would be in the United States, is it?

Mr. WITHERSPOON. I do not think it is. I do not think

that makes much difference.

Mr. MOON of Tennessee. It is estimated by the department that it costs about 64 cents a pound to send fourth-class matter, to which you have to add the cost of handling, of course, which would probably make it more than 8 cents on their estimate. Would you think it wise to establish a rate that was less than that figure?

Mr. WITHERSPOON. If you assume all those things, I

would not.

Mr. MOON of Tennessee. That is the best information we

Mr. WITHERSPOON. I have read that information very carefully in the hearings, but I do not think the department has the correct idea about the cost. I do not believe they know what the cost is. You can not hire a wagon and hitch a mule to it and fill it half full of stuff and then put in something else and tell me what the cost of carrying the something else is.

Mr. MOON of Tennessee. I know, but there have been two or three commissions with expert testimony before them. There have been statements of statisticians and the department information expressing the opinion from actual experience, and

they all reach about the same conclusion.

Mr. WITHERSPOON. I have read all their arguments, and they do not even know how many parcels there were. They counted them years after the parcels had passed out of existence and made some kind of calculation as to cost.

The CHAIRMAN. The time of the gentleman has expired.
Mr. MOON of Tennessee. I will yield the gentleman half an hour more. Can the gentleman finish in that time?

Mr. WITHERSPOON. I will get through in a half an hour

if I am not asked any more questions.

Mr. MOON of Tennessee. Well, we will yield the gentleman time enough to answer the questions. Now, if it is true that all of the statisticians, scientific experts, and the department that has had a good deal of experience have reached a con-clusion that you say is not correct, would it be wise for us here with the limited information that this body has to throw away all of that testimony and attempt arbitrarily to fix the rate

regardless of their view?

Mr. WITHERSPOON. Yes; and I will tell you why. It is a self-evident proposition that any people that can produce any kind of wealth can profitably transport that wealth to market.

Mr. MOON of Tennessee. We are talking about rates.

Mr. MOON of Tennessee. We are talking about rates. Mr. WITHERSPOON. Let me answer the gentleman's question. You can not tell me that a man can take enough capital to buy land and mules and plows and labor and everything of that kind, and produce agricultural wealth, and, then, that he must let it be wasted because the department here in Washington says that it can not be profitably transported. [Applause.]

Mr. MOON of Tennessee. Nobody assumes that; the question is as to the sources of information. If from all sources of information Congress has had heretofore it has not been able to obtain a figure that is correct as to the cost of transportation, what view would the gentleman take of that? Would be go along blindly and fix another rate or fix the rate agreed

upon experimentally?

Mr. WITHERSPOON. Agreed upon by whom?

Mr. MOON of Tennessee. The rate that has been determined

by the department.

Mr. WITHERSPOON. No, sir; I would not agree to any rate the depatrment determined upon, because before I would do that I would oppose a parcel post. You can not have a parcel post with any 12-cents-a-pound rate. That is impossible.

Mr. MOON of Tennessee. If, as a matter of fact, assuming it to be true-I understand the gentleman does not agree to the fact, but there are those who think it is correct—that it costs the Government now to transport and handle fourth-class matter something over 8 cents, ought we to make a flat rate less than 8 cents a pound?

Mr. WITHERSPOON. No; I do not think you ought to fix

it at less than the cost.

Mr. MOON of Tennessee. Does not the gentleman think we are paying too much for the transportation now when the express companies pay three-quarters of a cent a pound and they have some division between them and the railroad company which we have not been able to ascertain? Would it not be better for the Government, before it undertakes the transportation in competition with the express companies, to enforce its authority and power and make the railroad company give to the Government of the United States as low a rate of transporta-tion as that it gives to the express company?

Mr. WITHERSPOON. No; I think it ought to be done at

the same time.

Mr. MOON of Tennessee. It ought to be done to make the act

Mr. WITHERSPOON. Make the railroad companies carry merchandise for the Government at the same rate for another

Mr. MOON of Tennessee. I think the gentleman is right

about that.

Mr. SAMUEL W. SMITH. Will the gentleman yield?

Mr. WITHERSPOON. I will. Mr. SAMUEL W. SMITH. A moment ago the gentleman spoke about the rates of England on small packages; does the gentleman remember what the rate is on 100 pounds?

Mr. WITHERSPOON. Eleven pounds is the maximum weight

limit in England.

Mr. SAMUEL W. SMITH. I understand in some countries runs up as high as 132 pounds.

Mr. WITHERSPOON. Yes.
Mr. SAMUEL W. SMITH. What is the rate on that?
Mr. WITHERSPOON. Mr. Chairman, if the gentleman will excuse me, I will give him those rates as I remember them when I come to discuss what the rate should be.

Mr. WEEKS. Mr. Chairman, before the gentleman takes up the thread of his argument will he yield for a question?

Mr. WITHERSPOON. Certainly. Mr. WEEKS. Does the gentleman recall whether the Eng-

lish parcel post pays a profit or not?

Mr. WITHERSPOON. I do not recall it, and I do not think anybody else recalls it, because all of the evidence that I have read upon the subject shows that they have all their mail mixed up together just as we have ours, and that it is utterly impossible to tell whether any particular kind of mail is profitable or unprofitable. I call the gentleman's attention to a volume of 320 pages, consisting of the replies of American consuls to the Secretary of State, from all the countries of the world, and all of those consuls were asked that question and not one of them could find out in any country on earth what the cost of the parcel post part of the mail was. The only country on earth that can do it is a country that does not want any parcel post at all, and that is our country.

Mr. WEEKS. One suggestion more. We pay about \$160,000,000 a year for handling our mail. That pays the postmasters, the clerks, the carriers, the railway post-office clerks,

and so forth.

Mr. WITHERSPOON. Yes.

Mr. WEEKS. That is the cost of labor for handling the mail.

Mr. WITHERSPOON. Yes.

Mr. WEEKS. In England that labor would not cost over \$100,000,000, and probably less rather than more. In other words, there is a difference of \$60,000,000. From what source is that \$60,000,000 going to be dug up if we make the same rate that they have in England?

Mr. WITHERSPOON. The gentleman and I are now getting into a domain where we can not agree.

Mr. LEWIS. Mr. Chairman, will the gentleman permit me to answer that question?

Mr. WITHERSPOON. Certainly.

Mr. LEWIS. The increased revenue to cover the increased expense, I may say to the gentleman from Massachusetts, is derived from the fact that the American postal employee performs nearly twice as much work as the English postal

Mr. WITHERSPOON. That is just what I had in mind by

saying that we could not agree about it.

Mr. WEEKS. That would be an answer, if the premise were correct, but I do not think the premise is correct, and I do not think the gentleman from Maryland has any information that would substantiate that.

Mr. LEWIS. I have very accurate information, official in-

Mr. WITHERSPOON. Mr. Chairman, I want to say to the gentleman from Massachusetts that I know very little about this subject, except what I read in the hearings, where the gentleman from Massachusetts was present and did a great deal of the questioning of the witnesses. I found printed in those hearings a statement to the effect that the postal clerks or servants in the United States handled per capita about twice as much mail as the English do. I got that information from the gentleman's own hearings, and I suppose it must be correct. Mr. MOON of Tennessee. Mr. Chairman, I do not want to interrupt the gentleman after he gets on to his line of argument, and before he proceeds to that I desire to ask him if he can answer the question which I asked awhile ago. I simply want to get the benefit of his judgment upon it. I understand the gentleman fixed 100 pounds as the maximum limit for the parcel post. What rate would he fix on a broad flat rate per pound for the whole United States?

Mr. WITHERSPOON. Mr. Chairman, I am going to discuss that separately in a few moments, and I will then tell the gen-

tleman what I think is the proper rate.

Mr. REILLY. Mr. Chairman, in that connection I would like the gentleman to discuss also the inadvisability or the advisability of making 1-cent-a-pound rate for fourth-class matter, even up to 100 pounds, that being the rate at which the Government now transports newspapers in bulk.

Mr. WITHERSPOON. Mr. Chairman, I will give the gentleman my views about that presently. I am now discussing a flat rate, trying to give the reasons why the principle of the flat rate is right. The first reason I have given was that it accords with our own experience and the experience of all other countries, and the second is that it is the most inexpensive and the simplest. The argument against the flat rate, as I understand it, is this: That the cost of transporting an article is proportionate to the distance it is carried, and, therefore, in justice, the owner of the article should pay in proportion to the distance it is carried. That is the argument. I submit that the fallacy of that argument lies in the assumption that there is any relation or connection between the carriage of an article and its cost. The cost of carriage is an entirely different thing from the carriage itself. The cost consists in procuring a car and an engine, a wagon, coal, oil, and the necessary labor and skill to propel the wagon or car from point to point. That is the cost of the carriage, and that is just identically the same whether the mail car in the one case or the wagon in the other is empty, half filled, or full of parcels. The cost incident to the weight of the parcels is negligible, and is not made appreciable by the distance it is carried. The carriage of the parcel is neither the cause nor the measure of the

The distance the parcel is carried is the measure of the benefit to its owner, and that cost should never be so high as to consume all the profit that is in the article transported on the false assumption that the carriage of the article is either the cause or the measure of the cost.

Mr. BLACKMON. Will the gentleman yield for just one

question?

Mr. WITHERSPOON. Assuredly. Mr. BLACKMON. The gentleman says he does not think the distance increases the cost of carrying the article.

Mr. WITHERSPOON. No; I do not think it has anything to do with it.

Mr. BLACKMON. The gentleman thinks that a railroad company could carry a package from Washington to, say, Charlotte, N. C., as cheaply as to Birmingham, Ala.?

Mr. WITHERSPOON. Yes; and it would be just as cheap if

they did not carry it at all. If you get on the Southern Railway here and let it take you to Charlottesville, you could not with a microscope tell any difference in the cost, whether you had a parcel in there or not.

Mr. BLACKMON. I thought the gentleman said that coal,

labor, and other things entered into it?

Mr. WITHERSPOON. The gentleman did not understand me. I say when you have got your engine and your cars and your railroad tracks and your coal and your oil and your labor and your skill you have incurred all the cost then, and it does not increase it or diminish it or affect it whether you go with an empty train or whether you put a parcel in it. That is what I said.

Mr. BLACKMON. You burn more oil and more coal between the points I mentioned.

Mr. WITHERSPOON. I did not hear the gentleman.

Mr. BLACKMON. I say you burn more oil and coal between the points I mentioned.

Mr. WITHERSPOON. Yes; but the parcel did not make you burn any more than you would have burned if you did not have any parcel in there.

Mr. BLACKMON. Suppose the tracks terminated, say, in North Carolina and the train stopped there and you had three

or four other packages to carry a longer distance?

Mr. WITHERSPOON. The gentleman is supposing a case that can not exist. You have got your railroad tracks and your trains already running all over this country. They run from Boston to San Francisco. The cost is already incurred, and you

are supposing a case that does not exist when you say that it stops at a certain place.

Mr. BLACKMON. Is not the gentleman's presumption very violent when he makes that statement that the cost of the

short distance is as much as for the long distance?

Mr. WITHERSPOON. Well, you asked me to pass an opinion upon my own views, and I gave my views honestly. That is what I think.

Mr. HENSLEY. Mr. HENSLEY. May I ask the gentleman a question? Mr. WITHERSPOON. Certainly.

Mr. HENSLEY. Would the gentleman apply that same principle to carrying passengers?

Mr. WITHERSPOON. Well, I am not on the passenger problem now.

Mr. HENSLEY. That is true, but I want-

Mr. WITHERSPOON. Let us cross that bridge when we get

Mr. HENSLEY. I am afraid that we will not get to it in this connection, and I would like to have the gentleman's

opinion.

Mr. WITHERSPOON. Well, whether or not the Government will force the railroad companies, in their dealings with the people on the transportation of both persons and freight to-day, to do the same thing that the Government itself is going to do, or ought to be done by this Government, is a question that it will be time enough to discuss when we come to it. I have not time enough to discuss it to-night anyway, as I have too many other things. Now, I want to submit this about the injustice of the flat rate. I was discussing the argument that the flat rate is unjust; that you ought to make a man pay according to

the distance his parcel is carried,

Now, even in these few countries where the fallacy of this injustice argument is not perceived and where, in order to avoid what they call injustice, those countries adopt what is called the zone system, by which they divide the country up into zones and charge the same rate for all parcels in a certain zone, that very zone system is a confession of the utter impracticability of grading the postage on parcels according to distance, because there we have the flat rate for every zone, and it is just as unjust to have that flat rate in one zone as it is to have it in another. Now, say we have our country divided up into zones. We will say it is 4,000 miles across and that we have eight zones of 500 miles each. Well, the proposition is to have the same rate for all parcels that go within the distance of 500 miles. In other words, if we send that parcel 1 mile, according to the zone system you charge the same postage as if you send it 500 miles in the zone system, and therefore on that supposition the injustice is just 500 times as great in one case as in the other. So I say there is obsolutely nothing in this objection to the flat rate.

Now, one other argument in favor of the flat rate and-Mr. LLOYD. May I ask the gentleman in that connection

how would be compete with the express company? Mr. WITHERSPOON. I would not compete with the express company at all; I would destroy the express company,
Mr. LLOYD. Entirely destroy it?

Mr. WITHERSPOON. Yes: I am coming to that later. I

Mr. WITHERSPOON. Yes; I am coming to that later. I am going on the assumption that we will not have any express companies.

I say the other argument is an economic one, and that is this, that the flat rate would put every community in the United States on the same footing as to the sale of all of its products and as to the purchase of everything it needs. To illustrate, any community in California that had a surplus of vegetables or fruit would have every community in the United States as far as Maine in which to sell its surplus products, and it would not be excluded from any community on account of a difference in transportation. And on the other hand every community in the United States that needed to buy anything would have every other community as a market and could select the cheapest and best one, and would not be shut out of any of them on account of a difference in transportation. Thus we would, by a flat rate of postage, have the greatest amount of competition in the sale and purchase of merchandise in small parcels, and I submit that in this age of monopolies and trusts, this age where the will of the trust has been substituted for the laws of trade and the high cost of living fixed by the whim of the commercial tyrant, no consideration or argument ought to receive more weight than one which proposes the restoration of competition in trade. So that the flat rate is supported by our experience and the experience of foreign countries. It is the most simple and inexpensive plan, and it proposes the greatest amount of competition, and for those three reasons I hope that the bill, so far as it fixes a flat rate, will be sustained by the committee.

Now, in regard to the rate of postage, the bill provides it shall be 12 cents a pound, which is a reduction of 4 cents from the rate now existing, but, in my judgment, is entirely too high. The very object of a parcel post is to provide a method by which the people can have their parcels of merchandise transported, and if you fix the rate so high as to take all the profits out of it you defeat the very object of the law. There are a great many kinds of merchandise where the weight is so great in proportion to the value of it that a rate of 12 cents a pound would be simply prohibitive.

If an article is worth 12 cents a pound, then under this bill you must pay the full value of the article to have it transported. If the article is worth 24 cents a pound, then you must pay 50 per cent of the value of the article to have it transported. No article worth less than \$1.32 a pound could be transported under this bill without paying as much as 10

per cent of its value.

I submit that the object of a parcel post is to do some business, and that it should be so framed and the rate should be so fixed as to move the traffic. That is to say, the rate should be such that it will not consume all the profit in the production of the article. Now, that being so, any rate which would be 100 per cent of the value of the article, or 50 per cent, or 25 per cent, or even 10 per cent, would be absolutely prohibitive, and really be a mockery to the people in pretending to give them a parcel post when there really was none. To my mind such a rate would be prohibitive as to a large proportion-perhaps half—of the merchandise that would otherwise be sent through the mails, and would confine the use of the mails largely to such parcels as the situation of the sender would induce him to send without regard to the cost. If the expense of maintaining a parcel post is to be sustained, then the rate should be such as to move the traffic; in other words, it should be such as to enable every producer of wealth, whether on the farm, in the factory, or elsewhere, to have it transported to any point when needed at such a cost as not to consume all the profits of its production. The very foundation of this parcelpost movement is the exorbitant rates of the express company. If it had not been for that, I do not expect we would have heard of a parcel post. The express companies collect from the people about 16 times as much as the freight rate, and it is against that exorbitant rate of the express companies that we statesmen are going to relieve the people, and yet we have got in this bill a rate that is 8 times as high as the rate of the express companies. That is how we are going to relieve the

Now, this rate seems to be unreasonably high in comparison with the rates in other countries. As I said before, in England the rate is 6 cents for the first pound, and then the rate decreases as the weight increases, until you get it up to 11 pounds, where the rate is 2 cents a pound. That is the increased rate. So that this bill proposes that for a parcel of 1 pound the English rate would be just half of what ours is, and for a parcel of 11 pounds the English charge would be one-sixth of ours. I submit that we ought not to establish a parcel post and have a rate six times as great as the English have.

Mr. SAMUEL W. SMITH. Right there may I ask the gentle-

man a question?

Mr. WITHERSPOON. Certainly.
Mr. SAMUEL W. SMITH. Do you think that the size of the country, in comparison with the United States, where we would have to make these changes, would make any difference in the comparison?

Mr. WITHERSPOON. Not at all. I do not think that would make any difference at all. In France, I think, the rate is 22 cents for a 29-pound parcel. It is a little less, I think, than a cent a pound, and we propose by this bill to have a rate more than 12 times as great as the French have. In Germany, where they have a zone system-

The CHAIRMAN. The time of the gentleman has again ex-

pired.

Mr. MOON of Tennessee. Does the gentleman desire more

Mr. SAMUEL W. SMITH. I would like to ask the gentleman a question or two myself.

Mr. WITHERSPOON. I would like to have about 15 min-

Mr. MOON of Tennessee. Mr. Chairman, I yield to the gentleman 30 minutes

The CHAIRMAN. The gentleman from Mississippi is rec-

ognized for 30 minutes more.

Mr. WITHERSPOON. In Germany, where they have the zone system, my recollection is that the rate on a parcel weighing less than 11 pounds, if it is to be carried less than 46 miles, of transportation and divide it between them. The people are is about half a cent a pound, and if it is to be carried farther now paying the Government \$237,000,000 a year to carry some

than 46 miles it is about a cent a pound. If it is a parcel that weighs more than 11 pounds, then the increase in postage is about a cent for each zone.

Mr. MOON of Tennessee. Mr. Chairman, will the gentleman

permit me?

Mr. WITHERSPOON, Certainly.

Mr. MOON of Tennessee. Does the gentleman know whether the Government owns the railroads there or not?

Mr. WITHERSPOON. In Germany?

Mr. MOON of Tennessee. Yes.

Mr. WITHERSPOON. My recollection is that it does not. do not believe it does.

Mr. MOON of Tennessee. It does own some of them. Does the gentleman recollect what the railroad companies charge the

Government where the Government does not own the railroads? Mr. WITHERSPOON. Well, I can not give you the rates of all the countries, but I do not think you can find a country on earth where there is any rate which bears the remotest resemblance in magnitude to the rate in this bill; not a one.

Mr. MOON of Tennessee. Can the gentleman find a foreign country where the railroad companies charge the Government so

much as they do here?

Mr. WITHERSPOON. I do not think it makes any difference what the railroads charge. I think it is the business of this Government to make the railroads do right.

Mr. MOON of Tennessee. I think the gentleman is right about that, but he is doubling the question. We have not made the

railroads do right yet.

Mr. WITHERSPOON. It is our business to make them do right. That is what we are here in Congress for.

Mr. MOON of Tennessee. You will hardly be able to do it

in this bill, I reckon.

Mr. POST. While the gentleman is discussing the rates adopted by the European countries for parcel post, what effect did the parcel post have upon the European shopkeepers in the

small towns? Mr. WITHERSPOON. Well, my friend is getting at something that is at the end of my speech. I will take that up before I close. I was discussing the rate in Germany. If we consider the rates in England, France, and Germany we would be forced to the conclusion that the lawmakers that passed the parcelpost law in those countries intended that the people should use the parcel post to carry their parcels. But when you consider the rate proposed in this bill, the wildest imagination can not picture what sort of a parcel will ever pass through our mail

with 12 cents on every pound.

Mr. JOHNSON of South Carolina. That is \$240 a ton.

Mr. SAMUEL W. SMITH. Before the gentleman leaves that question of rates, does he know what those countries charge for

carrying 100 pounds or 132 pounds?

Mr. WITHERSPOON. I have just given those rates.

Mr. SAMUEL W. SMITH. The gentleman gave them for England

Mr. WITHERSPOON. England has a limit of 11 pounds. Mr. SAMUEL W. SMITH. Take any country that has got a rate for 100 or 120 pounds.

Mr. WITHERSPOON. I think Germany has a limit of 100 pounds.

Mr. SAMUEL W. SMITH. What was the rate there?

Mr. WITHERSPOON. It was what I stated a moment ago.
I gave the German rates. The only distinction in pounds was that a certain weight of less than 11 pounds, and a slight increase of less than 1 cent for each zone if the parcel weighs more than 11 pounds up to the limit, which I think is about 100 pounds.

Mr. REILLY. It is about three-quarters of a cent more at

each step or zone.

Mr. WITHERSPOON. Now, if Congress should pass any such parcel post as I have advocated, especially if Congress should fix the weight limit at 100 pounds, then I submit that it follows logically that there ought to be a law prohibiting express companies from carrying mail matter. The Government is an agency or instrumentality of the people, and to my mind it is utterly intolerable that the Government should engage in any business in competition with a private person, either natural or corporate; and therefore I say that the Government should condemn, under the right of eminent domain, all the property that the express companies are using in this business and take it over and take the place of the express companies and pay them a fair price for their property.

Not only is that true upon principle, but it is also true as a matter of business. I think it is foolishness on the part of the Government and the express companies to engage in this business of its parcels and are paying the express companies \$150,000,000

a year to carry other parcels.

But there seems to be a great fear that the parcel post will cause a deficit in the Post Office Department. This department of the Government is regarded by some as a mercantile establishment which is liable to sustain a loss on account of the parcel post, and this is the reason for such a high rate as 12 cents a pound. To consider the question in the light of a financial loss of the department seems to me to be a confusion of thought. The Government is but an instrumentality or agent of the people and from the nature of things can neither make a profit nor sustain a loss. If it renders the people a service, as in the carriage of parcels, it matters not how the people pay for that service, whether in stamps or other taxes, there can be no loss if the value of the service is equal to the price paid. Whatever rate is adopted can be increased by Congress if it should result in making the revenues of the department less than the expenditures This test can not be made with a high rate of postage which will inhibit a large proportion of parcels from the mails and then deprive this department of its legitimate revenues. And I submit that the bill should be amended by substituting for the 12 cents a pound rate the one which has been tested and found satisfactory in the United Kingdom.

The bill further provides for the receipt as mail of all parcels within the limit along the rural routes, but it limits the carringe and delivery of such parcels to points on the same route on which it is received, and this limitation robs the provision

of its chief value. In the beginning of my remarks I pointed out the fact that the chief business of the world consists in the interchange of agricultural and manufactured products, that the principal function of commerce is to effect this interchange, and that transportation is indispensable to the accomplishment of this I have also shown that in this transportation the discrimination of the railroad and express companies against the small parcels of merchandise is one of the evils which the parcel post will remedy and that in order to effect this object the should be amended so as to raise the weight limit from 11 to 100 pounds and so as to reduce the rate from 12 cents While if all this were done it to about 3 cents a pound. would remedy the first evil mentioned, yet it would have no tendency to remedy the other evil in transportation, which has no connection whatever in either the express or railroad business with the rural population. A parcel post that does not connect the factory with the farm, that does not put the con-sumer of the city in touch with the producer of the country, and that limits the carriage and delivery of parcels received on rural route to points on the same route fails to recognize the evil to be remedied and of course fails to provide the needful remedy. If we take any rural route in the United States, it is safe to say that every community along said route is so much alike every other community on the same route in its productions and in its wants that there is practically no demand in one for what the other has to sell, and that therefore the facility for the interchange of products among the communities on the same rural route provided by the bill will be of little use. Indeed, the only advantage from the rural parcel post provided in the bill would be to facilitate trade between people living along the same route and those living in some business center on the route. But so far as the main object of a parcel post is concerned, which is to make possible the interchange of the products of the farm and factory produced or sold in small parcels, the bill as written will never accomplish the object and should be amended so as to provide for the carriage and delivery of parcels to any point within the United States without any reference to whether it was posted in a city or on a rural route.

The general economic effect of a parcel post in facilitating the interchange of agricultural and manufactured products, in stimulating and increasing the products of the farms, and in the restoration of competition and in giving some relief to the high cost of living have been explained as fully as time will permit, but in conclusion I wish to point out the effect of a parcel post upon the country merchant and the traveling man and to show why a parcel post will injure and destroy neither of them.

Without a parcel post there is but one line of passage that all manufactured goods must take from the factory to the consumer, and that is the line of freight in carload lots to the centers of trade, whence this class of merchandise finds its way in wagons to the country merchant, who disposes of them to the consumer. All merchandise, except a small fractional part shipped as parcels, takes this course, and when it reaches the country merchant it is burdened with all the charges which the jobber, the wholesale merchant, the banker, and the trans-

portation companies have placed upon it; and all these burdens must be included by the country merchant in the price at which he sells to the consumer. He is helpless to make them less, since there is only one channel in which he can purchase, and he is shielded by no competition. The parcel post would give the country merchant a new avenue of trade and enable him to buy at least a portion of his goods direct from the fac-The very power to do this, whether largely exercised tory. or not, would protect him from the exactions of monopoly and increase his independence. It would enable him, without decreasing his profits, to sell to his patrons at cheaper prices. When his country customers thus get their goods at more reasonable prices on account of the competition engendered, and when they are enabled to send to market what is now wasted for want of transportation, the improved condition of his customers will manifest itself in the increased trade of the country merchant, for you can not improve the condition of his customers without improving his.

The idea that the parcel post will ruin the country merchant and drive him out of business means that, instead of the transportation of about 5,000,000 tons of merchandise in small parcels, as at present, there would be diverted from the channels of freight more than a billion tons of merchandise and forced through the mails, a result too absurd for anyone to

believe who understands the subject.

If the parcel post should begin to divert any considerable portion of merchandise from its passage through the jobber, wholesaler, and railroad companies as freight, the economic effect would be such a decrease in the price at the factory, of the profits of the jobber and wholesaler, and of the freights of the transportation companies as to maintain the present mercantile order; and between these agents of commerce on the one hand and the catalogue houses and parcel post on the other there would be a wholesome competition beneficial to his patrons, and consequently to the country merchant. What reason suggests is demonstrated by experience. In all countries where the parcel post has been tried it has benefited the country merchant as well as his country customers. On the 24th of August, 1911, the Secretary of State addressed a circular letter to our diplomatic officers throughout the world, in which information was requested upon this point—as to whether shopkeepers in small towns claim that the parcel post militates against them and in favor of the large departmental or city stores. The answers to the question, covering a printed volume of 320 pages, show conclusively not only that the parcel post does not injure or destroy the country merchant, but that the only country on earth where the great mail-order houses exist and flourish is the United States. It looks as if the absence of a parcel post is what causes these mail-order houses to spring into existence. They seem to be a sort of economic protest against the exorbitant prices and monopolistic burdens which characterize trade in the absence of a parcel post. If the par-cel post will not injure but benefit the country merchant, it follows that the need for the services of the traveling man will not be lessened. [Applause.]

Mr. SAMUEL W. SMITH. Will the gentleman yield? I am very much interested in what the gentleman said, and I want to ask him a question, purely for information. I assume the gentleman is in favor of a general parcel post?
Mr. WITHERSPOON. Surely.

Mr. SAMUEL W. SMITH. Is it the gentleman's judgment, if Congress should pass a general parcel post and we should adjourn by July 1 that the Government is now in shape to take

care of a parcel post carrying packages of 100 pounds?

Mr. WITHERSPOON. To the details of it and the administration of it I must confess I have given very little attention. would not like to express any opinion about that, because I have not studied it. I have discussed the questions that I have have not studied it. I have discussed the questions that I have studied. I do not think my opinion on these other matters would really be worth expressing.

Mr. SAMUEL W. SMITH. What I am getting at is whether or not, if we pass a general parcel-post bill, carrying packages up to as large as 100 pounds, we should give it immediate effect

or effect in six months or a year or a year and a half or now.

Mr. WITHERSPOON. Those would be important questions for the man who drew the bill to consider.

Mr. SAMUEL W. SMITH. We will have to pass on these questions, I assume, in the next week.

Mr. WITHERSPOON. We can not pass on that in this bill. Mr. SAMUEL W. SMITH. I do not say we are going to pass this bill, but whatever we do pass respecting a parcel post I assume we will pass within the next week.

Mr. WEEKS. Mr. Chairman, I yield to the gentleman from Washington [Mr. La Follette].

Mr. LA FOLLETTE. Mr. Chairman, I am heartily in favor of some of the special provisions of this bill, and especially so of that one fixing the hours of labor that shall constitute a day's work for letter carriers in the City Delivery Service and clerks in first and second class offices and making provisions to pay them for any overtime they serve. Such a law is only fair and just. I am not only in favor of this clause in this bill, but am equally anxious to see the enactment of laws that will compel strictly just treatment of all employees of the various departments of the postal service.

The postal employee receives the least compensation for the grade of service he performs of any class on the Government pay rolls. He must possess more than average intelligence and strength, because his work is a constant physical and mental test. To ask him to work more than eight hours without extra pay and under a rule which forbids both petition and protest is a decided injustice and is only one of the few bureaucratic proceedings of the Post Office Department that need amending.

PARCEL-POST PROVISION INADEQUATE.

The provisions made in this bill for a parcel post on rural routes I consider far from adequate, but if enacted will be of great benefit to the patrons and residents along these routes.

I think the charges are higher than need be and the limit of weight much smaller than need be for the best good of both those served and those performing the service on strictly rurai routes, with the service confined only to the line on which business originates. Two years ago, when I announced myself as a candidate for Congress, I was asked to express my views on the parcel-post question, and I went on record as approving parcel post on rural routes and experimental parcel post for general service. Since I have been a Member of Congress I have given some thought and research to the question of a general parcel post. I have made a study of the service abroad, and while it varies in the several countries of Europe and has a wide range as to both character of service and rates charged, I have not been able to find a single country where the system has not been beneficial or where any injury has resulted to business in either town or country from the parcel system. Invariably the reverse is conceded, and nothing but protest 'would follow any attempt to abrogate its functions in any country where it has been established.

EXPRESS COMPANIES THIEVES ON THE HIGHWAY

We hear continually the cry from the rural districts that a parcel-post system means disaster and ruin to the country merchant; that it would largely increase the amounts of money that would be sent from the town to the cities, and consequently the small places would decay and perish and we would soon have no interurban villages and towns, but all would be city and country, hence the cry "Wolf!" "Wolf!" And pressure has been brought to bear for years on the Members of Congress from the organized mercantile interests of the country, from the boards of trade of our various towns, and from almost everybody who could be prevailed on to protest against a parcel-post measure, except the one great factor in the fight which has all to lose and nothing to gain by a parcel-post system-the great express companies of the country-who have stood, like thieves on the highway, and exacted tribute from the people of this great country without giving any adequate return. all the abuses that have been allowed to grow up and receive the fostering care of this Government they have been the most rapacious. They are a fungous growth on the "right of eminent domain" exercised by railroads and other transportation companies, parasites that have attached themselves to our railroad and boat systems and are exacting prices for carrying the less bulky products of our country-hence often the more valuablethat are not justifiable by any sense of justice or by any principle of proportion, but are exercised by greed and extortion, backed up by the complacent and dilatory failure of our various legislative bodies, both State and National, to bring them to

I say they are back of the entire opposition to a parcel post. They work on the wholesale merchant to prod the retailer. They point out how this is going to help the great city merchants, like Sears, Roebuck & Co., Montgomery, Ward & Co., John Smyth, Albers & Co., and others. If we will analyze the claims made of damages that are to accrue to the country merchant, we will find that they overlook the fact that the individuals who are getting the benefit of parcel-post rates have, of a necessity, got to buy at retail and the country merchant could, if he would, ship goods in by parcel post, furnish the same to the customer, and make the difference between the wholesale and the retail price in Chicago or elsewhere.

IMPROVED CONDITIONS FOR MERCHANT AND CUSTOMER.

It would no doubt cause him to sell for a less profit than he

be offset by increased trade and mutual betterment of himself and customer. There is not a tenable argument made against a parcel post. The benefits in every country tried has demonstrated the fallacy of all such argument. One proof of the claim I make that the express companies are the instigators of all arguments against the system is the fact that the most persistent protests against a parcel post comes from implement hardware merchants, lumber dealers, and those interests that would have least to lose by a parcel-post system, on account of the heavy character of their commodities. are the ones who are flooding Congress with protests. Because the Weyerhaeusers, who control the lumber interests, are also interested in railways and express companies; likewise the International Harvester Co., which paid the largest dividends and showed the greatest earning capacity of any concern in the United States in 1910.

Their millionaire founders are connected with transportation, express, and other corporations and throw their influence to defeat a measure that, if rightfully framed and administered, would kill a goose that has probably laid more golden eggs and paid greater profits in proportion to capital invested in the business than any other in America. The great express business and these special interests—the Weyerhaeusers, International Harvester Trust, the great railroads, Morgan, Hill, Rockefellers, and all-feel that not only this particular business in which they are interested must be protected, but they have to check all such legislation or it might lead to more that would benefit

the masses and injure their control.

It is an easy matter to sit back and pull the strings that put all the machinery to work, to have their various agents flood the Members of Congress with protests against the measure. They send out arguments by the yard for their agents to use, and through them the country banker, the boards of trade, the principal politicians, any and every body that can be induced to do so on the plea of injury to business, are asked to write or wire their Congressman to help kill the measure. This is all done so that the express companies of the country, with an actual capital of a few millions of dollars, can clean up an annual profit of more than 100 per cent on the capital actually invested.

SPECIAL INTERESTS BACK OF OPPOSITION.

Mr. Chairman, I have said that when I came to Congress I was in favor of a rural parcel post, and further than that, an experimental parcel post to demonstrate the advisability of a general parcel-post system to be established on the principle of the greatest good to the greatest number of our people. Since I have come here, however, and have studied the question, have made note of the interests that were responsible for most of the opposition, and realize that it is the beneficiary of our present system, the express companies, and back of them the leaders of all the great special interests of the country, I am ready to vote for a parcel-post system that will give to the 95,000,000 people in this country a service equal to the best provided by any other civilized country, and am willing to go further and give them a better one than any other country enjoys-one that will make the distribution of by-products and the small commodities of farm and field, of village and hamlet, of city and town, possible, and add to the incomes of the people thereby and make possible a substantial reduction in the cost of living. I fully agree with the gentleman from Maryland [Mr. Lewis] that all parcel-post measures so far advocated are inadequate, and I heartily indorse his ideas of a postal

There are only two things standing in the way of proper legislation at the present time-lack of knowledge and fear.

Legislators and Congressmen and candidates for legislatures and Congress are afraid to act and declare themselves in the face of the protests from the press, the merchants, the lumbermen, and organized interests of the country against it, even though they know the unorganized masses are in favor of and would be benefited thereby. In a measure, they are justified, for they can only judge by the past, and they know those who have failed to heed the demands of the former have almost invariably been consigned to the "scrap heap," and it takes courage to stand firm for the people in the face of such experiences.

HOPE TO VOTE FOR PARCEL POST OR POSTAL EXPRESS.

Mr. Chairman, I hope before this Congress finally adjourns we will have a chance to go on record for a parcel-post or a postal-express bill that will give to the people of this country the best service possible, and I shall heartly work and vote for the same. The character of the fight against a parcel post can well be measured by one sentiment expressed by the op-ponents as explained in the report of the committee on this bill. is compelled to charge under the present system, but that would | They quoted the opponents to a parcel-post system as saying they were against a rural parcel-post system, for the reason that it was an "entering wedge that might lead to a general parcel post." There is supreme selfishness for you. the nerve of special privilege. There is unlimited gall. Advocates or opponents of a measure that would use an expression of that kind show a smallness of soul and a dimness of vision that should be characterized as unfair, unpatriotic, and un-American, and totally against the rights of mankind.

Mr. LA FOLLETTE. Mr. Chairman, I ask unanimous con-

sent to extend my remarks in the RECORD.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. Chairman, I believe there are Mr. MOON of Tennessee. no other gentlemen who desire to speak this evening. If anyone desires time, I will be glad to yield to him.

Mr. TURNBULL. Mr. Chairman, I will ask the gentleman to yield to me.

Mr. MOON of Tennessee. I yield 30 minutes to the gentleman

from Virginia.

Mr. TURNBULL. Mr. Chairman, the President of the United States, in his message delivered to the Senate and House of Representatives on the 22d day of February, 1912, uses the following language:

In transmitting the annual report of the Postmaster General for the fiscal year ended June 30, 1911, it gives me pleasure to call attention to the fact that the revenues for the fiscal year ended June 30, 1911, amounted to \$237,879,823.60 and that the expenditures' amounted to \$237,660,705.48, making a surplus of \$219,118.12. For the year ended June 30, 1900, the postal service was in arrears to the extent of \$17,479,770.47. In the interval this very large deficit has been changed into a surplus, and that without the curtailment of postal facilities.

I desire to take issue with the President in this last statement, and will undertake to show that, in my judgment, the postal facilities in my district have not only been curtailed, but that the service has not been extended in the manner that the convenience of the people of my district required and they had a right under the law to demand. In this connection I desire to say in advance that I have no complaint to make of the postal authorities, from the First Assistant Postmaster General all the way down the line, who are charged with the active duty of executing the laws, for they have, without exception, treated me with the utmost courtesy and kindness, and I believe would have complied with the patitions of my people for better service if they could have done so consistently with instructions which, I believe, they received from persons having authority over them.

Now, Mr. Chairman, in order that the points I will make may be made clear, I desire to call attention to the laws putting into effect the Rural Free Delivery System, which were enacted for the benefit of the people in rural communities so that they could have better and more convenient mail facilities.

On the 1st day of October, 1890, a joint resolution was passed

That the Postmaster General to be enabled to test at small towns and villages the practicability and expense of extending the free-delivery service to offices of the third and fourth class, and other offices now embraced within the free delivery, said test to be made on the petition of the patrons and in the discretion of the Postmaster General, the sum of \$10,000, which sum shall be taken from the amount appropriated for the free-delivery service for the year ending June 30, 1891, and shall be applied to the payment of carriers for one hour or two hours per day as may be necessary for the convenience of the public and advantage of the postal service, said pay to be fixed by the Postmaster General at the rates per hour not exceeding the present maximum rates for pay of carriers.

Nothing was done under this law because the then Postmaster General reported that to establish such service was impracti-

On March 3, 1893, the following clause was included in the Post Office appropriation bill:

For free-delivery service, including existing experiment free-delivery offices, \$11,254.900, of which the sum of \$10,000 shall be applied, under the direction of the Postmaster General, to experimental free delivery in rural communities other than towns and villages.

After this, as I understand it, for each year there was included in each Post Office appropriation bill a sum for experimental work in rural free delivery which gradually increased each year until 1902, when the service was classified, division headquarters established, inspectors, special agents, route inspectors, and so forth, were directed to be appointed, and the amount appropriated for this purpose was gradually increased until, as we have it under the present bill, about \$43,000,000 is appropriated for the purpose of keeping in effect the Rural Free Delivery Service.

It will be observed that the joint resolution applied to small towns and villages and directed the Postmaster General, in his discretion, to appoint carriers by the hour, and so forth. In the act of 1893 he was positively directed to expend the sum of \$10,000 in trying experiments in regard to rural delivery in country districts other than towns and villages. Under this

by which these routes were to be established, which provided, as required by law, that they should be established upon the petition of families along the proposed route and specifying that where the routes were 24 miles in length 100 families should sign, and where shorter routes were applied for a lesser number of families were required. In the establishment of these routes the post offices along the routes were abolished, so that when application was made for the establishment of a rural route there was generally a controversy between the parties who desired the establishment of the route and the postmasters, and in cases where all united for the establishment of a route under this regulation it was pretty good evidence that the convenience of the public demanded that the rural route should be established in accordance with the law and the discretion given the Postmaster General in such cases was at an end.

When I came into the House, in 1910, I found that a number of these petitions that had been filed had been referred to an inspector, recommended by him, and approved by the department. In order that the matter may be understood, I want to refer to the letters that I have received in one case, so as to show the condition of things in reference to these rural routes in my district. I was sworn in on the 16th of March, 1910, and on that very day I received a letter from the judge of my circuit, saying that he had written at the request of a large number of people who were interested in the establishment of two of the routes mentioned, and requested me to examine into the matter and have the routes established as soon as possible. I at once communicated with the Fourth Assistant Postmaster General, and on March 30, 1910, I received a letter from him in which he uses the following language:

Which he uses the following language:

Noting your inquiry as to the status of the case, you are advised that a favorable report on the route in question has been received and approved; but, owing to the existing condition of the finances of the Government and the consequent necessity for strict economy in all branches of the public service, it is deemed advisable, after careful consideration, to defer further installation of rural delivery for the present, except where necessary to maintain the efficiency of the service in operation or where the establishment of new service seems imperatively required to meet demands which can not be met by means of existing facilities.

After the appropriation bill for 1911 was passed, I again called the attention of the Postmaster General to the necessity of establishing these routes, and I went to the department several times in regard thereto, and was informed that one of the routes had been refused upon the ground that it conflicted with established star-route service, but that the other would be put in operation as soon as possible.

I afterwards went to the section of my district where these routes were proposed to be established and heard the complaints of the people who were interested, some stating that they had to travel 4 or 5 miles to get their mail. I then wrote a letter to the Post Office Department, calling attention to the want of mail facilities in these sections and the necessity of establishing the routes applied for, and received a letter from the Fourth Assistant Postmaster General, dated November 15, 1911, in which he says:

With reference to your letter of recent date urging early action toward the establishment of these routes, I beg to advise that the cases have been referred to a representative of the department for investigation. The chief inspector will be advised of your desire that the investigation be expedited, and upon receipt of the reports the matter will be given further attention.

I then took the matter up with the chief inspector and requested him to examine into the matter, and I have a letter from him, dated December 14, 1911, in which he says:

Referring to the personal call of your secretary at this office to-day, I have to state that this office does not have a record of a case outstanding for investigation of the rural service at the point mentioned.

I then wrote to the inspector and called his attention to the fact that these routes had been pending for years and referred him to the letter from the Postmaster General dated November 15, 1911, in which he stated that the matter had been referred to the chief inspector, and I received a letter from him in reply, in which he says:

Referring to my letter of the 14th instant and yours of the 15th, relative to the investigation of conditions at Wakefield. Va., looking toward the installation of rural service at that point. I beg to state that further search of the records of this office indicates that there is such an investigation pending in the hands of an inspector, and he has this day been directed to give it attention as early as practicable consistent with the handling of other important cases which he may have in hand.

I have been to the department a number of times since that time in reference to the routes mentioned, as well as a number of others that I have not referred to, where the same conditions exist, and the only information that I have been able to receive was that the matters were being investigated and I would be informed later as to the result, and none of these old routes applied for, as indicated, have been established, and I have been unable to get any positive information as to whether they ever law the Postmaster General prescribed the rules and regulations | would be established or not. A number of petitions for rural

routes in my district have been filed by me since I came into Congress, and they are still pending, and nothing has been done toward granting the people the service that the conditions in the sections from which the petitions were filed demand. I do not say that no routes have been established in my district, because I think that one short route was put in operation, and possibly one other, but if any others have been established my attention has not been called to it. In every instance where routes have been applied for they were promptly turned down where investigation showed that to establish the routes would in any way interfere with the star-route service, so I think I have a right to presume that the applications applied for which have not been turned down are in proper shape and that the convenient service to the people required that they be put in force, and that to investigate and approve them, and then to order a reinvestigation and inspection, is nothing but a subterfuge and an excuse for delay. This is the condition of things in my district, so far as the establishment of rural routes is concerned.

About 12 months or more ago inspectors were sent throughout my district, and a number of postmasters were notified that their positions would be made vacant at a time named because they had violated some trivial rules of the department, and these post offices, in a number of instances, had been established at points where it was impossible to get any person that would receive the appointment of postmaster in the place of those who were removed, and the consequence is that on one star route not far from my home there is no post office for a distance of more than 10 miles, and the patrons along this star route have to rely on the carrier to deliver their mail, for which they have pay individually, and when an application was made to establish an office at one place along this route I was informed by the department that an inspector had been sent there and had reported that there was no necessity for the office. other instances the post offices were discontinued and the entire service to the people in the sections abandonded and they had to go for long distances to get their mail, and when application was made for the establishment of other post offices in the section it was with the utmost difficulty that arrangements could be made to establish these post offices and get some one to carry the mail at all, as they were established temporarily and a carrier secured upon a doubtful salary, receiving an amount not exceeding the receipts of the offices along the route.

Another thing I desire to call attention to: There are three great trunk lines of railroad that pass through my district, going from Norfolk, Va., to the west, the Norfolk & Western, the Virginian, and the Southern; and on the Norfolk & Western the town of Blackstone, which is 140 miles from Norfolk, is the market town for a lot of people who live in the country, not only between the Norfolk & Western Railway and the Virginian in the direction of Dundas on the Virginian Railway, but beyond that point, the distance between Blackstone and Dundas being about 20 miles.

There is a star route that runs out from Blackstone in the direction of Dundas and ends at a place called Lochleven, which is about 14 miles from Blackstone, and there is also a route running out from Dundas on the Virginian Railway in the direction of Blackstone to a point called Gig, about 2½ miles, leaving a gap in the route between Gig and Lochleven of about 3½ The people in this section have made application to the Post Office Department to have the route from Dundas to Gig extended to Lochleven, or the one from Blackstone to Lochleven extended to Gig, so that the people around Dundas and between Gig and Lochieven could have direct communication with their market town, Blackstone, and this was refused, and the result is that the people at Blackstone who desire to communicate with their patrons at Dundas and that section have to write letters that travel from Blackstone to Norfolk, Va., 140 miles over the Norfolk & Western Railway, and then from Norfolk over the Norfolk & Western Railway, and then from Norfolk up to Dundas on the Virginian Railway, which is likewise about the same distance, taking about two days, instead of having this short route established there, so that they could communicate with their market town every day. Another instance I cite is that not long since an inspector was sent to Petersburg, a city in my district of 25,000 inhabitants, to examine into the letter-carrier service in that city, and he recommended that one of the mounted carriers be dispensed with, which was done, and, as a consequence, one section of the city which had received two deliveries of mail a day for 20 years now receives only one.

There is another thing that I desire to call attention to, and that is the appointment of postmasters in my district. If the question was asked of any Member of Congress outside of our section as to how these postmasters are appointed, I am satisfied that he would reply that the appointments were made upon the application of a majority of the patrons of the various offices—that is, not only a majority of the patrons themselves, but of those who receive and send out the largest quantity of mail received and sent out from the offices—when such is not the fact at all, for the patrons of the office are allowed no voice, as a general thing, in the selection of postmasters at all, for they are appointed upon the recommendation of some person who dispenses the Federal patronage of my district upon the recommendation of a referee, appointed by somebody, no one knows who. I cite one instance in which 800 citizens of a county recommended the appointment of a postmaster at a certain town, and every citizen of the town, Republicans and Democrats, white folks and negroes, with the exception of one or two, made application for the appointment of a certain party as postmaster; but the Postmaster General sent to the President for appointment the name of a party who was recommended by a very few of the citizens but had the indorsement of the dispenser of patronage and the referee, and the nomination was sent to the Senate by the President, and when he was appealed to by the citizens of the town to withdraw the nomination so made, he replied, through his secretary, that after a conference with the Postmaster General he felt that he could not withdraw the nomination that had been sent to the Senate. But for reasons appearing to the Senate Committee on Post Offices and Post Roads, to whom the matter was referred, the nomination was not confirmed, and nothing further has been done about it since January, 1911.

Mr. SISSON. Is the gentleman who was not confirmed by the Senate still holding the office?

Mr. TURNBULL. No; he never got the office because the office is still being held by the one who performed the duties of An effort is always made where possible to appoint Republicans to these offices, and I want to say that a Republican in my district is a flower that is rare and only blooms out once in four years and that is when a presidential election is coming on, and one of the peculiar characteristics of this flower is that between times it sometimes changes its bue and is apt to vote in a Democratic primary. As every presidential election comes on you will hear a great deal of talk about instructions being sent out calling attention to the immense penalties that will be inflicted by the Postmaster General unless the political activity of postmasters stops, when it looks to me as if the Postmaster General merely talks in reference to these instructions and predicts these dire punishments, and the referee above referred to comes along and lets it be known that unless they stand by the party in power they will lose their heads.

I have felt it a duty that I owe to myself and to my constituents to call attention to the facts I have mentioned as to the lack of postal facilities in my section, because my people seem to think that I ought to have some influence in having postal facilities granted them. Unfortunately for my section of ginia we have a great deal of uncultivated land, and an effort is being made to induce immigrants from the West and other sections of the United States to come into our section of the country, and one of the main reasons that prevents them from doing this is because of the lack of mail facilities. I am impressed with the fact that my people have not been fairly dealt with, and there seems no redress except to bring the matter to the attention of this House, believing that some scheme may

be devised by which relief may be granted them.

Mr. SISSON. Mr. Chairman, will the gentleman yield?

Mr. TURNBULL. Certainly.

Mr. Chairman, I want to state to the gentle-Mr. SISSON. man from Virginia that he is not the only Member of Congress who has had the trouble of which he speaks; but since the economy orders went into effect, and the Postmaster General has claimed that he has saved some money, I desire to say that he has saved it in my district by virtually destroying the mail I have one situation system in many sections of the district. in Calhoun County, in my district, which makes the evils of which the gentleman complains seem very mild in comparison. I speak of one office especially. I have taken the matter up repeatedly with the Fourth Assistant Postmaster General and have failed to get relief, and I have the promise of the chairman of the Committee on the Post Office and Post Roads of the House that he will go down with the Representative of the fourth district of Mississippi and see if he can induce the Post Office authorities to give the people down there some mail facilities.

I want to state for myself that I have had perhaps as much trouble as the gentleman from Virginia, but my constituents have been just as insistent as his have been, and rightfully so, but I am sure that the fault does not lie at his door any more than at my own in my case. I am sure that it does not lie at my door, because Congress did all that it could do to sustain the Rural Mail Service throughout the country, and over the protest of the Postmaster General, who wanted the right to displace the rural routes with the star routes. Congress specifi-

cally voted his recommendation down by an overwhelming vote. My recollection is that he got it put on the bill in the Senate, and it came back to the House and the House stood solidly by the rural-mail system, and the gentleman from Virginia, my recollection is, voted with us on the proposition. In conference, my recollection is, the Senate receded, and \$1,500,000 was appropriated for the purpose of extending this service. My recollection is that the Postmaster General endeavored to have the \$350,000 covered back into the Treasury. Is that true, I will ask the gentleman from Tennessee?

Mr. MOON of Tennessee. About that, Mr. SISSON. About \$350,000, and he had declined deliberately to carry out the will of Congress by declining to use it as the law said he should use it, so he had about \$1,850,000, and he willfully declined to use this money as the law directed and has permitted the people to suffer hardships and inconvenience

The CHAIRMAN. The time of the gentleman from Virginia

has expired.

Mr. TURNBULL. Mr. Chairman, I would like to have about five minutes more.

Mr. MOON of Tennessee. Mr. Chairman, I yield five minutes

more to the gentleman from Virginia.

Mr. TURNBULL. Mr. Chairman, I simply wanted to state, in reference to what has been stated by my friend from Mississippl, that it is a comfort always to know that there are others who are having the same trouble that you are.

Mr. MOON of Tennessee. Mr. Chairman, I move that the

committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. SAUNDERS, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 21279, the Post Office appropriation bill, and had come to no resolution

ADJOURNMENT.

Mr. MOON of Tennessee. Mr. Speaker, I move that the House

The motion was agreed to; accordingly (at 10 o'clock and 39 minutes p. m.) the House adjourned to meet to-morrow, Saturday, April 13, 1912, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of the Interior, transmitting detailed report of expenditures of money carried on the books of the Department of the Interior under the caption of "Indian moneys, proceeds of labor," during the fiscal year ending June 30, 1911 (H. Doc. No. 695); to the Committee on Indian Affairs and ordered to be printed.

2. A letter from the Acting Secretary of the Treasury, transmitting copy of a communication from the Secretary of the Interior, submitting estimate of appropriation to reimburse the German ambassador for expenses incurred by him in obtaining information for the Interior Department (H. Doc. No. 696); to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. LAMB, from the Committee on Agriculture, to which was referred the bill (H. R. 22952) providing that the United States in certain cases shall make compensation for the use of highways for carrying rural mail, reported the same with amendment, accompanied by a report (No. 538), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. RICHARDSON, from the Committee on Pensions, to which was referred the bill (H. R. 18434) to repeal section 4716 of the Revised Statutes of the United States, reported the same with amendment, accompanied by a report (No. 540), which said bill and report were referred to the Committee of the

Whole House on the state of the Union.

Mr. ANDERSON of Ohio, from the Committee on the District of Columbia, to which was referred the bill (S. 2904) to confer upon the Commissioners of the District of Columbia authority to regulate the operation and equipment of the vehicles of the Metropolitan Coach Co., reported the same with amendment, accompanied by a report (No. 541), which said bill and report

were referred to the Committee of the Whole House on the state of the Union.

Mr. HAMLIN, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (H. R. 21590) to authorize levee and drainage district No. 25, of Dunklin County, Mo., to construct and maintain a levee across a branch or cutoff of St. Francis River, in Missouri, reported the same with amendment, accompanied by a report (No. 539), which said bill and report were referred to the House Calendar.

Mr. PROUTY, from the Committee on the District of Co-lumbia, to which was referred the bill (H. R. 22643) to amend subchapter 2, chapter 19, of the Code of Law for the District of Columbia, by providing a penalty for willful omission to return library property in the District of Columbia, reported the same without amendment, accompanied by a report (No. 542), which said bill and report were referred to the House

He also, from the same committee, to which was referred the bill (H. R. 22912) regulating lobbying and preventing employees of the Government of the United States and the District of Columbia from raising funds for lobbying purposes, reported the same with amendment, accompanied by a report (No. 543), which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. PEPPER, from the Committee on Military Affairs, to which was referred the bill (H. R. 22939) for the relief of John K. Wren, reported the same with amendment, accompanied by a report (No. 536), which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials

were introduced and severally referred as follows:

By Mr. NORRIS: A bill (H. R. 23236) to provide for a primary nominating election in the District of Columbia, at which the qualified electors of the said District shall have the opportunity to vote for their first and second choice among those aspiring to be candidates of their respective political parties for President and Vice President of the United States, to elect their party delegates to their national conventions, and to elect their national committeemen; to the Committee on the District of Columbia.

By Mr. TAYLOR of Colorade: A bill (H. R. 23237) appropriating \$7,500 to be used by the Forest Service in the construction of a highway to connect Cottonwood Lakes in the Battlement National Forest with a system of roads now being constructed in Plateau Valley, Colo., by the State of Colorado and citizens of Mesa County, in that State; to the Committee on Agriculture.

Also, a bill (H. R. 23238) to authorize the issuance of absolute and unqualified patents to public lands in certain cases;

to the Committee on the Public Lands.

By Mr. RAKER: A bill (H. R. 23239) appropriating money for the purpose of carrying out and enforcing the provisions of 'An act to further regulate interstate and foreign commerce by prohibiting the transportation therein for immoral purposes of women and girls, and for other purposes," approved June 25, 1910; to the Committee on Appropriations.

By Mr. COX of Ohio: A bill (H. R. 23240) to regulate the employment of minor children in the District of Columbia; to

the Committee on the District of Columbia.

By Mr. REDFIELD (by request): A bill (H. R. 23241) to promote the efficiency of the customs service and to establish the customs guards; to the Committee on Ways and Means.

By Mr. KINKAID of Nebraska: A bill (H. R. 23242) to authorize the granting of patent after three years on homestead entries made under the reclamation act; to the Committee on Irrigation of Arid Lands.

By Mr. FOWLER: A bill (H. R. 23243) providing for the increase of compensation and wages of the officers, employees, and servants in the various departments of the United States Government; to the Committee on Reform in the Civil Service.

By Mr. DUPRE (by request): A bill (H. R. 23244) to regulate practice in the courts of the United States, and for other

purposes; to the Committee on the Judiciary.

Also (by request), a bill (H. R. 23245) to prohibit United States judges exercising judicial powers outside the places where the court holds its sessions by law, and to create standing masters, and for other purposes; to the Committee on the Judiciary.

By Mr. WICKLIFFE: A bill (H. R. 23246) appropriating \$150,000 for the purpose of maintaining and protecting against the impending flood the levees on the Mississippi River and rivers tributary thereto; to the Committee on Rivers and Harbors

By Mr. JONES: A bill (H. R. 23247) providing for the improvement of the roadway from the railroad depot at Fredericksburg, Va., to the national cemetery near Fredericksburg;

to the Committee on Military Affairs.

By Mr. PEPPER: A bill (H. R. 23284) to authorize the Great Northern Development Co. to construct a dam across the Mississippi River from a point in Scott County, Iowa, to a point in Rock Island County, Ill.; to the Committee on Interstate and Foreign Commerce.

By Mr. SLEMP: Resolution (H. Res. 491) to create a com-

mittee on public highways; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ADAIR: A bill (H. R. 23248) granting an increase of pension to Martin Murphy; to the Committee on Invalid Pen-

Also, a bill (H. R. 23249) granting an increase of pension to Robert L. Kirkwood; to the Committee on Invalid Pensions.

Also, a bill (H. R. 23250) granting an increase of pension to

Henry Eller; to the Committee on Invalid Pensions.

By Mr. BORLAND; A bill (H. R. 23251) for the relief of
Elizabeth S. Lewerenz; to the Committee on Naval Affairs.

Also, a bill (H. R. 23252) for the relief of the estate of

William Morrison; to the Committee on War Claims.

By Mr. BYRNS of Tennessee: A bill (H. R. 23253) to compensate G. W. Wall, of Cheatham County, Tenn., for damages sustained by him on account of the construction of Lock and Dam A on the lower Cumberland River; to the Committee on Claims.

Also, a bill (H. R. 23254) to compensate J. E. Stewart, of Cheatham County, Tenn., for damages sustained by him on account of the construction of Lock and Dam A on the lower Cumberland River; to the Committee on Claims.

By Mr. CARY: A bill (H. R. 23255) to place on the retired list the name of Aaron I. Comfort; to the Committee on Military

Affairs. By Mr. COOPER: A bill (H. R. 23256) for the relief of S. O.

Onsgard; to the Committee on War Claims.

By Mr. DENVER: A bill (H. R. 23257) granting an increase

of pension to William Yates; to the Committee on Invalid Pensions.

Also, a bill (H. R. 23258) granting an increase of pension to John W. Armstrong; to the Committee on Invalid Pensions.

Also, a bill (H. R. 23259) granting an increase of pension to Alonzo Judd; to the Committee on Invalid Pensions.

By Mr. DOUGHTON: A bill (H. R. 23260) for the relief of W. H. Carter; to the Committee on Claims.

By Mr. FLOYD of Arkansas: A bill (H. R. 23261) granting an increase of pension to Lovina P. Simmons; to the Committee on Invalid Pensions.

By Mr. FOSTER: A bill (H. R. 23262) for the relief of

Martha Black; to the Committee on War Claims, By Mr. HARTMAN: A bill (H. R. 23263) granting an increase of pension to Alphonsus J. Bigham; to the Committee on Invalid Pensions.

By Mr. HUGHES of Georgia: A bill (H. R. 23264) granting an increase of pension to John S. Lewis; to the Committee on Pensions.

By Mr. JACOWAY: A bill (H. R. 23265) for the relief of the legal representatives of Wiley J. Davis, deceased; to the Committee on War Claims.

By Mr. LITTLEPAGE: A bill (H. R. 23266) for the relief of the legal representatives of M. M. Lawrence, deceased; to the Committee on War Claims.

By Mr. MORRISON: A bill (H. R. 23267) for the relief of Ambrose D. Hunt; to the Committee on Military Affairs. By Mr. NORRIS: A bill (H. R. 23268) granting an increase

of pension to John Yonker; to the Committee on Invalid Pensions.

By Mr. RAKER: A bill (H. R. 23269) granting an increase of pension to Morrison Hunter; to the Committee on Invalid Pen-

By Mr. RICHARDSON: A bill (H. R. 23270) granting a pension to Nancy Shelton; to the Committee on Invalid Pensions.
By Mr. RUSSELL: A bill (H. R. 23271) granting an increase

of pension to Isaiah Hilliard; to the Committee on Invalid Pen-

By Mr. SCULLY: A bill (H. R. 23272) granting an increase of pension to William S. De Hart; to the Committee on Invalid

By Mr. SHACKLEFORD: A bill (H. R. 23273) granting a pen-

sion to Mary E. Morgan; to the Committee on Invalid Pensions. By Mr. SULZER: A bill (H. R. 23274) granting an increase of pension to Charles M. Wyvell; to the Committee on Invalid

By Mr. TAYLOR of Colorado: A bill (H. R. 23275) granting an increase of pension to Adoniram J. R. Lohr; to the Committee on Invalid Pensions.

By Mr. TOWNER: A bill (H. R. 23276) granting a pension to Jennie Todd; to the Committee on Invalid Pensions.

By Mr. TRIBBLE: A bill (H. R. 23277) making an appropriation to pay the legal representatives of the estate of John H. Christy, deceased, to wit, E. J. Christy, Mary L. Christy, Sallie A. Christy, W. S. Christy, T. J. Christy, and Julia H. Bryson, and the estates of J. R. Christy, W. D. Christy, and H. P. Christy, heirs at law of John H. Christy, late of the State of Georgia, in full for any claim for salary and allowance made by reason of the election of the said John H. Christy to the Thirty-ninth Congress and his services therein; to the Committee on Claims, By Mr. WHITE; A bill (H. R. 23278) granting a pension to

Harry Remer; to the Committee on Invalid Pensions

Also, a bill (H. R. 23279) granting a pension to Malinda E. S. Ballinger; to the Committee on Invalid Pensions.

Also, a bill (H. R. 23280) granting an increase of pension to Daniel L. Preston; to the Committee on Invalid Pensions.

By Mr. WILSON of Illinois: A bill (H. R. 23281) granting a pension to Lozina L. Rozengrant; to the Committee on Invalid Pensions.

Also, a bill (H. R. 23282) granting a pension to Cory Huff; to

the Committee on Pensions.

By Mr. WILSON of New York: A bill (H. R. 23283) granting pension to Edward A. Kohlberger; to the Committee on Pensions.

By Mr. ADAIR: A bill (H. R. 23285) granting an increase of pension to Sarah M. Spence; to the Committee on Invalid Pensions

Also, a bill (H. R. 23286) granting an increase of pension to

Cyrus A. Moneysmith; to the Committee on Invalid Pensions. By Mr. LOBECK: A bill (H. R. 23287) granting an increase of pension to Emma Chapman; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid

on the Clerk's desk and referred as follows

By Mr. ANDERSON of Minnesota: Petition of A. F. Liffrig and 12 others, of Mazeppa, Minn., against extension of the parcel-post system; to the Committee on the Post Office and Post Roads.

By Mr. AYRES: Memorial of the Chamber of Commerce of the State of New York, for amending the laws relating to navigation; to the Committee on the Merchant Marine and Fisheries.

Also, memorial of the Chamber of Commerce of the State of New York, relative to the operation of the Panama Canal; to the Committee on Interstate and Foreign Commerce.

By Mr. BURKE of South Dakota: Petition of residents of the State of South Dakota, for an amendment to the Constitution prohibiting the sale, manufacture for sale, and importation for sale of beverages containing alcohol; to the Committee on the

By Mr. BURKE of Wisconsin: Petition of the Turn Verein of Madison, Wis., against the passage of all prohibition or interstate-commerce liquor measures now pending; to the Committee on Interstate and Foreign Commerce.

Also, petition of the Stadt-Verband of Racine, Wis., against the passage of all prohibition or interstate-commerce liquor measures now pending; to the Committee on Interstate and For-

By Mr. BYRNS of Tennessee: Papers to accompany bill to compensate J. E. Stewart, of Cheatham County, Tenn., for damage sustained to farm on account of construction of Lock and Dam A on the Cumberland River; to the Committee on Claims.

Also, papers to accompany bill to compensate G. W. Wall, of Cheatham County, Tenn., for damage sustained to farm on account of the construction of Lock and Dam A on the lower Cumberland River; to the Committee on Claims.

By Mr. CURRY: Petition of homesteaders of Union County, N. Mex., urging passage of the extension of the Taylor-Borah homestead bill; to the Committee on the Public Lands.

By Mr. DANFORTH: Petitions of residents of the State of York, protesting against parcel-post legislation; to the Committee on the Post Office and Post Roads.

By Mr. FLOYD of Arkansas: Papers to accompany bill for the relief of Lovina P. Simmons; to the Committee on Invalid Pensions.

By Mr. FULLER: Petition of American Cotton Manufacturers' Association, in opposition to proposed legislation concerning the sale and purchase of cotton, etc.; to the Committee on Agriculture.

Also, petition of Railway Mail Association, favoring the reclassification of salaries for railway postal clerks proviso in the Post Office appropriation bill; to the Committee on the Post Office and Post Roads.

By Mr. HANNA: Petition of citizens of Bottineau County, N. Dak., favoring establishment of a parcel-post system; to the Committee on the Post Office and Post Roads.

Also, petition of E. F. Dunton, of Ellendale, N. Dak., against extension of the parcel-post system; to the Committee on the Post Office and Post Roads.

Also, petition of Westminster Presbyterian Church, of Devils Lake, N. Dak., for speedy passage of the Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary. Also, petition of L. E. Yonaka, of Haynes, N. Dak., favoring a

Also, petition of L. E. Yonaka, of Haynes, N. Dak., favoring a reduction in the duty on raw and refined sugars; to the Committee on Ways and Means.

By Mr. LINDSAY: Petition of the Central Union Label Coun-

By Mr. LINDSAY: Petition of the Central Union Label Council of Greater New York, for the creation of a commission on industrial relations; to the Committee on Rules.

Also, petition of the Railway Mail Association, for a reclassification of salaries and a system of service promotion for railway postal clerks; to the Committee on the Post Office and Post Roads.

Also, petition of the American Cotton Manufacturers' Association, in opposition to proposed legislation concerning the sale and purchase of cotton, etc.; to the Committee on Agriculture.

Also, memorial of the Order of Knights of Labor, relative to pending pension legislation for policemen and firemen of the District of Columbia; to the Committee on the District of Columbia.

By Mr. McCALL: Petition of Leslie F. Hunting Camp. No. 12, United Spanish War Veterans, of Cambridge, Mass., favoring passage of House bill 17470, which provides for the care of widows and orphans of deceased comrades of the Spanish War; to the Committee on Pensions.

By Mr. McCOY: Petition of the United Garment Workers of Houston, Tex., favoring passage of Booher prison-labor bill; to the Committee on Interstate and Foreign Commerce.

By Mr. McMORRAN: Petition of citizens of Owendale and Columbiaville. Mich., favoring the regulation of express rates; to the Committee on Interstate and Foreign Commerce.

Also, petition of citizens of Lapeer, Mich., favoring passage of law for regulation of express rates; to the Committee on Interstate and Foreign Commerce.

Also, petition of citizens of Columbiaville, Lapeer, and Owendale, Mich., favoring passage of parcel-post bill; to the Committee on the Post Office and Post Roads.

Also, petition of citizens of St. Clair, Mich., protesting against any change in the oleomargarine law; to the Committee on Agriculture.

By Mr. RAKER: Petition of citizens of California, favoring House bill 21225, and protesting against House bill 20281; to the Committee on Agriculture.

Also, memorial of the Chamber of Commerce of the State of California, favoring the \$36,000 appropriation for figliting the Mediterranean fly; to the Committee on Agriculture.

Also, memorial of the Grand Parlor. Native Daughters of the Golden West, of California, to accompany House bill 12211, to acquire control by the United States of the Calaveras or Mammoth Grove of Big Trees; to the Committee on the Public Lands.

Also, memorial of the City Council of Berkeley, Cal; favoring the Bulkley 3-cent-piece bill; to the Committee on Coinage, Weights, and Measures.

Also, letter from the Bank of California, to accompany Senate bill 5735, to enable the President to propose and invite foreign governments to participate in an international conference to promote inquiry into causes of high cost of living throughout the world; to the Committee on Banking and Currency.

By Mr. REILLY: Petition of the American Cotton Manufacturers' Association, in opposition to proposed legislation concerning the sale and purchase of cotton, etc.; to the Committee on Agriculture.

By Mr. STEPHENS of California: Petitions of citizens of the State of California, for construction of one battleship in a Government payy yard: to the Committee on Naval Affairs

ernment navy yard; to the Committee on Naval Affairs.

Also, petition of J. A. Beddison, of Palmdale, Cal., for parcelpost legislation; to the Committee on the Post Office and Post Roads.

Also, petition of the Woman's Christian Temperance Union of Whittier, Cal., for passage of the Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

Also, petition of Benjamin H. Rentipohler, of Los Angeles, Cal., for enactment of House bill 20595, amending the copyright act of 1909; to the Committee on Patents.

Also, petition of the Southern California Wholesale Grocers' Association, for enactment of House bill 4667 and Senate bill 4727; to the Committee on Interstate and Foreign Commerce.

Also, petition of residents of Los Angeles, Cal., for enactment of the Berger old-age pension bill; to the Committee on Pensions.

By Mr. SULZER: Petition of the American Cotton Manufacturers' Association, in opposition to proposed legislation concerning the sale and purchase of cotton, etc.; to the Committee on Agriculture.

Also, memorial of the New York State delegation to the National Rivers and Harbors Congress, relative to development of waterways within the State of New York; to the Committee on Rivers and Harbors.

Also, petition of the Railway Mail Association, for reclassification of salaries and a system of promotions for railway postal clerks; to the Committee on the Post Office and Post Roads.

Also, petition of C. A. Burrows, of Lancaster, Pa., favoring passage of old-age pension bill (H. R. 13114); to the Committee on Pensions.

By Mr. TOWNER: Petition of Swedish Baptist Church of Creston, Iowa, favoring the passage of the Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. UNDERHILL: Petition of residents of the State of New York, against repeal of the anticanteen law; to the Committee on Military Affairs.

By Mr. UTTER: Petition of Friends Society of East Greenwich, R. I., favoring passage of Kenyon-Sheppard interstate liquor bill; to the Committee on Interstate and Foreign Commerce.

By Mr. WHITE: Petition of citizens of Newport, Washington County, Ohio, favoring passage of parcel-post system; to the Committee on the Post Office and Post Roads.

By Mr. WILLIS: Papers to accompany bill for the relief of Williamson T. Tway (H. R. 4639); to the Committee on Invalid Pensions.

By Mr. WILSON of New York: Petition of the American Cotton Manufacturers' Association, in opposition to proposed legislation concerning the sale and purchase of cotton, etc.; to the Committee on Agriculture.

Also, petition of residents of New York City, for enactment of House bill 14, providing for a general parcel-post system; to the Committee on the Post Office and Post Roads.

By Mr. YOUNG of Texas: Petition of F. L. Moseley and other citizens of Murchison, Tex., favoring passage of parcel-post bill; to the Committee on the Post Office and Post Roads.

SENATE.

SATURDAY, April 13, 1912.

The Senate met at 2 o'clock p. m.
Prayer by the Chaplain, Rev. Ulysses G. B. Pierce, D. D.
The Journal of yesterday's proceedings was read and approved.

MOTOR AND OTHER VEHICLES IN GOVERNMENT SERVICE (S. DOC. NO. 558).

The VICE PRESIDENT laid before the Senate a communication from the Secretary of War, transmitting, in response to a resolution of the 25th ultimo, a statement showing the number of carriages, motor vehicles, etc., owned and operated by the Government and used by the War Department, which was referred to the Committee on Appropriations and ordered to be printed.

PETITIONS AND MEMORIALS.

The VICE PRESIDENT presented petitions of the congregation of the Middle Smithfield Methodist Episcopal Church of Munroe County, Pa.; of the Ladies' Aid Society of the First Methodist Episcopal Church of Worcester, Mass.; of members of the Salvation Army of Worcester, Mass.; and of the congregation of the First Swedish Methodist Episcopal Church of Worcester, Mass., praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating liquors, which were referred to the Committee on the Judiciary.

He also presented the memorial of A. A. Brenninger, of Washington, D. C., remonstrating against the proposed appropriation of \$215,000, reimbursable out of Indian funds, for the purpose of the survey, resurvey, classification, and appraisement of In-

dian lands to be allotted, etc., which was referred to the Committee on Indian Affairs.

Mr. GALLINGER presented a petition of Local Grange No. 13, Patrons of Husbandry, of Nashua, N. H., praying for the establishment of a parcel-post system, which was referred to the Committee on Post Offices and Post Roads.

Mr. BRANDEGEE presented a petition of William McKinley Camp, No. 9. United Spanish War Veterans, of Connecticut, praying for the enactment of legislation to pension widow and minor children of any officer or enlisted man who served in the War with Spain or the Philippine insurrection, which was referred to the Committee on Pensions.

Mr. ROOT. I present resolutions adopted by the Legislature of New York, which I ask may be printed in the RECORD and

referred to the Committee on Commerce.

The resolutions were referred to the Committee on Commerce and ordered to be printed in the RECORD, as follows:

IN ASSEMBLY, March 11, 1912.

By unanimous consent, Mr. Sweet offered for the consideration of the House a resolution in the words following:

House a resolution in the words following:

Whereas this State, under the provisions of chapter 147 of the laws of 1903, is expending the sum of \$100,000,000 in the widening and deepening of and otherwise improving the canals of this State; and Whereas, as a part of the improvement authorized by said act, the Champlain Canal is being widened and deepened and improved to barge-canal dimensions from the village of Waterford northerly to the so-called harbor lines of Lake Champlain, located at or near the southerly boundary line of the village of Whitehall; and Whereas that portion of Lake Champlain from said harbor lines northerly to the lake proper, and known as the inlet of said lake, is under the jurisdiction and control of the Federal Government, and is a narrow irregular channel, nearly 10 miles in length, entirely inadequate and unsuitable to be navigated by craft for which the Champlain Canal as improved is intended; and to the end that a full villization of the benefits of the improved Champlain Canal when the same shall be completed may be had and a through and improved water route northerly to Lake Champlain provided, it is most desirable and necessary that the said inlet of Lake Champlain be improved and enlarged to barge-canal dimensions:

Resolved (if the senate concur), That Congress of the United States**

to large-canal dimensions:

Resolved (if the senate concur), That Congress of the United States be, and it is hereby, requested to make suitable and proper provision for the improvement of said inlet of Lake Champlain from the so-called harbor lines at or near the southerly boundary line of the village of Whitehall or the point at which the jurisdiction of this State ends to Lake Champlain proper, to the end that said inlet shall be of the same dimensions of the Champlain Canal as the same is proposed to be improved under the provisions of chapter 147 of the laws of 1903, and suitable and proper for the navigation of craft plying said improved Champlain Canal when the same shall be completed; and be it further Resolved (if the senate concur), That the clerk of the assembly be, and he hereby is, directed to transmit copies of this resolution to the Senate and House of Representatives of the United States and to the several Members of said bodies representing this State therein.

Mr. Speaker put the question whether the house would agree to said resolution, and it was determined in the affirmative.

Ordered, That the clerk deliver said resolution to the senate, and request their concurrence therein.

MARCH 12, 1912.

The senate returned the concurrent resolution in relation to the improvement of Lake Champlain inlet, with a message that they have concurred in the passage of the same without amendment.

I, Fred W. Hammond, clerk of the assembly, do hereby certify that the foregoing is a true copy of said resolution, and of the whole thereof as continued in the journals of proceedings of said dates.

In witness whereof I have hereunto set my hand this 15th day of

FRED W. HAMMOND, Clerk of the Assembly.

Mr. ROOT presented petitions of the Woman's Christian Temperance Unions of Warrensburg and Kanona, and of sundry citizens of Chautauqua and Waterloo, all in the State of New York, praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which were referred to the Committee on the Judiciary

He also presented a petition of the Chamber of Commerce of Buffalo, N. Y., praying that an appropriation be made for the

improvement of the harbor at Buffalo, N. Y., which was referred to the Committee on Commerce.

Mr. WETMORE presented a petition of members of the Friends Society of East Greenwich, R. I., praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which was referred to the Committee on the Judiciary.

Mr. GRONNA presented a petition of sundry citizens of Bottineau County, N. Dak., praying for the establishment of a parcel-post system, which was referred to the Committee on

Post Offices and Post Roads.

Mr. TOWNSEND presented petitions of sundry citizens of Ann Arbor, Addison, Sand Lake, and Crystal Falls, all in the State of Michigan, praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which were referred to the Committee on the Judiciary.

He also presented a petition of Capital Grange, No. 540, Patrons of Husbandry, of Ingham County, Mich., and a petition of Local Grange No. 1362, Patrons of Husbandry, of Thompson, Mich., praying for the establishment of a parcel-post system, which were referred to the Committee on Post Offices and Post Roads.

He also presented a petition of members of the Real Estate Board of Detroit, Mich., praying that an appropriation be made for the construction of a highway from Washington, D. C., to Gettysburg, Pa., as a memorial to Abraham Lincoln, which was referred to the Committee on Appropriations, He also presented memorials of the Chamber of Commerce of

Lansing and of sundry citizens of Pinconning, Bay City, Standish, Linwood, Reese, Saginaw, Vassar, Fairgrove, Watrousville, Richville, Akron, Santiago, Au Gres, Coleman, Mount Pleasant, Loomis, Gera, Gagetown, Unionville, Wolverine, Owendale, Elliton, Scheming Explanation of the Coleman Scheming Frederick Assets (1988). Elkton, Sebewaing, Kankawlin, Auburn, Freeland, Munger, Beaverton, Gilford, Silverwood, Mayville, Clifford, Turner, Twin-ing, and Standish, all in the State of Michigan, remonstrating against any reduction of the duty on sugar, which were referred to the Committee on Finance.

REPORTS OF COMMITTEES.

Mr. MYERS, from the Committee on Irrigation and Reclamation of Arid Lands, to which was referred the bill (S. 4862) authorizing and directing the Secretary of the Interior to investigate and settle certain accounts, and for other purposes, reported it without amendment and submitted a report (No. 618) thereon.

Mr. OWEN, from the Committee on Public Health and National Quarantine, to which was referred the bill (S. 1) to establish a department of health, and for other purposes, reported it with amendments and submitted a report (No. 619)

thereon.

CONGRATULATIONS TO PEOPLE OF CHINA.

Mr. LODGE. From the Committee on Foreign Relations I report back the joint resolution (H. J. Res. 254) congratulating the people of China on their assumption of the powers, duties, and responsibilities of self-government, changed from a joint to a concurrent resolution, with certain amendments, and I ask for its present consideration.

The VICE PRESIDENT. The Senator from Massachusetts reports back as a concurrent resolution the following, which will

be read by the Secretary.

The Secretary read as follows:

Resolved, ctc., That the United States of America congratulates the people of China on their assumption of the powers, duties, and responsibilities of self-government, and expresses the confident hope that, in the adoption and maintenance of a republican form of government, the rights, liberties, and happiness of the Chinese people will be secure and the progress of the country insured.

The VICE PRESIDENT. The Chair suggests that it be reported as an original concurrent resolution and that action on the joint resolution be indefinitely postponed. It would be more

easily disposed of in that manner.

Mr. BACON. I suggest that possibly it might be more satisfactory to the House from which it came that it simply be converted into a concurrent resolution and still be recognized as a House resolution rather than that we should indefinitely postpone the House resolution and substitute a Senate resolution.

Mr. LODGE. That was my impression. That is what I dere. It is to retain the House resolution, and I think it is

perfectly legitimate to do it.

The VICE PRESIDENT. Very well. The question, then, is

on agreeing to the concurrent resolution.

Mr. WILLIAMS. Mr. President, in this connection I do not want to oppose the passage of the resolution at all, but I should like to call the attention of the President and of the Senate to a clause of the Constitution which, it seems to me, is being constantly violated. I refer to the part of section 7 which reads as follows:

Every order, resolution, or vote to which the concurrence of the Senate and House of Representatives may be necessary (except on a question of adjournment) shall be presented to the President of the United States; and before the same shall take effect, shall be approved by him, or being disapproved by him, shall be repassed by two-thirds of the Senate and House of Representatives, according to the rules and limitations prescribed in the case of a bill.

Every order, resolution, or vote to which the cencurrence of the Senate and House of Representatives may be necessary (except on a question of adjournment) shall be presented to the President of the United States.

I merely want to call attention to it, because at some future time when some matter that I regard as objectionable is brought up in this way I want to bring it to the attention of the Senate and House. I do not want to do it suddenly. It seems to have been the habit for many years to overlook that clause.

Mr. LODGE. I was aware of the existence of that clause of the Constitution, but there is no question that the practice has been that the Houses have passed concurrent resolutions where they were a mere expression of opinion that were not expected

to become a law, which is the case with this resolution.

Mr. WILLIAMS. I know the Senator is right about the practice, and it is because the practice was going on and it was becoming more and more the practice that I wanted to call attention to it. We have got to a point where we not only do it where there is an expression of opinion, but where frequently a necessary expense grows out of the concurrent resolution. It seems to me it would be well not to be quite so careless in the future as we have been in the past.

Mr. LODGE. I will be glad to say to the Senator from Mississippi that I have never clearly seen myself how we escape from that clause of the Constitution.

Mr. WILLIAMS. There is no escape from it.

Mr. LODGE. Yet the practice is, as the Senator well knows, to pass concurrent resolutions by the two Houses alone.

Mr. WILLIAMS. Yes; I know it.

Mr. BACON. Mr. President, this is a matter we can not dispose of now, but it is important that a suggestion of that kind should not go by any acquiescence sub silentio. It is not simply a matter of practice; it is a matter of law; and the reasonable construction of the paragraph is in accordance with what is now denominated as a practice.

There are numbers of things which are done by concurrent resolutions of the two Houses. Manifestly they do not have the effect of law, and the President has nothing to do with them. For instance, the two Houses adopt a concurrent resolution to meet to count the electoral votes. Nobody will suppose for a moment that that is a matter with which the President has any-

thing to do, or that his approval is necessary to it.

Mr. WILLIAMS. If the Senator from Georgia will allow me, our forefathers may have been unlucky in expressing what they intended; but if they intended to say only that a concurrent resolution should be sent to the President when the President had any interest in it, or the President had anything to do with it, or anything else, they did not say it. They simply say that any vote or resolution passed by either House to which the concurrence of the other House is necessary shall be presented to the President. They do not undertake to make the provision on account of the character of the vote or resolution at all, but any vote, any resolution to which the concurrence of the other House is requisite shall be presented to the President.

Mr. BACON. Mr. President, the Senator from Mississippi undertook to answer me before he heard what I had to say. Possibly it was upon the same principle that the House of Representatives in the report of the Ways and Means Committee answered the report of the Finance Committee of the Senate

before the report was made.

The section of the Constitution from which this is taken is one relating to the passage of laws, and must necessarily be construed in such a way as not only to relate to that subject, but not to conflict with other provisions in the Constitution and the practice of legislative procedure which necessarily grows out of it. There are numbers of things, I will not stop to elaborate them at all, simply making it as a suggestion in order that it may not, as I say, pass apparently by consent that such is the proper construction. There are other things, not to say numbers of them, where manifestly the President of the United States has no concern. For instance, the very grave and important matter of the adoption of a resolution proposing an amendment to the Constitution of the United States is a question with which the President of the United States has nothing to do. The President of the United States can not by his veto in any manner affect the action. A great many things are to be construed, and, of course, necessarily construed, that might upon the very surface not appear to be the intention of the law-

As I said, I will not interrupt the proceedings now to speak of that, but I think an examination of the context and of the particular section shows that those provisions are intended to apply to those things which, when done, will have the effect of

law and be binding upon the public.

Mr. WILLIAMS. Mr. President, I can not let the remarks of the Senator from Georgia pass without one observation in The Senator cites the case of an amendment to the That is totally different, because the clause of Constitution. the Constitution which provides how the Constitution shall be amended provides for that; and the two clauses are to be con-strued together, of course, the clause specifically reading that an amendment takes preference. The clause telling how to amend the Constitution provides that it shall be done by twothirds of the two Houses without the President.

Mr. BACON. It does not say without the President. It says by a resolution of the two Houses.

Mr. WILLIAMS. It specifically states how an amendment is to be adopted. That clause of the Constitution with regard to that particular question overrides this general provision.

Mr. BACON. There is nothing in that clause which says the

President shall not be required to approve it. It would fall within the classification of a resolution if it be one of the number known when the Constitution says every resolution. There are other things which I could mention, but which I will not now stop to mention. There is the matter of a recess. There is a provision in the Constitution that neither House shall adjourn for more than three days without the consent of the other House. Consequently, the two Houses adopt a concurrent resolution to take a recess for a longer time than three days. Nobody would suppose for a moment that the President of the United States had any possible right to veto or that he was called upon to approve such a resolution. So the illustrations can be carried to a number of cases.

Mr. LODGE. Mr. President, I do not desire to delay the passage of the resolution. I think it is entirely within our power to change it to a concurrent resolution. My purpose, of course, in doing that is that this is a House resolution and we pass it in the same words, and I think it is more courteous to the House to let it remain a House resolution. I am not

aware of any parliamentary objection to our doing it.
The VICE PRESIDENT. Without objection, the Without objection, the amended resolution is agreed to.

The Secretary. The committee recommend striking out the

preamble as printed in the resolution of the House.

The VICE PRESIDENT. Without objection, that is agreed to.
The Secretary. The committee recommend changing the title so that it will be a concurrent resolution, and also changing the resolving clause.

The VICE PRESIDENT. Without objection, the amendment is agreed to.

Mr. LODGE. In regard to what has been said about concurrent resolutions, I desire to ask that the part of the report which I have marked, made in the Fifty-fourth Congress by Senator Hill, of New York, on this matter of concurrent resolutions, may be printed in the RECORD. It conforms with what ventured to say is the practice.

The VICE PRESIDENT. Without objection, permission is

granted.

The matter referred to is as follows:

CONCURRENT RESOLUTIONS.

The matter referred to is as follows:

CONCURRENT RESOLUTIONS.

The passage of concurrent resolutions by Congress began immediately upon the organization of the Government. They differ very little from simple resolutions, Senate concurrent resolutions being in form substantially as follows: "Resolved by the Senate (the House of Representatives concurring therein), That, etc." They have not been used (except as hereinbefore stated) for the purposes of enacting legislation, but to express the sense of Congress upon a given subject, to adjourn longer than three days, to make, amend, or suspend joint rules, and to accomplish similar purposes, in which both Houses have a common interest, but with which the President has no concern. They are frequently used in ordering the printing of documents, in paying therefor, and in incurring and paying other expenses where the moneys necessary therefor have previously been appropriated and set apart by law for the uses of the two Houses.

Concurrent resolutions from their very nature require the concurrence of both Houses to make them effectual, and if the Constitution in section 7, before quoted, has reference solely to the form and not to the substance of such resolutions, they must of course be presented to the President for his approval.

For over a hundred years, however, they have never been so presented. They have uniformly been regarded by all the departments of the Government as matters peculiarly within the province of Congress alone. They have never embraced legislative provisions proper, and hence have never been deemed to require Executive approval.

This practical construction of the Constitution, thus acquiecced in for a century, must be deemed the true construction, with which no court will interfere (Stuart v. Laird, 1 Cranch, 290). If it be contended that the exception in section 7 (whereby adjournment resolutions are excluded from those which must be presented to the President, although they require the concurrence of both Houses was under the Constitution w

than joint resolutions, in which legislation may properly be embraced, requiring the approval of the President. They are as follows:

"Whenever a bill, order, resolution, or vote of the Senate and House of Representatives, having been approved by the President or not having been returned by him with his objections, becomes a law or takes effect, it shall forthwith be received by the Secretary of State from the President. And whenever a bill, order, resolution, or vote is returned by the President with his objections, and on being reconsidered is agreed to be passed, and is approved by two-thirds of both Houses of Congress, and thereby becomes a law or takes effect, it shall be received by the Secretary of State from the President of the Senate or Speaker of the House of Representatives, in whichsoever House it shall last have been so approved, and he shall carefully preserve the originals."

It will be observed that this statute uses the broad phrase "order, resolution, or vote," the same as used in the Constitution, without making any distinction between joint and concurrent resolutions. Neither do the provisions of the act of February 25, 1871 (now incorporated in the Revised Statutes, 2d ed., 1878, p. 2, secs. 7 and 8), throw much light on the subject.

on the subject.

They simply prescribe the form of bills and joint resolutions, and are as follows:

"SEC. 7. The enacting clause of all acts of Congress hereafter enacted shall be in the following form; 'Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled."

sembled."

"SEC. S. The resolving clause of all joint resolutions shall be in the following form: 'Resolved by the Senate and House of Representatives of the United States of America in Congress assembled."

From these provisions it may properly be inferred that Congress did not intend or contemplate that any legislation should thereafter be enacted except by bill or joint resolution. That is a fair inference, because it has provided no form of legislation by concurrent resolution; but of course these provisions, which must largely be regarded as directory, could not bind subsequent Congresses, which possess the inherent right to prescribe their own forms of legislation notwithstanding this statute.

but of course these provisions, which must largely be regarded as directory, could not bind subsequent Congresses, which possess the inherent right to prescribe their own forms of legislation notwithstanding this statute.

The rules of the respective Houses treat bills and joint resolutions alike, and do not contemplate that legislation shall be enacted in any other form or manner; but it is still true that rules may be suspended at the pleasure of either House, and legislation may also be enacted by a majority in evasion or violation of rules, and even in the absence of rules, without affecting its constitutionality or validity. This principle is plainly deducible from the case of Field v. Clark (143 U. S. R., 640) and other authorities.

The act of January 12, 1895, providing for the public printing, recognizes the distinction for which we contend. It provides (ch. 23 of the laws of 1895, sec. 59) that—

"Orders for printing extra copies shall be by simple, concurrent, or joint resolution. Either House may print extra copies to the amount of \$500 by simple resolution; if the cost exceeds that sum the printing shall be ordered by concurrent resolution, except when the resolution is self-appropriating, when it shall be by joint resolution."

It will thus be observed that a joint resolution is only to be used when an appropriation is desired additional to the amount already appropriated for printing purposes in the general appropriation bills—in other words, when the resolution is self-appropriating, thereby rendering it legislation per se. When there is no appropriation, thereby rendering it legislation per se. When there is no appropriation, thereby rendering it legislation per se. When there is no appropriation, thereby rendering it depending upon the amount involved.

The printing act before mentioned (ch. 23, laws of 1805, sec. 73) contains a departure from the practice which had prevailed since the organization of the Government. It requires the Statutes at Large to contain "all laws, joint and concurrent

THE METAL SCHEDULE.

Mr. WILLIAMS. I submit the views of the minority of the Finance Committee, to accompany the bill (H. R. 18642) to amend an act entitled "An act to provide revenue, equalize

duties, and encourage the industries of the United States, and for other purposes," approved August 5, 1909.

With the indulgence of the Senate, I will say, in this connection, that the report is signed by all of the minority members except the Senator from Missouri [Mr. STONE], who is unfortunately and unavoidably absent, but we have every reason to believe that he would sign the report if he were here. I also desire to say that I was unable, for the same reason, to see the Senator from Wisconsin [Mr. LA FOLLETTE],

and do not know how he would act.

The VICE PRESIDENT. The views of the minority will be printed as part 2 of Senate Report No. 591.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. SMITH of Arizona:
A bill (S. 6328) to provide for an extension of time within which the cost of the Salt River irrigation and reclamation project in the State of Arizona may be repaid by the landowners within the same, and granting the same privileges to the Yuma irrigation project and others similarly situated upon the same terms; to the Committee on Irrigation and Reclamation of Arid Lands.

By Mr. CHAMBERLAIN:

A bill (S. 6329) to provide pensions for the officers and sol-diers of the Indian wars of the United States which occurred prior to the year 1880; to the Committee on Pensions.

By Mr. WORKS:

A bill (S. 6330) increasing the cost of erecting a public building at Santa Barbara, Cal.; to the Committee on Public Buildings and Grounds.

By Mr. CRAWFORD:

A bill (S. 6331) granting an increase of pension to William J. Percy (with accompanying papers); to the Committee on Pensions.

By Mr. JONES:

A bill (S. 6332) to restore to the active list First Lieut. of Engineers Henry O. Slayton, retired, United States Revenue-Cutter Service; to the Committee on Commerce.

By Mr. WARREN: A bill (S. 6333) for the relief of Thomas Mooney; to the Committee on Claims.

By Mr. BOURNE:

A bill (S. 6334) granting an increase of pension to Thomas Coats (with accompanying paper); to the Committee on Pensions.

By Mr. WILLIAMS:

A bill (S. 6335) to reimburse T. C. Barrier, postmaster, Philadelphia, Miss., for registered money stolen in transit; to the Committee on Post Offices and Post Roads.

By Mr. CURTIS:

A bill (S. 6336) for the relief of Elizabeth Ely, her heirs or assigns (with accompanying paper)

A bill (S. 6337) for the relief of Frank Crathorne, his heirs

or assigns; and

A bill (S. 6338) for the relief of William H. Sparrow; to the Committee on Claims.

By Mr. OWEN:

bill (S. 6339) to adjust titles within the Five Civilized Tribes in Oklahoma, and for other purposes; to the Committee on Indian Affairs.

AMENDMENTS TO RIVER AND HARBOR BILL (H. R. 21477).

Mr. GALLINGER submitted an amendment proposing to appropriate \$4,000 for clerical and stenographic expenses in publishing hearings before the National Waterways Commission, etc., intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

Mr. WORKS submitted an amendment proposing to appropriate \$327,250 for the improvement of the Los Angeles Outer Harbor, Cal., intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee

on Commerce and ordered to be printed.

Mr. FLETCHER submitted an amendment proposing to appropriate \$20,000 for improving the entrance to St. Joseph Bay, Fla., etc., intended to be proposed by him to the river and har-bor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

Mr. WILLIAMS. In the absence of the senior Senator from Texas [Mr. Culberson], and at his request, I submit an amendment proposing to appropriate \$25,000 for the improvement of the mouth of Brazos River, Tex., intended to be proposed by him to the river and harbor appropriation bill, which I ask may be printed and referred to the Committee on Commerce.

The VICE PRESIDENT. Without objection, it is so ordered.

AMENDMENTS TO INDIAN APPROPRIATION BILL (H. R. 20728). Mr. JONES submitted an amendment providing for the settlement of the claim of the attorney of record in the matter of the enrollment and allotment of lands to Virgil H., Willie A., and Oscar R. Esterbrook, etc., intended to be proposed by him to the Indian appropriation bill, which was referred to the Committee

on Indian Affairs and ordered to be printed. Mr. SMITH of Arizona submitted an amendment proposing to

appropriate \$25,000 for examinations and surveys for reservoirs and irrigation works on the Gila River, Ariz., intended to be proposed by him to the Indian appropriation bill, which was referred to the Committee on Indian Affairs and ordered to be printed.

TELEGRAPH AND TELEPHONE.

Mr. OVERMAN. I ask for a reprint of Senate Document No. 205, the edition having been exhausted.

Mr. SMOOT. May I ask the Senator what the document is? Mr. OVERMAN. It is Senate Document No. 205, Fifty-fourth Congress, first session, being papers containing an article by Judge Walter Clark on the subject of telegraph and telephone.

Mr. SMOOT. How many copies does the Senator desire printed?

Mr. OVERMAN. The usual number.

Mr. SMOOT. There is no usual number in the case of a reprint.

Mr. OVERMAN. I will say 500, if that comes within the rule.

Mr. SMOOT. The chairman of the Joint Committee on Printing can order it printed without the action of the Senate.

Mr. OVERMAN. I ask the Senate to make the order now. Mr. SMOOT. Very well. Does the Senator modify his re-

Mr. SMOOT. Very well. Does the Senator modify his request that 500 additional copies be printed?
Mr. OVERMAN. Yes: 500 additional copies.
The VICE PRESIDENT. Without objection, the order to print 500 additional copies is entered.

The order as agreed to was reduced to writing, as follows:

Ordered, That 500 additional copies of Senate Document No. 205, Fifty-fourth Congress, first session, entitled "Papers containing an article by Judge Walter Clark, entitled 'Telegraph and Telephone,' in the American Law Review, etc.," be printed for the document room.

COMMITTEE SERVICE.

Mr. Perkins was, on his own motion, excused from further service upon the Committee on Agriculture and Forestry.

Mr. GALLINGER submitted the following resolution, which

was read, considered by unanimous consent, and agreed to:

Resolved, That Mr. SANDERS be assigned to service on the following standing committees of the Senate: Agriculture and Forestry, Coast and Insular Survey, Education and Labor, Expenditures in the Department of Commerce and Labor, Expenditures in the War Department, ment of Commerce and Military Affairs.

MISSISSIPPI RIVER IMPROVEMENT.

Mr. NEWLANDS. I submit the amendment I send to the desk, and I should like to have it read.

The Secretary read as follows:

The Secretary read as follows:

An amendment intended to be proposed by Mr. Newlands to the bill (H. R. 21477) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, viz:

Amend the appropriation of \$3,500,000 for improving the Mississippl River from Head of Passes to Cape Girardeau, Mo., by inserting in lieu thereof, on page 34, lines 23 and 24, the words "eight million dollars," and by adding thereto, at the end of line 20, page 35, the following: "Provided further, That the Mississippl River Commission is also authorized to use such portion of the equipment of the Panama Canal as from time to time can be spared from the Panama Canal service and as may be useful to the Mississippl River Commission in the work prosecuted under its direction.

Mr. NEWLANDS. Mr. President, with the consent of the Senate I should like to say a few words regarding this amendment.

I have just returned from the drainage congress held at New Orleans. There I obtained some realization of the enormous proportions of the pending flood, though as yet the crest of that flood is two weeks off from New Orleans. I ascertained while there that the method of appropriating for the Mississippi River from the Ohio River down was this: A commission, known as the Mississippi River Commission, has been organized composed mainly of Army engineers; that commission is acting in cooperation with the various States in which these swamp lands are located and with the officials of the various levee districts in works intended to promote both navigation and reclamation; Congress decided some years ago upon the policy of appropriating \$\$0,000,000 for levee protection and bank protection, and declared its purpose of appropriating that sum in annual installments of \$4,000,000 for the period of 20 years. That understanding was complied with for some years, but within more recent years the appropriation was reduced from \$4,000,000 to \$3,000,000; and in the pending appropriation bill, instead of the installment of \$4,000,000 we find the sum of \$3,500,000.

It is apparent, Mr. President, that instead of distributing the expenditure of this large sum of money over a period of 20 expenditure of this large sum of money over a period of 20 years, as was originally contemplated, thus creating an expenditure of \$4,000,000 annually, it would have been much better to have limited that period to 10 years, appropriating \$8,000,000 annually. If that had been done, the disastrous effects of the existing flood might have been averted. I have endeavored to

correct this in the amendment just offered, which increases the next year's installment from \$3,500,000 to \$8,000,000.

Mr. President, the whole problem of the Mississippi River is one of regulation of flow. The problem is to reduce the height of the floods and to increase the height of the ebb flow during the period of drought. The method so far pursued has been simply to endeavor to handle the flood waters falling in 24 States, in the lower reaches of that river, by bank revetment and by levee protection, under a system of cooperation, which seems to be working admirably between the National Government and the State governments and the levee districts, but it is now clear that a larger area must be covered by these works

upper States in the channel of the river below by bank protection and by the construction of these enormous levees, but also to prevent the floods from coming down to the lower reaches of the river and vexing the four or five States which are most threatened with injury

The problem of storage, then, is one of the most important questions presented with reference to the regulation of the Mississippi River. That storage can be effected upon the Ohio River and its tributaries by storage in the Allegheny and the Monongahela Rivers, thus preventing the floods which almost every year inflict injury upon Pittsburgh and the regions surrounding to the extent of \$4,000,000 or \$5,000,000, and by storing water also in the headwaters of the Tennessee and the Cumberland.

These waters can be made useful in the development of water power, which is made efficient in the creation of electricity, an element that is entering more into the daily lives and the comfort and the convenience of our people than almost any other element. Thus the storage can be made effective in two ways: One, by protecting the lower reaches of the Mississippi River, the States of Kentucky, Missouri, Arkansas, Mississippi, and Louisiana from the floods which fall upon the States bordering upon the Ohio River; and, two, in the production of electric power, to the immense advantage of the country adjoining the Ohio River.

So also with the headwaters of the Missouri River, taking their sources in the Rocky Mountain region, where large flood control could be secured by the storage of water that will be useful not only in preventing floods from the snow waters coming down to the lower reaches of the Mississippi River, but also useful in irrigation in the arid region; for as these waters are drawn over the thirsty plains they will diminish the flow of the river during the period of flood, and their gradual seepage back to the river will increase the flow of the river during the period of drought for purposes of navigation. So it is with the Platte and the Arkansas and their tributaries.

This question has been taken up in great detail by the Irrigation Congress, whose problems relate to the mountain regions above tributary to the Mississippi, and by the Drainage Congress, whose problems relate to the reclamation of swamp lands in the Mississippi Valley below; and they, in connection with the other waterway associations of the country interested in waterway development as a matter of navigation, have substantially agreed that the best way, the full and comprehensive way, of taking hold of the question of river development for purposes of navigation, to which the Federal jurisdiction attaches, is by regarding the river with all its tributaries as a unit; regarding the Mississippi River, with its tributaries of the Ohio, the Tennessee, and the Cumberland on the east, and with its tributaries of the Missouri, the Platte, and the Arkansas on the west, as a unit; requiring cooperative treatment upon the part of both the Nation and the State, the Nation being interested in developing these rivers for transportation; the States and the Nation both being interested in the development of the waste land of the country, whether it be the arid land above or the swamp land below, and also in the development of that great natural resource, the water power of the country, for the purpose of hydroelectric expansion.

Suggestion is made that through a system of cooperation of the great scientific services of the country full and comprehensive plans can be made covering all these various forms of development and also covering such an apportionment of costs and of benefits as will assign to the different sovereignties certain proportions of the cost, just as they receive certain proportions of the benefit.

Mr. President, for years I have been urging upon Congress a measure covering this question. Public opinion is made up regarding it; and that public opinion has been expressed in the resolutions passed by the numerous waterway associations. reclamation associations, and drainage associations of the coun-That sentiment was expressed in a message of Mr. Roosevelt appointing the Inland Waterways Commission, of which I was a member, which commission rendered a report calling for full coordination of the various scientific services and cooperation between the Nation and the State. That report was followed later on by a recent report of the National Waterways Commission, of which the Senator from Ohio [Mr. Burton] is the chairman, in which substantially the same ground is taken and the same policy urged.

In addition to this, the two great national parties of the country acted specifically and definitely at the last election over three years ago. The Republican Party declared unequivocally for the conservation policy of Mr. Roosevelt relating to waterways. The character of that policy was well known, and it relating to flood prevention; that the thing to do is not simply to endeavor to restrain the flood waters as they come from the was unnecessary for the platform to enter into details, as it covered every form of development to which I have referred. On the other hand, the Democratic Party, without referring to the policy of that administration, regarding itself as the real guardian of the conservation of the resources of the country through policies which it had urged in its platforms for many years, declared specifically and definitely in favor of a board of experts, consisting of the chiefs of the related services of the country having anything whatever to do with water, declaring for cooperation between the Nation and the State, declaring for an ample fund for continuous work, and declaring specifically that this work should relate not only to navigation but should relate to the storage of water for the reclamation of the arid lands above the swamp lands below the intermediate development of water power and also the conservation of forests as a means of naturally storing the flood waters and preventing rapid run off.

Three years have passed by since those pledges were given to the people of the United States, and it is time that they were enacted into law. The people, in my judgment, will not be satisfied with either party if we content ourselves in the next campaign with renewing in our platforms the pledges made four years ago without any attempt at substantial compliance with

them.

I offer this amendment to this bill, a river and harbor measure. I am tempted—and I may pursue the course—to offer later on as an amendment to that bill the full and comprehensive river-regulation bill which I have been urging for some time before this body. But if that course is not pursued, I trust that the appropriate committee of this body will take up that bill and bring it before the Senate for action before final adjournment.

The great Sacramento Valley, which the Senator from Cali-[Mr. Perkins] represents, is now moving before our committee the adoption of a great scheme for the cooperative development of that river embracing both reclamation and navigation, a scheme which has been approved by the Engineer Corps of the Army; and yet I find upon the subcommittee of which I am a member an indisposition to consider that measure, though it has been recommended by the Engineer Corps on the ground that the subject ought to be taken up in a full measure devoted exclusively to this subject. If that is so, it is all the more important that we should have immediate action upon the general subject which will embrace rivers and waterways of the Atlantic watershed, rivers and waterways of the Gulf coast and the Mississippi Valley, and rivers and waters of the Pacific coast. There is no more important question of conservation presented to the American people, and the recent floods accentuate its importance.

The VICE PRESIDENT. The amendment will be printed and referred to the Committee on Commerce.

CHOCTAW AND CHICKASAW INDIAN LANDS.

Mr. OWEN. I desire to give notice that on Monday, the 15th instant, at the conclusion of the speech by the junior Schator from Georgia [Mr. SMITH], I shall address the Schate on the bill (S. 5727) to provide for the appraisement of the mineral deposits of the segregated coal and asphalt lands of the Choctaw and Chickasaw Nations, and for other purposes.

UNITED STATES V. AMERICAN TOBACCO CO.

Mr. CUMMINS. Mr. President, I ask the Senate to take up for consideration the bill (S. 3607) to give the right of appeal to the Supreme Court of the United States to certain organizations or persons in the suit of the United States against American Tobacco Co. and others.

The VICE PRESIDENT. The Chair lays before the Senate

the bill indicated.

Mr. CUMMINS. Mr. President, this bill is before the Senate upon the adverse report of the Committee on the Judiciary. The report of the majority was accompanied with minority views signed by five members of the committee. this bill as it is true of substantially every bill that relates to the regulation of commerce among the States, that there are two general questions involved.

The first is as to the policy of the bill. Is it wise for the Government to do the things this bill proposes it shall do? Second. Has Congress the power to pass the bill and so enact it into legislation if it be found that as a matter of policy it

is wise to do so?

I intend for a few minutes to address myself to these questions in the order in which I have stated them, and first with regard to the wisdom of the action which is here proposed.

In order to make my conclusions clear, Senators, I must be allowed to recount very briefly the history of the case to which the bill applies. First, I may be permitted to say that the court which decided the case, the Circuit Court of the the antitrust law passed by Congress in 1890 has for its chief United States in New York, admits it—that these conditions

purpose-and I think it is fairly accurate to say that it has for its only purpose—the maintenance of fair, substantial competition and rivalry in trade and commerce. The American Tobacco Co., when the suit to which this bill refers was instituted, had monopolized the tobacco business in the United States. It had monopolized it from its production in the fields through all its transformations until the finished product reached the ultimate consumer. The suit was brought by the United States alleging a violation of both sections 1 and 2 of the act of 1890, commonly known as the antitrust law. It was alleged that this company, together with its individual managers and its subordinate corporations, had combined, conspired, and entered into contracts in restraint of trade. It was also alleged that the company had monopolized the business in which it was engaged.

The defendants were the American Tobacco Co., the principal corporation and, as I now recall it, 67 other corporations all of which, or all of which save one or two anyhow, were entirely controlled by the stockholders of the American Tobacco Co. through the corporate instrumentality of that company. There were 29 individual defendants, and they were the prin-

cipal stockholders of the American Tobacco Co.

The case finally reached a decision in the Circuit Court of the United States for the Southern District of New York. A decree was entered awarding the United States a portion of the relief that was asked. The decree was not satisfactory to the Department of Justice, as then administered, and thereupon an appeal was taken by the United States to the Supreme Court of the United States.

Last summer the highest tribunal of the land delivered its decision, and I but refresh the memory of every Senator here when I say that the denunciation of the American Tobacco Co. and all those engaged in its operation found in that opinion was more severe than will be found in any other opinion of that court or of any other court respecting an offense against

and in violation of the antitrust law.

The Supreme Court found that not only was the American Tobacco Co. itself a criminal, but that all the subsidiary companies were criminals as well, and it not only thus characterized the corporate character of the enterprise, but it applied the same strictures to the work of the individual defendants, because it was through them that the vicious outcome of the combination was accomplished.

I intend to read, if you will allow me, a paragraph or so of this opinion, because it will show, not all the strictures I have mentioned, but the ultimate disposition of the case by the Supreme Court and why it was returned to the Circuit Court of the United States, and the direction given to the circuit court for its guidance in the further proceedings of the case.

Supreme Court said:

Under the circumstances, taking into mind the complexity of the situation in all its aspects, and giving weight to the many-sided considerations which must control our judgment, we think, so far as the permanent relief to be awarded is concerned, we should decree as fol-

permanent relief to be awarded is concerned, we should decree as follows:

First. That the combination in and of itself, as well aseach and all of the elements composing it, whether corporate or individual, whether considered collectively or separately, be decreed to be in restraint of trade and an attempt to monopolize and a monopolization within the first and second sections of the antitrust act.

Second. That the court below, in order to give effective force to our decree in this regard, be directed to hear the parties, by evidence or otherwise, as it may be deemed proper, for the purpose of ascertaining and determining upon some plan or method of dissolving the combination and of re-creating, out of the elements now composing it, a new condition which shall be honestly in harmony with, and not repugnant to, the law.

Third. That for the accomplishment of these purposes, taking into view the difficulty of the situation, a period of six months is allowed from the receipt of our mandate, with leave, however, in the event, in the judgment of the court below, the necessities of the situation require to extend such period to a further time not to exceed 60 days.

Fourth. That In the event, before the expiration of the period thus fixed, the condition of disintegration in harmony with the law is not brought about, either as a consequence of the action of the court in determining an issue of the subject or in accepting a plan agreed upon, it shall be the duty of the court, either by way of an injunction restraining the movement of the products of the combination in the channels of interstate or foreign commerce or by the appointment of a receiver, to give effect to the requirements of the statute.

Such were the directions given by the Supreme Court to the

Such were the directions given by the Supreme Court to the Circuit Court for the Southern District of New York and thereupon the case was returned to the latter tribunal for proceed-

ings in harmony with this direction.

As I remarked a moment ago, the purpose of the antitrust law is to maintain free competitive conditions in the trade and commerce of the United States, and what the Supreme Court meant by its direction to the circuit court requiring that the re-creation or reorganization should be in harmony with the law, which were to be produced by any plan approved by the court, should create and should maintain substantial, fair competition

in the business in which the company was engaged.

I now call your attention to what was actually done. It seems that instead of proceeding in a judicial way in the circuit court of New York the parties—I include the United States as well as the defendant—reached the conclusion that it would be wise to have conferences with the court, and for a period of several months the Attorney General of the United States and the tobacco people were in conference with the judges or some of them.

I regret exceedingly that judges have ventured into that field. I do not believe the judges of the circuit court or any other court should have conferences in the sense in which they were held in this case. The judicial proceedings of the courts should be public. They should be held with due regard to decorum and to the dignity which pertains to judicial proceedings. can not imagine anything better calculated to arouse the very criticism which is now so general throughout this country upon the action of the courts than to adopt the procedure which has received sanction in the case before us. I can imagine nothing that will tend more inevitably to destroy the confidence and the respect which we ought to have in the courts than to permit a judge and parties and lawyers to gather together in a conference as distinguished from the presentation upon the one side or the other of a right asserted under the laws of the country.

But nevertheless that is what was done in this case; and to show that I am not magnifying or exaggerating the matter, I turn to an extract contained in the opinion of Judge Lacombe, one of the judges of the circuit court, delivered in approving the decree which I have mentioned. Judge Lacombe says:

While the plan is correctly described as the proposed plan of the American Tobacco Co. since that corporation and the other defendants offer to carry it out, it should be remembered that in its present form the plan is the fruit of much discussion. For upward of two months successive conferences, in the presence of two or more members of the court, were had between the Attorney General and the counsel and representatives of the Tobacco Co.

The truth is that in these conferences not only counsel were present, but the experts in the tobacco business were also

I do not want it to be understood that I think these judges were in any wise improperly or corruptly influenced. I only say that the method in which they obtained the information, and upon which they reached the conclusion which they afterwards announced, is not the method which is known to and approved by the English-speaking people for the conduct of judicial proceedings, and I earnestly hope that in some way we will be able to so adjust our procedure in such cases that hereafter there will be no such conferences as were here had.

Let us see what was done finally. The American Tobacco Co. had a capitalization of \$223,000,000. That was the nominal This capitalization consisted of bonds, precapitalization. ferred stock, and common stock. I will have occasion presently to mention that phase of the subject again. But the \$40,000,000 of common stock which was outstanding, issued by the American Tobacco Co., controlled all the business and controlled every corporation that had been drawn into the American Tobacco Co.

What was the plan which was finally agreed upon, because while the decree does not appear to be upon its face a consent decree, in fact it is a consent decree so far as the Attorney General is concerned and so far as the defendants in the case are concerned? The decree proposed to create 11, as I remember it, new corporations, taking three of the old ones as integral parts of the new arrangement, and we thus have the business of the American Tobacco Co., which you will remember was controlled by common-stock holders of the American Tobacco Co., divided into 14 corporations. That sounds like a substantial distribution and disintegration, but it was simply repeating the promise to the ear and breaking it to the hope.

Let us pass a step further. Of the \$223,000,000 of capitaliza-tion which represented the whole of the old business of the American Tobacco Co., three companies took \$213,000,000 of it. I will read the precise figures in order that I may not seem to be merely conjecturing about it. The original capitalization of the American Tobacco Co.—by originally I mean at the time the

suit was brought-was as follows:

It had bonds outstanding of the par value of \$104,236,750; it had preferred stock outstanding of the value of \$78,689,100; it had common stock, and that was the controlling part of the organization, of the par value of \$40,242,400, making a total of \$223,168,250.

Let no Senator confound that with the market value of these securities. It is quite true the bonds were worth but little more than par; it is quite true that the preferred stock was worth but little more than par; but the \$40,000,000 originally of the given corporation and his corporation was found to be in viola-

common stock of the American Tobacco Co., mainly water, had been worth before the prosecution was begun more than 500 per cent, rising at one time as high as 515 per cent.

Bear that in mind when you come to consider the value and the force and power of a monopoly, because it was only the monopolistic power exercised by the stockholders of the American Tobacco Co. that gave this worthless watered stock the enormous value that I have just suggested. It was only because they had the power to exact and extort whatsoever they pleased to extort from the American people for the products which they manufactured that their stock was worth upon the market

from 400 to 500 per cent. I pass now to the reorganization; and I want you, for the purpose of simplicity, to dismiss from your minds 11 of these companies for a moment. They stand in the same relation precisely as the three of which I shall speak, but these 11 companies as a whole took only about \$10,000,000 of the capitalization of the American Tobacco Co., while the three companies which I have named took \$213,000,000 of that capitalization, and this is the way in which it was distributed. To the American Tobacco Co., the old company, there was reserved a capitalization of \$98,432,473.83. Remember that I am not stating a fact that does not appear in the plan itself, approved by the court, or in the opinion of the Supreme Court delivered at the time the judgment or decree below was reversed. Every fact that I shall bring to your attention is therefore authenticated and certified either by the court whose decree I am now criticising or by the Supreme Court itself.

There was a new company to be organized to be called the Liggett & Myers Tobacco Co., and that company was given a capitalization of \$67,447,499, taken from the old American Tobacco Co. A third company, all engaged in the same business, although using different brands, called the P. Lorillard Co., was to be organized and given a capitalization of \$47,552,501, making an aggregate of \$213,432,473.83. Substantially, therefore, the whole business of the American Tobacco Co., as it was when challenged by the United States, passed over to these three companies. The 11 companies are even worse, but I dismiss them for a moment. Substantially the whole business passed over to these three companies.

If these three companies so created and so established in the field in commerce became competitors of each other, so that the natural rivalry between corporations engaged in the same business would protect the people of the United States, then the opinion of the Supreme Court has been realized; then the conditions which the Supreme Court required have been created.

I ask you, as reasonable and sensible men, to inquire with me whether these three companies did become competitors or rivals This is the way they were created: The Ameriof each other. This is the way they were created: The American Tobacco Co.'s stockholders surrendered a part of their stock in the American Tobacco Co., and took an equal amount of stock in each of the two other companies. That was the plan of reorganization. That was the way in which the circuit court and those who were helping the circuit court thought competition could be created in that business; whereas before the decree a certain number of men held all the stock of the American Tobacco Co. and in that way controlled the business, after this performance, the same men who had held the control of the American Tobacco Co. held the control of the Liggett & Myers Co. and held control of the P. Lorillard Co., and they held their interests in the very same proportions in which they held their stock in the American Tobacco Co.

I will give you an illustration of it to make it as plain and simple as I think it can be made. Suppose that there was a corporation charged with the violation of the law in suppressing competition and establishing monopoly. Its stock, we will assume, was held by three persons, each holding 33 per cent. The Supreme Court says the corporation must be dissolved and disintegrated, and out of the elements composing it there must be recreated a condition which will be, in harmony with the law: that is, that will at least establish conditions out of which competition may arise and which according to the natural course of business would arise. How do they do it? organize two other corporations and these three men who own the stock of the parent corporation in equal amounts become stockholders in the same proportions of these two other corporations and thus the three men control the parent company, just as they did before, and the two new companies just as they did the original company before the dissolution.

So we have three companies owned by the same men and we are asked by high authority to believe that a reorganization of that kind will create conditions out of which competition may be reasonably expected. It is precisely as though, if I may suggest another illustration, one man owned all of the stock of a tion of the law because it had monopolized the business in which it was engaged, and thereupon, in order to escape the violation of the law, he organizes two other companies to do a part of the business which the original company formerly did. Then we have three companies owned by the same man, engaged in the same business, owned and controlled by one man; and yet I suppose that even in that extreme case it would be alleged that there had been created substantially competitive conditions.

Senators, it is very hard to be patient when considering a proposition of that character. It contravenes our common sense just as it shocks our instinctive conceptions of honesty and fair dealing. There is no more competition in the tobacco business now than there was before. There is even less competition now than before. It would be better for the business of the country, for the people of the country, if the American Tobacco Co. had never been challenged as a violator of the law than to have its present organization adjudged to be in harmony with the law.

Every independent tobacco dealer, whether producer or manufacturer or seller, with whom I have been able to come into contact or with whom I have been able to get into communication, declares that the grip of the monopoly held by the American Tobacco Co. has been strengthened instead of weakened by the decree which was entered in November last by the Circuit Court of New York. You will find no dissent from the men who feel the weight of monopoly and whose trade is being restricted and destroyed by the ruthless power of this new monopoly which now has the seal of the approval of the judiciary of the country and whose judgment is now accepted by the Department of Justice.

Mark how immensely important it is. To the Department of Justice there is necessarily committed the prosecution and enforcement of the antitrust law. If we accept the decision of the circuit court of New York as the final exposition of the law in this respect, if we are to allow that decision to remain as the guide to the Department of Justice, what follows? The Department of Justice assumes that any reorganization of any trust that is claimed to be in violation of the law carried forward in the way in which it has been carried forward in New York will create an honest and law-abiding corporation. Now, what happens? There are a great many trusts in the United States which are threatened with prosecution, and many against which prosecutions have been begun. They take the matter up in an administrative way with the Department of Justice. We are told, for instance, by the public prints, that for two or three months or more the International Harvester Co. has been in consultation and conference with the Attorney General in order to ascertain how that corporation can be reorganized to bring itself into harmony with the law. The Attorney General, of course, accepts the plan which has been judicially approved as the plan which will bring a trust into harmony with the law, and therefore he says-I am putting now a purely conjectural case, because I do not know what he has said to the International Harvester Co.—but he could well say, "If you reorganize your business in the way in which the American Tobacco Co. reorganized its business-that is, if you will create three corporations instead of one, although they are controlled and managed by the same persons who now control the parent company—then you will be immune from prosecution, and you can go on with the monopoly which you have created without any fear of disturbance or interference on the part of the Government of the United States." So, if this deci-sion is to be permitted to stand unchallenged, we will presently, through the Department of Justice, have all the trusts that have any fear of the law reorganized under the Attorney General in accordance with the plan that has here been adopted.

If what has been done in the American Tobacco Co. case is the real outcome of the antitrust law; if that is all that it will do to protect the people of this country from the evils of monopoly and the exactions of combinations and trust, the sconer we add something to its strength and power the better it will be for the people of our country.

Therefore this decree takes on a two-fold aspect. In the first place, it has failed to relieve the people from any of the burdens which they heretofore suffered at the hands of the American Tobacco Co. The proof of that lies not only in the opinion of those who are dealing in this commodity, but the further proof of it is in this, that since this decree was rendered, aye, since this bill was introduced—for apparently Wall Street has no great fear that Congress will take any action upon this matter—since this bill was introduced the market price of the stock of the American Tobacco Co. and the market price of the stock of these other two companies has risen higher than ever before since the monopoly was entered upon.

There was one day just before I presented the case to the Senate at a former time when the stock of the American Tobacco Co., notwithstanding its alleged dissolution and disintegration, was worth 530 per cent in the markets of Wall Street. The \$40,000,000 of stock represented was worth, according to the judgment of Wall Street, more than \$212,000,000. The stock originally represented nothing and now represents nothing but the power of this monopoly to exact whatsoever prices it sees fit to exact. If this monopolistic power were taken from it and it were put into fair and decent and honest competition with other manufacturers and dealers, its stock would instantly fall to a point that would represent only the superior sagacity or the superior capacity of the managers of this company to produce, to manufacture, and to sell tobacco. This is the case, Senators, that you have before you.

Senators, that you have before you.

I come to the next step. After this decree was rendered, against the most carnest protests on the part of everybody except the defendants and the Department of Justice, every independent interest asked the Attorney General of the United States, who alone had the authority and power to act for the United States, to appeal from the decree and submit it for review to the Supreme Court of the United States in order that that court might say whether it was in harmony with the law and whether it was a faithful fulfillment of the mandate upon which the case was returned to the circuit court.

The Attorney General refused to take the appeal, although it was, as it seems to me, required by every consideration. Even if he believed it to be fair and right, yet considering his duty to the people of this country, considering the vital importance of a proper interpretation of the law, considering the high desirability, at least, that Congress should know whether this is the outcome of the antitrust law and is its true application to the existing trusts and monopolies—notwithstanding all these high and imperative considerations, he refused to take an appeal and he allowed the 60 days, which under the law are given to a party to a suit for appeal, to expire. That period expired, I think, some time in February of the present year; I have the precise date here, but it is not material.

In that situation it seemed to me that our duty to the people of this country required that Congress should do what it could to put the decree under review by the Supreme Court of the United States, and, therefore, I introduced this bill. It went to the Judiciary Committee; it has been reported adversely, and, while I know it is not appropriate to declare upon the floor of the Senate what takes place in a committee, yet I think I ought to say for the members of the Judiciary Committee that they did not report the bill adversely because they did not want this decree to pass under the supervision of the Supreme Court. I believe that all, or most of them at least, felt that it would be an excellent thing if this decree could be appealed from and the final word said by the highest tribunal of the land. I believe that the reason for the adverse report lies in the doubt which some of the members of the Judiciary Committee entertained with respect to the power of Congress to do what is here proposed.

Before I pass to the consideration of that power let me say, in order that I may not be accused hereafter of only partially stating the facts, that these 11 other companies, to which I have given no attention because they are smaller companies, are controlled by the same people who formerly controlled the American Tobacco Co. and who still control the American Tobacco Co. I have left them out of consideration simply because they are small in comparison with the three which I have believed would illustrate the principle for which I am contending. I will, how-ever, give you an illustration of one of them. Take, for inever, give you an illustration of one of them. stance, the MacAndrews & Forbes Co. At the time this suit was brought it monopolized the manufacture of licorice paste, which is an essential ingredient in the manufacture of plug They made 95 per cent of it, according to my recollection, and it not only monopolized the licorice paste and other like compounds, but it monopolized the sources of supply. It holds now, as it held then, all the available sources of supply. Licorice root is a foreign commodity, and this company, with a comprehensiveness that characterized everything done by the American Tobacco Co., put itself in possession of substantially all of the available licorice root. It imports substantially all the licorice root that is used. This decree required the Mac-Andrews & Forbes Co. to transfer the old factory at Baltimore—there had been one there—to a new company to be organized, to be called the J. S. Young Co. It did transfer that factory, with its machinery and so forth, and thus apparently divided the business of making licorice paste in this country between two companies, whereas formerly it was carried on

The first thing I want to observe about that is that both these companies are controlled by the very same persons who formerly controlled the MacAndrews & Forbes Co. So there has been no change of control in that respect. But another thing that seems to have escaped entirely the observation of the Attorney General is that while the MacAndrews & Forbes Co. was compelled to transfer one of its factories for making licorice paste it was not compelled to transfer any part of its power to supply the licorice root. This new concern is as powerless to do business as though it had been established on the golden streets of the New Jerusalem unless the MacAndrews & Forbes Co. is willing to supply it with its raw material.

There are several other things of the same sort in this decree, but they pertain to smaller things, and therefore I have

not mentioned them.

One other thing I ought to mention, because it is a consideration very much relied upon by the Attorney General. The American Tobacco Co. as originally organized gave no voting privileges to the preferred stock, and one of the provisions of this decree is to extend the voting privilege to the preferred stock. That is true also of the two new companies organized, namely, the Liggett & Myers Co. and the Lorrillard Co. That, however, is a mere shadow of relief. It does not change the control in degree. The preferred stock of this company precisely like a bond with a guaranteed payment of interest. is the common stock which really controls the corporation, and even if the preferred stockholders do vote there is nothing to indicate but that they will vote precisely within the same circle of stockholders as existed in the control prior to the bringing

With these observations, I intend to pass for a moment to the consideration of our power in this respect. I return just a moment to the history, in order to show why the bill is drawn During the progress of this-

Mr. BACON. Before the Senator proceeds—
The VICE PRESIDENT. Does the Senator from Iowa yield to the Senator from Georgia? Mr. CUMMINS. I do.

Mr. BACON. Before the Senator from Iowa passes to that, I wish to make an inquiry of him. I was called out of the Chamber during a portion of his address, and I do not know, and therefore I inquire, whether the Senator has commented upon the claim which is made, that by reason of the fact that this is a judicial decision these corporations are immune from further criticism or attack? Has the Senator commented upon

Mr. CUMMINS. I have not yet reached that. Mr. BACON. If the Senator has it in view, I shall not now interrupt him further.

Mr. CUMMINS. I am about to do that.

After the case was sent back by the Supreme Court to the circuit court and these conferences had begun between counsel and the court, there came into view the independent dealers, or the trade organizations which represented the independent There also came into view the attorneys general of several States, and in one State the State itself through its These organizations sought the privilege of intervening so that they might become parties to the record, and not only have the privilege of making arguments, but the privilege of any subsequent remedy that could be secured. The court below denied the intervention, and I think very properly so, because under the law as it was then these parties had no other interest in the litigation than the interest which was being presented by and presumably protected by the United States through its Attorney General.

They therefore were refused admission to the case, under the law as it then existed, but the court gave them the opportunity-and for that the court is to be commended in the highest degree-of appearing amici curiae for argument, and they did present to the court their argument after these con-ferences had been held. They were not admitted to the conferences, and the truth is that the whole plan had been consum-

mated practically before the argument took place.

After the refusal of the Attorney General to take an appeal, although importuned to do it by every person who had any direct interest in the matter, I introduced this bill for the pur-pose of giving the right to intervene in the circuit court and without further proceedings there to appeal from the decree to the Supreme Court of the United States. I used these trade organizations, and these attorneys general, and the State of Wisconsin simply because they had interested themselves in the matter and were prepared to avail themselves of the privileges

I now come to the point just suggested by the Senator from Georgia [Mr. Bacon]. The Attorney General seems to be of

the opinion that if this decree stands as it is that so long as the status remains as it is, all these corporations have been given immunity from further attack. I want to do him no injustice. We all agree that if these corporations were to proceed in an unfair and unreasonable way, through some method or practice, to restrain trade or commerce or to suppress competition, they would be open to suit brought by the United States, but the status itself has been fixed as an innocent status by this decree, and that can never be challenged, according to the view of the Attorney General, by the United States.

Mr. BORAH. Mr. President-

The PRESIDING OFFICER (Mr. CURTIS in the chair). the Senator from Iowa yield to the Senator from Idaho?

Mr. CUMMINS. I do.

Mr. BORAH. Do I understand that the Senator from Iowa understands the Attorney General to be of the opinion that if, in the working out of this proposition, in the actual practical affairs of life, although this organization complies technically with the provisions of the decree, its operations should result in monopoly, it can not be challenged?

Mr. CUMMINS. I do, although he did not express it in just

that way.

Mr. BORAH. Does the Senator so understand the law?
Mr. CUMMINS. As I understand the Attorney General, here
is his proposition: Here are 14 corporations organized under the authority and under the sanction of the circuit court of the United States. They have a certain relation to each other. They have certain stocks and bonds and organizations. Now, as long as those corporations and persons exercise honestly their powers and only the powers which are thus established, they are immune; that is, the United States can not challenge the three corporations. The American Tobacco Co., Liggett & Myers, and P. Lorillard are monopolizing the business simply because they do monopolize the business which they have been given the privilege of monopolizing by the circuit court of the United States. That is to say, they have been given a business which is in and of itself a monopoly—these three—and so long as they honestly, without unfair practices, carry on that business they can not be attacked by the Department of Justice under the antitrust law.

Mr. BORAH. Mr. President—
The PRESIDING OFFICER. Does the Senator from Iowa yield further to the Senator from Idaho?

Mr. CUMMINS. I do.

Mr. BORAH. Does the Senator think it is within the power of the court to decree the continued violation of a statute?

Mr. CUMMINS. That is precisely what I object to. I think it has no such power. I think the circuit court exceeded its jurisdiction. I think it took to itself a power which never before has any court in the civilized world attempted to exercise, and I want the decree set aside, largely for that reason. Mr. BORAH. Mr. President—

The PRESIDING OFFICER. Does the Senator from Iowa

further yield to the Senator from Idaho?
Mr. CUMMINS. Certainly.
Mr. BORAH. The Senator from Iowa is more familiar with the actual terms of this decree than I or than is anyone else, I suspect. Is there in the decree anything reciting that the circuit court finds this plan or scheme to be in honest harmony with the statute?

Mr. CUMMINS. No; not in those terms. I will read the part which may shed some light on the question just suggested by the Senator from Idaho. It is taken from the decree itself. The decree begins:

The decree begins:

Appeals having been taken by the plaintiff and certain defendants in this cause from the decree entered by this court on the 15th day of December, 1908, the Supreme Court of the United States reversed said decree and issued its mandate filed herein on the 30th day of June, 1911, by which the said cause was remanded to this court with directions to enter a decree in conformity with the opinion of the Supreme Court of the United States and to take such further steps as might be necessary to fully carry out said directions. By the said opinion of the Supreme Court of the United States this court was directed to "hear the parties by evidence or otherwise as it may deem proper, for the purpose of ascertaining and determining upon some plan or method of dissolving the combination and of re-creating out of the elements now composing it a new condition which shall be honestly in harmony with and not repugnant to the law, but without unnecessary injury to the public or the rights of private property." And this cause having come on to be finally heard, pursuant to the order or decree of this court, made and entered herein on August 3, 1911, on the mandato of the Supreme Court of the United States as aforesaid, the American Tobacco Co, and the other defendants herein, except United Cigar Stores Co., the Imperial Tobacco Co, of Great Britain and Ireland (Ltd.), and R. P. Richardson, jr., & Co. (Inc.), filed in this court on October 16, 1911, a petition proposing and embodying a plan or method of dissolving the combination and of re-creating out of the elements now composing it a new condition in harmony with and not repugnant to the law. Due notice was given to the parties hereto that the hearing on the said petition would be had on October 30, 1911, in room 124 of the

Federal Building, in New York City, and thereafter, to wit: On the 19th day of October. 1911, the Imperial Tobacco Co. of Great Britain and Ireland (Ltd.) filed a petition.

Then it proceeds to recite the hearings, and concludes:

Now, it is ordered, adjudged, and decreed that all the defendants—except Welford C. Reed, who died before the final hearing—heretofore became parties to and engaged in the combination assailed in the pleadings, which "in and of itself, as well as each and all of the elements composing it, whether corporate or individual, whether considered collectively or separately," is "in restraint of trade and an attempt to monopolize, and a monopolization within the first and second sections of the antitrust act," and which should be dissolved and a new condition brought about in harmony with and not repugnant to the law, either as a consequence of the action of this court in determining an issue or in accepting a plan agreed upon.

And it is further ordered, adjudged, and decreed that said plan as modified by the consent of the parties, or through the action of this court as aforesaid, is as follows, to wit:

Then follows the plan, which is minute, containing all the details for the organization of these new companies, for the issuance of their bonds, stocks, etc., and for the transfer of the property from one corporation to the other, and the decree finally concludes:

It is further ordered, adjudged, and decreed that such books and papers of the defendants the American Tobacco Co. and S. Anargyros, or either of them, as relate to the suit of the Ludington Cigarette Machine Co. v. S. Anargyros and the American Tobacco Co., or the subject matter thereof or any part thereof, be preserved by the said defendants respectively until after the accounting, if any shall take place in said suit, and said suit be finally determined and ended.

It is further ordered, adjudged, and decreed that jurisdiction of this cause is retained by this court for the purpose of making such other and further orders and decrees, if any, as may become necessary for carrying out the mandate of the Supreme Court.

There is a provision approving this plan which I am not able to turn to just now. It becomes and is a part of the decree of the court. The view of the Attorney General—and I have no very great title to speak for him—is that so long as this plan prevails and so far as this plan is concerned, the United States is estopped ever hereafter to question it as being a violation of the antitrust law, but that if any of the parties should proceed to do something that does not necessarily and honestly arise out of the conduct of the business as so organized, they can be further prosecuted.

Now, returning to the point from which I digressed, this bill provides that these separate organizations, the Attorneys General and the governor, can intervene in the suit in New York and thus become parties to that suit and then appeal from the decree to the Supreme Court of the United States, and the time for the appeal is enlarged so as to permit the appeal to be

perfected.

The objection to the bill is, of course, a constitutional one. I do not reflect upon the opinions of any of my brother lawyers on either the Judiciary Committee or in the Senate, but I am happy in the belief-and I hope to long continue in the beliefthat the men in the Senate exercise their judgments and hold their opinions honestly and fairly, but granting all that I have observed, not only here but elsewhere, that if we do not want to do a thing very much or very badly it is a great deal easier to find objections to doing it than though we really wanted to do it and wanted to do it very much; and I therefore do not entirely, to be candid about it, trust my own judgment about this. I want to get this decree before the Supreme Court of the United States. of the United States. I think it is vital; I think it is over-whelmingly important; and therefore these constitutional objections which lie so plentifully scattered along the pathway do not seem to me as formidable as they may seem to others who are not so enthusiastic with regard to the outcome which I desire to reach.

The objections, as I understand them and as they are put in the majority report are, first, that if these persons and organizations were allowed to intervene and attempt to take the case to the Supreme Court, it would be attempting to confer original jurisdiction upon that court. Fortunately there is not much disagreement among the lawyers who have considered this bill with regard to the principles themselves. The whole disagreement, as it seems to me, relates to the application of those principles to the case, and I want Senators to understand that I admit, first, that it is not within the power of Congress at this stage in the proceeding to introduce new parties, asserting new rights, upon which there must be a trial in the circuit court.

Mr. BORAH. Mr. President

The VICE PRESIDENT. Does the Senator from Iowa yield to the Senator from Idaho?

Mr. CUMMINS. Yes.

Mr. BORAH. Does the bill of the Senator go any further than to simply provide a party for the purpose of perfecting an appeal? It does not contemplate any retrial or rediscussion or reopening of the case which has been closed in the court below.

Mr. CUMMINS. It does not. Mr. BORAH. It simply provides a party to take, as it were, the place which belonged to the Attorney General in the mat-

ter of perfecting the appeal?
Mr. CUMMINS. It might be expressed this way: It is allowing these persons and organizations to use the name of the United States in the appeal from this decree inasmuch as the appeal will not be taken by that department, which, under the law, has the right to use the name of the United States for that purpose.

Mr. BORAH. Now, when the case reaches the Supreme Court of the United States that court will exercise the same jurisdiction and upon the same record review the matter precisely

as if the Attorney General had taken the appeal?

Mr. CUMMINS. Precisely, and it is so expressly declared in the bill. There can be no controversy with regard to that. The proposed intervenors are given the right to intervene in the public interest. The United States enforces the antitrust law for the public welfare, for the protection, not of private interests, but for the protection of all the people of the country, and these intervenors are in a way substituted for the United States in that interest. If the bill were to pass, the procedure would be that these intervenors would appear in the Circuit Court of the United States, and then having that status in the Circuit Court, they would given the notice of appeal precisely as the United States would have given it, and thereupon the record would go to the Supreme Court precisely as it would have gone if the United States had taken the appeal. Therein lies the whole fallacy, if I may be permitted to use that word, of those who oppose or object to it on the ground of its unconstitutionality. They assume apparently that we are endeavoring to introduce into the court in New York parties who have some other or different right to assert than that which has already been asserted in the case by the United States, and the very moment that the true relation of these intervenors to the suit is understood and appreciated, in my opinion, every objection which has been made disappears. There is not any doubt from my point of view of the right of Congress to give to these people the privilege or power of intervening in this suit for the purpose of doing the very thing in the public interest and for the public welfare that the United States could have done through the Department of Justice.

Just here I may remark there is another way in which this could be brought about, and there are some members of the committee who believe that it is the way which should be Upon the most careful reflection, investigation, and study, I have no doubt now that we could command the Attor-

ney General to take an appeal from this decree.

The VICE PRESIDENT. Will the Senator from Iowa suspend for a moment? The hour of 4 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

The Secretary. A bill (S. 3175) to regulate the immigration of aliens to, and the residence of aliens in, the United States. Mr. CURTIS. I ask unanimous consent that the unfinished

business be temporarily laid aside.

The VICE PRESIDENT. Without objection, on the request of the Senator from Kansas, the unfinished business is temporarily laid aside.

I wish to say to the Senator

The VICE PRESIDENT. Does the Senator from Iowa yield to the Senator from Georgia?

Mr. CUMMINS. I do, gladly.

Mr. BACON. I wish to say to the Senator, with his permission, that he does not absolutely classify all Senators who have some interest in this bill. I am most earnestly in sympathy with the purpose of the bill. I think the decree ought to be reviewed. I can not believe that the Supreme Court would ever sanction what the circuit court has done. At the same time I confess that I have very grave doubts as to the constitutionality of a provision which, after a final decree, constitutes certain parties as parties to the case and clothes them with power to take an appeal.

I recognize the fact that whatever we may think about it at I recognize the fact that whatever we may think about it at last the final word is to be spoken by the Supreme Court. I very much fear that that court would take the view that adopting this course is practically giving the Supreme Court original jurisdiction. Therefore, I would very much prefer the alternative which is now suggested by the Senator; that is, a provision which would make it the duty of the Attorney General to take the appeal

to take the appeal.

I make this statement because the Senator in his several classifications of Senators did not embrace the particular class to which I belong.

Mr. CUMMINS. Of course I think it is quite true that every general classification is to a degree inaccurate. It is impossible ble in a general classification to be wholly just or entirely ac-I spoke rather from my own experience. I practiced law for a good many years, and I know from my own observation as well as my own work that objections do not seem to me to be so formidable if there is an earnest desire to overcome them and reach the end. However, that is not ma-

I know that there are members of the Judiciary Committee who believe that the best way, and the only way, that the result we desire to accomplish can be obtained is through a command to the Attorney General to take an appeal. frankly that I would a great deal rather have that than nothing. I suppose I would have drawn the bill in that way, in the first place, if I had not felt that when the case reached the Supreme Court it would be far better in the hands of lawyers who really wanted the decree of the court below reversed than in the hands of a man who wanted the decree of the court below sustained.

I do not think the Attorney General could very consistently, after all that he has said, appear in the Supreme Court insisting upon a reversal of this decree, because he has declared not only to us in the Judiciary Committee, but, as you all know, to the public that he believes the decree is right and is substantially what it ought to be. I take it for granted that he is honest and sincere in that position, and in some way or other this case should be presented to the Supreme Court by counsel who feel that the decree of the court below is wrong and ought to be reversed. That led me to take the course I have taken, because I knew if we could put the appeal in the hands of these organizations and these Attorneys General it would be pre-sented with zeal and earnestness and ability and a great desire that justice should be done.

Mr. BACON. I will suggest to the Senator that possibly the end might be accomplished by making it the duty of the Attorney General to take the appeal and then making suitable provision for certain parties to be heard when that case was before the Supreme Court by argument. That would not be making them parties, but at the same time it would give them a right to be heard—a thing that is frequently done.

Mr. CUMMINS. I am not prepared to say that we can not reach the results in that way, but I am prepared to say that I am vastly more interested in securing the review than I am as to the method or course by which we secure it. I will yield very readily at any time to any suggestion that will obtain the result and that will encounter fewer objections than the plan I have presented will encounter.

Mr. SUTHERLAND. Mr. President-

Mr. CUMMINS. I yield to the Senator from Utah. Mr. SUTHERLAND. The Senator from Iowa, as I understand him, thinks it would be within the power of Congress to pass a law directing the Attorney General to appeal this case. I understand the Senator from Georgia to agree to that proposition. I wanted to ask the Senator a question, and if he will bear with me a minute I wish to preface it by a statement of what I understand to be the fundamental principle involved here.

Under the Constitution the people of the United States have created three separate departments to administer their Government, the executive department, the legislative department, and the judicial department. It has intrusted to those three several departments certain definite functions, and by intrusting them to those several departments it has forbidden the particular function conferred upon one to be exercised by Thus, except in exceptional cases provided for by the Constitution itself, Congress can not exercise judicial functions; the executive may not exercise legislative functions; the judicial can exercise neither legislative nor executive

Now, it is a legislative function to pass a law laying down a rule of conduct with reference to the general class of cases which come under it.

Mr. BORAH. Mr. President-

Mr. SUTHERLAND. Will the Senator bear with me for a moment? It is a judicial function to interpret that law and apply it to the particular case as it arises. It is an executive function to enforce the law in the given case, to direct prosecutions to be brought for a violation of the given law.

In view of that would the Senator say that Congress would have the power to pass a law, having information that somebody within the jurisdiction of the United States had committed a murder, to direct the Attorney General to institute a prosecution against that person accused of crime?

Mr. BORAH. Mr. President—
The VICE PRESIDENT. Does the Senator from Iowa yield to the Senator from Idaho?

Mr. CUMMINS. I yield to the Senator from Idaho. Mr. BORAH. I should like to ask the Senator from Utah a Mr. BORAH. I should like to ask the Schatch from Can't question, in order to amplify—

Mr. SUTHERLAND. No; I wish to get an answer to my question, and then I want to follow it with another.

Mr. BORAH. I want to get the Senator's position clearly be-

fore the Senator from Iowa and the Senate before a further question is asked.

Suppose, instead of passing this particular bill for this particular case, we should amend the Sherman law, and so amend it as to provide that in all instances where the Supreme Court returns a case to the lower court for the purpose of securing a disorganization of a monopoly it should be the duty of the Attorney General to appeal in all instances from the court below

to the court above. Could we not pass such a law?

Mr. SUTHERLAND. I think so; subject to this qualification: We are not forbidden from passing retroactive legislation, as is sometimes stated, but we can not pass retroactive legislation which will affect vested rights. If any rights are vested under this decree, a law although in general terms, would not be valid as applied to that case if it permitted an appeal to be taken in such a way as to disturb vested rights under the decree.

Mr. BORAH. Suppose it be admitted we can not pass a law which disturbs vested rights without giving the party an opportunity to be heard by some provision which would be termed due process of law, but would not the appeal under such circum-

stances itself be due process of law?

Mr. SUTHERLAND. No; it would not be due process of law if it disturbed vested rights. If, for example, I had brought an action against the Senator from Idaho to recover a piece of land and had gene into possession of it, and probably sold a part of it to somebody else, I do not think any law could be passed, assuming the power of Congress to legislate on that subject, which would disturb that disposition of the property. But, however, the distinction

Mr. CUMMINS. Will the Senator allow me to answer his first question;

Mr. SUTHERLAND. Yes.

Mr. CUMMINS. My answer to it at the moment is this: The bill I am discussing does not contain any command to the Attorney General. When I drew it I had grave doubt about the power of Congress to command the Attorney General to appeal this case. Therefore, I did not take that course. Subsequent discussion, however, and further reflection, and the confidence I feel in the judgment of those Senators who have looked into the subject, have led me to believe that we can do it. But I would rather not discuss that question until we reach it, because that involves the notion that it will in some way take the place of the bill I have already before the Senate.

Mr. SUTHERLAND. The question that I intended to ask

the Senator following his reply, and that I want now to ask is this: If we can not direct the Attorney General or the executive department of the Government to institute a prosecution for a given violation of law, can we ignore the executive department and direct somebody else to do it? In other words, is it not an executive function, not a legislative function?

Mr. CUMMINS. Upon that point I have no doubt whatever. I have no doubt that Congress can direct, as it has directed in a great many instances other departments, those created by itself, to enforce the law and to bring suit. Evidently the idea of the Senator from Utah is that the enforcement of the law, so far as it is enforced in court proceedings, must be remitted to the Department of Justice. I do not agree to that, I think we could give, if we desired to do it, the Interstate Commerce Commission the right to bring all these suits for the enforcement of the antitrust law or any other law. I think the Attorney General is a creature of Congress. Congress made the Attorney General, and it can circumscribe, of course, the work which he has to do.

The last question put by the Senator from Utah really, as I look at it, has no connection with the first one he put.

Mr. SUTHERLAND. I may be dull, but I was under the im-

pression that it had.

Mr. CUMMINS. I think not. Suppose we had directed the Interstate Commerce Commission as a body to bring these suits and the Interstate Commerce Commission had brought this suit and the decree had been precisely what it is, I formerly had doubts whether we could pass a law commanding the Interstate Commerce Commission to appeal the suit. That is commanding an officer, whether he be in the Department of Justice or whether he be in the Bureau of Corporations, or wherever he may be, to do a particular thing in a particular

Mr. BORAH. Mr. President-

The VICE PRESIDENT. Does the Senator from Iowa yield

to the Senator from Idaho?

Mr. CUMMINS. In a moment. I am not expressing any epinion upon that point. As I said, I had that doubt, and I therefore did not follow it. But it is entirely different for Congress to say that the United States or somebody for the United States may appeal the case without putting a command on any particular officer of the Government to do the thing in

Mr. SUTHERLAND. If the Senator will permit me, I grant that Congress has the power to pass a law directing that in a given class of cases the Attorney General shall institute a prosecution, and make it his duty to do it, but when Congress passes a law declaring that certain things done by the citizen shall constitute a violation of it, then the institution of the suit under that law is an executive function and not a legislative function. just as the determination of the suit afterwards brought is a judicial function and not a legislative function or an executive function. We can only deal with the subject, as I view it, by general legislation and not by specific legislation directing the executive department to see that a particular violation of the

law is followed by a prosecution.

Mr. CUMMINS. I do not recognize any difference between a special and a general law in that regard. I yield to the Senator

from Idaho.

Mr. BORAH. Mr. President, the Supreme Court has decided a time or two, in cases with which the Senator from Utah is no doubt familiar, that you can provide for an appeal long after the time has gone by when even an appeal could not have been taken under the law as it existed at the time the judgment was rendered.

Mr. SUTHERLAND. If it does not disturb vested rights.

Mr. BORAH. I am coming to that. The Supreme Court has
not laid very much stress on the question of vested rights in such instances. The Supreme Court has decided that a decree which fixes a status of a citizen, upon which status he receives and enjoys certain rights, may be appealed from after the time in which it could have been appealed from at the time the judgment was rendered. It has gone further and it has provided that you may have an appeal in cases where there was no appeal at the time the judgment was rendered, although that judgment fixed the right.

Now, if that is true, could we not provide by law that the Attorney General should appeal in all cases of this kind, and fix the time for the appeal so far ahead, say six months, that it would be within the time in which to yet take an appeal?

Mr. SUTHERLAND. Has the Supreme Court held that in any case, in the case of John Doe v. Richard Roe, for example, which has already been decided, where rights have attached, that the Congress of the United States may pass a law authorizing one party, the losing party in that case, to appeal to the

Mr. BORAH. I think it has decided that proposition. for instance, the case which went up to the Supreme Court at the time that Nevada came into the Union as a State. peal died, the parties had lost the right of appeal, the judgment had become fixed, the status of the parties and the rights of the property under the judgment had become fixed. Notwithstanding that, a year or a year and a half thereafter, Congress passed an act which provided that one of the parties should take an appeal, and they took an appeal. All the rights of the parties under that decree were as fixed and settled within 24 hours after the time for an appeal had gone by as they were a

year thereafter. Mr. SUTHERLAND. I should like to examine the decision and see just the extent of it.

Mr. BACON. Mr. President

The VICE PRESIDENT. Does the Senator from Iowa yield to the Senator from Georgia?

Mr. CUMMINS. I will yield in a moment. We are probably projecting ourselves a little in advance of the propositions I was discussing. I will come to the question of vested rights presently, and of course that doctrine is just as applicable to the bill I have introduced as to the suggestion that we command the Attorney General to take an appeal. I will consider that a little later. I now yield to the Senator from Georgia.

that a little later. I now yield to the Senator from Georgia.

Mr. BACON. With the permission of the Senator from Iowa, I should like to ask the Senator from Utah a question. Does the Senator from Utah contend that the Attorney General derives any of his powers from the executive department of the

Government?

Supreme Court?

Mr. SUTHERLAND. Well, he gets his orders from the executive department.

Mr. BACON. That is not the question.

Mr. SUTHERLAND. But he gets his authority by an act of

Mr. BACON. Very well; he gets no— Mr. SUTHERLAND. So does a judge get his authority froman act of Congress; and yet we can not invade the functions of a judge.

Mr. BACON. Not by any means. The Supreme Court decided that exactly. I am trying to draw a distinction for the Senator, or rather to make a suggestion to him. The Senator took the position that the division of the three coordinate branches of the Government would present a barrier to our laying this duty on the Attorney General. I think the line of distinction is this. Congress can not by legislation direct anything where the power is exercised by virtue of that which is conferred by the power is exercised by virtue of that which is conterred by the Constitution. We could not, for instance, direct the Presi-dent as to his selection of an ambassador, because that is a function devolved upon him by the Constitution. We could not direct the Supreme Court as to any matters where it gets its power from the Constitution. But the fact is that the Attorney General does not get an atom of power from the executive department. If he did Congress could not add to it nor take from it. But he gets every particle of his power from the legislative department. As stated by the Senator from Iowa, he is the creature of Congress. He exercises no power that has not the conferred upon him by Congress. He possesses no power that can not be taken from him by Congress. Therefore, it seems to me, between these two there necessarily rests the other conclusion that he has no power in which there can not be a variation prescribed by Congress or in which there can not be a direction given by Congress.

Mr. SUTHERLAND. Mr. President, the Commerce Court that we recently created is in the same way a creature of Congress. It derives all its power from an act of Congress. I think the Senator from Georgia would not contend that Congress could direct that court how to decide a given case. We pass general laws and the court in deciding the case must be governed by

those laws

Mr. BACON. I will say to the Senator I think he is mistaken in that regard. The judicial power is not only conferred by the Constitution upon the Supreme Court but upon such inferior courts as Congress may create; and when Congress creates those courts they have powers given to them by the Constitution.

Mr. SUTHERLAND. If the Senator will pardon me, he con-

firms what I have said about it. We create the court and the

Constitution fixes its power.

Mr. BACON. Exactly. Mr. SUTHERLAND. We create the office of the Attorney General and we define his powers. His powers are executive, and the Constitution certainly says by whom the executive power shall be exercised.

I do not think the Senator is right; it is true Mr. BACON. that we create the court and the Constitution fixes the power of that court; but it is not true that we create the office of Attorney General and that the Constitution fixes the powers of that That officer is not known to the Constitution. There is not a line or a letter in the Constitution which provides for the creation of the office of Attorney General or prescribes any duty or any power that he may exercise after Congress shall have created the office.

Mr. SUTHERLAND. Let me ask the Senator from Georgia a question. Does the Senator from Georgia contend that if Cougress to-day learned that some notorious individual had been counterfeiting coin of the United States, we could pass a law commanding the Attorney General to institute a prosecution against that individual?

Mr. BACON. I am not prepared to say that that would be a proper law to pass, but as to whether or not we would have the power, that is another question. I am very much inclined to the opinion that the office of the Attorney General having been created by Congress, every power it has having been conferred by Congress, every power it has subject to can be taken away by Congress; it must necessarily include all those between the two and carry with it the power to direct him in any particular that Congress may see fit to direct.

Mr. CUMMINS. I wish to suggest to the Senator from Georgia there could be no doubt in the case put by the Senator from Utah, as it seems to me, that Congress could say that the Attorney General shall lay the evidence which he has collected before a grand jury, of course allowing the grand jury then to take whatsoever action upon that evidence it saw fit.

Mr. BACON. If I recollect correctly, we have directed the Attorney General to bring suits in many cases, specifying the

Mr. CUMMINS. Undoubtedly.

Mr. BORAH. In a number of cases. We directed the Attorney General within the last year or so to bring a very important

Mr. SUTHERLAND. To recover property belonging to the United States. I regard that as a very different proposition. We exercise our right as proprietors of land as an individual might do, and we direct that something shall be done about it; but as to the violation of a public law, I think it is purely an executive function to direct the prosecution, and not a legislative function.

Mr. BORAH. Mr. President—
The VICE PRESIDENT. Does the Senator from Iowa yield

The VICE FRESIDEAT. Does the Santo.

to the Senator from Idaho?

Mr. CUMMINS. I do.

Mr. BORAH. It is apparent that we can not conclude this discussion to-night, and if it is satisfactory to the Senator from Iowa and the Senator from Ohio [Mr. POMERENE] I shall move an adjournment.

Mr. SUTHERLAND. Before doing that—
Mr. CUMMINS. Just allow me to say that it is entirely satisfactory to me. I certainly would have concluded my remarks, but we have been spending quite a while in discussing a proposition that is not really in the bill. Therefore I fear that I could not finish the argument that I have had in mind to-night, but it will not require long on Monday.

HOUR OF MEETING ON MONDAY.

Mr. SUTHERLAND. I move that when the Senate adjourns to-day it be to meet at 12 o'clock on Monday next.

Mr. BACON. I should like to inquire whether that is agreeable to the Senator from Iowa? Between the hours of 12 and 1 there is not much in the way of attendance.

Mr. CUMMINS. I had not considered that. I believe I would just as soon have the Senate meet at 12 as at 2. That will be satisfactory to me if it is to others.

Mr. BACON. Very well. The VICE PRESIDENT. The Senator from Utah moves that when the Senate adjourns to-day it be to meet at 12 o'clock on Monday.

The motion was agreed to.

THE STANDARD OIL AND AMERICAN TOBACCO COS.

Mr. POMERENE. Mr. President, I gave notice the other day that immediately upon the conclusion of the address of the Senator from Iowa I would speak on Senate concurrent resolution No. 4; but the hour is getting late and, if agreeable to the Senate, I will defer my remarks until Monday after the conclusion of the routine morning business, or at some other time that may be acceptable to the Senate.

Mr. CUMMINS. In suggesting that an adjournment at this time would be agreeable to me, I had in mind, of course, that at the conclusion of the routine morning business upon Monday the Senate would resume the consideration of Senate bill 3607, or at least I would ask the Senate to resume the consideration

of it.

Mr. POMERENE. I did not mean by my statement to interfere in any way with the desire of the Senator from Iowa to conclude his remarks.

The VICE PRESIDENT. The Chair understood the Senator from Ohio to mean that he desired to follow the Senator from Iowa, as he originally intended to do. Mr. POMERENE. That is correct.

Mr. BORAH. I move that the Senate adjourn.

The motion was agreed to; and (at 4 o'clock and 32 minutes p. m.) the Senate adjourned until Monday, April 15, 1912, at 12 o'clock meridian,

HOUSE OF REPRESENTATIVES.

SATURDAY, April 13, 1912.

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the fol-

lowing prayer:

Our Father in heaven, let the light of Thy countenance shine upon us to illumine our minds and quicken our conscience that we may see clearly the way and with firm and steadfast footsteps walk therein, keeping a conscience void of offense toward Thee and our fellow men, that we may prove ourselves worthy of Thy care and protection and the marvelous gifts with which Thou hast so abundantly bestowed upon us, and to Thee we will give all praise, our God and our Father, through Jesus

Christ our Lord, Amen.

The Journal of the proceedings of yesterday was read and ap-

proved.

EXPENSES COMMITTEE ON BANKING AND CURRENCY.

Mr. LLOYD. Mr. Speaker, I ask for the present consideration of the following privileged resolution from the Committee on Accounts.

The SPEAKER. The Clerk will report the resolution.

Mr. LLOYD. Mr. Speaker, I will ask that the Clerk please read the bill without the amendments, without the interlinea-

The SPEAKER. The Clerk will first read the bill without the amendments and then read the amendments.

The Clerk read as follows:

House resolution 465 (H. Rept. 548).

Resolved, That all expenses that may be incurred by the Committee on Banking and Currency in making the investigation authorized by House resolution 429 shall be paid out of the contingent fund of the House of Representatives on vouchers ordered by the two subcommittees of said committee, signed by the respective chairman thereof and approved by the Committee on Accounts, evidenced by the signature of the chairman of the said Committee on Accounts.

The committee amendments were read, as follows:

In line 3, after "429," insert "to an amount not exceeding \$25,000"; in line 5, after the word "by," strike out "the two subcommittees of"; in line 6, after the word "the," strike out the word "respective"; in line 8, after the word "chairman," strike out all the remainder of line 8 and insert the word "thereof."

The SPEAKER. The question is on agreeing to the amend-

Mr. HILL. Mr. Speaker, I would like to ask a question of the chairman of the committee.

The SPEAKER. Does the gentleman from Missouri yield to the gentleman from Connecticut [Mr. HILL]?

Mr. LLOYD. Yes, sir. Mr. HILL. I would like to ask whether it is possible under the terms of this resolution to have repeated the experience to which we listened yesterday, that a committee authorized to expend a certain amount—\$2,500—comes in later and asks for three times that amount, and it develops that a portion, and certainly a large portion, of the additional appropriation is to be used to pay back obligations which were incurred under the \$2,500 appropriation. Now, I shall not object to the consideration of this bill, and I shall vote for this proposition, for I am perfectly willing to give the majority full scope, to run and be glorified, in the firm belief that their investigations will redound to the credit of the Republican administration, as they have thus far, rather than to its detriment, but I do object to a resolution which gives unlimited authority to expend the money of the taxpayers of the United States in what seems to be useless investigations unless these expenditures are limited and confined to an amount which we know in advance. I am perfectly ready to increase that amount to \$50,000, but I want the terms of the resolution to prescribe that no obligation shall be incurred beyond the amount appropriated, and with that I am ready to vote for the resolution, and without it I am ready to fight it.

Mr. LLOYD. Mr. Speaker, by the terms of the proposed amendment we limit the expenditure to \$25,000, and I fully agree with the statement that is made by the gentleman from Connecticut that no committee ought ever to exceed the limit that is permitted under the resolutions which are passed in this House, and I want to say, as far as the Committee on Accounts is concerned, we have not allowed any of these claims beyond the amount of the limitations in the several resolutions, but in the case of the gentleman from Illinois [Mr. GRAHAM], to which reference has been made, it is proper to state that he was justified in making the expense he did. He was in Minnesota and Michigan, and made while there greater expenditure than the limit, but he had asked for greater limit and had been assured that the limit would be extended if money was needed. Mr. HILL. I know; but in the case yesterday you did bring

in a resolution. Mr. LLOYD. I understand the case yesterday, and I am very glad for you to emphasize what happened then, and I hope it will not occur in any other; but it was justified in that case.

Mr. MANN. Will the gentleman yield?

The SPEAKER. Will the gentleman from Missouri [Mr. LLOYD] yield to the gentleman from Illinois [Mr. MANN]?

Mr. LLOYD. Yes, sir. Mr. MANN. Will the gentleman tell us what condition the

contingent fund of the House is in now?

Mr. LLOYD. Mr. Speaker, there is at the present time in the contingent fund, that can be used for these expenses, a little less than \$10,000. We have not spent as much during the present Congress as has been spent each year for a number of years, but it will be necessary before the 1st day of July to ask for a deficiency appropriation.

The SPEAKER. The Clerk will report the first amendment.

The Clerk read as follows:

After "nine," line 3, insert "to an amount not exceeding \$25,000."

The SPEAKER. The question is on agreeing to the amend-

The question was taken, and the amendment was agreed to. The SPEAKER. The Clerk will report the next amendment. The Clerk read as follows:

Line 5, strike out the words "to the two subcommittees of."

The SPEAKER. The question is on agreeing to the amend-

The question was taken, and the amendment was agreed to. The SPEAKER. The Clerk will report the next amendment. The Clerk read as follows:

Line 6, strike out "respective."

The SPEAKER. The question is on agreeing to the amend-

The question was taken, and the amendment was agreed to. The SPEAKER. The Clerk will report the next amendment. The Clerk read as follows:

Line 8, after the word "chairman," insert the word "thereof."

The SPEAKER. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to. The SPEAKER. The Clerk will report the next amendment.

The Clerk read as follows: Line S, after the word "thereof," strike out the words "the said Committee on Accounts."

The question was taken, and the amendment was agreed to.

The SPEAKER. The question is on agreeing to the amended House resolution.

The question was taken, and the resolution as amended was agreed to.

SPEAKER PRO TEMPORE FOR TO-MORROW.

The SPEAKER. To-morrow is the day set aside for the memorial ceremony on the late Representative Madison, of Kansas, and the Chair designates Mr. TAGGART, of Kansas, to preside as Speaker pro tempore.

THOMAS JEFFERSON.

Mr. AUSTIN. Mr. Speaker, I ask unanimous consent to address the House for one minute.

The SPEAKER. The gentleman from Tennessee [Mr. Aus-TIN] asks unanimous consent to address the House for one minute. Is there objection. [After a pause.] The Chair hears none.

Mr. AUSTIN. Mr. Speaker, this is the anniversary of the birth of Thomas Jefferson, the 13th day of April. He was born on the 13th day of April, 1743—169 years ago. I know of no public man to whom the American people owe a greater debt of gratitude than Thomas Jefferson. [Applause.] As a southern Republican Representative I desire this House to pause and consider for a moment what a debt we owe to him and what a debt the American people will for all time owe to his genius and his patriotism in drafting the immortal Declaration of Independence. [Applause.] I love and revere his memory as much as any man in this House, and I entertain the fond hope that before the adjournment of this Congress we will all see the wisdom and the justice of not only procuring his historic home—Monticello, in Virginia—but erect in this magnificent Capital City a fitting tribute in the way of a monument to his illustrious career and his great and invaluable services to the Republic. [Applause.]

The SPEAKER. The time of the gentleman has expired. Mr. AUSTIN. Mr. Speaker, I ask permission to print in the RECORD "One wish," by a gifted and patriotic American woman, the wife of our distinguished colleague from New York [Mr. LITTLETON], a publication which is a patriotic labor of love. [Applause.]

The SPEAKER. The gentleman from Tennessee [Mr. AUSTIN] asks leave to extend his remarks in the RECORD. there objection? [After a pause.] The Chair hears none.

ONE WISH. [A copy of a letter from Mrs. Martin W. Littleton to her Long Island friends.]

" LITTLECÔTE. "Port Washington, Long Island, "New York, August 30, 1911.

"MY DEAR FRIENDS: This letter was written to you in Washington, and somebody forgot to mail it, till now I am afraid it is too late. But it is not really a letter, anyway, for there is nothing personal between you and me in it, or anything newsy; nor is it an essay, for there is not enough learning in it. The only thing I can call it is a wish, my one wish. But you must wait till the end, like shutting your eyes and waiting for the wagonload of hay to pass out of sight, before you can know what my one wish is. I hope you have made the same wish,

and that they both may come true. My wish is about Thomas Jefferson.

"It seems when the Nation was very young, and first starting out, its Government was without a home. It was wornout from fighting battles, and could hardly see through the smoke. Those whom it had fought were hoping it would come to grief. Its own friends were quarreling. States were arrayed against States. Constantly the North and South were picking at each other, as some brothers do. Its friends were jealous of the affections of each other for it, and it could not stay in the house of any of them. It was without money. The Treasury was empty. The wars had cost a lot. Soldiers were without pay, and were clamoring for the price of its freedom. Weary and faint, young and all alone in the world, there was no place to rest. Almost out of breath, it hardly had strength to go on doing the great things it had to do. Like a fugitive, it wandered from place to place, through stormy times, with not a roof to cover its head. And the clouds were dark and threatening above it. Some said they were war clouds. They looked black and angry. Λ shelter must be found. Λ seat of government. Λ capital city. The North wanted the honor of being its birthplace. The South wanted it just as much. Congress must settle the dispute. It had its hands full. Speeches were made, claims were urged, inducements offered, bills passed, amendments added, decision delayed. Still there was no seat of government, no site chosen, until Jefferson and Hamilton agreed about it. Alexander Hamilton was Secretary of the Treasury, and was much troubled over the debts for our war with England. There was nothing to pay them with. He hardly knew which way to turn. There seemed no way out of trouble. The thing he most feared was that the Union might be dissolved on account of them. He could think of nothing to prevent it, except that the Southern States would consent that these debts should be assumed by the Federal Government. This he confided to Jefferson. Thomas Jefferson was Secretary of State. He could not bear to see the Union dissolved, any more than Hamilton could. So, to avert this disaster, he would do anything. He would not even object if Congress passed a 'funding act,' permitting the Federal Government to pay these debts. Hamilton, not less patriotic, said he would not object to the cause Jefferson had espoused. A cause he had espoused with his whole heart, as a bridegroom his bride. The cause was that of locating the Capital City in his beloved South. One day it was agreed to. An act of Congress was then passed to establish the seat of government in a 'district or territory not exceeding 10 miles square, to be located on the river

"What a precious gift to the South! May it never cease to

be grateful to Thomas Jefferson!
"Then and there a city was born. A Capital City for all time to come. It was born in the brain of man, and it found a place in the hearts of all men. It was held in the encircling arms of a mighty river. It was nursed in the lap of a valley, sweet and soft as a mother's. It was fed by fertile fields, rich in yellow corn and wheat that in sunshine turned to solid gold. Clear, cool springs watered it. Hills of royal colors sheltered it with their forests on top, glistening like crowns. It was protected by cordons of mountains going around, their walls a thick barrier between it and harm. In the blue, blue distance they looked like brave soldiers covered with smoke from belching cannon.

"That was just a little more than a hundred years ago. "Then began a labor of love. Washington! Jefferson! L'Enfant! Laborers! Master builders! Master minds!

"They made maps; they made surveys; they studied architecture and laid out parks, avenues, and streets; and builded a city. A city of every nation, a world's shrine.

"They built it in the heart of a great, deep, dark forest; a heart warm and tender with a soft place in it big enough to hold all who wish to enter. Its goodness is above everything else

in the world.
"Its woods have become peopled with tall, gray monuments of giant heroes, and children that laugh and play with their images in its clear pools, filling it full of sounds of music. is sweet and sylvan with the notes of mocking birds, and sounds of bluebirds and redbirds. Gay little squirrels scamper and run about through the leaves of the trees, lively as recollections that sometimes go running through one's head. Its dark nooks and recesses are lighted up with the white marble buildings of the Government. They look like noble Greek palaces. Myriads of their white pillars gleam through the black woods like lighted candles in a solemn cathedral. The religious sound of silvery church bells hallows it and gives to everyone a sense of com-fort. Its gray-paved streets are cut through wooded paths edged with shrubbery and leafiness. All of them lead to yonder

green hill whereon rests our Capitol Building, white, pure white, with not a shadow across it. It sits as a light on a hill. "Tucked away under branches and vines are the houses sur-

"Tucked away under branches and vines are the houses surrounded by hedges. Window boxes seem to grow from them everywhere, with flowers tumbling down from them to touch the earth. Most of the houses are new and fine. Some look proud and fat. They crush between them tiny little old cottages, and keep the sun from shining in their gardens of vines and flowers. But the tiny cottages are not afraid or ashamed for they enjoy the distinction of history and quaintness of age which the newer ones must enviously wait for.

"The city covers about 6,000 acres; nearly 4,000 of this they thought best to lay out in parks and streets. They knew in building a Capital City in the South that plenty and plenty of room was needed for air and breezes; and they believed every house would be healthier to have gardens. Streets were made miles long and acres wide and beautiful with great, long vistas. Tall trees grew along their sides, and when passersby come underneath them they bend their heads over to shade them from the sun.

"Not long ago I attended the unveiling of a monument to the memory of L'Enfant, one of the master builders. It was at Arlington, once the home of Robert E. Lee, general of the Confederacy, a soldier among soldiers. The house is big and white, and empty now. Rooms and halls are quiet as death, except for the noise the silence makes. The windows are closed like eyes that can not see and sunken deep in like hollow The rooms seem to want to push out of the cold and caverns. dark into the warm sunshine. The ceilings hang high above the floor and are full of echoes that answer every The walls are covered with zigzag cracks that look like mysterious writing, and I wondered if there were anyone who could read them. These cracks must be very old and able to tell a lot. I loved the old floors made of broad, thick wooden boards. Dim, dusky shadows lay across them, and when I walked over them I thought I could hear other footsteps following falling softly and quietly. I was even sure of hearing breathing. And I could not help looking to see if some one were coming back of me. I was wondering all the time if the dead are really gone. If life is not death, and if death is not resurrection. Great spirits seem to live-seem always to live among us-even though their bodies have left us. live in their works and in the seeds they have planted and in all around us. I walked out on the portico and stood between two great white pillars. I could look across the hills with lovely valleys in between and see the ground covered with little white headstones like flakes of snow fallen from the sky. The graves were lying in beds of tender grass and covered with blankets of moss soft as down. Over them were bent forest trees. The stirring and swaying of their leaves sounded like sad voices whispering to each other. Sounds of other voices made me look around and I saw crowds of people. In the middle of them was a monument covered with bunting streaming in red, white, and blue mixed with the colors of France. heard the voice of the President of the United States, the voice of Ambassador Jusserand, and the voice of Senator Root dedi-cating this monument to the memory of L'Enfant and laying at his feet the praise and thanks of an appreciative Nation. a little farther on I could see the river at the foot of the hill winding about like a silver thread. Willow trees garlanded and wreathed its banks. Their tender branches streamed into the water without making a sound like tears that flow without a

sob.
"Yet in the still farther distance from us I could see a tall marble shaft. It was of heavenly white without a blemish. It rose far away and above us in the luminous sunshine and beautiful blue sky like a gigantic, glorious ghost.

"A grateful Nation had erected it to the memory of George Washington, one of the master builders. I listened and listened to the voices to hear the name of Jefferson, the other master builder. And as I stood on that hill and looked from Arlington to Mount Vernon, from Mount Vernon to Charlottesville, and from Charlottesville to Washington, I thought of these three great men. They were all in my mind together. And as I looked there in the city of 20,000 dead and looked across at another city of 200,000 living I thought of Jefferson. And I could not see a monument or a shaft or a tombstone in his honor, In all this glorious temple of trees and marble there was no niche reserved for him. Jefferson's impress upon the city and upon the world is broader than that of any other man—and though he has gone out of our lives, not one of the things he did is gone; all remain, all live, all ours, except his sleeping body. Monticello, his beloved mountain, holds that high above all other monuments, lifting it into the clear, pure air above us.

He was born at its bottom, and while he lies dead in its sum-

mit democracy lives.
"It was he who had faith in man. It was he who fought for a new Government, founded upon the belief that all men are equal. It was he who builded an asylum for the oppressed of all nations. It was he who had the laws of primogeniture and entail abolished, and made the young son equal with the elder brother. It was he who caused the separation of church and state, and made it possible for all men to profess their religious belief, without fear of oppression, whether Protestant, Catholic, or Jew. It was he who spoke the first words in behalf of the freedom of the Negroes before any other American statesman, and if this bill, the 'Ordinance of the Northwestern Territory,' prohibiting slavery after 1800, had passed, our great Civil War would never have been fought. He drew the bill establishing our present system of colnage and currency on the decimal basis. Everyone knows that the last work his hands found to do, when he was an old, old man, was to inaugurate and build a great democratic university for Virginia, the first real university in America. He believed that in a representative democracy education and intellectual freedom were necessary.

"Without sword and with only his year necessary.

"Without sword and with only his pen he took over from Napoleon Bonaparte for the United States the great Sonthwestern Territory, known as the Louisiana Purchase, and added 11 States to the Union. He created and wrote five great State papers, from which Americans have learned their lessons of

freedom.

"The sublimest one of all he wrote was the Declaration of American Independence. It brought to all people free gifts of conscience, free gifts of thought, free gifts of speech, free gifts of education, free gifts of ballot, free gifts of press, free gifts of religion, and free gifts to all men of the 'rights to life, liberty, and the pursuit of happiness.' The only one thing he was too poor to give free to the people, for whom he had already done so much was Monticelle containing his highly lead his done so much, was Monticello, containing his birthplace, his home, and his own dead body. That he had to leave to be sold at auction to the highest bidder.

'Sixty-one years of public service left him on the auction block. Just at this time I could not help but remember about all these things. I also remembered his dislike of hero worship. It was so extreme that he begged his followers not to celebrate

the anniversary of his birth.
"But God did not intend for him to be forgotten—this man who was a disciple of goodness to all humanity. And when Jefferson's work was done and God received him unto Himself, He chose to do it on the day of July 4, 1826, the anniversary day of the declaration of American independence. So we can never forget. On the day of his death there was found written on the torn back of an old letter, in his own handwriting, the following directions for his monument and inscription:

"On a grave, a plain die or cube of 3 feet, without any moldings, surmounted by an obelisk of 6 feet height, each of a single stone; on the face of the obelisk the following inscription, and not a word more:

"Here was buried

"Thomas Jefferson
"Author of the
"Declaration of American Independence
"Of the statute of Virginia
"Religious freedom
"And father of the University of Virginia
"Because of these as testimonials that I have lived I wish most to

"Because of these as testimonials that I have lived I wish most to be remembered. It to be of the coarse stone of which my columns are made, that no one may be tempted hereafter to destroy it for the value of the materials. My bust, by Carracchi, with the pedestal and truncated column on which it stands, might be given to the university if they would place it in the dome room of the rotunda."

"His great-granddaughter, Sarah N. Randolph, writes this: Jefferson's efforts to save his monument from mutilation by having it made of coarse stone have been futile. His grandson, Col. Randolph, followed his directions in erecting the monument which is placed over him. He lies buried between his wife and his daughter, Mary Eppes. Across the head of these three graves lies the remains of his eldest daughter, Martha Randolph. This group lies in front of a gap in the high brick wall which surrounds the whole graveyard, the gap being filled by a high iron grating, giving a full view of the group, that there might be no excuse for forcing open the high iron gates which close the entrance to the graveyard. But all precautions have been in vain. The gates have been again and again broken open, the graves entered, and the tomb descerated. The edges of the granite obelisk over Jefferson's grave have been chipped away until it now stands a misshapen column. Of the slabs placed over the graves of Mrs. Jefferson and Mrs. Eppes not a vestige remains, while of the one over Mrs. Randolph only fragments are left."

"And I thought how much more in keeping with his sense of freedom and love of nature if, instead of erecting a statue to him in Washington, the Nation whom he loved so well were to purchase and preserve forever to his memory the house and grounds and graveyard at Monticello, now owned by Mr. Jeffer-

son Levy, of New York.

"He is not one man's man. He belongs to the people who love him, for that he first loved them. He belongs not only to us and our people but to the people of all the world wherever And their one wish is to be free to lay upon his liberty is. grave a Nation's tears. It is my one wish, too.

QUOTATION FROM THE WRITINGS OF CORNELIS DE WITT.

The nobler emotions of Democracy are of short duration; it soon forgets its most faithful servants. Six months had not elapsed when Jefferson's furniture was sold at auction to pay his debts, when Monticello and Poplar Forest were advertised for sale at the street corners, and when the daughter of him whom America had called "the father of Democracy" had no longer a place to rest her head. (Thomas Jefferson, Etude Historique sur la Démocratic Américaine; par Cornells De Witt. p. 380.) Witt, p. 380.)

MR. JEFFERSON'S LETTER TO MR. MADISON.

Son, Etude Historique sur la Démocratic Américaine; par Cornelis De Wilt, p. 380.)

MR. JEFFERSON'S LETTER TO MR. MADISON.

You will have seen in the newspapers some proceedings in the legislature which have cost me much mortification. * * * Still, sales at a fair price would leave me competently provided. Had crops and prices for several years been such as to maintain a steady competition of substantial bidders at market all would have been safe. But the long succession of years of stunted crops, of reduced prices, the general prostration of the farming business under levies for the support of manufacturers, etc., with the calamitous fluctuations of value in our paper medium, have kept agriculture in a state of abject depression, which has peopled the Western States by silently breaking up those on the Atlantic, and glutted the land market while it drew off its bidders. In such a state of things properly has lost its character of being a resource for debts. Highland in Bedford, which, in the days of our plethory, sold readily for from \$50 to \$100 the acre (and such sales were many then), would not now sell for more than from \$10 to \$20, or one-quarter or one-fifth of its former price. Reflecting on these things, the practice occurred to me of selling on fair valuation, and by way of lotiery, often resorted to before the Revolution to effect large sales, and still in constant usage in every State for individual as well as corporation purposes. If it is permitted in my case, my lands here alone, with the mills, etc., will pay everything and will leave me Monticello and a farm free. If refused, I must sell every thing here, perhaps considerably in Bedford, move thither with my family, where I have not even a log hut to put my head into (the house at Poplar Forest had passed out of his possession), and where ground for burial will depend on the depredations which, under the form of sales, shall have been committed on my property.

The question, then, with me was utrum horum. But why afflict purity the constant and

A DESCRIPTION OF MONTICELLO,

(By Duc de la Rochefoucauld-Liancourt.)

Monticello is situated 3 miles from Milton, in that chain of mountains which stretches from James River to the Rappahannock, 28 miles in front of the Blue Ridge, and in a direction parallel to those mountains. This chain, which runs uninterrupted in its small extent, assumes successively the names of the West, South, and Green Mountains.

mountains. This chain, which runs uninterrupted in its small extent, assumes successively the names of the West, South, and Green Mountains.

It is in the part known by the name of the South Mountains that Monticello is situated. The house stands on the summit of the mountain, and the taste and arts of Europe have been consulted in the formation of its plan. Mr. Jefferson had commenced its construction before the American Revolution; since that epocha his life has been constantly engaged in public affairs, and he has not been able to complete the execution of the whole extent of the project which it seems he had at first conceived. That part of the building which was finished has suffered from the suspension of the work, and Mr. Jefferson, who two years since resumed the habits and leisure of private life, is now employed in repairing the damage, occasioned by this interruption and still more by his absence; he continues his original plan, and even improves on it by giving to his buildings more elevation and extent. He intends that they shall consist only of one story, crowned with balustrades; and a dome is to be constructed in the center of the structure. The apartments will be large and convenient; the decoration, both outside and inside, simple yet regular and elegant. Monticello, according to its first plan, was infinitely superior to all other houses in America in point of taste and convenience, but at that time Mr. Jefferson had studied taste and the fine arts in books only. His travels in Europe have supplied him with models; he has appropriated them to his design; and his new plan, the execution of which is already much advanced, will be accomplished before the end of next year, and then his house will certainly deserve to be ranked with the most pleasant manslons in France and England.

Mr. Jefferson's house commands one of the most extensive prospects you can meet with. On the east side, the front of the building, the eye is not checked by any object, since the mountain on which the house is seated c

on the left as far as Maryland, on the other side of the Potomac. Through some intervals formed by the irregular summits of the Blue Mountains, you discover the Peaked Ridge, a chain of mountains placed between the Blue and North Mountains, another more distant ridge. But in the back part the prospect is soon interrupted by a mountain more elevated than that on which the house is seated. The bounds of the view on this point, at so small a distance, form a pleasant resting place, as the immensity of prospect it enjoys is perhaps already too vast. A considerable number of cultivated fields, houses, and barns, enliven and variegate the extensive landscape, still more embellished by the beautiful and diversified forms of mountains in the whole chain of which not one resembles another.

DESCRIPTION OF MONTICELLO. (By Lieut, Hall, of the British Army.)

which not one resembles another.

(By Lieut, Hall, of the British Army.)

(By Lieut, Hall, of the British Army.)

Having an introduction to Mr. Jefferson (Mr. Hall writes), I ascended his little mountain on a fine morning, which gave the situation its due effect. The whole of the sides and base are covered with forest, through which roads have been cut circularly, so that the winding may be shortened at pleasure; the summit is an open lawn, near to the south side of which the house is built, with its garden just descending the brow; the salon, or central hall, is ornamented with several pieces of antique sculpture, Indian arms, mammoth bones, and other curiosities collected from various parts of the Uniou. I found Mr. Jefferson tall in person, but stooping and lean with old age, thus exhibiting the fortunate mode of bodily decay which strips the frame of its most cumbersome parts, leaving it still strength of muscle and activity of limb. His deportment was exactly such as the Marquis de Chastellux describes it above 30 years ago. "At first serious, nay, even cold." but in a very short time relaxing into a most agreeable amenity, with an unabated flow of conversation on the most interesting topics discussed in the most gentlemanly and philosophical manner.

I walked with him round his grounds, to visit his pet trees and improvements of various kinds. During the walk he pointed out to my observation a conical mountain, rising singly at the edge of the southern horizon of the landscape; its distance, he said, was 40 miles, and its dimensions those of the greater Egyptian pyramid; so that it actually represents the appearance of the pyramid at the same distance. There is a small cleft visible on the summift, through which the true meridian of Monticello exactly passes; its most singular property, however, is that on different occasions it looms or alters its appearance, becoming sometimes cylindrical, sometimes square, and sometimes assuming the form of an inverted cone. Mr. Jefferson had not been able to connect t

ONE WISH AND A WILL.

(The day of Thomas Jefferson's birth, April 13, 1743.)

"Since writing down my wish, I was running over some volumes the other day, when my eyes fell upon an old record showing that I am not the only one who believed the people of the United States should own Monticello, the birthplace, home, and burial place of Thomas Jefferson, author of the

Declaration of Independence.
"My wish, I find, is supported by the wish and will of the

ancestor of the present owner.

"How curious it is that 50 years ago just this March the then owner of Monticello, whose name was Uriah P. Levy, should have died in the city of New York, and before dying should have made a wonderful will, a will to secure Monticello to the people of the United States. Part of this will I found is in the Reports of New York Court of Appeals, volume 33, page 97, and in Barbour's Reports, 40. Here is what the report says:

"Uriah P. Levy, the testator, died in the city of New York, where he was domiciled, in March, 1852, leaving surviving a widow, brothers and sisters, nephews and nieces, his heirs at law and next of kin. He died seized of real estate in the city of New York of the value of \$200,000, and his personal property was inventoried at \$131,000. He also was the owner of a farm at Monticello, in Virginia, containing between 2,000 and 3,000 acres (formerly the residence of President Jefferson), and another estate, called the Washington farm, of about 1,100 acres, with the farming implements, cattle, etc., on both properties.

erties.

"By his will, after other provisions, the testator devised his farm and estate at Monticello, together with the residue of his estate, real and personal, 'to the people of the United States, or such persons as Congress shall appoint to receive it, in trust, for the sole and only purpose of establishing and maintaining at said farm of Monticello,

in Virginia, an agricultural school for the purpose of educating as practical farmers children of the warrant officers of the United States Navy whose fathers are dead, etc. But should the Congress of the United States refuse to accept the bequest or to take the necessary steps to carry out the testator's intention, then he devised the same 'to the people of the State of Virginia, instead of the people of the United States, provided they, by acts of their legislature, accept it and carry it out, as herein directed.' And should the people of Virginia, by the neglect of their legislature, deeline to accept the said bequest, then he gave the same to certain Hebrew congregations in the cities of New York, Philadelphia, and Richmond, 'provided they procure the necessary legislation to entitle them to held said estate and to establish an agricultural school at said Monticello for the children of said societies who are between the ages of 12 and 16 years and momination. Hebrew or Christian.'

"Item: I direct my executors, hereinafter named, or such of them as shall qualify, to invest the funds as fast as they accumulate, and to hold the whole of the property and estate hereby devised and bequenthed for said school and in their hands until the proper steps have been taken by Congress or the Legislature of Virginia or the said Hebrew benevolent congregations to receive the same and discharge said executors.

"Lastly, I appoint the Hon, Benjamin F. Butler, David V. S. Coddington, Ashel S. Levy, Esq., and Joseph H. Patten, Esq., counselor at law in the city of New York; Dr. Joshua Cohen, and Jacob I. Cohen, his brother, of Baltimore: George Carr, Esq., attorney at law, Charlotteville, Va.; and Dr. John B. Blacke, of Washington City, executors of this my said will and testament and trustees of said estate, and in case of the death of either of my executors or trustees or their executors or trustees act without them."

"Uriah P. Levy died March 22, 1862. His will was admitted

"Uriah P. Levy died March 22, 1862. His will was admitted to probate June 9, 1862. The executors qualified June 12, 1862. Resolution (S. No. 137) was introduced in Congress and concurred in by both Houses on March 3, 1863, the last day of the session. In the Congressional Globe of that date we read:

Resolution (S. No. 127) was introduced in Congress and concurred in by both Houses on March 3, 1863, the last day of the session. In the Congressional Globe of that date we read:

"Mr. Fresender. I wish to introduce a joint resolution to which nolody will object; it will explain itself on being read. It is very necessary to pass it immediately.

"By unanimous consent leave was given to introduce the joint resolution (S. No. 137) in relation to the property devised to the people of the United States by Capt. Urish P. Levy, deceased, and it was read the first time.

"It proposes to accept the devise and bequest of Capt. Levy of his Monticello farm in Virginia and his real estate in New York City in trust, to establish and maintain at Monticello an agricultural school for the education of the children of warrant officers of the Navy and to approint William M. Evarts, Erastus Corning, and Lewis B. Woodfurf, of New York, to receive the property and report their proceedings to the considerable amount of property—it is said to amount to about \$200,000, including an estate at Monticello and a considerable estate in the city of New York—to the Government of the United States. The whole amount bequeathed, I am told, will reach that sum. The only question is whether Congress will accept it for the purposes therein named. It is for the consideration of Congress. I understand that if the United States refuse to accept it, then it is devised to the State of Virginia; and if they refuse to accept it, then to somehody else.

"Mr. Harris. We must accept a lawsuit with it. I understand the heirs are confesting the validity of the will.

"Mr. Fressender. I should like to inquire of the Senator from Maine whether there is any limitation as to the time within which the bequest mitted the transportance of the North West and the resolution isself. It was brought into the committee by the district altorney of New York. We had no time to examine it. He said-to me that it was believed the estate devised would amount to about \$300,000. I

"So while the joint resolution in relation to the property devised to the people of the United States by Commodere Levy was still pending, and in less than a year, before the United States could take steps to accept or refuse the devise, though Commodore Levy had plainly directed in his will that his executors hold the whole of the property and estate devised and bequeathed in their hands until proper steps could be taken of privilege. Under the rules I was confined in my remarks

by Congress to receive the same and discharge the executors, the executors of the will, it seems, brought an action 'to obtain a judicial construction of the testator's will' and to construe its meaning. Of course, to you and me, the meaning does not seem in doubt at all. But, any way, the case went to the court, and there it was decided on the technical ground of 'indefiniteness,' in New York general term, November 30, 1863, that Uriah P. Levy's wish, which was solemnly written in his will, must go for nothing, and the outcome of it was that Monticello came into the possession of Jefferson M. Levy, instead of the people of the United States, to whom it had been left in

THE LATE REPRESENTATIVE GEORGE WASHINGTON GORDON.

Mr. McKELLAR. Mr. Speaker, I ask unanimous consent for the present consideration of the order which I send to the Clerk's desk.

The SPEAKER. The Clerk will report the order.

The Clerk read as follows:

Ordered, That there be a session of the House at 12 m. on Sunday, May 12, 1912, for the delivery of eulogies on the life, character, and public services of the Hon. George Washington Gorbon, late a Member of this House from the tenth congressional district of Tennessee.

The SPEAKER. Is there objection to the present consideration of the order? [After a pause.] The Chair hears none.

The question is on agreeing to the order.

The question was taken, and the order was agreed to.

POST OFFICE APPROPRIATION BILL.

Mr. MOON of Tennessee. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 21279-the Post Office appropriation bill.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 21279, with Mr. Hay in the chair.

The CHAIRMAN. The House is in Committee of the Whole

House on the state of the Union for the consideration of the Post Office appropriation bill. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 21279) making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1913, and for other purposes.

Mr. MOON of Tennessee. Mr. Chairman, I yield to the gen-

tleman from Texas [Mr. RANDELL] 30 minutes.

Mr. RANDELL of Texas. Mr. Chairman, on last Saturday I rose to a question of privilege to correct a statement in the public press wherein it was charged that in my speech on the 4th instant I had reflected upon the integrity of the House. After I had yielded the floor the gentleman from Alabama [Mr. CLAYTON], the chairman of the Judiciary Committee, was recognized to make a statement, and he proceeded, without provocation or excuse, to speak in a very sarcastic and fretful manner and to criticize me and my antigraft bill pending before the committee of which he is chairman.

The gist of the bill is to prohibit Senators and Representatives from acting as the officers, agents, and attorneys of corporations and from receiving gifts, fees, employment, or compensation from corporations and others interested in legislation. The purpose and the terms of the bill are plain and should be approved or disapproved by Members according to whether or not they consider the measure expedient or salutary.

I did not know that the gentleman from Alabama [Mr. CLAY-TON] had any ill will toward me or ill feeling concerning the bill which I introduced. The petulance of his manner was surprising, and the savagery of his attack upon my antigraft bill was something wonderful to behold. I did not have an opportunity to reply at the time, and have not since until the present moment. I do not propose to descend to the same level occupied by the gentleman from Alabama, but with due respect to this House and all its Members I desire to make courteous answer consistent with the dignity and importance of the subject and the high character of those responsible for its rightful solution.

The charge in the Washington Post of April 6 attributed to me the statement in my speech of Thursday, April 4, on my antigraft bill, that-

Nearly every Member of the House and Senate is "approachable."

The word "approachable" was in quotation marks, and it was clearly meant that I had used the language in a sense that involved moral turpitude and that practically all the Members of the Congress and Senate could be bribed.

This statement is absolutely without foundation, involved the honor and dignity of the House and Congress, and it was clearly my duty to correct it, which I did, rising to a question

to the question of privilege alone, which did not include an argument on the merits of my bill. In denouncing the statement as utterly untrue, I did not attribute to the party making it any desire to misrepresent or injure me. Subsequent publications in the same paper and some other papers, however, have changed my mind on this question, and I am constrained to believe that the charge was deliberately made in accordance with an organized plan of the recipients and beneficiaries of graft to incense the Members of Congress and the people of the country by attributing to me such an outrageous and sweeping charge against the integrity of the Congress and thus diverting attention from the merits of the measure I advocate. [Applause.]

If the newspaper statement had been merely an honest misunderstanding or mistake, all decent and honorable persons would have been glad to have made the correction. Instead of this being done, however, the country has been told, in substance, by that same paper and others, that I made an effort to apologize to the House, which was not favorably received. I made no apology. None was needed. I was guilty of no impropriety.

Since that time I have been credibly informed that it has been whispered about that while my speech in the RECORD did not reflect on the honor of the Members it was because the RECORD had been changed and the objectionable word eliminated.

Knowing that this also was false I requested the official reporters to make a certificate in reference to the facts, which has been done. This is the certificate:

has been done. This is the certificate:

We hereby certify that as official reporters of debates in the House of Representatives we reported the speech of Hon. CHOICE B. RANDELL, delivered by him on Thursday, April 4, 1912, on the bill (H. R. 8158) to prevent graft by prohibiting the giving or receiving of gifts, employment, or compensation from certain corporations by Senators, Representatives, Delegates, or Resident Commissioners in the Congress of the United States, or Senators, Representatives, Delegates, or Resident Commissioners elect, and the judges and justices of the United States courts, and prescribing penalties therefor.

That we have examined the original notes of said speech and that he did not therein say that nearly every Member of the House and Senate is "approachable"; that he did not say in that speech, in respect to any Member of the House, that he was "approachable," and that he did not in that speech use the word "approachable," Fixed Irland.

GEO. C. LAFFERTY, JOHN D. CREMER.

That is signed by the official reporters who reported my

speech and had it transcribed from their notes.

I can not understand why anyone but the interests themselves and their hirelings could be inspired to invent and publish such an indecent, slanderous, and libelous falsehood. care nothing for the ill will or slanders of the grafters who would traduce me, but I do not propose by any fault or omission on my part to forfeit my right to the good will and esteem of the Congress and the country. Neither shall the opposition to my measure, which seeks to remove the hurtful influences which hover about the Capitol, succeed in dodging the issue and diverting your attention and the attention of the country from the real questions involved. [Applause.]

The gentleman from Alabama, inspired by some motive or purpose, when accorded recognition to make a statement, blindly or otherwise, presumed to assume that my remarks were objectionable, although he could not name the words nor the sentence that was objectionable. He then proceeded to denounce my antigraft bill by words, and in a manner indicating a deep interest and feeling on the subject. He not only denounced the provisions of the bill as absurd, but he was so completely under the control of some compelling motive that, despite the rules of decorum and the privileges of the House, he by innuendo ascribed my motives in reference to the introduction and advocacy of my bill to a desire for mere political effect in my home State.

Had such a charge been both well founded and provoked it would scarcely have been excusable for the chairman of the great Judiciary Committee to have been so undignified as to have made it on the floor of the House, but, with neither foundation in fact nor provocation of any kind for such utterance, we must look for some other source of inspiration in order to divine his purpose. Did he have a purpose, or was his mind a blank, like the boy who "whistled as he went for want of thought."

We have many new Members who are, perhaps, not acquainted with the history of this measure, and in order to get a fair understanding of the situation and the attitude of the Democratic and Republican Parties toward this bill it will be instructive to recount briefly the running fight in the Congress that has taken place during the last 10 years.

In the year 1900 I was elected to the Fifty-seventh Congress as a Member of this House, and have been continuously re-

elected by my constituents. I wondered why the legislative department of the Government was so unresponsive to the will of the people. I came to the conclusion, as did many others, that the beneficiaries of selfish and unwise legislation, especially the public-service corporations and other large financial institutions, were in close touch with legislators, both national and State. Gifts, fees, privileges, employment, and compensation were things that were very generally bestowed and received. came to the conclusion that the law should prohibit such gifts, employment, and fees. One class of gifts was the free pass; another telegraph franks, and such favors covered, probably, the whole available field.

Many patriotic Members expressed the belief that, although free passes and such favors should be abolished, it would be impossible to do it. We began, however, an organized effort to advance this reform and met every opportunity in that direction. Under the rules of the House it was seldom any such measure could be presented. The first opportunity occurred during the consideration of a bill to regulate the salaries and expenses of Federal judges. Acting with the leadership of my party in the House, I offered an amendment prohibiting Federal judges from receiving gifts, free transportation, or franks from any

railroad, steamboat, express, or telegraph company.

The gentleman from Wisconsin, Mr. Babcock, then a Member of this House, endeavored to ridicule the amendment, and proposed an amendment to my amendment, making it apply to Members of Congress as well as to Federal judges. I did not include Members of Congress because it would have made my amendment subject to a point of order. I immediately, however, accepted the amendment, and it was necessary for the gentle-man from Illinois [Mr. Mann] to come to the rescue of his colleague, and raise the point of order on the Babcock amendment, which was sustained. The House was overwhelmingly Republican, and the vote on roll call stood ayes 87, noes 114.

This was considered at the time a surprisingly good start. It was readily understood that the abolition of free transportation and franks for the judiciary meant the loss of perquisites to Congressmen as well. Hence the amendment was voted down. Eighty-seven Democrats, however, went on record in favor of this honest reform, and never since that time, according to my recollection, has the membership of this House ever permitted an aye and no vote on this or any similar question. Such a record is embarrassing to those who love to receive such favors.

We continued to be vigilant and strove on all occasions to make converts to the cause. In the early part of 1906, when the railroad-rate bill passed the House, an antifree-pass amendment failed, but public opinion and even the influence in the House was so strong that the patriotic element in the Senate succeeded in amending the bill with an antifree-pass provision.

When the railroad-rate bill went to the Senate and the attention of interested parties was concentrated there I earnestly and diligently pressed my antigift bill, which was pending before the Judiciary Committee of the House. In that bill I did not include fees or employment, being encouraged by the prospect of getting a favorable report to the House on a bill merely prohibiting gifts, franks, and privileges. We got a favorable report from the subcommittee, but when the full committee acted my bill failed on a tie vote. The gentleman from Missouri, Mr. De Armond, late a Member of this House, was the ranking member on the Democratic side on the Judiciary Committee. Without reflecting upon anyone, would to God that that great man were here to be the chairman of that great committee to-day. [Applause.]

His plan, and mine, was to get the bill prohibiting gifts reported to the House and add an amendment prohibiting fees and employment when it came up in the House. Our plans failed, as before stated, on a tie vote. Watching every opportunity, the next which presented itself was in January, 1908, when, in the Committee of the Whole, the codification of the criminal law was being considered, I offered to amend, in accordance with the provisions of my antigraft bill. Quite a lengthy debate ensued, the Democrats favoring my amendment and the Republicans opposing it.

Our distinguished Speaker, Mr. Clark, who was then in charge of the Democratic forces, spoke in favor of my amend-

ments. Among other things, he said:

I will tell you what I believe about public men. I think they are more honest than they get credit for, to begin with. [Applause,] In the second place, I think that the man who holds a public office ought to be like Cæsar demanded his wife should be—absolutely above sus-

to be like Casar demanded ...
picton.
I will give you a sample of what I consider public honor. John Quincy Adams was one of the most disagreeable personages that ever sat in the White House, but he was thoroughly educated. He had an extremely delicate sense of honor, and I give him that credit and glory. When he was elected to the House after he was President he

owned some stock in the old United States Bank, and he went immediately after his election and sold that stock, on the ground that there might be legislation involving the property of the United States Bank in Congress, and I commend his example to all of us. [Applause.]

Mr. Chairman, on account of my time being limited-and I am not making any complaint about it—I ask leave to extend my remarks in the Record by inserting some extracts from speeches made by the Members of the House on various occasions in reference to this bill.

The CHAIRMAN. The gentleman from Texas asks unanimous consent to insert certain extracts in the Record. Is there objection?

There was no objection.

Mr. RANDELL of Texas. Our distinguished leader, the gentleman from Alabama [Mr. Underwood], now chairman of the Ways and Means Committee, made an able speech for the amendments, saying, among other things:

amendments, saying, among other things:

The mind and the will of the Representative in Congress should be solely for the interests of his constituency and the people of the United States, and it is no reflection on the membership of this House if you eliminate everything that might go to bias or influence that judgment. There are influences that may be brought to bear on a Member of Congress that involve moral turpitude. [Applause.]

There are influences that may be brought to bear on a Member of Congress in which the idea of moral turpitude is entirely eliminated, but in some cases the influences that do not involve moral turpitude are more far-reaching, more dangerous, more effective to sway the notion of this body from that which their constituency desires than influences that do involve moral turpitude.

The influences I have convenented are influences for more

The influences I have enumerated are influences far more dangerous and far-reaching, as the gentleman from Alabama well said, than those involving moral turpitude—the relations between the attorney and his client, the official and his employee, the beneficiary and his benefactor, the friend with his friend, the associate with his associate.

The gentleman from Arkansas [Mr. MACON] concluded a

strong argument with these words:

We ought to adopt this amendment in order to remove the human temptation to err as far from the people's servants as possible. To that end, sir, I trust the amendment of the gentleman from Texas [Mr. RANDELL] will be adopted.

The gentleman from Texas [Mr. Hardy], in concluding an eloquent appeal for the adoption of the amendment, said:

You can use your weapon of ridicule and you can use your argument of demagogy, but the people's reform goes on and the time must come when the people's representatives will not undertake to serve two masters.

The gentleman from Indiana [Mr. Cox] made a stirring address on the Democratic side. Among other things he said:

I feel sure that no member of the committee would oppose the amendments offered by the gentleman from Texas, nor do I believe that any Member of this House would oppose or vote against either one of these amendments if they were offered as original independent legislation. To read the amendments is to approve every letter, word, sentence, and paragraph of them.

It is a noteworthy fact that these statements that I have read and many of the others that I will put in the RECORD were greeted with applause by Democrats in this House.

In concluding the arguments on the Democratic side I said. turning to the Republican side:

turning to the Republican side:

Is it not a fact that you propose that the evil shall not be reached? If you are going to reach it, how are you going to reach it? Are you in favor of public-service corporations employing Members of Congress and paying them salaries? Are you in favor of it? Then say so, and tell your constituents that, and you will not come back to this House. But you tell your constituents that you are for the people and against Members taking pay and gifts from corporations, and yet you come here and vote for the public-service corporations. I am here to lecture no man, but when the leader on the other side of this House speaks about legislation like this as demagogical it is time he should be answered in the proper spirit. The demagoguery is on that side of the House and the graft is on that side of the House. The proposed remedy is on this side of the House and the opposition to it is on that. A solid Democratic vote for this legislation and a solid Republican vote against it.

These amendments were fought bitterly and stubbornly by the leading Republicans, notable among whom were the gen-tleman from Pennsylvania, Mr. Moon, the gentleman from New York, Mr. Payne, the gentleman from Pennsylvania, Mr. DALZELL, the gentleman from Ohio, Mr. Kiefer, the gentleman from Michigan, Mr. Denby, the gentleman from Illinois, Mr. Boutell, and a number of others.

The first vote, on a division, showed 80 for the amendment and 60 against it. The committee again divided, and the tellers announced ages 88, noes 109, and so the amendment was re-

periodiced; but 88 good Democrats had emphasized the stand Democracy had taken on this subject. [Applause.]

The gentleman from Nebraska [Mr. Norris] offered an amendment in derision of the measure, which provided in effect that no Member of Congress should be permitted to do anything at all under penalty of being hanged by the neck until dead, and thereafter be prohibited from holding any office of profit or trust under the Government of the United States.

I understand the gentleman, who is now a Republican member of the Judiciary Committee, is quite favorably inclined toward this measure. I do not know whether he has had a change of heart, or whether—judging him from the standpoint of the gentleman from Alabama [Mr. CLAYTON]-he is losing his mind

The contest did not stop here, nor will it cease. The reform

which is sought will soon become the law of the land.

In that memorable session in 1909, when the Payne-Aldrich tariff bill was before Congress, I introduced a resolution with the consent and under the direction of our leader, Mr. CLARK, requiring the Speaker to appoint the Judiciary Committee, declaring it was necessary to organize that committee in order that my antigraft bill could be reported and passed, making it unlawful for Senators and Representatives to be the officers, agents, and attorneys of incorporated and predatory wealth, or to receive gifts, fees, or employment from them or others in-terested in legislation. This was a privileged motion. The gentleman from Illinois [Mr. Mann] now the leader on

the Republican side of this House, promptly moved to table my resolution, which was done by a strict party vote—ayes 151, noes 100. Thus, 100 stalwart Democrats in solid phalanx, supporting their splendid leader, declared to the country the position of the Democrats on this question and exposed Republican

methods. [Applause.]

And still another battle was fought on the 14th of June, 1910. Acting on the advice and instruction of our leader, Mr. Clark of Missouri, I introduced a resolution asking that my antigraft bill be taken from the Judiciary Committee, of which the gentleman from New Jersey, Mr. Parker, was chairman, alleging that the chairman of the committee and the chairman of the subcommittee having the bill in charge and the controlling element of the committee were interested parties, who would lose valuable employment if the antigraft bill became a law, and alleging, therefore, that they were incompetent and improper persons to consider the measure, and asking that the committee be instructed to immediately report the bill back to the House for further consideration thereon by the House.

The gentleman from New York [Mr. PAYNE] made the point of order that the resolution was not privileged. After considerable acrimonious debate, Mr. Speaker Cannon, in the chair, sustained the point of order, which ruling was probably technically correct, but the attention of the country had again been called to the Democratic insistence of this necessary reform, which seeks to divorce the trusts from the Congress and the courts. The result of the election which soon followed no doubt demonstrated the approval of the country of this and other Democratic reform measures, which, together with the universal disapproval of Republican perfidy in the so-called tariff revision, had much to do with the overthrow of the Republicans and the ascendency of the Democrats in the House of

Representatives. [Applause.]

Many of the standpat Republicans who have fought this measure, including the former chairman of the Judiciary Committee, have been repudiated by their constituency. Reactionary Democrats at both ends of the Capitol have been defeated or compelled to retire from public life. The cause of liberty may be temporarily thwarted, but its defeat is always temporary only. To say that the lawmaking power should be disinterested as well as able and honest is expressing a truism, and yet the contrary is the position of the gentleman from Alabama [Mr.

CLAYTON 1.

Mr. Chairman, how much time have I remaining, please?

The CHAIRMAN. The gentleman has five minutes remaining. Mr. RANDELL of Texas. Mr. Chairman, I ask the courtesy of the House to extend my time for, say, 20 minutes. I wish to discuss the measure. Can the gentleman from South Carolina [Mr. Finley] extend my time for 20 minutes, or the gentleman from Tennessee [Mr. Moon]?

Mr. MOON of Tennessee. I regret to tell the gentleman that owing to the number of gentlemen who desire to speak on the bill I can give him only 10 minutes after the expiration of his

The CHAIRMAN. The time of the gentleman has not yet expired. He has five minutes yet remaining.

Mr. RANDELL of Texas. I understand, then, that I am

recognized for 15 minutes?

The CHAIRMAN. The gentleman is recognized for 10 minutes more than he originally had. Mr. RANDELL of Texas. Mr. Chairman, in the time allotted it will be impossible for me to discuss at any length the criticism that has been made of my bill by the gentleman from Alabama [Mr. Clayton]. I will take it up as briefly as possible, and call attention to some of the salient points that he makes, and will extend my remarks, perhaps, somewhat in the RECORD in reference to the bill.

In the first place, I am quite sure the chairman of the committee claims a great deal more authority for himself than he is entitled to. I do not believe he spoke for the members of that committee. There has been no trouble between me and the committee. Never an unkind word has passed. His attack was like a thunderboit from a clear sky, and I do not believe that his statement, which he says every member of the committee would indorse, would be approved by them. Not only that, but his threat that I would hear from the committee falls upon deaf ears, because every member of the committee who read my remarks knows full well that there was no complaint made about them and nothing said to which they could take exception.

But the gentleman from Alabama [Mr. Clayton] and the gentleman from West Virginia [Mr. Davis] have prepared a criticism of my bill. In the first place they say that all that is of any value in the proposition is already included in the law. To characterize that statement as wild scarcely expresses it. The present law does not cover the reforms which we advocate. We provide in this bill that any free transportation of person or property, or frank, franking privilege, or money or other thing of value shall not be given by corporations and others interested in legislation to any Member of Congress or any judge of a Federal court. The criticism here made by them is—

We have analyzed it, and we find that all that is in the bill that would be wise is now the law. For instance, the matter of "free passes." That is a restricted term. The gentleman from Texas does not want free passes to be given. The law already prevents transportation companies from furnishing transportation, a broader term than "free passes," to which the gentleman would narrow the terms of the existing law.

That is a criticism that comes from the chairman of the committee and the gentleman from West Virginia [Mr. Davis], who also is a member of the committee.

You can not find the words "free passes" in the bill! It prohibits any free transportation of person or property, or any frank or franking privilege, or gift of money or anything of value. This provision is the same in each clause. Yet in this carefully prepared statement one of the principal criticisms is that I would limit the bill to "free passes." The gist of the measure is against a gift. Why say they shall not give you a pass or a frank? Because it might possibly be construed that that was a privilege, as distinguished from a gift of personal property or money. Therefore, in order to include it, the provisions of the bill were drawn as they are. There is nothing restrictive about it.

But they follow that statement with the statement that my bill is as broad and includes as much as God Almighty's universe. The crificism is just like other criticisms of my position in this matter. There are some of them who say the bill does not include enough, that it does not go far enough, and they will fight it on that ground. Then others say it includes too much, and they will fight it on that ground. Why can not lawyers see the real issue and incorporate in the bill terms which might sait them better?

But, Mr. Chariman, they say that this is new legislation; a new idea in law. Why, cir, the pernicious effect of gifts was recorded in Holy Writ. The law in ancient times commanded, "Thou shalt receive no gift." Why? "For a gift blindeth the eyes and perverteth the words of the righteous." In the Scrmon on the Mount He who spake as never man spake said, "No man can serve two masters, for either he will hate the one and love the other, or else he will cleave to the one and despise the other. Ye can not serve God and mammon." Yet they say this is new. The gentleman should look to the Constitution of this Republic. In Article I, section 9, subdivision 8, we find this prohibition:

No title of nobility shall be granted by the United States; and no person holding any office of profit or trust under them shall, without the consent of the Congress, accept of any present, emolument, office, or title of any kind whatever from any king, prince, or foreign State.

If the gentlemen who oppose this measure had been in that convention they would have said that they might not be able to receive a box of cigars from the King of England. This provision was not for the purpose of preventing some one from getting a box of cigars, as the learned gentlemen seem to think, neither is my bill drawn for that purpose. If, technically, such a gift comes within its provisions, so it does within the provisions of the Constitution. At that time the danger to our freedom was from without—from the interference of kings, princes, and potentates, and hence gifts from them to our officials were prohibited, except by the consent of the Congress. If that con-

stitutional convention were in session to-day, inspired by the same motive, they would put in the organic law that no man who was a Member of Congress or the judge of a court—and I believe they would go further than my bill does and include practically every officer of the Government—should receive gifts, fees, compensation, or employment from the great corporations and others interested in legislation. [Applause.]

However that may be, Mr. Chairman, I wish to say that I will extend my criticism in my remarks, in order that Members of the House may see it; and I would like for every Member to consider this matter, because it is of great importance.

In conclusion I wish to say that the people who stand for this measure are not interested in demagogery. The gentleman has no right to impute any motive to me. The people of my State have sent me to Congress, and I want to know—and I want the people of his district, the great State of Alabama, the sister State of Georgia, where I was born and reared—I want all true Democrats to know and consider the situation. When this gentleman, who has been the chairman of the National Democratic convention, twice chairman of the Democratic caucus of this House, who is now Democratic chairman of the Committee on the Judiciary, sees proper to rise in his place and attribute a motive like he did to me for introducing this bill, which has been a Democratic measure in this House for nearly 10 years, I say I want all good Democrats to consider the facts in regard to it.

Furthermore, I am responsible to my constituents, and it might enlighten the gentleman some, if he cares to know, that time and time again the people who sent me here instructed me in the platform upon which I was elected to introduce the measure, and I followed their instructions when I did it. [Applause I

That explanation will not interest all the influences outside of Congress that have improper motives; it will not suit the grafters, nor their beneficiaries, nor their benefactors; but it seems to me that it is an answer that in itself ought to show the impropriety of the gentlemen who have taken such a position as that.

The CHAIRMAN. The time of the genleman from Texas has expired.

[Mr. JACKSON addressed the committee. See Appendix.]

Mr. MOON of Tennessee. Mr. Chairman, I yield five minutes to the gentleman from Illinois [Mr. Graham].

Mr. GRAHAM, Mr. Chairman, I desire to call attention to a statement made by my colleague from Illinois [Mr. Mann], near the end of his remarks yesterday, and which appears in the middle of page 4652 of the Record. I will read the remarks:

But when my colleague's attention was called to the fact that this lady had obtained \$100 to represent Indians, and afterwards that the person who had paid the money became dissatisfied with the prospects and demanded the check back, I am informed by an affidavit, which is on file, that my colleague told Mrs. Grey to keep the money.

I regret that my colleague is not in his seat this morning. I hope he spoke unadvisedly or was not correctly reported. The language which he uses says that he is informed by an affidavit, clearly meaning that he has seen an affidavit to that effect, and that it is on file, but he does not say where, and that the affidavit informed him that his colleague—meaning myself—told Mrs. Grey to keep this money.

I want to say that this remark was made at the close of the debate, when I could not get time to answer it; indeed, I did not catch the full force of it then. I now want to say that it is absolutely and unqualifiedly false; that there is no foundation whatever for it, and that I would be entirely justified in using the shortest and ugliest word that I could think of in characterizing it.

Mr. MADDEN. Will the gentleman yield?

Mr. GRAHAM. Not at this time. I do not intend to charge the falsity of it to my colleague, but he is to some extent particeps criminis, because his language implies that he had seen the affidavit. And I call on him now to produce that affidavit. [Applause.] And when it is produced, if it states what he said it does, I repeat that it is absolutely and unqualifiedly false.

Mr. MADDEN. I wish my colleague would wait until the gentleman from Illinois [Mr. MANN] is on the floor.

Mr. GRAHAM. I had to take the time when I could get it, and I have not now time to repeat it.

Mr. MADDEN. The gentleman from Illinois [Mr. Mann] is now on the floor, and I ask that the gentleman be yielded time to repeat it.

Mr. GRAHAM. Mr. Chairman, I will say to the gentleman from Illinois [Mr. Mann] that I was just calling attention to a

statement in the RECORD, which I have read, while the gentleman was absent from his seat, to the effect that I had advised Mrs. Grey to keep a certain \$100, which the gentleman said he saw, by an affidavit he had seen, that I had advised her to I state that that is absolutely untrue; that I never gave such advice; that she never talked to me about such a matter; and that I never talked to her about it. I now call upon the gentleman to produce that affidavit, and when produced, if it states what he says it does, I say the affidavit is false and the affiant is either mistaken or is a falsifier.

Mr. WEEKS. Mr. Chairman, I yield five minutes to the gen-

theman from Illinois [Mr. Mann].

Mr. MANN. Mr. Chairman, in August last, in the House Office Building, I believe, while attending a meeting of the Committee on Expenditures in the Interior Department, presided over by my colleague, Mr. Graham, Mrs. Grey met an Indian named Denomic, who had been attending the hearing on the White Earth Reservation before that committee. She solicited employment from him to represent the La Pointe Indians, and subsequently obtained a check from him for \$100. Later the Indian became suspicious of what she could do and ordered payment of the check stopped. The check, however, was paid by the bank upon which it was drawn, through inadvertence. Mrs. Grey refused to pay back the amount. The cashier of the bank endeavored to secure the amount of the check which had been paid by the bank. The Indian declined to be responsible for the check, payment of which he had stopped. The bank subsequently credited his account with \$100 and the cashier endeavored to get repayment of the same. In a conversation with the cashier of this bank, the Second National Bank of this city, Mrs. Grey stated that the reason she refused to pay the amount was that she had been advised by the chairman of the committee for which she was working, the Committee on Investigation of Expenditures in the Interior Department, not to refund the amount of the check.

This Indian made an affidavit that he met Mrs. Grey going to the Indian Office, and that she roundly chastised him, saying that she had seen some of her superiors, who advised her not to give him back his money, and that she was not going to give

him one cent.

In the affidavit made by this Indian he also stated that Mrs. Grey warned him not to go near Mr. Stephens, the chairman of the Indian Committee, using language concerning Mr. Stephens which, being wholly unjustifiable, I shall not repeat on the floor of the House to be read into the RECORD. In the same affidavit the Indian stated that Mrs. Grey said that she could get whatever she wanted done by the Interior Department, and that she had Mr. Valentine, the Commissioner of Indian Affairs, under her thumb. The affidavit, I believe, is on file; at least I have had a copy of it.

Mr. RAKER. Where is it on file?

Mr. MANN. I do not know whether it is on file in the Indian Office. It was obtained by the people who were seeking to obtain back the money, I believe.

Mr. GRAHAM. Does the gentleman mean that it is in some

official file?

Mr. MANN. I do not now recall whether it is on file in the Indian Office, because I did not obtain my information from the Indian Office. I will say to the gentleman that I have a very complete file, which, if the gentleman desires, I shall be very glad to show to him. I would not care to read it into the Record, because it reflects unjustly, in my judgment, upon some people.

Mr. GARNER. Mr. Chairman, does not the gentleman think that, inasmuch as this affidavit impeaches two Members of Congress and the Indian Department, it is not worthy of considera-

tion on the floor of the House?

Mr. MANN. Mr. Chairman, I think that the evidence which I have already submitted to the House shows that Mrs. Grev was in some capacity connected with this committee, using her official position for the purpose of obtaining employment from those people who believed that because of such employment she would have superior influence, and that it is now the duty of my colleague, not only to disavow the statement made by Mrs. Grey, but to dispense with her services with a reprimand, if he has been-and I assume he has been-unacquainted with the facts in the case.

Mr. GRAHAM. Mr. Chairman, I would like to have time in

which to ask my colleague a question.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. MOON of Tennessee. Mr. Chairman, I yield two minutes to the gentleman from Illinois [Mr. GRAHAM].

Mr. WEEKS. Mr. Chairman, I yield five minutes to the gentleman from Illinois [Mr. MANN].

Mr. GRAHAM. Mr. Chairman, I would like to ask the gentleman if he has any other information on which to base the statement I read from the RECORD:

I am informed by an affidavit which is on file that my colleague told Mrs. Grey to keep the money.

Has the gentleman any other information on which to base this charge than the affidavit or paper from which he has now given us information?

Mr. MANN. Mr. Chairman, I am informed that the cashier of the Second National Bank of this city received the same in-

formation from Mrs. Grey.

Mr. GRAHAM. That would not be additional information with reference to my advising her. That is the question. Did the cashier of the bank say that he had knowledge that I so advised her?

Mr. MANN. Only what she said. Now, I will be frank with my colleague. I never supposed he advised Mrs. Grey on this

employment.

Mr. GRAHAM. Did my colleague think himself justified in reading this statement or stating it into the Record yesterday in the form in which it there appears, clearly raising the inference that he believed I had done it?

Well, I have not seen what the RECORD shows. Mr. MANN.

Mr. GRAHAM. I have read it to you. You knew

Mr. MANN. I say now that Mrs. Grey was claiming to be an employee of the committee; that she received letters from the chairman of that committee, which, in my judgment, justified the claim; that she was constantly in attendance upon the committee; that she was used by the committee, and I have been informed that she was paid in a way-how I do not propose to say, but not out of public funds, and that while in this position she was using—I will not say was using her position—her pretended employment and seeking employment elsewhere where the employment and the subjects of the employment came within the scope of the investigation to be carried on by the committee. Now, in my judgment, I did not reflect upon the honesty of my colleague, and certainly would not.

Mr. GRAHAM. But my colleague did yesterday in this lan-

guage.

Mr. MANN. Oh, I did not. I do not think I reflected upon his honesty. I stated the fact and he denied that he advised Mrs. Grey on the subject, and that denial was sufficient for me.

Mr. GRAHAM. My colleague asserts he knew, or at least he believed, I did not so advise before he made the statement; then was he candid in making the statement under those circumstances?

Mr. MANN. I have been candid in making the statement-

Mr. GRAHAM. I leave it to the House.

Mr. MANN. I thought it was within the right of the House to know what an employee of my colleague was saying in reference to her employment and saying in reference to the commit-I would like to know from my colleague why Mrs. Grey has been in attendance upon this committee; why she has been given superior rights over other people in connection with the work of that committee?

Mr. GRAHAM. I will be glad to answer the gentleman. The committee hearings are open; anyone who chooses has the right to attend them, and many people do attend them regularly. She could have done so; she was never there at the request of the committee.

Mr. GARNER. Will the gentleman let me ask, Was she employed by the committee?

Mr. GRAHAM. She was not employed by the committee. I repeated that yesterday more than once.

Mr. MANN. Does the gentleman from Texas know how she

Mr. GRAHAM. I want to answer the gentleman more fully the question which he asked. The committee has a great deal of difficulty in getting from the Indian Bureau and the Department of the Interior the papers which are there which the committee ought to have. Mrs. Grey is exceedingly familiar with those papers and files. Calls we send there are not always promptly answered, and she has, at my suggestion, gone through these files and pointed out for us papers in the files in the department that the committee ought to have and has had some

difficulty in locating. That is the extent of her service.

The CHAIRMAN. The time of the gentleman has expired.

Mr. CAMPBELL. Mr. Chairman, I would like to have the

time extended as I would like to ask a question.

Mr. WEEKS. Mr. Chairman, I yield 15 minutes additional time to the gentleman from Illinois.

The CHAIRMAN. Does the gentleman from Illinois yield to the gentleman from Kansas?

Mr. MANN. I do.

Mr. CAMPBELL. Mr. Chairman, I am informed, in fact I have noted in the hearings of the committee of which the gen-tleman from Illinois is chairman, this notation "Chairman so and so, and other members of the committee and Mrs. Grey, present.

Mr. GRAHAM. And a number of others.

Mr. CAMPBELL. Well, she is included among the official list of those present.

Mr. GRAHAM. No; those who were present generally were

noted.

Mr. CAMPBELL. The hearings do not purport to give the name of every stranger who happens to be in the room or witnesses who happen to be there.

Mr. GRAHAM. Nor has—— Mr. CAMPBELL. This is the official list that is published Mr. CAMPBELL. This is the official lis of every hearing of those who were present.

Mr. GRAHAM. The gentleman is wrong. He is in error The clerk of the committee in the earlier sittings of it did make notation of nearly everybody who attended-the name of nearly every person who was present for a time. The clerk, under the direction of the chairman, has discontinued that practice.

The CHAIRMAN. Does the gentleman from Illinois [Mr.

MANN] yield to the gentleman from Kansas?

Mr. MANN. I think they do not desire any more time.

Mr. Chairman, Mrs. Grey was present at the hearing before this committee on June 5, 6, 7, 8, 9, 12, 13, 14, 15, 16, 17, 19, and 29, and at various hearings in July.

Mr. GRAHAM. Might I inquire what the matter under con-

sideration then was?

Mr. MANN. I think it was an investigation of the Pima

matters in Arizona.

Mr. GRAHAM. I think at that time there were other matters under consideration with which she had no more to do than any other citizen.

Mr. MANN. Subsequently she was present on various occasions while the White Earth matters were under investigation. On November 20 last this letter was sent:

Hon. Walter L. Fisher, Secretary of the Interior, Washington, D. C.

MY DEAR ME. FISHER: Mrs. Helen P. Grey wishes to look through some records in the Land Office, and also in the office of the Reclamation Service for our committee. Will you kindly see that she is given the necessary permission?

Very sincerely, yours,

JAMES M. GRAIMA, Chairman, etc.

JAMES M. GRAHAM, Chairman, etc.

Mr. HARDY. Will the gentleman permit a question? Mr. MANN. I will. Mr. HARDY. I want to know if the gentleman thinks it is wrong for the chairman of a committee or subcommittee to ask any favor in behalf of anybody who appears before his committee, either in favor of or against any legislation? I have done that with reference to men who came here employed to forward certain legislation before my committee and those who came employed to oppose that same legislation.

Mr. MANN. In February last Mrs. Grey wrote this letter, addressed to the Commissioner of Indian Affairs:

WASHINGTON, D. C., February 3, 1912.

Hon. R. G. Valentine,

Commissioner of Indian Affairs, Washington, D. C.

Sir: Under Mr. Graham's request of November 24, 1911, will you kindly furnish me with Senate Document No. 445, Sixtleth Congress, first session, parts 1 and 2, Crow Reservation, being hearings on Crow affairs, and oblige?

Yours, very truly,

Helen Pierce Grey.

To which this response was made to Mrs. Grey, as follows: FEBRUARY 3, 1912.

Mrs. Helen P. GREY, Washington, D. C.

DEAR MADAM: In response to your request of this date I take pleasure in handling you the volume you ask for, being Senate Document No. 445. Sixtieth Congress, first session, parts 1 and 2, Crow Reservation, being hearings on Crow affairs.

As this appears to be the only volume left in our library, and the volume is one which the office may have frequent occasion to refer to, will you kindly return it to us at your earliest convenience?

Respectfully,

R. G. VALENTINE, Commissioner,

In September last, this telegram was received by the Commissioner of Indian Affairs in Washington, dated September 13. 1911:

COMMISSIONER OF INDIAN AFFAIRS, Washington, D. C.:

Mrs. H. P. Grey visited agency yesterday, stating intentions of returning. Claims to represent Graham committee, and authorized by you to investigate irrigation project. No credentials shown; wire inyou to invitormation.

RUSSELL, Principal in Charge.

To which this reply was sent:

RUSSELL, Principal in Charge:

Your telegram 13th. Extend Mrs. Grey every official courtesy. Records of your office should be available for her information.

R. G. VALENTINE.

It should be remembered that Mrs. Grey, speaking and claiming to represent the Crow Indians at Casa Grande, while there denounced numerous persons connected with the Indian Service and Indian Affairs, particularly Mr. Brosious, and connected with the Indian Rights Association, boasted of her authority, and presumed to represent the Committee on Expenditures in the Indian Department.

In October last Mrs. Grey visited the Crow Agency in Mon-The superintendent wired the Indian Office that she was upon the reservation, and on October 23 the Commissioner of Indian Affairs, Valentine, sent the superintendent the follow-

ing telegram:

Show Mrs. Helen P. Grey every official courtesy, offering her full oportunity to see office records and to study conditions on the reser-

In a letter to the Secretary dated in December-

Mr. GRAHAM. Will the gentleman yield for a question there?

Mr. MANN. In just a moment. In a letter to the Secretary dated December 18, 1911, Mrs. Grey wrote at considerable length to the Secretary of the Interior protesting against the employment of Kappler and Merillat as attorneys for the Crow Indians in Montana, opening her letter with the following

For and on behalf of the Crow Indians in the State of Montana, whose duly authorized and acting representative I am,

And so forth.

The letter is signed by Mrs. Grey as "Representative of the

Crow Indians of Montana."

It will be noticed that the Crow Indians of Montana whom she claimed to represent were the Indians at the agency where she claimed to represent the committee and had received ausne claimed to represent the committee and had received authority from the superintendent in charge by direction of the Commissioner of Indian Affairs to inspect everything there. Now, I yield to my colleague.

Mr. GRAHAM. Mr. Chairman, the gentleman seems to have a complete copy of all the correspondence.

Mr. MANN. Not here; I have not.

Mr. GRAHAM. Has he among his files a telegram from the Indian Bureau to myself at Springfield. Ill. natifying me that

Indian Bureau to myself at Springfield, Ill., notifying me that Mrs. Grey intended to visit the Crow Agency, and asking me if she was a representative of the Committee on Expenditures in the Interior Department, and my reply to it?
Mr. MANN. I have.

Mr. GRAHAM. I think it is hardly candid not to read that

Mr. MANN. If the gentleman had not interrupted.

Mr. GRAHAM. You have passed the place where it fitted in.

Mr. MANN. I beg the gentleman's pardon.
Mr. GRAHAM. The date will show, if you will just turn back and refer to it. That is not frank of my colleague.

Mr. MANN. I do not ask the gentleman to determine as to my frankness.

Mr. GRAHAM. I have a right to express an opinion about it. Mr. MANN. He had better express his own frankness about somebody in his employ obtaining pay while representing some-body else than the Government of the United States.

Mr. GRAHAM. I ask the gentleman to read the correspond-

Mr. MANN. I propose to read it.

Mr. GRAHAM. You could not very well get out of it now.
Mr. MANN. I could get out of it if I wanted to. I would
not have to do it here if I did not want to read it.

Mr. GRAHAM. The date will show whether the gentleman intended to read it now.

The CHAIRMAN. Does the gentleman from Illinois [Mr. MANN] yield to his colleague [Mr. GRAHAM]?

Mr. MANN. I do not yield for gratuitous nonsense like that. On October 16, 1911—

Mr. GRAHAM. May I interrupt the gentleman there to ask him if he had not passed on to December?

Mr. MANN. Not at this point, because I wished to connect Mrs. Grey as a representative of the Crow Indians, which I have done, by her own letter, stating that she was the representative of the Crow Indians at the very time-I do not know whether my colleague knew it or not; he ought to have known it—that she was, through his influence, receiving special favors. OCTOBER 16, 1911.

Hon. JAMES M. GRAHAM,

Hon. James M. Grahan,
Springfield, Ill.:

Helen Pierce Grey has notified office that she intends to visit Crow
Reservation Wednesday, 18th instant, but omitted to state whether
representative of your committee. Please advise office whether she is

representing Committee on Expenditures for the Interior Department on this visit, in order that office may wire proper instructions to reservation superintendent.

F. H. ABBOTT, Assistant Commissioner.

To which this answer was sent-Mr. GRAHAM. The date, please?

Mr. MANN. I presume it is the same date. The date is not on here:

F. H. Abbot. Assistant Commissioner, Washington, D. C.:

Our committee has not authorized any one as its representative to Crow Reservation, but if Mrs. Grey has any relevant information I feel sure that the committee will be glad to have it.

That is very much like another telegram which my colleague sent. When Mrs. Grey was in Arizona somebody wired to my colleague—I think it was the editor of one of the papers there—asking whether Mrs. Grey was authorized to speak for the committee. My colleague replied:

SAMUEL W. SMALL. Editor Sun, Phoenia, Ariz.:

Mrs. Grey has no authority to speak regarding the committee's intentions. Only a majority of the members can do that.

That was signed by my colleague. No disavowal of the authority of Mrs. Grey as representing the committee, but a statement of "only the majority of the members of the committee can speak regarding the committee's intentions.

Mr. RAKER. May I ask the gentleman a question right

there?

Mr. MANN. It did not need a telegram to inform anybody in the country that an employee of the committee can not speak for the committee; that an individual member of the committee can not speak for the committee; that the chairman of the committee can not speak for the committee without the authority of a majority of the members of the committee.

Mr. GARNER. Mr. Chairman, may I interrupt the gentle-

Mr. MANN. Certainly.

Mr. GARNER. I wish to call the attention of the gentleman to his use of the term "employee of the con nittee," his colleague, the chairman of the committee, states most positively that she has not been an employee of the committee; and it does seem to me that there is a very acute issue there as between the gentleman from Illinois [Mr. Mann] and the gentleman from Illinois [Mr. GRAHAM].

Mr. MANN. It may be that my colleague has stated that Mrs. Grey was not an employee of the committee, but if he

has it has escaped my attention.

I understood a few moments ago, when the Mr. GARNER. gentleman from Illinois [Mr. MANN] asked him the question, whether or not she was employed by the committee, the gentleman from Illinois [Mr. Graham] answered most positively that she was not, and he made that statement twice yesterday

Mr. MANN. I did not so understand him yesterday to state that Mrs. Grey had not been employed by the committee. I understood him to say that Mrs. Grey had not been paid out

Mr. GARNER. I fall to understand how a person is an employee of the committee when the committee is conducting an investigation and the expense of the conduct of that investi-

gation and examination is paid out of public funds.

Mr. MANN. Whether or not they will be paid out of the public funds I do not know. I know that several people have claimed to have been employed by that committee-one who received \$200 and claimed that he should have received \$1,000. I asked if the man was employed by the committee. I received the impression-I will not say that the statement was made, but I received the impression from the statement that was made—that the man was not employed by the committee, but subsequently I learned that he had presented a bill for \$1,000 and had received \$200 on account.

Mr. RAKER. Mr. Chairman-

Mr. GRAHAM. Mr. Chairman, I want to state—
The CHAIRMAN. Does the gentleman from Illinois yield to the gentleman from California?

Mr. MANN. I yield to the gentleman from California, who has interrupted me several times, and then I will yield to my colleague.

Mr. RAKER. If the gentleman from Illinois [Mr. Graham]

wants to ask a question, I will withdraw.

Mr. MANN. Then I shall not yield to the gentleman later. I can not afford to fritter away my time. I yield to my colleague now.

Mr. RAKER. All right.

Mr. GRAHAM. Mr. Chairman, I want to state that the statement of my colleague [Mr. Mann] as to his information

has paid out no public money to anyone claiming to be an employce and no such bill was ever presented to any member of the committee by anybody.

Mr. MANN. Did not this attorney down here claim that he

was to be paid \$1,000?

Mr. GRAHAM. I do not know what he claimed. Mr. MANN. I have heard the statement that he did claim that he was to be paid \$1,000.

Mr. GRAHAM. He made no such claim to me.
Mr. BURKE of South Dakota. Mr. Chairman-

The CHAIRMAN. Does the gentleman from Illinois yield to the gentleman from South Dakota?

Mr. MANN. Yes.

Mr. BURKE of South Dakota. I do not know to whom the gentleman refers. I presume he is referring to a gentleman by the name of Fennell.

Mr. MANN. That is the gentleman, and it was in connection

with that celebrated Controller Bay investigation.
Mr. BURKE of South Dakota. If you will take the printed hearings you will find in the record, made under the supervision, I presume, of the chairman of the committee, that in addition to those who were in attendance at the hearings constituting the committee, Mr. Fennell appeared as attorney or counsel for the committee.

Mr. MANN. I remember that. The printed record attracted my attention, because at that time the committee had been given no authority to employ an attorney or anybody else. After reading the hearings that came from the committee, showing that Mr. Fennell was there as the attorney for the committee, I asked for information on the subject.

Mr. GRAHAM. Just as Mr. Easby-Smith will appear in the hearings now going on as the attorney, but without compensa-

tion from the committee.

Mr. MANN. Has not Mr. Fennell been paid any compensation?

Mr. GRAHAM. He has not received a dollar of the people's

money.
Mr. MANN. Has he not been paid \$200?

Mr. GRAHAM. He has not received any of the people's money.

Mr. MANN. All I can say is that I was informed by a member of the Committee on Accounts that he had received \$200 through the Committee on Accounts.

Mr. GRAHAM. There is no way in which the committee can

pay out money except on proper vouchers.

Mr. MANN. Who is paying these men? That is what I want to know. Who is paying Mrs. Grey? Nobody seems willing to give that information. Who paid the attorney who appeared on the record as the attorney for the committee? Who is paying the attorney now who appears in the record as the attorney for the committee? Is it the people who are being investigated? That is what I want to know.

Mr. GRAHAM. If public-spirited citizens offer him compensa-

tion, it is nobody else's affair.

Mr. MANN. Oh, it is the affair of Congress. We are quite able and willing to pay the necessary expenses of these investigations. We have already paid nearly \$100,000 and within the last two days have authorized the expenditure of nearly \$75,000 more; and yet the gentleman assumes that we are too poor to pay an attorney for the committee. Who does pay the attorney?

Mr. GRAHAM. Will my colleague yield for a question?

Yes.

Mr. MANN. Yes. Mr. GRAHAM. In the case of the senatorial investigation from our State were there not attorneys employed on both sides, some of whom represented the public and some of whom repre-

sented private persons?

Mr. MANN. There were attorneys employed by the committee and paid out of the public funds to represent the com-People who were under contest had their attorneys employed, as people have the right to have attorneys represent them before the gentleman's committee, but in that contest the attorneys for the committee are paid out of the contingent fund of the Senate, and no man could justify a private individual in paying the fees of the attorneys for the committee. [Applause.]

Mr. Chairman, on August 14 last Mrs. Grey wrote a letter to an Indian, William Obern, of Odanah, Wis., stating that in the papers given her by one Denomie she finds an application of his for competency, and in her letter to this Indian she said:

I am at present employed by the committee of the House that is investigating the Indian Bureau, having on now an investigation of the Apaches of Arizona and also the White Earths of Minnesota. Both of these investigations were brought to the committee by me and I am working with one of the attorneys of the Department of Justice who has charge of the prosecution of the White Earth Reservation in Minnesota.

She offered this Indian to look after his application, to have that a certain gentleman received \$200 and presented a bill his restrictions removed, on the condition that he agree to pay for \$1,000 is not correct. The committee, as I stated yesterday, her \$150, and sent him an agreement to that effect and requested

him to execute it. In the same letter she solicited employment to represent the tribe as a whole, asking for \$10 a day and her Let my colleague disayow that Mrs. Grey has been employed by the committee. In November last she met one of the messengers of the Bureau of Indian Affairs and asked him to find a certain Indian that was in the office by the name of Standing Bear, who had an application for a patent in fee pending before the office, and solicited employment by the Indian. She had the case of the brother of this Indian and received money from him, and, as I am informed, stated to one of them that she was employed by the committee investigating the Indian business

Mr. CAMPBELL. Will the gentleman state where this took

place?

Mr. MANN. This last took place in the Indian Office, where Mrs. Grey was occupying a desk under the supposition that by the letter of the chairman of that committee she was employed, representing in some capacity the committee.

Mr. GRAHAM. May I ask the gentleman if that is the letter

that my colleague has read?

Mr. MANN. Yes.

Mr. GRAHAM. Can my colleague see in that letter any such

authority or any foundation for his statement?

Mr. MANN. I can say that if the gentleman had given me a letter of that sort and I had presented it and informed the people to whom I presented it that I was employed by the committee, that printed records of the daily proceedings of the committee giving attention to the fact that I was in attendance on the committee and rendering service to the committee, I would expect that they would assume that I was employed by the committee.

Was Mrs. Grey employed by the committee? Who has paid her? If the gentleman does not know we ought to have an investigation to find out. If he does know, he ought to fact an investigation to find out. If he does know, he ought to state it frankly to the House. [Applause on the Republican side.]

Mr. WEEKS. Mr. Chairman, I now yield 10 minutes to the gentleman from Wyoming [Mr. Mondell].

Mr. MONDELL. Mr. Chairman, during my absence from the Chamber yesterday a resolution authorizing the Committee on Expenditures in the Interior Department to make certain investigations and expenditures in connection therewith was considered, and during the debate the gentleman from Illinois [Mr. Mann] made this statement:

When this committee went to make the investigation called the White Earth investigation I did not think that the chairman of that committee treated the minority fairly. There are three minority members upon the committee, and the chairman of the committee was notified that the gentleman from Wyoming [Mr. MONDELL] could not attend on the trip which the committee made to the Northwest, because his duties required him, in his opinion, to remain in the House, an opinion in which I concurred. I do not believe it is fair for the chairman of a committee appointing a subcommittee to purposely appoint as a minority member of that committee one who has notified him he can not attend.

The gentleman from Illinois [Mr. GRAHAM] a little later, in reply to his colleague, said:

Mr. Speaker, I want first to answer my colleague's statement with reference to the personnel of the subcommittee which went to Minnesota. The gentleman's statement with reference to the manner of the selection of the gentleman from Wyoming, Mr. MONDELL, as a member of that committee has certainly been made under a misapprehension and does not conform to the facts. Mr. MONDELL was ranking member of the minority upon our committee. As ranking member the chairman of the committee understood that it was the custom and that it was the right of Mr. MONDELL to be named as the minority member of the subcommittee. He was so named. At the time his name was informally mentioned as the minority member of the committee Mr. MONDELL said that he did not see how he could go, but he did not positively decline to go. He did later write a letter, not declining to serve, but tendering his resignation.

that he did not see now he to go. He did later write a letter, not declining to serve, but tendering his resignation.

That letter reached me in Minneapolis, and I at once answered, regretting his determination not to act with us, and stating that I did not think I had any power individually to act upon that resignation, and that it would be presented to the full committee at the carllest practical moment. That was done, the resignation was withdrawn, and Mr. Mondell is still a member of that subcommittee because he did not press his resignation.

Now, Mr. Chairman, I feel confident that no one desires to make a misstatement in regard to this matter, but possibly there are some who need to have their memories refreshed in regard to it. In the first place, I call attention to the fact that the resolution authorizing the White Earth investigation, which is the one referred to, was before the House on January 9, and in discussing that resolution I said:

to wander afield to Minnesota and to the far confines of the Sacaton Reservation while Congress is in session. I conceive it to be my duty to be here, guarding and caring for the interests of my constituency.

That, I thought, was a clear statement of my position. Mr. MANN. Mr. Chairman, will the gentleman yield? Mr. MONDELL. Certainly. Mr. MANN. That was before the subcommittee had been

appointed.

Mr. MONDELL. That was before the subcommittee had been appointed.

Mr. MANN. When the matter was up for consideration in the House, and my colleague from Illinois [Mr. GRAHAM] was

present, in reference to his own resolution?

Mr. MONDELL. Yes. Later; a few days later; possibly the next day—I do not recall the exact date—the matter of the appointment of a subcommittee was taken up before the full committee, and the gentleman from Illinois [Mr. Graham] suggested that he had it in his mind to appoint me a member of the subcommittee. I reminded him of the statement that I had made on the floor of the House, and then at some length, desiring to be entirely courteous, to have him fully understand that I would be glad to serve if it were possible for me to do so, I explained to him and to the full committee the character of the duties that I conceived required my presence here. I said that it would, under those circumstances, be impossible I said that it would, under those circumstances, be impossible for me to serve. At that time the gentleman from South Dakota [Mr. Burkel], a member of the committee, suggested that if the matter was left to the minority members of the committee we would select a Member to serve upon that subcommittee, or words to that effect. The chairman of the committee the gentleman from Ulivie [Mr. Carrent] and the mittee, the gentleman from Illinois [Mr. Graham], said that he did not understand that the rule which prevailed in the House under which the minority selected its membership on committees applied to such a case, leaving us to infer that he expected to make the appointment.

There was a subsequent meeting of the committee, either the day following or two or three days later, when the matter of the appointment of the subcommittee was again taken up. I again explained at some length, and I thought my friend from Illinois was somewhat irritated at the length of time I took to explain that while I had no desire to evade any duty as a member of the committee my duties were such that I felt I could not leave the city. In order to be certain that I was not refusing a duty that I should perform under the ordinary usages of the House, I asked the gentleman from Illinois [Mr. MANN] whether in his opinion, under the circumstances, there was any obligation on my part to serve. He said in substance, as I recollect, that if my duties were such that in my opinion could not leave without neglecting them, I was under no obligation to go, that some one else could and should under those circumstances be appointed. When, for the second time, in the committee I explained why I could not go, I stated to the chairman that the gentleman from South Dakota [Mr. Burke] was much more familiar with the matters that were to be investigated than I was; that he had been chairman of the Committee on Indian Affairs, and knew all about these White Earth Indian matters; that I knew nothing of them; that the gentleman from North Dakota [Mr. HANNA], a member of the committee, was also familiar with these matters; and that either of these gentlemen could serve very much more acceptably than I could on the committee; and that one or the other of them would go, I was confident.

Mr. MADDEN. Mr. Chairman, does the gentleman from Wyoming know anything about the employment of Mrs. Grey by the committee?

Mr. MONDELL. Mr. Chairman, for the present, I prefer not

to touch upon that.

Mr. GRAHAM. Mr. Chairman, we are unable to hear the gentleman from Illinois, and I would like to know what his question was

Mr. MADDEN. Mr. Chairman, I simply asked the gentleman from Wyoming whether he as a member of the Committee on Expenditures in the Interior Department knew anything about the employment of Mrs. Grey by the committee?

Mr. MONDELL. Mr. Chairman, I may refer to that, if I have time, but for the present I desire to continue the discussion

of the matter in hand.

As emphatically as I felt I could—and I believe I can be emphatic on occasions and still be courteous and decent in my Mr. Speaker, as a member of the committee authorized to go forth and conduct investigations under this resolution, I want to protest against that portion of the resolution which proposes that the committee carry on its investigations in distant regions during the sessions of the House. As a Member of this House I have found that my duties here are quite sufficient to keep me occupied at all times while Congress is in session. I have no time as a member of that committee received a letter from the chairman of the committee announcing my appointment as a member of the subcommittee. I immediately, within the hour, dictated an answer. I am not absolutely certain that that answer was mailed that day. It was written that day, but I recall that I made one or two changes in the letter, and it is barely possible that it was not mailed until

the next morning, but it was dated the 18th.

The CHAIRMAN. The time of the gentleman has expired.

Mr. WEEKS. Mr. Chairman, I yield 10 minutes more to the

gentleman. Mr. MONDELL. Mr. Chairman, my answer, which I shall put in the Record, was written and dated the same day that I received the letter from the gentleman from Illinois [Mr. GRAHAM]. and in that answer I reviewed briefly what I had said at the time the matter was under consideration, what I had said in the committee, and expressed my surprise that under the circumstances I should have been appointed. I am not sure whether that letter was mailed or sent to the room of the chairman, but at any rate it left my office in less than 24 hours, and I think in less than 6 hours of the time I received the first notice, and the only notice that I ever had that I had actually been ap-

pointed on the subcommittee.

I discussed that matter with the gentleman from Illinois [Mr. Mann] at the time, because I was not certain as to which was the proper procedure-to decline to serve or to resign; and I think on the advice of the gentleman from Illinois I wrote my letter as a resignation from the subcommittee. In reply to that I received the next day a letter from the gentleman from Illinois [Mr. Graham] stating that he was sorry I could not serve, but that it was too late to change the arrangements. In the statement that the gentleman made yesterday he said my resignation was withdrawn and I was still a member of the subcommittee because I did not press my resignation. All that has ever been said in regard to the matter, as he will recall, is that after he and the other member of the subcommittee who served returned from Minnesota the chairman one day referred to my letter of resignation and the fact that it had not been accepted. My recollection is that he said that in view of the fact that the investigation was practically over he supposed that it was not necessary to take any action in the matter. To that I made no reply whatever that I can now recall except perhaps to remark I presumed that was so. I did not feel that anything was to be gained by further discussing the matter and did not care to do so. I have never attended a meeting of that subcommittee except-

Mr. GRAHAM. Will the gentleman yield for a question?

Mr. MONDELL. Except that one day I passed the room in which the subcommittee was in session and saw in the room a gentleman whom I desired to talk to for a moment, and I went into the committee room and sat perhaps for five minutes during the hearings; but I have never served on that subcommittee; I have never considered myself a member of it.

Mr. GRAHAM. Is not the gentleman mistaken as to the length of time he stayed with the committee on the occasion

to which he referred?

Mr. MONDELL. Well, it may have been more than five minutes. I wanted to talk with the Commissioner of Indian Affairs in regard to a matter and had intended to go to his office and see him, and I happened to pass by the room and saw he was in there, or learned he was. I went in and waited some little time-I think during the time that he was being examined-and then left the committee room. I sat there merely as a spectator for certainly not to exceed 10 minutes, and I imagine not that long.

Mr. GRAHAM. Did not the gentleman ask some questions

while there?

Mr. MONDELL. I do not recall; as a spectator I may have, but I do not recall. I think not.

Mr. GRAHAM. I mean as a member of the committee and

not as a spectator.

Mr. MONDELL. Oh, I certainly did not, because the gentleman himself knows that in conversation he said that, as a matter of fact, there would be no object in my sitting with the committee, even if I desired to do so, in view of the fact that the investigation was practically over; and the gentleman knows, and everybody else knows who knows anything about it, that I resigned from that committee and I have not served on it a minute. I now recall that on the occasion referred to former Commissioner Leupp was interrogating Commissioner Valentine. I am quite sure I did not say a word.

Mr. GRAHAM. In the first place, the gentleman declines to assent to the statement just made and his recollection is different from that of the gentleman from Wyoming, that the chairman of the committee did not make the statement just

now used that it was not necessary for the gentleman to sit with the committee, that its labors were nearly concluded, but, on the contrary, requested the gentleman from Wyoming to stay with the committee and serve with it.

Mr. MONDELL. It is entirely immaterial whether that be the gentleman's recollection or not. I do not propose to be placed in the attitude of passing back and forth contradictions as to just what was said. The fact remains—

Mr. GRAHAM rose.

The CHAIRMAN. Does the gentleman yield?
Mr. MONDELL. I do not yield—that, in the first place, I repeatedly declared that I could not serve on the subcommittee. I and other members of the committee asked the chairman to allow us to select, or asked that he should select, some other minority member to serve on that subcommittee. He declined to do so, though he never told me positively that he would, absolutely against my will and wish, appoint me, and I never knew that I was appointed until I received that letter of January 18, that I will print in the Record, which was imme-I have never served on the subcommittee diately answered. and have never been near the subcommittee except on that occasion, when I went into the committee room for the purpose of speaking to a gentleman who was there, and did not remain to exceed 10 minutes.

Mr. BURKE of South Dakota. Will the gentleman yield? would like to ask the gentleman if it is not a fact before the subcommittee went to Minnesota and during the special session of Congress last summer there were a number of hearings on the White Earth matters. There had been as a matter of fact several hearings on White Earth matters.

Mr. MONDELL. Well, there had been many hearings, and

they were varied.

Mr. BURKE of South Dakota. Well, on the White Earth matter, and the gentleman was in Wyoming during most of that time.

Mr. MONDELL. Well, I do not now recall I was present,

although I may have been at a White Earth hearing.

Mr. BURKE of South Dakota. I think the gentleman was present at one White Earth hearing. There had been, as I re-call, 9 or 10 after I went upon the committee, and I had attended every meeting of the committee during that investiga-

Mr. MONDELL. I remember very clearly now, since the gentleman refreshes my memory, that I attended a lengthy hearing in regard to the White Earth matter, at which Mr. Burch was present and at which a number of Indian children testified, including one or two Indian girls.

The letters referred to are as follows:

HOUSE OF REPRESENTATIVES,
COMMITTEE ON EXPENDITURES IN THE INTERIOR DEPARTMENT,
Washington, D. C., January 18, 1912.

Hon. Frank Mondell.

House of Representatives, Washington, D. C.

MY DEAR MR. MONDELL: The subcommittee of the Committee on Expenditures in the Interior Department, for the purpose of taking testimony in the White Earth Indian Reservation matter, of which subcommittee you are a member, will begin its sessions on next Tuesday, January 23, 1912, at the court room in the Federal Building in Minneapolis, Minn., at 10 o'clock a. m. Please be on hand.

Very truly, yours,

James M. Graham. Chairman Subcommittee.

House of Representatives,

Committee on Expenditures in the Interior Department,

Washington, D. C., January 18, 1912.

JAMES M. GRAHAM,
Chairman Committee on Expenditures,
Interior Department, Washington, D. C.

Interior Department to acknowledge
Those the honor to acknowledge

Interior Department, Washington, D. C.

My Dear Mr. Graham: I have the honor to acknowledge receipt of your letter of January 18, in which you state that I am a member of the subcommittee to take testimony in the White Earth Indian Reservation matter; this being the first Indication that I have had that you had selected me as a member of the subcommittee. I note that you also state that the subcommittee will begin its sessions on Tuesday, January 23, 1912, at the court room in the Federal Building in Minneapolls, Minn., and request that I be on hand.

You will recall that when the resolution authorizing the Committee on Expenditures in the Interior Department, or subcommittees thereof, to hold sessions outside of Washington during the sitting of Congress and at other times, I offered an amendment, which, if adopted, would have left the committee without authority to sit outside of Washington during the sessions of Congress. I stated, in support of my amendment, that it seemed to me unwise to authorize prolonged absence of Members of Congress from Washington during the sessions of Congress, unless there was some particularly urgent important public business which demanded it, and I expressed the opinion that the investigation which was proposed was not of such an urgent or important character; that as a matter of fact no public interest could be served by such an investigation in the field which could not be equally as well or better served by investigations and inquiries here in Washington.

I further stated that, so far as I was personally concerned, I could not spare the time for such prolonged absence from Washington as was contemplated without neglect of my public duties as a Member of the

House of Representatives and of the service which I owed my constituents.

House of Representatives and of the service which I owed my constituents.

At a meeting of our committee, held last Monday, I reiterated my position and stated at length the reasons why I could not leave Washington for the length of time contemplated without neglecting my duties here; that as the only Member from the State which I have the honor to represent it is peculiarly incumbent upon me to be at the seat of Government during the sessions of Congress.

I further suggested that Mr. Burke, of the committee, was more familiar with the legislation, the effect of which it was proposed to investigate, than I, he having been for many years a member and quite recently chairman of the Committee on Indian Affairs. That Mr. Hanna, of the committee, as a resident of the adjoining State, was in all probability more familiar with affairs on the White Earth Reservation than I, and that therefore either of these gentlemen was quite as well or perhaps better qualified than I for the service proposed.

In view of these facts I had hoped you would see your way clear to appoint one of the other Members of the minority on this subcommittee; and to be entirely frank, I was much surprised to find that you had selected me for the place. I very sincerely regret that I do not find myself justified in accepting the appointment. After careful consideration of the matter from all standpoints I am more strongly convinced than ever that I would not be doing my duty as a Representative of the people of Wyoming and a Member of the House were I to accept the appointment. the appointment.

Very respectfully,

House of Representatives, Committee on Expenditures in the Interior Department, Washington, January 19, 1912.

Committee on Expenditures in the Interior Department,

Washington, January 19, 1012.

Hon. F. W. Mondell,

House of Representatives, Local.

My Dear Mr. Mondell: Yours of the 18th instant is just received. I am surprised at the statement in it that my letter of January 18 to you is the first indication you had that I had selected you as a member of the subcommittee, as you were present at the committee meeting on Monday, the 15th instant, when I stated that I would name Mr. George, you, and myself as the members of the subcommittee, giving as my reason that you were the ranking minority member, and it was admitted by the members of the committee that that order was generally followed in the naming of subcommittees.

It is true, as you state, you opposed the resolution authorizing the appointment of a subcommittee; but as the resolution was adopted and the House thus indorsed our effort to carry on the investigation at the least expense by going to Minnesota instead of bringing a very large number of witnesses to Washington, it becomes necessary to comply with the action of the House and send a subcommittee there.

As it is quite probable that we will send other committees to other parts of the country later on under the House resolution, the other minority members will be called on to serve in their turn, so that all will in the end be treated alike.

I do not blame you for not wishing to go. In that respect I think every member of the committee feels as you do. I would be greatly pleased if I did not have to go to Minnesota at this season of the year, and I am sure Mr. George would be, too, but it seems to me it is our duty to go, however much we dislike it.

In any event it is now too late to change the arrangement. I hope you will see your way to join the other members of the subcommittee at Minnesolis next week.

Yery truly, yours,

JAMES M. GRAHAM,

Chairman Committee on Expenditures in the Interior Department.

JAMES M. GRAHAM, Chairman Committee on Expenditures in the Interior Department.

Mr. GRAHAM. I will ask the gentleman from Tennessee [Mr. Moon] if I can have five minutes. I will not ask for an extension.

Mr. MOON of Tennessee. I suppose I will have to yield the gentleman five minutes.

Mr. MADDEN. I hope he will get five minutes in which to

answer my question, Mr. Chairman.

Mr. GRAHAM. I agree with my colleague from South Dakota [Mr. Burke] that many of those matters are not worth discussing. He said yesterday it was proposed that the chairmen of the committees would make their own selection. He states now, as I recall it, that I refused to do it. I did not decide that question at that time. I declined at that time to decide it, and I made clear that I would take time to consider it, and I said yesterday the question never came up again, which was true. Just now my colleague on the committee from South Dakota refreshes the recollection of my colleague from Wyoming [Mr. Mondell] and said to him there were 9 or 10 meetings of the committee on the White Earth matter before going to Minnesota.

Minnesota.

Now, in these matters of recollection we are all liable to be a little wrong. My friend from South Dakota [Mr. Burke] is cally about two-thirds right in that statement. There were six only about two-thirds right in that statement. There were six hearings of the committee on the White Earth matter prior to going away, and the seventh session was really not a session because it was simply the receipt of a statement by Judge Burch, of the Judiciary Department, which was printed as "No. 7," as the gentleman will clearly recall, showing that prior to it there were six hearings, and only six, in which testimony was taken. We are all liable to be wrong on matters of recollection.

But I am not going to dwell on that. Mr. Chairman, is not this a most singular condition? These matters seem to be trifling. To anyone not on the inside they would be very much tempted to inquire what all this row was about. Is it a tempest in a teapot, gentlemen, you whose corns are being hurt? Why are you making so much fuss about this matter? Is the investi-

gation liable to get somewhere in the near future? Are things to be developed which you will not like? Let me say to you, the investigation will go on just the same. [Applause on the Democratic side.1 You can not defeat the purpose of the committee to go on and find out what facts they can, and if those facts interfere with you, if they hurt you, if they make you squirm, you will have to bear with them and do the squirming. We will not try to get any information that is not correct, but we do not care where it comes from or who brings it to us; if after investigation the committee believes it ought to be followed they will follow it wherever it leads, and they will let this House and the country know what that information is

And I say to my colleagues on this side of the House that what has occurred here yesterday and to-day is the best proof in the world that this committee is doing some good and is

likely to do more good.

I yield back the balance of my time. Mr. HUMPHREY of Washington. Will the gentleman from Illinois yield for a question before he takes his seat?

Mr. GRAHAM. I think the incident is closed now. Mr. WEEKS. Mr. Chairman, in order to allow the gentleman from Wyoming to answer the question which was asked him before he took his seat, I will yield to him three minutes' additional time.

Mr. MONDELL. Mr. Chairman, the gentleman from Illinois [Mr. MADDEN] asked what I knew as a member of the committee as to the employment of Mrs. Helen Grey. I know nothing in regard to it. Mrs. Helen Grey has been present at most of the meetings of the committee that I have attended from the beginning. Mrs. Grey has told me that she was employed by the committee, but I have been unable to secure from the majority of the committee any information whatever on that subject. We are entirely in the dark as to the relations Mrs. Grey sustains toward the committee, except that at times

she has interrogated witnesses. Mr. GRAHAM. Mr. Chairman, may I interrupt at that point? I challenge the gentleman to produce any record where Mrs. Grey has interrogated any witness.

Mr. MONDELL. Well, it is barely possible that the gentle-

man from Illinois is technically accurate.

Mr. GRAHAM. Absolutely accurate. Mr. MONDELL. Mrs. Grey, if she has not actually asked questions, has injected remarks into the record, and she has suggested questions on a number of occasions.

Mr. GRAHAM. I also challenge the gentleman to produce

The CHAIRMAN. The time of the gentleman has expired. Mr. MANN. Still we do not know who pays her.

Mr. MOON of Tennessee. Mr. Chairman, I yield 40 minutes to the gentleman from Maryland [Mr. Lewis].

Mr. LEWIS. Mr. Chairman and gentlemen of the committee, I very much regret the absence of the larger part of the membership of this House on the occasion of the session last night, when the gentleman from Mississippi [Mr. WITHERSTOON] made his address on the subject of the parcel post, or the transport of the small shipments. Had the House heard the first half of his address, that much time in the way of attention would have been rendered unnecessary on your part this afternoon. As it is, I shall feel it necessary to go over some of the portions of the subject as treated by him, in a much less philosophical and interesting way, but still suggestively as necessary to an understanding of my views on this subject.

What is the problem before Congress? Stated briefly, it is this: The economical transportation of the small shipment. That is the problem involved in the parcel-post question. That is the problem, too, involved in the express question. That, also, I think you will find, is the identical problem in the highcost-of-living question, especially with reference to the vital

necessaries of life.

Now, what do we mean by the small shipment? We mean, generally, the shipment which falls below the minimum weight limit fixed by the railways in fixing their rates. We mean the unit of 100 pounds, which the railways have universally established as the minimum weight at which they will regard a shipment. But, in a more concrete sense, we mean the retail ship-ment—the shipment in sizes to suit—the ultimate unit of pur-chase; the shipment in forms adapted to the needs of the consumer—the ultimate purchaser.

How serious the condition is in this matter of the transporta-

tion of the small shipment I shall take only a moment to suggest. The Agricultural Department reports that farm products, produced in retail form mainly, for which the farmer received some \$6,000,000,000, cost the consumers of the United States some

\$13,000,000,000.

Last year's agricultural products were worth \$9,000,000,000 to the farmers. The Government used farm values in getting figures for this total. Assuming that the farmers kept one-third of the products for their own use, the consumers paid more than \$13,000,000,000 for what the producers received \$6,000,000,000.

The cost of getting the year's products from producers to consumers amounted to the enormous sum of \$7,000,000,000.

The real problem to deal with is not high cost of living. It is high cost of selling. (B. F. Yoakum, chairman St. Louis & San Francisco R. R.)

The report of the Secretary of Agriculture for 1910 gives the following as the percentages of the prices paid by the consumer which the farmer received for the foodstuffs named:

	Per
oultry	
ggs, by the dozen	
dery, by the bunch	
trawberries, by quart	
ranges, by dozen	
elons, by pound	
ototoos by husbal	
otatoes, by bushel	
atermelons, singly	
urkevs	
abbage, by the head	
pples, by bushel	
pples, by barrel	
nions, by peck	
reen peas, by quart	
arsnips, by bunch	
urnips, by bunch	
armps, by buildings and a second	

Now, the reason that great disparity of price exists appears to be this: There does not exist in the United States to-day any system of transportation that acts as a direct conduit from the farm to the kitchen.

The result is that the eggs, the butter, the chickens, the ham, and the 50 other things that you think of as necessary on the table, although produced in retail forms, ready for the consumer's daily or weekly demands, wanting this conduit from the farm to the kitchen, take the roundabout processes of commerce, fall into the hands of a buying collector, who converts them into wholesale lots, who hands them over to the wholesale trade, which in turn hands them over in wholesale units to the retail trade, when the retail trade reconverts them into retail forms and turns them over to the consumer at a price usually double.

Nevertheless, the transportation does take place; otherwise the article could not move from the farm at all. But it takes place in a broken fashion. The conduit is broken into three or four pieces, and at the end of each piece a commercial process takes place which at length doubles the final price.

Again, I say, our problem is the economical transportation of the small shipment, which involves the parcel post, which involves our express conditions, and which involves, too, the high cost of living.

When we think of transportation, we naturally think of the railways of our country. Let me make this suggestion to the It may not have occurred to them. I am frank to say it had not occurred to me in many years of reading on the subject until after special investigation of this subject. rallways of our country are engaged in a wholesale business, not in a retail business at all. The minimum shipment that they will regard in the matter of rates is 100 pounds. They decline to regard it as less, and even in those instances where the rate on 100 pounds may be less than a quarter, they charge the minimum of a quarter, and in those other instances where you take 20 or 30 pounds to the depot they will charge you for 100 pounds.

It is very rare, if indeed it ever happens, that this ultimate unit of purchase goes to a freight depot. His needs are not such as to call for a 100-pound package. He certainly does not require 100 pounds of beans, or eggs, or butter, and so forth. He must have his supplies in retail form, and the railway, engaged in the wholesale business, fails to handle it in such retail forms.

Mr. CAMPBELL. Mr. Chairman, in the general scheme of transportation, what objection would there be to the railway company doing this wholesale freight business with its freight trains, and doing what the gentleman from Maryland calls a retail freight business on its passenger trains, as it now does the express business—the railroad company doing the business itself, without the intervention of the express company? What objection would there be to that?

Mr. LEWIS. If the gentleman will indulge me until I reach that subject in the orderly progress of my remarks, I will thank

Now, we say the railway is drawing an arbitrary line with its 100-pound minimum, is acting unreasonably in exacting a minimum price of 25 cents, whatever the service; but when you come to examine railway practices you find that there are 22 own most of the stock of the express companies?

acts that the railway must perform with regard to a shipment, small or great, journey long or short. On the larger shipments—these 22 acts being mainly acts of accounting attention—the larger shipment can bear them without ill consequence to itself. But on the smaller shipments, this retail shipment, the collective effect and burden of this transportation accounting is such as to penalize it out of the transportation of the railways of the country. Let me say at this point, gentlemen, that one of the most interesting features of the whole subject is the circumstance that of the 22 acts of transportathis moment replaced by the railway to a shipment 15 are at this moment replaced by the postage stamp in the carriage of the small shipment by our postal system. I am convinced that the railway will not be able to handle this small shipment on

terms sufficiently economical.

We think of the express company in connection with the

small shipment.

Mr. CAMPBELL. Now, will the gentleman yield? If the express company can carry the package, why not the railway company, which in fact does carry the package?

Mr. LEWIS. I can understand the gentleman's impatience, but he will find I can tell him what I know on this subject in a much clearer way if he exercises even further patience. [Applause. 1

Now, there are two troubles with the express company in handling this small shipment. First, mutatis mutandis, it carries the same system of transportation practices that the railway does, and goes through with regard to the small shipment, journey long or short, weight light or heavy, the same acts of attention that the railway does—some 22 acts, 15 of which are replaced by the postal system to-day in handling the package through the postage stamp.

But there is another difficulty in the express company relations to this subject, and a difficulty that requires some pa-

tience to understand.

The express company is not a normal transportation agency. It is a parasite—and I use that expression not as an epithet, but as a term of description. In none of its relations to this subject can you deal with it on a priori reasoning, because the facts are so peculiar and so unusual that your reasoning will fail. For example, now, let us put an express rate maker at work making a rate. He is making a rate from here to Baltimore for a 5-pound package. He puts down, let us say, 6 cents to pay overhead charges, all of which might be eliminated by postal administration. He puts down 5 cents to pay the cost of collection and delivery, a sound and useful item, of course. He puts down also 2 cents as the profit for the express company. Here are 13 cents on the express side. But the railway has not yet been paid. How shall it be paid? According to some service standard? Not at all, but according to the contract between the express company and the railway, which on an average provides that the railway shall receive 47½ per cent of the rates finally imposed and paid by the shipper. Thus the express rate maker must add 12 cents to the 13 cents for railway pay on the 5-pound package, making a charge of a quarter of a dollar. This 12 cents amounts to \$1.42 a ton-mile, while at the same time, on the same car, receiving the same attention from the railway and express companies, there is the 100-pound express package moving and paying the railway only 14 cents a ton-mile, or one-tenth of the railway charge imposed on the 5-pound package.

If it were not for this contract between the railway and the express company, compelling a contractual rate making instead of natural rate making, the package would have to bear less than 2 cents, its natural share, for railway pay, and the

charge would be 15 cents instead of a quarter.

Now, take the other horn. The same rate maker is making a rate on the 100-pound shipment from New York to San Francisco. Obviously in that case the important thing is to pay the railway for its service, which is nearly the whole service, and he puts down \$6.41 as the pay of the railway. But the railway can not get this \$6.41 unless \$7.00 is added to it as the share of the express company, because the railway only gets 47½ per cent of the final rate imposed, and you have the situation of the express company getting, on coast-to-coast rates, about \$7 a hundred pounds as its share, about 10 times the

value of its service.

Mr. BERGER. Mr. Chairman, I would like to ask the gentleman one question.

The CHAIRMAN. Does the gentleman from Maryland yield to the gentleman from Wisconsin?

Mr. LEWIS. Yes. Mr. BERGER. Is it not a fact that the railway companies

Mr. LEWIS. I would rather not go into that matter at this time, as I have matters more essential to the discussion,

Mr. BERGER. It would be valuable to know it at this time. Mr. LEWIS. I do not think they do, but I am not thoroughly informed about that.

Mr. BERGER. Well, they do. Mr. SAMUEL W. SMITH. Will the gentleman yield? Mr. LEWIS. Yes.

Mr. SAMUEL W. SMITH. Does the gentleman know where we can find the contracts, or see the contracts, that are made between the express companies and the railroads?

Mr. LEWIS. They are on file with the Interstate Commerce Commission; they are summarized in a report by it, which is

We know the feeling exists in this country, and has always existed, that the express rates are extortionate, but feeling is not enough to support prudent legislative action. I have engaged in an investigation to determine to what extent that feeling is sustained. I found this state of affairs: That the average charge of carrying a ton of freight in this country by railway was \$1.90; the average charge of carrying a ton of express bundles was \$31.20. There was a ratio of about 16½ to 1. I will later file the tables.

Now, you go to other countries, and what do you find? In all other countries that report express statistics, as distinguishable from freight statistics, you find the ratio of express charge to the freight charge as about 5½ to 1, and not 16 to 1, as in

this country.

We should expect express charges to be higher per ton here than abroad—as much higher as our freight-per-ton chargesbut no necessary economic cause is known which justifies a substantially higher proportion or ratio of the express to the freight charges here as compared with other countries. The average express charge per ton here is shown to be \$31.20, while the express charge per ton here is should be average freight charge is \$1.90 per ton, giving a ratio of the express charge to the freight charge of 16 (16.42) to 1. This express charge includes the cost of such collect-and-delivery service as is rendered, covering, it is thought, about 90 per cent of the traffic. In the table now inserted the element of the expense of the express companies for collecting and delivering, amounting to 11.50 per cent, is excluded, because many of the countries do not include this factor of cost. The table embraces 10 countries, while the specific data upon which the ratios are based are set forth in Appendix B. All countries have been included where the express data is clearly distinguishable from general freight statistics.

Ratios of average express charges to average freight charges in 11 countries.

Countries.	Average express charge per ton.	Average freight charge per ton.	Ratios of average ex- press to freight charges.
Argentina Austria Belgium Denmark France Germany Hungary Netherlands Norway Prussia	\$6.51 3.77 14.92 5.49 6.88 3.80 3.63 2.43 1.90 4.32	\$1.95 .74 .53 .87 .95 .76 .93 .67 .49	3.2 to 1 5.0 to 1 19.3 to 1 6.3 to 1 7.2 to 1 5.0 to 1 3.9 to 1 3.6 to 1 3.8 to 1 5.0 to 1
Average for 10 countries	27.61	1.90	5. 23 to 1 14. 53 to 1

1 Belgium delivers parcels.

Ratio express tonnage, 10 countries, to freight tonnage	1.060
Ratio express tonnage in United States to freight tonnage	0.517
Ratio express receipts, 10 countries, to freight receipts	5. 890
Ratio express receipts in United States to freight receipts	7.776
Normal revenue ratio for United States as per express receipts	
above	2 460

Excess of American express receipts (216 per cent) ___.

From this table it appears that while Argentina charges three times, Austria five times, Belgium nine times, Denmark six times, France seven times, Germany (including Prussia) five times, Hungary, the Netherlands, and Norway about four times as much for carrying a ton of express as of freight, the express companies of the United States charge nearly fifteen times as much, excluding the cost of their collection and delivery.

No further statement need be made to show that the charges of American express companies are prohibitively excessive and such as to disqualify this service as a transportation agency. The instances given represent matter carried by passenger trains in all instances.

But there is one marked difference between the express service in those countries and our own, and that marked diffrence is the absence of the private express companies.

Mr. HAMILTON of Michigan. Will the gentleman yield

right there for a question?

Mr. LEWIS. Yes.

Mr. HAMILITON of Michigan. I have frequently gone to the gentleman from Maryland for information on this question, and I want to ask for a little more. In the investigation of this question has the gentleman been able to ascertain whether these contracts made by the express companies with the railroads involve an exorbitant charge or exorbitant pay to the railroads for performing this function, or is it reasonable?

Mr. LEWIS. I will only say, briefly, no; not in terms, but the effect of the express rate making involves that result. Mr. HAMILTON of Michigan. If the gentleman left off

the effect and result"——
Mr. LEWIS. Then the contract provision for railway pay would not be unreasonable. Now we have the ratio of the express charge to the freight—in the United States—16 to 1 as compared to 5½ to 1 in other countries. That our rates are prohibitive, and that the reasoning from the ratios may justly be taken, is found in another circumstance.

For 100 tons of freight in these other countries there is carried a ton of express matter; for 100 tons of freight in the United States there is only one-half a ton of express matter, a circumstance testifying to the natural diminishing effect of a prohibitive rate upon the traffic.

Mr. MURDOCK. Mr. Chairman, will the gentleman yield?

Mr. LEWIS. Certainly.
Mr. MURDOCK. Will the gentleman elucidate that point a little bit further? Does he mean this, that where the ratio is 16½ to 1, as in this country, as between freight and express charges, it tends to make the load in shipment always larger and to diminish the number of small parcels sent? Is that the

Mr. LEWIS. It tends to destroy the potential traffic. The traffic that you move on a rate of \$18 a ton, on the average, will tend to fall to about half on a rate of \$36 a ton, whatever

the size of the shipment.

Mr. MURDOCK. Would it follow that if we had the ratio of 5½ to 1 as between freight and express charges that our shipments would then become in units smaller?

Mr. LEWIS. I do not think that would follow, but the total quantity of the traffic would probably leap up four or five

Mr. ALEXANDER. The express traffic?

It is not exactly the same, but it is Mr. LEWIS. Yes. analogous to the excursion train and excursion rates and their effect upon the passenger traffic, which is an illustration familfar to us all.

Mr. FOWLER. Mr. Chairman, will the gentleman yield? Mr. LEWIS. Yes.

Mr. FOWLER. Is that not verified where the rate of passenger traffic is lowered from 3 cents to 2 cents per mile, wherein it shows the amount received by the same railroad on a 2-cent basis is greater than that which was received on a ent basis?

Mr. LEWIS. It involves the same general principle, I may

Prudent people would say, If express rates are three times as high as they should be, let us go to the regulator. And here I wish to again call attention to the parasitic character of the express company. Ordinarily, with a normal transportation agency, if rates are too high, if profits especially are greater than they should be, the rate regulator will have a profit margin of the rate sufficiently large upon which to work. For example, on the average, about one dollar out of every three that we pay the railways of this country is profit; so that you can say, in a broad way, that one-third of their rates is profit; and if their rates are extortionate, if their dividends, especially, are too high, the rate regulator has one-third of that rate to play on before he touches the deficit line, which renders the theory of regulation applicable to such a subject. But how about this margin with express companies? Because of the parasitic character of an express company it needs very little capital to engage in a business now swelling up to \$170,000,000 a year-only about \$10,000,000 of capital, for horses and wagons and safes and equipment. On that \$10,000.000 they have been making something over 100 per cent in profits each year; but that 100 per cent of profits on the capital devoted to the express service last year amounted to a margin of less than 7 per cent on the rate, and if the regulator were to approach such a rate to reduce it he would have only a 7 per cent margin to play on for that purpose. He really could not safely play upon it at

all, because the reduction might be followed by a perturbation of the traffic that would bring the express company a deficit

and not a profit at the end of the year.

If, for example, in further elucidation of that thought, the regulator were to say that the express company was entitled to 10 per cent profit on the capital utilized, that would amount to only one-half of 1 cent of the rate, 50 cents on each \$100 Of course prudent men know that business can not be conducted on a margin as small as that, because one could not be certain whether the month's business would bring a profit or a deficit.

Mr. MARTIN of South Dakota. Mr. Chairman, will the

gentleman yield?

Mr. LEWIS. Certainly.

Mr. MARTIN of South Dakota. Mr. Chairman, I have had the pleasure of hearing the gentleman's views upon this question. tion, both in his former speech in the House and in his appearance before the Committee on Interstate and Foreign Commerce. I would like to ask the gentleman whether the logic of those facts would not be that if we were to dispense altogether with the parasite, and have the express companies perform this service as they do in foreign countries, we could adjust our rates to a basis of 5½ to 1 instead of 16 to 1, as they do in other countries.

Mr. LEWIS. I will come to that question directly, and I am coming now also to the question propounded by the gentleman from Michigan. Let it be remembered that the express company is a parasite. The railroad, of course, is a normal transportation agency, and one would say that it ought to

perform this work.

Now, at this point I first want to suggest that neither the railway nor the express company can articulate with the farm. They can not couple up with the rural delivery structure because they belong to different proprietary controls. The relief required requires this coordination; but I will now come to the point about which the gentleman is evidently thinking. we come to the number of things that the express company and the railroad company have to do in regard to the shipment we find that there were 22. That is true of the express companies when there were 14 of them in number only, and that transportation accounting consumes from two-fifths to twothirds of the express expenses proper. Now, then, there are some 1,100 independent operating railways. If the railways some 1,100 independent operating railways. are compelled to perform this express function you will have then, not 13 express companies but 1,100 express companies, and the condition of "transportation accounting" will be multiplied and the evil aggravated instead of remedied.

Mr. MARTIN of South Dakota. May I ask the gentleman as to how that problem is met in the foreign countries to which the gentleman referred as carrying on an express business at

a low rate?

Mr. LEWIS. The problem, sir, I may say, is never presented in foreign countries. There is no foreign country in which they have 1,100 operating railways. Germany and most of the countries of Europe are under a régime of government ownership of railways. In England, where they have private railways, there are very few more operating companies than our express companies; and, as a matter of fact, the situation being so different, they do handle express matter somewhat better in

Mr. MARTIN of South Dakota. May I ask the gentlemanthat is, if you have half a dozen railway companies doing business across the country and the situation is successful, that the problem loses its force as soon as you get more railway com-

panies to do the business?

Mr. LEWIS. Except as to its small shipments. If I may make the position clear. The problem we have is not the physical movement as much as it is the acts of care and attention necessary, and if you can reduce the carrier status to one caretaker for this diminutive shipment from the consignor to the consignee, you have cut down its multiplied intercorporate relations, and with them all those acts of attention so costly, which have hitherto helped to penalize these small shipments out of business. With regard to the large shipment, I may say to the gentleman from South Dakota that that situation does not exist.

Mr. MURDOCK. Now, on that point, will the gentleman answer one inquiry? The expense of accounting for this diminutive package of which the gentleman speaks is the expense incident to the short-haul package.

Mr. LEWIS. I do not understand how that affects the problem, sir.

Mr. MURDOCK. Does not the small parcel business of this country constitute a large part of the express business-the bulk of it-about 40 per cent? Is not practically the express

business the small-parcel business? Is not that, as a rule, the short-haul business, and is not this vision the gentleman builds in regard to the enormous expense that would come from the repetition of accounting met by that very circumstance that the small parcel is usually the short haul?

Mr. LEWIS. I do not think so; and it is against the best railway thought, I will say. I will quote a statement from the president of a large railway on that point in which he does not take that view. The express haul is said to be about 200

miles; the freight haul is 253 miles:

miles; the freight haul is 253 miles:

The probable result of such a change is, perhaps, not overstated in the following extract from the letter of the president of one of our largest railway systems. He says:

"It is gravely to be doubted if the railways, as a rule, could transact the (express) business so as to net as much out of it as the express company pays them.

"Assume that the roads radiating from Chicago should cancel their contracts with the express companies and organize to handle small packages. The first result would be an enormous economic waste in the duplication, triplication, and quadruplication of terminal expenses. At present the collection and delivery for a dozen roads is in the hands of one agency. Multiply this by the hundreds of cities and towns where the same conditions would prevail and it is easy to see that the \$11,000,000 of profit the express companies secure might readily fall short of what the railroads would lose should they discard the agency."

The problem is to get the package rate somewhere as diminutive as the package. In order to do this the simplification and not the multiplication of processes and agencies is the great essential. And we have seen also, in the treatment of "transportation accountings," that a small package is now penalized to comparative extinction by the complexity of processes and agencies unavoidable in intercorporate relations and which only a unification of the agencies and simplification of the process can remove.

Mr. MICHAEL E. DRISCOLL. While the gentleman is an-

Mr. MICHAEL E. DRISCOLL. While the gentleman is answering the question of the gentleman from South Dakota, what he calls a logical question, I also would like to ask him a question of logic. If the Government should adopt the gentleman's theory and engage in the express business, by either buying up and paying for all the express companies or by building up a comprehensive general express business of its own, would not that logically lead to the ownership of all the railroad companies and all the steamboat companies? Would it not lead logically to that? Can not the gentleman give us an answer to that?

Mr. LEWIS. I do not hope to convince my friend by my answer, though I am thoroughly—

Mr. MICHAEL E. DRISCOLL. Since the gentleman has been talking before the committee, he could give some of his time to an answer on this question.

Mr. LEWIS. My time now is limited and is of some value to me. I say that I do not hope to convince the gentleman in regard to that matter, although I am convinced myself that the absence of proper transportation for the small shipment is the strongest argument against the present order of railway man-

No one could have heard the gentleman from Mississippi [Mr. WITHERSPOON] last night without realizing that the strongest argument anyone could have for Government ownership of railroads in this country is the neglect and nonattention on the part of transportation agencies to the small shipment, and if the proper service be not secured in that respect the argument for Government ownership will be very much strengthened.

Mr. MICHAEL E. DRISCOLL. Evidently in the gentleman's mind the ownership of railroads could naturally and logically,

and almost necessarily, follow the other.

Mr. LEWIS. No; except in the way I have suggested. will say to the gentleman that if it is otherwise impossible to secure for these small retail shipments-affecting, as they do, the high cost of living in this country-proper transportation I would be in favor of putting the flag over the railroads in order to accomplish it. [Applause on the Democratic side.] Now, I hope the gentleman has understood me, whether I have convinced him or not.

Mr. MICHAEL E. DRISCOIL. The gentleman has con-

vinced me as to what his idea is.

Mr. LEWIS. The gentleman thinks that if a little bit of cake is good you ought to eat a whole barrelful. That is not as logical as the child first thinks. [Laughter.]

Regulation being out of the question, the next thing suggested is the so-called parcel post. What is the purpose of a parcel post? Obviously to bring us some relief from the extortionate express charges. They are getting about three times what they ought to get in this country for the service, and performing only one-half of the service as compared with other countries.

Now, what is that express charge? It is shown to be about \$32 for the average ton of packages. The so-called Sulzer bill proposes a rate of 8 cents a pound, or \$160 a ton, as a method of relief from a charge of \$32 a ton. Of course, this merely means that measures of that sort have received no thought at all. They are simply snow men that the child erects when the snow falls, but which will melt away when the sunshine of

knowledge and reason throws its rays upon them.

The next remedial suggestion is one I want to treat in a more extensive way. It is the so-called riders to the appropriation bill before us. The chairman of the committee has said they are not intended as parcel-post bills, and they surely With regard to the rural-route rider, there I believe the committee does make some claims for agreeable reception upon the part of this House. First, I want to suggest to the committee as to these rates on the rural parcel post this circumstance: That all the data obtainable as to the cost of collection and delivery and as to postal railway pay indicate that the rates they have taken for the collection and delivery of parcels on rural routes are high enough, not only to pay for that service, but for a service extending 250 miles on the railway In short, starting with the 5-cent rate for the first pound they might have added only 1 cent a pound for the next 10, and have provided amply for paying the cost of the service. But there is another difficulty with these parcel-post proposi-They are essentially unfair and unjust, unjust because they fail to comprehend the small-shipment problem or meet its real necessities. The problem we have seen is to take the shipment at the point where the railroad leaves it, at 100 pounds and below, and look after it in the interest of all citizens. The parcel-post schemes proposed are 11-pound affairs, just large enough, as it seems to the suspecting merchant, to give his trade to his rival, the distant mail house, by a flat rate; and just small enough to exclude the local merchants from their supposed benefits.

Another difficulty with any parcel-post scheme per se, I suggest, is this: When you come to a longer-journey shipment in this country, nearly the whole rate, the loading for the whole parcel rate, must of necessity consist of the pay to the railways for their service. In 1909, the only year reported, the express companies paid for carrying their matter over the railways, excluding equipment, 7 cents a ton-mile to the railways. The Post Office, in 1908, excluding equipment, paid 13 cents a ton-mile. In short, any parcel put on the postal car, because it is on the postal car, paid nearly twice as much to the railway for transporting it as if it had been put on the express car, because

it is the express car. [Applause.]

Mr. LOBECK. That is not very good management, is it?

Mr. LEWIS. How much time have I left, Mr. Chairman?

The CHAIRMAN. The gentleman has four minutes left.

Mr. SAMUEL W. SMITH. Is not the gentleman going to have more time? I hope he will be given more time.

Mr. LEWIS. I would like to have half an hour, if possible. Mr. MOON of Tennessee. Mr. Chairman, I will give the gentleman 15 minutes

Mr. ALEXANDER. Mr. Chairman, I suggest that here we have a gentleman who does understand these questions, and we would like to hear him fully.

Mr. MOON of Tennessee. I yield 15 minutes to the gentle-

man this time

The CHAIRMAN. The gentleman from Maryland [Mr. Lewis] is recognized for 15 minutes more.

Mr. LEWIS. Now, it is very easy to suggest—
Mr. WEEKS. Mr. Chairman, if the gentleman will yield, I
would like to state that if the gentleman from Maryland finds
he needs additional time, I will yield him 15 minutes. [Ap-

Mr. SAMUEL W. SMITH. I want to suggest to the gentleman also that inasmuch as the gentleman from Massachusetts has yielded to me 10 minutes, I will yield some of that time, if the gentleman needs it, in order to ask the gentleman some questions afterwards.

The CHAIRMAN. The time of the gentleman is now ex-

tended to 30 minutes.

Mr. LEWIS. But the most serious factor in this subject, after all, is one that I will have to describe with some misgivings, because it consists of a rather intrepid charge upon the natural conceits of the Members of this House.

Mr. HAMILTON of Michigan. - Mr. Chairman, may I now ask the gentleman a question that I intended to ask him before?

The CHAIRMAN. Does the gentleman yield?

Mr. LEWIS. Yes.

Mr. HAMILTON of Michigan. I would like to ask this question: What does the gentleman think of the proposition, as an abstract proposition, of the Government owning its own mail cars and its own express cars?

Mr. LEWIS. In my judgment, unquestionably that ought to be ultimately done.

Mr. HAMILTON of Michigan. And the gentleman's idea of the condemnation of express companies' property at the present

Mr. LEWIS. Yes; that ultimate result.

I said I was going to have difficulty with this point, because it attacks the conceits of every man in this House. That proposition simply stated is this: Every parcel-post suggestion that is made here comes in with a schedule of rates attached to it. I wish to say to Members of this House that, even if they are competent Representatives of the people and have that knowledge of general principles that they ought to have in order properly to discharge their duties, they are absolutely incapable of making transportation rates.

I say that the Members of this House, sitting as Members of the House, are as incapable of making rates that would enable the traffic to move as they would be of making astronomical calculations to determine the time of day, and the simple experience of the world over has been just that. Great Britain made the mistake of treating the rates as a legislative matter in relation to her parcel post. She established it in 1883, and Parliament thought that it could get up a schedule of rates, and tacked it on the bill. Nothing ever moved under that schedule of rates; but, fortunately, there was a provision in the bill which enabled the treasury department to reform the rates and regulations, and some years later the treasury department took up the matter as an administrative problem—which it is and now the English parcel-post system is working with relative

Mr. MURDOCK. Mr. Chairman, in that connection, the gentleman does not think, does he, for a moment that we will send any 11-pound packages in this country for \$1.32?

Mr. LEWIS. Of course I do not think so.

Mr. MURDOCK. The gentleman does not think that any packages of 11 pounds will move?

Mr. LEWIS. I do not think that any packages under the so-called postal rider—above a pound, or possibly 2 pounds will move anywhere under any circumstances, because the express rates are actually lower than the postal rates fixed in the bill.

Mr. FOWLER. Does the gentleman think the express companies will lower their rates if the rates are lowered by the parcel post?

Mr. LEWIS. I have no doubt they will. They have done so

up to date.

Mr. BERGER. Mr. Chairman, will the gentleman yield? The CHAIRMAN. Does the gentleman from Maryland yield to the gentleman from Wisconsin?

Mr. LEWIS. Yes, sir.

Mr. BERGER. Now, Mr. Chairman, suppose we buy out all the express companies or expropriate them. Suppose the Government could get hold of the express business. I should like to have the gentleman from Maryland explain: Would it not be a fact that we would still be in the hands of the railroad companies anyway? Would we not have to make a contract with the railroad companies and be in their hands anyway?

Mr. LEWIS. No.

Mr. BERGER. Kindly explain why not.
Mr. LEWIS. The Government would be one of the parties and the railway company another of the parties in the effort to secure fair railway pay. It is not to be assumed that the Government would wrong the railways, and it is not to be assumed that the wiser heads among the railways would wish to act unjustly in so important a matter. I prefer not to speculate upon those features of the subject just now. We should first meet the express problem and solve it. Just now that is problem enough for me, at least.

Mr. MARTIN of South Dakota. The gentleman has already said that as between the management of this business by the express company and the management of our postal business by the Government, the express company is getting its material hauled at 7 cents per ton-mile, whereas the Government is paying 13 cents per ton-mile at the present time. Does not the gentleman believe that the effect of the Government becoming a parasite, as the gentleman has termed the express company, instead of the express company, if we do not insist on the railroads doing the whole of this business at a proper rate, will be that the people will get no relief from that sort of thing?

Mr. LEWIS, Oh, no. First, the railway company can not perform that business. It has no rural-delivery system by which it can reach the farm. Second, to secure the needed economies for the small shipment you would have to reform the whole list of railway practices, which would take 10 years to introduce into the railway service, even were it at all possible, which I fear it is not. The railways can not adopt the same system of practices that enable the postal system to carry a letter for 700 or 800 miles at an average cost of about one cent and a half apiece. If railway or express practices were applied to a letter, and the same accounting methods were applied to a letter that are aptime is that it is a method of approaching that ultimate result? | plied to a package by the express company and that must be applied to it by a railway, our letter to-day would cost us not 2 cents but nearer to 10 cents apiece.

Which is the cost of a registered letter. Mr. MURDOCK.

Mr. MARTIN of South Dakota. Mr. Chairman, we are all seeking light on this question, I have no doubt, but I am struck with this situation: The gentleman has illustrated and compared the express rates of this country with those of foreign countries, and has shown that our rates are 16 to 1 as against the freight, whereas abroad the express rates are only 51 to 1 as compared with freight.

Mr. LEWIS. Yes. Mr. MARTIN of South Dakota. The gentleman has already made it clear that abroad they do not have the express companies as a parasite; and when the gentleman has undertaken to show that the express companies could not reduce the rate, he has given us the items that enter into it. Now, I should like to inquire, if we are still to have the Government undertake the function that the express company is now undertaking, and are still to be dependent on the railway company to do the work of hauling, as express companies are dependent on the railway company, would not the Government in that way become a parasite instead of the express company, and could it conduct that branch of the business any cheaper or at lower rates than the express companies conduct it?

Mr. LEWIS. I think perhaps I had better read what the express company has to do with a small package, in order to

bring the matter out more clearly.

Mr. FOWLER. From what do you read?

Mr. LEWIS. I am reading from a document on the subject: 1. The railway company employee first unloads the articles from the consignor's vehicles.

2. Loads the articles into the car.

3. Ascertains the rate to be paid. There are 220,000,000,000 express rates, counting all the rates between all the different stations, and one of these in each case is the right rate and all the others are wrong.

4. Makes out bill of lading.

5. Makes out waybill and sends copy to auditor and the train conductor.

6. Sends copy to auditor.

Sends copy to train conductor.

8. Receiving agent, destination, receipts to conductor-9. Sends notice to consignee.

10. Unloads package from car. 11. Takes receipt of consignee. 12. Loads it on consignee's wagon.

- 13. Agent gets money for shipment—

 14. Copies bill of lading into record of freight forwarded. 15. Copies bill of lading into record of freight received.
 16. Sends statement of freight "sent" to auditor.
- 17. Sends statement of freight "received" to auditor.

 18. Auditor checks bill of lading against records of sending agent-
 - 19. Checks bill of lading against record of receiving agent. Advises treasurer of money due by each agent,
 Makes statistical report from bill of lading.

22. Calculates, per bill of lading, amount payable the different railways.

It is these practices which now penalize the small package, and there is but one agency in this country that can eliminate

them. It is the postal system; it is doing so now.

Mr. MARTIN of South Dakota. What percentage of the express rate is represented by this elaborate and apparently useless system?

Mr. LEWIS. So far as one can say, about two-fifths or two-

thirds of the express expense proper.

Mr. MARTIN of South Dakota. Early in the gentleman's remarks the gentleman stated that 471 per cent of the express rate is paid to the railway company.

Yes. Mr. LEWIS.

Mr. MARTIN of South Dakota. Of course that has nothing to do with this question?

Mr. LEWIS. No. Mr. MARTIN of South Dakota. Then the gentleman gave

2 per cent as the profit of the express company?

Mr. LEWIS. Yes. Two cents in that particular rate. Mr. MARTIN of South Dakota. And 7 per cent for some other item. What percentage was the accounting which the

gentleman now refers to?

Mr. LEWIS. Of the 13 cents in the particular case referred to the accounting would consume at least 6 cents, and probably

Mr. MARTIN of South Dakota. Which the gentleman thinks, if the Government performs that function, would be eliminated?

Mr. LEWIS. Utterly eliminated. It is now eliminated with reference to the small shipment when it is put in its hands.

Mr. MURDOCK. I want to call the attention of the gentleman to the fact that he started on a proposition a few moments but did not finish it, that Members of Congress were not able to make rates. Who can make the rates?

Mr. LEWIS. That is a most interesting feature of the discussion. What is the object of a rate? The object of a transportation rate is to move the package to its natural market with a profit to the producer, for if it be not moved at a profit to the producer the production will cease. That is the first The second object is to produce enough revenue to pay the cost of the service, plus that profit to the capital employed necessary to insure adequate capital.

But, unfortunately, all subjects of transportation can not bear the same rate. You can not simply ascertain the average cost of carrying a ton of freight in the United States for a certain distance and then apply that rate to freight traffic of the coun-If you did you probably would destroy one-half of the

coal traffic and one-half of the grain traffic.

Look into a freight car when you are passing and you will find half a dozen shipments there, say 100 pounds each, all going from the same point to the same point, one paying 6 cents, another 12 cents, another 15 cents, and all the way up to 30 cents, apparently receiving the same sort of attention and service from the railway.

Why a discrimination like that? It is a discrimination necessary to move the maximum of traffic, for if you were to fix a merely average rate everything in the car moving now at a rate below it would fail to move. In other words, disagreeable as the statement may be to our first impulse, there is no such thing as a scientific rate; there is no such thing as a service Transportation rates are taxes-possess the incidence and ethics of taxation-for in order to move the traffic you must adjust the burden of the rate to the capacity of the article to bear it and move.

If you subjected all shipments to the same rate, it would be much the same as ascertaining an average size and weight of each human being and having all their suits of clothing made in the same way. You would have a suit of clothes that did

not fit a single human being. [Laughter.]

Now, we want to have rate makers whose business it is to stay with the rate to see it work out, not men who make a rate to-day, as we might make it in Congress, and go home and forget all about it and perhaps not be returned to remember it again; and I think that is what will happen to most of us if we go into parcel-post rate making, as now proposed. You know the people of the country, who have not had time to investigate, who are not \$7,500 men as we are, many of them think that a parcel post is like a Corliss engine or an Ingersoll watch—something sui generis, something definite, that you can order \$1 or \$1,000, and get what you expect.

Mr. HAMILTON of Michigan. And have it go after you

get it.

Mr. LEWIS. Yes; but a parcel-post watch would not move. In order to do that you want to have a working rate and a rate-making tribunal. Congress realized that when it had the bill before it regulating railway rates. Dld it pretend to make freight rates for the railways of the country? Certainly not; it turned the rate making over to the Interstate Commerce Commission as its function, to work on from day to day, Now, a mistake in rate making may be made in two ways: The rate may be made so low as to wreck the Treasury, or the rate may be so high as to prevent traffic. You need the nicest adjustments in practical rate making, and a rate maker who can apply himself from day to day in order to bring the fiscal and mobility circumstances of the rates into sufficient reciprocal operation is necessary to produce the desired result. The proposition of the Goeke bill, taking over the express companies, is that the Interstate Commerce Commission shall make these rates upon tentative proposals of the Postmaster General.

Mr. MURDOCK. Then the proposition of the gentleman is that the Interstate Commerce Commission shall make these rates from time to time upon the suggestions of the Postmaster

General. Is that the idea?

Mr. LEWIS. Yes. Now, I come to my friend from South Dakota. He wanted to know in what way the rates are to be reduced. We can eliminate the transportation account and that saves so much.

Mr. MARTIN of South Dakota. How are you going to elimi-

nate the transportation account?

Mr. LEWIS. By substituting the postage stamp.
Mr. MARTIN of South Dakota. The gentleman has stated that they are now getting the hauling done at half of what the Government gets it for.

Mr. LEWIS. The proposition is to take over the express

contracts and secure this relatively low rate of railway pay.

Mr. MARTIN of South Dakota. But if we take over the

express contracts we will have to pay $47\frac{1}{2}$ per cent.

Mr. LEWIS. No; that does not follow. I am not blaming the gentleman for his suggestion; but that does not follow. I am not blaming That is a remediable condition.

Mr. MARTIN of South Dakota. Subject to explanation?

Mr. LEWIS. Yes; this question raises a subject for explanation. When you come to rate making, where you have a monopoly in transportation matters, the amount of traffic you can move depends largely upon the rate you make. In the case of the small shipment we need the public motive. Let me illustrate: You go to an express company and you say, "Last year you moved 5,000,000 tons of parcels, and if you cut your rates in two this year you will move 10,000,000 tons; you will double the traffic." The express company, acting upon the private motive, which is perfectly justifiable in that case, would say, "How about the profit?" You would reply, "Well, your profits will not be any more than they were last year, and maybe a little less, but, then, they ought to be a little less, on the whole."

What will the express company do? It will do what the rest of us would do-act on the private motive, reject the increased traffic, the double public service, and retain the profits to which it has been accustomed. However, you go to the postal organization of this country, that is acting upon public motives, and make the same proposal. You find there that a public functionary, acting under a public motive, would say, "If I can double the public service by cutting this rate in two, I will take the chances on the profits. If I lose 1 per cent in this pocket as a profit, I will gain 100 per cent in the other as public, since the people and the postal system are identical terms. private agent might not be approached with that argument. We have no such claim upon it, but when you have to have a monopoly, where the character of the motive determines how much traffic you are going to have, you have a situation like that of the English railway some 60 years ago. It was just beginning and there were no formulas by which it could determine what passenger rates to charge. It wanted to know how high to make the passenger rate to secure the best dividends, the natural human motive; and very much as a man in an opera house adjusts his pair of glasses to get the line of closest vision, its rate makers started with rates at 3 pence a mile and went down to rates as low as a half penny a mile. They found that as the rate was a cent a mile or 6 cents a mile the difference in the profits did not amount to 2 per cent, but that the rate at 3 cents a mile happened to produce them about 5 per cent, when the others produced about 4 per cent. So they rejected the rate that would have given three times the public service in favor of a rate that gave them the desired larger dividend, as private investors.

We now come to rate making for the purpose of moving the maximum of desirable traffic in these articles. Ought all articles to pay the same rate? Of course, if we are going to make the rate, they will all pay the same, or, rather, perhaps they will not travel—will not pay—at all, because our rates—flat rates—will not be adapted to move them under any circumstances; but since the economy of transportation requires the fullest load, you can secure the lowest rates; or, in other words, since a full wagon enables you to carry the cheapest traffic, you want rates that will fill that wagon, and you may find it necessary that the rates should be such as will fill that wagon—rates which might be higher on butter and eggs than on potatoes or apples.

Mr. SHERLEY. Mr. Chairman, will the gentleman yield?

Mr. LEWIS. Certainly.

SHERLEY. Does the gentleman carry his idea not only to a different rate for commodities, but to a different rate for localities in order to bring about the competition that the railroads have found necessary in their zones on rate making?

Mr. LEWIS. No, I do not, if I understand the gentleman's question. I believe that under our institutional system we should give local equality, and that that would carry like rates

for like localities.

Mr. SHERLEY. If the gentleman takes the position of equality as to locality, does he not then bring himself up against the same sort of objections that he is urging against equality as

to commodity?

Mr. LEWIS. In a measure, yes; but I think in only a negligible way. Of course, you want to have the same rates for rural routes all over the country, although some rural routes may have very good roads, may be short, and other rural routes may be muddy and mountainous. We would not, under our in-stitutions, want to have the rates differentiated to the conditions of the different rural routes.

Mr. SHERLEY. But, if the gentleman will permit, it is possible to move wheat from the far West to the East only by

making a certain rate for the long haul, and the competitive zone that that wheat can go into is determined by the rate that is fixed, as the gentleman well understands.

Now, express charges are no different from railroad charges, except we call one freight and the other express and one is supposed to be quicker than the other. If it has been necessary in order to move the freight in railroad rates to have this zone arrangement, why is it not equally necessary when you get to the movement of express matter?

Mr. LEWIS. There may be instances where the commodity rates referred to by the gentleman would be necessary. Now, I have but a few minutes more, and I have already claimed the patience of the committee long enough. I have two other points

I wish to bring briefly to your attention, and then I will close.

Mr. LAFFERTY. Before the gentleman leaves that point, I would like to ask him one question. What is the position of the gentleman on the question of the flat rate discussed last night by the gentleman from Mississippi [Mr. WITHERSPON]?

Mr. LEWIS. I have already declared that the freight rate would not move the traffic, and I do not wish to enter into a

would not move the traffic, and I do not wish to enter into a controversy about the flat rate. I do not favor it—

Mr. CANNON. Will the gentleman yield?

Mr. LEWIS. Yes, sir.

Mr. CANNON. I have not had the pleasure of listening to the gentleman; I regret it, and I am listening now. It may be that he has discussed it; if so, I will ask him to discuss it again. Now, the pound package or the I0-pound package may be of a value of \$1,000 or \$10,000, or may be of the value of 50 cents. Do I understand the gentleman is in favor of taking over the express service? over the express service?

Mr. LEWIS. Yes, sir. It belongs of right to the postal

system.

Mr. CANNON. And the gentleman would leave it to some commission to be created to take all these questions into con-

Mr. LEWIS. Yes, sir. The Postmaster General should initiate regulations and rates, subject to the Interstate Commerce Commission. That is the plan of the Goeke bill now under consideration by the Committee on Interstate and Foreign Commerce, I will say.

Mr. CANNON. Does the gentleman contemplate, in the event the express companies are taken over, to place a limit on the weight or does he intend to carry without limit as express companies do now carry?

Mr. LEWIS. A limit of 100 pounds is now proposed, giving one year to the railways to get ready to handle the larger shipments.

Mr. CANNON. Does the gentleman believe, if the bill should go into operation—and I have not had the pleasure of reading it, but I will if it has been introduced; I am not very industrious; I have so much to do—or has the gentleman considered the question as to whether if you limit it to 100 pounds and have that adjusted, the limit would not increase to 1,000 pounds, and whether if that step is taken it does not lead inside of a decade to Government ownership?

Mr. LEWIS. I must decline to again go into the speculative question presented by the gentleman. I have discussed it, and there are other important features that I desire to present.

Now, there are two objective points—

The CHAIRMAN. The time of the gentleman from Maryland has expired.

Mr. MOON of Tennessee. Mr. Chairman, I yield 15 minutes

additional to the gentleman. [Applause.]

Mr. LEWIS. I thank the gentleman. And those two objective points are these. As the gentleman from Mississippi [Mr. WITHERSPOON] very clearly brought out last night, the transportation of the small shipment has been the subject of most utter and ruinous neglect in this country. Especially is that so in reference to its unorganized transportation from the farm to the town and the city. Let me suggest to the House the picture of a condition which occurs to my mind under a reorganized system of transportation, a coordination of the rural delivery structure with the express plant and the railways. I see a coal miner, 60 years of age, unable longer to breathe the vitiated air of the mine, and yet an athlete in spirit and in strength. To-day he can not go into small suburban gardening. Why? Because, in addition to buying the 2 or 3 acres of land and the cottage necessary to protect himself and his wife, he would have to buy a complete transportation system in order to get the few small by-products of his garden from his place to the town and the city, and he would have all that transportation system to maintain-the horse, the barn, the wagon-throughout the entire year, when, perhaps, for but a week or two would be need them to perform service. This condition is now prohibitive to him. Connect the rural delivery structure with the express plants and the railways and you have a postal van before his

place every day, every other day, twice a week, or once a week, and his transportation needs would be attended to with the utmost economy to the country and convenience to him. A new line of industry would open up for the discarded workman of the city, who at 50 or 60 years is now thrown on the scrap heap for some younger man.

Mr. MICHAEL E. DRISCOLL. Will the gentleman yield for

a question?

Mr. LEWIS.

Mr. MICHAEL E. DRISCOLL. Has the gentleman thought out, for instance, how the small farmer or gardener, who is sending his products in small packages by the Government postal agent to the city and selling it there will collect the pay for those parcels?

Mr. LEWIS. Well, I will say the postal-express regulations will provide for collecting the price of the articles when sent to the consumer C. O. D., just as the express company now In taking over these express plants you would adopt all those practices that are good and useful. You would eliminate the wasteful processes only, but retain the really valuable points in the structures of existing express plants.

Now, then, another suggestion in that connection. But a few months ago a half dozen articles, table necessaries, sold at a farm in Montgomery County at \$2.85, the price the farmer received. They were produced in retail form and could have gone direct to the consumer, but a single transportation conduit, coupling up the transportation agencies that now exist being absent, they could get direct from the farmer to the consumer, and so it had to go by the roundabout process of commerce, and cost the consumer \$5.55. I insert a table giving the facts.

RELIEVING THE HIGH COST OF LIVING

As the President has stated, the high cost of living is unquestionably bound up in this legislation. The vital necessaries are not too high at the farm, nor yet when the mere cost of transportation is added. But our processes of transportation, where they exist, exclude the consumer from direct contact with the farmer; they are 100 pounds and 20 tons processes, not practical for the consumer. The individual farmer is helpless to correct the uneconomic rural transportation. The individual railway or express company is equally helpless to correct theirs. The people's transportation system, so far as allowed, can correct the deficiencies of both, and only awaits the license of Congress to perform its function, enable the railway to carry the shipments in quantities to suit the consumers' needs, and provide a direct conduit through which may flow the vital necessaries on the farms direct to the mouths that eat them in the towns and cities.

The following table, giving the prices of six of the prime, vital necessaries, as sold by the farmer, by the wholesaler, and the prices finally paid by the consumers, is based on the quotations of the Washington market for a single day. The third and eighth columns give the prices paid that day by the consumers, and the seventh, ninth, and tenth columns the prices to the consumers under a system of transportation such as is here urged, carrying the article directly from the farmer to the consumer in the quantities set forth as "units of ship-ment"; that is, in quantities to suit the needs of an average

Table showing effect on high cost of living and prices of the vital necessaries of a system of transportation direct from the producer on the farm to the consumer in the towns and the cities.

	Present system of costs to consumer.			System of costs to con- sumer under postal express.		
Article sold and amount of shipment.	Sold to consumer at—	Whole-sale price.	Sold by pro- ducer at—	Direct price plus postal rural trans- porta- tion.	price plus 36 miles	Direct price plus 100 miles rail- way haul.
Eggs (2 dozen). Dressed fowl (3½ pounds). Butter (3 pounds). Country ausage (3 pounds). Country - cured hams (10 pounds). Apples (half bushel).	\$0.66 .70 1.05 .54 1.80 .80-1.00	\$0.52 .42 .84 .33 1.10 .50	\$0.44 .35 .72 .24 .80 .30	\$0.49 .40 .77 .29 .89 .40	\$0.51 .42 .79 .31	\$0.52 .43 .80 .32
Total Reduction in transportation cost if all ordered together	5. 55-5. 75	3.71	2.85	3.24	3.49	3.59

Note.—The last three columns represent the price of the shipment with the estimated cost of transportation added to the price at which the article sold in the country, as stated in the fourth column above.

It appears that the cost of these indispensable necessaries may be reduced about two-fifths, or from \$5.55 to \$3.24, in price to the consumer by the simple expedient of a direct from-farmer-to-consumer method of transportation. In instances where the farmer and consumer were unknown to each other a small charge of from 3 to 5 cents would have to be added to pay the cost of collecting the price and remitting it to the But where established custom obtained even this charge would not be necessary, as periodic settlements would take the place of the C. O. D. practice. A line in the local paper would inform the consumer as to prices and the producer; and a postal card or a phone call would inform the producer of the consumer's wants. The postal transportation conduit would then pass the articles from producer to consumer and collect and remit the farmer the price, if required. The latter would not, as an intelligent constituent writes me, have to leave his farm to market a small allotment, when, as he explains:

It sometimes happens that on the day that I must go to market a field is in ideal condition to be prepared for planting a crop, or to cultivate a growing crop, or a field of hay or grain is ready to be put in the mow; but I must go to town to dispose of my produce.

Mr. MADDEN. Is the gentleman in favor of sending perishable property by parcel post? If he is, does he think the Government ought to be responsible for any property that is destroyed as the result of its failure to make delivery promptly?

Mr. LEWIS. Yes; the Government ought to perform all the obligations that are now imposed on the express company, supplemented by insurance which would quickly indemnify losses

in such cases,

Mr. MARTIN of South Dakota. Upon that subject I would like to ask the gentleman this: I supposed that considerable of what the gentleman has called the accounting of the express companies was for keeping close track of packages in order to enable the company to answer to damages in case of loss. But I understand the gentleman to say now that he would have the Government guarantee the safe carriage of all packages under his system?

Mr. LEWIS. Yes, sir.
Mr. MARTIN of South Dakota. And if a thousand-dollar package was lost the Government would have to be responsible. Mr. LEWIS. For special cases like that it would have to

make special provisions. It has now special provisions for these valuable packages. Mr. MARTIN of South Dakota. Does the gentleman think the Government could keep any cheaper account of this valuable class of business than the express companies keep in their own interests?

Mr. LEWIS. They are doing it now. There should be proper discrimination. There is practically no discrimination now in the express companies. Besides there is a marked difference of spirit between the postal system and express companies, I will say to the gentleman from South Dakota. The express company seems to adopt the presumption, which, I think, is unjustified, that every one of its employees might be a thief. Its whole accounting system and practices are based on that fear.

It pays this accounting bill partly in order to prevent thievery. The Government, on the other hand, in the postal system says, rather than penalize every package to prevent an occasional theft, I will take chances on an occasional theft and find out and punish the thief later. The Government has the

most economical and wisest policy.

Mr. MADDEN. What becomes of the law? The Government

does not hold itself responsible for the loss created.

Mr. LEWIS. That is only a provisional matter. It can and will do so. If the express business is taken over under the Goeke bill, it will do so. In all cases where other governments have undertaken this service they not only give such assurance as is given by private transportation companies, but add insurance besides, so that early indemnification may follow.

Just another word or two. I thank you for your exceeding

indulgence and patience.

Mr. SAMUEL W. SMITH. I understand that I have been granted 10 minutes, and out of that time I would like to ask the gentleman a question now, if the gentleman has no objection.

Mr. LEWIS. All right. Mr. SAMUEL W. SMITH. Of course I know you were here last night and listened to the interesting and able address of the gentleman from Mississippi [Mr. WITHERSPOON]. I want to know if you take the same position that he does—that these parcels should be as large as 100 pounds?

Mr. LEWIS. I do.

Mr. SAMUEL W. SMITH. You take that position? Mr. LEWIS Yes.

Mr. SAMUEL W. SMITH. Then I would like to ask you, secondly, if this proposed legislation is passed that is in the

Post Office appropriation bill now by Congress, do you think the Government would be in a position to take care of a general parcel post by July 1 of this year?

Mr. LEWIS. Are you speaking now of some artificial structure that this House is to erect, without taking over the express

Mr. SAMUEL W. SMITH. I am talking of this matter substantially as it is in the Post Office appropriation bill. Suppose Congress should pass it and we adjourn, in 90 days afterwards would the Government then be able to take care of a proposition like that?

Mr. LEWIS. I regret as to matters of that kind I have not given them such thought. I have thought of the express

method, the practicable method, more especially.

Mr. SAMUEL W. SMITH. One other question: Would you give us any idea of the cost of the parcel post at this time?

Mr. LEWIS. The cost of acquiring the express companies? Mr. SAMUEL W. SMITH. I do not know whether you think

we ought to own the express companies or not.

Mr. LEWIS. The express companies would cost us less than thirty millions. I would not be able to go into speculations about the cost of parcel-post structures. They would cost in increased railway pay thirty millions every year-and perhaps much more in expense of unnecessary experimentation-when we might take the worked-out modus operandi of the express companies

Mr. SAMUEL W. SMITH. Now, one other question: I did not hear the gentleman when he made his formal speech some time ago. The gentleman has not touched to-day upon the question as to how a general parcel post would, in his judg-

ment, affect the local merchants.

Mr. LEWIS. Just a moment as to that. I think it is a great mistake for anybody to think that anybody is going to suffer by improved transportation—that is, fair transportation; and I think it is even a bigger error for anybody to think that poor transportation or no transportation is an advantage to him.

[Applause.]

The trouble with your parcel-post schemes, as proposed, has been that they are unfair on their face to the local merchants. The flat rate, giving his distant rival, the mall-order house, unnaturally but equal rates, particularly, is not fair, while the limitation of the privilege of shipment to 11 pounds seems to be designed to be just big enough to take his patron away from him, but too small to give the merchant the supposed advantages of this Government service.

We ought to be fair. We ought to give our constituents and the country that treatment which the rule of the court gives equality of treatment-and we ought to take up the shipment where the railroad leaves it, 100 pounds and less, and face the actual problem itself, in the interest of all classes of our citi-

zens, merchants as well as others.

Mr. SAMUEL W. SMITH. I thank the gentleman from Maryland, and I now yield back to the gentleman from Massa-chusetts [Mr. Weeks] such time as I have not consumed.

Mr. HAMILTON of Michigan. Does the Goeke bill express

the gentleman's ideas in a general way?

Mr. LEWIS. Fully.

Mr. HAMILTON of Michigan. I suppose the gentleman thinks it might be changed in some way, but the general purposes express what the gentleman wishes to accomplish?

Mr. LEWIS. Yes, sir; it does.

Now, I owe to the Members of the House a sincere apology for the time I have taken. But this is not a little subject. It is a most important subject. In my judgment it is charged with matter of the gravest national moment to our country. we have reached a condition where workmen, working at full time and at full pay on wages larger, perhaps, than they have ever received before, and are yet unable to make both ends meet because of the high cost of living, I say you are fronting a situation that may be charged with peril to this country. [Applause,]

The CHAIRMAN. The time of the gentleman has expired.
Mr. LEWIS. Just a sentence more, Mr. Chairman.
Mr. MOON of Tennessee. I yield to the gentleman five minutes more.

The CHAIRMAN. The gentleman is recognized for five

I am not one of those who think that any one Mr. LEWIS. line of treatment or any one remedy is going to cure even all the remediable ills of society. I do not say that this, even if carried out in its most perfect conception, would cure all the ills of society, or even cure the whole aggravated situation associated with the high cost of living. But I do say this, gentlemen, that the Goeke bill comes closer to cutting in two the prices of the vital necessaries of life on the workman's table than any measure that has yet come to my notice.

It has been said that never in the history of this country has a great crisis arisen when American statesmanship and patriotism were not there to meet it in an adequate way. I pray God that before the stability of this country has been put in jeopardy, as now threatents within 10 years, that statesmanship and that patriotic spirit may not fail us on this subject. [Prolonged applause.]

Mr. MOON of Tennessee. I yield 15 minutes to the gentle-

man from Alabama [Mr. Blackmon].
Mr. BLACKMON. Mr. Chairman, the bill under consideration carries an appropriation aggregating over \$264,000,000. In addition to this there are a number of subjects which we have dealt with. By the provisions of this bill we seek to establish a parcel post. We have reduced the cost for transportation of fourth-class mail matter from 16 cents to 12 cents per pound and have increased the number of pounds of this class mail matter from 4 to 11 pounds, and thereby place the American citizen on an equal footing with the foreigner in the matter of transportation of fourth-class mail matter. We have provided that on and after July, following the passage of this bill, letter carriers in the City Delivery Service and clerks in the first and second class post offices shall be required to work not more than 8 hours per day, and that the service shall not extend over a longer period than 10 consecutive hours, and the schedule of duty of the employees to be regulated accordingly. We have provided for the grading and classification of railway postal clerks-a much needed reform. The committee has also provided by this bill for an increase in the salary of the rural carrier. Section 10 of the bill deals with the question of the establishment of free delivery of mail from towns and villages having post offices of the second and third class, which are not now by law entitled to this service. Section 11 carries an appropriation of \$400,000 for the establishment, maintenance, and extension of postal savings depositories within the United States. Your committee has also placed a provision in this bill that, becoming a law, will prevent the President and Postmaster General from attempting to suspend the Constitution of the United States by an Executive order with reference to the right of certain employees who are citizens of the United States from petitioning or memorializing Congress when, in their judgment, they have a grievance that they think should be called to the attention of Congress.

I should like to call the attention of the committee to some of

the new provisions incorporated in this bill.

The Post Office Committee has attempted to meet the needs of a great department—and I refer to the Post Office Depart-They have undertaken, I believe, honestly and fairly to meet the needs of this department and at the same time remain within reasonable bounds of economy.

FREE DELIVERY IN SMALL TOWNS.

The provision with reference to free delivery from second and third class post offices is a deeply important matter. Consider the large number of localities that are without free delivery service—localities which are adding largely to the revenues of the Government. They are entitled to relief. It is the purpose of your committee seriously to experiment, in a certain line, with this great subject, and they are not unmindful that it is an undertaking of magnitude; but we have provided that this system shall be inaugurated and have limited the cost for delivery of mail in such towns and villages to \$1,800 per annum. It has been left within the discretion of the Postmaster General as to how this provision shall be inaugurated. It may be, and it is likely, that he will determine to begin with two carriers, and should he do so, in most towns and villages having post offices within the designated class, two carriers would no doubt be able to give the much-needed relief to a large class of our citizens who are now entirely without a free-delivery service.

RAILWAY MAIL CLERKS.

The provision of the bill dealing with the grading and classification of railway mail clerks is a subject which has been much It has been charged, whether correctly so or not I discussed. am not prepared to say, that there has been discrimination against a certain class in the Railway Mail Service. It has been charged from all parts of the country that if a railway mail clerk is in the favor of his superior promotions are granted, and that in many instances it was done without regard to merit or efficiency. Without affirming that injustice has or has not been done with respect to this, it is our purpose to provide that absolute justice shall prevail at all times and that promotions shall be made on merit, to the end that each individual shall be fairly treated and that the service at the same time may be improved.

We have endeavored to meet the conditions, so far as they relate to that vast number of employees engaged in the hazardous business of serving in the Rallway Mail Service. Many

railway mail clerks have lost their lives, and it is claimed that in many instances this could have been prevented had the cars in which they were working been constructed of steel or of some other equally indestructible material. We provide that on and after July, 1917, the Postmaster General shall approve no contracts with the railroad companies for carrying the mails unless the equipment is constructed of steel, steel underframes, or other equally indestructible material.

EIGHT HOURS FOR CLERKS AND CARRIERS.

It is the fixed policy of this Government that 8 hours shall constitute a day's work for all Government employees. Congress has provided that those taking Government contracts should not work employees over 8 hours per day. We find upon investigation that clerks in first and second class post offices and city-delivery carriers have been and are required to work many hours in excess of eight hours per day; and where the 8-hour idea has been in force or attempted to be put in force the 8 hours in many instances have been extended over a period from 11 to 12 hours, and in many instances in Therefore your committee has provided that excess of this. after July 1 following the passage of this bill letter carriers in the city delivery and clerks in first and second class post offices shall be required to work not more than 8 hours per day and that the service shall not extend through a period longer than 10 consecutive hours. I deem this a most wholesome provision, and when put into operation its ultimate result will eventually improve the service and at the same time do justice to this class of Government employees.

RURAL FREE DELIVERY.

Mr. Chairman, I for one am in favor of maintaining our rural free-delivery system and am in favor of extending it as rapidly as possible. I know of no agency that has worked more good to a large class of our citizens than has the ruraldelivery service. It has been a source of great disappointment to me in not being able so far to secure the establishment of a number of rural routes in my own district, to which I think we are entitled. I do not mean to be selfish about this, as I feel sure a similar condition exists perhaps throughout the country. I am not one who believes that all things can be done in a day, and I realize that in many instances many difficult problems confront the department in the matter of a more rapid extension of this service, and it is and shall be my purpose to aid in every way within my power to facilitate this great work. One of the hindering causes in the early reports on petitions for establishment of rural routes is due perhaps to the inability to secure prompt reports and inspections owing to the large amount of work which the inspectors have had to encounter in the great fraud cases that the department has been dealing with; and in view of this and in order to facilitate the establishment of rural routes the committee has provided that for the purpose of inspecting and investigating rural routes and proposed rural routes a number of inspectors, not in excess of 30, shall be placed, subject to the orders of the Fourth Assistant Postmaster General whenever and for such period as in his judgment mey may be needed for such purpose. There are from 1,600 to 2,000 petitions now pending for the establishment of rural routes throughout the United States, and action on these petitions has not been had for the lack of inspection. I confidently believe, with this number of inspectors at the disposal of the Fourth Assistant Postmaster General, within the next 12 or 18 months that all petitions will be passed upon and the service extended in many instances and to places where this service is now so much needed.

INCREASED SALARY FOR RURAL FREE-DELIVERY CARRIERS.

We have also attempted to improve the efficiency of the rural free-delivery carriers by an increase of the salaries approximating \$6 per month for all rural carriers. The inevitable result of this will be, I believe, to increase the efficiency of the service. I want to say to you that there are to-day, in my judgment, no class of Government employees so poorly paid as are our rural carriers in the United States, considering the service they perform. The high cost of living applies to the rural carrier as it applies to all other citizens. His cost of equipment has increased; the price of food, both for himself and his horses, has increased. I do not believe that the many hardships which the rural letter carrier encounters is fully appreciated by the people or by Congress. I have been over a number of rural routes and I have seen something of the conditions which exist with reference to the service performed by rural carriers. He must make his trips under all conditions, and, failing to do so, deductions are made from his salary. It is true that, on application made to the department, through the postmaster, if a showing is made that the reason for his failure to make his route or his schedule was unavoidable, dedeductions made will be refunded to him; but there are instances

where the postmaster may not be friendly to him, and his application for a refund may be indefinitely delayed, when he needs the small pittance he receives to pay for feed for his horse, to repair his vehicle, and to support himself and family.

Mr. SAMUEL W. SMITH. I am glad the gentleman has referred to this question of rural free-delivery carriers. What, in the gentleman's judgment, ought they to receive as a fair compensation?

Mr. BLACKMON. I think they ought to receive, on a stand-

ard route, undoubtedly not less than \$100 per month.

Mr. SAMUEL W. SMITH. In other words, they ought to

receive as much as the city carriers. Mr. BLACKMON. I think they ought. I think when you take into consideration the fact that the rural carrier must keep up his equipment, that he must keep two or three horses, what-

ever the necessity may be, and must keep up his other equipment, undoubtedly he is entitled to the same compensation as the city carrier. Mr. MICHAEL E. DRISCOLL. Is it not a fact that when

this service was started 12 or 14 years ago the salary was only \$500 a year?

Mr. BLACKMON. I am not prepared to say, but I think that was very inadequate then, and it is inadequate now.

Mr. MICHAEL E. DRISCOLL. Has not the Government been pretty liberal in doubling the salary in 10 or 12 years?

Mr. BLACKMON. I shall have to ask the gentleman what he considers liberal?

Mr. MICHAEL E. DRISCOLL. They have doubled the

Mr. BLACKMON. But as a matter of fact the Government has not done so.

Mr. MICHAEL E. DRISCOLL. Is it not \$1,000 a year now?

Mr. BLACKMON. No; not in all cases. Mr. MICHAEL E. DRISCOLL. How much is it?

Mr. BLACKMON. It is less than a thousand dollars in some cases.

Mr. MICHAEL E. DRISCOLL. How much less? Mr. BLACKMON. I have not the exact figures before me. Mr. DENT. It is \$1,000 on standard routes.

Mr. BLACKMON. A rural carrier gets \$83.33 a month for a standard route, but as I say I do not know what the gentleman considers liberal. If it is not worth \$100 a month to the Government of the United States to employ a man who carries out a system that is doing more to educate the people of the country than any other influence to-day, I do not think it is very liberal.

Mr. MICHAEL E. DRISCOLL. I did not mean to say that it was not worth \$100 a month, but I meant to suggest that it seems to me that the Government had been fairly liberal in increasing the salary from \$500 to practically \$1,000 within 12 or 14 years.

Mr. BLACKMON. I imagine that the rural carrier has received that with thanks, but it does not destroy the force of the argument that the compensation is not yet sufficient. Now, Mr. Chairman, in dealing with this question I think every member of the committee on this and all other questions has sought to improve the service.

PARCEL POST.

Mr. Chairman, we have given much thought and study to the subject of a parcel post. The bill now presented on this subject provides that the rate on fourth-class mail matter shall hereafter be 12 cents per pound and the number of pounds which may be sent through the mail increased from 4 pounds to 11 pounds. On rural routes fourth-class mail matter may be sent through the mails at a rate of 5 cents for the first pound and 2 cents for each additional pound up to 11 pounds, the packages to originate at the starting or some intermediate point of the route and end with the route. A person living on a route can send to the starting point or to anyone living at an intermediate point on the route or from the starting point of the route at the same rate.

The gentleman who preceded me [Mr. Lewis], who has evidently given great thought and care to this subject, is opposed to this kind of a parcel post. He says that the people do not want a parcel post. If he is correct about that I am very much at a loss to know what the people mean when they write asking us to vote for a parcel post.

Mr. SAMUEL, W. SMITH. Will the gentleman yield?
Mr. BLACKMON. Certainly.
Mr. SAMUEL W. SMITH. Does the gentleman understand the gentleman from Maryland [Mr. Lewis] to take the position that he was not in favor of a parcel post?

Mr. BACKMON. Yes; he says that he is not in favor of the kind that we have discussed—that it is impracticable. His position is that a parcel post, without taking over the express companies, will be a failure.

Now, Mr. Chairman, I want to put this one proposition to the thoughtful Members of this House-those who say that they are in favor of doing something-and they all admit, as I understand it, that the people are entitled to some relief along these lines. I want to put this proposition to you: Are you in favor of passing this bill as presented to you by the committee or do you prefer to turn this down and wait for a time to come when you shall acquire the express companies and get that ideal situation that some Members seem to think we ought to have?

Mr. MURDOCK. Will the gentleman yield?
Mr. BLACKMON. Certainly.
Mr. MURDOCK. Now, that question would be easier answered if we could understand exactly what this provision in the bill means. The gentleman is on the committee as I am, but I think I see something new about this bill every time I read it, and I have read it scores of times. I want to read from the provision in relation to parcel post, page 35 of the pending bill. This has just been called to my attention, and I want to see what is the gentleman's opinion about it, because I must confess that I was surprised to-day at this reading. The gentleman will note on page 35 the first two sections:

Sec. 8. That hereafter postage shall be paid on matter of the fourth class at the rate of 12 cents per pound, except as herein provided.

That no article, package, or parcel shall be mailable as matter of the fourth class which exceeds 11 pounds in weight, except as herein provided.

Now, the exception referred to in one instance is the rate provided for the delivery of packages on rural routes farther down in the same section. This has just been pointed out to me: It is contended by several gentlemen here that if the gentleman from Alabama should attempt to send me a package and I lived on a rural route, say, route No. 2, Wichita, Kans., the gentleman would not be permitted to send me a pound package for 12 cents; that the rate under this provision of 12 cents a pound does not apply on a package shipped from one point off a rural route to a point on a rural route. Did the gentleman understand that was the idea of the provision when we considered it in committee?

Mr. BLACKMON. No; I did not. Mr. MURDOCK. And I want to say that I did not, and yet from the language of the bill as shown in the two exceptions there in the first two paragraphs it seems to be the case, so

far as this provision is concerned.

Mr. BLACKMON. I do not agree with the suggestion. I think that if I lived in Anniston, Ala., I could send to the gentleman in Kansas, on a rural route, a 1-pound package for 12

Mr. MURDOCK. That is just the point. You live in Anniston and I live outside Wichita on rural route No. 2. The gentleman could not mail me a pound package for 12 cents.

Mr. BLACKMON. I think so. Mr. MURDOCK. That is the contention that I find gentlemen are making.

The CHAIRMAN. The time of the gentleman from Alabama has expired.

Mr. MURDOCK. The time on the other side is in my charge, and I will yield the gentleman 10 minutes more.

Mr. BORLAND. If the gentleman will yield to me, I think can clear that matter up in the two minutes.

Mr. BLACKMON. Mr. Chairman, I would like to have the gentleman to do it, but in his own time.

Mr. BORLAND. I have not asked for any time. Mr. MURDOCK. Mr. Chairman, I yield 10 minutes to the

gentleman, and he can ask his question.

Mr. BORLAND. Mr. Chairman, the gentleman from Kansas MURDOCK] raised the question that under this bill, this provision of the post-office bill, it would be impossible to send a package from rural route No. 2 out of Wichita, Kans., to some point not on rural route No. 2, under the 12-cent rate, but that that kind of a package would have to pay the rate under existing law.

Mr. MURDOCK. Mr. Chairman, will the gentleman take the reverse of that, that you can not send from a town to a point on a rural route out of another town a pound package for 12

cents. Does the gentleman so understand the law?

Mr. BORLAND. I so understand the law, but I understand that was put in there intentionally, with the idea of restricting the package to the rural route. I have always contended that the rural-route free-delivery parcel post was an adjunct to the express-company business, and enlarged its business, and did not compete with it, and never was intended to compete with it, and never will compete with it. If the gentleman will look at the bill, H. R. 12810, regulating charges for transportation of parcels by express companies engaged in interstate com-

merce, reported from the Committee on Interstate Commerce, he

Mr. MURDOCK. That is the Adamson bill?

Mr. BORLAND. Yes. The first section of that bill provides certain rates that may be charged by express companies based on 2,000 miles, 12 cents a pound; on less than 2,000 miles, 10 cents a pound; on packages not exceeding 11 pounds in weight, and so on down, all of which rates are higher than those companies are now charging. The second section of that bill provides that the express company when tendered a package may charge the consignor the express rate therein named, and also the postage at the special low rate for the rural free-delivery routes, and thus accept a package for delivery upon the rural route which their express company does not reach. When the package gets to the nearest express town, then the company may put it into the rural free delivery, pay the United States postage on that, and send it out to the farmer. Also, that the farmer can do exactly the same thing. He can take an 11pound package, compel the rural free-delivery carrier to take it at the postage provided by this postal bill, pay also the express charges, according to this other bill, and when the rural carrier gets to the nearest express town, being the end of his rural route, he must deliver it to the express company and send it on. It never was intended in this Post Office bill to limit in any way the business of the express companies.

Mr. MURDOCK. As I understand the gentleman's reading of this bill, the gentleman in Kansas City, Mo., can send to the gentleman at Anniston, Ala., a pound package for 12 cents. Is

Mr. BORLAND. Oh, no.
Mr. MURDOCK. Oh, absolutely. Under the reading of the
Post Office bill you can send a pound package from city to city for 12 cents.

Mr. BORLAND. Sixteen cents a pound.

Mr. MURDOCK. But this bill provides, in terms, that hereafter the postage shall be paid on matter of the fourth class at the rate of 12 cents a pound. Is it not a fact that the gentleman at Kansas City, Mo., can send a package from his residence, weighing 1 pound, to the gentleman at Anniston, Ala., for 12 cents?

Mr. BORLAND. Yes; if the gentleman is correctly reading

the bill.

Mr. MURDOCK. And is it not also true that a farmer outside of Kansas City, Mo., can not send from his residence on a rural route to the gentleman at Anniston, Ala., a package weighing 1 pound for 12 cents?

Mr. BORLAND. I understand that is true.
Mr. MURDOCK. Then, why the discrimination against the farmer's

Mr. BORLAND. That is the difficulty, but the farmer has the beautiful privilege of patronizing the express company for the entire haul that the express company can give. The farmer can use the rural route only to deliver and receive from the express company. Thus the rural carrier becomes the receiving and distributing agent of the express companies to increase their business by giving them the advantage of territory that they do not now reach. This is why the express companies are now opposing Postmaster General Hitchcock's plan for a rural

parcel post.
Mr. MURDOCK. Mr. Chairman, I yield 10 minutes to the

gentleman from Alabama [Mr. Blackmon].
Mr. MOSS of Indiana. Mr. Chairman, before the gentleman from Alabama begins, I understand that a farmer living on a rural route would not have the benefit of a general parcel rate. Would it not be true that the farmer on the rural route has the choice of two rates, and can either take the general rate or the

local rate as he may choose?

Mr. BLACKMON. Mr. Chairman, I have evidently misunderstood the gentleman from Kansas. I have no doubt but that he could send to me a pound of fourth-class mail matter to Annis-

ton, Ala., from route 2, Wichita, Kans., for 12 cents, and there is no discrimination against the farmer in this bill.

Mr. Chairman, I believe in crossing the river when we get to The Adamson bill is not up and this bill is. Under the provisions of this bill a man living on a rural route can send to any point on that rural route 11 pounds for 25 cents, 5 cents for the first pound and 2 cents for each additional pound. A man living on the rural route can send back to the person from the point where the route starts a similar package at the same rate. From Washington I can send a 1-pound package to a man living on a rural route at any point in the United States for 12 cents under the provisions of this bill—

Mr. HAMILTON of Michigan. Will the gentleman yield for

a question?

Mr. BLACKMON. Yes; but I would like for gentlemen to

put their questions one at a time.

Mr. HAMILTON of Michigan. I want to know as a matter of logic what the reasons were which animated your committee in limiting the sending of a parcel from point to point on a single Why did not you give to the farmer the privilege of sending his parcels from a point on one route to another point on another route leading out of the same post office?

Mr. BLACKMON. There are 21 members of the committee

and I could not answer the gentleman.

Mr. HAMILTON of Michigan. What was the guiding motive? Mr. BLACKMON. Well, I am not prepared to answer that. Mr. HAMILTON of Michigan. Did not the committee have any motive:

Mr. BLACKMON. For myself I can answer.

Mr. MOON of Tennessee. May I interrupt the gentleman from Alabama a moment?

The CHAIRMAN. Does the gentleman from Alabama yield;

Mr. BLACKMON. I yield to the gentleman from Tennessee, chairman of the committee.

Mr. MOON of Tennessee. I want to suggest this: The first section of section 8 provides:

That hereafter postage shall be paid on matter of the fourth class at the rate of 12 cents per pound, except as herein provided.

It is but an amendment of the statute that now is in existence, or rather it is a permission for the people of the United States to use an agreement that the United States carries out with foreign countries in regard to the use of its mails. gives 12 cents for the flat pound rate. That does not limit the transportation to rural routes or from city to city. It is a general law in its application, the same as the law that is now in force by international agreement, and the package may under that be sent to any other point in the United States whether it is on a rural route or not.

Mr. BLACKMON. I have just stated that. Mr. MOON of Tennessee. The other section in the bill giving the lower rate for fourth-class matter means simply where the matter is delivered on a route for transportation on that route by a carrier, or to the initial office, the low rate applies to the rural route for matter beginning and ending on it. The 12 cents a pound rate is a general rate that covers the United States.

Mr. BLACKMON. I have said that.
Mr. WILLIS. Will the gentleman yield?
Mr. BLACKMON. If the gentleman will yield more time;
there is another subject I wish to discuss.

Mr. WILLIS. We will get you more time. Why did the committee limit the sending of packages to the one rural route? I understand, under the provisions of the bill, if business were to originate at one rural route it could not be sent to the addressee on another rural route. Now, I want to know the reason for that.

Mr. MOON of Tennessee. Simply because the committee was not establishing a general parcel post over the rural routes or for the country generally. It is providing for a commission, and it is a proposition to make an experiment on rural routes, and in making the experiment it was thought desirable to limit the

service to each route.

Mr. WILLIS. Does the gentleman think it would increase the expense materially, and would the gentleman object to an amendment extending that service to all rural routes?

Mr. MOON of Tennessee. The purpose of the act was to confine it to rural routes so that we could ascertain the exact facts. We did not propose to complicate it by extending it over two or three rural routes, but we desired to make the one exact experiment

Mr. BURNETT. May I ask the gentleman if this applies to

what is called a loop route?

Mr. MOON of Tennessee. A loop route would be a part of the original route.

Mr. BURNETT. That is what I want to know if, under the

construction of the chairman, that would be included.

Mr. MOON of Tennessee. I think it would cover it; yes.

Mr. MOSS of Indiana. Will the gentleman yield for a question?

Mr. BLACKMON. I will.

Mr. MOSS of Indiana. I live on a rural route. I would like to ask the gentleman from Alabama, if the provisions of this bill should become a law, if I could not post a parcel at 12 cents a pound in the box in front of my door and have it carried anywhere in the United States?

Mr. BLACKMON. You could by paying 12 cents a pound up

to 11 pounds.

Now, Mr. Chairman, the proposition here presented has a fair prospect of becoming the law. Now, if it is an advantage to obtain a cheaper rate for transportation by the mail facilities, I say that we have here a proposition that gives to the American citizen a reduction in his fourth-class mail matter of 4 cents per pound. In other words, we reduce it from 16 cents per pound to 12 cents a pound and raise the weight limit from 4 to 11 pounds.

I contend that a man who claims to be working in the interest of the people and wants a cheaper rate, but opposes this bill on the idea of taking over the express companies, with a prospect of getting this reduction for the people, is not in favor of any kind or character of a parcel post. It means simply

delay

I have introduced a bill requiring the railroad companies to handle packages up to 50 pounds, commonly known as express, and to handle it by the trains that now handle express, and charge a reasonable rate for the service performed, the fixing of rates being placed in the hands of the Interstate Commerce Commission. The same bill provides that when the consignor delivers the package to the carrier at the office of the carrier and the consignee receives the package at its destination at the office of the carrier a cheaper rate shall be charged for the service performed than if the carrier had collected and delivered the package by wagon or otherwise. I believe that that will ultimately, if it becomes a law, be a great and valuable saving to the people throughout the country who are now using the express companies. But I am not going to wait to get that bill out of the committee. I will support this bill, because it is up now, is a good bill, and we can pass it. I am not going to oppose this provision and wait to see if that bill or some other bill can be gotten out and placed before this House.

I am not an expert on the subject, and do not profess to be,

but I say to you gentlemen who are interested in extending your rural routes, you gentlemen who are interested in keeping the routes that you have, when you vote for a law now to take effect on July 1 this year or July 1 next year, with our present facilities, that will allow 100-pound packages to go in the mail, consisting of poultry, eggs, butter, and live pigs, as my friend from Mississippi [Mr. Witherspoon] seems to think can be done, you will destroy your rural routes throughout the country.

Mr. DICKSON of Mississippi. May I interrupt the gentleman

for a moment?

Mr. BLACKMON. Yes, sir.

Mr. DICKSON of Mississippi. Could you not pass this parcel-post provision that is now in the appropriation bill and stitute the Goeke idea now, just as well as you could substitute and inaugurate the Goeke bill by defeating this bill and putting the Goeke measure in place of the present law?

Mr. BLACKMON. I can only answer for myself. It might

or might not be done. I imagine when we take over by law the express companies, if we ever do, it will be perhaps from 10 to 15 years from now, and I may never live to see it.

The CHAIRMAN. The time of the gentleman from Ala-

bama [Mr. Blackmon] has expired.

Mr. MURDOCK. Mr. Chairman, I yield 15 minutes to the gentleman.

Mr. J. M. C. SMITH. In answer to the gentleman, a moment ago you stated that a person on a rural route could send a package over the rural route and by express to a city

Mr. BLACKMON. I said by mail.

Mr. J. M. C. SMITH. I mean by parcel post. Suppose I am a country merchant, with a store on a rural route, and I wish to send to Detroit or some other city for 10 pounds of tea, and I tell them to send it by parcel post. What would be the charge to deliver that to the country merchant upon the rural route?

Mr. J. M. C. SMITH. One dollar and twenty cents for a 10-pound package?

Mr. BLACKMON. Yes.
Mr. J. M. C. SMITH. That would be a benefit.
Mr. BLACKMON. Mr. Chairman, I am in favor absolutely at all times of giving to the people the cheapest transportation rate either by post or express or by freight that can be fairly and legally given them. I am committed to that proposition, and so long as I remain in Congress I propose to vote to give the cheapest rate that can be fairly and legally given to the people by all modes of transportation.

Mr. MICHAEL E. DRISCOLL. Would not the gentleman want the rates to pay the expenses, so as not to impose a burden on the Post Office Department of the Government?

Mr. BLACKMON. I said, my friend, "a legal rate." Mr. MICHAEL E. DRISCOLL. A rate may be legal and yet result in a great deficit to the Government.

Mr. BLACKMON. I perhaps have not read the same decisions that the gentleman has, but I understand under the law that a legal rate must be a rate that will bring a fair return on the amount invested.

Mr. MICHAEL E. DRISCOLL. There is no investment on the part of the Government.

Mr. BLACKMON. Would a legal rate be a fair rate that took money unjustly from the Government?

Mr. MICHAEL E. DRISCOLL. The Government is losing millions of dollars a year on second-class mail. It has been going on from year to year, and yet it is not illegal.

Mr. BLACKMON. I said "fair and legal."
Mr. MICHAEL E. DRISCOLL. The gentleman would have a
rate either by the zone system or in some other way, that would save the department from a deficit, from the loss of that class of goods?

Mr. BLACKMON. I would be in favor of a fair and legal

Mr. MICHAEL E. DRISCOLL. Does the gentleman mean a rate that would save the Government from loss on that class of

goods? Does he?

Mr. BLACKMON. I think the Post Office Department, when we pass this law and with the information that we have obtained and the information which Congress and its committees will hereafter obtain, will not put in force a rate that will create any great deficit. That is my position.

Mr. KINKAID of Nebraska. Mr. Chairman, will the gentle-

man yield for just one question?

The CHAIRMAN. Does the gentleman from Alabama yield to the gentleman from Nebraska?

Mr. BLACKMON. Yes. Mr. KINKAID of Nebraska. Would the gentleman please state, for my information, just specifically how those who favor general parcel-post system would profit by the enactment of this provision?

Mr. BLACKMON. That is a question on which opinion is so much divided that I would prefer not to give my views on it.

Mr. KINKAID of Nebraska. Is it the gentleman's opinion that the people will derive any particular benefit or relief from the standpoint of those seeking a general parcel post and be-lieving that it will be of benefit?

Mr. BLACKMON. It is my opinion that they think so, and it is my opinion that Congress ought to give to the American citizen the same right that we are giving to foreigners, and for that reason I am in favor of this bill. [Applause.] Mr. HAMILTON of Michigan. Mr. Chairman, will the gen-

tleman permit me an inquiry?
The CHAIRMAN. Does the gentleman from Alabama yield to the gentleman from Michigan?

Mr. BLACKMON. I yield. Mr. HAMILTON of Michigan. I just wanted to know whether any other motive influenced the committee in fixing the limit of weight at 11 pounds than the international postal arrangement.

Mr. BLACKMON. I can only speak for myself. I do not

know what influenced the committee.

Mr. HAMILTON of Michigan. Was there any other motive than that, if the gentleman knows?

Mr. BLACKMON. I am not prepared to say what influenced

the members of the committee.

Mr. HAMILTON of Michigan. The gentleman has not spoken

for himself in answer to that question.

Mr. BLACKMON. If the gentleman wants my personal views on that, I can give them.

I can give these personal views as formed by me after a careful consideration of this question in all its aspects. I have been anxious to know and to do what is right. Mr. Chairman, a great many gentlemen are suggesting that a general parcel post be created and that the number of pounds of fourth-class mail matter which they say should be authorized ranges from 11 to 100 pounds, and I have been unable to see any plan presented by these gentlemen that is susceptible of being successfully carried out. It is an easy matter indeed, and it may be good policy in certain localities to say that you favor a general parcel post, but when a man says this and fails to present a feasible plan I am strongly inclined to believe that he has either not given the matter the study to which the question is entitled or is talking to please his audience. Gentlemen argue that the Government should buy the express companies and carry packages not exceeding in weight 100 pounds. It is apparent, it seems to me, that if this plan is feasible it will take many years to put it into operation, and then it will not reach that class of people who are now without express facilities and those we are undertaking now to benefit. Others argue with any instance where any employee of the Post Office Department

equal earnestness that the weight of parcel-post packages through the mail should be extended to 100 pounds, and that our rural mail facilities are now prepared to handle such packages. I do not believe that there is a rural route in the United States to-day where the equipment is sufficient for such purpose. A rural carrier starts out on his route; suppose he has several hundred pounds of mail to deliver on his route. He gets to a box 10 miles from the starting point and there he finds 10 pounds of butter, at the next box he finds 20 pounds of chickens, at the next box he finds two packages weighing 25 pounds each, all of which is there properly stamped or tagged for mailing. It is his duty, of course, to take all these packages. Suppose this state of affairs should continue on his entire route; what would be the situation? He returns to the starting point of his route. How many post offices are now equipped to receive and care for this character of mail? I say to you gentlemen who are interested in working this question out so as to give relief in the matter of transportation facilities must necessarily consider this from a practical standpoint and make the necessary preparations to carry out the scheme or it will be a dismal failure. The people of this country are intelligent people and they do not expect the unreasonable. I believe that the present bill will give much needed relief, and, as I have said, we now have an opportunity to get this, and to my mind a "bird in the hand is worth two in the bush." Those who argue that this bill will give no relief to the farmers I am constrained to believe and ill safety and the believe that the same of the same o to believe are ill advised on this subject. If a farmer under the present law desired to send to his market a package through the mall, he could only send a 4-pound package, which under the present law would cost him 64 cents. Under the law now proposed he could send 11 pounds of the same class and character of mail at a cost of 25 cents. In other words, 11 pounds under the proposed law would cost him 39 cents less than a 4pound package under the present law. If he desired to get from his market a similar number of pounds, without stopping his plow to go to town for the package, under the proposed law he could get the 11 pounds for 25 cents, whereas under the pres-ent law it would cost him \$1.76 if he were allowed to mail 11 pounds, whereas he can only mail packages up to 4 pounds. will be observed from the proposed bill that there is nothing in the bill to prevent a merchant from sending to his customer in the country, living on a rural route, two 11-pound packages, or three packages if the facilities of the carriers are sufficient for him to handle same, totaling 33 pounds, in three different packages, for the sum of 75 cents for the three packages; whereas under the present postal rates 33 pounds in 4-pound packages, at 16 cents per pound, would cost him \$5.28. I was reared on a farm, and I have seen the time in the busy crop season when a day's plowing was worth from five to ten dollars to me, and I have seen the time when I have had to stop work to go to town for articles which, under the provisions of this bill, could have been sent out through the mail had this law been in force; and I am therefore at a loss to know how the gentlemen can contend that this bill is not a benefit to the " CAG BULE."

Mr. Chairman, there is one other phase which I think ought to commend this bill to every Member of Congress. This bill proposes to abolish the objectionable gag law, and I have no doubt that there is not a single Member of Congress—at least I hope there is not a single Member of Congress—at least I hope there is not a single Member of Congress—that is in favor of the Executive order known as the "gag rule" that has prevailed since President Roosevelt issued that famous order. I do not believe that a single Member of this body believes that any President of any party, at any time, under any conditions, should have the right by an Executive order to suspend the Constitution of the United States of America. [Applause.]

This bill seeks to correct that, and we do correct it, and we provide that those men, in whatever employment they may be, may appeal to Congress, as the Constitution provides they may do, by a petition, through their Member of Congress or to Congress, and lay before their Congressman their grievances without being subjected to dismissal from the service because they do To my mind, I say, this is one of the strong provisions in this bill that ought to appeal to every Member of this body, and I imagine it does.

Mr. MICHAEL E. DRISCOLL. Will the gentleman yield right there?

The CHAIRMAN. Does the gentleman from Alabama yield to the gentleman from New York?
Mr. BLACKMON. Yes.

Mr. BLACKMON. Yes. Mr. MICHAEL E. DRISCOLL. Does the gentleman know of

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either lost his position or was reduced in it in any possible way by consulting with his Member of Congress or appealing to him

for any sort of aid that he thought he ought to have?

Mr. BLACKMON. A great many of them think so, and whether they have or have not, I say that Congress stultifies itself when it allows an Executive order to suspend the Constitution of the United States, whether it has cost a man his job or not. Some of them say it has cost them their jobs.

Mr. MICHAEL E. DRISCOLL. I stated last summer in the presence of the convention of the railway mail clerks at Syra-

cuse, N. Y., that-

Mr. BLACKMON. I do not want to appear discourteous to the gentleman, but I object to the gentleman making his statement in my time.

Mr. MICHAEL E. DRISCOLL. I just wanted to say The CHAIRMAN. The gentleman declines to yield.

Mr. BLACKMON. Mr. Chairman, if no man has lost his position by reason of this gag rule, I am glad to know it, and I am in favor of fixing it so that he can not do so.

Mr. MICHAEL E. DRISCOLL. I have never heard of a man

being criticized for it.

Mr. BURNETT. Is it not true that President Taft has just now, pending the coming election, modified that to some extent? Mr. BLACKMON. Yes. It was not my intention to go into the political phase of it, but I think when President Taft heard the rumblings throughout this country and found all honest men decrying this position taken by his predecessor, Mr. Roosevelt, and enforced by himself, he changed this order, I will not say from political motives, but it was changed in the last few After the Democratic committee had reported this bill, and it was being considered on the floor of this House, it was

then that the President saw fit to modify the order. [Applause.] This modification made by the President, to my mind, does not relieve the objectionable feature of the order, but the bill completely does so. I regard it as extremely dangerous, at any time or under any condition, to allow the President or anyone else, by any act or order to suspend the Constitution of the United States, that document that has for these many years

proven the great bulwark of American liberties.

DEMOCRACY FAITHFUL TO THE PEOPLE.

Mr. Chairman, let me say in conclusion, since coming into control of the House less than two years ago, the Democrats have kept faith with the people by redeeming the pledges made by our party. They have passed through the House bills carrying reforms which the Democratic Party has been championing for many years. We have reduced the running expenses of the House alone, approximately, \$200,000 per annum, found to be unnecessary and extravagant expenditures. This will serve to show what could be expected if the Democratic Party were in control of both branches of Congress and the executive branch of the Government. We have admitted to statehood Arizona and New Mexico, which has so long been delayed, notwithstanding each of these Territories possessed all the requifor statehood. It has been said, and undoubtedly truthfully so, that improper means have been used to secure the election of some Members to the House and Senate, and in order that the people might know what sum of money or what other influences have been brought to bear to secure the election of such Senators and Representatives, we have passed a bill, known as the publicity bill, requiring Senators and Congress-men to file a sworn statement of their account, showing all moneys spent by them or by any other person, firm, or corporation to secure the election of such Member. This statement must be filed 15 days prior to the primary or nominating convention in which the Member is seeking nomination or election; and also to file after the election a complete statement of all money expended, either by himself or any other person in his behalf. It would now seem that it would have been the part of wisdom to extend this provision to presidential candidates.

We have passed a large number of tariff bills, which, if enacted into law, would give, it is estimated by experts, relief in immense sums and which the people demand. The bills are as follows:

Title of bill and amount of saving to consumers.

Wool	\$390, 000, 000
CottonMetals	88, 000, 000 81, 000, 000
Chemicals Sugar	17, 000, 000 115, 000, 000
Total	743, 000, 000
The items which were included in the free-list be the following:	ill consist of
Agricultural implements. Bagging for cotton, sacks, burlaps, etc Cotton ties—hoops or band iron Leather, boots, shoes, harness, saddles, saddlery	4, 029, 000

Barbed and other fence wire, wire rods, strands, ropes, etc. Fresh and preserved meats—Flour and grist, cereals and bread—Lumber, laths, and shingles—Sewing machines and parts of————————————————————————————————————	66, 759, 000
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Mr. Chairman, it may be left to the people to say whether or not the Republican Party have been dealing fairly with them in not giving to them this needed relief during the past 30 years, in which time they have had almost continuous control of all branches of the Government. I appeal to all fair-minded, thinking men to say whether the President has dealt fairly with the people in not approving the measures passed by this Democratic House, effecting a saving of millions of dollars per year to the American people. Can the people longer trust the Republican Party to deal with these great questions, involving the happiness and prosperity of our Nation, when they have demonstrated that they do not favor a reduction in the tariff for the betterment of the toiling masses because such reductions are opposed by the great trusts which are delivered. tions are opposed by the great trusts which are daily increasing the burdens of the American people? The Republican Party went before the country with a solemn promise that the tariff on the necessaries of life should be reduced, and the people, trusting them, elected a Republican President, a Republican Senate, and a Republican House. Have they kept their promise? It is well known by all men that no sooner had they been treated into the content of the con installed into office than they passed what is known as the Payne-Aldrich tariff bill, which law, instead of reducing the tariff on the necessaries of life, raised the duty on almost every commodity that the American people are compelled to use; and the President, believing that the people could be further de-ceived, stated in his Winona speech, shortly after Congress had adjourned and after he had approved the Payne-Aldrich tariff bill, that it was the best tariff law that had ever been enacted. But our people were not to be fooled. They saw the prices of foodstuffs and manufactured articles going up day by day, with no increase in the wages of the workingmen of the country, and they knew that the Republican Party had further prothe they knew that the Republican Party had further protected the manufacturer but had failed to give relief to the long-suffering public. The country, being convinced that they could no longer hope for redress through the Republican Party, rose on massa in Navaraham 1910, and the response of the resp rose en masse in November, 1910, and turned out a large number of those Republicans who had failed to keep faith with the people and elected Democrats in their stead.

It is a source of congratulation, I say, that as fast as an opportunity has presented itself since the betrayal of the people by the Republican Party that in all parts of the country where elections have since occurred that the Republicans have been defeated and Democrats elected. Even in the rock-ribbed Republican State of Kansas, while the necessity for the special elections is a source of regret to us all, in the two special elections held in this State for the election of two Congressmen the Republicans were overwhelmingly defeated and Democrats elected. Mr. Chairman, when we consider the legislation enacted by the Democratic House in the short time we have been in control, is not the Nation to be congratulated upon having elected a Democratic House, which is watchful and mindful of the needs of our people, and who are undoing, as fast as they can, the injurious legislation enacted by the Republican Party during the past 30 years and attempting to place on the statute books reforms for which our people have so long

been clamoring.

We may hope to see before this Congress adjourns legislation enacted preventing unlawful gambling in farm products, and a bureau of markets established which will give to the producer and the consumer exact and reliable information concerning the amount of production and the amount of consumption of the necessaries of life, the bureau to be under the direction and supervision of the Department of Commerce and Labor or the Department of Agriculture.

I believe, too, that we will enact at this session of Congress a bill which will be the beginning of Federal aid in the construction and maintenance of public highways throughout the

I believe also that we will pass a bill the effect of which will keep out of our fair land that undesirable class of immigrants which all American citizens, whether native or foreign born, agree should not be allowed to invade this country and press on us all sorts of grave and perplexing problems.

Mr. Chairman, when you hear the splendid work of this Democratic House being criticized, their efforts condemned and censured for not having acted with more dispatch, you may know that such individuals are not the real friends of good government, and that they are merely seeking to return to power in this House a Republican majority, with a hope that they will

in the future, as they have in the past, legislate in the interests of the privileged class and against the welfare of the masses

of our people.

I do not know how long I shall remain in this the greatest lawmaking body in the world, but so long as I do I expect to work and vote for laws that will mete out equal, absolute, and complete justice to the whole people; and when my service is finished here I shall feel my reward in that conscientiousness of having been faithful at all times to the interests of my constituents and the great masses of the American people.

Mr. WEEKS. Mr. Chairman, I yield to the gentleman from

Massachusetts [Mr. GILLETT] such time as he desires.

[Mr. GILLETT addressed the committee. See Appendix.]

Mr. WEEKS. I yield such time as he may need to the gentleman from Illinois [Mr. MANN].

[Mr. MANN addressed the committee. See Appendix.]

Mr. WEEKS. I ask unanimous consent to extend my re-

marks in the Record.

The CHAIRMAN. The gentleman from Massachusetts asks unanimous consent to extend his remarks in the Record. Is there objection?

Mr. AKIN of New York. I object.

[Mr. MURDOCK addressed the committee. See Appendix.]

[Mr. DICKINSON addressed the committee. See Appendix.]

Mr. MOON of Tennessee. I yield such time as he desires to the gentleman from Illinois [Mr. STONE].

[Mr. STONE addressed the committee. See Appendix.]

Mr. WEEKS. I yield to the gentleman from Kentucky [Mr. Powers].

[Mr. POWERS addressed the committee. See Appendix.]

Mr. WEEKS. I yield to my colleague from Massachusetts [Mr. GREENE].

[Mr. GREENE of Massachusetts addressed the committee. See Appendix.]

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. Slayden having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed with amendments bills of the following titles, in which the concurrence of the House of Representatives was requested:

the Army for the fiscal year ending June 30, 1913, and for other purposes; and

H. R. 19212. An act making appropriations for the Diplomatic and Consular Service for the fiscal year ending June 30, 1913.

The message also announced that Mr. Chamberlain was ex-

cused, on his own request, from further service as a conferee on the bill (S. 3367) to amend section 2291 and section 2297 of the Revised Statutes of the United States, relating to homesteads, and Mr. Newlands was appointed in his place.

POST OFFICE APPROPRIATION BILL.

The committee resumed its session.

Mr. WEEKS. I yield to the gentleman from Nebraska [Mr. KINKAID].

[Mr. KINKAID of Nebraska addressed the committee. See Appendix.]

The CHAIRMAN. Does the gentleman from Tennessee [Mr. Moon] desire to yield any more time? If no further time is desired, the Clerk will read the bill.

Mr. REHLLY. Mr. Chairman, I desire recognition.
The CHAIRMAN. Gentlemen must get time from those controlling the time. The Chair can not recognize them.
Mr. MOON of Tennessee. I yield to the gentleman from

Connecticut [Mr. Reilly].

Mr. REILLY. Mr. Chairman, the public mandate given us on our election to Congress was "to cut down the cost of living," and the tens of thousands of letters and petitions that have been coming to us, demanding an extended parcel post now seem to be conclusive evidence that we can not satisfy this mandate by any inadequate substitute. Our constituents know, if we do not, that the cost of our living and our opportunities for getting a living are chiefly a question of transport tariffs, and they are requesting us by these letters and petitions to cut down our transport tariffs by the extension of the service of the post office, our mutual transportation company. This is my interpretation of the letters and petitions that are coming to me, and believing, as I do, that the only practical way to settle our transport-tariff problem is by the extension of the post office

over the whole business of public transportation, I have introduced a bill (H. R. 8083) providing for the establishment of a freight, passenger, and intelligence post, and in behalf of this bill, which might be substituted for the various public service valuation bills and small parcel-post bills now before Congress, I therefore present the following argument, prepared by James . Cowles, secretary treasurer of the Postal Progress League, for your consideration:

A FREIGHT, PASSENGER, AND INTELLIGENCE POST THE PUBLIC NEED.

A FREIGHT, PASSENGEB, AND INTELLIGENCE POST THE PUBLIC NEED.

In his article "Ethics of corporate management," in the North American Review of January 18, 1907, President Hadley, of Yale University, said that the demands of the various railway commissions for increased power in order to enable them to cope with the difficulties of the railroad problem reminded him of the minister in the country church who said, "O Lord, we pray for power; O Lord, we pray for power," until an old deacon, unable to contain himself, interrupted, "Tain't power you lack, my young man, its idees."

Far back in 1837 Rowland Hill, of England, discovered to the world the "idee" that within the limits of a public transport service the cost of its use is regardless the distance traversed by any unit of traffic upon the moving machinery, and upon this "idee" Mr. Hill based the English penny-letter post of 1839.

To-day this "idee" is the recognized law not only of the modern postal service of the world, it is the law of our city trolley services and of the through freight services of our railways. * *

THE POST OFFICE—OUR MUTUAL TRANSPORTATION COMPANY.

THE POST OFFICE-OUR MUTUAL TRANSPORTATION COMPANY.

The post office is our mutual transportation company. Its management, the terms and conditions of its use are subject to our will. Its only physical limitation is the capacity of the machinery of transportation. It is the only public transportation agency that covers the whole

tion. It is the only public transportation agency that covers the whole country.

Its underlying principles are: Rates regardless of distance, regardless of the character or the volume of the matter transported; rates determined by the representatives of the ratepayers in Congress assembled, and on the cost of the service rendered. Within its limits all persons, places, and things are on a plane of the most perfect commercial equality. Up to its limits the humblest citizen on the most out-of-the way rural route is on a par with the richest corporation in our greatest metropolis.

In his speech in favor of a uniform 2-cent-letter rate, delivered in Congress February 21, 1839, Congressman Palfrey, of Massachusetts, spoke of the postal system of uniform rates as follows:

"The idea of charging higher postage on a letter on account of the greater distance it travels is an absurdity. The long routes are all made up of a series of short ones. Whether the letter or the 10,000 letters mailed at Boston shall stop at Worcester or go on to Galena will not make \$1 difference, but a matter of fact, that the expense of the post office is practically the same whether a letter is going from London to a village 11 miles distant or to Edinburgh, 397 miles. The difference is not expressible in the same whether a letter is going from London to a village 11 miles distant or to Edinburgh, 397 miles. The difference is not expressible in the samelest coin we have. The average cost of the transportation of each letter, taking all the mails in the Kingdom, is estimated at one-ninth of a farthing." At this rate the average cost of the transportation of a half-ounce American letter is about one-half a mill, a rate which it is idle to think of graduating by distance.

At 10 cents a mile for transportation of a mail bag it may cost the

about one-half a mill, a rate which it is idle to think of graduating by distance.

At 10 cents a mile for transportation of a mail bag it may cost the department a dollar to carry a single letter 10 miles, while 10,000 letters of another bag are carried at the same rate 100 miles, each costing for ten times the distance only one-thousandth part as much.

In 1862 Postmaster General Montgomery Blair suggested the application of this principle to a world postal service. In 1863, under the leadership of Abraham Lincoln, it was made the basis of the modern United States post office. In 1874 it became the basis of the modern United States post office. In 1874 it became the basis of the modern the exhaust of the modern World Postal Union, under which books are now posted anywhere throughout the world at a common rate of 1 cent each 2 ounces, setablished a general merchandise post, limited to 4-pound parcels, at the common world book rate for all distances within our territory. The Congress of 1885 gave to magazines and newspapers—registered second-class matter—a uniform cent-a-pound rate, and thus provided the American people with the greatest public school on earth.

American express companies apply this principle of uniform rates in their transportation of books, seeds, bulbs, etc., for planting—third-class mail matter—throughout their respective jurisdictions—New York to California—in parcels 10 pounds and over, at a rate just under that of the post office, with insurance up to \$10. On magazines and newspapers—registered second-class mail matter—their uniform rates are Parcels, up to 10 pounds, 10 cents; larger parcels, 1 cent a pound, collect and deliver within distances covered by their merchandise rate of \$4.50 a hundred pounds or within zones of 1,500 miles, east or west of the Ohio-Pennsylvania State line.

This principle of uniform rates is applied in the trolley service of every American city, and to it more than to anything else they owe their wonderful growth and prosperity. In 1888 Judge Cooley, of the I

BAILROADS DEFEND UNIFORM MILK RATES.

RAILROADS DEFEND UNIFORM MILK RATES.

In 1895 this uniform milk rate, which then covered distances up to 330 miles, was attacked by the Orange County milkmen on the issue that it deprived them of their natural monopoly of the New York milk market. The Hon, Joseph H. Choate, of New York, represented the milkmen. Messrs, Rogers, Locke & Milburn represented the railroads. At that time the uniform rates from points west of the Hudson to the railroad terminals opposite New York City were as follows:

On cream in 40-quart cans, 100-pound packets, 50 cents per packet, one-half cent a pound; in crates of 12-quart bottles, 70-pound packets, 15 cents per packet, it rife less than one-fourth cent a pound; on milk, 22 cents per packet, trifle less than one-third cent a pound in cans; 9.6 cents per packet, one-seventh cent a pound in crated bottles. The empty packets weighed, cans, about 20 pounds; crated bottles, 30 to 35 pounds. The weight of the filled-bottle packets was partly due to the lee in which they were packed, and the above rates paid not only for two handlings of these filled packages and their transportation to the Hudson, opposite New York, they also covered the Icing of the milk in summer, the heating of the cars in winter, and the return of the empty packets to their stations of origin.

4741

UNIFORM RATES TOO HIGH.

With all this service the business was exceedingly remunerative to all engaged in the traffic, their rates, according to Mr. Choate, being from two to three times the cost of the service rendered. In the case of the Delaware, Lackawanna & Western Railroad the business was so profitable that the railroad managers actually paid their milk contractor, Westcott, \$50,000 a year as his share of the plunder. In the case of the Delaware, Lackawanna & Western Railroad, which then transported about one-fourth of the milk brought by rail to New York, the president of the road determined the rates, and accepted as the share of his associate stockholders 80 per cent of the receipts, giving 20 per cent to Westcott. In other words, the actual milk pay received by the Delaware, Lackawanna & Western Railroad was 25.6 cents per 40-quart milk can, weighing filled 100 pounds, empty 20 pounds, and about the dimensions of a half barrel; and on bottled crates, weighing filled 75 pounds, empty 30 to 35 pounds, and of dimensions 12 by 12 by 24 inches (13 bushels), 7.68 cents; 83 per cent of the entire business originated beyond Binghamton, N. Y., 206 miles from Hoboken, and on this part of the business every car and crate was hauled a round trip of at least 412 miles, each single trip involving a haul of heavy grades over the Catskill Mountains on special trains made up of refrigerator cars costing about \$2.500 each, iced in summer and heated in winter. The Lackawanna milk trains averaged 8 cars, and ran on a schedule time of 40 to 45 miles an hour. The average load of the cars was 150 cans, weighing filled on their way to New York 8 tons and on the return trip 12 tons. In this business, according to Mr. Choate, the milk cars of the Eric Railroad earned twenty-six times as much as the average freight car and nearly 80 per cent more than their average passenger car.

This old New York milk traffic compares well with the mall service rendered the Government by the railroads and less injurious to their cars than that of either milk cans o

RAILEOADS DEMAND UNIFORM CONTINENTAL RATES

RAILROADS DEMAND UNIFORM CONTINENTAL RATES.

In December, 1895, Commissioner George R. Blanchard, of the Joint Traffic Association, testifying in behalf of the uniform rate on milk to New York before the Interstate Commerce Commission, declared that there was no reason why it should not be extended to a thousand miles, and Messirs, Rogers, Locke & Milburn, counsel of the Delaware, Lackawanna & Western Railroad, said:

"The distance within which the rate on milk should be uniform need only be limited by the time required to make it with the train and meet the wants of the New York market with milk not affected by its transportation.

"The cost of train operation is not appreciably more whether there be 200 cans in a car or 160 cans in a car or 17 cans in a car. The same crew, the same messengers and organization, and the same from Binghamton or not or from Sussex County or not, and the cost of the delivery of the can at the Hoboken terminal is in no real sense dependent upon the length of its haul."

In his great work, The Economic Theory of Railway Location, Arthur M. Wellington says: "As a matter of purely public policy—that is to say, if the interests of the railways were identical with the Interests of the community as a whole—railway rates should be the same for all distances."

Note also this testimony as to the uniform rates of the railways in

Note also this testimeny as to the uniform rates of the railways in their through traffic, set forth before the railway-rate committee of the United States Senate of 1905 at Washington:

IOWA'S PROSPERITY DUE TO APPLICATION OF THE POSTAL PRINCIPLE IN THROUGH BAILWAY TRAFFIC.

THROUGH RALLWAY TRAFFIC.

Hon, L. S. Coffin, late railroad commissioner of Iowa: "Some 40 years ago the agricultural papers announced the fact that a shipment of butter from Pavenport, Iowa, and a shipment of butter from central New York and a similar shipment from St. Albans, Vt., were brought to Boston in the same car and the freight rate on the butter from St. Albans and from central New York was the same as that from Davenport." And Mr. Coffin went on to say that the position of Iowa as the foremost of the States in agriculture was due to the fact that this system of uniform rates on dairy products had put her on a level as to the cost of transportation with localities 500 or 1,000 miles nearer the great marks of trade. To this custom was due the fact that his farm, which is a thousand miles farther from the great markets of New York and Boston, was worth as much for dairy purposes as farms in New York or Vermont. It was this application of the postal principle to railway traffic that had brought to him his prosperity and had enabled him to so educate his children that they could be as intelligent as the children of farmers living near those great markets. "We want this same thing to go on; we want the farmers a thousand miles away from a great market to be as prosperous and his children to have the same and as good facilities for intelligence as the children of farmers only a hundred miles away," and, finally, he concluded: "There should be no wholesale rates as against retail rates; no more so than in buying postage stamps.

GROUPED RATES IN THROUGH TRAFFIC DEVELOP AGRICULTURE IN THE

in buying postage stamps.

GROUPED RATES IN THROUGH TRAFFIC DEVELOP AGRICULTURE IN THE WEST, MANUFACTURES IN THE EAST.

Prof. Hugo R. Meyer, late of Chicago University: "The one thing which has done more than all others for the development of this country is the common custom of the railways to group large districts of territory with a uniform rate, regardless of distance. Except for this system of grouped rates we never should have seen the years when we built 10,000 and 12,000 miles of railway, for there would have been no farmers west of the Mississippi River who could have used the land opened up by those railways. Except for these grouped rates we could not have in New England a great boot and shoe industry or a great cotton-milling industry; we could not have spread throughout New York and Pennsylvania and Ohio manufacturing industries of the most diversified kinds, because those industries would have had no market among the farmers west of the Mississippi River."

The existence of New England industries dependent on through

THE EXISTENCE OF NEW ENGLAND INDUSTRIES DEPENDENT ON THROUGH UNIFORM RATES.

President Tuttle, of the Boston & Maine Railroad: "The boot and shoe industry of New England flourishes," says Mr. Tuttle, "because

of the common rate—1½ cents per pair on shoes carried 20 to 1,400 miles. The barbed-wire industry of Worcester, Mass., continues to employ 5,000 hands because of the common rate which Worcester enjoys with Pittsburgh to all the West. The textile industries of Massachusetts flourish because of their grouped rates over a great part of the Lighted States.

THROUGH UNIFORM BATES CREATE NEW ENGLAND INDUSTRY.

But this system of low uniform rates not only keeps industries flourishing; it creates industries. "In the northern part of Maine," says Mr. Tuttle, "there are hundreds of thousands of acres of spruce lands. Up to within 10 years ago in certain parts of Maine there were no inhabitants. At a certain place there was primeval forest, not containing even a hundred cabins. A railroad was put into that territory—the Bangor & Aroostook. Certain capitalists discussed the establishment of a pulp and paper mill in that region. They selected a place where they could bond a large quantity of timber land with a good water power and where the other conditions for manufacturing were satisfactory and called it Millinocket.

" NEAR-BY MARKETS TGO SMALL FOR MODERN INDUSTRIES,

"Near-by Markets too small for modern industries.

"In order to establish a profitable industry up there it was necessary to manufacture upon a scale sufficiently large to make the product cheap, and this meant a production very much in excess of what could be used in the nearer markets. So they came to the railroad and said: "We want to know what rate you will charge to carry our products to Boston, New York, and Chicago, and all about us, and then we can determine whether we can build that mill." Then the railroad had to bear in mind that Chicago was receiving paper from other mills within 500 miles from Chicago, and if the Maine mill was to compete with these mills it must have the same rate for its 1.400 to 1.500 mile haul as they had for the 500-mile haul. The railroad therefore equalized its rates, so that the company could put their products into the markets of the United States. As a result, we have this place, Millinocket, with its schools, churches, streets, electric lights, and its population of 3,000 or 4.000, who live as comfortably as they do anywhere in the world, a place where 10 years ago it was primeval forest. To illustrate further in regard to this product, paper, we have other mills in different parts of New England producing paper which is sent to the same markets. We have to equalize the cost of transport, regardless of distance between all these mills, so that the product shall be sold in the market at the same price."

WHY NOT HAVE UNIFORM BATES IN ALL PUBLIC TRANSPORTATION?

Manifestly a system of transport rates so useful in through traffic could hardly fail to be of equal benefit in local business. Strange as it may appear, however, though our railways ignore distance over continental areas, they carefully mark up the miles in local traffic, and investigation will prove that in many cases the very lowest less-thancarload rate for the very shortest distance is higher than the through rate for very long distances. In the course of the legislative hearings at Boston in 1900, relative to the issue "The State management of the Boston & Albany Railroad v. The New York Central management of this great State highway." President Tuttle, of the Boston & Maine Railroad, gave these as the figures charged for the transportation of flour in carloads from Ogdensburg, 429 miles via the Rutland Railroad and his own road, to Boston:

10 2

Per haul per barrel, 200 pounds, 4 cubic feet bulk._____ Per haul per ton, 2,000 pounds, 40 cubic feet bulk._____ DOOR-TO-DOOR EXPRESS SERVICE.

(Within limits of mechanical transports, otherwise post office to post office.)

Pound parcels, 14 cubic foot in dimensions.

Larger parcels, up to 5 pounds, 1 cubic foot in dimensions.

Larger parcels, up to 11 pounds, 1 cubic foot in dimensions.

Larger parcels, up to 30 pounds, 1 cubic foot in dimensions.

Larger parcels, up to 60 pounds, 1½ cubic feet in dimensions_____ Larger parcels, up to 100 pounds, 2 cubic feet in dimensions_____ Larger parcels, up to 200 pounds, 4 cubic feet in dimensions_____ For each additional 30 pounds or each additional cubic foot bulk__ PASSENGER FARES, STATION TO STATION, PER TRIP.

Ordinary cars, local trains
Ordinary cars, express trains
Parlor cars, express trains
Ordinary cars, limited trains
Parlor cars, limited trains

DOOR TO DOOR.

Within the limits of the Government trolley and automobile services, which are to connect the railway stations with the homes of the people, an additional charge of 10 cents—5 cents to the station of departure, 5 cents from the station of destination—will carry the passenger, door to door, anywhere within the perfected system of transportation. Passengers will be insured against injury or loss of life and also against

EVILS OF PRESENT TRANSPORT DISCRIMINATIONS—BIG DEALERS GIVEN LOW UNIFORM RATES OVER CONTINENTAL AREAS—SMALL DEALERS IMPRISONED IN NARROW SLAVE PENS.

Under present conditions the value-of-the-service system of rates, rates according to distance and the value of the service rendered, is quite strictly applied in general passenger traffic and in local freight traffic. In through freight traffic, on the other hand, large dealers and large producers are generally given uniform rates over large areas of territory regardless at once of distance and of the character of their commodities. As to travel, they are usually provided with cheap mileage books, if not with free travel. Almost all west-bound commodities destined to Pacific-coast terminals have a common blanket rate, regardless of distance and regardless of the character of the commodity from all points east of the Missouri River, and on their east-bound traffic from the Pacific-coast terminals to points east of the Missouri River they also enjoy a common blanket rate on their through carloads over zones of many hundreds of miles.

Ordinary CITIZENS TAXED "ALL THE SUBJECT WILL BEAR."

ORDINARY CITIZENS TAXED "ALL THE SUBJECT WILL BEAR."

The ordinary citizen, on the other hand, receives very different treatment. Unable to invest in a thousand-mile mileage book, my tax New York to and from Washington is \$11.30. My wealthier friend, occupying the seat beside me and the owner of a mileage book, pays for the same service \$9.04, and Congress, whose business it is to secure equality of privileges and rights to all the people, forces the ordinary citizens of the United States to submit to this discriminating faxation. The day laborer is infinitely worse off than I. Even under the best conditions—with fares at but 2 cents a mile—he is taxed 20 cents—10 per cent of his \$2 a day earnings—for a round trip to and from a short job, but 5 miles from his home. If his job be 25 miles distant, his round trip costs him \$1, or 50 per cent of his earnings. This for a service which, under Government ownership of the railways, could be profitably done at a charge of not over 10 cents a round trip. The Government railways of Belgium furnished even lower rates than this to Belgian workmen as long ago as 1883, and the business was exceedingly profitable.

INDIVIDUAL ENTERPRISE CRUSHED—SMALL DEALERS AND

INDIVIDUAL ENTERPRISE CRUSHED—SMALL DEALERS AND SMALL PRODUCERS DRIVEN OUT OF EXISTENCE—THE BIG TOWN ENRICHED, THE SMALL TOWN IMPOVERISHED.

SMALL TOWN IMPOVERISHED.

The small dealer and the small producer suffer the same discriminating taxation as the workman. The rates on their local traffic and their less-than-carload business are sometimes 50 per cent higher than those of their great competitors engaged in carload traffic covering continental areas. The great dealer of the interior unquestionably sends his produce to Europe on occasion at a less tax than that levied on similar produce of the small dealer sent to our seaboard for home consumption. The large towns at railway terminals get far lower rates than are accorded to the smaller towns between the terminals.

accorded to the smaller towns between the terminals.

THE PRIVATE EXPRESS COMPANY KILLS THE SMALL TOWN.

The private express custom of taxing an additional rate for each line over which a parcel passes makes the establishment of a business requiring express service in small towns an impossibility. Such business must be located, if it would be successful, at great centers where several express lines diverge and where supplies and produce are usually subject to but one expressage.

Boise, Idaho, is controlled by the Pacific Express Co. Buffalo and Cleveland, on the Pacific Express line, enjoy several other express services. The smaller towns near by, subject to a second express charge, pay nearly twice as much as Buffalo and Cleveland on their Pacific Express business; to Boise, Idaho, on 8-pound parcels from Buffalo, N. Y., 2.437 miles, \$1.20; Batavia, N. Y., 2.473 miles, \$2.20; Cleveland, Ohio, 2,295 miles, \$1.20; Euclid, Ohio, 2,300 miles, \$2.20. With similar discriminations on all their express business, the fate of these smaller towns is evident.

smaller towns is evident.

THE PRIVATE EXPERSS COMPANY KILLS THE SMALL MANUFACTURER,
FARMER, AND DEALER.

Rates from New York: Where the express rate on a 100-pound parcel pay \$1.40; ten 10-pound parcels pay \$80 cents; four 25-pound parcels pay \$1.40; ten 10-pound parcels pay \$3. Where a 100-pound parcel pays \$1, two 50-pound parcels pay \$1.60; four 25-pound parcels pay \$2.20; ten 10-pound parcels pay \$4.50.

The smaller the business, the higher the tax; the small business goes to the wall. The late 300 per cent dividend of the Wells-Fargo Express Co. is striking evidence of the express exploitation of the general public.

TAXATION WITHOUT REPRESENTATION.

"Our present system of making railway rates," said Interstate Commerce Commissioner Prouty, January 12, 1903, "is taxation without representation in its most dangerous form." This taxation now amounts to over \$2,500,000,000 a year, to over \$150 a year for the average American family. In the determination of these taxes the taxpayers have no share. These taxes continue to be levied upon the principle "what the subject will bear." They always discriminate in favor of the big dealer and the big producer as against the small dealer and the small producer and against the little town and in favor of the big town. The result is the rapid concentration of our population in great cities within which laborers are huddled in narrow slave pens, while those who are enriched by this taxation live in palaces in other sections of the same city.

And the railway legislation proposed for the consideration of the Sixty-second Congress offers us a future almost worse than the past.

The railway speculators left in control of our public highways are to be deprived of inducements for the improvement and extension of their transport agencies, while transport taxation is to be left in a chaos that can not fail to result in widespread disaster.

PREDICTION OF CARROLL D. WRIGHT, 1894.

The Hon. Carroll D. Wright foretold the present condition of things in his notable address on the Chicago strike of June, 1894:

"The Chicago strike is epochal in its influence," he said, "because it emphasizes the claim that there must be some legislation which shall place railroad employees on a par with railroad employers in conducting the business of transportation, so far as the ferms and conditions of employment are concerned; because the events of that strike logically demand that another declaration of law and of the principles of the Federal Government shall be made; a declaration that all wages paid as well as charges for any service rendered in the transportation of property, passengers, etc., shall be reasonable and just. It has emphasized the power of the Federal Government to protect its great interests in the transportation of the mails."

Personally, he added, he was opposed to the Government management of the railroads, but if it came it would come because of a great necessity, and good citizens should have no fear. When it came, morroover, it would be not at the demand of the labor involved in carrying on the work of transportation, but "at the demand and in the interest of the railroads and of the shippers," and the movement would be most seductive.

The demand would be that the Government should take charge of

rainfoads and of the supports, ductive.

The demand would be that the Government should take charge of the roads—not purchase them—should take charge of the roads, and out of the proceeds of the transportation business guarantee to the existing stockholders a small but reasonable dividend. And this seductive movement would command the support of the conservative men of the country, of the stockholders themselves.

RAILWAYS-POST ROADS.

This dictum thrown out by ex-President Roosevelt in his speeches at Indianapolis, Ind., and at Lansing, Mich., in the spring of 1907 suggests the seductive movement predicted by Mr. Wright, and the times now seem ripe for its consideration.

A TRANSPORT PROGRAM.

A TRANSPORT PROGRAM.

President Roosevelt's reference to the railways as post roads suggests the following transport program:

1. Government control and guaranty of fair return on investments. The National Government, under its constitutional power over post roads, to take control of the entire business of public transportation and to guarantee to the holders of transport securities a return on their investments equal to the average annual return of the past 10 years, a similar return on their cost to be guaranteed on roads recently built. (This will insure absolute safety to the investments of savings banks and similar associations. It will insure more than a square deal to railway speculators.)

2. Maintenance, extension, and operations of post roads.

The maintenance, extension, and operation of the consolidated system to be under the control and management of an extended postal department, including the Engineering Corps of the Army and Navy; all postal employees to be enlisted as men are now enlisted in the Army and Navy. The Government engineers intrusted with the building and maintenance of the Panama Canal may be safely intrusted with the care of all our public highways. To prevent waste, the post-road policy of the Mational Government should be the same as the highway policy of the different States, viz: Any community, town, county, or State asking for an extension of post roads should pay some share of the cost. Local roads may, perhaps, be left to local control, as local roads are now left to the care of the smaller communities within the different States. But the whole business must be under the general jurisdiction of the National Government.

3. Funds.

As to funds, United States 2 per cent 30-year bonds are worth 101. The new postal savings banks will offer the Government an opportunity to secure funds for the improvement and extension of its post roads at 2 per cent. A large part of the funds needed for this purpose may be secured, indeed, without the payment of any interest by the issue of post

possible rate for collection and delivery, to the end that we may have a universal dcor-to-door rate within the entire public service.

* The possibilities as to low transport rates under a well-coordinated system of transportation are altogether beyond imagination. It is estimated that a saving of \$50,000,000 a year could be made in the transport service of the city of New York alone if the entire business were in the hands of one well-equipped organization, run in the public interest. Vice President Buckland, of the New York. New Haven & Hartford Railroad, is quoted as saying that \$15,000,000 a year could be saved to the people within his railroad province under a door-to-door freight-transport service undertaken by the railroad in connection with the trolley lines. The time is near at hand when heat and light and power, derived from coal, transformed into electricity at the mine, and conveyed by cable to the place of use will free the railroad from the transport of coal, and the cars now employed for this purpose will be free for the transport of general merchandise.

5. Hours and wages of labor.

Not over 8 hours per day, not over 48 hours a week, the hours and the wages of labor to be determined by the Representatives of the people in open Congress. (Experience has abundantly proved that long hours of service in this nerve-destroying employment are at once dangerous to the public and deathly to the workman. Insured through his Representatives in Congress a share in determining the hours of his work and his remuneration, the worker upon the post roads will have no occasion to strike.)

6. The extended Post Office Department.

The new department of post offices and post roads to manage the entire service of transportation and transmission may be composed of 1 member of the National Cabinet and 10 or more associates, each of whom shall be at the head of a postal division corresponding to one of the groups into which the railway system of the country has been divided by the Interstate Commerce Commission, and

be assisted by an advisory council made up of the governors of the different States.

The pending substitution of electricity for steam, resulting, as it surely will, in a very large reduction of transportation expenses, makes the present hour a most appropriate time for the consideration of this program. Uncle Sam, the representative of all of us, may be safely intrusted with the interests of each of us.

"Upon the postal service more than upon anything else does the general economic as well as the social and political development of the country depend." (Postal Commission, 59th Cong., Jan. 28, 1907.)

And what is true of the United States of America is equally true of the world.

the world.

the world.

SCIENTIFIC POSTAL MANAGEMENT.

"Scientific management," says Louis Brandeis, "would reduce the expenses of our great post roads a million dollars a day." The mere substitution of a system of prepaid cost of the service rates (less-than-carload rates, station to station, 10 cents on a 200-pound parcel, 4 cubic feet space; carload rates, 50 cents a ton, 40 cubic feet space) for the tens of millions of the "what the traffic will bear" collect rates of to-day would reduce railway expenses by many thousands of dollars a day.

Railways are post roads; railway trains are post wagons; railway rates are post-road taxes; they must be determined by the Representatives of the ratepayers in Congress assembled and on the postal prin-

rates are post-road taxes; they must be determined by the respectives of the ratepayers in Congress assembled and on the postal principle.

Under a scientifically managed post office, covering the general business of public transportation, post-road trains would run from starting point to destination over lines of the lowest grades, least obstructive curves, and shortest distance. Mechanical power—taking the place of man power in the loading and unloading of parcels—L. C. L.—freight—would cut down the cost of that branch of public transportation, says the efficiency engineer, S. B. Fowler, from 75 cents to 19 cents a ton, and on the basis of the over 600,000,000 tons of that character of freight handled by our railway post roads in 1909 would save over \$300,000,000 a year. The mechanical handling of carload freight by the Government, effting the two days of the present private service down to one day, would double the capacity of our transport equipment.

The railway expert, Harrington Emerson, estimates a possible reduction in the railway fuel bill of \$60,000,000 a year and of half the time spent by locomotives in repair shops. The general substitution of electricity for steam will greatly reduce transport costs. The transformation of coal into electricity at the mines and its transmission by cable will leave our coal cars—about one-third of our whole freight-car equipment—open for other uses.

The Railway Age of February 10, 1911, states the present service of the average American freight car as follows:

	New England.	General average.
Average daily trip	16.8 \$2.53	24.8 \$2.79

In the International Postal Union, projected by the United States Postmaster General, Montgomery Blair, and inaugurated by the great German postmaster general, Dr. Stephan, in 1874, we have a United States of the world, with all mankind joined together by an international postal service soon to include a system of international postal cables and international postal transports and to continue increasing in extent and in efficiency until the time shall quickly come when the weakest hand, the most timid voice, shall reach to the ends of the earth and command its richest treasures.

The CHAIRMAN. The Chair desires to state to the gentleman from Massachusetts [Mr. Weeks] that the gentleman from New York [Mr. Akin] objected to his request to extend remarks in the RECORD.

Mr. AKIN of New York. I desire to reserve the right to object.

The CHAIRMAN. The gentleman reserves the right to ob-

Mr. AKIN of New York. I should like to ask the gentleman what he intends to say in his remarks?

Mr. WEEKS. Mr. Chairman, I happen to be senior minority

member of the committee which has charge of this legislation. I should not, of course, attempt to discuss anything that did not relate to this subject if I was going to speak at all. However, I withdraw the request.

Mr. AKIN of New York. I withdraw the objection.

The CHAIRMAN. The gentleman from New York withdraws his objection. There being no objection, the gentleman from Massachusetts has unanimous consent to extend his remarks.

Mr. WEEKS. I withdraw my request.
Mr. MURDOCK. Mr. Chairman, a parliamentary inquiry.
The CHAIRMAN. The gentleman will state it.
Mr. MURDOCK. What happens when a gentleman withdraws his request for unanimous consent to extend his remarks in the RECORD and the other gentleman withdraws his reservation of the right to object?

The CHAIRMAN. It is optional with the gentleman whether

he will extend his remarks or not.

he will extend his remarks or not.

Mr. WEEKS. Mr. Chairman, I yield to the gentleman from Michigan [Mr. SAMUEL W. SMITH].

Mr. SAMUEL W. SMITH. Mr. Chairman, I ask unanimous consent to extend my remarks in the Record by printing an article by Stuart Perry, of Michigan, on the subject of postage. He has given the subject a good deal of attention, and it contains much valuable information.

The CHAIRMAN. The gentleman from Michigan asks unani-

mous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. WEEKS. Mr. Chairman, I yield to the gentleman from Nebraska [Mr. Norris]. Mr. NORRIS. Mr. Chairman, upon this bill now pending before the House it has just occurred to me that a bill I have introduced, having for its object the classification of the presidential postmasters and taking them out of political control, and, in fact, placing the entire Post Office Department beyond the control of partisan politics, would be very opportune and proper at this time. I do not care to make any extended remarks on the subject or to take up the time of the House at this late hour, but it has occurred to me that I might get consent of the House to extend remarks in the RECORD on the subject of my bill by printing a magazine article that appeared in the Editorial Review for the month of March. I therefore ask unanimous consent to extend my remarks in the RECORD by

printing that article.
The CHAIRMAN. The CHAIRMAN. The gentleman from Nebraska asks unanimous consent to extend his remarks in the Record.

Mr. MICHAEL E. DRISCOLL. Reserving the right to object, I would like to ask the gentleman who the article is by.

Mr. NORRIS. It is an article of my own. My principal ob-

ject in trying to get it into the RECORD is to give the gentleman from New York and others an opportunity to read it. It will be good reading for him and for everybody else, and will, I trust, give him some useful and valuable information.

The CHAIRMAN. Is there objection to the request of the gentleman from Nebraska?

There was no objection.

The article referred to is as follows:

WHY NOT TAKE THE POST OFFICE DEPARTMENT OUT OF POLITICS? (By George W. Norris, of Nebraska.)

"The Post Office Department can be likened to a great corporation. In the proper performance of all the duties pertaining to this great department it reaches into every nook and corner of the country. It comes nearer and closer to the people than any other department of government. Its officials and employees come in contact with every business, with every society, with every organization, with every home. Its financial transactions run into the hundreds of millions of dollars.

Business, commerce, religion, education-all depend upon it to carry out their various functions. It is like the arteries of the human system. It reaches everywhere and assists every citizen, be he great or small, in carrying out his duties and fulfilling his obligations. We are all daily dependent upon it for the success of our business enterprises, for the education of our children, and for the happiness and comfort of all our people. If we should suspend the operation of the Post Office Department for one day, we should all be completely lost in a maze of bewilderment. It does not cease its work and its operation when nightfall empties the counting house, closes up business offices, empties our schools, and drives the busy life from off our crowded streets; but while we are all slumbering in peace, recruiting and renewing our strength for a new day, its employees and faithful servants are tolling during the weary hours in the performance of their various duties, separating on busy pounding railway trains or in countless city post offices the millions of missives, messages, and documents that shall in the coming morn be promptly placed in the waiting hands of millions of citizens.

"In all this great department, from the faithful rural carrier who delivers mail to the farmer upon the far western plains to the Postmaster General who sits in his luxurious office in our Nation's Capital, there is not a single, solitary duty to be performed by any of its countless employees and officials that is either directly or indirectly of a partisan political nature. In addition to the vast number of employees in this department there are thousands of others, working in mills and factories, preparing equipment and equipage that shall be used by these post-office employees in the performance of their official duty. Altogether they constitute a great army, working with ceaseless vigor for the success and happiness of all the people, regardless of creed, religion, or politics. There is nothing like it in all the civilized world. It has been found necessary, in order to make this great department effective and workable, to remove the major portion of the employees from partisan political control. In this great army the privates—the men who do the work—are already under the civil service. The major generals, the colonels, the captains, the lieutenants, the bosses are still subject to removal on account of political affiliation, and are appointed not because of their efficiency or experience in the affairs of the Post Office Department, but because of their influence in politics and their ability to control and manipulate political affairs. What should we think, for instance, of the great Pennsylvania Railroad Co. if, when there was a vacancy in the presidency of that great corporation, the stockholders should select a president who had had no experience in railroad affairs, excepting to occasionally ride in a palace car, and put in control of that great institution a man who was selected entirely on account of his ability to control the votes of his fellow citizens. How long would this company remain out of the hands of a receiver if, in addition to that, the stockholders should announce that hereafter there would be no opportunity or chance for the employees of the company to be promoted on account of efficiency, but that conductors, roadmasters, freight agents, and general managers would be selected not by promotion of men already in the em-ploy of the company, but from men outside of the service, on account of the political influence such persons might possess in the community where they resided?

"There are nearly 8,000 presidential postmasters in the United States. Almost without exception these men have been selected not because of any knowledge they possessed of the duties pertaining to the office or their understanding of the various workings of the Post Office Department, but because of their political influence in their respective communities. I know of an enterprising, beautiful city in the State of Ohio where the assistant postmaster has been in the post-office service for nearly 20 years. He understands every detail of the work. There is not a single, solitary duty connected with the post office in that city that he could not take up and perform with practical perfection. He gets a salary of \$1,100 a year. There is no way for him to be promoted, unless he has a political pull. He himself is under the civil service and can not be removed except for cause, but he has reached the limit and under the law can not be advanced or promoted. He possesses knowledge gained from his experience and has the ability properly to take control in a much wider and broader field. He knows all about the post office and the Post Office Department, but he knows nothing about politics, has never had any experience as a politician, and has no liking or ability to control a political machine nor handle men in a political way. In that city there was recently appointed a postmaster who had never had any experience in post-office affairs. I presume he had never looked outward from behind a post-office counter. He was a man of high social standing and re-spectability. He knew nothing about post-office affairs, but he

knew all about political affairs. He was the most prominent politician in the town. He controlled more votes than any other man there. He went into this post office at a salary of \$2,400 per annum, the largest-salaried official in that city. sistant postmaster gives him the necessary instructions as to the performance of his duties. One does the work, the other draws the salary. He will in time become efficient without doubt, but by the time he does become efficient political conditions may have changed. There is even now a bitter fight between two factions in his political party for supremacy and control. If his faction loses he will go out of office, and the faithful assistant postmaster will have a new man to instruct and to break in.

We have in the city of Washington four Assistant Postmasters General. The Fourth Assistant Postmaster General has control over more than 40,000 rural routes scattered all over the country. He also has the custody of all the supplies for the entire Post Office Department, and has control of the disbursement of the same. His jurisdiction reaches every section of the country. The proper performance of his official duties requires a vast knowledge of the intricacles of the system and the duties of his office can not be fully, properly, and economically performed without long study and experience in the great

department which he controls,
"The Second Assistant Postmaster General has control of the Railway Mail Service. He has charge of the transportation of mail by railroads. It is his duty to arrange all the details connected with the transportation of foreign mails. the way that star-route contractors perform their service. He has charge of matters pertaining to the furnishing of mail bags and other paraphernalia connected with the administration of

the Post Office Department.

"So we might go on through the entire list. All of these Postmasters General are political appointees, but their duties are nonpolitical, nonpartisan. They can not properly perform them until they have studied and learned from experience the intricacies connected with the various departments of the service. Men are usually appointed to fill these places either as a reward for political service, or because they are expected to perform through their official places political services for some friend or some political machine. Like the postmasters, they must be instructed in the proper performance of their official duties by men who have been in the service and who have learned from experience what those duties are. Let us take the position of Postmaster General. If we examine the duties prescribed by law for the Postmaster General, we should look in vain for any official duty that is in any way connected with politics. He is the head of what ought to be a great business He is the president of the greatest corporation on earth. In his official capacity he has nothing to do with politics, and yet because of his connection with this great concern he has, through his inferior officials and through all presidential post offices scattered all over the country, the power of the greatest political machine in the country.

"Why should the tenure of office of a postmaster in Kansas or Nebraska depend upon the opinion of the President of the United States as to what kind of a tariff we ought to have? Why should a postmaster be removed and a new, inexperienced man be put in his place simply because one faction in a political party had succeeded in nominating a different man for Congress? In other words, why should the office of postmaster be a political partisan football? Why should we change postmasters simply because we change Congressmen? Why change postmasters all over the country every time there is a change of administration in Washington? Why not conduct this great corporation on a business basis? Why should we not provide by law that where an employee has shown by his ability that he is capable of wider fields of operation he should be promoted or transferred to some better position where the country can get the benefit of his usefulness? When a railroad president finds that an agent in some little town has ability beyond the scope of his particular station, he promotes him and gives him a better position. Men who formerly worked on the section have been promoted until they became presidents of great railway corporations, and it is a historical fact that such men make the best presidents. They know every detail of every position. They have learned from experience how to economize, how to safeguard, and how to increase business.

"Every postmaster knows that he will lose his position just as soon as his party loses control of the National Government, or what is equally uncertain, just as soon as his faction in his political party loses its control. On account of this uncerOn account of this uncertain tenure the postmaster does not give up his business profession or calling. It would be wrong to expect him to do so. He must be prepared for the day which he knows is coming when he will be put out of office and again be dependent upon his own efforts for a livelihood. The Post Office Department ought to receive all his time and all his energy. If he shows exceptional ability and competency, it ought to be possible to promote him in the service. Under present conditions the man who is postmaster has no way, regardless of the ability he may display, for promotion. He has reached his limit. This is not true of any business concern in the civilized world. It ought to be possible for a clerk or postmaster in a country town, without political influence or political pull, but by his own ability, his own industry, to reach the highest position in the service and become the head of the department in Washington. It ought to be possible for the railway-mail clerk to advance, step by step, and eventually, on account of his own competency, reach the position of Second Assistant Postmaster General. If this were possible, we should have new life in the Post Office Department. Every employee would be moved by a laudable and honest ambition to reach the higher positions in the department. Men instead of going into the department for temporary purposes only would enter it as a life profession. Postmasters instead of devoting their time and their attention to looking after and keeping in touch with private affairs would devote all their time, all their energies, to the betterment and upbuilding of the Post Office Department. It would become a profession by itself, where ability and competency would be displayed for the improvement and the economical administration of the department. nomical administration of the department,

"To bring about such a condition would require but a slight change in the law. We ought to provide by law for the appointment of postmasters by promotion from men already in the service, for the transfer of post-office officials, railway-mail clerks, etc., from one place to another. The entire system ought to be managed under rules and regulations provided by the Civil Service Department. The entire department should be absolutely divorced from partisan consideration or control.

"The position of Postmaster General ought to be taken out of politics. His term of office ought to be for a term of at least 10 years, and there ought to be specific provisions of law that he should administer the affairs of this great department along business lines and that no partisan political influence should have anything to do with the appointment or promotion of any

of the officials.

"Under present conditions the Post Office Department is and must necessarily be a great political machine. In round numbers, there are 8,000 presidential postmasters in the country. Under Republican administration there are some States where postmasters alone completely dominate the political situation and absolutely control conventions. If we had a Democratic administration, there would be other States in other sections of the country where Democratic appointees would name delegates and control Democratic conventions. In other sections where the party in power was not completely dominated by the bribery of official patronage, this army of political appointees would, nevertheless, have great influence, and in many instances would be able to hold the balance of power in the selection of delegates and in the control of conventions. We do not have to study ancient history to obtain proof of these facts. The demonstration can be observed in any community by any man who will open his eyes and look. And what is going on to-day is only a repetition of what has happened many times in the years that are gone-happened under the administration of both of the great political parties. Practically every post office in the land is an active, living reminder of the existence of this great political machine—a machine that has controlled conventions in every section of the country. In the recent past it has several times nominated candidates for President, and even now, within the protection of its long shadow, are quietly resting its willing delegates to an approaching national convention.

"But it is not the intention of this article to offer any criti-

"But it is not the intention of this article to offer any criticism against political parties nor to censure any of our public officials. Much might be said along these lines, but I desire for the present, at least, to eliminate such consideration. As long as the system remains as it is conditions will be the same, no matter what political party is in control. It is perfectly natural that an appointee should be friendly to the party from which he receives his appointment and to the official or the boss who makes the recommendation that brings about his appointment. I am not complaining because postmasters work and contribute funds for the political party or the political faction that puts them in office. They would be guilty of ingratitude if they did not. They are expected to do this under our present system by the people of the community where they live. I am not com-

plaining that Congressmen are anxious to recommend postmasters who are their friends and belong to their faction of their political party. It is perfectly natural that they should do this. I am not finding fault because a President refuses to appoint postmasters who are unfriendly to him or to his administration. Under the law as it now is, it would not be human to expect him to do otherwise. Human nature is the same, regardless of what political party may be in power. It is the system that is wrong, and relief can not come by simply

changing the men in control.

"All patriotic citizens who desire to see the Post Office Department taken out of politics and placed on a business basis ought to favor the changes above suggested. In addition to the increased efficiency of the department, it would bring about great economies. If these changes were made, it would be possible to reduce the salaries of most of the postmasters. masters themselves, if placed upon the suggested tenure of office, with the possibilities of promotion and advancement, would be perfectly willing to have material reductions made in their salaries. From a computation which I have made I am satisfied that in this item alone there would be an annual reduction of nearly \$1,000,000. There are many other economies and improvements that will suggest themselves to any man who will give the question thought and consideration. It would not be long before many improvements could be put into operation in the department-among which would undoubtedly soon come 1-cent postage.

"This plan will be opposed by every political boss and by every political machine in the country. They will not make an open fight against it, because there is no argument in favor of the present system that will stand a critical analysis in the open light of publicity. The opposition to it will be secret and covered. The special interests that want to dominate the political parties and through them the Government, by the operation of political machines and the coercion of secret caucuses, will do everything possible to oppose this needed reform. The placing of the Post Office Department upon a business basis and taking it out of politics would deprive these forces of more political patronage than any other one step that could be taken. Patronage is the principal asset of the political boss, and without it the political machine can not survive. All honest, patriotic citizens ought to do everything that they can to crystallize public sentiment, which is after all the most powerful factor in legislation, to bring about this change, and place this great department of our National Government upon an economical business basis."

Mr. HUGHES of New Jersey. Mr. Chairman, I ask unanimous consent to print in the Record speeches delivered by Gov. Woodrow Wilson, in Washington, January 8, and in New York, April 13 and January 3, 1912.

The CHAIRMAN. Is there objection?

There was no objection.

The speeches referred to are as follows:

GOV. WOODROW WILSON'S SPEECH AT JACKSON DAY DINNER, WASHINGTON, JANUARY 8, 1912.

"Mr. Toastmaster and fellow Democrats, we are met to celebrate an achievement. It is an interesting circumstance that principles have no anniversaries. Only the men who embody principles are celebrated upon occasions like this and only the events to which their concerted action gave rise excite our enthusiasm. You know that the principles of the Democratic Party are professed by practically the whole population of the United States. The test of a Democrat is whether he lives up to those principles or not. I have no doubt there are some people in the United States who covertly question the doctrines of Democracy, but nobody challenges them openly. It goes without saying, therefore, that we have not come together merely to state the abstract principles of our party. We have come together to take counsel as to how it is possible, by courageous and concerted action, to translate them into policy and law. The Democratic Party has had a long period of disappointment and defeat and I think that we can point out the We do not live in simple times. We live in very conflicting times indeed. No man can be certain that he can say how to weave the threads of Democratic principle throughout all the complicated garment of our civilization, and the reason that the Democratic Party has had this period of successive disturbance is that it has been divided into groups just as it was as to the method of fulfilling the principles.

"We have differed as to measures; it has taken us 16 years and more to come to any comprehension of our community of thought in regard to what we ought to do. What I want to say is that one of the most striking things in recent years is that with all the rise and fall of particular ideas, with all the ebb and flow of particular proposals, there has been one interesting

fixed point in the history of the Democratic Party, and that fixed point has been the character and the devotion and the preachings of William Jennings Bryan.

"I, for my part, never want to forget this: That while we have differed with Mr. Bryan upon this occasion and upon that in regard to the specific things to be done, he has gone serenely on pointing out to a more and more convinced people what it was that was the matter. He has had the steadfast vision all along of what it was that was the matter and he has, not any more than Andrew Jackson did, not based his career upon calculation, but has based it upon principle.

"Now, what has been the matter? The matter has been that the Government of this country was privately controlled and that the business of this country was privately controlled; that we did not have genuine representative government and that the people of this country did not have the control of their own

"What do we stand for here to-night and what shall we stand for as long as we live? We stand for setting the Government of this country free and the business of this country free. The facts have been disputed by a good many sections of the Democratic Party for the last half generation, but they were not clearly recognized.

"I make the assertion that the Government was privately controlled. I mean to put it specifically that the Government of this country was managed by politicians who gained the con-tributions which they used by solicitation from particular groups of business interests, on the understanding, explicit or implied, that the first care of the Government was to be for those particular interests. I am not questioning either the integrity or patriotism of the men concerned. I have no right to. In most instances they were of that old belief, cropping up again and again in America, that the people of this country are not capable of perceiving their own interest and of man-aging their own affairs; that they have not the contact with large affairs; that they have not the variety of experience which qualifies them to take charge of their own affairs. It is the old Hamiltonian doctrine that those who have the biggest asset in the Government should be the trustees for the rest of us; that the men who conduct the biggest business transactions are the only men who should stand upon an elevation sufficient to see the whole range of our affairs, and that if we will but follow their leadership we may share in their prosperity. That is the Republican doctrine, and I am perfectly willing, as a tribute to their honesty though not to their intelligence, to admit that they really believe it; that they really believe it is unsafe to trust such delicate matters as the complicated business of this country to the general judgment of the country. They believe only a very small coterie of gentlemen are to be trusted with the conduct of large affairs. There was a long period in New Jersey, for example, in which no commissioner of insurance was ever chosen without first consulting or getting the consent of the head of the largest insurance company in the State, and I am willing to admit, at any rate for the sake of argument, that it was supposed he, better than anyone else, knew who was qualified for the job. He did know who was qualified for the job and he had the proper point of view in demonstrating that it was mainly for the benefit of the big interests.

"Now, the other thing that has been privately controlled in this country is the business of the country. I do not mean that each man's particular business ought not to be privately controlled, but I mean that the great business transactions of this country are privately controlled by gentlemen whom I can name and whom I will name, if it is desired; men of great dignity of character; men, as I believe, of great purity of purpose, but men who have concentrated, in their own hands, transactions which they are not willing to have the rest of the country interfere with.

"Now, the real difficulty in the United States, gentlemen, it seems to me, is not the existence of great individual combinations—that is dangerous cnough in all countries—but the real danger is the combination of the combinations, the real danger is that the same groups of men control chains of banks, systems of railways, whole manufacturing enterprises, great mining projects, great enterprises for the developing of the natural water power of this country, and that threaded together in the personnel of a series of boards of directors is a community of interest more formidable than any conceivable combination in the United States.

"It has been said that you can not 'unscramble eggs,' and I am perfectly willing to admit it, but I can see in all cases before they are scrambled that they are not put in the same basket and intrusted to the same groups of persons.

"What we have got to do—and it is a colossal task—a task not to be undertaken with a light head or without judgment—but what we have got to do is to disentangle this colossal community of interest. No matter how we may purpose dealing with a single combination in restraint of trade, you will agree with me in this that I think no combination is big enough for the United States to be afraid of; and when all the combinations are combined and this combination is not disclosed by any process of incorporation or law, but is merely the identity of personnel, then there is something for the law to pull apart, and gently, but firmly and persistently dissect.

gently, but firmly and persistently dissect.
"You know that the chemist distinguishes between a chemical combination and an amalgam. A chemical combination has done something which I can not scientifically describe, but its molecules have become intimate with one another and practically united, whereas an amalgam has a mere physical union created by pressure from without. Now, you can destroy that mere physical contact without hurting the individual elements, and you can break up this community of interest without hurting any one of the single interests combined; not that I am particularly delicate of some of the interests combined—I am not under bonds to be unusually polite, but I am interested in the business of this country, and believe its integrity depends upon this dissection. I do not believe any one group of men has vision enough or genius enough to determine what the development of opportunity and the accomplishments by achievement shall be in this country. You can not establish competition by law, but you can take away the obstacles by law that stand in the way of competition, and while we may despair of setting up competition among individual persons there is good ground for setting up competition between these great combinations, and after we have got them competing with one another they will come to their senses in so many respects that we can afterwards hold conference with them without losing our selfrespect.

"Now, that is the job. That is the thing that exists, and the thing that has to be changed, not in any spirit of revolution and not with the thought—for it would be a deeply unjust thought—that the business men of this country have put up any job on the Government of this country. Take even that colossal job known as the Payne-Aldrich tariff. The business men of this country did not put up that job. Some of the business men of this country did, but by no means all of them. Think what that means. Do you mean to say that the commercial men of this country are interested in maintaining the integrity of that bill? Some, and only some, of the*manufacturers of this country have put up that job on us, and many of them have been the unwilling beneficiaries of a system which they knew did not minister to the prosperity of their undertakings.

"I am not going to make a tariff speech. It is so easy to knock holes in the present tariff there is no sport in it. I am a humane man. I would not jump on a thing like that, but I do want to point out to you that the ownership of Governmentit is a harsh word to use, but I am not using it harshly, I am using it for shorthand—the ownership of the Government of the United States, by special groups of interests, centers in the tariff, and that is where the difference comes in. men say that politicians interfered too much with business. I want to say that business men interfere too much with politics. Do the statesmen of this country go to the Ways and Means Committee and the Finance Committee and beg for these favors? You know that they do not. Some Congressmen go to these committees and plead that some gentlemen back in their constituencies are pressing them hard on bills, and as public men, plead for individual interests, and their entrance into politics has been so by those who intended to control the schedules of the tariff.

"I once heard a very distinguished Member of Congress give this illustration: He was talking about a great campaign fund that had been collected. It was the paltry sum of \$400,000. It was a great sum for that somewhat primitive day, and it was pointed out at the time—at any rate specified—that most of this money had been contributed by manufacturers who were the chief beneficiaries of the tariff, and those gentlemen pointed out that they certainly would want to get their money back.

I may not be saying the thing properly, but it is simply this:

"Down where I live we get most of our water from pumps, and a pump, as you know, may go dry over night, and a prudent housekeeper will pump up a bucket of water at night before she goes to bed and leave it standing. Then, in the morning if the plunger will not suck she pours in that water, and that expands the plunger and it begins sending the pump water out; and the first water that comes out is the same water she

poured in. By that I mean, gentlemen, that this \$400,000 was ordered poured in to make the old pump suck, and you know that that homely illustration is fair. That is what is done and

that is way the control of Government comes in.

"Well, what are we going to do? I have a practical mind, and am not interested particularly in the too-long-winded discussion of the principles upon which we are going to act. Neither am I wise enough to propose a comprehensive program. I think the rule of Donnybrook Fair is good enough for me: 'Hit the heads you see.' Make sure before that your shillalahs are made of good Irish hickory. By that I mean this: Lop off the special favors whenever you are certain you have identified them; lop them off. That is a pretty good rule. You do not need to be all-wise to do that. Paint some of those favors so conspicuously that all can see them. If you do not know which they are, ask the first man you meet on the street and he will they are, ask the first man you meet out the street and he want tell you. He will give you a list that will keep you busy all winter. And I might add this, if you please, not to go at them haphazard, but to go steadily through the things that have become obvious excrescences and cut them off. That is a very definite program, and, then, I might add, go into an absolutely thorough investigation of the way it may best be conducted, find out just where, in dissecting, the scalpel can be introduced, and divorce these artificial unions, because I know that you

will not be cutting living tissue.

"I hear a great deal of talk about conservatism and radical-Now, what makes a man shiver when he hears a statement of the facts concerning it? He feels it is cold-blooded and indiscreet to state the facts, and yet he really is inclined, I must say, to think there is something in it. He says to himself, this man must be a radical, because if he sees the thing that way, what in God's name is he going to do, because, if he is going to go to work to thoroughly change those facts there is no telling where he will stop. Now, it is just there that he ought to stop being radical. If the prudent surgeon wants to save the patient he has got absolutely to know the naked anatomy of the man. He has got to know what is under his skin and in his intestines; he has got to be absolutely indecent in his scrutiny. And then he has got to say to himself: 'I know where the seat of life is; I know, where my knife should penetrate; I dare not go too far for fear it should touch the fountain of vitality. In order to save this beautiful thing I must cut deep, but I must cut carefully; I must cut out the things that are decayed and rotten, the things that manifest disease, and I must leave every honest, wholesome tissue absolutely untouched.' A capital operation may be radical, but it is also conservative. There can not be life without the cutting out of

the dead and decayed tissue.

And, as to business, after a few committees like the Stanley committee have gone on a little longer we will know a good many particulars, and we will be versed in this high-finance business ourselves. These things are coming out with astonishing candor. We now know how to regulate prices. We know how to run combinations by circulars that convey intimations and instructions. We see the little artificial threads that bind these things together, threads which do not themselves contain the life, but which themselves do control the vessels in which the life blood runs. And so stage by stage we shall learn what the practical business of a Democrat is. It is to go to the root of the matter, seek out the processes of cure and restoration and rehabilitation. What a travesty it is upon the name of Democracy to see any Democrat who wishes to destroy the very thing that his principles should make him in love with, rery thing that his principles should have him in love with, namely, the life of the people themselves. A very thoughtful preacher pointed out the other day that one of the first quotations in our Lord's Prayer is, 'Give us this day our daily bread,' which would seem, perhaps, to indicate that our Lord bread, what overy statement must know that the spiritual life knew what every statesman must know that the spiritual life of the Nation can not exist unless it has physical life; that you can not be an altruist and patriot on an empty stomach. Nothing shows the utter incapacity of a man to be a Democrat so much as his incapacity to understand what we are after. He does not know that the very seeds of life are in the principles and confidence and lives and virtues of the people of this country, and so when we strike at the trusts, or, rather, I will not say strike at the trusts, because we are not slashing about us-when we move against the trusts, when we undertake the strategy which is going to be necessary to overcome and destroy monopoly, we are rescuing the business of this country, we are not injuring it, and when we separate the interests from each other and disconnect these communities of connection we have in mind a greater community of interest, a vaster com-munity of interest, the community of interest that binds the virtues of all men together, that mankind which is broad and catholic enough to take under the sweep of its comprehension

all sorts and conditions of men, and that vision which sees that no society is renewed from the top and every society is renewed from the bottom. Limit opportunity, restrict the field of orig-

inative achievement, and you have cut out the heart and root of the prosperity of the country itself.
"The only thing that can ever make a free country is to keep a free and hopeful heart under every jacket in it, and then there will be an irrepressible vitality, then there will be an irrepressible ideal which will enable us to be Democrats of the sort that when we die we shall look back and say: 'Yes; from time to time we differed with each other as to what ought to be done, but, after all, we followed the same vision, after all we worked slowly, stumbling through dark and doubtful passages onward to a common purpose and a common ideal.' Let us apologize to each other that we ever suspected or antagonized one another; let us join hands once more all around the great circle of community of counsel and of interest which will show us at the last to have been indeed the friends of our country and the friends of mankind."

ADDRESS OF GOV. WILSON AT THE JEFFERSON DAY BANQUET, WALDORF-ASTORIA, APRIL 13, 1912.

"Gov. Wilson spoke to the toast, 'What Jefferson Would Do.' He said in part:

"'The circumstances of our day are so utterly different from those of Jefferson's day that it may seem nothing less than an act of temerity to attempt to say what Jefferson would do if he were now alive and guiding us with his vision and command. The world we live in is no longer divided into neighborhoods and communities; the lines of the telegraph thread it like nerves uniting a single organism. The ends of the earth touch one another and exchange impulse and purpose, America has swung out of her one-time isolation and has joined the family of nations. She is linked to mankind by every tie of blood and circumstance. She is more cosmopolitan in her make-up than any other nation of the world; is enriched by a greater variety of energy drawn from strong peoples the world over. She is not the simple, homogeneous, rural nation that she was in Jefferson's time, making only a beginning at development and the conquest of fortune; she is great and strong; above all she is infinitely varied; her affairs are shot through with emotion and the passion that comes with strength and growth and selfconfidence. We live in a new and strange age and reckon with new affairs alike in economics and politics of which Jefferson knew nothing.
"'And yet we may remind ourselves that Jefferson's mind

did not move in a world of narrow circumstances; it did not confine itself to the conditions of a single race or a single con-It had commerce with the thought of men old and new; it had moved in an age of ample air, in which men thought not only of nations but of mankind, in which they saw not only individual policies, but a great field of human need and of human fortune. Neither did he think in abstract terms, as did the men with whom he had had such stimulating commerce of thought in France. His thought was not speculation; it was the large generalization that comes from actual observation and experience. He had had contact with plain men of many kinds. as well as with philosophers and foreign statesmen. He thought in a way that his neighbors in Virginia could understand, in a way which illuminated their own lives and ambitions for them. And though he was deemed a philosopher, he was nevertheless the idol of the people, for he somehow heard and voiced what they themselves could have said and purposed and conceived. For all the largeness of his thought, it was bathed in an everyday atmosphere; it belongs to the actual, workaday world; it has its feet firmly on circumstances and fact and the footing all men are accustomed to who reflect at all on their lives and the lives of their neighbors and compatriots. He was holding up for the illumination of the things of which he spoke a light which he had received out of the hands of old philosophers. But the rays of that light as he held it fell upon actual American life: they did not lose themselves vaguely in space; they were for the guidance of men's feet every day.

We may be sure, therefore, that had Jefferson lived in our time he would have acted upon the facts as they are. In the first place, because he would have seen them as they actually are, and in the second place because he would have been interested in theory only as he could adjust it to the reality of the life about him. He would not have been content with a philosophy which he could fit together only within the walls of his

study. "'To determine what Jefferson would have done, therefore, requires only that we should ourselves clearly see the facts of our time as they are, whether in the field of government or in the field of our economic life, and that we should see how Jefferson's principle of the rule and authority of the people stands related to those facts. We are constantly quoting Jefferson's fundamental thought: it was that no policy could last whose foundation is narrow, based upon the privileges and authority of a few, but that its foundations must be as broad as the interests of all the men and families and neighborhoods that live under it. Monopoly, private control, the authority of privilege, the concealed mastery of a few men cunning enough to rule without showing their power-he would have at once announced them rank weeds which were sure to choke out all wholesome life in the fair garden of affairs. If we can detect these things in our time; if we can see them and describe them and touch them as they are, then we know what Jefferson would have done. He would have moved against them, sometimes directly, sometimes indirectly, sometimes openly, sometimes subtly; but whether he merely mined about them or struck directly at them, he would have set systematic war against them at the front of all his purpose.

"'As regards the real influences that control our Government, he would have asked first of all: Are they determined by the direct and open contacts of opinion? He would have found that they were not; that, on the contrary, our Government as it has developed has supplied secret influences with a hundred coverts and ambushes; that the opinion of the Nation makes little noise in the committee rooms of legislatures; that it is certain large, special interests and not the people who maintain the lobby; that the argument of the lobby is oftentimes louder and more potent than the argument of the hustings and the floor of the representative body. He would have found, moreover, that until very recent years opinion had had very difficult access, if any at all, in most seasons, of the private conferences in which candidates for office were chosen, candidates for both administrative and legislative office, and that in the private conferences where it was determined who should be nominated and, therefore, of course, who should be elected, the same influences had established themselves which ruled in the legislative lobby. That money, the money that kept the whole organization together, flowed in, not from the general body of the people, but from those who wished to determine in their own private interest what governors and legislators should and should not do.

"'It is plain, in such circumstances, what he would have insisted, as we are insisting now, that if there could be found no means by which the authority and purpose of the people could break into these private places and establish their rule again, if the jungle proved too thick for the common thought to ex plore, if the coverts where the real power lurked were too difficult to find, the forces of genuine democracy must move around them instead of through them, must surround and beleaguer them, must establish a force outside of them by which they can be dominated or overawed. It is with the discussion of just such affairs that the public mind is now preoccupied and engrossed. Debate is busy with them from one end of the land to

the other.

"'As regards the economic policy of the country it is perfectly plain that Mr. Jefferson would have insisted upon a tariff fitted to actual conditions, by which he would have meant not the interests of the few men who find access to the hearings of the Ways and Means Committee of the House and the Finance Committee of the Senate, but the interests of the business men and manufacturers and farmers and workers and professional men of every kind and class. He would have insisted that the schedules should be turned wrong side out and every item of their contents subjected to the general scrutiny of all concerned. It is plain, also, that he would have insisted upon a currency system elastic, indeed, and suited to the varying circumstances of the money market in a great industrial and trading Nation, but absolutely fortified and secured against a central control, the influence of coteries, and leagues of banks to which it is now in constant danger of being subjected. He would have known that the currency question is not only an economic question but a political question, and that, above all things else, control must be in the hands of those who represent the general interest and not in the hands of those who represent the things we are seeking to guard against.

"'In the general field of business his thought would, of course, have gone about to establish freedom, to throw business opportunity open at every point to new men, to destroy the processes of monopoly, to exclude the poison of special favors, to see that, whether big or little, business was not dominated by anything but the law itself, and that that law was made in the interest of plain, unprivileged men everywhere.

"' Jefferson's principles are sources of light because they are not made up of pure reason, but spring out of aspiration, impulse, vision, sympathy. They burn with the fervor of the heart; they wear the light of interpretation he sought to speak gree voice the purposes you have formed. If I do so, it will

in, the authentic terms of honest, human ambition. And the law in his mind was the guardian of all legitimate ambition. It was the great umpire standing by to see that the game was honorably and fairly played in the spirit of generous rivalry and open the field free to every sportsmanlike contestant.

"'Constitutions are not inventions. They do not create our liberty. They are rooted in life, in fact, in circumstance, in environment. They are not the condition of our liberty but its expression. They result from our life; they do not create it.

And so there beats in them always, if they live at all, this pulse

of the large life of humanity. As they yield and answer to that they are perfected and exalted.

"'Indeed, the whole spirit of government is the spirit of men of every kind banded together in a generous combination seeking

the common good. Nations are exalted, parties are made great as they partake of this aspiration and are permitted to see this vision of the Nation as a whole struggling toward a common

ideal and a common hope.

"'We as Democrats are particularly bound at this season of expectation and of confidence to remember that it is only in this spirit and with this vision that we can ever serve either the Nation or ourselves. As we approach the time when we are to pick out a President-for I believe that is to be our privilegewe should fix our thought on this one great fact, that no man is big enough or great enough to be President alone. He will be no stronger than his party. His strength will lie in the counsel of his comrades. His success will spring out of the union and energy and unselfish cooperation of his party, and his party must be more than half the Nation. It must include, and genuinely include, men of every class and race and disposition. If he be indeed the representative of his people, there may be vouchsafed to him through them something of the vision to conceive what Jefferson conceived and understood—how the vision may be carried into reality."

THE TARIFF.

ADDRESS BY GOV. WOODROW WILSON AT THE NATIONAL DEMOCRATIC CLUB, NEW YORK, JANUARY 3, 1912.

"Mr. President and members of the National Democratic Club: It is with real pleasure that I find myself here again and realize as I look about me that these are familiar surroundings, for it has always been with unfailing cordinity that you have welcomed me, and I have always had the feeling that this was a place where it was worth while to say something, if one had

anything to say.

"I want to begin by congratulating the club upon the program of action which it has formed under the leadership of its intelligent officers. It is very delightful that a club should see at the outset of a campaign just the most effectual way of conducting that campaign. A campaign can be conducted only by the intelligent and earnest cooperation of men. There is a singular difference, into the psychology of which I will not try to enter, between a campaign for tariff reform initiated by a professedly reform society and a campaign for tariff reform initiated by a professedly political association, for a political organization is known to exist in order to transact business. It does not exist merely for the purpose of discussing abstract ideas. You realize that when a club like this argues about tariff reform, that is the basis of a constructive program, not merely the basis of exposition. You are not merely going to send lecturers around the country, but are going to debate the affairs of the Nation with the idea of getting a sufficient number of fellow citizens to stand with you; for, in spite of what some gentlemen have stated to the contrary, I am absolutely in favor of organization, but it depends upon what the organization is for. It depends upon how the organization is controlled. organization is privately owned, then I am not for it, because I don't propose being owned myself; but if the organization is intended for the cooperation of men of like minds, in order to accomplish a common purpose and to advance the fortunes of a party which means to serve the Nation, then I am for it. judge an organization by the way in which it is controlled and the objects to which it devotes itself. If it devotes itself to public objects, then every man must believe in it; if it does not, then honest men must withdraw from it-and so I congratulate you upon having the true spirit of organization-an organization which is not meant merely to associate yourselves together, but to associate yourselves together for a common purpose, a national purpose, a purpose which has for its object legislation to affect the conditions of the whole country. There is something that stirs the red blood in a man when a program

of that sort is adopted.
"I deem it an honor, therefore, to be associated with such men at the beginning of this campaign; and to have been asked to speak first, is a particular honor, as if I could in some debe simply because I have had a lifelong conviction that a very great degree of wrong has been done this country by the way in which the policy of protection has been applied to its I am not going into a general discussion of the theory of protection, because, according to a very classical phrase, it is not a theory but a condition which confronts us; a condition of the country; a condition of affairs; an organization of our economic system to our business system which has risen out of a special policy; a special set of circumstances. One of the peculiarities of the tariff question is that it never seems to be settled; it is constantly recurrent, and there must be something very subtle to anybody who has studied history, in coming upon our old familiar friend in this question which has come up in every generation, to vex and perplex the American Nation again and again and again. You know it is one of the complaints of our business men that it is never settled; that Congress will not let it alone; will never let business live on any fixed schedule of duties. Now, that is generally said to be true, because there is an uneasy set of persons called politicians who must have some means by which to stir up trouble and create unfavorable opinion. The first thing I want to call to your attention-a thing that has caused a great deal of discussion up to the present time—is this: It is not the politicians who have started this business. If you want to take business out of politics, business ought voluntarily to get out of politics. The reason business is in politics now is that it has thrust itself in by going upon every occasion to Washington and insisting upon getting all that it can get from Congress. Politicians have not put the question of the tariff into politics. Business men have put the question of the tariff into politics, and there have been circumstances and situations in our politics of which they were all aware even when they could not be proven. At least one great party was going to control the business interests for fear the things they demanded of their politicians could not be got. Why has the Republican Party habitually been associated with the policy of high tariffs? Because the Republican Party consisted of a number of gentlemen of a practical turn of mind who could prove to you the economic necessity of the tariff? Not at all, but because the bills of the Republican Party were paid by business men who wanted a high tariff. Now, suppose we put the shoe on the other foot and invite the gentlemen who want business let alone to let politics alone. I for my part agree to withdraw from troubling business if business will withdraw from troubling polities. I want to know who first steps in and troubles the waters of the pool? We don't go in first, we are chased out of the pool; we are not allowed to get in first. And so I want to shift the burden of responsibility at the very beginning. it the politicians who rush to the hearings of the Ways and Means Committee when this question is going to be touched? Not at all. It is the gentlemen who want the tariff schedules arranged according to their interests who later state 'it is just like you politicians, you never let business alone.' I am not jesting; this is the true state of affairs, and I suggest a little reciprocity in 'letting alone.' I suggest that somebody else take the medicine they try to administer to us. Are they ready to make the bargain? They are not ready to make the bargain? They are not ready to make the bargain yet. They say, 'We don't want the trouble of having to fix this up every time with the Ways and Means Committee. It worries us. We can not calculate on to-morrow, because we do not know who are going to be members of the Ways and Means Committee. We do not know when it will happen that some men may get on that committee who know we are hampering them, and when that happens the game is going to get awk-

ward.'
"Now, having shifted the responsibility, we are going to discuss the tariff question. We are to discuss it with the purpose of taking the tariff question out of politics. The only way to settle it is for the good of the country and not for the good of anybody in particular. Link it with special interests; let special interests have the chief interest in it, and you can not settle it and take it out of politics. But once apply the rule of general interest and you have taken it out of politics. The minute you make it a tariff for revenue you have taken it out of politics. Then you have got something to stand on. I am not saying that you must do this thing offhand without considering all the vested interests that have been built up. That is a different proposition. How you are going to do it is a different question. I am now discussing the idea you must hold in view when undertaking it. Well, then, let us realize that there is another reason we are taking up the tariff question again. The tariff question is not now what it was a generation ago. It is not the same question. We are not agitating the old question. We are taking up a question old in one sense, but which must be dealt with under circumstances so radically different that it is now a different question. There was a

great deal to be said for the policy of protection. I was going to say a generation ago—but a generation and a half or two generations ago the men in favor of it defended it with the greatest success. They said:

greatest success. They said:

"It does not matter how high a tariff wall you build around the country, because here is a great continent, with almost inexhaustible resources, in which initiative will build up a great many enterprises of a great many kinds and a great many enterprises of the same kind and prices will be kept down by competition. One of the things the people do not realize is that we have exhibited one of the biggest experiments in business that has ever been set up. There was once free trade within the whole area of this great country, free trade between innumerable competitors, and it was reasonable to expect then, as the earlier advocates of protection did expect, as great men later constantly believed it was reasonable to expect, that prices would be kept down by internal competition. But I don't have to argue with you. Prices are not kept down by internal competition, I don't have to point out to you gentlemen, noticing that the tariff wall was kept high and there was a snug covering behind it, that the beneficiaries consulted with one another and said, 'Now, is it really necessary that we should cut one another and said, 'Now, is it really necessary that we should cut one another's throats?' These gentlemen in Washington will build this wall as high as we want it built. Let's get together. If the law is too watchful, let us have an understanding. We are men of honor. We will keep our word of honor. We can form an arrangement by which we can determine, to a very considerable extent at any rate, the price of the raw material. We can, if we will, control the sources of the raw materials by means ad libitum. We can hup mines we do not intend to use for a generation and keep them in our side pockets, and so we can cut out any automatic regulation of this kind, instead of having a price schedule that is not our own and in open competition with the market."

"Don't you realize, in short, that the great combinations of modern business have made the old theory of protection absolutely antiquated? It is a prepesterous theory. It is very beautiful as theory, but it doesn't work. If it worked, I would have some respect for it, but it is moribund. It has forgot how to work. It is stiff in the joints. And so I say we are not arguing with those who were not revered when alive, but, having died, are very much revered. You know Dean Swift's cynical translation of the old latin, 'When scoundrels die let all bemoan them.' There is a great pity that encaseth the dead, but even the dead, if they were to come back to life, would not say that the theory of protection is what it was once. It has lost all signs of vitality and youth.

"Then there is another circumstance." once in a process of development which has peculiarly to an end. When Mr. REDFIELD came in this evening, the first thing I said to him was that I would not be here if I hadn't looked at his speeches. I primed myself on Mr. Redfield's If he recognizes these points, he must forgive me. I really thought of some of them myself. I leave it to him to pick out which is his. But one of the things which has impressed me jibes in with what I have often thought about the sharp turning point that occurred in the year 1898, after the Spanish War. This marks the end of an epoch for America. It marks the end of a domestic epoch. After the Spanish War was over we joined the company of nations for the first timeat least for the first time since the very beginning, when we were very, very young—a child of the nations, having re-cently been the colony of a great trading nation. Without wealth we had many other things—a merchant marine, which we have carefully destroyed. Our flag, though a new flag, was on many seas. Our carrying trade was that of a nation young in its nationality, from whose coasts came men who could invade the seas, who could build any kind of craft, who knew the trading laws and trading ports of the round globe. But we invited this generation to forget all this and said, 'We are going to shut ourselves in until we have formed this garden of our own.' We have developed that, and an interesting thing has happened, and if I am right in my facts the dealers in grain tell me that we are reaching the point when we won't export grain, when we will need practically all the grain for our own consumption, and some men may live to see that day unless we do something for our farms. Now, the consequence is we will have no surplus grain to supply the world with at the time we reach the stage where we have a great deal of surplus manufactured product, and the whole thing has turned

up by reason of this extraordinary condition.
"Do you realize the extent of the audacity of the men who created the protective system? They said, 'We are going to see to it that nothing is done for the farmers'—who at that time were producing the wealth of the Nation—'and that everything is done for the men who have not yet produced any wealth at all,' and by this process of favoritism and subsidizing

of one kind or another, direct or indirect, we have altered the natural plans of life in this country.

"How does it happen that when immigrants come to this country from agricultural regions they do not go to the farms, but are caught in the meshes of our cities? For the same reason that the boys of the plow of our country have been turned away from the farms and into the factories. All the lifeblood of the country is being drained from the farms into

the factories. A great many of the morbid conditions of our society are due to this same excessive fostering of one side of national life at the expense of the other. The alterations and economic balance of our life, the artificial stimulation, have destroyed that poise and balance which have been created by this protective policy. And now see what a point we have reached. We have stimulated it so much that we have not a large enough market or the means of disposing of the surplus This Nation calls itself a trading Nation, and has the knowledge of other manufacturing nations as to foreign markets, but whenever you have to ship any goods you have to ship them under some other flag than the flag of the United States. How did it happen that we destroyed our own mer-chant marine and were associated with the policy by which we taxed the stuff out of which ships were built? We could not build them, and so, as if by deliberation, we deprived our-selves of the carrying trade of the world, which, if we had kept on our original plan, we might have had almost to the exclusion

of other nations. It is a very rare treat, and possibly more delightful because it is so rare, in foreign waters, to see the Stars and Stripes on a great ship. I never realized what the Stars and Stripes meant to me emotionally until one day in Plymouth Harbor I saw a ship sweep past me with the Stars and Stripes at her gaff. It was an exceptionally rare sight, and I have never seen it since. I will remember that flag to my dying day. It was a rare specimen, an isolated testimonial to the spirit of a great national policy. And now we are getting very much interested in foreign markets, but the foreign markets are not particularly in-We have not been very polite, we have not enterested in us. couraged the intercourse with foreign markets that we might have encouraged, and have obstructed the influence of foreign competition. So these circumstances make the tariff question a new question, our internal arrangements and new combinations of business on one side and on the other our external necessities and the need to give scope to our energy which is now pent up and confined within our own borders; and yet the standpat Republican leaders remain unenlightened, uninformed, absolutely blind and stubborn. They don't know anything has happened. I wish I remembered some nonsense rhymes I once knew, the only nonsense I ever talked. I would apply them to these gentlemen who talk in the same phrases that were used 30, 40, and 50 years ago; who quote the eminent statesmen of those days, supposing they are talking about the same things then talked about, whereas they can not find those things anywhere within their range. Now, one of the things they say is that they are the guardians of prosperity, and that nothing but the protective system can bring us prosperity, and when you press them to define prosperity they will define it in terms of the bulk of busi-One of their most delightful expositions of patriotic purpose is we must have new industries—if we have not got them we must acquire them at any cost. Prof. Taussig calls attention to the fact that in the debate in the Senate on the Aldrich bill Mr. Aldrich said, in defense of a duty of 50 per cent on some article, that he was just as willing to pay 300, 400, or 500 per cent, provided he could thereby bring that industry to this country. Mr. Aldrich's idea of prosperity is to get as many industries as possible established in this country at any price. Who pays the price, I would like to know? The consumer, of course; but, rather, the price is distributed in the readjustments of the whole economic system. It is impossible to find who pays it. If you could, you might make him mad. But the trouble is you can not convince anybody in particular that they are paying But we, let us say in general terms, we are paying 50, 100, 200, or 300 per cent in order that some gentlemen may set up and make a profit in some business that ought not to be set up in America, because America does not offer the ideal conditions. And that is prosperity! I understand prosperity to be the abundant, intelligent, economic development of resources possessed by the country itself. That is prosperity. It is using the plow, engines, mills, and water powers of this country just as you would use your own intellectual and physical resources. My prosperity consists in the best possible development of my powers. It does not consist in my loading my back with borrowed plumage that I have to pay something for and wear with an unaccustomed awkwardness. That is not prosperity. And by the same token they say you are making business, therefore you are making employment, and we must assume-we must still assume—that the American workingman is so ignorant, so unintelligent, as to suppose they are doing it for his sake. I'd like to know how he ever got into the game. I'd like to know how many gentlemen voluntarily share the profits of production with their workingmen. I know how the workingmen got their share—they got it by saying that they would not work until they did. That's the way they ever got it. They tell you, gentlemen, that you cut up the pie very well; but we are not The men under 40 years of age can take care of themselves, and

going to supply the pie any more unless we have a piece of it. And I don't blame them. It's a grab game, anyhow. That's exactly what the manufacturers were doing—going down to Washington and saying, 'If you don't give us these things, who is going to pay the campaign expenses this year?' They were on strike; they were combined on strike. Now, it was only treating them with their own medicine when their workingmen said, 'We, too, can play at that game. We are on strike. How much are we going to get?' And the only reason they did not get it is they did not have the resources to stay out. That's the reason the heart of America really sympathizes with the combinations of labor; that's the only way they are going to prosper in what

is a selfish game.

"Now, what is really the source of wages? Here I want to say explicitly that I sit at the feet of men like Mr. Redfield, say explicitly that I sit at the feet of men like Mr. Redfield, who pay wages, who have handled the matter, and who know what they are talking about. Though the political economists say the same things, they don't say them in the terms of specific instance the way these gentlemen say them. Wages come from the intelligence and energy of the workingmen, made effective by the presence of natural resources and their management by efficient managers. That's where wages come from. For example, we talk about American laborers competing with the pauper labor of Europe. I heard that only last night, and I thought I was in a dream. It sounded medieval. Haven't you known a machine that cost \$500 to compete successfully with a machine that cost \$50? That did the same work? Haven't you known instances where it was profitable, economically profitable, to pay \$500 rather than \$50 for a machine, because the machine did so much more and better work that the \$500 machine was cheaper than the \$50 machine? Isn't that true? Do we protect expensive American machinery against European pauper ma-What do Englishmen, Frenchmen, and Germans-not Germans, now, because they have put their unmatched studiousness onto this job-but what do Englishmen in some continental countries do? They send for Americans as experts to tell them how they can make more out of their industrial plants, and what they are told in almost every instance is that they will have to get American machinery; and that means that they have to put their pauper machinery on the junk heap. the analogy perfect? I don't see any fault in it. If the ported American machines and American laborers they would also have to import the superintendents who know how to organize labor. The high cost of production is, almost in every instance, due not to high wages but to the loss and waste in respect of bad management, poor machinery, or locating your whole plant in such a way that it is not in proximity to railroads and the other things necessary to the markets of the country. If you put your factory in in the right way, organize it right, put right machinery in, and then get the highest priced labor, you will find that you will make your profits, because in proportion as you improve the economic efficiency of your business your profits will be greater. You need more intelligent laborers, and you can not get them except at a higher price. To my mind that's rudimentary, but there are gentlemen who have never heard of it. There are manufac-turers upon whom that idea has never dawned, and they may not believe it. I give their intelligence the benefit of the doubt. They will tell you that the American manufacturer has to be protected because he has to pay his laborers so much, and they will tell the laborer that protection is going to increase his wages; and now the laborer is finding out that they do not increase his wages and that there is something the matter with

the working of the machinery.
"That leads me to the most beautiful theory of all—the theory of the cost of production. It took the Republican Party a long time to be absolutely frank in disclosing their ignorance of political economy. They were not perfectly frank until the last campaign, and then they said they wanted to proportion protection—proportion the rate of duty to the difference in the cost of production between American factories and the factories with which they had come into competition abroad. I wonder if those gentlemen wrote that plank with a straight face? I don't see how it was possible unless they employed some one who didn't know anything about it. The difference between whom? You say between the foreign manufacturer and the domestic manufacturer. Which foreign manufacturer and which domestic manufacturer? Where is your standard in the difference in Where is your standard in the difference in cost of production? Suppose you wanted to find differences that, as the Tariff Commission suggests, are average differences? An average is a variable thing. It might accidentally hit somebody, but I doubt whether it would hit many of us. If reduced it might not hit persons over 40 years of age, and if you are

if you are really going to do the fatherly and generous thing you propose in the theory of protection, you will take care of the least efficient. They are the ones who need looking after. If you reduce it to an average then you leave out the most helpless of the lot—the men who don't know how to organize their business, who don't know how to use their expensive laborers, who don't know how to use or assemble their expensive machinery or utilize the markets in an intelligent fashion. They are the men toward whom I feel a considerable degree of generosity, and if I was a protectionist I would go the limit and protect the least efficient, and frankly I do not see where you are going to succeed on any other basis. If you protect the least efficient you are going to protect absolutely everybody, and you have reached the ultimate goal of that kind of government-a government that is taking care of everybody and everybody is assured a reasonable profit. Is not that a very reductio ad absurdum? Otherwise, let us see. We are going to protect the most efficient who know how to do business and who use their resources when needed, to regulate it. You will protect only the trusts; that is to say, if their own account of the matter is to be accepted, because the trusts are defended by great combinations to bring about the high degree of efficiency caused by protection. I do not believe it. I believe there is a point in combination beyond which the economy is lost and there is a very great loss and waste. It is like the law of diminishing returns in agriculture. Up to a certain point an addition of fertilizers, an addition of workingmen, and additional work on the farm will bring increasing returns, but you reach a limit where you have got too much fertilizer on it and too many men. Then your returns begin to diminish, and there is the same law in industrial combinations. Then let us see: We are going to take those industrial combinations which have reached that highest point of efficiency and protect only them. They are the only fellows who can afford to sell any-where in the world. Why be benevolent to the self-supporting? It is like reserving your charity and conferring it only on millionaires. These are the gentlemen who know how to run the world, and do run a considerable part of it, and they are going to be protected! Turn any way you please, gentlemen, it is a will-o'-the-wisp.

"Nobody deserves more sympathy than the honest gentlemen who construe the tariff question, because they are put upon this impossible quest to find the cost of production. is not the same cost of production between any two factories unless they absolutely match each other. Then, there is not the same cost of production in the several parts of the same combination. Now you notice how the combinations meet that matter of the cost of production. Let us see: Where there are 20 mills or factories and a combination is effected they put those various properties into the combination at, let us say, a reasonable figure; that is not generally so, but we will admit it. They then put them in at the real figure of their value. I won't go on to the next step, because that is painful. They then double the whole business with a lot of manipulation, which is a delicate matter, but suppose they went no further than that and put them in at what they are really worth? Then they shut up 5 or 6 of them because, compared with the rest they are operated at a loss, and put out stocks and bonds on the face of those shut up, as well as on the basis of the other 14, and we go on paying interest on what it cost to shut those 6 up. They have eliminated those 5 or 6, but so far as the consumer is concerned they go on as ghostly mills that work while you sleep and you keep paying the price.

"Now, the Nation could just as well afford to do that as what it is doing now. I would rather have the credit of American efficiency, shut up the inefficient factories, and continue to pay out of the Public Treasury a reasonable profit. I say I would rather do that than go on letting the inefficient work and go on assuring them a reasonable profit. The newly discovered ground is quicksand, and I advise the Republican Party to move off before it disappears. They will certainly be engulfed if they stand on that theory long enough. This cost of production has no stability anywhere in it. It is a constant flux and, as Mr. Redfield has somewhere said, a disgrace to any concern if it is not a constantly changed quantity. The cost of production ought to be constantly reduced in a business that is making profit. It ought not to stand in the same place for 2 of 12 months.

Now, what is the conclusion of the whole matter? There are three conclusions. In the first place, we have been doing this thing at a tremendous economic disturbance, artificially changing our whole plans of society, and I fear we will go on doing it at an enormous waste. Has this country really husbanded and used its resources properly? Hasn't it used them in a way disgracefully wasteful? Haven't we stopped working a mine the minute it began to be difficult to work? Haven't

we stopped using them the minute our native virgin properties seemed difficult to manipulate? Haven't we left scrap heaps everywhere? Haven't we left off taking care of our forests, the splendid trees, ripping and tearing everywhere we have gone? Hasn't our progress been marked by scenes of devastation? Nothing looked to, nothing saved, nothing utilized to the utmost, though we did not have to utilize it to the utmost. Government has made everybody pay this bill of wastefulness, and we have even gone to the extent of paying bills of the next generations. Don't you know the combinations bought up mines they do not intend to use while we are still alive, and we are paying the interest on what it cost them to buy those mines which the next generation is going to use? Isn't there an enormous economic waste when every generation must not alone pay its own bills, but the next generation's bills? The whole thing is an extravagant mirage of philanthropy, and this economic waste has bred in us something that is contrary to our trade genius; a sort of indulgence of looseness, a method of imperfection.

"In the second place, we have got ourselves in the habit of legislating for the few instead of for the many on an interest-

ing theory that I am very fond of explaining:

"The theory of the Republican Party has been if a few prosper all will be given a share of their prosperity; if you make the great captains of industry rich, they will make the country It isn't so; but we have been foolish enough to believe it sometimes. We have been foolish enough to settle national elections on the belief that it was so. We believed that factories would be shut up and some thousands of poor devils sent out of employment and that symptoms of distress would be established, when there was no genuine necessity for distress at all. Oh, the greed of these men, the indulgence, the eternal indulgence of selfishness! They will say you have paid the bills for us and for our fathers, and you have got to pay them again or we will know the reason why. I don't feel any bitterness about this, gentlemen; all that is buried; but it is the fact that we should have been so put upon; that we should have been so innocent as to believe the incredible-which we could demonstrate as untrue if we only took the pains and looked into the facts-what the consumers knew to be untrue at the very time they were patiently casting Republican ballots and made believe they thought it wise; this putting the advantages of legislation in the hands of the few at the constant sacrifice of the many; and the dream of America has been reversed to a Government for the privileged few and not for the many.

"There is a quotation which we have been applauding nearly every Fourth of July, as I remember, but which we have not believed since I can remember. We have applied that quotation from the Virginia bill of rights and from one of Washington's addresses, in which he lays it down as a fundamental conception of American affairs that when the people deem their Government is not serving their interests they have a right to resume it into their own hands. Haven't you heard that before, and haven't you applied it? Well, do you believe it? America has not acted upon that it my lifetime. That belief is merely intended to be engraved in golden letters upon some tablet of our memories and enshrined as a fragrant recollection.

Now, there is another thing that this has done-and I am ashamed to see how long I have spoken-it has reversed all our natural conceptions of government. The worst feature of pro-tection is the demoralization of our political ideas. We have based government upon patronage and privilege instead of upon justice and equality. That's the cancer that eats at the hearts

of all.
"Now, what are we going to do? Are we going to turn revolutionists? Are we going to act as free traders? I wish I might hope that our grandchildren could indulge in free trade, but I am afraid even they can not, because they have to pay the bills of the Federal Government. We have a Federal systhe bits of the Federal Government. We have a Federal sys-tem of government, and it is wise, it is good housekeeping, it is good management to leave direct taxes, for the most part, to the State governments, because they have current bills to pay. It is likely that for an indefinite period we shall have to pay our national bills by duties collected at the ports. Though I am not for drastic changes, yet I wish I saw some ultimate escape from it. At present I do not. Therefore, what we have to ask ourselves is not the principle upon which we are to act, for We are to act upon the fundamental principle of that is plain. the Democratic Party-not free trade, but tariff for revenueand we have got to approach that by such avenues, by such stages, and at such a pace as will be consistent with the stability and safety of the business of the country. Fortunately there are some things that are plain. The very wide-awake gentlemen who constitute the Democratic majority in the lower House of Congress saw the opening in the line and carried the ball through. They saw the schedules upon which it was safe to act, and unanimously agreed that it was safe and wise to act now, which they did; and now they may have to act again to the same effect, because all excuses, so far as I can see, for any cooperation are swept away. Many excuses were offered. The cover of the tariff bill was an excellent cover while it lasted, but the Tariff Board has uncovered the defense, and now there are certain schedules upon which our minds are fixed, with a sufficient illumination of the facts and conditions to enable us to act upon them. We can act upon them, and, feeling our way prudently here and there, not like doctrinaires, but like practical and prudent men, we can by prudent stages bring this tariff down to our children on a proper tariff basis. That's a plain program. It is a practical man's program. It is not a theoretical program; it is not a program based upon a desire to get even with anyone; it is not a program based upon patience that special privilege has exhausted; it is merely an openminded, prudent, statesmanlike course of action.

I congratulate you, gentlemen, upon undertaking this campaign of education, not of agitation; of demonstration, not of abuse; a campaign where the facts will be more eloquent than figures of speech, and where back of the whole thing will lie that natural impulse of public service upon which alone a permanent national policy can be founded."

[Mr. MICHAEL E. DRISCOLL addressed the committee. See Appendix.]

The CHAIRMAN. If there is no further debate, the Clerk will read the bill.

The Clerk began the reading of the bill.

Mr. MOON of Tennessee. Mr. Chairman, there is an agreement that several other speeches are to be made to-night before the bill is read under the five-minute rule.

The Chair asked the gentleman from The CHAIRMAN. Tennessee if he desired to yield any more time?

Mr. MOON of Tennessee. I must say, Mr. Chairman, that I

did not hear the Chair.

Mr. MANN. Mr. Chairman, I ask unanimous consent that the proceedings in reference to reading the bill be vacated and that general debate be continued.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent that the proceedings under the five-minute rule be vacated and that general debate be resumed. Is there objection?

Mr. MOON of Tennessee. I want to say, Mr. Chairman, that if the suggestion was made to me on the subject of general debate I did not hear it. The arrangement between the gentleman from Massachusetts and myself is, of course, subject to the approval of the committee, that the gentleman from Alabama [Mr. BURNETT] shall have half an hour and then two or three gentlemen five minutes, and that then we will proceed with the reading of the bill.

Mr. MANN. Will the gentleman yield?

Mr. MOON of Tennessee. Certainly. Mr. MANN. I was perfectly willing to proceed with the reading of the bill a moment ago, although the understanding before had been that the bill would not be read to-night, with the idea that if there was any contested matter any Member could stop the proceedings; but I would like to inquire whether we can not have an understanding that at the conclusion of general debate, general debate being closed, the bill shall not be proceeded with to-night under the five-minute rule.

Mr. MOON of Tennessee. The understanding was that we should begin to read the bill under the five-minute rule and then rise.

Mr. MANN. I have no objection to reading the first paragraph. All I wanted was some understanding about it.

Mr. MOON of Tennessee. There is no objection, as far as I am concerned, to reading the first paragraph and then for the committee to rise. There are several gentlemen on the committee who have not spoken, among them the gentleman from Massachusetts [Mr. Weeks], because of their desire to close debate and let the House proceed with the reading of the bill; but they will desire to speak when we come to the reading of certain paragraphs in the bill.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois to vacating the proceedings under the five-minute rule?

There was no objection.

Mr. MOON of Tennessee. Mr. Chairman, I now yield 30 minutes to the gentleman from Alabama [Mr. BURNETT].

Mr. BURNETT. Mr. Chairman, I desire to discuss for a few minutes two questions which I think are of great importance to the material and intellectual well-being of the people of our whole country-that of good roads and the parcel post.

Although my people have for 14 years honored me with a seat in this House, this is the first good-roads speech that I have delivered here during that whole time-not because I did not believe this question one of prime importance, nor because I doubted the constitutional power of the Federal Government to build roads for the benefit of the mail service. Neither of these propositions have I ever doubted. The question of the importance of the subject needs no argument, but is selfevident. The question of the right of the Government to engage in this character of internal improvement is especially embraced in that clause of the Federal Constitution which con-fers upon Congress the power "to establish post offices and post roads." This power was claimed and exercised even while the Constitution was young by some of the very legislators who helped to frame it, and was upheld by the highest court of the land while it was contemporary with the men from whose fertile brain that great instrument was evolved. So the right of Congress to legislate in the interest of good roads has long since passed the stage of academic debate, and to discuss it now would be but the enunciation of a truism.

I have not heretofore introduced a bill looking to the carrying out of this right, nor spoken upon the subject, because for the past 15 years Congress and the President have been actually running wild on pensions, big armies, and a great navy. I have often spoken on good roads to my people at home, but have told them each time that I saw no hope of Government aid for them until we stopped this eternal extravagance for the Army and the Navy. If the Republican Party had continued its carnival of riotous extravagance, it would still be utterly impossible to take a single step looking to the promotion of substantial legislation in the interest of this character of internal improvement.

But at the last election the people took matters into their own hands, and with the ballot drove from the Capitol many of those who had so long made this House a den of money When a Democratic House took changers and buccaneers. charge we found a bankrupt Treasury and a tax-ridden people. This Democratic House has already cut off millions of dollars from the Army appropriations, and if not balked by a Republican Senate we will further check the rapacity of Republican cormorants.

In the Democratic caucus I offered a resolution that no appropriation for battleships should be made at this session. DERWOOD and CLARK and other Democratic leaders rallied to its support, and it was adopted. The Republican Secretary of the Navy and the battleship allies fairly stood on their hind legs and howled, but the second Democratic caucus strengthened the cords that fettered those who want to waste the money of the taxpayers, and now no Democrat, without bolting his party caucus, can lend his vote to this wasteful extravagance.

The Secretary of the Navy has shown that two battleships of the size demanded will cost about \$15,000,000 each. Thus we have saved nearly \$30,000,000 by cutting off these two items alone. Had battleships been provided for, those of us from the interior would have insisted on a public-buildings bill of some \$16,000,000. I have all the time contended that both these expenditures should go over, but that if the coast cities were going to loot the Treasury for battleships, the towns in the interior must not be ignored. My contention that both should be omitted prevailed, and for the first time since I have been in Congress I feel that this Democratic economy will authorize us to start a liberal expenditure for good roads. I have therefore introduced the bill, which I insert in the Record, looking to that end:

A bill (H. R. 22768) providing that the United States shall in certain cases make compensation for the use of highways for carrying free rural-delivery mail.

Be it enacted, etc., That for the purposes of this act certain highways of the several States, the civil subdivisions thereof, and companies incorporated under the laws of the several States are classified as

corporated under the laws of the several states are classified as follows:

Class A shall embrace well-graded roads outside of incorporated cities, towns, and villages of not less than 1 mile in length, upon which no grade shall be steeper than is reasonably and practicably necessary in view of the natural topography of the locality, not less than 20 feet wide between the ditches, well drained, with a wagon way or road track not less than 12 feet wide, composed of macadam not less than 6 inches thick, rolled, bonded, and maintained with a smooth, firm surface, both shoulders and roadway properly constructed and continuously cared for; and other roads equally serviceable, durable, and expensive.

Class B shall embrace well-graded roads outside of incorporated cities, towns, and villages of not less than 1 mile in length, upon which no grade shall be steeper than is reasonably and practicably necessary in view of the natural topography of the locality, 20 feet wide between the side ditches, well drained, with a wagon way or road track 12 feet wide, composed of burnt clay, shells, sand, clay, or gravel, not less than 8 inches thick, continuously kept well compacted, and with a firm, smooth surface, with roadway well and properly crowned, so as to quickly shed water into the side ditches.

Class C shall embrace roads outside of incorporated cities, towns, and villages of not less than 1 mile in length, upon which no grade shall be steeper than is reasonably and practicably necessary in view of the natural topography of the locality, which shall be kept well graded, crowned, and drained to a width of not less than 18 feet, with splitlog drag or other proper means, so as to be reasonably passable for wheeled vehicles at all times.

SEC. 2. That whenever the United States shall use any highway of any State, or civil subdivision thereof, or of any company incorporated under the laws of any State, which falls within classes A, B, or C, for the purpose of transporting free rural-delivery mail, compensation for such use shall be made at the rate of \$30 per annum per mile for highways of class A, \$20 per annum per mile for highways of class A, \$20 per annum per mile for highways than that provided for in this section, and shall pay no compensation whatever for the use of any highway not falling within classes A, B, or C.

SEC. 3. That the compensation herein provided for shall be paid at the end of each fiscal year by the Treasurer of the United States upon warrants drawn upon him by the Postmaster General to the officers or persons entitled to the custody of the funds of the respective highways entitled to compensation under this act.

SEC. 4. That this act shall go into effect on the 1st day of July, 1913.

This bill I have framed in collaboration with the gentleman from Missouri, Judge Shackleford, and his bill and mine are in many essential features the same. In my opinion it is the fairest and at the same time the most efficient proposition that I have ever seen, both for the encouragement and the construction of good roads.

We all concede that it would not be right for the Federal Government to bear all the burden of road building, and this bill divides it between the Government and the counties and communities affected, and at the same time leaves the supervision and control in the hands of the local authorities, where it ought The bill starts in on routes used for transporting rural free-delivery mail, because to make it apply to all mail routes, I feared, would make the expense so heavy that the present condition of the Treasury could not stand it, and as soon as it is installed on these routes it will be but a step to make it apply to all mail routes.

But since the introduction of my bill the Committee on Agriculture, after careful investigation, has found that to make it apply to all rural star routes as well as to rural free-delivery routes will cost but a few millions more and has reported a bill thus amended. I heartily indorse this amendment and hope the bill will pass as amended.

Again, under the terms of the bill the Government will not pay for the use of the routes unless they measure up to a certain standard and increase that sum as the standard becomes higher. This will so encourage the improvement of such roads that within the next year or two after its passage an impetus will be given to road improvement by the local authorities that has never before been known.

Again, it will be an encouragement to the establishment of rural mail routes, and they are the greatest educators that the Federal Government has ever provided for the people in the rural districts. Some Utopian theorists have begun to advocate a system of great highways extending across the continent or across the States. I have never taken stock in any such big notions, because these visionary schemes in the interest of automobilists put the building of roads further and further away from the great masses of the people, who will never see them and yet will bear the increased burden of taxes for their construction. If some such bill as mine were enacted into law, it would head off such chimerical schemes as these.

The cost of one battleship would more than pay the expense incurred by my bill for a whole year, and if, when the Democratic Party is placed in entire control of the Government, as it will be at the next election, we will make other savings that will warrant the further extension of this magnificent system.

If this Democratic House should pass this bill and put a check on the battleship craze it would fully justify the good judgment of the people in whipping from the House those who had for 15 years betrayed the voters who had trusted them. On the battleship proposition within the last few days my attention has been called to the fact that the great leaders in England and Germany have noted the disposition of our country to curtail its mad navy-building program and are seriously considering the propriety of following our example.

The following figures relative to our cost of armament are taken from the World's Peace Foundation, being a compilation with deductions taken from the Stateman's Year Book and the Almanach de Gotha, and are therefore to be considered authoritative.

The interest-bearing indebtedness of the United States is about \$915,000,000.

In the past 30 years, since 1881, we have spent over \$4,000,000,000 for military purposes, exclusive of pensions.

Had the Republican Party during that time adopted a policy of saving one-third of that amount the result would have been more than enough to extinguish the national interest-bearing indebtedness as it stands to-day. In other words, had we been blessed with a rational policy of curtailment, instead of cursed with an irrational policy of extravagance, we would have made it possible to extinguish this heavy national indebtedness and relieve our people of the burden of ever-increasing expenditures for warlike preparation in time of peace.

The average cost per man in the United States Army is about

\$1,000 per year, and this applies to, say, \$5,000 men.

The present average cost per year of the Army and Navy of the United States for every person in the United States is about \$3.07.

The United States spends per year on the Army and Navypensions not considered—on an average of 43 per cent of her

total expenditures.

The expenditures on the Army and Navy of the United States per year comprise a larger percentage of the total expenditures of the Government than does that of any other country in the world, except Germany. Germany exceeds the United States only about two-tenths of 1 per cent—that of the United States being approximately 43.3 per cent and that of Germany 43.5 Yet from those who cry for military preponderance per cent. and supremacy we are constantly hearing the criticism that we are unprepared for war; that our Army is inefficient and insufficient; and that our battleships are obsolete and could not cope with the Dreadnaughts of other nations.

In the past 30 years our Navy alone has cost us \$1,450,920,000. Last year our naval expenditures were \$120,729,000, which exceeded the naval expenditures of 30 years ago by \$107,192,000. In the past 30 years our Army has cost us \$2,295,950,000.

Last year our Army expenditures were \$162,357,000, which exceeded those of 30 years ago by \$124,240,000.

With such an ever-increasing drain on the people for the support of a still insufficient Army and Navy, as they say, where is it to stop? Our total Army and Navy expenditures on a peaceful basis amount to the fabulous sum of \$283,085,887 per annum. Added to this we have an annual drain for pensions as a result of past wars amounting to \$157,980,575, or 24.1 per cent of the total expenditures of the Government.

Thus do we find our total war expenditures, including Army, Navy, and pensions, amount to \$441,066,462, or 67.4 per cent of the total expenditures of the Government. In what an anomalous relation with civilization and universal peace do we find ourselves when more than two-thirds of our present total annual expenditure is for expenses incurred in past wars and in preparation for problematical future wars, leaving less than one-third for all civil constructive purposes. And yet there are those who would throw upon our shoulders an additional amount of more than \$60,000,000 for pensions, and those who would mold into plate and Springfield rifles that parsimonious little remnant which is left to be appropriated for the promotion of those constructive and salutary projects of internal improvements of which good roads and parcel post are only two examples.

On the question of parcel post I am glad that a Democratic Committee on Post Offices and Post Roads has for the first time reported a bill taking a step toward the inauguration of a general system of parcel post. I wish the committee could have seen its way clear to make the system general at once, and would gladly have supported such a proposition. But I realize the magnitude of the question, and believe the committee has done the very best it could under present conditions.

It has given us the parcel post on rural free-delivery routes, and has authorized a commission to investigate and report to Congress the feasibility of making the system general. The express companies have sought to arouse the merchants against it, and are trying to make them believe that it will mean the ruin of the merchant in the country and the small towns. Mr. Chairman, as one interested in a mercantile establishment in the country and in a small city, I want to say that I do not believe one word of their direful prophesies.

We already have a general parcel post up to 4 pounds, and by international agreement a foreigner in nearly every country in Europe can send 11 pounds to any point in the United States, and to say that extending it to 11 pounds here will ruin the mer chants is utterly absurd. On the other hand, I believe that it will be of great benefit both to the merchant and the customer. The express companies have the greatest monopoly and trust of almost any in the country, and have made their rates so exorbitant that their profits are enormous. This competition between them and the Government will force them to so reduce their rates that both the merchant and the consumer will be vastly benefited thereby.

The reduction of rates on these lighter packages will necessarily force them to reduce them on the heavier; if not voluntarily, the Interstate Commerce Commission will compel them to do so. In this way the merchant, in my opinion, will in the end be as substantially benefited as even the farmer or other consumer, and finally the Government will force some kind of an arrangement with the express companies by which it will control and regulate the cost of all shipments on their lines.

In regard to the enormous profits being made by the express companies, I desire at this point to quote from an excellent speech made on the subject a few days ago by the distinguished gentleman from Pennsylvania [Mr. Gnegg]. Although a new Member, he was appointed to the great Committee on the Post Office and Post Roads. He has shown that he has given profound thought to the subject, and his speech shows that the Democratic Party made no mistake in assigning him in his first term to one of the most important committees of the House. He said:

THE EXPRESS COMPANIES AND THE PARCEL POST.

THE EXPRESS COMPANIES AND THE PARCEL POST.

It is true that for years the express companies have been preying upon the people of the country who have had occasion and necessity to ship packages and parcels over their routes. It is also true that these express companies have made fabulous sums from their business. The revelations made in the Interstate Commerce Commission investigation into the conduct of the express business are astounding. For instance, it was discovered that the earnings of one company from the time of its formation to the time of the hearings had been \$598,158,930 and in that time it had distributed dividends amounting to \$43,500,000, yet it practically began business without a cent of actually invested capital. The interstate Commerce Commission, in its second annual report on the statistics of express companies in the United States, for the year ended June 30, 1910, shows that the net operating revenue of the 13 companies covered by its report increased from \$12,294,008 in 1900 to \$14,508,280 in 1910, a gain of \$2,214,272, or 18,91 per cent. I only offer these figures at this time for the purpose of showing that if the Federal Government undertakes to go into this business of a general parcel post—and it can do so at a profit—it will practically wipe out any deficit in the Post Office Department. Department.

These great giants are loath to surrender any part of these enormous revenues, and with the cunning of avarice have tried to make the mail-order houses the scarecrow with which to frighten the country merchant. In this connection I will read a letter from a rural constituent who, with that splendid common-sense characteristic of the countryman, shows the fallacy of the contention of the express companies more forcibly than I could possibly do:

R. F. D. No. 4, March 19, 1912.

Hon. John L. Burnett,
House of Representatives.

Dean Sir: I notice that a parcel-post bill is now before Congress. As southern commercial interests seem to be making a concerted opposition to it under a misapprehension of its effects, I desire, as a farmer, to say that its benefits to the country would be as great as the rural free delivery.

You have had opportunities to see that it has not broken up the small merchant in the countries you visited in the interest of immigration.

small merchant in the countries you visited in the interest of many tion.

There is another phase of the question which seems to me to be related to the tariff question. Gentlemen who are opposing parcels post lay great stress on the fact that the tariff prevents us buying in the cheaper markets of the world, yet ignore the fact that, with the passage of this bill, if the local merchant did not keep the goods needed by his customers, they could have a wider field in which to make their dealings and the revenue derived would go toward making the rural free-delivery system self-sustaining.

As a farmer, living 11 miles from Cullman, there are many times that things are needed, especially in busy times, when a cail on the phone would bring it to our door at a minimum expense. Hoping you and our Senators will see fit to support this measure,

I am, sir, yours, truly,

C. J. Higgins.

A few days ago I received a letter on this subject from the editor of the Interstate Grocer, in which he tries to frighten and bulldoze Congressmen into opposing the parcel-post rider recommended in the bill under consideration. I will read the letter and my reply to the same:

letter and my reply to the same:

THE INTERSTATE GROCER,
St. Louis, March 21, 1912.

Dear Sir: The time is rapidly approaching when Congress will be called upon to vote on the general parcel-post rider to the Post Office appropriation bill. As you probably know, the retail merchants of the country are opposed to parcel post, while the mail-order catalogue houses are in favor of it. There is no need to take up your time with reasons why parcel post should or should not come into being. You have your own convictions in the matter. What we want is to have an expression from you as to whether you will or will not vote for parcel post.

an expression from you as to whether you will or will not vote for parcel post.

You probably know the sentiment of your district and will be guided by it. You know how you will vote. If you have the courage of your convictions, if you are strong enough to give your candid and definite opinion, we want it. Please do not evade the issue. The retailers of of the country want to know your sentiments, and those Members of the Congress who do not answer one way or another will be considered as favoring parcel post. This letter to you will be published in the Interstate Grocer of March 23. Your answer will be published in the issue following its receipt, and a record will be kept of those Representatives who answer, so that the retailers will know how they stand on parcel post.

post.
Thanking you for an early reply,
We remain,

THE INTERSTATE GROCER, F. W. LAWSON, Editor.

Mr. KINKAID of Nebraska. I want to ask the gentleman from Alabama if he answered the letter.

Mr. BURNETT. I did, and will read my reply:

APRIL 10, 1912.

F. W. LAWSON, Editor, St. Louis, Mo.

F. W. Lawson, Editor, St. Louis, Mo.

Dear Sir: Your bluffing letter of the 21st ultimo was received several days ago. I can answer you without any hesitation in regard to my position on the parcel post.

I am for general parcel post, rural parcel post, and, if I can get nothing better, will vote for the parcel-post rider on the Post Office appropriation bill.

I have an interest in a grocery store in my home city of Gadsden, Ala.; in a general merchandise store in Cedar Bluff, Ala.; and in a wholesale and retail hardware corporation in Gadsden, Ala.; and from the standpoint of one interested in all these, as well as a Representative of honest people, I desire in most positive terms to express my condemnation of the mendacious statements being sent out broadcast by the express companies and their allies.

I will thank you to publish this letter in full in your paper and to send me half a dozen copies and the bill for the same.

The express companies and their allies are trying to make the merchants in the small towns and the country believe that a general parcel post will drive them out of business, when they all know that it is absolutely untrue. But that is just the kind of methods which this gigantic trust is resorting to to try to buildoze Members of Congress into doing its bidding. I am reliably informed that there are no large mall-order houses in any of the civilized countries which have parcel post, and from travel and personal observation in those countries I know it has not driven out the merchants in the country and the small towns.

In my opinion it will force the express companies to reduce their exorbitant rates and in that way benefit both the merchant and his customer. That is the real reason why the express companies are working every agency possible to arouse the merchants against the passage of the bill.

Having answered your questions, I hope you will, under oath, answer a few for me:

the bill.

Having answered your questions, I hope you will, under oath, answer a few for me:

How long since your journal began the use of the United States mails?

mails?
Do you believe the rate of postage should be increased on the journals of the class of yours?
Are you a corporation or a copartnership?
If a corporation, who are your stockholders?
What is your capital stock?
How much paid up, and when incorporated and where?
Give me a list of your paid-up subscribers in Alabama, with their post-office addresses.
When did they become subscribers?
Who are your directors? (Give names and addresses.)
Does any express company or any officer, director, or stockholder of an express company own any stock in your company? If so, give names addresses.

If you are a copartnership, please give me names and addresses of the

partners.

Is any partner an officer, director, or stockholder in any express company? If so, give name and address.

You have attempted to frighten Members of Congress by threatening to publish their letters; I now beg you to do so.

Yours, respectfully,

John L. Burnett.

[Applause.]

Mr. POWERS. Mr. Chairman, I would like to ask the gentle-man if he received any reply to that letter?

Mr. BURNETT. No; I have not had time as yet. I expect a reply, and no doubt it will be in kind, and perhaps be published.

I was glad to see that almost every Member who answered him defied his brazen threats and boldly declared themselves in favor of the parcel post. It is delightful to see that so many of my colleagues in Congress so often hurl defiance in the teeth

of those who would hold over them the Damoeles sword of defeat if they refuse to "Crook the pregnant hinges of the knee that thrift may follow fawning." [Applause.]

My distinguished friend from Maryland [Mr. Lewis] has forcefully presented a proposition for the Government to establish lish a postal express, and by purchase or condemnation to take over the business and property of the express companies to the extent necessary for this purpose. There are many excellent features in the proposition, but it is problematical at this time what the cost of acquiring the contracts and property of the express companies would be on account of the enormous outside holdings of the companies. But, Mr. Chairman, I undertake to say that if a general parcel post were established by the Government, in less than two years these properties could be acquired for millions of dollars less than if we sought to acquire them in the first instance.

The discussion here to-day of the various propositions for parcel post and for postal express brings out so many divergent opinions that it vindicates the wisdom of the committee in providing a commission to carefully investigate these different questions at once and report to Congress the result of their in-

vestigations.

However favorably I may view the suggestions of the gentleman from Maryland [Mr. Lewis] and the gentleman from Ohio [Mr. Goeke], yet I would be unwilling to commit the Government to the policy advocated by them without a careful investigation of those policies. Of course the express companies can have no objection to the rural parcel post, except that it is a step in the direction of a general parcel post or express post, but to me that is one of the strongest arguments in its favor.

Mr. Chairman, I can not close my remarks without commending the committee for even the slight increase of pay which they have given to the rural carriers of the country. These faithful servants of the Government are doing a great work for the rural districts, and when the Democrats at the next election secure the President and the Senate and continue their plan of an economical administration of the Government, I believe they will do further justice to those heroic public servants by fixing their salaries on a basis of \$100 per month for standard routes. [Applause.]

The present Postmaster General has boastfully asserted that he has curtailed expenses in his department until the postal service has been changed from a deficit to a surplus. The Post Office Committee has found that the boast of a surplus is untrue, and be it said to the shame of the Post Office Department that the reduction of expenses has been at the expense of the great masses of the people. Not a single rural route has been installed in my district in two years, and the same is true of most other districts represented by Democrats. The Postmaster General has played cheap politics by cutting off the means of educating the people in the rural districts where there are Democratic Congressmen. This calls for the condemnation of the people, and in November they will administer their rebuke.

For years the clerks in the first and second class post offices have been clampring for some relief from long boars and or

have been clamoring for some relief from long hours and excessive work, but the Republican Party has turned a deaf ear to their just entreaties. This Democratic House has heeded their calls, and in this bill are giving them an eight-hour day, which is certainly long enough for any man to toil in that character of labor.

On the whole, the committee has done well, and deserves the approval of all who want to see Democratic principles triumph. [Applause.]

Mr. MOON of Tennessee. Mr. Chairman, I yield to the gentleman from Mississippi [Mr. Harrison].
Mr. HARRISON of Mississippi. Mr. Chairman, second only to

the tariff, the parcel post is the most important question before the American people to-day. I doubt if any question in recent years has caused such an influx of letters, petitions, and protests to Members of Congress as has the parcel post, many of them protesting against its establishment, others advocating it, some expressing themselves in favor of the Sulzer bill, which limits the package to 11 pounds, with a flat rate throughout the country, others for a general parcel post without respect to rates or weight, while many are favoring the establishment of a parcel post on a zone system.

I do not believe, Mr. Chairman, that such injury will come to the small merchant and shopkeeper as many of them in the small towns have thought. Neither do I believe that the wonderful benefits that some of the rural citizens honestly believe will come to them will ever be realized by the establishment of a parcel post. I believe that the benefits that will follow the establishment of a parcel post have been greatly exaggerated, and that the attendant injuries to the small merchant and shopkeeper have been inordinately magnified. I do not believe that the establishment of a parcel post will work to the injury of any man. It may be possible that in a few instances it will force the merchant in the country to sell his goods at a smaller profit in order to meet the prices of his competitor who may live at a distance, but no one ought to complain at this. What every good citizen ought to desire is that reasonable profits be made on honest investments, and that no monopoly should exist in business. "Competition is the life of trade," and the legitimate safeguard against monopolies.

In this connection, Mr. Chairman, I desire to insert that part of the report of Mr. John W. Garrett, minister from the United States to Venezuela, in response to the inquiry sent him by Hon. JONATHAN BOURNE, chairman of the Post Offices and Post Roads Committee of the Senate, through the Secretary of State, as to how the parcel post affected the country merchant and shopkeeper in that country. I quote:

It seems to be the opinion that the small dealers in Venezuela obtain great advantages from using the parcel post to import their merchandisc wherever possible. The small dealers are thereby enabled fraquently to compete with the large importers, since they can introduce into the country the same goods as the large houses without the necessity of bringing in quantities beyond their capacity to handle.

Mr. Nicolay Grevstad, minister of the United States to Urugusy, under date of December 5, 1911, in his report says:

In the country districts the service is used especially by the small merchants, who in this way receive merchandise in small lots from the wholesale houses of the capital.

Mr. Robert Bacon, ambassador of the United States to France, in his report under date of October 2, 1911, says:

It would seem that they themselves (meaning small merchants and shopkcepers) find great facilities in this service for the needs of their

Mr. Wilson, minister of the United States to Mexico, in his report dated September 13, 1911, says:

At times these very merchants are among the first to profit from the advantage of the parcel post, to secure certain kinds of merchandisc. It is for these reasons, perhaps, that they have never complained.

I could quote the reports of other representatives of the United States in foreign countries, showing the same condition, but it is useless. I shall content myself, with the consent of the committee, by inserting as a part of my remarks excerpts from the reports of our representatives in every foreign country having a parcel post, made last year at the request of Senator BOURNE, chairman of the Post Offices and Post Roads Committee of the Senate.

With the permission of the committee, I will insert in my remarks the correspondence between Senator Bourne and Mr. Huntington Wilson, Assistant Secretary of State, in calling for this information:

PARCEL POST IN FOREIGN COUNTRIES.

In pursuance of a resolution adopted by the Senate on June 16, 1911, Hon. JONATHAN BOURNE, Jr., chairman of the subcommittee on parcel post of the Senate Committee on Post Offices and Post Roads, addressed the following letter to the State Department:

UNITED STATES SENATE,
COMMITTEE ON POST OFFICES AND POST ROADS,
August 18, 1911.

The honorable the SECRETARY OF STATE.

The honorable the Secretary of State.

My Dear Mr. Szchetary: I inclose herewith copy of Senate resolution 56, adopted by the Senate June 16, 1911. Under authority of same I am taking preliminary steps for the collation of obtainable data in re parcel post as it is now in operation in foreign countries. I would respectfully request your cooperation in this matter and would ask you to kindly instruct the diplomatic representatives of the United States in countries operating a parcel or package post, to obtain from the several countries to which they are accredited the fullest possible information with respect to such parcel or package post. Such information should consist chiefly of an abstract of the law and the rules and regulations governing the operation of the parcel post; the weight limit of parcels; the rate or rates of postage; the greatest dimensions of parcels accepted for mailing; whether delivery of parcels is made to the residence of the addressee or to some intermediate point, such as the nearest post office or railway station, and if to an intermediate point, what are the particulars concerning the rate of postage, and what means are used to notify the addressee that a package awaits him at such intermediate point; a statement of the revenue and expenditure and the amount of parcel-post business transacted during a torm of 10 years; a statement showing the additional postal equipment, if any, made necessary by the establishment of a parcel post; a statement showing in what particulars the transportation of parcels differs from the handling of letter mail; and whether the operation of the parcel post has caused any delay or difficulty in the prompt and satisfactory treatment of letter mail; a schedule of the articles which may or which may have been manifested before or since the establishment of the parcel post; a statement describing any opposition which may have been manifested before or since the establishment of the parcel post; a statement showing the attilude of the preciple with reference t

The State Department thereupon issued a special circular of instruction (which is herewith shown in full) to the diplomatic officers of the United States accredited to all countries in which the American Government is officially represented:

PARCEL-POST DATA. [Important and urgent.]

DEPARTMENT OF STATE, Washington, August 24, 1911.

To the Diplomatic Officers of the United States.

Washington, August 21, 1911.

To the Diplomatic Officers of the United States.

Gentemen: By a resolution adopted by the Senate on June 16, 1911, the Committee on Post Offices and Post Roads is authorized and directed to Inquire into and report to the Senate at the earliest date practicable what changes are necessary or desirable in the postal system of the United States or in laws relating to the postal service, and particularly with reference to the establishment of a parcel post, and for this purpose to sit during the sessions or recesses of Congress.

In connection with this resolution the Committee on Post Offices and Post Roads are taking preliminary steps for the collation of obtainable data in regard to parcel post as it is now in operation in foreign countries, and Senator Bourare, chairman of the committee, has requested the department's cooperation in the matter to the end that the diplomatic representatives of the United States in countries operating a parcel or package post be instructed to obtain the fullest possible information with reference to such parcel or package post in the countries of their residence. The information, Senator Bourare states, should consist chiefly of an abstract of the law and the rules and regulations governing the operation of the parcel post; the weight limit of parcels; the rate or rates of postage; the greatest dimensions of parcels accepted for mailing; whether delivery of parcels is made to the residence of the addressee or to some intermediate point, such as the nearest post office or railway station, and if to an intermediate point, what are the particulars concerning the rate of postage and what means are used to notify the addressee that a package awaits him at such intermediate point; a statement of the revenue and expenditures and the amount of parcel-post business transacted during a term of 10 years; a statement showing the additional postal equipment, if any, made nec-

essary by the establishment of a parcel post; a statement showing in what particulars the transportation of parcels differs from the handling of letter mail; and whether the operation of the parcel post has caused any delay or difficulty in the prompt and satisfactory treatment of letter mail; a schedule of the articles which may or which may not be sent by parcel post; a statement describing any opposition which may have been manifested before or since the establishment of the parcel post; information as to whother any common carriers exist similar in any way to the American express companies, and if so, a brief of their nature and their relation to the Government; whether the Government operates the railreads in whole or in part, and where it does, full information showing the bearing which this fact has on the operation of the parcel post; a statement showing the attitude of the people with reference to the parcel post and what benefits, if any, have resulted from its operation to the people at large; where two or more rates exist dependent on speed of transportation, such as it is understood exist in France, full information is desired; specific information as to whether shopkeepers in small towns claim that the parcel post militates against them and in favor of the large departmental or city stores.

If a parcel or package post is in operation by the Government to which you are accredited, it is desired that the information requested by the Committee on Post Offices and Post Roads be procured and forwarded to the department with the greatest possible dispatch—by September 20 where that is practicable.

I am, gentlemen.

Your obedient servant,

Huntington Wilson,

Acting Secretary of State.

HUNTINGTON WILSON,
Acting Secretary of State.

The foregoing instruction was sent to the countries shown in the following list:

Argentina, Austria-Hungary, Belgium, Bolivia, Brazil, Bulgaria, Chile, China, Colombia, Costa Rica, Cuba, Denmark, Dominican Republic, Ecnador, Egypt, France, Germany, Great Britain, Greece, Guatemala, Haiti, Honduras, Italy, Japan, Liberia, Luxemburg, Mexico, Montenegro, Morocco, Netherlands, Nicaragua, Norway, Panama, Paraguay, Persia, Peru, Portugal, Roumania, Russia, Salvador, Servia, Siam, Spain, Sweden, Switzerland, Turkey, Uruguay, and Venezuela.

The replies which have been received up to this time, December 21.

The replies which have been received up to this time, December 31, 1911, and the correspondence incident thereto, are given.

A. M. Beaupré, representative of the United States in Luxem-

burg, in his dispatch dated September 20, 1911, says:

Tradesmen of small towns do not complain that as a result of
the establishment of a parcel-post service their interests suffer and large
establishments of large towns or others benefit thereby.

Henry Lane Wilson, representative of the United States in Mexico, in his report dated September 13, 1911, says:

Mexico, in his report dated September 13, 1911, says:

The dally increase in the work of the parcel-post service, both within and beyond the Mexican territory, is an indication of the favorable attitude of the general public toward the service.

There is no knowledge or evidence of any feeling on the part of the shopkeepers in small towns or claim that the parcel post militates against them and in favor of the large departmental or city stores.

The merchants of small localities find the greater part of their trade among persons who are not accustomed to avail themselves of the advantage of the parcel post; accordingly, they are not subjected to the competition which this service might cause them. Furthermore, they generally sell articles of immediate necessity, such as common cloths, hardware, etc., which would not bear the cost of transmission by parcel post. At times these very merchants are among the first to profit from the advantage of the parcel post, to secure certain kinds of merchandise. It is for these reasons, perhaps, that they have never complained.

N. Dominguez, representative of the United States in Morocco.

N. Dominguez, representative of the United States in Morocco,

writing under date of September 12, 1911, says:

So far as any attitude is observable it is one of appreciation on the part of the public for the benefits of the parcel post, but these benefits are at present confined to very few, chiefly the foreign residents in the coast towns, and the handful of officials in Fez and Morocco City.

G. von der Meulen, acting representative of the United States in the Netherlands, under date of September 14, 1911, says:

Wherever possible the parcel-post service is carried on together with the letter post. Where the amount of the work of parcel post does not permit thereof, in that case, as in large centers, the parcel-post service is intrusted to a special staff of officials. The prompt and efficient handling of the letter post has not suffered by the introduction of the parcel post.

No complaint has ever been made by shopkeepers in small places that they have suffered from the parcel post in that the people, instead of purchasing their wares, have had recourse to the large stores in the big towns through the parcel post.

The representative of the United States in Peru, under date of September, 1911, in his report says:

Attitude of the people: The people in general show greater satisfaction with the parcel-post service, but not the retail merchants, with whose interest it competes, but this has not proved to be an obstacle to

J. J. Mendez, director general of the United States for Panama, in his report of October 27, 1911, says:

ama, in his report of October 27, 1911, says:

No opposition has been shown on the part of the public nor by commerce to the establishment of the parcel-post system; but, on the contrary, the facilities which this service lends by the interchange of merchandlse, packed and sent as parcels, has become so popular that the residents in the principal cities of the Republic of different nationalities from those countries with whom Panama has celebrated conventions constantly beg the representatives of their governments to initiate negotiations in that sense, as have done, in effect, various nations, as Spain and Central and South America. This directory general is about to enter into them.

The attitude of the public with relation to the service of parcel post has been that of approbation and acceptation, and the people have approved this service on account of the facilities which it lends, bringing

by this means merchandise in small quantities and at the small cost of its freight.

by this means merchandise in small quantities and at the small cost or its freight.

The proprietors of establishments in small towns, and even those which are situated in the cities of Panama, Colon, and Bocas del Toro, and in the principal towns of the interior of the Republic, who do retail trade are those who derive the greatest benefit from the parcelpost system on account of the reasons which have been given previously—that is, small cost in the freight on the merchandise, packing, and system of transportation of the postal parcels.

Edwin V. Morgan, representative of the United States in Portugal, under date of September 20, 1911, says:

The establishment of the parcel-post service has forced the railway companies to reduce their freight rates on matter under 10 kilograms (22 pounds), and the people have benefited as a result.

On account of the illiteracy of the people the method of ordering by catalogue and by post does not obtain in Portugal. Hence the parcel post can not be said to have altered conditions or relations between the small town store and the large city one.

Roland B. Harvey, representative of the United States in Roumania, under date of October 2, 1911, says that in Roumaniathere is no opposition whatsoever to the parcel-post system. It has been in use here practically since the establishment of the post office and is taken as a matter of course.

I have heard of no complaints from the shopkeepers in small towns in regard to the parcel post militating against them.

Mr. Post Wheeler, minister of the United States in Russia, in his report dated September 30, 1911, in speaking of conditions in Russia, says that-

shopkeepers in the smaller towns, as far as can be learned, do not claim to be materially injured by possible customers buying from the city stores through parcel post.

No private express or forwarding companies exist in Russia, and therefore there is no competition with the parcel post, carried on railways exclusively owned by the Government throughout the Empire; but no opposition has ever been manifested against the present system, and it is considered generally to be of great benefit to the people; the rates are cheap and delivery quick and sure.

William Hainke ministen of the United States in San Selve.

William Heimke, minister of the United States in San Salvador, speaking of the workings of the parcel post in that country, says:

There has been no known opposition either before or after the establishment of the parcel-post service.

The people benefit by the parcel-post service in that they can provide themselves, from the principal centers, with those articles which can not be obtained in their locality; it enables them to acquire in this way those articles which could not reach them by ordinary mail, and, undoubtedly, it brings the advantages of the cheapness and the speed of their transmission.

Mr. Robert Woods Bliss, chargé d'affaires ad interim, in making report on October 5, 1911, on the workings of the parcel post in Argentina says:

post in Argentina says:

Q. A statement describing any opposition which may have been manifested before or since the establishment of the parcel post?

A. There has been no opposition.

Q. What is the attitude of the people with reference to the parcel post, and what benefits, if any, have resulted from its operation to the people at large?

A. The people in general and particularly the merchants have shown themselves to be in sympathy with the parcel-post service. The benefits resulting from this service have been the possibility of interchanging small packages at reduced rates, the rapidity of transportation, and the security made possible by its service.

A proof of the favorable attitude of the people toward this service is shown by its increase since the inauguration in 1887, in which year only 10,185 parcels were carried compared with the 790,303 parcels carried in 1910.

Mr. Ethelbert Watts, consul general in Belgium, in his report dated November 14, 1911, says:

dated November 14, 1911, says:

The parcel post has proven very successful in Belgium, not only with the public, but the Government has realized large profit in this department, but there are no statistics published to show details.

It is interesting to note what effect this service has on the business of the small merchants in the country villages, whether they suffer a material loss as a consequence of the larger merchants in the cities supplying their customers, and it appears they have not suffered a loss in their business, for they are the very ones who make the most use of the parcel-post service. If they do not have an article asked for, they at once order it for their customer and have it sent by parcel post.

In general, the people of the country and the small towns, except the rich, do not use the parcel post much in ordering things from the city, but buy at home, as they did before this system was started.

The richer class and the summer people who pass several weeks every year in the numerous seashore and mountain resorts of Belgium use the parcel post a great deal, but even before the advent of this service they always went to the city to do their most important shopping.

Mr. Horace G. Knowles, representative of the United States in Bolivia, in making report on October 24, 1911, of the workings of the parcel-post system in Bolivia, says:

The parcel-post service, because of its many advantages over the ordinary freight service, is considered indispensable by not only the general public, but also by all commercial houses.

The parcel-post service has never given cause for local merchants to complain or protest, but, on the contrary, they could not well do without it. They find it a quick and economical way to get their goods, and the loss by direct orders to stores in the larger cities is comparatively small.

The representative of the United States in China, in his report dated October 10, 1911, says:

Attitude of the people toward the parcel post: The attitude of the people toward the parcel post is one of great friendliness and high

¹Information from these countries and Australia appears in the pages which follow. Replies not yet received from remaining countries in the list, Brazil, Bulgarla, Costa Rica, Cuba, Dominican Republic, Montenegro, and Siam.

appreciation of its benefits. These benefits are those which spring anywhere from a trustworthy and speedy agency for the transmission

of goods.

Complaints of shopkeepers: Large department stores being unknown among the Chinese, no occasion for complaints from small-shop keepers have yet developed.

A. H. Frazier, of the American legation in Colombia, in his report of October 7, 1911, says:

report of October 7, 1911, says:

No opposition has manifested itself before or since the establishment of the parcel post. No common carriers exist, since the country is too vast and the means of communication too inadequate to permit of any private agency undertaking such a service.

The parcel post, being the only means of transporting packages from one part of the Republic to another, except over the few railroads and steamship lines on the rivers of Colombia and where there are established mule trains, has resulted in great benefit to the country. The mail-order business is as yet undeveloped in Colombia; in consequence shopkeepers in small towns do not have to compete with the department stores in the larger centers; moreover, the department store as it is known in the United States and Europe does not exist in Colombia.

The representative of the United States in Denmark, in writing from Copenhagen under date of December 14, 1911,

There has been no opposition against the carrying of packages by the postal service.

The postal package service is made use of by all classes of the population.

No complaints of the kind referred to have been made against the postal package service.

Mr. Evan E. Young, representative of the United States in Ecuador, in his report dated October 19, 1911, says:

No opposition has been encountered either before or after the establishment of the parcel post; on the contrary, great benefit has been observed to commerce from this service.

The people at large have been greatly benefited by the parcel post on account of the prompt service and also by the ease with which they can send their merchandise abroad.

Finally, the merchanis who export in large quantities receive the same benefits as those who send out but small amounts.

Paul Knabenshue, vice consul general in Egypt, under date of October 17, 1911, says:

Q. Specific information as to whether shopkeepers in small towns claim that parcel post militates against them in favor of the large departmental or city stores.

A. No such complaint.

Joseph C. Grew, representative of the United States in Hungary, in his report dated September 21, 1911, says:

attitude of the people: The attitude of the people toward the parcel post is very much the same as that manifested toward the letter post, i. e., that both are such long-established institutions that they are taken as a matter of course. The three classes of parcels—ordinary, special-delivery, and "urgent."—are a special benefit, inasmuch as they afford the public a variety of methods of shipment and enable them to expedite delivery at a small additional cost.

Opposition to the parcel post: The parcel post has been so long established in Hungary that if there was any opposition to its establishment it was so many years ago that it has been long forgotten, and no statement as to what it may have been is now obtainable. It may be assumed, however, that if there was any opposition it came from those companies and individuals who were engaged in the express business before the parcel post existed. Since its establishment its obvious advantages have made it a most popular institution, and nothing but praise is heard for it.

Opposition of shopkeepers in small towns: Provincial shopkeepers in Hungary consider the parcel post as a good friend rather than as a force which militates against them. This may be because the mail-order business is not well developed in Hungary, and the public, as a rule, prefers to see the article to be bought rather than buy through catalogues. The parcel post enables the small shopkeeper in some remote part of Hungary to secure supplies from the commercial centers at a cost much less than he would have to pay were they to be placed in private hands. The dispatch and cheapness of the parcel post have done great service in the development of provincial commerce, and there appears to be no opposition among the shopkeepers.

John G. A. Leishman, representative of the United States in Italy, in his report dated October 1, 1911, says:

The Italian people now accept parcel post as a matter of course and regard it as a necessity, since it not only facilitates the transportation of parcels, but also makes it possible to forward articles to parts of the Kingdom which it would be otherwise impossible to reach, owing to the fact that private companies could not afford to transact the business at rates low enough to permit the transportation of parcels to such remote localities.

As parcel post has now been successfully operated in Italy for the last 30 years, no claims are put forth by shopkeepers in small towns that it militates against them and in favor of the larger shops situated in cities. They accept parcel post as an established fact, although it is quite conceivable that in some instances business may be diverted from the smaller to the larger centers.

Montgomery Schuyler, representative of the United States in Japan, under date of October 2, 1911, says:

The parcel post has been popular ever since its inception, and its benefits are fully recognized by the people. It fills an important need in Japan, where the private forwarding business has not reached the same state of efficiency as elsewhere. The Government is receiving constant applications and petitions for the extension of the weight and size of mainable parcels.

Firms doing a mail-order business depend upon the parcel post, but do not compete with the shopkeepers in small towns. The Japanese country folk live very simply, and the variety of goods sold by local houses is very limited; special articles must be ordered from the large

towns. The Government has not received any complaints from rural shopkeepers about the parcel post militating against them. I have the honor to be sir,

Mr. John C. Grew, minister to Austria, reporting under date of September 16, 1911, says:

The embassy is informed by the Austrian postal authorities that no direct complaint has ever been submitted to them to the effect that the parcel-post system causes injury to the small traders of the country towners.

direct complaint has ever been submitted to them to the effect that the parcel-post system causes injury to the small traders of the country towns.

In considering this question it must be borne in mind that the so-called department store is in Austria still in its infancy. While comparatively large stores exist in all the greater cities, especially in Vienna, which stores depend to a great extent on their country trade, there are but two stores in Vienna which deserve the name of "department stores" and both of them together would approximately represent the size of a very medium department store in New York.

But such large houses as there are usually send out traveling salesmen, who solicit trade among the small mechanics, shoemakers, milliners, tailors (to whom they offer especially cloth linings), etc., but do not go near the direct consumers, and as the goods ordered are delivered by parcel post, the system thus shows an injury to the small trader. Some of the consumers also order direct by mail from the larger city stores.

Yet, practically speaking, the effect of the parcel-post system upon the small trader in the country and the lesser towns can not properly be established, for the reason that the system in Austria is not a new venture, having existed as long as the mail system. Certainly its effect can not be compared to any good purpose with the probable results of the same system in America, where the number and size of the larger city stores render the circumstances quite different from those obtaining in Austria. If the small trader in this country has anything to complain of it is the great number of peddlers who swarm into the smaller towns and villages and there sell city goods to the detriment of the village shopkeepers themselves.

The representative of the United States in Chile, in his report

The representative of the United States in Chile, in his report dated September 28, 1911, says:

General observations: Mail-order business from the larger towns to the country districts has not made great strides, and conditions differ widely in this respect from those in the United States. The complaint, if there should be any, would come more likely from the Chilean merchants as against the foreign houses sending goods here by parcel post direct to customer. There is but one properly so-called depart-ment store in Santiago

Mr. Robert Bacon, ambassador of the United States in France, under date of October 2, 1911, says:

The institution of the parcel-post service has rapidly become popular owing to its simplicity and to the facilities it affords to commerce, industry, and agriculture to forward goods in small quantities at reduced rates. It is easy to realize by the ever constant progression of the business (see Doc. No. 5; translation on p. 92) the services rendered and the reception given by the people to this innovation. The administration has not yet received any complaint from shopkeepers in small towns concerning the advantages which large departmental or city stores would reap from the parcel-post system and the prejudice which it would cause them. It would seem that they themselves find great facilities in this service for the needs of their retail trade.

Irwin Loughlin, representative of the United States in Ger-

The attitude of the German people with reference to parcel post as they do the regular letter post.

The benefits to the people which have resulted in its operation are quick and cheap transmission of parcels, and, in general, all the benefits which are claimed for such a system by its advocates in the United States.

States.

It can not be discovered that there is any opposition by shopkeepers in small towns on the ground that the parcel post operates to their damage in favor of large department stores. The conditions governing retail trade in Germany are so different from those of the United States that it is almost impossible to draw a parallel on this point. There is comparatively little trade done by large German department stores—which in point of fact are comparatively few—outside the immediate delivery area of their respective cities.

Frederic Ogden de Billier, representative of the United States in Greece, in his dispatch dated September 26, 1911, says:

The parcel-post service has proved popular with the public, which has found a great benefit in the simplicity and ease of the service.

J. H. Stabler, representative of the United States in Guatemala, in his report of September 29, 1911, says:

mala, in his report of September 29, 1911, says:

Q. Has any opposition been manifested before or since the establishment of the parcel-post service?

A. No opposition has ever been raised to the parcel-post service; on the contrary, it assumes greater volume daily, showing that the public welcomes it gladly because of the benefits it confers.

Q. Do shopkeepers in small towns claim that the parcel post militates against them and in favor of the large departmental or city stores?

A. So far it has not been observed that small commercial houses of neighboring towns have made complaint that the parcel-post service has been injurious to them; in fact, this service gives them facilities for filling small mail orders with little capital.

Mr. Whitelaw Reid. United States ambassador to England, in

Mr. Whitelaw Reid, United States ambassador to England, in his report of September 13, 1911, on the parcel post in the United Kingdom of Great Britain and Ireland, says:

Attitude of the people to parcel post: There is reason to think that the parcel post is much appreciated by the general public, as parcels can be posted at any post office (about 24,000 in number) for delivery at any address, however remote, for a payment in accordance with a uniform and well-known scale of charges, irrespective of

distance.

Opposition from interested parties, and especially the attitude of shopkeepers in small towns toward the parcel post: There was naturally opposition (though neither widespread nor organized) on the part of some whose interests were adversely concerned to the introduction of a parcel post, but there was a preponderating body of public opinion

in its favor, and since its introduction there has been no kind of organized protest against its continuance, either from carriers or from the smaller retail traders or from others. A few years ago, however, a proposal to adopt the "cash-on-delivery" system (i. e., a system of collection from the addressee of the price of goods purchased and its remittance to the sender) excited such strong protest from shop-keepers in villages and small towns, who urged that the scheme would do them a great injury by diverting local trade to the large stores in cities, that the system has not yet been adopted in the inland service, although it has been applied to the parcel post between the United Kingdom and certain Crown colonies.

Mr. Nicolay A. Grevstad, minister of the United States to Uruguay, under date of December 5, 1911, in his report says:

In the country districts the service is used especially by small merchants, who in this way receive merchandise in small lots from the wholesale houses of the capital. In those districts the packages remain at the disposition of the interested party or parties in the office of the city or village where those parties reside, or in the nearest office to their residence in such cases where the residences are in the middle of the ranch. In any event notice is sent to the interested party to come for his package.

Roland B. Harvey, representing the United States in Servia, says, in his report dated November 17, 1911, that in that coun-

The system has met with approval; the people are much satisfied with the system, and no opposition has been manifestd. The post department has the monopoly of the carrying of parcels, and no private carriers or express companies are allowed to do this business.

It is the general opinion that the establishment of the parcel post has considerably increased the trade between the country people and the merchants

merchants.

Mr. H. C. May, representative of the United States in Sweden, in his report under date of December 22, 1911, in speaking of Sweden, says:

The establishment of parcel post has been a great advantage to the public and has met with no opposition in any quarter.

The continually increasing operation of parcel post seems to prove that it enjoys the confidence of the public.

The parcel-post operation seems in a high degree to promote the interchange of goods, and as the inland fees are fixed without any regard to the distance of transportation it appears to be of great importance, especially for the distant parts of the country, which are naturally worse off in respect of means of communication.

No complaints in this respect have been made to the post-office department.

department.

Mr. H. S. Boutell, minister to Switzerland, in his report dated September 11, 1911, speaking of the parcel post in Switzerland,

The people have always shown their sympathy for the parcel post, the establishment of which refers back for more than a century. Through its promptness and security it has facilitated commercial transactions and the relations in general. The fact that the parcels are admitted to the greater part of the trains, and that—according to the importance of the localities—they are distributed one, two, three, and even four times a day, sufficiently illustrates how numerous the advantages enjoyed by the people are.

There have never been complaints made in this connection; the parcel post established in cities and in the country offers the same benefits to each. The uniform rates for all Switzerland up to the weight of 20 kilograms (44 pounds) (pp. 25 and 26 of the Recuell, see pp. 258–250) do, on the contrary, constitute a real advantage for the small shopkeepers in less important cities, because they enable them to procure certain merchandise under the same conditions of transportation (cost of transportation) as the large departmental or city stores. city stores

Mr. John W. Garrett, minister to Venezuela, in his report of September 15, 1911, says:

No opposition: It is stated that there has been and is now no opposition to the parcel post.

Attitude of public: The public appears to realize the advantages of the system and frequently has recourse to it, chiefly for the purpose of importing articles of clothing in small quantities.

In these reports from all of the foreign countries where the parcel post has been established, experimented with, and observed, the almost unanimous consensus of opinion of the people living there, judging by the reports, is that the parcel post works injury to no one, but benefits all. Out of the 34 countries where the parcel post is established these reports show that in only one or two countries does the merchant and shopkeeper offer the slightest complaint.

Now, Mr. Chairman, I realize that in most of the foreign countries the conditions are different from conditions in the United States, that in some there are no large department stores, that some own and operate their own railroads, and that hardly any of them are as large in area as the United States; but, Mr. Chairman, many of these countries do have the large department stores, and not all of them have government ownership of railroads, and if in those countries the parcel post has worked no injury to the small merchant and shopkeeper, but, on the contrary, has been beneficial to all, is it not natural to believe that the same result will follow in the United States? It is true that the great size of the United States will enter largely into the consideration of rates to be charged for transportation of the packages, and it is for this reason that I do not believe that we ought to establish a flat rate, thereby permitting packages of the same weight to be shipped from Chicago to Hattiesburg, Miss., at the same cost as from Jackson, Miss.,

doubt that the express companies will do the business on short hauls and the Government on the long hauls, the consequence being that the express companies will make large profits, while

the Government will lose money.

I am not, Mr. Chairman, satisfied with the provisions for a parcel post as contained in this bill. I do not think they are broad enough. If the provisions of this bill are adopted, little is accomplished toward the establishment of a parcel post. The man who lives on a rural route-for instance, a route that runs out of Laurel, in my district-would be permitted to send an 11-pound package to Laurel or to receive an 11-pound package from Laurel, but he could not, in my opinion, under the provisions in this bill, send nor receive over a 4-pound package from his place on the rural route out of Laurel to or from Hattiesburg, and even though he desired to send a 4-pound package from his place to Hattiesburg he would have to pay 16 cents per pound, the present rate.

Mr. Chairman, the rural citizens of the country, as well as the urban population, will not be satisfied with this makeshift of a parcel post, and I hope that this committee will give to the country a parcel post that will allow at a reasonable rate, on the zone system, a package of, say, 25 pounds or any reasonable weight to be shipped not only over the rural routes, but to every place in the United States from any point on a rural or star route. The man who lives on a star route ought to be permitted to ship and receive parcels through the mails the same as the man who lives on a rural route. The man who does not live on a rural route is at enough disadvantage. Do not discriminate further against him. The parcel-post subject is a complex question, but I believe we can solve it and that the best solution to it is not a flat-rate system, but a zone system. In this connection I want to quote from the distinguished junior Senator from Mississippi [Mr. Williams]. He says:

In this connection I want to quote from the distinguished junior Senator from Mississippi [Mr. WILLIAMS]. He says:

* * * I am hoping for the passage of a parcel-post bill based upon the zone system, where charges will be approximately according to the distance that the packages are carried, with the first zone (where the minimum charge would exist) constituted of the runal free-delivery routes and the charges increasing according to the well-recognized freight rule for each succeeding zone. That recognized freight rule, which is approximately carried out in fixing freight rates, "doubles the charge as the distance quadruples." Thus to illustrate: If the charge were made one-half cent a pound up to whatever weight was fixed in the bill—say 25 pounds, just for illustration—for the rural free-delivery zone, which would be 25 miles, then the charge for the next zone would be 1 cent a pound for not more than 100 miles; and the charge for the next zone would be 2 cents per pound for not over 400 miles; and the charge for the next zone would be 4 cents a pound for not more than 1,600 miles; and the next zone would be 8 cents a pound for all distances over 1,600 miles.

The country merchant would thus have virtually a free-delivery wagon furnished by the Government of the United States for his trade upon the rural free-delivery routes. Of course it would not be absolutely free, but the charge fixed would be so small that it would not be one-fiftieth (unless he did a very large business) of what he would have to pay if he kept a man and a horse and wagon and did his own delivering.

If the country merchant would go out of existence merely because people could buy things a little cheaper away from home from the great department stores in the large cities, he would go out of business now, without any parcel post—I mean if cheapness—they want an article quick; that is one thing; and they want certainty and safety of reclamation and exchange in case the article arrives damaged or the wrong article comes; that is another co

Mr. Chairman, the establishment of a scientific, general parcel post on a zone system will practically put the express companies out of business, unless they reduce their now exorbitant rates to the public. If we, by establishing a parcel-post system, cause the express companies to reduce their rates, then we have performed a great service, not only to the merchant, but to all classes of the people.

Surely no one save the express companies will object to a reduction of express charges. Surely no merchant will object to that, and yet the establishment of a genuine parcel post on the zone system will necessarily cause the express companies to reduce their rates or go out of business. In either case the great

majority of people will be benefited.

Now, Mr. Chairman, one other word. I know, we all know, that this provision for a parcel post in the pending bill is subto Hattiesburg. If the flat rate is established, there can be no | ject to a point of order, and unless a special rule is brought in

and adopted by this House making this parcel-post provision not subject to a point of order that possibly no parcel-post legislation will be enacted during this session of Congress. I have heard some rumors flying around that probably the Rules Committee would not report such a rule. I sincerely trust that such is not the case, and hope that a rule will be reported and adopted giving us the right to vote on this very important question in this appropriation bill, so that a parcel-post law may be enacted at this session of Congress.

In the event, Mr. Chairman, this rule is reported and adopted, amendments will be offered that contain the views I hold on the parcel post. I shall vote for them, and I trust they will be adopted; but should these amendments be voted down, then I shall vote for the provisions embodied in this bill in the hope that it will be the entering wedge, the initiation of a movement for a more general and beneficial parcel post in the future.

[Applause.]

Mr. MOON of Tennessee. Mr. Chairman, I yield to the gentleman from West Virginia [Mr. Brown].

Mr. BROWN. Mr. Chairman, the postal service is older than our civilization. In Second Chronicles we read, "The posts went with the letters from the King and his princes throughout all Israel," and Job says, "Now my days are swifter than the post. They flee away." The system derives its name from the posts or relays where the couriers ended their journeys and transferred their letters or packages to their successors. In the beginning these communications were royal privileges, exercised by kings and nobles of one country in correspondence with the rulers and potentates of another, or from the king to the commanding officers of his army. They were first written in wax and subsequently on parchment, and must necessarily have been bulky.

This mail service was conducted, first by runners, and then by horsemen, and we find even where it was carried in the early days of England by oxen; and many people remember the pony express whose daring and hardy riders carried mail and express

across our western plains.

For centuries the government mail service, if it can be so designated, was exclusively the prerogative of kings and the The common people were denied its use. service in the early ages was carried on both by the government and by private enterprise. We are told that swift runners, with frequent relays, have covered as much as 200 miles in a day with special dispatches. Carrier pigeons have also been used for carrying dispatches, and even as late as the Battle of Waterloo a carrier pigeon took the advance news of Wellington's victory to London, and in this way the Rothschilds obtained the advance information of Napoleon's overwhelming defeat, which information they turned to commercial value and thereby laid the foundation of their subsequent colossal wealth. Thus we see that step by step, with the growth of civilization and the advance of knowledge, there has been a commensurate increase and development of the postal system.

In the early colonial days postal service was extremely high, cesting \$1 to send a letter from the United States to Europe or from Europe to the United States, and even throughout our own land the amount of postage was governed by the distance the letter had to travel. It was for Ben Franklin, our first Postmaster General, who enjoyed the munificent salary of \$1,000 a year, to systematize our post offices and bring them into a

measurably satisfactory condition.

The history of the postage stamp is also especially interesting. To a Frenchman named De Valayer, who established a private postal system of his own, belongs the credit of using the first postage stamps. These were slips of paper bearing his inscription and were sold at different places throughout France, and when attached to a letter insured its transportation over his private lines. Spain was next to use the stamp, where a letter, after being stamped by the royal seal and coat of arms, would be carried by Government post. But to Julius Cresar must be accredited the beginning of the franking system. impress of his signet ring in the plastic sealing wax was abundant authority throughout all the known world to secure the safe conduct and free delivery of all his sealed commands. But to England more than all the nations of the modern world is due the greatest advances toward the perfection of a comprehensive postal system. The growth of civilization, the development of the human mind, the advance in literature, science, and art have developed in perfect harmony and step by step with the postal system and each dependent upon the other, and to-day a large portion of the commerce of the world is carried on through the mails. As the business of the world advanced new demands were made upon the Post Office Department. This great portfolio of the Government has always been slow to yield to these demands, and every change that it has made has been a step in the right direction.

To-day the people of the United States are making a new demand, a demand that will place the rural and agricultural districts almost upon the same plane as the man in the city. There the express companies deliver the packages at his door. Would not, under reasonable restrictions, the parcel post do the same for the man in the country? The demand for the parcel post is universal. There is not a community within the borders of the United States that will not be benefited by it, and the increased cost to the Government will be more than made up by the increased amount in postage. The parcel post will tend largely to distribute the blessings of this world. It will increase commerce; it will save time and money to the man on the farm, and increase the comforts and advantages of country life so the comparisons can no longer be urged in favor of the city home. While the postal service originally was the exclusive right of kings and nobles, under our present system of government this right belongs to the people. Their best interests must control it. Their expressed wishes upon the subject must be the law. It is urged that it will start competition with the express companies and hours their discovered and some their discovered and their discovered and some their discovered and the express companies and incur their disfavor and secure their opposition to the party in power, but as a Democrat I will say that I would be proud in this case of the enemies the Demo-

cratic Party has made.

Parcel post is but another step toward the perfection of the postal system. While it may be an innovation in this country it has been successfully tried in other nations of the world. Our Government is slow to change, and we may not get full and complete parcel post through Congress in any one bill, but certainly and surely it will come in time. The interests of the people demand it; commerce demands it; and the advancement of our civilization requires it. There is another great necessity, however, that must go hand in hand with a perfect postal system, and without it the parcel post or the rural free delivery can never become a perfect success-that is good roads. The good-roads movement is as broad as our land. Every community is crying out for increased facilities of transportation. There is no truer test of the intelligence and good citizenship of a community than the character of its roads. In nearly every community throughout the country a good-roads movement has been inaugurated. Many of the States are building State highways and conducting experimental tests for good-road building, but the cry has come up for national aid. In the interior districts, away from the rivers, the people ask: "Why should the waterways be improved at national expense and not the highways?" The objection has been made heretofore that any movement in this direction upon the part of the Government would be an interference with the rights of the State; that the theory of State rights precluded the National Government from carrying into effect any enterprise of this kind. It has been suggested, however, that this objection may be overcome by the Government paying to the several States a proper compensation for the use of the roads in carrying the United States mails, this fund to be expended by the States. It pays the railroads for this privilege. Would it not be equally just to pay the States for the use of their highways over which the United States mails are carried? A bill has been introduced to this effect and, in my opinion, it is not only generous on the part of the United States Government, but also equitable and just. In many sections of the country the rural carriers are embarrassed by bad roads, and the cost of maintaining their horses and mail wagons is greatly increased thereby and time lost in the delivery of their mails. By improving the roads you increase the effectiveness of the service and decrease the expense. There is no branch of this Government more courteous, generous, and efficient than the Rural Free Delivery, and the carriers who go out daily to face the storms of winter and the heat of summer are no less courageous, hardy, and daring than the soldiers who face cannon's mouth. A soldier may never do battle in a lifetime, but the rural carrier contends with the elements every day in the year, and yet he is one of the poorest paid employees in all the Government service. When the parcel post comes his labors will be increased. The income of the Government will also be greatly increased, and, if not before, the rural carrier's salary should then share liberally in the general advance. Every fige brings new ideas, new suggestions, new theories, and a great many changes in the departments of the Government are suggested. These should be studied carefully and advances made slowly but surely. It is the duty of lawmakers in all cases like these to learn to reject the false and accept the true.

I hope to be able to vote upon the floor of this House for a general parcel-post bill-one that will carry with it more advantages, blessings, and comforts than any bill that has passed

through Congress for many years.

Mr. BROWN. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. HILL. Mr. Chairman, I have no time, but I will ask the gentleman from Tennessee to yield to me long enough so that I may ask him a question.

Mr. MOON of Tennessee. I yield to the gentleman from

Connecticut.

Mr. HILL. Mr. Chairman, I asked publicly on the floor yesterday a question in regard to the meaning of section 8. Since that time I have asked other members of the committee, and I find that the other members of the committee agree with my construction of that language. I would like to ask the chairman if the intention is that the 12-cent rate shall apply to a package of 11 pounds originating on a rural free-delivery route and going to another free-delivery route, or originating, for instance, in Chicago and going to a rural free-delivery route in Illinois, or does it mean that it shall go only on the rural mail routes, and that when the package is delivered to the postmaster at the starting point of such rural free-delivery route then it shall take the additional rate over and above the 12 cents? Evidently the members of the committee differ very much in their construction of that language.

Mr. MOON of Tennessee. Mr. Chairman, I do not think there is much room for division. I do not think the com-

mittee would be split up on that question if fairly presented to them. The first section deals with a general parcel-post

proposition. The first section deals with a general parcel-post proposition. It is general in its application.

Mr. HILL. Does it abolish the 16-cent rate?

Mr. MOON of Tennessee. It does not abolish the 16-cent rate. The existing law is an ounce law and this is a pound law. They are separate and distinct propositions, and neither conflicts with the other, in my opinion. I believe you can under this law send a package anywhere in the United States, whether you send it to a rural route from a city or from a rural route to a city, and that it will go for 12 cents a pound; but if you desire to avail yourself of the lower rate of 5 cents per pound, then it must be delivered on the rural route at the initial point or to a carrier on it for final delivery on that route.

Mr. HILL. Let me read the language of the second part of

that section:

That on each and all rural mail delivery routes of the United States the postmaster at the starting point of such route shall until June 30, 1914, receive and deliver to the carrier or carriers of said routes all articles, parcels, or packages not prohibited to the mails by law and falling under the definition of fourth-class matter and not weighing in excess of 11 pounds, for transportation and delivery on said routes only, and the carriers shall receive at intermediate points on all rural routes such mail matter of the fourth class for delivery on their respective routes only.

Then it were an and given these vaters. New door not that

Then it goes on and gives those rates. Now, does not that

bar out the 12-cent clause for the rural route?

Mr. MOON of Tennessee. The 12-cent clause operates on the rural route where the matter is sent from a point not on the route. In other words, if it is sent from a city to a city or from a city not the beginning of the route to a point on a rural route, the 12-cent rate applies, but if you desire to avail yourself of the lower rate, which is intended only to the application of a particular rural route, then you must deposit the matter in the post office or give it to some carrier on the route, otherwise it does not apply. This is one exception to the general proposition of fixing the 12-cent general rate.

I will state further that I have understood that the purpose of making it in this way was to give to the country storekeeper an advantage, which members of the committee thought he ought to have, over the mail-order houses a long distance away, and if the 12-cent rate does go to the rural free delivery route without an additional rate, why, of course, that

advantage is taken away.

Mr. MOON of Tennessee. This bill is not intended to give any advantage to the merchant or to the farmer or to anybody else. The section to which the gentleman refers is to equalize the domestic with the foreign rate. It has been insisted, and properly so I think, that the American people ought to have the same benefit from the use of the mails as to the pound rate that the foreigner has. The pound rate is separate and distinct from the ounce rate, and that section is primarily for that purpose. It does not give any material benefit to the merchant or farmer; it is an equalization of rates for the purpose mentioned. The other section of the bill, the second section, is intended to create a commission to investigate and look into the parcel-post proposition and report as to the feasibility and propriety of establishing such an innovation on our postal system. Now the third section provides for this low rate on a particular route. It is and was confined to a particular route as an experiment, and it is limited to two years and by provision of law it ceases at that time, and the department can ascertain the

workings of the rural delivery. It costs nothing, because the machinery for its operation is already in existence

Mr. HILL. Is not the language of the third section such as to bar out all other mail transportation except at that rate, so that that rate would be additional to the 12 cents?

Mr. MOON of Tennessee. Oh, no; it refers to the general

proposition-

Mr. HILL. It seems so to me.

Mr. MURDOCK. Will the gentleman from Tennessee yield on that same question-

Mr. MOON of Tennessee. Yes.

Mr. MURDOCK. Here is where I see trouble and I want to ask how the gentleman explains it? The section begins as follows:

That hereafter postage shall be paid on matter of the fourth class at the rate of 12 cents per pound.

Now, note this:

Except as herein provided.

Mr. MOON of Tennessee. Yes. Mr. MURDOCK. Now, "except as herein provided" seems to relate necessarily only to the rural-route rates afterwards provided.

Mr. HILL. That is right.

Mr. MURDOCK. Would not that reading of the law mean this sort of interpretation and application of the law, That a package sent from a town to another town and thence out to the farmer on a rural route would take two charges, namely, the 12 cent per pound charge from town to town and the rural-route charge in addition thereto to the farmer?

Mr. MOON of Tennessee. If a package was sent from one city to another and delivered, and then it was sought to send it from there to a rural route at the lower rate, that would

be true.

Mr. MURDOCK. Oh, no; if the rating of this package was

continuous would it not take two rates?

Mr. MOON of Tennessee. If the rating of the package was from New York to a rural route in the State of Maryland, in my judgment, it would go straight for 12 cents.

Mr. HILL. Can not it be made clearer by any language? Mr. MOON of Tennessee. To me it is as clear as it possibly can be.

Mr. MURDOCK. Would it not be made clearer if you strike

out the words "except as herein provided"?

Mr. MOON of Tennessee. Not at all. Mr. MURDOCK. What would happen if we would strike

those words out? Mr. MOON of Tennessee. The exception that is provided here is for the rural route at the lower rate.

Mr. HILL. Would it not be made clearer if the gentleman should make it read this way:

That on each and all rural routes of the United States the post-master at the starting point of such route shall, until June 20, 1914, receive and deliver all fourth-class traffic originating on such route.

Would not that make it clearer?

Mr. MOON of Tennessee. If that makes it any clearer to the gentleman I shall have no objection to it, but it is clear enough now, I think.

Mr. HILL. I want it clear to the department so that it will

Mr. HTEL: I want It clear to the department so that regarding of into successful operation.

Mr. MOON of Tennessee. Mr. Chairman, I yield 10 minutes to the gentleman from Nebraska [Mr. Lobeck].

Mr. Lobeck. Mr. Chairman, about a year ago I was asked by Mr. W. S. Delano, secretary of the Nebraska Farmers' Congress, of Nebraska, what position I would take on the parcelpost proposition. I answered the inquiry, and it was published on May 13 and circulated all over the country. It is as follows: on May 13 and circulated all over the country. It is as follows:

[Omaha (Nebr.) Bee.] (Special telegram.)

WASHINGTON, D. C., May 13.

humble or great, their home merchant has, in the great majority of cases, been the man who has lent a helping hand in time of need, often to his own detriment. It may be said that he was making a profit in the merchandise trade. He should, for he has assisted in every line or avenue of improvement for the welfare of this country.

"So there are two sides to every proposition, and I am willing to be shown before I am ready to support a resolution that vitally affects my neighbors and the people of Nebraska."

I have had some experience in a village store as a boy, in the State of Illinois, when I was hardly tall enough to look over the counter. My father and the other merchants of the village stayed by the pioneer in order to help him build up that

My father, before he became a merchant, as a pioneer farmer had to depend upon the country merchant and help him to develop his farm, just as everyone of his neighbors did.

As a youth I commenced my life work in a country store in Iowa as a clerk, and I know from experience that the pioneer farmers who came to Iowa and Nebraska to build up that country would have been in mighty hard shape if the local merchant had not stayed with him.

The village and small town merchant is opposed to the legislation known as parcel post and which is proposed to be passed in this House at this session. He believes that it will centralize trade into the large cities. He also believes, and has good reason to believe, that the parcel-post agitation with a flat rate in this country is being backed up by, and that the farmer has

been educated to the demand by, the mail-order merchants of the large cities.

Mr. Delano, secretary of the Nebraska Farmers' Congress, wrote me and said it was not so. I had written him that the mail-order merchants were back of the agitation. It so happened that at the hearings in June, 1911, I listened to the testimony of a finely dressed gentleman from New York, and he was asked by Congressman Lloyd, chairman of the subcommittee, if any of the houses he represented were mail-order houses.

He said that two of them were in the mail-order business exclusively, and all the others did a large mail-order business. He was asked, as I recall it, why they were so anxious for parcel post. He said so that the countrymen and countrywomen might have the opportunity to purchase the latest styles of wearing apparel, and so forth, from the centers of fashion; so it was evident to me the reason t'e firms that he was representing were in the business was for gain and desired the assistance of the General Government to hold the trade, and, as his testimony proceeded, it was a self-evident fact. Therefore I was convinced by the evidence that I was correct in my statement that the mail-order houses were backing this parcel-post agitation. farmer has been educated to believe that a parcel-post system, if adopted by the Government in connection with the postal service, would be a panacea for all the evils, imaginary or otherwise, that now beset him. The magazine and periodical writers have been instilling this idea into his mind, telling him that he could reduce the cost of living by trading direct with the factory or first distributor, thereby saving the cost of the expense of the middle man.

One correspondent wrote me that the country merchant should go out and farm and help produce; another wrote me that we could do without the commercial traveling man. If that were so, what would become of the small town, the local consumers of the farmer's productions, and in no wise a small buyer of his products? The traveling man might go to farming, but then he would be a competitor, and he might be a very strong competitor, for many of the best traveling men we have in the country to-day were raised on farms and know something about the When I first commenced traveling, every village possessed a tavern; but when the traveling man came to spend his money the tavern of olden time was transformed into the modern hotel of to-day; and the modern hotel, whether in a small town or a large city, is a large consumer of farmer's products and helps to keep up the prices of what the farmer has

I know something about traveling men from personal experience. When I had grown to manhood I became a commercial I remember well the pioneer merchants of western Iowa and all of Nebraska. The first trip I made into Nebraska was in 1875. Then there were but a few small towns. I recall visiting a hamlet in the Logan Valley, one of the prettiest countries in the world, where I sold merchandise to a small pioneer merchant who struggled along for years to make a living, and in that time there was not a settler in the valley, whether he lived in a dugout, a sod house, or frame shanty, that did not come to this merchant and get credit that he might live until his crops matured. These pioneers could not send to Montgomery Ward & Co., then already commencing a mail-order business in Chicago, and get their supplies; they had no money, and nothing ever goes with Montgomery Ward & Co., or their the traveling man is a menace to the business of the country.

kind, but cash. Would this mail-order house have been a help to these early settlers? They demanded cash for their mer-chandise and the farmer had no money to send them. These settlers would have starved to death had they been compelled to depend on the mail-order houses. Who stood by the country merchant? The traveling man and the jobber. The merchant had but small capital, the traveling man was the credit man, and on his representation the jobber and the manufacturer stood with him. So, hand in hand, the pioneer farmer and the pioneer merchant, the pioneer traveling man and the pioneer jobber have built up the Middle West. This Logan Valley that Jobber have built up the Middle West. This Logan Valley that I have called attention to is now one of the best cultivated and richest valleys on the earth, dotted with splendid towns and villages, with good schoolhouses, fine churches, and offers every comfort necessary to make life happy, and this has been made possible by the working together of these pioneers. Did any mail-order house lend a helping hand in this great work? they ever put a dollar into a church or a school or pay a cent of local taxation? Not that anybody has ever heard of.

So I am to-day standing with the small town, the village, the traveling man, and the country merchant, prime factors in the growth of our country, and I know that when the farmer takes a second thought and recalls the part that has been taken by the traveling man and country merchant in the development of our country he is not going to take favorably to this mail-order legislation that is promised as a panacea for all What is true of Logan Valley is also true of his troubles. all Nebraska and of every Western State, and this story that I

have related can be repeated practically everywhere.

The gentleman from Oregon [Mr. LAFFERTY] asks the ques-The gentleman from Oregon [Mr. LAFFERTY] asks the question, "Who is this junta, working, with headquarters in Washington, against parcel post?" I think I can tell him. They are an organization of wholesale merchants in this country, representing a capital of \$500,000,000 invested in every enterprise that helps to build up a country. They are assessed their full share of taxation, both for city, county, and State, wherever located. This American League of Associations, which the gentleman calls a junta, have for their special objects-

To organize, affiliate, and unite for harmonious cooperation local civic and commercial associations in the towns, villages,

and small cities.

To check the absorption of trade and industry into a few great commercial and industrial centers and to guard against the evils resulting from the overgrowth of large cities.

To encourage the establishment of local industries and the investment at home of home capital, to promote good roads, and to foster all movements for educational and civic improve-

To assist the retail merchant and to cooperate with local associations in the protection and development of home trade.

To gather and prepare data, information, and literature relating to the above subjects and to maintain a publicity and lecture bureau for the purpose of arousing civic pride and to create, foster, and maintain a right public sentiment in favor of promoting the prosperity of the home town.

I know many of these firms personally, and they are the leading merchants of New York, Chicago, Pittsburgh, Indianapolis, St. Louis, Louisville, Milwaukee, Minneapolis, Omaha, St. Joseph, Kansas City, St. Paul, Duluth, Denver, San Francisco, Birmingham, Memphis, Atlanta, and, in fact, in every State in the Union. These firms represent a class of men in this country who have done much to aid in its development.

They are opposed to parcel post on a flat rate throughout the country, because it will centralize vital business into large cities and disrupt the entire system of business that it has taken nearly half a century to build up to a high-class manner of doing business and distributing goods throughout the country, and that will work great injury both to the manufacturer and the producing interests of this country to rearrange the methods of business. This association is compelled to have a secretary here in touch was the legislation; the men that are in favor of a parcel post have their organization represented here trying to secure legislation favorable to their views, and therefore these merchants must keep a bureau of information here; and I have no doubt that many Members in Congress are glad to receive information on matters pertaining to the welfare and interests of this country. These merchants have assisted every community in this country, and I think if the gentleman from Oregon had looked over the list of names of these merchants he would not have designated them as a junction these merchants are 500,000 commercial travelers. The these merchants are 500,000 commercial travelers. Why? he would not have designated them as a junta. Connected with cause it is intended to eliminate them by doing business through In fact, I think they have been advance couriers of prosperity and civilization in this new world. No trip has been too hard for the traveling man to take by team or train, and when he returned from these trips, my experience has been, and so has been the experience of other traveling men, those seeking new homes would inquire of them, and the traveling man would tell them where good locations could be found, and they could depend on him.

The traveling man is a walking encyclopedia of information in the territory that he travels in. They are the men that bring to the farmer, through his country merchant, the new inventions, the new tools, the new harvester, the agricultural implement. The traveling man shows the country merchant the new styles of women's wear and the qualities of goods. My first experience on the road was selling jeans and woolens for a Mississippi woolen mill just commencing business. The traveling salesman has helped make prosperity for the new South. Shortly thereafter I commenced selling hardware, and for 10 years I carried my samples to show a good hinge that some factory like the Stanley works were making; some good lock that Sargent, Corbin, or my friend Hml, of Connecticut, was manufacturing and introducing to the trade. If there was a new tool that had merit, or a new saw that had good quality of steel in it, or there was a new garden tool, I explained it to the country merchant, for we have improved in this country far above all other countries in manufacturing, as everyone knows. The implement traveling man assisted the country merchant in every way. He showed him the new harvester and the improved mower, the chilled steel plow, the cultivator, and every other article intended to help the farmer produce crops easier. These commercial traveling men have created competition among the wholesale houses. They have insisted on their buyers purchasing high-class goods at lowest prices to meet competition between themselves. The merchant has been benefited by it, and, finally, the consumer, the man who pays the bill, has been benefited by it. The traveling man, backed by his house, guarantees the quality of his wares to the country merchant; the country merchant in turn warranted them to the chant; the country merchant in turn warranted them to the farmer or consumer. Does a hammer prove defective; does an ax have a flaw; the merchant makes it good to the purchaser; the merchant or the farmer can always return it because it is warranted. The commercial traveler stood by the merchant; made good to him through his house. The mail-order house of to-day has copied the work of the traveling man, advertising it and put it into print. They state that they will guarantee their goods, but what does the guaranty amount to? It costs too much for the farmer or the mechanic to return it to them. If much for the farmer or the mechanic to return it to them. If they do, they have it inspected by some low priced or paid employee as to whether it was the fault of the farmer or the mechanic and whether he should be entitled to a new tool.

In every line of trade the commercial traveler has made good. He is also quite a consumer. He is a heavy buyer of farm products to-day, either directly or indirectly, either through his home or the hotel where he stops. It would make a good deal of difference to the farmer or gardener. If the traveling man should become a competitor in producing, he might become quite a competitor. The traveling man of to-day is opposed to parcel post, and so far as intelligence goes, they will compare favorably with any class of men. They are some of our best boys; they are the select salesmen of this country; and while they are not great money savers they are great money spenders, and that is what the farmer wants if he is going to get a good price for his products.

The gentleman from Pennsylvania [Mr. Grego] stated the other day that it was to the benefit of the farmer to trade with the mail-order house, because the mail-order house buys goods in large lots and buys seconds to palm off on the American farmer. I do not think the Government should go into the business of assisting this mail-order house in palming off seconds on the farmer or mechanic. I do not think that is good business.

A good deal has been said here to-day about the cost of high living in the cities. May I suggest one of the causes of the high cost of living in the cities. Most of the people in cities live in flats or apartments. It is not convenient nor have they the room to lay in their supplies in such quantities as the farmer or the gardener would deliver to them, so they use the telephone—it is very handy—and they telephone to the grocery store on the corner if they want a package of yeast or a package of crackers or any other small article that they may need. It may not be worth more than a nickel, and they are in a hurry for it, and so it is delivered to them. The groceryman must have means of delivery, which consists of a vehicle of some kind, either a horse and wagon or an automobile. This adds to the cost of distribution in cities. I have

no doubt that it has added 10 per cent to the cost of doing business in the small city. Before the days of the telephone, as, no doubt, the gentleman from Illinois [Mr. Cannon] well remembers, the town people and the farmers came to the stores, bought the goods, and carried the parcels away.

Now, if the local merchant has a general store in his city he has to deliver the goods all over the city or he can not maintain the trade of his customers, and what is true of Danville is also true of every city in our country. It costs the local merchant much more to carry on the business, and this adds to the cost of living.

The apartment and flat house are here to stay for reasons apparent to everyone who has any knowledge of the situation; the mechanic, the clerk, the laboring man must of necessity live as convenient and as near to their work as possible. This accounts for the crowded conditions in our cities to-day.

It has often been stated as an argument in favor of parcel post that the farmer and gardener would thereby have a convenient way of delivering his goods to the city. It does not appear to me that butter, when sent on a mail wagon over muddy or frozen roads or in the heat of summer, and carried by the rural-route carrier, would look very inviting or palatable to the housewife on its arrival. We can all imagine the appearance of a basket of eggs after coming into town on a rural wagon over rough roads. The gardener does business in a different way. He must of necessity bring his vegetables to market early in the morning if he is going to sell them, and the argument of delivering garden stuff, chickens, butter, and eggs does not appeal to anyone that has had experience in the business.

The express companies in this country, with their monopoly of trade and high charges, have had much to do with this agitation of parcel post. Their rates have been excessive, and I think it is about time the Government broke up this monopoly by taking it over and operating it with the Post Office Department. The Post Office Department is now in the parcel business, and so I am in sympathy with measures now before this House to take over the express business with its equipment and methods of distribution already formulated and operate it.

If the Government adopts a parcel-post system with a flat rate, I believe the loss to the Government the first year will amount to more than the cost of acquiring the express companies. The Government could operate the express business without a loss and, in my opinion, reduce the cost of shipping parcels and express matter throughout the country 50 per cent and still have no deficiencies.

I was told when a small lad that the best way to destroy weeds was to pull them up by the roots, and I believe the best way to destroy this monopoly is to remove the cause, and that can be done by taking over the express companies, and the Government should be able to secure as good contracts with the railroad companies for carrying parcels as the express companies are enjoying now.

In conclusion, I wish to say that I am in favor of any system, whatever name it may be called, parcel post or parcel express, with a distance rate of charge. Then the merchant in the large city or small town, the mechanic, the laboring man, the farmer, and the clerk would be on an equal basis as to the cost of transportation, and no one class of people in this country would be benefited alone, and we would continue to develop this country better than ever. [Applause.]

Mr. MOON of Tennessee. Mr. Chairman, I yield 10 minutes to the gentleman from Iowa [Mr. Pepper].

Mr. PEPPER. Mr. Chairman, the particular subject which I wish to discuss this evening has not very much to do with the Post Office appropriation bill, although it has a great deal to do with the administration of the Post Office Department. Since I have been attending this session of Congress I have received a large number of complaints relating to the belated delivery of second-class mail. During the winter months, owing to storms, and so forth, it seemed to me that there was possibly a fairly good excuse for the failure of the Post Office Department to properly deliver the newspapers and the other second-class mail that is now delivered in large quantities through the Post Office Department. But from my information on the subject I am advised that the same condition as to the delivery of second-class mail exists now as has existed during the winter months.

I have before me the statements of men, subscribers to the newspapers of the land, to the effect that their newspapers very frequently have come to them one or two or three days late. One instance in particular is that of a man who lives on the main line of a railroad about 18 miles from the county seat, where I live, who makes the complaint that his daily newspaper, that ought to reach him on the same day that it is published, comes to him two or three days late, and then a number arrive at the same time in a bundle tied up with a string.

I mention that simply as an illustration of complaints that have become very frequent among the people who are interested in the service of the post office. I have been trying to find out why this is so. I have been trying to ascertain if there is any particular reason why this complaint should come now, rather than at some other time; whether conditions at this time are any different than in the past. To do this I have read the hearings before the Committee on the Post Office and Post Roads on this bill, and have sought information from other sources, including testimony from men engaged in the postal service.

The numerous reports received of trains arriving at their terminals with large quantities of mail that the clerks were unable to distribute en route emphasizes the demoralized condition into which our postal service has been forced through a false policy of economy. From letters and other evidence in my possession it would seem that the West and Northwest have suffered most from delays in the delivery of the mails on account of this policy to reduce the force and the facilities below the needs of the service.

As an illustration I would insert in the records the following report of one crew on one train on the main line between Chicago and Minneapolis.

This crew reports carrying unworked mails into Minneapolis

as follows:

s follows:

December, 1910, 1,597 packages of letters, 59 sacks of papers.

January, 1911, 213 packages of letters, 113 sacks of papers.

February, 1911, 118 packages of letters, 41 sacks of papers.

March, 1911, 2,315 packages of letters, 244 sacks of papers.

April, 1911, 40 packages of letters, 17 sacks of papers.

May, 1911, 54 sacks of papers.

June, 1911, 11 sacks of papers.

July, 1911, 108 packages of letters.

August, 1911, 321 packages of letters, 35 sacks of papers.

September, 1911, 1,080 packages of letters, 40 sacks of papers.

Six crews alternate on this train so that it is reasonable to assume that the total amount of unworked mail carried into Minneapolis on this one daily train is about six times the above figures during the time indicated.

During the past month (March, 1912) this same train carried

into the terminal unworked, approximately-

 Pouches of letters.
 40

 Packages of letters.
 1,000

 Sacks of papers.
 1,500

 Sacks of circular letters.
 40

It would be interesting to know the total amount of unworked mail carried into the Twin Cities by that line since this policy of economizing at the expense of efficient service was inaugurated, and what the average delay in the delivery of the mail has been.

This is the concrete example of the conditions on one line. The same conditions, according to reports received, prevail on all of the heavier lines of the country, with the resultant delay in the mails and the consequent detriment to the interests of the patrons of the service.

Local officials are obliged to impose extra-duty schedules and overtime upon the regular clerks to dispose of the accumulation, in proof of which I beg to insert the following copies of official

orders in the records: GENERAL NOTICE.

GENERAL NOTICE.

POST OFFICE DEPARTMENT,
DIVISION OF RAILWAY MAIL SERVICE,
OFFICE OF SUPERINTENDENT FIFTH DIVISION,
Cincinnati, Ohio, February 20, 1912.

Hereafter when clerks reach Cincinnati with unworked mail same will be sent to the terminal railway post office for distribution by the clerks arriving with it if they have been on duty less than 14 hours.

If they have been on duty 14 hours or more, the clerk in charge will phone his chief clerk or assistant chief clerk, who will call on clerks who are off duty to complete the distribution in the terminal.

If the unworked mail consists of letters or letter-sized circulars the distribution under such circumstances will be completed in the Cincinnati Post Office by railway postal clerks.

It is understood that if the quantity of mail at hand in the Terminal railway post office is such as will permit, the distribution will be completed by terminal railway post-office clerks.

C. M. Reed, Superintendent.

(Little Miami Depot. Pin in the book.)

RAILWAY MAIL SERVICE, OFFICE OF CHIEF CLERK, Chicago, September 12, 1911.

Chicago and Minneapolis Clerks.

Chicago and Minncapolis Clerks.

GENTLEMEN: All instructions relative to the dispatch of unworked mail from Chicago and Minneapolis, No. 5 at St. Paul, are hereby reschided.

In effect at once: Clerks in No. 5 will discontinue dispatching all classes of unworked mail at St. Paul, and in tieu will take such unworked mail through to Minneapolis, send it to the Minneapolis post office and the entire crew will report at the Minneapolis post office not later than 8 a. m. the following day and work up such "stuck" or unworked mail in the Minneapolis post office for first dispatch.

They will continue on daty until such unworked mail is worked up, except that the clerk who is due to go east in No. 58 will be excused from duty at 12 noon, providing he does not finish his regular tour of duty in No. 5.

The chief transfer clerk at Minneapolis will please arrange to have any of this unworked mail sent promptly to the Minneapolis post office, and the superintendent of mails will kindly arrange space for clerks in No. 5 to do the work referred to.

In order that this office can have a record of the extra duty performed at the terminal by the clerks, the clerk in charge of No. 5 will make a special report to this office, showing the number of hours and minutes each clerk performed extra duty in the Minneapolis post office, and also show the number of packages and sacks, or both, worked by the individual members of the crew.

Trip reports should be held up by the clerk in charge of No. 5, and the information above noted should also be indicated on the trip report under the heading of "remarks." If there is not room under the heading of "remarks." If there is not room under the heading of "remarks." If there is not room under the heading of "remarks." T. A. CARR. Chief Clerk.

(Copies to superintendent of Railway Mail Service, St. Paul; superintendent of mails, Minneapolis; James McCaulley, chief transfer clerk. Minneapolis.)

There seems to have been such a great demand for economy

There seems to have been such a great demand for economy in the Post Office Department, such a great effort to reduce the expenses, so that they could make some sort of a showing at the end of this fiscal year, that the Postmaster General has seen fit to work the postal employees overtime, on long runs, and to cut down their force, so as to make it impossible properly to

handle the business of the department.

It seems to me that the Post Office Department, if it is anything to the American people, ought to mean a department that renders service. I do not believe there is any great demand in this country for this so-called economy at the expense of efficient service. It does seem to me that if there is one department in this Government that should be close to the people, a department that should be able to render real service to the American people, it is the Post Office Department; and I believe the people are entitled to the best service, the highest kind of service, in the delivery not only of the first-class mail, but also of the second-class mail.

Take, for example, the farmers in the various communities. Oftentimes the delivery of the farmer's newspaper is of the most vital importance. It brings to him the news of the most vital importance. markets, and all the various items that are of vital importance to the farmers and the men who live in the smaller towns.

I say that we are entitled to the most efficient service of this department, and I am not in sympathy with any proposition that this Post Office Department, in order to make a record of economy—a fake record, I pronounce it, because it is not real economy—should sacrifice the interests of the people and impose unjust burdens on employees.

I hope that there may be found some way of reaching the administration of this department, so that the people may at least secure reasonable service in the handling and distribution

of their mail. [Applause.]
Mr. MOON of Tennessee. I yield to the gentleman from South Carolina [Mr. FINLEY].

[Mr. FINLEY addressed the committee. See Appendix.]

Mr. MOON of Tennessee. I yield to the gentleman from

Nebraska [Mr. Lobeck].
Mr. Lobeck, Mr. Chairman, I want to state to the Members of this House that I am in favor of the zone or distance rate in relation to the parcel post, postal express, or whatever it may be termed. That puts the merchant and the farmer on an equal basis. Any law that establishes a zone or distance rate that will lower the cost of carrying parcels I am in favor

of. [Applause.]
Mr. MOON of Tennessee. Mr. Chairman, I ask the Clerk to proceed with the reading of the bill. [Applause.]

The Clerk read as follows:

Be it enacted, etc., That the following sums be, and they are hereby, appropriated for the service of the Post Office Department, in conformity with the act of July 2, 1836, as follows:

Mr. MOON of Tennessee. I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. Hay, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 21279) making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1913, and for other purposes, and had come to no resolution thereon.

HOUSE BILL WITH SENATE AMENDMENTS REFERRED.

Under clause 2 of Rule XXIV, House bill of the following title was taken from the Speaker's table and referred to its appropriate committee, as indicated below:

H. R. 18956. An act making appropriation for the support of the Army for the fiscal year ending June 30, 1913, and for other purposes, with Senate amendments; to the Committee on Military Affairs.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. Jackson, for one week, beginning April 15, on account of illness in his family.

ADJOURNMENT.

Mr. MOON of Tennessee. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 20 minutes p. m.) the House, under the order heretofore adopted, adjourned until to-morrow, Sunday, April 14, 1912, at 12 o'clock

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of War, transmitting with a letter from the Chief of Engineers report of examination and survey of St. Marys River, Ga. and Fla. (H. Doc. No. 697); to the Committee on Rivers and Harbors and ordered to be printed with illustrations.

2. A letter from the Acting Secretary of the Treasury, transmitting copy of a communication from the Secretary of Commerce and Labor submitting estimate of appropriation required for the establishment of the Children's Bureau in the Department of Commerce and Labor (H. Doc. No. 698); to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named as follows:

Mr. LEVER, from the Committee on Agriculture, to which was referred the bill (H. R. 22871) to establish agricultural extension departments in connection with agricultural colleges in the several States receiving the benefits of an act of Congress approved July 2, 1862, and of acts supplementary thereto, reported the same with amendment, accompanied by a report (No. 546), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. ADAIR, from the Committee on the District of Columbia, to which was referred the bill (H. R. 6083) to amend an act entitled "An act for the widening of Benning Road, and for other purposes," approved March 16, 1908, reported the same without amendment, accompanied by a report (No. 547), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. CARTER, from the Committee on Indian Affairs, to which was referred the bill (S. 4948) to amend an act approved May 27, 1908, entitled "An act for the removal of restrictions from part of the lands of allottees of the Five Civilized Tribes, and for other purposes," reported the same without amendment, accompanied by a report (No. 549), which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. SHERWOOD, from the Committee on Invalid Pensions, to which was referred the bill (S. 4623) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors, reported the same without amendment, accompanied by a report (No. 544), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill (S. 4314) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors, reported the same without amendment, accompanied by a report (No. 545), which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 20967) granting an increase of pension to Daniel Newell; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 22022) granting an increase of pension to Alonzo Sidman; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 16123) granting a pension to Eugene P. Twiford; Committee on Invalid Pensions discharged, and referred to the

Committee on Pensions.

A bill (H. R. 12076) granting an increase of pension to Andrew J. Ledman; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 21110) granting a pension to Harry J. Peck; Committee on Invalid Pensions discharged, and referred to the

Committee on Pensions.

A bill (H. R. 18212) granting a pension to Margaret Kennedy; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 19627) granting a pension to William N. Rug-gles; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 6978) granting a pension to Elizabeth L. Bay-less; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 23005) granting a pension to Landon G. Harper; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 22189) granting a pension to James G. Kuhnert; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 23135) granting a pension to Conway Applegate: Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 23042) granting a pension to Agnes C. Wunderligh; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 23170) granting a pension to Theresa Sheidmantel; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 23209) granting a pension to Henry A. Ridgeway; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 22293) granting an increase of pension to Della A. Cooter; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials

were introduced and severally referred as follows:

By Mr. TAYLOR of Colorado: A bill (H. R. 23288) to amend section 4 of an act entitled "An act to provide for an enlarged homestead"; to the Committee on the Public Lands.

By Mr. RAKER: A bill (H. R. 23289) authorizing the Secretary of the Interior to set aside certain lands to be used as a national sanitarium by the Sovereign Grand Lodge of the Independent Order of Odd Fellows, and for other purposes; to the Committee on the Public Lands.

By Mr. PARRAN: A bill (H. R. 23290) to authorize the construction of a bridge across Mattawoman Creek, connecting the village of Marbury, Charles County, Md., with the naval proving grounds at Indianhead, for the benefit of the em-

Ployees of same; to the Committee on Appropriations.

By Mr. BULKLEY: A bill (H. R. 23291) to authorize the coinage of 3-cent pieces, and for other purposes; to the Com-

mittee on Colnage, Weights, and Measures.

By Mr. TAYLOR of Colorado: A bill (H. R. 23292) concerning the mineral springs of Colorado; to the Committee on Appropriations.

Also, a bill (H. R. 23293) for the protection of the water supply of the city of Colorado Springs and the town of Manitou, Colo.; to the Committee on the Public Lands.

By Mr. PLUMLEY: Resolution (H. Res. 492) to provide for printing pamphlet relating to action of Committee on Agriculture on bills to amend oleomargarine law; to the Committee on Printing.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions

were introduced and severally referred as follows:

By Mr. ANDERSON of Ohio: A bill (H. R. 23294) granting an increase of pension to John J. Dairy; to the Committee on Invalid Pensions.

By Mr. AUSTIN: A bill (H. R. 23295) for the relief of Wil-

liam J. Oliver; to the Committee on Claims.

Also, a bill (H. R. 23296) for the relief of the estate of John Northern; to the Committee on War Claims.

By Mr. BELL of Georgia: A bill (H. R. 23297) granting a

pension to Mark E. Cooper; to the Committee on Pensions. By Mr. BROUSSARD: A bill (H. R. 23298) granting an increase of pension to John A. Boutte; to the Committee on Invalid Pensions.

By Mr. BUCHANAN: A bill (H. R. 23299) granting a pension to Dorothea Winklehaken; to the Committee on Invalid Pen-

By Mr. BURLESON: A bill (H. R. 23300) granting an increase of pension to Isaac Smith; to the Committee on Pensions. Also, a bill (H. R. 23201) granting an increase of pension to James M. Roberts; to the Committee on Pensions.

Also, a bill (H. R. 23302) granting an increase of pension to

Henry Schwethelm; to the Committee on Pensions.

Henry Schwethelm; to the Committee on Pensions.

Also, a bill (H. R. 23303) granting an increase of pension to
Frank W. Petmecky; to the Committee on Pensions.

By Mr. CONRY: A bill (H. R. 23304) granting a pension to
Michael Collins; to the Committee on Invalid Pensions.

By Mr. DAVENPORT: A bill (H. R. 23305) granting an increase of pension to John P. Ballard; to the Committee on Invalid Pensions.

By Mr. MICHAEL E, DRISCOLL: A bill (H. R. 23306) granting an increase of pension to William Duffus; to the Committee on Invalid Pensions.

By Mr. DUPRÉ: A bill (H. R. 23307) granting a pension to

Theresa Hughey Kurtz; to the Committee on Invalid Pensions.
By Mr. HAWLEY: A bill (H. R. 23308) granting an increase of pension to Lewis S. Fuller; to the Committee on Invalid Pen-

By Mr. KNOWLAND: A bill (H. R. 23309) granting a pension to Benjamin F. Klippert; to the Committee on Pensions.

Also, a bill (H. R. 23310) granting an increase of pension to Frances M. Comba; to the Committee on Invalid Pensions.

By Mr. LITTLEPAGE: A bill (H. R. 23311) for the relief of the Southern Methodist Church of Marmet, W. Va.; to the Committee on War Claims.

By Mr. LOBECK: A bill (H. R. 23312) granting a pension to Anna Gewinner; to the Committee on Pensions.

Also, a bill (H. R. 23313) granting a pension to Michael Gaygan; to the Committee on Pensions.

By Mr. MAHER: A bill (H. R. 23314) granting an increase of pension to Anna Leonard; to the Committee on Invalid Pen-

By Mr. MALBY: A bill (H. R. 23315) granting an increase of pension to Joel Benjamin; to the Committee on Invalid Pen-

By Mr. MOSS of Indiana: A bill (H. R. 23316) to establish the military record of James W. Miller; to the Committee on Military Affairs

By Mr. MURRAY: A bill (H. R. 23317) granting a pension to Daniel O'Connell; to the Committee on Pensions.

By Mr. PAYNE: A bill (H. R. 23318) granting a pension to Mary A. Stephens; to the Committee on Invalid Pensions.

By Mr. PLUMLEY: A bill (H. R. 23319) granting a pension . Farr; to the Committee on Invalid Pensions.

By Mr. POST: A bill (H. R. 23320) to remove the charge of desertion from the record of Samuel McCullum; to the Committee on Military Affairs.

Also, a bill (H. R. 23321) to remove the charge of desertion from the record of Frederick Rhine; to the Committee on Military Affairs

By Mr. POWERS: A bill (H. R. 23322) for the relief of G. W. Johnson; to the Committee on War Claims.

Also, a bill (H. R. 23323) for the relief of William Taylor; to the Committee on War Claims.

Also, a bill (H. R. 23324) granting a pension to William Roark; to the Committee on Invalid Pensions.

By Mr. RAINEY: A bill (H. R. 23325) granting an increase of pension to William H. Dulaney; to the Committee on Invalid

By Mr. RANDELL of Texas: A bill (H. R. 23326) for the relief of James Mack Brewer; to the Committee on War Claims, Also, a bill (H. R. 29327) for the relief of Robert S. Philpott; to the Committee on War Claims.

Also, a bill (H. R. 23328) for the relief of W. J. Bilderback;

to the Committee on War Claims.

Also, a bill (H. R. 23329) for the relief of the heirs of Robert H. Burney and C. J. Fuller, deceased; to the Committee on Claims.

Also, a bill (H. R. 23330) for the relief of the heirs of Elisha Oliver, deceased; to the Committee on War Claims.

Also, a bill (H. R. 23331) for the relief of heirs of Rebecca

James, deceased: to the Committee on War Claims.

Also, a bill (H. R. 23332) for the relief of the heirs of Daniel
S. Shipman, deceased; to the Committee on War Claims.

Also, a bill (H. R. 23333) for the relief of the widow and the heirs of Daniel R. Wright, deceased; to the Committee on War

Also, a bill (H. R. 23334) for the relief of the estate of Martha J. Couchman, deceased: to the Committee on War

By Mr. SELLS: A bill (H. R. 23335) granting a pension to Eugene Jobe; to the Committee on Invalid Pensions.

Also, a bill (H. R. 23336) granting a pension to John K. Bowman; to the Committee on Pensions.

Also, a bill (H. R. 23337) for the relief of Nathan H. Howard, administrator of the estate of W. G. Howard, deceased; to the Committee on War Claims.

Also, a bill (H. R. 23338) for the relief of the estate of John H. Stout, deceased; to the Committee on War Claims.

By Mr. SHERLEY: A bill (H. R. 23339) granting a pension

to Kate R. Forrester; to the Committee on Invalid Pensions, Also, a bill (H. R. 23340) granting an increase of pension to John Burrell; to the Committee on Invalid Pensions.

Mr. STEPHENS of California: A bill (H. R. 23341) granting an increase of pension to Frank E. Conkling; to the Committee on Invalid Pensions.

By Mr. STEPHENS of Mississippi: A bill (H. R. 23342) for the relief of the heirs of the late Peter Deel; to the Committee on Claims.

By Mr. TAGGART: A bill (H. R. 23343) for the relief of David H. Lewis; to the Committee on Claims.

Also, a bill (H. R. 23344) granting a pension to George T. Anderson; to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:
By the SPEAKER: Petition of residents of Rush, Colo., for

amending the homestead laws; to the Committee on the Public Lands

By Mr. ANDERSON of Minnesota: Petition of L. Whitmore and 14 others, of Wabasha, Minn., against extension of the parcel-post system; to the Committee on the Post Office and Post Roads.

By Mr. ANTHONY: Petitions of E. L. Marshall and others, of Bonner Springs, and Dean S. Stuffey and others, of Ozawkie, Kans., for enactment of House bill 21225; to the Committee on Agriculture.

By Mr. ASHBROOK: Petition of the Licking County (Ohio) Humane Society, favoring the enactment of House bill 17222; to the Committee on Interstate and Foreign Commerce.

Also, petition of Dennis White and 5 other citizens of Newark, Ohio, against the passage of interstate-commerce liquor legislation; to the Committee on the Judiciary.

By Mr. BURKE of Wisconsin: Petitions of Verein Ehemaliger Deutscher Soldat of Plymouth, and Frohsein Singing Society of La Crosse, Wis., remonstrating against prohibition and interstate liquor measures; to the Committee on the Judiciary.

By Mr. BURLESON: Petition of citizens of Austin, Tex., favoring passage of the Berger bill, to provide a general oldage pension for all deserving men and women over 60 years of age; to the Committee on Pensions.

By Mr. FRENCH: Petitions of residents of the State of Idaho, for parcel-post legislation; to the Committee on the Post Office and Post Roads.

Also, petitions of residents of the State of Idaho, protesting against parcel-post legislation; to the Committee on the Post Office and Post Roads.

Also, petitions of residents of the State of Idaho, for regula-tion of express rates and classifications; to the Committee on Interstate and Foreign Commerce.

Also, petition of residents of the State of Idaho, for oldage pensions; to the Committee on Pensions.

Also, petition of the Pleiades Club, of Moscow, Idaho, asking that a tax of not exceeding 2 cents per pound be placed on oleomargarine; to the Committee on Agriculture.

Also, petition of citizens of the city of Kellogg, State of Idaho, urging legislation regulating express rates and classification; to the Committee on Interstate and Foreign Commerce.

Also, petition of citizens of Idaho, favoring passage of bill for parcel-post system; to the Committee on the Post Office and Post Roads.

Also, petition of members of Weiser Local of Socialists, protesting against the treatment of brother workers at Lawrence. Mass.; to the Committee on Rules.

Also, petition of citizens of Weiser, of Kimball, Bingham County, Idaho, protesting against the prosecution of the editorial staff of Appeal to Reason; to the Committee on Rules. Also, petition of citizens of the State of Idaho, favoring passage of bill providing for building of one battleship in a Gov-

ernment navy yard; to the Committee on Naval Affairs.

By Mr. FULLER: Petition of the Colson Clothing Co., of Mendota, Ill., in opposition to the establishment of a parcel-post service; to the Committee on the Post Office and Post Roads.

By Mr. HAMMOND: Petition of L. M. Larson and 45 others, of Hardwick, Minn., urging investigation of certain alleged combinations of coal dealers, as requested by City Council of Two Harbors, Mich.; to the Committee on Rules.

By Mr. LINDBERGH: Petition of residents of Cass Lake, Minn., for investigation of an alleged combination existing be-

tween coal dealers; to the Committee on Rules.

Also, petition of residents of Browerville, Minn., protesting against parcel-post legislation; to the Committee on the Post Office and Post Roads.

By Mr. MARTIN of Colorado: Memorial of Grand Junction Trades and Labor Assembly of Grand Junction, Colo., against Senate bill 3175, to regulate the immigration of aliens to and the residence of aliens in the United States; to the Committee on Immigration and Naturalization.

Also, petition of citizens of State of Colorado, in favor of

House bill 13114, by Mr. Berger, to provide old-age pensions; to the Committee on Pensions.

Also, petition of citizens of State of Colorado, in favor of House bill 16313, providing for the erection of an American Indian memorial and museum building in the city of Washington; to the Committee on Public Buildings and Grounds.

By Mr. MARTIN of South Dakota: Petition of residents of Reliance, S. Dak., in favor of House bill 21225 and opposing House bill 18493; to the Committee on Agriculture.

Also, petition of Black Hills Pomona Grange, No. 3, Patrons

of Husbandry, for a general parcel-post system, etc.; to the Committee on the Post Office and Post Roads.

Also, petition of residents of Leola, S. Dak., for passage of the Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

Also, petition of residents of Hot Springs, S. Dak., for construction of one battleship in a Government navy yard; to the Committee on Naval Affairs.

By Mr. MORGAN: Petitions of residents of Oklahoma City, Okla., second congressional district, requesting that a clause be inserted in this year's naval appropriation bill providing for the building of one battleship in a Government navy yard; to the Committee on Naval Affairs.

Also, petitions numerously signed, from the second congressional district, State of Oklahoma, asking for the passage of the Kenyon-Sheppard bill (S. 4043 and H. R. 16214); to the

Committee on the Judiciary.

Also, petition of citizens of the second congressional district, State of Oklahoma, asking for the establishment of a parcel post; to the Committee on the Post Office and Post Roads.

Also, petition of the homesteaders of McAlister, Quay County, N. Mex., asking for the passage of the Borah homestead bill;

to the Committee on the Public Lands. Also, petition of citizens of the second congressional district of the State of Oklahoma, protesting against the passage of a parcel post; to the Committee on the Post Office and Post Roads.

By Mr. MOSS of Indiana: Petition of residents of Terre Haute, Ind., for old-age pensions; to the Committee on Pensions. By Mr. MOTT: Petition of residents of Cape Vincent, N. Y., protesting against House bill 18788; to the Committee on the

Merchant Marine and Fisheries.

Also, petition of the Chamber of Commerce of the State of New York, favoring change in the navigation laws of the United States to enable us to buy ships in the cheapest market and operate them on a competitive basis with other nations; to the Committee on Interstate and Foreign Commerce.

By Mr. PLUMLEY: Petitions of the Woman's Christian Temperance Union and Methodist Episcopal Church of Benson and the Baptist Church of West Wardsboro, Vt., for passage of the Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary

Also, petition of citizens of Randolph, Montpelier, and Northfield, Vt., protesting against House bill 9433; to the Committee

on the Post Office and Post Roads.

Also, petitions of Vermont State Branch, Federation of Labor, and Barre (Vt.) Branch, International Granite Cutters' Association, for investigation into production, transportation, and sale of coal, etc.; to the Committee on Rules.

By Mr. RAKER: Papers to accompany House bill 23269; to

the Committee on Invalid Pensions.

By Mr. WILSON of New York: Memorial of the New York delegation to the National Rivers and Harbors Congress relative to development of waterways within the State of New York; to the Committee on Rivers and Harbors.

HOUSE OF REPRESENTATIVES.

SUNDAY, April 14, 1912.

The House met at 12 o'clock noon, and was called to order by Mr. Taggart as Speaker pro tempore.

The Chaplain, Rev. Henry N. Couden, D. D., offered the fol-

lowing prayer:
Our Father in heaven, glorify the service which brings us together on this penceful Sabbath day by Thy holy presence,

that we may be purified, exalted, ennobled.

We thank Thee for the life, character, and achievements of the Member in whose memory we are assembled. Grant that they may be written in characters of light on the pages of history, that others may read and be inspired to useful and noble lives. We mourn his loss, but are comforted in the thought that he still lives in some higher, to the east whom he this the solace to the bereaved wife and to those to whom he was bound by the ties of kinship:

"For I am persuaded that neither death, nor life, nor angels, nor principalities, nor powers, nor things present, nor things to come, nor height, nor depth, nor any other creature shall be able to separate us from the love of God, which is in Christ Jesus our Lord." Amen.

The Journal of the proceedings of Saturday, April 13, 1912, was read and approved.

THE LATE REPRESENTATIVE MADISON.

Mr. CAMPBELL. Mr. Speaker, I offer the resolutions which send to the Clerk's desk.

The SPEAKER pro tempore. The Clerk will report the reso-Intions

The Clerk read as follows:

House resolution 493.

Resolved, That the business of the House be now suspended that opportunity may be given for tributes to the memory of Hon. Edmond H. Madison, late a Member of this House from the State of Kansas.

Resolved, That as a particular mark of respect to the memory of the deceased and in recognition of his distinguished public career the House, at the conclusion of these exercises, shall stand adjourned.

Resolved, That the Clerk communicate these resolutions to the Senate.

Resolved, That the Clerk send a copy of these resolutions to the family of the deceased.

Mr. CAMPBELL. Mr. Speaker, I move the adoption of the resolutions

The resolutions were agreed to.

Mr. CAMPBELL. Mr. Speaker, I have asked that the usual business of the House be suspended to-day for the sad purpose of paying a last tribute to a former Member of this House, EDMOND H. MADISON.

Judge Madison was born in Illinois in 1865. He came of a sturdy and religious stock. His father and mother had been pioneers in a new country. They knew by experience what it was to come in contact with plain and hard conditions. Judge Madison inherited from his parents a rugged character. He had decisive notions about the duties of a citizen. He was plain in his tastes, honest in his beliefs, modest in his ambitions, and decidedly practical in all his methods. I have rarely known a man in public life who had a more accurate idea of the duties of a man in high station than Congressman Madison.

He came here from the bench. There he had exercised the authority of a judge. On the bench he was in action every day. He was the central figure in the court. His opinions were announced from the time the court convened in the morning until it adjourned in the evening, and were only subject to reversal or revision by the supreme court. It is said of his judgments that they were usually right. This mode of life for a number of they were usually right. This mode of life for a number of years gratified that ambition that most men of ability and ca-

pacity possess.

He entered the House of Representatives, as I say, after a long service on the bench. He was more or less disappointed in the first few months of his service here. There was a lack of that exercise of power and authority to which he had been accustomed on the bench. He talked about it freely. I do not violate any confidences when I say that he often talked of quitting Congress and again resuming the practice of the law, with the ultimate idea of once more ascending the bench. But, being conscientious in the performance of his duties here, as elsewhere, he devoted himself to his work, and, one step after another, he found himself becoming more and more interested in and connected with the work of the House. I do not say what I am about to say in disparagement of any man who enters this House as a new Member; but it is rare that a man with so short a service as Edmond H. Madison has acquired the position in this House that he had at the hour of his death.

On the 18th day of September last ED. MADISON, in his home in Dodge City, arose at the usual hour and apparently in his

usual health. He had been enjoying a few weeks with his friends and his constituents throughout the district. Everywhere he was met with their plaudits and a cordial approval of his public career. He was having commendation not only from his own district and State but from the people throughout the entire country. It is needless to say in this condition of public attitude toward him he felt serene as to his political

future. The future looked exceptionally bright.

He was happy among his people and had the confidence and esteem of them all. He was especially devoted to his wife and children—a devotion they fully returned—and on the morning of his untimely death, within three minutes before he expired, he was playing joyfully and gleefully, romping about the house, with a grandchild. The morning meal was announced, he seated himself in his usual place at the table, a few words of conversation were exchanged, and in an instant his head dropped forward, and before his wife could reach his side life had gone and EDMOND H. Madison entered the portals of death.

He had a hope that reaches beyond this life. He came not

only from a rugged stock, but a religious stock, and with him we all indulge the hope in which he indulged, that in some other

sphere he is to-day fulfilling the mission of his life.

Whatever is so universal as death must be a blessing.

Mr. RUSSELL. Mr. Speaker, as his former associates and friends in this House we meet to-day to pay a last tribute of respect to the memory of Edmond H. Madison. It is fitting ves: more; it is a sacred duty-that we who knew him whose name is now enrolled amongst the dead should bear public testimony to his qualities and character.

Some have spoken and others may speak of their long acquaintance with him, of his private life, and professional career prior to his service in Congress, but I did not know him till I met him here on the opening day of the Sixtleth Congress; and what I shall say must be based upon my information of him

obtained since that time.

But, Mr. Speaker, since our acquaintance began few, if any, had better opportunities to observe the character of his private life or to know better than I the value of his public services. We entered Congress together, and with our respective families lived at the same hotel in this city during the sessions of the House. We at once became warm friends, and frequently enjoyed friendly, social, and confidential intercourse.

Judge Madison was an honest, industrious, and a faithful Representative of his constituents. To serve them well and acceptably was his paramount purpose and his highest ambition, and to the fact that he succeeded well I, as his friend of a sister State, am glad to add to-day my testimony to that of his

friends and colleagues of his own State.

By his industry and his close attention to his official duties he soon became recognized as one of the useful Members of the House, and by reason of his ability, sound judgment, and forcefulness in debate he later became a recognized leader of the House. His originality of thought, his independence of action, and his fearlessness in defending his position and in advocating the principles for which he stood won alike the confidence, the admiration, and the respect of both his political friends and

I trust it will not be considered inappropriate for me to state that in the last extended conversation I had with him he very earnestly expressed his profound regret that the wing of the Republican Party of which he was a leader, known as "Insurgents," had failed to embrace what he believed was their greatest opportunity for exerting an important influence in constructive legislation and statesmanship when they failed to stand as a body by President Taft in his advocacy of the Canadian reciprocity bill. That was soon after its passage by Congress, and was, of course, before it was known or expected that it would be defeated by the Canadian Government.

Judge Madison's death, instantaneous as it was, came as a shock to us all, but to none with such bitterness and grief as to his own devoted family in his own home, among whom, without a moment's warning, he was stricken down and transferred from the bright and cheerful expressions of animation and life to the cold and mysterious silence of death.

Former Senator Vest, one of the greatest men, if not the greatest, that Missouri has ever produced, once said over the grave of a departed friend, "Every death is a tragedy." If the ordinary death from natural causes, after a lingering illness of days or weeks, is a tragedy, as the great Senator declared, how much more tragical was the sudden and unexpected demise of our friend Judge Madison, who, in the midst of health, happiness, and hope, was suddenly stricken down by the cruel hand of death.

I attended the funeral of Judge Madison at his former home in Dodge City, Kans., and witnessed there the unmistakable evidences of the high place he held in the confidence and in the hearts of his home people. The entire city was in mourning, the business houses were all closed, the schools dismissed, and 4,000 school children lined the streets to join in the universal expression of sorrow as his body was borne to and from the church. Sadness filled the hearts of all the people, and many of them wept as they spoke of the distinguished dead.

The citizens there-men, women, and children-all knew him and usually spoke of him as "ED" MADISON, which to some might have seemed disrespectful, but to those of us who live in smaller cities or communities such familiarity is not repulsive, and especially to those of us who live among the associates of childhood and the friends of a lifetime, as such familiarity rather bears with it the priceless message of old and true friendship, the ties of which have grown stronger with the years of intimate association, joint responsibilities, and mutual

sympathies.

In this age of the world the tendencies of the aspiring and ambitious seems to be to seek homes and fortunes in the great cities and the great centers of population, but I have often thought, and am prone now to believe, that the smaller city or community is preferable as an ideal home; and as I witnessed the great respect shown to the memory of Judge Madison by his former neighbors and friends, as I heard them speak of the great value of his life work and his influence for good, and as I heard the beautiful expressions of their confidence and love for him in life and of their deep sorrow and the realization of the great loss they had sustained in his death, I was again deeply impressed with the belief that life in our smaller cities is not without its adequate compensation.

Judge Madison was prominent and influential as a citizen; he was able and just as a lawyer and a judge; he was an honest and a faithful Representative in Congress; he was active in his support of his home churches, local lodges, and schools; he was a kind and affectionate husband, a loving and indulgent father, and left to his family the priceless inheritance of a spotless name. His life was an inspiration to the youth of the land, and his noble traits of character were worthy of the emulation of us all. His home people, who knew him best, loved him; they honored him in life and now all mourn his death, and we, his former associates in this House, join with them in praising his many virtues and in revering his memory.

Mr. NORRIS. Mr. Speaker, in rising in my place to pay my weak tribute to the memory of Judge Madison I am performing a duty more painful than any that has been my lot since I have been a Member of this House. Of all my treasured friendships here his was the nearest and the dearest. I knew his ambitions. I knew his hopes. I knew his fears. I learned to respect him for searching wisdom, to admire him for his unflinching honesty, and to love him for his fearless courage. From abject poverty he struggled on until his master mind had placed him among the leaders of men who stand for nobler things, for higher ideals. In his great heart he felt the piercing cry of struggling mortals. With wisdom as his guiding star, with justice as his spear, with honor as his shield, and with mercy as his watchword he plunged into every struggle with a dauntless courage, utterly regardless of his own safety or his own welfare. His country was his idol, his conscience was his master, and humanity was his god. He never hesitated to defend what he believed to be right, and he always denounced evil wherever he found it. He believed-

To sin by silence when we should protest
Makes cowards out of men. The human race
Has climbed on protest. Had no voice been raised
Against injustice, ignorance, and lust,
The inquisition yet would serve the law
And guillotines decide our least disputes,
The few who dare must speak, and speak again,
To right the wrongs of many.

The story of his life is a glowing tribute to courage and fidelity. No man in public life was better fitted to perform our country's service. He knew the struggles of the poor. His heart responded to every pulse beat of the honest citizen. He sympathized with humanity's just demands against the heartless claims of avarice and greed, and his analyzing mind was able to solve all the perplexing problems of government and of state. Beneath our flag there was no place of honor and of trust that he could not have filled with distinction and with credit. He served our country well, but his service and his life redounded to the betterment of humanity everywhere. But in the midst of his usefulness, in the strength of his magnificent manhood, with his task yet uncompleted, with his work yet unfinished, he was stricken down without warning and without notice. His death almost brings to our mortal minds a doubt of the wisdom and the justice of Providence.

Oh how strangely the course of nature tells,
By her small heed of earthly suffering,
That she was fashloned for a happier world.
Or is it not better to say that it all reminds us of an immor-

tality, a future life, where the pains and ills of mortal man are lost in the realms of eternal bliss; an immortality where-

No grief shall gnaw the heart, And never shall a tender tie be broken.

Weeping for the death of one so great, so faithful, and so true, we stand upon the shore of the silent river, and with mortal, tearful eyes we strive in vain to pierce the mists that rest upon its bosom and that enshroud the silent boatman and our departed friend upon his voyage to the unseen shore. And as we watch and wait the listening ear can hear the muffled dipping sound of the returning oar. At our tired feet the breaking of the rippling waves upon the sands reminds us that soon from out those mists there will be seen the determined face of the ever-returning boatman bearing a summons that we must obey. While we are waiting on this shore we can best honor the memory of our brother who is waiting on the other shore by always bravely fighting what is wrong and defending what is right, by courageously exposing and condemning wickedness and crime and honoring and protecting honesty and truth, and by being grateful to our Creator, true to our country, and merciful to all humanity, so that when our summons comes it may be said of us, as I now say of him-

One who never turned his back, but marched abreast forward;
Never doubted clouds would break;
Never dreamed, though right were worsted, wrong would triumph;
Held we full to rise, are baffled to fight better,
Sleep to wake!

Mr. GARRETT. Mr. Speaker, when one thinks of the death of our late colleague there irresistibly comes to his memory the familiar lines from the favorite poem of Lincoln:

Oh, why should the spirit of mortal be proud? Like a swift-fleeting meteor, a fast-flying cloud, A flash of the lightning, a break of the wave. Man passes from life to his rest in the grave.

I have not had an opportunity to prepare that eulogy of our late colleague which his conspicuous merit not only justifies, but demands. It was my good fortune from the beginning of his service here to be thrown in close official and personal contact with him. We served together on the Committee on Insular Affairs, on the special committee appointed to investigate the Sugar Refining Co. and others, and had begun our service together as members of the Committee on Rules.

Of course, it is in the committee service, after all, that we have here the best opportunities for observing and measuring our colleagues, and from the beginning I was impressed with the splendid ability of this splendid man. A part of the service on Insular Affairs during the time that we served together was devoted to the investigation of the public-land administration in the Philippine Islands. In that investigation, as later in the Sugar Refining Co. investigation, I was impressed with the tremendous force of the man as a lawyer, and, of course, was impressed there, as we were always impressed here on the floor of the House and everywhere we met him, with the fairness and sense of justice that animated him.

Courage, candor, and courtesy were all blended in this man, and added to these were the superb intellect, the intuitive, in-stinctive grasp of public questions, and all these necessarily rendered him a leader among men. He would have been a leader in any body of men anywhere in the world. He had all the elements of leadership.

had some opportunities to observe his family relations. I think it would not be possible to find in any home in this country or elsewhere a tenderer, sweeter, gentler affection than that which existed in the home and family of our lamented colleague. When he died his State suffered a distinct loss. When he died this country suffered a distinct loss. He was a man of ability; he was a man of absolute candor, and of vast and magnificent courage, and the Commonwealth or the country which loses a man who possesses these elements, coupled with the distinct ability which was possessed by Judge Madison, suffers a great less, no matter what his partisan political affiliations may chance to be.

As I said in the beginning, Mr. Speaker, I have not had an opportunity to prepare that eulogy which I should have liked to prepare for delivery upon this occasion, but I should have felt that I had not done right if, after the close and pleasant relations which existed between our lamented colleague and myself. I had failed to at least appear here to voice my appreciation of his life and splendid character.

Mr. GARDNER of Massachusetts. Mr. Speaker, during my term of service many an admirable Member of this House has passed away, many an old friend has left us behind. And yet until to-day I have never unasked composed a eulogy. Such is the difficulty of formulating new words of praise that we all, as I believe, shrink from the reiteration of the many times told tale of affection and respect.

I am sadly aware that I can not satisfy even myself by any words which I may speak, still for all that I have asked permission to record my sober grief for Madison's decease, my solemn

pride in Madison's remembrance.

Leadership in this House is not to be gained in a day, it is not to be gained by eloquence, it is not to be gained through favoritism, nor is it to be gained by good-fellowship. Long service, industry, thoroughness, learning, all help to make the leader; yet all these advantages together are nothing in the balance as compared with the one greatest quality of courage. When I see a Member of this House grasp a flaming brand which I do not dare to grasp, that Member can lead me. Madison tested and he was not found wanting. Madison was an insurgent, Madison was a progressive, but he was an insurgent and a progressive from conviction; not because in-surgency and progressive views were popular. All this I know, because I saw Madison's courage tried and proved. With a struggle for reelection in front of him, with an active labor vote in his district, I saw him arise in his place and I heard him condemn a labor measure which he believed to be wrong. There was everything for him to lose, nothing for him to gain. And yet, if in some happy hunting ground his spirit is conscious of our homage to-day, he must know that at least he gained the steadfast respect of a fellow man.

The Persians believe that for three days after the death of a good man the soul lingers close to his life-long friend, the body. On the fourth day the soul ascends in the company of his guardian angel to render his account at the gate of "Chinvat Bridge." In his upward journey, floating on the soft south wind, he meets his own astral self transformed into an entrancing figure of seraphic beauty. This figure reveals itself to him as the embodiment of his own good thoughts, good words, and

good deeds.

Oh, if the Persian creed be true, with how transcendent a beauty must Madison's astral self have dazzled his pure white soul!

Mr. YOUNG of Kansas. Mr. Speaker: We know not what the future hath Of marvel or surprise; Assured alone that life and death, His mercy underlies.

I regard it as a sad privilege to assist in writing into the permanent records of this House a tribute that shall help to garland as with evergreens and adorn as with immortelles the memory of the life of EDMOND H. MADISON, and with his colleagues to stand uncovered in recognition of the real good of life as lived by him. On occasions like this we labor for suitable phrases and struggle for adequate sentences to do justice to such a life, and they come not-then it is that the impotency

of words becomes apparent.

His colleagues may miss him in this Chamber, but Kansas most of all, for her people deeply mourn the great loss. Among the noted men of the Nation whom we all cherish Kansas, his beloved Commonwealth, has contributed many, among whom was the great commoner, the constructive statesman, the man of the people, Senator Preston B. Plumb, and that other eminent statesman, the matchless orator and master of the English language, who polished every word that fell from his lips until it reflected new meaning, embellished every phrase with increasing luster, and electrified every sentence with irresistible energy, and before whom every adversary trembled in debate, whose power and diguity is but feebly portrayed by the artist as seen in another hall of this Capitol. Senator John J. Ingalls; and to-day the country looks at that splendid galaxy and sees an added star, no less henored, no less loved, and no less bril-liant in service to country and humanity than they.

It is said that life is a mystery and that death is simple and natural, yet the latter is always impressive. It has also been truthfully said that the span of life is marked by springtime and autumn, for if we will but lift up our eyes and behold under the shining canopy this day, we will see nature blossoming forth everywhere with verdure, life, and beauty. The green blades are coming forth, the buds are opening, the flowers are blooming, and all is radiant with the mystery of life; and in the last analyses the philosopher explains it not. Travel on until the chills of autumn are reached, with eyes earthward turned, and behold the leaf is seared, the blade is no more, the bud is gone, and the flower is dead upon the stock; and all along

the pathway, from spring to autumn, here and there, prematurely, blades decay, buds fail to open, flowers bloom no more, and great trees of the forest wither and die in midsummer; so it is in the pathway of human life, where, without a single note of alarm, our colleague fell by the wayside before the allotted time of man.

Life is often called a voyage-a journey from shore to shore. If so, his was but half completed, for the full-freighted bark, with all its precious cargo, suddenly went down in midocean.
"If a man die, shall he live again?" was the absorbing

problem of the race for centuries.

The solemn singers and their songs,
The shrouded dead, the bier and pall;
Oh, death, mankind has waited long
To know if death shall end it all!

And the answer did not come until a voice on the Judean hills was heard to say, "I am the resurrection and the life."

Invert the torch and quench the light, And let the darksome tomb enthrall; The star of hope gleams through the night; Oh, loving hearts, death is not all.

There is no death; the stars go down, To rise upon some other shore, And bright in heaven's jeweled crown They shine for evermore.

Sharing the conviction entertained in nearly every breast, consciously or otherwise, that "man is immortal until his work is done," and being impressed with the magnitude of the burden resting upon his broad and untiring shoulders, and believing that public duty should not be at the mercy of those who gauge everything from the standard of selfishness and ambition, but that politics should be a science and not a scramble, he did not hesitate to undertake any task however great in the interests of his people and State. As he toiled on, his hosts of admiring friends never even suspected any weakness to be lurking in his apparently robust physique which would soon end all, and dispel their fond dreams that his career would go on for years to come.

Born of a lineage which has given a President to the country, reared by a godly father and mother in a home where luxury and idle hands were not supposed to have a place and where all understood and obeyed the divine law to go forth and earn bread by the sweat of the brow, he toiled at whatsoever his hands found to do, and was not ashamed of the grime of his hands or the garb of the laborer, but esteemed each the badge of honor in the sight of God, whom he early learned to love and serve as the whole duty of man. As a Christian, his faith and life were of the stalwart, sustained, even-going order which neither time nor season nor environment in anywise affected. He was unusually familiar with the Book and the hymnology of the church, and, while not pretentiously pious or demonstrative, he could repeat the Book and sing the old familiar songs of the church with such ability that those who heard were charmed with the sincerity of his devotion to the God taught him by a sainted father and mother.

As a youthful country school-teacher, the first rung up the ladder that has raised thousands up this country's true loyally to positions of loftiest eminence, and that marked the way of the martyred Garfield from the towpath to the Presidency, he was himself a student, a scholar, and instructor.

From school-teacher he passed to law student and then to practitioner at the bar, where he soon found recognition as an able, trustworthy attorney, one in whom clients could place implicit confidence and whom courts from highest to lowest would hear, and to whom they gave full weight of considera-tion, respect, and accord. Chosen to the office of county attorney, he became the terror of evildoers and lawbreakers in his community, restoring order where lawlessness had reigned, bringing decency in place of dissipation, and a higher and cleaner civilization, which remains to this day.

Elevated to the judgeship of the district court, he pursued

the same thoroughgoing course, and no man ever wore the judicial ermine with more dignity and credit to himself or satisfaction to the lovers of law and justice.

From the court, where he so evenly balanced the scales of justice between man and man, he was called by a confiding people to the greatest legislative body in the civilized world, people to the greatest legislative body in the civilized world, where he exchanged the quiet of the courtroom to the fiercest forum in debate among men. Of his going in and coming out and service in this Chamber his colleagues are familiar. Of his life it may be truthfully said that he was singularly honest, conscientious, and upright in all his ways; clean clear through to his soul; modest as a child, but bold as a hero. He was always active, and performed with courage every duty that fell to his lot better than expected, and never disappointed; he was strong in thought, clear in statement, logical in argument, and was ever mindful of the feelings of others, never stooping

to innuendoes or biting sarcasm to humiliate an opponent at the expense of the dignity of debate.

He was therefore a wielder of mighty influence and the builder of a character so strong and towering that it commanded the profound respect and admiration of all with whom he came in contact:

The purest treasure mortal times afford Is spotless reputation; that away, Men are but guilded loam or painted clay; A jewel in a ten times barred up chest Is a right spirit in a loyal breast; Mine honor is my life; both grew in one; Take honor from me and my life is done.

Antony's saying that "the evil men do lives after them," if true, would leave such men as Edmond H. Madison without memory among men. But it is not true. The good men do is their monument, and it lasts forever.

The heritage that he has left us in his flawless character and unsullied reputation, and the love and esteem in which he came to be held, not only by his colleagues but at home and abroad, is a more coveted distinction than the gift of the greatest office in the land and comes to the country in these times with a peculiar and indescribable benediction, the memory of which will be as pleasant as the murmur of a low fountain stealing forth in the midst of roses or the soft, sweet accents of an angel's whisper in the bright dreams of innocence.

EDMOND H. MADISON is gone, and we may long For the touch of a vanished hand And the sound of a voice that is still;

and we are disappointed, yet somewhere, somehow, we feel there is a shoreless beyond, where no shadows fall, which is cooled by the perfume of Eden's flowers of every hue, that can not wither and shall not fade, and in that realm he has found that restful employment so beautifully described by Kipling: that restful employment so beautifully described by Kipling:
When Earth's last picture is painted and the tubes are twisted and dried,
When the oldest colors have faded, and the youngest critic has died,
We shall rest and, faith, we shall need it—lie down for an zon or two,
Till the Master of All Good Workmen shall set us to work anew.
And those that were good shall be happy; they shall sit in a golden chair;
They shall splash at a ten-lengue canvas with brushes of comet's hair;
They shall find real saints to draw from—Magdalene, Peter, and Paul;
They shall work for an age at a sitting and never be tired at all.
And only the Master shall praise us, and only the Master shall blame,
And no one shall work for money, and no one shall work for fame;
But each for the joy of the working, and each in his separate star,
Shall draw the Thing as he sees It for the God of Things as They Are.

MURDOCK. Mr. Speaker, over and above his great qualities, he was splendid in mental equipment, strong in conviction, quick in perception, alert to the inspirations of debate, and vigorous in his advocacy of a cause—there was another element in the late Edmond Madison which made the high place attained by him in public affairs remarkable. For while the attributes which Mr. Madison possessed in superlative degree bring men into prominence congressionally, we know the process is usually slow. With Mr. Madison the attainment was rapid. He had but two terms in Congress. Yesterday he was a stranger here; to-day known of all men. Quickly as he ascended, he was sure in every step upward, and there was no man's future in public life, before the black curtain fell between him and its splendors, more certain than his.

I remember his youth, for his start in life was in my country. Thirty years ago he was teaching school near Wichita-busy with the minds of an interesting group of children in Cook's schoolhouse, a red brick building, small, squat, solitary, and asleep in the sunshine beside a dusty prairie road. Eventually he came to town and studied law in the office of a pioneer, G. W. C. Eventually he Jones, and when admitted to the bar he moved westward to Dodge City, where he rose quickly in public place and popular esteem from county attorney to district judge, from district judge to Congressman.

From the very beginning of his career he loved a campaign. The rostrum inspirited him. Happiness was his at the soldiers' reunions, at the harvest picnics, and before the critical audiences that gather in the court rooms in the smaller towns of western Kansas. And in a State convention, in a nominating speech, he won early in his career a reputation that soon became

State wide.

This gift of speech in him, and the joy of him in it, he brought to Washington and to Congress with some fear. We have talked often about it. His first speech here was a success, and from that moment his rise in Congress was signal. And yet that moment was to him, as it must be to all, one of anxiety and of quickening pulse—an ordeal. Yet the success of his first effort here, besides revealing to the membership the presence of a new strong mind, was in a way an epitome of his correct and so for as a single individual can reflect it the his career, and, so far as a single individual can reflect it, the ever-recurring, fascinating story of the democracy, as it is developed at every session of Congress.

The House is never the sum of the individuals who compose it; it is in its aggregate something more, something less, and something quite different. It seems at times as elemental in its emotional equipment as a child, as quick in its reactions, as instinctive and as funciful. If the mood be upon it, the House, in appreciative and responsive attention, can be the most subtly flattering of audiences, and it can be also unspeakably cruel and refined in applying the torture of its indifference. The 390 men, in this ability to listen sympathetically, are as any other audience similar in size; but the 390 men, as an audience that listens for a moment to a new Member and rejects the speaker, often without reason, displays a cruelty impossible in any ordinary audience or, indeed, in any one of the individuals

A new Member of Congress ordinarily recognizes the capacity of the House for this unconscious cruelty. He is also impressed and oppressed, as a rule, with the thought that the House is highly sensitive to first impressions and tenacious of them, once His whole future, it often seems to him, may be

wrecked upon a single effort.

There is, then, an added wreath to the victory of the first speech here when the idle glance the House turns at the sound of a strange voice evolves slowly from curiosity into interest and from interest into eager attention. There are many manifestations in this group of men who congregate under the rule of a restless and unavailing gavel, but there is none so close to a miracle as the marvelous silence of the noisy House when its interest commands silence. He who wins that silence by his eloquence, his logic, his information, has won a victory. There is no denying its sweetness.

Our colleague, Mr. Madison, won it in his first speech-one dealing with the writ of injunction, a difficult subject-and he

never sued for attention again in vain.

He won it by a certain remarkable gift, strongly evident in this speech—in fact, in all his longer addresses here—the gift of clarity of statement. If there be a technical definition for this in dialectics, I do not know it, but Mr. Madison had a method of weaving his argument into the fine fabric of his statement with such skill that an opponent who granted any part of the premise was liable to be taken into camp, bound hand and foot. I have not seen this gift in anyone in the degree hand and foot. I have not seen this gift in anyone in the degree in which Mr. Madison possessed it, here or elsewhere. It will be remembered by those who listened to his speeches on the writ of injunction, on the corporation tax, and on the rules of the House.

In the possession of this particular gift and what he wrought here with it, and his other attributes revealed in the consideration and debate of public questions, is the story of democracy as we see it unfold here day by day, as our friend Madison saw it and eagerly shared in its development. Since any one of us has been in Congress the personality of Mr. Manson stands distinct. That personality has not been repeated, and will not be. His type had not gone before and it will not come again. No two Congresses are alike. Each differs from its predecessors and from its successors. And this is as much because of the change of membership as of the change in political issues. The forms and usages of Congress—indeed, the brevity of tenure alone—would seem to doom all who come to be reshaped in a certain monotonous mold. But character, temperament, individuality persist. The variation of types the House shows is endless, and this circumstance changes the complexion of Congresses, and in the curious intermingling of personality and issue in debate gives color to the one and identity to the other; for in the House, as on the hustings, we personify our principles and look once at the platform and twice at the candidate.

Mr. Madison was of the strong individualistic type. This was his characteristic and the roots of it ran far back. As he was, so were his forebears. They were pioneers. The fiber of self-reliance they gave him he strengthened. Noble in impulse, gentle and just in counsel, kindly in controversy, there was a certain largeness in his vision and broadness in his convictions that clothed him with extraordinary power among his colleagues. That power grew with its exercise and was making for Mr. Madison, when he passed suddenly from among us, a

more and more brilliant future in national life.

His district was the country of earth and sky-prairies that stretch floor-flat far to the unbroken circle of the horizon; a sky unobstructed and undiminished, answering to the magnitude and majesty of the plains. He loved the spell of the prairies. He longed often, when we talked together here in Washington, for the restful silence of the country that brings in its very monotony of landscape a man into closer relations with the profundities and nearer nature and nature's God.

He has passed on quickly from among us into the shadows where for each of us a grave is hidden. From out the dark there comes to us no guiding cry. Yet from somewhere in the silences, the silences that lie between the quick and the dead, sounds the earnest that is higher than hope, deeper than belief, the earnest that echoes always in the soul of the quick-that the dead live—the earnest that the spirit of our friend, the character it adorned, are and can not be of time, the earnest that they are and must be of eternity.

Mr. RUSSELL. Mr. Speaker, the gentleman from Kansas [Mr. Neeley], the successor of Judge Madison, is unavoidably absent on account of official business, and I ask special privilege for him that he may extend his remarks in the RECORD upon the life and character of Mr. Madison.

The SPEAKER pro tempore. Without objection, it will be so

ordered.

There was no objection.

GENERAL LEAVE TO PRINT.

Mr. CAMPBELL. Mr. Speaker, I ask unanimous consent that all Members of the House who may so desire may extend in the RECORD remarks on the subject of the life, character, and public services of the late EDMOND H. MADISON.

The SPEAKER pro tempore. The gentleman from Kansas asks unanimous consent that all Members who may desire may extend in the Record remarks upon the life, character, and public services of the late Edmond H. Madison. Is there objection? There was no objection, and it was so ordered.

ADJOURNMENT.

The SPEAKER pro tempore. In accordance with the resolution previously agreed to, and as a further mark of respect to the deceased, the House will now adjourn.

Accordingly (at 1 o'clock and 12 minutes p. m.) the House adjourned until to-morrow, Monday, April 15, 1912, at 12 o'clock

SENATE.

MONDAY, April 15, 1912.

The Senate met at 12 o'clock m.

Prayer by the Chaplain, Rev. Ulysses G. B. Pierce, D. D. The VICE PRESIDENT. The Secretary will read the Journal of the last legislative day's proceedings.

Mr. BRISTOW. Mr. President, I suggest the absence of a

quorum.

The VICE PRESIDENT. The Senator from Kansas suggests the absence of a quorum, and the Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Cullom	O'Gorman	Smoot
Bacon	Cummins	Oliver	Stephenson
Borah	Curtis	Overman	Stone
Bourne	Fall	Owen	Sutherland
Brandegee	Fletcher	Page	Swanson
Briggs	Foster	Perkins	Thornton
Bristow	Gronna	Pomerene	Tillman
Brown	Johnson, Me.	Rayner	Townsend
Bryan	Jones	Root	Warren
Burnham	Lippitt	Sanders	Watson
Burton	Lodge	Shively	Wetmore
Catron	McCumber	Simmons	Williams
Clark, Wyo.	Martine, N. J.	Smith, Ariz.	Works
Clarke, Ark.	Myers	Smith, Ga.	
Crawford	Nelson	Smith, Mich.	
Culberson	Nixon	Smith, S. C.	

Mr. SWANSON. I desire to state that my colleague [Mr. MARTIN] is detained from the Senate on account of illness in his family

Mr. BURNHAM. I wish to announce that my colleague [Mr.

GALLINGER] is necessarily absent.

Mr. JONES. I wish to announce that the junior Senator from Kentucky [Mr. Bradley] is unavoidably absent from the city; also that my colleague [Mr. Poindexter] is unavoidably detained from the Chamber.

The VICE PRESIDENT. Sixty-one Senators have answered to the roll call. A quorum of the Senate is present. The Secretary will read the Journal of the last legislative day's proceedings.

The Journal of the proceedings of Saturday last was read and approved.

THE METAL SCHEDULE (S. DOC. NO. 559).

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting, in response to a resolution of the 12th ultimo, a report prepared in the office of the United States Appraiser of Merchandise at the port of New York, giving, so far as is practicable, the wholesale market price in England, Germany, France, and Belgium during the last year of the various items and commodities named in paragraphs 117 to 140, inclusive, etc., of Schedule C of the tariff act of 1909, etc., which, with the accompanying paper, was referred to the Committee on Finance and ordered to be printed.

FINDINGS OF THE COURT OF CLAIMS.

The VICE PRESIDENT laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting certified copies of the findings of fact and conclusions of law filed by the court in the following causes:

The First Presbyterian Church of Nashville, Tenn., v. United

States (S. Doc. No. 562); The trustees of the Methodist Episcopal Church South of Ravenwood, W. Va., v. United States (S. Doc. No. 561); Herman V. Werthenn v. United States (S. Doc. No. 567);

Anabel McG. Stuart, widow of Absalom B. Stuart, deceased, v. United States (S. Doc. No. 566);

Eliza A. Watson, widow of Francis W. Watson, deceased, v. United States (S. Doc. No. 565);

Dennis H. Williams v. United States (S. Doc. No. 564); and George W. Sweeney v. United States (S. Doc. No. 563).

PETITIONS AND MEMORIALS.

The VICE PRESIDENT presented a petition of the Merchants' Association of New York, praying for the adoption of an amendment to the Sherman antitrust law so as to afford relief from the present uncertainty as to intent and penalties, which was referred to the Committee on Interstate Commerce.

He also presented petitions of Carpenters and Joiners' Local Union of Cagus, of Cigarmakers' Local Union of Cagus, and of Cigarmakers' Local Union of Cayey, all in the Territory of Porto Rico, praying for the creation of a department of agriculture and labor in that Territory, which were referred to the Committee on Pacific Islands and Porto Rico.

He also presented petitions of the congregations of the First Methodist Episcopal Church South of Opelika, Ala.; the First Congregational Church of Warren, Mass.; the Methodist Church of Warren, Mass., and the Universalist Church of Warren, Mass.; of the Woman's Christian Temperance Union of Warren, Mass.; of the congregations of the Congregational Church of Coventry, Vt., and the Methodist Church of Baxley, Ga.; of the Presby terian College for Men of Alabama; of the congregations of the Baptist Church, the Methodist Church, and the Presbyterian Church of Anuiston, Ala., praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating liquors, which were referred to the Committee on the Judiciary.

Mr. OLIVER presented a petition of members of the Drug Exchange of Philadelphia, Pa., praying for the enactment of legislation providing for an increase in the rate of second-class

mail matter from 1 cent to 2 cents per pound, which was referred to the Committee on Post Office and Post Roads.

He also presented a petition of members of the Drug Exchange of Philadelphia, Pa., praying for the adoption of a 1-cent letter postage, which was referred to the Committee on Post Offices and Post Roads.

He also presented postfiture of the Warrante Chairman.

Post Offices and Post Ronas.

He also presented petitions of the Woman's Christian Temperance Unions of Evans City, Oil City, and Plumville; of members of the Men and Religion Forward Movement of Titusville, and of sundry citizens of Oil City, all in the State of Pennsylvania, praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which were referred to the Committee on the Judiciary.

Mr. BRISTOW presented a petition of sundry citizens of

Kiowa, Kans., praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside

dealers, which was referred to the Committee on the Judiciary.

Mr. PERKINS presented a petition of the Chamber of Commerce of Oakland, Cal., praying that permission be granted to the Oakland, Antioch & Eastern Railway to construct a railroad and public highway bridge across the San Joaquin River from Black Diamond to Chipps Island, Cal., which was referred to the Committee on Commerce.

He also presented a petition of the Chamber of Commerce of

San Diego, Cal., praying for the enactment of legislation providing for the improvement of the foreign service, which was

referred to the Committee on Foreign Relations.

He also presented a petition of sundry citizens of Wildomar, Cal., praying for the establishment of a parcel-post system, which was referred to the Committee on Post Offices and Post Roads.

He also presented a memorial of the Chamber of Commerce of San Diego, Cal., and a memorial of sundry citizens of Oroville, Cal., remoustrating against any reduction of the duty on sugar, which were referred to the Committee on Finance.

He also presented resolutions adopted by the City Council of Berkeley, Cal., favoring the enactment of legislation providing for the coinage of 3-cent pieces, which were referred to the Committee on Finance.

He also presented a telegram, in the nature of a resolution, adopted by sundry citizens of San Francisco, Cal., favoring the recognition of the Republic of China, which was referred to

the Committee on Foreign Relations.

Mr. CULLOM presented a petition of Local Division No. 400, International Brotherhood of Locomotive Engineers, of Mount Carmel, Ill., praying for the passage of the so-called employers' liability and workmen's compensation bill, which was ordered to lie on the table.

He also presented a petition of sundry students of the University of Chicago, Ill., praying for the appointment of a Federal commission on industrial relations, which was referred

to the Committee on Education and Labor.

Mr. SMITH of South Carolina presented memorials of sundry citizens of Ninety Six, Woodruff, Gastonia, Lincolnton, Cherryville, Greenville, Westminster, Camden, Piedmont, Spartanburg, and Central, all in the State of South Carolina, remonstrating against the extension of the parcel-post system beyond its present limitations, which were referred to the Committee on Post Offices and Post Roads.

Mr. BRANDEGEE presented a petition of Emerson H. Liscom Camp, No. 12, Department of Connecticut, United Spanish War Veterans, of Waterbury, Conn., praying for the enactment of legislation to pension widow and minor children of any officer or enlisted man who served in the War with Spain or the Philippine insurrection, which was referred to

the Committee on Pensions.

He also presented a petition of Local Grange No. 77, Patrons of Husbandry, of Clinton, Conn., praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which was referred to the Committee on the Judiciary.

He also presented a petition of members of the legislative board, Brotherhood of Locomotive Engineers, of Connecticut, praying for the passage of the so-called employers' liability and workmen's compensation bill, which was ordered to lie on the table.

Mr. ROOT presented petitions of members of the Prohibition League of Canisteo, of members of the Prohibition League of Steuben County, and of sundry citizens of Canisteo, all in the State of New York, praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which were referred to the Committee on the Judiciary

Mr. O'GORMAN. I present resolutions adopted by the Legislature of New York, which I ask may be printed in the RECORD and referred to the Committee on Commerce.

The resolutions were referred to the Committee on Commerce and ordered to be printed in the RECORD, as follows:

IN ASSEMBLY, March 11, 1912.

and ordered to be printed in the Record, as follows:

In Assembly, March 41, 1912.

By unanimous consent, Mr. Sweet offered for the consideration of the house a resolution in the words following:

Whereas this State, under the provisions of chapter 147 of the laws of 1903, is expending the sum of \$100,000,000 in the widening and deepening of and otherwise improving the canals of this State; and Whereas, as a part of the improvement authorized by said act, the Champlain Canal is being widened and deepened and improved to barge-canal dimensions from the village of Waterford northerly to the so-called harbor lines of Lake Champlain, located at or near the southerly boundary line of the village of Whitehall; and Whereas that portion of Lake Champlain from said harbor lines northerly to the lake proper, and known as the inlet of said lake, is under the jurisdiction and control of the Federal Government, and is a narrow irregular channel, nearly 10 miles in length, entirely inadequate and unsuitable to be navigated by craft for which the Champlain Canal as improved is intended; and to the end that a full utilization of the benefits of the improved Champlain Canal when the same shall be completed may be had and a through and improved water route northerly to Lake Champlain provided, it is most desirable and necessary that the said inlet of Lake Champlain from the so-called harbor lines at or near the southerly boundary line of the village of Whitchall or the point at which the jurisdiction of this State ends to Lake Champlain proper, to the end that said inlet shall be of the same dimensions of the Champlain Canal as the same is proposed to be improved under the provisions of chapter 147 of the laws of 1903, and suitable and proper for the navigation of craft plying said improved Champlain Canal when the same shall be completed; and be it further Resolved (if the senate concur). That the clerk of the assembly be, and he hereby is, directed to transmit copies of this resolution to the several Members of said bodies rep

MARCH 12, 1912.

The senate returned the concurrent resolution in relation to the improvement of Lake Champlain Inlet, with a message that they have concurred in the passage of the same without amendment.

I, Fred W. Hammond, clerk of the assembly, do hereby certify that the foregoing is a true copy of said resolution, and of the whole thereof as continued in the journals of proceedings of said dates.

In witness whereof I have hereunto set my hand this 15th day of March, 1912.

FRED W. HAMMOND, Clerk of the Assembly.

Mr. O'GORMAN. I present a resolution adopted by the Senate of the State of New York, which I ask may be printed in the RECORD and referred to the Committee on Naval Affairs.

The resolution was referred to the Committee on Naval Affairs and ordered to be printed in the RECORD, as follows:

STATE OF NEW YORK (IN SENATE), Albany, March 13, 1912.

Resolved, That this, the Senate of the State of New York, respectfully requests the President of the United States, the Secretary of the Navy, and the Representatives in Congress from this State to use their influence to the end that one of the new battleships authorized by the Sixty-second Congress be built at the navy yard owned by the United States at the Borough of Brooklyn, City of New York.

By order of the senate.

PATRICK E. MCCABE, Clerk.

Mr. O'GORMAN presented a memorial of sundry citizens of New York City, remonstrating against the establishment of a parcel-post system, which was referred to the Committee on

Post Offices and Post Roads.

He also presented petitions of sundry citizens of Prattsburg, Cold Spring, Livonia, Dayton, Mahopac, Honeoye, Cuba, Mount Vernon, Rock Valley, and Goulds, all in the State of New York, praying for the establishment of a parcel-post system, which were referred to the Committee on Post Offices and Post Roads.

He also presented a petition of the North Side Board of Trade, New York City, praying that an appropriation be made for the improvement of the East River from the Battery to Throggs Neck, which was referred to the Committee on Com-

He also presented memorials of sundry citizens of Chaffee, Mahopac, Crown Point, and the counties of Allegany and Niagara, all in the State of New York, remonstrating against the repeal of the tax on oleomargarine, which were referred to the Committee on Agriculture and Forestry.

He also presented petitions of sundry citizens of Brooklyn, New York City, Auburn, and Whitestone, all in the State of New York, praying for the passage of the so-called eight-hour law, which were referred to the Committee on Education and

He also presented a petition of sundry citizens of Harrison, Y., praying for the enactment of legislation to provide for the free delivery of mail matter in towns outside of incorporated cities and villages, which was referred to the Committee on Post Offices and Post Roads.

He also presented a petition of members of the legislative board, Brotherhood of Railroad Trainmen, of Albany, N. Y., praying for the passage of the so-called employers' liability and workmen's compensation bill, which was ordered to lie on

the table.

He also presented petitions of sundry citizens of Elmira and New Rochelle, in the State of New York, praying for the adoption of a 1-cent letter postage, which were referred to the Com-

mittee on Post Offices and Post Roads. He also presented memorials of sundry citizens of Vincennes

and Oneonta City, in the State of New York, remonstrating against the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which were referred to the Committee on the Judiciary.

He also presented petitions of sundry citizens of Waterloo, Chautauqua, Tyrone, Jamesville, Westfield, Binghamton, East Syracuse, Friendship, and Oneonta City, all in the State of New York, praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which were referred to the Committee on the Judiciary.

He also presented memorials of members of sundry Polish societies of Albany, Schenectady, and Rochester, all in the State of New York, remonstrating against the enactment of legislation to further restrict immigration, which were ordered to lie

on the table.

on the table.

He also presented petitions of Washington Camp, No. 26, Patriotic Order Sons of America, of Port Jervis; of Progressive Council, No. 59, Junior Order United American Mechanics, of Elmira; and of Local Council No. 99, Junior Order United American Mechanics, of Montauk, all in the State of New York, praying for the enactment of legislation to further restrict immigration, which were ordered to lie on the table.

He also presented a petition of the Chamber of Commerce of Buffalo, N. Y., praying that an appropriation be made for the improvement of the channel at that city, which was referred to the Committee on Commerce.

He also presented a memorial of sundry employees of the Warwick Knife Co., of Warwick, N. Y., remonstrating against any reduction of the duty on pens and pocket cutlery, which was referred to the Committee on Finance.

He also presented petitions of the Allied Boards of Trade and Taxpayers' Association of Brooklyn; of the Twenty-eighth Ward Taxpayers' Protective Association, of Brooklyn; and of sundry citizens of New York City, all in the State of New York, praying for the enactment of legislation authorizing the building of one of the proposed new battleships in the Brooklyn Navy Yard, which were referred to the Committee on Naval Affairs.

Mr. FLETCHER presented petitions of sundry citizens of Mascotte, Groveland, Albert, Mable, and Richland, all in the State of Florida, praying for the passage of the so-called Sulzer parcel-post bill, which were referred to the Committee on Post

Offices and Post Roads.

Mr. CATRON presented a petition of sundry citizens of Norton, N. Mex., praying for the passage of the so-called Sulzer parcel-post bill, which was referred to the Committee on Post Offices and Post Roads.

Mr. CLAPP presented a petition of members of the Builders' Exchange of Duluth, Minn., praying for the adoption of a 1-cent letter postage, which was referred to the Committee on Post

Offices and Post Roads.

He also (for Mr. LA FOLLETTE) presented a petition of the State Historical Society of Wisconsin, praying that an appropriation be made for the erection of a national archive depository where Government records can be safely preserved, which was referred to the Committee on Public Buildings and Grounds.

REPORTS OF COMMITTEES.

Mr. BROWN, from the Committee on Pensions, to which were referred certain bills granting pensions and increase of pensions, submitted a report (No. 620), accompanied by a bill (S. 6340) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and certain widows and dependent relatives of such soldiers and sailors, which was read twice by its title, the bill being a substitute for the following Senate bills heretofore referred to that committee:

S. 782. Michael Grace.

S. 2483. Andrew J. Laws. S. 2833. John T. Peel.

S. 3687. Robert S. Karibo.

S. 3825. Perry L. Sargent.

S. 4678. Rachel T. Beck. S. 5341. Arthur W. S. Maw. S. 5388. William H. Sterling.

S. 5457. John Lehr.

S. 5476. Willson G. Nowers. S. 5640. Winfield S. Gibbs.

S. 5656. Marcellus Moore.

Mr. OWEN, from the Committee on Indian Affairs, to which was referred the bill (S. 5169) authorizing the Ponca Tribe of Indians to intervene in the suit of the Omaha Indians in the Court of Claims, and for other purposes, reported it with amendments and submitted a report (No. 621) thereon.

Mr. OWEN. On the 3d instant I reported, from the Committee on Indian Affairs, the bill (S. 461) conferring jurisdiction on the Court of Claims to hear, determine, and render judgment in claims of the Ponca Tribe of Indians against the United States, with amendments, and I submitted a report thereon. I ask leave at this time to file a supplemental report

(No. 557, pt. 2) on the bill, and I ask that it be printed.

The VICE PRESIDENT. Without objection, the report will be received and ordered printed.

DEPARTMENT OF PUBLIC HEALTH (S. DOC. NO. 560).

Mr. CULBERSON. I am directed by the Committee on Public Health and National Quarantine to ask to have printed as a Senate document an address delivered by former Gov. John L. Bates, of Boston, before the committee on Saturday, March 30, 1912, with relation to Senate bill 1 and Senate bill 5972, proposing the establishment of a public-health bureau or service. There being no rule which would authorize the committee to have this address printed otherwise than as a Senate document, I make the request.
The VICE PRESIDENT. Without objection, the order re-

quested is entered.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. WATSON:

A bill (S. 6341) to provide for the erection of a public build-

ing at Weston, W. Va.; and
A bill (S. 6342) to provide for the erection of a public building at Buckhannon, W. Va.; to the Committee on Public Buildings and Grounds.

A bill (S. 6343) granting an increase of pension to George W. Wines (with accompanying paper);

A bill (S. 6344) granting a pension to Nell H. Collins (with accompanying paper); and

A bill (S. 6345) granting an increase of pension to Renhard Habig; to the Committee on Pensions.

By Mr. TOWNSEND:

A bill (S. 6346) granting a pension to Ambrose A. Link (with accompanying paper); and

A bill (S. 6347) granting a pension to Ellen Fyanes (with accompanying papers); to the Committee on Pensions. By Mr. CRAWFORD:

A bill (S. 6348) granting an increase of pension to Byron F.

Nutten (with accompanying papers); and

A bill (S. 6349) granting an increase of pension to John H. Kingsley (with accompanying paper); to the Committee on Pensions.

By Mr. BRANDEGEE:

A bill (S. 6350) granting an increase of pension to Joseph

A bill (S. 6351) granting an increase of pension to Anastasia Corcoran; and

A bill (S. 6352) granting an increase of pension to Josephine F. Chester; to the Committee on Pensions.

By Mr. OLIVER: A bill (S. 6353) granting an increase of pension to Mary Ann Burns (with accompanying papers); to the Committee on Pensions.

By Mr. RAYNER: A bill (S. 6354) to perpetuate and preserve Fort McHenry and the grounds connected therewith as a Government reserva--tion under the control of the Secretary of War and to authorize its partial use as a museum of historic relics; to the Committee on Military Affairs.

By Mr. STONE:
A bill (S. 6355) for the relief of the trustees of the Methodist

Episcopal Church South, of De Soto, Mo.; to the Committee on Claims

A bill (S. 6356) granting an increase of pension to Frealing Walker (with accompanying paper); to the Committee on Pensions.

By Mr. GUGGENHEIM:

A bill (S. 6357) appropriating \$7,500, to be used by the Forest Service in the construction of a highway to connect Cottonwood Lakes, in Battlement National Forest, with a system of roads now being constructed in Plateau Valley, Colo., by the State of Colorado and the citizens of Mesa County, in that State; to the Committee on Agriculture and Forestry

A bill (S. 6358) for the relief of the heirs of Edward H. Chamberlain, deceased (with accompanying papers); to the Committee on Claims.

By Mr. CATRON:

A bill (S. 6359) to provide for the purchase of a site and for the erection of a public building thereon at Socorro, N. Mex.; to the Committee on Public Buildings and Grounds.

A bill (S. 6360) granting a pension to Dale C. Cook;

A bill (S. 6361) granting a pension to Gus M. Brass, jr.; A bill (S. 6362) granting a pension to Lottle Syzmanski; and

A bill (S. 6363) granting an increase of pension to Ella G. Timoney; to the Committee on Pensions.

By Mr. POINDEXTER:

A bill (S. 6364) to waive the age limit for admission to the Pay Corps of the United States Navy for two years in the case of Paymaster's Clerk Archy W. Barnes; to the Committee on Naval Affairs.

By Mr. GORE:

A bill (S. 6365) amending the statutes relating to patents; to the Committee on Patents.

By Mr. SMOOT:

A bill (S. 6366) regulating the manner of appointing collectors of internal revenue and other officials; to the Committee on Finance.

By Mr. CLARK of Wyoming:

A bill (S. 6367) to punish the altering or forging of bills of lading; to the Committee on the Judiciary.

By Mr. BOURNE:

A bill (S. 6368) for the relief of John W. Hagan (with accompanying paper); to the Committee on Military Affairs.

AMENDMENTS TO RIVER AND HARBOR BILL (H. R. 21477).

Mr. OLIVER submitted an amendment proposing to appropriate \$5,000 for a preliminary investigation into a system of impounding reservoirs at the headwaters of the Allegheny, Monongahela, and Ohio Rivers, etc., intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be

Mr. FLETCHER submitted an amendment providing for the survey of Charlotte Harbor, Fla., etc., intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be

Mr. PENROSE submitted an amendment proposing to appropriate \$8,200 for dredging Big Elk River, Elkton, Md., intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. NELSON submitted an amendment authorizing the Secretary of War to lease such surplus water pertaining to the military reservation of Schofield Barracks, island of Oahu, Territory of Hawaii, etc., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. WARREN submitted an amendment proposing to increase the appropriation for support and education of 175 Indian pupils at the Indian school, Shoshone Reservation, Wyo., and for pay of superintendent, from \$31,025 to \$32,500, etc., intended to be proposed by him to the Indian appropriation bill (H. R. 20728), which was referred to the Committee on Indian Affairs

and ordered to be printed.

Mr. OWEN submitted an amendment relative to the expenditure of the tribal funds belonging to the Five Civilized Tribes during the fiscal year ending June 30, 1913, etc., intended to be proposed by him to the Indian appropriation bill (H. R. 20728), which was referred to the Committee on Indian Affairs and ordered to be printed.

OMNIBUS CLAIMS BILL.

Mr. STONE submitted an amendment intended to be proposed by him to the bill (H. R. 19115) making appropriations for payment of certain claims in accordance with the findings of the Court of Claims reported under the provisions of the acts approved March 3, 1883, and March 3, 1887, commonly known as the Bowman and Tucker Acts, which was referred to the Committee on Claims and ordered to be printed.

WITHDRAWAL OF PAPERS-JAMES E. SMITH.

On motion of Mr. Oliver, it was

Ordered. That the papers in the case of James E. Smith (S. 4539), Sixtleth Congress, be withdrawn from the files of the Senate, no adverse report having been made thereon.

THE AMERICAN TOBACCO CO.

The VICE PRESIDENT. The morning business is closed. Mr. CUMMINS. I ask that the Senate take up for consideration Senate bill 3607.

The VICE PRESIDENT. The bill will be stated by title.

The Secretary. A bill (S. 3607) to give the right of appeal to the Supreme Court of the United States to certain organizations or persons in the suit of the United States against the Tobacco Co. and others

The VICE PRESIDENT. Without objection, the bill is before the Senate as in Committee of the Whole.

Mr. CUMMINS. Mr. President, during the debate on Saturday I was asked by the Senator from Idaho [Mr. Borah] in what manner and to what extent the circuit court in New York had approved or adjudicated the plan of reorganization. In the hurry of the moment, I omitted to read one paragraph of the decree which reflects much light upon the subject of that inquiry, and I beg now to read it:

This court having heard the parties as directed by the Supreme Court of the United States, it is further ascertained and determined and ordered, adjudged, and decreed that said plan hereinbefore set forth is a plan or method which, taken with the injunctive provisions hereinafter set forth, will dissolve the combination heretofore adjudged to be illegal in this cause, and will re-create out of the elements now composing it a new condition which will be honestly in harmony with, and not repugnant to, the law, and without unnecessary injury to the public or the rights of private property.

It is further ordered, adjudged, and decreed that the said plan as hereinabove set forth be, and it is hereby, approved by this court, and the defendants herein are, respectively, directed to proceed forthwith to carry the same into effect.

I do not make any additional comment upon this part of the decree, because it is almost a repetition of portions which I read on Saturday; but this extract shows clearly that the circuit court in New York intended to give its sanction and its approval, and, in so far as it could, to adjudicate the lawfulness of the plan which I have already discussed.

Mr. President, the debate on Saturday developed certain differences of opinion with regard to the law of the case; and it is to the law of the case that I especially now desire to direct my attention. In view of the debate on Saturday I ask the Senators present-and I carnestly hope that they will-to give me their attention for a few moments, and especially the lawvers among them, to a further brief analysis of the law of the

bill now under consideration.

I admit that the moment the case is stated instinctively we assume an attitude, if not of opposition, at least an attitude of Why? Because the bill is both special and retro-It operates on things done and a status already created. Such legislative action is rarely necessary, and therefore rarely If I have not established the imperative need of the legislation, it is useless to go further, for no ordinary circumstances will justify this measure. I desire that admission to be fully understood. Unless there is a high necessity for passing a special and retroactive measure in order to give the people of this country the relief which they demand and to which they are entitled, then this bill ought not to be passed, for it is both retroactive and special. But there have been many instances in times past, taking the whole history of civilized people into view, when retroactive and special legislation was absolutely essential in order to prevent the most grievous injustice.

The legislative power of Congress over the subject matter is complete. Mark that. There is no restriction, there is no limitation, upon the legislative power of Congress over the subject The bill relates to the enforcement of the antitrust law. The antitrust law is founded upon the authority of Congress to regulate commerce among the States and with foreign nations. Therefore, and so far as the subject matter is concerned, the authority or the power of Congress is complete and plenary. follows that Congress can perform any legislative act concerning this subject that is not forbidden by some other provision of

the Constitution.

Is there dissent from the proposition that I have just stated, that Congress has the authority to perform with respect to this subject any legislative act not prohibited by some other

provision in the Constitution of the United States?

Assuming that to be a sound conclusion, let us again state what this bill proposes to do. It gives to certain persons and organizations the right to become parties to a suit in which a decree has been rendered and then to take the case made by the complainant, the complainant being the United States, acting all the while in the public interest and in a public capacity, to an appellate tribunal for the purpose of having the decree reviewed with all the formalities, with all the safeguards, with all the law that would have been applicable if the United States, the complainant, had taken an appeal.

Without now considering other provisions of the Constitution with which it has been said the bill is in conflict, it can not be alleged that the bill, if passed, would not be a legislative act. It is a legislative act, but, nevertheless, it may be repugnant to some part of the Constitution to which I have not referred; and

to that inquiry I will presently pass.

The proof that it would be a legislative act, if passed, lies in this: No one will question that if we were to pass a general law, prospective in its operation, making just such provision as is contained in this bill, that it would be valid. There is nothing in the Constitution which prohibits either special legislation or retroactive legislation. Sometimes, without very much consideration, we assume that because legislation is retroactive, or because it is special, therefore it is invalid, but under our Constitution it is not so. There are many of the States in the Union whose constitutions forbid special legislation upon a subject of this character, but not so with the Constitution of the United States. If any such act is invalid, it must, therefore, be for some other reason.

The objection most relied on is that the time for appeal in the case has expired; that the plan approved is in course of execution, and that rights have been or may have been vested which might be, through the appeal, impaired or divested. I beg that Senators will hold that objection in mind while I consider its

validity and its soundness

It will not be contended that as to the parties at least, this objection is well taken. The Supreme Court of the United States has decided positively, without any inditations, I think, that there is no vested right in an immunity from an appeal; in other words, the fact that the time has expired for an appeal, the fact that the law gave to neither of the parties a right. or the fact that the law gave to neither of the parties a right l

to appeal, gives to the parties to the suit when a decree has been rendered no vested right in the immunity from an appeal. To put it in another way, in any such case as I have stated it is undoubtedly true that Congress can confer upon either party the right to take an appeal, even though the time has expired, or, to put it more strongly still, even though under the law as it was when the decree was rendered there was no right of a peal.

This was the decision of the Supreme Court in the case of Stephens v. Cherokee Nation, in 174 United States Reports, beginning at page 445. In that case jurisdiction had been given to the United States court in Oklahoma or in the Indian Territory to hear those who claimed certain lands under the allotments made by what is ordinarily known as the Dawes Com-It allowed parties claiming those lands to bring suits in the United States court for that Territory in order that their allotments might be adjudicated and determined by the decree of the court. The statute which conferred this jurisdiction upon the circuit court in the Indian Territory made no provision for an appeal; there was no right of appeal to the Supreme Court of the United States from any such decree; decree when once rendered was final, and the right of the parties in so far as affected by the decree became as vested as rights can be under a decree of a court.

Congress shortly afterwards passed a law giving to some of the parties in these cases the right of appeal, and that was given after the decree was rendered and after any such right might be said to have become vested. The constitutionality of the act was challenged upon the very ground taken by those who oppose the validity of the bill now under consideration, and this is what the Supreme Court of the United States said

upon that subject:

upon that subject:

The contention is that the act of July 1, 1898, in extending the remedy by appeal to this court was invalid because retrospective, an invasion of the judicial domain, and destructive of vested rights. By its terms the act was to operate retrospectively, and as to that it may be observed that while the general rule is that statutes should be so construed as to give them only a prospective operation, yet where the language employed expresses a contrary intention in unequivocal terms, the mere fact that the legislation is retroactive does not necessarily render it void.

And while it is undoubtedly true that legislatures can not set aside the judgments of courts, compet them to grant new trials, order the discharge of offenders, or direct what steps shall be taken in the progress of a judicial inquiry, the grant of a new remedy by way of review has been often sustained under particular circumstances.

Here the Supreme Court cites a number of cases upon which

Here the Supreme Court cites a number of cases upon which it relies and then continues:

The United States Court in the Indian Territory is a legislative court and was authorized to exercise jurisdiction in these citizenship cases as a part of the machinery devised by Congress in the discharge of its duties in respect of these Indian tribes, and assuming that Congress possesses plenary power of legislation in regard to them—

And, of course, no more with regard to those courts than the circuit court of the United States, which is also a creature of Congress-

It follows that the validity of remedial legislation of this sort can not be questioned unless in violation of some prohibition of that instrument.

strument.

In its enactment Congress has not attempted to interfere in any way with the judicial department of the Government, nor can the act be properly regarded as destroying any vested right, since the right asserted to be vested is only the exemption of these judgments from review, and the mere expectation of a share in the public lands and moneys of these tribes, if hereafter distributed, if the applicants are admitted to citizenship, can not be held to amount to such an absolute right of property that the original cause of action, which is citizenship or not, is placed by the judgment of a lower court beyond the power of reexamination by a higher court though subsequently authorized by general law to exercise jurisdiction.

Mr. SUTHERLAND. Mr. President—
The VICE PRESIDENT. Does the Senator from Iowa yield to the Senator from Utah?

Mr. CUMMINS. Certainly.

Mr. SUTHERLAND. The case to which the Senator has called attention decides that no vested right is involved because the right which was claimed to be vested was a mere expectation to share in certain lands. What would the Senator say if the title to the lands had actually vested by the decree?

Mr. CUMMINS. Mr. President, I think the right to the lands did vest by the decree.

Mr. SUTHERLAND. The Supreme Court seems to consider that it did not.

Mr. CUMMINS. I think, if the Senator from Utah will examine the record, it will be found that so far as the right of a particular person to any particular tract of land or a particular share in the proceeds of lands was concerned, the decree was final and there was nothing further to be done, unless possibly to pass the naked legal title by some formal instru-

Mr. CURTIS. Mr. President—
The VICE PRESIDENT. Does the Senator from Iowa yield to the Senator from Kansas? Mr. CUMMINS. I do.

Mr. CURTIS. I had the honor of drawing the act referred to in the case from which the Senator has quoted. In that case the question involved was that of the right to enrollment and to participate in tribal property, real estate, and money. The same question was raised in the committee, as I recollect, as to the validity of that enactment. The position taken by me at that time was that, it being tribal money and tribal property, Congress had the power, having control of the property, to enact this law to permit people to appeal in questions of citizenship, because the property rights had not yet passed.

Mr. CUMMINS. But whatever may be the form in which the property may have appeared, the decree of the court determined the right of those who appealed to a portion of that property or a portion of the money. There was a great deal nearer approach, as it seems to me, to a vested right in that case than in this. There has been no right vested in the case before the Senate. Whatever has been done by these corporations since the decree has been voluntarily done, with the assurance upon the part of the court that, if they did what was here outlined, the court believed that they would be in harmony with the law and that they would create competitive conditions.

Mr. McCUMBER. May I ask the Senator a question right here?

The VICE PRESIDENT. Does the Senator from Iowa yield to the Senator from North Dakota?

Mr. CUMMINS. Certainly.

Mr. McCUMBER. The decision from which the Senator has read clearly declared that Congress had no power to grant a retrial or a new trial. Now, the Tobacco Co. case, which the Senator is discussing, having been absolutely decided at one time by the Supreme Court, is not the bringing in of entirely new parties, giving them a status in a case that has already been tried, and ordering the court to rehear the case with new parties in it, a new trial, and would it not come within the inhibition declared there by the Supreme Court?

Mr. CUMMINS. I do not think so. It is very far from ordering a new trial. There is no new trial even suggested in the bill before the Senate. I grant that Congress can not legislatively order a court to grant a new trial. This bill provides that these persons and organizations may intervene in the court below. They then become parties to that record and parties to that decree. There is no further trial in the circuit court, and they are then given the right to appeal from that decree precisely as the United States might have appealed

There is no retrial; there is no reversal or possible reversal of any decision that has been made by the Supreme Court of the United States. This is simply a plan by which what the Attorney General ought to have done Congress will permit somebody else to do; namely, to take in an appellate way this record from the circuit court and give it to the Supreme Court for review according to the law of the land as it was when the decree was entered.

I am not asking that these defendants or anybody else be judged by any other or different law than the one in existence at the time the decree was entered.

Mr. McCUMBER. Let me ask a question right along that line. If this is not a retrial, a new trial in the Supreme Court, then what is to prevent Congress, instead of bringing in new parties, from passing a resolution directing the Attorney General to take an appeal to the Supreme Court?

Mr. CUMMINS. I believe there are some Senators who perhaps before we have finished would add that to this bill. think it can be done. I did not pursue that course because I had a good deal of doubt originally with regard to the power of Congress in that respect, with regard to our right, speaking of "right" now in the sense of authority or power, to order the Attorney General to take an appeal in this specific case, but the second and the more persuasive reason in my mind was that I did not want the Attorney General to have anything to do with the appeal. He has publicly expressed satisfaction with this decree. He refused upon the application of all the independent dealers in tobacco throughout the United States and all these trade organizations to take an appeal. Now, however honest he may have been—and I am not challenging his integrity in that respect—he is the last person in the world who ought to be asked to take this case into the Supreme Court and there attempt to secure that justice which many others who have looked at the decree feel that the Supreme Court will

grant if the appeal is properly presented there.

Mr. McCUMBER. My reason for the suggestion, I will say to the Senator, is that it might avoid a condition which seems to impress me more than it does the Senator, and that is that we are in effect granting a new trial. The Senator brings in parties whose interest has in no way been adjudicated.

They become parties because the Senator must assume that

they have some interest. Therefore—
Mr. CUMMINS. Just a minute.
Mr. McCUMBER. Let me finish the sentence. Therefore it would be an interest to be adjudicated that was not adjudicated heretofore.

Mr. CUMMINS. Mr. President— Mr. McCUMBER. And if that is not a trial of the case and practically the granting of a trial, I do not know what you

mean by retrial.
Mr. CUMMINS. Possibly the Senator from North Dakota was not here Saturday all the while, and therefore he has fallen into an error with respect to the subject he has just mentioned. These intervenors come in without any interest of their own. They have no interest to allege or protect except the public interest, the very interest that the United States attempted to protect in bringing the suit. They assert no right of theirs. They simply assert the right of the people of the United States. Their interest is in having the antitrust law enforced according to its letter and its spirit. Therefore there is no retrial. They take that record exactly as it is, and the question before the Supreme Court will be, Is the decree which has been entered by the circuit court in New York a fulfillment of the law and a fulfillment of the opinion of the Supreme Court in adjudging these defendants guilt of a violation of the law?

Mr. BORAH rose.

Mr. CUMMINS. I yield to the Senator from Idaho. Mr. BORAH. The Senator from Iowa has stated what I was in part going to say. There is no retrial, rehearing, or reexamination of evidence or adjudication of any new interest in the court below. There is no trial or rehearing or examination or adjudication of any new interest in the court above. The interest of the parties who are to take the appeal will be precisely the same after the trial is over as it was before, whatever the decree of the Supreme Court may be and regardless of what the final judgment of the Supreme Court may be, so far as their individual interests are concerned. This bill might just as well have provided that the assistant district attorney for the district of New York might have taken the appeal, and his interest would not have been adjudicated.

Mr. McCUMBER. Mr. President—

Mr. CUMMINS. I yield to the Senator from North Dakota.

Mr. McCUMBER. It seems that we are bringing in private individuals, who the Senator concedes have no interest in the controversy, and asking these private corporations to represent the people as appellants in a case-

Mr. CUMMINS. There is no private corporation recognized

by this bill.

Mr. McCUMBER. Well, some of these tobacco companies. Mr. CUMMINS. They are not corporations at all.

Mr. McCUMBER. These individuals. Mr. CUMMINS. No. They are public-interest associations. The Senator knows what I mean. They are all associations without profit and without business. They are organized for the purpose of advancing a cause, or a business, or a trade. But they are not engaged in business. Then there are the attorneys general of four or five States, and the State of Wisconsin, as a State eo nomine. These are the persons we desire to entrust with the appeal in this case.

Mr. McCUMBER. I want the Senator to understand that my questions are not at all predicated upon an objection to his bill.

Mr. CUMMINS. I am sure of that, Mr. McCUMBER. Personally I should like to have a rehearing in the case, if it is possible, but I want to get the reason for bringing in the States or private associations of any character to represent the United States Government in the prosecution of a United States statute. I understand the Senator has given the reason, that practically he would hardly expect the energy on the part of the present Attorney General that he would like to have in the prosecution of these cases, because his energy might be affected a little by his belief as indicated in the settlement of the prior cases. But it does seem to me we ought to have some way to reach that.

Mr. CUMMINS. Not the prior cases, Assuming that the Attorney General is honest, and I have never challenged the fact the he believes that this is just such a decree as should have been entered, while he did not formally in the sense of the law consent to the decree, yet the decree is largely his own handiwork and it would be both illogical and somewhat farcical to say, in view of that, that he shall appeal this case, and go to the Supreme Court and urge that the decree which he himself had largely prepared shall be reversed.

Therefore I took this course, and I took it because these organizations and States and the persons and the attorneys general appeared before the circuit court in New York and made known their objections to the decree proposed to be entered. They are chosen because they seem to be the fittest persons to present the appeal. They have no selfish interest whatever in it. They can not advantage themselves, a single one of them, by a penny in fortune. If they are successful in accomplishing this, they will take to the Supreme Court in the public interest a decree which, from my standpoint, the Attorney General himself should have taken.

I now pass on a step further from the case I have cited. remind the lawyers of the Senate-and I hardly need do itthat there is nothing in our Constitution with regard to vested That term is not used in the Constitution. There is no prohibition against the destruction or impairment of vested rights as such. The only provision in our Constitution that can be suggested or summoned to sustain the objection which is proposed by the majority of the committee is the fifth amendment to the Constitution, of which I will read a paragraph, at least, in order that Senators may have it in mind.

Mr. WORKS. Before the Senator from Iowa leaves that branch of the subject, I should like to inquire whether the attorneys general mentioned in this bill had connection with the suit as representing their States or otherwise before the court?

Mr. CUMMINS. They had not. I will restate what I said

Saturday about it.

Mr. WORKS. I am sorry I did not hear it.

Mr. CUMMINS. The case went to decree in the court below. It came to the Supreme Court, and went back to the Circuit Court for the Southern District of New York with the United States as complainant and the American Tobacco Co. and its associated corporations as defendants. Then the Government, through the Attorney General, and the American Tobacco Co. and its followers went into conference with the court or with the judges of the court to ascertain, apparently, what sort of reorganization or disintegration ought to take place; and those conferences were secret. But somehow or other what was being done leaked out and became in a sense public property through the newspapers. Then these attorneys general and the State of Wisconsin and these trade organizations, looking after the interest of their various localities, appeared, protesting against the plan which the newspapers had suggested was about to be approved and asked to be made parties to the suit. They were refused the privilege of being made parties to the suit, and I think properly so, under the law as it then was. Then the court gave them the privilege-after the plan had really been agreed upon and after the conferences were all concluded—of coming in and making argument against the plan.

Mr. WORKS. Without any right on their part to take advantage of the situation if the ruling should be against them?

Mr. CUMMINS. Without any such right or opportunity. Mr. WORKS. Therefore the object and purpose of this bill is to give them that opportunity as stated?

Mr. CUMMINS. That is the sole object.

Mr. WORKS. I want the Senator to know that I am not in any way opposed to his efforts. On the contrary, I am in sympathy with them.

Mr. CUMMINS. I know that, and I carnestly wish that all of the Senators who have not heard the details of this suit from its beginning to its end will make such inquiries as will put them in possession of all the facts, because they are very interesting, they are very curious, and they are without precedent.

Mr. BROWN. Mr. President-

The VICE PRESIDENT. Does the Senator from Iowa yield

to the Senator from Nebraska?

Mr. CUMMINS. I do.

Mr. BACON. Before the Senator from Nebraska proceeds, I want to suggest to the Senator from Iowa that those on this side of the Chamber can not hear when Senators hold private colloquies among themselves, as the Senator from Nebraska is about to do, turning in the direction of the Senator who is speaking with his back to this side of the Chamber. It is impossible for us to keep up with the discussion, in which we are very much interested; and I ask, without again interrupting, that Senators should speak, not with reference to the necessity of being heard by those in their immediate neighborhood, but by those in other parts of the Chamber who can not now hear

Mr. BROWN. I wanted to suggest in connection with the statement of the Senator that it was his desire that Senators should know the facts, if they did not already know them, that if it was agreeable to him he put into the RECORD the statement of the facts in the case he cited, because a statement of the facts in that case entirely will answer the suggestion of the Senator from Utah. As a matter of fact, the only real question

involved in that case was a question of ownership of property, and if vested rights could be established at all by the judgment in that case, they were vested by reason of the judgment in

While it is true that the act which submitted to the jurisdiction of that court the question recited and provided that the inquiry should be with regard to the citizenship of certain Indians, on the citizenship rested the right to property, and when the court decided the citizenship it decided the right to property. That is shown exactly by the statement of facts in I should like to see it go into the RECORD with the that case. opinion the Senator has read.

Mr. SUTHERLAND. Mr. President—
The VICE PRESIDENT. Does the Senator from Iowa yield to the Senator from Utah?

Mr. CUMMINS. Certainly.

Mr. SUTHERLAND. In view of what the Senator from Nebraska says about the case of Stephens v. Cherokee Nation, my recollection of the situation is that what the court had already done was to lay down a rule or what was in effect a rule according to which property rights thereafter, if the rule had been put in force, would have been adjusted, but the property rights had never been adjusted. The right to the property never had been vested. That is the distinction I was under-

taking to make. .

Mr. BACON. Mr. President—
The VICE PRESIDENT. Does the Senator from Iowa yield to the Senator from Georgia?

Mr. CUMMINS. I yield to the Senator from Georgia. Mr. BACON. I want to ask the Senator from Utah a question in connection with the contention he is making with respect to vested rights. I should like the Scnator to state what particu-

lar right has vested in the tobacco case.

Mr. SUTHERLAND. I am not entirely familiar with all the facts of the tobacco ease, but my understanding is that these various corporations authorized by the decree have been organized; specific property has passed into the hands of these new corporations; the stock has changed hands repeatedly; the stock has now gone into the hands of various individuals who at the time of the decree were not interested. Indeed, there has been a complete shifting of the ownership of a good deal of the specific property.

Mr. BACON. Does the Senator mean that as a vested right

in fee simple?

Mr. SUTHERLAND. My contention is that when a judgment has been rendered by a court fixing certain rights, and when under that decree or judgment the title to specific property has passed into the hands of private citizens, it is no longer in the power of the court or in the power of the legislature to disturb those vested rights.

Mr. BACON. Let me analyze that for a moment. Take the particular case where a decree of a court is rendered and under that decree a certain corporation has been formed. That corporation has issued certain bonds, and those bonds have been bought by A, B, and C. Is it the contention of the Senator that A, B, and C have a vested right in the bonds?

Before the Senator answers the question I will call his attention to where I think the defect in his argument is. A, B, and C have not simply a vested right in the bonds. They have the title to the bonds, so that they do not claim under any vested right; they claim the bonds by right of absolute ownership. So, when a party claims that he has a vested right there must be something less than absolute ownership. Does the Senator mean that they have a vested right in the decree of the court? Does the Senator mean that each corporation has a vested right in the right to be an immaculate corporation, operating free from any attack or criticism, or what is the vested right? That is what I want the Senator to put his finger on.

Mr. SUTHERLAND. I mean precisely what I said, and I can not make it any clearer than I have already made it. I mean that when the judgment of a court fixes the right of a party in a specific piece of property, that right then becomes

Mr. BACON. Very well. There is no one who can possibly dispute the right of a purchaser of these bonds to the title to the bonds, and there is nothing here to contravene that.

Mr. SUTHERLAND. I am not speaking about bonds; I am speaking about the property itself.

Mr. BACON. Well, the stock of the corporation.

Mr. SUTHERLAND. As I have already said, it is the specific personal property taken out of a warehouse and under the decree vested in another and a distinct corporation, and the right to that in turn transferred by means of the transfer of stock to numerous individuals. That is what I mean.

Mr. CUMMINS. If the Senator from Georgia will allow me

Mr. BACON. I am perfectly willing to yield, having raised the question.

Mr. CUMMINS. I want to ask the Senator from Utah right there, when the courts say to a corporation, If you will reorganize yourself in a certain way we believe that you will be in harmony with the law, and the corporation goes on and reorganizes itself in that certain way, does the Senator think that there is any vested right on the part of anybody who deals with that corporation or any vested right of the corporation in any property that it may take under that judicial sanction?

The Senator from Utah forgets that this decree does not award to any company any property. It does not declare that any of these men, Mr. Duke for instance, shall be the owner of certain property or that this corporation shall be the owner of certain property. It simply says, You have submitted a plan to us. Now, we believe that if you work it out you will be in harmony with the law, and we will undertake not to disturb you if you do the thing which we have pointed out here.

Now, that is the character of this decree. It is as far removed from anything in the nature of vested rights as one could

possibly imagine.

Mr. SUTHERLAND. I think the decree goes further than the Senator from Georgia or the Senator from Iowa seem to state. It does not amount simply to a declaration on the part of the court that the court believes a certain thing should be done

Mr. CUMMINS. That was merely a paraphrase, of course. Mr. SUTHERLAND. But the Supreme Court of the United States held that the existing tobacco organization was in violation of the Sherman antitrust law and sent the case back to the circuit court with directions to the court to investigate it and devise a scheme which would bring that organization into harmony with the law.

Mr. CUMMINS. It did not direct the court to do so. directed the court to approve a plan that would accomplish

certain results.

Mr. SUTHERLAND. Yes, it amounts to the same thing; it directed the court finally to pass upon the question as to whether or not the scheme proposed was in harmony with the antitrust law. Now, such a scheme was presented. It underwent modifications from time to time, but as presented and finally adopted, the circuit court held that the scheme was under the direction and decision of the court in accordance with the law

Mr. CUMMINS. It did. Mr. SUTHERLAND. That, as I understand it, made that question res adjudicata, and the question could not be litigated again unless some new facts were developed. I do not mean to say, because the court had declared in favor of a certain scheme, and thereafter the scheme itself would operate in such a way as to violate the Sherman antitrust law, a new case could not be instituted.

Mr. CUMMINS. There is a vast difference between res adjudicata, between holding that the situation was one in

harmony with the law, and vesting any right.

Mr. SUTHERLAND. What I mean to say is that when a case is res adjudicata, and it has become a final judgment under the law, that situation can no more be reviewed. That is the position I suggest here.

Mr. BORAH. Mr. President—

The PRESIDING OFFICER (Mr. Brown in the chair).

Does the Senator from Iowa yield to the Senator from Idaho?

Mr. CUMMINS. I yield to the Senator from Idaho. Mr. BORAH. Mr. President, there could not be any question of res adjudicata here, I presume, if the Attorney General had taken his appeal within 60 days, because it would not become res adjudicata until the judgment would be final. It is clear that there is no constitutional provision prohibiting us from enacting a law retroactive in effect, and extending the time in which an appeal should be taken, and it would not be res adjudicata at any time until the judgment issued had become final and passed beyond the point where it could be affected by

Mr. SUTHERLAND. The judgment is final now, is it not?

Mr. BORAH. I think it is.

Mr. SUTHERLAND. And it is res adjudicata.

Mr. BORAH. Yes; but here is a different proposition. There is nothing, it seems to me, which has become vested in the sense that they have a right which can not be disturbed, because what is it that they have by virtue of that decree which they are entitled to as against an appeal? Have they a right to pursue this particular course, and a vested right as against the judgment of the Supreme Court to modify it. It is not a vested disturb it.

right in any sense. The whole proposition, so far as vested rights are concerned, is that there is no vested right in the matter

Mr. CUMMINS. Mr. President, I may supplement what the Senator from Idaho has just stated by reminding the Senate that this property is still in existence. No one proposes to take a penny from it. Those who represent it, either in the way of bonds or stocks, or whatever other evidences of ownership they have, still hold the property. There is nothing in this appeal that can possibly take from anyone who has become interested in the property a single penny of his investment. The only thing in question is the relation of the various parts of the property to each other; whether that can be adjudicated as it was attempted to be done by the circuit court, establishing a status innocence, whether that can be said to be a vested right. I can not understand the claim of a vested interest or vested right in a matter of this sort, because, as I was about to say when interrupted a few moments ago, our prohibition in the Constitution is against taking property without due process of law. That is the only prohibition which limits the power of Congress so far as this bill is concerned. In that respect the Constitution says:

No person shall * * * be deprived of life, liberty, or property without due process of law; nor shall private property be taken for public use, without just compensation.

Now, unless this legislation takes property without due process of law it is not subject to the objection which has been urged against it. I repeat that there is no property taken here and the processes of the law are all provided for. Suppose an appeal is taken in this case and the Supreme Court reverses the decree and holds that the reorganization was not in harmony with the law and did not create competitive conditions, whose property is taken without due process of law?

Mr. BORAH. Mr. President—
Mr. CUMMINS. And it is due process of law if the Supreme Court finally adjudges some other organization or some other plan of distribution. I yield to the Senator.

Mr. BORAH. The only thing the Supreme Court of the United States would do would be to hold that the decree as approved was not in harmony with its instructions or was not in honest compliance with the Sherman law.

The only possible thing that could be claimed as a vested right would be that the parties below were entitled to have that particular form of decree or that particular plan approved as against any other plan. If the Senator will pardon me for a moment I want to read—
Mr. CUMMINS. Very well; I yield for that purpose

Mr. BORAH. In the case of Freeland v. Williams—this was a matter which involved a constitutional provision of the State a matter which involved a constitutional provision of the state of West Virginia—one individual had obtained a judgment against another individual which grew out of the taking of some cattle during the late Civil War. That judgment became final and established the right of the parties. Thereafter, the constitution of the State of West Virginia provided that no judgment of this kind should be binding; in other words, that if the judgment would have been one which, notwithstanding the constitution, would have been valid, the constitution of West Virginia undertook to say a judgment thus obtained should not be realized upon, for the reason that it was supposed to have been acquired in contravention to the rules of war. But this is the point to which I wish to call attention, and it is covered by a single paragraph:

covered by a single paragraph;

Prior to the adoption of the fourteenth amendment the power to provide such remedies, although they may have interfered with what were called vested rights, seems to have been fully conceded. The cases in which this had been decided in this court are Calder v. Bull. 3 Dail., 386; Satterlee v. Matthewson, 2 Pet., 380; Sampeyreac v. United States, 7 Pet., 222; Watson v. Mercer, 8 Pet., 88; and Freeborn v. Smith, 2 Wall., 160. In the latter case Mr. Justice Grier, when the Congress of the United States had allowed an appeal where the judgment would have otherwise been final, used this language: "If the judgment below was erroneous, the plaintiff in error had a moral right, at least, to laye it set aside, and the defendant is only claiming a vested right in a wrong judgment." And he thus quotes the language of Chief Justice Parker, in Foster v. Essex Bank, 16 Mass., 245: "The truth is there is no such thing as a vested right to do wrong; and a legislature, which, in its acts not expressly authorized by the constitution, limits itself to correcting mistakes and to providing remedies for the furtherance of justice, can not be charged with violating its duty or exceeding its authority."

As the Senator from Iowa says, no property rights are taken away; they have simply decided upon a plan. The question, and the sole question, is whether that plan is in harmony with the judgment of the Supreme Court and in honest compliance with the laws of the United States. The only possible thing that could be disturbed would be this particular plan. If it is wrong they could have no possible vested right to pursue it; if it is right the Supreme Court of the United States would not

Mr. CUMMINS. Mr. President, I pass now to the second objection made to the bill by the majority of the committee. It is that the bill attempts to confer original jurisdiction upon the Supreme Court. Of course every lawyer concedes at once that it is not within the power of Congress to confer original jurisdiction upon the Supreme Court; that is to say, that the instances mentioned in the Constitution for such original jurisdiction can not be enlarged by Congress. Therefore the only point to which we ought to give our attention is whether this bill does confer or attempt to confer original jurisdiction upon What will be the process if this bill is enacted? These people will appear in the circuit court, and thereupon they will give the notice that is required for an appeal to the Supreme Court of the United States, and thereupon the record made in the circuit court of the United States will be certified to the Supreme Court of the United States; and upon that record—that is, upon the decree which has been rendered by the circuit court—the Supreme Court will pass its judgment.

It is a contradiction in terms to say that such jurisdiction is original jurisdiction upon the part of the Supreme Court. The appellate jurisdiction of the Supreme Court is exercised when the court below has rendered a final judgment and an appeal is taken from that judgment and the Supreme Court appear is taken from that judgment and the Supreme Court reviews the judgment entered by the inferior tribunal. This is very well illustrated in the very latest case in which the Supreme Court has referred to this doctrine. It is the case of the Baltimore & Ohio Railroad Co. v. Interstate Commerce Commission (215 U. S.). I shall not read very much of it. It is referred to in the report of the majority of the committee, but there is a little of it that indicates very clearly what original jurisdiction is, and I have but to read it in order to show its application to the present instance. its application to the present instance.

"In the early days of the Government the right of Congress to give original jurisdiction to the Supreme Court in cases not enumerated in the Constitution was maintained by many jurists, and seems to have been entertained by the learned judges who decided Todd's case."

The court had already referred to that case.

The court had alrendy referred to that case.

"But discussion and more mature examination has settled the question otherwise; and it has long been the established doctrine, and we believe now assented to by all who have examined the subject, that the original jurisdiction of this court is confined to the cases specified in the Constitution and that Congress can not enlarge it. In all other cases its power must be appellate."

Such is the settled rule, and it is inadmissible to suppose that it was the intention of Congress to run counter to it.

Ordinarily in the Federal courts, in the absonce of express statutory authority, no appeal can be taken or writ of error brought except from a final decree or to a final judgment. (McLish v. Roff, 141 U. S. 661, 665; Forgay v. Conrad, 6 How. 201, 205.) There is no final judgment or decree in this case, nor any judicial determination from which an appeal would lie. The Alicia (7 Wall., 571) is in point.

In that case it appeared that on the 9th day of January, 1863, a decree of condemnation had been entered in the district court against the Alicia and her cargo for violation of the blockade. From this decree an appeal was allowed and taken to the circuit court, and on the 18th of May, 1867, an order was made in that court on the application of the parties in interest—there being at this time in the circuit court no order, judgment, or decree in the case—for the transfer of the cause to this court under the thirteenth section of the act of June 30, 1864, which enacted that prize causes depending in the circuit court might be so transferred. This court held that the cause was removed to the circuit court by the appeal from the decree of the district court and that that decree was vacated by the appeal, and that the circuit court acquired full jurisdiction of the cause and was fully authorized to proceed to final hearing and decree. And Chief Justice Chase said (p. 573): "Nor can it be doubted that under the Constitution this court can exercise in prize causes appellate juri

I read that in order to show the very obvious distinction between the appellate jurisdiction of the Supreme Court and the original jurisdiction of the court. If this decree, final in its character-of course final, or there could be no appeal taken from it to the Supreme Court-is appealed from, and finds its ways to the Supreme Court of the United States, and there the court passes upon the decree and determines whether it is in harmony with the law and in harmony with its prior opinion. who will assert that the Supreme Court is exercising original rather than appellate jurisdiction? It seems to me that the objection is without merit.

Mr. BORAH. Mr. President—
The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Idaho?

Mr. CUMMINS. I do. Mr. BORAH. If it will not interrupt the Senator, I want to

is the case of Freeborn v. Smith, reported in 69 United States, second Wallace, page 160. This was a case which arose out of the state of facts at the time of the admission of Nevada into the Union. The admission act failed to provide for the cases which were on appeal to the Supreme Court of the United States.

A man by the name of Freeborn had obtained a judgment in the district court below against a man by the name of Smith. Of course, when the Territory was admitted as a State into the Union, the admission act not providing for the keeping alive of cases which were then upon appeal to the Supreme Court of the United States, the appeal died, and the judgment below became final, quite as much so as the judgment could possibly be in any case here, because, without such a provision, it could not have been heard in the Supreme Court. The Supreme Court, upon motion to dismiss, intimated that the appeal had died and that it could not hear the case, but, in view of the fact that legislation was pending by which the right of appeal could be perfected, the Supreme Court retained it and afterwards heard it. The provision for this appeal passed Congress many months after judgment had become final. When it went to the Supreme Court, attorneys for the parties who were complaining against the right of appeal, said:

As to the jurisdiction, our position is that the act is a retro-spective enactment interfering with vested rights.

For the reason that the judgment had become final, the right of the parties was fixed, and their status was final.

Certainly it attempts to confer on this court jurisdiction to review judgments which, by law, at the time of its passage were final and absolute. The necessary result of maintaining it would be to disturb and impair these judgments, unsettie what had been previously settled, and compel the parties to litigate anew matters already definitely adjudicated. There is no higher evidence that rights have vested than a final judgment solemnly confirming them. Law is defined to be a rule of conduct; and to call an enactment which undertakes to deal with past transactions, and subject them to new requirements and conditions as tests of their legality, a rule of conduct, is to confound all rational ideas on the subject.

But the Supreme Court held the act of Congress valid and heard the appeal. I will only read a paragraph or two from the Supreme Court decision.

It is objected to the act of 27th February, just passed, that it is ineffectual for the purpose intended by it; that it is a retrospective act interfering directly with vested rights, that the result of maintaining it would be to disturb and impair judgments which, at the time of its passage, were final and absolute; that the powers of Congress are strictly legislative, and this is an exercise of judicial power which Congress is not competent to exercise. But we are of opinion that these objections are not well founded.

It is well settled that where there is no direct constitutional prohibition, a State may pass retrospective laws, such as, in their operation, may affect suits pending, and give to a party a remedy which he did not previously possess, or modify an existing remedy, or remove an impediment in the way of legal proceedings.

If the judgment below was erroneous, the plaintiff in error had a moral right at least to have it set aside, and the defendant is only claiming a vested right in a wrong judgment.

Mr. President, as I said a few moments ago, there could not be any vested right here unless they claim that it arose out of the fact of the peculiar form which this judgment took and their right to continue to pursue a business under the line marked out by that judgment. So far as conferring original jurisdiction upon the court is concerned, as the Senator from Iowa has just said, it simply removes to the Supreme Court a case which has been tried below, and which the Supreme Court will hear solely upon an appeal, and not as an exercise of original jurisdiction.

Mr. BACON. Mr. President, will the Senator from Iowa permit me to interrupt him?

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Georgia?

Mr. CUMMINS. I yield.

Mr. BACON. I have not the Senator's bill before me, but, as I recall, it does not propose to vest in the parties named the right to appeal in the name of the United States, but in their Am I correct in that? own names.

Mr. CUMMINS. I think the Senator from Georgia is correct. Mr. BACON. Upon that understanding, I want to say to the Senator that, while I am in perfect sympathy with the purpose he has in view, I very gravely doubt the efficacy of the bill if it should be passed in that shape; and it is upon the ground of the constitutional question as to original jurisdiction that my doubt is rested.

The point, as I understand it, is that these parties were not parties to the suit in the case in the court below; that the parties in the court below were the Government on one side and these defendants on the other; that this appeal, if taken, is not to be taken by the party who was the plaintiff in the court call attention to another case, and, while not conclusive upon this particular point, it certainly throws much light upon it. It to be substituted for them. The doubt in my mind is as to

whether the substitution of parties who were not parties to the record in the court below and the bringing up of that case in their name alone would not constitute an original case in the Supreme Court, which would be subject to the constitutional

prohibition. That is my trouble.

Mr. CUMMINS. Mr. President, I hope that upon reflection, the Senator from Georgia will see the case from my point of view. These organizations and States and the Attorney General are admitted as parties to a case already pending in one sense, and they become parties complainant in every proper sense. They assert only the rights which have been asserted by the United States; they have no case of their own as distinguished from the case for the general or public interest. The circuit court in New York has decided the case; it has entered a decree in the case, and the appeal that would be taken by the proposed intervenors would present to the Supreme Court of the United States, not any case for the intervenors in their own special interest, but it would present the exact case that had been tried by the circuit court; it would present the decree that has been entered by the circuit court; it would challenge the correctness of that decree; and the jurisdiction exercised by the Supreme Court would be to hear and determine whether that decree was in harmony and in fulfillment of its former opinion.

Now, in the very nature of things, that must be appellate jurisdiction. The Supreme Court could not exercise original jurisdiction in such a case. The work that it is called upon to do is appellate. It is called upon to review a decision, not to enter upon an investigation of the case originally and enter finally a judgment of its own. So, I hope that, in view of these considerations, the Senator from Georgia will find that this would present a case of appellate jurisdiction, and not of orig-

inal jurisdiction.

Mr. POMERENE. Mr. President—
The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Ohio?

Mr. CUMMINS. I do.
Mr. POMERENE. Assuming, without admitting, that there is some foundation for the suggestion made by the Senator from Georgia [Mr. BACON], might it not be avoided by amending the bill as presented by the Senator from Iowa by inserting something like this: "Said appeal may be taken on behalf of the said intervenors or by them or any of them on behalf of

the United States of America?"

Mr. CUMMINS. It might, although I think that the bill as it is will accomplish the purpose. I may say here that the bill was amended in the committee in one or two respects, in one very important respect at the suggestion and upon the motion of the Senator from Georgia; but unfortunately a majority of the committee in reporting the bill gave no heed whatever to the amendments which had been adopted by the committee, and the bill is here apparently without amendment, whereas, in fact, it should be here with the amendments which were consented to or agreed to by the committee. Before I have finished I shall call the attention of the Senate to the amendments and ask that they be adopted in order to perfect the bill.

Mr. WORKS. Mr. President-

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from California?

Mr. CUMMINS. I do.

Mr. WORKS. I made inquiry a while ago as to the rights of parties to whom this right of appeal is proposed to be granted, having in view the question as to whether, if they once got into the Supreme Court, they will have sufficient foundation to prosecute their appeal. It seems to me that is a very important matter to consider. You might by an act of Congress give the right of appeal to almost anyone, but if it reaches the Supreme Court certainly it would have to be presented by some one who has such an interest as would entitle him, if the time for the appeal had not elapsed, to present the question to the Supreme Court for adjudication. I have not examined this question with any degree of care, and therefore I am asking more for information than for anything else.

Mr. CUMMINS. I have examined it with very great care—Mr. WORKS. I have no doubt of that.

Mr. CUMMINS. And with a great desire to secure some relief. If the Senator from California or any other Senator can suggest any better or surer way of getting into the Supreme Court of the United States and obtaining a review of this decree, I shall be delighted to accept it. I have done the best I could, and I believe the bill will withstand all the objections and asand I believe the bill will withstand all the objections and as saults that may be made upon it. I do not pretend that it is wholly free from doubt, but I do say that a Senator ought not to permit some lingering doubt in his mind with regard to the effectiveness of the bill to stand in the way of putting the effectiveness of the bill to stand in the way of putting the gnestion up to the Supreme Court of the United States. We

will never get any relief unless we pass some law providing for a review by the Supreme Court. If we make a mistake, we are no worse off than we were before; but if we allow a doubt to deter us from passing a bill of this sort, then the wrong can never be corrected, and the evil will never be remedied. is the reason I covet any suggestions that can be made by any Senator which have for their end the perfecting of the bill.

Mr. POMERENE. Mr. President—

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Ohio?

Mr. CUMMINS. I do. Mr. POMERENE. Personally I have no doubt about the right of Congress to extend the time within which this appeal may be The Senator from Iowa has suggested a possible doubt of the right of Congress to confer upon the interveners the authority to appeal-

Mr. CUMMINS. Does the Senator say that I have any doubt

about that?

Mr. POMERENE. I understood the Senator to say that he was not entirely free from doubt.

Mr. CUMMINS. The Senator is in error. I never had a

doubt about that.

Mr. POMERENE. I am very glad to be corrected.
Mr. CUMMINS. The doubt I have expressed, which originally was in my mind and which has largely been removed by discussion, was whether we could command the Attorney General to take this appeal, but I have no doubt with regard to the validity of the bill which is now before the Senate.

Mr. POMERENE. Mr. President, I join with the Senator from Iowa in my desire to have an appeal taken from this decree. I have not any doubt, from the investigation I have made, that Congress has the right to direct and instruct the Attorney General to take this appeal, and at the proper time I propose to offer as an amendment to this bill a new section instructing, authorizing, and directing the Attorney General to perfect an appeal in this case. When that is done—

Mr. CUMMINS. I will say to the Senator from Ohio that I will be very glad to accept that amendment to the bill. I only suggest that he make it independent, so that the whole bill will not fall if either path proves to be barred by constitutional

obstacles.

Mr. POMERENE. Mr. President, it was my intention to offer the amendment I have suggested as a separate section, so that the Attorney General would be directed to make the appeal. Then, if any question should arise as to the authority of the intervenors to appeal, the case would still be in the Supreme Court. I believe, then, that the Supreme Court, adhering to its former practice, would permit the interveners, as friends of the court, to be heard, at least in the form of briefs.

Mr. CUMMINS. Mr. President, I am very glad that the Senator from Ohio has concluded to offer such an amendment. I may say to him that in the Committee on the Judiciary there were certain members, as will appear from the minority views, who believed that that is the course which should be taken. If the Senator from Ohio will refer to the minority views, he will see that the senior Senator from Minnesota [Mr. Nelson] and the senior Senator from Nebraska [Mr. Brown] proposed precisely the remedy that is suggested by the Senator from Ohio. I trust that the Senator from Ohio will offer the amendment; and I hope that, when it is offered, it will be adopted, because we will then have two strings to our bow.

Mr. POMERENE. Mr. President, it seems to me that officials ought to desire to perform their duty, but sometimes they become a law unto themselves. In that event it is necessary to give special instructions.

Mr. WORKS. Mr. President—
Mr. CUMMINS. I yield to the Senator from California.
Mr. WORKS. I am not going to allow any doubt of mine as to the efficacy of this bill to prevent me from voting for it if it seems to be right in principle, as the Senator seems to apprehend, but I do desire to put it in just as effective shape as

possible, because I believe in the bill.

I have no doubt at all that Congress may extend the time of appeal to one who is justly entitled to that right and has lost it as in the case cited by the Senator from Idaho. I have no doubt either that Congress has the right to grant the right of appeal to some one who is justly entitled to it; that is to say, one who is so interested in the result of the judgment as to warrant an interference on his part. But what I was trying to bring out is the question whether these parties had such interest in the proceedings as to justly entitle them to appeal and con-

agreed to in the committee and one other, which is the logical sequence of the amendments offered in the committee, be now reported and agreed to, so that the bill may be before the Senate in the form in which the committee really intended it to be. I will be compelled to point out, I suppose, and offer these amendments on my own behalf inasmuch as they do not appear in the report of the committee.

Mr. TOWNSEND. Mr. President—
The VICE PRESIDENT. Does the Senator from Iowa yield to the Senator from Michigan?

Mr. CUMMINS. Certainly.

Mr. TOWNSEND. I am interested in the statement made by the Senator to the effect that these amendments were agreed to in committee but not reported. Can the Senator explain why that was done?

Mr. CUMMINS. I can not.

Mr. TOWNSEND. Does the Senator know whether any action was taken reconsidering the votes?

Mr. CUMMINS. There was not. I assume it was a mere matter of oversight. This bill was disposed of in the committee, and, for reasons which I do not care to enter upon now and for which I was in no wise responsible and which I tried very hard to remove, six weeks elapsed between the time the committee ordered the bill reported and the time when it was reported. It is not unlikely that during that time the members who were authorized to report it from the committee overlooked the fact and forgot that these amendments were ordered in committee. They are not amendments which touch the merits of the measure or change its legal effect.

In accordance with what I have just said and in accordance with the action of the committee, I move to strike out the pre-

amble of the bill.

The PRESIDING OFFICER (Mr. Brown in the chair). Does the Senator state that the bill has been taken up for consideration by the Senate?

Mr. CUMMINS. The bill has been taken up for consideration.

The PRESIDING OFFICER. The bill is now before the Senate and under consideration?

Mr. CUMMINS. And I hope it will be voted on immediately. The PRESIDING OFFICER. The Chair, relying upon the statement of the Senator from Iowa that the bill is now before the Senate and under consideration-

Mr. CUMMINS. It is not a question of relying upon my statement. The Presiding Officer may refer to the RECORD to ascertain whether the bill was taken up for consideration.

Mr. BRANDEGEE. Mr. President-

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Connecticut?

Mr. CUMMINS. I do.

Mr. BRANDEGEE. I want to understand the parliamentary situation in relation to the bill. It may be the understanding of the Senate that it proceeded to the consideration of the bill, but I did not so understand it. I understood that the bill had simply been laid before the Senate by the Chair in order that the Senator from Iowa might address the Senate upon it. As I understand, the bill is on the calendar under Rule VIII, and can be taken up only by unanimous consent or when the calen-

dar is reached under Rule VIII.

Mr. CUMMINS. One need only refer to the notice that I gave originally to discover what my purpose was, and to refer to the RECORD to show what was done. I have assumed that the bill was before the Senate for consideration. I had no desire to make a speech upon it until we were ready to vote upon it.

Mr. BRANDEGEE. That is the very question that I desire to be informed upon, to wit, what the Record shows was the proceeding when the bill was laid before the Senate.

The VICE PRESIDENT. The Chair stated at the time the Senator made his request that the Senator from Iowa asked unanimous consent that the Senate consider the following bill; the Secretary then stated the title of the bill, and the Chair stated that without objection that was the business before the Senate.

Mr. BRANDEGEE. By the language "that the Senate consider the matter" does it stand in the same position before the Senate as though the Senate had voted to proceed to its consideration and disposition?

The VICE PRESIDENT. The Chair would think so. Mr. BRANDEGEE. I did not understand it. I was absent

when the Senator first called up the bill.

Mr. CUMMINS. I assure the Senator from Connecticut that I have no purpose or desire to press the bill to a vote at a time when any Senator wants to have it further considered by way of debate or argument, but I assume that I might at least have

the amendments which were considered in the committee, and which are not now found in the report of the committee, disposed of at this time, and the bill will then be ready for such further argument as Senators may desire to make upon it.

Mr. BRANDEGEE. I did not mean to intimate at all that the Senator from Iowa was trying to take any advantage or trying to do anything that was not strictly parliamentary, but I wanted to know whether the Senate had agreed to vote on the bill itself. I see no objection in agreeing to the amendments

made in the committee if the Senate desires to do so.

Mr. CUMMINS. I will say, in answer to the Senator, that unless some one desires to speak upon the bill, I shall ask for a vote immediately upon such amendments as may be offered to it. I have already moved to strike out the preamble. It was suggested by some one that that motion ought to come last. That was the recommendation of the committee-that the preamble should be stricken out.

VICE PRESIDENT. A proposition to strike out the . preamble to a bill is always disposed of after the amendments

are voted upon and the bill is disposed of.

Mr. CUMMINS. Then I will withdraw it until later. I move, after the word "suit," in line 8, on page 3, to insert: Of the United States v. American Tobacco Co, and others in the Circuit Court of the United States for the Southern District of New

I may say that that is simply to make definite what was formerly a reference to the preamble, which it is expected will be stricken out.

The amendment was agreed to.

Mr. CUMMINS. I further move to amend by striking out the word "said," in the fourth line on the fourth page.

The amendment was agreed to.

Mr. CUMMINS. I further move to amend by inserting the word "said" immediately before the word "circuit," in line 5, on page 4.

The amendment was agreed to.

Mr. CUMMINS. I further move to amend by inserting, after the word "States," in line 7, on page 4, the words "entered on the 16th day of November, 1911."

The amendment was agreed to.

Mr. CUMMINS. I further move to amend by adding, after the word "parties," at the end of line 9, page 4, the word "complainant."

The amendment was agreed to.

Mr. CUMMINS. I further move to amend, after the word "suit," in line 10, page 4, by inserting the words "enforcing the same rights enforced by the United States."

The amendment was agreed to.

Mr. CUMMINS. I also move to amend by inserting, after the word "have," in line 10, page 4, the words "in the public interest."

The amendment was agreed to.

Mr. CUMMINS. I have finished my observations upon the bill. I would be very glad to have a vote upon it or upon any amendments which may be offered to it. I think we might just as well dispose of it now, unless some Senator desires to discuss it further.

Mr. POMERENE. I offer the amendment I send to the desk. I should say that I desire to offer it as a separate section, to be

known as section 3.

The Secretary. It is proposed to add at the end of the bill the following:

Sec. 3. The Attorney General of the United States is hereby authorized, directed, and instructed to appeal, on behalf of the United States of America, from the said decree of the Circuit Court of the United States for the Southern District of New York, to the Supreme Court of the United States, and the time within which said appeal may be taken and perfected is hereby extended for 60 days after the taking effect of the act.

Mr. OVERMAN. Is that a substitute for the bill, may I inquire?

Mr. POMERENE. It is not a substitute, but is an additional section, so that if the amendment is adopted it would authorize not only an appeal on behalf of the intervenors, but would direct the Attorney General to take an appeal.

Mr. SUTHERLAND. Mr. President, I suggest the absence

of a quorum.

The VICE PRESIDENT. The Senator from Utah suggests the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators

answered to their names:

Bacon	
Borah	
Bourne	
Brandegee	
Briggs	
Bristow	
Brown	
2rvan	

Catron	
Chamberlain	
llark, Wyo.	
larke, Ark.	
Cullom	
ummins	
Curtis	
Dillingham	

Fall	Myers
Fletcher	Newlands
Foster	O'Gorman
Gronna	Oliver
Guggenheim	Overman
Jones	Owen
Lodge	Page
McCumber	Percy

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Perkins Pomerene Rayner Shively

Simmons Smith, Ariz. Smith, Ga. Smith, Md. Smith, Mich. Smith, S. C.

Smoot Sutherland Thornton Tillman Townsend Warren

Watson Wetmore Williams

Mr. SMITH of Arizona. I wish to state that my colleague [Mr. ASHURST] has just been called from the Chamber on important business.

Mr. JONES. I will state that my colleague [Mr. POINDEXTER] is unavoidably detained from the Chamber, and also that the junior Senator from Kentucky [Mr. Brader] is out of the city. I will let this announcement stand for the day.

The VICE PRESIDENT. Fifty-four Senators have answered to the roll call. A quorum of the Senate is present.

REGULATION OF IMMIGRATION.

The VICE PRESIDENT. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. The bill (S. 3175) to regulate the immigration of aliens to and the residence of aliens in the United States.

Mr. LODGE. I do not desire to go on with the bill at this time, because the Senator from Vermont [Mr. DILLINGHAM] wishes to address the Senate upon it and he is not ready to do so to-day. But before asking that it be laid aside I should like to add one or two amendments and have the bill reprinted, so that the Senate may see it in its perfected state. I wish to amend the bill in order to dispose of certain doubts which exist in the present wording

On page 8, I move to strike out lines 1 to 5, inclusive, and to insert what I send to the desk, and I also wish to make a similar

change on page 62, to make the bill correspond in all parts.

The VICE PRESIDENT. The bill is before the Senate as in Committee of the Whole, and the Senator from Massachusetts offers an amendment, which will be stated.

The Secretary. On page 8 strike out lines 1 to 5, inclusive, and insert:

Chinese persons or persons of Chinese descent, whether subjects of China or subjects or citizens of any other country foreign to the United States; persons who are not eligible to become citizens of the United States by naturalization unless otherwise excluded by existing agreements as to passports or by treaties, conventions, or agreements that may hereafter be entered into. The two provisions next foregoing, however, shall not apply.

The VICE PRESIDENT. Without objection, the amendment is agreed to

Mr. JONES. Does the Senator from Massachusetts ask that the amendment be agreed to to-day?

Mr. LODGE. Yes. I do not think the Senator can have any objection to it. It is to remove all possible doubt as to the question of the effect of the bill upon the Chinese-exclusion act. It is rather important that those acts shall remain in full force.

Mr. JONES. That is what I want to be sure of, Mr. LODGE. That is the whole purpose of the amendment.

Mr. JONES. As I understand the amendment, if it is agreed to now, we can not offer any further amendment if we desire.

Mr. LODGE. Oh, certainly. I have no objection to including any amendment at all. I only want to have the bill reprinted

so that the Senate can see exactly how the bill is proposed by the committee.

Mr. JONES. That is what I want to see, but I understand there is a rule that if a committee amendment is adopted it will not be subject to amendment.

Mr. LODGE. It is open to amendment in the Senate.

Mr. JONES. But not as in Committee of the Whole. Mr. LODGE. I should ask unanimous consent that it might be open to amendment if agreed to now.

Mr. JONES. That is all right.
The VICE PRESIDENT. Without objection, the amendment is agreed to.

Mr. LODGE. On page 62, line 14, after the word "aliens," I move to insert:

Except as provided in section 3 of this act.

The VICE PRESIDENT. Without objection, the amendment is agreed to.

On page 4, line 14, I move to strike out the Mr. LODGE. Or words "Porto Rico.

The VICE PRESIDENT. Without objection, the amendment is agreed to

Mr. LODGE. On page 9, line 22, after the word "citizens," I move to insert the words "or subjects."

The VICE PRESIDENT. Without objection, the amendment

is agreed to.

Mr. LODGE. On page 17, line 6, after the word "living," I move to insert "as contemplated in section 3 of this act."

The VICE PRESIDENT. Without objection, the amendment is agreed to.

Mr. LODGE. On line 19 of the same page, after the words "United States," I move to insert "any Chinese person or person of Chinese descent or."

Without objection, the amendment The VICE PRESIDENT. is agreed to.

Mr. LODGE. On page 44, line 12, before the word "foreign," I move to strike out the word "from" and to insert the word

for !

The VICE PRESIDENT. Without objection, the amendment is agreed to.

Mr. LODGE. I was merely looking to see if there were any other verbal amendments, but I think those are all, Mr. Presi-

Mr. SIMMONS. I understand it is the purpose of the Senator from Massachusetts to ask that the unfinished business, be temporarily laid aside. I desire to inquire of the Senator in charge of the bill when he expects to take up the measure and ask for a vote upon it.

Mr. LODGE. We expect to take it up to-morrow, as the Senator from Vermont [Mr. DILLINGHAM] has indicated his desire to go on and speak upon the bill.

Mr. SIMMONS. After it is taken up to-morrow will the Senator keep it before the Senate until we reach a vote?

Mr. LODGE. I should like to dispose of it as soon as possible.

Mr. SIMMONS. I desire to say to the Senator in behalf of the minority members of the Committee on Finance that we are very anxious to have House bill 18642, known as the bill to provide a metal schedule, taken up for consideration at the

earliest practical day.

Mr. LODGE. I have no desire to put the slightest obstacle in the way of taking up that bill, but I think the Senator will find that the quickest method is to get this bill out of the way, which is now the unfinished business; and I do not see why this bill should delay us long.

Mr. SIMMONS. That is true; and that is exactly what I am seeking to do. This bill has been the unfinished business now since the 9th day of April, and day after day it has been temporarily laid aside. If the Senator proposes to call it up tomorrow I shall have nothing further to say.

Mr. LODGE. I had the bill postponed for several weeks at the request of the Senator from North Carolina, and I post-poned it the last few days at the request of the Senator from Vermont, who also desires to address the Senate upon it. I can assure the Senator that personally I have no desire to delay it one moment.

Mr. SIMMONS. I will say to the Senator from Massachusetts that he did postpone it in order that I might have an opportunity to make a speech, but it has now been more than two weeks, I think, since I made that speech and the measure is still pending: I am not complaining of the Senator; I simply wanted to ascertain whether it was his purpose after to-day to call up this measure and insist upon action on it.

Mr. LODGE. I called up the bill just as soon as I could make it the unfinished business, and the delays which have occurred have been owing to my desire to oblige other Senators who wish to speak upon it. Now, the Senator from Vermont will be ready to go on to-morrow, I understand, and I shall be prepared then to go forward with the bill.

Mr. SIMMONS. I will say further to the Senator I have no desire to interfere, provided it is his purpose to take up the the interest of moving that the Senate proceed to the consideration of House bill 18642—not now, but within the next few days.

Mr. DILLINGHAM. Mr. President, I was out of the city last week, and I suppose the request made by the Senator from Massachusetts was owing to that fact. I want to say something upon the bill, in the opening particularly about the general features of the question of emigration to this country. I would be very glad to go on to-morrow if it were not the fact that the subcommittee of the Committee on the Judiciary which has charge of the question of the confirmation of Judge Sloan is holding a hearing to-day. We have been in session all day, and we are to hold a meeting this evening beginning at half past 7. We will probably be busy until midnight. That is the way many of us in the Senate are situated. That being the case, I will not be ready to go on to-morrow. This bill was delayed, as the Senator well knows, for three weeks in order that he might make a speech upon it.

Mr. SIMMONS. That speech was made two weeks ago. Mr. DILLINGHAM. I will be ready to go on upon Wednesday or Thursday, so far as I am concerned.

Mr. SIMMONS. The bill has not been held up on my account for the last two weeks.

Mr. LODGE. It is perfectly satisfactory to me to go on with the bill on Wednesday, and I will say that without unreasonable delay we ought to take it up and dispose of it.

Mr. SIMMONS. I will ask the Senator from Massachusetts if there is not some other Senator who would desire to address the Senate on the bill.

Mr. LODGE. I know of no one else who desires to speak on the bill on this side, as far as the committee is concerned.

Mr. SIMMONS. I will ask the Senator, for my information and that of the Senate, if he thinks there would be any difficulty in securing final action during the day Wednesday or Thursday?

Mr. LODGE. As far as I am aware there is nothing to prevent our disposing of the bill after the Senator from Vermont has There are amendments which will have to be disposed spoken. of, but I am not aware of anything that will lead to any protracted debate.

Mr. SIMMONS. I know of no disposition on this side to further discuss the measure. I think all that is necessary is to get the matter before the Senate, and we can dispose of it very quickly.

Mr. LODGE. Very well. Then on Wednesday at the close of the routine morning business I will ask the Senate to take up the bill that the Senator from Vermont may speak upon it, and

I shall ask the Senate to dispose of it as soon as possible.

The VICE PRESIDENT. The Chair understands that the Senator from Massachusetts now asks that the bill be reprinted in the form in which it is now before the Senate.

Mr. LODGE. Yes; with the amendments which have been adopted by the Senate.

The VICE PRESIDENT. With the amendments which have

been agreed to.

Mr. LODGE. And then that it be temporarily laid aside. The VICE PRESIDENT. Is there objection to the order for a reprint of the bill? The Chair hears none. Without objection, the bill is temporarily laid aside.

THE AMERICAN TOBACCO CO.

Mr. CUMMINS. I ask that the bill (S. 3607) to give the right of appeal to the Supreme Court of the United States to certain organizations or persons in the suit of the United States against American Tobacco Co. and others be taken up for consider-

The VICE PRESIDENT. The Chair thinks, according to a notice heretofore filed, the Chair should recognize the Senator from Ohio [Mr. Pomerene], who gave notice that he would desire to speak immediately following the Senator from Iowa.

Mr. OVERMAN. I should like to ask the Senator from

Iowa, as the Senator from Georgia wants to speak and has to go away to-night, if it might not be well to let the bill be printed as amended, with the amendment offered by the Senator from Ohio, and take it up on a certain day. Any day will suit me.

Mr. CUMMINS. Will the Senator from North Carolina suggest a day and ask unanimous consent that a vote be taken on that day?

Mr. OVERMAN. I will agree to any day, and I think this day a week

Mr. CUMMINS. That will be entirely satisfactory to me.
Mr. OVERMAN. To-day a week would suit the Senator?
Mr. CUMMINS. I suppose we could get a vote upon the bill

within the next 10 minutes.

Mr. OVERMAN. By unanimous consent we can agree to take it up at any time, and that will not displace anything else.

Mr. BACON. I suggest that the first suggestion of the Senator from North Carolina be acted upon, and that is that the bill be printed in the shape it is now, with the amendments agreed to and the amendment proposed by the Senator from Ohio, and then we can readily determine as to a date, to see it myself.

The VICE PRESIDENT. Does anyone make that request? Mr. OVERMAN. I make the request simply that the bill be taken up on Monday next after the routine morning business

and that it be voted on during that calendar day. Mr. CUMMINS. I suggest to the Senator to fix an hour. Mr. OVERMAN. No; not an hour, but that we will vote

upon it on that calendar day.

The VICE PRESIDENT. Is there objection to the request of the Senator from North Carolina?

Mr. BACON. I would probably accede to it to-morrow, but I want to see the bill in print before I agree to it. I can not tell what the bill is now.

Mr. CUMMINS. This fixes next Monday, which is a whole week in advance. I am sure that the Senator from Georgia

would be able to acquaint himself with the amendments that we have made during that time.

Mr. BACON. Very well; I will not interpose any objection.
Mr. CUMMINS. Very well.
The VICE PRESIDENT. Is there objection to the request of the Senator from North Carolina? The Chair hears none, and the order is entered.

Mr. CUMMINS. I ask that the bill be reprinted with the pending amendment in italics and all the amendments agreed to in small capitals.

The VICE PRESIDENT. Without objection, it is so ordered.

THE STANDARD OIL AND THE AMERICAN TOBACCO COS.

Mr. POMERENE. Mr. President-

The VICE PRESIDENT. Without objection, the Chair will lay before the Senate, for the purposes of discussion only, Senate concurrent resolution No. 4, which the Secretary will state.

The Secretary. Senate concurrent resolution No. 4, submitted by the Senator from Ohio [Mr. Pomerene] June 1, 1911, a concurrent resolution instructing the Attorney General of the United States to prosecute the Standard Oil Co. and the American Tobacco Co.

Mr. POMERENE. Mr. President, this resolution recites, in substance, that the Supreme Court of the United States has decreed that the Standard Oil Co. and its codefendants and the American Tobacco Co. and its codefendants, whether corporate or individual, have formed and maintained a combination in restraint of trade; that they have conspired to monopolize and have monopolized a substantial part of the commerce among the States and Territories and with foreign nations; that they have formed these combinations and monopolies in violation of sections 1 and 2 of the Sherman antitrust law; that no criminal prosecutions have been begun against them or against any of them; and then declares it to be the sense of the Senate and House of Representatives that criminal prosecutions should be begun against all of the said parties and persons where, in the opinion of the Attorney General, the criminal provisions of the statute have been violated, and instructs him to institute such criminal proceedings where the evidence, in his opinion, will justify the same.

Without intending to go into detail, the Standard Oil Co. and its promoters up to the year 1890 had formed and maintained a combination in restraint of trade and in violation of the common law of the land, and since the enactment of the Sherman law, in 1890, both the Standard Oil Co. and the American Tobacco Co. have persistently and continuously violated not only the common law of the land, but also the criminal provisions of sections 1 and 2 of the Sherman antitrust law.

A careful examination of the opinions of the Supreme Court in these cases will be sufficient to convince any fair-minded man that the Supreme Court was of the opinion that these two companies knowingly, deliberately, and defiantly violated the provisions of this law.

In the Standard Oil Co. case the Supreme Court said:

The court below held that the acts and dealings established by the proof operated and destroyed the "potentiality of competition," which otherwise would have existed to such an extent as to cause the transfers of stock which were made to the New Jersey corporation, and the control of which resulted over the many and various subsidiary corporations to be a combination or conspiracy in restraint of trade in violation of the first section of the act, but also to be an attempt to monopolize and a monopolization bringing about a perennial violation of the second section.

And then the Supreme Court adds:

We see no cause to doubt the correctness of these conclusions, considering the subject from every aspect—that is, both in view of the facts established by the record and the necessary operation and effect of the law as we have construed it.

In the American Tobacco Co. case the Supreme Court held:

That the combination in and of itself, as well as each and all the elements composing it, whether corporate or individual, whether considered collectively or separately, be decreed to be in restraint of trade, an attempt to monopolize and a monopolization within the first and second sections of the antitrust act.

It directed the court below to hear the parties by evidence or otherwise-

as it may be deemed proper for the purpose of ascertaining and determining upon some plan or method of dissolving the combination and of re-creating out of the elements now composing it a new condition which shall be honestly in harmony with and not repugnant to the law.

And again the court decreed:

Pending the bringing about of the result just stated, each and all of the defendants, individuals as well as corporations, should be restrained from doing any act which might further extend or enlarge the power of combination by any means or device whatsoever. In view of the considerations we have stated, we leave the matter to the court below to work out a compliance with the law without unnecessary injury to the public or the rights of private property.

It seems to be incomprehensible that these companies and their officials did not know that their course of business was both a violation of the law of the land and of every principle of good conscience. That the American Tobacco Co. and its officers and constituent companies were within the prohibitions of the law can not be questioned.

The Supreme Court says:

That they were, in our opinion, so overwhelmingly results from the undisputed facts, that it seems only necessary to refer to the facts as we have stated them to demonstrate the correctness of this conclusion.

AUTHORITY OF CONGRESS.

Those who are opposed to the adoption of this resolution base their opposition upon the fact that there are three coordinate branches of our Government; that they are separate and independent; and that Congress has no right to interfere with the administration of either of the other departments. In a limited sense this may be true, but that this independence goes to the extent of forbidding Congress from describing and defining the duties to be performed by any of the departments of the executive branch of the Government or by the officials of the court I deny. The Department of Justice was created by the Congress. The two Houses prescribed by statutes formally passed the administrative duties which it was to perform.

The power to create implies the power to modify, to destroy, or to amplify. It would, indeed, be a strange proposition if the Department of Justice could be so separate and independent from the Congress that we could not add to or take from its duties or its prerogatives. If we have power to prescribe by statute what they may be, what impropriety is there in declaring what the sense of Congress is in directing the Attorney General to begin certain litigation, when, in the judgment of the

Congress, it ought to be begun?

This is not a new question. We have abundance of precedents. I need only refer to a few.

On July 13, 1892 (vol. 27 U. S. Stat. L., p. 126), the Attorney General was-

General was—

Authorized and directed to institute the necessary legal proceedings against the Leavenworth, Pawnee & Western Railroad Co., its successors and assigns. * * under the treaty with the Delaware Indians May 30, 1860, * * for damage done the said Indians in the taking and destruction of their property by the said railroad company.

On March 2, 1895 (vol. 28 U. S. Stat. L., p. 898), in the act pro-

viding for the fulfillment of the treaty stipulations with the various Indian tribes in the suit of the Choctaws and Chickasaws for ceded lands of Wichita Indians, Congress said:

The Attorney General is hereby directed to appear in behalf of the Government of the United States.

And added:

It shall be the duty of the Attorney General, within 10 days after the filing of the petition by the Choctaws and Chickasaws, to give notice to the Wichitas and affiliated bands that they are made defendants, etc.

Again, on March 2, 1895 (vol. 28 U. S. Stat. L., ch. 177), in re the account of moneys due the Cherokee Nation under certain Indian treaties and laws passed by Congress for the purpose of carrying such treaties into effect, in accordance with the provisions of the act of March 3, 1893, and reported to Congress in House Executive Document No. 182, Fifty-second Congress, the Congress said:

Such claims shall be referred to the Attorney General, and he is hereby authorized and directed to review the conclusions of law reached by the Department of the Interior in such account and report his conclusions thereon to Congress at its next regular session.

Again, in an act making appropriations for Government expenses (vol. 29, U. S. Stat. L., p. 185), Congress provided:

SEC. 22. It shall be the duty of the Attorney General to make an investigation as respects the compensation to be paid, in salary or otherwise, to clerks of the United States circuit courts or district courts, and he shall report on the first day of the next session of the present Congress a plan for the fixing of the compensation of the clerks of the several courts of the United States as he may deem just.

Again, in (vol. 35, ch. 263, p. 807, U. S. Stat. L., 60th Cong.) another Choctaw Indian case, Fleming v. McCurtain, Congress

The Attorney General is hereby authorized and directed to immediately move the advancement upon the docket of the United States Supreme Court of the case of J. E. Fleming and others against Green McCurtain and others to the earliest possible hearing.

And again, in the Sixtieth Congress, Senate resolution 48 was passed, authorizing and directing the Attorney General to institute and prosecute litigation to enforce the rights and remedies of the United States of America arising and growing out of certain land grants. (Vol. 47, pt. 3, Congressional Record, p. 2069.)

But why should we multiply further precedents? We have here examples of the Congress of the United States not only directing the Attorney General to begin and to prosecute certain litigation, but the Congress has even gone to the extent of specifically directing him to immediately move the advancement upon the docket of the United States Supreme Court of the case of Fleming v. Green McCurtain to the earliest possible

What excuse can be given for a failure to prosecute the officials of these combinations who have for 20 years and more been flagrantly and willfully violating the law of the land? It is not a case of uncertainty of the law. It is a case of the open defiance of the law. The Attorney General has not hesitated to enforce the criminal provisions of the Sherman statute in other cases, why does he do it here? In other cases he has acted upon what, I dare say, is purely ex parte testimony, and no criticism can be made for so doing. In these cases there has been an adjudication, and the court has declared that the statutes have been violated. The Attorney General himself no longer contends that the law is uncertain, because in a recent article published in the February number of the Century Illustrated Monthly Magazine, on page 616, he says:

There is, of course, some genuine discontent with the Sherman law, but I suspect most of it arises not so much from any real uncertainty as to its meaning as from a realization of that meaning.

The truth of the matter is that the department has failed to enforce the law in the past, and these great corporations have presumed upon their vastness and power as a guarantee against any prosecution by the Government. Under the force of public opinion the civil suits were begun and the Government has won. Is that victory to be thrown away now? If the Department of Justice is really in earnest, ought not this criminal provision to be enforced in order that it may be an example to all others who may be tempted to violate the law in the same manner?

The course of the department with reference to the American Tobacco Co. is peculiarly interesting. The suit was begun against this company, 2 English corporations, 65 American corporations, and 29 individuals. They spent millions of money in purchasing some plants not for the purpose of operating them but for the purpose of closing them. The Supreme Court says they spent \$4,000,000 in what was known as the plugtobacco war, until they either drove their competitors into bankruptcy or forced them to sell to the combination. They absorbed between 200 and 250 different corporations and companies. They drove the price of raw material down to a point to suit their convenience, and they increased prices to their consumers at will, without any regard to either supply or demand. They were permitted to continue their illegal methods until they had an accumulation of property and estates amounting to over \$300,000,000, and controlled, approximately. 80 per cent of the business of the United States in tobacco and allied products and a large proportion of the foreign business. All of these matters are known to the department.

After the American Tobacco Co. became so huge and had killed off or absorbed the most of its large competitors, it continued its war, by means fair and foul, to cut down the price

of tobacco below the cost of production.

Some years ago they went into Kentucky, reduced the price of tobacco, and fraudulently claimed that they had on hand sufficient stock to last them two or three years. Thus they were able to buy and did buy the entire crop at about 61 cents per When the farmers learned that they had been deceived, they formed pool agreements, and withheld the tobacco crops for a couple of years, and by virtue of this pooling agreement succeeded for the time being in bringing the American Tobacco Co. to terms and sold 75 per cent of their crops to the American Tobacco Co. for 17½ cents per pound, and the balance they sold to the independent companies at the same price. The American Tobacco Co. wanted the whole of the crop, but the Kentucky farmers refused to sell them more than 75 per cent and retained 25 per cent for the independent manufacturers, and sold it to them at the same price.

Out of this pooling agreement sprung what were known as the night riders, many of whom were farmers and business and

professional men in good standing.

The Attorney General sent a special agent from the Department of Justice to prosecute these night riders, and eight of them-farmers-were indicted, tried, convicted, and fined, in the aggregate, \$3,500 for a violation of the Sherman antitrust law. Most of these facts appear in the hearings before the Committee of the House of Representatives on Expenditures in the Department of Justice on House resolution No. 103.

On page 53, Congressman Cantrill, in his examination of Attorney General Wickersham, brought out the following facts:

Mr. Cantrill. I would like to ask you. Mr. Attorney General, if this investigation and this trial of these tobacco farmers in Kentucky originated with your department here? Were these cases taken up at the suggestion of your department here?

Mr. Wickersham, Yes: they were taken up as the result of complaints made to me, and I sent an investigator down there and the investigation resulted in those indictments.

Mr. Cantrill. But the investigation—

Mr. Wickersham. And they proceeded from the department.

Mr. Cantrill. (continuing). Came directly from the department here?

Mr. Wickersham. Yes, sir.

Mr. WICKERSHAM. Yes, sir.

Mr. CANTRILL. It was at your instigation that these cases were taken up?
21r. WICKERSHAM. Yes, sir; they were the so-called night-rider

Mr. Cantrill. As I understand it, these men were indicted under the criminal section of the antitrust law? Mr. Wickersham. Yes. Mr. Cantrill. And, as you state in your report, on page 3, were

fined

Mr. Wickersham (interposing). \$3,500 in the aggregate.
Mr. Cantrill. The eight farmers?
Mr. Wickersham. Yes, sir.
Mr. Cantrill. Since you have been Attorney General has there been any criminal prosecution of any officer or director of the American Tobacco Co.? Has any officer been indicted under the criminal section of the antitrust law?
Mr. Wickersham. They have not.

On page 56 of these same hearings occurs the following:

On page 56 of these same hearings occurs the following:

Mr. Cantella. As a matter of fact, under your administration it is
only the tobacco farmer who has been proceeded against under the
criminal section of the Sherman antitrust law?

Mr. Wickersham. That is a fact.

Mr. Cantella. There is no manufacturer, no officer or director of
the American Tobacco Co., who has been proceeded against, and the
only man who has been proceeded against under the criminal section is
the tobacco farmer in Kentucky. Is that a fact?

Mr. Wickersham. Yes; and the tobacco farmer was proceeded
against on a specific charge—that is, these particular people, if they
were farmers, were proceeded against on the specific charge of naving
interfered with an interstate shipment of tobacco by another farmer.

Mr. Cantella. Well, that is the only instance under the criminal
section?

Mr. Wickersham. That is the only instance relating to the tobacco
bushess.

The purpose of the night riders, as I understand it, was in part to limit production and to control the sale. If these acts extended in their operation beyond the State lines, they were clearly a violation of law, and I am not here complaining of the fact that the Attorney General saw fit to prosecute the the fact that the Attorney General saw it to prosecute the transgressors. But he knew that this pooling agreement and the night riders were but a protest against the exactions of the American Tobacco Co., because, on page 62 of the same hearings, he was asked the following question by the chairman:

The Chairman. According to your understanding, what was the supposed cause of the alleged lawlessness down in the State of Kentucky in connection with this tobacco case?

Mr. Wickensham. Mr. Cantralla knows much better than I do, but my general understanding of it is that it is the result of the combination of the tobacco dealers.

Mr. Cantralla. Practically 30 per cent.

Mr. Wickensham. Now, that being the case, one of the evil consequences of the combination was that the growers got together in a combination for the purpose of meeting the power which the purchaser exercised—

combination for the purpose of meeting the power which the purchaser exercised—

Mr. Cantrill. Will you permit me to add that the growers got together under an express act of the legislature passed in 1906?

Mr. Wickersham. First you got together without the act, but subsequently the State of Kentucky passed a law authorizing it. But certain of the farmers would not come in, and force and violence—I speak now without personal knowledge, but from knowledge obtained from the public prints—was resorted to, either to punish those who would not come in or to prevent them from shipping, and in some cases went to the destruction of their crops and to interference with their shipments.

The Chairman. This alleged combination, then, through the agency of the tobacco company, was a violation of the Sherman antitrust law? Mr. Wickersham. That is what has resulted in the recent decision.

Mr. REED. Mr. President—
The VICE PRESIDENT. Does the Senator from Ohio yield to the Senator from Missouri? Mr. POMERENE. I do.

Mr. REED. I want to ask the Senator from Ohio if he is aware of the fact that at the time those farmers were endeavoring to hold their tobacco crop in order to force a proper price from this monopoly, the monopoly, in order to meet that situation, had gone into other States, notably into the State of Missouri, had leased in the names of its agents vast tracts of ground, had made large investments in storehouses, and had employed hundreds of thousands of men in order that it might be prepared with an independent source of supply, so that it could set at defiance all of the efforts of the farmers of Kentucky to protect themselves?

Mr. POMERENE. Mr. President, I knew that as a matter of general information, though I did not have at hand the details.

So it appears that while these farmers bound themselves together, under the authority of a Kentucky statute, in order to defend themselves against the exactions of the powerful American Tobacco Co. Trust, they were prosecuted, while the men who organized the American Tobacco Co. and made a combination of over \$300,000,000 in property and assets, and by cutthroat competition forced their competitors either into bankruptcy or to sell to the combination are to go unwhipped of

But this is not all. After the Supreme Court had handed down its decision dissolving the American Tobacco Co. into its constituent elements it was given out by the friends of the Attorney General that the tobacco people and their trust mag-

to him on account of this and other prosecutions. This was before he and the circuit court had approved the plan of reorganization and recombination.

Think for one moment of the situation. One parent company, 65 American companies, 2 English companies, and 29 individual defendants, each of whom is a stockholder in the parent company and all of the constituent companies, owning and controlling a gigantic business, with an accumulation of more than \$300,000,000 of assets and controlling the business, which had been formerly owned by from 200 to 250 separate firms and corporations, a part of whom were bought out by the trust and others driven out of business by its cuthroat prac-The Supreme Court directed the circuit court to determine upon "some plan or method of dissolving the combination and of re-creating out of the elements now composing it a new condition, which shall be honestly in harmony with and not repugnant to the law." This certainly did not mean reorganization in the sense of recombination.

The Supreme Court said the combination "in and of itself, as well as each and all of the elements composing it, whether corporate or individual, whether considered collectively or sepa-

rately," violated the law.

Is it conceivable that the Supreme Court would dissolve this combination and its constituent elements, which were found to be violating the law, only to let them again recombine under the sanction of the law? Are they to be permitted by a lower court and the Attorney General to undo what the Supreme Court had done or to legalize what the Supreme Court had declared was illegal?

The plan approved by the Attorney General permitted a recombination into 14 separate organizations of a business which theretofore had been owned and controlled by more than 200 separate firms and corporations. Can such a plan be a re-creation of a new condition that is "honestly in harmony with and not repugnant to the law"? The Attorney General must have understood that the Supreme Court had ordered a disorganization and not a reorganization or a recombination.

In the hearings upon House resolution No. 103, to which I have heretofore referred, on page 60, occur the following ques-

tion and answer:

Mr. Cantrill. However, they (the defendants in the American To-bacco Co. case) are to be permitted to organize within six months under rules laid down by the court, and those rules will possibly permit them to keep a working agreement?

Mr. Wickersham. That is absolutely not right; because the order of the court is not for reorganization, but for disorganization.

And yet the Attorney General approves of the reorganization of all of these companies into 14 different and distinct com-

panies having the same stockholders.

True, the plan approved provides that the 14 companies, which are authorized, shall not have the same directors, but they have the same stockholders, among whom are the 29 individual defendants. They have the same community of interest in all of these corporations. Is it to be supposed for one moment that they are going to elect directors who will act out of harmony with the wishes of the stockholders who elect them? Are these 14 companies, with many of the same stockholders and with directors of their choosing, going to compete among themselves, as we understand the meaning of the word "compete"? Will any company do anything that is going to jeopardize the interests of the other companies or of their stockholders? To answer these questions in the affirmative is to deny all the knowledge that we can derive from human experience.

This plan of reorganization was disapproved by the independent tobacco interests, who were the real complaining parties. It was disapproved by the attorneys general of six sovereign tobacco-growing States, and, if I am rightly informed, it was disapproved by some of the associate counsel of the Government. The independent tobacco interests number 100,000 men and more, and they have invested millions of dollars. Their business has been jeopardized for years by the operation of the American Tobacco Co. Their representatives and the attorneys general of six sovereign States protested against the approval of the plan and pleaded with the Attorney General to take an appeal to the Supreme Court. Their petitions were denied, and he arbitrarily refuses to continue the litigation, mooted though it was, and has taken no steps, so far as the public knows, looking to a criminal prosecution of any of these officials who have so flagrantly violated the law of the land.

Surely, when the Attorney General assumes this attitude, the officials of the Standard Oil Co. and the American Tobacco Co., who became so angry with the Attorney General that they would scarcely speak to him before the reorganization, are not in a position now to complain.

This is clearly proven by the stock quotations of the two nates, who had formerly been his friends, would scarcely speak | companies. In November, 1908, when the suit was begun against the Standard Oil Co., its stock was quoted at \$550 per share. After the decree of the Supreme Court was handed down dissolving the corporation and declaring it to be a trust the stock was quoted at \$679 per share, and within a few days it sold as high as \$950 per share, and the price of oil has been constantly increasing

Does this look as if the 33 companies into which the Standard

Oil Co. has been dissolved are actually competing? What benefit is the public receiving from this so-called dissolution?

Or, let us refer to the American Tobacco Co. The par value of its stock was \$100 per share. The highest price to which it had risen before the decision of the Supreme Court declaring it to be a trust in violation of the Sherman antitust law was \$2528 per share. After the decision of the Supreme Court it. \$528 per share. After the decision of the Supreme Court it

fell to its lowest point—\$364 per share.

But on November 27, 1911—within two weeks after the Attorney General had approved the plan for the recombination the same stock rose to \$511 per share; and within a few days thereafter it rose even above the highest market price it had attained before the decision. I do not have the exact figures.

If the Attorney General has so managed this litigation that

the price of the stock after the litigation is ended is higher than it was at any time before, surely the Standard Oil Co. and the American Tobacco Co. will not wound his sensibilities by further complaining. If, as in the American Tobacco Co. case, he has clothed with legal sanction 14 combinations, whose elements before the approval of the plan were existing in violation of the law, we can account for the increase in the price of the stock of the old company. And if he, being the head of the Department of Justice, refuses to enforce the criminal provisions of the statute against the officials of the Standard Oil Co. and the American Tobacco Co., whose wealth has accumulated and increased largely because of its violations of this statute, certainly they, the worshipers of the golden calf, ought to kill the fatted calf for this prodigal son. Has he not placed the American Tobacco officials under untold obligations when he prosecuted the farmers who formed an organization for the purpose of preventing the sale and delivery of their tobacco to the American Tobacco Co. at such prices as it might dictate and fails to prosecute criminally the company organized as a combination and trust which refused to pay the farmers the value of their product?

I confess I do not understand why tobacco growers who, for their own self-protection, are forced into a combination in order to protect themselves against the greed and ravages of the American Tobacco Co. should be prosecuted, while the officials of that company, who manufacture and sell the finished prod-uct, should be shielded by the Government. The American public does not understand it, and I do not believe the Presi-

dent of the United States understands it.

On October 28, 1911, while the President was on his western tour, in a speech in Chicago on the subject of the enforcement

of the Sherman antitrust law, he said:

It is not within my discretion as an executive officer to suspend any statute that stands upon the statute books. I am here under my oath, taken to defend the Constitution and the laws of the United States, to enforce the law, and when I find it violated to prosecute or direct prosecution of those who violate it.

No President could take any other position. The criminal provisions of the statute are just as much a part of the law of the land as are the civil remedies. But the Attorney General, the head of the Department of Justice-the man who sits at his Cabinet table and is sworn to faithfully discharge the duties of his office-takes it upon himself to attempt to enforce the civil provisions of the statute and to suspend its criminal provisions

Think of the situation. For years prior to 1890 there had been a protest all over this land because of the great trusts and combinations and the wrongful methods in which they were doing their business, and this protest was crystallized into the form of the Sherman antitrust law. Congress formally enacted it as a statute. To Congress it seemed that in order to provide an efficient remedy against the growing evils, it was necessary to provide both civil and criminal remedies. In this instance, after long years of patient waiting, a civil prosecution was at last begun against the Standard Oil Co. and the American Tobacco Co. The highest court in the land finds that the criminal provisions of the statute have been violated. And yet the Attorney General ignores the statute, pays no attention to the findings of the Supreme Court, at least seems to go counter to the opinion of the President, as expressed in his Chicago speech, and suspends the operation of the criminal law.

Upon what meat doth this our Wickersham feed that he hath grown so great?

Mr. President, it may seem that I am unduly exercised in this matter, but my position is not due to any spirit of revenge.

I do not know any of these delinquent defendants. None of them have ever harmed me or laid a straw in my way, but I believe that public duty requires the criminal prosecution of these men, just as certainly as it was necessary to begin the civil prosecutions, and that it is the duty of the Congress to so

The public press reports Judge E. H. Gary, the head of the United States Steel Corporation, as having said at a dinner of the Lehigh Club, New York, on Saturday, February 10:

tell you, gentlemen, that there are things being told nowadays in are very similar, indeed, to things said just before the French

I fell you, gentiemen, that the which are very similar, indeed, to things said just before the Figure Revolution.

I tell you that the spark may yet make a flame, and that soon.
We of great power and influence in the affairs of the country have not all of us done the fair thing.

Unless capitalists, corporations, rich men, powerful men themselves take a leading part in trying to improve conditions of humanity great changes will come, and they will come mighty quickly, and the mob will bring them.

He might have added that this danger will be increased if the Attorney General will not do his duty. I do not share these views to the same extent as Judge Gary, but they present food

for thought

We can not deny that there is a feeling of unrest prevailing throughout the land. On every side we hear murmurings of discontent. Socialism is rapidly increasing, not, in my judg-ment, because of the merit of its principles, but because the Socialists are able to point to the flagrant violations of the law by such vast combinations of capital as the Standard Oil Co., the American Tobacco Co., and others, and to the fact that the Government permits them to continue without enforcing the remedies which are at hand, while it holds to strict account offenders of lesser influence in the financial and political world. A just Government and a faithful officer can not permit it to be said that the rich and the strong are favorites before the law.

EMPLOYERS' LIABILITY AND WORKMEN'S COMPENSATION.

Mr. SUTHERLAND. I move that the Senate proceed to the consideration of Senate bill 5382.

The VICE PRESIDENT. For the purposes of discussion

Mr. SUTHERLAND. No. The VICE PRESIDENT. The Senator from Utah asks unaninous consent that the Senate proceed to the consideration of a bill, the title of which will be stated.

The Secretary. A bill (S. 5382) to provide an exclusive remedy and compensation for accidental injuries, resulting in disability or death, to employees of common carriers by railroad engaged in interstate or foreign commerce, or in the District of Columbia, and for other purposes.

The VICE PRESIDENT. Is there objection?
Mr. SMITH of Georgia. If that be simply for the purpose of permitting me to go on and to address the Senate in accordance with my notice

The VICE PRESIDENT. For the purpose of permitting the

Senator from Utah to now speak.

Mr. SUTHERLAND. No. Mr. President; I desire that the Senate shall proceed with the consideration of the bill. I will say to the Senator from Georgia, however, that there is no intention of pressing it to a vote or to attempt to press it to a

vote to-day, but I want to make some headway with it.

Mr. SMITH of Georgia. I do not think that the Senator could at this time make it the unfinished business in any sense.

Mr. SUTHERLAND. No.

Mr. SMITH of Georgia. And under the notice that I have given I suppose that the proper course would be to permit me to present my views on the subject at this time.

The VICE PRESIDENT. The motion of the Senator from

Utah is in order.

Mr. SUTHERLAND. I shall not interfere with the Senator from Georgia. As soon as the motion is disposed of I shall yield to the Senator, of course.

Mr. BACON. Although the motion of the Senator from Utah is in order, the universal practice of the Senate is that where a Senator has given notice that he will address the Senate, not to interpose anything to interfere with his so doing.

Mr. SUTHERLAND. If the motion is going to lead to any discussion, I will withdraw it. I do not desire to interfere with the Senator from Georgia.

The VICE PRESIDENT. The Senator from Utah withdraws the motion. The Mr. BACON. The Chair recognizes the Senator from Georgia.

Mr. BACON. Mr. President— The VICE PRESIDENT. The junior Senator from Georgia. Mr. BACON. I understand that. I rose to suggest the absence of a quorum.

The VICE PRESIDENT, The Senator from Georgia suggests the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Smith, Md. Smith, Mich. Smoot Stephenson Sutherland Thornton Tillman Townsend Warren Watson Wetmore Williams Curtis O'Gorman Bourne Briggs Bristow Oliver Overman Owen Fall Fletcher Foster Gore Gronna Guggenheim Page Perkins Poindexter Reed Root Brown Bryan Burton Catron McCumber McCumber Martine, N. J. Myers Newlands Nixon Chamberlain Sanders Clapp Clark, Wyo. Shively Culberson Cummins Smith, Ga.

Mr. OVERMAN. I have been requested to announce that the Senator from Arizona [Mr. SMITH] and his colleague [Mr. ASHURST] have been called from the Chamber on important

The VICE PRESIDENT. Fifty-one Senators have answered

to the roll call. A quorum of the Senate is present.

Mr. SMITH of Georgia. Mr. President, the proposed Federal compensation bill is made applicable to injuries resulting in disability or death of employees of common carriers by railroads engaged in interstate and foreign commerce while such employees are employed in such commerce.

am opposed to the bill in its present form, because it would prove a serious loss to the men working for railroads.

It would become their exclusive remedy for injuries, thereby

taking away from them their present rights.

It would leave the employee where he must still frequently litigate. It would require the trial of his case before a Federal special master called an adjuster and prevent his contracting

It would arbitrarily reduce his recovery to about one-third of what he is now entitled to; it would greatly reduce the recovery of his family if he is killed, and allow payments only by the month instead of in a bulk sum, except where a petition is presented to a Federal court judge and he, for cause shown, directs monthly payments commuted to a lump sum.

Now, as the proposed bill becomes the exclusive remedy if it is passed, it is well at the outset to consider what are the present rights of employees of railroad companies. Ever since the decision in Priestly v. Fowler a contest has been going on between the employees and the employers, the employers seeking to build more and more technical defenses to prevent employees from recovering in cases of injuries; the employees seeking to check those defenses. The employers have to a large extent been successful before the courts in building up these defenses, due, in my opinion, chiefly to the fact that their trained counsel were specialists and their views of the law as a rule were presented with more ability than the views presented on the other side. But we have gotten away from Priestly v. Fowler, and we have gotten away from all these decisions, for by the acts of Congress the rights of employees are established so far as they can be established by acts of

In 1906 the first employers' liability act was passed. The Supreme Court heard a case involving its constitutionality in 1908 and held it to be unconstitutional. At once Congress passed the second employers' liability act, seeking to meet the constitutional criticism placed upon the first act by the Supreme Court of the United States. In 1910 Congress passed an amendment to the employers' liability act. In 1908 at Atlantic City a large number of counsel of railroad companies met and or-ganized to fight the employers' liability act of 1908, and able counsel were selected to conduct the litigation through to the

Supreme Court. During the present term of the Supreme Court, in the case of Mondou v. The New York, New Haven & Hartford Railway Co., in the month of January of the present year, the court sustained the constitutionality of the employers' liability act of The decision also goes far enough to sustain the amend-

ment to the act. Congress also passed the safety-appliance acts. Those acts have been continuously before the courts and have been attacked by the railread companies. Only during the present session of the Supreme Court have the safety-appliance acts been passed upon and fully and broadly sustained by the Supreme Court of the United States, the court holding that they apply not alone to cars and engines engaged in interstate commerce, but to all cars and engines used by railroad companies engaged in interstate commerce, whether the particular cars were used in interstate or intrastate commerce. So the rights of employees under existing law have only become settled during the past few weeks, and only from now on are the employees to receive the beneficial effect to its full extent of this wise legislation by Congress.

Let us consider these acts and see where they leave the rights or employees. The present employers' liability act provides that railroad companies shall be liable to employees or their personal representatives for injury or death "resulting in whole or in part from the negligence of any of the officers, agents, or employees of such carrier, or by reason of any defect or insufficiency, due to its negligence, in its cars, engines, appliances, machinery, track, roadbed, works, boats, wharves, or other equipment." of employees. The present employers' liability act provides that

So that the doctrine of nonliability for the negligence of a

fellow employee has been abolished.

Again, the act provides that the fact that the employee may have been guilty of contributory negligence shall not bar a recovery, but the damages shall be diminished by the jury in proportion to the amount of negligence attributable to such employee.

So that the defense of contributory negligence by railroad companies is gone, and even though an employee is guilty of contributory negligence, he is entitled to recover the amount of his damage, to be reduced in proportion to his negligence.

Again, the employers' liability act provides that the employee shall not be held to have assumed the risks of his employment in any cases where the violation by such common carrier of any statute enacted for the safety of the employees contributed to the injury or death of such employee.

I will a little later consider the safety-appliance act and show that it broadly covers nearly every point upon a train where an employee is likely to be injured, and that it does away with the doctrine of assumed risk and frees the employee from loss of his case because he knew the defective condition of machinery.

The employers' liability act provides that any contract, rule, regulation, or device whatsoever, the purpose or intent of which shall be to enable any common carrier to exempt itself from any liability created by this act, shall to that extent be void.

So that no device, no contract, no scheme of the railroad company can be prepared or put through by which the rights of the employee can be destroyed.

The amendment of 1910 provides that suit may be brought in the United States court in the district of the residence of the defendant, or in which the cause of action arose, or in which the defendant shall be doing business at the time of commencing such action. The jurisdiction of the courts of the United States shall be concurrent with that of the courts of the several States, and no case arising under this act and brought in any States, court of competent jurisdiction shall be removed to any court of the United States.

This amendment to the employers' liability act gives the right to the employee to sue in his own State court, usually in his own county or in the place where the accident happened, and the case can not be removed to a United States court, thus placing upon the employee the additional expense of trying his case at a distance from his home, or at a distance from the point where his witnesses live, with the expense of bringing his witnesses and paying their railroad fare and paying in advance their per diem witness fees. This burden has been taken off the employee.

Again, the employers' liability act and the amendment provide that the right of action given to a person suffering injury shall survive to his or her personal representative.

Now, let us come to the safety-appliance acts. and require to be kept in safe condition driving-power brakes operated from the cab, continuous-power brakes, suitable couplers, grab-iron handholds, standard height of drawbars, boilers of locomotives and appurtenances, secure steps on cars, secure car ladders, running boards, ash pans on engines, and so forth.

The present law safeguards the rights of employee and authorizes recovery in every instance of an injury, except one of pure accident and due solely to the negligence of the injured employee.

With the safety-appliance law and the employers' liability act the defenses which heretofore have stood so seriously in the way of an injured employee are gone. But the employees have not yet received the benefit of this law. The Supreme Court has just sustained it. The statistics which the gentlemen bring covering past years are not statistics under the full operation of the present Federal law applicable to employees. Lawyers all over the country have been afraid to use the employers' liability act. They have not believed that the safetyappliance act would be construed to mean what it has been construed to mean, but now in their broadest language both have been unanimously sustained by the Supreme Court of the United States.

The relations of an employer under existing laws, if engaged in interstate commerce, if engaged in that line of work which Congress has power to regulate, are practically established. With the defenses gone that formerly existed we may reasonably expect that the railroad companies will settle with their men as never before; that litigation will not exist as it has heretofore existed in matters of injuries to employees of

railroad companies.

The complaint has been made that much of what they gained in law suits heretofore has been wasted in counsel fees. Litigation ought not longer to take place in anything like the quantity that it has heretofore, and with their claims brought substantially to a fixed status, with the defenses that made them so doubtful in the past gone, if they are compelled to sue, their fees will be contracted for like fees in other business matters where the liability is practically assured and will necessarily be brought to a far smaller per cent than they have been in the

Under existing laws employees are entitled to recover all of their financial loss, and compensation for pain and suffering and deformity. The compensation for pain and suffering and deformity will average one-half as much as the compensation

for financial loss.

If this bill were not intended to provide an exclusive remedy, I would not object to it. I object to it as an exclusive remedy because it is to wipe out the existing rights of employees, so admirably preserved by acts of Congress and completely sustained by the Supreme Court of the United States.

First, I object to the new remedy that is given as a substi-

tute for the old. Let us see what it is:

By the proposed bill the right to sue in a State court is withdrawn and the right of trial by jury is practically abolished. A new officer is created, who is to be found in every United States district throughout the country where suits of this sort may originate in that district. He is called an adjuster. Why he is called an adjuster I can not understand. The term is misleading. He is nothing more nor less than a Federal court master to sit and try cases. The employee can bring his case nowhere except before this Federal court master. Those who have had any experience in suits for employees before Federal court masters usually do not desire any more experience of that kind. Yet the only place that the employee can take his case is to a Federal court master.

This man called an adjuster sits as a judge. He holds the Witnesses are subpensed just as they would be subcourt. penned before any other master. They are to be examined just as they would be examined before any other master in a trial in a Federal court. If the witness is a hundred miles off, he can be brought by subpena, but the employee has to pay his railroad fare. He has to tender it to him before he comes and tender him a day's witness fees before he can get him.

I find no provision in the bill to reach a witness farther than 100 miles from the special master called the adjuster. The trial takes place. Exceptions can be filed, and the case can be

carried to the district court.

If the employee carries it up, he must pay in advance \$5 court costs to the clerk. If he wants a jury, he must pay \$5 more and make a written demand for a jury trial. Either side can take the case up. A trial before the United States district court follows and that trial is to be a de novo trial. All the witnesses must be brought again. They must be examined again. Two trials in every case can be forced on an employee before he can recover as a matter of right from the railroad company, and he must stand the burden of two complete trials before he can get a judgment. Then the cases can go up in ordinary order by exceptions as far to higher courts as either party desires to take them.

The master can tax the costs as he sees fit. The costs can be taxed in the higher court, but there is a provision that if the railroad company agrees to pay a certain sum and the employee does not recover more, all the costs fall on the employee. is no provision in the bill that if an employee offers to take a certain sum and recovers that much all the costs must fall on

the employer.

Mr. SUTHERLAND. Mr. President, the Senator is evidently in error in saying that the bill as reported to the Senate provides for the case to which he refers, where all the costs fall on the employee. The bill simply provides that the costs of the employee shall not be taxed against the employer.

Mr. SMITH of Georgia. Then they will be taxed on the

other side, will they not?

Mr. SUTHERLAND. It is simply that he shall not tax his costs, not the costs of the employer.

Mr. SMITH of Georgia. As to the costs of the case, I will not stop to discuss that in detail. I will consent for the Senator's suggestion of correction to go into the Record without stopping to discuss it in detail. I expect to discuss this bill very much in detail, section by section, later on.

Mr. REED. Mr. President—
The PRESIDING OFFICER (Mr. SANDERS in the chair). Does the Senator from Georgia yield to the Senator from Missouri?

Mr. SMITH of Georgia. I yield.
Mr. REED. I simply want to state that the copy of the bill which I have received, the only copy I have seen, and which was handed to me here from the Secretary's desk, does contain

a provision as stated by the Senator from Georgia.

Mr. SUTHERLAND. If the Senator from Missouri had listened to what I said, he would have heard me say "the bill as reported to the Senate." The Judiciary Committee struck out of the bill the provision to which the Senator from Georgia refers, and the bill as proposed to be amended by the Judiciary Committee simply provides that where the employer offers to allow a certain sum and the employee does not recover more than that sum, the employee shall not tax his cost against the employer, but the employer must, of course, pay his own costs.

Mr. REED. May I inquire if the bill as reported has ever

been printed?

Mr. SUTHERLAND. Certainly; the Senator will find it in his file, together with the report of the Judiciary Committee.

Mr. REED. I do not desire to prolong the discussion, but I want to say that I was listening to what the Senator from Utah said, and I referred to the fact because I want to get all the light I can. I am glad the bill has been modified to that extent.

Mr. SMITH of Georgia. I read the bill and I gathered from

the bill that the purpose was to release the employer from costs if the employee recovered no more than the employer offered to pay. There is no provision that the employee shall be relieved

from costs if he recovers all that he offered to take.

Again, while the employer can obtain a trial by jury on a written demand in the United States court the report of the master is prima facie correct, and it is necessary for the employee to overcome that report by proof, so that his trial by jury comes to him in the Federal court burdened by the judgment of this Federal court master. If this bill is to pass I would insist that there should at least be reserved to the employees the privilege of bringing their suits in a State court before a State court jury, and that the remedy of taking their cases to a Federal court master should not be exclusive.

Again, in connection with the procedure of securing their rights, the bill provides that no contract can be made by them for counsel. Not only may they make no contract for counsel that is binding, but no lien of any kind can be created and no judgment enforced on any amount allowed to them. They must come to the Federal court without the right to employ counsel and make a contract with him, and without a right to bind in any way their recovery for their counsel fees, and the fees are to be fixed by the master, with no provision as to their col-

lection.

In this connection I wish to refer also to the fact that the compensation is to come to them monthly, and in no instance more than one-half their salary, unless their earnings were less than \$50. They are to receive monthly for a total disability only onehalf the salary they earned, and it is to be paid monthly. hundred dollars is arbitrarily fixed as the largest sum an employee of a railroad company shall be considered as making and \$50 a month is arbitrarily fixed as the largest sum an em-ployee can recover for a total disability.

Let us see what they call a total disability. Both eyes completely and permanently out; both legs cut off; both hands cut off. I think these disabilities can well be classed as permanent and total. There are a large number of injuries that are not classified. There are a number that are classified, but there

are many which are not classified.

Mr. SUTHERLAND. Mr. President, does the Sentor from Georgia say that the injuries he has just enumerated are the only ones?

Mr. SMITH of Georgia. I said there were others. Mr. SUTHERLAND. I misunderstood the Senator.

Mr. SWITHERLAND. I misunderstood the Schator.

Mr. SMITH of Georgia. I said there were a number of others that were classified, but that there were a large number of others that were not classified and could not be classified.

Mr. SUTHERLAND. But if they result in total disability

they come within the provisions of the bill as such.

Mr. SMITH of Georgia. Precisely; but I was citing the cases of total disability defined in the bill to show what an extreme standard of total disabilities it sets up.

I will cite another case of total disability named in the proposed bill. An injury to the spine which produces total paralysis in both legs. There is the standard of total disability. What about injuries to the spine that do not create total paralysis of both legs and yet which produce total disability? All those will be for the master's consideration.

Mr. SUTHERLAND. If the Senator will permit me, the intention of the framers of this bill was that any injury which in fact resulted in permanent total disability should be considered as such, and payments should be continued to the employee, as the bill provides, as long as he lives. But in order that

Mr. SMITH of Georgia. Will the Senator pardon me? do not misunderstand the bill, and I will discuss it just on the

lines the Senator is expressing himself.

Mr. SUTHERLAND. That was simply a preliminary. I was going to make the further suggestion to the Senator that the purpose of stating particular and certain injuries is that under no circumstances shall the adjuster or the court be permitted to say, when those injuries result, that they did not constitute permanent total disability. Those specific provisions were put in the bill out of abundance of caution to make it absolutely certain that when an injury of that kind happened it can never be said to be other than a total permanent disability and not in any way to limit the general provision with reference to total permanent disability.

Mr. FLETCHER. Will the Senator from Georgia allow me

just a moment?

Mr. SMITH of Georgia. Certainly.

Mr. FLETCHER. In connection with the description of this adjuster as an officer, would it not be more accurate to describe him as a referee? A master we generally understand to be an officer of a chancery court and a referee an officer of a court of law. These cases necessarily will come to the law side of the court, and would not the adjuster be better described as a ref-

eree appointed by the court rather than a master?

Mr. SMITH of Georgia. I do not think any benefit is derived from calling him a referee. There are so many Federal masters in the Federal courts, and the work that the adjuster is to do, being exactly the same as a special master would perform, although his report is to be to the common-law side of the court, I think a comprehension of his power is better understood by comparing him to a special master, and that was my reason for selecting that term. He might be called a referee also. He is given, however, judicial power.

Mr. BACON. If my colleague will permit me, I will suggest that in cases where railroads have gone into the hands of a receiver and there are a great many claims against the road for personal injuries, they are universally referred to a master. Mr. FLETCHER. Those cases are always on the equity side

of the court

Mr. BACON. I know; and they were tried under the commonlaw liability.

Mr. FLETCHER. That is the jurisdiction of the equity side of the court.

Mr. SMITH of Georgia. It is utterly immaterial what name you give him, he is appointed by the Federal judge with trial power and judicial authority, and an adjuster is a misnomer for him.

I was calling attention to the fact that the cases conceded to be permanent total disability cases are most extreme cases. They may have been declared to be permanent total disability out of the kindly consideration of the commission. How any living human being could have treated them as less passes my imagination. They are made the standards for this United States court judicial officer, by which he is to compare other injuries and allow an unreasonable small recovery to the employee of the unreasonable small part which under any circumstances this bill gives to an injured employee. The amount is so trifling, the chance of litigation so great before the adjuster or master, that there is nothing left from which to employ a counsel. In the vast number of cases of injuries, where the extent of the injury is not described in the bill and where the specific recovery is in no way indicated, each one of these little masters will fix the standard, with the able counsel for the railroads trained and feed by the year, prepared to appeal their side and drag down the standard of payment to employees with no provision made for compensation to a lawyer representing the employee and practically a provision which prevents the employee from having a lawyer

It anything like the reduction permitted in this bill goes through it is excused, as I understand it, upon the theory that the lawyers in damage suits have received about half of past recoveries. If you take the half away from the employee, because before his lawyer got it, then certainly you ought to provide in the bill that wherever a trial has to take place before one of these special masters or anywhere else the fee of the employee's lawyer should be fixed by the court and made an

additional charge against the railroad company.

I am utterly opposed to a bill that turns these men over exclusively to the tender mercies of this Federal court master or compensation.

referee, and I am utterly opposed to a bill that leaves them without a chance for representation somewhat commensurate to the representation which will be on the other side.

I desire to come now to the amount this bill proposes to allow. It arbitrarily declares that no man shall be considered as making over \$100 a month. For a permanent total disability he can get a monthly payment of half the hundred-of \$50 a month-and no more, even if he was earning \$250 a Conceding the permanent total disability, his compensation is to be monthly only one-half what he was making, and he is arbitrarily to be determined as not having been mak ing over \$100 a month. What about the engineers all over this land who make \$200 a month? Arbitrarily you say if you cut off both of his legs or both of his hands, if you injure him in the spine so that both legs are permanently paralyzed, you will treat him as having been making only \$100 a month, and you will allow him for that injury only half of that sum-\$50

a month.

Mr. OVERMAN. For eight years?

Mr. SMITH of Georgia. No; for life.

Mr. OVERMAN. Permanently.

Mr. SMITH of Georgia. I am treating now the compensation to the employee if he lives. I do not think it is right to pass a bill that arbitrarily fixes the amount of a man's salary at onehalf what he was making when you are proposing to compensate You call it the workmen's compensation bill and you shape it so that he is not compensated at all; there is nothing for pain and suffering, nothing for deformity. His salary is arbitrarily reduced at the very outset one-half. You treat him as making only \$100 a month when he was making \$200, and then you arbitrarily say he shall have only half of that \$100.

Come now to injuries that you call permanent partial injuries, cutting an engineer's leg off at or above the knee. I take that

as an illustration.

The loss by separation of one leg at or above the knee joint, or the permanent and complete loss of the use of one leg, 66 months.

To the engineer making \$2,400 a year, for cutting his leg off above the knee the proposed bill will pay only \$3,300; to the fireman or train hand making \$50 a month it will pay \$1,650; and the sums will be paid monthly at the rate of \$50 and \$25.

The loss by separation of one foot at or above the ankle joint, or the permanent and complete loss of the use of one foot, 48 months.

This will be \$2,400 to the engineer, \$1,200 to the man making \$50 a month.

Take an engineer 45 years old. He is master of his business. He is too old to learn another occupation. You cut his leg off just below the knee. His business is gone, his occupation is gone. What can he do? Yet you give him \$2,400 for it.

Mr. OVERMAN. And that \$2,400 is paid monthly?

Mr. SMITH of Georgia. That is paid monthly at \$50 a

month. The proposed bill does not give him any lump sum and let him start out and find something to make his living. It gives it to him monthly, and it leaves him to starve at the end of the time—that, too, although he was absolutely free from

fault and injured exclusively by the negligence of the railroad Take the complete loss of one eye. This bill will give him

only \$1,500, payable monthly. Let an engineer 45 years old lose one eye and he is out of a job; he can not stand an examination for an engineer's place anywhere. The proposed bill will give him less than a year's pay at \$50 a month, and leave him, with his business gone, unable to obtain or fill a place or to stand any of the examinations prescribed for an engineer.

Take a young apprentice, 20 years old, making \$50 a month. For the loss of his leg above the knee this bill allows him \$1,640; below the knee, \$1,200. No consideration is given to his future prospects. But that is not all. If his employer offers him any kind of work and offers him 90 per cent of what he was earning before he was hurt, this bill requires him to take it; and when he takes it he does not get any other pay, and if he declines to take it he forfeits his pay.

The Supplier LAND. No, Mr. President, the Senator is

Mr. SUTHERLAND. No, Mr. President, the Senator is greatly mistaken about that.
Mr. SMITH of Georgia. No.
Mr. SUTHERLAND. Let me call the Senator's attention to the language of the proposition as it comes to us.

Mr. SMITH of Georgia. You must have misunderstood me.

am sure my statement was correct; but go on. Mr. SUTHERLAND. I understood the Senator to say that if an employee declined to work he would forfeit his compensa-

Mr. SMITH of Georgia. Yes; that is, if he declines to take a job, during the time that it is offered to him he does not get the

Mr. SUTHERLAND. The Senator will permit me to say he is entirely mistaken about that. The provision of section

That, notwithstanding any agreement, award, finding, or judgment as hereinbefore provided for, the employer may continue such injured employee in his service at suitable work, and if the employee accept such work and continue in his employer's service, compensation in any case of injury shall be suspended while the injured employee is at such work for which he receives wages which do not fall below 90 per cent of the wages he was receiving at the time of the accident, as limited by the provisions of section 20 hereof.

That is the provision which leaves it wholly optional to the injured employee, and if he goes to work for anybody else he may work for 90 per cent of the full wages and his compensation still continues. But the object of the provision was to operate first as an inducement to the employer to continue him at work, and then to operate as an inducement to the employee to go to work, because he would receive more if he was at work than if he was idle. I think it is an exceedingly good provision and one wholly in the interest of the employee.

Mr. REED. Mr. President—
The PRESIDING OFFICER. Does the Senator from Georgia

yield to the Senator from Missouri?
Mr. SMITH of Georgia. I do.
Mr. REED. I understood the Senator from Utah to say that
if a man went to work for another and, nevertheless, drew his

pay from the railroad company—
Mr. SUTHERLAND. His compensation.
Mr. REED. I ask him what he does with paragraph E of the division of section 21, which reads as follows:

(E) Where temporary partial disability results from an injury, the employee, if he is unable to secure work, shall receive 50 per cent of his wages during the continuance of such disability—

Mr. SMITH of Georgia. That is the section to which I referred.

Mr. REED (reading):

but such payment shall not extend beyond the period fixed for payment for permanent partial disabilities of the same character; and if the employee refuses to work after suitable work is furnished or secured for him by the employer, he shall not be entitled to any compensation for such disability during the continuance of such refusal. If the employee is at work at reduced wages, he shall receive compensation according to the method provided in section 22.

And following that comes section 22, which provides that if he is offered a job at 90 per cent and accepts the job, then his pay stops. Reading the two together, it seems to me there is no doubt about the proposition that if a man gets a situation from an outside party his pay stops to the extent he receives pay from the outside party; if he is offered a job at 90 per cent of his wages, then his pay stops if he takes the job voluntarily, and if he does not take it voluntarily the provisions of paragraph E come in and cut him off anyway.

Mr. SUTHERLAND. I understood that the Senator from

Georgia was talking about permanent disability.

Mr. SMITH of Georgia. I was combining the two. Mr. SUTHERLAND. If the Senator was speaking about section 22 only, his statement would be correct. That applies only to temporary partial disability, where a man has received an injury which is temporary in character and is only partial. That man, of course, is able to work. So that would be only a partial disability. It is the purpose of the bill that where the man is able to work he shall work; otherwise, his compensation shall not be allowed. Under practically all the laws with which I am familiar the attempt is made to provide for a partial compensation, measured by the extent of the loss of earning ability. We have thought it was better to provide for the payment of the whole amount, the whole 50 per cent, and make it depend upon whether the man could obtain work, rather than to say to him, "Your disability is only partial; you are partly able to earn a living, and although you may not be able to get work we will measure your compensation by the extent of the loss of earning ability and not by the extent of what you lose by being unable to get work." The notion of the commission about it, after very thorough consideration, was that that provision would operate to the advantage of the man rather than an attempt to measure his loss of earning ability by a decreased amount of compensation.

Mr. SMITH of Georgia. Just how sections 21 and 22 will be construed together I am not prepared to say. It is expressly declared in section 21 that if the employee refuses to work after suitable work is furnished him or secured for him by an employer, he shall not be entitled to any compensation for such disability during the continuance of such refusal. It may be that the framers of this bill had in view to draw the distinc-tion between paragraph 22 and paragraph 21 and not to ex-

employee was able to work and refused to work to then stop

his compensation under this act.

Mr. SUTHERLAND. No, Mr. President. The language, as it seems to me, is perfectly clear. It is, where temporary partial disability results from an injury, dealing with that one class of cases, the employee, if he is unable to secure work, shall receive 50 per cent of his wages during the continuance of such disability until he is entirely recovered; that until his complete earning power has been restored he is entitled to 50 per cent, unless he can secure work. If he can secure work, being able to work, then he must do it; but so long as he can not obtain work, in that one case and in that one case only, he is to be paid 50 per cent.

Mr. SMITH of Georgia. There is another feature of this bill to which I wish now to call attention. It provides for the reexamination and reclassification of the condition of the employee. Even if the special master allows him something and treats the disability as reasonably permanent, as a partial disability or a partial temporary disability for a certain length of time, or a permanent temporary disability for a certain length of time, the case can be reexamined undoubtedly; and if the master tendered him employment and he did not accept it, that would open up the case to show before the special master that there

was something that he could do.

Mr. SUTHERLAND. Mr. President, the Senator from Georgia always speaks about the master's side of this proposition, but there is another side to it. This bill provides that at any time within two years either the employer or the employee may apply to the adjuster, and, upon showing that the disability has increased or decreased, there may be an adjustment of the compensation. That is as much to the interests of the employee, and I think more to the interests of an employee, than it is to the interests of the employer, because, take a case where the employee has sustained one of these partial disabilities—that is, it is so considered to begin with-provision is made for paying upon that basis; but within two years in the development of the injury it turns out that he has sustained permanent injury, then he goes to the adjuster, and his compensation is adjusted upon the larger basis, upon an extension of the time; so that it is quite as much and, as I think, very much more for the interest of the employee than for the interest of the em-

Mr. SMITH of Georgia. Now, again, the bill arbitrarily cuts

man off from any pay for 14 days.

Mr. SUTHERLAND. Yes.

Mr. SMITH of Georgia. The bill furthermore provides that a man with a partially permanent disability who goes back to work and receives another injury, and the two together will produce a permanent total disability, shall not be treated as having a permanent total disability.

Mr. BACON. Mr. President, I should like to ask my colleague a question in the hearing of the Senator from Utah [Mr. Sutherland]. I am asking it for information. The bill provides that where there is a total disability the employee shall receive 50 per cent of his wages for the remainder of his life. I want to ask this question: Suppose that permanent disability is one which naturally shortens that man's life, so that he receives a total disability on account of which he does not immediately die, but the natural consequence of which is that he dies within two years, is there any provision in the bill for anything to be paid?

Mr. SMITH of Georgia. Mr. President, I can answer the Senator's question, and I think that is perhaps as brutal a thing as there is in the bill. The bill provides that if the employee subsequently dies from the same injury, after he has begun receiving compensation for a permanent total disability, then the beneficiaries named in the bill can recover; but from what originally would have been allowed to them if he had died at once shall be deducted both what the employee has received and what the beneficiaries would have received up to the time of the death if the employee had died immediately on receiving the injury. That is what the bill provides.

Let us examine just briefly how the beneficiaries are treated. If the employee is killed, the widow receives for a limited length of time 40 per cent of her husband's earnings. The total which she would receive on a \$50-a-month allowance for an engineer making \$200 a month would be \$3,840; or if she has several children she would get \$50 a month, or \$4,800. But the limitation of the contribution to the child is fixed at 16 years of age, and on the arrival of the child at 16 the child part stops. A child 16 years of age shall draw nothing, unless dependent. tion between paragraph 22 and paragraph 21 and not to exclude him if the disability was permanent; but my own conception of their meaning was that they contemplated that if the further over in the bill, you will find that this term "dependent" is defined as applied to a child 16 years of age, and it declares that the child must be incapable of earning a living by reason of "mental or physical incapacity." So that the daughter between 13 and 18 years of age of the engineer, at the very age that she needs her father's help, at the very age that she needs his contribution to complete her education, is cut off absolutely by this bill, that is called "the workmen's compensation bill," where she is "physically or mentally deficient." unless she is "physically or mentally deficient."

Senators, among our men working on the railroads are the best paid laboring men in the country. I have seen their daughters in our high schools, in our business colleges, and in our normal schools. Most of these men spend their incomes as they make them; but, as a rule, the fathers care for their chil-

dren and prepare them for life by giving them an education.

Among the best teachers we have in my State, graduates of high schools and normal schools, are the daughters of engineers, of conductors, of firemen, and of train hands of the railroads who have earned their money and educated their daughters. This bill says that at 16 years of age compensation to children stops, though the school laws all treat the children up to 18 years of age as of school age. If there be no widow and no children under 16, though there may be daughters or sons at school between 16 and 20, there is nothing allowed by this "workmen's compensation bill." For one child 25 per cent of the father's income is allowed, provided, of course, that income must never be considered as over \$100 per month. It is said, however, they never go below \$50. No; they do not go below \$50, but they say that even the man who gets \$50 shall have but half he was making, and if he is not totally disabled, he receives the \$25 for only a short time, and if he is making less than \$25, then he gets just what he was making.

I do not at this time desire to discuss the bill further. I hope it will go over until fall and let the railroad men in the United States themselves know what is in it. When they do, they will repudiate it. If it were not made exclusive, but cumulative, I would vote for it; but made exclusive it seems to me inexcusable on account of the character of redress to which the employee is remitted and on account of the meager compensation that is accorded to him. I say they are cut off two-thirds under this bill—more than two-thirds if they were making over a hundred dollars a month. The engineer making \$200 a month, if totally disabled, ought to be entitled to his \$200 for his pain and suffering and his deformity, for a total permanent disability, but he will receive only \$50 a month. For partial permanent disability that really amounts, practically, to total permanent disability he will receive that sum for a few months or for two, three, or four years, and then he is left with nothing.

But it is said some reduction must be made to take care of the employee who is going to recover, but can not recover under the present law. Let us see who that is. It is the man who, on account of his own negligence, is exclusively responsible for his injury. It is also said there are cases of accident. I do not believe in accidents on railroads. Where nobody is at fault accidents do not often happen. Injuries are the result of some one doing something he ought not to do or failing to do some-

and thelleve in accidents on railroads. Where nobody is at fault accidents do not often happen. Injuries are the result of some one doing something he ought not to do or failing to do something he ought not to do or failing to do something he ought to do. The safety-appliance act puts the condition of trains in a shape where, if its provisions are compiled with, the number of injured will be greatly lessened, and pure accidents will scarcely ever happen. Now, the man whose own negligence exclusively causes the accident is to be taken care of under this bill, and these enormous cuts in the compensation of everybody else are to furnish money to take care of him.

Let us take an instance A flagman turns a switch carelessly or improperly, and as a result he is killed and the engineer is killed. The engineer was absolutely free from fault. The flagman was the sole and exclusive cause of the accident. They are both killed, and their widows receive precisely the same?

Mr. SUTHERLAND. Mr. President, are their needs not the same?

Mr. SMITH of Georgia. Are their rights the same?

Mr. SMITH of Georgia. Are their rights the same?

Mr. SMITH of Georgia. Then, I reject your bill because you have not regarded rights. I do not object if you want to pay the man who is entitled to nothing, but do not take it away from the man who has a legal claim. I do not object if you want to have not regarded rights. I do not object if you want to have not regarded rights. I do not object if you want to have not regarded rights. I do not object if you want to have not regarded rights. I do not object if you want to have not regarded rights. I do not object if you want to have not regarded rights. I do not object if you want to have not regarded rights. I do not object if you want to have not regarded rights. I do not object if you want to have not regarded rights. I do not object if you want to have not regarded rights. I do not object if you want to have not regarded rights. I do not object if you want to have not regarded rights. I do no

with the expense, if the Senator wishes, of the negligent, though I doubt the wisdom of it. I doubt the wisdom of providing compensation to a man who is injured where his own negligence is the sole cause of the catastrophe; but, whether that be right or wrong, I protest that it is wrong to take it away from the man who was in no sense at fault and who was injured to give it to the man whose negligence was the exclusive cause of his own injury. I protest still further when under this bill so much more will be taken from the faultless man than will be given to the man who is at fault.

This bill has only recently been introduced in the Senate. was introduced on February 20 of the present year, and only reported on April 3 by the Judiciary Committee. Our present legislation and the rights to-day of the employees of railroad companies under it have just been established. The Supreme Court at the present term has for the first time passed upon the various acts of Congress and fixed the rights of the employees. Let us wait and see how that legislation works before

we set it aside.

It has taken six years by successive acts of Congress passed upon by the Supreme Court of the United States before railroad employees reached the place in the protection of their rights they now occupy. With the law established, construed, and settled, why wipe it out? If your object is the compensation of the men, let us allow the law to stand and let them receive the compensation a little while, at least let them try it until fall. Ah, Senators, the trouble about it is, that if you let the law ar it now has been established stand 12 months, you will have an uprising of the railroad employees all over the United States if you suggest this bill as a substitute for their rights under the existing law. Their officers who approved it would be turned out of office so fast that they would hardly have time to know the power that turned them out. What I urge is, let us wait and see what the present law is going to do. Let us hope that the railroad companies will now recognize their liabilities under the existing law and settle with their employees. If you are disturbed about fees for lawyers representing the employees, pass a bill amending the present law and limiting fees to a reasonable sum. If a workingman's compensation bill is to be passed, let us make the compensation what the men lose. The amounts named in this bill are not half enough.

I believe, Mr. President and Senators, that this bill is a serious blow at the rights now established of the large majority of the employees of railroad companies, and I am opposed to its passage in its present shape.

I ask consent of the Senate to publish at the close of my remarks the employers liability act of April 22, 1908, and also the act amendatory thereof, approved April 5, 1910.

The VICE PRESIDENT. Without objection, permission is

granted.

The acts referred to are as follows:

[Public-No. 100.]

An act (H. R. 20310) relating to the liability of common carriers by railroad to their employees in certain cases.

Sec. 4. That in any action brought against any common carrier under or by virtue of any of the provisions of this act to recover damages for injuries to, or the death of, any of its employees, such employee shall not be held to have assumed the risks of his employment in any case where the violation by such common carrier of any statute enacted for the safety of employees contributed to the injury or death of reach employee.

case where the violation by such common carrier of any statute enacted for the safety of employees contributed to the injury or death of such employee.

SEC 5. That any contract, rule, regulation, or device whatsoever, the purpose or intent of which shall be to enable any common carrier to exempt itself from any liability created by this act, shall to that extent be void **Provided**, That in any action brought against any such common carrier under or by virtue of any of the provisions of this act, such common carrier may set off therein any sum it has contributed or paid to any insurance, relief benefit, or indemnity that may have been paid to the injured employee or the person entitled thereto on account of the injury or death for which said action was brought.

SEC. 6. That no action shall be maintained under this act unless contained within two years from the day the cause of action accrued.

SEC. 7. That the term "common carrier" as used in this act shall include the receiver or receivers or other persons or corporations charged with the duty of the management and operation of the business of a common carrier.

SEC. 8. That nothing in this act shall be held to limit the duty or liability of common carriers or to impair the rights of their employees under any other act or acts of Congress, or to affect the prosecution of any pending proceeding or right of action under the act of Congress entitled "An act relating to liability of common carriers in the District of Columbia and Territories, and to common carriers engaged in commerce between the States and between the States and foreign nations to their employees," approved June 11, 1906.

Approved, April 22, 1908.

[Public-No. 117.]

[Public—No. 117.]

An act (H. R. 17263) to amend an act entitled "An act relating to the liability of common carriers by railroad to their employees in certain cases," approved April 22, 1908.

Be it enacted, etc., That an act entitled "An act relating to the liability of common carriers by railroad to their employees in certain cases," approved April 22, 1908, be amended in section 6 so that said section shall read

"SEC. 6. That no action shall be maintained under this act unless commenced within two years from the day the cause of action accrued.

"Under this act an action may be brought in a circuit court of the United States, in the district of the residence of the defendant, or in which the cause of action arose, or in which the defendant shall be doing business at the time of commencing such action. The jurisdiction of the courts of the United States, and no case arising under this act and brought in any State court of competent jurisdiction shall be removed to any court of the United States."

SEC. 2. That said act be further amended by adding the following section as section 9 of said act:

"Sec. 9. That any right of action given by this act to a person suffering injury shall survive to his or her personal representative, for the benefit of the surviving widow or husband and children of such employee, and, if none, then of such employee; parents; and, if none, then of such employee; but in such cases there shall be only one recovery for the same injury."

THE METAL SCHEDULE.

THE METAL SCHEDULE.

Mr. STONE. When on Saturday last the views of the minority of the Finance Committee on what is known as the metal-schedule bill were presented I was temporarily absent. I

ask leave to attach my signature to those views.

The VICE PRESIDENT. The Chair supposes that the Senator has that right without leave; but, without objection, the Senate will grant the Senator from Missouri the right he re-

quests. No objection is heard.

CHOCTAW AND CHICKASAW COAL AND ASPHALT LANDS.

Mr. OWEN. Mr. President, I shall detain the Senate for a few moments only. I ask that Senate bill 5727 be laid before the Senate.

The VICE PRESIDENT. Without objection, the Chair lays before the Senate for the purpose of discussion a bill the title of which will be stated.

The Secretary. A bill (S. 5727) to provide for the appraisement of the mineral deposits of the segregated coal and asphalt lands of the Choctaw and Chickasaw Nations, and for other purposes.

Mr. OWEN. Before I leave the floor, I wish to ask unanimous consent for the present consideration of a bill extending

the time of payment by settlers in the Comanche country.

Mr. CURTIS. May I ask what action was taken by the Senate upon the measure to which the Senator from Oklahoma was addressing himself?

The VICE PRESIDENT. The bill was simply laid before the

Senate for the purpose of discussion.

Mr. OWEN. No action was asked for upon that bill. simply wanted to lay upon the record the facts with regard to the coal and asphalt lands, so that the attention of the Senate might be called to them.

Mr. President, I rise to request and to demand that the United States fulfill its treaty obligations to the Choctaw and Chickasaws by the immediate sale of the coal and asphalt deposits, as the United States is pledged to do by treaty.

Nineteen years ago the Dawes Commission was instructed to negotiate with the Choctaws and Chickasaws for the allotment of their lands, the giving up of their tribal governments, and

the creation of State government (27 Stats., 645, sec. 16). The Dawes Commission was expressly authorized in this act-

To procure the cession, for such price and upon such terms as shall be agreed upon, of any lands not found necessary to be so allotted or divided, to the United States.

The Choctaws and Chickasaws were very reluctant to give up their method of landholding, and to give up their tribal governments, to which they were deeply attached. The holding of land in common was almost a religion with the Indian people. But after four years of solicitation and urging the Choctaws and Chickasaws, who had always been extremely friendly to the United States and loyal to the wishes of the Government, agreed to give up their tribal governments by an agreement of April 23, 1897 (U. S., 30 Stats., 495, sec. 29).

By this agreement the Choctaws and Chickasaws agreed to relinquish their tribal government; that their lands should be allotted; and the United States agreed on its part to fairly divide the property owned by them in common at the expense

of the United States.

This agreement was amended by a supplemental agreement

approved by Congress July 1, 1902 (32 Stats., 641).

By section 14 it was agreed that the residue of lands not reserved or otherwise disposed of should be sold at public auction under the rules and regulations prescribed by the Secretary of the Interior and the proceeds distributed per capita. And it was further expressly provided as follows:

And it was further expressly provided as follows:

Sec. 56. At the expiration of two years after the final ratification of this agreement all deposits of coal and asphalt which are in the lands within the limits of any town site established under the Atoka agreement, or the act of Congress of May 31, 1900, or this agreement, and which are within the exterior limits of any lands reserved from allotment on account of their coal or asphalt deposits, as herein provided, and which are not at the time of the final ratification of this agreement embraced in any then existing coal or asphalt lease, shall be sold at public auction for cash finder the direction of the President as hereinafter provided, and the proceeds thereof disposed of as herein provided respecting the proceeds of the sale of coal and asphalt lands.

Sec. 57. All coal and asphalt deposits which are within the limits of any town site so established, which are at the date of the final ratification of this agreement, be sold at public auction under the direction of the President as hereinafter provided, and the proceeds thereof disposed of as provided in the last preceding section. The coal or asphalt covered by each lease shall be separately sold. The purchaser shall take such coal or asphalt deposits subject to the existing lease, and shall by the purchase succeed to all the rights of the two tribes of every kind and character under the lease, but all advanced royalties received by the tribe shall be retained by them.

Sec. 58. Within six months after the final ratification of this agreement the Secretary of the Interior shall ascertain, so far as may be practicable, what lands are principally valuable because of their deposits of coal or asphalt, including therein all lands which at the time of the final ratification of this agreement shall be covered by then existing coal or asphalt leases, and within that time he shall, by veritten order, segregate and reserve from allotment all of said lands. Such segregation and reservation shall conform to the su

Mr. President, it has been 10 years since this solemn promise was made to the Choctaws and Chickasaws.

They have demanded from time to time the fulfillment of this guaranty by the United States, and, as Senator from Oklahoma, I have strenuously and persistently urged the sale of these coal and asphalt lands and deposits.

The Department of the Interior, which was charged with carrying out the plighted honor of the United States, now finds shelter for not carrying out this law under the act approved April 26, 1906, section 13, which was passed at the instance and with the approval of the department itself, as follows, to

That all coal and asphalt lands, whether leased or unleased, shall be reserved from sale under this act until the existing leases for coal and asphalt lands shall have expired or until such time as may be otherwise provided by law.

These lands amount to approximately 445,000 acres:

Acres. Coal land, Choctaw Nation_____Asphalt land, Choctaw Nation_____Asphalt land, Chickasaw Nation_____ 438, 000 1, 000 6, 000

Congress has just passed an act providing for the sale of the surface of the segregated coal and asphalt lands, but no action was taken by Congress to sell the mineral deposits of the coal and asphalt.

The Senator from Wisconsin [Mr. LA FOLLETTE], I am advised, desires that the United States should buy this coal and asphalt belonging to the Choctaws and Chickasaws, with a view to the conservation of these properties and the administration of these coal fields by the Government of the United States, and he has heretofore been unwilling to carry out the pledge of the United States to sell these properties and distribute the moneys to the Choctaws and Chickasaws, because he hoped that the House of Representatives and the Senate of the United States would agree to buy this property and handle it under

the governmental administration.

Mr. President, I believe in the conservation of coal and asphalt, but I believe that this is a problem which primarily involves the conservation of the national honor. The preservation of the national integrity is more important than the Federal purchase or control of coal owned by private persons. The United States Government gave its pledge and its guaranty 10 years ago to nearly 30,000 human beings-the Choctaws and Chickasaws—that if they would do certain things and give up certain things, to which they were deeply attached, the United States would sell this coal and asphalt and distribute the money to these people.

The Choctaws and Chickasaws have been waiting 15 years for the fulfillment of this pledge. Nearly 5,000 of these people have died disappointed and have been denied the written pledge of this Government. Justice delayed is justice denied.

I count myself as one of the custodians of the good name of the Nation. Every Senator on this floor is charged with the personal responsibility of keeping the plighted faith of this Government, and no argument based upon material advantage will avail to justify any policy which will give ground to the Choctaws and Chickasaws to feel that the United States has been guilty of perfidy and dishonor. These Choctaws and Chick-asaws are my constituents. They are citizens of the United States and of the State of Oklahoma. They are my friends, and I represent them on this floor as Senator from the State of Oklahoma, and I serve notice on the Senate that patience has ceased to be a virtue.

I demand a fulfillment of the written pledge of this Government to the Choctaws and Chickasaws in good faith.

Nobody believes that the Government will buy this property, and nobody believes that the Government will permit this property to pass into the hands of any great monopoly. The abuse of monopoly can be prevented by selling it in tracts of reasonable size, and the laws of Oklahoma will do the rest.

If the Government is not going to buy this coal and asphalt, then let the Government immediately sell this land to the highest bidder and fulfill faithfully and honestly the plighted faith

of this Nation

I wish to submit a memorandum prepared by the Department of the Interior in relation to the Choctaw and Chickasaw coal and asphalt lands as an addendum to my remarks.

The VICE PRESIDENT. Without objection, permission is granted.

The memorandum is as follows:

MEMORANDUM PREPARED BY THE DEPARTMENT OF THE INTERIOR IN RELA-TION TO THE CHOCTAW AND CHICKASAW COAL AND ASPHALT LANDS.

"Additional legislation is required before the coal lands in the Choctaw Nation can be disposed of (all of the coal lands are within the Choctaw Nation). The last act of Congress on the subject was passed April 26, 1906 (34 Stat., 137), and provides as follows:

"That all coal and asphalt lands, whether leased or unleased, shall be reserved from sale under this act until the existing leases for coal and asphalt lands shall have expired or until such time as may be otherwise provided by law.

"The last agreement with the Choctaw and Chickasaws, embraced in the act of Congress approved July 1, 1902 (32 Stat. 641), provided that the coal and asphalt lands in the Choctaw and Chickasaw Nations be segregated. This segregation took place March 24, 1903, and embraced an area of approximately 445,000 acres. This area is divided up substantially as follows:

	Acres
	438, 000
Asphaltum land, Chickasaw Nation, approximately	6,000
Aspitation land, Chicaasaw Nation, approximately	0, 000

Acres.

Coal land, Choctaw Nation, approximately 438,000
Asphaltum land, Choctaw Nation, approximately 6,000
Asphaltum land, Chickasaw Nation, approximately 6,000
Asphaltum land, Chickasaw Nation, approximately 6,000

Total 445,000

"Of this area about 100,000 acres were covered by live coal leases in effect July 30, 1909, and the 6,000 acres of Chickasaw nation approximately 100,000 acres were covered by live coal leases in effect July 30, 1909, and the 6,000 acres of Chickasaw naphaltum lands were also covered by leases at the same time. The coal and asphaltum leases were made for a period of 30 years from their respective dates. The dates of these leases range from July 3, 1809, to September 16, 1902, and therefore they will expire by their own momentum from July 3, 1929, to September 16, 1932. Said act of July 1, 1902 (32 Stat., 641). Which provided that no more mining leases should thereafter be made was not ratified by the Indians until September 25, 1902, and was not operative until ratified by the Indians. This accounts for the fact that some leases bear dates as late as September 16, 1902.

"Said act also provided that the segregated coal and asphaltum land should be sold within three years from its date at the sound asphaltum land should be sold within three years from its date at the coal lands, four assumptions may be made:

"In valuing these coal lands, four assumptions may be made:

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public auction for cash, under the direction of the President, by a commission composed of three persons to be appointed by the President. This commission was appointed, but no lands were disposed of by it. Pending action of said commission, Congress made a provision in the Indian appropriation act of April 21, 1904 (33 Stat., 189), whereby the method of sale of the coal lands was changed from sales at public auction to sales under sealed bids. Much of the coal land was advertised for sale in 1904 under sealed bids. These sealed bids were opened at the department, but were rejected because the Secretary decided that the price offered for the coal lands was inadequate. The bids on 362 tracts, aggregating 60,946 acres (no tract exceeding 960 acres), aggregated \$498,562, an average of \$8.18 per acre. Such bids included not only the land itself but the mineral therein.

Nothing has been done since 1904 looking toward the sale of the coal lands, indeed nothing can be done without new legislation, as will be seen from the act of April 26, 1906 (34

Stat., 137), quoted above.

"There was a wide divergence of opinion on the value of these coal lands. On account of this, Congress on June 21, 1906 (34 Stat., 325), appropriated \$50,000 for the purpose of prospecting the coal lands and drilling holes at different points to ascertain the value of the coal deposits therein contained. This \$50,000 was expended by the Commissioner to the Five Civilized Tribes under the personal and direct supervision of Mining Agent William Cameron. Mr. Cameron personally conducted the prospecting, drilling, and examination of the field. His prospecting has been of great value to the Government, and the \$50,000 appropriated was well expended. Mr. Cameron was assisted in his work by a representative of the Geological Survey detailed by the department. The man from the Geological Survey, who has had this matter under his personal supervision, is Mr. A. W. Thompson; he, however, is not now in the Government service.

"Senate Document No. 390, Sixty-first Congress, second session, gives a full and complete report of the prospecting done in the coal areas. This report, which is evidently a reliable docu-

ment, shows among other things the following, to wit:

Mr. Cameron considers the present value of the workable coal, separate from the surface, at \$12,319,000 (p. 21). Cameron confines his calculation to coal veins lying 1,000 feet or less in depth from the surface (p. 90), and in the main confines his estimates to coal layers 3 feet in thickness or more (p. 90). He thinks that the segregated coal area contains 283,649 acres of good workable coal (p. 21). He estimates the total value of the coal at \$12,319,000, as stated above, or at about \$44 per acre (p. 71), and thinks that the rest of the segregated area, containing approximately 155,000 acres, is either barren of coal or that the coal lies too deep for any commercial value.

"The Geological Survey, to which Mr. Cameron's report was submitted, using the same basis as that adopted by Mr. Cameron, to wit, coal lying in measures 1,000 feet and less in depth and having a thickness of 3 feet or more, estimates that the workable coal covers an area of 217,382 acres (p. 90). Moreover, the Geological Survey has used another basis of calculation upon which it places the coal area at 371,689 acres, using coal measures at a depth of 3,000 feet or less and veins of a thickness as small as 14 inches.

"I especially invite your attention to the four assumptions made by the Geological Survey in valuing the coal deposits exclusive of the surface. I quote their exact language, found

on page 90 of Senate Document No. 390:

"The leases above referred to have yielded, since the Government took charge, a royalty of 8 cents per ton, mine run, and have produced the following tonnage and royalty:

Year ending June 30—	Output.	Royalty.
1899. 1900. 1901. 1902. 1903. 1904. 1905. 1906. 1907.	1,900,127 2,398,156 2,735,365 3,187,035	\$110, 145, 25 138, 486, 46 199, 663, 55 247, 361, 36 261, 929, 84 277, 811, 66 248, 428, 36 251, 947, 00 240, 199, 23 273, 196, 82 218, 376, 00

"It is to be remarked that the most desirable coal measures within this segregated area are under lease."

DISTRICT COURT FOR WESTERN DISTRICT OF MICHIGAN.

Mr. SMITH of Michigan. I request unanimous consent for the present consideration of the bill (S. 5935) to fix the terms of the District Court for the Western District of Michigan. It is a bill which was unanimously reported by the Committee on the Judiciary, and it will cause no delay or debate.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on the Judiciary with an amendment, in line 9, after the word "in," to strike out "June" and insert "January," so as to make the bill read:

Be it enacted, etc., That the terms of the District Court for the Western District of Michigan for the southern division shall be held at Grand Rapids, commencing on the first Tuesdays in March, June, October, and December; and for the northern division at Marquette, commencing on the second Tuesdays of April and September; and at Sault Ste. Marie. commencing on the second Tuesdays in January and July.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

WILLAMETTE RIVER BRIDGE AT NEWBERG, OREG.

Mr. CHAMBERLAIN. I ask unanimous consent to call up for consideration the bill (H. R. 20486) authorizing the construction of a bridge across the Willamette River at or near Newberg, Oreg. It is a bill which has local reference merely.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

REGULATION OF IMMIGRATION.

Mr. SIMMONS. Mr. President, I should like to ask unanimous consent to have printed in the RECORD certain publications, containing valuable data upon the question of immigration, a subject which the Senate is to take up on Wednesday, as I understand from the Senator from Massachusetts [Mr. Lodge], and I desire it to be in the RECORD in order that Senators may have the benefit of the information contained in those publications.

The VICE PRESIDENT. Without objection, permission is

granted.

Mr. SIMMONS. The data consist of four editorials and two articles of great interest and direct relevancy to S. 3175 that is to be taken up by the Senate next Wednesday, as I have just said. The editorials are from the New York Sun, the New York Herald, the Scienific American, and the Manufacturers Record, of Baltimore. As Senators know, the Sun and Heraid are two of the leading conservative dailies of the country, the Scientific American is a highly technical and scientific periodical, and the Manufacturers Record is one of the leading trade, transportation, and financial publications of the South. The two articles are taken from recent issues of the New York Times and the Herald as indicated, and contain what seem to be very carefully prepared statements of the most recent information and expert opinion that can be obtained from State and Federal officials in a position to know minutely about conditions of which they speak.

The matter referred to is as follows:

[Editorial from the Scientific American, New York City, Apr. 13, 1912.]

THE CHURCH, EUGENICS, AND IMMIGRATION.

To be a good animal is the first requisite to success in life, and to be a nation of good animals is the first condition of national prosperity.—
(Herbert Spencer.)

The announcement of a prominent cleryman that henceforth he would refuse to marry men and women eugenically unfit for wedlock has been

received with an outburst of approval that shows how little Galton and his followers realized the feeling of the public on a subject which means vastly more to the preservation of society than the discussion of such questions as tarial revision and the abolition of the House of Lords. In many of the writings of eugenists the hope is expressed that some day the public will realize the meaning of heredity, and that some day legislators will take the necessary steps to prevent an increase of those elements in civilized populations which ultimately mean racial destruction. That the general public has voiced its approval of the church's position shows that eugenic ideas had been making their way far more rapidly than eugenists knew or supposed.

Almost every newspaper and every scientific periodical is publishing articles nowadays on the subject of eugenies. The terrible consequences of permitting such criminal families as the Jukes and the Zeros to saddle their countries with a thousand and more defectives in the course of a few generations must surely be realized by almost everyone who can read black print. Instances of hereditary insanity and criminality are brought to light daily in the rapidly increasing literature on eugenics. Thus, in Conklin's "Mating of the Unfit," we learn of a young man of good family who, after his discharge from the Continental Army, mated a feeble-minded girl in New Jersey. From this union came a feeble-minded daughter, whose blood can be traced in 480 descendants, of whom 143 were distinctly feeble-minded. In a paper read before the sixty-first annual session of the Medical Society of the State of Pennsylvania last September, Dr. Martin W. Barr, chief physician of the Pennsylvania Training School for Feeble-minded Children, cites some telling examples out of his own experience. He tells us that in Pennsylvania alone there are 10,000 cases of avowed imbecility, and of these but 3,500 are sequestrated. At present the unsequestrated feeble-minded are a distinct menace, not only to the St

that of 4,050 cases of imbeclity, he found 2,051, or 65.45 per cent, caused by malign heredities, and of those 1.030, or 25.43 per cent, are due to a direct inheritance of idlocy, and 280, or 6.91 per cent, to insanity.

In a recent number the Medical Record points out that great danger lies for us in the tide of immigrants that pours into this country annually. True, our law provides for the deportation of "all idiots, imbeciles, feeble-minded persons, epileptics, insane persons, and persons who have been insane within five years previous or persons who have had two or more attacks of insanity at any time previously." But the enforcement of the law is difficult.

In a bulletin published by the New York State hospitals, it is stated that until 1905 not more than 35 immigrants were denied admission on account of insanity in any single year; but since that time, and without any especial change in the law, the number has risen to nearly 200 annually. Moreover, nearly as many defectives as insane persons have been excluded. The immigration inspectors undoubtedly do their best, but the Commissioner General of Immigration has himself pointed out how inadequate are the means at his disposal for preventing the pollution of American blood.

As might be expected, the influence of the immigrant is most clearly apparent in New York State, for here 1 out of every 250 immigrants is taken to a hospital for the insane in a year after arrival. Evidence has also been collected, chiefly by Dr. Isabelle Smart, which shows that no less than 30 per cart of the feeble-minded in our population may be traced to bad alien blood.

We take elaborate pains that diseased cattle shall not be allowed to affect the public health from the far greater danger that lurks in bad human blood. Some day a patriotism will be inculcated, based upon a noble culture of racial purity, a patriotism that will recognize the truth of Lord Beaconsfield's dictum: "The public health is the foundation on which reposes the happinness of the people and the power of

[Editorial from Manufacturers Record, Baltimore, Md., Apr. 11, 1912.] SCATTERING IMMIGRANTS.

Expectation on the part of its promoters that Southern States will cooperate with the "Southern Settlement and Development Organization," recently devised by way of Baltimore, and the formation in New York of the American Immigration Distribution League, calling upon the Federal Government to establish a land fund for the purpose of making loans to immigrant farmers, point to the imperative necessity for additional restrictions upon immigration and rigid enforcement of them, regardless of local or national political exigencies, until there shall be no longer inducements for the movement to this country of the classes now dominant in immigration.

There is a leaven of good intent and humanitarianism in most of the movements that have come to the surface in the past 10 or 15 years looking either to relieving eastern cities of the congestion of undersirable populations from abroad or to making it easier for greater herds of such elements to enter this country. Recognition of that fact, however, should not blind the intelligence of the country to the real inspiration of such movements, either of a most material character having to do with increasing the earning of trans-Atlantic steamship companies or centered in foreign-born racial or ecclesiastical schemes hoping to use this country as a pawn. There have been so many mistakes in this connection within the past decade, so many specious schemes, that it is difficult to understand how southern men can still hope for good results from any immigration movement in which individual States shall participate on any basis save that of individual State bureaus controlled by the people of the State, whose taxes support them. The movement for scattering immigrants that would be a benefit to the country would be one that would scatter 80 per cent of the number now specking admission to the country back to the European lands that have speeded them to the United States.

[Editorial from the New York (Evening) Sun, Mar. 28, 1912.] A COMING ISSUE.

In more ways than one the present and the near future seem likely to offer years of unusual test for the Republic in which we live. A desire to experiment with the iridescent toy of pure democracy has already disturbed the workings of representative government in various parts of the country. And impatience with courts and constitutions may well cause graver confusion. The actual evil from such experiments may not be great, and every try at pure democracy contains a fresh demonstration of the futility of such reversion to primitive methods in a

modern State. Nor have we any patience with those gloomy dyspepties who consider that American polltical sense has gone to the dogs. It hasn't—and it is a pleasure to observe it attacking the new problems at once with zest and patience.

But America is one thing, and America overlaid or interlarded with large slices of the most ignorant and unreliable portions of Europe is another. And the indeterminate factor in the coming years—the coming issue—is the question of how much further we can permit free, unsifted immigration. Our current immigration both raises the most serious problems now ferming for governmental solution, and also, by lowering the intelligence of the electorate, furnishes the gravest hiadrance to their solution. The sudden cruption of the gaunt fagure of syndicalism in our labor troubles is the most omnious sign of the times. We have had our strikes a-plenty in the past, but the first considerable development of an actually revolutionary spirit comes to-day, and comes, as lately at Lawrence and now at Paterson, among the un-American immigrants from southern Europe.

The question is not one to be settled in a day or in a year. We shall doubtless have it with us for a long while to come. But we think the time is ripe for a very serious debate upon the problem, and actually for a beginning of restrictive measures. The first brute need for hands to lay open an unexplored continent has unquestionably passed. Such need as remains must be balanced against the paramount need for minds to govern a highly developed nation.

Fortunately, the whole subject has been most thoroughly examined in recent years, and the facts are before the Nation. The recent congressional investigation resulted in a pientiful array of statistics, and especially in a single volume, The Immigration Problem, prepared by Prof. Jenks and Prof. Lauck, who aided in the study. Much of their interesting report was stated to the Senate recently by Senator Stramons, of North Carolina. The question is before that body in connection with a

amendment by the Senator from North Carolina. To quote the conclusion of his argument:

"In nearly every State we are expending annually enormous sums of money to educate the boys and the girls who are to be the citizens of the future, who are to control the destiny of this country and its institutions. In many States there are compulsory-atendance laws. The taxpayers are assuming this great financial burden; they are insisting upon this higher degree of education for our boys and girls, because they appreciate and thoroughly understand the fact that in an enlightened democracy such as ours, a country where we have sovereignty citizenship, the safety of our institutions, nay, the perpetuity of those institutions, depends upon the measure of intelligence of its people.

eignty citizenship, the safety of our institutions, nay, the perpetuity of those institutions, depends upon the measure of intelligence of its people.

"Here, sir, we are spending annually upon our boys hundreds of millions of dollars to fit them for citizenship, because we know that that better fits them for participation in a government like ours. Yet, Mr. President, in the face of this fact, in the face of this large expenditure of money for this purpose, when the Nation as a whole comes to act we open the doors and admit every year to our citizenship between 200,000 and 300,000 of as densely ignorant and ifficente peoples as live under God's sun. Why should we do this? Is it not a contradiction in policy? Is it not inconsistent with our whole educational history, especially of the last 25 or 30 years?"

The facts which he quoted to support his view are familiar enough. The change in the character of immigration in the last 25 years is notorious. Of the total immigration prior to 1883, 95 per cent came from England, Ireland, Scotland, Wales, Belgium, Denmark, France, Germany, The Netherlands, Norway, Sweden, and Switzerland. From 1883 to 1907, 81 per cent came from Austria-Hungary, Bulgaria, Greece, Italy, Montenegro, Poland, Fortugal, Roumania, Russia, Servia, Spain, Syria, and Turkey. This latter stream is one-half illiterate; more than a third does not setile here, but returns to its source, and the rest largely lives to itself and resists assimilation. All of which facts are admirably illustrated, for example, in the racial condition existing in Lawrence, Mass.

Whether the literacy test is a sound method of restriction is a moot question. Nine out of the ten members of the congressional investigating committee agreed upon it as the best practical means, though frankly admitting its shortcomings. Possibly such a test if supplemented by other restrictions might meet the needs of the situation. But the point we would make is that the time has come when some restrictive plan must be devised and applied. The

[Article from New York Times, Apr. 7, 1912.]

NEW YORK HAS SPENT \$25,000,000 ON ALIEN INSANE—INSUFFICIENT GOVERNMENT INSPECTION AT ELLIS ISLAND IS ADMITTING LARGE NUMBERS EACH YEAR THAT SHOULD BE DEPORTED, AND IS SADDLING A HEAVY BURDEN ON THE STATE.

In some years New York State has spent as much as one-third of its entire revenue in the care of its insane. This year it will probably spend—at least the lunacy commission has asked for—\$9,006,000, or one-fifth of its income, in this way.

Startling as these figures are, there are others even more surprising. Of the inmates of the State hospitals for the insane about one-half are foreign born. The logical inference is that a large number of lunatics or potential lunatics are successful in passing the examination at Ellis Leland.

Island.

The authority for these figures is Mr. Goodwin Brown, who has for many years been deeply interested in the question of insanity.

Mr. Brown was one of the State commissioners in lunacy during the years 1895-96. These were the years in which the State completed its work of taking over from the local authorities the management of institutions for the insane. Up to this time the various townships and cities had cared for their defectives, and the expense was spread out over a large territory and among many different boards. When consolidation took place, however, it became possible to see just how enormous were the sums spent on hospitals for the insane, and those who were interested in the subject felt the need of further legislation.

Mr. Brown has in the past worked to secure legislation from Congress in regard to the alien insane, and has also appeared before the United States Industrial Commission, speaking on the same subject. The State commission in lunacy employed him in 1902 to appear before

Congress and present the situation as it existed in New York, and in 1903 some legislation was secured. The time in which it is possible to deport an aften who is found insane in this country was lengthened, and several safeguards were employed to lessen the danger of admitting

Congress and present the situation as it existed in New York, and in 1903 some legislation was secured. The time in which it is possible to deport an allen who is found hasne in this country was lengthered, them.

Nevertheless the situation has grown worse with passing years as immirgation has increased. Mr. Brown gave the facts as he has a minimary to he was a minimary to he had not been a minimary to he had not been a minimary to he had not been a minimary to he had not have your to he had not have you for the cort of the lusane. They have over \$2,200 thmates, and their entered the lusane. They have over \$2,200 thmates, and their on the cort of the plant and equipment of these heaptils may be put at \$60,000.000. Enormous as, this som is, I think I am conservative organization of the lunary commission, considers that I am not exaggrarity.

"It is important to understand the situation. Our lunary commission, considers that I am not exaggrarity."

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"It is important to understand the situation. Our lunary compared to the fact of the plant and property of the plant and property of the situation. Our lunary suggest, the present commissioners in lunary, could not be found.

"These men are responsible to the Starte for the expenditure of one controller of the State of New York reports that up to the and of 1010 one-third of all the State revenue in the previous 10 years had been pent in the care of the lusane. Last your \$5,000,000 was expended.

"This is what it costs as the previous 10 years had been pent in the care of the lusane. Last your \$5,000,000 was expended whole expenses of the State. One are face issues one and. The feedometer of the state of the

of time that had elapsed between their arrival in this country and their commitment to an insane asylum. The figures ran thus:

Length of time in United States.

Total under 6 years_____ "The total foreign born in our insane asylums amounts now to over

13,000.

"The National Government assumed charge of immigration in 1882. Since then the States have had nothing whatever to do with the regulations. The Marine Hospital Corps is in charge of the inspection at

"The total foreign born in our insane asyiums amounts now to over 13,000." The National Government assumed charge of limitgration in 1882. Since then the States have had nothing whatever to do with the regulations. The Marine Hospital Corps is in charge of the inspection at a control of the control of the

power to farbid his depertation. He has refused to deport 100 cases which are now in our State hospitals.

"Inderstand that I am not binning Secretary Nagel. To deport an insane person and separate him from his family would often be cruel. When a home is established here it is easy to imagine the suffering caused when roots must be pulled up. I have no doubt that in these 100 cases Secretary Nagel acted from motives of humanity that would have louched all of us, but I do say that inspection should have been so rigid when these people acked admission to the country that they "These tragic situations ought not to have been created in the first place. They could easily have been prevented if competent allenists watched arrivals at Elilis Island and detained for examination any immigrant that seemed to them suspicious.

"More than that, our State hospitals are now overcrowded to the extent of 2,000 beds. Taking in a now patient is a doubly serious of the hospitals. They do not make up the entire number of the deficient allens who come to this country. Many cases are harmless and are conceased by their friends for fear the unfortunates will be deported. Let, but the man or woman may marry, probably will marry, and transmit the bad strain to some child who in time may become a care on the State. Then, too, a great many insane are discharged from the hospitals. And we have a remained and the summary people again. Many of these returns to the biospital, but in the meanwhile they are homested and unhappy. No doubt this helps to make the trouble acute, but a thoroughly normal man does not become insane because they show an improvement and can be permitted to mix with ordinary people again. Many of these returns to the biospital, but in the meanwhile the many become insane, but he would not lose his balance unless how come in the summary in the proposed security and the proposed security and the proposed security of the summary and the proposed security of the security of the summary of the proposed security of the summar

[Article from New York Herald, Apr. 13, 1912.]

UNABLE TO COPE WITH BUSH OF ALIENS, BIGGEST ON RECORD—PERIL TO COUNTRY—HEALTH OF CITY AND NATION MENACED, IT IS ASSERTED, BY LAX INSPECTION—THOUSANDS UNFIT PERMITTED TO ENTER—AUTHORITIES DECLARE FACILITIES AT ELLIS ISLAND ARE INADEQUATE FOR HANDLING GREAT HORDE—MORE BUILDINGS NEEDED—CAN NOT PROVIDE QUARTERS FOR PERSONS WHO SHOULD BE DETAINED PENDING AN INVESTIGATION.

Decause of the inadequate facilities for the examination and care of the immigration which is now pouring into this country, and which was reported at its highest tide in the history of the port yesterday, thousands of aliens, diseased both mentally and physically, are permitted to enter and spread their evil influence widely. At Ellis Island, where the immigrants are examined, it is impossible properly to examine the large number of immigrants now, and as a result a gross injury is inflicted upon the health of this country.

For the most part the immigrants come from the unhealthy parts of southern Europe and carry contagious diseases. Many are weak-minded, a condition difficult to detect, especially in children, and they are sent here by their relatives abroad because they can receive better care in American institutions. A majority of the immigrants get no further than this city, and prominent medical authorities here have often declared that the foreigners are responsible for much of the disease in the tenement quarters.

William Williams, Commissioner of Immigration, stationed at Ellis Island, said yesterday in an interview to the Herald that improvements were sadly needed. He said it was impossible to care for the flood of immigrants during this season, and that of necessity many aliens were passed who should be held for detention.

CONDITIONS IN A BAD WAY.

CONDITIONS IN A BAD WAY.

"I do not want to be an alarmist," he said, "but conditions here are in a bad way. We need additional buildings and additional facilities for handling the increased immigration. As it is, we must rush through with them, and this is hardly fair to the country. There are many cases which should be held until a second and complete examination could be

made, but we have not the accommodations for them here. It is a serious question, and Congress should take cognizance of its importance and make ample provisions.

"We have many cases in the spring months, when immigration is heavy, that we can handle only with reasonable care. It would require an expenditure of more than a million dollars for the erection of buildings to properly examine and care for the aliens. I will not say that we are obliged to make a superficial examination of immigrants, but we examine them under present conditions only with reasonable care."

The immigration this month has passed the high-water mark. In April of last year, which was a big month and which tested the capacity of the department, 83,575 immigrants arrived at Ellis Island. In April this year the total is expected to be more than 100,000 immigrants, which will be the record for the department.

To date for this month 6,000 more immigrants have arrived than in the same period of April last year. In March of this year, despite the uncertainty of labor, 83,654 immigrants arrived, as against 75,306 of last year, which was one of the biggest years of immigration in the history of the department.

HEALTH OF COUNTRY MENACED.

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HEALTH OF COUNTRY MENACED.

By those in authority it is said that Ellis Island, as it is conducted at this time, is wholly inadequate, and as a result the health of the country, and especially of this city, is menaced. Recently the Herald published statistics showing that more than 60 per cent of the occupants of charitable institutions and insane asylums in New York were foreign born and likely entered here under the lax system of the immigration authorities. An official at Ellis Island yesterday said:

"The immigrants coming to this country, especially from the south of Europe, are not the dull, ignorant people they are commonly supposed to be. They are smart and, for the most part, clever in their attempts to dupe the immigration officials. There is so much faking among them that it is often difficult to arrive at the truth.

"We have found that many aged men and women who come here ostensibly to join their sons and daughters come for no other reason than to enter some American charitable institution for the remainder of their lives. They have no children here, but through agents get other persons to pose as their children until they pass the authorities. We naturally pass them on, as we have no means to detain them until a proper investigation is made."

The same condition is said to exist in the examination of persons for tuberculosis and like diseases. Also it has been found impossible to properly examine children who are believed to be slightly demented. One official said yesterday that many weak-minded children are passed by the authorities in the rush months of immigration because they have no time to make a complete examination.

CAN CARE FOR 1,800 AT NIGHT.

CAN CARE FOR 1,800 AT NIGHT.

Commissioner Williams said yesterday that they can care for only 1,800 persons at night at Ellis Island. When almost twice that number arrives, as is the case this month, the authorities are obliged to rush them through. Allens who naturally would be detained until a complete examination could be made are permitted to enter this city. Commissioner Williams blames the state of affairs upon Congress for refusing to make appropriations for suitable quarters and facilities to maintain an efficient standard of inspection.

"We are up against it here," said Commissioner Williams, "but the strictest sort of an investigation will prove that we are doing the very best we can in the circumstances. We handle every immigrant with reasonable care, but when they pour in on us as they have in the last few weeks, of course the physicians have to hurry through with their inspection.

few weeks, of course the physicians have to hurry through with their inspection.

"No one is more interested than I in making a thorough examination of immigrants. But what are we going to do? Already we have had complaints about putting the allens in three-tier cots, the only manner in which we are able to care for 1,800 each night. Last year 749,642 allens arrived at this port, and of that number 14,500 were deported for various reasons. The steamship agents abroad are responsible in a large measure for accepting as passengers persons who are totally unfit to land here.

WOULD INCREASE THE FINE.

"In 1911 the steamship companies were fined \$14,000 for bringing in passengers mentally affected or with contagious diseases. I would favor increasing the fine from \$100 to \$200 as one means of preventing the rush of foreign imbeciles and unhealthy subjects. It means increased taxation to care for this great number of mentally and physically incapacitated persons. I understand that New York pays more than \$8,000,000 annually to care for the indigent insane, and of this number at least two-thirds are foreign born. These figures show the advisability of Congress spending one-eighth of that amount for adequate facilities to make proper examination of aliens coming to this port.

quate facilities to make proper examination of aliens coming to this port.

"Our hospital department is totally inadequate for a proper execution of the law relating to the detention of the physically and mentally defective. We are doing the best we can in the circumstances, but it is a serious proposition and means a great deal in the future health of this country.

"We are sadly handicapped in not having sufficient quarters for the immigrants detained pending investigation. And the quarters we have are poorly ventilated and must be used both night and day. Our dormitories are in bad condition, and the responsibility for the continuance of these conditions must rest with Congress.

"The complaint that there are many feeble-minded alien children in the public schools of New York, who have passed Ellis Island, is due to the lack of time and facilities for a thorough examination as to mental condition. It is true that this element of feeble-minded persons forms a large part of the immates of the Elmira Reformatory and contributes largely to the criminal class. But we make every effort to exclude them. Greater effort should be exercised, I know, to prevent the landing of feeble-minded immigrants. But we can not do that without additional facilities. It is a physical impossibility."

CAUSE FOR ALARM.

That there is cause for alarm from the big influx of immigration now flowing into this country without proper inspection is admitted by everyone familiar with the circumstances. From the plague-ridden districts of eastern and southern Europe thousands of immigrants are coming here every week. There is no question that many of them are suffering with diseases characteristic of their country and not a few are in the early stages of consumption.

One steamship agent who canvasses abroad for passengers declared that he had found that young allens come to this country for their health. They are made familiar with the examination to which they

will be subjected upon their arrival here and fortify themselves for the ordeal,

They also are acquainted with the fact that in March and April an unusually large number of immigrants come to the United States and that the examination at that time must necessarily be conducted in a lax manner. Consequently those who are mentally or physically deficient take advantage of the rush season to enter this country. Once here, they are willing to enter a charitable institution, where they will receive better care than at home.

[Editorial from New York Herald, Apr. 13, 1912.] TROUBLE AHEAD.

TROUBLE AHEAD.

We call attention in the news columns this morning to the flood of immigrants now pouring into the country through the port of New York. They are coming in larger numbers than ever before. In March 83,654, a record number for that month, passed inspection. So far in April 6,000 more have entered than for the first half of April last year. Some 3,000 a day, often more, have to be examined by the immigration inspectors. Almost needless to say, it is impossible to determine properly in the time that can be given each of them the fitness of any such number for entrance. At the very most 1,800 can be cared for with the quarters and the staff at the command of the Commissioner of Immigration.

Hence a large number of most undesirable persons are being necessarily admitted. We pointed out in the Herald months ago, with the warning that immigration would probably be higher than ever this year, that at the present time nearly two-thirds of the inmates of the public insane asylums of the metropolitan district are of foreign birth. The ratio will be even higher after this. Insanity is only one of the undesirable qualities in such a heterogeneous mass. It may be fairly taken as an index of what can be confidently expected from our short-sighted policy.

This must stop. We need better immigration laws, but above all we need at once more inspectors to enforce our existing laws properly. We are laying up physical, mental, and moral trouble for our people. Who is to blame?

KIOWA-COMANCHE AND APACHE LANDS IN OKLAHOMA.

Mr. OWEN. I ask unanimous consent for the present consideration of the bill (H. R. 19863) authorizing the Secretary of the Interior to subdivide and extend the deferred payments of settlers in the Kiowa-Comanche and Apache ceded lands in Okla-

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. CURTIS. I ask the Senator, does the bill do anything else than to relieve the farmers who purchased down in that section where they have had crop failures for the last three or four years?

Mr. OWEN. That is all.
Mr. CURTIS. It does not include any town sites?
Mr. OWEN. It does not.
Mr. CURTIS. Of any kind?
Mr. OWEN. It does not. The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

DONATION OF FIELDPIECES TO JACKSON, MISS.

Mr. WILLIAMS. I ask unanimous consent for the present consideration of the bill (H. R. 9420) authorizing the Secretary of War to donate to the city of Jackson, Miss., carriage and cannon or fieldpieces.

Mr. SMOOT. I should like to ask if the Senator from Oklahoma [Mr. Owen] intends to go on with his speech this after-

The VICE PRESIDENT. The Senator from Oklahoma has concluded his speech, as the Chair understands.

Mr. OWEN. I have concluded my remarks, which were very I simply wished to put upon record some facts in regard to the coal and asphalt lands in the Choctaw and Chickasaw country.

Mr. SMOOT. I shall not object to this bill being taken up, but after it is disposed of I shall ask that the calendar be taken up under Rule VIII, unless some other business is desired to be attended to.

The VICE PRESIDENT. The Secretary will read the bill called up by the Senator from Mississippi.

The Secretary read the bill, and, by unanimous consent, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SOUTHERN JUDICIAL DISTRICT OF TEXAS.

Mr. CULBERSON. I ask unanimous consent for the present consideration of a local court bill. It is the bill (H. R. 14082) to create a new division of the southern judicial district of Texas, and to provide for terms of court at Corpus Christi,

Tex., and for a clerk for said court, and for other purposes.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on the Judiciary with an amendment, to

strike out sections 3 and 4, as follows:

SEC. 3. That all civil process issued against persons resident in the said counties of Bee, Live Oak, Aransas, San Patricio, Nucces, Jim Wells, Duval, Brooks, and Willacy, and cognizable before the United

States courts, shall be made returnable to the court, respectively, to be held at the city of Corpus Christi, and all prosecutions for offenses committed in any of said counties shall be tried in the said district court at the city of Corpus Christi: Provided, That no process issued or prosecution commenced or suit instituted before the passage of this act shall be in any way affected by the provisions hereof.

SEC. 4 That the cierk of the district court of said division shall maintain an office. In charge of himself or a deputy, at the said city of Corpus Christi, which shall be kept open at all times for the transaction of the business of said division.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

COMMITTEE SERVICE.

Mr. SHIVELY. At his request, I prefer the request of the senior Senator from Maryland [Mr. RAYNER] that he be relieved from further service upon the Committee on the Geological Survey

The VICE PRESIDENT. Without objection, the request is

granted.

Mr. SHIVELY. I tender the following resolution.

The resolution was read, considered by unanimous consent, and agreed to, as follows:

Resolved, That Senator George E. Chamberlain is hereby appointed member of the Committee on the Geological Survey and chairman of said committee.

PUBLIC BUILDING AT ROSEBURG, OREG.

Mr. BOURNE. I ask unanimous consent to call up the bill (S. 6110) to provide for the erection of a public building on a

site already acquired at Roseburg, Oreg.

There being no objection, the Senate, as in Committee of the There being no objection, the senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Public Buildings and Grounds with an amendment, in line 9, before the word "thousand," to strike out "fifty" and insert "twenty-five," so as to make the bill rend:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to enter into contracts for the construction of a suitable building for post office and other Government purposes upon the site already acquired in the city of Roseburg, Oreg., at a total limit of cost for said building, including mechanical equipment, heating, ventilating, etc., of \$125,000.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

HOUR OF MEETING ON TUESDAY.

Mr. SUTHERLAND. I move that when the Senate adjourns to-day it be to meet to-morrow at 12 o'clock meridian,

The motion was agreed to.

EMPLOYERS' LIABILITY AND WORKMEN'S COMPENSATION.

Mr. SUTHERLAND. I desire to give notice that to-morrow, immediately after the conclusion of the routine business, I will ask the Senate to proceed to the consideration of Senate bill

Mr. BACON. I desire to inquire of the Senator from Utah what is the bill with respect to which he has given notice?

Mr. SUTHERLAND. It is the compensation bill.

Mr. BACON. I want to say that my colleague, who is very much interested in that measure, will be necessarily absent from the Senate for two days, and I hope it will not be taken up in his absence.

Mr. SUTHERLAND. I will say to the Senator that there will be no vote taken upon it, but I want to proceed with its consideration. I desire myself to submit some remarks upon it.

Mr. BACON. Of course I would not interpose any objection

to the Senator's being heard at any time he wishes, but from what the Senator heard my colleague say this afternoon-he has left the Senate Chamber for the purpose of making an address, and that is the reason I am making this representation in his behalf-it is obvious that he desires to take part in the discussion which will ensue, and that he not simply desires to be here when the vote is taken. While, of course, I certainly would not make any objection to the Senator's giving notice of his intention to speak, I do think, under the circumstances, that the notice that he proposes to call up the bill for consideration could, without any great injury to the public service, be postponed for two days.

Mr. SUTHERLAND. I gave notice more than a week ago that I would ask to have the bill considered last Monday, a week ago to-day, and at the request of Senators I have postponed it from day to day, and I am afraid that unless we take the third time, and passed.

it up pretty soon we are not going to reach a vote upon it at this session.

Mr. BACON. The Senator is not anticipating, certainly, an adjournment of Congress in the very near future.

Mr. SUTHERLAND. No; but I think we had better make some headway with it.

Mr. BACON. I do not object at all to the notice the Senator has given of his desire to speak, but I hope the bill will not be taken up regularly to-morrow.

COTTON GINNERS' STATISTICS.

Mr. SMITH of South Carolina. I ask upanimous consent for the present consideration of the joint resolution (S. J. Res. 62) relating to cotton statistics.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution which had been reported from the Committee on Agriculture and Forestry, with an amendment, to strike out all after the resolving clause and to insert:

clause and to insert:

That the Director of the Census be, and he is hereby, authorized and directed to collect and publish, in connection with the ginners' report of cotton production provided for in section 9 of an act of Congress entitled "An act to provide for a permanent Census Office," approved March 6, 1902, statistics of the number of bales of cotton consumed in manufacturing establishments of every character, the number of bales owned by such manufacturing establishments, and the number of bales exported. The statistics shall be collected and published in the same manner and under the same rules and regulations as the ginners' reports are collected and published, except that the statistics herein provided for shall be collected and published and the same time and during the months when the Census Bureau published at the same time and in the same manner that the monthly ginners' report is published.

Sec. 2. That the Director of the Census shall furnish to the Bureau of Statistics hereinbefore mentioned, and the said Department of Agriculture, immediately prior to the publication of each report of that bureau regarding the cotton crop, the statistics hereinbefore mentioned, and the said Department of Agriculture shall publish the same in connection with each of its reports concerning cotton.

Sec. 3. That the Joint resolution approved February 5, 1905, also the joint resolution approved March 2, 1909, and all other laws and parts of laws inconsistent with the provisions of this resolution are hereby repealed.

Mr. SMOOT. I should like to ask the Senator if this is a

Mr. SMOOT. I should like to ask the Senator if this is a unanimous report from the committee?

Mr. SMITH of South Carolina. It is, and the joint resolution is also indersed by the department.

Mr. SMOOT. I see no published report with the joint resolution, and I desire to ask whether the department agrees with it.

Mr. SMITH of South Carolina. It has indorsed it. Mr. SMOOT. Then I have no objection to the joint resolu-

The VICE PRESIDENT. The question is on agreeing to the amendment which has been stated.

The amendment was agreed to.

The joint resolution was reported to the Senate as amended, and the amendment was concurred in.

The joint resolution was ordered to be engrossed for a third

reading, read the third time, and passed.

The title was amended so as to read: "Joint resolution authorizing and directing the Director of the Census to collect and publish cotton-ginners' statistics."

FISH CULTURAL STATION IN GEORGIA.

Mr. BACON. I ask unanimous consent for the present consideration of the bill (S. 4645) to establish a fish-hatching and fish-cultural station for the hatching and propagation of shad upon or near the seacoast, in the State of Georgia.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill which had been reported from the Committee on Fisheries, with an amendment, after the word "Labor," in line 9, on page 1, to insert: "Provided, That before any final steps shall have been taken for the construction of a fish-cultural station in accordance with this bill, the State of Georgia, through appropriate legislative action, shall accord to the United States Commissioner of Fisheries and his duly authorized agents the right to conduct fish hatching and all operations connected therewith in any manner and at any time that may by them be considered necessary and proper, any fishery laws of the State to the contrary notwithstanding: And provided further, That the operations of said hatchery may be suspended by the Secretary of Commerce and Labor whenever, in his judgment, the laws and regulations affecting the fishes cultivated are allowed to remain so inadequate as to impair the efficiency of said hatchery.'

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engressed for a third reading, read

ESTATE OF WILLIAM H. ABBOTT AND OTHERS.

Mr. OLIVER. I ask unanimous consent to call up for present consideration the bill (S. 4254) for the relief of the estate of

William H. Abbott and others.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to pay to the personal or legal representatives of the following estates, which paid taxes in the Pennsylvania internal-revenue districts, namely, estates of William H. Abbott, George E. Bent, Myra Baker, Matilda Ann Cullen, Henry O. Hurlburt, William Kedward. Edward Lewis, Mary McGuckian, Andrew H. Miller, Cordelia Morris, Lucy H. Shober, Charles L. Warner, Henry Whelen, Eliza D. Klein, John E. Watt, Albert C. L. Hofmeister, and James Morton, such sums of money as have been in any manner collected from those estates as internal-revenue taxes paid on legacies and distributive shares of personal property to the United States under the war-revenue act of June 13, 1898.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time,

and passed.

WITHDRAWALS OF PUBLIC LANDS.

Mr. SMOOT. I ask unanimous consent for the present consideration of the bill (S. 5679) to amend section 2 of an act to authorize the President of the United States to make withdrawals of public lands in certain cases, approved June 25, 1910.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill which had been reported from the Committee on Public Lands with amendments, on page 2, line 1, after the words "apply to," to strike out "metalliferous minerals" and insert "minerals other than coal, oil, gas, phosphates, potash, and nitrates"; and on page 3, line 1, before the word "additions," to insert "any," so as to read:

the word "additions," to insert "any," so as to read:

Sec. 2. That all lands withdrawn under the provisions of this act shall at all times be open to exploration, discovery, occupation, and purchase under the mining laws of the United States, so far as the same apply to minerals other than coal, oil, gas, phosphates, potash, and nitrates: Provided, That the rights of any person who, at the date of any order of withdrawal heretofore or hereafter made, is a bona fide occupant or claimant of oil or gas bearing lands and who, at such date, is in the diligent prosecution of work leading to the discovery of oil or gas, shall not be affected or impaired by such order so long as such occupant or claimant shall continue in diligent prosecution of said work: Provided further, That this act shall not be construed as a recognition, abridgment, or enlargement of any asserted rights or claims initiated upon any oil or gas bearing lands after any withdrawal of such lands made prior to June 25, 1910: And provided further, That there shall be excepted from the force and effect of any withdrawal of such withdrawal, embraced in any lawful homestead or desert-land entry theretofore made, or upon which any valid settlement has been made and is at said date being maintained and perfected pursuant to law: but the terms of this proviso shall not continue to apply to any particular tract of land unless the entryman or settler shall continue to comply with the law under which the entry or settlement was made: And provided further, That hereafter no forest reserve shall be created, nor shall any additions be made to one heretofore created, within the limits of the States of Oregon, Washington, Idaho, Montana, Colorado, or Wyoming, except by act of Congress.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CUSTOMHOUSE AT WILMINGTON, N. C.

Mr. OVERMAN. I ask for the present consideration of the bill (S. 4604) to increase the limit for purchase of site and the

erection of a customhouse at Wilmington, N. C.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Public Buildings and Grounds with an amendment, on page 1, line 6, after the words "increased to," to strike out "five hundred" and insert "six hundred and fifty," so as to make the bill read:

fifty," So as to make the bill read:

Be it enacted, etc., That the limit of cost of the purchase of a site and the erection of a customhouse and appraisers' stores at Wilmington, N. C., heretofore fixed at \$300,000, be, and the same is hereby, increased to \$650,000, and the Secretary of the Treasury is hereby authorized and directed to enter into contract for the completion of said building upon the site now owned by the Government in the city of Wilmington within the said limit of cost. The Secretary of the Treasury is also directed to provide, in the construction of said building, suitable rooms for the United States court and the Army engineers' office.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JOHN GRAY.

Mr. WARREN. I should like to call up, by unanimous consent, the bill (S. 2903) providing for the military status of John

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported whole, proceeded to consider the bill, which had been reported from the Committee on Military Affairs with amendments, in line 6, after the word "Volunteer," to strike out "Infantry" and insert "Cavalry"; in line 9, after the word "September," to strike out "twentieth" and insert "fourteenth"; and in line 10, after the word "sixty-five," to insert "Provided, That no pension shall accrue prior to the passage of this act," so as to make the bill read; to make the bill read:

Be it enacted, etc., That in the administration of the laws relating to pensions and to admission to the National Home for Disabled Volunteer Soldiers, John Gray, late of Company D, First Regiment Colorado Volunteer Cavalry, shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a member of said company and regiment on September 14, 1865: Provided, That no pension shall accrue prior to the passage of this act.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill for the relief of John Gray."

INTERNATIONAL CONFERENCE ON HIGH COST OF LIVING.

Mr. CRAWFORD. I ask unanimous consent for the consideration of the bill (S. 5735) to enable the President to propose and invite foreign Governments to participate in an international conference to promote an international inquiry into the causes of the high cost of living throughout the world and to enable the United States to participate in said conference.

There being no objection, the Senate, as in Committee of the

Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PUBLIC BUILDING AT CHARLES TOWN, W. VA.

Mr. WATSON. I ask unanimous consent that the Senate proceed to the consideration of the bill (S. 5814) to provide for the erection of a public building at Charles Town, W. Va.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Public Buildings and Grounds with an amendment, in line 10, before the word "thousand," to strike out "seventy-five" and insert "one hundred and five," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to acquire, by purchase, condemnation, or otherwise, a site and cause to be erected thereon a suitable building, including fireproof vaults and heating and ventilating apparatus, for the use and accommodation of the United States post office in the town of Charles Town, W. Va., the cost of the same not to exceed \$105,000.

Mr. SMOOT. I did not understand the amendment.

The VICE PRESIDENT. The Secretary will again state the amendment.

The Secretary again stated the amendment.

Mr. SMOOT. That is an increase reported by the committee? Mr. WATSON. It is recommended by the department.

The VICE PRESIDENT. And is reported by the committee.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

NAVY MEMORIAL IN VICKSBURG NATIONAL PARK.

Mr. WILLIAMS. I wish to ask for the present consideration of the bill (S. 5991) to authorize the War Department to use the unexpended balance of appropriations heretofore made by Congress for the construction of a Navy memorial in the Vicksburg National Military Park, and for other purposes.

Mr. LODGE. I object. The VICE PRESIDENT. Objection is made.

Mr. WILLIAMS. I think the Senator from Massachusetts misunderstands the bill. He perhaps thinks it is the bill which was up before, to which the Senator from Idaho [Mr. HEYBURN] objected. This is a bill to appropriate an unexpended balance of five thousand and some hundred dollars to complete a Federal naval monument in the Vicksburg National Military Park a totally different bill. The money has already been appropriated, and now the War Department has asked, and the Vicksburg National Park Commission has asked, that this amount hitherto unexpended be used to put some ornaments around the pedestal.

Mr. LODGE. I withdraw the objection. The VICE PRESIDENT. The Chair hears no objection.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Military Affairs, with an amendment, in line 9, after the word "officers," to strike out "engaged" and insert "who, in the judgment of the Secretary of War, rendered distinguished service," so as to make the bill read:

Be it enacted, etc., That the War Department be, and is hereby, authorized to use the sum of \$5,959, the same being the unexpended balance of appropriations heretofore made by Congress for the construction of a Navy memorial in the Vicksburg National Park, for the purpose of erecting in said park bronze portrait busts of officers who, in the judgment of the Secretary of War, rendered distinguished service in the operations that it commemorates (including their pedestals and the cost of crection), and for other park purposes.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JAMES ANDERSON.

Mr. CURTIS. I ask unanimous consent for the consideration of the bill (S. 1043) to correct the military record of James Anderson.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Military Affairs with an amendment, on page 1, line 10, to strike out the words "said companies and regiments on the ———— day of ———" and insert "the lastregiments on the ---- day of -mentioned company and regiment on the 19th day of December, 1864," so as to make the bill read:

Be it enacted, etc., That in the administration of the pension laws James Anderson, who was a private of Company A, Cass County Regiment Missouri Home Guards, and Company A. Second Battalion Missouri State Militia Cavalry, and Company F. Fourteenth Regiment Kansas Volunteer Cavalry, shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a member of the last-mentioned company and regiment on the 19th day of December, 1864: Provided, That no pension shall accrue prior to the passage of this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill for the relief of James Anderson."

GEORGE WASHINGTON MEMORIAL BUILDING.

Mr. SUTHERLAND. I ask for the present consideration of the bill (S. 5494) to provide a site for the erection of a building to be known as the George Washington Memorial Building, to serve as the gathering place and headquarters of patriotic, scientific, medical, and other organizations interested in promoting the welfare of the American people.

The VICE PRESIDENT. The Secretary will read the bill

for the information of the Senate.

The Secretary read the bill, and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consid-

Mr. OVERMAN. I move to strike out the preamble. I do

not think it is necessary.

The VICE PRESIDENT. That question will come after the bill is disposed of. The bill has been reported from the Committee on Public Buildings and Grounds with amendments, which will be stated.

The Secretary. In section 3, page 2, line 10, after the words "Memorial Association," strike out the words "shall have the power" and insert the words "is authorized," so as to read:

That the George Washington Memorial Association is authorized to erect said building in accordance with plans to be prepared under the supervision of the Commission of Fine Arts, said building to be fire-proof, faced with granite, and to cost not less than \$2,000,000; it shall have an auditorium that will seat not less than 6,000 people, and such other smaller halls, reception rooms, office rooms, etc., as may be deemed necessary to carry out the purposes for which the building is erected.

The amendment was agreed to.

The next amendment was, in section 3, page 3, line 7, after the word "dollars," to insert the words "to be administered by the Board of Regents of the Smithsonian Institution," so as

And the said George Washington Memorial Association shall in addition provide a permanent endowment fund of not less than \$500,000, to be administered by the Board of Regents of the Smithsonian Institution, the income from which shall, as far as necessary, be used for the maintenance of the said building.

The amendment was agreed to.

The next amendment was, in section 4, page 3, line 19, after the word "hereby," to strike out "appropriated" and insert 'set apart"; and in line 19, page 3, before the word "purpose," to strike out "the" and insert "that," so as to make the section

SEC. 4. That in order to carry into effect this act permission is granted the George Washington Meniorial Association to erect said building in the north end of the reservation known as Armory Square, bounded by Sixth and Seventh Streets west and B Street north and B street south. The south front of said building is to be on a line with the south front of the new National Museum Building, in the north end of the Smithsonian Park; and the said land is hereby set apart for that purpose.

The amendment was agreed to.

The next amendment was, in section 5, page 3, line 20, after the word "may," to insert "among other purposes," so as to make the section read.

Sec. 5. That said building may, among other purposes, be used for inaugural receptions and special public meetings authorized by Congress.

The amendment was agreed to.

The next amendment was, in section 6, page 3, line 24, after the word "this," to strike out "title, but no contract or individual right made or acquired under such provisions shall be thereby divested or impaired" and insert "act," so as to make the section read:

Sec. 6. That Congress may alter, amend, add to, or repeal any of the provisions of this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engressed for a third reading, read the third time, and passed.

Mr. OVERMAN. I now move to strike out the preamble.

The VICE PRESIDENT. Without objection, the preamble is

stricken out.

Mr. BACON. I do not know that the preamble does any harm. It is largely a recitation of historical facts, and this is in time intended to be largely a historical building. I know that the authors of it, who are composed of good women, are somewhat attached to the recitation. I hope the Senator will

allow it to stand. Mr. OVERMAN. I understand the preamble has been read and read into the RECORD. It is not customary to put in a bill a preamble of the character of a stump speech. good speech of a historical nature, but I do not think it should be allowed to stand as a precedent. I think we had better stick to the usual form of bills. I do not see why we should make an exception in this case. I am in favor of the bill, and I shall

vote for it, but I think we ought not to violate the precedent.

Mr. BACON. I quite agree with the suggestion that preambles are generally objectionable, but I think this memorial building will be a somewhat notable exhibition. I do not wish to make any issue on it, but I am satisfied that the ladies who are promoting this very laudable enterprise would be gratified to have the recitation remain in the bill, and it is for their gratification that I desire to have the preamble stand.

The VICE PRESIDENT. The question is on agreeing to the motion of the Senator from North Carolina to strike out the

preamble.

Mr. SUTHERLAND. Mr. President, I join with the Senator from Georgia in expressing the hope that the Senator from North Carolina will not lay violent hands on this preamble. Nobody is going to be hurt by it.

Mr. OVERMAN. Nobody is going to be hurt by it, and if it is going to provoke debate I will not insist on the motion.

The VICE PRESIDENT. The Senator from North Carolina withdraws the motion, and the preamble is agreed to.

FISH-CULTURAL STATION IN CONNECTICUT.

Mr. BRANDEGEE. I ask unanimous consent for the present consideration of the bill (S. 6011) to establish a fish-cultural station in the State of Connecticut.

There being no objection, the Senate, as in Committee of the

Whole, proceeded to consider the bill.

The bill was reported from the Committee on Fisheries with an amendment, to insert at the end of the bill the following

Provided, That before any final steps shall have been taken for the construction of a fish-cultural station in accordance with this bill, the State of Connecticut, through appropriate legislative action, shall accord to the United States Commissioner of Fisheries and his duly authorized agents the right to conduct fish hatching and all operations connected therewith in any manner and at any time that may by them be considered necessary and proper, any fishery laws of the State to the contrary notwithstanding: And provided further, That the operations of said hatchery may be suspended by the Secretary of Commerce and Labor whenever, in his judgment, the laws and regulations affecting the fishes cultivated are allowed to remain so inadequate as to impair the efficiency of said hatchery.

So as to make the bill read:

Be it enacted, etc., That the sum of \$25,000, or so much thereof as may be necessary, be, and the same is hereby, appropriated for the establishment of a fish-cultural station in the State of Connecticut,

including purchase of site, construction of buildings and ponds, and equipment, at some suitable point to be selected by the Secretary of Commerce and Labor: Provided, That before any final steps shall have been taken for the construction of a fish-cultural station in accordance with this bill, etc.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

PRESIDENTIAL PRIMARY IN DISTRICT OF COLUMBIA.

Mr. BRISTOW. I ask unanimous consent to call up Senate bill 2234.

The VICE PRESIDENT. The bill will be read by title. The Secretary. A bill (S. 2234) to provide for a primary nominating election in the District of Columbia, at which the qualified electors of the said District shall have the opportunity to vote for their first and second choice among those aspiring to be candidates of their respective political parties for President and Vice President of the United States, to elect their party delegates to their national conventions, and to elect their national committeemen.

Mr. LODGE. Mr. President, in the absence of the Senator who reported the bill adversely, it seems to me we hardly ought

to put it through by unanimous consent.

The VICE PRESIDENT. Does the Senator from Massachusetts object?

Mr. LODGE. T object

The VICE PRESIDENT. The Senator from Massachusetts objects.

ESTATE OF FERNANDO VALDEZ.

Mr. BRYAN. I ask unanimous consent for the present consideration of the bill (S. 4098) for the relief of the estate of Fernando Valdez, deceased.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration. It proposes to pay to the estate of Fernando Valdez, late of Key West, Fla. (internal-revenue district of Florida), such sums as have been in any manner collected from the aforesaid estate as internal-revenue taxes paid on legacies and distributive shares of personal property to the United States under the war-revenue act of June 13, 1898, such sums to be refunded in accordance with the decision of the Supreme Court of the United States in the case of Knowlton against Moore (reported in United States Supreme Court reports, vol. 178, p. 41), any statute of limitation to the contrary notwithstanding.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time,

and passed.

HOMESTEADS UPON RECLAMATION PROJECTS.

Mr. BORAH. I ask unanimous consent for the consideration of the bill (S. 5545) providing for the issuing of patents to entrymen for homesteads upon reclamation projects.

Mr. NEWLANDS. Mr. President, I should like to have the

attree of the bill stated first.

The VICE PRESIDENT. The Secretary was about to read the bill. It may be that the Senator from Idaho can explain it in less time.

Mr. BORAH. The Senator from Nevada has just spoken to me; and if he does not want to go ahead at this time I should at least like to have the bill read and the committee amend-ments adopted. Then I will not urge the bill, if the Senator from Nevada is not ready to proceed with it.

Mr. NEWLANDS. Very well.

The VICE PRESIDENT. The Secretary will read the bill.

The Secretary read the bill, and, there being no objection, the
Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported from the Committee on Irrigation and Reclamation of Arid Lands, with amendments, in section 2, page 2, line 1, after the word "patent," to strike out "together page 2, line 1, after the word "patent," to strike out "together with the water right appurtenant to or belonging to the land covered by such patent"; in line 4, after the word "patented," to strike out "for which a water right is certified" and insert "together with all water rights appurtenant or belonging thereto"; in line 10, after the words "United States," to insert "or its successors in the control of the project"; and to add a new section at the end of the bill to be known as section 3, as follows: follows:

SEC. 3. That the Secretary of the Interior shall cause a record to be kept at some convenient place or places within the limits of or convenient to each reclamation project, so long as the United States shall continue to operate the reclamation works, showing for the information of the public the amount due at any time on account of any entry made or water right purchased under this act; and he shall provide for furnishing copies of such record or of portions thereof, duly authenticated under seal by designated employees of the Reclamation Service,

and for charging and collecting fees for such copies. The copies so authenticated shall be admissible in evidence in like manner and to the same extent as copies authenticated under section 882 of the Revised Statutes. Upon full and final payment being made for all amounts due to the United States or its successors in control of the project, the United States or its successors, as the case may be, shall issue upon request a certificate certifying that payment in full has been made and that the lien upon the land has been satisfied and is no longer of any force or effect.

So as to make the bill read:

So as to make the bill read:

Be it cnacted, ctc., That from and after the filing with the Commissioner of the General Land Office of satisfactory proof of residence, improvement, and cultivation, as required by the laws relative to acquiring a homestead upon the public domain, patent shall be granted and issued to persons who have made or shall make homestead entries within reclamation projects under certain provisions of the act of June 17, 1902, the same as though said entry had been made under the general homestead act.

SEC. 2. That every patent issued under this act shall expressly reserve to the United States a lien on the land patented, together with all water rights appurtenant or belonging thereto, superior to all other claims and demands whatsoever attaching to said lands after the making of the entry for the farm unit or the filing of the application to purchase said water right for said land, for all amounts then due and thereafter to become due to the United States or its successors in the control of the project on account of such entry or water right. Upon default of payment of any amount so due title to the land shall pass to the United States free of all encumbrance subsequent to the entry of the farm unit or the application to purchase water right for the said lands, subject to the right of the defaulting debtor or any mortgage, lien holder, or judgment debtor to redeem the land within one year after the default shall have been adjudged by payment of all moneys due, with 4 per cent interest and costs. And the United States at its option may cause land to be sold at any time after such default is adjudged, and from the proceeds of the sale there shall be paid into the reclamation fund all moneys due, with interest as herein provided, and costs. The balance of the proceeds of the sale there shall be paid into the reclamation fund all moneys due, with interest as herein provided, and costs. The balance of the proceeds of the sale there shall be pool and to the reclamation fund all moneys due, wit

The amendments were agreed to.

Mr. BORAH. Now, Mr. President, I understand the Senator from Nevada desires that the bill shall go over.

Mr. NEWLANDS. I should like the bill to go over until

Wednesday.

Mr. BORAH. Very well.

The VICE PRESIDENT. 'The Senator from Idaho withdraws the bill for the present.

RETIREMENT OF OFFICERS IN PHILIPPINE SCOUTS.

Mr. SHIVELY. I ask unanimous consent for the present consideration of the bill (S. 1673) providing for the retirement of certain officers of the Philippine Scouts.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It provides that any person who served at any time in the Volunteer Army in the Civil War, who has heretofore served as captain in the Philippine Scouts, who has since been retired as an enlisted man, and whose time of actual service in the regular and volunteer forces of the United States shall aggregate more than 40 years, and whose aggregate of services, together with certificates of merit and honorable service, when computed as provided by existing law for the retirement of enlisted men, shall amount to not less than 50 years, may, upon nomination by the President and by and with the advice and consent of the Senate, be placed upon the retired list of the Army as a captain of Infantry in recognition of his long and efficient service in the Army.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

TRIAL OF OFFENDERS AGAINST THE UNITED STATES.

Mr. CUMMINS. I ask unanimous consent for the present consideration of the bill (S. 849) to amend section 1014 of the

Revised Statutes of the United States.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to amend section 1014 of the Revised Statutes of the United States by adding thereto the following:

But when the alleged offender is a corporation, association, joint-stock company, or other artificial person residing and having its principal place of business without the district wherein the offense is cognizable, and wherein an indictment has been found, or information filed, a judge of the court of the United States in which such indictment has been found, or in which such information has been filed, shall, on motion, direct a summons, signed by the clerk of said court, with scal attached, to be served upon the offender, which summons shall set out a copy of the indictment or information and the order of the court, and shall specify the time, place, and nature of the hearing, and before what court or judge the hearing shall take place. Such notice shall be directed to the marshal of any district of the United States in which service may be made, and when indorsed by the judge of such district shall be served upon such offender agreeably to the methods prescribed by law for the service of civil process upon artificial persons in the

district in which such service is made, and not less than 20 days before the time of such hearing. The return of service shall be made by the United States marshal directed by the judge issuing the same as aforesaid, and upon and after the date mentioned in such notice, when the same has been served as above prescribed, the alleged offender shall be assumed to be arrested and present in court at the place designated in said summons, and may be proceeded against, and all orders and judgments against it may be enforced with the same force and effect as if such offender had appeared personally or by attorney.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

EXPERIMENTAL STATION NEAR MANDAN, N. DAK.

Mr. GRONNA. I ask unanimous consent for the present consideration of the bill (S. 222) to establish an agricultural plant, shrub, and tree experimental station at or near the city of Mandan, west of the Missouri River, in the State of North Dakota.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Agriculture and Forestry with an amendment, on page 1, line 4, after the word "shrub," to strike out "and tree" and insert "fruit and ornamental tree, berry, and vegetable"; and on page 2, line 2, before the word "lands," to strike out "prairie" and insert "semiarid," so as to make the bill read:

Bc it enacted, ctc., That for the purpose of establishing an agricultural plant, shrub, fruit and ornamental tree, berry, and vegetable experimental station at or near the city of Mandan, west of the Missouri River, in the State of North Dakota; for the purchase of a suitable site and necessary farming land, to be selected by the Secretary of Agriculture; for the erection of buildings and other improvements to adapt such site to the purpose of making it an experimental farm to demonstrate the kind and character of plants, shrubs, and trees best adapted to the climate and soil of the semiarid lands of the United States, and for the purchase of necessary stock and machinery, the sum of \$100,000, or so much thereof as may be necessary, be, and the same is hereby, appropriated.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read

the third time, and passed.

The title was amended so as to read: "A bill to establish an agricultural plant, shrub, fruit and ornamental tree, berry, and vegetable experimental station at or near the city of Mandan, west of the Missouri River, in the State of North Dakota."

FISH-CULTURAL STATION IN THE STATE OF WASHINGTON.

Mr. JONES. I ask unanimous consent for the present consideration of the bill (S. 4550) to establish a fish-cultural station in the State of Washington.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported

from the Committee on Fisheries with amendments.

The first amendment was, on page 1, line 5, after the word "River," to insert "or its tributaries"; in line 6, after the word "or," to insert "on"; and in the same line, after the word "Lake," to insert "Quiniault," so as to read:

That the Secretary of Commerce and Labor be, and he is hereby, authorized and directed to establish a fish-cultural station in the State of Washington on the Quiniault River or its tributaries or on Lake Quiniault, and for said purpose the sum of \$25,000, or so much thereof as may be necessary, is hereby appropriated for the purchase of site, construction of buildings and ponds, and equipment.

The amendment was agreed to.

The next amendment was, on page 1, after line 9, to insert:

The next amendment was, on page 1, after line 9, to insert: Provided, That before any final steps shall have been taken for the construction of a fish-cultural station in accordance with this act, the State of Washington, through appropriate legislative action, shall accord to the United States Commissioner of Fisheries and his duly authorized agents the right to conduct fish hatching and all operations connected therewith in any manner and at any time that may by them be considered necessary and proper, any fishery laws of the State to the contrary notwithstanding: And provided further, That the operations of said hatchery may be suspended by the Secretary of Commerce and Labor whenever, in his judgment, the laws and regulations affecting the fishes cultivated are allowed to remain so inadequate as to impair the efficiency of said hatchery.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

POLITICAL ACTIVITY OF POSTAL OFFICIALS.

Mr. BRANDEGEE obtained the floor.

Mr. BRISTOW. Mr. President—— Mr. BRANDEGEE. I was about to move an executive ses-

sion, but I yield to the Senator from Kansas.

Mr. BRISTOW. I ask unanimous consent for the present consideration of Senate resolution 242, directing the Committee on Post Offices and Post Roads to inquire into and report to the Senate whether post-office inspectors are being sent through the country to influence postmasters to aid in the election of

delegates for or against any candidate for the Presidency, and so forth

The VICE PRESIDENT. Is there objection to the present

consideration of the resolution?

Mr. SMOOT. Mr. President, I believe that resolution will require some little discussion, and I ask the Senator to let it go over until more Senators are present that at this time.

Mr. BRISTOW. Of, course, if the Senator objects, I shall

have to let it go over.

The VICE PRESIDENT. The resolution will go over.

FISH-CULTURAL STATION IN OKLAHOMA

Mr. OWEN. I ask unanimous consent for the present consideration of the bill (S. 457) to establish a fish-cultural station in the State of Oklahoma.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Fisheries with an amendment, on page 1, line 9, after the word "equipment," to insert:

1, line 9, after the word "equipment," to insert:

Provided, That before any final steps shall have been taken for the construction of a fish-cultural station in accordance with this bill, the State of Oklahoma, through appropriate legislative action, shall accord to the United States Commissioner of Fisheries and his duly authorized agents the right to conduct fish hatching and all operations connected therewith in any manner and at any time that may by them be considered necessary and proper, any fishery laws of the State to the contrary notwithstanding: And provided further, That the operations of said hatchery may be suspended by the Secretary of Commerce and Labor whenever, in his judgment, the laws and regulations affecting the fishes cultivated are allowed to remain so inadequate as to impair the efficiency of said hatchery.

So as to make the hill read:

So as to make the bill read:

Be it enacted, etc., That the Secretary of Commerce and Labor be, and he is hereby, authorized and directed to establish a fish-cultural station in the State of Oklahoma, at a suitable place to be selected by him, and for said purpose the sum of \$25,000, or so much thereof as may be necessary, is hereby appropriated for the purchase of site, construction of buildings and ponds, and equipment: Provided, That before any final steps shall have been taken, etc.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

FISH-CULTURE STATION IN SOUTH DAKOTA.

Mr. CRAWFORD. Mr. President—— Mr. BRANDEGEE. I move that the Senate proceed to the consideration of executive business; but pending that motion, will yield to the Senator from South Dakota, if I may.

Mr. CRAWFORD. I ask unanimous consent for the present consideration of the bill (S. 365) to establish a fish-hatching and fish-culture station at a point in the eastern portion of the State of South Dakota to be selected by the Secretary of Commerce and Labor.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Fisheries with an amendment on page 2, line 3, after the word "selected," to insert:

2, line 3, after the word "selected," to insert:

Provided, That before any final steps shall have been taken for the construction of a fish-cultural station in accordance with this bill, the State of South Dakota, through appropriate legislative action, shall accord to the United States Commissioner of Fisheries and his duly authorized agents the right to conduct fish hatching and all operations connected therewith in any manner and at any time that may by them be considered necessary and proper, any fishery laws of the State to the contrary notwithstanding: And provided further, That the operations of said hatchery may be suspended by the Secretary of Commerce and Labor whenever, in his judgment, the laws and regulations affecting the fishes cultivated are allowed to remain so inadequate as to impair the efficiency of said hatchery.

So as to make the bill read:

So as to make the bill read:

Be it cnacted, etc., That the Secretary of Commerce and Labor is hereby authorized and directed to establish a fish-hatchery and fish-culture station at a suitable place in the eastern part of the State of South Dakota within the valley of the Sioux River, the particular location to be selected by the Secretary of Commerce and Labor. The sum of \$25,000, or so much thereof as may be necessary, is hereby appropriated, out of any money in the Treasury of the United States not otherwise appropriated, for the purchase of site, construction of buildings and ponds, and equipment thereof, at the place so selected: Provided, That before any final steps shall have been taken, etc.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had passed a bill (H. R. 23246) appropriating \$300,000 for the purpose of maintaining and protecting against the impending flood the levees on the Mississippi River and rivers tributary thereto, in which it requested the concurrence of the Senate.

HOUSE BILL REFERRED.

H. R. 23246. A bill appropriating \$300,000 for the purpose of maintaining and protecting against the impending flood the levees on the Mississippi River and rivers tributary thereto was read twice by its title and referred to the Committee on Commerce.

PRESIDENTIAL APPROVAL.

A message from the President of the United States, by Mr. Latta, executive clerk, aunounced that the President had on the 13th instant approved and signed the following act:

S. 3475. An act extending the time of payment to certain homesteaders on the Cheyenne River Indian Reservation, in the State of South Dakota, and on the Standing Rock Indian Reservation, in the States of South Dakota and North Dakota.

MISSISSIPPI RIVER FLOODS (H. DOC. NO. 088)

The VICE PRESIDENT laid before the Senate the following message from the President of the United States, which was read, referred to the Committee on Commerce, and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith communication from the Secretary of War, in which he sets out the necessity for an additional appropriation to meet the expenses which have been incurred and are likely to be incurred by the War Department in meeting the emergency of the present floods upon the Mississippi River and its tributaries.

The estimates include an estimate of \$300,000 from the Chief of Engineers, in addition to the \$350,000 already appropriated, to be used for the same purpose as the original appropriation in protecting levees against impending floods. It applies to the tributaries of the Mississippi as well as the main river, but does not include any estimate for damages already caused in districts where the crest of the flood has passed.

The Quartermaster General estimates that an expenditure of \$275,000 will be required to cover the expenses which he is incurring, and will be obliged to incur, in furnishing shelter, forage for cattle and horses, transportation, etc.

The Commissary General estimates that he will require the sum of \$212,879.11 to cover the expense of the rations which he is supplying, and will be obliged to supply, to the thousands of destitute persons in the flood regions.

of destitute persons in the flood regions.

The crest of the flood is now reaching the lower portion of the Mississippi where the country is flatter, and where the danger to the levees is at least as great as above, and where the damage and loss to persons and property, if crevasses occur, will be far greater than on the upper river, necessitating even a greater amount of relief work than that already incurred.

These estimates have been carefully made, and are based on communications from officers of the Army now upon the ground superintending the relief and engineering work

superintending the relief and engineering work.

I respectfully urge upon Congress the importance of meeting this great emergency. The estimates, copies of which are transmitted herewith, have been sent regularly to the Secretary of the Treasury to be submitted in Congress.

WM. H. TAFT.

THE WHITE HOUSE, April 15, 1912.

EXECUTIVE SESSION.

Mr. BRANDEGEE. I now renew my motion that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened, and (at 5 o'clock and 40 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, April 16, 1912, at 12 o'clock m.

NOMINATIONS.

Executive nominations received by the Senate April 15, 1912.

PROMOTIONS IN THE ARMY.

INFANTRY ARM.

Lieut. Col. Abner Pickering, Ninth Infantry, to be colonel from March 30, 1912, under the provisions of an act of Congress approved March 3, 1911, for advancement in grade in accordance with the rank he would have been entitled to hold had promotion been lineal throughout his arm since the date of his entry into the arm to which he permanently belongs.

Licut. Col. Lyman W. V. Kennon, Fourteenth Infantry, to be colonel from March 28, 1912, vice Col. Colville P. Terrett, Eighth Infantry, retired from active service March 27, 1912.

Lieut. Col. Charles G. Morton, Infantry, unassigned, to be colonel from March 30, 1912, vice Col. William L. Pitcher, unassigned, retired from active service March 29, 1912.

Maj. William H. Johnston, Infantry, unassigned, to be lieutenant colonel from March 28, 1912, vice Lieut. Col. Lyman W. V. Kennon, Fourteenth Infantry, promoted.

Maj. Benjamin W. Atkinson, Fourth Infantry, to be Heutenant colonel from March 30, 1912, vice Lieut. Col. Abner Pickering, Ninth Infantry, advanced to the grade of colonel under the provisions of an act of Congress approved March 3, 1911.

Maj. Fielder M. M. Beall, Twenty-eighth Infantry, to be lieutenant colonel from March 30, 1912, vice Lieut. Col. John H. Beacom, Sixth Infantry, detailed as inspector general on that date.

Capt. Palmer E. Pierce, Thirteenth Infantry, to be major from March 28, 1912, vice Maj. William R. Sample, Third Infantry, detailed as adjutant general on that date.

Capt. Charles G. French, Twenty-fifth Infantry, to be major from March 30, 1912, vice Maj. Benjamin W. Atkinson, Fourth Infantry, promoted.

Infantry, promoted.
Capt. Lutz Wahl, Infantry, unassigned, to be major from March 30, 1912, vice Maj. Fielder M. M. Beall, Twenty-eighth Infantry, promoted.
First Lieut. Philip Powers, Eighth Infantry, to be captain

First Lieut. Philip Powers, Eighth Infantry, to be captain from March 28, 1912, vice Capt. Palmer E. Pierce, Thirteenth Infantry, promoted. First Lieut. Frank C. Burnett, First Infantry, to be captain

First Lieut. Frank C. Burnett, First Infantry, to be captain from March 30, 1912, vice Capt. Charles G. French, Twentyfifth Infantry, promoted. First Lieut. Collin H. Ball, Infantry, unassigned, to be cap-

First Lieut. Collin H. Ball, Infantry, unassigned, to be captain from March 30, 1912, vice Capt. Frederick W. Coleman, Tenth Infantry, detailed as commissary on that date.

Second Lieut. Herndon Sharp, Eighteenth Infantry, to be first lieutenant from March 28, 1912, vice First Lieut. Philip Powers, Eighth Infantry, promoted.

Powers, Eighth Infantry, promoted.
Second Lieut. Eugene Santschi, jr., Fifteenth Infantry, to be first Heutenant from March 29, 1912, vice First Lieut. Walter O. Bowman, Second Infantry, retired from active service March 28, 1912.

Second Lieut. William A. Gauoe, Seventeenth Infantry, to be first lieutenant from March 30, 1912, vice First Lieut. Frank C. Burnett, First Infantry, promoted.

Second Lieut. Elmer F. Rice, Fourteenth Infantry, to be first lieutenant from March 30, 1912, vice First Lieut. C. Stockmar Bendel, Seventh Infantry, detached from his proper command.

PAY DEPARTMENT.

Licut. Col. Hamilton S. Wallace, Deputy Paymaster General, to be Assistant Paymaster General with the rank of colonel from February 16, 1912, vice Col. George R. Smith, appointed Paymaster General.

PROMOTIONS IN THE NAVY.

Ensign William H. O'Brien, jr., to be an ensign in the Navy, from the 7th day of March, 1912, in accordance with the provisions of an act of Congress approved on that date, to correct the error in his name as confirmed on March 18, 1912.

Gunner Edwin Alberts to be a chief gunner in the Navy, from the 22d day of March, 1912, upon the completion of six years' service as a gunner.

POSTMASTER.

LOUISIANA.

George H. Burnham to be postmaster at Amite, La., in place of Edson E. Burnham, resigned.

CONFIRMATIONS.

Executive nominations confirmed by the Scnate April 15, 1912.

Consul.

Percival Gassett, to be consul at Iquique, Chile.

UNITED STATES ATTORNEY.

Frederick A. Scott to be United States attorney for the district of Connecticut.

APPOINTMENTS IN THE ARMY.

COAST ARTILLERY CORPS.

John Absalom Baird to be second lieutenant.

CORPS OF ENGINEERS.

Wistar Morris Chubb to be probational second lieutenant.

INFANTRY ARM.

Moses King Goodridge to be second lieutenant.

PROMOTIONS IN THE ARMY.

COAST ARTILLERY CORPS.

Lieut. Col. Ira A. Haynes to be colonel.
Maj. Archibald Campbell to be lieutenant colonel.
Capt. Marcellus G. Spinks to be major.
Capt. Jacob C. Johnson to be major.
First Lieut. Chauncey L. Fenton to be captain.

First Lieut, Lucian B. Moody to be captain. First Lieut, Donald C. McDonald to be captain. Second Lieut. Frederic A. Price, jr., to be first lieutenant. Second Lieut. Isaac E. Titus to be first lieutenant.

CHAPLAIN.

Chaplain Francis P. Joyce to be chaplain with the rank of captain.

PROMOTIONS IN THE NAVY.

The following-named gunners to be chief gunners: William C. Bean, and Edward W. Furey.

POSTMASTERS.

ALABAMA.

Augustus L. Hawley, Abbeville.

CALIFORNIA.

Calla J. Westfall, Venice.

COLORADO.

James L. Moorhead, Boulder.

William L. Keefer, Fort Pierce.

ILLINOIS.

Charles F. Douglass, Ashland. Leander F. Gowdy, Enfield.

KANSAS.

William H. Smith, Colby.

MICHIGAN.

Burton F. Browne, Harbor Beach.

MINNESOTA.

Harry A. Allen, Verndale. Robert M. Mills, Maple Plain. Samuel B. Scott, Zumbrota.

MONTANA.

Ovid S. Draper, Bonner.

NEW JERSEY.

Patrick J. Carney, Grantwood. Peter P. Cluss, Leonia. Charles L. Flanagan, Riverton. Charles F. Hopkins, Boonton. Frank M. O'Shea, Westwood. Willis D. Robbins, Port Norris.

Sheridan G. Dowds, Mount Vernon. John Welch, National Military Home.

SOUTH CAROLINA.

James M. Byrd, Branchville. Charles J. Shannon, Camden.

TENNESSEE.

James Rogers, jr., Dyer.

WYOMING:

Joseph Munz, Saratoga.

HOUSE OF REPRESENTATIVES.

Monday, April 15, 1912.

The House met at 12 o'clock noon. The Chaplain, Rev. Henry N. Couden, D. D., offered the fol-

lowing prayer:

O Lord, our God, and our Father, we wait upon Thee for the uplift of Thy spirit, which shall clarify our minds, quicken our conscience, and lead us in the way of righteousness, truth, and justice, virtues which crown the efforts of Thy children with success, and fill the heart with joy and gladness. Hear us, and thus guide us; for thine is the kingdom, and the power, and the glory forever. Amen.

The Journal of the proceedings of Sunday, April 14, 1912,

was read and approved.

RATIFICATION OF SIXTEENTH AMENDMENT BY ARIZONA.

The SPEAKER. The Chair lays before the House the announcement of the ratification by the State of Arizona of the income-tax amendment to the Constitution of the United States. The Clerk read as follows:

THE GOVERNOR'S OFFICE, STATEHOUSE,

Phoenix, April 10, 1912.

To the Speaker of the House of Representatives, Washington, D. C.

Sin: I have the honor to hand you berewith a certified copy of senate joint resolution No. 1, being a joint resolution of the Legislature of the State of Arizona ratifying the proposed amendment to the Constitution of the United States authorizing the laying and collecting of taxes on

incomes, which said resolution was by the legislature adopted and the said proposed amendment to the Constitution of the United States ratified by the unanimous vote of both houses, and approved by the governor Arizona. Respectfully,

GEO. W. P. HUNT, Governor of Arizona.

STATE OF ARIZONA, OFFICE OF THE SECRETARY.

UNITED STATES OF AMERICA.

State of Arizona, ss:

I. Sidney P. Osborn, secretary of Arizona, do hereby certify that the within is a true and complete copy of senate joint resolution No. 1, passed by the first Legislature of the State of Arizona, and approved by the governor, April 9, 1912, as appears from the original now on file in this office.

In witness whereof I have hereunto set my hand and affixed my official seal. Done at Phoenix, the capital, this 10th day of April, A. D. 1912.

[SEAL.]

Sidney P. Osbonn, Secretary of Artzona.

Senate joint resolution 1.

A joint resolution of the Legislature of the State of Arizona ratifying the sixteenth amendment to the Constitution of the United States.

Be it enacted by the Legislature of the State of Arizona:
Whereas both House of the Sixty-first Congress of the United States of America, at its first session, begun and held at the city of Washington on Monday, the 15th day of March, 1909, by a constitutional majority of two-thirds thereof, made the following proposition to amend the Constitution of the United States of America in the following words, to with

"Joint resolution proposing an amendment to the Constitution of the United States.

United States.

"Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of cach House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States, which, when ratified by the legislatures of three-fourths of the several States, shall be valid to all intents and purposes as a part of the Constitution:

"Arr. XVI. The Congress shall have power to law and collect taxes on incomes, from whatever source derived, without apportionment among the several States and without regard to any census or enumeration." Therefore be it

Resolved by the Senate and House of Representatives of the Legislature of the State of Arizona, That the said proposed amendment to the Constitution or the United States of America be, and the same is hereby, ratified by the Legislature of the State of Arizona; and further be it Resolved, That certified copies of this joint resolution be forwarded by the governer of this State to the Secretary of State of the United States of America at Washington, to the President of the United States Senate, and to the Speaker of the House of Representatives of the National Congress.

April 3, 1012.

M. G. Cunnipp.

M. G. CUNNIFF,
President of the Senate.
Sam B. Bradner,
Speaker of the House of Representatives.

Approved April 9, 1912.

GEO. W. P. HUNT, Governor of Arizona.

CALENDAR FOR UNANIMOUS CONSENT.

The SPEAKER. This is Unanimous Consent Calendar day and suspension day. The Clerk will report the first bill on the Unanimous Consent Calendar.

CLAIMS ARISING FROM INDIAN DEPREDATIONS.

The first business on the Calendar for Unanimous Consent was the bill (H. R. 14667) to amend an act entitled "An act to provide for the adjudication and payment of claims arising from Indian depredations," approved March 3, 1891.

Mr. STEPHENS of Texas. Mr. Speaker, that bill is the special order for Wednesday next.
Mr. MANN. Then it might as well go off this calendar, I suppose.

Mr. STEPHENS of Texas. I am willing to have it dropped

from this calendar.

The SPEAKER. The Clerk will strike it from the Calendar for Unanimous Consent, and report the next bill.

CERTAIN LANDS, UVALDE, TEX.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 22301) authorizing the Secretary of the Treasury to convey to the city of Uvalde, Tex., a certain strip of land.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and empowered to convey, by quitclaim deed, to the city of Uvalde, Tex., for street purposes, and for no other purpose, all the right, title, and interest of the United States of America in and to a strip of land off the west and south sides of the Federal building site in said city of sufficient width to provide a 10-foot sidewalk: Provided, That the city of Uvalde, Tex., shall construct and maintain said sidewalks the same as other sidewalks in said city are improved and maintained.

The SPEAKER. Is there objection?

Mr. FOSTER. Reserving the right to object, I should like to inquire about the proviso at the end of this bill. Does it commit the Government to building sidewalks, the same as citizens of Uvalde, Tex.?

Mr. GARNER. Mr. Speaker, if the gentleman from Illinois will read the provision he will conclude, I am sure, that it provides for just the reverse.

I do not know what the ordinances of the Mr. FOSTER.

city provide, and therefore I asked the question.

Mr. GARNER. I do not know what the ordinances are, but the intention is to transfer from the Government of the United States a strip of land that was inadvertently condemned to the city for sidewalk purposes that the city may maintain the expense of keeping up the sidewalks instead of the Federal Government doing it, and to give the city jurisdiction from a police standpoint. I may say while I am on my feet that this bill was introduced at the suggestion of the Treasury Department. I have no more interest in it than any other Member of the House, except that it is the policy of the Treasury Department to have the local municipalities control the streets and sidewalks surrounding public buildings.

The city is to build the sidewalks and main-Mr. FOSTER.

tain them.

Mr. GARNER. It is hoped that they will keep all the sidewalks in repair and maintain them. Whether they will do it I am not able to guarantee.

Mr. MANN. At any rate, the Government will not be required

to keep them up.

Mr. FOSTER. I wondered if the language was such that it would not require the Government to maintain them. It says "the same as other sidewalks in the city are improved and

Mr. MANN. I will say that the city under the law would not have authority to make an assessment against the Government

and collect it.

Mr. FOSTER. I understand that, but this language might be so construed that we were acknowledging our liability to build and maintain the sidewalks.

Mr. MANN. I do not think that it is open to that construction, but even if it were they could not levy an assessment

against the Government property and collect it.

Mr. FOSTER. No; but their Representative could present a bill to the Committee on Claims and have it reported to this House.

Mr. MANN. He might present it. I doubt whether he could get it reported, and I am quite sure that he could not get

it passed. Mr. FOSTER. I do not know about that. The gentleman from Texas generally gets reported what he wants in this

Mr. MANN. Yes; the gentleman from Texas is very efficient

Mr. GARNER. Mr. Speaker, I am much obliged to the gentleman from Illinois on my right [Mr. Mann], but the State of Texas seldom ever asks for anything unless it is proper, and therefore Congress is always willing to grant it. [Laughter.]

The SPEAKER. Is there objection to the present considera-

tion of the bill?

There was no objection.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

CORSICANA, TEX.

The SPEAKER. The Clerk will report the next bill on the Calendar for Unanimous Consent.

The Clerk read as follows:

'A bill (H. R. 12013) to authorize the Secretary of the Treasury to convey to the city of Corsicana, Tex., certain lands for alley purposes. The Clerk read the bill as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and empowered to convey, by quitclaim deed, to the city of Corsicana, Tex., for the purpose of a public alley, and for no other purpose, all the right, title, and interest of the United States of America in and to a strip of land off the rear of the Federal building site in said city of sufficient width to provide, in connection with land adjacent thereto, a 10-foot alley: Provided, That the city of Corsicana shall open said alley and improve and maintain the same as other public alleys of said city are improved and maintained.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

RELIEF OF HOMESTEADERS IN NEBRASKA.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 20498) for the relief of certain homesteaders in Nebraska.

The Clerk read the bill as follows:

Be it enacted; etc., That all additional or second homestead entries heretofore permitted to be made under the act entitled "An act to amend the homestead laws as to certain unappropriated and unreserved public lands in Nebraska," approved April 28, 1904, by entry-

men who were possessed at the time of such entry of more than 160 acres of land, independently of the former entry, but qualified in other respects, are hereby validated in cases where cancellations shall not have been made.

The SPEAKER. Is there objection?

Mr. MANN. Reserving the right to object, I would like to inquire of the gentleman as to what is the object of the first committee amendment, which would make it read, "That all such additional or second homestead entries," there having been no prior mention of any homestead entry?

Mr. KINKAID of Nebraska. I do not quite understand the

gentleman.

Mr. MANN. The bill as introduced provided "that all additional or second homestead entries which have heretofore been permitted erroneously to be made under the act," and so forth, and the committee proposes an amendment to provide that all "such additional or second homestead entries," and so forth. Now to what does the word "such" refer? Is there any reason for inserting it there, as this is the first reference to additional or second homestead entries?

Mr. KINKAID of Nebraska. Mr. Speaker, all such as were erroneously permitted to be entered. Some were legally entered, some of the entries are legal under one section of this act, while others that do not come precisely under that particular section are not legal under another section under which they

more naturally fall.

They were held in the first place to be legal under that section, and entries were permitted under that section which were allowed to be held for a number of years-some of them for six years, some of them for almost seven years, meanwhile the law being complied with. The word "such" is for the purpose of preventing the implication that all of the entries were illegal while some were legal. Those permitted under section 2 of the act were legal, while those permitted under section 3 of the act were held illegal.

Those committee amendments were made upon my own suggestion, I having introduced the bill, so as to not permit the implication that these entries which were held by the department

to be legal were illegal.

Mr. MANN. Then ought it not to read:

That all such additional or second homestead entries as have been heretofore permitted—

And so forth, instead of-

That all such additional or homestead entries which have heretofore been permitted—

And so forth?

Let me ask the gentleman further: This bill would not grant relief, as I understand it, if a man had purchased a piece of property, a farm, and had not entered it under the homestead law, and then desired to acquire additional ground under the homestead law?

Mr. KINKAID of Nebraska. It covers just such cases as that. In one draft of the bill I had it worded "whether acquired by purchase or otherwise," but I preferred this draft finally, and this was acceptable to the Secretary of the Interior. Mr. MANN. Have all of these lands been entered as home-

steads? Mr. KINKAID of Nebraska. Oh, yes; it is for homestead entries and nothing else that the relief is sought.

Mr. MANN. Suppose a man has since acquired by purchase one of these homestead entries which he has not entered under the homestead law? In that case he could not receive any benefit under this act?

Mr. KINKAID of Nebraska. I do not think I understand the

gentleman—acquired by purchase a homestead entry?
Mr. MANN. Yes; from the original entryman.
Mr. KINKAID of Nebraska. To explain to the gentleman, the difficulty arises by reason of the fact that the bill originally was intended to allow persons who had made one quarter section entries in this territory covered by the one-section act, subsequently passed, to make additional three quarter section entries so as to make them even with the newcomer, the new entryman, who was authorized to enter a whole section. In the case of many of these entrymen who made the first entry of one quarter section they thereafter acquired some lands by purchase and thereby became possessed of more than 160 acres.

It is held by the department that under the third section of the act they were disqualified from making additional entry for that reason, namely, that they had acquired other lands by purchase, so that they had more than 160 acres of land. This is to relieve those who had acquired by purchase more than the

160 acres.

I will state for the benefit of the House that the Assistant Secretary of the Interior, having a case under consideration where this very question was involved, withheld his decision,

which must have been adverse to the entry, until such legisla-tion as this could be passed. The entry was made six years ago, and the entryman had lived upon the land, complied with the law, fulfilled all the requirements, and made valuable improvements. The facts appealed to the Secretary so strongly for equitable relief that he suspended making a decision and voluntarily recommended this very legislation. However, I had introduced bills in previous Congresses providing for the same relief, and I had a bill already drafted to introduce when the Secretary made the recommendation. The pending bill is for the relief of such cases as the Secretary had and yet has under consideration and other cases like it. Mr. Speaker, I ask that the bill be passed with the amendments.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The Clerk will report the first amendment.

The Clerk read as follows:

Line 3, page 1, after the word "all," insert the word "such."

The SPEAKER. The question is on agreeing to the amend-

The amendment was agreed to.

The Clerk read as follows:

Line 3, after the word "entries," insert the words "which have."

The SPEAKER. The question is on agreeing to the amend-

The amendment was agreed to.

The Clerk read as follows:

Line 4, after the word "heretofore," insert the word "been."

The SPEAKER. The question is on agreeing to the amend-

The amendment was agreed to.

The Clerk rend as follows:

Line 4, after the word "permitted," insert the word "erroneously."

The SPEAKER. The question is on agreeing to the amend-

The amendment was agreed to.

The question now is on the engressment The SPEAKER. and third reading of the bill as amended,

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

LEASE OF SCHOOL LANDS FOR PUBLIC-PARK PURPOSES.

The next business on the Calendar for Unanimous Consent was the bill (S. 2577) authorizing the lease of school lands for public-park purposes in the State of Washington for a longer period than five years.

The Clerk read as follows:

The Clerk fend as follows:

Be it enacted, etc., That the southeast quarter and the southwest quarter, section 36, township 18 north, range 10 west; and the southeast quarter, and the southeast quarter of the northeast quarter, section 16, township 17 north, range 0 west, in Chehalis County, granted to the State of Washington for educational purposes, may, under such rules and regulations as the legislature of the said State shall prescribe, be leased for public-park purposes for such term as said legislature may fix, anything in the enabling act of said State to the contrary notwithstanding.

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, I understand from this bill that it is proposed to permit the State to use for other purposes land which the Government denated

to the State for school purposes. Is that correct?

Mr. TAYLOR of Colorado. Why, no, sir; I do not think it is.

Mr. MANN. Well, what is the purpose, then?

Mr. TAYLOR of Colorado. The Government originally granted to the State of Washington this land for school purposes. In the enabling act by which that State came into the Union there was a provision that the school lands should never be leased by the State for a longer period than five years. Now the State wants to lease to two cities these two tracts of land for parks and playground purposes for the children and the public. The cities or the school districts can not afford to expend a large amount of money improving parks on a five-year lease. The legislature has already passed an act granting these parks for these school or playground purposes, and the court held that the act was unconstitutional, because of that restriction in the enabling act; and the attorney general of that State has rendered an opinion that the State legislature can not grant these small tracts of land for use for park purposes for longer than five years, because of that restriction or limitation in the enabling act. Now, this bill is to have Congress waive its right, if it has any, to object or protest against the State modifying or ignoring the provisions of its enabling act in regard to these That is all there is to it. two parks.

Mr. MANN. I do not think the gentleman and I have stated the case at all differently. The gentleman states now that land which we donated to the State for school purposes the State desires to have used for public-park purposes. That is quite a different thing from school purposes.

Mr. TAYLOR of Colorado. I think a public park that is used by school children as a playground is not only perfectly legitimate, but necessary for the welfare of the children and the community

Mr. MANN. I do not care whether it is used for a playground or not. It does not state that in the report; the purpose stated in the report is to permit the State to lease, I suppose, at a nominal rental these school lands for public-park purposes. I question whether that ought to be done.

Mr. TAYLOR of Colorado. I prepared that report for the committee, and I thought it was very full and plain. Does not the gentleman feel that the Legislature of the State of Washington can be trusted to lease for park purposes these tracts of land, when all the State officials and all the organizations practically in that part of the State have memorialized Congress, urging the passage of this bill? There is absolutely no opposition to it in that State or anywhere else.

Mr. MANN. That may all true; but we granted the land for the use of schools to help provide education. Now, if the State desires to divert the land to some other purpose I question whether it is a policy which we ought to permit. What excuse is there for taking school lands and using them for public-park purposes

Mr. TAYLOR of Colorado. Why, the State already has the right to lease the land for five years for this purpose, and this act simply gives them the right to lease it for longer than five years. Congress is not giving away anything, and that State is not squandering anything.

Mr. MANN. They may have the right to lease school lands for park purposes at a nominal rental, but I question whether they have the moral right to take lands which the Government donated them for school purposes and divert them to publicpark purposes without compensation.

Mr. WARBURTON. May I interrupt the gentleman? The SPEAKER. Does the gentleman from Colorado yield to

the gentleman from Washington?
Mr. TAYLOR of Colorado. Certainly.

Mr. WARBURTON. I would like to say a word in addition to what the gentleman has said. We have in the State of Washington full power to sell our school lands. If the State wanted to cheat the school fund out of its money it could sell them for practically a nominal sum and give a deed. Now, that is not the situation. The school land in question is within the city limits of Aberdeen, a town of about 15,000 people, and a very rapidly growing city. The State of Washington does not proose to sell that school land for 10 or 15 years, possibly longer. They want to hold it as one of the great assets belonging to the school fund. It is within the city of Aberdeen covered with heavy undergrowth and trees, an unsightly piece of land.

The city of Aberdeen wants to build streets and alleys, walks and drives, through that land and clear up the underbrush on it. It can not afford to go to that expense on a five-year lease. State wanting to preserve its splendid assets in school lands will not sell it, but is willing to lease it for 5, 10, or 15 years, according to what the people of the State or the legislature ultimately conclude, but it is going to be an enormous asset for the school funds in time. We are preserving it, and we are objecting to selling it until we can sell it for a great big sum for the benefit of the schools of the State. If we had wanted to give that to the people of Aberdeen and realize the last penny to be made out of it, we could have sold it to them for a nominal consideration. But the State does not want to do that. It wants to give the people of Aberdeen the privilege of building walks and driveways through this land, and hold it and sell it for a great big sum to the people of our State for the benefit of our schools.

Mr. MANN. Will the gentleman yield?

Mr. WARBURTON. Gladly; yes. Mr. MANN. Does the gentleman believe if they divert this

school land for park purposes it will ever be used for any other purpose than as a park? Will the people there have any desire to have it sold for school purposes?

Mr. WARBURTON. There is not any question about it. we want to make it as a gift we have the power to do it this We do not ask Congress to make that gift to Aberdeen at all, and we are not going to do it, I will say to the gentleman from Illinois. We are going to save that school land as we saved the land for our State university. They tried to buy that, but they leased it for 30 years, and they have sixstory buildings on it. It comes back to us in 30 years. We are not going to dissipate our school lands as they did in Illinois. You touch our people on the question of school lands and you touch a tender spot. We do not sell them until we get a good price.

Mr. MANN. I hope the gentleman's prophecy is true.

Mr. WARBURTON. It is correct.

Mr. MANN. I will make the prophecy if this becomes a law it will remain a park always, and the school will lose the benefit of it.

Mr. WARBURTON. I want to make a prophecy. I venture the assertion that the people of the State of Washington will get \$1,000,000 for their school fund if you let them alone and let them take care of their own business.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The question is on the third reading of the

Senate bill.

The bill was read a third time and passed.

On motion of Mr. TAYLOR of Colorado, a motion to reconsider the vote by which the bill was passed was laid on the table.

REPORTS OF STEAMBOAT-INSPECTION SERVICE.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 22343) to require supervising inspectors, Steamboat-Inspection Service, to submit their annual report at the end of each fiscal year.

The Clerk read the bill, as follows:

The Clerk read the bill, as follows:

Be it enacted, etc., That section 4410, Revised Statutes of the United States, be, and it is hereby, amended to read as follows:

"Sec. 4410. Each supervising inspector shall report, in writing, at the end of each fiscal year to the Supervising Inspector General the general business transacted in his district during the year, embracing all violations of the laws regulating vessels, and the action taken in relation to the same; all investigations and decisions by local inspectors; and all cases of appeal and the result thereof. The board shall examine into all the acts of each supervising inspector and local board, and all complaints made against same, in relation to the performance of their duties under the law, and the judgment of the board in each case shall be entered upon their journal; and the board shall, as far as possible, correct mistakes where they exist."

Sec. 2. That this act shall take effect and be in force on and after the 1st day of July, 1912.

The SPEAKER. Is there objection?

The SPEAKER. Is there objection?

Mr. MANN. Reserving the right to object, Mr. Speaker, I would like to ask the gentleman from Missouri [Mr. Alex-ANDER] if it is desired to have this law take effect so as to require reports for this fiscal year?

Mr. ALEXANDER. I think that is true.

Mr. MANN. I notice the bill does not provide that the law take effect until the 1st of July, which would not require reports for this fiscal year.

Mr. ALEXANDER. I do not know whether it was an inad-

vertence of the department in drawing the bill or not.

Mr. MANN. I think it would be well enough to amend it so as to make the reports for the next fiscal year, ending June 30, 1913.

Mr. ALEXANDER. But with the bill as it now stands, making the law take effect the 1st day of July, there will be no provision in the law whatever for a report between the 1st of January and the 30th of June, because they will not be authorized under this bill to make a report for this fiscal year under the present law. Under the present law they are only authorized to make reports for the calendar year. That provision is repealed, and this law does not take effect until after the 1st of July, at the end of the fiscal year. I call it to the attention of the gentleman so that if that situation arises it might be corrected in another body. I think it leaves no provision for any report between the 1st of January and the 30th of June. I will call the attention of the department to that.

Mr. MANN. Probably the gentleman thought that making it the 1st of July would require a report for this fiscal year. This

fiscal year ends on the 30th of June.

Mr. ALEXANDER. I understand what the gentleman means, and I think his criticism is well taken. I will call it to the attention of the department.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed with amendments joint resolution (H. J. Res. 254) congratulating the people of China on their assumption of the powers, duties, and responsibilities of self-government, in which the concurrence of the House of Representatives was requested.

GRANTING SCHOOL LANDS TO THE STATE OF LOUISIANA.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 20114) granting school lands to the State of The Clerk read the bill, as follows:

A bill (H. R. 20114) granting school lands to the State of Louisiana. Be it enacted, etc., That all the unsurveyed lands in the State of Louisiana, Be it enacted, etc., That all the unsurveyed lands in the State of Louisiana which are shown by official protraction of the Government surveys heretofore made to be embraced within sections numbered 16 and which lie in the same township as lands which have been certified or patented in that State under the act approved March 2, 1849, entitled "An act to aid the State of Louisiana in draining swamp lands therein," and the act approved September 28, 1850, entitled "An act to enable the State of Arkansas and other States to reclaim swamp lands within their limits," be, and the same are hereby, fixed, reserved, and confirmed to that State as though the official surveys had been regularly extended over such townships.

The SPEAKER. Is there objection?

Mr. MARTIN of South Dakota, Mr. Speaker, reserving the right to object, I would like to ask how many acres of land are involved in this bill?

Mr. ESTOPINAL. I do not know the exact acreage, but

there may be several hundred acres.

Mr. MARTIN of South Dakota. I see no report from the Interior Department on the bill. Has any report been obtained? Mr. ESTOPINAL. I have a report which I will send to the Clerk's desk.

The SPEAKER. The Clerk will read the report.

The Clerk read as follows:

Mr. ESTOPINAL, from the Committee on the Public Lands, submitted the following report (to accompany H. R. 20114):

The Committee on the Public Lands, to whom was referred the bill (H. R. 20114) granting school lands to the State of Louisiana, submit the following report—

Mr. MARTIN of South Dakota. Mr. Speaker, I have seen the report of the committee and have read it. I call the attention of the gentleman from Louisiana to the fact that there appears to be no report from the Interior Department. Has there been such a report from the Interior Department?

Mr. ESTOPINAL. Yes; there has been such a report. I send

it to the Clerk's desk and ask to have it read.

The SPEAKER. The Clerk will read the report from the Interior Department.

The Clerk read as follows:

LETTER TO ACCOMPANY HOUSE REPORT NO. 255, DATED FEBRUARY 24, 1912, ON H. B. 20114.

DEPARTMENT OF THE INTERIOR, Washington, February 2, 1912.

DEPARTMENT OF THE INTERIOR,
Washington, February 2, 1912.

Hon. Albert Estopinal,
House of Representatives.

Sir: I am in receipt of your request for the views of this department on H. R. 17042, "A bill for the approval to the State of Louisiana of certain swamp lands."

Lands have heretofore been patented to the State of Louisiana under the swamp-land acts in certain unsurveyed townships where the lines of the townships were fixed by protraction. There are in these townships certain lands which will, when surveyed, pass to the State as section 16 under its grant for the support of public schools, but these lands can not be patented until the surveys have been made and approved, and the fact that the swamp lands have already been patented renders a survey unnecessary and none will therefore probably be made. The object of the bill is to vest in the State the title in the lands which would be section 16 if surveyed.

I know of no objection to the passage of such a bill, but would suggest as a substitute for the pending bill the following:

"A bill granting school lands to the State of Louisiana.

"Be it enected, etc., That all the unsurveyed lands in the State of

"A bill granting school lands to the State of Louisiana.

"Be it enacted, etc., That all the unsurveyed lands in the State of Louisiana which are shown by official protraction of the Government surveys heretofore made to be embraced within sections No. 16, and which lie in the same township as lands which have been certified or patented in that State under the act approved March 2, 1840, entitled 'An act to aid the State of Louisiana in draining swamp lands therein,' and the act approved September 28, 1850, entitled 'An act to enable the State of Arkansas and other States to reclaim "swamp lands" within their limits,' be, and the same are hereby, fixed, reserved, and confirmed to that State as though the official surveys had been regularly extended over such townships."

Your attention is called to the fact that the title of the bill proposed is misleading in that it purports to be a bill for the approval of "certain swamp lands," and it would be better to entitle it as above suggested.

Very respectfully,

SAMUEL ADAMS,

SAMUEL ADAMS, First Assistant Secretary.

Mr. ESTOPINAL. Mr. Speaker, I wish to say that that report was adopted as the bill, and that is the bill now before the House. But a bill similar to this one has passed the Senate, and I now ask unanimous consent that the Senate bill be substituted for the House bill.

The SPEAKER. It is not time to do that yet. Is there objection to the present consideration of this bill? [After a pause.] The Chair hears none. This bill is on the Union Calendar.

that it be considered in the House, and that the Senate bill be substituted therefor.

The SPEAKER. The gentleman from Louisiana asks unanimous consent that the bill be considered in the House as in Committee of the Whole, and that the Senate bill be substituted for the House bill. Is there objection?

Mr. MACON. Mr. Speaker, reserving the right to object, I would like to hear the Senate bill read.

The SPEAKER. The Clerk will read the Senate bill.

The Clerk read as follows:

An act (S. 5059) granting school lands to the State of Louisiana.

An act (S. 5059) granting school lands to the State of Louislana.

Be it enacted, etc., That all the unsurveyed lands in the State of Louislana which are shown by official protraction of the Government surveys heretofore made to be embraced within sections No. 16 and which lie in the same township as lands which have been certified or patented in that State under the act approved March 2, 1849, entitled "An act to alid the State of Louislana in draining swamp lands therein." and the act approved September 28, 1850, entitled "An act to enable the State of Arkansas and other States to reclaim swamp lands within their limits," be, and the same are hereby, fixed, reserved, and confirmed to that State as though the official surveys had been regularly extended over such townships.

Mr. ESTORINAL. Mr. Specker, in the content of the State of Arkansas and other is a survey of the content of the same are hereby, fixed, reserved, and confirmed to that State as though the official surveys had been regularly extended over such townships.

Mr. ESTOPINAL. Mr. Speaker, is this the proper time to offer an amendment under unanimous consent? If so, I would like to offer an amendment which was suggested by the depart-

The SPEAKER. The gentleman does not have to have unanimous consent to offer an amendment, but he has to have unanimous consent for the other request. Is there objection?

Mr. MACON. I object to the substitute at this time, because it seems to affect Arkansas lands. I want to hear the bill read again before I consent to the adoption or consideration of the substitute.

Mr. ESTOPINAL. It is Louisiana land.

Mr. MACON. Is there nothing in there about Arkansas lands? I understood the Clerk to read something about Arkansas lands.

The SPEAKER. The word "Arkansas" is used in quoting the act.

Mr. ESTOPINAL. It does not affect Arkansas lands.

Mr. ESTOPINAL. It does not affect Arkansas lands.
Mr. MACON. With that understanding, I will withdraw my
objection, Mr. Speaker.
Mr. ESTOPINAL. Mr. Speaker, I offer an amendment, after
the word "State," on line 3 of this bill, to insert "for the benefit
of the public schools." That is on page 2.
The SPEAKER. The Clerk will report the amendment offered
by the gentleman from Louisiana [Mr. ESTOPINAL].
The Clerk read as follows:

The Clerk read as followss:

On page 2, line 1, of said bill insert, after the word "State," the words "for the benefit of public schools."

The SPEAKER. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to. The SPEAKER. The question is on the third reading of the

amended Senate bill. The bill as amended was ordered to be read a third time, was

read the third time, and passed.
On motion of Mr. ESTOPINAL, a motion to reconsider the vote

whereby the bill was passed was laid on the table. By unanimous consent, the corresponding House bill, H. R. 20114, was laid on the table.

GRAND ARMY OF THE REPUBLIC ENCAMPMENT, PULLMAN, WASH.

The next business on the Calendar for Unanimous Consent was Senate joint resolution 77, authorizing the Secretary of War to loan certain tents for the use of the Grand Army of the Republic encampment, to be held at Pullman, Wash., in June, 1912.

The joint resolution was read, as follows:

The joint resolution was read, as follows:

Resolved, etc., That the Secretary of War be, and is hereby, authorized to loan, at his discretion, to the general committee of the Grand Army of the Republic encampment, to be held at Pullman, Wash., in the month of June, 1912, such tents, with necessary poles, ridges, and pins, as may be required at said encampment: Provided, That no expense shall be caused the United States Government by the delivery and return of said property, the same to be delivered to said committee designated at such time prior to the holding of said encampment as may be agreed upon by the Secretary of War and A. R. Baker, charman of said general committee: And provided further, That the Secretary of War shall, before delivering such property, take from said A. G. Baker a good and sufficient bond for the safe return of said A. G. Baker and condition, and the whole without expense to the United States.

The SPEAKER. Is there objection?

There was no objection.

Mr. MANN. Mr. Speaker, evidently there is an error in the printing of Mr. Baker's name. In one place it is printed A. B. Baker and in a subsequent line it is printed A. G. Baker. That might cause some difficulty. It ought to be the same in both places, even if it is wrong.

Mr. LA FOLLETTE. His name is A. B. Baker.

Mr. MANN. I am informed by the gentleman from Washington that his name is A. B. Baker. I suggest that correction.

The SPEAKER. If there be no objection, that amendment will be agreed to.

Mr. HAY. In line 6, page 2, strike out "G" and insert "B." The amendment was agreed to.

The joint resolution as amended was ordered to a third reading, and was accordingly read the third time and passed.

BRIDGE ACROSS MISSOURI RIVER, SOUTH SIOUX CITY, NEBR.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 21821) to authorize the city of South Sloux City, in the State of Nebraska, to construct a bridge across the Missouri River between the States of Nebraska and Iowa.

The bill was read, as follows:

Be it enacted, etc., That the city of South Sloux City, in the county of Dakota and State of Nebraska, a municipal corporation organized under the laws of the States of Nebraska, be, and it is hereby, authorized to construct, maintain, and operate a bridge and approaches thereto, across the Missouri River, at a point suitable to the interests of navigation, at or near South Sloux City, in the county of Dakota, in the State of Nebraska, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 28, 1906.

SEC 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The SPEAKER. Is there objection?

There was no objection.

The bill was ordered to be engrossed and read a third time. and was accordingly read the third time and passed.

TREATY OF SEPTEMBER 28, 1830, WITH CHOCTAW INDIANS.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 15361) to correct an error in the supplemental treaty of September 28, 1830, made with the Choctaw Indians, and for other purposes.

The bill was read, as follows:

The bill was read, as follows:

Whereas by article 2 of the supplementary articles, executed September 28, 1839, to the treaty of September 27, 1830, signed and executed at Dancing Rabbit Creek by the commissioners of the United States and the chiefs and headmen of the Choctaw Nation of Indians, a section and a half of land was reserved to each of certain Choctaw Indians intended therein to be named; and
Whereas there was named in said article 2 Thomas Garland, when the correct name should have been Thomas Wall, one of the intended reservees, which error was subsequent to the date of said supplemental articles discovered; thereupon George W. Martin, a representative of the War Department, set apart to the said Thomas Wall, under the provisions of said supplemental treaty, section 8 and the west half of section 9, in township 19 north, range 16 east, Choctaw meridian, Mississippi, in lieu of any reservation to the said Thomas Garland; and Whereas on September 3, 1831, William Ward, Choctaw agent, and Greenwood Leflore, Mooshalatubbee, Natuckachy, David Folsom, and Joel H. Nail, chiefs and headmen of the Choctaw Nation, executed a certificate saying that the reservation granted to Thomas Garland in the supplement to the treaty was intended to be given to Thomas Wall, there being no such person in the Choctaw Nation as Thomas Garland, and that the fact of Thomas Wall being the person to whom the reservation was intended to be granted was universally known and admitted by everyone acquainted with the objects of the treaty; and

and
Whereas the records of the Indian Office show that on December 11,
1833, Thomas Wall made a deed to Anthony Winston covering said
tracts, and the sale was approved by Anthony A. Kincannon, who
was a commissioner appointed by the War Department to examine
into and report on sales made by reservees in accordance with the
provisions of the treaty; and
Whereas said sale was never submitted to the President for approval:
Now therefore

Now therefore

Be it enacted, ctc., That the said reservation of section 8 and the west half of section 9, in township 19 north, range 16 east, Choctaw meridian, Mississippi, to Thomas Wall, and the sale thereof by him to Anthony Winston, made on December 11, 1833, be, and the same are hereby, approved, and the title thereto confirmed in the said Thomas Wall and his vendee, the said Anthony Winston; and the Commissioner of the General Land Office is hereby authorized and directed to cause the proper entries to be made upon the land records of the land office at Jackson, Miss., and of the General Land Office, showing that said land was reserved to the said Thomas Wall.

The SPEAKER. Is there objection?
Mr. MANN. Mr. Speaker, reserving the right to object, evidently there was a mistake in the reprint of the bill, through the inadvertence of some one, because the committee in reporting it, recommended that the whereases be stricken out and that all after the enacting clause be stricken out and new matter inserted; but that is not shown in the print of the bill. I should like to have the gentleman in charge of the bill state what his purpose is if the bill is allowed to come before the House by unanimous consent?

Mr. CANDLER. Mr. Speaker, I ask unanimous consent that all the whereases be stricken out and everything after the enacting clause be stricken out, and that the amendment proposed by the committee be inserted after the enacting clause.

The SPEAKER. The first thing to do is to get unanimous consent for the consideration of the bill.

Mr. MANN. Reserving the right to object, I should like to know what the gentleman's amendment is. Will the gentleman have it read for information?

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Strike out all after the enacting clause and insert in lieu thereof the

following:

"That the Secretary of the Interior is hereby authorized to issue a patent to Thomas Wall, now deceased, formerly of Mississippi, for the

following-described tracts of land: All of section 8 and the west half of section 9 in township 19 north of range 16 east, Choctaw meridian, Mississippi, and that the sale of said land by said Thomas Wall to Anthony Winston is hereby approved."

Mr. MANN. Mr. Speaker, while the report on this bill, in the form in which it was printed, was somewhat badly done, to say the least, the report of the department on the bill is equally sloppy.

I will not object to the bill, with the amendment which the gentleman offers, although I suggest that, having stricken out the preamble and then all of the bill, it will be necessary to amend the title, which the committee did not even recommend.

The SPEAKER. Is there objection to the present considera-

tion of the bill?

There was no objection.

Mr. CANDLER. Mr. Speaker, I now offer my amendment. The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Strike out all after the enacting clause and insert in lieu thereof the

Strike out all after the chacking the control of the later of the following-described tracts of land: All of section 8 and the west half of section 9 in township 19 north of range 16 east, Choctaw meridian, Mississippl. and that the sale of said land by said Thomas Wall to Anthony Winston is hereby approved.

The amendment was agreed to.

Mr. MANN. Now, the question is, I take it, on striking out the preamble.

The SPEAKER. The Chair understood that the amendment was to strike out everything after the enacting clause.

Mr. MANN. The preamble comes before the enacting clause. The SPEAKER. The question is on striking out the preamble.

The amendment striking out the preamble was agreed to.

The bill as amended was ordered to be engrossed and read a third time, and was accordingly read the third time.

The SPEAKER. The question is on the passage of the bill. The question was taken, and the bill was passed.

Mr. FERRIS. Mr. Speaker, I suggest that the title should be amended so as to read: "A bill providing for the patent of certain lands to Thomas Wall in the State of Mississippi."

The SPEAKER. Without objection, the title will be so amended.

There was no objection.

On motion of Mr. CANDLER, a motion to reconsider the vote whereby the bill was passed was laid on the table.

LAND FOR PUBLIC HIGHWAY IN CADDO COUNTY, OKLA.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 16611) setting apart a certain tract of land for a public highway, and for other purposes.

The Clerk read the bill, as follows:

The Clerk read the bill, as follows:

Be it enacted, etc., That a tract of land 66 feet wide and about threefourths of a mile in length, situate in Caddo County, State of Oklahoma, described as follows, to wit: Beginning on the section line between sections 14 and 15, township No. 7 north, range 10 west of the
Indian meridian, at a point 66 feet south of the right of way of the
Chicago, Rock Island & Pacific Railway, thence east on a line parallel
with the right of way of said railway for a distance of about threefourths of a mile to the intersection of the public highway running
north and south, be, and the same is hereby, set apart as a public highway for the use of the public as such: Provided, That should said highway ever be vacated by any competent authority the title to the said
described tract of land shall inure to the then owner of the tract of
which it formed a part by the original survey.

The SPEAKER. Is there objection?

Mr. STEPHENS of Texas. Mr. Speaker, reserving the right to object, I desire to ask the gentleman from Oklahoma a question as to how the bill came to be passed upon by the Commit-tee on Public Lands instead of the Committee on Indian Affairs,

to which it properly belongs?

Mr. MORGAN. In answer to the gentleman I will say that the question of jurisdiction was raised, and I am sure there is no disposition on the part of the Committee on Public Lands to usurp any privileges that belong to the Committee on Indian Affairs. But, as shown by the letter of the Secretary of the Interior, a copy of which is in the report, these lands are not Indian lands. By treaty with the Indians they ceded all right, title, and interest to these lands, and hence my view of it was, and I think I am correct, that as a matter of fact they are public lands and properly belong to the jurisdiction of the Committee on Public Lands.

Mr. STEPHENS of Toyan Is it not a fact that no disposition on the part of the Committee on Public Lands

Mr. STEPHENS of Texas. Is it not a fact that this was a part of the original Comanche, Apache, and Kiowa Reserva-

tion?

Mr. MORGAN. Yes. Mr. STEPHENS of Texas. And this part was reserved for agency purposes and is being used now for agency purposes? Mr. MORGAN. It is being used now for agency purposes.

Mr. STEPHENS of Texas. And this road is across this tract of land belonging to the Indians, and it is being used for agency purposes.

Mr. MORGAN. Yes

Mr. STEPHENS of Texas. As long as it is under control of the Indian agent, is not the Indian agent under the control of the Indian commission, and does not the Indian Committee have control of all matters of this character?

Mr. MORGAN. As I understand, these lands have been re-served by the Interior Department for the Government for agency purposes, and the Indians absolutely have no right, title, or interest to the land because they ceded the land back to the Government, and it was merely reserved by the Secretary of the Interior for the use of the United States and not for the use of the Indians. It is entirely a United States reservation.

Mr. STEPHENS of Texas. Is it not under the control and direction of the Indian agency and immediately under the control of the Commissioner of Indian Affairs?

Mr. MORGAN. I think the gentleman is right about that.
Mr. STEPHENS of Texas. I will state that I see no objection to the bill, but I think it is a very bad practice for a gentleman to introduce a bill and put it in the wrong committee, even if he does happen to be a member of that committee. I

do not think it is a practice that I can stand for in the future.

Mr. MANN. Mr. Speaker, reserving the right to, object, it
seems to me that I have a much more valid criticism of the
bill than has the gentleman from Texas, although I think his

criticism was good.

I notice on an examination of the bill that in describing the and it only describes one side of it. In my experience with real estate if you want to describe a piece of land you have to bound the four sides of it in order to describe it properly. It is not sufficient to bound one side of it. I will ask the gentleman, as he must have had his attention attracted to it by reading the bill, whether he is prepared, if the bill is considered, to bound the four sides of this tract instead of only one side?

Mr. MORGAN. In answer to the gentleman from Illinois, I

will state that my attention was called to the failure to make a correct description by the distinguished gentleman from Illinois, and after a reexamination of it I concluded that he was correct. I then went to the office of the Commissioner of Indian Affairs, to the maps, and went over the matter, and have prepared an

amendment describing both sides of the road.

Mr. MANN. May I ask the gentleman a further question?

On page 2 of the bill there is a proviso which reads:

Provided, That should said highway ever be vacated by any competent authority the title to the said described tract of land shall inure to the then owner of the tract of which it formed a part by the original survey.

Suppose this highway should be abandoned and not used as a highway, but not vacated by any competent authority, does not the gentleman think that the title ought to pass then, and would the gentleman think that the title ought to pass then, and would the gentleman have any objection to an amendment to insert, in line 7, on page 2, after the word "be," the words "abandoned or," so that it would provide for the disposition of the land in case the highway is abandoned or vacated?

Mr. MORGAN. I would have no objection whatever to that. The SPEAKER. Is there objection? [After a pause.] The Chair hears none. This bill is on the Union Calendar.

Mr. MANN. Mr. Speeker, I set appring a consent that we

Mr. MANN. Mr. Speaker, I ask unanimous consent that we consider the bill in the House as in Committee of the Whole.

The SPEAKER. Is there objection?

There was no objection.
The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Page 2, line 3, after the word "such," insert the words "on condition that the city of Anadarko, Okla., erect a substantial and suitable fence along the south side of the road hereby set apart, subject to the approval of the Secretary of the Interior: Provided."

The SPEAKER. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to. Mr. MORGAN. Mr. Speaker, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

On page 1 strike out all in line 5 after the colon, and all of lines 6, 7, 8, 9, 10, and 11, and on page 2 strike out all of line 1 except the word "be" and the commas which precede and follow it, and insert in lieu of all the foregoing the following: "Beginning at the point where the south line of the right of way of the Chicago, Rock Island & Pacific Railway crosses the section line between sections 14 and 15, township No. 7 north, range 10 west of the Indian meridian; thence south along said section line 66 feet; thence easterly glong a line parallel with the right of way of said railway for a distance of about three-quarters of a mile, to the west line of the public highway running north and south; thence north along the west line of said public highway 66 feet; thence westerly along the south line of the right of way of the aforesaid railway to the place of beginning."

The SPEAKER. The question is on agreeing to the amend-

Mr. RAKER. Mr. Speaker, I would like to ask the gentleman in charge of the bill what is the purpose of the amend-

Mr. MORGAN. It is to more definitely describe the highway. After examining the description in the original bill, I concluded that the highway was not definitely located.

Mr. RAKER. I understand that the Indian Department made a report, and also the Department of the Interior, taking the language of the original bill upon which to base that report. Have they gone over this amended description?

Mr. MORGAN. No, sir. Mr. MANN. If the gentleman will permit, I will say that the bill evidently intended to grant a piece of land for a highway about three-quarters of a mile long on the south side of a railroad right of way. That is shown by the language of the bill, but in describing the tract it described only the south line of the tract and did not bound the other three sides. The gentleman from Oklahoma has merely perfected that by running the north boundary line along the right of way of the railroad and connecting the south boundary line at the two ends with the

Mr. RAKER. In other words, describing a tract of land three-quarters of a mile long and 60 feet wide, or whatever the

width may be? Mr. MANN. Yes.

Mr. RAKER. The width is not described in the present bill? Mr. MANN. It located the south line 66 feet south of the railroad right of way, but that was the only description there

Mr. RAKER. What I wanted to know was whether or not the intention is to describe the same piece of land that was attempted to be described in the original bill?

Mr. MORGAN. That is the purpose of the amendment. Mr. MANN. It is precisely the same piece of land. Mr. RAKER. That settles it.

The SPEAKER. The question is on agreeing to the amend-

The question was taken, and the amendment was agreed to. Mr. MANN. Mr. Speaker, I move to amend page 2, line 7, by inserting after the word "be" the words "abandoned, or." The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Page 2, line 7, after the word "be," insert the words "abandoned, or." The question was taken, and the amendment was agreed to. The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

BRIDGE ACROSS SABINE-NECHES CANAL, PORT ARTHUR, TEX.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 21960) to authorize the Port Arthur Pleasure Pier Co. to construct a bridge across the Sabine-Neches Canal, in front of the town of Port Arthur.

The Clerk read as follows:

The Clerk read as follows:

Be it enacted, ctc., That the Port Arthur Pleasure Pier Co., a corporation existing under the laws of the State of Texas, and its assigns, be, and it is hereby, authorized to construct, maintain, and operate a bridge and approaches thereto across the Sabine-Neches Canal, at a point suitable to the interests of navigation, in front of the town of Port Arthur, in the county of Jefferson, in the State of Texas, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

Sec. 2. That the right to alter, amend, or repeal this act is hereby

Sec. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. DIES. Mr. Speaker, I ask unanimous consent that this bill, which is on the Union Calendar, be considered in the House as in Committee of the Whole House on the state of the

The SPEAKER. The gentleman from Texas asks unanimous consent to consider the bill in the House as in the Committee of the Whole House on the state of the Union. Is there objection? [After a pause.] The Chair hears none. The Clerk will report the amendment.

The committee amendment was read as follows:

On page 2, line 2, after the word "six," insert the words "Provided, That the said Port Arthur Pleasure Pier Co. is also authorized to cross and occupy with the aforesaid bridge the land owned by the United States adjacent to and along said canal under such terms and conditions as the Secretary of War may deem equitable and fair to the public."

The question was taken, and the amendment was agreed to. The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. Dies, a motion to reconsider the vote by which the bill was passed was laid on the table.

IMPORTATION OF ADULTERATED AND LOW-GRADE SEEDS,

The next business on the Calendar for Unanimous Consent was the bill (H. R. 22340) to regulate foreign commerce by prohibiting the admission into the United States of certain adulterated seeds and seeds unfit for seeding purposes.

The Clerk read as follows:

The Clerk read as follows:

Be it enacted, etc., That from and after six months after the passage of this act the importation into the United States of seeds of alfalfa, barley, Canadian blue grass, Kentucky blue grass, awnless brome grass, buckwheat, clover, field corn, Kafir corn, meadow fescue, flax, millet, oats, orchard grass, rape, redtop, rye, sorghum, timothy, and wheat, or mixtures of seeds containing any of such seeds as one of the principal component parts, which are adulterated or unfit for seeding purposes under the terms of this act, is hereby prohibited; and the Secretary of the Treasury and the Secretary of Agriculture shall, jointly or severally, make such rules and regulations as will prevent the importation of such seeds into the United States: Provided, however, That such seed may be delivered to the owner or consignee thereof under bond, to be recleaned in accordance with and subject to such regulations as the Secretary of the Treasury may prescribe, and when cleaned to the standard of purity specified in this act for admission into the United States such seed may be released to the owner or consignee thereof after the screenings and other refuse removed from such seed shall have been disposed of in a manner prescribed by the Secretary of Agriculture: Provided further, That this act shall not apply to the importation of barley, buckwheat, field corn, Kafir corn, sorghum, flax, oats, rye, or wheat not intended for seeding purposes.

SEC. 2. That seed shall be considered adulterated within the meaning of this act—

SEC. 2. That seed shall be considered additerated within the meaning of this act—

First. When seed of red clover contains more than 3 per cent by weight of seed of yellow trefoil, or any other seed of similar appearance to and of lower market value than seed of red clover.

Second. When seed of alfalfa contains more than 3 per cent by weight of seed of yellow trefoil, burr clover and sweet clover, singly or combined.

Third. When any kind or variety of the seeds, or any mixture described in section 1 of this act, contains more than 5 per cent by weight of seed of another kind or variety of lower market value and of similar appearance: Provided, That the mixture of the seed of white and alsike clover, red and alsike clover, or alsike clover and timothy, shall not be deemed an adulteration under this section.

Sec. 3. That seed shall be considered unfit for seeding purposes within the meaning of this act—

First. When any kind or variety of clover or alfalfa seed contains more than one seed of dodder to 5 grams of clover or alfalfa seed, respectively.

respectively.

Second. When any kind or variety of the seeds or any mixture described in section 1 of this act contains more than 3 per cent by weight of seeds of weeds.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. FOSTER. Mr. Speaker, I see there is a provision that the Secretary of Agriculture shall take the seed and have it cleaned, or it shall be cleaned before put on the market.

All seed that does not come up to standard Mr. MANN. when imported may be cleaned under regulations of the Secretary of Agriculture. Mr. BARTLETT.

Mr. BARTLETT. By giving bond for it.
Mr. FOSTER. That is the only way in which they can take
that adulterated seed and clean it?

Mr. MANN. They would either have to return it or clean it. If they can clean it under regulations and have control of the disposition of the refuse, which might be used for chicken feed or bird seed or something of that sort, why they would do it.

Mr. FOSTER. And the regulations are left to the Secretary of Agriculture. Of course, I realize that the adulterated portion taken from the seed, unless it is properly disposed of, might be just as harmful-

Mr. MANN. Yes; but the Secretary makes regulations as to the disposition and says there is no difficulty about that.

Mr. FOSTER. Is this bill to be administered by the customs officials through the Secretary of Agriculture where the seed is admitted into the country?

Mr. MANN. Well, they would do as they do now. matter of fact, when an importation is made the customs officials would furnish a sample to the Secretary of Agriculture for examination.

Mr. FOSTER. Each sample when it is brought over?

Mr. MANN. If there is any question about it.

Mr. MURDOCK. Mr. Speaker, will the gentleman yield? Does the bill except from its provisions importations of wheat? I thought I caught it in the reading.

Mr. MANN. Not wheat used for seed purposes, but wheat which is not intended for seed is excepted, of course.

Mr. MURDOCK. I would like to ask the gentelman, also, is it practicable to determine adulteration in seed such as grass seed?

Mr. MANN. Oh, yes.

Mr. MURDOCK. It is easily done?

Mr. MANN. It is easily done, very easily done.
Mr. MURDOCK. I have heard that questioned in regard to blue-grass seed, that there is difficulty in telling—that there was a certain amount of normal adulteration in any seed.

Mr. MANN. Of course, a degree of tolerance is specified, and I may say that has been agreed upon by the seed people and accepted by the Department of Agriculture. It is fixed in here.

Mr. MURDOCK. Have we any law in the United States similar to this in regard to domestic seeds?

Mr. MANN. We have not. Mr. MURDOCK. And this accomplishes what, then? Mr. MANN. This accomplishes the prevention of the importation into the United States of those seeds for adulteration purposes. In other words, nearly every civilized nation to-day has a law prohibiting the sale of certain classes of seed in their own country and prohibiting the importation of those seeds into those countries.

And we are, not so much in the last few years as we were before, the dumping ground of the world for poor seed, and it is brought in for the purpose of sale or adulteration, especially alfalfa and clover seed and seeds of that character.

The SPEAKER. The question is on the engrossment and

third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

STEAMERS "SYRACUSE" AND "BOSTON."

The next business on the Calendar for Unanimous Consent was the bill (H. R. 22580) to authorize a change of the name of the steamers Suracuse and Boston.

The Clerk read as follows:

Be it enacted, etc., That the Commissioner of Navigation is hereby authorized and directed, upon application of the owner, the Port Huron & Duluth Steamship Co., of Port Huron, Mich., to change the name of the steamer Syracuse, official number 116025, and to change the name of the steamer Boston, official number 3140.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The question was on the engrossment and third reading of the bill

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

OLD POST-OFFICE BUILDING, CHARLESTON, S. C.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 20688) transferring the custody and control of the old post-office building in the city of Charleston, S. C., from the Treasury Department to the Department of Commerce and Labor.

The Clerk read the bill as follows:

Be it cnacted, etc., That the custody and control of the old post-office building, situated at the east end of Broad Street, in the city of Charleston, State of South Carolina, be, and the same is hereby, transferred from the Treasury Department to the Department of Commerce and Labor.

Mr. MURDOCK. Mr. Speaker, reserving the right to object, I would like to ask some one what is the purpose of the transfer

of this building?
Mr. LEGARE. Mr. Speaker, the Lighthouse Department is using this building now for its offices and clerks, and the control and custody is in the Treasury Department.

Mr. MURDOCK. To what purpose is the building to be put after this transfer?

Mr. LEGARE. The same purpose. They are using it now and have been using it for several years.

Mr. MURDOCK. They are now occupying the building?

Mr. LEGARE. They are now occupying the building?

Mr. LEGARE. They are now occupying the building and using it for that purpose. That is, one department is using it and the other department has the custody and control of it. We want to place the custody and control in the proper department.

Mr. AUSTIN. It has the unanimous support of the com-

mittee, Mr. Speaker.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. Legare, a motion to reconsider the vote by which the oill was passed was laid on the table.

POST-OFFICE PROPERTY, PROVIDENCE, R. I.

The next business on the Calender for Unanimous Consent was the bill (H. R. 13774) providing for the sale of the old post-office property at Providence, R. I., by public auction.

The Clerk read the bill, as follows:

The Clerk read the Bill, as follows:

Be it enacted, etc., That the second paragraph of section 10 of the act of Congress entitled "An act to increase the limit of cost of certain public buildings, to authorize the purchase of sites for public buildings, to authorize the erection and completion of public buildings, and for other purposes," approved June 6, 1902 (32 Stats, L., p. 322), be, and it is hereby, amended so as to read as follows:

"When said building is completed and occupied by the United States authorities the Secretary of the Treasury is hereby authorized, in his discretion, to sell the present post-office, courthouse, and customhouse building and the site thereof, situated at the corner of Weybosset and Custom House Streets, in the city of Providence, and State of Rhode Island, at public auction, after proper advertisement, on such terms as

he may deem to be to the best interests of the United States; to execute a quitelaim deed to the purchaser thereof, and to deposit the proceeds of said sale in the Treasury of the United States as a miscellaneous receipt."

The SPEAKER. Is there objection?

Mr. MANN. Reserving the right to object, it seems that they are not now to sell this property at an upset price of \$300,000.

but this bill proposes an upset price of \$200,000.

Mr. O'SHAUNESSY. Mr. Speaker, if it is in order I ask unanimous consent that this bill be considered in the House as

in Committee of the Whole.

The SPEAKER. The gentleman can do that later.

Mr. O'SHAUNESSY. In answer to the gentleman from Illinois I want to say, in the bill providing for the building of the new post office and the sale of the old one, the upset price of \$300,000 was placed on the old building. The new building was completed in 1908, and from the 30th of November, 1908, until the present time the old building has been untenanted and un-Efforts have been made by the Secretary of the Treasury to sell it for the price of \$300,000, but without success, and the Secretary has reported to the Committee on Public Buildings that the bill originally introduced by me providing for the sale of this old post office at public auction without stating any price would facilitate the disposition of this building. There is not any question that \$300,000 can not be obtained.

For the information of the committee, I would like to say that the value of the land upon which the old building stands is \$200,000, and the building upon it is unfit for commercial purposes to-day, and according to a report of the gentleman sent by the Treasury Department to make an investigation into the question, it will cost \$100,000 to make it tenantable for any

Government purpose whatever.

Mr. MARTIN of South Dakota. Mr. Speaker, can the gentleman inform the House as to what was the original cost of that building?

Mr. O'SHAUNESSY. The original cost of the building was \$200,000. The building was constructed in 1857, and the land upon which it was built was originally tide flooded. It is estimated that it would cost \$50,000 to make the cellars dry. roof is in a dilapidated condition. The building has not got lighting facilities.

Mr. MARTIN of South Dakota. Is this property well located with reference to business facilities in the city of Providence?

Mr. O'SHAUNESSY. I will say that it is admirably located. Mr. MARTIN of South Dakota. Has there been any report from the Treasury Department, estimating what the present value of this property is?

Mr. O'SHAUNESSY. No. The Treasury Department has made investigations, and the best information I can get on that subject-information which, I believe, the Treasury Department indorses-is this fact: That its assessed value-though of course, being a Federal building, it is not actually assessed—is estimated to be \$200,000. That would be \$25 a square foot. Property on the south is about \$20 a square foot. Across the way, in the most desirable location for real-estate purposes in the city of Providence, the value of the land runs from \$22 to \$45 a square foot. Twenty-five dollars a square foot for this old post-office land is considered a very fair valuation.

wanted the committee to report this bill making the upset price \$150,000, because there is serious doubt in my mind as to

whether we can realize \$200,000 from it. Mr. MARTIN of South Dakota. The gentleman believes, then, that the estimate of \$200,000 is a fair valuation of the property?

Mr. O'SHAUNESSY. I do. Mr. RAKER. May I ask the gentleman who set that price? Mr. O'SHAUNESSY. I presume Congress did. In the omnibus bill, providing for the erection of a new post office, there was a provision made that the old building should not be disposed of unless the price of \$300,000 was obtained.

Mr. RAKER. I understand that the land itself is estimated

to be worth at least \$200,000?

Mr. O'SHAUNESSY. Yes; that is the report of the board of

Mr. O'SHAUNESSI. 1es; that is the report of the board of ssessors. But they frequently make mistakes.

Mr. RAKER. What board of assessors is that?

Mr. O'SHAUNESSY. The board of assessors of Providence.

Mr. RAKER. What is the actual cash value of the building?

Mr. O'SHAUNESSY. They value the building for assessment purposes. ment purposes at \$60,000.

Now, I have letters from real-estate men down there who say that if anybody wanted to make use of the land they would have to tear down this building, because to make it tenantable or habitable it would require an expenditure of \$150,000 or

Mr. RAKER. Is the gentleman of the opinion that this property ought not to be struck off at public auction for any bid less

Mr. O'SHAUNESSY. No; absolutely not. I know very well that that sum would never be obtained.

Mr. RAKER. If the land is estimated now by the board of assessors to be worth \$200,000 and the building is estimated to be worth \$60,000, it seems to me there ought to be some limita-

tion put upon the auctioneer to the effect that unless he receives \$260,000 or more he can not sell the property.

Mr. O'SHAUNESSY. Yes; but here is a report to the effect that it would take \$150,000 to put the building in a habitable condition. Now, if you add \$150,000 to \$200,000, that would be \$350,000. That property is worth—

Mr. RAKER. Maybe the property would be worth \$600,000

or \$700,000 when it was put into that shape

Mr. AUSTIN. Mr. Speaker, the committee has investigated this case carefully from time to time, and secured all the information it could from Providence, and this bill comes here with a unanimous report. No interest of the Government can suffer under the terms of this bill, because the Secretary of the Treasury will obtain for this property every dollar that any person

is willing to pay for it.

Mr. RAKER. But there is no protection provided for the

Government, so far as the auctioneer is concerned. He can let it go at \$200,000, if he cares to.

Mr. AUSTIN. The Secretary of the Treasury is authorized Mr. AUSTIN. The Secretary of the Treasury is authto sell it, provided it brings a sum not less than \$200,000.

Mr. RAKER. Is there any competition for the purchase of this building?

Mr. AUSTIN. Yes. The Government would be glad if the gentleman from California would bid \$250,000 on it.

Mr. RAKER. I would bid about 200 cents, unless the gentleman from Rhode Island will make the loan, without interest and without limit as to time; but that does not answer my objection. Because a Member of Congress is unable to buy buildings of this kind, I do not think he should stand idly by and permit action to be had, unless you provide that they shall not sell for less than a certain price.

Mr. AUSTIN. There is an upset price of \$200,000.

Mr. RAKER. Does the gentleman think that is sufficient? Mr. AUSTIN. I think it is sufficient, and I think when the Member who represents the Providence district stands on the floor of this House and makes a statement about this property, its value, and so forth, his colleagues ought to accept that statement.

Mr. RAKER. I do not understand that my question implies any doubt of the gentleman's statement concerning anything that he is familiar with; but he is not here as a real estate

agent, and does not so represent himself.

Mr. AUSTIN. He is here as the representative of the people of Providence, looking out and caring for their interests, and I would be governed by his statement about a local proposition, just as I would be influenced by a statement on a local proposition, if it was made by the gentleman from California concerning his own district.

Mr. MANN. Then, I should like to sell some land to the

gentleman.

The SPEAKER. Is there objection?

Mr. RAKER. Reserving the right to object, I should like to hear a further statement in reference to this.

Mr. PETERS. Has there not been an attempt already to sell

this property at public auction at an upset price of \$300,000?

Mr. O'SHAUNESSY. From November 30, 1908, up to the present time there have been repeated attempts to sell the property for \$200,000, and those efforts have been absolutely unsuccessful and a flat failure. It is in order to get rid of an eyesore in the city of Providence, and in order to get rid of an eyesore in the city of Providence, and in order to put money into the United States Treasury, which my colleagues ought to consider a very commendable effort on the part of any Representative—to put money into the Treasury of the United States—that I urge the passage of this bill [applause]; and incidentally to provide a taxpayer for the city of Providence, because the city of Providence does not get any benefit from it now, for no taxes are being paid upon it, and it is a detriment to real estate values in the neighborhood and a positive hindrance to the advance that ought to take place in an up-to-date city like Providence.

Mr. RAKER. In other words, I understand from the gentleman that he believes the property which the Government holds and is not using should be put in the hands of private owners and the Government get something for it, so as to build up the

country.
Mr. O'SHAUNESSY. Absolutely.
Mr. RAKER. That is the gentleman's position on matters of this kind?

Mr. O'SHAUNESSY. Absolutely.

Mr. RAKER. Would that apply generally?

Mr. O'SHAUNESSY. If the Government wanted this property, I would be pleased to see it use the property; but I hate to see it lying there idle, a detriment to advance and a forbidding object to those who pass by it. I suppose we might say that it is only tenanted by the rats just at present. But if you open it up, enterprise will develop it and business will improve and the people in general will be satisfied. I know that my friend from California [Mr. RAKER] will be satisfied when he comes down and sees the change in the neighborhood.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The gentleman from Rhode Island [Mr. O'SHAUNESSY] asks unanimous consent that this bill be considered in the House as in the Committee of the Whole House on the state of the Union. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the committee amendment.

The Clerk read as follows:

Page 2, line 11, after the word "receipt," insert: "Provided. That said building and site shall not be sold for any sum less than \$200,000."

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, and was accordingly read the third time and passed.
On motion of Mr. O'SHAUNESSY, a motion to reconsider the last vote was laid on the table.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

A message, in writing, from the President of the United States was communicated to the House of Representatives by Mr. Latta, one of his secretaries.

STATISTICS OF COTTON.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 19403) authorizing the Director of the Census to collect and publish statistics of cotton.

The Clerk read the bill, as follows:

was the bill (H. R. 19403) authorizing the Director of the Census to collect and publish statistics of cotton.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Director of the Census be, and he is hereby, authorized and directed to collect and publish statistics concerning the amount of cotton ginned; the quantity of raw cotton consumed in manufacturing establishments of every character; the quantity of baled cotton on hand; the number of active consuming cotton spindles; and the quantity of cotton imported and exported, with the country of origin and destination.

SEC. 2. That the statistics of the quantity of cotton ginned shall show the quantity ginned from each crop prior to September 1, September 25, October 18, November 1, November 14, December 1, December 13, January 10, and March 1, and shall be published as soon as possible after the consuming respective dates. The quantity of cotton consumed in manufacturing respective dates. The quantity of cotton consumed in manufacturing respective dates. The quantity of cotton consumed in manufacturing respective dates. The quantity of cotton consumed in manufacturing respective dates. The quantity of cotton consumed in manufacturing respective dates. The quantity of cotton in the published and exported shall relate to each calendar month and shall be published by the Bureau of the Census of the quantity of cotton ginned shall carry with it the latest available statistics concerning the quantity of cotton consumed, stocks of baled cotton on hand, the number of cotton-consuming spindles, and the quantity of cotton imported and exported. All of these publications containing statistics of cotton shall be mailed by the Director of the Census to all cotton ginners, cotton manufacturers, and cotton warehousemen, and to all daily newspapers throughout the United States. The Director of the Census shall furnish and the United States. The Director of the Census shall furnish and publish the said Bureau of Statistics shall publish the same in connection

shall compile, by correspondence or the use of published reports and documents, any available information concerning the production, consumption, and stocks of cotton in foreign countries, and the number of cotton-consuming spindles in such countries. Each report published by the Bureau of the Census regarding cotton shall contain an abstract of the latest available information obtained under the provisions of this section, and the Director of the Census shall furnish the same to the Department of Agriculture for publication in connection with the reports of that department concerning cotton in the same manner as in the case of statistics relating to the United States.

Sec. 6. That the joint resolution approved February 9, 1905, and parts of laws inconsistent with the provisions of this act are hereby repealed.

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, I would like to say to the gentleman that a short time ago we passed a bill something like this relating to tobacco statistics. It may be highly desirable to pass a bill like this, but it is quite evident that if we do we will soon have bills in relation to the various grain statistics and other interests in the country. Hence, it seems to me quite desirable to have a bill very care fully considered and properly amended. As an illustration of this bill it provides for the repeal of the joint resolution approved March 2, 1909. That is the only description of the joint resolution of that date, any one of which would be covered by this provision, which does not seem to me to be a very careful preparation of the bill.

The committee that reports this bill will be reached before long on the ordinary calendar in the call of committees. it not be entirely satisfactory to the gentleman to let this bill go until that time, so that when it is perfected we may adopt a policy which very likely will be applied to other interests?

I have no objection to the gathering of cotton statistics.

Mr. BELL of Georgia. We are willing to accept an amendment prepared by the gentleman from Illinois if he will offer

I have not formulated any amendment, but this bill provides in several places for the duplication of the publication of reports. What reason can be given-there may be a very good one-why the Census Bureau should publish certain information and turn it over to the Agricultural Department to publish the same information? Why should the Agricultural Department publish certain information and turn it over to the Census Office to publish the same information? We duplicate more or less in the Government business, but I know of no other case where it is proposed to have the department publish a bulletin and send it to another department to be published again.

Mr. BELL of Georgia. It is the custom with reference to the reports of the amount of cotton ginned. The Director of the Census furnishes it to the Agricultural Department and the Agricultural Department publishes it in conjunction with their

report.

Mr. MANN. But the gentleman does not claim that there is any occasion for both departments publishing precisely the same information, each sending it to every one interested in the country?

Mr. BELL of Georgia. There is no additional cost. Mr. MANN. Of course there is an additional cost when two departments publish the same information.

Mr. HEFLIN. Mr. Speaker, the resolution that the gentleman refers to is one under which some statistics are being gathered regarding the amount of cotton on hand at the cotton factories. Now the purpose is to report the amount of cotton exported, the amount imported, the amount of cotton owned at the factory, the amount of cotton consumed, the amount of cotton ginned, all in one report. It is a very important measure, to the cotton producer especially. The ginners' reports coming out twice a month in the fall are published all over the country in the daily papers. The producer ought to have all the information about the cotton on hand at the mill and the cotton exported from this country, in order that he may know the situa-tion of the cotton market here. He has not the information now, and this resolution will give him the information that he so much needs.

Mr. MANN. I say that, so far as I am concerned, I am willing to have all the information gathered and diffused throughout the country. As I said with reference to the resolution that was proposed to be repealed, who ever drew the bill— and I suppose it was drawn in the department—has drawn it very loosely, proposing to repeal a joint resolution of a certain date when there are three joint resolutions of that date, something which evidently no member of the committee had taken the trouble to look up, but I did.

Mr. HEFLIN. We are willing to have you offer an amendment to cure that defect.

Mr. MANN. I only referred to the joint resolution as an evidence of the loose preparation of the bill. Now, in that connection the bill says:

Each report published by the Bureau of the Census regarding cotton shall contain an abstract of the latest available information obtained under the provisions of this section, and the Director of the Census shall furnish the same to the Department of Agriculture for publication in connection with the reports of that department concerning cotton, in the same manner as in the case of statistics relating to the United States.

What is the object of republishing that by the Department of

Agriculture?

Mr. HEFLIN. That is perfectly proper, because the Director of the Census sends out these statistics twice a month on the amount of cotton ginned during the ginning season. when the Agricultural Department makes its report on the final production, the Director of the Census gives the statistics that he has on the amount of cotton ginned.

Mr. MANN. The gentleman from Alabama does not, any more than I, believe that as a rule it is necessary to have two departments publish precisely the same information and place it in the hands of the same people. No one would defend that

I do not know what the purpose is here.

Mr. HEFLIN. As I said before, one reports twice a month during the ginning season, and the other reports once a year. When the Secretary of Agriculture makes his final report, he gets a great deal of this information from the Director of the Census and gives the sum total.

Mr. MANN. How often does the Bureau of Statistics of the

Department of Agriculture report on cotton?

Mr. HEFLIN. It reports annually as to the production of

Mr. MANN. I think it reports very much oftener than an-

Mr. HEFLIN. It reports on crop conditions and crop estimates.

Mr. MANN. It reports every little while. Mr. HEFLIN. Yes. On conditions of the crop, the prospects of the crop, and then finally as to what the final yield is.

Mr. MANN. But this requires publication of these census

statistics with every report of the Department of Agriculture as to the condition of the crop a number of times a year.

Mr. HEFLIN. That can not be true, because there is no cotton ginned in the late spring or the summer. Cotton is ginned from about the last week in August until February.

Mr. MANN. But this information is not confined to cotton ginned. This information is not merely the ginning of the cotton. It covers the whole subject of the production and the consumption of cotton.

Mr. HEFLIN. That is true; but after the ginners' report stops we want this information about cotton on hand at the mills and the amount of cotton bought by foreign spinners to continue to go to the producer of cotton. It will give him information at the time he plants his crop, and he can determine whether to plant for a large crop or a small crop. He will know about the supply of cotton and how rapidly it is being consumed, and he ought to have this information.

Mr. MANN. Let me ask the gentleman further. A few weeks ago we passed a bill upon this subject which came from the Committee on Agriculture, covering the publication of these reports so that, as was then stated, the cotton raiser might know how much cotton to plant. This bill does not take into consideration at all the passage of that former bill, and in my judgment the two are in conflict from start to finish. about that?

Mr. HEFLIN. I do not think so. We have been gathering these statistics, as I said before, as to the amount of cotton ginned, and about four years ago I introduced a resolution requiring the Director of the Census to gather statistics of the amount of cotton on hand at the cotton mills, and Mr. Lever, of South Carolina, introduced one also. His resolution, as amended by the committee, passed. But under his resolution But under his resolution these statistics were gathered and published three times a year. We want these reports made at least once a month, and during the ginning season to be published with the ginners' report, which is at least twice a month.

Mr. MANN. But we passed a bill here the other day covering that.

Mr. HEFLIN. No; that did not relate to cotton. Mr. MANN. I beg the gentleman's pardon. It related to nothing but cotton.

Mr. HEFLIN. What bill was that?
Mr. MANN. A bill that came from the Committee on Agriculture, I think, covering this same subject.

Mr. HEFLIN. Oh, the gentleman refers to the Lever bill. Not at all. That simply postponed to a later date than is now provided for the estimation of the amount of acreage in cotton, and the report on the condition of the cotton crop. That does not pertain at all to the kind of statistics here provided for. I introduced a resolution along this line at this session, and the gentleman from Arkausas [Mr. Oldfield] introduced a resolution and so did Mr. Lever on this same subject. These resolutions were taken by the subcommittee of the Committee on the Census and the resolution under consideration now contains the provisions that my resolution had in it and some of the provisions contained in the resolutions of Mr. Oldfield and Mr. LEVER.

Mr. MANN. Unless I am very much mistaken, and I am inclined to rely upon my memory in this matter, the bill we passed the other day covers the collection of statistics relating to cotton.

Mr. HEFLIN. Not as to cotton ginned or manufactured or cotton on hand. It is the amount of acreage and the condition of the growing crop.

Mr. MANN. That may be. Mr. HEFLIN. The gentleman has in mind the Lever bill, which relates to the growing cotton crop. The Lever bill provides that the report on the crop condition be made later than is now provided for, because the condition of the cotton crop may be excellent in June and very materially damaged in July, and if it is damaged then the good-condition report in June has

seriously injured the cotton producer.

Mr. MANN. Mr. Speaker, I am willing to admit I know nothing on the subject of raising cotton or collecting information concerning it, and I shall not at this time interpose an objection in the face of the great demand of gentlemen here representing cotton-growing districts. I am quite confident that this bill ought to be amended in a good many particulars both in the interest of economy to the Government in publication and probably in the interest of the cotton raiser who wants to obtain the information. But that can not be done where it is considered in this way.

Mr. HEFLIN. The Director of the Census was present with

myself, Mr. Oldfield, and Mr. Lever when the subcommittee agreed on this resolution.

Mr. SLAYDEN. Mr. Speaker, I want to ask the gentleman one question in reference to this bill.

Mr. HEFLIN. Mr. Speaker, I will say to the gentleman from Illinois that if there is any change to be made in the phraseology of this resolution that can be done in the Senate, for we are

very anxious to get this resolution passed to-day.

Mr. SLAYDEN. I want to say that I do not propose to object to the consideration of this bill, but there are some things in here the department will be compelled to do which, I think, entail an expense that is unnecessary and will do no good. Here it is:

All of these publications containing statistics of cotton shall be made by the Director of the Census to all cotton ginners, cotton manufac-turers, and cotton warehousemen, and to all daily newspapers through-out the United States.

Now, Mr. Speaker, the gentleman knows that a matter of such importance, when it goes out here at Washington, is carried through the Associated Press to every newspaper in the country that has any interest whatever in the growing or marketing of cotton. That news goes into every cotton merchant's establishment, goes into all the cotton exchanges of the country, and from there is also immediately distributed. Now, you compel them here to go to the expense of sending these com-Such information will armunications to these newspapers. rive from 24 hours to 3 days after they have had the information, and it is an absolute unnecessary expense.

Mr. HEFLIN. Now, Mr. Speaker, I do not agree with the gentleman from Texas. I made the suggestion that this information ought to be mailed to the daily newspapers, and I will tell my friend from Texas why. The ginners' report is now published in these newspapers. We provided three years ago to collect statistics three times a year as to the cotton on hand at the factories. I have never seen one of those reports

in a newspaper

Mr. SLAYDEN. I did not catch the statement of the gentle-

man as to what provision had been made.

Mr. HEFLIN. The statistics gathered about three times a year of the amount of cotton on hand at cotton factories was provided for about three years ago, nearly four, and I have never seen one of those reports in a newspaper. the ginners' report often in various newspapers over the country. Now, this resolution provides that the amount of cotton on hand at factories shall be published on the same card with the amount of cotton ginned and how much cotton has been im-

ported and exported. Now, we propose to give this information to the producers of cotton and give it as much publicity as possible through the daily newspapers. All of the daily newspapers do not have the Associated Press service. These papers will publish these official statistic cards when they receive them, and by that means we give this information to the cotton belt at least and those who are mostly interested.

Mr. SLAYDEN. I shall not object to the consideration of the gentleman's resolution, but I do say that, in my judgment, it entails an unnecessary expense upon the Government.

Mr. HEFLIN. It will be a very little expense.
Mr. SLAYDEN. Why, you must have clerks to prepare the information, you must have clerks to mail the information, and then comes the cost of transporting the information which, when they get it, is some three or four days old. I want to say while I am on that question that I do not believe the South is benefited by all the statistical work that has been done. In the old days when the Department of Agriculture made an estimate of the crop they invariably, at least in nineteen times out of twenty, guessed in favor of the farmer. Now the amount of cotton gluned every month is presumed to be counted accurately, and an increase in the size of the crop is indicated; if there is a larger yield, the notice of that increased yield is bound to have its influence on the market. Personally, as a man who grows cotton and has been interested in it, I would rather have the old condition when the Department of Agriculture guessed in favor of the farmer.

Mr. HEFLAN. I want to say to my friend, in that connection, that I was not in Congress when the act was passed requiring the ginners to report, but since we have the ginners' report I want as full and complete information from the manufacturers and as to exportation and importation of cotton as is possible. And I will say further to my friend, if the Government did not make these gin reports, you have a national association now that does, and the speculator would indulge in what they would call a ginners' report, and if we are going to have these reports at all I prefer to have the sanction of the Government back of

them, in order that we may regulate them.

The SPEAKER. Is there objection? [After a paus Chair hears none. This bill is on the Union Calendar. [After a pause.] The

Mr. BEILI of Georgia. Mr. Speaker, I ask unanimous consent that it may be considered in the House as in the Committee of the Whole.

The SPEAKER. The gentleman from Georgia [Mr. Bell] asks unanimous consent that it may be considered in the House as in the Committee of the Whole. Is there objection? [After a pause.

pause.] The Chair hears none.

Mr. MANN. Mr. Speaker, I offer an amendment.

The SPEAKER. The gentleman from Illinois [Mr. MANN] has offered an amendment, which the Clerk will report.

The Clerk read as follows:
Page 5, line 9, after the word "resolution," insert the following:
"Authorizing the Director of the Census to collect and publish additional statistics."

That simply identifies the resolution. Mr. MANN

The SPEAKER. The question is on agreeing to the committee amendment.

The question was taken, and the amendment was agreed to. The bill as amended was ordered to be engrossed and read a third time, was read a third time, and passed.

On motion of Mr. HEFLIN, a motion to reconsider the vote by which the bill was passed was laid on the table.

RELIEF OF SCIENTIFIC INSTITUTIONS OR COLLEGES.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 16690) for the relief of scientific institutions or colleges of learning having violated sections 3297 and 3207a of the Revised Statutes and the regulations thereunder.

The Clerk read the bill, as follows:

The Clerk read the bill, as follows:

Be it enacted, etc., That the Commissioner of Internal Revenue is authorized on appeal to him made to abate, remit, and refund all taxes or assessments for taxes the Hability for which is asserted against any scientific institution or college of learning on account of any alcohol withdrawn from bond free of tax in accordance with the provisions of sections 3297 and 3297a, Revised Statutes, and not used as authorized by the above-mentioned law and regulations thereunder: Provided, That no assessment made of tax imposed shall be abated or refunded as to any alcohol so withdrawn and used for beverage purposes: And provided further, That all applications for relief under this act shall be filed on or before July 1, 1912, and no liability incurred on or after January 1, 1912, shall be relieved against hereunder.

The SPEAKER. Is there objection?

Mr. RAKER. Reserving the right to object, I would like to have an explanation about how much revenue is affected by virtue of this and how much penalty is involved?

Mr. KITCHIN. The department says it will be but a trifle.

They did not figure up the amount.

Mr. RAKER. What is the object of the bill? Is it to relieve

certain individuals from punishment?

Mr. KITCHIN. No; only to relieve scientific institutions of learning and hospitals using alcohol for purposes authorized, but not using it in the manner prescribed by the rules of the department. The Secretary of the Treasury has the power to permit them to use alcohol without payment of the tax, but it made a ruling they should denature it before using. Some of these hospitals and institutions-most of them hospitals-used it for purposes authorized without denaturing it, and, as the department says, unwittingly incurred the penalties.

Mr. RAKER. Can the gentleman give an idea about how

much is involved, so far as penalties are concerned?

Mr. KITCHIN. Most of the penalties incurred are by the hospitals. We have not the figures for all. The hospitals in Washington are liable to something like \$10,000 or \$15,000, and much more by the hospitals in Baltimore.

Mr. RAKER. The penalty? Mr. KITCHIN. The penalty.

Mr. MANN. The amount involved would be mostly penalties. Mr. KITCHIN. There is no other amount involved but pen-

Mr. RAKER. Is it not somewhat remarkable that scientific institutions and colleges of learning, that should have knowledge of these matters, should come in and be relieved from punishment when the ordinary man throughout the country, the moment he is found violating the law, is jerked up or slammed into prison and the penalty is heaped upon him without even a chance for explaining?

Mr. KITCHIN. No such situation is presented here. These hospitals used the alcohol for the purpose authorized by the statute, but they just did not denature it before using it, as

prescribed by the rules of the department.

Mr. RAKER. I see.
Mr. KITCHIN. Under the act passed years ago if they simply failed to denature 1 pint of a barrel of alcohol they were liable to penalty of double the tax on the whole barrel, although they might denature the rest of the 50 gallons.

The Committee on Ways and Means considered this bill very

carefully and its opinion was unanimous.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. This bill is on the Union Calendar.

Mr. KITCHIN. I ask unanimous consent that it be considered in the House as in Committee of the Whole. [After a pause.] The

The SPEAKER. Is there objection? [After a pause.] The

Chair hears none. Mr. KITCHIN. I offer the following committee amendment.

The Clerk read as follows:

After the word "Revenue," in the third line on page 1, insert the words "with the approval of the Secretary of the Treasury."

Amendment No. 2. Strike out the words beginning with "on," in line 5, page 2, and ending with the word "January." in line 7, page 2, and insert in lieu thereof the following: "in the office of the Commissioner of Internal Revenue within one year from the date of the approval of this act, and no liability incurred on or after March."

Mr. Speaker-Mr. MANN.

The SPEAKER. The question is on agreeing to the amend-

Mr. MANN. Mr. Speaker, I would like to know what the

amendment provides. It is impossible to tell.

Mr. KITCHIN. The amendment provides that before remitting the penalties they must have the approval of the Secretary of the Treasury.

MANN. I understand that.

Mr. KITCHIN. Then, on the second amendment—
Mr. MANN. What does the second amendment strike out?
Mr. KITCHIN. It strikes out the words in lines 5 and 6, to

wit, "on or before July 1, 1912, and no liability incurred on or after."

Mr. MANN. That is on page 2? Mr. KITCHIN. Yes; that is on page 2. Mr. MANN. The Clerk read, "On line 5, strike out," and so

Mr. KITCHIN. He read the second amendment. Let the Clerk read that again.

The Clerk read as follows:

Strike out the words beginning with the word "on," in line 5, page 2, and ending with the word "January," in line 7, page 2, and insert in lieu thereof the following: "in the office of the Commissioner of Internal Revenue within one year from the date of the approval of this act, and no liability incurred on or after March."

The SPEAKER. The question is on agreeing to the amendment just read.

The question was taken, and the amendment was agreed to. The SPEAKER. The Clerk will report the other amendment.

The Clerk read as follows:

After the word "revenue," in the third line on page 1, insert the words "with the approval of the Secretary of the Treasury."

The SPEAKER. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.
The SPEAKER. The question is now on the engrossment and third reading of the amended bill.

The bill was ordered to be engrossed and read a third time,

was accordingly read the third time and passed.

On motion of Mr. Kitchin, a motion to reconsider the vote whereby the bill was passed was laid on the table.

COAL LANDS IN ALABAMA.

The next business on the Calendar for Unanimous Consent was the bill (S. 244) extending the operation of the act of June 10, 1910, to coal lands in Alabama.

The Clerk read the bill, as follows:

An act (S. 244) extending the operation of the act of June 10, 1910, to coal lands in Alabama.

to coal lands in Alabama.

Be it enacted, etc., That all the public lands containing coal deposits in the State of Alabama which are now being withheld from homestead entry under the provisions of the act entitled "An act to exclude the public lands in Alabama from the operations of the laws relating to mineral lands," approved March 3, 1883, may be entered under the homestead laws of the United States subject to the provisions, terms, conditions, and limitations prescribed in the act entitled "An act to provide for agricultural entries on coal lands," approved June 10, 1910.

The SPEAKER. Is there objection?

Mr. MANN. Reserving the right to object, Mr. Speaker, this bill, I believe, was originally prepared in the department, as appears by the Senate report on the bill. But I notice the bill says that all of the public lands containing coal deposits in the State of Alabama shall be subject to homestead entry. That would make them subject to homestead entry despite the fact that there might be a public building on the land. Maybe that would not be subject to homestead entry, but there might be reserved lands.

Now, in all the bills of this kind that we have passed heretofore we have provided that the unreserved public lands shall be subject to homestead entry. I will ask the gentleman from Alabama [Mr. Dent] if he would be satisfied to strike out the words "all the" in line 3 and insert the word "unreserved," so that it would read "That unreserved public lands," and so forth? That will cover all the lands that are named in the report.

Mr. DENT. There is no objection to that, Mr. Speaker. Mr. MANN. The gentleman sees the point. If you say "all

the public lands" you do not know what you are authorizing a homestead upon.

Mr. UNDERWOOD. Mr. Speaker, if the gentleman will yield, I want to make this suggestion to the gentleman from Illinois [Mr. Mann]: The purpose of this bill is to make the public lands in Alabama conform to the general law.

Mr. MANN. The general law provides that unreserved lands

shall be subject to homestead entry.

Mr. UNDERWOOD. I think the gentleman is mistaken in act. In 1883 a large number of mineral lands were being bought in Alabama under the general law.

Mr. MANN. I have examined that law.

Mr. UNDERWOOD. And there was a special bill passed as to Alabama for the purpose of withdrawing the mineral lands in the State, which takes in all the mineral lands in Alabama, where they can not be sold and can not come in under the preemption law, where these lands apply. Now, there were settlements on some of these coal lands that have not got workable coal on them. The purpose of this proposition is workable coal on them. The purpose of this proposition is merely to let them perfect their homestead rights to the surface. course, if it was not for this statute that was passed in 1893, withdrawing these mineral lands in Alabama from being offered for sale under the general law, they would have been disposed of long ago or could be disposed of to-day.

Will the gentleman allow me to correct him,

Mr. MANN. Will the gentleman allow me to correct him, because he evidently has not read the act of 1883.

Mr. UNDERWOOD. Oh, yes; I have read it a good many

Mr. MANN. That act does not withdraw any land from sale. Mr. MANN. That act does not withdraw any land from sale. On the contrary, it provides that all land there shall be subject to sale, and expressly provides as to lands theretofore found to be mineral lands, that they must be offered for sale first. That is the difficulty about making a homestead entry on that land now. The law requires that it shall first be offered for sale.

Mr. UNDERWOOD. Undoubtedly.

Mr. MANN. I am perfectly willing that that land shall be homesteaded, but I do not want to have any land homesteaded

that the Government has reserved for special purposes.

Mr. UNDERWOOD. There is no purpose in this bill to do

Mr. MANN. I understand that, but the language of the bill would have covered it.

Mr. DENT. I accept the amendment offered by the gentle-

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. This bill is on the Union Calendar.

Mr. DENT. Mr. Speaker, I ask unanimous consent that the bill be considered in the House as in Committee of the Whole House on the state of the Union.

The SPEAKER. The gentleman asks unanimous consent that the bill be considered in the House as in Committee of the Whole House on the state of the Union. Is there objec-

There was no objection.
The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

On page 1, in line 3, strike out the words "all the" and insert in licu thereof the word "unreserved."

The amendment was agreed to.

Mr. MANN. There is a committee amendment in line 1, page 2.

The SPEAKER. The Clerk will report the committee amend-

The Clerk read as follows:

Page 2, line 1, strike out the word "tenth" and insert in lieu thereof the word "twenty-second."

The amendment was agreed to.

The bill as amended was ordered to a third reading, and was accordingly read the third time, and passed.

On motion of Mr. Dent a motion to reconsider the last vote was laid on the table.

By unanimous consent the title of the bill was amended in accordance with its text.

MANUEL AGÜERO Y JUNQUÉ, OF CUBA.

The next business on the Calendar for Unanimous Consent was Senate joint resolution 91, authorizing the Secretary of War to receive for instruction at the United States Military Academy at West Point Mr. Manuel Agüero y Junqué, of Cuba.

The joint resolution was read, as follows: The joint resolution was read, as follows:

Resolved, ctc., That the Secretary of War be, and hereby is, authorized to permit Mr. Manuel Agliero y Junqué, of Cuba, to receive instruction at the United States Military Academy at West Point:
Provided, That no expense shall be caused to the United States thereby, and that the said Manuel Agliero y Junqué shall agree to comply with all regulations for the police and discipline of the academy to be studious, and to give his utmost efforts to accomplish the course in the various departments of instruction, and that the said Manuel Agüero y Junqué shall not be admitted to the academy until he shall have passed the mental and physical examinations prescribed for candidates from the United States, and that he shall be immediately withdrawn if deficient in studies or conduct and so recommended by the academic board:
And provided further, That in the case of the said Manuel Agüero y Junqué the provisions of sections 1320 and 1321 of the Revised Statutes shall be suspended.

The SPEAKER. Is there objection?

The SPEAKER. Is there objection?

There was no objection.

The joint resolution was ordered to a third reading, and was accordingly read the third time, and passed.

HUMBERTO MENCIA AND JUAN DAWSON, OF SALVADOR.

The next business on the Calendar for Unanimous Consent was Senate joint resolution 87, authorizing the Secretary of War to receive for instruction at the United States Military Academy at West Point Messrs. Humberto Mencia and Juan Dawson, of Salvador.

The joint resolution was read, as follows:

The joint resolution was read, as follows:

Resolved, etc., That the Secretary of War be, and hereby is, authorized to permit Messrs. Humberto Mencia and Juan Dawson, of Salvador, to receive instruction at the United States Milliary Academy at West Point: Provided, That no expense shall be caused to the United States thereby, and that the said Humberto Mencia and Juan Dawson shall agree to comply with all regulations for the police and discipline of the academy, to be studious, and to give their utmost efforts to accomplish the course in the various departments of instruction, and that the said Humberto Mencia and Juan Dawson shall not be admitted to the academy until they shall have passed the mental and physical examinations prescribed for candidates from the United States, and that they, or either of them, shall be immediately withdrawn if deficient in studies or conduct and so recommended by the academic board: And provided further. That in the cases of the said Humberto Mencia and Juan Dawson, the provisions of sections 1320 and 1321 of the Itevised Statutes shall be suspended.

The SPEAKER Is there objection?

The SPEAKER. Is there objection?
Mr. CANNON. Mr. Speaker, is this the Republic of San Salvador, or is it an insular possession?
The SPEAKER. It is the Republic of Salvador.
Mr. CANNON. How long has it been a Republic?

Mr. HAY. It has been a Republic off and on for a good while.

The SPEAKER. The Chair begs the pardon of the gentleman from Virginia. He thought the gentleman from Illinois was addressing the Chair for information.

Mr. CANNON. I was seeking information.

Mr. HAY. I am no more familiar with the history of the changing Government of Salvador than is the gentleman from

Mr. CANNON. I was under the impression that San Salvador was an insular possession of Great Britain.

Mr. HAY. Oh, no; this is an independent government. Mr. MURDOCK. If the gentleman will permit me, there is an island in the West Indies of that name which is an English possession.

Mr. HAY. This is an independent government, a govern-

ment in Central America.

Mr. CANNON. Then it is not the island?

Mr. MANN. No. We had an arbitration with this country a few years ago. It is very evident that the names mentioned in the bill are not English names, so far as the race is concerned.

Mr. CANNON. Well, I am not getting much geographical information.

Mr. HAY. The gentleman has learned that it is an independent government in Central America.

The SPEAKER. Is there objection to the present consider-

ation of the resolution?

There was no objection.

Mr. BARTLETT. Mr. Speaker, before the resolution is passed may I ask the gentleman from Virginia a question. Is it the policy of Congress to admit to the Military and Naval Academy generally people from foreign countries?

Mr. HAY. It is not; only from the Governments in Central and South America. There have been some from China and Japan admitted, but I do not recall any coming from European countries

Mr. BARTLETT. Of course that can only be done by an act of Congress. It is difficult sometimes to get some of our own men into the academy.

Mr. HAY. This is a matter of courtesy; a matter which the State Department thinks ought to be done in order to encourage friendly feelings between these countries.

Mr. BARTLETT. Has the gentleman any expectation of legislation increasing the number at the Military Academy?

Mr. HAY. I have heard of none. The SPEAKER. The question is on the third reading of the Senate joint resolution.

The Senate joint resolution was read a third time and passed.

THE ROCKEFELLER FOUNDATION.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 21532) to incorporate the Rockefeller Foundation.

The Clerk read the bill at length.

The SPEAKER. Is there objection?
Mr. SHACKLEFORD. Mr. Speaker, reserving the right to object to this bill, I want to say that I have not had time to fully consider it, as other Members of the House have not. I desire to say that I am opposed, on principle, to special charters being granted by Congress. I do not know precisely what the provisions of this bill are, but I fear that under the guise of an eleemosynary corporation they will be permitted to transact business of all kinds and character in competition with the citizens of this country who have to make a living.

Further, Mr. Speaker, I think there is a provision in the bill to the effect that the money they have invested for the purpose of producing funds necessary to carry out the purposes of this corporation shall be exempt from taxation. There are various corporation shall be exempt from taxation. The contrary to good public policy other provisions that I think are contrary to good public policy other provisions that I think are contrary to good public policy other provisions that I think are contrary to good public policy. if they go as far as the language seems to indicate. Without reading the provisions more carefully than I have had the opportunity to do, I would not say that I would object to it if I had time to consider it, but I suggest to the gentleman from Massachusetts that he let this go over until some other unanimous-consent day. I shall have to object to it if it is pressed

Mr. RAKER. Mr. Speaker, I want to reserve an objection, so that if the gentleman from Missouri withdraws his I can make it when we get through.

Mr. FOWLER. Mr. Speaker, I want to reserve an objection,

and I object to it now.

The SPEAKER. The gentleman from Illinois objects, and it is stricken from the calendar. This is the end of the Calendar for Unanimous Consent.

REPRINT OF A BILL.

Mr. DICKINSON. Mr. Speaker, I ask unanimous consent to have the bill S. 2819, "An act to reimburse certain fire insurance companies the amounts paid by them for property destroyed by fire in suppressing the bubonic plague in the Territory of Hawaii in the years 1899 and 1900," as amended, now on the Private Calendar, and also the report, No. 467, that accompanies it, reprinted to correct certain clerical errors

The SPEAKER. Is there objection to the request of the gentleman from Missouri? [After a pause.] The Chair hears none, and it so ordered.

Mr. ANTHONY. Mr. Speaker, do I understand that this con-

cludes the Calendar for Unanimous Consent?

The SPEAKER. It does. There are two other bills upon the calendar, but they were not put on soon enough to be considered to-day.

PROHIBITING ADMISSION OF ADULTERATED SEEDS.

Mr. MANN. Mr. Speaker, I move to reconsider the vote by which the bill (H. R. 22340) to regulate foreign commerce by prohibiting the admission into the United States of certain adulterated seeds and seeds unfit for seeding purposes was passed, and to lay that motion on the table.

The SPEAKER. Without objection, it will be so ordered.

There was no objection.

THE LATE GOV. AYCOCK, OF NORTH CAROLINA.

Mr. POU. Mr. Speaker, I ask unanimous consent to address the House for five minutes.

The SPEAKER. The gentleman from North Carolina asks unanimous consent to address the House for five minutes. there objection?

There was no objection.

Mr. POU. Mr. Speaker, on the night of Thursday, April 4, the greatest living North Carolinian, while addressing an audience in Birmingham, Ala., fainted, and immediately thereafter passed away. In my lifetime I have known no greater man. I rank him side by side with the great Zebulon B. Vance.

Gov. Charles B. Aycock was to have delivered his opening speech in his campaign for the United States Senate in the city of Raleigh on the 12th of April. That speech had been carefully prepared. It was never delivered, but it has been printed, and it is so elevating in its tone, so statesmanlike from beginning to end, so tolerant in its views of those who opposed him, that when I read it I could not help thinking that this great and good man felt that he was standing on the brink. All the people of North Carolina, Republicans and Democrats, colored and white, women and children—every person who ever heard the name of Charles B. Aycock-will appreciate if this House will give unanimous consent that that speech, which appears in the Raleigh News and Observer of Sunday, be printed in the RECORD, and after reading the last few sentences of his speech I am going to make that request.

We stand a-tiptoe on the misty mountain height and see the morning sun make purple the glories of the east. We are entering upon a new day, the day of equality and of opportunity, the hour when every man shall be free to work mightly for himself until his soul, filled to satisfaction, shall overflow with a common benefit to mankind, owing no tribute to anyone and bound only to love his fellow man and serve his God as to him may seem best.

"May these things be;"
Sighin' she spoke;
"I fear they will not,
Dear, but let us type them now
In our own lives, and this proud watchword rest,
Of equal."

Equal! That is the word! On that word I plant myself and my party—the equal right of every child born on earth to have the opportunity "to burgeon out all that there is within him."

[Applause.]

Mr. Speaker, I now ask the Speaker to submit my request. The SPEAKER. The gentleman from North Carolina asks unanimous consent to print in the RECORD the speech of the late Gov. Aycock, to which he has referred. Is there objection?

There was no objection. The speech is as follows:

The speech is as follows:

Ladles and gentlemen, I ought to look my happiness to-night and not be reduced to the inadequacy of words with which to express my appreciation of your greeting. I come to talk to you as a simple Democrat, talking to fellow Democrats, for I am a plain and simple man, who loves his friend and has never been hated enough by any man to make him hate again in return. And I am a Democrat. I am not a conservative or a reactionary Democrat. I am not a progressive Democrat, for the word "Democrat" with me is a noun substantive of so fine and large import that it admits of no addition or diminution by any qualifying word or phrase.

WHAT IS A DEMOCRAT?

WHAT IS A DEMOCRAT?

WHAT IS A DEMOCRAT?

What is a Democrat? He is an individualist. He believes in the right of every man to be and to make of himself all that God has put into him. He is a man who believes and practices the doctrine of equal rights and the duty and obligation of seeing to it as far as he can that no man shall be denied the chances in life which God intended for him to have. He is a man who believes in the Declaration of Independence, and who is filled with that spirit of equality which has made this country of ours the refuge of the oppressed of all the world and the hope of this age and of all ages to come.

It is this spirit of democracy and of equal opportunity—for the terms are interchangeable and are equal to each other—which has conquered America, causing the three millions scattered along the coast at the end of the Revolutionary War to swarm with mighty energy and power over the Alleghenies, press across the Mississippl Valley, to run

with haste across the prairies, to climb with energy the mighty Rocky Mountains, and never to the until they stood with unfagging energy and gazed upon the rolling and majestic sweep of the mighty Pacific.

One sometimes stops and asks himself why the restless energy, the untiring seeking after new land which has characterized this American people? What is it that has made them give up the comfort and ease of civilized home to live in vast prairies and lonely mountains, far from one another and from all the conveniences of more thickly populated sections? The answer can be found in the determination of every American to find a larger freedom, and when this has failed him in the crowded cities and thickly settled farm districts, he has moved elsewhere to find it.

But the mountains and plains have been conquered. The lands have all been settled. There is no other place for men to seek and they must find this larger liberty at home or forego it forever. The task, therefore, of securing liberty comes to us afresh. It is no longer possible for men to run away from oppression and inequality. It is no longer within their power to find this larger liberty elsewhere, and they must work it out for themselves in the crowded cities and in the thickly populated homesteads. This is the task of the present hour.

homesteads. This is the task of the present hour.

THE PROBLEM OF THE HOUR.

During the span of my life now just a little more than half a century, I have seen this struggle of the people for continued and enlarged freedom tirelessly seeking to work itself out; I have seen the Nation grow in wealth and enormous fortunes piled up; I have seen railroads built until every part of the country is in touch with every other; I have seen the telegraph and telephone bringing all the ends of the Nation together; I have seen industry develop and grow and wax strong and mighty, producing fabulous wealth and enormous products; and I have seen the earth perform her duty in the yield to the industry and science of man until her products are enough to feed and clothe and house every human being abundantly; I have heard the great orators declaim that with the coming of this wealth there should come also a better age and a finer chance for those who sweat and struggle and toll and make the wealth, and yet I have looked in vain for the coming of that hour, and as I read the current history of the times, I find strikes and lockouts and hunger and cold and suffering greater than when Great Britain acknowledged the independence of the Thirteen American Colonies.

We have just touched the beginning of productiveness. The scientist and the hashes are and the current history of the third and the productiveness.

Great Britain acknowledged the independence of the Thirteen American Colonies.

We have just touched the beginning of productiveness. The scientist and the business man, the inventor, and the captains of industry stand ready to-day to produce for the world all that it needs for sustenance, for comfort, and for reasonable luxury. The task of the statesmen of this hour is to devise some method by which this enormous production shall be for the utilization of the multitude rather than for the appropriation of the few. This is a task which has ever been upon the hearts of all thoughtful and well-informed men of generous disposition, but the appeal was never quite so compelling as it is at this hour. With the wealth in the country so great as to startle imagination, to stand in the presence of the thousands of hungry and cold strikers at Lawrence, Mass., and watch the struggles of the coal miners, seeking for a decent living; to see men in the greatest trust and richest organization on earth working 12 hours a day every day, including Sunday, on a wage that barely keeps body and soul together; and to realize that these things are happening despite the efforts of right-minded men with good hearts, humbly seeking wisdom from God sufficient to enable them to correct these conditions, makes one feel with Tennyson, like

"An infant crying in the night,

"An infant crying in the night, An infant crying for the light, And with no language but a cry."

EQUAL OPPORTUNITY THE ONE REMEDY.

And yet I can not bring myself to believe that the problem is unsolvable. Yea, I believe that it has already been solved and the solution has been forgotten by us. It was solved in the single phrase, "Equal opportunity to all and special privilege to none." It found its correct exposition in the inaugural address of President Jefferson when he insisted that the Government should be economically conducted to the end that labor should be lightly burdened.

This latter is a simple sentence. It has not in it a single striking quality. It is so plain, it is so easy, that it is not like the solution of a difficult problem, and being easy and plain, we have forgotten and failed to apply it. We have ever since this utterance been going steadily away from it and seeking to find equality of opportunity in the extension of special privileges to some in the hope that out of their abundance they would make easier the condition of all. We have for all these years been supposing that it was possible to better the condition of the workingman by taxing him for the benefit of special industries so that these enriched industries might in turn play my Lord Bountiful to him, forgetful of the axiomatic principle underlying Jefferson's phrase, that after all, all taxation comes out of labor itself, for wealth is nothing but the accumulated product of labor translated into things of use.

I lay down this principle: No man who is not a creator of wealth pays any tax. Customhouse officers, the collector of internal revenue, the sherliff, the tax collector, may collect taxes out of him because he has in his possession wealth created by others, but he himself does not contribute to the support of his government in any degree. When he pays his so-called tax, he charges it to someone else, and usually makes this other person pay interest and profit on the tax which he has ostensibly paid.

If this be true—and it is true and no man can successfully dispute

If this be true—and it is true and no man can successfully dispute it—then there is no possibility of giving superior advantages to labor by any tax which has yet been devised by the ingenuity of man. And this brings us easily and naturally to some discussion of the method of taxation adopted by the National Government, and now in force under the legislation of the Republican Party, and which has been in force with some changes and modifications with a tendency ever upward, since 1860. There is not a tax law existing, there is not a special privilege enriching some at the expense of many now in force in the United States, which is not in force by reason of legislation passed by the Republican Party. There is not a swollen fortune—which my stenographer properly wrote, stolen fortune—threatening the structure of our Government, the peace of the Nation, and the hope of the age that is not the creation of Republican legislation; and the most of it is based upon the one question of taxation.

\$110 A YEAR TARIFF TAX PAID BY EACH FAMILY.

\$110 A YEAR TARIFF TAX PAID BY EACH FAMILY.

It is no wonder that our forefathers went to war upon this great question. It is no wonder that our early English forefathers won every step in the advancement of liberty around this single question. I am almost tempted to say that no battle has been fought and won in behalf of humanity, in favor of enlarged liberty and greater opportunity, that

has not been fought around this single question of taxation. The United States raises annually out of taxation on imports about \$330.000,000, and for every dollar of this \$330,000,000 that goes into the Treasury at least five other dollars go into the treasuries of the special interests. Add these sums together and they make \$1,980,000,000, which is \$22 for every man, woman, and child in the United States. Assuming that there are five members in each family, this would be \$110 to be paid by the head of each family, and this payment is a tax, and the worst feature of this tax is that one-sixth of the tax goes into the Treasury of the United States to secure for us a proper conduct of our Government, while five-sixths of it goes into the treasuries of great corporations upon the assumption that in their kindness and out of their ability they will increase the wages of labor.

We have at last reached a time in the discussion of the tariff when it is conceded that the tariff is a tax and that this tax is paid by the people of the country that imposes it. The tax is indirect and the amount paid by each individual is never considered by him when he goes to purchase his goods, and if he thinks of it at all he never knows how much he is paying. But the average tax on all goods imported into the United States is something more than 40 per cent; and this additional tax, collected in the first instance by customhouses when the goods are brought into the country, is added to the cost of the goods and on the tax as well, when he sells to the wholesale merchant, and the wholesale merchant adds his profit on the original cost of the goods and on the tax as well, when he sells to the wholesale merchant, and the wholesale merchant adds his profit on the retailer as when collected at the customhouse, it becomes a great deal more before it reaches the consumer.

HOW THE PEOPLE ARE DECEIVED.

How the people are dear more defore it reaches the consumer.

How the people are decreved.

The tax on sugar has been used by Prof. Taussig as an apt and easy illustration of the operation of the tariff. The duty on sugar now amounts to about 1½ cents per pound on that imported to the United States. The Treasury gets out of this tax \$50,000,000, but on the sugar produced in the United States the Treasury does not get a single cent, but \$60,000,000 goes into the pockets of the producers or manufacturers of sugar, making a total of \$110,000,000 paid by the American people on the single item of sugar in the course of a year, or at the rate of \$7.25 for each family. In order to make it clear to us all exactly how this works, Prof. Taussig suggests that instead of the Government collecting tax at customhouses, we assume that it collects the tax through the retail grocers. On this assumption, when you buy 14 pounds of sugar for \$1.02, the grocer would inform you that his charge was 80 cents, but that when you had paid this 80 cents there were some other items that must be paid before you could get your 14 pounds of sugar. Thereupon you would pay 10 cents to the grocer for the use of the United States Government with which to help run the Government, in paying salaries and pensions, in building battleships, in maintaining the Army, and other expenses of the Government, and having paid this 10 cents to the Government you would thereupon be called upon for 12 cents more for the use of the sugar producers.

If this were the method actually in force for the collection of the tariff taxes, there never would be another tax levied for the sake of protection, and no Congressman would ever yote for any tariff tax except from the direst need of the Government, and he would always be able to show to his constituents that every dollar of it was needed by the Government when administered in the most economical fashion. If a tax be lidden from observation by being withdrawn from attention, and when called to mind is covered with th

IMMORALITY AND INEQUALITY OF PROTECTION.

whole subject of tariff taxation.

IMMORALITY AND INEQUALITY OF PROTECTION.

This reexamination of the subject of tariff taxation is to-day being had. On one side we find the National Democratic Party declaring that the tariff should be levied for revenue only with which to run the Government, economically administered, while the Republicans, growing bolder as the years go on, have now put into their platform a declaration which they have never dared to put there before; that is, that the tariff should be so levied as to cover the difference in the cost of production in the United States and abroad, with a reasonable profit to the manufacturer.

The coming campaign for the Presidency is to be fought out along the line marked by these two conflicting platforms. To be sure, some men who believe in a tariff for revenue only will vote the Republican ticket and some men who believe in a tariff for protection will vote the Democratic ticket, but in the main, the great body of the people voting the one ticket or the other will east their votes in accordance with their convictions on this subject of taxation. On which side shall you and I vote, and why? For my part I shall vote the Democratic ticket, because I believe in a tariff levied for revenue only and do not believe in a tariff levied for the sake of protection.

I know, or think that I know, that all taxation, save the income tax alone, however levied and for whatever purpose, in its nature tends to monopoly, and this tendency to monopoly becomes greater the higher the tax. And I know that all taxes, save the income tax alone, are in the ultimate paid by the men who do the labor. It must be dug out of the ground. It must be hammered into houses. It must be sweated out in the mines. For taxation can not be raised out of idleness and is ever a burden upon industry. The men who work pay the taxes, and the men who idle eat them. You may tax some people rich by creating a monopoly by reason of taxation, but you can not tax all the people rich. You may create monopoly

HOW PROTECTION BREEDS TRUSTS.

Taxation may be used, as it has been used, in such fashion as to change wealth from one to another, enriching some while impoverishing others, and this is particularly the case with tariff taxation, for tariff taxation is a tax upon consumption and all the people are consumers, and they are consumers not in proportion to their ability to buy, but in proportion to their necessities. I am necessitated to eat and wear more as much as John D. Rockefeller, and if he does eat and wear more than I, it is because of his desire and from no necessity. If he lives on what I am compelled to live on, he pays no more tax toward running the United States Government than I pay, and the tax which would be a burden to me and lessen my ability for service is no burden to him,

But by keeping other people out of business for the want of adequate capital he makes stronger his grip and monopoly over his own business. The first effect of the tariff tax is to increase the price of all articles upon which it is levied, and those who produce the taxed articles in the country get the benefit of this tax in their ability to sell their productions at a higher price. This higher price means for them success; in many instances it means enormous wealth; it means tremendous fortunes. But as the people see those who are in the profected industry prosper, others turn to this industry and begin business and make money at it, swift and sure and fast, and others in turn do the same until the business is crowded and overdone, and production—which has been made at a greater cost than in foreign countries by reason of the higher cost of everything that enters into it—has become excessive and can not be consumed in the home market. And then the process of elimination sets in, the strong taking hold of the weakest, and the strong taking hold of the weakest, and the strong taking hold of the weakest, and the strong taking hold of the weakest, only the strong taking hold of the weakest, only, created, fostered, made an absolute fact by the tariff law, and with this monopoly comes the inevitable raise in prices, higher and higher and higher until they have set the whole country to wondering what is the cause of the high price of living and why is it that American manufacturers are selling abroad cheaper than they are at home; for that they do sell abroad cheaper than in America is no longer disputed. The farmer can buy his agricultural implements, the mechanic his tools, the manufacturer his machinery, the railroad builder his locomotives, the woman her sewing machine, all cheaper abroad than they can at home, and this when all the goods are made in America.

PROTECTION A SOURCE OF CORRUPTION AND MORAL CONTAGION.

woman her sewing machine, all cheaper abroad than they can at home, and this when all the goods are made in America.

PROTECTION A SOURCE OF CORRUPTION AND MORAL CONTAGION.

Not only does the tariff tax have the effect of increasing the cost of living, and concentrating wealth in the hands of the few, but it corrupts the entire body politic and makes the tariff issue a moral question which the American people must face and face now if they propose to save for their children the vital principles of equity and righteous-ness handed down to them by their forcfathers. If it be conceded to be the duty of government to make up to manufacturers the difference between cost of production in this country and in foreign countries, and also guarantee to them a reasonable profit, then our Senators and Representatives in Congress become the agents of the people for carrying out this purpose. They hold in their hands the wealth or the poverty, the success or the failure of these protected industries, and the protected industries have a right to and do look to them to safeguard their interests. The beneficiaries of this theory come to look upon government and their representatives, responsible to them and not to the people for legislation. To this end they do not hesitate to lay before the Congress their selfish views, their special and particular interests, and to enforce these views and interests with subtle argument and convincing figures, and to back up the arguments and figures with threats of nonsupport if the Representatives in Congress do not yield to such demands; and whenever they find these Representatives amenable to their arguments, figures, and threats, they naturally feel toward these Representatives a sense of gratitude growing out of their prosperity which makes them willing to contribute liberally to the campaign funds of such Representatives until now the conduct of congressional and senatorial elections throughout the country has become attended with such a fearful expenditure of money as to eliminate from

DEMORALIZATION WROUGHT BY GOVERNING FOR THE BENEFIT OF SPECIAL

DEMORALIZATION WROUGHT BY GOVERNING FOR THE BENEFIT OF SPECIAL INTERESTS.

In connection with this matter we should not overlook the fact that the United States Government is to-day prosecuting in equity and in law the various trusts of the United States, numbering several hundred, and step by step and day by day the courts are declaring these trusts have been organized, conducted, and administered in violation of law and in contempt of the statute passed to protect the people against them, and these findings by the courts involve a finding that cach one of the directors of these great corporations is guilty of a crime against the United States. It may be pleasing to some thoughtless Americans that our millionaires and multimillionaires are guilty of penitentiary offenses, and there may be in their hearts the hope that they will ultimately reap the fruits of their sowing, but one who is studying his country and its development with the hope of finding in it the prospect of betterment can not but feel a sense of humiliation to learn that the great captains of industry, those whom we have exploited and paraded and honored and glorified and worshiped, should, as a matter of fact, belong to the criminal classes. Rockefeller and Carnegie and Morgan and Duke and thousands of others, leading men, great financiers, known throughout the world, parading as representative Americans, envied of us, to-day occupy the position of being and belonging to the class of men who violate law and are subject to wear prison stripes. And this result is the outcome, the inevitable, certain, and unavoidable outcome, of the doctrine of protection! If the Government does owe these men a living, if it does owe them a profit, if the Senators and Representatives in Congress are under obligations to legislate for them, if they have the right to have the laws so framed as to take money out of our pockets and transfer it to theirs, is it any wonder that they, with the years, become more and more exacting and more hasty and more anxious and more

precedes the violation of the law on the part of the strong. And it is this feeling which made actual thieves cut of the Sugar Trust and put them into the contemptible business of loading their balances so as to underweigh the sugar imported into this country and thereby to avoid the payment of the very tax which in some degree was levied for this trust's own benefit.

JUSTICE TO ALL, NOT SPECIAL FAVORS, IS THE LABORER'S HOPE

Trust's own benefit.

JUSTICE TO ALL, NOT SPECIAL FAVORS, IS THE LABORER'S HOPE.

Government can not make it possible for the few to make millions of dollars by the operation of its tax laws and not corrupt these few. The millions which they can make if the tax laws suit them will be used in part to secure Representatives and Senators who will pass such laws as the favorites may want, and when so used the protected magnates and the representatives of the people have both become corrupt, and, in turn, in order to shield themselves, to quiet the people, and to make their evil acts appear good, they have often subsidized the press, misled public opinion, and crucified the honest advocates of public virtue upon the cross of contempt. And all of this for all these years has been going on and has been accomplished in the name of protection to the American workingman!

I want to say here and now, and I want it remembered, that the poor men who labor, the men who have not the means of creating public opinion, of compelling Government favoritism, can never secure justice through advocacy of special privilege. Every dollar of this dishonest wealth is the result of the sweat of the laboring men of the United States, and has been appropriated by these few men by the operation of laws fastened upon the country under the false and preposterous plen that it would evenuate in justice to the needy. Favoritism is always extended to those who do not need it. Special privilege always belongs to the few, and in the nature of the case can not belong to the many. One of the old Latin poets, more than 2,000 years ago, animadverted to the fact that apples are always given to those who have orchards, and human nature has not changed from that day to this. No worker, no toller, no man who sweats out his daily bread, can ever hope to secure justice through governmental favoritism. His only hope for equality is in the everlasting cry for justice, "Equal rights to all, special privilege to none." There are among us those who seek to remedy

A LIBEL UPON AMERICAN LABOR.

have justice and equality by the abolition of all special privilege.".

A LIBEL UPON AMERICAN LABOR.

The Republican Party has always insisted that the protective tariff is essential in order to equalize wages paid in the United States with those paid elsewhere. This assumption is based upon the idea that the American workingman is not only paid more per day than the foreign workingman, but that he is paid more per output; that is to say, that he is less efficient in proportion to his wages than his foreign competitor. I deny the truthfulness of this assumption, and I stand here as the friend and champion of American labor to assert that high wages of American workingmen as compared with the wages of foreigners are not due to favoritism shown by the American Government to employees and to American workingmen, but are the direct result and outcome of our labor's greater efficiency. The American workingman is paid more per day than the foreigner, but his product, day by day and man for man, more than compensates his employer for the difference in wages. This is not only true as a historical fact, but it is true from the pure reason of the thing. All wages have to be paid in the last analysis out of production, and high wages can not be paid out of a small production for any length of time without the utter destruction of the business in which it earns, but in order to be continually employed it must produce a profit to the employers over and above the earned wage, and the higher paid American laborer does produce this profit for his employer over and above any wage paid to him, and if he did not the employer over and above any wage paid to him, and if he did not the employer over and above any wage paid to him, and if he did not the employer over and above any wage paid to him, and if he did not the employer over and above the earned wage, and the higher paid American laborer does produce this profit for his employer over and above any wage paid to him, and if he did not the employer that the difficiency. Higher

To say that the American workingman produces less in proportion to his wage than the foreigner is an outrageous assault upon his capacity, his fitness, his training, and it is not the truth. It has been invented by the Republican Party in order to hide behind the pretense of kindliness toward the workingman, and from this hidden and cowardly retreat to levy blackmail upon every consumer. The American workingman asks no favor. He insists upon no special privilege, but given a legal opportunity and a fair chance in life he will work out his own destiny and thank no man for charity or patronage. For my part, I am tired of the assumption of the prefected industries in the United States that they are eleemosynary institutions created by the Government for the purpose of collecting from unwilling consumers tribute to be paid by them to workingman is as efficiently as it is done elsewhere. If the workingman is as efficiently as it is done elsewhere. If the workingman is as efficient as elsewhere and more efficient, then he earns his higher wage and is entitled to it as a matter of right, and owes no obligation to any protected industry or to the Government of the United States for the blessings which come out of his skill and efficiency.

I want to see the Industries of North Carolina developed. I want to see them multiplied in number. I want to see competition among employers for labor, and I want to see labor trained, educated, developed, made more efficient; and with increased efficiency I want to see increased wages; and, above all, I want to see every man feeling himself a free and independent citizen, owning his own soul, and realizing that he is carning his bread by the sweat of his brow, and is not thankful to anyone for alleged favors done in his behalf. Let us break off the fetters of commerce and give her a free opportunity to grow; let us be done with the foolishness of Republican apprehension that

with lower tariff taxes our country will be flooded with cheap foreign goods. The very moment that our imports increase our exports will increase. If more goods are brought into the country, they will be paid for by more goods shipped out of the country. If we are flooded with foreign goods, we will flood foreign countries with our goods.

THE SOLUTION OF THE SOUTH'S COTTON PROBLEM.

with foreign goods, we will flood foreign countries with our goods.

THE SOLUTION OF THE SOUTH'S COTTON PROBLEM.

I have read during the past fall and winter the appeals of southern governors, the chambers of commerce, of agricultural societies and farmers' unions, of bankers and business men, urging farmers of the South to lessen the production of cotton; and side by side with these appeals I have read in the papers of the terrible suffering of men throughout the world for the want of adequate clothing. I have known and all of us have known, despite our increased production of cotton, that the world is not yet adequately clad. Thousands of people die annually for want of the very raiment to be made out of cotton, the production of which we are seeking to lessen. I have realized that we must indeed lessen our production of cotton or impoverish ourselves in cultivation under existing conditions, and this has brought me to the knowledge that these conditions are wrong, for God has given to each of us the instinct to make two bales of cotton grow where one grew before, and we are educating our farmer boys with this aim in view, that they shall produce more and more each year than their fathers produced before them. But how can they work out this God-given instinct and how shall our teaching be other than a failure if we shut our cotton within the borders of the United States by building up a tariff wall against the products of other countries? Foreign trade is but an exchange of products, and is not and can not be paid for in gold. The cotton crop alone would take for its purchase all the gold in the world in a very few years. No, my countrymen; let us cease this folly. Let us break down these high walls of protection, bull around us for the sake of monopoly. Let us turn in the foreign goods of which our Republican brethren are so much afraid. Then we will see a demand for high prices and for more cotton than you can possibly produce, and the God-planted instinct of every man to create more and more will find its

A TARIFF PLATFORM.

but I deny the sense, the morality, of continuing the conditions which have forced this necessity upon us.

A TARIFF PLATFORM.

I conclude my observations on the tariff with the succinct statement of my view as to how the matter should be dealt with:

1. I am in favor of a tariff for revenue only.

2. Such tariff to be levied—

(a) On luxurics.

(b) On comforts.

(c) And only as a last resort on necessaries.

3. Such tariff to bear equally upon all productive energy, whether engaged in agriculture, mining, or manufacturing.

4. Such tariff to bear equally upon every section of the country. And under this head I would observe that I do not believe in protection for New England and free trade for North Carolina, but a tariff for revenue only, applicable alike to both sections. I would not be guity of the quixotic folly of compelling my own people to bear an unequal proportion of the burdens of the maintenance of Government, nor would I, on the other hand, exact one cent of tribute from any other section of the country in order that my own State and the South, which I love with my whole heart, should prosper at the expense of others.

5. I agree with Gov. Woodrow Wilson that we are to act upon the general principle of the Democratic Party—not free trade, but tariff for revenue—and we must approach that by such avenues, such steps, and at such a pace as will be consistent with the stability and safety of the business of the country. And I agree with him again when he says: "The tariff is the one central issue of the coming campaigm. It is at the head of every other economic question we have to deal with, and until we have adjusted that properly we can settle nothing in a way that will be lasting and satisfactory." Similarly, Gov. Judson Harmon has well said, "The tariff is the dominating issue before the American people of so vast importance."

For this reason I would not creat division in the Democratic Party upon questions like the initiative, referendum, and recall, valuable as these agents are regarded by so ma

WHY MONOPOLIES MUST BE BROKEN UP.

WHY MONOPOLIES MUST BE BROKEN UP.

While I am on the subject of trusts and monopoly, let me say that there are many men as earnestly desirous as we are of correcting the inequalities and injustices of life, and of breaking down the instrumentalities which have brought about these inequalities and injustices, who honestly believe that the trust is a public benefit and needs only to be restrained by law and made to conform to the necessities of the public and not destroyed. They have arrived at this conclusion by reason of the very general feeling that great establishments are more efficient and can produce more economically than small ones and are therefore capable of paying higher prices for raw material at a less cost. This belief has been so general and so strong that it has given the American people pause in dealing with this question. If it were true, as is generally believed, that efficiency and therefore economy of production is attained by volume of business, there would be much ground for hesitancy about the destruction of the trusts. But fortunately at this juncture Mr. Brandels, of Boston, in his evidence before the Interstate Commerce Committee of the Senate, has demonstrated beyond all peradventure that at this very point the trust falls instead of succeeds. The highest efficiency of production and the greatest economy attainable are to be found not in the gigantic plants, but in the reasonably small ones. Efficiency is due to the cooperation of every man engaged in the production, and this cooperation is largely dependent upon the esprit de corps which is developed, so that each worker in his depart-

ment is necessary to every worker in every other department, and when the heads of these departments are in direct contact with all the men, and when each man feels that the business is his own. When the business grows beyond this point and the men become units instead of individuals and are counted by numbers instead of by names, inefficiency creeps in and expenses increase in the various departments. The only way to secure the highest efficiency and the greatest economy is by a large number of plants under separate and independent conduct, each one striving to the utmost limit with the power of every individual in its employment to outdo the others.

TRUST PRODUCTION IS UNECONOMIC.

This fact when laid before the public is so patent and can be shown to be true by so many illustrations, that it is wonderful it should not have been known before. Senator CLAPP, who has given much study to this subject, in a recent interview in the Saturday Evening Post, elaborates this view and illustrates it with a power of expression well worth the attention of every thoughtful man. The trusts and monopolies of the country therefore are not to be regulated, but are to be divided into their constituent parts and compelled to remain separate and competitive forces in the economic world before we can attain to the highest development. With the destruction of the trusts and the upbuilding of numbers of smaller corporations, the demand for raw material will be increased, the efficiency of the workers multiplied, and the selling price of goods reduced. Instead of the few great controlling, dominating, overwhelming manufacturing plants, we shall have a great number of separate, independent, active, live, competing organizations, and with the coming of this day the old-fashioned loyalty, which was the charm of service in the former days, will be restored.

This is not only true theoretically, but our past experience has proved it to be true. The great trusts are not selling their products as cheap as they were sold by the independent organizations which the trusts have succeeded, and the trusts are not producing the products either as cheaply or making them as good as they were before. This fact can be demonstrated by a simple exchange of dollars across the counter of your retailer for the goods he will deliver to you, and then comparing them with what you would have paid for the same quality of goods before the advent of the trusts. So I conclude on this subject that the trusts are not to be regulated, but destroyed and supplanted by the old-time organization, willing to fight, to work, to struggle, to invent, to discover, and to intitate, willing and able to compete and actually competing for the business of the

INCOME TAX FAVORED.

Again, I am in favor of an income fax. One of the great curses of this hour is the extravagance of the National Government. Extravagance is like a contagious disease—it spreads outward from the source of infection. As the Government is, so are the people. A wasteful, reckless, and extravagant government always creates a wasteful, reckless, and extravagant people. This Government of ours has become the most extravagant upon earth. It has more than doubled its own expenditures since the administration of Grover Cleveland. The percapita expenditures have gone up from about \$7 to about \$12. It now costs about \$60 per household to run the United States Government. No scheme is too wild, no expenditure too great, to rally around it the support of the United States Congress. The taxes collected are indirect, the people taking no note as they pay them of the fact of payment or of the amount, and since the great bulk of these taxes come out of the multitude and a very little of them come out of the few who have vast wealth, those who have the wealth have less loss in the amount of taxes which they pay than they have profit in the expenditures of the Government. The rich, therefore, are on the side of extravagance. They do not care how much the Government spends. They are always in favor of more offices and higher salaries. You can rely upon them confidently to advocate every new scheme of the Government and to insist upon the rightfulness of every national enterprise leading to larger expenditures. They know that their part in the burden is small, and their opportunity of gaining other wealth by reason of the tax laws is great, and the rich and strong are always closer to government than the poor and weak. The laborers on the farm, the worker in the factory, the mechanic in his shop, the clerk in the store, the workers in the banks, do not go to Washington. Their acqualntance with Senators and Congressmen is limited. Their influence, if unified, might be great, but they are never unified; they are too busy with their ow

How the income have the recommendation of the surface and this will always be true until the rich are made to bear their part of the burden of increased expenditures. Wherever we shall have passed and put into operation an income fax taking from those of large incomes a reasonable sum for the expenditures of the Government, the rich will then become burden bearers for the Government, and at the same instant, they will become intense, active, effective advocates of economy. They can compel economy, and whenever they realize that extravagance is to be met by an increase in their income tax, they will compel it. The simplest and most direct way to make a rich man an advocate of economy in government is to make him feel that extravagance costs him some money, and when he realizes this you will hear from him, through the press, in magazines, and in books. You will hear him deprecating not only the high cost of living, but the cost of high living. He will be clamoring for a return to the ways of the fathers. He will be insistent for economy—and his voice is so potent that it will be heard throughout the Nation.

I am in favor of an income tax, not only for the reasons just set out, but for the further reason that the tarliff tax and, indeed, our internal-revenue taxes, are taxes upon consumption and therefore fall unequally upon the rich and the poor, bearing most heavily upon the poor. As a compensation for this inequality I would have an income tax reaching HOW THE INCOME TAX WILL PROMOTE ECONOMY AND JUSTICE.

the rich alone, and thereby shift to their shoulders some of the weight that for all these years has borne so mercilessly upon the shoulders of those least able to bear it.

UNFAIR FREIGHT DISCRIMINATION AGAINST NORTH CAROLINA.

UNFAIR FREIGHT DISCRIMINATION AGAINST NORTH CAROLINA.

While on the subject of equality it is certainly appropriate that I should make some mention of the gross injustice done by the interstate commerce railroads in their freight rates to and from North Carolina. The difference between the rates to cities in Virginia and cities in North Carolina is so gross and outrageous as to challenge the attention and arouse the indignation of every fair-minded man to whom they are represented, and we can never change these conditions by seeking favors. We are too few in numbers and too poor in commerce ever to hope that we shall gain the grace and good will of the interstate railroads. The only ground upon which we can hope for a redress of our grievances is upon the everlasting insistence of the justice of our cause. We should perpetually assault this outrageous inequality and never cease to demand rightful treatment until our clamor shall have aroused a recognition in the Nation which will compel justice. A small population and a small commerce can never hope to prevail with the intrenched power and unfairness of the railroads and of the cities benefited by their injustice, but even small numbers and a small commerce can by insistence upon justice add to their weakness the power of the God who declared that He is no respector of persons, and in this combination there can be no defeat. I promise the people of North Carolina if elected to the United States Senate—and I believe I shall be—to spend so much of my time as may be necessary during the six years of my incumbency of office in bringing about a change in this condition, either by seeing that the law as it stands is enforced, or if the law is inadequate, by securing the enactment of one which will compel for us the righteousness to which we are entitled and of which we have been denied through all these years.

ELECTION OF SENATORS BY THE PEOPLE.

ELECTION OF SENATORS BY THE PEOPLE,

I am in favor of the election of United States Senators by the people, and when I say by the people I mean by the people and not by money, not by organization, not by machinery. In a recent issue of the Charlotte Observer the editor declared that in the coming senatorial contest, while my fitness for the place was acknowledged and the love of the people for me recognized, I could not be elected for the reason that I am without money, without organization, and without machinery. This prediction, when it first appeared, startled and frightened many of my friends. It had no such effect upon me. I did not want to be elected to the United States Senate by money, by machinery, and by organization. If I were elected by these means, I should glorify and honor the means which elected me. My father taught me that the rungs of the ladder on which I rise should be honored by me. If I rise on the rungs of wealth, organization, and machinery, I know myself well enough to realize that I should count my obligation in the Senate to these things. But if I go to the Senate as the untrammeled choice of the people of North Carolina, to them I shall owe the honor and to them shall be dedicated all the service of my heart and mind and body, under God, to the perfection of our Government and to the betterment of the conditions of mankind.

The Charlotte Observer is mistaken. It may be true in some of the Northern and Western States that a man must be rich before he can go to the Senate. It may be true in Pennsylvania that he can not go without the assent of the machine. It may be true in New York that organization is essential to the success of any candidate for office. But in North Carolina the people, who have been clamoring for the right to ledet their own Senators, will not dishonor their own demand by suffering an election to turn upon false and corrupting things.

THE MENACE OF MONEY IN POLITICS.

THE MENACE OF MONEY IN POLITICS.

Apart from any personal interest which I feel in this matter, I want to say to all North Carolinians that the test of the benefit of popular election of United States Senators is to be found in the power of the people to select their own Senators without cost and without dictation from machinery or organization. I regard this as of so great moment that I now deliberately declare that not only shall I not use money in this campaign beyond the very limited sum necessary, but I do not want my friends to use money in my behalf. I expect them to give their time and service to the proper presentation of my candidacy to the people, a task which I have always gladly rendered to those whom I supported as freely as I breathed the air. It will be an evil day for this good State of ours when the prediction of the Charlotte Observer shall have become the history of the State. The great curse of this hour is the mad scramble after wealth, corrupting, destroying, undermining the morals of the country, and if to the things which wealth can purchase shall be added the honors which the people alone ought to bestow, the scramble after wealth will become a carrival of crime. A recent writer has truly said: "Historians know that the critical hour for every Carthage and Ephesus, every Athens and Rome, every Berlin and Parls, every London and New York, comes when avarice of money and business interests select the legislatures that make laws, the judges who interpret laws, and the rulers who execute laws, conceived in selfishness and interpreted by cupidity. The decline of every nation and every city has begun with avarice and commercial interests administering the government for the powerful and avariclous few."

Yes, I am without power and without wealth, without organization and without machinery, but I am not poor and I am not helpless. I am rich in the love of North Carolinians and strong in their belief that it is my purpose now, as it ever has been in the past, to serve them as a whole without

GOV. AYCOCK'S POLITICAL RECORD.

And now, ladies and gentlemen, I am about to do what I have never done before. I am about to announce in a public speech my candidacy for an office before my party has chosen me as its standard bearer. I have hesitated long before deciding to do this thing. It was my purpose not to enter this campaign at all, so far as the presentation of my candidacy was concerned, but the constant assertion on the part of the advocates of other candidates that I was not in the race, that I had entered it for ulterior purposes, has made in incumbent upon me in justice to my own character and in fairness to the men who are supporting me, to announce in a public speech that I am a candidate for the United States Senate, and expect to remain one until chosen or defeated by the untrammeled will of the Democratic voters of North Carolina.

I have given more than a quarter of a century of the best years of my life and my hardest work to the service of the Democratic Party in this State. I have confined my labors almost exclusively in that behalf to this State because it is the State of my birth and in her soil my body will rest when I shall have crossed over the river, and I love her beyond any part of this great American Union. I have not always served her wisely, but I can look the entire body of her people in the face to-night and I can declare that I have ever served her zealously and with no thought of the possible effect of my course upon my own career. I have held her highest office, and under God I assert to-night that I never said a word or did a deed during the entire four years of my term of office with any view to my personal aggrandizement. I never sought to build up a personal or factional machine, and I never endeavored to tie men to me by any sense of obligation by reason of favors done by me for them, for I did no man any favor as governor, but I earnestly sought to do every man the right of equal and exact justice.

but I earnestly sought to do every man the right of equal and exact justice.

If the people believe this of me and want me to serve them further, I shall be glad. If they think that either of my opponents is wiser, better, or more loyal to their interests, I shall bow with humility to their registered will and come out of the contest rejoicing in the hope that government will be wiser, more economical, and more in favor of the many than it has ever been heretofore, and anxious still, as I always have been, to do my little part, whether in public or private station, for the advancement of the cause of liberty upon the earth and the upbuilding of the Kingdom of God.

A THRUSTE TO HIS OPPONENTS.

the many than it has ever been heretofore, and anxious still, as I always have been, to do my little part, whether in public or private station, for the advancement of the cause of liberty upon the earth and the upbullding of the Kingdom of God.

If any of you have come here to night expecting me to say aught against the other candidates, you must leave unsatisfied. I can not do it. For more than 30 years I have been hattling in behalf of Democracy against Republicanism. I have been in the midst of the conflict; sometimes in the lead, more often as a private soldier, but always with my guns trained upon the common enemy and not inflicting wounds upon those of the household of faiti. If I were to attempt to assail Senator SimMoxs, my memory would awaken and I should recall the sitring days of 1898 and 1900, when, as the captain of the mighty hosts of Democracy, he led us to single, convincing, and final victory. Should I attempt to say aught against Gov. Kitchin, my mind would at once revert to the dark days of 1800 when he dashed his maiden sword in to Washington the lone Democracit Congressman. Winning his great victory over the theretofore invincible Thomas Settle. If I should seek to assail Chief Justice Clark, I could but recall the many years of his eminent service on the bench, and I could but reflect that during all these years I have been steadily vofing for him and proclaiming to the people of North Carolina that he was in every way fit for the highest judicial office in this State. These are the things which I shall be called upon to say of them again, if in the wisdom of Democracy they are chosen for office again. I can not bring myself in my own personal sout of harmony with what I have heretofore said and what I stand ready to say once more. That I do not agree with them in all things is certain. That I would have acted differently in their places on many occasions I am confident. But that they are Democrats and worthy men I shall not aftempt to gainasy. We are about to enter upon the most tremendo

THE THINGS IN WHICH NORTH CAROLINA IS MAKING PROGRESS.

THE THINGS IN WHICH NORTH CAROLINA IS MAKING PROGRESS.

We have indeed gone far in North Carolina. A recent writer has declared that the progress of a State may be determined by the things which are now done as a matter of course which used to be the subject of debate. Tested by this standard, North Carolina has advanced rapidly under Democratic rule. The right of every child to a public school education is no longer a subject of controversy but is acknowledged by everyone. The duty and wisdom of adequate, excellent public roads is not only acknowledged by everybody, but has recently been emphasized by the mud through which we have slowly dragged ourselves to the markets of the State. The right of children to be safeguarded in the time of their growth and development against overwork in factories is a right which no one now disputes. The duty of caring for the afflicted, whether due to age or infirmity, has been translated into so beautiful an application and has been performed with such steadfastness as to render one who would now deny it contemptible in the sight of all the people. The holy obligation of unstopping the ears of the deaf and making the blind to see, of making easy for the old soldlers and their widows their descent on the other side of the hill that leads to the everflowing river, has become the common heritage of us all. The paramount object of the State to obtain peace and quiet and good order to the end that men may quietly work out their own destinies has been rendered emphatic by performance. And no more does anyone, whatever may be

his view about the efficacy of prohibition, ever expect to see again the dominance of the barroom and whisky still in the civic and political life of this great State of ours.

AYCOCK'S FAREWELL TO HIS PEOPLE.

We stand a-tiptee on the misty mountain height and see the morning sun make purple the glories of the east. We are entering upon a new day, the day of equality of opportunity, the hour when every man shall be free to work mightily for himself until his soul, filled to satisfaction, shall overflow with a common benefit to mankind, owing no tribute to anyone and bound only to love his fellow man and serve his God as to him may seem best.

"May these things be;"
Sighing she spoke;
"I fear they will not,
Dear, but let us type them now
In our own lives, and this proud watchword rest,
Of equal."

Equal! That is the word. On that word I plant myself and my party—the equal right of every child born on earth to have the opportunity "to burgeon out all that there is within him."

Mr. RICHARDSON. Mr. Speaker, I move to suspend the rules and pass the bill (H. R. 21478) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors, which I send to the desk and ask to have read.

The Clerk read as follows:

Sailors, which I send to the desk and ask to have read.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws—

The name of Andrew N. Shuttleworth, late of Company H, Second Regiment West Virginia Volunteer Infantry, War with Spain, and pay him a pension at the rate of \$10 per month.

The name of John Moore, late of Troop H, Tenth Regiment United States Cavalry, and pay him a pension at the rate of \$12 per month.

The name of Walter Cox, late of Company G, Sixth Regiment United States Volunteer Infantry, War with Spain, and pay him a pension at the rate of \$24 per month.

The name of John S, Edmonds, late of band, Second Regiment Alabama Volunteer Infantry, War with Spain, and pay him a pension at the rate of \$8 per month.

The name of William W. Barber, late of Capt, E. T. Kendrick's independent company, Florida Mounted Volunteers, Seminole Indian War, and pay him a pension at the rate of \$16 per month in lieu of that he is now receiving.

The name of Wright W. Patrick, late of Capt. Bullock's independent company, Florida Mounted Volunteers, Seminole Indian War, and pay him a pension at the rate of \$16 per month in lieu of that he is now receiving.

The name of John Johnson, late of Company E, Fourth Regiment United States Infantry, War with Spain, and pay him a pension at the rate of \$12 per month.

The name of Benjamin J. Oswald, late of Company I, Twenty-second Regiment United States Infantry, oregon and Washington Territory Indian War, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Sam Smallpage, late of Company D, Fourth Regiment United States Infantry, Oregon and Washington Territory Indian War, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

is now receiving.

The above bill is a substitute for the following House bills referred to the Committee on Pensions:

H. R. 194, Andrew N. Shuttleworth, H. R. 488, John Moore, H. R. 607, Walter Cox, H. R. 4954, John S. Edmonds, H. R. 12236, William W. Barber,

H. R. 12240. Wright W. Patrick. H. R. 12560. John Johnson H. R. 14187. Benjamin J. Oswald. H. R. 17532. Sam Smallpage.

The SPEAKER. Is there a second demanded?
Mr. RODDENBERY. Mr. Speaker, I demand a second.
Mr. RICHARDSON. Mr. Speaker, I ask unanimous consent that a second be considered as ordered.

The SPEAKER. The gentleman from Georgia asks unanimous consent that a second be considered as ordered. Is there objection? [After a pause.] The Chair hears none. The gentleman from Alabama is entitled to 20 minutes and the gentle-

man from Georgia to 20 minutes.

Mr. RICHARDSON. Mr. Speaker, I desire to say in connection with this bill that it carries with it the sum of \$1,152, as follows: Three Spanish War soldiers, three Regular Army soldiers, and three Indian war survivors. That is the amount the bill carries. If the gentleman from Georgia desires to make any inquiry about any of the cases referred to, I will

be very glad to give him the information.

Mr. RODDENBERY. Mr. Speaker, I would like to inquire of the gentleman if this is not one of the bills the nature and character of which is particularly provided for in the rules to be taken up and considered as in order on two Fridays in the month known as pension Fridays?

Mr. RICHARDSON. This is a motion made to suspend the rules, as the gentleman understands, and it is in order under my motion for the House to pass this bill. I do not see any occasion for my answering the inquiry further and entering into unnecessary particulars. I quote for the gentleman's benefit the rule under which I made the motion, as follows:

Par. 4. Rule XXVII. After the Unanimous Consent Calendar shall have been called on any Monday, and motions to suspend the rules have been disposed of, it shall be in order to call up any such motion which shall have been entered at least seven days prior thereto.

Mr. RODDENBERY. Until just now these bills and bills similar in character have not been considered under suspension of the rules, however, but have been considered on pension Friday.

Mr. RICHARDSON. That may be true, but what objection has the gentleman to considering them now?

Mr. RODDENBERY. I was merely asking the question.
Mr. RICHARDSON. I say that may be true.
Mr. RODDENBERY. I would like to inquire, further, if there is any particular reason why instead of considering this class of bills on pension Friday, under the rule, it is necessary in the gentleman's judgment to discontinue taking them up on that day and consider them under motion to suspend the rules? Mr. RICHARDSON. Does the gentleman ask my judgment

on the question?

Mr. RODDENBERY, No. Is there any statement the gen-

tleman desires to make about it?

Mr. RICHARDSON. Mr. Speaker, I think it is necessary to take them up in the manner we are now proposing to take them up. I do not want to go into an elaborate statement of my reasons for that, but I believe it is necessary in order to get bills properly passed which are deserving in every respect, so much so that we ought to resort to the motion which I have

made to suspend the rules and pass the bill.

Mr. RODDENBERY. Then, in response to the gentleman's suggestion. I desire to call attention to the fact that in the committee report, on page 4, near the bottom, we find the case of Walter Cox, of Portalo, Cal., showing applications from time to time made by this proposed pensioner through the bureau for a pension under the general statute. Your report reciting that the Pension Department did not find that he was entitled to a pension resulting from service, and finally the committee concludes that the injury was received in service in line of duty. Does this report show all the evidence upon which the committee reached the conclusion that the Pension Commissioner was in error in his decision and that the committee was right?

Mr. RICHARDSON. In my judgment, the report does show that.

Mr. RODDENBERY. The report contains—
Mr. RICHARDSON. Substantially the facts upon which the committee acted.

The SPEAKER. The question is, Shall the rules be suspended?

Mr. RODDENBERY. Mr. Speaker, I desire to avail myself of time; I was asking the gentleman questions out of his time.

The SPEAKER. The Chair thought the gentleman had taken his seat and relinquished his right to the floor. The gentleman from Georgia. Does the gentleman from Alabama reserve the balance of his time?

Mr. RICHARDSON. I do. Mr. RODDENBERY. Mr. Speaker, I desire in the time allowed under suspension of the rules to discuss the Spanish-American War pension system a little. I desire to preface that statement with a little matter of history. Until this time so far as I can find in the Congressional Record relating to the consideration of private pension bills for the Spanish-American War, the Philippine skirmish, and so forth, that it has not been the practice to move to suspend the rules and move to pass the bills without consideration. Under existing parliamentary law adopted by this House private pension legislation is preferred above all other legislation twice a month. These are called "Pension Fridays." Private pension bills are given the right of way. The Pension Committee can bring them in and consider and pass them, but now the Pensions Committee has seen proper to let that rule become obsolete. They do not use or employ that rule in the consideration of private pension legislation. There is nothing in the Record of recent date showing any necessity, any reason why the Democratic majority should abandon Rule 870 and on another day, given over ordinarily to other business, move to suspend the rules and pass these bills. To do that is, in effect, to say that no Member has a right to move to amend a bill; to do that is, in effect, to say that, no matter how unjust, how erroneous, or how obnoxious any bill may be, the House is powerless to strike that item from the bill. To resort to motion to suspend the rules and desert the established rule of procedure for the consideration of private pension bills is, in effect, to say that no Member has a right to discuss, paragraph by paragraph, the items of the bill and move to strike them out or move to amend a single one of them. This motion to suspend the rules denies to any Member of the House the right to move to recommit a bill for perfection, for amendment, or for any action. Not only that but it limits the entire discussion on one of these omnibus bills to 40 minutes-20 minutes to a side.

What justification is there, what precedents, what record, or what conduct appears that has interrupted the procedure for the passage of private pension bills for the Spanish War which justifies the resort of a Democratic House to a suspension of

the rules to pass those bills? The history of parliamentary legislation shows that for 100 years there is no precedent for it under any party's administration. The Republican Party, in all their yearnings and in all their recklessness with pension legislation, has never done it. The Democratic Party, in its former days of power has never done it. I present, Mr. Speaker, to Members of the House and to the committee frankly and in seriousness, Is the motion to suspend the rules and pass the bill a normal and ordinary procedure? This is our Rule 870. I will read part of it:

On Friday of each week, after the disposal of such business on the Speaker's table as requires reference only, it shall be in order to entertain a motion for the House to resolve itself into the Committee of the Whole House to consider business on the Private Calendar in the following order: On the second and fourth Fridays of each month preference shall be given to the consideration of private pension claims and bills removing political disabilities and bills removing the charge of described. desertion.

Now, here is an express rule of the House providing for the consideration of these bills and of this very bill. That rule opens up a bill to general debate for an hour or more. extraordinary motion now invoked cuts it off to 40 minutes. This rule I have read opens up the bill to amendment; your motion now shuts off amendment. This rule which I read allows discussion of each item in the bill under the five-minute rule, gives the right to inquire, to investigate, to strike out, to

Mr. FOWLER. Mr. Speaker, will the gentleman yield? The SPEAKER. Does the gentleman yield to the gentleman from Illinois [Mr. FOWLER]?

Mr. RODDENBERY. I should prefer not to yield. The SPEAKER. The gentleman declines to yield.

Mr. RODDENBERY. If I had physical strength, I should be glad to do so. The rule I have read permits a motion to recom-

mit the bill; the rule you invoke denies that right.

This is a Democratic House and a Democratic majority. What reason does this Democratic House and this Democratic majority give for undertaking to pass this bill under a motion to suspend the rules? The record of our party is against this procedure in any legislation except where the exigencies of the case require it. What are the exigencies of the case now? Take this session of Congress, and the various Spanish-American War private bills, search the records, and where has any delay, where has any interposition, where has any undue discussion been indulged to justify this course of action? Does the gentleman propose to bring the Spanish War private bills in under motions to suspend the rules because there have been some liberal discussions on private pension bills from another committee? If so, why? I submit that the Democratic majority in resorting to this procedure is going back on its professions to the people in past campaigns that we were in favor of fair discussion and of the right of open debate; that we were opposed to gag rule; we were opposed to "Cannonism"; that we were opposed to turning the House into a tyranny; and that we were in favor of Members fairly and publicly considering all proposed legislation. If there is any good reason for it now, presume gentlemen in their time will give it.

I desire to advert to another subject. I hold here a letter from the National Headquarters, United Spanish War Veterans, 35 Nassau Street, Room 1003, New York City. It is a polite and a proper letter, addressed to all the Members of the House, under date of March 19, 1912. I shall place the entire letter in the RECORD, lest by the few lines I discuss the author or some other gentleman might think that the discussion that we indulge upon it is not fair in the light of the entire letter. Our discussion will be no criticism of the letter, its propriety, or of the gentleman who transmits it to us. I will only read ex-

tracts from it.

This communication is addressed to us on behalf of the honorably discharged soldiers, sailors, and marines who served in the United States forces during the War with Spain, the incidental insurrection in the Philippine Islands, and the Boxer campaign in China. Approximately 400,000 men followed the

colors in the said warfares, the letter alleges.

This letter touches a bill that proposes to extend special pensions to dependents of these soldiers. In the course of time, we will say, widows and children will add 100,000 more. So we have an organization that now comes to Congress and recites to us that 400,000 American citizens were engaged in these divers warfares—the bare scrimmage of the Spanish and Philippine War. What does it portend for the future? When we begin with this private pension legislation plus the general statute for pensions to the Spanish-American soldiers, we as Members of Congress stand face to face with the proposition that these men, now in the prime of their manhood, through this organization are building the foundation for a system of pensions that has for its future operation constant preying upon the Treasury by 400,000 men and 100,000 widows and children.

Mr. DYER. Does the gentleman yield?

The SPEAKER. Will the gentleman yield to the gentleman from Missouri?

Mr. RODDENBERY. I will yield.

Mr. DYER. Does the letter the gentleman refers to make

reference to pensions for these 400,000 men?

Mr. RODDENBERY. Not at all. I am glad the gentleman asked the question. This deals only with pensions for the widows. But the gentleman knows that there are pensions now provided for Spanish War soldiers. The gentleman sees now every two weeks these small and moderate private pension bills that are brought in for the Spanish War soldiers. And what we are calling the attention of the House to now is that Congress sees the very beginning of another pension system that will grow, extend, and swell, and who knows or who doubts but in the future it will be liberalized, liberalized, liberalized, until hundreds of thousands of these strong men have this organization seeking pensions for them? We can not close our eyes to the future.

I read a portion of the letter that hints at it:

Under existing law but few families in the Southland are benefited, for the great bulk of Government expenditure for pensions is restricted to Union veterans, their survivors, and dependents. Our measure wipes out Mason and Dixon's line.

Thus the letter reads.

Gentlemen, that view of any legislation is abhorrent to my judgment, and conflicts with what I think is a just proposal. It requires no pension system to wipe out what is called the Mason and Dixon line. You do not have to give to the southern country any measure of patronage for rivers and harbors, for pensions, or battleships, or anything else in order to wipe out that line. It is gone and has been gone for 40 years. [Applause.] Our loyalty is an unpurchasable quality; our patriotism is above any price.

It is true that from my section these true and hardy Spanish War soldiers came, many of them, but it does not alter the proposition that no scheme of popularizing a spurious pension system should be sought to gain favor by saying that it wipes out sectional lines. Seven of the Northern States now get half of all the pensions for the Union Army; and if those pensions are right, if they are just, I should not protest against it and should raise no voice against it, even if all of it went to one

State.

I do not understand that these pensions are given to Union soldiers in order to distribute money over the country, but as recognition of the services of the soldiery of this country, without regard to what States they enlisted from or what State

they now reside in.

And such ought to be the view with which we approach a consideration of the Spanish War pensions. And I now call the attention of the House to it. In 30 years, in 20 years from to-day, if the present policy of private pensions goes on and increases in the same ratio that private pensions in the past have increased, and if the laws allowing pensions to the Spanish War soldiers are liberalized and extended as other pension laws have been extended, we shall see at the end of 25 years a pension roll the equal in its volume to the pension roll of to-day, and we may as well admit it now.

I submit that when these private bills are brought in here for these men, time should be had to discuss them, opportunity should be given to move amendments, and opportunity should be given to discuss them under the five-minute rule as other

legislation. [Applause.]

FLOODS ON THE MISSISSIPPI AND ITS TRIBUTARIES (H. DOC. NO. 088).

The SPEAKER laid before the House the following message from the President of the United States, which was read and, with the accompanying papers, referred to the Committee on Rivers and Harbors and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith communication from the Secretary of War, in which he sets out the necessity for an additional appropriation to meet the expenses which have been incurred and are likely to be incurred by the War Department in meeting the emergency of the present floods upon the Mississippi and its tributaries.

The estimate includes an estimate of \$300,000 from the Chief of Engineers, in addition to the \$350,000 already appropriated, to be used for the same purpose as the original appropriation, in protecting levees against impending floods. It applies to the tributaries of the Mississippi as well as the main river, but does not include any estimate for damages already caused in districts where the crest of the flood has passed.

The Quartermaster General estimates that an expenditure of \$275,000 will be required to cover the expenses which he is incurring, and will be obliged to incur, in furnishing shelter, forage for cattle and horses, transportation, etc.

The Commissary General estimates that he will require the sum of \$212,879.11 to cover the expense of the rations which he is supplying, and will be obliged to supply, to the thousands of destitute persons in the flood regions.

The crest of the flood is now reaching the lower portion of the Mississippi, where the country is flatter and where the danger to the levees is at least as great as above, and where the damage and loss to persons and property, if crevasses occur, will be far greater than on the upper river, necessitating even a greater amount of relief work than that already incurred.

These estimates have been carefully made and are based on communications from officers of the Army now upon the ground

superintending the relief and engineering work.

I respectfully urge upon Congress the importance of meeting this great emergency. The estimates, copies of which are transmitted herewith, have been sent regularly to the Secretary of the Treasury to be submitted to Congress.

WM. H. TAFT.

THE WHITE HOUSE, April 15, 1912.

DENSIONS

Mr. RICHARDSON. Mr. Speaker, I yield five minutes to the gentleman from Massachusetts [Mr. Murray].

The SPEAKER. The gentleman from Massachusetts [Mr. Murray] is recognized.

Mr. MURRAY. Mr. Speaker, it is always a matter of regret in this House and out of this House for me to have to disagree with one for whom I have such pleasant feelings as I have for my colleague from Georgia [Mr. Roddenber]. But, Mr. Speaker, when I find him holding such a positive and antagonistic viewpoint on pending legislation as he has of legislation for relief of widows and orphans of deceased Spanish War veterans, I feel that it is necessary for me to rise and say that I sincerely hope the motion of the gentleman from Alabama [Mr. Richardson] to suspend the rules may be adopted. I hope that the pending measure may be speedily passed and that soon, before the end of this session of Congress has arrived, we may have an opportunity to pass upon a unanimous report of the Committee on Pensions in favor of pension legislation for the widows and orphans of deceased soldiers and sailors who served in the War with Spain

I do not now wish to refer particularly to applications for pensions by survivors and widows of veterans of the Spanish-American War, but I know something from my limited experience of the difficulties one encounters in convincing the Pension Commissioner, under the provisions of the general law, as to the merits of cases. I know something, too, of the difficulties of convincing the chairman and members of the Committee on Pensions, because of their painstaking and sincere desire to see only exact justice done to the country as well as to the men who petition for pension relief; and I feel confident, because of that experience, that these measures that are to-day reported must come to us only after the most careful consideration at the hands of the men who compose that com-

mittee. [Applause.]

I know something of the men for whom I have tried to secure pension legislation in this Congress. I regret that my colleague from Georgia [Mr. Roddenbery] was not one of those 400,000 men who went forth in 1898, in order that he might to-day have something of intimate knowledge of the facts and personal association with the men involved in some of those cases. I would like to speak as I stand here of that splendid son of his own State of Georgia who was in the same company in which I was honored to be allowed to serve; a man who was a splendid speciman of physical manhood on the first day I saw him, when we held up our hands together and took the oath of allegiance to support the Constitution and to follow the flag wherever it might be carried. And we swore to serve wherever we might be sent and for so long a time as we might be needed. And then I reflect upon the terrible change that came over him as the direct result of malarial fever, contracted not only in Cuba but in some of the places in the Southland, because the conditions that prevailed in 1898, when we were there, were not nearly so pleasant as some of us have found them on occasions since that time. I wender, as I stand here, whether or not this day may bring to me the news that that comrade of mine of 1898, after a terrible struggle that has lasted now for nearly 14 years, may not have been compelled to yield up his life as a result of the terrible tuberculosis that he contracted because of that service. I cite that case as splendidly typical of many men who have had a similar experience. I remind the gentleman that this bill is not for the relief of Spanish War reterans themselves. It is for the relief of widows and orphans of men who gave their lives, either through the disaster of war, or through disease in time of peace, as a result of that service.

Mr. DYER. Right on the matter the gentleman is speaking of, the gentleman is acquainted with the letter which has been

Yes; and my colleague said he was going to

incorporate it in the RECORD.

With regard to the Crago bill, I should like to have the gentleman state approximately how many widows

that bill would apply to.

Mr. MURRAY. The purpose of the gentleman's question is entirely friendly, because the gentleman from Missouri [Mr. DYER] served in 1898 in the Spanish War and he knows the number of widows who will be benefited by this bill is infinitesimally small in comparison with the 400,000 men who served. In the first place, it affects, of course, only those comrades of that war who have married, and many of them are still unmarried. It applies not even to all the married veterans of that war, but to those only who have died leaving widows and orphans that are dependent. It is most unselfish legislation, and I congratulate my comrades of the Spanish War that they have begun their fight for recognition by the presentation of such a satisfactory bill. I hope that the Pension Committee may report soon in favor of the bill that is criticized by my colleague, or one like it. [Applause.]

Mr. RICHARDSON. Mr. Speaker, I see no occasion to use any more of the time allotted to me.

The SPEAKER. The question is on suspending the rules

and passing the bill.

The question was taken; and two-thirds voting in the affirmative, the rules were suspended, and the bill was passed.

PENSIONS.

Mr. RICHARDSON. Mr. Speaker, I move to suspend the rules and pass the bill (H. R. 22194) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows and dependent relatives of such soldiers and sailors.

The SPEAKER. The gentleman from Alabama moves to suspend the rules and pass a bill, which will be read by the Clerk.

The bill was read, as follows:

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws—
The name of Lucy F. Gelger, widow of William A. Gelger, late of the United States Marine Corps, War with Spain, and pay her a pension at the rate of \$12 per month, and \$2 per month additional on account of a minor child of the soldier until she shall reach the age of 16 years.
The name of Major C. Hungate, late of Capt. John S. Ford's company (first company), Texas Volunteers, Indian wars, and pay him a pension at the rate of \$16 per month in lieu of that he is now receiving.
The name of Thomas Smith, late of Company C, Thirty-eight Regiment United States Volunteer Infantry, War with Spain, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

ment United States volunteer infautry, that we had he is now receiving a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Alice Downing, widow of Bedford M. Downing, late of Company B, First Regiment District of Columbia Volunteer Infantry, War with Spain, and pay her a pension at the rate of \$12 per month, with \$2 per month additional for each of three minor children of the soldier until they, respectively, reach the age of 16 years.

The name of Lewis G. Murray, late of Company D, Third Regiment Wisconsin Volunteer Infantry, War with Spain, and pay him a pension at the rate of \$12 per month.

The name of Thomas Joyce, late of Company D, Second Regiment United States Infantry, Florida Indian War, and pay him a pension at the rate of \$50 per month in lieu of that he is now receiving.

The name of Harry F. Keefer, late of Company K, Fourth Regiment Virginia Volunteer Infantry. War with Spain, and pay him a pension at the rate of \$12 per month.

The name of Henry F. Mackey, late of the United States Navy, War with Spain, and pay him a pension at the rate of \$12 per month.

The name of Mary Norris Tillman, widow of James H. Tillman, deceased, late colonel First Regiment South Carolina Volunteer Infantry, War with Spain, and pay her a pension at the rate of \$30 per month, and \$2 per month additional on account of one minor child of the officer until such child reaches the age of 16 years.

The above bill is a substitute for the following House bills referred to the Committee on Pensions:

The above bill is a substitute for the following House bills referred to the Committee on Pensions:

H. R. 8580. Lucy F. Geiger. H. R. 13129. Major C. Hungate, H. R. 15222. Thomas Smith. H. R. 15514. Alice Downing H. R. 15733. Lewis G. Murray. H. R. 16637. Thomas Joyce. H. R. 17307. Harry F. Keefer. H. R. 19632. Henry F. Mackey. H. R. 19733. Mary Norris Tillman.

The SPEAKER. Is a second demanded?
Mr. RODDENBERY. I demand a second.
Mr. RICHARDSON. I ask unanimous consent that a second be considered as ordered.

The SPEAKER. The gentleman from Georgia [Mr. Rodden-Bery] demands a second, and the gentleman from Alabama [Mr. RICHARDSON] asks unanimous consent that a second be considered as ordered. Is there objection?

There was no objection.

Mr. RICHARDSON. Mr. Speaker, I desire to say to the House that this bill carries with it the aggregate sum of \$1.872. It is for the benefit of certain Spanish War soldiers, six of the

cases being original and one an increase, and of Indian war survivors-19 in all. As I said, the amounts aggregate \$1,872.

I reserve the balance of my time.

Mr. RODDENBERY. Mr. Speaker, my remarks on the previous bill were not directed to a consideration of the merits of the Crago bill, but I specially disclaimed such intention. But the entire spirit of the letter emanating from the headquarters of the Spanish War Veterans asserts that the soldiers of the Spanish War should be put on an equal or like footing with the soldiers of the late Civil War. There is reason for calling attention to the fact that this claim is not borne out by the facts and justice of the case. Neither now, nor 5 years from now, nor 20 years from now, nor 30 years from now, should a soldier of the Spanish War necessarily be placed upon the same footing with the soldiers of the great Civil War.

Where the soldier of the Spanish War received an injury or a disability resulting from his enlistment he should stand, so far as a pension is concerned, upon the same footing, but in no other respect. The Spanish War demonstrated that the American soldier was patriotic, was brave, and would go to the defense of his country if need be. They were as courageous as the soldiers of 40 years ago. I would not detract one whit from their patriotism, their courage, or from their readiness to serve their country. There were many instances of inspiring heroism. But the other war was a different struggle covering a different period. It was a fight of brothers against brothers, the most terrific, the most titanic war of all time. It literally took the strength of both sections of the country to determine the great issue.

But here is the Spanish-American War, with scarcely a thousand men who fell in real battle. It was only a skirmish; there never was a real battle either on sea or on land. There was courage, there was valor, there was patriotism, and no doubt they would all have given up their lives if need be, but to liken it to the great war of the sixtles is like a vanishing shadow and takes a strong imagination to do it. Now, take the Crago bill, if you choose. It gives not alone to widows and dependents of soldiers whose death resulted from injuries in the war, but it provides that they shall be pensioned, without proving his death to be the result of his Army service, and it is not necessary that the soldier should have been married during the enlistment. The only requirement is that he shall have married before he was 50 years of age.

Look at a further provision. Not only the widows of dependent soldiers are the beneficiaries under this act, but it in-cludes the widows and orphans of the acting assistant surgeons, contract doctors, dentists, the veterinary surgeons, officers and enlisted men in the Revenue-Cutter Service who were temporarily in vessels or in the Army. That is the proposition. I am not discussing the bill on its merits, as if it were up for passage, but merely to point out what is the present drift of this pension proposition and to let you see now that the war, if it was a war, threatens to load upon the backs of our people pensions to the widows of the tooth doctor, the horse doctor, wagon driver, and the assistant surgeons, who never left the soil of Tennessee, who never left the domain of Georgia or other States. Now, many of these soldiers joyously encamped at Chickamauga never left the State. The only officer that I know to be drawing a pension is a colonel who fell off the wagon and sprained his rib. After they enlisted they had good rations. A good many of them died from bad water, others perished from mean rum, and a number lost their lives from eating tough beef.

But, gentlemen, I present it to you now that this bill carries pensions to widows of young men who were glad to go out to Chickamauga and other agreeable encampments with a brass band and enjoy a season of camp life. They saw country that they never would have seen but for that. They were in that they never would have seen but for that. They were in camp with good tents; they had rations served; they had martial music; and a picnic the like of which many young men in this country had never before seen and perhaps will never have again. Now, the United Spanish War Veteran Association is going to begin, not by pensioning the horse doctors, not by pensioning the tooth carpenters, not by pensioning the subaltern surgeons, but by fixing their widows, and the next thing they surgeons, but by fixing their widows, and the next thing they will be fixing the soldiers. We may as well look it square in the face. I call your attention to it now. The judgment of the country will determine 5 years, 10 years, 20 years from now whether the prophecy now made will be verified or not. If this policy is pursued, with your 40-minute gag rule and suspension debate, you can not strike out the undeserving case. These soldiers in this bill claim that they went to war; they do not claim to have fought; they do not claim to have been injured; they do not claim on battle field to have contracted disease. The record does not show it, the report does not show it; but they took the lockjaw; they took the typhoid fever; they took the bilious fever years after they left the Army in good health. They never saw a real general; never got within 1,000 miles of a gunshot; some of them never got within 2,000 miles of Cuba; some of them never toted a loaded gun except with powder and no ball for dress parade. They never left Chickamauga and other peaceful camps except to go around the country on excursions. Now we are proposing to pension them at \$20 a month, at \$30 a month, and so on. It is not patriotic, it is not in line with the country's duty to its soldiers.

I have no doubt that the boys who went from my town, from my county, from my district, and from my State were as ready to do battle if need be as any soldiers, but it is no wise policy now for this Government to begin to pacify a little southern sentiment by passing these Spanish War bills. It is only a scheme to pacify the pension sentiment of the country with little Spanish War pepper put on the sauce of the great Civil War pensions so that they will go down easy. Gentlemen, I will vote for one of the Civil War pension bills when it is just, not because the Spanish War soldier from my section is now recognized, but because every great Government should pension the soldiers who battle and die for it or sustain an injury by it.

But let us have none of this camp-fire business, none of this holiday picnic of 1898, none of this dress parade, none of this blue coat and brass buttons and marine bands, to lead them around under the shadow of the mountains and in the green valleys, where they had fresh Tennessee chicken and Kentucky eggs and mountain trout in abundance, with honey from the hillside and sirup from the cane patch-where they fed and fattened in the most luxurious living any young American ever had. And now they come, and dignify it with the name of war, and as soldiers want a pension. Gentlemen, it would be scandalous if it were not so ridiculous.

Mr. Speaker, this is no observation we are making against your old Federal soldiers. This is no tirade that we are making for my country against your northern soldier. This is no effort to deny to the scar-worn veteran of any war a pension, but a protest, feeble, under disadvantages and in the minority, against giving pensions now by special bills to men who enjoyed a holiday, who drew their pay at 100 cents on the dollar, with the best equipment, the best tents, the best rations, the best water, and the least sacrifice and no fighting at all.

Mr. DYER. Mr. Speaker, will the gentleman yield?

Mr. RODDENBERY. Certainty.
Mr. DYER. Does the gentleman speak from experience as a soldier, from what he has observed, or from what somebody has told him?

Mr. RODDENBERY. Mr. Speaker, I speak from as much experience of dangers as 90 per cent of these fellows in these special Spanish War bills the House is now about to pass. I have toted a gun oftener, have been in greater danger, had more sorry rations, been hungrier and more tired, and now and within the last 10 weeks have submitted to more dangerous and perilous assaults from my colleagues in the House on this pen-sion graft than 1 per cent of the Spanish soldiers ever saw or ever will. [Applause and laughter.]

It was no war. It was barely a skirmish. Why, even the President enjoyed the holiday, as did the great ex-President, the would-be President, the thrice-time candidate for President; and every politician in the country who wanted to get in line of promotion, all knowing that Spain did not have a boat that a Winchester would not sink and that the falling dynasty of Spain did not have a soldiery that a regiment of schoolboys could not put to rout. The Rough Riders rushed up San Juan Hill and then to the White House.

Mr. MURDOCK. Does the gentleman include Mr. William Jennings Bryan in that?

Mr. RODDENBERY. William Jennings Bryan was no less patriotic, but not quite as persevering.

Mr. YOUNG of Kansas. Not quite successful. Mr. RODDENBERY. Not quite so successful. President not only beat Bryan to the war, but he grabbed up Bryan's political paraphernalia, all of his progressive accouterments, his ammunition, his doctrines, his bombshells and explosives, and marched up before the American people, leaving Bryan standing on Gibraltar alone, and with the acclaim of thousands was inducted into the position of Commander in Chief of all of the Armies of the United States, and we hailed him President.

Mr. FINLEY. Mr. Speaker, will the gentleman yield? Mr. RODDENBERY. Certainly. Mr. FINLEY. Has the gentleman seen or heard of that famous picture of the ex-President of the United States charg-

ing up San Juan Hill on a black charger, when there was not a horse within 40 miles of that battle ground?

Mr. RODDENBERY. I have not seen the picture. I do not know whether it is so or not, but that black charger brings this to my mind: If you really want to do something for these good Spanish War boys join with me and go down here to this Pension Office and take out the Africans, turn them out of their jobs, and give the places to our Spanish War soldiers, and keep them there as long as they are able to work and labor. Let them administer a Caucasian government supported by Caucasian taxpayers. When they get too old, if they are indigent, then consider pensioning them; then go down Pennsylvania Avenue to this massive War and Navy Building, walk up and down the aisles, and take those black sons of the coconut region who sit there with big brown drops of sweat coming out of their foreheads, kick them out, and put these old veterans of the Civil War there by those tables, at those telephones under those electric fans, and as long as they are able to labor let them have the benefit of the Nation's offices and gratitude. You have taken those old heroes of that great struggle and sent them out to labor and toil to pay taxes to support these Africans, for whom they offered their lives that they might be free. If you have anything to give out, go to the sons of these veterans of the Civil War and bring them from the mine, bring them from the field and shop and fill these negroes' places with them. Let not the old pioneer of this country at 90 years of age be felling a tree in the forest, where by reason of his infirmity he drops dead beneath its shock. Give him and his kind a quiet and easy position now enjoyed by a "kinky head."

Take this class of men in their infirmity and give them these do-nothing, sitting-down jobs, and turn this mixed broad of African tree climbers out to earn a living on the farms and in the fields. [Laughter.] You can fool the white people of this country no longer by putting a fellow here and there in an country no longer by putting a fellow here and there in an office and giving him a salary and telling him how he shall vote. They are tired being paid off with \$50 Jobs while the African draws \$100. Times are changed, and the sons of these old veterans are not going to stand for it any longer. They are not going to let their fathers go out and fight for four years to give the Ethiopian liberty and then submit to our taxing them the balance of their lives to give buck Africans jobs in all these departments around here and all over this country. So if you want to do something for the Spanish War soldier and the son of a veteran of the Civil War and the old veteran himself, fire these political signposts out. There are about 50,000 of them drawing all the way from \$3,000 down to \$300. Put the Anglo-Saxon in. They are honorable; they are our blood. They helped save this country, if saved it was. They have made this country and will perpetuate it. Do something for them now. Turn Africa out and let America in. This ebony-hued tribe have thousands of comfortable positions, sitting on plush-bottom chairs, with feet resting on stone tiling, with ears listening to the hum of the electric fans while pictures of our mighty men are hanging on the walls around them. Year in and year out these black-tinted Africans, emitting the compound aroma of cucumber and onion, do nothing and draw salaries, and my people and yours labor to furnish the gold to pay them with. Go down to the Bureau of Printing and Engraving where there stands a pure white girl working day by day and next to her a black negro working day by day

The SPEAKER. The time of the gentleman has expired. Mr. RODDENBERY. Fire them out! Fire them out! Fire them out! [Laughter.] If you have got Caucasian blood in them out! your veins kick them out. In their places establish the soldier, his sons, and his daughters, the builders and the preservers of this Republic.

The following is the letter referred to in my remarks:

NATIONAL HEADQUARTERS UNITED SPANISH WAR VETERANS, New York City, March 19, 1912. Hon. S. A. Roddenberr, M. C., Washington, D. C.

Dear Sir: This communication is addressed to you on behalf of the honorably discharged soldiers, sailors, and marines who served in the United States forces during the War with Spain, the incidental insurrection in the Philippine Islands, and the Boxer campaign in China. Approximately 400,000 men followed the colors in the said warfares. They have received scant statutory recognition from the National Government.

ermient.

Speaking for my comrades, I ask your support for H. R. 17470, introduced by Hon. Thomas S. Craco, of Pennsylvania, which provides that if any member of the classes described has died or shall hereafter die, leaving a widow or minor children, the widow during her widowhood shall receive a monthly allowance of \$12 for herself, and of \$2 for each child under 16 years, the allowance being contingent on the fact that the soldier or sallor shall have married before attaining the age of 50 years. We seek to enlist your vote and, aid on the following grounds:

grounds:

1. This measure seeks no pension for the comrades, but merely for their dependent widows and orphans.

2. The Government, in grateful recognition of the services of the soldiers and sailors of all the other wars of our Republic, has enacted

similar statutes in their behalf. Failure to adopt this resolution will make our comrades the subjects of an unjust and uncharitable dis-

crimination.

3. Under existing laws but few families in the Southland are benefited, for the great bulk of governmental expenditure for pensions is distributed to Union veterans, their survivors and dependents. Our measure wipes out the Mason and Dixon line. It places the widows and orphans of the comrades of Fitzhugh Lee and Joe Wheeler on an equal footing with the dependents of those who enlisted from the Northern Status.

footing with the dependents of those who enlisted from the Northern States.

4. Inquiry at the Pension Office discloses the fact that the Crago bill will involve no heavy appropriation. The majority of our comrades are unmarried. Most of them are in the prime of young manhood. The maladies of old age have not had an opportunity to produce their fatal result. The widows and orphans to be benefited constitute, therefore, a limited class. The appropriation necessitated will be but a very small fraction of that required by the acts which grant pensions to the widows and dependents of the 2,775,000 men who served in the Federal forces in the war between the States.

For the foreging reasons we, who offered our lives for our country, asking no odds for ourselves, request that the Government, in grateful recognition, extend its protecting hand to our widows and orphans when we are gone.

we are gone.

Will you favor me with an acknowledgment of this letter, expressing

your views? Respectfully, yours,

MAURICE SIMMONS, Commander in Chief.

Mr. RICHARDSON. Mr. Speaker, I yield five minutes to the gentleman from Tennessee [Mr. Austin].

Mr. AUSTIN. Mr. Speaker, I can not sit quietly here and listen to the statement of the gentleman from Georgia with reference to the services of the men who enlisted and served during the Spanish-American War. The great body of the men who composed that volunteer army came from the ranks of the plain, common people. More than four regiments enlisted in the mountains of eastern Tennessee. They were, with few exceptions, the sons of the laboring men, of the mechanics. They had no property rights to fight for; they fought for the honor and the glory of our common country. [Applause.] They were men who depended upon their daily wage to provide the means of livelihood for their wives and children and were eager and anxious to follow our flag. Well do I remember when the call was made, how nobly and patriotically Tennessee's sons responded—and we all know how illy prepared we were for that war. Our great President, McKinley, hesitated and told Congress that we were not prepared. I remember a great gathering in the city of Knoxyille, where the number of recruits was only excelled by the great city of New York. The patriotic citizens of that city provided shelter, clothing, and provisions until the State could handle the situation.

Well do I remember a number of instances where old men who had bared their breasts to the storm of bullets in the Civil War actually cried when the recruiting officers refused to accept

their services.

They went forward and they lived for months under a system of drilling and training in Chickamauga Park. The country remembers that deadly scourge of typhoid fever and how many of the strong, healthy, and robust young men were carried by their new comrades to their last peaceful sleep. I remember when the Secretary of War ordered the removal of many of the regiments from the fever-stricken field of Chickamauga and they sent three regiments to Knoxville, where we have pure air and perfect sanitary conditions. I passed through the hospitals on inspection day and I saw the soldier boys from Ohio, Michigan, and other States fighting not the fight of battle with Spaniards, but fighting for life against the deadly fever. Yet some one here this day complains because the Committee on Pensions wishes to do justice to these men.

Ah, my countrymen, shame upon such a performance! No Spanish-American soldier under our laws to-day can be pensioned unless by the strictest and most overwhelming proof he can show that his disability or injury was incurred in line of duty. Now, if some Spanish-American soldier, as occurred in eastern Tennessee, was killed by an assassin's bullet as he was standing by the side of his wife, this great Government can not

pension the widow under existing laws.

The SPEAKER, The time of the gentleman has expired.

Mr. AUSTIN. Mr. Speaker, I would like five minutes more.

Mr. RICHARDSON. I can give the gentleman two minutes more.

The SPEAKER. The gentleman from Tennessee is recognized

for two minutes.

Mr. AUSTIN. That little widow now lives in the mountains of Campbell County, with five children, without means and without a roof to cover her and her little ones, and yet you tell me that this American Congress, representing more than ninety millions of people, the richest, the greatest, and most powerful and resourceful nation on the face of the earth, turns a deaf ear to her appeal. Heaven have pity on a Republic that would deny help to such a woman. [Applause.]

Take the chairman of this committee [Mr. Richardson], a

southern man, a brave ex-Confederate soldier, who reports these | none. It is so ordered, and the reference is so made.

bills. The issue was made against him in a recent primary election in Alabama that he was reporting and supporting these bills. When that appeal or challenge was made to the electorate of that district, they arose in their mighty wrath, putting the seal of their condemnation upon his critics; and, be it said to their everlasting credit, they decided to return him here by an increased majority. [Applause.]

Mr. RICHARDSON. Mr. Speaker, I yield the balance of my time to the gentleman from Illinois [Mr. Mann].

The SPEAKER. The gentleman from Illinois [Mr. Mann]

is recognized for eight minutes.

Mr. MANN. Mr. Speaker, I desire to consume only a moment or two. I am not willing to let go without any answer the statement made by the gentleman from Georgia [Mr. Rodden-BERY], which, in my opinion, slurs both the services and the dangers of the Spanish War soldiers.

Mr. Speaker, in 1898, when the Volunteer soldiers were ordered home from Cuba, I went from my home to Montauk dered home from Cuba, I went from my home to Montauk Point, where, among other regiments, was the regiment from my home city. I felt some responsibility because of the part I had taken which had brought on the Spanish War, and I was desirous of giving any aid that I might to the boys who had gone into the war. The officer in command of the camp at Montauk Point was a former colleague in the House, Gen. Montauk Point was a former colleague in the House, Gen. Wheeler [applause], ex-Confederate soldier, and now also an ex-Union soldier [applause], the man who did much to call attention to the reunion of heart and spirit of the North and the South. And through the courtesy of Gen. Wheeler I was permitted to go through that camp. I watched the Chicago regiment as it landed from the boat and marched to camp up the roadway. I noticed their looks and it brought tears into my eyes. I went through the camp and through the hospital, through tent after tent—these long tents with rows of cots in them—looking especially for any of the boys whom I might know, to see if I could be of any aid to them. And though I have visited many hospitals and seen many people in illness and distress, I never in all my life have seen any case so heart-rending as to illness as I saw when I marched through these tents and saw these boys, yellow and worn to the bone, who only a few months before had marched out in the fullness of hope and health, willing, if necessary, to die for their country, but all of them to forever, during life, bear the results of the hardships they had undertaken.

And whether it be an army in battle, in face of the foe, taking and giving fire, or whether disease overtakes them, it makes no difference to me. The one is as dangerous as the other, and I am willing now, and I hope I shall continue to be willing in the future, to do anything that may be necessary to prove to those who went into the Spanish War and to those who may be asked to volunteer for future wars that if they meet illness, danger, or destruction of health, the great Government of the United States is ready and willing gladly and freely to honor them and itself by taking some care of them. [Applause.]

The SPEAKER. The question is on the motion to suspend the rules and pass the bill.

The question was taken; and two-thirds having voted in favor thereof, the rules were suspended, and the bill was passed.

FLOODS ON THE MISSISSIPPI AND ITS TRIBUTARIES.

Mr. RICHARDSON and Mr. SHERLEY rose.

The SPEAKER. The Chair will recognize the gentleman from Alabama [Mr. RICHARDSON] in a moment. The gentleman from Kentucky [Mr. Sherley] has a matter of necessity which

he wishes to present.

Mr. SHERLEY. Mr. Speaker, a little while ago the President's message relative to the flood situation was referred to the Committee on Rivers and Harbors. That part of it that relates to the protection and care of the levees properly belongs to that committee, but that part which relates to reimburse-ment to the War Department for expenses in providing food and shelter to the sufferers from the floods should go to the Committee on Appropriations. I ask unanimous consent that the order made heretofore be vacated, and that a new order be made referring the portions of the message as indicated.

The SPEAKER. The gentleman from Kentucky asks unanimous consent that the order made referring the President's message to the Committee on Rivers and Harbors be vacated, and that the Chair be authorized to separate the parts of the message and to send one portion, relating to work on the levees, to the Committee on Rivers and Harbors, and the other portion, relating to reimbursing the War Department for money expended for relief of sufferers, to the Committee on Appropria-tions. Is there objection? [After a pause.] The Chair hears

PENSIONS.

Mr. RICHARDSON. Mr. Speaker, I move to suspend the rules and take up for consideration the bill H. R. 22867, with an amendment thereto.

The SPEAKER. The gentleman from Alabama will please send up to the desk the amendment that he wishes to be read, and the whole matter will be considered together. The Clerk will report the bill.

The Clerk read the bill, as follows:

A bill (H. R. 22867) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors.

seldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors.

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws—

The name of Willard D. Cook, late of Battery A, First Regiment United States Artillery, War with Spain, and pay him a pension at the rate of 88 per month.

The name of Sarah Needham, widow of Michael Needham, late of Company K, Thirteenth Regiment United States Volunteer Infantry, and pay her a pension at the rate of \$12 per month.

The name of George P. Cross, late of Company B, Thirty-eighth Regiment United States Volunteer Infantry, War with Spain, and pay him a pension at the rate of \$12 per month.

The name of Reuben J. Reals, late of Company F, First Battalion Wyoming Volunteer Infantry, War with Spain, and pay him a pension at the rate of \$12 per month.

The name of Christopher M. Shaw, late of Battery I, First Regiment United States Artillery, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Cornellus Johns, late of Capts. Smith's, Mazell's, and Chamberlin's companies, Florida Volunteers, Florida Seminole Indian war, and pay him a pension at the rate of \$20 per month in lieu of that he is now receiving.

The name of Many E. Stannard, widow of Harry Stannard, late of Company E, Third Regiment Wisconsin Volunteer Infantry, War with Spain, and pay him a pension at the rate of \$12 per month.

The name of George S. McGuire, late of Company M. Thirty-second Regiment United States Volunteer Infantry, War with Spain, and pay him a pension at the rate of \$12 per month.

The name of Henry Hempen, late of Company C, Fifth Regiment United States Infantry, and pay him a pension at the rate of \$15 per month.

United States infantry, and pay him a pension at the rate of \$15 per month.

The name of Richard P. Ayraud, late of Company E, First Regiment Louislana Volunteer Infantry, War with Spain, and pay him a pension at the rate of \$15 per month.

The name of George Innath, late of Company C, Fourth Regiment United States Infantry, War with Spain, and pay him a pension at the rate of \$15 per month.

The name of Hugh L Freeman, late of Company I, Fourth Regiment Tennessee Volunteer Infantry, War with Mexico, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Wood C. Wilson, late of Troop L, Eighth Regiment United States Cavalry, and pay him a pension at the rate of \$20 per month.

The name of Jane Anderson, widow of John B. Anderson, late of Col. A. W. Doniphan's regiment, Missouri Volunteer Infantry, War with Mexico, and pay her a pension at the rate of \$12 per month.

The name of Sarah F. Austin Chamberlin, widow of Franklin Chamberlin, alias Frederick Winthrop, late of the United States ship Benicia, United States Navy, and pay her a pension at the rate of \$12 per month.

United States Navy, and pay her a pension at the rate of \$12 per month.

The name of Daniel B. Wilson, late of Company I, Third Regiment Virginia Volunteer Infantry, and Company G, Fifth Regiment United States Infantry, War with Spain, and pay him a pension at the rate of \$20 per month in lieu of that he is now receiving.

The name of Robert Burns, late major and surgeon of the First Regiment New Hampshire Volunteer Infantry, War with Spain, and pay him a pension at the rate of \$24 per month.

The above bill is a substitute for the following House bills referred to the Committee on Pensions:

H. R. 13531. Richard P. Ayraud. H. R. 13932. George Ihnath. H. R. 15658. Hugh L. Freeman. H. R. 17009. Wood C. Wilson. H. R. 18466. Jane Anderson. H. R. 18572. Sarah F. Austin Chamberly.

berlin. H. R. 19059. Daniel B. Wilson. H. R. 19247. Robert Burns.

H. R. 2002. Williard D. Cook. H. R. 3592. Sarah Needham. H. R. 6861. George P. Cross. H. R. 9658. Reuben J. Reals, H. R. 11224. Christopher M. Shaw. H. R. 12237. Cornellus Johns. H. R. 12551. Mary E. Stanmard. H. R. 13310. George S. McGuire. H. R. 13450. Henry Hempen.

Mr. RICHARDSON. Mr. Speaker, I send up the amendment, to follow line 9. The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Insert, after line 9, page 4, the following:

"The name of Nathaniel L. Lawrence, late of Company H, Second Regiment Virginia Volunteer Infantry, War with Spain, and pay him a pension at the rate of \$12 per month.

"The name of Carl H. Ellis, late of Company D, Eleventh Regiment United States Infantry, War with Spain, and pay him a pension at the rate of \$17 per month.

"The name of Daniel A, Guy, late of Company G, Sixth Regiment United States Volunteer Infantry, War with Spain, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

"The name of Fatrick J. Hanrahan, late of Company C, Forty-third Regiment United States Volunteer Infantry, War with Spain, and pay him a pension at the rate of \$12 per month.

"The name of Louis O, Edgar, late of Company B, Tenth Regiment Pennsylvania Volunteer Infantry, War with Spain, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving."

The SPEAKER pro tempore (Mr. JAMES). Is a second demanded?

Mr. RODDENBERY. I desire, Mr. Speaker, to make a point of order against the amendment offered by the gentleman from alternative to it. The question I present does not come within

Alabama. He can not offer an amendment and move to suspend the rules at the same time.

The SPEAKER pro tempore. The gentleman from Alabama [Mr. Richardson] moved to suspend the rules and pass the bill

with an amendment, which was in order.

Mr. RODDENBERY. I ask for a second, Mr. Speaker.

Mr. RICHARDSON. I ask unanimous consent, Mr. Speaker, that a second be considered as ordered.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from Alabama [Mr. Richardson] is recognized for 20 minutes and the gentleman from Georgia [Mr. RODDENBERY] for 20 minutes.

Mr. RICHARDSON. Mr. Speaker, the original bill carries \$2,664, embracing in all 17 cases. Ten of them are of the War with Spain; four of them are of the regular Navy cases; one is an Indian war increase, and one is a Mexican War increase. The amendment offered carries with it about \$900, making in all \$3,564 which the original bill and the amendment carry.

Mr. Speaker, I reserve the balance of my time.
Mr. RODDENBERY. Mr. Speaker, this is the third or fourth installment of private pension bills for certain Spanish War soldiers who are not entitled under the general law to receive pensions, and is just another bill presented by the chairman of the committee to be passed in the House without opporof the committee to be passed in the House without oppor-tunity for amendment, without opportunity for discussion para-graph by paragraph, leaving the House absolutely powerless to perfect a bill. There is nothing left for Members to do in its consideration save to go through with the formality of a few words of discussion; and this, notwithstanding the fact that there is now a special rule of the House providing for the consideration and passage of just such pension bills, allowing amendment, allowing discussion, allowing consideration, and allowing an opportunity to perfect the bill.

Some days ago I submitted to the House and had referred to the Committee on Rules a resolution providing for an amendment to the rules, so that there could be no chance of filibustering against these bills. I asked to have it read to the House, and it was objected to, and I now place it in the RECORD as a part of my remarks:

Resolution.

Resolved, That the rules of the House be amended as follows:
First. No omnibus private pension bill shall be considered by the House-until the full report of the committee thereon shall have once been printed in the Record 10 days previous to calling such bill up for consideration.

Second. All general debate on any omnibus private pension bill shall be limited to two hours, one-half to be controlled by proponents of the bill and one-half by the opponents of the bill.

Third. No omnibus private pension bill shall be placed on its passage under suspension of the rules or any special rule, except Members first shall have had opportunity to debate any such bill two hours under the five-minute rule.

the five-minute rule.

The gentleman from Tennessee [Mr. Austin] has just said that this is a great country; that it is a rich and powerful country; that there is no other country like it under the sun. In that I wholly and fully acquiesce. Moreover, it should be such a great country that when it comes to dealing with the pensions of the soldiers of any war, its representatives should see that a pension is bestowed upon every deserving soldier, upon every deserving widow, upon every deserving dependent child, and that no wholesale pension bills should be brought here, putting on the rolls men who never saw war, who never faced danger, who never sustained injury, who never suffered in hospital, who never called in a doctor, who never made a sacrifice. This House should see that the taxpayers of the Republic should not for 50 years be burdened to pay large pensions to thousands of soldiers who, during their enlistment, did less work than ever before and drew higher pay than they ever drew before or may ever draw again. These private bills carry pensions for soldiers who can not meet the requirements of the Pension Office, who can not make a showing of any service to the countries of the countr try. The valiant Spanish-American War soldier does not subscribe to that. Pension schemers may form a vast organization and give it some patriotic name, and gather into it many patriotic men; but tied onto it will be all the bummers, all the beats, all the grafters, all the pillagers, all the swindlers, all those who desire to rob the Government by drawing pensions. The honest toilers who send us here will groan under the weight of taxation to pay them. You are to-day, by passing these special bills without orderly consideration, laying the foundation for a system of exploiting the Treasury of the 90,000,000 people of this country in the name of patriotism and in the name of rewarding the soldiers, which will result in those who rendered no service and made no sacrifice being placed upon the pension rolls, there to abide for threescore years and ten. There is no

the scope of the remarks of the gentleman from Illinois [Mr.

Nobody raises objection to pensioning the Spanish War soldier who returns minus an arm, or short a leg, or enfeebled from disease, or pallid and weak from any infirmity that may have assailed him. But when they came out strong, vigorous, youthful, robust after eight months or six months or four months of encampment in places provided by the Government, you are providing that the Treasury of the people of this country for the next half a century shall be the feed trough where they shall come and fatten upon the resources of the people and drink deeply of our revenues, because they do not go forth and do battle in the fields of industry and in the avenues of I place it with you now, and you vote on it as you judge.

I now direct my remarks again to a subject in which we were interrupted just now. The old soldiers of the Federal Army and of the Spanish-American War Army are a part of the great Government, and they are entitled to just recognition by it. This should not be, and I presume is not, in any sense a political measure.

But if you are going to recognize them, as the gentleman from Illinois says, by letting the boy of America know that when he enlists in the Army his Government will protect him and reward him, we should be equally sure not to let the camp hanger, not to let the holiday hunter, the adventurer who is disposed to roam and exploit, find a lodgment for all his life on the pension roll.

What will be the result? The indifferent volunteer soldier of our country will have a pension for life. It will discount thrift; it will give assurance of the care of the Government to the improvident; it will not encourage them to hew the logs; it will not encourage them to stir the soil; it will not encourage them to save the pennies; but it will encourage the volunteer soldier to look to the Government to care for him. It will say to an American volunteer, "No matter how lazy or shiftless you are, your name once enrolled, the Government will provide for you." With this policy you will lay the foundation of firing the youth of the country with the ambition to go into the Army for ease and certainty of a purse.

This policy will destroy every vestige of patriotic ambition of thousands of youths in this country, who should feel that it is not for the reward of pensions that they enlist, but that it is for service under the flag to their country. But, under the gentleman's line of argument, boys would go to war because they will be pensioned all the rest of their lives. The motive ought to be that I will enlist because I am a citizen of the Republic; my country needs my services: I will volunteer: I will do battle: I will die because of patriotism and not for pension; for love of country, not avarice for the Treasury of the Government. Of such material only is builded an invincible army. Thus you build the soldiery for war, the citizen for peace; but in this great rush at the Treasury of the Nation, assuring every youth in the land that there is pension for him, you discount the real ambition that should swell the heart of youth and the animation that should impel the patriotic citizen to offer his life for his fing.

Our country has a sad illustration of the misguided teachings of proper relations of a people to the Government and Forty years ago, when the struggle was over, millions of slaves were given their freedom and liberty. have been taught nothing since as persistently as that all they have to do is to covet an office, read books, and become And so it is 40 years after we have the African race more lawless, less thrifty, more degraded, and less reliablemore immoral on the average than they were the day the shackles were stricken from them. The average African will pilfer the henhouse and dodge the plow handle quicker to-day than he would 12 months after liberty was given him. he will stand in the dark and assassinate you quicker than he would when the shackles were yet fresh from his hands. Why? Because this Government put false notions in his head, laid down unsound teachings for his guidance, and led them to labor under the misapprehension that they were on the way to equality with the Anglo-Saxon.

The great blunder of this Nation was not in liberating the That question was settled. The greatest blunder in our country's history was that after we freed him we undertook by decree of law to make him the equal of the white man-an equality that the God of the universe had decreed 6,000 years ago he could not possess and never would.

Our Republic, in the frenzy of the hour, undertook to repeal the law of Jehovah, and thus to make the African the equal of the Caucasian. We have sought by law and by Constitution to Mr give him a moral and social and intellectual and political that.

status for which he is not qualified now by nature and for want of created endowment never can be. It is not only dan-gerous to this country, but it is an injustice to the African race itself that the laws of our Government hold out to him aspirations that he can never attain, puts in his heart hopes he can never realize, instills in his mind ideas and standards that are beyond his reach. He can never rise to the same standard of the Caucasian until you go back beyond Sinai into the bowels of God's first creation and discover the molds out of which He fashioned him, and have Jehovah again take of the dust and fashion him a different order of man. He is inferior by creation. Inferior in intellect, inferior in characteristics, inferior in instincts, inferior in the original elements from which a strong and self-governing people must be evolved. It is no fault of ours, it is no fault of the African race. It is a fact of nature. insurmountable and irremediable.

No law of man, no statute of country, no edict of any republic will ever repeal the law of the Almighty Jehovah that decreed him an African and decreed us Caucasians. Law can not do that any more than it can change the leopard's spots. Being the stronger race, we owe it to the African to turn him from this false doctrine and place in his bosom hopes he can realize and aspirations he can attain. Turn them into the avenues for which the Creator ordained them. Give them every protection of the law, every safeguard of the statute, and vouchsafe to them the fullest sympathy and aid in their capable spheres. But when we undertake to change the law of creation and make them what the infinite Creator decreed they should not be, we undertake the impossible. It is beyond the power of constitutions and unattainable by arts of man. When you undertake to legislate morals into creatures that the great God failed to endow with those instincts capable of cultivation and development, you undertake the impossible. The African in this country is susceptible of filling his proper sphere, but that sphere is not in the Pension Office, it is not a Register of the Treasury, it is not as postmaster, it is not as political leader, it is not as a governing factor; but it is as that inferior creature that God So long as our laws and our teachings hold out to made him. him the hope of a status which he can never attain, he is doomed to disappointment and decay. You might just as well go out here to the Zoological Garden and from the cages take one of the brown monkeys and one of the black orang-utans and place them on the Speaker's stand there, and then pass a statute by this House, have it concurred in by the Senate, and signed by the President, hereafter decreeing the monkey and the orangutan our equals in all respects, and expect it to be so, as to expect by law to establish the negro the equal of the Angio-American.

The SPEAKER. The time of the gentleman from Georgia has expired. The question is on suspending the rules and passing the bill.

The question was taken; and two-thirds having voted in favor thereof, the rules were suspended, and the bill was passed.

LEVEES ON MISSISSIPPI RIVER.

Mr. HUMPHREYS of Mississippi. Mr. Speaker, I move to suspend the rules and pass the bill (H. R. 23246) appropriating \$300,000 for the purpose of maintaining and protecting against the impending flood the levees on the Mississippi River and rivers tributary thereto, which I send to the desk and ask to have read.

The Clerk read as follows:

The Clerk rend as follows:

Be it enacted, etc., That the sum of \$300,000 be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, to be expended under the direction of the Secretary of War in accordance with the plans, specifications, and recommendations of the Mississippi Elver Commission, as approved by the Chief of Engineers, for the purpose of maintaining and protecting against the impending flood the levees on the Mississippi River and rivers tributary thereto.

Is a second demanded?

Mr. MANN. Mr. Speaker, so that there may be some explanation, I demand a second.

Mr. WICKLIFFE. Mr. Speaker, I ask unanimous consent that a second be considered as ordered.

The SPEAKER. The gentleman from Louisiana asks unanimous consent that a second be considered as ordered. Is there objection? [After a pause.] The Chair hears none. The gentleman from Mississippi is entitled to 20 minutes and the gentleman from Illinois to 20 minutes.

Mr. MANN. Mr. Speaker, I will ask if this follows the lines of the message that just came in?

Mr. HUMPHREYS of Mississippi.

Mr. MANN. That message referred to an appropriation for additional protection to the levces and also an appropriation for help or aid to those who are being injured there.

Mr. HUMPHREYS of Mississippi. The bill does not include

Mr. MANN. The message did.

Mr. HUMPHREYS of Mississippi. Oh, yes; the message did.

Mr. MANN. What does the gentleman's bill cover?

Mr. HUMPHREYS of Mississippi. The \$300,000 in this bill is simply for the purpose of protecting the levees against the

Mr. WICKLIFFE. This is for protection and not for relief. Mr. BARTLETT. It supplements the other bill?

Mr. HUMPHREYS of Mississippi. Yes; it is along the lines of the first bill, as subsequently amended by the resolution the House adopted on the 8th of this month.

Mr. FOWLER. Does it apply to the tributaries of the Missis-

sippi?

Mr. HUMPHREYS of Mississippi. Yes; including the tributaries. It is exactly as the original bill would have read if the amendment which was adopted at the suggestion of the gentleman from Illinois [Mr. Mann] a few days afterwards had been incorporated in that original bill. In other words, it provides for the protection and the prevention from destruction of the leves of the Mississippi River and the tributaries thereof.

Mr. MANN. The original resolution provided for this aid for the levees between Cape Girardeau and the mouth of the

Mississippi River, as I remember it.

Mr. HUMPHREYS of Mississippi. Yes.

Mr. MANN. I thought myself that it probably ought to have authorized aid to any levees above Cape Girardeau. I see that this does

Mr. HUMPHREYS of Mississippi. Yes. Now, let me state

the reasons for this legislation:

I have just returned from the Mississippi River, where I spent the past week or 10 days, and I am therefore able to speak with knowledge of the serious situation which confronts the people in the Deltas. We have appropriated very liberally in the past for the construction of levees along the lower river, and the people whose lands are thereby protected from floods have also contributed many millions of dollars for this same purpose. The ratio of the contribution has usually been about \$2 by the riparian owners to every \$1 appropriated by the Government. We had reached the conclusion, in view of the prior floods of the river, that our levees were about completed and that they were high enough to withstand any flood that would ever come. Heretofore the floods which have come down the Ohio River have always passed away before the flood waters from the Missouri and upper Mississippi reached the mouth of the Ohio at Cairo; but this year, for the first time so far as we are advised, the floods came out of these three great tributaries at the same time. The result of this unfortunate situation was that the river from Cairo down rose from 2 to 4 feet higher than ever before known. I walked along the top of the levees last week for a long distance, where thousands of men were engaged in piling sacks of dirt along the tops of the levees to keep back the flood. These levees were 2 feet higher than the highest water ever had gone before, and yet when I was there the water had reached the crest of the levee and was still rising. Gov. Brewer, of Mississippi, came in person and brought 600 convicts from the State penitentiary, and with the volunteers was working desperately to prevent the flood from overtopping the levee. The particular levee district whose levees I was inspecting has expended \$300,000, which had been raised by taxes and the sale of bonds, in fighting this flood, and has now, in fact, practically exhausted all its own resources. Since that time the levees have broken on the opposite side, in Arkansas and Louisiana, and thereby relieved the great strain to some extent along the Mississippi front, but the danger has by no means passed. The water will stand against these levees for the next 10 days, and as long as it does the possibility of disaster will be present, and eternal vigilance will be the price of safety.

We have this year the greatest flood we have ever had on that river in all of its history, so far as any record shows, and a few days ago Congress appropriated \$350,000 to aid the communities along the river in preventing the destruction of the levees that had been built by the Government and by the people along the banks of the river in cooperation with the Government. That money has been allotted now by the proper au-thority, and the engineers in the several districts have tele-graphed to the Chief of Engineers that it is necessary to have more money. I would have the House to understand this: The people in these communities have expended for this particular purpose since this flood came a great deal more money than the Government has been asked to expend.

The Chief of Engineers gave it as his opinion in his statement before our committee to-day that the people themselves Mr. MAN during the past three weeks have spent about \$2,000,000, which into a law.

was raised under the system of taxation that prevails along the lower regions of the river. There they raise money and authorize, in an emergency such as this, the sale of bonds, and they have expended perhaps \$2,000,000 in trying to save these levees since this flood came. The impression is very general and very natural, because the information that country gets of course is solely from the newspapers, that these levees have all been swept away and that the great valley has already been overflowed. That is not true. Not more than 15 or 20 per cent of the area which is protected by the levees has been submerged or will be submerged by the breaks which have already oc-curred, so that from 80 to 85 per cent of the protected areas in that valley are still being protected by the levees as they stand, and the Chief of Engineers and the Secretary of War and the President have requested Congress to supplement the \$350,000 heretofore authorized, because they believe that the situation is such that it will be necessary to spend this amount of money before the flood finally passes. Now, let me say this: Although the crest of the flood has passed below Memphis and is now possibly about Vicksburg, as a matter of fact, the river stands to-day on the gauge at Cairo higher than it has ever stood before since the Government has had any record of the river, and for

at least two weeks or possibly three weeks—
Mr. WICKLIFFE. That is, higher than in any former year.
Mr. HUMPHREYS of Mississippi. Yes. It went higher this year, it went to 54 feet this year, the highest before was 52.2, and it is now above 53 feet, and is now higher than has ever been known before in the history of the river, so far as we have record of it prior to this year. It will take three weeks for that flood to pass down the river, and during those three weeks the levees will all be subjected to a tremendous strain and disaster will be impending along different reaches of the river

until this flood does pass.

Mr. PROUTY. Mr. Speaker-

The SPEAKER. Does the gentleman from Mississippi yield to the gentleman from Iowa?

Mr. HUMPHREYS of Mississippi. I do.

Mr. PROUTY. I was not able to hear the bill read. I would like to inquire whether or not this covers any levees above Cape Girardeau?

Mr. HUMPHREYS of Mississippi. Yes; it covers any levees on the Mississippi River or its tributaries. Mr. Chairman, I reserve the balance of my time. I desire now to yield to Mr.

WICKLIFFE, the author of the bill.

Mr. WICKLIFFE. Mr. Speaker, I do not desire to add anything, if the House is ready to vote at this time, and I hope they will vote at this time. I think the matter has been clearly presented by the gentleman from Mississippi, and I hope the House will promptly pass the bill.

Mr. FOWLER. I would like to ask the gentleman one ques-

Mr. HUMPHREYS of Mississippi. Certainly.

Mr. FOWLER. I want to know if you understand this appropriation to be an emergency appropriation to be used against the present flood or an appropriation to be used after the flood

subsides to repair whatever damage may be done?

Mr. HUMPHREYS of Mississippi. Oh, no; it is to prevent disaster from the present flood. After the flood has passed away, I will say to the gentleman, Congress has already appropriated money that will be available for all repairs. That has already been appropriated, but it is not now available for this

particular emergency.

Mr. FOWLER. What does the gentleman understand that

appropriation to consist of for making these repairs?

Mr. HUMPHREYS of Mississippi. To build levees anew, if necessary.

Mr. FOWLER. That is not the \$350,000 emergency appro-

priation passed a few days ago?

Mr. HUMPHREYS of Mississippi. Oh, no; there are three and a half million dollars carried in the river and harbor appropriation bill, which become immediately available, I will say to the gentleman, unlike ordinary appropriations, which become available July 1. That appropriation will become available immediately upon being signed by the President.

Mr. MANN. Will the gentleman permit?

Mr. HUMPHREYS of Mississippi. Certainly.

Mr. MANN. I suppose the gentleman refers to the item in the river and harbor appropriation bill?

Mr. HUMPHREYS of Mississippi.

Mr. MANN. We have passed it. Mr. HUMPHREYS of Mississippi. I said it passed the House.

Mr. MANN. I understood the gentleman to say it passed

Mr. HUMPHREYS of Mississippi. I said it would become immediately available as soon as the President affixed his sig-

Mr. GARRETT. As a matter of fact, the allotments made ont of the \$350,000 appropriation which was passed a few days ago have been bearing about the same ratio to the local expenditures that the past expenditures on the levees have borne to the local expenditures. Is not that true?

Mr. HUMPHREYS of Mississippi. No; because the local expenditures on levees heretofore have been about \$2 to the Government's \$1. In this emergency the local contribution has been \$5 or \$6 to the Government's \$1.

Mr. GARRETT. But the ratio has been about the same? Mr. HUMPHREYS of Mississippi. No; it is very much

The SPEAKER. The question is, Shall the rules be suspended and the bill passed?

The question was taken; and in the opinion of the Chair twothirds having voted in favor thereof, the rules were suspended, and the bill was passed.

ORDER RELATIVE TO PRIVATE PENSION BILLS.

Mr. RUSSELL. Mr. Speaker, I move to suspend the rules and pass the order which I send to the Clerk's desk. The SPEAKER. The Clerk will report the order.

The Clerk read as follows:

Order 35.

Ordered, That on the second and fourth Fridays of each month during the present session it shall be in order for the Speaker to entertain one or more motions to suspend the rules and pass private pension bills.

The SPEAKER. Is a second demanded?

Mr. GARRETT. Mr. Speaker, I demand a second.

I ask unanimous consent that the second Mr. RUSSELL.

may be considered as ordered.

The SPEAKER. The gentleman from Missouri asks unanimous consent that a second may be considered as ordered. Is there objection? [After a pause.] The Chair hears none. gentleman from Missouri [Mr. Russell] has 20 minutes and the gentleman from Tennessee [Mr. Garrett] 20 minutes.

Mr. RUSSELL. Mr. Speaker, the purpose of this order simply is to enable this House to utilize the day fixed by rules of the House for the passing of private pension bills. Under the rules of the House the second and fourth Fridays are the days especially set apart for the consideration of private pension bills. Our experience has shown to us on two or three occasions that we had great difficulty, if we could succeed at all, in passing pension bills on those days because of a filibuster that was conducted against them.

Mr. BARTLETT. Will the gentleman yield? The SPEAKER. Does the gentleman from Missouri [Mr. Russell] yield to the gentleman from Georgia [Mr. Bartlett]?

Mr. RUSSELL. I yield. Mr. BARTLETT. I want to ask the gentleman if his committee, or he, or any other Member of the House has introduced any resolution like this and had it referred to the Committee on Rules for their consideration?

Mr. RUSSELL. We have not. Mr. BARTLETT. Does not the gentleman think that would be the more orderly way of changing the rules of the House on the subject of suspension day than by taking it up here without notice to the membership and change the rules in a radical way?

Mr. RUSSELL. This is not changing the rules, but these are the days which the rules now provide for the passing of pension bills, and this order provides that the suspension of the rules which is now permissible on the first and third Mondays may be permitted and in order on the second and fourth Fri-

days for the purpose of passing private pension bills.

Mr. BARTLETT. I desire to answer the gentleman by saying that the rules of the House prescribe the order of the business of the House. They prescribe what days shall be suspension days, naming the first and third Mondays of each month. This order, if it passes the House, changes the rules of the House, and makes two other suspension days during each month in addition to what we have. It is virtually a change of the rules of the House. I suggest to the gentleman that a resolution of this kind, if referred to the Committee on Rules, might be reported by that committee and be passed.

It occurs to me, Mr. Speaker, to say that this is about as radical a proposition as I have seen in all the 17 years of my service, 16 of which have been in a Republican House, most of the time presided over by former Speaker Cannon, and I have never heard come from him or his side during the years of his service a more radical proposition to change the rules without notice or without action by the Committee on Rules.

Mr. RUSSELL. That may be very true, but this is the day especially provided for suspending the rules.

Mr. BARTLETT. And the reason given always by those who advocated this kind of gag rule, when coming from the Committee on Rules in a Republican House, was that a majority had a right to do business. That was always the reason given for this sort of procedure-the same old song, now sung by unfamiliar voices. [Laughter.]

Mr. RUSSELL. Of course, I do not know what other individual Members of the House may think, but I think this House has a right to attend to its business. And it is evident from the experience we have had in this House that we can not attend to all'the business on the calendar and intended to be done on pension Fridays, specially set apart under the rules for the consideration of pension bills. It is necessary to do something so that the will of this House may be expressed, and we think we are justified in asking that suspension days be extended to include pension Fridays, so that we may attend to the business of this House. This is a day set apart for the suspension of the rules, and as I understand, from the authorities of this House, we have the right to suspend the rules and to fix an order of this sort. I have offered this motion for the consideration of the House, and, of course, with the understanding that unless two-thirds of the Members present vote for it it can not be adopted. But it is done in the luterest of the business of the House, and it seems to me that it is evident that unless this rule can be passed we will have great difficulty in passing our private pension bills.

Mr. MANN. Mr. Speaker, will the gentleman yield?

The SPEAKER. Does the gentleman yield?
Mr. RUSSELL. I will yield to the gentleman from Illinois.
Mr. MANN. If this order should be agreed to, would it not then allow more time for the discussion of private pension bills than has ever been used while the gentleman has been a Member of the House, except upon one or two recent occasions?

Mr. RUSSELL. During my experience; yes. Since I have been in the House I have never seen any time consumed outside of the time required in reading the bills and the formal proceedings of passing them until the present session.

Mr. MANN. So that, as a matter of fact, while this rule may seem more drastic than such rules usually are, it allows more liberality than has usually been permitted in giving Members more time in discussing pension bills?

Mr. RUSSELL. Yes.
Mr. BARTLETT. Mr. Speaker, will the gentleman yield?
Mr. RUSSELL. Yes; I yield.
Mr. BARTLETT. The gentleman does not mean to say that if this rule is changed to Friday instead of Monday for pension bills more pensions will be passed? Will they not be passed

on Friday just as they are passed here?
Mr. MANN. Certainly.
Mr. BARTLETT. In other words, you will have just as much opportunity to discuss bills on Friday as now, and that is no

opportunity at all.

Mr. MANN. So far as I recollect, the opportunity to amend pension bills usually means an additional amount taken out of pension bills usually means an additional amount taken out of pension bills usually means an additional amount taken out of pension bills usually means an additional amount taken out of fact, the Treasury, and never the other way. As a matter of fact, this will allow more time than has yet been consumed in the practice of the House.

Mr. BARTLETT. Oh, I did not understand the gentleman. That is true

The SPEAKER. The gentleman from Missouri [Mr. Rus-SELL] has used nine minutes.

Mr. SHERLEY. Mr. Speaker, will the gentleman yield?

Mr. RUSSELL. Yes. Mr. SHERLEY. I would like to ask the gentleman if it is his idea that under the rule more than one bill can be called up at a time?

Mr. RUSSELL. No; I do not think so. I understand the purpose to be to call up the bills one at a time. The Invalid Pension Committee of the House has one omnibus bill on the Private Calendar that we hoped to call up to-day, but it seems now we can not do it. There are eight omnibus pension bills pending in this House that have been passed by the Senate and are now on the calendar, so that there are nine omnibus pension bills now on our calendar, embracing over 1,200 individual pensions.

Mr. SHERLEY. The reason I asked the question was this: I have some doubt in my mind whether you could constitutionally pass those bills except by considering each one separately; but I had heard outside that it was the desire of some gentlemen to pass them in a lump; and I wanted to know if this rule, in the contemplation of those offering it, was intended to bring about that situation?

Mr. RUSSELL. No, sir. This rule is intended to obviate that necessity

Mr. SHERLEY. There is no necessity of that kind. I do not think you can do it under this rule. But I just wanted to have the gentleman disclaim it.

Mr. MANN. Mr. Speaker, will the gentleman yield? Mr. RUSSELL. I yield to the gentleman from Illinois.

Mr. MANN. I do not know whether I ought to say this, but I think it is perfectly proper. I was told to-day that it was the intention of some of the gentlemen on the Committee on Invalid Pensions to move to suspend the rules and pass a half dozen bills. I looked up the Constitution and the law, and I do not undertake to say whether they can do it or not. But I went to the gentleman from Missouri [Mr. Russell] and told him that, in my judgment, such a proposition ought not to be submitted to the House; that I could not support it; and that I thought the proper way to reach this pension business would be to move to suspend the rules and pass an order something like the one that the gentleman has now proposed, because that gives some time for debate and does not put the House in the position where it would be compelled to pass upon the propriety of passing half a dozen bills under one motion, which I do not think should be done.

Mr. RUSSELL. I will say in answer to what the gentleman from Illinois [Mr. Mann] has said that there never was a fixed purpose on the part of the Committee on Invalid Pensions to pass the bills in that way. I will say that the advisability of it was being considered as one way in which we might be able to get the bills passed to-day; but the Pension Committee never did determine to pass them in that way. The matter was considered and discussed, and the gentleman from Illinois [Mr. Mann] and the leader upon the Democratic side of the House [Mr. Underwood] suggested that this would be a proper method of avoiding these difficulties, and would give us the day that the rules now give us, simply extending the right of suspending the rules to those days, the two Fridays in each month now set apart by the rules for considering private pension bills, so that we might get the bills through on those days.

Mr. GARRETT. If the gentleman will permit me, that being the view of the matter, why did not the gentleman introduce his resolution and let the Committee on Rules consider it? Why spring it here without the Committee on Rules ever having considered it?

Mr. RUSSELL. Just for the reason that, as I understand it, we could not pass this rule or make this order on any other day except on suspension day.

Mr. BARTLETT. We can if the Committee on Rules re-

Mr. RUSSELL. I will simply say that I have offered it to-day because this is the day fixed for suspension of the rules, and I understood that we could pass it to-day under suspension of the rules, and it was suggested to me by both the majority and minority leaders of the House.

Mr. MURDOCK. Mr. Speaker, I heard this motion, but only heard it imperfectly. Does this motion contemplate a suspension of the rules by a majority vote?

Mr. RUSSELL. No; it contemplates that there may be a sus-

pension of the rules, just as now, by a two-thirds vote.

Mr. MURDOCK. The gentleman will remember that in a former Congress we once before began the manipulation of the suspension of the rules, and the final result was that it took only a majority vote in lieu of a two-thirds vote.

Mr. RUSSELL. I do not understand that this will change the rule as to that. It will still require a two-thirds vote to suspend the rules and pass a bill. We are merely asking to be permitted to move to suspend the rules and pass pension bills on pension Fridays.

Mr. GARRETT. Mr. Speaker, I have never been illiberal in regard to pension matters since I have been a Member of this House. I could not see my way clear to vote for the so-called Sherwood bill, but I have never joined with those gentlemen who have obstreperously opposed these private pension bills on the floor of the House. But it does seem to me, Mr. Speaker, that this reaches what the Katzenjammers would call the end To amend the rules of the House so as to make of the limit. private bills of a higher privilege than they have ever possessed before, under any régime, 50 years after the war is over, putting them in a higher special class than that possessed by any public bill is, it seems to me, going too far.

In my seven years of service here I have never seen the time when private peusion bills have suffered. This House has always found a way to pass every private pension bill that has been reported from the Committee on Invalid Pensions or the Committee on Pensions since I have been a Member of this House.

A few days ago, after the terrific filibustering fight made here by the gentleman from Georgia [Mr. Roddenbery], we found a way to pass the bills. We can do the same thing again. not believe it is wise to come here under a suspension of the rules, with about a third of the membership of the House present, and amend the rules of this House at this stage of the session, particularly when you are picking out private bills, to give them a privilege that no public bill can have.

How much time have I remaining, Mr. Speaker?

The SPEAKER. The gentleman has 15 minutes remaining. Mr. GARRETT. I yield five minutes to the gentleman from

Georgia [Mr. RODDENBERY]

Mr. RODDENBERY. Mr. Speaker, there is no justification for this proposed rule. Any man of common backwoods intelligence, like a country Congressman from the wire-grass section, knows that a legislative body must do business. Even a weakminded Congressman, whose constituency by some oversight have permitted him to break into this great and august body, would recognize that no one Member and no handful of Members could perpetually delay legislation. But I trust that it is not within the power of such a handful of Members to be so potential that it is necessary for the overwhelming Democratic majority to resort to a rule so drastic in its character that it denies the right of amendment and denies the right of fair consideration. Prepare a rule that limits the debate on these private pension bills to an hour or to a reasonable time. Pre-pare a rule that limits the right of amendment within reason and within judgment, and let Members have the privilege of offering them and considering them, and then when that reasonable time is out vote the obstreperous Member and fillbusterer down, if the House so wills, and go on.

But I challenge you to pass in this House the rule now pro-posed which denies absolutely the right of offering an amendment, the right of considering an amendment. If you think it will save any time you may find to the contrary. You could not have reached these bills to-day, even under the existing gag rule, if there had been a desire to filibuster. You can not adopt this un-Democratic rule without making the shades of Cannon and the shadows of DALZELL go into eclipse. [Laughter.] You can not by such procedure dispatch this business. I notify you now that if you pass a rule of this character, without being referred to the regularly selected committee and without being passed on by that committee of our Democratic colleagues constituted for the purpose, that you will have no less a hard time doing business. Whenever the Democratic Committee on Rules considers a rule and gives the right to be heard and offer an amendment-which your rule does not do-I yield to that judgment. Ignore that committee and without notice to the House pass this rule if you will, I prophesy you will save no time.

I have an amendment here now that I would like to offer, realize that under the rules it can not be offered. Member of the 394 public servants can send to the desk at this moment an amendment to your rule and get it considered, and yet you say we have reformed the rules and that Cannonism is overthrown. To perdition with it. [Laughter.]
Mr. GARRETT. Mr. Speaker, I yield five minutes to the gentleman from New York [Mr. FITZGERALD].

Mr. FITZGERALD. Mr. Speaker, I have always followed the Committees on Pensions and Invalid Pensions in their reports on private pension bills, because of the utter impossibility of examining the reports which they submit; and yet I should not wish to put myself in a position of asserting that these committees can never, either inadvertently or otherwise, make errors in including specific cases in such bills and providing additional pensions or special pensions to those seeking relief from the Government.

I recall that early in my service in the House the practice was to report bills separately for each applicant. At that time there was very considerable opposition to some of the bills, opposition to such an extent that it was necessary to abandon the Friday night sessions and to consider the bills on Fridays during the daytime.

The practice later was initiated of passing omnibus pension bills. My experience with these committees has been that it is necessary to have a meritorious case in order to obtain a favorable report. That has been my experience, both under the Democratic control of the House and under the Republican control of the House. Because some individual Members of the House, however, have had an opportunity and have given the time necessary to investigate the individual cases contained in these omnibus bills, and have expressed their opposition to certain of the cases on the floor, is not sufficient to justify me, although it may delay the passage of these bills somewhat, to deprive Members of the House of the opportunity to present whatever material they may obtain in their investigation, and to ask the House to pass upon amendments which they desire to

I am willing to follow the Committee on Pensions and the Committee on Invalid Pensions to all reasonable limits in the passage of omnibus pension bills, but I do not intend to be tied, like the victims of former days, to the charlot of these committees and dragged to the support of these bills regardless of their contents. I shall not vote at this time to support a rule of this character.

Mr. MANN. Will the gentlemn yield?
Mr. FITZGERALD. Yes.
Mr. MANN. Does the gentleman think that the House ought to spend its time on two Fridays a month during the balance of this session considering pension bills, with no possibility of

passing them?

Mr. FITZGERALD. I do not believe that they can not be passed and considered properly. I know of no reason why a very limited time should not be given to general debate and an opportunity given to those gentlemen who have time and do examine the bills to present whatever information they have and to offer whatever amendments they desire. Otherwise the House must assume that the Committees on Pensions and Invalid Pensions, both of the Senate and the House, will never present a case for consideration to this body that is not meritorious. I do not believe that we should be put in a position of being compelled to vote against granting special assistance to several hundred applicants because of some case that might not meet our approval or compelled to refuse to vote for pensions that are meritorious pensions in order to withhold one case that does not meet our judgment. At this stage of the session I do not see the necessity for such action as is proposed in the pending resolution, and I shall not support it. The House could meet at 10 o'clock each Friday morning, if necessary

Mr. MANN. And sit until 10 o'clock at night, if two or three

Members are opposed to the bill.

Mr. FITZGERALD. Oh, it could easily pass the bill.
Mr. FOSTER. Did we not spend a whole day and far into
the night and yet not pass the bill until the Committee on Rules

brought in a special rule?

Mr. FITZGERALD. Mr. Speaker, my sympathies are just as much with the men who will be the beneficiaries of this legislation as are the sympathies of any Member of the House, but I shall not put myself in the position of making it impossible for any Member of the House to point out cases that might not be justified and preventing the House to pass upon such cases. Those who justfy such action may vote for this resolution. I shall not.

The SPEAKER. The time of the gentleman has expired.
Mr. GARRETT. Mr. Speaker, I yield five minutes to the
gentleman from Georgia [Mr. BARTLETT].

Mr. BARTLETT. Mr. Speaker, until this session I never saw a private bill of any sort passed under suspension of the rules, and this is a new departure, not justified by an emergency now existing. One of the great conflicts in this country during the last election was over the protest made against the method by which the business of the House had been conducted under what was known as the Cannon rules, frequently called "gag rules." It was claimed that whenever the Republicans It was claimed that whenever the Republicans desired to do that which they wished to do they passed certain rules, denominated gag rules, and I doubt not that from 20 to 30 seats upon the Democratic side of the House are now being filled by Democrats because of the assault upon that kind of legislation in the House during the sessions in which the Republicans had the majority and when Speaker Cannon was in power. This resolution is but a repetition of the Cannon There are a great number of bills of public improcedure. portance upon the calendar, which many think important and which this Congress should enact into law, or that the Representatives here should have an opportunity to consider and vote upon. In my opinion, there is something else for this Congress to do except to pass pension legislation and private pension bills. I have not during my service thought proper to oppose by a speech, but I have opposed by my vote many times, bills granting pensions when I did not think them meritorious. I voted against the Sulloway bill. I voted against the Sherwood bill. I think this pension legislation has gone far enough, and in many cases too far. Our Government is exceedingly liberal in granting pensions to its soldiers; more so than any other country in the world. I have always felt some delicacy in raising my voice against pension legislation, since I come from a section which at one time was engaged in war with those to whom the pensions are now being granted. I did not feel called upon to raise my voice against granting pensions in cases that appeared meritorious, but I shall not vote for a rule which pro-

poses to wrench from their moorings the staid rules of this House and place in a favorite position private pension bills of every character and give them precedence over legislation of every other kind.

Last Congress there were passed 9,640 private pension bills, and both Houses have passed a service-pension bill; still the calendar is crowded with other private bills. Yet because those in charge of pension bills have not been able to pass them with the celerity and rapidity they desire to do, because some Members of this Congress have seen fit to exercise their constitutional right to be heard in opposition to pension bills, it is now said, in order to crush out a few Members and keep them from being heard, from criticizing those bill and showing their want of merit, that the rules of the House, made after due consideration by a committee, and after being carefully adopted by the House in the beginning of this Congress, are to be changed all at once, without notice to the House, without submitting the matter to the committee of the House to which such matters are usually referred-and for what, Mr. Speaker? That they may have an opportunity further to swell the pension roll by special bills, and if there shall be cases not meritorious to be considered on Fridays in any of the omnibus bills no man shall have an opportunity to move to strike them out. The gentleman from Missouri [Mr. Russell] and his associates have raised the pension flag and propose, with the aid of this resolution, to march on, over all opposition, and to trample beneath their feet the orderly, legitimate way of proceeding that the House has marked out by the establishment of rules for the government of the public business. I protest against such a new departure and such radical change of the rules.

The SPEAKER. The time of the gentleman from Georgia has expired.

Mr. GARRETT. Mr. Speaker, does the gentleman from Missouri desire to consume some of his time now?

Mr. RUSSELL. No. We will have only one speech remaining

Mr. GARRETT. Mr. Speaker, I repeat again what I said in the beginning, that personally I have never been illiberal

toward pensions or special pension bills. But I have not during my service here at any time seen the

occasion arise for putting into the general rules of the House. nor have I ever seen the effort made before to put into the general rules of the House, a proposition to pass an omnibus pension bill under suspension. This proposition, Mr. Speaker, pension bill under suspension. This proposition, Mr. Speaker, has not been introduced into the basket and considered by the committee charged with the consideration of such matters in this House. No reasons have been assigned for it before that committee, because it has not been before the committee. No reasons have been assigned for it here on the floor, because there is no reason to justify such an amendment to the general rules of this House at this stage of the session.

The SPEAKER. The question is upon suspending the rules

and adopting this order.

Mr. RUSSELL. Mr. Speaker, I yield the balance of my time

to the gentleman from Alabama [Mr. UNDERWOOD].

Mr. UNDERWOOD. Mr. Speaker, this order does not change the rules of the House. It is not an unusual thing in the procedure of this House to pass an order regulating the business of the House under suspension of the rules. It has been done repeatedly before. Now the question of how these bills shall be passed, as to whether they should be taken up in the regular way or whether they should be passed under suspension of the rules, is not a matter that is involved here. These bills could be passed, if the chairmen of the committees or those having them in charge desired to do so, and they had time to do so, in the regular way on Friday. It is in order for any man in this House, or the chairman of any committee, to move to suspend the rules and pass any proposition in this House on suspension Mondays, provided he is recognized for that purpose. that is done by this order is this: The chairmen of the Pensions Committees have obtained recognition on suspension Mondays to pass pension bills to the exclusion of practically every other business that comes before this House. The pressure of great public business-appropriations bills, revenue bills, and other general legislation-is such that there are very few days left for the disposition of the private business of the House. It is practically limited to suspension days, on which unanimous consent may be had, and to Calendar Wednesdays. we all know that there will be very few bilis passed between now and the close of the session on Calendar Wednesdays, because the chairmen of committees bring up their most important bills on Calendar Wednesday that bring on debate, and one committee will consume two days, or the Calendar Wednesdays of two weeks. The result is that in order that the Members of this House may have an opportunity to pass practically uncon-

tested bills they must have the right to get recognition on Mondays to suspend the rules. Now, there is nothing revolutionary or radical or reactionary in suspending the rules. It has come down since the first Congress. There has never been any criticism about passing a bill under suspension of the rules; and Because it takes a two-thirds vote of the membership of this House to pass any resolution or bill on a motion to suspend the rules, and it has always been assumed by the membership of this House and the country at large that if a bill required amendment in important particulars, if it did not have a conclusive majority of the House as it was written and presented, that you could not command to its support a two-thirds vote in

the House. Now, the only proposition here is—
The SPEAKER. The time of the gentleman has expired; all time has expired. The question is, Shall the rules be suspended and the order adopted?

The question was taken.

The SPEAKER. In the judgment of the Chair—Mr. GARRETT and Mr. RODDENBERY. Division, Mr. Speaker.

The House divided; and there were—ayes 77, noes 23.
Mr. HENRY of Texas. Mr. Speaker, I make the point of order that there is no quorum present.
The SPEAKER. The Chair will count. [After counting.]

One hundred and fifteen gentlemen are present, not a quorum. The Doorkeeper will close the doors

Mr. HENRY of Texas. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER. The gentleman from Texas moves that the House do now adjourn.

The question was taken, and the Chair announced the noes seemed to have it.

Mr. HENRY of Texas. Division, Mr. Speaker.

The House divided; and there were-ayes 29, noes 79.

So the House refused to adjourn.

Mr. HENRY of Texas. Mr. Speaker, I demand the yeas and

The SPEAKER. Seventeen gentlemen have arisen, not a sufficient number. The Doorkeeper will close the doors, the Sergeant at Arms will notify absentees, and the roll will be called on the motion to suspend the rules and adopt this order.

The question was taken; and there were—yeas 151, nays 57, answered "present" 7, not voting 176, as follows:

	YEAS	-151.	
Adair Alken, S. C. Akin, N. Y. Alexander Allen Ames Anderson, Minn. Anderson, Ohlo	Difenderfer Dixon, Ind. Dodds Doremus Draper Driscoll, M. E. Dyer Esch	Langley Lawrence Lenroot Lewis Lindbergh Lloyd Lobeck Longworth McGillienddy	Raker Rauch Rees Heilly Richardson Rubey Rucker, Mo. Russell
Ashbrook Austin Barnhart Bathrick Boehne Booher Bown Brown	Estopinal Farr Foster Fowler Francis French Gardner, Mass, Garduer, N. J.	McKinley McKinney McLaughlin Maguire, Nebr. Maher Malby Mann	Shackleford Sharp Sherwood Sloan Smith, J. M. C. Smith, Saml. W. Smith, N. Y. Speer Stephens, Cal.
Browning Buchanan Bulkley Burgess Burke, S, Dak, Burke, Wis, Burnett Butler	George Goeke. Good Graham Gray Greene, Mass. Gregg, Pa. Hamilton, Mich.	Martin, Colo. Martin, S. Dak. Moon, Tenn. Morgan Morrison Murdock Murray Needham	Stephens, Nebr. Stone Sulloway Sulzer Sweet Switzer Taggart
Cannon Cantrill Catlin Claypool Cooper Cullop Currier Curry	Hammond Hangen Hawley Helgesen Howland Humphreys, Miss. Kendall	Neeley Norris Nye O'Shaunessy Padgett Payne Pepper Peters	Taylor, Colo. Towner Underhill Underwood Volstead Warburton Wedemeyer Whitacre
Danforth Daugherty Davenport Davis, Minn. Denver Dickinson	Knowland Konop Kopp Korbly Lafferty La Foliette	Pickett Plumley Porter Post Pray Prouty S-57.	White Wilder Willis Young, Kans. Young, Mich.
Bartlett		Hughes, N. J.	Clauden
Beall, Tex. Bell, Ga. Borland Burleson Byrnes, S. C. Candler Carlin Clayton Collier Dies Dupré Edwards Evans	Fergusson Finley Fitzgerald Garner Garrett Godwin, N. C. Goodwin, Ark Gregg, Tex. Hardy Harrison, Miss. Hay Helm Henry, Tex. Holland	Hull Johnson, S. C. Jones Kitchin Linthicum McCoy Mncon Oldfield Redfield Roddenbery Saunders Sherley Sims	Slayden Smith, Tex. Stedman Stephens, Miss. Stephens, Tex. Tribble Turnbull Tuttle Watkins Wickliffe Witherspoon Young, Tex.
Faison	Hughes, Ga.	Sisson	

James McMorran ING—176. Kindred Kinkaid, Nebr. Kinkead, N. J. Konig	Talbott, Md. Pujo Rainey
ING—176. Kindred Kinkaid, Nebr. Kinkead, N. J.	Rainey
Kindred Kinkaid, Nebr. Kinkead, N. J.	Rainey
Kinkaid, Nebr. Kinkead, N. J.	Rainey
Kinkead, N. J.	Rainey
	Randell, Tex.
Lafean	Ransdell, La.
Lamb	Reyburn Riordan
Laugham	Roberts, Mass.
	Roberts, Nev.
Lec. Pa.	Robinson
Legare	Rodenberg
Lever	Rothermel
Levy	Rouse
Lindsay	Rucker, Colo.
Littlepage	Sabath
	Scully
	Sells
	Sheppard Simmons
	Slemp
	Small
	Smith, Cal.
	Sparkman
McKenzie	Stack
Madden	Stanley
Matthews	Steenerson
	Sterling
	Stevens, Minn.
	Talcott, N. Y.
Moon, Pa.	Taylor, Ala.
Moore, Pa.	Taylor, Ohio
Moore, 1ex.	Thayer
Morse, Wis.	Thistlewood Thomas
	Tilson
	Townsend
	Utter
	Vreeland
Palmer	Webb
Parran	Weeks
Patten, N. Y.	Wilson, Ill.
Patton, Pa.	Wilson, N. Y.
	Wilson, Pa.
Powers	Wood, N. J
	Woods, Iowa
	Lee, Ga. Lee, Pa. Lee, Pa. Lee, Pa. Lee, Pa. Leyre Lever Levy Lindsay Littlepage Littleton Loud McCall McCreary McBermott McGulre, Okla. McHenry McKellar McKenzle Madden Matthews Mays Miller Moone, Pa. Moore, Pa. Moore, Tex. Moore, Tex. Moss, Ind. Mott Nelson Olmsted Page Palmer Parran Patten, N. Y.

Mr. BLACKMON with Mr. BARCHFELD.

Mr. CALLAWAY with Mr. BATES.

Mr. Brantley with Mr. Bartholdt.

Mr. CLINE with Mr. CALDER.

Mr. Carter with Mr. Burke of Pennsylvania.

Mr. Covington with Mr. Hill.

Mr. Cox of Ohio with Mr. CARY. Mr. CRAVENS with Mr. COPLEY.

Mr. CURLEY with Mr. CRUMPACKER.

Mr. Davis of West Virginia with Mr. Dalzell.

Mr. DENT with Mr. FOCHT.

Mr. DICKSON of Mississippi with Mr. GILLETT.

Mr. DONOHOE with Mr. FORDNEY

Mr. DANIEL A. DRISCOLL with Mr. GREEN of Iowa.

Mr. ELLERBE with Mr. GUERNSEY

Mr. FLOOD of Virginia with Mr. HARRIS.

Mr. FLOYD of Arkansas with Mr. HAYES. Mr. Goldfogle with Mr. HEALD.

Mr. HAMLIN with Mr. HENRY of Connecticut.

Mr. HARDWICK with Mr. CAMPBELL.

Mr. Sabath with Mr. Wood of New Jersey.

Mr. STANLEY with Mr. HOWELL.

Mr. TALCOTT of New York with Mr. HUBBARD.

Mr. THOMAS with Mr. Hughes of West Virginia.

Mr. HARRISON of New York with Mr. JACKSON.

Mr. HAYDEN with Mr. KAHN.

Mr. HEFLIN with Mr. KENT.

Mr. Johnson of Kentucky with Mr. Kinkaid of Nebraska.

Mr. KINDRED with Mr. McCREARY.

Mr. KINKEAD of New Jersey with Mr. McGuire of Oklahoma.

Mr. Konig with Mr. McKenzie.

Mr. LAMB with Mr. MILLER.

Mr. Lee of Georgia with Mr. Mondell. Mr. Lee of Pennsylvania with Mr. Moore of Pennsylvania.

Mr. LEGARE with Mr. Morr.

Mr. LEVY with Mr. NELSON.

Mr. LEVER with Mr. OLMSTED.

Mr. McKellar with Mr. Patton of Pennsylvania.

Mr. PAGE with Mr. PRINCE.

Mr. Palmer with Mr. Roberts of Massachusetts.

Mr. PATTEN of New York with Mr. Powers.

Mr. Pou with Mr. Roberts of Nevada.

Mr. RANDELL of Texas with Mr. Sells.

Mr. ROTHERMEL with Mr. SMITH of California.

Mr. Rouse with Mr. Steenerson.

Mr. Rucker of Colorado with Mr. Sterling. Mr. Webb with Mr. Taylor of Ohio.

Mr. Wilson of New York with Mr. VREELAND.

Mr. McHenry with Mr. Weeks.

Mr. Wilson of Pennsylvania with Mr. Wilson of Illinois.

Mr. Doughton with Mr. Woods of Iowa.

Mr. GUDGER with Mr. SIMMONS. Mr. Howard with Mr. LAFEAN.

Mr. Moss of Indiana with Mr. UTTER.

Mr. Houston with Mr. Moon of Pennsylvania.

Mr. Gallagher with Mr. Fuller. Mr. Mays with Mr. Thistlewood.

Mr. CLARK of Florida with Mr. LANGHAM. Mr. TAYLOR of Alabama with Mr. RODENBERG.

Mr. Hobson with Mr. FAIRCHILD.

Mr. Byrns of Tennessee with Mr. Tilson.

Mr. McDermott with Mr. Foss. Mr. LITTLEPAGE with Mr. HARTMAN. Mr. Littleton with Mr. Dwight.

Mr. CONNELL with Mr. KENNEDY. Mr. THAYER with Mr. GRIEST.

Mr. FIELDS with Mr. CRAGO. Mr. HINDS with Mr. GOULD. Mr. RAINEY with Mr. MADDEN.

Mr. Cox of Indiana with Mr. REYBURN. Mr. TALBOTT of Maryland with Mr. PARRAN.

Mr. SPARKMAN with Mr. DAVIDSON.

Mr. Pujo with Mr. McMorran.

For the session:

Mr. Adamson with Mr. Stevens of Minnesota.

Mr. GLASS with Mr. SLEMP. Mr. Fornes with Mr. BRADLEY.

Mr. RIORDAN with Mr. ANDRUS. Until April 16:

Mr. James with Mr. McCall.

Until April 21:

Mr. Hamilton of West Virginia with Mr. DE FOREST.

Until May 4: Mr. Hensley with Mr. Hanna.

Mr. TALBOTT of Maryland. Mr. Speaker, how am I re-

The SPEAKER. In the affirmative.
Mr. TALBOTT of Maryland. I am paired with the gentleman from Maryland, Mr. PARRAN, and I wish to withdraw my vote and vote "Present."

The SPEAKER. On this vote the yeas are 151, nays 57, present 7. Two-thirds having voted in the affirmative, the rules are suspended and the order is adopted. A quorum being present, the Doorkeeper will open the doors, and further proceedings under the call will be dispensed with.

ADJOURNMENT.

Mr. UNDERWOOD. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 45 minutes p. m.) the House adjourned until Tuesday, April 16, 1912, at 12 o'clock m.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, a letter from the Secretary of War, calling attention to H. R. 16820, relating to the subject of furnishing information from official records for the use of the Court of Claims and the Department of Justice and recommending that section 4 of the bill be stricken out (H. Doc. No. 687), was taken from the Speaker's table, referred to the Committee on War Claims, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rulė XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. AUSTIN, from the Committee on Public Buildings and

Grounds, to which was referred the bill (H. R. 21481) providing for the sale of the old marine-hospital site at Ocracoke, N. C., reported the same with amendment, accompanied by a report (No. 550), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. JOHNSON of Kentucky, from the Committee on the District of Columbia, to which was referred the bill (H. R. 21712) to amend section 808 of the Code of Law for the District of Columbia, reported the same without amendment, accompanied by to the Committee on Ways and Means.

a report (No. 552), which said bill and report were referred to the House Calendar.

He also, from the same committee, to which was referred the bill (H. R. 21714) to amend section 851b of Chapter XIX of Subchapter II of the Code of Law for the District of Columbia, reported the same without amendment, accompanied by a report (No. 553), which said bill and report were referred to the House Calendar.

He also, from the same committee, to which was referred the bill (H. R. 21710) to amend section S42 of the Code of Law for the District of Columbia, reported the same without amendment, accompanied by a report (No. 554), which said bill and report were referred to the House Calendar.

He also, from the same committee, to which was referred the bill (H. R. 21709) to amend section 851a of Chapter XIX of Subchapter II of the Code of Law for the District of Columbia, reported the same without amendment, accompanied by a report (No. 555), which said bill and report were referred to the House Calendar.

Mr. GARNER, from the Committee on Foreign Affairs, to which was referred the joint resolution (H. J. Res. 255) directing the Secretary of State to investigate claims of American citizens growing out of the late insurrection in Mexico, determine the amounts due, if any, and press them for payment, reported the same without amendment, accompanied by a report (No. 556), which said bill and report were referred to the House Calendar.

Mr. JOHNSON of Kentucky, from the Committee on the District of Columbia, to which was referred the bill (H. R. 8615) to require the Chesapeake & Ohio Canal Co. to build and maintain bridges, etc., over the Chesapeake and Ohio Canal, reported the same with amendment, accompanied by a report (No. 557), which said bill and report were referred to the House Calendar.

He also, from the same committee, to which was referred the bill (H. R. 22010) to amend the license law, approved July 1, 1902, with respect to licenses of drivers of passenger vehicles for hire, reported the same with amendment, accompanied by a report (No. 558), which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. RICHARDSON, from the Committee on Pensions, to which was referred the bill (S. 5194) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and certain widows and dependent relatives of such soldiers and sailors, reported the same with amendment, accompanied by a report (No. 551), which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials

were introduced and severally referred as follows:
By Mr. MOON of Tennessee: A bill (H. R. 23345) to fix the true boundaries of the Crest Road on Mission or Missionary Ridge, in Hamilton County, Tenn.; to the Committee on Military Affairs

By Mr. KONIG: A bill (H. R. 23346) appropriating a certain sum of money to make practical tests of the Pioneer safety device; to the Committee on Naval Affairs.

By Mr. FERGUSSON: A bill (H. R. 23347) granting public lands to the State of New Mexico for the construction and maintenance of public roads and bridges in the State of New Mexico; to the Committee on the Public Lands.

By Mr. CURRIER: A bill (H. R. 23348) to amend section 4886 of the Revised Statutes, relating to patents; to the Committee on Patents.

By Mr. HENRY of Texas: A bill (H. R. 23349) providing for publicity of contributions and expenditures for the purpose of influencing or securing the nomination of candidates for the offices of President and Vice President of the United States; to the Committee on Election of President, Vice President, and Representatives in Congress.

By Mr. CURRY: A bill (H. R. 23350) granting public lands to the State of New Mexico for the construction of public roads

and bridges; to the Committee on the Public Lands.

By Mr. TAYLOR of Colorado: A bill (H. R. 23351) to amend an act entitled "An act to provide for an enlarged homestead"; to the Committee on the Public Lands.

By Mr. PETERS: A bill (H. R. 23352) regulating the manner of appointing collectors of internal revenue and other officials;

By Mr. SAUNDERS: Resolution (H. Res. 494) providing for consideration of an amendment to the Post Office appropriation bill; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions

were introduced and severally referred as follows

By Mr. ANDERSON of Ohio: A bill (H. R. 23353) granting pension to Sarah H. Deyo; to the Committee on Invalid Pensions.

Also, a bill (H. R. 23854) granting an increase of pension to John Hartshuh; to the Committee on Invalid Pensions.

By Mr. ANSBERRY: A bill (H. R. 28355) granting a pension

to Edwin V. Butler; to the Committee on Pensions.

By Mr. BARNHART: A bill (H. R. 23356) granting an increase of pension to John A. Mow; to the Committee on Invalid Pensions.

Also, a bill (H. R. 23357) granting an increase of pension to Theodore Eberly; to the Committee on Invalid Pensions.

By Mr. BARTHOLDT: A bill (H. R. 23358) for the relief of

Eulalie Shores; to the Committee on War Claims.

By Mr. BROWN: A bill (H. R. 23359) for the relief of the heirs of Abraham Parsons, deceased; to the Committee on War

By Mr. BURKE of South Dakota: A bill (H. R. 23360) granting a pension to Henry Sparman; to the Committee on Pensions

By Mr. BURKE of Wisconsin: A bill (H. R. 23361) granting an increase of pension to William W. Potter; to the Committee on Invalid Pensions.

By Mr. DAVIS of West Virginia: A bill (H. R. 23362) granting a pension to Walter Zogg; to the Committee on Pensions.

By Mr. DICKINSON: A bill (H. R. 23363) for the relief of Benjamin F. Follin; to the Committee on Military Affairs.

By Mr. DYER: A bill (H. R. 23364) for the relief of the

heirs of Mary E. Neale; to the Committee on the District of Columbia.

By Mr. EDWARDS; A bill (H. R. 23365) for the relief of Levy E. Byck; to the Committee on War Claims, By Mr. FARR: A bill (H. R. 23366) granting an increase of

pension to Orlando Utter; to the Committee on Invalid Pensions.

Also, a bill (H. R. 23367) granting an increase of pension to Amos Smith; to the Committee on Invalid Pensions.

By Mr. FOWLER: A bill (H. R. 23368) granting a pension to Nancy E. Shelton; to the Committee on Invalid Pensions.

By Mr. GOEKE: A bill (H. R. 23369) granting an increase of pension to George W. Murray; to the Committee on Invalid

By Mr. GOULD: A bill (H. R. 23370) granting an increase of pension to Thomas A. Harvey; to the Committee on Invalid Pensions.

Also, a bill (H. R. 23371) granting an increase of pension to John A. Hartshorn; to the Committee on Invalid Pensions.

By Mr. HAWLEY: A bill (H. R. 28372) granting a pension to

Frederick Loose; to the Committee on Pensions.

By Mr. HAYES: A bill (H. R. 23373) to patent certain semiarid lands to Luther Burbank; to the Committee on the Public Lands.

By Mr. JOHNSON of Kentucky: A bill (H. R. 23374) for the relief of Emma P. Barbour; to the Committee on War Claims.

Also, a bill (H. R. 23375) for the relief of Henry C. Adams and others; to the Committee on War Claims.

By Mr. KONIG: A bill (H. R. 23376) granting a pension to Margaret Parrott; to the Committee on Invalid Pensions.

Also, a bill (H. R. 23377) granting a pension to Daniel Mc-Faul: to the Committee on Invalid Pensions.

A'so, a bill (H. R. 23378) granting a pension to Albert Cul-

lotta: to the Committee on Invalid Pensions. Also, a bill (H. R. 23379) granting a pension to Joseph P.

Butler; to the Committee on Invalid Pensions. Also, a bill (H. R. 23380) granting a pension to Edna V.

Scates; to the Committee on Invalid Pensions.

Also, a bill (H. R. 23381) granting a pension to Eliza Degenhard; to the Committee on Invalid Pensions.

Also, a bill (H. R. 23382) granting a pension to Annie Josephine Walsh; to the Committee on Invalid Pensions.

Also, a bill (H. R. 23383) granting a pension to Charles B. Scholz; to the Committee on Invalid Pensions.

Also, a bill (H. R. 23384) granting a pension to John J. French; to the Committee on Invalid Pensions.

Also, a bill (H. R. 23385) granting a pension to Frank B. Shaffar; to the Committee on Invalid Pensions.

Also, a bill (H. R. 23386) granting an increase of pension to James Boyer; to the Committee on Invalid Pensions.

Also, a bill (H. R. 23387) granting an increase of pension to Sybilic Grossart; to the Committee on Invalid Pensions.

By Mr. KONOP: A bill (H. R. 23888) granting an increase of

pension to Augustine Babcock; to the Committee on Invalid Pensions.

By Mr. LANGLEY: A bill (H. R. 23389) granting an increase of pension to Sarah Wolford; to the Committee on Invalid Pensions

By Mr. LEVER: A bill (H, R. 23890) for the relief of Gibbes

Lykes; to the Committee on Military Affairs.

By Mr. MACON: A bill (H. R. 23391) granting an increase of pension to Abijah H. Harris; to the Committee on Invalid

By Mr. MOON of Tennessee: A bill (H. R. 23392) authorizing the Secretary of War to grant to S. W. Divine, of Chattanooga, Tenn., right of way for the construction of an electric railway through Chickamauga and Chattanooga National Mili-

tary Park; to the Committee on Military Affairs.
By Mr. O'SHAUNESSY: A bill (H. R. 23393) granting an increase of pension to Margaret Smith; to the Committee on

Invalid Pensions

By Mr. PEPPER: A bill (H. R. 23894) for the relief of D. M.

Rowland; to the Committee on Claims.

By Mr. POU: A bill (H. R. 23395) to pay certain employees the Government for injuries received while in discharge of their duties as employees of the Isthmian Canal Commission; to the Committee on Claims.

By Mr. POWERS: A bill (H. R. 23396) for the relief of T. Z.

Shelton; to the Committee on War Claims.

Also, a bill (H. R. 23397) for the relief of Mrs. A. M. Phelps;

to the Committee on War Claims.

Also, a bill (H. R. 23398) for the relief of G. B. Turner; to

the Committee on War Claims.

Also, a bill (H. R. 23899) granting an increase of pension to Paul Sargent; to the Committee on Pensions. By Mr. PROUTY: A bill (H. R. 23400) granting a pension to

William Lever; to the Committee on Invalid Pensions.

Also, a bill (H. R. 23401) granting a pension to Isaac Wil-

liams; to the Committee on Invalid Pensions.

By Mr. SHACKLEFORD: A bill (H. R. 28402) granting a pension to Mary Sorter; to the Committee on Invalid Pensions. By Mr. SLOAN: A bill (H. R. 23403) granting an increase

of pension to Richard Rush Schick; to the Committee on Invalid

By Mr. SMITH of California; A bill (H. R. 23404) granting an increase of pension to John W. Foot; to the Committee on Invalid Pensions

By Mr. UNDERHILL: A bill (H. B. 23405) granting an increase of pension to Charles M. Hart; to the Committee on Invalid Pensions.

By Mr. BROWN: A bill (H. R. 23406) granting an increase of pension to J. E. Murdock; to the Committee on Invalid

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER: Memorial of the New York Board of Trade and Transportation, for increased compensation for commissioned medical officers of the Public Health and Marine-Hospital Service of the United States: to the Committee on Interstate and Foreign Commerce.

By Mr. ANDERSON of Minnesota: Petition of Henry Kitzman and four others, of Hammond, Minn., against extension of the parcel-post system; to the Committee on the Post Office and Post Roads.

By Mr. ASHBROOK : Petition of B. A. White and seven other citizens of Newark, Ohio, against the enactment of interstate-commerce liquor legislation; to the Committee on the Judiciary.

By Mr. AYRES: Memorial of the American Cotton Manufacturers' Association, protesting against legislation prohibiting

dealing in futures; to the Committee on Agriculture.

By Mr. BARNHART: Petition of citizens of New Paris, Ind., against the Lever oleomargarine bill and in favor of the Haugen bill: to the Committee on Agriculture.

By Mr. BURKE of Wisconsin: Petitions of Stevens Point Mannerchor, of Stevens Point, Wis., against the passage of all prohibition or interstate-commerce liquor measures now pending; to the Committee on the Judiciary.

Also, memorial of the German-American Alliance Society of Antigo, Wis., against the passage of all prohibition or interstatecommerce liquor measures now pending; to the Committee on the Judiciary

By Mr. DAVIS of West Virginia: Petition of the employees of Whittaker Glessner Co., Wheeling, W. Va., against the Under-

wood bill, revising the iron and metal schedule; to the Committee on Ways and Means.

By Mr. DANIEL A. DRISCOLL: Memorial of Buffalo Lodge, No. 1, Shipmasters' Association, protesting against increasing the flow of water from Lake Michigan down through the Chi-

cago River; to the Committee on Rivers and Harbors.

Also, memorial of the Polish Unity Paper, Polish or Ameryca, and Branch No. 242, Polish National Alliance Society, and Polish Falcon Gymnastic Society, Branch No. 255, and Kolko Polik Charity Society, all of Buffalo, N. Y., against passage of hill for adversional test. bill for educational test; to the Committee on Immigration and Naturalization.

Also, memorial of the Buffalo (N. Y.) Chamber of Commerce, relative to improvement of the port of Buffalo, N. Y.; to the Committee on Rivers and Harbors.

By Mr. DYER: Petition of the St. Louis Branch, National Metal Trades Association, and Merchants' Exchange of St. Louis, Mo., for passage of Senate bill 3; to the Committee on Agriculture.

Also, papers to accompany House bill 4827; to the Committee

on Military Affairs.

Also, petition of F. B. Mumford, dean of the College of Agriculture, University of Missouri, for enactment of House bill 22871; to the Committee on Agriculture.

Also, memorial of the St. Louis Railway Club, indorsing House bill 16450; to the Committee on the Judiciary.

Also, memorials of the Postal Record of Washington, D. C., and Railway Mail Association, indorsing certain sections of the Post Office appropriation bill; to the Committee on the Post Office and Post Roads.

Also, petition of the National Civic League, for enactment of Senate bill 5382, providing for a workmen's compensation law;

to the Committee on the Judiciary

Also, petition of the Order of Knights of Labor, for a retirement law for policemen and firemen in the District of Columbia; to the Committee on the District of Columbia.

Also, petition of Camp Lorence B. De Witt, Army of the Philippines, protesting against reduction in the Cavalry arm of

the Army; to the Committee on Military Affairs.

By Mr. FORNES: Petition of the American Cotton Manufacturers' Association, relative to the sale and purchase of cotton to be delivered on contract on the cotton exchanges; to the Committee on Agriculture.

Also, memorial of the New York State delegation to the National Rivers and Harbors Congress, relative to development of waterways in the State of New York; to the Committee on Rivers and Harbors.

Also, memorial of Calvin Tompkins, commissioner of docks of New York City, relative to cooperation of the National Government with the city of New York in dredging Jamaica Bay; to the Committee on Rivers and Harbors.

By Mr. FULLER: Petition of H. Mueller Manufacturing Co., of Decatur, Ill., in favor of 1-cent letter postage; to the Com-

mittee on the Post Office and Post Roads.

Also, petition of George Christiansen and others, of Rockford, Ill., in favor of the construction of one battleship in a Government navy yard; to the Committee on Naval Affairs.

Also, petition of the Cleveland Chamber of Commerce, of Cleveland, Ohio, concerning proposed legislation affecting business combinations, etc.; to the Committee on the Judiciary.

By Mr. GUERNSEY: Petition of citizens of the State of

favoring passage of the Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. KAHN: Petition of the Edison Moving Picture Co., San Francisco, Cal., favoring House bill 20595; to the Committee on Patents.

Also, petition of the Norton Teller Co., West Creameries Co., and Kinsman & Miller, all of San Francisco, Cal., favoring House bill 21225, to make oleomargarine and butter of different colors; to the Committee on Agriculture.

Also, petition of the Silver Palace Theater, San Francisco, Cal., favoring House bill 20595, to amend section 25 of the copyright act of 1909; to the Committee on Patents.

Also, petition of the Brotherhood of Ratiroad Trainmen, Lodge No. 198, San Francisco, Cal., favoring House bill 20487, known as the Federal accident-compensation act; to the Committee on the Judiciary.

Also, petition of the Bank of California, San Francisco, Cal.,

favoring Senate bill 5735, a bill to enable the President to propose and invite foreign governments to participate in an international conference to promote an international inquiry into the causes of the high cost of living throughout the world; to the Committee on Foreign Affairs.

By Mr. LA FOLLETTE. Petition of citizens of Synarep, Wash., urging an investigation of the indictments of the Appeal to Reason editors; to the Committee on Rules.

Also, petition of members of Noble Grange, No. 494, Penrith, Wash, urging adequate parcel post and opposing any change in present oleomargarine law; to the Committee on the Post Office and Post Roads.

Also, petition of citizens of Clarkston, Wash., urging an investigation of the indictment of the Appeal to Reason editors;

to the Committee on Rules.

Also, petition of citizens of Synarep, Wash., urging the passage of a parcel-post law; to the Committee on the Post Office and Post Roads.

Also, petition of merchants of Garfield and Palouse, Wash., protesting against parcel-post legislation; to the Committee on

the Post Office and Post Roads.

Also, petition of members of the Improved Order of Red Men, Spokane, Wash., urging the erection of an American Indian memorial and museum building in Washington City; to the Committee on Public Buildings and Grounds.

By Mr. LLOYD: Petition of the Woman's Christian Temperance Union of Gibbs, Mo., favoring the Kenyon-Sheppard inter-

state liquor bill; to the Committee on the Judiciary

Also, petition of citizens of Missouri, favoring the building of one battleship in a Government navy yard; to the Committee on Naval Affairs.

Also, petitions of citizens of Deadwood, S. Dak., the State of Texas, and Augusta Council, United Commercial Travelers, protesting against parcel-post legislation; to the Committee on

the Post Office and Post Roads.

By Mr. McCOY: Petition of the Woman's Christian Temperance Union of Lambertville, N. J., for passage of the Kenyon-Sheppard interstate liquor bill; to the Committee on the Ju-

By Mr. McGILLICUDDY: Petition of citizens of Waldoboro, Me., favoring passage of the Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. MARTIN of South Dakota: Petition of the farmers

of the Northwest, urging repeal of reciprocity before Canada puts it into effect; to the Committee on Ways and Means,
By Mr. MOON of Tennessee: Memorial of the Mission

Ridge Business League, relative to building a certain roadway in the State of Tennessee; to the Committee on Military Affairs.

Also, papers to accompany bill to authorize S. W. Divine and associates to construct an electric railway through Chickamauga and Chattanooga National Military Park, at Chattanooga, Tenn.; to the Committee on Military Affairs.

Mr. NEEDHAM: Memorial of the San Diego Chamber of Commerce, for enactment of House bill 20044, for improvement of the foreign service; to the Committee on Foreign Affairs.

Also, memorial of the San Diego (Cal.) Chamber of Commerce, protesting against placing sugar on the free list; to the Committee on Ways and Means.

Also, petition of S. Glen Andrus and others, of Sacramento, Cal., for an appropriation to fight the Mediterranean fly; to the Committee on Agriculture.

Also, memorial of the Native Daughters of the Golden West, urging that the United States Government acquire the Calaveras or Mammoth Grove of Big Trees; to the Committee on the Public Lands.

Also, petition of the American Cotton Manufacturers' Association, relative to the sale and purchase of cotton to be delivered on contract on the cotton exchanges; to the Committee on Agriculture.

Also, memorial of the council of the city of Berkeley, Cal., for coinage of 3-cent pieces; to the Committee on Coinage, Weights, and Measures.

Also, petitions of residents of Del Rey, Fowler, and Selma, Cal., for enactment of House bill 14, providing for a general parcel-post system; to the Committee on the Post Office and Post Roads.

Also, petition of residents of Tracy, Cal., for construction of battleships in Government navy yards; to the Committee on Naval Affairs.

By Mr. NYE: Petition of citizens of Minneapolis, Minn., favoring the passage of the Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. REDFIELD: Memorial of New York Board of Trade and Transportation, for increased compensation for commissioned medical officers of the Public Health and Marine-Hospital Service of the United States; to the Committee on Interstate and Foreign Commerce.

Also, memorial of the Chamber of Commerce, State of New York, favoring a change in the navigation laws of the United States that will permit its citizens to purchase tonnage in the cheapest market, own it in their own names, sail it under the flag of the United States, and operate it on a competitive basis

of cost with the tonnage of other nations; to the Committee on the Merchant Marine and Fisheries.

Also, memorial of the Chamber of Commerce of the State of New York, believing that the Panama Canal when completed should be open to all tonnage, irrespective of ownership, protests against any legislation which departs in any degree from that broad and equitable policy; to the Committee on Interstate and Foreign Commerce.

By Mr. RUCKER of Colorado: Petition of M. F. Weyerts and others, of Amherst; of Dick Rohwer and others, of Dover; of W. H. Perry and others, of Haxton; and of J. W. Tunnicliff, of Castle Rock, Colo., favoring the Haugen bill (H. R. 21225) and opposing House bill 18493; to the Committee on Agriculture.

By Mr. SISSON: Petition of citizens of Belzoni, Miss., for changing the place of holding Federal court for the northern district of Mississippi from Oxford to Grenada; to the Committee on the Judiciary.

By Mr. SMITH of New York: Petition of Chaffee (N. Y.) Grange, No. 987, against passage of any bill favorable to the sale of oleomargarine in competition with butter; to the Committee on Agriculture.

Also, petition of Buffalo Lodge, No. 1, Shipmasters' Association, protesting against increasing the flow of water from Lake Michigan down through the Chicago River; to the Committee on Rivers and Harbors.

By Mr. SULZER: Petition of residents of the State of Washington, for enactment of House bill 14, providing for a general parcel-post system; to the Committee on the Post Office and Post Roads.

Also, petition of the Committee on Industrial Relations, for appointment of a Federal commission on industrial relations; to the Committee on Rules.

Also, memorial of the Postal Record, of Washington, D. C., indorsing section 5 of the Post Office appropriation bill, to limit the hours of labor of letter carriers and post-office clerks to eight hours each day; to the Committee on the Post Office and Post Roads.

By Mr. TALBOTT of Maryland: Petition of citizens of Carroll County, Md., asking that the memorial to President Lincoln be a highway between Washington, D. C., and Gettysburg, Pa.; to the Committee on the Library.

By Mr. TILSON: Memorial of Emerson W. Liscum Camp, No. 12, Department of Connecticut, United Spanish War Veterans, favoring passage of House bill 17470, providing for the widows and orphans of veterans of the Spanish War; to the Committee on Pensions.

By Mr. UNDERHILL: Petition of the American Cotton Manufacturers' Association, relative to the sale and purchase of cotton to be delivered on contract on the cotton exchanges; to the Committee on Agriculture.

Also, petition of citizens of Canister, and of the Canister Prohibition League of Canister, and of the Steuben County Prohibition Committee, of Canister, State of New York, favoring passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary

By Mr. WEDEMEYER: Petition of citizens of Addison, favoring passage of the Kenyon-Sheppard interstate Mich., favoring passage of the Kenyon-She liquor bill; to the Committee on the Judiciary.

By Mr. WHITE: Petition of members of Tandy Ridge Grange. Zanesville, Ohio, for parcel-post legislation; to the Committee on the Post Office and Post Roads.

SENATE.

TUESDAY, April 16, 1912.

The Senate met at 12 o'clock m. The Chaplain, Rev. Ulysses G. B. Pierce, D. D., offered the fol-

lowing prayer:

Almighty God, our heavenly Father, who art the confidence of all the ends of the earth and of them that are afar off upon the sea, our hearts are overwhelmed within us because of the sore distress of our people and the sad fate that has overtaken our brethren in the great deep. In all their afflictions we are afflicted. And to whom may we turn, O Lord, but to Thee, who art our refuge and our strength and a very present help in trouble? Thou art the eternal God and Thou art our refuge. Thou hast been our dwelling place in all generations. The sea is Thine and Thou hast made it. Though Thou slay us, yet will we trust in Thee. Comfort our hearts, O God, and gra-ciously grant that neither height nor depth may separate us from the love of God which is in Christ Jesus our Lord. Thy name's sake hear our cry and answer our prayer. Amen. The Journal of yesterday's proceedings was read and approved. MEAT-INSPECTION SERVICE (S. DOC. NO. 569).

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the Secretary of Agriculture, submitting a supplemental estimate of \$1,000,000 to the permanent appropriation for the meat-inspection service of the Department of Agriculture, etc., which, with the accompanying paper, was referred to the Committee on Agriculture and Forestry and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had passed the following bill and joint resolutions:

S. 2577. An act authorizing the lease of school lands for public-park purposes by the State of Washington for a longer period

than five years;

S. J. Res. 77. Joint resolution authorizing the Secretary of War to loan certain tents for the use of the Grand Army of the Republic encampment, to be held at Pullman, Wash., in June,

S. J. Res. S7. Joint resolution authorizing the Secretary of War to receive for instruction at the United States Military Academy at West Point Messrs. Humberto Mencia and Juan Dawson, of Salvador; and S. J. Res. 91. Joint resolution authorizing the Secretary of

War to receive for instruction at the United States Military Academy at West Point Mr. Manuel Agüero y Junqué, of Cuba.

The message also announced that the House had passed the following bills with amendments, in which it requested the concurrence of the Senate:

S. 244. An act extending the operation of the act of June 10, 1910, to coal lands in Alabama; and

S. 5059. An act granting school lands to the State of Louisi-

The message further announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 18956) making appropriation for the support of the Army for the fiscal year ending June 30, 1913, and for other purposes; asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. HAY, Mr. SLAYDEN, and Mr. Prince managers at the conference on the part of the

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 19212) making appropriations for the Diplomatic and Consular Service for the fiscal year ending June 30, 1913; asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. Sulzer, Mr. Flood of Virginia, and Mr. Mc-KINLEY managers at the conference on the part of the House.

The message further announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 12013. An act to authorize the Secretary of the Treasury to convey to the city of Corsicana, Tex., certain land for H. R. 13774. An act providing for the sale of the old post-

office property at Providence, R. I., by public auction;

H. R. 15361. An act for the patenting of certain land to

Thomas Wall, of the State of Mississippi; H. R. 16611. An act setting apart a certain tract of land for a

public highway, and for other purposes; H. R. 16690. An act for the relief of scientific institutions or

colleges of learning having violated sections 3297 and 3207a cf the Revised Statutes, and the regulations thereunder;

H. R. 19403. An act authorizing the Director of the Census to collect and publish statistics of cotton;

H. R. 20498. An act for the relief of certain homesteaders in Nebraska:

H. R. 20688. An act transferring the custody and control of the old post-office building in the city of Charleston, S. C., from the Treasury Department to the Department of Commerce and

H. R. 21478. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors;

H. R. 21821. An act to authorize the city of South Sioux City, in the State of Nebraska, to construct a bridge across the Missouri River between the States of Nebraska and Iowa;

H. R. 21960. An act to authorize the Port Arthur Pleasure Pier Co. to construct a bridge across the Sabine-Neches Canal in front of the town of Port Arthur;

H. R. 22194. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers of wars other than the Civil War, and to widows and dependent relatives of such soldiers and sailors:

H. R. 22301. An act authorizing the Secretary of the Treasury to convey to the city of Uvalde, Tex., a certain strip of land;

H. R. 22340. An act to regulate foreign commerce by prohibiting the admission into the United States of certain adulterated seeds and seeds unfit for seeding purposes;

H. R. 22343. An act to require supervising inspectors, Steamboat Inspection Service, to submit their annual reports at the end of each fiscal year;

H. R. 22580. An act to authorize the change of the names of

the steamers Syracuse and Boston; and

H. R. 22867. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors.

The message also transmitted to the Senate resolutions on the life, character, and public services of Hon, EDMUND H. MADISON, late a Representative from the State of Kansas.

PETITIONS AND MEMORIALS.

The VICE PRESIDENT presented a concurrent resolution adopted by the Legislature of Arizona, which was ordered to lie on the table and to be printed in the RECORD, as follows:

Concurrent resolution,

Concurrent resolution.

Whereas the Federal Constitution guarantees to every State in the Union a republican form of government; and Whereas the Declaration of Independence states, among other things, that it is a right of the people to institute a government by laying its foundation upon such principles, and organizing its powers in such form as to them shall seem more likely to effect its safety and happlness; and Whereas Arizona did institute a government by laying its foundations upon such principles and organizing its powers in such truly republican form as to them seemed most likely to insure their safety and happlness; and Whereas it has been decided by the Supreme Court of the United States, in the Oregon case, that no attempt will be made to deny Arizona its right to do this; and
Whereas an inspiring majority of able and conscientious United States Senators and Representatives firmly maintained the principles of the Declaration of Independence, and by their very able, conscientious, and just efforts prevented the defeat of statehood for Arizona: Therefore be it

fore be it

Resolved. That the Legislature of Arlzona, by this concurrent resolution, extend to the able, conscientious, and just United States Senators and Representatives who aided us in our struggle for self-government our heartfelt thanks for their untiring, unswerving, and ever-faithful adherence and allegiance to the principles of the Declaration of Independence which resulted in statchood for Arlzona; and be it further Resolved. That a copy of this concurrent resolution, signed by the president of the senate and speaker of the house of representatives, be, by the secretary of the senate, mailed to the President of the United States Senate, the Speaker of the House of Representatives, and to Senator Roder L. Owen and Representative Henny D. Flood for presentation to the friends of American principles of government.

M. G. CUNNIFF, President State Senate.

SAM B. BRADNER,

Speaker of the House of Representatives.

MARCH 29, 1912.

MARCH 29, 1912.

The VICE PRESIDENT presented a petition of Local Grange, Patrons of Husbandry, of Bellevue, Wash., praying for the enactment of legislation to regulate the manufacture and sale of oleomargarine, which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of members of the Brotherhood of Carpenters and Joiners, of Arecibo, P. R., praying for the enactment of legislation creating in that Territory a department of agriculture and labor, which was referred to the Committee on Pacific Islands and Porto Rico.

He also presented a petition of the Woman's Christian Temperance Union of Springer, N. Mex., praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating liquors, which was referred to the Committee on the Judiciary.

Mr. NELSON presented a petition of members of the Builders' Exchange of Duluth, Minn., praying for the adoption of a 1-cent letter postage, which was referred to the Committee on Post Offices and Post Roads.

He also presented a petition of sundry veterans of the Spanish-American War, residents of Red Wing, Minn., praying for the enactment of legislation to pension the widow and minor children of any officer or enlisted man who served in the War with Spain or the Philippine insurrection, which was referred to the Committee on Pensions.

Mr. WORKS presented petitions of the congregations of the Fifteenth Street Christian Church, the Grace Reformed Church, the Gurley Memorial Presbyterian Church, the Trinity Methodist Episcopal Church, the East Washington Heights Baptist Church, and the Petworth Methodist Episcopal Church, and of sundry

ment of legislation to diminish the number of saloons in the District and for more stringent regulation of those now in existence, which were referred to the Committee on the District of Columbia.

He also presented memorials of sundry citizens and business firms of Los Angeles and Huntington Beach, in the State of California, remonstrating against any reduction of the duty on sugar, which were referred to the Committee on Finance.

Mr. GRONNA presented a petition of sundry citizens of Valley City, N. Dak., praying for the enactment of legislation providing for the protection of migratory birds, which was referred to the Committee on Forest Reservations and the Protection of Game.

Mr. STONE presented memorials of sundry citizens of Herman, Rosebud, Blodgett, and Vandalia, all in the State of Missouri, remonstrating against the extension of the parcel-post system beyond its present limitations, which were referred to the Committee on Post Offices and Post Roads.

He also presented a memorial signed by sundry students of the University of Missouri, Columbia, Mo., remonstrating against the adoption of certain amendments to the Army appropriation bill relative to the reorganization of the Army, which was ordered to lie on the table.

He also presented memorials of sundry citizens of Marshfield. Granger, and Piedmont, all in the State of Missouri, praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which were referred to the Committee on the Judiciary.

Mr. BURNHAM presented petitions of Local Granges No. 188, of Rumney; No. 95, of New London; No. 13, of Nashua; No. 139, of Winchester; No. 284, of Georges Mills; and No. 116, of Whitefield, all of the Patrons of Husbandry, in the State of New Hampshire, praying for the establishment of a parcel-post system, which were referred to the Committee on Post Offices and Post Roads.

He also presented a petition of the Woman's Christian Temperance Union of North Weare, N. H., praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which was referred to the Committee on the Judiciary.

He also presented a petition of Table Rock Lodge, No. 704, Brotherhood of Railway Trainmen, of Bellows Falls, Vt., praying for the enactment of legislation to provide an exclusive remedy and compensation for accidental injuries, resulting in disability or death, to employees of common carriers by railroad engaged in interstate or foreign commerce, or in the District of Columbia, and for other purposes, which was ordered to lie on the table.

Mr. JOHNSON of Maine (for Mr. GARDNER) presented a petition of sundry citizens of Orff's Corner, Waldoboro, Me., praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which was referred to the Committee on the Judiciary.

He also (for Mr. GARDNER) presented a petition of Local Division No. 440, International Brotherhood of Locomotive Engineers, of Brownville Junction, Me., and a petition of Local Divislon No. 607, International Brotherhood of Locomotive Engineers, of Calais, Me., praying for the passage of the so-called employers' liability and workmen's compensation bill, which were ordered to lie on the table.

He also (for Mr. GARDNER) presented petitions of sundry citizens of North Parsonsfield, Littleton, Danforth, Intervale, Thorndike, Columbia Falls, Plymouth, Portland, Burnham, Westfield, Cornish, Oldtown, Gardiner, Brunswick, Augusta, Sanford, and Lewiston, all in the State of Maine, praying for the establishment of a governmental system of postal express, which were referred to the Committee on Post Offices and Post Roads.

He also presented petitions of sundry citizens of Sherman, Sherman Mills, Monticello, and Houlton, all in the State of Maine, praying for the establishment of a parcel-post system, which were referred to the Committee on Post Offices and Post

Mr. O'GORMAN presented resolutions adopted by members of the Bar Association of Johnstown, N. Y., favoring the division of the northern district of New York into two judicial districts, which were referred to the Committee on the Judiciary.

Mr. WETMORE presented a petition of Newport County Pomona Grange, No. 4, Patrons of Husbandry, of Tiverton, R. I., praying for the establishment of a parcel-post system and remonstrating against any change in the oleomargarine law, which was referred to the Committee on Post Offices and Post Roads.

Mr. PENROSE presented a memorial of the City Council of Pittsburgh, Pa., remonstrating against the enactment of legislation providing for the extension of the permit granted to the citizens, all in the District of Columbia, praying for the enact- Liberty Bridge Co. for the construction of a highway bridge across the Monongahela River at that city, which was referred to the Committee on Commerce.

to the Committee on Commerce.

He also presented petitions of Washington Camps No. 85. of Weishample; No. 730, of Bolivar; No. 90, of Hazleton; No. 207, of Ironbridge; No. 630, of Railroad; No. 483, of Mountain Home; No. 677, of Kutztown; No. 296, of Alden; No. 41, of Helfenstein; No. 742, of Latrobe; No. 441, of Barry; No. 533, of Philadelphia; No. 212, of Reading; No. 559, of Rothsyllie; No. 359, of Philadelphia; No. 781, of Beallsville; No. 541, of Lehighton; No. 198, of Meadville; No. 424, of Dauphin; No. 471, of Lewisburg; No. 528, of Bald Mount; No. 275, of Chester Springs; No. 95, of Chalfont; No. 234, of Kingston; No. 321, of Huntingdon; No. 603 of New Columbia; No. 621, of Porter; No. 12, of Philadelphia; No. 613, of Lincoln; No. 20, of Somerton; No. 316, of Klingerstown; No. 28, of Adamstown; No. 669, of Millersville; No. 37, of Lattimer Mines; No. 99, of Wernersville; No. 757, of Washington; No. 556, of Elizabethtown; No. 412, of Everett; No. 443, of Davidsburg; No. 675, of Verona; No. 555, of Philadelphia; No. 711, of Mount Nebo; No. 507, of Summit Station; No. 508, of Allenwood; No. 767, of Kane; No. 129, of Philadelphia; No. 617, of Kutztown; No. 271, of Nanticoke; No. 574, of Williamsport; No. 729, of Kratzerville; No. 200, of Carbondale; No. 718, of Garmans Mills; No. 102, of Steelton; No. 482, of Sellersville; No. 688, of Philadelphia; No. 31, of Altoona; No. 361, of Philadelphia; No. 31, of Altoona; No. 361, of Philadelphia; No. 31, of Altoona; No. 361, of Philadelphia; No. 377, of Woodland; No. 259, of Drifton; No. 668, of York; No. 94, of Frankfort; No. 688, of Philadelphia; No. 77, of Waynesburg; No. 687, of Washington; No. 456, of Sykesville; No. 321, of Huntingdon; No. 33, of West Point; No. 146, of Askam; No. 488, of Philadelphia; No. 370, of Bendersville; No. 377, of Honey Brook; No. 778, of Hanifax; No. 355, of Grover; No. 199, of Bridesburg; No. 380, of Wilmore; No. 288, of Reynoldsville; No. 31, of Edge Hill; No. 790, of Olyphant; No. 436, of Thomasville; No. 331, of Edge Hill; No. 7 He also presented petitions of Washington Camps No. 85, of of Philadelphia; No. 495, of Shamokin Dam; No. 223, of Suedburg; No. 53, of Cold Point; No. 317, of Philadelphia; No. 337, of Mill Hall; No. 389, of Philadelphia; No. 717, of McAlister-ville; No. 557, of Rehrersburg; No. 32, of Avon; No. 181, of Bangor; No. 555, of Philadelphia; No. 487, of Elllottsburg; No. 436, of Philadelphia; No. 73, of Cressona; No. 662, of Latta No. 436, of Philadelphia; No. 73, of Cressona; No. 662, of Latta Grove; No. 451, of Weaversville; No. 693, of Van Dyke; No. 49, of Pine Grove; No. 646, of Stoverstown; No. 603, of New Columbia; No. 728, of Philadelphia; No. 12, of Philadelphia; No. 783, of Stewartstown; No. 469, of Rockton; No. 664, of Strausstown; No. 145, of Hegins; No. 177, of Pittsburgh; No. 613, of Lincoln; No. 402, of York; No. 656, of Phoenixville; No. 111, of Managarah; No. 721, of Johnstown; No. 222, of Hebe: 111, of Manayunk; No. 721, of Johnstown; No. 232, of Hebe; No. 707, of Hebron; No. 752, of Hooversville; No. 423, of Loysburg; No. 261, of Audenreid; No. 493, of Bonnair; No. 529, of Woolrich; No. 769, of Marklesburg; No. 50, of Roxborough; No. 358, of Philadelphia; No. 764, of Philadelphia; No. 504, No. 358, of Philadelphia; No. 764, of Philadelphia; No. 504, of Berwyn; No. 171, of Carlisle; No. 755, of Washington; No. 622, of Northumberland; No. 333, of Scranton; No. 150, of Valley Forge; No. 69, of Mount Aetna; No. 159, of East Berlin; No. 478, of Philadelphia; No. 791, of McDonald; No. 498, of Pen Argyl; No. 160, of Richland; No. 290, of Philadelphia; No. 77, of Philadelphia; No. 404, of Philadelphia; No. 587, of Mount Holly Springs; of General Lawton Commandery, No. 9; Lincoln Commandery, No. 42; and Benjamin Franklin Commandery, No. 26, of Philadelphia; and of Wikoff Commandery, No. 39. No. 26, of Philadelphia; and of Wikoff Commandery, No. 39, of Easton, all of the Patriotic Order Sons of America; of Local of Easton, all of the Patriotic Order Sons of America; of Local Councils No. 1014, of Alburtis; No. 896, of Slocum; No. 732, of Philipsburg; No. 18, of Lansdale; No. 209, of Philiadelphia; No. 369, of Roscoe; No. 860, of Coalmont; No. 859, of Pitcairn; No. 803, of Rockdale; No. 642, of Johnstown; No. 374, of Mine; No. 68, of Slatingson; No. 23, of Scott Haven; No. 201, of Washington; No. 38 and No. 134, of Pittsburgh; No. 913, of Warfordsburg; No. 591, of Saxton; No. 1004, of Kutztown; No. 707, of Landisburg; No. 421, of Coatesville; No. 304, of East Prospect; No. 542, of Tidal; No. 406, of Morrisdale; and No. 907, of Nicolay, all of the Junior Order United American Mechanics Nicolay, all of the Junior Order United American Mechanics; of the Central Labor Union of Pottsville; the United Labor League of Sharon; the Trades Union Assembly of Williamsport; of Local Unions No. 615, of Brownsville; No. 1186 and

No. 890, of Pitisburgh; No. 287, of Harrisburg; and No. 897, of Morristown, all of the Brotherhood of Carpenters and Joiners: of Local Union No. 2034, United Mine Workers of America, of Osceola Mills; and of sundry citizens of Philadelphia and Kittanning, all in the State of Pennsylvania, praying for the enactment of legislation to further restrict immigration, which were ordered to lie on the table.

Mr. POINDEXTER presented telegrams in the nature of me-Mr. POINDEXTER presented telegrams in the nature of memorials of Mrs. M. A. Hutton; L. W. Hutton; C. C. Dill, deputy prosecuting attorney; O. J. Sauville, deputy prosecuting attorney, of Spokane; of Mrs. Michael Earles, of Seattle; Arthur Gephart; Harve H. Phipps; H. L. Kennan, judge of the superior court; Rala C. Harbord, Otto W. Blenner, John W. Greb, E. E. Burton, George T. Crane, of Spokane; of Sylvester Bros., wholesale grocers; S. S. Morgan, manager Fairbanks Morse & Co., of Seattle; Paris F. Renshaw, O. C. Moore, R. E. Pinney, of Spokane; and of Charles A. Brower, vice president of the Puget Sound Savings Bank, of Tacoma, all in the State of Washington, remonstrating against the passage of the sof of Washington, remonstrating against the passage of the so-called Owen bill providing for establishment of a national department of public health, which were ordered to lie on the table.

He also presented petitions of Local Grange, Patrons of Husbandry, of Palouse; of Local Grange, Patrons of Husbandry, of Pullman; and of sundry citizens of Palouse and Pullman, all in the State of Washington, praying for the enactment of legislation providing for the condemnation and purchase of express companies by the Government, etc., which were referred to the Committee on Post Offices and Post Roads.

Mr. NELSON. I present petitions in the form of telegrams from sundry railroad employees in the State of Minnesota, relative to the workmen's compensation bill. I ask that the telegrams be read and lie on the table.

There being no objection, the telegrams were read and ordered to lie on the table, as follows:

[Telegram.]

DULUTH, MINN., April 8, 1912.

Hon. Knute Nelson,

United States Senate, Washington, D. C.:

Brotherhood of Railroad Trainmen of Duluth Lodge, No. S31, in regular session, unanimously indorsed Senate bill 5382 on workingmen's compensation, and would respectfully request you to give it your support. While the compensation provided for in some instances seems low, we indorsed the bill because we recognize that it writes into law the correct principle. Whatever defects it may possess can be corrected by experience. In any event the bill will be a vast improvement over the present obsolete and injunitous employers' liability. Every railroad man in Minnesota wants a change, and we believe this is the best that can be had now.

A. J. Lyons,

Secretary, 2224 West First Street.

[Telegram.]

DULUTH, MINN., April 8, 1912.

Hom Knute Nelson,
United States Senate, Washington, D. C.:

At yesterday's meeting of Lodge No. 569, Brotherhood of Railroad Trainmen, of Duluth, we adopted by unanimous vote a resolution indorsing Senate bill 5382 on workingmen's compensation, and we would request you to give the measure your support. In passing upon this bill we recognize that it is not a perfect measure, but anything is better than the present cruel system of employers' liability. We are interested permanently in establishing the right principle for automatic compensation for injuries to employees. Defects can only be remedied in the light of experience. Will you help us?

Fred Amo, Secretary. FRED AMO, Secretary.

[Telegram.]

DULUTH, MINN., April 8, 1912.

Hon. Knute Nelson,

United States Senate, Washington, D. C.:

Representing 3,000 railroad employees of this State, I am instructed to request your favorable assistance toward the passage of Senate bill No. 5382. The workmen's compensation act is an important measure, and we urge your cooperation in our behalf. C. S. BOOTON, Secretary State Legislative Board.

Mr. CULBERSON. I present a telegram which I have received on the same subject, and ask to have it read. There being no objection, the telegram was read and ordered

to lie on the table, as follows:

[Telegram.]

SAN ANTONIO, TEX., April 14, 1912.

Senator C. A. CULBERSON, Washington, D. C.:

Heartily in accord with your minority report on the Sutherland compensation act. The Locomotive Firemen State Legislative Board, just adjourned, instructed me to proceed to Washington in opposition to the bill. Kindly wire at my expense calendar position of bill in both Houses. Start from here about 17th.

Mr. WARREN. Mr. President, I desire to say that I have received a great many telegrams and letters, and so far they have all been in favor of the bill to which the telegrams to the Senator from Minnesota were directed. I have not presented

them because I assume that other Senators are also receiving a great many similar ones, and I have therefore presumed that it was unnecessary to encumber the Record with any large number of them. Of course, I have no objection to those that have been offered, but I think that we shall hardly be able to admit to the RECORD all the letters and telegrams that have been received and will be received on this subject.

Mr. BACON. Mr. President, before passing from this subject, I hope I may be indulged to say that I also have received a number of telegrams and communications by letter in regard to this bill from railroad organizations in my State. With one exception they have all been opposed to the bill, and they desire that it be defeated. There has been one railroad organization in the State that has communicated with me to the effect that they desire its passage, but with that exception all the others

have been adverse to the passage of the bill.

Mr. SWANSON. As the Senate is now considering the employers' liability bill, I should like to have—

The VICE PRESIDENT. The Senate is not now considering it, but several petitions have been introduced, without objection of the world of the property of the project. tion, out of order, upon the subject.

Mr. SWANSON. I should like to have a communication and three telegrams from labor organizations in my State read. There being no objection, the communication and telegrams

were read and ordered to lie on the table, as follows:

BROTHERHOOD OF LOCOMOTIVE ENGINEERS, JOS. H. SANDS DIVISION, No. 401, Roanoke, Va., April 8, 1912.

Hon. THOMAS H. MARTIN, Hon. CLAUDE A. SWANSON, United States Senate, Washington, D. C.

Gentlemen: Division No. 401, Brotherhood of Locomotive Engineers, located in the city of Roanoke, Va., have a membership of 150 engineers who desire to see the Federal accident-compensation bill become a law. As secretary-treasurer of this division, I am instructed to write and ask your support to secure the passage of this Senate bill, No. 5382. Thanking you in advance for your influence and support,

I am, yours, very truly,

R. D. Carlisle.

R. D. CARLISLE.
Secretary-Treasurer,
Division 401, Brotherhood of Locomotive Engineers.

[Telegram.]

RICHMOND, VA., April 8, 1912.

Hon. Claude A. Swanson, Senate Chamber, Washington, D. C.:

This is to advise you that members of Mother State Lodge, No. 634, Brotherhood of Railroad Trainmen, comprising trainmen of Southern and Atlantic Coast Line Railroads, at last regular meeting unanimously indorsed the workingman-compensation bill, known as Senate bill 5382, and earnestly request that you use your vote and influence to get same passed.

L. J. LAWS, President. L. O. IRONS, Secretary.

[Telegram.]

RICHMOND, VA., April 8, 1912.

Hon. CLAUDE A. SWANSON,
Senate Chamber, Washington, D. C.:
Division 532. Brotherhood of Locomotive Engineers, instructs me,
A. C. Atkins, their legislative representative, to urge you to give your
vote and influence for the passage of the Federal accident-compensation
bill, No. 5382. Division 532 has 54 members.

[Telegram.]

RICHMOND, VA., April 8, 1912.

Hon. CLAUDE A. SWANSON, United States Senate:

Please give us your support on S. Bill 5382.
R. D. Clopton,
Representative Lodge 389,
Brotherhood of Railway Trainmen, Richmond, Va.

Mr. SANDERS. I have a communication from the legislative board, Brotherhood of Locomotive Engineers, of Tennessee, and a telegram, in the nature of a petition, from Lodge No. 64S, Brotherhood of Railroad Trainmen, Nashville, Tenn., relative to the workmen's compensation bill. I ask that the communications of the total and the communications of the communications o tions lie on the table and be printed in the Record.

There being no objection, the communications were ordered

to lie on the table and to be printed in the RECORD, as follows:

LEGISLATIVE BOARD,
BROTHERHOOD OF LOCOMOTIVE ENGINEERS,
STATE OF TENNESSEE,
Knowville, Tenn., April 9, 1912.

Hon. Newell Sanders.

United States Senate, Washington, D. C.

Dear Sir: As one of the honored Senators of Tennessee, I desire to call your attention to Senate bill No. 5382, known as the workman's compensation act. As you are doubtless aware, the entire subject of employers' liability has been studied by an able commission, and the bill is the result of their labors.

When you study the bill I think you will find it a very desirable piece of legislation, beneficial alike to the employer and the employee. It will rightfully place the cost of personal injuries as a part of the cost of production, pass it on to the final consumer, and result in the cases being settled out of court. It will cost the railroad companies only a

little more than the present system and will give the employees more than twice as much. This will result from the saving in the cost of litigation.

Of course, the amount of recovery is limited, fixed, instead of leaving it to the caprice of the jury, but it gives the compensation without a lawsuit and when it is most needed. The right to sue is not much benefit to a widow and her children. But the great number of personalinjury lawsuits are a severe annoyance to the employer.

Mr. Herman E. Wills represents us at Washington, and I hope you can discuss it with him.

Very truly, yours,

T. J. HOSKINS, Chairman.

[Telegram.]

NASHVILLE, TENN., April 10, 1912.

Hon. NEWELL SANDERS, Washington, D. C.,

We desire to call your attention to Senate bill 5382 (workmen's compensation bill). We will appreciate your vote and influence in its passage. This is respectfully asked of you by Lodge No. 648, Brotherhood of Railroad Trainmen.

A. P. DAVIS, Treasurer.

Mr. CULLOM. I present sundry telegrams from members of the Brotherhood of Railroad Trainmen and Brotherhood of Locomotive Engineers in Illinois, relative to the so-called work-men's compensation bill. I ask that the telegrams lie on the table and be printed in the RECORD.

There being no objection, the telegrams were ordered to lie on the table and to be printed in the Record, as follows:

BLOOMINGTON, ILL., April 8, 1912.

Hon. SHELBY M. CULLOM, Washington, D. C.,

Washington, D. C.,

Resolved that we the members of P. H. Morrissey Lodge, No. 62,
Brotherhood of Railroad Trainmen, in meeting assembled, most heartily
indorse Senate bill No. 5382 and House bill No. 20487, and do hereby
indorse Senate bill ro. 5382 and House bill No. 20487, and do hereby
indorse Senate bill ro. 5382 and House bill No. 20487, and do hereby
indorse Senate bill ro. 5382 and House bill No. 20487, and do hereby
indorse Senators from the State of Illinois and the Congressman from
this district to vote for and use every honorable effort for the passage
of this important legislation to railroad men.

C. A. Pettus, President.

DECATUR, ILL., April 8, 1912.

Hon. Shelby M. Cullom,

United States Senate, Washington, D. C.:

I am instructed by the members of Division No. 155, Brotherhood of Locomotive Engineers, of Decatur, Ill., to request of you to vote for and use your influence for the passage of Senate bill No. 5382 and House bill No. 20487.

J. W. KNOWLTON.

DAVENPORT, IOWA, April 9, 1912.

Hon. S. M. Cullom,

United States Senate, Washington, D. C.:

Tri-City Lodge, No. 617, Brotherhood of Railroad Trainmen, at its regular meeting, April 7, by unanimous vote instructed us to urgently request your support of Senate bill No. 5382. We believe the Federal workmen's compensation bill to be of the most vital importance to us, and assure you we will appreciate your efforts in our behalf.

G. C. Jenks, President.

E. C. Evans, Jr., Secretary.

FREEPORT, ILL., April 9, 1912.

Hon. SHELBY M. CULLOM, Washington, D. C .:

The railroad men of this city are deeply interested in the passage of Senate bill No. 5382, and we, the undersigned members of the four railroad brotherhoods, hereby request that you give this bill your favorable support.

O. J. PHILLIPS,

Brotherhood of Railroad Trainmen.
J. H. Greene,
Order Railroay Conductors.
J. J. Shaughenessy,
Brotherhood of Locomotive Engineers.
B. Krauthopp,
Brotherhood of Locomotive Firemen and Enginemen.

MOUNT CARMEL, ILL., April 9, 1915

Hon. SHELBY M. CULLOM, Washington, D. C.

Dear Sir: I am instructed by the Brotherhood of Locomotive Engineers of this city to wire you in behalf of the bill now in Senate known as S. 5382, and we sincerely hope that you will give this bill your support.

Yours, respectfully,

Scoretter Bintelon No. 109

C. F. Barrett, Secretary Division No. 400, Brotherhood of Locomotive Engineers.

MURPHYSBORO, ILL., April 6, 1912.

SHELBY M. CULLOM, United States Senate, Washington, D. C.:

United States Senate, Washington, D. C..

Am instructed by Division No. 444, Brotherhood of Locomotive Englancers, ask your support Senate bill No. 5382, House bill No. 20487.

W. R. WRIGHT,

Secretary Division No. 444.

EAST ST. LOUIS, ILL., April 5, 1912.

Hon. SHELBY M. CULLOM, Senator, Washington, D. C.:

It is the expressed wish of the members of the Brotherhood of Raile road Trainmen of East St. Louis that you use your influence and support the workmen's compensation bill now pending in the House.

F. H. Lenzz, Treasurer.

BEARSTOWN, VIA SPRINGFIELD, ILL., April 7 and 8, 1912.

SHELBY M. CULLOM, Washington, D. C .:

Piease lend your assistance in favor of Senate bill No. 5382, as our membership is interested more in this bill than any other.

Respectfully, yours,

Treasurer Brotherhood of Railroad Trainmen.

ROCK ISLAND, ILL., April 8, 1912.

Senator Cullom, Washington, D. C.

HONORED SIR: We respectfully request that you support the workmen's liability bill now before the Senate.

Respectfully,

Secretary-Treisurer Brotherhood of Locomotive Engineers.

AUBURN PARK, ILL., April 16, 1912.

Mr. Shelby M. Cullon, United States Senator, Washington, D. C.

Engineers on Belt Railway of Chicago request your support to Senate bill No. 5382 and House bill 20487. J. J. BANE, Engineer.

SALEM, ILL., April 8, 1912.

Hon. S. M. CCLLOM, Washington, D. C .: The Brotherhood of Locomotive Engineers urge your support for the passage of Senate bill No. 5381 as originally designed.

V. E. Muschove,
Secretary-Treasurer of Subdivision No. 606, Salem, Ill.

DEPARTMENT OF PUBLIC REALTH.

Mr. JONES. Mr. President, I have some telegrams in the nature of petitions which I desire to present. I want to say, in connection with the matter that has already been referred to, that I have received a great many telegrams indorsing the compensation act proposed from my State. My people, however, are much interested in another proposition that appears to them at least to be very serious, it bearing the honored name of the Senator from Okłahoma [Mr. Owen]. While I know he is a "progressive," and I am satisfied he would not take away the liberties of any of our people, a great many of my people are rather fearful. I want to read one telegram I have received, which reads as follows:

SEATTLE, WASH., April 15, 1912.

Senator Wesler L. Jones, Washington, D. C.:

Vote in favor of the Owen bill means the establishment of one of the worst trusts in our country; its defeat means that we can still choose our own physician and our own medical school. We don't want any interference with our present vested rights of freedom. W ELWANGER.

This feeling seems to have spread considerably among my people. I have another telegram from Seattle, which reads as follows:

SEATTLE, WASH., April 15, 1912.

Senator Wesley L. Jones, Washington, D. C .:

Please use every available effort to defeat the Owen bill. It is fraught with great danger to the liberty of every American citizen. Medical freedom will be gone if any one particular school has a monopoly. Medical monopoly is the mainspring of the Owen bill.

R. COOPER WILLIS.

Then, also from Seattle—I take it that possibly to-morrow I will get a great many similar telegrams from some other locality in the State-I have the following telegram:

SEATTLE, WASH., April 15, 1912.

Hon. Wesley L. Jones.

United States Senate, Washington, D. C.:

The world is sound and moving on. Modern physiological pathologists by sheer merit are rapidly supplanting allopathic pretensions. In desperation allopaths are seeking to recover prestige through gag legislation and State medicine crushing with ignorant force on enlightened and aspiring people. For sake of truth and humanity, kill Owen bill.

DOCTOR P. RUDOLPH.

I also have a telegram from Spokane, as follows:

SPOKANE, WASH., April 15, 1912.

W. L. JONES,
United States Senator, Washington, D. G.:
The passage of the Owen bill as amended will deprive many of your best people of freedom. GEO. T. CRANE.

The ladies of my State are also getting fearful of this reactionary measure of my friend from Oklahoma. They say:

SEATTLE, WASH., April 15, 1912.

Poindexter and Jones.

Senate Chamber, Washington, D. C.:

We look to you for the protection of our individual and national rights, hence the defeat of the Owen bill.

Mrs. Michael, Earles.

Mrs. MICHAEL EARLES.

Mr. OWEN. Mr. President-

Mr. JONES. I want to ask the Senator, before he interrupts, whether it is his intention seriously to press this trust-breeding, monopolistic, liberty-destroying, tyrannical, reactionary measure against the wishes of the people of my State? I have a great deal of confidence in his liberty-loving proclivities, but I do feel |

that in the matter of legislation at least I should pay some regard to the views of my people.

I have a great many more telegrams from people in my State with reference to this matter which I desire to submit, and I should like to know whether the Senator from Oklahoma seriously intends to press this measure which is fraught with so

much danger to the people of my State.

Mr. OWEN. The bill itself abundantly answers the telegrams which have been read, and for the information of the Senator from Washington I will call his attention to this pro-

vision of the bill:

That the health service established by this act shall have no power to regulate the practice of medicine or the practice of healing, or to interfere with the right of a citizen to employ the practitioner of his choice, and all appointments made within the health service, including the head of the service, shall be made without discrimination in favor of or against any school of medicine or of healing.

The bill provides further that no domicile or residence of a person shall be entered without the consent of the occupant;

that no function belonging exclusively to the State shall be exercised by the department. The opposition to this measure is inspired in large measure, in my opinion, by the same forces that have opposed the carrying out of the pure food and drug act in this country and by those who are engaged in disseminating patent medicines and who have a good deal of money invested in that business. They have stirred up innocent people, such as the Christian Scientists and some few members of the eclectics or the chiropractics or other citizens who imagine that their right to practice medicine or the healing art may be interfered with. Those artificial telegrams which are sent here—artificial in the sense that they are instituted by a private interpret serve po useful purpose account. stigated by a private interest-serve no useful purpose except perhaps to confuse the minds of those who do not understand what it really means.

I will say to the Senator from Washington that so far as I am concerned I do intend to press Senate bill No. 1 and to do whatever I can to establish a department of health in this country that shall make available, as far as possible, all the information acquired by the scientific world in regard to the preser-

vation of human life.

vation of human life.

I remind the Senator from Washington that it was the investigation of Carroll, of Lazear, and of Agramonti and the other patriots of peace, a number of whom lost their lives in solving the problem of yellow fever at Habana, where the death rate was over 649 to the hundred thousand prior to the American occupancy, and rapidly fell to zero, which made possible the building of the Panama Canal, which the French nation had been unable to build because of yellow fever and because of the Charges fover. the Chagres fever.

I should like to know if in reality the Senator from Washington is opposed to the principle of this bill or whether he is merely diverting himself by reading these telegrams.

Mr. JONES. I wish the Senator from Oklahoma to know what my people think about this measure. I have not myself examined it very thoroughly, and am not now proposing to express any judgment with reference to it. I am glad to have the Senator's suggestion with reference to how these telegrams happened to come here. These people are certainly somewhat interested in the matter, because they paid at least a dollar apiece to get the telegrams here. So it is something serious to them, I do think on a matter of legislation-what it is wise to do in a legislative way here I should defer to the expression of opinion of my people, and these are the only expressions I have had in this way.

All these telegrams came in this morning. During the last session of Congress I got a great many telegrams of the same character. So that however they were inspired, and whoever brought about these telegrams, they must represent the senti-ments of these people and their fears; and I am glad to have the assurance of the Senator from Oklahoma that he does not the assurance of the Senator from Okianoma that he does not intend to deprive these people of their liberty and their freedom and that this is a good and meritorious measure. I assure him I shall look into it very carefully indeed, and if the results, after having done so, convince me that it is all that the Senator says it is, I shall possibly vote for it.

Mr. OWEN. I ask the Senator from Washington if he is in

favor of an independent health service in the United States or

Mr. JONES. That is a matter I want to look into very carefully, having due regard for the views of my people.

Mr. OWEN. In other words, I understand the Senator from Washington to say that after this matter has been before the public three years actively he has not made up his mind upon it? Mr. JONES. No; the Senator does not understand me to say

anything of the kind.

I have views on the general subject, but I have not been able to examine the particular features of the bill, and I do not desire, therefore, at this time to commit myself to any particular measure.

Mr. OWEN. I will ask the Senator from Washington if he recalls the language of the Republican national platform on this

question.

Mr. JONES. Oh, yes; and I am a little bit surprised that, progressive as he is, the Senator finds something in the Republican platform which meets his approval. That to me is a little suspicious.

Mr. OWEN. I am unable to determine from anything the Senator says whether he is in favor of an independent health service or not, and I am willing to leave it in the Record that

way if he is.

Mr. WORKS. Mr. President, I suppose I am one of the innocent individuals who have been misled into the belief that this is undesirable legislation. I think I know pretty well the contents and the meaning of this bill and the forces that are behind it. I happen to be a member of the Committee on Public Health and National Quarantine, and I have given the bill a good deal of study.

A good many of the objectionable parts of the bill have been eliminated, and every effort has been made to make it just as innocent as possible. Nevertheless, it is a part of a system of legislation that is going on all over this country which is intended to establish a State medicine, and to place all the medical activities of the Government in the hands of one school of medicine; and this effort is properly characterized in the telegrams which have been read here in the Senate.

This particular bill is not so harmful in itself, but it is a part of the entire system of legislation about which we are complaining. I am not now going to discuss the merits of the bill. I expect to do so at the proper time when the bill comes

before the Senate for consideration.

I desire to say in this connection, however, that it has been stated all over this country, just as it has been now stated on the floor of the Senate, that the opposition to this bill has been instigated and carried on by the patent-medicine men, and that other innocent people have been brought to believe it is harmful. That is an entire mistake, and in some quarters it is maliciously stated. The opposition to the bill is not carried on by the patent-medicine men. I do not know whether they are opposing it or not, but I know that the League for Medical Freedom, which comprises most of the opposition to the bill, has nothing to do with patent-medicine men. They have absolutely refused to accept any money from them. They are acting independently. Of course it is natural that the Christian Scientists, against whom most of this legislation is directed and who, in some of the States, under legislation now in force, are being prosecuted and imprisoned for carrying on their mode of healing, should stand opposed to legislation of this kind, and they are doing it consistently and in good faith.

The physicians of other schools of medicine are making the same opposition to it upon precisely the same grounds—that their liberty to practice their mode of healing, and the right of the people to resort to them for healing, will be affected by this legislation, if it is carried out as it is intended, not as appears on the face of the bill, but as it will be carried out and enforced throughout this whole country by legislation of this

kind.

I am only saying this in order to attract the attention of the Senate to the fact that whatever objection is made to the bill, and which will be made on the floor of the Senate, will be made in good faith, without any selfish interest on the part of the patent-medicine men or anybody else.

Mr. SMOOT. Mr. President, in this connection I want to say that on March 22, 1912, I introduced a bill to establish a public-health service, and for other purposes, and when Senate bill No. 1 is up for consideration before the Senate, I intend to offer my bill as an amendment to the one reported to the Senate.

I will say that the bill provides that the Public Health and Marine-Hospital Service and all the other health agencies of the Government shall be put into the public-health service, and it will be under the Secretary of the Treasury, as the Public Health and Marine-Hospital Service is to-day. There will be provided an assistant to the Secretary of the Treasury, whose data it shall be to preside over this service.

duty it shall be to preside over this service.

I desire to say that it will reach the same result, in my opinion, as the bill introduced by the Senator from Oklahoma will reach. It will not entail another organization or another department, an independent department, and so far as the expense is concerned, there are only two additional employees from those

in the public service to-day.

I sincerely trust that the Senate will compare the two bills and the organizations provided, and what is to be accomplished by the two, and I shall, as I said, offer this as a substitute for Senate bill No. 1 when it is up for consideration.

The VICE PRESIDENT. The telegrams will lie on the table.

REPORTS OF COMMITTEES.

Mr. BROWN, from the Committee on Pensions, to which were referred certain bills granting pensions and increase of pensions, submitted a report (No. 623), accompanied by a bill (S. 6369) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors, the bill being a substitute for the following Senate bills heretofore referred to that committee:

to that committee:
S. 212. Julius A. Pherson.
S. 213. William R. Arnold.
S. 518. William Comstock.
S. 715. John B. Wilson.
S. 718. Edward Clark.
S. 722. James D. Smith.
S. 727. Jonas Schrock.

S. 729. Thomas Tovey. S. 798. Amos Hoy. S. 805. Andy Phillips.

S. 808. Hiram S. Shahan, S. 880. Charles W. Read, S. 1009. Mary C. Greene,

S. 1167. Elias Shaffer. S. 1325. Daniel G. Bowles. S. 1332. Dudley C. Rutledge. S. 1357. Orson P. Matthews. S. 1538. Joseph W. Frank.

S. 1549. Thomas D. Dick. S. 1639. Junius T. Turner. S. 1686. Sagarlin C. Knighton.

S. 1689. John Dixon. S. 1728. Martin Ouderkirk.

S. 1763. Ellwood A. Collins, S. 1918. James P. Cassedy, S. 1919. Hannah S. Caward,

S. 1929. Benjamin Ricards. S. 1931. James M. Fogleman.

S. 1988. Robert B. Baldwin. S. 1989. Samuel T. Bennett. S. 2008. Andrew J. Mowery. S. 2026. Jacob Wible.

S. 2029. Thomas V. McConn. S. 2033. Bradford L. Hollenbeck.

S. 2140. William Smith. S. 2260. Jacob Bauer. S. 2359. George S. Arnold. S. 2486. Alexander J. Matthews.

2522. Ira McCall.

S. 2572. Charles E. Tenant. S. 2597. William G. Baldwin. S. 2734. Alexander H. Farmer, S. 2787. Richard Fossett.

S. 2820. Henrietta S. Kimball,

S. 2858. Samuel Welch. S. 2898. Samuel Mooney, S. 2969. Joseph H. Lanam. S. 2970. John L. Mellender.

S. 2986. William M. C. Hix, S. 3059. Margaret Shamp. S. 3092. Martin Dolsby.

S. 3119. James A. Wood. S. 3125. James M. Hopper, S. 3126. John Barker.

S. 3127. Hiram F. Reel. S. 3147. Charles Blair. S. 3242. James S. Sutherla

S. 3242. James S. Sutherland. S. 3347. William A. Smith. S. 3348. Daniel Keene.

S. 3350. Edward Mills. S. 3351. Reuben H. Neff. S. 3392. Ebenezer Miller. S. 3395. Jesse Jones.

S. 3413. Harrison Presson, S. 3491. James O. McCabe.

S. 3574. Jeremiah W. Hancock. S. 3583. Joseph Vannest.

S. 3586. Samuel S. Weaver. S. 3598. Henry Blaise. S. 3600. Samuel Priest.

S. 3602. Samuel J. Ellis. S. 3736. Ephraim Leasure. S. 3759. Braden Zeigler. S. 3761. John McQuown. S. 3809. John Lay. S. 3824. John Thompson. S. 3879. James H. Barrelle. S. 3926. Edward Kendall. S. 4015. Benjamin F. Hudson, S. 4062. Charles J. Strain. S. 4071. Charles Bennett. S. 4172. Thomas Dougherty. S. 4275. William Manely. S. 4302. Charles Sponsler. S. 4453. Elihu Eversole. S. 4478. Toller Peterson. S. 4526. George W. Jones. S. 4621. Margaret Williamson, S. 4729. Abraham Smock. S. 4730. Izora E. Dwire. S. 5014. George W. Rowley. S. 5165. James M. Martz. S. 5178. James Miles. S. 5185. James E. Fuller. S. 5248. Andrew G. McAusland, S. 5266. Benjamin F. Charles. S. 5307. John M. Swaim. S. 5335. James Maull. S. 5371. Philip R. Grund. S. 5407. Mattie B. Wintrode. S. 5453. Emmett A. Brockway, S. 5460. Frederick Beckhorn. 5464. William H. Miller. S. 5520. Carrie Diefenbach. S. 5522. Mary J. Mulholland. S. 5550. Emma P. Justison. S. 5569. Gardner P. Waterhouse. S. 5579. William Marquet. S. 5582. Kittil Torgerson, S. 5619. Michael Hilti. S. 5625. Charles R. Spicer. S. 5628. George F. Green. S. 5649. Ira Grant. S. 5763. Daniel C. Stevens, S. 5707. Reuben H. Rich. S. 5774. John S. Lewis. S. 5744. John S. Lewis.
S. 5818. Annie E. Loudon.
S. 5821. Alma J. Van Winkle,
S. 5847. Mary E. Franklin.
S. 5848. John W. Shear.
S. 5873. Joseph F. Kendall.
S. 5876. Edward M. Hitchcock, S. 5888. Eben Kneeland. S. 5889. Clement Lovely. S. 5892. Elizabeth Polley. S. 5893. Elizabeth E. Donaldson, S. 5897. James A. Morgan. S. 5897. James A. Morgan.
S. 5898. Jesse H. Conrad.
S. 5899. Nonh A. Decker.
S. 5900. Frederick W. Zwickey,
S. 5903. Thomas C. Kinsey.
S. 5916. Laura B. Stiles.
S. 5921. Moses D. Marshall. S. 5922. Martin B. Monroe. S. 5925. Eugene Besancon. S. 5926. Rufus G. Barber. S. 5927. Horace A. Foster, S. 5953. Samuel B. Baker. S. 5954. James Jordan. S. 5974. James H. Crosser. S. 6017. John Clark. S. 6020. Leonard C. Norton. S. 6030. Gott Latlip. S. 6059. James M. Lurvey. S. 6061. Fanny M. Jones. S. 6075. William E. Henry. S. 6076. Rachel Hagan. S. 6077. Mary C. Riley. S. 6090. Nathaniel M. Milliken. S. 6092. William J. Gardner. S. 6122. John Bowman.

Mr. NELSON, from the Committee on Commerce, to which were referred the following bills, reported them severally without amendment and submitted reports thereon,

S. 6149. Willard M. White.

S. 6161. A bill to authorize the Great Northern Railway Co. to construct a bridge across the Yellowstone River, in the

county of Dawson, State of Montana (Rept. No. 625); S. 6167. A bill to authorize the Williamson & Pond Creek Railroad Co. to construct a bridge across the Tug Fork of the Big Sandy River at or near Williamson, Mingo County, W. Va.

Big Sandy River at or near Williamson, Mingo County, W. Va. (Rept. No. 626); and
S. 6160. A bill to authorize the Great Northern Railway Co. to construct a bridge across the Missouri River, in the State of North Dakota (Rept. No. 627).

Mr. OVERMAN, from the Committee on the Judiciary, to which was referred the bill (S. 1590) providing for an increase of salary for the United States district attorney for the eastern district of Louisiana, reported it with amendments and submitted a report (No. 628) thereon.

Mr. OWEN, from the Committee on Indian Affairs, to which was referred the bill (S. 6219) providing for the purchase of permanent improvements on the segregated coal and asphalt lands of the Choctaw and Chickasaw Nations by the citizens erecting such improvements, reported it with an amendment and submitted a report (No. 629) thereon.

LAND TITLES IN OKLAHOMA.

Mr. OWEN. I present a report from the Committee on Indian Affairs recommending the passage of the bill (S. 6330) to adjust titles within the Five Civilized Tribes in Oklahoma, and for other purposes, with an amendment, and I submit a report (No. 624) thereon. I should like to ask present consideration of the bill. It is a very short matter, but a matter of importance to the State.

The VICE PRESIDENT. The Secretary will read the bill, The Secretary. The amendment of the committee is to strike out all after the enacting clause and to insert:

The VICE PRESIDENT. The amendment of the committee is to strike out all after the enacting clause and to insert:

That the Secretary of the Interior be, and he is hereby, authorized, in his discretion, to validate by approval any instrument purporting to be a deed of conveyance or contract for title of allotted lands of the Five Civilized Tribes made prior to the removal of restrictions and before January 1, 1912, in the following cases, to wit:

First, When the purchase or contract was made in good faith, and no fraud was practiced, and the Indian allottee was actually paid the reasonable value of the land.

Second. When the purchase or contract was made in good faith and no fraud was practiced, but when the consideration paid was not sufficient to cover the reasonable value of the land conveyed: Provided, That in this class of cases the settlement can only be made upon the condition that the Secretary of the Interior be paid for the benefit of the allottee a sum sufficient to make up the reasonable value of such lands: Provided further, That the settlement in either case shall be made upon such terms of settlement as the Secretary may deem just, proper, and equitable, and under such rules and regulations as he may prescribe, and upon such settlement suit, if any, instituted at the request of the Secretary of the Interior, shall be dismissed without cost to the defendant.

Sec. 2. That the Secretary of the Interior is hereby authorized to permit the sale or exchange of the restricted land of any Indian and his helrs or legal representatives, the property so secured to be held for the use and benefit of such Indian, subject to the same conditions, limitations, and restrictions as imposed by law upon the original lands solid or exchange by the made for the benefit of said Indian and his helrs or legal representatives, the property so secured to be held for the use and benefit of such Indian, subject to the same conditions, limitations, and restrictions as imposed by law upon the original lands solid or exchanged

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

Mr. CURTIS. As I understand it, the bill the Senator from Oklahoma offers as an amendment is one prepared by the Assistant Secretary of the Interior, Mr. Adams, Mr. OWEN. It is.

Mr. CURTIS. The Senator offers it as a substitute for the pending bill?

Mr. OWEN. Yes.

Mr. CURTIS. Is any part of the main bill left? The Senator will excuse me for asking the question, but I was not present in the committee.

Mr. OWEN. The first part of the bill is repeated in the substitute. This additional amendment was proposed by the Assist-

ant Secretary of the Interior.

Mr. CURTIS. The question I asked is whether the amendment which was read at the desk is offered as a substitute for the bill on the calendar.

Mr. OWEN. It is. Mr. CURTIS. If so, I have no objection to its consideration. The VICE PRESIDENT. The Chair understands that everything after the enacting clause of the bill is stricken out by the

Mr. HEYBURN. I ask that it may go over. The VICE PRESIDENT. Objection is made.

Mr. OWEN. I ask that the bill may lie on the table for the

Mr. HEYBURN. Under the rule, the Senator having asked that it be taken up by unanimous consent, it would go over and remain on the calendar.

The VICE PRESIDENT. The bill is not yet upon the calen-

It has just been reported.

Mr. HEYBURN. That makes it rather more radical. I thought it was on the calendar.

Mr. CURTIS. I understood that it was a calendar bill. think myself it had better be printed so that Senators may see what it is.

HEYBURN. I got the impression from the question asked by the Senator from Kansas that it was a calendar bill and that the committee was merely proposing to amend it.

Mr. CURTIS. That is what I understood.

Mr. HEYBURN. Of course, then, it is a calendar bill now. The VICE PRESIDENT. The bill having just been reported it has not yet gone to the calendar. The Senator from Oklahoma has asked that it do not go to the calendar, but remain on

Mr. HEYBURN. I ask that it may go to the calendar. For one I want to give some consideration to it.

The VICE PRESIDENT. The bill will be placed on the calendar.

PROTECTION OF MISSISSIPPI RIVER LEVEES.

Mr. NELSON. From the Committee on Commerce I report back favorably the bill (H. R. 23246) appropriating \$300,000 for the purpose of maintaining and protecting against the impending flood the levees on the Mississippi River and rivers tributary thereto, and I submit a report (No. 622) thereon. structed by the committee to ask for the present consideration of the bill.

The VICE PRESIDENT. The bill will be read for the infor-

mation of the Senate.

The Secretary read the bill, as follows:

Be it enacted, etc., That the sum of \$300,000 be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, to be under the direction of the Secretary of War, in accordance with the plans, specifications, and recommendations of the Mississippi River Commission, as approved by the Chief of Engineers, for the purpose of maintaining and protecting against the impending flood the levees on the Mississippi River and rivers tributary thereto.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment

Mr. HEYBURN. I think there is a word which should be changed. This is not an impending flood any more. The flood is over. As I understand it, this is merely taking care of the people who have suffered by the flood. Is not that true?

Mr. PERCY. It has nothing to do with taking care of the

people who have suffered.

Mr. HEYBURN. I merely asked the question whether it is not an appropriation to take care of those who have already

suffered. The floods, I understand, no longer exist.

Mr. NELSON. It is not to take care of them otherwise than to mend certain crevasses in the levees temporarily. It is to meet an impending danger from the crevasses.

Mr. HEYBURN. It was an impending danger, and the word "impending" undoubtedly described it correctly when the bill was first introduced.

Mr. CULLOM. I hope the word "impending" will be stricken out.

Mr. HEYBURN. It was proper, it is true, when the bill was introduced, but the conditions now have passed.

Mr. NELSON. The bill was sent in on the suggestion of the President in a special message. It was prepared in the depart-

ment as showing what they recommend. I think under it they have ample power to relieve the immediate needs in reference to the levees. It does not relate to the distribution of food or supplies, but is simply to repair certain breaks in the levees and crevasses which have occurred; that is all.

Mr. HEYBURN. According to the language of the bill it is an appropriation for the improvement of the levees of the river. The immediate danger having passed, the money to be used for the purpose of repairing damages done amounts to an approthe purpose of repairing damages done amounts to an appropriation for the improvement of the river, and it belongs more properly in the river and harbor bill. If you strike out the word "impending," then the money would only be expended to repair damages already existing,

Mr. PEROY. Mr. President, the Senator is under a misapprehension about the language of the bill as well as the scope of the bill. The flood is an impending flood. The damages operators are supported to the control of the bill.

of the bill. The flood is an impending flood. The danger has not at all passed. No part of the appropriation is intended either to aid flood sufferers or to repair present crevasses in The flood is almost at its crest; there are about 1,100 miles of levee line; and this money is an additional appropriation to the \$350,000 appropriated within the past week, of which \$310,000 has been expended. It is to fight the high water and try to preserve the Government levees which are in peril, a peril which has not passed at all, but the peril increases with the length of time that the river at flood presses against the embankments. The river at Cairo is to-day 2 feet higher than the highest flood ever known, and it is higher down the entire levee system than was ever known before. It is a life and death fight to preserve those levees. It is for that purpose that this appropriation goes and not for any permanent leves work, and it does not belong in the river and harbor bill.

Mr. WARREN. Let the bill be again read so that we may know how it reads.

The VICE PRESIDENT. The Secretary will again read the bill.

The bill was again read.

Mr. HEYBURN. No one knows what is impending. know what has occurred. I am in thorough sympathy with the appropriation covering all the necessities growing out of the occurrences, but when you use the word "impending" there it looks only to the future in a conjectural way. We should meet the emergency, and I am in thorough sympathy with it, but the word "impending" should not be in the bill.

Mr. CULLOM. I suggest to the Senator to move to strike

it out.

Mr. HEYBURN. I move to strike out the word." impending." Mr. NELSON. Mr. President, I regard that amendment as wholly unnecessary. Striking out that word will necessitate the bill going back to the House and delay somewhat its passage. The flood is still impending. The river is still at high water and the crevasses are existing. The object is to repair those crevasses and give immediate relief.

The Committee on Commerce have under consideration the river and harbor bill, and there is an appropriation in that bill, which the committee will perhaps increase, for the permanent improvement of the levee system of the Mississippi River. This bill has passed the House, and I think it is in a condition in which it ought to be passed in the Senate.

Mr. HEYBURN. I would inquire when it passed the House. Mr. NELSON and Mr. PERCY. Yesterday.

The VICE PRESIDENT. On yesterday.

Mr. NELSON. It is a case of emergency which was communicated by a special message from the President of the United States, and, as I understand, the bill was really formulated in the department.

Mr. HEYBURN. Mr. President, I think I was here-I believe I was-when the message came in from the President of the United States reciting the conditions existing there. care nothing for the recommendations of the department, for we are to act on our own responsibility here and not on that of the department.

My only objection to the use of the word "impending" was that it would be an appropriation not for protecting against floods, because these floods come but once a year. doubtless the high-water flood that comes annually from the melting of the snows on the upper rivers. That does not recur during the year. If it has made breaks in the levers, they are a proper subject for consideration by the committee and the Congress in connection with the river and harbor bill, and they should be amply provided for, but when you talk about "impending," you mean something that is yet to come.

Mr. SHIVELY. Mr. President—

The VICE PRESIDENT. Does the Senator from Idaho yield to the Senator from Indiana?

Mr. HEYBURN. Yes.

Mr. SHIVELY. Does the Senator know how far or about how far above New Orleans the crest of this flood now is?

Mr. HEYBURN. I have been reading every day about it during my absence.

Mr. SHIVELY. I understand the flood is now 500 miles above New Orleans. It is certainly impending.

Mr. NELSON. Mr. President—
The VICE PRESIDENT. Does the Senator from Idaho yield to the Senator from Minnesota?

Mr. HEYBURN. I do.
Mr. NELSON. The crevasses, which are immediately endangering the valley basins of the Mississippi River, are at Lake Providence and one farther up the river. The water passing through those two crevasses, which are on the west side of the river, passes into what is known as the Tensas Basin, which extends clear down to the mouth of the Red River and the Atchafalaya, and threatens the whole valley, not only the Tensas Basin, but the Atchafalaya Valley and the lower Teche country. This is simply for immediate relief, to stop these gaps. The rivers and harbors bill will provide for future emergencies.

Mr. HEYBURN. If they exist, the word "impending" is not applicable; and if they do not exist, the word "impending" is

onjectural. I merely wanted to call attention to it.

Mr. JONES. Mr. President, I simply desire to read from the message of the President of the United States of yesterday with reference to this matter, in which he said:

The crest of the flood is now reaching the lower portion of the Mississippi where the country is flatter, and where the danger to the levees is at least as great as above, and where the damage and loss to persons and property, if crevasses occur, will be far greater than on the upper river, necessitating even a greater amount of relief work than that already incurred.

So the danger is impending.

Mr. HEYBURN. I read in yesterday's newspaper the reports doubtless upon which the President acted, and I have been receiving, through the courtesy of some publishers of the standard papers, marked copies of the papers describing the floods, with pictures of the water, and its connection with the towns, and have given some attention to it out of a natural sympathy and some personal acquaintance with those who have been communicating with me here. My sympathies are all with any measure to relieve those people, but my sympathies are not with a proposition that involves an anticipation of the repair of works where the damage has already been done. The picture-I think it was of Memphis-represented 13 feet of water up over the front of the houses, and that some of the houses had broken loose from their moorings and were floating away. That was in yesterday's dispatches; and 24 hours—I think Senators from that section of the country will bear me out in saying—24 hours makes a wonderful difference in the height of water. It will drop 6 feet in 24 hours without any particular excitement, and it will rise 6 feet within 24 hours.

Mr. CLARKE of Arkansas. Mr. President, the Senator from Idaho is scarcely as accurate as he usually is when he takes exception to the employment of the word "impending" in the connection in which it is used in this proposed act. It is a descriptive word, intended to describe the existing flood. The word "existing" would be a better word than "impending." It is used in that sense, and the context explains exactly the connection in which it is used, and develops perfectly the particular connection in which the money is to be employed. The fleed is pending. The writer of the bill used the word "imfleed is pending. pending." I do no I do not know that I am sufficiently advised of the difference between the meaning of the two words to make a choice between them, but there is certainly no choice between them or any other synonym which would justify the delay in the passage of this bill a single minute. It will not enlarge the uses to which the money can be devoted, nor would it otherwise compensate for the delay involved in it. If a thing of this character is to be done, it ought to be done quickly. Whilst I would not say that the Senator is hypercritical, I believe, if he will read the bill over again, he will be more than delighted to withdraw his objection.

I merely heard the bill read from the desk. The VICE PRESIDENT. The question is on the amendment offered by the Senator from Idaho [Mr. Heyburn], to strike out the word "impending."

The amendment was rejected.

The bill was ordered to a third reading, read the third time, and passed.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. NELSON: A bill (S. 6370) for the relief of Michael R. Morgan and others; to the Committee on Claims.

By Mr. FOSTER:

A bill (S. 6371) to fix the status of officers of the Army detailed for aviation duty and to increase the efficiency of the aviation service; to the Committee on Military Affairs.

By Mr. SMOOT:

A bill (S. 6372) for the relief of Emma Kiener (with accom-

panying papers); to the Committee on Claims.

By Mr. TOWNSEND:

A bill (S. 6373) to amend the laws relating to the judiciary; to the Committee on the Judiciary.

By Mr. WATSON: A bill (S. 6374) granting an increase of pension to Jackson Hale

A bill (S. 6375) granting an increase of pension to Adam A. Poisal; and

A bill (S. 6376) granting an increase of pension to George R. Latham (with accompanying paper); to the Committee on Pensions.

By Mr. PENROSE:

A bill (S. 6377) granting a pension to Anna B. McCrillis (with accompanying paper); and

A bill (S. 6378) granting an increase of pension to Albert Schroeder (with accompanying papers); to the Committee on Pensions.

By Mr. WILLIAMS:

A bill (S. 6379) granting an increase of pension to Gardner P. Thornton (with accompanying paper); to the Committee on

By Mr. O'GORMAN:

A bill (S. 6380) to incorporate the American Hospital of Paris; to the Committee on the District of Columbia.

By Mr. JOHNSON of Maine (for Mr. GARDNER) :

A bill (S. 6381) granting an increase of pension to Charles A. Young (with accompanying papers); and

A bill (S. 6382) granting a pension to Charles M. Gray (with accompanying papers); to the Committee on Pensions.

By Mr. WARREN: A bill (S. 6383) to amend an act approved February 19, 1909, entitled "An act to provide for an enlarged homestead"; to the Committee on Public Lands.

CUMBERLAND RIVER, TENN.

Mr. SANDERS (for Mr. Lea) submitted an amendment, proposing to appropriate \$305,000 for improving the Cumberland River below Nashville, Tenn., etc., intended to be proposed by him to the river and harbor appropriation bill (H. R. 21477), which was referred to the Committee on Commerce and ordered to be printed.

OMNIBUS CLAIMS BILL.

Mr. FOSTER submitted an amendment, intended to be proposed by him to the bill (H. R. 19115) making appropriation for payment of certain claims in accordance with findings of the Court of Claims, reported under the provisions of the acts approved March 3, 1883, and March 3, 1887, and commonly known as the Bowman and the Tucker Acts, which was referred to the Committee on Claims and ordered to be printed.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. CHAMBERLAIN submitted an amendment, proposing to appropriate \$10,500, to be paid to the members of the Tillamook Tribe of Indians, Oregon, as their respective rights may appear, etc., intended to be proposed by him to the Indian appropriation bill (H. R. 20728), which was referred to the Committee on Indian Affairs and ordered to be printed.

Mr. WARREN submitted an amendment, proposing to increase the appropriation for the construction and maintenance of roads, trails, bridges, fire lanes, telephone lines, cabins, fences, and other improvements necessary for the proper and economical administration, protection, and development of the national forests, from \$275,000 to \$500,000, intended to be proposed by him to the Agriculture appropriation bill (H. R. 18960), which was referred to the Committee on Agriculture and Forestry and ordered to be printed.

He also submitted an amendment proposing to increase the appropriation for the purchase and distribution of valuable seeds from \$285,680 to \$335,000, etc., intended to be proposed by him to the Agriculture appropriation bill (H. R. 18960), which was referred to the Committee on Agriculture and Forestry and

ordered to be printed.

He also submitted an amendment proposing to increase the appropriation for the investigation and improvement of grain and methods of grain production from \$75,765 to \$85,746, etc., intended to be proposed by him to the Agriculture appropriation bill (H. R. 18960), which was referred to the Committee on Agriculture and Forestry and ordered to be printed.

Mr. HEYBURN submitted an amendment proposing to appropriate \$25,000 for the establishment of a fish-cultural station in

the State of Idaho, etc., intended to be proposed by him to the sundry civil appropriation bill, which was ordered to be printed and, with the accompanying papers, referred to the Committee on Appropriations.

Mr. WARREN submitted an amendment proposing to appropriate \$20,000 for continuing the work of road and bridge construction on the Shoshone Reservation, Wyo., etc., intended to be proposed by him to the Indian appropriation bill (H. R. 20728), which was referred to the Committee on Indian Affairs and ordered to be printed.

Mr. GORE submitted an amendment proposing to appropriate \$\$0,000 for the investigation and improvement of the methods of crop production under semiarid or dry-land conditions, etc., intended to be proposed by him to the Agriculture appropriation bill (H. R. 18960), which was referred to the Committee on Agriculture and Forestry and ordered to be printed.

REGULATION OF IMMIGRATION.

Mr. OVERMAN. Mr. President, for the information of the Senate and bearing upon the question to be taken up to-morrow, the bill regulating immigration, I ask that there be printed in the RECORD certain data which I send to the desk, including a statement of the governor of New York.

The VICE PRESIDENT. Without objection, permission is

granted as requested.

Mr. ROOT. Mr. President, may I ask what the request was? Mr. OVERMAN. To have printed certain data in the RECORD in regard to the immigration bill that comes up to-morrow.

Mr. ROOT. Very well.

The matter referred to is as follows:

[From the New York Herald, Apr. 15, 1912.]

EW YORK SUFFERS MOST FROM DEFECTIVE ALLENS—WEAKLINGS STOP HERE, ASSERTS DR. GEORGE B. CAMPBELL, HEAD OF STATE COMMISSION OF DEPORTATION, AND CONTAMINATE HEALTH AND MORALS OF THE CITY—SAYS THAT MUNICIPALITY SHOULD LEAD FIGHT—ONLY SMALL, PERCENTAGE OF IMMIGRANTS ARE EXCLUDED.

Large and constant increase of the number of aliens committed as defectives to the State hospitals of New York is attributed by State officials to increasing difficulties in returning such persons to their native lands, as well as to increasing pressure by the Governments and relatives of the aliens to gain admission here for them. The Federal statistics of rejection of immigrants show the following:

Cause of rejection.	1907	1908	1909	1910	1911
Idiots Imbeciles. Feeble-minded Insanity, including epileptics. Likely to become a public charge, including beggars and parpers. Physically or mentally defective.	29 189 6,866	20 45 121 184 3,741 870	18 42 121 167 4,458 370	16 40 125 198 15,927 312	12 26 126 144 12,048 3,055

The number of immigrants excluded for the above and other causes in 1914 was 23.249, or about 2.1 per cent of the total seeking admission.

"New York is the first and greatest sufferer by any break in the barriers Congress has erected to exclude from America the diseased, insane, and defective of other countries," said Dr. George B. Campbell, chalman of the State Commission of Deportation, vesterday in discussing the overcrowding of Ellis Island and the admission of thousands who would be turned back under normal conditions of examination there. "The tide of immigration sweeps into and through New York, the able-bodied aliens distributing themselves to their own and the country's advantage all over the various States. The weakings lag and few ever get beyond New York.

"The class that gains admission to this country when the rigidity of inspection is relaxed is the most dangerous to our national health. The feeble-minded and the epileptics and the defectives, whose condition requires more than superficial examination for discovery, are the ones who slip into the United States in times of relaxed inspection. They are the greatest menace to the health and morals of the community. They are the defectives who marry and discountry. He had to live on food he brought with him, sleeping upon his own bedding, and carling for himself in every way through the long ocean trip. When he acrived he had to shift for himself.

"Much suffering doubtless resulted, but the material result was the acquisition by the United States of new citizens who became valuable to the country.

"Not so now. The increased care and comfort for the immigrant has naturally encouraged the weaklings to emigrate to America. Warm-hearted benevolence is exhibited by a thousand societies for the protection and care of the very classes which would not be admitted if the recruiting of an industrial army were the guiding principle of our immigrant on policy, and not the opening of the land of liberty to all who seek her shores.

"New York must take the lead

and the subsidies granted to trans-Atlantic steamship lines by foreign Governments. All are encouraged to migrate to America, but no defectives are permitted to return who can by any device be prevented from so doing.

"Commissioner Williams has the cordial support of the New York State departments that have official relations with him. His administration is generally regarded as one of the most efficient that the Federal Immigration Service has ever seen, but he is seriously handl-capped. There is lack of room at Ellis Island, the corps of officials is numerically insufficient, and this applies especially to the medical examiners. When several steamships come in together, and the rush is on to get the immigrants through Ellis Island, the medical officers there have to inspect 150 persons every 5 minutes to keep the gangway clear and avert chaotic congestion. Adequate inspection for climination of the unfit is impossible in those conditions.

"Twice the present accommodations and twice the present force at Ellis Island would not be more than enough for the work that must be done there if It is to be done as the law directs that it shall be done. And again I would say it is New York that is most interested in seeing that it is done properly."

Statement of Gov. Joha A. Dix, of New York, that appeared in most of the New York dallies January 24, 1912:

"This State has a very serious problem in regard to the care of the insane," said Gov. Dix to-night. "We have in our State hospitals about 34,000 Insane patients, and there is an increase of about 100 a month, which is out of all proportion to the increase in the population of the State. This abnormal increase in the number of insane is due to the large number of foreign born who, in many cases, develop insanity soon after they have been admitted to the country.

"The annual cost in New York of maintaining the insane is about \$5,000,000, and 46 per cent of the population of the hospitals for the insane are of foreign birth. I have become convinced that something should be done to make more effective the examination of persons about to enter this country so that we may be protected from the entrance of those who are likely to become a public burden. New York State must be protected from the undesirables. That is my reason for taking up this matter with the National Government.

"The last report of the New York State Beard of Allenists (1911) shows the situation very clearly as to the mercenary use that is being made of this country by the foreign stemmship companies in their report '1,126 insane allens and nonresidents were removed from the State hospitals or returned to the communities responsible for their care and maintenance last year."

Address by president taff (S. Doc. No. 568).

ADDRESS BY PRESIDENT TAFT (S. DOC. NO. 568).

Mr. SMOOT. I ask to have printed as a Senate document an address delivered by President Taft before the alumni of Howard University, at the Metropolitan African Methodist Episcopal Church, Washington, D. C., April 9, 1912. The VICE PRESIDENT. Without objection, an order there-

for will be entered.

SCHOOL LANDS IN LOUISIANA.

The VICE PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 5059) granting school lands to the State of Louisiana, which was, on page 2, line 1, after "State," to insert "for the benefit of public schools."

Mr. THORNTON. I move that the amendment of the House be concurred in by the Senate.

The motion was agreed to.

COAL LANDS IN ALABAMA.

The VICE PRESIDENT laid before the Senate the amendents of the House of Representatives to the bill (S. 244) extending the operation of the act of June 10, 1910, to coal lands in Alabama, which were, on page 1, line 3, to strike out "all the" and insert "unreserved"; on page 1, line 12, to strike out "tenth" and insert "twenty-second"; and to amend the title so as to read:

An act extending the operation of the act of June 22, 1910, to coal lands in Alabama.

Mr. SMOOT. I move that the Senate concur in the amendments of the House.

The motion was agreed to.

ARMY APPROPRIATION BILL.

The VICE PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 18956) making appropriation for the support of the Army for the fiscal year ending June 30, 1913, and for other purposes, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. WARREN. I move that the Senate insist upon its amendments, that the prayer of the House be granted, and the conferees be appointed by the Chair.

The motion was agreed to; and the Vice President appointed Mr. DU PONT, Mr. WARREN, and Mr. FOSTER conferees on the part of the Senate.

DIPLOMATIC AND CONSULAR APPROPRIATION BILL.

The VICE PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 19212) making appropriations for the Diplomatic and Consular Service for the fiscal year ending June 30, 1913, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. CURTIS. I move that the Senate insist upon its amendments and agree to the conference asked for by the House, and that the Chair be authorized to name the conferees.

The motion was agreed to: and the Vice President appointed Mr. CURTIS, Mr. WARREN, and Mr. TILLMAN conferees on the part of the Senate.

HOUSE RILLS REFERRED

The following bills were severally read twice by their titles and referred to the Committee on Public Lands:

H. R. 12013. An act to authorize the Secretary of the Treasury to convey to the city of Corsicana, Tex., certain land for alley

H. R. 15361. An act for the patenting of certain land to Thomas Wall, of the State of Mississippi:

H. R. 16611. An act setting apart a certain tract of land for a

public highway, and for other purposes; and H. R. 20498. An act for the relief of certain homesteaders in

The following bills were severally read twice by their titles and referred to the Committee on Public Buildings and

H. R. 13774. An act providing for the sale of the old post-office property at Providence, R. I., by public auction; H. R. 20688. An act transferring the custody and control of

the old post-office building in the city of Charleston, S. C., from the Treasury Department to the Department of Commerce and

H. R. 22301. An act authorizing the Secretary of the Treasury to convey to the city of Uvalde, Tex., a certain strip of land.

The following bills were severally read twice by their titles

and referred to the Committee on Pensions:

H. R. 21478. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors;

H. R. 22194. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows and dependent relatives of such soldiers and sailors; and

H. R. 22867. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors.

The following bills were severally read twice by their titles

and referred to the Committee on Commerce:

H. R. 21821. An act to authorize the city of South Sioux City, in the State of Nebraska, to construct a bridge across the Missouri River between the States of Nebraska and Iowa;

H. R. 21960. An act to authorize the Port Arthur Pleasure Pier Co. to construct a bridge across the Sabine-Neches Canal, in front of the town of Port Arthur;

H. R. 22343. An act to require supervising inspectors, Steamboat-Inspection Service, to submit their annual reports at the end of each fiscal year; and

H. R. 22580. An act to authorize the change of the names of

the steamers Syracuse and Boston.

H. R. 16690. An act for the relief of scientific institutions or colleges of learning having violated sections 3297 and 3297a of the Revised Statutes and the regulations thereunder was read twice by its title and referred to the Committee on Finance.

H. R. 19403. An act authorizing the Director of the Census to collect and publish statistics of cotton was read twice by its title and referred to the Committee on the Census.

H. R. 22340. An act to regulate foreign commerce by pro hibiting the admission into the United States of certain adulterated seeds and seeds unfit for seeding purposes was read twice by its title and referred to the Committee on Agriculture and Forestry.

EMPLOYERS' LIABILITY AND WORKMEN'S COMPENSATION.

Mr. SUTHERLAND. I ask the Senate to proceed to the con-

sideration of Senate bill 5382.

Mr. BACON. I trust the Senator from Utah will not press that motion. If the Senator desires the Senate to take up the bill for the purpose of making a speech or for the purpose of enabling any other Senator to make a speech, I shall have no objection at all to it. But I respectfully repeat to the Senator what I suggested yesterday.

My colleague [Mr. SMITH] is very much interested in this matter. He spoke yesterday and gave notice that he desired to be present and to take part in the further discussion of the bill, and for it now to be taken up, when he is necessarily absent from the Chamber and will be for two days, possibly three days, I am not sure-I think he will be back on the third day-I

think is hardly fair. Of course, if it be taken up upon this motion as now presented, and no one wishes to speak upon it, it will be in order to be voted upon.

Mr. SUTHERLAND. I have no desire to press this bill in the absence of the Senator from Georgia or in the absence of any Senator interested in it; but I will say to the Senator from Georgia that I gave notice originally that I would ask the Senate to take up the bill a week ago yesterday, and at the request of Senators interested in other matters and for various reasons I consented to let the matter go over until yesterday, and I fear that these requests will keep coming along in the future and that we will not be able to dispose of this measure at the present session.

I will make this suggestion to the Senator from Georgia: I am only anxious that this measure shall be voted upon at this session of Congress, and I will ask unanimous consent that on a week from next Thursday-I do not know the calendar dayimmediately after the conclusion of the routine morning business, the Senate proceed to the consideration of this bill and that a vote be taken upon the bill and all amendments pending and to be offered before adjournment on that legislative day. If there is no-

Mr. BACON. Possibly if my colleague were here he would agree to it; I know of nothing to the contrary; but I do not see any necessity for such unusual haste in the matter. There is immediate prospect of an adjournment of the Senate, and it is not as if we were in a short session, when we must adjourn on a certain day. If a majority of the Senate are in favor of this bill, they will certainly have an opportunity to take a vote It could not possibly be postponed, if a Senator desired it. It is not a bill of that class where a Senator is going to take any unusual or unused methods by which to postpone it. only time when methods of that kind are resorted to are when something absolutely vital is pending which Senators feel they have the right to oppose by every known method. Such an instance arises only once in a decade. I have very seldom seen during my term of service here any such effort made. It is extremely rare, and there is no possibility of it in this case.

Mr. SUTHERLAND. Will the Senator from Georgia permit me to suggest to him that within the next few days the appropriation bills will be coming in for consideration, various tariff bills that have been under consideration will be before the Senate, and there is some danger of a measure of this kind being crowded out of consideration. I am only anxious to have a vote.

Mr. BACON. I can not understand the nervous apprehension of the Senator. The present bill has been but a very short time before the Senate. I see no reason to apprehend anything of the kind. All I am asking is that the Senator shall wait two or three days until my colleague returns, and then probably we will be in a position to consider the suggestion of the Senator and to fix a date for taking up the bill and proceeding with it; but that should not be done in the absence of my colleague when his very great interest in the matter is known.

Mr. LODGE. Mr. President—
The VICE PRESIDENT. Does the Senator from Georgia yield to the Senator from Massachusetts?

Mr. BACON. I do.

Mr. LODGE. I only want to say that there are some other Senators besides the Senator's colleague, for whom I have the highest respect, who are interested in this bill. I should like to present some telegrams and make a few remarks about it my-self. I do not see why I should be cut off because the Senator from Georgia happens to be absent.

Mr. BACON. The Senator is either setting up a man of straw

and fighting it or else he did not hear what I said.

Mr. LODGE. I think I heard what the Senator said. Mr. BACON. The Senator was present, and I suppose he heard it.

Mr. LODGE. I thought I heard it.

Mr. BACON. I said that if the bill was taken up for discussion I had no objection to make, but that if taken up generally without such announcement, if nobody was ready to speak, it would be in order to vote upon it. Probably the Senator heard

Mr. LODGE. There is going to be some debate on the bill, as everybody knows. It seems to me that neither the Senator from Utah nor the Senator from Georgia can undertake to say what the Senate shall do with the bill if it sees fit to take it up and discuss it.

Mr. BACON. I only wanted to be protected.

The VICE PRESIDENT. Unanimous consent was asked. The motion itself was not made.

Mr. LODGE. A motion to take it up is not debatable. Mr. SUTHERLAND. My request was for unanimous consent,

The VICE PRESIDENT. The Senator from Utah made no such motion.

Mr. LODGE The motion is not debatable.

The VICE PRESIDENT. The motion is not a debatable question; but the question has not been raised and the Chair did not raise it. The question is on the motion of the Senator from

Mr. SUTHERLAND. I ask the Presiding Officer to put my request for unanimous consent.

The VICE PRESIDENT. Is there objection to the request

of the Senator from Utah?

Mr. CULBERSON. I suggest to the Senator from Utah—
The VICE PRESIDENT. The Senator from Utah asks to have his request put to the Senate, and the question has been raised that debate is not in order on a motion to proceed to the consideration of the bill. So the Chair wanted to dispose of the request in the affirmative or negative and then put the motion.

Mr. CULBERSON. If yea or nay must be said now, I object,

but I do not want to do so.

The VICE PRESIDENT. The question is on agreeing to the motion made by the Senator from Utah that the Senate proceed to the consideration of the bill.

Mr. SUTHERLAND. I have not made a motion yet. asked unanimous consent, and the Chair so stated correctly.

Mr. CULBERSON. The Senator from Utah did make a motion to proceed to the consideration of the bill.

Mr. SUTHERLAND. The Senator is mistaken. Mr. CULBERSON. And afterwards, in a colloquy with the Senator from Georgia, a unanimous-consent proposition was made by the Senator from Utah.

Mr. SUTHERLAND. The Senator from Texas is mistaken.

I asked to have the bill taken up.

Mr. CULBERSON. Let us have the notes. Mr. SUTHERLAND. I did not move that the bill be taken

up; but pending that—
Mr. CULBERSON. I want to have the notes.
The VICE PRESIDENT. The Senator from Utah says he does not make the motion anyway; so the question would not be-before the Senate.

Mr. OVERMAN. I understand the Senator wants to take up the bill simply for discussion, not for the purpose of acting on it to-day

Mr. SUTHERLAND. I have no intention of having it acted

on to-day.

Mr. OVERMAN. I understand the Senator wishes to take up the bill to make a speech on it, so it will not be taken up

section by section to-day.

Mr. SUTHERLAND. I have said repeatedly that I have no intention of asking for a vote on the bill or any provision of it

to-day.

Mr. OVERMAN. That is what I understood the Senator to say, and I desired that that should go into the RECORD to make it clear. I think when the bill is considered regularly it ought to be taken up section by section and each section considered. I do not know whether the bill has been read or not.

Mr. SUTHERLAND. It has not been read.

Mr. OVERMAN. It ought to be read for information. The VICE PRESIDENT. Is there objection to the request of the Senator from Utah now to consider the bill which has been under discussion informally?

Mr. BACON. I have no objection, with the statement made by the Senator from Utah, but my objection was distinctly based upon the ground that unless some such statement was made the bill would be in order to be voted upon. That is the only objection I have had to it.

The VICE PRESIDENT. The Chair understands that no objection is made to the request of the Senator from Utah, and the Senate has the bill under consideration as in Committee of the Whole,

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 5382) to provide an exclusive remedy and compensation for accidental injuries, resulting in disability or death, to employees of common carriers by railroads engaged in interstate or foreign commerce or in the District of Columbia, and for other purposes, which had been reported from the Committee on the Judiciary with amendments.

Mr. SUTHERLAND. I ask that the formal reading of the

bill be dispensed with.

The VICE PRESIDENT. Without objection the formal reading of the bill will be dispensed with. The Secretary will read the bill for action on the committee amendments.

Mr. SUTHERLAND. Before the bill is read for action on the committee amendments I desire to submit some observations

upon the bill. I yield to the Senator from Massachusetts [Mr. LODGE].

Mr. LODGE. Mr. President, I desire to put in the RECORDand I will not read them, if the Senate will grant me permission to put them in the RECORD-some brief letters and telegrams which I have received from the locomotive engineers, the railroad trainmen, and railroad conductors of my State. I know some of the writers of the letters and senders of the telegrams. I need hardly say that the organizations are made up of men of a very high standard of efficiency and character and conduct. They are not men to come and ask for extravagant or unreasonable legislation. I think the bill they are now asking for is one of the most important measures that has been before Congress in many years. I think it would be of very great benefit. and I know that I am speaking for the railroad men of my State when I say that they are very anxious to have this bill disposed of at the earliest possible moment. They do not want to see it beaten or eaten up with amendments.

I ask that the letters and telegrams may be printed in the

RECORD.

There being no objection, the matter was ordered to be printed in the RECORD, as follows:

BOSTON, MASS., April 5, 1912.

Hon. HENRY CABOT LODGE, Washington, D. C.

Washington, D. C.

Dean Senator: As chairman of the Brotherhood of Railroad Trainmen, Legislative Board of Massachusetts, I am instructed by the members of the organization to ask your support on House bill 20487 and also Senate bill 5382.

As a great many of your constituents in Massachusetts are railroad men, who are greatly interested in these bills which are of great interest and value to those who are so unfortmate as to be injured in the service of the railroad, I ask that you give these bills your earnest consideration.

Thanking you in advance for the favor we have asked, I am, Sincerely, yours,

Walter L. McMenimen.

Walter L. McMenimen, Chairman Legislative Board, Brotherhood of Railroad Trainmen of Massachusetts.

BOSTON, MASS., April 5, 1912.

Hon. HENRY CABOT LODGE, Washington, D. C.

Washington, D. C.

Dear Senator: On behalf of the locomotive engineers of Massachusetts I most carnestly ask for your support on House bill 20487 (Senate bill 5382)—Federal accident compensation bill. We believe this to be the most important legislation that has come up in years for the injured railroad employee. Knowing well the interest you have taken in behalf of the railroad employees in the past, we feel that your influence will give the bill great prestige.

Thanking you in advance, I am,
Sincerely, yours,

H. H. Wilson,

Chairman of Brotherhood of Locomotive Engineers Legislative Board of Massachusetts.

BROTHERHOOD OF RAILROAD TRAINME: Lowell, Mass., April 5, 1912.

Senator Henry Cabor Lodge, Washington, D. C.

Senator Henry Carot Lode, Washington, D. C.

Dear Sir: This is to call your favorable attention to the "Federal compensation act," introduced in the Senate as S. 5382 by Senator Suthkeland, who was chairman of the "Employers' Liability and Workmen's Compensation Committee," authorized by joint resolution 41, approved June 25, 1910, and in the House as H. R. 20487, by Representative Brantley, vice chairman of the committee.

The Judiciary Committees of the House and Senate have had this bill under consideration for some time, and I am glad to state that on Monday, April I, it was ordered favorably reported.

We are advised that some of the Senators and Congressmen have expressed the opinion that railroad employees were not interested in the passage of the proposed law, and I take this opportunity of respectfully correcting that erroneous opinion.

There is every evidence of intense interest being displayed on the part of railroad employees in this State. Taking into consideration the fact that from the years 1905 to 1909, inclusive, 77,334 was the average number injured and 3,568 the average number killed in the United States, it can readily be seen that the passage of this proposed law is of vital importance to all men employed in railroad service.

Under the common-law system of employers' liability, based upon negligence, with its defenses of contributory negligence, fellow-servant fault, assumption of risk, etc., an injured employee is virtually compelled to accept what compensation is offered him by the railroad company, the cost of litigation absorbing the recovery.

It is generally conceded that this law is somewhat antiquated, and, although probably adequate at the time of its inception, it does not meet the requirements of existing conditions.

In fatalities the same conditions obtain as in injuries, for the reason that a dead man is, at best, but an indifferent witness; and the impression seems to be abroad among the men that in giving evidence favorable to the plaintiff your job is being jeopardized.

the widows', orphans', and cripples' money, which sum, when this law becomes effective, will go directly to the beneficiaries.

This letter has the approval of the 120 members of Spindle City Lodge, No. 233, Brotherhood of Railroad Trainmen.

Hoping and trusting that you will give this matter prompt and undivided attention, and thanking you in advance for your favorable consideration and support, I am,

Yours, very truly,

No. 10 Brickett Avenue, Lowell, Mass.

n, H. P. McCavitt, Treasurer, No. 10 Brickett Avenue, Lowell, Mass.

GREENFIELD, MASS., April 8, 1912.

Hon. Henry Capot Lodge, Washington, D. C.:

Two hundred members of B. of T. Lodge 426 urge you to lend your favorable assistance toward the passage of Senate bill No. 5382. Our membership is more interested in this legislation than in any bill that has been proposed for years.

S. H. DAVIS, Treasurer No. 426.

- LAWRENCE, MASS., April 6, 1912.

Hon. Henry Cabot Lodge,

United States Senator, Washington, D. C.

Dear Senator: As chairman of the Order of Railway Conductors' legislative board for the State of Massachusetts, I am instructed by the members of that organization to take up with you Senate bill 5382 and House bill 20487 and ask you to give them favorable consideration. We believe this to be the most important legislation that has come up in years, and a law of this kind would be of great benefit and value to the injured employees of the railroads.

The interest you have taken in legislation in the past, that has been beneficial to the employees of the railroads, assures us that your influence will give this legislation great prestige.

Thanking you in advance for the interest I trust you will take in this matter, I am,

Very respectfully, yours,

[SEAL]

[SEAL.]

Chairman Legislative Board,
Order of Railway Conductors of Massachusetts,
10 Abbott Street, Laurence, Mass.

BRIDGEWATER, MASS., April 5, 1912.

Hon. H. C. Lodge, United States Senate, Washington, D. C.:

The members of Old Colony Division 312, Brotherhood of Locomotive agineers, of Boston, Mass., do most earnestly request that you support vote and influence the passage of Senate bill 5382, indovzed by 500

C. E. DREW, Secretary-Treasurer.

SOUTH FRAMINGHAM, MASS., April 7, 1912.

Hon. HENRY CABOT LODGE, Washington, D. C .:

We respectfully urge your favorable consideration of the Federal accident compensation bill now pending.

Delegate Division No. 439, Brotherhood of Locomotive Engineers.

BOSTON, MASS., April 9, 1912.

Hon. H. C. Lodge, Washington, D. C .:

Kindly lend your favorable assistance toward the passage of Senate bill 5382. The membership of Brotherhood of Railroad Trainmen in Massachusetts is more interested in this legislation than any that has been proposed for a number of years.

Secretary No. 621, Brotherhood of Railroad Trainmen.

SPRINGFIELD, MASS., April 8, 1912.

Schator Henny Cabot Lodge, Washington, D. C .:

Your assistance is asked for in the passage of Senate bill No. 5382.

This bill is of vital importance to all railroad men in the country.

C. W. LOOMIS.

Treasurer Lodge No. 622, Brotherhood of Railroad Trainmen.

FITCHBURG, MASS., April 8, 1912.

HENRY CABOT LODGE, Senator, Washington, D. C.:

Please support Senate bill 5382 and House bill 20487. W. H. CONE,
Chief Engineer Division 19, Brotherhood Locomotive Engineers.

PITTSFIELD MASS., April 9, 1912.

H. C. Lodge, Sonator, Washington, D. C .:

It is wish of the members of W. H. Stevenson Lodge, Brotherhood Railroad Trainmen, urging you to lend assistance to the passage of Senate bill 5382, as our membership generally is more interested in this legislation than in any bill that has been proposed for number of years.

G. E. MULLEN.

NORTH SHORE LODGE, No. 749, BROTHERHOOD OF RAILROAD TRAINMEN, Salem, Mass., April 8, 1912.

Hon. HENRY C. Lodge, Washington, D. C.

Dear Sir: At a regular meeting of this lodge I was instructed to write to you and ask you to use your favorable assistance toward the passage of Senate bill No. 5382. Our membership is more than interested in this legislation, and hope you will help us by voting for it.

Thanking you for the same,

HENRY H. FRENCH. 20 Mt. Vernon St., Salem, Mass.

BROTHERHOOD OF RAILROAD TRAINMEN, BAY STATE LODGE, NO. 88, April 2, 1912.

Hon. HENRY C. LODGE.

DEAR SIR: I am instructed by the above-named lodge of the "Train-en" to seek your support of the Federal accident-compensation act,

the bill introduced by Senator Sutherland in the Senate (No. 5382) and by Representative Brantley in the House (No. 20487), and a reply as to your attitude will be appreciated.

Yours, very sincerely,

Thos. H. Leonard, Secretary No. 88,

23 Harlow Street, Worcester, Mass.

BROTHERHOOD OF PAILROAD TRAINMEN, FRAMINGHAM LODGE, No. 236, April 6, 1912.

Hon. HENRY CABOT LONGE,

DEAR SIR: Framing am Lodge, No. 236, B. of R. T., unanimously urges your support of the bill introduced by Senator Sutherland, S. 5382.

Very truly, yours,

FRED CAHILL, Secretary No. 236, 55 Cedar Street, South Framingham, Mass.

Mr. BACON. I simply wish to say to the Senator from Utah that I understand his announcement of purpose in regard to a vote covers the amendments as well as the bill. The Senator does not propose to take up the amendments for voting to-day? Mr. SUTHERLAND. I will not ask for a vote on the bill or

any amendment to-day The VICE PRESIDENT. The Senator from Utah will pro-

Mr. SUTHERLAND. Mr. President, I have no intention today of entering into a discussion of the various details of the bill. I intend, as briefly as possible, to discuss the principles which are involved in the bill and such provisions of the bill as affect its general character, leaving the discussion of details until we come to consider the bill by sections.

On June 25, 1910, the Congress of the United States passed an act providing for the appointment of a commission to thoroughly investigate the subject of employers' liability and workmen's compensation, and to report to Congress through the President at an early date, and in their report to suggest such legislation as in their judgment would meet the evils of the present system

of employers' liability.

That commission was made up by the appointment of two Members of the Senate, two Members of the House of Representatives, and two lay members to be appointed directly by the President. The commission, as originally constituted, by reason of the failure of some members of it to be reelected to the House and to the Senate, was changed so that the member-

ship was rearranged about the month of April, 1911.

On May 10, 1911, the commission as reorganized began public hearings. I desire to call the attention of the Senate to the character of those hearings, so that it may be seen that the commission has given thorough consideration to this subject; has heard all persons and all parties interested, not only those who represent the employers' side of the question and those who represent the employees' side of the question, but also the general public.

The first series of hearings were called to consider the constitutionality of any proposed legislation dealing with the subject, because it was felt by the commission that it was necessary first of all to determine within what field legislation of this character could be enacted; in other words, to determine how far we could go under the provisions of the Constitution before we

undertook to go at all. Those hearings were held on four separate days, May 10, 14, 15, and 16. The question of the constitutionality of the proposed legislation was fully discussed; and as a result of it result of it the commission was unanimously of the opinion that we have power to enact legislation of this character within the provisions of the Constitution.

Then a series of hearings were held, lasting several days, to discuss the general practical questions involved; that is, the general nature of the legislation which was proposed to be

After those hearings had been completed the commission held a number of executive sessions for the purpose of formulating certain general principles which it was proposed should be submitted to those interested, and upon those general propositions another series of hearings were held.

After those hearings had been completed, the commission, being in session day after day for several weeks, prepared a tentative draft of a bill, and that tentative draft was sent far and wide throughout the country. The commission sent out for each of these various hearings no less than 30,000 invitations, addressed to the local organizations of railroad men in every part of the United States and to others. At the meetings held there were present lawyers and a large number of the heads of the various railroad organizations, together with men who were employees of railroads but who were not holding official positions. There were present many men representing the railroad employers' side of the question, members of State commissions, college professors, and lawyers of note who had given thorough study and consideration to this question.

As a result of those various hearings, and after thorough consideration of the whole subject, and after the commission had considered the various compensation laws that had been passed in other countries, together with those which had been adopted in a few of the States of the Union, together with the result of the investigations of the various State commissions, this tentative bill was finally completed. That bill was then submitted to the President of the United States, who transmitted it to Congress with a message approving it. The bill was then introduced in the Senate and referred to the Committee on the Judiciary. It was there fully considered, several days at different times being devoted to the subject, and finally the bill was reported as amended by the Judiciary Committee.

Mr. BRANDEGEE. Mr. President-

The PRESIDING OFFICER (Mr. Jones in the chair). Does the Senator from Utah yield to the Senator from Connecticut?
Mr. SUTHERLAND. I yield to the Senator.
Mr. BRANDEGEE. Did the Senator state the attitude of the

leaders of these labor organizations?

Mr. SUTHERLAND. I intend to state that in just a moment. I have made this statement thus far, Mr. President, for the purpose of showing that this whole subject, the details of this proposed legislation, has had the most thorough consideration, that it is the result of the best thought of the commission, and the commission after such consideration has reported the bill as

its unanimous solution of this problem.

I have already stated, Mr. President, that there were present at the various hearings these railroad employees and the officers of these various organizations. As the Members of the Senate know, there are four great organizations of railroad employees in this country. Three of those, through their chief officers, their presidents, have indorsed this bill for their organizations. They have asked that it be enacted as it is presented. The chief of one of the organizations, and one of them only, appeared before the commission and objected to the bill, but since that objection was made he has stated, as I shall show in a moment, that while he does not join with his brother officers in asking that the bill be passed, he does not at the present time antagonize it; he simply occupies a neutral position.

Now, Mr. President, I desire to read briefly the statements of

some of these officers with reference to this subject.

First of all, I call attention to the statement of Mr. W. G. Lee, who is president of the Brotherhood of Railroad Trainmen of the United States. Mr. Lee came before the commission and spoke for that entire membership of over 100,000 railroad trainmen.

At page 643 I call attention to what he said. This statement was made before the tentative bill had been drafted. Mr. Lee said:

I wish to go on record at this time as unqualifiedly favoring a work-men's compensation act as a result of resolutions passed by the last two biennial conventions of our organizations. Just what form will be most satisfactory to both employer and employee is a question, but we believe that as far as possible litigation should stop as between the employee and employer. We believe that whatever money is disbursed by the employer should go to those disabled and not a large proportion or percentage to attorneys or others, as is the case at present.

At a later date Mr. Lee said:

The Brotherhood of Trainmen, with its 120,000 members, favor and will defend anywhere and any time abolishing the first two weeks' payment if it brings the proper relief to those to whom this money is intended.

On March 26, 1912, referring to the bill now pending, Mr. Lee, speaking before the House Judiciary subcommittee, said:

speaking before the House Judiciary subcommittee, said:

I can say that a great majority of the members of the Brotherhood of Railway Trainmen are in accord with the principles of the law. They have expressed their desire for it at their convention and have gone on record in favor of certainty of benefits to take the place of uncertainty of litigation. We believe in doing everything for the benefit of the greatest number, and for this reason we do not point to the high verdicts that are received in exceptional cases as a basis for a compensation law. We realize the impossibility of paying the amount awarded by the exceptional verdict where the employer is absolutely at fault to all cases of injury or death, whether caused by the fault of the employee or the fault of the employee. In behalf of my organization I trust that your committee will see fit to report the bill to your respective assemblies as it has come to you from the compensation commission.

Mr. Sines, who was the vice president and treasurer of the Railroad Trainmen, indorsed the bill in language which will be found in the hearings, at page 1323, all of which I shall not stop to read, but will read the concluding sentence, which is:

I want to say to you, gentlemen, that from the standpoint of my organization, although we believe and feel that the provision, in so far as it covers the number of years is concerned, should be extended, it will have the support of my organization as an organization.

Mr. Garretson, president of the Order of Railway Conductors, representing 48,000 men, indersed the bill, and at page 1324

As the matter has progressed and as the efforts of the commission have crystallized, I have recognized the absolute impossibility of recon-

ciling the variety of beliefs that were held in regard to these questions, for every man insisted that he alone had received the light on the subject. Therefore, my attitude in regard to the bill as proposed is one not only of appreciation of the efforts of the commission and the work you have done, but of gradual extensions of the bill as a whole.

Then, further on, he says:

I am willing to surrender my broader ideas in regard to many of those provisions, and to give, along with the organization which I represent, cordial support to the report of the commission as it will be formulated.

And in conclusion, after saying that he thought the bill was peculiarly well framed to meet the wide scope that will come between the highest paid man in any service and the lowest paid man that may serve any employer, Mr. Garretson said:

I can say this for these three organizations: That every consistent aid that can be given in enacting into law the findings of this commission will be given, and I believe that I am justified in saying for all three that you can have the best that they can furnish.

Mr. W. E. Stone; vice president of the Brotherhood of Locomotive Engineers, representing 69,739 men, indorsed the proposed measure. He said:

Speaking as the chief executive of the engineers, I want to say that your bill is going to have the support of the Brotherhood of Locomotive Engineers. We are going to do everything we can to have it enacted into law. But there has got to be a campaign of education.

Then further on he said .

Gentlemen, I want to say to you that the bill is even broader in many lines than I ever expected we would be able to get, and I think an expression of the thanks of the employees of this country is due to this commission for the broad and liberal spirit in which it has met the various interests and combined them in the tentative draft of this bill. But I also feel that the majority of the men throughout the country never will know one-half of the labor that was necessary on the part of you gentlemen.

Arthur E. Holder, legislative representative of the American Federation of Labor, which organization has within its ranks railroad employees aggregating 924,606 men-nearly a million railroad employees-indorsed the principle of compensation in the strongest possible terms. Mr. Holder, representing 66 per cent of all the railroad men of the country, had been sent to England, prior to the consideration by our commission of this question, for the purpose of studying the operation of the English compensation act. After devoting some time to the study of the question there at first hand, talking with the various employees, he returned to this country, came before our commission, indorsed the compensation scheme as opposed to the employers' liability plan in the most positive terms, and declared himself for the general principles of the plan which had been suggested by the commission as will be found at page 923 of the hearings. I shall not stop to read it, Mr. President, but shall ask leave to insert the statement in the RECORD.

The PRESIDING OFFICER. Without objection, permission

is granted.

The statement referred to is as follows:

The statement referred to is as follows:

In the first place, I want to say that the men whom I, directly and indirectly, represent want the compensation principle established. We are not going to be too insistent upon conditions. We believe that it is one of the growths of civilization, one of the advanced movements to protect humanity, and we believe that when this principle is once established in the United States that it will not be long before the intelligence of the people will find all the ways needed to make the act applicable to every requirement. It is not for the sake of getting pelf or money that we want the compensation principle established; that is a secondary point. We want the principle established, Mr. Chairman, for the sake of saving pain and suffering and unnecessary neglect, that we think that in this advanced age of the twentieth century there is little occasion for. And we hope that by the penalties attached to a compensation bill many hands and many feet may be left upon men, who might otherwise be unnecessarily maimed.

Mr. SUTHERLAND. In addition to Mr. Holder Mr.

Mr. SUTHERLAND. In addition to Mr. Holder, Mr. Gompers, who is president of the American Federation of Labor, appeared before our commission and indorsed the main features of the tentative outline that we made prior to preparing the bill and specifically indorsed what is called the National Civic Federation bill, which, in its general lines, is the same as the bill now pending before the Senate. I will call attention to his statement, without stopping to read it, and ask permission to insert it in the RECORD.

The PRESIDING OFFICER. Without objection, permission

is granted.

The statement referred to is as follows:

We believe that the bill which has become known as the American Federation of Labor bill, or the National Civic Federation bill, is the one which is the best for general purposes for the Federal Government, and which it could and ought to enact. (P. 874.)

The CHAIRMAN. Do you mind my asking you one or two questions about these other features of the bill? I don't know whether you have thought about them You have not told us what you think about the provision for making the law compulsory. Have you thought about that feature?

Mr. GOMPERS, I should say that the law ought to be compulsory.

The CHAIRMAN. That is, it ought to be a system complete in itself, excluding the common-law remedy and the common-law defenses?

Mr. Gompers. I would rather see all who were injured and their dependents fairly cared for than to have one get a large verdict or a large amount and the remainder fritter away their time in litigation.

Mr. SUTHERLAND. Mr. H. E. Wills, assistant grand chief engineer of the Brotherhood of Locomotive Engineers, and joint national representative of the conductors, trainmen, and engineers, has indorsed the bill upon a number of occasions in the most positive terms. I will ask permission to insert some statements from him in the RECORD, without stopping to read them.

The PRESIDING OFFICER. In the absence of objection permission is granted.

The matter referred to is as follows:

The matter referred to is as follows:

Now, there are a good many other things that I know ought to be said, and I do not want to take any more of your time except to say that I was associated to quite an extent with some of those who were parties to the framing of the joint resolution that was introduced into the House and the Senate asking for the appointment of this commission. There was a time when I felt considerably discouraged over the prospects, but I can not find words now to express my gratification at what has been accomplished by those who have been handling this matter. I wish that every railway man, or employee, could understand just what has been done and how it has been done. I wish that they could have been present even at the hearings. Even then they would have known, I believe, but little of the real work that has had to be done to bring about what we have before us at the present time in the way of a bill. I think if they could fully understand what has been done at these hearings they would appreciate the hard work, the care, and the responsibility that the commission has been beset with, and would appreciate it, and I wish to express my individual gratification and satisfaction and appreciation of what has been accomplished. (P. 1316.)

Mr. SUTHERLAND. And at the hearing before the House committee on March 26, 1912, Mr. Wills said:

Senator SUTHERLAND. You are thoroughly familiar with this legisla-

Senator Sutherland. You are thoroughly familiar with this legislation proposed here?

Mr. Wills. Yes, sir.

Senator Sutherland. I wish you would state to the committee whether or not you are in favor of it.

Mr. Wills. I am most heartily in favor of it. I believe it to be one of the greatest pieces of legislation in the interest of our workingmen that has been introduced for years. I went into it with a great deal of care, with a great deal of caution and timidity at first, and, as I say, I was one of many who were instrumental in asking for the resolution that was introduced creating this commission that we might have publicity and have a chance to discuss and know all of the details of what it meant. In my report, as I tell you, which I will be glad to submit to you, I have stated to our membership that it is one of the most important things that to-day confronts the railroad employees of this country. I believe the principle to be right and just and sound in every detail, but I am not satisfied with all of the details. The principle is sound, but I am not satisfied with all of the details. The principle is sound, but I am not satisfied in all respects with the provisions of the bill, but I have no complaints to make. We have been heard patiently and in full, and I wish to say with a great deal of pleasure that, as has been stated here, I was sent to England and Germany by the four organizations, not to get information from the Government, not to get information from the employer, but to get first-hand information from the beneficiaries under their laws. I spent that time and gave the matter consideration, and I am thoroughly satisfied that the bill as drawn will do the greatest amount of good that is possible for a bill to do at this time.

As before stated, the only head of any of these organiza-

As before stated, the only head of any of these organizations who has been heard before the commission opposing this legislation was Mr. W. S. Carter, president of the Brotherhood of Locomotive Firemen and Enginemen. Mr. Carter, however, as I have already said, at present occupies a position of neutral-I desire to call attention very briefly to a statement made by Mr. Dixon, the general attorney for that brotherhood, a few days ago before the subcommittee of the House Committee on the Judiciary. Mr. Dixon said:

Mr. Carter, whom I represent, he being away at this time, gave me explicit instructions when I came to this city not to interfere, not to oppose, and not to help the passage of this bill. Mr. Carter assured the three representatives of the other organizations that his position would be one of absolute neutrality, that while the bill did not meet with his approval he would put no obstacle in the way of its passage.

So that it is seen finally that the heads of all of the rallroad organizations of the country, representing in the aggregate 1,700,000 railroad employees, with the exception of one, have affirmatively indorsed this bill, are affirmatively behind the provisions of this bill, and are affirmatively anxious that this bill in its present form shall pass at this session of Congress, and the only one who is opposed to it is now occupy-

ing a position of neutrality.

In that connection I call attention to a statement made by Mr. Lewis, a Member of the House of Representatives, at page 67 of the House hearings; and I may say, by way of preface, that Mr. Lewis was himself in his younger days a coal miner, a man who has been associated with the laboring men all his life. During the past 15 or 20 years Mr. Lewis has been giving the most careful study and consideration to this question. He had presented to the House a bill upon this same subject which he had prepared and which was before our commission, and Mr. Lewis, after his broad study of this question—and I think he is as well informed upon it as any man in the country-has this to say:

A cursory view of the statistics of railway accidents in the United States shows that about 100,000 accidents happen to employees an-

nually—that is, nearly 2,000 happen every week. In my experience not 10 per cent of those cases now are the subjects of compensation. A week's delay, then, means 1,700 or 1,800 cripples or the dependents of dead men that go without any kind of compensation, although compensation is now provided from Gibraltar to the islands of Greece. I do not know any subject relating to labor that has been any more thoroughly and generally discussed in this country than this compensation subject in the last two or three years. I say the time has some to not

pensation subject in the last two or three years. I say the time has come to act.

Speaking for the railroad men, particularly in the State of Maryland, and I might say especially in my own district, what now is desirable, it seems to me, Mr. Chairman, is that this committee report this bill and place it before Congress for its action. If it is not done with considerable expedition, I fear that two years will have been lost, and 200,000 of these victims will go, as they have gone for the last generation, utterly without help or utterly without their rights in the premises.

I therefore most carnestly insist that this committee take the most immediate action possible with this measure and lay it before the Houses for their final action.

And again:

And again;

Senator Sutherland. Mr. Lewis, will you tell the committee how many years you have been investigating this subject?

Mr. Lewis. The subject came under my notice through the publications of the Labor Bureau of the Government. I have been working upon it ever since.

Senator Sutherland. How long has that been?

Mr. Lewis. That would be about 14 years.

Senator Sutherland. You were the author of a bill on this subject that was introduced into the Maryland Legislature many years ago, were you not?

Mr. Lewis. Yes, sir.

Senator Sutherland. That bill was passed?

Mr. Lewis. Yes, sin.

Senator Sutherland. And it is on the statute books now?

Mr. Lewis. It is on the statute books now.

Senator Sutherland. You also introduced a bill in the House of Representatives a year or two ago, did you not?

Mr. Lewis. Yes, sir.

Senator Sutherland. Two years ago, prior to the creation of this commission?

Mr. Lewis. No, sir; about a year ago. It was modeled on the Civic Federation bill.

Senator Sutherland. So that for many years you have been giving this subject practical study?

Mr. Lewis. Yes, sir.

Senator Sutherland. What do you say as to the bill which has now been prepared by the commission?

Mr. Lewis. I think I have some of the pride of authorship myself in connection with one of the measures of this kind. Indeed, one is pending in the Maryland Legislature, in which both principles are applied, the English principle and the German principle, applied to the large and small employer, respectively.

I call particular attention to this:

I wish to say in regard to this measure that I was actually surprised at the excellence of its provisions, and especially with the liberality of the scale of compensation. I regard it as the best of its kind that has ever been prepared.

Senator SUTHERLAND. Is it true-

Speaking of the provisions of this bill-

that they employ a more liberal scale of compensation than any law you are familiar with in the world?

Mr. Lewis. They do, sir.
Senator Sutherlander. And are more liberal than any that have been proposed or enacted by the various States in the Union?

Mr. Lewis. I think, perhaps without being prepared to prove it at this moment, that the estimate of this commission that this act will cost the railways only 50 per cent—

That should be 25 per cent, however-

more than they are now paying in damages is a very grave mistake. In my judgment, it will cost the railroads \$50,000,000 a year within 10 years. The number of accidents will be cumulative for at least 10 years and possibly 15 years, when they will reach their maximum number, just as a pension roll docs.

Further on he says:

I found in England that there was a reduction in the number of deaths on the railways of about 32 or 33 per cent.

That was following the adoption of the English compensation act-a reduction of the number of deaths on those railroads of from 32 to 33 per cent.

But England would not be even a fair example of the probable benefi-cence of the Institution here, because English railway accidents were already at what might be called the normal point. Ours are four times what they ought to be. I believe that the influence of this legislation through penalizing the accidents and putting a premium on greater care will be to reduce our ratio at least one-half.

And so I could go on, Mr. President, quoting from various other witnesses and persons who appeared before the commission, all of them indorsing this bill in the highest possible

Now, I may say that, so far as I am informed, employees in only three of the States of the Union have made any serious objection to this bill. Those three States are Georgia, North Carolina, and Texas. Prior to the hearing before the House committee, of which I have already spoken, at which members of the Senate Committee on the Judiciary were also present, or the Senate Committee on the Judiciary were also present, word came that some of the employees from Georgia and North Carolina desired to be heard. A time was fixed, a week or such a matter in advance, and these employees were notified that they would be heard. Some of them came before the

committee, but, instead of presenting any objections to the bill, they simply asked that the consideration of it be postponed until the next session of Congress, saying that they had not had an opportunity of thoroughly studying and understanding its provisions; but, so far as I know, there has not appeared, either before the commission or before either the committee of the House or of the Senate, a single railroad employee, although every opportunity was extended to them, with the exception of Mr. Carter, who has objected to the provisions of this bill.

I have called attention to the statement made by Mr. Lewis reference to the necessity for this bill passing. This is not in reference to the necessity for this bill passing. a new subject. It is a subject which has engaged the attention of the civilized world for the past 25 years. The United States has lagged behind every other country in the world in this important and necessary reform, but during the last two or three or four years the people of the United States have been taking hold of it in earnest. There have been no less than 10 commissions at work in the various States of the Union. The State of California, which is in part so ably represented by the Senator who honors me with his attention [Mr. Works], after thorough consideration, has passed a workmen's compensation act, an admirable law. The State of Wisconsin, after thorough consideration, has passed such a law, as have the States of New Massachusetts, New Hampshire, Washington, Ohio, Minnesota, Illinois, and others. It is only a question of time until the education of the people of this country will have progressed to the point where the employers' liability laws will have been abandoned and in place of them in every State in the Union there will be workmen's compensation laws.

Now, to delay action means that hundreds and thousands of widows and more than that number of children must, so long as this bill is not enacted into law, go without any compensa-

tion whatever.

Mr. Lee, supplementing what I have already read from Mr. Lewis, at page 74 of the hearings of the House committee, says this about it:

this about it:

Mr. Lee. I will just briefly go over it if you care to hear these points. I had hoped, Mr. Chairman, to hear the objections. I had understood there were objections to this bill and that gentlemen were coming here to oppose certain features of it. I have not heard any objections, but a request to postpone action, and I want to confirm the statement made by the Representative from Maryland, and that is to the effect that hundreds and hundreds of our men are being killed and crippled every month, railway employees of various classes, and every moment that you postpone action you are leaving the sleeveless fellow and the fellow with crutches without a dollar and you are leaving the widows and orphans that I believe that law should provide for without a penny.

The CHAIRMAN. Leaving them with only a lawsuit.

Mr. Lee. Leaving them, in the majority of instances, without a lawsuit, because within the past 48 hours a man came into my office with a leg off, to whom we paid \$1,350, the amount of our insurance, at the time of his injury. I asked him what his company gave him. He said, "Nothing." I said. "Have you a suit pending?" He said, "No." I said. "Why?" He said, "My attorneys told me the company was not at fault; that I did not have the evidence against them." So that they did not even pay him his hospital expenses or hospital fees or anything of the kind. Under this bill I believe that our men would be provided for.

And summing up what he had to say with reference to this

And summing up what he had to say with reference to this bill, Mr. Lee made use of this language:

bill, Mr. Lee made use of this language:

In behalf of my organization I trust that your committee will see fit to report the bill to your respective assemblies as it has come to you from the compensation commission. I subscribe to the language of the commission in submitting its report to the President, that while this proposed law is not, perhaps, the most perfect measure which could be devised, nor the last word which can be said upon the subject, it is the result of careful investigation and the best thought of the commission and constitutes a step in the direction of a just, reasonable, and practicable solution of the problem with which it deals. I regard it as desirable constructive legislation, to take the place of destructive litigation, and again express the hope that it may be reported by your committee to both Houses of the Congress and that it may pass at this session.

Mr. President, I am not one of those who believe that legislation ought to be passed upon any subject unless there is real need of it. I think one of the unfortunate tendencies in this country to-day is overlegislation. We are passing legislation upon every imaginable subject. We are passing legislation upon subjects that ought to be left alone. But where there is a real evil to be remedied, then there is no excuse for Congress, if it has jurisdiction of the subject, or for the State legislatures, if they have jurisdiction of the subject, to remain inactive.

There is a real evil to be remedied here. We have outgrown the system of employers' liability under the common law. It has no longer application to our industrial conditions. Let me briefly call attention to what the common law was. At common law no employee was permitted to recover unless he could show that his employer had been in some way at fault; unless the employer had been guilty of a want of care, in other words.

Superadded to that requirement there grew up from time to time provisions announced by the judges in deciding these l

cases, which gave to the employer certain defenses. There was the defense of the assumption of risk under which, whenever it could be shown that the employee had entered the employment or remained in the employment with a knowledge of the conditions with which he was surrounded, although the master might have been negligent in not having a safe place or providing safe appliances, the employee had assumed the risk and he was denied the right of recovery.

Another defense was that of contributory negligence, that although the employer himself was guilty of negligence, if it could be shown that the employee was also guilty of negligence, he was denied the right of recovery, no matter how slight his contributory negligence may have been.

Then there was the third doctrine—the fellow-servant rule. If the injury was due to the fault of a fellow servant, the servant injured was not entitled to recover. The result was, as time went on and as our industries became more complicated, these various defenses bore on the employee with greater and greater hardship.

There was some reason at common law under the conditions that prevailed then for these particular doctrines. Under those conditions the relationship of master and servant was an exceedingly simple one. The master had few men in his employment-a half dozen or a dozen or in that neighborhood. The muster was brought into direct contact with his servants, directly supervising their work. The servants were brought into direct contact with one another, so that this direct contact enabled them mutually to guard against injury due to the want of care on the part of any of them.

Not only was the relationship itself simple, but all the surrounding conditions were simple. The appliances with which the work was done were in the main manual tools, which, as the term implies, were a mere extension of the hand. A man used a hammer, an awl, or some other simple manual appli-ance, and under those conditions that I have described whenever a man was injured it was ordinarily and usually due to somebody's want of care, because under those comparatively simple conditions if the servant pursued his work in a normal way he could not be hurt. Everything was so simple, there was no machinery, that unless some negligence intervened there could ordinarily be no injury.

Under those conditions negligence being in a great majority of the cases the controlling circumstance, there was some wisdom in providing that that should be the circumstance which should determine the right of recovery. But now under modern conditions all of that has changed. The relationship of master and servant is no longer a simple one. Particularly is that so in the railroad service. A single railroad in this country-the great New York Central lines-employs over a hundred thousand men; the Pennsylvania system more than that number. These men are not only not brought into contact with their employer, but they are not brought into contact with one another. They do not know one another. The master has been twice removed. First he has been removed by the interposition of supervising agents. He does not direct the work himself. He has agents who do it. Then he is again removed by the modern corporation, so that the real owners of the property, the real employers, simply hold stock in the corporation, which has its employees and its supervising agents. Under these conditions there is little reason for the continuance of the fellow-servant rule.

Again, we have changed the simple appliances and simple tools that were used at the time this doctrine originated for machinery—not only complicated machinery, but machinery driven at great and sometimes dangerous speed by the great and dangerous forces of steam and electricity. The machinery is very often kept in motion by a fellow servant at a remote distance from the servant who is carrying on the work. So under these conditions the reason for the existence of these common-law rules, as it seems to me, has practically disap-

Under the conditions prevailing to-day instead of the majority of accidents that happen being due to somebody's negligence, the majority of accidents that happen to-day in modern industry are due to the risks of the industry. More than onehalf of all the accidents that happen in this country to men engaged in work upon machinery is the result of the risk of that industry and that will continue. Therefore, the time has come to do away with this doctrine of the common law which puts negligence at the basis of the right of recovery and to substitute for it the fact of injury. The fact of an injury happening in the industry itself should entitle, under those conditions, every employee to compensation.

Now, I have said that the greater part of these injuries were due in one way or another to the inherent risk of the industry,

and no matter what may be done in the way of providing safety devices or passing rules for the government of railway corporations, no matter how much our laws or the voluntary acts of the railroad companies may accomplish in the way of reducing the aggregate of accidents, still the proportion which is due to the risks of the industry will remain fairly constant, because we now deal with a great body of men, seventeen hundred thousand in number, and the happenings in that industry are governed by the law of averages and not by the doctrine of chance.

A single happening may be the result of chance, but when you increase those happenings to a sufficiently large number you find they are governed by the law of averages and that will remain fairly constant no matter what the changes in conditions

may be.

Let me illustrate that: You may go to the post office in Washington and deposit to-day a letter with a stamp upon it and not addressed. So far as that single happening is concerned it is the result of chance. It might have happened otherwise; but if you will take all the letters that have been deposited in the post office at Washington during the year you will find that a certain definite proportion of them have been so deposited with the stamp attached and without any address. The aggregate number of letters may increase or it may decrease, but the proportion of letters unaddressed out of all this vast number of cases will remain substantially the same. That doctrine lies at the basis of all our statistics. Statistics would be of no use to us unless the law to which I have called attention, the law of averages, had uniform application.

Now, the point I make about that is that, no matter how many laws we may pass to minimize the evils of this existing system, so long as we leave negligence on the part of the employer as the controlling basis, just so long there will be a definite proportion and a very large proportion of these employees who can not recover; because under this law of averages that number of men from year to year, no matter how you may reduce the aggregate number of accidents, will have accidents happen to them as the result of the inherent risk of their dangerous employment; and so long as you leave negligence in the law just so long will a large proportion of men be killed and

their helpless dependents remain without a remedy.

Let me call attention to some statistics on this question.

Mr. Boyd, who is at the head of the Ohio commission, and who has given many years of study to this question, in a statement before the committee of the House had this to say:

ment before the committee of the House had this to say:

The United States employers' liability act, which practically did the same thing and introduced a new doctrine, the doctrine of comparative negligence as between the employer and the employees, so that the historical evolution of the problem itself shows that the common-law remedy is a failure; you can not adjust the matter by modifying the common-law defenses or taking away the common-law defenses.

Now, I shall proceed to show you what the economic facts are upon which every law, the decision of every court and every statutory law, uitimately is based—upon the correction of some economic inequality, or supposed economic inequality, resting in the minds of the legislature or of the court. In two or three minutes I will simply state the results of these economic inequality, which are set forth fully in the Michigan Law Review for this month by the speaker. Prior to the adoption of the German insurance acts the experience in Germany was that only I injured workman in 10, or 10 per cent of all injured workmen, would recover compensation under a common-law action. Now, the investigations of New York State, of Ohlo, of Illinois, and the Russell Sage commission, and the Allegheny committee of Pittsburgh, Pa., show the following results:

In New York State, on an average, a workman during the last 8 or 10 years recovered in something like 12 per cent of the cases. That is, where there were 414,000 accidents reported to the liability insurance companies, something or other was paid in 52,000 of them, or about one case in eight.

companies, someth

This is not the result of speculation; it is the result of a deliberate and thoroughgoing investigation by the commission of New York.

In Ohio, in the settlement of 65,800 cases in Cuyahoga County in a period of about eight years, something was paid in less than 6 per cent of the cases, and in Illinois something was paid in 8 per cent of

The PRESIDING OFFICER. The Senator will suspend a mement. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

The Secretary. A bill (S. 3175) to regulate the immigration of aliens to and the residence of allens in the United States. Mr. PERCY. I ask unanimous consent that the unfinished

business be temporarily laid aside.

The PRESIDING OFFICER. Without objection, the unfinished business will be temporarily laid aside. The Senator from Utah will proceed.

Mr. SUTHERLAND. Again, speaking of the German experience:

Now, if you take the economic operation of the German insurance acts, which in 1887 had 4,000,000 employees under them and to-day have 27,000,000 workmen and their dependents insured against the loss of wages arising out of industrial accidents, you can attribute on the average only 18 per cent of the cases to the negligence of the

employer and about $28\frac{1}{2}$ per cent of the accidents to the negligence of the employees, while in 44 per cent of the accidents the causes are due to the natural, inevitable risks of the business and 10 per cent to the combined negligence of the employer and the employer.

Here are statistics which were gathered by the German Government for three separate years—for the year 1887, the year 1897, and the year 1907. Thus they represent the experience of Germany over these several 10-year periods, and, mind you, this investigation was carried on by a thoroughly trained body of men. They are the result of the statistics gathered in cases aggregating hundreds of thousands throughout the German Empire.

In 1887 the result of those German statistics shows that the percentage of accidents which were due to negligence of the employer was 20.47; due to the negligence of the employee, 26.56; due to the negligence of both parties, 8.01; due to inevitable risks of the industries and other causes, 44.96.

That was the experience for 1887. In 1897 there was due to negligence of the employer 17.30 per cent; of the employee, 29.74 per cent; of both parties, 10.14 per cent; and due to inevitable risks of the industries, 42.82 per cent.

In 1907, 10 years later, the number due to the fault of the employer was 16.81 per cent; to that of the employee, 28.89 per cent; to both parties, 9.94 per cent; due to inevitable risks of

the industries, 44.36 per cent.

The significance of those figures consists in this, that although 20 years elapsed from the time the first figures were gathered until the third set of figures were gathered, and the number of men employed had increased marvelously, and in the meantime the accidents due to negligence of the employers by the adoption of better methods had decreased, the inevitable risk of the industry remained constant or practically constant; that is, in 1887 it was 44 and a fraction per cent; in 1897, 42 and a fraction per cent; and in 1907, 44 and a fraction per cent again.

In 1887 negligence of the employer brought about 20.47 per cent of the accidents. In 1897 it had decreased to 17.30 per cent

and in 1907 to 16.81 per cent.

There can be no more striking evidence of the value of the compensation law than those figures. A compensation law appeals to the self-interest of the employer. It says to him, reals to the self-interest of the employer. It says to him, "Whenever you can cut down the number of accidente, just to that extent you will save your treasury." And so, his self-interest being appealed to, he adopts every method of preventing accidents. As I said, while the number of accidents resulting from inevitable risks had remained substantially the same, the employer had reduced those due to his negligence from 20 per cent to 16 per cent in that 20-year period.

cent to 16 per cent in that 20-year period.

Mr. WORKS Mr. President, I suggest the lack of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

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Ashurst Bacon Borah Bourne Bristow Brown Bryan Burnham Burton Catron Chamberlain Clapp Clark, Wyo. Crane Crawford	Cullom Cummins Curtis Dillingham Fall Fletcher Foster Gronna Heyburn Johnson, Me. Jones McCumber Martine, N. J. Myers Nelson	Nixon O'Gorman Oliver Overman Owen Page Paynter Percy Perkins Pomerene Rayner Root Sanders Shively Simmons	Smith, Ariz Smith, Md. Smith, S. C. Smoot Stephenson Sutherland Swanson Thornton Warren Watson Wetmore Works

Mr. BURNHAM. My colleague [Mr. GALLINGER] is neces-

Mr. BACON. I will state that my colleague [Mr. SMITH of Georgia] is necessarily absent from the city at this time.

Mr. JONES. I desire to state that my colleague [Mr. Poin-DEXTER] is unavoidably detained from the Chamber on important business

The VICE PRESIDENT. Fifty-seven Senators have answered to the roll call. A quorum of the Senate is present.

Mr. SUTHERLAND. Mr. President, I had called attention to

the statistics gathered by the German officials on this subject; and next I direct attention to the statistics which were gathered by the labor bureau of the State of Wisconsin covering the same They investigated, altogether, 318 cases of personal injury. They found that out of those cases 11.35 per cent were due to negligence of the employer; 23.53 per cent were due wholly to the negligence of the workmen; 7.14 per cent were due to the combined fault of both; 5.88 per cent were due to the fault of fellow servants; while 52.10 per cent were due to the hazard of the industry.

I call attention to that for the purpose of showing how near our own experience has been to that of Germany. The German

experience shows, on the average, about 44 per cent due to the hazard of the industry, while in Wisconsin the number shown is about 52 per cent.

Mr. Boyd, in summing up this subject and quoting all these figures, makes this deduction:

That no matter how careful the employer is or how careful the employee may be, or how high the efficiency of the State may rise in the application of ways and means in the prevention of accidents, the natural hazard remains practically constant. That on the average of from 52 per cent to 53 per cent of the cause of all accidents are due to the natural hazard of the business.

And again :

Here in this problem there is the one element alone of 52 per cent of all cases of injury for which the common law does not presume to furnish any relief at all—none for the injured workman and none for the dependents who, in most of such cases, must be supported by the community in which they live.

And again:

The effect on dependents is just the same, whether the cause of the injury was due to the negligence of the employee, to that of the employer, or to the natural hazard of the business. The common law in theory denies the injured workmen relief in all of these cases, to wit, 28.39 per cent, and, further, there is no cause of action at all in the 53.41 per cent of the cases due to the natural hazard. Or in the combination of the two elements, natural hazard and negligence of the workmen—that is, 81.80 per cent of the cases of injury the common law does not presume to furnish any compensation either to the workman or his dependents.

Mr. HEYBURN. Mr. President-

The VICE PRESIDENT. Does the Senator from Utah yield to the Senator from Idaho?

Mr. SUTHERLAND. I do.

Mr. HEYBURN. It is out of the condition just expressed by the Senator that most of my difficulty has grown in considering what ought to be done in this matter. A majority of the cases seem to be without the fault of anyone; they are the result of natural conditions beyond control, and I have thought whether or not we would find the best remedy in a charge in the nature of a license for entering into a business that was more than 50 per cent hazardous to those who are engaged in it, and allow that to constitute the fund out of which to compensate them.

I have been groping for years with this question, having for many years of my life been called upon to deal with it professionally, and I have not yet been able to satisfy my mind that we have reached exactly the right solution. But the nearest that I have found that seems to meet the conditions is to charge people who engage in a business that is more than 50 per cent hazardous to create a fund in the nature of a license, or whatever you may call it, out of which those injured shall be compensated.

I am not sufficiently familiar with the final conclusion of the committee here as to whether they are going to go beyond the rule of evidence or not, and I will ask the Senator whether or not this measure really goes beyond the establishment of a rule of evidence?

Mr. SUTHERLAND. Yes; Mr. President, it goes entirely beyond that. As I explained before the Senator came into the Chamber, the theory upon which this legislation proceeds is that under modern industrial conditions where we are dealing with as great and dangerous a force as steam or electricity, with rapidly moving machinery where vast numbers of men are employed, and with all the circumstances which the Senator well understands surround modern industry, a certain definite proportion of all accidents which happen, whether they may be increased or decreased in the aggregate by the efforts of the employer, are due to the hazards of the industry. In other words, we may reduce the number of accidents in the aggregate and decrease those due to the employers' fault, but we do not materially decrease this proportion. All the statistics have indicated very clearly that this definite proportion of accidents due to the hazards of the industry remains constant, and it is an indication that in the past we have been proceeding upon wrong lines.

As I have already said, at common law, or when the commonlaw rules originated, under the simple conditions which prevailed then, when an accident happened it was generally due to somebody's negligence, because if the man pursued his simple work under normal conditions he was not hurt. But with machinery and with the hazards that we have to-day no matter how careful we may be a certain number are inevitable. To give one illustration as to how that operates to-day, when men are working with machinery after a few years' experience their work becomes more or less automatic. Here is a man, for instance, employed in a factory. He has before him a machine, the power which operates it coming from some central station, either electricity or steam, and this power is turned off or turned on by a foot treadle. The employee puts his foot on the treadle, and as long as he retains his foot there the machinery is in mo-

tion. When he takes his foot off, the machinery stops. Now, he is busy with his hands at the same time feeding material into this machine. When he first begins his work as a novice, every act is a conscious act; his brain directs every act; it directs his foot to go upon the treadle; it directs his hands to be busy about the work that he is feeding into the machine; but as time goes on his whole work becomes automatic, and when the direction is given by the brain for these motions the direction is for the whole series of motions, not for the single act, and it becomes automatic, just as playing upon a piano after awhile becomes automatic.

Now, then, some circumstance intrudes from the outside, something occurs to disarrange the work. Impulsively the operative reaches forward to readjust the disarranged work, but the brain has given the direction for the whole series of motions, and his impulsive motion reaching forward to correct his work crosses the series of motions that he was performing and confuses the results. In other words, he fails to take his foot off the treadle and keeps the machinery in motion, and his hands go into the machinery and he is maimed.

Now, looking at that situation in cool blood, upon a full review of the whole situation, the average man is apt to say, "Why did not that man take his foot off the treadle? He ought to have known that it was dangerous to undertake to rearrange that work while the machinery was in motion. Why did he not stop it; it could have been done with a simple motion."

But the truth about it was that the man could not help himself. He could no more take his foot off the treadle under those circumstances than the machinery could stop without his taking his foot off. Now, we call that contributory negligence. It is not. This work had simply become automatic in its character and the accident was one of the hazards of the industry.

Mr. HEYBURN. I should like to inquire if the Senator has investigated as to whether or not there is more danger to the overexperienced man than there is to the novice? Is it not true that a larger proportion of accidents occur to men who are overconfident than to those who are on the alert?

Mr. SUTHERLAND. The Senator is quite correct about that. The statistics, I think, will show that there is a larger proportion of accidents of that character happening to men who have had long experience than to the novice, because when the novice is working every motion is directed and he watches everything with greater care. A man who does his work automatically, as he does after many years of experience, is not watching for these intruding circumstances.

Now, let me come back to the point I was discussing when the Senator from Idaho interrupted me. It will be seen from the statistics (and I could quote much more to the same effect if I had the time) that more than one-half, on the average, of all these accidents are due to the natural hazard. So long as we leave the employers' liability law in force with the element of negligence at the basis of it, half of those accidents must go unrecompensed. The suffering of the man who loses his leg as a result of the inherent risk of the industry, or as the result of his own negligence, is just as great as that of the man who loses it as the result of the negligence of his employer. The hardship upon the widow and the children of the man killed as the result of the hazards of the industry or as the result of his own negligence is just as great as though it was due to the negligence of the employer.

We must take care that these people do not become wrecks, human driftwood in society. That is one object of this legislation. The law of negligence is hard; it is unjust, it is cruel in its operation. The law of compensation proceeds upon broad humanitarian principles. It says that when a man has been injured in an industry he is a soldier in that industry, and the industry must take care of him to some extent.

Mr. HEYBURN. The Senator uses the expression "we must take care of these people." I assume he means that the employer must be compelled to provide for them. Of course there is no governmental application of the term.

Mr. SUTHERLAND. Oh, no; society in the last analysis must take care of these people, because if the injured man or the family that is left is not compensated by the industry directly, they become a charge upon society. They must be taken care of in our charitable institutions and in one way and another; they must support themselves very often by unaccustomed and poorly paid work. This is often the case with widows, as I will show a little later on. The investigations in Ohio have shown that out of a certain number of men killed and leaving widows, a very large proportion of them, although living in fairly comfortable circumstances before the breadwinner was killed, have been compelled to go to the washtub, resorting to hard, unaccustomed work, at comparatively small compensation.

Mr. HEYBURN. Has the Senator-he doubtless has-taken into consideration the effect upon the expense of the business itself? To what extent would the Senator carry this question of compensation as compared with the ability of the employer to meet the liability?

Mr. SUTHERLAND. This bill proceeds upon the theory that we pay half wages, and I will explain a little later along

the details of it

Mr. CRAWFORD.

Mr. CRAWFORD. Mr. President—
The VICE PRESIDENT. Does the Senator from Utah yield to the Senator from South Dakota?

Mr. SUTHERLAND. I yield to the Senator.
Mr. CRAWFORD. My only regret is that I have not been able to hear the Senator from Utah all the way through, and may not be able to hear his full argument: May I inquire, does the Senator deal with this phase of it, that these employees enter into the question of efficiency; that in one sense their rela-tion to industry is a relation that goes toward keeping up in the highest state of efficiency the operating industry, as a locomotive that has been damaged must be kept up in an efficient condition of repair; that these men are, in a way, devoting their lives to the work of railroading; that they are unfit for anything else; that all their training is blended with that operation; and that they are in one sense a part of the plant itself and entitled to consideration upon that theory?

Mr. SUTHERLAND. Yes. The Senator from South Dakota very well states it. These men, in a sense, may be regarded as the human part of the machinery which they operate. a piece of machinery is broken, when a boiler is destroyed, the industry must replace it; it bears the expense of it. When the man who operates the machine is injured, the industry must

take care of him and must repair that damage.

Mr. CUMMINS. Mr. President—
The VICE PRESIDENT. Does the Senator from Utah yield to the Senator from Iowa?

Mr. SUTHERLAND. I yield.

Mr. CUMMINS. I wish to ask a question to see if I clearly understand the proposition. The first proposition is that compensation for all injuries is substituted for liability or the right to bring a suit for those injuries for which under the law the employer is responsible. That is the first proposition-compensation for all injuries received in the course of the employment, and the liability which formerly attached to certain cases, is entirely removed; second, that the compensation becomes a part of the operating expenses of the railways or common carriers, and, as such, is to be borne by the public through the rates charged by the railway companies, precisely as any other expense to which the company may be subjected. Is not that the general character of the bill?

The Senator from Iowa states it Mr. SUTHERLAND. Yes. very accurately. That is the idea of it. It must be so in the

nature of things.

Mr. HEYBURN. Then-

Mr. SUTHERLAND. The Senator will bear with me a moment. It must be so, because when capital is invested in a railroad enterprise, for example, it must be permitted to have a rate which will afford compensation for the work it does. you reach into the treasury of the railroad company for any expense, for making better roadways, for compensating for these injuries, or for any other purpose, it becomes a part of the operating expenses of the railroad. They charge to their operating expenses now the amount they pay out in personal injury cases and the damages which they pay. So, in the last analysis, it is, of course, shifted to the public.

Mr. HEYBURN. Mr. President, that brings us to the necessary consideration of reasonable profits. We are doing much talking and attempting to do some legislating—we have not accomplished much yet—based upon the idea of controlling tariff rates; and as a basis for that legislation we are proposing to determine what is and what is not a reasonable profit

Now, take a catastrophe such as that which line, with a curred in a great international transportation line, with a curred in a great international transportation line, with a not anticipate that-a fact for which we should all be very devoutly thankful. It is the same with a great railroad wreck, where the loss of a train of cars and an engine alone in the destruction of property would amount to perhaps 50 per cent of what would be a reasonable profit. If we are going to deal thus liberally with the injured, we must take into consideration to some extent the earnings of a railroad, and we can not crimp it right down to a percentage upon its capital, and then make it subject to these extraordinary expenses. We shall have to take that into consideration somewhat. I merely mention this because it is inseparable from the consideration of this ques-

Mr. SUTHERLAND. Mr. President, a little later along I expect to say how much this compensation law will increase the expenses of the railroad. It is not an extravagant amount, but will increase them to some extent.

Mr. President, now I come to another branch of the subject, which is the question of how much compensation should be allowed in these cases. As I view it, there are two fundamental principles to be considered: First, the compensation must be made high enough so that it is adequate; so that it will afford a fair living for the injured man and for his family. Upon the other hand, it must not be so high as to constitute an invitation to the employee to remain idle, because the world has need of all its workers, and whenever you pay a man when not employed as much in the form of compensation in periodical payments as he could earn if at work, you invite that man to remain idle, you deprive society of his services, and you compel society to bear the burden in addition to losing his services.

The general principle, therefore, in this bill upon which compensation is based, I may illustrate in this way: A man who goes to work in one of these dangerous employments and the employer who invests his money may be regarded as joint adventurers in an industry in which a certain number of accidents are inevitable. When an accident occurs, we propose to compel the man who has invested his capital for the sake of the profits he may make to continue to pay the injured man half wages, notwithstanding the fact that he gets no services from the man; but the workman himself was a joint adventurer in the enterprise; he has invested his work in that dangerous enterprise for the sake of the wages. So we have him lose half his wages while he is doing nothing, and we compel the employer to contribute half of the wages without getting anything in return.

Mr. HEYBURN. May I put a question to the Senator? The VICE PRESIDENT. Does the Senator from Utah yield to the Senator from Idaho?

Mr. SUTHERLAND. Yes.

Mr. HEYBURN. Suppose you compel the employer to continue paying the injured person half wages, are you going to compel him to remain in business so that he may be able to do it, or may he, after a great disaster in which such liability has been incurred by him, quit the business in order to avoid it?

Mr. SUTHERLAND. That will not happen in the railroad

service.

Mr. HEYBURN. It might not; but I knew it to happen in a stage line running through the Senator's State, where the parties, after suffering a judgment for \$75,000, discontinued the

business—an interstate-commerce transaction.

Mr. SUTHERLAND. When the States come to deal with small employers, they will have to adopt some other scheme, just as the State of Washington has adopted a different scheme. In the State of Washington they have an insurance scheme, which, I understand, operates very well there, and probably will operate there, because they are dealing with a multiplicity of small employers; but when you come to deal with the railroads, each of them is employing such a vast number of men that it can carry its own risks.

Mr. HEYBURN. Some of them are not. Mr. SUTHERLAND. Oh, yes; practically all of them are. The reason that the small employer takes insurance is that the insurance company represents so many cases that the shock of any disaster is distributed among a large number of people; but in the case of the railroads there is no need of the distribution. Their business is so large and the number of men employed is so many that, upon the average, their expenses for this purpose will remain constantly about the same. So, in other words, they carry their own insurance. There is no need of bothering with that in connection with the railroads.

What will this compensation amount to in the way of increasing the expenses of the railroad companies? We find that, roughly speaking, the railroads of the entire country during the last three years have been paying out on the average for personal-injury damages a sum amounting to \$10,085,000. That has been about the average annual expense to the railroad companies. Under the operation of this proposed law, if we consider the same number of accidents, but all to be compensated under this bill, the amount which they will pay out will be approximately \$15,000,000 per annum; but, inasmuch as that is distributed over a series of years in the form of periodical of these deferred payments. They pay, in the case of the widow, for example, for eight years, and they therefore have the use of the deferred payments for the intervening time between the day they begin and the day they end the compensation. So, that being worth something, the cost to the railroad would be about \$13,000,000, allowing 5 per cent upon the deferred payments.

Mr. REED. Mr. President-

The VICE PRESIDENT. Does the Senator from Utah yield

to the Senator from Missouri?

Mr. SUTHERLAND. In just a moment. So that the additional cost to the railroads under this compensation bill will be about 25 per cent; in other words, for every dollar they now pay out they will, under this proposed law, pay out a dollar and a quarter. Now I yield to the Senator from Missouri.
Mr. REED. The Senator from Utah stated that for the last

three years the railroads have paid out approximately \$10,085,000 annually. Has the Senator made any calculation as to what they will pay out now that the act of Congress of 1908 as amended by the act of 1910 is sustained by the courts as in full

Mr. SUTHERLAND. Mr. President, the figures which I have been giving include amounts paid under the operation of that law. Let me remind the Senator from Missouri that the employers' liability law was first passed in 1906. Prior to 1908 it had been declared unconstitutional on a single ground, namely, that by its terms it applied to people engaged in intrastate commerce as well as interstate commerce. In 1908 the law was amended by Congress so as to obviate that constitutional objection, and since 1908 there has not been the slightest doubt as to the validity of that law. The Supreme Court repeatedly said that the legislation with that one element omitted was con-Therefore, since 1908 the employers' liability law has been enforced, and every case that could be brought under it has been brought. The statistics which we have gathered cover the years 1908, 1909, and 1910; so that this \$10,085,000 per annum that is paid out is paid out under the operation of the employers' liability law.
Mr. REED. Mr. President

The VICE PRESIDENT. Does the Senator from Utah yield further to the Senator from Missouri?

Mr. SUTHERLAND. I do.

Mr. REED. I take it that the Senator, when he used the term "employer's liability law." refers to the acts of 1908 and 1910, which simply wiped out the old common-law defense?

Mr. SUTHERLAND. Yes.

Mr. REED. But not an employer's liability law in the sense that this bill is intended to be, this being liability in each case. Mr. SUTHERLAND. This differs from that.

Mr. REED. Yes; this is entirely different from the law we have been operating under.

Mr. SUTHERLAND. Oh, very different.

Mr. REED. Now, does the Senator contend that there has been no doubt about the validity of the acts of 1908 and 1910

since their passage?

Mr. SUTHERLAND. I do assert so, and have not the slightest doubt about it. The Supreme Court of the United States held that the employer's liability law of 1906 was valid and constitutional save for one element, and that was the element to which I have called attention. They therefore held that with that element eliminated the law was constitutional, and they repeated that over and over again in subsequent decisions,

Mr. REED. Were not the acts of 1908 and 1910 solemnly challenged in court after court, and was that question not

settled finally on the 15th day of January last?

Mr. SUTHERLAND. Perhaps; but there never was the slightest doubt as to what the result would be in the Supreme

Mr. REED. Perhaps not, in the mind of the Senator. Mr. SUTHERLAND. Well, not in the minds of most people in the country; and if the Senator would take the trouble to go to the various court records of the country I think he would be astonished to find how frequently the employer's liability laws have been resorted to during the past three years.

Mr. CULBERSON. Mr. President—

The VICE PRESIDENT. Does the Senator from Utah yield

to the Senator from Texas?

Mr. SUTHERLAND. Yes.
Mr. CULBERSON. Merely as a matter of information I will ask the Senator if the railroad companies themselves did not challenge the validity of the acts of 1908 and 1910?

Mr. SUTHERLAND. Oh, yes.
Mr. CULBERSON. And finally take the case to the Supreme
Court of the United States?

Mr. SUTHERLAND. Yes. Mr. CULBERSON. That court deciding it constitutional, as

Mr. SUTHERLAND. That is quite correct.
Mr. CULBERSON. The opposite parties to the controversy therefore believed that the law was unconstitutional.

Mr. SUTHERLAND. Yes; the railroad companies took the

companies had very little expectation of the Supreme Court overruling its former decision, because the validity of the employer's liability law of 1908 was definitely established by the decision of the Supreme Court in 1907.

Mr. NELSON. Mr. President-

The VICE PRESIDENT. Does the Senator from Utah yield to the Senator from Minnesota?

Mr. SUTHERLAND. I yield to the Senator.

Mr. NELSON. My recollection is that the last case that went to the Supreme Court involved the amendatory act of 1910, allowing suitors to go into State courts, and that that was the principal question decided.

Mr. SUTHERLAND. That was one question.

Mr. NELSON. That was one question; but, as the Senator says, in the decision under the act of 1906 the Supreme Court held the act valid, except only in the respect that it included local traffic in connection with interstate traffic.

Mr. REED. Mr. President, so that it may all appear together, I think the RECORD will show that the decision of the 15th of January last was a decision embracing three separate cases, and in each separate case the law had been challenged upon a different ground, or its jurisdiction over particular subjects matter had been called in question. So that at that time it was contended by the railway companies that the law was unconstitutional: it was contended that it did not apply in certain cases: and it was challenged on a still further ground which for the moment escapes me.

Mr. SUTHERLAND. Yes; but, Mr. President, cases were constantly being brought since 1908 after the amended law was passed in absolute reliance upon the former decision of the

Supreme Court that the law was constitutional.

Mr. CRAWFORD. Did any lower court decide it was not? Mr. SUTHERLAND. No; no lower court intimated that there was any doubt about it after the decision of the Supreme

Mr. REED. Just one further question: Is it not a fact, I ask the Senator, that of the cases brought under the law passed in 1908 as finally amended in 1910 in the ordinary course of litigation, probably not more than 40 or 50 per cent of them, would have been decided and gone to final judgment before the present time?

Mr. SUTHERLAND. Well, a great many of them would not, but a great many of them did.

Mr. REED. I think it would be safe to say that 40 per cent of them had not—that is a mere estimate—judging from

the ordinary delays of litigation.

Mr. SUTHERIAND. A great many of them are delayed, there is no doubt about that; but independently of all that, if we assume that under the employer's liability law more men will recover than recovered under the common law, still, as I have shown, and I think very clearly, at least one-half of the injured men and one-half of the widows and children of the deceased men will be unable to recover anything, even under that liberal law, because the injury was due to the inherent risk of the industry. You must add to that all cases where the injury is due to the sole negligence of the employee, for where it is due to the sole negligence of the employee of course he can not recover. It is only in cases of contributory negli-rence that we adopted the salesme of comparing the paglicular gence that we adopted the scheme of comparing the negligence of the two.

Mr. REED. Mr. President—
The VICE PRESIDENT. Does the Senator from Utah yield to the Senator from Missouri?

Mr. SUTHERLAND. Certainly.

Mr. REED. I only ask for information; I do not desire to interrupt the Senator, and he recognizes that fact; but I desire to ask what is the basis for his statement that, under the law as it now exists, 50 per cent of the persons injured can not recover? How does he arrive at that?

Mr. SUTHERLAND. The Senator from Missouri did not do me the honor to remain in the Chamber while I was discussing that subject. I went over it at very great length and called attention to the German statistics and the statistics of our own country upon that subject.

Mr. REED. I was attending a committee meeting, and was absent for that reason. If I had known the Senator was speak-

ing, I would have left the committee.

Mr. SUTHERLAND. That is very kind of the Senator, and I appreciate the compliment implied.

Mr. CULBERSON. Mr. President-

The VICE PRESIDENT. Does the Senator from Utah yield to the Senator from Texas?

Mr. SUTHERLAND. Yes.
Mr. CULBERSON. While the Senator is discussing the genquestion to the Supreme Court, but I think even the railroad eral run of these laws, I should like to get some information

from him upon a subject to which I think he has not yet referred. This bill provides that under certain circumstances every common carrier by railroad in the District of Columbia (hereinafter designated "employer") shall pay compensation in the amounts hereinafter specified to any employee who sustains personal injury by accident arising out of and in the course of his employment and resulting in his disability.

I want to emphasize, and therefore I will read the portion to which I particularly refer:

To any employee who sustains personal injury by accident arising it of and in the course of his employment and resulting in his disability.

Now the act of 1908 provides that common carriersshall be liable in damages-

To whom?

to any person suffering injury while he is employed by such carrier in such commerce.

What I want to know of the Senator is, if the bill under consideration does not to a degree restrict liability beyond the act of 1908?

Mr. SUTHERLAND. No, Mr. President, it does not restrict it, but, on the contrary, extends it. The Senator has left out one very important element in the employers' liability law, and that is, that in addition to happening in the course of that employment; that is, while engaged in interstate commerce, the accident must be due to the negligence of the employer. no recovery can be had unless the employer was negligent. That is true, is it not?

Mr. CULBERSON. That is true-

Mr. SUTHERLAND. Now, how can the employer be held guilty of negligence for an injury that does not arise out of and does not occur in the course of the employment? The employer owes the employee no duty except in connection with his emplayment. We have broadened it by taking out of the law the element of negligence and leaving the other elements in it.

Mr. CULBERSON. I have received a letter from a workingman, a railroad employee in Texas, dated April 1, in which he refers to the subject, and if it is not too much of an interruption to the Senator I shall read one paragraph of his letter.

Mr. SUTHERLAND. I should like to proceed with my

argument.

Mr. CULBERSON. Very well; I will submit it in my own time, then.

Mr. SUTHERLAND. Mr. President, when I was interrupted I was proceeding with the question of the amount of compensation and had discussed the question of half wages. The difficulty with our friends upon the other side of the Chamber who are opposing this legislation is that they are looking at the exceptional case of a large verdict and paying absolutely no attention to the entire aggregate of cases. This is a bill dealing with the whole body of employees; it is not based upon the exceptional case; it is based upon the average of the amounts which are recovered, and not upon the exceptional case. Of course, when a man sustains an injury due to the negligence of his employer, and is able to sustain that before a jury, he sometimes recovers a very large verdict; but this bill is not to be tested by that exceptional result, because, while one man may recover a large verdict by being able to prove negligence, many men are unable

to recover anything at all because they can not prove negligence.

Another difficulty, it seems to me, that our friends fall into is that they argue as though we were dealing with an existing case—that is, the Senator from Georgia [Mr. SMITH], who spoke yesterday, referred to the inadequacy of compensating a man who has lost a foot by paying him \$2,400, as though we had that typical man before us, as though the man had already lost his foot, and we were considering the question of compensating that man. But that is not the case. The case we are considering is that of the man who has not yet been injured. We are not dealing with past transactions. Now, take that man. Here is a brakeman who is earning \$100 a month in the employment of a railroad. It is inevitable, we will suppose, that that brakeman during the next year is going to lose his foot. Suppose we knew that and suppose he knew it. But while it is inevitable that he will lose his foot, it is altogether uncertain whether he will lose it under such circumstances that he could prove negligence and recover a large verdict, or whether it would be under such circumstances that he could not prove negligence and therefore would not recover a single cent. Suppose we say to that man, "Mr. Brakeman, within the next year you are going to lose your foot. The chances are at least equal"—they predominate really, but we will say that they are equal-"that your foot will be lost under such circumstances that you can recover nothing. On the other hand, the circumstances may be suchand they are equal-that you can recover a verdict for \$5,000, but if you recover a verdict of \$5,000 you must out of that

\$5,000 compensate a lawyer, who will take your case upon a contingent fee by retaining an average of at least 40 per cent of what you recover." That is the average amount paid in the United States-40 per cent in contingent fees. They run as high as 50 per cent.

Personal-injury lawyers who are engaged in this business in the United States are so full of the milk of human kindness that they will take this unfortunate individual who has lost his foot or lost his arm and carry on his case for him and give him 60 per cent of the amount they recover. But we say to this man: "You may have an equal chance of recovering the \$5,000, but you must immediately pay to your lawyer \$2,000. which will reduce the actual recovery to \$3,000. In addition to that you will have other expenses. In addition to that, you may have to wait 15 months or 2 years or 3 years or even 4 years before your case is determined at all. In the meantime, you will be living a life of anxiety and uncertainty. Even though you are able to go to work, your employer will not employ you. employers in the same business will not employ you. You must for three years perhaps be an object of charity, and at the end of two years or three years or four years, as the case may be, you will receive out of this \$5,000, perhaps, \$2,500."

We say to this man: "We propose by this law, no matter what the circumstances are, to guarantee you \$2,400." Is there any doubt about what that man would say if you put that case to him-a case bound to happen in the future? is the case we put to these people who are going to become widows or orphans or half orphans in the future.

There are 4,000 men killed every year in the railroad service. The widows of a few of them recover good judgments. majority of them recover little or nothing.

Mr. CRAWFORD. Many of them are nonsuited.

Mr. SUTHERLAND. Yes.

Now, let me give the Senate the benefit of some figures. is all very well to speculate about this, but the statistics show us what has happened. This law deals with substantially 1,700,000 employees. Four thousand of those employees are to 80,000 are injured more or less seriously every year. Out of the men who were injured during the years 1908, 1909, and 1910, 200 lost both feet; 18 lost both hands; 14 of them were rendered totally blind; 54 of them lost one foot and one hand; 272 were totally disabled for life by other injuries; 962 lost one hand; 1,786 lost one foot; 780 one eye; 1,756 lost other parts of the body.

Now, I have already said that to these men who are thus injured, and to the widows and families of those killed, approximately \$10,085,000 is paid out each year under the present law. Under the proposed law approximately \$15,000,000 would be paid.

Now, let us see whether or not these people will be better compensated under this law than under the existing liability law. The number of deaths that the computation is based upon is 5,672, covering reports from the railways of the country, representing about 57 per cent of the employees. Out of the 5,672 cases of death the average amount paid to dependents was \$1,221. Under this law where the widow with a child or children is left the amount can not fall below \$2,400 nor exceed \$4,800. So that the minimum amount allowed by this law to all cases, simply by showing that the death has occurred in the course of the employment, is double the average amount paid under the existing liability law.

Mr. REED. Mr. President—

The PRESIDING OFFICER (Mr. Townsend in the chair). Does the Senator from Utah yield to the Senator from Missouri?

Mr. SUTHERLAND. Yes.

Mr. REED. I wish to ask, with respect to the amount of twelve hundred and odd dollars which the Senator read, whether that is arrived at by dividing the total number of persons killed by the total amount or is it arrived at by taking into consideration only those who recover?

Mr. SUTHERLAND. That takes into consideration all the

cases.

Mr. REED. All the cases?

Mr. SUTHERLAND. All the cases; that is, all the cases that would be compensated under this law.

In other words, let me explain. There would be 5,672 cases that would be compensated under this law and the minimum amount which would be paid would be \$2,400; the maximum \$4,800. Those same persons under the existing law receive an average of \$1,221.

That arises from the fact that so many cases Mr. REED. were defeated.

Mr. SUTHERLAND. Precisely.

Mr. REED. Or compromised for in unconscionable amounts.

Mr. SUTHERLAND. Yes; precisely.

Mr. REED. And that allows the railroad company all of the defenses which it is now able to make at law, and most of those cases arise under laws which permit a great many defenses which can not now be made. Is not that true?

Mr. SUTHERLAND. The Senator has a pretty large margin

The difference between \$1,221 average, and an avereven then. age under this law of \$3,000, allows a pretty wide margin.

The average paid under the present law in cases of permanent total disability is \$4,238. That is where the man is rendered totally and permanently unable to do anything in the Under this law we take the average length of life, allowing, in making the comparison, for the fact that the man was injured, and he will receive an average of about \$8,000 as against \$4,238 because his payments continue for life. If he lives 20 years his payment continues.

Mr. REED. I do not want to interrupt the Senator, but I do wish to get the figures clear in my own mind. How do you figure the mortality there-on the ordinary insurance

basis?

Mr. SUTHERLAND. No. I have already said that we deduct from the ordinary insurance mortality tables-I have forgotten the exact amount. I had this computation made by a person who is skilled, and that is the result of it.

Mr. REED. Are there any mortality tables compiled anywhere, by which you can determine the length of time a man will live after he has been permanently injured in this way?

Mr. SUTHERLAND. I do not know of any published tables.

Mr. REED. Is it not mere guesswork, then?

Mr. SUTHERLAND. No; it is not guesswork, because the man who made the estimate for me is a man skilled as an actuary, and he took into consideration the elements. I give it to the Senate for what it is worth. Anyway there is not the slightest doubt that a man so injured will receive far more under this law than he would under the liability law.

Take the cases of permanent partial injuries, and with reference to those we have the exact figures. There were 450 cases where the employee lost one hand. The average amount paid in those cases was \$1,649. Under this law the smallest amount paid would be \$1,800 and the maximum \$3,600. So it will be seen again that the minimum amount paid under the proposed law exceeds the average amount paid under the employers' liability law.

For the loss of a leg—862 cases—the average amount paid under the employers' liability law was \$1,566; under this law the least would be \$1,650, the highest \$3,300. Again, the minimum exceeds the average paid under the present law.

Take the loss of a foot, 48 months. That has been complained of here a good deal. Our figures do not show the amount paid now, because we have no exact returns in that case; but under the proposed law he will receive from \$1,200 to \$2,400, which, we know, will exceed the average now paid, though we do not know exactly how much.

Take the case of the loss of one eye. Three hundred and eighty cases; average amount paid under existing law was \$628; under the proposed law, as he gets compensation for 30 months, it will be from \$750 to \$1,500; again the minimum

exceeding the average under the old law.

For temporary injuries, a less serious class of injuries, 160,000 employees were considered during the last three years; the average amount paid them was \$73. Under the existing system, as I have already said, of course only about 50 per cent of the amount paid reaches the employees, so that this \$1,221 paid in case of death and these other amounts to which called attention must be still further reduced by subtracting from them the amount paid in expenses-for lawyers' fees and other expenses-and when you come to deduct that, you will find that each employee will receive two or three times as much under the compensation law as under the employers' liability law. That is shown from the fact, as I have already stated, that of the \$10,085,000 paid only about one-half, or about \$5,000,000, reaches the pockets of the employees. Onehalf of it is dissipated, is wasted in the process of going from the treasury of the company to the pockets of the employees.

Mr. REED. Does the Senator from Utah contend that under this act men will not have to pay attorney's fees; that they will not have to litigate their cases, just the same as they do

under the present law?

Mr. SUTHERLAND. I do so contend, Mr. President, without the slightest hesitation.

Mr. REED. Your law provides for a trial before an adjuster, does it not?
Mr. SUTHERLAND. Yes.

Mr. REED. And then it provides for an appeal by either party to the Federal court?

Mr. SUTHERLAND. Yes, sir.

Mr. REED. And then it provides for a trial in the Federal court?

Mr. SUTHERLAND. If the parties want it.

Mr. REED. They are likely to want it unless they agree.

Mr. SUTHERLAND. I do not think so. Here is a law which fixes a definite amount to be paid in case of an injury. eliminates the questions of fact that we have under the employers' liability law. The only questions that can arise in any of these cases are, first, was the man employed? Second, was the employer engaged in interstate commerce? Third, was the employee injured in the course of his employment? Fourth, what was the extent of his injuries? If he lost a limb, if he sustained any of these specified injuries, at once the compensation is automatically paid.

Let me call the Senator's attention to what the experience

has been under the English law.
Mr. REED. But, Mr. President, just a word. Does the Senator contend that one-fiftieth out of all the actual injuries suffered are specified and the amount fixed?

Mr. SUTHERLAND. The greater part of the serious injuries

have been specified.

Mr. REED. You fix the compensation for injury to a hand if it is taken off, to a foot if it is taken off, to a leg if it is taken off, and the value of an eye and the loss of hearing; but does the Senator contend that that embraces or covers the field of injuries that men receive in railroad accidents?

Mr. SUTHERLAND. I would have anticipated all the Sena-

tor has asked me if he had let me go on.

In the administration of the English law, which is a compensation law upon which, in some measure, this law is based and which contains many elements of uncertainty that have been eliminated in this law, the experience is that an average of 90 per cent of the cases of accident are compensated for automatically and less than 10 per cent of them are litigated in any form whatever.

I remember reading the testimony of one employer of labor who said that they paid from 90 to 95 per cent of all accident cases at once automatically; and under our law, as I say, we have eliminated many of these elements of uncertainty which have resulted in litigation in England. I venture to predict with absolute confidence that at least 95 per cent of the injuries which will occur after this law shall have been adopted will be adjusted automatically between the employers and the employees, leaving not to exceed 5 per cent to be litigated in any form whatsoever.

Now, let me go on. If the Senator from Missouri will permit me, I should like to get through with this one branch of the

argument.

Mr. REED. I will not interrupt the Senator further.

Mr. SUTHERLAND. I do not object to the Senator interrupting me, but I should like to finish this particular phase of the case.

I have called attention to these aggregate figures and have said that for every dollar which the railroad companies now pay they will, under this law, pay \$1.25; but it must be borne in mind that the employees only receive about one-half of the amount now paid by the employers, namely, out of the ten million and odd dollars the employees get about \$5,000,000. Under this law there would be \$15,000,000 a year. I venture to predict with absolute confidence that it will not cost to exceed a half million dollars to distribute that fund, leaving \$14,500,000 to go directly to the employees; and, as to that, I think I have exaggerated the expense rather than understated it. If I am correct about that, for every dollar the railroad companies now expend for this purpose they will pay \$1.25, but for every dollar the railroad employees now receive they will, under this proposed law, receive pretty well up to \$3. Those are figures which it seems to me can not be gainsaid; and a law that will distribute to the mass of the injured employees of this country and their dependent widows and children and other dependents nearly \$3 for every one they now receive, it seems to me, is far in advance of the existing condition of affairs.

Now, let me call attention to the experience of some of the States with reference to this matter. Here is a recent report from the Employers' Liability and Workmen's Compensation Commission of Michigan, which shows that the average of all compensation and relief in fatal accidents was \$388.53.

The commission says:

This investigation developed the fact that the damages for injuries similar in effect and extent were widely variant in amount and were on the average less than the compensation proposed under suggested

compensation acts. It appeared also that great delay generally occurred between the time of the accident and the final settlement of the action and that the actual costs of the litigation, exclusive of attorneys' fees, was a considerable item.

Now, here are cases that went into court, covering the Wayne County Circuit Court, of 22 men partially disabled for life. These are picked cases, and they involve no payments in more than 54 per cent of the cases. Out of those cases 12 of them recovered nothing; one of them recovered \$200, one of them \$350, one of them \$400, one of them \$1,250, two of them \$2,500, one of them \$4,000, two of them \$5,000, one of them \$5,750.

It must be borne in mind that those were cases brought in court and as the result of litigation, and nothing should be asked more than that the cases should be submitted to a jury, and in cases in which verdicts were returned they were all submitted to a jury, and yet in all of those cases, where the man was partially disabled for life, the average amount recovered was \$884.09, and of the 22 cases 541 per cent recovered nothing.

Now here is another series of cases in the Wayne County circuit court, 23 men temporarily totally disabled; average amount recovered, \$400; and of the 23, 47.8 per cent recovered nothing. These are cases actually brought in court. Here is another series in the Wayne Circuit Court of 16 minors partially disabled for life; average recovery, \$812, and of the above 16 cases 43.7 per cent recovered nothing. How much larger the percentage would be if we included cases where suit was not brought can be readily imagined.

Again, here is the statement of the commission based upon

another table of figures:

mother fable of figures:

The cases in Table XXIV consumed a total of 28 days of the court's time, at a cost to the State and country of \$2,774.31. The court cost to the parties at suit was \$027.60. While there were 32 cases in which suit was commenced, only 12 of them proceeded to trial, the rest being discontinued, either because of settlement or some other cause resulting in failure to prosecute. The average attorney fee for the above cases was \$757.33; added to this cost to the worker (exclusive of his permanent loss of earning power) was an average medical expenditure of \$111.33, and a loss of wages averaging \$180.60, thus showing that while the average amount recovered by the injured in court amounted to \$2,542.78, there was left for the injured but \$1,338.55, when final settlement was made, and, it will be noted, three of these accidents resulted in death.

Take the effect upon the public. This commission carried on an investigation into the social condition of these injured employees and of their families who were left dependent, and they found:

found:

To demonstrate the truth of this statement an investigation was attempted of the records of the poor commission of Detroit and the coroner's office of Wayne County. The information there secured indicates clearly that the families of injured workmen are a substantial charge upon the public funds. The coroner's office shows a record of 91 fatal accidents in 1910 arising from all causes, but an investigation was completed in only 12 industrial accidents, which were selected at random.

The inquiry as to the records of the poor commission developed statistics as to 14 fatal accidents, 13 partial permanent disabilities, and 20 temporary disabilities.

The examination of the data above referred to and the evidence of the extraordinary waste in litigation confirmed the commission in its opinion that the expense of the present system to the State is so great that it could with justice bear the expense of the administration of any remedial statute.

Then follows a statement of the condition of the family after the death had occurred. Here are typical cases:

Mother earns money washing clothes; one son works irregularly.

Another:

Home broken up; widow living with married daughter.

Another:

Receiving aid from poor commission; destitute.

Another:

Widow; no means of support except washing clothes.

Widow running small store; debts used up insurance money.

Another:

Receiving aid from poor commission; live in two rooms.

Another:

Widow now at housework; sickly and destitute; oldest boy in hos-

There is case after case of that kind. They had the same experience in Ohio. Let me call attention to that. Here was the investigation of the Ohio commission:

An individual investigation to determine the social and economic conditions of families deprived by industry of their breadwinners was made in 86 cases. The results, as compiled in Table No. 5, show that nearly 56 per cent of the widows were compelled to go to work, and at an average weekly wage of \$5.51. Altogether in these homes there were 178 children, about 70 per cent of whom were under 12; 59 per cent of the others were forced to go to work. The wretched condition in which some of these families were found can not be depicted by means of tables.

of tables.

Fifty-six per cent of the widows visited and 18 per cent of the children were forced to go to work to earn a livelihood as a result of the industrial accidents.

Fifty-six per cent of these widows working at an average of \$5.51 a week, and yet Senators stand up here and insist that this law is not an improvement over the employers' liability

Mr. REED. Are the figures which the Senator has just given

applicable to railway employees?

Mr. SUTHERLAND. I think they are. They include railroad employees.

Mr. REED. Are they limited to railroad employees?

Mr. SUTHERLAND. No; they are not limited.
Mr. REED. Of course, they cover a field—
Mr. SUTHERLAND. They would apply unless the widow was left in comfortable circumstances. If a widow is left with nothing as the result of the death of her husband she would be just as badly off if she were the wife of a railroad conductor.

Mr. REED. But what I wish to inquire is why quote figures as to a class of people who never have had any substantial remedy and put them in argument in a case where the survivors of railroad injuries have had a cause of action, unless the injury resulted solely from the negligence of the man employed or from inevitable and unavoidable accident?

Mr. SUTHERLAND. Ohio has a pretty liberal law upon the subject of employers' liability. I think the Senator from Ohio will bear me out in that. It is about as liberal a law as there is anywhere in the country, almost as liberal as the

Federal employers' liability law.

I call attention to these figures gathered from various States because they bear out the figures submitted by this commis-

sion, and they all tell the same story.

I have submitted the figures that our commission has gathered with reference to railroad employees, and we have shown that the average amount received by widows and children of employees killed by accident upon the railroads is only \$1,221

year and of that the lawyer receives 40 per cent. Mr. John Mitchell, who is a very strong advocate of this kind of legislation, tells a story which very well illustrates it. said that a workman in Chicago engaged on a high building sustained an injury by falling off the building, due to some defect. He was taken to the hospital, but before he reached the hospital one of these humanitarian lawyers was upon his track, and before he was comfortably settled in the hospital others appeared contesting for his case. Finally he gave his case to one of them. A few weeks after, not yet being out of the hospital, the lawyer appeared and said to the man, "I have settled your case; I have got \$1,500 for it"; and he presented to the injured employee a check for \$500 and a receipt for \$1,000 for his compensation and expenses. The employee looked a little disappointed. The lawyer said to him, "Do you not think I made a pretty good settlement?" He replied, "Yes; you did make a fairly good settlement, but I was just wondering which one of us it was who fell off that building." [Laughter.]

Under the proposed law the first thing that will happen will be the elimination of this waste that I have called attention to. In addition to that, I think justice will be promoted. The man who is injured without negligence needs help. The man who is injured by his own negligence needs help, and he will get it under this law. It will tend, further, to relieve society from a great burden which it now bears in the way of direct charity, and the resultant expenses will be shifted to the people engaged in transportation. It will result in better relations between employee and employer. Everybody understands now that when a man is injured in the railroad service at once a condition of antagonism results between the two, and it will To my mind one of the strong arguments in favor of result. the law is that it will result in our being able to find out how these accidents occur, and, finding how they occur, to apply the remedy. The situation is, when an accident occurs under existing law, that the employee is bent upon establishing the negligence of his employer, and so the tendency upon his part is to distort and exaggerate the facts which tend to prove negligence. Upon the other side, the employer is bent upon disproving his own negligence, and therefore he distorts and exaggerates the facts in order to disprove negligence upon his own part. Out of that double distortion we do not get the facts as to how these accidents occur.

Now, under this law, where the compensation must be paid automatically, wholly independent of the negligence of the employer, there is no temptation to try to distort the facts. The employer is told under all circumstances, no matter how this accident occurs, you must pay a certain definite compensa-tion, and the employee is told, however this accident occurs, you must receive certain definite compensation; and so the temptation is taken from both of them to mislead with reference to the way in which these accidents occur. Now, when we can get the actual facts, as we will be able to do in that

way, as to how these railroad accidents occur, then we will be able to apply the remedy, and to some extent cut them down.

You have exactly the same sort of situation in dealing with accidents that you have in dealing with the subject of health. For example, you have an epidemic of typhoid fever somewhere. A medical board is at work investigating it, and they differ, and the general public differ, as to whether the epidemic is and the general public differ, as to whether the epidemic is caused by flies, or by the water supply, or by the milk supply. They are not able to apply the remedy. But if they can ascertain by getting the truth that it is due to the water supply they can apply the remedy and stop the epidemic. It is just so with these accidents. When we take away from both the employer and the employee all incentive to misrepresent the facts and obtain the truth we will be able to apply the remedies.

I intend at another time to take up the question of the constitutionality of this proposed law, but I will not stop to discuss

Mr. POMERENE.

Mr. POMERENE. Mr. President—
The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Ohio?

Mr. SUTHERLAND. I do.

Mr. POMERENE. I have noticed upon reading the bill that it distinguishes between the amount which shall be paid to the dependents who may be nonresidents of the country. In other words, the dependents of a resident will receive under the provisions of the bill a larger amount than the dependents will receive if they are nonresidents. It seems to me that the bill in that respect is subject to criticism, and for this reason: It occurs to me that when the relation of the employer and the employee is established, that of itself ought to fix the amount which the employees' dependents should receive, irrespective of the fact as to whether they are residents of the country or nonresidents.

Further, this occurs to me as a reason why there should be no distinction. If it should become known, as the fact would be in the event that the bill becomes a law, that the foreign dependents of an employee are to receive less than the dependents of a resident, there would be a temptation on the part of the employer to take into his employment those who had nonresident families dependent upon them. I should like to hear the Senator's reasons for drawing the bill as it has been drawn

Mr. SUTHERLAND. Mr. President, there were several reasons. In the first place, I may say that I think the fear which the Senator expresses that it would tend to encourage the employment of foreigners as opposed to American citizens is without foundation. Under the employers' liability law, if the Senator would go over the statistics, he would find that the families residing in foreign countries of employees who are killed recover far less on the average than the dependents living in this country recover. That may be due to a variety of circumstances. It may be due to the fact that they are not here to appeal to the sympathies of the jury, and because they must accept settle-ments, and so on. This law will not disturb that. The widow and children in a foreign country will still receive one year's The commission put the question directly to the railroad employees, who were very much interested in the subject, and they thought, according to their observation, a discrimination against residents would not result.

Another reason is that it is exceedingly difficult with col-lateral heirs to discover just who they are in foreign countries. Whenever a man dies all sorts of claims are set up. A man will turn up who has 24 or 25 brothers occasionally. So there is great difficulty in distributing the amount, which is to be paid periodically. They must be searched out and receipts must be obtained from them. There will be great difficulty in getting the amount into the hands of all these foreign

dependents.

But, in addition to that, this is a law the expense of which must be met by American society. The burden must be borne in the last analysis by our own people. In other words, one great object of the law is to take care of these dependents, to take care of these injured employees, to prevent them from becoming a wreckage upon society, and to take care of them because they are our people. We are going quite far enough if we take care of our own, without extending it to the dependents in foreign lands, who must look to their own people and to their own government to care for them.

But we have, notwithstanding that, provided in the case of a widow and children for the payment of a year's wages, which would be the equivalent of between one-fourth and one-third of the amount paid to our own people; and that is worth more in any of the foreign countries than the same amount would be

worth here.

Mr. ROOT. Mr. President-

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from New York?

Mr. SUTHERLAND. I do.

Mr. ROOT. May I not ask the Senator from Utah if it is not also true that the scale of compensation in foreign countries whose laws have been examined by the commission is very much lower than the scale of compensation fixed in this proposed law? Co, if the scale which is paid to citizens of the United States under this law were applied to persons resident abroad, we would be giving to the citizens of other countries a much higher scale of compensation than those countries would give to our people if they went there and were employed. In other words, is it not true that the diminished scale for alien nonresidents conforms both to the diminished necessities of life abroad and to the diminished scale of compensation which is allowed

Mr. SUTHERLAND. The Senator is quite correct about that. The amount paid abroad is far less than the amount pro-

vided by this proposed law.

Mr. POMERENE. To what countries does the Senator refer? SUTHERLAND. Every country abroad. I have gone over the law of every European country. Not only that, but I have gone over the laws, and I have them here, of all the English-speaking countries of the English colonies, where the conditions more nearly approach ours. Take, for example, Queensland. The provision of that law is for death, "a sum equal to three years' earnings, but not less than £200 (\$973.30) nor more than £400 (\$1,946.60)." That is far in excess of the general amount allowed in European countries, and yet we allow between twenty-four and forty-eight hundred dollars. Their maximum is only \$1,946.60.

Mr. POMERENE. Mr. President-

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Ohio?

Mr. SUTHERIAND. Yes. Mr. POMERENE. I was going to ask the Senator whether he could state what are the provisions of the law of Austria-

Hungary, and also of the German Empire.

Mr. SUTHERLAND. It is difficult in a sentence to explain the difference. In the law of the German Empire there is a provision for the payment, I think, of 65 per cent; but that is limited by the aggregate amount. The percentage based upon that does not come up to our compensation. In addition to all that, under the German law for the first 13 weeks of disability no accident compensation is received. That falls upon the sickness fund, the greater proportion of which is contributed by the employees; and by taking out the first 13 weeks, which, as the Senator will see, is three months, perhaps two-thirds of the whole amount of the compensation is taken care of in that way, because the number of comparatively trivial accidents is very great compared with the number of serious accidents; and in that way it falls below ours.

Mr. POMERENE. Mr. President, a moment ago, in answer to the question which I put, the Senator stated that it was the opinion of some of the gentlemen who had appeared before the commission that the mere fact that there was a discrimination between the amount which would be paid to foreign dependents and the amount which would be paid to the resident dependents would not affect the question of employment. Are there any statistics available touching this point or is that

view based on mere opinion?

Mr. SUTHERLAND. That was the opinion of the railroad employees, who are the people most vitally concerned in this

legislation, of course.

Mr. POMERENE. Of course, it is evident that we have had no Federal legislation of that kind, and therefore I do not see

upon what they could base an intelligent opinion.

Mr. SUTHERLAND. I said to the Senator that under the existing law the amount recovered by foreign dependents bears pretty much the same relation to the amount recovered by the resident defendants that the compensation allowed to foreign dependents bears to that paid to resident defendants under this proposed law. Still, according to the opinion of those railroad men, that had not resulted in a discrimination.

Now, the Senator asks for Austria-Hungary. Here is Hungary. They allow-

pensions to heirs not exceeding 60 per cent of annual earnings of de-ceased, as follows-

Then they particularize. Widows, 20 per cent, and so on, Now, note the amount that It is to be computed on:

In computing pensions the excess of annual earnings above 2,400 crowns (\$487,20) is not considered.

So the computation is never made on a sum exceeding We make our computation upon a sum not lower than \$600 and as high as \$1,200. So when you come to consider the various limitations of the foreign laws I am well within the facts when I say that the compensation law which we propose is far in excess of anything suggested by any of the foreign countries.

Mr. President, there still remain a number of questions to discuss. I have already been on my feet a long time, and I think I will at this point suspend and ask permission at some other time to continue my remarks.

Mr. CULBERSON. Mr. President, of course it is not my purpose now and at this hour to speak on this bill. I only rise to say what I offered to say while the Senator from Utah [Mr. SUTHERLAND] was speaking. He having declined an interruption, I am forced to say now what I intended to say then.

Yesterday the Senator from Georgia [Mr. SMITH] suggested that, in view of the fact that the constitutionality of the act of Congress of 1908, the employers' liability act, had only been settled by the Supreme Court in January of this year, a consideration of this bill ought to be postponed until the operation of the act of 1908 could be observed and made known to the public. The Senator from Utah, who has just taken his seat, answering that, as I presume, suggested that there was never any doubt as to the constitutionality of the act of 1908 since the decision of the Supreme Court on the act of 1906. I suggested, in reply, that the railroads, the opposite parties in interest in these cases, have strenuously attacked and assaulted the validity of the act of 1908, and to that, to a certain extent, I think the Senator from Utah acceded.

I will point out from the decision in the case of Mondou, decided January 15, 1912, by the Supreme Court, that apparently there was a concerted action upon the part of the railroads of the United States to question the validity of the act of 1908, not only in the Federal courts but also in actions brought in the State courts under that act of the Congress of the United States.

In this case, the opinion which I have at my desk, rendered on the 15th of January, 1912, there were, in fact, three cases. One of them went from the Supreme Court of the State of Connecticut, another went from the Circuit Court of the United States for the District of Minnesota, and another went from the Circuit Court of the United States for the District of Massachusetts, from three of the States of the Union, by the New York, New Haven & Hartford Railroad Co., by the Northern Pacific Co., and the third case also by the New York, New Haven & Hartford Railroad Co.

Not only, Mr. President, was there an attack upon this law by the railroad companies in three States of the Union, but those companies assaulted the validity of the law upon general and vital principles, as being wholly beyond the authority of the Congress of the United States to enact the statute of 1908. Let me read a paragraph, to show this, from the opinion of the court by Mr. Justice Van Devanter:

The principal questions presented in these cases as discussed at the bar and in the briefs are: 1. May Congress, in the exertion of its power over interstate commerce, regulate the relations of common carriers by railroad and their employees while both are engaged in such commerce? 2. Has Congress exceeded its power in that regard by prescribing the regulations which are embodied in the act in question? 3. Do those regulations supersede the laws of the States in so far as the latter cover the same field? 4. May rights arising under those regulations be enforced, as of right, in the courts of the States when their jurisdiction, as fixed by local laws, is adequate to the occasion?

So, Mr. President, not alone was the validity of this law not settled until the decision of January 15, 1912, but there was apparently a concerted attack upon it by the railroads of the country, whether the actions were brought in United States courts or in the State courts, and the attack was upon it intrinsically, upon its repugnancy to the Constitution of the United States as well as upon it in minor respects.

So I say, in the absence of the Senator from Georgia [Mr. SMITH], who made this point, there is good ground for the belief that a consideration of this bill ought to be postponed until the operation of the act of 1908, as finally decided by the Supreme Court to be constitutional, shall be known, and its effect upon the questions involved can be understood thoroughly.

There is one other matter to which I want to invite the attention of the Senate in addition to what I said in the inquiry I made of the Senator from Utah a moment ago, in which he objected to further interruption. The act of 1908 pro-vides that the beneficiary may recover if the employee was an employee at the time and engaged in the service of the company, whether the accident occurred in the actual course of employment or not. The bill under consideration provides that there shall be no recovery unless there shall be employment

and an accident when the man is engaged in the very course of his own employment.

I offered to read an objection based upon this difference by a railway employee of my State, written to me in a letter, but the Senator from Utah objected to that. I make no complaint, because it was, to a certain extent, injecting what I wanted to say into what he was saying. But I desire to call the attention of the Senate, in connection with the remarks of the Senator from Utah in the same copy of the RECORD, to what this employee wrote me, showing that the act under consideration is in truth a limitation upon the liability when measured by the act of 1908. Here is what he said in the second paragraph of his letter:

graph of his letter:

We object to the words "in course of his employment" (see line 9, sec. 1), because we believe this is a technicality which will be used by the employer to avoid paying many just claims. For example, a man employed as a fireman and an accident happens to a locomotive; in order to get into a terminal it is necessary to disconnect or block up some of the machinery. In order to get in with the least possible delay, which must be done or be discharged, the brakeman and fireman assist the engineer to get the engine in proper condition to proceed. If in doing so the brakeman or fireman is injured, he can not recover because "not in the course of his employment." These are duties of the engineer. With due respect to the honest intentions of the commission who framed this bill, why not have that portion read as it does in the employers' liability act of 1908: "To any person suffering injury while he is employed by such carrier."

I conclude with my original suggestion, Mr. President, that the

I conclude with my original suggestion, Mr. President, that the bill under consideration, in the particular pointed out, is a material limitation upon the law of 1908.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the Vice President:

H. R. 9420. An act authorizing the Secretary of War to donate to the city of Jackson, Miss., carriages and cannon or fieldpieces;

H. R. 19863. An act authorizing the Secretary of the Interior to subdivide and extend the deferred payments of settlers in the Kiowa-Comanche and Apache ceded lands in Oklahoma;

H. R. 20486. An act authorizing the construction of a bridge across the Willamette River at or near Newberg, Oreg.; and H. R. 23246. An act appropriating \$300,000 for the purpose of

maintaining and protecting against the impending flood the levees on the Mississippi River and rivers tributary thereto.

THE CALENDAR.

Mr. SMOOT. I move that the Senate proceed to the consideration of bills on the calendar under Rule VIII to which there is no objection.

The PRESIDING OFFICER. The Senator from Utah moves that the Senate proceed to the consideration of bills on the calendar under Rule VIII to which there is no objection. question is on the motion.

The motion was agreed to.

The PRESIDING OFFICER. The first bill on the calendar

will be stated.

The bill (S. 2518) to provide for raising the Volunteer forces of the United States in time of actual or threatened war was announced as first in order on the calendar.

Mr. SMOOT. Let the bill go over. The PRESIDING OFFICER. It will go over.

The next business on the calendar was Senate concurrent resolution No. 4, instructing the Attorney General of the United States to prosecute the Standard Oil Co. and the American

Mr. SMOOT. Let that go over. The PRESIDING OFFICER. It will go over. The bill (S. 2493) authorizing the Secretary of the Treasury to make an examination of certain claims of the State of Missouri was announced as next in order.

Mr. SMOOT. Let that go over. The PRESIDING OFFICER. It will go over. The next bill on the calendar was the bill (S. 3175) to regulate the immigration of aliens to and the residence of aliens in the United States.

Mr. SMOOT. That will go over.
The PRESIDING OFFICER. Being the unfinished business,

the bill will go over.

The bill (S. 1505) for the relief of certain officers on the retired list of the United States Navy was announced as next

Mr. WARREN. Let that bill go over. The PRESIDING OFFICER. It will go over,

The bill (S. 3116) to amend section 1 of the act of Congress of June 22, 1910, entitled "An act to provide for agricultural entries on coal lands," so as to include State-land selections.

indemnity school and educational lands, was announced as next

The PRESIDING OFFICER. The bill has been read twice. Is it the desire to have it read again?

Mr. HEYBURN. Let it go over.

The PRESIDING OFFICER. The bill will go over.

The bill (S. 2151) to authorize the Secretary of the Treasury to use at his discretion surplus moneys in the Treasury in the purchase or redemption of the outstanding interest-bearing obligations of the United States was announced as next in order.

Mr. HEYBURN. Let that go over. The PRESIDING OFFICER. It will go over.

The bill (S. 256) affecting the sale and disposal of public or Indian lands in town sites, and for other purposes, was announced as next in order.

The PRESIDING OFFICER. The bill has been read and

considered.

Mr. SUTHERLAND. Let it go over. The PRESIDING OFFICER. It will go over. The bill (S. 4762) to amend an act approved February 6, 1905, entitled "An act to amend an act approved July 1, 1902, entitled An act temporarily to provide for the administration of the affairs of civil government in the Philippine Islands, and for other purposes,' and to amend an act approved March 8, 1902, entitled 'An act temporarily to provide revenue for the Philippine Islands, and for other purposes,' and to amend an act approved March 2, 1903, entitled 'An act to establish a standard of value and to provide for a coinage system in the Philippine Islands,' and to provide for the more efficient administration of civil government in the Philippine Islands, and for other purposes," was announced as next in order.

Mr. CULBERSON. Let the bill go over. The PRESIDING OFFICER. It will go over.

The bill (S. 1337) authorizing the President to nominate and, by and with the advice and consent of the Senate, appoint Lloyd R. Krebs, late a captain in the Medical Corps of the United States Army, a major in the Medical Corps on the retired list, and increasing the retired list by one for the purposes of this act was announced as next in order.

Mr. HEYBURN. Let that go over. The PRESIDING OFFICER. The bill will go over.

The bill (S. 459) to adjust and settle the claims of the loyal Shawnee and loyal Absentee Shawnee Tribes of Indians was announced as next in order.

Mr. HEYBURN. I ask if this is the bill that was up this

morning

The PRESIDING OFFICER. The Chair is informed it is not. The bill is reported from the Committee on Indian Affairs with an amendment in the nature of a substitute, which will be read.

The Secretary read the amendment.
Mr. OVERMAN. Let that bill go over, Mr. President.

The PRESIDING OFFICER. The bill goes over.
The bill (S. 3) to cooperate with the States in encouraging instruction in agriculture, the trades, and industries, and home economics in secondary schools; in maintaining instruction in these vocational subjects in State normal schools; in maintaining extension departments in State colleges of agriculture and mechanic arts; and to appropriate money and regulate its expenditure was announced as next in order.

Mr. PAGE. There are some friends of this measure who desire to discuss it, and they have asked me to request that it go

over. I therefore ask that it go over to-day.

The PRESIDING OFFICER. The bill goes over.
The bill (S. S36) for the relief of Joel J. Parker was annunced as next in order.

Mr. CHAMBERLAIN. I ask that that bill go over for the

The PRESIDING OFFICER. The bill goes over. The resolution (S. Res. 231) for the investigation and report by the Secretary of Commerce and Labor regarding certain labor conditions in Lawrence, Mass., was announced as next in order.

Mr. SMOOT. Mr. President, I wish to say that while I have no objection to the consideration of the resolution, as the Senator from Massachusetts [Mr. Longe] and the Senator from New Hampshire [Mr. Gallinger] are now absent from the Chamber, I ask that it go over. I do so only for that reason.

The PRESIDING OFFICER. The resolution goes over.

SENATOR FROM DELAWARE.

The resolution (S. Res. 230) authorizing and directing the Committee on Privileges and Elections to investigate certain charges against HENRY ALGERNON DU PONT, a Senator from the State of Delaware, was announced as next in order.

Mr. SUTHERLAND. Let that go over.

The PRESIDING OFFICER. The resolution goes over.

Mr. SMOOT. Mr. President, I should like to ask the Senator from Missouri [Mr. Reed], who introduced the resolution, if it would not be just as well to have it now referred to the Committee on Privileges and Elections?

Mr. REED. Mr. President, that is all right if that is the regular course, but my understanding is that the resolution has first to go to the Committee on Contingent Expenses to ascer-

tain whether there are sufficient funds on hand.

Mr. SMOOT. Of course, if the Senator so desires, the resolution may be referred to the Committee to Audit and Control the Contingent Expenses of the Senate.

Mr. REED. I suppose that is the regular course, and that it would come back from that committee and then be referred to the Committee on Privileges and Elections.

Mr. SMOOT. Then I ask that the resolution be referred. Mr. REED. My desire is that it shall proceed with all due

diligence and with speedy expedition to a conclusion.

Mr. SMOOT. I think the Committee on Privileges and Elections has already authority from the Senate to proceed with the investigation of any case coming before it, so that it would not be necessary to refer the resolution to the Committee on Contingent Expenses of the Senate. The proper way would be to have it referred to the Committee on Privileges and Elections, and if the Senator has no objection-

Mr. HEYBURN. Mr. President—
The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Idaho?

Mr. SMOOT. Certainly.

Mr. HEYBURN. I think the resolution stands on a motion to refer to the committee already made. If I remember correctly, I interposed a motion to refer the resolution to the proper committee—the Committee on Privileges and Elections at the time the Senator from Missouri introduced it.

Mr. SMOOT. The resolution was ordered to lie over under the rule; but if the Senator now desires to make the motion that it be referred to that committee I have no objection. I

was going to do the same thing.

Mr. HEYBURN. I was looking for the presence of the chairman of the Committee on Privileges and Elections, who would naturally make the motion. In his absence, as a member of the committee I move that the resolution be referred to the Committee on Privileges and Elections.

Mr. SMOOT. That will be all right.
Mr. REED. Mr. President, there would certainly be no objection on my part to that course. On the contrary, I desire that the resolution take that course.

The PRESIDING OFFICER. Without objection, the resolu-

tion will be so referred.

BILLS PASSED OVER.

The bill (S. 5272) appropriating \$75,000 for the protection of Valdez, Alaska, from glacial floods was announced as next in order.

Mr. OVERMAN. Let that bill go over.

The PRESIDING OFFICER. The bill goes over.
The bill (S. 4663) to authorize and empower the Secretary of

War to locate a right of way for and to grant the same and the right to operate and maintain a line of railroad, telephone, telegraph, and electric transmission lines through Vancouver Barracks and Military Reservation, in the State of Washington, to Washington-Oregon Corporation, its successors and assigns, was announced as next in order.

I wish to make an inquiry about that bill. Mr. HEYBURN. The PRESIDING OFFICER. Does the Chair understand that the Senator from Idaho objects to the present consideration of the bill?

Mr. OVERMAN. Let it go over, Mr. President. Mr. WARREN. The Senator who reported the bill being absent, I think the bill ought to go over.

The PRESIDING OFFICER. The bill goes over.

The bill (S. 3625) for the purchase or construction of a launch for the customs service at and in the vicinity of Los Angeles, Cal., was announced as next in order.

Mr. HEYBURN. I ask that that bill go over.
The PRESIDING OFFICER. The bill goes over.
The resolution (S. Res. 162) directing the Secretary of the

Treasury to furnish information relative to sales of cotton to the Confederate States Government was announced as next in order.

Mr. HEYBURN. I ask that that go over.

Mr. CULBERSON. What is the request, Mr. President? The PRESIDING OFFICER. That the resolution just stated shall go over.

Mr. OVERMAN. Is anyone objecting to the consideration of

Mr. HEYBURN. I have asked that it go over.

Mr. OVERMAN. I do not think the Senator will object when he understands what-

Mr. HEYBURN. I object to the phrase in the resolution "Confederate States Government," because there never was any

Mr. OVERMAN. Well, I am willing to strike that out. want some information from the Treasury Department, which I think will save the Government a great deal of expense.

The PRESIDING OFFICER. The Senator from Idaho has objected to the consideration of the resolution, and it goes over. Mr. OVERMAN. Does the Senator still object to its consideration? I think, if I explain the resolution to him, he will

Mr. HEYBURN. I have not examined the resolution, but

that one phrase compelled me to object to it.

Mr. OVERMAN. I do not know how else you would de-nominate it. The resolution asked for certain information which the Treasury Department has, that each southern Senator wants in order that they may

Mr. HEYBURN. I will examine the resolution and see. Mr. OVERMAN. Let the resolution be passed over tempo-

rarily, then, Mr. President.

The PRESIDING OFFICER. The resolution has gone over. The bill (S. 5309) to amend section 3 of the act of Congress approved May 14, 1880 (21 Stat. L., p. 140), was announced as next in order.

Mr. SMOOT. Let that go over, Mr. President. The PRESIDING OFFICER. The bill goes over.

The bill (S. 5076) to promote instruction in forestry in States and Territories which contain national forests was announced as next in order.

Mr. SUTHERLAND. Let that go over, Mr. President. The PRESIDING OFFICER. The bill goes over.

PUBLIC BUILDING AT BEAVER DAM, WIS

The bill (S. 5355) to acquire a site and for the erection thereon of a public building at Beaver Dam, Wis., was considered as in Committee of the Whole. It proposes to appropriate not to exceed \$75,000 to acquire a site and to erect thereon a suitable building, including fireproof vaults, heating and ventilating apparatus, and approaches, for the use and accommoda-tion of the United States post office and other Government offices in the city of Beaver Dam, in the State of Wisconsin.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time,

and passed.

PUBLIC BUILDING AT RICHFIELD, UTAH.

The bill (S. 2270) to provide for the erection of a public building at Richfield, Utah, was considered as in Committee of the Whole. The bill had been reported from the Committee on Public Buildings and Grounds, with an amendment to strike out all after the enacting clause and to insert:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to cause to be erected upon the site already contracted for in the city of Richfield, Utah, a suitable building for the use and accommodation of the post office and other offices of the Government in the said city of Richfield, Utah, the cost of said building not to exceed the sum of \$55,000.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BILL PASSED OVER.

The bill (S. 3846) to authorize a waiver of trial by jury in the district courts of the United States was announced as next in order.

Mr. HEYBURN. Let that bill go over, Mr. President. The PRESIDING OFFICER. The bill goes over.

PRESIDENTIAL PRIMARY IN THE DISTRICT OF COLUMBIA,

The bill (S. 2234) to provide for a primary nominating election in the District of Columbia, at which the qualified electors of the said District shall have the opportunity to vote for their first and second choice among those aspiring to be candidates of their respective political parties for President and Vice President of the United States, to elect their party delegates to their national conventions, and to elect their national committeemen, was announced as next in order.

Mr. HEYBURN. Let that bill go over.

The PRESIDING OFFICER. The bill goes over.
Mr. BRISTOW. Mr. President, that bill has been on the calendar a good while, and I should like to have it taken up

and considered. I ask unanimous consent that it may be taken up and disposed of on next Tuesday.

Mr. HEYBURN. I call for the regular order, Mr. President. The PRESIDING OFFICER. The Senator from Kansas asks unanimous consent that the bill be faken up and disposed of on next Tuesday

Mr. HEYBURN. I call for the regular order. I will take the matter up with the Senator.

Mr. BRISTOW. Does the Senator from Idaho object to my request for unanimous consent?

Mr. HEYBURN. Mr. President, I object to carrying further the wreckage, disorder, and disturbance that has been caused by direct primary elections in the United States.

The PRESIDING OFFICER. The bill goes over.

Mr. BRISTOW. That was not the question. The question that was before the Senate was the request for the consideration of the bill on next Tuesday.

Mr. CULBERSON. I suggest to the Senator from Kansas that he has his remedy by moving to take up the bill notwithstanding the objection.

Mr. HEYBURN. I doubt that when we have taken up the calendar for the consideration of bills not objected to; until that order is laid aside.

The PRESIDING OFFICER. The Senator from Idaho is correct.

Mr. HEYBURN. There must first be a motion to set that order aside.

MISSOURI RIVER BRIDGE NEAR BELLEVUE, NEBR.

The bill (H. R. 20117) to authorize the Nebraska-Iowa Interstate Bridge Co. to construct a bridge across the Missouri River near Bellevue, Nebr., was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MORRIS AND CUMMINGS CHANNEL BRIDGE, TEX.

The bill (H. R. 19638) to authorize the San Antonio, Rock-port & Mexican Railway Co. to construct a bridge across the Morris and Cummings Channel was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SPRING ROAD, DISTRICT OF COLUMBIA.

The bill (S. 5333) to authorize the widening and extension of Spring Road NW., and for other purposes, was considered as in Committee of the Whole.

Mr. BRISTOW. I ask if this is the bill that provides for the extension of the street car line along Calvert Street?

The PRESIDING OFFICER. The Chair is informed this bill has nothing to do with that.

Mr. SMOOT. No; this is not the bill to which the Senator

from Kansas refers.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

AMERICAN NATIONAL RED CROSS.

The bill (H. R. 16306) to provide for the use of the American National Red Cross in aid of the land and naval forces in time of actual or threatened war, was considered as in Committee of the Whole. It proposes that whenever in time of war, or when war is imminent, the President may deem the cooperation and use of the American National Red Cross with the sanitary services of the land and naval forces to be necessary, he is authorized to accept the assistance tendered by the Red Cross, and to employ the same under the sanitary services of the Army and Navy in conformity with such rules and regulations as he may prescribe; and that when the Red Cross cooperation and assistance with the land and naval forces in time of war or threatened hostilities shall have been accepted by the President, the personnel entering upon the duty specified in section 1 of this act shall, while proceeding to their place of duty, while serving thereat, and while returning therefrom, be transported and subsisted at the cost and charge of the United States as civilian employees employed with the forces, and the Red Cross supplies that may be tendered as a gift and accepted for use in the sanitary service shall be transported at the cost and charge of the United States.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PRESIDENTIAL PRIMARY IN DISTRICT OF COLUMBIA.

The preamble was rejected.

Mr. BRISTOW. Mr. President, I rise to a parliamentary inquiry. As I understand, the Senator from Utah [Mr. Smoot] moved that we proceed to the consideration of the calendar un-

der Rule VIII, taking up unobjected bills. It was not a request for unanimous consent, but a motion, which was carried. We came to Calendar No. 391, Senate bill 2234, and objection was made to its consideration. I desire to inquire if the Senate can not by a vote take up that bill without violating any rule

of the Senate?

Mr. HEYBURN. Mr. President, the Senate can, by a vote, lay aside the pending order and take up anything. My objection was, the pending order having been determined by a vote of the Senate, that it would continue before the Senate until it was laid aside. There is no difficulty about it. The Senator's motion, unfortunately, did not provide or suggest the laying aside of the pending order.

Mr. SMOOT. The Senator from Kansas, of course, has a perfect right to move to lay aside the order of the Senate. Mr. HEYBURN. Certainly.

Mr. SMOOT. That would be the motion for the Senator to make.

Mr. BRISTOW. Would not a motion to take up Senate bill 2234, if it carried, be laying aside the order?

Mr. SMOOT. That is not in order; but the Senator has a right to make a motion to lay aside the order of the Senate,

and if the Senate so decides it would be all right.

Mr. CULBERSON. Mr. President—

The PRESIDING OFFICER. Does the Senator from Kansas yield to the Senator from Texas?

Mr. BRISTOW. I do.
Mr. CULBERSON. I simply want to call attention to the rule, which provides that:

At the conclusion of the morning business for each day, unless upon motion the Senate shall at any time otherwise order, the Senate will proceed to the consideration of the Calendar of Bills and Resolutions, and continue such consideration until 2 o'clock; and bills and resolutions that are not objected to shall be taken up in their order, and each Senator shall be entitled to speak once.

But upon motion the Senate may continue such consideration, and this order shall commence immediately after the call for "concurrent and other resolutions."

But if the Senate shall proceed with the consideration of any matter notwithstanding an objection, the foregoing provisions touching debate shall not apply. (Jefferson's Manual, sec. 14.)

Showing that when we go to the calendar, under Rule VIII, a single objection will not carry a bill over if the Senate sees proper to proceed to the consideration of that bill notwithstanding the objection.

Mr. SMOOT. Mr. President, I wish to call the Senator's attention-

The PRESIDING OFFICER. Does the Senator from Kansas yield to the Senator from Utah?

Mr. BRISTOW. I do. Mr. SMOOT. I wish to call the Senator's attention to the fact that the rule he has just read applies to the calendar, under Rule VIII, when it comes up in its regular order—that is, between the morning hour and 2 o'clock—when the unfinished business, if there be any, shall be laid before the Senate, but the unfinished business had been laid aside and the business of the Senate proceeded with until 4 o'clock, and then, upon motion, the calendar was taken up for the consideration of bills, to which there was no objection. That was the order of the Senate. Now, if the Senator from Kansas desires to have the order of the Senate laid aside, all he has to do is to make a motion to that effect, and if the Senate want to lay the order

aside they can do so.

Mr. BRISTOW. Mr. President, to remove any doubt, I move that we lay aside the special order and proceed with the regular order, under Rule VIII. That will give every bill the right that

it is unhampered by the special order.

Mr. HEYBURN. I suggest to the Senator that he separate the motion, that he make a separate motion to get rid of existing business.

The PRESIDING OFFICER. The Senator from Kansas moves that the order taking up the calendar, adopted a short

time ago, be now laid aside—
Mr. BORAH. Mr. President, I have no objection to a motion of that kind, but I never before have known it to be made in the Senate. The proper motion, it occurs to me, would be to move to take up the bill notwithstanding the objection, and the

adoption of that motion would put aside the present order.

Mr. BRISTOW. That is my view of it; but, as I understood,

the Chair ruled otherwise.

The PRESIDING OFFICER. The Chair was about to state that when the bill was reached on the calendar the request of the Senator from Idaho that it go over was equivalent to an objection to that bill being considered. The Chair is of the opinion, however, that a motion by the Senator from Kansas of the Senator from Kansas?

or any other Senator to take up a bill would be equivalent to laying aside the order which the Senate has made to take up bills on the calendar under Rule VIII.

Mr. SMOOT. Mr. President, I wish to say that that question has been ruled upon in the Senate many times heretofore. know that time after time when an order has been made to take up unobjected bills on the calendar and a motion has been made to take up a bill notwithstanding objection, it has been ruled that under the order of the Senate such a motion was out of order.

Mr. BRISTOW. Mr. President, as I understand, that is always when we are proceeding with unobjected bills on the calendar by unanimous consent; but we are now proceeding with the calendar under a motion. The Senate can by a vote supersede that motion and take up any bill, and that sets aside the special order. That is my understanding, and it is in harmony with the ruling of the Chair.

Mr. SMOOT. Is that the way the Chair rules?

The PRESIDING OFFICER. But the Senator from Kansas a moment ago made a motion, which, in the judgment of the Chair, was in order, namely, to set aside the order heretofore entered to proceed in order with the consideration of bills on the calendar.

Mr. BRISTOW. Mr. President, I will withdraw that motion, with the consent of the Senate, and move that we set aside the special order and proceed with the consideration of Senate

Mr. SMOOT. I ask the ruling of the Chair whether or not

that motion is in order?

Mr. HEYBURN. May I suggest that the first part of that motion would be in order. The Senator, however, presents two motions, not one—one to dispose of the existing status of business of the Senate, and then the Senator couples that with a motion to take up a certain bill. If he will separate them, I think the difficulty will be solved right there; but first you must get rid of the existing order.

Mr. BRISTOW. I would prefer, first, a ruling upon my motion. If the motion is in order, I would prefer it as it is.

Mr. SMOOT. Yes; I want a ruling upon that motion.
The PRESIDING OFFICER. In the opinion of the Chair it is in order for a Senator to move to take up a bill, which motion, if carried, is equivalent to setting aside the order which the Senate has adopted.

Mr. LODGE. May I ask a question of the Chair? Is the Senate now considering the calendar by unanimous consent to take up unobjected bills?

The PRESIDING OFFICER. No; but by a motion to take up

unobjected bills on the calendar. By motion? Mr. LODGE.

The PRESIDING OFFICER. Yes

Mr. OLIVER. I suggest the absence of a quorum.
The PRESIDING OFFICER. The Senator from Pennsylvania suggests the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Cummins	Myers	Shively
Bacon	Curtis	Nelson	Smith, Md.
Borah	Dillingham	O'Gorman	Smith, S. C.
Bourne	Fall	Oliver	Smoot
Bristow	Gore	Overman	Stephenson
Brown	Gronna	Owen	Stone
Burnham	Heyburn	Page	Sutherland
Burton	Johnson, Me.	Perkins	Swanson
Catron	Jones	Poindexter	Thornton
Chamberlain	Kern	Pomerene	Townsend
Clapp	Lippitt	Rayner	Warren
Clark, Wyo.	Lodge	Reed	Works
Crawford	McCumber	Root	40.0000
Culberson	Martine, N. J.	Sanders	

Mr. BURNHAM. I wish to announce that my colleague [Mr. GALLINGER] is necessarily absent.

Mr. JOHNSON of Maine. My colleague [Mr. GARDNER] is

absent from the Chamber because of sickness.

Mr. ASHURST. My colleague [Mr. SMITH of Arizona] has just been called from the Chamber on important public business. The PRESIDING OFFICER. Fifty-four Senators have answered to their names. A quorum of the Senate is present.

Mr. SMOOT. I simply want to call the attention of the

Senate-

Mr. BRISTOW. Mr. President, I believe the motion is not debatable.

Mr. SMOOT. I am simply calling the attention of the Senate to the fact that there is an adverse report upon this bill.

Mr. BRISTOW. Yes; but the motion is not debatable.

The PRESIDING OFFICER. The question before the Sen-

ate is, Will the Senate take up Senate bill 2434 on the motion

Mr. SWANSON. I note that my colleague, the senior Senator from Virginia, made an adverse report upon the bill, and I should think there is no necessity for its immediate consideration. Of course, I wish to state to the Senate that my colleague is detained at home by a very critical illness in his family. I have no assurance that he will be able to be here for several weeks.

Mr. BRISTOW. Of course that statement leads inevitably to

Mr. BRISTOW. Of course that statement leads inevitably to discussion. There are a number of the Senators present who are members of the committee. The report was a formal matter from the Committee on the District of Columbia.

The PRESIDING OFFICER. The question is not debatable. The question is on agreeing to the motion of the Senator from Kansas [Mr. Bristow] that the Senate proceed to the consideration of the bill, the title of which has been stated. [Putting the question.] By the sound the "ayes" appear to have it.

Mr. REED. Let us have a roll call.

The PRESIDING OFFICER The Senator from Missouri

The PRESIDING OFFICER. The Senator from Missouri demands the yeas and nays. Is there a second?

Mr. REED. I withdraw the request.

Mr. SMOOT. Let us have a roll call.

The PRESIDING OFFICER. The Senator from Utah re-

news the request for the year and nays.

The yeas and nays were ordered, and the Secretary pro-

ceeded to call the roll.

Mr. CLAPP (when his name was called). Owing to the absence of my pair, I withhold my vote for the present. If he were present, I should vote "yea."

Mr. CULBERSON (when his name was called). I have a general pair with the Senator from Delaware [Mr. DU PONT]. In his absence I withhold my vote.

Mr. DILLINGHAM (when his name was called). the absence of the senior Senator from South Carolina [Mr. TILLMAN], with whom I have a pair, I withhold my vote.

Mr. FLETCHER (when his name was called). I am paired with the Senator from Kentucky [Mr. Bradley]. In his absence I withhold my vote.

Mr. JONES (when his name was called). I am paired with the Senator from Alabama [Mr. Johnston] and therefore with-

Mr. LIPPITT (when his name was called). I have a general pair with the Senator from Tennessee [Mr. Lea], which I transfer to the junior Senator from Illinois [Mr. LORIMER], and will vote. I vote "nay."

Mr. McCUMBER (when his name was called). I have a general pair with the senior Senator from Mississippi [Mr. Percy].

He being absent, I withhold my vote.

Mr. SWANSON (when the name of Mr. Martin of Virginia was called). I desire to state that my colleague [Mr. Martin] is detained from the Senate on account of serious illness in his

Mr. ROOT (when his name was called). I have a pair with the senior Senator from Virginia [Mr. Martin]. He reported this bill adversely, I think. I do not know how he would vote on this question. I, however, transfer the pair to the senior Senator from New Hampshire [Mr. GALLINGER] and will vote. I vote "nay.

Mr. SMITH of South Carolina (when his name was called) I have a general pair with the junior Senator from Delaware

[Mr. Richardson]. He being absent, I withhold my vote.
Mr. SWANSON (when his name was called). I should like to ask if the junior Senator from Nevada [Mr. Nixon] has

to ask if the juntor schatter from Nevatat [Mr. Nixon] has voted? I have a general pair with him.

The PRESIDING OFFICER. He has not.

Mr. SWANSON. I therefore withhold my vote.

The PRESIDING OFFICER (when Mr. Townsend's name was called). The present occupant of the chair has a general pair with the junior Senator from Maine [Mr. Gardner]. I transfer the pair to my colleague [Mr. Smith of Michigan] and will vote. I vote "yea."

Mr. WARREN (when his name was called). I have a general pair with the Senator from Louisiana [Mr. Foster]. I do

not see him in the Chamber, and withhold my vote. Mr. WATSON (when his name was called). I have a general pair with the Senator from New Jersey [Mr. Briggs], and therefore withhold by vote.

I also desire to announce the unavoidable absence of my colleague [Mr. Chilton], who is paired with the Senator from Illinois [Mr. Cullom].

Mr. WILLIAMS (when his name was called). I am paired with the senior Senator from Pennsylvania [Mr. Penrose]. If he were present, I should vote "yea." I withhold my vote.

The roll call was concluded.

Mr. BURNHAM. I make the same announcement as I did on the previous call as to my colleague [Mr. Gallinger].

Mr. OLIVER. My colleague [Mr. Penrose] is necessarily absent and stands paired with the Senator from Mississippi [Mr. WILLIAMS].

Mr. CULBERSON. I transfer my general pair to the Senator from Georgia [Mr. SMITH] and will vote. I vote "yea."

Mr. HEYBURN. I have a general pair with the senior Senator from Alabama [Mr. BANKHEAD]. I transfer the pair to the Senator from Connecticut [Mr. Brandegee] and will vote. I vote "nay."

Mr. SMITH of South Carolina. I have a general pair, as announced, with the junior Senator from Delaware [Mr. Rich-Andson]. I transfer it to the Senator from North Carolina [Mr. Simmons] and will vote. I vote "yea."

Mr. CLAPP. On account of the transfer just made, I will vote. I vote "yea."

Mr. CURTIS. The junior Senator from Connecticut [Mr.

McLean] is paired with the Senator from Nebraska [Mr. HITCHCOCK 1.

Mr. OWEN. I transfer my pair with the Senator from South Dakota [Mr. Gamble] to the Senator from Nevada [Mr. New-Lands] and will vote. I vote "yea."

Mr. POINDEXTER. The senior Senator from Montana [Mr.

DIXON] is absent on important business. He is paired with the junior Senator from Texas [Mr. Bailey]. If present, I am satisfied he would vote "yea."

The result was announced—yeas 32, nays 14, as follows: YEAS—32.

	1.14	(A.A.) Chart	
Ashurst Borah Bourne Bristow Brown Chamberlain Clapp Crawford	Culberson Cummins Curtis * Fall Gore Gronna Johnson, Me. Kern	Martine, N. J. Myers O'Gorman Overman Owen Perkins Poindexter Pomerene	Reed Shively Smith, Ariz. Smith, Md. Smith, S. C. Thornton Townsend Works
	NA	YS-14.	
Burnham Burton Catron Crane	Heyburn Lippitt Lodge Oliver	Page Root Sanders Smoot	Stephenson Sutherland
1	NOT V	OTING-49.	
Bacon Bailey Bankhead Bradley Brandegee Briggs Bryan Chilton Clark, Wyo. Clarke, Ark. Cullom Davis	Dixon du Pont Fletcher Foster Gallinger Gardner Guggenheim Hitcheock Johnston, Ala. Jones Kenyon	Lea Lorimer McCumber McLean Martin, Va. Nelson Newlands Nixon Paynter Penrose Percy Rayner Richardson	Simmons Smith, Ga. Smith, Mich. Stone Swanson Tillman Warren Watson Wetnore Williams

The PRESIDING OFFICER. A quorum has not voted.

Mr. SMOOT. I move that the Senate adjourn.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Utah that the Senate adjourn. [Putting the question.] In the opinion of the Chair the "ayes" have it.

Mr. Beistow, Mr. Poindextes, Mr. Williams, and others called for the yeas and nays, and they were ordered.

The Secretary proceeded to call the roll.

Mr. DILLINGHAM (when his name was called). Because

of my pair already announced, I will not vote.

Mr. FLETCHER (when his name was called). I am paired with the Senator from Kentucky [Mr. BRADLEY], and on that account withhold my vote.

Mr. BURNHAM (when Mr. Gallinger's name was called).

make the same announcement with respect to my colleague

[Mr. GALLINGER]

Mr. CRAWFORD (when Mr. GAMBLE's name was called). I desire to state that my colleague [Mr. Gamele] is necessarily absent and that he has a general pair with the Senator from

Oklahoma [Mr. Owen].

Mr. HEYBURN (when his name was called). I am paired with the Senator from Alabama [Mr. Bankhead]. I transfer the pair to the Senator from Connecticut [Mr. Brandegee], and will vote. I vote "yea."

Mr. JONES (when his name was called). I am paired with

the Senator from Alabama [Mr. Johnston]. I therefore with-hold my vote. I will let this announcement stand for the day. Mr. SWANSON (when his name was called). As previously

stated, I am paired.

The PRESIDING OFFICER (when Mr. Townsend's name was called). I have a general pair with the junior Senator from Maine [Mr. Gardner].

Mr. WATSON (when his name was called). I make the same announcement with respect to my pair and will let it stand for

the day.

Mr. WILLIAMS (when his name was called). I again announce my pair with the senior Senator from Pennsylvania [Mr.

PENROSEJ.

The roll call was concluded.

Mr. OWEN. I transfer my pair with the Senator from South
Dakota [Mr. Gamble] to the Senator from Nevada [Mr. NewLANDS] and will vote. I vote "nay."

Mr. CULBERSON. With the statement of my pair and mak-

ing the transfer, which I made a moment ago, I vote "nay."

Mr. SMITH of South Carolina (after having voted in the negative). Through inadvertence I voted when I should have recognized my pair. I have a general pair with the junior Senator from Delaymer I have a general pair with the junior senator from Delaymer I have a general pair with the purious remains the from the property of the property and the property and the property of the property of the property and the property of the property and the property and the property of the property and the property and the property of the property and the property and the property of the property and the property and the property of the property and the property and the property of tor from Delaware [Mr. RICHARDSON] and therefore withdraw

my vote.

Mr. WARREN. I wish again to announce my pair with the Senator from Louisiana [Mr. Foster].

The result was announced—yeas 10, nays 34, as follows:

	YE.	AS-10.	
Burnham Catron Heyburn	Lippitt Lodge Oliver	Root Smoot Stephenson	Sutherland
	NA.	YS-34.	
Ashurst Bacon Borah Bourne Bristow Brown Burton Chamberlain Clapp	Crawford Culberson Cummins Fall Gore Gronna Johnson, Me. Kern Martine, N. J.	Myers Nelson O'Gorman Owen Page Paynter Perkins Poindexter Pomerene	Reed Sanders Shively Smith, Ariz. Smith, Md. Thornton Works
	NOT VO	OTING-51.	
Bailey Bankhead Bradley Brandegee Briggs Bryan Chilton Clark, Wyo. Clarke, Ark. Crane Cullom Curtis Davis	Dillingham Dixon du Pont Fletcher Foster Gallinger Gamble Gardner Guggenheim Hitchcock Johnston, Ala. Jones Kenyon	La Follette Lea Lorimer McCumber McLean Martin, Va, Newlands Nixon Overman Penrose Percy Rayner Richardson	Simmons Smith, Ga. Smith, Mich. Smith, S. C. Stone Swanson Tillman Townsend Warren Watson Wetmore Williams

So the motion to adjourn was rejected.

Mr. LODGE. No quorum! Mr. SMOOT. No quorum!

Mr. BRISTOW. I suggest that, according to the ruling of the Vice President, if the number of votes cast and the Senators 77ho addressed the Chair stating their pairs combined constitute a quorum, a quorum of the Senate is present. That is a ruling which the Vice President has made, and the Senate has done It has been objected to, but it is the ruling of the Vice President.

Mr. CULBERSON. I should like to say that Senators on this side of the Chamber have frequently protested against that

Mr. SMOOT. Call the roll for a quorum.
Mr. LODGE. The point of no quorum having been made, the

only thing in order, I think, is to call the roll.

Mr. HEYBURN. If calling the roll is for the purpose of enabling the Chair to count a quorum, then I think it is not

Mr. LODGE. I make the point that the point is not debatable.

Mr. HEYBURN. What point?

Mr. LODGE. The point that there is no quorum.

Mr. HEYBURN. I did not understand the Senator from Massachusetts to make that point.

Mr. LODGE. I have made it several times.

Mr. HEYBURN. I understood the Senator to ask for a call I would join him on the other proposition.

The PRESIDING OFFICER. The Secretary will call the roll. The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Fall	O'Gorman	Smith, S. C.
Borah .	Fletcher	Overman	Smoot -
Bourne	Foster	Owen	Stone
Bristow	Gore	Page	Sutherland
Burnham	Gronna	Perkins	Swanson
Burton	Heyburn .	Poindexter	Thornton
Catron	Johnson, Me.	Pomerene	Townsend
Clapp	Jones	Reed	Warren
Crawford	Kern	Root	Watson
Culberson	Lodge	Shively	Williams
Cummins	Martine, N. J.	Smith, Ariz.	Works
Dillingham	Myers	Smith, Md.	

The PRESIDING OFFICER. Forty-seven Senators have answered to their names-not a quorum.

Mr. BRISTOW. I ask for a call of the absentees

The PRESIDING OFFICER. The Secretary will call the names of the absent Senators.

The Secretary called the names of the absent Senators, and Mr. Brown answered to his name when called.

The PRESIDING OFFICER. Forty-eight Senators have answered to their names. A quorum is present. The Secretary will call the roll on agreeing to the motion of the Senator from Kansas to proceed to the consideration of Senate bill 2234.

Mr. SMOOT. No business has intervened since then.
Mr. HEYBURN. Just a moment, Mr. President, I rise to a
question of order. Did a quorum vote?
The PRESIDING OFFICER. A quorum responded present.

Mr. HEYBURN. A quorum answered to the roll call? The PRESIDING OFFICER. But not on the former vote.

Mr. HEYBURN. I want to develop the fact as to whether we are counting a quorum or whether a quorum answered on the roll call.

The PRESIDING OFFICER. A quorum has answered present. Forty-seven Senators were present and on the call of absentees one other Senator answered, making 48, which is a quorum. As the Chair understands it, the question is on the motion of the Senator from Kansas [Mr. Bristow] that the Senate proceed to the consideration of Senate bill 2234.

Mr. BRISTOW. Which motion is not debatable.

The PRESIDING OFFICER. Upon this question the yeas and nays have been ordered. The Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. DILLINGHAM (when his name was called). I again announce my pair with the senior Senator from South Carolina [Mr. TILLMAN], who is absent, and I withhold my vote. I make

this announcement for the day.

Mr. FLETCHER (when his name was called). I again announce my pair with the Senator from Kentucky [Mr. Bradley].

Mr. SHIVELY (when Mr. HITCHCOCK's name was called). The junior Senator from Nebraska [Mr. HITCHCOCK] is paired with the junior Senator from Connecticut [Mr. McLean]. I make this announcement for the day.

Mr. JONES (when his name was called). I again announce

my pair with the Senator from Alabama [Mr. Johnston].
Mr. SMITH of South Carolina (when his name was called). I again announce my pair with the junior Senator from Delaware [Mr. Richardson]. I will let this announcement stand for the day

Mr. STONE (when his name was called). I have a general pair with the senior Senator from Wyoming [Mr. CLARK]. He has been called from the Senate Chamber on important busi-

ness. I withhold my vote.

Mr. SWANSON. I again announce my pair with the junior Senator from Nevada [Mr. Nixon], and I will let this announcement stand for the day.

The PRESIDING OFFICER (when Mr. Townsend's name was called). I am paired with the junior Senator from Maine

[Mr. GARDNER], and therefore withhold my vote.
Mr. WILLIAMS (when his name was called). I transfer my pair with the senior Senator from Pennsylvania [Mr. Penrose] to the senior Senator from Arkansas [Mr. Clarke] and vote. I vote "yea."

The roll call was concluded.

Mr. OWEN (after having voted in the affirmative). my name was called I inadvertently voted. I am paired with the Senator from South Dakota [Mr. GAMBLE]. I transfer that pair to the Senator from Nevada [Mr. NEWLANDS] and vote. I vote "yea.'

Mr. BURNHAM. Has the junior Senator from Maryland

[Mr. SMITH] voted?

The PRESIDING OFFICER. He has not.

Mr. BURNHAM (after having voted in the negative). have a general pair with the junior Senator from Maryland [Mr. SMITH], and therefore withdraw my vote.

Mr. CHAMBERLAIN. I should like to ask if the junior Senator from Pennsylvania [Mr. OLIVER] has voted.

The PRESIDING OFFICER. He has not.

Mr. CHAMBERLAIN. I have a general pair with the junior Senator from Pennsylvania. If I were permitted to vote, I would vote "yea."

Mr. CULBERSON. With the anouncement of my pair and the transfer which I made a moment ago, I vote "yea."

The result was announced-yeas 30, nays 4, as follows:

	YE	AS-30.	
Ashurst Borah Bourne Bristow Brown Clapp Crawford Culberson	Cummins Fall Gore Gronna Johnson, Me. Kern Martine, N. J. Myers	O'Gorman Overman Owen Page Perkins Poindexter Pomerene Reed	Shively Simmons Smith, Ariz, Thornton Williams Works
	N.	AYS-4.	
Burton	Catron	Lippitt	Smoot

NOT VOTING-61.

Bacon, Bailey Bankhead Bradley Bryandegee Briggs Bryan Burnham Chamberlain	Dillingham Dixon du Pont Fletcher Foster Gallinger Gamble Gardner Guggenheim Heyburn	Lodge Lorimer McCumber McLean Martin, Va. Nelson Newlands Nixon Oliver Paynter	Smith, Ga. Smith, Md. Smith, Mich. Smith, S. C. Stephenson Stone Sutherland Swanson Tillman Townsend
Chilton Clark, Wyo. Clarke, Ark. Crane Cuilom Curtis Davis	Heyburn Hitcheock Johnston, Ala. Jones Kenyon La Follette Lea	Paynter Penrose Percy Rayner Richardson Root Sanders	Townsend Warren Watson Wetmore

The PRESIDING OFFICER. Not a quorum has voted.

Mr. BRISTOW. Mr. President, I make the point that a quorum was developed by the roll call immediately preceding this vote, and because there is a quorum present and some Senators saw fit not to vote it certainly does not demonstrate that there is not a quorum in the Chamber. The roll call has just demonstrated that there is a quorum present.

Mr. SMOOT. A good many Senators were in the Chamber on the former call who are not present now and therefore did not

vote on the last call.

Mr. BACON. Mr. President—

The PRESIDING OFFICER. Does the Senator from Kansas yield to the Senator from Georgia.

Mr. BRISTOW. I do. Mr. BACON. I simply wish to say to the Senator from Kausas that his proposition is one than which no more dangerous could be submitted to the Senate, one that the Senate never has heretofore countenanced, and which I hope no Senator in any exigency will countenance, that any measure can pass the Senate without receiving a majority of a quorum, with a quorum voting on that particular vote. I will say that to establish a precedent to the contrary of that and have it become the rule of the Senate would not only be revolutionary, but it would be dangerous in the extreme. However it may seem like an immaterial matter on a comparatively immaterial question like this, it might come home to worse than plague us when the gravest interests were at stake.

Therefore I trust that no such ruling will be made by the Chair, and that no such ruling will be sanctioned by the Senate.

Mr. BRISTOW. Mr. President, do I understand the Chair to rule that no quorum having voted, therefore there is not a quorum of the Senate present?

The PRESIDING OFFICER. The Chair has not ruled on

the question.

Mr. BACON. I understand the parliamentary situation to be simply this, that no quorum having voted on the particular vote taken no decision has been arrived at by the Senate; that is all.

Mr. SHIVELY. And that nothing is before the Senate except

a motion to adjourn or to procure a quorum.

Mr. BRISTOW. I move that the Sergeant at Arms be directed to request absent Senators to appear in the Senate Cham-That is under the rules, and is a proper motion.

Mr. HEYBURN. That can only be done after a call of the

absentees.

Mr. POINDEXTER. Mr. President, a parliamentary inquiry. On a vote such as has just been taken, when it appears that there is no quorum present, does that invalidate and make of The PRESIDING OFFICER. The Chair would like to hear

the Senator from Washington, and he asks the Senate to be in

Mr. POINDEXTER. My inquiry is simply whether it is necessary that some Senator should make the point of no quorum in order to render the vote invalid?

The PRESIDING OFFICER. The Chair thinks it is not

necessary to make any such point.

Mr. POINDEXTER. Is the vote always of no effect when there is no point made?

The PRESIDING OFFICER. The Chair so understands it, that if the roll call discloses that a quorum is not present, it is not necessary that anyone should make the point.

Mr. BRISTOW. I desire to say that the records of this body will show that frequently bills have been passed and amendments adopted by less than a quorum present on a viva voce vote or on a division.

Mr. HEYBURN. Not on a roll call. Mr. BRISTOW. I do not know as to a roll call. I move that the Sergeant at Arms be directed to request Senators absent to appear in the Chamber.

Mr. HEYBURN. That is generally preceded by a call of the

absentees in order that it may be determined who is absent.

The PRESIDING OFFICER. The Senator from Kansas moves that the Sergeant at Arms be directed to request the attendance of absent Senators.

The motion was agreed to.

Mr. SMOOT. I move that the Senate do now adjourn. Mr. BRISTOW. I ask for a ruling of the Chair. Is it in order to move that the Senate adjourn when the motion has just been carried that the Sergeant at Arms be directed to request the attendance of absent Senators?

Mr. SMOOT. Under Rule V of the Senate—
The PRESIDING OFFICER. The Chair is of the opinion that the motion to adjourn is in order. The question is on the motion of the Senator from Utah, that the Senate do now ad-[Putting the question.] The noes appear to have it.

Mr. SMOOT. I call for the year and nays.

The yeas and nays were ordered, and the Secretary proceeded

to call the roll.

Mr. BURNHAM (when his name was called). I have a general pair with the Senator from Maryland [Mr. SMITH]. In his absence I withhold my vote.

Mr. FLETCHER. I announce my pair as before with the

Senator from Kentucky [Mr. Bradley].

Mr. FOSTER (when his name was called). In view of the absence of the Senator from Wyoming [Mr. Warren], with whom I am paired, I withhold my vote.

Mr. SMITH of South Carolina (when his name was called).

I again announce my pair with the Senator from Delaware [Mr.

RICHARDSON]

Mr. STONE (when his name was called). I again announce my pair with the Senator from Wyoming [Mr. CLARK].

my pair with the senator from wyoming [Mr. Clark].

Mr. SWANSON (when his name was called). I announce my pair again with the Senator from Nevada [Mr. Nixon].

The PRESIDING OFFICER (when Mr. Townsenp's name was called). I announce my pair with the junior Senator from Maine [Mr. Gardner].

Mr. WILLIAMS (when his name was called). Transferring

my pair with the senior Senator from Pennsylvania [Mr. Pen-ROSE] to the senior Senator from Arkansas [Mr. CLARKE], I vote nav.

The roll call was concluded.

Mr. HEYBURN (after having voted in the affirmative). I voted without realizing that this is a party question. I am paired with the senior Senator from Alabama [Mr. BANKHEAD]. I transfer that pair to the senior Senator from Connecticut [Mr. Brandegee] and vote. I vote "yea."

Mr. BACON (after having voted in the negative).

that the Senator from Minnesota [Mr. Nelson] did not vote. I have a general pair with him and I withdraw my vote, and let this announcement stand for the balance of the day.

The result was announced—yeas S, nays 2S, as follows: VELO O

	1.1	145-5.	
Burton Fall	Heyburn Lippitt	Oliver Overman	Smoot Thornton
	NA	YS-28.	
Ashurst Borah Bourne Bristow Brown Catron Chamberlain	Clapp Crawford Culberson Cummins Gore Gronna Johnson, Me,	Kern Martine, N. J. Myers O'Gorman Page Perkins Poindexter	Pomerene Reed Shively Simmons Smith, Ariz. Williams Works
	NOT V	OTING-59.	
Bacon Bailey Bankhead Bradley Brandegee Briggs Bryan Burnham Chilton Clark, Wyo. Clarke, Ark. Crane Cullom Curtis Davis	Dillingham Dixon du Pont Fletcher Foster Gallinger Gamble Gardner Guggenhelm Hitcheoek Johnston, Ala, Jones Kenyon La Follette Lea	Lodge Lorimer McLenn Martin, Va. Nelson Newlands Nixon Owen Paynter Penrose Percy Rayner Richardson Root	Sanders Smith, Ga. Smith, Mid. Smith, Mich. Smith, S. C. Stephenson Stone Sutherland Swanson Tillman Townsend Warren Watson Wetmore

So the Senate refused to adjourn.

Mr. BRISTOW. Mr. President— Mr. HEYBURN. I raise the question that no quorum is disclosed by the vote.

Mr. BRISTOW. Mr. President, as I understand, the motion was carried directing the Sergeant at Arms to request absent Senators to appear.

The PRESIDING OFFICER. The Senator is correct. The

Mr. HEYBURN. Mr. President, I do not see how the Sergent at Arms can readily do that until the names of the absences are called.

Mr. BROWN. I rise to a point of order.

The PRESIDING OFFICER. The Senator from Nebraska will state his point of order.

Mr. BROWN. There is no business in order at this time except the execution of the order directed to the Sergeant at Arms, unless it be a motion to adjourn.

The PRESIDING OFFICER. The Sergeant at Λ rms has been directed to execute the order of the Senate.

Mr. HEYBURN. I rise to a point of order. The PRESIDING OFFICER. The Senator will state it.

Mr. HEYBURN. If the Senator from Nebraska [Mr. Brown] directed his point of order to my suggestion for a call of the absentees, he is himself out of order. Under the rules I ask now that a call of the absentees be made, and that is the order.

Mr. BROWN. To that I make the point of order that it is

not in order under the rule, which I will read-paragraph 3 of

Rule V .

Whenever upon such roll call it shall be ascertained that a quorum is not present, a majority of the Senators present may direct the Sergeant at Arms to request, and, when necessary, to compel the attendance of the absent Senators, which order shall be determined without debate; and pending its execution, and until a quorum shall be present, no debate nor motion, except to adjourn, shall be in order.

Mr. HEYBURN. That, Mr. President, is not controverted, but it does not obviate the rule with reference to a call of the absentees. I am not very particular about it, however.

The PRESIDING OFFICER. The Sergeant at Arms has been directed to execute the order of the Senate, and will proceed to execute it.

Mr. SHIVELY. I move that the Senate adjourn.

The motion was agreed to, and (at 5 o'clock and 30 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, April 17, 1912, at 2 o'clock p. m.

HOUSE OF REPRESENTATIVES.

Tuesday, April 16, 1912.

The House met at 12 o'clock noon,

The Chaplain, Rev. Henry N. Couden, D. D., offered the fol-

lowing prayer:

Our Father in heaven, appalled by the many shocking disasters which have followed one upon the other in the last few months, we most fervently pray that more stringent laws may be enacted and enforced, that those exposed to the dangers of fire and flood, the workers in mines and factories, and those who travel by land or sea, may be safeguarded from the selfishness and greed of the thoughtless. This we ask in the name of right and justice, truth and mercy, O God our Father. Amen.

The Journal of the proceedings of yesterday was read and ap-

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed with amendments the bill of the following title, in which the concurrence of the House of Representatives was requested:

H. R. 14083. An act to create a new division of the southern judicial district of Texas, and to provide for terms of court at Corpus Christi, Tex., and for a clerk for said court, and for

The message also announced that the Senate had passed with-

out amendment bills of the following titles:

H. R. 20486. An act authorizing the construction of a bridge across the Willamette River at or near Newberg, Oreg.; and H. R. 19863. An act authorizing the Secretary of the Interior

to subdivide and extend the deferred payments of settlers in the Kiowa-Comanche and Apache ceded lands in Oklahoma.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House

of Representatives was requested:

S. 222. An act to establish an agricultural plant, shrub, fruit and ornamental tree, berry, and vegetable experimental station at or near the city of Mandan, west of the Missouri River, in the State of North Dakota;

S. 365. An act to establish a fish-hatching and fish-culture station at a point in the eastern portion of the State of South Dakota to be selected by the Secretary of Commerce and Labor; S. 457. An act to establish a fish-cultural station in the State

of Oklahoma;

S. S49. An act to amend section 1014 of the Revised Statutes of the United States;

S. 1043. An act for the relief of James Anderson; S. 1673. An act providing for the retirement of certain officers

of the Philippine Scouts; S. 2903. An act for the relief of John Gray;

S. 4098. An act for the relief of the estate of Fernando Valdez, deceased:

S. 4254. An act for the relief of the estate of William H. Abbott and others;

S. 4550. An act to establish a fish-cultural station in the State of Washington;

S. 4604. An act to increase the limit for purchase of site and

the erection of a customhouse at Wilmington, N. C. S. 4645. An act to establish a fish-hatching and fish-cultural

station for the hatching and propagation of shad upon or near the seacoast in the State of Georgia;

S. 5494. An act to provide a site for the erection of a building to be known as the George Washington Memorial Building, to serve as the gathering place and headquarters of patriotic, scientific, medical, and other organizations interested in promoting the welfare of the American people;

S. 5679. An act to amend section 2 of an act to authorize the President of the United States to make withdrawals of public

lands in certain cases, approved June 25, 1910;

S. 5735. An act to enable the President to propose and invite foreign governments to participate in an international conference to promote an international inquiry into the causes of the high cost of living throughout the world and to enable the United States to participate in said conference;

S. 5814. An act to provide for the erection of a public build-

ing at Charles Town, W. Va.; S. 5935. An act to fix the terms of the District Court for the

Western District of Michigan;

S. 5991. An act to authorize the War Department to use the unexpended balance of appropriations heretofore made by Congress for the construction of a Navy memorial in the Vicksburg National Military Park, and for other purposes;

S. 6011. An act to establish a fish-cultural station in the

State of Connecticut;

S. 6110. An act to provide for the erection of a public building on a site already acquired at Roseburg, Oreg.; and

S. J. Res. 62. Joint resolution authorizing and directing the Director of the Census to collect and publish cotton-ginners' statistics.

A further message from the Senate, by Mr. Platt, one of its clerks, announced that the Senate had passed without amendment bill of the following title:

H. R. 23246. An act appropriating \$300,000 for the purpose of maintaining and protecting against the impending flood the levees on the Mississippi River and rivers tributary thereto.

SENATE BILLS REFERRED.

Under clause 2, Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees as indicated below:

S. 222. An act to establish an agricultural plant, shrub, fruit and ornamental tree, berry, and vegetable experimental station at or near the city of Mandan, west of the Missouri River, in the State of North Dakota; to the Committee on Agriculture.

S. 365. An act to establish a fish-hatching and fish-culture station at a point in the eastern portion of the State of South Dakota, to be selected by the Secretary of Commerce and Labor; to the Committee on Merchant Marine and Fisheries.

S. 457. An act to establish a fish-cultural station in the State of Oklahoma; to the Committee on the Merchant Marine and

S. S49. An act to amend section 1014 of the Revised Statutes of the United States; to the Committee on the Judiciary.

S. 1043. An act for the relief of James Anderson; to the Committee on Military Affairs.

S. 1673. An act providing for the retirement of certain officers of the Philippine Scouts; to the Committee on Military Affairs. S. 2903. An act for the relief of John Gray; to the Committee on Military Affairs.

S. 4098. An act for the relief of the estate of Fernando Valdez, deceased; to the Committee on Claims.

S. 4254. An act for the relief of the estate of William H. Abbott and others; to the Committee on Claims.

S. 4550. An act to establish a fish-cultural station in the State of Washington; to the Committee on the Merchant Marine and Fisheries.

S. 4604. An act to increase the limit for purchase of site and the erection of a customhouse at Wilmington, N. C.; to the Committee on Public Buildings and Grounds.

S. 4645. An act to establish a fish-hatching and fish-cultural station for the hatching and propagation of shad upon or near the seacoast in the State of Georgia; to the Committee on the Merchant Marine and Fisheries.

S. 5494. An act to provide a site for the erection of a building to be known as the George Washington Memorial Building, to serve as the gathering place and headquarters of patriotic, scientific, medical, and other organizations interested in promoting the welfare of the American people; to the Committee on Public Buildings and Grounds.

S. 5679. An act to amend section 2 of an act to authorize the President of the United States to make withdrawals of public lands in certain cases, approved June 25, 1910; to the Committee on the Public Lands.

S. 5735. An act to enable the President to propose and invite foreign governments to participate in an international conference to promote an international inquiry into the causes of the high cost of living throughout the world and to enable the United States to participate in said conference; to the Committee on Foreign Affairs.

S. 5814. An act to provide for the erection of a public building at Charles Town, W. Va.; to the Committee on Public Buildings and Grounds.

8.5935. An act to fix the terms of the District Court for the Western District of Michigan; to the Committee on the Ju-

diciary.
S. 5991. An act to authorize the War Department to use the unexpended balance of appropriations heretofore made by Congress for the construction of a Navy memorial in the Vicksburg National Military Park, and for other purposes; to the Committee on Military Affairs. S. 6011. An act to establish a fish-cultural station in the State

of Connecticut; to the Committee on the Merchant Marine and Fisheries.

S. 6110. An act to provide for the erection of a public building on a site already acquired at Roseburg, Oreg.; to the Committee on Public Buildings and Grounds.

S. J. Res. 62. Joint resolution authorizing and directing the Director of the Census to collect and publish cotton-ginners' statistics; to the Committee on the Census.

ARMY APPROPRIATION BILL.

Mr. HAY. Mr. Speaker, I am directed by the Committee on Military Affairs to report back the bill (H. R. 18956) making appropriation for the support of the Army for the fiscal year ending June 30, 1913, and for other purposes, with certain Senate amendments, to ask that the Senate amendments be disagreed to, and ask for a conference.

Mr. PRINCE. Mr. Speaker, will the chairman of the Committee on Military Affairs be willing to allow us an opportunity at the time that the conference report is reported to discuss the conference report?

·Mr. HAY. Undoubtedly, as much opportunity as the business

of the House will permit.

The SPEAKER. The gentleman from Virginia [Mr. Hax] asks unanimous consent to disagree to the Senate amendments to the Army appropriation bill, and asks for a conference. Is there objection?

There was no objection, and the Speaker appointed as conferees on the part of the House Mr. HAY, Mr. SLAYDEN, and Mr. PRINCE.

DIPLOMATIC AND CONSULAR APPROPRIATION BILL.

Mr. SULZER. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 19212) making appropriations for the Diplomatic and Consular Service for the fiscal year ending June 30, 1913, with Senate amendments, and that the House disagree to the Senate amendments and ask for a

The SPEAKER. The gentleman from New York asks to take the diplomatic and consular bill from the Speaker's table, to disagree to the Senate amendments thereto, and to ask for a conference. Is there objection?

There was no objection, and the Speaker appointed as conferces on the part of the House Mr. SULZER, Mr. FLOOD of Virginia, and Mr. McKINLEY.

REPUBLIC OF CHINA.

The SPEAKER laid before the House House joint resolution 254, congratulating the people of China on their assumption of the powers, duties, and responsibilities of self-government, with Senate amendments.

The Senate amendments were read.

Mr. SULZER. Mr. Speaker, on the 29th day of February last the House of Representatives unanimously passed a joint resolution, introduced by me, congratulating the patriotic people of China upon the successful establishment of the Republic of China. The Senate has changed the resolution from a joint resolution to a concurrent resolution. There is no objection to that, so far as I have been able to ascertain. I therefore move that the House concur in the Senate amendments, and in doing so indulge the hope that ere long the great Republic of the United States will officially recognize the new Republic of China. Such recognition, as is well known, is an Executive function.

Mr. MANN. Mr. Speaker, will the gentleman yield?
The SPEAKER. Does the gentleman yield?
Mr. SULZER. Certainly.
Mr. MANN. Mr. Speaker, it sometimes becomes necessary to

waive form in order to accomplish a fact. A short time ago the Senate passed a concurrent resolution which the House amended and made a joint resolution and returned to the Senate in that The Senate, instead of agreeing to the amendments made by the House to their resolution, passed a new joint resolution covering precisely the same subject as has been provided in this amendment, in order to avoid the complication of endeavoring to change a concurrent resolution originating in another body into a joint resolution. Exception was taken by the employees of the Senate, who have to do with engrossing and enrolling bills, because of the difficulty which would be involved. On this occasion, however, they propose an amendment to change a House joint resolution of a specified number into a House concurrent resolution without any number. I suppose it may be necessary to accept that amendment, but here will be a House concurrent resolution, now unnumbered, which, if anybody desires to search for at any time through the indexes of the journals or records of the House, he can not find.

Mr. FOSTER. Is this another case of the House giving way

to the Senate?

Mr. SULZER. So far as the number of the cerned, I understand it can have the same number. cerned, I understand it can have the sentleman's pardon. The Senate Mr. SULZER. So far as the number of the resolution is con-

amendment is to strike out the "H. J. Res." and the number and to insert "concurrent resolution No. —."

Mr. KENDALL. There may be a concurrent resolution of that number.

Mr. MANN. The Senate amendment leaves the number blank, so that if the House simply concurs in the Senate amendment

this concurrent resolution will then have no number. Mr. SULZER. So far as the effect of this resolution is concerned, the change is immaterial, and it accomplishes the purpose desired. I have no disposition to be technical in these matters. I am trying to get results and am willing that my resolution be made concurrent instead of a joint resolution. this Republic to be the first country to congratulate the new Republic of China, and I want this Government to be the first

Government to officially recognize the Republic of China. resolution is the basis for official recognition, which is an Executive function. I hope the President will now officially recognize the Republic of China. Congress has spoken. Let the Presi-

dent act accordingly.

Mr. MANN. It seems to me at first blush that the gentleman ought to move to concur in the Senate amendment, with an amendment inserting a number for the concurrent resolution, which, I suppose, if that were done, would take the next number of concurrent resolutions. If the amendment of the Senate is simply agreed to, the resolution will have no number by which it can be identified hereafter.

Mr. FOSTER. Mr. Speaker, could not the matter be avoided by giving this the next concurrent resolution number?

Mr. MANN. It can be done by amending the Senate amend-

Mr. NORRIS. It would have to go back to the Senate, then. Mr. MANN. It would have to go back to the Senate, then, where, of course, that amendment would be concurred in.

Mr. FOSTER. It could be done in conference.

Mr. MANN. The gentleman does not propose a conference. Mr. SULZER. Mr. Speaker, in order to meet the suggestion I move that the House concur in the Senate amendments with an amendment inserting the proper number of the House concurrent resolution.

Mr. FOSTER. That will make it all right.

The SPEAKER. The gentleman from New York [Mr. Sul-ZER] moves to concur in the Senate amendments with an amendment inserting the proper serial number of the House concurrent resolution, to be inserted by the Clerk. (H. Con. Res. 50.) The motion was agreed to.

NAVIGATION LAWS AND PANAMA CANAL.

Mr. LEVY. Mr. Speaker, I ask unanimous consent to print in the Congressional Record the engrossed resolutions of the New York Chamber of Commerce on the subject of a proposed change in the navigation laws, and also in regard to the use of the Panama Canal by steamers owned by railroads.

The SPEAKER. The gentleman from New York [Mr. LEVY] asks unanimous consent to print certain resolutions in the

Congressional Record. Is there objection?

Mr. MANN. Reserving the right to object, I would like to ask the gentleman how many times this resolution has already been introduced in the form of petitions by Members of Congress and referred to the committee having jurisdiction?

I do not know; they are the engrossed copies Mr. LEVY. from the chamber of commerce.

Were not these resolutions sent to all the New Mr. MANN. York Members?

They might have been, but these are the en-Mr. LEVY. grossed copies.

Mr. MANN. The engrossed copies will be no different when printed in the Record than any other copy. They can not print the engressment in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

The following is the matter referred to:

CHAMBER OF COMMERCE OF THE STATE OF NEW YORK, NEW YORK, April 10, 1912.

At the monthly meeting of the chamber of commerce, held April 4, 1912, the following preamble and resolution, reported by its committee on foreign commerce and the revenue laws, were adopted:

Whereas there is pending in Congress a bill relating to the operation of the Pannma Canal which has been amended so as to prohibit the use of the canal by any steamship company in which any railroad has an interest; and

Whereas such action would prevent the use of the canal by the largest owners of American steamships and would prevent the further building of steamers in American yards for their service: Therefore be it Resolved, That the Chamber of Commerce of the State of New York, believing that the Pannma Canal, when completed, should be open to all tonnage, irrespective of ownership, protests against any legislation which departs in any degree from that broad and equitable policy.

Attest:

[SEAL.]

N. BARTON HEPBURN, President. SERENO S. PRATT, Sceretary.

CHAMBER OF COMMERCE OF THE STATE OF NEW YORK,
NEW YORK, April 10, 1912.

At the monthly meeting of the chamber of commerce, held April 4,
1912, the following preamble and resolutions, reported by its committee
on foreign commerce and the revenue laws, were adopted:
With the near approach to the opening of the Panama Canal, if the
United States is to reap the full advantage of this great work, there
must be American shipping to avail of it, and the way to secure this
will be by such a change in our navigation laws as will enable us to
buy ships in the cheapest market and operate them on a competitive
basis with other nations.

It is confidently expected that the Panama Canal will be completed
and opened for business by the end of the year 1913.

Your committee therefore presents the following preamble and resolutions:
Whereas the Panama Canal, built at the expense of the Market

Whereas the Panama Canal, built at the expense of the United States, is now approaching completion; and Whereas in order to secure full benefit of same for this country there must be American tonnage to avail of this new route of commerce: Therefore be it

Therefore be it

Resolved, That the Chamber of Commerce of the State of New York favors a change in the navigation laws of the United States that will permit its citizens to purchase tonnage in the cheapest market, own it in their own names, sall it under the flag of the United States, and operate it on a competitive basis of cost with the tonnage of other nations; also

Resolved, That copies of this preamble and resolutions be forwarded to the President, to the Secretary of the Navy, to the Secretary of Commerce and Labor, and to the Members of the Senate and the House of Representatives.

N. Rapton Herperson Description

Attest:

N. BARTON HEPBURN, President. SERENO S. PRATT, Secretary.

COMMITTEE ON EXPENDITURES IN INTERIOR DEPARTMENT.

Mr. GRAHAM. Mr. Speaker, I ask unanimous consent to address the House for one hour.

The SPEAKER. The gentleman from Illinois asks unanimous consent to address the House for one hour. Is there objection?

There was no objection.

Mr. GRAHAM. Mr. Speaker, on last Friday and Saturday there was a matter under discussion in the House relating to the Committee on Expenditures in the Interior Department. During that discussion my colleague from Illinois [Mr. MANN] had before him certain files from which he read. Among others, he read from a paper which he stated was an affidavit, and from that affidavit he read statements which he claimed reflected upon me as chairman of the committee and upon the committee generally.

On yesterday my colleague kindly gave me the files which he used on that occasion. I have gone through them with some care, and I find that the paper which he repeatedly read from and referred to as an affidavit was not an affidavit at all, and that even as it was, it did not reflect upon me or upon the com-

mittee of which I am chairman.

Now, Mr. Speaker, the matter was not then sprung suddenly upon my colleague. Clearly it is a matter to which he had given considerable attention, and to which other gentlemen doubtless associated with him had also given considerable at-tention. In proof of that I want to call the attention of the House to the closing events on the evening before—that is, Thursday evening. The chairman of the Committee on Accounts [Mr. Lloyd] had offered a number of privileged resolu-These resolutions went through without serious objections.

tion. Among those which the chairman of the Committee on Accounts also had to offer to the House was a resolution asking for an appropriation for the committee of which I am chairman. My colleague evidently knew of that, and when that part of the program was reached, what took place? I will read from the Congressional Record, page 4618:

The Speaker. The question is on agreeing to the resolution.
The question was taken, and the resolution was agreed to.
Mr. Mann. Mr. Speaker, I suggest to the gentleman that it is getting pretty late.
Mr. Lloyd. Mr. Speaker, there are two other resolutions that I hoped to bring up, but the gentleman from Illinois is anxious that we conclude at the present time, and he has notified me of the fact that there is not a quorum present and that the question would be raised. I therefore move that we do now adjourn.

At that point my colleague from Illinois, evidently having this appropriation in his mind, stated to Mr. LLOYD that he would raise the question of no quorum, and so that resolution went over until Friday morning. On Friday morning my colleague came to the House fortified with the papers now in my hands and for which I say I am indebted to him. When the resolution asking for the appropriation of \$7,500 came up, this matter was then opened up and these papers were used by my colleague and

friend, or, at least, my whilom friend.

Mr. Speaker, I am entirely at a loss to know or to think of any reason why my colleague should have taken the course he did. I do not think he could have any personal animosity toward me. I certainly know of no cause for it, and I know that I have always entertained the friendliest and kindliest feelings toward him, and I believe now that there was nothing purely personal in it. But the exigencies of the situation, as I propose to show the House, seemed to require that an assault should be made on this committee and that it should be discredited in some way or other.

In that connection, Mr. Speaker, I want to recite some recent history. This committee has recently undertaken an investiga-tion of the Indian Office. On the 29th of March a complaint, containing certain charges, was filed with the committee. copy of those charges was at once forwarded to Mr. Valentine, the Commissioner of Indian Affairs. They are now printed in No. 1 of the hearings concerning the Indian Bureau. I read a few paragraphs from the printed charges, which were known to the Indian Office on the 29th of last month.

Mr. Speaker, I read from the charges filed, to which I have referred:

referred:

Six: I request an investigation by your honorable committee into the conduct of R. G. Valentine, Commissioner of Indian Affairs, in certain matters prejudicial to public interests and the Interests of the Indians. I charge Commissioner Valentine with instigating secretly attacks on an official of his own bureau, such instigation being against the interests of good service and tending to destroy discipline and efficient conduct of important affairs.

I charge Commissioner Valentine with responsibility for willfully creating conditions which led to the suspension and removal from the Indian Service on baseless charges of Joseph R. Farr, general superintendent of logging.

I charge Commissioner Valentine with responsibility for inviting bids for the sale of standing timber on the Jicarilla and Fort Apache Indian Reservations without issuing therewith proper preliminary and detailed estimates of quantities, the bids being called under regulations of such character as to make the prospective logging operations uncertain and open to fraud of the grossest character.

I charge Commissioner Valentine with retaining in the service and promoting to a higher position an official against whom charges of drunkenness and other misconduct have been made and fully proven.

I charge Commissioner Valentine with being a party to a gross violation of the law against the introduction of intoxicating liquor on an Indian reservation.

Indian reservation.

These various charges I support by official documents, letters, copies of letters, affidavits, and references to record and documents, and furnish names of witnesses to be summoned in support of the charges.

Mr. CAMPBELL. Mr. Speaker, will the gentleman yield? Mr. GRAHAM. Mr. Speaker, I prefer not to be interrupted, in order that I may make a consecutive statement of the facts that I propose to submit.

Mr. CAMPBELL. I interrupt only for the purpose of inquiring who made those charges?

Mr. GRAHAM. Mr. Browne. These are now printed docu-

Mr. CAMPBELL. I was wondering who Mr. Browne was. Mr. GRAHAM. Mr. Herbert J. Browne. Mr. Speaker, these

charges clearly have disturbed the Indian Office. Two witnesses have already testified respecting one of those charges, and their testimony strongly sustains one of the charges. I shall not go into that, but I submit them at this time as a reason why some attempt should be made in some way to discredit in advance the work this committee proposes to do. committee is proceeding upon the assumption that it was created for some purpose, and that the House appointed it to carry out that purpose. The committee is proceeding as best it can to do so.

Coming back to the discussion of this matter, I have before me the Congressional Record for Saturday last, at page 4720. At that time I had just read a statement from the RECORD of Friday, and stated that my colleague, Mr. Mann, was not present, and that I regretted his absence. However, he just then came into the House, and I made this statement after he

I will say to the gentleman from Illinois [Mr. Mann] that I was just calling attention to a statement in the RECORD, which I have read, while the gentleman was absent from his seat, to the effect that I had advised Mrs. Grey to keep a certain \$100, which the gentleman said he saw, by an affidavit he had seen, that I had advised her to keep it.

That language is pretty specific. By an affidavit that he had seen he saw that I had advised her to keep it. I propose to read now the paper from which he read, and when I do it will be perfectly clear to every gentleman present, first, that it was not an affidavit; and, second, that the statements which he made were not contained in it.

At the time he read it he reserved a paragraph in it which made most unwarranted statements with reference to one of the most honorable gentlemen who sits in this body. of course, follow in his lead in that regard and shall not refer This statement was made, it appears, sometime near the end of the last session, in the latter part of August, 1911.

The House will recall that toward the last of August we adjourned sine die, I believe on the 23d of the month. I may state, incidentally, that immediately after adjournment I left Washington for home, and was not here at all during the time that many of the things referred to in this alleged affidavit are said to have taken place. The paper I hold in my hand is a copy of the one from which Mr. Mann read, and I shall use it because his copy is more difficult to read, on account of the char-

acter of the paper upon which it is written.

Before I go into the reading of it, let me digress for a moment. One of the statements made by my colleague in answer to a specific question was that he did not get these files from the Indian Office. The one from which he read is just as he gave it to me. I shall read from it, and exhibit to the attention of gentlemen sitting near me that they may see what I read from and the correctness of it. There is on the left-hand upper corner, attached to it, a little pink label, marked "5-378." Then in large printed letters there is the word "Inclosure" and in printed figures "20064." Below that there are the words "From Office of Indian Affairs, Department of the Interior," and again, at the bottom in the left-hand lower corner, the figures "6-1201." I ask any candld gentleman where that came from, and anyone who wishes to do so is welcome to look at it. There are three bunches or packages in the file which he used. I now take another one of them, and exactly the same kind of pink slip is attached to it in the same way. The word "In-closure" is printed upon it, and the figures "21422," and the words "From Office of Indian Affairs, Department of the Interior," with little figures also at the top and bottom; and the one which I now hold in my hand has stamped upon it with a one which I now hold in my hand has stamped upon it with a rubber stamp the words "Office of Indian Affairs, received December 20, 1911, 109,080." It also has stamped upon it with a rubber stamp in pink the words "Department of the Interior, received December 20, 1911," and then there are some letters confused by the typewriting, which I make out to be "Secy of Mails and Files" Mails, and Files.

That is as near as I can come to it, but I can not guarantee the correctness of it. Now, these pink slips were all attached to the papers at the time my colleague had them in his hand and as you will see by reference to the Congressional Record he said they did not come to him from the Indian Office. Now, the statement which my colleague read here and stated to this House was an affidavit is now before me. It is on this thin paper and of course is a copy, but on the margin of it is

written:

This is a copy of a statement preferred by me at the request of J. H. Eckloff, cashier of Second National Bank, Washington, D. C., and handed to him on or about August 19, 1911, Washington, D. C., March 11, 1911—

which, I take it, means was handed to him on the latter date, but I do not know about that. Now, it is difficult to read and I shall follow the copy which I have and which I believe to be accurate. I hand the copy which my colleague [Mr. Mann] gave me to the gentleman from Ohio [Mr. Ashbrook] and I hope he will correct me if there should be any discrepancy between the copy I read from and the one from which Mr. MANN read.

There is no venue at the top of it. My colleague as a lawyer knows that an affidavit must have venue. There is no venue, no sign of any venue at the top of the paper from which I read, so that any man with ordinary sense would know the moment he looked at it that it was not an affidavit. This, as I have explained, is a statement of Mr. Denomie given to Mr.

Eckloff which my colleague [Mr. MANN] read here and stated to the House was an affidavit. I read:

Eckloff which my colleague [Mr. Mann] read here and stated to the House was an affidavit. I read:

I first met Mrs. Helen P. Grey with Mr. Thomas Sloan, her associate, in the corridor in the House Office Building, on July 14 last, and she said to me, "You are the man I want to see, I want to look at all your papers, I can help you." I answered I would let her look at my papers. I have seen Mrs. Grey before about Mr. Graham's committee room. I saw her again in the committee room where they were investigating the White Earth Reservation Indian affair, when the three Minnesota Indian girls were testifying as witnesses. On the 27th of July, when Mrs. Grey told me to bring my papers to her, and Mr. Sloan gave me her address in her presence on about August 2 last.

Believing what she said, that she could get whatever she wanted done by the Interior Department and that she had Mr. Valentine under her thumb, and for the reason of her having been jailed for two months by the department, and the investigation of the Interior Department now being on it puts Mr. Valentine in terror, and he would be glad to yield to any demand she (Mrs. Grey) might make, etc. On the 4th of August I took my papers to her home, and was there nearly all day assisting her in examining them. She then said she would got o our reservation to look over the situation and get just what we needed. She said she was working at the office of Mr. Valentine and told me where her desk was, etc., and that she had full access to all the documents and clerks she wanted, that Mr. Valentine had given her full charge. She showed me a note lying on the table which she claimed was a note to Speaker Clark from the national Democratic committeeman of Minnesota, asking Mr. Clark to see Mrs. Grey upon certain matters. Upon these representations I yielded and agreed to give her money, and did give her a check for \$100 on August 7, as she said she was very anxious to go right away, and that I should go back to the reservation at once. After sendling me on several errands not to pay it.

There are marginal notes, but I will not read them.

I read further:

On August 13 I wrote her that I wanted my papers back. In a letter to me she offered to give me my money back if I would come out to her house. I sent another man out to see her and she refused to see him. The next time I saw her she was going into the Indian Office, which, I think, was the following morning, August 17, when she roundly chastised me, and saying she had seen some of her superiors who advised her not to give me back my money, and that she was not going to give me one

Now, that is the part to which I particularly want to call your attention. The only item in it on which my colleague could base his statement is the one which says that she had seen some of her superiors who had advised her not to give him back his money, and she was not going to give him one cent. I challenge your attention as to whether there is any other syllable of any character in this statement which could possibly by any torture of construction be construed into a reference to the committee, or to me, and there is nothing that in any way tends to show that she would speak of them as her superiors. Now, here comes the hiatus I spoke of. I skip two lines.

Then I read:

Then I read:

I am informed by people who are in a position to know that she is a dangerous and designing woman, who would say anything and stop at nothing to gain her ends.

The \$100 which was given her was for the understood purpose of paying her fare to the reservation did we finally come to an agreement. She has never made any attempt to go to the reservation.

While negotiations were pending I also wrote her a letter to the effect that I had changed my mind.

Anytoine Demonia

That is all of the statement. That is the paper from which the gentleman from Illinois [Mr. Mann] read. It is signed, and there is some writing on the margin which I have already read and will not repeat now, which says he made this statement to John H. Eckloff, cashier of the Second National Bank, at Mr. Eckloff's request, on or about the 19th of August, 1911. That is the whole statement. There is no affidavit appended to it; it has no venue; it has no characteristic of an affidavit

Mr. FOWLER. It is not sworn to, is it? Mr. GRAHAM. It is not sworn to; of course not. read from Saturday's Congressional Record, on page 4954, and I read for the purpose of identifying the paper I have read with my colleague's [Mr. MANN] reading of it.

In the first paragraph, first column, page 4954 of the Record,

he says:

This Indian made an affidavit that he met Mrs. Grey going to the Indian Office, and that she roundly chastised him, saying that she had seen some of her superiors, who advised her not to give him back his money, and that she was not going to give him one cent.

He said:

In the same affidavit the Indian stated that Mrs. Grey said that she could get whatever she wanted done by the Interior Department, and

that she had Mr. Valentine, the Commissioner of Indian Affairs, under her thumb. The affidayit, I believe, is on file. At least, I have a copy

Mr. RAKER then intervened, and asked:

Where is it on file?

Mr. Mann. I do not know whether it is on file in the Indian Office. It was obtained by the people who were seeking to obtain back the money, I believe.

Mr. Graham. Does the gentleman mean that it is in some official

Mr. Mann. I do not now recall whether it is on file in the Indian Office, because I did not obtain my information from the Indian Office.

Mark that, in view of the papers I have exposed to your view, bearing the file mark and every indicia of having come from the Indian Office, and which, of course, I got from the gentleman from Illinois [Mr. Mann] himself. My colleague says:

I do not now recall whether it is on file in the Indian Office, because I did not obtain my information from the Indian Office. I will say to the gentleman that I have a very complete file, which, if the gentleman desires, I shall be very glad to show to him. I would not care to read it into the record, because it reflects unjustly, in my judgment, upon some people.

To my colleague's credit, I will say he did give me the file that he used, and I have shown it to you. Now, at the same time that my colleague was reading this paper, he being a lawyer of many years of experience, being a man of marked ability, being a man of wide experience in parliamentary affairs and in handling official papers, can it be claimed for him by anyone he did not know that that paper was not an affidavit?

Am I justified in presuming that he then believed he would not be challenged, and that he could "get away with the goods," and that this news would go out to the country as an affidavit when he had knowledge then and there that what he was say-

ing was absolutely false and untrue?

Now, Mr. Speaker, to emphasize the matter still more, the very next paper in the file which he read from is an affidavit. very next paper in the file which he read from is an affidavit. There is no question or confusion about it. It begins with the words at the head of it, "District of Columbia, ss," the venue form so familiar to every lawyer—"District of Columbia, ss." Did my colleague read from it? Not one syllable, not one word, is taken from the real affidavit. I propose to read it, and I will ask my friend from Ohio [Mr. Asherook] to look at the copy given to me by my colleague from Illinois [Mr. Mann] to see that the copy I read from is correct. It reads: see that the copy I read from is correct. It reads: DISTRICT OF COLUMBIA, 88:

I, Antoine Denomie, being first duly sworn according to law, depose and say as follows-

That is perfectly plain, is it not? Could any man who can read and write be deceived as to the different character of those two papers? I read:

On or about August 4, 1911, I had a talk in Washington, D. C., with Mrs. Helen Pierce Grey, at her request, and showed her a number of papers relating to matters of the La Pointe Band of Chippewa Indians which I had been sent to Washington, D. C., by the business council committee to look after.

And here let me say that our committee has never had at any time any question or investigation of any sort concerning that band of Indians. They had never been before the committee in any way whatever. Continuing, I read:

in any way whatever. Continuing, I read:

She told me that she was in position to help me get what my people wanted, and would act as our attorney. On or about August 7, 1911, I gave the said Mrs. Grey at her request my check for \$100, which was to cover her expenses in going to the Bad River Reservation to get our matters in shape.

On or about the 8th day of August, 1911, at her suggestion, I had a further talk with the said Mrs. Grey in Washington, D. C., in which she spoke of a contract between the La Pointe Band and D. B. Henderson to represent the band as attorney in connection with the swampland claims against the State of Wisconsin, and wanted me to write a letter to my people telling them to withdraw from that contract. I asked her to write the letter she wanted me to send, and she said she wanted me to see Mr. R. G. Valentine. Commissioner of Indian Affairs, and get him to prepare it for me, and she said she would speak to Mr. Valentine about it for me, and that I should go to see Mr. Valentine the next day.

I did go to see Mr. Valentine on the next day, August 9, 1911, and talked with him probably 15 or 20 minutes, during which time he handed me a letter addressed to me by himself, which had already been prepared, said letter being dated August 9, 1911, and numbered "Law, 41920-1910, E. B. M."

"E. B. M.," I take it, being E. B. Meritt, the law officer of

"E. B. M.," I take it, being E. B. Meritt, the law officer of the Indian Bureau. I continue reading:

"In response to your informal inquiry requesting to be advised regarding an attorney contract of Daniel B. Henderson with the La Pointe or Bad River Tribe of Indians"—

And so forth.

As I had never had any talk with Mr. Valentine prior to this interview, and had never myself made any such request as that referred to in his letter, and as Mrs. Grey had told me that she would speak to Mr. Valentine on this subject, and had, in fact, arranged for me the interview which I was then having with him, I understood that in this letter Mr. Valentine referred to such informal request made by Mrs. Grey in my name as my attorney.

Some time before the interview above referred to, possibly several months before that time, Mr. Valentine made an appointment for me to

meet him at his office at a certain time, and I went to his office at the time appointed in company with Mr. Charles Shaw and Mr. J. V. Townsend, clerk to Congressman Stephens, and waited about an hour or more, but was unable to see him, and went away. I did not at any time have any interview with Mr. Valentine prior to the interview above referred to, which was brought about through Mrs. Grey, and which occurred on or about August 9, 1911.

On August 27, 1911—

Which was long after I and the members of my committee had left Washington.

Which was long after I and the members of my committee had left Washington.

On August 27, 1911, William Obern, a member of the business council committee of the La Pointe Band, showed me a letter written to him by Mrs. Grey, in which she referred to this matter in the following language, which I copied from the original letter at the time and before returning it to Mr. Obern:

"Mr. D. asked me to go with him and get his papers from Mr. Henderson, and I did so. He agreed to write immediately to the business committee the conditions surrounding your business. So I got him a chance to have a long talk with the commissioner, and he then communicated to him practically what I am writing you?

The visit to Mr. Henderson was made at Mrs. Grey's own suggestion. Many things In Mrs. Grey's conduct made me suspicious of her, and concluding that it was not wise to deal further with her, I asked her not to take any further action, as I wished to give the matter further consideration before proceeding with her as she had planned, and in the meantime requested her to return the money I had given her for the purpose of defraying her expenses in her proposed trip to the Bad River Reservation and also to return my papers. She declined to return either the money or the papers, and I believe that she assumed to act in the matter as if she were authorized by me to act as my attorney and the attorney of the La Pointe Band in these matters. But she did not have any such authority, and the arrangement which I had with her at one time, but which I subsequently revoked, was entered into by me on account of representations made to me by her, which I afterwards satisfied myself were largely false and misleading.

When I became suspicious of Mrs. Grey and decided to withdraw our matters from her, I inquired at the bank whether my check to her had been cashed, and finding that it had not been I directed that payment thereof be stopped. Through error, however, the check being presented during a rush of business, the check was subsequently p

Sworn to and subscribed before me this 8th day of February, 1912. FRED. C. GEIGER, Notary Public. [SEAL.] My commission expires February 14, 1915.

Now, there is an affidavit which any schoolboy could pick out and know to be an affidavit; but have you discovered one word in it that has the remotest reference to the committee or to me as its chairman?

The affidavit did not furnish any basis for an attack, and so, I repeat, I feel forced to conclude that in order that there might be an excuse for a foundation to rest this charge upon, my collectue transposed the two papers, and he calls the "statement" an "affidavit," and ignores altogether the real affidavit.

Mr. MARTIN of South Dakota. Will the gentleman yield? Mr. GRAHAM. I do not care to yield at present. If I have

time when I conclude my statement I will. Now, Mr. Speaker, I assume my colleague read into the rec-

ord from these papers everything which he believed served his purpose. I ask this House, in view of the selection and segregation of these papers in this way, marked as they are, whether there is any great probability that anything remained not produced here?

What is the purpose of this; why all this preparation; why were these papers brought together in this way?

My colleague told this House that they did not come to him from the Indian Office, or that he did not get them from the Indian Office; I forget the exact language he used. It may be literally true, and it probably is true, that they were handed to him here in the House, and that he did not go to the Indian Office himself and get them there.

I have demonstrated to you that they were the work of the Indian Bureau, and that they bear on their face sufficient evidence to convince any man who has a regard for the truth that they came from the Indian Office.

Now, the language I use is very plain and very strong language, but I put it to the judgment of the gentlemen composing this House if the language I use is stronger than the evidence

A letter was read to you by my colleague addressed by me to the Secretary of the Interior, which I hold in my hand. It was not a part of the three files, but came to me from my colleague, who read it to the House. It simply says:

Mrs. Helen P. Grey wishes to look through some records in the Land Office and also in the office of the Reclamation Service for our committee. Will you kindly see that she is given the necessary permission?

It is signed by myself. If it be treason, make the most of it. I now read a copy of a letter from the Indian files. I have not the original. I can not therefore testify as to its correctness, not having seen the original, but my colleague can easily get the original, as easily as he got these other papers, and if found not to be correct I shall get up before the House and apologize. It is dated September 28, 1911:

SEPTEMBER 28, 1911.

Hon. R. G. Valentine.

Commissioner of Indian Affairs, Washington, D. C.

Commissioner of Indian Affairs, Washington, D. C.

Sin: Referring to our recent conversation and in pursuance of suggestion then made, I have the honor to request that you advise me the nature and extent of the authority presented by Mrs. Helen Pierce Grey under which she was, during the month of August, 1911, accorded recognition and furnished with information in relation to the affairs of the La Pointe Band of Chippewa Indians of the Bad River Reservation in Wisconsin.

I have been informed that she has claimed to have some general authority of an inquisitory nature from the House Committee on Expenditures in the Interior Department, and that she has represented that her activities in the Indian Office in relation to the affairs of the Bad River Reservation were carried on by virtue of that authority.

I am particularly desirous of knowing, also, on behalf of my client, who is a member of the La Pointe Band of Chippewa Indians and a participant in their tribal rights, the extent to which Mrs. Grey may properly go in the investigation of affairs on the Bad River Reservation and of the public records at the La Pointe Agency, under whatever authority she now has as recognized by you in the event that she should visit the said reservation and agency, as it is understood that she contemplates doing.

should visit the said reservation and agency, as it is understood that she contemplates doing.

The purpose of this inquiry is to put me in position on behalf of my client to restrict Mrs. Grey, if possible, within the limits of her proper authority, because of his belief as well as my own that any influence exerted by her upon the tribal affairs of the La Pointe Band will be pernicious.

Very respectfully,

Attorney for Antoine Denomic

Z. LEWIS DALBY, *
Attorney for Antoine Denomic.

Now, is it not perfectly plain that the challenge contained in the second paragraph of that letter calls on the commissioner for a specific statement as to the authority she had? I will read that paragraph again:

I have been informed that she has claimed to have some general authority of an inquisitory nature from the House Committee on Expenditures in the Interior Department, and that she has represented that her activities in the Indian Office in relation to the affairs of the Bad River Reservation were carried on by virtue of that authority.

And now for the commissioner's answer to that:

[Education, Law, and Order 83808-1911. Authority of Mrs. Grey.]

DEPARTMENT OF THE INTERIOR,
OFFICE COMMISSIONER OF INDIAN AFFAIRS,
Washington, October 5, 1911.

Mr. Z. Lewis Daley, 621 Bond Building, Washington, D. C.

Mr. Z. Lewis Balet,
621 Bond Building, Washington, D. C.

Sir: I have your letter of September 28. Mrs. Helen Pierce Grey was furnished information on any topics in which she was interested, under my general policy of allowing anyone interested to study the records of this office, except in the rare cases where, while a case is being handled, there might be some administrative reasons for temporarily not making the action of the office public.

This would be the case in any event, whether or not she possessed any particular authority from an investigating committee or from any other quarter. What particular authority she has from the investigating committee I do not know. She has filed nothing along that line in this office. I have had reason to believe, however, that she was assisting the committee in looking up documents here for them; but, from my point of view, that is irrelevant, as she would have had access to the documents in any case. Similarly, if Mrs. Grey or anyone else should wish to study affairs on the Bad River Reservation or look at the records in the local office, there would be no more objection to that than to her presence here.

It has been my undeviating policy from the beginning to run reservations as open propositions; first, because I believe that course to be right, and, second, because I believe any other course would be absolutely useless, since the fullest publicity is certain, sooner or later, to enter, as it ought, every Indian reservation; and it is better to welcome it in advance than to be obliged grudgingly to consent to it afterwards. Respectfully,

R. G. VALENTINE, Commissioner.

Mr. Speaker, let me now read, or rather reread, the paragraph which challenged the commissioner and the answer to it, and put them side by side:

I have been informed that she is claiming to have some general authority of an inquisitory nature from the House Committee on Expenditures in the Interior Department, and that she has represented that her activities in the Indian Office, in relation to the affairs of the Bad River Reservation, were carried on by virtue of that authority.

That is the challenge. Here is the response:

Mrs. Helen Pierce Grey was furnished information on any topics in which she was interested, under my general policy of allowing anyone interested to study the records of this office, except in certain cases.

This would be the case in any event, whether or not she possessed any particular authority from any investigating committee or from any other quarter. What particular authority she has from the investigating

committee I do not know. She has filed nothing along that line in this office. I have had some reason to believe, however, that she was assisting the committee in looking up documents here for them, but from my point of view that is irrelevant, as she would have had access to the documents in any case.

Mr. Speaker, Mr. Valentine corroborates exactly what I said on the floor last Friday—that the committee had the use of her services for the purpose of locating documents in the files of the Indian Office or anywhere in the Interior Department. freely confess, Mr. Speaker and gentlemen of the House, that I am far from being well equipped for the work of investigating the Interior Department. I know nothing of its filing schemes, I know nothing of where its papers are. No man on the ma-jority side of our committee does. We would be as helpless as children if we had to do that work, and so we have had the help of this lady, who did know, who had a tremendous fund of information concerning the workings of the office, the location of the files and the papers in them, and the nature of the papers and their contents, and who rendered us a great deal of service, valuable service, which we could not have worked out for ourselves in years, if ever.

Mr. Valentine corroborates exactly what I said to you on the

floor last Friday and Saturday as to what she did for our committee. It was no secret then; it is no secret now. Not at all. She did excellent work for our committee in that regard. Her knowledge of the files, of public papers, of the hearings before the Senate and the House, of Senate documents and House documents, and of the law concerning these matters was amazing to me, and if she possessed the power to classify the facts which she knows, she would be a most remarkable person in that regard.

The SPEAKER. The time of the gentleman from Illinois has expired.

Mr. GRAHAM. I will say, Mr. Speaker, that I was not through.

Mr. MANN. Mr. Speaker, how much more times does my

colleague desire?

Mr. Speaker, I could hardly state exactly as Mr. GRAHAM. to the matter of time. I could of course, knowing that I had to conclude in a short time, cut the coat according to the cloth,

and quit. Let us say 15 minutes.

Mr. MANN. Mr. Speaker, I ask unanimous consent that the gentleman may have 15 minutes more.

The SPEAKER. The gentleman from Illinois [Mr. Mann] asks unanimous consent that his colleague [Mr. Graham] may continue for 15 minutes. Is there objection?

There was no objection.

Mr. GRAHAM. Mr. Speaker, I thank my colleague for his courtesy.

Mr. McKENZIE. Mr. Speaker, will the gentleman yield for question?

Mr. GRAHAM. I will yield to my colleague.

Mr. McKENZIE. Mr. Speaker, I have listened to this discussion and to what the gentleman has just said about the valuable services of this lady. Now, if I understand the matter and the discussion of a few days ago, the gentleman said she was

not in the employ of the committee.

Mr. GRAHAM. I did, and I repeat it now.

Mr. McKENZIE. Now, is it the purpose of the committee not to pay this woman for these services?

Mr. GRAHAM. The committee will not pay her one cent of money; the committee has no authority to do it.

Mr. McKENZIE. But the committee accepted her services. Mr. GRAHAM. We are accepting the services of numberless persons every day, every day; otherwise, I say to my colleague, we could make no progress at all. When my colleague stops to consider that the Interior Department has in it the General Land Office, the Indian Bureau, the Reclamation Service, the Pension Office, the Patent Office, and a number of other services, and there is but a committee of seven persons to go into all those matters, and that, unfortunately for the country, the Democrats have not had many permanent places on committees in the past, and, also unfortunately for the country, our Republican friends have had control of every department of the Government for nearly 20 years and have run them in such a way that everything connected with its business from that time ought to be carefully investigated, I repeat, in view of the immense amount of work to be done and the lack of experience on the part of those who have to do it, we would be helpless without outside assistance

Mr. McKENZIE. I have no objection to the investigation of the committee, but what I want to get satisfied about in my mind is whether this lady is rendering this service simply as public-spirited citizen, or whether she is looking for something or some place or some pay or compensation.

Mr. GRAHAM. I have known my colleague from Illinois so long it would shock the House if I would tell them the time, because they would not suspect his age or mine to be so great, and I have heard him electrify the Illinois Senate very often, and I know he is a very shrewd lawyer; but I want to inform him now, Mr. Speaker, that he is not shrewd enough to draw a red herring across the trail and get me to follow it. to be switched from my position to any irrelevant side issues. [Applause.] Now, Mr. Speaker, in order to give the House an idea of how this matter has been gone into, I want to call attention to the fact that the files handed me by Mr. Mann, my colleague, go back to June 3, 1907, and in investigating this matter they come down to February 10, 1908, and from that time on to this I assume that every material thing in the files was produced and put in the hands of my colleague, and I suspect that my colleague on the committee, the gentleman from South Dakota [Mr. Burke] was his assistant in that regard. Let me ask my colleague from South Dakota-will he answer a

Mr. BURKE of South Dakota. Why, most assuredly, and I will ask the gentleman from Illinois after I do that if he will

answer one or two for me.

Mr. GRAHAM. Will the gentleman put his first, or later? Mr. GRAHAM. Will the gentleman put his first, or later? Mr. BURKE of South Dakota. No; the gentleman can put his question first.

Mr. GRAHAM. Did my colleague from South Dakota get these files from the Senator who is chairman of the Committee

on Indian Affairs and give them to my colleague from Illinois?
Mr. BURKE of South Dakota. Mr. Speaker, I will say to
the gentleman that the statement which the gentleman makes with reference to these files that they were delivered to me-

did the gentleman say by the Senator from South Dakota?

Mr. GRAHAM. No; I did not put it so narrowly as that; I put it broadly-whether they came to the gentleman through

him by one or another means of conveyance.

Mr. BURKE of South Dakota. I say the papers did come from the chairman of the Committee on Indian Affairs of the Senate, of which Mr. Gamble, the Senator from my State, is the chairman. Does that answer the gentleman's question?

Mr. GRAHAM. And they came to you? Mr. BURKE of South Dakota. They came to me. Mr. GRAHAM. And you gave them to Mr. MANN?

Mr. BURKE of South Dakota. I gave them to Mr. MANN, at his request.

Mr. GRAHAM. Now I am ready to answer my colleague's question.

Mr. BURKE of South Dakota. Now will the gentleman tell

me and the House who paid Helen Pierce Grey?

Mr. GRAHAM. The gentleman stated the other day all he

is going to say on that point.

Mr. BURKE of South Dakota. The gentleman does not

answer the question.

Mr. GRAHAM. The gentleman would further say-let me cut out the indirect term "gentleman," referring to myself, and make it direct—I will say I saw a statement in the Post last Sunday that, so far as I know, may be correct; I do not

But I say to the gentleman now that she did not receive any public money, and I further say to him that there is not power enough on that side of the House to make me go further than

that. [Applause on the Democratic side.]

Mr. BURKE of South Dakota. Now, I ask the gentleman another question. The gentleman stated the other day on the floor that a Mr. Fennell, an attorney at law in this city, was not employed by the Committee on Expenditures in the Department of the Interior. Does the gentleman make that statement now?

Mr. GRAHAM. I do not remember what word I used. I did say in substance, or meant to say, that he was not employed in the sense of receiving any public money or having any claim

to any.

Mr. BURKE of South Dakota. But he was employed by the

Mr. GRAHAM. I will not say that. He acted for the com-

Mr. BURKE of South Dakota. I would like to ask the

gentleman this question-Mr. GRAHAM. I answer those questions in courtesy to my

colleague, because he yielded to me. Otherwise I would have made the same answer to him that I made to the gentleman from Illinois [Mr. McKenzie]—they are irrelevant.

Mr. BURKE of South Dakota. Was not the attorney employed by the majority of the members of the committee—that is, a majority of the majority of the Committee on Expenditures in the Interior Department—and that the committee employed him believing that it had authority from the House to employ counsel?

Mr. GRAHAM. No.

Mr. BURKE of South Dakota. That was not the case?

Mr. GRAHAM. No.

Mr. BURKE of South Dakota. But he was employed, was he not, by a majority of the members constituting the majority? Mr. GRAHAM. No; only in the sense that a majority of the

majority knew he was acting for the committee.

Mr. BURKE of South Dakota. I would like to ask the gentleman another question. I would like to ask the gentleman if, as a matter of fact, an arrangement was not made with this attorney by the chairman of the committee, the gentleman from New York [Mr. George], and the gentleman from Missouri [Mr. Hensley] in the office of the gentleman from Illinois? Is not that true?

Mr. GRAHAM. Does that imply that he was to receive any

public money

Mr. BURKE of South Dakota. I am asking if that was where he was employed.

Mr. GRAHAM. I will not answer questions that do not go

to public money.

Mr. BURKE of South Dakota. I will ask the gentleman another question. When his compensation was due, which was \$200, I believe in the form of a retainer-

Mr. GRAHAM. No.

Mr. BURKE of South Dakota. If, when he called upon the chairman of the committee for his pay, the chairman did not take the attorney to the Committee on Accounts in the Capitol, and if he did not there receive a check from the chairman of that committee, the gentleman from Missouri [Mr. Lloyd], for \$200 and hand it to the attorney?

Mr. GRAHAM. He did not take him to the Committee on

Accounts.

Mr. BURKE of South Dakota. Did he take him to the chair-

man of the committee [Mr. LLOYD]?

Mr. GRAHAM. That I decline to speak about. speak on those matters which are entirely outside this question and which gentlemen on the other side, because they see they are in a bad place, are trying to substitute for the issue here. About those questions I care nothing. I say to you that my shoulders are broad enough to bear those things, and I say to you that not a cent of public money has been used in this way; not one.

Now, gentlemen, I want to call your attention to another mat-You, gentlemen on this side of the House, what do you think of the situation revealed to you by the documents I have read? What do you think of the use made of them by the minority leader in this House? How are the mighty when the Grand Old Party has for its leader in the House of Representatives a man who is willing to take papers in his hands and to falsify them in the presence of this House? What do you think of that condition? Is it honorable? And then in this later matter these papers were sprung when and how? Can you not see the conspiracy? Can you not see when the train was laid?

I do not know what the gentleman from Illinois [Mr. MANN] thought when he spoke the other day about Mrs. Grey having a desk down in the Indian Office. Had she corrupted the Indian Office? Had she the Indian Office so much under her thumb, as he informed us, that they had to give her a desk and give her papers and do what she said? His argument means this: That the Bureau of Indian Affairs is run in such a way that anyone who knows the condition of affairs there could go in there and make the commissioner hold up his hands; that the person who has such knowledge can compel him to give whatever he

Is there any other conclusion to be drawn from his argument and his position? If so, I would like to know what it is. And in this other matter you see what has been going on. You see a Senator, the chairman of the Indian Committee in the United States Senate, in some way-I did not inquire how-in some way getting a file, carefully prepared by public servants who are paid public money for doing public work, but instead of doing the work they are paid for they are employed in compiling the records of that office for the purpose of coming on the floor here and doing what? Trying to bluff a committee that they could not control in any other way; trying to use the power of the press, for the Associated Press reports that have gone out over the country seem to have fallen into their way of thinking and presented only their side. You find this conspiracy going on-the Indian Office employing its public servants in preparing this, and in a roundabout way slipping it to a Senator, and the Senator slipped it to my colleague on the committee from South Dakota, and he, from ambush, fires a shot in the rear of his own committee.

My colleague [Mr. Mann] said the other day that the gentle-man from Missouri [Mr. Catlin] resigned from our committee and he put the gentleman from South Dakota [Mr. Burke] on the committee because of his knowledge of Indian affairs.

The SPEAKER pro tempore (Mr. Rucker of Missouri). The

time of the gentleman from Illinois has expired.

Mr. GRAHAM. I wonder, if he had told the whole truth, whether the gentleman from Missouri was not invited to make a vacancy for the gentleman from South Dakota, who comes in now, shooting in the back the committee of which he is a mem-Gentlemen, what do you think of it all? [Applause.]

Mr. MANN. Mr. Speaker, I ask unanimous consent to pro-

ceed for 15 minutes.

Mr. GRAHAM. I hope my colleague will get it.
The SPEAKER pro tempore. The gentleman from Illinois [Mr. Mann] asks unanimous consent to proceed for 15 minutes. Is there objection?

There was no objection.

The SPEAKER. The gentleman from Illinois is recognized for 15 minutes.

Mr. Speaker, the papers which my colleague Mr. MANN. [Mr. Graham] has just held in his hand were furnished to him by me yesterday. They came into my hands, through a request which I made, from the chairman of the Committee on Indian

Affairs in the Senate.

I stated in the House the other day that I did not receive them from the Indian Office. I did not suppose that anyone was so simple-minded that he thought they could be obtained without some method of communication with the Indian Office, where necessarily most of them were on file. I did not obtain them from the Indian Office, nor did the Indian Office voluntarily prepare the papers for submission to the chairman of the Committee on Indian Affairs in the Senate, if I am correctly informed. But, growing out possibly of the Helen Grey matter and the trouble that was being encountered with her in reference to two payments which had been made to her, I suppose the Indian Office obtained the information which has been made public in this way. It is very natural, possibly, that the gentleman from Illinois, my colleague [Mr. Graham], supposed that the papers which he had in his hand just now were the documents which I held in my hand in the House last Friday and Saturday, but the paper which I held in my hand and read from the other day I now hold in my hand.

It is true that my colleague sent me a note yesterday asking for the papers. I do not remember whether he asked for the paper which I had in my hand on the floor or not. But, out of proper fairness and courtesy to him, I furnished him with the complete files which had come into my hands. I have never read these files through. I do not undertake to say in reference to the affidavit of the Indian Denomie. It is quite likely, and I accept the statement of my colleague, that the statement made there, from which I quoted, was not in affidavit form. I requested a person who is familiar with such matters to go through these files and prepare a memorandum, short and brief, for me, so that I might have it if I desired to use it. In the

statement which is furnished to me it reads:

In an affidavit made by the Indian Denomie he says that he met Mrs.

And so forth. He also in his affidavit says she warned him

not to go, and so forth.

My colleague now says that that statement is not in the form of an affidavit. I accept his statement. I may have been mis-led as to whether it was in the form of an affidavit, although I notice that my colleague himself read from an affidavit of the same Indian, stating that he had made the statement. The question is not whether it was in the form of an affidavit, but whether it was true. Does my colleague deny that in the papers which I furnished to him there is a statement made by the cashier of the Second National Bank of this city, a responsible party, that Mrs. Grey informed him that she had been advised by the chairman of the committee for which she was working, the Committee on Investigation of Expenditures in the Interior Department, not to refund the amount of the check? The state-ments are in the files, I believe, which I furnished to my col-league. They are in the abstract which I hold in my hand. I do not care whether my colleague made the statement not to refund the check or not. I am perfectly willing to accept his statement that he did not so inform Mrs. Grey. What difference does all that make? Who denies that this woman was working for this committee, under employment, and at the same time soliciting employment from private interests who might be affected by the action and the judgment of the committee? Who denies that Mrs. Grey is being paid for her services before this committee? It would be better, in my judgment, if she were being paid out of the public funds for the services that she renders. She is working for whom before the committee? My colleague himself says, as I understand, that she has been performing these services for the committee. Does it come to this, that the great Government of the United States, this great

body of Representatives, has a committee which desires to obtain information and hires somebody to do that, to be paid by private parties who may be interested in the result? Answer that. [Applause on the Republican side.]

In a statement in one of the Sunday papers on Sunday last, credited to Mrs. Grey, she is reported to have said that she was being paid, not by the Government, not out of public funds, but by the chairman of the Committee on Accounts of this House and the chairman of the Democratic congressional committee. [Applause on the Republican side.] Have you not public funds? You have already appropriated and provided for the expenditure of more than \$150,000 for these investigations. If you have not public funds, we will join you in voting for the payment of the necessary services out of the public funds instead of asking you to solicit slush funds to hire people to work Who contributes to the slush fund? [Applause on the Republican side.] Who provides the money out of which the chairman of the Committee on Accounts of this House, in control of the contingent fund of the House, pays for services out of private funds, out of slush funds, raised possibly by assessment on the employees of the House of Representatives?

The gentleman spent half an hour here attempting to convict me, because I read from a statement what some one had said was in an affidavit, and the gentleman said it was not in an affidavit; that it was a mere statement, although subsequently corroborated by an affidavit. I accept the gentleman's correction. It may have been a statement, but was it true? [Applause on the Republican side.] It is a matter of minor importance whether the statement was made in one form or another. It is a matter of minor importance whether the chairman of that committee said or did what the affidavit or the statement said he did, but it is a matter of transcendent importance whether the committees of the House of Representatives, engaged in investigating the expenditures of the Government and the fallacies of legislation, shall have under their control employees whose judgment and interest is warped and controlled by private, special interests, paying them for their [Applause on the Republican side.] services.

You talk about special interests affecting legislation, and yet you, who talk and sing your songs from one end of the year to the other about special interests affecting legislation, behold it turns up that you are employing persons admitted to be paid by the special interests out of slush funds furnished to you. I do not understand how the Democratic side of the House can stand and face this charge without investigation, and, if the facts be as I have reason to believe, without rebuke and reprimand. Common honesty and decency demand an in-

vestigation. [Applause on the Republican side.]

TERMS OF COURT AT CORPUS CHRISTI, TEX.

The SPEAKER laid before the House the bill (H. R. 14083) to create a new division of the southern judicial district of Texas, and to provide for terms of court at Corpus Christi, Tex., and for a clerk for said court, and for other purposes, with Senate amendments.

The SPEAKER. The Clerk will report the Senate amend-

ments.

The Clerk read the amendments.

Mr. GARNER. Mr. Speaker, I move to nonconcur in the Senate amendments and ask for a conference.

The motion was agreed to.

The SPEAKER appointed as conferces on the part of the House Mr. CLAYTON, Mr. WEBB, and Mr. NYE.

LOSS OF STEAMSHIP "TITANIC."

Mr. AUSTIN. Mr. Speaker, I ask unanimous consent for the present consideration of the resolution which I send to the Clerk's desk.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

House resolution 496.

Resolved, That this House has heard with profound regret and sorrow of the appalling loss of life on the steamship Titanio and expresses its deep sympathy for the relatives of those who perished in that great

The SPEAKER. Is there objection to the present consideration of the resolution?

There was no objection.

The resolution was agreed to.

POST OFFICE APPROPRIATION BILL.

Mr. MOON of Tennessee. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 21279) making appropriations for the Post Office Department.

The motion was agreed to.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union, with Mr. Hay in the

The CHAIRMAN. The House is now in Committee of the Whole House on the state of the Union for the further consideration of the Post Office appropriation bill, and the Clerk will

The Clerk read as follows:

The Clerk fend as follows:

For salaries of post-office inspectors: For salaries of 15 inspectors in charge of divisions, at \$3,000 each; 10 inspectors, at \$2,400 each; 15 inspectors, at \$2,250 each; 26 inspectors, at \$2,100 each; 15 inspectors, at \$2,000 each; 29 inspectors, at \$1,900 each; 35 inspectors, at \$1,800 each; 75 inspectors, at \$1,500 each; 75 inspectors, at \$1,500 each; and 65 inspectors, at \$1,500 each; in all, \$704,450: Provided, That, for the purpose of inspecting and investigating rural-delivery routes and proposed rural-delivery routes, a number of inspectors not exceeding 30 shall be placed subject to the orders of the Fourth Assistant Postmar General whenever and for such periods as in his judgment they may be needed for that purpose.

Mr. MANN. Mr. Chairman, I reserve a point of order on the tragraph. I would like to inquire of the chairman about the paragraph. This does not increase the number of post-office inspectors, but provides that 30 may be placed under the Fourth Assistant Postmaster General, if he thinks that they are needed for investigations of rural routes. Might not that leave the force short? Ought not that to be in the judgment of the Postmaster General instead of the Fourth Assistant Postmaster General?

Mr. MOON of Tennessee. The Fourth Assistant Postmaster General has charge of these matters.

Mr. MANN. I understand; but does not the Postmaster Gen-

eral have charge of the post-office inspectors?

Mr. MOON of Tennessee. Yes; but the Fourth Assistant Postmaster General has charge of them, too. This is a provision that was thought necessary in the interest of the rural-route in-

Mr. MANN. I have no objection to that part of it, but it strikes me that where you provide that officials under the Postmaster General shall be transferred from under him whenever the Fourth Assistant Postmaster General thinks it is necessary, that that is putting the cart before the horse.

Will the gentleman from Illinois permit an Mr. FINLEY.

interruption?

Mr. MANN. Certainly. Mr. FINLEY. Mr. Chairman, for the past two years the handling of the Rural Delivery Service in the matter of inspection has been delayed. It is behind from a year to a year and The reason for that is that there have been a great many investigations of fraud perpetrated in the great cities of the country. It is not necessary to name these cities, say that there is a widespread complaint all over the rural sections of the country to the effect that the rural service has not had its fair share of attention, and after consultation with the Fourth Assistant Postmaster General in the hearings he intimated that something like 30 inspectors would be sufficient, in his judgment, to give to the Rural Delivery Service such attention as is necessary.

Mr. MANN. Why do you not carry that item under the rural

service? I have no objection to it.

Mr. FINLEY. The gentleman will bear in mind that we have no Rural Delivery Service inspectors, but they are all post-office inspectors, and they are carried under the head of the inspector's force. I think I can assure the gentleman that there is no trouble about it and that it will result in no confusion. The demand is such, not in one State alone but practically in all the States, that it was thought necessary to obviate that difficulty and give some expression, and the committee after taking the matter up with the Fourth Assistant Post master General in the hearings placed this provision in the bill.

Mr. MANN. I thought I made myself clear about it, but the gentleman does not seem to appreciate the point I am making.

Mr. FINLEY. Oh, yes; I do. The gentleman objects to giving the Fourth Assistant Postmaster General an authority

that he has not got now.

Mr. MANN. No; the objection I made is to giving the Fourth Assistant Postmaster General power to take officials from under the control of the Postmaster General now under his control. That ought to be left to the Postmaster General on the request of the Fourth Assistant Postmaster General. Mr. BARTLETT. Are the inspectors al

Are the inspectors all under the Post-

master General?

Mr. MANN. They are.

Mr. FINLEY. They are all under the Postmaster General, and so is the Fourth Assistant Postmaster General.

BARTLETT. May I interrupt the gentleman from Mr. Illinois?

Mr. MANN. I vield the floor.

Mr. BARTLETT. The gentleman made a point of order against the paragraph.

Mr. MANN. No; I reserved it, but I am not going to make it. Mr. BARTLETT. Mr. Chairman, will the gentleman yield?

Mr. MANN. Certainly. Mr. BARTLETT. Mr. Chairman, I want to say to the gentleman from Illinois that I am glad he is not going to make the point of order. The truth about it is that the consideration and investigation of applications for the establishment and for the change or extension of rural routes has been very much delayed, for some cause. I do not believe it is the fault of the Fourth Assistant Postmaster General, because I have in a number of cases been to see him with reference to certain applications pending in my district, and he has taken the trouble to direct them to be made special, and has himself written to the inspector in charge of that particular territory expressing to him his desire in the premises and directing him to make an investigation and report. I have in mind now an application for an important change in one of the rural routes in my district and several which the Postmaster General himself has made special, has himself recognized the emergency of the application, and I myself, through his direction, have written to the inspector in charge of that territory, and for 12 months or more I have not been able to have a report or to have an investigation made because, I am informed, the inspectors of the Post Office Department, whose duty it is also to inspect and report on applications to establish and change rural routes, had so much business to do in the matter of inspecting other business and in ferreting out violations of the law that it could not be done.

The CHAIRMAN. The time of the gentleman from Illinois

has expired.

Mr. MANN. Mr. Chairman, I ask unanimous consent to proceed for five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. BARTLETT. Mr. Chairman, if the gentleman will yield-

Mr. MANN.

Mr. MANN. Certainly. Mr. BARTLETT. Mr. Chairman, we have been unable, even with the activity that the Congressman from that district could put into the matter, to have it done, even with the insistence and urgent request and demand of the Fourth Assistant Postmaster General that those routes be inspected. It is almost futile sometimes, and has been for the past few years, to press these applications, and, of course, the only way to remedy that condition is to give the Fourth Assistant Postmaster General a sufficient force to have these applications investigated and passed upon. I thank the gentleman from Illinois for not insisting upon his point of order.

Mr. MURDOCK. Mr. Chairman, I realize what the gentleman from Georgia has said, but I want to ask him this; It seems to me that this proviso is merely an expression of a legislative desire that Congress would like so many inspectors segregated for the purpose of investigating rural routes. gentleman has read the proviso. Does he think that the Fourth Assistant Postmaster General would take these inspectors away from other business and put them on the matter of investigating rural routes without the permission of the Postmaster General

in the first instance?

Mr. MANN. I think he would.

Mr. BARTLETT. I do not know whether he would or not. Mr. MANN. The Fourth Assistant Postmaster General will not know what the inspectors are doing in reference to other matters. He is not familiar with the work of inspectors in a large branch of the service. He finds what he needs, and the gentleman from Kansas [Mr. Murdock] knows that the head of every bureau and department in the Government, knowing the needs of his own bureau or department, endeavors to get the officials to perform the services which he knows about. there are too many inspectors at the present time, very well. I do not believe, as a matter of fact, that there ought to be inspectors taken away from valuable service that they are now performing to put them at the work of inspecting rural routes. The way to meet that would be to provide an additional number of inspectors and put them on the rural routes.

Mr. MURDOCK. Mr. Chairman, does the gentleman contend that a Fourth Assistant Postmaster General would, contrary to the wishes of the Postmaster General, assign these inspectors

to rural-route service? I think not at all.

Mr. MANN. Mr. Chairman, I do not centend that if the Postmaster General should direct the Fourth Assistant Postmaster General not to do it that he would do it; but the gen-tleman knows better than I do that, while the inspectors are nominally under the control of the Postmaster General, in fact they are under the control of a chief inspector, and that it is a matter of dealing between the chief inspector and the Fourth

Assistant Postmaster General: and under this proviso the Fourth Assistant writes a letter stating that he wants these 30 inspectors, and the law says he shall have them, regardless

of the position of the chief inspector.

Mr. MOON of Tennessee. Mr. Chairman, I want to say to the gentleman from Illinois that since the abolishment of the rural inspector and the consolidation of all inspectors under the chief inspector in the office it is the duty of the chief inspector to furnish, for the purpose of inspecting rural routes, inspectors to the Fourth Assistant Postmaster General when he makes an order or requisition upon him for that purpose.

Mr. MANN. I understand.

It was deemed best by the com-Mr. MOON of Tennessee. mittee, inasmuch as this work was so much behind, that the Fourth Assistant Postmaster General himself should have the control of some of these inspectors for the execution of that work on the rural routes. There is no conflict of authority, as I understand, between the officers.

Mr. MANN. There will be; it is bad administration. I shall not make the point of order, but it is bad administration, and it necessarily produces a conflict; and the proper way of reaching what the gentleman desires to reach is to provide inspectors of rural routes, placed under the control of the Fourth Assistant

Postmaster General.

Mr. BARTLETT. I agree with the gentleman thoroughly, and wish it could be done.

Mr. MOON of Tennessee. We do not increase the number at all in this case.

Mr. MANN. That is the trouble with it.

Mr. MOON of Tennessee. We do not need any more.

Mr. MANN. Mr. Chairman, I withdraw the point of order. The Clerk read as follows:

For expenses incident to the investigation and testing of mechanical and labor-saving devices, under the direction of the Postmaster General, for use in the postal service, \$10,000.

Mr. MURDOCK. Mr. Chairman, I offer the following amend-

ment as a substitute paragraph.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Insert, after line 13, page 4, as a separate paragraph, the following: "The Postmaster General is hereby authorized to pay, in his discretion, rewards to postal employees whose inventions are adopted for use in the postal service, and for that purpose the sum of \$10,000 is hereby appropriated."

Mr. MOON of Tennessee. Mr. Chairman, I reserve a point of order.

Mr. MURDOCK. Mr. Chairman, the amendment offered is a proposition to place in the hands of the Postmaster General \$10,000, any part of which shall be paid out to any employee in the postal service who adds an invention to the service which in the opinion of the Postmaster General merits reward. idea of the amendment is to give an incentive to the individual employees to add something to the efficiency of that service. In point of fact, there is a fascinating thread running through the story of the Post Office Department in connection with this amendment and what it attempts to effect. For instance, the whole service itself rests upon the idea of the adhesive postage stamp. But for that idea the service never would have grown to its present magnitude. Before the adhesive postage stamp came in the postal service, such as it was, extended generally over all the United States. Letters were so infrequent at the ordinary post office that when a man received one and did not offer to let his neighbors read it he was thought either to be a fugitive from justice or in love. It was the adhesive postage stamp, the idea of the little perforated plaster, upon which the whole modern system was built.

Take our City Delivery Service-one of the most magnificent services in the world. It is a part of postal history that it grew out of an idea of an Irishman over in New York, an Irishman who went to the post office daily, gathered up the mail belong-ing to the merchants along Broadway, and then delivered it in person. The Post Office Department took the Irishman and his idea over and gave him a place with a munificent salary of about \$1,000 a year, and I think now the annual expenditure for this service is over \$32,000,000. Take, too, the matter of economy in equipment. In the old days, as a great many gentlemen here will remember, the letter pouch was an enormous leather affair with multiplied iron staples at the top which increased the weight of the pouch 3 or 4 pounds. We pay for the carriage of mail by weight and we pay for the carriage of equipment by weight. For a period of a quarter of a century we paid enormous sums, ranging into the hundreds of thousands of dollars, for the carriage of these old leather pouches loaded up with these heavy iron staples. It was some man in the postal service-who was never rewarded-who first had the idea of a soft, light pouch. The old leather pouch with its make this permanent at the start, but to offer it at the beginning

iron staples weighed 11 pounds, and the modern pouch, accomplishing the same thing in carriage, weighs 3 or 4 pounds. There are a great many delicate adjustments connected with the postal service, a great field for further invention. Nearly all the gentlemen on this committee are acquainted with the trouble we have had over the matter of stamp cancellation machinesthe fact that the Government is unable to purchase the better machines, but must rent them. There are other possibilities, in a mechanical way, for the Government to effect savings. For instance, the Government sells a 2-cent stamped envelope for 3 cents, and we will sell two of those 2-cent stamped envelopes for 5 cents, or we will sell two, one at a time, for 6 cents. Because of that odd matter of sale and the fractional cent involved, it has been found impossible to correctly keep account of that matter.

I have been shown a curious device, whether it be practical or not I do not know, a stamp register or a cash-registering sort of device which will enable the Government mechanically to keep account of these sales, a matter which amounts annually to thousands of dollars.

Mr. FINLEY. Will the gentleman permit a question?

Mr. MURDOCK. I have heard of the invention, but I have never seen it.

Mr. FINLEY. That invention is said to save something like 20 per cent or more of the time that is necessary by a clerk. Is not the gentleman of the opinion that the members of the Post Office Committee are not unfriendly to this proposition any further than this, that there is a general law which prohibits employees of the Government from obtaining compensation and that to place this provision, which was brought up in the com-mittee, on the bill here would be an exception in favor of the postal employees and a discrimination against all others? The law should be applicable to all.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MURDOCK. Mr. Chairman, I ask unanimous consent

for three minutes more.

Mr. MANN. Mr. Chairman, I ask unanimous consent that the gentleman have five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. MURDOCK. Now, if the gentleman will let me complete this idea, I will say that my thought in regard to this amendment is to make that extension and to offer it to the individual employee of the service, wherever he may be, as an incentive of a reward for his invention.

Mr. FINLEY. Now, I ask the gentleman if the committee did not act unfavorably because this would be an exception, and still we felt favorably toward the general proposition. is going to be a change made in the law, the change ought to be made in the interest of all the employees in the Government, and not simply the employees of one branch of the Government.

Mr. MURDOCK. It might be, it is true, extended to all the different departments of the Government. This service is peculiarly one in which the mind of a man, being hourly close to This service is the service itself, is apt to be inventive along the line of the postal improvement.

Mr. MANN. The gentleman knows that if this item goes

into the bill that it might not stay in another year?

Mr. MURDOCK. That is true enough. Mr. MANN. And the men who were led to suppose they might receive this reward might lose it hereafter? Now, the House the other day passed a bill providing for the payment of awards in the same manner as the gentleman now proposes, under the Ordnance Department of the War Department, and it is a law. The Naval Committee of the House has reported into the House a similar proposition in relation to the Navy, in both cases the amount being limited to \$5,000 a year. That, of course, becomes permanent law unless Congress repeals it, and would undoubtedly be followed by a permanent policy, not for one year, but right along. Why does the gentleman not now introduce a bill along the same lines, which I have no doubt he could get reported out of the Committee on the Post Office and Post Roads, and have it passed by the House by unanimous consent?

Mr. MURDOCK. I will say to the gentleman from Illinois that my idea was to follow the suggestion of the Post Office Department in this and try it out for a year. It may be that no part of this award would be given in the first year. may not be inventions suggested which would be considered in the opinion of the Postmaster General meritorious enough to warrant the payment of any part of this. My idea is not to

in the hope that it would prove serviceable, and eventually it

might be made permanent.

Mr. MANN. But I take it it has practically become the policy now by the passage of one law in relation to the ordnance of the War Department, and the other bill will undoubtedly be passed to follow this course under provisions and restrictions contained in that law. There would be no restric-

tions and provisions in this.

Mr. MURDOCK. This would be open to discretion.

Mr. MANN. It seems to me it would be far more desirable to follow the same line. In other words, it is impossible under our Government to adopt one plan for one department of the Government and then a different plan relating to the same subject matter for another department of the Government, and

keep them both going. Whichever works the most favorably to somebody we are asked then to even up, and we always do it.

Mr. MURDOCK. Now, I want to say to the gentleman from Illinois, while there may be a dangerous principle implied in this sort of legislation, I do not admit, in the expenditure for this postal service, which amounts totally to about \$250,000,000 a year, the small sum of \$10,000 offered as a reward to the inventive mind out in the service is of the serious import which

he gives to it.

Mr. MANN. I hope the gentleman will not put me in the attitude of being against it. I was for the bill that went through the House, and the gentleman is not familiar with it.

Mr. MURDOCK. No, I am not. But I hope the gentleman will not oppose this start after he has passed a similar one for the Ordnance Department, because the latter department does not enter into the life of the people, as does the postal service.

The CHAIRMAN. The time of the gentleman from Kansas [Mr. MURDOCK] has expired.

Mr. NORRIS. Mr. Chairman, I ask unanimous consent that the gentleman may have five minutes more.

Mr. MURDOCK. I do not want any more time. The CHAIRMAN. Does the gentleman from Tennessee [Mr. Moon] withdraw his point of order?

Mr. MOON of Tennessee. I shall insist on the point of order. The committee considered this matter and thought it was not advisable.

The Clerk read as follows:

The Clerk rend as follows:

For compensation to assistant postmasters at first and second class post offices, 5, at not exceeding \$4,000 each; 35, at not exceeding \$3,000 each; 6, at not exceeding \$2,000 each; 6, at not exceeding \$2,000 each; 16, at not exceeding \$1,200 each; 140, at not exceeding \$1,200 each; 81, at not exceeding \$1,700 each; 131, at not exceeding \$1,600 each; 155, at not exceeding \$1,500 each; 141, at not exceeding \$1,400 each; 480, at not exceeding \$1,100 each; 152, at not exceeding \$1,000 each; 480, at not exceeding \$1,100 each; 16, at not exceeding \$1,000 each; 135, at not exceeding \$7,00 each; 125, at not exceeding \$800 each; and 100, at not exceeding \$700 each; in all, \$3,000,000. And the appointment and assignment of assistant postmasters hereunder shall be so made during the fiscal year as not to involve a greater aggregate expenditure than this sum.

Mr. MOON of Tennessee. Mr. Chairman, on line 6, page 5, I offer the following committee amendment, to strike out the word "thirty-five" and insert "thirty-eight."

The CHAIRMAN. The gentleman from Tennessee offers an

amendment, which the Clerk will report.

The Clerk rend as follows:

Amend, page 5, line 6, by striking out the word "thirty-five" and inserting "thirty-eight."

Mr. MOON of Tennessee. Mr. Chairman, this is simply a typographical error.

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was ageed to. Mr. MURDOCK. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Kansas [Mr. Mur-

DOCK] moves to strike out the last word.

Mr. MURDOCK. I do that for the purpose of calling the attention of the committee to this item for salaries of postmasters and their assistants, not, however, for the purpose of amending the item. This expenditure has now reached the sum of \$30,000,000. The law under which the postmasters are paid is statutory, and has been on the books, I think, since 1879. It is antiquated, and it ought to be changed. But it ought not to be changed until a commission or some board of postal officials has made a careful examination of the subject and followed the examination with recommendations.

The system is antiquated because there are too few classes, among other things. As gentlemen know, there are four classes of postmasters—first class, second class, third class, and fourth class—and the first three classes are presidential postmasters.

Of the total expenditure for pay of postmasters, \$30,000,000, about half of it is for presidential offices, and the other half, I understand, is for fourth-class post offices.

Mr. FINLEY. I did not catch the gentleman's remark. Mr. MURDOCK. I say, my understanding is that half of that expenditure of \$30,000,000 is for presidential postmasters.

Mr. FINLEY. The gentleman is mistaken in that, this \$30,000,000 is for pay of the presidential class.

Mr. MURDOCK. The whole \$30,000,000 is for the presidential class?

Mr. FINLEY, Yes.
Mr. MANN. Where is the other item?
Mr. FINLEY. The gentleman will bear in mind that the

fourth-class postmasters are paid by cancellations.

Mr. MURDOCK. Yes; the fourth-class postmasters are paid by cancellations, not including money-order commissions. fourth-class postmasters are paid on the basis of 100 per cent on their first \$100 of cancellations, 60 per cent on their second \$100 of cancellations, 50 per cent on their third \$100 of cancellations, and 40 per cent on the next \$200 of sales.

Mr. FINLEY. I do not think one-half of it goes to the fourth-

class postmasters. They are paid by cancellations.

Mr. MURDOCK. Yes. I say they are paid on the basis of cancellations after the first \$100 of sales, not including commissions on money orders. An office reaches the third class when the receipts amount to \$1,900 a year, and an office reaches the second class when the receipts amount to \$5,000 a An office goes into the first class after the receipts reach \$30,000 year.

Mr. FINLEY. Forty thousand dollars.
Mr. MURDOCK. Very well. Now, under that system the pay is not equitably divided. It is sufficient in some places, and in some places it is not. There ought to be a thorough investigation of the subject and a recommendation for new classification and Company should in a presentation for new classifications and company should in a presentation for new classifications and company should in a presentation for new classifications and company should be a presentation for new classifications and company should be a presentation for new classifications and company should be a superficient and company shou fications, and Congress should, in a separate law, pass a new provision.

Mr. CANNON. May I ask the gentleman if fourth-class postmasters are not appropriated for? Does the law which authorizes their payment, which is so much on the basis of stamps sold,

make a permanent appropriation for that?

Mr. MURDOCK. I understand not, but that their payment is based on cancellations.

Mr. CANNON. How do they get their money? Mr. MANN. It is carried in this item. Mr. CANNON. Is it paid out of the \$30,000,000, or is there an appropriation just for the payment of fourth-class postmasters?

Mr. MANN. Of course, if there was not, they could not be paid. I understand it is in the \$30,000,000.

The CHAIRMAN. The time of the gentleman from Kansas

[Mr. MURDOCK] has expired. Would the gentleman from Illinois [Mr. CANNON] like to have some time?

Mr. CANNON. I would like to ask a question, if I may be

recognized for five minutes.

The CHAIRMAN. The Chair recognizes the gentleman from

Illinois for five minutes.

Mr. CANNON. I ask that for the purpose of asking a question of the gentleman in charge of the bill [Mr. Moon of Tennessee] or otherwise. It seems that some years ago, during the administration of a former President, an order was issued under the law which put fourth-class postmasters north of Mason and Dixon's line and east of the Mississippi River into the classified service. I am not objecting to that, but I just wondered whether the balance of the country west of the Mississippi River and south of Mason and Dixon's line was a charmed part of the country.

Mr. PROUTY. Are they not under it now?

Mr. CANNON. Have they been placed under it?

Mr. BUTLER.

No; they have not.
I do not recollect any order of that kind. Mr. CANNON. Mr. MANN. They are in the West, but not in the South. Mr. NORRIS. I think the order of the President included 14

States, which were specifically named. I may be mistaken about that, but I think that was the order.

Mr. CANNON. Did it go as far west as Nebraska?
Mr. NORRIS. No; I am sorry to say it did not.
Mr. BUTLER. I wonder why?
Mr. NORRIS. It took in the State of Indiana. I remember that was one of the States. I do not remember all of them.

Mr. CANNON. I am quite sure it took in Illinois.
Mr. SAMUEL W. SMITH. It took in Michigan.
Mr BUTLER. It took in Pennsylvania.
Mr. CANNON. I should like to ask the chairman whether his

committee have considered the question of legislation putting fourth-class postmasters in the South and West under the civil

Mr. MOON of Tennessee. No; we have not.

Mr. CANNON. That is all.

Mr. NORRIS. Mr. Chairman, I want to say just a word on its classification of fourth-class postmasters. The law as it this classification of fourth-class postmasters. exists now, as I understand it, would permit the President to classify all fourth-class postmasters in the United States. it exists, however, it would not permit him to classify the other three classes of postmasters. The President issued this order classifying fourth-class postmasters, and I became acquainted with it through some investigation that I was making with the Civil Service Commission on a bill that I introduced placing presidential postmasters in the classified service. The President issued this order with a view, I think, of eventually ex-tending it to the entire country. He included in the order 14 States, and since that time the Civil Service Commission have been trying to solve the problem as to just how it could best be worked out and extended to include the entire United States. I think those Members who come from country districts will realize that it is a difficult matter to classify fourth-class postmasters, or to put them under the classified service, where such classification would include the small post offices in the country. The Civil Service Commission in trying to solve the problem and work it out on a practical basis have found that in the case of a great many thousand fourth-class post offices it is not practicable to place them under the civil service, because it is often more a question of getting some one to take the office than it is to decide as between different applicants for the office, And a rule providing for the examination of candidates for a country post office would often result in nobody making appli-I think the Civil Service Commission have finally reached the conclusion that it is not practicable to classify post offices where the salary of the postmaster is less than \$500, or if they are classified, that it is not practicable to insist on the same rule that would apply to post offices where the salary is sufficient to attract the attention of men who desire the position. So I think in carrying out their rule, where it has already been applied, they make a difference beween a post office where the salary exceeds \$500 and a post office where the salary is less than \$500, and that usually where the salary is less than \$500 the appointments are made on the recommendation of

Mr. BUTLER. Do I understand the gentleman to say that there is a distinction drawn in the appointment of fourth-class postmasters based upon the salaries they receive?

Mr. NORRIS. I think so. I think there is a difference even in the 14 States where they have been classified. The Civil Service Commission have made a different rule where the salary exceeds \$500 from the one which is followed where the salary is less than \$500.

Mr. BUTLER. I have known instances in my congressional district, where the salary was less than \$100, the patrons of the office had great difficulty in finding anyone to take an examination for the office. They have held examinations there in every

Mr. NORRIS. I know that the Civil Service Commission has been trying to work it out along that line, because I have gone over the ground fully with the commission.

The CHAIRMAN. The time of the gentleman from Nebraska

has expired.

Mr. BUTLER. Mr. Chairman, I ask that the gentleman from Nebraska have five minutes more.

Mr. MOON of Tennessee. I suggest that the gentleman take his time on another section.

Mr. NORRIS. I will say that I do not care for more time myself, but the gentleman from New York is desirous of asking me a question.

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent that the gentleman from Nebraska have five minutes more. Is there objection?

There was no objection.

Mr. NORRIS. Now I yield to the gentleman from New York. Mr. AKIN of New York. I understood the gentleman to say that the appointment of the fourth-class postmasters who receive less than \$500 is on the recommendation of the inspector. I would like to ask the gentleman who the inspector gets his recommendation from?

Mr. NORRIS. I do not know that he gets any from anybody. The gentleman will have to take what I said with some degree of modification. I had reference to the rules and regulations of the Civil Service Commission, as it is trying to work out a rule that will apply to the fourth-class postmasters. They have said that the same rule that would apply to post offices where the salary was \$900 would not work out as a practical proposition where the salary was \$100, because in one case plenty of men would take the examination-make application for the office-and in the other case it might be out in the country where only one man was in such a position, having a country store

or something of that kind, to hold the office, and he would not care anything about it and would not accept it if they had stringent rules requiring him to make application and go through an examination.

Mr. AKIN of New York. I have had a number of cases in my district where there was a great deal of strife for the office.

Mr. NORRIS. That may be true; but if it happens that there is a contest where the salary is less than \$100 that is the exception; it is not the general rule. I have had it happen, where I have had personal experience and observation, where the bitterest controversy might arise over a post office that no one would care about, as far as the office was concerned, but wanted it because of some local strife. That is the exception to the general rule.

Mr. AKIN of New York. Would the gentleman care to know where the inspector gets his recommendation from in my dis-

Mr. NORRIS. I presume the gentleman's district is not in one of those States covered by this order.

Mr. AKIN of New York. Oh, it certainly is.

Mr. NORRIS. Well, I do not know where the inspector gets his recommendation.

Mr. AKIN of New York. I do.

Mr. NORRIS. I presume if the rule were worked out properly, and I think the Civil Service Commission is acting in the best of faith, the inspector would not get his recommendation from anybody; he would look the ground over and recommend the postmaster that ought to have the place.

Mr. MURDOCK. Will th Mr. NORRIS. Certainly. Will the gentleman yield?

Mr. MURDOCK. The gentleman has a bill pending in which he provides a new method for the appointment of postmasters. What does it provide and where does he get his supply?

Mr. NORRIS. The bill I have introduced provides that the postmaster shall be appointed by promotion from men already in the service.

Mr. MURDOCK. Any particular branch of the service?

Mr. NORRIS. It puts the entire Post Office Department in the classified service. It puts the First, Second, Third, and Fourth Assistant Postmasters General in the classified service, and practically the Postmaster General himself, because it provides that his term shall be for 10 years, and that he shall not be removed on account of political or partisan affiliations, but only for cause.

Mr. DYER. Would that authorize the transfer of a man from

one State to another State?

Mr. NORRIS. It would provide that the man might be transferred from the railway post-office service to a post office, and vice versa, and from the post office to the department in Washington, and from the railway service to the department in Washington, and, in fact, from every department to every other department.

The CHAIRMAN. The time of the gentleman has expired.

The Clerk read as follows:

For compensation to clerks and employees at first and second class post offices.

Mr. MURDOCK. Mr. Chairman, I move to strike out the last word, and I wish the attention of the gentleman from South Carolina [Mr. FINLEY]. In the debate on the preceding paragraph I made the statement that one-half of the \$30,000,000 was for fourth-class postmasters. The gentleman denied it. I want the Record correct, and I will read from the hearings from the statement of the First Assistant Postmaster General on page 6. Dr. Grandfield, First Assistant Postmaster General,

Mr. Grandfield. Yes, sir.
Mr. Madden. By reason of the consolidation of offices from which you make the rural-route deliveries?
Mr. Grandfield. Exactly. I think this illustrates it: The receipts of the presidential post offices aggregate \$200,000,000, or about seven-eighths of the total postal revenue. The salaries paid to presidential postmasters amount to \$14,216,000, which is somewhat less than the amount paid for salaries to fourth-class postmasters, whose offices bring in only one-eighth of the postal revenue.

I want to say to the gentleman from South Carolina [Mr. FINLEY] that I believe that is correct, and that is my authority; and as his statement stood in the RECORD it was not correct.

The Clerk read as follows:

And to provide for the promotion of 75 per cent of the clerks in first-class post offices from the fifth to the sixth grade and for the promotion of 75 per cent of the clerks in second-class offices from the fourth to the fifth grade.

Mr. BORLAND. Mr. Chairman, I move to strike out the last word, for the purpose of asking the chairman of the committee a question, and that is whether that provision providing for the promotion of 75 per cent of the clerks in the first-class post offices from the fifth to the sixth grade is an increase in

the number of clerks entitled to promotion? What is the existing law on the subject?

Mr. MOON of Tennessee. I understand that it is an increase

of 25 per cent.

Mr. MANN. There is no law upon the subject.

Mr. BORLAND. Former provisions have been for an increase of 50 per cent?
Mr. MOON of Tennessee.

Yes.

Mr. MANN. There have been no provisions. The estimate of the number of clerks has been based upon a promotion of 50 Of course this does not mean anything in here.

Mr. BORLAND. I understand that the appropriation in the past has only been sufficient to provide for the promotion of 50

per cent of the clerks entitled to promotion.

Mr. FINLEY. Mr. Chairman, I will say to the gentleman that the promotions heretofore have been based upon the amount of the appropriation, and usually 50 per cent were

Mr. BORLAND. As a matter of fact, was not that the way in which the appropriation was framed so as to provide for

only 50 per cent?

Mr. FINLEY. Not in this out.
Mr. BORLAND, In former bills?
FINLEY. Yes.

Mr. BORLAND. That is, the appropriation was sufficient

only to provide for promotions of 50 per cent?

Mr. FINLEY. Yes, The promotions could not exceed the amount appropriated for the purpose of paying these clerks

and carriers.

Certainly; and now the provision is specific, Mr. BORLAND. that it shall provide for the promotion of 75 per cent of the clerks in the first-class post offices from the fifth to the sixth grade and for the promotion of 75 per cent of clerks in the second-class post offices from the fourth to the fifth grade.

Mr. MOON of Tennessee. The last appropriation was \$35, 900,000, and the gentleman will notice in the next paragraph that the appropriation in this bill for this particular thing is \$37,878,250. It is supposed to provide for about 25 per cent more of promotions.

Mr. BORLAND. That is what I want to ask the chairman of the committee, whether the appropriation is sufficient to pro-

vide for the additional 25 per cent?

Mr. MOON of Tennessee. It is supposed to be.

Mr. FINLEY. While heretofore it has been 50 per cent, this is sufficient to provide for 75 per cent.

Mr. BORLAND. How much more would it take to provide for 100 per cent of the clerks entitled to promotion?

Mr. MOON of Tennessee. I do not know. That is a calculation that the gentleman can make as well as I.

Mr. FINLEY. Something over a quarter of a million dollars for clerks and carriers.

Mr. ALLEN. About \$280,000.
Mr. BORLAND. Mr. Chairman, the provision increasing the number of clerks in these first and second class post offices who would be promoted is, of course, to that extent an act of justice to the clerks and a good thing for them. In the past the actual practical result has been that whereas there were 100 per cent of the clerks in a certain grade entitled to promotion by reason of their length of service and good record, provision was made only for the actual promotion of 50 per cent of them, which, of course, had the necessary practical result of giving to the postmaster or whoever was in charge of those clerks the right to designate those who would be promoted, whereas a large number of clerks were entitled to promotion as a right and not as a privilege.

Mr. MANN. Why does it entitle them as a privilege?

Mr. BORLAND. Because of the length of the service; all of the same grade.

Mr. MANN. Upon what basis does it entitle them to promotion?

Mr. BORLAND. The gentleman probably is aware that the law provides automatic promotions up to the \$1,100 grade. But from \$1,100 to \$1,200 there is no provision for promotion except this provision I have just recited.

Mr. MANN. They ought to have promotion, but there is nothing that entitles them to it in the law.

Mr. BORLAND. There is this: Two clerks serve the same Mr. BORLAND. There is this: Two clerks serve the same length of time in the same office and reach the \$1,100 grade. Provision is only made for the promotion of one, and therefore one man is taken out of the \$1,100 grade, whereas the other man would remain.

Mr, MURDOCK. The gentleman knows, does he not, there is

an efficiency requirement which enters into this matter?
Mr. BORLAND. Unquestionably; and it ought to; there is no doubt about that.

Mr. MURDOCK. And that a man of a lower efficiency than is required is not promoted to the \$1,200 grade.

Mr. BORLAND. Yes; but what I want to call the attention of the committee to is this: Where you make provision for the promotion of only 50 per cent of men whose efficiency record may be absolutely the same you will leave out of consideration the promotion on the efficiency record and will make a promotion merely as a matter of favoritism

Mr. MURDOCK. Of course the gentleman understands that the diminishing per cent, in the first place, was adopted with the idea of making that the end of the promotion to \$1,200. Now, would the gentleman be in favor of having 100 per cent

promoted?

Mr. BORLAND. Yes; I would, if the efficiency grade is applied to all clerks equally—and I think it ought to be. Nobody is objecting to the efficiency grade, but men who have been in this service the same length of time and submitted to the same efficiency conditions should have exactly the same right to

promotion to the \$1,200 grade.

Mr. LLOYD. Mr. Chairman, this provision, if carried out, will provide for the promotion of every efficient man. There are numbers of persons who are not efficient; then there are other persons who are not promoted, but at some time during the year when there are vacancies and various things which occur, so this 75 per cent will provide for all, it is thought, both by the department and by the committee, that are really efficient and entitled to promotion.

The CHAIRMAN. The time of the gentleman from Missouri

has expired.

Mr. BORLAND. Mr. Chairman, I ask for five minutes more. as I have had a great many interruptions.

Mr. MOON of Tennessee. What is before the committee, Mr.

Chairman? The CHAIRMAN. Is there objection to the request of the

gentleman from Missouri? [After a pause.] The Chair hears none.

Mr. BORLAND. Now, I want to say, in reply to the gentle-man from Missouri, a member of the committee, that I am convinced that the suggestion he made is absolutely correct and in accordance with the facts. I suppose it is probable with this increase of 50 to 75 per cent of eligibles for promotion they will be able to reach the number of efficient men entitled I think this probably will be the case.

Mr. COOPER. Will the gentleman permit an interruption?
Mr. BORLAND (continuing). But my idea is—
Mr. COOPER. The gentleman to my right suggests this case: Two clerks in an office were entitled to a promotion. 50 per cent probably only one could get promoted and under the 75 per cent only one could get promoted, both equally deserving of promotion.

Mr. BORLAND. That is absoutely true, and the only variation of that is that one out of four gets it whereas it is one

out of two.

Mr. MANN. There is nothing to prevent, under the 75 per cent or 50 per cent, both getting it, because that is not applied to particular offices. This is applied with reference to clerks throughout post offices in the United States. All of your efficient men in one office can be promoted——
Mr. BERGER. They can not.
Mr. MANN. The most efficient can be regardless of what

offices there are

Mr. BORLAND. It is possible all men in a particular office might be promoted, but it is not possible—

might be promoted, but it is not possible—
Mr. NORRIS. If that were done a great many offices who were entitled to it would be neglected.
Mr. BORLAND. There is no question of that—
Mr. COOPER. Precisely what I was going to suggest.
Mr. NORRIS. And that would work the grossest injustice.
Mr. BORLAND. No doubt in the world of that.
Mr. COOPER. That would give full promotion to all employees in certain offices and no promotions to meritorious clocks in other offices.

Mr. BORLAND. It might possibly be worked out in that way.
Mr. COOPER. That is absolutely unjust.
Mr. BORLAND. There is no question that the gentleman from Wisconsin has suggested the real difficulty in the matter. This promotion is not based on the efficiency test, where three or four men of the same grade, at \$1,100, can be promoted and the least efficient left at the \$1,100 grade, but the three who are promoted are not selected necessarily according to any efficiency standard. The law does not provide for any. I see no object in providing that 50 per cent of the clerks in a grade can be promoted without an efficiency test.

Mr. COOPER. It seems to me if there are to be promotions it will work serious injustice to have three or four men,

equally meritorious, discriminated against.

Mr. BORLAND. That is what has been going on until this

committee took hold of it.

Mr. COOPER. But you have not done away with it.

Mr. BORLAND. They have taken the right steps to do away with it.

Mr. COOPER. But it is not the right step.

Mr. BORLAND. I am talking from the standpoint of the clerks.

Mr. COOPER. Why not take the whole step?

Mr. BORLAND. I am in favor of taking the whole step, but certainly they have taken a very material step in advance. believe, gentlemen, under the existing cost of living in the large cities, where first and second class post offices are located, \$1,200 ought to be the regular grade, and men ought to be promoted automatically for good service, not in the \$1,100 but in the \$1,200 grade. When you come to promotion above but in the \$1,200 grade. When you come to promotion above the \$1,200 grade it should be based on the efficiency test, and might be devoted to assistant cashiers and higher-paid and more responsible positions.

Mr. BERGER and Mr. ALLEN rose. The CHAIRMAN. The gentleman from Ohio [Mr. Allen]

is recognized.

Mr. ALLEN. Mr. Chairman, I move to strike out the last two words. I have given this matter much consideration, and I think I will make a statement here that will satisfy the gentlemen who are making inquiries as to what the 75 per cent will do. The pending bill making appropriations for the servtice of the Post Office Department for the next fiscal year, and for other purposes, is to my mind one of the most important bills that will be under consideration in the present session of Congress, as it deals entirely with the only branch of the Government service with which the public comes in direct contact. As a member of the Committee on the Post Office and Post Roads, I have made a careful study of the postal service, and have concluded that it is a subject to which a Member of Congress could devote his entire time and attention and in the end he could not hope to familiarize himself with all its details. Great credit is due to the chairman of the committee and also the subcommittee who drew up the bill, as they have worked hard and conscientiously in an endeavor to provide for the necessary appropriations for conducting the postal service for the next fiscal year, and at the same time they have endeavored to try and bring about certain reforms among the working force that will improve their conditions and lighten their burdens in many

It is on this subject of improved working conditions for the employees in the postal service that I desire to express my views, in the hope that the knowledge gained through inquiry and investigation might be of benefit to the Members of Congress who have not had the time or opportunity to inquire into the matter. I desire, first, to call the attention of the House to the fact that the Fifty-ninth Congress enacted a law for the reclassification of the salaries of city letter carriers and postoffice clerks, which was signed March 2, 1907, and reads as follows:

After June 30, 1907, clerks in the offices of the first and second class and carriers in the City Delivery Service shall be divided into six grades, as follows: First grade, salary \$600; second grade, salary \$800; third grade, salary \$900; fourth grade, salary \$1,000; fifth grade, salary \$1,100; fifth grade, salary \$1,100; sixth grade, salary \$1,200. Clerks and carriers at first-class offices shall be promoted successively to the fifth grade and clerks and carriers at second-class offices shall be promoted successively to the fourth grade.

You will note that Congress divided the employees into six grades. The framers of the law very wisely made a provision that all promotions should be made only upon evidence satisfactory to the Post Office Department of the efficiency and faithfulness of the employee during the preceding year, and it further provided for the reduction in grade or salary of an employee from a higher to a lower grade whenever his efficiency falls below a fair standard or whenever necessary for the purpose of discipline.

In order to put the law into practical effect the Postmaster General devised a system to be followed in keeping efficiency records of employees, and mailed to the postmaster in every first and second class post office a copy of the instructions for keeping the records, that would be followed in all cases. The result has been that a high standard of efficiency has been maintained among the carriers and clerks employed in first and second class post offices, and the postal service is now receiving from the employees full measure for the compensation that it

The first session of the Sixtieth Congress made provisions for the promotion of all the carriers and clerks to the highest grades in their respective offices, whose records for efficiency and length of service would warrant such promotion. At that time an attempt was made to prevent any appropriation what- | without?

ever for promotion of the employees to the highest grades, and during the debate it was freely stated that if Congress made the appropriation that it would destroy the effect of the law and that every clerk and carrier would be promoted regardless of his efficiency

The CHAIRMAN. The time of the gentleman from Ohio

[Mr. ALLEN] has expired.

Mr. FINLEY. Mr. Chairman, I ask unanimous consent that the gentleman's time be extended for five minutes.

The CHAIRMAN. The gentleman from South Carolina asks unanimous consent that the time of the gentleman from Ohio be extended for five minutes. Is there objection? [After a

pause.] The Chair hears none.

Mr. ALLEN. The fears and contentions of those who took this view of the case were unfounded, as no promotions were made during that fiscal year, nor have any promotions been made during any year since the enactment of the law, unless first recommended by the postmaster and later approved by the First Assistant Postmaster General. The employees who earned their promotion during the year following the close of the first session of the Sixtieth Congress received it and those whose records for efficiency did not measure up to the required standard were not promoted, and they themselves knew the reasons why. The second session of the Sixtieth Congress and each succeeding session, for some unaccountable reason, have seen fit to curtail the appropriation and have only appropriated for the promotion of 50 per cent of the clerks and carriers to the highest grades in the respective offices in which they are employed. Since this policy has been in force much contention and dissatisfaction has existed, and the charge has been repeatedly made that promotions of clerks and carriers to the highest grades have been made more on personal favor than on merit. It has also been stated that postmasters have often been placed in the embarrassing position of being forced to make a selection between two equally competent employees and had no other alternative unless he refused to recommend either, in which event no promotion whatever would be made in that office.

Mr. COOPER. Will the gentleman permit an interruption? Mr. ALLEN. Certainly.

Mr. COOPER. What was the objection to striking out that 75 per cent and providing for the promotion of clerks in firstclass offices?

Mr. ALLEN. In answer to the gentleman I will say that, in the judgment of the committee, 75 per cent could substantially

take care of every case.

Mr. COOPER. Substantially. That is the trouble, exactly. There may be some who are meritorlous in some offices that would not get any promotions. The word "meritorious" is the source of the argument. If there are any employees who are discriminated against who are efficient, it ought not to be in the law.

Mr. ALLEN. I will say to the gentleman that all who earn

it by efficiency will be promoted.

Mr. COOPER. Does the gentleman from South Carolina [Mr. FINLEY] suppose that among the 75 per cent there will be none

in the way of promotion?

Mr. FINLEY. Assuming that the Post Office Department could expend this money provided for the promotion of clerks, it would only provide for the promotion of 75 per cent, and so it would not help in any way if we struck this provision out. This provision here is simply an expression coming from the

Mr. COOPER. If the gentleman will pardon me, I did not suggest striking out the provision. I had in mind simply striking out the words "75 per cent."

Mr. FINLEY. I will say to the gentleman there is only money enough carried in here—
Mr. COOPER. The United States, instead of discriminating,

is very well able to promote the 75 per cent necessary.

The CHAIRMAN. The time of the gentleman from Ohio [Mr.

ALLEN] has again expired.

Mr. DYER. Mr. Chairman, I ask unanimous consent that the gentleman's time be extended for five minutes.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. ALLEN. I will take into consideration the records of efficiency. You will find the practical working out of this proposition of 75 per cent will take care of any men—

Mr. COOPER. Is it possible under the working of the law, the proposition of the law, at the proposition would not the sec. 75.

not going into details—as this provision would not—to see 75 per cent promoted without any promotions at all in certain offices where they were entitled to it?

In other words, could certain offices use up 75 per cent and other offices, where there were clerks worthy of promotion, go

Mr. FINLEY. If the gentleman from Ohio [Mr. ALLEN] will permit, I will say to the gentleman from Wisconsin [Mr. Cooper] that that is a matter of administration by the department.

The CHAIRMAN. Does the gentleman yield?

Mr. ALLEN. I yield to the gentleman from Wisconsin [Mr. Coopen] and to the gentleman from South Carolina [Mr. Fin-LEY] to answer his question.

Mr. FINLEY. I say that is a matter of administration in the department, and if that were brought about in a particular case, that would be a matter of discrimination in that particu-

Mr. COOPER. Suppose there were three clerks in an office and two of them were promoted under this provision and the other clerk was entitled to it, but your 75 per cent was exhausted. That one man, who was as worthy of promotion as the other two, would be left.

Mr. FINLEY. I would say to the gentleman that this money is not expended among individual or specific post offices, but goes to the whole force of clerks and carriers throughout the country. That case that the gentleman cites could not very well

happen.

Mr. COOPER. It could very well use up the 75 per cent. do not see why, in a Government so rich as the Government of the United States, if you are going to make a thing absolutely fair, there should be a possibility of clerks having a service record entitling them to this additional pay not receiving it because of the use of the words in the law of "75 per cent." The Treasury is not so poor that we should put that in the law, and there is no reason why all clerks who are worthy of receiving promo-

tion should not receive it.

Mr. FINLEY. The idea is that to promote 75 per cent would promote all the efficient clerks and carriers. If the gentleman makes that admission, then it is simply a matter of administra-

tion to distribute this fund.

Mr. COOPER. I should hate to have it stated as a matter of law and have it admitted into the law that we believe that 25 per cent of the employees in the postal service are inefficient. On the face of it, it looks bad. We should not assume that. We are rich enough to pay for all those who are entitled to promotion.

I will say to the gentleman from Wisconsin that I have a bill pending before the committee now, providing for automatic promotion to these two grades. I hope the gentleman will vote for that bill. That will settle any question that may hereafter come up on this score.

Mr. BERGER. Mr. Chairman, will the gentleman yield for a

question?

Mr. ALLEN. I will yield for a question.

Mr. BERGER. For a question only. Would not an amendment striking out the words "75 per cent" and inserting instead the words "all efficient clerks," in lines 20 and 22, do what the gentleman's bill intends to do, and do what my colleague from Wisconsin [Mr. Cooper] and I would like to see

Mr. ALLEN. I will say to the gentleman that if in the practical working it does not substantially promote all the clerks, then in the next appropriation bill I will vote for enough to

take care of it.

Mr. LLOYD. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Ohio yield to the gentleman from Missouri?

Mr. ALLEN. With pleasure.

Mr. LLOYD. Is it not true that that 75 per cent is reasonably satisfactory to the clerks themselves and satisfactory to the Post Office Committee?

The CHAIRMAN. The time of the gentleman has expired.
Mr. ALLEN. Mr. Chairman, I ask unanimous consent to
proceed for five minutes, and I will agree not to yield any more. The CHAIRMAN. The gentleman from Ohio asks unanimous

consent to proceed for five minutes. Is there objection?

There was no objection.

The CHAIRMAN. The gentleman from Ohio declines to yield.

Mr. ALLEN. I will say to the gentleman from Missouri [Mr. LLOYD] in answer to his question, Yes; it is satisfactory; but my bill for automatic promotions is still more satisfactory. Now I will take up the discussion where I left off.

This has had a tendency to create discord among the employees as well as suspicion in their minds regarding the good faith of the postmaster, and has had a tendency to destroy discipline, as can be judged by those who have had experience in dealing with large bodies of men. It was no doubt the intention of Congress when the law was passed to have six grades of clerks and carriers, as it provided for these grades and also provided as to how promotions should be made to each grade.

centage of the men to the highest grades, and why Congress has pursued the policy of only making provisions for the promotion of 50 per cent of those who would be eligible is beyond my comprehension. When we take into consideration the diffi-culties that letter carriers and postal clerks labor under before they can possibly reach the highest grades in their respective offices, I believe that every Member of this House will agree with me that it is a grave injustice to deprive them of a well-earned promotion provided for by law simply because Congress fails to make the required appropriation for vitalizing the law and putting it into practical effect.

There are no drones among the letter carriers and clerks in the post offices, for the reason that the lazy and inefficient men are weeded out long before they receive a regular appointment. The apprenticeship served by substitute letter carriers varies from two to six years, and the service is so exacting that it is only the self-sacrificing man who looks forward to making a life work of the postal service and is willing to put up with all sorts of hardship and inconvenience who will stay in the service until he receives a regular appointment. After eking out a

precarious existence for several years and possibly becoming involved in debt, he is appointed to a regular position at munificent salary of \$600 per annum, or \$50 per month. serving one full year in this grade, if his record for faithfulness and efficiency warrants it, he is recommended by his post-master for promotion to the second grade.

And so it goes from year to year until he reaches the fourth grade in second-class offices and the fifth grade in first-class offices, when his automatic promotion ceases, no matter what his standard of faithfulness and efficiency might be. How long does it take a man to reach these highest grades? If he serves three years as a substitute it will be eight years from the time that he entered the service before it would be possible for him to be eligible for promotion to the sixth grade. Under these conditions is it right, is it fair, or is it just to deprive him of that which the law says should be his, simply through the shortsighted policy of not making sufficient appropriations to provide for his promotion? I have a bill now pending before the committee which, if favorably reported and enacted into law, will make these promotions to the highest grades automatic, and I believe in all fairness that they should be. If the bill becomes a law it will do away with all friction and will still leave with the department the right to refuse to an inefficient or careless employee a promotion until he earns it. The recommendation of the committee in the bill now under consideration will greatly relieve the present condition, as specific authorization is made for the promotion of 75 per cent of the clerks and carriers to the highest grades, which, added to the normal changes caused by deaths, resignations, and reductions, will, I believe, admit of the promotion of all the employees who earn their promotions and are recommended by their postmasters. [Applause.]

The CHAIRMAN. The time of the gentleman from Ohio has

expired.

Mr. BERGER. Mr. Chairman, I move to amend this section by striking out the words "75 per cent," in line 20, and inserting in lieu thereof the words "all efficient clerks," and by striking out the words "75 per cent of the clerks," in line 22, and inserting the words "all efficient clerks" instead.

The CHAIRMAN. The gentleman from Wisconsin offers and

amendment, which the Clerk will report.

The Clerk read as follows:

Page 11, line 20, strike out the words "75 per cent of the clerks" and insert in lieu thereof "all efficient clerks."

Page 11, line 22, strike out the words "75 per cent of the clerks" and insert in lieu thereof "all efficient clerks."

Mr. BERGER. Mr. Chairman, it is hardly necessary to make a long speech in support of this amendment. The gentleman from Missouri [Mr. Borland] made a very good speech in its favor. So did the gentleman from Ohio. They all agree that every efficient clerk ought to have a chance to earn \$1,200. That is little enough nowadays, with the cost of living having gone up over 40 per cent in 10 years. It is almost impossible to support a family decently in a town like Chicago, Milwaukee, Washington, or St. Louis on \$1,200 a year. Under present conditions every one of these poor clerks is afraid of losing his position if he does not please the postmaster; or if he is not afraid of losing his position, he is at least afraid holding opinions which might offend the superintendent or the postmaster, because if he does he will never get into the \$1,200 class. These clerks are afraid to say that they are Democrats in some places, and in most places they would not dare to openly admit that they are Socialists. They are afraid of giving offense.

However, my amendment is not dictated by party considerations. None of us wants to take the manhood away from the em-There is no mention in the law of the promotion of any per- | ployees of the Government. My amendment should be passed simply as a question of justice. Give every clerk a chance to get into the class to which he is entitled by virtue of the examinations he has passed and by virtue of the efficient service he has rendered to the Government, after he has served the

number of years required by law.

It has been stated here that the provision promoting 75 per cent will take care of all of the efficient clerks. If that is the case, then let us acknowledge that one-fourth of our postal clerks are inefficient. I do not believe, however, that such is the case. I believe that we are doing the postal clerks a great injustice and that it is really disgraceful for us to tell the world that we believe 25 per cent of our postal employees are inefficient. But this is what we are practically telling the world if we accept this section of the bill as it is before us. And if we believe that only 75 per cent of the clerks are efficient, we should make provisions to discharge the other 25 per cent.

Mr. MURDOCK. Mr. Chairman, will the gentleman yield for

a question?

Mr. BERGER. Yes. Mr. MURDOCK. As As I remember the history of this item, it was this: The \$1,200 grade was created above all other grades as a special grade, and the idea first was to promote 50 per cent as a special recognition of unusual talent. In that connection I should like to ask the gentleman if he is in favor of the creation of a \$1,300 grade, with a provision for the promotion of 50 or 75 per cent.

Mr. BERGER. I am more in favor of the creation of a \$1,800 grade than a \$1,300 grade, if the salary is to recognize

unusual talent.

Mr. MURDOCK. Would the gentleman in all instances have

100 per cent get up into the extraordinary grade?

Mr. BERGER. No. I think a \$1,200 salary is not a salary for an extraordinary grade of ability.

Mr. MURDOCK. That was the purpose of creating it in the

beginning

Mr. BERGER. Then, I am sorry for the men who created it. A person should not be required to have unusual talent or extraordinary ability in order to earn \$1,200 a year from our Government. Divided into 52 weeks, it means a wage of about \$23 per week, which is less pay than is received by the typesetters in printing offices in large cities. And these printers do not have to pass any civil service examination either. To make a long story short

Mr. ALLEN. Does not the gentleman consider the language in the bill more definite than that in his amendment? requires the promotion of 75 per cent, while the language of the gentleman's amendment would leave it in the discretion of the postmaster, and he might promote only 50 per cent. If it is left as a matter of efficiency, it is left to his judgment.

Mr. BERGER. But I used the words "all efficient clerks." Mr. ALLEN. Who will determine that?

Mr. BERGER. Of course, the superintendent, who does that now. If the gentleman from Ohio will permit me, supposing there are 100 clerks in a certain post office, let us say in Chicago or St. Louis, who are efficient, under the provisions of this bill the postmaster can not promote more than 75 of them, while if you accept my amendment the postmaster will promote

the entire 100 per cent.

Mr. ALLEN. If I thought he would do so, I would favor that amendment. I think the bill I have introduced in the House should pass, which provides for automatic promotions to the \$1,200 class. That would take care of this situation; but to use the language of the gentleman's amendment will defeat

the very purpose he seeks to accomplish.

Mr. BERGER. Well, I shall vote for the gentleman's bill when it comes up. Will the gentleman vote for my amendment

Mr. MANN. Mr. Chairman, I do not know whether, theoretically, the amendment proposed by the gentleman from Wisconsin [Mr. Berger] would promote more or less than theoretically the provision in the bill, but practically neither one of them will promote anybody. The provisions in the bill with reference to promotion are not contained in that paragraph. That is inserted to please somebody's fancy. The bill carries specifically the number of clerks of the different classes, and the number can not be increased under this provision of the bill a single clerk. If you should put a provision in here to promote all of them, it would not promote any more, because the number in each class is fixed in the bill. Those items have been passed over and nobody has proposed to amend them; nor will there be under the bill 75 per cent of the clerks promoted.

The total number of clerks and other employees of that class carried by this bill is 35,812. At the salaries named the total amount would be \$39,820,800. But the bill carries \$2,718,000

less of appropriation, so that while nominally it proposes to promote by increasing the number in each grade they have proposed to appropriate \$2,718,000 less than enough to pay the clerks.

Now, it has always been customary to appropriate a smaller sum than the total amount would be as authorized by the bill, on the assumption that all of the clerks will not serve in the grades named for the full year. Last year the difference be-tween the total amount authorized and the total amount carried was \$1,202,500, while this year it is \$1,942,550, cutting off this year in this bill \$739,750 more than was cut off last year.

And yet you talk about automatic promotions of 75 per cent. That is pure fancy; that is pure theory. You provide in the bill the number of clerks in each class, but you do not provide the money with which to pay them; and the Post Office Department is regulated first by the number of clerks in each class, and seemed by the appropriations which are made with which and second by the appropriations which are made with which

they may be paid.

Now, this particular item in the bill is one put there to make the clerks think that 75 per cent of them will be promoted; but no one will claim that any clerk will be promoted under that specific item because it does not provide for promotion, and the number of clerks authorized will not authorize the number of promotions that is proposed here.
Mr. BERGER. Will the gentleman yield?

Mr. MANN. Certainly.
Mr. BERGER. Mr. Chairman, am I to understand that the great Democratic Party is playing a game of buncombe?

I do not claim that at all.

Mr. BERGER. Offering 75 per cent of promotions on the one hand and fixing the number of clerks so that they can not be promoted on the other is playing a game of buncombe.
[The time of Mr. Mann having expired, by unanimous con-

sent he was given five minutes more.]

Mr. MANN. I do not charge that this is for buncombe at all. I have no doubt whatever that the committee would desire to have 75 per cent of these clerks promoted. When this bill was before the House last year I called attention to the fact then that, although there was a shortage of \$1,200,000 between the amount appropriated and authorized, 50 per cent of the clerks could not have promotion because the money was not provided. not provided. It is much more true now, when the shortage is seven or eight hundred thousand dollars more in this bill than in the bill of last year.

In my judgment the present method of promotion is not entirely satisfactory. But it is fair to say that when the bill was passed two years ago classifying the clerks no one then claimed that all of the clerks should be promoted from the eleven hundred to the twelve hundred dollar class in large offices, or from the ten hundred to the eleven hundred dollar class in small

When the first appropriation bill came before the House after that classification was adopted, myself, Mr. Bennet of New York, and several other gentlemen representing the large cities went before the Committee on the Post Office and Post Roads, including its then chairman, who, I think, was Mr. Overstreet, and endeavored to make an arrangement of some kind by which the bill would carry some promotion; and we finally agreed with him that upon these items of the bill we would stand with him if the bill carried additional clerks enough to make 50 per cent of promotions. And that custom has been followed since. I am glad that the Committee on the Post Office and Post Roads puts itself on record, theoretically, in favor of making promotions of 75 per cent, although if any clerk who has served long enough in these offices to arrive at the point where he could have a promotion and is not efficient enough to receive it, he ought to be dismissed from the service.

There is no escape from the constant charge now being made by employees that they are discriminated against for personal reasons-that favoritism is displayed. I doubt whether that often occurs, but I do believe that these clerks ought to have an automatic promotion up to a certain point, and then let it be understood that beyond that there is no promotion for the class

as a whole.

Mr. LLOYD. Mr. Chairman, I do not think the gentleman from Illinois [Mr. Mann] intentionally misrepresents the facts in this case, but if he will examine the RECORD he will find that there was appropriated for the current year \$35,900,000 to meet this service, and he will find in the estimates for the year beginning on the 1st of July next the amount recommended by the department to be \$37,700,000, an increase of \$1,800,000. Then, if he will examine the pending bill, he will find that we have provided not that there be \$43,700,000, but \$43,878,250. We have provided \$178,250 more than was asked for by the department, and this \$178,250 is for the purpose of providing for this additional service.

Mr. BARTHOLDT. Mr. Chairman, that is the question I wish to ask, whether the provision which enables the promotion of 75 per cent of the clerks is taken care of in the total?

Mr. LLOYD. It is. Mr. BARTHOLDT. That is, if these 75 per cent of promotions are made, the total is sufficient to pay the increased salary?

Mr. MANN. The gentleman surely does not dispute the figures that I gave?

Mr. LLOYD. Yes; we dispute the figures.

Mr. MANN. In what respect are any of the figures that I gave incorrect?

Mr. ALLEN. We added to the amount.
Mr. MANN. I gave the amount authorized and the amount appropriated and gave the difference between them, which was

Mr. LLOYD. Mr. Chairman, I read from the RECORD. The amount appropriated for the current year-\$35,900,000-and the amount recommended by the department is \$37,700,000, \$1,800,000 more than is appropriated for the current year. In addition to that this committee-has added to the estimates of the department \$178,250, in order to provide for these promo-

tions. [Applause on the Democratic side.]
Mr. MANN. Mr. Chairman, there never has been a Post Office appropriation bill since I have been in Congress, I think, where the amount carried in the bill was not greater than the estimates. That is the case here. It has always been the case, but the fact still remains that the clerks specifically authorized by this bill, with the salaries which they would receive under the bill, would require \$39,820,800, while the appropriation carried in the bill is \$2,718,000 less than that amount, a greater spread between the two than ever was carried in any

bill before.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Wisconsin.

Mr. AUSTIN. Mr. Chairman, I ask that the amendment be

again reported.

The CHAIRMAN. Without objection, the amendment will be again reported.

There was no objection, and the Clerk again reported the amendment.

The question was taken; and on a division (demanded by Mr. Berger) there were—ayes 33, noes 45.

So the amendment was rejected.

The CHAIRMAN. The Clerk will report the next amendment. The Clerk read as follows:

Page 11, line 22, strike out the words "75 per cent of the clerks" and insert in lieu thereof the words "all efficient clerks."

The CHAIRMAN. The question is on agreeing to the amend-

The question was taken, and the amendment was rejected.

The Clerk rend as follows:

In all, \$37.878.250.

Mr. MOON of Tennessee. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read. The Clerk read as follows:

The Clerk read as follows:

Page 11, line 25, after the word "dollars," insert the following:
"Provided, That the appointment and assignment of clerks hereunder shall be so made during the fiscal year as not to involve a greater
aggregate expenditure than this sum, and the assignment of the several
grades of compensation to the various offices shall be made, so far as
practicable, in proportion to the amount of business transacted through
such offices and the respective divisions thereof."

Mr. MANN. Mr. Chairman, I make the point of order on the amendment. That amendment has been ruled out of the Post Office appropriation bill for a good many years. The proposition is, and the effect of it is, that although you authorize, as I have just explained to the committee, clerks to the amount of \$39,820,000, and although the law provides for automatic promotions up to ten and eleven hundred dollars in the different offices, this amendment is that the amount appropriated, which is sufficient to pay all these clerks, must not be exceeded.

Now, Mr. Chairman, the law provides that the clerks shall be automatically promoted in certain offices up to \$1,100. The amendment offered by the gentleman provides that the amount of appropriation must not be exceeded, although that may prevent the automatic promotion. In other words, if the amendment of the gentleman prevails, there can be no deficiency, although the automatic promotion may create a deficiency under existing law. I call attention to the fact that last year these items were in the bill reported from the committee. I made the point of order, and they went out. The year before that they were in the bill reported by the committee. I made the point of order, and they went out. The very purpose-and the de-

partment would like to have them in, I suspect-but the very purpose of putting the amendment in the bill is to prevent the automatic promotion creating a deficiency, if it would create it, by promoting these clerks in accordance with the law, and this proposition to change the law is not covered, I understand, by the Holman rule, and is clearly otherwise subject to the point

The CHAIRMAN. The Chair will hear the gentleman from

Tennessee.

Mr. MOON of Tennessee. Mr. Chairman, I do not know what the rule has been on the subject heretofore, but the gentleman is correct, however, in his suggestion that the department desires this limitation upon this appropriation, and it may properly be so treated, in my opinion. This promotion is provided for out of the fund provided for it. It is a proper thing we shall not create a deficiency in this item or any other item. promotion itself depends upon the sufficiency of this appropriation, and the amendment is intended for the purpose of limiting it to this appropriation, and I think it is in order.

The CHAIRMAN. The Chair sustains the point of order. Mr. MANN. Mr. Chairman, I offer an amendment. The CHAIRMAN. The Clerk will report the amendment. The Clerk rend as follows:

Amend, page 11, lines 24 and 25, by striking out the words "in all, \$37,878,250" and inserting in lieu thereof the following: "In all, \$37,878,000: Provided, That hereafter post offices shall not be open on Sundays for the purpose of delivering mail to the public."

Mr. MOON of Tennessee. Mr. Chairman, I reserve the point of order on the amendment.

Mr. MANN. Mr. Chairman, I do not desire to have the point of order reserved. I am willing for the gentleman to make the point of order on the amendment, and if he does

The CHAIRMAN. The Chair is ready to rule.

Mr. MANN. I wish to be heard on the point of order. Mr. Chairman, Rule XXI provides, among other things:

Nor shall any provision in any such bill or amendments thereto changing existing law he in order, except such as being germane to the subject matter of the bill shall retrench expenditures by the reduction of the number and salary of the officers of the United States, by the reduction of the compensation of any person paid out of the Treasury of the United States, or by the reduction of amounts of money covered by the bill

The amendment which I have offered proposes to reduce the amount of the appropriation by the sum of \$250. [Laughter.] And that reduction is warranted by the fact that the closing of these post offices for the delivery of the mail on Sunday would be a saving much in excess of \$250 and would leave an additional amount, therefore, for the promotion of deserving clerks in these different offices. But on the point of order I have offered an amendment directly within the provisions of the Holman rule of a reduction of the amount carried in the bill. and anyone can see that the closing of post offices for the delivery of mail on Sunday will actually reduce the expenditures of the Post Office Department.

The CHAIRMAN. The Chair overrules the point of order.

The question is on the amendment.

The question was taken, and the Chair announced the noes seemed to have it.

Mr. MANN. I ask for a division.

The committee divided.

Mr. MOON of Tennessee. Mr. Chairman, I agree with the gentleman about his amendment; let him have it.

The question was taken, and the amendment was agreed to.

Mr. MANN. I want to make public acknowledgment to the gentleman from Tennessee in charge of the bill for agreeing to the amendment.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. Saunders having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had insisted upon its amendments to the bill (H. 18956) making appropriations for the support of the Army for the fiscal year ending June 30, 1913, and for other purposes, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. DU PONT, Mr. WARREN, and Mr. FOSTER as the conferees on the part of the

The message also announced that the Senate had insisted upon its amendments to the bill (H. R. 19212) making appropriations for the Diplomatic and Consular Service for the fiscal year ending June 30, 1913, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon and had appointed Mr. Curtis, Mr. Warnen, and Mr. TILLMAN as the conferees on the part of the Senate.

The message also announced that the Senate had agreed to the amendments of the House of Representatives to bills of the following titles:

S. 244. An act extending the operation of the act of June 10,

1910, to coal lands in Alabama; and

S. 5059. An act granting school lands to the State of Louisiana.

POST-OFFICE APPROPRIATION BILL.

The committee resumed its session.

The Clerk read as follows:

For compensation to printers, mechanics, and skilled laborers, 10, at \$1,200 dollars each; 4, at \$1,100 each; 3, at \$1,000 each; and 28, at \$900 each; in all, \$44,600.

Mr. BUCHANAN. Mr. Chairman, I want to make an inquiry. I move to strike out the last word. I would like to inquire of members of the committee here if they have taken into consideration whether the salaries provided for here for printers and mechanics, skilled laborers, and so forth, are the prevailing wages in the localities usually paid by private concerns?

Mr. MOON of Tennessee. The number and the amount is the

same as fixed by law heretofore.

Mr. BUCHANAN. That is not the question with me. Is this the same that is paid by private concerns?" Is this the prevailing scale of wages?

Mr. MOON of Tennessee. You mean whether we considered

the question of an increase or not?

Mr. BUCHANAN. I want to ask if these are the prevailing wages for work of that nature done in these are the pr wages for work of that nature done in these localities? Mr. MOON of Tennessee. I think so; better, perhaps.

Mr. BUCHANAN. It seems to me printers get more than \$25

Mr. MOON of Tennessee. In some places they do not begin

to get that

Mr. BUCHANAN. If I may be permitted, I am speaking of the prevailing scale of wages. It is true that some printers who are not efficient printers work in positions for less than the regular scale of wages, but I am talking about the recognized prevailing scale of wages which is usually established by the union.

Mr. COOPER. Are all of these supposed to be employed

in the city of Washington?

Mr. MOON of Tennessee. No; throughout the whole country. Mr. COOPER. Where else has the United States a printing establishment?

Mr. MOON of Tennessee. In almost every first-class post

office there is a little printing establishment.

Mr. COOPER. What is the difference in the service rendered between those employed at \$1,000 each and those employed

at \$900 each?

Mr. MOON of Tennessee. I do not know of the details of the service performed by these men. I could not tell you exactly the service of each man; but the character of service usually performed in those offices is that for which the Post Office Department provides compensation, giving to one man according to

his service and capacity more than another.

Mr. COOPER. It says, "For compensation to printers, mechanics, and skilled laborers," and so forth?

Mr. MOON of Tennessee. There is no change, I will say, in

this matter, so far as I recollect.

Mr. COOPER. I want to say this to the gentleman-that when I asked the question a number of gentlemen in undertone aid that they are employed in various cities of the country. There are not many employed in various cities, because there are 3 at \$1,000, and there are 10 at \$1,200 and 4 at \$1,100, and that would not cover a great many cities throughout the Republic of the United States.

Mr. MOON of Tennessee. I thought you were on the question of the compensation to watchmen, messengers, and laborers.

Mr. COOPER. This was the compensation to printers, mechanics, and skilled laborers; 10 at \$1,200; 4 at \$1,100; 3 at \$1,000 each; and 28 at \$900 each. I do not think that covers an extensive portion of the United States-from ocean to ocean

and from the Lakes to the Gulf.

Mr. MOON of Tennessee. I did not understand the gentleman.

Mr. COOPER. That is the section we have under discussion. What is the difference in the services rendered by the three classes?

The CHAIRMAN. The time of the gentleman from Illinois

[Mr. Buchanan] has expired.
Mr. COOPER, Mr. Chairman, I ask that the gentleman's time be extended for five minutes.
The CHAIRMAN. Is there objection?

There was no objection.

Mr. BUCHANAN. I do not know whether it would be in order to increase this compensation now. It seems the Govern-

ment should pay above the regular wage scales in localities where they are employing men. If I find this does not do that I shall have to introduce a bill to that effect later on, because I believe the Government of the United States should pay more, and not less, than the prevailing wage scale and take the lead in bettering the conditions of the working people in this country, who seem to be suffering from the present high prices.

Mr. DYER. Why does not the gentleman present his amend-

ment to this provision now and let us vote on it?

Mr. BUCHANAN. I have not it ready, and besides, I do not believe it would be in order at this time.

The Clerk read as follows:

For compensation to watchmen, messengers, and laborers, 100, at \$800 each; 700, at \$700 each; and 600, at \$600 each; in all, \$900,000. And the appointment and assignment of watchmen, messengers, and laborers bereunder shall be so made during the fiscal year as not to involve a greater aggregate expenditure than this sum.

Mr. DYER. I move to strike out the last word for the purpose of asking the chairman of the committee a question. One provision of this section provides that 600 men shall receive a

salary of \$600 cach. Does that mean per annum?

Mr. MOON of Tennessee. Yes.

Mr. DYER. I will ask the chairman if he thinks that is enough money to pay to a man, namely, \$600 a year, \$50 a month, out of which he must pay his rent, his grocery bills, and educate his children, and maintain a home?

Mr. MOON of Tennessee. That is a provision for the ordinary laborer. It has been recommended by the department. It has been in the law for quite a while. I would be glad to see

the laborers get \$2 a day.

Mr. DYER. Why does not the gentleman provide for that in

Mr. MOON of Tennessee. We do not provide for it in the bill because the law makes provision for this proposition. It would be subject to a point of order if I did offer it.

Mr. COOPER. Will the gentleman from Missouri [Mr. Dyer] permit me to ask the chairman of the committee a question right there? How long has this class of labor been getting this

Mr. MURDOCK. There formerly was a class of laborer that we gave \$500 a year, but that was abolished. I believed \$600 for labor is too small.

Mr. COOPER. I believe the provision of \$600 is too low in

these times

Mr. MURDOCK. These places of laborers are filled in many cases by men who have grown old in some other part of the postal service, who are placed on the rolls as laborers and watchmen. As to messengers, I do not know. The old item covered the \$500 class, and we abolished that, and I am completely in sympathy with the gentleman in his wish to strike out the \$600 grade and make it \$700 or \$800, because of the circumstances that laborers and watchmen in every other part of the Government get more than the watchmen in the postal serv-Why the discrimination I can not find out.

Mr. MANN. If the gentleman will yield, laborers and watchmen in the Post Office Department receive higher pay than they

do in the Treasury Department.

Mr. MURDOCK. It is brought out in the hearing that the

reverse is true.

Mr. MANN. The hearings are wrong. We increased the pay of laborers and janitors in the Post Office Department a year or two ago

Mr. MURDOCK. Yes; we abolished the lower grade.

Mr. MANN. Yes; but it means an increase. The same class in the Treasury Department, in charge of the Treasury Building, are paid out of a lump-sum appropriation, where they can not be increased.

In Chicago, working side by side in the same building, engaged on the same work practically, the men charged to the Treasury Department are receiving smaller pay than is carried here for the Post Office Department.

Mr. BERGER. That is wrong, but it does not make anything

else right.

Two wrongs do not make one right.

Mr. DYER. Mr. Chairman, it can not be disputed that it is impossible for a man to live and try to take care of a family upon \$50 a month in a city like Chicago or New York or St. Louis or any of these places where any of these men have to

Mr. LLOYD. Mr. Chairman, will the gentleman yield? The CHAIRMAN. Does the gentleman from Missouri yield to his colleague?

Mr. DYER. Yes.

Mr. LLOYD. This appropriation provides for the watchmen at the various public buildings in the United States.

Mr. DYER. Yes.

Mr. LLOYD. Not only those in the large cities, but also those in the small towns; wherever they have city delivery, or wherever they have a public building, they have one of these watchmen, and the lowest salary paid to these is \$600. The \$600 watchmen, as I understand it, are usually assigned to the smaller towns and not to the stand it. smaller towns, and not to the cities; but those in the cities are usually the \$900 and \$800 and \$700 men.

Mr. DYER. The gentleman is mistaken, because I know

there are some in St. Louis who get only that.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SULZER. Mr. Chairman, at this time I want to submit a few observations regarding the establishment of a general parcel post.

There is no reason in the world why the people of the United States should be deprived of the advantages of this benign legislation for a general parcel post, that will bring producers and consumers in closer touch and be of inestimable benefit to all the people, especially those who dwell in the large cities and those who live in the producing sections of the country. It has been adopted in every European country, and it ought to be adopted We have either made or are making postal conventions with the countries of the world, by which their citizens can send through the mails to any part of the United States packages weighing 11 pounds at the universal postal rate, and the people of the United States are prohibited from doing the same thing because of our failure to enact a similar postal parcels law. It is a great injustice to the taxpayers of this country. It is a discrimination in favor of the foreigner against the citizen of the United States which is repugnant to my sense of justice. I am opposed to this inequality, and in order to obviate it I introduced long ago a bill for a general parcel post. The Postal Progress League has indorsed it, and the representatives of over 10,-000,000 taxpayers of this country appeared before the committee and urged its enactment. Why should the bill sleep in com-

The time is now at hand for Congress to heed the insistent demand of the people for a general parcel post along the lines of my bill, the express companies and others to the contrary notwithstanding. The citizens of the United States are certainly entitled to utilize the advantages of their own post-office system the same as the people in Europe now do, and they would gladly do so if the Congress would only enact a law.

The demand for a parcel post is growing more insistent. Popular sentiment has now crystallized into a genuine desire for legislation in favor of a general parcel post throughout the country. I believe the people favor it, and I feel confident its establishment will be of inestimable benefit and incalculable advantage to all concerned. The post office is one of the oldest of governmental institutions, an agency established by the earliest civilizations, and the only limit upon the service should be the capacity of existing transport machinery.

A general parcel post once established, with reasonable rates, regardless of distance, regardless of the character of the matter transported, and regardless of the volume of the patron's business, is eminently fitted for great service to the people. That it should be extended over the entire field of postal transportation is absolutely certain; and the people will duly appreciate the aid of those who assist in its extension and development.

As far back as 1837, Rowland Hill, of England, promulgated to the world the law that once a public transport service is in operation the cost of its use is regardless the distance traversed upon the moving machinery by any unit of traffic within its capacity, and upon this law he established the English pennyletter post of 1839. The idea of charging higher postage on a letter or a parcel on account of the greater distance it travels is an absurdity.

The parcel-post provision in this Post Office appropriation bill is not satisfactory to the people and to the advocates of genuine parcel-post legislation. When the matter is reached for consideration I shall move as an amendment the terms of my bill, which are as follows: Strike out section 8 of the pending Post Office appropriation bill and insert the following:

Office appropriation bill and insert the following:

That the common weight limit of the domestic postal service of the United States is hereby increased to 11 pounds, the common limit of the Universal Postal Union, and that in the general business of the post office the 1-cent-an-ounce rate on general merchandise—fourth-class mail matter—be, and is hereby, reduced to the third-class rate, 1 cent for each 2 ounces or fraction thereof.

That the rate on local letters or sealed parcels posted for delivery within the free-delivery services is hereby determined at 2 cents on parcels up to 4 ounces, 1 cent on each additional 2 ounces; at nondelivery offices, 1 cent for each 2 ounces.

That all mail matter collected and delivered within the different rural routes of the United States is hereby determined to be in one class, with rates, door to door, between the different houses and places of business and the post office or post offices on each route, as follows: On parcels up to one twenty-fourth of a cubic foot, or 1 by 6 by 12 inches in dimensions and up to 1 pound in weight, 1 cent; on larger parcels up to one-half a cubic foot, or 6 by 12 by 12 inches in dimensions and up to 11 pounds in weight, 5 cents; on larger parcels up to 1 cubic

foot, 6 by 12 by 24 inches in dimensions and up to 25 pounds in weight, 10 cents. No parcel shall be over 6 feet in length, and in no case shall a carrier be obliged to transport a load of over 500 pounds.

That on all unregistered prepald mail matter without declared value an indemnity up to \$10 shall be paid by the Post Office Department for such actual loss or damage as may occur through the fault of the postal service, and this without extra charge. Certificates of posting shall be provided on demand. On registered parcels of declared value, and on which the fee for registration, insurance, and postage has been duly prepaid, the Post Office Department shall pay the full value of any direct loss or damage that may occur through the fault of the postal service. The fees for insurance and registration shall be as follows: For registration and insurance up to \$50, 10 cents; for each additional \$50, 2 cents. No claim for compensation will be admitted if not presented within one year after the parcel is posted.

Now, Mr. Chairman, that provision will give the people immediately a genuine general parcel post; will give them what they want and what they expect; and I trust it will be adopted by the Members of this House.

In this connection I want to say that I appeared this morning before the Committee on Rules in favor of a rule that will make this legislation for a general parcel post germane to this bill and not subject to a point of order under our rules. I hope the Committee on Rules will act favorably on the proposition, and thus give the Members of the House an opportunity to vote for or against legislation for a general parcel post.

Some real friends of the general parcel-post legislation have requested me to submit another amendment to section 8 of the Post Office appropriation bill in case the former amendment fails to be adopted. It is as follows:

fails to be adopted. It is as follows:

Amend by striking out lines 16 to 25, inclusive, on page 35, and by striking out lines 1 to 17, on page 36, and by striking out all of line 18, page 36, being the words "up to and including a total of 11 pounds," and by substituting the following:

"Sec. S. That hereafter the postage rates on mail matter of the fourth class, except as hereinafter provided, shall be as follows: One cent per onnee or fraction thereof on all matter of such class weighing not to exceed 8 ounces, and on such matter weighting in excess of 8 ounces, 8 cents and 2 cents additional for each 4 ounces or fraction thereof in excess of 8 ounces, and that the weight limit of mail matter of the fourth class be 7 pounds after January 1, 1913, and 11 pounds after June 30, 1913, except as hereinafter provided:

"That hereafter the postage rates on mail matter of the fourth class, delivered to any post office or branch post office where the haul thereof does not exceed 50 miles, shall be as follows: Five cents for 1 pound or fraction thereof, and for this service no package to weigh in excess of 11 pounds. For the purposes of this service each rural mail route shall be considered a post office for any point on such route.

"That the word 'packet' wherever used in laws relating to the postal service means all matter of every class which is by law made mailable."

Mr. Chairman, this substitute will give the people of the country

Mr. Chairman, this substitute will give the people of the country a real parcel post, and would add approximately \$100,000 daily to the postal revenues, or, say, \$40,000,000 yearly, and while at rates lower than provided in the pending bill such rates are lower than the average express rates on similar packages carried by express. Under the provisions of the substitute the post office would be of greater service, reaching, as the mails do, to places not reached by express service.

This substitute will inaugurate immediately a parcel post confined to a 50-mile haul. This will cover all rural service and most suburban services, and at same rates provided in the bill for rural-route service. This provision will disillusion the local retailer of his bugaboo of mail-order houses using the mails to his detriment

This substitute will enforce the present 4-pound parcel-post service at a rate of 12 cents for the first pound, and 8 cents for each additional pound; a safe rate; slightly higher than the "reciprocity treaty" between the American Express Co. and Great Britain, whereby the American Express Co. contracts to deliver British parcels from New York City to any point in the United States for 36 cents for a parcel not exceeding 3 pounds in weight; 48 cents for parcels from 3 to 7 pounds in weight; and 60 cents for parcels from 7 to 11 pounds in weight.

In order not to excessively burden the facilities of the Post Office Department, the substitute provides for an increase in weight in the general service to 7 pounds January 1, 1913, and 11 pounds July 1, 1913.

The increase in business will thus come on gradually at intervals of six months.

The substitute will further put all publications using the mails on an equal footing, so that all publications, great or small, would pay exactly the same for the out-of-town transportation of their issues, a thing which they do not now do; and this one feature will add \$5,000,000 annually to the postal revenues on this class of matter.

Recent investigations of the Interstate Commerce Commission show that 34 per cent of express business is packages weighing 11 pounds and under; that the average weight is 4.4 pounds per package, and that the number of said packages approximates 100,000,000 yearly, carried at an average rate of about 9 cents per pound; that on packages now mailable, 4 pounds and under, the average express rate is 13.20 cents per pound, such rate undoubtedly being maintained on account of the present postage

rate of 16 cents per pound.

These investigations further show the average haul of the express is about 200 miles, so on small-package business the 50-mile distant postage rate will meet the needs of much the greater portion of the community in the transportation of their small parcels.

Thirty-three years ago we had a postage rate of 8 cents per pound on this class of matter. The pending bill proposes 12 cents a pound; the substitute gets back to near 8 cents a pound

on the general service.

As was said in the unanimous report of the Post Office Committee in 1844:

The recent discovery that a power which has been exercised (by the Government) from its infancy without question and without doubt may be violated with impunity renders further legislation necessary to protect the public service, and presents a question no less momentous than this: Whether the Constitution and laws of the country or a law-less combination of refractory individuals shall triumph?

The provisions of this substitute, fair, reasonable, and just as they are, are such that I think all friends of the post office

can and will unite to make them a law.

Mr. Chairman, just a few words in conclusion. propositions to the careful consideration of the Members of this House, and at the proper time shall ask for a vote. The neglect of the United States Government to establish a general parcel post has so far limited the easy exchange of commodities and merchandise between the producer and the consumer that it is making our Government appear away behind the times as compared with foreign nations, such, for instance, as England, France, and Germany. It is a fact to-day that an American in Europe can send home by mail to any part of the United States a parcel weighing two and one-half times more than the United States limit for about one-third less in cost than the present In other words, the world postal union package unit is 11 pounds to the parcel, at the rate of 12 cents per pound, whereas the United States unit is only 4 pounds to the package and at a cost of 16 cents to the pound. The parcelpost rate in the United States prior to 1874 was 8 cents per pound for a package limited to a weight of 4 pounds. After that the rate was doubled, but the weight remained the same. Who did this? For whose benefit was it done? Look up the records and judge for yourself. Since 1874 the cost of transportation has greatly decreased. The question is, Why should not the people be given the benefit of this decrease by the establishment of a uniform low postal rate for parcels that will encourage the use of the post office as a medium of exchange of commodities between producer and consumer and thus greatly facilitate trade and lessen the cost of the necessaries of life?

Mr. COOPER. Mr. Chairman, I would like to ask the chairman of the committee, the gentleman from Tennessee [Mr. Moon], how long these employees have been receiving \$600

each-those provided for in lines 8 and 9?

Mr. MOON of Tennessee. I understand for the last few years

Mr. FINLEY. They were increased some two or three years ago from \$500 to \$600, the lower grade.

Mr. COOPER. From one starvation wage to another. Mr. KENDALL. That simply meant the abolishment of the lower grade, and the employees took the upper grade?

Mr. COOPER. Yes. As I understand it, Mr. Chairman, there has been an average increase in the cost of living generally, since these wages were established, of 40 per cent; some cities more, for certain vital necessities of life; and the United States Government, incomparably the richest employer the world has ever seen, proposes to have its employees in such cities as Chicago, St. Louis, New York, and elsewhere work for \$600 a year and out of that sum pay for their house rent and clothing and physician's bills and everything else.

Mr. MOON of Tennessee. Has the gentleman any amendment

to offer?

Mr. COOPER. Yes; I have.

Mr. MURDOCK. I will offer an amendment.

Mr. MOON of Tennessee. I want to say this to the gentleman: The committee does not make new law. It is against the law to make it. We put these items in here in accordance with the existing law.

Mr. COOPER. But you could suggest amendments to exist-

ing law.

Mr. MURDOCK. Mr. Chairman, I offer the following amendment, raising the limit to \$720, which I send to the Clerk's

Mr. MOON of Tennessee. So far as I am concerned personally, I would be glad to amend the law. But I do not want gentlemen to talk about increasing these matters for the purpose of talking, merely.

Mr. COOPER. The gentleman from Kansas [Mr. Murdock] says he is about to offer an amendment increasing that from \$600 to \$720.

Mr. BERGER. Mr. Chairman-

Mr. COOPER. I think it should be a living wage. United States Government can afford to pay \$70 a month to people who live in the city of Chicago and the city of St. Louis, and enable them to pay their rent and clothing bills and fuel bills, which they are obliged to pay in those large cities. That will not represent the increase in the cost of living since the wages were first established. It does not represent a 40 per cent increase over what these wages were when first established. It does not begin to. These wages have been \$600 and

\$700 for many years.

Mr. MOON of Tennessee. No. The statement of the gentleman from South Carolina [Mr. Finley] is that it is only a few

years since this has been raised.

Mr. COOPER. What was it before?

Mr. MOON of Tennessee. Five hundred dollars.

Mr. COOPER. That has been abolished. The others have been receiving \$600 or more. That is not a living wage to-day in the city of Chicago to a man who wants to live as he should live in this day and generation. Particularly that is not a wage that ought to be paid by the richest Government the world has ever seen-incomparably the richest Government.

Mr. MURDOCK. I offer the amendment which I send to the

Clerk's desk.

The CHAIRMAN. The gentleman from Kansas offers an amendment, which the Clerk will report.

The Clerk read as follows:

In line 7, page 12, strike out the word "seven" and insert in lieu thereof the word "thirteen."

Mr. FINLEY. I reserve a point of order on that.

Mr. MURDOCK. Mr. Chairman, what is the point of order?

Mr. FINLEY. It changes existing law.

Mr. MANN. I submit that there is no change of existing law. There is no law fixing the number of these employees.

Mr. FINLEY. This is an amendment to change the compen-

Mr. MANN. Oh, no; this is not an amendment to change the compensation at all. It is an amendment to change the number of employees employed at a salary of \$700 each, and if this amendment is subject to a point of order, then every line in this bill is subject to a point of order. How about these clerks that we have just passed over? There is not a single item that contains the same number as are contained in the current law. The number of post-office clerks is increased, and necessarily increased.

Mr. MOON of Tennessee. I did not understand that it was simply the number of clerks that the gentleman from South Carolina was objecting to, but the compensation. Let us have

the amendment reported.

Mr. MANN. I can not tell what the gentleman from South Carolina is objecting to, but the amendment which the gentleman from Kansas offers is to strike out the word "seven" and insert the word "thirteen," relating to the number of employees, and that is not subject to the point of order.

Mr. MOON of Tennessee. No; that would not be. Mr. FINLEY. I understood that the amendment of the gentleman from Kansas proposed to raise the compensation from \$700 to \$800.

All he proposed was to increase the number, and Mr. MANN. we have a right to increase the number as the service increases.

Mr. FINLEY. I ask that the amendment be read.

The CHAIRMAN. If there be no objection, the Clerk will again report the amendment.

The amendment was again read.

Mr. KENDALL. Will the gentleman from Kansas yield?

Mr. MANN. Let us have the point of order passed on.
Mr. FINLEY. I misunderstood the amendment.
The CHAIRMAN. The point of order is overruled,
Mr. KENDALL. I want to suggest to the gentleman that the
words "and 600 at \$600 each" ought to be stricken out of the

Mr. MANN. We can do that afterwards. One amendment at a time.

Mr. MURDOCK. I offer another amendment. The CHAIRMAN. The gentleman from Kansas offers an amendment, which the Clerk will report.

Mr. COOPER. Why not make it all one amendment? The CHAIRMAN. The Clerk will report the amendment. The Clerk read as follows:

In lines 8 and 9, strike out the words "and 600 at \$600 each."

Mr. KENDALL. Let them be considered in connection with each other.

Mr. MURDOCK. The two amendments are to be considered in connection with each other.

Mr. MANN. The gentleman had better be satisfied to con-

sider them one at a time.

The CHAIRMAN. Does the gentleman from Kansas desire to be heard on his amendment?

Mr. MURDOCK. I do not care to be heard. Mr. BUCHANAN. What is the purpose of increasing the

Mr. MURDOCK. To increase their salaries. The CHAIRMAN. The gentleman from Mi The gentleman from Missouri [Mr. Bor-LAND] is recognized.

Mr. MANN. Will the gentleman from Kansas [Mr. MUR-DOCK] yield?

Mr. BORLAND. I believe I have the floor.

Mr. MANN. The gentleman from Kansas did not resume his seat and he had the floor.

The CHAIRMAN. The Chair asked the gentleman from Kansas [Mr. MURDOCK] if he desired to be heard on his amendment and he said he did not, and the Chair recognized the gentleman from Missouri.

Mr. BORLAND. I yield to the gentleman.
Mr. MANN. The gentleman from Kansas has offered an amendment to increase the number of watchmen, and so forth, at \$700, from 700 to 1,300?

Mr. MURDOCK. That is correct.

Mr. MANN. If that amendment prevails, is it the gentleman's intention to offer an amendment to strike out of the bill the provision carrying 600 watchmen, and so forth, at \$600 each?

Mr. MURDOCK. Certainly.

Mr. MANN. So as to leave the total number the same. Mr. MURDOCK. The same number of watchmen, but to increase 600 of them \$100 a year.

Mr. BORLAND. I understand the purpose of the gentleman's amendment is to abolish the \$600 grade, and to provide for the appointment of the entire number of \$600 and \$700 watchmen at \$700.

Mr. BORLAND. I want to say that I am in sympathy with that idea. I think the \$600 grade, even for watchmen, is pretty low; but before we go into such a change as that it is desirable to look at the scale of salaries being paid to other employees in the Post Office Department as well as in Washington. We have passed over a section which provides for \$600 grade of clerks, who must live, presumably, on a better scale than a watchman and come up to a higher standard of qualification.

Mr. MANN. Will the gentleman yield?

Mr. BORLAND. Certainly.
Mr. MANN. Is it not the law that these clerks receive automatic promotion at the end of a year?

Mr. BORLAND. Yes; I was just going to refer to that. have provided for 1,500 clerks at not exceeding \$600. These clerks and the carriers that correspond to the same grade must have served from one to three years as a substitute before they get an appointment at \$600, and then they serve another year after having passed a rigid examination at \$600. I have ascertained the fact to be in cities the size of Kansas City-a quarter of a million people-and from that up, that young men with the qualifications necessary to enter the Government service are not being attracted by the \$600 grade for clerks and carriers; that the \$600 grade is too low, whatever it may be for watchmen. I have the utmost sympathy for this amendment, but I do not believe that we ought, by a chance shot here and there, put the watchmen on another grade above the grade of men who enter into the clerical service. I do not believe that is going to improve the service in any direction at all. As the gentleman from Kansas said, a good many watchmen-and I know some of them personally-are men who have been in some capacity in the postal service or in the railway service until they have got old and a little stiff, and sometimes just at the point of the end of their usefulness, and then put in as watchmen, which is a suitable position for them to hold. The same is true of unskilled labor; their business is to push a truck loaded with mail around the different parts of large post offices, put them on the elevators, take them to the basement, put them on the wagons, and so forth.

[The time of Mr. Borland having expired, by unanimous consent he was given five minutes more.1

Mr. COOPER. I suppose that the gentleman will admit that the unskilled laborer has to support a family, a wife and chil-

Mr. BORLAND. I suppose so. Mr. COOPER. Pay house rent and incidentally clothe them. Does the gentleman think he ought to ask a white man, or a to \$700 instead of to \$650.

black man, for that matter, the average price of living having gone up 30 to 45 or 47 per cent, to work for \$600 a year in Chicago, St. Louis, or any other large city?

Mr. BORLAND. I started off by saying that I was in entire sympathy with this amendment; that I believed in the abolition of the \$600 grade, but not until we have a readjustment of the postal service, because the \$600 applies to clerks exactly as the gentleman says this applies to watchmen. Then I was trying to point out that there might possibly be some reason why clerks might have some requirements that put them on a higher plane than that of watchman.

Mr. COOPER. Although others may need additional compensation-I think both of them need additional compensationthere is nothing wrong in the suggestion covered by this amendment increasing the pay of the \$600 employees, as proposed by the gentleman from Kansas.

Mr. AKIN of New York. Mr. BORLAND. I will. Will the gentleman yield?

Mr. AKIN of New York. To bring this matter more vividly before the minds of Members of the House, does not the gentleman think it might be well to draw attention to the picture of my dinner pail which we had on exhibition some time ago? [Laughter.]

Mr. BORLAND. Mr. Chairman, in conclusion, when the postal committee charged with this duty pursues the plan that I understand they have begun upon I hope they will abolish the \$600 grade in the first-class post offices for clerks and carriers and messengers and unskilled laborers, and for watch-

Mr. WEEKS. Will the gentleman permit a suggestion?

Mr. BORLAND. I will.

Mr. WEEKS. Originally there were four grades in the service, seven hundred, six hundred, five hundred, and four hundred dollar grades. I call this particularly to the attention of the gentleman from Wisconsin, because there have been increases in pay. The \$700 has been increased to \$800, and a large number from \$500 to \$600 and to \$700. Several years ago—I think six or eight years ago—the \$400 grade was abolished. Two years ago, without any recommendation or any request from the force, the \$500 grade was abolished, and the pay was increased to \$600. I do not think myself that \$700 is an unreasonable rate for these men to receive. At the same time you must remember, as the gentleman from Illinois [Mr. MANN] called our attention to the fact, that there are men working alongside of them who are receiving less money than they are receiving to-day.

If there is to be an increase of pay of laborers in the Government service there should be some means of bringing about that increase of pay, a general raise, rather than in some particular case. There should be some general law which should apply to the increase in the rates of pay. Men employed in navy yards and arsenals as laborers are receiving less than \$2 a day in Government service. These men are quite as well paid as other laborers in the Government service. At the same time I believe that \$700 in large cities, where all of them are

employed, is not an unreasonable rate of pay.

Mr. MOON of Tennessee. Mr. Chairman, this section provides for compensation of watchmen, messengers, and laborers. The policy of the law has been to regard one as a higher official and to give him a higher pay than others. That has been followed. We have here 100, at \$800 each; 700, at \$700 each; and lowed. We have here 100, at \$800 each; 700, at \$700 each; and 600, at \$600 each; in all, \$900,000, as compensation for these men. I hardly think it is quite proper to put the compensation of the ordinary laborer around the post offices at the price that is paid for the watchmen or the messenger. They have been graded differently, the character of work is different, and the compensation ought to be different. I do not believe there ought to be a change in the classification. I believe we ought to vote down this amendment. I have favored the increase in the compensation, and I had made no point of order upon that proposition. I would suggest that instead of the amendment of the gentleman from Kansas we amend the amendment so as to strike out the word "thirteen" and let the amended amendment read as follows: .

One hundred, at \$840 each; 700, at \$750 each-

Mr. DYER. Seven hundred and twenty is the next grade, I will say to the gentleman.

Mr. MOON of Tennessee. We are changing the amount-Seven hundred, at \$750 each, and 600, at \$650 each.

Mr. MURDOCK. Mr. Chairman, will the gentleman yield? Mr. MOON of Tennessee. Yes.

Mr. MURDOCK. Mr. Chairman, I would be very glad to accept that amendment if the gentleman would raise the last class Mr. MOON of Tennessee. Mr. Chairman, I do not think the

laborer is entitled to as much as the messenger.

Mr. MURDOCK. If the gentleman will remember, in the hearings the First Assistant Postmaster General said that the duties of these men are much the same. I do not think that the gentleman ought to cut the last grade to \$650. gentleman's amendment is better than mine, with that exception, and I hope the gentleman will raise that to \$700.

Mr. MOON of Tennessee. That would put them all in the

Mr. MURDOCK. No; let us make the first grade \$840 and the second grade \$720 and the third grade \$700.

Mr. MOON of Tennessee. I do not object to that. Mr. MURDOCK. Mr. Chairman, I will accept that amendment to the amendment.

The CHAIRMAN. The gentleman from Tennessee offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amend the amendment by making it read, "100, at \$840 each; 700, at \$720 each; and 600, at \$700 each."

The CHAIRMAN. The question is on agreeing to the amend-

ment of the gentleman from Tennessee to the amendment of the gentleman from Kansas.

The question was taken, and the amendment was agreed to. The CHAIRMAN. The question now is on agreeing to the amendment offered by the gentleman from Kansas as amended by the gentleman from Tennessee.

The question was taken, and the amendment as amended was

agreed to.

Mr. MOON of Tennessee. Mr. Chairman, I ask unanimous consent that the Clerk correct all totals in the bill.

Without objection, it will be so ordered. The CHAIRMAN.

There was no objection.

Mr. FOWLER. Mr. Chairman, I ask unanimous consent to return to page 11 of the bill.

The CHAIRMAN. The gentleman from Illinois asks unani-

mous consent to return to page 11. Is there objection?

Mr. MOON of Tennessee. Mr. Chairman, for what purpose does the gentleman desire to return to that page?

Mr. FOWLER. For the purpose of offering an amendment. Mr. DYER. To what?
The CHAIRMAN. Is there objection?

Mr. MOON of Tennessee. Mr. Chairman, I do not object. The gentleman from Illinois is a member of the committee. The CHAIRMAN. The Chair hears no objection.

Mr. FOWLER. Mr. Chairman, on page 11, line 24, there was an amendment offered by the gentleman from Illinois [Mr. MANN | reading as follows:

Amend, page 11, lines 24 and 25, by striking out the words "in all, \$37,878,250," and inserting in lieu thereof the following: "in all, \$37,878,000: Provided, That hereafter post offices shall not be open on Sunday for the purpose of delivering mail to the public."

Mr. Chairman, after the words "to the public" I desire to offer this amendment, "except for one hour to be designated by the Post Office Department." Now, Mr. Chairman, I desire to be heard upon the amendment.

Mr. MANN. Mr. Chairman, there is nothing now pending to which the gentleman can offer his amendment. We have passed

that stage of the bill.

The CHAIRMAN. The gentleman asked unanimous consent. Mr. MANN. There has been no such request put to the committee.

The CHAIRMAN. Yes; there was.

Mr. MANN. I submit, Mr. Chairman, we are entitled to have

requests put so we can hear them.

The CHAIRMAN. Very well; if the gentleman did not hear it, then it is the gentleman's fault and not the fault of the Chair. The Chair put the request of the gentleman from Illinois clearly, and the gentleman from Tennessee [Mr. Moon] had some words with the gentleman from Illinois on the subject and then said he had no objection.

Mr. MANN. I was endeavoring to pay attention, Mr. Chair-I do not question the Chair's statement, but I certainly

did not hear the request.

The CHAIRMAN. That may be; the Chair is not responsible for that.

Mr. MANN. The Chair ought to have order when he submits a request to the committee.

The CHAIRMAN. The Chair had very reasonably good order.

Mr. MANN. My hearing is very good.

The CHAIRMAN. So is the Chair's.
Mr. FOWLER. Mr. Chairman, I want to say in prefacing my few remarks

Mr. PAYNE. Mr. Chairman, let us have this amendment again reported.

The CHAIRMAN. The Clerk will again report the amendment, without objection.

There was no objection.

The amendment was again reported.

Mr. FOWLER. Mr. Chairman, I desire to say that I have as great reverence for Sunday, the day commonly known as the Lord's day, as any man. We are commanded to keep it sacred as a day of rest and spiritual worship. I believe all men should heed this divine injunction, but to close up the post offices throughout the country all day on Sunday and deprive the public from getting the Saturday and Sunday mail, in my judgment, is a very unwise provision. Nine-tenths of the laboring people of this country are so employed during the week in making a living for themselves and their families that they do not have time to get their mail and read it until Saturday night and Sunday. If they are deprived of the privilege of getting it on Sunday it will work a hardship upon them of doubtful propriety, which I do not believe this House can afford to indorse. The rights of the people in the country are just as sacred to them as are the rights of those living in populous cities. In the rural districts the daily papers in many instances come through the post offices and are delivered on Sunday. Now, if the post office should be closed on Sunday, these people would not have an opportunity to read them until Monday. The same logic that closes the post office on Sunday would close the telephone and telegraph offices of the land on Sunday. We all know that the news on Sunday is as eagerly sought on that day as it is on any other day. It is sought by the layman in the cross-road districts the same as it is by the politician or the professional aristocrat in the most populous district of the country, and to close the mails all day on Sunday so that the public can not have access to these avenues of ordinary information and intelligence, in my opinion, is very unwise.

I would have no objection, Mr. Chairman, to closing the mails the greater part of Sunday, and I grant that they ought to be closed for the purpose of giving the people an opportunity to attend Sunday school and church, places where everybody ought to have the privilege of going on Sunday; but I grant, Mr. Chairman, that to take away from the public the right to get the newspapers on Sunday morning, and get the other mail that is important to the individual and often to the public, is,

in my judgment, a very unwise course to pursue.

Mr. TRIBBLE. Will the gentleman yield for a question?

Mr. FOWLER. In just a moment. I have had a contest in my district upon that proposition recently [laughter and applause]

Mr. KENDALL. We can not legislate for the gentleman's

district.

Mr. FOWLER. I do not want you to legislate for me; I want you to legislate for the American people of this Republic. [Applause.] Mr. Chairman, I say I have had a test of the strength of the common people on the question of Sunday closing in one of the towns in my district recently, in which an order had been given by the First Assistant Postmaster General to close the post office entirely on Sunday. A petition was circulated requesting the office to be kept open, and 191 business may additions of that little town signed that petition to have men and citizens of that little town signed that petition to have the post office open for one hour on Sunday.

The CHAIRMAN. The time of the gentleman has expired.

Mr. FOWLER. Mr. Chairman, I ask for an extension of my

time for five minutes.

The CHAIRMAN. The gentleman from Illinois asks unanthe cytonded for five minutes. Is there objection? [After a pause.] The Chair hears

Mr. POWERS. Mr. Chairman—
The CHAIRMAN. Does the gentleman from Illinois [Mr. FOWLER] yield to the gentleman from Kentucky [Mr. Pow-

Mr. FOWLER. In one moment. I have agreed to yield to

some Member on this side of the House presently.

Mr. Chairman, the postmaster circulated a remonstrance to this petition and he secured only 26 names. I want to say to you, gentlemen, that if you put that question to the common people of this country I have no doubt but that the result will be in the ratio 191 to 26. The people are not dreaming now and can not be fooled. They well know that the price of liberty is eternal vigilance. They are self-armed "as a strong man to run a race."

Mr. DYER. Will the gentleman let me ask him a ques-

tion? Mr. FOWLER. I agreed to yield to the gentleman from

Georgia [Mr. TRIBBLE].
Mr. TRIBBLE. Does the amendment just passed involve putting the mail in boxes?

Mr. FOWLER. No; it absolutely closes every avenue on earth leading to the post office on Sunday.

Mr. TRIBBLE. That is to say, the man who is able to have a box can get his mail and a poor man can not get his? Is that right?

Mr. FOWLER. You may construe it that way.

Mr. TRIBBLE. I am asking for information.

Mr. FOWLER. Yes; and I will be glad to give you what information I may have. The amendment closes the post office all day on Sunday.

Mr. TRIBBLE. So that no mail can be delivered at the

windows?

Mr. FOWLER. My amendment to that amendment provides that it can be open one hour on Sunday—an hour to be designated by the Post Office Department.

Mr. TRIBBLE. Each individual post office in the land? Mr. FOWLER. Yes. Under the rules of the Post Office Department the post offices of the country are kept open on Sunday wherever required, but now this amendment seeks by law absolutely to close them every hour in the day and shut out every man in the Republic from the post office and his

Now, I desire to yield to the gentleman from Kentucky [Mr.

Powers]

Mr. POWERS. If I understand it, this closing of the mails on Sunday applies to all the different classes of post offices throughout the country?

Mr. FOWLER. I so understand it.

Mr. POWERS. The first, second, third, and fourth classes?

Mr. FOWLER. All of them.
Mr. POWERS. And, if strictly construed, would apply to locking the doors so that the men who have boxes could not get to their mail?

Mr. FOWLER. I so understand it.

I now desire to yield to the gentleman from Missouri [Mr.

DYER].

Mr. DYER. As I understood the gentleman, he said that this change in the bill would strike at the common people. I want the gentleman to state who are the common people in this

Mr. FOWLER. The comon people of this country are the

90,000,000 people of this country

Mr. BORLAND. Does the gentleman yield?
Mr. FOWLER. I yield to the gentleman from Missouri.
Mr. BORLAND. I would like to ask the gentleman whether

it would not suit his purpose just as well to have the third and fourth class offices open on Sunday and let the first and second class offices close if they want to do so? The reason I make that inquiry is this: The third and fourth class offices contain a very limited number of employees, and they serve the patrons he is speaking of-

Mr. FOWLER. Yes.

Mr. BORLAND. But the first and second-class offices contain a large number of employees who will be compelled to work on Sunday.

Mr. FOWLER. Mr. Chairman, so far as I am individually concerned, if I wanted to be selfish for my own district, I would agree to that proposition, because there is not a first-class post office in my district. They are second, third, and fourth classes. But I want to be fair to the people in this Republic in whatever legislation I may take a part. And, Mr. Chairman and gentlemen, I trust that in the wisdom of this House you will pass my amendment and not close the door of the post office to every man, woman, and child in this country on Sunday. [Ap-

Mr. DYER. Mr. Chairman, will the gentleman yield to me? The CHAIRMAN. The time of the gentleman from Illinois

has expired.

Mr. FOWLER. Mr. Chairman, before I close I desire to ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. Is there objection to the gentleman's re-

There was no objection.

Mr. POWERS. Mr. Chairman and gentlemen of the committee, I had not intended to say a single word upon this amendment, but after what has been said I want to express my views on the proposition. If we, by this law, close during the whole day on Sunday the doors of every post office in this country, first, second, third, and fourth class, you will hear a howl of discontent going up all over the land. I believe in people going to church on Sunday; I think the day should be held sacred, and all that; but I believe further that the laboring men, the business men, and everybody else who desire to get their papers on Sunday should have the opportunity to do that

between 9 and 10 o'clock Sunday morning. Only one hour on Sunday is consumed in this way. When Monday morning comes around there are a thousand and one demands upon the time, the attention, and the energies of the great mass of the people throughout the land, and to deprive the people of the opportunity of even getting the Sunday papers and reading their mail will prove to be a very unpopular proposition, at least, and in my judgment a proposition which should not be approved by the Members of this House.

So far as I am individually concerned, Mr. Chairman, I propose to vote for the amendment offered by the gentleman from Illinois [Mr. Fowler]. The Fowler amendment provides that the postmasters throughout the country are required to keep their offices open one hour on each Sunday for the delivery of mail to the public. One hour is not much. It will not interfere with the religious observance of the postmasters nor that of the people, but will be a great convenience to a great many of them, especially people in the country who live several miles

from the post office.

Mr. Mann. Mr. Chairman, I know by personal experience that one can get along all right without Sunday mail. I believe that the House will agree that I do my fair share of work in the House, but for years I have declined to receive or open mail on Sunday [applause], not from a religious standpoint, but because I thought there was one day in the week when I was entitled to be free from any requests coming through the mail. [Applause,]

If I could have my way about it, I would take my way on Sunday where no one could reach me with any kind of request, and that which I would do for myself I would do for the

employees of the Post Office Department.

Mr. MONDELL. Mr. Chairman, will the gentleman yield? Mr. MANN. You can not open the post office for delivery of mail to the public without requiring the presence of the employees of the office, not merely for one hour, but for many hours. I can see no reason why they should not have an opportunity to rest, and I can see no reason why delivery of mail should be made on Sunday any more than why dry-goods stores should keep open to sell calico on Sunday.

Now I will yield to the gentleman from Wyoming.

Mr. MONDELL. I just came into the Chamber, and perhaps I am laboring under a misunderstanding. The gentleman referred to the mail delivery, as I understand it, which involves the keeping of the post office open?

The amendment, which has already been agreed Mr. MANN. to, provides that post offices shall not be kept open on Sunday

for the purpose of delivering mail to the public.

Mr. MONDELL. The gentleman says he does not answer or receive letters on Sunday. Does he read the Sunday newspapers?

Mr. MANN. Well, I do not see what that has to do with the

question.

Mr. MONDELL. In all the country towns the people receive

their newspapers through the post office.

Mr. MANN. In very few country towns do the people receive their papers on Sunday. They have their Sunday papers de-They do not do it in the gentleman's town. how papers are received in the country.

Mr. MONDELL. I know how I receive my papers better than the gentleman from Illinois does, and I know I receive

them in the post office in wrappers.

Mr. MANN. If the gentleman receives his Sunday papers wrapped up, he had better wait until Monday to read them. Then he can not read the Sunday papers on Sunday in that way, I take it.

We have no Sunday daily in our town. Mr. MONDELL.

Mr. MANN. Why do you not force them to publish a Sunday daily? They have not a Sunday daily there, but you want to force the post office to keep open on Sunday so that you can

read the Sunday papers published elsewhere.

Mr. MONDELL. The gentleman lives in Illinois, and he Mr. MONDELL. The gentleman lives in Illinois, at does not care what the people in the country suffer from.

Mr. MANN. I admit with a certain degree of shame that I

do more or less read the Sunday papers, and I know I would be better off if I did not. [Laughter and applause.] The CHAIRMAN. The time of the gentleman has expired. Mr. FOWLER. I ask unanimous consent that my colleague may have three minutes more, or five if he desires it.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent that his colleague's time be extended five minutes.

Is there objection? There was no objection.

Mr. FOWLER. I desire to ask the gentleman if it is not a fact that this bill provides for compensatory time for all the work that is done by clerks on Sunday?

Mr. MANN. I believe it carries an item to that effect.

Mr. FOWLER. I believe my colleague says he reads the newspapers on Sunday?

To a certain extent. Mr. MANN.

Mr. FOWLER. Does the gentleman want to deprive the people in the country of the same right he claims for himself? Mr. MANN. I wish somebody would deprive me of the

chance of seeing any paper on Sunday.

Mr. BUTLER. We will put an amendment on the bill.

Mr. MANN. I will not raise any point of order against it. am unwilling that the post-office employees should be kept at work on Sunday in order that somebody may have a Sunday

newspaper, and everyone knows that the bulk of the Sunday

newspapers do not go through the post offices.

Mr. FOWLER. I desire to ask the gentleman, further, if he has not the power within himself to restrain himself from

reading the Sunday papers?

Mr. MANN. Well, I will say to the gentleman that in the main I do restrain myself on Sunday. I think I have not read a Sunday paper through in five years.

Mr. BERGER. No one ever did. Mr. FOWLER. Does the gentleman know of any man who has read a Sunday paper through in 5 years or 10 years?

I have no doubt my colleague has. Mr. FOWLER. I never read one through in my life.

Mr. MANN. Then my colleague ought not to be so anxious to give other people the opportunity to do it.

Mr. FOWLER. I select what I want to read. Mr. MANN. How can you tell until you see it?

Mr. FOWLER. Aye, there's the rub. I want every man to have an opportunity to tell by seeing.

Mr. MANN. They will have a chance to see the papers soon enough, and enough of them. The last thing we need to do in this country is to increase the opportunity to see the daily papers. We have them on all hands, on all sides, above us and below us, around us, and every place else,

Mr. FOWLER. I desire to ask one further question, if the

gentleman will yield. Mr. MANN. Certainly.

Mr. FOWLER. I desire to ask, if my amendment does not prevail, will not the gentleman's amendment discriminate in favor of the cities where newspapers are published and circulated by newsboys, and against the country papers that depend upon the post office as a channel through which to reach their subscribers?

Mr. MANN. I do not think so. I think there are very few country papers which are published with a view to delivery on

Sunday

The CHAIRMAN. The time of the gentleman has expired. The question is on the amendment offered by the gentleman from Illinois [Mr. Fowler] to the amendment offered by the gentleman from Illinois [Mr. Mann] which has already been

The question being taken, on a division (demanded by Mr. Fowler) there were—ayes 20, noes 47.

Accordingly the amendment of Mr. Fowler was rejected. Mr. BUCHANAN. Mr. Chairman, I ask unanimous consent to return to the paragraph beginning on page 11, line 26, for the purpose of offering an amendment.

The CHAIRMAN. The gentleman from Illinois asks unani-

mous consent to return to page 11 for the purpose of offering an amendment. Is there objection?

Mr. MOON of Tennessee. Mr. Chairman, I object. We must

Mr. MOON of Tennessee. Mr. Chairman be getting along with this bill. The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

For rental and purchase of canceling machines, including cost of power in rented buildings, motors, repairs to motors, and miscellaneous expenses of installation and operation, \$310,000: Provided, That the rental paid for any canceling machine shall not exceed \$300 per annum, including repairs on said machines, and that all contracts entered into shall be let after having advertised for bids and shall be awarded on the basis of cheapness and efficiency.

Mr. COOPER. Mr. Chairman, I move to strike out the last word. I would like to ask the chairman of the committee what one of those canceling machines costs.

Mr. MOON of Tennessee. My recollection is about \$400. Mr. COOPER. Three hundred dollars rental for a year. We are paying 6 per cent on \$5,000 for a machine that is worth about \$400.

Mr. MOON of Tennessee. Some of the machines do not cost that and some cost more, but about \$400 on an average.

Mr. COOPER. Is the Government of the United States

obliged to pay such a high rental?

Mr. MOON of Tennessee. It is obliged to pay it because they are patented machines and you can not buy them.

Mr. COOPER. How many kinds of canceling machines are

there? Mr. MOON of Tennessee. There are four or five of them. The gentleman can find that information in the hearings.

Mr. COOPER. Are these manufacturers in combination so

that you can not procure them for a less sum?

Mr. MOON of Tennessee. They are owned and held under

patents which are still in existence, and you can not buy them at all. The department regards them as essential to the public service, and is at the mercy of the owners.

Mr. COOPER. We are paying 6 per cent on \$5,000 a year for

a machine that only costs \$400.

Mr. MURDOCK, May I ask the gentleman a question?

Mr. COOPER. Certainly.

Mr. MURDOCK, What would the gentleman do if he had complete control of this situation? Would be go on stamping letters by hand?

Mr. COOPER. No; but I was wondering if there was not some possible way of making a better bargain. The gentleman says there are four different makes of machines that cancel

Mr. MURDOCK. As a matter of fact, the Government is the owner of some cheap machines which do inferior service, but the higher-priced machines, the higher-speed machines, the Government is unable to buy.

NOON of Tennessee. We are at the mercy of the owners

of the patents on these machines.

Mr. MANN. We made an appropriation last year of \$35,000

to buy machines. Were they able to buy them?
Mr. MURDOCK. My understanding is that they have not been able to purchase them because of the excessive price of these high-speed machines.

Mr. MANN. While we pay this amount, and it looks to me as if it was an exorbitant price, yet we pay \$400 a year for the use of a team that does not cost probably over \$250. For a horse and a wagon to collect the mail, which would not cost probably more than \$250, we pay \$400 a year.

Mr. MURDOCK. But the owner keeps the team going. Mr. MANN. So the owners keep these machines going.

Mr. MURDOCK, Yes; they keep them in repair. There is no question at all but that the rental price charged for these high-speed machines is exorbitant, but how are you going to correct it?

Mr. COOPER. The fact that they keep up the machines does not look like a great hardship when they are getting \$300 a year rental for a machine that is only worth \$400 when

Mr. MOON of Tennessee. If the gentleman from Wisconsin will examine the hearings he will find a full statement of the matter there

Mr. FOSTER. Mr. Chairman, I move to strike out in line 23, page 14, the words "three hundred" and insert the words "two hundred and fifty."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Line 23, page 14, strike out the words "three hundred" and insert the words "two hundred and aftty."

Mr. FOSTER. Mr. Chairman, two or three years ago-I have forgotten the exact time—we were paying a rental for these machines of \$400 a year. That was for these high-speed machines that the gentleman from Wisconsin has been talking about. In that Congress the rental was reduced from \$400 to \$300. I notice by the testimony of the Assistant Postmaster General that we have made a saving in the buying of these machines and the contracts for renting of some \$42,000.

Mr. COOPER. Does the gentleman say in the "buying" of

the machines?

Mr. FOSTER. Yes; I think we have bought some.
Mr. COOPER. If you have bought some, why not buy all?
Mr. FOSTER. I think the gentleman from Wisconsin entirely right in saying that this is an exorbitant price. I w state that there is a firm in Boston that makes possibly the best grade of these machines, but they, I think, refuse to sell the machines, but rent them to the Government. In the city of Chicago there is a firm which is called the Time Marking Machine Co., which is ready and, I think, is willing—I know they were a year or two ago, but since that time I have not paid much attention to it—ready and willing to sell to the Government a lot of these machines. I have taken a little trouble to go to the post office in Washington and examine the machines in use at that place.

I find some of these high-power machines, I do not recall the name, manufactured in Boston, and some of the machines were manufactured, I think, by this Time Marking Machine Co. in Chicago; and while there are some advantages about the Boston machine, and it is possibly a better machine than the one manufactured in Chicago, yet the machine manufactured in Chicago does good work, and I think that the Government can get all of the machines it desires from companies that are willing to rent these machine for less than \$300.

Mr. COOPER. What is the cost of these machines which

the gentleman saw in Chicago?

Mr. FOSTER. I think they cost about \$1,000.

Mr. COOPER. Does the gentleman say that he saw one of them in operation?

Mr. FOSTER. Yes; I think one of them at that time was down here in the post office at Washington.

Mr. MURDOCK. Mr. Chairman, I think I can supply the information to the gentleman. Those are the time-marking machines, of Chicago.

Mr. FOSTER. Yes.

Mr. MURDOCK. With a capacity of 36,000 cancellations per hour. We have 124 of them rented, at \$270 a year.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. FOSTER. Mr. Chairman, I ask unanimous consent to proceed for five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. FOSTER. I think they could make a contract at this time for this amount of money, and I believe it is well to put this amendment on the bill, limiting the amount to \$250 per year for these machines. I believe the Government can get all of the machines that it desires for that amount of money, to be used in the larger post offices of the country. I would say this to the gentleman, that in the smaller post offices, that is, post offices in cities of five to ten thousand people, the Government rents machines that are run by hand. No doubt the gentleman has seen them. I think we pay something like \$90 a year rental for quite a lot of those machines. The gentleman is probably familiar with them and knows about what they might cost to manufacture in large quantities, as they would be.

Mr. GARNER. We pay as much as they are worth for one

year's rent.

Mr. FOSTER. I think that possibly about the cost of them or nearly so each year we pay as rental.

Mr. COOPER. Does the gentleman say that the machine can

be purchased and title given to the Government?

Mr. FOSTER. Yes; I think the Time Marking Machine Co., of Chicago, is willing to sell all of the machines that they can manufacture to the Government. They do not ask that the machines be rented, but I think they are willing to sell their ma-chines to the Government. The other machine company is not willing to sell the machines to the Government.

Mr. GARNER. As I understood the gentleman from Kansas, they have 124 of these machines already rented at \$270

per year.

Mr. FOSTER. Yes. Mr. GARNER. It seems to me that if you can purchase these machines for \$1,000, and we are paying a rental of \$270 a year for them, it is not a very good business proposition to continue

to pay the rental.

Mr. MOON of Tennessee. I want to suggest that the machines that can be bought are the low-priced machines, and the Government now owns a number of them, but the machines on which the patent still exists can not be purchased, and they are the machines of high rental. They are very much superior to the others and effect a very large saving. As a matter of course, I am not interested in anything other than to get the very lowest possible price. We fixed \$300, at the suggestion of the department.

Mr. FOSTER. And they fixed it at \$400 the other time. Mr. MOON of Tennessee. In the hearings Dr. Granfield gives the number of machines used of each type, the efficiency of the machines, and their prices. It seems that there is a total expenditure for the rental of machines of \$274,570, and the entire appropriation was \$310,000. There is one machine here, of which they have 173, at a rental of \$80 per annum. others at \$54, some at \$72, some at \$00, some at \$135, and some of them are owned by the Government.

Mr. COOPER. I would like to ask this question: How did the gentleman, in response to my question, fix the value of the machine at \$400? Have they sold any of these machines?

Mr. MOON of Tennessee. No.
Mr. COOPER. Some gentleman here fixed the value of the machine at \$400. Have they sold any of the machines to the Government?

Mr. GARNER. Will the gentleman from Tennessee yield? Mr. MOON of Tennessee. Yes.

Mr. GARNER. Here is a concrete proposition. The gentleman from Kansas [Mr. Murdock] says that the hearings show that there are some 40 machines rented from a Chicago firm at the rate of \$270 a year. The gentleman from Illinois [Mr. FOSTER] says that those machines can be bought—they are willing to sell-at \$1,000. Now, it does seem to me as a business proposition that the Government ought not to pay \$270 a year in rent for a machine which they can buy for \$1,000, and they have rented these machines. Now, they can buy them for \$1,000. If that is true, it seems to me it is a concrete proposition.

Mr. MOON of Tennessee. I think the gentleman is correct about that if true.

Mr. GARNER. I am giving the statement that was made,

Mr. FOSTER. I am not sure that \$1,000 is right.

Mr. MANN. Last year we made provision of \$35,000, which could be used for the purchase of these machines. That is for the current year and that is the law now.

Mr. GARNER. May I ask the gentleman from Illinois if he can tell me why it is that the Post Office Department did not see proper to purchase these machines that could be purchased for \$1,000 in place of renting them at \$270?

Mr. MANN. I do not know why it is; I do not know whether they can be purchased for \$1,000 each or not. I am endeavoring, like the gentleman, to obtain some information on the sub-

Mr. MURDOCK. Will the gentleman from Tennessee yield? Mr. FOSTER. I have the floor. I will yield to the gentle-

man from Kansas.

Mr. MURDOCK. Does the gentleman from Illinois know that the department gives as one reason for not purchasing these machines when it has an opportunity to purchase-and that opportunity is rather indefinite—the fact enters into consideration that all the time there is an increase in the efficiency of these machines; that manufacturers are putting better machines on the market; and whereas we have had on the market cheaper grades of machines with limited capacity of a few thousand an hour they are now putting on the market, according to the hearings, machines with a capacity of 60,000 an hour? Now, I think one of the arguments of the department, and it seems to me quite good, is this, That if it should purchase some of these machines on the market now with a capacity of twenty or twenty-five thousand an hour they would load up the Govern-

ment with machines which in a few years would be antiquated.
Mr. FOSTER. Mr. Chairman, I want to say this: In all
these machines and the different kinds of machines there are some improvements of one kind and another. For instance, with the Time Marking Machine Co., of Chicago, I understand those machines have an advantage like this: That automatically they change the time every minute when the machine is stamping letters. For, commencing at the hour, each minute it automatically changes the time it stamps the letter to that minute. Now, I think there is no doubt the Post Office Department and everyone who has investigated this subject at all will agree that the machine that is manufactured in Boston is probably a better machine than that manufactured in Chicago, but I think one will agree that a machine that will take letters through and stamp them at the rate of 25,000 or 30,000 an hour is as fast as that machine will ever be run. getting up to 60,000 an hour, but the probability is the capacity of 60,000 is not going to be used, and if you will go into all of the great post offices of the country and look at it you will find that these machines are not running to their full capacity and will not run to their full capacity.

The CHAIRMAN. The time of the gentleman from Illinois

has expired.

Mr. FOSTER. Just two minutes more.
Mr. POWERS. How long do these machines last?
Mr. FOSTER. These machines will last, I understand, something like 10 years. Now, I am giving you some statements here that I could not vouch for the exact correctness of, because do not know exactly some of the details, but my understanding is that some 10 years is the life of one of these machines.

Mr. LLOYD. I think you will ascertain the fact that while it is claimed that typewriting machines will last 10 years, yet the experience of this body here is that a typewriter does not last but four years.

Mr. LANGLEY. And frequently gets out of repair in that time.

Mr. LLOYD. It frequently gets out of repair, Mr. MANN. You can not get me to use a typewriter for four years. It would not do good work.

Mr. FOSTER. I was taking what the Post Office said.

Mr. LLOYD. I imagine as a practical proposition that either one of them would be ready to be thrown away at the end of

four or five years.

Mr. FOSTER. I think the gentleman is wrong about that.

think they last longer than four or five years.

Mr. LLOYD. It is the same with this machine as it is with a typewriter. One typewriter may last three or four years, and another will be out of repair in two years.

Mr. SAMUEL W. SMITH. I would like to ask the gentleman what is the cost of the Boston machine?

FOSTER. I can not tell you exactly. But my understanding at the time was that they cost something like \$1,000. However, I might be mistaken in regard to that.

Mr. SAMUEL W. SMITH. You mean the Boston machine?

Yes. FOSTER.

Mr. SAMUEL W. SMITH. I thought that was considered a

better machine than the Chicago machine.

Mr. FOSTER. It is considered to be a little better perfected. It was the machine that was first on the market, the Chicago machine coming later, and they had not at that time perfected the machine in some particulars as well as the machine which is manufactured in Boston.

Mr. MURDOCK. The gentleman from Illinois said that there

was no use for the high-speed machine.

Mr. FOSTER. I think not.

Mr. MURDOCK. There are some 40 of those machines run in the New York office.

Mr. FOSTER. Yes; and you will find a number of them in all the great offices, but I do not suppose they run them at full capacity

Mr. MURDOCK. They run them as fast as they can possibly be fed when the bulk of the mail is in. Of course there are moments when they are not run entirely at their full speed.

Mr. FOSTER. My investigation was that they were not able to feed them at their full capacity, as oftentimes a letter did not

get in right, and there would be a delay.

Mr. MURDOCK. After the gentleman's investigation of the subject, does he believe we can purchase them? I confess to him I have been puzzled for some years as to what he ought to do with a stamp-canceling machine.

Mr. COOPER. I think an answer to the inquiry of the gentleman from Kansas [Mr. MURDOCK] could be found in the statement of the average repairs each year. How much time is devoted by the lessors of these machines to repairs, and how fre-

quently do they get out of repair?

Mr. MURDOCK. My understanding is they get out of repair very frequently; that the wear and tear on the stamp-canceling machine is very considerable; and the old machines that we had in the service-and have not been satisfactory-have been, as a matter of fact, relegated to the smaller offices.

Mr. FOSTER. I understand that the Boston machine formerly had a monopoly. You remember that Congress at one time put a provision in the Post Office appropriation bill providing something like this, namely, that they should not pay more than so much for these canceling machines, and as a consequence this same machine company-although I am not sure, but I thought it was on the market then-had a monopoly of the business of the Government, and as a consequence of the limitation being placed in the bill they withdrew all the ma-chines from the Government. And that one year, in which the Government had to go back to canceling by, hand, cost \$1,000,000. That was the sort of treatment received from that company. am glad to say that condition does not exist now, because I be-lieve there are other machines on the market that will supply the Government what they need, and I believe the Time Marking Machine Co., of the city of Chicago, will be able to supply a large number of these machines if necessary.

Mr. MOON of Tennessee. I think the gentleman will find the time-marking machine is under a patent and can not be bought

Mr. FOSTER. If they can not be bought, I think they could be rented for this amount of money and make quite a saving to the Government.

Mr. BOWMAN. Mr. Chairman, I move to strike out the last

The CHAIRMAN. The gentleman from Pennsylvania [Mr.

BOWMAN] moves to strike out the last word.

Mr. BOWMAN. As I read this paragraph, it states that it is for the rental and purchase of canceling machines, and it states that the machines shall be rented or purchased after advertisement for bids, and that the contracts shall be awarded on the basis of cheapness and efficiency. Now, I find, by referring to the hearings on this subject, at the bottom of page 99 and the top of page 100, the following statement:

Mr. Grandfield. No, sir. I will say this in regard to the purchase of machines: The cheapest machine we have bought heretofore in re-

cent years cost the department \$175 each. Recently, some two or three months ago, an inventor showed me a machine that could be operated either as a hand-power or an electric-power machine. It is so small and easy to operate that an ordinary incandescent light will furnish sufficient power to operate it with a one-eighth or one-sixteenth horse-power motor. The proposition came in a few days ago to sell machines of this type for about \$90 each, including the motor, freight, drayage, and the expense of installation in the post office.

Now, several pages here are devoted to the examination of the merits of these different machines. The department has the right to select the machine, based on its cheapness and That is all there is to it. The post-office authorities are abundantly capable of performing the duty.

Mr. MURDOCK. Mr. Chairman, will the gentleman yield? The CHAIRMAN. Does the gentleman from Pennsylvania

yield to the gentleman from Kansas?

Mr. BOWMAN. Certainly.

Mr. MURDOCK. However, if the gentleman will read in the hearings just preceding the portion he has cited, he will find that most of the existing stamp-canceling machine companies have attempted to hold up the Government in this, that they offered to sell the machines, but they will not sell unless the Government takes a certain number, like 50 or 75 or 100.

Mr. BOWMAN. I understand that; but there is nothing of

that kind in this proposition.

Mr. MURDOCK. Yes; but this machine is new, and, according to the Third Assistant Postmaster General, it is untried as yet. It is a small machine. Dr. Grandfield says, in speaking of the price of the machines:

The Universal Stamping Machine Co. offered to sell their automatic high-grade machine—a new machine not yet in use in the service, although it has been tested and found to be an excellent machine—for \$875, provided 50 or more were purchased, and for \$800 each, provided that 100 or more were purchased.

Mr. BOWMAN. One word more. I will answer the gentle-an's question. Other machines were offered on a different man's question. Other machines were offered on a uniterest basis. The whole proposition is up to the Government. They have men qualified to examine into the merits of these machines and find out which is the best, whether to purchase or to rent. They are abundantly qualified. They are not bound to rent a machine or buy 50. There are others. The choice is not confined to a single machine. I think they can test all of them. I think the situation is abundantly covered by the paragraph. The Post Office authorities are competent to determine whether to buy or to rent.

Mr. MOON of Tennessee. The section of the bill provides not only for buying machines at \$300, but the machines are to be taken care of and repaired and kept in a proper condition during the time they are used by the department. You will find by reading the hearings that the machines that are under patent do perhaps ten times as much work as those that are not under That is the reason for the superiority of the machines patent. on which the patent exists, because they can do so much more

work than the others.

I think the House should not adopt this amendment. Discretion ought to be left to the department as to the amount to be paid for this machine, or the rental of it. Heretofore they have been unable to rent them for a less figure than this, and I suppose they will not be able to do so now, or to purchase them, either.

Mr. GARNER. From past experience would it not tend to influence or persuade the Post Office Department to limit this to \$250? Was it not necessary in the past for Congress to cut down the limit from \$400 to \$300? If we do adopt the limit, we might still be held up to that amount, whereas if we cut it down to \$250 the owners of the patents would say, "Congress has set the limit, and we will let you have it for \$250."

Mr. MOON of Tennessee. I think the discretion ought to be left with the department there. We ought not to assume, for a

mere matter of \$25 or \$30 difference in the machine, that the department is going to do the wrong thing. I do not know just how these contracts are made, but my impression is that we have a contract for three or four years on these machines

which the department will have to pay for.

Mr. FOSTER. I think they make them for three years.

Mr. MOON of Tennessee. I think there are contracts in existence now that will have to be paid for on this basis. In a matter of this sort, particularly a matter of so little difference as this, it should be left in the discretion of the department, especially where the repairs have to be kept up.

Mr. FOSTER. Mr. Chairman, will the gentleman yield? The CHAIRMAN. Does the gentleman from Tennessee yield

to the gentleman from Illinois? Yes.

Mr. MOON of Tennessee. Yes. Mr. FOSTER. The trouble was that when we fixed the limit at \$400 the department went right ahead and paid them \$400. Mr. MOON of Tennessee. We authorized it at \$300, and they

went along and made contracts at that.

Mr. GARNER. And if you cut it down to \$250 is it not likely

that they will accept \$250?

Mr. MOON of Tennessee. You might as well say \$25 arbitrarily. There would be as much sense in that proposition as in the other

Mr. FOSTER. Would the gentleman be willing to cut this rental down to what the Government is now paying, the highest-\$270?

Mr. MOON of Tennessee. The Government is now paying \$274.50, I believe.

Mr. FOSTER. No; \$270. Mr. MOON of Tennessee. I do not like to limit the discretion of the department too much, but I would not object to that.

Mr. GARNER. You have to force the companies to take it.
Mr. MOON of Tennessee. If the gentleman from Illinois
wants to change his amendment to \$270, I will not object.

Mr. FOSTER. Mr. Chairman, I ask unanimous consent to modify my amendment by making it \$270.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend, line 23, by striking out the words "three hundred" and inserting in lieu thereof the words "two hundred and seventy."

The CHAIRMAN. The question is on agreeing to the amend-

The question was taken, and the amendment was agreed to. The Clerk read as follows:

For pay of letter carriers at offices already established, including substitutes for letter carriers absent without pay, and for the promotion of 75 per cent of the letter carriers in first-class post offices from the fifth to the sixth grade and for the promotion of 75 per cent of the letter carriers in second-class offices from the fourth to the fifth grade; City Delivery Service, \$32,802,175.

Mr. BORLAND. Mr. Chairman, I move to strike out the last word. I want to ask the chairman of the committee in this connection the same question I asked him about the clerks, and that is whether the amount provided here is sufficient to take care of the promotion of 75 per cent of the carriers?

Mr. MOON of Tennessee. The amount carried in this bill is

\$32,802,175, which is an increase over the current law-

Mr. MANN. It is an increase of about \$600,000.

Mr. MOON of Tennessee. The difference is intended for promotions, as calculated by the department.

Mr. BORLAND. According to the hearings, will this provide for the additional 25 per cent of promotions?

Mr. MOON of Tennessee. Yes. The gentleman from Ohio [Mr. Allen] is particularly interested in this matter, and perhaps he will explain it.

There is no question about it. There has been Mr. ALLEN. an increase made over the estimate of the Post Office Department in the number of clerks to be promoted and also in the number of letter carriers. It was originally provided that 14.819 letter carriers were to be taken care of—on page 10 of the bill-and that was increased when the percentage was increased from 50 per cent to 75 per cent, the number now being 16.479. The same thing was done with reference to the clerks. There can be no question about it.

Mr. BORLAND. I can only say that I am for the bill of the gentleman from Ohio [Mr. ALLEN], which provides for the automatic increase of pay up to the \$1,200 grade, and I hope it includes the letter carriers as well as the clerks.

Mr. ALLEN. It includes the letter carriers as well as the clerks. The increased amount to take care of the additional 25 per cent of promotions of letter carriers amounted to \$178,250, and the additional amount to take care of the additional 25 per cent increase in promotions of clerks amounted to \$102,175. have increased the amount and increased the number in the

classes to be taken care of, so that we have added \$280,425, Mr. BORLAND. I hope that the bill which the gentleman from Ohio speaks of-providing for the automatic increase for clerks-will also be made to apply to the carriers.

Mr. ALLEN. It does.

Mr. BORLAND. And that eventually they will abolish the \$600 grade of carriers as well as the \$600 grade of clerks.

Mr. ALLEN. I am very glad to have the gentleman's cordial

support of my bill.

Mr. MANN. I move to strike out the last two words. this place in the bill last year we carried a provision requiring not to exceed 48 hours per week by the carrier. That is left out here. I take it that the gentleman from Tennessee is relying upon a provision later in the bill to take care of that?

Mr. MOON of Tennessee. Yes; in the latter part of the bill

we take care of that.

Mr. MANN. Supposing the provision in the latter part of the bill should not be agreed to, it being, in the first place, subject to a point of order, and, in the second place, subject to the will of the House. If the provision in the latter part of the bill should not be agreed to, would the gentleman have any objec-

tion to recurring to this paragraph, so as to insert the item in the current law?

Mr. MOON of Tennessee. We want to take care of the question in the way we think it should be taken care of, in the latter part of the bill.

Mr. MANN. I agree with the gentleman on that.

Mr. MOON of Tennessee. But if we can not do that, we will come back here and do the best we can.

The CHAIRMAN. If there be no objection, the pro forma amendment will be considered as withdrawn and the Clerk will

The Clerk read as follows:

For pay of letter carriers, substitute and auxillary letter carriers at offices where City Delivery Service is established during the year, \$50,000.

Mr. GARNER. Mr. Chairman, I move to strike out the last word in order to ask the chairman whether or not this carries the amount estimated by the department.

Mr. MOON of Tennessee. I think that is the estimate. Mr. MANN. The appropriation for the current year is

\$75,000. Mr. GARNER. And the estimate for the ensuing year is only \$50,000

Mr. MOON of Tennessee. I think that is so.

Mr. MANN. I think the estimate is the same as the appropriation for the current year.

Mr. GREGG of Pennsylvania. Mr. Chairman, if the gentleman will pardon me, I read from the hearings, page 117:

Mr. Finley. You did not expend the appropriation last year by \$54,730.92?
Mr. Grandfield. The unexpended balance on December 30, 1911, was \$27,668.62.

Mr. GARNER. I understand that. The Post Office Department has been making an economic record, and in doing so they have made it at the expense of the smaller towns and rural communities. There are places in this country which under the rules are entitled to city delivery that do not get it. If you cut this appropriation the department will be able to come in and say to Members of Congress or to these cities entitled to this delivery, "We can not do it because we have not got the money." That is the reason I asked the question. I know that the

Post Office Department is now conducting a so-called policy of economy which is done, as I say, at the expense of the rural communities of this country and the smaller cities.

We who live in the large cities do not think so.

Mr. GARNER. The gentleman from Illinois may not think so but we have been made to forcibly realize it in connection with the star routes and the rural-delivery routes and the smaller cities where we have felt the force of this economy of the Post Office Department. I am unwilling to deprive cities where the receipts are more than \$10,000 of the service that they are entitled to under the rules and regulations of the Post Office

Department.

Mr. MANN.

I do not propose to offer an amendment increasing this, but I wanted to call the attention of the committee to the fact so that the Post Office Department in the next fiscal year may not that the Post Office Department in the next useal year may not be able to say that we have reduced the appropriation so that they are unable to do this. I do not want them to be able to say that we can not do this because we have not got the money.

Mr. MANN. They will be able to say it.

Mr. MOON of Tennessee. I will say to the gentleman that there are a number of items in the bill where the department

has not expended the amount allowed in the last appropriation bill, and in some cases the committee thought it best to confine the new appropriation to an amount equivalent to the last expenditure.

Mr. GARNER. Let us suppose that the department has failed to do its duty in the establishment of city deliveries in cities where they are entitled to it, and therefore has expended an amount of money less than Congress authorized it to do. Does the chairman of the committee think that the future administration of the Post Office Department ought to be deprived of a sufficient fund to establish them where they ought to be established?

Mr. MOON of Tennessee. No; on the contrary, if that state of facts existed the appropriations should be altogether ample. Mr. GARNER. The gentleman believes that \$50,000 for the ensuing year is sufficient for this purpose?

Mr. MOON of Tennessee. So far as we are informed it is.

The Clerk read as follows:

For travel and miscellaneous expenses in the postal service, office of the First Assistant Postmaster General, \$1,000.

Mr. MANN. Mr. Chairman, I move to strike out the last A moment ago we agreed to an amendment offered by my colleague from Illinois [Mr. Foster] in reference to the rental of conceling machines, reducing the amount carried in the bill, which was the same as the existing law-\$300 per annum-to \$270 per annum. I am reminded by finding at this point in the bill a provision which we inserted last year, authorizing the Postmaster General to enter into contracts for a period not exceeding four years for the rental of canceling machines.

Now, I take it that if any such contracts have been entered into at a rental of \$300 per annum, no one would desire to have the faith and credit of the United States Government impugned.

Mr. FOSTER. I will say to my colleague that I would not do that; that if they have entered into contracts for four years

those contracts ought to be lived up to.

Mr. MURDOCK. Would the amendment of the gentleman from Illinois absolutely prevent the carrying out of that con-

Mr. MANN. They could bring a claim in the Court of Claims against the Government, but it would prevent the use of any of this appropriation in the payment of the contract. I do not intend to ask the gentleman to make any change now, but I hope the gentlemen of the committee or some one will find out about it

Mr. MOON of Tennessee. I suggested to the gentleman from Illinois that we had contracts running two or three years.

Mr. GARNER. The statement was made by the gentleman from Illinois that the highest contract price was \$270, and if that is true it makes no difference how long the contract runs for.

Mr. MANN. I do not know what the highest price is. I understood the gentleman from Kansas to say that the company had machines in at \$270 per annum.

Mr. MURDOCK. And that was all the statement I made.

did not say that was the maximum.

Mr. MANN. I understand that. I do not know what the highest contract is, but I suggest at this time that somebody, my colleague from Illinois [Mr. Foster], or somebody on the committee, should ascertain in regard to the facts, the amendment having been already agreed to, and if it is necessary to make any change I think there would be no difficulty about doing that.

Mr. MOON of Tennessee. Mr. Chairman, I will say to the gentleman from Illinois that we will take care of that when the fact develops that contracts have been actually made.

Mr. MANN. It is desirable to take care of it in this House. We do not desire to pass a provision that repudiates a contract which we have just authorized. I think no one in the House wants to take that position or to put the House in that

Mr. MURDOCK. I want to say to the gentleman from Illinois before he takes his seat that the rentals for the different machines that we rent run as follows: \$225, \$135, \$90, \$72, \$54, \$300, \$150, \$80, \$270, \$110, and \$150; so there is one machine for which we pay an annual rental of \$300.

Mr. FOSTER. I think if we have any contracts running at

this time they ought to be taken care of.

Mr. WEEKS. Mr. Chairman, that machine to which the gentleman from Kansas has just referred is what is known as the Hay-Dolphin Flier, and the rental of that machine was cut down by an amendment upon the floor last year, or the year before, from \$400 to \$300 per year. There are contracts out. I think I am correct in saying that we authorized contracts for this machine in an appropriation bill last year for a period of four years. I think in all cases contracts which are now outstanding cover a four-year period.

Mr. RAKER. Mr. Chairman, a parliamentary inquiry as to the status of this amendment. Has it been disposed of?

The CHAIRMAN. Yes.
Mr. RAKER. Mr. Chairman, I move to strike out the last two words. I would like to ask the gentleman from Illinois in regard to the amendment which he proposed some time ago and which was agreed to, which provided, "That hereafter the post offices shall not be open on Sunday for the purpose of delivering mail to the public." Did the gentleman take into consideration in offering that amendment "the star-route serv-

Mr. RAKER. I want to ask the gentleman if this provision ought not to be added to his amendment:

Provided further, That this provision shall not apply to post offices which are supplied by the star-route service.

I want to call the attention of the House to the fact that a stage starts out from the railroad and travels-some of them-100 and some of them 150 miles. The post offices are in the homes or the stores of the people that the stage goes to, and under this provision their stores will be closed and they can not be opened on Sunday for the delivery of mail. There are no mail boxes or lock boxes from which the people can go and get their mail if they want to. The owner of a store or the residing in the towns, and these people, numbering millions,

owner of a station runs the post office. It does not seem to me that a community, and there are many of them which will be involved in this, ought to be deprived of the opportunity of getting its mail. Many men go 20 miles on Sunday to get their mail; 10 miles or 5 miles, and do not have the time in the week Under this provision, when they go to town to get their mall, the postmaster, who has no assistant and whose store is closed, is prohibited from giving them their mail. Does not the gentleman from Illinois think that there ought to be a proviso exempting these post offices on the star-route service?

Mr. MANN. Mr. Chairman, I will say to the gentleman from California that I do not know whether there ought to be such a proviso or not. I do not know whether mail is delivered through the star route on Sunday, being the only day in the week in which the star route reaches the post offices. I should think that if there was a case where the contractor on the star route delivers mail on Sunday only at the post office it would be hardly desirable to have the post office open upon Sunday. I will say to the gentleman and to other gentlemen in the House that I have talked with the gentleman from Tennessee [Mr. Moon] in charge of the bill in reference to this amendment. I understand from what he has said to me that he proposes to take into consideration all of these propositions, and if there need be a change in that provision, that change will be made at

some time in the proper way and presented to the House.

Mr. RAKER. If it is a question as to getting at it afterwards, very well. I did not fully comprehend the situation until the vote was taken. I see now the position in which I am placed. I am satisfied that 90 per cent of the people in my dis-

trict go to the post offices on Sunday to get their mail.

Well, I am satisfied they ought to be reformed. Mr. MANN. Mr. RAKER. Well, I do not live in a large community, but the people are scattered over the West and they are trying to get their mail and trying to see what is being done throughout the country, and I do not believe that law should apply. It might apply to people living in large centers, but you can see that these people living in the rural districts should receive their mail upon Sundays, and if the post office should be closed it would work a hardship. You might make the provision in regard to the larger cities on the railroads and on the rural routes, and it may be all right to close them—I am not saying anything in regard to that—but upon the star routes, where the stage goes on Sunday and where the office must be open for the purpose of receiving and delivering the mail, to say that those can not be open for the purpose of delivering mail will work a hardship. I shall take an opportunity, Mr. Chairman, when we reach the rural part of the bill, to try to offer this amendment and show the committee why it should be adopted, for the purpose of giving the star routes opportunity-

Mr. POWERS. Will the gentleman yield?
Mr. RAKER. I yield to the gentleman from Kentucky. Mr. POWERS. Is it not true that if this matter is carried out as it passed the committee that it will result in endless con-

fusion in your country in the delivery of the mails through star routes and rural routes?

Mr. RAKER. Why, absolutely endless confusion, and instead of giving us a mail six times a week it will give us mail about four times a week, because they will not be able to handle and dispose of the mail.

Mr. POWERS. I want to say to the gentleman that is true in

my section of the country also.

Mr. RAKER. We seem to be unfortunate, so far as mail service is concerned, in living in a rural district, although I want to say it is the finest country on earth to live in.

Mr. GRIEST. Mr. Chairman, it is desired, for a few minutes, to invite particular attention to the paragraph in the postalservice appropriation bill, now under consideration, which will permit the experimental establishment of mail-carrier service in the towns and villages having second and third class post offices. As fully 300 congressional districts embrace towns which can ultimately secure benefits from this legislation, and as almost every Member who votes for this proposition will be doing his own constituents a service as well as giving support to a genuinely meritorious measure, I hope that the entire membership of this House will support the proposition to extend the mail-delivery service to the towns and villages.

For many years millions of people residing in the great cities of the United States have enjoyed free mail-delivery service, and during the past decade we have witnessed the installation of the convenient and valuable rural mail-delivery These systems of mail delivery have been developed system. to a high standard of efficiency, and have become indispensable to the American public. But, unfortunately, there exists what is to-day recognized as a discrimination against the people have patiently awaited the elimination of the postal deficit so that modern postal conveniences might be afforded our prosperous towns and villages without serious embarrassment to the Government finances.

Time, as usual, has brought changes, and public opinion to-day demands that the American people shall be accorded that character of postal facilities which is recognized as essential to the domestic, business, and social welfare of the people. The gross postal revenues are constantly increasing, and business methods are being rapidly applied to the greatest of all business institutions-the United States Post Office Department. Along with the growing revenues and increased business efficiency must come extensions of the mail-delivery conveniences.

Two years ago in an address to this House an appeal was made by me for an extension of the mail-delivery service of the Post Office Department so as to provide for the collection and delivery of letters in the towns, villages, and boroughs, and as the postal deficit was very great in 1909 it was suggested that the extension should be made as soon as the condition of the postal revenues would permit. The official reports indicate that the postal receipts and expenditures have been so balanced as to permit of service improvements, and an appeal now comes to the Congress from all parts of the country for an extension of the mail-delivery facilities. In illustration of the popular demand for this legislation I need only point to the fact that since I introduced H. R. 16819, in January last, for the experimental establishment of a town mail-delivery system a number of petitions, representing a score of States of the Union, have been filed in Congress praying for its enactment.

There is an urgent appeal from the people for an extension of the mail-delivery service to the cities, towns, villages, and boroughs which have presidential post offices of the second and third classes. The people in cities having less than 10,000 population or less than \$10,000 worth of annual postal business are without mail-delivery service, notwithstanding the fact that many such towns have splendid streets, sidewalks, street lighting, and so forth, and give every evidence of true American progressiveness. It is unjust and even unwise that the Government should longer deprive the residents of these communities from the enjoyment of any form of modern postal methods for which they petition. I hope that the Congress will authorize the postal department to provide the people of our American towns and villages with a mail delivery at least once daily.

It is not essential that any particular method shall be pursued or special system be adopted, but it is desirable that initial action be taken, even if the appropriation is not large for the first year. Not less than \$100,000 should be provided if mate-

rial results are to be promptly attained, and I think that \$300,000 could be well expended for this purpose.

It is pleasing to know that the Post Office Department officials have awakened to the importance of this legislation. They concede the justice of the popular demand for it, admit its practicability and advisability, and commend to Congress the instal-lation of experimental service. The First Assistant Postmaster General in his last annual report urged the establishment of an experimental service in the following language:

EXTENSION OF THE FREE DELIVERY SERVICE.

EXTENSION OF THE FREE DELIVERY SERVICE.

Under the present law, which was enacted in 1887, City Delivery Service may be established in any city having a population of 10,000 or more, or at any post office where the gross receipts during the preceding fiscal year amounted to \$10,000. Owing to the increase in postal receipts per capita (in 1887 it was 83 cents; now it is \$2.53) it is not unusual for the postal receipts to amount to \$10,000 at an office in a city having a population of not more than 3,000. On the other hand, there are a number of cities having a population of 7,000 or 8,000 where the gross receipts of the post office are less than \$10,000 annually, and the operation of the law is therefore somewhat inequitable. The law could be more fairly applied if it were amended so as to make possible the establishment of Free Delivery Service in any city where the gross receipts of the post office amounts to \$8,000.

The City Delivery Service is now in operation in 1,541 cities, serving more than 46,000,000 people. On the 42,000 rural routes 20,000,000 people receive their mail from rural carriers. This leaves a considerable percentage of our people, the majority of whom reside in towns and villages, without any form of Free Delivery Service, and under the present laws there is no way by which the department can relieve this inequality. The establishment of City Delivery Service, however, in towns and villages under the present practice of the department and the law governing the employment of letter carriers is not feasible, since the expense would be altogether out of proportion to the benefits conferred. At many post offices, however, serving a population of from reasonably satisfactory service for practically all of the patrons. It is believed, therefore, that an experimental service should be authorized.

And the Postmaster General is equally favorable in his revert

And the Postmaster General is equally favorable in his report. He says:

VILLAGE DELIVERY SERVICE.

Delivery by letter carrier, except on rural routes, is confined under existing law to cities and towns having as much as 10,000 population or annual post-office receipts amounting to \$10,000 or more. Thus the residents of many small towns and villages are obliged to go to the post

offices for their mail, while delivery service by carrier is afforded both to the inhabitants of cities and to people residing along the rural routes in sparsely settled country districts. The carrier delivery system is now in operation in 1,541 cities, serving an urban population of about 45,000,000, while rural carriers deliver mail on 42,000 routes that reach about 20,000,000 people. This leaves about 25,000,000 people in the United States, most of whom live in small towns and villages, without any form of mail delivery. The establishment of such a service in these towns and villages under the present law governing the employment and compensation of city letter carriers would be hardly feasible because of the heavy expense involved. It is believed, however, that in many villages not now entitled to free delivery a comparatively small allowance would enable the postmasters to employ the assistance necessary to carry mail to the residences, and an appropriation to cover the expense of such a service is recommended.

Acting upon these recommendations and the public demand that has been aroused throughout the country by the advocates of the town and village mail-delivery service, the Committee on the Post Office and Post Roads has recognized the merit and desirability of the proposed legislation by incorporating it in the pending bill.

It is hoped that the amendment will become law and that with as little delay as possible all of the 6,500 towns now without free delivery will be accorded that celerity and certainty of mail delivery which obtains in the cities as well as among the residents of rural routes.

I most heartily congratulate the Democratic majority of the committee on falling in line in the year 1912 with what the Republican national platform advocated 20 years ago in the following language:

We approve the policy of extending to towns, villages, and rural communities the advantages of free-delivery service enjoyed by the large cities of the country.

Since the adoption of that resolution by the Republican national convention of 1892, fully 20,000,000 of people living in "rural communities" have been accorded "the advantages of free-delivery service" through the agency of 42,000 rural freedelivery routes. Let the good work be proceeded with so that in a very short time the discrimination now existing against the people residing in the towns will be obliterated by statute.

Mr. MANN. Mr. Chairman, I move to strike out the last

Mr. MOON of Tennessee. Mr. Chairman, I move that the committee do now rise.

Mr. MANN. I withdraw my motion.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. Hay, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 21279, the Post Office appropriation bill, and had directed him to report that they had come to no resolution thereon.

MINORITY REPORT ON H. R. 22527.

Mr. BURNETT. Mr. Speaker, I desire to ask unanimous consent that the minority may have until next Tuesday night, one week from to-night, to file the minority report on the bill (H. R. 22527) to further restrict the admission of aliens into the United States. (H. Rept. 559, pt. 2.)

The SPEAKER. Is there objection? [After a pause.] The

Chair hears none.

ENROLLED BILLS SIGNED.

Mr. CRAVENS, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles, when the Speaker signed the same:

H. R. 23246. An act appropriating \$300,000 for the purpose of maintaining and protecting against the impending flood the levees on the Mississippi River and rivers tributary thereto;

H. R. 19863. An act authorizing the Secretary of the Interior to subdivide and extend the deferred payments of settlers in the Kiowa-Comanche and Apache ceded lands in Oklahoma;

H. R. 9420. An act authorizing the Secretary of War to donate to the city of Jackson, Miss., carriage and cannon or fieldpieces; and

H. R. 20486. An act authorizing the construction of a bridge across the Willamette River at or near Newberg, Oreg.

The SPEAKER announced his signature to joint resolutions and enrolled bill of the following titles:

S. J. Res. 77. Joint resolution authorizing the Secretary of War to loan certain tents for the use of the Grand Army of the Republic encampment, to be held at Pullman, Wash., in June, 1912:

S. J. Res. S7. Joint resolution authorizing the Secretary of War to receive for instruction at the United States Military Academy at West Point Messrs. Humberto Mencia and Juan

Dawson, of Salvador; S. J. Res. 91. Joint resolution authorizing the Secretary of War to receive for instruction at the United States Military

Academy at West Point Mr. Manuel Agüero y Junqué, of Cuba;

S. 2577. An act authorizing the lease of school lands for public-park purposes by the State of Washington for a longer period than five years.

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. CRAVENS, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States, for his approval, the following bills:

H. R. 23246. An act appropriating \$300,000 for the purpose of maintaining and protecting against the impending flood the levees on the Mississippi River and rivers tributary thereto;

H. R. 9420. An act authorizing the Secretary of War to donate to the city of Jackson, Miss., carriage and cannon or fieldpieces:

H. R. 20486. An act authorizing the construction of a bridge across the Willamette River at or near Newberg, Oreg.; and

H. R. 19863. An act authorizing the Secretary of the Interior to subdivide and extend the deferred payments of settlers in the Kiowa-Comanche and Apache ceded lands in Oklahoma.

ADJOURNMENT.

Mr. MOON of Tennessee. Mr. Speaker, I move that the House

The motion was agreed to; accordingly (at 5 o'clock and 51 minutes p. m.) the House adjourned to meet to-morrow, Wednesday, April 17, 1912, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Minnesota River, Minn. (H. Doc. No. 700); to the Committee on Rivers and Harbors and ordered to be printed.

2. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Charlotte Harbor, Fla. (H. Doc. No. 699); to the Committee on Rivers and Harbors and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. BURNETT, from the Committee on Immigration and Naturalization, to which was referred the bill (H. R. 22527) to further restrict the admission of aliens into the United States, reported the same without amendment, accompanied by a report (No. 559), which said bill and report were referred to the House Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 23287) granting an increase of pension to Emma Chapman; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 22679) granting an increase of pension to James B. White; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 13744) granting a pension to Mary Colby; Committee on Invalid Pensions discharged, and referred to the Com-

mittee on Pensions. A bill (H. R. 4962) granting a pension to Moses A. Coleman; Committee on Invalid Pensions discharged, and referred to the

Committee on Pensions. A bill (H. R. 20242) granting a pension to Charles E. Welker; Committee on Invalid Pensions discharged, and referred to the

Committee on Pensions. A bill (H. R. 9795) granting a pension to Patrick Eurke; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 17509) granting an increase of pension to Celia W. Boothby; Committee on Pensions discharged; and referred to the Committee on Invalid Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials

were introduced and severally referred as follows:
By Mr. LANGLEY: A bill (H. R. 23407) authorizing the fiscal court of Pike County, Ky., to construct a bridge across

Levisa Fork of the Big Sandy River; to the Committee on Interstate and Foreign Commerce.

By Mr. MARTIN of South Dakota: A bill (H. R. 23408) establishing the Wind Cave National Game Preserve, in South

Dakota; to the Committee on Agriculture.

By Mr. HARRISON of New York: A bill (H. R. 23409) to incorporate the American Hospital of Paris; to the Committee on the Judiciary

By Mr. RODENBERG: A bill (H. R. 23410) for repeal of a part of chapter 248, approved May 18, 1910, entitled "An act making appropriations for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1911, and for other purposes"; to the Committee on the District of Columbia.

By Mr. FERGUSSON: A bill (H. R. 23411) granting public lands to the State of New Mexico for the construction and maintenance of public roads and bridges in the State of New Mexico; to the Committee on the Public Lands.

By Mr. UNDERWOOD: A bill (H. R. 23412) to amend paragraph 709 of section 1 of the act entitled "An act to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes," approved August 5, 1909; to the Committee on Ways and Means.

By Mr. RAKER: A bill (H. R. 23413) to regulate the impor-

tation of nursery stock and other plants and plant products; to enable the Secretary of Agriculture to establish and maintain quarantine districts for plant diseases and insect pests; to permit and regulate the movement of fruits, plants, and vegetables therefrom, and for other purposes; to the Committee on Agriculture.

Also, a bill (H. R. 23414) granting public lands to the State of California for the construction of public roads and bridges;

to the Committee on the Public Lands.

By Mr. MOTT: A bill (H. R. 23415) to amend section 11 of the food and drugs act of June 30, 1906; to the Committee on Interstate and Foreign Commerce.

By Mr. MORRISON: A bill (H. R. 23416) to amend section 55 of "An act to amend and consolidate the acts respecting copyright," approved March 4, 1900; to the Committee on Patents.
By Mr. OLDFIELD: A bill (H. R. 23417) to codify, revise,

and amend the laws relating to patents; to the Committee on Patents.

By Mr. HARDWICK: A bill (H. R. 23418) regulating the entry and clearance of certain vessels at the ports of the United States; to the Committee on the Merchant Marine and Fisheries.

By Mr. ANDERSON of Minnesota: A bill (H. R. 23419) relating to rates of postage and weights on fourth-class mail matter, and for other purposes; to the Committee on the Post Office and Post Roads.

By Mr. RODDENBERY: Resolution (H. Res. 495) to amend the rules of the House of Representatives; to the Committee on Rules.

By Mr. MOTT: Resolution (H. Res. 497) to investigate the sinking of the steamship *Titanic*; to the Committee on Rules. By Mr. LEVER: Joint resolution (H. J. Res. 294) to provide

for the appointment of a commission to investigate the operations of cooperative land-mortgage banks and cooperative rural credit unions as they relate to agriculture and rural conditions in other countries: to the Committee on Agriculture.

By Mr. CLAYTON: Joint resolution (H. J. Res. 295) fixing the number of presidential electors, and for other purposes; to the Committee on the Judiciary.

By Mr. O'SHAUNESSY: Memorial of the General Assembly of the State of Rhode Island, recommending to Congress the passage of House bill 17731, providing for Federal inspection of seagoing barges; to the Committee on the Merchant Marine and Fisheries.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions

were introduced and severally referred, as follows:

By Mr. ANTHONY: A bill (H. R. 23420) granting an increase of pension to Michael Cavanagh; to the Committee on Invalid

By Mr. BARCHFELD: A bill (H. R. 23421) granting an increase of pension to Abraham W. Smith; to the Committee on Invalid Pensions.

By Mr. BARTHOLDT: A bill (H. R. 23422) granting a pen-

sion to Henry Franck; to the Committee on Invalid Pensions.

Also, a bill (H. R. 23423) granting an increase of pension to Andrew J. Adamson; to the Committee on Invalid Pensions. By Mr. BOEHNE: A bill (H. R. 23424) granting an increase

of pension to William D. Henderson; to the Committee on Invalid Pensions.

By Mr. CLARK of Missouri: A bill (H. R. 23425) granting an increase of pension to Benjamin P. Levick; to the Committee on Invalid Pensions.

By Mr. COOPER: A bill (H. R. 23426) granting an increase of pension to William P. Underwood; to the Committee on

Invalid Pensions

Also, a bill (H. R. 23427) granting an increase of pension to Patrick E. Conley, alias Edward Farley; to the Committee on Invalid Pensions.

By Mr. DICKINSON: A bill (H. R. 23428) granting a pension to J. Walter Craig; to the Committee on Invalid Pensions. Also, a bill (H. R. 23429) granting an increase of pension to Sarah J. Drummond; to the Committee on Invalid Pensions.

By Mr. DODDS: A bill (H. R. 23430) granting a pension to Rachel Cole; to the Committee on Invalid Pensions.

By Mr. FIELDS: A bill (H. R. 23431) granting a pension to Nannie Kimbrell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 23432) granting a pension to Penelope Morton; to the Committee on Invalid Pensions.

By Mr. GRIEST: A bill (H. R. 23433) granting a pension to Sashwell Turner; to the Committee on Invalid Pensions.

By Mr. HAMILTON of West Virginia: A bill (H. R. 23434) granting an increase of pension to John A. Baker; to the Committee on Invalid Pensions.

Also, a bill (H. R. 23435) granting an increase of pension to Mary A. Odell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 23436) granting an increase of pension to Ansel M. Warren; to the Committee on Invalid Pensions.

Also, a bill (H. R. 23437) granting an increase of pension to John W. King; to the Committee on Invalid Pensions.

By Mr. HAYDEN: A bill (H. R. 23438) granting an increase

of pension to Adolph Rahn; to the Committee on Invalid Pen-

By Mr. HUGHES of Georgia: A bill (H. R. 23439) granting an increase of pension to Walter K. King; to the Committee on Invalid Pensions

By Mr. HUMPHREYS of Mississippi; A bill (H. R. 23440) for the relief of the estate of William Penn, deceased; to the

Committee on War Claims. By Mr. HUMPHREY of Washington: A bill (H. R. 23441) for the relief of George Wellington; to the Committee on Claims. By Mr. KENDALL: A bill (H. R. 23442) granting a pension

to Clara E. McRoberts; to the Committee on Invalid Pensions. By Mr. LANGLEY: A bill (H. R. 23443) granting an increase

of pension to James F. Walker; to the Committee on Invalid Pensions.

By Mr. LENROOT: A bill (H. R. 23444) granting a pension

to Maria McCann; to the Committee on Invalid Pensions.

By Mr. McHENRY: A bill (H. R. 23445) granting an increase of pension to John M. Rhoads; to the Committee on Invalid Pensions.

By Mr. MADDEN: A bill (H. R. 23446) granting an increase of pension to Louis Krueger; to the Committee on Invalid Pensions.

By Mr. MARTIN of South Dakota; A bill (H. R. 23447) granting an increase of pension to M. C. Collins; to the Committee on Invalid Pensions.

By Mr. PAYNE: A bill (H. R. 23448) granting an increase of pension to George C. Rooker; to the Committee on Invalid Pensions.

Also, a bill (H. R. 23449) granting an increase of pension to John W. Copping; to the Committee on Invalid Pensions.

By Mr. PEPPER: A bill (H. R. 23450) granting a pension to Elroy R. Cary; to the Committee on Pensions.

By Mr. POU: A bill (H. R. 23451) to pay certain employees of the Government for injuries received while in the discharge of their duties and other claims for damages to and loss of private property; to the Committee on Claims.

By Mr. TAGGART: A bill (H. R. 23452) granting a pension to Nathan J. Lewis; to the Committee on Invalid Pensions

Also, a bill (H. R. 23453) granting an increase of pension to Daniel Caswell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 23454) granting a pension to Aaron D. Robbs; to the Committee on Invalid Pensions.

Also, a bill (H. R. 23455) granting an increase of pension to George W. Abbott; to the Committee on Invalid Pensions.

By Mr. TAYLOR of Ohio: A bill (H. R. 23456) for the relief of Peter R. Eddy; to the Committee on Military Affairs.

By Mr. TOWNSEND: A bill (H. R. 23457) for the relief of Joseph Fox; to the Committee on Military Affairs.

By Mr. UNDERHILL: A bill (H. R. 23458) granting an increase of pension to Joseph Hand; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows

By Mr. ANDERSON of Minnesota: Petition of the First State Bank of Elgin, Minn., and 11 others, against extension of the parcel-post system; to the Committee on the Post Office and Post Roads

By Mr. ANDERSON of Ohio: Papers to accompany House bills 5158, 6753, 6762, 6763, 6764, 6766, 6767, 6768, 6770, 6779, 6780, 6783, 6785, 6788, 8478, 8487, 8680, 8683, 8992, 9339, 9398, 9770, 10025, 11185, 11386, 11663, 11887, 11888, 14499, 14500, 16854, 20292, 20357, and 22364; to the Committee on Invalid Pensions.

By Mr. ANTHONY: Petition of Otto Hochub and other citizens of Holton, Kans., in support of House bill 21225, relating to oleomargarine; to the Committee on Agriculture.

Also, petition of Rev. S. A. Rauch and other citizens of Corning, Kans., in support of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

Also, petition of L. M. Penwell and other members of United Commercial Travelers of Topeka, Kans., protesting against parcel-post system; to the Committee on the Post Office and Post Roads.

By Mr. BARCHFELD: Papers to accompany bill for the relief of Abraham W. Smith; to the Committee on Invalid Pensions

By Mr. BARTHOLDT: Petition of Gustav E. Hageman and 200 other residents of St. Louis, Mo., protesting against the introduction of religion into the Government Indian schools; to

the Committee on Indian Affairs.

Also petition of Ross List & Letter Co., of St. Louis, Mo., for 1-cent letter postage; to the Committee on the Post Office and

Post Roads.

Also, petition of the University of Missouri, in favor of House bill 22871—the agriculture-extension bill; to the Committee on Agriculture.

Also, petition of Joseph Delabar and of the Liquor Dealers' Benefit Association of St. Louis, Mo., protesting against the new liquor law for the District of Columbia, and of the Order of Knights of Labor of Washington, D. C., in favor of the police and firemen retirement bill; to the Committee on the District of Columbia.

Also, petition of the Commonwealth Trust Co., of St. Louis, Mo., in favor of the appointment of an international commis-

sion on the cost of living; to the Committee on Foreign Affairs.

Also, petition of the St. Louis Railway Club, of St. Louis, Mo.,
in favor of passage of House bill 16450, for readjustment of

freight rates; to the Committee on the Judiciary.
Also, petition of Camp Lorence B. De Witt, Army of the Philippines, of St. Louis, Mo., against the reduction of Cavalry regiments in the Army; to the Committee on Military Affairs.

By Mr. BOWMAN: Petition of citizens of the State of Penn-

sylvania, favoring bill providing for building of one battleship in a Government navy yard; to the Committee on Naval Affairs.

Also, petition of the Spanish War Veterans' Camp of Wilkes-

Barre, Pa., for passage of House bill 17470, providing for the widows and minor children of Spanish War vetcrans; to the Committee on Pensions.

Also, petition of members of Laurel Lodge, No. 7, Brother-hood of Railroad Trainmen, of Scranton, Pa., favoring passage of House bill 20487, the accident compensation act; to the Committee on the Judiciary.

Also, petition of Crocker Grocery Co., of Wilkes-Barre, Pa., for passage of Stevens weight and measure bill (H. R. 4667); to the Committee on Interstate and Foreign Commerce.

By Mr. BURKE of Wisconsin: Petition of Eintracht Verein U. G., of Milwaukee, Wis., against the passage of all prohibition or interstate-commerce liquor measures; to the Committee on the Judiciary.

Also, petition of the German veterans of Neenah, Wis., against passage of all prohibition or interstate-commerce liquor measures; to the Committee on the Judiciary.

By Mr. CALDER: Petitions of Carl Joseph & Co., D. Ancona & Co., Scoenbrun & Co., Lamm & Co., Marks Tailoring Co., and Briede, Frye & Rogovsky, tailors, of Chicago, Ill., protesting against enactment of House bill 16844; to the Committee on Interstate and Foreign Commerce.

Also, memorial of the American Society for the Prevention of Cruelty to Animals, for enactment of House bill 17222; to the

Committee on Interstate and Foreign Commerce.

Also, petitions of Steele-Wedeles Co., Meyer Grocer Co., and the Wholesale Grocers' Exchange of Chicago, all of Chicago, Ill., for enactment of House bill 4667; to the Committee on Interstate and Foreign Commerce.

Also, petition of Central Union Label Council, of Greater New York, for creation of a commission on industrial relations; to the Committee on Rules,

Also, petition of the Order of Knights of Labor, for a retirement law for policemen and firemen of the District of Columbia; to the Committee on the District of Columbia.

Also, petition of the American Cotton Manufacturers' Association, relative to the sale and purchase of cotton on the exchange; to the Committee on Agriculture.

By Mr. CATLIN: Petition of the Association of Master Plumbers of St. Louis, Mo., urging the passage of House bill 17736, providing for 1-cent letter postage; to the Committee on the Post Office and Post Roads.

Also, petition of the St. Louis Sales Managers' Association, of St. Louis, Mo., urging passage of House bill 17736, providing for 1-cent letter postage; to the Committee on the Post Office and Post Roads.

Also, petition of members of St. Louis Local Unions Nos. 223 and 238, of United Garment Workers of America, urging passage of House bill 20423, providing for the registering of labels for labor organizations in the District of Columbia and Territories; to the Committee on the Judiciary.

By Mr. CURRIER: Petitions of New Hampshire Conference of the Methodist Episcopal Church, and the Woman's Christian Temperance Union of North Weare, N. H., for passage of the Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary

By Mr. DALZELL; Petition of the Pittsburgh (Pa.) Councils against House bill 21292, to authorize the construction of a bridge across the Monongahela River in the State of Pennsylvania; to the Committee on Interstate and Foreign Commerce.

Also, memorial of the Woman's Christian Temperance Union of Wilkinsburg, Pa., favoring passage of House joint resolution 163; to the Committee on the Judiciary.

By Mr. DANFORTH: Petition of the State officials of Oklahoma, against the leasing of any of the Chilocco Indian School

Reservation; to the Committee on Indian Affairs.

By Mr. DIFENDERFER: Petition of the members of Abington Presbyterian Church, of Abington, Pa., favoring passage of the Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary

By Mr. DODDS: Petitions of residents of Gratiot County, Mich., protesting against extension of the parcel-post system; to the Committee on the Post Office and Post Roads.

Also, petitions of residents of Gratiot County, Mich., for regulation of express rates and classifications; to the Committee on Interstate and Foreign Commerce.

By Mr. FRANCIS: Petitions of the Woman's Christian Temperance Union and Presbyterian Sunday School of Beallsville, and Presbyterian Christian Endeavor Society of Shadyside, Ohio, for passage of the Kenyon-Sheppard interstate liquor bill;

to the Committee on the Judiciary.

By Mr. FULLER: Petition of St. Louis Railway Club, in favor of the passage of House bill 16450, relating to the unlawful breaking of seals of railroad cars containing interstate or foreign shipments, etc.; to the Committee on the Judiciary.

Also, petition of Dr. H. D. Chamberlain, of Belvidere, Ill., favoring the passage of Senate bill 5792 and House bill 16843,

to consolidate the veterinary service in the United States Army, etc.; to the Committee on Military Affairs.

By Mr. HAYDEN: Petition of residents of Phoenix, Ariz., protesting against House bill 17485; to the Committee on the Public Lands

By Mr. HAYES: Petition of Central Committee, Socialist Party, San Francisco, Cal., for passage of Berger bill for old-age pensions; to the Committee on Pensions.

Also, petitions of members of Mount Hamilton Lodge, No. 744. Brotherhood of Railroad Trainmen, of San Jose, Cal., in favor

of House bill 20487; to the Committee on the Judiciary.
By Mr. KAHN: Petition of Fred L. Hilmer and Hou. C. P. Cutten, of San Francisco, Cal., favoring passage of House bill 21225, to protect butter against fraud by making eleomargarine a different color; to the Committee on Agriculture.

a different color; to the Committee on Agriculture.

Also, petition of the Methodist Preachers' Meeting, San Francisco, Cal., favoring passage of the Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

Also, petition of Miles Bros. (Inc.), San Francisco, Cal., favoring House bill 20595, to amend section 25, copyright act of 1909; to the Committee on Patents.

Also, petition of Frank McGowan, San Francisco, Cal., favoring passage of House bill 15783, introduced for the purpose of

ing passage of House bill 15783, introduced for the purpose of fixing the salaries of criers in the district courts of the United States; to the Committee on the Judiciary.

By Mr. LINDSAY: Memorial of Henry Apple, of Denver, Colo., for the free and unlimited coinage of silver dollars and half dollars; to the Committee on Banking and Currency.

By Mr. MONDELL: Petition of the officers of the Woman's Christian Temperance Union of Sheridan, Wyo., for passage of the Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary

By Mr. MORSE of Wisconsin: Petition of moving-picture theaters of the tenth congressional district of Wisconsin, favoring Townsend amendment to House bill 20595, to amend section 25 of the copyright act of 1900; to the Committee on the Judiciary.

Also, petition of citizens of Ashland, Wis., favoring Berger old-age pension bill; to the Committee on Pensions.

Also, petition of citizens of Ashland, Wis., favoring the build-

ing of one battleship in the Government navy yard; to the Committee on Naval Affairs.

By Mr. PARRAN: Papers in support of bill for the relief of Pay Inspector Worthington Goldsborough, United States Navy (H. R. 22896); to the Committee on Naval Affairs.

By Mr. RAKER; Petition of the Chamber of Commerce of Sacramento, Cal., for enactment of Senate bill 3367; to the Committee on the Public Lands.

Also, papers to accompany House bill 23269; to the Committee on Invalid Pensions.

Also, petition of the California State Federation of Labor, protesting against Senate bill 3175; to the Committee on Immigration and Naturalization.

Also, petition of citizens of California, against House bill 20281 and favoring House bill 21225; to the Committee on Agriculture.

Also, petition of the Chamber of Commerce of San Diego, Cal., against free sugar; to the Committee on Ways and Means.

Also, petition of the Chamber of Commerce of San Diego,

Cal., urging passage of House bill 20044, for improvement in the foreign service; to the Committee on Foreign Affairs. Also, memorial of New Era League of California, favoring the granting of the right of suffrage to women; to the Committee

on the Judiciary Also, memorial of Chamber of Commerce of Sacramento, Cal., favoring House bill 18227, to increase California Redwood Park; to the Committee on the Public Lands.

By Mr. REYBURN: Memorial of Charles Young Camp, No. 27, Department of Pennsylvania, United Spanish War Veterans, favoring passage of House bill 17470, providing for the widows and miner children of the United Spanish War Veterans; to the Committee on Pensions.

By Mr. SCULLY: Petition of Lodge No. 309, Brotherhood of Railroad Trainmen, of Perth Amboy, N. J., for pending legisla-tion relative to employers' liability and workmen's compensa-

tion; to the Committee on the Judiciary.

By Mr. SIMS: Papers to accompany bill for the relief of

Wesley Martin; to the Committee on Invalid Pensions.
Also, petition of citizens of Adamsville, Tenn., favoring passage of a law to prohibit gambling in farm products, etc.; to

the Committee on Agriculture.

By Mr. SPEER: Papers to accompany bills for the relief of Richard Barlow, Charles E. Stamm, and Irene M. Gary (H. R. 22450, 22632, and 22633); to the Committee on Invalid Pensions.
Also, petition of the Men's Adult Bible Class of the First

Presbyterian Church, of Oil City, Pa., favoring passage of the Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary

By Mr. TAGGART: Memorial of the Wichita (Kans.) Business League, for an additional Federal judicial district in the State of Kansas: to the Committee on the Judiciary.

Also, petition of residents of Kansas City, Kans., protesting against parcel-post legislation; to the Committee on the Post Office and Post Roads.

Also, petition of residents of Lawrence, Kans., for total elimination of the duties on raw and refined sugars; to the Committee on Ways and Means.

Also, petition of residents of Morton County, Kans., for establishing a subirrigation plant in western Kansas; to the Com-

mittee on Irrigation of Arid Lands.
Also, petition of residents of Eudora, Kans., for enactment of House bill 21225 and opposing House bill 18493; to the Com-

mittee on Agriculture.

By Mr. WATKINS: Petition of citizens of Webster Parish, La., favoring passage of a parcel-post system; to the Committee on the Post Office and Post Roads.

By Mr. WHITE: Petition of C. L. Archer and other citizens of Buffalo, Ohio, protesting against persecution of Messrs. Wayland, Warren, and Phifer, of the Appeal to Reason staff; to

the Committee on the Judiciary.

By Mr. WILSON of New York: Petition of the Order of Railway Conductors of the New York, New Haven & Hartford Railroad, favoring passage of House bill 20487, workmen's compensation bill; to the Committee on the Judiciary.

SENATE.

WEDNESDAY, April 17, 1912.

The Senate met at 2 o'clock p. m.

Prayer by the Chaplain, Rev. Ulysses G. B. Pierce, D. D. The Secretary proceeded to read the Journal of yesterday's proceedings when, on request of Mr. Longe and by unanimous consent, the further reading was dispensed with and the Journal was approved.

LOSS OF STEAMER "TITANIC."

Mr. SMITH of Michigan. Mr. President, I ask unanimous consent to introduce the resolution I send to the desk. I ask that it be read and referred to the Committee on Commerce.

The VICE PRESIDENT. Without objection, the Secretary will read the resolution.

The Secretary read the resolution (S. Res. No. 283), as follows:

Resolved, That the Committee on Commerce, or a subcommittee thereof, is hereby authorized and directed to investigate the causes leading to the wreck of the White Star Ilner Titanic, with its attendant loss of life, so shocking to the civilized world.

Resolved further, That said committee or subcommittee is hereby empowered to summon witnesses, send for persons and papers, to administer oaths, and to take such testimony as may be necessary to determine the responsibility therefor, with a view to such legislation as may be necessary to prevent, as far as possible, any repetition of such a disaster.

disaster.

Resolved further, That the committee shall inquire particularly into the number of lifeboats, life rafts, and life preservers, and other equipment for the protection of the passengers and crew; the number of persons aboard the Titanic, whether passengers or crew; and whether adequate inspections were made of such vessel, in view of the large number of American passengers traveling over a route commonly regarded as dangerous from icebergs; and whether it is feasible for Congress to take steps looking to an international agreement to secure the protection of sea traffic, including regulation of the size of ships and designation of routes.

Resolved further, That in the report of said committee it shall recommend such legislation as it shall deem expedient.

The VICE PRESIDENT. The resolution will be referred to

the Committee on Commerce.

Mr. MARTINE of New Jersey. Mr. President, I hastily drew a resolution much in the same thought with the resolution which has just been presented by the Senator from Michigan [Mr. SMITH], and it is so hurriedly written that I ask permission to read it myself. I wilt say that the recently announced and most horrifying disaster to the steamship Titanic, whereby hundreds of lives were lost at sea, proinpts my introduction of this resolution (S. Res. 284):

Resolved, That the President of the United States be, and is hereby, advised that the Senate would favor treatles with England, France, Germany, and other maritime Governments, with a view to directing the course of all vessels engaged in the carrying of passengers at sea.

And, further, to confer as to all matters appertaining to the safety of such craft and passengers.

Permit me further to say, if I may, Mr. President, had the race for speed and the desire for greed not controlled the action of the owners and officers of the *Titanic*, this disaster would doubtless have been averted. Had the southern instead of the northern course been pursued in passage by this craft, a thousand homes in our land would have been saved this day of sadness and desolution. A few years ago the La Bourgogne went down in the same path and to the same fate. There has been no thought of change of path. Speed must be kept up at any sacrifice; Mammon must be satisfied.

Mr. President, sea navigation at best is hazardous. Hence I feel that every safeguard, not only in appliances, but also as to the course these great leviathans should pursue, is a fit and proper subject to command the attention of the governing authorities of every civilized country in the world.

Senators, let us act at once. True, we can not help the unfortunate souls who went to their watery graves; but lest another craft shall go to the bottom of the insatiable sea with her human cargo, I urge the passage of this resolution.

Something should be done; something can be done. is now, everyone who ships on these great craft takes a gambler's chance. Such a condition is a disgrace to our civiliza-tion. The passenger list of every steamship should be limited to her supply of life-saving apparatus. It can be done. Congress has full control over American shipping. Congress can control the shipping of every other nation by refusing to allow to enter in or depart from any American port vessels not so equipped. Will we not learn? We must enact a law, and even though it may seem burdensome such a law must be enforced.

I most respectfully, Mr. President, ask for the adoption of this resolution. My purpose is, as it plainly portrays, that the President, in connection with the great maritime nations of the world, may confer. They can annul the charter or the register of any vessel that fails to go in the path lined out. One hundred or two hundred miles farther south of the course, which would have taken the *Titanic* from 10 to 24 hours more, would

have saved hundreds of lives and thousands of mourning Amer-

ican hearts and millions of treasure.

Mr. SMITH of Michigan. Mr. President, my purpose in offering the resolution and its reference to the Committee on Commerce was prompted by the fact that the Committee on Commerce was prompted by the Committee on Commerce was prompted by the Committee on Commerce was prom on Commerce is now in session, and may take immediate jurisdiction of the resolution and make a prompt report thereon. It seemed to me that under the circumstances the resolution might appropriately go to that committee, and I wish the Senator from New Jersey would permit his resolution to go to the Committee on Commerce. We will report promptly, possibly this afternoon.

Mr. MARTINE of New Jersey. That is perfectly satisfactory to me. I have no other ambition than to relieve a situation

which may possibly occur again to-morrow.

The VICE PRESIDENT. The Chair thought, from the reading of the resolution submitted by the Senator from New Jersey, that a more appropriate reference would be to the Committee on Foreign Relations.

Mr. SMITH of Michigan. I was speaking as a member of the Committee on Commerce, to which the first resolution would

naturally go.

The VICE PRESIDENT. The other resolution, however, is

quite different from this one.

Mr. LODGE. I think, as the resolution relates to the making of treaties, it should go to the Committee on Foreign Relations. It, of course, will have immediate action.

Mr. SHIVELY. That is the distinction between the two reso-

lutions. One naturally goes to the Committee on Commerce and the other naturally goes to the Committee on Foreign Relations.

Mr. SMITH of Michigan, The resolution which I intro-

Mr. MARTINE of New Jersey. I will say, if the Senator will permit me, that after drawing the resolution I consulted with a senior Senator in this body. At first I thought of its reference to the Committee on Commerce, but at his suggestion I changed it. However, I am perfectly indifferent to what committee it may be referred, so long as we can accomplish something; and in God's name let us do something.

Mr. SMITH of Michigan. Mr. President, my resolution also contemplates the recommendation by the Committee on Commerce, after an investigation of the question, as to whether an international agreement could not be entered into which would be effective and far-reaching in such an emergency. If Senators are willing that the pending resolution shall go to the Committee on Commerce, I think I may say without any hesitation that they will report promptly their conclusions, and if there is any matter in the resolution which should appropriately go to the Committee on Foreign Relations I have no disposition whatever to deprive that committee, of which I am a member, of jurisdiction.

The VICE PRESIDENT. Without objection, the resolution offered by the Senator from New Jersey will be referred to the

Committee on Commerce.

Mr. LODGE subsequently said: Mr. President, I made the point in regard to the resolution of the Senator from New Jersey [Mr. Martine] that as it clearly related to treaties and to the passage of a resolution requesting the President to make treatles with other powers for a certain purpose it should undoubtedly go to the Committee on Foreign Relations. I was called from the Senate to the telephone, and I have been informed since I returned that the resolution has gone to the Committee on Commerce. I think it ought clearly to go to the Committee on Foreign Relations, as it relates to treaties. Committee on Commerce has jurisdiction of the legislation which is so well expressed in the resolution of the Senator from Michigan [Mr. SMITH], but I think the other resolution ought to go to the Committee on Foreign Relations.

The VICE PRESIDENT. The Chair agrees with the Senator from Massachusetts, but the Senate, by unanimous consent, referred the resolution of the Senator from New Jersey to the Committee on Commerce. That committee now has charge of it.

It can be taken away from it, of course.

Mr. BACON. Mr. President—

The VICE PRESIDENT. Does the Senator from Massachusetts yield to the Senator from Georgia?

Mr. LODGE. Yes.

Mr. BACON. I venture to suggest that while the Senate acquiesced in the reference there was no formal unanimous consent. Certainly, if it had been asked, I should have objected, but the Senator from Michigan had asked that the resolution go to the Committee on Commerce, and there was no objection interposed. That amounted to an acquiescence, but it did not rise to the dignity, I respectfully suggest, of a unanimous-consent agreement, nor is it so binding as a unanimous consent. I wish to say that I had heard the objection made by the Senator from

Massachusetts in the first instance, but he being in the immediate neighborhood of the Senator from Michigan, I did not notice that he had left the Chamber, and when the Senator from Michigan repeated his motion I supposed it was with the acquiescence of the Senator from Massachusetts, or I myself should then have objected.

Mr. LODGE. I had supposed, Mr. President, when I was called from the Chamber that the resolution of the Senator from New Jersey was going to the Committee on Foreign Relations, with the acquiescence and approval of the Senator from New Jersey, who introduced it. I had supposed the matter settled, but that was my mistake, of course. It seems to me that it is a wrong reference.

The VICE PRESIDENT. The Chair put the question, as the Chair usually does on a matter of that kind. He did not actually first submit to the Senate the question whether they would agree to that reference by unanimous consent, but the Chair stated that, without objection, the reference would be made to the Committee on Commerce as requested.

Mr. LODGE. I understand.
The VICE PRESIDENT. The Chair thinks that the resolution is now so referred, but the Chair thinks it was improperly so referred.

Mr. BACON. I suggest to the Senator from Massachusetts

that he can move to reconsider that action.

Mr. LODGE. I ask, then, that the action be reconsidered, and that the resolution be referred to the Committee on Foreign Relations

The VICE PRESIDENT. Is there objection to the request of

the Senator from Massachusetts?

Mr. SMITH of Michigan. Mr. President, I do not desire to deprive the Committee on Foreign Relations of jurisdiction over the resolution of the Senator from New Jersey. In the resolutions which I introduced occurs this sentence:

And whether it is feasible for Congress to take steps looking to an international agreement to secure the protection of sea traffic.

That provision related to the practical aspect of a question over which the Committee on Commerce has undoubted jurisdiction. I do not desire to insist that the resolution of the Senator from New Jersey go to the Committee on Commerce, but I am perfectly willing, if the Senator from New Jersey is agreeable, that the action be reconsidered and that the resolution of

the Senator go to the Committee on Foreign Relations.

Mr. MARTINE of New Jersey. I am quite agreeable to that.

The VICE PRESIDENT. No objection is heard, and an order is therefore entered changing the reference of the resolution from the Committee on Commerce to the Committee on

Foreign Relations.

MOTOR AND OTHER VEHICLES IN GOVERNMENT SERVICE (S. DOC. NO. 570).

The VICE PRESIDENT laid before the Senate a communication from the Secretary of Agriculture, transmitting, in response to a resolution of the 25th ultimo, the number of carriages, motor vehicles, etc., owned and operated by the Gov-ernment and used by the Department of Agriculture, which was referred to the Committee on Appropriations and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had agreed to the amendments of the Senate to the Joint resolution (H. J. Res. 254) congratulating the people of China on their assumption of the powers, duties, and responsibilities, with an amendment, in which it requested the concurrence of the Senate.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 14083) to create a new division of the southern judicial district of Texas, and to provide for terms of court at Corpus Christi, Tex., and for a clerk of said court, and for other purposes; asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. CLAYTON, Mr. WEBB, and Mr. NYE managers at the conference on the part of the House.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bill and joint resolutions, and they were thereupon signed by the Vice President: S. 2577. An act authorizing the lease of school lands for

public-park purposes by the State of Washington for a longer

period than five years;
S. J. Res. 77. Joint resolution authorizing the Secretary of War to loan certain tents for the use of the Grand Army of the lington will be read.

Republic encampment, to be held at Pullman, Wash., in June,

S. J. Res. 87. Joint resolution authorizing the Secretary of War to receive for instruction at the United States Military Academy at West Point Messrs. Humborto Mencia and Juan Dawson, of Salvador; and

S. J. Res. 91. Joint resolution authorizing the Secretary of War to receive for instruction at the United States Military Academy at West Point Mr. Manuel Aguero y Junque, of Cuba.

PETITIONS AND MEMORIALS.

The VICE PRESIDENT presented petitions of the congregations of the Methodist Episcopal Church of Ludlow, Ill.; the United Presbyterian Church of Whitingsville, Mass.; the Methodist Episcopal Church of Whitingsville, Mass.; and of the Woman's Christian Temperance Unions of Westboro, Mass., and Middletown, N. Y., praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating liquors, which were referred to the Committee on the Judiciary.

Mr. SMITH of Maryland presented a memorial of sundry citizens of Baltimore, Curtis Bay, and Oxford, all in the State of Maryland, remonstrating against the establishment of a department o' health, which was ordered to lie on the table.

Mr. CULLOM presented a petition of the Woman's Christian Temperance Union, of Saunemin, Ill., praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which was referred to the Committee on the Judiciary.

He also presented a petition of Allyn K. Capron Camp, No. 6, United Spanish War Veterans, Department of Illinois, of Chicago, Ill., praying for the enactment of legislation to pension widow and minor children of any officer or enlisted man who served in the War with Spain or the Philippine insurrection, which was referred to the Committee on Pensions.

Mr. JONES. I present telegrams in the nature of memorials, protesting against the passage of the Owen medical bill. I should like to have the signatures noted in the Record, and the

telegrams to lie on the table.

There being no objection, the telegrams were ordered to lie on the table and the signatures to be noted in the RECORD, as follows:

From G. A. Haggerty, of Raymond, Wash.; Sylvester Bros., wholesale grocers, of Seattle, Wash.; J. A. Lee, North Street grocery, of Seattle, Wash.; George W. Seal, of Colville, Wash.; G. E. Sanderson, Jay D. Crary, E. C. Miller, S. M. Anderson, W. O. McCaw, Cadill T. Smith, A. W. Barkley, and H. N. Anderson, of Aberdeen, Wash.; F. T. Evans, secretary board of trustees of the Divine Science Church and College, of Seattle, Wash.; John B. Slater, of Colville, Wash.; V. J. Knapp and Mrs. V. J. Knapp, of Anacortes, Wash.; Washington Branch National League for Medical Freedom, of Seattle, Wash.; Gilbert Hunt, of Walla Walla, Wash.; Dr. G. A. R. Steiner, of Seattle, Wash.; Frank S. Smith, of Seattle, Wash.; the Union Timber Co., the Anderson & Middleton Timber Co., of Aberdeen, Wash., and of S. M. Anderson, president of the Bay City Lumber Co., of Aberdeen, Wash.

Mr. JONES. I also present a letter, telegrams, and a resolution adopted by the board of trustees of the Tacoma Commercial Club and Chamber of Commerce with reference to the Borah-Jones homestead bill now in conference. I should like to have the signatures to the telegrams noted.

There being no objection, the signatures to the telegrams were ordered to be noted in the RECORD, as follows:

From O. F. Errickson, chairman, P. O. Peterson, secretary, of the Homesteaders' Club, of Joplin, Mont.; 30 settlers at Lothair, Mont.; business men of Joplin, Mont., and 55 new settlers; 118 voters of Hinkham, Mont.; 50 settlers of Gilford, Mont.; E. A. Potter, F. O. Vandewalker, Ira L. MacLaren, Charles W. Vandewalker, W. C. Smith, of Spokane, Wash.

The VICE PRESIDENT. Does the Senator from Washington desire to have the petitions referred to the conference committee having the matter in charge?

Mr. JONES. Yes.

The VICE PRESIDENT. That will be the reference, with-

out objection

Mr. WARREN. I ask the Senator if it would not answer his purpose as well to send the telegrams to the Committee on Public Lands. I do not think we are quite permitted to take matters to a conference committee, where the managers on the part of the House and the managers on the part of the Senate will meet, except where material comes to them through the committees which the conferees represent. I should prefer to have it go to the Committee on Public Lands first.

Mr. JONES. I have no objection to that course.

The VICE PRESIDENT. Without objection, the reference will be to the Committee on Public Lands; and without objection, the letter sent to the desk by the Senator from Wash-

There being no objection, the letter was read and referred to the Committee on Public Lands, as follows:

SPOKANE, WASH., April 12, 1912.

Hon. Wesler L. Jones,

United States Senate, Washington, D. C.

Dear Sir: With a number of friends and acquaintances, I have just signed a telegram to you urging the passage of the pending homestead

signed a telegram to you urging the passage of the pending nomestead bill.

I resigned an important position with an eastern college last September and came West, expecting to select a homestead, with the intention of making it my permanent home. I have been appalled, however, at the experiences and hardships of those who are trying to make homes on Government land under existing laws. Where residence is required so continuously, without leave of absence, the health of the women is in many cases seriously impaired, if not permanently undermined. This is more certain to occur wherever the land can not be made immediately productive, and the head of the family must seek employment elsewhere for large portions of the year, leaving the family alone in the wilderness.

The only prospect ahead of men who wish to get a home in this new country is to become a citizen of one of the Canadian Provinces, as thousands are doing. I dislike to leave my native land, however, and am writing to urge you to lend your influence in favor of the new homestead bill, which will allow five months' leave of absence each year and a total residence of only three years.

Were WARREN. I have five very brief telegrams from presi-

Very truly, yours,

Mr. WARREN. I have five very brief telegrams from presidents and secretaries of associations relating to the liability act, and as they are very short I have selected those five and ask that they may be printed in the Record.

There being no objection, the telegrams were ordered to lie on the table and to be printed in the Record, as follows:

Cheyenne, Wyo., April 5, 1912.

To the Hon. F. E. Warren, C. D. Clark, and F. W. Mondell.

Gentlemen: At a regular session of Cheyenne Division. No. 128, Order of Railway Conductors, the secretary was instructed to write, asking you, if consistent, to vote for the following bills:

In the Senate, S. 5382, by Senator Sutherland, and in the House, H. R. 20487, by Mr. Brantley.

Cheyenne division has a membership of 98, and you know something of who they are, therefore we have no hesitancy in asking you to support this measure, for which we thank you in advance.

Yours, very truly,

R. W. Rich, Secretary.

R. W. RICH, Secretary.

CHEYENNE, WYO., April 11, 1912.

Hon. F. E. Warren,

United States Senate, Washington, D. C.:

By unanimously indorsing the principle of workmen's compensation we, members of Brotherhood of Railway Trainmen, Lodge No. 288, Cheyenne, kindly request you to use your influence in passage of Senate bill 5382, pertaining to Federal workmen's compensation bill now before the United States Senate. Thanking you in advance for your best efforts toward same.

WM. C. RATH, President No. 288.

SHERIDAN, WYO., April 7, 1912.

Hon. F. E. WARREN, Washington, D. C .:

The members of Division 624, Brotherhood of Locomotive Engineers, at Sheridan, request your support of Senate bill 5382.

Yours, truly,

E. L. MANSFIELD, Secretary Treasurer 624.

LARAMIE, WYO., April 10, 1912.

Senator F. E. WARREN, Washington, D. C .:

Division 103, Brotherhood of Locomotive Engineers, requests that you support compensation bill (S. 5382). GEO. W. DEFRIEST, Secretary Treasurer.

UPPER SIDNEY, NEBR., April 7, 1912.

Senator Warren, Senate Chamber, Washington, D. C.:

Cheyenne Division 115, Brotherhood of Locomotive Engineers, requests your support on Senate bill No. 5382. J. C. WILLIAMS, Chief.

Mr. SHIVELY. I am in receipt of a large number of telegrams and letters in the way of petitions in favor of the Federal accident and liability bill, which is before the Senate. I have selected a few of them as typical, and I ask that they may be printed in the RECORD.

There being no objection, the telegrams and letters were

ordered to lie on the table and to be printed in the RECORD,

as follows:

MICHIGAN CITY, IND., April 8, 1912.

Hon. B. F. Shivela,

Senate Chamber, Washington, D. C.:

On behalf of the Brotherhood of Railway Locomotive Engineers and
the Trailmen of Michigan City divisions we urge that you support Senate bill 5382, the Federal accident compensation bill; railroad men of
Indiana are vitally concerned in its passage.

JAMES MULQUEEN,

Sceretary Division 300, Brotherhood of Locomotive Engineers.
F. K. Leggett,
Treasurer Brotherhood Railroad Trainmen Lodge 262.

INDIANAPOLIS, IND., April 8, 1912.

Hon. Benjamin F. Shively, United States Senate, Washington, D. C.:

Inland City Lodge 374, Brotherhood of Railroad Trainmen, unanimously indorse the principles of the Federal workman's compensation bill No. 5382, and most earnestly request your favorable assistance in

securing the enactment of this proposed law. Not in years has our membership been so generally interested as in this Federal workman's compensation bill.

T. R. McCamprell, Treasurer Inland City Lodge 374.

Hon. B. F. Shively, Washington, D. C.:

In behalf of the Brotherhood of Locomotive Engineers of the State of Indiana, as their legislative representative, I would most urgently ask for your most favorable consideration of the workmens' compensation bill.

W. R. BRANNON, Division No. 25.

Hon. B. F. Shively, Washington, D. C.:

Lodge No. 136 of the Brotherhood of Railroad Trainmen, consisting of over 700 members, earnestly request your support of Sutherland Senate bill.

C. M. PREBL. Secretary.

WASHINGTON, IND., April 10, 1912.

Senator B. F. SHIVELY, Washington, D. C.:

We sincerely ask you to support Senate bill No. 5382 if possible.
J. M. BLINE,
Secretary Brotherhood of Railway Trainmen.

FORT WAYNE, IND., April 16, 1912.

Senator B. F. SHIVELY, Washington, D. C.:

Division 537, Brotherhood of Locomotive Engineers, requests you do all in your power to secure passage of Senate bill 5382.

H. L. Reed, Secretary.

LOGANSPORT, IND., April 8, 1912.

Hon. B. F. Shively, United States Senate, Washington, D. C.: Please support Senate bill 5382 and House bill 20487, and oblige Division 612, Brotherhood of Locomotive Engineers; 45 members. S. W. Curtis.

GARRETT, IND., April 8, 1912.

Senator B. F. Shively,

Washington, D. C.:

C. N. Bell Lodge, No. 158, Brotherhood of Railway Trainmen, asks you to support House bill No. 20487.

W. E. SARGENT, Secretary No. 158.

BROTHERHOOD OF RAILROAD TRAINMEN, Logansport, Ind., April 8, 1912.

Hon. B. F. Shivela,

Washington, D. C.

Dear Sir: On behalf of the membership of the Brotherhood of Railroad Trainmen, we earnestly request that you work for the passage of the workmen's compensation bill, being Senate bill No. 5382.

We assure you that we voice the sentiment of our people when we say that no legislation for many years has promoted the personal welfare of railway employees as this promises to do. Nor are the advantages confined to the employees, but will be a matter of economy to the transportation company.

Kindly give this matter your immediate and favorable consideration, and oblige.

Yours, very respectfully,

W. W. Hacket, Vice President.

T. M. Bantz, Treasurer.

W. W. HACKET, Vice President, T. M. BANTZ, Treasurer, J. A. ZANGER.

BROTHERHOOD OF RAILROAD TRAINMEN, A. G. AMSDEN LODGE, NO. 23, Elkhart, Ind., April 8, 1912.

Hon. B. F. Shivell, Washington, D. C.

Dear Sir: A. G. Amsden Lodge, No. 23, Brotherhood of Railroad Trainmen, located at Eikhart, Ind., and having a membership of 300 members, requests that you use your influence toward the passage of the Federal compensation act (No. 5382), which was introduced in the Senate by Mr. Sufficiently of Utah.

Our membership feels that this bill is the most important legislation in our favor that has been introduced in a number of years, and therefore asks your favorable assistance toward its passage.

Respectfully,

Respectfully, B. N. Dalee, Secretary Lodge No. 23, Brotherhood of Railroad Trainmen, 1547 South Main Street, Elkhart, Ind. [SEAL.]

BROTHERHOOD OF RAILROAD TRAINMEN, HOOSIER LODGE, No. 261, Indianapolis, Ind., April 7, 1912.

Hon. B. F. SHIVELY, Senator.

DEAR SIR: In behalf of the members of the Brotherhood of Railroad Trainmen under the jurisdiction of this lodge, numbering 510 members, action was taken at a regular meeting held in Moose Hall, Indianapolis, Ind., March 31, instructing me to urgently request that you give your earnest support to the workmen's compensation bill, introduced in the Senate by the Hon. Senator Sutherland and known as Senate bill No. 5382

Senate by the Hon. Senator SCHHERLAND and known as Senate bill No. 5382.

This bill has been given serious consideration by this lodge at a number of readings; it has been discussed at some length, and while the amounts specified in the bill are not as large as we think they should be, we believe it is a step in the right direction. We firmly believe it will be the cause of universal good among our craft, the knowledge and certainty that we get the stipulated amount according to the nature of the injury, without the expensive and sometimes very slow legal remedies, will be a source of general satisfaction if enacted into law.

We earnestly hope you will see fit to support this bill and do your best to place it on the Federal statute books. Thanking you in advance, I beg to remain.

Yours, very truly,

E. H. STEWART, Secretary Lodge 261, Brotherhood of Railroad Trainmen, 1225 Harlan Street, Indianapolis, Ind.

BROTHERHOOD OF LOCOMOTIVE ENGINEERS, JOHN HILL DIVISION No. 248, Elkhart, Ind., March 19, 1912.

Hon. B. F. Shively, United States Senate, Washington, D. C.

Dear Sir: Two hundred locomotive engineers, citizens of your State, respectfully request you to support the Sutherland Senate bill on workmen's compensation.

Hoping to hear a favorable report from you in this matter, I remain, Yours, truly,

[SEAL.]

James H. Calkins, Secretary-Treasurer.

LOGAN DIVISION, No. 110.
ORDER OF RAILWAY CONDUCTORS OF AMERICA,
Logansport, Ind., March 28, 1912.

Mr. B. F. SHIVELY, United States Senator.

DEAR Sin: At to-day's meeting of Logan Division 110, Order Railway Conductors, I was instructed, by unanimous vote, to ask you to vote for the passage of the employees' liability and compensation act.

Thanking you in advance.

Yours, respectfully,

E. M. Davon, Secretary

[SEAL.]

F. M. PENCE, Secretary. 1425 Market Street, Logansport, Ind.

RICHMOND LODGE, No. 575, BROTHERHOOD OF RAILROAD TRAINMEN, April 10, 1912.

Mr. B. F. Shively, Washington, D. C.

Dear Sir: The 165 members of Richmond Lodge 575, Brotherhood of Railroad Trainmen, are unanimously in favor of the Federal accident compensation act introduced by Senator Sutherland and known as No. 5382. No. 5382.

Hoping you can favor us with your support, I remain,
Respectfully, yours,

G. M. J

G. M. DUVALL, 114 North Fourteenth Street, Richmond, Ind.

W. W. PEABODY LODGE, No. 165, BROTHERHOOD OF RAILBOAD TRAINMEN, Washington, Ind., April 7, 1912.

Mr. Benjamin F. Shively, Washington, Ind., April 7, 1912.

Senator from Indiana.

Dean Sir: We, the undersigned members of W. W. Peabody Lodge, No. 165, Brotherhood of Railroad Trainmen, ask your assistance in passing workmen's compensation law, Senate bill 5382, in this sitting of Congress.

We feel that a bill suck of the

Congress.

We feel that a bill such as the workmen's compensation law is one that we should have, and hoping and trusting that you gentlemen will give this matter your undivided and prompt attention in securing the passage of this bill, we beg to remain,

Respectfully, yours,

JOHN BLINE, Secretary.

ATLANTIC DIVISION, No. 120, ORDER OF RAILWAY CONDUCTORS, Huntington, Ind., April 15, 1912.

Hon. B. F. SHIVELY, Washington, D. C.

Hon. B. F. Shively, Washington, D. C.

MY Dear Senator: Atlantic Division 120, Order of Railway Conductors, of Huntington, Ind., has voted favorably on Senate bill 5382, and I am instructed to inform you that it is the will of this division that you vote for and use your influence for the passage of this bill, thereby conferring a favor on this division and the railroad men of your district.

Yours, truly,

E. C. Smith, Secretary.

Mr. SHIVELY presented a memorial of sundry citizens of New Paris, Ind., remonstrating against the enactment of legislation to permit the coloring of oleomargarine in imitation of butter, which was referred to the Committee on Agriculture and Forestry.

Mr. ASHURST. I am also in receipt of a great number of telegrams and letters soliciting my support and vote for the workmen's compensation bill, being Senate bill 5382. I have selected a few, and I ask permission to incorporate them in the

There being no objection, the matter referred to was ordered to lie on the table and to be printed in the RECORD, as follows: WINSLOW, ARIZ., April 6, 1912.

Hon. Henry F. Ashurst,

Care United States Senate, Washington, D. C.:

Your support to Senate bill No. 5382 is requested by Brotherhood of Locomotive Engineers, No. 134, Winslow, Ariz.

M. J. Phares, Secretary.

WINSLOW, ARIZ., April 7, 1912.

H. F. ASHURST,

Care United States Senate, Washington, D. C.:

We, as a body of Brotherhood of Railway Trainmen, earnestly request you do all in your power to have Senate bill No. 5382 passed.

President Brotherhood of Railway Trainmen, No. 477.

WINSLOW, ARIZ., April 6, 1912.

N. J. FORREST.

H. F. ASHURST: Your support of Senate bill No. 5382 is requested by Brotherhood of Locomotive Engineers, No. 134, Winslow, Ariz. SAN XAVIER DIVISION, NO. 313, ORDER OF RAILWAY CONDUCTORS OF AMERICA, Tucson, Ariz., April 1, 1912.

HENRY F. ASHURST.

Dear Sir: Division No. 313 of the Order of Railway Conductors of America has instructed me to address a communication to you respectfully requesting that you support the bill that has been introduced in Senate as S. 5382, by Senator Sutherland, who was chairman of the committee appointed to secure an equitable workman's compensation law; and in the House as H. R. 20487, by Mr. Brantley, vice chairman

compensation law; and in the House as H. R. 20487, by Mr. Brantley, vice chairman.

Our joint national representative, Mr. H. E. Wills, who is now in Washington, will explain to you more fully the time, labor, and expense that the labor organizations have been to in getting these bills introduced. He not only represents the Order of Railway Conductors, but the Brotherhood of Locomotive Engineers and the Brotherhood of Railway Trainmen as well, and we would deem it as a special favor if you would make an effort to become acquainted with Mr. Wills.

Trusting that you will give this matter your attention and favorable consideration, we are,

Yours, truly,

San Xavier Division No. 313,

By C. F. Davant, Secretary and Treasurer.

SAN XAVIER DIVISION No. 313, By C. F. DAVANT, Secretary and Treasurer.

DEWEY LODGE, No. 460,
BROTHERHOOD OF RAILROAD TRAINMEN,
Tucson, Ariz., April 4, 1912.

Mr. HENRY ASHURST, Washington, D. C.

Dear Sir: The members of this lodge are anxious for the passage of the bill introduced in the Senate as S. 5382 by Senator Sutherland and in the House as H. R. 20487 by Mr. Brantley, and any assistance you may give in the passage of these bills will be highly appreciated by the members of this lodge. Thanking you in advance,

Respectfully,

[SEAL.]

J. H. HIGHBAUGH, Secretary 460, Brotherhood of Railroad Trainmen.

Mr. ASHURST presented a petition of the Nogales and Santa Cruz County Board of Trade, of Santa Cruz County, Ariz., praying for the enactment of legislation providing for the preservation of the Tumacacori Mission Church, in Santa Cruz County, Ariz., which was referred to the Committee on Public Lands.

He also presented a petition of the Chamber of Commerce of

Prescott, Ariz., praying for the establishment of a division of the district court at Prescott, Tucson, Globe, and Phoenix, in that State, which was referred to the Committee on the Judiciary.

Mr. KERN. I have a large number of telegrams relating to Senate bill No. 5382—the workmen's compensation bill. I ask that the telegrams be printed in the RECORD and properly re-

There being no objection, the telegrams were ordered to lie on the table and to be printed in the Record, as follows:

WASHINGTON, IND., April 8, 1912.

Senator John W. Kern,

Senate Chamber, Washington, D. C.:

Vincennes Division, No. 289, Brotherhood of Locomotive Engineers, requests your support of Senate bill No. 5382. This division, with a membership of 74, Indorses bill unanimously.

Byron Robinson, Chief Engineer.

LOGANSPORT, IND., April 8, 1912.

Hon. J. W. KERN, U. S. Senate, Washington, D. C. Please support Senate bill 5382 and House bill 20487 and oblige Division 612, Brotherhood of Locomotive Engineers, 45 members. S. W. Curtis.

Hon. John W. Kern,

Care United States Senate, Washington, D. C.:

Inland City Lodge, 374, Brotherhood of Railroad Trainmen, unanimously indorse the principles of the Federal workmen's compensation bill, No. 5382, and most earnestly request your favorable assistance in securing the enactment of this proposed law. Not in years has our membership been so generally interested as in this Federal workman's compensation bill.

T. R. McCampbell, Treasurer Inland City Lodge, 374.

WASHINGTON, IND., April 10, 1912.

Hon. John W. Kern, Washington, D. C.:

We sincerely ask you to support Senate bill No. 5382, if possible.

Secretary Brotherhood of Railroad Trainmen, 165.

TERRE HAUTE, IND., April 6, 1912.

JOHN W. KERN,
United States Senate, Washington, D. C.:
Division 754, Brotherhood of Locomotive Engineers, heartily indorse
Senate bill No. 5382. Please support.

MICHIGAN CITY, IND., April 8, 1912.

Hon. John W. Kern,

Senate Chamber, Washington, D. C.:

On behalf of the Brotherhood of Railway Locomotive Engineers and the Trainmen of Michigan City Divisions, we urge that you support Senate bill 5382, the Federal accident compensation bill. Railroad men of Indiana are vitally concerned in its passage.

James Mulqueen,

Secretary Division 300, Brotherhood of Locomotive Engineers.

F. K. Leggerr,

Treasurer Brotherhood Railroad Trainmen, Lodge 262.

PERU, IND., April 8, 1912.

Hon. John W. Kern, Washington, D. C .:

Division 548. Brotherhood of Locomotive Engineers, 195 members, request your support of Senate bill No. 5382.

C. J. RIPPLE, Chief Engineer.

Mr. CLAPP presented petitions of sundry citizens of Winona, Brainerd, and Duluth, all in the State of Minnesota, praying for the enactment of legislation providing for the construction of one of the proposed new battleships in the Brooklyn Navy

Yard, which were referred to the Committee on Naval Affairs, Mr. CRAWFORD presented a petition of sundry citizens of Leola, S. Dak., praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside

law to prevent the nullification of State liquor laws by outside dealers, which was referred to the Committee on the Judiciary.

Mr. BROWN presented memorials of sundry citizens of Gibbon, Gering, Scottsbluff, and Minatare, all in the State of Nebraska, remonstrating against any reduction of the duty on sugar, which were referred to the Committee on Finance.

He also presented a memorial of sundry citizens of Wayne,

Nebr., remonstrating against the enactment of legislation to permit the coloring of oleomargarine in imitation of butter, which was referred to the Committee on Agriculture and Forestry.

He also presented sundry affidavits in support of the bill (S. 5904) for the relief of the Victor White Coal Co., of Omaha, Nebr., which were referred to the Committee on Claims.

Mr. CATRON presented a petition of sundry citizens of Espanola, N. Mex., praying for the establishment of a parcel-post system, which was referred to the Committee on Post Offices and Post Roads.

He also presented a memorial of sundry business men of Santa Fe, N. Mex., remonstrating against the establishment of a parcel-post system, which was referred to the Committee on

Post Offices and Post Roads. Mr. PENROSE presented petitions of Washington Camps. No. 312, of Houtzdale; No. 3, No. 703, No. 120, No. 293, and No. 704, of Philadelphia; No. 272, of Sayre; No. 780, of Lancaster; No. 35, of Mount Carmel; No. 677, of Kutztown; No. 784, of Flourtown; No. 129 and No. 265, of Ringtown; No. 400, of Gibson; No. 623, of Parsons; and No. 82, of Rockdale, all of the Patriotic Order Sons of America; of Local Councils all of the Patriotic Order Sons of America; of Local Councils No. 139, of Luzerne; No. 20, of Philadelphia; No. 963, of Siegfried; No. 167, of Uniontown; No. 404, of Valley View; No. 442, of Pittsburgh; No. 896, of Slocum; No. 973, of Penns Park; No. 45, of Plains; No. 60, of Dover; No. 204, of New Tripoli; No. 162, of Steelton; No. 115, of York; No. 900, of Spring City; No. 484, of Addison; No. 72, of Johnstown; No. 7500 of Www.edu. 760, of Waynesboro; No. 310, of Cokeville; No. 700, of Johnstown; No. 828, of Frackville; No. 942, of Dalton; No. 211, of New Stanton; Pride of the Valley Council, of New Kensington; and No. 685. of Ferndale, all of the Junior Order United American Mechanics; and of A. K. Shaeffer, of Apollo, all in the State of Pennsylvania, praying for the enactment of legislation to further restrict immigration, which were ordered to lie on the table.

Mr. TOWNSEND presented a petition of sundry citizens of Addison, Mich., praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which was referred to the Committee on the Judiciary

Mr. SMITH of South Carolina. On the same subject I present three telegrams, which I ask may be printed in the RECORD.

There being no objection, the telegrams were ordered to lie on the table and to be printed in the RECORD, as follows:

ABBEVILLE, S. C., April 9, 1912.

Senator E. D. SMITH, Washington, D. C.

DEAR SIR: I herewith request you to give your hearty support to the employers' liability and workmen's compensation bill, which I believe, if made a law, will be to the best interest of the railroad man in this Thanking you for your consideration, I am,
Yours, very truly,
H.

H. B. WILSON,
Member Division No. 498,
Brotherhood of Locomotive Engineers.

COLUMBIA, S. C., April 8, 1912.

Senator E. D. Smith,

Washington, D. C.:

Brotherhood of Railroad Trainmen, 312, unanimously voted for the passage of Senate bill 5382. Use your influence for passage of bill in behalf of Brotherhood of Railroad Trainmen, 312.

Thos. Calk, Treasurer 312.

FLORENCE, S. C., April 7, 1912.

Hon. Ellison D. Smith,

United States Senate, Washington, D. C.:

The members of Division 265, Brotherhood Locomotive Engineers,
Florence, S. C., respectfully ask you to support S. 5382.

A. H. Holter, Secretary.

Mr. O'GORMAN presented resolutions adopted by the Chamber of Commerce of New York favoring the opening of the Panama Canal to all tonnage, irrespective of ownership, which were referred to the Committee on Interoceanic Canals.

DEPARTMENT OF HEALTH.

Mr. WORKS. Mr. President, I desire to give notice that on Monday, the 29th of April, immediately after the close of the morning business, I will, with the permission of the Senate, submit some remarks upon Senate bill No. 1, commonly known as the Owen health-department bill.

In this connection, in view of what was said on the floor of the Senate yesterday as to who is opposing this measure, I desire to present two short telegrams, and I ask that they be

The VICE PRESIDENT. Without objection, the telegrams will be read.

The telegrams were read and ordered to lie on the table, as follows:

LOS ANGELES, CAL., April 16, 1912.

Hon. J. D. Works,
Senate Chamber, Washington, D. C.:

The faculty and students of the Pacific College of Osteopathy desire to protest most emphatically against the passage of Senate bill No. I, introduced by Senator Owen, or any similar measure establishing a Federal department or bureau of health, believing that such legislation would seriously menace the future of osteopathy in this country.

CLEMENT A. WHITING, Sc. D. D. O., Chairman of Faculty.

LOS ANGELES, CAL., April 16, 1912.

Hon. John D. Works, Senate Chamber, Washington, D. C.:

Believing that the passage of Senate bill No. 1 would result in discrimination against the independent schools of healing in favor of the so-called regular school we, the faculty and students of the California Electric Medical College, do hereby vigorously protest against the passage of above bill or similar legislation seeking the establishing of a national department or bureau of health.

O. C. Welbourn, A. M., M. D., President, J. A. Munk. Dean, Former President, National Electric Medical Association.

REPORTS OF COMMITTEES. Mr. McCUMBER, from the Committee on Pensions, to which were referred certain bills granting pensions and increase of pensions, submitted a report (No. 630), accompanied by a bill (S. 6384), granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and to certain soldiers and sailors of wars other than the Civil War, and to widows and dependent relatives of such soldiers and sailors, which was read twice by its title, the bill being a substitute for the following Senate bills heretofore referred to that committee:

S. 559. Martin Markeson.

S. 799. Rebecca Strouther.

S. 2525. Frederick S. Barrows, jr.

S. 2850. Maggie Boutiette.

S. 3301. William H. Hinkel.

S. 3585. William C. Emison, S. 3601. William A. Hickok,

S. 5216. William Quinlivan.

S. 5655. Mary Meade Sands.

S. 6023. Francis M. Tibbetts. S. 6326. William E. Bailey.

Mr. NELSON, from the Committee on Commerce, to which was referred the bill (H. R. 21960) to authorize the Port Arthur Pleasure Pier Co. to construct a bridge across the Sabine-Neches Canal, in front of the town of Port Arthur, reported it without amendment.

FUNERAL EXPENSES OF THE LATE SENATOR TAYLOR.

Mr. BRIGGS, from the Committee to Audit and Control the Contingent Expenses of the Senate, to which was referred Senate resolution 281, submitted by Mr. Lea on the 9th instant, reported it without amendment, and it was considered by unanimous consent and agreed to, as follows:

Resolved, That the Secretary of the Senate be, and he hereby is, authorized and directed to pay from the miscellaneous items of the contingent fund of the Senate the actual and necessary expenses incurred by the committee appointed by the Vice President in arranging for and attending the funeral of the late Senator ROBERT L. TAYLOR, from the State of Tennessee, vouchers for the same to be approved by the Committee to Audit and Control the Contingent Expenses of the Senate

MISSOURI RIVER BRIDGE AT SOUTH SIOUX CITY.

Mr. NELSON. I am directed by the Committee on Commerce, to which was referred the bill (H. R. 21821) to authorize the city of South Sioux City, in the State of Nebraska, to construct a bridge across the Missouri River between the States of Nebraska and Iowa, to report it without amendment. I call the attention of the senior Senator from Nebraska to the bill.

Mr. BROWN. I ask unanimous consent for the present consideration of the bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LOSS OF STEAMER "TITANIC."

Mr. SMITH of Michigan subsequently said: I am directed by the Committee on Commerce, to which was referred Senate resolution 283, directing the Committee on Commerce to investigate the causes leading to the wreck of the White Star liner Titanic, to report it with an amendment, and I submit a report thereon. I ask unanimous consent for the present consideration of the resolution.

The Senate, by unanimous consent, proceeded to consider the resolution.

The amendment was to add at the end of the resolution the following:

And the expenses incurred by this investigation shall be paid from the contingent fund of the Senate upon vouchers to be approved by the chairman of said committee.

The amendment was agreed to.

The resolution (S. Res. 283) as amended was agreed to, as follows:

Resolved, That the Committee on Commerce, or a subcommittee thereof, is hereby authorized and directed to investigate the causes leading to the wreek of the White Star liner Titanic, with its attendant loss of life, so shocking to the civilized world.

Resolved further, That said committee or a subcommittee thereof is hereby empowered to summon witnesses, send for persons and papers, to administer oaths, and to take such testimony as may be necessary to determine the responsibility therefor, with a view to such legislation as may be necessary to prevent, as far as possible, any repetition of such a disaster.

Resolved further, That the committee shall inquire particularly into the number of lifeboats. He rafts, and life preservers, and other equipment for the protection of the passengers and crew; the number of persons aboard the Titanic, whether passengers or crew, and whether adequate inspections were made of such vessel, in view of the large number of American passengers traveling over a route commonly regarded as dangerous from feebergs; and whether it is feasible for Congress to take steps looking to an international agreement to secure the protection of sea traffic, including regulation of the size of ships and designation of routes.

Resolved further, That in the report of said committee it shall recommend such legislation as it shall deem expedient; and the expenses incurred by this investigation shall be paid from the contingent fund of the Senate upon vouchers to be approved by the chairman of said committee.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. FLETCHER:

A bill (S. 6385) to regulate the taking or catching of sponges in the waters of the Gulf of Mexico and Straits of Florida, the landing, delivering, curing, selling, or disposing of the same, providing means of enforcement of same, and for other purposes; to the Committee on Fisheries.

By Mr. SMITH of Maryland:

A bill (S. 6386) to refund to William Henry, master of the steamship Vedamore the sum of \$300 erroneously paid by him as a fine (with accompanying paper); to the Committee on Claims.

By Mr. KERN:

A bill (S. 6387) granting an increase of pension to James H. Meekin (with accompanying papers); and

A bill (S. 6388) granting an increase of pension to Francis M. Hanes (with accompanying papers); to the Committee on

A bill (S. 6389) for the relief of Richard Brady (with accompanying papers); to the Committee on Military Affairs.

By Mr. BROWN: A bill (S. 6390) granting a pension to Rachel Ann Bovee;

to the Committee on Pensions.

By Mr. BRIGGS: A bill (S. 6391) for the relief of John W. Barriger et al.; to the Committee on Claims.

By Mr. PERKINS:

bill (S. 6392) providing for the equipment of steamers with life-saving apparatus; to the Committee on Commerce. By Mr. TOWNSEND:

A bill (S. 6393) granting an increase of pension to James W. Smith (with accompanying paper); and

A bill (S. 6394) granting an increase of pension to Alvord Peck; to the Committee on Pensions. By Mr. BRADLEY:

A bill (S. 6395) granting an increase of pension to Eliza T. Eastin (with accompanying paper);

A bill (S. 6396) granting an increase of pension to Howard Miller, alias Howard Mobley (with accompanying papers);

A bill (S. 6397) granting an increase of pension to William W. Gaines (with accompanying papers);

A bill (S. 6398) granting an increase of pension to Sidney Payne Smith (with accompanying papers); and

A bill (S. 6399) granting an increase of pension to Solomon Butler (with accompanying papers); to the Committee on Pen-

By Mr. PENROSE:

A bill (S. 6401) granting an increase of pension to James 7. Lowrie; to the Committee on Pensions. By Mr. GRONNA:

A bill (S. 6402) to authorize the issuance of absolute and unqualified patents to public lands in certain cases; to the Committee on Public Lands.

By Mr. CURTIS:

A bill (S. 6403) authorizing the Secretary of the Interior to set aside certain lands to be used as a sanitarium by the Order of Owls; to the Committee on Public Lands.

A bill (S. 6404) for the establishment of a new bureau in the

Navy Department to be known as the Coast Guard Bureau; to

the Committee on Naval Affairs.

(By request.) A bill (S. 6405) to authorize the condemnation of land along the Anacostia River, in the District of Columbia, necessary for the reclamation and development of the Anacostia River and Flats from the Anacostia Bridge to the District line; to the Committee on the District of Columbia.

By Mr. O'GORMAN:

A bill (S. 6406) for the relief of Edwin P. Andrus and others; to the Committee on Claims.

WIDOWS' PENSIONS.

Mr. JONES. When the general pension legislation was pending before the Senate I offered an amendment to the bill proposing to increase the pension of certain widows of the Civil War. The amendment received considerable support. The only opposition to it was based on the desire that it should not be attached to the bill then under consideration. I wish to offer a bill covering substantially that subject, and I trust the Pension Committee will give it early consideration.

The bill (S. 6400) increasing pensions of widows of the Civil War was read twice by its title and referred to the Committee

on Pensions.

AMENDMENTS TO RIVER AND HARBOR BILL (H. R. 21477).

Mr. RAYNER submitted an amendment proposing to adjust and settle the loss sustained by the Lake Drummond Canal & Water Co. by reason of the purchase and opening of the Chesapeake and Albemarle Canal from Norfolk to the Albemarle Sound, etc., intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

Mr. LIPPITT (for Mr. OLIVER) submitted an amendment proposing to appropriate \$75,000 for a survey of a proposed waterway extending from the Ohio River at the mouth of the Beaver River, Pa., etc., intended to be proposed to the river and harbor appropriation bill, which was referred to the Committee on

Commerce and ordered to be printed.

Mr. CATRON submitted an amendment relative to a survey from Velarde, Mexico, to the sixth standard parallel south, New Mexico meridian, etc., intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

Mr. FOSTER submitted an amendment relative to a survey at the mouth of the Bayou St. John, Orleans Parish, La., intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Com-

merce and ordered to be printed.

Mr. BRIGGS submitted an amendment relative to the construction of necessary cut-offs in the Rahway River, N. J., etc., intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

Mr. CRANE submitted an amendment relative to securing and maintaining a shelter harbor at Scituate, Mass., known as the Glades, and between that locality and the Hazards, intended to be proposed by him to the river and harbor appro-priation bill, which was referred to the Committee on Commerce and ordered to be printed.

AMENDMENTS TO APPROPRIATION BILL.

Mr. HEYBURN submitted an amendment proposing to appropriate \$250,000 for the construction of new roads and the widening of the present roads in the Yellowstone National Park, in order to permit the use of automobiles therein, etc., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. McCUMBER submitted an amendment proposing to appropriate \$5,000 to pay the administrator of the estate of John W. West, deceased, out of any money standing to the credit of the Cherokee Nation of Indians, in full payment of the award made by the commission appointed under treaty with those Indians, etc., intended to be proposed by him to the Indian appropriation bill (H. R. 20728), which was referred to the Committee on Indian Affairs and ordered to be printed.

OMNIBUS CLAIMS BILL.

Mr. BACON submitted two amendments intended to be proposed by him to the bill (H. R. 19115) making appropriation for payment of certain claims in accordance with findings of the Court of Claims, reported under the provisions of the acts approved March 3, 1883, and March 3, 1887, and commonly known as the Bowman and the Tucker Acts, which were referred to the Committee on Claims and ordered to be printed.

He also submitted two amendments intended to be proposed by him to the bill (H. R. 19115) making appropriation for payment of certain claims in accordance with findings of the Court of Claims, reported under the provisions of the acts approved March 3, 1883, and March 3, 1887, and commonly known as the Bowman and the Tucker Acts, which were ordered to be printed and, with accompanying papers, referred to the Committee on

Mr. CRANE submitted an amendment intended to be proposed by him to the bill (H. R. 19115) making appropriation for payment of certain claims in accordance with findings of the Court of Claims, reported under the provisions of the acts approved March 3, 1883, and March 3, 1887, and commonly known as the Bowman and the Tucker Acts, which was referred to the Committee on Claims and ordered to be printed.

HEARINGS BEFORE THE COMMITTEE ON PATENTS.

Mr. BROWN submitted the following resolution (S. Res. 285) which was read and referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Committee on Patents or any subcommittee thereof be, and is hereby, authorized to employ a stenographer from time to time, as may be necessary, to report such hearings as may be had on bills or other matters pending before said committee during the Sixty-second Congress, and to have the same printed for its use; and that such stenographer be paid out of the contingent fund of the

SYSTEM OF RURAL COOPERATIVE CREDIT.

Mr. McCUMBER. Mr. President, on the 28th of last month the Committee on Finance reported the joint resolution (S. J. Res. 75) to provide for the appointment of a commission to investigate the operations of cooperative land-mortgage banks and cooperative rural credit unions in other countries. I have two pamphlets, one giving an outline of the European cooperative credit systems relating to Germany (S. Doc. No. 574), and the other being a translation from the French, by Pauline Carter Biddle, on agricultural credit relating to the operations in France (S. Doc. No. 572). The pamphlets are very valuable in the consideration of this subject. I ask that they be printed each as a Senate document.

The VICE PRESIDENT. Without objection, an order therefor will be entered.

THE ALASKAN QUESTION (S. DOC. NO. 573).

Mr. NIXON. Mr. President, at the last session of the American Mining Congress some very interesting papers were read by Mr. George E. Baldwin and others relative to the general development of Alaska. The papers are instructive and interesting, and I ask that they be printed as a Senate document.

The VICE PRESIDENT. Without objection, it is so ordered.

WORKMEN'S COMPENSATION AND EMPLOYERS' LIABILITY.

Mr. BACON. Mr. President, I ask leave to present a paper. On yesterday I stated the fact that I had received various communications from railroad employees in my State in regard to the compensation bill, as it is called, and that all of them, with one exception, were adverse to the passage of the bill, but that there was one organization in the State which had sent to me a communication asking me to favor the passage of the bill. Since then I have received from that organization another communication asking to withdraw their former request, and now making the request that I oppose the bill. It is a very conservative letter, and I ask that it may be read.

The VICE PRESIDENT. Without objection, the Secretary

will read as requested.

The Secretary read as follows:

SAVANNAH, GA., April 15, 1912.

Hon. A. O. Bacon,

Senate Chamber, Washington, D. C.

Diar Sir: Since our recent correspondence relative to Senate bill No. 5382 and House bill No. 20487, generally known as the Federal accident compensation bills, this division has, upon resolution, reconsidered its former action declaring itself in favor of the legislation.

Upon further consideration we find that the bills in their present shape, should they become a law, would work a hardship upon the victims of accident, and we beg to advise you that upon the bills now pending our action has been reversed. We are opposed to this proposed legislation, and as long as the bills contain the objectionable features now present in them, particularly the inadequate schedule of compensation provided, we respectfully request that you will use your endeavors to defeat it. However, we are favorable to legislation which would fix a fair and equitable rate of compensation between employer and employee in the event of accident to the employee in the discharge of his duty. Our opposition to the bills now pending is based solely upon the defective character of those measures. We believe that these measures can be amended to provide adequate protection to the workman and at the same time accord complete fairness to the employer. This we earnestly hope may be accomplished, and we trust you will work to this end; but the passage of the bills in their present condition would, we are convinced, be more hurtful than for them to fall of passage completely.

G. B. Sondery,

Sceretary and Treasurer. G. B. SONDLEY, Secretary and Treasurer.

Approved.

H. D. WILLIAMS, Chief Conductor.

Mr. ROOT. Mr. President, I have received a letter from the joint national legislative representative of the Brotherhood of Locomotive Engineers, the Brotherhood of Railroad Trainmen, and the Order of Railway Conductors, upon the same subject as the letter which has just been read. I ask that this letter, which is brief and temperate, may be read for the information of the Senate.

The VICE PRESIDENT. Without objection, the Secretary will read as requested.

The Secretary read as follows:

will read as requested.

The Secretary read as follows:

Congress Hall Hotel,

Washington, D. C., March 20, 1912.

Dear Senator: There is now pending in the Senate S. 5382 and in the House H. R. 20487, known as "A bill to provide an exclusive remedy and compensation for accidental injuries resulting in disability or death to employees of common carriers by railroads engaged in interstate and foreign commerce or in the District of Columbia, and for other purposes."

This bill is the result of deliberation by a commission appointed under joint resolution for the purpose of consideration of this subject. The organizations I am representing, namely, Brotherhood of Locomotive Engineers, Order of Italiway Conductors, and Brotherhood of Raliroad Trainmen, prepared and were active in aiding the passage of a resolution providing for the appointment of the commission.

The chief executives of the organizations I am representing, as well as myself, have given every phase of this question careful consideration, having attended the hearings, and have officially put ourselves and our organizations on record in favor of the pending bill.

Our members will be greatly benefited by the passage of this measure, and we carnestly desire your support of this legislation.

It is possible that some individual members of our organizations in some localities may be misled by false and misleading statements that have been circulated. These come, we think, from those who are personally interested in bringing damage sults, as it is a well-known fact that from 30 to 50 per cent of the amounts now recovered from railroads in damage sults is paid to claim attorncys.

The report of the commission, of which you have a copy, shows that the railroad employees will receive benefits of \$15,000,000 per annum under the proposed legislation, while under the present law they receive only \$10,085,000 per annum less the amount that goes to their attorneys. The \$15,000,000, as can be seen from the report, will be paid without detriment to the railways.

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Joint National Legislative Representative of Brotherhood of Locomotive Engineers, Order of Railway Conductors, and Brotherhood of Railroad Trainmen.

ELECTION OF SENATORS BY DIRECT VOTE.

Mr. CLARK of Wyoming. Mr. President, for a considerable time the conference committee of the two Houses have had under consideration the differences between the two Houses on the joint resolution (H. J. Res. 39) proposing an amendment to the Constitution for the election of Senators. I regret to say that the conference committee has been unable to come to any agreement. It is not my purpose to report the disagreement at this time, but to give the Senate notice that on Tuesday next that disagreement will be formally reported to the Senate. I give the notice now because of the widespread interest in the matter, so that Senators may know that the disagreement report will be made at the time I have stated, at which time the committee will also return the papers for such further action as the Senate may see proper to take.

MOTOR AND OTHER VEHICLES IN GOVERNMENT SERVICE (S. DOC. NO. 571).

The VICE PRESIDENT laid before the Senate the following message from the President of the United States, which was read and, with accompanying paper, referred to the Committee on Appropriations and ordered to be printed: To the Senate:

I transmit herewith a report from the Acting Secretary of State supplying the information with respect to the Department

of State called for by the Senate resolution of March 25, 1912. concerning the number of carriages, vehicles, motor cycles, and automobiles now owned by the Government or maintained at Government expense in the executive departments, and the purpose for which each of these vehicles is used.

WM. H. TAFT.

THE WHITE HOUSE, April 15, 1912.

CONGRATULATIONS TO PEOPLE OF CHINA.

The VICE PRESIDENT laid before the Senate the amendment of the House of Representatives to the amendment of the Senate No. 1 to the joint resolution (H. J. Res. 254) congratulating the people of China on their assumption of the powers, duties, and responsibilities of self-government, which was to strike out "Concurrent No. —" and insert "H. Con. Res. No. 50."

Mr. LODGE. I move that the Senate concur in the amendment of the House.

The motion was agreed to.

REGULATION OF IMMIGRATION.

Mr. LODGE. I move that the Senate proceed to the consideration of the bill (S. 3175) to regulate the immigration of aliens to and the residence of aliens in the United States.

The motion was agreed to, and the Senate, as in Committee of the Whole, resumed the consideration of the bill.

Mr. DILLINGHAM. Mr. President, it is rather a startling fact that since the year 1860 we have admitted to this country about 23,000,000 aliens, known as immigrants. It is an equally startling fact that in the last 12 years we have admitted about 9,000,000; and when in the year 1907 we received the largest number ever received in any one year during our history, to wit, 1,285,000, the country was aroused, and Congress authorized the appointment of a commission to investigate the whole subject of immigration.

That commission entered upon the discharge of its duties and spent the better part of two years, perhaps longer, in accomplishing its work, and it has made a report to Congress, which is embraced in about 40 volumes, largely statistical. The reports of the commission upon the different subjects studied will be found in volumes 1 and 2, and it is in these volumes that the ordinary reader will be able to find the general results of the commission's work.

In them will be found reports based upon their study of medical examinations abroad, of immigrant aid societies, of alien criminality, of the immigration situation in Canada. They have had prepared a dictionary of races, which every Senator will be very glad to have in his library, as well as a review of immigration legislation; they investigated and made reports upon the white-slave traffic, steerage conditions, physical assimilation, congestion of immigrants in cities, immigrants in agriculture, occupation of parents and children, as well as upon other subjects not here enumerated. They made a thorough investigation of the effect of immigration upon 20 of the leading industries of the United States, selecting those which are the most important in their proportions, like coal, iron, steel, cotton, woolen, mining, and others.

In doing this they sent their agents into 200 of the most important industrial communities in the United States, and they came in contact with about 700,000 individuals who are employed in such industries. They also made 23,000 family studies, and the result of their work, as I have said, will be found in these reports.

The recommendations of the commission are substantially embodied in the bill now under consideration. But before examining the bill in detail I propose to discuss the general features of the immigration problem as they seem to me to affect

the social industrial, and political conditions in this country.

Mr. WILLIAMS. Mr. President—

The VICE PRESIDENT. Does the Senator from Vermont yield to the Senator from Mississippi?

Mr. DILLINGHAM. Certainly.

Mr. WILLIAMS. I understood the Senator to say that the recommendations of the commission were substantially embodied in this bill. I have heard that one of the recommendations of the commission, and in my opinion the most important recommendation, the recommendation of a literacy test, is not embodied in this bill.

Mr. DILLINGHAM. That was embodied in the bill as I introduced it. The committee recommended to the Senate the elimination of that feature. I am not in favor of its elimina-tion. I think it should remain a part of the measure, and I propose to address myself to that question before I complete my remarks.

Mr. WILLIAMS. I wanted to call attention to the fact that what I think and what I think the country thinks the most

important, significant, and beneficent part of the recommendation of the commission was left out of this bill.

Mr. LODGE. Will the Senator from Vermont allow me for a moment?

Mr. DILLINGHAM. Certainly.

Mr. LODGE. In reply to the Senator from Mississippi, I will state that the committee left it out of the bill simply because they thought it was a provision that should be in a separate measure and should not be included with the general administrative provisions. No action was taken in the committee as for or against the merits of the proposition. Personally, I have always favored it, and I favor it now. It was left out simply on the suggestion of certain members of the committee that was better not to put it on the administration bills. We dropped it out and left it to the Senate to decide whether it should be put in or not.

Mr. WILLIAMS. I think that dropping it out was like drop-

ping the rôle of Othello out of the play.

Mr. LODGE. I agree.

Mr. WILLIAMS. If we are to have it in a separate measure, we ought to know how soon we are to have the separate measure. Otherwise we ought to have it now.

Mr. LODGE, I agree with the Senator from Mississippi.

We ought to strike now.

Mr. WILLIAMS. W Mr. DILLINGHAM. I agree with the Senator from Missis-

sippi, and I hope it will be retained in the bill.

As I was saying when interrupted, I want to review some of the general features of the problem of immigration as they have been disclosed by the commission's investigation, in the hope that a thorough examination of them will lead to the con-clusion which has been expressed by the Senator from Mississippl, that the educational test is, as the commission has found, the most feasible measure with which to meet the difficulties against which we have to contend.

We have to remember that in 1860 this was a Nation of only 31,000,000 people, but that the last census shows a population of ninety-two or ninety-three millions. The census also shows that the increase of population by immigration has been about 24 per cent—not over that—because of the large number of immigrants who return to their native countries, which may be stated in general to be about one-third of all who have been admitted; and also by the large birth rate in the United States. In other words, 76 per cent of the increase of population has been by birth and only 24 per cent by the admission of aliens.

In this connection it may be interesting to refer to the census reports to ascertain the number of those born abroad who have been residents of this country in each of the census years since 1860; and it is a remarkable fact that the proportion of those actually born abroad was larger in that year than it has been since. In 1860 the proportion of that class to the entire population of the country was 15.4 per cent; in 1870, 14.4 per cent; in 1880, 13.3 per cent; in 1890, 14.7 per cent; in 1900, 13.6 per cent; and in 1910, 14.5 per cent.

We must also, in view of the large and increasing numbers

who have been coming to swell our population, study the reasons which have induced such immigration. Briefly stated, it is a recognition of the fact that the industrial conditions in this country are so much superior to the industrial conditions in the Old World that the more enterprising elements in the rural communities of Europe have been moved to action and have sought to improve their condition by coming to the United States. I need take no time to demonstrate that fact. Everything connected with the movement of immigration shows it-the difference in the wages here and abroad; the difference in the standards of living; the greater advantages here and the increased opportunities for advancement, both for parents and children, under American institutions.

This movement began prior to the close of the Civil War. The Pacific railroad, connecting the great East and the great West, had been projected, and the homestead act was in operation, and the great Northwest Territory had been opened to settlement. These facts were known abroad and, coupled with the fact that the United States had demonstrated the ability of a free people to maintain free institutions, a general move-ment was inaugurated which has greatly contributed to the development of the industries of the Nation. To understand the scope of such development and to find a reason for the increasing tide of immigrant allens who have come to make their homes with us since the close of the War between the States, we have only to recall the fact that previous to that war, during almost two centuries of our colonial and national life, we had opened up only 2,000,000 farms, while in the 50 succeeding years we opened up 3,500,000 farms, and are now able to boast of an agricultural area as large as Great Britain and substantially the whole of Continental Europe, if we except Russia. What was

then an almost unoccupied territory is represented in this body

to-day by Senators from 17 sovereign States.

The growth of railroad construction in the United States during the last 50 years is one of the marvelous events in the history of the world. During that period the mileage of such roads increased from 30,000 to 240,000 miles. The capital invested in railroads is now one-seventh of the entire wealth of the Nation, having reached the enormous sum of \$18,000,000,000. The labor of construction and the labor of operating the railroads had been a constant invitation to the enterprising alien who was seeking to better his condition.

What is true of agriculture, what is true of transportation, is also true of our manufactures. In 1860 we were at the foot of the list of manufacturing nations. The products of our mills were then only about \$2,000,000,000 in value annually. But in 1870 our industries were firmly established and our output equaled that of France. In 1880 our products equaled those Great Britain. In 1890 they equaled the products of Great Britain and France combined. In 1900 they were greater than those of Great Britain, Germany, and France combined. had become the largest manufacturing Nation in the world. 1910 the products of our mills were \$7,000,000,000 greater in amount than there were 10 years ago.

With this unexampled growth in manufactures, in agriculture, and in transportation there has been a growth in the interstate commerce of the Nation. We are told by the statistician of the Government that the trade now existing between the States is greater in volume and in value than the entire foreign commerce of all the nations of the world combined.

have said that during this period we have admitted 23,000,000 alien immigrants. Substantially two-thirds of them have remained to become a part of the great American public. All have come intelligently, with a definite purpose to improve their condition. They have come in answer to the enormous demands for labor in the development of American industries, and in the main have well performed their part. To a great extent they have become citizens of the United States, and they and their descendants have been assimilated and become part of the great American public.

It may be well for us at this point to consider the fact that there are two distinct classes of immigrants who have come to the country during this period. The Immigration Commission, in their reports, have designated them the old immigration and the new. The old immigration is that which predominated prior to 1882, in which year the tide flowing from the north and west of Europe, from England, Ireland, Scotland, Wales, the Scandinavian countries, Germany, France, and Holland, reached its height.

In the period between 1864 and 1882 we admitted of the old classes something over 6,000,000 immigrants, and 75 per cent of this entire number came from the Netherlands, France, the Scandinavian States, Germany, Great Britain, and Ireland. During that period 55.8 per cent of the whole went to the central division of the States, where agriculture predominated, and where expenditures, which stagger the comprehension, were being made in railroad construction and equipment, while only 31.1 per cent went to the Atlantic division of States, where manufacturing interests were more fully developed. During that period of activity nearly 80,000 miles of railroad were actually constructed, and this fact serves as an illustration of the increase and development along all the lines of production which called for labor and induced this great flow of immigration to our shores.

During the next period, between 1882 and 1910, conditions entirely changed. I have already called attention to the rapid advancement of the industries of the country after the close of the war, but that which followed was still greater. During the latter period capital invested in manufactures increased sevenfold, the wages paid to operatives and the product of our factories both increased fourfold. General prosperity prevailed throughout the country, cities increased rapidly in population and wealth.

Manufacturing, ordinarily, is conducted in the cities; or, if it is begun elsewhere, the manufacturing plants build up cities about them. As a result of the increase in production and trade. the urban population, which in 1890 was only 36.1 per cent of the whole, in 1910 was 46 per cent of the whole; and in the last 10 years the increase in the population in the cities has been 34.9 per cent, while that in the country has been only 11.1 per cent. Demands for labor came from every quarter. Great business undertakings were in evidence everywhere. I can not attempt to enumerate them, but may mention the fact that in the development of street railways a period of 17 years showed an increase of 223 per cent in the mileage of track and of 212 per cent in the number of men employed.

It is a significant fact that the prosperous conditions existing in this country are known abroad. When you remember that one-third of all who come from abroad return to Europe and disclose the difference between the conditions in the United States and those abroad, and that news travels from village to village with remarkable dispatch, you can understand why it is that those who are living in poverty and under hard conditions, but who are ambitious to improve their condition, become interested. Then, too, letters are constantly going from those who have employment in this country to their brothers, their fathers, and their friends, and when a letter is received in a European village it passes throughout the length and breadth of the place, everybody reads it, and the man there who is the pioneer in spirit and in instinct, the man who has courage to assume risks, is the man who hoards his small earnings and seeks the opportunity which conditions in the United States offer.

That immigration is the result of careful thought and preparation is illustrated by an incident connected with the debarkation at Ellis Island of 4,000 immigrants in a single day. I noticed that a large number of them had in their pessession railroad tickets entitling them to transportation from New York to their several points of destination in the United States. It occurred to me that they must have come intelligently and with a definite purpose in view. In reply to an inquiry of Mr. Watchorn, who was then commissioner of the port, he informed me that while he could not give the exact number he was under the impression that 60 per cent of all whose destination was beyond New York had prepared in advance for such transportation from New York to those points in the United States where they expected to find their homes.

The next year he caused a record to be made of the number holding railroad tickets when arriving, and reported to me that 79 per cent of all the immigrants who were admitted and whose destination was beyond the city of New York were so supplied. This clearly indicates that they had been in correspondence with friends in the United States, that every detail of the journey had been arranged and provided for, and it indicated the further fact that when they reached their destination they were morally sure of employment. This assumption is verified by the fact that the official records of 1908 show that 94 per cent of all who were admitted during that year reported that they had come to join friends or relatives, which indicates the same fact, that the coming of all these different classes was the result of forethought and painstaking preparation.

But a still more potent argument to that effect is found in the statistics which are published by the Bureau of Immigration showing the number who enter the United States in each given year. An examination of those figures will show that in every period of industrial depression in this country the number of arrivals from abroad decreases. After the panic of 1857 the number decreased from 251,000 in that year to 153,000 in 1860. After the depression of 1873, when we were receiving 459,000, the number decreased until 1878, when the number admitted was only 138,000. Owing to the depression of 1892, which extended to 1898, the number coming decreased from

623,000 in 1892 to 229,000 in 1898.

Now, reverse the proposition. Take the prosperous periods in this country. In 1878 we were admitting only 138,000. 1882 we were admitting 788,000. Again, take the period extending from 1808 to 1907. We were receiving in the firsttending from 1808 to 1907. We were receiving in the first-named year only 229,000, and in 1907 we were receiving 1,285,000. All these facts go to show that the people who have come to cast their lot with us have come with a knowledge of existing conditions; that they have come intelligently and in the exercise

of judgment based on facts.

The effect of business in this country upon the ebb and flow of immigration is clearly illustrated by the panic which came in 1907. As I have just said, we received in that year 1,285,000 immigrants. The panic came in October. By December it was known throughout Europe. In the year following December 1 we admitted only 573,000—less than half the number who came the year before, and of those already here 644,000 returned to Europe. In other words, the excess of departures over the admissions was 71,000 during that year. In 1908 we admitted 924,000, but 714,000 took their departure on account of depressed business conditions, and our net gain that year was only 209,000.

I have cited these facts to do away with what I think is the erroneous idea that the immigrants who have come to this country have been sent here by their governments, or that they have been dumped upon us without purpose and without reason on their part by the steamship companies, although I think the steamship companies are subject to criticism along certain lines.

Mr. BORAH. Mr. President, is it not true that the steamship companies and other organizations have representatives in different parts of Europe organizing and bringing forward im-

migrants to this country constantly?

Mr. DILLINGHAM. It is true, and I will speak of that later on. I will say at this time, lest I forget it, that if the Senator will examine the report of the commission he will find that the agents of the steamship companies of Europe have large numbers of agents all through continental Europe, particularly in the rural districts, who are ticket sellers. Correspondence which fell into the hands of the commission has shown that to be the case. I remember that when in Budapest I saw letters in which instructions were given to those purchasing tickets how they were to escape from their country and how to make their way to the point of departure; that is, the point of departure of the steamer which they were to take. There is no question but what they have been very active, and the bill under consideration provides for meeting that evil.

When I spoke as I did regarding the large numbers coming to the United States during prosperous periods I had in mind the opinion which is prevalent in the country that the steamship companies have brought vast numbers that have been placed at their disposal by the governments of Europe and have simply dumped them in New York without knowledge or purpose on the part of the immigrants as to where they were going or what employment they would find. I do not think that such is the

fact.

Mr. STONE. Mr. President, somewhat apropos, I should like to inquire of the Senator whether in his investigation he or his committee discovered whether large employers of labor, whether in manufacturing or in mining or any other industry, have been directly or indirectly instrumental in bringing foreigners across the sea for service or had held out inducements to them to come

here to enter into our domestic industries.

Mr. DILLINGHAM. Mr. President, in answer to the inquiry of the Senator from Missouri I will say that there was very little evidence discoverable by the committee indicating any direct action by manufacturers or producers of the character he has mentioned. The very fact that we have a stringent statute against it, the very fact that the Bureau of Immigration are all the time watching for any infringement of that law and are executing the law according to its letter, precludes the possibility of manufacturers or producers employing any direct agency to secure the coming of any large number. But I do say to the Senator from Missouri that there is in my mind no doubt whatever but that a large number who come to this country—I might say a majority who come to this country—come upon information which convinces them that when they reach here they will have employment.

Mr. STONE. From whom?

Mr. DILLINGHAM. They get it from their brothers, their friends here. Take, for illustration, any manufacturing community in the United States. A man working there knows whether business is prosperous or not; he knows whether there is an adequate supply of labor and the prices that are paid. If he does not get it from the manufacturer himself, he gets it, we may say, by absorption, living under the conditions that he does. He writes to his friend to come; that wages are thus and so; that there is a demand for labor; and that he is sure of a job. He may go to the employer and say: "I have a brother or a cousin or an uncle who wants work, and if he comes over here I hope you will give him employment." In a brief way, I think, that explains the situation and the reason why so many come.

Mr. LODGE. If the Senator would not mind my saying a

Mr. DILLINGHAM. I would be very glad to hear the

Mr. LODGE. I agree entirely with what the Senator has been just saying. I have given a great deal of attention to the contract-labor iaw, and in times past I was on the committee to investigate it. I think that law is very thoroughly enforced, and that open contracts to bring laborers in here may be said not to exist. But in indirect ways, such as the Senator from Vermont has described, large numbers, many thousands, come to this country. They come in a way by which they are practically insured employment beforehand, and get it in the method the Senator from Vermont has pointed out.

Mr. DILLINGHAM. Mr. President, the most recent immigration, that which has been coming since 1882, has been increasingly an immigration from southeastern Europe and is distinctly different in type and character from that of the old immigration which came previous to 1882 principally from northwestern Europe. While many of the later immigrants are unskilled laborers, we have to say for them that they are the best of the class from which they come. It is the peasant class, but, as I said before, those coming are the individuals

the risk incident to such a change and the making of homes in the New World. They know the law relating to their admission into this country; they study it carefully, and unless they think they are sure to be admitted they do not ordinarily incur the risk of coming.

Now, I want to speak briefly regarding the quality of this

new immigration.

I presume it is not known to everyone that there was no Federal immigration law previous to 1882. The old immigration all came in freely, without let or hindrance; but in 1882 the law was passed upon which we have been building ever since, until we have brought it up to its present degree of perfection. I look upon the present law as a good one, much better and more effective than people in general think it. Since 1882 the policy of the Government has been one of selection. While we have admitted aliens from all European countries, we have insisted that they shall be sound of body, sound in mind, and sound in morals, so far as we have been able to do so. The work of our immigration stations has been to see that this intention was carried into effect.

From 1899 to 1909, a period of 10 years, we admitted something over 8,000,000 aliens. Eighty-two and six-tenths per cent of that number were between 14 and 44 years of age—every one of them at an age to become self-sustaining. Twelve and three-tenths per cent of the whole number were under 14 years of age. Substantially all of these went into our common schools, as I will show before I have concluded my remarks. Only 5 per cent of the whole number admitted were over 45 years of age. Therefore those who came to us during that period of 10 years were not only sound in body and, so far as has been discovered, were sound of mind, and nearly 95 per cent of them were under

45 years of age.

The law excludes paupers, persons likely to become a public charge, professional beggars, persons afflicted with tuberculosis or with a loathsome or dangerous contagious disease, and persons not comprehended within any of the foregoing excluded classes who are found to be, and are certified by the examining surgeons as being, mentally or physically defective, such mental or physical defect being of a nature which may affect the ability of such aliens in earning a living.

I do not know how that language can be made stronger. It is the provision of the act of 1907, which we carefully framed, in order to give the immigrant inspectors a broad discretionary power in debarring those who, in the absence of any specific disease, are so lacking in vitality that they are likely to become public charges.

We also reject those who have committed a felony or other crime or misdemeanor involving moral turpitude, polygamists, anarchists, prostitutes or women or girls coming to the United States for the purpose of prostitution or for other immoral purposes, and persons who attempt to bring in that class.

The question may be asked how we enforce these laws, and do we in fact keep out the physically unfit? The law of 1907 places the burden of that work largely upon the steamship companies, and that provision of the law has worked most admirably. It provides, in substance, that if any steamship, company brings to this country idiots, imbeciles, insane persons, epileptics, those afflicted with tuberculosis or loathsome or dangerous contagious diseases, it shall be compelled to carry such persons back to Europe free of charge and pay the Government of the United States a fine of \$100 for each person of these classes rejected, provided the condition of those persons so rejected might have been discovered at the port of embarkation

by a competent medical examination.

What has been the result of that law? In the 13 months following December 31, 1907, there were rejected at the ports of embarkation in Europe 27,799 intended immigrants as a result of the medical examination held at the expense of the steamship companies. Previous to that time the large numbers of rejections had operated badly upon the German nation. A large proportion of intended immigrants were coming on German lines, and their rejection at Bremen and at the other German ports left them stranded in German cities, to be cared for by the public au-To avoid this embarrassment the German Government established along its entire frontier from the south to the north what they call "control stations." At those control stations surgeons are located, and the expense of their maintenance is borne by the steamship companies. Immigrants coming from Russia or Austria or any of the adjoining countries into German territory to take passage, are examined at such control stations, and unless their physical condition is such that they can pass the American test, they are rejected and sent back to their homes.

the best of the class from which they come. It is the peasant class, but, as I said before, those coming are the individuals who have thrift and courage and enterprise enough to assume ship companies during that period of 13 months 39,681 persons,

while we rejected at the American ports all told only 13,064; there were rejected for physical reasons during that period 52,745, but nearly 40,000 of them were rejected by the steamship companies under the operation of that law. Those rejected in 1910 at our ports were only 2 per cent of the arrivals, and those rejected in 1911 were 2.1 per cent.

So, when we have looked at the question from all these standpoints, it seems evident that those who have come to us represent a strong physical type; that 95 per cent of them are under 45 years of age; and that they come here with a pur-These are the encouraging features of this question.

It is interesting to notice how the immigrants have been distributed during the different periods. Prior to 1880, as I have already remarked, 55.8 per cent went to the Central Division of the States and 31.1 per cent to the Atlantic. Between 1880 and 1900 the conditions were reversed. Instead of 55 per cent going to the central division only 29.3 per cent went there, and instead of only 31.1 per cent going to the Atlantic division, 61.9 per cent found their way there.

During the period of 12 years, from 1899 to 1912, we admitted substantially 9,000,000 immigrants; 70,2 per cent of them went to the Atlantic division of States, which are known as the manufacturing States; 24.2 per cent went to the central division of States; but one-half of that 24.2 per cent went to the States of Ohio and Illinois, which are manufacturing States. So it is safe to say, I think, that a vast majority of the 82 per cent of the whole number so coming came to seek employment in manufacturing, mining, or smelting industries of the United States.

the United States.

Mr. BACON. Mr. President, will the Senator from Vermont permit me to ask him a question?

The VICE PRESIDENT. Does the Senator from Vermont yield to the Senator from Georgia?

Mr. DILLINGHAM. I do.

Mr. BACON. What States does the Senator include in the

Atlantic division?

Mr. DILLINGHAM. Those usually included in that division in the Government publications. That division takes in New England, New York, Pennsylvania, West Virginia, New Jersey, and so along south. I can not enumerate all of them.

Mr. BACON. The object of my asking is—

Mr. DILLINGHAM. I am taking the new census division.
Mr. BACON. I am asking for information.
Mr. DILLINGHAM. Yes.
Mr. BACON. Does the Senator in that classification include the South Atlantic States?

Mr. DILLINGHAM. Yes. Mr. President, allow me to make a correction. This computation was made upon the basis of those who went to the Atlantic division of States as given by the Census Bureau. I can not enumerate them all.

Mr. BACON. I am not criticizing the Senator in any sense. I am simply asking for information and wanting to suggest something which might be of interest to note, and that is that the classification might be very much more restricted than that which would be embraced in the use of the term "Atlantic States."

Mr. DILLINGHAM. By dividing the South and the North. For the reason that while the large immigration to which the Senator refers is included within the general classification of the "Atlantic States," it is almost entirely confined to the States north of Cape Henry; in other words, there is little or no immigration south of the Chesapeake entrance at Hampton Roads.

Mr. DILLINGHAM. I think the Senator is quite right in his

So that it is a very much more limited area

than the classification would indicate.

Mr. DILLLINGHAM. Mr. President, it may be interesting as Mr. DILLINGHAM. well as profitable for the Senate to consider how this immigrant class are employed. The investigations show-and I am very glad to state the fact-that substantially 36 per cent of the present immigration comes from the classes which constitute what we have called the old immigration, those coming from northwestern Europe, who are mostly skilled laborers, and who find their way into the higher grades of manufactures in the United States. But, on the other hand, the improved machinery in our manufactories, the new methods of mining, and the new methods of carrying on other productive industries, are such that a very much larger proportion of common labor can be employed than formerly.

The investigation of the commission covered 37 leading industries in the United States east of the Rocky Mountains, and in that investigation they came in contact with 619,595 individuals. Of that vast army of workmen, 55.9 per cent, almost 60 per cent, was foreign born. In the iron and steel industry 57.7 per cent were foreign born, and in slaughtering, meat packing, in the Senator from North Carolina has called my attention to

wool and worsteds, in coal, copper, leather, cotton goods, clothing, and silk goods, all taken together, 65.6 per cent of the employees were foreign born. I will not take the time to go through with the industries and show which nationality predominated or outnumbered the others in each particular one, but will come to some encouraging features in connection with the statement I have just made.

Mr. SMITH of South Carolina. Mr. President-

The VICE PRESIDENT. Does the Squator from Vermont yield to the Senator from South Carolina?

Mr. DILLINGHAM. Gladly.

Mr. SMITH of South Carolina. I desire to ask if the figures given by the Senator relate to any particular section, or do they

cover the entire country?

Mr. DILLINGHAM. They cover the 37 industries east of the Rocky Mountains which were investigated. The list of those industries can be found in the opening pages of the first volume of the commission's report, if the Senator cares to look at them.

In 37 of the large cities of the United States an investigation was made of the number of children of foreign-born parents in the public schools. The commission came in contact with 1,815,000 pupils, of which 57.8 per cent were children of foreignborn parents. They also investigated parochial schools in 24 cities and came in contact with 221,000 pupils, of which 63.5 per cent were children of foreign-born parents.

A remarkable suggestion is contained in the census report of 1900 from which it appears that in the year 1900 of those who remained in the public schools of the United States for a full six months' period were the following: 73.3 per cent of the children of native-born parents, 80.7 of children of foreign-born parents, and 90 per cent of foreign-born children; in other words, there was a much larger proportion of the children of foreign-born parents and of the foeign-born children themselves who took advantage of the public schools for the full term of six months than there were of the children of native-born parents, a fact which should be recognized and credit be given where it is due.

Mr. President, while there is much to encourage us in our examination of this subject, there is also much that requires thoughtful consideration. We must examine the trend of the latest immigration and discover what that portends. There is no question that the last great influx of immigration, that which has come since 1899, has come because of the increase in the manufactures and basic industries of the United States. that between 1900 and 1910 approximately 50,000 manufacturing establishments went into operation, covering 360 different industries, which gave employment where employment was not given previous to that time. In that connection Senators should remember that during that same period of 12 years 72 per cent of the immigration came from southeastern Europe, and of this—
Mr. O'GORMAN. Mr. President—
The VICE PRESIDENT. Does the Senator from Vermont

yield to the Senator from New York?

Mr. DILLINGHAM. Gladly. Mr. O'GORMAN. Can the Senator from Vermont inform us as to the approximate number of workmen employed in the 50,000 additional manufacturing establishments inaugurated dur-

ing the period covered by the Senator's statement?

Mr. DILLINGHAM. I am unable to do so. It could be easily ascertained, but I have not done it. I have stated that in the investigation of the commission we received direct information from about 620,000 employees. That would be a very interesting inquiry, and I am sorry that I neglected to secure that information.

When interrupted I was saying that of the 72 per cent of recent immigration which comes from southeastern Europe, 82 per cent of it has gone to the Atlantic division of States, and about 60 per cent of that number were common or farm laborers in the countries from which they came.

Mr. STONE. If the Senator from Vermont will permit me, I did not quite hear his statement. Do I understand that they were mostly farm laborers before coming to this country?

Mr. DILLINGHAM. Common or farm laborers

Mr. STONE. Common or farm laborers; and into what line of industry have they entered here?

Mr. DILLINGHAM. They have gone into all lines of industry wherein common laborers could be employed, but more particularly into what we call the basic industries, like iron and steel and the production of coal and copper, the smelting industries, and others of similar character.

Mr. OVERMAN. Last year only about 15 per cent of the million who came here—about that number, speaking in round

numbers-went upon the farm.

Mr. DILLINGHAM. That is easily explained. I am glad

that subject. The great problem in this country has been to secure farm labor. Farmers everywhere are demanding Our farmers would give employment at good wages and afford comfortable homes to this class of immigrants if they would consent to go with them. But you must remember when a man comes from southeastern Europe he, as a rule, has no knowledge of the English language; he is in a strange country; in a strange environment; he is among strange people; he can not make himself understood, nor can he understand others. Instinctively he goes to a settlement where he finds his own nationality, where he can indulge the habits of his previous life, and it is the most difficult thing possible to induce one of these men to segregate himself from those communities.

When he does accept employment on a farm it is as a rule near some manufacturing center. I have seen this in Vermont. live in a county which produces great quantities of granite, where the eight-hour day prevails in that and other industries When an immigrant goes upon a first-class farm 6 or 10 or 12 miles from the centers of the granite industry he is closely confined to farm work. The days are necessarily long, the milking must be done before breakfast in the morning and after supper at night. Even on Sundays he is not excused from what we in New England call "chores," because dairying is the chief feature of our agriculture, and his attendance mornings and evenings is required. Drawn by the attractions of shorter hours of labor in the near-by industries, by the longing for the companionship of his fellow countrymen, the temptation to change his employment is too strong in most instances to be resisted

Mr. BORAH. Mr. President-

The VICE PRESIDENT. Does the Senator from Vermont yield to the Senator from Idaho?

Mr. DILLINGHAM. Gladly. Mr. BORAH. Does the Senator think that reciprocity with Canada would help with respect to the American farm?

Mr. DILLINGHAM. I have never thought so.
Mr. McCUMBER. May I ask the Senator a question?
Mr. DILLINGHAM. Certainly.
Mr. McCUMBER. Is not one of the prime reasons why the foreigner does not go to the farm the fact that he can earn a great deal more in cities for a less number of hours of labor?

Mr. DILLINGHAM. I was just about to make that remark. The man on the farm goes on Sunday after his chores to visit a man who is working eight hours a day in the city who has Sunday to himself and earns the wages of a skilled laborer. He becomes dissatisfied leaves the farm, and going in as a common laborer, works himself up until he becomes a skilled laborer with all the advantages appertaining thereto.

Mr. McCUMBER. I desire to say to the Senator that we can hardly expect foreigners to go to the farm when the farmer's children are going to the city in order to secure larger com-

pensation.

Mr. DILLINGHAM. Each exercising the same amount of intelligence.

Mr. McCUMBER. We will never have a different situation until farm life can compete in these respects with city life.

Mr. DILLINGHAM. I quite agree with the Senator. Mr. OVERMAN. Has not the effect of this great number of immigrants coming into the South Atlantic States been to drive out from our industries American labor, the foreign labor taking

Mr. DILLINGHAM. I will give the statistics.

Mr. OVERMAN. Is not that true?

Mr. DILLINGHAM. If the Senator will allow me, I was just about to remark that the investigation of the conditions of these 37 leading industries of the United States, east of the Rocky Mountains, showed that of the whole number of employees only 20 per cent were native-born Americans of American parents, 60 per cent or nearly 60 per cent were foreign born, and about 15 per cent were of the second generation, the sons of foreign-born parents. I think perhaps that answers the Senator's question.

Mr. OVERMAN. I have seen it stated that 76 per cent of the laborers in the steel plants were foreign born.

Mr. DILLINGHAM. I do not think that is true, but I do think it is true that the foreign born and the sons of foreign born—the first generation—may reach about that figure. upon examination that of the 86,089 employees in that industry from whom information was secured by the commission 57.7 per cent were foreign born and 13.4 per cent were sons of foreign-

Mr. OVERMAN. It has also been stated before the Senate that 85 per cent of the employees in the woolen mills at Lawrence were foreign born.

Mr. DILLINGHAM. The statistics for Lawrence are given in this report. From these it appears that in 1910 the per cent of foreign born in the population of that city 21 years of age or over was 62.6.

Mr. BACON. Right in connection with what I previously asked the Senator, in ascertaining the percentage, it seems to me very important to differentiate between conditions in difsections of what are classified as the Atlantic States. In getting the percentage of foreign-born workers, laborers, in the manufacturing establishments, I presume all the manufacturing establishments of the Atlantic States are taken into account, and the fact that I am about to mention will greatly increase their percentage in a certain section, because there

is no percentage in the other section.

Take, for instance, the cotton-manufacturing industry of the South, which is a very large industry. About as much cotton is manufactured in the South now as is manufactured in the Northern States. It is true that it is not of so great a value. because the manufactures are not of goods of as fine quality, but I believe the statistics will show that about half the cotton manufactures in the United States is produced in the Southern States, and mostly in three States-North Carolina, South Carolina, and Georgia. I presume it is a fact that not 1 per cent or one-tenth of 1 per cent of the operatives in those factories are foreign born. They are made up exclusively of native-born operatives. Therefore, in taking the percentage of foreign born who are employed in the manufacturing enterprises of the Atlantic States the figures are scarcely accurate when you embrace the entire Atlantic States in the estimate, because there are different conditions in different parts. The result must be that in the Northern States, where all the foreign-born operatives are found, the percentage is very much higher than is in the Atlantic States at large, when you take the Southern Atlantic States into the computation, as they have none of it

Mr. DILLINGHAM. The investigation made by the commission could not, of course, be as broad as the investigation made by the Bureau of the Census. As I said in opening, the commission made their studies in the centers of large industries, and it was intended to secure and present a picture of the immigration problem as found in those centers. We could not, of course, take up every manufacturing establishment in the country, nor by particular sections. So we selected 37 of the most important industries east of the Rocky Mountains, and then sent to the most important centers of each particular industry, and there made our investigations to secure a general picture of the effect of immigration upon manufactures in the United States under typical conditions.

An examination of the reports of the Bureau of the Census would, of course, furnish the information that the Senator from Georgia suggests as to the production of manufactures in the several States, and it would be a most interesting study.

Mr. BACON. The Senator from Vermont understands that

I am not endeavoring to institute any comparison.

Mr. DILLINGHAM. Oh, no.

Mr. BACON. But I was just suggesting, as the Senator was presenting a picture showing the foreign-born labor in the manufacturing industries of the United States, that it is scarcely a proper presentation of it to include a large part of the country where no foreign labor is engaged.

Will my friend, the Senator from Vermont, Mr. STONE.

permit me?

Mr. DILLINGHAM. Gladly.

Mr. STONE. I want to be sure I understand what he has said. I think I do, but I want to be sure. Of the total number of employees in the various industries of the country— Mr. DILLINGHAM. In those investigated by the commis-

sion, the 37, the centers.

Mr. STONE. They are the principal industries?
Mr. DILLINGHAM. They are the principal industries.
Mr. STONE. Only 20 per cent of the operatives are native born and 80 per cent are foreign born?

Mr. DILLINGHAM. No; only 60 per cent. To be accurate,

59.9 per cent were foreign born. I said about 60. The other 15.2 per cent are the sons of foreign-born parents-children of the first generation.

Mr. STONE. But born in this country?

Mr. DILLINGHAM. But born in this country.

Mr. STONE. I should like to ask the Senator-and I am doing this purely for information-whether his investigations show a continuing and progressive decrease, so far as numbers go, in the employment of American-born citizens, and a progressive and a continuous increase in the number of foreignborn people employed in these industries?

Mr. DILLINGHAM. In reply to the Senator from Missouri, I can say that the commission were unable to trace the industries for any series of years back of the year when they made their examination. They took the conditions as they found them in that particular year and ascertained the number of each class employed at that time. Of course, the figures of the last census were not available to the commission, but at this time one could easily trace the growth of manufactures during the last 10 years.

We have been able to trace the increase of immigration to this country during the last 10 years from official sources. is undoubtedly true that the manufacturing establishments of this country have employed an increasingly large number of We have no data upon which to answer the quesimmigrants. tion whether they are employing more native Americans than

they were five years ago.

I was interested to know the fact for its own Mr. STONE. value, and then for a further reason. I am not going to make this observation with any thought of introducing a controversy or a discussion between the Senator from North Dakota [Mr. McCumber] and myself or anybody else, for it would not be proper in the speech of the Senator from Vermont, even if he were so kind as to permit it; and he is always kind enough to permit almost anything, whether he ought to or not. But the Senator from North Dakota made an observation a moment ago to the effect that the higher wage, the higher earning capacity in the centers of industry in manufacturing articles of that kind was inducing the young men of the farm to leave the farm and engage in other lines of employment, and it occurred to me that if foreign-born people immigrating to this country were coming in and crowding the industries and taking possession of such employment, that there was not much room for the native-born, farm-born young men to go to the centers of industries. However, I merely put that in in passing, and not to excite any controversy about it.

Mr. DILLINGHAM. When interrupted I was speaking about

the number employed in the 39 industries investigated of nativeborn Americans and foreign born and their sons. I had given the percentages of each. I wish now to add that substantially one-half of this body of foreign-born employees come from the south and east of Europe. Anyone interested in the statistics upon that subject will find them in volume 1, page 102, of the report. From an examination it will be found that the number of each nationality employed in the manufactures are indicated in the following order: First, the Poles, and they constitute substantially one-tenth of the whole number; the Slovaks, South Italians, North Italians, Magyars, the Lithuanians, and the Croatians. Those are the classes that are most frequently em-

ployed.

Moreover, they are recent comers. Cards received from 291,000 of this class indicated that 40 per cent of them have been in this country less than five years, and of those from southeastern Europe as a whole, 50 per cent of them have been here less than five years.

Mr. SIMMONS. Mr. President— Mr. DILLINGHAM. I yield to the Senator. Mr. SIMMONS. I wish to ask the Senator in this connection if he has the figures to give to the Senate showing the percentage of those immigrants who come in here and stay only three or four years and then return?

Mr. DILLINGHAM. I will come to that a little later, if the Senator pleases. I think I have the figures among my papers.

They are not before me at the moment.

Mr. SIMMONS. The Senator has passed it, but I want to ask another question. He gave a little while ago the percentage of the foreigners employed in the industries which he said the commission investigated. He also gave the percentage of the children foreign born. I want to ask the Senator if he can give us the percentage of recent immigrants employed as unskilled laborers as distinguished from the percentage of foreigners who are employed as skilled and unskilled?

Mr. DILLINGHAM. It is impossible to do so, I will say to the Senator from North Carolina. The division line between them is very indistinct, and the commission were unable to determine that question.

Mr. SIMMONS. I will ask the Senator if it is not a fact that in most of these industries, especially in the steel industry, the textile industry, and in the coal mines, nearly all of the unskilled labor is now foreign born?

Mr. DILLINGHAM. I think that is a fact.

Mr. SIMMONS. The Senator has not the percentage? Mr. DILLINGHAM. I do not know whether I understood the question of the Senator from North Carolina.

Mr. SIMMONS. I ask the Senator if he can give us the percentage of foreigners who are employed in the industries investigated by the commission, especially in the textile industry and the iron and steel industry and the mining industry, and in railroad and structural work.

Mr. DILLINGHAM. I have already stated that of all those reached by the commission who were employed in the iron and steel industries 57.7 per cent were foreign born and 13.4 per cent were the sons of foreign-born fathers. It also appears that of those engaged in bituminous coal mining reached by the commission 61.9 per cent were foreign born and 9.5 per cent were sons of foreign-born fathers. In the woolen and worsted industries 61.9 per cent were foreign born and 13.7 per cent were sons or daughters of foreign-born fathers. In the cotton industry the foreign born were 68.7 per cent of the whole, and the children of foreign-born fathers were 9.4 per cent. I am unable to state what percentage of those employed in railroad construction were foreign born.

Mr. SIMMONS. I will ask the Senator if he does not think that something near 85 per cent of unskilled labor in these in-

dustries is foreign born.

Mr. DILLINGHAM. I am unable to state that. That would be mere guesswork on my part, and I would not undertake to

express an opinion.

Mr. SIMMONS. I desire to say to the Senator that an investigation made in the Finance Committee with reference to the steel industry indicated that over 80 per cent of the unskilled labor in those industries, especially in the iron industry,

was foreign born.

Mr. SMOOT. Mr. President—

The PRESIDING OFFICER (Mr. Bristow in the chair). Does the Senator from Vermont yield to the Senator from Utah?

Mr. DILLINGHAM. Gladly.
Mr. SMOOT. I will say to the Senator from North Carolina that I have attended nearly every meeting, and I think I attended every one of the hearings of the Finance Committee while the metal schedule was under consideration, and I remember no such testimony having been given as that there was 80 per cent of unskilled labor foreign born in the steel manufacture of this country. I can not remember who gave that testimony.

Mr. SIMMONS. I think I will have no trouble in furnishing the testimony to the Senator. I made a statement somewhat similar to that in a speech I made some days ago. I think it is a fact that not 80 per cent of all the labor, but 80 per cent of the unskilled labor in the coal mines and in the steel and iron industry and in railroad construction and in general construction work and in the textile industries, in the New England and Northern States especially, is foreign born.

Mr. DHLINGHAM. I am very sorry that I am unable to

furnish the Senator the information he desires.

Mr. OVERMAN. If the Senator will yield to me I will state that in an investigation of the Steel Trust it was shown that 80 per cent of the unskilled laborers there were foreign born, or 76 per cent of all the laborers employed in the steel industry in

Mr. SMOOT. That included all the children who were born of foreigners, and many of them had become naturalized citizens and were at the time when the testimony was given naturalized citizens. It is true that they were called foreign born, just as if a laborer is a German they call him foreign born, and if he is a Frenchman he is called foreign born.

Mr. OVERMAN. Nevertheless they were foreign born.

Mr. SMOOT. No; the children were not foreign born; they were born in this country.

Mr. OVERMAN. That was testified before the committee by the managers of those institutions.

Mr. SIMMONS. I think the report of the Immigration Commission shows that something over 40 per cent of the immigrants coming to this country now do not remain, but they return. I think the census shows that that estimate of the commission was far below the facts, and instead of 40 per cent of the immigrants who are coming now returning after a stay here of a few years, it is probably 50 per cent. The bulk of those immigrants come from southern and eastern Europe. They do not stay here long enough to raise families. They do not bring their wives and their children with them. They come here for the purpose of exploiting our markets. They are employed in these industries until they accumulate a little something, and then they go back to their homes.

Mr. DILLINGHAM. I had intended to speak upon this subject before completing my remarks, and will do so; but before doing it I want to resume the thread of my remarks by saying that the household studies that were made by the commission would indicate that a majority of the foreign born who are engaged in the general industries are common laborers, because of the amount of wages they are receiving. The commission received returns from 26,616 heads of families, and the average earnings of each was \$475; and that being the average, the better, the skilled laborers, received a much higher compensation.

On the other hand, the average yearly earnings of the Lithuanians, Magyars, Mexicans, Poles, Portuguese, Roumanians, Russians, Servians, Slovaks, Syrians, Turks, and South Italians was only \$396.

Mr. O'GORMAN. Will the Senator yield to me?

The PRESIDING OFFICER. Does the Senator from Vermont yield to the Senator from New York?

Mr. DHLLINGHAM. Certainly. Mr. O'GORMAN. Can the Senator state what occupations were pursued by these nationalities whose annual earnings

average about \$300?

Mr. DILLINGHAM. We were making at that time an investigation of the 37 industries, which I have already mentioned. In connection with that work we made what were called household studies to know how much the family earned, and from those studies, as I have just stated, we received returns from something like 26,000, I think, and the average earnings of the family were, as I stated, \$475, but the average earnings of those coming from some of the southeastern countries were much less than that, or, as I already stated, \$396. That was the point I was making

Mr. O'GORMAN. Do I understand that the aliens to whom the Senator has just alluded are engaged in manufacturing

industries?

Mr. DILLINGHAM. They are.

Mr. O'GORMAN. And their earnings average about \$300 a

Mr. DILLINGHAM. Oh, no; the average earnings were \$475. The earnings of the classes which I enumerated were \$392.

Those from southeastern Europe? Mr. DILLINGHAM. From southeastern Europe.

Mr. O'GORMAN. Were those the earnings of the head of the family or of the entire family?

Mr. DILLINGHAM. Of the head of the family.

Mr. SMOOT. Does the Senator know what industries they were engaged in?

Mr. DILLINGHAM. The report shows 39 of the principal industries, covering everything from locomotive building down to making collars and cuffs.

Mr. SMOOT. Does the report show what part of each year

they were employed?

Mr. DILLINGHAM. I am coming to that.

Mr. STONE. Does it show the per cent of the lower-wage

Mr. DILLINGHAM. No; that is not possible.

Another significant feature of that class of immigrants, which have been admitted during the last 10 or 12 years, and which ought to be considered in connection with the legislation which is now before us, lies in the fact that they are so largely single Out of nine and one-half million who came between 1899 and 1910, 69.5 per cent were males, and of those coming from southern Italy, Russia, Bulgaria, and Servia 85.5 per cent were

This feature is emphasized by the further fact that of males who were 20 years old and over, coming from Austria-Hungary, Russia, Montenegro, Lithuania, Syria, Servia, Slavonia, and Roumania, 53 per cent were unmarried. Coming back to all the wage carners examined in the industries, it was found that only 55 per cent of them were married, but three-fourths of those who were married had left their wives in Europe. I think it is safe to say, therefore, that from 70 to 85 per cent of all the males from southeastern Europe who are employed in the United States to-day are either single men or are living singly in the United States.

Their purpose in coming here is clearly stated by the commission on page 499 of volume 1 of the reports, and to this I wish to call attention. The commission says:

The life interest and activity of the average wage earner from southern and eastern Europe has seemed to revolve principally about three points: (1) To earn the largest possible amount of immediate earnings under existing conditions of work; (2) to live upon the basis of minimum cheapness; and (3) to save as much as possible. The ordinary comforts of life as insisted upon by the average American have been subordinated to the desire to reduce the cost of living to its lowest level.

Mr. OVERMAN. Is there any report as to how much money those people send back to Europe?

Mr. DILLINGHAM. I will come to that in a moment, if the Senator please. I intended to speak of that next.

In 1907 there was remitted from the immigrant class in the United States to Europe \$141,000,000, indicating how carefully these men have carried out the purposes which the commission say they have in mind. Of this amount, \$55,000,000 went to Austria-Hungary, \$52,000,000 went to Italy, and \$15,000,000 went to Russia. The balance was divided between other countries in smaller amounts.

These men are not charity seekers; they are not lawbreakers; they are industrious, economical, and thrifty; they come here and their first object is to secure an American rate of wages and to live just as cheaply as possible. They hoard their earnings and send them abroad, and eventually most of them go back

themselves

Mr. OVERMAN. If the Senator will yield to me, let me ask him if that is not a very low estimate. How does the Senator ascertain those facts? I have seen it stated that the post-office reports show that an average of over \$90,000,000 is sent through the post office. The returning immigrants last year amounted to some 300,000. Is there any way to ascertain how much money they carried back in their pockets?

Mr. DILLINGHAM. It is impossible to tell.

Mr. OVERMAN. Therefore \$141,000,000 is not a true estimate of the amount of money they take back or send back from this country of their wages saved?

Mr. DILLINGHAM. It is a moderate estimate, based first upon what are known as immigrant banks; and Senators who want to know about immigrant banks will find a full account of them in the commissioner's report.

Mr. OVERMAN. My point is that there is a great deal you could not possibly arrive at, because as many as 200,000 and 300,000 go back every year. The estimate is, as I have seen it, I think, in your report, that each immigrant carries back in

his pocket as much as \$100.

Mr. DHLLINGHAM. I do not remember what the amount is stated to be, but what I was about to say is that this estimate was based upon the reports of immigrant banks, so called, and upon the bankers through whom they do business or through whom the remittances abroad are made.

Mr. BORAH. Mr. President—
The PRESIDING OFFICER. Does the Senator from Vermont yield to the Senator from Idaho?

Mr. DILLINGHAM. Certainly.

Mr. BORAH. I read a paragraph from Dr. Jenks's book upon this subject:

The importance of immigrant banks as agencies in the transmission abroad of immigrant money is indicated by the fact that approximately one-half of the estimated amount of \$275,000,000 sent abroad by aliens in 1907 passed through the hands of immigrant bankers.

Mr. DILLINGHAM. Now, about the manner in which these people live a word should be said. The commission say in their report:

The recent immigrant males, being usually single, or, if married, having left their wives abroad, have been able to adopt in large measure a group instead of a family living arrangement, and thereby to reduce their cost of living to a point far below that of the American or older immigrant in the same industry or the same level of occupations. The method of living usually followed is that commonly known as the "boarding-boss system." Under this arrangement a married immigrant or his wife or a single man constitutes the head of the household, which, in addition to the family of the head, will usually be made up of 2 to 20 boarders or lodgers. Each lodger pays the boarding boss a fixed sum, ordinarily from \$2 to \$3 per month, for lodging, cooking, and washing, the food being usually bought by the boarding boss and its cost shared equally by the individual members of the group. Another common arrangement is for each member of the household to purchase his own food and have it cooked separately. Under this general method of living, however, which prevails among the greater portion of the immigrant bouseholds, the entire outlay for necessary living expenses of each adult member ranges from \$9 to \$15 each month. The additional expenditures of the recent immigrant wage earners have been small. Every effort has been made to save as much as possible.

Right in this connection another thing that should be con-

Right in this connection another thing that should be considered by the Senate is the fact that in the communities where they more largely congregate they do not come in touch with American life; they live in colonies, where they speak only their own language. Very few of them have family connections. They do not even have the advantage which comes from having children in the public schools through whom to come in touch with community interests. The result is that they lead an isolated life, and come less in touch with American life than any other class of American immigrants whom we have ever received.

Mr. STONE. Mr. President, this is a very interesting statement the Senator is making. He says that large numbers of foreigners come here with one supreme idea, as he expresses it. Their interest in life is to get the largest wage and live at the least possible expense. That is very well; that is what most men ought to do, I presume; but is that done with a view of mere accumulation, of frugality, or is it done with a view of getting a certain sum of money deemed sufficient for their purposes and

going back to their native land to live? The other question is, Does the Senator know about what proportion by way of percentage of those who come and live and toil and save in this way go back to their native land and do not return?

Mr. DILLINGHAM. Mr. President, while I have not accurate statistics at my command at this time, I will say that the number of the class I am discussing, from southeastern Europe, who return is much larger than the general proportion of returns among immigrants as a whole. Those returning, as a whole, are about one-third of those admitted, but among some of the nationalities from southeastern Europe as many as 50 per cent of them return

Mr. STONE. And remain?
Mr. DILLINGHAM. And remain at home, I think. Mr. OVERMAN. I do not know whether the statement is true or not and whether the Senator investigated it, but I have seen it stated that a certain Government in Europe had a contract with steamship companies to bring so many people to this country with the idea of returning. Was there such a contract as that in existence?

Mr. DILLINGHAM. That matter was fully investigated by the commission. It troubled the Senate Committee on Immigration very much at the time the report was circulated, and it was investigated by this commission with this result: There was an effort made on the part of the Government of Austria-Hungary to establish a steamship line between Trieste and the United States, a fortnightly line. They gave a subsidy to the steamship company assuming the undertaking, and one feature of the contract was that if the amount received from steerage passengers fell below a certain sum the Government was to make good that sum as a part of the subsidy. But, on the other hand, the commission found that the Government was very much opposed to emigration of Hungarian subjects and that the was not entered into with the purpose to encourage emigration from that country.

I may say, and I say it in justice to the Government of Hungary, that they are just as anxious to develop the industrial possibilities of that country as Germany has been to develop hers, and they are inclined to discourage the emigration of Hungarians to this country. They prefer to have them remain at home and engage in the development of their own country.

That is a fact which is thoroughly fixed in my mind. I have it upon authority which I can not doubt; nor have I any doubt to-day that an agreement can be made under the authority of the act of 1907 between the Governments of the United States and Hungary by which the immigration from that country will be very much limited. Other European nations are try will be very much hinted. Other European nations are entertaining similar views. Italy, for instance, formerly en-couraged emigration and was glad to have America receive a large number of south Italians, but I found upon visiting Italy in 1907 that conditions had changed because of the large number who had emigrated to the United States. The exodus from southern Italy had increased the price of farm labor from 25 cents a day to 40 cents and, in some instances, to 50 cents a day. So that even Italy has ceased to encourage her people to emigrate to the United States. Italy has been very much enriched by the money that has come from the United States both through her immigrant class and through tourists who visit Italy from America.

I had not intended in this connection to speak of that element in immigration known as the criminal class, but I might just as well say now what I have in mind about that class. I do not think the educational test I am now advocating will help us a particle to keep out the criminal classes because the criminal classes can read and write. They come from the cities rather than from the country districts and from all parts of Europe, and almost invariably are more or less educated.

But there is a way of reaching that difficulty. I think it can be done through an international agreement, by the appointment of a commission under the provisions of the immigration act of 1907, or through our diplomatic corps. The matter has been under consideration by our Government, and from what I know of the situation I can not doubt that that can be done.

It can be done for this reason. Almost every country in Europe keeps a civil record of the life of every subject. If a man has ever been convicted of crime, that record shows the facts, and a simple agreement that no passport shall be issued to a person without attaching a certificate indicating that he has never been prosecuted for crime would solve the problem. If we do not solve the problem by international agreements, we can lay an additional obligation on the steamship companies for that purpose, as we have done for other purposes. We can say to them, "You shall not bring to the United States any person who failed to secure from the proper authorities a certificate that he never has committed a crime.'

Mr. BORAH. Mr. President—
The PRESIDING OFFICER. Does the Senator from Vermont yield to the Senator from Idaho?

Mr. DILLINGHAM. Certainly.

Mr. BORAH. The criminal class can not be said to be confined alone to those who actually or technically commit a crime before they come here. There is another class which, in my opinion, must be covered very largely by the illiterate class. It is that class of people who may be manipulated and controlled and influenced by the criminal class who are literate; in other words, the class of people who are most easily used in the case of a disposition to commit crime in this country. Does not the Senator think that the literacy test would be beneficial?

Mr. DILLINGHAM. Ch, yes; indeed, I am advocating the

literacy test.
Mr. BORAH.

Mr. BORAH. I know the Senator is.
Mr. DILLINGHAM. But I was speaking of the particular class which we look upon as the criminal element in immigra-tion. I had those in mind when I made that remark. I was not speaking of any special class from any particular section, because they come from all parts of Europe. We have an agreement with Italy by which passports are required of all persons coming from that country.

Mr. McCUMBER. Mr. President—

The PRESIDING OFFICER. Does the Senator from Vermont yield to the Senator from North Dakota?

Mr. DILLINGHAM. I yield to the Senator.

Mr. McCUMBER. The Senator suggests that we can secure this by an agreement through the office of a commission. I should like to ask the Senator what obstacle there is in making it a part of our laws admitting immigrants? Why can we not place in a statute that requirement which the Senator thinks would be beneficial?

Mr. DILLINGHAM. It could be done. There is no question about that. I think it could be done better through an arrangement between the Governments, because, for instance, if we had an agreement that we would only admit those who had received passports from their Government, then we could secure an agreement with that Government as to conditions under which those passports would be issued, and they would require proof of all necessary facts before responding to applications.

Mr. McCUMBER. Will the Senator provide in his bill that we admit only those who do have a passport from their Govern-

Mr. DILLINGHAM. I have no objection whatever to such a provision.

Mr. McCUMBER. I am not making any suggestion, because I have not given the matter the study the Senator has.

Mr. DILLINGHAM. I have no objection to that; but I do not think the mere giving of a passport would be of any particular advantage to us, knowing how passports are issued.

If, however, we had an agreement with the Government that passports should not be issued to the classes enumerated, and then go on and make our terms on which they should be issued, I think a passport would become very efficient in helping us to exclude undesirable immigrants.

Mr. McCUMBER. But the question whether we can secure

such an agreement is an open question.

Mr. DILLINGHAM. I think I have reason to know that we

Mr. McCUMBER. And the question whether or not we could enact it into a law might be a different proposition. I myself can see no reason why we should not provide by law not only that a passport should be issued, but the conditions and recitations upon that passport as to the conduct of each individual.

Mr. DILLINGHAM. What I had intended to be understood to say was that I think, first, it can best be reached through agreements, and if it can not be reached in that way, then I think that we can adopt a provision of law which will accomplish what we desire.

Mr. McCUMBER. Does the Senator have that suggestion in

his bill? Mr. DILLINGHAM. Not at present.

Now, Mr. President, coming back to the suggestion I was making in regard to the condition of the recent immigration from southeastern Europe, the commission find that the market is overcrowded with common labor at the seats of many of our basic industries, and they base that conclusion very largely upon a comparison of the weekly wage of the laborer and his yearly receipts. By such comparisons it appears that in the iron and steel industry the weekly wage of those investigated was \$14.35, while the average amount received for the whole year was only \$346, indicating that they were employed less than half the time. So going through the different industries—that is an extreme case—we found that in the bituminous coal-mining industry and in the silk-manufacturing industry, and in the woolen and worsted industries those with whom we came in contact seemed to have employment less than two-thirds of the time.

In the leather, clothing, and oil-refining industries they were employed over three-fourths of the time, while in the cotton industries they were employed more than four-fifths of the time. The same was true of those employed in sugar refining and in the boot and shoe industry, while in the slaughtering industry employment seems to have been given nine-tenths of the time, and in furniture, glove manufacturing, collars, cuffs, and so forth, they were employed most of the time.

This information is not accurate, but it is based upon the yearly receipts as compared with the weekly wage. We found in many of the localities where the basis industries are carried on that men were in fact employed only three or four days out of the week. This was true to such an extent that the recommendation of the commission to which I have alluded was adopted. If the Senate please, I want to call attention to the recommendation of the commission as a result of these conditions. They say:

tions. They say:

8. The investigations of the commission show an oversupply of unskilled labor in basic industries to an extent which indicates an oversupply of unskilled labor in the industries of the country as a whole—a condition which demands legislation restricting the further admission of such unskilled labor.

It is desirable in making the restriction that—

(a) A sufficient number be debarred to produce a marked effect upon the present supply of unskilled labor.

(b) As far as possible, the aliens excluded should be those who come to this country with no intention to become American citizens, or even to maintain a permanent residence here, but merely to save enough by the adoption, if necessary, of low standards of living, to return permanently to their home country. Such persons are usually men unaccompanied by wives or children.

(c) As far as possible the aliens excluded should also be those who, by reason of their personal qualities or habits, would least readily be assimilated or would make the least desirable citizens.

Then the commission go on to name a number of ways in

Then the commision go on to name a number of ways in

which it could be done, but they say in closing:

All these methods would be effective in one way or another in securing restrictions in a greater or less degree. A majority of the commission favor the reading and writing test as the most feasible single method of restricting undesirable immigration.

Mr. LODGE. All but one favor that test.

Mr. DILLINGHAM. All but one. Mr. Bennet disagreed with

The commission as a whole recommends restriction as demanded by economic, moral, and social considerations, furnishes in its report reasons for such restriction, and points out methods by which Congress can attain the desired result if its judgment coincides with that of the

I have called attention especially to these various features of this class of immigration in order that the Senate may see how the educational test may bear upon the problem to be solved. If you examine the evidence relating to the old immigration, to which I have so many times referred, you will find that only 270 per cent of the whole were illiterate, while of the new immigration, taken as a whole, 35.6 per cent are illiterate. average of the whole would be about 26 per cent.

Mr. STONE. What is the dividing line between the old and

the new immigration?

Mr. DILLINGHAM. Well, I presume the Senator was out when I referred to that.

I am sorry to say that I was. Mr. STONE.

Mr. DILLINGHAM. The immigration we received more largely down to 1882 came from northern Europe-England. Ireland, Scotland, the Scandinavian countries, Germany, and other sections of northwestern Europe. We call that the old immigration. That which we term the new immigration has come since 1882; it has been increasingly large from south-eastern Europe. In the last 10 or 12 years more than 70 per cent of those admitted have come from those countries. While the average rate of illiteracy among all immigrants is about 26 per cent of the whole, the rate among these of the new immigration is 35% per cent. In some nationalities the percentage of illiteracy is much higher than the average. Among the Portuguese, Turks, Mexicans, South Italians, Lithuanians, Syrians, Ruthenians, East Indians, Bulgarians, Montenegrins, Servians, Dalmatians, Bosnians who have recently been admitted 52.4 per cent of them can neither read nor write; but those that come to the-

Mr. OVERMAN. Will the Senator from Vermont yield to me?
The PRESIDING OFFICER. Does the Senator from Vermont yield to the Senator from North Carolina?

Mr. DILLINGHAM. Certainly.
Mr. OVERMAN. In this great investigation that has been made by the Senator from Vermont and his commission, was there any evidence of this country being made the dumping ground for insone persons sent over by other countries to this country to get rid of them?

Mr. DILLINGHAM. Not at all.

Mr. OVERMAN. Is it not a fact that in the State of New York, say, one-half of the insane people in asylums are foreign

Mr. DILLINGHAM. Mr. President, I do not know anything about the figures which the Senator from North Carolina has in

But the fact about insanity is that it exists in highest ratio in the most highly civilized nations. We are not standing in fear of insanity from southeastern Europe. The larger number of cases come from the very nations from whom we would like to secure our immigration.

Mr. STONE. Unless anarchy is insanity.

Mr. DILLINGHAM. Unless anarchy is insanity. The report of the commission deals with this subject, and the statistics bearing upon it are illuminating. They give the number of insane per thousand inhabitants in different nations, as well as the proportion of them which are confined in insane hospitals. The Senator will find the insane immigrants mostly come from the most highly civilized nations of Europe.

Mr. OVERMAN. I suppose the Senator from Vermont has read the remarkable statement I had printed in the RECORD, coming from the governor of New York. If the Senator will permit me, I should like to read a letter from the president of

the New York State Board of Charities.

Mr. DILLINGHAM. I have seen that letter, and we have placed in this bill a provision requiring a special examination for insanity.

Mr. OVERMAN. I am glad that has been done. Mr. DILLINGHAM. We have been in full communication with the bureau of lunacy in New York and with all the State officers, and we have provided in this bill for a special scien-

tific, technical examination of aliens coming to our ports.

Mr. OVERMAN. I am glad the Senator has put that provi-

sion in the bill.

Mr. LODGE. If the Senator will allow me, we have tried in every way to strengthen the provisions for the examination of immigrant allens so as to reach cases of insanity. That has been one of the administrative features of the bill to which special attention has been given.

Mr. DILLINGHAM. And the committee have given hearings

on the subject.

Mr. LODGE. As the Senator from Vermont has said, we have been in communication with the New York authorities Mr. LODGE. and we have been doing everything in that direction that we could. It is very difficult sometimes to get the records or to detect insanity.

Mr. OVERMAN. I am very glad the committee has considered the matter. I have noticed that provision in the bill and I am heartily in favor of it.

Mr. LODGE. We very strongly appreciate the necessity of reaching this matter, and as the Senator knows, there has been a restriction on the admission of insane aliens for a long time, though I think the law has been inadequate.

Mr. OVERMAN. That brings me to this point: We have had restrictions along that line, and we propose now to make them more drastic; but having had those restrictions heretofore, has the law been honestly administered and have there not been great frauds in admitting insane people to this coun-

try in the past?

Mr. LODGE. I do not think there have been any frauds in the admission of that class.

Mr. OVERMAN. If there have not been frauds, how did they get in here?

Mr. LODGE. Because the law was not sufficiently rigid.

That was one reason. Mr. DILLINGHAM. I think there is another reason for

Mr. President

The PRESIDING OFFICER. Does the Senator from Vermont yield to the Senator from Ideho?

Mr. DHLINGHAM. In just a moment. Mr. OVERMAN. I want to hear what the Senator from

Vermont has to say.

Mr. DILLINGHAM. I think there is another reason for that. The medical examination has undoubtedly been more directed to the physical condition than to the mental condition of the immigrants. The examinations have been conducted by a very competent board of surgeons, I have no doubt, but the proposition at the present time is to have added to that force men who are skilled in mental diseases and who will be more able to detect them. Then, too, there is another fact that should be borne in mind, if the Senator from North Carolina will permit me, and that is that insanity does not always develop at an early age and it is not always discernible to the ordinary observer or even to the expert.

Immigrants that come from the most highly civilized countries of Europe have in large proportion a tendency toward it, and many of them become insane soon after arriving here. They are under new conditions, under different environments, they are moved upon as they have not been moved upon at home, and therefore it may be that very many of them become insane after reaching the United States.

Mr. OVERMAN. I agree with the Senator that the law has not been administered from the fact that we have not had alienists to examine the immigrants.

Mr. DILLINGHAM. That is true.

Mr. OVERMAN. And by reason of that fact many insane persons have succeeded in passing the surgeons. I am very glad that this drastic provision has been incorporated in the bill, and

I hope it will prove effective.

Mr. BORAH. Mr. President—

The PRESIDING OFFICER. Does the Senator from Vermont yield to the Senator from Idaho?

Mr. DILLINGHAM. Gladly.

Mr. BORAH. I was going to say practically what the Senator from Vermont has already said. It seems to me that in all probability the difficulty with reference to this matter is the fact that insanity is about the most illusive affliction that one can have and the most difficult to prove. I take it that it would be very difficult to enact any law which would provide a certain test of this disease. I presume that that is one reason why it has been impossible to protect the situation, rather than that of fraud, because it is difficult to prove and difficult to know, especially in these times, when a man is insane.

Mr. DILLINGHAM. There is no question about the force of the Senator's suggestion. I had intended, Mr. President, to run

through the bill which is before us, and call attention to some of the peculiar features of it, but I have spoken already too long.

Mr. OVERMAN. I think the Senator ought to go through the bill. The Senator has spoken for a long time, and I think we had better go on with this subject to-morrow and let him finish

his speech then, for it is a most interesting question.

Mr. DILLINGHAM. I have very little more to say. to-day to present the general features of the question as they seem to me to bear upon the problems which we have to solve in this country, and I have been leading up to-day to the educational test as the most important one feature of the bill through which we can restrict the number coming to America of those whom we look upon as being the least desirable type

This bill is based in a large part on the immigration act of 1907, which has proved to be a most effective measure in its application. This bill contains many new provisions, the greater part of which were recommended to Congress by the Immigration Commission. Other provisions are based on recommendations which appear in the last annual report of the Commissioner

General of Immigration.

The bill proposes the repeal of all existing Chinese-exclusion laws, except that section of the law of 1882 which refers to the naturalization of Chinese and the substitution of a provision excluding from the United States the following:

Chinese persons or persons of Chinese descent, whether subjects of Chine or subjects or citizens of any other country foreign to the United States; persons who are not eligible to become citizens of the United States by naturalization, unless otherwise excluded by existing agreements as to passports, or by treaties, conventions, or agreements that may hereafter be entered into. The two provisions next foregoing, however, shall not apply to persons of the following status or occupations:—

This is the existing law, but it should be applied to the new provision-

Government officers, ministers or religious teachers, missionaries, lawyers, physicians, chemists, engineers, teachers, students, authors, editors,
journalists, merchants, bankers, capitalists, and travelers for curiosity
or pleasure, nor to their legal wives or their children under 16 years of
age who shall accompany them or who subsequently may apply for admission to the United States, but such persons or their legal wives or
foreign-born children who fall to maintain in the United States a
status or occupation placing them within the excepted classes, shall
be deemed to be in the United States contrary to law, and shall be subject to deportation as provided in section 20 of this act.

Briefly stated, the United States naturalization law extends the privilege of citizenship to "aliens being free white persons, and to aliens of African nativity and to persons of African descent," while the Chinese-exclusion act of May 6, 1882, specifically states "that no State court or court of the United States shall admit Chinese to citizenship." As stated, the repeal of the latter provision is not proposed. It is well understood that foreign-born persons of the Mongolian race, including the Chinese, Japanese, and Koreans, are not eligible to citizenship under our law, and it is probable that at least the greater part of the people of India and other countries of Asia are likewise excluded from the privilege. At present the Japanese would be little, if at all, affected by the proposed legislation, as under a not permitted by the Japanese Government to come to the United States, the Government of Japan withholding passports from them.

Granting that the long-established naturalization policy of the United States Government ought to be perpetuated, the exclusion from the country of any considerable body of persons who must remain aliens obviously is undesirable. The purpose of the proposed legislation is to accomplish the exclusion of such

persons. Under the present laws Chinese of the professional classes are permitted to enter the United States, but are subjected to certain regulations and restrictions which do not apply in the case of persons of any other race or nationality. Under the proposed law the Chinese are placed on an equality with every other people in this regard. Moreover, at present Chinese of the excluded classes are singled out for different and more severe treatment than are the excluded classes of other races, and while the Commissioner General of Immigration recommends a consolidation of the Chinese and immigration laws, he would retain all the harsh features of the former and differentiate in several important particulars between the Chinese and aliens of other races seeking admission to the United States. The law proposed by this bill would regulate the immigration of all aliens according to the same standard on the theory that if severer restrictions seem necessary in the case of any particular race they should be impartially applied to all races. In the preparation of this bill some desirable features of the Chinese laws which do not appear in the immigration act have been made applicable to all aliens and where the laws differ only in detail these differences have been eliminated. As a matter of fact, there is only one important detail of the Chinese-exclusion laws which is not incorporated in the bill in some form. That detail is the provision contained in section 6 of the exclusion law of 1884, which requires that every Chinese person entitled to admission to the United States-

shall obtain the permission of and be identified as so entitled by the Chinese Government, or of such other foreign government of which at the time such Chinese person shall be a subject, in each case to be evidenced by a certificate issued by such government.

I may say here that I am perfectly willing that that provision shall remain in the law if it is desired-

Mr. LODGE. I think that is retained in the present amendment.

Mr. DILLINGHAM. It should be said, however, that the certificate has been of very little value. It is not received as evidence of the right of the immigrant to enter this country.

Mr. BORAH. Mr. President, I do not know that I understood the Senator from Vermont correctly. Speaking specifically, what changes have been made or will be made by the

Senator's bill with reference to Chinese immigration? Mr. DILLINGHAM. Substantially none. Previous to this Mr. DILLINGHAM. Substantially none. Previous to this we have had the general immigration law, and we have had the Chinese-exclusion law, and they have been administered by different divisions of the Bureau of Immigration. The department is anxious to consolidate them. By this bill we bring them under one administration. We have raised the requirements connected with the admission of European immigrants to place them upon a level with the regulations governing Chinese immigration in all respects, except the requirement of certificates by those coming from China. That is of no practical value, and I do not care whether it is in the bill or whether it is omitted. Let me illustrate. We now give a certificate to the Chinese immigrant, when he is admitted to this country, show-

ing that he has been properly admitted. Under this bill we give a certificate to every admitted immigrant, so that he can have the evidence that he has been legally admitted. In addition to that, we send a duplicate copy of such certificate to the Bureau of Naturalization. When that immigrant comes to be naturalized, he shows his certificate; he is identified by the corresponding certificate; and then it is known that no fraud has been committed. It is a help to the

immigrant rather than an imposition.

The proposed law, it is believed, will accomplish all that is accomplished under the present laws, so far as the exclusion of Chinese laborers is concerned; and it is also believed that it will lead to a satisfactory and permanent settlement of the Asiatic immigration question generally on grounds that are entirely justifiable.

The literacy test as a means of reducing the present large immigration of unskilled laborers, the great majority of whom enter the industrial field, was recommended by the Immigration Commission. The commission reported that its investigations showed an oversupply of unskilled labor in the basic industries to an extent which indicated an oversupply of such labor in the voluntary understanding with Japan laborers of that race are | industries of the country as a whole, and recommended that a sufficient number of immigrants be debarred to produce a marked effect on the unskilled labor supply.

As far as possible

The commission says-

the aliens excluded should be those who come to this country with no intention to become American citizens or even to maintain a permanent residence here, but merely to save enough by the adoption, if necessary, of low standards of living to return permanently to their home country. Such persons are usually men unaccompanied by wives or children.

The commission recommended the literacy test as the most feasible means of accomplishing this end, and while the test as a means of improving the quality of immigration may be considered of doubtful value by some, as a practical means of reducing immigration of the class referred to it undoubtedly would be Certainly it would affect most the races whose immigration is for the most part a movement of unskilled laborers, who come without families, live under conditions which make them unfair competitors of those who have been born to or have adopted an American standard of living, send the greater part of their earnings to Europe, and eventually return there, only to be replaced in the American industrial field by other immigrants of the same type. Undoubtedly the literacy test would reduce this particular class of immigration by nearly, if not quite, one-half.

Moreover, the test is entirely practicable and essentially human, for in itself it would leave no doubt as to the inadmissibility of the potential immigrant, whereas many who are of other debarred classes find it necessary to cross the ocean in order to learn that they can not be admitted. It may also be said in favor of the literacy test that its enforcement can practically be placed upon the steamship companies, and this, as well as the enforcement of the provision excluding persons not eligible to naturalization, is assured by a provision of the bill, under which such companies are fined \$100 for each alien

of the specified classes illegally brought to a United States port.

The proposed change in the character and manner of appointment of boards of special inquiry is based on a recommendation of the Immigration Commission. These boards are important factors in the administration of the law, and it is very desirable that they be composed of men of especial ability and training for the work. Up to this time they have been appointed from the boards of immigrant inspectors. They have had to pass in a judicial capacity upon most important questions arising in disputed cases. The commission do not think that they have been equal to the responsibility imposed upon them by the law. Under the provisions of this bill the Secretary of Commerce and Labor is authorized to make appointments from a class who will be equal to the obligation laid upon them, and in that way

greater justice will be done.
Under the present law it is permissible to import skilled laborers, provided labor of like kind unemployed can not be found in this country. Under the present law, however, the admissibility of such persons can not be determined in advance of their arrival at United States ports. The bill proposes to amend the law in this regard and to permit the Secretary of Commerce and Labor to pass upon the question of their admis-

sibility prior to the contract.

As an illustration of the necessity for this legislation a firm in Connecticut purchased machinery abroad for the manufac-ture of fine laces. When the machinery was set up there was not a person in America who could operate it. They were entitled to import skilled labor, under the provisions of the present law, for the purpose of operating such machines, but they were unable to have the question of their right to do so determined until the persons actually reached Ellis Island and the case had been passed upon by the officials there and by them passed on to the Secretary of Commerce and Labor. To obviate the diffi-culty there has been inserted a provision in this bill authorizing the Secretary of Commerce and Labor to hear and determine the application in advance. If it is determined that skilled labor is really required and can not be secured in this country, it is so decided, and the decision is communicated to the inspector of the port, and when the persons arrive they have no difficulty in securing admission.

Mr. STONE. Of course, it is not the opinion of the Senator, or he would not have inserted in the bill—but I will ask him if it is not possible that a provision of that kind would open a door

to the admission of contract labor?

Mr. DILLINGHAM. Oh, no; I do not think so at all. The application is made directly to the Secretary of Commerce and Labor, and the immigration laws are administered by that department with great rigor against contract labor. I do not think so at all.

There can be little question that a large part of the present immigration of unskilled laborers is induced to come to this country by more or less direct promises of employment—a present the matter in a better way than I can—I think there

matter to which I have already referred-but these cases are exceedingly difficult of detection, and the bill proposes to make the law in this regard of greater practical value. also that a considerable part of this class of immigrants are solicited to come by agents and subagents of steamship companies working in various parts of Europe. Such solicitation is forbidden by the United States immigration law, but it appears that the enforcement of the law as it now stands is impracticable. The bill proposes a radical change in legislation in this regard by making possible the imposition of an administrative fine for violations of this provision, and if that is not effective, the Secretary of Commerce and Labor is empowered to deny to persistently offending steamship companies the privilege of landing passengers at United States ports. It is believed that with these provisions a better observance of this important requirement of the law can be secured.

In authorizing the deportation of aliens who commit crimes involving moral turpitude within five years after their entry into the United States, and also the deportation of aliens who become public charges, from any cause, within three years after landing, the bill again follows recommendations of the Immigration Commission. An allen who has been convicted of or who admits having committed a crime prior to his admission to the United States is deportable under the present law, but he may follow a career of crime from the very day of his admission without danger of deportation. The limit within which the commission of a crime may be a cause for deportation is fixed at five years, the purpose being to avoid returning to a foreign country a person whose environment or circumstances in the United States have made him a criminal. This danger is obviated within the period specified by the proviso that an alien convicted of a crime shall not be deported if the court imposing sentence recommends otherwise.

The present immigration law provides for the deportation within three years after landing of aliens who become public charges from causes existing prior to such landing. This bill provides for the deportation of aliens who become public charges from any cause within three years after landing, in the discre-tion of the Secretary of Commerce and Labor, and it also provides for the removal at the expense of the United States of aliens who fall into distress or want and who desire to return to their native country. The purpose of this provision is the removal from the country of unfortunate persons whose immi-

gration has resulted in failure.

Under our present system of control the Government's concern in the welfare of immigrants practically ceases when they leave the immigration station or board a train for the interior. Because of this, many immigrants fall into the hands of spoilers before they finally reach their friends. In several of the larger cities, which are distributing points for large numbers of immigrants, local societies have been formed for the purpose of grants, local societies have been formed for the purpose of adding and protecting such immigrants, and some of these societies are doing a splendid work in this field. The present immigration law provides that means shall be adopted to protect aliens migrating to the United States from fraud and loss. This protection is now given at ports of arrival, but the same protection might well be exended to the immigrant during his journey to distributing points in the interior and after his arrival there until he proceeds to his final destination.

With this purpose in view there is incorporated in this bill a provision authorizing the Secretary of Commerce and Labor to establish immigrant stations at such interior points as may be necessary, and also to detail officers to accompany immigrants from ports of landing to such stations. Moreover it is provided that such interior station be utilized to aid in the beneficial distribution of admitted alleus, which is authorized by the law of 1907 and retained in the bill.

Mr. President, I think I have gone over this question as fully as I care to do to-day. The study of this question has been a very great pleasure to me, and I think I see very clearly that the recommendation of the commission that immigration be restricted along the lines I have indicated is a wise one, and I most surely hope that the clause relating to the reading and writing test may be retained in the bill and that the bill may become a law. Mr. STONE.

Mr. President-

The VICE PRESIDENT. Does the Senator from Vermont yield to the Senator from Missouri?

Mr. DILLINGHAM. Certainly.
Mr. STONE. I very much hope that the educational test will not be restored to the bill. I am opposed to it, and before the consideration of the bill is concluded, unless some other Senator

are a number who hold the same view who can do it-I shall ask to be heard in opposition to that proposition, although as I understand it is now in the bill, merely having been recommended to be stricken out.

Mr. LODGE. Of course the Senator understands that it was recommended to be stricken from the bill by the committee. It has to be agreed to or disagreed to by the Senate.

Mr. STONE. But it is pending.

Mr. LODGE. The amendment that is pending is an amendment to strike it out of the bill.

Mr. STONE. The committee adopted the amendment. Mr. LODGE. The committee adopted an amendment to strike it out.

Mr. STONE. I should like to ask the Senator from Vermont-

Mr. LODGE. I am in charge of the bill. Mr. STONE. Then I will ask the Senator from Massachusetts what his disposition is with reference to the consideration

of the measure?

Mr. LODGE. The bill has been some time before the Senate, and was postponed on account of the Senator from North Carolina, who desired to speak upon it, in addition to the Senator from Vermont. I am very anxious to get it out of the way. The tariff bills are coming in, and I want to get it out of the way of those bills at the earliest possible moment. Of course I am not trying to cut off any Senator.

Mr. STONE. I am not asking for any delay.

Mr. STONE. I am not asking for any delay. Mr. LODGE. My intention is to press the bill to-morrow. do not know of any Senator who desires to speak, and I shall ask the Senate to consider the bill at as early a day as possible.

Mr. STONE. That is entirely satisfactory to me.
Mr. OVERMAN. All of the committee amendments have

been dealt with and adopted except one?

Mr. SIMMONS. One committee amendment has not been adopted, and that is the one with respect to the educational test. Mr. LODGE. That is what I have just stated.

Mr. SIMMONS. Is there any reason why we can not dispose

of it this afternoon?

Mr. LODGE. The Senator from Missouri [Mr. Stone] has stated just this moment that he desires to be heard against it. Mr. SIMMONS. I beg pardon. I did not hear the statement

of the Senator from Missouri.

Mr. OVERMAN. Why would it not be well to take up this bill section by section for amendment?

Mr. LODGE. That has been done. The bill has been read

for amendment and the committee amendments have all been agreed to.

Mr. OVERMAN. The committee amendments?

Mr. LODGE. All of the committee amendments except the one I have mentioned.

Mr. OVERMAN. I speak of any amendments. Mr. LODGE. After the disposition of the pending amendment the bill will be open to amendment by anybody.

Mr. OVERMAN. All the committee amendments but one have been adopted?

Mr. LODGE. Certainly.
Mr. OVERMAN. When the bill comes up again, would it not

be wise to take it up section by section?

The bill was read for Mr. LODGE. That has been done. amendment, the committee amendments to be considered first. The committee amendments are not yet concluded.

Mr. OVERMAN. After the disposition of the committee amendments any amendment a Senator wants to offer will be in order?

Mr. LODGE. As soon as we dispose of the committee amendment.

Mr. OVERMAN. Will the Senate committee amendment as to the illiteracy test come up before other amendments are in order?

Mr. LODGE. It will, it being the last committee amendment. Mr. OVERMAN. Therefore, the Senator having the bill in charge will insist upon that being taken up before other amendments are considered?

Mr. LODGE. Certainly. That is under the usual rule of the Senate concerning committee amendments. Individual amendments may be offered subsequently.

Mr. WILLIAMS. Do I understand that the bill will not be read again for amendment?

Mr. LODGE. It has been read.

Under the five-minute rule? Mr. WILLIAMS.

Mr. LODGE. We have no five-minute rule in the Senate.

Mr. WILLIAMS. I mean under the general rule. Mr. LODGE. It has been acted upon like an appropriation bill is acted upon. The committee amendments have all been ment.)

disposed of but one, and as soon as that is disposed of the whole bill will be open to amendment.

Mr. President, I now ask unanimous consent to change a word in a committee amendment that was agreed to yesterday. It was an error, not in the printing, but an eror in the typewritten copy sent up.

In line 12, page 8, the word "excluded" should be stricken out and the words "provided for" inserted, so as to read, "un-

less otherwise provided for."

The Secretary. On page 8 of the committee amendment, last print, lines 12 and 13, strike out "excluded" and insert provided for."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. LODGE. There is one other. On page 9 I ask unanimous consent to insert, in line 12, after the word "speak," the words "or write."

The amendment was agreed to.

Mr. LODGE. On page 10, line 15, after the word "President," change "may" to "shall."

The amendment was agreed to.

SOUTHERN JUDICIAL DISTRICT OF TEXAS.

The VICE PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 14083) to create a new division of the southern judicial district of Texas, and to provide for terms of court at Corpus Christi, Tex., and for a clerk for said

court, and for other purposes.

Mr. CLARK of Wyoming. I move that the Senate insist upon its amendments and agree to the conference asked for by the House, the conferees on the part of the Senate to be appointed by the Chair.

The motion was agreed to, and the Vice President appointed Mr. Clark of Wyoming, Mr. Nelson, and Mr. Culberson conferees on the part of the Senate.

HOUR OF MEETING TO-MORROW.

Mr. LODGE. I move that when the Senate adjourns to-day it be to meet at 12 o'clock noon to-morrow.

The motion was agreed to.

ESTATE OF BENJAMIN B. COX, AND OTHERS.

Mr. KERN. I ask unanimous consent for the present consideration of the bill (S. 4552) for the relief of the estate of Benjamin B. Cox, and others.

The VICE PRESIDENT. Is there objection? The Secretary will read the bill for the information of the Senate.

The Secretary read the bill.

Mr. SMOOT. The bill has been read, and I will not object to its consideration, but I will object to any other bill being taken from the calendar for consideration at this time.

By unanimous consent the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to pay to the personal or legal representatives of the following estates, which paid taxes in the Indiana internal-revenue districts, which paid taxes in the Indiana internal-revenue districts, namely, estates of Benjamin B, Cox, Gerhard Ittenback, and Mary A. Kistner, such sums of money as have been in any manner collected from those estates as internal-revenue taxes paid on legacies and distributive shares of personal property to the United States under the war-revenue act of June 13, 1898.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time,

and passed.

EXECUTIVE SESSION.

Mr. CULLOM. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened, and (at 5 o'clock and 20 minutes p. m.) the Senate adjourned until to-morrow, Thursday, April 18, 1912, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate April 17, 1912.

COLLECTOR OF CUSTOMS.

David M. Little, of Massachusetts, to be collector of customs for the district of Salem and Beverly, in the State of Massachusetts. (Reappointment.)

SURVEYOR OF CUSTOMS.

Jacob J. Greenewald, of Utah, to be surveyor of customs for the port of Salt Lake City, in the State of Utah. (Reappoint-

PROMOTIONS IN THE ARMY.

MEDICAL CORPS.

Lieut, Col. William Stephenson, Medical Corps, to be colonel from April 12, 1912, vice Col. John Van R. Hoff, retired from active service, April 11, 1912.

Lieut. Col. John L. Phillips, Medical Corps, to be colonel from April 13, 1912, vice Col. Louis W. Crampton, who died April 19, 1912.

12, 1912,

Maj. Henry A. Shaw, Medical Corps, to be lieutenant colonel from April 12, 1912, vice Lieut. Col. William Stephenson, pro-

Maj. Francis A. Winter, Medical Corps, to be lieutenant colonel from April 13, 1912, vice Lieut. Col. John L. Phillips, pro-

Capt. William R. Eastman, Medical Corps, to be major from

April 12, 1912, vice Maj. Henry Λ. Shaw, promoted. Capt. James F. Hall, Medical Corps, to be major from April 13, 1912, vice Maj. Francis A. Winter, promoted.

APPOINTMENTS IN THE ARMY.

MEDICAL RESERVE CORPS.

To be first lieutenants with rank from April 15, 1912. Bertram Moses Bernheim, of Maryland. Joseph Hammond Bryan, of the District of Columbia, Oliver Howard Campbell, of Missouri. George Henry Fox, of New York. Charles Howard Goodrich, of New York. Francis Randall Hagner, of the District of Columbia. Charles Henry Hunt, of Maine. William Edwin Luter, of Texas. Henry Houston Ogilvie, of Texas. Elliott Coues Prentiss, of Texas. Elliott Coues Prentiss, of Texas.
Edwin Pliny Seaver, jr., of Massachusetts,
George Messick Selby, of Wyoming.
Frank Marion Sprague, of Washington.
Gustave Herman Taubles, of California.
Thomas Jones Walthall, of Texas.
James Herbert Lawson, of New York.
Albert West Metall, ir. of Alabama. Albert West Metcalf, jr., of Alabama. Louis Anthony Meraux, of Louisiana.

CHAPLAIN.

Rev. James Miles Webb, of California, to be chaplain, with the rank of first lieutenant, from April 15, 1912, vice Chaplain Charles M. Brewer, Sixth Field Artillery, dismissed June 14,

CHIEF OF CHILDREN'S BUREAU.

Julia C. Lathrop, of Illinois, to be Chief of the Children's Bureau in the Department of Commerce and Labor.

POSTMASTERS.

MARYLAND.

John T. Carter to be postmaster at Denton, Md., in place of Thomas R. Green. Incumbent's commission expired January 10, 1911.

VIRGINIA.

Alexander W. Harrison to be postmaster at Lawrenceville, Va., in place of Alexander W. Harrison, Incumbent's commission expired January 31, 1912.

CONFIRMATIONS.

Executive nominations confirmed by the Senate April 17, 1912. POSTMASTERS.

CALIFORNIA.

Charles S. Graham, Pleasanton.

William H. Carroll, La Fayette. Thomas E. Oden, Blackshear. John W. Spinks, Dallas. Robert J. Webb, Alpharetta.

MINNESOTA.

I. P. Hodge, Stewartville. Martin J. Rucker, Mazeppa.

MISSISSIPPI.

Thirza I. Clarke, Marks. Alfred B. Clifton, Hernando. Maze H. Dally, Coldwater, Irene F. Elliott, Okolona. Frank Fairly, Mount Olive. Allen R. Frazier, Lexington, Charles L. Hovis, Ripley.

Nellie Lide, Lumberton. Thomas F. Logan, Friar Point. John R. Matthews, Wesson. Bennett A. Truly, Fayette. John G. Webb, Pickens.

NEVADA.

Quincy W. Hull, Ely.

NEW YORK.

William E. Clark, Fredonia. Charles L. Dix, Forestville. John Hopkins, Hyde Park. Reuben Kline, Port Leyden. Judson A. C. Knapp, Churchville. Thomas A. McWhinney, Lawrence. Frederic A. Purdy, Croton Falls. Solomon A. Royce, Liberty. De Witt C. Titus, Hempstead. Charles Voss, Tannersville. Charles H. Whitson, Briarcliff Manor,

OREGON.

Ione McColl, Gresham.

VIRGINIA.

John H. Steele, Coeburn. Charles E. Welch, Phoebus.

Walter C. Crocker, Spooner. Henry J. Goddard, Chippewa Falls. Walter Kleinpell, Cassville. William F. Prochnow, Almond.

WYOMING.

Joseph L. Kidwell, Douglas.

HOUSE OF REPRESENTATIVES.

Wednesday, April 17, 1912.

The House met at 12 o'clock noon. The Chaplain, Rev. Henry N. Couden, D. D., offered the fol-

lowing prayer:

Our Father in heaven we bless Thy holy name for the widespread sympathy going out from thousands of hearts to those who are suffering the untold agony of suspense, hoping, it may be, against hope. Comfort them we beseech Thee in the blessed truth that Thou art the God of the living and the dead. That nothing can separate Thy children from infinite and eternal love, and help us to learn well the lesson so dearly bought that the nations may combine in measures which may avert such terrible disasters, and everlasting praise we will give to Thee in the name of Him who taught us faith and hope in Thee our Father.

The Journal of the proceedings of yesterday was read and approved.

LEAVE OF ABSENCE.

By unanimous consent, Mr. Adamson was granted leave of absence, for six days, on account of illness in his family.

PAYMENT OF CLAIMS ARISING FROM INDIAN DEPREDATIONS.

The SPEAKER. This is Calendar Wednesday and the unfinished business is the bill H. R. 14667. The House automatically resolves itself into the Committee of the Whole House on the state of the Union, with the gentleman from Illinois [Mr. Foster] in the chair.

The CHAIRMAN. The House is in the Committee of the Whole House on the state of the Union for the further consideration of the bill, the title of which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 14667) to amend an act entitled "An act to provide for the adjudication and payment of claims arising from Indian depreda-tions," approved March 3, 1891.

The CHAIRMAN. When the committee rose last Wednesday the gentleman from Illinois [Mr. MADDEN] was recognized for one hour

Mr. STEPHENS of Texas. Mr. Chairman, before the gentleman proceeds I desire to ask unanimous consent that all debate on this bill close in one hour, one half to be controlled by the gentleman from Illinois [Mr. Mann] and the other half by myself. I am desirous of closing up this bill. We have had two days already and there is a great pressure of business in this House, and I hope we can arrive at an agreement to close this debate in one hour.

The CHAIRMAN. The gentleman from Texas asks unanimous consent that all general debate on this bill be closed in

one hour, one-half to be controlled by himself and one-half by

the gentleman from Illinois [Mr. Mann]. Is there objection?
Mr. MANN. Mr. Chairman, reserving the right to object, I
will say to the gentleman that I do not know whether we will want as much as an hour, but we might want a little more. Why not let debate run along for a few minutes, anyhow, and see? I think we can get through with the bill in a short time.

Mr. STEPHENS of Texas. With the understanding that it will not require more than an hour I am perfectly willing to

let it run along for awhile. I can see your colleague is not present, who has been recognized.

Mr. MANN. My colleague is not here; he is out of the city, so he does not desire the time. Let debate run on for a little while, and I think we can get through with general debate in a short time.

Mr. STEPHENS of Texas. I think we desire to close the debate on this side, and if the gentleman will occupy 30 minutes the persons favoring the bill will close.

The CHAIRMAN. Does the gentleman from Texas with-

draw his request?

Mr. STEPHENS of Texas. As I understand, what the gentleman says amounts to an objection at the present time. I desire, then, to submit some remarks in my own right.

Mr. Chairman, I think there has been a total misapprehension of the purpose of this bill. The fact is that it only reinstates the Indian depredation act of 1891 and permits persons who brought suit under that act, and whose cases were dismissed because the plaintiffs could not prove their citizenship, to have their cases reinstated and tried upon their merits. I desire the close attention of this committee for a few moments. During my service here I have talked but very little, and I want to be heard on this bill, because the matter is one of deep want to be heard on this bin, because the matter is one of deep interest to myself, as this is my bill and I have had a bill similar to this pending in this House for 12 years. Twelve years ago the gentleman from Arizona, M. A. Smith, now a Senator at the other end of this Capitol, joined with me in making a favorable report upon a bill similar to this one, that I had introduced in that Congress. There have been since that time several favorable reports made by the Indian Committee on similar bills. One was made four years ago by the gentleman from Minnesota [Mr. MILLER], and in this Congress the present favorable report on this bill has been made by the gentleman from Oklahoma [Mr. FERRIS].

This measure is not what I would like, because it does not afford adequate relief to the people who have been damaged by the loss and destruction of their property in the West by Indians. The amity clause should be stricken from the law, and never should have been written in it, so that when the settlers' property was destroyed by hostile Indians the owners of the property should have been remunerated by the Government instead of having been refused remuneration.

I do not believe that this Government ever should have recognized that an Indian tribe living within the boundaries of the United States should be treated as a foreign nation, but whenever they committed these depredations the Government should have been responsible for them. In the first instance, the In-dians' property should have been responsible as a tribe; in the second instance, the Government itself should have been responsible. And that has been the law ever since it was written there by Congress in 1796. The fathers of this country, some of the men who wrote our Constitution, the men who enacted our first laws, are responsible for these depredation acts, because they first declared that both inhabitants and citizens should be indemnified for the loss of their property by depredating bands of Indians.

Millions of dollars have been paid out to the settlers in the West to indemnify them for such losses, and it is too late now to raise the question brought up by the gentleman from Kansas [Mr. Jackson], the gentleman from Mississippi [Mr. Sisson], and the gentleman from Illinois [Mr. Mann] alleging that the Government is not responsible to these claimants. Take, for instance, the State of Texas, where I was born and reared, and you will find that Indians have destroyed millions of dollars' worth of property there, much of which has never been paid for by the United States or by the guilty Indians. This is therefore a matter of great importance to the people I repre-Texas did not go into the Union as any other State did. She had a separate and distinct history. She was an independent republic. When she yielded up her own nationality by an annexation treaty and became a part of this great Government, it was part and parcel of that agreement that her frontier should be protected against the depredations of savage Indians. All I ask of this Congress is to redeem that promise. There were five Indians in the territory of Texas to one white man

at that time. Many of them were continuously hostile and on the warpath. We had undertaken and succeeded in our revolution with Mexico and had acquired our independence and established the Republic of Texas. We had in doing so exhausted all of our resources, and in order to get the protecting arm of the United States, its Army, and resources to protect our frontier we surrendered our independence and nationality and came under the dominion of the Stars and Stripes. Instead of protecting our inhabitants as well as our citizens, and thus carrying out that agreement, you took advantage of a technicality and said that we must be citizens of the United States before we could be protected. The Court of Claims, under the act of 1891, held—on a technicality, it is true—that because we merged ourselves into the United States by annexation an inhabitant of Texas did not, ipso facto, become a citizen of the United Sates, but every man in Texas must have been a citizen of the Republic of Texas, not an inhabitant of the Republic of Texas, before he could become a citizen of the United States. The fact is there were many foreign soldiers who fought in the Texas revolution and had taken the oath of allegiance to the Republic of Texas, and who believed that this made them citizens of the Republic of Texas because they were inhabitants of Texas. When their property was destroyed by wild Indians they very naturally believed that they were citizens of the United States; hence they or their heirs brought these suits under this act of 1891 to recover for the loss of property the Indians had stolen or destroyed. The suits were dismissed because of the mere fact that Texas by uniting herself with the United States did not make her citizens citizens of the United

Let me give you a concrete case showing the injustice of the refusal to pass this act. A striking instance of the injustice of the law as it now exists is shown in volume 33 of the Court of Claims Report, page 444, the case of Trabing v. The United States. It is one of the cases we rely upon, and there are many others of that kind.

In that case it appears that the claimant's father came to the United States when the claimant was only 11 years old, lived in Baltimore and Washington-this very city-and in Montgomery and Howard Counties, Md., and is believed to have voted for Abraham Lincoln for President. No record of his naturalization could be found. The claimant during the war took the oath of allegiance to the United States and served in the Quartermaster's Department of the United States Army and did guard duty in the forts around Washington.

After the war he went out as an employee of the Quartermaster's Department to Fort McPherson, Nebr., took up his residence there, and remained in that State continuously for a number of years, until he finally settled in Wyoming. It appears that he served as deputy assessor in North Platte, Nebr., in 1867, and no question was ever raised as to his citizenship until 1892, when under this act of 1891 it was decided that nobody but citizens could recover damages for property destroyed by Indian depredations.

No record of his father's naturalization could be found. Here was a man whose father had been dead for many years, who had to prove in a highly critical court that his father had been naturalized, and he could not do so.

This man applied for a decree of naturalization, and the papers were then issued to him about 1890, before this law passed in 1891. The Court of Claims decided that it could not find as a fact that he was a citizen prior to his loss by Indian depredations in 1868, and consequently judgment was entered against him.

It is against such manifest injustice as this that we are now inveighing, and such injustice as this that this bill has been brought before you to correct.

The gentleman from Mississippi [Mr. Sisson] and the gentleman from Kansas [Mr. Jackson] have stated that it will take \$4,000,000 to pay these claims. The gentleman from Illinois [Mr. Mann] is fair enough to admit the truth, that it will take only \$500,000; but, Mr. Chairman, even that is far beyond the truth. These claims are 40 years old. These men who suffered the losses are very old men if living; if dead, their heirs must prove their citizenship, and it is impossible for men who have suffered damages so many years before to produce the evidence and obtain judgment in such cases.

Mr. SISSON. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Texas yield to the gentleman from Mississippi?

Mr. STEPHENS of Texas. I would rether not. The continuous control of the contro

Mr. STEPHENS of Texas. I would rather not. The gentleman had an hour and a half the other day.

The CHAIRMAN. The gentleman declines to yield.

Mr. STEPHENS of Texas. I will yield to the gentleman for

a question.

Mr. SISSON. Since the gentleman declines, I will not insist. Mr. STEPHENS of Texas. I will yield to the gentleman.

Mr. SISSON. I will state to the gentleman that, while I consumed perhaps an hour the other day, a greater portion of the time, as the gentleman will find if he will look up the RECORD, was consumed by the gentleman from Texas.

Mr. STEPHENS of Texas. I thank the gentleman for his

kindness, and will reciprocate.

Mr. SISSON. But the gentleman is now repaying me with anything but kindness. I have always contended that, according to the gentleman's showing here, about a million and a half dollars would be claimed, but the gentleman contended that only half a million dollars would be recovered. I nowhere stated that this bill would cost \$4,000,000.

Mr. STEPHENS of Texas. I am glad to see that the gentleman is fairer in his statement now than he has been hereto-

fore in his arguments.

Now, Mr. Chairman, I desire to call the attention of the House to the fact that the gentleman from Mississippi [Mr. Sisson] and also the gentleman from Illinois [Mr. Mann] made the contention that this law was repealed in 1858, and when it was reenacted in 1891 it did not relate back, and that at the time these depredations were committed, between 1860 and 1876, there was no law making the United States responsible for these acts.

Unfortunately for the gentleman's contention, Mr. Thompson, the Assistant Attorney General, who has had charge of these depredation cases for years, stated before our committee two years ago that these same cases related back to 1835-to the act that I will read you. That act made the United States Government plainly and clearly responsible.

This is the act of 1835, and Mr. Thompson says that if any Indian chall

Indian shall-

take or destroy the property of any person lawfully within such country, or shall pass from the Indian country into any State or Territory inhabited by citizens of the United States, and there take, steal, or destroy any horse, horses, or other property belonging to any citizen or inhabitant of the United States, such citizen or inhabitant, his representative, attorney, or agent may make application to the proper superintendent, agent, or subagent who, upon being furnished with the necessary documents and proofs, shall, under the direction of the President, make application to the nation or tribe to which said Indian or Indians shall belong for satisfaction; and if such nation or tribe shall neglect or refuse to make satisfaction in a reasonable time, not exceeding 12 months, it shall be the duty of such superintendent, agent, or subagent to make return of his doings to the Commissioner of Indian Affairs, that such further steps may be taken as shall be proper, in the opinion of the President, to obtain satisfaction for the injury; and, in the meantime—

Here, fellow Members, I want to call your attention to the most significant words in this law:

And, in the meantime, in respect to the property so taken, stolen, or destroyed, the United States guarantee to the party so injured an eventual indemnification.

Have the gentleman from Illinois [Mr. Mann], the gentleman from Mississippi [Mr. Sisson], and the gentleman from Kansas [Mr. Jackson], who are fighting this bill, overlooked this very important act of 1835? If they have, I refer them to it here, and also to the fact that the Court of Claims held that the act of 1891 related back to and revived this act of 1835.

I refer them to the statement of Attorney General Thompson that the act of 1891 relates back to this very act.

Mr. MANN. Will the gentleman yield for a question?

Mr. STEPHENS of Texas. Certainly.

Mr. MANN. While the act of 1891 might allow claims under the act of 1835, is it not true that it only allowed claims that accrued prior to the repeal of that act in 1859? The act of 1859 repealed the act of 1835. How many claims are there now that accrued prior to 1859? Are the bulk of these claims as old as between 1835 and 1859 or did the bulk of them accrue afterwards?

Mr. STEPHENS of Texas. I will give the gentleman the statement of Mr. Thompson. It is very clear and is better than any statement I could make, because he has been engaged in this work for many years and is now representing the Government in these very claims.

Mr. MANN. I believe that, but he does not make any explicit statement on that subject except to say that a number of these

claims accrued prior to the repeal of the act of 1859.

Mr. STEPHENS of Texas. This is what he said to our committee, and I read it now from the report:

It might be interesting to the committee to know, if they do not already know it, that in 1850 the United States passed an act providing that from that time on they should not be liable for Indian depredations.

That is the act the gentleman refers to.

And from 1850 down until the act of March 3, 1891, was passed are was no liability on the part of the Government for any Indian

And I will state to the gentleman that it was during that time that a great many of these Indian depredations occurred-

Because it was specifically provided that they should not be liable. Then, when the act of March 3, 1891, was passed, it gave to the Court of Claims jurisdiction—

Here is the point now-

to hear and determine and adjudicate these claims.

These claims could not have been valid claims against the United States until Congress revived them by the act of 1891. That is what he says.

Then when the satys.

Then when the act of March 3, 1891, was passed it gave to the Court of Claims jurisdiction to hear and adjudicate these claims, and the court has decided that that act was jurisdictional, but that by it the United States, in providing that judgments might be rendered against the United States, assumed liability for all depredations that had been committed before that time, subject to the exceptions contained in that law, and the Court of Claims held that the act of March 3, 1891, related back to the trade and intercourse act of 1834, and that is the act upon which the liability of the United States and the Indians for these claims is based.

The act of 1891 relates back to and is connected by this court and the Attorney General himself with the act of 1834, and this covers all the time that any of this property was destroyed or stolen.

Mr. BOWMAN. Will the gentleman yield?

Mr. BOWMAN. Will the gentleman yield?
Mr. STEPHENS of Texas. Certainly.
Mr. BOWMAN. Is that the opinion of the Attorney General?
Mr. STEPHENS of Texas. That is the evidence of the Attorney General explaining the decision of the court. Now, let us see what he said in another place. We had him before us, and I asked him a question relative to this matter, and here is his statement:

Mr. Stephens. The only new feature in this bill, then, that would be original legislation is with reference to the amity question?

Mr. Thompson. Amity and citizenship.

Mr. Stephens. I understood you to say that the citizenship question was old law.

Mr. Thompson. You are right about that—I want to correct that answer. Amity would be new legislation. All of the laws provided, before the act of March 3, 1891, that the inhabitant might recover without reference to citizenship, and the only place where the word "citizen" alone is found in the law is in the act of 1885 I spoke of, where the Secretary of the Interior was given the right to inquire into and investigate and allow claims of citizens of the United States for property taken by Indians in tribal relations, so that the new legislation in this bill is the amity and not citizenship.

There is the statement of the Attorney General in reference to this case, and it is perfectly clear. Now, Mr. Chairman and gentlemen, I do not propose to take much more of your time.

Mr. HARRISON of Mississippi. Will the gentleman yield? Mr. STEPHENS of Texas. Certainly.

Mr. HARRISON of Mississippi. It has been charged by the opponents of this bill that if this passes the lawyers will eat up in fees the most of what is coming to the claimants. I do not see any provision in the bill limiting the amount of fees that the lawyers or agents shall receive. Would the gentleman oppose an amendment to that effect?

Mr. STEPHENS of Texas. Let me state to the gentleman that the fees will be the same as the original fees in the act

of 1891.

Mr. HARRISON of Mississippi. What are the amounts of those fees?

Mr. STEPHENS of Texas. I will read section 9 of that act:

Mr. STEPHENS of Texas. I will read section 9 of that act:

Sec. 9. That all sales, transfers, or assignments of any such claims heretofore or hereafter made, except such as have occurred in due administration of decedents' estates, and all contracts heretofore made for fees and allowances to claimants' attorneys, are hereby declared void, and all warrants issued by the Secretary of the Treasury in payment of such judgments shall be made payable and delivered only to the claimant or his lawful heirs, executors, or administrators or transferce under administrative proceedings, except so much thereof as shall be allowed the claimant's attorneys by the court for prosecuting said claim, which may be paid direct to such attorneys, and the allowances to the claimant's attorneys shall be regulated and fixed by the court at the time of rendering judgment in each case and entered of record as part of the findings thereof; but in no case shall the allowances exceed 15 per cent of the judgment recovered, except in case of claims of less amount than \$500, or where unusual services have been rendered or expenses incurred by the claimant's attorney, in which case not to exceed 20 per cent of such judgment shall be allowed by the court.

This section of law shows that the statement of gentlement

This section of law shows that the statement of gentlemen opposing this bill to the effect that this money will go into the pockets of the claim agents who have been bounding this committee and Congress is unfounded. This bill is guarded as closely and strictly as any bill that ever passed this House.

Mr. SAMUEL W. SMITH. Will the gentleman yield?

Mr. STEPHENS of Texas. I will.

Mr. SAMUEL W. SMITH. What is the amount of the claims

covered by this bill?

Mr. STEPHENS of Texas. I suppose they will amount to between two and four million dollars, but the recovery can not possibly be more than \$500,000, according to the estimate made by the Attorney General.

Mr. SAMUEL, W. SMITH. How many claimants are there? Mr. STEPHENS of Texas. I do not know the number. Mr. SAMUEL W. SMITH. The amount asked for in this bill

is not covered already in the Indian appropriation bill?

Mr. STEPHENS of Texas. It had nothing whatever to do with it. These claims here are of citizens who have been damaged by loss of property, and we are now seeking to recompense them for the loss, just as the act of 1834 and 1891 said they should be recompensed, and as the Government has always done by other citizens.

Mr. CRUMPACKER. Mr. Chairman, will the gentleman yield?

Mr. STEPHENS of Texas. Yes.

Mr. CRUMPACKER. Let me see if I understand the purpose of the bill. As I understand it, the only change that this bill proposes to make in existing law is to amend it so as to include claims of those who were not citizens of the United States, and which claims have been rejected before the Court of Claims upon that ground.

Mr. STEPHENS of Texas. That is right.

Mr. CRUMPACKER. That is the only change proposed?
Mr. STEPHENS of Texas. The only change, and this is done because the claimants could not prove their citizenship; and let me read to the gentleman what the Attorney General says about that. His statement shows that the men bringing these suits believed they were citizens when they brought them; otherwise they would not have brought them:

Mr. Thompson. All the previous laws provide that a citizen or an inhabitant may recover, but I have never known a case where a non-resident alien, as you suggest, attempted to prove a claim against the United States. There may be some pending, but I have never had my attention called to them, and I do not think there are any.

Mr. Stephens. That question has been adjudicated, has it not, as to the term "nonresident," as to what that meant under the law prior to 1891?

Mr. THOMPSON. I do not think so.
Mr. STEPHENS. But that was the law prior to 1891, was it not?
Mr. THOMPSON. Yes. There has been no reason for the Court of
Claims to adjudicate that question, because an inhabitant could not

Claims to adjudicate that question, because an inhabitant could not recover.

Mr. Stephens. At the time these depredations occurred that was the law; and the word "inhabitant" was the law at the time?

Mr. Thompson. Yes, sir.

Mr. Stephens. Because all of these depredations occurred before 1891, did they not?

Mr. Thompson. Yes.

Mr. Stephens. And usually back from 30 to 40 years ago?

Mr. Thompson. Yes; the great majority. In fact, I would not know what per cent, but a very large per cent of these cases are for claims where the depredation occurred between 1860 and 1875. From 1860 until 1870 is the larger part, but I should think 75 or 80 per cent of these claims were for property taken between 1860 and 1875.

Mr. Stephens, And during that time the inhabitants were entitled to recover?

to recover?
Mr. Thompson. Yes, sir.

Mr. CANNON. Recover against whom? Mr. STEPHENS of Texas. Recover against the United States, in accordance with the act of 1834, that I read; and when I read it the gentleman from Illinois unfortunately was not present.

Mr. CANNON. Mr. Chairman, I am familiar with this whole matter, I think, and by the act of 1891 the Treasury of the United States was first made responsible. Prior to that time the parties were to be reimbursed from amounts due to the Indians.

Mr. STEPHENS of Texas. Unfortunately, Mr. Chairman, the gentleman has not been present, else he would have noted that the act of 1891 related back to the act of 1834, reestablished that act, and these cases were adjudicated against the United States under that act.

Mr. CANNON. But under all acts the Treasury of the United States was never responsible for one dollar. These people were to be paid from the funds of the Indians. I speak These

advisedly, after having examined the law closely as well as all the statements of the Attorney General.

Mr. STEPHENS of Texas. If the gentleman will do me the honor to listen a moment, he will see that he is entirely mistaken. I asked Mr. Thompson a question, which brought this

answer from him:

Mr. Thompson. Yes, sir; that is, whether he was entitled to recover at all. As I stated a while ago, after 1859 the United States was not liable for any Indian depredations at all.

That is where the gentleman has been misled, but listen further:

There was an act passed providing that they should not be liable from that time on for any depredations, so that when these depredations were committed, from 1860 down until 1891, there was no law on the statute books which made the United States responsible at all.

That shows the gentleman was correct.

But when the act of March 3, 1891, was passed the Government provided that the Court of Claims might render judgment against the United States for these claims for Indian depredations, and under that the court held that the law related back to the trade and intercourse act of 1834.

Mr. CANNON. It is perfectly plain that it is just exactly as I stated, that the Treasury of the United States was never liable under the act of 1891.

Mr. STEPHENS of Texas. Unfortunately for the gentleman and his great reputation, which he surely deserves, it is not in accordance with the act of June 30, 1834, which I now hold in my hand.

Mr. CANNON. Which was repealed in 1850. Mr. STEPHENS of Texas. Yes; but reinstated by the act of 1891. That is what the gentleman can not get through his head, and also what other gentlemen opposing this bill can not get through their heads. Here is what the act of 1834 says:

In the meantime, in respect to the property so taken, stolen, or destroyed, the United States guarantees to the party so injured an eventual indemnification.

And yet you say they never agreed to indemnify.

Mr. CANNON. Now, if they were reinstated by the act of 1891, then there is no necessity for this legislation.
Mr. STEPHENS of Texas. The act of 1891 brought into

force and effect and renewed the act of 1834.

Mr. CANNON. Then why do you need this legislation?

Mr. STEPHENS of Texas. Because the act of 1834 applied to inhabitants and we want this act likewise extended to inhabitants.

Mr. CANNON. Now, if the act of 1891 had never been passed,

you would require legislation, would you not?
Mr. STEPHENS of Texas. The act of 1891 expired in three

years, it was limited to three years' time-

Mr. CANNON. Precisely. Mr. STEPHENS of Texas. But all suits not brought within that time were barred and these are suits that were then filed and dismissed, as I have stated. I will explain to the gentleman that they were brought within three years and the claims only went out of court because they could not show that they were citizens of the United States for the many reasons as I have explained.

Mr. CANNON. Precisely; then you do need legislation.

Mr. STEPHENS of Texas. We need legislation to do justice to these people that have been thrown out of court on a technicality, and who lost their property, and who, under the act of

1834, were entitled to recover.

Mr. CANNON. But, under the act of 1859 they were not entitled to recover, and the gentleman, in other words, desires to fasten upon the Treasury of the United States a lot of State claims that Congress did not see proper to provide for in 1891 and gives a lame excuse. Now, if the majority of this House, being expressly the guardian of the Treasury and against stale claims and for economy and justice and uplift and right-eousness, desire to vote this legislation, why they have the

Mr. STEPHENS of Texas. The gentleman's statements are correct if they were based upon any facts of law or upon any decisions of the courts; but they are not. I have endeavored to show him that the act of 1834 said that all these losses of inhabitants, as well as citizens, should be indemnified, whether they were citizens or inhabitants.

Mr. BOWMAN. Will the gentleman permit a question?
Mr. STEPHENS of Texas. I will.
Mr. BOWMAN. All of these claims have been paid excepting those that were barred on account of their not being citizens.

Mr. STEPHENS of Texas. On account of their not being citizens or not proving they were citizens; they were inhabitants, but not citizens,

Mr. BURKE of South Dakota. Will the gentleman yield?
Mr. STEPHENS of Texas. I will.
Mr. BURKE of South Dakota. I wish to say the question

asked by the gentleman from Pennsylvania suggests this in regard to the claims that went out of court, and that is when the suits were brought, in practically all the cases, I think I can say, the plaintiffs supposed they were citizens, but for some technical reason when they got into court they were unable to prove they were citizens.

prove they were citizens.

Mr. BOWMAN. I favor the bill.

Mr. STEPHENS of Texas. Mr. Speaker, I believe I have said all I desire, and now I renew my request—

Mr. STEENERSON. Will the gentleman yield?

Mr. STEENERSON. What court decided these inhabitants

were not citizens?

Mr. STEPHENS of Texas. The Court of Claims, of this city. Mr. STEENERSON. Why was it not taken to the Supreme Court?

Mr. STEPHENS of Texas. I do not know whether a case was taken there or not.

Mr. BURKE of South Dakota. There was one case taken to the Supreme Court.

Mr. RAKER. The matter was referred to by me on Thursday in the case of Johnson against The United States, which was taken to the Supreme Court of the United States and affirmed.

Mr. BURKE of South Dakota. I recall the case of the governor of Nebraska.

Mr. RAKER. That is the case of the governor of Nebraska. Mr. STEENERSON. He was born in a foreign country and lived in the Territory of Nebraska when that State was admitted into the Union, and the Supreme Court held that the admission of the State into the Union naturalized him by act of Congress, because the people were admitted as a State on an equal footing with the other States of the Union. Now it seems to me that there is a complete analogy between admitting that State into the Union and the admission of Texas, and that there is no more reason why an inhabitant of Texas at the time it became a State should not be a citizen than the inhabitants of another State or another Territory that claimed naturalization by the admission of the State into the Union. I do not see any difference.

Mr. RAKER. I have that view and the bill ought to pass to

give them relief.

Mr. STEENERSON. I certainly can see no reason whatever why the bill should not pass if the citizens were entitled to the indemnity the inhabitants were, and it is simply a pure and naked technicality that ruled them out. That is the way I understand it

Mr. STEPHENS of Texas. Mr. Chairman, I would like to ask the gentleman from Illinois [Mr. Mann] as to closing the

Mr. MANN. How much more time does the gentleman desire

on his side? Mr. STEPHENS of Texas. I would like to have 30 minutes.

Mr. MANN. Thirty minutes more?

Mr. STEPHENS of Texas. The gentleman from South Dakota, I believe, desires some time.

Mr. BURKE of South Dakota. As far as time is concerned,

I do not care for very much of it.

Mr. STEPHENS of Texas. Will 10 minutes be sufficient? Mr. BURKE of South Dakota. It will be sufficient for me.

I believe I could get along with 5.

Ir. MANN. The gentleman from Texas [Mr. Stephens] a few moments ago asked for 30 minutes, and he consumed 45

Mr. STEPHENS of Texas. The gentleman must remember

that I was answering questions.

Mr. MANN. I have no objection to the time he consumed. Mr. Chairman, how much time was consumed by the gentleman?

The CHAIRMAN. Forty minutes. Mr. MANN. That would make an hour and 10 minutes on the gentleman's side, and we will take an hour on this sidean hour for those opposed to the bill and 30 minutes for those in favor of the bill.

Mr. BURKE of South Dakota. As I understand it, he proposes to use an hour and give 30 minutes to those who are for

the bill.

Mr. MANN. An hour for those opposed to the bill and 30

minutes for those in favor of the bill.

The CHAIRMAN. I would like to ask the gentleman if that does not include the time to be occupied by the gentleman from

Mississippi [Mr. Sisson].

Mr. MANN. From now; but I do not make the request. The CHAIRMAN. The gentleman from Mississippi has been recognized.

Mr. SISSON. I am willing to yield for that purpose if we get an hour on this side and 30 minutes on the other.
Mr. STEPHENS of Texas. Then I make that request.

Mr. BURKE of South Dakota. How is the time to be controlled, Mr. Chairman?

Mr. FOSTER. It is to be controlled by the gentleman from Texas [Mr. Stephens] and the gentleman from Illinois [Mr. MANN].

Mr. MANN. It is immaterial who controls the time.

Mr. STEPHENS of Texas. It is immaterial to me.

The CHAIRMAN. The gentleman from Texas [Mr. Ste-PHENS] asks unanimous consent that general debate close in 1 hour and 30 minutes, 30 minutes to be controlled by himself | the principle.

and 1 hour by the gentleman from Illinois [Mr. MANN]. Is there objection? [After a pause.] The Chair hears none.

Mr. MANN. I yield 10 minutes to the gentleman from Mis-

sissippi [Mr. Sisson].

Mr. SISSON. Mr. Chairman, the gentleman from Texas [Mr. Stephens] did not state my position on this bill correctly have no objection to these depredation claims being paid if they are paid by the parties who committed the depredations or by the tribe to which they belonged. But I am not in favor of the Federal Treasury responding to the torts of Indians or responding to the torts of anybody else.

Now, the gentleman from Texas [Mr. Stephens] has not left the proper impression on this House in reference to the law of 1891, because while prior to that time the United States Government guaranteed this indemnity, the Government always compelled the tribal government to make restitution to the Federal Treasury, and up to 1891 that had always been the rule, except after 1859, when these matters were then settled through the Department of the Interior without the intervention of Congress and without necessarily the intervention of the courts. But in 1859 the United States Government served notice on everybody within the United States, including everybody in the West, that in the future it would not be liable and would not even be responsible for depredations committed by the Indians. And from that time down to 1891 these gentlemen may search in vain for any other difference. They may search in vain for any other authority, and that is all they will find. And I am opposed to this bill because it requires the Federal Treasury to respond in damages for the torts committed by some one else. There is no more reason why the Federal Treasury should respond in tort for the protection of the property for the people out West than there is any reason for the Federal Treasury to respond in damages to the torts committed by the people in the Confederate States during the Civil War. There can be no principle either in law or in equity that can make the sovereign responsible for the tort committed either by her citizens or by aliens within her borders or by people who are quasi citizens, as the Indians were within the borders of the United States. Until 1891 there was not a moment in the history of the Government of the United States when the Government did more than collect the money out of the tribal funds of the Indians. And if these gentlemen are now willing that the United States Government may cause the Indian to respond to these depredations, I have no sort of objection to it, but I do object to the Federal Treasury responding in damages, as stated in this bill.

Mr. GARNER. The gentleman does think that the damages prior to 1891 were an unjust obligation against the Government?

Mr. SISSON. I do, indeed, sir. Mr. GARNER. Was an unjust judgment against the Government?

Mr. SISSON. I do, indeed.

Mr. GARNER. They ought to have gone to the Indian

tribes in each instance to recover the money?

Mr. SISSON. Exactly. I do not believe that two wrongs make a right. I do not believe that, because the act of 1891 repealed the act of 1859 and added to the act of 1835 a right against the Government, which the citizens or inhabitants did not have at that time, we should now renew that provision. I believe that so much of that act as gave them that right was wrong and ought never to have been engrafted on the statute books.

Mr. MILLER. Mr. Chairman, will the gentleman yield? The CHAIRMAN. Does the gentleman from Mississippi yield

to the gentleman from Minnesota?

Mr. SISSON. I do. Mr. MILLER. Is the gentleman aware of the fact that under the act of 1891 and under the law as proposed to be amended by this bill the Indian tribes are still subject and liable to the pay-

ment of any damages that may be recovered?

Mr. SISSON. Yes. But if a corporation injures me and I wait until the corporation goes into liquidation or goes out of existence it ought not to give me any right of recovery of damages then against the Government. If those people failed to prosecute their claims against the Indian tribes while the tribes were still in existence, they ought not now to be allowed to come in and take advantage of the laches and ask the United States Government and the American people to respond in damages, because the Government can not get back the money from the Indians.

Mr. MILLER. I just called the gentleman's attention to the fact that the Indian tribes are still liable, in view of the state-

ment he has made.

Mr. SISSON. It does not change the rule. It does not change

Mr. MILLER. Oh, yes; it does.

Mr. SISSON. If that be true, the Court of Claims that ordered the payment of this money ought never to have done so until it could get the money back from the Indian tribes.

Mr. MANN. Mr. Chairman, will the gentleman yield? The CHAIRMAN. Does the gentleman from Mississippi yield

to the gentleman from Illinois?

Mr. SISSON. . Yes. Mr. MANN. Was not the law from 1859 and from 1891 until now that any of these depredations should be a liability against the Indian tribes?

Mr. SISSON. Exactly.
Mr. MANN. That did not go in the act of 1891?
Mr. SISSON. Of course not.
Mr. MANN. That was the law all the time.

Mr. MILLER. That has always been the law and is now. Mr. MANN. Then, if the Indian funds can be used in pay-

ment of these depredations, why do they come and ask the Gov-

ernment of the United States to pay them?

Mr. SISSON. Yes; and that is the reason why this law should not pass. There is no reason why this law should be passed and the Federal Government required to pay damages. There is no one in this House who could make a stronger personal appeal to me than the gentleman from Texas. I have great respect for the gentleman from Texas, but I differ with him on this matter, because I differ with him on a question of principle, and I am not endeavoring to put the gentleman from Texas in a false light. I believe he is doing what he thinks is right, but when he accuses me of being unfair he ought to know that while sometimes I may be overenthusiastic, I have made an effort all my life to try to be at least fair; and if there is one thing in my whole character of which I try to be proud, it is that I try to have some old-fashioned domestic honesty. [Applause.]

What I feel about this I feel intensely, and if I did not speak here what I feel in this matter I would be untrue as a Representative to the constituents I represent, so that I do not believe that the gentleman from Texas ought to have stated

believe that the gentleman from Texas ought to have stated that I have acted unfairly and that I undertook to make an unfair statement. On the contrary, I have always said that if he can give me the necessary information I would be open to conviction as to the propriety of his position.

But he can not do it now. He can only guess at it. He may come near the same township or range of it, but I do not know how he can come closer than that to it. He can not give us the names of the claimants or the amount of the damages. the names of the claimants or the amount of the damages claimed in each case. He can not do that. He says in so many words that it will amount to about \$500,000, and perhaps more. If that be the fact, he could get, by writing a letter to the Interior Department or to the Court of Claims, the name of each litigant and the amount sued for and the evidence in each case, and show Congress exactly what it would cost. But he has declined to do that, and it would be a mere speculation at best as to whether it will be \$500,000 or more. The gentleman from Texas can not make any more definite statement than he has made already, notwithstanding the fact that he has had a whole week since this bill was up for consideration before and since he was catechised about it and asked about it. He has had a whole week since then.

Mr. LONGWORTH. Mr. Chairman, will the gentleman

yield?

The CHAIRMAN. Does the gentleman from Mississippi yield to the gentleman from Ohio?

Mr. SISSON. Ves

Mr. LONGWORTH. I understood the gentleman from Texas to state a few minutes ago that it would amount to \$4,000,000.

Mr. SISSON. Here is what the gentleman from Texas says: That the amount of claims sued for would be \$4,000,000, but that, although the suits would be for \$4,000,000, he has assur-ance from the Attorney General that the recoveries would be limited to about \$500,000.

Now, it is upon that broad statement—the difference between \$500,000 and \$4,000,000—that he asks this Congress to pass this act. He does not know whether it will be \$500,000. He can not tell whether it will be \$1,000,000; he can not tell but that it might be \$4,000,000, because the court would not be bound by the opinion of the Attorney General.

The CHAIRMAN. The time of the gentleman has expired.
Mr. MILLER. I want to ask the gentleman a question.
Mr. SISSON. I will yield if I can get the time.
Mr. MANN. I yield to the gentleman such time as is neces-

Mr. MILLER. If we were at the beginning of all legislation on this subject and if the past were a clean sheet of paper,

with nothing written upon it, and it was necessary to pass legislation giving the right of recovery to people in the United States for Indian depredations, would the gentleman be in favor of excluding inhabitants and limiting the right of recovery to citizens?

Mr. SISSON. I would not if an Indian committed a wrong and the money would come out of the pockets of the Indians and if the claimant was rightfully in the place where the depre-

dation occurred.

Mr. MILLER. Then I do not understand how the gentleman can be opposed to this removal of a condition which he says he would not favor as an original proposition.

Mr. SISSON. Because I would not favor paying this money out of the Federal Treasury at any time, and I am unwilling

that it should be paid out now.

Mr. MHLLER. Then it is a matter of the broad proposition of passing any such legislation at all and not this one feature

of it of which the gentleman spoke.

Mr. SISSON. Yes.
Mr. MANN. Mr. Chairman, I wish to occupy a few minutes on this matter, and I should like to call the attention of the

committee to a very brief résumé of the situation.

Originally the Government passed a law providing that if Indians came out of the Indian country into the Territories or States and committed depredations the Government would be responsible for the damages, and would endeavor to collect the damages from the Indians but would pay the damages whether they were collected or not.

In 1835 Congress extended that law, and provided that if the depredations were committed in the Indian country against persons lawfully there the Government would pay the damages,

again attempting to collect them from the Indians.

In 1859 Congress repealed the law that provided for any indemnification out of the Federal Treasury, still leaving the law so that if depredations were committed against persons lawfully where they were the Government would attempt to collect the damages from the Indian tribes. That was the act of 1859. Between the act of 1850 and the act of 1891 there was no liability assumed by the General Government to pay damages out of the General Treasury for any Indian depredations whatever, the Government still assuming the effort to collect the damages from the Indian tribes.

In 1885, or thereabouts, the persons who had claims for depredations obtained the passage through Congress of a provision of law requiring the Secretary of the Interior to make a report in reference to damages by reason of Indian depredations, and if I recall rightly it was stated at the time that law was passed that the total amount of these claims would be a very few

million dollars.

Just what those amounts were, as reported, I do not recall, but in 1891 Congress passed a law providing that these claims, when belonging to citizens of the United States, might be presented to the Court of Claims within three years thereafter, and assuming that they should be paid out of the Federal Treasury if they could not be collected from the Indian tribes, the General Treasury being responsible. Such was the law and such is the law now

What has resulted from the legislation already enacted? With the primary liability against the Indian tribes, which has existed for more than a century, with the liability added in 1891 in favor of citizens of the United States to be paid out of the Federal Treasury, from what have the claims been paid up to date?

Originally assumed to be but a small amount we have already paid claims to the amount of \$4,946,999.38, and of these nearly \$5,000,000 of claims which have been allowed under the act of 1891, with the primary liability against the Indian tribes, \$50,085.45 have been paid out of the funds of the Indian tribes. Nearly \$5,000,000 has been paid out of the Federal Treasury under the act of 1891, being more than the gentlemen who originally advocated the legislation said the entire claims would amount to, and there are \$10,000,000 or \$12,000,000 of claims

still pending and unpaid.

There are \$10,000,000 or \$12,000,000 of claims still pending. There was no liability on the part of the Government to either citizens or inhabitants from 1859 to date. Misled by the statements which were originally made, Congress has provided for and paid nearly \$5,000,000 of these claims to citizens. No one knows, and I challenge any member of the Committee on Indian Affairs to say, what amount of claims are now pending in behalf of inhabitants as against citizens. Does anyone answer? How many claims are pending and what do they amount to now in behalf of inhabitants which would be carried by this bill? Can the gentleman from Texas tell, can the gentleman from South Dakota tell, how much are they?

Mr. STEPHENS of Texas. I do not think anyone can tell, because there are so many claims, and they have been filed at different times.

Mr. MANN. The claims are on file. Anyone can tell who will examine the records in the office of the Court of Claims, and no one in favor of the bill has dared to do it. No one knows how much the claims will amount to. The attorney for the Government has stated that, in his opinion, the claims which would be allowed would not amount to more than \$500,000, but he states that he does not know, and no one knows. The original claims were not estimated to amount to more than \$2,000,000 or \$3,000,000, and yet we have already paid \$5,000,000, and there are \$10,000,000 or \$12,000,000 still remaining. Who can say what this will cost?

We never promised to pay a dollar to these people except out of the funds of the Indian tribes. Let the gentlemen produce their claims in a proper manner and have them paid out of the funds of the Indian tribes. A moment ago the gentleman from Texas stated that the Indian tribes were amply able to pay these claims. Then let them be paid out of the funds of the tribes who committed the depredations. There is no reason why the General Government should be involved in the further pay ment of these claims. If this bill be passed, the next bill will be to strike out the amity provision and pay \$8,000,000 or \$10,000,000 more of claims.

Mr. KENDALL. Will the gentleman yield?

Mr. MANN. I will. Mr. KENDALL. Was not that in the bill in the Sixty-first Congress and in the bill in this Congress when first introduced?

Mr. MANN. I do not know; I think it was not in this bill.
Mr. KENDALL. It was in the old bill.
Mr. MANN. It only requires the striking out of four words in this bill to add \$10,000,000 to the liability.
Mr. KENDALL. One other question. Is it not true that all claims that this bill is intended to relieve accrued at a time

when the law limited the recovery to citizens entirely?

Mr. MANN. The law did not provide for the recovery by citizens or anybody else during the time that the most of these claims accrued. Those that are older than 1859 arose at a time when the law did provide for the payment. How many claims are older than 1859 no one knows.

Mr. COOPER. Will the gentleman yield? Mr. MANN. I will.

Mr. COOPER. I see that the third proviso reads as follows: Provided further, That nothing in this act shall be construed to authorize the presentation of any other claims than those upon which suit has heretofore been brought in the Court of Claims.

Now, it ought to be an easy matter to determine by computation the aggregate of these claims. What is the difficulty about it? The gentleman from Texas said that he could

Mr. MANN. I do not know of any difficulty. The gentleman prefers to say that the total amount of claims, when paid, will not amount to more than \$500,000, but they have not dared to tell the House how much the claims amount to.

Mr. STEPHENS of Texas. I have stated several times that it amounted to about \$4,000,000, and I base it upon the statement of Mr. Thompson.

Mr. MANN. Where is the statement of Mr. Thompson on the subject?

Mr. STEPHENS of Texas. I read it to the gentleman a few moments ago.

Mr. MANN. I have and I could not find it. I have read the statement of Mr. Thompson,

Mr. COOPER. If the gentleman from Illinois will allow a further interruption. This whole subject is new to me, and I presume it is to the majority of the House. See if I understand the proposition. The Indians committed depredations. and destroyed the property alike of citizens and aliens. zens had access to the Court of Claims, and their claims were presented and adjudicated. The aliens likewise presented their claims to the Court of Claims, but were not allowed because of the fact that they were aliens. Now, then, this third proviso, as I understand it-and that is the whole point in the bill-permits these people who lost property by depredations to present claims and have them adjudicated, as was the case with those who were citizens, and the proviso limits it strictly to claims upon which suit has heretofore been brought in the Court of Claims. It ought not to be very difficult to determine the number of those claims and approximately an accurate amount that will be recovered.

Mr. MANN. I think myself it ought not to be difficult. The gentleman will remember this in reference to these alien claims: Under the law it was made illegal for these aliens to go into the Indian territory without a special passport from

visions of the law. They took their own risk, and they had no license. Having violated the law, which forbade them to go into the country, they then turned around and asked Congress to reimburse them; but the original law did provide for the payment of damages to inhabitants. When we passed the act of 1891 we limited recovery to citizens. Many of the aliens filed claims, and those claims were rejected because they were not citizens.

Mr. COOPER. Mr. Chairman, the suggestion of the gentleman is that many of these aliens or other people went into this Indian territory in violation of law and there had their property destroyed. The first proviso of the bill reads:

That the privileges of this act shall not extend to any person whose property at the time of its taking was unlawfully within the Indian territory.

Does not that meet the suggestion just made by the gentleman from Illinois?

Mr. MANN. It does not. I called to the attention of the House the other day the fact that if the law provided that the provisions of the bill should not extend to any person who himself was unlawfully in the Indian territory it might be of some value, but that is not the case. The man would be unlawfully within the territory. The property would not be unlawfully within the territory.

Mr. COOPER. This says "whose property at the time of its taking was unlawfully within the Indian territory."

Mr. MANN. The individual would be unlawfully within the territory, but the property was not unlawfully within the terri-

Mr. GARNER. Mr. Chairman, will the gentleman yield?

Mr. MANN. Certainly.

Mr. GARNER. If an amendment were adopted covering that defect, if it is a defect, in the bill, would the gentleman then vote for the bill?

Mr. MANN. I would not, but I propose to offer an amendment to cover that defect, if it shall be passed. Mr. GARNER. And I hope the amendment will be adopted.

Mr. MANN. But my objections to the bill are broader than We were under no obligation to these people. If there were Indian depredations committed against them, they had a method under the law of filing their claims at the time with the War Department and having those claims paid out of the property of the Indians. If they did not pursue that remedy that was their fault and no fault of the General Treasury.

Mr. LONGWORTH. Mr. Chairman, will the gentleman yield?

Mr. MANN.

Mr. LONGWORTH. Did I understand the gentleman to say that not more than 1 per cent of the primary liability has ever been collected from the Indians?

Mr. MANN. Yes; from the Indians, Mr. LONGWORTH. Fifty thousand dollars, in round numbers, out of \$5,000,000, in round numbers?

Mr. MANN. Yes; in round numbers. Mr. LONGWORTH. Whose fault is that?

Mr. MANN. I suppose it is the fault of Congress. In the first place, we paid the claims out of the General Treasury, and then some of our friends interested in these matters inserted a provision that, having been paid out of the General Treasury, the

Treasury was not to be reimbursed out of the Indian funds, unless the Secretary of the Interior thinks it can be done without in any way injuring the support, maintenance, or civilization of the Indians. That is a recent law.

Mr. STEPHENS of Texas. Mr. Chairman, I have now the figures which the gentleman asked me for a few moments ago.

This is the statement made.

Mr. MANN. From what page of the report is the gentleman

Mr. STEPHENS of Texas. Page 16 of the report, near the top, the first question:

The CHAIRMAN. As I understand it, it is your judgment that if this bill were to become a law the total amount that would probably be recovered would be somewhere about \$4,000,000?

Mr. THOMPSON, Yes; it would be about \$4,000,000, including citizenship cases. The last estimate we made was \$3,750,000, two years ago. As I have before explained to the committee, that depends a little upon the number of cases that would go off by reason of other defenses, but taking eight and a half million dollars as a basis of claims that would go to judgment and that are subject to the defense of amity, and taking 40 per cent of them, which has been the percentage that has been allowed, it would make \$3,400,000; and then in addition to that a half million dollars on account of the removal of the bar of want of citizenship would make it, in round numbers, about \$4,000,000.

That is just as I stated-of which \$500,000 would be recovered.

Mr. MANN. I understand; but we have no statement whatever as to what the exact amount is, although it is easily obtainable. The estimate of the department that the claims the War Department. They went there contrary to the pro- amount to \$4,000,000, which the gentleman has stated, would only result, according to the statement of the Attorney General, in judgments amounting to about half a million dollars, but no one knows the amount of either the claims or the amount of the judgments, when the first could easily be ascertained by the committee on examination.

How much time have I remaining, Mr. Chairman?

The CHAIRMAN. Twenty-eight minutes.
Mr. MANN. Mr. Chairman, I reserve the balance of my time.
Mr. STEPHENS of Texas. Mr. Chairman, I desire to get the attention of the gentleman from Illinois. Does the gentleman propose to close in one speech?

Mr. MANN. No. Mr. STEPHENS of Texas. Then will the gentleman please

use some of his time?

Mr. MANN. Does the gentleman propose to close in one speech?

Mr. STEPHENS of Texas. No.
Mr. MANN. Then go ahead.
Mr. STEPHENS of Texas. The gentleman has a great deal more time than I have,

Mr. MANN. Oh, no; the gentleman has 30 minutes and I

Mr. STEPHENS of Texas. Mr. Chairman, I yield five min-

utes to the gentleman from Oklahoma [Mr. McGuire].

Mr. McGuire].

Mr. McGuire of Oklahoma. Mr. Chairman, these claims have taken a great deal of the time of the Committee on Indian Affairs. That committee has gone very carefully into the merits and this bill is the result of several years of investigation, and careful investigation, by that committee. The House will observe the nature and character of the arguments, which I am not disposed to criticize, that have been offered against this bill. For instance, the gentleman from Illinois [Mr. Mann] dwelt upon the amount which might be recovered, the judgments which might be obtained against the Government of the United States. Observe, regardless of the merits, regardless of the obligation or its character, regardless of the question of whether the United States owes these people, among the most needy in all the country, the gentleman from Illinois [Mr. Mann] and the gentleman from Mississippi [Mr. Sisson] would have us hang this bill upon the one question as to the amount that might be recovered by these people. Gentlemen, I have never been in favor of repudiating a national or an individual obligation. I have had obligations large enough for me to have liked to repudiate them; but, unfortunately possibly for me and for-tunately for the other fellow, I have never reached that point. It seems to me that the one question for us, as the Representatives of the people and as guardians of the Treasury of the United States, the one question for us to determine is, Is this an honest obligation upon the part of the Government of the United States to these people, these frontier settlers in those days? And let me tell you, if the law of 1834 did not provide for the payment of these obligations, if the law of 1891 did not provide for the payment of these obligations, then it is the duty of the Government of the United States now to pass such a law as will provide for the payment of the honest obligations of the Government, and it does not seem to me that the question as to the amount should figure to any very great extent while we are considering these obligations. Why, gentlemen—

Mr. BOWMAN. Or the citizenship.
Mr. McGUIRE of Oklahoma (continuing). The Government of 100,000,000 of people, in my judgment the ablest Government among the civilized nations to take care of its people who went to the front, who were the pioneers of Texas, of Oklahoma, of Colorado, of New Mexico, and Nebraska; the people who had faith in the Government and who believed ultimately that every dollar's worth of property that they lost by reason of these warlike people would be returned, should pay its just obligations. Here are claims that have been pending for years, a positive disgrace to the representatives of the Government. I would guard the Treasury as carefully as any person. I would not want to see one dollar leave the Treasury of the United States that did not go to pay an honest obligation, but if we owe these claims they should be paid.

The CHAIRMAN. The time of the gentleman has expired.

Mr. STEPHENS of Texas. Mr. Chairman, I yield five min-

utes to the gentleman from South Dakota [Mr. Burke].

Mr. BURKE of South Dakota. Mr. Chairman, this bill has been discussed to such an extent that it would be rather difficult for me to enter into any extended discussion of it without going over the ground that has been gone over and over and I think that some gentlemen in the House are too serious in their objection to this bill. This proposition has been before Congress and before the Committee on Indian Affairs ever since I have been a Member. It has been repeatedly favorably reported and was reported in the fast Congress by the Committee | amendment as I believe ought to be adopted.

on Indian Affairs, of which I then had the honor of being the The committee found that there were a large number of claims pending, aggregating several million dollars; that if the law was changed so that the amity requirement should be eliminated a large recovery could be had against the United We found that the claim attorneys or the so-called States. claim agents were concerned mostly with regard to amending the law in that particular. We concluded that this part of the proposed change in the law that permitted an inhabitant to have the right to recover the same as a citizen was wise, and it would take away largely the arguments that were being used to get a change of the law as to amity. As I have already indicated in questions that I have asked, we find that in practically all of the cases that would be reinstated if this bill becomes a law the plaintiff brought suit believing he was a citizen of the United States. Many of them had served in the Civil War and had an honorable discharge. Some had served in public office; some had been members of grand juries where the question of citizenship was inquired into, and they were considered to be citizens; and we believed, and we still believe, that that class of people ought to have the same right to recover as those who could show technically that they are citizens.

I want to say further that we were convinced that there could not possibly be recovered judgments to exceed \$500,000 by the passage of this bill. And it is my opinion that is the maximum amount that can be recovered. We had before the committee the Assistant Attorney General from the Department of Justice, who has had charge of the defense in the Court of Claims in this class of claims, and he stated to the committee, as you will see by examining the report which has been filed upon this bill, that the amount would not exceed \$500,000, and it has been estimated that it might not exceed \$300,000. I agree with all the gentleman from Illinois, Mr. Mann, has said and all the gentleman from Illinois, Mr. Cannon, has said—that if this bill was to be amended so that amity was not required it ought

not to pass, and I would be opposed to it.

I stated in the last Congress what I understand the chairman of the committee in this Congress has stated, and probably will state again, that if this bill passes the House in the form in which it is reported and it is amended in another body, so far as he can control it there will be no opportunity for the House to concur in that amendment.

The CHAIRMAN. The time of the gentleman from South

Dakota has expired.

Mr. STEPHENS of Texas. I yield to the gentleman from South Dakota two minutes more. In this connection I desire to state that I concur in what the gentleman from South Dakota says as to the amendment, if the Senate should put it on.

Mr. BURKE of South Dakota. Now, it will be said that the chairman of the committee can not control what has happened so far as this bill is concerned. I think every Member here is sufficiently familiar with the practice in regard to bills that may be amended after they leave here and when they are returned, so that where the chairman of the committee states that he will see that no motion is made to concur and the bill will not pass in the form in which it may have been amended, there is no possibility of its becoming a law. I think there need be no misapprehension that this bill will be amended as has been suggested by the gentleman from Illinois [Mr. Mann] and his colleague [Mr. Cannon]. I say that this is an honest proposition. I do not think it makes a particle of difference what the amount may be that is involved. I think it is a fact that it will not exceed \$500,000, but that does not change my position touching the question. These people brought their cases within the time provided by the law of 1891; they believed they were citizens of the United States, and simply because they were unable from some technical clause to prove their citizenship, their suits failed; and I say it is only right, honest, and proper that they should be given a status so that they may recover.

Mr. STEPHENS of Texas. Mr. Chairman, how much time have I left

The CHAIRMAN. The gentleman from Texas has 18 minutes

Mr. STEPHENS of Texas. I yield five minutes to the gentle-

man from Wyoming [Mr. Mondell].

Mr. MONDELL. Mr. Chairman, I am one of those who believe that the amity clause should be stricken from this bill; that it should never have been written into the law. But I realize how utterly impossible it is at this time, and how utterly impossible it is likely to be at any time, to get the House to strike out the amity provision in the Indian depredation law. And, therefore, I do not desire to in any way stand in the way of the passage of this legislation by urging such an This bill, at least, should pass. And I want to call the attention of the gentleman from Illinois [Mr. Mann] to a fact which I think is well known to him, if the gentleman from Illinois will give me his attention.

Mr. MANN. I always give attention to the gentleman. Mr. MONDELL. It is well known to him, but perhaps tem-porarily overlooked. I refer to this fact that we have always had among our population a large number of foreign-born people. We have to-day, and always have had in the past, men coming to our country from foreign shores and settling in different parts of the country and in time declaring their intention to become citizens and later become citizens. When we had a frontier inviting adventurous spirits, many men came to our shores who went directly to the West-Frenchmen from Canada, Germans, Scandinavians, and other men of various nationalities. They went to the western plains and mountains, into the Indian country, so called. It was utterly impossible for them, in many instances, to make a declaration of their citizenship. I have been personally acquainted with many such men, who have performed for years and years all the duties of citizenship, who voted, served on juries, were elected to office, served in the Army, and who have been among our very best citizens, and who forgot in the passing of the years that they had overlooked the slight preliminary of declaring their intention to become citizens of the United States, but who considered and believed themselves to be citizens. And it is this class of men who will be relieved by this legislation, men who were in the main just as good American citizens as we have ever had under the flag, men who performed all the duties of citizenship, men who, as I have said, held office and served in our Army.

I have in mind one such case, John, or "Portuguese," Phillips, as he was called, who came to Wyoming a great many years ago. He was one of the finest pioneers we ever had in our State, a man of wonderful physical bravery, and a man of wonderful energy, and a good citizen in every helped in the formation of our Territory. He voted and He served as a justice of the peace on the frontier, and had a very wide reputation in that capacity in that he did always realize the limitations of his jurisdiction. He finally passed away, and his heirs presented a claim, an exceedingly meritorious one, but when that claim came to be considered it was discovered that Phillips was not a citizen of the United States. It is true that upon one occasion this man rode 150 miles in the dead of winter, at night, through the Indian country

The CHAIRMAN. The time of the gentleman has expired. Mr. MONDELL. May I have one minute more? Mr. STEPHENS of Texas. Mr. Chairman, I yield one minute

more to the gentleman.

Mr. MONDELL. He rode 150 miles in the dead of winter at night, hiding during the day, through the Indian country, to carry to the settlements the news of the beleaguerment of Fort Phil Kearney by the Sioux under Red Cloud, and but for that ride the entire garrison of that post would have been wiped out by the hostile Sioux then beleaguering the garrison. But he was not a citizen, and when his case came to be passed upon it could not be paid. That claim was afterwards paid by a special act of Congress, passed in recognition of his remarkable

He is but an example of the kind of men whom this bill would relieve-the finest type of frontiersmen in the West; men who were too busy to go to the courts and go through the preliminaries of making a declaration of citizenship, but who, almost every one of them, were citizens in the highest and best and truest sense of the word, and who spent their entire life in the West. This bill would relieve some of those people. [Applause.]

Mr. STEPHENS of Texas. Will the gentleman from Illinois

use some of his time?

Mr. MANN. Mr. Chairman, I yield 10 minutes to the gentle-

man from Tennessee [Mr. BYRNS].

Mr. BYRNS of Tennessee. Mr. Chairman, I am opposed to the passage of this bill. I say so rather regretfully, because I have the highest respect for the gentleman from Texas [Mr. STEPHENS] and the membership of the Committee on Indian Affairs. But, looking upon the proposition as I do, I can not conscientiously give it my support.

The gentleman from Oklahoma. [Mr. McGuire] has assumed that those who are opposed to the passage of this bill are endeavoring to have the Government repudiate an honest obli-He has assumed that the claims of these parties who are seeking to recover, and who will be entitled to recover if this bill is passed, constitute an Lonest obligation against the Government. So far as I have heard, he is the only gentleman who has maintained that proposition.

This, Mr. Chairman, as I view it, is not an obligation on the part of the Government. The Government is under no obliga-tion to pay these claims. As a matter of fact, prior to the year 1834 the Government had never adopted the policy of paying out of its Treasury damages for depredations committed by Indian tribes. Prior to that time such damages were recovered out of the funds belonging to the Indians. It is true that in 1834 Congress did pass an act which provided that the Federal Treasury should be responsible for depredations of Indians, provided the annuity going to the Indians was not sufficient to pay the claims. But that act was repealed expressly in 1859, and Congress declared in that year that the Treasury would not thereafter be responsible for any depredations committed by Indians, and that is the law to-day. Therefore I say there is no obligation on the part of the Government, in the sense to which the gentleman from Oklahoma referred, to pay these

Now, what are we asked to do? We are asked to pass a bill which the gentleman from Minnesota [Mr. MILLER] said last week involved between two and three million dollars in claims.

As I understood the gentleman from Texas [Mr. Stephens] few minutes ago, he stated that it would involve possibly \$4,000,000 in claims. Now, it is true that the Assistant Attorney General has estimated, and gentlemen on the floor have stated, these claims when adjudicated will probably not amount to more than \$500,000. But that is a matter of conjecture. have no statement before Congress showing to whom these claims belong. We do not know whether they consist of two or three or whether they consist of many. We do not know anything about the amount of the attorneys' fees involved, whether the greater part of these claims would go to the attorneys or whether the money would go to the claimants themselves. I say, in view of these facts, that Congress ought not to put itself on record in favor of paying these claims out of the Federal Treasury, especially since the gentleman from Minnesota and other gentlemen say that the tribes to which these Indians belong have funds out of which these claims can be paid to-day, and there is a law on the statute books which permits recovery out of those funds.

This proposition has been pending before Congress or its committees for many years. Two years ago, when I had the honor to be a member of the Committee on Indian Affairs, it was before the committee, and was favorably reported from that committee and placed upon the calendar, but it did not come up in I was opposed to it at that time for the same reason the House. that I am opposed to it now. I do not believe it is right to vote the people's money out of the Treasury to pay these claims of aliens for property destroyed in the seventies, 10 or 15 years after the passage of the act of 1859, which put these claimants on notice that this Government would not be responsible for their property if it should be taken or destroyed by the Indians.

If Congress passes this bill and undertakes to give these inhabitants who brought their suits in 1891, or within three years thereafter, the right to go into the Court of Claims and recover, I predict that the next proposition will be to strike out of the act of 1891 the word "amity," thereby involving an additional expense to this Government of probably \$11,000,000.

Mr. MANN. Will the gentleman yield?
Mr. BYRNS of Tennessee. Certainly.
Mr. MANN. We provide in this bill that inhabitants may recover claims, limiting it only to those who filed claims under the act of 1891. If we do that can anybody then oppose a bill to let in inhabitants who did not file their claims?

Mr. BYRNS of Tennessee. Certainly not, in a spirit of fairness and justice. This bill, as the gentleman from Illinois suggests, applies only to those who filed their claims in 1891 or during the existence of that act, which was three years. Now, if we pass this bill giving relief to these parties who came into court and undertook to set up their claims in spite of the fact that they were not included in the statute, as a matter of common justice and fairness we can not deny the same right to those inhabitants who failed to go into court under that act, because they realized that the act did not apply to them. that sense, this bill as it is drawn is an unjust discrimination against the alien who knew the law and abided by it, and in favor of the alien who sought to recover in spite of it. Now, Mr. Chairman, the Secretary of the Interior is opposed to this bill. It was sent to him during a previous Congress and he had this to say about it. After speaking of other provisions in the bill he said, in a letter addressed to the Committee on Indian Affairs, dated December 30, 1909:

There does not appear to be any good reason why the claims of the ersons who were not citizens of the United States should be paid by the Government.

I do not see why this Government should be responsible to the claimants under this bill, or to any other person, for torts committed by individuals in this country. We are setting a bad precedent if we undertake to enact any such legislation. I yield back the balance of my time.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. MURRAY having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed without amendment bills of the following titles:

H. R. 1963S. An act to authorize the San Antonio, Rockport and Mexican Railway Co. to construct a bridge across the Morris and Cummings Channel; and

H. R. 20117. An act to authorize the Nebraska-Iowa Interstate Bridge Co. to construct a bridge across the Missouri River near Bellevue, Nebr.

The message also announced that the Senate had passed with amendment the bill (H. R. 16306) to provide for the use of the American National Red Cross in aid of the land and naval forces in time of actual or threatened war.

The message also announced that the Senate had passed bills of the following title, in which the concurrence of the House of

Representatives was requested:

S. 2270. An act to provide for the erection of a public building at Richfield, Utah;

S. 5333. An act to authorize the widening and extension of Spring Road NW., and for other purposes; and

S. 5355. An act to acquire a site and for the erection thereon of a public building at Beaver Dam, Wis.

INDIAN DEPREDATION CLAIMS.

The committee resumed its session.

Mr. STEPHENS of Texas. Will the gentleman from Illinois use some of his time?

Mr. MANN. How many more speeches are to be made on the other side?

Mr. STEPHENS of Texas. We have two.

Mr. MANN. Then the gentleman had better use some of his

Mr. STEPHENS of Texas. I will yield to the gentleman from Minnesota [Mr. Miller]. He does not seem to be in the Chamber at this time.

Mr. MANN. Then will the gentleman have but one speech?

Mr. STEPHENS of Texas. One more.

Mr. MANN. With that understanding, Mr. Chairman, yield the balance of my time to the gentleman from New York [Mr. Fitzgerald]. Before the gentleman from New York takes the floor I would like to ask unanimous consent to extend my remarks in the Record by inserting a letter received from the Secretary of the Treasury relating to this subject.

The CHAIRMAN (Mr. FINLEY). The gentleman from Illinois

asks unanimous consent to extend his remarks in the RECORD.

Is there objection?

There was no objection.
The following is the letter referred to:

TREASURY DEPARTMENT, Washington, April 16, 1912.

Hon. James R. Mann, House of Representatives.

Sin: By direction of the Secretary and in reply to your verbal request for information relative to payments from the Treasury, or from Indian tribal or trust funds, on account of judgments of the Court of Claims in Indian depredation cases, under the provisions of section 6 of the act of March 3, 1891 (26 Stat., 853), I have the honor to advise you that payments have been made as follows:

Indian depredation judgments paid out of the general fund of the Treasury from the passage of the act of March 3, 1891, to December 31, 1911, no part of which has been reimbursed; the total thereof remaining as a charge against the Indian tribes committing the depredations, as adjudged by the Court of Claims

Claims
Indian depredation judgments paid out of Indian funds or moneys from March 3, 1891, to December 31, 1911, upon certification of the Secretary of the Interior, made in accordance with section 6, act of March 3, 1891, and acts making appropriations for payment of such judgments:

From interest due on tribal trust funds. \$46, 185, 45

From Indian moneys, proceeds of labor (Crow Indians). 525, 00

From appropriation for "payment of Indians of Klamath Agency". 3, 375, 00

50, 085, 45

\$4, 896, 913, 93

4, 946, 999, 38 Total of all judgments paid __ The act of March 3, 1891, section 6, prescribes the mode of payment of Indian depredation judgments, and appropriations for such judgments are made subject to its provisions, the Secretary of the Interior certifying in each case that the tribe chargeable with the amount of the judgment has no funds or appropriations for their benefit from which payment can be made, having regard for the educational needs of the tribe.

The tribal trust funds, the interest of which to the extent of \$46,-185.45 has been applied to the payment of judgments, are funds derived mainly from sales of Indian lands.

The trust fund "Indian moneys, proceeds of labor, Crow Indians," out of which a judgment for \$25 was paid, was derived from miscellaneous sources.

The appropriation for "payment to Indians of Klamath River," of which \$3,375 was applied to the payment of a judgment, was made by the Indian appropriation act of June 21, 1966 (34 Stat., 367), in consideration of lands ceded by the Indians.

No judgments have been paid from any annuity or other appropriation or from any fund arising from sales of land, or otherwise than as herein stated.

Respectfully,

A. Piatt Andrew,

Assistant Secretary.

A. PIATT ANDREW, Assistant Secretary.

Mr. FITZGERALD. Mr. Chairman, how much time have I? The CHAIRMAN. The gentleman is recognized for 20 min-

Mr. FITZGERALD. Mr. Chairman, the gentleman from Tennessee [Mr. Byrns] has just emphasized one feature of this measure to which attention had not been called. Under the act of 1891 the Court of Claims was given jurisdiction of claims of citizens of the United States, and a limit of three years was fixed as the time within which such claims might be filed.

This bill is advocated on the ground that a number of those claiming to be citizens of the United States in the adjudication of claims filed under that act, for some technical reason have been held not to be citizens. It is now proposed to reinstate and to give a right to prosecute the claims of all persons who have taken advantage of the act of 1891 and filed their claims claiming to be citizens and who have been held by the courts not to be citizens.

No one could defend the action of Congress in refusing to futher extend the right to present such claims to persons not citizens of the United States if this act be passed. Those who pretended or claimed to be citizens, and who filed claims within the three-year period, are now asking to have taken away the defense that the Government was able to set up because they were not citizens. The inhabitants of the United States not citizens who had these claims and did not present them should be given an equal opportunity to present such claims as those who, not citizens, took advantage of the act under which they had no claims.

I was pleased to hear the statement of the gentleman from South Dakota [Mr. Burke], reaffirmed by the gentleman from Texas [Mr. Stephens], that if this bill were so amended in the Senate as to eliminate the amity provision from the law they would not support such amendment. I recollect that in the Fifty-eighth Congress the gentleman from South Dakota reported a bill which proposed to eliminate the defense of amity as well as citizenship, and the gentleman from Texas was one of the committee who joined in making the report. Minority views were filed at the time, in March, 1905, and a report signed by the present Vice President, Mr. Sherman of New York; by Mr. Curtis of Kansas, new Senator, well known as one of the best-informed men on Indian legislation that Concess has been been forced by the contract of the cont gress has known for many years; by the gentleman from Iowa, Mr. Lacy, at that time chairman of the Committee on the Public Lands as well as a member of the Committee on Indian Affairs; by Mr. Knapp of New York, and myself.

Since that time numerous bills have been introduced for the purpose of removing the defenses of citizenship and of amity in these Indian depredation cases.

Mr. STEPHENS of Texas. Will the gentleman yield, with

reference to that report?
Mr. FITZGERALD. Yes.
Mr. STEPHENS of Texas. Is it not a fact that the bill against which that adverse report was made contained the amity clause, and did not those who signed the adverse report make their objection to the bill mainly on the amity clause and not on the citizenship clause?

Mr. FITZGERALD. Mainly on the amity clause; but also, as the report will show, upon the citizenship clause. Mainly upon the amity clause, because of the fact that the claims that would be sustained against the Government with that defense eliminated were shown to be in the neighborhood of \$12,000,000 or \$13,000,000. Therefore they very greatly overshadowed those that would be sustained if the citizenship defense were removed.

Mr. GARNER. Will the gentleman yield? Mr. FITZGERALD. Yes.

Mr. GARNER. I understood the gentleman a moment ago to say that if the original act of 1891 was good law, then it ought to have included all inhabitants.

Mr. FITZGERALD. I did not mention anything about the act of 1891 being good law, or bad law, or anything about it.

Mr. GARNER. I will ask the gentleman this question, then:

If he approves the act of 1891 as applied to a citizen, does he see any objection to giving an inhabitant the right to recover under that same act?

Mr. FITZGERALD. I would not have voted for the act of 1891 had I been in Congress at that time. That perhaps expresses my opinion of it. There was no claim in law, and none in equity, either. The so-called pioneer frontiersmen were men who pushed out into the Indian country and provoked retaliation by the acts they committed against the Indians. Those are the facts. And now they come here-aliens-responsible for the strife and trouble and bloodshed in our western country, claiming some rights for reimbursement from the Government of the United States for very doubtful losses incurred as the result of Indian depredations. These losses occurred 30 or 40 years back and in sections of the country sparsely settled, where information was difficult to obtain, and the Government is as greatly handicapped in properly defending such cases as any party to a litigation has ever been in the history of civilized These men come now and plead for an opportunity to present claims as if they were the injured parties.

Mr. GARNER. Will the gentleman yield there?

Mr. FITZGERALD. Yes.

Mr. GARNER. I hope the gentleman will except from his indictment the citizens of Texas.

Mr. FITZGERALD. No; I will not.

Mr. GARNER. The Indians never had any property in the State of Texas. They had no rights there, and the people residing in the State of Texas received their injuries at the hands of tribes that had broken out of reservations controlled by the

Government

Mr. FITZGERALD. That may be. I would not be at all surprised, although I do not assert it as a fact, if those depredations of Indians in Texas were due somewhat to the excursions made by the inhabitants of Texas into the Indian country, by which excursions the Indians suffered much more than the white men did from the Indians deploying into Texas. It does not require that a person shall live very near to the Indian country to have some knowledge of the capacity, resource-fulness, and enterprise of those hardy pioneers in the early days, who sought the State of Texas and made it their home.

Mr. STEPHENS of Texas and Mr. BURKE of South Dakota

Mr. FITZGERALD. I will yield to the gentleman from Texas [Mr. Stephens], because he comes from the Panhandle district, and probably it was the predecessors of his present constituents who made many of the excursions into the Indian territory that was the cause of most of the destruction and injury from Indians in their excursions into Texas.

Mr. STEPHENS of Texas. Is the gentleman aware that the State of Oklahoma was originally a part of the Indian Terri-

Mr. FITZGERALD. Yes.

Mr. STEPHENS of Texas. And is the gentleman aware that the State of Texas has furnished for the last 50 years practically all of the beef for the United States, and that we had to drive every animal across Oklahoma in order to get it to Kansas City, and thence to the northern market?

Mr. FITZGERALD. Yes; and I know that Texas fattened its cattle until a recent period upon the grasslands of the Indians in Oklahoma at a very unremunerative return to the

[Laughter.]

Mr. GARNER. Where did the Indian get any grassland in Texas upon which to graze Texas cattle?

Mr. FITZGERALD. Oh, I am talking about Oklahoma.

Mr. GARNER. But I understood we were talking about Texas.

Mr. FITZGERALD. No; we are not. The gentleman from Texas, the chairman of the committee [Mr. Stephens], knows and I do not know whether the gentleman from Texas on my right [Mr. GARNER] does-that the cattle of Texas driven through Oklahoma fattened on the grasslands of the Osage Indians and were shipped from Elgin, on the line between Texas and Oklahoma, to Kansas City, and were fattened on the grasslands of the Indians and at a very unremunerative price to the Indians. I am familiar with that matter.
Mr. CAMPBELL. Mr. Chairman, will the gentleman yield?

Mr. CAMPBELL.

Mr. FITZGERALD. Yes.
Mr. CAMPBELL. I rise to object to the gentleman locating Elgin on the border between Texas and Oklahoma.

Mr. FITZGERALD. Oklahoma and Kansas, I intended to I am not sure whether it is located north or south of the say. line.

Mr. CAMPBELL. It is north of the line, in Kansas.

Mr. FITZGERALD. The gentleman knows where it is. When I was in the Indian country it was quite an important cattle-shipping point,

Mr. BURKE of South Dakota. Mr. Chairman, will the gentleman yield?

Mr. FITZGERALD. Yes.

Mr. BURKE of South Dakota. The gentleman has referred to a report made by me in 1904.

Mr. FITZGERALD. I think it was in 1905.

Mr. BURKE of South Dakota. I think the report is dated 1904.

Mr. FITZGERALD. Well, in the Fifty-eighth Congress. Mr. BURKE of South Dakota. In which the committee reported a bill eliminating the amity requirements; and he particularly called attention to the fact that he and other distinguished gentlemen filed a minority report. I would like to ask the gentleman if in that minority report they did not, as a matter of fact, find that the claims that would be affected by changing the law as to citizenship would not exceed \$500,000, and if they did not also say, in substance, that they had no objections to amending the law so far as citizenship was concerned?

Mr. FITZGERALD. No, sir; not exactly. Mr. BURKE of South Dakota. Pretty nearly.

Mr. FITZGERALD. I will state what the report stated, so that there will be no misunderstanding. The gentlemen who joined in that minority report said that they had practically no objection to amending the provision as to citizenship so as to include those who had served in and had received honorable discharges from the military and naval services of the United States or who had filed a declaration of intention to become citizens. But that does not include, by a very large percentage,

all of those who would be affected by the proposed bill.

Mr. BURKE of South Dakota. It practically substantiates what I have said, that there has been no opposition to speak of

to this change in the law.

Mr. FITZGERALD. Oh, well; not to speak of. There never was much discussion of it. There never was much chance to consider the bill, because the majority of the House would not consider it, and while the minority at that time assumed, for the purpose of argument, that \$500,000 would probably be the extent of the claims that might be successful if the defense of citizenship were removed, it called attention to the fact that those were the figures advanced by the proponents of the bill, and it called attention, further, to the statement of the Hon. John G. Thompson-Judge Thompson, then Assistant Attorney General-who said:

The nearest we have been able to get at the matter of the requirement of citizens has been that it probably would result in judgment to the amount of half a million dollars, at least, and it probably would not exceed a million dollars in judgments. That is the very nearest we have been able to approximate it.

Judge Thompson at that time fixed the minimum recovery, as the result of removing the defense of citizenship, at \$500,000, and, as nearly as he could approximate it, it would run up to a million dollars. I had referred to the report, however, to call the attention of the House to the attitude of the gentleman from South Dakota [Mr. Burke] and the attitude of the gentleman from Texas [Mr. Stephens]. They were assuring the House that if this bill passed and were amended in the Senate they would not consent to an agreement on the bill with such amendments. The House, perhaps, might have been under the impression that the bill with such amendments would go to conference, and that with the gentleman from Texas and the gentleman from South Dakota as conferees it would be impossible ever to vote upon such a proposition. But the amendment that would be made, as the gentleman from Illinois [Mr. MANNI has previously stated, would be to strike out, in line 11, page 1, the words "in amity with and," and when the bill would come back from the Senate with the amendment any Member of the House, upon request, could have the Senate amendment laid before the House and insist upon a vote being taken upon concurring in that amendment. The gentleman from Wyoming [Mr. MONDELL] very frankly announces that he believes the amity defense should be stricken out; many others undoubtedly have the same views. Mr. Chairman, what is the fact about this bill? In 1859 Congress repealed a law under which any claims would arise as a result of depredations of Indians in the United States. The policy of the country up to that time had been, by an arangement in legislation, to prevent, if possible, the white settlers from provoking the Indians or pressing forward and stirring them to strife and despoiling the Indians of lands which they were occupying.

The policy apparently had not been satisfactory and the country was put upon its notice that the United States would not longer be responsible for the depredations committed by Indians hostile or in amity whether they were in tribal relations or not with the United States. So the matter drifted and Congress was pestered and plagued during all following time to pass some legislation so as to open up the doors of the

Treasury to those seeking to obtain reimbursement for alleged depredations from Indians in amity. In 1885 an act was passed which directed the Secretary of the Interior to report upon the claims of citizens of the United States arising from such depredations, and in 1891 the persistent efforts continuing, an act was passed conferring upon the Court of Claims jurisdiction to consider the claims of citizens and a limitation of three years within which they might be filed was fixed in the law. In the act of 1891 it was provided that the claims should have preference which had been reported upon by the Secretary of the Interior and unless they were reopened by either party they should go to judgment for the amount recommended by the Secretary of the Interior as due the claimants; if they were opened upon application of either party the burden of proof was placed upon the party upon whose application the claims were opened, so that the United States was put at a very great disadvantage in this litigation. The only activities from which there is no protection, against which agitation does not cease, no matter what the attitude of Congress, is in the attempts to obtain money from the Treasury of the United States. If this bill be passed this House may be assured that the attempts will be more persistent to enact legislation to remove the amity defense, and as it is pointed out in the record claims have been filed and would be opened aggregating the enormous sum of \$43,000,000. We have spent enough controlling the Indians and protecting those people without reimbursing them for doubtful claims. This bill is not particularly desired. No one is anxious to obtain the legislation here proposed. What is desired is legislation to remove the defense of amity. This bill is but the first step to the opening of the floodgates of ancient doubtful claims which should never be considered by the Government.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. FITZGERALD. Mr. Chairman, I ask unanimous consent to print in the Record as a part of my remarks the minority views submitted in the Fifty-eighth Congress to which I have called attention. They contain a carefully prepared presentation of the views of those who oppose this legislation.

The CHAIRMAN. The gentleman from New York asks unanimous consent to extend his remarks in the RECORD in the manner indicated. Is there objection? [After a pause.] The Chair hears none.

The matter referred to above is as follows:

VIEWS OF THE MINORITY.

We, the undersigned members of the Committee on Indian Affairs, submit the following as our reasons why the bill H. R. 54 should not

We, the undersigned members of the Committee on Indian Affairs, submit the following as our reasons why the bill H. R. 54 should not pass:

The act of March 3, 1891, provided that the Court of Claims should have jurisdiction over—

"All claims for property of citizens of the United States taken or destroyed by Indians belonging to any band, tribe, or nation in amity with the United States, without just cause or provocation on the part of the owner or agent in charge, and not returned or paid for."

The first amendment proposed is to change the act of 1891 so as to extend relief under said act to all inhabitants of the United States, whether they were citizens or not, or whether they had done any act showing their intentions to become citizens or not. We believe it would be unwise to go as far as is proposed by said amendment. There have been 19,841 cases filed under the act of March 3, 1891; judgments have been rendered in 5,072 of them, and the amount recovered was \$4,174,646.70; the average judgment is about \$800.

The committee gave full hearings on this bill and yet it is impossible to tell just how many persons would be affected by this amendment; but it is estimated by those who favor a change in the law that there will be at least 150 out of the 3,000 cases in which judgment has already been rendered for the defendant which would be reinstated by the change, and it is reasonable to suppose that there are at least that number (150), in the 5,700 cases still pending, in which the question of citizenship will be raised if the law is changed.

Taking these figures as true it would cost the Government about \$500,000; but Hon. John G. Thompson, Assistant Attorney General, said:

"The nearest we have been able to get at the matter of the require-

Taking these figures as true it would cost the Government about \$500,000; but Hon. John G. Thompson, Assistant Attorney General, said:

"The nearest we have been able to get at the matter of the requirement of citizens has been that it would probably result in judgments to the amount of a half a million dollars, at least, and it probably would not exceed a million dollars in judgments. That is the very nearest we have been able to approximate it."

While we do not oppose a change in the law on the question of citizenships so as to include the men who served in the Army or who had declared their intention to become citizens, yet we do not believe all restrictions in this regard should be removed.

The object of the second amendment is to wipe out the amity clause in the act of March 3, 1891. This would make the Government liable even though the Indians were on the warpath when the depredations were committed.

We submit that the amity clause has been in every act since 1796, and is the settled law of the country. To change it would be to open up many cases, and we believe it would cost the Government at least \$9.000.000 or \$10,000.000.

The advocates of this change admit that it would restore 2,000 cases which have already been passed upon by the court. If that is so, there must be at least 2,000 cases still pending which, if this change is made, would be decided against the Government.

The advocates of this amendment say it will add to the liability of the United States about \$4,500,000.

Mr. Thompson, Assistant Attorney General, says that the change in the amity provision would affect about 3,500 cases, and if the provision of amity is stricken out that it would cost the Government not less than

\$5,000,000, and that it would take about five years to finally adjudicate all the claims. We feel that both the Assistant Attorney General and Mr. Robeson underestimate the sum this change would cost the Government. We believe if the amity is no longer a defense, and those cases which have been decided in favor of the defendant on account of the amity clause are restored to the docket, that the general average of the judgments would be increased, and we believe that the enactment of this legislation will cost the Government not less than \$\$,000,000.

We see no good reason for changing the policy which has been followed for more than 100 years. To change the law now and limit it to the 10,000 cases filed under the act of March 3, 1891, would be unfair to the many claimants whose cases were disposed of under former acts. We are opposed to this legislation, because we believe it will cost the Government from \$\$,000,000 to \$0,000,000, because it changes the well-settled policy of this Government that it ought not to be and will not be responsible, for the depredations committed by Indians while on the warpath.

We recommend that the bill do not pass.

J. S. SHERMAN, CHARLES CURTIS, JOHN F. LACEY, CHAS, L. KNAPP, JOHN J. FITZGERALD,

AMENDMENT TO INDIAN DEPREDATIONS ACT.

AMENDMENT TO INDIAN DEPREDATIONS ACT.

Mr. CURTIS, from the Committee on Indian Affairs, submitted the following supplemental views of the minority to accompany H. R. 54:

The majority of the Committee on Indian Affairs has reported favorably upon the bill (H. R. 54) to amend the act entitled "An act to provide for the adjudication and payment of claims arising from Indian depredations," approved March 3, 1891 (1 Supp. Rev. Stat., 2d ed., 913). The minority members of the committee submit this supplemental report in dissent from the reasoning in the report heretofore filed by the majority and from the recommendation therein made, for the reasons which are set forth below.

The bill provides for the amendment of the statute in several respects, all of the amendments increasing the liability of the United States. The requirement that the claimant must have been a citizen of the United States at the time of the loss or destruction of his property is stricken out. It is provided that where a claimant has brought suit against Indians who are shown to have been innocent of any wrongdoing he may, without limitation as to time, amend his petition so as to bring in a tribe or tribes not theretofore made parties to the suit, and that any petition filed under the provisions of the jurisdictional statute may be amended so as to include all parties in interest. The most important feature of the bill, however, and the one which would most largely increase the liability of the United States, is the repeal of the requirement that the Indians charged with the commission of the depredation must have belonged to a tribe in amity with the United States, and it is to that provision alone that this report relates.

The act of March 3, 1891, is purely jurisdictional, except that it

would most tagely increase the indinity of the United States, is the repeal of the requirement that the Indians charged with the commission of the depredation must have belonged to a tribe in unity with the control of the Child of the Chil

application to their tribe for satisfaction; and, failing this, the United States guaranteed to the party injured eventual indemnification—
"Provided always, That if such injured party, his representative, attorney, or agent shall in any way violate any of the provisions of this act by seeking or attempting to obtain private satisfaction or revenge by crossing over the line on any Indian lands, he shall forfelt all claim upon the United States for such indemnification."

This limiting clause has been carried through all subsequent legislation on the subject, and it clearly indicates the reason for assuming liability. It is also worthy of note that all these statutes provide that nothing therein contained should prevent the legal arrest or punishment of any Indian having so offended.

Now, when a state of warfare exists between the United States and any tribe of Indians, this reason ceases to apply to relations with that tribe, while it still applies to all other tribes except the one at war. There being no reason, therefore, for assuming an obligation to pay for the acts of hostile Indians, Congress expressly excepted them from the class of acts for which payment would be guaranteed; and the statute reads:

the acts of nostile Indians, Congress expressly excepted them from the class of acts for which payment would be guaranteed; and the statute reads:

"If any Indian or Indians belonging to any tribe in amity wifth the United States * * shall take, steal, or destroy, etc."

Proof that Congress did not intend the statute to apply to the acts of hostile tribes is found also in the mode of operation when a claim was presented. The agent, or superintendent, or other person thereto authorized, was directed to make application to the nation or tribe to which the offending Indian or Indians belonged for satisfaction—a procedure which would obviously be furthe, if not impossible, when the nation or tribe of Indians was at war with the United States.

As in the case of the provision prohibiting the seeking of private satisfaction, this stipulation requiring amily has been carried into every subsequent statute promising indemnity. (Acts of May 19, 1796, 4 Stat. L., 472; March 30, 1834, 4 Stat. L., 731.)

Whatever liability exists on the part of the United States was created by these statutes; and even the promise which they contained was repealed by the act of February 28, 1859 (11) Stat. L., 401), and only reenacted in part by the act of March 3, 1891, by the section of that act which provides for the payment of judgments in certain contingencies out of the Treasury of the United States. Neither in the statutes which promised indemnity, nor in the jurisdictional act which provided a forum for the trial of the cases, did the United States assume any liability express or implied, growing out of statutory enactment, and since the rule is universal that a nation will not pay its citizens for damages caused by the public enemy, we see not in amity with the United States.

Since there is no liability, express or implied, growing out of statutory enactment, and since the rule is universal that a nation will not pay its citizens for damages caused by the public enemy, we see not manufact that the reformance of paying the great num

growing out of the Creek war in Georgia and Alabama); a very much larger number in the years from 1850 to 1860; and the great majority of all the cases flied, before 1871, when it was for the first time declared by Congress that we would no longer make treaties with the Indian tribes.

The question whether war in an international sense could exist between the United States and the Indian tribes prior to 1871, or at any time, is not pertinent to this discussion. The relations between the United States and the Indian tribes were peculiar. It was early declared by the Supreme Court that—

"In the executive, legislative, and judicial branches of our Government we have admitted by the most solemn sanction the existence of the Indians as a separate and a distinct people and as being vested with rights which constitute them a State or separate community." (Worcester v. Georgia, 6 Pet., 515, 583.)

They have been described by the same authority as "dependent position when they preserve their tribal relations; not as States, not as nations, not as possessed of the full attributes of sovereignty, but as a separate people, with the power of regulating their internal and social relations; and thus far not brought under the laws of the Union or of the States within whose limits they reside." (Cherokee Nation v. Georgia, 5 Pet., and United States v. Kagama, 118 U. S., 375.)

This view of the relations between the United States and the Indian tribes was reaffirmed in the Choctaw Nation v. The United States (110 U. S., 1), where it was again held that they were capable, under the forward of the United States, and the service of the Constitution of entering into treaty relations with the Government of the United States; and these cases were all cited with approval in the Supreme Court in the recent case of Stevens v. The Cherokee Nation (174 U. S., 476-486).

The Indian tribes were subject to the soverelgnty of the United States but they were subject to the soverelgnty with equal force in such conflicts. The people of the Phili

war between great nations, by a truce or armistice pending negotiations, by a surrender of the warriors in the field as prisoners of war, and by the making of a solemn treaty of peace afterwards ratified by the Senate of the United States.

In at least one instance the United States was the defeated party—the war with the Sloux in 1867-98; for by the treaty of peace which terminated that war (15 Stat. L., 635, 640, art. 16) the United States agrees that the territory in dispute shall remain and be considered as unceded Indian territory, and that no white person shall be permitted to reside upon the same or to pass through it without the consent of the Indians first had and obtained; and further agrees to abandon within 00 days the military posts previously established in the territory and to close the military road leading to them—thus fully conceding the demands of the Indians which caused the war. There was a war with the Creek Indians in 1856 and 1837; with the Sloux in Minnesota in 1862 to 1864; with the Navaho of New Mexico in 1860 and again in 1863; with all the great tribes of the platins in 1864 and 1865; with the Sloux and Cheyenne in 1866 and 1867; with the Comanche in 1868 and 1869. During these wars the destruction of life and property was, of course, great; but it was due to the acts of armed bodies of Indians fighting against the United States—to the acts of the public enemy. It could not be avoided, and the Government is not responsible for it.

There is another side to this question, which has been little regarded. The act of March 3, 1891, provides for judgments in the first histance against the Indian tribes, the United States being held merely as guarantor; and it is provided that the judgments is the first histance against the Indian fribes, the United States being held merely as guarantor; and it is provided that the judgments shall be paid out of the Indian funds in the custody of the United States. If there be no funds available, the judgment is to remain a charge against the tribe, to be

gress. . "The last proviso to paragraph 4, Revised Statutes, section 1059,

ress.

"The last proviso to paragraph 4, Revised Statutes, section 1059, provides:

"That the jurisdiction of the Court of Claims shall not extend to any claim against the United States growing out of the destruction of or the appropriation or damage to property by the Army or Navy engaged in the suppression of the rebellion."

"By the act of March 3, 1883 (22 Stat. L., 485, sec. 3), this court is also inhibited from taking jurisdiction of claims 'growing out of the destruction or damage to property by the Army or Navy during the war for the suppression of the rebellion,' and that inhibition applies to loyal as well as disloyal citizens who may have suffered such loss. The same inhibition is contained in the act of March 3, 1887 (24 Stat. L., 505, sec. 1), wherein it is provided:

"That nothing in this section shall be construed as giving to either of the courts herein mentioned jurisdiction to hear and determine claims growing out of the late Civil War and commonly known as war claims,"

"So, aside from the lack of obligation to pay war claims arising from international law and the laws of war, the United States have, by express statute, set their face against the payment of such claims against the United States.

"The Government, therefore, having by express statutes denied to its loyal citizens payment for the loss or destruction of property occurring in the War of the Rebellion, can not be held liable, as guarantor or otherwise, in the absence of some express provision of law, to pay losses occurring in Indian wars; and certainly the United States would not apply a different rule to a 'domestic dependent nation,' with whom they were in treaty relations, without the consent of such tribe or nation."

The instances given in the report of the majority of the committee (with one exception) refer to cases where the hostilities were waged by

they were in treaty relations, without the consent of such tribe or nation."

The instances given in the report of the majority of the committee (with one exception) refer to cases where the hostilities were waged by a "band" of Indians, small in number, and constituting only a part of some tribe which was at peace; the argument drawn from the illustrations given has, therefore, application only to that part of the statute and is not applicable at all to the contention in which they are introduced—the contention that there should be a total repeal of the clause requiring amity.

The instances cited embrace a comparatively small number of claims, and they are in part offset by the converse holding of the Court of Claims, that where a band is at peace the fact that the majority of the tribe is at war will not invalidate claims for depredations by individuals belonging to the peaceable minority. For example, while we were engaged in the war with the Sloux Indians during which Custer fell, when all the available force of the United States was required for their subjugation, a portion of the same tribe remained on the reservation in the vicinity of white settlements and committed many depredations, for which the claimants have recovered under that interpretation of the law of which complaint is now made.

It is argued also that the court determines with difficulty the beginning and end of an Indian war, since there is not, usually, if ever, a formal declaration of war; but the court has not complained and it appears that the decisions have been sufficiently uniform and remarkably free from error.

There is matter in the report of the majority of the committee which we could wish eliminated. That report refers to the Indian tibes and

ably free from error.

There is matter in the report of the majority of the committee which we could wish climinated. That report refers to the Indian tribes and nations as "a horde of savage individuals * * having no organic character as a nation or State and having only such rude semblance of government as suffices to secure unity of action when on the warpath, and it is said that "such is not war in any proper sense of the term, but merely brigandage; the motive is not love of country or solicitude for any public interest, but only thirst for plunder and lust for Llood.

* * There is only the animus furandi which inspires the bandit and the buccaneer."

Such a general characterization of the American Indian is not in accord with historic truth. It ignores the great nations of Indians like the Sloux, the Cherokees, the Creeks, and the Seminoles, many of whom have progressed in civilization and order to an extent which is truly remarkable when we consider their limitations and disadvantages. It ignores the gentler and more peaceful tribes, not a few in number, whose boast it is that they have never shed the white man's blood. It ignores and contradicts the undoubted facts that in Indian wars the Indians have fought a brave, though losing, fight for the preservation of their ancestral homes from the intrusion of the white race—an intrusion which was often in faithless violation of the most selemn treaty piedges by our Government.

ancestral homes from the intrusion of the white race—an intrusion which was often in faithless violation of the most solemn treaty piedges by our Government.

It has been said that in all the history of our relations with the Indian tribes the Indians have never violated a treaty and the United States has never kept one. While this is an extreme statement it must nevertheless be admitted by every impartial student of history that the Indian tribes have only too often been justified in going to war, and if the characterization in the majority report referred to above is true of the Indians as a whole the policy of our Government for 100 years in treating with them and the decisions of our Supreme Court for a longer time than that have been mere foolishness. If it was not intended to refer generally to the Indian tribes, but only to isolated instances of savage outbreaks, it has no place in the argument.

Further dissenting from the views expressed in the majority report, we think that they have underestimated the additibnal expense which the passage of the bill would cause. It is stated on page 6 of the report that Assistant Attorney General Thompson estimated that the bill would increase the liability of the United States by a sum not exceeding \$5,000,000; but this was not the statement made by the Assistant Attorney General. In the published report of the hearings before the committee he stated (p. 41):

"I do not believe that the amount * * would be less than \$5,000,000."

And again (p. 43):
"I do not think the minimum would be less than \$5,000,000 in any event."

"I do not think the minimum would be less than \$5,000,000 In any event."

And this estimate, as well as other estimates submitted to the committee, is based upon the average judgment heretofore rendered in cases where amity was not a defense—the cases growing in large part out of the smaller pilferings of individuals or small bedies of Indians. While the estimate made is that this legislation will increase the liability of the United States by not less than \$5,000,000, yet we believe that if the want of amity is no longer a defense, and those cases which have been decided in favor of the defendants on account of the amity chause are restored to the docket, the general average of the judgments will be increased, and we believe that the enactment of this legislation will cost the Government not less than \$8,000,000. In addition to this, a great deal of time and money have been expended in defending such of the claims as are subject to the defense of amity. At the cost of great labor to the court and the attorneys representing the Government the status of the various tribes has been fixed for practically the whole time covered by the depredation claims. If this bill should become a law that labor and money will have been thrown away.

We see no good reasons for changing the policy which has been followed for more than 100 years; and for the reasons stated we recommend that the bill do not pass.

The CHAIRMAN The gentleman from Texas has 12 minutes remaining.

Mr. STEPHENS of Texas. Mr. Chairman, I desire to ask the gentleman from Illinois [Mr. Mann] if he would object to Mr. Miller and Mr. Ferris dividing the time. Mr. Miller was not present a few minutes ago.

Mr. MANN. No; I do not make any objection.
Mr. STEPHENS of Texas. Then I will yield to the gentle-

man from Minnesota [Mr. MILLER] five minutes.

Mr. MILLER. Mr. Chairman, I do not know that I have anything to say at this time in addition to that which I said the other day in the extended talk I made upon the subject. It is natural for gentlemen who may be ardently opposed to legislation to seek to be loud the issue, magnify the importance of the matter under consideration, and to put the thing in a light as unfavorable as possible. I have no objection to this and I think likely I would take the same course if I were of their number; but, Mr. Chairman, it seems to me we ought to divest our minds at this time of some of the vagaries that exist in connection with this subject. In the first place, suggestions have been continuously thrown out about the large sum of money involved, and yet there can not be a man within the sound of my voice at this moment who does not know in his heart that if this amendment is passed it can not involve an expenditure to exceed \$500,000. Let us pass with that. Then we had much said with respect to a horde of claimants and the opening up of the Treasury doors of the United States to a class of citizens of the Treasury doors of the United States to a class of citizens who should not seek to get possession of the public money. I admire, Mr. Chairman, the frankness of the gentleman from Mississippi [Mr. Sisson] when he said that his objection to this bill was based upon opposition to any legislation giving to any white person a right of recovery for Indian depredations. His objection therefore does not go to the merits of this bill. We are not now called upon to determine the policy of such legislation. The law already exists, having been passed by Congress more than 20 years ago. The proposition before us is so to change that law, so to amend it, that it will be perfected, which such benefits as the contemplated by the law to these giving such benefits as are contemplated by the law to those who are the most meritorious of all. The gentleman from Miswho are the most meritorious of an. The gentieman from Anssissippi [Mr. Sisson] frankly stated that were this entirely new legislation and it were necessary to pass an act granting recovery for Indian depredations, he would favor giving the right to inhabitants and not simply citizens. He should there-

fore favor this bill, and I call upon him now to vote to make the law exactly as he would have voted to make it when it originally passed, had he been a Member of this House at the

I am inclined to think, as I said the other day, that if we were at the outset of this legislation I might agree with him against the propriety of granting a recovery for Indian depredations in any case, but such a law being in existence I hope he will join with us and make that law as it ought to have been

made when first enacted.

Mr. Chairman, this is not a huge bugaboo with which to scare people. It is simply a reasonable change in the law to benefit a most deserving class of citizens. Most, if not all, of those to be benefited by this act thought they were citizens when they brought their suits and had good reason to entertain that belief, I do not know as any word of mine can give added emphasis to the worth of those men in whose interest this amendment is drawn. If any men ever should recover for Indian depredations, these are the men. If any class of citizens should be the object of legislative solicitude, this is the class. I wish to say, Mr. Chairman, as one Member of this House, that there can be no more deserving men on earth than those who are to be the recipients of whatever benefit this amendment may give.

I join with you all, and I know the feeling is common, in

admiration and veneration for the achievements of the American soldier and the American sailor. Their deeds make glorious all human history. But I want to say to you that the American pioneer, in his boldness of spirit, in the strength of his arm and mind, in the heart that never blanched and the courage that never failed, in the contributions he made to the civilization of the race, stands the most illustrious citizen of all-the world. Armed with the rifle and the ax, he marched from the Alleghenies across the broad valley, over the great Rockies, and down the slope, till the sound of his labors has been lost in the murmurs of the Pacific seas. He has conquered to civilization a region greater in extent and richer in wealth than all the countries ever conquered by all the soldiers of the world. From these stanch empire builders have come the giant statesmen and the military heroes that have made illustrious our country during the past century. [Applause.]
Mr. STEPHENS of Texas. Mr. Chairman, I yield 10 minutes to the gentleman from Oklahoma [Mr. Ferris].

Mr. FERRIS. Mr. Chairman, I had not intended to add anything additional to what I said on the bill last Wednesday. The passage of the bill, so far as I know, means nothing to any citizen of my State. What assistance or support I render to it will be an unselfish support and solely because I think the bill should pass. And I will call attention of the House to two or three reasons why I think it common justice to pass it.

The treaty which annexed the Texas Republic to the United States in 1845 solemnly bound the United States to protect the settlers of the border country against the ravages of the wild tribes of Indians who broke away and got over into that State, I take issue with some of the gentlemen here on the proposition that the Government of the United States is not equitably, and I am not sure but honestly, bound to protect these peoplebound to recompense them for property so taken. The Republic of Texas came in and was annexed upon several conditions, one of which was-and I think it was perhaps one of the most important ones other than to become a citizen of the United States, which of course was the highest one-that they were to be protected against the Indians of the Indian Territory that had been collected from every corner of this Republic. surrendered their own governmental protection and entered into a treaty with our Government for protection in lieu thereof. The fact that certain persons went out and settled the frontier of the West may be treated lightly by gentlemen here. It has been said by the gentleman from New York that these people are entitled to no protection, and he intimated that they were not properly there, but that could hardly be the fact. men who went out and settled Texas and the semiarid West were the bravest, truest, and most courageous patriots that the country had. The weak-kneed fellows remained behind at their father's cornerib, and did not press out into the West and open it up and make it what it is. So, as to what has been said regarding the people who went West, I hurl it back at them and say that it was the most courageous, brave, clear-headed patriots who went West, and it was the weak and feebler ones who clung to their mother's apron strings.

This bill changes the act of 1891 in one respect only-that of citizenship. It is limited so that it does not apply to any tribes that were not in amity with the United States. applies to suits that have been brought, and, as I am informed and as the committee believes, I even think it will not be denied that quite everyone of those men who brought these suits between the years of 1891 and 1894 honestly thought that they were citizens of the United States and based their views on years and years of exercising full citizenship. Many of them

held office. Many of them had been jurors.

Now, what is the situation? Here we have the act of 1801, recognizing that the Federal Government ought to do something for these frontiersmen, many of whom lost their all. The act of 1891 sure recognized the fact that this Government ought to keep their solemn treaty stipulations of 1845, when they agreed to protect these people from the ravages of the then wild Indians. These people who brought these suits, prosecuting them from the Court of Claims clear on up to the Supreme Court of the United States, many of them, have recovered. Many of them failed on merit and are disposed of. Others failed by reason of the bald technicality that they were not for one reason or another citizens of the United States under some strict legal construction of citizenship laws. This act merely permits them to have the same consideration others no more deserving have already had. It merely gives these unfortunate litigants a new trial, so that they may get in the Court of Claims the question of technical citizenship notwithstanding and recover their just dues. It has been said here that the people have no rights out there. That is not so. If they were in the Indian country wrongfully, this act excludes them; at least so far as their property is concerned. The bill provides, if wrongfully there with their property, they can not recover. If they had their property in the Indian country wrongfully, this bill prevents a recovery.

Mr. GARNER. Mr. Chairman, will the gentleman yield just

there?

The CHAIRMAN. Does the gentleman from Oklahoma yield to the gentleman from Texas?

Mr. FERRIS. I will; but I have just a moment of time.

Mr. GARNER. Will the gentleman agree to an amendment

to include the person, as well, wrongfully in the Indian country?
Mr. FERRIS. Personally I have no objection to that. Of course, this is not my bill, and I would not feel at liberty to accept such an amendment. This bill is not intended to help men out who acted wrongfully, either as to their persons or as to their property. It is merely to confer a just and equitable right on the men who honestly believed that they were citizens and who were knocked out on a technicality. When the Republic of Texas came into the Union, in 1846-47, it was the belief of those citizens who then lived in the Republic of Texas that they were to be full citizens of the United States, that they would come into the United States as full citizens of the United States. But when the act of 1891 was passed, giving them an opportunity to recover for their lost fortunes that had been by the United States wards carried off, stolen, or destroyed, they were confronted by the proposition that by reason of a bald technicality they could not recover.

I do not know what the House will do. I repeat, I do not know that this legislation will benefit a single citizen of my State. I am inclined to think it will not. But the Federal Government ought not to go off on a side issue, and gentlemen ought not to vote on this bill on the theory that the Senate will put on some amendments that the House will not stand for. The Federal Government, it seems to me, ought to pay its honest debts and obligations, and I believe this is one of them. No one is more proud of their citizenship than I, but an honest obligation entered into with the Republic of Texas ought to be complied with. We were fortunate to have Texas become a State in the sisterhood, and we ought to make good our treaty pledge to them in protecting those border States. I think it proper to see that no claims be loaded onto our Government other than just claims, but surely it will not quicken the patriotic blood of any citizen to have his country fail to recognize just claims. No citizen can destroy himself so soon as to be negligent about his obligations. I can not but wonder if the same principle might not be at least partially applicable to the Federal Government. I again repeat, no one is prouder than I that I am an American citizen. My affection and devotion is not quickened by the unenviable reputation our Government is acquiring for the repudiation, or at least the ignoring, of our obligations, promises, and treaty stipulations.

The CHAIRMAN. The time of the gentleman has expired.

All time has expired, and the Clerk will read the bill.

The Clerk read as follows:

Be it enacted, etc., That the first section of paragraph 1 of an act entitled "An act to provide for the adjudication and payment of claims arising from Indian depredations," approved March 3, 1891, be, and the same is hereby, amended so as to read as follows:

"First. All claims for property of citizens or inhabitants of the United States, except the claims of Indians heretofore or now in tribal relations, taken or destroyed by Indians belonging to any tribe in amity with and subject to the jurisdiction of the United States, without just cause or provocation on the part of the owner or agent in charge, and

not returned or paid for, and in all adjudications under said act as now amended the alienage of the claimant shall not be a defense to said claims: Provided, That the privileges of this act shall not extend to any person whose property at the time of its taking was unlawfully within the Indian territory: Provided further, That all cases hereto-fore filed under said act of March 3, 1891, and which have been dismissed by the court for want of proof of the citizenship of the claimant, shall be reinstated and readjudicated in accordance with the provisions of this act: Provided further, That nothing in this act shall be construed to authorize the presentation of any other claims than those upon which suit has heretofore been brought in the Court of Claims: Provided further, That all acts and parts of acts, in so far as they conflict with the provisions of this act, are hereby repealed."

Mr. Mann. Mr. Chairman, a perliamentary inpulity.

Mr. MANN. Mr. Chairman, a parliamentary inquiry. The CHAIRMAN. The gentleman will state it.

Mr. MANN. Is the bill subject to amendment by paragraphs or will the entire bill be read in one section?

The CHAIRMAN. The Chair will state that it is the judgment of the Chair that the bill should be read by paragraphs for amendment.

Mr. MANN. So that the first paragraph is now subject to amendment?

The CHAIRMAN. Yes; the first paragraph is now subject to amendment.

Mr. SISSON. Mr. Chairman, I make a preferential motion, to strike out the enacting clause of the bill.

The CHAIRMAN. The gentleman from Mississippi [Mr. Sisson] moves to strike out the enacting clause of the bill. The question is on agreeing to that motion.

The question was taken, and the Chairman announced that

the ayes seemed to have it.

A division, Mr. Chairman. Mr. STEPHENS of Texas. The committee divided; and there were-ayes 61, noes 38.

Mr. STEPHENS of Texas, Mr. Chairman, I make the point that there is no quorum present.

Mr. FITZGERALD. I move that the committee rise and report the bill to the House with the recommendation that the enacting clause be stricken out.

The CHAIRMAN. The Chair will state to the gentleman from Texas [Mr. Stephens] that there is evidently more than a quorum present.

Mr. STEPHENS of Texas. I call for tellers, Mr. Chairman. Mr. MANN. I ask the Chair to count.

The CHAIRMAN. The Chair will state that there is a quorum present. The ayes are 61, the noes 38, and counting the Chairman, who did not vote, 100 Members are present.

Mr. GARNER. We ask for tellers, Mr. Chairman.

Tellers were ordered; and the Chairman appointed Mr. Stephens of Texas and Mr. Sisson.

The committee again divided; and the tellers reported-ayes 73, noes 38.

So the motion to strike out the enacting clause of the bill was agreed to.

Mr. FITZGERALD. Mr, Chairman, I move that the committce rise and report the bill to the House with a recommendation that the enacting clause be stricken out.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. Foster, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 14667) to amend an act entitled "An act to provide for the adjudication and payment of claims arising from Indian depredations," proved March 3, 1891, and had instructed him to report the bill to the House with the recommendation that the enacting clause be stricken out.

The SPEAKER. The Chairman of the Committee of the Whole House on the state of the Union reports that that committee has had under consideration the bill H. R. 14667, and has instructed him to report the bill to the House with the recommendation that the enacting clause be stricken out. The question is on agreeing to the recommendation of the committee to strike out the enacting clause.

The question was taken, and the enacting clause was stricken

On motion of Mr. Fitzgerald, a motion to reconsider the last vote was laid on the table.

CALL OF COMMITTEES.

The SPEAKER. The Indian Affairs Committee having occupied two days, the Clerk will call the next committee.

The Committee on the Territories was called.

LEGISLATURE FOR ALASKA.

Mr. FLOOD of Virginia. Mr. Speaker, by direction of the Committee on the Territories, I desire to call up the bill (H.R. 13987) to create a legislature in the Territory of Alaska, to confer legislative power thereon, and for other purposes, which

The SPEAKER. The Clerk will report the bill by title.

The Clerk read the title of the bill.

The SPEAKER. This bill being on the Union Calendar, the House automatically resolves itself into the Committee of the Whole House on the state of the Union.

Mr. FLOOD of Virginia. Mr. Speaker, pending the House resolving itself into the Committee of the Whole House on the state of the Union, I should like to ask the gentleman from New York [Mr. Drafer] if we can agree on a limit of time for the debate?

Mr. DRAPER. Mr. Speaker, we have a number of requests for time on this side, and I would suggest to the gentleman from Virginia the advisability of allowing the debate to run for

Mr. FLOOD of Virginia. I ask unanimous consent, then, Mr. Speaker, that the time for debate be controlled on this side by myself and on the Republican side by the gentleman from New

York [Mr. Draper], without fixing any limit of time.

The SPEAKER. The gentleman from Virginia [Mr. Flood] asks unanimous consent that in the debate on the bill the time be controlled one half by himself and the other half by the gentleman from New York [Mr. DRAPER]. Is there objection?

There was no objection.

Under the rule, the House resolved itself into the Committee of the Whole House on the state of the Union, with Mr. CLINE in the chair.

Mr. CLINE took the chair amid general applause.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the purpose of considering a bill which the Clerk will report.

The Clerk read the title of the bill (H. R. 13987) to create a legislature in the Territory of Alaska, to confer legislative

power thereon, and for other purposes.

Mr. FLOOD of Virginia. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. The gentleman from Virginia asks unanimous

mous consent that the first reading of the bill be dispensed with. Is there objection?

Mr. MANN. Reserving the right to object, as I understand, the bill that is reported is not the bill that the committee now presents.

Mr. FLOOD of Virginia. Oh, yes, it is. I am not sure that I understand the gentleman's question.

Mr. MANN. The committee have reported and we now have under consideration House bill 13987. As I understand—and I ask for information—the committee have agreed upon a substitute bill to eliminate a good deal of this bill.

Mr. FLOOD of Virginia. Oh, yes. Mr. MANN. Is that printed under some other number?

Mr. FLOOD of Virginia. No; it is printed as a substitute under this number.

Tr. MANN. I do not know where it is printed as a substitute

under this number. Has it been reported?

Mr. FLOOD of Virginia. It has been reported by the committee. There was a bill originally introduced, and the committee, as the gentleman says, made a number of changes in it and reported this bill.

Mr. CARTER. This is the reported bill.
Mr. MANN. I knew this bill, H. R. 13987, is a bill which was reported from that committee by the gentleman from Virginia in lieu of House bill 38; but I am informed that since the reporting of this bill the committee have agreed upon various changes in it.

Mr. FLOOD of Virginia. Oh, no.

Mr. MANN. And that they propose to eliminate a great deal of this bill.

Mr. FLOOD of Virginia. No; the committee have agreed upon one or two amendments which are to be offered as committee amendments. The committee have made no change in this bill except in one or two particulars. The committee have agreed upon some amendments which will be offered hereafter as committee amendments.

Mr. MANN. I was given a bill marked "Committee print" in blank, with the name of the Delegate from Alaska upon it, which varies from this bill materially; and I simply asked if we could know what propositions were to come before the committee

Mr. FLOOD of Virginia. If you could know what the amendments were?

Mr. MANN. If this other bill shows the amendments which are now to be offered.

Mr. FLOOD of Virginia. I do not know. I am not familiar with the print which the gentleman has in his hand.

Mr. MANN. It is a bill printed by the gentleman's committee.

Mr. FLOOD of Virginia. I do not know that it is.

Mr. MANN. I do not know that it is, but I was so told. Mr. FLOOD of Virginia. It was a bill introduced in the House by the Delegate from Alaska and printed by the House, not by the committee.

Mr. WILLIS. If the gentleman will pardon me, as a matter of fact, is it not the bill H. R. 18777? I understood that was the bill that was to be considered.

Mr. FLOOD of Virginia. No; the bill to be considered is H. R. 13987.

The CHAIRMAN. Is there objection to the request of the gentleman from Virginia to dispense with the further reading of the bill?

There was no objection.

Mr. FLOOD of Virginia. Mr. Chairman, this bill was introduced by the Delegate from Alaska at the extraordinary session of this Congress and was unanimously reported from the Committee on the Territories on the 21st day of last August. not know that all the members of the committee were present when the bill was reported, but I have heard no objection from any member of the committee since it was reported, and I think I am safe in saying that the bill as reported meets the unani-

mous approval of the Committee on the Territories.

The purpose of the bill is to provide a legislature for the Territory of Alaska, and to give the body thus created limited powers. We purchased Alaska from Russia in 1867 for \$7,-200,000. Since that time-45 years-that we have owned this vast Territory, we have spent on it in every way, including the expenditures for post offices and post roads, \$28,500,000, making a total expended by this Government for Alaska, including the purchase price and all other expenditures, the sum of \$35,-During that period the people of this country have received in money for the products they have brought out of that Territory and in cash collected in taxes the vast sum of \$444,000,000, thus showing a net balance in favor of Alaska of over \$408,000,000, which has gone into the channels of trade in this country, enriching many of our citizens and adding to the prosperity and wealth of the Pacific Coast States, if it has not at times saved that section from bankruptcy.

Alaska to-day is vastly rich in gold and silver, coal and copper, in fisheries and fur-bearing animals. It possesses agricultural possibilities which will astound any gentleman who investigates

that phase of Alaska's wealth for the first time.

The agricultural possibilities of Alaska are confined to its great and splendid valleys, many of which are larger than a number of States in this Union, and which are well adapted to the growth of barley, rye, oats, potatoes, and other products as are grown in such countries as Norway, Sweden, and Finland.

The agricultural possibilities of Alaska are greater to-day than those of these three countries combined, and they without than those of these three countries comone, and they will the enormous mineral wealth of Alaska, without its wealth of fisheries, support a population of 9,000,000 people.

As evidence of the agricultural possibilities of Alaska I will

incorporate in my remarks a statement of the Secretary of

Agriculture, the Hon. James Wilson.

ALASKA EXPERIMENT STATIONS.

ALASKA EXPERIMENT STATIONS.

The establishment of agricultural experiment stations in Alaska was the result of an appropriation of \$5,000 made by Congress for the fiscal year 1898, in which the Department of Agriculture was charged "with the investigation and report to Congress upon the agricultural resources and capabilities of Alaska, with special reference to the desirability and feasibility of the establishment of agricultural experiment stations in said Territory."

An investigation covering the summer of 1897 showed that there were decided indications of agricultural possibilities in that country when judged by the known conditions in northern Europe and the native and introduced vegetation, the presence of gardens, etc., in the regions visited. In 1898 headquarters were established at Sitka and work began to determine the possibilities of agriculture in Alaska. Since then stations have been established on the Island of Kodlak and at Kenal, on the peninsula of that name, at Copper Center in the valley of the Copper River, and at Rampart and Fairbanks, representing the Yukon and Tanana Valleys. The reports of the work at all these points consistent the early bellef that in many parts of Alaska agriculture can be practiced to a considerable extent.

On account of local or other considerations it has been thought advisable to divide the work according to what has appeared to be the most practical lines of investigation. At Sitka, representing southeastern Alaska, where large areas of level land are not available, horticultural work has been given prominence. At Rampart and Fairbanks stations, where the are extensive tracts of land suitable to cultivation, grain growing has been given especial attention, supplementing it with trials of standard vegetable crops. At Kodlak, representing southwestern Alaska, where large areas of jevel land are not available, horticultural work has been given especial attention, supplementing it with trials of standard vegetable crops. At Kodlak, representing southwestern Alaska,

kale, mustard, lettuce, carrots, parsnips, parsley, peas, cress, cabbage, cauliflower, Brussels sprouts, kohl-rabi, onions, spinach, endive, leeks, beets, potatoes, and rhubarb, and among the herbs, caraway, catanipmint, and thyme. In specially favored localities and in favorable scasons asparagus, beans, celery, cucumbers, squash, and salsify have been grown by taking advantage of warm sheltered spots with exposures toward the sun. Under ordinary conditions corn, melons, tomatoes, eggplant, and pumpkins have proved failures.

In the interior vaileys grain can be successfully grown, and there outs, befrey, and rye have not ripened at the Rampart station (tat. 65 and by the course of the course

The population of Alaska is about 65,000. If it had been properly governed and had had proper laws for its development, that population would have been to-day five times larger. Its land area is about 600,000 square miles, and about one-half of this is absolutely uninhabited at this time, leaving about 400,000 square miles inhabited by 65,000 people. That gives 1 person to every 6 square miles inhabited, or 160 persons to every thousand square miles; or if the whole area is considered, it gives 1 person to every 9 square miles and 109 to the thouand square miles. These figures demonstrate the fact that Alaska has as dense a population as any Territory that we have organized and given the right of local self-government to since the foundation of this Government. It has as large a population as any Territory that has been organized during the past 70 years.

I here give the figures which show the correctness of this statement:

The area and population of Alaska compared with other Territories.

Names of Territories.	Date of	Population nearest census.		Area in square	Density 1,000	
211111100 02 2011111	organization.	Date.	Whites.	Total.	miles.	square miles.
Northwest of Ohio River Mississippi Indiana Mississippi Illinois Missouri Missouri Miscouri Oregon Minnesota Utah Washington Dakota Montana Wyoming Alaska	July 13,1787 Apr. 7,1793 May 7,1800 Jan. 11,1805 Mar. 1,1809 June 12,1812 July 3,1836 Aug. 14,1848 Mar. 3,1849 Sept. 9,1850 Mar. 2,1853 Mar. 2,1853 Mar. 2,1861 May 26,1864 July 28,1863	1800 1800 1810 1810 1820 1840 1850 1850 1850 1860 1870 1870 1870	4,446 4,618 11,501 6,938 11,330 11,138 18,306 8,728	7,600 5,641 4,762 12,282 66,557 30,495 13,294 6,977 11,380 11,594 14,181 20,595 9,118 64,356	266,000 92,474 228,950 135,955 133,690 861,608 283,137 297,552 169,414 228,670 193,934 318,005 146,080 97,575 590,884	1 8 2 3 9 7 10 4 3 5 5 4 14 9

So, looking at our history, I do not think it can be successfully contended that Alaska has too small a population or is too thinly settled to have the right of local self-government conferred upon it. [Applause.]

Railroad, wagon road, and trail, and a splendid system of telegraph have been built in this Territory. Towns have been built in which there are heating plants, lighting plants, churches, schools, hospitals, and newspapers, and all other adjuncts of civilization that go to make for the comfort and convenience of people tending to insure a stable and permanent population. So I think it can scarcely be argued that the population of this Territory is not stable and permanent.

PERMANENCE AND TRADE.

The permanence of population may be shown by trade as well as census enumeration, and the following is from a statement prepared by the customs officers for Alaska and dated February 1. 1910:

Comparative statement showing value of merchandise shipped from the United States to the different divisions of Alaska.

	1905	1906	1907	1903	1909
Southeastern Alaska Southern Alaska Bering Sea, etc	\$4,043,034 2,759,476 4,681,331	\$4, 451, 203 3, 205, 913 6, 051, 185	\$4,848,491 4,566,920 4,293,943	\$4,722,144 3,731,914 3,317,571	\$4,719,664 5,554,156 4,040,375
St. Michael and Yu- kon River	3, 272, 411	4,659,844	3,564,591	3, 294, 689	4,609,692
Total	14, 761, 252	18, 368, 145	17, 273, 945	15,066,318	18,923,887

The four sections covered by this trade statement are substantially the same as the four judicial divisions covered in the foregoing census report on population, and the customs statement shows how nearly equally divided and how permanent from year to year the trade with those four divisions is.

The customs reports show the following total trade (not including a large amount of gold carried out without reporting to customs) with Alaska:

Alaska's trade with the United States, 1907-1909.

	1907	1908	1900
IMPORTS.			
Merchandise from the United States	\$17,273,945	\$15,066,318	\$18,923,887
EXPORTS.			
Merchandise to the United States	10,770,381 16,774,127	12,255,255 18,044,533	13,522,137 18,278,962
Total	44,818,453	45, 366, 106	50,724.986

This trade also shows permanence of both trade and popula-

The steady increase in the output of Alaska's gold and fish will convince anyone that the Territory is steadily developing and not retrogressing. What State or Territory in the United States can make a better showing than this?

Growth of Alaska's output of gold and fish.

Years.	Gold output.	Fish output.	Total.
1960. 1901. 1902. 1903. 1904. 1905. 1906. 1907. 1908.	\$8,166,000 6,932,700 8,283,400 8,683,600 9,160,000 15,630,000 22,036,794 19,349,743 19,100,000 19,778,962	\$6,219,887 6,926,107 8,607,673 10,239,635 7,735,782 6,563,655 9,071,090 10,100,183 11,181,388 11,847,443	\$14,385,887 13,858,867 16,951,073 18,973,235 16,895,782 22,193,655 31,107,884 29,509,920 30,960,350 30,947,443
Total	137, 121, 199	88, 662, 903	225, 784, 102

It will interest some of my hearers to have given a comparison of the value of our trade with Alaska with some other of our possessions, as well as with China:

Total trade with the United States.

Territories.	1907	1908	1909
AlaskaPhilippines	\$47, 492, 926 23, 188, 155	\$46, 495, 773 19, 147, 341	\$52, 109, 999 27, 335, 857
Balance in favor of Alaska	24, 304, 771	27,348,432	24,774,142

The total trade of Hawaii slightly exceeds that of Alaska, while that of Porto Rico just equals it.

Total trade of United States.

Territories.	1907	1908	1900
Alaska	\$47, 492, 926	\$46, 495, 773	\$52, 109, 999
Hawail	47, 342, 340	56, 844, 691	60, 529, 466
Porto Rico	47, 653, 814	46, 470, 247	52, 152, 220

The trade of Hawaii and Porto Rico is limited by the necessities of the population which those two islands can support, and it can not greatly increase. Both their trade and their population are near their maximum. On the contrary, the trade and population of Alaska are at their minimum and will increase for centuries to come. When Alaska's coal, its copper, and other minerals shall be opened for development, when railroads shall connect its open harbors with its rich interior and its mines, and when its great agricultural valleys shall be settled by a million farmers, its trade will greatly exceed all of these small and limited noncontiguous Territories with which it low compares.

Compare Alaska's trade with the United States with that which the United States carries on with China through the "open door," about which so much is said.

Total trade of United States.	
Alaska	\$52, 109, 999 48, 218, 747
China, the "open door"	48, 218, 747

Balance in favor of Alaska__

The United States maintains a fleet in Chinese waters and an army of consular officers around the open door; it employs the arts of diplomacy and war to protect a trade which is nearly \$4,000,000 less per annum than her trade with Alaska. The balance of trade with China is heavily against the United States, and nearly \$10,000,000 are thus annually lost to our country. On the contrary, the United States gets the benefit of the entire trade of Alaska, and nothing is lost. Really, the trade of Alaska is worth more than double that of the open door of China. In addition to that, it is a growing trade, in its infancy, and no limit can be set to its future increase. The China trade is small, expensive, and not liable to increase, for China, instead of becoming a market, is becoming a manu-

A comparison of the per capita trade value of Alaska's population with that of Hawaii, Porto Rico, and the Philippine Islands is an instructive one.

Trade value ner canita

Territories.	Total trade 1909.	Population.	Per capita value.
Alaska Do Hawaii Porto Rico Philippines	\$52, 109, 999	140,000	\$1,302.75
	52, 109, 999	265,000	801.69
	60, 529, 466	218,000	277.65
	52, 152, 220	1,075,000	48.51
	27, 335, 857	8,282,000	3.33

2 Total.

The trade value of Alaska's population is based upon an estimated total population of 65,000 and an estimated total white Upon that estimate each white man, population of 40,000. woman, and child in Alaska is worth, in trade value, \$1,302.75; but when all the Indians and Eskimos-men, women, and children-are added it lowers the per capita value to \$801.69. A white man in Alaska is worth 4.6 Hawaiians, 27 Porto Ricans, or 394 Filipinos in trade value. Add to that the value which comes from a permanent and growing trade in Alaska and you have a fair view of the comparative value of Alaska's trade to the United States.

Every dollar of that trade from Alaska was worth double that from the foreign countries, because every dollar that came into the United States from Alaska was an American dollar, and every dollar that went to Alaska was an American dollar.

The Alaskan trade reports certainly corroborate the census reports that the population of the Territory is quite evenly distributed and is permanent.

If we look to the census, we see apparently that the population of Alaska did not increase very much during the period from 1900 and 1910, but it is admitted by the Census Bureau that at least 5,000 people were counted in the 1900 census who ought not to have been counted there, and if that fact is taken into consideration we will find that the Americans in Alaska have increased during that period nearly 10,000, and they would, as I have before remarked, have increased very much more rapidly if those who desired to develop the country had been permitted to open up the coal mines and settle upon the rich agricultural The fact that they have not done this has been the

fault of this Government. If we look to the census reports we see that the native and Indian population actually decreased in the decade from 1900 to 1910. That would not have happened if this Government had done its duty by those natives and the people of this Territory. In view of the above facts, Mr. Chairman, I do not think it can be successfully argued that the population of that Territory is not permanent and stable. [Applause.]

We have done little for Alaska. Congress is its legislative body, and we have passed few laws for the development of that vast Territory. We have never properly codified the laws that we have passed. Beginning in 1906 and coming on down, the Executive Department of this Government placed a blanket reservation over all the coal lands in Alaska, over all of the timber lands, and the oil lands, thus putting a cloud upon the title to practically every foot of land in that Territory. There are many laws that ought to be enacted by this Congress in relation to Alaska. There are a number of bills upon the calendar, which, if put upon our statute books, would make of this northern possession a great, a populous, and a prosperous part of our

country.

Mr. Chairman, first and foremost among those laws in importance to the people of the Territory and to the people of this Nation is the one embodied in this bill, the one for local self-government, the one which permits the people of Alaska to elect a legislature of her own people, to enact her local laws. According to the precedents which we have established in the admission of other Territories and the granting to these Territories of legislative powers, Alaska has every essential that should entitle her to this right. The land is there, the people are there, the development, so far as we have permitted it to go forward, is there. They have some transportation facilities, and as soon as these reservations are removed from Alaska, and the restrictions taken away, they will have ample transportation facilities, built either by private capital or by this Government. They have a magnificent and sturdy civilization. The people of Alaska are unanimously in favor of local selfgovernment. The press of Alaska, that mirror of public sentiment, with one voice asks for the enactment of the pending bill into law. Fairness and justice and common sense and right demand that we should give to these people what they ask in this respect, and I hope and believe that as soon as this de-bate is concluded this bill will be passed without opposition. [Applause.]

Mr. CAMPBELL. Mr. Chairman, will the gentleman yield? Mr. FLOOD of Virginia. Certainly.

Mr. CAMPBELL. For a mere suggestion in the nature of a question. I have not read the report. I am sure it would be interesting to the Members of the House to know the number of cities and their size and the number of newspapers published in Alaska, and data along that line. It may be that it is in the report for aught I know.

Mr. FLOOD of Virginia. It is in the report. I do not know about the number of newspapers. I will ask the delegate from Alaska how many newspapers there are published in Alaska.

Mr. WICKERSHAM. Twenty-two.

Mr. CAMPBELL. What is the largest city in the Territory?

Mr. CAMPBELL. What is the largest city in the Territory?
Mr. WICKERSHAM. Fairbanks.
Mr. CAMPBELL. What is the size of it?
Mr. WICKERSHAM. It has a population of about 6,000.
Mr. CAMPBELL. And that is the city in which are found all of the modern conveniences of civilization?

Mr. WICKERSHAM. That is one of the numerous towns in the Territory that have the modern conveniences of civilization.

Mr. CAMPBELL. And what are the conveniences to be found in Fairbanks?

Mr. WICKERSHAM. In Fairbanks we have electric light, steam heat, automobiles, high schools, seven or eight churches, two big hospitals—in fact, we have everything that will be found in ordinary towns in the East.

Mr. KINKAID of Nebraska. Mr. Chairman, I would like to inquire of the Delegate from Alaska if Juneau and Nome and Skagway are not also growing towns with considerable population—5,000 and up?

Mr. WICKERSHAM. Oh, yes; and Valdez, and Cordova, and 20 others.

Mr. KINKAID of Nebraska. Have they not all over 5,000 and upward of population?

Mr. WICKERSHAM. Many of them, but not all of them; no. Mr. KINKAID of Nebraska. Well, Nome has had as high as 15,000 during the summer.

Mr. WICKERSHAM. Yes; at the time of the census of 1900. Mr. FLOOD of Virginia. I will say to the gentleman that is where the error of the census of 1900 came from. Those people at Nome did not really live there, but they took them in the

Mr. KINKAID of Nebraska. That is, they lived there while they were there

Mr. FLOOD of Virginia. They were there prospecting.
Mr. KINKAID of Nebraska. And were not there all the winter.

Mr. FLOOD of Virginia. They did not stay there long, and that is the population that was taken by the Census Bureau. They were counted under the census of 1900. Many of them were in tents on shore and many on boats in the harbor, and the taking of them in the census greatly swelled the total of Alaska for 1900 and renders a comparison of that census with that of 1910 unfair. But for this fact the increase in the population of Alaska during the last decade would have been considerable

Mr. KINKAID of Nebraska. For a long time they had a permanent population at Juneau.

Mr. FLOOD of Virginia. Yes; and they still have. Juneau is the capital and is a growing town.

Mr. KINKAID of Nebraska. For a long time it had perhaps the most permanent population of any of the cities, until Fairbanks was started.

Mr. FLOOD of Virginia. Mr. Chairman, I do not care to occupy any further time at this time. I may avail myself of the opportunity to close this debate, and I now ask unanimous consent to extend my remarks in the RECORD.

sent to extend my remarks in the Record.

The CHAIRMAN. The gentleman from Virginia asks unanimous consent to extend his remarks in the Record. Is there objection? [After a pause.] The Chair hears none.

Mr. FLOOD of Virginia. Mr. Chairman, I ask the gentleman from New York [Mr. Deaper] to use some of his time.

Mr. LENROOT. Will the gentleman yield for one question?

Mr. FLOOD of Virginia. Certainly.

Mr. LENROOT. I would like to call the gentleman's attention to one sentence in section 10 of the bill and ask for the

tion to one sentence in section 10 of the bill and ask for the gentleman's construction of it:

But no law shall be passed interfering with the primary disposal of the soil.

Will not the gentleman elaborate upon that a little?

Mr. FLOOD of Virginia. That is a provision that is put in all acts of this kind establishing a Territorial form of government. The Federal Government has never surrendered its right to dispose of the soil. It has a constitutional right to do so, and has claimed that right and has never surrendered it, and this

is copied from all other acts of this character.

Mr. DRAPER. Mr. Chairman, I yield one hour to the gentleman from Michigan [Mr. WEDEMEYER], a member of the

committee.

Mr. WEDEMEYER. Mr. Chairman, I am in favor of the bill providing for a legislative assembly for the Territory of Alaska.

Without reflecting in any way on the splendid work of the men who have served on the Committees on Territories as well as the District of Columbia Committees, in this and previous Congresses, I feel that there is much truth in the discussion that I read the other day in a Seattle publication, and from which I quote the following:

The Federal Government at Washington City is not good at local government. Congressional government of any locality can not be good government. It may be better than no government. But for American citizenship—and Alaskans are American citizens—local government, local laws for local needs, is the best, and American citizenship has a right to the best government; has a right to make and administer its own laws—to have the benefit of its own best powers of local administration of its own laws, upon its own responsibility.

Alaska has the right of self-government in the spirit of self-conscious freedom, with responsibility for its own mistakes.

Belleving in the doctrine laid down in what I have quoted, I have felt it my duty to say a word in this behalf, without in any wise reflecting upon the splendid work of the committees that have had to do with Alaskan matters in the past, and knowing that the present Committees on the Territories, both in the House and the Senate, from the chairman down to the last members, are anxious to do what shall be for the very best interest of our great Territory to the North.

I have seen something of Alaska—only a small part of it, to be super for Alaska is continued in its presenting.

be sure, for Alaska is continental in its proportions. However, I think that on the trip I took in the fall of 1909 I learned something of the spirit of the Alaskan people, for I visited a number of the leading towns, including the capital, and met many representative Alaskans.

I left Scattle for Skagway on the good ship Humboldt. On the way up the inside passage on the second day out we took on the passengers of the disabled ship Cottage City, and when I got back to my stateroom I found assigned to me as a fellow passenger Peter T. Rowe, the Episcopal missionary bishop of Alaska. I was very fortunate in this regard, because no ter adapted to its remote situation and peculiar local conditions.

man understands Alaska and its problems better than Bishop Rowe, who for 16 years or more has ministered to the people of that remote Territory. There is not time here to speak of of that remote Territory. There is not time here to speak of his good work, as well as that of the representatives of the other denominations. It is only the truth to say, however, that the progress that has been made in Alaska would have been utterly impossible without the unselfish efforts of missionaries of all denominations who have toiled unremittingly and under the hardest possible conditions.

Bishop Rowe appeared before the committees of both Senate and House recently, urging some action on Alaskan matters in which he was specially interested.

On the same boat, Cottage City, Gov. Clark and his wife were started on their way to Juneau, the capital, where the governor was about to enter upon his duties. He also was transferred to the Humboldt and was a fellow passenger during several days of my trip. I saw him land at Juneau at 3 o'clock in the morning, where he was greeted by the retiring governor

and leading citizens generally.

I had met many Alaskans at the Seattle Exposition which was going on at that time. I met many of them on the way up on the boat, as well as in the various towns at which we stopped, men representing every phase of Alaskan life. It took me but a short time to discover the desire of the Alaskan people generally for some form of local self-government. I was interested to note the comments of the newspapers as to Gov. Clark, just then entering upon his duties. I saw a number of Alaskan papers on my trip, and all I saw took very strong grounds in favor of local self-government for Alaska. All of them in unmistakable language expressed the hope that Gov. Clark would be in favor of this proposition. Some of them even said very bluntly that if he was not so disposed he could not expect very enthusiastic support on the part of the people of the Territory. I have no copies of these papers at hand, but I am sure that I am reflecting substantially the spirit of their utterances

About the time of my trip to Alaska the President was in Seattle, Wash, at the Alaska-Yukon-Pacific Exposition. On September 29 the following telegram was sent him, signed by all the newspapers in Alaska except two, by the mayors of the incorporated towns, and by heads of certain commercial bodies: FAIRBANKS, ALASKA, September 29, 1909.

WILLIAM H. TAFT,
President of the United States, Scattle, Wash.:

WILLIAM H. TAFT,

President of the United States, Scattle, Wash.:

A united press and people of Alaska, in aid of constructive legislation for the creation of a government by the people in this Territory, and in aid of the development of its natural resources, respectfully request you to recommend in your next message to Congress and give your support to the creation of an elective Alaskan legislature in substantial conformity with Delegate Wickersham's bill introduced at the recent special session of Congress.

Fairbanks Daily News-Miner; Fairbanks Daily Times; Daily Nome Gold Digger, Nome; Daily Nome Nugget, Nome; Skagway Alaskan, Skagway; Daily Miner, Ketchikan; Daily Alaskan Dispatch, Juneau; Pioneer Press, Halnes; Seward Gateway, Seward; Hot Springs Echo, Hot Springs; Tanana Leader, Fort Gibbon; Valdez Prospector, Valdez; Cordova North Star, Cordova; Tanana Miner, Chena; Daily Tanana Tribune, Fairbanks; Douglas Island News, Douglas; E. Valentine, mayor, Uneau; W. B. Watts, mayor, Nome; T. Tonseth, mayor, Chena; L. Archibald, mayor, Valdez; C. Ott, mayor, Eagle; H. Ashley, mayor, Skagway; Jos. H. Smith, mayor, Fairbanks; E. O. Smith, president Sitka Chamber of Commerce; F. G. Hale, president Seward Chamber of Commerce.

President Taft in his message to the last Congress, as well

President Taft in his message to the last Congress, as well as in a message communicated to this House February 2, 1912. called attention to the inadequacy of the present system of government in Alaska.

Secretary Fisher, in his annual report, said:

Conditions in Alaska call for immediate action by Congress. Its proper administration and development can not be accomplished under existing laws. These laws neither promote development nor protect the public interest.

RELIEF FOR ALASKA.

He recommends as measures of immediate relief:

First. The construction by the Federal Government of a central trunk-line railroad from the tidewater to the Tanana and the Yukon.

Second. The passage of a liberal but carefully guarded leasing law for the development of its mineral resources, and especially of its coal lands.

Third. The reservation of sufficient amount of these coal lands to provide for the future needs of the Navy, and the mining of this coal by the Government for this purpose.

Fourth. More liberal appropriations for aids to navigation, such as lights and buoys.

Fifth. More liberal appropriations for the construction of roads and trails.

Sixth. The adoption of a form of Territorial government bet-

The report sets forth that the Secretary of the Navy states that there should be reserved in Alaska, for the use of the Navy for the next 50 years, sufficient high-grade coal to supply an average of 400,000 tons per year.

FORM OF GOVERNMENT.

Concerning his recommendation for a change in the form of government in Alaska, Secretary Fisher says:

government in Alaska, Secretary Fisher says:

Taken into consideration with the comparatively small and widely scattered population and the inadequate means for transportation and communication, it would seem to demonstrate that a commission form of government would best meet the existing situation. Such a commission would consist of appointed representatives of the Federal Government and locally elected representatives of the Territory itself. To it would be transferred, under appropriate limitations, the authority to make Territorial laws and regulations such as are sadly needed. Among these needs are some of the fundamental requisites of modern civilized society, such as regulation of the public health, sanitation, and quarantine; the registration of marriages, births, and deaths; poor relief; compulsory school attendance; supervision of banking institutions, etc.

While disagreeing with Secretary Fisher as to some details, especially with reference to appointive members of the proposed commission, nevertheless I am glad to quote from his report, which confirms the general proposition that there must be a radical change from present conditions in the government of Alaska.

Incidentally it is interesting to note that the report says that

the investigation of coal claims in Alaska is proceeding as rapidly as possible, and Secretary Fisher calls attention to the decision of the Commissioner of the General Land Office canceling the so-called Cunningham entries on coal land. The total number of locations in Alaska coal claims is given as 1,125, and the number of applications for patent 521.

I do not think there is much room for difference of opinion on the point that something must be done for Alaska. As its government is scattered among so many different departments, it is hard to say which department is controlling the specific matter that may be under consideration. So that, without blaming anyone in particular, it sometimes happens that a man is sent around from one place to another until he despairs of finding to whom he shall appeal.

The Interior Department has charge of the general executive administration, as well as charge of the Indians, public lands, and schools. The judiciary system is under the Attorney General of the United States. The Agricultural Department has charge of the forest and game laws, experiment stations, and meteorological records. The Commerce Department has charge of lighthouses, coast and geodetic survey, fisheries, steamboat inspection, and so forth. The War Department has charge of the roads, trails, and so forth, through the board of road commissioners, consisting of three Army officers, who report to the Secretary of War. The cable and telegraph are also under the War Department.

At this point I desire to insert, if there is no objection, certain historical facts, which Judge Wickersham stated before our committee, showing the development and present status of the government of Alaska:

committee, showing the development and present status of the government of Alaska:

We purchased Alaska from Russia, in 1867, at a cost of \$7,200,000. There had been in that country prior to the purchase the Russian-American Co., which had long governed the Territory under a charter from the Czar of Russia. They had also a brief code of laws written by the councilors of the Czar, and that was all the law that there was in that entire country. The officers of the Russian-American Co. were the only sources of power in the country. If an offense was committed, the officers of that company had authority to try the offender; and if it was such a serious matter that they thought it ought to be done, they transported him to Russia for final trial and punishment. All civil matters were settled by the officers of the company in Alaska, and there was practically no appeal from anything they did there.

When we purchased the Territory, in 1867, their laws were laid aside. They have not been appealed to since, and our laws took their place. In 1868 Congress passed a law extending the customs laws to Alaska and the laws relating to navigation and trade. These were the only laws that we had in that country for a good many years. Gen. Rousseau went to Alaska in 1868 in command of United States troops; he lowered the Russian flag at Sitka, raised the American flag there, took possession of the country, and held possession for several years by militury force alone. There was no organized government of any kind from 1807 for many years. The military forces were withdrawm about 1875, and the country was left without law or power of any kind except that represented by the Revenue-Cutter Service. That service, of course, had control under the customs laws and performed such duties only as were necessary to enforce the customs laws. With the exception of that service there was no semblance of power or government of any kind in Alaska from the time the soldiers left, in 1875, until 1884.

In 1884 the conditions had grown so bad that

of the committee to the Russian people in that country. We had at Unalaska, Belkofsky, Unga, and Kodiak, and even down as far as sitka, a large number of Russians and their half-breed descendants, who had remained in that country after the United States purchased it. I know a great many of those people, and a better class of men do not exist in any country. They are a quiet people; they belong to the Russian-Greek Catholic Church and are devout church members. They are hard workers, the most of them being fishermen. They are men of families and have homes and everything that makes for the good of a community.

In that connection I want to call your attention to the third article of the treaty of 1867, which I will read:

"The inhabitants of the ceded territory, according to their choice, reserving their natural allegiance, may return to Russia within three years; but if they should prefer to remain in the ceded territory, they years; but if they should prefer to remain in the ceded territory, they years; but if they should prefer to remain in the ceded territory, they years; but if they should prefer to remain in the ceded territory, they years; but if they should prefer to remain in the ceded territory, they years; but if they should prefer to remain in the ceded territory, they years, the enjoyment of all the rights, dustringes, shall be affected to the right of the tribute of the red years of the United States and shall be maintained and protected in the free enjoyment of their liberty, property, and regulations as the United States may from time to time adopt in regard to aboriginal tribes of that country."

That is practically the clause contained in the treaty by which we acquired Louislana, Florida, and the Mexican cessions. The words are almost identical in those three treaties, and the Supreme Court has defined and given them force. When this treaty was proclaimed and approved by Congress, we are justified in saying that Alaska was incorporated into the body of the United States, but they have moved th

governor.
That is our situation, and we now come before this committee asking you to pass a law giving Alaska a legislative assembly such as all the other Territories have had.

Of course for many years Alaska had practically no government at all, and it was the conditions that obtained then, as well as the unsatisfactory conditions that followed, which brought forth the following outburst, addressed to the United States by one of Alaska's poets:

Sitting on my greatest glacier, with my feet in Bering Sea,
I am thinking, cold and lonely, of the way you've treated me.
Three and thirty years of silence! Through ten thousand sleeping nights
I've been praying for your coming, for the dawn of civil rights.
When you took me, young and trusting, from the growling Russian Bear,
Loud you swore before the Nation I should have the Eagle's care.
Never yet has wing of Eagle cast a shadow on my peaks.
But I've watched the flight of buzzards, and I've felt their busy beaks.

[Applause.]

While not subscribing to all the sentiments of this poem, it is interesting, nevertheless, as showing the feelings of the Alaskans. It is only the truth to say that the very best and most conservative men up there are anxious for some definite voice in their own affairs.

When Mr. Wickersham appeared before the Senate committee, he pointed out that his secretary, then 22 years of age, had lived in Alaska 16 years. The mayor of Juneau has lived there for 27 years. Further, he said:

Unalaska, Kodiak, and Sitka were established long before the State of Oregon was thought of, or before Oregon, Washington, or California were organized. Those were Russian-American posts, and have been international marts of trade for more than a hundred years. They have had Russian schools, the Russian church, and Russian civilization of the best kind in Alaska for more than a century.

It is often said that there is no permanent population in Alaska. In reply I would say that there is a very considerable permanent population; but there will be, however, no such development as Alaska ought to have until her citizens are given the right of local self-government. An American will not lead his life in a region where he has not the usual rights of citizenship, except where the inducements are extraordinary; but even under the conditions that now obtain there is a very considerable permanent population, and that permanent population.

lation will be greatly increased the moment Alaska is given the proper degree of local self-government.

Alaska has great charm. The poet Service has pointed this out better, probably, than any other writer in his great poem, The Spell of the Yukon. I wish every Member of Congress might read it.

He says this in reference to the land we know as Alaska:

Some say God was tired when He made it; Some say it's a fine land to shun; Maybe; but there are some that would trade it For no land on earth—and I'm one.

Note what Service says as to the seasons:

The summer—no sweeter was ever;
The sunshiny woods all athrill;
The grayling aleap in the river,
The bighorn asleep on the hill.
The strong life that never knows harness;
The wilds where the caribou call;
The freshness, the freedom, the farness—
O God! how I'm stuck on it all.

The winter! the brightness that blinds you,
The white land locked tight as a drum;
The cold fear that follows and finds you,
The silence that bludgeons you dumb.
The snows that are older than history,
The woods where the weird shadows slant;
The stillness, the moonlight, the mystery,
I've bade 'em good-by—but I can't.

And again-

There are hardships that nobody reckons;
There are valleys unpeopled and still;
There's a land—oh, it beckons and beckons,
And I want to go back—and I will.

And they do go back and remain there from youth to old age; and there is as much, if not more, love for Alaska on the part of her people as there is for any other State or portion of the Union. In fact, she has a peculiar charm and fascination.

There's gold, and it's haunting and haunting;
It's luring me on as of old;
Yet it isn't the gold that I'm wanting
So much as just finding the gold.
It's the great, big, broad land 'way up yonder,
It's the forests where silence has lease;
It's the beauty that thrills me with wonder;
It's the stillness that fills me with peace.

"Bonds and Stocks," Seattle, heads an enthusiastic article on Alaska with the words, "Alaska—population, 10,000,000." Then it begins as follows:

Why not? Between the sixtleth degree and the Arctic Circle, on the northwest coast of Europe, above the Baltic, is a population of 10,000,000. Why not in Alaska?

This comparison is made with the Baltic region of Europe because the climate there is not unlike that of Alaska. The Japan current has a wonderful effect on Alaska's climate.

In this connection the following article, which appeared in our daily papers, is of interest:

JAPAN CUBRENT CHANGED—UNUSUAL WEATHER CONDITIONS IN ALASKA REGARDED AS RESULT.

CORDOVA, ALASKA, January 27, 1913

Cordova, Alaska, January 27, 1913.

A phenomenal change in the course of the Japan current, which brings it closer to the Alaskan coast, was reported here to-day by Capt. J. C. Hunter, of the steamer Northwestern, and Capt. P. A. Obert, of the steamer Edith, arriving from Scattle. Capt. Hunter said the Northwestern was set 50 miles eastward ahead of the log, running from Cape Flattery to Cape Elias.

Unusual weather conditions, believed to be due to the change in the current, have prevailed here for weeks. The average temperature has been 44° above zero, and there have been heavy rains.

Reports from the Interior show temperatures there 15° warmer than ever before recorded at this time of the year.

Warnings by wireless have been sent to steamships approaching Cordova.

Continuing, the article referred to makes in part the following graphic and thought-provoking statement of facts, figures, and suggestions, which are worth our reading even though we do not agree with them all, and surely not with those suggesting immediate statehood.

Mr. FOWLER. Mr. Chairman, I desire to ask the gentleman if it is true, as reported through the press last winter, that when we were having our zero weather here that the Alaskans

up on that coast were wearing straw hats?

Mr. WEDEMEYER. Well, I did not intend to bring this in, but, as the question is asked, I will answer by quoting something I have here. In response to the gentleman's inquiry I will say this: There was an article headed "Alaska as a winter resort," which appeared in one of the Washington papers a month or so ago, and this is what it said:

month of So 3go, and this is what it said:

"Gov. Clark, of Alaska, was not wrong when he made the prediction that our northernmost Territory is liable to become a popular winter resort," remarked M. E. Sullivan, of Juneau, at the Willard. "When I left Alaska several weeks ago the weather was as balmy as the finest spring day in Washington. Straw hats and linen dusters were being worn, despite the fact that other sections of the United States were experiencing the most severe winter of the last 20 years. Whether this condition existing in Alaska at the present time is due to a sudden change in the course of the Japan currents I am unable to say. I notice the Hydrographic Office in Washington denies that any such thing has

taken place. They may be all right in their contention, but I do know that we have had some strange weather in Alaska within the last month or so. Whether our Territory is to become a rival of Florida as a winter resort I do not pretend to say, but we certainly have had no use for overcoats up there recently."

Whether this interview is slightly overdrawn or not, this surely is true-

Mr. HARDY. Will the gentleman yield to an interruption there?

Mr. WEDEMEYER. Certainly.

Mr. HARDY. The gentleman remembers the testimony only a day or two ago before the Committee on Territories to the effect that the harbors of Valdez and Cordova and Seward were freer from ice than New York or even Washington?
Mr. WEDEMEYER. I suggested that a moment ago; that

is true.

Mr. FOWLER. Before the gentleman begins, I presume I misunderstood the gentleman a moment ago when he referred to Alaska. I understood the gentleman to state it was something about 10,000,000.

Mr. WEDEMEYER. Oh, no; I spoke of an article that said, "Alaska, why not 10,000,000," and the argument that is made in the article is that that portion of Europe which has the same climate, or practically the same climate, as Alaska supports 10,000,000.

Mr. FOWLER. I understand it is 67,000, or something like that.

Mr. WEDEMEYER. It is 65,000. This answers the question. I am now quoting from a Seattle paper as to Alaska and her future:

Mr. WEDEMEYER. It is 65,000. This answers the question. I am now quoting from a Seattle paper as to Alaska and her future:

By the census of 1910 Alaska has 65,000 population, 20,000 north of the Yukon, the balance in the southern district—that is to say, 25,000 of the population in that portion whose coast line begins at the intry-fifth degree of north latitude. In this district it is assumed that there are 200,000 square miles of land.

Sasumed that there are 200,000 square miles of land.

By the census of 1850 Minnesor had the two old quickly double in population, and then double again and again. We have precedents of American history to justify such political action.

By the census of 1850 Minnesor had 6,077 population and 80,000 square miles of territory. It was admitted as a State in 1858. The climate was as little understood and hence as much misunderstood as elimate was as little understood and hence as much misunderstood as 1810 gave the Territory 12,282 population. What a journey it was at that time from the centers of population on the Atlantic to Pittsburgh and thence across the swamps of Ohlo and Indiana to Illinois. From the Atlantic seaboard to Alaska to-day the time is shorter, less expensive, and the trip can be made in luxury.

State in 1850. It was weeks and months of travel distant from the populous East and from the growing Ohlo Valley. Yet all these States have justified the political wisdom that hastened to give full statchood, Oregon has 95,000 square miles, and its population was 13 to each 95 square miles. Yet Oregon has always been capable of self-government. Louislana became a State in 1812, having by the consus of 1810 and one out of seven was an American. The rest spok in allea tought. Louislana made good. Whatever political reasons and yan have impelled the rushing of the Territories named into statehood, there are greater political reasons and yan have impelled the rushing of the Territories named into statehood, there are greater of the American lang will wave. No willest diplom

It is a far cry from Alaska to our Congress; to the presidential executive function; to the Interior Department; to executive discretion in governmental matters so prone to drop into personal discretion or political partisan discretion. From these things Alaska should not be compelled to suffer.

It is as intolerable to business interests and property rights in the segregation of the public domain that Alaskan citizenship, American citizenship, should be continually impaled upon the uncertainty of appeal to the presidential executive or the Interior Department or to the Congress for equal and personal rights—as that the Colonies should be under a like condition in the eighteenth century. And such a condition should be as intolerable to the mass of the American people as it is to the citizenship of Alaska and of the Paclic slope. It is a humiliation to the American electorate that it should be placed in the position of constant petition to official administration.

The sturdy Yankee citizens of Michigan, having by the census of 1830 a population of 51,630 and an electorate of about 6,000 voters inhabitating a territory of 57,000 square miles in 1837, literally forced and cajoled and compelled from the reluctant partisanship of the time Statehood for Michigan. There is a larger justification for the inexorable demand for local political self-government for Alaska.

It is as incongruous to expect Congress to make and executive departments to administer local laws as for a State to make national laws. The product of an incongruity is a misfit. The evil results are met at every turn of political and commercial activity, and added patchwork departmental orders, rules, and regulations are but an increase of confusion. Individual action is paralyzed and capital investment stands aloof.

There is not much danger of foolish or unreasonable legislation at the hands of man who come direct from the provise of

There is not much danger of foolish or unreasonable legislation at the hands of men who come direct from the people of Alaska itself. Besides, the proposed bill that we are now discussing provides:

That all laws passed by the Legislature of the Territory of Alaska shall be submitted to Congress by the President of the United States, and if disapproved by Congress they shall be null and of no effect,

Mr. FOWLER. Is that in common with the Territorial organization of other Territories of the United States in the past? Mr. WEDEMEYER. What we are asking is absolutely in common with what has been given to other Territories in the

So, of course, Congress would still have control, but the initiative in local matters would be taken by the local legislature, the only body qualified to take such initiative, and the only body of men that can know the situation in detail as it actually

The expense of the legislature would be more than counterbalanced by the advantage to be obtained by the effective local administration of affairs rather than by the long-distance and expensive handling of local matters, concerning which most of

us are, and always will be, in great ignorance.

This is no radical bill. The criticism of most Alaskans is that it does not go far enough. Everything is still under the control of Congress, but it provides a local body that will understand local affairs and initiate needed local legislation, which Congress, by the very nature of the case, never can properly initiate. 1

Alaska, I believe, is to see wonderful development in the next few years, provided we give her the legislation that her people

desire and deserve.

On my trip to Skagway, I stopped at Prince Rupert, the Pacific terminus of the new road that is being built in Canada, way north of the present Canadian Railway. Prince Rupert is near the southern boundary of Alaska, and yet it is not as far north as Edinburgh, and 350 miles south of St. Petersburg. branch will be built to Dawson, in Canadian territory, near the Alaskan line. At least such a branch is contemplated, and if built will serve, together with other railroads that are being built or projected in Alaska herself, as an entrance to the great agricultural regions in the valleys of Alaska's mighty rivers.

The chairman of the Committee on Foreign Affairs, the gentleman from New York, who probably knows more about Alaska than any other man in this House except the Alaskan Delegate, prophesied in a hearing some time ago that the day would come when Alaska would raise more oats, barley, and

wheat than any State in the Union. He said:

Alaska can grow the finest wheat in the world. It took the prize at the St. Louis Exposition. It is northwest wheat, and it beats Manitoba No. 1. The great valleys of the Sushitna, the Tanana, the Yukon, the White, and the Kuskokwim have great agricultural possibilities. At present, however, the principal sources of wealth are its wonderful mineral products, but in southeastern and southwestern Alaska the timber is very valuable. Take it all in all, Alaska is rich in natural resources beyond the dreams of avarice.

It has been shown, too, that great herds of cattle will thrive in the not unfriendly climate of a large portion of Alaska.

About \$12,000,000 worth of fish are annually caught in the waters of Alaska. When the Alaskan Delegate appeared before the committee he said that Alaska had more gold than California and Colorado put together; more coal than Ohio, West Virginia, and Pennsylvania; more copper than Michigan, Montana, and Arizona; and then added, "It has more fish than the balance of the world put together." When some of the members of the committee laughed, the Delegate went on to show that the product of Alaskan fisheries, including seal and aquatic furbearing animals, down to 1910 amounted to over \$193,000,000.

I was interested myself in visiting the great cannery at Petersburg, Alaska, and saw the very latest and most wonderful machinery used in that line.

There is a strong feeling that the United States does not get anything like the taxation that she ought to receive from the fisheries of Alaska. It is one of the matters that demands at-The following description is so graphic that I shall repeat it here from the Delegate's testimony:

repeat it here from the Delegate's testimony:

If you were in Bristol Bay, Alaska, in the winter season you would see many great cannery buildings filled with machinery and fishing gear, but cold and lifeless. A single watchman at each plant keeps ward for nine months in the year. If you were to return to that bay in May, a different seene would greet you. Away off to the southwest you would see a fleet of vessels, like a hostile armada, coming northward through the Aleutian Passes. As the cloud of smoke approaches, it separates and different vessels seek the docks to which they belong and immediately begin to unload the season's supplies. First come thousands of men—from San Francisco, Portland, and Seattle—Chinese, Japanese, and nonresident fishermen, under a contract to go to Alaska for the short fishing season of three months and to be paid on their return to their home ports. The wharves groan with the weight of the merchandise and the supplies for the imported fishermen and with the season's fishing outfit. The boarding houses are opened, the stoves lighted, tables prepared, the fires are started in the canneries, boats are pulled out of winter quarters, tackle is prepared, sails hoisted, and in a few hours the bays and the rivers are white with the sails of the fishing fleet. For the next two months all is life and bustle. The business never stops. Fish, fish, fish everywhere. Boats, scows, wharves, and canneries are filled with fish; the machinery grinds, men work with nervous haste, and the finest crop of salmon ever seen in the waters of the world is caught and canned in this bay. Day and night the harvest proceeds, for the bay is sunlit 20 out of the 24 hours, and it is never dark. Crews are changed with military precision—while part sleep the others work—and the movement of fish from the sea into the cans never ceases. In 60 days the season is ended. Every can is filled.

And now the armada embarks its stolen riches. The holds of its vessels are filled with a season's cron—it amounted to more then

filled.

And now the armada embarks its stolen riches. The holds of its vessels are filled with a season's crop—it amounted to more than \$12,000,000 in value last year—the Chinese, Japanese, and nonresident fishermen are loaded; the fleet sails away through the Aleutian Passes, leaving the cannery buildings and a watchman for another long winter; and Alaska has lost another crop. Out of nearly \$130,000,000 worth of fish thus taken from Alaska not a home nor a school nor a church has been built nor a child educated in the Territory.

There is the finest crop of salmon in the world running into Bristol Bay, and the canneries take out of Bristol Bay alone more than \$5,000,000 worth of salmon per annum, and it can, within 90 days from the day the first one of them gets there, load everything into the vessels and sail away, and a single watchman is again left for nine months in the year.

vessels and sail aw months in the year.

This income from the fisheries, added to the value of the gold taken out and brought to the United States, and merchandise sent back, makes our total commerce with Alaska amount to about \$55,000,000 annually. This is about equal to our commerce with Porto Rico, nearly equal to that with Hawaii, and about twice that with the Philippines. It was pointed out that in 1909, for example, 1 Alaskan was equal in trade value to 5 Hawaiians, 27 Porto Ricans, or 394 Filipinos. Surely the people who furnish this commerce, merely from the selfish and commercial side, deserve some consideration.

In addressing the Senate Committee on Territories, Senator Jones quoted from the Seattle Post-Intelligencer, one of the leading papers of the Northwest. I insert here part of one of its

editorials:

ALASKA AND CANADA.

While the talk of the possible annexation of Alaska by Canada is too absurd for serious consideration at this time, the fact remains that all who are interested in Alaska are compelled to realize that the Alaskans themselves would be far better off under such an administration as Canada would give them, and that the Territory would develop infinitely faster than it can by any possibility if the policies which have been in force for the last few years continue unbroken.

The trouble with Alaska is twofold. It is dependent upon the National Congress for every particle of its legislation, and Congress has such an Infinite amount of national work to perform that it has no time to spare to consider the local affairs of a remote Territory about which the average Member of Congress knows nothing.

If the situation could be approached with any sort of common sense; if Alaska could be accorded now precisely the same treatment as that accorded other Territories in the past, and that was none too good, Alaska would develop as other Territories developed; it would receive a great influx of population; its resources would be opened, and it would be among the greatest wealth producers of this continent.

Everyone in Alaska knows that if it were under Canadian rule it would have local self-government at once, and that every encouragement would be lent to the development of the country and the utilization of its resources. Everyone who has looked into the situation at all knows further that the wrongs of the thirteen original Colonies, which led to the Revolutionary War, were petty, indeed, beside the wrongs of the people of Alaska, but, save on this coast, no one in the whole country seems to consider that this amounts to anything.

While, as Senator Jones remarks, the language of that editorial is very severe, I think unnecessarily so, still it indicates the sentiment that obtains on this subject.

Another editorial, which is headed "Alaska's Permanent Mines," reads as follows:

ALASKA'S PERMANENT MINES.

From every present indication Alaska is to take a great step forward during the coming season. From several different parts of the Territory there come announcements of the progress made in the development of quartz properties, and the assurance that during the coming summer a large additional number of quartz mills are to be installed.

From Juneau comes the story of the certain construction during the coming summer of a mill costing \$600,000 on mining property in the neighborhood of that place. Other mining developments in the same neighborhood, coupled with the working of the Alaska-Treadwell, on Douglas Island, opposite Juneau, mean the employment of not less than 3,000 men permanently in the immediate vicinity of Juneau.

Farther up the coast come similar stories. The various mines in the vicinity of Seward, on which good veins of free milling ore have been uncovered, are showing up remarkably well as development proceeds. There have already been a number of small mills erected in the vicinity of Seward, and, without exception, each one of them has been cleaning up large amounts. Mills are to be installed on other properties, the showing of which justifies the confidence that even with small mills they can become heavy dividend payers and earn the money from their own ore to pay entirely for larger plants as expansion becomes necessary.

own ore to pay entirely for larger plants as expansion becomes necessary.

This is the mining development of Alaska which counts for the future of the Territory. Placers become worked out within a few brief years, but good quartz properties will be running 30 years from now.

If Alaska could have the handicaps upon her development removed, if that great Territory could have precisely the same treatment in all respects that was accorded all other American Territories during their pioneer days, it would develop rapidly into a great State.

The following editorial from the same paper is of interest as contrasting conditions with those in adjoining Canadian terri-

contrasting conditions with those in adjoining Cahadian territory:

A member of the Yukon council, while in Skagway the other day, in speaking about the absence of any system of home rule in Alaska, as contrasted with that which is accorded the Canadian Yukon, gave some pertinent illustrations. He pointed out that so long as the Canadian territory was governed exclusively from Ottawa by federal officials conditions were unsatisfactory in every way. The administration given was both expensive and dishonest.

For some years past Yukon territory has had a wholly elective council, which has entire control over all local affairs, and there has never been a time in the history of the Territory, when conditions were as entirely satisfactory as they are now. Alaska, in this respect, stands where the Yukon Territory of Canada did 10 years ago.

In all of the talk about the impossibility of glving Alaska a local government, why is it that no attention is paid to Yukon Territory and the Canadian method of dealing with the same problem? The Yukon Territory is very much smaller than Alaska and it has nothing like as large a number of people. In the whole Territory there is practically but one industry, that of gold mining, while Alaska exports other products annually of but little less value than its gold. The British Yukon has no coast line. It is isolated far in the interior, and it is difficult to reach any portion of it in the wintertime.

Yet the Canadian Yukon has complete self-government and full representation in the Dominion Parliament as well. Can it be argued that the Canadians are more capable of self-government than the people of Alaska? Is a gold-mining population on one side of an imaginary line more nomadic than on the other?

The simple truth is that the Canadian Government has treated its people in the north far better than has the Government of the United States, and with far more actual respect for the principles upon which our Government is founded than has ever been displayed by Congress.

Only recently, in December, 1911, a member of the Canadian Parliament from Yukon Territory was present at a banquet in Seattle. He discussed the matter of Alaskan local self-government with reference to the development of self-government in the United States. He showed that our country was based absolutely on that idea. Then he pointed out that we were denying Alaska the very principle upon which the United States separated from the old mother country. In his discussion he was but reflecting the attitude of the

editorials just cited, as well as the attitude of practically all the people in the far West who understand Alaskan conditions thoroughly. The people of Oregon, Washington, Idaho, and California generally are in favor of an elective Territorial legislature for Alaska. In Washington and Oregon resolutions to this effect were passed by the legislatures of those States. The commercial bodies of Seattle and other cities are working toward that end. Surely we need not be afraid to trust to the judgment and good sense of those who know Alaska best.

The editorial quoted on Alaskan mining makes it clear that we may look for a permanent mining population in the future, and this will meet the superficial and unfair argument that is often made to the effect that Alaska is going backward, because perchance some mining town has diminished in population. That happens often, everywhere, in mining and lumbering regions. Some spring up and have a boom, when mining and lumbering are at their height, and then diminish in population afterwards; but with a permanent mining population, such as we may look for, as well as approaching agricultural development, many growing Alaskan cities and towns will result.

Then, too, census comparisons are not sure guides as to the growth of Alaska, for the reason that, for example, the last census was taken in December, 1909, at the time when naturally a very large number of Alaskans were out of the Territory, while the previous census included thousands of people at Nome-on the beach and ships-who left very soon after the 1900 census was taken.

Sitka, the old capital, was a thriving town and the site of Alaskan government when Chicago was an Indian village and when the Indians held all the land between the Great Lakes and the Pacific. Sitka was making picks and spades for use in Mexico and California and building ships to provide that part of the world long before Oregon and Washington were known 1

to the business world. It is true that little of old Sitka remains. The old shipyards are lost in the sands, but it is still an interesting city. Baranoff's castle, burned in 1894, has been replaced by the spacious residence of the head of the agricultural experiment station. This, with the electric lights, and so forth, are an indication of a new era in Alaska. Here is a fine industrial school for the natives, founded by Brady. Next to Carlisle, this is perhaps the greatest of Indian schools. The Sheldon Jackson Museum is valuable. Russian schools and churches are here, and, all in all, it is a most interesting place, with its beautiful and picturesque surroundings-interesting not only because of present activities, but because of its tradi-

Alaska has traditions. She has an interesting history. She has seen great development, when every handicap is considered. However, the development of the past is as nothing measured by what the future is sure to bring, if we but accord her the same treatment we have given the other Territories in the years gone by. Alaska is but in the morning of her history; she is only in the forenoon of her best days.

And if her future is to be all it ought to be, then her people must have the right that every other Territory in the Union has had. As the gentleman from New York has said-

The bona fide residents of Alaska who intend to stay there the rest of their lives must have the right to make their own laws, to levy their own taxes, to regulate their own internal affairs, and to spend the money gathered by the tax collector for their own use, for their own schools, for their own charitable institutions, for their own roads, for their own municipal affairs, and for their own peace and happiness. This is not asking too much, in my opinion. It seems to me it is only fair and just and proper and right.

As to her climate, I have already pointed out the remarkable effect of the Japan current and the peculiar conditions that have obtained this winter.

Alaska is not, all, the bleak country that popular imagination has painted her. Much of her territory, thanks to the benefi-cent influence of the Japanese current, is capable of the same agricultural development as northern Europe and portions of our Northern States. Her fisheries, under wise governmental control, will long be a source of wealth, while the riches that lie buried beneath the ground will for many years to come attract the same hardy race of men who are proud now to be known as Alaskan pioneers.

We owe something to the self-reliant pioneer who has blazed his way in "that land that measures each man at his worth."

We owe something to-

The nameless men who nameless rivers travel And in strange valleys greet strange deaths alone; The grim, intrepid ones who would unravel The mysteries that shroud the Arctic Zone.

We owe to them the privilege of self-government-a privilege we should be slow to deny men of our own blood who have overcome every obstacle that man or nature has put in their way. Surely the Alaskan, by sternest training, is fitted, if ever an American citizen has been, for at least the restricted degree of local self-government which this bill provides. Why withhold it from him longer? [Applause.]

Mr. FLOOD of Virginia. Mr. Chairman, I yield 30 minutes to the gentleman from New York [Mr. SULZER].

Mr. SULZER. Mr. Chairman, Alaska is a wonderland. tenths of the people of our country have no idea of the vastness of her boundaries, the extent of her domain, the grandeur of her scenery, the salubrity of her climate, the greatness of her mountains, the length of her rivers, the possibilities of her fisheries and her forests; the grazing advantages in her valleys for sheep and cattle; her splendid agricultural resources; her incalculable mineral wealth; and her splendid homes for the multitude in the land up there that spells opportunity for the earnest worker and the brave pioneer.

Alaska is a marvelous land. She would make 470 States of the size of Rhode Island. She has the greatest gold, and iron, and copper, and lead, and coal, and tin deposits in North Alaska has 599,446 square miles of territory-more America. than 383,645,440 acres of land-and the greatest fishing waters in all the world, teeming with the best food fish on earth.

Alaska is God's country. She is over twice the size of the German Empire; 14 times the size of the State of New York; and has more copper known to-day than Michigan and Arizona combined. She is one-fifth the size of the entire United States; has paid for herself five times over in money actually collected in Alaska and deposited in the Federal Treasury. Alaska was purchased from Russia for \$7,200,000, less than 2 cents an acre, and has produced in gold and silver alone more than 29 times what she cost—the cheapest bargain in land in the annals of

Alaska has a known coal-bearing area larger than all the rest of the coal-bearing area in the United States. Alaska has the greatest cattle and sheep ranges now in the north, and agricultural possibilities beyond the imagination of the finite mind-a mighty empire is Alaska that welcomes heroic man.

What does Alaska want? Alaska demands home rule—the right of her people to govern themselves-an inherent American right that Congress has never denied to any of our people in any part of our domain in all our past, and which should no longer be denied to the hardy men who have gone to the northland and made their homes in Alaska. The Alaskans want Territorial government. They want the right that every other Territory in the Union had—the right to make their own local laws, to levy their own local taxes, to regulate their own internal affairs, and to spend the money gathered by the tax collector for their own use, for their own schools, for their own charitable institutions, for their own municipal affairs, for their own trails and roads, and for their own peace and happi-This is not asking too much. It is a fundamental right.

Alaska is entitled to local self-government. She has a population at the present time of upward of 60,000 bona fide citizens. It is true they are scattered over a vast territory, but it is also true that they are an honest, brave, intelligent, sober, God-fearing people who are our kin, and who ought to be treated as Amer-

ican citizens.

Alaska is one-fifth the size of the United States. Here is the map of Alaska. Look at it. Study it. If you take this map in actual area and put it on the map of the United States proper, one part of Alaska will be in the Atlantic Ocean opposite Charleston; another part of Alaska will be in the Pacific Ocean opposite San Francisco; another part of Alaska will be in the Gulf of Mexico south of New Orleans; and another part of Alaska will be in Canada north of the Great Lakes. People have no conception of the vastness of this territory, and there has been disseminated throughout this country for several years past more misinformation regarding Alaska and her resources and her people than about any other matter of public moment in the recent history of our country.

Let us examine this map. This part of Alaska is called south-eastern Alaska; this part of Alaska is called southwestern Alaska; and this part of Alaska is called northern Alaska. These divisions marked on this map are the natural divisions of Alaska. Nature made them. Congress can not change them. In a straight line from Cape Chacon, in southeastern Alaska, to Point Barrow, in northwestern Alaska, is about 3,000 miles. a straight line from Cuba to Greenland is less than 3,000 miles, and there is nearly as much difference in the climatic conditions in Alaska on the Pacific coast as there is between Cuba and Greenland on the Atlantic coast. The climate of our Atlantic coast is governed to some extent by the Gulf Stream. climate on the Alaskan coast is governed almost entirely by the wonderful Japan Current, and that inexplicable current is much greater than the Gulf Stream. Southeastern Alaska has a mild climate winter and summer. The mean temperature at Sitka is the same as the mean temperature at Washington, D. C. Southwestern Alaska has a climate similar to the climate of southern Canada. North of the Yukon River to the Arctic Ocean Alaska has a cold climate in winter and a hot climate during the short summer months. Southeastern Alaska is composed largely of beautiful islands. It is a mineral and a fishing country, rich new, and destined to become more so. Some of these islands in southeastern Alaska are heavily timbered with pine, spruce, hemlock, and red and yellow cedar.

The timber resources of these islands in southeastern Alaska are invaluable, and thus far they have never known the sound of the woodman's ax. They are virgin forests. The fishing industries in southeastern Alaska are becoming the greatest in the world. According to the Government report, there are over 30 different kinds of food fishes, and only last summer the United States Fish Commission boat, the Albatross, found the habitat of these fish on the great banks off the coast of Alaska—the home of the salmon and the halibut and the herring and the mackerel. This part of Alaska will furnish for years and years to come enough food fish to supply the wants of the people of the United States. Southeastern Alaska will never people of the United States. Southeastern Alaska will never be an agricultural country, because it is too mountainous. It has no valleys and no rivers, but it has an ideal climate, and it is going to be the sportsman's and the poor man's and the sick man's paradise. It is a saying up there that "When the tide is out the table is set," because no poor man need go hungry in southeastern Alaska unless he wants to do so. He can live on the products of the sea.

Southwestern Alaska, from the international boundary line to the Aleutian Islands, is a wonderful country and quite different from southeastern Alaska. This part of Alaska is rich in min-eral wealth; incomparable in its possibilities for cattle and agriculture, and part of it is well timbered and exceedingly fertile.

There are great valleys in this part of Alaska-the Copper River Valley, the Susitna Valley, the Yetna Valley, the Tanana Valley, and the Valley of the Kuskokwim—all awaiting development. It is estimated that in this section of Alaska there is at least half as much coal as there is in all the rest of the United States, and within its confines are the greatest cattle and sheep ranges under the American flag. Here is the land for the immi-grant. Here is the place for the home seeker. In these valleys are vast stretches of arable lands much greater in area than some of the States of the Union; and this part of Alaska alone. it is said by those who are competent to testify, can support a people larger than the population of Norway and Sweden and Finland and Denmark combined.

Look again on the map. On the hills here in southwestern Alaska are great cattle ranges, and here in abundance grows what is called buffalo grass-grass that stands 5 or 6 feet high, rich in saccharine matter; and the cattle graze out here all the year without protection from the weather. It is a superior country for cattle grazing to anything in our Northern They have no blizzards, and the winters, although cold, have little snow, and the climate is dry and invigorating. Cattle graze there all the year round, and they are fatter and in better condition in the spring than they are in the fall.

What a country for the cattlemen!

Alaska north of the Yukon is a vast country, stretching away from the Yukon River to the Arctic Ocean. This part of Alaska has very little timber. It is a barren land and essentially a mining country. It is rich in mineral resources, in copper, and gold, and tin, and coal, and various other kinds of minerals. This part of Alaska will always be sparsely inhabited by a migratory population, by people who go there to mine, and when the mines are worked out they will come away.

Southwestern Alaska, however, is destined in the next 25 years to have a permanent agricultural and cattle-raising population, and the day will come when this part of Alaska will contain and sustain several millions of people. It has now a permanent population of thousands who have gone there and been there for many years, many of whom were born there and they intend to stay there. Mark what I say, the day will come when southeastern and southwestern Alaska will be States in this Union.

Alaska's production of mineral wealth is growing apace. mineral production for 1911 is estimated at \$20,370,000, which \$17,150,000 was gold. The gold production of 1910 amounted to \$16,128,749. The copper output is estimated at 22,900,000 pounds in 1911, against 4,241,689 pounds in 1910. Alaskan mines and quarries also produced silver, tin, coal, marble, and gypsum to an estimated value of \$390,000, an increase of \$200,000 over 1910. The total value of Alaska's mineral production since 1880, when mining first began, is, in round numbers, \$206,000,000, or more than 29 times the sum paid to Russia for the Territory.

Mr. Chairman, I have spoken of Alaskan resources as a reason for her recognition. Her mines of gold, silver, iron, coal, tin, and copper, already known to be great, are considered by many practically inexhaustible. She has the largest stamp by many practically inexhaustible. She has the largest stamp mill in the world at Treadwell and bids fair to become the greatest gold-producing country on earth. The rapid development of the gold and silver mining industry of Alaska during the past few years is shown by the fact that the production has advanced from about \$3,000,000 in 1896 to about \$17,000,000 in 1910. 'This will increase rather than diminish. At present the value of the precious metals lies chiefly in the gold placers of Nome and the interior regions. In the Nome region some 5,000 square miles are known to carry auriferous gravels, while in the Yukon Basin the area of auriferous gravels is probably several times as large. But it is not all placer mining. Gov. Clark says that quartz mining is the kind in which Alaska will be preeminent in the near future and that even now it is affording the finest illustration in the world of profitable working of lowgrade ores.

In the coast region of southeastern Alaska mining for gold, copper, and silver has been going on for a number of years. The development of this industry has been especially rapid since 1898, and it promises to become one of the most important mining districts of the country. The discovery of vast copper deposits in Alaska was made only a few years ago. Copper mining is now being done in several districts, and many tons of copper ore are being shipped weekly to the smelters. vestigations of the past two years have shown, however, that there are unquestionably vast undeveloped copper deposits in many other districts of Alaska. The coal of Alaska embraces lignites, bituminous, and anthracite. Coal has been found in nearly every part of Alaska, both on the coast and in the interior. The coal is so widely distributed that it must be regarded as one of its most important resources. It is a conservative estimate to place the area occupied by the coal-bearing rocks at 30,000 square miles. Accurate statements can not be made as to the figures of the fish industry for the year 1911, but it can be said that it has been continually growing and is still in its infancy. More than 30 varieties of food fish inhabit the Alaskan waters. The output of salmon now amounts to more than \$15,000,000 a year. Alaska can feed the fish-eating people of the world

Considering the resources and the vast possibilities of Alaska—and all of these statements can be proved by records on file in the various departments of the Government—considering. I say, what is absolutely known, and which can not be successfully controverted, I stand here as a Representative of the people on the floor of the American Congress and ask why Alaskans should not have the right to govern themselves? Why they should not have home rule? Why they should not have a Territorial government? I pause for a reply in the negative.

No true American can deny Alaska home rule. No patriotic citizen will object to the Alaskans having a local legislature and the right to make their own local laws. Under the terms of this Territorial bill each of these four divisions indicated on this map will have two representatives in the senate elected by the people, and four representatives in the assembly elected by the people, and the cost of this local self-government will be so infinitesimal in comparison to the great wealth that Alaska is pouring into the American Treasury that we shall hereafter wonder why Alaska was denied for so long local self-government

Mr. Chairman, I have been to Alaska several times. I know something about that vast domain. I know something about the sentiments of the people who live there, and I stand here and declare that the people of Alaska want Territorial government; and, knowing the facts as I do, I unhesitatingly say, and I defy successful refutation, that under all the circumstances Alaska is now, and long has been, entitled to Territorial government, and Congress ought to give it to the Alaskans without any more delay. Alaska is an anomaly in the history of our Territories. I know that the people of Alaska are, in every point of view, abundantly capable of maintaining a local form of government such as has always heretofore been accorded the Territories of the United States, and I deprecate the idea of further burdening the Congress with purely local legislation, as it is the duty of the Delegate to press upon the attention of Congress in the absence of Territorial organization. In my opinion, such legislation can safely be intrusted to the people of Alaska themselves, and, in my judgment, this bill providing for the same should be passed, according to her people the measure of self-government to which they are justly entitled, and which has never heretofore, except in the case of Alaska, been withheld from any considerable body of American citizens engaged in the settlement of a new district.

For years the people in Alaska have been asking for this boon. For years it has been wrongfully denied them. At last it appears to me, if I am any judge of popular opinion, that the Alaskans are going to get Territorial government by a practically unanimous vote in this House; and when this bill passes, as I hope it soon will, the Senate will pass it and the President will sign it. Then half the Alaska problem will be solved, many of her troubles will be reduced to a minimum, and Alaska will grow and prosper more in the next few years than she has in all the sad years of the past.

Mr. Chairman, in addition to Territorial government Alaska needs two other very important things. One is—better lighthouse service—more navigation lights. We do nothing like as much for our vast Territory of Alaska as the Canadian Government does for British Columbia. From Cape Chacon, Alaska, down to the State of Washington is all Canadian territory, called British Columbia. Along this coast is the inside passage, going to and coming from Alaska. All the ships from Puget Sound that go to southeastern Alaska and many of the vessels that go to southwestern Alaska take this inside passage, and for scenic beauty, for recreation, for health, and for pleasure it is the grandest waterway on all this earth.

The inside passage through Norway to the North Cape and the inside passage through the Straits of Magellan combined are not as grand and as beautiful as the inside passage from Puget Sound to the head of the Lynn Canal, a distance on water as calm as a mill pond for more than a thousand miles. People who have traveled all over the world, who have seen all the wonders of nature, hold their breath in silent admiration when they see the scenic wonders of the inside passage to Alaska. As a panorama of changing scenes of grandeur it is glorious beyond description. Thousands and thousands of tourists make this

trip every summer. Yet our Government is derelict in that it does not furnish for Alaska proper lights and lighthouses to safeguard navigation and protect life and commerce along our Alaskan shores. Every year there are two or three wrecks; every year there are lives lost, and all for want of navigation safeguards.

We are standing to-day in the shadow of one of the greatest marine disasters in all history. The tragedy of the *Titanic* appalls us. We are speechless in the presence of this awful catastrophe. More than a thousand lives went down into the depths of the sea with hardly a moment's warning when the *Titanic* struck. The horror of it all is indescribable. The people of the world mourn.

But every ship that makes this trip through the inside passage to and from Alaska is loaded with human freight, tourists, health seekers, pleasure seekers, our friends, our relatives, and our neighbors, and for lack of proper safeguards is liable to strike a hidden rock, or run upon an iceberg, or collide with a sister ship in the fog. It is criminal for the Government to neglect longer the installation of proper lights on the Alaskan coast.

Alaska has a tremendous coast line. The coast line of the United States on the Atlantic, on the Gulf, and on the Pacific is a little less than 8,000 miles. Our coast line in Alaska, from Cape Chacon around to Herschel Island in the Arctic Ocean, is over 20,000 miles. Yet for thousands of miles of that bleak and dangerous coast we have not a light, nor a safeguard to navigation. This is a crying need, and I hope the Committee on Appropriations will heed the insistent demands of the Lighthouse Board and make substantial appropriations in the future to give Alaska better lights along her coasts.

Alaska better lights along her coasts.

Mr. Chairman, another important thing the people of Alaska need is better transportation facilities. How shall our people settle in Alaska when they can not get around on land in that vast Territory? It is almost as difficult for people to travel in Alaska without transportation facilities as it is to journey on the Atlantic Ocean without a boat. Give Alaska decent transportation and you will find that our people in the United States will not be selling their farms in Iowa, in Minnesota, and in the Dakotas and taking their families, their money, and their possessions and going to Canada. They will go to Alaska. But they can not get around there now, because Alaska has very little transportation except water transportation. We have no transportation in southwestern Alaska save one railroad running from Cordova up to a copper mine. Alaska wants more dirt roads and more railroads through this great country.

Look at the map again. Here is Resurrection Bay in southwestern Alaska—one of the great harbors of the world. All the fleets of the Pacific can ride safely at anchor in this magnificent bay and be invulnerable to attack. It is the greatest natural harbor we own in the north Pacific.

If anything should happen to our North Pacific Fleet it would have no port to make nearer than San Francisco, or Pearl Harbor, in the Hawaiian Islands. The fleet could not succeed in getting through the Straits of Juan de Fuca. Resurrection Bay is 1,800 miles nearer the Orient than either San Francisco or Puget Sound, and it is the best place in the north Pacific for this Government to have a naval base and a harbor of safety in case of emergency on the north Pacific Ocean.

The people of the United States, for their own welfare, should build a railroad from Resurrection Bay to the interior of Alaska to open the Tanana Valley, the Susitna Valley, and the wonderful Kuskokwim Valley. Then the people who leave our country to better their condition will go to Alaska and settle there. They will go up there and cultivate the ground and till the soil. They will develop the agricultural resources of the country. They will take advantage of the cattle ranges and produce enough meat to supply the wants of our people. They will produce mineral wealth beyond the dreams of avarice. A Government railroad from Resurrection Bay to the Yukon, opening up these wonderful valleys, would also develop the greatest coal deposits on this continent—the Matanuska coal fields.

Here are millions of acres of the finest anthracite coal on earth and of the best bituminous coal in the world. The Government could pay the expenses of operating the railroad every year by mining its own coal for the use of the Pacific Fleet.

The United States buys its coal at Newport News and transports it all the way around South America. It transports that coal in foreign ships, flying foreign flags, and manned by foreign seamen. Every year the Government pays for the coal for its Pacific Fleet and the Revenue-Cutter Service on the Pacific coast a sum of money amounting to millions of dollars. If that money was utilized to build this railroad it would pay a profit to the Government the first day it was in operation, and in 10

years would pay the Government back every dollar it will cost, and be one of the quickest agencies to help the people open up this wonderful country of Alaska.

We ought to do something for Alaska. It is a shame the way Congress treats Alaska. It is un-American, undemocratic, and unrepublican. It is a violation of the fundamental principles of American citizenship. I cry out against governing Alaska like a conquered province. I have done all I could for Alaska since I have been a Member of Congress, and I shall keep up the fight for the right until the people of Alaska get what they want, what they demand as American citizens—namely, Territorial government, better transportation facilities, and more safeguards to navigation.

Mr. Chairman, every newspaper in Alaska is in favor of this bill for Territorial government. The Democrats and the Republicans in the Alaska conventions recently held have unanimously passed resolutions in favor of it. There is not a man in Alaska to-day, in my judgment, who is a bona fide resident of Alaska and who intends to stay there and live there, who is not in favor of Territorial government. If anyone here doubts what I say, let him go to Alaska and find out for himself.

I am in favor of the pending bill. It is a meritorious measure. It will soon be a law. I want to congratulate the chairman and the Committee on the Territories for bringing in this bill. I have gone over it carefully. Take it all in all, it is a good bill. I am the first man in Congress that ever introduced a bill to give Alaska a Territorial government. I introduced the bill 10 years ago at the request of a nonpartisan convention held by the people of Alaska. The presiding officer of that convention was Hon. A. P. Swineford, formerly governor of Alaska—a great man and a great Alaskan. He has gone to his reward, and he has gone into history as Alaska's "Grand Old Man." He was my friend and he helped me draw that first bill for Territorial government for Alaska. I am sorry that dear old Gov. Swineford is not living to-day to witness Alaska's triumph in Congress. It would gladden his heart more than anything that ever happened in his long and useful and illustrious career. I fought for that bill year after year. When Tom Cale came to Congress from Alaska I gave him the bill to introduce. When Judge Wickersham succeeded Cale he took up the bill, and I want to commend the Judge for all he has done in this struggle for home rule for Alaska.

Mr. Chairman, just a few words in conclusion. I repeat now what I said at the beginning-Alaska is the wonderland of the world. No words can adequately describe it. It is the poor man's and the rich man's and the sportsman's paradise. Alaska is the natural art gallery of the earth. The time, in my judgment, is at hand when this vast territory will be developed by American genius, American capital, and American enterprise, and take my word for it, there will be no more prosperous section in all our progressive country for American brawn and American brain. Alaska is the place for the new settler-for the hustler-for the man who wants to go ahead and get on. Alaska wants her rights; she wants home rule; she demands Territorial government. Alaska wants this; Alaska must have it-Alaska with her increasing population of patriotic people; Alaska with her invigorating climate; Alaska with her beautiful scenery, her magnificent distances, her snow-capped mountains, her majestic rivers, her fertile fields, her great industries of fish and fur and timber; Alaska with her great agricultural possibilities; Alaska with her immense wealth in gold and copper and silver and lead and tin and iron and coal-mineral wealth beyond the dreams of the most imaginative person in the world; Alaska with her brave and loyal and God-fearing American citizens; Alaska with her churches and her schools, her splendid public institutions, her towns and her villages; Alaska under the wonders of the northern lights and in the shadow of the midnight sun; Alaska with her inspiring sights, her ancient glaciers, with her great harbors and innumerable lakes and countless cascades; Alaska, in the name of all these and more that I have not time now to enumerate, I ask in the name of justice why the Alaskans should not have the right of local selfgovernment? [Long applause.]

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. Cultor having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Curtiss, one of its clerks, announced that the Senate had passed without amendment bill of the following title:

H.R. 21821. In act to authorize the city of South Sioux City, in the State of Nebraska, to construct a bridge across the Missoul River between the States of Nebraska and Iowa.

The message also announced that the Senate had agreed to the amendments of the House to the joint resolution of the

House of Representatives (H. J. Res. 254) entitled "Joint resolution congratulating the people of China on their assumption of the powers, duties, and responsibilities of self-government," with an amendment to Senate amendment No. 1.

LEGISLATURE OF ALASKA.

The committee resumed its session.

Mr. DRAPER. Mr. Chairman, I yield 30 minutes to the gentleman from Ohio [Mr. Willis].

Mr. WILLIS. Mr. Chairman, I had not expected to be called upon to address the committee at this time, but because of the lateness of the hour and because the Delegate from Alaska [Mr. Wickersham] has a good deal of material which he could not possibly present in a short time, I have been asked to take the time now.

I have been very much interested in the eloquent words which have just fallen from the lips of the gentleman from New York [Mr. Sulzer]. As was said by the gentleman from Michigan [Mr. Wedemeyer] perhaps there is no Member of the House, aside from the Delegate from Alaska [Mr. Wickersham], who knows more about Alaska than does the distinguished gentleman from New York. He told us something about the tremendous wealth of Alaska, and as a citizen of this Republic, I am just as proud of the immense resources of that great, undeveloped empire as any other citizen can possibly be. I am proud of the fact that in Alaska we have the greatest fisheries in the world. I am proud of the fact that in Alaska there are tremendous agricultural possibilities, as I shall hope to show before I finish. I am proud of the fact that there are tremendous resources in the way of minerals, particularly in the way of coal, though I think not so much coal as some would have us to believe.

The Bering River coal field is very important, though not nearly so extensive as it is supposed to be. The Matanuska coal field is much more important and more extensive. may I remind you that if we are to change the form of Territorial government in Alaska, or, to be more accurate, if we are to give Alaska a Territorial legislature, it should not be because she has a tremendous amount of coal, not because of her immense mineral resources, not even because of her agricultural possibilities, nor because of her splendid mountain scenery, nor because of her tremendous resources in the way of timbernot for any of these material facts. These are not the things that make up a State. They are the broad foundations upon which a State may be builded, but if we are to give Alaska a Territorial legislature, it must be because it can be shown that there are living in that Territory people who are qualified for self-government to the extent it is proposed to grant it by this bill. I need to remind you only of a line or two of that old stanza of poetry-

What constitutes the State?
Not high-raised battlement or labored mound, thick wall or moated gate.
Not cities proud with spires and turrets crowned—
Not bays and broad-armed ports, where laughing at the storm rich navies ride;
Not starred and spangled courts, where low-browed baseness wafts perfume to pride.

Nay, not these; but men-

Men with powers as far above dull brutes endued in forest brake or den as beasts excel cold rocks and brambles rude.

These, then, constitute the State—not the wealth of forest, field, or mine; not the rich valleys, nor the teeming rivers, nor the snow-capped mountain peaks—not these, but rather the people that make up the community—these constitute the State. Now, what is the kind and the character of the people living in Alaska?

To that phase of this question do I wish to address myself in the first instance. I want to say, Mr. Chairman, that while I have not had the opportunity to visit this great country of Alaska, as I mean to do, the information that I have has been obtained from a study of the documents and reports and from various other sources. From what information I have been able to gather I am convinced that there live in the Territory that we call Alaska a sufficient number of people with sufficient qualification to entitle them to elect a Territorial legislature. To be sure that I do not overstep the bounds of truth or propriety, I want to rely, so far as possible, upon official authorities. I have before me an address which was made by the Secretary of the Interior before the American Mining Congress at Chicago on October 27, 1911, and, among other very important things that the Secretary said, I find this statement:

At the very outset I wish to express the high opinion I have formed of the remarkably large and fine body of people who have become permanent residents of Alaska.

The Secretary of the Interior was fresh from an investigation of the conditions in that country. He speaks of these people not simply as transients, not simply as wandering miners, not simply as nomads, but he says that he is impressed

simply as nomads, but he says that he is impressed—
by the remarkably large and fine body of people who have become permanent residents of Alaska. While there is unquestionably a considerable floating population of a character which does not add to the real strength or stability of the Territory, there is a substantial percentage of vigorous, law-abiding, law-respecting men and women of the highest type of American citizenship, and I found that they possessed what is perhaps the highest form of moral courage—the ability and the willingness to look at both sides of the questions which affect their interests, and to admit that they are wrong when once convinced that they have been led into a mistake of fact or of opinion. The total population is about 65,000, of which a little less than half are whites. They are entitled to a Territorial government better adapted to their peculiar local conditions and needs.

Mr. Chairman, I submit that statement then from the Secretary of the Interior as evidence that the population of Alaska is not nomadic; it is not shifting; it is not trifling; but it is a population made up of substantial citizens or permanent residents, and, in my judgment, a sufficiently large percentage to entitle the people of that country to a Territorial form of

Mr. WEDEMEYER. Mr. Chairman, will the gentleman permit an interruption?

Mr. WILLIS. Certainly.

Mr. WEDEMEYER. Is it not a fact that the white popula-tion of Alaska is a little more than one-half of the total; or in other words, 56 per cent instead of a little less than one-half?

Mr. WILLIS. That is absolutely true, and I thank the gentleman for the interruption. I will come to the question of population a little later. That is the next point I want to take up—the number of the people. If it could be shown that there are only a comparatively small number of substantial permanent residents, then for one I would be opposed to the granting of a Territorial legislature to Alaska. But I think it can be shown that there is a sufficient number of substantial citizens, and in that connection I invite attention, in the next place, to the hearings which were had before the Committee on Territories, on page 53, wherein is given a table, which I shall insert in the Record, showing the increase in population in the Territory of Alaska in the last five years:

Population of Alaska, 1909 and 1910.

Class.	1000	1910	Decrease.	Increase.
White. Indian Negro Chinese. Japanese. Ali other	30, 493 29, 536 168 3, 116 279	36,347 1 25,331 209 1,209 913 347	4,205 1,907	5,854 41 634
Total	63,592	64, 356		

¹ Includes persons of mixed parentage—that is, of native Indian and Russian or other parentage—as follows: 1900, 2,499; 1910, 3,887 (36,347), 40,347 American citizens.

The gentleman from Michigan [Mr. WEDEMEYER] alluded to the fact-I think it was the gentleman from Michigan, or some one speaking on the bill alluded to the fact, and it is referred to not in the way of criticism at all, but simply as a fact-that when the census was taken 10 years ago from 5,000 to 6,000 people at Nome, or rather not at Nome but in the harbor at Nome on board ships were counted as permanent residents of Alaska. Well, now, the conditions that obtained when the last census was taken were such as to exclude anything of that kind. Consequently if we had the actual facts relative to the census of 1900 and 1910 it would be shown that there was a much larger increase in the white population than even this table shows. But this table shows that in 1900 the white population was 30,000 and in 1910 it was some 36,000, a total increase in the 10 years of 5,854. But it will be said that the total population of Alaska has not increased in the 10 years more than 764. But how does that come? That arises from the fact that the native population has decreased tremendously in the 10 years and also from the fact that the Chinese population has decreased in the 10 years. I want further to make this unquestioned and unquestionable statement of fact, namely, that the percentage of white population of substantial citizenship of the District of Alaska has increased at a fairly reasonable rate. So much, then, for the number. Now let us see about the location of these people. It is said that while there may be a great many there, the Territory is so great that they ought not to have a Territorial legislature, and in that connection I want to insert in the RECORD a table which I take from the third page of the committee's report.

The area and population of Alaska compared with other Territories.

Names of Territories.	Date of			Area in	Density 1,000	
	organization.	Date.	Whites.	Total.	miles.	square miles.
Northwest of Ohio River. Mississippi Indiana Michigan Illinois	July 13,1787 Apr. 7,1798 May 7,1800 Jan, 11,1805 Mar. 1,1809	1800 1800 1810 1810	4,446 4,618 11,501	(1) 7,600 5,641 4,762 12,282	266,000 92,474 228,950 135,955 133,600	18 82 24 35 90
Missouri Wisconsin Oregon Minnesota Utah	June 12,1872 July 3,1836 Aug. 14,1848 Mar. 3,1849	1820 1840 1850 1850	6,938	06,557 30,495 13,294 6,977	861,608 283,137 297,552 169,414	77 107 44 35 50
Washington Dakota Montana Wyoming Alaska	Sept. 9,1850 Mar. 2,1853 Mar. 2,1861 May 26,1864 July 28,1863	1850 1860 1870 1870 1870 1910	11, 330 11, 138 18, 306 8, 725	11,380 11,594 14,181 20,595 9,118 64,356	228, 670 198, 984 318, 005 146, 080 97, 575 590, 884	58 44 140 93 109

1 Less than 5,000 population.

It appears by that table, among other things, that when the Territory of Mississippi was organized the total population was only something like 7,600—I give the even figures—and the population per thousand square miles was only 82. It appears that when Dakota was organized the total population was only some 14,000, or an average to the 1,000 square miles of 44. In other words-

Alaska now has a larger population than 14 Territories had when they were given the elective Territorial legislature and a larger population than 9 States when they were organized and given sovereign constitutional control over legislation within their borders.

The last statement I quote from the report of the committee. As a matter of fact, Mr. Chairman, if it be said that there is not a sufficient population in Alaska to warrant the organization of the Territorial legislature, let it be remembered that in the District of Alaska to-day there are more children in the public schools than there were citizens in the Territory of Mississippi when that Territory was organized; there are more children in the public schools of Alaska to-day than there were people in Indiana Territory when that Territory was organized; there are more children in the schools of Alaska to-day than there were citizens in Dakota when that Territory was organized.

In the face of facts like these it seems to me that it can hardly be said that there is not a sufficient civilized population

Mr. MANN. Is the gentleman able to state to the committee the density of population in the Territory of Mississippi and the other Territories to which he has referred at the time they were organized as Territories, and the density of population in Alaska?

Mr. WILLIS. Yes, sir; I have that in the table. I will give that, but the gentleman will find it on page 3 of the committee's

report.

Mr. MANN. It must be very brief.

Mr. WILLIS. Yes; I will read it. Mississippi had a density of population per 1,000 square miles of 82; for Indiana it was 24; for Dakota it was 44, and for Alaska it is 109.

Mr. MANN. Well, now, does the gentleman mean to say that there are more people to the square mile in Alaska, including the entire Territory of Alaska, than there were to the square mile in Mississippi when that Territory was organized as a Territory? Territory

That is exactly what I mean to say.

Mr. WILLIS. That is exactly what I mean to say.
Mr. MANN. What was the population of Mississippi when admitted?

Mr. WILLIS. The population of Mississippi was 7,600; in Indiana it was 5,641.

Mr. MANN. I had supposed that the area of Alaska was

much greater in proportion than that would indicate.

Mr. WILLIS. The area given here for Mississippi is 92,000 square miles and Indiana 228,000 square miles. Mr. J. M. C. SMITH. What is Alaska?

Mr. WILLIS. The density per 1,000 square miles is 109.

Mr. J. M. C. SMITH. What is the area?

Mr. WILLIS. Five hundred and ninety thousand square

Mr. WEDEMEYER. Does not the confusion with regard to the population relative to area arise from the fact that many, of the Territories had a much larger area than the States now. so named?

Mr. WILLIS. Undoubtedly so. For example, as suggested by my friend from Michigan, here is Missouri, which, when it was organized, had an area of 861,000 square miles and a

density of only 77 per 1,000 square miles.

Mr. MANN. Of course, it was the Territory to which I had In computing the population of Alaska does the gentleman include both the white and the native population?

Mr. WILLIS. The gentleman is not able to answer that, because he took the table in the report. I do not know. I assume, however, if the total population were used in the one case, it was used also in the other. It should have been, as a matter of fairness, undoubtedly.

Mr. MANN. I am not speaking of a matter of fairness. It is simply a question of facts for comparison. I think the population in Alaska includes both, according to the census.

Mr. WICKERSHAM. It does. It included the number given by the census of that year. Whatever was included was the census of that year.

Mr. MANN. And did not include the natives?

Mr. WICKERSHAM. In some instances it did and in some it did not.

Mr. MANN. I know of no instance where it did, because the

census expressly excluded the Indians.

Mr. WILLIS. The computation in that table could be very

easily made.

Mr. MANN. As I understand the gentleman's statement, as a matter of fact, Alaska now with its present population is more densely inhabited than were these Territories, or a large number of the Territories, at the time they were organized?
Mr. WILLIS. That is the argument I am making.

Mr. MANN. Now, the area of Alaska is something over half a million square miles?

Mr. WILLIS. Five hundred and ninety thousand square

Mr. MANN. Is the gentleman able to say what was the size of the largest Territory that was admitted in the United States?
Mr. WILLIS. Yes, sir. It was Missouri, with an area of 861,000 square miles, some 300,000 more than the present limits of Alaska.

Mr. MANN. It embraced how much, do you say? Mr. WHLIS. Missouri took in 861,000 square miles, and Alaska takes in 590,000 square miles.

Mr. MANN.

Mr. MANN. Of course, that was purely theoretical? Mr. WILLIS. Part of Alaska is theoretical—way up in the northern part.

I think that is hardly a fair example.

Mr. WILLIS. It is the only one, I will say to the gentleman, that is larger than Alaska. I looked carefully to find another

Mr. MANN. Well, that was west of the Mississippi River? Well, that was because they included everything

Mr. WILLIS. I will take the Northwest Territory, and the population of that at the time of its organization was below 5,000. The area was 266,000 square miles.

Mr. MANN. And that was populated at various points of the Territory

Mr. WILLIS. The population was pretty well scattered in the Northwest Territory.

Mr. MANN. Of course the gentleman is now speaking of the time of the organization of the Territory. The Northwest Ter-

Mr. WILLIS. No; it was given a legislature in 1799—some time after the passage of the ordinance.

Mr. MANN. The Territory of Ohio was given a legislature; the Territory of Indiana was given a legislature, but they never embraced a large area.

Mr. WILLIS. I do not quite get the gentleman's policy, if Mr. MANN. When Indiana was organized as a Territory, if Mr. MANN Mr. MANN. When Indiana was organized as a conferred in the first instance upon the judges.

Mr. WILLIS. Until they got 5,000 population.

Mr. MANN. Yes; and when it was organized with the legis-

lature the area of the Territory was considerably diminished?

Mr. WILLIS. The gentleman is mistaken there, because if he will look into the history of the Northwest Territory more carefully he will see the Territorial legislature for the Northwest Territory

Mr. MANN. There never was a Territorial legislature, as I understand, for the Northwest Territory.

Mr. WILLIS. Oh, the gentleman is mistaken about that, There was a Territorial legislature for the Northwest Territory, and it met in what is now the State of Ohio in the year 1799.

Mr. MANN. I do not dispute with the gentleman about that. Mr. MANN. I do not dispute with the gentleman drout that Mr. WILLIS. I think my friend is mistaken on the facts. The next year, 1800, a law was passed considerably diminishing the area of the Northwest Territory; in fact, running the pres-

ent boundary line between Ohio and Indiana up through the southern peninsula of Michigan, and all to the east of that line was Northwest Territory; but it is a matter of fact, which I think the gentleman from Illinois [Mr. Mann] will find to be true, that there was a Territorial legislature for the Northwest Territory organized in 1709, and I think he will find a pretty good account of it in Hinsdale's Histoy. There were delegates present there from Kaskaskia and Vincennes and other places. There was a Territorial legislature organized in 1799; but we have drifted away from what I started out to say.

Mr. WICKERSHAM. Let me call the attention of the gentleman to Bulletin 126, issued by the Geological Survey, on the boundaries of the United States and of the several States and Territories, with an outline of the history of all important changes of territory. That bulletin has been issued by the Government, and contains all the items about which the gentleman from Ohio is talking now. All of the maps of these various Territories and the changes in the boundaries are given there.

Mr. MANN. I will say to the gentleman that there is a great deal of information included between the covers of a great many volumes. What we want to know is to know the information here and now.

Mr. WICKERSHAM. I think "the gentleman" is giving it

Mr. MANN. He is, and I am much obliged to the gentleman for the reference.

Now, Mr. Chairman, let me take up the mat-Mr. WILLIS. ter that we drifted away from. The gentleman from Illinois [Mr. Mann] very properly asked about the size of the other Territories when they were organized and given legislatures. Here are some figures. Here is Utah, which, when organized, had an area in square miles of 228,000, Oregon had 297,000, Dakota had 318,000, and then, on the following page of the committee report, is found the statement of the comparative areas of some of the British Provinces—I mean the Canadian Provinces of British North America-and inasmuch as they are situated somewhat similarly to Alaska, I think these facts might be of interest.

Area and population of Canadian Provinces

Provinces.	Area.	Population,
Alberta. British Columbia. Manitoba. New Brunswick Nova Scotia Ontario. Prince Edward Island. Quebec. Saskatchewan. Yukon Territory.	Sq. miles. 253, 540 357, 600 73, 732 27, 985 21, 423 260, 862 2, 184 351, 873 250, 650 207, 076	72,84 178,65 255,21 331,12 459,57 2,182,94 103,25 1,648,89 91,40 27,216

The lieutenant governors of the several Provinces are appointed by the Federal Government for a term of five years. The legislatures are elected by the people of each Province.

For example, here is Alberta, with 253,000 square miles of area; and British Columbia, with an area of 357,000 square miles; and Saskatchewan, with an area of 250,000 square miles. and so on.

In other words, I think that a dispassionate examination of the facts will convince one that the area of Alaska is not disproportionately large when you consider the history and the facts accompanying the organization of territories heretofore in our history. That is the conclusion that I have reached.

Now, then, here is another thing: The gentleman from Illinois [Mr. Mann] very properly suggested, in speaking of the Northwest Territory, "But the population there was pretty generally scattered throughout the territory." That is an important thing to be considered. If it could be shown that substantially all the people of Alaska live in one place it would be a good argument against the organization of a Territorial legislature

I invite the attention of members of the committee to the A great many have the idea that the population of Alaska is largely confined to southeastern Alaska. This map shows clearly that such is not the case. This map shows the four judicial subdivisions. You might call them the four judicial districts into which Alaska is divided. You will observe that the population down here [indicating] in southeastern Alaska, the first judicial subdivision, is 15,200. Over here is the third subdivision, which is the largest now and which, in my judgment, is bound to be the largest hereafter, for the possibilities of development in this subdivision are vastly greater than elsewhere. Here the population is 20,000. Up here in the fourth subdivision the population is 16,000, and away up here Al

in this country [indicating], where it is supposed that nobody at all lives, we find a population of 12,000. Now, I submit that that indicates that the population is fairly distributed over the Territory—15,000 here, 20,000 here, 16,000 here, and 12,000 there. The same facts are more clearly shown by the following table, which is taken from the official report of the Bureau of the Consert 1010 and shown have presented in the consertation. the Census, 1910, and shows how nearly evenly the population is divided between the four judicial districts into which Congress has divided Alaska:

> Population of subdivisions of Alaska in 1910. RECORDER'S DISTRICT, 1910.

Council City district	aska (the population of Alaska in 1900 was 63,592, and in 1890, 32,052; from 1900 to 1910 the increase was 764, or 1.2 per cent, and from 1890 to 1900 it was 31,540, or 98.4 per cent)	64, 356
Cape Nome district 3, 92 Council City district 54 Fairhaven district 54 Kougarok district 2 Kuskokwim district (part of) 2, 20 Total for Kuskokwim district in judicial districts 2, 3, and 4 2, 26 Port Clarence district 1, 00 St. Michael district (part of) 2, 25 St. Michael district (part of) 1, 12 Total for St. Michael district in judicial districts 2 and 4 2, 25 Second judicial district 12, 35 Aleutian Islands district 12, 35 Aleutian Islands district 4, 50 Cook Inlet district 57 Coper Center district 57 Cordova district 1, 77 Illamna district 2 Kenai district 2 Kodiak district 2, 44 Kuskokwim district (part of) 1 I For total, see judicial district 2.] 1 Nabesna district 2, 44 Kuskokwim district 36 Circle district 54 Fairhanks district	Juneau district Ketchikan district Sitka district Skagway district Wrangell district	5, 854 3, 520 2, 210 1, 980 1, 652
Cape Nome district	First judicial district	15, 216
Aleutian Islands district	Cape Nome district Council City district Fairhaven district Kougarok district Kuskokwim district (part of)	3, 924 686 543 308 2, 201
Bristol Bay district	Second judicial district	12, 351
Chandalar district 36 Circle district 79 Eagle district 54 Fairhanks district 7, 67 Fort Gibbon district 85 Fortymile district 37 Hot Springs district 37 Kantishna district 45 Kuskokwim district 45 Kuskokwim district (part of) 49 [For total, see judicial district 2.] 32 Mount McKinley district 28 Nulato district 78 Ophir district 78 Otter district 1, 23	Aleutian Islands district Bristol Bay district Cook Inlet district Copper Center district Cordova district Illamna district Kayak district Kenai district Kodlak district Kuskokwim district Kuskokwim district Kuskokwim district Kuskokwim district Kuskokwim district Kuskokwim district	1, 083 4, 502 677 553 1, 770 271 623 1, 692 2, 448 10
Fairbanks district	Third judicial district	20, 078
	Fairbanks district Fortymile district Fortymile district Hot Springs district Kantishna district Koyukuk district Kuskokwim district (For total, see judicial district 2.] Mount McKinley district Nulato district Ophir district Ophir district Otter district St. Michael district (part of) [For total, see judicial district 2.]	7, 675 858 841 872 68 455 491 232 785 562 1, 234 370 1, 128
Fourth judicial district	Fourth judicial district	16, 711

The CHAIRMAN. Does the gentleman from Ohio yield to

the gentleman from Illinois?

Mr. WILLIS. Certainly.
Mr. MANN. Will the gentleman give us, in that connection, the native population and the white population in the different

Mr. WILLIS. I could not give that just at this moment. It would be suggestive and interesting information. Perhaps the Delegate could give that. I wonder if that could be obtained.

Mr. WICKERSHAM. I do not know about that.

Mr. WILLIS. I should like to have it. Mr. BOWMAN. I figured out that the white population was 61 to each thousand square miles, taking the entire area.

Mr. MANN. I take it that the population in the extreme northwestern division is mainly native.

Mr. WILLIS. That takes in the Nome district?
Mr. MANN. Yes.
Mr. WILLIS. I do not think the committee in its investigations got any facts before it to show the proportion of native and white population in the four subdivisions.

Mr. FLOOD of Virginia. No, it did not.

Mr. WILLIS. It would be interesting to obtain that in-

formation.

Mr. MOORE of Pennsylvania. Did the gentleman state the population per square mile in Alaska?

Mr. WILLIS. I stated it per thousand square miles. It is 109 per thousand square miles.
Mr. MOORE of Pennsylvania. The gentleman does not have

the figures per square mile?

Mr. WILLIS. It is a simple matter of arithmetic to compute that. It is 100 per thousand square miles.

The CHAIRMAN. The time of the gentleman from Ohio has expired.

Mr. WEDEMEYER. I yield to the gentleman 20 minutes more time.

Mr. MOORE of Pennsylvania. Has the gentleman the figures showing the population per square mile for the whole United States?

Mr. WILLIS. No; I have not that.

Mr. MOORE of Pennsylvania. It is about 33 per square

mile, is it not, at the present time?

Mr. WILLIS. I do not know. I have not computed that. I do not want the gentleman to get the wrong idea, however, from this statement I have made about the population of Alaska being 109 per thousand square miles. The figures I gave as to the other Territories when they were admitted was per thousand square miles, and they show that the relative density of population in Alaska is greater than that of any other Territory appearing on the list, with the single exception of Montana, which at the time it was admitted had a population of 140 per thousand square miles.

The figures for each of these districts in Alaska show that the population is fairly well distributed through the Territory.

Now, there is another way to find out whether this population is distributed throughout the four subdivisions. That is to see the amount of business that is transacted in each subdivision.

In this connection I refer to the report of the governor of Alaska, at page 45. This is in answer to the question of the gentleman from Illinois [Mr. Mann], I think. As I explained a moment ago, this map shows the population in the different sections. Now I cite here the report made by the governor of Alaska for the past year, which, at page 45, contains a statement of the amount of business transacted:

Comparative statement showing value of the merchandise shipped from

the Office States to the different divisions of Aldaka.					
Divisions.	1906	1907	1908	1909	1910
Southeastern Alaska. Southern Alaska Bering Sea, etc	\$4,451,203 3,205,913 6,051,185	\$4,848,490 4,566,920 4,293,943	\$4,722,144 3,731,914 3,317,571	\$4,719,664 5,554,156 4,040,375	\$5,357,697 4,659,598 4,272,053
St. Michael and Yu- kon River	4,659,844	3,564,591	3, 294, 689	4,609,692	3,627,735
Total	18,368,145	17, 273, 944	15,066,318	18,923,887	17,917,083

This is a comparative statement showing the value of the merchandise shipped from the United States to the different divisions of Alaska. Of course, in a matter of this kind you can not hope for mathematical accuracy, but I submit that if it can be shown that year after year substantially the same amount of merchandise, of substantially the same character, is shipped to these various subdivisions it would indicate that there is a fair distribution of population.

I find that in the year 1910 the amount of merchandise shipped from the United States to southeastern Alaska, subdivision 1, was \$5,300,000 worth. Please remember these figures so you can compare them. Into the third subdivision the amount shipped was \$4,600,000, substantially the same. Into the second subdivision it was \$4,200,000, and into the northernmost subdivision it was \$3,600,000. In other words, this shows, approximately, not only that there are substantially the same number of people in each of these different subdivisions, but there is substantially the same amount of business transacted. That would not prove conclusively, of course, but would indicate that they are substantially the same kind of people. The point I want to make is that when you think of Alaska you are not to think of a great group of savages in one section and a few white people settled in a small area in another. The population is fairly well distributed over the Territory.

Now, I want to take up another matter, viz, the kind of schools they have. If you can show me a District, a Territory, or a State where they have good schools, good school buildings, where there is an active educational sentiment, where the children are attending the schools, that indicates that in that District or Territory or State a pretty high standard of citizen-ship and civilization obtains. Now, that is the case in Alaska. They have their schools; they have their churches, and those

schools and churches are well attended.

Then last, but not least, they have their newspapers, and that surely ought to satisfy any man who is inclined to be a doubting

Thomas that they are civilized up there.

I took the pains to hunt up, in the report of the governor, the number of newspapers. It was stated by the gentleman from Alaska as 25. I have them here, with their names, and I think he counted them correctly. I notice that there are two or three daily papers in the list, and the rest of them are weekly, spelled w-e-e-k, and not w-e-a-k. I have read a number of these newspapers, and they are well gotten up, well edited, full of spirit, and come from all sections of the Territory. To prove that, here is the Cordova Alaskan, the Alaska Citizen up here at Fairbanks in subdivision 4, the Haines Pioneer Press way down here, and the Wrangell Sentinel in the southern section, and the Nome Daily Nugget in the northwest. These papers, or nearly all of them, I have personally examined, and they are scattered all over the Territory. All these things tend to show that this population is progressive, up-to-date, and fairly well distributed over this whole Territory.

I have already shown that the population per square mile is greater than it was in the organization of any other Territory have mentioned, with the single exception of Montana. If I have been able to show that, and that the population is well distributed, it seems to me that I have made out a prima facie case for the organization of a legislature in that Territory.

The gentleman from Kansas [Mr. Campbell] asked a question of the gentleman from Virginia [Mr. Flood]. He wanted to know about the towns. I have a table showing the important towns and population, when organized, and all about I will insert it in the RECORD.

Date of settlement of towns in Alaska and their population.

. Towns.	Date settled.	Popula- tion,
Unalaska. Sitka Kodlak. St.Michnels. Wrangelf. Juneau Doughal. Skrgway Ketchikan. Haines Valdez. Eagle. Nome. Rampart. Petersburg. Seward. Fairbanls. Chena. Ellamar. Fort Globon. Cordova.	1804 1804 1804 1830 1830 1834 1898 1898 1898 1898 1898 1898 1990 1900 190	400 400 400 500 1, 644 2, 944 1, 200 1, 500 2, 600 400 500 3, 500 400 600 1, 152 2, 152 2, 152 2, 152 2, 152 2, 152 4, 15

1 Including Treadwell.

So I think I have shown, Mr. Chairman, that we have in Alaska a population sufficiently great, sufficiently intelligent, sufficiently patriotic, sufficiently active in business, sufficiently distributed, to entitle that District to a Territorial legislaure.

Now, there is another thing. I did not mean to put aside with a wave of the hand the discussion of the topic of the wealth of Alaska. That is an important consideration and is the foundation upon which a civilization will have to be built, if it is built. I call attention to the report of the governor of Alaska, I find there a statement which I shall ask permission to put in the Record, but will only read a part of it, showing something of the tremendous productive power of the Territory for the past year:

Value of domestic merchandise and gold and silver shipped from Alaska to the United States.

Articles.	1903	1909	1910
Copper ore and matte	\$502,448	\$205, 551	\$230,737
All other dried, smoked, or cured. Salmon, canned. Salmon, all other, fresh or cured. Fish guano. Fish and whale oil Furs. Gypsum Marble. Tin ore and concentrates. Whalebone. Other merehandise. Gold and silver.	400,708 9,292,952 438,367 42,177 92,589 488,728 84,025 50,256 7,067 191,062 674,873 18,044,533	458, 795 10, 424, 811 466, 722 51, 212 141, 522 758, 160 114, 585 45, 982 8, 200 140, 770 590, 860 18, 278, 962	440,015 10,418,503 487,801 54,377 185,281 468,223 151,500 17,786 6,750 113,772 1,116,612 15,195,954
Total	30, 299, 788	31, 686, 112	28,886,900

Gold and silver shipped to the United States, by distribunks and Tanana Valley Nome and Seward Peninsula Southeastern Alaska Valdez and Copper River Iditarod Various	\$6, 333, 774 3, 699, 674
Total	15, 195, 954

Alaska sent to this country \$230,000 worth of copper; canned salmon, \$10,000,000; fish guano, \$54,000; salmon and all other fresh or cured fish, \$487,000; gold and silver, \$15,000,000; making a total for the year of \$28,000,000.

Now, Mr. Chairman, not only that, there are tremendous resources in Alaska absolutely untouched. Under the policy we have had heretofore it is not feasible, it is not sensible, to tie up absolutely the resources of Alaska so that we have a situation whereby, with an abundance of coal cropping out of the mountains almost in sight, the people of Alaska have had to buy coal not simply from British Columbia, but from Wales. Within the past year thousands of tons of coal have been shipped away around the Horn from the coal mines of Wales and sold up yonder in Alaska, where you have one of the greatest coal fields in the world. That is a condition that can not

remain permanently.

Mr. CANNON. But are we not keeping it for posterity?

Mr. WILLIS. That is a question I should not like to go into at this time with my friend from Illinois [Mr. CANNON].

In other words, Alaska has tremendous wealth, and while it is undeveloped as yet in large part, there is a tremendous amount of wealth flowing from that district to the United States. As I have indicated, an annual trade of \$55,000,000—equal to that of Hawaii or of Porto Rico; vastly greater than our trade with the Philippines or with China. All this money comes into the United States. The point I am making is that Alaska has not only a business future, but a business present. There is now a tremendous amount of trade carried on. That is from the report of the Government. Then let us take the hearings of the committee. At page 42 of those hearings I find some other information to which I wish to call attention, indicating the wealth of that country, not taking time to read all of the table:

Growth of Alaska's output of gold and fish.

Years.	Gold output.	Fish output.	Total.
1900. 1901. 1902. 1903. 1904. 1905. 1906. 1907. 1908. 1909.	\$8,166,000 6,932,700 8,283,400 8,683,600 9,160,000 15,630,000 22,036,794 19,340,743 19,100,000 19,778,962	\$6,219,887 6,926,167 8,667,673 10,289,635 7,735,782 6,563,655 9,071,090 10,160,183 11,181,388 11,847,443	\$14,385,887 13,858,867 16,951,073 18,973,235 16,895,782 22,193,655 31,107,884 29,509,926 30,960,350 30,947,443
Total	137, 121, 199	88, 662, 903	225, 784, 103

I merely call attention to this fact, that in the year 1909 the gold output coming into this country from Alaska was \$19,-000,000 and the fish output \$11,000,000, and in the 10 years from 1900 to 1909 the total gold output was \$137,000,000 and the total fish output \$88,000,000, a total of \$225,000,000 for 10 years. In other words, this is not a desert up there; it is not a country with a few miners wandering about over it and a few gamblers, but this is a country that is contributing now tremendously to the commerce of this country, a country that is peopled with a substantial business people. Again, on page 47 of the hearings is another statement that I wish to insert, showing the comparative resources of the country and the value of the commerce of Alaska as compared with Porto Rico and Hawaii:

A comparison of the per capita trade value of Alaska's population with that of Hawaii, Porto Rico, and the Philippine Islands is an instructive one.

27auc van	e per capita		
Territories.	Total trade 1909.	Population.	Per capita value,
Alaska Do Hawaii Porto Rico, Philippines	\$52, 109, 999 52, 109, 999 60, 529, 466 52, 152, 230 27, 335, 857	1.40,000 2.65,000 218,000 1,075,000 8,282,000	\$1,302.75 801.69 277.65 48.51 3.30

1 Whites. 2 Total.

The trade value of Alaska's population is based upon an estimated total population of 65,000 and an estimated total white population of 40,000. Upon that estimate each white man, woman, and child in Alaska is worth, in trade value, \$1,302.75; but when all the Indians and Eskimos, men, women, and children, are added it lowers the per

capita value to \$801.69. A white man in Alaska is worth 4.6 Hawaitans, 27 Porto Ricans, or 394 Filipinos in trade value. Add to that the value which comes from a permanent and growing trade in Alaska and you have a fair view of the comparative value of Alaska's trade to the United States. Why not help them develop it?

The per capita value of the Alaskan citizen, counting all of them now, not simply the white citizens, but all of them, is \$801 in trade; of Hawaii, \$277; Porto Rico, \$48; and the Philippines, \$3.30. I am not making these statements with the idea of making any invidious comparison as related to these other dependencies or Territories, but to prove that Alaska commercially is of tremendous importance and worthy of our most careful consideration.

I wish I had time, but I have not, to go into the coal question in Alaska. I differ with some in that respect. I do not think there is the vast amount of coal in Alaska that a great many people seem to think there is. I have examined pretty carefully the report here of the Geological Survey—the Geology and Coal Felds of the Lower Matanuska Valley. I have read a good deal of that, and also a document issued by the Bureau of Mines entitled "The Alaskan Coal Problem," by Secretary Fisher.

I do not think there is such a tremendous amount of coal there. As I indicated in my remarks earlier there are valuable coal fields, and I shall point them out on the map. The Bering River coal field is right here, and that is probably 50 square miles in extent, and then farther north is the Matanuska Valley, the Matanuska coal field, some 74 square miles in extent. tered about here there are various areas of lignite, and all that sort of thing, but those are the two important coal fields of Alaska.

Mr. FITZGERALD. How much coal is there? Mr. WILLIS. All I know is the number of square miles—50 in one and 74 in the other.

Mr. FITZGERALD. How many tons?

Mr. WILLIS. Oh, I have not gone into that, and I do not think anybody knows.

Mr. FITZGERALD. A very considerable amount?

Mr. WILLIS. Oh, yes; undoubtedly so; a very considerable amount.

Mr. RAKER. Is that all in public ownership yet? Mr. WILLIS. Yes; substantially all. My understanding is that some of the Bering River coal fields were mixed up with the famous Cunningham claims, and probably he knows as much about that as I do, and perhaps more; but there is enough coal there. Mr. Chairman, to warrant us in saying that there is an immense business future for Alaska. If we can get a few of these questions settled, if we can give to the people a stable and substantial government, I think the future for Alaska is bright and radiant and rosy.

Mr. LAFFERTY. Has the title to any of these coal fields

passed into private ownership?

Mr. WILLIS. The gentleman from California just asked that question.

Mr. WICKERSHAM. No; it has not.

Mr. WILLIS. I know it has not in the Matanuska field.

Mr. WICKERSHAM. Not one foot.

Mr. LAFFERTY. Would it be a proper subject of legislation for the gentleman's committee to report at this session, providing for the proper disposition of these coal fields or their

operation by the Government?

Mr. WILLIS. I will say that the committee now has under consideration, and I think perhaps has already reported favor-

ably, a mining bill that will help some.

Mr. WICKERSHAM. And the coal matter, I think, is before the Committee on Public Lands.

Mr. WILLIS. And properly so. Mr. LAFFERTY. That information is very gratifying to the people of the West.

Mr. WILLIS. Now, there is another item-Mr. WEDEMEYER. Will the gentleman yield.

Mr. WILLIS. If the gentleman will yield me more time.

Mr. WEDEMEYER, I will yield the gentleman 10 minutes additional.

Mr. WILLIS. I may not need it.
Mr. WEDEMEYER. Would the gentleman from Ohio permit
me to interpolate here in answer to the question of the gentleman from Oregon something that may be of interest. This is from the proceedings of the fourteenth annual convention of the American Mining Congress and from an address delivered by Mr. George E. Baldwin, of Valdez, Alaska, in which he makes this statement. I know nothing about it in detail except I was struck by the statement and perhaps it will answer the question of the gentleman. Mr. Baldwin, in this paper read before the American Mining Congress, says:

Mr. WILLIS. I thank my friend from Michigan. Now, Mr. Chairman, I want to call attention to something upon which but little has been said and that is the agricultural possibilities and probabilities, and, may I say, certainties of this country, and I am not talking up in the air now. I will quote from the report of the governor of Alaska, beginning at page 14:

AGRICULTURE.

am not talking up in the air now. I will quote from the report of the governor of Alaska, beginning at page 14:

AGRICUTURE.

There has been so much discussion in very recent years about what has been termed the "possibilities of agriculture" in Alaska that a wire statement of the several phases of this discussion may be useful. The possibilities of agriculture were admitted by only a few persons—even of those familiar with local conditions—10 or 12 years ago. There were many who disbelieved them who have themselves recently demonstrated the feasibility of raising garden crops and even some of the several phases of this discussion may be useful. The Territory, even in some of the settlements north of the Arctic Circle. At present no doubt is expressed by anybody in Alaska as to the "possibilities of agriculture," and the local pride of residents everywhere in their gardens and small farms is one of the significant facts impressed upon the minds of visitors from the States. The general discussion of the subject at this time has narrowed down to the question, not of the subject at this time has narrowed down to the question not of the subject at this time has narrowed down to the question not of the subject at this time has narrowed down to the question not of the subject at this time has narrowed down to the question not of the subject at this time has narrowed down to the question not of the subject at this time has narrowed down to the question not of the subject at this time has narrowed down to the question of the subject at the subject of the subject

The luxuriant growth of grasses in the great territory surrounding Cook Inlet, as well as in other favored regions where the winter climate is comparatively mild, induces the belief that stock raising will eventually become a profitable industry. Although products of the soil may never enter into the export trade of Alaska to any considerable extent, the same is not to be said of beef and mutton. The grazing areas are of large extent, and in several localities cattle and even horses, having been left at the end of the working season to shift for themselves, have survived the winter without artificial shelter. Grasses and all the other forms of plant life common to the northern temperate zone grow with great rapidity in Alaska. In the interior valleys, in the vicinity of former mining or construction camps, are commonly seen scattered patches of timothy, which sprung years ago from the seed of hay brought from the States for horse feed, the roots of which have never been winterkilled. White clover grows wild everywhere in the Territory south of the Arctic Circle.

With stock raising as with agriculture in Alaska, the question is not one of adaptability, but simply of the time when the land shall be needed and markets made available.

He goes on to say further that the experiment station does

He goes on to say further that the experiment station does not need to be continued in order to determine the question of whether it is possible to raise these great standard crops of barley, oats, and potatoes, and to raise them successfully, even Less than two-hundredths of 1 per cent of the land of Alaska is in private ownership, more than ninety-nine and ninety-eight one-hundredths are still in the public domain, and I ask you, in all candor, etc.

was he to look upon, as he showed in his garden a fine crop of potatoes and flowers. Up in that country they have all the accompaniments of agricultural prosperity.

Mr. CANNON. Will the gentleman allow me?
Mr. WILLIS. Certainly.
Mr. CANNON. I was at that experiment station in Sitka the year of the Portland Exposition. I went around and saw the house in which the superintendent lived, and I went over and saw the farm, or the alleged farm. Now, I am not prepared to dispute they have made some experiments, but I would not give one acre of Missouri soil for production or half an acre of Illinois soil for everything I saw on that experiment farm.

Mr. WICKERSHAM. I will say that is true on the coast, but in the great interior, in this immense portion which the gentle-

man sees here on the map, it is quite different.

Mr. CANNON. The gentleman may be correct, and I hope

he is.

Mr. WILLIS. I want to call the attention of the gentleman from Illinois to the fact that the best agricultural land is not down in here [indicating on map] at all, but up here in this country, the Tanana Valley, and that is where the great possibilities of agriculture are. It seems to me pretty well established that Alaska has a great future agriculturally. Secretary Fisher says of it:

I found Alaska a country of wonderful scenic beauty, which in itself will in future years be one of its greatest financial assets. From all the information I could gather, I believe it to be a country of great mineral and agricultural possibilities; indeed, I should go further and say a country of great mineral and agricultural probabilities, needing development, ready for development, and inviting development, but held back chiefly by inadequate transportation facilities and inadequate laws.

I shall insert in the RECORD, with the permission of the gentleman from Alaska, some of his private correspondence, a letter that he has from Mr. William Young stating what sort of a time he has had with his farm products the past year. It is a typical farmer's letter, telling what he raised, how successful he was with his different crops, and to me it is tremendously interest-ing. He goes on to tell how much cabbage he raised and how many beets and how many hogs, and all that sort of thing. shall insert that in the RECORD, with the permission of the committee:

[Letter of Mr. William Young, of Fairbanks, Alaska, showing the agricultural possibilities of the Tanana Valley of Alaska,] FAIRBANKS, ALASKA, November 8, 1909.

. James Wickersham. Delegate to Congress, Fairbanks, Alaska.

Hon. James Wickersham.

Delegate to Congress, Fairbanks, Alaska.

My Dean Judge: In answer to your suggestion that I write you a letter about my farming operations, I take pleasure in doing so. When you and Mr. Joshin and Mr. Birch and Mr. White were at my place last fall I had not begun to take in my crops, but since then I have done so. I had 3 acres of potatoes, and they yielded me 18 tons, and the market price was \$120 per ton, for which I sold most of them. I had I acre of beets, on which I had a crop of 8 tons: 2 acres of carrots, which yielded me 7½ tons, with a market price of \$140 per ton; 1 acre of turnips, from which I gathered 200 sacks of 80 pounds to the sack, or 8 tons, at \$80 per ton. I had 2½ tons of rutabagas upon one-fourth of an acre of ground, for which the market price was \$100 per ton. I had 1 ton of red beets on one-quarter of an acre of ground, at \$140 per ton. I had 15 acres of barley, which I cut and sold for hay. I had 3½ tons, which I sold for \$75 per ton, and still have enough left to fill my barn chuck full for my own use for the winter. I raised 2 tons of cabbages, which I put away for the winter, besides which I sold between 3½ and 4 tons during the summer at an average selling price of \$140 per ton.

I raised 20 sucking pigs, also 13 pigs which weighed about 100 pounds each, and 23 big hogs. I sold 5 of my hogs to the butcher for \$60 each. This fall I put in 6 acres of winter wheat, barley, and oats, and all kinds of garden vergetables, and I never saw a better stand of wheat anywhere. I have raised good winter wheat, barley, and oats, and all kinds of garden vergetables, and in my judgment, as a farmer of more than 30 years' experience, the Tanana Valley is a first-class agricultural country.

My farm is near the river and is perfectly level. The soil is a sandy loam and is very rich, made up of sediment and silt and sand brought down by the river in ages gone by. The Tanana Valley in the North so wide and rich and variable for agricultural purposes as the Tanana Valley.

I ha

The gentleman from New York [Mr. SULZER] pointed out that down here about Cook Inlet it is entirely possible, and not a mere matter of possibility, but a fact, that live stock can graze out of doors the year around without one single penny being expended for shelter or food.

We think of Alaska as a great country of glaciers. It is a country of tremendous possibilities and probabilities. Now, in the minute or two that I have I want to say that to me, after all, these things that I have spoken of are only an incident. I believe that the future theater of the world's activity is to be the

Pacific. I am tremendously proud of the fact that this great Republic of ours occupies the position of advantage. We are going to finish the Panama Canal, and finish it on time. Just let me say in passing, that when we get the Panama Caual finished we will have enough extra railroad iron and enough locomotives and flat cars to build a railroad from Resurrection Bay to Fairbanks, and, in my judgment, we ought to do it. But that is neither here nor there. Hawaii is already a part of our country. It does not show on this map, but it is the most important position of strategy in the whole Pacific. We have the western coast of the mainland of the United States. Whatever shall be the future of the Philippines; I presume there is not anybody so unpatriotic as to suppose that the Philippines could ever be given up for any purpose without reserving to this Republic an important coaling station there.

And then it seems to me that I can see in the near future the great populations of the earth circling as they are about the Pacific, there the millions of the Japanese and the Chinese and here the teeming millions of our own West, ourselves controlling the Panama Canal, and these points here [indicating], Resurrection Bay or Valdez, the best harbors in the world, and almost on the direct line of transit between Seattle and Japan, on the great circle route. It seems to me, gentlemen, it is of tremendous importance that we shall do something for Alaska; that we shall make it possible for this Territory to develop. I look to see the time when the population of Alaska will not be 60,000, but will be 600,000 [applause] and perhaps 6,000,000. And I say to you, gentlemen, that the best way to make possible the development of this magnificent and almost untouched empire is to pass this bill.

And another thing that ought not to be forgotten that will

come with the increase of the power of this Republic on the Pacific is its mighty influence for peace; this Government has

its hands raised not to strike, but in benediction. The greatest power on this earth for peace is the United States of America.

[Applause.]

For I dipt into the future, far as human eye could see, Saw the vision of the world and all the wonder that would be; Saw the beavens fill with commerce, argosles of magic sails, Pilots of the purple twilight, dropping down with costly bales; Heard the heavens fill with shouting, and there rained a ghastly dew From the nations' airy navies grappling in the central blue; Far along the world-wide whisper of the south wind rushing warm, With the standards of the people's plunging thro' the thunderstorm; Till the war drum throbb'd no longer and the battle flags were furl'd, in the parliament of man, the federation of the world.

The best thing to do to make that possible is to develop Alaska, and the best way to develop Alaska is to pass this bill. [Loud applause.]

Mr. FLOOD of Virginia. Mr. Chairman, I yield to the gentleman from Indiana [Mr. Adam].

Mr. ADAIR. Mr. Chairman, during my six years of service in this body I have sought and taken advantage of every opportunity to use both my voice and vote in support of legislation that would promote and advance the interests of the American farmer. Believing, as I do, that the prosperity of the country depends almost entirely upon the success of the farmer, I have felt it my duty to support all legislation that would tend to build up and make more profitable the business in which he is engaged.

Mr. Chairman, I am here representing a large agricultural district, whose farmers are intelligent, industrious, progressive, and successful. We know out in Indiana that their success means the success of the merchant, the manufacturer, the banker, the lawyer, the doctor, the laborer, and the mechanic, While I am not a farmer myself, all the business I have depends upon the farmer, and if his business is not profitable, my business is likewise unprofitable. The fact is, agriculture is the foundation of all prosperity. It has built up and maintained our great manufacturing industries. It has made possible our beautiful and opulent cities bound together with bands of steel. It has furnished the wealth that has opened up and beautified, no matter how obscure, every hole and corner of this vast universe. You may burn down and destroy our splendid cities, and the wealth of the farm will rebuild them more beautiful than before; but destroy our farms and our cities will decay and our people will starve.

Mr. Chairman, appreciating these facts as I do, I have stood upon this floor during the past six years advocating measures that in my judgment would tend to make better the conditions of the men who live upon the farm, and by whose toil our entire population is fed, and upon whose welfare and prosperity the country depends. I have been pleased to watch the growth of the Agricultural Department here in Washington. No department of this Government has done so much of genuine benefit to the country as a whole as has this department.

I have voted for and favored the strictest economy in the administration of governmental affairs, I have never yet, and will never, vote to lower the appropriations for agricultural purposes. Each year since I became a Member I have helped to increase the appropriations for the use of the Department of Agriculture in order that its efficiency may be improved and its

power for good increased.

Now, Mr. Chairman, I am going to ask this House to go further in its effort to further the interests of the American farmer by passing House bill No. 22871, a bill providing for the establishment of agricultural-extension departments in connection with agricultural colleges in the several States, which bill has been favorably reported by the Committee on Agriculture, and if enacted into law will, in my judgment, be of inestimable value to the agriculturists of the country. It is stated in the very able report of the committee that the object of the bill is to establish agricultural-extension departments under the direction of the land-grant colleges of the several States to aid in carrying to the people useful and practical information on subjects relating to agriculture and home economies through field instruction,

demonstrations, publications, and otherwise.

The Federal Government has committed itself emphatically and irrevocably to the policy of appropriating money to aid in the encouragement, development, and preservation of agriculture, both in the maintenance of its most efficient Department of Agriculture, and through a series of legislative enactments endowing agricultural colleges and establishing agricultural experiment stations in the several States. Thus agriculture has been recognized as of supreme importance to the Nation, and is so recognized by every thoughtful student of present economic

conditions.

Liberal as we have been toward our agriculture, the fact remains that this Government expends less money for its encouragement and development, in proportion to its population and the extent of its agricultural area, than any nation of Europe, with the possible exception of Spain. It was recently pointed out in a reliable farm journal that less than 1 per cent of the annual total appropriations of the Government is expended for the purpose of aiding agriculture—a most significant statement when agriculture is unquestionably the basic industry upon which is builded every other industry and upon which is depended the real prosperity of the Nation.

The enactment of the first Morrill Act-

for the endowment, support, and maintenance of at least one college where the leading object shall be * * * to teach such branches of learning as are related to agriculture and the mechanic arts—

was epochal, being the first serious national effort to aid agriculture in a practical way. As a result of this encouragement and Federal recognition, every State has a well-equipped agricultural and mechanical college training its young men to solve agricultural and industrial problems.

It was soon discovered that their peculiar difficulty lay in lack of sufficient, definite, and exact scientific information. Realization of this insufficiency became so manifest and so insistent that the Hatch Act, establishing agricultural experiment stations, "to promote scientific investigation and experiment respecting the principles and applications of agricultural science," was enacted 25 years after the land-grant colleges were authorized. Under this act agricultural experiment stations, devoting their energies to gathering scientific truths and exploding harmful fallacies touching agriculture, have been established in each of the States.

When it is remembered that only a very small per cent of the people can enjoy the benefits of these institutions, it is evident that the system of Federal aid to agriculture is yet incomplete. "The colleges deal with ideas; the stations with facts. The colleges teach theories of agriculture; the stations prove good theories and disprove bad ones." The stations gather facts of practical and scientific nature; the colleges disseminate these facts, but only to limited numbers in proportion to the total

rural population.

The committee believes that this bill is the next logical, necessary step to give this country the most comprehensive system of governmental aid to agriculture in the world. The central idea of the bill is to bring the farmer, upon the farm, this informa-tion, these scientific truths, and these better methods of agri-culture which the colleges and stations have been and are gathering. Past legislation has resulted in the accumulation of valuable agricultural information; this bill proposes to disseminate it in the most practical and far-reaching manner.

Objections can not be urged to the bill on the theory that it proposes to commit the Government to a new and untried policy. It seeks only to give fuller force and more complete effect to the agencies already created by congressional action. Thirty-four States are now supporting, through their agricul-

tural colleges, some kind of agricultural extension departments: but, as urged before the committee, the moral effect of the aid of the Federal Government upon this line of work will be of incalculable value in further extending and promoting it.

The bill has received the most emphatic indorsement of the leading agricultural thinkers of the country, the rural press, influential business associations, and agricultural organizations.

The principle of agricultural extension work, through field instruction and demonstrations, is recognized by every leading country of Europe, including the British Empire, Austria, Bulgaria, Denmark, France, Hungary, Italy, Holland, Germany, Russia, and Belgium.

It is a significant fact that 25 years ago the agriculture of Belgium was in a most deplorable and discouraging condition. The wise men of the nation, seeking a remedy for this situation, established a system of extension work in agriculture, such as proposed in this bill, which in this brief period has completely revolutionized this foundation of all industries and governments, and has placed Belgium in the front rank of agricultural nations.

It is likewise significant, as pointed out by authorities in agricultural work, that the farmers of Europe are producing two and one-half to three times as much per acre as American farmers, and this in the face of the fact that European lands have been under cultivation for many centuries and were per-

haps originally not so fertile as ours.

Fortunately, the conditions of Belgium, before the establishment of agricultural extension departments, as yet have not come entirely upon our country, but the committee is not unmindful of the striking similarity in tendencies. Soil fertility is undeniably decreasing, especially in the older States, and the production is failing to keep pace with the demands of the nonagricultural classes. At the present ratio the time is not far in the future when we will cease to produce sufficient food-stuffs with which to supply the Nation. It becomes the imperative duty of Congress to check these tendencies which, if mitted to continue, must bring about a deplorable condition. The committee recommends this bill as furnishing a remedy with which to avoid these inevitable consequences—a remedy found all-sufficient in Belgium and other European countries, and which is not entirely untried in this country.

Section 1 authorizes that agricultural extension departments may be established in each State in connection with its landgrant college or colleges, and permits the State in which two or more such colleges have been or shall be established to desig-

nate which may administer the funds.

Section 2 defines the object and duty of these agricultural extension departments to be to give instruction and practical demonstrations in agriculture and home economics through field demonstrations, publications, and otherwise.

Section 3 makes frankable printed matter and correspondence for the furtherance of the purpose of the act issued by the agricultural colleges or by agents of the extension departments This privilege is necessary in order that the plan of the

bill may be executed.

Section 4 is the appropriating section of the bill and provides that the sum of \$10,000 shall be appropriated annually to each State which shall assent to the provisions of the act. nual appropriation is a straight, unconditional appropriation to the several States and amounts each year to a charge upon the Treasury of \$480,000. The sum of \$300,000 is appropriated for the fiscal year 1914, and an annual increase of this appropria-tion of \$300,000 a year over the preceding year for a period of nine years is provided until the total amount of additional appropriations will be the sum of \$3,000,000 annually. But these additional appropriations, or this sum of \$3,000,000 annually, is to be allotted among the several States in the proportion which their rural population bears to the total rural populations of the United States, as determined by the next preceding Federal The Census Bureau defined as "urban population that census. residing in the cities and other incorporated places of 2,500 inhabitants or more, including the New England towns of that population.'

The bill provides a sum of \$10,000 per year to each State unconditionally, and provides also that no State is to be entitled to any part of its allotment of the additional sums until its legislature has provided for the establishment of agricultural extension departments, as provided in section 1 of this bill; and it requires further that no State shall receive of these additional appropriations a sum exceeding the sum authorized by its legislature for that year for this purpose, or provided by State, county, college, or local authority. The idea is that there must be furnished to these extension departments by some authority other than the Federal authority as much as is provided

by the Federal Government; no more, no less.

For example, the allotment to a given State might be the sum of \$50,000, which the State would receive if it should duplicate this amount, but it might happen that the State would desire to appropriate for such a purpose only \$25,000, in which event such State would be entitled only to \$25,000 of the Federal funds in addition to the \$10,000 which is given each year unconditionally. It makes mandatory that not less than 75 per cent of all moneys available under this act shall be expended each year for field instruction and demonstrations. The remainder of the money is available for extension work proper, home economics, and allied subjects.

Now, Mr. Chairman, it seems to me there is no legislation before the House of greater importance than this bill. Its passage will result in great benefit not only to the American farmer but to the entire country. I sincerely hope this bill will be taken up at an early date and passed without a dissenting vote. Our agriculturists are entitled to this consideration, and I insist upon them having it. While I am not in favor of class legislation, yet, in view of the fact that the prosperity of the farmer means the prosperity of the Nation, I stand ready to give my support to any bill that will advance his interests and make his life more pleasant and his profession more profitable.

Mr. FLOOD of Virginia. Mr. Chairman, I yield to the gen-

tleman from Ohio [Mr. WHITE]. [Applause.]
Mr. WHITE. Mr. Chairman, the bill under consideration, as favorably recommended by the Committee on the Territories, provides for an elective legislative assembly for the Territory of Alaska. I feel to some extent qualified to discuss this measure by reason of my two and a half years' experience in the Alaskan interior-not as a tourist nor in an official capacity, but as a placer miner-one of the several thousand who plunged into the country during the Klondike stampede in the early spring of 1898. I have heard this afternoon of railroads already constructed and in operation, but previous to 1900 no locomotive whistle had pierced the stillness of the Alaskan air. 5,000 Americans who were struggling to get over the mountains into the interior were forced to pack their provisions and outfits on their backs. It was the gold of the Yukon Valley-about \$30,000,000 in 1898 and \$28,000,000 in 1899-brought back by these pioneers that flowed into the banks of the United States and contributed to the reestablishment of an adequate gold reserve, the scarcity of which had determined the issue of the strenuous campaign of 1896.

Ten years have passed and the railroad has been built through the mountains over which we laboriously worked our way on foot. The older towns on the southeastern coast and the cities on our Pacific coast have felt the impulse of the constant flow of yellow metal. Yes, Alaska is unquestionably rich in mineral

I have listened to the splendid oratory of the gentleman from Michigan [Mr. Wedemeyer] and of the gentleman from New York [Mr. Sulzen], who tell us they have cruised along a few hundred miles of the southeastern coast, and I have enjoyed the eloquent speech of my colleague, the gentleman from Ohio [Mr. Willis], who has so industriously studied statistics, and I find myself wondering if the Alaska they picture could have so changed since my experiences there. I want to be fair to Alaska but could not help thinking, when the gentleman from New York spoke of the "salubrity of her climate and the grazing advantage for sheep and cattle," that he had availed himself of the license granted to poets. It is true the Japan stream tempers the climate of the islands and a limited area of the southeastern coast, but, unfortunately for the people of the interior. that stream does not flow north to the Bering Straits or up the mighty Yukon River. During six months of the year an arctic cold prevails, extending over very much the larger part of The thermometer seldom drops lower than 50 or 60 degrees below zero. In this summer garden we have heard described the sun shows its face during one or two hours a day throughout six or eight weeks to the shivering Alaskans, with the evident purpose of demonstrating that it still shines in

Alaska has vast territorial extent, 590,000 square miles. presume throughout approximately 400,000 square miles of this area the ground is frozen the year round from 10 to 100 feet in depth. My partner and I sank a 72-foot shaft near the Yukon and were forced to thaw every foot of the dirt the entire depth. Judging by these facts, the House will understand why I question to some extent the immediate rush of home seekers and farmers that is promised as a result of the enactment of the pending bill creating an elective legislative assembly for the Territory. The bill provides for the election of 16 representatives in the assembly and 8 representatives in the council, and takes the 4 judiciary subdivisions as legislative units for election purposes.

No one at all familiar with the history of Alaska can question the statement that the Congress of the United States has neglected to pass legislation adequate to the development and needs of the Territory.

Session after session, under Republican control, has left unheeded the petitions and demands from the people of Alaska. It has remained for the Democratic Committee on Territories to formulate a bill to set up a legislative government, that the people themselves may write into statute the laws they have so long needed. In my humble judgment, however, the committee, in formulating the bill, has provided for a form of Territorial government far in advance of that which is justified by the

present population.

And at this point I would like to take up, Mr. Chairman, the question raised by the gentleman from Illinois [Mr. MANN]. and which no one on the floor of the House seems to be able to answer, namely, the relative proportion of native population-Indians and Chinese-as related to the white population in the different districts. Fortunately I have made a detailed analysis of the population of the second district, and will submit this the committee and to the gentleman from Illinois [Mr. MANN] for their information. The second district has an approximate area of 150,000 square miles and a total population of 12,351, as you will observe on the map displayed before us. This total includes 7,233 Indians and 350 Chinese and mixed. The number of white males over 21 years of age is 3,492. The pending bill proposes to give these 3,492 voters, scattered over 150,000 square miles, the right to elect two representatives to the council and four representatives to the assembly. call your attention to the further and more important fact that as against the 3,492 voters there is only a total of 938 white women. I submit that this proportion between men and women does not-at least in this second district-promise a settled community life, nor indicate the homes that are generally reckoned as a necessary foundation for a self-governing people.

My criticism of the bill refers only to the sparsity of population and not to the character of the men who live in Alaska. The men and women are a sturdy, self-reliant type of Americans. The very height of her mountain peaks and the grandeur of wild scenery seem to wield a subtle influence for good in this land of the midnight sun. The hazardous struggle in which men engage to successfully wrest from an arctic storehouse the mineral wealth contributes to the strengthening of moral and physical fiber. That such men should be demanding some form of self-government is the natural voice of a free people.

The President has repeatedly recommended in speech and message an appointive commission as best suited to the existing conditions in the Territory. A bill was introduced by Senator Beveridge last session, after having been favorably recommended by the Senate Committee on Teritories, embodying this

plan, and failed to pass the Senate.

The Secretary of the Interior, Hon. Walter L. Fisher, following a trip to Alaska last summer, suggests a middle-ground proposition as between the President's appointive commission and the present Wickersham bill creating an elective legislative assembly, and, Mr. Chairman, the Secretary's plan is, in my humble judgment, best adapted to develop a form of government suited to the needs and requirements of the Territory. Let me quote from the report of the Secretary of the Interior for the fiscal year ended June 30, 1911, page 55:

The fact that the Federal Government has heretofore made direct appropriation for the beneft of the Territory and that increased appropriations are needed constitutes one of the chief arguments against the extension of the principle of Territorial independence and Territorial responsibility to Alaska. Taken in consideration with the comparatively small and widely scattered population and the inadequate means for transportation and communication, it would seem to demonstrate that a commission form of government would best meet the existing situation. Such a commission could consist of appointed representatives of the Federal Government and locally elected representatives of the Territory itself. To it could be transferred, under appropriate limitations, the authority to make Territorial laws and regulations such as are now sadly needed.

Notwithstanding my avowed preference for the Secretary's proposed form of Territorial government, I intend to cast an affirmative vote for the bill under consideration to-day. The House Committee on the Territories has unanimously recommended the passage of the bill, and I am able to waive the objections already indicated because of my knowledge of the urgent need of relief from the present inadequate form of government in operation in the Territory. I view the granting of an elec-tive legislative assembly to the 27,988 voters, scattered over 590,000 square miles, as contemplated in this bill, much in the same light as I imagine our fathers must have contemplated the purchase of a Sunday suit of clothes for us, when that transaction marked the turning point of another year, by selecting a suit several sizes too large, with the certain knowledge that we would grow into it at some period of the wearing.

Alaska is in a formative stage of development. The Territory needs better transportation facilities, the extension of her wagon roads, the building of a railroad from the coast to the great Yukon Basin, the opening up of coal and timberlands to honest and industrious seekers of home and fortune under a workable leasing system, and a revision of the mining laws, which for years have been abused and has resulted in retarding active development work.

I feel confident that agriculture will be developed to a certain degree through the energy of the people. In the great Tanana Valley men have demonstrated that they can, notwithstanding the frozen ground throughout 12 months of the year, grow a variety of produce and will be able to supply the demand for food resulting from the growing population. The testimony from Fairbanks and vicinity proves conclusively that farmers are successfully tilling to the depth of 3 or 4 feet of alluvial soil thawed by 20 hours of sunshine with which Alaska is blessed during the summer months. I have used the pick and shovel in Alaska's rich placer gravel, have swung my ax in her forests, have traveled over the trails with sled and dog teams, in close companionship with her sturdy pioneers, and can prophesy with the certainty of experience the grateful thanksgiving that will result in Alaska when the news of to-day's proceedings in the House is transmitted to this long-neglected people.

As the Delegate from Alaska [Mr. WICKERSHAM] knows, the sun is this month beginning to climb the southern skies after its winter's sleep, and it is certainly most appropriate that at the same time the hearts of these people be cheered by the news that a long-slumbering Congress has arisen to its opportunity of giving to her most northerly possession relief from the prevail-

ing inadequacy of governmental control. [Applause.]

Mr. FLOOD of Virginia. Mr. Chairman, I yield to the gentleman from California [Mr. RAKER].

[Mr. RAKER addressed the committee. See Appendix.]

Mr. FLOOD of Virginia. I yield one minute to the gentle-

man from Texas [Mr. Burleson].
Mr. BURLESON. Mr. Chairman, I ask unanimous consent to extend my remarks in the Record for the purpose of placing therein the very able speech delivered by the gentleman from New York [Mr. FITZGERALD] as permanent chairman of the Democratic State convention at New York City on Thursday, April 11, 1912. In this speech the gentleman from New York deals at length with the achievements of the Democratic Party during the time it has been in control of this House.

Mr. MANN. The speech can not be very long, then.

Mr. BURLESON. It also deals with the delinquencies of the Republican Party during the recent past, when in control, which makes it quite lengthy.

Mr. CANNON. Will the gentleman yield for a question?

Mr. BURLESON. Certainly.

Mr. CANNON. So far as I am concerned, I shall certainly assent to this request, but I want to suggest the propriety of printing these speeches and addresses as documents. perhaps some one else has made that suggestion. It is a common thing to talk about burying a speech in the Congressional RECORD, but there is too much truth in that, on account of the comparatively limited circulation of the RECORD. If we should follow the practice of the Senate and print these things in the shape of documents, they would be more accessible. Of course, I have no doubt a great many people will read this speech.

·Mr. BURLESON. I am inclined to agree with the gentleman from Illinois that the better practice would be to print such speeches as documents, but I assure the gentleman that this particular speech will not be buried in the Congressional RECORD, for it is our purpose to circulate it in certain sections of the United States where the people are in need of enlightenment. We intend to send many copies to Illinois.

Mr. CANNON. And Texas will doubtless receive a large

number.

Mr. MANN. I made the same suggestion in the House the other day which my colleague, Mr. Cannon, has made now, intending to discuss the matter afterwards with various gentlemen in the House, and see if we could not arrive at some policy in reference to the printing of such things as this. I made inquiry at the document room and ascertained the number of copies that could be published if such a speech were printed as a document, and the number is not very large. Of course they would be frankable, and that is what gentlemen want to have done. I have not yet reached any understanding with gentlemen on the other side of the aisle, or even with gentlemen on this side of the aisle, with reference to the matter. I think it is desirable to adopt a policy and then after that to require that they shall all be printed as House documents.

Mr. BURLESON. I am in accord with the suggestion made by the gentleman from Illinois, and believe such speeches should be printed as House documents, but I would prefer that this speech take the usual course.

Mr. FINLEY. The proposition is to have this printed in the RECORD?

Mr. BURLESON. Yes. I hope no one will object. The CHAIRMAN. Is there objection?

There was no objection.

The speech referred to is as follows:

SPEECH OF THE HON. JOHN J. FITZGERALD, AS PERMANENT CHAIRMAN OF THE DEMOCRATIC STATE CONVENTION, AT NEW YORK, N. Y., THURSDAY, APRIL 11, 1912.

"Gentlemen of the convention, to participate in a Democratic convention is a privilege highly prized; to be chosen to preside over this one is a distinction which I very greatly appreciate. For this expression of your esteem I thank you most sincerely.

"PROSPECTS OF THE DEMOCRATIC PARTY WERE NEVER BRIGHTER,

"Never in all of its existence have the prospects of the Democratic Party been so bright; never has the party been more entitled to be intrusted with power and control of governmental affairs; never has it been more deserving of the confidence of the country.

"RECORD OF ACHIEVEMENTS UNRIVALED IN POLITICAL HISTORY.

"In the coming campaign the party will appeal to the people upon a record of achievements unrivaled in political history.

"For sixteen years the Democracy had been excluded from the management of practically every department of the Government. Early in that period our opponents denounced us as a party of negation and of obstruction. They asserted that our party was wanting in that constructive capacity so essential to the successful conduct of governmental affairs. So persistently was this groundless statement reiterated that many of our own adherents were misled, and forgetting that the most glorious and most prosperous days of the Republic were during Democratic administrations, they frequently united with the professional political claque that misrepresented and ignorantly and unjustly condemned us.

"PAYNE-ALDRICH TARIFF RESENTED BY THE PEOPLE,

"Upon the enactment of the Payne-Aldrich tariff law a storm of resentment against the Republican Party swept the country. In the congressional campaign of 1910 an appeal was made for continued Republican supremacy upon the contention that the Democracy was a disorganized, disgruntled, incompetent, and incoherent group without unity in principles and policies and incapable of concerted action upon public questions. dent, in his speech at the Republican Club in this city on Lincoln's birthday, realized that disaster was impending, and that the country was about to pronounce its condemnation upon his party. He endeavored to appease the wrath of the people, by justifying the tariff law as he had attempted in his Winona speech, but by conjuring the danger that threatened from Democratic success.

"Should disaster follow us-

"He said-

"and the Republican Party becomes a minority in the next House, it may be possible that in the Democratic exercise of its power the people of the country will see which is the party of accomplishment, which is the party of arduous deeds done, and which is the party of words and irresponsible action.

"Disaster did follow the Republican Party. 40 in the House of Representatives was turned into a Democratic majority of 65. We await with confidence the decision of the country as to which has been the party of accomplishment and which the party of irresponsible opposition.

"The Congress was convened in extraordinary session in

The President was informed in advance that the April, 1911. Democratic House would not be content merely to enact such legislation as he desired, but that it would insist upon the consideration of other legislation imperatively demanded by the country, and particularly of bills to relieve the people from the unjust exactions of the iniquitous Payne-Aldrich tariff law, which had been so universally condemned.

"THE PRESIDENT DISPLAYS CONFIDENCE IN THE DEMOCRATIC PARTY.

"No more flattering nor more deserved compliment was ever extended to political opponents since the beginning of the Government than by the President in convening Congress in extraordinary session. For he not only called the Congress to-gether to enact legislation to which a majority of his own party was opposed, but he gave a solemn pledge to refrain from exercising his constitutional right to prorogue the Congress until the Democratic House had completed its appointed task of attempting to remove from the people the grievous burdens laid upon them by Republican Congresses.

"CONFIDENCE SPEEDILY JUSTIFIED.

"Upon the convening of the Congress the House was organized with a rapidity and smoothness that amazed and disconcerted our Republican opponents. The confidence of the President in the capacity of the Democratic Party to act in a patriotic manner was speedily justified. Although but two of the Democratic Members had served in the House when the party had previously been in power, public business was transacted in such a manner as to command the admiration of the people regardless of their party affiliations.

Instead of a disgruntled, disorganized, quarreling, and inefficient mob, the country witnessed the welcome spectacle of a united, harmonious, efficient, and thoroughly organized political party, whose individual members freely subordinated their personal preferences for the accomplishment of results beneficial

to the great majority of the people.

"RECORD FOR CONSERVATIVE AND CONSTRUCTIVE STATESMANSHIP UNRIVALED.

"Under the wise leadership of Speaker Clark and of Representative Underwood, the chairman of the Committee on Ways and Means, the Democratic House during the first session of this Congress made an unrivaled record for conservative and constructive statesmanship which awakened anew Democratic hopes and merited universal respect and admiration.

"At the outset important changes were effected in the procedure of the House. The Speaker was stripped of much power, the possession and improper exercise of which had been

the cause of very considerable complaint.

"DEMOCRATIC REFORMS FRUSTRATED BY REPUBLICAN SENATE.

"The consideration of public business then proceeded upon a comprehensive and a patriotic basis. Our party was pledged to the election of the United States Senators by direct vote of the people. This reform was declared to be "the gateway to other national reforms." The Democratic House promptly proposed an amendment to the Constitution to effect this reform. That the amendment has not been submitted to the States for ratification is due to the action of the Republican Senate in so amending the resolution as to insure its defeat. Three times during my service in the House has such an amendment been sent to the Senate. Until a Democratic House adopted the proposed amendment, backed by a widespread and insistent public demand, the Senate had ignored such resolutions. Failure to submit the amendment to the States for ratification will be due to the opposition of a Republican Senate, which has frequently demonstrated its ability to frustrate the expressed will of the people just as effectively by the indirect as by the bolder and perhaps more hazardous direct method.

"DEMOCRATS PREVENT IMPROPER USE OF MONEY IN ELECTIONS.

"The Democratic platform of 1908 demanded legislation to terminate forever "the partnership existing between the corporations of the country and the Republican Party under the expressed or implied agreement that in return for the contribution of great sums of money to purchase elections they should be allowed to continue substantially unmolested in their efforts

to encroach upon the rights of the people."

"Convinced that the abuses resulting from such a system constituted the greatest existing menace to the Republic, and that "the rule of the people," about which so much has been said recently by some who had been the beneficiaries of the practice condemned in the Democratic platform, was prevented by the alliance thus denounced, the Democratic House, as one of its first legislative acts, passed a bill requiring publicity of The more effectively to accomplish campaign contributions. this end the bill provided for publicity before as well as after the election. In the last Republican national convention a resolution pledging the Republican Party to such legislation was overwhelmingly defeated. An awakened public conscience compelled the reluctant Republican Senate to accept this Democratic measure, and it is now the law of the land. It will prevent the improper use of money in national elections. Had the Democracy not obtained control of the House, the law would not have been enacted, as such a bill was defeated in the Sixty-first Congress by the Republicans then in control.

"REPUBLICANS REPUDIATE THEIR PROMISES.

"The last national campaign was determined largely on the Both parties appreciated the importance of the question, and both candidates for the Presidency were pledged to convene Congress in extraordinary session immediately upon taking office to revise the existing tariff law.

"The Democratic Party was clear and explicit in its pledges. Its platform declared for the 'immediate revision of the tariff by the reduction of import duties.' No one has ever been able to determine exactly the meaning of the Republican platform.

During the campaign President Taft frequently stated that many of the duties in the then existing Dingley law were excessive, and the country justly assumed from his campaign utterances that, however vague the Republican platform, the candidate of that party earnestly favored substantial reduction in the import duties. Yet he signed the Payne-Aldrich bill and aroused the just resentment of an already outraged people by declaring in his Winona speech that it was the best tariff law ever enacted.

"No more scathing denunciation of any legislation was ever uttered than the condemnation of this law by the late Senator Dolliver, of Iowa. He was a staunch Republican and an ardent protectionist. He had served eleven years in the House before his election to the Senate. As a member of the Commit-tee on Ways and Means in the House he had aided in the preparation of the Dingley Act. He had approved and defended it with all the vigor of his wonderful eloquence and commanding personality. Yet he revolted at the atrocious features of the Payne-Aldrich law. On June 10, 1910, he characterized this act in most forcible terms. As a revision of the tariff downward he ranked it as a hoax with the discovery of the North Pole by Dr. Cook.

"We were unable to vote for the conference report-

"He said-

"because, in our opinion, it had failed to fulfill the promises which the party had made to the public. We had no promise outstanding " " to reduce schedules here and there. That was not our promise. " " Our promise was to revise the tariff with reference to a set standard of justice and fairness by which our laws should give the advantage to our own people of that difference in the cost of production which is known to exist between this market place and the market place of other countries. That was our promise. How did we fulfill it? It was laughed at as ridiculous.

"COUNTRY DEPUDDIATES THE PERIPLICAN PARTY."

"COUNTRY REPUDIATES THE REPUBLICAN PARTY.

"But the country did not laugh. The promise and its breach were taken by the people seriously, and the Republican Party was overwhelmed in the campaign and the Payne-Aldrich law

emphatically repudiated.

The Democratic House proposed the so-called farmers' freelist bill. It was designed to accomplish two purposes-to take from the protected list the implements of trade used by the farmers in producing crops and to reduce the cost of living to the American people by putting foodstuffs upon the free list. If enacted into law there would have been admitted free of duty agricultural implements, cotton bagging and ties, leather, boots and shoes, fence wire, meats, cereals, flour, bread, timber, lumber, sewing machines, salt, and other articles, the price of all of which has been placed at unjustifiably high levels to the discomfort and disadvantage of the American people.

"FARMERS' FREE-LIST BILL DESIGNED TO REDUCE COST OF LIVING.

"To illustrate the abuses sought to be eliminated by that bill and the relief that the people would have obtained it will suffice to refer briefly to the situation relative to sewing ma-chines. They are articles of necessity in every American house-

"In 1905 the value of sewing machines for household use manufactured in this country was in excess of \$14,000,000. Last year the exportations of such machines were valued at \$9,000,000, while those imported aggregated only \$52,000. The duty on sewing machines is 20 per cent ad valorem. They sell here at from \$20 upward, and are purchased as necessaries by those who earn their bread in the sweat of their face. It was authoritatively stated during the debate on the free-list bill that identical machines were laid down in the Orient, wholesale, including freight, for \$8.25. In whose interest is so prohibitive a duty retained?

"The Republican platform declared for such duties as 'will equal the difference between the cost of production here and abroad, together with a reasonable profit to American industries.' That is the excuse for maintaining prohibitive duties whereby under the guise of reasonable profits to an American industry unconscionable profits are extorted from the American What are the reasonable profits which the President

persists must be protected?

"Moody's Manual for 1909, the well-known and standard publication concerning corporations, contains information on this question at once illuminating, astounding, and almost incredible. It appears that the Singer Manufacturing Co. was organized originally in 1864 with a capital stock of \$500,000. The present company was organized in 1873 for the purpose of manufacturing sewing machines. It has plants in New Jersey, in Scotland, in Canada, and various other places. In 1906 it absorbed the Wheeler & Wilson Manufacturing Co., and now handles 80 per cent of the world's output of sewing machines, and it owns its own iron mines and timberlands. The capital

stock of the present company was originally \$1,000,000. In 1887 it was increased to \$10,000,000, and in December, 1900, by a stock dividend of 200 per cent, to \$30,000,000. In 11 years it has declared a stock dividend of 200 per cent and cash dividends of 268 per cent.

"COST OF NECESSARIES WOULD HAVE BEEN REDUCED.

"It was to take the unholy clutch of this trust from the purse of the starving seamstress and of the toiling pieceworker, and from the earnings of every reputable household, where the busy housewife is compelled to purchase a machine on the installment plan, that the free-list bill was proposed. But this was not the only trust that would have had its strangle hold shaken off the American people. The Beef Trust, the Harvester Trust, the Bagging Trust, and other equally indefensible aggregations of capital would have been arrested in their exploitation of the American people, and the price of many of the necessaries of life would again have been brought within the reach of all without imperiling a single dollar legitimately invested in honest industry.

"As an essential part of the plan to obey the people's man-

date, bills to revise the woolen and the cotton schedules quickly

followed.

"INDEFENSIBLE WOOLEN SCHEDULE REVISED.

"The President had declared the woolen schedule to be indefensible. It had remained practically unchanged in Republican tariff laws since 1866. A combination of western wool growers and eastern woolen manufacturers had a controlling grip upon the Republican Party. They acquiesced in the revision of the tariff in the Sixty-first Congress upon condition that the wool schedule should not be changed. Under existing law the average duties on manufactures of wool average over 92 per cent ad valorem. The cheaper and more common the use of the articles, the higher the duty. The Democrats proposed to reduce the duties to an average of 42 per cent. Such reduction would not have injured any legitimate industry, although law-protected profits would have disappeared and immeasurable benefit resulted to the consuming public.

"RATES OF THE COTTON SCHEDULE SUBSTANTIALLY REDUCED.

"An infinite variety of articles of clothing, blankets, carpets, and other necessaries are taxed under this and the cotton schedules, and the resulting burdens have been the most onerous

ever imposed upon the American people.

"These bills were sent to the Senate. The controlling majority of that body are Republicans and advocates of the protective system. Under such conditions neither party could obtain legislation in complete harmony with its principles, and thus com-promises were imperative. The free-list bill was sent to the promises were imperative. The free-list bill was sent to the President but slightly modified from the form in which it passed the House. Adjustment of the differences on the wool bill resulted in average duties on manufactures of 48 per cent. The cotton bill made substantial reductions from the existing law, and, in addition, there were added provisions reducing the rates of the chemical schedule 25 per cent and eliminating some of the most ingenious and indefensible jokers in the metal schedule and reducing the duties therein generally.

" VETOED BY REPUBLICAN PRESIDENT.

"With such adjustments the bills went to the President for approval. Happy day! On December 3, 1910, he had said to the Chicago Association of Trade: 'We are bound to promote elimination of instances of injustice in the tariff laws.' Bills to eliminate gross injustices, to remove intolerable burdens were before him. They were not partisan; they had been sup-ported in the House by more than 20 Republicans, and had been approved in the Senate with the aid of Republican votes. The deliverance of the American people from the grasp of greed and monopoly appeared to be at hand. Indecent protection had received a staggering blow in the Senate, the stronghold in which privilege was most strongly intrenched. But there still remained the citadel apparently occupied by a champion of the people. Until that moment the alliance between politics and privilege was believed to be most repulsive to the President. Only his signature was needed to vitalize the legislation and to dispel the gloom which so completely enveloped the country.

"TRUST MAGNATES PLEASED BY VETOES.

"He must have forgotten his warning that if the House were Democratic 'the people would have an opportunity to see which is the party of arduous deeds done and which the party of words and irresponsible action.' The Democrats had acted; the President had talked. The House had stricken the shackles of the trusts from the people; the President put the shackles Had he approved these bills his memory would have been cherished in every hamlet. The smoke from the newly kindled fire in millions of homes would have been an incense expressive

persons in the land would have uttered fervent prayers of thanksgiving sweeter and more beautiful than the noisy plaudits of thoughtless partisans. Never again in this land of plenty would there have been the necessity to form nonment-eating clubs to check the rapacity of the Beef Trust. But the President failed the people in the hour of need. He vetoed the bills: and when the news was flashed to the public, his expressive smile was but the flickering shadow of the expansive grin of contentment that was prevalent wherever the trust magnates and the beneficiaries of law-protected profits gathered to commend his action.

"The effect of the vetoes was far-reaching. The country had demanded modifications in the tariff. To the most casual observer it was apparent that inexcusable preferences were accorded to favored individuals, while for large numbers of the people the inalienable right to life and the pursuit of happiness had degenerated into a desperate struggle for bare existence. "THE LAWRENCE STRIKE A CONDEMNATION OF THE PROTECTIVE SYSTEM.

"What was of common knowledge at the time of the vetoes has since been sharply emphasized by conditions in the city of Lawrence. Located there are extensive woolen and cotton mills. The industries are highly protected. Duties in excess of 90 per cent are asserted by Republicans to be imperative to insure reasonable profits to the manufacturers and to protect the American workingmen against foreign pauper labor. manufacturers have all accumulated comfortable, in many instances incredible, fortunes. What is the condition of employees? It is a pitiable tale; it is a sweeping condemnation of the structure upon which the protective system is built. Out of every 100 deaths in this country 27 are of children under 5 years of age; but in Lawrence, and in other communities where highly protected industries largely predominate, the deaths of children under 5 years of age are 47, 48, and even as high as 50 in every 100.

"Different estimates have been made as to the compensation of toilers in these mills. W. J. Lauck, formerly in charge of the industrial investigations of the United States Immigra-

tion Commission, has recently stated that-

"The average annual earnings of the male heads of families in the woolen and worsted industries in Lawrence are only \$400, and of all males upward of 18 years, \$346.

"A distinguished Member of the House of Representatives, Representative Townsend, of New Jersey, peculiarly well fitted for such work, has just made a careful personal investigation of the situation in Lawrence. As nearly as it was possible for him to ascertain the average actual earnings of males is about \$5.30 a week. While the Lawrence strike was at its height a trained nurse was sent from this city to aid in arranging for the comfort of children in distress. Out of 119 children placed in her charge only 4 had any underwear, and only 20 had over-coats. All of them were employed in the mills, and many of them in those mills in which woolen underwear was made. Yet their earnings and condition were such that they were unable to obtain underclothing to shield their frail bodies from the bitter blasts of the New England cold.

"DEMOCRACY DETERMINED TO ELIMINATE APPALLING ABUSES.

"Such conditions the Democratic Party desired to correct. In so doing they reflected the will of the American people. So far as the appalling abuses are due to the excessive tariffs the Democratic Party has determined to eliminate them. primary object of our solicitude is the great mass of the people—the consumers of the land. Whatever relief is essential can easily be extended without affecting any legitimate in-dustry, although industries existing and fattening upon tariff privilege may well be alarmed for their security.

"In his veto messages the President considered only the interests of those engaged in the protected industries. chief concern was whether anyone who had been enjoying illicit profits through aid of the law should be separated from The manufacturer and his profits were uppermost in the President's mind; the welfare of all of the people was the anxiety of the Democratic House. His veto messages are inconsistent; they are irreconcilable. He disapproved bills which were compromises between a Republican Senate and a Democratic House, and which were supported in the House by

many Republicans.

"FAILURE TO OBTAIN RELIEF ATTRIBUTABLE TO THE PRESIDENT.

"His action was based on lack of information to determine whether sufficient protection from his standpoint was retained for those long the beneficiaries of Republican tariffs. The biils affected only a few of the schedules. Yet he had approved the Payne-Aldrich bill which changed all but the woolen schedule with much less information than he had when he rejected the of the gratitude of a liberated and happy people. The lowliest | bills which the Democrats originated. From one standpoint his action is intelligible. The President realized that any revision of the tariff by a Republican Congress would not seriously interfere with the plunder of the tariff barons; and he also knew that their interests would be subordinated to the people's rights in bills originating in a Democratic House.

"TARIFF BOARD USED TO OBSTRUCT REMEDIAL MEASURES.

"Failure to obtain relief is due to the President. He hid behind a Tariff Board; he pleaded that it should report before action was taken. Some abuses could be cured without such delay and expense. At Winona he said it would take the remaining years of his present administration to make the necessary investigations, and during that time the differences in the Republican Party could be healed. The board apparently has acted upon that assumption. It has proved an obstruction, a hindrance, an obstacle to remedial measures. The Democratic Party will gladly appropriate every dollar required to obtain information needed intelligently to revise the tariff, but it will not consent to the continuance of a board which is used to prevent legislation urgently demanded.

That relief is imperative is a matter of common knowledge. An investigation just completed by the United States Commissioner of Labor covering prices of more than 250 articles of food discloses that in 1911 the cost of foodstuffs increased 2 per cent over the prices of the previous year. There has been no reduction in the cost of living; there will be none until the

return of the Democratic Party to power.

"DEMOCRATIC PARTY CONTINUES ITS EFFORTS TO REMEDY EVILS.

"Undismayed by the President's vetoes, confident that their bills were justified, and that they met with universal commendation, the Democratic Party has continued during the present session of Congress its efforts to take the weight of tariff-made prices from the people's back.

"It has passed bills to revise the metal schedule, the chemical schedule, the wool schedule, to place sugar on the free list, "SUGAR SHOULD BE ON THE FREE LIST.

"In 1909 there were consumed in this country 3,628,300 tons

and to impose an excise tax upon certain incomes.

of sugar; \$35,800 tons were raised here from sugar cane and sugar beets, and 2,887,100 tons were imported from other countries. The increased cost to the consumer as a result of the present tariff is 11 cents a pound. Based upon a consumption in 1911, 7,356,600,000 pounds in the United States, the tax Of this, extracted from the people amounted to \$115,000,000. however, but \$55,000,000 were collected by the United States; the other \$60,000,000 represented tariff profits to the trust and other refiners. In the investigations recently conducted by Congress it was decisively established that the price of refined sugar to the American people is affected to the full extent of the duty. Sugar is a prime necessary of life. If the cost of living is to be reduced, sugar should be admitted free. It may be that a Republican Senate will not enact this bill, and the President in his solicitude for the profits of the trust, will not approve such a measure. If the interests of the people were

by the great apostle of protection, the late President McKinley. To justify such legislation at this time some means of obtaining the revenue lost by its enactment is necessary. To maintain the Government during the present fiscal year the Republicans appropriated the enormous sum of \$1,026,287,505.81. These expenditures must be met from moneys raised by taxation. From no other source other than the people can the Government obtain money. Last year the receipts of the Government were, from customs, \$314,497,071; from internal revenue, including the corporation tax, \$322,529,200; from miscellaneous sources, \$58,614,466; from sale of public lands, \$5,731,636; and

put first, however, every Republican would support such a bill,

because twenty years ago it was advocated by such ardent pro-

tectionists as Representatives PAYNE and DALZELL as well as

from the postal service, which was expended in that service, \$237,879,823.

"All of this revenue is needed to meet the expenditures here-

tofore authorized.

"To supplement the revenue to be obtained through the Payne-Aldrich law, provisions were inserted therein imposing an excise tax upon the incomes of corporations in excess of \$5,000. That tax has been sustained by the Supreme Court.

"AN INCOME TAN WOULD SHIFT BURDEN FROM CONSUMPTION TO WEALTH.

"The Democratic Party has long favored an income tax. It believes that under our existing system of taxation unequal burdens rest upon those least able to pay. The theory of all Republican tariff legislation has been to impose the burdens on consumption largely to the exclusion of wealth. The Demo-cratic Party, so far as it can equitably be done, would shift the burden from consumption to wealth. The result would be the fairest and the most equitable system that could be devised. In

1894 the Democrats, in enacting the Wilson law, included provisions for an equitable income tax. The Supreme Court, overturning the decisions of a century, decided by a vote of five to

four that it was contrary to the Constitution.

The present House passed a bill which is in conformity with the most recent decisions. It practically extends to individuals and to copartnerships the law sustained by the court as applicable to corporations. Unfortunately it does not include the incomes of many of the idle rich, which should be comprised in a completely rounded system of taxation. At present such sources of revenue can not be reached, but they will be whenever the constitutional amendment now pending is ratified by a sufficient number of the States. It was a Democratic legislature in this State that ratified the amendment, and it lacks the approval of but six more States to be effective.

When the amendment was pending before our legislature it was denounced by Gov. Hughes because it was so framed as to permit the Federal Government to tax incomes derived from State governments and their subdivisions as compensation for official services. The pending bill has been most vigorously criticized by Republicans because it exempts such incomes from taxation. Any attempt to make the wealth of the land bear its legitimate share of governmental burdens will find the Republican Party ready and resourceful in strenuous oppo-

sition.

"REPUBLICAN PARTY LAVISH IN EXPENDING THE PUBLIC TREASURE.

"If tariff taxes are to be reduced, it is essential to curtail the expenditures of the Government. During the past sixteen years the Republican Party has been most lavish in expending the people's treasure. Many thoughtful students of govern-mental affairs have been inclined to believe that certain farseeing Republicans deliberately encouraged liberal expenditures to make more difficult substantial reductions in tariff

"As stated heretofore, the authorized expenditures for the current year are \$1,026,287,505.81. Twenty years ago the people revolted at a 'billion-dollar Congress.' Now a 'billion dollars' are expended every year instead of every two years. Prior to 1900 the expenditures for the Government reached the thousand million dollar mark but once in our history. In 1865, when the country was in the throes of a bitter, bloody, and expensive civil war, the expenditures aggregated the enormous sum of \$1,394,655,448, but of this sum \$1,030,690,400 were for the support of the Army.
"The expenditures during the four fiscal years ending in

1869, immediately following the Civil War, were 50 per cent less than during the four years of the war, while the second four-year period after the war saw a reduction of \$404,000,000, or about 25 per cent less than in the four years ending in 1869.

In the four years ending in 1905 the total expenditures were \$235,000,000 in excess of the preceding four years, during which the cost of the War with Spain had to be met.

"DEMOCRATIC PARTY IS PLEDGED TO AN ECONOMICAL ADMINISTRATION.

"There has been no stop in the riot of expenditures. So long as it continues the heavy burden must fall upon the peo-The Democratic Party is pledged to an economical administration and to retrench public expenditures.

"It proposes, so far as it has the power, to cut out all useless services and unnecessary expenditures in the Government, so that the people may be relieved from excessive and oppressive taxes. We believe that results, not promises, are the criterions by which the people shall judge. We challenge a comparison of our accomplishments with those of our opponents. When this Congress was organized the Democrats set a Spartan example by reorganizing the service of the House of Representatives so as to make an annual saving of \$258,940.

"POSTAL SERVICE DEMORALIZED THROUGH USE AS POLITICAL MACHINE.

"In a special message to Congress on Thursday, April 4, 1912, the President states that if the postmasters in first and second class post offices 'were embraced in the classified service and required to devote all their time to the public service the annual savings would eventually represent many millions of dollars." These postmasters are the appointees of the President; they are under the control of the Executive branch of the Government; they are subject to the rules and discipline of the Post Office Department. It is the duty of the Postmaster General to require from them the services for which they are paid. If they do not devote all their time to the public service, let the President command them to do so, and to refrain from the arduous work of endeavoring to conduct the chaotic affairs of the Republican Party. The demoralization of the postal service is easy to understand. It could hardly be otherwise since the establishment of the custom in recent years of putting it in charge of the head of the Republican national machine.

"IN STRIKING CONTRAST WITH DEMOCRATIC IDEAS.

"This message confirms the knowledge that there is much for our party to do. The work has just begun. It will be continued during the present session. Our policy is predicated upon the homely notions of a former and a distinguished citizen of this State, who towers among our Presidents as a giant, the late Grover Cleveland.

"In his first inaugural address he said:

"It his first maugural address he said:

"It is the duty of those serving the people in public place to closely limit public expenditures to the actual needs of the Government economically administered, because this bounds the right of government to exact tribute from the earnings of labor or the property of the citizen and because public extravagance begets extravagance among the people. We should never be ashamed of the simplicity and prudential economies which are best suited to the operation of a republican form of government and most compatible with the mission of the American people.

"In striking contrast with these exalted ideas of a great Democratic President is the attitude of the present adminis-

"A different conception of the simplicity compatible with the mission of the American people is being encouraged. President and the Secretaries of State and of the Treasury, imbued with the later-day views, have all approved plans for a new building to be erected in Washington for the Department of State, which make provision for an audience chamber, a dining room, a kitchen, and regal suites to permit of the entertainment of distinguished foreigners without danger of their contamination from association with ordinary American citizens in the hotels of Washington.

"BENEFICIARIES OF UNEQUAL PRIVILEGES ARRAYED AGAINST US.

"No easy task confronts the Democracy. Arrayed against us are all the legions that have so long enjoyed unequal privileges and unfair opportunities under Republican legislation. They have awakened to the meaning of the Democratic program; they realize that it means the end of the system so profitable to them. Sinister movements already can be discerned to thwart our efforts. Every obstacle that human ingenuity can devise will be placed in our path. Trifles are being magnified, bugaboos are being invented, fears are being aroused, attempts are being made to stir up strife within our ranks in order to distract the people from the significance of the action of the Democratic House of Representatives. Heretofore our opponents have sneeringly demanded to be shown our achievements during the period in which they were in complete control of governmental affairs. Our pledge was given that if afforded an opportunity faith would be kept with the people. We have had the opportunity; we have kept the faith. The promises made to the people have been rigorously fulfilled. We revised the tariff downward; we provided for direct election of United States Senators by the people; we legislated to strike corruption from our political system; we admitted Arizona and New Mexico to statehood; we have met labor's demand for a humanitarian and just eight-hour day; we have retrenched public expenditures; we have striven to reduce the cost of living; we have conducted the business of the House with dignity, with dispatch, and with due regard to the rights of the entire membership; and to stop unjust discriminations against American Jews we forced the passage of a resolution to abrogate the Russian treaty.

"OUR RECORD IS UNEQUALED AND OUR PRINCIPLES SHOULD PREVAIL.

"Such is our record. No political party has ever equaled our record in this Congress. It is open for inspection. invite criticism; we challenge comparison. It is an earnest of the high purpose of the Democracy to serve unselfishly the Many great problems of momentous importance await consideration and solution. They can not be settled in stump speeches or between naps on a train. They require thoughtful, earnest, labored study and patient consideration. We ask to be judged by what we have already done. It is the measure of our capacity, of our intelligence, and of our patriotism."

Mr. FLOOD of Virginia. Mr. Chairman, I yield to the gentleman from Colorado [Mr. TAYLOB].

[Mr. TAYLOR of Colorado addressed the committee. See Appendix.]

Mr. FLOOD of Virginia. Mr. Chairman, I yield to the gentleman from Connecticut [Mr. REILLY].

[Mr. REILLY addressed the committee. See Appendix.]

Mr. FLOOD of Virginia. Mr. Chairman, I yield to the gen-

tleman from New York [Mr. LEVY].

Mr. LEVY. Mr. Chairman, I would like to make a few remarks on this subject, for it is one in which the whole country is interested. As a comparison between what Canada is doing for the benefit of her Provinces and the United States for Alaska, I want to say that the Parliament at Ottawa, Canada, this year has appropriated \$39,000,000 for railroads.

[Mr. Levy asked for and obtained unanimous consent to

extend his remarks in the Record.]
Mr. FLOOD of Virginia. Mr. Chairman, I ask unanimous consent that all Members who have spoken on this bill may be

allowed to extend their remarks in the Record.

The CHAIRMAN. The gentleman from Virginia asks unanimous consent that all those who have spoken on the bill be permitted to extend their remarks in the RECORD.

Mr. MANN. On the subject matter of the bill? The CHAIRMAN. On the subject matter of the bill. Is there objection?

There was no objection. Mr. FLOOD of Virginia. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee determined to rise; and the Speaker having resumed the chair, Mr. CLINE, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 13987) to create a legislature in the Territory of Alaska, and had come to no resolution thereon.

RESIGNATION FROM COMMITTEE.

The SPEAKER laid before the House the following:

House of Representatives, April 17, 1912.

Mr. Speaker: I resign as a member of the Committee on Accounts. S. A. RODDENBERY.

The SPEAKER. Without objection, the resignation is accepted.

There was no objection.

CHANGE OF REFERENCE.

By unanimous consent, the Committee on Indian Affairs was discharged from the further consideration of the bill (H. 2931) for the relief of registers and receivers of the United States land offices in the State of Kansas, and the same was referred to the Committee on Claims.

SENATE BILLS REFERRED.

Under clause 2, Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to its appropriate committee, as indicated below:

S. 5355. An act to acquire a site and for the erection thereon of a public building at Beaver Dam, Wis.; to the Committee on Public Buildings and Grounds.

S. 5333. An act to authorize the widening and extension of Spring Road NW., and for other purposes; to the Committee on the District of Columbia.

S. 2270. An act to provide for the erection of a public building at Richfield, Utah; to the Committee on Public Buildings and Grounds.

ENROLLED BILLS SIGNED.

Mr. CRAVENS, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles, when the Speaker signed the same:
H. R. 20117. An act to authorize the Nebraska-Iowa Interstate

Bridge Co. to construct a bridge across the Missouri River near Bellevue, Nebr.; and

H. R. 19638. An act to authorize the San Antonio, Rockport & Mexican Railway Co. to construct a bridge across the Morris and Cummings Channel.

The SPEAKER announced his signature to enrolled bills of the following titles:

S. 5059. An act granting school lands to Louisiana; and

S. 244. An act extending the operation of the act of June 22, 1910, to coal lands in Alabama.

ADJOURNMENT.

Mr. FLOOD of Virginia. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 34 minutes p. m.) the House adjourned until to-morrow, Thursday, April 18, 1912, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of the Treasury, transmitting copy of a communication from the Secretary of War submitting estimate of appropriation made necessary by the present floods in the Mississippi River (H. Doc. No. 704); to the Committee on Appropriations and ordered to be printed.

2. A letter from the Secretary of the Treasury, transmitting copy of a communication from the Acting Secretary of State submitting estimate of appropriation required to pay expenses of printing certified copies of the final ascertainment of the electors for President and Vice President of the United States as transmitted by the executive of each State to the Secretary of State (H. Doc. No. 703); to the Committee on Appropria-

tions and ordered to be printed.

3. A letter from the Secretary of the Treasury, transmitting copy of a communication from the Secretary of War submitting estimate of appropriation for constructing and equipping a dry house for small-arms powder at Picatinny Arsenal to replace one destroyed by fire on April 6, 1912 (H. Doc. No. 702); to the Committee on Appropriations and ordered to be printed.

4. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Arcadia Harbor, Mich. (H. Doc. No. 701); to the Committee on Rivers and Harbors and ordered to be

printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. NELSON, from the Committee on Public Buildings and Grounds, to which was referred the bill (H. R. 11149) to authorize the Secretary of the Treasury to convey to the city of Sulphur Springs, Tex., certain land for street purposes, reported the same without amendment, accompanied by a report (No. 563), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. RAKER, from the Committee on the Public Lands, to which was referred the bill (H. R. 19344) to authorize the Secretary of the Interior to exchange lands for school sections within an Indian, military, national forest, or other reservation, and for other purposes, reported the same with amendment, accompanied by a report (No. 566), which said bill and report were referred to the Committee of the Whole House on the state

Mr. TAYLOR of Colorado, from the Committee on Mines and Mining, to which was referred the bill (H. R. 22081) to establish a mining experiment station at Silverton, San Juan County, Colo., to aid in the development of the mineral resources of the United States, and for other purposes, reported the same without amendment, accompanied by a report (No. 567), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. HAWLEY, from the Committee on Agriculture, to which was referred the bill (H. R. 20738) for the transfer of the socalled Olmstead lands, in the State of North Carolina, from the Solicitor of the Treasury to the Secretary of Agriculture, reported the same without amendment, accompanied by a report (No. 564), which said bill and report were referred to the

House Calendar.

Mr. RUCKER of Missouri, from the Committee on Election of President, Vice President, and Representatives in Congress, to which was referred the bill (H. R. 23349) providing for publicity of contributions and expenditures for the purpose of influencing or securing the nomination of candidates for the offices of President and Vice President of the United States, reported the same with amendment, accompanied by a report (No. 565), which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House as follows:

Mr. CANTRILL, from the Committee on Claims, to which was referred the bill (S. 183) for the relief of G. A. Embry, reported the same without amendment, accompanied by a report (No. 500), which said bill and report were referred to the Private

Mr. HEALD, from the Committee on Claims, to which was referred the bill (S. 4050) for the relief of Catherine Ratchford, reported the same without amendment, accompanied by a report (No. 561), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill (S. 837) to reimburse the officers and crew of the lighthouse tender Manzanita for personal-property losses sustained by them on the foundering of that tender October 6, 1905, reported the same without amendment, accompanied by a report (No. 562), which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 13580) for the relief of Alexander Read; Committee on Indian Affairs discharged, and referred to the Com-

mittee on Claims.

A bill (H. R. 3104) for the relief of A. H. Raynolds; Committee on Indian Affairs discharged, and referred to the Committee on Claims.

A bill (H. R. 20868) for the relief of August Schultz; Committee on Indian Affairs discharged, and referred to the Commit-

tee on Claims.

A bill (H. R. 20455) for the relief of Elsie J. Angier and others; Committee on Indian Affairs discharged, and referred to

the Committee on Claims.

A bill (H. R. 573) for the relief of the estate of Israel Folsom; Committee on Indian Affairs discharged, and referred to the Committee on Claims.

A bill (H. R. 22409) for the relief of John Dombroski; Committee on Indian Affairs discharged, and referred to the Com-

mittee on Claims.

A bill (H. R. 23142) authorizing the Secretary of the Treasury to pay Eli Sears \$480 for property destroyed by the Pima Indians; Committee on Indian Affairs discharged, and referred to the Committee on Claims.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memo-

rials were introduced and severally referred as follows:

By Mr. CLINE: A bill (H. R. 23459) requiring all oceangoing steamers and vessels to provide a sufficient number of lifeboats to accommodate all passengers, officers, and crew in case of accident; to the Committee on the Merchant Marine and Fisheries.

By Mr. LANGLEY: A bill (H. R. 23460) authorizing the fiscal court of Pike County, Ky., to construct a bridge across Russell Fork of the Big Sandy River at Marrowbone, Ky.; to the Committee on Interstate and Foreign Commerce.

Also, a bill (H. R. 23461) authorizing the fiscal court of Pike County, Ky., to construct a bridge across Russell Fork of Big Sandy River at or near Millard, Ky.; to the Committee on

Interstate and Foreign Commerce.

By Mr. CARY: A bill (H. R. 23462) to amend section 4488 of the Revised Statutes of the United States; to the Committee

on the Merchant Marine and Fisheries.

Also, a bill (H. R. 23463) to amend section 4488 of the Revised Statutes of the United States; to the Committee on the

Merchant Marine and Fisheries.

By Mr. MURDOCK: A billi (H. R. 23464) authorizing the Postmaster General to pay a cash reward for suggestions submitted by postar employees for the improvement or economy in the postal system; to the Committee on the Post Office and Post Roads.

By Mr. CANDLER: A bill (H. R. 23465) to amend section 162 of the act to codify, revise, and amend the laws relating to the judiciary, approved March 3, 1911; to the Committee on the Judiciary

By Mr. SULZER: A bill (H. R. 23466) to amend section 4488 of the Revised Statutes of the United States; to the Committee on the Merchant Marine and Fisheries.

By Mr. KENT: A bill (H. R. 23467) to authorize the completion of the unfinished portion of the Government road from Rollerville to the Point Arena Lighthouse, Mendocino County,

Cal.; to the Committee on Appropriations.

By Mr. WEEKS: A bill (H. R. 23468) to locate, map, and mark the battle fields of Fredericksburg, Chancellorsville, the Wilderness, and Spotsylvania Court House, and other minor engagements within or adjacent thereto, included in what is engagements within or adjacent thereto, included in what is commonly known as the Wilderness campaign; to the Committee on Military Affairs.

Also, a bill (H. R. 23469) to purchase a painting of the Battle of Bunker Hill; to the Committee on the Library.

By Mr. HUMPHREY of Washington: A bill (H. R. 23470) to protect American trade and American shipping from foreign

monopolies; to the Committee on the Merchant Marine and Fisheries.

By Mr. HARDWICK: A bill (H. R. 23471) regulating the entry and clearance of certain vessels at the ports of the United States; to the Committee on the Merchant Marine and Fisheries.

By Mr. KINDRED: A bill (H. R. 23472) amending section 4400 of the Revised Statutes of the United States; to the Committee on the Merchant Marine and Fisheries.

By Mr. HENRY of Texas: Resolution (H. Res. 498) for the consideration of H. R. 23349; to the Committee on Rules.

By Mr. LEVY: Resolution (H. Res. 499) authorizing the Secretary of State to open negotiations with maritime nations of the world for the purpose of establishing an international patrol along the steamship lanes of the North Atlantic Ocean, etc.; to the Committee on the Merchant Marine and Fisheries.

By Mr. CALDER: Joint resolution (H. J. Res. 296) authorizing the President of the United States to arrange for a conference with representatives of all the maritime nations of the world in regard to establishing a uniform system of inspection of all passenger vessels, to the end that they shall be equipped with suitable life-saving appliances; to the Committee on the Merchant Marine and Fisheries.

By Mr. ALEXANDER: Joint resolution (H. J. Res. 297) to provide for an international agreement to establish lane routes for trans-Atlantic steamships; to the Committee on the Mer-

chant Marine and Fisheries.

Also, joint resolution (H. J. Res. 298) to provide for an international patrol north of trans-Atlantic steamship routes during the period of danger from ice; to the Committee on the Merchant Marine and Fisheries.

By the SPEAKER: Memorial from the Legislature of the State of Arizona, regarding statehood; to the Committee on the

Territories.

By Mr. HELGESEN: Memorial of the State of North Dakota, urging Congress to adjust the differences existing between the Post Office Department and the railway mail clerks, that the postal service may be improved; to the Committee on the Post Office and Post Roads.

Also, memorial of the State of North Dakota, favoring Federal inspection of grains and urging the early passage of a bill

for such inspection; to the Committee on Agriculture.

Also, memorial of the State of North Dakota, indorsing the granting of pensions to certain enlisted soldiers and officers who served in the Civil War and the War with Mexico, a bill known as the Sulloway bill; to the Committee on Invalid Pensions.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions

were introduced and severally referred as follows: By Mr. AIKEN of South Carolina: A bill (H. R. 23473) granting a pension to Henrietta Abney; to the Committee on

By Mr. ANDRUS: A bill (H. R. 23474) granting an increase of pension to Edward L. Richmond; to the Committee on Invalid Pensions.

By Mr. BOWMAN: A bill (H. R. 23475) granting an increase of pension to Parkerson Perrego; to the Committee on Invalid

By Mr. BORLAND: A bill (H. R. 23476) granting an increase of pension to John L. Comstock; to the Committee on Invalid Pensions.

Also, a bill (H. R. 23477) granting an increase of pension to

Jacob M. Ratcliff; to the Committee on Pensions.

By Mr. BURKE of Wisconsin: A bill (H. R. 23478) granting a pension to Jennie B. Wright; to the Committee on Invalid

By Mr. BYRNS of Tennessee: A bill (H. R. 23479) for the relief of the estate of Henry Hutchison; to the Committee on War. Claims.

By Mr. CALDER: A bill (H. R. 23480) for the relief of Paul

Puttman; to the Committee on Ways and Means. By Mr. CLARK of Missouri: A bill (H. R. 23481) granting an increase of pension to A. W. Rollins; to the Committee on Invalid Pensions

By Mr. DALZELL: A bill (H. R. 23482) granting an increase of pension to John McMillen; to the Committee on Invalid Pen-

By Mr. DAUGHERTY: A bill (H. R. 23483) granting an increase of pension to Samuel S. Tweedy; to the Committee on Invalld Pensions.

By Mr. DANIEL A. DRISCOLL: A bill (H. R. 23484) granting a pension to Robert Cornell, alias Conners; to the Committee on Pensions.

By Mr. FITZGERALD: A bill (H. R. 23485) granting an increase of pension to Alexander W. Hicks; to the Committee on Invalid Pensions.

By Mr. FLOYD of Arkansas: A bill (H. R. 23486) granting an increase of pension to H. M. C. White; to the Committee on Invalid Pensions.

By Mr. FOSTER: A bill (H. R. 23487) granting an increase of pension to Thomas Lane; to the Committee on Invalid Pen-

By Mr. FULLER: A bill (H. R. 23488) granting an increase of pension to George W. Marston; to the Committee on Invalid Pensions.

By Mr. HAY: A bill (H. R. 23489) granting a pension to

Sidney E. Haines; to the Committee on Invalid Pensions. By Mr. HAWLEY: A bill (H. R. 23490) for the relief of Frank B. Courtade, removing disqualification in making home-

stead entry; to the Committee on the Public Lands.

By Mr. HENSLEY: A bill (H. R. 23491) for the relief of the heirs of Washington A. McMinn, deceased; to the Committee on

War Claims.

By Mr. JOHNSON of Kentucky: A bill (H. R. 23492) for the relief of George H. Beers and others; to the Committee on War Claims.

By Mr. KNOWLAND: A bill (H. R. 23493) granting a pension to Benjamin F. Klippert; to the Committee on Pensions.

By Mr. LAFEAN: A bill (H. R. 23494) granting a pension to Mary M. Krafft; to the Committee on Invalid Pensions.

By Mr. LANGLEY: A bill (H. R. 23495) granting an increase of pension to James W. Thacker; to the Committee on Invalid Pensions.

By Mr. LONGWORTH: A bill (H. R. 23496) granting an increase of pension to James M. Laubach; to the Committee on Invalid Pensions.

By Mr. LOUD: A bill (H. R. 28497) granting an increase of pension to Henry E. Rockafellow; to the Committee on Invalid Pensions.

By Mr. MAHER: A bill (H. R. 23498) granting an increase of pension to Patrick Carey; to the Committee on Invalid Pen-

By Mr. MOON of Tennessee: A bill (H. R. 23499) to correct the military record of R. B. Hendrickson; to the Committee on Military Affairs

By Mr. NORRIS: A bill (H. R. 23500) granting an increase of pension to Walter Smith; to the Committee on Invalid Pen-

By Mr. POWERS: A bill (H. R. 23501) for the relief of G. A. Siler; to the Committee on War Claims.

Also, a bill (H. R. 23502) granting a pension to William H. Chambers; to the Committee on Invalid Pensions.

By Mr. REYBURN: A bill (H. R. 23503) granting a pension to John F. Klossy; to the Committee on Invalid Pensions.

By Mr. SELLS: A bill (H. R. 23504) granting a pension to Thomas J. Turner; to the Committee on Pensions.

Also, a bill (H. R. 23505) granting a pension to Thomas F. Ryan; to the Committee on Pensions.

By Mr. SMITH of New York: A bill (H. R. 23506) granting a pension to Anna Bishop; to the Committee on Invalid Pensions. By Mr. SPEER: A bill (H. R. 23507) granting an increase of pension to John E. Wise; to the Committee on Invalid Pensions. Also, a bill (H. R. 23508) granting an increase of pension to Adelbert M. Beatty; to the Committee on Invalid Pensions.

Also, a bill (H. R. 23509) granting an increase of pension to Jeremiah D. Allen; to the Committee on Invalid Pensions.

By Mr. SWEET: A bill (H. R. 23510) granting a pension to Ada M. Wade; to the Committee on Invalid Pensions.

Also, a bill (H. R. 23511) granting an increase of pension to George Hall; to the Committee on Invalid Pensions.

By Mr. TAGGART: A bill (H. R. 23512) granting an increase of pension to Ellen Coen; to the Committee on Invalid Pensions. Also, a bill (H. R. 23513) granting an increase of pension to David W. Wright; to the Committee on Invalid Pensions.

By Mr. WEEKS: A bill (H. R. 23514) granting an increase of pension to Thomas B. Loud; to the Committee on Invalid Pension to Thomas B.

sions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Memorial of Chu Kam Wing and Chu Shing Cheuk, of Yokohama, relative to attitude of the Republic of China toward the United States; to the Committee on Foreign Affairs.

By Mr. ANDRUS: Petition of citizens of Hastings upon Hudson and Harrison, N. Y., favoring passage of House bill 16819, known as the Griest bill, which provides for a free delivery of mail matter in towns outside of incorporated cities and villages; to the Committee on the Post Office and Post Roads.

Also, petition of Thomas H. Fitzgerald Camp, No. 79, United Spanish War Veterans, Department of New York, White Plains, N. Y., and of Vicinity Council, United Spanish War Veterans Camp, White Plains, N. Y., favoring passage of House bill 17470, to pension widows and minor children of Spanish War veterans; to the Committee on Pensions.

Also, petition of citizens of the State of New York, favoring passage of bill providing for the building of one battleship in a Government navy yard; to the Committee on Naval Affairs.

Also, petition of the Brotherhood of the First Congregational Church, Mount Vernon, N. Y., favoring passage of a parcel-post law; to the Committee on the Post Office and Post Roads.

By Mr. ASHBROOK: Petition of Ben. F. McMillen and 2 other citizens of Newark, Ohio, against the passage of Kenyon-Sheppard Interstate liquor bill; to the Committee on the Judiciary.

Also, petition of Charles Winger, of New Philadelphia, Ohio, and 30 members of the Order of United Mine Workers of America, asking for the construction of one battleship in a Government navy yard; to the Committee on Naval Affairs.

By Mr. AYRES: Petition of citizens of New York City, favoring Senate bill 3953, for the erection of an Indian memorial building; to the Committee on Public Buildings and Grounds.

Also, petition of citizens of New York, favoring passage of a parcel-post system; to the Committee on the Post Office and Post Roads.

Also, memorial of Colonial Council No. 43, Bronx, N. Y., favoring passage of illiteracy test of immigration bill; to the Committee on Immigration and Naturalization.

By Mr. BURKE of Wisconsin: Petition of Stadtsverband,

of Milwaukee, and Appleton Mannerchor, of Appleton, Wis., against the passage of all prohibition or interstate-commerce liquor bills now pending; to the Committee on the Judiciary.

By Mr. BYRNS of Tennessee: Papers to accompany bill for the relief of the estate of Henry Hutchison; to the Committee

on War Claims.

By Mr. CALDER: Memorial of Cape Cod and Provincetown flounder fishermen, relative to proposed legislation affecting that industry; to the Committee on the Merchant Marine and Fisheries.

Also, petition of F. P. Seymour, of New York City, protesting against legislation to abolish privileges that manufacturers enjoy in maintaining uniform retail prices on patented articles; to the Committee on Patents.

Also, memorial of the New York State Grange, Patrons of Husbandry, favoring passage of a parcel-post system; to the Committee on the Post Office and Post Roads.

Also, petition of B. H. Howell, Sons & Co., of New York, and of Mark C. Harris & Co., Ed. V. Price & Co., the International Tailoring Co., and the Progress Tailoring Co., of Chicago, Ill., against House bill 16844, providing for the placing of all manufacturers' names on all labels; to the Committee on Interstate and Foreign Commerce.

Also, petition of S. E. Perlberg & Co., of Chicago, Ill., against passage of House bill 16844, providing for the placing of manufacturers' names on all labels; to the Committee on Interstate and Foreign Commerce.

Also, petition of E. E. Royston & Co., wholesale grocers, of Aurora, Ill.; of Henry Horner & Co., of Chicago, Ill.; of Crocker Grocery Co., of Wilkes-Barre, Pa.; and of Thomas C. Jenkins, of Pittsburgh, Pa., favoring passage of House bill 4667, the Stevens weights and measures bill; to the Committee on Interstate and Foreign Commerce.

By Mr. CATLIN: Petition of William A. Crinley and J. W. Cotter, of St. Louis, Mo., favoring the passage of House bill 20595, to amend the copyright act of 1909; to the Committee on

DAUGHERTY: Petition of Ozark Presbyterian Church, Mount Vernon, Mo., favoring passage of the Kenyon-Sheppard interstate liquor bill; to the Committee on the

Also, petition of citizens of the State of Missouri, favoring bill for building of one battleship in a Government navy yard; to the Committee on Naval Affairs.

By Mr. DRAPER: Memorial of the Chamber of Commerce of the State of New York, relative to operation of the Panama Canal; to the Committee on Interstate and Foreign Commerce.

By Mr. ESCH: Memorial of the Chamber of Commerce of the State of New York, relative to operation of the Panama Canal; to the Committee on Interstate and Foreign Commerce.

By Mr. FITZGERALD: Memorial of the Columbia Heights Citizens' Association, requesting the building of a school at Newton and Warder Streets, Park View subdivision, Washington, D. C.; to the Committee on the District of Columbia.

Also, memorial of the board of education of the city and county of San Francisco, Cal., urging the continuance in operation of the San Francisco Mint on the basis of its present operation; to the Committee on Coinage, Weights, and Measures.

Also, memorial of the Board of Trade of Portland, Me., against every action to abolish the Bureau of Manufactures; to the Committee on Appropriations.

Also, resolution of the State Federation of Pennsylvania Women, recommending the appropriation of \$105,000 for the pier at the Philadelphia Immigrant Station, Gloucester City, N. J.; to the Committee on Appropriations.

By Mr. FLOYD of Arkansas; Papers to accompany bill for the relief of H. M. C. White; to the Committee on Invalid Pensions

By Mr. FULLER: Petition of citizens of Streator, Ill., for the creation of a national department of health; to the Committee on Interstate and Foreign Commerce.

By Mr. HARTMAN: Petition of Empire Grange, No. 1126, Patrons of Husbandry, for a governmental system of postal express; to the Committee on Interstate and Foreign Commerce.

Also, petition of residents of Tyrone, Pa., protesting against proposed legislation to establish a department of public health; to the Committee on Interstate and Foreign Commerce

By Mr. HAYES: Petition of the Civic Center of Berkeley, Cal., for a special appropriation for more effectively enforcing the white-slave traffic act; to the Committee on Appropriations.

Also, petition of Santa Clara Valley Creamery Co., Santa Clara; of the Model Cream & Butter Co. (Inc.), of San Jose; and of the California Creamery Operators' Association, Alameda, Cal., favoring passage of House bill 21225, to make oleomargarine and butter of different color; to the Committee on Agriculture

Also, petition of J. J. Jenkins, of Los Angeles, Cal., urging passage of parcel-post law; to the Committee on the Post Office and Post Roads

Also, petition of M. P. Boynton, San Jose, Cal., favoring passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

Also, petition of the Chamber of Commerce of Sacramento. Cal., favoring passage of bill for more effective quarantine legislation; and of the Gold Nugget Butter Co., of San Jose, Cal., favoring passage of House bill 21225, to make oleomargarine and butter of different color; to the Committee on Agriculture.

Also, petition of the Berryessa Improvement Club, San Jose, Cal., favoring passage of bill for an appropriation for the main-

tenance of Yosemite Valley, etc.; to the Committee on the Public Lands.

By Mr. HELGESEN: Petitions of citizens of the State of North Dakota, for parcel-post legislation; to the Committee on the Post Office and Post Roads.

Also, petitions of citizens of the State of North Dakota, protesting against parcel-post legislation; to the Committee on the Post Office and Post Roads.

Also, petitions of members of the North Dakota National Guard for enactment of House bill 8141; to the Committee on Military Affairs.

Also, letters from 50 farmers of North Dakota, urging passage of a parcel-post bill; to the Committee on the Post Office and Post Roads.

Also, petition of the Woman's Christian Temperance Union of Mayville, Traill County; of St. Olof's Lutheran Congregation, Devils Lake, Ramsey County; and of citizens of Rainy Butte, Walhalla, Cavalier, and other towns, all in the State of North Dakota, urging passage of the Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary

Also, resolution of the Commercial Club of Hettinger, N. Dak., urging passage of House bill 14928, to provide for increased annual appropriations to the several States for the agricultural colleges; to the Committee on Agriculture.

By Mr. HUMPHREY of Washington: Petition of residents of the State of Washington, for enactment of House bill 14, providing for a general parcel-post system; to the Committee on the Post Office and Post Roads.

By Mr. LAFEAN: Petition of Paradise Grange, No. 1448, county of York, State of Pennsylvania, favoring passage of House bill 19133, which provides for a Government system of postal express; to the Committee on Interstate and Foreign Commerce.

By Mr. LINDSAY: Memorial of the Chamber of Commerce of the State of New York, relative to operation of the Panama Canal; to the Committee on Interstate and Foreign Commerce.

Also, petition of C. P. Griffin, of Brooklyn, N. Y., for enactment of House bill 9242; to the Committee on Reform in the Civil Service.

By Mr. LINTHICUM: Petition of residents of Baltimore, Md., for old-age pensions; to the Committee on Pensions.

By Mr. LOUD: Petition of Robert Rochow and 85 other citizens of Bay City, Mich., favoring passage of the Berger old-age pension bill; to the Committee on Pensions.

By Mr. McHENRY: Petition of Progress Grange, No. 1396, Patrons of Husbandry, Elysburg, Pa.; Valley Grange, No. 52, Patrons of Husbandry, Millville, Pa.; Center Grange, No. 56,

Patrons of Husbandry, Lime Bridge, Pa., favoring passage of House bill 19133, providing for a governmental system of postal express; to the Committee on Interstate and Foreign Commerce.

By Mr. MAHER: Petition of the Chamber of Commerce of the State of New York, against passage of bill to prohibit the use of Panama Canal by any steamship company in which any railroad has an interest; to the Committee on Interstate and Foreign Commerce.

By Mr. MOON of Tennessee: Papers to accompany bill to correct the military record of R. B. Hendrixson; to the Committee

on Military Affairs.

By Mr. PARRAN: Papers to accompany bill for the relief of Ella J. Belt (H. R. 22699); to the Committee on Invalid Pensions.

Also, papers to accompany bill for the relief of Samuel Henson (H. R. 22805); to the Committee on Claims.

By Mr. RAKER: Resolutions and letters of the board of supervisors of Siskiyou County, Cal.; the Sisson Promotion Association of Sisson; and E. H. Keupp and Otto L. Haese, of Sisson, Cal., to accompany House bill 22353, to establish the Mount Shasta National Park in Siskiyou County; to the Committee on the Public Lands.

Also, memorial of the Chamber of Commerce of New York, urging that the Panama Canal should be open to all tonnage irrespective of ownership; to the Committee on Interstate and

Foreign Commerce.

By Mr. REHLY: Memorial of the New England Shoe and Leather Association, opposing the abolishment or transfer of the Bureau of Manufactures; to the Committee on Appropria-

Also, petition of the Order of Railway Conductors, for enactment of House bill 20487; to the Committee on the Judiciary.

By Mr. ROUSE: Memorial of the Spanish War Veterans of Newport, Ky., for passage of bill to pension widows and minor children of Spanish War veterans; to the Committee on Pen-

By Mr. SULZER: Petition of Urban A. Walter, of Denver, Colo., for legislation permitting direct petition of civil-service employees; to the Committee on Reform in the Civil Service

Also, memorial of the Chamber of Commerce of the State of New York relative to operation of the Panama Canal; to the Committee on Interstate and Foreign Commerce.

Also, memorial of the New Orleans (La.) Progressive Union for legislation to promote the efficiency of the foreign service of the United States; to the Committee on Foreign Affairs.

Also, memorial of the Madera County (Cal.) Chamber of Commerce relative to utilizing the flood waters of the San

Joaquin River, Cal.; to the Committee on Interstate and Foreign Commerce.

By Mr. TAGGART: Petition of citizens of the State of Kansas for removal of the dam in the Kansas River at Lawrence,

Kans.; to the Committee on Interstate and Foreign Commerce.

By Mr. TOWNER: Petition of J. W. Chitty and others, of
Gravity, Iowa, against the passage of a parcel-post law; to the Committee on the Post Office and Post Roads.

By Mr. WEEKS: Petition of members of the Methodist

Episcopal Church, of Millville, Mass., favoring House joint resolution 163; to the Committee on the Judiciary.

By Mr. WILSON of New York: Memorial of the Chamber of Commerce of the State of New York against passage of bill to prohibit use of Panama Canal by any steamship company in which any railroad has an interest; to the Committee on Interstate and Foreign Commerce.

SENATE.

THURSDAY, April 18, 1912.

The Senate met at 12 o'clock m. Prayer by the Chaplain, Rev. Ulysses G. B. Pierce, D. D. The Journal of yesterday's proceedings was read and approved.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had agreed to the amendment of the Senate to the bill (H. R. 16306) to provide for the use of the American National Red Cross in aid of the land and naval forces in time of actual and threatened war.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the Vice President:

S. 244. An act extending the operation of the act of June 22,

1910, to coal lands in Alabama;

S. 5059. An act granting school lands to Louisiana;

H. R. 19638. An act to authorize the San Antonio, Rockport & Mexican Railway Co. to construct a bridge across the Morris and Cummings Channel;

H. R. 20117. An act to authorize the Nebraska-Iowa Inter-state Bridge Co. to construct a bridge across the Missouri River

near Bellevue, Nebr.; and

H. R. 21821. An act to authorize the city of South Sloux City, in the State of Nebraska, to construct a bridge across the Missouri River between the States of Nebraska and Iowa.

PETITIONS AND MEMORIALS.

The VICE PRESIDENT presented a telegram in the nature of a petition signed by the mayors of 26 cities of New York, praying for the enactment of legislation requiring every passenger vessel leaving a port of the United States to be equipped with lifeboats or rafts sufficient to accommodate every person on board, which was referred to the Committee on Commerce,

He also presented petitions of the congregations of the Orson Church of Pennsylvania; the Congregational Church of Charlton, Mass.; and the Government Street Methodist Episcopal Church South, of Mobile, Ala.; and of the Woman's Christian Temperance Union of Mansfield, Mass., praying for the adoption of an amendment to the Constitution to prohibit the manufacture, and inventation of intervious in allegans, which were really and inventation of intervious in allegans, which were really and inventation of intervious in allegans. sale, and importation of intoxicating liquors, which were referred to the Committee on the Judiciary.

Mr. GALLINGER presented petitions of Local Granges No. 284, of Georges Mills; No. 170, of Bedford; No. 218, of Woodsville; No. 212, of Haverhill; and No. 95, of New London, all of the Patrons of Husbandry, in the State of New Hampshire, praying for the establishment of a parcel-post system, which were referred to the Committee on Post Offices and Post Roads.

He also presented a memorial of Local Grange No. 273, Patrons of Husbandry, of London, N. H., and a memorial of Lawrence Grange, No. 117, Patrons of Husbandry, of Belmont, N. H., remonstrating against the repeal of the oleomargarine law, which were referred to the Committee on Agriculture and Forestry

He also presented a petition of Phil Sheridan Post, No. 6, Department of the Potomac, Grand Army of the Republic, of Washington, D. C., praying for the enactment of legislation to give preference in the civil service to those who have been honorably discharged from the military or naval service of the United States, which was referred to the Committee on Civil Service and Retrenchment.

He also presented a petition of Local Lodge No. 537, Brotherhood of Railroad Trainmen, of Concord, N. H., praying for the enactment of legislation to provide an exclusive remedy and compensation for accidental injuries, resulting in disability or death, to employees of common carriers by railroad engaged in interstate or foreign commerce, or in the District of Columbia, and for other purposes, which was ordered to lie on the table,

Mr. OLIVER presented a memorial signed by 4,231 citizens of Penusylvania and a memorial of Penusylvania Branch of the National League for Medical Freedom, representing 5,000 citizens of Pennsylvania, remonstrating against the establishment of a department of public health, which were ordered to lie on

the table.

He also presented a petition of Charles Young Camp, No. 27, Department of Pennsylvania, United Spanish War Veterans, of Philadelphia, Pa., praying for the enactment of legislation to pension widow and minor children of any officer or enlisted man who served in the War with Spain or the Philippine insurrection, which was referred to the Committee on Pensions.

He also presented a petition of Washington Camp, No. 88, Patriotic Order Sons of America, of Renovo, Pa., praying for the enactment of legislation to further restrict immigration, which was ordered to lie on the table.

He also presented a petition of Local Grange No. 875, Patrons of Husbandry, of Columbus, Pa., praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating liquors, which was referred to the Committee on the Judiciary.

Mr. WETMORE presented a petition of the Pawtucket and Blackstone Valley Building and Trades Council, of Rhode Island, praying for the enactment of legislation to provide an exclusive remedy and compensation for accidental injuries resulting in disability or death to employees of common carriers by railroads engaged in interstate or foreign commerce, or in the District of Columbia, and for other purposes, which was ordered to lie on the table.

He also presented a petition of members of the Rhode Island Society for the Prevention of Cruelty to Animals, praying for the enactment of legislation to regulate the interstate transportation of immature calves, which was referred to the Committee on Interstate Commerce.

Mr. CULLOM presented a petition of Local Lodge No. 4, Brotherhood of Railroad Trainmen, of Chicago, Ill., praying for the passage of the so-called employers' liability and workmen's compensation bill, which was ordered to lie on the table.

He also presented a petition of the Retail Grocers' Association, of Springfield, Ill., remonstrating against the establishment of a parcel-post system, and praying for the repeal of the oleo-margarine law, which was referred to the Committee on Post

Offices and Post Roads.

Mr. PENROSE presented petitions of Washington Camps, No. 591, of Clearfield; No. 333, of Scranton; and No. 718, of Garmans Mills, all of the Patriotic Order Sons of America, in the State of Pennsylvania, praying for the enactment of legislation to further restrict immigration, which were ordered to lie on the table.

Mr. PERKINS presented a memorial of members of Group Z. P. Z., Polish National Alliance of the United States, of San Diego, Cal., remonstrating against the enactment of legislation to further restrict immigration, which was ordered to lie

He also presented telegrams in the nature of memorials from the Northern California Branch, National League for Medical Freedom; of the faculty and students of the California Eelectic Medical College, of Los Angeles; of the Southern California Branch, National League for Medical Freedom; and of the Sacramento Branch of the National League for Medical Freedom, remonstrating against the establishment of a department of public health, which were ordered to lie on the table.

Mr. SMITH of Maryland presented memorials of sundry citizens of Baltimore, Md., remonstrating against the establishment of a national department of public health, which were ordered

to lie on the table.

on the table.

to lie on the table.

Mr. POINDEXTER presented telegrams in the nature of memorials of G. G. Ripley, of Spokane; the Washington Branch, National League for Medical Freedom; G. E. Anderson, J. D. Crary, J. W. Clark, E. C. Miller, S. M. Anderson, W. O. McCaw, Cadill T. Smith, A. W. Barkley, and H. N. Anderson, of Aberdeen; of W. L. Sax, of Colville; of Lewis K. Phillips and D. L. Phillips, of Anacortes; of Evangeline Fox, of Seattle; of Gilbert Hunt, of Walla, Walla; of C. E. Clough, of Spokane; and of Hunt, of Walla Walla; of C. F. Clough, of Spokane; and of G. A. Haggerty, of Raymond, all in the State of Washington, remonstrating against the establishment of a national department of health, which were ordered to lie on the table.

REPORTS OF COMMITTEES.

Mr. JONES, from the Committee on Public Lands, to which was referred the bill (S. 4580) to permit second homestead entries in certain cases, reported it with amendments and submitted a report (No. 633) thereon.

Mr. CLARK of Wyoming, from the Committee on Public Lands, to which was referred the bill (H. R. 8784) to supplement the act of June 22, 1910, entitled "An act to provide for agricultural entries on coal lands," reported it without amendment and submitted a report (No. 634) thereon.

Mr. McCUMBER, from the Committee on Indian Affairs, to

which was referred the bill (S. 5776) authorizing the Secretary of the Interior to adjust and settle the claims of the attorney of record involving certain Indian allotments, and for other purposes, reported it without amendment and submitted a report (No. 635) thereon.

SENATOR FROM ILLINOIS.

Mr. CRAWFORD. Mr. President, I should like to ask some member of the Committee on Privileges and Elections whether there is any prospect in the near future of having a report submitted to the Senate in the Lorimer case. The time is going rapidly; it is an important matter, with a vast volume of testimony, and I will ask the chairman if there is any definite information which can be given to the Senate as to when we may

expect a report.

Mr. DILLINGHAM. I am unable to state precisely when the report will be presented. I devoted a vast amount of work to the condensation of the evidence in an effort to bring it together in the form of a report. I made a rough draft, but have not been able to submit it to the other members of the committee, owing to the fact that most of them, at one time or another, had been called from the city on public business, two of them going to the funeral in Tennessee and others being absent for other purposes. I have worked for a long time, 16 hours a day for the last two months, and the report will be presented just as soon as it can possibly be put in shape and agreed upon by the committee. We are making as much progress as we can. tell the Senator that there is no desire on the part of the committee to delay the matter.

Mr. CRAWFORD. The Senator understands that I do not

mean to impute that.

Mr. DILLINGHAM. I know the Senator is not imputing that. As I said, I have worked as much as 16 hours a day for the last two months. I have done the best I could, and I am doing the best I can. I want to make a report.

Mr. CRAWFORD. The Senator is not able to state when the

report will be made?

Mr. DILLINGHAM. I am not able to say when the report can be made.

Mr. HEYBURN. I do not understand that the Committee on Privileges and Elections have charge of it, but it is a special committee of that committee, and it should be so stated in the RECORD.

MEAT-INSPECTION SERVICE.

Mr. WARREN. Mr. President, under date of the 12th instant the President sent a special message to Congress asking for a million dollars to be appropriated to enable the Department of Agriculture to inspect microscopically the flesh of hogs converted into meat-food products. The message was referred to the Committee on Appropriations. I think it should go to the Committee on Agriculture and Forestry, which at the present time is considering the general agricultural appropriation bill. I therefore ask that the Committee on Appropriations be discharged from the further consideration of the message and that it be referred to the Committee on Agriculture and Forestry.

The VICE PRESIDENT. Without objection, it is so ordered.

ENLARGED HOMESTEAD.

Mr. SMOOT. I am directed by the Committee on Public Lands, to which was referred the bill (S. 5428) to amend an act entitled "An act to provide for an enlarged homestead," approved February 19, 1909, to report it with amendments, and I submit a report (No. 631) thereon.

Mr. GRONNA. I should like to ask unanimous consent for the immediate consideration of the bill reported by the Senator

from Utah.

The VICE PRESIDENT. The Secretary will read the bill. Mr. HEYBURN. It is being read only for information? The VICE PRESIDENT. It is being read for information.

The Secretary read the bill.

Mr. HEYBURN. Are there amendments?

The VICE PRESIDENT. There are several amendments.

Mr. HEYBURN. I ask that they may be read.

The VICE PRESIDENT. The Secretary will report the proposed amendments.

The Secretary. On page 1, line 3, after the word "That," insert the words "section 1 of."

Mr. HEYBURN. I was only asking that it be read for information. I do not want any action.

The VICE PRESIDENT. Certainly; the Chair so understands. The remaining amendment will be read.

The Secretary. On pages 2, 3, and 4 strike out sections 2,

3, 4, 5, and 6 of the bill.

Mr. SMOOT. Mr. President, I will state in a few words the

purpose of the bill.

The act of February 19, 1909, known as the enlarged-homestead act, includes certain States. At the time the act was passed by Congress North Dakota was not included in the States over which the bill would take effect. At that time there were a good many lands in North Dakota which were very valuable. Since then the valuable lands have been taken up.

The Senator from North Dakota [Mr. GRONNA] introduced a bill simply providing for an amendment to the act including the State of North Dakota. That is all the bill does. It includes North Dakota in the enlarged-homestead act. The report fully

shows what the bill does. That is the object of it.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

Mr. HEYBURN. I will say what I have to say after it is taken up.

There being no objection, the bill was considered as in Committee of the Whole.

The VICE PRESIDENT. The first amendment reported by

the committee will be stated.

The Secretary. On page 1, line 3, after the word "That," insert the words "section 1 of."

The amendment was agreed to.

The SECRETARY. On page 2, after line 8, strike out the remainder of the bill.

The VICE PRESIDENT. Without objection, the amendment is agreed to. If there are no further amendments as in Committee of the Whole, the bill will be reported to the Senate.

Mr. HEYBURN. Mr. President, the bill having just been reported, of course one can not conveniently know the effect of striking out certain portions of it. No one can carry in his mind a bill that has been read of which we have no copies available. I shall, in a word, suggest my objection to this class legislation. The bill should have gone upon the calendar, and it should have been open to consideration as other bills are. There is no sleep being lost by anyone over the enactment of this legislation.

I, unfortunately, on a former occasion was unable to be present when the principle involved in this measure was passed upon by the Senate. Of course unanimous consent has been given to the consideration of the bill, and I do not desire to do more than to express in a few words my objection to the prin-

Mr. GRONNA. Mr. President—
The VICE PRESIDENT. Does the Senator from Idaho yield to the Senator from North Dakota?

Mr. SMOOT rose.

Mr. HEYBURN. Has the Senator from Utah anything that

he would like to ask?

Mr. SMOOT. I will simply say that I reported the bill and, of course, it would have gone to the calendar, but the Senator from North Dakota asked unanimous consent for its immediate consideration. It affects only North Dakota. The bill as introduced repeated the whole act of February 19, 1909, and the committee struck out all of the sections but section 1, and it on includes North Dakota among the other States.

Mr. HEYBURN. That is, you strike out the existing law?

Mr. SMOOT. That is all.

Mr. HEYBURN. I will raise no objection to the measure, as

the Senator from North Dakota desires to have it applied only to his State, but I will take this occasion to express in a few

words my objection to this kind of legislation.
We are complaining one day—and I say "we"; I mean those who undertake to speak for the people of the United States generally, those in official position—that we have not sufficient land for those who desire to settle upon it and the next day we are complaining that we have too much, and we are undertaking to enlarge the areas of land open to settlement. This bill will diminish the public lands open to settlement more than one-In other words, if we had land enough for a million people under the law as it existed we would have instead land enough for half a million people. I merely desire to call attention to it because I would not like anyone to think in the future that this question received no consideration in the Senate of the United States.

There is a certain ambition on the part of men in or out of this body to secure, or seem to secure, some special concession The State of Idaho was left out of the profor their States. visions of the bill, I think with the concurrence of both Senators from that State, because we did not think we had too much land. We thought we would rather have two settlers on a tract of land than one. Acting upon that we were not included within the provisions of this bill.

Mr. BORAH. Which bill? Mr. HEYBURN. This bill. Idaho is not included in the provisions of the bill.

Mr. BORAH. Idaho is included in the enlarged-homestead

Mr. HEYBURN. No; not to the extent proposed by this amendment. If the Secretary will read the list of States involved he will find that Idaho is not included.

Mr. BORAH. Of course, there can be no question about it, because thousands of acres have been taken up under the

enlarged-homestead law in Idaho,

Mr. HEYBURN. I understand that proposition perfectly, but that is not in this measure.

Mr. BORAH. I do not know what is in this measure, but I know that we are within the operation of the enlarged home-

Mr. HEYBURN. Yes; against my protest, but I was unfortunately absent—that is, from my standpoint I was unfortunately absent-when certain steps were taken. This is just creeping forward a little more every time it comes up until by and by a man will have 640 acres subject to the will of some clerk of a department. It is a high-sounding phrase to say with the approval of the Secretary of Agriculture or the Secretary of the Interior. It looks as though we were going to have some tribunal especially selected because of its fitness to pass upon it. They seldom know that such an application is made,

I had occasion yesterday to run up against a practical test A certain application had been made to one of the Secretaries of the President. I supposed that it had reached him some weeks ago. I had acted on the assumption that it had reached him. I had called up the office by telephone, and supposed I was talking to the responsible head. Yesterday I ran it down, and I found the clerk who received it had simply occupied the relation of the Secretary, and it had never come to the Secretary's notice at all. That was only yesterday.

I am beginning to be somewhat alert in regard to these matters. We say subject to the consent of the Secretary of War or the Secretary of the Interior, subject to such rules and regulations as may be made by this Secretary or that. The regulations and the rules are made by clerks in the department. and an endeavor is made, and I charge it on the fact, to prevent the party making the application from knowing that it was never brought to the notice of the Secretary.

I have just taken this occasion to express these few words in order that the inquiring minds of Senators may be alert to

the situation

Mr. GRONNA. Mr. President, I wish to say in reply to the Senator from Idaho [Mr. Heyburn] that when the enlargedhomestead bill passed the Senate North Dakota was included. I was then a Member of the House and a member of the Public Lands Committee. It was at my request that North Dakota was excluded from the law at that time.

As the Scuator from Utah has stated, there was much valuable land in the State of North Dakota. Now all that land has land in the State of North Dakota. Now all that land has been taken up, and there is only rough land left that is worth a great deal less, and where people must have at least half a section to make a farm. So at this time we ask that the settlers be given 320 acres.

The bill does not change the law; it simply gives to North Dakota the same right that has been extended to other States-

allowing the settlers to take 320 acres.

It is true that it does not include the Senator's State. But there has been given to that State, under a special law-Mr. HEYBURN. Mr. President—

The VICE PRESIDENT. Does the Senator from North Dakota yield to the Senator from Idaho?

Mr. GRONNA. Yes. Mr. HEYBURN. I have already made it plain that I am not objecting to the extension of the law to the State of North Dakota. I was only taking occasion to express a few remarks applicable to the whole bad system.

Mr. GRONNA. I am very glad to know that the Senator is

not objecting to the bill.

Mr. McCUMBER. Mr. President, when the enlarged-homestead act was passed—I think in 1909—It included my State in the first instance, both in the bill in the House and I think also in the Senate. I did not wish the name of North Dakota to go in the list of States included in that act. The reason for that was apparent. We were then taking up lands right along and granting 160 acres to each settler. The lands which were to be taken up were of the same character as those that had already been taken up, and there was no line of demarcation whatever between homesteads that would be only 100 acres and those that would be 320 acres. That was the reason for not including it at that time.

I agree with my colleague that if we have practically disposed of all the lands of that character that could be taken, and properly taken, as homesteads in North Dakota, and have only those left which we generally denominate the bad lands, we might as well apply this provision to the bad lands.

Mr. SMOOT. Mr. President—

Mr. McCUMBER. But I know of no line, and I do not know where the law is going to place it. I do not know whether we have taken up all of the other lands or not. There should be some report to indicate that the land now to be taken up is of that character and that 320 acres of this land are as neces-

sary as 160 acres of the other land.

Mr GRONNA. Mr. President—

Mr. McCUMBER I yield to my colleague, because undoubtedly he has the information and can explain the matter. Possibly it is in the report accompanying the bill, but I have not read the report.

Mr. GRONNA. Mr. President, I wish to say that I have looked into this matter quite thoroughly. The most valuable lands in our State have been taken, and the lands now remain-

ing are rough.

Mr. McCUMBER. Let me ask my colleague, Is he certain that the man who is taking up his homestead of 160 acres to-day will be satisfied when to-morrow another man takes up 320 acres of land that looks at least to be similar? In order to do justice, will we not have to pass another law to allow the man who took up his 160 acres to take up an additional 160 acres,

so that he may be in comparatively the same position?

Mr. GRONNA. No. Mr. President, the 160 acres formerly taken is worth more than 320 acres that can be had under this

proposed act.

Mr. McCUMBER. That, of course, depends on what extent the word "formerly" is applied. I assume the 160 acres of land that was taken up yesterday differs materially from that

which will be taken to-morrow under a filing of 160 acres. Of course some of the land which was taken 10 years ago is worth from \$40 to \$50 an acre, and some of that which was taken 25 years ago is now worth \$75 an acre.

Mr. SMOOT. Mr. President—

The VICE PRESIDENT. Does the Senator from North Da-

kota yield to the Senator from Utah?

Mr. McCUMBER. I do.

Mr. SMOOT. I wish simply to explain to the Senator that no land in North Dakota can be taken up under the enlargedhomestead law unless it has been designated by the Secretary of the Interior, so that all of the balance of the lands in North

Mr. McCUMBER. That is the information that I wanted to get-whether that is clearly protected, so that all will be treated

alike.

Mr. SMOOT. Certainly; and no entryman in North Dakota, after the bill passes, can take more than 160 acres until the Secretary of the Interior makes an investigation and designates that land, so that it can be taken up under the enlarged-homestend law; or, in other words, if the conditions are such in the judgment of the Secretary of the Interior that the land can not be cultivated as the land formerly taken has been cultivated, then he designates how it can be taken up under the enlargedhomestead act.

Mr. McCUMBER. I can see, Mr. President, a good reason, taking the Bad Lands as I know them, why in many instances double the acreage might be allowed, because in taking double the acreage the claimant would not receive a greater amount of land that he could cultivate and use than under the old law. I agree with the Senator entirely, if the bill is so restricted and so guarded that one man will not get 160 acres of a given character of land for a homestead and his neighbor get 320

acres.

Mr. GRONNA. Mr. President, there is such a provision, and it is in the original law. This bill does not change the original law; it simply applies the law to North Dakota the same as it has been applied to other States.

The bill was reported to the Senate as amended, and the

amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read

the third time, and passed.

The title was amended so as to read: "A bill to amend section 1 of an act entitled 'An act to provide for an enlarged homestead,' approved February 19, 1909."

MINNESOTA & MANITORA RAILROAD CO.

Mr. JONES. I am directed by the Committee on Public Lands, to which was referred the bill (S. 5548) authorizing the Secretary of the Interior to convey a certain tract of land to the Minnesota & Manitoba Railway Co., to report it with amendments, and I submit a report (No. 632) thereon.

Mr. CLAPP. I ask unanimous consent for the present consideration of the bill.

The VICE PRESIDENT. The Senator from Minnesota asks unanimous consent for the present consideration of the bill just reported, which the Secretary will read for the information of the Senate.

The Secretary read the bill, and, there being no objection, the Senate, as in Committee of the Whole, proceeded to its consid-

eration.

The bill had been reported from the Committe on Public The bill had been reported from the Committe on Public Lands with amendments. The first amendment was, in section 1, line 5, before the word "Company," to strike out "Railway" and insert "Railroad"; in line 10, after the word "station," to insert "and grounds"; in line 11, before the word "hundred" where it occurs the second time, to strike out "five" and insert "fifteen"; and at the end of line 13, after the word "Interior," to strike out the period and insert a comma and the following words "the price to be paid by said railroad company to be not less than the sum that may have been heretofore agreed upon between the entryman and said railroad company," so as to make the section read:

make the section read:

That the Secretary of the Interior is hereby authorized, upon such terms as he may deem advisable, to convey to the Minnesota & Mantoba Raliroad Co., a corporation created and existing under the laws of the State of Minnesota, a tract of land adjacent to the right of way of said railroad, in the southwest quarter of section 35, township 161, rauge 32 west of the fifth meridian, as a site for a station and grounds; said tract to be not more than 200 feet wide and 1,500 feet long, the location and size of said tract to be determined by the Secretary of the Interior, the price to be paid by said railroad company to be not less than the sum that may have been heretofore agreed upon between the entryman and said railroad company.

The amendment was agreed to.

the entryman to his homestead the fact that he may have made a contract to sell a portion of the same to said company as a site for a station and grounds shall not be construed against his right to the lands covered by his entry, as such tract appears to be the only available site for a railway station, which said railroad company has been directed to establish by the State Railroad and Warehouse Commission of Minnesota," so as to make the section read:

the section read:

Sec. 2. That the Secretary of the Interior shall set aside the sum received for said tract of land and hold the same to be paid to Herbert Sanborn, provided his homestead application for said southwest quarter of section 35, township 161, range 32, is proved, and in determining the right of the entryman to his homestead the fact that he may have made a contract to sell a portion of the same to said company as a site for a station and ground shall not be construed against his right to the lands covered by his entry, as such tract appears to be the only available site for a railway station, which said railroad company has been directed to establish by the State Railroad and Warchouse Commission of Minnesota. Should said homestead application be finally disallowed, then said sum shall be paid by the Secretary of the Interior to the Secretary of the Treasury.

The avandance of the Secretary of the Treasury.

The amendment was agreed to.

Mr. HEYBURN. Mr. President, I ask the Senator in charge
of the bill whether that last provision, which protects the homesteader or the man holding an inchoate title against the charge that he is not entitled to a patent because he has allenated a part of his land, goes further than on this right of way?

Mr. CLAPP. Just on this right of way, and it is because of the fact that inadvertently he made this agreement that his

homestead entry has been held up.

Mr. HEYBURN. That is all I wish to know.

Mr. CLAPP. I think it is very just that that should not be counted against .him.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read

the third time, and passed.

The title of the bill was amended so as to read, "A bill authorizing the Secretary of the Interior to convey a certain tract of land to the Minnesota & Manitoba Railroad Co."

BILLS AND JOINT RESOLUTION INTRODUCED.

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. SUTHERLAND: A bill (S. 6407) granting an increase of pension to Edwin J. Trowbridge (with accompanying paper); to the Committee on Pensions.

By Mr. ROOT: A bill (S. 6408) for the relief of Margaret McQuade (with accompanying paper); to the Committee on Claims. By Mr. GRONNA:

A bill (S. 6409) granting a pension to John Mooney (with accompanying papers); to the Committee on Pensions. By Mr. DAVIS:

A bill (S. 6410) granting an increase of pension to George W. Robinson; to the Committee on Pensions.

By Mr. OWEN:
A bill (S. 6411) for the relief of certain Shawnee and Dela-

vare Indians; to the Committee on Claims. By Mr. DU PONT:

A joint resolution (S. J. Res. 99) authorizing the President to reassemble the court-martial which, on August 16, 1911, tried Ralph I. Sasse, Ellicott H. Freeland, Tattnall D. Simpkins, and James D. Christian, cadets of the Corps of Cadets of the United States Military Academy, and sentenced them; to the Committee on Military Affairs.

AMENDMENT TO IMMIGRATION BILL.

Mr. GORE submitted an amendment requiring immigrants coming into the United States from any foreign country to embark upon vessels of American registry, etc., intended to be proposed by him to the bill (S. 3175) to regulate the immigra-tion of aliens to and the residence of aliens in the United States, which was ordered to lie on the table and be printed.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. JONES submitted an amendment proposing to appropriate \$50,000 for the establishment on the coast of the Pacific States a station for the investigation of problems connected with the marine fishery interests of that region, etc., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Fisheries and ordered to be printed.

Mr. BRIGGS submitted an amendment relative to a survey The next amendment was, in section 2, page 2, line 6, after the word "proved," to insert "and in determining the right of proposed by him to the river and harbor appropriation bill (H. R. 21477), which was referred to the Committee on Com-

merce and ordered to be printed.

Mr. CURTIS submitted an amendment proposing to appropriate \$29,000 for improving the Kansas River up to Argentine. Kans., etc., intended to be proposed by him to the river and harbor appropriation bill (H. R. 21477), which was referred to the Committee on Commerce and ordered to be printed.

MESSENGER TO COMMITTEE ON EXPENDITURES IN THE INTERIOR DEPARTMENT.

Mr. CATRON submitted the following resolution (S. Res. 86), which was read and referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved. That the Sergeant at Arms of the Senate be, and he is hereby, authorized to employ a messenger at the rate of \$1,440 per annum for the Committee on Expenditures in the Interior Department, to be paid from the contingent fund of the Senate until otherwise provided for by law.

SPRING ROAD NW., IN THE DISTRICT OF COLUMBIA.

Mr. GALLINGER. I move that the House of Representatives be requested to return to the Senate the bill (S. 5333) to authorize the widening and extension of Spring Road NW., and for other purposes, and I will make a motion to reconsider the vote by which the bill was ordered to be engrossed for a third reading, read the third time, and passed, when it shall have been returned to the Senate. I want to say that in my absence the bill was passed on Tuesday last, and the committee had arranged for a hearing on the bill. It is for that reason I ask for its return.

The VICE PRESIDENT. Without objection, the motion to request the House of Representatives to return-the bill is agreed The Senator from New Hampshire enters a motion to reconsider the votes by which the bill was ordered to a third reading and passed.

REGULATION OF IMMIGRATION.

Mr. BRANDEGEE. I present a statement from the Cunard Steamship Co. calling attention to certain administrative features of the pending immigration bill. I move that the statement be referred to the Committee on Immigration.

The motion was agreed to.

PANAMA CANAL TRAFFIC AND TOLLS (S. DOC. NO. 575).

Mr. BRANDEGEE. I ask that the paper which I send to the desk be printed as a public document, and that 5,000 extra copies thereof may be printed. The document consists of four chapters of the report of the special commissioner appointed by the President to investigate the subject of tolls for vessels passing through the Panama Canal. It is of great interest to the public generally, and there will be a great demand for it. There is one other chapter which I will add later and which has

not yet come up from the office.

Mr. SMOOT. Did the Senator request that 5,000 additional copies be printed?

Mr. BRANDEGEE. Yes.

Mr. SMOOT. For the use of the Senate or for the use of the committee?

Mr. BRANDEGEE. Well, I do not care which. I would just as lief have it printed for the use of the entire Senate. I am sure that as soon as it is known that the document is published every commercial body and every railroad and steamship line in the country will desire copies of it. I am perfectly willing to have it go to the document room and be equally divided between all Senators.

Mr. SMOOT. I think it would be better to have it go to the

document room for the use of the Senate.

The VICE PRESIDENT. In the absence of objection the document will be printed as requested, and 5,000 additional copies will be printed for the use of the Senate document room. The order as agreed to was reduced to writing, as follows:

Ordered, That there be printed for the use of the Senate 5,000 additional copies of the preliminary statement of Emory R. Johnson on Panama Canal Traffic and Tolls, with illustrations.

OWNERSHIP OF STEAMSHIPS PASSING THROUGH PANAMA CANAL,

Mr. BRANDEGEE. I present a set of resolutions adopted by the directors of the port of Boston in relation to the question of the ownership by railroads of steamships passing through the Panama Canal. I ask that the resolutions be printed in the RECORD and referred to the Committee on Interoceanic Canals

There being no objection, the resolutions were referred to the Committee on Interoceanic Canals and ordered to be printed in the RECORD, as follows:

At a meeting of the directors of the port of Boston, April 11, 1912, the following statement was adopted as the opinion of the directors of the port of Boston concerning a proposed amendment to section 5 of the interstate-commerce act, contained in section 11 of the Panama Canal bill No. 21969, and it was voted that a copy of this vote be sent to each member of the Massachusetts delegation in Congress.

The Panama Canal bill reported to the House of Representatives, Congress of the United States, as house bill No. 21969, contains in section 11 an amendment to section 5 of the interstate-commerce act, as

Congress of the United States, as house but to the interstate-commerce act, as follows:

"From and after the 1st day of July, 1913, it shall be unlawful for any railroad company or other common carrier subject to the act to regulate commerce, to own, lease, operate, control, or have any interest whatsoever (by stock ownership or otherwise, either directly, indirectly, through any holding company, or in any other manner) in any common carrier by water with which said railroad or other carrier aforesaid does or may compete for traffic; and in case of the violation of this provision each day in which such violation continues shall be deemed a separate offense."

does or may compete for traffic; and in case of the violation of this provision each day in which such violation continues shall be deemed a separate offense."

This is followed by a provision in substance that any railway controlling a water carrier engaged in foreign trade and having through rates and facilities with it, shall, upon request, provide like port facilities, connections, and joint through rates for and in connection with any water carrier engaged in the lake, river, or coastwise trade of the United States, including trade through the Panama Canal.

The enactment of such legislation would be detrimental to the port of Boston and to the transportation of both passengers and commodities of the Commonwealth. It is certainly unwise as an inclident to the regulation of traffic through the Panama Canal to enact a drastic change affecting transportation facilities and methods whose development in New England covers nearly a century where the connection of steamship lines and their control by railroads is as old as the construction of the railroads themselves. This bill commands the disruption of serviceable and efficiently operated transportation systems involving, if the compilance of law is to be more than in form, the sale of valuable properties, probably in many cases at a loss, many of which can not be operated independently with the same degree of efficiency as at the present time.

Such legislation threatens to place American railways interests under a severe handicap in competition with Canadian railways. It has been the distinct policy of the Canadian Government to encourage and assist its railways in the development of steamship facilities. A provision having this in view is incorporated in the contract of July 29, 1903, between the Dominion Government and the Grand Trunk Pacific Railway Co.

At the hearings before the Committee on Interstate and Foreign Commerce it was testified that "the entire transportation of Canada with England and Japan is in the hands of the Canadian Pacific Railroad. T

with England and Japan is in the hands of the Canadian Pacific Railroad. They are one of the largest ship-owning companies on the continent of North America, and they are closely followed by the Grand Trunk."

Considering the vast extent of the financial assistance given by the Canadian Government to its railroads and the distinct tendency of its policy regarding steamship connections up to this time, there is no indication that the early future will see any change of policy in this regard. The result of the proposed restriction of American railways therefore may be a severe discrimination against them.

It is not suggested that our Government should in any way change its policy in the direction of restricting our railways in the ownership or control of vessels engaged in the foreign carrying trade, whether through the Panama Canal or not. That such ownership or control especially on the Facific Ocean, has been much to the benefit of our foreign commerce is not denied.

It is obvicus that in many cases the enterprise of a railway company in establishing foreign steamship lines might depend, to a great extent, upon its opportunities for operating domestic steamship lines in connection with them. The use of common wharf facilities, the stopping at domestic ports of foreign-bound vessels, and other factors might have an important bearing; yet it is proposed in this legislation to deny to our railroad companies the privilege of operating such lines—a restriction which may operate, as indicated, in very undestrable ways as respects our foreign commerce.

The argument which has apparently brought about this amendment to the interstate-commerce law is the fear that railroad owned or operated vessels will be in a position to control coast traffic through the Panama Canal. These arguments allege that railway companies would be in a position to, by drastic reductions in rates, drive independent competitive lines out of business, and also wherever railroad companies over the canal or the strain of the case of competing ra

lation is not necessary, and that any difficulties can be met when they arise."

In imposing the restriction in question upon railroads in respect to "any common carrier by water with which said railroad " " does or may compete for traffic," the proposed law is vague and indefinite. It does not state what circumstances constitute competition. It makes no distinction between a case such as that of the Long Island Sound lines, operating between the same points as the controlling railroad, and steamship lines which might possibly be considered competitive in a sense, because forming a small connecting link in a long through route of which the controlling railroad is also a part. The result of this vagueness might be to forbid the establishment of a steamship line which in the promotion of foreign or domestic trade would be of great public benefit. The proposed new steamship line of the Grand Trunk from Providence to New York is a case in point.

In attempting to discourage monopoly of domestic traffic by placing this restriction upon the railroads, the law could easily have the effect of fostering and promoting steamship monopoly, since it would be forbidden for a railroad to establish a steamship line in competition with existing independent lines; also the law certainly would not restrict and might promote industrial monopoly through the control by large corporations of steamship lines.

The Standard Oil Co. operates a large fleet of American and foreign vessels. The Steel Corporation has a large fleet on the Great Lakes,

The proposed legislation wholly overlooks many important public advantages resulting from the control and operation of coastwise steam-

ship lines by strong rallical companies. As was, by implication, admitted by Mr. Wheeler, such Bres provide in many cases excellent passenger facilities and in convenient connection with trains, the two services perhaps actually connecting on the wharf. They facilitate rall-way operations by taking, to a considerable extent, the heavy froight, have a considerable extent, the heavy froight, and have a considerable extent, the heavy froight, and Navigation Co., controlled by the New York, New Haren & Hartford, can deliver freight directly to the lower part of New York City, while the rallway lines must leave their freight at points far up town, and the strong them to the majority report of the committee. While the relations are necessarily close and friendly, the rates and service on the steamship line are made to the majority report of the committee. While the relations are necessarily close and friendly, the rates and service on the steamship line are involving, on necessity, some actual competition between rail and boat.

The policy embodied in this legislation must have a strong fendency to stuffly enterprise, to stand in the way of large and important out of the strong the strong the agreement of the enterprise of the strong the agreement of the enterprise of the agreement of the enterprise of the strong the str

It may be freely conceded that all actions of a railroad tending to deny to independent companies proper and fair facilities for their service and equal treatment in switching charges and similar matters should be vigorously opposed by the proper public authorities.

SUMMARY.

The directors of the port of Boston regard section 11 of the Panama Canal bill (H. R. 21969), which forbids railroads from being interested in water lines, wherever located, which compete or may compete, as detrimental to the port of Boston and the State of Massachusetts. The bill would disrupt valuable transportation routes of many years standing, such as the Long Island Sound lines, which have no reference to the Panama Canal.

It would place American railways under a severe handicap compared with Canadian railways, which are encouraged to go into the steamship business.

The danger feared—the detrimental control by railroads of coast

business

The danger feared—the detrimental control by railroads of coast traffic through the Panama Canal—can be avoided in other ways, as,

for instance, giving the canal administration certain discretionary

It would tend to restrict the development of steamship lines as parts

It would tend to restrict the development of steamship lines as parts of competitive routes.

It might promote rather than prevent monopoly of steamship service. It overlooks the important public advantage resulting from control of coastwise lines by strong railroad companies in protecting rates through offering differential routes.

Water transportation can be monopolized only if dock facilities are monopolized, which is the essential thing to be guarded against.

RULES OF DEBATE.

The VICE PRESIDENT. The Chair begs the attention of the Senate for one moment to call to their attention the concluding clause of section 2 of Rule VII, which reads:

It shall be not in order to interrupt a Senator having the floor for the purpose of introducing any memorial, petition, report of a com-mittee, resolution, or bill. It shall be the duty of the Chair to enforce this rule without any point of order hereunder being made by a Senator.

The Chair recognizes the fact that quite often it does not seem gracious on the part of the Chair to enforce that rule, and it would relieve the Chair if Senators would bear this rule in mind and not put the Chair in a position where to obey the mandate of the Senate he must appear in the position, perhaps, of one who desires to dictate to the Senate what course they should follow; but the Chair on yesterday knowingly, and thinking at the moment what he was doing, did violate the rule in recognizing the Senator from Michigan [Mr. SMITH] to present a resolution, interrupting the Senator from Vermont [Mr. Dillingham] so to do, and the Chair thought, having purposely—if he may use that word—violated the rule yesterday, that he should call the matter to the attention of the Senate, acknowledge his fault, explain the reason for his action, and ask the Senate to help in maintaining strictly the rules of the Senate.

FIVE CIVILIZED TRIBES IN OKLAHOMA.

Mr. OWEN. I ask unanimous consent for the present con-Mr. OWEN. I ask thanhous consent for the present consideration of the bill (S. 6339) to adjust titles within the Five Civilized Tribes in Oklahoma, and for other purposes.

Mr. SMOOT. I should like to ask the Senator from Oklahoma whether the bill has been reported from the Committee on

Indian Affairs?

Mr. OWEN. It has been reported from the Committee on Indian Affairs, and upon a letter of recommendation from the Secretary of the Interior.

Mr. SMOOT. Is the report a unanimous one? Mr. OWEN. The report is unanimous.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Indian Affairs with an amendment, to strike out all after the enacting clause and insert:

whole, proceeded to consider the onl, which had been reported from the Committee on Indian Affairs with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized, in his discretion, to validate by approval any instrument purporting to be a deed of conveyance or contract for title of allotted lands of the Five Civilized Tribes made prior to the removal of restrictions and before January 1, 1912, in the following cases, to wit:

First. When the purchase or contract was made in good faith, and no fraud was practiced, and the Indian allottee was actually paid the reasonable value of the land.

Second. When the purchase or contract was made in good faith and no fraud was practiced, but when the consideration paid was not sufficient to over the reasonable value of the land conveyed: Provided That in this class of cases the settlement can only be made upon the condition that the Secretary of the Interior be paid for the benefit of the allottee a sum sufficient to make up the reasonable value of such lands: Provided further, That the settlement in either case shall be made upon such settlement such terms of settlement as the Secretary may deem just, proper, and equitable, and under such rules and regulations as he may prescribe, and upon such settlement suit, if any, instituted at the request of the Secretary of the Interior, shall be dismissed without cost to the defendant.

Sec. 2. That the Secretary of the Interior is hereby authorized to permit the sale or exchange of the restricted land of any Indian of any tribe in Oklahoma and invest all or part of the proceeds of any sale which has been or may be made for the benefit of said Indian and his heirs or legal representatives, the property so secured to be held for the use and benefit of such Indian, subject to the same conditions, limitations, and restrictions as imposed by law upon the original lands soid or exchanged by such Indian, subject to the same conditions, limitations, and res

heirs, or legal representatives whenever it shall be shown that he or they should receive the same.

SEC. 4. That from and after the approval of this act any person, firm, or corporation procuring, accepting, or placing of record any deed, mortgage, contract to sell, power of attorney, lease, or other instrument or method of encumbering real estate relating to land allotted to members of the Five Civilized Tribes, made prior to the removal or expiration of restrictions therefrom, or if not approved as provided in this act, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than \$500 nor more than \$5,000, or by imprisonment for not less than 60 days nor more than 1 year, or by both such fine and imprisonment.

Mr. CLARK of Wyoming. Before the bill is taken up, I should like to inquire of the Senator from Oklahoma if I am correct in my deduction that section 2 of the bill substantially removes all restrictions which Congress has heretofore placed upon the alienation of Indian lands, subject to the will of the Secretary of the Interior?

Mr. OWEN. It does not. It merely permits the Secretary to

invest the proceeds of sale of land in other land better situated. The act of May 27, 1908, authorizes the Secretary of the Interior to remove restrictions upon any lands in the Five Civilized Tribes. That is the present law.

Mr. CLARK of Wyoming. Then how does this bill change

the present law?

Mr. OWEN. The bill changes the present law in this, that the act of May 27, 1908, forbade the Secretary of the Interior to approve any contract made prior to that act, although the previous agreement—as the Creek agreement, for instance—permitted such contracts to be made subject to the approval of the Secretary. The purpose of this bill is to enable the Secretary to bring to a conclusion, by administrative and executive adjustment, the innumerable suits which have been brought in the Five Civilized Tribes, of which there are about 26,000 still pending, and which can not, in the nature of the case, be economically, quickly, or conveniently adjusted by judicial and equitable procedure.

Mr. CLARK of Wyoming. Would not that purpose be accomplished without the insertion of section 2 in the bill?

Mr. OWEN. Section 2 of the bill is intended to cover this point: Selling restricted lands in the drainage districts, where it is proposed to dispose of restricted lands, and authorizing the Secretary to invest the proceeds in other lands.

Mr. CLARK of Wyoming. Would not section 2 enable all the lands of all the Indians in the Five Civilized Tribes to be placed, by the consent of the Secretary, in the market for sale, and thus eliminate entirely the Indians as landholders? I notice the sec-

tion says he may sell or exchange certain lands.

Mr. OWEN. Permit the sale.

Mr. CLARK of Wyoming. But it does not say that the proceeds of the sale of those lands shall be invested in other lands. The assumption of the second section is that the proceeds shall be invested in other lands, but the wording of this section does not require it. So that the full-blood Indian lands could be disposed of under section 2 and no other lands be substituted in place thereof. But the proceeds of the sale of those lands could be invested in such a way as the Secretary of the Interior may see fit.

Mr. OWEN. Under existing law, the act of May 27, 1908 the Secretary has the right to allow the alienation of any of these lands, including those belonging to full bloods, but the practice has been that he has only permitted parts of it to be sold where the proceeds might be judiciously invested in the improvement of the remainder; but under existing law he can not invest the proceeds in other land. Section 2 of this bill enables him to do this.

Mr. CLARK of Wyoming. My impression has been that the purpose of all our legislation along this line has been to fix for a certain period of years the title in the full-blood Indians. It

Mr. OWEN. If the Senator from Wyoming will excuse me for a moment, I suggest that the Senator from Wyoming is probably thinking of what is known as the McCumber amendment of April, 1906, which provided that lands of the full bloods should be inalienable until 1931; but the act of two years later, known as the removal-of-restrictions act, approved May 27, 1908, provided they might be sold with the approval of the Secretary, and he has 16 district agents acting in an advisory capacity in that country so he may protect the interest of the restricted Indians

Mr. GALLINGER. I ask the Senator from Oklahoma if this question has been before the courts of the country?

Mr. OWEN. It has been before the courts for four years, and there are 26,000 of these cases pending, the first demurrers only having been decided after four years.

Mr. GALLINGER. And a decision has been rendered?

Mr. OWEN. In part, in a few cases brought upon demurrer.

Mr. GALLINGER. As this matter has been before the courts and appears to have been in part adjudicated, I must object to the present consideration of the bill, as I want to look into it.

Mr. OWEN. There has been no final adjudication. The first demurrers only have been passed upon.

Mr. GALLINGER. I presume the bill is all right, but I want time to look into the matter. Therefore I wish it to go over for

Mr. OWEN. The letter of the Secretary fully explains the matter, and will be found in the unanimous report of the Committee on Indian Affairs, on the calendar. Of course, if there is any objection I yield.

Mr. GALLINGER. I will read the Secretary's letter and also

the report of the committee.

REGULATION OF IMMIGRATION.

Mr. LODGE. I move that the Senate proceed to the consideration of the bill (S. 3175) to regulate the immigration of aliens to and the residence of aliens in the United States.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill.

The VICE PRESIDENT. The Secretary will state the pending amendment.

The Secretary. Beginning on page 7, line 11, of the last print, it is proposed to strike out beginning with the word "all" down to the word "excluded," on page 8, line 8.

The VICE PRESIDENT. The question is on agreeing to the

amendment.

Mr. ROOT. Mr. President, I am opposed to the amendment striking out the illiteracy clause. I believe the time has come when it will be for the benefit of the people of the United States, including all the millions of immigrants who have come into this country in recent years, to put into our immigration law a clause which will require the immigrants who are admitted here to pass the test of ability to read and write.

I intend to say but a very few words on the subject. not in favor of this proposition for the reason that it will tend to exclude criminals and anarchists. I do not suppose it is intended for that purpose at all, and the fact that it will not accomplish that purpose is no argument against the test. not in favor of the test of illiteracy because I think there are not many good people who would become useful citizens and who can not read and write at this time. It may well be that such a test will exclude a good many people whom we should be glad to have here. But, Mr. President, the question is not whether this test will still leave it possible for some people to come in who ought to come in, or whether it will keep out certain people whom it would be well to keep out, but whether such a test will be beneficial to the people of the United States.

It seems clear to me that it will be beneficial as a whole. think there is a general and well-founded feeling that we have been taking in immigrants from the Old World in recent years rather more rapidly than we have been assimilating them. They have been coming in rather more rapidly than they have been acquiring American habits of thought and the American spirit of government, and it could not well be otherwise in view of the fact that of the 9,555,000 immigrants who have come into this country during the 12 years following the War with Spain, 2,238,801 over 14 years of age were unable to read and write, with the result that we have many great communities composed of people gathered together unable to speak the English language, unable to read the newspapers or the magazines or the books, through the agency of which a knowledge of what is going on in the world and a knowledge of the principles of our Government may be communicated to our people.

These communities of foreigners, speaking a foreign tongue, with foreign habits and thoughts, cut off by inability to read from the great body of the people of America, cut off from our ideas, from our thoughts, our sentiments, our feelings, our purposes by their own ignorance, are encisted in the body politic of America and the body social of America and are not a part, in fact, of the organized community which we call the United

Mr. GRONNA. Mr. President—
The PRESIDING OFFICER (Mr. Swanson in the chair). Does the Senator from New York yield to the Senator from North Dakota?

Mr. ROOT. Certainly. Mr. GRONNA. Would the Senator from New York exclude immigrants unable to read in English no matter how well they might be educated in some other language?

Mr. ROOT. No; I would not, because if they can read and write the demands for information will be responded to by the journals of their own tongue.

Mr. DILLINGHAM. The bill does not exclude them.

Mr. ROOT. The bill does not exclude them. The bill draws the line very clearly. It is inability to receive ideas through the written or printed word in any language.

Mr. GRONNA. If the Senator will allow me further, he lays stress upon the fact that these immigrants are unable to read the magazines. I wish to suggest that there are a great many published in languages other than the English language.

Mr. ROOT. There are also many magazines published which it is just as well they should not read. But I think it is desir-

able that they should be able to read in some language.

Mr. President, the general consideration which I have mentioned is still further emphasized when we consider the character of the present-day immigration. The Senator from Vermont [Mr. Dillingham] in his most interesting and instructive speech yesterday presented the distinction which the commission had recognized between what they call the old immigrathe new immigration, the old immigration having come chiefly from northwestern Europe and the new immigra-

tion coming chiefly from southeastern Europe.

I do not wish to be understood as saying a word that in any degree implies an assertion of our superiority to the peoples of southeastern Europe or which in any degree reflects upon the high character of those peoples, but, sir, we can not fail to perceive, if we read history and if we acquaint ourselves with contemporaneous events, that the people of that part of Europe are much further removed from sympathy with our modes of government, are much less trained in the kind of self-government which is necessary to us than the people who came from northwestern Europe. They are more unlike us, not only in language but in habit and in their acquired capacity for selfgovernment. So they need to a much greater degree than the people of the old immigration to be able to read and write, to be able to come into touch with the public sentiment and to a knowledge of the public purpose of our country.

The specific reason why I think this educational qualification will, as a whole, be a great advantage is that it will especially affect a very large immigration from southeastern Europe, which has in recent years furnished this unassimilated element, this element which it is difficult for us to assimilate, and which when it gets here is cut off from the general sentiment and

opinion of the country.

Look at the figures of illiteracy among the people who have been coming here of late from southeastern Europe. Of the Poles, 861,303 have come in since the War with Spain, and of them 35.4 per cent could not read and write. Of the Slovaks, 342,583, and of them 24 per cent could not read and write. Of the Croatians and Slovenians, 320,977 have come in, and of them 36.1 per cent could not read and write.

Mr. STONE. I do not wish to interrupt the Senator, but

what was the number he just named?

Mr. ROOT. Three hundred and twenty thousand nine hundred and seventy-seven.

Mr. STONE. At what time?
Mr. ROOT. That is since the War with Spain.
Mr. SHIVELY. Will the Senator allow me to interrupt him?

Mr. ROOT. Certainly.
Mr. SHIVELY. How was that percentage ascertained? Has there been such a test and such an examination as to make these statistics authentic?

Mr. ROOT. It is the report of the Immigration Commission, and is to be found on page 99 of the first volume.

Mr. SHIVELY. The Senator has examined the report. Is there an examination made on the entrance of these people?

Mr. ROOT. There is an examination made upon their entrance into this country, and among the facts that are recorded is the fact whether the immigrant can read and write or can not.

Mr. SHIVELY. Is that done under a requirement of existing

law, does the Senator know?

I do not know whether it is or not. and the Immigration Commission makes this report in Table 11, Number and per cent of immigrants admitted to the United States who were 14 years of age and over and who could neither read nor write, during the fiscal years 1891 to 1910, inclusive, by races or people, compiled from reports of the United States Commissioner General of Immigration."

Mr. WILLIAMS and Mr. STONE addressed the Chair. The PRESIDING OFFICER. Does the Senator from New

York yield, and to whom?

Mr. ROOT. I yield first to the Senator from Mississippi, and then I will yield to the Senator from Missouri.

Mr. WILLIAMS. Is that fact determined by a practical test, or simply by asking the immigrants the question?

Mr. ROOT. I do not know, Mr. President.

Mr. ROOT. I do not know, Mr. President.
Mr. WILLIAMS. Does the Senator from Vermont know?

Mr. DILLINGHAM. I am unable to state definitely, but I think it is the result of inquiry.

WILLIAMS. If it is determined simply by asking the question, a great many people who can not read and write would say that they can.

Mr. ROOT. Yes. The effect of that, of course, would be that if there was any error it would be in the way of an un-derstatement of the number of illiterates, for no one who can read and write is going to claim that he can not. Does the Senator from Missouri wish to interrogate me?

Mr. STONE. I understood that the period covered by this table is from 1899 to 1910, inclusive. That is 12 years. The Senator states that the immigration from certain countries during that period was so much in the total, and then that there was a certain per cent of illiteracy. Take the last case the Senator referred to, about which I made an inquiry. What was the total immigration during that period of 12 years?

Mr. ROOT. I think the last was the Croatians and Slovenians

Mr. STONE. I think so. Mr. ROOT. The number was 320.977. Mr. STONE. What was the per cent of illiteracy?

Mr. ROOT. 36.1 per cent.

The Portuguese sent 38,122, and of them 68,2 per cent were illiterate. They should not properly, of course, be counted as having come from southeastern Europe. Twelve thousand six hundred and seventy Turks came in, and of them 59.5 per cent were Illiterate; 47,834 Syrians, and of them 53.3 per cent were illiterate. The Bulgarians, Servians, and Montenegrins sent in 95,596, and 41.7 per cent were illiterate. Of the south Italians there came in 1,690,376, and of them 53.9 per cent were illiterate. So, with them no ray of public opinion could pierce the darkness which makes possible the Black Hand and the blackmail and the number of assassinations for gain which has proved so serious a problem for the peace officers of our country to deal with. Fifty-three and nine-tenths per cent out of 1,690,000 were unable to read and write in any language, inaccessible to those ideas which are essential to the maintenance of our peace and order and the perpetuity of our institutions.

Now, Mr. President, it is manifest that the imposition of the literacy test will bar practically one-half of this class of immigration. It will bar that part which by and large is the least intelligent, the least capable of being manufactured into good American citizens, and the most dangerous as a new and unassimilated element in our body politic. That consideration, it seems to me, should be controlling in favor of the inclusion of

this literacy test.

Mr. President, there are two special considerations that I wish to lay before the Senate in its dealing with the question whether it is desirable for us to impose this limit. One is that the coming of great numbers of these people who are wholly illiterate and who have to take, of course, the lowest rate of wages, whose minds are not open to the ordinary opportunities for bettering their condition, does tend to break down the American standard of wages, and to compel American workmen, whether they be born here or be a part of the 9,000,000 who have come in since the War with Spain, to compete with a standard of wages and a standard of living that they ought not to be required to compete with

Now, that is the reason why within a comparatively recent time the workingmen of the country who formerly were moved by sympathy with the friends they had left behind them on the other side of the ocean have now come to feel that it is essential that something be done, so that this bringing in and planting on our soil the pauper labor of Europe may be checked, and why

they are asking for this legislation.

I do not see, sir, how any one upon either side of this Chamber can square his conduct with his professions of a desire to promote the welfare, to improve the conditions, to contribute to the happiness of men who work with their hands in this country and refuse to check this influx of ignorant labor to compete with our workingmen and reduce them to a standard of living below that which they have at present.

Mr. President, I do not blame a business man who has work of construction, or mining, or manufacturing on hand for trying to get ample labor, and to get it at as low wages as he can consistently with common humanity and fairness. I do not mean to say that a man who has a coal mine should not be regarded as at liberty to employ labor and to desire that there should be plentiful labor for him to employ. But I do say, sir, that the interests of owners of mines and manufactories and contracting organizations should yield to the interests of the people as a whole, and the interests of the people as a whole must prevent the further dilution of our labor by this muddy stream.

There is one other consideration which seems to me of very serious importance. We do not have to wait now, sir, for men to be naturalized and accorded the suffrage before they can exercise a potent influence upon the most vital concerns of the whole people. It is only a few weeks since we have seen Great Britain face to face with a paralysis of industry, with imminent danger of famine, with a condition which had thrown out of employment more than 2,000,000 of the working people who themselves were not on strike, but who were thrown out of employment because the coal supply to keep going the industries in which they worked had failed. That situation was brought which they worked had failed. That about by a vote of the miners of coal.

But a few years ago, sir, we ourselves were confronted with a situation-not so widespread and not so imminent in its danger, but serious enough-when the coal miners of Pennsylvania stopped absolutely the supply of anthracite coal for the country. That stoppage of that great supply necessary to the comfort, necessary to keep going the furnace fire and the kitchen fire, to keep going the manufactories which employed labor, to keep going the wages of labor, was brought about by a vote of the miners in the anthracite regions of Pennsylvania.

Mr. President, I do not in the remotest degree touch upon the question of right or wrong, wisdom or unwisdom, expediency or inexpediency of such a vote. At times it may be justified: at times it may not. It even may be a close and doubtful ques-tion as to whether the men who mine the coal or the men who work in any other of the great basic industries upon which our great structure of production and commerce is built up should vote to stop.

Surely, sir, it is of vital importance to the people of the United States that the men who are to consider that question, the men who are to vote whether they will go on to furnish or will cease to furnish the supplies necessary to the continuance of our industries at large, to the continuance of the supply of the necessities and comforts of life-surely it is of vital importance to us that the men who are to cast that vote shall be men instructed, men who are able to read, men who are able to get into touch with the sentiments of American life, with the principles of American institutions. Yet we find by the report of the Immigration Commission that it is into those basic industries upon which all our industries depend that these new arrivals from southeastern Europe go. They go to the point where ignorant, uninstructed action may do the greatest damage, to the point where instructed and wise action is of the greatest consequence. Here is what the commission says:

A large proportion of the southern and eastern European immigration of the past 25 years has entered the manufacturing and mining industries of the Eastern and Middle Western States, mostly in the capacity of unskilled laborers. There is no basic industry in which they are not largely represented and in many cases they compose more than 50 per cent of the total number of persons employed in such industries.

And to-morrow, sir, the question whether the workers in our mills shall continue to have employment, the question whether our furnace fires shall continue alive, whether the ordinary necessities of life shall be cut off, is liable to be determined by the vote of the miners, more than 50 per cent of whom, according to this report, may be unable to read and write.

Mr. STONE. Do I understand, Mr. President-The PRESIDING OFFICER. Does the Senator from New York yield to the Senator from Missouri?

Mr. ROOT. Yes. Mr. STONE. Do I understand the Senator from New York in that remark to assert it to be a fact that 50 per cent of the miners are illiterate?

Mr. ROOT. No, Mr. President; I make no such assertion.

Mr. STONE. The Senator's remark seems to leave that

Mr. ROOT. I have read the statement from the report of the commission. The commission says:

There is no basic industry in which they are not largely represented-That is, these unskilled laborers from southeastern Europein which they are not largely represented, and in many cases they compose more than 50 per cent of the total number of persons employed in such industries.

I do not think it is a fact that a majority of the miners in any part of the country are illiterate, but I say that, unless we put some check on this immigration, we are feeding into the body of men who are engaged in these basic industries-the continuance of which is necessary for all other industries-a continual stream of men whose minds are closed to the principles and the sentiments of our American institutions and our American civilization. I think that this consideration is powerful in its persuasion toward the adoption of such a test as it is now

proposed to strike out from the bill.

Mr. PERCY. Mr. President, after the illuminating speech on

and the forceful presentation of the question by the Senator from New York [Mr. Roor], I have no hope of adding anything of interest to the discussion; but I do desire to briefly submit the reasons which influence me in supporting the bill as framed and opposing the committee amendment which seeks to strike from that bill the literacy test.

For a period of years preceding 1907 the tide of immigration into this country had grown steadily with every year, until in that year more than a million and a quarter of immigrants came to our shores. All over the country, from ocean to ocean, our people had become apprehensive over this growing flood of immigration. They wondered what it meant to the wages of the American workingman, what it meant to the perpetuity of American institutions; yet whenever there was an attempt to restrict this immigration by national legislation that attempt was met by the claim of the great employers of labor that they needed this unrestricted flood of immigration to draw on for labor to properly conduct their business and that any curtailment of it meant a check in the prosperity of our people.

There were no sufficient accurate data upon which the question could be intelligently discussed and legislated in reference to, although a bill containing the literacy test has passed one or the other Houses of Congress nine times. Such a bill passed both Houses in 1897 and was vetoed by President Cleveland. In 1907 a bill containing substantially this provision passed the Senate of the United States; but when it reached the other House, either for the purpose of retarding legislation restricting immigration or for the purpose of securing information so that such legislation could be more intelligently considered, the other House substituted for the literacy test a provision creating the Immigration Commission. The bill creating the commission provided that the commission should investigate the immigration question and report its conclusions and its recommendations as to legislation on the subject.

A word about the composition of that commission. It was composed of nine members, three Senators named by the President of the Senate, three Members of the House of Representatives named by the Speaker of the House, and three persons, not Members of Congress, selected by the President of the United States because of their familiarity with the immigration question.

This commission represented every shade of opinion upon the question of immigration. Some of its members favored no restriction in immigration; some of them favored no immigration. Under the power conferred upon them they first investigated conditions in those countries from which the heaviest immigration was coming. They investigated the economic conditions of the laborers there, what wages they received, what drove them to our shores, what kind of citizens they made in those countries, and what kind of citizens it might be expected they would make when they came to our country. Returning to this country, the commission followed these aliens into the various pursuits in which they had embarked. To show the nature and the scope of this investigation, the commission considered more than 3,000,000 individual cases, following them into the occupations in which that number of aliens were then engaged.

The result of their work is comprised in 42 volumes, containing much valuable information to the student of this subject. The commission ascertained two pregnant facts in connection with this question: One, that in the past 25 years there has been a total change in the character of the immigration coming to our country. Prior to 1882, 95 per cent of the immigration came from northern Europe-the British Isles, Germany, Belgium, Switzerland, and Scandinavia. These immigrants were home seekers and were readily assimilated by our people. They desired to become citizens, and they helped in the development of that great northwestern empire of ours; but within the past 15 years more than 80 per cent of the immigration comes from southern and southeastern Europe, and those immigrants are not as a rule home seekers; they are not readily assimilated by our people; they do not desire to become American citizens; but each year they either ship or they carry back to the shores from which they came millions of dollars of American money.

The commission found, too, that there was a greater supply of unskilled labor than the business of our country demanded, and that this surplus supply of unskilled labor was used by the great employers of labor as a weapon with which they forced down the wages of American workingmen below a fair wage, according to our standard, and below a fair share of the profits of the business in which those men were employed.

The commission, as the result of their investigation, unanimously recommended that there should be legislation substantially restricting immigration; and, with the exception of one member, Mr. Bennet, of New York, they unanimously recomthis subject by the Senator from Vermont [Mr. Dilingham] | mended among the various methods of restricting immigration

the adoption of the literacy test. To strike this test from the bill rejects the conclusion reached by that commission; it emasculates the bill and leaves it nothing but a codification of existing immigration laws; it bitterly disappoints the American people, whose sole interest in the immigration legislation is that there shall be some substantial reduction in the flood of immigration.

The reason given by the committee for striking out that section of the bill is that the retention of it might jeopardize the passage of the bill. I do not believe that to be the case. think that is the most important part of the bill, and should be

retained in it.

There is one other consideration that influences me to reach this conclusion. There has never been a time in the history of our country when restriction in immigration would work as little injury to the business interests of our country as to-day. There are no great enterprises being rapidly pushed to completion requiring as an indispensable adjunct to their development an unlimited supply of cheap labor. There has never been a time in the history of our country when its political welfare has imperatively demanded a substantial reduction in immigra-

We are living in a shifting era. The burden of government, according to the tendency of political thought, is being placed more directly upon the shoulders of the people; and whether one reloices in that or whether one deplores it is absolutely imma-

terial; the fact remains.

It is likewise, Mr. President, immaterial whether we belong to that school of cheerful political optimists who believe that by the direct primary, the initiative, the referendum, and the recall a change is going to be wrought in the character of our people, a change more wondrous than a sea change and more miraculous than the alchemist's dream of converting common dross into pure gold, the change of the derelict citizen into the sage statesman, the change that will make the citizen, who to-day through indifference or ignorance fails to discharge the burdens of citizenship, discharge with intelligence and with zeal those added burdens which will be imposed upon him, or whether we belong to the school of politicians who believe that these changes unchecked portend the end of representative government, and who believe that representative government, as it has existed in the United States by virtue of what it has stood for, by virtue of what it has achieved for mankind, is deserving of commendation and perpetuation and not of repudiation and destruction-to whichever school we may belong, we all must realize that we stand on the threshold of an era in which the capacity of the American people for self-government will be tested as it has never heretofore been tested; and in meeting the great governmental questions which confront them they have a right to be protected from the injection into the body politic of millions of aliens, uneducated and incapable within any limited time of becoming intelligent American citzens. right to make this demand, and that is their demand to-day.

Every consideration, Mr. President, seems to me to make imperative a substantial reduction in immigration, and there is no question that the literacy test is the best single means of reducing immigration, reaching, as it does, that class of immigrants which is most undesirable. For these reasons I shall support the bill as submitted to the committee and shall oppose the

committee amendment.

Mr. MARTINE of New Jersey. Mr. President, I can not vote for the literacy test in this bill as a passport to this country. Forty or fifty years ago 90 per cent of the immigrants that came to this country came from Ireland and Germany, and scarcely one of them could have stood this test; and yet all those immigrants, or practically all of them, became industrious citizens, amassed money, yes, fortunes, through their thrift and ambi-tion, and their children to-day are among the best citizens of this country. Education to a man or a woman of evil character and disposition will make him or her most dangerous.

Mr. President, this test would have kept my mother, from whose bosom I drank the milk of justice and liberty, from this fair land. I believe that this great country, blessed of God, can digest and assimilate all of the nations of the earth. I have no fear. Let our test be clean morals, sound and clean bodies, and, with a public-school system, we can safely trust the rest to God. As Heaven is my witness, I will never vote to pass a measure that makes this ungenerous and unjust exaction on the part of a free people.

Mr. ROOT. Mr. President, I wish to call the attention of the Senator from New Jersey to the fact that of the Irish immigrants who have come to this country since the War with Spain, 97.4 per cent were able to read and write.

Mr. MARTINE of New Jersey. That is to-day, is it not? Mr. ROOT. That is what we are legislating for now.

Mr. MARTINE of New Jersey. I know; but I take my example, as I have said, from the immigration of 40 or 50 years ago, when, with the drastic proposition in this measure which is to-day proposed, with its exactions, the best and the grandest element that has carved out the fortunes and welfare of this fair land would have been shut out.

Mr. ROOT. Two and six-tenths per cent of all the Irish immigrants since the War with Spain have been illiterate. difference is very marked. You look at the figures as to Scandinavians. Only four-tenths of 1 per cent are illiterate; 99.6 per cent could read and write. Of the Scotch, only seven-tenths of 1 per cent were illiterate. Of the Dutch and Flemish, 4.4 per cent were illiterate, and so on; and even of the northern Italians as compared with the south Italians, only 11.5 per cent of the northern Italians were illiterate, while 53.9 of the south Italians were illiterate. The desirable citizens will come in-

Mr. WILLIAMS. Before the Senator from New York sits down, I call his attention to the fact that he did not read anything as to the percentage of illiteracy among the German people who come here. I have not the percentage at hand, but it has been a fact from the very beginning of the German immigration that a vast majority of them were of the class who could read and write. And that is especially true, notably of 1848, when the great German immigration occurred, when it first began in stupendous proportions. They constituted the most intelligent part of the German people, the most highly educated in political and in social science, and from them came the class of people to whom the Senator from New Jersey has referred. There has never been a time in our history when the German people did not possess a higher percentage of literacy than the American people did, taking the American people as a whole.

Mr. ROOT. I can supply the figures from this report as to the German immigration since the War with Spain. Only 5.2 per cent of the Germans who have come in during that period were illiterate and 94.8 per cent could read and write.

Mr. BORAH. Mr. President, I am not going to delay the vote upon this bill long if the Senate is ready to vote upon it, as I take it that it is, but I desire before the bill is finally submitted to express briefly some views on the subject of immigration.

I have no prejudice against foreigners. From them we secure some of our best citizens. But there are two classes of immigrants that particularly concern me, in reference to any immigrants gration bill, and that is the immigrant who comes here without any expectation of remaining permanently and the immigrant who is unfit for citizenship when he does arrive and concludes to stay. According to the figures which we gather from the report of the commission, there are about 30 or 40 per cent of the immigrants from a certain part of Europe who come to this They do not come country and remain for a time and return. with the expectation of remaining and becoming citizens. do not become citizens. They enter for a time in competition with American labor and return to their former abode.

The amount of money sent back by the immigrants was under discussion yesterday, and as it has a bearing upon this particular proposition of the itinerant immigrant, I desire to read a paragraph or two from Dr. Jenks's book on immigration. Upon page 106 of this volume he says:

Page 100 of this volume he says:

The importance of immigrant banks as agencies in the transmission abroad of immigrant money is indicated by the fact that approximately one-half of the estimated amount of \$275,000,000 sent abroad by aliens in 1907 passed through the hands of immigrant bankers. The transmission was effected by means of the "money orders" of certain large banking houses which were placed in the hands of immigrant bankers and sold by them to their customers.

The amount of money sent abroad by various correspondent banking houses of immigrant banks in the two and one-half years cading June 30, 1909, is shown by the table below. This table is a summary of carefully prepared statements furnished by four general banking houses, the financial departments of an express company and of a steamship company, and three large Italian banks, including the New York office of the Bank of Naples. These are the leading concerns through which immigrant banks transmit money abroad.

From January 1, 1909, to June 30, 1909, \$30,780,645.65 was sent abroad; during the year 1907, \$141,047,381.92; during the year 1908, \$77,666,035.46. It is evident, of course, that wages are far better here than in the countries from whence they came or they would not come solely to get work, accumulate money, and return. If they could secure the wage there that they do here, they would not be here. But the effect of their coming, while it betters their condition, militates against the conditions of labor here.

We have, therefore, a very large class of immigrants who come to this country, not, as I say, with the expectation of becoming a part of our national life or a part of our citizenship, but who compete for a time in our labor market, send their money back to the old country, and finally return themselves. That is a kind of competition-much as we believe in competi-

tion in these days-that we should guard against so far as we can. It is having its effect in the industries of the country.

There can be little question that in a number of industries of the country foreign labor, and this class of foreign labor, is taking the place of our people, taking the place not only of those who were born here, but of those who come here with the expectation of remaining. I desire to read a single paragraph from the report of the Department of Commerce and Labor upon the condition of wages in the steel industry. This will show that not only the American born, but foreigners who come here, and whom we are glad to have come when they come to stay, are interested in this subject. All who become a part of us are interested in a good wage, for I want it understood that I regard the foreigner who comes among us to permanently remain as entitled to the same rights and protection as the home born, and I speak of them all as American citizens.

home born, and I speak of them all as American citizens.

Another striking characteristic of the labor conditions in the iron and steel industry is the large proportion of unskilled workmen in the labor force. These unskilled workmen are very largely recruited from the ranks of recent immigrants. For the industry as a whole, not far from one-half of the 91,463 employees in the productive iron and steel occupations included within this investigation were of the class of unskilled workmen. In the blast-furnace deartment, the largest single department in the industry, more than two-thirds of the 24,722 employees in productive occupations were unskilled laborers, a large proportion of whom do not yet speak or understand English; and even in the South the number of immigrants employed in the industry is rapidly increasing.

Mr. DILLINGHAM. What is the Senator reading from?

Mr. DILLINGHAM. What is the Senator reading from?

Mr. BORAH. From the report of the Department of Commerce and Labor upon the conditions of labor in the steel in-

Mr. DILLINGHAM. Would it interrupt the Senator if I gave some figures bearing upon that point, which I had not at

hand yesterday?

Mr. BORAH. I shall be glad to have the Senator insert them. Mr. DILLINGHAM. I have found since yesterday that the commission received returns from about 86,000 laborers in the iron and steel industries, and of that number 57.7 per cent were foreign born, and that the yearly earnings of those reporting averaged \$346 and their weekly earnings about \$4.35, which would indicate that they did not have work for much more than half the time.

Mr. BORAH. I find also from the report of the commission that about 44 per cent of the immigrants from southeastern

Europe are unable to read and write.

Now, I would not, if I was drawing a measure, exclude one because he could not read or write our language, of course, but it does seem to me that there should be taken into consideration the necessity of assimilating these people to our life and our mode of living and thought, and that it ought to be required of them that they be capable of reading and writing their own language. They come presumably to take part as citizens, if they come to stay, and they ought, it seems, be prepared for the duties imposed upon them. There is practically no way by which we can communicate with them or by which they can take in our mode of life and our theory of government unless they are in some measure capable of reading and writing. If they are capable of reading and writing their own language, it will be but a short time until they are capable of understanding the questions uppermost in our civic life. There will be no difficulty in their getting in touch with our way of thinking and living.

Mr. WILLIAMS. Will the Senator pardon a suggestion? This country is full of splendidly edited papers published in every European language, and the man who can read his own language thus may keep in touch with current events and be informed about what is really going on in his adopted country. So you do not have to wait until he learns English. He can inform himself from the existing current literature published in his own tongue. There is not a single one of these tongues

that has not some great journal in this country.

Mr. BORAH. I agree with the Senator from Mississippi, and while I did not express myself, perhaps, as clearly as I should, I had in mind the fact that if he could read and write his own language there would be a channel of communication, either through journals published in his own language or through translations, by which he would be able to keep in touch with American life.

I read a quotation from a newspaper. Of course, I do not youch for this, although I take it from other sources that it is

likely of substance and well founded:

While the illiteracy test is not intended as a substitute for laws debarring alien criminals, if it had been in effect years ago one-fifth of the foreign-born criminals in our jails and prisons would not be there, for, according to the censuses of 1890 and 1900, 21 per cent of the alien criminals are illiterate.

Not all immigrants, but those who have been convicted of

Mr. HEYBURN. That is a small percentage.

Mr. BORAH. I also desire to read a page from Dr. Jenks's with reference to the effect of this kind of competition upon the sanitary and safe conditions of the places where the employees of this country are employed:

upon the sanitary and safe conditions of the places where the employees of this country are employed:

Relative to the effect of recent immigration upon native American and older immigrant wage earners in the United States, it may be stated, in the first place, that the lack of industrial training and experience of the recent immigrant before coming to the United States, together with his illiteracy and inability to speak English, has had the effect of exposing the original employees to unsafe and unsanitary working conditions, or has led to the imposition of conditions of employment which the native American or older immigrant employees have considered unsatisfactory and in some cases unbearable. When the older employees have found dangerous and unhealthy conditions prevailing in the mines and manufacturing establishments and have protested, the recent immigrant employees, usually through ignorance of mining or other working methods, have manifested a willingness to accept the alleged unsatisfactory conditions. In a large number of cases the lack of training and experience of the southern and eastern European affects only his own safety. On the other hand, his ignorant acquiescence in dangerous and unsanitary working conditions may make the continuance of such conditions possible and become a menace to a part or to the whole of an operating force of an industrial establishment. In mining, the presence of an untrained employee may constitute an element of danger to the entire body of workmen. There seems to be a direct casual relation between the extensive employment of recent immigrants in American mines and the extraordinary increase within recent years in the number of mining accidents. It is an undisputed fact that the greatest number of accidents in bituminous coal mines arise from two cases: (1) The recklessness and (2) the ignorance and inexperience of employees. When the lack of training of the recent immigrant abroad is considered in connection with the fact that he becomes a workman in the mines immed

Reading from page 190:

The extensive employment of recent immigrants has brought about living conditions and a standard of living with which the older employees have been unable or have found it extremely difficult to compete. This fact may be readily inferred from what has already been said relative to the methods of domestic economy of immigrant households and the cost of living of their members.

Of course, Mr. President, the immigrant must necessarily come to this country, because the conditions of his own country are not as desirable, wages are not as desirable, as they are in this country. But that does not meet the proposition of protecting the American laborer and the responsibilities which he has to perform against the competition of this itinerant ele-

ment of immigration.

Mr. President, our shores have always been a refuge for the people of other countries. Those seeking to better their economic conditions and those seeking for the freedom denied them at home have found a welcome here. I do not want to change that in any sense so long as those who come come with the purpose and possessed of the capacity to make good citizens. But I am opposed to admitting to this country the immigrant who has neither the expectation of permanently remaining nor the qualifications of good citizenship should be conclude to remain. I would make the law as efficient and stringent as possible to test the intent with which the immigrant comes and his capacity for discharging the duties of citizenship after he arrives. If he comes simply to compete for a time in our labor lowering the wage and standard of living of the American workingman, and then return, I would deny him admittance; if possible. If he comes for the purpose of staying, then I would certainly require as a prerequisite manifest friendliness toward and an intelligent conception of the worth of our institutions. I am opposed to admitting to this country the itinerant immigrant who lowers our standard of citizenship and the unfriendly and incapable immigrant who is a menace to our institutions. I am in favor of closing down the gates with every possible stringency against those who have neither the loyalty nor the intellectual capacity to meet the obligations of citizenship.

If we who have faith in our form of government, who respect its traditions and are fond of the story of its birth and growth, after fair discussion and intelligent observation come to the conclusion that changed conditions require some change in the details of our Government, we will make those changes. We will make them with a profound regard and an affectionate concern for the great underlying principles upon which our Government rests. But I am not favorable to the proposition of turning loose in this country an unfriendly and ignorant class of people who compete with American labor, degrade American manhood, and conspire against American institutions. Our civilization has derived much of its vigor and its varied strength and power from the different nationalities which have fed the intellectual and moral forces of our land; but they come to stay, they come with a deep love for our institutions, they become a part of the national life, enter into its spirit and

its purpose—loyal, capable, and brave. But the immigrant who lands here with a half-intelligible curse upon his lips for the Government to whose shelter he has fled should be turned back to await the regeneration of heart and mind which will bring him to a realization of the value and worth of this refuge.

The people in this county are calling for greater power in overnmental affairs, a wider range of duties, and a far more difficult class of obligations to be performed by the people. The abuse which has been made of delegated powers is bringing about a desire to resume those delegated powers with the intent upon the part of the people to exercise them more directly. The benefits to be derived from this reassumption of power will be just in proportion to the sustained interest and to the unselfish and intelligent activity of the people at large. The average of American citizenship must be kept high, for no one other than an arrant demagogue will contend that unless our general electorate is to be kept up to the highest possible average for intelligence and honesty and fidelity these extended powers will be other than fruitless even if they are not freighted with disaster and misery for the very people whom it is intended to serve. These measures of popular government will not of themselves bring either happiness or prosperity. their advocates understand this and be honest enough to admit They are only instruments of government, and these instruments in the hands of a weak, a corrupt, a dissolute, ignorant electorate would bring utter chaos and ruin. What would such instruments be worth in the hands of an electorate like that in Adams County, Ohio? What would they be worth in some of the congested centers of political degeneracy in our great cities? I use the illustration to warn the friends of these measures, in some of which I believe, that whatever merit they may have and whatever virtues may be wrapped up in them the obligation of protecting the electorate from this swarm of unfriendly, incapable immigrants who would seek our shores is second to no other obligation which we have to meet. The effort for good government and the effort for a high average

electorate must go hand in hand.

Mr. GRONNA. Mr. President—

The VICE PRESIDENT. Does the Senator from Idaho yield to the Senator from North Dakota?

Mr. BORAH, I yield. Mr. GRONNA. The Senator from Idaho referred to certain citizens of the State of Ohio in the county of Adams. One would infer from his remarks that those citizens are of foreign I wish to ask the Senator if he knows whether or not

those citizens are of foreign birth?

Mr. BORAH. I do not think that anyone should infer that I said or intimated that they were of foreign birth. I was speaking wholly upon the subject of keeping up the standard of American citizenship in order to meet and respond to the idea of popular government. I said that those measures would not of themselves bring any relief, but they would only do so as they were exercised by an intelligent electorate. I did not mean to have it inferred that they were foreigners. I think upon reflection the Senator will see he is in error. I judge from the manner in which they played politics that they were Americans of long standing.

Mr. President, the highest ambition of a republic is to build up citizenship, and the only guaranty of free institutions is to be found in the success of that ambition. Without sturdy, selfreliant, sober, frugal, industrious, prosperous citizens we can have some form of government, but we can not have a republic. Year after year thousands of immigrants are crowding to our The public lands which heretofore have enabled us to furnish an outlet for congested centers are fast disappearing. Private lands are passing in price beyond the reach of the man of small means. Homes are becoming more and more difficult to obtain. The wickedness and poverty, the ignorance and vice which hive and fester in the shadow of our great cities have startled our most conservative students of economic affairs. These people live in a way and in a manner at war with every demand of stable society and at enmity with every interest of the average American workingman. If our workman is compelled to compete with itinerant immigrants, will it be possible for him to escape the low level upon which that immigrant Can he educate his family and fit the members of his family for the duties and obligations of citizenship? I insist that no man can properly discharge the duties of citizenship, meet the responsibilities which rest upon our voters, if he is dragged down by daily toil and deadly competition to the level of the class of people who come here for a season and then go away or who come here mumbling a half-formed curse against every manifestation of law and order.

The most effective speech I have listened to for some time I

the honor to be chairman. He was a workingman; he carried in his appearance the certifude, the dignity, the ancient honor of his calling. He was stating the effect of long hours of laborhow it discouraged men from marriage, took away the desire for a home whose comfort their hours of labor prevented them from enjoying; how the long and close application, upon release, incited men to stimulants; how when the work was over they sought either the exhilaration of drink or the rest of the bed, always indifferent to that social life and social intercourse which lift men into a higher level of morals and intellect. He then stated that a large number of men within his own knowledge had left these long hours, begun to work for the Government at eight hours, and that these men had purchased homes, were rearing families, had quit their drinking, and most of them were now taking some kind of a study or intellectual work at night school. In a simple, quiet, sincere way the story was told, and no man who heard it could doubt the sincerity of the speaker or the truth of his word. I have no patience with the laborer who seeks to array his fellow workman against law and order, who incites men to violence and crime, and I have no patience and no respect for those who connive at such things in public life. I would no more countenance it in the laboring man than in the millionaire. But neither have I any patience and very little respect for that class of men who, when you talk about helping the intellectual and moral side of the American workingman, take out their pencils and begin to figure upon what these men can live and keep alive. They curtail nothing from their profits for the sake of good citizenship. They take into consideration not at all the general interests which the Republic has in building up the character and individuality of the citizen. I do not mean to include in this class of figurers, by any means, all who employ labor, because everyone knows that the attitude of the employer toward the employee, in many instances, in this country could not be well improved. But I speak of that very large class still left in the business world who can not get the idea of the serf or the slave out of their system.

We owe it to the workingmen of this country, we owe it to the dignity and strength of American citizenship, we owe it to the good order and peace of society and to the safety and stability of the Republic itself-for its citizenship is its life-to close down the gates against those who are both unfit and unwilling to become American citizens in the full and wholesome meaning of that term. Whatever may be our obligations toward immigrants from the less prosperous countries, whatever may be our sentiments toward the oppressed, nevertheless our first duty is to keep this country and this Government a home for the honest, the industrious, the patriotic people whose only allegiance is here and who know the worth of the asylum to which they have fled. I would not discriminate against beliefs or religions. I would simply say here is a home for all who truly intend to make it a home.

The VICE PRESIDENT. The question is on agreeing to the

amendment of the committee.

Mr. WILLIAMS. Mr. President, this is a rather important question, and therefore I suggest the absence of a quorum, that there may be a quorum of the Senate present.

The VICE PRESIDENT. Upon that suggestion the Secre-

tary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Cummins	Nelson	Smith, Ariz.
Bacon	Curtis	Newlands	Smith, Ga.
Borah	Davis	Nixon	Smith, Md.
Bourne	Dillingham	O'Gorman	Smith, Mich.
Briggs	du Pont	Oliver	Smith, S. C.
Bristow	Fall	Overman	Smoot
Brown	Fletcher	Owen	Stephenson
Bryan	Foster	Page	Stone
Burnham	Gallinger	Penrose	Sutherland
Burton	Gore	Percy	Swanson
Catron	Gronna	Perkins	Tiliman
Chamberlain	Heyburn	l'omerene	Townsend
Clapp	Johnson, Me.	Rayner	Warren
Clark, Wyo.	Jones	Root	Watson
Crane	Lippitt	Sanders	Wetmore
Crawford	Lodge	Shively	Williams
Cullom	Martine, N. J.	Simmons	Works
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Mr. SHIVELY. My colleague [Mr. Kern] is temporarily and necessarily absent from the Chamber on important public business.

Mr. SWANSON. I desire to state that my colleague [Mr. MARTIN] is detained from the Senate on account of sickness in his family.

Mr. JONES. I desire to announce that my colleague [Mr. Poindexter] is unavoidably detained from the Chamber.

The PRESIDING OFFICER (Mr. GALLINGER in the chair). heard a few weeks ago before the committee of which I have Sixty-eight Senators have answered to their names. A quorum of the Senate is present. The question is on agreeing to the

amendment of the committee.

Mr. STONE. I do not see the senior Senator from Massachusetts [Mr. Lodge] present. There are Senators here who would like to have the bill go over until to-morrow. The Senator in charge does not seem to be here.

Mr. SMOOT. He will be here in a moment.

Mr. LODGE entered the Chamber.

Mr. STONE. I will say to the Senator from Massachusetts that I have been in a little consultation with one or two Senators on this side, and they are not quite ready to proceed today, but can proceed to-morrow and conclude the debate so far

as they are concerned.

Mr. LODGE. Mr. President, I, of course, am anxious to dispose of the bill as soon as possible, because there are other very important measures that are pressing for consideration. think there are several Senators who desire to be heard on the I have no objection to agreeing that the bill shall go over until to-morrow, if no other Senators desire to speak now, if it can be agreed by unanimous consent that we will take a vote to-morrow and dispose of the bill, but I do not want to make any agreement in regard to it otherwise.

Mr. STONE. I am personally anxious to have the matter out of the way not later than to-morrow, and so far as I am concerned I would not hesitate to agree that a vote be taken on the bill and all amendments before adjournment to-morrow.

Mr. SMOOT. Mr. President—
The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from Utah?

Mr. STONE. I yield.

Mr. SMOOT. I would not like to agree to that, because I know that there are a number of Senators to speak upon the measure. I would join with the Senator in asking the Senator

from Massachusetts to let it go over until to-morrow.

Mr. LODGE. I think there are many who desire to speak, and I do not care to diminish the comparatively short time we have for the discussion of the measure. Even if we agree on a time to vote to-morrow I would still feel that Senators desiring to discuss the measure should be given an opportunity to do so now

Mr. STONE. Of course, if there are Senators who desire to proceed this afternoon, then we might postpone the voting; in

fact, it would not be necessary.

Mr. LODGE. I am perfectly willing to postpone the voting, if we can agree to a time to vote to-morrow, if that would be any convenience to Senators, otherwise I think it would be better for us to go on with the discussion of the bill and amendments.

Mr. STONE. I withdraw the suggestion for the present.

There are some Senators who may like to go on now. The PRESIDING OFFICER. The question is on agreeing

to the amendment reported by the committee. Mr. MARTINE of New Jersey. I should like to have the

amendment read.

The PRESIDING OFFICER. The amendment will be read. The Secretary. Commencing on page 7, line 11, strike out commencing with the words "all male aliens" down to and including the words "unless otherwise excluded," on page 8,

The PRESIDING OFFICER. The amendment will be read

in full by the Secretary.

The Secretary. Strike out the following words, on pages 7 and 8:

All male aliens 16 years of age or over, who are physically capable of reading and writing, but who are unable to read and write in some language or dialect, such aliens to be tested in this regard in accordance with methods and rules to be prescribed by the Secretary of Commerce and Labor, but an admissible alien may bring in or send for his father or grandfather over 55 years of age, or a son not over 18 years of age, otherwise admissible, whether said father or grandfather or son are able to read and write or not. This provision, however, shall not apply to citizens of Canada, Newfoundland, Cuba, the Bermudas, or Mexico, nor to alien residents of continental United States returning from foreign contiguous territory after a temporary sojourn therein, nor to aliens in continuous transit through the United States, nor to the inhabitants of the Philippine Islands, Guam, Porto Rico, or Hawaii, except as hereinafter provided, nor to aliens arriving in the Philippine Islands, Guam, Porto Rico, or Hawaii, but if any such alien, not having become a citizen of the United States, shall later arrive at any port or place of the United States on the North American continent, the reading and writing requirement shall apply; unless otherwise excluded.

Mr. HEVBURN. Mr. President it is not my intention to en-

Mr. HEYBURN. Mr. President, it is not my intention to enter upon any general discussion of the bill, but there have been some statements made in regard to the effect of the elimination of this provision or the reincorporation of it into the bill that seem to me to demand brief consideration.

Most of the discussion has centered about a certain class of immigrants, referring, doubtless, to the Italian race. It has been assumed that the bad element of the Italians are those who can not read and write. An investigation will disclose the

fact that the contrary is true. The Italians are divided into There are what they call the free Italians, who are not under church domination, give it no recognition, care nothing for it, speak scornfully of it. Those people are the ones who are most generally educated. The people who take their instruction from a religious basis, as a rule, have a less percentage of educated people among them.

They are not so much inclined to crime as those who have a little learning. It is the little learning, just merely the ability to read anarchist papers and sentiments, that makes trouble. Those people make the trouble in Italy, and they make it here when they come to this country. It is well enough to bear these facts in mind that it is not entirely the uneducated Italians who comprise or make up the Black Hand or the undesirable element. They have an enthusiastic religion, as a rule, and it is held by them, and by those who are responsible in a large measure for them, to be a sufficient substitute for educa-

I took up this question with one of the members of the Italian Government connected with educational matters, and I talked with him for nearly a day about it. He called my attention to the fact that we were laboring under a wrong impression in this country, so far as the mainland Italian is concerned. do not refer now to those living upon the islands. He impressed upon my mind that those were a safer class of people than those who acquire just enough learning to enable them to become acquainted with anarchistic views. He said, "You can go into one of the organizations of anarchists in that country and I will undertake to say the same of your own-and you will find that they can probably all read and write; that it is the literature that they have come in contact with, and their ability to communicate with each other, that has laid the foundation and maintained this spirit of lawlessness, while the other element, resting upon a quiet religious sentiment and teaching, know less about and have less opportunity to know about the contentions out of which disturbance grows.

You will find, Mr. President, that view of it is worthy of consideration, and that it is wrong for us to conclude that an educational test applied to the Italians will eliminate the dangerous element. You will find that the officers of these secret organizations are educated men in most instances; in any event they have enough education to equip them for the management of other men, the organization of men, and the direction of men's actions. The uneducated man can not do that, or it is the rarest exception where he can do it. If you will go over into some of our States bordering upon the Hudson River you will find that the persons composing those dangerous organiza-tions against which we have been directing our energies are persons we permitted to come in here under the educational test. So it is not sufficient; it affords no guaranty to apply an educational test to those people, and we do not want to rest on fancied security of that kind.

The benefit that this country derives, if it derives any, from immigration is in the second generation, not from that which comes over. That is merely the seed that rots in the ground. The racial influence that we afterwards obtain is from the second generation trained in our public schools.

Why, there is a perfect mania, a frenzy almost, among the immigrants to get their children into the public schools. I have been watching it with some care for years. The first thing they want to do is to get their children into the schools, whether they themselves are educated or not. The public-school system has been the greatest of all attractions in the drawing of immigration to this country.

I do not believe it is good form to mention these various races of people specifically any more than is necessary for an intelligent discussion of this matter, but take the people of the Jewish race who come from Poland and Russia and that section of the world. They are perhaps as clamorous, if not more clamorous, than any other race of immigrants for the advantages of public schools for their children. I had occasion last fall to be in one of the States lying on the Great Lakes, and I found there people who had only just recently come to this country discussing and clamoring for the opportunity to have the "home language," as they called it, taught at the same time and together with the language of the American public schools. I talked with one of them about it. That demand was being made on the part of the Poles. I said, "Why are you not content to have your children go to the public schools and have them educated in the language of the country in which they are going to make their homes?" He gave me this answer: "At first blush that would seem to be reasonable, but we want our children to be thoroughly educated people, and just as you educate your children, not only in the language of your own country but in the language of others, we would like to have our children taught at the public expense in

the language of their parent country and in the language of the United States." I have thought a great deal about that. It seemed to me there was some reason for it. It was a business proposition with the school committee in that place as to whether or not they would allow any part of the public-school fund to be used for the purpose of teaching those children the Polish language or the language of that particular portion of the world from which they came. To them it was a burning question; but still it all went to the question of education, to the question of the manner of education. As long as people have that in their minds, whatever idiosyncrasies may intervene, the principle is that which will ultimately bring them up upon the broader plane of an educated people.

Probably the evil against which we should most certainly strike is that of the returning immigrant. We employ no allens in our mines or in our public works in the State of Idaho, so that we are not very much bothered with this question. We were bothered with it until we legislated upon the subject.

To-day a man must be a citizen or have declared his intention to become one before he can be given employment in the mines. That has made a vast difference in the character and personnel of those who work in our section of the country. I would commend it to other States. But we did have for years what we called "the roving element." A man could come from Italy to called "the roving element." A man could come from Italy to the United States for \$75. He could remain eight months, during which time he would earn \$800; he could have \$500 of it clear, and go back and spend the winter in Italy just as well as a millionaire, and he would have a surplus capital, because it would not cost him a hundred dollars in Italy in the environment to which he would return to remain there during the winter. In the spring he could, for another \$75, come joyously back again to the United States, go to work in the mines, and repeat the operation year after year. I know personally of many who did that, and they have talked to me about it. I have discussed it with them, and they said it was the best possible life they could attain. When we enacted a law prohibiting any but citizens or those who have declared their intention to become citizens from obtaining work or employment, it made them stop and think; and they commenced to become citizens of the United States or to declare their intention to become citizens, and to pay some attention to the law of the land and become attached to it. We had for many years a mayor of our city who was an Italian, whom I have known since he was a little boy, when he came over with his father. We have a number of them who, because of the insistence of the law, were first attracted to the possibilities of citizenship. The acquiring of property, the locating of mines, the taking up of lands-all of those things became an argument in favor of citizenship.

Now, we want to deal with that question, and have to deal with it in this bill. We ought to provide that a man could not return to this country the second time who had left it under these conditions, but that he would be stopped at the landing. That is the only way to prevent the abuse. I have not thought out any plan for eliminating the first condition, his first experiment, but these people take back hundreds of millions of dollars and leave it in a foreign country. They do not bring it back

I know a man now settled in Spain who for years had a little store in our part of the country, where he made a lot of money and went back to Spain. I know another man who has remained in Italy. Take 50,000 men, each with \$500—and that is a low estimate, and, of course, I take 50,000 men merely as a basis for the estimate, for it is really hundreds of thousands—and just see the amount of money that they take out of the country and do not bring back. They invest it against the time when they will be able to retire and go back to Italy and stay there, or they invest it in staking some of their people over there and making them more comfortable, but they do it at the expense of the money available for business in the United States.

Mr. President, these questions are of sufficient importance for us to consider their incorporation in some form into this measure, because the amount of money that has been taken out of this country by the various races and sent back, never to return to America, is a very large item. It is the exportation of money. They earn it; it is theirs; and we can not prevent them from sending it out of the country without doing violence to the principles of our Government; but we can prevent those same people from coming back to the same fishing grounds again; and that is what we should do.

A right comprehension of the educational test, which is the subject immediately under consideration, and a right disposition of the question of the exportation of the funds they realize from their labor, and the question of conferring the privileges of citizenship without the responsibilities of it, are the principal features, in my judgment, in this bill.

I do not feel capable at this time of doing more than suggesting these things. I shall not undertake to discuss them at such length as I would under other circumstances; but I hope that the suggestion will attract the attention of some Senator who will develop those ideas. I have given enough facts—and they can be verified—to enable those questions to be safely dealt with in this legislation.

Mr. O'GORMAN. Mr. President, I am opposed to the imposition of an educational test upon those born in foreign countries who desire to come to the United States. I think it would be regrettable to exclude thousands of able-bodied, honest, and industrious men otherwise desirable who might not be able to meet the requirements of this proposed qualification.

It is said in behalf of this amendment that the large number of foreign-born who pass through the ports of the United States enter into competition with American labor. That is true; it has always been true; it was as true a generation ago as it is to-day, and yet in its results the entire country has been benefited.

This proposal to exclude foreigners has no novelty. This Republic had but completed the first decade of its existence when, in the administration of John Adams, the same sentiments which I have heard expressed on this floor to-day and yesterday were uttered against the foreign born. To discourage immigration, as far back as 1798, under the influence of the Federalist Party, the period of naturalization was extended from 5 to 14 years, and during the same session of Congress and under the same influences the odious alien and sedition laws were passed, which conferred upon the then President of the United States the power to exclude at his will any foreigner found upon American territory. It is to the honor of our institutions and to the glory of the Republic that the shame and infamy of that legislation was wiped out when the Democrats of this country elected Thomas Jefferson to the Presidency.

From time to time in every succeeding generation there have been those who were opposed to the admission of the foreign born into the brotherhood of the Republic. The same arguments were used then that are used now. Within the memory of men in this Chamber it was said of the races which are now glorified and alluded to as the "old immigration" that they could not be assimilated with the American body politic. That those accusations in those days were unfounded has been demonstrated by the experience of the American people. That the aspersions now cast upon the races from southern and eastern Europe are equally unfounded will be established in time.

We are not crowded on this continent. The population of all Europe might be placed in the single State of Texas, and there would be less congestion than now prevails on the Continent of Europe. If there ever comes a time when the American people may deem it necessary to impose restrictions upon desirable immigration, the time will not come in our generation; and if a restriction should be required, if it should be deemed wise as a national policy to discourage immigration, let us proceed upon a safe and sound theory; let us make the qualification that of character and not educational attainments.

Our country is enriched every time an honest, able-bodied man enters the United States. Our institutions are threatened, our safety imperiled, when we become careless respecting those who, possessing an intellectual qualification, are devoid of that which is far more essential, a character qualification. Washington himself spoke of the need of preserving the morality of our people. With this proposed test you ignore the morality of your citizenship; you ignore the question as to whether in character the man is worthy to take his place in this great Republic and help to work out those problems that promise so much for the betterment and happiness of mankind.

For many years in our history we claimed to be the country that extended a welcome to the oppressed from every clime. Why have we changed? Are we so content with our own insulation and with the blessings of our institutions that we would exclude the rest of the people of the world from sharing in their advantages? Our marvelous prosperity, unexampled in the history of governments, a growth in a century and a quarter from 3,000,000 to 90,000,000 people, was made possible only by the policy of free immigration that this country has so generously and so wisely observed in the past. The foreign born have contributed their share of energy, devotion, and patriotism to the greatness of the Republic.

I can find nothing in the suggestions of Senators who have spoken on the other side of this proposition to incline me to yield to their view. I shall vote against every educational test. Impose any character test, and it will have my support.

Mr. WILLIAMS. Mr. President, whoever else may vote to continue this dangerous infiltration into the body politic and the soul politic of America of dense ignorance which is now coming to our shores from Europe, I shall not. I am the least chauvinistic of human beings; I am one of the few Americans who have never thought that an American was superior to anybody else. I know better. I know that, within certain broad lines of racial denomination, wherever the white race lives its representatives are about the same.

I have no racial objection to these people. The Poles, the Magyars, are in every sense racially my equals and the equals of my people, but the ignorant man, whatever his race, coming to a country where he is not governed but becomes a part of the governing force, is dangerous. It is almost equally dangerous to attempt to cure the trouble by an educational qualification for the suffrage, leaving a vast number of people outside of the suffrage ranks-nonvoters-as an element discontented and semirebellious.

The Senator from New York [Mr. O'GORMAN] says our country was once the home of the oppressed of the whole world. So it was, and that is the very point now. It is not the oppressed who are coming to us. It is not the man seeking liberty for himself and a free country for his children.

The man who is coming here now comes for the purpose of beating down the price and the standard of American labor. The price of labor is fixed by the demand and the supply. Upon the one side the number of people with dollars, willing and able to hire labor; upon the other side the number of men seeking to be hired; these are the two sides of the equation which fixes the price of labor.

From the other side of the Chamber we have heard much about the protection of American labor from the products of the pauper labor of Europe. I have always said that if there been any sincerity in the reason given for advocating the protection policy advocated upon the other side its advocates would have gone to the source of the evil for the purpose of protecting American labor directly from the direct competition

in America of incoming pauper labor.

Although you can not say that illiterate labor is necessarily pauper labor or that pauper labor is necessarily illiterate labor, in nine times out of ten it is true. The man is made unskilled; he is made in a sense a pauper laborer by his ignorance. His ignorance is not his fault. I have the highest degree of sympathy for him; but I also have some degree of sympathy for the American laboring man, already here; and the class of them that most needs protection from this illiterate, densely ignorant class, who must take the first job they can get at any price they can get it for, is not our native American population. It is the Poles and Magyars and Croatians and Russians, and so forth, already here, working in mines and factories and receiving these minimum American wages. It is their wages that are first beaten down. Just as they drove the Americans out of those works, so these newcomers drive them out little by little by smaller and smaller wages.

Is there anything in the constant cry on both sides about trying to raise or maintain the standard of wages of the American laboring man? Do you mean it or do you not? Of course, I know that very frequently you do not. You have other and ulterior motives in mind. But for those who do mean it the right place to stop competition is where it becomes direct, right here at our homes. Make a scarcity of laborers of the unskilled class in proportion to the demand for labor, and wages will go up in any community as surely as wheat goes up in price with a scarcity of wheat.

So much for the aspect of this question from the laborers' standpoint.

No analogy can be drawn between our condition now and our condition 40 or 50 years ago whereupon to predicate any conclusion as to the inadvisability of exclusion of immigration now because we did not exclude it formerly. The old immigrant who came to the United States found a homestead to settle upon, and he went out by himself or with his family where his neighbors were Americans, and he soon necessarily acquired the language; he soon acquired a certain degree of familiarity with the institutions of the country and a certain degree of knowledge of them. Now what does he do? He herds, he literally herds like cattle in the great cities, and he has no more knowledge of American institutions than if he were herding in Vienna or Berlin-not as much as if he was herding in Vienna or Berlin-no more than if he was herding in Budapest or Moscow or upon some place on the coast of Asia Minor.

Then there is another thing. It is true that education is not all gotten from books. Nor is culture. The most perfect gentleman I ever knew in my life could not write a word, except to sign his name. I frequently said he was also one of the wisest men from a citizenship standpoint I ever knew. He was. But when you come to the consideration of the knowledge that men have as to how to govern a country there is a school far superior to the schools wherein instruction is given from the books. The old immigrants who came to us came principally from England and Ireland and Scotland and Wales, Switzerland, and countries -Scandinavians and Germans-and although some of the Scandinavians and most of the Germans never had a republican form of government, nor even a free representative government, in the sense in which we speak of it in England and here, they were the people of all Europe who possessed in the highest degree, and do now, personal liberty, and cherish it.

Mr. NELSON. Mr. President-

The PRESIDING OFFICER. Does the Senator from Mississippi yield to the Senator from Minnesota?

Mr. WILLIAMS. I yield.

Mr. NELSON. I want to correct one statement that the Senator made with reference to the political institutions of the Scandinavian countries.

Mr. WILLIAMS. I ought to have excepted Norway and perhaps Sweden.

Mr. NELSON. They have as free institutions as there are in America.

Mr. WILLIAMS. Yes.

Mr. NELSON. And have had for years, Mr. WILLIAMS. Yes.

Mr. NELSON. They have had democratic institutions for years, Mr. WILLIAMS. They are the most democratic countries in Europe. That is true. And they have been for years.

If you were to take an illiterate man who came from Norway, England, Scotland, or Ireland he would not necessarily be an ignorant man, because he has attended this great school of the common people in free countries. What is that school? In our own country it is the school of jury service; it is the school of public discussion of political and social matters, where all matters can be and are discussed. It is the school of talking about and participating in elections, where men learn from one another.

I heard old Prof. Holmes once state that William Preston once said to him that although the percentage of illiteracy was comparatively high-higher than it ought to have been-in South Carolina before the war, they were yet the most perfectly educated people politically that ever existed outside of ancient Athens. This, he said, was owing to the habit of having discussion of public questions whenever the county courts and whenever the circuit courts met and whenever barbecues and picnics were held in the summer time. So that there was not a man in South Carolina who could not comprehendingly go through all that metaphysical disquisition of John Caldwell Calhoun on State rights, nullification, and the tariff, and all that. But when you come to a people who have had no participation in government, they have missed this great unbooked school for the education of the people.

I believe you could take 10,000 illiterate Mississippians, or

Englishmen, or Missourians, or men from Massachusetts, or men from Oregon, or Scotland, or Ireland, or Norway, and shipwreck them upon a distant island, and they would at once give themselves a tolerably good government, at least protecting life, limb, and property, and the right of one man to one wife; and I believe if you were to take the same number of highly educated people who have never been accustomed to some sort of free institutions in their own land and put them there they could not organize a government that would be in any sense free and just. They would at first have chaos or else the rule of the strongest.

Now, then, the ignorant man coming from a country of despotic institutions is the most dangerous thing possible to enter into the body politic and to become an aspirant for entrance into the soul politic of a people with a long line of free traditions behind them and a longer line of free ideals in front of them, toward which they are working all the time.

As for myself, I shall not be deflected from my duty to the people who are in America, and who have a right to be here, by any fear of political punishment from those who insist that people who are not here and who would be dangerous to us if they came shall nevertheless be permitted to come. Now, after all, the native American has some rights. Of course, he has not many, but he has some few. Fred Talbott used to tell a story about a convention held in some town. Somebody got up after a while and said, "Mr. Chairman, I want to nominate for alderman in the first ward the great German-American citizen, Mr. Fritz Heffner." Fritz Heffner was nominated. Somebody else said, "Mr. Chairman, I want to put in nomination for alderman in the second ward Mr. O'Kelley." Mr. O'Kelley was Mr. O'Kelley was nominated. Then somebody got up and said, "Mr. Chairman, it affords me ze great plaisir to put in nomination for alderman in the third ward Mr. Jean Crole, a prominent French-American." Another man got up and said, "Mr. Chairman, I want to nominate for alderman in the fourth ward Mr. John Smith. I am sorry I can not say he is an Irish-American or a German-American- or a Swiss-American or an Italian-American. He would have been if he could have been, but it is his misfortune to have been born here, and it is his misfortune that his grandfather and his father even were born here." with a foreign accent holloed out from the back benches, "The

know-nothing son of a sea cook, put him out!"

The old conditions were not like those now existing. Men could go out and rear their families on the farm. not doing it now; and when a man in those days went on a farm he was not competing directly with anybody, nor did he herd solely or frequently at all with anyone else of his old nation and language. Therefore, he did not form a part of an aggregated mass of ignorance, even if he himself was ignorant. There was not a body of ignorance of which he was part that formed the essence and spirit of the community by which he was immediately environed. The controlling spirit of the community was not his old-world spirit or ideas or ideals. That happens now, and we owe something to ourselves; we owe something to our children. We must not further permit this.

I was not astonished at all this morning, Mr. President, when the Senator from New Jersey said what he did; I know him so well. He is of sentiment and of big heartedness all compact; and if you will indicate to me upon any great public question on which side generous sentiment lies, self-sacrificing in appearance, at any rate, and in his own mind in reality, I will indicate the side upon which my friend the Senator from New Jersey will fall. I like that spirit in one's individual capacity, but it will not do as a spirit to be exercised in a legislative capacity. I admire the man who will cut off his right arm to help a friend, but I see no particularly great virtue in the man who will consent that the right arms of all his wife's relatives shall be sacrificed for his friend. The sacrifice, confined to the Senator himself, would be all right; but when it is the sacrifice of the entire people of the United States, their ideals and their

traditions, I think generosity to the foreigner has gone too far.

My friend, the Senator from New York [Mr. O'Gorman] says
there ought to be "a qualification of character" but not of intelligence. Oh, would to God there was some way whereby qualification for character could be defined and established! But how in the name of common sense could anybody write into

Mr. STONE. This bill writes it in.

Mr. WILLIAMS. This bill does not, because it can not; but this bill does assume, everything else being equal, that a man's capacity for good is increased by information and knowledge, out of which may grow wisdom, and that his capacity for evil is not lessened by his ignorance. You can approximate a qualification of character by making a qualification of information, but you can not reach it.

The wisest man in the world may be the meanest, and some of the best men in the world may be very ignorant, but, as a rule, everything else being equal, a man is a better man for every ounce of additional knowledge and wisdom he possesses. dom is light; ignorance is darkness; and just in proportion as a man is in the light he has the capacity of seeing to do things in the light that are well to be done for himself and for his fellows, and just in proportion as he is in darkness he gropes help-

lessly, no matter what his intentions may be.

I do not see any other way; I do not see any other practical test whereby to eliminate the comparatively unfit from the comparatively fit. I acknowledge that a literacy test does not mathematically and altogether demark the unfit from the fit, but I do say that it is the nearest approximation to an accurate line of demarcation that you can prescribe and write in words and letters into a statute that men may be comprehendingly guided by.

If I had any way of determining how much better one man was than another, how much more nearly honest one man was than another, how much truer and more loyal to principle one man was than another, how much more unselfish one man was than another, how much more courageous one man was than another—if I had any way of ascertaining all that, I should gladly write it into a statute and let the literacy and all other

tests go to the winds.

But what foolishness it is to talk to lawmakers about writing a character test in words and letters into a statute. How shall I can write a physical test, that the man must not be diseased; I can write a political test, a social test, that he must not be an anarchist, that he must not be an enemy of organized government; I can write an intellectual test, that he must be able to read and write in some language, so that he is not shut off from communication with current printed thought; but I can not write a character test. There is nobody but God who can look into a man's heart and tell what his character is.

I might be able to write a reputation test, if I could bring over the man's whole neighborhood in order to have them bear witness to what his reputation was. But all of us are standing

demonstrations of the fact that reputation and character do not

always go together.

I have heard much about this thing of admitting or refusing to admit men "on their character" and not on their informa-If any man is wise enough to tell me how to prescribe a character test, then, in my opinion, he is a wiser man-mere man-than ever lived on the surface of this earth. ward and visible signs of an inward and spiritual grace" or of character is a thing I defy any legislator to write into a statute, and when you go beyond that and want to write "the inward and spiritual grace" or character itself, there is nobody in the world who can write it except God, and He has been too merciful to mankind thus far to do it.

Now one word. Down South our people have been prevented thus far from trying to solve a great problem, which they could solve probably by bringing in members of the Caucasian race. But they were afraid to take the risk of bringing down a densely ignorant people, even though Caucasian, over 50 per cent of whom are not capable of reading and writing-a larger percentage of illiteracy than exists among the negroes of the State

of Mississippi, considerably larger.

Mr. President, I hope the amendment will be defeated by Senators voting nay, and that the literacy test will remain in the bill. The VICE PRESIDENT. The question is on agreeing to the amendment.

Mr. STONE. I ask the Senator from Massachusetts to agree to let this measure go over until to-morrow, with the understanding that a vote shall be taken on all amendments and the bill during the legislative day.

Mr. LODGE. The calendar day. Mr. STONE.

The calendar day.

I am perfectly willing to agree to that—that Mr. LODGE. the vote shall be taken before adjournment on that calendar day.

Mr. STONE. That is, to-morrow.

The VICE PRESIDENT. The Senator from Missouri asks unanimous consent that the unfinished business be laid aside.

Mr. BACON. Before it is laid aside, there is a very small matter to which I desire to call attention, and I do so now because I may not be present to call attention to it later. I think it is a grammatical error. I call the attention of the Senator from Massachusetts to it, because if the bill is to be laid aside by unanimous consent I may not be able later to call attention to it.

The VICE PRESIDENT. Will the Senator from Massachu-

setts give his attention to the Senator from Georgia?

Mr. BACON. I simply want to call attention, as the matter is about to be laid aside and I may not be present, to what I think is a grammatical error. On line 20, page 7, the word "are" should be "is."

Mr. LODGE. Yes; that is a grammatical error. Mr. BACON. It reads:

Whether said father or grandfather or son are able to read and write

Mr. LODGE. That is obviously a grammatical error, and I ask unanimous consent that it may be corrected.

The VICE PRESIDENT. In the absence of objection, it will be so ordered.

The Senator from Missouri asks unanimous consent that the bill be now laid aside, to be taken up immediately after the morning business to-morrow, and that before adjournment upon the calendar day to-morrow the bill, including all amendments offered or to be offered, be proceeded with to its final disposition. Is there objection? The Chair hears none, and the order

is entered.

Mr. POMERENE. I want to call the attention of the Senator from Massachusetts to section 7. It is intended to prohibit transportation companies from soliciting or inviting or encouraging foreigners to emigrate.

Mr. LODGE. That is the intention.

Mr. POMERENE. It has seemed to me, from the reading of the section, that is somewhat indefinite, and I wish to suggest this amendment:

On page 14, line 14, strike out the word "or"; in line 15 strike out the word "and insert therefor the word "or"; and after the word "others," in line 15, insert a comma.

The VICE PRESIDENT. By unanimous consent of the Sen-

ate the bill has just been laid aside until to-morrow.

Mr. LODGE. If there is no objection, I am perfectly willing to accept the amendment. I do not think there will be any objection to it. I think it words it a little better than it is worded now. The purpose is to make it unlawful for anyone engaged in the work or business of transportation to do certain things afterwards described, and owing to the wording, "partnership or corporations," which was to distinguish between a partnership and a corporation, it reads a little as if they were divided from the rest; the "others" separates it from the rest, and it does

not make it clear that it means only those in transportation. But that can be done to-morrow.

The VICE PRESIDENT. The Senate having just agreed by unanimous consent to lay the bill aside-

Mr. WILLIAMS. Does that necessarily prevent notice of amendments to be offered?

The VICE PRESIDENT. Oh, no. Mr. LODGE. Certainly not.

Mr. WILLIAMS. Then I should like to give notice of a couple of amendments I propose to offer at the proper time. I ask the Clerk to take them down. In line 3, page 5, I wish to move to strike out the word "two" and substitute "one." It rends, "two or more attacks of insanity." I do not see why we need more than one to convince us that a man is unfit.

Mr. LODGE. We do not.

Mr. WILLIAMS. I wish to move to strike that out.
On page S, line 9, after the words "persons of Chinese descent." I wish to insert the words "or persons of African descent, whether from Africa or the West Indies, except Porto Rico.'

In another portion of the bill, line 11, page 18, after the word "descent," I wish to move to insert the words "or of African descent, whether from Africa or the West Indies, except Porto Rico."

I shall not say anything about these amendments now, except that the negro immigration into the United States from the West Indies is growing very much. Cotton and sugar planters from self-interest may want to make it much larger. I want to stop it before it becomes more dangerous.

IRRIGATION DITCH ON ISLAND OF HAWAII.

Mr. CLAPP. Unless the Senate is going on with the calendar I should like to ask unanimous consent for the present consideration of the bill (H. R. 11628) authorizing John T. McCrosson and associates to construct an irrigation ditch on the island of Hawaii, Territory of Hawaii.

The VICE PRESIDENT. The Secretary will read the bill

for the information of the Senate.

The Secretary read the bill.

The VICE PRESIDENT. Is there objection to the present

consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Pacific Islands and Porto Rico with an

The VICE PRESIDENT. The amendment of the committee

will be stated.

The Secretary. In section 15, page 9, line 16, after the word "semiannual," insert the following proviso:

Provided, however, That the aggregate of such bonds at par value shall not exceed the actual cost of construction of the ditch and other plant and appurtenences: And provided further, That the total issue of such bonds shall not be in excess of \$3,500,000.

The amendment was agreed to.

Mr. CLAPP. I offer the following amendment to come in on

The VICE PRESIDENT. The amendment will be stated.

The Secretary. Strike out lines 1 to 4, inclusive, on page 10, and insert in lieu thereof the following:

Fourth. Dividends at a rate not to exceed 8 per cent on the capital stock of said ditch company, which stock is hereby limited to the actual cost of said ditch and other plant and appurtenances, not to exceed \$3,500,000 par value.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

Mr. POINDEXTER. Mr. President, I notice that by the amendment which the Senator from Minnesota just offered the capital stock is limited to \$3,500,000, the actual cost of the ditch.

Mr. CLAPP. The Senator will remember that we agreed in the committee to limit the bill, but the chairman of the committee, in reporting the bill, failed to put in the proper limitation as to the stock. The amendment which I have just offered relates to the stock. The committee amendment on page 9 relates to the bonds.

Mr. POINDEXTER. The stock equals the cost of the ditch?

Not to exceed \$3,500,000 par value. Mr. CLAPP.

Mr. POINDEXTER. Then the bonds are not to exceed the cost of the ditch?

Mr. CLAPP. Yes

Mr. POINDEXTER. If the ditch is constructed with the amount of money raised on the stock, what is the occasion for fixing the amount of bonds at the cost of the ditch?

Mr. CLAPP. That matter was considered by the committee. It is recognized by all that in order to get private capital to build this ditch the opportunity should be given to duplicate the actual cost in the totalization of bonds and stock. That was thoroughly understood. Unless that can be done, from all the data the committee had, the charter might as well not be passed.

Mr. POINDEXTER. Is the Senator of opinion that the surplus money, I suppose for promotion, is placed at too large a figure in the bill, equal to the entire cost of the enterprise?

Mr. CLAPP. The committee, of course, had to take the statement of those who were before it. The Delegate represent-

ing the islands favors this proposition, and the committee were of the opinion, from all that appeared before it, that if this enterprise was to be initiated it would be necessary to give them this opportunity. I want it thoroughly understood that, of course, the bill provides for the totalization of the capital and stock at \$7,000,000.

Mr. POINDEXTER. The cost of the enterprise would be

just one-half?

Mr. CLAPP. Yes, sir; just one-half that amount. Mr. POINDEXTER. Mr. President, I should like further time to look into this measure. For that reason I object to its consideration.

The VICE PRESIDENT. Objection is made.

EMPLOYERS' LIABILITY AND WORKMEN'S COMPENSATION.

Mr. SUTHERLAND. I move that the Senate proceed to the consideration of the bill (8, 5882) to provide an exclusive remedy and compensation for accidental injuries, resulting in disability or death, to employees of common carriers by railroad engaged in interstate or foreign commerce, or in the District of Columbia, and for other purposes.

The VICE PRESIDENT. The question is on agreeing to the

motion of the Senator from Utah.

Mr. BACON. Mr. President-

The motion is not debatable. Mr. LODGE.

Mr. BACON. I wish to ask a question. Does the Senator from Utah propose to take up the bill and make it the unfinished business?

Mr. SUTHERLAND. I can not make it the unfinished busi-There is already a bill on the calendar that is the unfinished business.

Mr. BACON. But if the Senator makes a motion and it is

carried by the Senate it displaces that bill. Mr. SUTHERLAND. I think not, when that bill was laid

aside by unanimous consent.

Mr. BACON. If this bill is taken up and made the unfinished business, it undoubtedly displaces it.

Mr. LODGE. Mr. President, I rise to a question of order. The VICE PRESIDENT. The Senator will state it.

Mr. LODGE. A motion has been made to take up the compensation act. I do not understand that that displaces the unfinished business, because the unfinished business has already

been laid aside by unanimous consent. The VICE PRESIDENT. It was temporarily laid aside. The Chair sees no way by which there can be anything else made the unfinished business to-day. The question is on agree-

ing to the motion made by the Senator from Utah. Mr. BACON. I rise to a parliamentary inquiry. The VICE PRESIDENT. The Senator will state it.

Mr. BACON. I understood from the ruling of the Chair the Chair would rule that it would not be in order now to make Senate bill 5382 the unfinished business.

The VICE PRESIDENT. It would not make it the unfinished business to take it up now for consideration, is what the Chair intended to rule.

Mr. BACON. If the Chair rules that, I am content. The VICE PRESIDENT. The Chair so rules.

Mr. BACON. But I want to say, in order that it may not be considered as a precedent, without a difference of opinion upon it, that it is an anomalous situation. I am very frank to confess that I do not think this precise question was ever before presented to the Senate where a bill was temporarily laid aside. The fact that a bill has been temporarily laid aside does not change the status of its being the unfinished business.

The VICE PRESIDENT. That is precisely what the Chair

rules.

Mr. BACON. Very well. What I mean to say is that the effect of taking up a measure is to displace any other measure which may be the unfinished business.

Mr. LODGE. Not if the unfinished business has been tem-

porarily laid aside.

The VICE PRESIDENT. The Chair thinks not under circumstances such as exist now.

Mr. LODGE. Not if it has been laid aside by unanimous

The VICE PRESIDENT. It was simply temporarily laid aside, and the Chair thinks that that does not displace its right to continue as the unfinished business. Then, if something else is taken up, whether it is definitely disposed of before adjournment or not, the Chair thinks that automatically the other unfinished business would still be the unfinished business.

Mr. BACON. I make this suggestion to the Chair: I do not for a moment take issue with the proposition that the Senate can proceed to the consideration of another matter in the inter-I think that is evidently and necessarily true. But I do not think the motion ought to be made in the shape in which it is unless it was intended to displace the unfinished business. I think if the Senator would make a motion to take up the compensation bill temporarily for this afternoon it would be all right, but the motion to proceed to the consideration of business is a motion well known in the Senate, under unbroken precedents, as a motion which displaces other matter and makes that business the unfinished business. It is not with reference to the fact that the bill will be considered this afternoon that I am addressing the Chair, because I have no objection to that. It is only in the interest of what I consider to be correct procedure that I insist a motion to proceed to the consideration of another bill should not be made when there is on the calendar business which is unfinished.

Mr. President, if I may make a single suggestion in this connection, if the motion to take up a bill for consideration displaces the unfinished business, it, of course, substitutes the bill which it is moved to take up, but you can not displace that which is not before the Senate. There is now a vacant space, and the motion of the Senator from Utah merely comes in, and then the bill goes back automatically to the

Mr. SIMMONS. Mr. President, I desire to make a parlia-

mentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. SIMMONS. If the motion of the Senator from Utah should prevail, what will be the status of this particular bill after to-day?

The VICE PRESIDENT. It would have no different status

from what it had before the motion was carried.

Mr. LODGE. It goes back to the calendar. Mr. SIMMONS. It goes back to the calendar? The VICE PRESIDENT. Certainly.

Mr. BACON. In this connection I want to say there is no rule to be found in the book, and I do not believe that a precedent can be found to the same effect. It may be true that it may be otherwise as to the latter. I only make the suggestion, to prevent complication, that the Senator modify his motion and accomplish his purpose the same, that the Senate for the afternoon will take up for consideration this bill, because I think a motion to proceed to the consideration of a certain bill is a motion well recognized in the Senate, and the effect of it has been so universally recognized that we ought not to com-plicate it by an exception. The motion ought to be retained as one having a distinct and significant purpose.

Mr. SMOOT and Mr. SUTHERLAND addressed the Chair.
The VICE PRESIDENT. Does the Senator from Georgia

yield to the senior Senator from Utah?

Mr. BACON. I do.

Mr. SMOOT. I agree with the Senator from Georgia as to his statement, provided we had not already had unfinished business up for consideration. If the motion made by the junior Senator from Utah had been made without the unanimous consent of the Senate laying the unfinished business aside, then the position of the Senator from Georgia would be absolutely correct. But we had it up for discussion, it has been before the Senate, and by unanimous consent of the Senate it was temporarily laid aside.

Mr. BACON. When it is temporarily laid aside it is never-

theless still the unfinished business of the Senate.

Mr. SMOOT. That is true, but it can not be displaced that day by another motion of the Senate, after it had been temporarily laid aside by the Senate.

Mr. BACON. That is exactly the question at issue; it is

whether it can be displaced or not.

Mr. SMOOT. I understand that is the issue. I know it has been done in the Senate many times.

Mr. BACON. I want to say to the Senator, if it has ever been done I have never known it to have been done. Of course a great many things have happened that I have not had called specially to my attention; but if that distinct motion has ever been made while a certain matter is the unfinished business it escaped my attention at the time, because I certainly would have had the same criticism to make upon it then I make now.

I will repeat, I am not taking this position in any spirit of opposition to the purpose the Senator from Utah has in view. I am simply trying to preserve what I conceive to be the proper

procedure of the Senate.

Mr. SUTHERLAND. Mr. President, I simply want to make single observation. If the position of the Senator from Georgia were correct, then, after the unfinished business had

been temporarily laid aside, the Senate would be unable to do any business except by unanimous consent.

Oh, not at all.

Mr. SUTHERLAND. Certainly no such result as that ought

to have been contemplated.

Mr. BACON. I think the Senator is in error in that. For instance, if the Senator were to ask for unanimous consent that we should proceed to the consideration of this bill, that would be one way, or if we had the calendar up, which is always in order when the Senate is not otherwise occupied, that would be still another way. There are many ways in which the considera-tion of a bill can be reached when the Senate desires to reach it.

Mr. SUTHERLAND. Let me ask the Senator from Georgia a question right there. Suppose I should ask unanimous con-

Mr. BACON. There is so much conversation that I can not hear the Senator

Mr. SUTHERLAND. Suppose I should ask unanimous consent and some Senator should object, then would the Senator say that I was powerless to move that the bill be taken up?

Mr. BACON. I did not catch what the Senator said. is so much talking going on I really could not hear what the

Mr. SUTHERLAND. I say—
The VICE PRESIDENT. Will the Senate please be in order. The Senator will wait a moment. The Senator from Georgia has twice asked that Senators refrain from conversation so that he can hear and be heard. Will Senators please comply with the request of a fellow Senator?

Mr. SUTHERLAND. This is the question I submitted to the Senator from Georgia. Suppose we took up the calendar, as he suggested, and I had asked unanimous consent to proceed with the consideration of this bill and some Senator objected, would the Senator say then that I could not move to take it up notwithstanding the objection?

Mr. BACON. Certainly not, because that is provided for specifically by the rule.

Mr. SUTHERLAND. Then the result would follow, I suggested, that we could do nothing except by unanimous consent.

Mr. BACON. Not at all, for the reason stated by me; that the particular form of question adopted by the Senator is a form of question recognized in the Senate as having a specific office to perform, and one which performs the office of making a certain matter the unfinished business. That is the reason why I make the objection. It is because the particular motion that the Senate will proceed to the consideration of a certain measure is one of the most drastic motions that can be made in the Senate, one which is sometimes used upon very momentous occasions for the purpose of accomplishing a most radical result; and I did not wish that that practice of the Senate and that understanding of the meaning of that question should be complicated by exceptions in any way.

I think there is no trouble whatever about getting up the bill. I simply objected to the Senator making a motion which has that particular signification and which has so universally had

recognition on the part of the Senate that it makes the matter thus called up the unfinished business.

The VICE PRESIDENT. The question is on agreeing to the motion made by the Senator from Utah [Mr. Sutherland].

Mr. HEYBURN. Mr. President, I should like to call attention to a precedent in the Sixty-first Congress in regard to the status of unfinished business. status of unfinished business. A measure pending was the unfinished business. It was temporarily laid aside. I left the Chamber, thinking that that would dispose of it and I might be free to do other things. Some one called for the regular order. It was held that that call was proper and that the unfinished business again recurred.

I made some contest over it, and my recollection now is that the Chair maintained that a call for the regular order would bring back the unfinished business as the matter having precedence notwithstanding it had been laid aside previously on the same day. I raised the question that having been temporarily laid aside on that day it could not be again called up on that day, and the ruling of the Chair was, if my memory serves me correctly—and I think it does—that it might be called up notwithstanding the fact that it had been temporarily laid aside, and I had gone out under the impression that I might leave. I think that states the status of the unfinished business. It is now subject to be called to the attention of the Senate.

The VICE PRESIDENT. The question is on agreeing to the motion offered-

Mr. SMITH of Georgia. Mr. President, I wish to ask the Senator from Utah whether he desires to call up this bill for the purpose of allowing Senators to speak upon it, or whether

he desires to call it up with a view of proceeding to a vote upon

any portion of the bill this afternoon?

Mr. SUTHERLAND. I intend to ask to have the bill laid before the Senate so that the Senate may proceed with its consideration. If any Senator is ready to speak upon it, all right; if not, I shall ask to have the bill read and that its consideration be proceeded with.

Mr. SMITH of Georgia. I call for the regular order. Mr. SUTHERLAND. This is the regular order, Mr. Presi-

The VICE PRESIDENT. The Chair so understands. Mr. SMITH of Georgia. I call for the regular order. My understanding it that that brings up the calendar.

The VICE PRESIDENT. The regular order is the motion of the Senator from Utah, that the Senate now proceed to the consideration of the bill, that motion having been made, and it is not debatable, although there has been much debate upon it, seemingly by unanimous consent. The question is on the motion of the Senator from Utah. [Putting the question.] The "ayes" appear to have it.

Mr. SMITH of Georgia. I suggest the absence of a quorum. The VICE PRESIDENT. The Senator from Georgia suggests the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst Bacon Borah Bourne Bristow Brown Bryan Burnham Burton Catron Clapp Clark, Wyo.	du Pont Fall Fletcher Gallinger Gronna Heyburn Johnson, Me. Jones Lodge Martine, N. J. Myers Nixon	Overman Page Penrose Percy Perkins Poindexter Pomerene Rayner Root Shively Simmons Smith, Ariz.	Smith, S. C. Smoot Stephenson Sutherland Swanson Townsend Warren Watson Wetmore Williams Works	
Clark, Wyo. Cummins Curtis	Nixon O'Gorman Oliver	Smith, Ariz. Smith, Ga. Smith, Md.		

Mr. SWANSON. My colleague [Mr. Martin of Virginia] is detained from the Senate on account of sickness. I will make that announcement for the day.

Mr. TOWNSEND. The senior Senator from Michigan [Mr. SMITH] is out of the city on business of the Senate.

VICE PRESIDENT, Fifty-three Senators swered to the roll call. A quorum of the Senate is present. The question is on the motion of the Senate is present. The question is on the motion of the Senator from Utah. [Putting the question.] The "ayes" appear to have it.

Mr. SMITH of Georgia. I ask for a division.

The question being put, there were, on a division—ayes 38,

The VICE PRESIDENT. The motion is agreed to.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 5382) to provide an exclusive remedy and compensation for accidental injuries, resulting in disability or death, to employees of common carriers by railroad engaged in interstate or foreign commerce or in the District of Columbia, and for other purposes.

Mr. SUTHERLAND. Mr. President, the Senate has already consented that the formal reading of the bill be dispensed with.

I ask that the bill be now read for committee amendments.
The VICE PRESIDENT. Without objection, the bill will be

read for committee amendments.

Mr. SMITH of Georgia. I ask for the reading of the bill.

The VICE PRESIDENT. The formal reading of the bill has already been dispensed with by unanimous consent on a former

Mr. OVERMAN. I understand that the bill should be read

section by section.

The VICE PRESIDENT. Certainly; that is what the Secretary was about to do—to read the bill for committee amendments.

Mr. CULBERSON. I do not understand that the reading had

been dispensed with.

The VICE PRESIDENT. The Secretary has advised the Chair that on a former day when the bill was up for considera-tion the Senate agreed to dispense with the formal reading of the bill as in Committee of the Whole and decided that the bill should be read for committee amendments.

Mr. BACON. Mr. President, the fact that the Senate dispensed with the rending on that occasion does not amount to manimous consent: it simply meant that at that time the Senate did not require it. It is not a unanimous-consent agreement of a character so sacred that it could not be changed.

The VICE PRESIDENT. The Secretary was about to read the bill. Does the Senator desire the bill read through before any amendments are offered?

any amendments are offered?

Mr. BACON. I understand my colleague desires that. Mr. SMITH of Georgia. I do, Mr. President, if I have a right to ask, desire that the bill be read through before that is done

The VICE PRESIDENT. The Chair thinks, when the Senate has once dispensed with the formal reading of the bill as in

Committee of the Whole, that it is dispensed with.

Mr. BACON. Why, Mr. President, each meeting of the
Senate, as in Committee of the Whole, is a separate and independent proceeding. That was simply a method agreed to by the committee at that time for its procedure upon that occasion. That order was not carried into effect; the Senate did not proceed to have the bill read for committee amendments. On the contrary, the discussion proceeded. The bill never has

on the contrary, the discussion proceeded. The bill never has been read for amendment or read for any other purpose.

The VICE PRESIDENT. It has not been read for amendment, but it is about to be read for amendment now.

Mr. BACON. Yes; but, Mr. President, the point I make is that under the rules of the Senate the bill will have to be read. The fact that the Senate, when it proceeded heretofore to the consideration of this bill, did not then require it to be read, does not deprive a Senator of his right, or the Senate of its right to have the bill read under the rules, whenever such reading is called for.

The VICE PRESIDENT. Without objection, the Secretary

will proceed with the reading of the bill.

Mr. GALLINGER. Mr. President, before that is done I want to enter an objection to the position the Senator from Georgia When the Senate has agreed that the formal readhas taken. ing of a bill shall be dispensed with it seems to me that that settles the matter, and that then the bill is to be read section by section for amendment. If the Chair rules differently, of course I shall be satisfied; but it seems to me as though that is a precedent that we ought not to establish, for I have never known an instance where, the formal reading having been dispensed with, it has ever been insisted upon afterwards.

Mr. LODGE. It is a unanimous consent.

The VICE PRESIDENT. The Chair did not otherwise rule; but the Chair has asked unanimous consent that the bill now be read to avoid any such ruling, so that no precedent may be established one way or the other. The Chair announced that,

without objection, the Secretary would read the bill.

Mr. BACON. Mr. President, I do not wish to be misunderstood. I do not claim for a moment that if there had been a request submitted to the Senate that by unanimous consent the formal reading of the bill be dispensed with it would not have been binding; but the position I take is simply this—and I only state it in order that I may not be misunderstood—that where in Committee of the Whole there is a proposition that a bill be proceeded with and be read section by section for the purpose of amendment, there being no formal consent, which is a sacred thing in the Senate, that does not amount to the dignity of a consent agreement. It was simply dispensing at that time with what the Senate could require or not require, as it saw fit. It can require it at any time. Mr. President, the rule is that a bill shall be read three times in the Senate.

The VICE PRESIDENT. But not in Committee of the Whole, if the Chair may interrupt the Senator.

Mr. BACON. Well, Mr. President, we do not have in this Chamber the same formal distinction between the Committee of the Whole and the Senate that in other parliamentary bodies they have between the committee of the whole and the body at large. In other bodies there is a distinct organization of the committee of the whole. The presiding officer leaves the chair and the body does in fact, as well as nominally, organize itself as a committee of the whole. The rules which obtain in the Committee of the Whole in the House of Representatives, for instance, do not obtain here. I have never served in the other House, but, if my impression is correct, they do not call the yeas and nays in Committee of the Whole in that House. Am I correct in that?

Mr. LODGE. Absolutely. Mr. BACON. Well, we do here, and the two things are not analogous at all; they are entirely different. procedure in the Senate which apply when the Senate is sitting as the Senate, apply to the body when sitting as in Committee of the Whole. There is no distinction that I have ever known as to the application of a single rule. It is altogether different in the other House from what it is here.

Mr. LODGE. Mr. President-

Mr. BACON. I will yield to the Senator if he so desires. I did not desire the Senator to yield at all. Mr. LODGE. The Senator kept on addressing the Chair. Mr. BACON.

Mr. LODGE. I thought the Senator had concluded.

Mr. BACON. I was in full headway and current, and the Senator kept on addressing the Chair. I will yield to him with the greatest pleasure if he so desires.

Mr. CLARK of Wyoming. Mr. President—
The VICE PRESIDENT. Does the Senator from Georgia yield to the Senator from Wyoming?

Mr. BACON. I yield to the Senator from Wyoming.

Mr. CLARK of Wyoming. I desire to ask the Senator from Georgia a question. I was not present at the time, but is it or is it not a fact that the formal reading of the bill was formally dispensed with by unanimous consent at a previous meeting of the Senate?

Mr. BACON. That is exactly the point—
Mr. CLARK of Wyoming. My understanding is that the formal request was made that the formal reading of the bill be dispensed with.

Mr. BACON. I have expressed myself upon that matter; but I will repeat that I do not think there was ever any suggestion that there should be unanimous consent for that purpose.

Mr. CLARK of Wyoming. That is the question of fact to which my inquiry was directed. I understand it differently which by inquiry was directed. I understand it differently from the Senator, and I should like to know what the fact is.

Mr. BACON. Very well. I had endeavored to state what my understanding of the fact was, and that is this—

Mr. SUTHERIAND. Mr. President—
The VICE PRESIDENT. Does the Senator from Georgia yield to the Senator True VICE.

yield to the Senator from Utah?

Mr. BACON. I yield to the Senator from Utah.
Mr. SUTHERLAND. Mr. President, I distinctly and formally asked unanimous consent that the formal reading of the bill be

dispensed with, and the RECORD will show that fact.

Mr. BACON. If the RECORD shows that, then I am in error; but the point I make, Mr. President, is that in the ordinary procedure where an informal statement is made that the formal reading of a bill will be dispensed with, it does not rise to the dignity and has not the effect of a unanimous-consent agreement, because a unanimous-consent agreement, because a unanimous-consent agreement in the Senate is something most carefully guarded. If, however, the Senator made his request in that way, I grant it is a unanimous-consent agreement and is binding through the entire proceeding on the bill: but if the Senator simply moved that it be dispensed with, that is another matter altogether.

The VICE PRESIDENT. The Chair had been proceeding

upon the assumption that it was a fact, as stated to him by the Secretary, that the formal reading had been dispensed with by

order of the Senate, by unanimous consent, and the Journal clerk advises the Chair that the Journal so shows.

Mr. BACON. That it was by unanimous consent?

The VICE PRESIDENT. Yes.

Mr. BACON. Very well. If so, it is binding; but if it was simply an order of the Senate it is not binding, except upon that session of the Senate.

The VICE PRESIDENT. Is there objection to the Secretary

reading the bill in full now?
Mr. WATSON. I object.

The VICE PRESIDENT. Objection is made, and the Secretary will therefore read the bill for amendment, the committee

amendments, without objection, to be first considered. Mr. SMITH of Georgia. I suggest the absence of a quorum. The VICE PRESIDENT. The Senator from Georgia suggests the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Curtis Dillingham du Pont Fall Fletcher Ashurst Nixon O'Gorman Smith, Ariz. Smith, Ga. Smoot Stephenson Sutherland O'Gor Bacon Bristow Brown Overman Page Penrose Bryan Burnbam Burton Percy Perkins Poindexter Pomerene Gallinger Swanson Warren Gronna Heyburn Johnson, Me. Jones Lodge Martine, N. J. Catron Chamberlain Watson Williams Clapp Clark, Wyo. Culberson Rayner Root Sanders Shively Works

The VICE PRESIDENT. Fifty-three Senators have answered to the roll call. A quorum of the Senate is present. The Secretary will proceed with the reading of the bill.

Mr. LODGE. Mr. President, the bill is now before the Senate,

as I understand.

Cullom

Cummins

The VICE PRESIDENT. The bill is before the Senate as in

Myers

Committee of the Whole.

Mr. LODGE. I desire simply to put into the Record the following quotation from the RECORD of April 16, page 5092:

Mr. SUTHERLAND, I ask that the formal reading of the bill be dispensed with,

The VICE PRESIDENT. Without objection, the formal reading of the bill will be dispensed with. The Secretary will read the bill for action on the committee amendments.

That is an absolute unanimous-consent agreement, the same as we have on every appropriation bill and the same as is made all the time.

Mr. BACON. Mr. President, I will not continue the discussion; but, as I have said before, a unanimous-consent agreement is something extremely formal and absolutely sacred in the Senate. It is never given by implication; and what the Senator has read amounted to an order of the Senate and not to unanimous consent.

Mr. LODGE. If that is not a unanimous-consent agreement, I do not know what is a unanimous-consent agreement.

Mr. BACON. I differ from the honorable Senator.
The VICE PRESIDENT, The Secretary will proceed with

the reading.

Mr. SMITH of Georgia. Mr. President, I desire to say that it is not my wish to waste the time of the Senate, but we are not ready to consider this bill. I have been unable to prepare certain amendments, which I gave notice last Monday I intended to prepare. I was compelled to leave the city immediately after the adjournment of the Senate on that day, and I only was able to return to-day. At that time we had a fixed unfinished business on the calendar. There are Senators who are preparing speeches which they desire to deliver upon this It is one of the more recent bills that have been reported to the Senate, the report to the Senate from the Judiciary Committee having been made only on April 3, two weeks ago. We simply have not had time to prepare the amendments we wish to submit, and Senators who desire to speak upon the subject I know are not present and have not yet completed their preparation for it. I simply feel that, when the effort is made to force this bill upon us with such undue haste, anything that we are compelled to do to give ourselves the time that we want for consideration does not occupy the usual attithat we want for consideration does not occupy the usual atti-tude of a purpose to delay, but simply a purpose to delay that we may have the time we wish. By the end of two weeks every Senator, I think, who desires to take any part in this discussion will be ready, and then I for one would be ready to proceed with the discussion and in due form to a conclusion of this measure; but for the present, without my amendments having been prepared, I will simply be compelled almost absolutely to waste the time of the Senate if the measure is pressed.

Mr. SUTHERLAND. Mr. President, as I have stated several times, I have no desire to press this bill unduly; but, as we all know, there are important matters coming before the Senate very soon, large appropriation bills, tariff bills, and matters of that kind, and unless we proceed with the consideration of this measure I fear it may be crowded out. Now, Mr. President, I will ask unanimous consent that on next Thursday, April 25, immediately after the conclusion of the routine morning business, the Senate proceed to the consideration of this bill, and that before adjournment upon that legislative day a vote be taken upon the bill and all amendments then pending or to be

offered.

Mr. SMITH of Georgia. That is a week from to-day? Mr. SUTHERLAND. Yes; one week from to-day.

Mr. SMITH of Georgia. I can not consent to that; the time is not sufficient, but if the Senator will make it two weeks from to-day I will not object.

Mr. SUTHERLAND. Very well, Mr. President, I will make

that suggestion.

The VICE PRESIDENT. The Senator from Utah asks unanimous consent that two weeks from to-day, immediately following the disposal of the routine morning business, the bill in question, Senate bill 5382, be taken up by the Senate, and that prior to adjournment upon that legislative day a vote be taken upon all pending amendments and amendments to be offered and upon the bill to its final disposition. Is there objection?

Mr. OVERMAN. Mr. President, will that be subject to a motion to postpone until next December?

Mr. GALLINGER. Of course.

The VICE PRESIDENT. The Chair could not hear the Senator from North Carolina.

Mr. OVERMAN. Will that be subject to a motion to postpone?

The VICE PRESIDENT. "Final disposition," as the Chair understands, means final disposition.

Mr. OVERMAN. That is what I understand by it, but I want to know what is the disposition of the Senate. I have some constituents who want this bill put over until their national convention is held, which will be, I think, on the 20th of May, So far as I am concerned, I am in favor of the principle of this bill; but, in obedience to the wishes of those people and their desire to get tegether in their national convention—and they have not held one since this bill has been considered—I should like very much to have it go over until after the 20th of May. I do not like to object to the request, but I do not desire to be put in the position of not making that motion at some time, and I would be precluded from doing so if I agreed to the request for unanimous consent. As I have said, I do not like to object; but I am afraid I am forced to do so, because I want the Senate to consider whether or not some of the testimony that has been taken

The VICE PRESIDENT. The Chair used the term "final

disposition" without the Senator from Utah having used it.

Mr. OVERMAN. That is the reason I raised the point.

The VICE PRESIDENT. The Senator from Utah may have had in mind a disposition which should not be final.

Mr. OVERMAN. That is the reason I raised the point.

The VICE PRESIDENT. The Senator from Utah may pre-

fer to put it in that form.

Mr. OVERMAN. If the Senator from Utah will put it in that form I think it will be agreed to. The Vice President used the word "final," and so I thought I would raise the question, so that I would not be precluded from making the motion.

The VICE PRESIDENT. The Chair would imagine that

with the word "final" omitted, simply leaving it "the disposi-tion of the bill," a postponement of action thereon until next December or any other time would be a disposal of it.

Mr. SMITH of Georgia. That would still give us the right at that time to move to postpone to the next session, and we could come to a vote on it, if we saw fit.

Mr. SUTHERLAND. I will include in my request for unani-

mous consent the further provision that it shall be subject to the right to move to postpone the further consideration of the

bill to a day certain.

The VICE PRESIDENT. Add as a proviso to the request, then, as heretofore stated by the Chair, the words "Provided, That a motion shall be in order to either definitely or in-definitely postpone the further consideration of the bill."

Mr. WILLIAMS. To postpone it to a definite day.
Mr. SUTHERLAND. To postpone to a definite day.
The VICE PRESIDENT. To postpone to a definite day fur-

ther action thereon.

Mr. SUTHERLAND. Yes.

The VICE PRESIDENT. Is there objection to that request? The Chair hears none, and it is therefore ordered.

Mr. SUTHERLAND. A parliamentary inquiry, Mr. Presi-ent. I suppose that will not prevent the consideration of the bill in the meantime and the disposition of any amendments before the day fixed for the final vote.

The VICE PRESIDENT. The Chair would think that the intent of the Senate was that no amendment should be voted on

prior to that day.

Mr. SUTHERLAND. I simply wanted to understand.

The VICE PRESIDENT. That would be the opinion of the

Mr. SMITH of Georgia. That was my supposition.

SYSTEM OF RURAL COOPERATIVE CREDITS.

Mr. GRONNA. I ask unanimous consent for the present consideration of the joint resolution (S. J. Res. 75) to provide for the appointment of a commission to investigate the operations of cooperative land-mortgage banks and cooperative rural credit unions in other countries.

Mr. CULBERSON. I ask that the joint resolution be read. The VICE PRESIDENT. The Secretary will read the joint resolution for the information of the Senate.

Mr. OVERMAN. I rise to a parliamentary inquiry. Are we now proceeding by unanimous consent?

The VICE PRESIDENT. That is the intent, and unanimous consent is asked for the present consideration of the joint reso-

Mr. OVERMAN. I object to that for the present. The VICE PRESIDENT. Objection is made.

VANCOUVER MILITARY RESERVATION, WASH.

Mr. JONES. I ask unanimous consent to call up the bill (S. 4663) to authorize and empower the Secretary of War to locate a right of way for and to grant the same and the right to operate and maintain a line of railroad, telephone, telegraph, and electric transmission lines through Vancouver Barracks and Military Reservation, in the State of Washington, to Washing-

or the Washington, to Washington, to Washington-Oregon Corporation, its successors and assigns.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Military Affairs with an amendment to strike out all after the enacting clause and insert:

That there is hereby granted to the Washington-Oregon Corporation, a corporation organized under the law of the State of Washington,

under the conditions and restrictions in this act contained, the right to extend, maintain, and operate its electric railway across the Vancouver Military Reservation, in the county of Clarke, in the State of Washington, with the right to construct, maintain, and operate telegraph, telephone, and electric-power transmission lines, the said grant to remain in force during the pleasure of Congress.

SEC. 2. That the works herein authorized shall be constructed upon such location as may be fixed by the Secretary of War, and in such manner, of such character, and with such spurs, switches, and crossings as he may prescribe; and said works shall be maintained and operated subject to such rules and regulations as the Secretary of War or the commander at the said post may from time to time prescribe; Provided, That before beginning construction the said corporation shall furnish a bond to the satisfaction of the Secretary of War, conditioned for the completion of the said railroad and other works mentioned herein across said reservation within one year from the approval of said bond by the Secretary of War.

SEC. 3. That any other person or corporation having a franchise for the operation of a street railway in the city of Vancouver, in the State of Washington, including any electric railway as may have authority to do a suburban and interurban business, may, upon obtaining a license from the Secretary of War, use the track and other constructions herein authorized to be placed upon the reservation upon paying just compensation; and if the parties concerned can not agree upon the amount of such compensation, the sum or sums to be paid for said use shall be fixed by the Secretary of War; Provided, That if said right of way is located over any land which the public is using, or may hereafter use, as a public highway, the uses herein authorized shall not exclude such public use.

SEC. 4. That if any portion of the said reservation occupied by the works herein authorized shall crase to be used for some one of the premises

Mr. JONES. There is a committee amendment to the amendment I desire to present.

The VICE PRESIDENT, The Senator from Washington

offers a committee amendment to the amendment, which will be stated.

The Secretary. On page 4, line 22, after the word "use," strike out the period and insert a colon and the following:

strike out the period and insert a colon and the following:

And provided further. That the said corporation shall surface the said roadway for a width of 24 feet alongside and exclusive of the said railway tracks for the entire distance occupied by said tracks within the reservation with crushed rock of suitable size, the said roadway to be properly olled and rolled, and shall maintain the same, including the space between the tracks, at all times in good condition for vehicle traffic; shall keep the said track or roadway within the reservation limits properly lighted by satisfactory electric light without expense to the United States; and shall construct and maintain a suitable drainage ditch along said track.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading,

read the third time, and passed.

The title was amended so as to read: "A bill granting to the Washington-Oregon Corporation a right for an electric railroad, and for telephone, telegraph, and electric-transmission lines across the Vancouver Military Reservation, in the State of Washington."

HOMESTEADS UPON RECLAMATION PROJECTS.

Mr. BORAH. I ask unanimous consent to call up the bill (S. 5545) providing for the issuing of patent to entrymen for homesteads upon reclamation projects.

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill.

The VICE PRESIDENT. The bill has heretofore been read in full, as in Committee of the Whole, and amended.

Mr. SMOOT. I have an amendment to offer to the bill. After the word "act," on page 1, line 11, I move to insert what I send to the desk.

The Secretary. On page 1, line 11, after the word "act," insert a colon and the following proviso:

Provided, however, That no patent shall be issued unless at least one-half of the total irrigable area of the entry has been reclaimed for agricultural purposes, and all charges then due to the Government for building, operation, and maintenance, including drainage, have been paid: Provided further, That the amounts so paid on account of building charges shall aggregate not less than 40 per cent of the total building charge.

I am not going to interpose an objection to the Mr. BORAH. amendment. But I do want to say, before it is voted upon, that while I am not going to object to it, I do not object largely for the reason that I do not want to jeopardize the passage of A good many seem to think the amendment is necesthe bill. sary. I do not think the amendment necessary or desirable, but it is not vital and I shall not urge action one way or the other,

but with this single suggestion, permit the Senate to vote.

Mr. SMOOT. I wish to say to the Senator from Idaho that
I have as much interest in the bill's passing as he, and would

do nothing to jeopardize it. The amendment simply provides for the reclaiming of one-half of the agricultural lands in the entry upon the reclamation project, as the law provides now, and of course hereafter, under the bill, the entries under the reclamation project will be made the same as all homestead entries. We have the three-year homestead bill before the conferces of the two Houses, and in the bill as it passed the House there is no cultivation required. The amendment simply provides that the lands shall be cultivated as they are required to be cultivated under the reclamation project.

Mr. BORAH. I did not mean to say that the Senator from Utah himself is not in favor of the bill, but those who are in favor of the amendment particularly seem to think it is necessary, and would doubtless feel the necessity of halting the bill if the amendment was not in. I am not criticizing the Senator or anyone else. I simply desired to state my view.

Mr. SMOOT. Yes.

The VICE PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Utah.

The amendment was agreed to.
Mr. BORAH. I desire to offer an amendment to the bill.
The Secretary. On page 1, line 10, after the word "two," insert:

And also to persons who have made or shall make homestead entries under irrigation projects of the United States for surplus Indian lands within former Indian reservations.

Mr. SMOOT. I am not going to object to the amendment, but I want to call the attention of the Senator from Montana [Mr. Myers] to the amendment. I will say that if the bill passes the House with the amendment just offered I shall ask that the bill (8, 5957) providing for the issuance of patents to entrymen for homesteads in the so-called Flathead irrigation project be indefinitely postponed. I ask the Senator from Montana not to call that bill up for consideration until this is finally disposed of, because it refers to the same subject, and therefore if the amendment is now included in the bill and it becomes a law I shall ask that Senate bill 5957 be indefinitely postponed.

Mr. MYERS. As I understand the Senator from Utah, if the amendment which is now offered is adopted it will render unnecessary the other bill pending on the same subject.

Mr. SMOOT. There is no doubt of it, because Mr. Newell, of the Reclamation Service, tells me that the only lands affected by the amendment offered by the Senator from Idaho are the Indian lands on the former Flathead Indian Reservation.

Mr. MYERS. That is agreeable to me, Mr. SMOOT. Of course I would not like to have both measures passed, because they affect the same lands.

Mr. MYERS. From what the Senator from Utah says, I

am satisfied with either one.

The VICE PRESIDENT. Without objection, the amendment is agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

PENSIONS AND INCREASE OF PENSIONS.

Mr. McCUMBER. I ask unanimous consent that the Senate proceed to the consideration of the bill (H. R. 18336) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Pensions with amendments.

The first amendment of the Committee on Pensions was, on page 2, line 23, after the word "receiving," to insert "Provided, That in the event of the death of Louisa V. John, helpless and dependent child of said Abia C. John, the additional pension herein granted shall cease and determine: And provided further, That in the event of the death of Kate L. John the name of the said Louisa V. John shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of \$12 from and after the date of death of said Kate L. John," so as to make the clause read:

The name of Kate L. John, widow of Abia C. John, late of Company A and hospital steward, Thirty-fourth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of \$24 per month in lieu of that she is now receiving: Provided, That in the event of the death of Louisa V. John, helpless and dependent child of said Abia C. John, the additional pension herein granted shall cesse and determine: And provided further. That in the event of the death of Kate L. John the name of the said Louisa V. John shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of \$12 from and after the date of death of said Kate L. John.

The amendment was agreed to.

The next amendment was, on page 4, line 1, before the word "dollars," to strike out "thirty" and insert "twenty-four," so as to make the clause read:

The name of Thomas Stubbs, late of Company H, Seventeenth Regiment Kentucky Volunteer Cavalry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 4, after line 6, to strike

The name of Allen King. late of Company G. Thirtieth Rezhaent Iowa Volunteer Infantry, and may him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 4, line 13, before the word "dollars," to strike out "seventy-two" and insert "fifty," so as to make the clause read:

The name of Henry Dorman, late of Company F. Seventh Regiment Michigan Volunteer Cavalry, and pay him a pension at the rate of \$50 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 7, after line 3, to strike

The name of Benjamin F. Kimler, late of Company E. Sixth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 9, after line 14, to strike

The name of John E. Penn, late of Companies G and C, Ninth Regiment Missouri State Militia Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 11, after line 14, to strike

The name of George A. Carpenter, late deck hand, U. S. gunboat *Diana*, Mississippi ram fleet, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 12, after line 19, to strike out:

The name of Louisa De Volve, former widow of Warren Collins, late of Company K, Eighth Regiment Michigan Volunteer Cavalry, and pay her a pension at the rate of \$12 per month.

The amendment was agreed to.

The next amendment was, on page 14, after line 19, to strike

The name of Edward Blanchard, late of Company L, Seventh Regiment Michigan Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 15, line 18, before the word "dollars," to strike out "sixty" and insert "thirty," so as to make the clause read:

The name of Irvin Patrick, late of Company H, Forty-fifth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 16, line 1, before the word "dollars," to strike out "sixty" and insert "fifty," so as to make the clause read:

The name of James E. Cothern, late of Company H, Third Regiment West Virginia Volunteer Cavalry, and pay him a pension at the rate of \$50 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 19, after line 5, to strike

The name of Charles H. Dutton, late of Third Battery Vermont Vol-unteer Light Artillery, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 19, after line 9, to strike

The name of Benjamin B. D. Derickson, late of Company H, Ninth Regiment Delaware Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 19, line 24, before the word "dollars," to strike out "thirty" and insert "twenty-four," so as to make the clause read:

The name of Samuel Cobean, late of Company C, Forty-first Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 21, line 9, before the word "dollars," to strike out "sixty" and insert "fifty," so as to make the clause read:

The name of George W. Currier, late of Company B, Sixth Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of \$50 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 22, line 21, before the word "dollars," to strike out "thirty" and insert "twenty-four," so as to make the clause read:

The name of Wilson Bray, late of Company F, First Regiment Tennessee Mounted Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 24, after line 14, to strike

The name of William J. Mogle, late of Company A, One hundred and fifth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 25, line 12, before the word "Colored," to strike out "Volunteer," and in line 13, before the word "Infantry," to insert "Volunteer," so as to make the clause read:

The name of Isaac Washington, late of Company H, One hundredth Regiment United States Colored Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 25, line 16, before the word "Colored," to strike out "Volunteer," and in line 17, before the word "Infantry," to insert "Volunteer," so as to make

The name of Benjamin Brinley, late of Company I, One hundredth Regiment United States Colored Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 25, after line 18, to strike

The name of Augustine Bell, late of Company I, Thirteenth Regiment United States Volunteer Colored Heavy Artillery, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 25, after line 22, to strike

The name of Marshall Jones, alias Farris, late of Company E, One hundred and twenty-first Regiment United States Volunteer Colored Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 26, line 6, before the word "Colored," to strike out "Volunteer," and in the same line, before the word "Infantry," to insert "Volunteer," so as to make

The name of Lan Doniphan, late of Company H, One hundred and seventeenth Regiment United States Colored Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was agreed to.

The next amendment was, on page 26, line 10, before the word

"Colored," to strike out "Volunteer"; in line 11, before the
word "Heavy," to insert "Volunteer"; and in line 12, before
the word "dollars," to strike out "thirty" and insert "twentyfour," so as to make the clause read:

The name of Job Washington, late of Company G, Thirteenth Regiment United States Colored Volunteer Heavy Artillery, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was agreed to.

The next amendment was, on page 26, line 16, before the word

"Colored," to strike out "Volunteer"; in the same line, before
the word "Infantry," to insert "Volunteer"; and in line 17,
before the word "dollars," to strike out "thirty" and insert "twenty-four," so as to make the clause read:

The name of Elijah Combs, late of Company A, One hundred and twenty-first Regiment United States Colored Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now

The amendment was agreed to.

The next amendment was, on page 27, line 16, before the word "Company," to strike out "of" and insert "captain," so as to make the clause read:

The name of Anna F. Thayer, widow of Charles F. Thayer, late captain Company B. Fifty-sixth Regiment New York Volunteer Infantry, and pay her a pension at the rate of \$12 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 28, line 12, after the word "Infantry," to insert "and Hatch's battalion Minnesota Volunteer Cavalry," so as to make the clause read:

The name of Thomas J. Little, jr., late of Company D, Tenth Regiment Minnesota Volunteer Infantry, and Hatch's battallon Minnesota Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 28, after line 19, to strike

The name of Sarah E. Gillespie, widow of Thomas Gillespie, late of Company C. Second Regiment New York Volunteer Infantry, and pay her a pension at the rate of \$12 per month.

The amendment was agreed to.

The next amendment was, on page 29, line 2, after the word "month," to insert "said pension to cease upon proof that the soldier is living," so as to make the clause read:

The name of Delia R. Parker, widow of Isaac N. Parker, late of Fourteenth Independent Battery, Ohio Volunteer Light Artillery, and payher a pension at the rate of \$12 per month, said pension to cease upon proof that the soldier is living.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

PUBLIC UTILITIES COMMISSION.

Mr. GALLINGER. I desire to give notice that to-morrow, after the conclusion of the routine morning business, I will ask the Senate to resume the consideration of the bill (S. 3812) to regulate public utilities in the District of Columbia and to confer upon the Commissioners of the District of Columbia the duties and powers of a public utilities commission.

Mr. BRISTOW. May I make an inquiry? Will the notice just given conflict with the unanimous-consent agreement made

this afternoon?

The VICE PRESIDENT. If it does, the unanimous-consent

agreement will hold.

Mr. GALLINGER. I was not aware of an agreement for tomorrow. I will therefore change the notice to Saturday.

PRESERVATION OF FORT M'HENRY.

Mr. DU PONT. I am directed by the Committee on Military Affairs, to which was referred the bill (S. 6354) to perpetuate and preserve Fort McHenry and the grounds connected therewith as a Government reservation under the control of the Secretary of War and to authorize its partial use as a museum of historic relics, to report it favorably without amendment. I ask unanimous consent for the present consideration of the

The VICE PRESIDENT. The bill will be read for the information of the Senate.

The Secretary read the bill.

Mr. CULBERSON. I will ask the Senator in charge of the bill if this fort has been abandoned.

Mr. DU PONT. I will say to the Senator from Texas that I understand it is not now occupied by troops, and the War Department has approved the bill.

Mr. CULBERSON. Is it a part of the policy of the Government to give the use of abandoned forts for public purposes disconnected somewhat from the War Department?

Mr. DU PONT. I am not aware of any such policy.

Mr. CULBERSON. The Senator will recall that there were several measures to that general effect in the appropriation bill which came from the House and passed the Senate. I will be along that general line.

ask if this separate bill is along that general line.

Mr. DU PONT. I will say to the Senator from Texas that I am not aware that the War Department has formulated any general policy in regard to forts which may be discontinued as military stations. This bill relates to Fort McHenry, which is associated with historical events, and the bill has been considered, I imagine, on its own merits apart from any general

public policy.

Mr. CULBERSON. I will ask that the last paragraph of the bill be again read.

The VICE PRESIDENT. The Secretary will read as re-

quested.

The Secretary read as follows:

Provided, That said fort proper and appurtenant grounds may, with the assent and under the control of the Secretary of War, be occupied as a military museum under such rules and regulations as he, in his discretion, may prescribe.

Mr. RAYNER. If I may say a word about the bill, there is no objection to it at all. The fort is now a military reserva-The object is to use a part of it for a military museum if it is so desired. The War Department has approved this bill.

I have had two or three bills before the Senate of similar import, and this is about the only one that I could get the War Department to approve of. There has been an effort to use the grounds for other purposes. It being the place where the British were repulsed in 1812 and the scene where the Star Spangled Banner was composed, it is the desire that it shall remain as it is for military purposes and not be used for any

purpose that would desecrate it. It is a perfectly unobjection-

Mr. SMOOT. It carries no appropriation?

Mr. RAYNER. It carries not a cent of appropriation, and this is done with the consent of the War Department.

Mr. DU PONT. There is not a cent of appropriation in the

The VICE PRESIDENT. Without objection, the bill is before the Senate as in Committee of the Whole.

Mr. HEYBURN. Mr. President, I notice that the bill designates officially the national anthem without naming it. is a controversy in this country as to whether or not My Coun-Tis of Thee is the national anthem or the Star Spangled anner. Would it not be well to name it?
Mr. RAYNER. If the Senator wants to change that he can

call it the Star Spangled Banner, and that will be accepted as the national authem until some other is adopted.

Mr. HEYBURN. I do not think the Senator's suggestion is entirely applicable to my inquiry. The bill should be definite. If you are going to use the term at all you should name the anthem.

Mr. RAYNER. There is no objection to naming it.
Mr. HEYBURN. Which will you name?
Mr. RAYNER. We can not name any other. It was the Star Spangled Banner that was composed there.

Mr. HEYBURN. When was the Star Spangled Banner made

the national anthem?

Mr. RAYNER. The Senator can put in "The Star Spangled Banner." It was composed at that place.

Mr. HEYBURN. No; I will not take that responsibility. was merely calling attention to the fact that it is a question whether the Star Spangled Banner or My County 'Tis of Thee is the national anthem. It is hardly worth while to be careless about a thing of this kind. If it is worth doing, it is worth doing correctly.

Mr. RAYNER. The bill does not make anything a national anthem. It simply says that the national anthem was composed

The VICE PRESIDENT. May the Chair suggest that after the bill is passed the preamble may be stricken out?

Mr. HEYBURN. I should like to hear the statement in the preamble read, and let us see what it is.

The VICE PRESIDENT. The Secretary will read the pre-

amble.

The Secretary read as follows:

Whereas Fort McHenry, the birthplace of our national anthem and made memorable by the repulse of the British fleet—

Mr. HEYBURN. That is sufficient for my purpose. I wish to know what evidence there is that Fort McHenry was the birthplace of the national anthem.

Mr. DU PONT. I shall move to strike out the preamble.
Mr. HEYBURN. There should be no reference to it whatever.
Mr. SMOOT. That is in the preamble, and by moving to strike it out it will do away with that question.
The VICE PRESIDENT. That can be done only after the

bill is passed.

Mr. HEYBURN. I understand that; but a motion had not been made to strike it out until after I had called attention to I suppose it will be stricken out.

it. I suppose it will be stricken out.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

Mr. DU PONT. I move to strike out the preamble. The VICE PRESIDENT. Without objection, the preamble will be stricken out.

WIND RIVER RESERVATION LANDS, WYO.

Mr. CLARK of Wyoming. I ask unanimous consent for the present consideration of the bill (H. R. 16101) providing for patents to homesteads on the ceded portion of the Wind River Reservation in Wyoming.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration. It provides that any person who, prior to December 16, 1911, made homestead entry on the ceded portion of the Wind River Reservation in Wyoming, and has not abandoned the same, and who has been unable to secure water for the irrigation of the lands covered by his entry, may secure title to the same upon the submission of satisfactory proof that he has established and maintained actual bona fide residence upon his land for a period of not less than eight months and upon payment of all sums remaining due on said land as provided for by the act of March 3, 1905.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PREFERENCE RIGHT OF ENTRY.

Mr. SMOOT. I ask unanimous consent for the present consideration of the bill (8.5309) to amend section 3 of the act of Congress approved May 14, 1880—Twenty-first Statutes at Large, page 140.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consid-

eration.

The bill was reported from the Committee on Public Lands with an amendment, to add at the end of the bill the following proviso:

And provided further, That this act shall apply to all claims, locations, or entries made under the above-mentioned acts, where no adverse claims have intervened.

So as to make the bill read:

So as to make the bill read:

Be it enacted, etc., That section 3 of the act of Congress approved May 14, 1880 (21 Stat. L., p. 140), be, and the same is hereby, amended by adding thereto the following:

"Provided, That any settler upon lands theretofore designated by the Secretary of the Interior as subject to the provisions of section 1 to 5 of the enlarged homestead acts of February 19, 1909 (35 Stat. L., p. 639), and June 17, 1910 (36 Stat. L., p. 531), shall be entitled to the preference right of entry accorded by this section, provided he shall have plainly marked the exterior boundaries of the lands claimed as his homestead: And provided further, That after the designation by the Secretary of the Interior of public lands for entry under the nonresidence provisions of the enlarged homestead acts of February 19, 1909, and June 17, 1910, any person who shall have plainly marked the exterior boundaries of the lands claimed under said provisions of law and made valuable improvements thereon shall have a preference right to enter the lands so claimed and improved at any time within three months after the date on which such lands become subject to entry; but such right shall forfeit unless the settler or claimant under the provisions of the enlarged homestead acts shall annually cultivate and improve the lands in the form and manner and to the extent therein required following date of initiation of his claim hereunder: And provided further, That this act shall apply to all claims, locations, or entries made under the above-mentioned acts, where no adverse claims have intervened."

The amendment was agreed to.

The amendment was agreed to.

Mr. SMOOT. In line 9, page 1, the word "section" should be "sections," so as to read "sections 1 to 5."

The VICE PRESIDENT. The amendment will be agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

Mr. HEYBURN. I desire to ask a question of the Senator. Is this intended to cover some special emergency or is it in-

tended for general legislation?

Mr. SMOOT. It is intended for general legislation. It is giving the entryman under an enlarged homestead, where lands are unsurveyed, the same preference right the regular homesteader has on 160 acres, or, in other words, the Senator's State and the State of Utah have so much unsurveyed land, and a great deal of the land has been designated to be taken up under the enlarged-homestead act. As long as it is unsurveyed they go and enter the land and they have no preference right under the enlarged-homestead act. This simply gives them that preference right on unsurveyed lands, the same as the entryman has upon the lands entered under the general homestead act.

Mr. HEYBURN. I will just leave a comment in the Record on this bill. It permits a man to mortgage that which he has no right to under the existing law, at the time he does it, for the purpose of keeping off legitimate settlers who might want

that land.

Mr. SMOOT. Oh, Mr. President—— Mr. HEYBURN. He takes first his homestead, then he takes an additional homestead, and then he takes the preferential right to enter an area of land adjoining it. I merely desired to leave this tag on this legislation.

Mr. SMOOT. Of course that is not—

The VICE PRESIDENT. The question is on the engrossment

and third reading of the bill.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

PRESIDENTIAL PRIMARIES IN THE DISTRICT OF COLUMBIA.

Mr. BRISTOW. I ask unanimous consent to call up the bill (S. 2234) to provide for a primary nominating election in the District of Columbia, at which the qualified electors of the said District shall have the opportunity to vote for their first and second choice among those aspiring to be candidates of their respective political parties for President and Vice President of the United States, to elect their party delegates to their national conventions, and to elect their national committeemen.

The VICE PRESIDENT. Is there objection?

Objection is made.

Mr. HEYBURN. I object. The VICE PRESIDENT. Of Mr. NIXON. Mr. President-

The VICE PRESIDENT. The Senator from Nevada.

Mr. BRISTOW. Mr. President-

The VICE PRESIDENT. The Senator from Nevada has been recognized. Objection is made to the present consideration of the bill called up by the Senator from Kansas.

Mr. BRISTOW. I want to make a request in regard to the

bill that was just called up.

The VICE PRESIDENT. The Senator will make it.

Mr. BRISTOW. I do not like to be taken off my feet entirely.

The VICE PRESIDENT. The Chair did not take the Sena-

tor off his feet.

The Senator from Idaho objects to the con-Mr. BRISTOW. sideration of the bill. I desire to request unanimous consent for the consideration of the bill on Saturday next—

Mr. HEYBURN. I object to that.
Mr. BRISTOW. And that it be voted upon on that day.
Mr. HEYBURN. I object.
The VICE PRESIDENT. The Senator from Idaho objects.

Mr. BRISTOW. I desire to state that I recognize that there are not a great many Senators here this afternoon and there are a number present who have bills that are not contested which they are very anxious to have considered by the Senate. I will not make the motion which I have in mind, to proceed to the consideration of the bill, as I did when the bill was called up the other day, because I know Senators desire to dispose of some uncontested measures. But I want to say now that, if I am able, I shall insist upon this measure being taken up and disposed of by a vote of the Senate, and I shall not be content to have it put aside as it has been by a filibuster, as it was the other day. It is a measure that has merit and it ought to be considered now.

Mr. HEYBURN. I do not know who filibustered.
Mr. BRISTOW. I shall not insist on its consideration this

The VICE PRESIDENT. The Senator from Nevada has been

recognized.

Mr. SMOOT subsequently said: The Senator from Kansas [Mr. Baisrow] referred to having the bill laid aside by a fillbuster. I had no intention whatever of a filibuster. There were a great many Senators on both sides of the Chamber who asked that the calendar, under Rule VIII, be taken up that bills to which there was no objection might be passed; and it was in carrying out their request and doing what I thought was proper that I felt like the calendar ought to go on regularly. I do not want the Senator to think that I had any intention whatever

of engaging in any filibuster.

Mr. BRISTOW. I wish to say, in regard to the statement made by the Senator from Utah, that the Senate by a very decided vote expressed its desire to take up the measure and consider it, and it was the persistent manner by which the quorum was broken that prevented it from being considered. Now, the purpose of the Senator from Utah might not have been to filibuster, but the action of the Senate was a filibuster that prevented the consideration of the bill at that time.

Mr. SMOOT. There was no filibuster about it, Mr. President.

MARSHAL'S SALARY IN DISTRICT OF NEVADA.

Mr. NIXON. I ask unanimous consent for the present consideration of the bill (S. 3925) providing for an increase of salary of the United States marshal for the district of Nevada.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on the Judiciary with an amendment, in line 5, before the word "dollars," to strike out "four thousand" "three thousand five hundred," so as to make the and insert bill read:

Be it enacted, etc., That from and after the passage of this act the salary of the United States marshal for the district of Nevada shall be at the rate of \$3,500 a year.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

PUBLIC BUILDING AT CAPE CHARLES, VA.

Mr. SWANSON. I ask for the present consideration of the bill (S. 5668) to provide for the purchase of a site and the erection of a public building thereon at Cape Charles, in the State of Virginia.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Public Buildings and Grounds with an amendment, in section 1, page 2, line 2, before the word "thousand," to strike out "fifty" and insert "sixty-five," so as to make the section read:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to acquire, by purchase, condemnation, or otherwise, a

site and cause to be erccted thereon a suitable building, including fire-proof vaults, heating and ventilating apparatus, elevators, and ap-proaches, for the use and accommodation of the United States post office and other Government offices in the town of Cape Charles, State of Virginia, the cost of said site and building, including said vaults, heating and ventilating apparatus, elevators, and approaches, not to exceed the sum of \$65,000.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

FISH-CULTURAL STATION IN FLORIDA.

Mr. FLETCHER. I desire to ask unanimous consent for the present consideration of the bill (S. 2346) to establish a fish hatchery and biological station in the third congressional district

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Fisheries with amendments.

The first amendment was, on page 1, line 6, after the words "station in," to strike out "the third congressional district of," and in line 8, after the word "point," to strike out "in said district," so as to read:

That the sum of \$50,000, or so much thereof as may be necessary, be, and the same is hereby, appropriated for the establishment of a fish-cultural and biological station in the State of Florida, including purchase of site, construction of buildings and ponds, and equipment, at some suitable point to be selected by the United States Fish Commission.

The amendment was agreed to.

The next amendment was, on page 1, after line 9, at the end

of the bill, to add the following proviso:

of the bill, to add the following proviso:

Provided, That before any final steps shall have been taken for the construction of a fish-cultural station in accordance with this bill, the State of Florida, through appropriate legislative action, shall accord to the United States Commissioner of Fisheries and his duly authorized agents the right to conduct fish hatching and all operations connected therewith in any manner and at any time that may by them be considered necessary and proper, any fishery laws of the State to the contrary notwithstanding: And provided further, That the operations of said hatchery may be suspended by the Secretary of Commerce and Labor whenever, in his judgment, the laws and regulations affecting the fishes cultivated are allowed to remain so inadequate as to impair the efficiency of said hatchery.

The amendment was agreed to.

The bill was reported to the Senate as amended and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read

the third time, and passed.

The title was amended so as to read: "A bill to establish a fish-cultural station in the State of Florida."

FREDERICK BECKSTEIN AND OTHERS.

Mr. O'GORMAN. I ask unanimous consent for the present consideration of the bill (S. 4599) for the relief of Frederick Beckstein and others.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It directs the Secretary of the Treasury to pay to the personal or legal representatives of the following estates, which paid taxes in the New York internal-revenue districts, namely, estates of Frederick Beckstein, James Dundon, Henry Gade, Juan A. Guerra, Hugh Higgin, Eugene A. Hoffman, George Hubbel, Joseph F. Ismay, Isaac G. Johnson, Jane Kelley, Louis Manges, Anna M. Merritt, Henry C. Miner, John Murtha, Theresa Nathan, Jacob D. Nordlinger, Augustus F. Pearce, Louise B. Quackenbos, Margaret S. Salisbury, Gouverneur M. Smith, Charles E. Tilford, John H. Wadsworth, Caroline A. Wadsworth, Margaret M. Bilderback, Cord Gerken, Charles P. Haughian, Lydia A. Oakley, and Arthur S. C. Wurtele, such sums of money as have been in any manner collected from those estates as internal-revenue taxes paid on legacies and distributive shares of personal property to the United States under the war-revenue act of June 13, 1898, the sums to be refunded in accordance with the decision of the United States Supreme Court in the case of Knowlton v. Moore (reported in United States Supreme Court Reports, vol. 178, p. 41), any statute of limitation to the contrary notwithstanding.

The bill was reported to the Senate without amendment,

ordered to be engrossed for a third reading, read the third time,

and passed.

ASSISTANCE AND SALVAGE AT SEA.

Mr. BURTON. I ask unanimous consent for the present consideration of the bill (S. 4930) to carry into effect the provisions of a convention for the unification of certain rules with respect to assistance and salvage at sea.

There being no objection, the Senate, as in Committee of the

Whole, proceeded to consider the bill.

Mr. BURTON. I desire to offer two amendments to the billone in section 2, page 2, line 1, to strike out the words "fine of not to exceed five" and to insert "penalty of not exceeding

The object of that amendment is to make the bill conform to a statute already in force, passed in 1890, relating to the penalty for failing to aid in case of collision. It seems desirable

that the penalty in the two cases be the same.

The VICE PRESIDENT. The amendment proposed by the

Senator from Ohio will be stated.

The Secretary. In section 2, page 2, line 1, after the words "to a," it is proposed to strike out "fine of not to exceed five" and insert "penalty of not exceeding one," so as to read:

SEC. 2. That the master or person in charge of a vessel shall, so far as he can do so without serious danger to his own vessel, crew, or passengers, render assistance to every person who is found at sea in danger of being lost; and if he fails to do so, he shall, upon conviction, be liable to a penalty of not exceeding \$1,000.

The amendment was agreed to.

Mr. BURTON. In the next line I propose the amendment which I send to the desk.

The VICE PRESIDENT. The amendment proposed by the

Senator from Ohio will be stated.

The Secretary. In the same section, page 2, line 2, after the words "for a," it is proposed to strike out "period not to exceed five" and to insert in lieu thereof the words "term not exceeding two," so as to read: "or imprisonment for a term not exceeding two years, or both."

The amendment was agreed to.

The bill was reported to the Senate as amended and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read

the third time, and passed.

On motion of Mr. Burton, the title was amended so as to read: "A bill to harmonize the national law of salvage to the provisions of an international convention for the unification of certain rules with respect to assistance and salvage at sea, and for other purposes.

SYSTEM OF RURAL COOPERATIVE CREDIT.

Mr. GRONNA. I ask unanimous consent for the present consideration of the joint resolution (S. J. Res. 75) to provide for the appointment of a commission to investigate the operations of cooperative land-mortgage banks and cooperative rural credit unions in other countries.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution, which had been reported from the Committee on Finance with amendments, on page 1, line 3, after the word "appoint," to insert "by and with the advice and consent of the Senate"; in line 4, after the word "commission," to insert "of three members, 4, after the word "commission," to insert "of three members, not more than two of whom shall be of one political party"; in line 8, after the word "countries," to strike out "and to fix the"; in line 9, after the word "commission," to insert "shall be \$5,000 each"; on page 2, line 9, after the words "sum of," to strike out "fifty" and insert "thirty"; in line 10, after the word "than," to strike out "January 1, 1913," and insert "one year after appointment"; and in line 15, after the name "United States," to insert "and at that date this commission shall coase to exist" so as to make the joint resolution read. shall cease to exist," so as to make the joint resolution read:

shall cease to exist," so as to make the joint resolution read:

Resolved*, etc.. That the President is hereby authorized to appoint, by and with the advice and consent of the Senate, a commission of three members, not more than two of whom shall be of one political party, to investigate the operations of cooperative land-mortgage banks and of cooperative rural credit unions in other countries; compensation of the members of the commission shall be \$5,000 each. Said commission is hereby authorized to employ such clerks, stenggraphers, and other assistants as may be necessary, which employées shall be paid such compensation as the commission may deem just and reasonable, upon a certificate to be issued by the chairman of the commission. For the purposes of its investigations the commission shall be authorized to incur, and have paid upon the certificate of its chairman, such expenses as the commission shall deem necessary: *Provided*, however*, That the total expenses authorized or incurred for compensation, employees, and otherwise shall not exceed the sum of \$30,000. Said commission shall, not later than one year after appointment, submit a report to Congress, embodying therein recommendations as to how the systems of such land-mortgage banks and rural credit unions may best be adapted to the needs and requirements of the people of the United States, and at that date this commission shall cease to exist.

The amendments were agreed to.

Mr. BURTON. I offer the amendment which I send to the desk.

The VICE PRESIDENT. The amendment offered by the Senator from Ohio will be stated.

The Secretary. On page 1, line 8, after the word "countries," it is proposed to insert "as well as other organizations or in-

stitutions for the lending of money on land."

Mr. BURTON. I do not desire in any way to prejudice this joint resolution; I thoroughly believe in it; but I thought while

the resolution as introduced here they might also investigate other large general institutions in France and in other countries which have to do with the lending of money on land.

Mr. SMOOT. Mr. President, I believe that the joint resolution as originally drawn and amended by the committee includes all those institutions. I ask that the Secretary read the joint resolution as amended, so that we may see just how it reads.

The VICE PRESIDENT. Without objection, the Secretary

will read as requested.

The Secretary read the joint resolution as amended.
Mr. BURTON. I will state that the joint resolution referred originally merely to cooperative land-mortgage banks and cooperative rural credit unions. In addition to those mentioned there are institutions of larger scope, general in their nature, for the lending of money on land.

Mr. GRONNA. Mr. President, I ask to have the amendment

again read.

The VICE PRESIDENT. The Secretary will again state the amendment proposed by the Senator from Ohio [Mr. Burron].

The Secretary. On page 1, line 8, after the word "coun-les," it is proposed to insert "as well as other organizations or institutions for the lending of money on land," so as to rend .

To investigate the operations of cooperative land-mortgage banks and of cooperative rural credit unions in other countries, as well as other organizations or institutions for the lending of money on land.

Mr. GRONNA. I have no objection to that amendment. Mr. SMOOT. That will open the door, will it not, for a very wide investigation, for I take it for granted—

Mr BURTON. I do not think so. Those institutions are

Mr. BURTON. I do not think so. Those institutions are comparatively few in number, and the investigation to be conducted with reference to them will not occupy any considerable

Mr. DU PONT. Mr. President, practically there is only one institution of that kind, and it operates in France and its cololes. That is the Credit Foncier, as it is called.

Mr. SMOOT. I suppose that is the mother institution, as it

is called, but it has branches all over France.

Mr. DU PONT. It has branches, of course, but the one central institution deals with the branches in the colonies.

Mr. SMOOT. As I understand, what the Senator from North Dakota desires to have investigated is the cooperative plan in Germany and in France, so as to ascertain whether that cooperative plan in those countries can be applied to this country.

Mr. GRONNA. Yes; that was the purpose.
Mr. SMOOT. It was the purpose to ascertain if such cooperative institutions could be established in this country for the purpose of lending money.

Mr. GRONNA. My intention in offering the resolution, as introduced, was to provide for an investigation of cooperative

unions.

I should like to ask if all this information can not be found in publications which now exist? Why should we be sending commissions around the world? If they are matters of any importance, I am sure they have already been set out in a way that we can avail ourselves of the information.

Mr. GALLINGER. The information can be obtained through

our consuls and the State Department.

Mr. BACON. Yes: the information might be obtained through our consuls. We are complaining about unnecessary expenses, but it looks to me as if we are going far out of the way in this instance. It is a comparatively small matter, but, as the saying goes, "many a mickle makes a muckle."

Mr. HEYBURN. Mr. President-

The VICE PRESIDENT. Does the Senator from North Dakota yield to the Senator from Idaho?

Mr. GRONNA. I yield to the Senator. Mr. HEYBURN. I was only led to a

I was only led to acquiesce in the report on this measure in the committee upon the understanding that it was confined to these two classes of institutions in Germany. It was not considered by the committee that the scope would be extended in any way whatever, otherwise it would probably have met with a very different reception.

Mr. BACON. Will the Senator allow me to ask him a

question?

Mr. HEYBURN. Yes. Mr. BACON. I should like to ask the Senator if the committee, when they passed upon this joint resolution, looked into the question as to whether all this information was not to be had in existing publications?

Mr. HEYBURN. Mr. President, I suggested, if I may go that far, that every bit of the information sought to be ascertained under this joint resolution is now available, and, so far joint resolution; I thoroughly believe in it; but I thought while as I am concerned, I have no difficulty whatever in getting at it, this commission was making the investigation provided for in nor would any other Senator. But this joint resolution provides for a commission limited to one year, and by a stretch of conscience and the addition of some imagination as to what good might be accomplished I was led to acquiesce; otherwise I should have made some more determined resistance. Now, if this measure is to be amended so as to widen its scope I shall object to its consideration.

The VICE PRESIDENT. The question is on agreeing to

the amendment offered by the Senator from Ohio.

Mr. GALLINGER. Mr. President— The VICE PRESIDENT. The joint resolution is now being considered by unanimous consent, which has already been

Mr. SMOOT. I thought it had only been read for informa-

The VICE PRESIDENT. But since then amendments have

Mr. HEYBURN. Well, if the rule goes that far-of course I had it in mind that if any attempt should be made to widen the scope of the joint resolution I would object to its consideration—I may have waited too long.

The VICE PRESIDENT. The Chair fears that the Senator waived his right by not stating so at the time.

Mr. GALLINGER. Mr. President, I was not present when Mr. GALLINGER. Mr. President, I was not present when the joint resolution was read, but since coming into the Cham-ber I am impressed with the feeling that we are running pretty nearly mad on the matter of appointing commissions for all sorts of things. I recall the fact that a few years ago there was a great desire to obtain information regarding the pension laws of the several countries of the world. It was suggested to me that a commission would be the right thing, and that I might possibly get the chairmanship of that commission, as I was then chairman of the Committee on Pensions. I thought there was an easier way and a less expensive way, and so I addressed a letter to the Secretary of State, asking him if that could not be done by or through the consuls of the United States. He very promptly responded that he would undertake the work. The result was that in a comparatively short time every pension law of every civilized nation on the face of the earth was in my possession, and it did not cost many dollars to accomplish that object.

I do not know how desirable this information may be. think it likely when we get it we will do nothing with it; but it does occur to me that if it is necessary to get this information, it can be obtained through the State Department without the expense of another commission. I have been away for three or four days, but I think I have noticed that one or two commissions have been created since I left, and pretty soon, if this thing goes on, I think we had better turn over the work of the Government to commissions, and relieve ourselves of a great

deal of unnecessary labor.

If I were permitted to object to the consideration of the joint resolution I would do so; but I understand that I came in too late to do that. I shall, however, want the privilege of voting against it when it is submitted to the Senate.

Mr. BURTON. Mr. President, I regard this investigation as of extreme importance. We all recognize the fact that it is necessary for the farmers, in order to increase the productive power of their farms, to make investments along certain lines which have not thus far been regarded as profitable. The farmer in many portions of the country has cultivated fertile, virgin land. Much of this land, while not exhausted, is dimin-ished in productive capacity. Now, if the farmer proposes to increase this productive capacity by drainage or fertilizing or any other improvement essential for bettering the quality of his fand and for promoting the development of the agricultural resources of the country he must expend a larger amount of He is now under a very great disadvantage in that capital. rates of interest upon farm loans, generally speaking, as compared with rates upon loans on other kinds of realty and investments in numerous bonds are high. Yet many very necessary betterments on farming property will not give assurance of a large return. These betterments will not be made on borrowed capital unless rates of interest are comparatively low.

I do not think this investigation with reference to cooperative land-mortgage banks and cooperative rural credit unions merely will disclose the most desirable means of obtaining loans upon farms. I think some central institution, with the necessary branches, would better serve the purpose, such as the one mentioned by the Senator from Delaware [Mr. DU PONT]-the

The Monetary Commission in its report recognizes the desirability of loans upon farms, as well as upon other landed property, by recommending an amendment to the national banking law to the effect that 30 per cent of time deposits may be loaned upon land. One advantage of great central institutions is that they tend to equalize rates of interest in different portions of the information in the Encyclopedia Brittanica.

the country. The census report of 1890 contained a statement of the rates charged farmers in the different States of the Union. My recollection is these rates at that time ranged from about 5 per cent to 12 per cent. There is no reason why there should be this disparity; and it was my desire in offering the amendment to cause an investigation to be made of larger institutions organized for the business of lending money to farmers on a very large scale. Such an investigation can very readily be made in connection with an examination of cooperative land-mortgage banks and the cooperative rural credit unions.

However, as I understand that the amendment provokes some opposition, and I am unwilling to see the joint resolution defeated, I am inclined to withdraw the amendment. I think, however, it points toward the obtaining of information which will tend to improve present conditions and make it possible to obtain loans on farms more readily than by the cooperative institutions which, useful as they may be, must be rather local than general or national in their character.

The VICE PRESIDENT. Does the inclination of the Senator from Ohio lead him to withdraw the amendment?

Mr. BURTON. I withdraw it.
Mr. OVERMAN, Mr. President, I first objected to the joint resolution because I did not exactly understand it, but I withdrew my objection in order that it might have consideration.

It does seem to me that there is too much money provided for the purpose, unless it is intended to make a junketing trip for a commission into France and Germany. I do not see that those commissions which travel all over the world do very much good. We had the Monetary Commission, which spent a large amount of money. We had the River and Harbor Commission, which of money. went to Europe and spent forty or fifty thousand dollars. Other

commissions have gone abroad.

The joint resolution provides a salary of \$5,000 for three men, which is \$15,000. It seems to me they ought to get a pretty good clerk at \$3,000. That would leave \$2,000 for incidental expenses. I believe they could do the work just as well here as to go over there. They could get the data here. By communicating with our consuls they could get the data from abroad. They could get the data here from the books in the Library as to all they want to know about. They can get it from books which here here published. I have the fall they want to know about. which have been published. I move to strike out "thirty" and insert "twenty.

The VICE PRESIDENT. The amendment to the amendment

will be stated.

The Scherary. It is proposed to amend the committee amendment, on page 2, line 9, by striking out "thirty" and inserting "twenty," so as to read "twenty thousand dollars."

The VICE PRESIDENT. The question is on agreeing to the

amendment proposed by the Senator from North Carolina.

Mr. BACON. Mr. President, I think \$20,000 is very much less objectionable than \$30,000, but I believe any sum is objectionable, and consequently I shall vote against the amendment, not that I prefer the \$30,000, but because I am opposed to any appropriation. Why should we have this commission, especially when there is no Senator here who can stand up in his place and say that he knows definitely the fact that right across the square in the Congressional Library there can not be found books which will give every particle of information that the commission would seek?

Mr. GRONNA. Mr. President-

The VICE PRESIDENT. Does the Senator from Georgia yield to the Senator from North Dakota?

Mr. BACON. Certainly.

Mr. GRONNA. I wish to say to the Senator from Georgia that there is no such complete information to be had in the Congressional Library.

Mr. BACON. Of course I must take the Senator's statement to that effect. I suppose he has been over to the Library and made an exhaustive examination and has failed to find it.

Mr. GRONNA. I have not been able to get such information. Mr. BACON. Has the Senator made a diligent examination to see whether or not this information is in the Congressional Library

Mr. GRONNA. There is certainly no complete report— Mr. BACON. I can not hear the Senator from North Da-

kota.

There is certainly no report made by a com-

mission completely covering the subject.
Mr. BACON. I am not speaking of that. I am speaking of the question whether there are any publications. I am asking the Senator whether or not he has made diligent inquiry at the Congressional Library to find out whether there are any publications giving a description of these banks and their method of proceeding and the kind of work they do. I think it is a remarkable fact if they are not there. I believe he can find

Mr. GRONNA. There are some publications that touch on this particular question; but there is not, at least I have not been able to find one, any document that will give full information regarding this question. I believe the subject is of sufficient importance to expend \$30,000 to get the information. The joint resolution simply provides for the appointment of a com-mission to get facts. The farming communities of this country are certainly entitled to that much.

Mr. BACON. I want the farmers to have it, but I do not want to go to any unnecessary expense to get it. I think it can be found in books already in existence which are available, and if not the information can all be gotten through United States

consuls without any additional expense.

Mr. CURTIS. I wish to ask a question. Could not all the information the Senator desires to get be secured through our consular agencies?

Mr. GRONNA. I have not been able to Mr. CURTIS. Has the Senator tried? I have not been able to get such information.

Mr. GRONNA. Yes.

Mr. CURTIS. And they refused to give it to him? Mr. GRONNA. Refused to give it? Oh, no; not at all. I have been unable to find any document that will give the desired information regarding this question. It is no small question.

I fully realize it is no small question, but I do realize that all over the world we have consular agents who, if properly applied to, would furnish all the information desired

on this question.

I remember also that some years ago when the financial question was agitating the people of the country there were plenty of documents printed, giving the plans followed in France and every other plan you could think of. I think with a few hours digging in the library for the period covering the years 1893, 1894, 1895, 1896, and 1897 one could find all the information desired on this subject. Probably by going to the Monetary Com-

mission one could get a lot of it.

Mr. HEYBURN. Mr. President, I should like to call attention to the fact that these are corporations, and their terms or conditions of association are published facts, and their annual reports, or reports made even more frequently than that, give all the information in regard to these loans and the rates of interest. Then there is, I think, in the possession of some Senators here, at least I have had in my possession, and I think I could put my hands on it without much delay, a complete discussion of this question sent out by those who are advocating it. But being corporations, you can get the official statements. There is no trouble about that.

Mr. GRONNA. It is true there are publications. I have in my hand one, printed in Rome, giving information about rural banks and rural credit unions; but I do say there is no complete information showing the benefits to be derived, not only financially, but socially, from a thorough system of cooperative

unions.

The VICE PRESIDENT. The question is on agreeing to the motion of the Senator from North Carolina.

Mr. CURTIS. What is the motion?

The VICE PRESIDENT. The motion is to strike out "thirty" and insert "twenty," so as to read "\$20,000." [Putting the question.] The "noes" appear to have it.

Mr. OVERMAN. I call for a division.

Mr. GALLINGER. It is manifest a quorum could not be secured this evening, and I move that the Senate adjourn.

secured this evening, and I move that the Senate adjourn.

The motion was agreed to; and (at 5 o'clock and 50 minutes p. m.) the Senate adjourned until to-morrow, Friday, April 19, 1912, at 2 o'clock p. m.

HOUSE OF REPRESENTATIVES.

THURSDAY, April 18, 1912.

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the fol-

lowing prayer:

Eternal God, our heavenly Father, help us over the rough places as we journey through this day, that with unselfish devotion to duty and the rectitude of our behavior we may find ourselves at its close a little nearer heaven. In the spirit of the Lord Jesus Christ. Amen.

The Journal of the proceedings of yesterday was read and approved.

LIFEBOATS FOR PASSENGER VESSELS.

The SPEAKER. The Chair is in possession of a telegram which he is not certain whether it should be laid before the House or go through the basket, but he will lay it before the House.

The Clerk read as follows:

NEW YORK, April 17, 1912.

The honorable Champ Clark,
Speaker of the House of Representatives, Washington, D. C.:

The honorable Champ Clark,

Speaker of the House of Representatives, Washington, D. C.:

We unite in urging speedy enactment of well-considered statute that will effectually require every passenger vessel leaving a United States port to be equipped with such lifeboats or rafts as shall suffice to receive and float every human creature on board.

Mayor James B. McEwan, Albany; Mayor Clarence E. Caruth, Cohoes; Mayor Lynn R. Lewis, Corlinad; Mayor J. J. Bolan, Fulton; Mayor Reuben R. Gulvin, Geneva; Mayor John Irving, Binghamton; Mayor Frederick A. Ellison, Corning; Mayor Daniel Sheehan, Elmira; Mayor W. Irving Griffing, Glens Falls; Mayor Alden L. Henry, Gloversville; Mayor Louis Van Hoesen, Hudson; Mayor Samuel A. Carlson, Jamestown; Mayor Robert H. Reed, Lackawanna; Mayor James J. Moran, Lockport; Mayor E. W. Fiske, Mount Vernon; Mayor F. H. Waldorf, New Rochelle; Mayor George E. Van Kennon, Ogdensburg; Mayor F. D. Blodgett, Oneonta; Mayor W. H. Nearpass, Port Jervis; Mayor Thomas Penney, Rensselaer; Mayor Stewart E. Townsend, Rome; Charlest Zuckmaler, Tonawanda; E. J. Henratta. Watervilet; John Reamer, Ithaca; Mayor Abram Harrison, Johnstown; Mayor Frank H. Small, Little Falls; Mayor Rosslyn M. Cox, Middletown; Mayor J. B. Corwin, Newburgh; Mayor Louis Fick, North Tonawanda; Mayor Peter C. Foley, Olean; Mayor David D. Long, Oswego; Mayor John K. Sague, Poughkeepsie; Mayor Hram H. Edgerton, Rochester; Mayor Dr. George R. Lunn, Schenectady; Mayor Frank J. Baker, Utlea; Francis Hugo, Watertown; James T. Lennon, Yonkers.

The SPEAKER. The Chair understands that a similar telegran was cont to Vice President Survey.

The SPEAKER. The Chair understands gram was sent to Vice President SHERMAN. The Chair understands that a similar tele-

Mr. SULZER. Mr. Speaker, in that connection I want to say that I introduced a bill yesterday to accomplish that very

The SPEAKER. The telegram will be referred to the Com-

mittee on the Merchant Marine and Fisheries.

ENROLLED BILLS SIGNED.

Mr. CRAVENS, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bill of the following title, when the Speaker signed the same:

H. R. 21821. An act to authorize the city of South Sioux City, in the State of Nebraska, to construct a bridge across the Missouri River between the States of Nebraska and Iowa.

EMPLOYMENT AND COMPENSATION OF MRS. HELEN GREY.

Mr. LLOYD. Mr. Speaker, I ask unanimous consent to ad-

dress the House for two minutes.

The SPEAKER. The gentleman from Missouri asks unanimous consent to address the House for two minutes. Is there

objection?

There was no objection.

Mr. LLOYD. Mr. Speaker, I notice from the RECORD of Tuesday last that in the colloquy between Mr. Mann, of Illinois, and his colleague, Mr. Graham, reference was made to me in connection with the employment of Mrs. Helen Grey.

In order that there may be no misunderstanding as far as I am concerned, I wish to say that the Democratic congressional committee has two persons employed to do research work and to gather statistical and other information for Members and com-These persons are Josiah Shinn and Mrs. Helen Grey. mittees.

Mr. Shinn has been employed for about four years in this work and has received compensation at the rate of \$150 per month, excepting during the time he was in the employ of the House, when his service was rendered without compensation.

Mrs. Grey was employed less than a year ago and has received a salary of \$75 per month. She has spent much time in gathering information for the Committee on Expenditures in the Interior Department, of which Mr. Graham, of Illinois, is chairman.

Neither Mr. Shinn nor Mrs. Grey has received any money from me, or from any other source so far as I have knowledge, excepting that which has been paid them by the Democratic congressional committee.

AMERICAN NATIONAL RED CROSS.

The SPEAKER laid before the House the bill (H. R. 16306) to provide for the use of the American National Red Cross in aid of the land and naval forces in time of actual or threatened war, with a Senate amendment thereto.

The Senate amendment was read.

Mr. SULZER. Mr. Speaker, I move to concur in the Senate amendment. The only change in the House bill made by the Senate was to strike out the preamble in the House bill.

The SPEAKER. The question is on the motion of the gentleman from New York to concur in the Senate amendment.

The question was taken, and the motion was agreed to.

DIPLOMATIC AND CONSULAR APPROPRIATION BILL.

Mr. SULZER. Mr. Speaker, I request that the diplomatic and consular appropriation bill (H. R. 19212), with the Senate amendments duly numbered, be printed.

The SPEAKER. The gentleman from New York asks unanimous consent that the diplomatic and consular appropriation bill, with the Senate amendments, be printed. Is there objection? Mr. GARNER. Mr. Speaker, has the gentleman not the right

to have this printed without unanimous consent?

Mr. SULZER. Certainly. I did not ask unanimous consent.

Mr. GARNER. Then, why ask unanimous consent? Mr. SULZER. The Chair misunderstood me. I did not ask unanimous consent; I merely requested to have it done.

Mr. GARNER. It is not necessary to ask the House to have

it done.

Mr. SULZER. I thought so; but the clerk was in doubt about it

The SPEAKER. The Chair will state to the gentleman from Texas that the bill has not been referred to the Committee on Foreign Affairs. If it had been referred to the committee, then

the gentleman from Texas would be right.

Mr. MANN. Mr. Speaker, reserving the right to object, it has always been customary to have these appropriation bills printed when they were taken from the Speaker's table, the Senate amendments disagreed to, and the conference agreed to. The bill was then printed with the Senate amendments numbered.

Mr. SULZER. Mr. Speaker, that was my understanding of the practice of the House, but the clerk of the committee in-forms me that he would like to have this request made, as there is some doubt whether he had the right to do the printing.

think he has the right.

Mr. MANN. Mr. Speaker, I shall make no objection; but if the practice of the past was without warrant of rule, then the rules ought to be changed so as to give the warrant for the printing of appropriation bills with Senate amendments, although they have not been referred to the committee of the House.

Mr. SULZER. I agree with the gentleman from Illinois.

The SPEAKER. The Chair is inclined to agree with the gentleman from Illinois, as a matter of practice, and it will be done hereafter, without any further order or ceremony. The Chair thinks the practice that the gentleman suggests is correct.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had insisted upon its amendments to the bill (H. R. 14083) to create a new division of the southern judicial district of Texas, and to provide for terms of court at Corpus Christi, Tex., and for a clerk for said court, and for other purposes, disagreed to by the House of Representatives. had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. CLARK of Wyoming, Mr. Nelson, and Mr. Culberson as the conferees on the part of the Senate.

The message also announced that the Senate had passed the

following resolution:

Resolved. That the Secretary be directed to request the House of Representatives to return to the Senate the bill (S. 5333) to authorize the widening and extension of Spring Road NW., and for other purposes.

The message also announced that the Senate had passed bill of the following title, in which the concurrence of the House of Representatives was requested.

S. 4552. An act for the relief of the estate of Benjamin B. Cox,

and others.

SENATE BILL REFERRED.

Under clause 2, Rule XXIV, Senate bill of the following title was taken from the Speaker's table and referred to its appropriate committee, as indicated below:

S. 4552. An act for the relief of the estate of Benjamin B. Cox, and others; to the Committee on Claims.

POST OFFICE APPROPRIATION BILL.

Mr. HENRY of Texas. Mr. Speaker, I offer the following privileged resolution, which I send to the desk.

The Clerk read as follows:

The Committee on Rules, to whom was referred the resolution (H. Res. 444) to change the rules of the House temporarily for the consideration of H. R. 21279, have considered the same and report the following substitute with the recommendation that it be adopted (H. Rept.

lowing substitute with the formula of this rule it shall be in order 570):
"Resolved, That after the adoption of this rule it shall be in order in the consideration of H. R. 21279, a bill making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1913, and for other purposes, to consider the new legislation on said bill hereinafter mentioned notwithstanding the general rules of the House."

on said bill hereinafter mentioned notwithstanding the general rules of the House."

First. On pages 18 and 19 the following proviso:

"Provided further, That after the 1st of July, 1917, the Postmaster General shall not approve or allow to be used or pay for any full railway post office car not constructed of steel, steel underframe, or equally indestructible material, and not less than 20 per cent of the new equipment shall be put into operation annually after July, 1912; and after the passage of this act no contract shall be entered into for the construction of steel-underframe cars."

Second. In the order in which the sections come in said bill, sections 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, and 12 shall be in order as follows:

"SEC 2. No contract for furnishing supplies to the Post Office Department or the postal service shall be made with any person who has entered, or proposed to enter, into any combination to prevent the making of any bid for furnishing such supplies, or to fix a price or prices therefor, or who has made any agreement, or given or performed, or promised to give or perform any consideration whatever to induce any other person not to bid for any such contract, or to bid at a specified price or prices thereon; and if any person so offending is a contractor for furnishing such supplies, his contract may be annulled, and the person so offending shall be liable to a fine of not less than \$100 nor more than \$5,000, and may be further punished, in the discretion of the court, by imprisonment for not less than three months nor more than one year.

"BONDS OF NAVY MAIL CLERKS.

Sp. 100, and may be further punished, in the discretion of the court, by imprisonment for not less than three months nor more than one year.

"BONDS OF NAYY MAIL CLERKS.

"Sec. 3. That every Navy mail clerk and assistant Navy mail clerk shall give bond to the United States in such penal sum as the Postmaster General may deem sufficient for the faithful performance of his duties as such clerk.

"Sec. 4. When, after a weighing of the mails for the purpose of readjusting the compensation for their transportation on a railroad route, mails are diverted therefrom or thereto, the Postmaster General may, in his discretion, ascertain the effect of such diversion by a weighing of such mails for such number of successive working days as he may determine, and have the weights stated and verified to him as in other cases, and readjust the compensation on the routes affected accordingly: Provided, That no readjustment shall be made unless the diverted mails equal at least 10 per cent of the average daily weight on any of the routes affected.

"Sec. 5. That on and after July 1 next following the passage of this act letter carriers in the City Delivery Service and clerks in first and second class post offices shall be required to work not more than eight hours a day: Provided, That the eight hours of service shall not extend over a longer period than 10 consecutive hours, and the schedules of duty of the employees shall be regulated accordingly.

"That in cases of emergency, or if the needs of the service require. letter carriers in the City Delivery Service and clerks in first and second class post offices can be required to work in excess of eight hours a day, and for such additional services they shall be paid extra in proportion to their salaries as fixed by law.

"That should the needs of the service require the employment on Sunday of letter carriers in the City Delivery Service and clerks in first and second class post offices, the employees who are required and ordered to perform Sunday work shall be allowed compensat

Sunday of letter carriers in the City Delivery Service and clerks in first and second class post offices, the employees who are required and ordered to perform Sunday work shall be allowed compensatory time on dered to perform Sunday work shall be allowed compensatory time on the six days following five Sunday on which they perform such service.

"SEC. 6. That no person in the classified civil service of the United States employed in the postal service shall be removed therefore except for such cause as will promote the efficiency of said service and for reasons given in writing, and the person whose removal is sought shall have notice of the same and of any charges preferred against him, and be furnished with a copy thereof, and also be allowed a reasonable time for personally answering the same in writing; and affidavits in support thereof; but no examination of witnesses nor any trial or hearing shall, and oppies of charges, notice of the records of the proper department or office, as shall also the reasons for reduction in rank or compensation; and copies of the same shall be annually reported to Congress and furnished to the person affected upon request, and the Civil Service Commission also shall, upon request, be furnished copies of the same or the originals thereof: *Provided, however*, That membership in any society, association, club, or other form of organization of persons in said postal service, or the presenting by any such person or groups of persons in said postal service, or the presenting by any such person or groups of persons of any grievance or grievances to the Congress or any Member thereof shall not constitute or be cause for reduction in rank or compensation or removal of such person or groups of persons from said service.

"SEC. That after Juke in such manner and of such prespective production in rank or compensation or removal of such person or groups of persons of only given and the such manner and of such prespective products. The continuation of the provided for in an advance of th

Office Department of the efficiency and faithfulness of the employee

during the preceding year.

"A clerk of ang grade of ang classification of railway post offices, transfer offices, or in the office of a division superintendent or chief clerk may be transferred and assigned to any classification of railway post offices, treminal railway post offices transfer offices, or to an office of a division superintendent or chief clerk under such regulations as the Postmaster General may deem proper.

any classification of railway post offices, terminal railway post offices, transfer offices, or to an office of a division superintendent or chief clerk under such regulations as the Postmaster General may deem proper.

"Clerks assigned as clerks in charge of crews consisting of more than one clerk shall be clerks of grades 5 to 10, inclusive, and may be promoted one grade only after three years' continuous, satisfactory, and faithful service in such capacity.

"A clerk who falls of promotion because of unsatisfactory service may be promoted at the beginning of the second quarter thereafter or any subsequent quarter for satisfactory and faithful service during the intervening period.

"Clerks in the highest grade in their respective lines or other assignments shall be cligible for promotion to positions of clerks in charge in said lines or corresponding positions in other assignments, and clerk assigned as assistant chief clerks and clerks in charge of crews consisting of more than one clerk, either assigned to the line, the transfer service, or to a terminal railway post office, and clerks in the highest grades in offices of division superintendents in their respective divisions shall, after two years of continuous service in such capacity, be eligible for promotion to positions of chief clerks in said division for satisfactory, efficient, and faithful service during the preceding two-year periou under such regulations as the Postmaster General shall prescribe.

"Whenever a clerk shall have been reduced in salary for any cause he may be restored to his former grade or advanced to an intermediate grade at the beginning of any quarter following the reduction for satisfactory and faithful service during the intervening period.

"In Illing positions below that of chief clerk no clerk shall be advanced more than one grade in a period of a year.

"All clerks appointed to the Railway Mail Service and to perform duty on railway post offices shall reside at some point on the route to which they are assigned; but railwa

ing under the definition of fourth-class matter and not weighing in excess of 11 pounds for transportation and delivery on said routes only; and the carriers shall receive at intermediate points on all rural routes such mail matter of the fourth class for delivery on their respective routes only.

"That postage shall be paid on all articles, parcels, or packages entitled to transportation under the provisions of this act as matter of the fourth class on rural mail-delivery routes only at the following rates: One cent for each 2 ounces or less, 2 cents for more than 2 ounces but not more than 8 ounces, 4 cents for fator than 8 ounces but not more than 8 ounces, 4 cents for fator than 8 ounces but not more than 8 ounces, 4 cents for fator than 8 ounces but not more than 12 ounces, 5 cents for more than 12 ounces but not more than 12 ounces, 5 cents for more than 12 ounces but not more than 12 ounces, 5 cents for more than 12 ounces but not more than 12 ounces, 14 cents per pound for each additional pound or fraction thereof up to ounce in the proper execution of this act.

"That for the purpose of a fall and complete inquiry and investigations and including a total of 11 pounds. That the Postmaster General shall make all rules and regulations necessary and not inconsistent with law to the proper execution of this act.

"That for the purpose of a fall and complete inquiry and investigations of the state of the state of the speaker of the House of Representatives and three by the President of the Senate, is constituted, with full power to appoint clerks, stenographers, and experts to assist them in this work. They shall review the testimony aircady taken on the subject of parcet post by Senate and House committees and take such other testimony as they deem desirable. For the purpose of defraying the expenses of this commission the sum of \$25,000 is hereby appropriated, out of the moneys in the Treasury not otherwise appropriated.

"Sec. 9. That from and after the 1st day of July, 1012, the compensation of rural let

moneys from postal savings depositories and the issue of pass books or such other devices as he may adopt as evidence of such deposits or withdrawais. The provisions of the act approved June 25, 1910, are hereby modified accordingly. The unexpended balance of the appropriation for the fiscal year 1912 of \$500,000 made by section 5 of the act approved March 4, 1911, for the Postal Savings System, is hereby reappropriated and made available during the fiscal year 1913 for the purposes mentioned in this section.

"Sec. 12. That the provision in the act making appropriations for the service of the Post Office Department, approved May 27, 1908, authorizing the designation of enlisted men of the Navy as Navy mail clerks be amended to include in such designation enlisted men of the Marine Corps, by the insertion in the said provision, after the words 'United States Navy,' the words 'or Marine Corps.'

It shall also be in order, notwithstanding the general rules of the House, to consider in connection with said H. R. 21279 the following:

tion enlisted men of the Marine Corps, by the insertion in the said provision, after the words 'United States Navy,' the words 'or Marine Corps.'

It shall also be in order, notwithstanding the general rules of the House, to consider in connection with said H. R. 21279 the following: First. In connection with section S of the bill the following: "That in order to promote the postal service and more efficiently regulate commerce between the several States, the Territories of the United States, the District of Columbia, the possessions of the United States, and foreign nations the contracts and agreements and arrangements of the several express companies with the several railroad companies or other common carriers of the United States, its Territories, and the District of Columbia relating to the collecting, receiving, caring for, storing, dispatching, forwarding, and delivering by such railroad company or other common carriers of parcels, packets, and packages, and other express matter, as well as the franchises, operating equipment, cars, velucies, horses, buildings, leases, as lessees, of buildings used in the conduct of the express business, and all other property or rights and privileges owned and used by such express companies as necessary and appropriate to such collecting, receiving, caring for, storing, dispatching, forwarding, and delivering of such parcels, packets, packages, and express matter, are hereby declared to be, and the same are hereby, condemned and appropriated to and for the United States of America, to be used by it for such public purposes as may be proper in its varieus functions. That the words 'express company' as used in this act, shall be construed to include any corporation, joint-stock company, association, partnershlp, and individual, as far as engaged in the collecting, receiving, caring for, storing, dispatching, forwarding, and delivering of parcels, packets, packages, and other express matter, by rail or water. And the words 'railread' or 'railway company' shall be construed

"DUTY OF PRESIDENT AND POSTMASTER GENERAL.

"Sec. 2. That it shall be the duty of the President on the 1st day of July, 1913, to take charge and possession of all the property of such express companies condemned and appropriated by this act, in the name of and by the authority of the United States of America; and thereupon it shall be the duty of the Postmaster General to employ said property and facilities in conjunction with the postal service, and to henceforth conduct said express service.

"POWERS OF POST OFFICE DEPARTMENT.

"SEC. 3. That it shall be the duty of the Postmaster General to make and promulgate such rules and regulations for carrying into effect the provisions of this act as he may deem necessary, not in conflict with the Constitution or laws of the United States: Provided, That all such rules and regulations shall be subject to review and revision by the Interstate Commerce Commission and the courts in like manner and with like effect as if said rules and regulations had been made and promulgated by a railway company or other common carrier.

"Compensation for railroad transportation."

"Sec. 4. That during the months of August and December, 1912, and April, 1913, the weights of matter carried over the respective railroads, under contracts with the express companies during the pendency thereof, shall be taken for each railroad company in respect to such contract, under regulations to be provided by the Post Office Department; and the amount of money paid for the carriage thereof to the railroad shall be divided by the mileage of such railroad over which such matter is carried; and thereafter the Postmaster General shall, if the railroad company consent thereto, cause to be paid to such railroad company the amount per mile owing to such railroad under such contract as thus computed; and thereafter annually at such times as may be determined upon by the Postmaster General such matter shall be weighed, and the railroad company shall be paid monthly for the excess weight carried by it, over the first weighing herein provided, such sums as may be agreed upon for such excess weight; but if such Postmaster General and such railroad company shall fall to agree upon a basis of compensation for such excess weights, then the same shall be paid for according to the terms and provisions of the contract condemned in such case. demned in such case.

"ENEWAL OF TRANSPORTATION CONTRACTS.

"Sec. 5. That at the expiration or termination of any contract between an express company and a railroad condemned by this act (or at any time before, if such railroad company shall consent thereto) the Postmaster General may contract with such railroad company for the transportation of postal express matter; and if deemed advantageous, upon cars provided by the postal department, which may be transferred without unloading onto the lines of other railroad companies, at such rates of compensation and upon such principles of computation thereof as may be agreed upon, with the right of review and revision of the same by the Interstate Commerce Commission as hereinafter provided. And in case the Postmaster General and such railroad company, after the expiration or termination of the contract with an express company, shall fail to agree upon the terms and provisions of the renewal thereof, they shall submit their respective contentions with reference thereto to the said Interstate Commerce Commission, which shall thereupon have plenary power to declare the terms and provisions which said contract shall contain; but from any determination with respect to any such contract the terms and provisions of which have been so declared by the said Interstate Commerce Commission an appeal shall lie to the Court of Commerce, which shall enjoy like power to amend and revise the same.

"APPRAISEMENT OF EXPRESS COMPANIES.

"Sec. 6. That immediately after the passage of this act it shall be the duty of the Interstate Commerce Commission to appraise the value of the property condemned and appropriated by the United States of America in section 1 of this act and award to the respective express companies just compensation therefor. Each commissioner shall take oath to justly perform such duties before some judge of the courts of the United States. The said Interstate Commerce Commission shall have power, and it shall be its duty to summon witnesses, with books and papers, before it, for either of the parties, and require such witnesses to testify, and it shall give to each party a full hearing; and it shall be the duty of such commission, on or before the 7th day of May, 1913, to file a separate award of appraisement for each express company condemned under this act, with respect to the property condemned, and give notice of the filing of such award to the Postmaster General and to such express company. And if either party shall be dissatisfied with the amount of said award, the same may, upon appeal by either party, be reviewed and revised by the Court of Commerce, sitting as a court of review, with respect thereto; and from its determination a further appeal may be taken by either of the parties to the Supreme Court of the United States.

"Provisions for compensation of express companies."

" PROVISIONS FOR COMPENSATION OF EXPRESS COMPANIES

"SEC. 7. That the Secretary of the Treasury is hereby authorized and directed to make payment to such express companies of the money adjudged to be due them, as aforesaid, out of the Treasury of the United States, and said express companies shall be entitled to payment of such final award as compensation from the Treasury of the United States and the Treasurer thereof, and the amounts of said award are hereby appropriated to the parties entitled thereto out of the Treasury of the United States.

"DUTIES OF COMMON CARRIERS.

"Sec. 8. That any willful failure or refusal by any railroad company or other common carrier, subject to the provisions of this act, to perform any service required by this act or by any lawful rule or regulation made and promulgated by the Postmaster General in pursuance of this act, or of any lawful ruling, finding, or determination of the Interstate Commerce Commission, or of any order, judgment, or decree of any court of the United States of competent jurisdiction shall constitute a misdemeanor which, upon indictment and conviction, shall be punished by a fine not exceeding \$1,000.

"POWERS OF POSTMASTER GENERAL.

"Sec. 9. That the Postmaster General shall have power to rent, lease,

"FOWERS OF POSTMASTER GENERAL.

"Sec. 9. That the Postmaster General shall have power to rent, lease, or purchase real estate and personal property, supplies, cars, and equipment for use by his department for the purposes of this act. He shall have power to condemn in the name of the United States any property, real, personal, or mixed, which he may deem necessary for the efficient operation of the service, but the said Interstate Commerce Commission shall first value and file its award therefor as hereinbefore specified."

Second. On page 25, at the end of line 8 of H. R. 21279, the following:

following

Second. On page 25, at the end of line 8 of H. R. 21279, the following:

"That for the purposes of this act certain highways of the several States, and the civil subdivisions thereof, are classified as follows:

"Class A shall embrace roads of not less than 1 mile in length, upon which no grade shall be steeper than is reasonably and practicably necessary in view of the natural topography of the locality, well drained, with a road track not less than 9 feet wide composed of shells, vitrified brick, or macadam, graded, crowned, compacted, and maintained in such manner that it shall have continuously a firm, smooth surface, and all other roads having a road track not less than 9 feet wide of a construction equally smooth, firm, durable, and expensive, and continuously kept in proper repair. Class B shall embrace roads of not less than 1 mile in length, upon which no grade shall be steeper than is reasonably and practicably necessary in view of the natural topography of the locality, well drained, with a road track not less than 9 feet wide composed of burnt clay, gravel, or a proper combination of sand and clay, sand and gravel, or rock and gravel, constructed and maintained in such manner as to have continuously a firm, smooth surface. Class C shall embrace roads of not less than 1 mile in length upon which no grade shall be steeper than is reasonably and practicably necessary in view of the natural topography of the locality, with ample side ditches, so constructed and crowned as to shed water quickly into the side ditches, continuously kept well compacted and with a firm, smooth surface by dragging or other adequate means, so that it shall be reasonably passable for wheeled vehicles at all times. That whenever the United States shall use any highways of any State, or civil subdivision thereof, which falls within classes A, B, and C, for the purpose of transporting rural mail, compensation for such use shall be made at the rate of \$25 per annum per mile for highways of class B, and \$15 per annum per mile for hi

of the respective highways entitled to compensation under this act.

"The provisions of this paragraph shall go into effect on the 1st day of July, 1913."

Third. After line 15, page 28, of H. R. 21270 the following:

"That it shall be unlawful for any person or persons, or association or corporation, to enter or to have entered into the malis of the United States any newspaper, magazine, or other periodical of like kind, unless such publication shall have plainly printed in a conspicuous place therein the name or names of the managing editor or managing editors, the name or names of the publisher or publishers, and the name or names of the owner or owners, including all stockholders owning stock of the par value of \$500 or more, of such periodical publication. Any person, association, or corporation who shall violate any provision of this act shall be punished, for each violation of any provision thereof, by a fine of not less than \$100 nor more than \$1,000."

On the subject of parcel post and postal express, when reached in order, there shall be 15 hours of general debate, and on the other subjects included in this resolution there shall be 5 hours of general debate, to follow immediately on the adoption of this resolution.

During the reading of the foregoing the following occurred:

During the reading of the foregoing the following occurred: Mr. CANNON (interrupting the reading). Mr. Speaker, those of us who have not seen this rule can not follow the rapid and unusual reading of the Clerk.

Mr. HENRY of Texas. Mr. Speaker, I will state to the gentleman that 500 copies of this rule have been printed and placed before Members.

Mr. CANNON. Precisely; but I suppose the rule is to be considered at once, and for one, not having seen it until this morning, I would like to follow the reading of the Clerk.

The SPEAKER. The House will be in order. The Clerk will

read slowly and distinctly.

The Clerk then concluded the reading of the resolution.

Mr. HENRY of Texas. Mr. Speaker, I desire to have corrected a clerical error which appears in the report which has just been read. On page 7 of the report, in the first line at the top of the page, the figure "8," after the word "line," should be "7," and I ask unanimous consent to have that correction made.

The SPEAKER. The gentleman from Texas asks unanimous consent to substitute for the figure "8," after the word "line" in the first line on page 7 of the report, the figure "7." Is there

objection?

There was no objection, and it was so ordered. Mr. HENRY of Texas. Mr. Speaker, I will ask the gentleman from Pennsylvania how much time he thinks he or his side would desire for debate on the rule?

Mr. DALZELL. Mr. Speaker, I would suggest to the gentle-

man that we have 45 minutes on a side.

Mr. MANN. Oh, Mr. Speaker, we would want more than that. Mr. CANNON. Mr. Speaker, I should think several hours on a side should be granted. Many of us have read this rule for the first time

Mr. HENRY of Texas. The gentleman understands that this is merely a rule to consider certain matters, and four days of general debate are provided under its provisions.

Mr. MANN. Mr. Speaker, I think we better have a few hours of general debate on the rule and less time for speaking to empty benches in general debate on the bill afterwards.

Mr. HENRY of Texas. How much time would the gentleman

from Illinois suggest?

Mr. MANN. We ought to have at least several hours on a side.

Mr. HENRY of Texas. Mr. Speaker, the gentleman seems to want more time than is actually necessary. It strikes me that an hour on a side would be sufficient.

Mr. MANN. Mr. Speaker, here is a rule providing that there shall be in order on the Post Office appropriation bill the substance of another bill that has never even been reported to the House by any committee-

Mr. DALZELL. Two other bills.

Mr. MANN. Another provision making in order on the Post Office appropriation bill a bill which has been reported by the Committee on Agriculture to the House; another provision making in order on the Post Office bill a provision I think that never has been introduced into the House, certainly never has been reported to the House.

Mr. HENRY of Texas. If the gentleman from Illinois and the gentleman from Pennsylvania were not so wide apart, it seems we might agree. One says 45 minutes and the other

several hours.

Mr. DALZELL. I spoke simply from the requests that have been made to me for time on this side.

Mr. MANN. Well, nobody could get a copy of this bill, unless members of the Committee on Rules, until this morning. I en-deavored to get a copy yesterday and was unable to do so. I sent to the document room this morning and endeavored to get a copy and was unable to do so, and I could not get a copy

a copy and was unable to do so, and I could not get a copy until the House met to-day.

Mr. HENRY of Texas. It could not be made available until this morning; it was printed last night.

Mr. MANN. It could have been printed a week ago.

Mr. HENRY of Texas. It was not reported until yesterday.

Mr. MANN. I know; but it was acted upon by the committee

longer ago than yesterday.

Mr. HENRY of Texas. Oh, the gentleman is entirely mistaken; we acted yesterday afternoon and it was printed as soon

as possible, and we were ready to furnish a copy at any time.

Mr. MANN. I knew several days ago what the Committee on Rules had done, and I supposed it was acted upon but I did not know whether the Committee on Rules had acted upon it, but with the matter as now printed it would be impossible for me with convenience to read it, because I do not undertake to

read brevier type.

Mr. HENRY of Texas. Well, would the gentleman be satis-

fied with an hour and a quarter to a side?

Mr. MANN. Oh, I think we ought to have longer time. Mr. HENRY of Texas. How much would the gentleman like to have?

Mr. MANN. Why not see how much the House wants? Mr. HENRY of Texas. I am trying to do that now.

Mr. MANN. Why not proceed and see? Mr. HENRY of Texas. I want to come to an agreement about time if I can.

Mr. SAMUEL W. SMITH. Will the gentleman yield for a question?

The SPEAKER. Does the gentleman from Texas yield to the gentleman from Michigan? Mr. HENRY of Texas. I do.

Mr. SAMUEL W. SMITH. I would like to ask this question: Why can not we proceed to-day with the other portions of the Post Office bill and then bring this rule up to-morrow when we all would have an opportunity to read the rule and think and talk about it in the meantime?

Mr. HENRY of Texas. There are other important matters to-morrow, and they will have to come up.

Mr. SAMUEL W. SMITH. Then let it come up on Saturday,

Mr. HENRY of Texas. There are also important matters for

Mr. SAMUEL W. SMITH. Then on Monday. Mr. HENRY of Texas. You will have four days for general debate after this rule is adopted to discuss the merits of it.

Mr. LANGLEY. Mr. Speaker—
The SPEAKER. Does the gentleman from Texas yield to the gentleman from Kentucky [Mr. Langley]? Mr. HENRY of Texas. I do.

Mr. LANGLEY. I desire to ask the gentleman from Texas to yield to me to submit a parliamentary inquiry, which is whether it is in order to offer an amendment to this rule to return to a section of the bill upon which the committee has already passed; and if so, when that amendment will be in order?

The SPEAKER. It will be in order, if it is germane, until

after the previous question is ordered.

Mr. LANGLEY. Mr. Speaker, I desire to give notice that I shall offer such an amendment to that section

Mr. MANN. May I ask the gentleman from Texas if he is

going to move the previous question on the rule?

Mr. HENRY of Texas. I do not like to, but probably shall have to do it. I would like for the House to have at least an hour and a quarter or an hour and a half to a side, if the gentleman will agree, to discuss this rule.

Mr. MANN. I am speaking of the previous question as applied to amendments to the rule, whether it is the intention of the gentleman to permit the House to pass upon propositions affecting the different propositions in the bill by amendment, to strike out anything in the rule, or to insert additional matter in the rule by way of amendment?

Mr. HENRY of Texas. Yes; it is my intention to move the

previous question.

Mr. LANGLEY. Mr. Speaker, I had not finished when I was interrupted. I was going to say that it is my purpose to offer at the proper time an amendment proposing to return to that section that was amended by the adoption of a proviso abolishing Sunday service.

The SPEAKER. The gentleman would have that privilege unless the previous question was ordered and providing his amendment was germane to anything in the proposed rule.

Mr. LANGLEY. Mr. Speaker, I will endeavor to make it germane.

Mr. CAMPBELL. Will my colleague on the Committee on Rules let the debate run for a time, and see about how much

will be required?

Mr. HENRY of Texas. I would prefer not to do that if we can come to an agreement. I am willing to agree to 3 hours discussion on this rule, 1 hour and 30 minutes on a side. In addition, there will be 4 days general debate on all propositions in here, and then a discussion under the 5-minute rule, and that will give abundance of time.

Mr. CAMPBELL. In making the suggestion, I was thinking that it would not consume as much as three hours under the

five-minute rule.

Mr. HENRY of Texas. And that is twice as much as the gentleman from Pennsylvania [Mr. Dalzell], who has been always conservative as to granting time, has asked for.

Mr. CAMPBELL. I hardly think that three hours will be

consumed in this debate.

Mr. HENRY of Texas. Mr. Speaker, I ask unanimous consent that three hours of discussion be devoted to the rule, and that at the end of that time the chairman be recognized for the purpose of moving the previous question on the rule, and that the time be equally divided between this side and the other side of the House.

The SPEAKER. The gentleman from Texas asks unanimous consent that debate on this rule be limited to three hours, one half to be controlled by himself and the other half by the gen-

tleman from Pennsylvania [Mr. Dalzell], at the end of which time the gentleman from Texas [Mr. Henry] will be recognized to move the previous question.

Mr. MANN. Mr. Speaker, a parliamentary inquiry.
The SPEAKER. The gentleman from Illinois will state it.
Mr. MANN. If three hours of general debate should be allowed-an hour and a half on a side-would not the gentleman from Texas [Mr. Henry] be entitled to the floor at the end of three hours and have the right to move the previous question?

Mr. HENRY of Texas. I think so.

The SPEAKER. The Chair thinks so; but the gentleman put

it in his request and the Chair did not see any particular harm in stating the request as made.

Mr. MANN. If the gentleman would have the right, an ob-

jection to it would not make any difference.

The SPEAKER. At the end of three hours the gentleman in charge of the resolution can move the previous question.

Mr. LEVER. Will the gentleman from Texas yield for a

Mr. HENRY of Texas. I yield for a question.

Mr. LEVER. Mr. Speaker, there are a number of propositions involved in this rule, some coming from one committee and some from another committee. On the parcel-post and postal-express proposition there are to be 15 hours of general debate, and on other propositions involved in the bill, including the road proposition, coming from the Agricultural Committee, there are to be five hours of general debate. I would like to ask the gentleman who will control the time on each proposition?

Mr. HENRY of Texas. As I understand it, an agreement has already been reached by which the time is to be controlled by the gentleman from Tennessee [Mr. Moon] on one side and the senior Republican [Mr. DALZELL] on the other side of the

Mr. LEVER. I had in mind that inasmuch as the propositions came from different committees, the time might be controlled by the members of the committees from which the propositions came

Mr. HENRY of Texas. I think there will be no trouble about an agreement as to division. The gentleman from Tennessee

[Mr. Moon] is fair.

Mr. LEVER. We all concede that; but I thought the gentleman had something in his mind as to the matter about which have spoken.

Mr. MURDOCK. Mr. Speaker—
The SPEAKER. Does the gentleman from Texas [Mr. Henry] yield to the gentleman from Kansas [Mr. MURDOCK]?

Mr. HENRY of Texas. I do.

Mr. MURDOCK. I want to ask a question about this rule. The first paragraph says:

Resolved, That after the adoption of this rule it shall be in order, in the consideration of H. R. 21279, a bill making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1913, and for other purposes, to consider the new legislation on said bill hereinafter mentioned notwithstanding the general rules of the House.

Now, my understanding is that the gentleman and the Committee on Rules were trying to save these provisions from a point of order as to their being new legislation. Now, does not the language of the resolution here also save these provisions from all other points of order? Would it be possible under this rule, if adopted, to make a point of order under the Holman rule against certain amendments?

Mr. HENRY of Texas. Oh, I think that the rule preserves those matters, so that they may be considered by the House.

Mr. MURDOCK. This is pretty broad, I will say to the gen-

tleman.

Mr. HENRY of Texas. Yes; it is very broad. It was intended to be broad, so that the House might consider these matters of legislation.

Now, Mr. Speaker, I ask that the request be submitted.

Mr. CANNON. Mr. Speaker, as I understand from a hasty hearing of the reading of the rule, this rule, if adopted, makes in order any general legislation touching matters referred to by way of amendments that are germane.

Mr. HENRY of Texas. The gentleman is entirely correct.

Mr. Speaker, I ask that the request be submitted to the House.

The SPEAKER. The gentleman from Texas [Mr. Henry] asks unanimous consent that debate on this proposed rule be limited to three hours, one half of the time to be controlled by himself and the other half by the gentleman from Pennsylvania [Mr. Dalzell], and that at the end of the three hours he be recognized to move the previous question. Is there objection?

Mr. LANGLEY. Mr. Speaker, that means that I will not have the privilege of offering the amendment which I indicated a while ago. It has not yet been prepared. I am working on it now, and I do not want to be cut off.

The SPEAKER. That means, if the previous question is sustained, that the gentleman will be cut out. If it is voted down, anybody can offer an amendment that is germane.

Mr. LANGLEY. Yes; I know that. I will ask the gentleman from Texas [Mr. Henry] if he will not agree that at the close of the general debate, before he moves the previous question,

Mr. HENRY of Texas. Mr. Speaker, I can not hear what the

gentleman says

Mr. LANGLEY. I was explaining that I have not yet had an opportunity to prepare the amendment to which I referred a moment ago, but that I am getting it ready, and I want consent to offer it before you are recognized to move the previous

Mr. HENRY of Texas. What is the gentleman's amend-

Mr. LANGLEY. I want to propose an amendment which will provide that a motion will be in order to return to the paragraph of the bill to which an amendment was adopted by the committee the other day abolishing Sunday post-office service.

Mr. FINLEY. That is in the Post Office bill?
Mr. LANGLEY. Certainly.
Mr. HENRY of Texas. I have no objection to the gentleman's getting unanimous consent to return to that part of the bill and offering an amendment.

Mr. FINLEY. Mr. Speaker— Mr. LANGLEY. Yes; but somebody else might have objec-

The SPEAKER. Does the gentleman yield to the gentleman from South Carolina?

Mr. HENRY of Texas. I do. Mr. FINLEY. It will be in order to move to return to that, I take it, if it is the will of the House. There will be no trouble

Mr. LANGLEY. My understanding of the rule is different, if the gentleman means it can be done by a majority vote: I understand that it will require unanimous consent to return to that paragraph.

Mr. FINLEY. The rule under consideration does not apply to the provisions of the bill that have been passed over.

Mr. LANGLEY. Of course not. That is just what I am driv-

ing at. I want to amend it so that it will apply.

Mr. FINLEY. The rule under consideration here has no reference to the body of the bill, which has been read under the

five-minute rule. It has no reference at all to it.

Mr. LANGLEY. Everybody knows that, I take it, unless it
is the gentleman from South Carolina.

Mr. FINLEY. Of course, I understand the gentleman from Kentucky has another idea about it; otherwise he would not be attempting to amend the rule here.

Mr. FITZGERALD. If the gentleman from Kentucky will consult me privately about it, I can tell him how that can be

done. [Laughter.] Mr. LANGLEY.

I know the gentleman from New York thinks he can tell me, and doubtless he can to his satisfaction,

Mr. FITZGERALD. When the bill is in the House the gentleman can demand a separate vote on that amendment.

Mr. LANGLEY. Of course, I understand that; but there will be no opportunity for debate then, and I have secured some important data since the amendment was adopted that I want to bring to the attention of the committee.

Mr. RAKER. Mr. Speaker, will the gentleman yield for a

question?

The SPEAKER. Does the gentleman from Texas [Mr. Henry] yield to the gentleman from California [Mr. RAKER]?

Mr. HENRY of Texas. I yield for a question.

Mr. RAKER. A question, that is all, on the first part of the rule, which provides, following the word "Resolved"—

That after the adoption of this rule it shall be in order in the consideration of H. R. 21279-

And then it goes on to say that the new legislation shall be considered. I want to ask the gentleman a question, Whether or not, in considering this new legislation, or any part of it, Members will be permitted to add amendments to the proposed new legislation set out in the rule?

Mr. HENRY of Texas. Undoubtedly, if they are germane.
Mr. RAKER. Just one more question. Would the subject of
star routes be germane to the bill where it provides for parcelpost on rural-delivery routes?

Mr. HENRY of Texas. The gentleman would have to ask the Chairman of the Committee of the Whole to make that ruling. I do not happen to be in touch with him, and do not

Mr. RAKER. I would like to get a little information on that matter, as I think the question of star routes ought to be con- Dyer

sidered with reference to parcel post when applied to rural

Mr. HENRY of Texas. Mr. Speaker, I think probably the gentleman will have no difficulty when he gets to that.

The SPEAKER. Is there objection?

Mr. LANGLEY. Mr. Speaker, if the gentleman from Texas [Mr. Henry] will consent that I may have the opportunity of offering this amendment before the previous question is put, I shall not object.

Mr. SHERLEY. If the gentleman from Texas does consent,

will object.

The SPEAKER. Is there objection? Mr. LANGLEY. I object.

Mr. HENRY of Texas. Mr. Speaker, I move the previous question.

The SPEAKER. The gentleman from Texas moves the previous question.

The question being taken, the Speaker announced that the ayes appeared to have it.

Mr. MANN. Mr. Speaker, I make the point of order that

there is no quorum present.

The SPEAKER. The Chair will count. [After counting.] One hundred and eighty-three Members present, not a quorum. The Doorkeeper will close the doors; the Sergeant at Arms will notify the absentees. Those in favor of ordering the previous question will, when their names are called, answer "aye," those opposed will answer "no," and the Clerk will call the roll.

'The question was taken; and there were-yeas 164, nays 114, answered "present" 13, not voting 100, as follows:

YEAS-164.

Adair Aikeu, S. C. Alexander Allen Ansberry Ashbrook Austin Ayros Donohoe Doremus Driscoll, D. A. Dupré Edwards Ellerbe Estopinal Evans Eaison Falson
Ferris
Ferris
Finley
Flood, Va.
Floyd, Ark,
Foster
Fowler
Francis
Garner Beall, Tex. Bell, Ga. Blackmon Boehne Booher Borland Borland Broussard Brown Buchanan Bulkley Burke, Wis. Burnett Byrnes, S. C. Byrnes, Tenn. Candler Cantrill Cartin Carter Garner Garrett George Glass Godwin, N. C. Goeke Goodwin, Ark. Graham Gray r. Pa. Claypool Cline Collier Hamlin Hammond Hardwick Conry Covington Cullop Daugherty Hardy Harrison, Miss. Hay Hayden Helm Davenport Davis, W. Va. Dent Helm Henry, Tex. Holland Howard Hughes, Ga. Denver Dickinson Hughes, N. J. Difenderfer

Hull Humphreys, Miss. Rothermel Jacoway Johnson, Ky. Johnson, S. C. Jones Jones
Kindred
Kinkead, N. J.
Kitchin
Konop
Korbly
Lamb
Langham
Lee, Pa.
Legare
Lever
Lewer
Lewis
Linthicum
Littlepage
Lloyd Lloyd McDermott McGillicuddy McGillicuddy McKellar Macon Maguire, Nebr. Maher Martin, Colo. Moon, Tenn. Murray Oldfield O'Shaunessy Padgett Page Page Peters Porter Post Ruker Rauch Redfield Reilly Richardson

Robey
Rucker, Mo.
Russell
Saunders
Scully
Saunders
Scully
Shackleford
Sharp
Sherwood
Sisson
Slemp
Small
Smith, N. Y.
Smith, Tex.
Stedman
Stephens, Miss.
Stephens, Miss.
Stephens, Tex.
Stone
Sulzer
Sweet
Talbott, Md.
Talcott, N. Y.
Taylor, Colo.
Townsend
Tribble
Turnbull
Tuttle
Underwood
Watkins
Webb
Whitacre
White
Wickliffe
Wilson, N. Y.
Wilson, Pn.
Wilson, Pn.
Wilson, Px.
Wilson, Px.
Wilson, Px.
Wilson, Px.
Wilson, Tex.

Akin, N.Y. Anderson, Minn. Anthony Bartholdt Bartlett Bates Berger Bowman Bowman Brantley Browning Burke, S. Dak, Burleson Butler Colder Campbell Cannon Carlin Cooper Crumpacker Currier Curry Dalzell Danforth Davis, Minn. Dodds

Lee, Ga.
Lenroot
Levy
Lindbergh
Littleton
Longworth
Loud
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A, Iowa
Allton, Mich.
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Artin, S. Dak.
Miller
Ayes
Moore, Pa.
Aligins
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Moore, Wis.
Humphrey, Wash.
Mott
Kendall
Kent
Kinkald, Nebr.
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Payne Pepper Pickett Plumley Pray Prince Prouty Rees Roberts, Mass. Sherley Sherley Slayden Sloan Smith, J. M. C. Smith, Saml. W. Speer Steenerson Sulloway Tilson Towner Volstead Warburton Wedemeyer Wilder Willis Wood, N. J. Young, Kans. Young, Mich.

ANSWERED "PRESENT"-13.

Fuller Anderson, Ohio Andrus Burgess Davidson Gregg, Tex. Hobson McCall

McMorran Moon, Pa. Powers Riordan

Stevens, Minn.

NOT VOTING-100.

Adamson Ainey Alney Ames Barchfeld Bradley Burke, Pa. Callaway Clark, Fla. Clayton Connell Conley Copley Cox, Ind. Cox, Ohio Crago Crago Curley
De Forest
Dickson, Miss.
Doughton
Driscoll, M. E. Dwight Fairchild Fields

Fordney

Fornes

Gallagher Gardner, Mass. Gould Gould Greene, Mass. Griest Gudger Guernsey Hamili Hamilton, W. Va. Hanna Harrison, N. Y. Haugen Heald Heflin

Henry, Conn. Hensley Hill Hinds Houston Howell Hughes, W. Va. Jackson James Kahn Kennedy

Konig Lafferty Lafferty
Lawrence
Lindsay
Lobeck
McCoy
McCreary
McKinley
McKinley
Madden
Matthews
Moore, Tex.
Moss, Ind.
Neeley
Olmsted
Patten, N. Y.
Pou Pou Pujo Rainey Randell, Tex. Ransdell, La. Reyburn Roberts, Nev. Robinson

Rodenberg Rucker, Colo. Sabath Sells Sheppard Simmons Sims Smith, Cal. Smith, Cal.
Sparkman
Stack
Stanley
Stephens, Cal.
Sterling
Switzer
Taggart
Taylor, Ala.
Taylor, Ohio
Thayer
Thistlewood
Thomas
Utter
Vreeland
Weeks
Wilson, Ill.
Woods, Iowa

So the previous question was ordered. The following pairs were announced:

For the session:

Mr. RIORDAN with Mr. ANDRUS.

Mr. Pujo with Mr. McMorran. Mr. Adamson with Mr. Stevens of Minnesota.

Mr. Fornes with Mr. Bradley.

Until further notice:
Mr. Sims with Mr. Wilson of Illinois.
Mr. Sheppard with Mr. Woods of Iowa.
Mr. Sabath with Mr. Vreeland.

Mr. RUCKER of Colorado with Mr. UTTER.

Mr. Thomas with Mr. Switzer. Mr. Taggart with Mr. Sterling.

Mr. Stanley with Mr. Stephens of California. Mr. Stack with Mr. Smith of California.

Mr. Robinson with Mr. Simmons. Mr. Ransdell of Louisiana with Mr. Sells. Mr. Randell of Texas with Mr. Roberts of Nevada.

Mr. Pou with Mr. OLMSTED.

Mr. PATTEN Of New York with Mr. MATTHEWS. Mr. NEELEY with Mr. McKinley.

Mr. Moss of Indiana with Mr. McCreary, Mr. Moore of Texas with Mr. Dwight.

Mr. Moore of Texas with Mr. Dwight.
Mr. McHenry with Mr. Lawrence.
Mr. McCoy with Mr. Kahn.
Mr. Lobeck with Mr. Jackson.
Mr. Lindsay with Mr. Hughes of West Virginia.
Mr. Konig with Mr. Howell.
Mr. Heflin with Mr. Hill.
Mr. Heflin with Mr. Henry of Connecticut.
Mr. Gudger with Mr. Heald.
Mr. Fields with Mr. Guernsey.
Mr. Doughton with Mr. Greene of Massachusetts.
Mr. Doughton with Mr. Greene of Massachusetts.

Mr. Dickson of Mississippi with Mr. Crago.

Mr. CURLEY with Mr. FORDNEY.

Mr. Cravens with Mr. Copley.
Mr. Clayron with Mr. Burke of Pennsylvania.
Mr. Clark of Florida with Mr. Barchfeld.
Mr. Callaway with Mr. Ames.

Mr. Anderson with Mr. Ainey. Mr. Thayer with Mr. Griest.

Mr. Mays with Mr. Thistlewood. Mr. Gallagher with Mr. Fuller.

Mr. RAINEY with Mr. MADDEN. Mr. Cox of Ohio with Mr. TAYLOR of Ohio.

Mr. Houston with Mr. Moon of Pennsylvania.

Mr. TAYLOR of Alabama with Mr. RODENBERG.

Mr. Hobson with Mr. Fairchild. Mr. Sparkman with Mr. Davidson.

Mr. Cox of Indiana with Mr. REYBURN. Mr. HINDS with Mr. GOULD.

Mr. CONNELL with Mr. KENNEDY.

For two weeks from to-day (April 18):

Mr. JAMES with Mr. McCALL.

From April 13 to May 4:

Mr. Hensley with Mr. Hanna, From April 17 to May 1:

Mr. Burgess with Mr. Weeks. From April 11 to April 21:

Mr. HAMILTON of West Virginia with Mr. DE FOREST.

From April 18 to April 21:

Mr. Gregg of Texas with Mr. MICHAEL E. DRISCOLL,

Mr. HOBSON. Mr. Speaker, did the gentleman from New

York, Mr. FAIRCHILD, vote?

The SPEAKER. He did not.
Mr. HOBSON. I voted "aye." I wish to withdraw my vote and answer "present."

The Clerk called the name of Mr. Hobson, and he answered present," as above recorded.

The result of the vote was then announced as above recorded. The SPEAKER. A quorum is present. Further proceedings under the call are dispensed with, and the Doorkeeper will open the doors. The gentleman from Texas has 20 minutes and the gentleman from Pennsylvania [Mr. Dalzell] 20 minutes.

Mr. HENRY of Texas. Mr. Speaker, recognizing the importance of the matters embraced in the proposed rule, I desire to submit a request for unanimous consent. I ask unanimous consent that there be two hours devoted to the discussion of the rule, one hour to be controlled by myself and one hour to be controlled by the gentleman from Pennsylvania [Mr. Dal-ZELL].

The SPEAKER. The gentleman from Texas asks unanimous consent that debate on this rule be confined to two hours, one hour to be controlled by himself and one hour by the gen-

tleman from Pennylvania. Is there objection?

Mr. LANGLEY. Mr. Speaker, reserving the right to object, I want to say to the gentleman from Texas that I have been assured by the chairman of the committee and others that an understanding has been reached that the provision in the section to which I have referred, abolishing Sunday service, will be modified so as to satisfy those who are opposed to the amendment, and for that reason I no longer desire to interpose any objection to the gentleman's request.

Mr. HARDWICK. Mr. Speaker, reserving the right to ob-

Mr. MANN. I will object. I will say to the gentleman from Kentucky that the matter he is interested in will be attended to later.

The SPEAKER. Does the gentleman from Illinois object to the request for two hours' debate?

Mr. MANN. No.

The SPEAKER. The gentleman from Illinois was objecting to the request of the gentleman from Kentucky.

I was not making any request. I was ex-Mr. LANGLEY. I was not making any request. I was explaining why I no longer objected to the request of the gentleman from Texas.

Mr. HARDWICK. Mr. Speaker, I ask unanimous consent to revoke the action of the House in ordering the previous question.

SEVERAL MEMBERS. That is not necessary. The SPEAKER. It is not necessary. Is there objection to the request of the gentleman from Texas? [After a pause.] The Chair hears none. The gentleman from Texas is entitled to one hour and the gentleman from Pennsylvania [Mr. DALZELLI to one hour.

Mr. HENRY of Texas. Mr. Speaker, it is not my purpose to devote much time to a discussion of the proposed rule. A careful reading of the same will give sufficient explanation of its terms. This rule makes it in order to consider certain matters that are on the Post Office appropriation bill as proposed items of legislation. After it is adopted these matters will be made in order for the consideration of this House. They are most important items of legislation, and for several years there has been a cry pervading the country that the capacity of this body to deliberate on important issues which the people have considered and settled has been weakened. This rule simply brings before the American Congress some of the great issues settled by the American people in order that their Representatives may cast their votes and decide whether or not the legislation shall be enacted into law.

First, the rule makes in order a proposition to consider legislation touching the establishment of the parcel post and the parcel express. These issues have been discussed by voters throughout the length and breadth of this country. We understand pretty thoroughly the temper of the American people, and the time has come when this body should consider whether or not it will pass this bill.

Mr. DIES. Mr. Speaker, will the gentleman yield? Mr. HENRY of Texas. Certainly.

Mr. DIES. I want to ask the gentleman if these several propositions to which he refers have been referred to the committees of the House, have been considered by those committees, and if those committees have reported upon them before they were brought in by the Committee on Rules?

Mr. HENRY of Texas. All except two; and those two, as I understand it, will shortly be reported to the House; but those can only be offered as amendments, which will be in order

when the matter is reached in the bill.

Then, I want to ask the gentleman this question: What information can the ordinary layman in this House have if matters are precipitated upon the House which have not been referred to or considered or reported upon by the various committees of the House appointed for that purpose?

Mr. HENRY of Texas. They have all been reported except two, and those two will be reported and be in order as amendments; and I say to the gentleman that no Representative of the people should consider it an issue precipitated upon this House, but should be ready to meet such questions as the parcel post whenever the Rules Committee brings it before this body in order that it may consider it. [Applause.]

Mr. CAMPBELL. Mr. Speaker, will the gentleman yield? Mr. HENRY of Texas. I can not yield further, for I have

not the time.

Mr. MANN. But the gentleman said all but one proposition had been considered by committees of the House. there not two propositions that have not been reported by any

Mr. HENRY of Texas. Oh, the Barnhart proposition respecting the ownership of newspapers has not been reported by a

committee. I beg the gentleman's pardon.

Mr. CAMPBELL. I simply rose to call that to the attention

of the gentleman from Texas.

Mr. SAMUEL W. SMITH. Mr. Speaker, will the gentleman yield?

Mr. HENRY of Texas. Mr. Speaker, I have not the time and

can not yield.

Mr. DIES. Mr. Speaker, I believe my colleague will not do me the injustice to leave it where it is, with what he has said respecting the question of the parcel post. There is no contention about that; but is not the gentleman's proposition one for a parcel express? That has not been reported by a committee.

Mr. HENRY of Texas. My colleague is correct. true, but will be reported, as I understand it; and this only

gives consideration.

Mr. Speaker, there is no use in all of this agitation about the consideration of these questions. If you are for a parcel post, you can vote for it; if you are opposed to it, you can vote against it; if you are for the parcel express, you can vote for it, or you may vote against it if you are against it, whenever it is reached.

As I was proceeding to say, there have been some criticisms that this body has lost its capacity for deliberation. humble agent and instrument of the membership of this House, let me say that I conceive it to be the duty of the Committee on Rules, whenever it is thoroughly understood that the membership desires to consider any important proposition, that we, as their agents and representatives, should bring those matters before the Congress and let them be considered in an orderly fashion. What does this rule propose? To make the parcel post and the parcel express in order to be considered, and only to be considered, when they are reached in regular order, and that there shall be devoted to their consideration 15 hours of general debate, 3 days or more; that after the general debate upon those subjects is exhausted, the Committee of the Whole House on the state of the Union then shall proceed to consider them under the 5-minute rule, and may consider them just as long as they wish. I shall not undertake to specify the various items embraced within the provisions of the rule. Most of them have been reported from the Committee on the Post Office and Post Roads, as provided for in resolution 444, introduced by the chairman of that committee. The parcel post is not the only one included in the provisions of this resolution. There are others of serious import, and most of them ought to become law.

And the only way to make them effective as the law of this country is to make them in order on this bill, so that when the Post Office appropriation bill goes through the routine of another body and comes back to this House it will have been considered, will not have been pigeonholed, and the right of the people to have consideration lost at this session and perhaps during both sessions of Congress. [Applause on the Democratic side.] That is all. Gentlemen talk about legislation by riders not being a desirable way to legislate. Why, gentlemen, if you have a meritorious proposition that you can defend, that is just, that is in the interest of the American people, I undertake to say that there is no better time to consider it than the first opportunity when you can get it before the legislative body. plause on the Democratic side.] Now, let us meet the questions as they are presented. They are set out at length in the proposed rule. There will be plenty of time for the membership to

read and carefully consider them, and when we have finished our work here no one can say that this House has suppressed legislation on matters of tremendous importance to the people, no one can claim that they have been sent to a committee and there pigeonholed, nor can they charge that the Committee on Rules has been recreant to the trust reposed in them. But on each and every occasion, whenever there is a demand by the membership of this House that they be given the right to consider legislation, then the committee has willingly brought it before this body to make whatever disposition is desired. There are other matters here of great importance. There is a proposal making it in order to require the owners of newspapers, magazines, and periodicals to print in a conspicuous place the names of the editors, the owners, and their stockholders, in order that the American people may see the men who stand behind the guns trained against public officials. [Applause on the Democratic side.]

Mr. SAMUEL W. SMITH. Mr. Speaker, will the gentleman

yield for a question?

The SPEAKER pro tempore (Mr. Sims). Does the gentleman from Texas yield?

Mr. HENRY of Texas. Yes; I will yield for just one question.

Mr. SAMUEL W. SMITH. I desire to ask the gentleman why he limits this simply to the owner of \$500 worth of stock?

Mr. HENRY of Texas. Because we thought that when we can reach those who own as much as \$500 worth of stock we could reach all worth considering to rectify the evils, and if we went below \$500 worth of stock and take them in the names would be too numerous, because there would be too many stockholders. However, it is a matter of detail, and amendment can be offered when it comes before the House.

Mr. BURLESON. May I ask why the gentleman did not provide that the statement should also show the indebtedness of the newspapers and who controlled that indebtedness?

Mr. HENRY of Texas. If it is desirable to have that, then an amendment should certainly be offered, and I would gladly vote for it. Mr. Speaker, the proposed amendment establishes a principle that hereafter the newspapers and the periodicals and the journals that form public opinion are not authorized to and the journals that form public opinion are not authorized to give expression of their views unless the American people know the ownership of those weapons of public expression. Therefore I say this is an amendment that should be offered, should be in order, and made law. And I have no doubt that when we reach it Congress will place it on the Post Office appropriation bill. When it goes to the other body I predict that because it is on this appropriation bill as a rider it will remain there, come back here, and will go to the Executive of the United States and will be signed by him and become a law. Then we will know the ownership of these newspapers, magazines, journals, and so forth, before they can enter the mails of the United States.

Mr. Speaker, I believe that covers about all the features of this special rule that I desire to now discuss

Mr. DALZELL. Mr. Speaker, I yield 10 minutes to the gentleman from Wisconsin [Mr. LENROOT].

Mr. LENROOT. Mr. Speaker, I shall vote for the adoption of this rule [applause on the Democratic side], although there are some provisions in it that I regret are found there. The gentleman from Texas, the chairman of the Committee on Rules, has given a very accurate summary of the different provisions of this rule and of the matters that will be in order if this rule be adopted. The matter that I regret that is contained in the rule is the one relating to the condemnation of the property of express companies. A bill that is not before the Committee on the Post Office and Post Roads, a bill that is now pending before the Committee on Interstate and Foreign Companies. merce, a bill that has not been reported upon by that com-mittee, a bill that bristles with legal questions of the gravest nature and of the most far-reaching importance, ought not, in my judgment, be considered in this appropriation bill. But, Mr. Speaker, because I am opposed to that provision is not a reason for voting against this rule, for the reason that the good things in this rule so far outweigh the importance of those which, in my judgment, are bad that I think that every Member of this House ought to vote for the rule.

Mr. MANN. Mr. Speaker, will the gentleman yield for a

question?

Mr. LENROOT. Yes.

Mr. MANN. Does the gentleman doubt that if I demand, as shall, a separate vote on the substantive proposition of this rule that we will have a right to vote upon these propositions?

Mr. LENROOT. I hope we will have.

Mr. MANN. We will, if the rules are observed.

Mr. LENROOT. If that is true, then I want to spend a moment or two further upon the question of the condemnation

of the property of express companies.

Mr. MURDOCK. Mr. Speaker, before the gentlem in gets on to that subject I would like to ask him if he does not think in any legislation of this moment the House ought to take it up as separate bills, have it reported from the committee, and have consideration of each of the bills separately; let them go to the Senate and be considered there, and then let the President have his chance?

Mr. LENROOT. So far as this matter is concerned-of legislation of this particular nature. But I draw this distinction, Mr. Speaker, that with reference to most of the provisions in this rule they relate to matters that are directly affected by the appropriation, or, in other words, the matters affect the appropriation, and I would draw this line, that I will favor any amendment to remove a point of order, provided that amendment or that subject matter would be germane to the matter contained in the bill itself except for the fact that it is new legislation. Mr. MURDOCK.

Would the gentleman carry that form of legislation to the point that he would suspend the point of order that that legislation was new legislation if all legislation

offered were germane?

Mr. LENROOT. Not necessarily; but if the matter of appropriation is so connected with that matter of legislation that they ought to be considered together, then I would be in favor

of considering them together.

Mr. SAMUEL W. SMITH. Before the gentleman proceeds I would like to ask a question. I would like to call attention to the last four lines of this rule, and ask why it was decided that 15 hours of general debate should be allowed when we reach section 8 of the bill, the question of parcel and postal express legislation, but as to other legislation in the bill there shall be but five hours immediately on the adoption of this resolution?

Mr. LENROOT. Because on the question of parcel post and express it is of such tremendous importance it could not be handled under the five-minute rule; that as to all other matters contained in the bill, they can be handled under the ordinary

rules of the House.

Mr. SAMUEL W. SMITH. According to the way this reads, this is not under the five-minute rule. We are to have five hours of general debate when this rule is adopted.

Mr. LENROOT. And on that all the other rules apply when other matters are reached under the five-minute rule. So it enlarges the scope of debate rather than limits it, so far as

that is concerned.

But, Mr. Speaker, to get back again to the question of express companies, I hope the gentleman is right that we may have a separate vote on that. I am not ready to say whether I favor the condemnation of the property of express companies or not. I wish to investigate that question further, but I am ready to say that that great question ought not to be considered in this appropriation bill, and, in reference to the bill itself, we do not know what this Committee on Interstate and Foreign Commerce will report. They may report a substitute. If they report the bill at all, undoubtedly they will report a large number of amendments, and yet with this rule adopted the bill as reported from the Interstate and Foreign Commerce Committee will not be in order as an amendment, but the bill as introduced and referred to the committee will be the bill that is offered as an amendment.

Mr. LONGWORTH. Will the gentleman yield?

Mr. LENROOT. I will. Mr. LONGWORTH. When the gentleman refers to the acquisition of the property of the express company, to how much of this rule does it refer?

Mr. LENROOT. Beginning at the bottom of page 4, page 5, and all of page 6.

Mr. LONGWORTH. Thank you.
Mr. LENROOT. Here is a bill, Mr. Speaker, containing nine sections, and something that is unheard of is injecting a bill that is foreign to the committee from which this appropriation bill comes into this appropriation bill.

Mr. SHERLEY. Mr. Speaker, will the gentleman yield? The SPEAKER pro tempore. Does the gentleman from Wis-

consin yield?

Mr. LENROOT. I will.

Mr. SHERLEY. What does the gentleman say as to the propriety of incorporating in this rule a provision touching the good-roads movement, reported by a different committee-the Committee on Agriculture?

Mr. LENROOT. Mr. Speaker, I shall be glad to answer that question. As a member of the Committee on Rules I was op-

posed to incorporating that proposition in this bill, for the reason that the gentleman suggests; but the Committee on Rules was presented with a petition signed by 235 Members of this House asking for the inclusion and consideration of that question in this bill, and I believe that whenever a majority of this House, and especially so large a majority as that, makes a request of that kind of the Committee on Rules it is the duty of the members of that committee to accede to that request, no matter how they might individually feel about it. [Applause.]

Mr. SHERLEY. If the gentleman will permit me further, it is in the power of the Committee on Rules to make in order the consideration of that measure as a separate proposition. As I understand it, the gentleman's position is that when a

majority of the House, by petition, indicate their desire he should report a rule.

Mr. LENROOT. Yes; on any question as to the order in Mr. LENROOT. Yes; on any question as to the order in which matters are to be considered by this House I say "yes"

to the gentleman.

Mr. MURDOCK. The gentleman, by the way, understands that that is making the majority of this House suspend the

rules?

Mr. LENROOT. It may. If it be so, I am for that. So far as this committee is concerned, if the majority of this House at any time desires the Committee on Rules to report a special rule I am going to vote to report that special rule and give the House an opportunity to consider the matters it wants to con-

sider. [Applause.]

Now, Mr. Speaker, again getting back to this bill for the condemnation of express companies, I want to say this: That as the bill reads it is a questionable proposition as to whether without amendment it would not require the condemnation of many of the railroads in the United States. I wonder if that has been considered, so far as the phraseology of the bill is concerned? Further, I find a provision in the bill that gives to the Commerce Court-to abolish which Commerce Court a majority has brought in a bill to this House, a thing which I am in favor of doing—the same power over these questions, with reference to rates, that the Interstate Commerce Commission has. Are you in favor of that kind of a proposition? And do you think questions of that character should be considered in this appropriation bill?

And so I might go on, if I had the time, Mr. Speaker, and point out provision after provision with reference to this bill

that ought to be considered by itself.

Furthermore, it curtails the right of amendment with reference to these propositions, and in this way: That if this express bill were here as an independent proposition an amendment would be in order, and an amendment to the amendment would be in order, while if it is brought in as provided in this bill the bill itself must be offered as an amendment, and only one amendment will then be in order to the bill instead of two, as would be the case if the bill were brought in as an independent proposition.

Mr. SHERLEY. Does not the gentleman understand that as to this provision for the taking over of the express companies the bill is amendable?

Mr. LENROOT. Certainly; but only one amendment would be in order.

Mr. SHERLEY. Only one amendment would be in order at one time. Later another amendment could be presented.

Mr. LENROOT. The gentleman does not understand me.

Mr. SHERLEY. It was because I did not that I interrupted

the gentleman.

Mr. LENROOT. One amendment would be in order; but if it were an independent proposition on the floor of the House an amendment would be in order and an amendment to the amend-ment would be in order.

Mr. SHERLEY. The difference is simply a matter of time. You vote down one amendment, and after it is voted down you

offer another. Mr. LENROOT. That is true. But if one could vote on the amendment to the amendment he might vote for the amendment itself, but no opportunity is given to perfect it.

Mr. SHERLEY. You can perfect it by offering another amend-

Mr. LENROOT. That may be true; but it does away with the privileges of the Members of the House as to the independent proposition.

I am in favor of a parcel post—a parcel post that will protect the rights of the country merchant as well as the rights of the farmer and others who are to be benefited.

The SPEAKER pro tempore. The time of the gentleman has

expired

Mr. LENROOT. Can I have five minutes more?

Mr. DALZELL. I yield five minutes more to the gentleman. The SPEAKER pro tempore. The gentleman from Wisconsin

is recognized for five minutes more.

Mr. LENROOT. I am in favor of a parcel post with zone rates in it. I am in favor of putting on the statute books a parcel-post law to be followed, if necessary, afterwards by the condemnation of the property of the express companies. But I am not in favor, so far as I now understand the matter—and I want to say frankly that I reserve the right to change my mind after further investigation—I am not in favor of paying \$40,000,000 or \$50,000,000 for the property of the express companies now existing and their contracts and leases and franchises, only a tithe of which may perhaps be of any value whatever to this Government.

We owe nothing to the express companies of this country. No equitable considerations ought to prevail with reference to them, for they have been paying exorbitant dividends and have been exacting exorbitant rates. Whenever we do legislate upon this question I am in favor of standing strictly upon our legal rights with reference to them, without considering any matter of what otherwise they might be entitled to from an equitable consideration. [Applause.] So, Mr. Speaker, I am not in favor of paying them for their contracts, I am not in favor of paying them for their franchises. I am not in favor of condemning and paying them for their leases. If they are of any value to them afterwards, let them have them; but if this Government has any right to go into this at all, it seems to me it has a right to go into this business regardless of the express companies, and do it without paying several million dollars for property that is of no value. I hope, Mr. Speaker, that this provision will be voted out of the rule if an opportunity is offered.

I yield back the balance of my time.

Mr. DALZELL. Will the gentleman from Texas [Mr. HENRY] vield some of his time?

Mr. HENRY of Texas. I yield five minutes to my colleague

from Texas [Mr. Hardy].
Mr. HARDY. Mr. Speaker, I shall vote for this rule, because my experience shows me that skillful obstructionists, by the use of parliamentary devices, can and have in the past made the enactment of laws of the very highest importance, and almost universally demanded, a matter of tedious delay, like the decisions of our courts, stretching over years, until the heart grows

weary and hope grows sick.

This rule does not prevent ample and free discussion. suppresses no right to have every measure proposed under it weighed and approved or disapproved by the representatives of the people. It simply cuts the Gordian knot of obstruction. It strips privilege of its armor of technicalities in which it has wrapped itself, so that the spear of right and justice may reach it. I shall vote for this rule because I believe that the people ought to rule and to have their judgment and their demands, as evidenced by their Representatives' votes, brought to a focus and enacted into legislation. [Applause.]

I yield back the remainder of my time. Mr. HARDWICK. I yield five minutes to my colleague from

Georgia [Mr. Bartlett].
Mr. BARTLETT. Mr. Speaker, I shall vote against this rule.
I am sorry that this side of the House has made it necessary to consider a rule of this character, and that we are returning to the old Republican methods.

In rare instances in the history of legislation has any party ever offered for the action of the House a rule of this kind, providing for the enactment, upon bills of this character, of special legislation not otherwise in order, but which is specifically prohibited by the rules. It is only in rare instances that the House has passed resolutions authorizing legislation upon appropriation bills, contrary to the rule which we ourselves have adopted and to the precedents of this House for a hundred years. I have hurriedly looked up the instances, and I Bonds of Navy Mail Clerks.

Sec. 3. That every Navy mail clerk and assistant Navy mail clerk shall give bond to the United States in such penal sum as the Postmass pecial resolution. During the past 20 years I can find but 12 instances when it has been done. Those instances were to provide for the better administration of the Government, as it was claimed in each instance, and not for wholesale legislation on a variety of subjects, as this resolution authorizes. The Democratic Party during the last election went before the country and proclaimed that if we were given control of the House we would find a way to legislate, by reporting bills from the proper committees and by considering bills in the House, and we denounced in unmeasured terms the code of Cannon rules, and proclaimed we would not follow them. We have now rules of our own making, made in pursuance of the demands of the people. We have amended the rules and we find that since the provision was placed in the rules prohibit-

have Calendar Wednesday and two Mondays for suspension days and unanimous-consent days.

We went before the country protesting against the Cannon rules. We owe our majority, in a great measure, to that issue. But Cannon, in his palmiest days of czarism, and Dalzell, for years at the head of the Republican Rules Committee, never yet brought into this House a rule so far-reaching and revolutionary as this. [Applause on the Republican side.]

I am opposed to the rule, because the Democrats are in the majority on all these committees and if they really favor legislation along these lines, let the majority of Democrats on the committees report these bills. If they can not get sufficient time on Wednesdays and these other days provided for consideration of bills, then let the Committee on Rules bring in a special rule making such bills in order and let us act on them

properly, decently, and in order.

Here we have the remarkable spectacle of an appropriation bill carrying the largest amount of money of any of our appropriation bills halted when we are endeavoring to hasten the time when we shall complete our business here; halted and stopped to consider bills, some of which have but recently been reported by a committee and some of which have not been acted on or reported by any committee. Can it be that the committees of this Democratic House are smothering in committee legisla-

tion that the people demand?

Mr. Chairman, I shall not vote for this rule, because I do not think the propositions submitted ought to be considered upon this appropriation bill. I am not for some of the propositions submitted in the rule and can not vote for them now, nor do I think the House should be called upon to consider them and act upon them in this "hodgepodge" method. I shall not vote to turn over to this Government the transportation business of the express companies, nor shall I vote for this proposition, which would bring a great burden and deficit upon the Post Office Department, by which it shall be turned from being a carrier of letters into being a carrier of the freight of the country, a first step in the direction that ultimately and almost inevitably leads to Government ownership and operation of railroads, express companies, and all the other agencies of public utility by which the people are served.

I am willing to vote for the propositions embraced in the bill reported by the Committee on the Post Office and Post Roads; and if necessary to provide for their consideration in the pending bill by special rule, I will vote for such a rule. If this rule only provided for the consideration of the legislation proposed in the pending bill, I would not feel impelled to oppose it, but should support these provisions. I shall support the provision providing for the use of steel postal cars and the other provisions of the pending bill contained in sections 2 to 12, inclusive. To be more specific, I shall vote for the consideration of the following provisions of the pending bill, and if it be necessary to have a rule making their consideration in order, I would not

protest against that rule.

The following are the parts of the bill I refer to:

The following are the parts of the bill I refer to:

Provided further, That after the 1st of July, 1917, the Postmaster General shall not approve or allow to be used or pay for any full railway post-office car not constructed of steel, steel underframe, or equally indestructible material, and not less than 20 per cent of the new equipment shall be put into operation annually after July, 1912; and after the passage of this act no contract shall be entered into for the construction of steel underframe cars.

SEC. 2. No contract for furnishing supplies to the Post Office Department or the postal service shall be made with any person who has entered, or proposed to enter, finto any combination to prevent the making of any bild for furnishing such supplies, or to fix a price or prices therefor, or who has made any agreement, or given or performed, or promised to give or perform, any consideration whatever to induce any other person not to bid for any such contract, or to bid at a specified price or prices thereon; and if any person so offending is a contractor for furnishing such supplies, his contract may be annulled, and the person so offending shall be liable to a fine of not less than \$100 nor more than \$5,000, and may be further punished, in the discretion of the court, by imprisonment for not less than three months nor more than one year.

BONDS OF NAVY MAIL CLERKS.

That in cases of emergency, or if the needs of the service require; letter carriers in the City Delivery Service and clerks in first and second class post offices can be required to work in excess of eight hours a day, and for such additional services they shall be paid extra in proportion to their salaries as fixed by law.

That should the needs of the service require the employment on Sunday of letter carriers in the City Delivery Service and clerks in first and second class post offices, the employees who are required and ordered to perform Sunday work shall be allowed compensatory time on one of the six days following the Sunday on which they perform such service.

Sec. 6. That no person in the classified civil service of the United States employed in the postal servica shall be removed therefrom except for such cause as will promote the efficiency of said service and for reasons given in writing; and the person whose removal is sought shall have notice of the same and of any charges preferred against him, and be furnished with a copy thereof, and also be allowed a reasonable time for personally answering the same in writing; and affidavits in support thereof; but no examination of witnesses nor any trial or hearing shall be required except in the discretion of the officer making the removal; and of the order of removal shall be made a part of the records of the proper department or office, as shall also the reasons for reduction in rank or compensation; and copies of the same shall be annually reported to Congress and furnished to the person affected upon request, and the Civil Service Commission also shall, upon request, be furnished copies of the same or the originals thereof: Provided, however, That membership in any society, association, ciub, or other form of organization of postal employees having for its objects, among other things, improvements in the condition of labor of its members, including hours of labor and compensation therefor and leave of absence, by any person or groups of persons from s

be designated as railway postal clerks and shall be divided into the following grades, with corresponding salaries per annum not exceeding the following rates:

Grade 1, at not exceeding \$1,000.

Grade 2, at not exceeding \$1,200.

Grade 3, at not exceeding \$1,200.

Grade 3, at not exceeding \$1,200.

Grade 5, at not exceeding \$1,300.

Grade 6, at not exceeding \$1,500.

Grade 7, at not exceeding \$1,500.

Grade 9, at not exceeding \$1,500.

Grade 9, at not exceeding \$1,500.

Grade 9, at not exceeding \$1,700.

Grade 10, at not exceeding \$1,700.

Grade 10, at not exceeding \$1,500.

Chief clerks, at not exceeding \$2,000.

The Postmaster General shall classify and fix the salarles of railway postal clerks, under such regulations as he may prescribe, in the grades provided by law; and for the purpose of organization and of establishing maximum grades to which promotions may be made successively as hereinafter provided, he shall classify railway post offices, terminal railway post offices, and transfer offices with reference to their character and importance in three classes, with salary grades as follows: Class A, \$900 to \$1,200; class B, \$900 to \$1,300; and class C, \$900 to \$1,500.

He may assign to the offices of division superintendents and chief clerks such railway postal clerks as may be necessary and fix their salaries within the grades provided by law without regard to the classification of railway post offices.

After June 30, 1913, clerks in class A shall be promoted successively to grade 4, and clerks in class C shall be promoted successively to grade 5 at the beginning of the quarter following the expiration of a year's satisfactory service in the next lower grade. Promotions above these grades within the maximum grades of the classification may be made in the discretion of the Fostmaster General for meritorious service. No promotion shall be made exceept upon evidence satisfactory to the Post office permater of the employee during the preceding year.

A clerk of any grade of any classification of railway pos

Department or the eliciency and lattitudess of the empty constitute preceding year.

A clerk of any grade of any classification of railway post offices, terminal railway post offices, transfer offices, or in the office of a division superintendent or chief clerk may be transferred and assigned to any classification of railway post offices, terminal railway post offices, transfer offices, or to an office of a division superintendent or chief clerk under such regulations as the Postmaster General may deem

clerk under such regulations as the Postmaster General may deem proper.

Clerks assigned as clerks in charge of crews consisting of more than one clerk shall be clerks of grades 5 to 10, inclusive, and may be promoted one grade only after three years' continuous, satisfactory, and faithful service in such capacity.

A clerk who falls of promotion because of unsatisfactory service may be promoted at the beginning of the second quarter thereafter or any subsequent quarter for satisfactory and faithful service during the intervening period.

Clerks in the highest grade in their respective lines or other assignments shall be eligible for promotion to positions of clerks in charge in said lines or corresponding positions in other assignments, and clerks assigned as assistant chief clerks and clerks in charge of crews consisting of more than one clerk, either assigned to the line, the transferservice, or to a terminal railway post office, and clerks in the highest grades in offices of division superintendents in their respective divisions shall, after two years of continuous service in such capacity, be eligible for promotion to positions of chief clerks in said division for satisfactory, efficient, and faithful service during the preceding two-year period under such regulations as the Postmaster General shall preseribe.

period under such regulations as the Postmaster General shall prescribe.

Whenever a clerk shall have been reduced in salary for any cause he may be restored to his former grade or advanced to an intermediate grade at the beginning of any quarter following the reduction for satisfactory and faithful service during the intervening period.

In filling positions below that of chief clerk no clerk shall be advanced more than one grade in a period of a year.

All clerks appointed to the Railway Mail Service and to perform duty on railway post offices shall reside at some point on the route to which

they are assigned; but railway postal clerks appointed prior to February 28, 1895, and now performing such duty shall not be required to change their residences, except when transferred to another line; Provided, however, That because of the reclassification herein provided no clerk shall receive less salary than before the passage of this act. All laws and parts of laws in conflict herewith are hereby repealed.

Sec. 8. That hereafter postage shall be paid on matter of the fourth class at the rate of 12 cents per pound, except as herein provided.

That no article, package, or parcel shall be mallable as matter of the fourth class which exceeds 11 pounds in weight, except as herein provided.

vided.

That on each and all rural mail-delivery routes of the United States the postmaster at the starting point of such route shall, until June 30, 1914, receive and deliver to the carrier or carriers of said routes all articles, parcels, or packages not prohibited to the mails by law and falling under the definition of fourth-class matter and not weighing in excess of 11 pounds for transportation and delivery on said routes only; and the carriers shall receive at intermediate points on all rural routes such mail matter of the fourth class for delivery on their respective routes only.

and the carriers shall receive at intermediate points on all rural routes such mall matter of the fourth class for delivery on their respective routes only.

That for the purpose of a full and complete inquiry and investigation into the feasibility and propriety of the establishment of a general parcel-post commission of six persons, three of whom shall be appointed by the Speaker of the House of Representatives and three by the President of the Senate, is constituted with full power to appoint clerks, stenographers, and experts to assist them in this work. They shall review the testimony already taken on the subject of parcel post by Senate and House committees and take such other testimony as they deem desirable. For the purpose of defraying the expenses of this commission the sum of \$25,000 is hereby appropriated, out of the moneys in the Treasury not otherwise appropriated.

SEC. 9. That from and after the 1st day of July, 1912, the compensation of rural letter carriers for carrying the mail six days each week on standard routes of 24 miles in length shall be the sum of \$1,074 per annum, to be paid monthly; and on routes exceeding 24 miles in length, the sum of \$44.75 per mile per annum for each mile in excess of 24 miles; and on routes under 24 miles in length, a corresponding reduction of compensation per mile per annum shall be paid; on routes carrying the mail three days of each week of the same length as above, the pay shall be one-half the compensation there provided.

SEC. 10. That after June 30, 1912, experimental mail delivery may be established, under such regulations as the Postmaster General may prescribe, in towns and villages having post offices of the second or third class that are not by law now entitled to free-delivery service, and the amount to be expended at any office shall not exceed \$1,800 a year.

SEC. 11. That the sum of \$400,000, or so much thereof as may be

and the amount to be expended at any office shall not exceed \$1,800 a year.

Sec. 11. That the sum of \$400,000, or so much thereof as may be necessary, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to enable the Postmaster General to continue the establishment, maintenance, and extension of postal-savings depositories, including the reimbursement of the Secretary of the Treasury for expenses incident to the preparation, issue, and registration of the bonds authorized by the act of June 25, 1910: Provided, That out of such sum an amount not to exceed \$10,000 may be expended for the rental, if necessary, of quarters for the central office of the Postal Savings System in the District of Columbia: And provided further, That all expenditures in the Postal Savings System shall be audited by the Auditor for the Post Office Department: And provided further, That the Postmaster General shall select and designate the post offices which are to be postal-savings depository offices, and shall appoint and fix the compensation of such superintendents, inspectors, and other employees as may be necessary in conducting, supervising, and directing the business of such offices, including the employees of a central office at Washington, D. C., and shall prescribe the hours during which postal-savings depository offices, shall remain open. He shall also from time to time make rules and regulations with respect to the deposits in and withdrawals of moneys from postal-savings depositories and the issue of pass books or such other devices as he may adopt as evidence of such deposits or withdrawals. The provisions of the act approved June 25, 1910, are hereby modified accordingly. The unexpended balance of the appropriation for the fiscal year 1912 of \$500,000 made by section of the purposes mentioned in this section.

Sec. 12. That the provision in the act making appropriations for the service of the Post Office Department, approved May 27, 1908, authorizing the designation of culisted men of the

But, Mr. Speaker, I shall not vote for a proposition which will take the first step toward authorizing the Government of the United States to take sole management and control of every public road in my State over which a rural route may be established. I shall not in this instance, as I have not in the past, nor do I expect to in the future, vote for any measure that will lay on the General Government all the burdens of government which the several States and local bodies should I shall not vote for a measure that will commit this great Government, composed of 48 States-I shall not vote to concentrate it into one and make it a paternalistic and socialistic government. I shall vote in this instance, as I have voted on all occasions, according to the Constitution as I understand it. This is a Government in which duties devolve upon it by the Constitution with limited and restricted powers. There are 48 separate and distinct governments that make up this one National Government, and they have some great duties to per-form. I shall not in the vote I may cast on this rule forget that my State and the several States of this Union owe some duties to themselves and to their citizens. I shall not vote for that proposition which would advance them further and further in the direction of the destruction of the duties and the rights of the States and the concentration and federalization of all the powers of government in Washington. [Applause.]

Mr. DALZELL. Mr. Speaker, how much time did the gentleman from Wisconsin [Mr. Lenroot] use?

The SPEAKER. He used 13 minutes.

Mr. DALZELL. I yield two minutes to the gentleman from Massachusetts [Mr. McCall].

Mr. McCALL. Mr. Speaker, I have always believed in the propriety of having the Committee on Rules report a special rule for the consideration of some special measure of importance that could not be reached in ordinary course upon the calendar. Many gentlemen of the House have been opposed to that power in the Committee on Rules. But I never have been in favor, and I am not in favor now, of the proposition to combine a number of diverse measures pending before different committees and logroll through the House a rule for their consideration.

There is one proposition here which may illustrate what I have said. It is proposed in this bill to require the Government to pay a toll for the use of local roads by its carriers. It provides a toll that I venture to say, in the case of some roads in this country, will amount to more than is spent by the town or the district in the maintenance of the road. If the Government should pay for the real wear and tear of the road caused by the carrier, it would not be a fraction of what it is proposed it shall pay. I do not believe that the people of the country care to be put in a position of receiving a gratuity, a vote from the National Treasury. A proposition like that makes this whole measure reek with graft from one end to the other. It means nothing less than that the Government is to take control in the end of the local roads in the country, to build them, to pay for them, and, of course, if it does that it should have jurisdiction over them. It is the wildest measure of centralization I have ever seen presented to the Congress and it is presented by the party that stands for local self-government. I can not give any rule which has a proposition of that kind in it my [Applause.]

Mr. DALZELL. Mr. Speaker, I yield three minutes to the gentleman from Pennsylvania [Mr. Speek].

Mr. SPEER. Mr. Speaker, I am in favor of this rule, because I am in favor of some of the legislation which the adoption of this rule will enable us to enact. I am in favor of a general parcel-post system so devised as to be beneficial to all of the people of this country. It is pretty well established now that unless something of this kind can be adopted in this Post Office appropriation bill it will not be adopted at all. I would prefer to vote separately on a proposition of this kind, but should we do so there is very little prospect that it would pass the Senate. Therefore, if we are to have any legislation on the subject during this session we must have it by virtue of this rule. wise it will be objected to and eliminated by a point of order from the provision of the Post Office appropriation bill. Therefore I favor the adoption of this rule.

This does not mean that I favor the provisions of the Post Office appropriation bill. I do not think they are adequate; I

do not think they are sufficient, but it will give us an opportunity when the discussion of them comes up to amend them and to adopt such provisions upon these subjects as we may deem proper and right. Without this rule we are bound hand and foot and can do nothing. I do not favor some of the wild propositions that are in this measure about paying toll for local roads, nor do I favor the condemnation of the express companies, because I believe that this Government has the right to institute a parcel-post system of its own and run it independently, as is done in many other civilized countries, and that

the competition of the express companies will be beneficial to us in reducing rates.

There are other things in this rule which I favor. This rule will permit us to enact legislation to limit the time of employment of carriers to eight hours a day. Unless this rule is adopted that will be subject to a point of order and eliminated from the Post Office appropriation bill. It will permit an infrom the Post Office appropriation bill. It was properly crease of the salaries of the carriers and clerks. Unless this rule be adopted, that can be objected out of your Post Office rule be adopted, that can be objected out of your Post Office rule bill. Make no mistake, gentlemen. The objection bill make no mistake, gentlemen. appropriation bill. Make no mistake, gentlemen. The objections to this rule upon the ground that it is violating the rules and precedents of the House, upon the ground that it is bringing in matters here that ought to be voted upon separately, are ing in matters here that ought to be voted upon separately, are being made by those who want to kill this legislation in the end, and who are raising these objections now to prevent the House from acting upon the matters at all. [Applause.]

Mr. DALZELL. Mr. Speaker, I yield 10 minutes to the gentleman from Kansas [Mr. CAMPBELL].

Mr. CAMPBELL. Mr. Speaker, this rule will make in order 23 substantive propositions that otherwise would be out of

order upon the Post Office appropriation bill. Many of these propositions are of minor importance. It is doubtful if there would be any opposition to probably one-half of these propositions if they were to come up in the ordinary way. There are other important propositions here, propositions of the greatest possible importance. The propositions that ought to be agreed to without any extended debate and without serious opposition relate to the growth of the postal service, to the increase of the salaries of the postal employees, to the reduction of hours of laborers in the postal service. It makes in order the reclassification of the rural-route carriers, raising the salaries of the rural-route carriers-propositions that would be subject to a point of order if it were not for this rule. Without desiring to commit the House to every proposition covered in the rule and to make them in order on this bill, I favor the rule as it is now before the House. I shall reserve the right, when the time comes, in passing upon the questions made in order, to vote either for or against them as my judgment at that time dictates. I shall favor the increase in pay to clerks and carriers, and the provision making it proper for employees to or-Mr. LONGWORTH. Mr. Speaker, will the gentleman yield?
Mr. LONGWORTH. Is this matter, contained on page 1 of

Is this matter, contained on page 1 of the report, down to the bottom of page 4, one bill or is it a

series of bills?

Mr. CAMPBELL. That is a series of propositions in the Post Office appropriation bill. They have been numbered in the rule for the sake of convenience. They are substantive propositions which are offered at different places in the Post Office appropriation bill. Each one of them would be subject to a point of order.

Mr. LONGWORTH. As to the parcel post only, is that cov-

ered in section 8 of this rule?

Mr. CAMPBELL. The question of a parcel post is covered in

section 8

Mr. LONGWORTH. I am not referring to the parcel express. Mr. CAMPBELL. The parcel post is what is known as section 8.

Mr. LONGWORTH. Is that what the present bill contains substantially, or is there a difference there of a commission

Mr. CAMPBELL. The commission is covered in the bill, which would also be out of order.

Mr. LONGWORTH. Then this section 8 of the rule is the bill as it stands to-day exactly, is it?
Mr. CAMPBELL. Yes.

Mr. LONGWORTH. So far as it relates to the parcel post? Mr. CAMPBELL. Yes. Mr. ANDERSON of Ohio. Do I understand the adoption of this rule will permit an amendment increasing the salaries of the rural-route carriers?

Mr. CAMPBELL. This rule makes in order a proposition raising the pay of the carriers.

Mr. SAMUEL W. SMITH. Mr. Speaker, will the gentleman yield?

Mr. CAMPBELL. Yes. Mr. SAMUEL W. SMITH. I have not had time as yet to read the rule or to read fully the Goeke bill. I would like to ask if the Goeke bill is inserted word for word in the rule?

Mr. CAMPBELL. It is. There are propositions about which we all agree, and to which probably no Member of the House would object, and yet under the rules of the House they would not be in order on the Post Office appropriation bill without the adoption of this rule.

Mr. MOORE of Pennsylvania. Mr. Speaker, will the gentle-

man yield?

Mr. CAMPBELL. Yes.

Mr. MOORE of Pennsylvania. On page 7 of the Rules report is a paragraph relating to the use of the mails for newspapers. requiring that the names of the publishers, editors, and stock-Mr. CAMPBELL. Yes.
Mr. MOORE of Pennsylvania. Is that provision in the Post

Office appropriation bill?

Mr. CAMPBELL. It is not. Mr. MOORE of Pennsylvania. It is an entirely new proposition?

Mr. CAMPBELL. That is a new proposition which has never been referred to a committee of this House and appears for the first time in this rule.

Mr. LONGWORTH. Has it as a bill ever been introduced?
Mr. CAMPBELL. A bill for that purpose has never been introduced, as I understand it. The matter was brought before

the Committee on Rules by Members of the House, who asked that it be made in order on the Post Office appropriation bill by

Mr. MOORE of Pennsylvania. But it was not a part of the Post Office bill?

Mr. CAMPBELL.

Mr. MOORE of Pennsylvania. Now, may I ask the gentleman if this is his understanding of that provision—that the New York Herald, a large paper; the Philadelphia North American-

Or the Chicago Tribune.

Mr. MOORE of Pennsylvania. Or the Detroit Free Press, or any other newspaper of the country having a large circulation, would be obliged under the provision of this rule, brought in in this hurried way, to publish conspicuously every day the names of its proprietors, its editors, and of all its stockholders having stock valued above \$500 in order to obtain the use of the mails?

Mr. CAMPBELL.

Mr. MOORE of Pennsylvania. And that in violation of that provision it would be forbidden the use of the mails?

Mr. CAMPBELL. Yes; that is the proposition this part of the rule will make in order to the Post Office appropriation bill; and I will say to the gentleman-

Mr. MOORE of Pennsylvania. And those papers throughout the United States owned by corporations not publishing the names of all their stockholders holding more than \$500 worth of stock would be forbidden the use of the mails utterly under this provision?

Mr. CAMPBELL. That is the language of the provision; and I will state to the gentleman from Pennsylvania that the proposition was proposed by one of the leading newspaper men of this House, a Member of Congress who is a newspaper man, and knows something of the influences that are back of some of the newspapers of this country

Mr. MOORE of Pennsylvania. May I trespass upon the gen-

tleman long enough to say

SEVERAL MEMBERS. Mr. Chairman— Mr. CAMPBELL. I would like to have some of my own time to discuss some other matters of this rule; and I can not yield but to one gentleman at a time in an orderly way.

The SPEAKER pro tempore. The time of the gentleman from

Kansas has expired.

Mr. MOORE of Pennsylvania. We are getting to a very interesting point, and I think it would be well worth while having a little more light on the subject.

Mr. CAMPBELL. Mr. Spe Have I consumed 10 minutes? Mr. Speaker, I was given 10 minutes.

The SPEAKER pro tempore. Yes; the gentleman's time has expired.

Mr. HARDWICK. Mr. Speaker, I now yield five minutes to the gentleman from Tennessee [Mr. Moon].

The SPEAKER pro tempore. The Chair will state that the Chair was mistaken; the gentleman from Kansas has two minutes remaining.

Mr. CAMPBELL. I will yield the two minutes back to the gentleman from Pennsylvania, as I have taken my seat and cooled off. [Laughter.]

The SPEAKER pro tempore. The Chair was looking at another gentleman's figures rather than those of the gentleman

from Kansas.

Mr. MOON of Tennessee. Mr. Speaker, the rule of the House that prohibits legislation on an appropriation bill is perhaps a wise one ordinarily, but, in my opinion, this House yielded more of its power and more of its dignity as a part of the legislative branch of this Government when it made that rule than on any other occasion. The truth is when a thing ought to be done it ought to be done now, and the way it ought to be done is the best way and the quickest way you can do it. Now, everybody knows that the legislation proposed by this ruleand when I refer to the rule I refer primarily to resolution 444, which I introduced by direction of the committee—is legisla-tion pertaining to the Post Office Department of the utmost value to this country. It could not be enacted except as a rider upon the Post Office appropriation bill, for the very reason that a dozen separate bills covering all of these 12 questions here presented could not possibly be gotten through this House with the other business which is before it, and if they did they would find their graveyard at the other end of the Capitol; but when placed as a rider upon this bill, not only the House is forced to respond but the Senate must respond to each and all of these propositions. Therefore, the wisdom of legislation along these lines. Who is it in this House who opposes the protection of the railway mail clerks of the United States by forcing the con-

struction of steel cars for that purpose? Who is it who is not willing to check the collusion between contractors and officials Government, and who is it that is not willing to see competition in mail pay? Who is it that is willing longer for a gag law depriving the officials of the department of the right of free speech? Who is it who opposes the eight-hour laws and compensatory pay for overtime? Who is it who is not willing to have a just reclassification of the clerks? Who is it who does not want to respond in some measure to the demand of the people for a parcel post? Who is it who does not want to see this Government extricate itself, if possible from the position it is in with reference to the postal savings bank, a proposition that has already added several hundred and will add over 20,000 officials to the Government, one that is not paying the Government, but one with which you must deal today by provisions that will enable this department to make it efficient if it be possible to do so, and it can not be done except by this measure? Who is it who opposes this measure? the gentlemen who are opposed to these post-office provisions, essential and necessary for the protection of this Government, vote against this rule

The SPEAKER pro tempore. The time of the gentleman from

Tennessee has expired.

Mr. MOORE of Pennsylvania. Mr. Speaker-

The SPEAKER. The time of the gentleman from Pennsylvania has expired.

Mr. MOON of Tennessee. Just one minute. I yield to the

gentleman from Pennsylvania [Mr. Moore].

Mr. MOORE of Pennsylvania. Would it not have been possible for the Post Office Committee to have brought in a bill on any of these important subjects at any time?

Mr. MOON of Tennessee. Of course it would; and one-half of them would have been killed. That is the reason we put

them on here as riders. We are going to make you respond to these questions that some want to dodge. [Applause.] I have no time to discuss these measures, but I do want to

say that the parcel-post proposition has been considered thor-oughly by this committee. We know this Government can not go into a general parcel post now without an immense addition of perhaps 40,000 officials and immense loss. Therefore we have recommended a commission for the general consideration of the proposition, and the experiment will cost nothing, because of the rural post. And I will ask that this parcel-post proposition, except the one proposed by the committee, be voted down, in order that this House may act intelligently and know the facts we ought to know before we enter upon this legislation finally; that we may know what is just and best for all.

Mr. HENRY of Texas. Mr. Speaker, I yield two minutes to the gentleman from Kentucky [Mr. LANGLEY].

[Mr. LANGLEY addressed the House. See Appendix.]

Mr. HENRY of Texas. Mr. Speaker, I yield five minutes to the gentleman from Virginia [Mr. SAUNDERS].
Mr. SAUNDERS. Mr. Speaker, the proposition that because a thing has been done in a certain way for a long period of time, we should therefore continue to do it in that way, for all time to come is not one that appeals to me very strongly. overthrow of Cannonism was due to dissatisfaction with the old way of doing things. One outcome of our protest against the established order of stand-pat-ism, is the present Democratic House. The whole system of rules is a purely artificial creation designed to enable a legislative body to do business. When a change in these rules, is necessary to enable this body to do public business more efficiently, that change should be effected, whether it comes about through a rule from the Rules Committee, or not. The test should be, whether it is in aid of the public business. The fact that it is an innovation need arouse no antagonism. If riders to the pending, or any other bill are required to enable the House to meet public expectations in respect of needed legislation, then riders should be utilized, and the required legislation thereby afforded. All of us know the condition of legislation in this body. We also know the difficulty of securing consideration for ordinary legislation at the other end of this Capitol, and we further know with respect to the legislation that is embodied in this report of the Committee on Rules, that if we wish affective action on this legislation. on Rules, that if we wish effective action on this legislation it is necessary to attach it to the pending bill, as we have the right to do. in due and orderly course, by adopting this rule.

Talk about rules! The system of rules that formerly prevailed in this House muzzled, and shackled the Members. This rule gives to this body, which is above all its committees, the opportunity to deal with questions of transcendent importance which are agitating the country to-day from one end of it to the other—the parcel post, steel cars for the railway mail clerks, and national

aid to roads in the States. If it is not possible to secure adequate consideration of these matters, other than by a rule, and it is not, then the rule is the proper parliamentary agency for us to employ. Some gentlemen in arguing the proposition of national aid to roads, as embodied in the rule have insisted that the proposed legislation would interfere with or trench upon the functions of the States. To a bill to this effect I would be unalterably opposed. I would favor no measure that would disturb, or derange these functions, but the gentlemen who make this criticism of the proposed measure, are simply unacquainted with its terms. One participant in this debate asserted that the road bill was a form of centralization. Not at all. The proposition as to national aid to reads which is found in the report from the Committee on Rules, and which is made in order that it may be considered by this House, has no sort of relation to centralization, and in no wise interferes with local and domestic affairs in the States.

One element of merit in the particular proposition relating to roads is that we have eliminated from it every feature of national control over local concerns, or domestic highways. that the rule under consideration proposes to do with relation to this, and the other propositions embodied therein, is to give this supreme legislative body an opportunity to deal with them fairly and squarely. Who challenges the propriety of this action, or questions that such a course is at once safe and sound? It is the policy of meeting an issue, in lieu of shirking, or

Mr. ANDERSON of Ohio. Mr. Speaker, will the gentleman yield?

The SPEAKER pro tempore. Does the gentleman from Virginia yield to the gentleman from Ohio?

Mr. SAUNDERS. I do.

Mr. ANDERSON of Ohio. Do I understand that the adoption of this rule will permit the consideration of the Lloyd bill, eliminating the gag rule?

Mr. SAUNDERS. Certainly.

I ask the gentlemen in opposition to take issue on the merits of this proposition. Announce to the country at large, if you will, that you are opposed to the policy of allowing this body to deal effectively with the questions carried in this rule. Say to the country, if you will, that the Democratic attitude of freedom of opportunity is wrong, and that when the Committee on Rules seeks to aid us to arrive at the consideration of these great questions, to which its rule relates, its aid should be re-Avow frankly that you are opposed to any opportunity of consideration being afforded preferring to go on, in what you call the old way, a way which consisted in submerging propositions of national interests, and keeping them from legislative contemplation. This is what Cannonism did, and on this account Cannonism was rejected by the country. This rule, Mr. Speaker, merely makes in order a number of germane propositions of great importance, and gives to this body the opportunity to consider them. If that be treason, I say, make the most of it. [Applause.]

Mr. HENRY of Texas. Mr. Speaker, I yield three minutes to the gentleman from Tennessee [Mr. Austin].

Mr. AUSTIN. Mr. Speaker, the majority of this House has not proposed new legislation, so far, that has met with my approval. But I do want to be fair enough to say that the present Post Office appropriation bill reflects credit on the majority of this House. [Applause.]

I shall vote, as long as I am in this House, for any proposition that I believe is for the general interests of the people, regardless of its authorship. I am going to vote for this rule, and I also intend to vote for the appropriation bill-the Post Office appropriation bill. I feel proud of the fact that the chairman of the Committee on the Post Office and Post Roads is a colleague of mine, and represents an adjoining district in Tennessee, and I hope he will be returned here as long as he de-[Applause.]

I believe in the protection of the postal employees and in the earliest possible substitution of all-steel cars for wooden cars for the protection of their lives. I believe in a definite and fixed 8-hour day for post-office clerks and city carriers, and also an increase of pay for the rural carriers. I favor a reclassifica-

tion of the railway postal clerks.

I have made two campaigns-successful campaigns-and advocated in each of those campaigns national aid for public roads, and I intend to stand on that proposition in this House.

I am opposed to what has been denominated the "gag law" or civil-service rule that prevents a Government employee from appealing to his Representative in Congress to look after any grievance that the employee may have with the department with which he is connected.

There are a number of other very just and wise provisions in this bill, and I regret that the limited time yielded to me will

not permit me to go more fully into them. But I regret exceedingly that the Republican Party in the Sixty-first Congress did not pass the bills which you intend to include in this Post Office appropriation bill by this special rule, and I hope my Republican colleagues on this side of the House will prove to the country that the Democratic Party shall not have all of the credit for this legislation, for it is in the interests of the people, and should become a law at the earliest possible time, and no technicality or rule of this House should stand in the way. It affects the interest of every class of our constituencies, and it ought to appeal to every Member of this House, regardless of which side of the Chamber he sits upon. [Applause.]

Mr. HENRY of Texas. Mr. Speaker, I yield three minutes

to the gentleman from Indiana [Mr. BARNHART].

The SPEAKER pro tempore. The gentleman from Indiana

[Mr. BARNHART] is recognized for three minutes.

Mr. BARNHART. Mr. Speaker, I am in favor of this rule. I am in favor of it for the 23 varieties of reasons to which my friend from Kansas [Mr. CAMPBELL] called attention awhile ago; but I am especially in favor of it because, in addition to being a Member of this House, I hope I still represent the great and glorious profession of journalism in this country. When I went before the Committee on Rules yesterday I gathered up from the desks in this House 10 of the greatest newspaper publications of this country. Two of them carried the names of the editors; 1 of them carried the name of the The other 7 were circulated by the thousands and hundreds of thousands as anonymous publications. who reads them only knows the authorship or inspiration of those publications and their editorials. If the amendment in this rule prevails and this provision becomes a law, the country will know who controls or directs editorial opinions of the day. It will bring the honest editor out from under the anfair suspicion that he is controlled by evil influences.

Mr. MURDOCK. Will the gentleman accept the amendment of the gentleman from Texas [Mr. BURLESON], if he offers it, that the names of the bondholders shall also be published?

Mr. BARNHART. I certainly will. I want to make the act as broad and effective as possible. We have heard it said, and we have accepted the sweet philosophy for years, that the hand that rocks the cradle is the hand that rules the world; and I believe that the hand that writes the editorials is the hand that guides the world. And we ought to have that hand as clean and righteous as it is possible to make it.

For these and many other reasons I hope the rule will be

[Applause.]

Mr. HENRY of Texas. I ask the gentleman from Pennsylvania [Mr. Dalzell] to use some of his time.

Mr. DALZELL. I yield 10 minutes to the gentleman from

Illinois [Mr. MANN].

Mr. MANN. Mr. Speaker, this is the most remarkable rule, filled with curiosities as it is, that has come before this House during my service of now a little more than 15 years in the

I do not understand how the Committee on Rules managed to escape including in this rule some other propositions that are pending before the House. Why, for instance, does the Committee on Rules include a proposition to take possession of the express companies practically at once, a proposition which has not been reported by any committee of this House, and fail to include in the rule a proposition to make in order the consideration of the substance of the bill already reported from the Committee on Interstate and Foreign Commerce, regulating the rates which express companies may charge? Upon what theory has the Committee on Rules proceeded to pay no attention to the bills which have been considered by committees of the House, charged with consideration of the subject matter, and reported a rule to make in order a proposition which has not been considered by any committee of the House, unless it be the Committee on Rules, which knows nothing about the matter, and if it did has given no consideration to the subject?

Why does the committee, in reporting the rule, make in order the Shackleford bill and not make in order the Underwood resolution? Why did the Committee on Rules turn down the majority leader of the House in the resolution which he introduced concerning the study of the subject of highways, and the relation of the public funds thereto, and report the Shackleford resolution, which had never been considered by the Committee on the Post Office and Post Roads, which has this subject under consideration, and propose to consider only the bill reported by the Committee on Agriculture?

Mr. CAMPBELL. Mr. Chairman-

Mr. MANN. I do not yield.

Mr. CAMPBELL. I wanted to answer the gentleman's ques-

Mr. MANN. The gentleman can not anticipate the question.

Mr. CAMPBELL. But the gentleman asked a question. Mr. MANN. The gentleman can not answer the question.

The SPEAKER pro tempore. The gentleman from Illinois

declines to yield.

Mr. MANN. No one can give a reason for it. There is no reason for it. This is blind groping in the dark by men with-

The Underwood resolution has already Mr. CAMPBELL.

been favorably reported by the Committee on Rules

But it is not in order; is not a privileged bill; Mr. MANN. can not be offered as an amendment to this bill. The gentleman's committee proposes to make in order as an amendment on the Post Office appropriation bill another bill standing on an equal footing in the House. Why did they not make the Underwood bill in order as an amendment on the Post Office bill? The gentleman's answer shows that he, at least, on the committee knew nothing about the subject. [Applause.]

Mr. HENRY of Texas. Will the gentleman allow me to cor-

rect him?

Mr. MANN. In his own time, which I did not restrict. The gentleman from Texas has reported a resolution involving almost everything under the sun, and perhaps some things beyond our sun in other skies, and himself declined to yield to questions, alleging that he did not have the time, although he had made the motion which shut off the time.

It is the first time I ever have seen in this House a proposition involving so much where the gentleman in charge refused to explain, refused to answer questions, declined to yield, because he did not have the time which he himself had restricted.

Now, Mr. Speaker, I took the floor in the main for the purpose of saying that if we have to vote on this rule as a whole, I shall vote against it. I have no criticism of those who desire to vote for the proposition in the bill. I believe it is always within the power and the right of the majority of a legislative body to enact legislation which it favors, and, having that right, they have the right to bring in a rule providing that it shall be in order on a bill to take it up by itself and providing for its consideration in any manner. I do not criticize that. My criticism is directed against reporting a proposition into the House involving important matters, concerning which no one in the House knows anything, and concerning which there has been no consideration before the country, before the House, or before the committees of the House. It is my purpose, when the debate shall be closed, to demand a separate vote on the various propositions involved in this resolution, and unless the Speaker, which I do not think he will do, shall propose that he is a greater czar and more defiant of the House than Czar CANNON in his day, we will have a separate vote on the substantive propositions in the rule.

I shall ask for a separate vote on the parcel-post proposition in the bill, which, if I can not obtain anything better, I shall vote for. I hope if it is made in order it will be made of more value than the provisions in the bill, but I shall vote against the propositions which are not in the original Post Office bill if I can have a separate vote on this rule as to the different

propositions.

Mr. Speaker, there are times when I have the highest respect for this body as a whole and for its individual Members. But there are times when I can see more cowards in the House of Representatives in the same number of men than can be found in an equal number anywhere else in this country. [Applause.]

I prefer when I go out of public life to be turned out because

I have had the moral courage to vote according to my own convictions, rather than to be chasing to know the popular sentiment of this proposition to-day, guessing what it shall be to-morrow, and hoping that my turn may go with the turn of the wind. If this House votes according to its own sentiment, according to what it believes, according to what it knows, according to its real judgment, it will not go far astray upon any of these propositions, but if it votes out of cowardly fear it loses its own self-respect. It may retain its membership, but it will not be as well off as if it had lost a large portion of it. [Applause.]

Mr. HENRY of Texas. Mr. Speaker, I yield five minutes to the gentleman from New York [Mr. Fitzgerald].

Mr. FITZGERALD. Mr. Speaker, I shall not vote for this ale. It contemplates the consideration on the Post Office appropriation bill of certain legislative provisions. They may be generally divided into two classes: One, a class of provisions that have been considered by the Committee on the Post Office and Post Roads, the committee which, under the rules of the House, has jurisdiction of the provisions in the bill and which it has reported for the consideration of the House; and the other, certain provisions which have not been reported from that committee. One of the latter provisions, contemplating legislation of the most comprehensive and important character, has not been reported from any committee, and one which, although

reported from a committee, has received slight if any consideration whatever.

I am not opposed as a universal thing to legislation on appropriation bills, but I believe there is a clear line of demarcation that should be observed in order to obtain beneficial results. Legislation that is designed to remedy legislative abuses or to advance the interests of good administration may properly and wisely be included in these bills. But legislation that proposes to initiate new and untried and poorly considered schemes of governmental activity, in my judgment, unwisely are placed in these bills. My recollection is that back early in the seventies it was a Republican Congress that enacted the Federal supervisors' election law as a part of an appropriation bill.

I have no desire to provoke retaliation from that side of the House when eventually the Republicans come into power by the adoption of such rules as will permit a repetition of such legislation. I do not believe it wise to attempt to legislate on these matters in this way. I am heartily in favor of most of the provisions reported by the Committee on the Post Office and Post Roads and incorporated by the committee in this bill. I should welcome an opportunity to support such provisions. But if the price to be paid to obtain the consideration of them is to support a rule which permits consideration of these other two provisions-one for the condemnation of the express companies and the other for the initiation of a policy of giving Federal aid to State and local roads—then I shall not support the rule. The disadvantages that will follow far outweigh the bene-

fits to accrue from the provisions which I favor.

The adoption of this good-roads policy would end any hope that the Democratic Party may have to make a record for economy in this session. According to the reports, as I have been able to gather them, the least that will be taken under this provision, if it be adopted, is \$15,000,000 a year, and it may run up to thirty or forty millions a year. No one who favors aid from the Federal Government for State roads will pretend for a moment that the payment of \$30 per annum per mile for the upkeep for macadamized roads would be of any advantage whatever in the maintenance of such roads. I do not believe the Federal Government should enter upon that policy. I am unwilling to have considered this so-called compromise scheme, which was hurriedly put together by the advo-cates of some 38 different propositions, if I recall correctly, and overnight reported by the committee which was supposed to be giving deliberate, careful consideration to legislation of this character

Mr. SAUNDERS. Mr. Speaker, will the gentleman yield? Mr. FITZGERALD. I only have five minutes, and I have no time to yield.

Mr. SAUNDERS. But the gentleman is making statements with respect to this bill and its preparation and consideration about which he is absolutely in error.

Mr. FITZGERALD. Mr. Speaker, the gentleman from Virginia will pardon me. That question can be discussed by the gentleman in his own time. I decline to yield further. I am entitled to make my own statement, and my statement is based upon the reports contained in the press of this city, which are usually pretty accurate in detailing such matters.

Mr. SAUNDERS. But here is—

Mr. SAUNDERS. But here is—
Mr. FITZGERALD. Mr. Speaker, I decline to yield further.
Members, like myself, a great many, the vast majority of the
House, are busily engaged in committee work. Since the 4th
day of December, the Christmas holidays, with the exception of five days, I have been engaged every day in considering estimates submitted by the various departments. They necessitate the investigation of every conceivable governmental question. Such work occupies all of my time. It is important, difficult work, and can not be shirked or neglected. Therefore, I must rely, as many others must rely, very largely for information upon the reports of committees upon important legislation not originating in the committee of which I am a member. I am unable to be in the position that the gentleman from Texas [Mr. Henry] says Members should occupy, namely, prepared at any moment to consider these important matters. I think it is unfair to Members of the House to inject in this way legislation of such character for their consideration. It is not my desire nor the desire of others who believe as I do to obstruct or prevent legislation, but we desire honestly to consider legislation properly, and should not be put in the position where it is impossible to do so.

The SPEAKER pro tempore. The time of the gentleman from New York has expired.

Mr. DALZELL. Mr. Speaker, I yield 10 minutes to the gentle-

man from Illinois [Mr. CANNON].

Mr. CANNON. Mr. Speaker, this House of Representatives adopted a code of rules agreed to in caucus. One of those rules prohibits general legislation upon appropriation bills. For

over two generations general legislation, especially of a non-administrative character, has been substantially prohibited upon general appropriation bills. And why? Under the Constitution the money must be appropriated from the Treasury in order that the public service may be carried on. It has been found if you place a condition upon the voting of money from the Treasury certain legislation that one body may not approve or that the other body may not approve, which is ordinarily crude and ill digested, is not good legislation. Therefore the rule.

I quite agree with what the gentleman from New York [Mr. FITZGERALD] said, that at times matters of administration are by unanimous consent proper to be placed upon appropriation bills, and sometimes by special rule. I think it would have been entirely apt and proper that the paragraph in the Post Office appropriation bill touching parcel post should have been covered and made in order for consideration by a special rule. That is a matter which has been considered by the Committee on the Post Office and Post Roads. But what does this resolu-tion propose to do? How many Members desire to consider as a rider of the Post Office appropriation bill the question of ownership of railways by the Government-

A MEMBER. Express companies.
Mr. CANNON. Oh, railways.
Mr. MANN. That would be an amendment in order.

Mr. CANNON. Probably an amendment in order, and there are people who believe if you take over express companies under this power as proposed, that it would lead to Government ownership. How many of you touching that matter like that proposition? How many of you like one of a half dozen propositions here? And yet the gentleman from Tennessee [Mr. Moon] and the gentleman from Texas [Mr. HENRY] and gentlemen on this side of the House who are going to vote for this rule say that those who are opposed to it are opposed to the parcel post-are against the will of the people-anathema maranatha. Why, gentlemen in their enthusiasm will not be offended if I say this is pure, rank demagoguery. Now, I am perfectly willing to vote for a special rule to consider every proposition that was reported from the Committee on the Post Office and Post Roads, including parcel post, increase of salaries, and so forth; but, says the gentleman, all times are proper, and this is the place to give righteous legislation. Look here, Why, did not you make it in order by this rule on this other bill to change the law touching conspiracy? Why did not you, in making and reporting this rule, make it in order to amend this bill to try contempt cases by jury? Your last national platform declares for such legislation.

Mr. BARTLETT. Or repeal the oleomargarine bill?
Mr. CANNON. Oh, yes; and 40 other things. Why did not you report this rule and let this House, the greatest legislative body on earth, acting for 90,000,000 people, put on all of the good legislation, especially that which you pledged in your national platform, upon an appropriation bill to make sure that the Government will starve unless the Senate agrees to the bill? Why did not you do it? I will tell you why, because you are sweating great drops of blood, figuratively speaking, for fear you will have to vote on some of these questions. What answer are you going to make to Samuel Gompers

Mr. HENRY of Texas. Will the gentleman yield there? Mr. CANNON. Well, the gentleman did not yield. Mr. HENRY of Texas. I do not believe the gentleman from

Illinois asked me to yield.

Mr. CANNON. Why, certainly; if the gentleman will yield me enough time to answer one question.

Mr. HENRY of Texas. I will do that. Mr. Speaker, the gen-

tleman speaks of a rule in case of indirect contempt and injunction. Mr. Speaker, I desire to say to him that the Judiciary Committee has authorized a report on those bills, and he will have an opportunity surely of voting on them before this session is at an end. [Loud applause on the Democratic side.]

Mr. CANNON. Why did not you put it on an appropriation bill [applause on the Republican side], this appropriation bill where the gentleman says the Government shall not go on

unless the Senate agrees to your legislation?

Mr. HENRY of Texas. We intend to put it on the statutes. Mr. CANNON. I have answered the gentleman's question—oh, put it on the statutes. Suppose the Senate will not have it? Mr. HENRY of Texas. Then the people will defeat the bal-

ance of them. Mr. CANNON.

Oh, the gentleman is not candid-

The SPEAKER pro tempore. The time of the gentleman from Illinois has expired.

Mr. CANNON. Mr. Speaker, I would like a minute more to

Mr. DALZELL. I yield the gentleman two minutes more.

Mr. LANGLEY. The gentleman from Texas owes him a minute.

Mr. HENRY of Texas. I yield to the gentleman one minute, Mr. CANNON. That makes three minutes. [Laughter and applause.] Now, unless this rule is voted upon and amended, the gentleman, my colleague from Illinois, having given notice that he would ask a separate vote upon every substantive proposition, I will vote against the rule. I will vote for the consideration of many of the propositions in the rule, especially that which pertains to the postal service, but I will not go beyond that.

Oh, let the people rule [laughter], said the gentleman from Wisconsin [Mr. Lenboot]. He would vote to report anything from the Committee on Rules for which the majority of the members would sign a petition. Why, every member of the Illinois Legislature—and I have no doubt it would be possible here where we sign petitions pro forma—every member of the Illinois Legislature some years ago signed a petition that the governor should be hanged and drawn and quartered. [Laughter.] You get petitions from Members of this House, and you find people who are asked to sign, do sign all the petitions substantially. Let the House act here, not upon petitions of Members of the House of Representatives, but let it act officially. So much for that. I wish and I hope I may get a little time in the event this rule is adopted to address the House further, and if perchance the rule should not be adopted I hope that the opportunity will be given to perfect this Post Office appropriation bill, which we have before us, touching the postal service. [Applause.]

Mr. HENRY of Texas. Does the gentleman from Pennsylvania [Mr. Dalzell] wish to use any more of his time?
Mr. DALZELL. Do I understand the gentleman has only

one speech now?

Mr. HENRY of Texas. Only one speech in conclusion.

Mr. DALZELL. Mr. Speaker, I do not propose to discuss the merits of the various legislative propositions in this rule. wish to discuss simply the methods by which these propositions are sought to be enacted, and I venture to say, without fear of contradiction, that no such proposition has ever before been

presented by a Committee on Rules to any House.

What is this proposition? The rules of the House prescribe that no general legislation shall be permissible upon a general appropriation bill. This proposition is that we shall make in order 12 substantive legislative provisions that are reported in the Post Office appropriation bill and that, under the rules of the House, are not in order. It proposes, in addition to that, that we shall make in order for consideration by the House at this time a bill which comes from the Committee on Interstate and Foreign Commerce, a bill over which the Committee on the Post Office and Post Roads has no jurisdiction, a bill which the Committee on Interstate and Foreign Commerce has had under consideration for some considerable time, but up to this time has not found itself prepared to report. It proposes that we shall make in order on this Post Office appropriation bill a bill that comes from the Committee on Agriculture, over which the Committee on the Post Office and Post Roads has no jurisdiction. It proposes we shall make in order on this Post Office appropriation bill an amendment not sent to any committee, not originating with any committee, but originating with individual Members of this House and formulated for the first time in a hearing before the Committee on Rules.

It seems to me, gentlemen, that without much argument it is clear that if we indulge in this method of legislation we might rs well abolish entirely this particular rule of the House with respect to general legislation on appropriation bills.

Now, what is it that the Committee on the Post Office and Post Roads proposes to have made legitimate by this rule? The new legislation that they propose is as follows: •
They provide for new equipment of railway postal cars.

For the prevention of combinations among bidders for postal contracts.

For bonding in the naval-postal service.

For a readjustment of compensation in certain cases after weighing.

For an extension of the eight-hour law.

For the amendment of civil-sevice rules, and the legalizing of labor unions in the postal service.

For the grading and compensation of railway postal clerks by the Postmaster General.

For a limited parcel post and the appointment of a commission to report on a general parcel post.

For a change in the compensation of rural letter carriers.

For free delivery in villages.

For the establishment, maintenance, and extension of postal savings depositories.

For the designation of naval clerks in the Marine Corps.

Each and every one of these is a substantive proposition, which is prohibited by the rules from being in a general appropriation bill. As legislation they are entitled to a separate report by that committee, to separate consideration by this House to be voted upon, under the penalty that if they are not, the appropriations to carry on the business of the Government shall fail.

Now, it is said that this is the only opportunity that we will have to vote upon these measures. If that be so, then the responsibility rests with the majority of this House. The Committee on the Post Office and Post Roads was appointed on the first day of the first session of this Congress, more than a year It has never reported any of these substantive propositions. Nothing prevents it reporting each and every one of them in a separate bill within 24 hours of this time, and nothing prevents their consideration under the regular rules of the House. But if consideration under the regular rules of the House should prevent such consideration, the Committee on the Post Office and Post Roads has a good case to appeal to the Committee on Rules for a rule for their consideration.

Now, then, what more does this rule propose by way of setting aside the rules of the House? It proposes that on a post-office appropriation bill you shall consider a bill to regulate commerce with foreign countries and between the States and to increase the facilities and the efficiency of the postal service, a bill that, as I have said, has been before the Interstate and Foreign Commerce Committee for a long time and upon which testimony has been taken, about which that committee has not yet made up its mind, about which it has not reported, and which will involve, if adopted, an expenditure upon the part of this Government of some \$34,000,000 to \$40,000,000. You are asked to consider that out of its order by virtue of a rule in connection with legislation on a general appropriation bill from the Committee on the Post Office and Post Roads.

And that is not all. It is proposed that on this general appropriation bill you shall consider a resolution which went to the Committee on Agriculture and which means the opening wedge toward the initiation of Federal legislation for the building of good roads in this country. That is a measure that deserves separate consideration. That is a measure that deserves to go to the Senate for its approval, unaffected by any danger of cutting off an appropriation. That is a matter that the President of the United States has the right to consider, when he comes to sign or refuse to sign the bill, unembarrassed by any consideration relating to an appropriation.

And that is not all. We are asked to consider under this rule in connection with the general appropriation bill from the Committee on the Post Office and Post Roads a provision which makes it incumbent upon the editors and managers and owners of every newspaper, periodical, and magazine in this country to spread upon their front pages the names of substantially all the parties connected therewith. That has not gone to any committee, has never been considered by any committee, and has never been urged, save by individual Members appearing before the Committee on Rules at a private hearing.

Now, without taking up the time of the House further, what I protest against is the inauguration of legislation by any such method as this. Why, this Chamber has rung, year in and year out, with denunciations of the Committee on Rules for compelling the House to consider measures arbitrarily at the instance of the Committee on Rules, fixing the method by which those measures should be considered; and yet in all the history of all the Congresses no Committee on Rules ever undertook to introduce and ask favor for a resolution of such a character as this. [Applause on the Republican side.]
The SPEAKER. The time of the gentleman has expired.

The gentleman from Texas [Mr. Henry] is recognized for 15 minutes.

Mr. HENRY of Texas. Mr. Speaker, I yield the balance of my time to the gentleman from Georgia [Mr. HARDWICK].

Mr. HARDWICK. Mr. Speaker, the distinguished gentleman from Illinois [Mr. Mann] charges the Committee on Rules and the House of Representatives with cowardice because of the presentation of this special rule. If I had to draw the indictment, it seems to me the charge would be different. I am not sure but that I would put it "foolhardy courage." No man on earth can justly say that the party or the committee which proposes to throw open to all amendments questions upon which the people of every congressional district in the United States are so much divided can justly be charged with cowardice or unwillingness to face issues. [Applause on the Democratic side. I

The proposition upon which the greatest assault has been made in connection with this rule is the proposition to give Federal aid to the post roads of this country. The statement was made by a distinguished gentleman on this side of the Chamber that that proposition had not received consideration from any committee of this House. Upon authority of numbers of gentlemen who are members of the committee that did consider it, I wish to state to that gentleman, as well as to the House, that for weeks this matter received intelligent and careful consideration by the Committee on Agriculture, by whom it was reported with scarcely a dissenting vote, if any, on either side of the Chamber.

Not only that, but, gentlemen of the House, your Committee on Rules was confronted by a petition signed by 225 Members of this body asking that the House of Representatives be allowed to vote on this proposition in connection with the Post

Office appropriation bill, to which it is germane.

Gentlemen may scout the idea that the Committee on Rules should pay any attention to the wishes of the majority of this House. Ah, they have scouted that idea in the past. I remember another occasion, not many years ago, when the control of this House was in different hands, when the Committee on Rules did deny to nine-tenths of its membership a proper and legitimate petition.

But the American people repudiated such leadership, and they sent us here to-day because they believed the Democratic Party at least would pay attention to what the majority of the Members want, and would give effect to what the majority of the people of this country demand. [Applause on the Democratic side.]

There are things in this rule that no gentleman will oppose. We propose to make in order, by this rule, provisions for better and safer cars for the railway mail clerks of the country. What gentleman will oppose it?

We propose to make in order-and it could not be in order but for the adoption of this rule-protection of civil-service employees from unjust discharge for political or personal reasons. What gentleman on either side of this Chamber will oppose it?

We propose to make in order an equitable and fair regrading of the railway mail clerks of this country. What Member, Democrat or Republican, dares oppose it?

We propose to prevent combination among bidders who are seeking to furnish the Post Office Department with supplies, so that the Government may be saved from extortion and robbery. What gentleman on either side of this House opposes it?

Mr. BARTLETT. If that be true, as doubtless it is, was a rule necessary in order to have these propositions put upon the

Mr. HARDWICK. A point of order might be insisted upon, and my colleague knows full well that if insisted upon it would be good.

Mr. BARTLETT. I thoroughly agree with the gentleman that these propositions ought to go on the bill.

Mr. HARDWICK. Those propositions ought to stay in, and this rule was the only way in which we could secure absolute safety on each one of those propositions.

We have also proposed to open up to the widest extent the parcel-post question, so that the Representatives of the American people may voice their convictions upon this floor, and so that the majority of the people of America shall have what the majority of the elected Representatives of the people declare they desire. Is that cowardice? Is that dodging? Is that shunning the question? Is that avoiding the issue?

The gentleman criticizes us for sending in here, to be voted on in connection with this parcel-post question, what is called the parcel-express question. Yet no gentleman will deny that there can be no intelligent consideration of the parcel-post question as a whole unless the Goeke bill be considered and settled.

Gentlemen insist that this rule is drastic; that it goes too Gentlemen of the House of Representatives, my reply is that the rule does nothing except let the House consider and vote upon each one of these questions and do whatever each Member thinks is right with each one of these questions.

Now, gentlemen, we have heard a good deal to-day about the details of this rule. The gentleman from Illinois [Mr. Mann] asked why we did not include the proposition of my colleague [Mr. Adamson] to regulate express rates. We did not do that simply because it was not germane to the question as to whether we shall have a parcel-post system or not.

Mr. MANN. Will the gentleman yield?

Mr. HARDWICK. I will if my colleague will make it short.

Mr. MANN. It is germane to the question of taking posses-

sion of and purchasing the express companies.

Mr. HARDWICK. Not at all; because if we are to purchase them and operate them as a parcel-post system there will be no necessity whatever to regulate the rates they charge, because the Government will run the system and fix the rates by law.

Mr. MANN. No; but it is germane to have the right to vote on the alternative proposition, which you decline to give.

Mr. HARDWICK. We are to vote on the parcel post, and not

on the regulation of express rates.

Now, what else? The gentleman from Illinois [Mr. Mann] raised the point that we ought to have considered the Underwood resolution, simply providing for a commission to investigate the good-roads question. My answer to him is twofold: First, we felt bound to report what is known as the Shackleford proposition, because 225 Members of this House insisted that it was their desire to have a vote upon that question, and no demand whatever was made on the committee to report, in connection with this bill, the Underwood proposition. We do not submit the Underwood proposition in connection with the Shackleford proposition, because if the House of Representatives is to adopt the Shackleford proposition at all, there is no need to have a commission at all, because we will go much further than that at the first step. If the proposition should be beaten, the Committee on Rules have already reported favorably the Underwood resolution, and we can get a separate vote on the Underwood proposition afterwards.

Now, gentleman, a great deal of objection is raised to this rule, because they say it involves legislation in connection with

an appropriation bill.

Let me say now what I said when this Congress was first organized, that it is my deliberate judgment that in 1837, when a coalition of Whigs and Independents forced this House, the Democrats being in the minority, to pass this rule which provided against legislation in connection with appropriation bills, they absolutely destroyed to a large extent the power, importance, and influence of the House of Representatives in comparison with other branches of our Government. The power over the purse, the power to deny appropriations unless legislation is granted, has always been the great power of the com-mons in every parliamentary body on this earth.

It was the power that forced right and justice from the Eng-It was the power that in the Constituent Assembly that secured the liberty and rights of Frenchmen. And to-day, my friends, it is the one thing that is needed to restore the American House of Representatives to that power, that influence, that dignity, that importance to which it is so justly entitled and of which it has been deprived by its cowardly surrender of its rights in 1837 and failure to resume them since.

[Applause.]

So far as the Democratic Party is concerned, we are willing to trust the people. So far as the Democratic Party is conwe believe that the Representatives who come fresh from the people every two years, who are accountable at frequent periods to the people who send them here, who have a practical recall constantly staring them in the face, can be trusted to protect the popular rights and to promote the interests of all the people. I believe that anything that enhances the power of the popular branch of Congress, anything which tends to increase its dignity and its importance, is a long step forward in the march of popular government.

So we present this rule, confident that the people of America will understand that so long as the Democratic Party is in control of this House, in this historic Chamber, the House of Representatives is going to assert itself; that we are going to legislate whenever the people demand it, and legislate in connection with appropriation bills; that the House in reclaiming to some extent its ancient prerogatives is taking a long step forward in the fight for popular government. [Applause.]

Mr. MANN. Mr. Speaker, I ask a division of the question on

the substantive propositions.

Mr. HENRY of Texas. Mr. Speaker, I make the point of

order that the gentleman's request is not in order.

Mr. MANN. Upon that I desire to be heard.

Mr. HENRY of Texas. And I desire also to be heard on it.

The SPEAKER. The Chair would like to inquire of the gentleman from Illinois exactly what his proposition is.

Mr. MANN. I demand a separate vote on various substantive propositions in the resolution. I refer to the printed report. ask for a separate vote on the proposition on page 3, under the heading of section 8, providing for a rural parcel post, and under the same section, toward the top of page 4, providing for a commission; and also a separate vote on the three proposia commission; and also a separate vote on the three proposi-tions, following the language at the bottom of page 4, one a con-demnation of express companies, one the roads proposition, at

the top of page 7, and the other the Barnhart proposition, at the end of page 7.

As to the others I have no desire for a separate vote, as far as I am concerned.

Mr. HENRY of Texas. Mr. Speaker, the Chair understands that I make a point of order that the request is not in order.

The SPEAKER. The Chair so understood and the Chair will hear the gentlemen.

Mr. MANN. Mr. Speaker, paragraph 6 of Rule XVI reads as follows:

On the demand of any Member before the question is put, the question shall be divided if it includes propositions so distinct in substance that if one be taken away a substantive proposition shall remain.

And the question is whether after the previous question has been ordered on the report from the Committee on Rules, or a resolution providing that certain things shall be in order, the substantive propositions in that resolution shall be separated and voted upon separately.

The matter is not without precedents in the House. The Speaker will remember that at the first session of the Sixtieth Congress the Democratic side of the House, under the able leadership of Mr. WILLIAMS, of Mississippi, was conducting an

open and avowed filibuster.

The Committee on Rules, on April 8, 1908, page 4505 of the RECORD, reported this rule as a privileged report, the report being made by the gentleman from Pennsylvania [Mr. Dalzell]:

ing made by the gentleman from Pennsylvania [Mr. Dalzell]:

Resolved, That on this day and on Thursday of this week the House
shall take a recess at 5 o'clock p. m. until 11:30 a. m. of the next calendar day; that on Friday, April 10, at 11:30 a. m., the Speaker shall
declare the House in Committee of the Whole House on the state of the
Union for the consideration of H. R. 20471, the naval appropriation
bill; that at 5 o'clock p. m. on Friday, April 10, the Chairman of the
Committee of the Whole House on the state of the Union shall declare
the committee in recess until 11:30 a. m. on Saturday, April 11; that
at 5 o'clock p. m. Saturday, April 11, the Chairman of the Committee
of the Whole House on the state of the Union shall declare the committee in recess until 11:30 o'clock a. m. on Monday, April 13.

That general debate on the naval appropriation bill shall close not
later than at 5 o'clock p. m., Saturday, April 11; the time to be equally
divided between the majority and minority and controlled by the chairman of the Naval Committee and by the senior member of the minority:
Provided, That if general debate shall be concluded prior to 5 p. m.
on Saturday the 11th, the Chairman of the Committee of the Whole
shall at once declare the committee in recess until Monday, April 13,
at 11:30 a. m.

On that report the gentleman from Pennsylvania demanded the previous question. The previous question was ordered. Twenty minutes' debate was had upon a side, precisely as has been the case in the present instance, with the exception that here the debate, by unanimous consent, has been a little longer, and the Speaker will notice that that entire resolution which I have just read related to the same general subject matter, namely, the meeting of the Committee of the Whole House on the state of the Union on the consideration of the naval appropriation bill. When debate had concluded under the twenty-minutes-a-side rule, the gentleman from New York [Mr. Fitz-GERALD], the most distinguished parliamentarian upon that side of the House, if not in the country, rose and said:

Mr. Speaker, I ask for a division of the resolution.

And he called attention to the rule which I have just read. He was asked by the Speaker to state the different substantive propositions, which he proceeded to do. The gentleman from Pennsylvania made this statement:

The resolution is nothing more nor less than a program of legislative proceeding, and it is absolutely impossible to make any distinction and take away a part of it.

But the Speaker, Mr. Cannon, who has at different times in the country, by different people, been accused of being a czar and of not giving the minority that fair treatment which they sometimes insisted they should have—and I think I have heard the gentleman from Texas make such remarks-said:

The Chair is prepared to rule. On a careful examination of this rule the Chair finds that there are five substantive propositions, and five only, so that if the gentleman demands a separate vote upon either or all of them a separate vote will be taken.

And a separate vote was taken.

Mr. HENRY of Texas. Mr. Speaker, the matter here is embraced in one substantive legislative proposition, and that is, Shall this resolution containing certain things, with one resolving clause, be adopted by the House? I freely concede that if there were several resolving clauses in the resolution, then the precedents are overwhelming that a division could be demanded upon each one of them. Let me call the attention of the Chair to this language in the notes to the Rules of the House of Representatives, at page 384 of the Digest, Sixty-second Congress, second session:

rate vote on each rule. In voting on the engrossment or passage of a bill or joint resolution a separate vote on the various portions may not be demanded or on the preamble of a bill.

If the Chair will permit me, I desire now to call attention to this precedent, which is found in volume 5 of Hinds' Precedents, on page 599:

on page 599:

On December 2, 1901, the question was on agreeing to the following resolutions:

"Resolved, That the rules of the House of Representatives of the Fifty-sixth Congress be adopted as the rules of the House of Representatives of the Fifty-sixth Congress be adopted as the rules of the House of Representatives of the Fifty-seventh Congress, with the following modifications:

"1. That the special orders adopted March 8 and March 14, 1900, providing a method for the consideration of pension bills, claim bills, and other private bills, shall be continued during the Fifty-seventh Congress.

"2. That the place of the Select Committee on the Twelfth Census in the rules of the Fifty-sixth Congress shall be filled in the rules of the Fifty-seventh Congress by a standing committee on the census, to consist of 13 members, and have jurisdiction of all proposed legislation concerning the census and the apportionment of Representatives.

"Resolved further, That there shall be appointed to serve during the Fifty-seventh Congress a select committee on industrial arts and expositions, to consist of nine members, which shall have jurisdiction of all matters (excepting those relating to the revenue and appropriations) referring to the centennial of the Louisiana purchase and to proposed expositions."

Mr. CLAUDE A. SWANSON, of Virginia, demanded a division of the question.

Mr. JOHN DALZELL, of Pennsylvania, urged that the first resolution with its modifications was not divisible.

The Speaker [Mr. David B. Henderson] said:

"The first branch of the resolution, as just recited by the gentleman from Pennsylvania, is not capable of division; the Chair so holds; but the Chair is of opinion that each resolve is a separate proposition, and a separate vote may be demanded upon it."

So, Mr. Speaker, in this proposed rule there is a single, simple proposition containing these matters with one resolving clause,

that this resolution be adopted.

Therefore, if by a single resolution we could adopt the rules of the House, containing at that time 45 separate and distinct rules with a half dozen different modifications, and they were not subject to division upon the demand by a Member, for a much stronger reason there is nothing in this resolution that is susceptible of division. Now, let me go a little further. If there is anything in precedents, this one is directly in point. I quote from Hinds' Precedents, volume 5, page 600:

quote from Hinds' Precedents, volume 5, page 600:

On a resolution for the adoption of a series of rules which were not presented as a part of the resolution, it was held not in order to demand a separate vote on each rule.

On December 2, 1901, at the time of the organization of the House, the question was on agreeing to the following resolution:

"Resolved, That the rules of the House of Representatives of the Fifty-sixth Congress be adopted as the rules of the Fifty-seventh Congress," and so forth.

Mr. CLAUDE A. SWANSON, of Virginia, said:

"The resolution contains the proposition that we adopt all the rules of the last House, and therefore each rule is made a part of it."

So he demanded a vote on each rule.

The Speaker said:

"The Chair is clearly of the opinion that such a demand can not be entertained."

So there is another precedent, Mr. Speaker, directly in point. But, aside from these precedents, let us apply the rule of common sense. When you bring in a simple resolution as this embracing a number of propositions it should not be subject to division, otherwise when you bring in a bill under any such circumstances, by the same parity of reasoning, the gentleman from Illinois might demand a division of every section and line and sentence of such bill. Here is a plain proposition that gentlemen can decide whether they will adopt this resolution embracing all of these things or not. This is one substantive legislative proposition, and that is whether this resolution shall be adopted or not, and it is submitted to the House for that

purpose alone.

Mr. MANN. Mr. Speaker, the gentleman from Texas first claimed that a division of this question is not in order, because on the final passage of a bill or resolution a division is not in order. No one on this side, I think, is so simple-minded as to suppose that you can divide a bill into different parts on the final passage of the bill on a roll call. The gentleman then says that the proposition we now make is not applicable because it can only be applied when there are various resolving clauses in the resolution, and that if there were different resolving clauses in the resolution, then each of those resolving clauses would have a separate vote. First, Mr. Speaker, in the case which I have cited to you where the rule was made by Mr. Speaker Cannon there was but one resolving clause: second, if the gentleman from Texas were familiar with the provisions of the Revised Statutes which are applicable to this subject he would know that a resolution which has more than one resolving clause was out of order, because the statutes adopted by this House and Senate jointly provided:

No enacting or resolving words shall be used in any section of any act or resolution of Congress except in the first.

of it you have violated the statutes. Now, Mr. Speaker, the case which the gentleman stated does not bear out his contention. In the resolution which was offered referred to by the gentleman there was a proposition to adopt the rules of the previous Congress as the rules of the Fifty-sixth Congress. Mr. Speaker Henderson then held that the different propositions in that resolution were separable, and that one could have a separate vote upon each proposition involved, but he held, and held properly, that a resolution to adopt the rules of a previous Congress by itself was not subject to be considered as containing different substantive propositions and did not authorize a separate vote upon each of the rules of the previous Congress. No one seriously ever claimed that a proposition in this Congress to adopt the rules of previous Congresses would authorize a separate vote upon each rule, but when there was coupled with that proposition another resolution expressly providing another rule, the Speaker held that they were subject to separation, because each was a substantive proposition. I hope and I believe that the present Speaker of this House will without question on this subject follow the ruling of Mr. Speaker Cannon, made in fairness at a time when the House was under great stress of feeling and excitement on the request of the gentleman from New York, at that time representing the Democratic side of the House, in his request. Then the Speaker divided into substantive propositions a resolution wholly relating to the question of meeting and adjournment. There is the resolution, the different parts of which have no relation whatever to each other. I contend that the House is entitled, in voting, to vote upon the separate propositions, and is not compelled to carry out any bargain which may have been made by the supporters of the different propositions, of "you tickle me and I will tickle you," all at one time. [Applause.]

Mr. HARDWICK. Mr. Speaker, I understood the gentle-man from Illinois [Mr. Mann] to say in discussing this proposition that it never was seriously insisted that a proposition to adopt a set of rules as a whole did involve a number of substantive propositions. On the contrary, if I heard the gentle-man from Texas [Mr. Henry] read aright, that contention was seriously made in this body during both the Fifty-sixth and Fifty-seventh Congresses by the gentleman from Virginia, Mr.

SWANSON.

Mr. MANN. I said no one now would seriously contend that.

Mr. HARDWICK. In the face of that ruling? Mr. MANN. In the face of any ruling. Mr. HENRY of Texas. And the gentleman from Pennsylvania [Mr. Dalzell] resisted that argument and took the position I have now taken.

Mr. HARDWICK. It is refinement of reason, too fine for any ordinary man to follow, for the gentleman to say, when a proposition is brought into this House to adopt a set of 41 rules, every one of which is different, that that proposition does not substantially and on its merits involve a number of separate and distinct propositions, just as there are a number of separate and distinct rules of the House of Representatives.

Mr. MANN. Will the gentleman yield?

Mr. HARDWICK. Certainly.
Mr. MANN. If a resolution were presented setting out each of the rules in 41 different places, does the gentleman doubt that would be subject to division?

Mr. HARDWICK. Not a bit in the world, nor do I doubt

the other would.

Mr. MANN. How could you adopt a simple resolution to adopt a set of rules adopted by a previous Congress?

Mr. HARDWICK. If the gentleman will allow me to answer the question, I can answer it. It does not matter whether you put it in one form or another. We are seeking matters of substance in questions of this kind, and if the motion is to adopt 43 separate and distinct rules there are 43 separate and distinct propositions involved in them, I do not care how many resolving clauses there are in them.

Now, it seems to me if the House of Representatives can adopt 43 rules on the first day of Congress as one substantive proposition, certainly, if we apply the principles of common sense to this proposition and not get into technical refinements like the gentleman wants to do, we could adopt 4 rules on the second day of the session or to-day as one substantive proposition. For the merits of the question are not different because we are approaching the end of the Congress instead of being at its beginning. Has common sense been altered because we are on April 18 of this year instead of April 4 of last year? If we could adopt 43 rules at the one time as one substantive proposition, it seems to me it is a matter of common sense that we can to-day adopt act or resolution of Congress except in the first.

The gentleman's proposition seems to be now that you can not have a separate vote upon anything unless in the preparation this decision is authority for the view he presents, but it is the only authority that he can lay his hand upon in all the realm of parliamentary law. It is without precedent and without parallel. Against that ruling we submit the ruling of Speaker Henderson on two separate occasions, of very much more importance than that to which the gentleman refers, when Democrats, standing on this side of the Chamber, were arguing exactly on the opposite side of the question. We say the precedents are two to one against the argument now urged by the gentleman from Illinois. And that was an order to adopt and fix a special rule coming from the Committee on Rules has special rights and privileges and is entirely different from what the situation would be if we were in the Committee of the Whole or in the House considering legislation. Common sense is on our side of this question; the precedents, by a majority of two to one, are on our side of the question; and we think the point of order made by the gentleman from Texas [Mr. HENRY] ought to be sustained.

Mr. MANN. In the case the gentleman cites did the Speaker, as a matter of fact, hold it was subject to division—the short decision by Speaker Henderson? The gentleman knows the resolution was never held by Speaker Henderson to be subject

to a separate vote.

Mr. HARDWICK. No; I did not so understand it. Mr. MANN. I thought the gentleman did not.

Mr. HARDWICK. Does the gentleman dispute the contention that Speaker Henderson twice held that a motion, no matter how it was framed, to adopt the rules of a preceding Congress, even if there were some 40 rules involved, was one question and indivisible? It does not matter at all, to my mind, whether there is one or two or three resolving clauses. It is a matter of substance, not a matter of technicality, that I am addressing my argument to.

Mr. MANN. If the gentleman will permit me— Mr. HARDWICK. Yes— Mr. MANN. This resolution was offered:

Resolved, That the rules of the House of Representatives of the Fifty-sixth Congress be adopted as the rules of the House of Representatives of the Fifty-seventh Congress.

Speaker Henderson held that that was not subject to division. Mr. HARDWICK. That is exactly what I thought, and what I stated to the Speaker.

Mr. MANN. Speaker Henderson, however, held that a resolution to the same effect further on-

Resolved, That there be appointed, to serve during the Fifty-seventh Congress, a special Committee on Industrial Arts and Expositions—

And so forth, all offered at the same time, was subject to division or a separate vote.

Mr. HARDWICK. I can see the reason for that. It is a different question.

Mr. MANN. Speaker Henderson said, "What will you divide?"

Mr. HARDWICK. The substantive propositions?

Mr. MANN. There was only one substantive proposition. Mr. HARDWICK. There is only one substantive proposition here, and that is to adopt this rule. [Applause.]
Mr. MANN. The gentleman himself knows that they have

Mr. MANN. The gentleman limited knows that they have added or collected up a variety of different propositions from different committees, all substantive propositions.

Mr. LENROOT. Mr. Speaker, I desire to call to the attention of the Chair the phraseology of the rule. The rule begins with the declaration that certain legislation shall be in order, beginning with the resolving clause. If the Chair will turn, then, to the bottom of page 4, the Chair will see that a new and distinct proposition is then made, beginning with these

It shall also be in order, notwithstanding the general rules of the House, to consider in connection with said H. R. 21279—

That is, this bill-

the following-

Repeating substantially the language that is contained in the first paragraph of the rule; and it makes two propositions quite as cleary as if at the bottom of page 4 there had been another "resolved" put into the rule; and if the Chair has any question concerning the matter of the absence of the word "resolved" affecting the question, I call the attention of the Chair to volume 5 of Hinds' Precedents, where it was held that merely formal words, such as "resolved," may be supplied by interpretation

Now, Mr. Chairman, it does not seem that there can be any question but that if this rule, up to the bottom of page 4, be voted out there is a substantive proposition remaining, or if the balance of 1, 2, 3, or 4 be voted out there are still substantive propositions remaining.

The SPEAKER. There are not very many precedents on this

subject, one way or the other.

The two precedents cited from Speaker Henderson are really parts and parcels of one precedent. A division was demanded in a resolution. His first decision was that there should be a separate vote taken on each resolve. When that was through with, somebody undertook to divide the first resolve, and he held that could not be done.

The most elaborate precedent in the lot, and the last one, is that on page 4509, Congressional Record, first session of the Sixtieth Congress. The gentleman from Pennsylvania [Mr. Dalzell] reported a rule from the Committee on Rules. The gentleman from New York [Mr. FITZGERALD] demanded a division, claiming that there were seven substantive propositions in the rule. The gentleman from Pennsylvania [Mr. Dalzell] took identically the same position then that the gentleman from Texas [Mr. Henry] takes to-day, and the gentleman from New York [Mr. FITZGERALD] took precisely the same position then that the gentleman from Illinois [Mr. Mann] takes to-day. The gentleman from Illinois [Mr. Mann] was himself mixed up in that debate. He seems to have agreed with the gentleman from New York on the proposition that a division could be had, but he differed from the gentleman from New York as to how many substantive propositions there were involved.

Mr. Speaker Cannon, after listening to the debate, decided that the division could be had.

So it seems to the Chair that the precedents are in favor of the contention of the gentleman from Illinois [Mr. Mann] and against the point of order of the gentleman from Texas [Mr. HENRY].

In addition to that, it seems to the Chair that the reason of the thing is the same way. There are several substantive legislative propositions embraced in this rule that have no connection whatever with one another. A Member might, and most probably would, be in favor of some and against others. He has a right to vote his sentiments on each, which he can not do if they are bunched together. Therefore the point of order raised by the gentleman from Texas [Mr. Henry] is overruled, and the Clerk will report the first proposition. [Applause.]
Mr. HARDWICK. Mr. Speaker, a parliamentary inquiry.
The SPEAKER. The gentleman will state it.

Mr. HARDWICK. How many separate questions are involved, according to the ruling of the Chair—three or four?

The SPEAKER. The Chair is not going to pass on that, ecause the Chair thinks it is unnecessary. The first proposibecause the Chair thinks it is unnecessary. tion on which a separate vote is demanded is on page 3, section 8.

Including the first four lines on page 4. Mr. MANN.

The SPEAKER. Including the first four lines at the top of page 4, which the Clerk will report.

Mr. HENRY of Texas. Mr. Speaker, I ask unanimous consent that the reading of that part be dispensed with, as it has been read, and I think we all understand it. We can vote on it as the Speaker has designated it.

Mr. CARLIN. I object.

Mr. FITZGERALD. I desire to call attention to the fact that the vote should be taken on that portion down to section 8, on page 3, before the vote is taken on section 8.

The SPEAKER. The question is first on agreeing to that part of the resolution extending down to section 8, on page 3.

The question being taken, the designated portion of the reso-

lution was agreed to.

The SPEAKER. The Clerk will report the first part, on which a separate vote is demanded. Does the gentleman from Texas [Mr. Henry] ask unanimous consent to waive the reading?

Mr. HENRY of Texas. Mr. Speaker, I believe I will withdraw the request.

The SPEAKER. The gentleman withdraws the request. The Clerk will read.

The Clerk read as follows:

Sec. 8. That hereafter postage shall be paid on matter of the fourth class at the rate of 12 cents per pound, except as herein provided.

That no article, package, or parcel shall be mailable as matter of the fourth class which exceeds 11 pounds in weight, except as herein pro-

fourth class which exceeds 11 pounds in weight, except as herein provided.

That on each and all rural mail-delivery routes of the United States the postmaster at the starting point of such route shall, until June 30, 1914, receive and deliver to the carrier or carriers of said routes all articles, parcels, or packages not prohibited to the mails by law and falling under the definition of fourth-class matter and not weighing in excess of 11 pounds for transportation and delivery on said routes only; and the carriers shall receive at intermediate points on all rural routes such mail matter of the fourth class for delivery on their respective routes only.

That postage shall be paid on all articles, parcels, or packages entitled to transportation under the provisions of this act as matter of the fourth class on rural-mail delivery routes only at the following rates: One cent for each 2 ounces or less, 2 cents for more than 2 ounces but not more than 4 ounces, 3 cents for more than 4 ounces but not more than 8 ounces, 5 cents for more than 12 ounces but not more than a pound, and 2 cents per pound for each additional pound or fraction thereof up

to and including a total of 11 pounds. That the Postmaster General shall make all rules and regulations necessary and not inconsistent with law to the proper execution of this act.

Mr. MOORE of Pennsylvania. Mr. Speaker-

The SPEAKER. For what purpose does the gentleman rise?
Mr. MOORE of Pennsylvania. Before this matter comes to a
vote I desire to ask whether this is the proper time to offer an amendment

Mr. HENRY of Texas. The gentleman can not move to amend it. The previous question has been ordered.

The SPEAKER. The previous question has been ordered. The question is on adopting that part of the resolution which

has been read. I ask for a division, Mr. Speaker. Mr. MANN.

The House divided; and there were-ayes 237, noes 0.

Accordingly the designated portion of the resolution was

Mr. MANN. Mr. Speaker, I ask for a separate vote on the balance of what is called section 8, providing for a general parcel-post commission.

The SPEAKER. The Clerk will report it.

The Clerk read as follows:

That for the purpose of a full and complete inquiry and investigation into the feasibility and propriety of the establishment of a general parcel-post commission of six persons, three of whem shall be appointed by the Speaker of the House of Representatives and three by the President of the Senate, is constituted, with full power to appoint clerks, stenographers, and experts to assist them in this work. They shall review the testimony already taken on the subject of parcel post by Senate and House committees and take such other testimony as they deem desirable. For the purpose of defraying the expenses of this commission the sum of \$25,000 is hereby appropriated out of the moneys in the Treasury not otherwise appropriated.

The SPEAKER. The question is on agreeing to that part of section 8. Those in favor of adopting as a part of the resolu-tion the paragraph just read will say "aye." Mr. MANN. I ask for a division, Mr. Speaker.

The House divided; and there were—ayes 201, noes 6.

Accordingly the designated portion of the resolution was

Mr. MANN. I have no objection to taking a vote upon what is designated as sections 9 to 12, inclusive, on page 4.

The SPEAKER. The question is on agreeing to that part of the resolution from 9 to 12, both inclusive.

The designated portion of the resolution was agreed to.

Mr. MANN. I ask for a separate vote on the express condemnation provision, which, unless some one else desires a further separate vote, would include from the word "first," at the bottom of page 4, down to the bottom of page 6.

Mr. HENRY of Texas. I ask unanimous consent that the

reading be dispensed with.

The SPEAKER. That is not necessary. It has already been read, and the only way anyone can get it read again is to request it and then have unanimous consent for it.

Mr. HENRY of Texas. I understood the Speaker to direct

the Clerk to read.

The SPEAKER. The Chair did, but that was by inadvertence. Mr. HENRY of Texas. That was the reason I made the re-

The portion of the resolution referred to is as follows:

The portion of the resolution referred to is as follows:

First. In connection with section 8 of the bill the following:

"That in order to promote the postal service and more efficiently regulate commerce between the several States, the Territories of the United States, the District of Columbia, the possessions of the United States, and foreign nations the contracts and agreements and arrangements of the several express companies with the several railroad companies or other common carriers of the United States, its Territories, and the District of Columbia relating to the collecting, receiving, caring for, storing, dispatching, forwarding, and delivering by such railroad company or other common carriers of parcels, packets, and packages, and other express matter, as well as the franchises, operating equipment, cars, vehicles, horses, buildings, leases, as lessees, of buildings used in the conduct of the express business, and all other property or rights and privileges owned and used by such express companies as necessary and appropriate to such collecting, receiving, caring for, storing, dispatching, forwarding, and delivering of such parcels, packets, packages, and express matter, are hereby declared to be, and the same are hereby, condemned and appropriated to and for the United States of America, to be used by it for such public purposes as may be proper in its various functions. That the words "express company" as used in this act shall be construed to include any corporation, joint-stock company, association, partnership, and individual, as far as engaged in the collecting, receiving, caring for, storing, dispatching, forwarding, and delivering of parcels, packets, packages, and other express matter, by rail or water. And the words "railroad" or "railway company" shall be construed to include any transportation agency by rail or water as far as used as a post route or in carrying express matter. On and after July 1, 1913, any railroad, steamship, or other transportation agency having a contract with any e

"DUTY OF PRESIDENT AND POSTMASTER GENERAL,

"Sec. 2. That it shall be the duty of the President on the 1st day of July, 1913, to take charge and possession of all the property of such express companies condemned and appropriated by this act, in the name of and by the authority of the United States of America; and therepon it shall be the duty of the Postmaster General to employ said property and facilities in conjunction with the postal service, and to henceforth conduct said express service.

"POWERS OF POST OFFICE DEPARTMENT.

"Sec. 3. That it shall be the duty of the Postmaster General to make and promulgate such rules and regulations for carrying into effect the provisions of this act as he may deem necessary, not in conflict with the Constitution or laws of the United States: Provided, That all such rules and regulations shall be subject to review and revision by the Interstate Commerce Commission and the courts in like manner and with like effect as if said rules and regulations had been made and promulgated by a railway company or other common carrier.

"COMPENSATION FOR BAILBOAD TRANSPORTATION.

"Sec. 4. That during the months of August and December, 1912, and April, 1913, the weights of matter carried over the respective railroads, under contracts with the express companies during the pendency thereof, shall be taken for each railroad company in respect to such contract, under regulations to be provided by the Post Office Department; and the amount of money paid for the carriage thereof to the railroad shall be divided by the mileage of such railroad over which such matter is carried; and thereafter the Postmaster General shall, if the railroad company consent thereto, cause to be paid to such railread company the amount per mile owing to such railroad under such contract as thus computed; and thereafter annually at such times as may be determined upon by the Postmaster General such matter shall be weighed, and the railroad company shall be paid monthly for the excess weight carried by it, over the first weighing herein provided, such sums as may be agreed upon for such excess weight; but if such Postmaster General and such railroad company shall fail to agree upon a basis of compensation for such excess weights, then the same shall he paid for according to the terms and provisions of the contract condemned in such case.

"RENEWAL OF TRANSPORTATION CONTRACTS.

"RENEWAL OF TRANSPORTATION CONTRACTS.

"Sec. 5. That at the expiration or termination of any contract between an express company and a railroad condemned by this act (or at any time before, if such railroad company shall consent thereto) the Postmaster General may contract with such railroad company for the transportation of postal express matter; and if deemed advantageous, upon cars provided by the postal department, which may be transferred without unloading onto the lines of other railroad companies, at such rates of compensation and upon such principles of computation thereof as may be agreed upon, with the right of review and revision of the same by the Interstate Commerce Commission as hereinafter provided. And in case the Postmaster General and such railroad company, after the expiration or termination of the contract with an express company, shall fail to agree upon the terms and provisions of the renewal thereof, they shall submit their respective contentions with reference thereto to the said Interstate Commerce Commission, which shall thereupon have plenary power to declare the terms and provisions which said contract shall contain; but from any determination with respect to any such contract the terms and provisions on which hall lie to the Court of Commerce, which shall enjoy like power to amend and revise the same.

"Appraisement of express companies."

"APPRAISEMENT OF EXPRESS COMPANIES.

"Sec. 6. That immediately after the passage of this act it shall be the duty of the Interstate Commerce Commission to appraise the value of the property condemned and appropriated by the United States of America in section 1 of this act and award to the respective express companies just compensation therefor. Each commissioner shall take oath to justly perform such duties before some judge of the courts of the United States. The said Interstate Commerce Commission shall have power, and it shall be its duty, to summon witnesses, with books and papers, before it, for either of the parties, and require such witnesses to testify, and it shall give to each party a full hearing; and it shall be the duty of such commission, on or before the 7th day of May, 1913, to file a separate award of appraisement for each express company condemned under this act, with respect to the property condemned, and give notice of the filing of such award to the Postmaster Geocral and 142 such express company. And if either party shall be dissatisfied with the amount of said award, the same may, upon appeal by either party, be reviewed and revised by the Court of Commerce, sitting as a court of review, with respect thereto; and from its determination a further appeal may be taken by either of the parties to the Supreme Court of the United States.

"PROVISIONS FOR COMPENSATION OF EXPRESS COMPANIES.

"Sec. 7. That the Secretary of the Treasury is hereby authorized and directed to make payment to such express companies of the money adjudged to be due them, as aforesaid, out of the Treasury of the United States, and said express companies shall be entitled to payment of such final award as compensation from the Treasury of the United States and the Treasurer thereof, and the amounts of said award are hereby appropriated to the parties entitled thereto out of the Treasury of the United

"DUTIES OF COMMON CARRIERS.

"Sec. 8. That any willful failure or refusal by any railroad company or other common carrier, subject to the provisions of this act, to perform any service required by this act or by any lawful rule or regulation made and promulgated by the Postmaster General in pursuance of this act, or of any lawful ruling, finding, or determination of the Interstate Commerce Commission, or of any order, judgment, or decree of any court of the United States of competent jurisdiction shall constitute a misdemennor, which, upon indictment and conviction, shall be punished by a fine not exceeding \$1,000.

" POWERS OF POSTMASTER GENERAL.

"Sec. 9. That the Postmaster General shall have power to rent, lease, or purchase real estate and personal property, supplies, cars, and equipment for use by his department for the purposes of this act. He shall have power to condemn in the name of the United States any property, real, personal, or mixed, which he may deem necessary for the efficient operation of the service, but the said Interstate Commerce Commission shall first value and file its award therefor as hereinbefore specified."

The SPEAKER. Those in favor of adopting this part of the resolution, beginning with "first," near the bottom of page 4, down to the bottom of page 6, the express-company provision, will say aye, those opposed no.

Mr. HENRY of Texas. Division, Mr. Speaker.

The House divided; and there were 104 ayes and 89 noes. Mr. MANN. Mr. Speaker, I demand the yeas and nays.

Mr. LEWIS rose.

The SPEAKER. For what purpose does the gentleman rise? Mr. LEWIS. For the purpose of understanding the status of the motion. Is the House voting on the question as to whether the Goeke bill may be considered?

The SPEAKER. The House is voting on the question whether the designated part of the resolution concerning the express com-

panies shall continue a part of it.

Mr. LEWIS. I wondered whether the House understood the

proposition that it was voting upon.

The SPEAKER. The House is not adopting these propositions as a part of any law. It is simply voting as to whether certain things shall be made in order on the appropriation bill which otherwise would not be in order.

The yeas and nays were ordered.

The question was taken; and there were—yeas 178, nays 99, answered "present" 8, not voting 106, as follows:

YEAS-178. —178.
Kinkaid, Nebr.
Kinkead, N. J.
Kitchin
Knowland
Konop
Lafean
Lafferty
La Follette
Lee, Pa.
Lever
Lewis
Lindbergh
Linthfeum
Littlepage Driscoll, D. A. Pray Prince Raker Rauch Adair Adair Aiken, S. C. Akin, N. Y. Alexander Allen Anderson, Ohio Ansberry Anthony Ashbrook Dupré Edwards Esch Esch
Evans
Faison
Farr
Fergusson
Ferris
Focht
Foster
Fowler Rees Reilly Reilly Riordan Rubey Rucker, Mo. Russell Saunders Scully Shackleford Sherwood Sisson Sloan Small Smith, J. M. Ashbrook Austin Barnhart Bathrick Lindbergh
Linthfeum
Littlepage
Lloyd
Loud
McGuire, Okla.
McKellar
McKenzie
McKinney
McLaughlin
Maguire, Nebr.
Maher
Martin, Colo.
Miller
Morgan
Morse, Wis.
Mott
Murdock
Murray
Nelson
Norris
Nye
Oldfield
O'Shaunessy Francis French Fuller Gallagher Gardner, N. J. Boehne Booher Borland Bowman Bowman Broussard Brown Buchanan Bulkley Burke, Wis. Byrnes, S. C. Byrns, Tenn. Campbell Candler Gallagher
Gardner, N. J.
George
Graham
Gray
Hamilton, Mich.
Hamilton
Hammond
Hardwick
Hardy
Harrison, Miss.
Harrison, N. Y.
Hartman
Haugen
Hayden
Helm
Henry, Tex.
Higgins
Howland
Howland
Howland
Hughes, Ga.
Hughes, N. J.
Hull
Humphreys, Miss Smith, J. M. C. Smith, Saml. W. Smith, N. Y. Smith, Tex. Smith, Tex.
Stedman
Steenerson
Steephens, Cal.
Stephens, Miss,
Stephens, Nebr.
Stephens, Tex.
Stone
Taggart
Talcott, N. Y.
Taylor, Colo,
Tribble
Underhill
Volstead
Warburton
Watkins Cantrill Cantrill Cary Cline Collier Conry Crago Cravens Cullop Culry Curry Daugherty Davenport Davis, Minn. De Forest Warburton Watkins Webb Wedemeyer White Wickliffe Wilson, Pa. Witherspoon Young, Kans. O'Shaunessy Padgett Parran Hull
Humphreys, Miss.
Jacoway
Johnson, Ky.
Johnson, S. C.
Kendall
Kent
Kindred Denver Dickinson Difenderfer Patton, Pa. Pepper Peters Plumley Dixon, Ind. Dodds Donohoe Porter Pou Powers Doremus NAYS-99. Roberts, Mass. Roddenbery Rothermel Rouse Sharp Sherley

Anderson, Minn. Andrus Ayres Barchfeld Davis, W. Va. Jones Kopp Korbly Langley Lee, Ga. Dies Draper Dyer Ellerbe

Bartholdt Bartlett Beall, Tex. Bell, Ga. Blackmon Finley
Fitzgerald
Flood, Va.
Floyd, Ark.
Foss
Garner Littleton Longworth McKinley McMorran Brantley Browning Burke, S. Dak. Macon Malby Mann Garner Burleson Mann Martin, S. Dak. Mondell Moore, Pa. Morrison Needham Palmer Burnett Butler Calder Godwin, N. C. Good Good
Green, Iowa
Gregg, Pa.
Gregg, Tex.
Harris
Hay
Hay
Holland
Hubbard
Hubbard

ANSWERED:

Gregg, Worrison
Morrison
Pagenta Cannon Carlin Catlin Claypool Cooper Crumpacker Currier Dalzell Danforth

ANSWERED "PRESENT"-8. Davidson Burgess Covington Hobson McCreary Gould

NOT VOTING-106. Berger Bradley Burke, Pa. Callaway Adamson Ainey Ames Bates

Carter Clark, Fla. Clayton Connell Copley Cox, Ind. Cox, Ohio Curley

Slayden Speer Sulloway Sulzer

Sulzer Sweet Thistlewood Towner Townsend Turnbull Tuttle Underwood Whitacre Wilder Willis Willson, N. Y. Wood, N. J. Young, Mich. Young, Tex.

Stevens, Minn.

Dickson, Miss. Doughton Driscoll, M. E. Dwight Fordney Fornes Gardner, Mass. Garrett Goeke Goeke Goldfogle Goodwin, Ark. Greene, Mass. Grlest Gudger Guernsey Hamill Hamilton, W Hamilton, W. Va. Hanna Hawley Heald

Helgesen Henry, Conn. Hensley Hill Hinds Houston Howell Hughes, W. Va. Jackson James Kahn Kennedy Konig Lamb Langham Lawrence Legare Levy Lindsay Lobeck McCall McCoy

McDermott
McGillleuddy
McHenry
Madden
Mntthews
Mays
Moon, Pa.
Moon, Tenn.
Moore, Tex.
Moss, Ind.
Olmsted
Page Sells Page Patten, N. Y. Patten, N. Y.
Pujo
Rainey
Randell, Tex.
Ransdell, La.
Reyburn
Hoberts, Nev.
Robinson Rodenberg Rucker, Colo. Sabath

Sheppard Simmons Slemp Smith, Cal. Sparkman Stack Stanley Sterling Switzer Talbott, Md. Taylor, Ala. Taylor, Ohio Thayer Thomas Tilson Utter Vreeland Weeks Wilson, Ill. Woods, Iowa

So the designated portion of the rule was agreed to. The following additional pairs were announced: Until further notice:

Mr. Goldfogle with Mr. Tilson.

Mr. McDermott with Mr. Woods of Iowa. Mr. Goodwin of Arkansas with Mr. Copley. Mr. Talbott of Maryland with Mr. Simmons.

Mr. CARTER with Mr. KAHN.

Mr. Pujo with Mr. MICHAEL E. DRISCOLL. Mr. Garrett with Mr. Wilson of Illinois,

Mr. Page with Mr. Olmsted. Mr. Goeke with Mr. Ainey. Mr. Lamb with Mr. McCreary.

Mr. CLARK of Florida with Mr. LANGHAM. Mr. Moon of Tennessee with Mr. Sterling.

Mr. THAYER with Mr. SLEMP.

On this vote:

Mr. Griest (for) with Mr. McCoy (against).

The result of the vote was then announced, as above recorded. The SPEAKER. The next vote will be upon agreeing to the next substantive proposition contained on page 7 of the report, known as the good-roads proposition.

The question was taken; and on a division (demanded by

Mr. Fitzgerald) there were—ayes 151, noes 57.

So the proposition was agreed to.

The SPEAKER. The next vote will be taken upon agreeing to the next substantive proposition to be found near the bottom of page 7 of the report, respecting the publication of the ownership of newspapers, popularly known as the Barnhart proposi-

Mr. HENRY of Texas. Mr. Speaker, on that I demand the yeas and nays.

Mr. MANN. Mr. Speaker, I join in that demand for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 230, nays 34, answered "present" 5, not voting 122, as follows:

YEAS-230.

Adair Aiken, S. C. Akin, N. Y. Alexander Allen Anderson, Minn. Anderson, Ohio Ansberry Covington Cravens Cullop Currier Curry Dalzell Danforth Ansberry Anthony Ashbrook Austin Ayres Barchfeld Barnhart Bathrick Reall Tex Daugherty Davenport Davis, Minn. Dent Denver Dickinson Dies Difenderfei Beall, Tex. Bell, Ga. Dixon, Ind. Dodds Berger Blackmon Doremus Driscoll, D. A. Dupré Boehne Booher Borland Bowman Dupré
Dyer
Edwards
Ellerbe
Esch
Faison
Farr
Fergusson
Ferris
Finley Bowman
Brown
Browning
Buchanan
Bulkley
Burke, Wis.
Burnett
Butler
Byrnes, S. C.
Byrns, Tenn.
Campbell
Candler
Cantrill
Carlin
Cary
Cline
Collier
Conry Finley Flood, Va. Floyd, Ark, Focht Foss Foster Fowler Francis French Fuller Gallagher

Garner George Godwin, N. C. Goodwin, Ark. Graham Gray Green, Iowa Gregg, Pa. Hamilin Hammond Hammond
Hardwick
Hardy
Harrlson, Miss.
Harrison, N. Y.
Hartman
Haugen
Hayden
Hayes
Helm
Henry, Tex.
Higgins
Holland
Howard
Howard
Howard
Howland
Hughes, Ga. Hammond Hughes, Ga. Hughes, N. J. Hull Humphrey, Wash. Humphreys, Miss. Jacoway Johnson, Ky. Jones Kendall Kent Kindred Kinkaid, Nebr. Kinkead, N. J. Kitchin Knowland

Kopp
Korbly
Lafean
Lafferty
Lafean
Lafferty
La Follette
Langley
Lee, Ga.
Lenroot
Lever
Lindbergh
Linthicum
Littlepage
Lloyd
Loud
McGuire, Okla.
McKenzle
McKinley
McKinney
McKinney
McKinney
McKinney
McKinney
McMiney
Morean
Maguire, Nebr.
Maher
Maher
Malby
Martin, Colo.
Martin, S. Dak.
Moon, Tenn.
Morgan
Morrison
Morse, Wis.
Mott Mott Murdock Murray Needham Neeley Nelson Norris Nye

Konop

1012.	001/02/22/02/22					
Oldfield	Rauch	Sloan	Tribble			
O'Shaunessy	Rees	Small	Turnbull			
Padgett	Reilly	Smith, J. M. C.	Underhill			
Page	Richardson	Smith, Saml. W.	Underwood			
Palmer	Riordan	Smith, Saml. W. Smith, N. Y. Smith, Tex.	Volstead			
Parran .	Roberts, Mass.	Smith Tex.	Warburton			
Patton, Pa.	Roddenbery	Stedman	Watkins			
Pepper	Rothermel	Steenerson	Webb			
Peters	Rubey	Stephens, Cal.	Wedemeyer			
Pickett	Rucker, Mo.	Stephens, Miss.	White			
Plumley	Russell	Stonbong Nohr	Wickliffe			
Porter	Saunders	Stephens, Nebr. Stephens, Tex.	Willis			
Post	Scully	Stone Stone	Wilson, Pa.			
Pou	Shackleford	Sulloway	Witherspoon			
Powers	Sherley	Sulzer	Vonne Kone			
Pray	Sherwood	Sweet	Young, Kans. Young, Tex.			
Prince	Sims	Taylor, Colo.	Toung, Tex.			
Raker						
Raker	Sisson	Towner				
	NAY	S-34.				
Andrus	Donohoe	Longworth	Speer			
Bartlett	Draper	McMorran	Tilson			
Brantley	Evans	Mann	Townsend			
Burke, S. Dak.	Fitzgerald	Miller	Tuttle			
Calder	Gardner, N. J.	Mondell	Wilder			
Cannon	Gillett	Moore, Pa.	Wilson, N. Y.			
Catlin	Good	Payne	Wilson, N. Y. Young, Mich.			
Claypool	Harris	Redfield	2000			
Crago	Hubbard	Rouse				
	ANSWERED "	PRESENT "-5.				
Burgess		McCreary	Stevens, Minn.			
Glass	Hobson	McCreary	Stevens, Minn.			
CITEDS	NOT VOT	TING-122.				
Adamson	Gardner, Mass.	Lamb	Rucker, Colo.			
Ainey	Garrett	Langham	Sabath			
Ames	Goeke	Lawrence	Sells			
			Sharp			
Bartholdt Bates	Goldfogle Gould	Legare	Sheppard			
		Levy				
Bradley	Greene, Mass.	Lewis	Simmons			
Bronssard	Gregg, Tex.	Lindsny	Slayden Slemp			
Burke, Pa.	Griest	Littleton	Siemp Costab Col			
Burleson	Gudger	Lobeck	Smith, Cal.			
Callaway	Guernsey	McCall	Sparkman			
Carter	Hamill	McCoy	Stack			
Clark, Fin.	Hamilton, Mich. Hamilton, W. Va.	McDermott	Stanley			
Clayton	Hamilton, W. Va.	McGillicuddy	Sterling			
Connell	Hanna	McHenry	Switzer			
Copley	Hawley	Madden	Taggart			
Cox, Ind.	Heald	Matthews	Taggart Talbott, Md.			
Cox. Ohio	Hellin	Mays	Talcott, N. Y.			
Crumpacker	Helgesen	Moon, Pa.	Talcott, N. Y. Taylor, Ala. Taylor, Ohio			
Curley	Henry, Conn.	Moore, Tex.	Taylor, Ohio			
Davidson	Hensley	Moss, Ind.	Thayer			
Davis, W. Va.	Hill	Olmsted	Thistlewood			
De Forest	Hinds	Patten, N. Y.	Thomas			
Dickson, Miss.	Houston	Prouty	Utter			
Doughton	Howell	Pujo	Vreeland			
Driscoll, M. E.	Hughes, W. Va.	Rainey	Weeks			
Dwight	Jackson	Randell, Tex.	Whitacre			
Estopinal	James	Ransdell, La.	Wilson, Ill.			
Fairehild	Johnson, S. C.	Reyburn	Wilson, Ill. Wood, N. J.			
Fields	Kahn	Roberts, Nev.	Woods, Iowa			
Fordney	Kennedy	Robinson	NACOS NATIONAL DE LA CONTRACTION DEL CONTRACTION DE LA CONTRACTION			
Fornes	Konig	Rodenberg				

Kahn Kennedy Konig So the proposition was agreed to.

The Clerk announced the following additional pairs:

Until further notice:

Mr. Pujo with Mr. Bartholdt.

Mr. Burleson with Mr. Olmsted.

Mr. Gregg of Texas with Mr. MICHAEL E. DRISCOLL.

The result of the vote was announced as above recorded. . The SPEAKER. The question now is on agreeing to the reso-

The question was taken, and the resolution was agreed to.

RETURN OF BILL TO THE SENATE.

The SPEAKER. The Clerk will report the following resolution from the Senate.

The Clerk read as follows:

Resolved. That the Secretary be directed to request the House of Representatives to return to the Senate the bill (S. 5333) to authorize the widening and extension of Spring Road NW., and for other purposes.

Attest:

Chas. G. Bennett, Secretary, By H. M. Rose, Assistant Secretary.

The SPEAKER. Without, objection, it is so ordered. There was no objection.

LEAVES OF ABSENCE.

By unanimous consent, leave of absence was granted-To Mr. Garrett, for 10 days, on account of official business. To Mr. Dwight, for 1 week, on account of important business. WITHDRAWAL OF PAPERS.

By unanimous consent, Mr. Wilson of Illinois was granted leave to withdraw from the files of the House, without leaving copies, the papers in the case of J. K. Jamison (H. R. 26681, 61st Cong.), no adverse report having been made thereon.

DIVISION OF TIME FOR GENERAL DEBATE ON POST OFFICE BILL.

Mr. MOON of Tennessee. Mr. Speaker, I ask unanimous consent that the time provided under the rule just adopted for general debate upon the Post Office appropriation bill (H. R. 21279) be divided between Mr. WEEKS, the ranking member on the provements; to the Committee on Indian Affairs.

Republican side—or Mr. Gardner of New Jersey in the absence

of Mr. Weeks—and myself equally.

The SPEAKER. The gentleman from Tennessee asks unanimous consent that the time provided for in the rule just adopted for general debate on the Post Office appropriation bill be equally divided between himself on one hand and Mr. Weeks on the other-

Mr. MANN. Mr. Weeks is not here. The SPEAKER (continuing). And in the absence of Mr. WEEKS Mr. GARDNER of New Jersey is to control the time on that side. Is there objection? [After a pause.] The Chair hears none.

EXTENSION OF REMARKS.

Mr. BARTLETT. Mr. Speaker, I ask unanimous consent for permission to revise and extend my remarks made on this

Mr. LANGLEY. Mr. Speaker, I make the same request. The SPEAKER. Is there objection to the requests? [After a pause.] The Chair hears none.

ADJOURNMENT.

Mr. UNDERWOOD. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 39 minutes p. m.) the House adjourned to meet to-morrow, Friday, April 19, 1912, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, executive communications were

taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of the Treasury, submitting estimate of appropriation for construction of storage vault, assay office building, New York (H. Doc. No. 705); to the Committee on Appropriations and ordered to be printed.

2. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Key West Harbor, Fla. (H. Doc. No. 706); to the Committee on Rivers and Harbors and ordered to be printed with illustrations.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. WOOD of New Jersey, from the Committee on Pensions, to which was referred sundry bills, reported in lieu thereof the bill (H. R. 23515) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows and dependent relatives of such soldiers and sailors, accompanied by a report (No. 568), which said bill and report were referred to the Private Calendar.

Mr. POU, from the Committee on Claims, to which was referred sundry bills, reported in lieu thereof the bill (H. R. 23451), with amendment, to pay certain employees of the Government for injuries received while in the discharge of their duties, and other claims for damages to and loss of private property, accompanied by a report (No. 569), which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 7507) granting a pension to Seymour McDonough; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 23304) granting a pension to Michael Collins; Committee on Invalid Pensions discharged, and referred to the

Committee on Pensions.

A bill (H. R. 23298) granting an increase of pension to John A. Boutte; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 23341) granting an increase of pension to Frank E. Conkling; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. McGUIRE of Oklahoma: A bill (H. R. 23516) permitting the taxing of Indian lands in Oklahoma for public imBy Mr. CARY: A bill (H. R. 23517) to amend section 4488 of the Revised Statutes of the United States; to the Committee on the Merchant Marine and Fisheries.

By Mr. ALEXANDER: Joint resolution (H. J. Res. 299) proposing an international maritime conference; to the Com-

mittee on Foreign Affairs.

By Mr. EVANS: Joint resolution (H. J. Res. 300) to create a joint commission to investigate the use of the air for the purpose of communication and report what regulation, if any, is advisable; to the Committee on Interstate and Foreign Commerce.

By Mr. THISTLEWOOD: Joint resolution (H. J. Res. 301) making appropriation for levees surrounding Cairo, Ill., and the drainage district adjacent thereto; to the Committee on

Rivers and Harbors.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions

were introduced and severally referred as follows:

By Mr. WOOD of New Jersey: A bill (H. R. 23515) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and certain soldiers and sailors of wars other than the Civil War, and to widows and dependent relatives of such soldiers and sailors; to the Committee of the Whole House.

By Mr. ADAIR: A bill (H. R. 23518) granting an increase of pension to Edwin S. Palmer; to the Committee on Invalid Pen-

By Mr. ANDERSON of Ohio: A bill (H. R. 23519) granting pension to Sarah E. Duffield; to the Committee on Invalid Pensions.

Also, a bill (H. R. 23520) granting an increase of pension to George Mundary; to the Committee on Invalid Pensions.

Also, a bill (H. R. 23521) granting an increase of pension to Joseph C. Snider; to the Committee on Invalid Pensions.

Also, a bill (H. R. 23522) granting an increase of pension to

Leo Long; to the Committee on Invalid Pensions.

By Mr. ANTHONY: A bill (H. R. 23523) granting an increase of pension to John McKone; to the Committee on Invalid

By Mr. ASHBROOK: A bill (H. R. 23524) granting an increase of pension to Samuel Keeran; to the Committee on In-

valid Pensions By Mr. BATHRICK: A bill (H. R. 23525) granting an increase of pension to Minot Stebbins; to the Committee on In-

valid Pensions By Mr. FERRIS: A bill (H. R. 23526) granting an increase of pension to Caroline M. Haing; to the Committee on Invalid

By Mr. FULLER: A bill (H. R. 23527) granting an increase

of pension to Samuel W. Walker; to the Committee on Invalid

By Mr. GODWIN of North Carolina: A bill (H. R. 23528) for the relief of Washington Miller; to the Committee on War

By Mr. HAMMOND: A bill (H. R. 23529) granting a pension to Phidelia Osborn; to the Committee on Invalid Pensions.

By Mr. KINKEAD of New Jersey: A bill (H. R. 23530) granting an increase of pension to John Haurey; to the Committee on Invalid Pensions.

By Mr. LINDBERGH: A bill (H. R. 23531) granting an increase of pension to John Lindquist; to the Committee on Invalid Pensions.

Also, a bill (H. R. 23532) granting an increase of pension to

Francis Maddock; to the Committee on Invalid Pensions.

By Mr. McCOY (by request): A bill (H. R. 23533) for the relief of Anastasios Argyros; to the Committee on Military

By Mr. McGUIRE of Oklahoma: A bill (H. R. 23534) for the

relief of James M. Rice; to the Committee on Military Affairs.

Also, a bill (H. R. 23535) granting a pension to Isaac Miller;
to the Committee on Invalid Pensions.

Also, a bill (H. R. 23536) granting an increase of pension to
Franklin Spurgeon; to the Committee on Invalid Pensions.

Also, a bill (H. R. 23537) granting an increase of pension to William M. McKinley; to the Committee on Invalid Pensions.

By Mr. McKinley: A bill (H. R. 23538) granting a pension

to Raymund Tudor; to the Committee on Pensions.

By Mr. MALBY: A bill (H. R. 23539) granting a pension to Elizabeth Hogan; to the Committee on Pensions.

By Mr. NEEDHAM: A bill (H. R. 23540) granting an increase of pension to Sarah E. Merritt; to the Committee on Invalid Pensions.

By Mr. OLDFIELD: A bill (H. R. 23541) for the relief of J. W. Goodloe; to the Committee on Claims,

Also, a bill (H. R. 23542) for the relief of the heirs of Deaderick Pike, deceased; to the Committee on War Claims.

By Mr. O'SHAUNESSY: A bill (H. R. 23543) for the relief of Wilbur H. Lawrence, Edmond V. Lawrence, and Josephine L. Canfield; to the Committee on the District of Columbia.

Also, a bill (H. R. 23544) granting an increase of pension to Margaret Monroe; to the Committee on Invalid Pensions.

Also, a bill (H. R. 23545) granting a pension to Mary J. Mace; to the Committee on Pensions.

By Mr. PRINCE: A bill (H. R. 23546) for the relief of the heirs of Samuel G. Cabell, Joseph E. Montgomery, George E.

Cook, C. Theodore Vennigerholz, and Thomas P. Leathers; to the Committee on War Claims.

By Mr. RUBEY: A bill (H. R. 23547) granting a pension to J. Frank Cornman; to the Committee on Invalid Pensions. Also, a bill (H. R. 23548) granting a pension to Martha E.

Walker; to the Committee on Invalid Pensions.

Also, a bill (H. R. 23549) granting an increase of pension to John Shilkett; to the Committee on Invalid Pensions.

Also, a bill (H. R. 23550) for the relief of the heirs of Elizabeth Gardener, deceased, widow of Matthew H. Gardener, deceased; to the Committee on War Claims.

By Mr. SISSON: A bill (H. R. 23551) granting a pension to

Jesse M. Dobbs; to the Committee on Pensions, By Mr. TAYLOR of Alabama: A bill (H. R. 23552) granting an increase of pension to James Powers; to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid

on the Clerk's desk and referred as follows:

By the SPEAKER: Memorial of mayors of cities in the State of New York for legislation requiring passenger vessels to be fully equipped with lifeboats and rafts; to the Committee on the Merchant Marine and Fisheries.

By Mr. ANDERSON of Minnesota: Petition of M. G. Peters and 6 others, of Mantorville, Minn., against extension of parcelpost system; to the Committee on the Post Office and Post

By Mr. ASHBROOK: Petition of Hermann Roll and 2 other citizens, of Newark, Ohio, against the passage of interstate commerce liquor legislation; to the Committee on the Judiciary.

By Mr. BARTHOLDT: Petition of Rice-Stix Dry Goods Co., of St. Louis, Mo., in favor of continuing the Tariff Board; to the Committee on Ways and Means. By Mr. BOWMAN: Petition of the agricultural department,

Pennsylvania State College, for enactment of House bill 22871;

to the Committee on Agriculture.

By Mr. BURKE of Wisconsin: Memorial of St. Joseph Society and the Deutschen Burieger Verein, of Appleton, Wis., against the passage of all prohibition or interstate-commerce liquor laws; to the Committee on the Judiciary.

By Mr. FULLER: Petition of the Manufacturers and Merchants' League of Virginia, in opposition to the establishment of a parcel post until after the investigation and report by an impartial commission, etc.; to the Committee on the Post Office and Post Roads.

Also, petition of Cigar Makers' Local Union, No. 191, of Morris, Ill., in favor of the passage of the Reilly bill (H. R. 17253) called the free-smoker bill; to the Committee on Ways and

By Mr. MANNA: Petitions of citizens of Gettinger, Haynes, and White Butte, N. Dak., asking that the duties on raw and refined sugars be reduced; to the Committee on Ways and Means.

Also, petitions of citizens of the State of North Dakota, for enactment of House bill 14, providing for a general parcel-post system; to the Committee on the Post Office and Post Roads.

Also, petitions of citizens of Garrison and Mandan, N. Dak., protesting against parcel-post legislation; to the Committee on

the Post Office and Post Roads.

Also, petition of citizens of Wrightsonville, N. Dak., for investigation of an alleged combination existing between coal dealers; to the Committee on Rules.

By Mr. LA FOLLETTE: Petitions of residents of Beverly, Ellensburg, Bend, Smyrna, Lowgap, Spokane, Gray, Springdale, Valley, Clarkston, Acme, and Welcome, all in the State of Washington, urging passage of Sulzer parcel-post bill; to the Committee on the Post Office and Post Roads.

Also, petitions of members of the Improved Order of Red Men of Spokane and Colfax, Wash., urging the erection of an American Indian memorial and museum building in Washington City;

to the Committee on Public Buildings and Grounds.

Also, petition of sundry citizens of Washington and Idaho, submitted by A. D. Cross, secretary Washington State Farmers

Cooperative and Educational Union, urging passage of parcel post and law to prohibit gambling in farm products; to the Committee on the Post Office and Post Roads.

Also, petitions of citizens of Lowgap, Molson, Havillah, Loomis, Tonaskey, Oroville, and Wanicut, all in the State of Washington, urging passage of Berger old-age pension bill; to the Committee on Pensions.

Also, petitions of merchants of Rosalia, Thornton, Mount Hope, and Malden, all in State of Washington, protesting against a parcel-post law; to the Committee on the Post Office and Post Roads.

By Mr. LINDSAY: Memorial of the directors of the port of Boston, concerning a proposed amendment to the interstatecommerce act; to the Committee on Interstate and Foreign Commerce.

By Mr. LOUD: Petition of C. F. Butford and 44 other residents of Alpena, Mich., opposing the passage of the Johnston Sunday bill (S. 237); to the Committee on the District of Columbia.

By Mr. McCOY: Petition of the United Garment Workers of America, Local No. 23, of Chicago, Ill., favoring immediate action upon the Booher prison labor bill; to the Committee on Interstate and Foreign Commerce.

Also, petition of the Woman's Christian Temperance Union of Westboro, Mass., favoring passage of the Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. MOTT: Petition of Frontier City Division, No. 167, Order of Railway Conductors, of Oswego, N. Y., favoring passage of House bill 20487, known as the employers liability and workman's compensation bill; to the Committee on the Judiciary.

Also, petition of the directors of the port of Boston, against a proposed amendment to section 5 of the interstate-commerce act contained in section 11 of the Panama Canal bill (H. R. 21969); to the Committee on Interstate and Foreign Commerce.

By Mr. NEEDHAM: Petition of the United Presbyterian Church of Castroville and the United Presbyterian Church of Prunedale, Monterey County, Cal., favoring passage of the Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

Miso, memorial of Geyserville (Cal.) Grange, No. 312, favoring passage of a parcel-post law; to the Committee on the Post Office and Post Roads.

By Mr. NYE: Memorial of Polish societies of Minneapolis, Minn., against provision in immigration bill known as the educational test; to the Committee on Immigration and Naturalization.

By Mr. REYBURN: Memorial of Pennsylvania State Council, National Civic Federation, urging that an invitation be extended the International Congress of Social Insurance to meet in the city of Washington; to the Committee on Foreign Affairs.

By Mr. SCULLY: Petition of A. E. Burnside Post No. 59, of the State of New Jersey, favoring passage of House bill 14070, for the relief of veterans whose hearing is defective; to the Committee on Invalid Pensions.

Also, petition of Ira B. Rice Lodge, No. 309, Brotherhood of Railroad Trainmen, favoring passage of Senate bill 5382 and House bill 20487, known as employers' liability and workman's compensation bill; to the Committee on the Judiciary.

By Mr. TALCOTT of New York: Memorial of the Chamber of Commerce of the State of New York, relative to operation of

the Panama Canal; to the Committee on Interstate and Foreign Commerce.

Also, petition of Colonel J. W. Vrooman Camp, No. 51, United Spanish War Veterans, favoring passage of Crago pension bill; to the Committee on Pensions.

By Mr. TAYLOR of Alabama: Papers to accompany bill granting an increase of pension to James Powers: to the Committee on Pensions.

Also, memorial of the Medical Society of Mobile County, Ala., for legislation to increase the efficiency of the Public Health and Marine-Hospital Service; to the Committee on Interstate and Foreign Commerce

By Mr. THISTLEWOOD: Petition of citizens of Sparta, Ill., for building of one battleship in a Government navy yard; to the Committee on Naval Affairs.

Also, petition of citizens of Cairo, Ill., for parcel-post legislation; to the Committee on the Post Office and Post Roads.

Also, petition of citizens of Duquoin, Ill., for appointment of a commission to investigate parcel-post systems; to the Committee on the Post Office and Post Roads.

Also, petitions of citizens of the twenty-fifth congressional district of Illinois, protesting against parcel-post legislation; to the Committee on the Post Office and Post Roads.

By Mr. TUTTLE: Petition of John L. Reynolds Post, No. 66, of the State of New Jersey, favoring passage of House bill 14070, for the relief of veterans whose hearing is defective; to the Committee on Invalid Pensions.

SENATE.

FRIDAY, April 19, 1912.

The Senate met at 2 o'clock p. m.

The Chaplain, Rev. Ulysses G. B. Pierce, D. D., offered the

following prayer O Lord our God, who committest unto us the swift and solemn charge of life, Thou hast made us to know how frail we are. In the midst of life we are indeed in death. And the sweet

and joyous earth but mocks the hearts bowed down with grief unutterable and filled with sorrow too deep for tears. hearts are unspeakably pained for the homes made desolate and for those who on earth are to look in one another's faces no more. We breathe a sigh and a prayer for those who have been swallowed by the mighty deep. Take them, our Father, into Thy keeping, Thou who didst create us for Thyself ere into Thy keeping, Thou who didst create us for Thyself ere ever the earth or the sea was. May their souls rest in peace. If it be Thy holy will, restore to health and strength, we pray Thee, those who have been saved from the watery grave, and give unto them strength for the dark days to come. For those who gave their lives that these might live, we render Thee solemn thanks. Them we do not forget; their memory shall live forever.

And now, O Lord, where is our hope but in Thee, who art the God of all comfort? Though our flesh and our heart faileth, yet be Thou, O God, our strength and our portion forever. And unto Thee, who art able to do exceeding abundantly above all that we ask or think; unto Thee, who art our God and our Father, be glory on earth and in heaven now and forever more. Amen.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. Gallinger and by unanimous consent, the further reading was dispensed with and the Journal was approved.

PETITIONS AND MEMORIALS.

The VICE PRESIDENT presented petitions of the Woman's The VICE PRESIDENT presented petitions of the Woman's Missionary Society of Southern Utah; of the First Baptist Church of Montgomery, Ala.; of the Latter Day Saints' Relief Society of Ephraim, Utah; of the Woman's Christian Temperance Union of Clio, Ala.; of the Fifth Southern Methodist Episcopal Church, of Montgomery, Ala.; of members of the Salvation Army, of Montgomery, Ala.; of the Woman's Christian Temperance Union of Mobile, Ala.; of the Methodist Episcopal Church of Spencer, Mass.; and of the Woman's Christian Temperance Union of Spencer Mass. Temperance Union of Spencer, Mass., praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating liquors, which were referred to the Committee on the Judiciary.

He also presented a memorial of the East Washington Citizens' Association, of the District of Columbia, remonstrating against any increase being made in the salaries of officials of the District government receiving \$2,000 and over, which was ordered to lie on the table.

He also presented a petition of the Common Council of Nome. Alaska, praying for the adoption of an amendment to the incorporation act for the District of Alaska, providing for a more expeditious and economical method for the collection of taxes, which was referred to the Committee on Territories.

Mr. BROWN. I present for reference a petition in the nature of resolutions signed by a large number of citizens of Nebraska, members of the medical profession, remonstrating against the passage of Senate bill 1, known as the Owen medical bill, providing for a national bureau of health. that the body of the petition be printed in the RECORD, omitting the signatures.

There being no objection, the body of the petition was ordered to be printed in the RECORD, omitting the signatures, as follows: Hon. Nonnis Brown,

Washington, D. C.

Washington, D. C.

Dear Sir: We, the undersigned citizens of Nebraska, practitioners and believers in various systems of healing, including allopathic, homeopathic, esteopathic, chiropractic, Christian Science, etc., wish to enter our protest against the passage of Senate file 1, known as the Owen bill, providing for a national bureau of health.

We consider that the older school of healing has shown, by its record of attempted legislation for more than 20 years, a desire to secure more power for its own special benefit, without advancing any reasons to show that the general public would profit thereby; they favor the Owen bill because it is in line with the legislation they have tried to secure.

We are opposed to the use of Government authority, funds, and other facilities in the interests of any particular school of healing, believing that any system which has merit can establish the same without the aid of Government authority. We claim the right to exercise our individual opinions in the selection of practitioners or systems of healing for our own use.

for our own use.

We believe that a national bureau of health means class legislation and is designed to deny to individuals the rights and liberties for which the citizens of these United States have contended from the beginning. Free government is measured by the liberty enjoyed by individuals, so long as those liberties do not encroach upon the rights of others, and any measures which might ever be enlarged upon or so

construed that they would interfere with medical freedom strike at the

very roots of free government.

We ask that you represent the rights of all Nebraska citizens and that you work and vote against this and any similar measures.

Mr. GALLINGER presented a memorial of the East Washington Citizens' Association, of Washington, D. C., remonstrating against the enactment of legislation proposing to increase the salaries of the commissioners and other officials of the District government, which was ordered to lie on the table.

Mr. MARTINE of New Jersey. I present a petition from Ira B. Tice Lodge, No. 309, Brotherhood of Railroad Trainmen, of Perth Amboy, N. J., praying for the passage of Senate bill 5382, the workmen's compensation bill. I have over 100 similar petitions from members of the same lodge, which I ask may be received with this petition and ordered to lie on the table

The VICE PRESIDENT. Without objection, it is so ordered. Mr. WORKS. I present a telegram in the nature of a memorial, which I ask may be printed in the Record.

There being no objection, the telegram was ordered to lie on

the table and to be printed in the RECORD, as follows:

Senator John D. Works,

Washington, D. C.:

The Sacramento Branch of the National League for Medical Freedom, among whose members are many of Sacramento's prominent citizens, including lawyers, physicians (of other schools than allopathic), professional and business men and women, learning that the so-called Owen bill, to establish a national department of health, has been reported out of the committee, wish to authorize you in their behalf on the floor of the Senate to earnestly and emphatically protest against the passage of said bill as an insidious encroachment upon the sacred rights of individual and personal liberty and as a proposed step toward medical slavery through a system of state medicine which is as naturally abhorent to an American citizen as state religion would now be considered.

Jos. M. Anderson.

F. W. Richardson.

Mr. WORKS presented a memorial of sundry citizens of Anaheim, Westminster, Santa Ana, Bay City, and Garden Grove, all in the State of California, remonstrating against any reduction of the duty on sugar, which was referred to the Committee on Finance.

He also presented petitions of the congregations of the First Presbyterian Church and of the Vermont Avenue Christian Church, of Washington, D. C., praying for the enactment of legislation to diminish the number of saloons in the District and for more stringent regulation of those now in existence, which were referred to the Committee on the District of Columbia.

Mr. JONES. I present various telegrams in the nature of memorials from citizens of the State of Washington, remonstrating against the passage of what is known as the Owen I ask that the signatures to the telegrams be medical bill. noted in the RECORD.

There being no objection, the telegrams were ordered to lie on the table and the signatures to be noted in the RECORD, as follows:

From Alex. Polson, of Hoquiam, Wash.; A. Lee Lewis, From Alex. Poison, of Hoddiam, Wash.; A. Lee Lewis, M. D., D. C., chiropractor, of Everett, Wash.; Senator E. M. Stephens, F. R. Pendleton, and W. G. Swalwell, of Everett, Wash.; J. A. Hood, J. J. Carney, E. C. Miller, J. D. Crary, A. L. Davenport, and S. M. Anderson, of Aberdeen, Wash.; Dr. D. Campbell, D. D. S., of Seattle, Wash.; and A. W. Middleton, Jay D. Crary, Caryll T. Smith, B. F. Cauthorn, A. L. Davenport, and W. O. McCarre of Aberdeen, Wash.; and W. O. McCaw, of Aberdeen, Wash.

Mr. CULLOM presented a petition of the congregation of the Presbyterian Church, of Norris City, Ill., and a petition of the congregation of the Methodist Episcopal Church of Mazon, Ill., praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which were referred to the Committee on the Judiciary.

He also presented a petition of Local Lodge No. 24, Brotherhood of Railroad Trainmen, of Galesburg, Ill., and a petition of Harmony Division, No. 417, Brotherhood of Locomotive Engineers, of Peoria, Ill., praying for the passage of the so-called employers' liability and workmen's compensation bill, which were ordered to lie on the table.

Mr. GRONNA presented resolutions adopted by members of the Socialist Party of Oliver County, N. Dak., remonstrating against any infringement of the rights of free speech and freedom of the press, which were referred to the Committee

on the Judiciary. He also presented a petition of citizens of Glenburn, Deering, and Minot, all in the State of North Dakota, praying for the enactment of legislation providing for an investigation into the conditions existing between coal dealers in the State of Minnesota, which was referred to the Committee on Interstate Commerce.

Mr. SMITH of Arizona. I present three telegrams in the nature of petitions favoring the passage of the workmen's compensation bill. I ask that the telegrams be printed in the RECORD.

There being no objection, the telegrams were ordered to lie on the table and to be printed in the RECORD, as follows:

Douglas, Ariz., April 7, 1912.

Senator Marcus A. Smith, Washington, D. C.

Dear Sir: The passage of Senate bill 5382 and House bill 20487 will confer great benefits on railroad employees, and your influence in this direction will be greatly appreciated.

Yours, truly,

J. W. Baker,

J. W. BAKER, Chief Engineer Division No. 615, Brotherhood of Locomotive Engineers.

WINSLOW, ARIZ., April 7, 1912.

Senator M. A. SMITH, United States Senate:

We, as a body of Brotherhood of Railroad Trainmen, earnestly request you to do all in your power to have Senate bill No. 5382 passed.
GEORGE HILL,
President Brotherhood of Railroad Trainmen, No. 477.

WINSLOW, ARIZ., April 6, 1912.

Hon. M. A. SMITH, United States Senate:

Your support to Senate bill No. 5382 is requested by Brotherhood of Locomotive Engineers, No. 134, Winslow, Ariz.
M. J. Phares, Secretary.

Mr. SMITH of Arizona presented a resolution adopted by the Board of Trade of Phoenix, Ariz., favoring the enactment of legislation providing for the setting aside of certain public lands in the State of Arizona and each of the Western States for the purpose of constructing a complete road system,' which was referred to the Committee on Agriculture and Forestry.

He also presented the petition of W. H. Sawtelle, of Tucson, Ariz., praying for the enactment of legislation providing for the holding of terms of the United States District Court in that city, which was referred to the Committee on the Judiciary.

He also presented a petition of the Board of Trade of Santa Cruz County, Ariz., praying that an appropriation be made for the preservation of the ancient Tomacacori Mission in that State, which was referred to the Committee on Public Buildings and Grounds.

He also presented a petition of members of the Hungarian-American Federation, praying for the adoption of certain amendments to the workmen's compensation bill, which was ordered to lie on the table.

Mr. TOWNSEND presented a petition of sundry citizens of Big Rapids, Mich., praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which was referred to the Committee on the Judiciary

Mr. HEYBURN presented sundry papers to accompany an amendment proposing to appropriate \$250,000 for the construction of new roads and the widening of the present roads in the Yellowstone National Park, in order to permit the use of automobiles therein, etc., intended to be proposed by him to the sundry civil appropriation bill, which were referred to the Committee on Appropriations.

Mr. LODGE presented a memorial of the New England Shoe and Leather Association, remonstrating against the proposed abolishment of the Bureau of Manufactures, which was referred to the Committee on Appropriations.

Mr. STONE presented a memorial of sundry members of the Polish National Alliance of America, residents of St. Louis, Mo., remonstrating against the enactment of legislation to further restrict immigration, which was ordered to lie on the table.

Mr. PENROSE presented petitions of Washington Camps, No. 8, of Harrisburg; No. 729, of Kratzerville; No. 785, of Punxsutawney; No. 386, of Littlestown; and No. 754, of Canonsburg, of the Patriotic Order Sons of America; and of Local Councils No. 1003, of Pequea, and No. 301, of New Brighton, of the Junior Order United American Mechanics, all in the State of Pennsylvania, praying for the enactment of legislation to further restrict immigration, which were ordered to lie on the table.

Mr. CURTIS presented a memorial of sundry members of the United Commercial Travelers of America, residents of Topeka, Kans., remonstrating against the establishment of a parcel-post system, which was referred to the Committee on Post Offices and Post Roads.

He also presented a memorial of sundry citizens of Ottawa, Kans., remonstrating against the enactment of legislation compelling the observance of Sunday as a day of rest in the District

of Columbia, which was ordered to lie on the table. He also presented memorials of sundry citizens of Eureka, Junction City, Ottawa, Emporia, Fort Scott, Topeka, Independence, Atchison, Leavenworth, Lawrence, Paola, Holton, Parsons, and Pittsburg, all in the State of Kansas, remonstrating against the establishment of a department of public health, which were

ordered to lie on the table.

Mr. CLAPP presented memorials of sundry citizens of Fosston, Minneapolis, Nicollet, Stockholm, St. Paul, and Clinton Falls, all in the State of Minnesota, remonstrating against the enactment of legislation to permit the coloring of oleomargarine in imitation of butter, which were referred to the Committee on

in imitation of butter, which were referred to the Committee on Agriculture and Forestry.

He also (for Mr. La Follette) presented memorials of sundry citizens of Franksville, Caledonia, Janesville, Watertown, Milton, Norwood Park, Edison Park, Park Ridge, Stoughton, Fond du Lac, Marbiehead, Eden, Des Plaines, Milwaukee, London, Deerfield, Cambridge, Burke, Whitewater, Edgerton, Antioch, Trevor, Yorkeville, Union Grove, Thiensville, Avalon, Beloit, Fort Atkinson, Racine, Sycamore, Somers, Carliss, Oakfield, Morrisonville, Randolph, and Richwood, all in the State of Wisconsin, remonstrating against any reduction of the duty on Wisconsin, remonstrating against any reduction of the duty on sugar, which were referred to the Committee on Finance.

Mr. GARDNER presented petitions of sundry citizens of Sherman, Sherman Mills, Littleton, Houlton, Buxton, North East Harbor, West Ellsworth, Auburn, Madison, Stockton, Cas-tine, East Union, Vinalhaven, Lincoln Center, Turner, and East Lebanon, all in the State of Maine, praying for the establish-ment of a governmental system of postal express, which were referred to the Committee on Post Offices and Post Roads.

Mr. POINDEXTER. I present a number of telegrams, in the nature of memorials, remonstrating against the so-called Owen medical bill. I ask that the telegrams be printed in the

There being no objection, the telegrams were ordered to lie on the table and to be printed in the RECORD, as follows:

EVERETT, WASH., April 17, 1912.

Senator Poindenter, Washington, D. C.:

We are opposed to the Owen bill or any other creating a national health bureau, as we think it un-American, uncalled for, and class legislation, and in some cases would interfere with religious principles. Hope you will work against it.

Senator F. Muzow Strengers

Senator E. MILTON STEPHENS. F. R. PENDLETON. W. G. SWALWELL.

COLVILLE, WASH., April 15, 1912.

Hon. MILES POINDEXTER. Care United States Senate, Washington, D. C.:

We are still protesting against passage of the Owen bill. Five hundred people in this vicinity are opposing same. L. C. JESSEPH.

SPOKANE, WASH., April 15, 1912,

Hon. MILES POINDEXTER, Washington, D. C .:

Am opposed to the Owen bill as amended, and request that you use your influence to defeat it. It is unneeded, dangerous, and its demand not publicly, but by a very limited class.

JOHN W. GRAHAM.

PULLMAN, WASH., April 18, 1912.

Hon. MILES POINDEXTER, Washington, D. C .:

The members of the League for Medical Freedom in this field earnestly desire to see the Owen bill fail to pass. They wish to request you to work against proposed legislation which would tend to prevent any individual getting the physician and patronizing the school of healing of his choice.

MEDICAL FREEDOM LEAGUE.

ABERDEEN, WASH., April 18, 1912,

MILES POINDEXTER, Senate, Washington, D. C .:

The Owen bill proposes an unjustifiable interference with the personal liberty of every citizen. Its passage would be a misfortune, its result injurious and disastrous to the spirit of our Government. We ask you to work and vote against the Owen bill.

A. W. MIDDLETON.
JAY D. CRARY.
CARYLL T. SMITH.
B. F. CAUTHERN.
AL. DAVENPORT.
W. O. MCCAW.

EVERETT, WASH., April 17, 1912.

MILES POINDEXTER. Washington, D. C .:

Please vigorously protest against passage of Owen bill in behalf Medical Freedom League. Present Washington State membership is 12,700.

A. LEE LEWIS, M. D.,
D. C. Chiropractor.

WALLA WALLA, WASH., April 17, 1912.

Hon. Miles Poindexter, United States Senate, Washington, D. C.:

We protest against and urge you to vote against the passage of the Owen bill. The Vaccine Farms Trust care not one iota for the public health, but very much desire to compel the public to purchase their

products through the agency of the American Medical Association at exorbitant prices. We are satisfied with present laws on subject, and desire our medical freedom as American citizens.

EDWARD S. ISAACS.

PULLMAN, WASH., April 17, 1912.

Hon. Miles Poindexter, United States Senate, Washington, D. C.

My Dear Senator: Respectfully ask that you oppose in every way possible passage of Owen bill creating national board of health. Believe that this bill is unfair and that its passage is entirely uncalled for. Religious and personal liberty is seriously threatened by such a measure.

J. A. NESSELY.

HOQUIAM, WASH., April 17, 1912.

HOQUIAM, WASH., April 11, 1912.

United States Senate, Washington, D. C.:

At the urgent request of the many citizens in Hoquiam, Aberdeen, and the State I ask you to oppose the Owen bill. It interferes with our individual rights, state rights, is class legislation of the worst form, and is the beginning of a medical trust that eventually will be intellerable. intolerable.

ABERDEEN, WASH., April 17, 1912.

MILES POINDEXTER, United States Scnate, Washington, D. C.:

Our Government is founded on the principle of freedom and sacredness of individual rights. Any bill providing for a department or bureau of health strikes at the foundation of this free Government, Defeat all such bills.

J. A. HOOD.
J. D. CRARY.
J. J. CARNEY.
A. L. DAVENPORT.
E. C. MILLER.
S. M. ANDERSON.

SPOKANE, WASH., April 16, 1912.

Senator Miles Poindexter, Washington, D. C.:

The Owen bill which is about to come before the Legislature is too un-American and despotic to be countenanced by broad-minded people, and I hope you will do everything in your power to knock it out.

BYRON N. WHITE.

REPORTS OF COMMITTEES.

Mr. SMOOT, from the Committee on Public Lands, to which was referred the bill (S. 6221) for the relief of John W. Hagan, asked to be discharged from its further consideration and that it be referred to the Committee on Military Affairs, which was agreed to.

Mr. BOURNE, from the Committee on Commerce, to which

Mr. BOURNE, from the Committee on Commerce, to which the subject was referred, reported a bill (S. 6412) to regulate radio communication, which was read twice by its title.

Mr. GALLINGER, from the Committee on the District of Columbia, to which was referred the bill (S. 6156) to direct that Crittenden Street NW., between Iowa Avenue and Seventeenth Street NW., be stricken from the plan of the permanent system of highways for the District of Columbia reported it. system of highways for the District of Columbia, reported it without amendment and submitted a report (No. 637) thereon.

Mr. DU PONT, from the Committee on Military Affairs, to which was referred the joint resolution (S. J. Res. 99) au-

thorizing the President to reassemble the court-martial which on August 16, 1911, tried Ralph I. Sasse, Ellicott H. Freeland, Tattnal D. Simpkins, and James D. Christian, cadets of the Corps of Cadets of the United States Military Academy, and sentenced them, reported it without amendment.

PROPOSED TARIFF LEGISLATION.

Mr. PENROSE. From the Committee on Finance, I report back, with a negative recommendation, the chemical schedule balk, with a negative recommendation, the chemical schedule bill, the bill (H. R. 20182) to amend an act entitled "An act to provide revenue, equalize duties, encourage the industries of the United States, and for other purposes," and I submit a report (No. 636) thereon. I ask that the bill may go on the calendar.

The VICE PRESIDENT. The bill will be placed on the calendar.

Mr. PENROSE. I wish to inform the Senate that a report of the majority accompanies the bill.

of the majority accompanies the bill.

Mr. SIMMONS. Mr. President, the committee acted upon this bill yesterday morning and the report of the majority members of the committee has just been prepared. We have not had an opportunity to examine it. It is the purpose of the minority members of the committee to file a minority report in

a few days, as soon as we have time to examine the majority

report and prepare a minority report.

Mr. PENROSE. I should like to ask the Senator from North Carolina whether it would be agreeable to the minority of the committee to have an effort made to have House bill 18642, what is called the metal bill, made the unfinished business of the Senate as soon as the present unfinished business is disposed of?

Mr. SIMMONS. I will state to the Senator from Pennsylvania that it is my purpose, and I announced that purpose one day this week, that as soon as a vote is taken upon the present unfinished business, the immigration bill, to move that the metal schedule bill be made the unfinished business of the Senate. I shall be very glad if at an early day the Senator will join us, and if we can get unanimous consent to fix a time when a vote shall be taken upon that bill with a view to facilitating as much as possible an early termination of it.

Mr. PENROSE. So far as I am advised by Senators who have informed me as to whether they will speak or not on the metal bill, I think it would be entirely possible to make a proposition to the Senate for a unanimous-consent agreement for an vote on the metal schedule, at the same time giving every Senator who has expressed a desire to speak full oppor-

tunity to be heard.

Mr. SIMMONS. I do not think at this stage we would be able to determine the length of time which will be required in order to give Senators a reasonable opportunity to discuss the I do not know of any disposition to prolong the discussion of the subject. However, there are quite a number of Senators who wish to be heard. After we have gotten into the bill and have ascertained by conference about how many Senators want to speak and how long it will take them to get through with the debate, we will be very glad to fix a day certain upon which the vote shall be taken.

INTERNATIONAL CONGRESS ON HYGIENE AND DEMOGRAPHY.

Mr. GALLINGER. From the Committee on the District of Columbia I report back favorably with an amendment the joint resolution (S. J. Res. 97) authorizing the Fifteenth International Congress on Hygiene and Demography to occupy temporary structures erected by the American Red Cross and to erect temporary structures in Potomac Park, Washington, D. C., and I submit a report (No. 638) thereon. As the measure is somewhat urgent and is brief, I ask for its present considera-

The VICE PRESIDENT. The Secretary will read the joint resolution for the information of the Senate.

The Secretary. The amendment of the committee is to strike out all after the resolving clause and insert:

That the American Red Cross is hereby given permission to allow the temporary structure erected by it in Potomac Park under the provisions of the joint resolution approved May 11, 1911, to remain in position for a sufficient length of time to be used for exhibition purposes by the Fifteenth International Congress on Hygiene and Demography at its meeting in 1912, and that authority is hereby given to the Chief of Engineers, United States Army, to grant permission to the responsible officers of the Fifteenth International Congress on Hygiene and Demography to crect on the public grounds, on a site to be approved by the Chief of Engineers, such additional temporary structures as may be necessary for exhibition purposes: Provided, That the United States shall be put to no extra expense of any kind thereby, and that all the structures shall be promptly removed by the Fifteenth International Congress on Hygiene and Demography at the close of the meeting and the site cleared of all débris and put in as good condition as before the erection of the structures.

The VICE PRESIDENT. Is there objection to the present consideration of the joint resolution?

There being no objection, the joint resolution was considered as in Committee of the Whole.

The amendment was agreed to.

The joint resolution was reported to the Senate as amended and the amendment was concurred in.

The joint resolution was ordered to be engrossed for a third reading, read the third time, and passed.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. SMITH of Maryland:

A bill (S. 6413) for the purchase of a site and erection of a Federal building at Salisbury, Md.; to the Committee on Public Buildings and Grounds.

By Mr. WATSON:

A bill (S. 6414) to establish a fish hatchery and fish station in the State of Maryland or in the State of West Virginia; to the Committee on Fisheries.

By Mr. MARTINE of New Jersey (by request):

A bill (S. 6415) for repeal of a part of chapter 248 of an act approved May 18, 1910, entitled "An act making appropriations for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1911, and for other purposes"; to the Committee on the District of Columbia.

By Mr. CULLOM:

A bill (S. 6416) granting an increase of pension to F. W. Chapman (with accompanying papers); to the Committee on Pensions.

By Mr. DU PONT: A bill (S. 6417) granting a pension to Isaac H. Griffith; to the Committee on Pensions.

By Mr. WORKS:

A bill (S. 6418) granting an increase of pension to James P. Jones (with accompanying papers); and

A bill (S. 6419) granting an increase of pension to George P. Love (with accompanying paper); to the Committee on Pen-

By Mr. DAVIS:

A bill (S. 6420) for the relief of heirs or estate of George A.

Hon, deceased; and
A bill (S. 6421) for the relief of heirs or estate of John Rubb, deceased; to the Committee on Claims.

A bill (S. 6422) granting a pension to James A. Frey (with accompanying papers); to the Committee on Pensions.

By Mr. TOWNSEND: A bill (S. 6423) granting an increase of pension to Bernard Magoonaugh (with accompanying papers); to the Committee on Pensions.

By Mr. HEYBURN: A bill (S. 6424) for the relief of Aaron Kibler (with accompanying papers); to the Committee on Military Affairs. By Mr. THORNTON:

A bill (S. 6425) for the relief of heirs of J. Sosthene Mouton, deceased (with accompanying paper); to the Committee on Claims

By Mr. ASHURST:

A bill (S. 6426) prohibiting threats, express or implied, intended or calculated to influence the political opinions or actions of workmen or employees in presidential elections; to the Committee on the Judiciary.

By Mr. KERN: A bill (S. 6427) for the relief of Frederich Zichendraft (with accompanying papers); to the Committee on Military Affairs.

A bill (S. 6428) granting a pension to Emma J. Turner (with accompanying paper); and A bill (S. 6429) granting an increase of pension to John Smith

(with accompanying paper); to the Committee on Pensions.

By Mr. JONES: A bill (S. 6430) granting an increase of pension to Marion O.

Brown

A bill (S. 6431) granting an increase of pension to Millard F. Shaw

A bill (S. 6432) granting a pension to Charles A. Barthrop; A bill (S. 6433) granting a pension to Ella S. Kyes; and A bill (S. 6434) granting an increase of pension to John A. Camp; to the Committee on Pensions.

By Mr. CRAWFORD (for Mr. GAMBLE):

A bill (S. 6435) to amend section 2 of an act approved March 2, 1907, entitled "An act providing for the allotment and distribution of Indian tribal funds" (34 Stat. L., pp. 1221-1222); to the Committee on Indian Affairs.

A bill (S. 6436) granting an increase of pension to John Ryan (with accompanying papers);

A bill (S. 6437) granting an increase of pension to Benjamin

F. Downen (with accompanying papers);

A bill (S. 6438) granting an increase of pension to Samuel E.

A bill (S. 6439) granting a pension to John J. Boesl (with accompanying papers); to the Committee on Pensions.

By Mr. POINDEXTER:

A bill (S. 6440) to amend an act entitled "An act relating to rights of way through certain parks, reservations, and other public lands," approved February 15, 1901; to the Committee on Public Lands.

AMENDMENTS TO RIVER AND HARBOR BILL (H. R. 21477).

Mr. CULLOM submitted an amendment providing that the appropriation for the development of a deep waterway in the Des Plaines and Illinois Rivers be made available for the improvement of the alluvial division of the Illinois River, etc., intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

Mr. WORKS submitted an amendment providing for a survey of Redondo Harbor, Cal., intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

Mr. FLETCHER submitted an amendment proposing to appropriate \$40,000 for improving the entrance to Charlotte Harbor, Fla., etc., intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

Mr. PERCY (for Mr. WILLIAMS) submitted an amendment proposing to appropriate \$180,000 for the improvement of Dog and Pascagoula Rivers, and Horn Island Pass, Miss., etc., intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

AMENDMENTS TO APPROPRIATION BILL.

Mr. JONES submitted an amendment proposing to appropriate \$25,000 for the establishment of a fish-cultural station in the State of Washington on the Queniult River or its tributaries or on Lake Queniult, intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Fisheries and ordered to be printed.

Mr. SMOOT submitted an amendment proposing to appropriate \$25,000 for the establishment of a fish-cultural station in the State of Utah, etc., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

OMNIBUS CLAIMS BILL.

Mr. SANDERS (for Mr. Lea) submitted an amendment intended to be proposed by him to the bill (H. R. 19115) making appropriation for payment of certain claims in accordance with findings of the Court of Claims, reported under the provisions of the acts approved March 3, 1883, and March 3, 1887, and commonly known as the Bowman and the Tucker Acts, which was referred to the Committee on Claims and ordered to be printed.

LOSS OF STEAMER "TITANIC."

Mr. RAYNER. Mr. President, I ask the indulgence of the Senate upon a proposition that I think is of grave importance in connection with the appalling disaster upon the White Star Line. I read in one of the papers yesterday afternoon a state-ment that the Senator from Michigan [Mr. SMITH], who is chairman of the Senate Committee, is supposed to have made in reference to this matter. I do not think that he made the statement; but I will read it, at any rate:

Senator Smith said that he feared his committee would be without jurisdiction to compel Mr. Ismay and other British subjects connected with the International Mercantile Marine to attend the hearing and give testimony.

"We may not have jurisdiction over the individual," said Mr. Smith, "but the American Congress is not without jurisdiction over the harbors of the United States. It is for these men who make use of the harbors to meet the public demand for information in regard to this terrible disaster, and to do it now."

Senator Smith said that he and several other members of this committee would present this argument to Mr. Ismay and others in the hope that they would be willing to accept subpenas from the Sergent at Arms of the Senate, who would accompany them.

Mr. President, I do not for a moment believe that the Senator from Michigan made any such statement as this. The Senator from Michigan is as thoroughly familiar with the rules and the procedure of the Senate as any Member of it, and is the proper man at the head of this investigation. I repeat, therefore, that I do not believe he made the statement that his committee was without jurisdiction in the premises, and that it depended entirely upon the voluntary acquiescence of Mr. Ismay to bring himself within the jurisdiction of the Senate.

In connection with this-which I consider a very important practical proposition-I want to read an interview with one of the passengers of this ship that has just been handed to me, published in the Washington Times of to-day, April 19:

ISMAY TOOK ONE OF FIRST BOATS, SAYS SURVIVOR—DAUGHTER OF CONGRESSMAN HUGHES TELLS OF HER EXPERIENCES AFTER WRECK.

NEW YORK, April 19, 1912.

New York, April 19, 1912.

Not only did J. Bruce Ismay, managing director of the White Star Line, get into one of the first lifeboats to be launched, but he was escorted and assisted by several seamen, while the women had to tumble in and take care of themselves, according to Mrs. Lucien P. Smith, daughter of Congressman Huones of West Virginia, and widowed bride of Lucien P. Smith.

Mrs. Smith told her experience through her uncle, Dr. J. H. Vincent, of Huntington, W. Va. "Capt. Smith was standing beside the boat when it was lowered. Mrs. Smith implored Capt. Smith, who was standing nearby, to permit her husband in the boat, but he refused. There were but 20 persons in the boat, having a capacity of 50 to 60, when it was lowered. Many more might have been saved in it. Mrs. John Jacob Astor was in this boat, and there was but one drunken sailor aboard to man it. The women had to row it as best they could. In the face of all this Capt. Smith refused the pleading of Mrs. Smith to let her husband in the boat.

"My niece saw Mr. Ismay leaving the boat. He was attended by several of the crew and every assistance was given him to get into the boat. And when the Carpathia came along and rescued the shipwrecked passengers, some of the crew of the Carpathia, together with men of the Titanic, actually carried Mr. Ismay to spacious rooms that had been set aside for him. As soon as Mr. Ismay was placed in his room a sign was placed on the door, 'Please do not knock.'"

Mr. President, the practical question is, What jurisdiction has the senatorial committee over the person of Mr. Ismay, the managing director of the White Star Line, who, in my judgment, 1

acted in a most cowardly manner in this disaster, and to whom I think it is largely attributable.

I want to say to the Senate that this entire question presents itself in three different aspects. The first aspect and the second aspect are ones with which we have no connection and over which we have no jurisdiction. The third is one over which I think we have complete jurisdiction.

In the first place, as to a civil suit against the owners of this line in the British courts. Under the English law the vessel is liable, but, of course, practically that liability can not attach. The passenger money is liable; the prepaid freight is liable; and under the law of England there is set apart, if I recall it rightly—and I think I am correct about that without having the time to examine into it closely—there is set apart £15 a ton for every registered ton of the vessel to compensate for losses.

Second, as to the criminal remedy. I apprehend, Mr. President, that there is no criminal remedy in the United States for the disaster. It occurred upon the high seas upon a foreign vessel, and the only criminal remedy is in the British courts. My own judgment is that this directorate of the company is liable to indictment and conviction in the courts of the country to which the vessel belonged. If this had happened upon an American vessel there would have been no question that indictment could have been found, and if the facts sustained the indictment, as I think they would, the directorate of this company, or rather the officers of the company, could be convicted of manslaughter, if not of murder, because it seems to me that the evidence is clear that this vessel was not properly equipped with efficient life-saving apparatus to accommodate its passengers.

Not only this, but another fact has come to light, it seems to me, without any contradiction, and that is that notwithstanding the repeated warnings the captain of this ship had, he nevertheless, rather than adopt the southern route, which would have brought him to New York perhaps a few hours later, took the northern route and encountered the dangers which were the cause of this appalling disaster.

I wish now to show the Senate that the jurisdiction here is in a committee of inquiry. I will now read merely a few lines upon the subject of whether there can be any criminal presentment or indictment in our courts. Speaking of crimes upon foreign-built vessel—I read from Moore's International Digest, page 264-it is said:

The crimes of murder and robbery, committed by foreigners on board of a foreign vessel on the high seas are not justiciable in the tribunals of another country than that to which the vessel belongs.

If an act of robbery or murder were committed upon one of the passengers or crew by another in a vessel at sea, the vessel being at the time and continuing under lawful authority, and the offender were secured and confined by the master of the vessel to be taken home for trial, this state of things would not authorize seizure and trial by any nation that chose to interfere, or within whose limits the offender might afterwards be found.

I will read just one more quotation.

Of offenses committed on the high seas on board of foreign vessels not being a piratical vessel, but belonging to persons under the acknowledged government of a foreign country, this court has no jurisdiction under the act of 1790.

We lay no stress on the fact that the deceased was a foreigner. Our judgment would be the same if he had been an American citizen. We decide the case wholly on the ground that the schooner was a foreign vessel, belonging to foreigners, and at the time under the acknowledged jurisdiction of a foreign Government.

These are Supreme Court decisions, from which I am reading.

Now, we come to the third proposition—and that is the reason I have risen—what jurisdiction has this committee?

Mr. President, in my judgment, there is not the slightest doubt about the proposition that this committee has absolute jurisdiction over Mr. Ismay, whether he is a British subject or not, not by his acquiescence, but for the purpose of compelling him to give testimony in relation to this matter. If he declines to give the company of the purpose of the purp declines to appear or declines to give testimony, then he can be committed for contempt and indicted in the courts of the District of Columbia. Therefore I do not suppose for a moment that the Senator from Michigan said:

We may not have jurisdiction over individuals, but the American Congress is not without jurisdiction over the harbors of the United States,

Of course, when a foreign ship gets into an American harbor, unquestionably our courts have jurisdiction over it for any offense that may be committed on it in the harbor. I will not trouble the Senate with reading the authorities on that point, because the authorities are uniform on that proposition. It matters not whether the persons who were in charge of the ship were foreigners or not; it matters not whether the vessel

is a foreign vessel or not, when it once gets into an American harbor and a crime is committed in an American harbor, we have jurisdiction. This is criminal carelessness upon the part of the management of this company, for which the management of the company, however, is indictable in England for man-slaughter; but that is not the ground on which I stand. The ground I take is that under sections familiar, I suppose, to the Senate—sections 101, 102, 103, and 104 of the Revised Statutes it is provided—and as they are very brief, I will read them, because I think the committee ought to go to its full length and to the last degree in following up this case, as it is the only committee and this is the only body, with the exception of the House of Representatives, that has any jurisdiction over the matter at all:

Sec. 101. The President of the Senate, the Speaker of the House of Representatives, or a chairman of a Committee of the Whole, or of any committee of either House of Congress, is empowered to administer oaths to witnesses in any case under their examination.

Sec. 102. Every person—

Now, it matters not, Mr. President, whether the person is a foreigner or not, because every foreigner, with the exception of foreign ambassadors and foreign ministers, is subject to the laws of the country if he is in the country. The place of his birth or the place of his residence has no connection with our jurisdiction over the matter under this act of Congress;

jurisdiction over the matter under this act of Congress;

SEC. 102. Every person who having been summoned as a witness by the authority of either House of Congress to give testimony or to produce papers upon any matter under inquiry before either House, or any committee of either House of Congress, willfully makes default, or who, having appeared, refuses to answer any questions pertinent to the question under inquiry, shall be deemed guilty of a misdemeanor, punishable by a fine of not more than \$1,000 nor less than \$100, and imprisonment in a common jall for not less than 1 month nor more than 12 months.

SEC. 103. No witness is privileged to refuse to testify to any fact, or to produce any paper, respecting which he shall be examined by either House of Congress, or by any committee of either House, upon the ground that his testimony to such fact or his production of such paper may tend to disgrace him or otherwise render him infamous.

SEC. 104. Whenever a witness summoned as mentioned in section 102 falls to testify, and the facts are reported to either House, the President of the Senate or the Speaker of the House, as the case may be, shall certify the fact under the seal of the Senate or House to the district attorney for the District of Columbia, whose duty it shall be to bring the matter before the grand jury for their action.

These sections of the Revised Statutes have been before the

These sections of the Revised Statutes have been before the Their constitutionality was questioned by some of the ablest lawyers in the United States, but their constitutionality and the proceedings under them have been held to be valid and have been approved of by the court. I refer the Senate to a case that I will not read, in which the whole question was discussed-and it has been before the Senate several times beforethe case of Chapman v. United States (166 U. S., p. 211). will read one of the headnotes from the Appeal Cases, District of Columbia, page 302, where the whole subject was gone into and passed upon by the court, Justice Morris delivering the opinion of the court:

When a witness summoned to appear before a congressional investigating committee appears, and after consultation with counsel, refuses to answer questions propounded to him, and he is prosecuted under sections 102, 103, and 104 of the Revised Statutes of the United States, it is not necessary for the prosecution to show that the defendant willfully refused to answer the questions, and that his refusal to do so was with bad faith and evil intent. His refusal itself is a deliberate and willful act.

Chapman refused to answer questions; he sued out a writ of habeas corpus, and the question came before the court. The

court ruled against him, and he served his term of imprisonment under the sections that I have just read.

Therefore, Mr. President, I say that we have full jurisdiction in this matter and we ought to follow it to its bitter end; that is to say, the committee appointed by this body should not ask Mr. Ismay whether or not he will volunteer to testify, for it is not a gratuitous matter; it is not a matter that he can determine, but the committee have a right, with the Sergeant at Arms, to summon Mr. Ismay, and if he makes any attempt to leave, or if he fails to appear, or if he refuses to answer the questions, then, under the proper process of these sections, we have a right to ask the prosecuting attorney of the District of Columbia to indict him, and he is subject to imprisonment according to the decisions of the courts. We have a perfect right, Mr. President, to bring him here to the District of Columbia, and that ought to be done. He ought not to be examined in New York; he ought to be examined and appear right here, because this is a national disaster, and he ought to be made to give full explanation, and particularly an explanation why the managing director of the company, under whose orders evidently the captain of that boat was acting-it was not Mr. Ismay under the captain of the boat, but it was the captain of the boat under Mr. Ismay—why he permitted hundreds of passengers to perish and took, as he says himself, not the last lifeboat, but took the very first lifeboat for the purpose of escaping and making his way safely to American shores, I escaping and making his way safely to American shores,

will not dwell, Mr. President, any further upon this, except to

Mr. SIMMONS. Mr. President—
The VICE PRESIDENT. Does the Senator from Maryland yield to the Senator from North Carolina?

Mr. RAYNER. Certainly. Mr. SIMMONS. The Senator from Michigan [Mr. SMITH], who is chairman of the subcommittee, is not present; he is in New York; but, in view of the fact that the Senator has just said this investigation ought not to be made in the city of New York, but ought to be made in Washington, I will state to the Senator that at a metting of the subcommittee, of which I am a member, on yesterday evening it was the consensus of opinion of the committee that the investigation should be made here, as the Senator suggests, and the investigation will be made here.

The chairman of the subcommittee and one other member have gone to New York, not for the purpose of arranging or preparing for an investigation in that city, but simply for the purpose of getting some information that might aid us in beginning the investigation here in the city of Washington. I agree with the Senator. I do not think it would comport with the dignity of this Government for a senatorial committee to hold this sort of investigation anywhere else except at the Capitol.

I want to say to the Senator, with reference to his suggestion, that we have the power to subpæna Mr. Ismay and require his attendance—that I have no question about our power to do On the other hand, I have no question, Mr. President, that Mr. Ismay will come here and any other officer of that steamship line will come here, and be glad to come here, in order to answer any inquiry that this committee may see fit to make. I think any other course on the part of the officers and officials of that steamship line would be suicidal, and I think, if the Senator will consider the matter, he will take this view of it.

Mr. RAYNER. I am very glad of that, and the Senator and myself do not differ at all upon the method of procedure. I have absolute confidence in the chairman of the committee. do not think there is anyone more admirably qualified to conduct the investigation, and I do not believe one word of this publication; I am perfectly satisfied with the remarks the Senator from North Carolina made; and I know the Committee on Commerce and the chairman and all the members who compose the subcommittee will do their duty to the utmost degree.

Mr. Ismay is the managing director of the line. He was saved. Fifteen hundred human beings, including the captain and the crew, went down to their untimely deaths. Mr. Ismay claims, according to reports, that he took to the last lifeboat. I do not believe it, and if he did, it was cowardly for him to take to any lifeboat. As managing director of the line, to-gether with his board of directors, he is criminally responsible for this appalling tragedy. I have not the slightest doubt that the northern route was taken in obedience to his direct orders, and that with full warning he risked the life of his entire ship to make a speedy passage across the sea. No one can tell me that with the managing director of the line on board the captain did not act under his immediate orders. I care not what the rules of the English admiralty are. Here you have the spectacle of the managing director of the line failing to see that his ship was properly equipped with life-saving apparatus, heedless of the warnings that were sent to him that he was sailing in a dangerous sea, forsaking his vessel and permitting 1,500 of her passengers and crew to be swallowed by the sea. No pen can portray, no human tongue can describe the agonies of that chaotic night. There has hardly ever been a calamity upon the land or the sea, there has hardly ever been a battle fought between the nations of the world that equals it in the terrible details of sacrifice and suffering.

We must be prepared to meet death in whatever shape it comes to us, but the distraction, the martyrdom, and the agonies of separation that took place on board of the sinking ship are too fearful for the mind to dwell upon and contemplate, but Mr. Ismay, the officer primarily responsible for the whole disaster, has reached his destination in safety and unharmed.

No legislation can bring back to earth a single life lost upon that fatal night. What we can do is to help to fix the responsibility, if possible, and rely upon British justice to bring to bay

the guilty directorate of this company.

Mr. President, this is where the trouble lies. We punish inferior officers and subordinate employees for neglect of duty, but the men at the head who give the orders and reap the profit we permit to escape. All the civilized nations of the world will applaud the criminal prosecution of the management of this line, and if they can be made to suffer, as they ought and should be, no sympathy will go out for them, and if it does it will be hushed and drowned and submerged in the overwhelming lam-

entation that to-day reechoes throughout every quarter and section of the civilized world, for the victims of their culpable carelessness, a recklessness that sent hundreds of their fellow beings into eternity, desolating homes and firesides, and turned this land into a house of mourning.

In this hour of our calamity we appeal to the God of the universe for strengthening faith, and we appeal to the majesty of the law to deal out retributive justice to this guilty com-

pany to the last degree.

REGULATION OF IMMIGRATION.

The PRESIDING OFFICER (Mr. CURTIS in the chair). Morning business is closed. The Secretary will report the unanimous-consent agreement.

The Secretary read as follows:

It is agreed by unanimous consent that to-morrow, Friday, April 19, 1912, following the routine morning business, the Senate will proceed to consider S. 3175, "To regulate the immigration of aliens to and residence of aliens in the United States," and will vote upon all amendments pending or that may be offered and upon the bill itself before adjournment on that calendar day.

The Senate, as in Committee of the Whole, resumed the consic ration of the bill.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mr. SMITH of South Carolina. Mr. President, I offer the following amendment, which I wish the Secretary to read.
The PRESIDING OFFICER. The amendment proposet

The PRESIDING OFFICER. The amendment proposed by the Senator from South Carolina will be read for information.

The Secretary. In section 3, page 9, at the end of line 18, after the word "labor," insert "if otherwise admissible," so that the proviso as amended would read:

Provided: That skilled labor, if otherwise admissible, may be imported if labor of like kind unemployed can not be found in this country.

Mr. SMITH of South Carolina. Mr. President, in proof of the fact that skilled labor, under this bill without this amend-ment, may be admitted without any of the excluding tests provided for in the bill, section 5, in part, says:

That it shall be unlawful for any person, company, partnership, or corporation, in any manner whatsoever, to prepay the transportation or in any way to induce, assist, encourage, or solicit the importation or migration of any contract laborer or contract laborers into the United States, unless such contract laborer or contract laborers are exempted under the provisions of section 3.

Now, I want to state, Mr. President, that along with a majority of those who have spoken on this bill I am unalterably opposed to any legislation which does not, to the fullest capacity of this body, commensurate with the best interests of the United States, impose such restrictions in our immigration laws as will prohibit the continuance of the startling facts disclosed in the report of the immigration commission.

The immigration commission has summed up the facts as they were set forth yesterday by the Senator from Vermont [Mr. Dillingham]. I call the attention of the Senate to the fact that according to the last census the increase of population in the United States in the last 10 years is 15,997,691 for continental America. The aliens imported covering the same period nental America. The aliens imported covering the same period numbered 8,795,386, leaving the increase of native Americans 7,182,305, or less than half the increase in the census period of 10 years.

Mr. SHIVELY. Mr. President—
The PRESIDING OFFICER. Does the Senator from South Carolina yield to the Senator from Indiana?

Mr. SMITH of South Carolina. Certainly

Mr. SHIVELY. Is the Senator certain that that means children of native birth? Does it not mean likewise children of foreign parents?

Mr. SMITH of South Carolina. I will come to that later and make that differentiation.

According to a report of the Bureau of Immigration, an average of 274,437 of the aliens coming in return abroad yearly. We had no law or provision to take a census of those returning until 1908, 1909, 1910. Therefore, the figures cover those three years and the average for those three years is, as I said, 274,437. It makes within the 10-year period a return of 2,744,370. That is, taking the 3-year average as an average for the 10-year period. The total number of immigrants for the 10-year period was 8,795,386.

Now, deducting 2.744,370 from the total number of foreigners brought into this country during this period, we have left as citizens, or as permanent residents, 6,051,016, not including, as the Senator from Indiana says, the children born of foreign

parentage.

Taking into account the children born to parents of foreign birth, it will be seen that the increase in population in the last decade is more than half foreign born or born of foreign

parents.

On page 103 of the commission's report they take in a period of 11 years. The total number of immigrants brought in during that period was 9,955,673. Of that total only 7,121,335 gave any evidence of having any money at all; that is, 7,121,335 had a total amount of money aggregating \$206,145,738. In 1907 alone, according to figures calculated by the commission, which appear on page 103 of the report of the Immigration Commission, the total amount of money shown by all the immigrants arriving during the 11 years was estimated to be \$206,145,738, while it is estimated that \$275,000,000 was sent out of the country by these aliens in the year 1907 alone.

This year, 1907, is the high-water mark in the number of immigrants who came to this country in a single year. Deducting \$75,000,000, for the reason that there were an unusual number for this year, and putting the average at \$200,000,000 annually, they have sent out from this country in the decade from 1901

to 1910, \$2,000,000,000 to foreign countries.

Mr. President, we have heard the argument made here that every time there is brought into this country a product of foreign labor it displaces a like amount of domestic production. That is availed of as an argument for the protection of American industry. Here we have foreign laborers to the number of 9,000,000, brought in in a decade, sending out of this country \$2,000,000,000 within a decade, coming in competition with American labor, and taking from American workmen \$2,000,000,000 within 10 years. Supplanting with this vast army of foreigners a like number of American laborers. These foreigners have no right in justice, and should have none in law, to be given the privilege to take such a stupendous amount of money from American laborers.

I call the attention of the Senate to the class who come here, because I am addressing myself not only to the amendment I sent to the desk but to the plea that we should retain in the bill the literacy test and every other test that is possible to restrict this immigration and to leave our American citizenship

as nearly American as may be.

It is interesting to note the class that come here. to the same report of the Immigration Commission the number reported as to employment was 7,048,953. Of the skilled occupations there were 20 per cent; farm laborers, 23 per cent; laborers in other occupations, 19 per cent; and professionals, $1\frac{4}{10}$ per cent. According to the universal rule the professionals are those who are mentally and educationally prepared to enter into the higher divisions of our labor or of our institutions. They compose 14 per cent, while all the balance were common laborers. On page 100 of this report the acteal numbers are given and I will have them incorporated in the RECORD without

reading.
The PRESIDING OFFICER. Without objection, it is so ordered.

The matter referred to is as follows:

Table 12.—Number of immigrants admitted to the United States reporting each specified occupation, fiscal years 1899 to 1910, inclusive, by race or people.

[Compiled from reports of the United States Commissioner General of Immigration.]

		Number who were—					
Race or people.	Total number of immigrants.	In professional occupations.	In skilled oc- cupations.	Farm laborers.	Laborers.	In other occu- pations.	Without occu- pation (includ- ing women and children).
African (black) Armenian Bohemian and Morayian Bulgarian, Servian, and Montenegrin Chinese Croatian and Slovenian Cuban Dalmatian, Bosnian, and Herzegovinian	26, 498 100,189 97, 391 22, 590 335, 543 44, 211	745 435 808 124 862 253 1,767 35	9,890 7,281 24,665 3,009 218 14,893 15,097 2,709	3,560 4,353 9,619 43,364 92 97,882 51 10,267	4,511 3,308 7,598 40,326 4,831 159,797 626 13,663	7,182 3,166 17,799 4,168 14,143 25,499 4,955 1,591	7,742 7,955 39,700 6,400 2,444 37,219 21,715 3,431

Table 12.—Number of immigrants admitted to the United States reporting each specified occupation, fiscal years 1899 to 1910, inclusive, by race or people—Continued.

	Total number of immigrants.	Number who were—					
Race or people.			In skilled oc- cupations.	Farm laborers,	Laborers.	In other occupations,	Without occu- pation (includ- ing women and children).
Dutch and Flemish East Indian English Finnish French German Greek Hebrew Irish Italian, North Italian, South Japanese Korean Lithuanian Magyar Mexican Pacific Islander Polish Portuguese Rotmatian Russian Russian Rushian Russian Rushian Russian Rushian	87,658	2,019 359 22,552 370 6,582 16,234 6,612 3,488 3,324 6,012 3,458 49 165 1,332 212 160 969 109 5,678 5,088 11,676 1,103 441 133 679 570 386	15, 295 93 121, 840 7, 341 24, 137 137, 539 152, 289 395, 823 47, 255 60, 396 215, 510 6, 954 102 9, 414 22, 325 3, 918 141 47, 462 3, 295 2, 669 6, 363 2, 595 97, 207 51, 660 12, 802 16, 828 1, 246 8, 349 865 7, 278 8, 217 1, 139	9,715 636 6,253 6,307 6,302 82,060 38,305 51,460 17,484 55,541 507,659 61,561 6,233 41,660 106,929 44,860 27,593 56,287 2,28,508 36,287 2,28,508 10,901 3,899 517 196 2,554	11, 684 3, 649 29, 066 76, 243 11, 925 90, 648 132, 059 60, 444 114, 967 141, 667 626, 144 10, 933 46 65, 966 94, 916 15, 763 8, 855, 617 22, 550 25, 972 30, 334 47, 746 172, 194 7, 895 129, 817 7, 896 7, 744 5, 393 1, 432 437 4, 464	11,139 728 70,287 32,657 21,141 131,812 11,387 106,985 191,094 85,991 116,334 34,431 222 24,319 34,539 2,005 65 135,511 18,772 2,470 4,727 123,778 21,720 45,020 8,788 2,792 9,237 1,351 2,887 2,453 1,171 26	37, 806 321 158, 616 28, 766 45, 74* 296, 08; 19, 24* 484, 177* 63, 456 76, 046 440, 27* 31, 474 1, 088 33, 718 78, 877 19, 155 44 200, 63, 3 24, 433 7, 177 13, 588 18, 911 111, 211 47, 63- 87, 288 12, 809 50, 188 1, 313 7, 955 4, 699 2, 041 33
Total	29,555,673	99,737	1,423,525	1,650,855	2, 528, 502	1,346,334	2,506,71

Details by occupation 5 less than total.

Details by race or people 2 less than total, and details by occupation 7 less than total.

article from the New York Herald of April 13, 1912:

TROUBLE AHEAD.

TROUBLE AHEAD.

We call attention in the news columns this morning to the flood of immigrants now pouring into the country through the port of New York. They are coming in larger numbers than ever before. In March 83,654, a record number for that month, passed inspection. So far in April 6,000 more have entered than for the first half of April last year. Some 3,000 a day, often more, have to be examined by the immigration inspectors. Almost needless to say, it is impossible to determine properly in the time that can be given each of them the fitness of any such number for entrance. At the very most 1,800 can be cared for with the quarters and the staff at the command of the Commissioner of Immigration.

Hence a large number of most undesirable persons are being necessarily admitted. We pointed out in the Herald months ago, with the warning that immigration would probably be higher than ever this year; that at the present time nearly two-thirds of the inmates of the public insane asylums of the metropolitan district are of foreign birth. The ratio will be even higher after this. Insanity is only one of the undesirable qualities in such a heterogeneous mass. It may be fairly taken as an index of what can be confidently expected from our short-sighted policy.

This must stop. We need better immigration laws but above all we

policy.

This must stop. We need better immigration laws, but above all we need at once more inspectors to enforce our existing laws properly. We are laying up physical, mental, and moral trouble for our people. Who is to blame?

Mr. President, there is a point I have not heard touched upon by any of those who have discussed this question and I invite the attention of Senators present to it particularly. The per cent of males who come to this country is 65. Sixty-five per cent of all those who come into this country are males and there were during this decade something like 5,000,000 adult males brought into America of foreign birth and added to our population.

Taking into account the fact that the native increase must of necessity be infants, 21 years must clapse before the native born can become a voter while the foreign immigrant within 5 years or less can become a voter. Therefore, the immigrant who comes into this country can become a voter four times over during the time necessary for the native born to reach the age of maturity. And if the parity between the native born and immigrants remains the same the voting strength of the foreign element that comes into this country is four times that of the native born. So the yearly influx of new immigrants, with the increase of those already here, will soon outnumber if they do not now outnumber the native voting population.

Again, if the influx of immigrants approximates the number of service hore, as they are Joing new that a children.

of native born, as they are doing now, their ability as relates to males to become voters, as I said a moment ago, is four times as great as the native-born child. For example, a male child born of native parents in 1901 can not become a voter | citizen to vote?

Mr. SMITH of South Carolina. I also submit the following | until 1922. He will have lived through two census periods before becoming a voter, while the adult immigrant during this same time will have become a voter four times over. If the number of native born as relates to sex is about evenly divided and the percentage of the male among the immigrants remains the same, the proportion of the native voting population is overshadowed by the immigrant male population 15 per cent.

To put it in another way, it takes 21 years for a native to produce by natural increase a voting citizen, while it takes only five years for an immigration company or a steamship company to produce a voting citizen in America. If the number of male children born to native parents were just equal to the number of male immigrants coming in each year, the voting power of the foreigner would be, according to our law, four times as great as that we guarantee to the native born. When the native-born child, therefore, with all his American training, American association, American instinct, and love for his country arrives at the age of 21 he is confronted with four times as many foreigners without that training and without that native attachment.

These are the figures gathered from this report, last year 1,040,000; in 1907, 1,300,000 immigrants. So if by the last census we had brought into this country more aliens capable of becoming citizens and voters than all the native-born population, that would be bad enough if a child were born capable of voting in five years; but he has got to live 21 years before he is allowed to vote, and in that time each yearly influx of these foreigners is either adding to or subtracting from the sum of American spirit and American progress.

This feature of it I have not heard discussed. Therefore, having arrived at a period in our history where our institutions are established, where the genius and power of our Government is known, it becomes the duty of every Senator on this floor and of every citizen in America to throw every safeguard around our institutions and leave the period of 21 years as the proper schooling to raise a full-fledged, safe, educated American voter and demand its equivalent in the immigrant admitted to citizenship.

Mr. CLAPP. Mr. President-

The PRESIDING OFFICER. Does the Senator from South Carolina yield to the Senator from Minnesota?

Mr. SMITH of South Carolina. I do.

Mr. CLAPP. I have just come into the Chamber. Is the Senator directing his remarks to a proposition that we should place a limit of time as a requisite to the right of a naturalized

Mr. SMITH of South Carolina. I am not, Mr. President, I am not advocating a 21 years' period of residence here, but I am advocating an equivalent in education for the 21 period demanded of a native born. I am advocating that we shall incorporate into this bill such requirements as shall guarantee that when the immigrant does become a citizen of this country he shall at least be upon an equal footing, so far as education and equipment for citizenship are concerned, with the boy who is born on American soil.

Mr. CLAPP. Has the Senator an amendment pending to that effect?

Mr. SMITH of South Carolina. I have offered one.

I asked the question merely for information.

Mr. SMITH of South Carolina. Now, Mr. President, I think the time has arrived, as the Senator from Mississippi [Mr. WILLIAMS] said yesterday, when we should at least have some regard for the American. I am not going to go into that phase of the question covered by him. I have here a report from the Census Bureau, and in it is a point that should be of some

interest to Senators and to the country at large.

In 1890 the number of acres of land, if it were apportioned according to population, per capita, was 30% acres; in 1900 it was 25 acres; in 1910 it was 20 acres, or in a period of 20 years the per capita possibility of possession of American land had I think with all our laws for the conservation of natural resources the time has arrived when we should enact some law for the conservation of the resources of this country for the use of the native-born American citizens. To allow for eigners to come in and preempt our lands is a crime against the boys and girls of this country who are to marry now and in the Take a man who possessed 2,000 acres of land. inarries, he has 5 children; in one generation he dies, and his estate is divided, and there are 400 acres apiece. That is one generation. In the natural order of things I think we have arrived at a point in our history-our territory is known and the average yearly increase of our native citizenship is knownwhen we should not allow aliens indiscriminately to come into this country under the specious plea of certain corporations, certain manufacturing and other enterprises for skilled labor: under the cry of American industries for further labor to de-Let them train American hands and American velop them. heads to do American work and give to Americans the wage which the work demands and profits justify, the wage commensurate with the work they do. There is not a man before me to-day, either on the other side or on this side, who dares stand up and declare that the poverty stricken, the politically incompetent who troop to this country from Europe ever receive or are worthy of receiving the wage that an intelligent American citizen doing like work should receive.

Here we are, with our population increasing by leaps and bounds, boasting of the development of this country, which development is done at the expense of the man who is forced to labor for the benefit of the man who does not have to labor. Take the scene that was enacted just a few months ago in Lawrence, Mass. It remains history without my reciting its

terrible phases.

Now, I shall not speak longer on this subject. The ground was admirably covered from another standponit yesterday by the Senator from Mississippi [Mr. WILLIAMS]. Others have spoken. But I to-day stand here and protest that the development of American industry is put in the scale against the development of American citizenship and we have got to a point where we must declare for which side we stand.

What question is of more import to this country than the question of adequate and remunerative employment to the mil-lions of American men? The contentment, progress, and development of American citizenship depends upon this. The vast industries that accumulated and aggregated capital desire still further to develop should and could give to American laborers such remunerative employment as would in nowise retard the progress of American enterprises and would tend largely to the betterment of all classes of labor.

I put it to Senators before me to-day, which of the two would you prefer to see, a less rapid progress of the development of American industries or a more rapid rise in the comforts and conveniences of the American laborer? That is, if it were necessary to develop in a lesser degree our American industries, if by so doing, without detriment to the country at large, we could, in justice and fairness, increase the comforts and conveniences of those who labor? If you vote to open wide the door to foreign immigration into this country, you vote to supplant, beyond a doubt, American labor with foreign labor for the benefit of American capital. If you vote to restrict immigration, you vote to increase the demand for American labor, to increase the opportunities to it for better living and better homes.

It is not a question with me as to what section is benefited or what section is not benefited. It is a question with me, Shall the marvelous resources of this country yet undeveloped be left for American citizenship to develop and to receive the benefits of the wealth that they produce, or, by throwing wide our doors to the overteening millions of foreigners, bring them in competition with American labor?

It is a significant fact that only 1.4 per cent of all the immigrants who come are possessed of such wealth and education as to make them competitors in the professional and higher

branches of American industry.

If we are to open the door to immigrant labor, let us open the door to foreign capital-to those who can come here and offer opportunities to American boys and American girls in the development of American resources with foreign capital, rather than let American capital in its greed and avarice bring in foreigners in competition with the boys and girls of this country to the detriment of our citizenship and to the benefit of the already overrich, overgreedy, and overselfish under our protective system.

I do not think there is a question as to how the Senate should vote on a proposition to reinstate the illiteracy test and any

other legal test that will restrict this influx. Mr. CLAPP. Mr. President-

The PRESIDING OFFICER. Does the Senator from South Carolina yield further to the Senator from Minnesota?

Mr. SMITH of South Carolina. I do. Mr. CLAPP. I have not examined this particular question. Do I understand the Senator to imply that the illiteracy test does not apply under the present bill to skilled labor?

Mr. SMITH of South Carolina. From the reading of the bill I am persuaded that it does not. If the Senator will take

pains

Mr. CLAPP. I am not entering into any controversy over it. Mr. SMITH of South Carolina. I say it does not, in my judgment, apply, and therefore I think the words offered in my amendment should be added after the word "labor," as indicated.

The PRESIDING OFFICER. The Chair will state that a vote can not be taken on the amendment until after the committee amendments have been disposed of. The amendment will be considered as next pending. The question is on the committee amendment, which the Secretary will report.

The Secretary. Beginning on page 7, line 11, after the word "prescribe" and the semicolon, strike out all of the bill down Beginning on page 7, line 11, after the word to and including the words "unless otherwise excluded" and

the comma, on page 8, line 8.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the committee.

Mr. OVERMAN. Mr. President, I suggest the want of a quorum.

The PRESIDING OFFICER. The Secretary will call the

The Secretary called the roll, and the following Senators answered to their names:

Ashurst Crawford Cullom Shively Kern Lippitt Lodge McCumber Myers Nixon O'Gorman Oliver Simons Smith, Ariz, Smith, Ga. Smith, S. C. Smoot Bacon Borah Bourne Bradley Brandegee Bristow Cummins Curtis Davis Dillingham Fall Fletcher Foster Gallinger Gardner Stone Sutherland Swanson Tillman Townsend Brown Bryan Burnham Oliver Overman Page Percy Perkins Poindexter Pomerene Rayner Root Catron Chamberlain Chilton Gronna Heyburn Johnson, Me. Johnston, Ala. Warren Wetmore Williams Works Clapp Clarke, Ark. Crane Jones

Mr. SWANSON. My colleage [Mr. Martin of Virginia] is detained from the Senate on account of sickness in his family. will let this announcement stand for the day. Mr. TOWNSEND. The senior Senator from Michigan [Mr.

SMITH] is out of the city on business of the Senate.

The PRESIDING OFFICER. Sixty-three Senators have answered to their names. A quorum is present. The question is upon agreeing to the amendment of the committee.

[Mr. STONE addressed the Senate. See Appendix.]

Mr. LODGE. Mr. President, before the vote is taken upon the amendment I desire to make one or two changes in it so as to perfect it. I call the attention of the Chair to section 3, page 8, line 8, where occur the words "unless otherwise excluded." They do not belong to the amendment. The semicluded." They do not belong to the amendment. The semi-colon, it will be observed, comes after the word "apply" in the preceding line, and the words "unless otherwise excluded" belong to the amendment which was put in yesterday. It belonged to the amendment which took the place of that, and it ought to have been stricken out. That those words were not stricken out is my fault. I repeat they do not belong to the

literacy amendment.

In section 3, page 7, line 14, after the word "dialect," to insert "including Hebrew and Yiddish." I do not think there is any doubt that they are now included, but I desire to have this amendment made to the amendment before it is voted on to conform to the provision reported by the House Committee.

Mr. CLAPP. Mr. President—

The PRESIDING OFFICER. Does the Senator from Massachusetts yield to the Senator from Minnesota? Mr. LODGE. I do.

Mr. LODGE. I do.
Mr. CLAPP. Might not putting in those words possibly raise a doubt as to some other cases? I suggest that to the Senator.
Mr. LODGE. I think that is possibly true, Mr. President, and I will therefore withdraw the amendment.

Mr. SHIVELY. It will have a tendency—
Mr. LODGE. I do not think it does in the least. One is a

language and the other is a dialect.

In the same section—the exceptions begin in line 20-I move to insert a clause which I take from the House bill. On page 7, line 22, after the word "Mexico," I move to insert the words "nor to aliens who shall prove to the satisfaction of the proper immigration officer or to the Secretary of Commerce and Labor that they are seeking admission to the United States solely for the purpose of escaping from religious persecution.

The PRESIDING OFFICER. The amendment proposed by

the Senator from Massachusetts will be stated.

The SECRETARY. In the committee amendment, in section 3, page 7, line 22, after the word "Mexico" and the comma, it is proposed to insert:

Nor to aliens who shall prove to the satisfaction of the proper immigration officer or to the Secretary of Commerce and Labor that they are seeking admission to the United States solely for the purpose of escaping from religious persecution.

The PRESIDING OFFICER. The question is on the amendment to the amendment proposed by the Senator from Massachusetts.

Mr. SIMMONS. Mr. President, I desire to offer an amend-

Mr. LODGE. Will the Senator from North Carolina allow me to have this amendment acted upon? I am simply attempting to perfect the committee amendment, and the Senator can

offer his amendment later.
Mr. SIMMONS. Very well.
The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from Massachusetts to the amendment.

Mr. SHIVELY. Let the amendment be again stated, Mr.

President.

The PRESIDING OFFICER. The Secretary will again state the amendment.

The Secretary again read the amendment to the amendment proposed by Mr. Lodge,
Mr. SHIVELY. Would the Senator confine that to religious

persecution? Suppose they desire to come on account of political persecution?

Mr. LODGE. If you open the question of political persecution, you open a wide field, which it will be almost impossible to determine. As I have said, I took the House provision on the subject. They have given it long consideration, and I think it

is wise and is as far as it is necessary to go.

Mr. STONE. Mr. President—

The PRESIDING OFFICER. Does the Senator from Massa-

chusetts yield to the Senator from Missouri?

Mr. LODGE. I do.

Mr. STONE. Where is there now religious persecution? Who

would be subject to it?

Mr. LODGE. I think there is something very much resembling religious persecution in Russia. I think also that in the case of some of the Christians in the Turkish dominions there is religious persecution.

The PRESIDING OFFICER. The question is on the amend-

ment to the amendment.

Mr. SHIVELY. Take the case of the exodus from Germany

in 1848. That was purely political.

Mr. LODGE. I think so, Mr. President, but I do not think there is any political persecution of that kind now in existence. I think if you put in "political" you practically destroy the effect of the provision.

Mr. SHIVELY. Well, we are making an act of legislation. I do not think we are legislating with reference to the precise present conditions. It does not seem to me that we ought to have a limitation in this bill, and such a clause as is proposed will operate as a limitation in the event of the exodus from a foreign country here because of political persecution.

Mr. RAYNER. Mr. President-

The PRESIDING OFFICER. Does the Senator from Massachusetts yield to the Senator from Maryland?

Mr. LODGE. Yes.

Mr. RAYNER. I was out of the Chamber when the Senator made his statement in regard to the amendment to the amendment. Do I understand the Senator to say that the text of the literacy clause eliminates persons coming here on account of religious persecution?

Mr. LODGE. No; I make that an exception to the literacy

Mr. RAYNER. I do not understand the Senator. Mr. LODGE. It is an exception—an exemption.

Mr. RAYNER. I ask what is the exception? I did not hear it.

Mr. LODGE. The amendment to the amendment proposes to exempt those persons from the literacy test.

Mr. RAYNER. What persons? Mr. LODGE. Persons who come here on account of religious persecution.

Mr. SIMMONS. Mr. President, what is the question?
The PRESIDING OFFICER. The question is upon the committee amendment as perfected by the Senator from Massachu-

Mr. SIMMONS. Has the amendment to the committee amend-

ment been adopted?

The PRESIDING OFFICER. It is not an amendment to be voted upon; it is an amendment to perfect the committee amendments.

Mr. SIMMONS. Now, Mr. President, I wish to offer as a substitute for the whole committee amendment—is not this the committee amendment?

Mr. LODGE. The committee a strike out the literacy-test clause. The committee amendment is now pending to

Mr. SIMMONS. I desire to offer a substitute. Mr. STONE. I rise to a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Missouri will state his parliamentary inquiry.

Mr. STONE. I understand that the committee reported an

amendment to the bill striking out the provision relating to the literacy test.

Mr. LODGE. That is the pending amendment.
Mr. STONE. The pending amendment is to strike that out. Now, do I understand that the Senator from Massachusetts is seeking to change the text of the bill in that respect?

Mr. LODGE. I am seeking to perfect the clause which it is proposed to strike out, which is, of course, entirely in order.

think the Senate rule is very clear on that point.

Mr. STONE. The point I have in mind is, if the vote is

Mr. STONE. taken upon agreeing to the committee amendment and that is voted down, then you could change the provision.

Mr. LODGE. Certainly. I have proposed an amendment to the amendment. I am not sure whether or not the Chair put the question on that amendment; but, if not, I will ask the Chair to do so.

The PRESIDING OFFICER. The Chair did not put the

question because the Chair understood the Senator from Massachusetts was simply perfecting a pending amendment.

Mr. LODGE. That is what I was trying to do. It is in the nature of perfecting an amendment, but I think the question will have to be put on it.

The PRESIDING OFFICER. The question, then, is on the amendment proposed by the Senator from Massachusetts to the committee amendment.

Mr. BACON. Mr. President, I beg pardon. As I understand, the committee amendment is not what the Senator is proposing

Mr. LODGE. I am proposing to amend the clause which it is proposed to strike out.

Mr. BACON. Of course, but not the committee amendment, because the committee amendment is to strike out.

Mr. LODGE. The committee amendment is unamendable. Mr. BACON. Of course.

Mr. BACON. Of course.
Mr. SIMMONS. Mr. President—
Mr. LODGE. The Senator from North Carolina, I understand, desires to offer a substitute for the clause that is proposed to be stricken out, so I ask that the question be first put on my amendment.

Mr. STONE. I again rise to a parliamentary inquiry. The PRESIDING OFFICER. The Senator will state it.

Mr. STONE. I am not an expert upon this sort of thing, but it does seem to me that when a committee reports an amendment under the usual procedure the first thing is to determine whether the Senate agrees to the committee amendment to strike out or to add, as the case may be, particularly to strike

Mr. LODGE. Mr. President, if I may read the rule— The PRESIDING OFFICER. The Senator will please do so. Mr. LODGE. It is as follows:

Pending a motion to strike out and insert, the part to be stricken out and the part to be inserted shall each be regarded for the purpose of amendment as a question; and motions to amend the part to be stricken out shall have precedence.

There is no question about the rule.

Mr. CLARK of Wyoming. Mr. President— The PRESIDING OFFICER. Does the Senator from Massachusetts yield to the Senator from Wyoming?

Mr. LODGE. Certainly.

Mr. CLARK of Wyoming. I do not understand that the Senator from Massachusetts makes any motion to strike out and to

Mr. LODGE. That is the pending motion.

Mr. CLARK of Wyoming. The pending motion, as I understand it, is a motion to strike out.

Mr. LODGE. The pending motion is to strike out a clause.

Mr. CLARK of Wyoming. Exactly.

Mr. LODGE. Which clause is open, and it does not make any difference whether you propose to insert or not. which it is proposed to strike out is amendable, of course. There can not be any question about it parliamentarily.

Mr. CLARK of Wyoming. There can be a question about it,

because I myself question it.

Mr. LODGE. It is the first time I ever heard it questioned. That is what I meant to say.

Mr. SIMMONS. I rise to a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. SIMMONS. Is it now in order to move a substitute for the part of the bill which it is proposed to strike out?

The PRESIDING OFFICER. The Chair thinks not until after the question has been voted on to perfect the amendment.

Mr. SIMMONS. I thought the amendment had been perfected.

The PRESIDING OFFICER. It has not been voted upon.

Those in favor of the amendment—
Mr. BACON. What is the amendment?
Mr. LODGE. The exemption from the literacy test of persons who are seeking admission on account of religious persecution.

The PRESIDING OFFICER. That is the first amendment to be voted upon. The question is on agreeing to that amendment to the amendment. [Putting the question.]

The amendment to the amendment was agreed to.
The PRESIDING OFFICER. Now, the question is upon agreeing to the amendment as amended.

Mr. SIMMONS. Mr. President— Mr. STONE. Mr. President, I am going to rise again to a parliamentary inquiry. I ask what is the pending question?
The PRESIDING OFFICER. The question is upon the com-

mittee amendment to strike out certain lines of the bill on pages 7 and 8.

Mr. STONE. The question is on the amendment of the com-

mittee to strike out certain lines?

The PRESIDING OFFICER. That is the pending question.

Mr. STONE. Now, the Senator from Massachusetts proposes

to amend the amendment of the committee?

Mr. LODGE. No; the amendment of the committee is to strike out and that is unamendable. The question now before the Senate is the motion to strike out. Pending that, the Senator from North Carolina [Mr. Simmons] proposes to offer a substitute for the portion of the bill which it is proposed to strike out. If that prevails, the pending question will be on a motion to strike out the provision which has just been sub-stituted and, if that fails, the question will recur on the original proposition.

Mr. SIMMONS. I understand; Mr. President, it is now in

order to offer a substitute? Mr. LODGE. Certainly.

The PRESIDING OFFICER. It is.

Mr. SIMMONS. I send forward to the Secretary's desk a substitute for the whole provision which it is proposed to strike

The PRESIDING OFFICER. The amendment to the amendment will be stated.

The Secretary. In lieu of the portion proposed to be stricken out, it is proposed to insert the following:

That after four months from the approval of this act in addition to the aliens who are by law now excluded from admission into the United States the following persons shall also be excluded from admission thereto, to wit:

All aliens over 16 years of age and physically capable of reading and writing who can not read and write the English language or some other language: Provided, That any admissible alien or any alien heretofore or hereafter legally admitted to this country may bring in or send for his wife, his children under 18 years of age, and his parents or grand-

parents over 50 years of age, if they are otherwise admissible, whether they are so able to read and write or not.

That for the purpose of testing the ability of the alien to read and write or not the inspection officer shall be furnished with copies of the Constitution of the United States, printed on uniform pasteboard silos, each containing no less than 20 nor more 25 words of said Constitution printed in the various languages or dialects of immigrants in double small-pica type. Each alien may designate the language or dialect in which he prefers the test shall be made, and shall be required to read and write the words printed on a slip in such language or dialect. No two aliens coming in the same vessel or other vehicle of carriage or transportation shall be tested with the same slip. That the following classes of persons shall be exempt from the operation of this act, to wit:

"(a) All aliens who shall prove to the satisfaction of the proper immigration officer or to the Secretary of Commerce and Labor that they are seeking admission to the United States solely for the purpose of escaping from religious persecution; (b) all aliens in transit through the United States; (c) all allens who have been lawfully admitted to the United States and who later shall go in transit from one part of the United States to another through foreign contiguous territory."

The PRESIDING OFFICER. The question is on agreeing to

The PRESIDING OFFICER. The question is on agreeing to

the amendment to the amendment.

Mr. LODGE. Mr. President, I merely want to point out the differences between the provisions proposed to be stricken out of this bill and the substitute offered by the Senator from North

Carolina. The pending provision reads: All male aliens.

The substitute of the Senator from North Carolina reads: All aliens.

The Senate provision prescribes reading and writing, while the other prescribes reading alone; otherwise they are the same in substance and in intent.

Mr. SHIVELY. Mr. President, I call the attention of the Senator from North Carolina to the fact that under his amendment husband and wife might be separated, one being admitted and the other not. His amendment is different in that respect from the provision of the pending bill.

Mr. SIMMONS. What section of the bill is that? *
Mr. SHIVELY. It is the section to which the Senator from North Carolina has offered a substitute. The concluding phrase of the section as it is in the bill is as follows:

Provided further, That nothing in this act shall exclude the wife or minor children of a citizen of the United States.

Mr. SIMMONS. What line of the bill is that? Mr. SHIVELY. It is on page 11.

Mr. SIMMONS. The Senator means the bill of the committee?

Mr. SHIVELY, Yes.

Mr. SIMMONS. That would remain in the bill. Mr. SHIVELY. The Senator has offered his amendment, as

understand, as a substitute for the whole section.

Mr. SIMMONS. No; I offer it only as a substitute for the part which is proposed to be stricken out, beginning on page 7, line 11, after the word "prescribe," and extending through on page 8, line 8, to the word "excluded," before the word Chinese.'

Mr. SHIVELY. I understood the Senator very distinctly to

announce that it was for the entire section.

Mr. SIMMONS. No; I said for the portion proposed to be stricken out.

Mr. CLARK of Wyoming. I rise to a question of order. The PRESIDING OFFICER. The Senator from Wyoming will state his question of order.

Mr. CLARK of Wyoming. I want to ask if this amendment is now in order? I understood that in the consideration of this bill the committee amendments were to be disposed of first. The committee amendment now under consideration is an amendment to strike out. The amendment of the Senator from North Carolina would be a proper amendment to the bill provided the committee amendment should fail, but I can not see how it is in order at this time, when the order of business is the consideration of committee amendments.

Mr. SIMMONS. Mr. President, the Senator from Massachusetts stated his view of the differences between the provision in the bill and the amendment which I have offered. not cover all of the differences. Under the provisions of the bill the Secretary of Commerce and Labor shall prescribe the rules by which the allen's capacity to read or write is to be tested. The substitute that I have offered prescribes the test itself; that is, that he shall be able to read some part of the Constitution of the United States, and that the immigrant in-spector shall be furnished with the parts of the Constitution the immigrant shall be required to read. It also provides that that section of the Constitution shall be printed in the various languages of the immigrants.

Another difference between the provision now in the bill and the substitute proposed by me is that the present bill has this

provision:

This provision, however, shall not apply to citizens of Canada, Newfoundland, the Bermudas, or Mexico.

I have left that out of my exceptions to the provision. Then there are certain references to Porto Rico and the Philippines which I have left out.

The PRESIDING OFFICER. The Chair is ready to rule. The Chair holds that the substitute is in order under Rule XVIII. The question is on agreeing to the substitute.

Mr. SUTHERLAND. I want to ask the Senator from North Carolina a question. The House text provides for a test of both reading and writing?

Mr. SIMMONS. The House bill does not provide for both reading and writing. It provides only for reading. The Senate bill provides the double test—reading and writing. The House bill does not. Mine follows the House bill in that respect, or rather the House bill follows mine.

Mr. SUTHERLAND. I want to ask the Senator from North

Carolina why he seeks to strike out the writing test.

Mr. SIMMONS. I did that on the supposition that if the allen could read he could write. I thought, at least, if he could read that would be sufficient. The great object is that they shall be able to read the newspapers and thus advise themselves with reference to American institutions and the American Government.

I confined it to reading, because I thought that was sufficient. I thought if the immigrant was able to read it would furnish him the sources of information, such as an American citizen should have, and that it is not particularly necessary that he should be able to write. I will say to the Senator that I think it would be a very rare instance where he would find a person who can read who can not also write, and for all practical purposes the reading test will cover it as well, as a rule, as will the writing test

Mr. SUTHERLAND. I will say to the Senator from North

Mr. SIMMONS. If the Senator desires to add that, I have no objection to it

Mr. SUTHERLAND. Then I hope the Senator will permit

it to go in now

Mr. SIMMONS. As there is some objection to this, in order to perfect it I will ask that the word "writing" be inserted after the word "reading" wherever it occurs in my substitute.

The PRESIDING OFFICER. Without objection, it will be so

Mr. SUTHERLAND. The word should be inserted in both That affords a more certain and definite test. places.

Mr. DILLINGHAM. I want to suggest to the Senator from North Carolina that in carrying this test to the extent of ex-cluding females who can not read and write I think he is presenting a policy which would be bad for the United States.

Mr. LODGE. If I heard the amendment aright, it exempts the

wife and children.
Mr. SIMMONS. That is so.

Mr. DILLINGHAM. If that is true I did not correctly understand it.

Mr. SIMMONS. I have not the law before me.

gan "all aliens," whereas the language of the bill is "all male aliens." The point I want to probe it it. The point I want to make is this: If we are to have immigration, we want families. If a man is able to read and write we do not want to keep him out because his wife is unable to read and write.

Mr. LODGE. I call the attention of the Senator to the fact that the amendment of the Senator from North Carolina provides that a person now in may bring in or send for his wife

and children and his parents or grandparents.

Mr. DILLINGHAM. I was misled by the opening words of the amendment.

The PRESIDING OFFICER. The question is on agreeing to the substitute.

Mr. SMITH of Georgia. On that I ask for a division.

Mr. LODGE. This is merely on the question of substitution. The PRESIDING OFFICER. The question is on agreeing to the substitute.

The substitute was agreed to.

The PRESIDING OFFICER. The question now is on striking out the amendment as amended. [Putting the question.] The "noes" seem to have it.

Mr. STONE and Mr. SHIVELY demanded the year and nays, and they were ordered.

Mr. CLARK of Wyoming. I should like to have the amendment reported.

The PRESIDING OFFICER. For the information of the Senate, the Secretary will state what is proposed to be stricken

The Secretary. The committee proposed to strike out, on page 7, line 11, beginning with the words "all male aliens,"

down to and including the words "unless otherwise excluded," in line 8, on page 8. The Senator from North Carolina proposed for the words to be stricken out certain other words.

Mr. LODGE. Which was agreed to.

The PRESIDING OFFICER. It was agreed to.

Mr. LODGE. It is now proposed to strike out the substitute. Mr. CLARK of Wyoming. Let us have it read.

The Secretary read as follows:

Mr. CLARK of Wyoming. Let us have it rend.

The Secretary read as follows:

That after four months from the approval of this act in addition to the aliens who are by law now excluded from admission into the United States the following persons shall also be excluded from admission thereto, to wit:

All aliens over 16 years of age and physically capable of reading and writing who can not read and write the linglish language or some other language: Provided, That any admissible alien or any alien heretofore or hereafter legally admitted to this country may bring in or send for his wife, his children under 18 years of age, and his parents or grand-parents over 50 years of age, if they are otherwise admissible, whether they are so able to read and write or not.

That for the purpose of testing the ability of the alien to read and write or not the inspection officer shall be furnished with copies of the Constitution of the United States, printed on uniform pasteboard slips, each containing no less than 20 nor more than 25 words of said Constitution printed in the various languages or dialects of immigrants in double small pica type. Each alien may designate the language or dialect in which he prefers the test shall be made, and shall be required to read and write the words printed on a silp in such language or dialect. No two aliens coming in the same vessel or other vehicle of carriage or transportation shall be tested with the same slip.

That the following classes of persons shall be exempt from the operation of this act, to wit; (a) All allens who shall prove to the satisfaction of the proper immigration officer or to the Secretary of Commerce and Labor that they are seeking admission to the United States solely for the purpose of escaping from religious persecution; (b) all aliens in transit through the United States and who later shall go in transit from one part of the United States to another through foreign contiguous territory.

Mr. SHIVELY. Mr. President, a parliamentary inquiry.

Mr. SHIVELY. Mr. President, a parliamentary inquiry. There seems to be a little confusion as to the precise question now to be voted on. As I understand, the committee submitted an amendment to strike out a certain portion of the bill. The Senator from North Carolina moved a substitute for the language which the committee recommended to be stricken out. The substitute offered by the Senator from North Carolina was adopted, and now it is proposed to vote upon the recommendation of the committee to strike out.

The PRESIDING OFFICER. That is the situation.

Mr. LODGE. Those who favor the literacy test will vote "nay," those opposed will vote "yea."
Mr. SHIVELY. That is right.

The PRESIDING OFFICER. The Secretary will call the

The Secretary proceeded to call the roll.

Mr. BRANDEGEE (when his name was called). I am paired on all votes to-day with the junior Senator from Arkansas [Mr. Davis]. I am advised that he has been called from the Chamber on important business. I will let this announcement stand for the day

Mr. GALLINGER (when his name was called). I consented to-day to pair with the senior Senator from Virginia [Mr. MARTIN] during his enforced absence. I transfer the pair on MARTIN] during his enforced absence. I transfer the partition this vote to the junior Senator from Illinois [Mr. LORIMER], and will vote. I vote "nay."

Mr. CRAWFORD (when Mr. Gamble's name was called). I

desire to announce that my colleague is necessarily absent. has a general pair with the senior Senator from Oklahoma [Mr.

I make this announcement for the day.

Mr. HEYBURN (when his name was called). I am paired with the senior Senator from Alabama [Mr. BANKHEAD] for

the day. I will allow this announcement to stand for the day.

Mr. LIPPITT (when his name was called). I have a general
pair with the Senator from Tennessee [Mr. Lea], whom I do
not see in the Chamber. I therefore withhold my vote.

Mr. BRANDEGEE (when Mr. McLean's name was called), My colleague [Mr. McLean] is paired with the junior Senator from Nebraska [Mr. Hitchcock]. I will let this announcement stand for all votes for the rest of the day.

Mr. JOHNSON of Maine (when the name of Mr. Martine of New Jersey was called). I wish to announce that the junior Senator from New Jersey [Mr. Martine] has a pair with the junior Senator from Delaware [Mr. Richardson]. If the Senator from New Jersey were present he would vote yea."

Mr. PENROSE (when his name was called). to inquire whether the senior Senator from Nevada [Mr. New-

LANDS] has voted.

The PRESIDING OFFICER. He has not.

Mr. PENROSE. I have a general pair with the senior Senator from Nevada [Mr. Newlands] for to-day, and therefore I will refrain from voting.

Mr. TOWNSEND (when the name of Mr. SMITH of Michigan

was called). The senior Senator from Michigan is away from

the Senate on its business. He is paired with the junior Sen-

ator from Missouri [Mr. Reed].

Mr. WATSON (when his name was called). I have a general pair with the senior Senator from New Jersey [Mr. Brigos]. I transfer it to the junior Senator from Oklahoma [Mr. Gore] and will vote. I vote "nay."

The roll call was concluded.

Mr. GALLINGER. I have been requested to announce that the Senator from Colorado [Mr. Guggenheim] is paired with the Senator from Kentucky [Mr. PAYNTER].

Mr. WARREN. I have been requested to state that the senior Senator from Delaware [Mr. DU PONT], who is absent, is paired with the senior Senator from Texas [Mr. Culberson]. I will allow this announcement to stand for the day.

Mr. JOHNSTON of Alabama. The junior Senator from Texas [Mr. BALLEY] is absent on account of illness. He is paired with the senior Senator from Montana [Mr. Dixon].

Mr. BACON. Announcement has already been made of the fact that the Senator from Rhode Island [Mr. Lappitt] is paired with the senior Senator from Tennessee [Mr. Lea]. Before the Senator from Tennessee left he requested me to announce that in case of a vote that he was necessarily absent from the city. I understood from what the Senator said to me that if present he would vote "nay."

The result of the vote was announced-yeas 9, nays 56, as

LOHOWS:			
	YF	EAS-0.	
Clarke, Ark, Fall Gronna	Nelson O'Gorman	Hayner Shively	Smith, Md. Stone
	NA	YS-56.	
Ashurst Bacon Borah Bourne Bradley Bristow Brown Bryan Burnham Burton Catron Chamberlain Chilton Clapp	Clark, Wyo. Crane Crawford Cullom Cummins Curtis Dillingham Fletcher Foster Gallinger Gardner Johnson, Me. Johnston, Ala. Jones	Kern Lodge Myers Nixon Oliver Overman Page Percy Perkins Poindexter Pomerene Root Sanders Simmons	Smith, Ariz. Smith, Ga. Smith, S. C. Smoot Sutherland Swanson Thornton Tillman Townsend Warren Watson Wetmore Williams Works
	NOT V	OTING-30.	
Balley Bankhead Brandegee Briggs Culberson Davis Dixon du Pont	Gamble Gore Guggenheim Heyburn Hitchcock Kenyon La Follette Lea	Lippitt Lorimer McCumber McLean Martin, Va. Martine, N. J. Newlands Owen	Paynter Pearose Reed Richardson Smith, Mich. Stephenson

So the motion to strike out the provision as amended was not agreed to.

Mr. ROOT. I offer the following amendment.

The PRESIDING OFFICER. There is another committee amendment which has not yet been disposed of.

Mr. LODGE. That disposes of the committee amendments.

The PRESIDING OFFICER. On page 18—
Mr. LODGE. Oh, excuse me, Mr. President. There is a committee amendment which is connected with this one.

The Secretary. On page 18, line 12—Mr. LODGE. I ask that it may be disagreed to, in order to make it conform with the amendment just adopted.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mr. O'GORMAN. What is the amendment?

Mr. LODGE. The amendment on page 18, and, of course, it falls or stays with the original amendment.

Mr. O'GORMAN. What is the line?
The Secretary. On line 12, page 18, where the committee propose to strike out the words "he who is unable to read and write or.'

The amendment was rejected.

Mr. OVERMAN. I submit an amendment to section 2 of the bill.

The Secretary. On page 2, line 20, strike out the word "four" and in lieu insert "ten," so that if amended it will rend:

Sec. 2. That there shall be levied, collected, and paid a tax of \$10 for

Mr. OVERMAN. Mr. President, this is sometimes called a head tax. It is in reality a steamship tax; is levied upon the steamships, paid by them, and can not under the pooling and monopoly conditions which exist be shifted by them to the passengers, as I shall show. In 1883 Congress levied a tax of 50 cents upon every immigrant coming into this country, and required the steamship companies to pay it. The steamship com-

row about this proposed amendment now. They paid it under protest, and then brought suit and carried the case all through the courts, contending that it was an unconstitutional tax-carried it to the Supreme Court of the United States, and the case is to be found in the One hundred and twelfth United States Supreme Court Reports. I simply call the attention of the Senate to the case in order to show that those who were fighting the tax were the steamship companies. It is known as the headmoney case, and it was brought by the Cunard Steamship Co. and other steamship companies.

Since that time Congress has increased the tax from 50 cents to \$1, and then from \$1 to \$2, and in 1907 the Senate increased the tax from \$2 to \$5. It went to the House of Representatives, and the House amended it, making it \$4, which it is to-day, and

is the amount provided for in this bill.

At no one of these times was there a corresponding increase in the steerage rates, but as a rule there was, as in 1907, when the tax was doubled, being increased from \$2 to \$4, a decrease in the steerage rates of from \$1 to \$2, owing to the fact that the conference of steamship officials which met and do meet regu-larly to fix rates thought that the traffic would bear only a little less rate to yield them the greatest possible aggregate profits.

I want to read an extract from a book on immigration, by Prescott F. Hall, to show what was done at the time when the Congress increased the tax and to show what is being done to-day by the steamship companies to defeat this amendment.

For example, while the matter was pending in the House the western agents for a foreign steamship company sent the following telegram to numerous persons:

Immigration bill comes up in the House Wednesday; wire your Congressman, our expense, protesting against proposed exclusion and requesting bill be defeated, informing him that vote in favor means defeat next election.

At about the same time the agents and representatives of the same firm sent out a letter stating that if the Lodge bill became a law, immigration would be restricted "almost to the extent of a law, immigration would be restricted annual total exclusion "—a most absurd statement—and saying that total exclusion "—a most absurd to defeat the bill. With this letter was sent a slip, as follows:

Wire your Representative fully and let us know cost of telegram and we will promptly refund amount to you.

Mr. GALLINGER. Will the Senator tell us what company it was that caused these telegrams to be sent?

Mr. OVERMAN. It was the North German Lloyd Steamship

If I had time—I do not propose at this late hour to take up much of the time of the Senate—I could show that this amendment has been indorsed and recommended by the Farmers' Union. 'The resolution which I hold in my hand and which I wish to print in the RECORD was passed by that organization.

The matter referred to is as follows:

Whereas the United States Immigration Commission will report to the next session of Congress recommending legislation; and Whereas we are unalterably opposed to the present foreign influx from southeast Europe and western Asia, its proposed distribution and diversion to the South and West, and have in local, State, and National conventions resolved in favor of the enactment and vigorous enforcement of rigidly restrictive immigration laws: Therefore he if

be it

Resolved, That the Farmers' Educational and Cooperative Union of America in fifth annual convention, assembled at Birmingham, Ala., this 9th day of September, 1909, representing more than 3,000,000 farmers, reiterate and reaffirm the immigration resolutions adopted unanimously at Memphis January 8, and at Fort Worth September 3, 1908, calling upon our State and particularly our Federal officials, to exclude the present foreign influx by means of an increased head tax, a money test, the illiteracy test, and other effective measures; and be it further

Resolved, That the national legislative committee send copies of this and previous resolutions to the Fresident for his annual message, to the Immigration Commission for its report, and to the Senate and House Immigration Commission for its report, and to the Senate and House Immigration Commission for its report, and to the Senate and House Institute of the Institute of the

Mr. OVERMAN. I want to call your attention to the recommendation of the Immigration Commission, which spent a million dollars in investigating this question, and it is one question upon which they did not differ. There was a minority report of one on the illiteracy test, but the commission unanimously suggested:

A material increase of the head tax.

It is not only recommended by the Farmers' Union, but is recommended by the National Grange; not only by the National Grange, but by the National Farmers' Congress; not only by the National Farmers' Congress, but by the American Federation of Labor; not only by the American Federation of Labor, panies raised a great row about it then, as they are raising a but by the Patriotic Order Sons of America; not only that, but

by the Junior Order of United American Mechanics, and the Knights of Labor. All of those organizations have recommended this amendment. If there is one thing which the American people are in favor of, since I introduced it four years ago, it is this amendment. Resolutions in favor of it have been passed by every patriotic organization and nearly every farmers' organization in the Union. So I say it is desired by the American people.

Let us see how much the steamship companies make out of these immigrants. I saw in the New York Sun a few days ago that on two days of last month there landed in New York 21,000 immigrants. A table, which I propose to publish in the RECORD without reading, shows that they landed over a million immigrants in this country last year, and have been landing about a million a year for some time, and carry back about a half a million a year.

The table referred to is as follows:

Table showing immigration, emigration, debarred, etc., for the last 11 nears.

[Table taken from p. 413, hearing on immigration bills, 1910.]

Year ending June 30—	Total alien arrivals. ¹	Total alien depart- ures.2	Immi- grant alien arrivals in Note 1.	Per cent of immi- grant aliens who have been in the United States. before.	Non- immi- grant alien arrivals.	Debarred aliens.
1901 1902 1903 1904 1904 1905 1906 1907 1908 1909 1910	562, 868 730, 798 921, 315 840, 714 1, 059, 755 1, 166, 353 1, 438, 469 924, 955 944, 235 1, 108, 037 1, 030, 300	209, 318 220, 103 247, 559 332, 019 385, 111 356, 257 431, 306 714, 828 400, 392 380, 418 518, 215	487,918 648,743 857,046 812,870 1,026,499 1,100,733 1,285,349 782,870 751,786 1,041,570 878,567	11.9 9.5 8.9 12.8 12.1 12.1 6.8 8.1 (*)	74,950 82,055 64,269 27,844 33,256 65,618 153,120 141,825 192,449 156,467 151,733	3,510 4,974 8,769 7,994 11,879 12,432 13,064 10,902 10,411 24,270 22,349
Total since 1900, or for last 11 years.	10, 817, 539	4, 195, 524	9, 673, 953		1,143,586	130,560

¹ Official Government statistics. (Annual report of Commissioner General of

Immigration.)

Statistics furnished to the Government by steamship companies. (Required by act of Feb. 20, 1907.)

Not given after 1909.

Note 1.—The distinction "Immigrant alien" and "nonimmigrant alien" is fanciful, the only difference being as to whether the alien comes for the first time or comes intending to remain. A "nonimmigrant alien" is so classified if the alien says he expects to return to the

allen" is so classified if the allen says he expects to return to the native land.

Note 2.—Although 9,787,239 aliens entered this country during the last census decade (1900 to 1910), the Census Bureau reports that our foreign-born population increased only 3,129,700, which tends to show that the number of allen departures reported by the steamship companies falls short of the number that actually leave the country. The Immigration Commission reports that "at least 40 per cent of those coming return" taking a minimum of \$250,000,009 annually out of the country.

Mr. OVERMAN. What is the price of steerage passage? Mr. OVERMAN. What is the price of steerage passage? In 1883 it was \$25 to \$30; now it is \$35 to \$40. So they realize from the steerage passengers alone coming this way at least \$35,000,000 annually. Now, let us see what profits they are making. This great trust, this Steamship Trust, which has been indicted and is being prosecuted by the Government, I understand, a few months ago declared dividends as follows, to wit, Hamburg-American Line a net profit of \$10,900,000 and the Bremen Line a net profit of \$10,900,000 and the Bremen Line a net profit of \$10,375,000.

[From the New York Sun, Mar. 15, 1912.]

BREMEN LINE DIVIDEND-NORTH GERMAN LLOYD LINE TO PAY 5 PER CENT FOR 1911.

The North German Lloyd directors met in Bremen yesterday and decided to declare a dividend of 5 per cent at the general meeting to be held on April 3. The managing director's report showed profits for 1911 of \$10.375,000, a gain of about \$875,000 over 1910. The profits are largely the result of improved freight conditions in South America and Australia, the North American passenger traffic showing a falling off.

The general-expense fund of the company was increased to \$5,175,000, as against \$5,100,000 in 1910, and in the figures for 1911 is included \$375,000 for extra depreciation of seagoing vessels. The insurance fund was increased by the addition of \$365,000, the reserve fund by \$100,000, the renewal fund by \$225,000, and the extra reserve fund by \$68,750. The increase in the reserve fund was approximately \$750,000 in 1911, as against \$500,000 in 1910.

The financial position of the company has been considerably strengthened, as the indebtedness decreased from \$9,100,000 at the beginning of 1911 to \$4,875,000 at the close of the year, while the debts owing to the company on January 1, 1912, amounted to \$4,255,000, as against \$3.875,000 on January 1, 1912, amounted to \$4,255,000, as against \$3.875,000 on January 1, 1912, amounted to \$4,255,000, as against \$3.875,000 on January 1, 1912, amounted to \$4,255,000, as against \$3.875,000 on January 1, 1911. Included in the indebtedness of the company is a large amount of money which has been paid on steamships now under construction and shortly to be finished.

[From the New York Times, Mar. 14, 1912.]

HAMBURG-AMERICAN REPORT—A NET PROFIT OF \$10,000,000 FOR YEAR IS SHOWN—BY MARCONI TRANSATLANTIC WIRELESS TELEG TO THE NEW YORK TIMES.

BERLIN, March 13, 1912.

Berlin, March 13, 1912.

The report of the Hamburg-American Line for 1911 shows a net profit of 43,799,044 marks (about \$10,900,000).

Deducting interest on prior loans, there remains 40,520,185 marks. Of this sum 1,348,108 marks has been assigned, in accordance with a statute of the company, to the insurance and reserve funds, and the sum of 27,676,412 marks has been employed in writing down the value of ships, etc., and adding to the renewal fund and other accounts.

The available balance is 11,495,605 marks, which admits of a dividend of 0 per cent, leaving the sum of 245,605 marks over.

Most departments of the company's freight business show highly satisfactory development, but emigration to the United States suffered an appreciable reduction as compared with 1910.

[From the New York World, Mar. 12, 1912.]

NORTH GERMAN LLOYD SHOWS BIG PROFITS—INCREASE FOR YEAR IS \$850,000, AND DIVIDEND GOES FROM 3 TO 5 PER CENT.

BREMEN, Monday.

The annual report of the North German Lloyd was submitted at a meeting of the directors to-day.

The report shows gross profits for the year of 41,500,000 marks (\$10,375,000), an increase of 3,400,000 marks (\$\$50,000). A dividend of 5 per cent was recommended, as against 3 per cent last year.

The report says the reduction in the receipts, due to a failing off in North American passenger traffic, was more than counterbalanced by increased freight earnings in the South American and Australian services.

I am going to show you that the steamship lines can afford to bring every single immigrant who came here last year-in round numbers more than a million-for absolutely nothing in order to get the price which they get for the immigrants who return, and thereby realize a good profit.

During the last 10 years the immigrants returning from this country to Europe have averaged nearly 400,000 per year, according to their own statements. Multiply the steamship rate, \$35, by 400,000, and you have \$14,000,000 which they realize from steerage passengers alone that they carry away from this country. The report of the Industrial Commission shows that the actual cost to bring an immigrant to this country is from \$6 to \$8. Put it at the highest sum, to wit, \$8. It costs them to bring here 1,000,000 steerage passengers \$8.000,000. Then they get from the returning immigrants \$14,000,000 and make a net profit of \$6,000,000, even if they did not charge a cent to bring a million immigrants here.

We want to increase this tax in order to increase the revenue, because the administration of this bill, if we should adopt it, is

going to cost a great deal more money.

These immigrants come here and share in our blessings, but they do not share in our burdens. They get the advantages of our schools, but they pay no taxes. They get the advantages of our charitable institutions, but they contribute nothing to their support.

To-day in the asylums of New York there are 30,000 insane people, and it is reliably stated that of those 30,000 insane persons 15,000 are alien born, and the taxpayers of New York are required to support them. These steamship companies, this great trust, which is said to be the greatest trust in the world, have organized for the purpose of bringing all kinds of people from all over Europe to this country for the revenue they get from bringing them here and carrying them back. These returning immigrants have carried back and sent from this country in the last 10 years, according to the report of the Immigration Commission over \$2,000,000,000 to enrich southeastern and other countries of Europe. I ask the Senator from Vermont [Mr. Dillingham] if there has not been an organization in Europe to bring these people here in order to get the wages we pay them, expecting them to go back to enrich their country? remember when I made a speech on this subject four years ago there was a gentleman sitting in the gallery who came to me and said: "I am a contractor. Last year I worked 150 Austrians who belong to the Austrian Army. They were sent here for the purpose of working to get money from this country to carry back to their country."

I say, in view of the enormous sums of money these steamship companies get from the immigrants, they can well afford to pay this head tax. Why have they increased the steerage rates? Why did they increase the steerage passage from \$20 to S35 before we ever levied a dollar head tax? It costs them but \$8 to bring an alien here, the report says. Some reports say it costs them only \$6, but the extreme cost is \$8. Then if we make this tax \$10 the immigrant will not pay it, but the steamship companies will pay it and help us to get some revenue to administer the laws of this country, and it will, in a measure, reimburse us for the financial burden the traffic has entailed.

Mr. President I am going to close by reading an extract from

Mr. President, I am going to close by reading an extract from an article written by the secretary of the Immigration Commission. He wrote a very interesting and able paper in the North

American Review, and he has recommended in the highest terms a material increase in the head tax.

American Review, and he has recommended in the highest terms a material increase in the head tax.

The term "American wage carner" is rapidly becoming a misnomer. Almost three-fifths of the employees of the principal branches of mining and manufacturing in the United States at the present time are of foreign birth, and about one-fourth are of races from southern and eastern Europe. About one-fifth of the total number of wage earners were born in this country, but their fathers were born abroad. Less than 20 per cent of the entire operating forces of our mines and manufacturing establishments are native Americans. In many of our industries the proportion of employees of foreign birth ranges as high as 75 per cent, with a corresponding falling off in the number of native Americans. Among bituminous coal and fron-ore mine workers, by way of illustration, less than one-tonth are native Americans. The fact of greatest import in connection with the situation is that about one-half of the industrial workers of foreign birth are southern and eastern Europeans and Asiatics, principally representative of the north and south Italians, Poles, Croatians, Greeks, Lithuanians, Russians, Portuguese, Slovenians, and Russian and other Hebrews, This transformation in the racial composition of the wage carners of the country has been brought about by the immigration to the United States during the past 30 years.

The most general effect of this extensive employment of recent immigrants in American industries is found in the character of the industrial communities of the country at the present time. There is no manufacturing city or town or any mining community of any importance in the Middle West, New England, and the Middle States which has not a foreign section made up of industrial workers from southern and eastern Europe. In the older industrial workers from southern and eastern Europe. In the older industrial workers from southern and eastern Europe. In the older industrial workers from southern and eastern Europe of immigran

Mr. President, early in the session I introduced a comprehensive bill for the restriction of immigration, including this amendment, the illiteracy test, and other restrictions, many of which have been included in this bill reported by the committee. I am sorry they did not report an increase of the head tax from \$4 to \$10. They did include the illiteracy test and then reported an amendment to strike it out, which, I am glad to say, the Senate has just defeated. I have been for years an advocate of that restriction also. I hope, Mr. President, my amendment will be adopted.

Mr. DILLINGHAM. Mr. President, the Senator from North Carolina fell into one error when he said that the Immigration Commission unanimously recommended an increase in the head What the commission did was this: After recommending that some measure should be adopted to restrict a certain class, the least desirable class, of immigrants coming to America, the commission said:

The following methods of restricting immigration have been sug-

And then they gave the list, and occurring in that list appears what the Senator read as to the head tax. They did not recom-mend it. What they did do was to say, after suggesting all these different methods by which it might possibly be done:

A majority of the commission favor the reading and writing test as the most feasible single method of restricting undesirable immigration.

So the commission never have recommended an increase of the head tax.

I want to make only one suggestion in connection with this matter. I will not detain the Senate. The head tax was originally laid in order to provide a revenue which would be sufficient to enforce the immigration laws of the United States. The rate now established by law is amply sufficient for that purpose. By the report of the commissioner general for the year 1911 it appears that it not only provided for all the expenses of administering the immigration laws, but left an excess of \$1,080,000. So as a revenue producer no increase in the head tax is required.

Individually I may say as a member of the commission that I was very much opposed to attempting to restrict immigration by the imposition of a head tax for the reason that it will prevent the coming of families. I have no faith whatever that we can increase the head tax \$6 on every person coming without getting an increase in the rates charged by the steamship companies.

Mr. OVERMAN. When we raised it to \$4 did the steamship

companies increase their rate?
Mr. DILLINGHAM. We raised it at different periods—50 cents at a time or \$1.

Mr. OVERMAN. I will ask the Senator if they increased the rate before

Mr. DILLINGHAM. I do not remember.
Mr. OVERMAN. The report shows that they did.
Mr. DILLINGHAM. I simply express an opinion, that we can not do this without getting an increase of the steamship rates. I am expressing my opinion.

Mr. OVERMAN. I understand. Mr. DILLINGHAM. I am not bringing any knowledge to

bear on the question.

Mr. OVERMAN. The Senator was on the commission, and I think he should have the information. I will ask the Senator if the mere cost of bringing them here is not \$8?

Mr. DILLINGHAM. I do not know.
Mr. DILLINGHAM. I fon the report.
Mr. DILLINGHAM. If so, I did not know it. I do not know it now. I do not say that it is not so. What I want to say about it is that if this is a tax upon the incoming alien and is not borne by the steamship company it would operate badly upon the question of immigration as affected by the bill, for this reason: Substantially 82 per cent of the present immigration coming from southeastern Europe is made up of single men. The 18 per cent who want to bring their wives are the ones out of that immigration we would like to have come, if any of them are to come, because when a man brings his wife and has a family there is a chance to make a citizen of him.

Now, take all the other immigration-36 per cent of all we are receiving now is of the old type coming from northwestern Europe, and they are the ones who bring their wives and their children. If this is to operate as a tax upon those men, women, and children coming, you can see at a glance what a discouragement it will be to a man who has a wife and, we will say, a

ment it will be to a man who has a wire and, we will say, a family of three, four, or five children.

Mr. OVERMAN. May I interrupt the Senator?

The PRESIDING OFFICER. Does the Senator from Vermont yield to the Senator from North Carolina?

Mr. DILLINGHAM. I yield the floor. I have said all I

rose to say

Mr. OVERMAN. But I want to ask the Senator if the steamship companies do not pay the tax?

Mr. DILLINGHAM. I do not think the steamship compa-

nies pay the tax.

Mr. OVERMAN. Oh, yes.

Mr. DILLINGHAM. They make an arrangement by which they pay the tax, but they charge it in the price of bringing the immigrants here.

Mr. OVERMAN. They pay the tax. A protest was made by them in the head-tax cases and they brought suit against the payment and carried the case to the Supreme Court

Mr. DILLINGHAM. By an arrangement between the Government and the steamship companies they collect it through the steamship companies, but, of course, it comes out of what is paid to the companies by the immigrants.

Mr. WATSON. I move to amend the amendment offered by the Senator from North Carolina by striking out "ten," before the word "dollars," and inserting "twenty-four." The PRESIDING OFFICER. The Secretary will state the

amendment to the amendment.

The Secretary. In lieu of the amendment offered by the Senator from North Carolina, striking out "four" and inserting "ten," it is proposed to strike out "ten" and insert twenty-four."

Mr. WILLIAMS. I should like to ask a question of the Senator from Massachusetts, in charge of the bill. What is the amount of money which in the administration of the immigra-What is the tion laws is required to be shown by the aliens?

Mr. LODGE. The law originally provided for what was known as the immigrant fund, and that fund was set apart and used only for immigration expenses. A few years ago-

Mr. WILLIAMS. No; the Senator does not understand me. Mr. LODGE. It was provided that a surplus should be put in the Treasury, and the fund was abolished.

Mr. WILLIAMS. No; I did not ask about the head tax Mr. LODGE. Last year there was \$1,080,000 more collected than was spent. My remembrance is that the expenditure was My remembrance is that the expenditure was

between two and three million dollars. Mr. WILLIAMS. The Senator from Massachusetts has mis-

understood me.

Mr. LODGE. I beg the Senator's pardon. Mr. WILLIAMS. I did not ask about the head tax; I know that; but I understand that in the administration of the law, in order to inform themselves as to whether or not the immigrant is to become a charge, they require him to show a certain amount of money.

SEVERAL SENATORS. Thirty dollars.

Mr. LODGE. As I recall it, that is a regulation of the Immigration Service. There is no law requiring them to bring any

amount of money

Mr. WILLIAMS. I understand that the law is simply that they are at liberty to prevent anybody from coming in who is liable to become a public charge. Now, then, they make each immigrant fill out certain blanks and they make the steamship company do it, and, amongst other things, there is a blank after the words "money possessed by the immigrant."

Mr. LODGE. Precisely. That is a matter of administration.

Mr. WILLIAMS. In the administration of the law what is the amount of money beneath which they would consider be was lightly to become a public charge? I have beaut that they was liable to become a public charge. Now, then, they make each

liable to become a public charge? I have heard that they require him to have \$30.

Mr. SMOOT. That is correct. It is \$30.
Mr. LODGE. It is not exactly that they require that, but they look on it, when it is less than that, as an evidence that he is likely to become a public charge.

Mr. WILLIAMS. With less than \$30, unless there is something to rebut the inference, they would conclude that he is

liable to become a public charge.

I asked that question, Mr. President, with this view: I think that every real good object had in view by the amendment of the Senator from North Carolina could be better obtained by a provision requiring-the immigrant to show himself in the possession of, say, \$50, which is an increase of the amount now required; in other words, to see to it that the immigrant had \$20 more than is required now. But we let him keep the money, because if he is going to be admitted amongst us, the more money he has in his pocket the better for the American people and the better for him, the less liable he is to become a charge, the greater encouragement he has to make himself self-supporting; and if he should be slow about getting a job the less risk we would have to incur of having to take care of him while he was getting it.

Mr. OVERMAN. May I interrupt the Senator?

Mr. WILLIAMS. In one moment. It seems to me, on pages 24 and 25 of the bill, where these blanks are required to be Mr. WILLIAMS. filled out, if instead of saying "amount of money possessed by the alien" you substitute some language about to this effect, "to ascertain whether the alien possesses \$50 or more," make that requirement on the other side and make the steamship companies attend to it, you would accomplish the very good purpose that you have in view, and yet we would not be taking comparatively poor people's money which we did not need to administer the immigration laws.

Mr. OVERMAN. Does the Senator think that the steamship companies that may be interested in the steel company or some other corporation who want to bring these laborers here would give them money to put in their pockets when they might give

it to them to pay their way here?

Mr. WILLIAMS. They will not give them that money to show.

Mr. OVERMAN. I do not think they would give them the

money. They want to get their work here.

Mr. WILLIAMS. They will have to show it before they start to satisfy the steamship company, and then they will have to show it after they get off the steamship to satisfy the United States authorities. The steamship company is hardly likely to give them \$50 apiece to show after they got off the ship.

I am in favor of the restriction of immigration, but I am in favor of the restriction of unfit immigration. I am not in favor of any provision which merely restricts immigration simply because it does restrict it. I would not levy a tax upon a comparatively poor man under the pretense that it is necessary for the administration of the immigration laws if it were not really necessary, but for the protection of the American people I would not only be entirely willing but glad to vote for a provision that a certain amount of money should be shown by the immigrant to be possessed by him before he landed upon our shores, say, \$50, an amount which, in our opinion, furnishes a good security against his becoming a public charge.

Mr. DILLINGHAM. Will the Senator allow me a moment?

Mr. WILLIAMS. Certainly. Mr. DILLINGHAM. Mr. President, I may illustrate the theory of the administration of the present law in this way: A young man presents himself for admission at Ellis Island. He may be 25 years of age, strong, healthy, vigorous, capable of taking care of himself, and destined, for instance, to Pittsburgh, where he expects to secure work. In the administration of the law the inspectors do not deem it necessary that he should have in his possession a large amount of money. If he has a comfortable amount with which to reach his destination and get himself established and sure of work, there is very little expectation that he will become a public charge. But a man who is 60 or 65 years of age, who has passed the meridian

of life, may have \$500 in his pocket, but he has no object in coming here, no employment that he intends to take up, and that man is much more liable to become a public charge than the young man who is facing a job and has a smaller amount of money.

That perhaps is not a very clear illustration, but I think the Senator will get the idea I have in mind. It is not the amount of money he possesses so much as it is youthfulness, an abun-

of money he possesses so much as it is yourn'threes, an abundance of health, and the prospect that he will enter into work. I only wanted to say that by way of explanation as to the way the present law is applied at the immigrant stations.

Mr. WILLIAMS. That is very true; but if that man on his way to Pittsburgh has but \$4, let us say, or \$5, and something happened—he is taken sick or some accident occurred—he would the properties of the provided of the properties. become almost immediately a public charge. The same man with \$50 in his pocket would have enough to have the attendance of a physician, and before his \$50 was expended he would be well again. So there are many things that might happen. Another thing. He might be going to Pittsburgh to get the job, with every reliance that he would get it, and if he got there and got it, if he did not have but 50 cents in his pocket, it would be all right. But suppose something happened so that he did not get it. His \$5 would soon be gone and he would be a public charge on some private or public charity. If he had \$50, it would be reasonable to suppose that he could get work before his \$50 was exhausted.

Mr. ROOT. Mr. President—
The PRESIDING OFFICER. Does the Senator from Mis-

sissippi yield to the Senator from New York?
Mr. WILLIAMS. Certainly.
Mr. ROOT. On page 103 of the first volume of the report of the commission there is a table showing the amount of money brought in by immigrants, and the percentages are exhibited. It appears that in the years 1904 to 1910, inclusive, the seven years, only 13.9 per cent of the immigrants who were admitted showed \$50 or over. So there would be \$6.1 per cent of those immigrants who would not have come up to the test of showing \$50 or over.

Mr. WILLIAMS. I frankly confess that is a greater percentage than I thought and that the provision would be very much

more drastic in results than I apprehended.

Mr. ROOT. It is rather stringent. It appears also that the average amount of money shown, based on the number who showed money, was \$28.95, and the average amount, based on the number admitted, which, I suppose, would include women and children, was \$21.57. I should think such an amendment would be rather revolutionary of the whole proceeding

Mr. WILLIAMS. I frankly confess, Mr. President, that from the percentage given by the Senator from New York, as I had never had the occasion or the opportunity, or never had both at the same time, to look into it, that the effect of it would be very much more far-reaching than I had thought or more far-

reaching than I would like to have my amendment go.

Mr. ROOT. Mr. President, there was one circumstance mentioned by the Senator from Vermont [Mr. DILLINGHAM] the other day. It is that a great number of these immigrants come in with letters. They have letters from their friends giving them reasonable ground to expect employment, and great numbers of them have railroad tickets to carry them to the place where they are assured by their friends who had come here before that they will have employment.

Mr. DILLINGHAM. About 80 per cent.

Mr. ROOT. As the Senator from Vermont suggests, that is the case with 80 per cent of those who come in. That kind of circumstance may well be taken into consideration by the commissioners in determining whether the immigrant is likely to become a public charge. I think it would be unfortunate for us to set up a simple rule of requiring so many dollars, putting the dollar above the man.

The PRESIDING OFFICER. The question is on the amendment of the Senator from West Virginia [Mr. Watson] to the amendment of the Senator from North Carolina [Mr. Over-MAN].

What is the amendment to the amendment? The PRESIDING OFFICER. The Secretary will report the amendment to the amendment.

The Secretary. In the head-tax provision strike out "ten" and insert "twenty-four."

The PRESIDING OFFICER. The question is on agreeing to the amendment to the amendment.

The amendment to the amendment was rejected.

The PRESIDING OFFICER. The question now is upon the amendment offered by the Senator from North Carolina [Mr. OVERMAN], which the Secretary will state.

The Secretary. In section 2, page 2, line 20, before the word "dollars," strike out "four" and insert "ten."

Mr. OVERMAN. On that I call for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll

Mr. TOWNSEND (when Mr. CLAPP's name was called). The junior Senator from Minnesota has been called out of the Senate on business.

I will again Mr. GALLINGER (when his name was called). announce my pair and the transfer of my pair with the senior Senator from Virginia [Mr. MARTIN] to the junior Senator from Illinois [Mr. LORIMER], and I will vote. I vote "yea."

Mr. LIPPITT (when his name was called). I again announce my general pair with the senior Senator from Tennessee [Mr. Lea]. If I were at liberty to vote, I should vote "nay." I make this announcement of my pair for the day.

Mr. OLIVER (when his name was called). I am paired with the junior Senator from Oregon [Mr. CHAMBERLAIN]. I am not informed as to how he would vote on this amendment, and I will refrain from voting. If I were at liberty to word, if would vote "nay."

Mr. BACON. I have been requested by the Senator from

Oregon [Mr. Chamberlain] to state that he has been necessarily called away from the Chamber.

Mr. PENROSE (when his name was called). I again announce my pair with the senior Senator from Nevada [Mr. NEWLANDS]. I shall ask that the announcement stand for all other votes on the bill. Were I permitted to vote on this amendment, I would vote "nay."

Mr. SIMMONS (when his name was called). I desire to inquire whether the junior Senator from Minnesota [Mr.

CLAPP] has voted.

The PRESIDING OFFICER. He has not.

Mr. SIMMONS. I have a general pair with the Senator from Minnesota. I do not know how he would vote if he were here. Observing the pair, I desire to state that if I were at liberty to vote I would vote "yea."

Mr. TOWNSEND (when the name of Mr. SMITH of Michigan was called). I again announce that the Senator from Michigan [Mr. SMITH] is absent on business of the Senate. He is paired with the Senator from Missouri [Mr. Reed]. I wish this announcement to stand for all the votes to-day.

Mr. SWANSON (when his name was called). I should like to ask whether the junior Senator from Nevada [Mr. Nixon]

has voted.

The PRESIDING OFFICER. The junior Senator from Nevada has not voted.

Mr. SWANSON. I have a general pair with that Senator. I do not know how he would vote on this question. If he were present, I would vote "yen."

Mr. WATSON (when his name was called). I again announce my pair with the senior Senator from New Jersey [Mr. BRIGGS], I transfer the pair to the junior Senator from Oklahoma [Mr. Gone] and vote. I vote "yea,"

The roll call was concluded.

Mr. HEYBURN. I did not announce my pair when my name was reached. I am paired with the senior Senator from Alabama [Mr. Bankhead]. I do not know how he would vote. I therefore withhold my vote. I think if he were here we would vote alike.

The result was announced—yeas 26, nays 32, as follows:

	YE	AS-26.	
Ashurst Bacon Bradley Bristow Bryan Chilton Cummins	Curtis Fall Fletcher Foster Gallinger Gardner Johnston, Ala.	Jones Myers Overman Perkins Poindexter Pomerene Smith, Ga.	Smith, S. C. Sutherland Thornton Tillman Watson
	· NA	YS-32.	
Bourne Brown Burnham Burton Catron Clark, Wyo. Clarke, Ark. Crane	Crawford Cullom Dillingham Gronna Johnson, Me. Kern Lodge Nelson	O'Gorman Fage Percy Rayner Root Sanders Shively Smith, Ariz.	Smith, Md. Smoot Stone Townsend Warren Wetmore Williams Works
	NOT V	OTING-37.	
Balley Bankhead Borah Brandegee Briggs Chamberlain Clapp Culberson Davis Dixon	du Pont Gamble Gore Guggenheim Heyburn Hitchcock Kenyon La Follette Lea Lippitt	Lorimer McCumber McLean Martin, Va. Martine, N. J. Newlands Nixon Oliver Owen Paynter	Penrose Reed Richardson Simmons Smith, Mich, Stephenson Swanson

So Mr. Overman's amendment was rejected.

Mr. ROOT. Mr. President, I offer the amendment which I send to the desk.

The PRESIDING OFFICER. The Senator from New York offers an amendment, which the Secretary will state.

The Secretary. In section 20, page 44, line 11, after the word "hereof," it is proposed to insert the words-

Any alien who shall take advantage of his residence in the United States to conspire with others for the violent overthrow of a foreign Government recognized by the United States.

Mr. LODGE. I accept that amendment, Mr. President. I think it ought to be put in the bill.

The PRESIDING OFFICER. The question is on agreeing to

Mr. WILLIAMS. Is the reading of the amendment "any alien who shall take advantage of his residence in the United States for the purpose of conspiring for the overthrow of another government"? If so, it seems to me that is going pretty far.

Mr. GALLINGER. Let the amendment again be stated.

The PRESIDING OFFICER. The Secretary will again state the amendment proposed by the Senator from New York.

The Secretary. In section 20, page 44, line 11, after the word "hereof," it is proposed to insert the following:

Any alien who shall take advantage of his residence in the United States to conspire with others for the violent overthrow of a foreign government recognized by the United States.

Mr. ROOT. I ask to have the letter which I send to the desk read to the Senate. It is a letter from the governor of Texas, which explains the reason for the amendment.

The PRESIDING OFFICER. Without objection, the Secre-

tary will read the letter presented by the Senator from New

The Secretary read as follows:

GOVERNOR'S OFFICE, Austin, Tex., April 12, 1912.

GOVERNOR'S OFFICE, Austin, Tex., April 12, 1912.

Hon. Eliiu Root, United States Senate, Washington, D. C.

Dear Sir: Congressman Burleson, of Texas, has sent me a copy of your amendment to the bill amending the immigration laws of the United States providing for the deportation of revolutionists who take advantage of residence in the United States to conspire with others for the violent overthrow of a foreign Government.

I sincerely hope that you will press the adoption of your amendment, and that you will urge immediate action in the passage of the bill.

The recent assassination of Americans by order of Orozco fully justifies this country in running every Mexican revolutionary sympathizer out of the United States. Besides, your amendment will do more to promote peace in Mexico than anything else which has been undertaken. Americans have very large interests in that country, and their lives are in danger every day, and this fact has been a source of great anxiety to me, and I have employed my limited power in every way consistent to protect them, and also protect the lives and property of our own citizens along the Rio Grande. This work entails a great deal of responsibility and expense upon the State government, a burden and expense which other States do not have to bear, and I appeal to you to press your amendment and the bill to an early adoption and passage.

O. B. Colourt. Governer.

O. B. COLQUITT, Governor.

Mr. WILLIAMS. If the governor of Texas correctly quotes the amendment, it contains a very important adjective that I did not catch when the amendment was read. If the amendment be as he quotes it, against those who conspire for the "violent overthrow" of a Government recognized by the United States, I have no objection to it.

Mr. ROOT. That is the case.

Mr. WILLIAMS. But I did not so catch the reading of the amendment at first.

That is in the amendment.

Mr. WILLIAMS. I repeat, then, that I have no objection to

Mr. LODGE. Mr. President, I will say that that amendment comes in in the clause which provides for deportation. Such persons are simply to be deported; that is all.

The PRESIDING OFFICER (Mr. BRANDEGEE in the chair). The question is on agreeing to the amendment proposed by the Senator from New York [Mr. Root].

The amendment was agreed to.

Mr. POMERENE. I offer the amendment which I send to the desk. I request the attention of the Senator from Massa-chusetts [Mr. Lodge] to it.

The PRESIDING OFFICER. The amendment proposed by

the Senator from Ohio will be stated.

The Secretary. In section 7, page 14, line 14, it is proposed after the word "partnership," to strike out the word "or"; in line 15, to strike out the word "and" before the word "others," and insert the word "or" others," in line 15, to insert a comma. and insert the word "or"; and after the word

Mr. LODGE. I think that that is an improvement of the

wording, and I am glad to accept it.

The PRESIDING OFFICER (Mr. CURTIS in the chair). The question is on agreeing to the amendment proposed by the Senator from Ohio.

The amendment was agreed to.

Mr. SMITH of South Carolina. I now move the amendment which I offered this morning, in section 3, page 9, after the word at the end of line 18, to insert the words "if otherwise admissible."

Mr. LODGE. That, I think, also is desirable, Mr. President. The PRESIDING OFFICER. The amendment proposed by the Senator from South Carolina will be stated.

The Secretary. In section 3, page 9, at the end of line 18, after the word "labor," it is proposed to insert "if otherwise admissible," so as to read:

Provided further, That skilled labor, if otherwise admissible, may be imported, etc.

The amendment was agreed to.

Mr. WILLIAMS. In section 3, page 5, line 3, after the word "had," I move to insert the word "one" instead of "two." The language of the bill is, amongst the enumeration of those who are not permitted to come to this country:

Persons who have had two or more attacks of insanity at any time previously.

I do not see why more than one attack should be necessary to convince people of the fact that they might have another.

The PRESIDING OFFFICER. The Secretary will state the amendment proposed by the Senator from Mississippi.

The Secretary. In section 3, page 5, line 3, after the word "had," it is proposed to strike out the word "two" and to insert "one," so as to read:

Persons who have had one or more attacks of insanity at any time previously.

Mr. LODGE. Mr. President, I have no objection to that amendment.

The amendment was agreed to.

Mr. SHIVELY. In section 3, page 10, line 2, I move to strike out the word "either," before the word "before," and the words "or after" as they appear after the word "before."

The PRESIDING OFFICER. The Secretary will state the

amendment proposed by the Senator from Indiana.

The Secretary. In the committee amendments already agreed upon in section 3, page 10, line 2, before the word "before," it is proposed to strike out the word "either," and after the word "before" it is proposed to strike out the words "or after," so that if amended it will read:

Such application to be made before such importation.

The PRESIDING OFFICER. The question is on the amend-

ment proposed by the Senator from Indiana.

Mr. LODGE. Mr. President, the committee made that change in order to remain that here. in order to remedy what has proved, in the rare cases in which it has happened, a great hardship, and to allow the matter to be determined either before or after the importation. I see no objection to the amendment, though I think the language ought

to stand as it is.

Mr. SHIVELY. Mr. President—

The PRESIDING OFFICER. Does the Senator from Massachusetts yield to the Senator from Indiana? Mr. LODGE. Certainly.

Mr. OVERMAN. On what page is the amendment?
Mr. SHIVELY. The amendment is to strike out certain words in line 2 on page 10. The present law requires the application for authority to import skilled labor under certain stated conditions to be made before such labor is imported. The committee amendment, as reported on the bill, provides that such application may be made "either before or after" the importation takes place. This change I oppose. My amendment is to strike out the word "either" and also the words "or after." The committee amendment would allow the labor to be imported without authority first granted, and leave the fact of the right of importation to be tried afterwards. My amendment requires the right of importation to be tried and settled in advance.

Mr. LODGE. I misunderstood the Senator's amendment in the reading. He stated, I thought, that he was proposing to strike out the word "before," leaving the same trouble that strike out the word "before," leaving the same trouble that now exists; but I now understand he proposes to strike out the word "after," and leaves it "before such importation."

Mr. SHIVELY. So that the application must be made before

the importation.
Mr. LODGE. I have no objection to that change.

Mr. SHIVELY. And no application is anowable and Mr. LODGE. The hardship arises when a man has to be returned after he has arrived here.

Mr. STONE. How will the clause read if amended as proposed?

The PRESIDING OFFICER. The Secretary will again state the amendment.

The Secretary. If amended as proposed, the provision will read:

Such application to be made before such importation.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Indiana [Mr. Shively].

The amendment was agreed to.

Mr. WATSON. I offer the amendment which I send to the desk, and on the amendment I ask for the year and nays.

The PRESIDING OFFICER. The amendment proposed by the Senator from West Virginia will be stated.

The Secretary. In section 2, page 2, line 20, before the word "dollars"—the head-tax proposition—it is proposed to strike out the word "four" and to insert the word "seven," so as to

That there shall be levied, collected, and paid a tax of \$7 for every alien, including alien seamen regularly admitted as provided in this act, entering the United States.

The PRESIDING OFFICER. Upon the amendment proposed by the Senator from West Virginia [Mr. WATSON] he asks for the yeas and nays.

Mr. BRISTOW. Where does the reading of it I could not tell. Where does the amendment come in? From

The PRESIDING OFFICER. The Secretary will again state the amendment.

The Secretary again stated the amendment of Mr. Warson. The PRESIDING OFFICER. Upon the amendment the Sen-

ator from West Virginia demands the yeas and nays. The year and nays were ordered, and the Secretary proceeded

to call the roll.

Mr. TOWNSEND (when Mr. CLAPP's name was called). The junior Senator from Minnesota [Mr. CLAPP] is unavoidably absent from the Senate. I do not know how he would vote on this amendment.

Mr. OLIVER (when his name was called). I again announce my pair with the junior Senator from Oregon [Mr. CHAMBER-

Mr. SIMMONS (when his name was called). I have a general pair with the junior Senator from Minnesota [Mr. CLAPP]. transfer that pair to the junior Senator from Louisiana [Mr. THORNTON] and vote. I vote "yea."

Mr. SWANSON (when his name was called). I have a general pair with the junior Senator from Nevada [Mr. Nixon]. As he has failed to vote, and not knowing how he would vote, I withhold my vote. If he were present, I should vote "yea."

Mr. FOSTER (when Mr. THORNTON'S name was called). I

wish to state that my colleague [Mr. Thornton] is unavoidably

Mr. WATSON (when his name was called). I again announce the transfer of my general pair with the senior Senator from New Jersey [Mr. Briggs] to the junior Senator from Oklahoma [Mr. Gore] and will vote. I vote "yea."

The roll call was concluded.

The result was announced—yeas 27, nays 32, as follows:

	YE	AS-27.		
Ashurst Bacon Bradley Bristow Bryan Chilton Cummins	Curtis Fall Fletcher Foster Gallinger Gardner Johnston, Ala.	Jones Kern Myers Overman Perkins Poindexter Pomerene	Simmons Smith, Ga. Smith, S. C. Sutherland Tillman Watson	
	NA	YS-32.		
Bourne Brown Burnham Burton Catron Clark, Wyo. Clarke, Ark. Crane	Crawford Cullom Dillingham Gronna Johnson, Me. Lodge Nelson O'Gorman	Page Percy Rayner Root Sanders Shively Smith, Ariz. Smith, Md.	Smoot Stephenson Stone Townsend Warren Wetmore Williams Works	
	NOT V	OTING-36.		
Bailcy Bankhead Borah Brandegee Briggs Chamberlain Clapp Culberson Davis	Dixon du Pont Gamble Gore Guggenheim Heyburn Hitchcock Kenyon La Follette	Lea Lippitt Lorimer McCumber McLean Martin, Va. Martine, N. J. Newlands Nixon	Oliver Owen Paynter Penrose Reed Richardson Smith, Mich. Swanson Thornton	

So Mr. Warson's amendment was rejected.

Mr. STONE. Mr. President, I should like to ask the Senator in charge of this bill why in section 2 a change is proposed to be made in the existing law by inserting the words including alien seamen regularly admitted as provided in this act"

Mr. LODGE. Because, Mr. President, to this bill there have been added some new clauses affecting immigrants who have come in as seamen and thus escaped the enforcement of the immigration law. It is becoming a very great abuse. Men who have been unable to be admitted under the regular examination would secure employment on a ship in some capacity, come to this country, leave the ship at the wharf, and avoid the examination entirely. It was to stop a large system of evasion of the immigration laws that made the change necessary, because heretofore alien seamen have not been included.

The PRESIDING OFFICER. The bill is before the Senate as in Committee of the Whole and open to amendment,

Mr. WILLIAMS. Mr. President, there are two amendments pending of which I gave notice, and I wish now to call up the first one. In section 3, on page 8, line 9, after the word "descent"—

The PRESIDING OFFICER. Will the Senator wait until the committee amendments have been concurred in?

Mr. WILLIAMS. I thought the committee amendments had all been agreed to long ago.

Mr. LODGE. They have been. I understand the Senator from Mississippi desires to offer an amendment before the bill

is reported to the Senate.
Mr. WILLIAMS. Of course.

The PRESIDING OFFICER. The Chair did not so understand.

Mr. WILLIAMS. After the word "descent," in section 3, on page 8, line 9, I move to insert the words-

or persons of African descent, whether from Africa or the West Indies, except Porto Rico.

The PRESIDING OFFICER. The question is on the amend-

ment offered by the Senator from Mississippi.

Mr. WILLIAMS. Mr. President, the other day when I offered that amendment I saw a smile upon the countenances of some Senators on the other side of the Chamber, and I suppose the thought which ran through their minds was, "There is another southerner who has found another 'nigger in the woodpile.'" as the phrase runs. Therefore, I want to explain the purpose

of the amendment.

We now exclude Chinese as immigrants into this country; and we exclude them very wisely, because they are an unassimilable race, because they are a race with whom our own people will not intermarry. Now, Mr. President, the perfect democratic temple here or anywhere rests upon four pillarsliberty, fraternity, equality, and justice. You can never have genuine liberty in any community in the world without real equality, and you can never have real equality without potential brotherhood, potential fraternity, actual or potential blood relationship, and you can never have that where there are two in the same community that do not intermarry, one of which regards the other race, rightfully or wrongfully, as its inferior and will not mix blood legitimately and legally

It may be answered that a great many negroes are citizens of the United States-and they are-and a great many of them were born here and their fathers and grandfathers before them, and that this amendment might be considered a lick

at them.

It is not; it is merely a blow at the further infiltration of the same sort of people in our body politic. The presence of those already here has been the cause of stupendous bloodshed and

division and of benefit to nobody except themselves.

Very early in the history of this country the most prescient and the greatest man in its history, in my opinion, speaking from the standpoint of politics and of statesmanship, Mr. Jefferson, attempted to secure the emancipation and the deportation of this unfortunate race just as much sinned against as sinning. He failed, and the consequence has been that we have had in a part of our territory these two dissimilar and mutually alien races, mutually unassimilable, because one refuses legally to mix his blood with the other. Wherever you have that condition of things you have, necessarily, an unfortunate condition-a great evil-and there is no sense in running any risk of increasing it.

The last census reports show that the white birth rate of the South exceeds the birth rate of the colored people, and that independently of immigration-and, of course, what little immigration there is in the South is white—the white race there is increasing at a larger percentage than is the colored race. That census fact holds out a hope of a final solution of the problem by that very disparity multiplying itself from year

to year to its final result.

There is but one danger. Men are greedy all over the world. Every race has its faults. The red American Indian is cruel; the African is lustful; the white man is greedy. He is the greedlest creature that God ever made; and when it comes to making money, he is going to make it to the detriment of his own civilization and the future of his own community. He has done it always in the past. Our ancestors did it when they introduced these people here—our slave-selling Yankee ancestry and our slave-buying southern ancestry. Mr. Jefferson, after he had tried to secure the emancipation and deportation of this race, and after his motion had been voted down by a l

small vote, at that time in a slave-holding community, uttered these very memorable words in a letter to a friend: "They will not bear it now, but the time will come when they must bear it, for nothing is more certainly written in the book of fate than that these people must at some day be free, except this, that no two races physically and mentally so different can long exist equally free in the same country.'

Now, the danger from the white man's greed is this: Labor is growing scarcer every year in the sugar belt and in the cotton belt and in the rice belt in comparison with demand for an increase of the production of cotton, sugar, and rice. In my opinion, it will not be many years before sugar planters and cotton planters will be bringing over negroes from the West Indies and perhaps even from Africa, and I want to stop it before it starts. You may say it is a fancied danger, but I find that in 1902 there were 4,700 immigrants from the West Indies and in 1911 there were 13,403. It has grown threefold in that time, and I find that within the last five years—these figures are furnished me by the Department of Commerce and Labor-there has been a total immigration from the West Indies of 64,404.

Mr. President, I ask Senators to leave aside for a few minutes politics and the question of losing votes at elections, and think about the future. Wages in the cotton and sugar and rice States are higher than they are in the West Indian country, and are increasing. Since we have been hiring Jamaica negroes at the Isthmus in the construction of the Panama Canal they have begun to find now that they can better their condition industrially by coming into the United States, and they are beginning to come and will come more rapidly as day succeeds

day.
Mr. KERN. Mr. President-

The PRESIDING OFFICER. Does the Senator from Mississippi yield to the Senator from Indiana?

Mr. WILLIAMS. Certainly.

Mr. KERN. I should like to ask the Senator what effect the educational test, adopted in this bill, would have on immigration of that kind?

There would be great hope for a long time Mr. WILLIAMS. to come yet that the test would keep out a majority of them. That much is true. Now, then, one word more and I shall conclude.

Within certain broad racial lines human nature is the same. The white man's human nature is the same at the mouth of the Tiber, at the mouth of the Mississippi, at the mouth of the Hudson, and of the Thames. Chinese human nature is the same whether the Chinaman be in San Francisco or Hankow or Hongkong. The same is true of the negro-a negro is a negro in Africa, Jamaica, Cuba, or Mississippi. When men use the word "race" they frequently use it incorrectly. The French, the German, the Scandinavian, the English are not different races at all. They have different languages, but they are of the same Caucasian race; and as long as any people of the several nationalities or languages of that race come to our country they will be assimilated by actual or potential inter-Where there is legal mixture of blood any race marriage. question, in the course of time, will of course be dissipated.

There is not a white man from the Atlantic to the Pacific, from the Gulf to the Great Lakes, who would want to see that sort of a thing in this country, as between white people and the No matter what his politics, no matter what his darkies. ideals, he wants to preserve the racial integrity and the purity of the Caucasian race; and if any did not, the opposite never would happen anyhow, because that part of the white race among whom the negroes are greatly congregated would never

permit it.

It is dangerous for any country to admit a nonhomogeneous race—that is to say, I mean dangerous for any country whose Government rests upon free institutions. It is not dangerous for a despotism, because both races there have a common master.

One pillar of the temple of Democracy is justice. It is well that we excluded the Chinaman. That pillar would have tumbled, too. The white man would not have treated the Chinaman with impartial justice wherever there was a sufficient number of Chinamen to give the white man a real or fancied fear or menace of his domination, nor will he treat any other race precisely as he treats his own whenever that idea is in his head; and it makes no difference whether it is a real or fancied menace. In this clause of this bill and by existing law you exclude Chinese.

I want to follow it up by excluding Africans. If the Chinaman be our inferior-and I do not say that he is-then the negro is still more our inferior, because all the history of the world teaches that the Chinaman is his superior in accomplishment, in attainment, in culture, in civilization everywhere where the two races have been left to themselves to work out

each its own upbuilding.

But if the cause of the exclusion of the Chinamen be not because of their inferiority-and that is the position I takebut merely because they are different morally, mentally, physically, and inherently different, and therefore, mutually unassimilable, then it applies equally to the Africans; and if you want to protect our racial integrity and at the same time protect the symmetry of the democratic temple without the destruction of any of its supporting pillars, then you will foresee and guard in advance against this possible danger, and to the extent that this amendment will help to prevent it you will help by passing the amendment.

I may add that the immigrant of African descent is a greater menace than the immigrant of Chinese descent, because under our laws the latter can not be naturalized. At worst, then, he can become only an inhabitant; the former can become both

inhabitant and citizen.

Mr. GALLINGER. I will ask the Senator from Mississippi if his amendment does not propose to insert these words in the wrong place. It comes in the middle of the provision relating to Chinese persons, and I think it would be better to insert it, if it is agreed to, after the words "United States," in line 11. The Senator will observe that he breaks the sentence concerning Chinese.

Mr. WILLIAMS. The Senator is right. I ask that, instead of being inserted after the word "citizen," on line 9, it be inserted after the words "United States," on line 11, and that

the semicolon follow it.

Mr. GALLINGER. Yes; and the word "or" is not neces-

sary; simply say persons of African descent.

Mr. ROOT. Mr. President, I hope this provision will not be inserted. Agreeing fully with many things the Senator from Mississippi [Mr. WILLIAMS] has said, it seems to me that this is rather a theoretical than a practical provision now. We are not going to seriously affect the problem which has to be worked out with our nine to ten million blacks in this country by a provision relating to the coming in of men of negro blood, which in the last dozen years, I see by the statistics in this report, has only amounted to some 2,800 per year.

Mr. WILLIAMS. The Senator from New York is mistaken.
The PRESIDING OFFICER. Does the Senator from New York yield to the Senator from Mississippi?

Mr. LODGE. For the 10-year period the average is about

Mr. WILLIAMS. I was furnished this morning with the figures of the immigration from the West Indies alone, without counting any negroes who might possibly have come from elsewhere, and what has deceived the Senator from New York is that in the West Indies they do not count anyone a negro unless he be of pure negro blood. People of mixed races who are counted here as negroes are not there thus regarded. When they come in they may report themselves as white, because they have white blood in their veins; but these figures sent to me by the department this morning show that there has been during the period of five years-1907-1911-a total of 64,404, and nearly all of them were of mixed or Indian blood.

ROOT. It is of little consequence whether you take the one figure or the other. It is very negligible when you come to deal with the 9,000,000 colored people in this country. are not going to work out our problem by this small number

coming or not coming in.

Mr. WILLIAMS. If they increase at the same rate at which they have increased-

Mr. ROOT. If it is found that they increase, we can deal

Mr. WILLIAMS. Three hundred per cent in nine years.

Mr. ROOT. But it is agreed that the literacy test, which we have now established, will tend to reduce this immigration.

Mr. WILLIAMS. That is true.

Mr. ROOT, The same reason on which we exclude Mongolians does not operate with respect to the blacks. The Chinese minister once said to me: "You are excluding us for our virtues"; and I was compelled to admit that there was a good deal of truth in the observation.

We exclude them because when they come here they underbid the American workman. They can live on so much less than he can live on that they can drive the American workman out of the market wherever they come in in considerable num-

bers.

It is because of the special qualities that they possess, different from ours, but, as the Senator from Mississippi well says, not necessarily inferior to ours, that we exclude them. That does not apply to the blacks.

But it is not merely upon a balancing of these considerations that I urge that this amendment should not be adopted. that we would be entering upon a field of serious interference with a great array of our treaties with foreign countries. To exclude people whom we have agreed to admit; to exclude people who have a right to come in under our treaties with Brazil, with Haiti, with San Domingo, with Cuba, with England in regard to her West India Islands, with France in regard to hers, with the Netherlands in regard to hers, with all the countries on the mainland surrounding the Caribbean at one stroke and without consideration of the terms of those treaties or the effect upon our international relations of a provision put into this bill directly in violation of the provisions of the treaties, we would involve ourselves in a most serious situation.

Mr. WILLIAMS. Mr. President—
The PRESIDING OFFICER. Does the Senator from New York yield to the Senator from Mississippi?

Mr. ROOT. I do.

Mr. WILLIAMS. I want to call the attention of the Senator from New York to the language of the law proposed in this bill, which is substantially the present law. It excludes Chinese persons or persons of Chinese descent.

Mr. ROOT. From where does the Senator read?

Mr. WILLIAMS. Page 8, beginning with line 8. It excludes "Chinese persons or persons of Chinese descent, whether subjects of China or subjects or citizens of any other country foreign to the United States." So that if excluding persons of African descent would result in the abrogation of all these treaties as the Senator argues, the exclusion of persons of Chinese descent who are British subjects or French subjects or Dutch subjects would work precisely the same evil.

Mr. ROOT. It is true we have been in rather a delicate and difficult position in regard to our exclusion of the oriental subjects of a considerable number of foreign powers. Fortunately they have not seen fit to press the right under their treaties to have their oriental subjects admitted to the United States. But, if we now for the first time put in a provision of this kind regarding these countries which are in immediate proximity to us, we certainly can not expect any such immunity, and I apprehend that the consequences would be exceedingly serious. do not see how it could be avoided.

Mr. BACON and Mr. SMITH of Georgia addressed the Chair. The PRESIDING OFFICER. The senior Senator from

Mr. BACON. Mr. President, I confess to my utter surprise at the position taken by the Senator from New York [Mr. Root]. The southern people have during all these years never failed to respond to the demand or the request of the people of our western coast that they should assist them in keeping out the Asiatics.

The Senator speaks about the problem we have to contend with and whether or not this will contribute to its solution. It is a monstrous evil, and every additional ounce of weight adds

to the burden.

I confess I was in absolute ignorance of the important facts stated by the Senator from Mississippi as to the magnitude of this immigration from that source, and if you were to search the world over for a class who ought to be excluded from this country, that which in higher degree than any other should be rigidly excluded is this.

Mr. President, we have a fearful burden and a fearful prob-Why add to it? And the possibilities which the Senator from Mississippi has pointed out far exceed any small limita-

Mr. President, why should there be an exception made in this case, when for 30 years this country has never wavered and never hesitated, whenever the question has come up, to say that they would do all in their power to protect the people of the western coast from the threatened invasion of Asiatics? are in a position where, of course, we can not be relieved of the burden we have, but we do protest that that burden should not be added to.

Now, as shown by the Senator from Mississippi, the exclusion of people of the Asiatic races does not militate against any treaties we have with any other countries. It is not so regarded, because it is expressly said that whether they are sub-jects of Asiatic monarchies or of any others they are excluded if they are Asiatics and come within the class; and therefore there is no reason why under the same ruling there should be any assumption of any infraction of any treaty if we add this

Mr. ROOT. Mr. President—
The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from New York?

Mr. BACON. Certainly. Mr. ROOT. Does not the Senator from Georgia recognize the fact that a law prohibiting the entrance into this country of the entire population of a country with which we have a treaty providing for entrance and residence would break our friendly relations with that country?

Mr. BACON. What country does the Senator refer to?
Mr. ROOT. San Domingo, Haiti, three-fourths of the people
of the great Empire of Brazil. Are you going to break off
friendly relations with Brazil by prohibiting a majority of their people from entering the borders of the United States?

Mr. BACON. If they are colored people I would undoubtedly say yes. Have we hesitated to break off friendly relations, if need be, with Japan or China? They are as important to us as It is a question of whose ox is gored, and I repeat that I was utterly astonished when the Senator from New York got up and made opposition to this. I supposed, of course, he was going to get up for the purpose of giving his assent to it.

We have a tremendous problem, one the solution of which no man can foresee or predict or arrange for. We are struggling with it the best we can, and we ask simply that it not be added to. I am not afraid that Great Britain is going to make any trouble if we say that negroes from Jamaica shall not come to this country. If San Domingo or Haiti or Cuba chose to make the issue with us, what is the more important, that we should preserve our institutions or that we should run the risk of offending these people?

We do not invade their territory. We are simply protecting ourselves. If we can protect our country against the hordes of Asia and not only so, but against undesirable people from Europe, is it to be treated as a trivial matter when it has been pointed out by the Senator from Mississippi that sixty-odd thousand of these people have already come? Is it a trivial matter?

Mr. President, I ask Senators from the northern section upon what possible ground they can say that the demand of our brethren upon the Pacific coast shall be heeded and that they will turn a deaf ear to the appeal made through the amendment

of the Senator from Mississippi?

Mr. President, I do not know how many millions of these people there are. We want immigration, but we want it of a different kind. The immigration that I prefer is the immigration of our own blood and people from the Northern States who come to the South-and great quantities have come and I hope a great many more of them will come, because they add to all that is best in the improvement and development of our country. But it is an impossibility, as pointed out by the Senator from Mississippi, that anyone of this race can come and add to the present population without its being an injury, and in the case of any prospect of a large number a most serious menace to us.

It has not been a matter of any importance to us to keep out the Asiatics; we have not been threatened with anything on account of the Asiatics; and yet the southern people have not hesitated for a moment, but have stood as a man for their exclusion, and I do not suppose that a single vote can be shown cast by a southern man opposing the legislation which has been asked to protect the States upon the Pacific coast. When this is asked by us, why should there be this differentiation?

We make some exceptions now in favor of this race. the only race that under our law can be naturalized other than a member of the Caucasian race. We do not permit a Mongolian or a Malay to be naturalized. As is suggested to me by the Senator from Mississippi, when the Negro comes here he is not limited as the Mongolian or the Malay is by the simple opportunity to come here. The Mongolian or the Malay when he comes here is denied the right of citizenship. This other man, when he comes here, is given the right of citizenship; and there are a good many other reasons which could be urged.

We are dealing with this problem in the most conservative manner. The people of that race are not oppressed. There are individual instances of wrong, just like there are individual instances of wrong everywhere, but the relation between them and the whites is a kindly relation. It is a relation in which the stronger protects the weaker. It is a relation so agreeable to them that it is only the exceptional man who can be induced to leave that section of the country to go elsewhere, and we propose to the best of our ability to work out the problem without injustice to anybody. But, in God's name, do not add to it; if sixty-odd thousand of these people have come here within this short time-a fact, I repeat, of which I was ignorant-I am impressed with the importance of the adoption of the amendment, and I appeal to Senators, when we have stood by them in the past, as we have done in all these years without exception, in trying to protect them against the invasions of Asiatics, not now to deny us what we ask for the protection of ourselves.

Mr. STONE. Mr. President—
The PRESIDING OFFICER. Does the Senator from Georgia ield to the Senator from Missouri?

Mr. BACON. I do. Mr. STONE. The sixty thousand who have come from San Domingo, Haiti, Cuba, and so forth, came within what range of time?

Mr. WILLIAMS. Five years.

Mr. STONE. Five years? Where did they settle when they came—in the South or in the North?

On the Florida Keys and the Gulf of Mr. WILLIAMS. Mexico. Some of them-quite a percentage of them-went to New York City. I do not know precisely how that happened. Mr. STONE. Is the greater number in the North or in the

South?

Mr. BACON. Most of them are in the South, and there is where the menace is, I repeat I was really surprised and disappointed that there should be opposition to this reasonable request.

Mr. SMITH of Georgia. Mr. President, it was not my purpose when I rose to obtain the floor, before the senior Senator from Georgia [Mr. Bacon] spoke, to occupy the time of the

Senate upon this subject except for a few moments.

I wish most earnestly to express my approval of the amendment proposed by the Senator from Mississippi [Mr. Williams], and I wish to earnestly request the Senators on the other side not to resist it. The Senator from Georgia has made our appeal to the Senators upon the Pacific coast. It does seem to me it is one that they can not fail to heed.

I have had some observation of the elements sought to be reached by this amendment. They are not desirable. Who wishes them here? I desire to say to the Senators on the other side that our black people, our negroes, in the Southern States very much object to them. If the wishes of our negro population in the South were to be considered it would be found that they are almost a unit against the immigration of the West Indian negroes. As a rule they do not work pleasantly together.

I had occasion to observe it in quite an extensive amount of work done at Key West, in which I had an interest, a few years We were almost unable to keep our Georgia negroes that we took down there and induce them to work with the West Indian negroes. They do not harmonize. They do not fraternize with the negro population of America, who vastly prefer that

we should exclude these foreign negroes.

I am sure that the white laboring men do not want them brought here to be put in competition with them in large enterprises. We do not believe that there is any desire by any American citizens to have them. We are sure that it is to the interest of our section not in any sense to increase the negro We are seeking to handle the problem. I want to population. say to Senators on the other side that the larger the proportion of whites in any one of our counties and the smaller the proportion of the blacks the more the blacks prosper, the better their condition. Instead of increasing the blacks proportionately to the whites, as they decrease the black man fares better and improves more rapidly. It is to the interest of our colored race here in the United States not to increase it at all from the outside; and that is certainly to the interest of the white

I want to assure you that from my personal contact with our negroes in the South and their aversion to these foreign negroes you will not be pleasing them by opening the door. I join with the Senator from Mississippi and the Senator from Georgia in appealing to you to allow this amendment to pass.

Mr. STONE. Can the Senator from Georgia tell me whether

these 60,000 West Indian negroes come here temporarily to engage in some particular work or whether they come here to remain as citizens and become a part of our population? Do

they bring their families?

Mr. SMITH of Georgia. No; those whom I have seen and those with whom I have come in contact in my observation of certain enterprises in which I was interested in southern Florida, in southern Alabama, and in southern Georgia have largely come alone. They are men who come to engage in work connected with larger enterprises-construction work, sawmill work, or something of that character-and they really interfere with the work done by our local laborers.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from Mississippi [Mr.

WILLIAMS]

Mr. TILLMAN. On that question let us have the year and

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. OLIVER (when his name was called). I announce my pair with the junior Senator from Oregon [Mr. CHAMBERLAIN].
Mr. SIMMONS (when his name was called). I have a gen-

eral pair with the junior Senator from Minnesota [Mr. CLAPP]. I will transfer that pair to the junior Senator from Louisiana [Mr. Thornton], and vote. I vote "yea."

Mr. SWANSON (when his name was called). Has the junior

Senator from Nevada [Mr. Nixon] voted? The PRESIDING OFFICER. He has not.

Mr. SWANSON. I have a general pair with that Senator. I do not know how he would vote on this question, so I withhold my vote. If he were present, I would vote "yea."

Mr. WATSON (when his name was called). I announce the transfer of my general pair with the Senator from New Jersey [Mr. Briggs] to the junior Senator from Oklahoma [Mr. Gore] as on previous votes, and I will vote. I vote "yea."

The roll call was concluded.

Mr. BRANDEGEE. I previously announced that I was paired with the junior Senator from Arkansas [Mr. Davis]. I am authorized by the senior Senator from Iowa [Mr. Cummins] to transfer that pair to the junior Senator from Iowa

MINS to transfer that pair to the junior Senator from Iowa [Mr. Kenyon], and I do so, and will vote. I vote "nay."

Mr. BURNHAM. I have a general pair with the junior Senator from Maryland [Mr. Smith]. In his absence I withhold my vote. If I were at liberty to vote, I should vote "nay."

Mr. TOWNSEND. I desire to announce that the junior Senator from Minnesota [Mr. Clapp] is unavoidably absent

from the Senate.

Mr. FOSTER. I wish to announce the unavoidable absence

of my colleague [Mr. THORNTON].

Mr. SIMMONS (after having voted in the affirmative).
Owing to some information that I have as to how the absent Senator from Louisiana [Mr. Thornton] would vote on this question, I will withdraw my vote.

Mr. FOSTER. If the junior Senator from Louisiana [Mr.

THORNTON | were here, he would vote "vea."

Mr. SIMMONS. I misunderstood it, then. If that is the case, I will vote. I transfer my pair to the Senator from Louisiana [Mr. Thornton], and as he would vote "yea," I shall vote. I vote "ven.

The result was announced-yeas 25, nays 28, as follows:

YEAS-25. Percy Perkins Poindexter Simmons Ashurst Bacon Bryan Chilton Gallinger Tillman Gardner Johnson, Me. Johnston, Ala. Jones Watson Williams Works Crawford Smith, Ga letcher Smith, S. C. Stone Myers Overman NAYS-28. Shively Smoot Stephenson Sutherland Townsend Clark, Wyo. Crane Cullom Gronna Lodge Nelson Page Bradley Brandegee Bristow Brown Burton Cummins Pomerene Root Sanders Curtis Dillingham Warren Wetmore Catron NOT VOTING-42. ring—42.
Lorimer
McCumber
McLean
Martin, Va.
Martine, N. J.
Newlands
Nixon
O'Gorman
O'Hyer
Owen
Paynter du Pont Gamble Gore Guggenheim Heyburn Hitchcock Kenyon Kern La Follette Bailey Bankhead Penrose Rayner Reed Richardson Smith, Ariz. Smith, Md. Smith, Mlch. Borah Briggs Burnham Chamberlain Clapp Clarke, Ark, Culberson Davis Swanson Thornton Lea Lippitt Dixon

So Mr. WILLIAMS'S amendment was rejected.
Mr. GALLINGER. On page 2, line 20, I move to strike out
"four" and insert the word "five."

The PRESIDING OFFICER. The amendment will be stated. The Secretary. In section 2, page 2, line 20, before the word "dollars," strike out "four" and insert "five," so as to read: That there shall be levied, collected, and paid a tax of \$5 for every

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from New Hampshire.

The amendment was agreed to.

Mr. CHILTON. I should like to ask the Senator from Massachusetts, on page 8, line 20, the significance of the word "capitalists." It seems to me that is a pretty general word

Mr. LODGE. That is the word used in the present law Mr. CHILTON. I move to strike out the word "capitalists." Mr. LODGE. I have no objection to striking it out. I do not think it adds anything to the enumeration.

The PRESIDING OFFICER. The amendment will be stated. The Secretary. In line 20, page 8, strike out the word " capitalists."

The amendment was agreed to.

Mr. SMITH of South Carolina. I wish to call the attention Mr. SMITH of South Carolina. I wish to can the attention of the Senator who has the bill in charge to one word, on page 4, line 2, at the beginning of the line. Would it not add to the efficacy of the bill to change the word "may" to "shall"?

Mr. LODGE. "May require the deposit of such tax."

Mr. SMITH of South Carolina. Yes. Would it not strengthen it somewhat to use the word "shall" in place of "may"?

Mr. LODGE. He may require it "only upon proof." It would weaken it; it would not strengthen it. It now reads that he "may require it only upon proof." and then it would read

he "may require it only upon proof," and then it would read that he "shall require it only upon proof." It would weaken the clause and not strengthen it.

Mr. SMITH of South Carolina.

It was called to my attention by an organization who asked me to call the attention of

the Senate to it.

Mr. LODGE. If the Senator will read the clause he will see that it would weaken it and not strengthen it.

The PRESIDING OFFICER. If there are no further amendments to be offered as in Committee of the Whole, the bill will be reported to the Senate as amended.

The bill was reported to the Senate as amended, and the

amendments were concurred in.

Mr. WILLIAMS. I wish to renew the amendment I offered to come in after the words "United States," in line 11 on page 8. After the semicolon following the words "United States," I move to insert:

Persons of African descent, whether from Africa or the West Indies, except Porto Rico.

The PRESIDING OFFICER. The Scretary will state the amendment.

The Secretary. On page 8, line 11, after the words "United States" and the semicolon, insert the words:

Persons of African descent, whether from Africa or the West Indies, except Porto Rico.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was rejected; there being, on a division-ayes 22, noes 24.

The PRESIDING OFFICER. The bill is still in the Senate

and open to amendment. Mr. RAYNER. Mr. President, I desire to make a statement.

I was out of the hall when the vote was taken on the amendment of the Senator from Mississippi [Mr. Williams]. If I had been present, I would have voted "yea" on that amendment.

The PRESIDING OFFICER. If no further amendments be proposed, the question is, Shall the bill be ordered engrossed

for a third reading and read the third time?

The bill was ordered to be engrossed for a third reading, and

was read the third time.

The PRESIDING OFFICER. The question is, Shall the bill pass?

Mr. STONE. Mr. President, just a word. I shall not ask for the yeas and nays, but I wish to say, as far as I am con-cerned, that if a yea-and-nay vote shall be ordered I shall vote against the bill in its present form.

The PRESIDING OFFICER. The Chair was unable to hear

the Senator from Missouri.

Mr. STONE. I think the reporter hears what I am saying, and it is not important that the Chair should hear.

The PRESIDING OFFICER. Well, the Chair would like to

hear if the Senator is going to submit a motion.

Mr. STONE. I am addressing the Senate and not the Chair.

And the reporter will get what I say.

However, for the benefit of the Chair, if it is at all important to him, I was saying that I will not ask for a yea-and-nay vote, but if one should be ordered I will vote "nay" on the pas-

sage of this bill.

I am in favor of practically all the provisions of the bill, except the one against which I opposed myself this afternoon. An amendment was offered by the Senator from North Carolina [Mr. Simmons], providing that immigrants shall be able to read and write 25 words of the Constitution of the United States. I think that was substantially it. Why pick out 25 words of the Constitution of the United States and ask an immigrant to read it in any language? What does it mean? Is there anything to it? You had better have him read that verse from Mrs. Hemans's poems:

The boy stood on the burning de Whence all but him had fled; The flame that lit the battle's wr Shone round him o'er the dead.

Mr. BACON. Mr. President, I want to say to the Senator that if the immigrant did repeat that he would repeat something which, while it has become hackneyed, is one of the finest things in the English language.

Mr. STONE. It is one of the finest things in the English language, and how much better it would be for him to repeat it than something like this:

No person shall be a Representative who shall not have attained the age of 25 years and been 7 years a citizen of the United States.

That is about 25 words of the Constitution. Here is another

When vacancies happen in the representation from any State, the executive authority thereof shall issue writs of election to fill such vacancies.

That, also, is about 25 words of the Constitution. Mr. President, I do not see anything to it, with all due respect. I am going to vote against this bill because, in my poor judgment, in this provision which prescribes an educational test it is too near akin to the old intolerant propaganda of the Know-Nothings and the A. P. A.'s. I am against it, and shall not vote for it.

The PRESIDING OFFICER. The question is on the passage

of the bill.

The bill was passed.

LOSS OF THE STEAMSHIP "TITANIC."

The PRESIDING OFFICER. The Chair lays before the Senate a communication, which the Secretary will read.

The Secretary read as follows:

HABANA, April 19, 1912.

To the SENATE, Washington:

The Senate of the Republic of Cuba in session held yesterday resolved unanimously to express its condolence through the Senate to the people of the United States of America for the loss of life in the terrible disaster of the steamship Titanic.

Dr. Antonio Gonzalo Perez,

President of the Senate.

THE METAL SCHEDULE.

Mr. SIMMONS. I move that the Senate proceed to the consideration of the bill (H. R. 18642) to amend an act entitled "An act to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes, proved August 5, 1909, generally known as the metal schedule. The motion was agreed to.

Mr. GALLINGER. I move that the Senate adjourn.

The motion was agreed to; and (at 7 o'clock and 25 minutes m.) the Senate adjourned until to-morrow, Saturday, April 20, 1912, at 2 o'clock p. m.

HOUSE OF REPRESENTATIVES.

FRIDAY, April 19, 1912.

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the fol-

Our Father in heaven, we thank Thee that though in the ordinary circumstances of life selfishness and greed seem to be in the ascendancy, yet in times of distress and peril then it is the nobility of soul, the Godlike in man, asserts itself and makes heroes; hence we may indulge in the fond hope that at last good shall overcome evil, and Thy kingdom come and Thy will be done in every heart. Through Jesus Christ, our Lord. Amen.

The Journal of the proceedings of yesterday was read and ap-

ADJOURNMENT.

Mr. UNDERWOOD. Mr. Speaker, I offer the resolution which I send to the Clerk's desk.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

House resolution 500.

Resolved, That as a tribute of respect to the memories of those who lost their lives in the terrible disaster to the steamship Titanic the House do now adjourn.

Mr. SULZER. Mr. Speaker, just a few words. I am in favor of the adoption of this resolution as a fitting expression of our sorrow for the dead whose lives went out in the terrible catastrophe of the Titanic—one of the greatest marine tragedies in all history. All the world mourns. At this time I want to say that I think we can do more for humanity, more for the to say that I think we can do hore for humanity, more for the living, if we take warning from this frightful calamity and ere long pass my bill, or a bill similar to the one that I have introduced, to make it impossible hereafter for any ship to leave our ports unless she is fully equipped with every life-saving device and life-saving apparatus known to modern skill and science.

The SPEAKER. Is there objection?
Mr. LAFFERTY. Mr. Speaker, I desire to object to the motion to adjourn, for the reason that, I think, by unanimous consent we could to-day take up measures which would prevent such catastrophes in the future.

Mr. LAFFERTY. Mr. Speaker, I make the mint of the country of th

Mr. UNDERWOOD. Mr. Speaker, I make the point of order that a motion to adjourn is not debatable and is in order.

The SPEAKER. The gentleman is correct.

The question was taken, and the resolution was agreed to; accordingly (at 12 o'clock and 12 minutes p. m.) the House adjourned to meet to-morrow, Saturday, April 20, 1912, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, a letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Newark Bay and Passaic and Hackensack Rivers, N. J. (H. Doc. No. 707), was taken from the Speaker's table, referred to the Committee on Rivers and Harbors, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, Mr. STEPHENS of Nebraska, from the Committee on Iudian Affairs, to which was referred the bill (S. 5060) to provide for the disposal of the unallotted land on the Omaha Indian Reservation, in the State of Nebraska, reported the same with amendment, accompanied by a report (No. 571), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. ADAIR, from the Committee on Invalid Pensions, to which was referred sundry bills, reported in lieu thereof the bill (H. R. 23557) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war, accompanied by a report (No. 572), which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. PARRAN: A bill (H. R. 23553) to conduct experi-

ments for the destruction of icebergs; to the Committee on Naval Affairs.

By Mr. SMITH of California: A bill (H. R. 23554) to exclude anarchists from the United States; to the Committee on Immi-

gration and Naturalization,

By Mr. REILLY: A bill (H. R. 23555) authorizing and empowering the Secretary of the Treasury to cause to be erected upon the Federal site at Meriden, Conn., a suitable shelter for the use and accommodation of the city and rural delivery outfits; to the Committee on Public Buildings and Grounds.

By Mr. O'SHAUNESSY: A bill (H. R. 23556) to amend an act to require apparatus and operators for radiocommunication on certain ocean steamers; to the Committee on the Merchant

Marine and Fisheries.

By Mr. BATHRICK: Resolution (H. Res. 501) authorizing an investigation into the alleged combination to control the prices of lead and zinc; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions

were introduced and severally referred as follows:
By Mr. ADAIR: A bill (H. R. 23557) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and

sailors of said war; to the Committee of the Whole House. By Mr. AUSTIN: A bill (H. R. 23558) granting an increase of pension to Drury Craig; to the Committee on Invalid Pensions.

By Mr. DENT: A bill (H. R. 23559) granting an increase of pension to Owen E. Courtney; to the Committee on Pensions. By Mr. DICKINSON: A bill (H. R. 23560) granting an in-

crease of pension to Samuel Owings; to the Committee on Invalid Pensions.

By Mr. DANIEL A. DRISCOLL: A bill (H. R. 23561) granting a pension to Dora Smith; to the Committee on Invalid Pensions, By Mr. FERRIS: A bill (H. R. 23562) granting an increase of pension to Thomas F. Edgar; to the Committee on Invalid Pensions.

By Mr. LANGHAM: A bill (H. R. 23563) granting a pension to Austin Clark; to the Committee on Pensions.

By Mr. TAGGART: A bill (H. R. 23564) granting an in-

crease of pension to John F. Dumont; to the Committee on Invalid Pensions.

Also, a bill (H. R. 23565) authorizing and directing the Secretary of War to donate to the city of Louisburg, Kans., an obsolete piece of ordnance, together with its carriage or mount-

ing, and six cannon balls; to the Committee on Military Affairs. By Mr. TILSON: A bill (H. R. 23566) granting an increase of pension to Whitney C. Monson; to the Committee on Invalid

Pensions.

By Mr. WEDEMEYER: A bill (H. R. 23567) granting a pension to Hannah H. Robinson; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid

on the Clerk's desk and referred as follows:

By Mr. FRANCIS: Petition of the Epworth League and the Christian Endeavor Society of the Christian Church of Shadyside, Ohio, for passage of the Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary,

Also, petition of the Woman's Christian Temperance Union and citizens of Belmont County, Ohio, for passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judi-

By Mr. FULLER: Petition of A. G. Crutchmer, post department commander, Grand Arnly of the Republic, of Okmulgee, Okla., favoring the passage of House bill 1339 with certain amendments; to the Committee on Invalid Pensions.

Also, petition of Rev. T. J. Wood, of Mazon, Ill., favoring the passage of the Kenyon-Sheppard interstate liquor bill; to the

Committee on the Judiciary.

Also, petition of Samuel Davis, of Herbert, Ill., in favor of the establishment of a parcel-post service; to the Committee on the Post Office and Post Roads.

Also, petition of the director of the port of Boston, against passage of House bill 21969, proposing to close Panama Canal to steamship companies in which any railroad has an interest; to the Committee on Interstate and Foreign Commerce.

By Mr. PARRAN: Papers to accompany bill for the relief of William H. Cole (H. R. 23229); to the Committee on Invalid

Pensions.

Also, petition of employees of the naval proving grounds at Indian Head, Md., for construction of a bridge across Mattowaman Creek connecting the village of Marbury, Md., with proving grounds at Indian Head; to the Committee on Appropriations.

By Mr. REILLY: Petition of the legislative board, Brother-

By Mr. REILLY: Petition of the legislative board, Brother-hood of Locomotive Engineers, Connecticut, for enactment of House bill 20487; to the Committee on the Judiciary.

By Mr. TOWNER: Petition of the Congregational Church at Shenandoah, Iowa, for passage of the Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. WHITACRE: Petition of residents of Alliance, Ohio,

for appropriation to enforce the white-slave traffic act; to the

Committee on Appropriations.

Also, petition of the Presbytery of Mahoning of the Presbyterian Church, against repeal of the anticanteen law; to the Committee on Military Affairs.

SENATE.

SATURDAY, April 20, 1912.

The Senate met at 2 o'clock p. m. Prayer by the Chaplain, Rev. Ulysses G. B. Pierce, D. D.

The Secretary proceeded to read the Journal of yesterday's proceedings when, on request of Mr. Gallinger and by unanimous consent, the further reading was dispensed with and the Journal was approved.

FINDINGS OF THE COURT OF CLAIMS.

The VICE PRESIDENT laid before the Senate communications from the assistant clerk of the Court of Claims, transmitting certified copies of the findings of fact and conclusions of law filed by the court in the following causes:

Gavin E. Caukin v. United States (S. Doc. No. 576);

Sarah A. Garetson, widow of James L. Garetson, deceased, v. United States (S. Doc. No. 577); Calvin Glover v. United States (S. Doc. No. 578);

Justina Mohrstadt, widow of John C. Mohrstadt, v. United

States (S. Doc. No. 579); William S. McGowan v. United States (S. Doc. No. 580); John J. Nesbit v. United States (S. Doc. No. 581); Eli K. Simonds v. United States (S. Doc. No. 582);

Laura E. Stockdale, widow of Sidney A. Stockdale, deceased,

v. United States (S. Doc. No. 583);

Leonidas L. Tittle v. United States (S. Doc. No. 584); Thomas J. Trice v. United States (S. Doc. No. 585);

William L. Johnson, son of John H. Johnson, deceased, v.

William L. Johnson, son of John H. Johnson, deceased, v. United States (S. Doc. No. 586);
Ervin D. Linn v. United States (S. Doc. No. 587);
Virginia Murphy, widow of John D. Murphy, deceased, v. United States (S. Doc. No. 588);
George W. Thorn v. United States (S. Doc. No. 589);
William F. Gilluly v. United States (S. Doc. No. 590);
Edward Gaynor v. United States (S. Doc. No. 591);
Theodore Gebler v. United States (S. Doc. No. 592);
Lee W. Miy v. United States (S. Doc. No. 593); Lee W. Mix v. United States (S. Doc. No. 593); Arthur L. Peck v. United States (S. Doc. No. 594); Thomas D. Casanega v. United States (S. Doc. No. 595); Joseph De Lusignan v. United States (S. Doc. No. 596); Joseph H. Berger v. United States (S. Doc. No. 597); and

John T. Brickwood v. United States (S. Doc. No. 598).

The foregoing findings were, with the accompanying papers, referred to the Committee on Claims and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, returned to the Senate, in compliance with its request, the bill (S. 5333) to authorize the widening and extension of Spring Road NW., and for other purposes.

ENROLLED BILL SIGNED.

The message also announced that the Speaker of the House had signed the enrolled bill (H. R. 16306) to provide for the use of the American National Red Cross in aid of the land and naval forces in time of actual or threatened war, and it was thereupon signed by the Vice President.

PETITIONS AND MEMORIALS.

Mr. SUTHERLAND presented resolutions adopted by the Ogden Good Roads Association, of Utah, favoring the enactment of legislation providing for the building of good roads throughout the country, which were referred to the Committee on Agriculture and Forestry.
Mr. SUTHERLAND.

I send to the desk a letter which I ask may be read and, with the accompanying paper, ordered to

lie on the table.

There being no objection, the letter was read and ordered to lie on the table, as follows:

BIRMINGHAM DIVISION, No. 186, ORDER RAILWAY CONDUCTORS, Birmingham, Ala., April 17, 1912.

Hon. Geoege Sutherland, Senator from Utah, Washington, D. C.

Hon. George Sutherland.

Senator from Utah, Washington, D. C.

Dear Senators: Having kept in close touch with the proceeding of your committee on employers' liability and workmen's compensation act since its inception, I feel that I owe you this acknowledgment, to wit: That, in my opinion, you have been fair in your efforts to solve one of the problems of the ages; and that while I do not subscribe to the maximum payment of the higher salaried employee (believing that it should be greater and the period longer for payment), yet I think your bill is a step in the right direction and we can hope to have an improvement after it has been tried out.

I have noticed the arguments that have been made for and against the bill, and also the speeches that were made before the bill was written, and in some instances it is to laugh. Being, as I am, one of the rank and file (being a freight conductor on an ore and coal run, and, by the way, this is among the hardest work on a railroad), I am amused that some men make the argument that we of the lower five are not conversant with the legislation affecting our own interests, while some outsider sees all evils in the bill and runs to save us from what would destroy us. This is a new kind of philanthropy, and it is too bad that we are so dense that we can not appreciate it.

In reference to a statement of one of the gentlemen who addressed your body, in which the insinuation was made that we were afraid that if we opposed the bill we would jeopardize our insurance in the order, I simply want to say that that gentleman knows not of what he is saying, for the members of our organization are absolutely free to express themselves as they see fit; and I want to say that I am writing this letter on my own initiative and without the knowledge of the president of our order, a man who is loved by all of the rank and file.

With best wishes for the success of your committee, I am, sir,

file.
With best wishes for the success of your committee, I am, sir,
Yours, very truly,
John R. T. Rr

JOHN R. T. RIVES. P. S.—I am inclosing copy of resolution to the Members of Congress from Alabama.

Mr. MYERS presented a memorial of sundry citizens of Geyser, Great Falls, Moore, Ringling, Columbia Falls, Lewistown, Utica, Sweet Grass, and White Sulphur Springs, all in the State of Montana, remonstrating against the extension of the parcel-post system beyond its present limitations, which was referred to the Committee on Post Offices and Post Roads.

He also presented a memorial of sundry citizens of Hamilton, Billings, Kalispell, Bozeman, Helena, Deer Lodge, Great Falls, Livingston, Roberts, Havre, Moore, Butte, Missoula, Dillon, Divide, Libby, and Red Lodge, all in the State of Montana, remonstrating against the establishment of a department of public health, which was ordered to lie on the table.

Mr. TOWNSEND presented memorials of sundry citizens of St. Joseph and Benton Harbor, in the State of Michigan, remonstrating against the establishment of a department of public

health, which were ordered to lie on the table.

He also presented petitions of sundry citizens of Hillsdale, Litchfield, Reading, Pittsford, Somerset, Frontier, and Wheatland, all in the State of Michigan, praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which were referred to the Com-

mittee on the Judiciary.

Mr. FLETCHER presented resolutions adopted by the executive committee of the Turpentine Operators' Association, favoring the imposition of a duty upon rosins, which were referred

to the Committee on Finance.

Mr. O'GORMAN presented a petition of sundry citizens of New York City, N. Y., praying for the passage of the so-called eight-hour bill, which was ordered to lie on the table.

He also presented a petition of Local Grange No. 316, Patrons of Husbandry, of Stockton, N. Y., praying for the establishment of a parcel-post system, which was referred to the Committee

on Post Offices and Post Roads.

Mr. BRISTOW presented a petition of sundry citizens of Leavenworth, Kans., praying for the enactment of legislation providing for the adjustment and payment of accounts of all laborers and mechanics arising under the eight-hour law, which was referred to the Committee on Education and Labor.

He also presented petitions of the congregation of the Church of the Brethren of Murdock; of members of the faculty of McPherson College, of the Young Men's Christian Association, the Young Woman's Christian Association, and of the Prohibition League, of McPherson, all in the State of Kansas, praying for the enactment of legislation to prohibit the interstate transmission of race gambling odds and bets, which were referred to

the Committee on the Judiciary.

He also presented petitions of the congregation of the Church of the Brethren of Murdock; of members of the faculty of McPherson College, of the Young Men's Christian Association, the Young Woman's Christian Association, and of the Prohibition League, of McPherson, all in the State of Kansas, praying for the enactment of legislation to prohibit the sale of intoxicating liquor in Government ships and buildings, which were

referred to the Committee on the Judiciary.

He also presented petitions of the congregation of the Church of the Brethren of Murdock; of members of the faculty of McPherson College, of the Young Men's Christian Association, the Young Woman's Christian Association, and of the Prohibition League, of McPherson, all in the State of Kansas, praying that an appropriation of \$25,000 be made for the enforcement of the white-slave law, which were referred to the Committee on Appropriations.

He also presented a memorial of sundry citizens of Irving, Kans., remonstrating against the establishment of a department

of public health, which was ordered to lie on the table.

He also presented petitions of the congregation of the Church of the Brethren of Murdock; of members of the faculty of McPherson College, of the Young Men's Christian Association, the Young Woman's Christian Association, and of the Prohibition League, of McPherson, all in the State of Kansas, praying for the adoption of an amendment to the Constitution to pro-hibit the manufacture, sale, and importation of intoxicating liquors, which were referred to the Committee on the Judiciary.

He also presented petitions of the congregation of the Church of the Brethren of Murdock; of members of the faculty of McPherson College, of the Young Men's Christian Association, the Young Woman's Christian Association, and of the Prohibition League, of McPherson, all in the State of Kansas, praying for the enactment of legislation compelling the observance of Sunday as a day of rest in the District of Columbia, which were

ordered to lie on the table.

He also presented petitions of the congregation of the Church of the Brethren of Murdock; of members of the faculty of Mc-Pherson College, of the Young Men's Christian Association, the Young Woman's Christian Association, and of the Prohibition League, of McPherson, all in the State of Kansas, praying for the passage of the so-called Kenyon red-light injunction bill to clean up Washington for inauguration, which were referred to the Committee on the Judiciary.

Mr. WETMORE. I present a resolution adopted by the General Assembly of the State of Rhode Island, which I ask may be read and referred to the Committee on Commerce.

The resolution was read and referred to the Committee on Commerce, as follows:

STATE OF RHODE ISLAND, ETC.,
IN GENERAL ASSEMBLY,
January session, A. D. 1912.

Resolution recommending to Congress the passage of House resolution No. 17731, providing for the Federal inspection of seagoing barges. No. 17731, providing for the Federal inspection of seagoing barges. Whereas there has been introduced in the House of Representatives of the United States House bill No. 17731, providing for the Federal inspection of all seagoing barges of 100 gross tous or over, and providing for the issuance of a certificate of inspection wherever such barges are found to be suitably equipped and in proper seaworthy condition; and

Whereas the loss of life along the shores of the State of Rhode Island is much increased by the operation of unseaworthy barges, which are in many cases without lifeboats, anchors, cables, or life preservers: Therefore be it

Resolved, That the General Assembly of the State of Rhode Island heartily approves of the provisions of said bill and respectfully requests our Senators and Representatives in Congress to urge the passage of said bill, and the secretary of state is hereby instructed to send a copy of this resolution to the Senators and Representatives in Congress from Rhode Island.

STATE OF RHODE ISLAND,
OFFICE OF THE SECRETARY OF STATE,
Providence, April 13, 1912.

I hereby certify the foregoing to be a true copy of the original resolution approved by his excellency the governor on the 10th day of April, A. D. 1912.

In testimony whereof I have hereunto set my hand and affixed the seal of the State aforesaid the date first above written.

[SEAL.]

J. FRED PARKER.

Secretary of State.

Sceretary of State. Mr. WETMORE presented a memorial of Bartenders' Local Union of Providence, R. I., remonstrating against the enactment of legislation governing the granting of licenses for bar rooms in the District of Columbia, which was referred to the Commit-

tee on the District of Columbia. He also presented a petition of Local Union No. 15, Brotherhood of Painters, Decorators, and Paperhangers, of Pawtucket, R. I., praying for the enactment of legislation to provide an exclusive remedy and compensation for accidental injuries. resulting in disability or death to employees of common carriers

by railroads engaged in interstate or foreign commerce, or in the District of Columbia, and for other purposes, which was ordered to lie on the table.

Mr. OVERMAN. I present a telegram in the nature of a memorial, which I ask may lie on the table and be printed in the RECORD.

There being no objection, the telegram was ordered to lie on the table and to be printed in the RECORD, as follows:

NEWBERN, N. C., April 17, 1912.

Senator LEE S. OVERMAN, Senate Chamber, Washington, D. C.:

We object to Owen bill and such legislation because it is unnecessary, asought by the people, and contrary to the Constitution of the United ates. Please use your every power against it. It is against State with the state of t rights, is it not?

MEMBERS OF THE NATIONAL LEAGUE FOR MEDICAL FREEDOM OF NEWBERN, N. C.

Mr. PERKINS presented a memorial of Local Grange No. 12, Patrons of Husbandry, of Sacramento, Cal., remonstrating against the enactment of legislation to permit the coloring of oleomargarine in imitation of butter, which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of Local Grange No. 12, Patrons of Husbandry, of Sacramento, Cal., praying for the establishment of a parcel-post system, which was referred to the Com-

mittee on Post Offices and Post Roads.

Mr. McLEAN presented a petition of members of the Order of Railway Conductors, of New Haven, Conn., praying for the passage of the so-called employers' liability and workmen's compensation bill, which was ordered to lie on the table.

He also presented petitions of Emerson H. Liscum Camp, 12, of Waterbury; of William McKinley Camp, No. 9, of Norwalk; and of A. G. Hammond Camp, No. 5, of New Britain, all of the United Spanish War Veterans, in the State of Connecticut, praying for the enactment of legislation to pension widow and minor children of any officer or enlisted man who served in the War with Spain or the Philippine insurrection, which were referred to the Committee on Pensions.

Mr. TILLMAN presented petitions of sundry citizens of Greenwood, Trenton, Edgefield, Newberry, and Fort Lawn, all in the State of South Carolina, praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which were referred to the Committee

on the Judiciary.

He also presented a memorial of sundry citizens of Charleston, S. C., remonstrating against the establishment of a parcelpost system, which was referred to the Committee on Post Offices and Post Roads.

REPORTS OF COMMITTEES.

Mr. SUTHERLAND, from the Committee on Public Buildings and Grounds, to which were referred the following bills, reported them each with an amendment and submitted reports thereon:

S. 3975. A bill to acquire a site for a public building at Monte

Vista, Colo. (Rept. No. 639); S. 389. A bill to authorize the acquisition of a site and the erection of a Federal building at Fallon, Nev. (Rept. No. 640); S. 6177. A bill for the purchase of a site and erection of a

Federal building at Cambridge, Md. (Rept. No. 641); S. 392. A bill to authorize the acquisition of a site and the erection of a Federal building at Winnemucca, Nev. (Rept. No.

642) : and

S. So. A bill to acquire a site for a public building at Glenwood Springs, Colo. (Rept. No. 643).

Mr. SUTHERLAND, from the Committee on Public Buildings and Grounds, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

S. 4479. A bill to provide for the erection of a public building at Mount Carmel, Ill. (Rept. No. 644); S. 6095. A bill to increase the limit of cost for the erection and completion of the United States post-office and courthouse building on a site already acquired and possessed at Brattle-

boro, Vt. (Rept. No. 645); S. 5962. A bill to increase the limit of cost of the addition to the site of the Federal building at Utica, N. Y. (Rept. No. 646);

S. 6252. A bill to relinquish the title of the United States to certain property in the city and county of San Francisco, Cal.

(Rept. No. 647)

Mr. McCUMBER, from the Committee on Pensions, to which was referred the bill (H. R. 18954) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war, reported it with amendments and submitted a report (No. 648) thereon.

SAFETY OF VESSELS AT SEA.

Mr. LODGE. From the Committee on Foreign Relations I report back with amendments Senate resolution 284, relating to treaties with foreign nations with a view to regulating matters pertaining to vessels carrying passengers at sea. I ask for the present consideration of the resolution.

The Senate, by unanimous consent, proceeded to consider the

The amendments were, in line 3, after the word "Governments," to strike out "with a view"; in the same line, after the word "to," to strike out "directing" and insert "regulate"; in the same line, after the word "course," to insert "and speed"; in line 5, after the words "at sea," to strike out "and, further, to confer as to all matters appertaining to the safety of such craft and passengers" and insert "to determine the number of lifeboats rafts searchlights and wireless and the number of lifeboats, rafts, searchlights, and wireless apparatus to be carried by such vessels, and to assure the use of such other equipment as shall be adequate to secure the safety of such vessels, passengers, and crew," so as to make the resolution read:

Resolved, That the President of the United States be, and he is hereby, advised that the Senate would favor treaties with England, France, Germany, and other maritime Governments to regulate the course and speed of all vessels engaged in the carrying of passengers at sen, to determine the number of lifeboats, rafts, searchlights, and wireless apparatus to be carried by such vessels, and to assure the use of such other equipment as shall be adequate to secure the safety of such vessels, passengers, and crews.

The amendments were agreed to.

The VICE PRESIDENT. The question is on agreeing to the

resolution as amended.

Mr. McCUMBER. Mr. President, this resolution is the proper, orderly, and just method of approaching the great subject that is near the heart and conscience of every American citizen and of every person in the world who knows of this catastrophe, the sinking of the ship Titanic and the loss of over 1,500 lives. I wish that the American people as a whole and this Senate could be as deliberate in its judgment as has been the Committee on Foreign Relations in reporting a resolution

Yesterday, Mr. President, one of the survivors of that terrible calamity, upon a rather flimsy and uncertain report, in my opinion, was tried, convicted, sentenced, and executed in the Senate of the United States. I, as a Senator of the United States and as an American citizen, desire to register my protest against the trial of anyone connected with the operation of that ship, from the highest officer of the company to the seaman who sailed thereon, without fair, honest, and full hearing.

The Lord knows, Mr. President, that the habit of accusing and trying and condemning public men without a hearing and without a trial is bad enough, but when the feeling of the entire civilized world is wrought up to such an extent that it is eager for a victim upon whom it may expend its wrath, I say that then above all times we should hold in abeyance our judgment until we ascertain whether or not there has been any guilt established in connection with the operation of this vessel.

Mr. President, my own view is that the American people are as much to blame for this catastrophe as anyone. We of late years as a people are moved and controlled in all matters of transportation rather by the impulse and spirit of the sportsman than by the calm and sober judgment of the man of business.

We seek always to build greater vessels than some one else has constructed; we seek and encourage people to push those ressels to the very last test of endurance and speed. When the Lusitania was launched and made her record trip the whole country was filled with laudations and praise. We clapped our hands and cheered her achievement. There is no evidence that her equipment was any greater or any better than was that of the *Titanic*. There is no evidence that she did not take practically the same route that was taken by the *Titanic*, and if the Titanic had been successful for weeks we would have heard of nothing, Mr. President, but the wonderful achievement and the record that she had made.

This desire to exceed all past records, to excel everything else in speed and in size has so swerved our judgment from the ordinary in life to the one idea of excelling in everything that we forget ourselves. In the matter of aviation, while we all know that all the feats that are performed could be done from 100 to 200 feet above the surface of the earth, yet as a people we seem to demand the spectacular; that the performer shall demonstrate his ability to pass the clouds; that he shall ascend thousands of feet; and when he comes down we decorate him, and the papers are filled with laudations of the wonderful feat. Spurred on by these public testimonials, he attempts the next day to go higher, and the following day we bury a mass of flesh and we call for another victim to satiate our thirst for the spectacular. We demand the highest limit of speed and are always ready to take the chance.

So, Mr. President, it seems to me that it is most unjust to condemn appears connected with this afficients.

condemn anyone connected with this affair until at least there has been a hearing. I am certain—and I think every Senator will agree with me—that nearly every vessel that plies along our shores from one section of the country to the other has not sufficient lifeboats to take care of one-tenth of the people who are loaded upon those vessels, and yet there has been no condemnation whatever of those officials for their dereliction in that direction or of the laxity of our laws.

Mr. BORAH. Mr. President—
The VICE PRESIDENT. Does the Senator from North Dakota yield to the Senator from Idaho? Mr. McCUMBER. With pleasure.

Mr. BORAH. When the Senator says the people generally are to blame for those things, I do not see precisely how he connects the people with the soaring in the air or with the fact that there were not sufficient lifeboats upon this steamer. I apprehend there was no one responsible for that in the world except the company which constructed the ship and failed to put upon her those things which scamen know were necessary for the safety of the ship.

Mr. McCUMBER. Mr. President, I do not know who is to blame. I simply will not convict without a hearing. If we create a demand that the great ships shall make the distance between Liverpool and New York in a given length of time, we who demand the ticket for that particular boat because of its size and speed, we who wish to make the trip across the ocean in the shortest time are somewhat to blame.

Mr. LODGE. Will the Senator from North Dakota allow me

to interrupt him a moment?

The VICE PRESIDENT. Does the Senator from North Dakota yield to the Senator from Massachusetts?

Mr. McCUMBER. Certainly.

Mr. LODGE. I think there is great room for blame, but there is this to be said: The blame rests on the British law very largely, as it does on our own law, for not requiring a sufficient number of lifeboats to be carried. The Titanic carried all the lifeboats that the British law required; she had the board of trade's certificate of inspection; and had everything that the British law required. It may be said that she ought to have carried more than the law required, but it must be remembered that the first trouble in these things is lack of proper legislation, and the purpose of this resolution is to try by treaty to cure all these evils by international agreement.

Mr. MARTINE of New Jersey. Mr. President, may I be permitted to interrupt the Senator from North Dakota?

The VICE PRESIDENT. Does the Senator from North Dakota yield to the Senator from New Jersey?

Mr. McCUMBER. I do.
Mr. MARTINE of New Jersey. I feel, Mr. President, that
the passage of this resolution will tend to accomplish the result
which the Senator from Massachusetts [Mr. Lodge] desires. I feel that it is sheer barbarism for us in this enlightened age to tolerate the loading of passengers on a vessel to the number of two or three thousand with only lifeboats sufficient to take care of one-fourth of them. I feel that this will be a step in the direction of humanity, and that we can well afford to press the resolution at this time.

Mr. McCUMBER. Mr. President, in the RECORD of yesterday we find these words, to which I object at the present stage of

the investigation:

Mr. Ismay, the managing director of the White Star Line, who, in my judgment, acted in a most cowardly manner in this disaster, and to whom I think it is largely attributable.

And again:

Mr. Ismay claims, according to reports, that he took to the last lifeboat. I do not helieve it, and if he did, it was cowardly for him to take to any lifeboat.

Mr. President, the most that that statement can possibly be based upon is some newspaper report; no one can vouch for the accuracy, and under the present state of excitement the probabilities are against its accuracy. In the same paper that published this statement, I find a statement from another person, a survivor, namely, Mr. Johnson, in which he says:

When J. Bruce Ismay, president of the International Mercantile Marine Co., stepped into the lifeboat, Johnson said, there were no women left on the deck.

He was forced into the boat by officers of the ship, and this was done, Johnson said, just as the boat was being lowered.

I simply place those two side by side so that no injustice may be done any person until there has been an opportunity for a

fair hearing and just consideration.

Mr. President, I would sooner use my time in expressing my admiration for the courage and the bravery of the captain and of the crew and of every man who was on board that ship at that time, than to use it in condemning anyone without more substantial evidence against him. I can not help here putting into the Record the statement of Mr. Johnson when he says:

When the first signal was given to lower the boats some of the crew pressed forward. It was then that the rallying cry came through the megaphone from the bridge, "Be British, my men!" It was Capt. Smith's voice. Every man obeyed the command and faced death calmly. They knew there was no hope, and as the big, strong English seamen assisted the women and children into the boats they gave no sign that they realized that Capt. Smith's words, "Be British!" had sealed their fate. They remained at their posts and died like men.

I had rather a thousand times, Mr. President, spend a few moments here in expressing my admiration for that captain and crew, who in the face of a horrible death maintained the honor of true manhood. Surrendered their own lives for others. I would rather spend it in paying tribute to them than to be hurrying to a judgment that is as liable to be erroneous as to be true, and then wait calmly and patiently until we have some evidence before us or before a competent tribunal before the Senate of the United States should pass judgment of conviction against anyone.

The VICE PRESIDENT. Without objection, the resolution

as amended is agreed to.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. CLARK of Wyoming:

A bill (S. 6441) to amend an act entitled "An act to prevent the disclosure of national-defense secrets"; to the Committee on the Judiciary.

By Mr. JONES:

A bill (S. 6442) granting an increase of pension to Henry C. Miller; to the Committee on Pensions.

By Mr. SMOOT:

A bill (S. 6443) granting an increase of pension to Charles Crismon (with accompanying paper); to the Committee on Pensions.

By Mr. CHILTON:

A bill (S. 6444) granting a pension to Edward D. Hamrick; and

A bill (S. 6445) granting a pension to Homer McC. Summerville (with accompanying paper); to the Committee on Pensions.

By Mr. McLEAN:

A bill (S. 6446) granting an increase of pension to Emma Sherwood (with accompanying paper); and

A bill (S. 6147) granting a pension to Conrad Hockenberger (with accompanying papers); to the Committee on Pensions.

By Mr. SHIVELY:

A bill (S. 6448) granting an increase of pension to Palmer Atkinson; to the Committee on Pensions. By Mr. BRADLEY:

A bill (S. 6449) granting a pension to Joanna L. Dixon; A bill (S. 6450) granting an increase of pension to Albert Sunderland (with accompanying papers);

A bill (S. 6451) granting an increase of pension to Robert

Wood (with accompanying paper); and A bill (S. 6452) granting a pension to Thomas M. Dixon (with accompanying paper); to the Committee on Pensions.

EMPLOYERS' LIABILITY AND WORKMEN'S COMPENSATION.

Mr. BRYAN. I wish to give notice that on Wednesday next, April 24, following the routine morning business, I shall desire to address the Senate upon the bill (S. 5382) to provide an exclusive remedy and compensation for accidental injuries, resulting in disability or death, to employees of common carriers by railroad engaged in interstate or foreign commerce, or in the District of Columbia, and for other purposes.

SPRING ROAD NW., IN THE DISTRICT OF COLUMBIA.

The VICE PRESIDENT laid before the Senate the bill (S. 5333) to authorize the widening and extension of Spring Road NW., and for other purposes, returned from the House of Representatives in compliance with the request of the Senate.

Mr. GALLINGER. In accordance with the notice I gave I now move a reconsideration of the votes by which the bill was ordered to be read a third time and passed.

The motion to reconsider was agreed to.

Mr. GALLINGER. I move that the bill be recommitted to the Committee on the District of Columbia.

The motion was agreed to.

CENTRAL DISPENSARY AND EMERGENCY HOSPITAL.

Mr. GALLINGER. I have a letter from the committee on legislation of the Central Dispensary and Emergency Hospital, which deals with the questions that will be before the committee of conference in the near future. I depart from my usual custom in asking that the letter may be printed in the RECORD and referred to the Committee on the District of Columbia.

There being no objection, the letter was referred to the Committee on the District of Columbia and ordered to be printed in

the RECORD, as follows:

CENTRAL DISPENSARY AND EMERGENCY HOSPITAL, Washington, D. C., April 12, 1912.

Hon. JACOB H. GALLINGER, United States Senate.

Hon. Jacob H. Gallinger, United States Senate.

Dear Str. As the matter of hospital appropriation will probably come up for consideration at an early date, we beg to call attention again to the following facts:

The claim has been made that the Emergency Hospital is supported largely by the Government, and should therefore be under governmental control. This claim is without foundation.

The Emergency Hospital has been given no money by the Government for five years—not one cent.

During this time it has been paid for work done under contract for the Government \$65,000, and received from other sources \$84,000. This contract is made by the Board of Charities at their own figure, and they select the cases for which they pay.

The hospital received under this contract \$1.20 per day for patients treated. The actual cost of treating these patients was \$1.80 per day on each patient so treated, and this amounts to about \$20,000 for the five years.

The hospital, therefore, donated to the Government 60 cents a day on each patient so treated, and this amounts to about \$20,000 for the five years.

We may say, then, in all fairness, that the Government during the past five years has given the Emergency Hospital absolutely nothing, but has been given by the hospital \$20,000.

The need for a larger and better Emergency Hospital is urgent and immediate. It is now inadequate, and the combined accommodation of all the hospitals in the city is inadequate. There are not now enough rooms and beds to meet the demand which is rapidly increasing with the growth of the city.

Such a hospital is needed not alone for the indigent, but for all classes, and not alone for citizens of Washingtos, but of all the United States and many foreign countries.

Nearly every prosperous citizen of the United States at some time visits the Capital of the Nation—and many distinguished foreigners. These visitors come singly and in large gatherings—national and International. They come to presidential inaugurations, congresses, political and civil gatherings and functions, in thousands and tens of thousands, and should have the protection of an emergency hospital second to none in the world. In such times of congestion many accidents occur to persons of every class.

The combined capacity of all our hospitals is often overtaxed, even under normal conditions.

The temergency Hospital takes care of more accident cases than any other five of our institutions. Should it be abandoned, there will be an immediate overcrowding of other hospitals—disgraceful in any city, and especially so in the National Capital.

During the past winter many well-to-do patients have been treated in open wards in various hospitals, because the private rooms were all filled, and many poorer cases sent to the Washington Asylum Hospital, because the open wards were full. This accounts in part, at least, for the overcrowded condition of the Washington Asylum Hospital, and the part of the control of the city a suitable ho

ground, will cost not less than \$250,000. It is a liberal proposition on the part of the directors.

It will result in an immediate saving to the Government of \$5,000 or \$6,000 a year, and a much greater saving later. The time is rapidly coming when well-endowed voluntary hospitals all over the country will care for the indigent sick without cost to the taxpayers, except for a small class that can not be suitably treated in such hospitals.

The only hope of getting an endowed emergency hospital in this city seems to depend upon this requested appropriation. Many donations have been offered, but only on this condition.

The appropriation asked is really a loan, amply protected by existing laws, which will pay to the Government a very large and annually increasing interest.

It will surely result in increased revenue to the hospital from private rooms, donations, and legacies, all of which have been used in the past, and will be used in the future to lighten the burden of the Government in caring for indigent sick.

Very truly, yours,

WOODBURY BLAIR, ZAIDEN ELLIS GAFF, W. P. CARR, Committee on Legislation.

THE UNITED STATES V. THE AMERICAN TORACCO CO.

Mr. OVERMAN. I ask of the Senate unanimous consent that the unanimous-consent order by which the bill (S. 3607) to give the right of appeal to the Supreme Court of the United States to certain organizations or persons in the suit of the United States against the American Tobacco Co. and others was made the special order for Monday next be postponed and that the bill be taken up on Saturday next under the unanimous-consent order as it appears on the calendar.

The VICE PRESIDENT. The Chair hesitates to put that request, because since the present occupant has occupied the chair the Senate has never varied a unanimous-consent agreement. It is a matter for the Senate, of course, but the Chair desires to call that fact to the attention of the Senate before putting the

request.

Mr. LODGE. What is the proposition?
The VICE PRESIDENT. To modify the unanimous-consent agreement heretofore entered into regarding Senate bill 3607.

Mr. LODGE. That certainly can not be done.

Mr. OVERMAN. I thought anything could be done by unanimous consent.

Mr. LODGE. It can not be done by unanimous consent. The VICE PRESIDENT. It has been the practice of the Senate since the present occupant of the chair has been here not to permit a modification of a unanimous-consent order.

Mr. OVERMAN. This is no modification of the order; it is only a continuance of the order until a day certain. It does

not propose

Mr. SMOOT. Mr. President, would it make any difference when the Senator who asked for the unanimous-consent agree-ment makes the second request? I understand the Senator from North Carolina made this request, and he is now asking that the request be modified, and he is asking unanimous consent that it be done.

Mr. OVERMAN. I think the distinction between what I ask to have done and a modification of a unanimous-consent agreement was made under a former ruling. It is not a modification of the unanimous-consent order, except in so far as it is a continuation of the unanimous-consent order until a day certain.

The VICE PRESIDENT. The Chair, of course, will put the

request.

Mr. LODGE. What is the precise request? Mr. OVERMAN. That the unanimous-consent order for the consideration of Senate bill 3607 shall be continued from Monday next until Saturday next.

The VICE PRESIDENT. The Senator from North Carolina asks unanimous consent to so modify the unanimous-consent

order heretofore entered in reference to Senate bill 3607 as to read on Saturday, April 27, instead of Monday, April 22.

Mr. LODGE. Mr. President, I have never known the slightest modification of a unanimous-consent agreement. The reason is obvious. Senators who gave their consent to the unanimous-consent agreement when originally made may not be here and consent agreement when originally made may not be here, and if we begin to modify unanimous-consent agreements it is utterly impossible that one should ever be regarded as final and binding.

Mr. CULLOM. It would be an absolute change. Mr. LODGE. I must object. The VICE PRESIDENT. Objection is made.

HOUR OF MEETING MONDAY.

The VICE PRESIDENT. Morning business is closed.

Mr. GALLINGER. Mr. President, to accommodate a Senator who is greatly interested in the order of business set for Monday next and who must necessarily leave the city on that day, I move that when the Senate adjourns to-day it adjourn to meet on Monday next at 11 o'clock a. m.

The motion was agreed to.

PUBLIC UTILITIES IN THE DISTRICT OF COLUMBIA.

Mr. GALLINGER. Now I move that the Senate proceed to the consideration of the bill (S. 3812) to regulate public utilities in the District of Columbia and to confer upon the Commission the District of Columbia and to confer upon the Commission the District of Columbia and to confer upon the Commission that the Columbia and the Col sioners of the District of Columbia the duties and powers of a public-utilities commission.

The motion was agreed to; and the Senate, as in Committee

of the Whole, resumed the consideration of the bill.

Mr. GALLINGER. Mr. President, when this bill was before
the Senate some time ago it was practically read through, but
a controversy arose as to certain sections of the bill. On my
motion the bill was recommitted to the Committee on the District of Columbia. All parties in interest have been consulted and have agreed upon certain amendments; and, while I will not insist upon it, I am going to ask unanimous consent that the Senate take up for consideration the amendments now recommended without reading the bill through.

The VICE PRESIDENT. Is there objection to the request of

the Senator from New Hampshire?

Mr. GRONNA. Mr. President, I understand the request is to

dispense with the reading of the bill.

Mr. GALLINGER. The bill has been practically read once. The VICE PRESIDENT. The Chair understands the request to be to dispense with the reading for amendment and that the Senate proceed to the consideration of such amendments as are presented, those recommended by the committee to be first considered. Is there objection? Mr. GRONNA. I object.

The VICE PRESIDENT. Objection is made. The formal reading of the bill, as the Chair recalls, was concluded on a previous occasion.

Mr. GALLINGER. It was dispensed with.

The VICE PRESIDENT. The formal reading was dispensed with. The Secretary will now read the bill for the presentation of amendments.

Mr. GALLINGER. That is right.

The Secretary proceeded to read the bill.

The first amendment of the Committee on the District of Columbia was, on page 5, line 5, after the word "railroads," to strike out "and"; and in the same line, after the word "Company," to insert "and the Norfolk & Washington Steamboat Co., and all companies engaged in interstate traffic upon the Poto-

and all companies engaged in interstate traffic upon the Potomac River and Chesapeake Bay," so as to read:

The term "common carrier" when used in this act includes express companies and every corporation, street railroad corporation, company, association, joint-stock company or association, partnership, and person, their lessees, trustees, or receivers, appointed by any court whatsoever, owning, operating, controlling, or managing any agency or agencies for public use for the conveyance of persons or property within the District of Columbia for hire. Steam railroads, the Washington Terminal Co., and the Norfolk & Washington Steamboat Co., and all companies engaged in interstate traffic upon the Potomac River and Chesapeake Bay are excluded from the operation of this act, and are not included in the term "common carrier."

The amendment was agreed to.

The next amendment was, on page 9, to strike out section 3,

in the following words:

The next amendment was, on page 9, to strike out section 3, in the following words:

Sec. 3. That every public utility doing business in the District of Columbia having tracks, conduits, subways, poles, wires, switchboards, exchanges, works, or other equipment shall, for a reasonable compensation, permit the temporary use of the same or a permanent use for a distance not exceeding 2,500 feet by any other public utility whenever public convenience and necessity require such use, and when such use will not result in a noncompensatory or irreparable injury to the owners or other users of such equipment, nor in any substantial detriment to the service to be rendered by such owners or other users: Provided, however, That the tracks, lines, or conduits or other nears: Provided, however, That the tracks, lines, or conduits or other facilities of any existing street railway, electric lighting company, telegraph or telephone company shall not be used or occupied by any other company or public utility unless by contract duly made between the parties interested and approved by the commission, except as hereinbefore provided. In case of failure to agree upon such use, or the conditions or compensation for such use, any public utility or any person, firm, copartnership, association, or corporation interested may apply to the commission, and if after investigation the commission shall ascertain that public convenience and necessity require such use and that it would not result in irreparable injury to the owners or other users of such equipment not in any substantial detriment to the service to be rendered by such owners or other users of such equipment, it shall by order direct that such use be permitted and prescribe reasonable conditions and compensation for such joint use. Such use so ordered shall be the lawful conditions and compensation so prescribed shall be the lawful conditions and compensation no be observed, followed, and paid, subject to recourse to the courts upon the complaint so made, Any such order of the co

And to insert in lieu thereof the following:

SEC. 3. That every public utility doing business in the District of Columbia having tracks, conduits, subways, poles, wires, switchboards, exchanges, works, or other equipment shall, for a reasonable compensation, permit the use of the same by any other public utility whenever public convenience and necessity require such use, and such use will not

result in irreparable injury to the owners or other users of such equipment, nor in any substantial detriment to the service to be rendered by such owners or other users. In case of failure to agree upon such use, or the conditions or compensation for such use, any public utility or any person, firm, copartnership, association, or corporation interested may apply to the commission, and if after investigating the commission shall ascertain that public convenience and necessity require such use and that it would not result in irreparable injury to the owners or other users of such equipment nor in any substantial detriment to the service to be rendered by such owners or other users of such equipment, it shall by order direct that such use be permitted and prescribe conditions and compensation for such joint use. Such use so ordered shall be the lawful conditions and compensation so prescribed shall be the lawful conditions and compensation to be observed, followed, and paid, subject to recourse to the courts upon the complaint of any interested party, as hereinafter provided, which provisions, so far as applicable, shall apply to any action arising on such complaint so made. Any such order of the commission may be from time to time revised by the commission upon application of any interested party or upon its own motion.

The amendment was agreed to.

The next amendment was on page 12, section 4, line 11, after the word "act," to insert "and with all other laws of the United States applicable," so as to read:

Sec. 4. That the commission shall have power, after hearing and notice by order in writing, to require and compel every public utility to comply with the provisions of this act, and with all other laws of the United States applicable, and any municipal ordinance or regulation relating to said public utility, and to conform to the duties upon it thereby imposed or by the provisions of its own charter, if any charter has or shall be granted it.

The amendment was agreed to.

The next amendment was, on page 13, after line 8, to strike

The next amendment was, on page 13, after line 8, to strike out section 6 in the following words:

Sec. 6. That the commission shall, whenever it may deem it desirable to do so, investigate and ascertain the fair value of the property of any public utility subject to the provisions of this act and used by it for the convenience of the public. For the purpose of such investigation the commission is authorized to employ such engineers, experts, and other assistants as may be necessary. Such investigations shall be prosecuted with care and thoroughness, and the results thereof reported to the District Committees in Congress.

Every such public utility shall furnish to the commission from time to time, and as the commission may require, maps, profiles, contracts, reports of engineers and other documents, records, and papers, or copies of any and all of the same in aid of such investigation, and to determine the value of the property of such public utility used for the public service; and every such public utility is required to cooperate with the commission in the work of the valuation of its property in such further particulars and to such extent as the commission may reasonably direct. The commission shall thereafter, in like manner, keep itself informed of all extensions and improvements or other changes in the condition of the property of the said public utilities and ascertain the fair value thereof, and from time to time, as may be required for the regulation of public utilities under the provisions of this act is valuation, every public utility subject to the provisions of this act is peroperty, and to file with the commission copies of all contracts for changes and improvements at the time same are executed.

Whenever the commission shall have completed the valuation shall become final, the commission shall have completed the valuation of property of any such public utility and before such valuation shall become final, if no protest is filed within such time, such valuation shall become final. If no protest

And insert:

And insert:

Sec. 6. That the commission shall ascertain, as soon and as nearly as practicable, the amount of money expended in the construction and equipment of every public utility, including the amount of money expended to procure any right of way; also the amount of money expended to procure any right of way; also the amount of money it would require to secure the right of way, reconstruct any roadbed, track, depots, cars, conduits, subways, poles, wires, switchboards, exchanges, offices, works, storage plants, power plants, machinery, and any other property or instrument not included in the foregoing enumeration used in or useful to the business of such public utility. It shall ascertain the outstanding stock, bonds, debentures, and indebtedness, and the amount, respectively, thereof, the date when issued, to whom issued, to whom sold, the price paid in cash, property, or labor therefor, what disposition was made of the proceeds, by whom the indebtedness is held, so far as ascertainable, the amount purporting to be due thereon, the floating indebtedness of the public utility, the credits due the public utility, other property on hand belonging to it, the judicial or other sales of said public utility, its property or franchises, and the amounts purporting to have been paid, and in what manner paid therefor, and the taxes paid thereon. The commission shall also ascertain the gross and net income of the public utility from all sources in detail, the nmounts paid for salaries to officers and the wages paid to its employees, and the maximum hours of continuous service required of each class. Whenever the information required by this section is obtained it shall be printed in the annual report of the commission. In making

such investigation the commission may avail itself of any information in possession of any department of the Government of the United States or of the Commissioners of the District of Columbia.

The amendment was agreed to.

The next amendment was, on page 17, after line 2, to strike out section 7 in the following words:

SEC. 7. That in making any investigation under this act the commission may avail itself of any information in possession of any department of the Government of the United States or of the Commissioners of the District of Columbia.

And insert:

Sec. 7. That the commission shall value the property of every public utility within the District of Columbia actually used and useful for the convenience of the public at the fair value thereof at the time of said valuation.

The amendment was agreed to.

The next amendment was, on page 17, after line 11, to strike out section 8, in the following words:

Sec. 8. That the commission may at any time, on its own initiative, make a revaluation of the property of any public utility.

Mr. GALLINGER. I wish to state that the section was by mistake recommended to be stricken out, and I desire to have the amendment not agreed to.

The PRESIDING OFFICER (Mr. McCumber in the chair).

The question is on agreeing to the amendment.

The amendment was rejected.

The next amendment was rejected.

The next amendment was, on page 18, line 10, after the word "records," to strike out "in" and insert "In"; and in line 11, after the word "Act," to strike out "The" and insert "the," so as to make the section read:

Sec. 10. That the commission shall prescribe the forms of all books, accounts, papers, and records required to be kept, and every public utility is required to keep and render its books, accounts, papers, and records accurately and faithfully in the manner and form prescribed by the commission and to comply with all directions of the commission relating to such books, accounts, papers, and records. In so far as practicable for the purposes of this act, the form prescribed shall be the form accepted by the Interstate Commerce Commission.

The amendment was agreed to.

The next amendment was, on page 19, after line 23, to strike out section 15, in the following words:

out section 15, in the following words:

Sec. 15. That every public utility shall carry a proper and adequate depreciation account whenever the commission, after investigation, shall determine that such depreciation account can be reasonably required. The commission shall ascertain and determine what are the proper and adequate rates of depreciation of the several classes of property of each public utility. These rates shall be such as will provide the amounts required over and above the expense of maintenance to keep such property in a state of efficiency corresponding to the progress of the industry. Each public utility shall conform its depreciation accounts to such rates so ascertained and determined by the commission. The commission may make changes in such rates of depreciation from time to time as it may find to be necessary. The commission shall also prescribe rules, regulations, and forms of accounts regarding such depreciation which the public utility is required to carry into effect. The commission shall provide for such depreciation in fixing the rates, tolls, and charges to be paid by the public. All moneys in this fund may be expended in new constructions, extensions, or additions to the property of such public utility, or invested, and, if invested, the income from the investments shall also be carried in the depreciation fund. This fund and the proceeds thereof shall be used for no other purpose than as provided in this section and for depreciation unless with the consent and by order of the commission.

And insert:

And insert:

Sec. 15. That every public utility shall carry a proper and adequate depreciation account. The commission shall ascertain and determine what are the proper and adequate rates of depreciation of the several classes of property of each public utility. These rates shall be such as will provide the amounts required over and above the expense of maintenance to keep such property in a state of efficiency corresponding to the progress of the industry. Each public utility shall conform its depreciation accounts to such rates so ascertained and determined by the commission. The commission may make changes in such rates of depreciation from time to time as it may find to be necessary. The commission shall also prescribe rules, regulations, and forms of accounts regarding such depreciation which the public utility is required to carry into effect. The commission shall provide for such depreciation in fixing the rates, tolls, and charges to be paid by the public. All moneys in this fund may be expended in keeping the property of such public utility in repair and good and serviceable condition for the use to which it is devoted, or invested, and, if invested, the income from the investments shall also be carried in the depreciation fund. This fund and the proceeds thereof shall be used for no other purpose than as provided in this section, unless with the consent and by order of the commission.

The amendment was agreed to.

The reading of the bill was resumed and continued to the end

of line 2 on page 23.

Mr. GRONNA: I wish to ask the Senator from New Hampshire a question for information. As I understand, section 6 and section 7 provide for the physical valuation of the property, and the provisions in the new section on page 21 give the commission power to limit the rates; that is, they will be based

upon the valuation fixed by the commission.

Mr. GALLINGER. Yes; that is right. There are other sections in the bill relating to the matter of rates, but that is sub-

stantially correct.

The reading of the bill was resumed.

The next amendment was, in section 18, page 23, line 4, after the word "commission," to strike out "whenever required in connection with any investigation by the commission," make the section read:

make the section read:

Sec. 18. That each public utility shall furnish to the commission in such form and at such times as the commission shall require such accounts, reports, and information as shall show in itemized detail: Depreciation; salaries and wages; legal expenses; taxes and rentals; quantity and value of material used; receipts from residuals, by-products, services, or other sales; total and net costs; net and gross profits; dividends and interest; surplus or reserve; prices paid by consumers; and in addition such other items, whether of a nature similar to those bereinhefore enumerated or otherwise, as the commission may prescribe, in order to show completely and in detail the entire operation of the public utility in furnishing its product or service to the public.

The amendment was agreed to.

The next amendment was, in section 37, page 31, line 10, after the word "or" to insert "time and conditions of payment," so as to make the section read:

as to make the section read:

SEC. 37. That upon its own initiative or upon reasonable complaint made against any public utility that any of the rates, tolis, charges, or schedules, or services, or time and conditions of payment, or any joint rate or rates, schedules, or services, are in any respect unreasonable or unjustly discriminatory, or that any time schedule, regulation, or act whatsoever affecting or relating to the conduct of any street railway or common carrier, or the production, transmission, delivery, or furnishing of heat, light, water, or power, or any service in connection therewith, or the conveyance of any telegraph or telephone message, or any service in connection therewith, is in any respect unreasonable, insufficient, or unjustly discriminatory, or that any service is inadequate or can not be obtained, the commission may, in its discretion, proceed, with or without notice, to make such investigation as it may deem necessary or convenient. But no order affecting said rates, tolis, charges, schedules, regulations, or act complained of shall be entered by the commission without a formal hearing.

The amendment was agreed to

The amendment was agreed to.

The next amendment was, in section 53, page 38, line 12, after the word "forfeiture," to strike out "It shall be unlawful for any street railroad corporation, gas corporation, electrical corporation, telephone corporation, telegraph corporation, or other public utility corporation, directly or indirectly, to acquire the stock or bonds of any other corporation incorporated for or engaged in the same or similar business as it is, unless authorized by existing law or as it may be authorized in writing to do so by the commission, and every contract, transfer, agreement for transfer, or assignment of any such stocks or bonds without such statutory or written authority shall be void and of no effect" and insert "It shall be unlawful for any street railroad corporation, gas corporation, electric corporation, telephone corporation, telegraph corporation, or other public utility corporation, directly or indirectly, to acquire the stock or bonds of any other corporation incorporated for or engaged in the same or similar business as it is, unless authorized in writing to do so by the commission, and every contract, transfer, agreement for transfer, or assignment of any such stock or bonds without such written authority shall be void and of no effect," so as to make the section read:

the section read:

SEC, 52. That no franchise nor any right to or under any franchise to own or operate any public utility as defined in this act or to use the tracks of any street railroad shall be assigned, transferred, or leased, nor shall any contract or agreement with reference to or affecting any such franchise or right be valid or of any force or effect whatsoever unless the assignment, transfer, lease, contract, or agreement shall have been approved by the commission in writing. The permission and approval of the commission to the assignment, transfer, or lease of a franchise under this section shall not be construed to revive or validate any lapsed or invalid franchise or to enlarge or add to the powers and privileges contained in the grant of any franchise or to waive any forfeiture. It shall be unlawful for any street railroad corporation, gas corporation, electric corporation, telephone corporation, telegraph corporation, or other public utility corporation, directly or indirectly, to acquire the stock or bonds of any other corporation incorporated for or engaged in the same or similar business as it is, unless authorized in writing to do so by the commission, and every contract, transfer, agreement for transfer, or assignment of any such stock or bonds without such written authority shall be void and of no effect.

The amendment was agreed to.

The amendment was agreed to.

The next amendment was, on page 44, after line 2, to insert as a new section the following:

SEC. 56. That if it be alleged and established in an action brought in any court for the collection of any charge for gas or electricity that a price has been demanded in excess of that fixed by the commission or by statute no recovery shall be had therein, but the fact that such excessive charges have been made shall be a complete defense to such

The amendment was agreed to.

The next amendment was, in section 61, on page 45, line 18, after the word "charges," to insert "time and condition of payment thereof," so as to make the section read:

"one hundred and twenty"; and after the word "such," at the end of line 9, to strike out "ninety" and insert "one hundred and twenty"; and in line 10, after the word "days," to strike out "unless the time for appeal has been enlarged by order of the commission," so as to make the section read:

SEC. 63. That every proceeding, action, or suit to set aside, vacate, or amend any determination or order of the commission, or to enjoin the enforcement thereof, or to prevent in any way such order or determination from becoming effective shall be commenced, and every appeal to the courts or right of recourse to the courts shall be taken or exercised, within 120 days after such order or determination shall have become effective, and the right to commence any such action, proceeding, or suit, or to take or exercise any such appeal or right of recourse to the courts shall terminate absolutely at the end of such 120 days.

The amendment was agreed to.

The next amendment was, on page 51, after line 18, to insert as a new section the following:

SEC. 73. That no public utility shall declare any stock, bond, or scrip dividend or divide the proceeds of the sale of any stock, bond, or scrip among its stockholders.

The amendment was agreed to. The next amendment was, on page 51, after line 21, to insert as a new section the following:

as a new section the following:

Sec. 74. That no public utility shall issue any stocks, certificates of stock, bonds, or other evidences of indebtedness secured on its property in the District of Columbia for the purpose of any reorganization or consolidation in excess of the total amount of the stocks, certificates of stock, bonds, or other evidences of indebtedness then outstanding against the public utilities so reorganizing or consolidating, and no such public utility shall purchase the property of any other public utility for the purpose of effecting a consolidation until the commission shall have determined and set forth in writing that said consolidation will be in the public interest, nor until the commission shall have approved in writing the terms upon which said consolidation shall be made.

The amendment was acreed to

The amendment was agreed to.

The next amendment was, on page 52, after line 9, to insert as a new section the following:

SEC. 75. That no public utility shall apply the proceeds of any such stock, certificates of stock, bonds, or other evidences of indebtedness to any other purpose or issue the same on any less favorable terms than that specified in the certificate issued by the commission.

The amendment was agreed to.

The next amendment was, on page 53, after line 14, to insert as a new section the following:

SEC. 76. That all stocks, certificates of stock, bonds, and other evidences of indebtedness issued contrary to the provisions of this act shall be void.

The amendment was agreed to.

The next amendment was, on page 52, after line 17, to insert as a new section the following:

SEC 77. That any public utility, or any agent, director, or officer thereof, who shall, directly or indirectly, issue or cause to be issued any stocks, certificates of stock, bonds, or other evidences of indebtedness contrary to the provisions of this act, or who shall apply the proceeds from the sale thereof to any purposes other than that specified in the certificate of the commission, shall forfeit and pay into the Treasury of the United States, one-half to the credit of the District of Columbia, not less than \$500 nor more than \$10,000 for each offense.

Mr. GRONNA. I move to amend the amendment by striking out, on page 53, line 1, before the word "dollars," the words "five hundred" and inserting "one thousand."

The PRESIDING OFFICER. The amendment will be stated. The Secretary. In section 77, on page 53, line 1, before the word "dollars," it is proposed to amend the amendment of the committee by striking out "five hundred" and inserting "one thousand."

Mr. GALLINGER. Mr. President, I think that the amount provided in the committee amendment is sufficiently drastic. It was incorporated by a Senator who found a good deal of fault with the bill as it was originally introduced, and he suggested the amount that is in the amendment. The maximum penalty is very high. I do not know that it makes very much difference, but still I think the Senator should not urge that amendment. I will be glad to hear the Senator's reasons for it,

Mr. GRONNA. It is for the reason that the maximum is high that I think the minimum of \$500 would be too low.

Mr. GALLINGER. Well, Mr. President, I have no objection to having it read "\$1,000."

Mr. GRONNA. Very well.

The PRESIDING OFFICER. The question is on agreeing to

the amendment to the amendment.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.
The reading of the bill was resumed, and the Secretary read

ment thereof," so as to make the section read:

Sec. 61. That all rates, tolls, charges, time and condition of payment thereof, schedules, and joint rates fixed by the commission shall be in force and shall be prima facle reasonable until finally found otherwise in an action brought for that purpose.

The amendment was agreed to.

The next amendment was, in section 63, on page 48, line 5, after the word "within," to strike out "ninety" and insert

guilty of a felony, and, upon conviction thereof, shall be punished by a fine of not less than \$500, or by imprisonment for a term of not less than one year, or by both such fine and imprisonment, in the discretion of the court.

Mr. GRONNA. I desire to offer an amendment to section 78 by striking out "five hundred," in line 14, before the word

oby striking out "live hundred," in line 14, before the word "dollars," and inserting in lieu thereof the words "one thousand," so as to read "by a fine of not less than \$1,000."

The PRESIDING OFFICER. The amendment will be stated. The Secretary. On page 53, line 14, before the word "dollars," it is proposed to strike out "five hundred" and insert "one thousand." "one thousand.

"one thousand."

Mr. GALLINGER. Mr. President, I trust that amendment will not be agreed to. I think the penalty is quite adequate and is quite as high as in any public-utility bill in any State whose laws upon the subject I have examined.

Mr. GRONNA. Well, Mr. President, I am not offering the amendment with the idea that the fine will ever be paid by the company. I believe, if anything, it is a protection to the corporation to make the fines high, so that when they once do violate a provision of law they will not be apt to violate it again. It is for that reason that I offer the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from North Dakota [Mr. Gronnal. [Putting the question.] By the sound the

[Mr. Gronna]. [Putting the question.] By the sound the "ayes" seem to have it.

Mr. GALLINGER. I shall dispute that, Mr. President, and I shall have to ask for a division, even at the risk of adjourning the Senate.

Mr. SMITH of South Carolina. I ask what is the amendment, Mr. President?

The PRESIDING OFFICER. The Secretary will again state the amendment.

The Secretary again stated the amendment of Mr. Gronna.

The PRESIDING OFFICER. Without objection, the Chair will again put the question. [Putting the question.] By the sound the "noes" seem to have it.

Mr. GRONNA. I should like to have a division, and I believe

I will ask for a division on that amendment.

Mr. GALLINGER. I am extremely anxious to get this bill through, and I will make a proposition to the Senator to fix the fine at \$750 in place of \$500.

Mr. GRONNA. Mr. President, I do not believe the sum I suggested is unreasonable. I do not believe that it is unreasonable.

able to impose a fine of a thousand dollars when a public-utility corporation violates the law.

Mr. GALLINGER. Mr. President, I will go further, then, and, in my great anxiety to have this bill passed, I will agree to the amendment the Senator suggests.
Mr. GRONNA. Very well.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on the District of Columbia was, on page 55, after line 12, to strike out section 76, as follows:

SEC. 76. That if any public utility shall knowingly or willfully make or give any undue or unreasonable preference or advantage to any particular person, firm, or corporation, or shall subject any particular person, firm, or corporation to any undue or unreasonable prejudice or disadvantage in any respect whatsoever, such public utility shall be deemed guilty of unjust discrimination, which is hereby prohibited and declared unlawful. Any person, firm, or corporation violating the provisions of this section shall be deemed guilty of a misdemeanor and on conviction thereof shall be punished by a fine of not less than \$50 nor more than \$1,000 for each offense.

The amendment was agreed to.

The next amendment was, in section (77) 81, on page 56, line 2, after the word "corporation," to strike out the word "knowingly," so as to make the section read:

ingly," so as to make the section read:

Sec. 81. That it shall be unlawful for any person, firm, or corporation to solicit, accept, or receive any rebate, concession, or discrimination in respect to any service in or affecting or relating to any public utility or the production, transmission, delivery, or furnishing of heat, light, water, or power, or any liquid, steam, or air, or the conveying of telegraph or telephone messages within the District of Columbia, or for any service in connection therewith whereby any such service shall, by any device whatsoever or otherwise, be rendered free or at a less rate than that named in the schedules and tariffs in force as provided in this act, or whereby any service or advantage is received other than is in this act specified. Any person, firm, or corporation violating the provisions of this section shall be deemed guilty of a misdemann, and on conviction thereof shall be punished by a fine of not less than \$50 nor more than \$1,000 for each offense.

The amendment was agreed to.

Mr. GRONNA. Mr. President, on page 56, line 16, before the word "dollars," I move to strike out "fifty" and insert "two hundred."

The PRESIDING OFFICER. The amendment will be stated. The Secretary. On page 56, line 16, it is proposed to strike out "fifty" and insert "two hundred."

Mr. GALLINGER. I have no objection to that. The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The reading of the bill was resumed. The next amendment of the Committee on the District of Columbia was, on page 56, after line 17, to strike out section 78, as follows:

Sec. 78. That if any public utility shall knowingly or willfully do or cause to be done or permit to be done any matter, act, or thing in this act prohibited or declared to be unlawful, or shall omit to do any act, matter, or thing required to be done by it, such public utility shall be liable to the person, firm, association, or corporation injured thereby in double the amount of damages sustained in consequence of such violation: Provided, That any recovery as in this section provided shall in no manaer affect the punishment of the offender or a recovery by the United States or by the District of Columbia of the penalty prescribed for such violation.

The amendment was agreed to.

The reading of the bill was continued to the end of line 11, on page 59.

Mr. GRONNA. Mr. President, I wish to offer an amendment. On line 10, page 59, I move to strike out the word "un-justly" where it occurs before the word "discriminatory."

Mr. GALLINGER. There is no objection to the proposed amendment.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

Mr. POMERENE. Evidently the Senator from North Dakota wants to strike out the word "or" as well.

Mr. GALLINGER. No. The word "discriminatory" fol-

The reading of the bill was resumed and continued to the end

of line 22, on page 61.

Mr. STONE. Mr. President, I notice that by section 89-

The corporation counsel of the District of Columbia shall be the general counsel of the commission and shall receive from and be paid out of the appropriations provided and to be provided for the expenses of the commission in addition to his compensation otherwise provided by law the sum of \$1,000 per annum, payable in equal monthly install-

I should like to ask the Senator in charge of the bill what is the present compensation of the corporation counsel of the District of Columbia

Mr. GALLINGER. I will say to the Senator that it is either \$4,000 or \$4,500 a year. I have an impression it is \$4,500. Mr. STONE. That is a pretty fair salary. Would or would

not this duty come ordinarily within the range of his official duties; and, if so, why should he be paid a thousand dollars extra?

Mr. GALLINGER. The committee considered that matter very carefully and consulted with others about it, and were of the opinion that this officer ought not to be required to perform this extra and very onerous duty without some additional compensation.

The corporation counsel is a lawyer of distinction. very busy man, and is hardly able to keep up with the work of his office at the present time, and the probabilities are—in fact, I may say the certainty is—that if these additional burdens are placed upon him, Congress will be asked to provide at least one additional assistant for the office to perform the duties that will be required of the corporation counsel and his assistants.

It is a very busy office, I will say to the Senator. They are very hard-worked men. There is nobody in that office who is not working to the limit of his time; and this matter was given very careful consideration. The Senator from California looked into it very carefully, as did, I think, the Senator from Ohio, and other Senators who stand high in the profession of the law, and they felt that this would not be an undue compensation to pay to this official.

Mr. STONE. Do I understand that the corporation counsel

gives his entire time to the duties of the office?

Mr. GALLINGER. Absolutely so. I believe it is true-because we want to make a fair statement of the matter-that in the last year or two the corporation counsel has had something to do with one case with which he was associated some years ago, but it has been in an advisory capacity. It is, I think, stipulated by the commissioners—indeed, I know it is—that he shall give his entire time to the duties of his office, and he is giving his entire time to them.

Mr. STONE. I have great faith in the Senator from New

Hampshire and in the accuracy of his statements, but I should like to ask for information if this thousand dollars provided for here is really intended as additional compensation to this corporation counsel, adding that much to his salary, or whether it is intended to enable him, because of the additional duties,

to employ assistance.

Mr. GALLINGER. I will say frankly to the Senator it is intended as an addition to his salary, because there is a pro-vision in this section whereby the corporation counsel can employ outside talent if it becomes necessary for him to do so. The appropriation in the bill is limited to \$40,000 for all purposes of the commission, and it was thought by the committee that there might be some important cases. These public utilities have very able lawyers and plenty of money and employ the very best talent, and it was thought by the committee that this was simply a fair additional salary for the corporation counsel and that he might in emergencies employ outside help.

Mr. STONE. Do I understand the purpose of the bill is to increase the salary of this officer?

Mr. GALLINGER. It will increase his salary.
Mr. STONE. Is that the purpose?
Mr. GALLINGER. That is the purpose, just as in the District of Columbia appropriation bill, if the Senator will examine it, he will find that there are several officials who have salaries fixed by law, but other duties are imposed upon them, such as being at the head of commissions, and they are given a little additional compensation.

Mr. STONE. I shall vote against this item. I do not be-lieve in the policy of increasing the salaries or the compensation of public officials in this way. It seems to me \$4,500 a year for a city attorney or counselor is a very liberal salary. I do not know how it is in cities outside of my own State, but in St. Louis and Kansas City, one much larger than, the other almost as large as, Washington, \$4,500 for a city counselor, adviser,

would be regarded as fairly good compensation.

Mr. GALLINGER. I will ask the Senator from Missouri if those officials are not permitted to practice in addition to the

duties they perform for the city? Mr. STONE. - I do not know.

Mr. GALLINGER. I know that the attorney general of my State is permitted to practice in addition to representing the

Mr. STONE. But whether so or not-

Mr. GALLINGER. And I know that in my own little city a lawyer of certainly not any greater distinction than Mr. Thomas, the corporation counsel of the District of Columbia, recently collected a fee of \$50,000 in one case. Good lawyers are earning very large fees in these days.

Mr. STONE. That is undoubtedly true. Some lawyers are earning very large fees. I have not any doubt that there are lawyers in this body who could earn many times the salary they

Mr. GALLINGER. There is no question of it.

Mr. STONE. That is true of almost every kind of public employment, but if a man sees proper to take the position, at a fairly liberal compensation, he ought to be satisfied with it, and I do not believe that the Government ought to enter into competition with private employers. I do not like it. It may be that \$4,500 is not enough. If it is not, then it ought not to be increased under any kind of subterfuge. By that I mean no disrespect at all, but it ought to be an open question of increasing the salary.

I merely wanted to say that, and I shall content myself with

voting against the proposition.

Mr. GALLINGER. I am quite willing to have the matter acted upon without further discussion. Does the Senator from Missouri move to strike out the provision?

Mr. STONE. I move to strike out, beginning in line 5, page

60, the words:

And shall receive from and be paid out of the appropriations provided and to be provided for the expenses of the commission in addition to his compensation otherwise provided by law the sum of \$1,000 per annum, payable in equal monthly installments.

The amendment was rejected.

The reading of the bill was resumed and continued to the end of line 3, on page 63.

THE METAL SCHEDULE.

The PRESIDING OFFICER. The hour of 4 o'clock having arrived, the Chair lays before the Senate the unfinished busi-

ness, which will be stated by title.

The Secretary. A bill (H. R. 18642) to provide revenues, equalize duties, and encourage the industries of the United

States, and for other purposes.

Mr. SIMMONS. I ask unanimous consent that the bill be

temporarily laid aside.

The PRESIDING OFFICER. Without objection, the bill will be temporarily laid aside.

PUBLIC UTILITIES IN THE DISTRICT OF COLUMBIA.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 3812) to regulate public utilities in the District of Columbia and to confer upon the Commissioners of the District of Columbia the duties and powers of a publicutilities commission.

The rending of the bill was resumed and continued to the end of section 92, line 6, page 64.

Mr. GRONNA. On page 63, line 20, in section 92, I move to strike out the words "as it shall deem" and insert the words "which shall be deemed."

Mr. GALLINGER. I suggest to the Senator I think the word "which" is an unfortunate word in that connection. I think the Senator can reach the same result by having it read, and give such notice to interested parties as shall be proper and reasonable."

Mr. GRONNA. That is better.

Mr. GALLINGER. I quite agree to that.

The PRESIDING OFFICER. The amendment will be stated

The Secretary. On page 63, line 20, before the word "shall," strike out "it"; after the word "shall," strike out the word "deem" and insert "be," so that if amended it will read:

Fourth, upon receiving such application the commission shall fix a time and place for hearing, and give such notice to interested parties as shall be proper and reasonable.

Mr. GRONNA. I understand the word "deem" is to be stricken out. That is the word I want to have stricken out.
Mr. GALLINGER. That is to be stricken out.

The PRESIDING OFFICER. The question is on agreeing to the amendment as modified.

The amendment as modified was agreed to.

The reading was continued to line 4, on page 66, in section 95. Mr. GALLINGER. I think in lines 1 and 2, on page 66, the words "permit or" and "license" ought to come out, so as to read:

To revoke all permits or licenses.

I move that amendment.

The amendment was agreed to.
The reading of the bill was continued. The next amendment was, on page 68, after line 21, to strike out section 93, in the following words:

Sec. 93. That a sum sufficient to carry out the provisions of this act is hereby appropriated out of the revenues of the District of Columbia and not exceeding \$40,000.

And to insert in lieu thereof as a new section, section 96, as

SEC. D6. That the sum of \$40,000, or so much thereof as may be necessary, is hereby appropriated to carry out the provisions of this act, one-half out of the revenues of the District of Columbia and one-half out of any moneys in the Treasury not otherwise appropriated, and all moneys received from fines, forfeitures, and ponalties shall be paid into the Treasury of the United States, one-half to the credit of the District of Columbia. the Treasury of Columbia.

The amendment was agreed to.

The reading of the bill was concluded.

Mr. GALLINGER. By inadvertence a section was left out of the bill, and I offer it now.

The PRESIDING OFFICER. The amendment will be read. The Secretary. On page 17, after line 11, insert a section, to be known as section 8

Mr. GALLINGER. I suggest that the section be left blank, for I think all the sections will have to be renumbered.

The Secretary. Insert on page 17, after line 11, as a new section the following:

SEC. — That before final determination of such value the commission shall, after notice of not less than 30 days to the public utility, hold a public hearing as to such valuation in the manner hereinafter provided for a hearing, which provision, so far as applicable, shall apply to such hearing. The commission shall, within 10 days after such valuation is determined, serve a statement thereof upon the public utility interested, and shall file a like statement with the District committees in Congress.

The amendment was agreed to.
Mr. GALLINGER. On page 33, line 15, after the word "section," I move to strike out "39" and insert "40."

The amendment was agreed to.

Mr. GALLINGER. On page 35, line 16, after the word "section," I move to strike out "35" and insert "36."

The amendment was agreed to.

Mr. GALLINGER. On page 48, at the end of line 5, I move to strike out the words "after such order or determination shall have become effective" and to insert in lieu thereof the words "after the entry or rendition of such order or determina-

The amendment was agreed to.

Mr. GALLINGER. On page 26, lines 13 and 14, I move to strike out the word "twenty-five," and before the word "section," in line 13, to insert "the preceding," so as to read "as provided in the preceding section."

The amendment was agreed to.
Mr. GALLINGER. Those are all the amendments I have to offer.

The PRESIDING OFFICER. If there be no further amendments to be proposed to the bill as in Committee of the Whole it will be reported to the Senate.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, and

was read the third time.

Mr. GALLINGER. Before the bill passes I wish to have authority given to the clerks to renumber the sections. I want that authority to appear.

The PRESIDING OFFICER. Without objection, it is so

The bill was passed.

COMMITTEE SERVICE.

Mr. Overman was, on his own motion, excused from further service upon the Committee on the Conservation of National

Mr. SHIVELY. The junior Senator from Oregon [Mr. CHAM-BERLAIN] asked me to prefer a request to the Senate that he be relieved from further service upon the Committee on Expenditures in the Interior Department.

The PRESIDING OFFICER. If there is no objection, the junior Senator from Oregon will be relieved from further serv-

ice upon the committee. The Chair hears none.

Mr. SHIVELY submitted the following resolution, which was

considered by unanimous consent and agreed to:

Resolved, That the senior Senator from Maryland [Mr. RAXNER] is hereby appointed a member of the Committee on Expenditures in the Interior Department,

PRESIDENTIAL PRIMARIES IN THE DISTRICT OF COLUMBIA.

Mr. BRISTOW. Mr. President, I ask that the Senate proceed to consider Senate bill 2234.

Mr. CULLOM. I think we had better not undertake to do

Mr. BRISTOW. We have quite a little time before us yet, and I would like to get the bill up and have it read anyway.

Mr. CULLOM. Is it a long bill?

The PRESIDING OFFICER. The Senator from Kansas asks for the consideration of a bill, which will be read by its title.

The Secretary. A bill (S. 2234) to provide for a primary nominating election in the District of Columbia, at which the qualified electors of the said District shall have the opportunity to vote for their first and second choice among those aspiring to be candidates of their respective political parties for President and Vice President of the United States, to elect their party delegates to their national conventions, and to elect their national committeemen.

Mr. CULLOM. In the meantime I move that the Senate pro-

ceed to the consideration of executive business.

Mr. BRISTOW. Why should we not go ahead with this bill? Mr. CULLOM. Nearly everyone has gone away expecting that nothing would be done after the bill which has been up was passed.

Mr. BRISTOW. There has been no understanding to that

effect.

Mr. CULLOM. No; no understanding, but still—
Mr. BRISTOW. Why should we not do something on the calendar? There is a calendar here full of bills and it will take some time to consider them. We are meeting at 2 o'clock, and why should we adjourn at 15 minutes past 4?

Mr. CULLOM. As far as I am concerned I do not care anything about it, but I know that a good many Senators supposed that the discussion on the bill which has just been passed would last as long as the Senate would remain in session to-day, and they have gone away under that impression.

Mr. BRISTOW. I shall not ask that the bill be passed, but

I should like to have it read.

The PRESIDING OFFICER. The question is on the motion of the Senator from Illinois that the Senate proceed to the consideration of executive business.

Mr. CULLOM. I will withdraw the motion.
Mr. BRISTOW. I understand the Senator from Illinois withdraws the motion. The PRESIDING OFFICER. The motion is withdrawn,

Mr. GALLINGER. Mr. President, if the Senator from Kansas only wishes to have the bill read, it is a very long bill, and I do not think I will object. But the Senator who reported the bill adversely is absent. It is true he is absent from the city. I refer to the senior Senator from Virginia [Mr. Martin], who is very much opposed to the bill. I know the Senator who sits on my left, the Senator from Idaho [Mr. Hex-burn], is likewise opposed to the bill, and would wish to be here when it is considered. I do not think the Senator from Kansas ought to unduly press it.

Mr. BRISTOW. I will not press it unduly, because I know it can be blocked very easily; but I would like to have the bill taken up, and then dispense with its formal reading and have

aside and take up other bills. I am perfectly willing that that course shall be pursued, but I want to make some progress with

Mr. GALLINGER. I think if the Senator to-day would get an order to dispense with the formal reading of the bill, and Mr. BRISTOW. I am perfectly willing to do that.
Mr. GALLINGER. I suggest to the Senator to make that

request.

Mr. BRISTOW. If the bill is before the Senate, I would be glad to make that request. I ask that the formal reading of the bill be dispensed with.

The PRESIDING OFFICER. The Chair will state to the Senator from Kansas that the bill is not yet before the Senate.

Mr. BRISTOW. I ask that it be laid before the Senate.
The PRESIDING OFFICER. If there is no objection, the bill will be laid before the Senate.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. BRISTOW. I ask that the formal reading of the bill be dispensed with and that the bill be read for amendment.

The PRESIDING OFFICER. Without objection, the formal reading of the bill will be dispensed with. The Chair hears no objection.

Mr. BRISTOW. I ask now that the further consideration of the bill be laid aside, and I give notice that after the passage of the bill which is the special order for Monday, I shall ask

the Senate to take up this bill for its consideration. The PRESIDING OFFICER. Without objection, the request

of the Senator from Kansas is agreed to.

Mr. BACON. What request of the Senator from Kansas is agreed to?

The PRESIDING OFFICER. That the bill be temporarily laid aside.

Mr. BACON. How can it be temporarily laid aside if it is

not a special order nor the unfinished business?

Mr. GALLINGER. The Senator from Kansas did not quite put it in that form. He simply gave notice that on Monday, after the special order is disposed of, he will ask the Senate to

consider this bill.

Mr. BACON. That is all right. It is perfectly in order to

ESTATE OF SILAS F. BAKER.

Mr. CUMMINS. I ask unanimous consent for the consideration of the bill (S. 4456) for the relief of the estate of Silas F. Baker. I will state to the Senator from Illinois [Mr. CULLOM] that there will be no objection to the bill.

The PRESIDING OFFICER. The bill will be read for the

information of the Senate.

The Secretary read the bill, and, there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration. It proposes to pay to the personal or legal representatives of the estate of Silas F. Baker, late of Keokuk, Iowa, such sum of money as has been in any manner collected from the aforesaid estate as internal-sevenue taxes paid on legacies and distributive shares of personal property to the United States under the war-revenue act of June 13, 1898, such sums to be refunded in accordance with the decision of the United States Supreme Court in the case of Knowlton v. Moore (reported in U. S. Sup. Ct. Repts, v. 178, p. 41), any statute of limitation to the contrary notwithstanding.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time,

and passed.

ESTATE OF CHARLES C. BENTON AND OTHERS.

Mr. LODGE. I ask unanimous consent for the consideration of the bill (S. 4257) for the relief of the estate of Charles C. Benton and others. It is precisely similar to the bill just passed.

There being no objection, the bill was considered as in Committee of the Whole. It proposes to pay to the personal or legal representative of the following estates, which paid taxes in the Massachusetts internal-revenue district, namely, estates of Charles C. Benton, Mary Ann Benton, James Chisholm, George W. Chipman, Parker L. Converse, George D. Colony, Mary S. Langley, Lucretia T. True, and Anna H. Ward, such sum of money as has been in any manner collected from the aforesaid estates as internal-revenue taxes paid on legacies and distributive shares of personal property to the United States under the war-revenue act of June 13, 1898, such sums to be refunded in accordance with the decision of the United States Supreme Court in the case of Knowlton against Moore (reported in U. S. Sup. Ct. Repts., v. 178, p. 41), any statute it read for amendment if that is satisfactory, and then lay it of limitation to the contrary notwithstanding.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

FISH-CULTURAL STATION IN RHODE ISLAND.

Mr. WETMORE. I ask unanimous consent to call up the bill (S. 268) to establish a fish-cultural station in the State of Rhode Island

The Secretary read the bill; and there being no objection, the Senate, as in Committee on the Whole, proceeded to its consid-

The bill was reported from the Committee on Fisheries with an amendment, to add at the end of the bill the following

Provided, That before any final steps shall have been taken for the construction of a fish-cultural station in accordance with this bill the State of Rhode Island, through appropriate legislative action, shall accord to the United States Commissioner of Fisheries and his duly authorized agents the right to conduct fish hatching and all operations connected therewith in any manner and at any time that may by them be considered necessary and proper, any fishery laws of the State to the contrary notwithstanding: And provided further, That the operations of said hatchery may be suspended by the Secretary of Commerce and Labor whenever, in his judgment, the laws and regulations affecting the fishes cultivated are allowed to remain so inadequate as to impair the efficiency of said hatchery.

So as to make the hill read:

So as to make the bill read:

Be it enacted, etc., That the sum of \$25,000, or so much thereof as may be necessary, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, for the establishment of a fish-cultural station, including purchase of site, construction of buildings and ponds, and equipment, at a point in the State of Rhode Island to be selected by the Secretary of Commerce and Labor: Provided, That before any final steps shall have been taken for the construction of a fish-cultural station in accordance with this bill, etc.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

EXECUTIVE SESSION.

Mr. CULLOM. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened, and (at 4 o'clock and 30 minutes p. m.) the Senate adjourned until Monday, April 22, 1912, at 11 o'clock a. m.

NOMINATIONS.

Executive nominations received by the Senate April 20, 1912. COLLECTOR OF INTERNAL REVENUE.

Manuel B. Otero, of New Mexico, to be collector of internal revenue for the district of New Mexico, in place of Henry P. Bardshar, the incumbent.

UNITED STATES ATTORNEY.

John B. Vreeland, of New Jersey, to be United States attorney for the district of New Jersey. (A reappointment, his term having expired.)

PROMOTION IN THE ARMY.

CAVALRY ARM.

Second Lieut. Reynold F. Migdalski, Twelfth Cavalry, to be first lieutenant from February 29, 1912, vice First Lieut. Alexander B. Coxe, Eighth Cavalry, promoted.

POSTMASTERS.

ALABAMA.

Henry J. Godfrey to be postmaster at Columbia, Ala., in place of Marcus T. McGriff. Incumbent's commission expired February 27, 1912.

James W. McNeill to be postmaster at Luverne, Ala., in place

of James W. McNeill. Incumbent's commission expired February 27, 1912.

ARKANSAS.

Samuel P. Beck to be postmaster at Cabot, Ark. Office became presidential January 1, 1912.

James H. Cook to be postmaster at Ola, Ark. Office became presidential January 1, 1912.

Charles B. Eaton to be postmaster at Cotter, Ark. Office became presidential January 1, 1912.

Addison M. Hall to be postmaster at Marmaduke, Ark. Office became presidential January 1, 1912.

William H. Trimble to be postmaster at Nettleton, Ark. Office became presidential April 1, 1912.

George W. Wells to be postmaster at Imboden, Ark. Office

became presidential January 1, 1912.

CALIFORNIA.

Edward M. Downer to be postmaster at Pinole, Cal. Office became presidential April 1, 1912.

COLORADO.

Walter I. Brush to be postmaster at Sterling, Colo., in place of Emma C. Burke, resigned.

FLORIDA.

William H. Berkstresser to be postmaster at Hawthorn, Fla. Office became presidential January 1, 1912.

ILLINOIS.

Dietrich H. Fleege to be postmaster at Lombard, Ill. Office became presidential January 1, 1912.

Charles C. Hamilton to be postmaster at Atwood, Ill., in place

of Emory V. Hamilton, resigned.

John F. Mains to be postmaster at Stronghurst, Ill., in place of John F. Mains. Incumbent's commission expires May 20, 1912.

INDIANA.

Eugene F. Cummings to be postmaster at Cannelton, Ind., in place of Eugene F. Cummings. Incumbent's commission expires May 22, 1912.

IOWA.

Jacob Kiefer to be postmaster at Hazleton, Iowa. Office be-

came presidential January 1, 1912.

Hiram E. Morrison to be postmaster at Seymour, Iowa, in place of Hiram E. Morrison. Incumbent's commission expires May 26, 1912.

Peter S. Narum to be postmaster at Waukon, Iowa, in place of Peter S. Narum. Incumbent's commission expires May 11,

KANSAS.

Fred Bartlett to be postmaster at Baxter Springs, Kans., in place of Fred Bartlett. Incumbent's commission expires May 20, 1912.

Florence Lowe to be postmaster at Turon, Kans., in place of Florence Lowe. Incumbent's commission expired January 13, 1912.

LOUISIANA.

E. C. Crawford to be postmaster at Gretna, La. Office became presidential January 1, 1912.

Leo Vandegaer to be postmaster at Many, La., in place of Leo Vandegaer. Incumbent's commission expired February 19, 1912.

MAINE.

Frank H. Lane to be postmaster at Brooks, Me. Office became presidential January 1, 1912.

Arthur W. Richardson to be postmaster at Fort Fairfield, Me., in place of John M. Thurlough, resigned.

Palmer A. Twambley to be postmaster at Kennebunk Port, Me., in place of Reuel W. Norton, resigned.

MARYLAND.

William H. Medford to be postmaster at Cambridge, Md., in place of Sewell M. Moore, resigned.

MASSACHUSETTS.

Frank O. Johnson to be postmaster at Montague, Mass. Office became presidential April 1, 1912.

MINNESOTA.

Lemuel S. Briggs to be postmaster at Princeton, Minn., in place of Lemuel S. Briggs. Incumbent's commission expires April 29, 1912.

MISSISSIPPI. Thomas D. Hill to be postmaster at Blue Mountain, Miss., in place of Mark L. Haynie, resigned.

MONTANA.

Theophilus H. Symms to be postmaster at Broadview, Mont. Office became presidential April 1, 1912.

NEBRASKA. Amos W. Shafer to be postmaster at Polk, Nebr. Office be-

came presidential January 1, 1912. Thomas J. Taylor to be postmaster at Wilber, Nebr., in place of Thomas J. Taylor. Incumbent's commission expired April 17, 1912.

NEW YORK.

Joseph E. Cole to be postmaster at Perry, N. Y., in place of Joseph E. Cole. Incumbent's commission expires May 22, 1912.

William G. Davry to be postmaster at Mechanicsville, N. Y., in place of William G. Davry. Incumbent's commission expired

December 19, 1911.

Alexander M. Harriott to be postmaster at Rye, N. Y., in place of Alexander M. Harriott. Incumbent's commission expired January 14, 1912.

Austin Hicks to be postmaster at Great Neck, N. Y., in place of Austin Hicks. Incumbent's commission expired February 24,

Frank N. Lovejoy to be postmaster at Macedon, N. Y., in place of Frank N. Lovejoy. Incumbent's commission expires April 22, 1912.

NORTH DAKOTA.

Charles H. Burch to be postmaster at Drake, N. Dak., in place of George Leslie, removed.

William H. Pray to be postmaster at Valley City, N. Dak., in place of William H. Pray. Incumbent's commission expires April 22, 1912.

OHIO.

Charles H. Clark to be postmaster at Mount Sterling, Ohio, in place of Charles H. Clark. Incumbent's commission expires May 22, 1912.

William McC. Crozier to be postmaster at Cumberland, Ohio, in place of William McC. Crozier. Incumbent's commission ex-

pires May 16, 1912.

Pearl W. Hickman to be postmaster at Nelsonville, Ohio, in place of Pearl W. Hickman. Incumbent's commission expires May 16, 1912.

George H. Huston to be postmaster at Rogers, Ohio. Office

became presidential January 1, 1912.

Robert H. Wiley to be postmaster at Flushing, Ohio, in place of Robert H. Wiley. Incumbent's commission expires May 16,

OKLAHOMA.

Ira F. Baird to be postmaster at Luther, Okla., in place of Erling Sarjent, resigned.

Ellis J. Baxter to be postmaster at Hooker, Okla., in place of Addison F. Farr. Incumbent's commission expires April 28,

PENNSYLVANIA.

Luther M. Alleman to be postmaster at Littlestown, Pa., in place of Luther M. Alleman. Incumbent's commission expired April 13, 1912.

Arthur A. Benkert to be postmaster at Morton, Pa. Office be-

came presidential April 1, 1912.

Sarah V. Patton to be postmaster at Aliquippa, Pa., in place of Sarah V. Patton. Incumbent's commission expires April 29,

RHODE ISLAND.

William F. Caswell to be postmaster at Jamestown, R. I., in place of William F. Caswell. Incumbent's commission expires May 19, 1912.

SOUTH CAROLINA.

George M. Collins to be postmaster at Due West, S. C., in place of Susan E. Morton. Incumbent's commission expired February 27, 1912.

SOUTH DAKOTA.

Frank Bowman to be postmaster at Eagle Butte, S. Dak. Office became presidential April 1, 1912.

Robert E. Grimshaw to be postmaster at Deadwood, S. Dak., in place of Robert E. Grimshaw. Incumbent's commission expires May 21, 1912.

TENNESSEE.

O. L. Hicks to be postmaster at Newport, Tenn., in place of Jetta Lee. Incumbent's commission expired December 12, 1911.

Robert H. McNeely to be postmaster at Humboldt, Tenn., in place of Robert H. McNeely. Incumbent's commission expires May 26, 1912.

Isham A. Watson to be postmaster at Sevierville, Tenn., in place of Sallie J. Massey. Incumbent's commission expires April 28, 1912.

WASHINGTON.

Thomas Harries to be postmaster at Renton, Wash., in place of Thomas Harries. Incumbent's commission expired April 13. 1912.

CONFIRMATIONS.

Executive nominations confirmed by the Senate April 20, 1912. PROMOTIONS IN THE NAVY.

Ensign William H. O'Brien, jr., to be an ensign, Gunner Edwin Alberts to be a chief gunner,

POSTMASTERS.

ARIZONA.

Louisa Ferrall, Grand Canyon. Reuben S. Galusha, Ashfork.

MISSOURI.

Frank L. Wilson, Bowling Green.

PORTO RICO.

America Rossy, Ensenada.

HOUSE OF REPRESENTATIVES.

SATURDAY, April 20, 1912.

The House met at 12 o'clock noon, and was called to order by the Speaker, who took the chair amid general applause. The Chaplain, Rev. Henry N. Couden, D. D., offered the fol-

lowing prayer:

O Thou who hast ever been our refuge and our strength, quicken every noble impulse within us, that we may control our passions, guard our lips, walk uprightly, keep our hearts free from guile and warm with brotherly love. That we may do unto others as we would be done by, and pass on our way rejoicing, and Thine be the praise forever. Amen.

The Journal of the proceedings of yesterday was read and

approved.

MEMORIAL FROM INTERNATIONAL SEAMEN'S UNION.

Mr. WILSON of Pennsylvania. Mr. Speaker, in view of the terrible disaster which recently occurred to the Titanic, by which a large number of lives were lost, the attention of the people has been focused upon the necessity for safeguarding travel at sea. Therefore I desire to ask unanimous consent that the memorial of the International Seamen's Union of America, prepared by their president, showing the viewpoint of those men of experience as to the necessity for and the best methods of safeguarding travel at sea, be inserted in the RECORD.

The SPEAKER. The gentleman from Pennsylvania [Mr. Wilson] asks unanimous consent that the memorial referred to be inserted in the RECORD. Is there objection?

There was no objection.

The following is the memorial above referred to:

MEMORIAL.

To the honorable the Senate and House of Representatives of the United States:

On behalf of the seamen your petitioners respectfully represent that—While the existing discrimination against the seamen is permitted to continue the United States can not become a sea power; that native Americans will not become seamen; and that the differential in wage cost of operation will prevent American vessels from competing on the

cost of operation will prevent American vessels from competing on the ocean.

First. "No person held to service or labor in one State, under the laws thereof, escaping into any other, shall, in consequence of any law or regulation therein, be discharged from such service or labor, but shall be delivered up on claim of the party to whom such service or labor may be due." (Art. IV, sec. 2, subsec. 3, Constitution.)

Under authority of this section Congress in 1791 passed the law giving to the ship power to enforce contracts made with seamen upon the seamen's body. This law—the fugitive-sailor law—in 1793 served as a model for the fugitive-slave law.

Under authority, presumably, of this section the United States entered into treaties with foreign nations for mutual arrest, detention, and delivery of deserted seamen to their vessels.

In 1865 the following amendment to the Constitution was adopted:

"Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States or any place subject to their jurisdiction." (Thirteenth amendment, Constitution.)

In 1867 the statutes were revised, and all compulsory labor, except as applicable to seamen, was stricken out, and in 1872 the laws compelling seamen to labor for a private person were made more drastic.

Under the treaties with foreign nations and these laws seamen, having signed contracts to labor in countries having a lower standard of living life and a lower wages, were forcibly compelled to continue to labor within the jurisdiction of the United States.

This produced a difference in the wage cost of operating vessels taking cargoes from ports of the United States, the difference being all in favor of the foreign vessel and sufficient in amount to gradually drive domestic vessels from the ocean. (Testimony, Merchant Marine Commission.)

In 1896 the seamen, believing that they came within the protection

favor of the foreign vessel and sufficient in amount to gradually drive domestic vessels from the ocean. (Testimony, Merchant Marine Commission.)

In 1896 the seamen, believing that they came within the protection of the thirteenth amendment, took this question to the Supreme Court, but in Robertson v. Baldwin (165 U. S., p. 275) the court held that the thirteenth amendment had no application to seamen. Justice Harlan illing an elaborate dissenting opinion, which resulted in abolishing the involuntary servitude of seamen in the domestic trade. (Act Dec. 21, 1898.)

In 1911 the Supreme Court again had occasion to construe the thirteenth amendment. In the case of Baily v. State of Alabama (219 U. S., p. 219) the court decided (we quote from the syllabus):

"While its immediate concern was African slavery, the thirteenth amendment was a charter of universal freedom for all persons of whatever race, color, or estate under the flag;" and

"The words "involuntary servitude" have a larger meaning than slavery, and the thirteenth amendment prohibited all control by coercion of the personal service of one man for the benefit of another."

We respectfully submit that we are persons and that we are within and subject to the jurisdiction of the United States; and

That Congress should now repeal all laws and abrogate all treaties under which we are subject to arrest, detention, and delivery to any man in order that he may compel us to labor for his benefit.

Second. Hon. WILLIAM B. WILLSON, of Pennsylvania, has introduced a bill, H. R. 11372. This bill is described in the following letter to the chairman of the Committee on the Merchant Marine and Fisheries, to whom the bill was referred:

WASHINGTON, D. C., March 4, 1912.

WASHINGTON, D. C., March 4, 1912.

Mr. Joshua W. Alexander, M. C.,
Chairman Committee on the Merchant Marine and Fisheries,
House of Representatives, Washington, D. C.
Dear Sir: You suggested, at the last hearing but one, that we should take up the bill H. R. 11372 section by section, and we tried to do as

you requested, but may have used too many words. We shall try to write such analysis herein and shall try to be as brief as we possibly can. The references made will be either to Senate Document 379, second session Sixty-first Congress, or to the navigation laws.

Section 1 amends present law by regulating the hours of labor at sea, by dividing the sailors into at least two and the firemen into three watches. (This is statute law of France and Germany—see pp. 19 and 23, Senate document; it is custom in England and custom protected by law in Norway—see pp. 27, same document.) In port, by establishing a legal nine-hour day, excepting on Sundays and legal holidays when no unnecessary work shall be required. (This is, in substance, the laws of France, Germany, Norway—see pp. 19, 23, and 28, S. Doc.)

Section 2 amends present law by increasing the penalty for its violation.

Section 2 amends present law by increasing the penalty for its violation.

Section 3 amends present law by striking out the following: "unless the contrary be expressly stipulated in the contract" and inserting in its place as follows: "and all stipulations to the contrary shall be held as void." Objections having been raised to this amendment that it would impose an unreasonable burden upon vessels that run regular passenger routes and are continually going into ports, the following exception was inserted: "within 48 hours after demand therefor."

The section thus amended is made applicable to seamen on foreign vessels while in American harbors, and the whole section becomes part of the means used to equalize the cost of operation of all vessels taking cargo out of any American port.

Section 4 amends existing law, dealing with survey in any foreign port, to what the law now is upon the same subject in a domestic port. (See R. S., 4556, p. 98, Navigation Laws.)

Section 5 amends existing law by striking out "not less than 72 cubic feet and not less than 12 square feet" and inserting "not less than 100 cubic feet and not less than 12 square feet."

This is now the law of England, France, Germany, and Norway (see pp. 15, 20, 24, and 31, S. Dec.), and by providing opportunity for cleanliness (French, German, and Norwegian law, pp. 20, 25, and 31, S. Doc.).

Section 6 amends existing law relating to discipline at see and persection for amends existing law relating to discipline at see and persection for amends existing law relating to discipline at see and persection for amends existing law relating to discipline at see and persection for amends existing law relating to discipline at see and persection for amends existing law relating to discipline at see and persection for amends existing law relating to discipline at see and persection and contracting the discipline at see and persection and contracting the discipline at see and persection of amends existing law relating to discipline at see and persection and c

than 100 cubic feet and not less than 12 square feet."

This is now the law of England, France, Germany, and Norway (see pp. 15, 20, 24 and 31, 8. Dec.), and by providing opportunity for cleanliness (French, German, and Norweglan law, pp. 20, 25, and 31, 8. Dec.).

Section 6 amends existing law relating to discipline at sea and personal freedom in a foreign port in the foreign trade by making the provide the provided of the pr

allow seamen on foreign vessels to leave their vessels in any port of the United States.

It abolishes the fugitive slave law, which when the laws were amended to correspond with the thirteenth amendment, were left upon the seamen, and, together with sections 3, 5, 6, and 13 of this bill, it will, when enacted, do what has been sought for during these last 40 years or more, namely, equalize the cost of operation in vessels taking cargoes out of ports of the United States.

Seamen's wages depend upon the port and the trade, not upon the flag, and by permitting the seamen to leave in our ports and to reship under the same laws that govern shipment in domestic vessels, the foreign vessels must cease to bring men whom they can not take away, except as passengers, and they will be compelled to pay not only to their sailors and firemen but to their officers the same wages that are current in that particular port.

We have labored with the public and with Members of Congress for about 20 years to bring about these changes in the maritime law. From time to time some of it passed the House and failed in the Senate, some passed the Senate and failed in the House. We have called attention to the fact that native Americans are shunning the sea because of conditions under which we are compelled to live and labor. We have so far failed, because our voice is feeble and our opponents are

strong. The voice of the bondman is silenced or overcome by the voice of the master unless those that listen have an ear attuned to the voice of the bondman and a conscience that compels action. It may be the duty of the statesman to listen to conscience only when material interests are thereby served; if so, there is in this measure sufficient of material interest to quicken the conscience, because in this bill are the means of doing without cost to our people what very many have been willing to expend millions of dollars per year to accomplish, and the more complete and humane the law is made the more effective it will be. The employers who oppose this bill secretly urge that its passage will put the employers at the mercy of the unions of seamen; they would have you believe that herein is the real purpose and danger of passing this measure. The bill leaves to the employer the entire seafaring population of the world, regardless of race or nationality, from which to draw their seamen, insisting only upon the necessary skill and knowledge of language spoken by the officers of vessels. The fear of union domination, if honest, is without justification.

Hoping and trusting that the bill may be speedily reported out of committee and passed through the House so that it may have time to pass the Senate at an early date, we beg to remain,

Very respectfully, yours.

Andrew Furuseth,
President International Scamen's Union of America.
PATRICK FIYNN,
First Vice President, Representing the Marine Firemen.

Third. We believe that the passage of this bill will gradually equalize the wage-cost operating vessels under foreign and American ilags if sailing from any American port. Our reason for our belief is set forth in the following memorandum, which was submitted to the President of the United States on March 25, 1912:

To the PRESIDENT.

if sailing from any American port. Our reason for our belief is set forth in the following memorandum, which was submitted to the President of the United States on March 25, 1912;

To the President.

Mr. President:

Mr. Pr

laws.

Pass this bill and the equal of a great subsidy will have been given to American shipping and conditions will gradually so change that the American will again seek the sea and there will be no difficulty in getting the right kind of men for the American Navy.

Respectfully submitted.

Andrew Furuseth, President,
Patrick Flynn, First Vice President,
International Scamen's Union of America.

MARCH 25, 1912.

Fourth. The gradually diminishing skill of men employed on steamers is dangerous to life and property at sea; altered conditions have

changed the risk and liability of the shipowner; it has been shifted to the public. On this question we submit the following memorandum, which was submitted to the majority members of the subcommittee:

APRIL 5, 1912.

To members Committee on the Merchant Marine and Fisheries:

Gentlemen: Speaking for the seamen, we respectfully represent that: Many years ago the shipowner was responsible to the traveling public for any failure to provide either an efficient crew or a proper vessel, any failure resulting in loss of life, health, or limb of the traveler was subject to damages which might bankrupt the shipowner. Limited liability has changed this. (See pp. 108, 109, 110, 111, and 137 of navigation laws.)

The shipowner was liable to the charterer for the freight or its value.

traveler was subject to damages which might bankrupt the shipowner. Limited liability has changed this. (See pp. 108, 109, 110, 111, and 137 of navigation laws.)

The shipowner was liable to the charterer for the freight or its value.

Limited liability has changed that.

The owner might lose his all by the loss of the vessel.

A carefully worked out system of insurance has abolished that. When the shipowner was liable to lose his all his self-interest was sufficient to cause him to have a stanch vessel and an efficient crew. Protection from loss through limited liability or Insurance altered that. All this, or at least part of it, has been recognized by the enactment of laws compelling vessels to be well built and properly equipped.

It was found that the shipowner evaded those laws or simply disregarded them, and that life and property was not safe in his keeping; therefore the Government went to the expense of establishing an inspection service.

Laws had to be made penalizing the inspectors, because they could be, and they were, corrupted.

It was found that because there was no special standard provided below which the vessel and her equipment must not be, in order to pass, there could be no conviction of either the owner or the inspector.

Special standards were adopted for the vessel, for her steering gear, her machinery, her boilers, her staitways, her life buoys, her davits, her boats and their equipment. All these had to be of a definite standard and a specific number before the steamer was or is permitted to provide these things. Inspectors had to be given a definite standard to go by in their inspection, and had to be penalized because they were subjected to see all these appliances.

The shipowner may take his vessel to sea with a crew not one of whom has any experience or can understand the orders given.

Why all this care about the vessel, her equipment, and tools for saving life and property and this total disregard of whether there are men to use fall these appliances.

The shipowner may take h

There is a law regulating these matters in New Zealand. You have this law.

The Commonwealth of Australia is considering the same kind of law introduced by the Government, and the law must pass or the Government must step out. You have this information.

Great Britain has rules, having the force of law, that to some extent regulate the manning of not only their own but foreign vessels when within the jurisdiction of her laws.

Germany has some pretty effective rules on this subject. You have the translation of those rules.

The United States Senate adopted an amendment to a House bill in 1905, after the Slocum disaster; it was never permitted to come before the House or you would not now be considering this particular question. You have that amendment.

Some shipowners are protesting. They claim that their self-interest is sufficient to guarantee proper men being employed. If they are to be believed, why expend the people's money on an inspection service? Should there not be some definite standard of skill?

Should not this standard be set by the Government—that is, by law? Is it safe to leave it to either of the contending parties?

Respectfully submitted.

Address Furnsery, President,

Patrick Furns, First Vice President.

Andrew Furuseth, President, Patrick Flynn, First Vice President, International Seamen's Union of America.

SPEAKER PRO TEMPORE AT SUNDAY SESSION.

The SPEAKER. The Chair designates the gentleman from Kansas [Mr. Neeley] to preside at the memorial service for the late Representative MITCHELL to-morrow.

ENROLLED BILLS SIGNED.

Mr. CRAVENS, from the Committee ou Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles, when the Speaker signed the same:
H. R. 20190. An act to extend the time for the construction

of a dam across Rock River, Ill.; and H. R. 16306. An act to provide for the use of the American National Red Cross in aid of the land and naval forces in time of actual or threatened war.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed bills of the following titles, in which the concurrence of the House of Representatives was requested:

S. 5428 An act to amend section 1 of an act entitled "An act to provide for an enlarged homestead," approved February 19,

S. 5548. An act authorizing the Secretary of the Interior to convey a certain tract of land to the Minnesota & Manitoba Railroad Co.;

S. 4663. An act granting to the Washington-Oregon Corporation a right for an electric railroad, and for telephone, telegraph, and electric-transmission lines across the Vancouver Military Reservation, in the State of Washington;

S. 5545. An act providing for the issuing of patent to entry-

men for homesteads upon reclamation projects;

S. 6354. An act to perpetuate and preserve Fort McHenry and the grounds connected therewith as a Government reservation under the control of the Secretary of War and to authorize its partial use as a museum of historic relics;

S. 5309. An act to amend section 3 of the act of Congress ap-

proved May 14, 1880 (21 Stat. L., p. 140); S. 3925. An act providing for an increase of salary of the

United States marshal for the district of Nevada;

S. 5668. An act to provide for the purchase of a site and the erection of a public building thereon at Cape Charles, in the State of Virginia;

* S. 2346. An act to establish a fish-cultural station in the State of Florida;

S. 4599. An act for the relief of Frederick Beckstein and

S. 4930. An act to carry into effect the provisions of a convention for the unification to certain rules with respect to assistance and salvage at sea; and

S. J. Res. 97. Joint resolution authorizing the Fifteenth International Congress on Hygiene and Demography to occupy temporary structures erected by the American Red Cross and to erect temporary structures in Potomac Park, Washington,

The message also announced that the Senate had passed

without amendment bill of the following title:

H. R. 16101. An act providing for patents to homesteads on the ceded portion of the Wind River Reservation in Wyoming.

The message also announced that the Senate had passed with amendments the bill (H. R. 18336) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war, in which the concurrence of the House of Representatives was requested.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees as indicated below:

S. 5428, An act to amend section 1 of an act entitled "An act to provide for an enlarged homestead," approved February 19,

1909; to the Committee on the Public Lands,

S. 5548. An act authorizing the Secretary of the Interior to convey a certain tract of land to the Minnesota & Manitoba Railroad Co.; to the Committee on the Public Lands.

S. 4663. An act granting to the Washington-Oregon Corporation a right for an electric railroad, and for telephone, tele-graph, and electric-transmission lines across the Vancouver Military Reservation, in the State of Washington; to the Committee on Military Affairs.

S. 5545. An act providing for the issuing of patent to entrymen for homesteads upon reclamation projects; to the Committee on Irrigation of Arid Lands.

S. 6354. An act to perpetuate and preserve Fort McHenry and the grounds connected therewith as a Government reservation under the control of the Secretary of War and to authorize its partial use as a museum of historic relics; to the Committee on Military Affairs.

S. 5309. An act to amend section 3 of the act of Congress approved May 14, 1880 (21 Stat. L., p. 140); to the Committee on the Public Lands.

S. 3925. An act providing for an increase of salary of the United States marshal for the district of Nevada; to the Committee on the Judiciary.

S. 5668. An act to provide for the purchase of a site and the erection of a public building thereon at Cape Charles, in the State of Virginia; to the Committee on Public Buildings and Grounds.

S. 2346. An act to establish a fish-cultural station in the State of Florida; to the Committee on the Merchant Marine and Fisheries.

S. 4599. An act for the relief of Frederick Beckstein and

others; to the Committee on Claims.

S. J. Res. 97. Joint resolution authorizing the Fifteenth International Congress on Hygiene and Demography to occupy temporary structures erected by the American Red Cross and to erect temporary structures in Potomac Park, Washington, D. C.; to the Committee on Public Buildings and Grounds.

PURLICITY OF CAMPAIGN CONTRIBUTIONS.

Mr. HENRY of Texas. Mr. Speaker, I desire to submit the

following resolution from the Committee on Rules.

The SPEAKER. The gentleman from Texas [Mr. Henry] submits the following privileged resolution from the Committee on Rules, which the Clerk will report.

The Clerk read as follows:

House resolution 498 (H. Rept. 581).

Resolved, That immediately upon the adoption of this resolution the House shall proceed to consider the bill (H. R. 23349) entitled "A bill providing for the publicity of contributions and expenditures for the purpose of influencing or securing the nomination of candidates for the offices of President and Vice President of the United States," and at the end of two hours a vote shall be taken on all pending amendments and on the bill to final passage.

Mr. MANN. Mr. Speaker—
The SPEAKER. Does the gentleman from Texas [Mr. Henry] yield to the gentleman from Illinois [Mr. Mann]?

Mr. HENRY of Texas. For a question. Mr. MANN. Is it the purpose, according to the form of the resolution, to consider that bill to-day and cut out the debate on the Post Office appropriation bill?

Mr. HENRY of Texas. It is the purpose to consider that bill to-day. This will not cut out the consideration of the Post Office appropriation bill only so far as we occupy time prior

thereto. It will only postpone it.

Mr. MANN. I will say to the gentleman that I have not examined the bill yet, not supposing it would come up so soon, although the bill has been reported. I had supposed that under the rule that was adopted Thursday we would proceed with the Post Office bill.

Mr. HENRY of Texas. The rule this morning provides for two hours' general debate, and the gentleman will have time in the meantime to examine it. It is a very short bill—H. R.

23349—and it is very important to get it up at this time.

Mr. UNDERWOOD. If the gentleman from Texas [Mr. Henry] will yield, I will say to the gentleman from Illinois that the Congress has already adopted the plan of publicity of campaign funds for Members of Congress and Senators. This is merely an extension of what is already the law to the condidates for nomination to the Presidency. It is a bill of no great length. As a matter of fact, as the policy has already been agreed to by both sides of the House, it does not seem to me there can be much contention over a proposition to merely extend the present law-

Mr. MANN. There would probably not.

Mr. UNDERWOOD (continuing). To other candidates in

national political fields.

Mr. MANN. Still, as a matter of practice in the House it is only fair to Members of the House that they have some idea as to when bills could be called up. The House having passed the rule on Thursday providing that immediately on the passage of that rule the House should proceed to five hours' general debate on the Post Office bill, I think that Members have the right to assume that that rule would be in force and not a new rule brought in to take its place.

Mr. UNDERWOOD. I will say to the gentleman that if it is the purpose of this Congress to have the campaign expenditures in the present contest published it will be necessary to take action at an early date or most of the expenditures will have been made and the campaign will be practically over.

Mr. MANN. That is probably true. That was true also on

Thursday before the other rule was brought into the House. The publicity bill had then been reported to the House.

Mr. HENRY of Texas. Mr. Speaker, it was well understood that this resolution would be brought up to-day.

Mr. MANN. Understood by whom? Mr. HENRY of Texas. By the Committee on Rules; by the

gentleman's colleagues on the committee.

Mr. MANN. That does not make any difference. Here we have a rule presented to the House on Thursday, passed by the House, providing that immediately upon the adoption of the rule we should do one thing. Now the gentleman introduces and proposes another rule to do the contrary thing, although both bills were then on the calendar. It is not fair to the Members of the House.

Mr. HENRY of Texas. Mr. Speaker, the other rule was simply a continuing order, and the five hours' debate was to be taken up when the House resolved itself again into Committee of the Whole House on the state of the Union to further consider the Post Office appropriation bill, and this simply postpones that.

Mr. MANN. Mr. Speaker, if the gentleman will permit me, I will read a part of the rule that we adopted on Thursday:

And on the other subjects included in this resolution there shall be five hours of general debate, to follow immediately on the adoption of this resolution—

Mr. HENRY of Texas. When the House is again in Committee of the Whole House on the state of the Union for the purpose of considering the Post Office appropriation bill.

Mr. MANN. Nothing was said about that.
Mr. HENRY of Texas. If not, this rule could supersede it to that extent. But there was no such idea on the part of the committee, because it was not necessary. It simply postponed the consideration of the Post Office appropriation bill for two hours in order to take up this matter. There is no objection to it on this side and there should be none on that.

Mr. MANN. If we find a rule brought in to do something which was not intended to be done, it seems to me the House ought to have the opportunity to scan the different provisions

of the bill to see whether they are in favor of the policy or not.

Mr. HENRY of Texas. Well, there is no question of unfairness about it. You ought to be willing to meet this question of publicity now.

Mr. MANN. I am always willing to meet the question of publicity.

Mr. HENRY of Texas. Yesterday nobody was against considering a claims bill.

Mr. MANN. You could not consider a claims bill yesterday. A gentleman who frames rules should say what the facts are.

Mr. HENRY of Texas. It was not intended, Mr. Speaker, that it should be interfered with.

Mr. MANN. The gentleman should frame his rule according to what he wants to say.

Mr. HENRY of Texas. I think we have done so.

Mr. MANN. When the gentleman said "immediately," I sup-

mr. NAVNE. When the gentleman said infinitely, I sapposed that meant immediately.

Mr. PAYNE. Mr. Speaker, will the gentleman yield?

The SPEAKER. Will the gentleman from Texas yield to the gentleman from New York?

Mr. HENRY of Texas. I do. Mr. PAYNE. I do not know anything about the terms of this bill. I assume the chairman of the Committee on Rules does know about it. I would like to ask him whether anyone is required to file a statement except the candidates themselves?

Mr. HENRY of Texas. It does not say the candidates themselves, but all the committees or any person representing them.

I think it reaches the difficulty.

The SPEAKER. The Chair thinks that this proposed rule would simply suspend the rule passed the other day pro tanto, and if that rule that was passed the other day had been literally construed it would have been the duty of the House to have resolved itself into Committee of the Whole House on the state of the Union immediately after the passage of that rule the other day, and to have gone into that 15 hours' debate. That is what the word "immediately" means. As a matter of fact, the Chair consulted with the gentleman from Tennessee [Mr. Moon about that rule after it was passed, and we both concluded that it did not mean any such thing as that at 6 o'clock in the evening the House should resolve itself into Committee of the Whole House on the state of the Union to discuss the Post Office appropriation bill. The Chair holds that the gentleman from Texas [Mr. HENRY] is in order.

Mr. MANN. I do not make a point of order on the matter, Mr. Speaker. Of course, the House has the right to make its rules, but the Members of the House, supposing, as they had the right to suppose, that this day would be devoted to general debate on that bill, are very generously absent from the Cham-

ber, and it is not fairness to the House.

Mr. HENRY of Texas. Mr. Speaker, I had moved the previous question. The SPEAKER. The gentleman from Texas [Mr. HENRY]

moves the previous question.

The previous question was ordered.

The SPEAKER. There will be 20 minutes debate on a side. Mr. HENRY of Texas. It seems to me we have already had debate, and that all debate is exhausted—the debate between the gentleman from Illinois [Mr. Mann] and myself. The SPEAKER. The Chair is of opinion that a fair con-struction would construe that into a debate. The question is

on the adoption of the resolution.

The question was taken, and the resolution was agreed to.

CONDOLENCE OF THE CUBAN REPUBLIC RESPECTING THE "TITANIC" DISASTER.

The SPEAKER laid before the House the following communication from the President of the Cuban Senate:

CUBAN GÖVERNMENT, Habana, April 19, 1912.

To the Speaker of the House of Representatives, Washington, D. C.:

The Senate of the Republic of Cuba in session held vesterday resolved unanimously to express its condolence through the House of Representatives to the people of the United States of America for the loss of life in the terrible disaster of the steamship Titanic.

DR. Antonio Gonzalez Perez,

President of the Senate.

PUBLICITY OF CAMPAIGN CONTRIBUTIONS.

The SPEAKER. The gentleman from Texas [Mr. HENRY] has one hour and the gentleman from Pennsylvania [Mr. Dalzell] an hour.

Mr. MANN. The gentleman from Texas [Mr. Henry] may be entitled to an hour if he gets recognition. The Speaker can not

yet declare who will have the floor.

The SPEAKER. The Chair was not listening very closely to the rule, but he understood that the rule provided for that.

Mr. HENRY of Texas. Mr. Speaker, I assumed that I would be recognized for an hour and the gentleman from Illinois [Mr. MANN] for an hour.

Mr. MANN. I should assume that the chairman of the committee which reported the bill would be entitled to an hour under the rule of the House and that the ranking Member of the minority on the committee would be entitled to the other hour.

Mr. HENRY of Texas. That would be true if I had not been seeking recognition, and thought I was recognized. Of course

I have no objection to the gentleman from Missouri [Mr. Rucker] controlling the time, and ask that he control the time on this side, and that the gentleman from Illinois [Mr. MANN] control the time on the other side.

Mr. MANN. Whoever gets the floor is entitled to an hour—on either side. I do not ask for recognition on this side at this

The SPEAKER. The gentleman from Texas [Mr. HENRY] asks unanimous consent that the hour in the affirmative on this bill be controlled by the gentleman from Missouri [Mr. Rucker].

Mr. HENRY of Texas. And I should like to stop right there. Mr. MANN. If the gentleman from Missouri [Mr. Rucker] is recognized, he is entitled to an hour. If he is not, that is the only way

Mr. HENRY of Texas. We can adjust that. I ask that the gentleman from Missouri [Mr. Rucker] be allowed to control

the time on this side.

The SPEAKER. The Clerk will report the bill, and then the Chair will recognize the gentleman from Missouri [Mr. RUCKER

The bill (H. R. 23349) was read, as follows:

The bill (H. R. 23349) was read, as follows:

Be it enacted, etc., That the president, chairman, secretary, manager, or other person in charge of any political headquarters, bureau, or committee of any political organization or party which shall attempt to influence or secure the nomination of any person as a candidate for the office of President or Vice President of the United States shall, within 30 days next after the calling of the national nominating convention or within 30 days next after the fixing of the date of a national primary election for the nomination of candidates for President and Vice President of such political party, file in the office of the Secretary of the Senate of the United States at Washington, D. C., with said Secretary an itemized detailed statement, and on each 15th day thereafter until such nominating convention or primary election shall be held said president, chairman, secretary, manager, or other person in charge of such headquarters, bureau, or committee shall file with said Secretary of the Senate a supplemental itemized detailed statement. Each of said statements shall conform to the requirements of the following section of this act, except that the supplemental statements herein required need not contain any item of which publicity has been given in a previous statement. Each of said statements shall be full and complete and shall be signed and sworn to by the person making the same: Provided, That if a national nominating convention shall have been called before this act becomes law then the first statement herein required shall be made within 30 days after the approval of this act.

It shall also be the duty of said president, chairman, secretary, manager, or other person in charge of such headquarters, bureau, or committee to file a similar statement with said Secretary of the Senate shall be deemed a filing of such sta

and the amount or sum contributed, promised, loaned, or advanced by

and the amount or sum contributed, promised, loaned, or advanced by each.

Second. The aggregate sum contributed, promised, loaned, or advanced to the president, chairman, secretary, manager, or other person in charge of such political headquarters, bureau, or committee, or to any officer, member, or agent thereof, in amounts of less than \$100.

Third. The total sum of all contributions, promises, loans, and advances received by the president, chairman, secretary, manager, or other person in charge of such political headquarters, bureau, or committee, or any officer, member, or agent thereof.

Fourth. The name and address of each person, firm, association, or committee to whom the president, chairman, secretary, manager, or other person in charge of such political headquarters, bureau, or committee, or any officer, member, or agent thereof, has distributed, disbursed, contributed, loaned, advanced, or promised any sum of money or its equivalent of the amount of \$10 or more, stating the amount or sum distributed, disbursed, contributed, loaned, advanced, or promised to each, and the purpose thereof.

Fifth. The aggregate sum distributed, disbursed, contributed, loaned, advanced, or promised by the president, chairman, secretary, manager, or other person in charge of such political headquarters, bureau, or committee, or any officer, member, or agent thereof, where the amount or value of such distribution, disbursement, loan, advance, or promise to any one person, firm, association, or committee in one or more items is less than \$10.

Sixth. The total sum disbursed, distributed, contributed, loaned, advanced, or promised by the president, chairman, secretary, manager, or other person in charge of such political headquarters, bureau, or committee or promised by the president, chairman, secretary, manager, or committee, or any officer, member, or agent thereof, where the amount or value of such distribution, disbursement, loan, advance, or promise of such political headquarters, bureau, or com-

Sixth. The total sum disbursed distributed, contributed, loaned, advanced, or promised by the president, chairman, secretary, manager, or other person in charge of such political headquarters, bureau, or committee, or any officer, member, or agent thereof.

SEC. 3. That every person willfully violating any of the foregoing provisions of this act shall, upon conviction, be fined not more than \$5,000 or imprisoned not more than three years, or both.

Mr. RUCKER of Missouri. Mr. Speaker, the rule just adopted provides for two hours' general debate. I ask unanimous consent that some member of the committee from which this bill was reported may control the hour on that side.

Mr. MANN. I do not see any necessity for unanimous consent. A member of the minority opposed to the bill, if there is one, has the right to recognition on this side.

Mr. RUCKER of Missouri. If there is no one on the committee opposed to the bill-

The SPEAKER. The chair will recognize the gentleman from Missouri [Mr. Rucker] for one hour, to dispose of the time as he pleases, and the Chair will recognize the ranking Republican on the committee for the other hour if he is opposed to the measure.

Mr. SHERLEY. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.
Mr. SHERLEY. Will it be in order, during the two hours' debate, to offer amendments to the bill without having been recognized for debate of the bill?

The SPEAKER. If any Member gets the floor in his own

right, he can offer an amendment.

Mr. SHERLEY. I appreciate that, but my inquiry is this: The statement of the Chair indicates that the time is now going to be disposed of entirely by yielding an hour to a gentleman on the majority side and an hour to a Member on the minority side. Now, this is a bill that could properly be read under the five-minute rule and thereby perfected. Will it be possible for any Member desiring to offer an amendment to offer such amendment before a final vote is taken on the passage?

The SPEAKER. The Chair does not believe that under the language of this rule any amendment can be offered after the

two hours' debate.

Mr. MANN. A parliamentary inquiry, Mr. Speaker. The SPEAKER. The gentleman will state it.

Mr. MANN. The rule fixes the time for debate at two hours. The SPEAKER. That is the impression of the Chair. Mr. MANN. But the rule does not order the previous ques-

tion at the end of that time, so that I take it an amendment would be in order, but not subject to debate.

Mr. SHERLEY. That is the exact proposition—
The SPEAKER. The Chair will read the latter portion of this rule:

At the end of two hours the vote shall be taken on all pending amendments and on the bill to the final passage.

Mr. HENRY of Texas. Mr. Speaker, just one moment. The intention was to bring all amendments and the bill to a vote at the expiration of two hours. An amendment can be offered at the end of two hours, but there can be no debate on it, and the vote must then come on the amendment and the bill.

The SPEAKER. The Chair was at first under the impression that it would shut out amendments, but the Chair does not now believe that it will. The Chair believes the amendment would have to be voted on without debate, however.

Mr. SHERLEY. The rule says that they must be pending. The SPEAKER. And they would be pending if the Chair recognized any Member to offer one.

Mr. SHERLEY. But if the two hours are taken up by Mem-

bers already recognized, the Chair would have no opportunity to recognize anybody else.

The SPEAKER. The rule is that when a Member gets recognition in debate, there being no special rule to the contrary,

he shall have an hour. If the gentleman from Missouri uses up his hour, it would only be fair for the Chair to recognize the leading Member of the minority or some Member opposed to this, if anybody is opposed to it. The Chair, however, will at the end of two hours' debate recognize anybody to offer an amendment, but shut off debate on the amendment.

Mr. MANN. That goes beyond the rule, but everybody be-

lieves that it is right.

Mr. RUCKER of Missouri, Mr. Speaker, I have been trying to get recognition by the Chair in order to state to the Speaker and the gentleman from Kentucky [Mr. Sherley] that in order to be sure that his amendment would be pending I myself would yield him time to offer the amendment; but the Chair has obviated the necessity of my making that statement. Mr. Speaker, the report which accompanies this bill is very short and fully explains the purposes of the bill. Within the last two years this House, by a vote which was not partisan, but generously given by gentlemen on both sides, has passed two publicity acts which now on the statute books.

This bill seeks simply to extend the provisions of those acts to parties not covered by the existing law. It extends them to the president, secretary, manager, or person in charge of political headquarters, bureaus, or committees seeking to secure the nomination of candidates for the Presidency of the United

I believe there is widespread demand for this legislation, and I believe that demand is so thoroughly reflected in the sentiment and judgment of the membership of this House that two hours is much more time than is needed to discuss the provisions of the bill.

Let me say that I take but little stock in newspaper reports which cast reflections upon the character of distinguished citizens of the United States; but if reports that reach us through the daily press are true, if they are approximately true, they appeal to us loudly and earnestly for prompt action on this

measure. If it be true that certain candidates have expended the amount of money the newspapers tell us have been expended in certain States, I say the Federal Government ought to reach out its strong hand and require the gentlemen connected with the ex-penditure of that money to show from whence it comes and for

what purpose it is being expended.

I am glad to say that many distinguished gentlemen in the I am glad to say that many distinguished gentlemen in the United States have already expressed their approval of this legislation. I was glad to hear this morning, in the colloquy that occurred on the floor of this House, the distinguished leader of the House, the gentleman from Alabama [Mr. Underwood] plead that this bill might be considered to-day. [Applause,] I feel assured by his action here that he will give his vote and support in passing this measure promptly through the

House and sending it to the other end of the Capitol.

A distinguished citizen of the United States, a resident of
New Jersey, has recently sent a telegram to a Member of this House, which I read this morning in the Commoner, in which he gives his approval. I desire to have the Clerk read the telegram from Gov. Wilson which I send to the desk.

The Clerk read as follows:

[From the Commoner, Apr. 19, 1912.]

I am heartily in favor of legislation requiring publicity of contributions to presidential campaign funds, including both the contest for nomination and for election, and of their publication before the contests. Indeed, I think such legislation absolutely necessary to the purification and elevation of our politics. It would absolutely open the field to public view in which sinister influences are most apt to lurk and

Mr. RUCKER of Missouri. Now, if the Clerk will pause right there; thus we have it from a distinguished gentleman who hopes to be the Democratic nominee for President that he favors this resolution. I now ask the Clerk to read the editorial statement following the telegram just read.

The Clerk read as follows:

Speaker CLARK has also declared in favor of the same measure.

Mr. RUCKER of Missouri. Now, if the Commoner correctly quotes the facts, and I am sure it does, then the last-named gentleman, the distinguished Speaker of this House, who will be the next Democratic nominee for President, is also in favor

of this measure. [Loud applause.]

Mr. Speaker, I have no desire whatever to embarrass the presiding officer of the House, but prompted by the spirit of goodfellowship and hearty approval which greeted the remarks just uttered by me, let me say that all of us, the friends of the Speaker of this House, bow in gratitude to the splendid Democracy of Oklahoma, Kansas, Arkansas, Illinois, Wisconsin, and Iowa, and to the splendid Democracy of Nebraska, and away over to the Pacific slope, to the Democracy of Oregon; and we, the Speaker's friends, will go with him as he seeks to woo and best bill—to secure the desired results, not in the next Congress,

win the hand and heart of the Democracy of Massachusetts. which I believe will soon give a favorable answer to his ap-[Applause.]

Mr. DYER. Mr. Speaker, will the gentleman yield?

Mr. RUCKER of Missouri. Certainly.

Mr. DYER. I would like to ask the gentleman if he has heard from Nebraska?

Mr. RUCKER of Missouri. Mr. Speaker, I am proud to say that I have heard from Nebraska, and that the Speaker of this House is running like a "houn' dawg" in Nebraska. [Renewed applause.] Mr. Speaker, I desire to apologize for the last statement, but it came to my lips as a quotation from some verses I recently read. [Laughter.] I want to say that the glad tid-ings which swept over this country since last midnight from Nebraska has kindled anew the fires of hope in the heart of every man who wants to see and who believes he will see the Speaker of this House nominated and elected the next President of the United States. [Applause.]

Mr. Speaker, it is not in the interest of any favorite that I ask that this law be passed. It is in the interest of the great mass of the people of the United States. We Democrats in this House, aided by our good Republican friends who are just as sincere in this matter as we are, in my belief, want to make it impossible for the elections in this country to be longer debauched as the press tells us they have been debauched in the

Mr. BATHRICK. Mr. Speaker, will the gentleman yield? The SPEAKER pro tempore (Mr. Stephens of Nebraska). Does the gentleman from Missouri yield to the gentleman from

Mr. RUCKER of Missouri. I yield.

Mr. BATHRICK. Mr. Speaker, I quote from the law recently passed governing the election of Congressmen:

Every person who shall be a candidate for nomination at any primary election or nominating convention, or for election at any general or special election, as Representative in the Congress of the United States, shall, not less than 10 nor more than 15 days before the day for holding such primary election or nominating convention * * * file with the Clerk of the House of Representatives at Washington,

And so forth.

The gentleman will note there that the candidate himself is included within the provision of the law. Why is not the candidate for the Presidency and Vice Presidency included within the provisions of the bill now before us in the matter of the publication of campaign expenses? Theirs being more important offices, why is it not more important that they should

report than in case of Congressmen?

Mr. RUCKER of Missouri. Mr. Speaker, I will answer the gentleman with pleasure. My answer may not be satisfactory. In the first place, it is a little indelicate to require a man seeking the exalted office of President of the United States to make a sworn statement as to the amount of money that he expends. In the next place, we know that the candidate for President can not and does not himself expend campaign funds, except through the medium of committees, and this law, with the other laws that are in force, will require publicity as to every contribution made by a man seeking that high office.

Mr. BATHRICK. What is to prevent the candidate himself

from receiving large contributions from any source?

Mr. RUCKER of Missouri. If he receives contributions and does not use them, they will not debauch the multitudes; if he uses them, then the committees expending them must give publicity. Then, again, at present we do not vote for the candidate for President of the United States, as we hope some day to do. We vote for electors who in turn vote for the President.

Mr. KOPP. Mr. Speaker, will the gentleman yield?

Mr. RUCKER of Missouri. Certainly.

Mr. KOPP. Does the gentleman consider this bill broad enough to cover the operations of an individual who may go about the country expending money in behalf of any given candidate?

Mr. RUCKER of Missouri. We sought to make the law broad

enough to cover that.

Mr. KOPP. Who may not have any connection with any

headquarters or any bureau?

Mr. RUCKER of Missouri. The committee and the gentleman who drafted the bill, the gentleman from Texas [Mr. Henry], sought to make it broad enough. It may not be, but let me suggest to the gentleman from Wisconsin [Mr. Kopp] this is quite as good a bill, I believe, as we will be able to pass at this session of Congress. I grant that after a while, after the people have been heard from still further, we may pass a more drastic

and a more satisfactory law.

Mr. KOPP. Mr. Speaker, I differ with the gentleman in this respect, that I believe this House is ready to pass any bill—the

but now. [Applause.] I call the gentleman's attention to this language:

That the president, chairman, secretary, manager, or other person in charge of any political headquarters, bureau, or committee, etc.

Suppose a wealthy man-and we have plenty of them who are interested in the elections-shall take \$25,000 and go from State to State and distribute it, is it the gentleman's judgment that that is covered by the wording of this bill?

Mr. RUCKER of Missouri. To be frank about it, I doubt it.

Should not it cover it? Mr. KOPP.

Mr. RUCKER of Missouri. I will be glad to see it put into the law of the United States, but I ask the gentleman, does he believe that such a law would pass?

Unless some one shall show why it is unrea-Mr. KOPP.

sonable, I think it will pass; yes.

Mr. RUCKER of Missouri. Mr. Speaker, I recognize the good faith of the gentleman who is now addressing me and know that he would go as far as any of us in making this bill all any citizen would desire it to be, but this House alone can not act; all measures must run the gantlet in another branch of the Legislative Assembly, and we are trying to get the best we can get.

Mr. KOPP. Does the gentleman think that relieves us of the responsibility of doing what we think is right? [Applause.]

Mr. RUCKER of Missouri. The gentleman thinks that we to deal with conditions as we find the have to deal with conditions as we find them and, knowing the difficulties which have arisen in seeking to secure that which we have been desiring so many years, we should now take just as much of good legislation as another body will permit us to engraft into the law.

Mr. KOPP. If that amendment is not put into the law, does not the gentleman concede it would be a very simple matter to

evade this provision?

Mr. SHERLEY. Mr. Speaker—
Mr. RUCKER of Missouri. Let me answer the gentleman once more, and then I hope he will excuse me. I say I would be very glad to welcome that as part of this legislation, but I did not believe it was advisable to put it in this bill, and therefore it is not in the bill. I am in full sympathy with the suggestions made by the gentleman.

Mr. KOPP. Just one more question.
Mr. RUCKER of Missouri. I yield to the gentleman.
Mr. KOPP. Is it not a fact that when the last corrupt practices bill was passed in this House and went to the Senate it was amended and improved, and does the gentleman think we are not justified in putting in all we think that is right, because of the fear that the Senate will strike it out? [Ap-

plause.]

Mr. RUCKER of Missouri. Mr. Speaker, the gentleman who just propounded the question to me almost provokes me to do that which the rules of this House forbid, and that is to disclose matters which transpired in conference, and let me say here now I have no respect for the rule, I have no respect for any rule made by any political party or any set of men which hides from public view the acts of public servants. [Applause.] And I want to say to you now-

But that I am forbid
To tell the secrets of my prison house (the conference room),
I could a tale unfold, whose lightest word
Would harrow up thy soul, freeze thy young blood,
Make thy two eyes, like stars, start from their spheres,
Thy knotted and combined locks to part
And each particular hair to stand on end,
Like quills upon the fretful porcupine.

[Applause.]

I could tell you how distinguished gentlemen, powerful gentlemen, labored with my friend from New York [Mr. Conny] and myself not only to modify but to absolutely destroy, as I regarded it, most of the good legislation the Senate of the United States added to that bill, and I want to tell the gentleman that if it had not been for the great majority of the membership of this House, coming fresh from the people and standing firmly to their guns, that conference committee would never have reported the bill which became law. We are tied up on another piece of legislation which the people are clamoring for and for which the gentleman is clamoring. Why do not we get it? Go ask somebody why we do not get it, but do not ask me. I now yield to the gentleman from Kentucky [Mr. Sherley].
Mr. Sherley. Mr. Speaker, I would like to suggest this

thought to the gentleman: We nominate, or, rather, we select by States, citizens to the nominating convention. If publicity is to be of value, that publicity ought to come prior to the primary election or the convention that is held in each particular State. Now, it has been currently rumored in the press that a great deal of money was spent in Pennsylvania in connection with the primary held there for the selection of delegates to a

national convention. Does the gentleman think that this law makes certain the publication in each instance prior to the holding of the primary or State convention of contributions of money expended in a particular State?

Mr. RUCKER of Missouri. Mr. Speaker, the gentleman from Kentucky [Mr. Sherley] knows very well there must be some time fixed to begin. This act provides that the first publication shall be within 30 days after the calling of a national convention or the fixing of a date for a national primary.

And that seems to be as near as we can get to it. That, I be-

lieve, will antedate the action of any State in the Union.

Mr. SHERLEY. 'I want to suggest to the gentleman this idea: That instead of making fixed periods of time of, say, 15 days, it might be advisable to have a provision that required within 3 days or 5 days prior to holding the convention or primaries in any State that as to all moneys expended in that State a statement should be made public, because it is entirely possible that money is put out just prior to the holding of a primary, and the time might come prior to the publication, and when the next publication was had it would simply be reciting ancient history.

Mr. RUCKER of Missouri. I recognize the force of what the gentleman has said. The committee sought to anticipate that condition by requiring the first publication to be within 30 days next after the calling of the national convention. Let us take such steps as we recommend now. Do not load the bill down so that it will be cumbersome and its enactment endangered. If it becomes law, Congress has full power to make it fit and apply to any conditions that may arise, and will exercise that power by amendment from time to time as experience may demonstrate the necessity.

Mr. SHERLEY. If the gentleman will permit, I understand

his fears. I do not want a bill passed here that will not go through the Senate, but that is no reason why we should put a bill through that does not mean anything. there be a provision in here providing for the publication of all

expenses five days prior to the primary?

Mr. RUCKER of Missouri. I will be glad to take that up. do not think it should be put in the bill now. Mr. Speaker, I have already consumed more time than I had any intention of doing, and I new reserve the balance of my time and ask gentlemen on the other side to consume some time.

Mr. MANN. Mr. Speaker, I would like to ask the attention for a moment of those Members who are familiar with criminal prosecutions as to a provision in this bill, for the purpose of ascertaining, if I may, whether it will amount to anything when passed. The bill contained a penal section-section 3-

That every person willfully violating any of the foregoing provisions of this act shall, upon conviction, be fined not more than \$5,000 or imprisoned not more than three years, or both.

The penalty is directed against the persons named in section 1, as follows:

The president, chairman, secretary, manager, or other persons in charge of any political headquarters-

Who could be punished if no one files these statements? I will ask the gentleman from Missouri [Mr. Rucker] that question. Would it be the president, the chairman, the secretary, the manager, or other persons? They are not all required to file a statement. If no one files a statement, who is guilty? Are all of them guilty? Can you make one man guilty because some one else does not do something? You can not convict anybody on the face of the earth under such a provision. If you wish to make it so that the penal provision is good, it must be directed against some particular person or official and can not be, in my judgment, in the alternative. However, I would prefer to have the opinion of those who have drafted indictments and prosecuted indicted persons.

Mr. RUCKER of Missouri. Do you ask me my opinion?

Mr. MANN. Yes.

Mr. RUCKER of Missouri. I think the man in charge would be amenable to this criminal provision, whoever he might be, whether he is designated as president, secretary, manager, or

Mr. MANN. Supposing there is a chairman and a secretary and a president in charge, could they all be prosecuted if no statement is filed? It is easy enough to organize and have a president, a manager, a secretary, and a chairman, if that permits somebody to escape.

Mr. COOPER. Will the gentleman permit an interruption?
The SPEAKER. Will the gentleman from Illinois yield to
the gentleman from Wisconsin?

Mr. MANN. Certainly.

Mr. COOPER. I call the attention of the gentleman from Illinois to the language in line 3, section 1:

That the president, chairman, secretary, manager, or other person in charge of any political headquarters, bureau, or committee—

He is in charge of the political headquarters or in charge "of ne committee." That is the language, literally. It does not the committee. say "the president of a committee or secretary of a committee,"

President, chairman, secretary, manager, or other person in charge of any political headquarters, bureau, or committee—

Mr. MANN. Suppose any one of them is in charge. Suppose all four are in charge?

Mr. COOPER. How could any of them be in charge of "a committee'

Mr. MANN. I think the gentleman's criticism is well di-

Mr. BURLESON. Will the gentleman permit me to suggest if it would not simplify this bill and make it more effective if the words "president, chairman, secretary, manager, or other erson" were stricken out? Mr. MANN. With "the person in charge"? Mr. BURLESON. And read:

That the person in charge of any political headquarters, bureau, or committee of any political organization—

Mr. BURLESON. The bill provides that the person in charge of any political headquarters, bureau, or committee of any political organization shall be required to make report.

Mr. MANN. That would make it of some value; but as it was written probably it was not intended that we should be able to convict anybody under it.

Mr. BURLESON. It would make some person in charge re-

Mr. MANN. I have always supposed that in a criminal statute it was necessary to have particularity if you wished to

indict and convict Mr. BURLESON. It would make the person in charge of

the headquarters responsible.

Mr. RUCKER of Missouri. Mr. Speaker, will the gentleman

The SPEAKER. Does the gentleman from Illinois yield to the gentleman from Missouri?

Mr. MANN. Certainly.

Mr. RUCKER of Missouri. So far as I know, speaking for myself, neither the gentleman who introduced this bill or any member of the committee is opposed to any amendment to the bill that will perfect it. If that will perfect it, there is no

objection to it.

Mr. MANN. But, Mr. Speaker, here is a situation where a bill is introduced on the 15th of this month and reported on the 17th, and on the 18th—day before yesterday—after this bill had been reported, we passed a rule providing that this day should be set aside for another purpose. Members of the House have not carefully examined the details of this bill, unless it be the members of the committee which reported it. I do not even see very many members of the minority of the committee here. I do not think that they knew that the bill was coming up. I do not think that the Members of the House generally knew that the bill was coming up. It seemed at me that, when I first looked at the bill this morning, I detected a fatal defect in it. The gentleman seems to admit it now. How many more defects there are in it I do not know.

This is not the way to pass proper legislation when everybody is agreed that legislation may be desirable. The House and the Members ought to have an opportunity to examine the provisions of the bill.

Mr. MOORE of Pennsylvania. Mr. Speaker, will the gentleman yield?

The SPEAKER. Does the gentleman from Illinois yield to the gentleman from Pennsylvania?

Yes. Mr. MANN.

Mr. MOORE of Pennsylvania. How would you reach an individual who was acting in his own capacity, establishing agencies or setting up committees-more than one-in separate parts of

the country? Mr. MANN. You could not reach anybody under the penal sections of this bill unless you established the fact that they were political headquarters or the bureau of a committee or a political organization or party that attempted to influence or secure the nomination of any person. These organizations are not organizations of any party; these committees are not com-mittees of any party. They are committees of individuals, and they are intended to influence the nomination of the party candi-They are not committees of a party; they are not

recognized as committees of a party. The distinguished Speaker of this House may have a committee; I do not know; but if he has one to encourage his selection it is a committee devoted to the interests of the Speaker. It is not a committee of the Democratic Party, and no conviction could be had under the terms of the bill.

But I suppose that if the bill were enacted into law, the purpose in the main would be carried out by honest men attempting to influence the selection of presidential or vice presidential candidates, but those who did not wish to be honest would omit any statement that they wanted to omit in the state-ment which they filed, knowing that no criminal prosecution could lie against them successfully.

Mr. Speaker, it is an odd thing that at the very time when the Democratic side of this House is opposing or advocating whichever you take it—a change in the Constitution which would eliminate the control of Congress over the election of Senators of the United States they seek publicity in every other direction. So far as I am concerned, I believe that so far as possible every individual, every party, every committee, every organization of any kind which seeks to influence the election of any United States officer ought to be required to make public its receipts and its expenditures, including United States Senators. And yet there is now in conference between the two bodies a proposition, advocated by the other side of the aisle, which would eliminate the power of Congress over either the primaries or the election of United States Senators.

Why do you want to take away our power to require sena-torial candidates to publish their campaign contributions and expenditures? Why do you want to take away our power to require candidates for United States Senators at direct primaries, if they be provided, or direct elections, to publish their campaign contributions and their campaign expenditures? Why do you seek to strike down the law now on the statute booksof great value, in my judgment-to require both Senators and Members of this House to make public their campaign contributions and expenses?

Mr. RUCKER of Missouri. Mr. Speaker, will the gentleman yield?

The SPEAKER. Does the gentleman from Illinois yield to the gentleman from Missouri?

Mr. MANN. I will yield, but the gentleman can take his own time whenever he takes the floor. Mr. RUCKER of Missouri. Oh, well, if the gentleman does

not want to be courteous enough to answer the question-I will answer the question, certainly. Mr. MANN.

Mr. RUCKER of Missouri. Do I understand the gentleman

to say that this bill destroys the other publicity act?

Mr. MANN. I do not. I say that the position which the gentleman from Missouri [Mr. Rucker] occupies in reference to the constitutional amendment now pending in conference, if sustained by Congress, will eliminate the power of Congress to control the publicity of campaign contributions and expenses of senatorial candidates either at primaries or elections.

Mr. RUCKER of Missouri. The gentleman voted against House resolution 39, I believe. Let me say, Mr. Speaker, in House resolution 39, I believe. Let me say, Mr. Speaker, in answer to the gentleman, that if the American people have to

choose between two alternatives—

Mr. MANN. The gentleman will have to answer in his own

time. I did not limit the time.

Mr. TAGGART. Mr. Speaker—

The SPEAKER. Does the gentleman from Illinois [Mr. MANN] yield to the gentleman from Kansas [Mr. TAGGART]?

Mr. RUCKER of Missouri. I want to answer the gentleman from Illinois in connection with what he said.

Mr. MANN. I did not limit the time. I yield to the gentle-

man from Kansas.

Mr. TAGGART. Does the gentleman say that the Congress of the United States has no power at this time to legislate with reference to campaign expenditures of candidates for the House of Representatives?

Mr. MANN. We have already legislated. We have provided for the filing of statements. That applies both to candidates for this House and candidates for the Senate; but the constitutional amendment, which your side of the House is fighting for, eliminates all control by Congress over the election of Senators, either directly or at the primaries. [Applause on the Republican side.] We are opposed to it. We are in favor of maintaining the power of Congress to require publicity of expenditures, both of candidates for the House and of candidates for the Senate, and you are opposed to it, or your committee is.

Mr. PAYNE. And they are insisting-The SPEAKER. Does the gentleman from Illinois yield to the gentleman from New York [Mr. PAYNE]?

Mr. MANN. Yes.

Mr. PAYNE. They are insisting on attaching that to an amendment to the Constitution which would allow a direct vote of the people to elect Senators.

Mr. MANN. Yes.

Mr. TAGGART. Will the gentleman yield for another ques-

Mr. MANN. For a short question.
Mr. TAGGART. The gentleman has reference to the amendment offered to the constitutional amendment providing for a direct vote of the people in the matter of electing Senators, has

Mr. MANN. I have reference not to an amendment offered to an amendment, but I have reference to the resolution pro-

viding for the amendment of the Constitution.

Mr. TAGGART. That is coupled with the resolution to amend the Constitution so as to provide a direct vote for Senators.

Mr. MANN. That is a part of the Democratic program on the resolution providing for an amendment to the Constitution in reference to the direct election of Senators.

Mr. RUCKER of Missouri. Did the gentleman from Illinois

vote for that?

I do not remember whether I did or not. I do Mr. MANN. not see what that has to do with it. I am in favor of that part of the Constitution, and of enforcing it, giving the power which we now have to require of candidates both for the House and the Senate that they shall make known all of their contributions and their expenses, and the gentleman from Missouri [Mr. Rucker] is opposed to it. [Applause on the Republican side.]

Mr. Speaker, I do not desire to use all of the time. I y to the gentleman from Wisconsin [Mr. Korr] five minutes. I yield

Mr. KOPP. Mr. Speaker, I am carnestly in favor of the publicity of campaign contributions, whether it be for the choice of candidates for the Presidency and Vice Presidency, for United States Senators or Representatives; but I believe the bill before us will accomplish nothing unless those who are to comply with its provisions desire to do so. And I take it as no reflection on the committee or any individual because we express our views in the matter. Now, it is a well-known fact that penal statutes are strictly construed, and consequently if this bill becomes a law and comes to our courts for interpretation in the state of the state tion it will be strictly construed.

As suggested by the gentleman from Illinois [Mr. Mann], what does this prohibit? It prohibits "the President or any other person" in charge of what—"of a committee of a political organization or a party"—surely no one will contend that in a primary fight it is a party contest. The honored Speaker of this House is not seeking nomination with his candidacy sunported by a party; it is by certain members of his party. Nor can it be said that his supporters form an organization. Has there been any meeting of the men throughout the country who favor the honored Speaker for President; have they ever met to form an organization? There is no organization supporting any presidential candidate. When you say that only those who are managing "committees of an organization" or "committees of a party" need account for their contributions you are saying that there are no persons in existence to-day who need to so account, for I defy any man to get up and point out anybody who, under the strict interpretation of that statute, would be compelled to file a statement.

It is nothing more nor less than an association of individuals, not an organization, who are supporting the several candidates; a few in this State, a thousand in that, some here and some there; these people who get together and run a campaign are a voluntary association, so to speak, but can not be called an

organization in any sense.

My contention, Mr. Speaker, is that unless this bill is amended so that every individual who contributes in excess of a minimum amount, say \$100-unless there is an amendment which compels every person who contributes \$100 or more toward the election or nomination of any delegate, or the nomination of a candidate for the Presidency, to file a statement, it will be nugatory; it will have no practical effect, and will not be worth the paper that it is written on.

Why waste the time? I think that no one can successfully deny the statements which I have made, and so why waste the time in trying to pass this bill in its present form? Surely, not because, perchance, as the gentleman from Missouri has said, and no one has a higher opinion of him than I, the Senate will put some other amendments on, or the Senate will not be satisfied with the amendments that are put on. If we are going to pass a bill let us pass one that will have some effective, virile force when written on the statute books. If there is to be a bill let it have some teeth.

Mr. HOBSON. Will the gentleman yield?

Mr. KOPP. Certainly.

Mr. HOBSON. Has the gentleman his thought in concrete

form in the nature of an amendment.

Mr. KOPP. I have not, for the reason that I never saw this bill until debate opened. It was introduced on April 15, reported on April 17, and I had no idea that a rule was going to be brought in providing for the immediate consideration of one of the most important bills that has been before us this session

Mr. MARTIN of South Dakota. Will the gentleman yield?

Mr. KOPP. Yes.
Mr. MARTIN of South Dakota. I have been studying the proposition as well as I could within the limited time that I have had, and I suggest whether it could not be put in concrete form by inserting in line 8, page 1, after the words "United States," the language "and any person who shall attempt to influence the securing of such nomination."

The SPEAKER. The time of the gentleman from Wisconsin

has expired.

Mr. MANN. I yield the gentleman five minutes more.

Mr. KOPP. Mr. Speaker, I think that would accomplish the result. I will say that I had intended offering an amendment myself in line 5, after the words "party which," add "and every individual who." But the trouble is the bill is already built and constructed around the proposition here embodied, and it would take a dozen amendments to perfect it.

Mr. LONGWORTH. Is the gentleman from Wisconsin a

member of the committee?

Mr. KOPP. I am not. So, Mr. Speaker, it seems that this is so important that it is considered to-day, not in the usual routine of business, but under a special rule. Special rules are brought in when? I take it only when there is an emergency or when there is something of such transcendent importance that it must receive early attention. With all the primary contests now on throughout the country and with the charges pending of corrupt use of money, I am earnestly in favor of the bill being passed to-day, and I trust it will pass the Senate Monday and be signed, so that we may have this law on the statute books, but this bill ought not to be put on our statute books unless it is very materially amended.

Mr. POWERS. Mr. Speaker, will the gentleman yield?

Mr. KOPP. Certainly.

Mr. POWERS. Mr. Speaker, I ask if it is not true that under the provisions of this bill nobody is required to publish a statement except the president, chairman, secretary, or manager, or person in charge of a political headquarters or bureau or committee?

Mr. KOPP. That is the position I take.

Mr. POWERS. And is it not further true that those are the only ones who would be amenable to the laws for any failure to comply with the provisions of this bill?

Mr. KOPP. That is my interpretation of the bill.

Mr. POWERS. In other words, anybody else connected with the campaign could, with impunity, have all of this money expended and would not be required to give any publicity to it? Mr. KOPP. That is the defect as it appears to me, and which I am attempting to point out.

Mr. MOORE of Pennsylvania. Mr. Speaker, will the gentle-

man yield?

Mr. KOPP.

Mr. KOPP. I do. Mr. MOORE of Pennsylvania. Suppose we take a concrete example. Headquarters are opened here in the city of Washington and placed in charge of a gentleman who is a publicity agent or a manager or whatever you please to call him. Headquarters are also opened in Chicago and are placed in charge of a gentleman who has similar control over the immediate management of the campaign in that locality. Does the gentleman believe that a statement to be filed by such an agent or such a manager would cover the funds that are actually expended by a millionaire, for instance, in a campaign in the interest of a certain candidate?

Mr. KOPP. I think it is well known by all of us who have had any experience in politics or who have even observed the operations of individuals that the vast sums of money are expended by the individual and are never accounted for on the books of any organization, if you may call it an organization. But under the wording of this bill there is no one to file a statement but a party or organization. There is no party, there is no organization, who is supporting the candidacy of our honored Speaker, or of President Taft, or of Mr. Roosevelt, or of Gov. Wilson. There is no party or organization supporting those gentlemen. They are supported by individuals here and there all over this Nation within the party. This being a penal statute, it would be strictly construed, and I contend that there is not a person who would be required to account for expenditures made in the primary campaign now upon us.

Mr. MOORE of Pennsylvania. Suppose we expect to reach a candidate of great ability but of small means, who has a number of headquarters throughout the country and who is supposed to be supported by a millionaire. Does the gentleman think we would reach that millionaire by the passage of this

Mr. KOPP. I do not. As I stated a moment ago, if there is any one thing that we need in this country—and I hope it is not demagoguery to state it—it is to know who are the men who are supporting the various candidates in this day of great business, when we have hundreds of millionaires and when it is thought, at least by the common people, that these great financiers are attempting to dictate the nominations and elections. In justice to those people who believe this, whether it be true or not, we ought to place our hands on every individual who contributes a material amount and require him to say for whom he is expending the millions that he has hoarded. The should know who are furnishing the sinews of war. The people plause.]

The SPEAKER. The time of the gentleman from Wisconsin has expired.

Mr. RUCKER of Missouri. Mr. Speaker, I was somewhat disappointed in the gentleman from Illinois [Mr. Mann] a moment ago when he abruptly, almost, refused to answer my question or to permit me to make a statement.

Mr. MANN. Mr. Speaker, I think it is hardly fair to me for the gentleman to make that statement. The gentleman has time and I have time.

Mr. RUCKER of Missouri. Mr. Speaker, as I heard the gentleman say the other day to a gentleman on this side, he will have to permit me to make my own statement, and I considered it that way; but, frankly, I do not think the gentleman intended to be abrupt. I appealed to the gentleman, and he told me to make my statement in my own time. I merely wanted to answer the question he asked me. Now, in my own time, I repudiate and deny the suggestion that any Democrat wants to repeal the law which makes candidates for the United States Senate give publicity to their expenses. After experiences of which the gentleman knows more than I do people all over this country demand that gentlemen who seek that high office should be required to give publicity, and I, for one, say amen to that holy and righteous demand.

The gentleman himself [Mr. Mann] voted against House resolution 39, and the Record so shows. He has forgotten how he voted or is not certain about it. The RECORD shows that he voted against it. I tell you, Mr. Speaker, there are more ways than one of defeating wholesome legislation. Some gentlemen say, "Oh, it does not go far enough." Mr. Speaker, if we Democrats have our way, it will be impossible for gentlemen to buy seats in the United States Senate in the future. Mr. Speaker, would the gentleman from Illinois [Mr. Mann] favor House resolution 39 if we amend it so as to provide that the Congress of the United States shall always have the power to require Senators to publish their campaign expenses? I doubt if he

Democrats would be glad to accept that as an amendment. has time and again been offered, and it will not do for gentlemen to say we are responsible for the long delay in reaching agreement in conference; but let me say again, believing as I do, thinking as I do on the subject, if the American people have to take the alternative between allowing a Senator to escape publicity or allowing him to buy a seat in the United States Senate, I would rather return to the people the right to elect their Senators. Now, Mr. Speaker, this is a question that ought not to have been dragged into this discussion. I am somewhat surprised at my friend from Wisconsin [Mr. Kopp], who I know would gladly help make this bill a better bill; that every member of this committee on both sides of the aisle are seeking to make a bill which we believe will meet the present emergency, and as time goes and developments occur we would gladly meet you halfway and in every effort make the bill more perfect than it is. Mr. Speaker, how much time have I used?

The SPEAKER. The gentleman has 24 minutes.

Mr. MARTIN of South Dakota. Mr. Speaker, will the gentleman permit a question before he yields? I would like to ask the gentleman if he would have any objection to inserting, in line 8, page 1, after the words "United States," something to this effect, "and any other person or persons who shall attempt to influence or secure such nomination"?

Mr. RUCKER of Missouri. I would have no objection to inserting the language which would carry that principle into the bill. We sought to make the bill the very best we could, but, as suggested before, we would have to make several amendments, if the suggestion of the gentleman is accepted, to make the various sections harmonize.

Mr. MARTIN of South Dakota. You can insert the same language where occasion arises throughout the bill.

Mr. BURLESON. Will the gentlen Mr. RUCKER of Missouri. I will. Will the gentleman yield for a question?

Mr. BURLESON. Would the gentleman have any objection to striking out the word "political" before "organization' insert the word "political" before the word "party," so so that the bill would read: "of any organization or political party"?

Mr. RUCKER of Missouri. Why not have political organi-

zation, too?

Mr. BURLESON. We would like to know the amount of money that is expended by the American Protective League; for instance, which is not a political organization, as members of both political parties may belong to it.

Mr. HENRY of Texas. I think this would include it.

Mr. BURLESON. I am quite sure it would not include it.
Mr. RUCKER of Missouri. I will say to the gentleman I
have no objection to changing the phraseology at all, and I will welcome any suggestion from any Member on either side of the House to improve the bill. I think the suggestion of the gentleman from Texas [Mr. Burleson] a wise suggestion, and so far as I can I will gladly accept it.

Mr. COOPER. Mr. Speaker, I desire to ask the attention of the gentleman from Missouri to what seems to me, if I correctly interpret the language, to be a contradiction. In lines 7 and 8 it requires that these officers' names shall within 30 days next after the calling of a national nominating convention or within 30 days next after the fixing of the date of a national primary election make their first statement. That is correct,

Mr. RUCKER of Missouri. I think so.

Mr. COOPER. It says they shall file their first statement. Mr. RUCKER of Missouri. Yes.

Mr. COOPER. Then you go down to lines 7 and 8, and you provide "and on each fifteenth day thereafter until such nominating convention or primary election shall be held"

Mr. RUCKER of Missouri. Well?

Mr. COOPER. That is the primary election to nominate

Mr. RUCKER of Missouri. I do not know that I understand the gentleman, but the language, as I recall it, provides that beginning within 30 days after the calling of a convention or the fixing of the date of the primary these statements shall be made every 15 days until the convention or the primary election, as the case may be, is held, and then a final statement shall be made within 30 days after the adjournment of such convention, or after such primary election is held.

Mr. COOPER. But we have no national primary election. Mr. RUCKER of Missouri. I understand, but the committee thought, with the progressiveness that is now under way, we may have one when the next presidential nomination is made. Mr. Speaker, I yield five minutes-

Mr. COOPER. One moment. Then, a national primary election would not be a primary election in any particular State? Mr. RUCKER of Missouri. Oh, no.

Mr. COOPER. But it would, as the gentleman from Mis-

Mr. COOPER. But it would, as the gentleman from sins-souri supposes, apply to a national primary election. Mr. RUCKER of Missouri. I will say to the gentleman from Wisconsin I believe we are drifting to that end, and I hope it will come and come soon—the sooner the better. I yield five minutes to the gentleman from New York [Mr. Conry].

Mr. CONRY. Mr Speaker, I believe implicitly in legislation of this character. It is salutary legislation, for which there is an immediate and imperative necessity. The presidential primaries, as they have worked out in their practical application, have created certain abuses necessitating such legislation. obedience to the demands of this emergency this bill, as I understand it, was prepared and introduced to correct some of the evils that have arisen under the presidential primaries. admit, after reading it over and studying it as carefully as I could within the few moments that it has been up before this House for consideration, that it contains some imperfections. I may say it contains many imperfections, but I do not think that the existence of these imperfections should be utilized as a pretext to accomplish the defeat of this legislation [applause], which in its purpose and effect is salutary. I believe, as a member of the committee, that this bill should be amended. I am willing to accept, as far as I am personally concerned, any amendment of any kind whatever that will tend toward the absolute perfection of this legislation. I believe that the Presidency of the United States is an office too high in dignity, too great in power and influence to be smirched by any stigma that may result from a presidential election through the exercise of sinister influences and considerations. [Applause.] For this reason I believe that this legislation should pass to-day.

are in the midst of a presidential primary. If this bill does not pass immediately, we will not have time sufficient, between now and the nominating conventions, to apply it practically and to test its efficacy to reform conditions as they exist to-day, and as they will be developed under the pending presidential pri-

was surprised to hear the distinguished gentleman on the other side of the House, the leader of the minority, say that the Democratic Party in this House has committed itself unequivocally to the destruction of that power of control and regulation which this Government exercises over the election of United States Senators. [Applause.]

The SPEAKER. The time of the gentleman from New York

[Mr. Conry] has expired.

Mr. RUCKER of Missouri. I yield to the gentleman two

minutes more.

Mr. CONRY. He referred to a conference which has under consideration and advisement the bill passed by this House providing for the election of Senators by popular vote. And I want to say to the membership of this House that as a conferee on behalf of the House in my action in that conference I have been actuated purely and conscientiously by a conception of my duty in carrying out the instructions of this House. We received instructions from this House, which guides our action, by an overwhelming majority in support of resolution No. 39, to stand by a certain proposition. We have stood by it loyally and faithfully and have endeavored to carry out the mandate of this

House effectively and patriotically.

Mr. MADDEN. Will the gentleman yield for a question?

Mr. CONRY. That resolution was passed in this House. The SPEAKER. Will the gentleman from New York [Mr. Conry] yield to the gentleman from Illinois [Mr. Madden]?

Mr. CONRY. I yield.
Mr. MADDEN. I want to ask the gentleman from New York if as a matter of fact the resolution for which he stands as a conferee does not in words take the power away from Congress to regulate the election of Senators of the United States?

Mr. CONRY. That is the contention made by many people. The way I read it, I contend that in effect it does not go as far as the gentleman, by the question he propounds, would imply. But it is not a party question distinctively; because when that resolution passed this House it was carried by an overwhelming vote of 296 to 16. All party lines were battered down and party distinctions obliterated. [Applause.]

The SPEAKER. The time of the gentleman from New York

[Mr. Conry] has again expired.

Mr. MANN. Mr. Speaker, the distinguished gentleman [Mr. Conry] who has just taken his seat, able, eloquent, the ranking Democrat on the committee which reported this bill, gretted that he never had had an opportunity to read the bill until it was brought up in the House this morning.

Mr. CONRY. Mr. Speaker

The SPEAKER. Does the gentleman from Illinois [Mr. MANN] yield to the gentleman from New York?

Mr. MANN. Certainly.

Mr. CONRY. Mr. Speaker, I would like to venture at this time to correct the statement just made by the distinguished gentleman from Illinois.

Mr. MANN. I yield for that purpose. Mr. CONRY. The statement of the gentleman verges closely I stated, not that this was the first time I upon inaccuracy. had had an opportunity to read this bill, because I was present at the meeting of the committee when it was considered, but I said in reading it, in the time allotted to me, I discovered the imperfections-imperfections that should not stand in the way of the enactment of this legislation and that should be eliminated in order to effectively deal with the evils that are liable to arise under the presidential-primary system.

Mr. MANN. I said he never had had an opportunity to read the bill, and evidently never had read it, until I took the floor a moment ago and called attention to some defects in it, which the gentleman, I presume, if he had read it, would probably have discovered himself, because he is an able gentleman and probably would have discovered these defects if he had even

looked at the bill.

Mr. Speaker, the gentleman again refers to the resolution to amend the Constitution; both gentlemen do. This side of the House, when that question was presented to the House, voted in favor of a proposition to have Senators elected by direct vote of the people, reserving to Congress the power to control the regulations in regard to that election, and that side of the House voted against the proposition which would give to the Congress the control over the election of Senators by direct vote—a control which we now exercise over their election by legislatures—and the Democratic side of the House has persistently | only?

and consistently insisted that as a part of the amendment to the Constitution providing for the direct election of Senators the power which Congress now has to regulate the election shall be taken away from Congress.

I yield five minutes to the gentleman from South Dakota

[Mr. MARTIN]

Mr. MARTIN of South Dakota. Mr. Speaker, there is certainly very great force in the position taken by the gentleman from Wisconsin [Mr. Kopp] concerning the imperfections of this bill.

I think that the minds of Members of the House are agreed upon the necessity for this legislation. I believe that the great majority of the Members of the House are agreed also desire to perfect a bill that will accomplish results. Such imperfections as there are in the measure in its present form have resulted, evidently, out of the hasty manner in which this legislation is proposed. I am not criticizing that hasty manner. I think the exigencies of the situation are such that they call for this legislation and justify prompt legislation. At the same time they do not justify such careless legislation as will be absolutely ineffectual in accomplishing the results which we all desire to reach.

Now, this bill, as prepared, purports to touch nobody except persons acting on behalf of some organization or party. is a prevailing belief throughout the country and in the minds of the membership of this body that all of the offenses that ought to be reached here are not committed by organizations or by representatives of parties, but that they may be committed also by individuals of large means in their own personal capacity and in furtherance of their own personal desires. This bill does not undertake to reach individuals of that class. It ought to be amended so that it would reach them.

If, as a matter of fact, all the offenses of this type that we are now seeking to reach are committed by some persons acting in some capacity for some committee or organization, it certainly follows, as the daylight follows the night, that the moment this bill is passed, that moment the method would be changed, and thereafter all expenditures of that kind would not be made by representatives of organizations and parties, but by individuals, and then we would have no law to reach the offense

Therefore I think it absolutely essential to perfect any legislation that would accomplish the desired result, that the bill should be amended in such a way as to touch persons who attempt to influence in an improper manner as individuals the selection of candidates for presidential nomination as well as those acting in a representative capacity

Mr. HOBSON. If the gentleman will allow me, will he draw up, before we get through the consideration of the bill,

such an amendment as he has in mind?

Mr. MARTIN of South Dakota. I have already submitted what I have to the gentleman across the aisle here—the gentleman from Missouri-an amendment which I think would reach it. I think it would be effective if we could insert at the bottom of the first page, in line 8, after the words "United States," this language: "And any other person or persons who attempt to influence or secure such nomination." Then make the required changes in the remainder of the bill, so as to make it cover these two classes of offenses-those committed by a committee or organization, and those committed by an individual. That could easily be done, and I think that would reach the

Mr. Speaker, will the gentleman yield?

The SPEAKER. Does the gentleman from South Dakota yield to the gentleman from Illinois?

Mr. MARTIN of South Dakota. Certainly.

Mr. MANN. Suppose in some small town, or in some large town, in the country, somebody issues a printed call by letter for gentlemen to gather at his house in the interest of some candidate for President. Does the gentleman mean to say that he would require such person or persons to file a statement every 15 days, as required by this bill, because they had spent a few dollars or a few cents in asking people to gather together?

Mr. MARTIN of South Dakota. It might be asked with just the same propriety, if a committee or some organization should do that thing, would we have a breach of the provision? Out of the necessities of the case, in order to reach the real offender, the law may sometimes cover negligible acts. not think for that reason it is any good argument against the advisability of the law.

Mr. MANN. Is it not a good argument in favor of putting a proper provision in the bill, so as to reach what you want to reach—expenditures of considerable amounts—and not attempt to reach expenditures that cover the price of a box of cigars

Mr. MARTIN of South Dakota. There is a great deal of force in what the gentleman says, but I do not think we are likely to embarrass the purity of nominations by going too far in this matter. Of course, the thing that is sought to be reached here is the improper expenditure of money in an attempt to influence the selection of a candidate for nomination for the Presidency and it ought to be framed so as to reach the improper expendi-

ture of money by any individual.

Mr. BURLESON. Could not what the gentleman has in mind be far more easily reached by adding, after the word "person," in line 4, the words "acting for himself or "?

Mr. MARTIN of South Dakota. I think that is a mere matter of phraseology. I think something of the sort the gentleman suggests, if it were made plain that it does not limit what follows, would answer the purpose. I do not think it would do it quite as definitely as what I propose.

I think, Mr. Speaker, I have said about all I desire to say

upon this subject. It is a matter of vital importance.

If the Congress of the United States has had ground for passing the publicity laws which it has passed regarding expenditures for persons who are candidates for Congress, there is no reason why we should not proceed along the line, in order to protect the American system of nominations and elections for all important positions, from the Presidency of the United States down, where such elections or nominations are sought to be influenced by the expenditure of money.

Mr. MURDOCK. Mr. Speaker, will the gentleman yield? Mr. MARTIN of South Dakota. Certainly.

Mr. MURDOCK. I appreciate what the gentleman has said. The gentleman realizes, as I do, that many of the corruptpractices acts which we have now are not successful in as full a measure as we would desire. I want to ask the gentleman if he believes it is possible to frame an act of this kind so that it will not be evaded. Does he believe that is possible?

Mr. MARTIN of South Dakota. I think, in the very nature of the legislation, it perhaps is more easily evaded than most statutes of a criminal character, but still I think that the moral effect of such statutes is good, and I think that the practical effect is to limit the corrupt and improper expenditure of money to influence nominations, and that such expenditure is considerably curtailed by this class of legislation.

Mr. MURDOCK. The answer of the gentleman, then, is that it does exert a moral effect, but does not accomplish all that it seeks to accomplish in making public all campaign expenses.

Mr. MARTIN of South Dakota. That is not quite my answer. My answer is that it has a good moral effect, and beyond that it has considerable practical effect in Jessening the improper

expenditure of money to influence elections.

Now, I want to say to the gentleman from Missouri [Mr. RUCKER], before I take my seat, that I do not think the gentleman has any occasion to be timid about placing in this bill, as it shall be passed by the House, any provisions that are reasonable, that seek to make this idea effectual. I do not think we need to fear what will happen to any reasonable provisions of that kind, either in this body or elsewhere, so long as they really seek to accomplish the end the gentleman so properly desires to accomplish.

Mr. RUCKER of Missouri. Let me say to the gentleman from South Dakota, as I have already said, that we sought to frame a bill which we thought could become a law. Speaking for the committee and for myself, we will gladly welcome any suggestion from any source to perfect this bill and make it

accomplish what we desire.

Mr. MARTIN of South Dakota. That is the purpose of what I have offered and of what I have had to say.

I yield back the balance of my time.

The SPEAKER pro tempore (Mr. GRAHAM). The time of the gentleman from South Dakota has expired.

Mr. MANN. I yield five minutes to the gentleman from Kentucky [Mr. Powers].

Mr. POWERS. Mr. Speaker, I want to ask the chairman of this committee a question or two in regard to this bill. What does the gentleman think of an amendment of this character, beginning on page 1:

That the president, chairman, secretary, manager, or other person in charge of-

Then insert the words:

or connected with any political headquarters, bureau, or committee of any political organization or party or otherwise who shall attempt to influence—

And carry that amendment through the entire bill?

Mr. RUCKER of Missouri. I will say frankly to the gentleman that I think other suggestions have been made which to influence," and so forth.

reach the same thought in briefer language, and would be better calculated to accomplish the same thing.

Mr. POWERS. The gentleman would have no objection to this amendment unless it was covered better by other suggestions?

Mr. RUCKER of Missouri. If we amend the bill at all, I want to improve it. I am willing to accept any amendment which, in my judgment, seeks to improve the bill.

Mr. POWERS. Would it not improve it to say, "Anybody in charge of political headquarters or connected with it"? That

would include more than the present bill includes. Mr. RUCKER of Missouri. I think nat; we seek to put the responsibility on the party in charge, whoever it may be. As the gentleman from Illinois has said, you could not very well make the clerk or the stenographer responsible, for they have no control over it.

Mr. POWERS. Is it not true, under the wording of the bill, that you can not make anybody give publicity of how the money is spent except the people in actual charge of it, while anybody connected with the headquarters could expend it and there

would be no law compelling the publicity?

Mr. RUCKER of Missouri. The purpose was to make the party in charge of the affairs make the publicity. It was not the purpose of the committee not to make each individual connected with it responsible, but the party in charge of the bureau.

Mr. POWERS. Does the gentleman think his bill is broad enough to cover money which is directed to be spent in connec-

tion with it other than by those in charge?

Mr. RUCKER of Missouri. I want to confess freely and publicly that when it comes to matters that pertain to the lavish expenditure of money in elections I can always be instructed and get information from gentlemen on that side of the House because they are more familiar with that practice. Whenever I get a good suggestion from that side I do not attribute it to

any superior intellect, but to superior experience. [Laughter.]
Mr. POWERS. In answer to the gentleman I want to say that neither political party is entirely free from this accusation of spending money in elections. I want to say further that I propose to support the gentleman's bill as it now is, because I believe it is a step in the right direction. I would support it much more readily if the bill was so framed as to cover all persons and make responsible all people who spend money toward the corruption of elections. In my judgment that is one of the greatest dangers to the well-being and welfare of this country that of corruptly influencing by money the procuring of nominations and elections.

Mr. RUCKER of Missouri. I am obliged to the gentleman. and I believe we can amend the bill so as to obviate his objec-

The SPEAKER pro tempore. The time of the gentleman from

Kentucky has expired.

Mr. RUCKER of Missouri. Mr. Speaker, how much time have I remaining?

The SPEAKER pro tempore. The gentleman has 28 minutes. Mr. MANN. And how much have I remaining?

The SPEAKER pro tempore. The gentleman from Illinois has 17 minutes

Mr. RUCKER of Missouri. Mr. Speaker, I yield 10 minutes

to the gentleman from Alabama [Mr. Hobson].

Mr. HOBSON. Mr. Speaker, the committee has not purposely been precipitate in reporting this measure, or in asking a special rule. The only reason why it is pressed at this time is the approach of a national election and our desire to have the legislation enacted in time for the approaching election.

The strictures of gentlemen opposed to this measure will not lie when carefully examined, in my judgment. I would like to say on behalf of myself as a member of the committee that I would welcome, and I believe my colleagues would, as a number have so stated, any amendment that would improve the bill. especially in the line of strengthening it. I submit it to candid men that when a gentleman has not gotten far enough along where he can form in his own mind an amendment, he is hardly far enough along to condemn a measure. We will welcome any concrete suggestion to improve and perfect this measure and accept it if found meritorious.

Mr. POWERS. Will the gentleman yield?
Mr. HOBSON. I will.
Mr. POWERS. I would like to know what the gentleman Mr. POWERS. I would like to know what the gentleman thinks of this as an amendment. On page 1, line 4, after the word "of," add the words "or connected with," so it will read "that the president, chairman, secretary, manager, or other person in charge of or connected with any political head-quarters, bureau or committee of any "—then strike out the word "political"—"organization or party which shall attempt to indepens" and so forth

Mr. HOBSON. Mr. Speaker, I think if we could frame that section so as to make it broader and stronger it would be advisable, but I have a question in my mind whether that particular amendment would accomplish the purpose. As was pointed out by gentlemen on that side, it might relieve or tend to relieve or divide the responsibility of the organization. You will find it a practice that is universal, if you wish to place responsibility, you must have a unit as a head. That is observed in all military and naval science. You must hold the captain of the ship responsible for the ship, even though it is his watch and division officer who causes the ship to run aground, and the only danger of that would be the scattering of the authority of an organization.

Mr. POWERS. Mr. Speaker, I beg to say to the gentleman

that this proposed amendment does not at all relieve the responsibility of those in charge, but it includes others who may be guilty of corrupt practices.

Mr. HOBSON. As I understand, the gentleman would duplicate the reports—that is, practically everybody in the organization, as well as the chairman, would have to make a report.

Mr. POWERS. Not that, but make the law apply to any-

body in the organization.

Mr. HOBSON. I believe if it were a question of using the money in corrupt practices, it ought to embrace that; but when it comes to a question of reporting by the organization, it is clearly the responsible head of the organization who ought to be held responsible for the report. Otherwise the responsibility might be divided.

bility might be divided.

Mr. LONGWORTH. Mr. Speaker, will the gentleman yield?

Mr. HOBSON. Certainly.

Mr. LONGWORTH. Does not the gentleman think that, in
line 4, after the word "bureau," there ought to be a semicolon,
or at least that the word "the" ought to be inserted before
the word "committee," because as the bill now reads it would
seem that the president, chairman, secretary, and so forth, in
charge of any political headquarters, bureau, or committee must charge of any political headquarters, bureau, or committee must do so and so. Is it intended that "committee" shall refer to persons in charge of a committee, or is it intended to refer to a committee which shall influence, and so forth? Does the gentleman catch my point? The word "which" is used after the word "party," and that word can not refer to the president, and so forth.

Mr. HOBSON. I see. I am not sure but that the punctua-

tion might be improved.

Mr. LONGWORTH. The word "which" can not be con-

strued to refer to the president, chairman, and so forth.

Mr. HOBSON. I think that ought to be straightened out. Mr. LONGWORTH. Some amendment of that sort ought to be adopted.

Mr. HOBSON. Yes. Mr. MURDOCK. Mr. Speaker, I would like to get the gentle-Mr. MURDOCK. Mr. Speaker, I would like to get the gentleman's idea of this proposed amendment, in line 5, page 1. Will he vote for an amendment taking the word "political," which now precedes the word "organization," and placing it before the word "party," so that it will read "committee of any organization or political party," and so forth?

Mr. HOBSON Mr. Speaker, I would be glad to accept that. In my judgment, that would improve the bill.

Mr. RUCKER of Missouri. That has already been suggested.

That is acceptable.

Mr. HOBSON. Mr. Speaker, the chairman of the committee

remarks that that will be acceptable to him.

Mr. Speaker, this legislation is not new. The stricture of its being precipitate does not really lie. It is framed along the lines of the publicity legislation for Members of Congress course it is true that this is a new field for the Federal Government to enter-that of undertaking to regulate the actions and activities of political parties. In fact, in considering this bill I believe it is the first time that a national convention or a national primary has been put upon the statute books of the United States, but while that is true, this reform legislation is not new and it is not precipitate. Already it is applied in most of the States of the Union. It has been applied successfully. The gentleman from Kausas [Mr. Murdock] refers to the imperfection of the enforcement of bills against corrupt practices, and that is true; but I will submit it to his observation that wherever publicity has been applied it has been effective.

Mr. MURDOCK. That is undoubtedly true.
Mr. HOBSON. And the beauty of this bill is that it does not undertake itself to prescribe various regulations, but does turn the searchlight of publicity upon the whole question.

Mr. MURDOCK. I want to say further to the gentleman that I would like to see this bill so amended that it would effectually reach the individual who enters a campaign for a

candidate corruptly, and I hope that amendment will be offered. I think that when that amendment is offered this bill will be a very thorough bill. I hope that amendment will be offered so that it will effectually reach the individual in this country who seeks to corrupt an election.

Mr. ANDERSON of Minnesota. Mr. Speaker, will the gentle-

man yield?

Mr. HOBSON.

Mr. HOBSON. Certainly. Mr. ANDERSON of Minnesota. I want to suggest to the gentleman that that would require every man who buys or furnishes bills for a political meeting—pays for advertising for a political meeting—to file the statement covered under this bill.

Mr. MURDOCK. No; I do not think necessarily so; my idea

was to reach the great campaign contributions.

The SPEAKER pro tempore. The time of the gentleman from

Alabama has expired.

Mr. HOBSON. May I have some more time? I have been answering questions most of my time.

Mr. HENRY of Texas. I will yield to the gentleman two

more minutes.

Mr. HOBSON. Mr. Speaker, I want to say that this legislation is due; it is overdue. It applies a real germicidal medicine to the morbid and ill and diseased tissues that surround the brain and heart of the body politic and the body social. It does not apply anything that would hurt anything legitimate, but the fact is that in the last campaign even temporary and partial publicity tended to reduce the estimated expenses and expenditures from over five millions in 1904, by an expert estimator, down to less than two and a half millions or thereabouts. believe this legislation is due, that it will tend more and more to put the control of the election of President and Vice President in this country in the hands of the people themselves, where it belongs. I believe, in fact, that further legislation is due. I believe that the President ought to be nominated and elected by a direct vote of the people [applause]; that the time has come for an amendment to the Constitution of the United States for the election of President and Vice President analogous to the election of Senators, and I believe that such an amendment written into the Constitution of the United States would give to the people the control of their Presidency and Vice I have introduced a joint resolution, No. Presidency. which proposes an amendment to the Constitution providing not only for the election of the President by the people, but which also requires that the nomination of the President and Vice President by any party be made in a national primary.

The SPEAKER pro tempore. The time of the gentleman

from Alabama has again expired.

Mr. MANN. Mr. Speaker, I yield five minutes to my colleague from Illinois [Mr. CANNON].

[Mr. CANNON addressed the House. See Appendix.]

Mr. MANN. Mr. Speaker, I yield three minutes to the gen-

tleman from Minnesota [Mr. Anderson].

Mr. ANDERSON of Minnesota. Mr. Speaker, I am in sympathy with the desire of many Members of the House to so amend this bill that it will require any person who spends money to secure or aid in securing the nomination or election of a candidate for President or Vice President of the United States to report his expenditures; but I am not willing that that provision should require, as it would under the suggestions made here, a man who spends money for a political meeting, in procuring and posting bills, and such little items, to make the statements required under this bill. If I have an opportunity and it is in order, it is my intention to offer an amendment to the I shall offer to amend by striking out the words "president, chairman, secretary, manager, or other," in line 3, and the words "headquarters, bureau, or committee of any political organization or party," in lines 4 and 5, so that the section of the bill will read:

That any person in charge of any political committee which shall attempt to influence—

And so forth, and insert at the end of the section a new section to read as follows:

Any two or more persons who associate themselves together for the purpose of influencing or securing the nomination of any person as a candidate for President or Vice President of the United States or the election of any person to the office of President or Vice President of the United States shall be deemed a political committee under this act: Provided, That no such committee which expends less than \$100 for the purposes described herein shall be required to make the statements provided for herein. provided for herein.

The SPEAKER pro tempore. The time of the gentleman from Minnesota [Mr. Anderson] has expired.

Mr. MANN. I understand the gentleman from Missouri [Mr. RUCKER] intends to conclude with one speech on that side?

Mr. RUCKER of Missouri. With one speech.

Mr. MANN. I yield the balance of my time to the gentleman

from Wisconsin [Mr. Cooper].

Mr. COOPER. Mr. Speaker, in glancing over a morning paper a moment ago. I came upon an item which suggests a serious defect in the bill reported by the gentleman from Missouri [Mr. Rucken]. The gentleman is from Missouri, and, as his remarks plainly showed, is very much interested in a Missouri candidate now before the country for nomination for President. But this item relates to a New Jersey candidate and to the fight upon him in his own State, and this bill does not meet a situation such as this item presents. I will read:

It was announced to-day that the Democrats will have an anti-Wilson ticket for national delegates in the second congressional district, largely as a result of the activity of Franklin Halliday, an emissary of former Senator James Smith, jr.

James Smith, jr., it is said, is a man of wealth, having back of him very powerful interests. Not long ago he and his powerful supporting interests were defeated in a political pitched battle by Gov. Wilson; but, according to this item, it is evident that James Smith, jr., is now giving money to Mr. Halliday in another effort to wreck Gov. Wilson's presidential aspiration. But the gentleman from Missouri [Mr. Rucker] has brought in a bill that will not compel either James Smith, jr., or Mr. Halliday to report anything concerning the thousands of dollars they expended in this behalf.

Why did the gentleman from Missouri forget that?

This question is of very great importance, not only to the governor of New Jersey, but also to this House, because the law which we enact ought to stop the corrupt use of money not only by chairmen of organizations, but by individuals acting alone. Under this bill chairmen of organizations would be careful not to receive or disburse funds, but they would leave these things to individuals, who would keep secret the amount of money expended to nominate or to defeat the nomination of certain candidates. And, as is suggested, on this particular proposition "I am from Missouri" myself, and wish to be shown. [Laughter and applause.]

Mr. RUCKER of Missouri. Mr. Speaker, I yield the balance of my time to the gentleman from Texas [Mr. Henry].

The SPEAKER pro tempore. The gentleman from Texas is

recognized.

Mr. HENRY of Texas. Mr. Speaker, the gentleman from Illinois [Mr. Cannon] said that the press and the pulpit have greater influence than money. I thank God the honest press and the pulpit have greater power than money in America, and hope that his assertion is true, and will so remain. [Applause on the Democratic side.]

What we are trying to do by means of the proposed bill is to drag the corrupt contributors to campaign funds from their hiding places into the blazing light of publicity in order that all honest men may see who is financing campaigns. [Ap-

plause.]

The gentleman from Illinois [Mr. Mann] is now in great haste to pass a publicity bill, but complains that this bill is poorly drawn. If the subject is so important, and he has given

the sough study, why has he not proposed legislation before?
The gentleman from Illinois [Mr. Cannon] complains of bad faith and defects in the bill, and yet does not deign to point out a single instance where there is bad faith or any defect.

Why is it gentlemen are now complaining about this measure? The simple truth is that those who drew the bill conceived the idea that if you would make those in charge of the campaign committees responsible for the coming in, the going out, and publicity of the fund, you would be able to reach most of the evils, and reach them and cure to a large extent the troubles now afflicting the American people.

Let me call your attention to a few matters. to what the gentleman from Wisconsin [Mr. Coopen] has just read about Democratic primaries. Let the country hear this statement going into the record of this day's proceedings, and

let the people ponder what it means:

Using vast sums to nominate T. R., McKinley asserts—between \$250,000 and \$500,000 in Pennsylvania and \$200,000 in New York, according to Taft manager—"plain bribery and corruption"—says votes were bought in Oklahoma conventions—millionaires named as "Roosevelt guerillas" include Pinchot. Perkins, Colby, Munsey, and others—Roosevelt declared to be himself a millionaire.

Yes, the day of reckoning has arrived; and Congress should condemn such corrupt contributions, if this article be true, and should force before the bar of public opinion men who would debauch the electorate by spending a million dollars in order to

nominate a candidate. [Applause on the Democratic side.]
The gentleman from Hilinois [Mr. Cannon] knows Mr. Mc-KINLEY, a Member of Congress from his own State. Are Mr. McKinley's charges true, that millions of dollars have been raised and expended to nominate Mr. Roosevelt? Are they au-

thentic? We would like to know. And I tell you, if you go further with us in a publicity bill, we will make it possible for you to have a summary inquiry instituted, as in the State of New York, and when charges like this are made by members of a campaign committee, or any person, we would instantly investigate them through court proceedings.

Mr. Speaker, we have no right to dispute the fact that Mr. McKinley's charges are literally true. I quote the language of the gentleman from Illinois [Mr. McKinley] as found in the statement. This seems to be an authorized interview, appearing

in the New York World of recent date.

If Mr. McKinley's charges are true, he should prove them. If they are not, they should be disproved by Roosevelt's friends. The passage of this bill will give an opportunity to the chairmen and managers to file statements under oath of the contributions to the campaign and all the details of their expenditures. Will they do it? And this is the reason for the passage of this bill to-day.

Let me proceed further, quoting the exact language of Mr.

MCKINLEY. The question was asked him:

Were the victories of Roosevelt in Pennsylvania and Oklahoma due to a "great popular demand" for his renomination or to the use of money?

I will insert the entire article, containing the question and his reply thereto:

. [Special to the World.]

WASHINGTON, April 18, 1912.

WASHINGTON, April 18, 1912.

Director McKinley of the National Taft Bureau was asked to-day:

"Were the victories of Roosevelt in Pennsylvania and Oklahoma due
to a 'great popular demand' for his renomination or to the use of
money?"

money?" "The laylsh expenditure of money in this campaign by the backers of former President Theodore Roosevelt," said Mr. McKinley, "has led to this question. In no previous preconvention campaign in the history of this country has money been used in such large sums, amounting to plain bribery and corruption, as has been expended by the backers of Theodore Roosevelt."

It is of record, as told in the World this morning, that the Roosevelt League spent \$59,126 in a vain effort to carry the New York primaries for the colonel, and now Mr. McKinley charges that \$75 per vote was paid in the Oklahoma convention; that Roosevelt managers are using money under the guise of paying wages to workers, "another name for bribery," and that Roosevelt scrip "in due bills" to the extent of \$100,000 was used in Allegheny County (Pittsburgh), Pa.

SPENDING VAST SUMS.

"Between \$250,000 and \$500,000," Mr. McKinley said, "is a conservative estimate of the money spent by Roosevelt managers in Pennsylvania."

servative estimate of the money spent by Roosevelt managers in Pennsylvania,"

A sum approximating \$200,000 was spent in New York County alono on primary day in a vain effort to carry the county for Roosevelt. Instances of the use of money in Illinois and Kentucky are given.

"Where is all of this money coming from?" Mr. Taft's manager was asked. For answer he said:

"It must not be forgotten that among the understrappers in the Roosevelt camp are a number of millionaires who constitute the 'Roosevelt gentilas' and who roam about from State to State—most of it new territory to them—and tell the voters what to do. Among this number are Gifford Pinchot, the owner of inherited millions; John F. Bass, brother of the governor of New Hampshire; Everett Colby, of New Jersey; George W. Perkins, of the United States Steel Corporation and the International Harvester Co., who is generally credited with raising more money for Mr. Roosevelt than any other three men; Frank A. Munsey, of New York, an owner of steel common stocks; Gov. Chase S. Osborn and Truman P. Newberry, of Michigan; Chauncey Dewy and Alexander Revell, of Chicago; Thomas Niedeinghaus, of St. Louis; Walter Dickey, of Kansas City; and a host of others. Every man in this list is a millionaire, some of them several times over, and all are spending their money like water for Mr. Roosevelt.

ROOSEVELT A MILLIONAIRE,

"Mr Roosevelt is himself a millionaire. While he left the White House ostensibly 'broke,' it has recently come to light that as a result of his two terms in the White House he has found polities a profitable investment, and his publications have paid him in royalties a sum of money exceeding half a million dollars alone.

"Another contributor is Alexander S. Corcoran, an associate of William L. Ward, of Westchester County, and the largest stockholder in the greatest carpet factory in America. Corcoran knows all about Schedule K and where it hits the carpet manufacturer.

"The certified statement filed at Albany also shows that R. P. Perkins and A. Foster Higgins, both carpet manufacturers, and therefore not strangers to Schedule K contributed \$1,000 apiece. Others who came to the aid of Col. Roosevelt with large sums are: George Baxter, \$5,000; H. L. Stoddard, \$2,500; Charles H. Duell, \$1,600; E. H. Hooker, \$1,000; with Oscar Straus and Baron L. Smith, \$500 each."

Mr. Speaker, if Mr. McKinley's charges be true, that this nomination is literally being purchased by money contributed to Mr. Roosevelt's campaign, the American people ought to know it; and if the charges that are made by Mr. Roosevelt's managers against Mr. Taft's managers are true, we are entitled to know it; and you gentlemen, instead of quibbling about verbiage, ought to help us pass this bill. It will require a verified statement from Mr. McKinley and a statement under oath from Senator Dixon, of Montana. It will furnish machinery in order that we may know if the American electorate is to be corrupted by money.

Mr. CAMPBELL. The gentleman would not confine the

statement to these two gentlemen, would he?

Mr. HENRY of Texas. O Mr. Speaker, if it be true, and the managers of these gentlemen file sworn statements in accordance with the facts, there will be nothing left for the candidates of the Republican Party, whether Roosevelt or Taft, to stand upon before the people in November. [Applause on the Democratic side. 1

Gentlemen are anxious now to pass a publicity bill, but this one does not suit the gentleman from Illinois [Mr. CANNON], ex-Speaker of the House, because it is too crude. He did not point out a single defect. It does not suit the gentleman from Illinois [Mr. Mann], the minority leader. It does not please some other gentlemen; but I say to you that if it is passed, and by requiring sworn statements from Senator Dixon and Mr. Mc-KINLEY it uncovers the facts that are, from what seem to be authentic sources, true and must be true, we will have rendered a public service, and the country will rise up and call this Congress blessed and know that we are legislating in their behalf.

[Applause on the Democratic side.] It is easy to make suggestions about this, that, or the other thing in any bill. The truth is that this is entirely new legislative domain. We had passed a bill requiring publicity in regard to nominations for Representatives in Congress and the election of Senators, and the choice of electors in the various States when the President and Vice President are to be chosen; but here is a novel proposition, in which it was necessary to draft a measure requiring those in charge of political campaigns to file statements of the amounts of money contributed to aid in their nomination. It is a difficult problem; but when you once establish the principle that publicity must be given as to the method, amounts expended, and the details in securing of nominations, you have brought about beneficial results.

One gentlemen says you ought to require the "candidate" for President to file a statement. Think of that high office, centlemen. There are no candidates for President. "Cangentlemen. There are no candidates for President. "Candidates" for President are always sought by the people and nominated by the voters, [Laughter.] At least, on this side we have no candidates. [Cries of "Oh!" on the Republican side. I

Mr. MANN. You have no candidate who has a chance. Mr. HENRY of Texas. But I believe, Mr. Speaker, that Theodore Africanus, the Mad Mullah of African hunting fame, did announce himself as a candidate.

Mr. MANN. And if he is nominated he will beat you to death.

Mr. HENRY of Texas, Mr. Speaker, the gentleman from Illinois [Mr. Mann] says if he is nominated he will beat us to death. [Prolonged applause on the Republican side.]

To observe the standpatters on that side of the House applaud Roosevelt is enough to make the angels weap. Laughter and applause on the Democratic side.] Mr. Speaker, I make this prediction, that whether it be Mr. Roosevelt or Taft whose friends are being charged with purchasing this nomination, When we place our nominee before the voters, whether it be [cries of "CLARK! CLARK!"] the Speaker of this House or any other good Democrat, he will win the Presidency. [Applause.]

The SPEAKER. The time of the gentleman from Texas

has expired. All time has expired.

Mr. HENRY of Texas. Mr. Speaker, I ask unanimous consent that all Members be allowed to extend their remarks in the RECORD for five legislative days on this subject.

I object. You gentlemen limited the time of Mr. MANN. debate to two hours.

The SPEAKER. It seems to the Chair that the most orderly way to proceed with the amendment is to report the committee amendments first and then take up the other amendments.

Mr. FOWLER. Mr. Speaker, the bill under consideration provides for the publicity of campaign expenses used in the primary election for the purpose of aiding or assisting in nominating candidates for President of the United States. the bill is not drawn with the same kind of accuracy and precision as I think it ought to be, yet I shall vote for it as it came from the hands of the committee, although no amendments are agreed to by the House; still, I hope to see it amended, extending the scope of its provisions. I have long favored such legislation, because I believe that it is in the right direction. Ever since I have been paying any attention to politics no man has been elected President of the United States who has not been supported by the money power. The time is now ripe for the publicity of contributions made by all men who become interested in candidates for the Presidency. Mr. Speaker, as I view the matter, the people of this country have a right to know by what kind of methods candidates are nominated and what means are used thereafter to elect such candidates to the high position of President of the United States. There is a law already on

the statute books providing for the publication of contributions to campaign expenses of presidential candidates after the nomination, but there is no law now providing for the publicity of such contributions for the nomination of presidential candidates.

If the newspapers are to be relied upon there is now a tremendous effort going on throughout the country in every State of the Union for the purpose of nominating candidates for the Presidency. It is even charged, Mr. Chairman, that some of these candidates are supported by millionaires, who are freely contributing money and means for the purpose of nominating certain gentlemen. I grant, Mr. Chairman, that there are expenses necessary to be made in primary campaigns, but such expenses should be confined to legitimate and business methods in conducting campaigns. But under no circumstances should money be used for the purpose of corrupting the electorate. To buy a vote in a primary campaign is just as great a sin as to buy a vote in the final campaign, and there ought to be just as strong a law providing against the one as there is against the other

Mr. Chairman, if the interests of this country are determined to spend big money in order to nominate certain men for the Presidency, the people of this country have a right to know the names of all such men and the amount of money contributed by each. Our forefathers in organizing our system of government did so upon the theory that the people of this country would hunt candidates for the Presidency, but it seems now that instead of the people hunting a candidate for this high position, the big interests of the country have run mad in their efforts to nominate candidates who would be favorable to them after the election.

The will of the people, Mr. Chairman, is thereby defeated, and if this method is pursued in nominating all of the men who run for President there will be nothing left for the people to do after the nominations are made except to vote for some man selected by the interests. The stability of our Government rests upon the sterling, moral conduct of its citizenship, and the moral plane of our national life can rise no higher than the moral plane of our citizenship. If we permit dehauchery and corruption to be practiced in the nomination of a candidate for the highest office in the gift of the people, we may expect the same thing to take place in the nomination and election of candidates to the lower positions of trust. I trust, Mr. Chairman, that this bill will pass and that it will be a warning to those men of big means who have strayed far away from the path of national duty by using money for the purpose of corrupting the electorate, both in nominating and electing candidates to the highest place of power and influence in the gift of the people.

Let us make a record now by passing this bill, which will go down in history as the turning point against evil practices which have been tolerated by political parties in the past. Let us provide the means whereby the flood light of publicity may be turned on party conduct and party management, so that hereafter the political wrongdoer may be exposed and punished and finally driven out of the councils of all decent politics. Sparta was one of the few cities in ancient times unprotected by strong walls, yet it was her greatest boast that her defense rested in the physical strength and courage of her male citirested in the physical strength and courage of her mate chizens and their loyalty to and love for the Spartan cause. Let it be our greatest boast that we have built up an electorate based upon the purity of the ballot, granting special privileges to none, but guaranteeing equal and exact justice to all, and forever settling the question that this is in truth a government of the people by the people and for the people.

The SPEAKER. The Clerk will report the committee amendment

ment.

The Clerk read as follows:

On page 2, line 21, strike out the word "thirty" and insert the word "ten."

The committee amendment was agreed to.

Mr. KOPP. Mr. Speaker, I offer the following amendment. The Clerk read as follows:

Page 1, line 5, after the word "which," add the following: "and every individual who," so that it will read "any political organization or party which, and every individual who, shall attempt"—

And so forth.

The amendment was agreed to.

Mr. BATHRICK. Mr. Speaker, I offer the following amendment.

The Clerk read as follows:

After line 7, page 5, insert as a new section the following:

"Every person who shall be a candidate for nomination at any primary or general election or nominating convention for the office of President or Vice President of the United States shall, not less than 15 days before the day for holding any such primary or general election or nominating convention and within 30 days next after the holding of such primary or general election or nominating convention, file with the Secretary of the United States Senate at Washington, D. C., a full,

correct, and itemized statement of all moneys and things of value received by him or by anyone for him with his knowledge and consent from any source, in aid or support of his candidacy, together with the names of all those who have furnished the same in whole or in part in sums in excess of \$100; and such statement shall contain a true and itemized account of all moneys contributed, expended, used, or promised by such candidate, or by his agent or representative, together with the names of all those to whom promises of office or other position are made for the purpose of securing influence or support in such elections or conventions, and the names of all those to whom any gifts, contributions, payments, or promises were made for the purpose of procuring his nomination or election."

The SPEAKER. The question is on the amendment offered by the gentleman from Ohio.

The question was taken; and on a division (demanded by Mr. BATHRICK) there were 101 ayes and 24 noes.

So the amendment was agreed to.

Mr. KOPP. Mr. Speaker, I offer the following amendment. The Clerk read as follows:

Page 2, line 11, after the word "committee," add the following: "and every such individual contributor."

The question was taken, and the amendment was agreed to. Mr. BURLESON. Mr. Speaker, I move to strike out the word "political," in line 5, page 1, and insert the same word before the word "party" in the same line.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Page 1, line 5, strike out the word "political" before the word "organization" and insert the same word before the word "party" in the same line.

The question was taken, and the amendment was agreed to. Mr. KOPP. Mr. Speaker, I offer the following amendment. The Clerk read as follows:

Page 2, line 24, after the word "committee," add the following: "and every individual contributor."

The amendment was agreed to.
Mr. BURLESON. Mr. Speaker, I move to amend, in line 3, page 1, by striking out the words "president, chairman, secretary, manager, or other."

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Page 1, line 3, strike out the words "president, chairman, secretary, manager, or other."

The question was taken, and the Chair announced that the ayes had it.

Mr. RUCKER of Missouri. Mr. Speaker, I call for a division. I want to see if the House wants to kill this bill.

Mr. MANN. I make the point of order that debate is not in order.

The SPEAKER. Debate is not in order.

The House divided, and there were—79 ages and 67 noes. Mr. RUCKER of Missouri. Mr. Speaker, I call for tellers. want to see if this House really wants to kill this bill.

Tellers were ordered, and the Chair appointed as tellers Mr.

RUCKER of Missouri and Mr. Mann.

The House again divided; and the tellers reported—ayes 78, noes 88.

So the amendment was rejected.

Mr. KOPP. Mr. Speaker, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Page 3, line 20, after the word "thereof," add the following: "Or to any person or persons in behalf of any such candidate."

The SPEAKER. The question is on agreeing to the amend-

The question was taken, and the amendment was agreed to. Mr. FOWLER. Mr. Speaker, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Page 1, line 3, strike out the word "other," at the end of the line, and insert in lieu thereof the word "any."

The SPEAKER. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.
Mr. FULLER. Mr. Speaker, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Amend section 3 so that it shall read as follows:

"That any person herein required to file any statement who shall willfully neglect or refuse to file such statement within the time specified, or who shall willfully make any false statement therein, or willfully conceal any fact required to be stated, shall, upon conviction thereof, be fined not exceeding \$5,000 or be imprisoned not more than three years, or both."

The SPEAKER. The question is on agreeing to the amend-

Mr. HOBSON. Mr. Speaker, I ask unanimous consent that the amendment be again reported.

The SPEAKER. Without objection, the Clerk will again report the amendment.

There was no objection and the Clerk again reported the

Mr. HOBSON. Mr. Speaker, a parliamentary inquiry.
The SPEAKER. The gentleman will state it.
Mr. HOBSON. Does that supersede the section as stated in

the bill, or does it supplement it?

The SPEAKER. That is not a parliamentary inquiry. Mr. MANN. Mr. Speaker, I demand the regular order. The question was taken; and on a division (demanded by Mr.

RUCKER of Missouri) there were-ayes 105, noes 0.

So the amendment was agreed to.

Mr. RUCKER of Missouri. Mr. Speaker, I move to amend line 10, page 2, by striking out the word "other."

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Page 2, line 10, strike out the word "other" at the beginning of the line.

The SPEAKER. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.
Mr. RUCKER of Missouri. Mr. Speaker, I move the same
amendment with respect to the word "other," in line 23, page 2.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Page 2, line 23, strike out the word "other."

The SPEAKER. The question is on agreeing to the amend-

The question was taken, and the amendment was agreed to. Mr. KOPP. Mr. Speaker, I offer the following amendment which I send to the desk and ask to have read.

The Clerk read as follows:

Page 4. line 13, after the word "thereof," add the words "or any individual."

The SPEAKER. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to. Mr. KOPP. Mr. Speaker, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Page 4, line 23, after the word "thercof," add the words "or by any individual."

The SPEAKER. The question is on agreeing to the amend-

The question was taken, and the amendment was agreed to. Mr. RUCKER of Missouri. Mr. Speaker, I move to amend line 18, on page 3, by striking out the word "other." The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Page 3, line 18, strike out the word "other."

The SPEAKER. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to. Mr. KOPP. Mr. Speaker, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk rend as follows:

Page 5, line 7, after the word "thereof," add the words "or by any individual."

The SPEAKER. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to. Mr. KOPP. Mr. Speaker, I move to amend, page 5, line 7, by striking out the period and inserting a comma.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Page 5, line 7, strike out the period and insert in lieu thereof a

The question was taken, and the amendment was agreed to. Mr. MOORE of Pennsylvania. Mr. Speaker, I offer the following amendment.

Mr. BUCHANAN. Mr. Speaker-

The SPEAKER. For what purpose does the gentleman rise?
Mr. BUCHANAN. To offer an amendment.
The SPEAKER. There is one pending now. The Clerk will report the amendment of the gentleman from Pennsylvania. The Clerk read as follows:

Line 4, page 1, strike out "any person" and insert "the financial manager."

The question was taken, and the amendment was rejected. Mr. BUCHANAN. Mr. Speaker, I move to amend, page 4, line 1, by striking out the word "other."

The SPEAKER. The Clerk will report the amendment,

The Clerk read as follows:

Page 4, line 1, strike out the word "other."

The question was taken, and the amendment was agreed to. Mr. BUCHANAN. Mr. Speaker, I also desire to move an amendment, on page 4, line 6, by striking out the word "other." The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Page 4, line 6, strike out the word "other."

The question was taken, and the amendment was agreed to. Mr. LANGLEY. Mr. Speaker, I desire to offer an amendment to strike out any other "other" that may appear in the bill. The SPEAKER. The amendment of the gentleman is out of

Mr. BUCHANAN. Mr. Speaker, I desire to move to amend by striking out the word "other," on page 4, line 11. The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Page 4, line 11, strike out the word "other."

The question was taken, and the amendment was agreed to. Mr. BUCHANAN. Mr. Speaker, I move to amend by striking out the word "other," on page 4, line 21.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Page 4, line 21, strike out the word "other."

The question was taken, and the amendment was agreed to. Mr. LOBECK. On page 5, line 5, I move to strike out the word "other." [Laughter.]

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Page 5, line 5, strike out the word "other."

Mr. LANGLEY. Mr. Speaker, I make the point of order that motion has already been adopted.

The SPEAKER. The point of order is overruled.

The question was taken, and the amendment was agreed to. Mr. RUCKER of Missouri. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

The SPEAKER. The gentleman will state it.

Mr. RUCKER of Missouri. Is there any other place in this
bill where the word "other" ought to be stricken out?

The SPEAKER. The Chair does not know.

Mr. MOORE of Pennsylvania. Mr. Speaker, I offer the fol-

lowing amendment.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Line 4, page 1, strike out the words "any person" and insert in lieu thereof the words "the janitor."

[Laughter.]

The question was taken, and the amendment was rejected.
Mr. RUCKER of Missouri. Mr. Speaker, on page 2, line 4,
I move to amend by inserting, after the word "such," the words
"correspiration or". organization or.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Page 2, line 4, after the word "such," insert the words "organiza-

The question was taken, and the Chair announced the ayes seemed to have it.

Mr. MANN. Mr. Speaker, I ask for a division. Mr. RUCKER of Missouri. Mr. Speaker, I ask unanimous consent to withdraw that amendment. I will state frankly it

was offered by a gentleman on that side—
The SPEAKER. The gentleman does not have to ask unanimous consent; the gentleman has a right to withdraw his amendment.

Mr. RUCKER of Missouri. I withdraw it.

The SPEAKER. It is withdrawn. The question is on the

engrossment and third reading of the bill.

Mr. SAMUEL W. SMITH. Mr. Speaker, I ask unanimous consent that the bill as amended be read, so we may know what we are voting on. [Cries of "Regular order!"] Mr. ADAIR. Mr. Speaker, I object.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. Rucker of Missouri, a motion to reconsider the vote by which the bill was passed was laid on the table.

MR. CARL LEGIEN.

Mr. WILSON of Pennsylvania. Mr. Speaker, there is present in this country as a guest of the American labor movement a gentleman who is a member of the German Reichstag, president of the Federation of Trades Unions of Germany, and holding the highest official position in the labor movement of the world, the secretaryship of the International Secretariat, Mr. Carl Legien, of Germany.

I ask unanimous consent that the House take a recess of 15 minutes to hear and to meet Mr. Legien.

Mr. MANN. How long?
Mr. WILSON of Pennsylvania. Fifteen minutes.
The SPEAKER. The gentleman from Pennsylvania [Mr. Wilson] asks unanimous consent that the House take a recess for 15 minutes to hear and meet the gentleman named.

Mr. MANN. Mr. Speaker, reserving the right to object, want to say that I shall not make any distinction between this case and other cases which have been presented to the House, but I think that hereafter I shall object to all such requests.

Mr. BERGER. Mr. Speaker, some time ago in a similar case I withdrew my objection, and I was assurred at that time that if any prominent labor man or parliamentarian of another country should come to our shores we would pay to him such honors as were paid to the gentleman then to be presented.

Mr. MANN. And this is the case?

Mr. BERGER. Yes, sir. I want to say the gentleman is 1 of 110 of the Socialists elected in Germany this year, and that you will have a chance to hear a genuine Socialist from Germany.

Mr. MANN. We have had that frequently in the House.

[Laughter.]

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Accordingly (at 3 o'clock and 8 minutes p. m.) the House stood in recess for 15 minutes.

AFTER RECESS.

The recess having expired, the House was called to order by the Speaker.

LEAVE OF ABSENCE.

By unanimous consent, Mr. HARDWICK was granted leave of absence for 10 days, on account of important business.

WITHDRAWAL OF PAPERS.

By unanimous consent Mr. Floyd of Arkansas was granted leave to withdraw from the files of the House, without leaving copies, the papers in the case of W. W. Hixson, H. R. 16622. Sixty-first Congress, no adverse report having been made thereon.

POST OFFICE APPROPRIATION RILL.

Mr. MOON of Tennessee. Mr. Speaker, I ask unanimous consent that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the Post Office appropriation bill (H. R. 21279). And pending that motion I ask unanimous consent that the general debate provided for in the special rule be deferred until we reach the subject matter of the rule. In other words, that we proceed with the bill now under the five-minute rule until we reach the new legislation in the bill.

Mr. MANN. Reserving the right to object, that request is

too indefinite for me to agree to.

Mr. MOON of Tennessee. In what respect?

Mr. MURDOCK. Mr. Speaker, what is the gentleman's re-

The SPEAKER. The gentleman's request is that we proceed with the debate under the 5-minute rule until we come to the sections involved in the 20 hours' general debate, and then the debate shall take place.

Mr. MURDOCK. The rule provides that immediately on adoption of the rule the House, in Committee of the Whole House on the state of the Union, will have five hours' general debate on all new legislation in the bill save parcel post.

The SPEAKER. But the gentleman from Tennessee is ask-

ing unanimous consent to modify that rule in that regard.

Mr. MANN. Mr. Speaker, I had a copy of the rule here— The SPEAKER. There is not any question as to what the rule says.

Mr. MANN. I understand. But the gentleman's request now is to postpone five hours' general debate upon everything except the express and parcel post. Now, the gentleman wishes to postpone that until these items are to be reached in the bill. But they do not come together in the bill. One of the items is to be inserted on page 19, as I recall it.

Mr. BARNHART. Page 15.
The SPEAKER. If the gentlemen will permit a suggestion, if they want to do what the gentleman from Tennessee [Mr. Moon] wants done, the Chair would suggest that the gentleman from Tennessee change his request so as to get through with the five-minute debate on the bill and then take up these other matters.

Mr. MOON of Tennessee. If the Chair will recollect, that is about what I said, namely, that we proceed under the 5-minute rule until we reach the new matter in the bill, provided in the special rule, and let the debate of 20 hours be had.

The SPEAKER. Fifteen hours?
Mr. MOON of Tennessee. Five hours for certain matters and

15 hours for other matters.

The SPEAKER. The request of the gentleman from Tennessee, then, is this, as the Chair understands it, namely, to take up this bill under the 5-minute rule and dispose of all of it under the 5-minute rule except the matters dealt with in the special rule adopted Thursday, and then have the 20 hours' debate.

Mr. SIMS. And then vote?
The SPEAKER. And then vote.
Mr. MOON of Tennessee. I see what the point of the gentleman from Illinois is-that one section of the new-matter that occurs before we get to the second section of the bill—and I am willing to modify the request I have made so as to pass over that particular matter on page 19 until we get to the second section. ond section

Mr. MURDOCK. What is that matter on page 19?

Well, there is the steel-car item on page 19 and Mr. MANN. another amendment proposed on page 25, all of which comes in before the legislative provisions of the bill. Mr. BARNHART. And one on page 28.

Mr. MANN. That would come in after the other provisions. The amendment proposed on page 25 would take five hours' debate, if it were permissible at that time,
Mr. MOON of Tennessee. The gentleman will notice in the

bill that the second section of the bill is the beginning of the new matter, except the matter in reference to the steel cars.

Mr. MANN. I understand. The order makes in order the

Mr. MANN. I understand. I legislative provisions of the bill.

Mr. MOON of Tennessee. Yes.

Mr. MANN. That commences with section 2. Also it makes in order two or three provisions in the bill prior to that time.

Mr. MOON of Tennessee. Those sections I desire to pass over until we reach that point.

Mr. MANN. And it makes in order the amendment on the country-roads proposition on page 25. How are you going to divide up the time on these extraneous matters other than the parcel post?

Mr. MOON of Tennessee. The idea is to pass over them without considering them, and to consider them after general debate.

Mr. MANN. Is there not some way by which we could use the time under the five-minute rule on this instead of using it under general debate, when everybody knows that on half a dozen matters here that will have to be discussed in the five hours under the rule the opportunity for discussion under general debate will be of no value to anyone?

Mr. MOON of Tennessee. I understand that. I am afraid the gentleman from Illinois does not understand me. The routine parts of the bill ought to be passed on before we reach the new legislation, and the debate on the new legislation should occur immediately preceding the taking up of that new legislation under the five-minute rule.

Mr. MANN. As I understand the gentleman's request now, it is to proceed with the reading of the bill under the five-minute rule, and these matters that are made in order by the special rule shall be passed over, when the places are reached in the bill, until section 2 is reached?

Mr. MOON of Tennessee. That is right. Mr. MANN. Then you go back to the first item in the bill where it occurs, on through the pages here where the amendments would be offered?
Mr. MOON of Tennessee.

Yes.

Mr. MANN. I shall not object to that, but I hope the gentleman will formulate some plan whereby there may be more time given under the five-minute rule, where there will be somebody to listen, and less time under the five-hour plan, where no one will be present to listen except those who will be doing the talking.

Mr. MOON of Tennessee. I desire to take up the 5-minute debate, and then the 5-hour and 15-hour debates provided in

Mr. MANN. There are a dozen propositions to be taken up under the five-hour debate.

Mr. SIMS. Mr. Speaker, will the gentleman yield?

The SPEAKER. Does the gentleman from Tennessee yield to his colleague?

Mr. MOON of Tennessee. Yes.

Mr. SIMS. I would like to ask the gentleman from Tennese a question, and I would like to have the gentleman from Illinois also hear this: The rule requires 5 hours' debate to

cover all this new legislation except the parcel post and postal express, as I understand it, and yet that general debate occurs before the 15 hours begin. Now, at the end of 5 hours shall all these matters covered by these 5 hours of debate be taken up and voted upon before we have the 15-hour debate, and then take up the other propositions?

Mr. MOON of Tennessee. No. The purpose of the motion is to avoid three general debates on the one bill.

Mr. SIMS. That is what I want to avoid.

Mr. MOON of Tennessee. Let us have the general debate all at one time.

Mr. SIMS. That is what I am in favor of. The gentleman's

request did not embrace that specifically.

Mr. MOON of Tennessee. Oh, yes; !t did.

Mr. SIMS. I wanted it to be just as my colleague said.

Mr. MURDOCK. Mr. Speaker, will the gentleman yield?

The SPEAKER. Does the gentleman from Tennessee yield to the gentleman from Kansas?

Mr. MOON of Tennessee. Yes.

Mr. MURDOCK. The rule provided for 5 hours' general debate at the point in the Post Office appropriation bill where we cease consideration of it under the 5-minute rule. That 5 hours' time was to be devoted to general debate on all new legislation contained in the rule, save two pieces of new legislation relating to parcel post and parcel express, and, as I read the rule, after that 5 hours of general debate on those subjects we were to continue the reading of the bill and its consideration under the 5-minute rule, and at the expiration of that consideration we were to go into general debate for 15 hours.

Mr. MOON of Tennessee. That is, after we reach section 8.

Mr. MURDOCK. Is that the understanding of the gentleman?

Mr. MOON of Tennessee. Yes.

Mr. MURDOCK. That was the rule we adopted. Now, I would like to ask the gentleman about the construction of the rule in reference to railway mail cars, on page 19. If we take up his request and go on with the consideration of this bill under the five-minute rule-

Mr. MOON of Tennessee. If the gentleman from Kansas will

allow me

Mr. MURDOCK. Just a moment. When do we reach the consideration of railway mail cars? That is, under the fiveminute rule?

Mr. MOON of Tennessee. That has all been explained twice

Mr. MURDOCK. I listened very intently, and I did not understand it.

Mr. MOON of Tennessee. That it shall be passed over until after the general debate, so that all new matter may be taken up

Mr. SIMS. All general debate?

Mr. MOON of Tennessee. Yes. Mr. MADDEN. I want to see whether I understand the thing or not. The proposition of the gentleman from Tennessee is that we shall read the bill under the five-minute rule now?

Mr. MOON of Tennessee. Yes. Mr. MADDEN. And whenever a new legislative provision is reached in the bill that that be passed over?

Mr. MOON of Tennessee. Yes.

Mr. MADDEN. Until the appropriation features of the bill are disposed of?

Mr. MOON of Tennessee. Yes.

Mr. MADDEN. And that all legislative features of the bill be taken up in their order, first under the 5-hour debate and then under the 15-hour debate? Mr. MOON of Tennessee. Yes; that we have all the debate

Mr. MURDOCK. I should like to ask the gentleman when the provision on page 19, relating to the construction of mail cars, will be open for amendment under the five-minute rule?

Mr. MOON of Tennessee. That section, when reached, will be passed until after the general debate. Then we go back to it and take it up for amendment under the five-minute rule.

Mr. MURDOCK. Then, as we proceed now under the five-minute rule, we will touch no new legislation in the bill? Mr. MOON of Tennessee. None whatever; and I want to say

that the main reason for running the 5 hours and the 15 hours together, instead of separating them, as was done in the rule, is that it will give a better opportunity to gentlemen to discuss every feature of it as they see fit and not force us to divide up the different items. In other words, there will be 20 hours' general debate. Mr. SIMS. Unbroken?

Mr. MOON of Tennessee. Unbroken.

Mr. MOORE of Pennsylvania. Some gentlemen have gone away who are interested in these legislative provisions, having the understanding that we would have only general debate today. Getting down to brass tacks, as it were, I should like to know whether the understanding of the gentleman is that we will not take up any of these legislative matters this afternoon?

Mr. MOON of Tennessee. We can not take them up if we proceed with the general debate, nor could we take them up if we proceed with the bill under the five-minute rule, because we

could not reach them to-day.

Mr. MOORE of Pennsylvania. The gentleman says we can not take them up to-day. That answers the question.

Mr. MANN. It depends on where they come.

Mr. TRIBBLE. Mr. Speaker, there will be an amendment introduced in reference to increase of pay of the rural carriers.

Mr. BARTLETT. There is already an increase in the bill. Mr. TRIBBLE. I propose to introduce an amendment increasing it more than the bill carries. At what time will that be in order-before we have the 20 hours' debate or will it be in order as we read the bill?

Mr. MOON of Tennessee. If the request now made is acceded to, we will finish the bill except these new matters of legislation, and then have the general debate, and then the five-minute

man-

debate upon them.

Mr. TRIBBLE. The gentleman does not answer my question. When will the amendment I propose to introduce increasing the pay be in order; when we read the bill or after we get through reading the bill?

Mr. MOON of Tennessee. It will not be in order until after

the general debate, when we reach it under the five-minute rule, Mr. SMITH of Michigan. I should like to ask the gentle-

Mr. MOON of Tennessee. If we are to take up all the afternoon in discussing this simple question, I believe I will withdraw the request.

SEVERAL MEMBERS. Oh, no; do not withdraw it.

Mr. SAMUEL W. SMITH. When the time comes for the 20 hours' general debate, is the gentleman going to insist that the debate be confined strictly to the provisions of this bill?

Mr. MOON of Tennessee. No; I am not going to enforce any limit on that. Gentlemen may talk on anything they want to, just so they consume the time and get through with it

Mr. SAMUEL W. SMITH. I have no desire to talk about anything else, but I wanted to know whether the rule would be enforced

The SPEAKER. If the Chair understands the request of the gentleman from Tennessee [Mr. Moon], it is that we proceed with the debate under the five-mintue rule clear through the bill, excepting out of it these controverted questions that were put into the rule adopted last Thursday, and when the discussion of the rest of the bill under the five-minute rule is finished, then that the 20 hours of general debate shall ensue, and then read those propositions under the five-minute rule.

Mr. GREEN of Iowa. Mr. Speaker, I would like to inquire if, after the general debate, we do not proceed under the five-

minute rule with reference to the new provision?

The SPEAKER. Of course; that has already been stated. Is there objection to the request of the gentleman from Tennessee [Mr. Moon] for unanimous consent on the proposition just stated by the Chair?

There was no objection.

The motion of Mr. Moon of Tennessee to go into Committee of the Whole House on the state of the Union for the consideration of the Post Office appropriation bill was then agreed to.

Accordingly the House resolved itself into Committee of the

Whole House on the state of the Union, with Mr. Hay in the

The CHAIRMAN. The House is now in Committee of the Whole House on the state of the Union for the further consideration of the Post Office appropriation bill, and the Clerk will continue the reading of the bill.

The Clerk read as follows:

OFFICE OF THE SECOND ASSISTANT POSTMASTER GENERAL.

For inland transportation by star routes in Alaska, \$250,000: Provided, That out of this appropriation the Postmaster General is authorized to provide difficult or emergency mail service in Alaska, including the establishment and equipment of relay stations, in such manner as he may think advisable, without advertising therefor.

Mr. MOON of Tennessee. Mr. Chairman, I ask unanimous consent that this provision, together with lines 24 and 25, page 16, be passed over until we can get an amendment prepared.

Mr. MANN. Reserving the right to object, I want to say that the gentleman from Missouri [Mr. Bartholdt] went away supposing that this day would be devoted to general debate. factory manner with the carrying of mail by aeroplane,

He desires to offer an amendment, which I think would not be objected to, just ahead of line 16, page 16. Does the gentleman from Tennessee have any objection to recurring to that part of the bill when the gentleman from Missouri returns?

Mr. MOON of Tennessee. I have no objection to recurring

Mr. MANN. Then, Mr. Chairman, I ask unanimous consent that it may be in order for the gentleman from Missouri [Mr. BARTHOLDTI to offer an amendment, which he has prepared, after line 15, page 16.

Mr. MOON of Tennessee. I think I know what the gentle-

man's amendment is, and there will be no objection to it.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent that the gentleman from Missouri [Mr. Bar-THOLDT] may have the right when he returns to offer an amendment at the end of line 15, page 16. Is there objection?

Mr. MURDOCK. Reserving the right to object, I want to

know the exact location of the amendment.

Mr. MANN. It comes in after line 15, page 16.

The CHAIRMAN. Is there objection?

There was no objection.

The CHAIRMAN. Does the request of the gentleman from Tennessee include lines 24 and 25, on page 16?

Mr. MOON of Tennessee. Yes.

The CHAIRMAN. Is there objection to the request of the

gentleman from Tennessee?

Mr. SHARP. Mr. Chairman, I would like to inquire how much is included in this paragraph. I have an amendment that wish to offer.

The CHAIRMAN. The Chair will state that if the paragraph is passed by for the purpose of offering an amendment the gentleman from Ohio will have an opportunity to offer his

Mr. MANN. Passing the paragraph does not affect the gentleman's right to offer an amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

The Clerk read as follows:

For the transmission of mail by pneumatic tubes or other similar devices, \$987,400.

Mr. SHARP. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Amend, page 17, by inserting, after line 5, a new paragraph, to read "For the transportation of mail by aeroplane or other air craft, \$50,000."

Mr. SHARP. Mr. Chairman, I wish to say in this connection that this subject of transportation of mail by aeroplane or other air craft was recommended by the Post Office Department to the consideration of the committee. After making careful investigation as to the possibilities of this comparatively new method of transporting mail they asked the committee to make a recommendation incorporating in its bill the sum of \$50,000 to be expended for that purpose. I have not the slightest criticism to make of the members of this committee, for I think they have discharged their duty in a most conscientious manner, but I notice of the larger cuts in the appropriation from the estimates that under the Second Assistant Postmaster General's department is very much the largest, amounting to something over \$740,000.

I do not wish to pose as a prophet, but I am going to take this occasion to say that inside of the next 12 months—at the furthest the next 2 years—we will find that the subject of transporting the mail by aeroplane or via the air route will demand a very important part of the attention of Congress in making up future appropriation bills for the Post Office Depart-

I had a conversation this morning with the Second Assistant Postmaster General, and he told me that there were not a few places in the western country, along the Grand Canyon of Colorado and New Mexico, in which there are needs for this method of transporting the mail, and where it had been and is to-day practically impossible to send any mail whatever with any regularity or convenience.

He also volunteered the statement that a number of postal clerks had volunteered their services and wanted to enlist for this special field of aviation. It is not an untried experiment. It is true Congress has not seen fit to make any such appropriation, although I do not think it has been asked, until in the framing of this bill, to appropriate money for this service. Last fall Postmaster General Hitchcock experimented in a most satis-

During the 10 days that those experiments were under way over 40,000 pieces of mail were carried satisfactorily, without delay and without a hitch. The same experiments had been conducted a few weeks prior to that in England and also in France. I would like very much, though it is somewhat foreign to this purpose, to go into the possibilities of aviation in our naval and war operations, and also from a commercial point of view, as well as its value in future scientific research. However, in the limited time that I have to speak upon this amendment I shall confine my remarks strictly to the possibilities, nay, the probabilities, of the value of this kind of service as applied to the transportation of the mail.

The field of aviation has been already so far explored in the way of experiments that they have succeeded in traveling several hundred miles without stopping, and also in carrying a weight considerably in excess of 1,000 pounds. It is recorded that a little more than a year ago a flight from London to Paris, a distance of 250 miles, was made without a stop by a French aviator in less than three hours, one half the time it would take

an ordinary express train to make the distance.

Aviation is relatively yet in its infancy. I believe the time will come when it will be possible for us to rapidly transport by this means of locomotion thousands of pounds of mail. cost of aeroplanes is so insignificant that it is hardly worth mentioning. Gen. Allen, of the Signal Corps, told me the other day that he could get the very best aeroplanes made in this country for \$5,000, and that if some of the foreign equipments with superior engines were purchased the cost would be \$6,000, part of which would go back into the pockets of the Government in the shape of revenue duties.

Most of our efforts in framing the appropriation bills at this session have been in the way of economy, and I wish to say to the credit of my colleagues on this floor, that notwithstanding there would seem to be at times a popular impression abroad that Congress is not working for economy in the administration of public affairs, yet few if any measures calling for the expenditure of public money are allowed to pass without the most careful scrutiny. Nowhere can we bring about economical conditions more than along this line of encouraging and developing competition with railway companies and steamboat companies in the carrying of mails.

[The time of Mr. Sharp having expired, by unanimous con-

sent he was granted five minutes more.]

Mr. SHARP. To-day we are paying the railway companies in the United States something like \$47,000,000 annually for transporting our mail. In addition to that great sum we are paying, as provided for in this bill, if I remember correctly, nearly \$4,800,000 for the rental of postal cars. Let me say that this modest sum of \$50,000 is not to be expended in an entirely new field, involving additional expense. The Second Assistant Postmaster General, Mr. Stewart, tells me that much of this would be in substitution of the money already used in the star routes over the far West, where the natural obstacles due to the topography of the country are such as to render almost impossible the carrying of mail at any reasonable price or with expedi-

It seems to me that in the line of economy this Congress can not make a better stroke or take a greater step in advance than to now give the department the sum of \$50,000, which it has asked, partly, if you please, experimental, but practically withal, to facilitate the carrying of mail. I am told by the department that it is not the intention to buy these aeroplanes, but simply to make a contract with those who will carry the mail at certain prices under time schedules, and already in 20 different instances I have been informed mail has been carried voluntarily, free of cost, by aviators of the country to test the practicability of such a thing. Only last fall a trip was made down the Mississippi River from upper Minnesota somewhere, a distance of 300 miles, with loaded mail sacks. We know what that later invention-the hydroplane-has accomplished. think this bill appropriates specifically a considerable amount for transportation by water. If we invest this sum of money in the hiring of aeroplanes, hydroplanes, and other air craft, as contemplated in this amendment, I believe that it will be the first step not only in largely revolutionizing our method of transporting mails but of transporting passengers and light freight. It will also be a great agent toward the saving of life.

I make this prediction as the result of considerable study and investigation, as I became interested in this subject some months ago through the introduction of a number of bills bearing upon different phases of aviation and its encouragement.

Mr. Chairman, I am deeply in earnest in my desire to see this amendment incorporated in the bill, not alone because of the

from the lack of time in a very brief manner, but also from the feeling that our Nation should not lag behind other powers in the progress of human achievement. Though it may be a sentimental reason, yet I trust that it is nevertheless not without some force, that the Government, which, through its liberal financial encouragement of its pioneer aeronautic investigator. Langley, finally resulting in the actual culmination and realiza-tion of the dream of the ages to fly through the air, as accomplished by the Wright brothers, thus first giving to the world this invention, should not now be content to rest in its work of developing a field so fruitful in its possibilities as a national defense, commercial advantages, and scientific research. Coupled with that great invention of wireless telegraphy, it would never permit again the tremendous loss of life and noble sacrifices which occurred on the giant steamship which foundered in the last few days. [Applause.]
Mr. REHLLY. Mr. Chairman, I do not wish to be put down

as opposed to any progressive measure, but it occurs to me that the postal service and the Post Office Department have been up in the air high enough for a long time and now let us get down

to terra firma for once.

Mr. WILLIS. Mr. Chairman, I do not wish to take much time and only desire to say a few words on this amendment which has been offered by my colleague. It seems to me, Mr. Chairman, that this amendment is fair and reasonable and in the line of progress. I can not hope to add very much to what my colleague said because he has given this subject a good deal of study and I have given it only a little, but I do know that this Government is not making provision for the encouragement of aviation that is being made by other great governments of such standing as ours. I happen to know that certain of the great governments are appropriating up into the millions for the purpose of making experimentations along these lines and it seems to me, Mr. Chairman, it is very fitting and proper that this amendment, which proposes to set aside \$50,000 for this purpose, should be adopted. We can not afford to be behind the other nations. The fact is the people of this country are tremendously interested in this subject of aviation. There was a time when to have introduced such an amendment would have been to perpetrate a joke, but this is not a joke, it is not an experiment any longer. As was explained by my colleague, mail has been carried a number of times and there is no reason why it can not be, and I submit that, aside from the economy of it and the accommodation that would arise from the use of aeroplanes in certain places, the encouragement that would be given to a great and widely open field of science would be worth more than the amount of the appropriation. So I sincerely hope, Mr. Chairman, that the committee will agree to this amendment. I believe it is in the interest of progress, in the interest of the betterment of the postal service, and I hope It will be adopted.

Mr. MOON of Tennessee. Mr. Chairman, I hope just the opposite from my friend—that it will not be adopted. This committee considered this question, and there was not a single fact brought before the committee by the department or anybody that would justify the useless expenditure of this money in experimentations of this sort. That character of conveyance is not fixed; it is not settled; it is not stable in any way; and there is nothing before us that would justify us in making an experimentation along these lines. Now, we know what can be done in the water and on the land in the matter of the speedy delivery of mails, and I submit that this is hardly the time for us to begin to carry our mails through the air when we can travel If any fact had been presented that justion the ground. fied-

Mr. WILLIS. Will the gentleman yield?

Mr. MOON of Tennessee (continuing). Such an appropriation, the committee would have seriously considered it, but the committee have not thought it was a wise thing to engraft every new fad that comes along in this bill.

Mr. WILLIS. Is it not a fact the Government of the United States made pledges for the installation of the telegraph, and, in fact, as I recall the history of the time, built a telegraph line when it was much more in an experimental stage than this matter now is?

Mr. MOON of Tennessee. The Government did all of that, but that is quite a different proposition. We have made provision for carrying the mails over the land and sea, and I hope gentlemen will vote down the proposition to undertake to carry the mail in the air.

Mr. MANN. Mr. Chairman, I had supposed there would be no objection on the part of the committee to this amendment, from the fact that no point of order was made upon the amendmore practical reasons which I have just stated, and necessarily ment. I do not desire to delay the committee. I am in favor

of the amendment. I think that the Government ought to keep up or at least be not very far behind in the real progress that is being made in the world. There are undoubtedly places where, if you can get mail delivered by airships at all, it can be delivered much cheaper than it can be by trains and wagonsplaces in the mountainous country, if that can be done; if it can not be done the money will not be expended. If that can be done the Government ought to follow that line, in my judgment. I have frequently talked aviation on the floor of this House, and helped to secure amendments in bills on the floor to make appropriations and increase appropriations in the Army for that purpose. Here comes a proposition to use it in peaceful methods. I would a great deal rather see it used in peaceful methods than for war purposes if it can be done effectively, but we have reached the point in this world where transportation in the air has come to some extent and where the development of the transportation will be greater than any other line of development in the near future, in my judgment. [Applause.]

Mr. CANNON. Mr. Chairman, I move to strike out the last

word.

I can not agree with my colleague from Illinois [Mr. MANN] and the two gentlemen from Ohio [Mr. Willis and Mr. Sharp] as to the propriety of this appropriation. I had something to do with the genesis of aviation, as I assisted in making the general appropriation, which included the small appropriation under which the late Prof. Langley demonstrated that a body heavier than air could be maintained in the air, and sail, and make progress. All that has happened since that time very largely has happened by private enterprise. I do not believe that the time will ever come when we will carry corn and wheat to market by airship, or that we will have the certainty, celerity, and dispatch for carrying the mails that is desirable. Yet I would not stop encouragement to aviation if it needed any.

Prof. Henry broke the circuit and found that news could be sent by electricity in 1830, and made his report to the Academy of Sciences, and it rested until 1840, when an annual appropriation was made by the Government of \$30,000 to construct a line from Washington to Baltimore. I have not any fear but that progress will be made along this line; nor do I oppose proper expenditure of public money for this purpose. But let us keep it under one administration. I do not recollect, although some gentlemen do-as I believe I was not in the Housebut I am quite sure that the Army bill carried an appropriation for this purpose, and that officers of the Army, some of them losing their lives, but still other volunteers coming, are making If useful at all, I believe it will be useful that expenditure. for scouting service.

Mr. SHARP. In the Army bill, of which the gentleman makes mention, my recollection is the amount asked for was \$125,000, and it was cut down \$50,000, making it \$75,000. Against that the French Government appropriated last year \$1,000,000-just in one year-and, I think, getting about as far

ahead of us as any other branch of the service.

Mr. CANNON. I do not know about the French Government. The Army bill has not yet become a law. Even if that is not enough, let us keep these experiments in one department. do not know what the French Government is doing in the premises, but I do know that if it be a fad it is one which is being wonderfully promoted in the United States. These machines have fallen in price, and I have no doubt have been and are being perfected; and many men annually, having the leisure and the courage and the money, are making these experiments. I do not think it is wise to have two or three or more departments expending the money.

Mr. WILLIS. Will the gentleman yield? Mr. CANNON. Yes. Mr. WILLIS. Is the gentleman aware of the fact that the War Department is seeking to develop quite a different kind of type of machine from that which would be useful in the Post Office Department? Because of that fact it is desirable that the appropriations should go to the two departments, and not

be confined to one, as the gentleman is now suggesting.

Mr. CANNON. Oh, well, I am not willing to appropriate for anything more than bare experiments. As to whether there are proper stalls and boxes for transmission of mail being perfected by the War Department, I do not know. I hope not. In other words, the progress that could be made, in my judgment, is being made, and tenfold-and, I dare say, a hundredfold-more progress is being made by private enterprise than the Government will ever make.

Mr. MURDOCK and Mr. SHARP rose.

The CHAIRMAN. The gentleman from Kansas [Mr. Mur-DOCK] is recognized.

Mr. MURDOCK. Mr. Chairman, we do not see very far into the future. There is no imagination here so wild as to believe that the carrying of mail by aeroplane might a little later relieve an appropriation for improvement for roads for mail routes; yet who can tell about the aeroplane and its possible development along the lines of utility. Twenty years ago I had the opportunity once to interview Thomas A. Edison on the subject of the flying machine. No one at that time believed that its realization was in the near future, but Edison told me it was. He said he had repeatedly experimented himself, always without success, but that some day some man-he hoped an American-would steal the secret of flying from the hawk and from the eagle. It has been stolen, and man is flying to-day. Still it seems ridiculous to claim that we could economically carry the mail by aeroplane. Mention has been made here of the telegraph. The day that the first message was sent from Baltimore to Washington, it was looked upon by the great majority of men as an impossibility.

It is a historical fact that that morning the then Secretary of State walked down Pennsylvania Avenue with Prof. Morse, and said to Prof. Morse, with great pomposity, "Professor, how large a bundle will this telegraph of yours carry from Balti-more to Washington?" [Laughter.] Ten years after the first locomotive came into the city of Washington this Government continued to carry mail, between towns connected by railroad,

by the star routes.

It is true that this Government had the right in 1840, for a matter of \$25,000, which Congress refused to appropriate, to take over the telegraph companies of this country-a thing which should have been done. We can not afford to hold back because a thing is new. So I am heartly in favor of this appropriation for the development of this new service, and I shall support the amendment. [Applause.]

Mr. COX of Ohio rose.

Mr. MOON of Tennessee. Mr. Chairman, I move that all

debate on this paragraph close in five minutes.

The CHAIRMAN. The gentleman from Ohio is recognized. Mr. COX of Ohio. Mr. Chairman, it has only been a few years ago that two humble American boys in my home city of Dayton, Ohio, established a supremacy over the air and started the development of the aeroplane. They were regarded by the community, and by everyone else who knew anything about their experiments and their endeavors, as being possessed of a strange purpose, to say the least. But the world now does them honor, particularly since they have so developed their device that a passenger in a Wright biplane has flown successfully and without accident from the Atlantic to the Pacific

The Wright boys have since been decorated by every great Government on the face of the earth. They have up until this time received many encouragements from Governments abroad, but they have uncomplainingly, I might say to their credit, received very little cooperation from their own Government. France last year, as my colleague from Ohio [Mr. Sharp] has just stated, appropriated a million dollars for aeroplane service. The French Government has 400 aeroplanes; the American Government has 10.

If you gentlemen here knew the persistence with which the Wright boys continue in the endeavor to develop this great invention you might then be persuaded to give them the encouragement suggested by the amendment offered by my collenge from Ohio [Mr. Sharp]. Mr. Orville Wright stated to me only a short while ago that they had in their minds become convinced that the time would be very short indeed when they would be able without power to soar in the air as the buzzard does, and the hawk. They have stated this as a positive conviction, and I believe that their claim is entitled to very serious consideration, because in the only country on earth where the issue has been made as to who was the original inventor of the aeroplane the French courts have given this honor to the Wright brothers.

I am in favor of this amendment for two reasons: First, because I believe that by the development of the aeroplane in the postal service its utility will be widened and extended; second, I believe that by this governmental encouragement the biplane will much sooner become the one active, potential force which will ultimately make for international disarmament and bring about everlasting peace throughout the world.
[Applause.] It will demonstrate the uselessness of nations continuing to waste countless millions of dollars on war ships that can be blown up with dynamite thrown from an aeroplane. And there is nothing more fitting than the idea that universal peace shall be brought about by the aeroplane, the only mechanical bird that civilization knows anything about.

You will recall from reading the book of Genesis that at the time of the flood, when the water began to recede and when the elements were found to be no longer battling with each other, a little bird brought back a piece of vegetation as the first indication that the waters were falling. the dove, and it ever since has been denominated as the bird of peace. And I believe now that the aeroplane, the mechanical bird of the air, will be in fact and in truth the great instrument for bringing about everlasting international peace. [Applause.]

Mr. MOON of Tennessee. Mr. Chairman, I move that all

debate close in three minutes on this amendment.

The gentleman from Tennessee [Mr. The CHAIRMAN. Moon] moves that all debate on this amendment close in three minutes. The question is on agreeing to that motion.

The motion was agreed to. Mr. EVANS. Mr. Chairman, I want to call the attention of the gentlemen of the committee to the fact that in the Army appropriation bill, which you have already passed, you have voted for \$75,000 to be given for experimentation, for exactly the same thing as this, except that the experimentation may be in other hands. The Senate has already, in its consideration of that bill, raised that amount to \$100,000. Why should we have experiments in aviation for the Post Office and for the Army? If they once learn to carry any considerable weight in the air, the aeroplane can be used by the Post Office just as well as by the Army. The experiments made by the Army will probably be the best experiments that can be made. I wish to call attention to the fact, because it has not been mentioned before in this debate, that we have already committed ourselves to \$75,000, and that ought to be enough.

Mr. MANN. The gentleman knows that the appropriation

for the current year is \$125,000.

Mr. EVANS. I know that, too; and that only makes my point

Mr. MANN. So we have not committed ourselves on the subject yet.

Mr. EVANS. Yes, we have.
The CHAIRMAN. The question is on the amendment proposed by the gentleman from Ohio [Mr. SHARP].

The question being taken; on a division (demanded by Mr.

SHARP) there were-ayes 25, noes 43.

Accordingly the amendment was rejected.

Mr. MOON of Tennessee. Mr. Chairman, I ask unanimous consent to return to line 25, on page 16, for the purpose of offering an amendment.

The CHAIRMAN. It is not necessary to ask unanimous con-Consent was given to pass that item. The Clerk will read the paragraph, as it was not read before.

The Clerk read as follows:

inland transportation by steamboat or other power-boat routes, \$850,000

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Provided further, That in the discretion of the Postmaster General the pay of the carrier on the water route on Lake Winnepesaukee, who furnishes his own power bont for mail service during the summer months, may be fixed at an amount not exceeding the maximum salary allowed rural carriers by law for any one calendar year.

Mr. MOON of Tennessee. Mr. Chairman, that is the section that has been carried heretofore in the bill, which was inadthe best rural mail route in the United States, as I am advised by the department, and it is desired, of course, that the man who carries that mail shall have the compensation

provided by law.

Mr. MANN. I suggest to the gentleman that that language ought not to read "provided further."

Mr. MOON of Tennessee. There is another provise above. Mr. MANN. That does not relate to this paragraph at all. The CHAIRMAN. The amendment is offered to the paragraph beginning on line 24.

Mr. MOON of Tennessee. I believe the gentleman is right about that

The CHAIRMAN. If there be no objection the Clerk will strike out the word "further," so that it will simply read "provided."

There was no objection.

The amendment, as modified, was agreed to.
Mr. MOON of Tennessee. Mr. Chairman, I ask unanimous consent to go back-

The CHAIRMAN. It is not necessary. The committee has

already given the gentleman consent to return.

The CHAIRMAN. Yes; for that also.

Mr. MOON of Tennessee. Very well. I am glad to know we have consent to return to line 15, on page 16, in order that the gentleman from Missouri [Mr. BARTHOLDT] may offer an amend-

Mr. MANN. Mr. Chairman, let me ask the gentleman. I think possibly there was a misunderstanding about the paragraph, lines 17 to 23. I think the gentleman did not desire to have that passed over, although it was passed over.

The CHAIRMAN. It was passed over.

Mr. MOON of Tennessee. If it was passed over, I will ask the Clerk to read.

Mr. BARTHOLDT. I offer an amendment, Mr. Chairman. The CHAIRMAN. As soon as the gentleman from Missouri [Mr. Bartholdt] offers his amendment the paragraph will be read. The gentleman from Missouri [Mr. BARTHOLDT] offers an amendment, which the Clerk will report.

The Clerk read as follows:

After line 15, on page 16, insert the following:

"That section 223 of the postal laws and regulations be, and the same is hereby, amended so as to read as follows:

""Provided, however, That this provision shall not apply to the city of Cambridge, Mass., or to Towson, Md., or to Clayton, St. Louis County, Mo."

Mr. BARTHOLDT. Mr. Chairman, the purpose of this amend-

Mr. MANN. Mr. Chairman, I think the gentleman has not got the amendment in the form that he wants it. The amendment, as I understand, only covers the proviso or paragraph 2 of section 233. Does not the amendment provide that section 233 shall be "amended to read as follows"?

The CHAIRMAN. The Clerk will again report the amendment if there be no objection.

The amendment was again read.

Mr. MANN. Ought not the amendment to read that the

proviso shall not apply?

Mr. BARTHOLDT. Mr. Chairman, the purpose of this is to convert the independent post office at Clayton, Mo., into a station of the St. Louis post office. Clayton is within 2½ miles of St. Louis. All other suburban towns have been converted into stations, but this can not be made a station because of the postal regulations which require that all county seats shall have an independent post office. It might be argued that a station is a post office, but the department has not yet taken that view of the matter, and consequently it is necessary to add to the two exemptions already existing this one more of Clayton, Mo. That is all there is in this amendment.

The CHAIRMAN. The question is on the amendment offered

by the gentleman from Missouri.

The amendment was considered and agreed to.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed bill of the following title, in which the concurrence of the House of Representatives was requested.

S. 3175. An act to regulate the immigration of aliens to and

the residence of aliens in the United States.

POST OFFICE APPROPRIATION BILL.

The Clerk read as follows:

For rent, light, fuel, electric power, and incidental expenses pertaining to the maintenance of a subworkshop for the repair of mail equipment at Chicago, Ill., \$2,400.

Mr. MANN. Mr. Chairman, I move to strike out the last word for the purpose of asking the chairman of the committee a question. Is the gentleman satisfied that the reduction from \$3,000 to \$2,400 will leave this subworkshop in Chicago properly equipped?

Mr. MOON of Tennessee. I think so, because there was an

unexpended balance last year.

Mr. MANN. I withdraw the pro forma amendment,

The Clerk read as follows:

For inland transportation by railroad routes, \$47,646,000.

Mr. MURDOCK. Mr. Chairman, I offer the following amendment as a separate paragraph.

The Clerk read as follows:

Insert as a separate paragraph, after line 15, page 18, the following: "That section 3 of the act making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1900, approved March 1, 1890, is hereby repealed."

Mr. MANN and Mr. MOON of Tennessee reserved points of order.

Mr. MURDOCK. Mr. Chairman, I hope the gentleman will just agreed to, but I think not for the one I am about to make. Not make the point of order on this amendment. It is subject

to a point of order. The proposition involved relates to the payment which the Government makes to the St. Louis Terminal Association for the carriage of the mail across the Eads Bridge at St. Louis. If there ever appeared for consideration in this or any other legislative body a piece of legalized graft, this item of expenditure is it.

In 1899 this Government gave to the St. Louis Terminal Association by law an annual grant of \$50,000 to transport the mail across the Eads Bridge at St. Louis. The reason assigned for giving so large a sum was that the Eads Bridge was a distinctive bridge, the last word in bridge construction; that it was the only bridge across the Mississippi River at that point.

In no other part of the country, in the case of no other bridge, is any extra compensation given for the carriage of the mails. This has persisted in the law. For the last six or seven years I have made attempts to get it out of the law. Once we got it into the appropriation bill, but it went out on a point of order made by Mr. Coudrey, then a Member of Congress from St.

Here is the graft in the proposition: In the old days when the Eads Bridge was the only bridge across the Mississippi River the sum might have been defensible, but since the completion of the Eads Bridge and the passage of this law by Congress other bridges have been constructed across the Mississippi River, the Merchants Bridge among them. To-day more mail, twice over, goes across the Merchants Bridge into St. Louis than across the Eads Bridge. We pay for the carriage of the mail across the Merchants Bridge by the regular system of the mail across the Merchants Bridge by the regular system of payment for mail carriage; that is, by multiplying weight by distance. That is, we pay \$16,000 to \$20,000 a year for the carriage of mail across the Merchants Bridge, twice the amount of mail which goes across the Eads Bridge, and yet we pay for the carriage of mail across the Eads Bridge \$50,000.

If you will permit this law to be repealed, then we will pay for the carriage of the mail across the Eads Bridge at St. Louis on the ordinary system of multiplying weight by distance, to the railroad crossing the bridge, \$7,000.

The CHAIRMAN. The time of the gentleman has expired. Mr. MURDOCK. I ask for five minutes more. The CHAIRMAN. The gentleman from Kansas asks that his

time be extended five minutes. Is there objection? There was no objection.

Mr. MURDOCK. In other words, in these latter years and since the construction of the Merchants Bridge we are overpaying for the carriage of the mails across this one bridgeand it is the only instance in the United States-something like \$43,000 a year. If we can now repeal this law we will save that sum of money.

Mr. DYER. Will the gentleman yield?

Mr. MURDOCK. Yes.

Mr. DYER. Does not the gentleman think it would be better to introduce a separate bill to repeal this law instead of putting it on an appropriation bill?

Mr. MURDOCK. That is not at all necessary; this committee has jurisdiction of the subject and this committee can go on and act. I want to say to the gentleman from Missouri that it may have been possible in bygone days to defend this item, but now it is indefensible.

Mr. DYER. I want the gentleman from Kansas to understand that I am not opposing his amendment and I am not defending it, but I would like some information which is not obtainable just now when he is attempting to put it in an

appropriation bill. Mr. MURDOCK. Mr. Chairman, if the gentleman will permit me, within the last two years, in my recollection, the Second Assistant Postmaster General appeared before our committee and himself said that he could see no reason why this law should not be repealed, and I appeal to the House and all the Members thereof not to make this point of order.

Mr. MANN. Has the gentleman got the wording of the section there which it is proposed to repeal?

Mr. MURDOCK. Yes. Shall I read it?

Mr. MANN. Yes.

Mr. MURDOCK. It is as follows:

SEC. 3. That the Postmaster General is hereby authorized, in his discretion, to pay from the appropriations for transportation by railroad routes for the special transfer and terminal service between the Union Station at East St. Louis, III., and the Union Station at St. Louis, Mo., including the use, lighting, and heating of mail building and transfer service at St. Louis, at the rate of not exceeding \$50,000 per annum, beginning the 1st day of July, 1899.

Mr. MANN. That does not specify Eads Bridge.
Mr. MURDOCK. The money goes for the carriage of the mail across the Eads Bridge under this proposition.

Mr. MANN. It is left within the discretion of the Post Office Department.

Mr. MURDOCK. I have always so contended; but the department has said in the hearings that the law would have to be repealed to stop the expenditure.

Mr. MANN. Mr. Chairman, I have no objection to repealing the law.

Mr. NYE. It is discretionary with the Postmaster General, I do not see why he has not done it.

Mr. DYER, Has not the department power to do what the gentleman wants us to do?

Mr. MURDOCK. Apparently not, because I believe if the department had it would do it.

Mr. MOON of Tennessee. What is the difference to the Government, so far as cost is concerned, in the repeal of this law?

Mr. MADDEN. Forty-three thousand dollars. Mr. MURDOCK. Mr. Chairman, I will tell the gentleman how I arrive at that sum. The mail is now carried into St. Louis from the East, so far as the regular railroad bridges are concerned, over the Merchants Bridge and the Eads Bridge. The pay for the carriage of the mails over the Merchants Bridge is under the regular system of multiplying distance into weight, and amounts to something like \$16,000 a year. If the mail carried over the Eads Bridge now should be paid for on the same computation, multiplying distance into weight, we would pay for the transportation over the Eads Bridge about \$7,000 a year as against \$50,000 that we are in fact paying, and the differ-

ence between \$7,000 and \$50,000 is \$43,000.

Mr. MOON of Tennessee. Mr. Chairman, I shall not insist

upon the point of order.

The CHAIRMAN. The point of order is withdrawn, and the question is on the amendment.

Mr. Chairman, I make the point of order. The CHAIRMAN. The gentleman from Missouri makes the

point of order. The Chair sustains the point of order.
Mr. MURDOCK. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Insert, after the word "dollars," line 15, page 18: "Provided, That no portion thereof shall be paid for carrying mail over the bridge across the Mississippl River at St. Louis, Mo., over and above the regular rates for the transportation of the mail."

Mr. MURDOCK. Mr. Chairman, on that I ask for a vote. Mr. MANN. I suggest to the gentleman that he make that read "provided no part of this appropriation," and so forth.

It is six of one and half a dozen of the other.

Mr. MURDOCK. Mr. Chairman, I will accept the change, in

order to make my amendment formal.

The CHAIRMAN. Without objection, the Clerk will again report the amendment as modified.

The Clerk read as follows:

After line 15, page 18, insert: "Provided, That no part of this appropriation shall be paid for carrying mail over the bridge across the Mississippi River at St. Louis. Mo., over and above the regular rates for the transportation of the mail."

Mr. MANN. Mr. Chairman, ought not the amendment to be more specific than that?

Mr. MURDOCK. I think that would cover every bridge.

Mr. MANN. It says "over and above the regular rates for the transportation of the mail." I suppose the gentleman means the rates paid to railroads.

Mr. MURDOCK. The railroad routes.

Mr. MANN. It may be sufficient. Of course there are va-

rious rates for transporting the mail.

Mr. MURDOCK. Mr. Chairman, the amendment can be made more specific, I will say, by simply adding the words "by railroad routes" to what I have offered, and I ask unanimous consent to so perfect the amendment in that respect.

The CHAIRMAN. Does the gentleman from Kansas desire to withdraw his amendment?

Mr. MURDOCK. Mr. Chairman, I ask leave to add the words "by railroad routes" to my amendment.

The CHAIRMAN. At what point in the amendment?
Mr. MURDOCK. At the end of the amendment.

The CHAIRMAN. The Clerk will again report the amend-

The Clerk rend as follows:

After line 15, page 18, insert the following: "Provided, That no part of this appropriation shall be paid for carrying mail over the bridge across the Mississippi River at St. Louis, Mo., over and above the regular rate for the transportation of the mail by railroad routes."

Mr. MANN. Mr. Chairman, I understand the gentleman wants to pay to this bridge company a proportionate amount for carrying mail over the bridge?

As a matter of fact, I desire to say to the Mr. MURDOCK. gentleman from Illinois I want the carriage of the mail on the Eads Bridge paid for as it is paid for by the Government in the case of mail carried across the Merchants Bridge; that is, paid to the railroads which carry it.

Mr. MANN. I think that covers the purpose that the gen-

tleman desires.

Mr. MURDOCK. And not to pay it to the bridge company. The question was taken, and the amendment was agreed to.

Mr. FOWLER. Mr. Chairman, I move to strike out the period after the word "dollars," in line 15, page 18, and insert a colon in lieu thereof.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 18, line 15, strike out the period after the word "dollars" and insert a colon in lieu thereof.

Mr. MANN. Mr. Chairman, I do not oppose the amendment, but I may say it never has been considered necessary to make an amendment of that kind. It is the duty of the engrossing clerk to properly punctuate the bill when amendments are offered.

Mr. FOWLER. Mr. Chairman, that may have been the custom in this House, but the gentleman from Illinois [Mr. MANN] has repeatedly offered such amendments on the floor of this House when amendments have been made to a bill.

Well, I beg my colleague's pardon.

Mr. FOWLER. Whether the gentleman desires to be technical on my amendment I do not know, but I want to say to him and to this committee it has been the custom in my short stay here that wherever there is an amendment destroying the punctuation it is in order to offer an amendment correcting the punctuation to give it the right intelligence. [Applause.]

Mr. MANN. Mr. Chairman, the amendment is undoubtedly in I have never offered such an amendment during my service in the House, and never expect to do it, because an engrossing clerk who knows enough to write would know enough to make the correction, and that is his duty, that is part of the engrossment of the bill.

The question was taken, and the amendment was agreed to. Mr. HAUGEN. Mr. Chairman, I offer the following amend-

ment. The CHAIRMAN. The Clerk will report the amendment, The Clerk read as follows:

The Clerk read as follows:

Add, after the word "dollars," in line 15, page 18:

"Provided, That the Postmaster General be, and he is hereby, authorized and directed to readjust the compensation to be paid from and after the 1st day of July, 1912, for transportation of mails on railroad routes by reducing the compensation to all railroad companies for the transportation of mails 10 per cent per annum from the rates fixed and allowed by the first section of an act entitled "An act making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1874, and for other purposes," approved March 3, 1873, for the transportation of mails on the basis of the average weight, and amended by an act of July 12, 1876, and by an act of June 17, 1878, and an act of March 2, 1907."

Mr. MOON of Tennessee. Mr. Chairman, I make the point of order that this is new law.

The CHAIRMAN. The Chair will hear the gentleman on the point of order.

Mr. MOON of Tennessee. Mr. Chairman, I understood from the reading of the-section it is not a limitation on an approprintion.

The CHAIRMAN. The Chair will call the attention of the gentleman from Tennessee that the amendment reduces the expenses of carrying the mails.

Mr. MOON of Tennessee. Under the Holman rule?

The CHAIRMAN. And under the Holman rule the Chair thinks the amendment is in order.

Mr. MANN. Mr. Chairman, the Holman rule does not provide that an amendment shall be in order because it reduces expenditures unless it is reported from the committee. The Holman rule provides that an amendment may be offered on the floor by a member of the committee retrenching expenditures. How?

reduction of the number and salary of the officers of the United States.

Or-

By the reduction of the compensation of any persons paid out of the Treasury of the United States.

By the reduction of amounts of money covered by the bill.

Now, this would not come within any of those three cases. There is a further provision that upon a report of the committee having jurisdiction of the subject matter of an amendment, the amendment being germane to the subject matter retrenching expenditures, it shall be in order.

But this amendment is neither one. Under the Holman rule, whatever the merits of the amendment may be, it is desirable in construing the Holman rule to have uniformity of constructlon, and up to this time every Chairman, I think, has ruled the same way in reference to the matter. I do not understand that this amendment is offered in behalf of any committee.

The CHAIRMAN. The Chair will ask the gentleman from Illinois as to this section of the rule which provides for the reduction of compensation of any person paid out of the Treasury of the United States, whether the railroads are not contemplated

by law as persons?

Mr. MANN. I do not think so. That relates to salaries of any individuals and not to any money paid under contract to any person. If the Chair is to hold that you are going to make a thing in order because it reduces the amount which may be paid under contract in the future, that is one thing, but this is a direction to the Postmaster General to readjust the compensation, with no claim whatever that this would affect any existing compensation of any existing contract, the law providing that this compensation is fixed by contract. Now, if the ruling should be that you effect the payment of money by contract, under this, of course, there is no limitation whatever under the rule. I take it that the rule provided a reduction of the number of salaries of officers or the reduction of compensation paid to persons who draw compensation from the Government. This is done by contract under the law. This amendment does not propose to change that,

Mr. HAUGEN. Mr. Chairman, the amendment which I offer, if enacted into law, will reduce the pay to the railroad com-

panies for carrying mail matter 10 per cent.

Mr. MADDEN. Will the gentleman from Iowa [Mr. HAUGEN] yield for a question?

Mr. HAUGEN. Certainly. Mr. MADDEN. Has the gentleman any information upon which he bases his conclusions with respect to the justice of the

proposed reduction of 10 per cent?

Mr. HAUGEN. I will say to the gentleman I do not believe there could be any doubt in the mind of anybody but that there is justice and merit in this proposition. As the gentleman knows, the Government is now paying on an average of 4 cents per pound on mail matter carried by the railroads for the Government, and the express companies pay less than 1 cent a pound, and there could be no justice in this Government paying more than four or five times the amount paid by the express companies

Mr. MURDOCK. Will the gentleman from Iowa yield to me

for a minute.

Mr. HAUGEN. I will.
Mr. MURDOCK. He was asked by the gentleman from Illinois [Mr. MADDEN] what basis he had for a cut of this kind.

nois [Mr. MADDEN] What basis he had for a cut of the first the gentleman's cut will be 10 per cent.

Mr. HAUGEN. On \$47,000,000.

Mr. MURDOCK. That would be \$4,700,000.

Mr. HAUGEN. Certainly.

Mr. MURDOCK. I will say this to the gentleman from Iowa on this amendment: That the Postmaster General has communicated to Congress within the last four months a proposition to pay the railroads on the car-foot mile, to pay them first for the absolute cost of the carriage of the mail, with a compensa-tion of 6 per cent thereafter; and the Postmaster General in his report says that this would make a saving of between three and four million dollars, virtually the same sum that the gentleman from Iowa expects to save in the other way.

Yes; practically the same amount.

Mr. HAUGEN. Yes; practically the same amount.
Mr. LLOYD. The gentleman is certainly mistaken in his statement as to paying 4 cents per pound; it is less than 2½

cents per pound.

Mr. HAUGEN. I beg the gentleman's pardon; that is the rate per pound, including equipment. If he will take the report of the Postmaster General, and the statement of the former chairman of the Committee on the Post Office and Post Roads, the gentleman from Massachusetts [Mr. Weeks], he will find the net weight of mail matter to be 1,300,000,000 pounds, and that 200,000,000 pounds of that is not carried by the railroads, leaving 1,100,000,000 pounds carried by the railroad companies. He will also find that the railroads are paid about \$50,000,000 for carrying the 1,100,000,000 pounds, which equals more than 4 cents a pound. The present rate per pound weight was first fixed by the act of March 3, 1873. This was reduced 10 per cent by the act of July 12, 1876, and 5 per cent more by the act of June 17, 1878, and 5 per cent more by the act of March 2, 1907. First, the pay is based solely on the average weight of the mail carried daily the whole length of the route, but when a full railway post-office car is added to the train the Post

Office Department pays to the railroad a rental for the entire car based upon its length, or an average of \$5,427.62 a car. The cars cost about \$5,500 or \$6,000 each, and are maintained and repaired at an annual cost of about \$1,200. They are built and owned by the railroad companies and rented to the Post Office Department. The pay for a line of these cars is \$25 a mile for 40-foot cars, \$27.50 for 45-foot cars, \$32.50 for 50-foot cars, and \$40 for 55 or 60 foot cars.

I will include in my remarks a schedule of rates of railwaymail transportation, which covers the present and recent laws on that subject.

Schedule of rates for railway-mail pay.

	Pay per mile per annum,							
Average weight of mails per day carried over whole length of route.	Act of March 3, 1873.	Act of July 12, 1876.	Act of June 17, 1878.	Act of March 2, 1907.	Land- grant rail- roads.	Intermediate diate weight warranting al- lowance of \$1 per mile under the law.		
200 pounds	\$50.00	\$45,00	\$42.75	\$42.75	834.20	Pounds.		
200 pounds to 500 pounds	75.00	67.50	64. 12	64.12	51.30	12		
500 pounds to 1,000 pounds	100.00	90.00	85. 50	85.50	68.40	20		
1,000 pounds to 1,500 pounds	125.00	112.50	106.87	106.87	85.50	20		
1,500 pounds to 2,000 pounds 2,000 pounds	150.00	135.00	118. 25	118. 25	102.00	20		
2,000 pounds to 3,500 pounds	175.00	157.50	149.62	149.62	119.70			
3,500 pounds to 5,000 pounds 5,000 pounds 5,000 pounds to 48,000 pounds For every additional 2,000	200.00	180.00	171.00	171.00	136, 80	80		
pounds over 5,000 pounds and under 4,800 pounds For every 2,000 pounds over	25.00	22, 50	21.38	20.30	16.24			
48,000 pounds	25.00	22.50	21.38	19.24	17.10			
RAILWAY POST-OFFICE CARS.								
Railway post-office cars 40 feet in length	25.00			25.00				
Railway post-office cars 45 feet in length	30.00			27.50				
Railway post-office cars 50 feet in length.	40.00			32.50				
Railway post-office cars 55 feet in length	50.00			40.00				

Act of July 12, 1876, decrease of 10 per cent. Act of June 17, 1878, decrease of 5 per cent. Act of March 2, 1907, decrease of 5 per cent on each 2,000 pounds in excess of 5,000

Land-grant roads receive 80 per cent of rate.

This bill carries an appropriation of \$47,646,000 for transportation of mails on railroads, and \$4,707,000 for railway post-office car service, or a total of \$52,353,000. The Postmaster General states, in his report for the fiscal year ending June 30, 1910, that the expenditures for that year for transportation of mails on railroads was \$44,654,515.97, and \$4,686,122.27 for railway post-office car service, or a total of \$49,340,638.24. This Government pays the railroads practically \$50,000,000 a year for carrying the mail. If we have the amount paid and the number of pounds carried it is an easy matter to determine the average rate per pound. Up to recently Congress had no data on which to definitely fix the rate. Up to a few years ago there was no way to ascertain the number of pounds of mail matter carried, and only estimates could be made, and not knowing the number of pounds carried there was no way of determining the amount paid per pound for carrying the mails or average cost of handling mail matter; but, fortunately, now we have reliable information and can ascertain with some degree of accuracy the average cost for not only carrying but the average cost for handling all mail matter. In compliance with the direction of the provisions of the act of March 2, 1907, in the Post Office appropriation bill, all mail matter and equipments used in connection therewith and empty equipments dispatched were weighed for the period from July 1 to December 31, 1907, and which is reported in Table B to be: Total weight of mail matter, 618,130,722.15 pounds; equipment carried in connection therewith, 414,073,490.9 pounds; empty equipment dispatched, 53,848,134.1 pounds; total weight of domestic mail and equipments, 1,086,052,348.2 pounds for six months. If you multiply it by two you have—total mail matter, 1,236,261,444.3 pounds; total equipments, 935,843,250.6 pounds; or a total of 2,172,104,696.4 pounds. These figures, of course, are necessarily estimates, be-

cause the mail carried in the first six months of the year varies from the amount carried in the last six months. Post Office appropriation bill was under consideration in 1910 the distinguished chairman of that committee [Mr. Weeks] furnished the House with this information-see Congressional RECORD, February 24, page 2848. The department estimates the net weight of the mails for 1908 as follows:

STATE OF THE PARTY	Pounds.
First class	167, 502, 610
Second class	785, 833, 110
Third class	. 179, 694, 654
Fourth ciass	58, 889, 400
Franked	
Departmental	43, 002, 474
Foreign	00, 814, 956

_____ 1, 300, 358, 284 It is estimated that 200,000,000 pounds of mail matter is not carried by railroads, as, for instance, such as sent out on rural free delivery, star routes, and local delivery, direct from the post office where received. Much of the city mail is local and much of the foreign mail matter is sent direct from post offices with ports receiving the mail, as, for instance, New York, Philadelphia, Boston, and a number of other ports; and it is generally agreed that 200,000,000 pounds of mail matter is not carried by the railroads. If you deduct the 200,000,000 from 1,300,000,000, it leaves about 1,100,000,000 pounds which is carried by the railroads. If so, and if they are paid \$50,000,000, the rate paid is more than $4\frac{1}{2}$ cents per pound, but we will be liberal and grant that railroads carry one and one-fourth billion pounds. The appropriation for 1911 for transportation by railroads and railway post-office cars was \$50,574,000; that amount equals more than 4 cents a pound, but it is claimed that in determining the average rate paid railway companies the weight of equipments should be included. By doing so, the rate paid railway companies would be less and about the amount stated by the gentleman from Missouri [Mr. LLOYD]; but that can not be done, as the Government gets paid for mail matter only, and in dealing with the actual or average cost of carrying mail matter the deduction in weight can not be made. With the information furnished by the department, the chairman of the committee, and other information at hand, I take it that all will agree that the Government pays on an average at least 4 cents a pound. Having ascertained the amount paid for carrying mail, the next question to determine is whether the rate paid is reasonable or not. That can not be ascertained by comparing our rate with that paid in other countries because conditions are different. Our country is sparsely settled; we have a vast area, and a long haul as compared with foreign countries with small area densely populated, which, of course, makes the haul much shorter. Besides, here labor is paid more than in many of the foreign countries and the service differs in many respects. These and a number of other things would have to be taken into consideration in making comparisons with the rates paid in other countries.

I will insert in my remarks a communication from the Department of Commerce and Labor, which gives the countries owning and operating railroads:

DEPARTMENT OF COMMERCE AND LABOR, OFFICE OF THE SECRETARY, Washington, February 4, 1911.

Washington, February 4, 1911.

Sin: In compliance with your recent request for information showing the mileage of railroads in leading countries owned and operated by private companies and by the Governments, respectively, I have the honor to inclose herewith a table, copied in the Bureau of Statistics from the thirty-fifth number of the British Statistical Abstract for Foreign Countries, giving these data for the end of the calendar year 1907.

The more important changes in the respective mileage figures since 1907 are due to recent action of several European Governments in extending the mileage of the State owned and operated lines. Thus the Italian Government a few years ago took over the operation of all important national lines, which until then had been leased to three large companies. The extent of the lines operated by the Italian Government on June 30, 1909, was 8,780 miles. On January 1, 1908, the Austrian Government took over some lines owned and operated by private companies. As a result, at the end of the year the mileage of lines operated by the Government, including lines owned and operated as well as lines merely operated by the Government, was 11,105 miles out of a total railroad mileage in Austria on that date of 13,613 miles. Finally, the French Government owns and operates at present, in addition to the 1,758 miles of the so-called "old system" given in the inclosed statement, 3,700 miles, represented by the former French Western Railroad.

On the American Continent the most important change is due to the

inclosed statement, 6,700 library per library to the most important change is due to the catton of the Mexican Government, taken in the beginning of 1909, in amalgamating the two principal railway systems of the country, the Central and National Railways, into the Ferrocarilles Nacionales de Mexico, and in taking over one-half of the \$230,000,000 worth of shares issued after the amalgamation. The operation of the railroads affected remains, however, in the hands of the companies.

Hoping that the inclosed information may prove of service to you, I am.

BENJ. S. CABLE, Acting Secretary. Respectfully. Hon. Gilbert N. Haugen, M. C., House of Representatives, Washington, D. C.

Length of railways in various countries, distinguishing as far as practicable the lines which belonged to private companies and to the State, respectively, for the year 1907.

	Company roads.	State roads.
	Miles.	Miles.
Russia in Europe (exclusive of Finland)	13,271	21, 133
Russia in Asia	559	6,173
Norway	238	1,35
Sweden	5,542	2,696
Denmark	908	1,189
German Empire:		
Prussia, Mar. 31 1	1,210	21,846
Alsace-Lorraine, Mar. 31 4	17	1,067
Bavaria, Dec. 31	714	4,05
Savony Dec 31	3	2,093
Wurttemberg, Mar. 31 1	166	1,219
Baden, Jan. 11	11	1,07
Total length of line, German Empire	2,715	32,180
Holland	1.017	1,16
Belgium	330	2,54
France	27,940	1,75
Switzerland	1,216	1,52
Portugal	866	558
Spain	8,961	
faly	10,378	
Austria	6,113	7,315
Hungary	6,896	4,873
Bulgaria	236	751
Servia	5	427
Roumania		1,979
Furkey in Europe	1,239	
Egypt		1,441
Greeco	845	
Inited States	227, 455	
dexico	13.995	
Costa Rica		394
eru	1,498	
Thile	1,682	1,530
Brazil	10,943	
Jruguay	1,217	
Argentine Republic	11,852	1.838
bina.		2,39
apan, Mar. 31	1,692	3,377
United Kingdom	23,108	2,011

1 Of the year following.

Data taken from the Statistical Abstract for the Principal and Other Foreign Countries, No. 35, issued by the British Board of Trade, 1910.

Also a table giving the area and population of the principal countries of the world:

Area and population of the principal countries of the world.

Countries.	Year.	Area in square miles.	Population.	Population per square mile.	
Argentina	1902	1,135,840	4,794,000	4.22	
Australasia:		La Parling Control of the	- Alternation	-	
Commonwealth		2,972,573	3,772,000	1.27	
New Zealand	1901	104,751	788,000	7.52	
Austria-Hungary		241,333	45, 405, 000	188.14	
Austria		115,903	26, 151, 000	225.63	
Hungary		125, 430	19, 255, 000	153.51	
Belgium	1902	11,373	6,694,000	588.59	
Bolivia	1902	703,604	1,816,000	2.58	
Brazil		3,219,000	14, 334, 000	4.45	
British colonies, n. e. s	1901-2	951,333	14, 434, 000	15.17	
Bulgaria	1902	38,080	3,744,000	98, 33	
Canada	1903	3,048,710	5, 457, 000	1.79	
Central America:			24-211-7-22-2-1	200	
Costa Rica	1902	23,000	313,000	13.61	
Guatemala	1900	46,774	1,647,000	35. 21	
Honduras	1902	46,250	775,000	16.76	
Nicaragua	1902	49,200	500,000	10.16	
San Salvador	1902	7,225	1,007,000	139.38	
Chile	1902	279,901	3,051,000	10.90	
China	1902	1,532,420	407, 253, 000	265.76	
Colombia	1898	504,773	4,000,000	7.92	
Cuba	1903	43,000	1,573,000	36.58	
Denmark	1902	15,360	2,465,000	160.48	
Ecuador	1901	116,000	1,204,000	10.38	
Egypt	1902	383,900	9,734,000	25.36	
Finland	1902	144,255	2,744,000	19.02	
France	1902	207,054	38,962,000	188.17	
Algeria	1902	184, 474 51, 000	4,739,000	25.69	
Tunis	1901	3,375,602	1,900,000	37.25	
French colonies, n. e. s	1901	461, 196	26,427,000 18,346,000	7.83	
French East Indies	1901	208, 830	58, 549, 000	39.78 280.36	
German Empire	1901	1,025,829	13,543,000	13.20	
	1902	25,014	2,434,000	97.31	
Greece	1901	10, 204	1,294,000	126.81	
India, British	1902-3	1,766,642	294, 361, 000	166, 62	
Italy	1902-3	110,646	32, 475, 000	293, 50	
Japan	1902	147,655	45, 862, 000	310.60	
Formosa	1902	13, 458	2,706,000	201.07	
Mexico	1903	767,060	13,545,000	17.65	
Netherlands	1903	12,563	5,347,000	425.61	
Dutch East Indies	1901	736, 400	35, 736, 000	48, 53	
Norway		124, 130	2, 263, 000	18, 23	

Area and population of the principal countries of the world-Continued.

Countries.	Year.	Area in square miles,	Population.	Population per square mile.	
Paraguay		97,722	636, 000	6.51	
Peru	1901	713, 859	4, 610, 000	6.46	
Portugal	1902	36,038	5, 429, 000	150.65	
	1902	50,700	5,913,000	116.63	
Russia	1901	8,660,395	141,000,000	16, 28	
Santo Domingo	1901	18,045	610,000	33.80	
Servia	1902	18,630	2, 536, 000	136.12	
Siam	1902	236,000	5,000,000	21.19	
Spain	1902	194, 783	18, 618, 000	95.58	
Sweden	1902	172,876	5, 199, 000	30.07	
Switzerland	1902	15,976	3,356,000	210.07	
Turkey	1898-99	1, 115, 046	24, 932, 003	22.33	
United Kingdom	1902	121,371	41,961,000	345.73 26.58	
United States	1903	3,025,600	80, 372, 000	66,00	
Philippine Islands	1903 1902	115,000	7,590,000 959,000	13.28	
Uruguay	1898	72,210	2, 445, 000	4.12	
Venezuela	1093	593, 940	2, 440,000	4.12	
Total		40,701,936	1, 487, 159, 000		

But we have the express companies, and I believe it fair to compare the rate paid by the Government with that which the express companies pay the railroads for similar service, and if you will look over the Interstate Commerce Commission's first annual report of the statistics of express companies in the United States for the year ending June 30, 1909, you will find that the average revenue received per piece was \$0.5049, the average revenue paid per pound was \$0.0154, the total revenue was \$35,856,551.56 for handling in the aggregate 2,329,342,192 pounds of express in three months, as for April, August, and December, 1909, the months selected by the commission as being representations of the traffic movement throughout the year. The number of pounds transported in three months by express companies is about twice the amount of mail matter carried in a year by the railroads. The revenue of express companies is a little more than 1½ cents per pound, as compared with 4 cents paid per pound by the Government for carrying mail matter. The Government then pays the railroads for carrying mail matter, per pound, nearly three times the amount charged the public by express companies, and about six times the amount the express companies pay railroads for carrying express. To corroborate this statement, I quote from the reports of the Interstate Commerce Commission of December 21, 1910 (p. 27):

The statistical information contained in this report covers the operations of 13 companies. The names of these companies, as also the mileage over which each operates, are as follows:

Classification of mileage covered by operations on June 30, 1909.

Name of carrier.	Total mile- age.	Steam road mileage.	Electricline mileage.	Steamboat line mileage.	
Adams Express Co American Express Co Canadian Express Co	34,360.00 48,224.78 7,794.27	30, 676. 00 45, 668. 08 6, 964. 27	196.00 475.70 66.00	3, 405. 00 2, 058. 50 737. 00	83, 00 22, 50 27, 00
Canadian Northern Express Co Globe Express Co	3,129.62 1,889.85	3,107.62 1,899.85	22.00	30335	27.00
Great Northern Ex- press Co National Express Co	7, 412.16 1, 714.25	7,031.57 1,416.25	169.59 6.00	211,00 292,00	
Northern Express Co Pacific Express Co Southern Express Co	6,757.75 22,672.54 33,181.00	6,488.75 21,721.20 30,936.00	8.00 343.00 80.00	261.00 608.34 2,165.00	
United States Express Co	24, 206. 00 65, 698. 43 3, 456. 39	20, 286, 34 59, 316, 90 3, 448, 39	3,604.96 1,438.76 4.00	314.70 4,081.65 4.00	861.12
Western Express Co Total	260, 507. 04	238, 961. 22	6,414.01	14, 138. 19	993.62

The character of the business transacted by the express companies is indicated by the following statement, which shows for the months of April, August, and December, 1909, the number of pieces carried, their aggregate weight, the average weight per piece, the total revenue, the average revenue per piece, and the average revenue per pound. The expense incident to the compilation of the information by the express companies deterred the commission from requiring such a compilation for all the months of the year, but the combined results for the months selected may be accepted as typical of the business for the year.

Summary of traffic for April, Ayanst, and December, 1900

Summary of traffic for April, August, and December, 1909.

71, 013, 295 2, 329, 342, 192 32, 80 Number of pieces Aggregate weight Average weight per piece Revenue

Also the following from commissioner's report of July 1, 1910, page 19.

Statement showing results of operation combined for the months of April, August, and December, 1909, and an apportionment of operating costs between tonnage revenue and other

[Represents combined returns for the following express companies: Adams, American, Globe, Great Northern, National, Northern, Pacific, Southern, United States, Wells, Fargo & Co., and Western.]

Monthly reports of revenues and expenses.		Apportionment between—				
		Tonnage revenues.				
Account.	Amount.	Amount.	Average per piece (cents).1	Average per pound (cents).2	Other revenue.	
Total receipts from operation	\$37,380,307.64 17,765,999.69	\$35,477,111.28 416,861,710.31	50, 64 24, 07	1, 56 .74	* \$1,903,196.36 5 904,289.38	
Total operating revenues. Operating expenses (77.25 per cent of operating revenues) Taxes (1.22 per cent of operating revenues)	19, 614, 307, 95 15, 151, 337, 42 239, 864, 48	6 18, 615, 400. 97 4 14, 380, 134. 35 4 227, 655. 38	26. 57 20. 52 . 33	.82 .63 .01	7 998, 906, 93 9 771, 203, 07 9 12, 209, 10	
Operating income (21.53 per cent of operating revenues).	4, 223, 106. 05	6 4, 007, 611. 24	5.72	.18	7 215, 494. 81	

The average weight per revenue piece was 32.52 pounds.

On basis of 70,063,750, the number of revenue pieces handled.

On basis of 2,278,147,170 pounds, the aggregate of revenue pieces handled.

Represents "Revenue from operations other than transportation" and "Miscellaneous transportation revenue" as defined in the Classification of Operating Revenues, and revenue from shipments of money, valuables, etc., not properly includible in tonnage report returns.

Represents an arbitrary assignment on basis of ratio (94.91 per cent) of tonnage revenue to total receipts from operation.

Represents an arbitrary assignment on basis of ratio (5.09 per cent) of other revenue to total receipts from operation.

See note ().

**See note (*).

Note.—Differences between items in the foregoing summary and corresponding items in Summary No. 3, on page 18, are due to the fact that this statement presents combined returns from the 11 companies only from which complete reports both of revenues and expenses and of tonnage were received.

In making the comparison the distance of the haul of the express and the mails should, of course, be taken into consideration. There seems to be no data on which to base the estimate with any certainty, as that matter has not been thoroughly investigated either by the department or the commis-However, we have the reports of the department and numerous other estimates. The department's report, based on numerous other estimates. The department's report, based on one month's weighing in 1907, estimates the average haul of first class, 507 miles; second class, 602 miles; third class, 672 miles; fourth class, 687 miles; sample copies, 873 miles; transient, 698 miles; franked, 750 miles; penalty, 782 miles; and the average, 620 miles. I am informed by the Interstate Commerce Commission that it, in analyzing the reports from 200 cities of populations of 25,000 or over, estimates the average haul of the Adams Express Co., moving 151 per cent of the entire number of pieces moved on August 18, 1909, at 249 miles; and the United States Express Co., moving 14½ per cent of the entire number of pieces for December 22, 1909, at 188 miles. This would indicate that the haul of the mails is longer than the average haul of express; but they are estimates in the one case for one month only and in the other for one day only; and, as before stated, we have no data on which to base any estimates with any degree of accuracy; but even if these esti-mates are correct, the average haul of the mails is less than twice that of express, and even if that were the case there would be no justice in this Government paying five or six times the rate paid by express companies.

But you say that this is not a fair comparison; that the parcels handled by the Post Office Department are less in weight and much greater in number than those handled by the express companies, and that they require more space in cars and help in sorting and handling, and therefore the Government should pay more per pound for carrying mail matter than express companies should pay for carrying express. That may be as to the first, but not the last.

The railroads have nothing to do with sorting, loading, or unloading mail matter. Mail matter is handed to them in lots varying from a single letter to trainload lots, the bulk of it in carload lots. We have solid trains carrying nothing but mail going through Washington every day. Railroads simply carry it and the Government sorts and looks after it while in and the Government pays annually about \$20,000,000 for Railway Mail Service or for sorting the mails when in transit. Besides it pays nearly \$2,000,000 for transportation of mails in screen wagons, and about one and one-half million dollars for mail-messenger service and over \$800,000 for pneumatic-tube service. On the one hand, the Government pays all expenses for sorting, receiving, and delivering all mail matter, except at certain points where the railroads do receive and deliver the mail at the post offices. On the other hand, the express companies carry all sorts of parcels from the domicile in the cities to the station, thence by rail, sort and deliver at the terminal city. For the Government, the railroads perform part of the service of transporting the mail and receive nearly

three times the pay per pound that the express companies do for rendering the total service, which includes collecting, sorting, carrying, delivering, and everything incidental to the service, and it seems to me that if the express companies can give the service at about one-third the rate paid by the Government for part of the service, and still make millions of dollars annually, the rate paid the railroads by the Government must be excessive. Why these differences and why these excessive rates? To begin with, the Government gets paid for mail matter only. Express companies get paid for actual weight of packages handled only, and equipments are furnished by both the Government and express company. Compare the contracts made by the Government with the railroad companies and those made by express companies, and you will find that while the Government gets paid for the actual weight of mail matter only, it enters into an agreement with the railroad to pay rent for cars and for carrying all equipments. On the other hand, the express companies pay a commission or tonnage on actual weight of packages handled; the rate paid generally is

50 per cent in excess of the freight rate.

The railroad companies are required to furnish the express companies with special or exclusive express trains when warranted by the volume of express traffic. The railroad companies furnish the necessary cars, keep them in good repair, furnish heat and light, and carry the messengers of the express company, as well as the safes, packing trunks, and all necessary equipment; horses, wagons, and supplies required by express companies may be transported in express cars or shipped by freight. Railroad companies furnish such room in all its depots, stations, and buildings as may be necessary for the loading and unloading, transferring, and storage of express matter provided the furnishing of such facilities shall not interfere with the business of the railway company. The railroad companies further agree to transmit free of charge the messages to express companies over telegraph lines which the railroad operates along its lines of roads, so far as it may be permitted to do so under its contract with telegraph companies. With all this extra service, the express companies pay less than one-sixth the rate which this Government pays for part of the

Will anyone contend that the rate paid by the Government is a just and reasonable one? With these facts before us, I can not believe that. If not a reasonable one, will Congress tolerate the injustice and permit the drain on the Public Treasury to continue? It has been proposed that the Government should take over the express companies' business and their contracts; that the Government should handle all express as well as all mail matter; that the two could be owned and operated by the Government to the advantage of the people; that with the unreasonable charges made for handling express, the millions of errors or overcharges reported to have been made by the express companies.

As to the number of overcharges, I might add that upon inquiry I was told by the Interstate Commerce Commission that

APRIL 20.

upon their investigation of one day's business of two companies the commission found, in the case of the Adams Express Co., 3,200 overcharges, ranging from 5 cents up, aggregating \$287 offset by undercharges aggregating \$260; and with the United States Express Co., 3,800 overcharges, aggregating \$471, offset by 2,400 undercharges, aggregating \$274. The total errors made by the two companies were over 10,000 in one single day. What the total number of all the companies in all these years are no one can tell, but it is safe to say that they run up into the millions and that the overcharges in the aggregate amount to millions of dollars. In view of these numerous errors, and generally in favor of the express companies, the millions of dollars overcharged, with existing conditions, it is contended that Congress would be justified in taking over the express business. In my opinion the express business rightfully belongs to the railroads proper and the Government postal business. And, furthermore, I believe that neither the people nor the stockholders of the railroads are being justly treated by the owners and operators of the express companies. As we know, in railroads, like many other large companies, the management or those in control organize subcompanies for the purpose of robbing the stockholders of the railroads which they control of part of their profit, as, for instance, in the Beef Trust subcompanies are organized, and a few of those in control of the trust own and control the stock of the subcompanies. With the Beef Trust the by-products are sold to the subcompanies at low prices, thus robbing their stockholders or the trust of part of the profit, and for their own special benefit. So with the railroads. Those in power and control of the railroads proceed to organize a subcompany; they call it an express company; they elect themselves to office. The express companies, then, are merely subcompanies of the railroads, and the officers or directors are generally a self-perpetuating body. I quote from the Interstate Commerce Commission's report. Referring to the United States Express Co., it says

The directors of this company are a self-perpetuating body, although it is provided in the articles of association and agreement that when shareholders owning two-thirds in amount of the shares of the company shall request it in writing a meeting of shareholders for the election of directors shall be held. No such meeting has been held since 1862. The articles of the association of agreement read in part as follows:

But it is hereby expressly understood and agreed that no director herein named and that may hereafter be elected shall be concerned or interested in any business or thing detrimental to the interest of said company or in opposition thereto.

Among the directors of the United States Express Co. is Mr. Stetson, general counsel for the Northern Pacific Railway and Southern Railway; also director of the Chicago-Erie Railroad and Erie Railroad. Mr. Weir, director, is chairman of the board of managers of the Adams Express Co. and director in a number of railway companies.

SOUTHERN EXPRESS CO.

One of the directors of the company is M. F. Plant, who is also a director of the Atlantic Coast Line Railroad, Chicago, Indianapolis & Louisville Railway, and in the Peninsula & Occidental Steamship Co. The number of stockholders is 30

cidental Steamship Co. The number of stockholders is 30.

In the Wells, Fargo Co., by referring to the names of the directors, it will be found that the Eric Railroad and the Harriman lines are strongly represented on the board of directors. The directors of the company on June 30, 1909, were Dudly Evans, F. D. Underwood, E. H. Harriman, J. J. McCook, W. V. S. Thorne, A. K. Van Deventer, William Mahl, F. V. S. Crosby, and H. W. De Forest, all of New York; and H. E. Huntington, George E. Gray, and W. F. Herrin, all of San Francisco, Cal.; and J. Kruttschnitt, of Chicago, Ill. Of these, Mr. Underwood was the president of the Eric Railroad and president or director of S0 or more railway and industrial companies; Mr. Harriman then headed the Harriman system of railways; J. J. McCook was of the firm of Alexander & Green, attorneys, and was director in certain insurance and banking concerns; Messrs Kruttschnitt, Thorne, Van Deventer, Herrin, Mahl, and Crosby were officers of the Harriman lines, while Mr. De Forest was a director of the Southern Pacific Co. Mr. Kruttschnitt was also a director of the Pacific Express Co.

The Western Express Co. has six stockholders. The board of directors June 30 was composed of the following: E. Pennington, W. L. Martin, C. W. Gardner, and H. B. Dike, all of Minneapolis, Minn., and W. F. Fitch, of Marquette, Mich. Of these, Messrs. Pennington, Martin, Dike, and Gardner were officers of the Minneapolis, St. Paul & Sault Ste. Marie Railway and Mr. Fitch was president of the Duluth, South Shore & Atlantic Railway.

Atlantic Railway.

In the Pacific Express Co. the number of stockholders is given as 12. On June 30, 1909, the company was controlled

through stock ownership by the Missourl Pacific Railway (40 per cent), Union Pacific Railroad (40 per cent), and Wabash Railroad (20 per cent). The directors of this company on June 30, 1909, were James Eggleston, C. S. Clarke, S. B. Schuyler, and E. B. Prior, of St. Louis, Mo.; F. A. Delano and J. Kruttschnitt, of Chicago, Ill.; and Erastus Young, of Omaha, Nebr. Of these, Mr. Clarke and Mr. Schuyler were officers of the Missourl Pacific Railway, Mr. Prior and Mr. Delano of the Wabash Railroad, Mr. Young of the Union Pacific Railroad and the Southern Pacific Co. and director of Wells, Fargo & Co.

In the Northern Express Co. the total number of stockholders is given as six, and the directors are Howard Elliott, J. M. Hannaford, and C. W. Bunn, all of St. Paul, Minn.; and J. N. Hill and George H. Earl, both of New York, N. Y., all of whom were officers of the Northern Pacific Hailway.

In the National Express Co. the number of shareholders is eight. The directors are Johnston Livingston, Lewis Cass Ledyard, James C. Fargo, Francis F. Flagg, and William C. Fargo, all of New York, N. Y. The first four named are also directors of the American Express Co.

In the Great Northern Express Co. the total number of stock-holders is six. This company is controlled by the Lake Superior Co. (Ltd.) through stock ownership. The directors are R. I. Farrington, Louis W. Hill, E. Sawyer, J. M. Gruber, and W. W. Broughton, all of St. Paul, Minn., and all officers of the Great Northern Railway.

In the American Express Co., among its directors are two directors of the New York, New Haven & Hartford Railroad, and \$3,000,000 of its shares are owned by the New York Central & Hudson River Railroad. James C. Fargo, one of its directors, is also director of the Chicago & Northwestern Railway and the National Express, president and director of the Westcott Express Co. Ledyard, one of its directors, is a director of the Hartford Railroad and Northern Pacific Railroad. Mr. Pratt, one of its directors, is treasurer and director of the Standard Oil Co. of New Jesey and director of the Long Island Railroad and New York, New Haven & Hartford Railroad.

ADAMS EXPRESS CO.

The managers of this company (who acted as directors) as of June 30, 1909, were Levi C. Weir, William M. Barrett, Charles Steele, Basil W. Rowe, Dumont Clarke, and George F. Baker, all of New York, and William H. Damsel, of Chicago, Ill.

Mr. Weir was a director of the Des Moines & Fort Dodge Railroad, Iowa Central & Western Railway, Iowa Central Railway, Minneapolis & St. Louis Railroad, Norfolk & Western Railway, United States Express Co., and also in various steamship, banking, insurance, and land companies.

Mr. Steele was of the firm of J. P. Morgan & Co., and was a director in a number of railway lines, among them the Atchison, Topeka & Santa Fe Railway, Central Railroad of New Jersey, Cincinnati, Hamilton & Dayton Railway, Erie Railroad, Lehigh Valley Railroad, Northern Pacific Railway, and Southern Railway; and also in various other railway and industrial corporations.

Mr. Rowe was a director in the subsidiary companies of the Adams Express Co. and of the Standard Trust Co.

Mr. Clarke was a member of the board of managers of the Delaware & Hudson Co. and director of the Long Island Railroad, of the Manhattan Railway, and of certain industrial, financial, and insurance companies.

Mr. Baker was a director in the Central Railroad of New Jersey, Chicago, Burlington & Quincy Railroad, Cincinnati, Hamilton & Dayton Railway, Colorado & Southern Railway, Delaware, Lackawanna & Western Railroad, Erie Railroad, Lake Shore & Michigan Southern Railway, Lehigh Valley Railroad, Michigan Central Railroad, New York Central & Hudson River Railroad, Northern Pacific Railway, and Pere Marquette Railroad, and also in numerous banking, trust, and industrial companies.

It will be observed that four of the seven managers (directors) were interested in the management of railway lines.

This, I believe, is sufficient to show that the express companies are owned, officered, controlled, and managed by the very men who control and manage the railroads; that the express companies are simply subcompanies and a part of the railroads.

And as all the stockholders of the railroads do not share in the profits on tonnage thus transported, therefore the express business does not rightfully belong to those who now own and control the express. In justice to the stockholders of the railroads, the express business should be done by the railroads proper, or at least the heavy end of it, which might be carried under the head of fast freight, and all small packages of light weight might be carried as express by the Government, and in conjunction with the postal business, if not practicable for fall-roads to carry same as fast freight.

Another thing. The House has adopted a rule making parcelpost legislation in order as an amendment to this bill. be clear to everybody that with present rates paid railroads for carrying mail matter and the rate paid railroads for carrying express by express companies, that the Government can not compete with the express companies, and that a parcel post that would be of any benefit can not be made self-supporting, and if any parcel post is to be provided for, the rate paid for carrying the mail matter and parcels must be made as low as that paid by the express companies before a beneficial and selfsupporting parcel post can be had. Even then I fear that the Government can not compete, as its expense for collecting, delivering, and handling parcels outside of railroad transportation would be much more than that of private concerns, where economy is practiced and where better business methods are employed. Judging from the Government's past experience in its business undertakings, such as the Printing Office and the postal business, I believe that the Government will never be able to compete with private enterprises, and I fear that a self-supporting and beneficial parcel post can not be had under our form of Government; in fact, I am sure that it can not be had until the pay for carrying parcels by railroads is reduced, and possibly not until the whole postal system is reorganized and readjusted, with improved and better business methods. If it is not possible to now reduce these rates to the extent of 10 per cent, then I submit that we have no right to look for any reduction in the cost of any of the service in the department, because this is the most unjust and unreasonable of all the items in the bill, and if there is to be no reduction in the cost or rendjustment of the postal system, then it goes without saying that there is no possibility for a self-supporting and beneficial parcel post. But it is not my intention to go into a general discussion of this question at this time, and all that I wish to say on this subject at this time is that thousands have written and petitioned Congress, some for and some against

In reply to the many inquiries coming to me, I have said that it is an important question and it should be given most careful and thoughtful consideration, in order that it may be disposed of intelligently and wisely. While there are divers opinions on this all-important question, I believe all are practically agreed that if a parcel post is established it should be made self-supporting, or nearly so, and beneficial to the patrons thereof; that the service should be had at a reasonable rate and at the same time stand on its own legs and be carried on without a heavy drain on the Public Treasury, or without any considerable expense to the public. In other words, it should not be made to rob Peter to pay Paul. All kinds of bills have been introduced, few, if any, of which would put the business on a self-supporting basis, while many of them would if enacted into law drain the Public Treasury of millions of dollars every month. Millions of people are honest and earnest in their desire for parcel post, and properly so; but, evidently, outside of that there are also certain powerful interests who evidently for selfish purposes are putting forth every effort possible in support of parcel post, no matter how unreasonable nor what the cost to the Government might be. Heading this group of interests are, undoubtedly, the railroads, who would be the ones to reap the most benefit, no matter which of the several bills now offered might become law. Misrepresentations and misstatements have been sent out from the headquarters of certain promoters of parcel post and scattered broadcast over the country, evidently for the purpose of misleading the people and prejudicing them against Members of Congress by questioning the integrity of those Members who, conscious of their solemn oath of office, are honestly endeavoring to dispose of the matter to the best interests of all concerned and who, therefore, must necessarily take Issue with attorneys and lobbyists generally believed to be in the employ of the railroads and working for their selfish interest. One impression they seek to create, for instance, is that the Members are opposed to parcel post because of the influence of the express companies, overlooking the fact that the express companies are owned and generally officered by officials of the railroads and that the establishment of parcel post under present contracts would increase the pay to the railroads for carrying parcels transferred from express to parcel post five times over. As stated, the Interstate Commerce Commission's report shows that express companies receive, on an average. \$1.54 per hundred for handling express, and of that amount the railroads receive about 45 per cent. The Postmaster General's report shows that the Government pays more than 4 cents per pound for all mail matter carried by the railroads. The same rate would, of course, apply to parcel post. The average cost, including all expenses for handling mail matter, is about 17 cents per pound. These are facts based on official reports. The

average cost to the Government for handling parcel post is estimated from 8 to 15 cents per pound. If these facts and estimates are correct, the railroads would gain more than \$3,000,000 for every \$1,000,000 of business transferred from express to parcel post. If parcel-post service will cost the Government, as estimated, from 8 to 15 cents per pound, it goes without saying that any self-supporting parcel post will not benefit any patron of that service, because the average rate is several times higher than the average rate charged by express companies, who thus have nothing to fear from Government competition.

The appropriation bill reported out by the House committee provides for a parcel post at 12 cents per pound. It is estimated that the rate proposed will make the service self-supporting, but as that rate is several times higher than the average rate charged by the express companies it will not, of course, benefit the general public. But the bill also provides for a commission to investigate and report as to the feasibility and probable cost of parcel post, and as that information is much desired and needed to determine the general character of desirable legislation it will be of value, and, in my opinion, the information should be had before the question can be intelligently and wisely disposed of.

The fact that the express companies are only a part of the railroad companies or a subcompany owned and operated by the managers or those who control the railroads, it also goes without saying that they would be for the scheme that will bring the largest revenue to them and those they represent,

and as parcel post would mean a \$4 rate instead of a 75-cent rate paid by express, naturally they are for the parcel post, and that, I take it, accounts for their activity in its favor.

References have often been made to statements purported to have been made by William C. Thorne, general manager for Montgomery, Ward & Co., before the committee, stating that the postal rate of 1 cent per ounce, or 16 cents per pound, is four times the average \$4 express rate and twelve times the average \$1.25 freight rate paid by his company. James L. Cowles, in one of his letters, points out that express companies adopted a flat rate on fruit, nuts, and vegetables from 36 California towns to all express points within the United States and a large part of Canada of 35 cents for the first 8 pounds and 4 cents for each additional pound, and asks why not a similar or even a cheaper service by the Government. If parcel-post service will cost the Government 12 cents a pound the 4-cent rate contended for by Mr. Thorne and Mr. Cowles would produce a loss to the Government of \$8,000,000 on every \$12,000,000 of business.

With these facts before me, I have felt that I could not accommodate the railroads in this matter. They now receive more than a billion dollars net profit annually, and it seems to me that a contribution equal to more than \$11 for every man, woman, and child in the United States, or an amount eight times the total annual output of gold and silver in this country, is sufficient profit now. While express rates are high and un-reasonable and should be lowered, the reduction can not be ac-complished by the establishment of parcel post. That can and should be done by the Interstate Commerce Commission, which has been given power by Congress and whose sworn duty it is to fix just and reasonable rates, the same power as it has to fix freight rates.

Many of you have, as I have, received petitions signed by large numbers of merchants in your district, similar or identical in form to the one which I will now read, omitting the names of the 20 merchants having signed it and the town:

the 20 merchants having signed it and the town:

Petition to the Hon, G. N. Haugen, Member of Congress from the fourth district of the State of Iowa.

We, the undersigned doing business in the city of fully ask that you use your influence in favor of and that you vote for legislation that may be brought before Congress that will give the Interstate Commerce Commission further power looking toward the regulation of express rates and express classifications. Further, we ask that you use your influence with the Interstate Commerce Commission, urging them to take action as soon as possible in regard to the regulation of express rates and revision of classifications that the people of the United States may have relief.

We are deeply interested and want the Interstate Commerce Commission given any power it may be necessary for them to have, that express rates may be regulated by this commission.

We feel that the transportation charges of the express companies are exorbitant and unjust, and that their charges are out of all proportion to the service rendered and the amount of actual money invested.

Therefore we ask that you assist us both in having the Interstate Commerce Commission granted full power to act and enforce their findings, and that you use your influence in urging the Interstate Commerce Commission to take action with the power they already have at the earliest possible moment.

We feel that our request deserves your serious consideration.

Congress has already given the commission the power neces-

Congress has already given the commission the power necessary for them to regulate express rates; it has the same power over the regulation and classification of express rates as it has over freight rates; and, in my opinion, there is no excuse for the existing exorbitant express rates nor the millions of overcharges. And if the Interstate Commerce Commission does not or can not exercise its power in fixing just and reasonable express rates, or if the Commerce Court, or any other court, continue to hold up the decisions of the commission and thus delaying or preventing justice to the public, or, in other words, if the legislation already on our statute books is not being enforced, I take it that additional legislation would meet with the same

Then and with the fact that the express companies, through their organization and operation of the express company, continue to rob not only their copartners or stockholders of railroads out of their share of profit, but the public as well, in charging not only exorbitant rates but by adding thereto millions of overcharges under the pretense of errors. With these facts before us, it seems to me, with this rank injustice, that the only way open to Congress in securing justice to the public is for it to take over the express companies, and especially if rates paid railroads for carrying mail matter can not be readjusted and

made a reasonable and just one.

If the rate paid by the Government for carrying mail matter can not, under the rules of the House, be readjusted and made a reasonable rate, we can, by taking over the express companies and their contracts, transfer much of the mail matter, such as equipments, empty sacks, second-class matter, and parcels, to the express cars at express rates, which will be carried at less than I cent a pound instead of 4 cents per pound, the present rate raid, and if one-half of the mail matter can thus be transferred-or, say, 700,000,000 pounds of mail matter can be carried in express cars at the rate of less than 1 cent per pound instead of 4 cents, now paid, the Government will save more than \$21,000,000 in transportation charges on the 700,-000,000 pounds. And the saving in transportation for two years would pay for all the property necessary to be condemned or purchased from the express companies. This can be done without any injury to anybody. The express companies would be paid a reasonable price or full value for property condemned or purchased. The railroads would be paid the same rates which they are now being paid for carrying express and mail matter. The only difference to them would be that they would The twenty carry less in mail cars but more in express cars. to twenty-five million dollars saved to the Government thereby would, of course, reduce the revenue of the railroads correspondingly, but no one contends that railroads are underpaid the express companies, hence the twenty to twenty-five million dollars gained to the Government would do no injustice to the express companies or the railroads. With these facts in view, and especially the thousands of overcharges made by express companies claimed to be errors, the excessive rate paid the railroad company by this Government, the saving that can be made in transportation of mail matter-while I do not favor Government ownership in general-I believe that unless we can right this wrong I shall feel it my duty to vote to take over the express companies' contracts and what property needed to carry on the express business by the Government. It has been said that this is a step in the direction of socialism. It is no more Government ownership or socialism than the building and operating the Panama Canal, the postal business, the owning and operating of boat lines between New York and Colon, or the Panama Railroad, or the owning and operating of the Government Printing Office, and numerous other things. Call it by what name you choose, the express companies and railroads have made it necessary to take the step in order to secure a square deal.

In view of the fact that the express companies are organized and operated by the few stockholders who control railroads for their own personal gain and to deprive their stockholders of their share of profit on the business diverted from freight to express, no injustice will be done to the stockholders of the railroads in general in taking over the express. It will simply transfer the express business from those wrongdoers to the railroads proper and the Government where the express business properly belongs, or at least as much as the freight and postal business is a function of the railroads and the Govern-

ment, respectively.

The consumer, the merchant, the manufacturer, the farmerin fact, every patron of the express companies-are entitled to better treatment than they have heretofore received at the hands of the express companies. The taking over of the express companies may not reduce the express rates to the public; as under our form of government, with its lack of proper business methods employed and its expensive way of conducting business in general, it is not possible for the Government to compete with private enterprises with their modern and best

\$20,000,000 annually in the transporting of mail matter; besides, it will do away with the thousands of overcharges and manipulations of schedules, and will insure to all patrons of the express a uniform and possibly a lower and reasonable rate. It will make the Post Office Department self-supporting and make 1-cent postage possible. Another matter that may well be considered in this connection is the contention over the rate paid on second-class matter.

One contention is that the express companies should be prohibited by law from carrying second-class mail matter, and that would make up a part of the deficit. If it costs the Government, as estimated by the Postmaster General, 9 cents a pound to handle second-class matter, and it charges only 1 cent, for every dollar it receives it pays out \$9, and is out \$8 on every \$9 transaction, hence we can not increase the net revenue of the department by increasing the second-class mail matter business. To the contrary, the greater the business the greater the deficit will be.

Another contention is that the rate on second-class mail matter should be increased to the rate which it actually costs the Government for handling second-class matter, which is estimated at 9 cents per pound, and that it would increase the revenue to the extent of \$60,000,000. The present rate on secondclass mail matter is 1 cent per pound; yet with that low rate much of the second-class matter is now sent by express, much of it is carried at half a cent per pound-for instance, from Philadelphia to Kansas City, a distance of over 1,000 miles, the rate is 50 cents per 100 pounds. If the publishers can save money by shipping magazines and second-class matter by express with the present Government rate of I cent, are they likely to send their publications through the mail when we increase the rate to 4 or 9 cents per pound? If the express companies could carry second-class mail matter at half the rate that the Government does, or at one-eighteenth of what it actually costs the Government, can not the Government by taking over the express companies' business and contracts carry it at the same rate charged by express companies? If so, the bulk of second-class matter can be transferred to express cars and carried at express rates, which will insure not only a much lower transportation rate but equally as good and prompt service, as the express cars are hauled on the same train as are the mail cars. Special express trains run as fast as special mail trains do. Papers can be carried to and from the post offices by either the mail or express messengers and be distributed through the post office; hence the second-class matter can be dispatched and handled as promptly and satisfactorily to the publishers through the express cars as it is now handled. If so, why not make it possible for the Government to continue the present low rates of 1 cent per pound? The policy of Congress in the past has been to disseminate knowledge, not only by the distribution of public documents but by encouraging worthy and legitimate publications—the semiweeklies, the dallies, and other periodicals. It has given newspapers and magazines a rate of postage much below the actual cost of the service to the Government, certainly not with a view of making money but for the diffusion of knowledge and to promote education, happiness, and the welfare of our people. If by taking over the express business it will enable the Government not only to continue the present rate of second-class matter, and possibly to reduce it, but to give a 1-cent postage, and if it is the only way open to insure uniform and reasonable postal and express rates to all, it seems to me that it should be done.

Mr. MADDEN. If the gentleman from Iowa will permit, the point I wish to make is that we ought not to reduce the compensation paid, but that if we do reduce it, we ought to do it because we know why we reduce it. We ought to know just exactly how much we ought to reduce it. in other words, jump at conclusions. We should not say that we will only pay a certain amount for a service for which we are now paying a great deal more money, unless we investigate the situation and are able as the result of that investigation to determine the justice of our action. I am in favor of getting the work done at the lowest possible price, but in doing that I am in favor of doing justice to the people with whom the

Government has contracts.

Mr. HAUGEN. I will call the gentleman's attention to the fact that this matter has been investigated a number of times. A number of commissions have been appointed, and they have investigated the matter and reported it to the House.

Mr. CULLOP. Mr. Chairman, will the gentleman yield? The CHAIRMAN. Does the gentleman from Iowa yield to the gentleman from Indiana?

Mr. HAUGEN. I do. Mr. CULLOP. I want to call the attention of the committee business methods, but it will save the Government more than I to the fact that this question has been ruled on once before, and

ruled on favorably to the amendment now offered. It is found in the Parliamentary Manual of the House at page 409:

An amendment reducing the amount appropriated for rallroad transportation of mails, coupled with a proviso directing the Postmaster General to reduce 10 per cent the annual compensation for transportation of mails on rallroads, was held to be in order as within the exceptions to the rule.

Mr. MOON of Tennessee. Mr. Chairman, in order that we may go on I withdraw the point of order.

Mr. MANN. I renew the point of order.
Mr. CULLOP. That was under the Holman rule, and it cites Hinds' Precedents, volume 4, page 3891, so that the question there seems to have been squarely decided by the Chair in favor of the contention now made. As the amendment offered by the gentleman from Iowa now is practically the same as the question presented there, it seems that ruling is conclusive.

Now, as to the advisability of the amendment, it seems to me no gentleman on this floor ought to question that this Government is paying these railroads not only too much, but outra-geously so. These amounts now paid are unreasonably high and ought to be reduced. No person here ought to question that, and this amendment comes squarely under the exception of what is known as the Holman rule, and it is certainly in order under the precedent that I have offered here. I hope the amendment will be adopted.

Mr. MANN. Mr. Chairman, I suppose it is not necessary for me to call the attention of the Chair to the fact that the precedent cited by my friend from Indiana [Mr. CULLOP] has no application to the pending amendment. I invoked the same precedent the other day when an amendment was pending, and the Chair ruled it in order. This is an entirely different amend-

ment, and it is not in order under the precedent cited.

The CHAIRMAN. The Chair has not the law referred to in the proposition offered by the gentleman from Iowa [Mr. HAUGEN], but, so far as advised, the Chair is inclined to sustain the point of order on that portion of the rule which provides

That it shall be in order to amend such bill upon the report of the committee or any joint commission authorized by law or the House members of any such commission having jurisdiction of the subject matter of such amendment, which amendment, being germane to the subject matter of the bill, shall retrench expenditures.

The Chair thinks the amendment is subject to a point of order, and the Chair sustains the point of order.

Mr. MURDOCK. Mr. Chairman, I move to strike out the last word.

Mr. MANN. That can not be done. That has just been done, and it is too late to strike out the last word.

Mr. MURDOCK. I ask unanimous consent, then, to address

the committee for five minutes on this paragraph.

The CHAIRMAN. The gentleman from Kansas asks unanimous consent to address the committee for five minutes. Is there objection?

Mr. MANN. Let the gentleman come in under the next paragraph.

The CHAIRMAN. The Clerk will read. The Clerk read as follows:

The Clerk read as follows:

Railway Mail Service: For 14 division superintendents, at \$3,000 each; 4 assistant superintendents, at \$2,200 each; 14 assistant division superintendents, at \$2,000 each; 139 chief clerks, at \$1,800 each; 295 clerks, class 6, at not exceeding \$1,500 each; 1,536 clerks, class 5, at not exceeding \$1,500 each; 635 clerks, class 5, at not exceeding \$1,500 each; 2,889 clerks, class 4, at not exceeding \$1,300 each; 2,496 clerks, class 4, at not exceeding \$1,200 each; 6,644 clerks, class 3, at not exceeding \$1,100 each; 2,727 clerks, class 2, at not exceeding \$1,000 each; 500 clerks, class 1, at not exceeding \$900 each; 600 clerks, class 1, at not exceeding \$800 each; at n

Mr. MANN. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Illinois moves to strike out the last word.

Mr. MANN. I see there is carried in this bill as section 7 reclassification of the railway mail clerks. It goes into effect at the beginning of the fiscal year covered by this bill.

Now, in this part of the bill you carry an appropriation for these clerks specificially. Is it not necessary to have some provision in the bill that will permit the use of this money, unless it is already in the bill, if the classification of section 7 be agreed to? I call the attention of the gentleman from Tennessee, so that he can answer.

Mr. MOON of Tennessee. The classification under section 7 does not conflict in any way with the proposition before the

House, as I see it.

Mr. MANN. It seems to me it does.

Mr. MOON of Tennessee. Where? Mr. MANN. Is not this proposition the one that carries the appropriation for railway mail clerks?

Mr. MOON of Tennessee. Yes.

Mr. MANN. And it is specifically provided how many clerks there shall be in each of these classes.

Mr. MOON of Tennessee. Yes. Mr. MANN. But that will not be the situation after the 1st of July under section 7, putting into effect the new classification of railway mail clerks.

Mr. MOON of Tennessee. If there will be a readjustment of the pay, of course there will be a change of totals in the bill.

Mr. MANN. There is no change of totals in the bill at all. Mr. MOON of Tennessee. There will be a change, if we pass that provision, or there will have to be an additional appropriation.

Mr. MANN. It may require an additional appropriation, but the additional appropriation is not in the bill, and has nothing to do with the question of totals. You do not provide in section 7 the number of different clerks in each grade; but in the item which has just been read, you do provide the number in each grade at each salary. That number will be varied when the reclassification goes into effect, and the appropriation for the number of clerks specified in the item just read should be made available for use under the reclassification. Otherwise you will have a law providing for clerks but no money with which to pay them.

Mr. MOON of Tennessee. What is the date of the going into

effect of this section?

Mr. MANN. Section 7 says that after June 30, 1912—Mr. MOON of Tennessee. It should be 1913.

Mr. MANN. I am reading the bill as it reads: "After June 30, 1912."

Mr. MOON of Tennessee. I am reading the bill: "After June 30, 1913." I read from page 33.

Mr. FOSTER. There is just a year's difference between the

two gentlemen.

Mr. MANN. That is another proposition. That is not the reclassification. That is in reference to promotions. I am reading the provision of the bill which reclassifies these clerks.

Mr. MOON of Tennessee. What page?

Mr. MOON of Tennessee. What page?

Mr. MOON of Tennessee. I think there is a mistake in the gentleman's print. It ought to be 1913 instead of 1912.

Mr. MANN. I am inclined to think the purpose was to have the reclassification begin with the next fiscal year, but the money ought to be available for the reclassification. I call it money ought to be available for the reclassification. I call it to the attention of the committee, who will undoubtedly take care of it in some shape.

Mr. MURDOCK. I wish to say to the gentleman from Illinois that that date left the committee different from what it is now. My impression is it has been changed since it left the com-

mittee.

Mr. MANN. I think not. This is the question of promotions.

Mr. MURDOCK. I understand. Mr. MANN. The provision of section 7, as to promotions, begins with June 30, 1913. Mr. MURDOCK. Yes.

Mr. MANN. But the reclassification commences with the first of the next fiscal year.

Mr. MOON of Tennessee. It can not take effect until 1913. under this bill.

Mr. MANN. It says the reclassification shall take effect.

Mr. MOON of Tennessee. But the practical effect of it will not be until 1913.

Mr. MANN. It would not take effect if there was no money to pay the clerks, but I think the intention was to make it take effect.

Mr. MADDEN. It was the understanding of the committee that it would not take effect until 1913.

Mr. MOON of Tennessee. It was not the purpose to make it effective until June 30, 1913.

Mr. MURDOCK. I want to say to the gentleman from Illinois that the fact about this is that while a change in the classification of the railway mail clerks is provided here, that classification, so far as the salaries received and the promotion to which they are entitled, will not take place until June 30, 1913.

Mr. MADDEN. That was understood.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

And the appointment and assignment of clerks hereunder shall be so made during the fiscal year as not to involve a greater aggregate expenditure than this sum.

Mr. MANN. Mr. Chairman, I make a point of order against that paragraph.

Mr. MOON of Tennessee. I concede that the point of order is well taken.

The CHAIRMAN. The Chair sustains the point of order. The Clerk read as follows:

For substitutes for clerks on vacation, \$72,000.

Mr. MURDOCK. Mr. Chairman, I ask unanimous consent to return to line 14, which we have just passed, for the purpose of

offering an amendment which I think the chairman will favor.

The CHAIRMAN. The gentleman from Kansas asks unanimous consent to return to line 14, page 20.

Mr. MANN. Reserving the right to object, I would like to have the amendment reported.

The Clerk read as follows:

Add, after the word." clerks," in line 14, page 20, the words "acting railway postal clerks and substitute railway postal clerks."

The CHAIRMAN. Is there objection to returning to line 14?

There was no objection.

The amendment was considered and agreed to.

The Clerk read as follows:

For acting clerks in place of clerks or substitutes injured while on duty, who shall be granted leave of absence with full pay during the period of disability, but not exceeding one year, then at the rate of 50 per cent of the clerk's annual salary for the period of disability exceeding one year, but not exceeding 12 months additional, and to enable the Postmaster General to pay the sum of \$2,000, which shall be exempt from payment of debts of the deceased, to the legal representatives of any rallway postal clerk or substitute rallway postal clerk who shall be killed while on duty or who, being injured while on duty, shall die within one year thereafter as the result of such injury, \$120,000.

Mr. REILLY. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Amend, line 6, page 21, by inserting after the words "postal clerk" the words "or employee of the sea post service."

Mr. REILLY. Mr. Chairman, I offer that amendment in view of the fact-

Mr. MANN. Mr. Chairman, I reserve a point of order. The CHAIRMAN. The Chair thinks the gentleman is too late; the gentleman from Connecticut had begun to address the

Chair.
Mr. REHLLY. Mr. Chairman, I will state that my object in Mr. REILLY. Mr. Chairman, I will state that my object in offering that amendment is to include in this law the heirs of clerks in the sea post service. By the sinking of the *Titanic* three employees of the Post Office Department who were engaged on that ship lost their lives. They were William M. Gwinn, of New York; Oscar W. Woody, of North Carolina, and John S. March, of New York. I feel that it is but just and fair that men employed in the postal service who risk their lives on a ship should be put in the same category as the railway mail a ship should be put in the same category as the railway mail clerks, and that their families should receive the benefits of this provision. That is the object of the amendment. One of these men, Mr. Gwinn, was not due to sail on the Titanic. He made a transfer that he might be back in New York to be present when an operation was to be performed on his wife. That love and devotion cost him his life.

Mr. MANN. The gentleman's amendment says "employee of the sea post service." Would not the gentleman be willing to make it read "sea post clerk," so that they will know exactly what is meant?

Mr. REILLY. That would be acceptable to me.
Mr. MANN. If the gentleman would use the language "sea
post clerk or substitute sea post clerk"—

Mr. REILLY. That is also agreeable,
Mr. MANN. I think there might be some question about the
language of the gentleman's amendment.

The CHAIRMAN. What is the amendment suggested by the gentleman?

Mr. MANN. Add after the word "postal clerk," line 6, page 21, the words "sea post clerk or substitute sea post clerk."

The CHAIRMAN. The Clerk will report the amendment. The Clerk read as follows:

On page 21, line 6, after the words "postal clerk," insert the words "sea post clerk or substitute sea post clerk."

Mr. COOPER. I suggest that to make the amendment read properly you should strike out the word "or" after the first word "clerk" in the same line.

Mr. REILLY. That should be done to make it read properly. Mr. MURDOCK. Mr. Chairman, I did not catch the reading of the gentleman's amendment. He does not undertake to appropriate any money for the payment to the heirs of these men who lost their lives on the Titanic, but this is merely for the future?

Mr. REILLY. If this law is passed, hereafter the heirs of railway mail clerks who lose their lives will get \$2,000. in passing this law I thought that we should include mail clerks on the regular seagoing vessels. We are making no specific appropriation now for these particular clerks, but are putting them under the general law which we hope will pass.

Mr. KENDALL. Mr. Chairman, I want to ask the gentleman from Connecticut, as he is a member of the Committee on the

the propriety of increasing the amount to be allowed in cases of this character?

Mr. REILLY. The committee has considered it.

Mr. KENDALL. And in the judgment of the committee \$2,000 is the maximum that ought to be provided?

Mr. REILLY. That was the judgment of the committee. Mr. MANN. I want to call the attention of the gentleman Mr. MANN. I want to call the attention of the gentleman from Iowa to the fact that it was \$1,000 a few years ago, and

I offered an amendment to make it \$2,000.

Mr. KENDALL. I know it, but I thought it might be further increased, and I was in hopes that the committee might have favorably considered it.

Mr. STERLING. Mr. Chairman, why should not the amendment relate also to the first line of that paragraph? Why should not they have the same relief? They are acting clerks in place of clerks or substitutes. Why not make it apply to sea post clerks there just the same as in the latter part of the paragraph?

Mr. REILLY. I should think it should.
Mr. STERLING. It seems to me so.
Mr. REILLY. And I think the word "clerks" covers that.
The CHAIRMAN. The question is on agreeing to the amendment as modified.

Mr. MANN. Mr. Chairman, I ask unanimous consent that the amendment as modified be again read.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 21, line 6, after the word "clerk," at the beginning of the line, strike out the word "of" and insert after the words "postal clerks" the words "sea post clerk or substitute sea post clerk."

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to. Mr. ESCH. Mr. Chairman, I move to strike out the last word. This provision as it now is liberalizes the existing law in that it gives an allowance to men who are injured in the service for a period of one year equivalent to their salary, and for a period of an additional year up to 50 per cent of such salary. This is a new provision in the law, as I understand it. I am fully in accord with this action of the committee and believe that we can not deal too generously with this most worthy class of Government employees. In my opinion they are in as hazardous employment as any Government employees, not excluding the members of the Army and the Navy. I have had several cases come to my attention lately where men in the Railway Mail Service have been disabled while in the service and in line of duty, who were required to hand in their resignations because they could no longer perform the duties of railway mail clerks. They were therefore left without employment, disabled so that they could not earn a livelihood by manual labor. In my opinion the Government owes to these injured railway mail clerks a still further duty, and I would make the suggestion—I can not offer it as an amendment, because it would be subject to a point of order—that legislation be offered by the Committee on Post Offices and Post Roads to make such injured railway mail clerks eligible to appointment in some other position in the Post Office Department to which they are fitted mentally and physically. It seems to me that is the least duty that we could perform for this worthy class of clerks.

Mr. MADDEN. As I understand it, the statement of the Second Assistant Postmaster General to the committee was to the effect that where men were injured in the service and they were capable of doing any kind of work at all they were always provided for in some place that would give them a livelihood.

Mr. ESCH. Mr. Chairman, I have in my hand statements of two railway mail clerks, one, Mr. C. L. Hughes, who was in-jured in three separate railway wrecks. After the last injury he was given a position as transfer clerk in Nashville, Tenn. The position was abolished, and he was left without employment. I have in mind another case, that of N. W. Borden, who was in two railroad wrecks, in the last of which his spine was injured, so that to-day he has to use a cane and a crutch. His resignation was requested, and he to-day is out of the service. I do not complain as to this action on the part of the department, because they are seeking to fill these positions with men who can do a day's work, but it seems to me that we should give more power or discretion to the department to aid men of this character who are injured in the line of duty.

Mr. NYE. Mr. Chairman, will the gentleman yield?

Mr. ESCH. Certainly, Mr. NYE. This provision does not cover men who are weighing mails periodically for the Government, does it?

Mr. ESCH. I should think not. Mr. NYE. Why should it not? I have in mind two or three Post Office and Post Roads, if the committee has considered instances of men who were weighing during these periodical weighings where they were injured. One man was heroic in saving the property of the Government and received serious injury. Why should not this provision cover men in the employ of the Government in weighing mail? They are not clerks, under the ruling of the department.

Mr. ESCH. They are temporary employees.
Mr. NYE. They are temporary employees.
Mr. ESCH. As I have already stated, the Railway Mail Service is one of the most hazardous under the Government. During the fiscal year ending June 30, 1909, 24 clerks and 3 mail weighers were killed, 92 clerks seriously and 617 slightly in-During the fiscal year ending June 30, 1910, 12 clerks jured. were killed, 78 seriously and 439 slightly injured. During the fiscal year ending June 30, 1911, there were 313 railroad accidents in which postal clerks were either killed or injured.

As a result of this large number of casualties in the service, the Second Assistant Postmaster General recommended, in his last annual report, legislation which would authorize the Postmaster General, in a case where a clerk is so seriously injured in line of duty as to render him unable to perform work, after the expiration of one year from receipt of injury, to grant a further leave of absence with pay equal to 50 per cent of his regular salary, which extension is not to exceed 12 additional months. It will be noted that this recommendation of the department has been carried out in the above provision of the pending Post Office appropriation bill, but as even this increase of compensation is not considered sufficient, the further recommendation is made for retirement of disabled clerks.

If a civil pension list is to be established in the United States I know of no better place to begin than with the Railway Mail Service. Retirement has already been provided for the Army and the Navy and for the Revenue-Cutter Service, and the reasons which persuaded Congress to make such provision obtain with equal force with reference to the Railway Mail Service.

The work in this service is exhausting and the strain on many routes is nerve racking. The mail cars are, as a rule, placed immediately next behind the locomotive, so that in case of collision the mail car is the first to receive the impact. Attending to their duties within the car, with no opportunity to protect themselves, surrounded by racks, sorting tables, and heavy mail sacks, serious injury and often death is an almost necessary result of a collision.

The dangers of this Government occupation have been so apparent and have so impressed Congress that legislation has already been enacted and further legislation is sought in this pending bill to still further promote the safety of these employees by providing for the gradual abolition of the wooden mail cars and substituting therefor cars constructed of steel. Some of the most frightful accidents in this service during the last decade have resulted from the telescoping and burning up of the wooden mail car. The new steel cars now being provided under the regulations and specifications of the Post Office Department will promote safety and prevent injury and loss of life from telescoping and fire, and the good results already attained, as shown in the reduction of casualties within the last two years, warrant the conclusion that when all steel railway post-office cars have been installed loss and danger will be reduced to a minimum.

But with the best of appliances and greatest care, casualties will continue to occur, and in the absence of a retirement law applicable to railway mail clerks, the question arises whether something more can not and ought not to be done by Congress in behalf of these most worthy and faithful servants of the Government.

I am pleased to note that there has just been reported out of the House Committee on the Judiciary the Howland bill, which seeks to extend the provisions and the benefits of the bill providing for the compensation of railroad employees engaged on interstate carriers, as recommended by the Employers' Liability and Workmen's Compensation Commission, to clerks in the Railway Mail Service and to other civilian employees of the Gov-

Should the Howland bill become a law, compensation at different percentages of the monthly wages of the deceased would be paid to the widow and dependent child or children under 16 years of age over a period of eight years from date of death, but should the employee be injured and survive, the percentage of his monthly wages paid to him would vary with the extent of his injury and degree of incapacitation. I sincerely hope that this bill will pass, not only because of the benefits it confers upon men employed in the Railway Mail Service, but upon other civilian employees of the Government. If Congress believes it necessary and wise to require the interstate carriers of the country to provide for compensation for their employees, it ought to be equally necessary and wise to make like compensation for its own employees.

In the event that no action be taken on legislation providing for such compensation, I believe that the department ought to be given authority by law to provide for the employment in other branches of the postal service of all railway mail clerks who have received such injuries in the line of duty as to unfit them for further duty as such clerks, so that after the two years from date of injury, during which full and half pay is granted them, have elapsed, instead of being discharged from the service they may be retained and given a chance to earn a livelihood.

I have every reason to believe that the department is desirous of retaining such injured clerks by giving them such employment as their physical condition permits them to perform, but I would go further and favor legislation which would make such injured clerks eligible for appointment under the civil service to such positions as they could fill. As assistant postmasters have now been placed under the civil service, injured railway mail clerks should be made eligible to such appointments. The knowledge and experience they have gained of postal affairs in the Railway Mail Service would fit them to occupy such positions. They might also be made eligible for appointment in many instances as postal clerks. As such appointments in the larger offices are not confined to applicants residing in the city where the post office is located, there ought to be no prejudice and no objection to the appointment as assistant postmasters of injured railway mail clerks who are nonresidents, provided only that they are residents of the State in which such post office is located.

As proof of the hardship suffered by railway mail clerks who have been injured in the service and incapacitated from further continuing as such clerks, I wish to append as part of these remarks a letter from Mr. N. W. Borden, a resident of this city, giving his suggestions as to what he considered as appropriate relief and his statement of service, and also a statement of Mr. C. L. Hughes, an ex-clerk, who was also injured in the service:

1202 C STREET NE., Washington, D. C., March 5, 1912.

Hon. JOHN J. ESCH, Washington, D. C.

Hon. John J. Esch.

Washington, D. C.

My Dean Sir: Yours of the 20th last, concerning certain proposed legislation for the benefit of hiphred railway mail clerks, to hand. Am glad to know that you are a friend of the Railway Mail Service clerks and that you are in a position to appreciate to such a large extent the peculiar conditions in this branch of the service, and that you so willingly offer your services to bring about such legislation that will benefit clerks who are or who may be injured.

Yes; I think that it is imperative that some law be passed that will provide a means of protection for injured Railway Mail Service clerks, and I hope that you will believe that I am not saying this purely through selfish motives. As I am out of the service now, I am quite willing that my case be exploited and used as an example, if by so doing it will help to secure the legislation that is needed, and thereby a continuous selfish motives. As I am out of the service now, I am quite willing its will help to secure the legislation that is needed, and thereby a legislation of this kind urgent because most clerks need assistance when injured, but because it is simply a matter of right and justice that the Government should, as an employer, give due and adequate consideration to the problem of taking care of those who are injured in its service. We all know that private concerns on every hand are meeting this problem in ways beneficial to the injured employee. Is there any sound reason why the Government should not do as much? The soldier is well taken care of in consideration of the fact that he has exposed himself to bodily danger while in the service of the Government. The Railway Mail Service clerk is in a more hazardous soldier is in danger only in times of war. But when the clerk suffers the loss of an arm or leg or other severe injuries he is given no civil-service preference, nor is he rettred on a pension and given a home that is maintained at the expense of his employer. On the other hand, he is politely told th

expiration of one year from the date of his injuries, and at the rate of 65 per cent of his former salary.

Thanking you for the interest that you have manifested in this matter and hoping that you may be successful in securing the desired legislation, I remain,

Yours, very truly,

I am at your command if I can be of further service to you.

STATEMENT OF C. L. HUGHES, INJURED IN LINE OF DUTY IN NASHVILLE AND MONTGOMERY RAILWAY POST OFFICE.

Appointed to the Railway Mail Service August 4, 1891, at the age of

Appointed to the Railway Mail Service August 4, 1891, at the age of 21 years.

In July, 1893, severely injured in a collision with wild cars near Deray, Tenn. A severe wound received in left groin from an iron bar which was driven into it; also injured in back.

In May, 1902, was injured in a derailment at Oxmoor, Ala., caused by broken switch point. Mail car totally destroyed. Severe bruises and spine injury resulted.

In April, 1905, injured in a derailment at Lynnville, Tenn., caused by running into a flour mili. Mail car totally destroyed. Injuries resulted as follows: Left side of skull crushed, left arm and eye injured, neck driven full of spilnters, upper lip cut through. Unconscious for several days. Spine was so badly injured that a brace has to be worn for support; can walk but little and with great difficulty.

These injuries have caused locomotor ataxia, with the usual accompanying pain and suffering. Being unable for further road duty, was in March, 1906, reduced from class 5 to class 3, with a reduction in salary of \$400 per annum, and assigned as transfer clerk, Tennessee Central Depot, Nashville, Tenn. This latter position has since been ordered abolished by the Inspection Division, and I am dropped after 15 years' service.

STATEMENT OF H. W. BORDEN, INJURED IN LINE OF DUTY.

STATEMENT OF H. W. BORDEN, INJURED IN LINE OF DUTY.

I entered the Postal Service in the fall of 1901, and, with the exception of the time that I was compelled to lay off on account of injuries received in accidents while on duty, I have performed regular service.

The first serious accident that I was in occurred on February 14, 1903, at Ravensworth, Va. On account of injuries received in this accident I was compelled to lay off some five or six months. On May 30, 1910, at Sycamore, Va., I was again very seriously injured, from the effects of which I have not as yet fully recovered. In addition to many severe wounds and bruises, I sustained double sacro-iliac dislocation and injured hip, which has and is still causing me to use support in the way of crutch and cane while walking or standing. About 18 months after I met with this accident I was given notice by the department I would have to return to road duty, I was forced out of the service. I must say that rooting is rather bad when one is untrained and physically handleapped. As I was unconsclous at the time, I am unable to give you any detailed description of the accident or wrecked car. The car must have been of an inferior type, for all of the 10 clerks on duty were more or less injured, and I am told that the car was completely demolished.

Next to the importance of legislation to prevent, as far as possible, such disastrous accidents and resultant injuries, the question to provide at least partial relief for those who may suffer a similar fate in the future is decidedly important.

Mr. MADDEN. If the gentleman will allow me—

Mr. MADDEN. If the gentleman will allow me— The CHAIRMAN. The time of the gentleman has expired.

Mr. MADDEN. Mr. Chairman, I move to strike out the last word for the purpose of making a statement. I may say for the information of the gentleman from Wisconsin and members of the committee that the Committee on the Post Office and Post Roads, while they had this bill under consideration, in the examination of the Second Assistant Postmaster General went fully into the question cited by the gentleman from Wisconsin, not as to these particular cases, but there was a statement of the Second Assistant Postmaster General to the committee that the department invariably provided places for men who were injured in the service, and it is the understanding of the committee that provision is always made; that the department not only has the power, but it exercises that power; and I assume that if these gentlemen who are referred to by the gentleman from Wisconsin would have their cases called to the attention of the Post Office authorities some provision would be made for them, and I may say that every member of the committee on the Post Office and Post Roads would be glad to help intercede with the Post Office Department for them. If I thought, as a member of the committee, that the department had not the power and did not exercise the power it had, I would be one of the first men, and I think every man on the committee would be glad, to have some provision put in the bill requiring that provision should be made for such men as those referred to by the gentleman

from Wisconsin [Mr. Esch].

Mr. ESCH. What would the gentleman think of this suggestion, of permitting these men so injured in the service to be placed on an eligible register so they could be given some preference in the matter of appointment?

Mr. MADDEN. I wish they could. Mr. ESCH. And should not they in fact be made eligible to appointment as assistant postmasters, they now being under the civil service?

Mr. MADDEN. Or watchmen or anything. The CHAIRMAN. Without objection, the pro forma amendment will be considered as withdrawn.

There was no objection.

Mr. COOPER. Mr. Chairman, I move to strike out the last two words. I agree cordially with what my colleague [Mr. in this bill does not go far enough. There ought to be a Federal employee compensation law which would, when necessary, take care of employees disabled in the public service for a much longer time than one or two years. Nor will the suggestions made by gentlemen as to the eligible list suffice to meet the injuries suffered by Government employees-especially postal clerks—in the discharge of their duties. postal clerk, like one I knew, to be injured in a railroad wreck, paralyzed from his hips down, of what avail would it be to him to have Congress provide that his name can be put on an eligible list? Eligible list for what? He is helpless. We need a compensation law which shall provide during their lives for Federal employees permanently injured while in discharge of

Mr. NYE. Will the gentleman permit a suggestion?

Mr. COOPER. Certainly.

NYE. I am glad to inform the gentleman that the Committee on the Judiciary already within the last week has reported a Government civil employees' bill, with a schedule of compensation copied from the Brantley employers' liability bill.

Mr. COOPER. I am pleased to hear that from my friend, the gentleman from Minnesota, and in connection with his statement I desire to say that a few days ago, in another legislative body, a distinguished gentleman said that he hoped the Government of the United States would enact a Federal employees' compensation law "within the next year or two." "Within the next year or two!" Those were his words. Why

wait a year or two? Why wait at all?

The time to pass it is now. Germany has such a law. have the other civilized countries around the world, and it is the duty of Congress to enact one without delay. In my judgment, there is no more important measure that the Committee on Rules could by special rule bring to the attention of the House, with a demand for its immediate consideration, than would be a bill properly caring for the men and women injured while on duty in the employ of the Government of the United States.

The CHAIRMAN. The time of the gentleman has expired. Mr. FOWLER. Mr. Chairman, I ask unanimous consent that the gentleman may have five minutes.

The CHAIRMAN. Is there objection? [After a pause.]

The Chair hears none.

Mr. COOPER. No class of employees are in more hazardous employment than are the postal clerks. As my colleague [Mr. Esch] has said, they run as great a risk as do the men in the Army or Navy; indeed they run more risk than does the average man who enlists either in the Army or the Navy.
Mr. FOWLER. Mr. Chairman.—
Mr. COOPER. They face death every day——

The CHAIRMAN. Does the gentleman yield to the gentle-

man from Illinois?

Mr. COOPER. Just one moment—and if a man be crippled for life in that service it does not become the Government to offer to him his pay for one year, with a proviso that in no event can he have pay for more than two years, though he be forever hopelessly disabled.

One of the things the Committee on Rules might well do with-

out delay is to bring in the bill mentioned by my friend from Minnesota [Mr. Nye]—the Federal-employee compensation bill—with a rule calling for its prompt consideration. The House will pass it, send it to the Senate, and learn whether that body will delay its enactment into law for a year or two.

Mr. HOWLAND and Mr. FOWLER rose.

Mr. COOPER. I will yield first to the gentleman from Ohio

[Mr. Howland].

Mr. HOWLAND. Mr. Speaker, I was about to ask the gentleman from Wisconsin to yield to me to make a statement. In that connection I want to say to the gentleman that the Judiciary Committee, as the gentleman from Minnesota [Mr. NyE] has just said, has reported out a bill which, I think, complies in every respect with the position taken by the gentleman from Wisconsin. And I want to say in that connection that we have the assurance of the chairman of the Judiciary Committee that they propose to make application to the Committee on Rules for a special rule in order to bring this matter before the House for consideration in the immediate future.

Mr. COOPER. I am very glad, indeed, to hear the statement

of the gentleman from Ohio [Mr. Howland].

Mr. MANN. Does the gentleman think that is more important than the compensation act which is in both bodies now? Mr. COOPER. I now yield to the gentleman from Illinois [Mr. FOWLER].

Mr. FOWLER. Mr. Speaker, I desire to ask the gentleman from Wisconsin if he would not by law provide for the un-ESCH] has said, but, in my judgment, the proposition embodied fortunate men in the Railway Mail Service whose arduous duties for long hours have caused them to lose their minds and

What are the hours, I will ask the gentleman?

Mr. FOWLER. Some of them work as long as 17 hours in succession. I propose to speak on this question before we get through with this bill.

It is a little difficult to answer that question Mr. COOPER. by yes or no. The relation of cause and effect is more difficult to establish-I am speaking of the alleged injury-when the claim is that employment has caused insanity than where, for example, a car wheel has run over a man's leg and cut it off.

The CHAIRMAN. The time of the gentleman from Wis-

consin [Mr. Cooper] has expired.

Mr. MANN. Mr. Chairman, I suggest to the gentleman from Tennessee [Mr. Moon] that it is pretty late in the day, and it is

I would suggest to the gentleman that I only want to get a little information from the chairman of the committee before we adjourn. I would like to have the attention of the chairman, if I may. Last year, in the hearings, there was included a statement made on the 17th of January, 1911, by the Second Assistant Postmaster General to the Postmaster General, certifying the number of men employed as railway postal clerks as 14,483. He also certified the number who worked five hours a day, those who worked from five and a half to six hours a day, those who worked from six hours to six and one-half hours a day, those who worked from six and one-half hours to seven hours, from seven hours to seven and one-half hours, from seven and one-half to eight hours, and from eight hours to eight and one-half hours, and nine hours, and also those working more than nine hours. I would like to know if there is any information in the hearings of the condition of the railway post-office clerks as to hours the clerks are now required to labor. I would like to ask the gentleman whether there is any information in respect to this matter?

Mr. MOON of Tennessee. I do not think the hours of labor were ever fully defined. There are about 16,500 laborers now.

Mr. GOOD. I would like to ask the gentleman if he would be perfectly willing that information of this kind from the Second Assistant Postmaster General should be procured

through his committee?

Mr. MOON of Tennessee. I would like any information he may see fit to give us. The gentleman can obtain that information, if he desires it, from the department. I have no objection to any accommodation to the gentleman in that the department make a detailed statement if he desires it.

Mr. GOOD. If a resolution requesting the information is introduced, the gentleman would not make any objection to

its going to the department?

There is no use of doing that. Mr. MOON of Tennessee.

They will respond to any inquiries.

Mr. ROUSE. Mr. Chairman and gentlemen of the committee. this bill as reported to the House carries an appropriation of nearly \$260,000,000, the largest amount carried by any of the appropriation bills. Upon first glance and without thought it does not appear that the committee considered the plan of economy, yet economy was considered by the committee, and this bill in effect only makes a loan for the benefit of every inhabitant of the United States and its possessions.

The Post Office Department is the only department of the Government that has a return for the large appropriation, and on account of the increased amount of business this department is practically self-sustaining and within another year the re-ceipts will exceed the expenditure, and then we can look to the early passage of an act that will give to the people of the

United States 1-cent postage on first-class matter.

I am heartily in favor of the bill as reported and gladly

support same in its entirety.

Mr. Chairman, I am in favor of economy in every branch of this Government, and my votes will support this statement. When the Democrats caucused on the proposition of public buildings and battleships. I voted against both proposed bills. am informed that the Government is now nearly three years behind with the work that has been arranged for by previous appropriations for public buildings, and I did not see the necessity of appropriating about \$16,000,000 for public buildings when that work could not be done for about three years, and during the intervening time circumstances might change to such an extent that an appropriation might be unwise. However, at the expiration of the three years the Treasury may be in a better condition than it is at this time for such an expenditure of the public funds.

My vote against the battleship proposition was cast on the same ground; the Government to-day is nearly two years be-

hind with their contracts for battleships, the appropriation for same having been made during the two previous Congresses.

I would much rather favor an increased appropriation for the benefit of the mail service of the United States than for public buildings or battleships at this time. No branch of the Government comes as close to the people as does the Post Office Department. The difference is great between the appropriation provided for by this bill and the proposed one for public buildings and battleships. This appropriation is for the promotion of business and the general welfare of the whole country and the amount is returned to the Treasury. The construction of public buildings and battleships necessitates a constant expenditure of money, there is no return, and after a few years all that is left is remembrance

Mr. Chairman, the mail men are the ones who reach every home of our Union, and they should be favorably considered by the committee that makes provision for their salary. Office Committee has labored hard to provide legislation that will relieve the employees of the post office of the many burdens that they are forced to undergo. In some instances the employees of the post office in cities of the first and second class have been called to work at most any hour of the day or night. Under the Reilly bill the hours of labor are defined, and the employees can not be required to labor more than 8 hours in 10 of any 24. This bill also provides for the promotion of 75 per cent of the clerks and letter carriers of first-class offices from the fifth to the sixth grade, and for the promotion of clerks and carriers of second-class offices from the fourth to the fifth grade, giving to them the promotion they have so long deserved.

The eight-hour system is in vogue in almost every department of the Government and should be adopted in the Post Office Department and in every branch. The mail clerks are supposed to labor on that basis, and are also supposed to have allotted to them sufficient time for the purpose of preparation. This has not been allotted nor has the department defined the hours of labor and preparation. The mail clerks are required to study more than any other employees of the Government; their routes are constantly changing; they are required to keep posted as to new offices, the discontinuance of old offices, and the change of routes, especially when rural routes are established and old offices are discontinued, and in some cases the entire route of the mail is changed, and this makes it absolutely necessary for the mail clerk to keep in constant study. The department should define the hours allotted to him for the preparation and make it sufficiently ample. Mr. Chairman, this bill makes provision for a reclassification for the Railway Mail Service; it carries with it additional grades; these are the men who work in the most hazardous place of all the Government employees, and are certainly entitled to the promotions that are provided for in this reclassification. There should not be a dissenting vote to this provision, and if any Member of the There should not be House is in doubt, he should lose no time in riding for a distance in one of the large mail cars and inform himself of the danger and hard work that is the lot of the mail clerk. I avail myself of the opportunity of riding in the mail cars frequently, and every time I am enlightened and realize the danger that confronts these noble men, and am more convinced that the reclassification and promotion that is provided for in this bill is more than justified.

This bill makes provision for a parcel post to begin on rural routes and intermediate points on these routes. This is the first step toward raising the limit of weight on packages and parcels up to and including 11 pounds that can be sent through All of the membership of this House, I dare say, the mails. has received many petitions for the parcel post, and I suppose many of us have received an equal number of protests against the inauguration of this system. It is my opinion that if the provision of this bill seeking to establish the parcel post on rural routes becomes a law that it will meet the universal satisfaction-the farmer, the rural citizen, the merchant will all be benefited. We have at this time in the rural district the telephone, and it reaches most every part of the country district. Most all of these telephones are so connected that any person living in the rural district can be connected with any merchant in his or adjoining county, and by the use of the telephone and rural routes the country citizen is practically living in the city so far as the convenience in having his goods delivered.

Some of us have received protests against the parcel post from the merchant that this is class legislation and discriminates against him and in favor of the large mall-order houses; but, on the contrary, this bill will work to his advantage, and I venture the opinion that within a year after this system is inaugurated the country merchant will be one of the greatest advocates of the parcel post in the United States.

When this bill becomes a law, the amount of fourth-class matter that will be handled by the star and rural carriers will be so immensely increased that it will be necessary to make provisions for an increased appropriation to compensate the star and rural carriers for the increased labor that will fall to their lot. This can easily be done without a drain upon the Treasury, as the department at present yields nearly a sufficient amount to meet the appropriation.

Mr. Chairman, all of us are familiar with what is known as the "gag rule"; the officers of the Government, the employees of every department are by this rule denied that right which is given them by the Constitution. Last year I introduced a bill in the House and it was referred to the Committee on Reform in the Civil Service. This bill sought to regulate the orders of the executive department of the Government, and providedthat no executive department of the Government, and provided—
that no executive department of the Government shall issue any order
which denies any officer or employee of the United States of every description, serving in or under any of the executive departments of the
Government, the right, either directly or indirectly, individually or
through associations, to solicit an increase of salary or to influence or
attempt to influence any legislation whatever, either before Congress or
fits committees, and any order heretofore made to the contrary shall be
null and void after the passage of this act.

This bill was for the purpose of placing all employees on the same footing with all American citizens and giving to these employees the right of free speech and petition-that which has been taken from them and denied to them by the orders which have been issued by the several departments and which has been more strictly enforced by the post-office authorities. Section 6 of this bill provides that no person in the classified service employed in the postal service shall be removed therefrom except for such cause as will promote the efficiency of the service and for reasons given in writing, and the person whose removal is sought shall have notice of same and of any charges preferred against him and be furnished with a copy thereof, and is also allowed a reasonable time for personally answering This bill also gives to the employees the right of membership in societies, associations, and clubs having for their object the improvement in the labor of its members, including the hours of labor, compensation, and leave of absence; it gives to them the right to present their grievances to Congress or any Member thereof, and should any employee avail himself of this opportunity it shall not be cause for a reduction in rank, compensation, or removal from the service. This provision simply places all employees on the same footing with all other American citizens, which should never have been otherwise, and restores to them the rights guaranteed by the Constitution.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

For actual and necessary expenses, division superintendents, assistant division superintendents, and chief clerks, Railway Mail Service, and railway postal clerks, while actually traveling on business of the Post Office Department and away from their several designated head-quarters, \$60,000: Provided, That of this sum \$15,000 shall be immediately available.

Mr. MANN. Mr. Chairman, I move to strike out the last I would like to suggest to the gentleman from Tennessee [Mr. Moon] that it is Saturday night, or soon will be,

Mr. MOON of Tennessee. Oh, well, Mr. Chairman, I know what the gentleman is going to say. [Laughter.] I will re-I move that the committee do now rise.

Mr. HAUGEN. Mr. Chairman, pending that motion, I ask unanimous consent to extend my remarks in the Recond.

The CHAIRMAN. The gentleman from Iowa [Mr. HAUGEN] asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. REILLY. Mr. Chairman, I also ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Connecticut [Mr. REHLY] asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

The CHAIRMAN. The gentleman from Tennessee [Mr. Moon] moves that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and Mr. Sisson having assumed the chair as Speaker pro tempore, Mr. Hay, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 21279) making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1913, and for other purposes, and had come to no resolution thereon.

HOUSE BILL WITH SENATE AMENDMENTS REFERRED.

Under clause 2 of Rule XXIV, House bill 18336, granting

of the Civil War and certain widows and dependent children of soldiers and sailors of said war, with Senate amendments; to the Committee on Invalid Pensions.

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. CRAVENS, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States for his approval the following bills:

H. R. 16306. To provide for the use of the American National Red Cross in aid of the land and naval forces in time of actual

or threatened war;

H. R. 19638. An act to authorize the San Antonio, Rockport & Mexican Railway Co. to construct a bridge across the Morris and Cummings Channel;

H. R. 20117. An act to authorize the Nebraska-Iowa Interstate Bridge Co. to construct a bridge across the Missouri River near Bellevue, Nebr.; and

H. R. 21821. An act to authorize the city of South Sloux City, in the State of Nebraska, to construct a bridge across the Missouri River between the States of Nebraska and Iowa.

SENATE BILL REFERRED.

Under clause 2 of Rule XXIV, Senate bill of the following title was taken from the Speaker's table and referred to its appropriate committee, as indicated below:

S. 3175. An act to regulate the immigration of aliens to and the residence of aliens in the United States; to the Committee on Immigration and Naturalization.

ADJOURNMENT.

Mr. MOON of Tennessee. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 28 minutes p. m.) the House adjurned until to-morrow, Sunday, April 21, 1912, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Unity Church, of Giles County, Tenn., v. The United States (H. Doc. No. 709); to the Committee on War Claims and ordered to be printed.

2. A letter from the Secretary of the Treasury, calling attention to H. R. 16820, a bill to revive right of action under captured and abandoned property act, etc., and recommending that section 4 be stricken from the bill (H. Doc. No. 708); to the Committee on War Claims and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. CARTER, from the Committee on Indian Affairs, which was referred the bill (S. 4753) to amend an act entitled An act to provide for the final disposition of the affairs of the Five Civilized Tribes in the Indian Territory, and for other purposes," approved April 26, 1906 (34 Stat. L., p. 137), reported the same without amendment, accompanied by a report (No. 573), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. WILSON of Pennsylvania, from the Committee on Labor, to which was referred the bill (H. R. 22913) to create a department of labor, reported the same with amendment, accompanied by a report (No. 575), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. LONGWORTH, from the Committee on Ways and Means, to which was referred the bill (S. 2228) to establish Ashtabula, Ohio, a subport of entry in the customs-collection district of Cuyahoga, Ohio, and for other purposes, reported the same without amendment, accompanied by a report (No. 577), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. CARLIN, from the Committee on the Judiciary, to which was referred the bill (H. R. 20995) granting to the civilian employees of the United States the right to receive from it compensation for injuries sustained in the course of their employment, reported the same with amendment, accompanied by a report (No. 578), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. FOSTER, from the Committee on Mines and Mining, to which was referred the bill (H. R. 22080) to establish a minpensions and increase of pensions to certain soldiers and sailors ing experiment station at Auburn, Placer County, Cal., to aid in the development of mineral resources of the United States and to undertake any investigation or operation for the health and safety of persons employed in mining, quarrying, metallurgical, and other mineral industries, and for other purposes, reported the same without amendment, accompanied by a report (No. 583), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. LOBECK, from the Committee on the District of Columbia, to which was referred the bill (H. R. 22648) to authorize a change in the location of Fourteenth Street NE., in the District of Columbia, and for other purposes, reported the same without amendment, accompanied by a report (No. 579), which said bill and report were referred to the Committee of the

Whole House on the state of the Union.

Mr. ALEXANDER, from the Committee on the Merchant Marine and Fisheries, to which was referred the bill (H. R. 15357) to regulate radio communication, reported the same with amendment, accompanied by a report (No. 582), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. RICHARDSON, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (H. R. 22006) authorizing the Choctawhatchee River Light & Power Co. to erect a dam across the Choctawhatchee River in Dale County, Ala., reported the same without amendment, accompanied by a report (No. 576), which said bill and report were referred to

the House Calendar.

Mr. ALEXANDER, from the Committee on the Merchant Marine and Fisheries, to which was referred the joint resolution (H. J. Res. 297) to provide for an international agreement to establish lane routes for trans-Atlantic steamships, reported the same without amendment, accompanied by a report (No. 580), which said bill and report were referred to the House Calendar.

Mr. MALBY, from the Special Committee to Investigate the American Sugar Refining Co., submitted a supplementary report (H. Rept. 331, pt. 2), which was ordered to be printed.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. FERRIS, from the Committee on Indian Affairs, to which was referred the bill (H. R. 16720) authorizing the Secretary of the Interior to pay J. H. Schmidt \$75 damages for trespass of certain Indian school cattle at Rainey Mountain School in Oklahoma, reported the same without amendment, accompanied by a report (No. 574), which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memo-

rials were introduced and severally referred as follows:

By Mr. MORRISON: A bill (H. R. 23568) to amend section
55 of "An act to amend and consolidate the acts respecting copyright," approved March 4, 1909; to the Committee on Patents.

By Mr. MOORE of Pennsylvania: A bill (H. R. 23569) forbidding clearance papers to vessels not equipped with adequate lifeboats; to the Committee on the Merchant Marine and Fish-

By Mr. BULKLEY: A bill (H. R. 23570) to authorize the colnage of 3-cent pieces and one-half cent pieces, and for other purposes; to the Committee on Colnage, Weights, and Measures.

By Mr. AUSTIN: A bill (H. R. 23571) authorizing and permitting Clinch River Power Co., its successors and assigns, to build and maintain a dam and a water-power development in and across Clinch River in Anderson County, State of Tennessee; to the Committee on Rivers and Harbors

By Mr. KONIG: A bill (H. R. 23572) authorizing the Secretary of Commerce and Labor to suspend the operation of the laws regulating immigration of aliens in certain cases; to the

Committee on Immigration and Naturalization.

By Mr. HELGESEN: A bill (H. R. 23573) providing additional funds for the erection of a public building at Minot, N. Dak.; to the Committee on Public Buildings and Grounds.

By Mr. RAKER: A bill (H. R. 23574) authorizing the State of California to select public lands in lieu of certain lands granted to it in Imperial County, Cal.; to the Committee on the Public Lands.

By Mr. CURRIER: A bill (H. R. 23575) to amend section 4920 of the Revised Statutes of the United States relating to patents; to the Committee on Patents.

By Mr. THAYER: A bill (H. R. 23576) to amend an act en-

the purpose of influencing elections at which Representatives in Congress are elected," as amended by "An act providing for publicity of contributions made for the purpose of influencing elections at which Representatives in Congress are elected, and extending the same to candidates for nomination and election to the offices of Representative and Senator in the Congress of the United States, and limiting the amount of campaign exand extending the same to candidates for nomination and election to the offices of President and Vice President of the United States, and limiting the amount of campaign expenses; to the Committee on Election of President, Vice President, and Representatives in Congress.

By Mr. DYER: A bill (H. R. 23577) authorizing the Secretary of the Interior to set aside certain lands to be used as a sanitarium by the Order of Owls; to the Committee on the

By Mr. FLOOD of Virginia: A bill (H. R. 23578) to provide for the bringing of suits against the United States by Virginia, West Virginia, Kentucky, Delaware, Pennsylvania, New Jersey, Georgia, Connecticut, Massachusetts, Maryland, South Carolina, New Hampshire, New York, North Carolina, and Rhode Island; to the Committee on the Judiciary.

By Mr. CARY: A bill (H. R. 23579) for the erection of a

statue in memory of the heroes of the Titanic; to the Committee

on the Library

By Mr. DYER: A bill (H. R. 23580) to provide for the examination, determination, and certification by the Interstate Commerce Commission as to the competency of roadmasters, foremen, and other employees of common carriers by railroad, subject to the act to regulate commerce; to the Committee on

Interstate and Foreign Commerce.

By Mr. WILSON of Pennsylvania: A bill (H. R. 23581) to provide for cooperation with the States in promoting instruction in agriculture, the trades and industries, and home economics in secondary schools; in preparing teachers for these vocational subjects in State colleges of agriculture and the mechanic arts, in State normal schools, and in other training schools for teachers supported and controlled by the public; in maintaining extension departments of State colleges of agriculture and the mechanic arts; in maintaining branches of State experiment stations; and to appropriate money and regulate its expenditure; to the Committee on Agriculture,

By Mr. STEPHENS of Texas: A bill (H. R. 23582) providing for the lease of the public grazing lands in the arid States and Territories of the United States; to the Committee on the Public

Lands.

By Mr. FRENCH: A bill (H. R. 23583) to amend section 5 of an act to authorize advances to the reclamation fund and for the use and disposition of certificates of indebtedness in reimbursement therefor, and for other purposes, approved June 25, 1910; to the Committee on Irrigation of Arid Lands.

By Mr. PUJO: Resolution (H. Res. 502) to amend House res-

olution 429; to the Committee on Rules.

By Mr. BLACKMON: Joint resolution (H. J. Res. 302) authorizing and directing the Secretary of War to accept the title to 4,000 acres of land at or near Anniston, Ala., for the purpose of establishing maneuver camps, rifle and artillery ranges, etc.; to the Committee on Military Affairs.

By Mr. MOORE of Pennsylvania: Joint resolution (H. J. Res. 303) authorizing and directing the Secretary of State to arrange an international conference for the protection of human

life at sea; to the Committee on Foreign Affairs.

Also, joint resolution (H. J. Res. 304) authorizing the American representatives to the Twelfth Congress of the Permanent International Association of Navigation Congresses to invite a discussion by the international body of the necessity for the establishment of aids to navigation at sea; to the Committee on Foreign Affairs.

By Mr. BUTLER: Joint resolution (H. J. Res. 305) to establish an international patrol in the North Atlantic Ocean, and to provide a system of warnings to vessels of danger from ice movement; to the Committee on the Merchant Marine and Fisheries.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were

introduced and severally referred as follows:

By Mr. ADAIR: A bill (H. R. 23584) granting an increase of pension to John W. Hill; to the Committee on Invalid Pensions. By Mr. AKIN of New York: A bill (H. R. 23585) for the relief of Albert Chappel; to the Committee on Military Affairs.

Also, a bill (H. R. 23586) granting a pension to Mrs. Matthew Shannon; to the Committee on Pensions.

By Mr. AUSTIN: A bill (H. R. 23587) for the relief of Irvin titled "An act providing for publicity of contributions made for Banks; to the Committee on Invalid Pensions.

Also, a bill (H. R. 23588) granting an increase of pension to V. G. Farnham: to the Committee on Invalid Pensions.

By Mr. AYRES: A bill (H. R. 23589) for the relief of Cath-

erine Grace; to the Committee on Claims,

By Mr. BURKE of Wisconsin: A bill (H. R. 23590) granting a pension to Mary Schwindling; to the Committee on Invalid Pensions.

Also, a bill (H. R. 23591) granting an increase of pension to Jeremiah Kelly; to the Committee on Invalid Pensions.

By Mr. BYRNES of South Carolina: A bill (H. R. 28592) for the relief of St. John Baptist Church, of Bamberg County, S. C.; to the Committee on War Claims.

By Mr. CARY: A bill (H. R. 23593) granting a pension to

Thomas McCarthy; to the Committee on Pensions.

Also, a bill (H. R. 23594) for the relief of Martin Rosenberg;

to the Committee on Military Affairs.

By Mr. CATLIN: A bill (H. R. 23595) granting an increase of pension to Charles G. Sanders; to the Committee on Invalid

By Mr. CLAYPOOL: A bill (H. R. 23596) granting a pension to Thomas Hart; to the Committee on Invalid Pensions.

Also, a bill (H. R. 23597) granting a pension to Marion Chambers; to the Committee on Invalid Pensions.

By Mr. DAVENPORT: A bill (H. R. 23598) granting a pen-

sion to Mary E. Barber; to the Committee on Pensions.

By Mr. DICKINSON: A bill (H. R. 23590) for the relief of the heirs of Joseph F. Brooks, deceased; to the Committee on War Claims

By Mr. DODDS: A bill (H. R. 23600) granting a pension to Emma Rose; to the Committee on Invalid Pensions.

By Mr. FOWLER: A bill (H. R. 23601) for the relief of Wil-

liam H. Blades; to the Committee on War Claims.

By Mr. GOEKE; A bill (H. R. 23602) granting an increase of pension to James H. Williamson; to the Committee on Invalid Pensions.

By Mr. HANNA: A bill (H. R. 23603) granting an increase of pension to James P. Hubbell; to the Committee on Invalid Pensions.

By Mr. HAWLEY: A bill (H. R. 23604) for the relief of Frank D. Courtrade; to the Committee on the Public Lands. By Mr. KNOWLAND: A bill (H. R. 23605) granting a pen-

sion to John F. Crowley; to the Committee on Pensions. By Mr. KENDALL: A bill (H. R. 23606) granting an in crease of pension to Henry Sheets; to the Committee on Invalid Pensions.

By Mr. LITTLEPAGE: A bill (H. R. 23607) for the relief of David Stevenson; to the Committee on Military Affairs.

Also, a bill (H. R. 23608) granting an increase of pension to George R. Latham; to the Committee on Invalid Pensions.

Also, a bill (H. R. 23609) granting an increase of pension to Norval Jones; to the Committee on Invalid Pensions.

Also, a bill (H. R. 23610) granting an increase of pension to George W. Arbogast; to the Committee on Invalid Pensions.

Also, a bill (H. R. 23611) granting an increase of pension to Jarrett E. Burgess; to the Committee on Invalid Pensions.

Also, a bill (H. R. 23612) granting a pension to Isaac N. Marrow; to the Committee on Pensions.

By Mr. LOUD: A bill (H. R. 23613) granting an increase of pension to James Johnston; to the Committee on Invalid Pen-

By Mr. MAGUIRE of Nebraska: A bill (H. R. 23614) granting a pension to Edwin N. Melton; to the Committee on Invalid Pensions.

By Mr. MOON of Tennessee: A bill (H. R. 23615) for the relief of J. B. King, administrator of the estate of C. L. King, deceased; to the Committee on War Claims.

By Mr. MORRISON: A bill (H. R. 23616) for the relief of Frank T. Green; to the Committee on War Claims. By Mr. MURRAY: A bill (H. R. 23617) granting a pension to

Whipple; to the Committee on Pensions. By Mr. NEELEY: A bill (H. R. 23618) granting a pension to

Homer C. Putnam; to the Committee on Pensions. By Mr. PROUTY: A bill (H. R. 23619) granting an increase of pension to George W. Barrackman; to the Committee on

Invalid Pensions. By Mr. SHACKLEFORD: A bill (H. R. 23620) granting a pension to Wilhelmina Walbrochl; to the Committee on Invalid

By Mr. STEPHENS of Mississippi: A bill (H. R. 23621) for the relief of the heirs and legal representatives of A. M. Ray-

burn, deceased; to the Committee on Claims. Mr. TAGGART: A bill (H. R. 23622) granting a pension

to Robert Berry; to the Committee on Pensions.
By Mr. TAYLOR of Colorado: A bill (H. R. 23623) for the relief of homestead entrymen in eastern Colorado; to the Committee on the Public Lands.

By Mr. WHITE: A bill (H. R. 23624) granting a pension to

Clara Gillespy; to the Committee on Invalid Pensions.

Also, A bill (H. R. 23625) granting an increase of pension to Jesse Enochs; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid

on the Clerk's desk and referred as follows:

By the SPEAKER: Petition of L. Houseman, jr., & Son, of Fincastle, Va., protesting against parcel-post legislation; to the Committee on the Post Office and Post Roads.

Also, memorial of the common council of the town of Nome. Alaska, for amending the municipal incorporation act for the District of Alaska; to the Committee on the Territories.

By Mr. AIKEN of South Carolina: Petitions of Woman's

Christian Temperance Union and churches in the State of South Carolina, for passage of the Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. ALEXANDER: Petition of Isaac M. Neff and other

citizens of Harrison County, Mo., favoring passage of the Kenyon-Sheppard interstate liquor bill; to the Committee on

the Judiciary.

By Mr. ASHBROOK: Petition of H. F. Showman and 2 others, of Newark, Ohio, against the enactment of proposed interstate-commerce liquor legislation; to the Committee on the Judiciary.

By Mr. BOWMAN: Memorial of the Pennsylvania State Council of the National Civic Federation, for extending an invitation to the International Congress of Social Insurance to meet in the city of Washington, etc.; to the Committee on Foreign Affairs.

By Mr. BURKE of Wisconsin: Petition of Prof. George C. Shults and 26 other members of the faculty of the State Normal School at Whitewater, Wis, favoring passage of House bill 21400, encouraging instruction in agriculture, etc.; to the Committee on Agriculture.

By Mr. BYRNES of South Carolina: Petition of the Union

Meeting of the Third Division of the Edgefield Association of Murdock Kims, favoring passage of the Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. CALDER: Petition of Woodruff Leeming, of New York City, protesting against legislation to deprive patent-right owners of the right to affix the selling price of the patented article; to the Committee on Patents.

Also, petition of Camp No. 84, Department of New York, United Spanish War Veterans, for enactment of House bill

17470; to the Committee on Pensions.

Also, petition of Fred Kauffmann, of Chicago, Ill., protesting against House bill 16844; to the Committee on Interstate and Foreign Commerce.

Also, petition of Corbin Sons & Co., of Chicago, Ill., relative to House bill 4667; to the Committee on Interstate and Foreign Commerce.

Also, petition of Frank B. Marsh, of New York City, for enactment of House bill 19133; to the Committee on Interstate and Foreign Commerce.

Also, petition of Manufacturers & Merchants' League of Virginia, protesting against parcel-post legislation; to the Committee on the Post Office and Post Roads.

Also, petition of Charles Vogt, jr., of New York City, for enactment of House bill 22766; to the Committee on Ways and

Also, petition of the Staten Island Chamber of Commerce, for legislation to promote the efficiency of the Public Health and Marine-Hospital Service; to the Committee on Interstate and Foreign Commerce.

Also, petitions of Central New York Society for the Prevention of Cruelty to Animals, the Cayuga County Society for the Prevention of Cruelty to Animals, and Augusta Leebrich, West Pennsylvania Society for the Prevention of Cruelty to Animals, for enactment of House bill 17222; to the Committee on Interstate and Foreign Commerce.

By Mr. CARY: Petition of the faculty of the State normal school at Whitewater, Wis., favoring House bill 21490; to the Committee on Agriculture.

By Mr. DAUGHERTY: Petition of citizens of the State of Missouri, favoring passage of Berger old-age pension bill; to the Committee on Pensions.

By Mr. DAVENPORT; Papers to accompany bill granting a pension to Mary E. Barber; to the Committee on Pensions.
By Mr. DODDS: Petition of voters of Big Rapids, county of Mecosta, State of Michigan, favoring passage of the Kenyon-Sheppard interstate liquor bill; to the Committee on the Judicians. ciary.

By Mr. DYER: Petition of A. Hussey Leaf Tobacco Co., of St. Louis, Mo., favoring passage of House bill 22766, for pro-hibiting use of trading coupons; to the Committee on Interstate and Foreign Commerce.

Also, petition of C. H. Markham, president Illinois Central Railroad, Chicago, Ill., asking for increase in appropriation for levees of Mississippi River; to the Committee on Rivers and

By Mr. ESCH: Petition of the Stadtverband, of Milwaukee: the German-American Alliance, the Third Ward Aid Society, and the Concordia Aid Society, of La Crosse; the Germania Maennerchor, of Fond du Lac; and the Concordia Society of Poargor, La Crosse County, Wis, against passage of any interstate liquor law; to the Committee on the Judiciary.

Also, petition of brewing companies in the State of Wiscon-

sin, protesting against legislation prohibiting the retail sale of wine, beer, or liquor in the city of Washington, D. C.; to the

Committee on the District of Columbia.

Also, petition of residents of Whitewater, Wis., for enact-

ment of House bill 21490; to the Committee on Agriculture.

By Mr. FULLER: Petition of Dr. B. F. Ward, of Morris,
Ill., favoring the passage of House bill 16843, to consolidate the veterinary service in the United States Army, etc.; to the Committee on Military Affairs.

Also, petition of Woman's Christian Temperance Union, of La Salle County, Ill., in favor of the passage of the Kenyon-Sheppard interstate liquor bill; to the Committee on the Ju-

Also, petition of Lawsha & Timmins, of Seneca, III., favoring the passage of the Townsend bill (H. R. 20595) to amend sec-tion 25 of the copyright act of 1909; to the Committee on Patents.

Also, petition of Chamber of Commerce of the State of New York, protesting against proposed legislation relating to closing of Panama Canal to steamship companies in which a railroad has an interest; to the Committee on Interstate and Foreign Commerce.

By Mr. GOLDFOGLE: Petition of Solano County Society for the Prevention of Cruelty to Animals and Children, for enactment of House bill 17222; to the Committee on Interstate

and Foreign Commerce.

Also, petition of Fred S. Morse Lumber Co., of Springfield, Mass., for legislation providing for the Government to do the investigating and standardizing, etc., regarding fire insurance; to the Committee on Interstate and Foreign Commerce.

Also, petition of the Farmers' National Committee on Postal

Reform, Washington, D. C., favoring passage of House bill 19133, for postal-express law; to the Committee on Interstate

and Foreign Commerce.

Also, petition of the Universal Peace Union, Philadelphia, Pa., favoring passage of the bill (H. R. 17222) to regulate interstate transportation of immature calves; to the Committee on Interstate and Foreign Commerce.

By Mr. GRAHAM: Petition of citizens of Springfield, Ill., against passage of a parcel-post law; to the Committee on the Post Office and Post Roads.

Also, memorial of Local Union No. 999, United Mine Workers of America, of Springfield, Ill., asking that one of the battle-ships be built in the Brooklyn Navy Yard; to the Committee on Naval Affairs.

Also, petition of the Central Woman's Christian Temperance Union of Springfield, Ill., favoring passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. HAMMOND: Memorial of Logan Post, No. 162, Grand Army of the Republic, commending provisions of House bill 14070, for relief of veterans whose hearing is defective; to the Committee on Invalid Pensions.

By Mr. HANNA: Petitions of Philip Leibert, of Haynes: A. N. Heckhart, of Hettinger; and Yans Rasmussen, of Kenmare, all in the State of North Dakota, asking that the duties on raw and refined sugars be reduced; to the Committee on Ways and Means.

Also, petition of residents of Kulm, N. Dak., for investigation of an alleged combination existing between coal dealers; to the

Committee on Rules.

Also, petitions of citizens of the State of North Dakota, for parcel-post legislation; to the Committee on the Post Office and Post Ronds.

Also, petitions of residents of McIntosh and Stutsman, N. Dak., protesting against parcel-post legislation; to the Committee on

the Post Office and Post Roads.

Also, petition of residents of Valley City, N. Dak., for enactment of House bill 4428; to the Committee on Agriculture.

By Mr. HARTMAN: Memorial of Branch No. 20, St. George, in regard to measures relating to Catholic Indian Mission interests; to the Committee on Indian Affairs.

Also, petition of the Providence Grange, No. 1423, Patrons of Husbandry, of Providence West, County of Bedford, State of Pennsylvania, favoring passage of House bill 19133, which provides for a Government system of postal express; to the Committee on Interstate and Foreign Commerce.

By Mr. KAHN: Petition of the executive council of the California State Federation of Labor, against Senate bill No. 3175, which gives Chinese the right to come to this country unrestricted; to the Committee on Immigration and Naturalization.

Also, petition of T. W. Hobron, G. G. Gormley, Welch & Co., Mrs. K. S. Vesper, J. A. Moore; and J. W. Van Bergen, San Francisco, Cal., submitting amendment relative to water rights at Waianae-Uka, island of Oaku, Hawaii; to the Committee on Insular Affairs.

Also, petition of E. K. Wood Lumber Co., of San Francisco, Cal., against passage of House bill 21100; to the Committee on

the Judiciary.

By Mr. KNOWLAND: Petition of citizens of Oakland and vicinity, Cal., urging favorable report on House resolution 220, providing for an investigation touching the practicability of the study of Esperanto as an auxiliary language; to the Committee

By Mr. LOUD: Papers to accompany bill for the relief of James Johnston; to the Committee on Invalid Pensions

By Mr. MANN: Petition of Allyn K. Capron, jr., Camp, No. 6, Department of Illinois, United Spanish War Veterans, favoring passage of House bill 17470, providing for pensions for wildows and orphans of soldiers of the Spanish War; to the Committee on Pensions.

By Mr. MOON of Tennessee: Papers to accompany bill for the relief of J. B. King, administrator of C. L. King, deceased;

to the Committee on War Claims.

By Mr. MURRAY: Petition of captains of fishing vessels relative to House bill 18788, to amend an act entitled "An act to amend laws for preventing collisions of vessels and to regulate equipment of certain motor boats on the navigable waters of the United States"; to the Committee on the Merchant Marine and Fisheries.

By Mr. NEELEY: Petition of the Church of the Brethren and Friends, of Murdock, Kans., favoring passage of Johnson Sundayrest bill; to the Committee on the District of Columbia.

Also, petition of the Church of the Brethren and Friends, of Murdock, Kans., for passage of Sims-Lea antigambling bill; to the Committee on Interstate and Foreign Commerce.

Also, petition of the Church of the Brethren and Friends, of Murdock, Kans., for passage of Kenyon red-light injunction bill; to the Committee on the District of Columbia.

Also, petition of the Church of the Brethren and Friends, of Murdock, Kans., for passage of proposed appropriation for nation-wide enforcement of white-slave law by Attorney General; to the Committee on Appropriations.

Also, petition of the Church of the Brethren and Friends, of Murdock, Kans., for passage of the McCumber bill to shut out Government liquor selling from all ships and buildings by the United States Government; to the Committee on Alcoholic Liquor Traffic.

By Mr. NYE: Memorials of St. Anthony Society, Holy Cross Society, and the Polish Club, of Minneapolis. Minn., against passage of immigration bill requiring educational test; to the

Committee on Immigration and Naturalization.

Also, petition of citizens of Lake City, Minn., favoring passage of the Kenyon-Sheppard interstate liquor bill; to the Com-

mittee on the Judiciary

By Mr. O'SHAUNESSY: Memorial of City Council of Providence, R. I., for legislation or international agreements for regulation of the so-called wireless system; to the Committee on Foreign Affairs.

By Mr. POST: Petition of Conrad Herzig and 1,100 others, of Piqua, Ohio, for old-age pensions; to the Committee on Pen-

By Mr. RAKER: Memorial of U. S. Grant Council, No. 19, Junior Order United American Mechanics, San Francisco, Cal., against passage of Senate bill 3175; to the Committee on Immigration and Naturalization.

Also, memorial of the Nevada City Chamber of Commerce, of Nevada City, Cal., to accompany House bill 22080; to the Committee on Mines and Mining.

By Mr. REILLY: Petition of the Waterbury Business Men's Association, for 1-cent letter postage; to the Committee on the Post Office and Post Roads.

By Mr. SMITH of New York: Resolutions of the Polish Unity Paper, Polish Singing Circle, Polish Literal Circle, and the Polish Tailor, of Buffalo, N. Y., against passage of immi-gration bill requiring educational test; to the Committee on Immigration and Naturalization.

By Mr. SULZER: Petitions of E. M. Schwarz & Co. and José Lovera Co., cigar makers of New York City, protesting against House bill 13988; to the Committee on the Census.

Also, petition of State of Colorado Civil Service Commission, Denver, Colo., favoring passage of House bill 20044, for the improvement of foreign service; to the Committee on Foreign

Also, petition of Mendelsohn, Bornemann & Co., of New York, favoring passage of House bill 22766, for prohibiting use of trading coupons; to the Committee on Ways and Means.

By Mr. TILSON: Petition of the Waterbury Business Men's Association, for a rate on letter postage of 1 cent per ounce; to the Committee on the Post Office and Post Roads.

By Mr. TOWNER: Petition of the First Church of Christ of Shenandoah, Page County, Iowa, favoring passage of Kenyon-Sheppard interstate liquor bill; to the Committee on

the Judiciary By Mr. YOUNG of Texas: Petition of George Venner and other citizens of Forney, Tex., against any kind of antioption bill pertaining to dealing in farm products; to the Committee on Agriculture.

HOUSE OF REPRESENTATIVES.

SUNDAY, April 21, 1912.

The House met at 12 o'clock noon, and was called to order by Mr. NEELEY, as Speaker pro tempore.

The Chaplain, Rev. Henry N. Couden, D. D., offered the fol-

lowing prayer:

Thou God and Father of us all, in whose changeless, boundless love we have our being, hold us close to Thee that we may feel the warm life-giving currents ever flowing out

from Thee, that our faith, hope, and love may be strengthened.

We bless Thy holy name for the words which fell from the
lips of the Master: "Let not your heart be troubled; ye believe in God, believe also in me. In my Father's house are many mansions; if it were not so, I would have told you."

The sands of life run swiftly; we know not when the silver cord shall be loosed, the golden bowl broken. But so long as faith, hope, and love live, so long the immortality of the soul is assured.

I know not where His islands lift Their fronded palms in air; I only know I can not drift Beyond His love and care.

In this love our souls speed onward to the "Land of the Leal," where we shall dwell with our loved ones forever. Be where we shall dwell with our loved ones forever. this our comfort, the hope and comfort of the bereaved wife and children of the deceased Member in whose memory we are assembled, and pæans of praise we will ever give to Thee through Him who died that we might live. Amen.

The SPEAKER pro tempore. The Clerk will read the Jour-

nal of the proceedings of yesterday.

Mr. CAMPBELL. Mr. Speaker, I ask unanimous consent that the further reading of the Journal be dispensed with.

The SPEAKER pro tempore. Without objection, the Journal will stand approved.

There was no objection.

THE LATE REPRESENTATIVE MITCHELL.

Mr. CAMPBELL. Mr. Speaker, I offer the resolution which I send to the Clerk's desk and move its adoption.

The SPEAKER pro tempore. The Clerk will report the reso-Iution.

The Clerk read as follows:

House resolution 503.

Resolved, That the business of the House be now suspended that opportunity may be given for tributes to the memory of Hon. ALEXANDER C. MITCHELL, late a Member of the House from the State of Kansas.

Resolved, That as a particular mark of respect to the memory of the deceased and in recognition of his distinguished public career the House, at the conclusion of these exercises, shall stand adjourned.

Resolved, That the Clerk communicate these resolutions to the Senate.

Senate.

Resolved. That the Clerk send a copy of these resolutions to the family of the deceased.

The resolution was unanimously agreed to.

Mr. CAMPBELL. Mr. Speaker, if any other evidences were wanting to show the tragedies there are in life, that evidence could be supplied in the oft repeated meetings of this House to honor the memory of departed Members. Yesterday a Member was in his seat; to-day his desk is covered with a wreath of flowers; to-morrow his seat will be occupied by another. And in the rapid succession of these events ambition is gratified, hope is deferred, and men are forgotten. ALEXANDER brethren mourn.

CLARK MITCHELL, in whose memory we are met to-day, was a poor boy. He was one of a family that earned their bread according to the decree entered in the Garden. He knew none of the luxuries of life in his earlier days. His was a life of constant labor, mingled with anxiety as to the future, but always filled with ambition and hope. He was not content to remain a metal worker. After he had reached mature manhood he acquired that education that fitted him for the law and for a useful public career. MITCHELL was a good lawyer. He prepared his cases carefully and tried them exceptionally well. He entered public life as a student of men and events. He served four terms in the Legislature of the State of Kansas and rapidly rose to leadership in that body, a leadership that naturally suggested him for a higher and more useful position. He had an ambition for a seat in this House. Men of ability, of leadership in their community and of ambitton, somehow look to the National House of Representatives as a place in which to take a part in their country's work. I violate no confidence when I say that ALEX. MITCHELL had an ambition for many years to occupy a seat in this House and to become one of the leading Representatives in this great body. He was destined to serve here but a few days. That life that he had so trained and directed for usefulness, that ambition that he had at last seen gratified, was to be of but few days' service here.

I think he cast but one vote on an important measure in the House. He appeared upon the floor but a few times. Then he yielded to an illness that had seized him during his campaign for election. That illness grew upon him until finally, on the 7th day of July last, he yielded up the last there was of his life. There was something more than ordinary in his death. He died a death similar to those that we read of in the years that are gone. I can remember as a child that the first question asked of one who died was whether or not he died in the faith, whether he died in the hope of immortality and of heaven. It was rare in my early days that one ever heard the query asked as to how much life insurance a man had or how much property Those were questions that were of minor importance. The question of supreme importance in the hour of a man's death was whether or not he had died fit for the Master's kingdom. During the lingering months of Alexander Mitch-ELL's illness he meditated much on the hour that was fast approaching when he should bid farewell to everything that was dear in life—family, ambition, place, and all. When the final hour came, MITCHELL called his friends about him and took them by the hand and talked to them of his hope of immortality. He talked to them in the old way in which those who departed this life in the hope of blessed immortality used to talk to their friends. And one after another his friends gathered about him and he took his last words to bid them lead upright, Christian lives and fit themselves for the hour that he was so nearly approaching. He took his farewell of his chingred and his proaching. Death to him was the portal to everlasting life. In his wife, Death to him was the bound had a new baptism in his death the community in which he lived had a new baptism in the faith of the fathers. The entire community in which he lived felt a revival of the old-time religious sentiment that taught people to live well that they might die prepared for heaven.

MITCHELL performed well his part in life. It comes to but few men to acquire the distinction that he acquired; and but few men have left the community in which they lived with a more profound esteem of their fellow men than did Alexander C. MITCHELL.

Mr. SLOAN. Mr. Speaker, a Member from Kansas suggested the propriety of a brief tribute from me as a neighbor. and Nebraska, with contiguous territory, a common history, similar resources, like industries, having much in common politically, their Representatives well may deem themselves neighbors.

As a neighbor, I remember Alexander C. Mitchell but a few days in the House. We took our seats together. Individual design made us neighbors in the great West. A common ambition brought us here. Chance made us neighbors in the House

Upon similar solemn occasions Members recite the achievements and extol the ability and character of the deceased. can not speak of his congressional achievements, because in the morning of his career death claimed him. Against that claim how powerless are friendship, wealth, and position. Obedlence must be prompt and implicit. In this it matters not whether the call comes when he is on his couch at home and among friends or out upon the trackless ocean where the high product of naval genius clashes with a harsh fact of nature in the form of a deadly iceberg. His work will be left unfinished and his

Years ago I read—let me confess with some effort—some of the essays of Emerson. One, in its choice expression, practical philosophy, and subtle human touch, impressed me more perhaps than all the other writings of the transcendental sage. That was "Compensation." The nice balancing of the phenomena of nature and human experiences, charmingly told, furnishes a source to which many could turn for solace and comfort.

If our deceased brother was denied a long and honorable career, which his years seemed to warrant and his own ability fit him, there are still compensations for his untimely taking off. He came to this House with the high ideals of a new Member. His ideals of the individual and collective membership have suffered no rude shock. An exalted estimate of legislation proposed received no rude awakening, to be followed by a downward revision. Men and measures probably both appeared in the glamour of ideality. The belief that there was little for the party but all to be for the State received no harsh contradiction

If there was aught in store for disillusions; if selfishness was to appear when altruism was expected; if the demands of the country were to be subordinated to the claims of party; if the great names on the rolls of the House, giants of State, were to be proved as standing on feet of clay, and if in the grind of caucus and committee the idealistic surface should give way to the "seamy side"; if practical legislation was to receive the impress of the force, will, and influence of selfish interests or selfish men, then these disillusions were not for him.

Nor was he, after years of faithful devotion to his district and Nation, in the fullness of years and the ripeness of experience, for some real or fancied error in judgment, denied a new vote of confidence by the people for whom he labored.

That he was selected from a great district, having many great men, to sit in this historic Hall and mingle with the mighty; that his ability warranted, his achievements deserved, and character justified this distinction are proud facts bequeathed by him to his family and posterity. Had his life been spared for the usual span his services in this body would have marked him for its honors and distinctions is the belief of his friends and the conviction of impartial acquaintances. This is a rich heritage in this country, where excellence and character are the unfailing insignia of rank and worth.

Mr. YOUNG of Kansas. Mr. Speaker, we assemble to-day on a sad- and extraordinary occasion. On last Lord's day we met in this Chamber and lifted up our feeble voices in paying a tribute to the memory of a noble son of Kansas, our colleague; we are here again to-day to say the farewell words as best we may to the earthly career of another of her honored sons—our colleague—Alexander C. Mitchell, and strive to cherish his memory in the years to come.

O, not in cruelty, not in wrath, The reaper came that day; 'Twas an angel visited the green earth And took the flowers away.

Let us not be unmindful that while we are mourning our loss, that at this very hour there are being spoken, from almost every pulpit in the land, words of grief for the victims of the greatest disaster of the century.

We are here still, but forcibly feel the transitory nature of human life. We are shadows pursuing one another, and soon there is an end.

Be ye ready; the summons cometh quickly.

ALEXANDER C. MITCHELL had but a brief service in this House, yet on other fields of usefulness he served long and well, ever active, clean, true, and honored wherever known. He at all times had the courage of his convictions, which was so well illustrated during his illness in this city, when, against the advice of his physician, he insisted on being brought to this Chamber, where he cast his first vote on a measure he regarded as vital to the best interest of the country, and which proved to be his last in this Chamber.

As a lawyer he was ever strong and trustworthy. As a member of another legislative body, where I knew him best, he stood in the forefront advocating measures for the betterment of society. As a citizen he did much for his city, State, and country, and seemed ever to realize that in life's voyage life's struggles are all failures if they do not from day to day produce something done, something said, that makes the lives of others better, sweeter, and nobler.

Who God doth late and early pray, More of His grace than fights to lend, And walks with man from day to day As with a brother and a friend.

ALEXANDER C. Metchell's Christian life was so carnest, strong, and steadfast that when the inevitable messenger with

the inverted torch beckoned him to depart, he obeyed the summons and approached the journey,

Sustained and soothed By an unfaltering trust,

founded upon an unwavering faith in Him, who said "I will never leave thee nor forsake thee," and went down through the valley of the shadow of death over into the realm where "Nearer, My God, to Thee" is no longer a song, but is an everlasting reality.

Mr. MURDOCK. Within my memory I have record of no one who surpassed in earnest desire to be of service in this world the late Alexander C. MITCHELL.

As I look back to-day upon his brief career in Congress, the thought of him which rises singly and persists with emphasis, above all others in connection with my knowledge of him, is that of his pathetically determined devotion to duty.

Six months before he came here as a Member of Congress he was the embodiment of vitality, vigor, health; the splendors of sturdiness, breadth of shoulder, strength of limb, clearness of eye, certainty of movement with all the marvels of physical confidence, the confidence that paints the cheek of youth with the flush of daring, these were his at fifty as they had been at sixteen.

And then came dissolution—certain, unmistakable, swift—remorselessly swift. I saw the man who had been physically perfect in the fall of 1910, the man who had been from under the stress of a long campaign, bend beneath disease. I saw him creep into this Chamber, sick, worn with pain, pallid under the pitiless levy upon his vitality. I saw him grope with shaking white hands among the red desks here, sink into his seat, and await the roll call, and, with a momentary alertness, cast his vote, with that which seemed unmistakable interest, then lapse back again into his lonely, weary, hopeless battle.

back again into his lonely, weary, hopeless battle.

And yet I have thought often, it was not interest that brought him here. He was too ill for that. He came at the call of duty. This was paramount with him—to render a full measure of service. Many another, close to the grave as he, the issue of a campaign flaring its legislative hour here, the hue and cry of faction, the noisy joust of partisans would have summoned in vain.

There was a strong, firm foundation, deeply laid, for this characteristic in our friend. Nature gave him in equal proportions the qualities of kindliness and earnestness. It was never in him to be unkind, and he could not be purposeless. He could be candid without being cruel, and he could be uncompromising without being intolerant. I believe it was possible for ALEXANDER MITCHELL to win a victory without a sense of triumph to a greater degree than any man I have ever known in political life. If he were ambitious, and I doubt that he ever was, he wore but little of ambition's livery. Of plot and dabious plan, of sleight and equivocation, he had but little knowledge, and he made no use.

But he stood ready to obey the command of the day's work, and through his life the call was incessant. He was out of the university in 1889. After that he served as county attorney at Lawrence, Kans.; many years as a regent of the Kansas University; many years, also, as a member of the legislature. Eventually he was elected to Congress.

He came here in the short session of the Sixty-first Congress, the session which followed the election of 1910. He was intensely interested in the vast administrative forces of the Government as they are found in Washington.

As a young man his activities had revealed to him the governmental processes as they exist in county seats. Later he had opportunity to know thoroughly the larger mechanism of the State, and the tremendous machinery of the National Government fascinated him, as it must fascinate most men when they approach it closely to study it. The magnitude of the great departments of this Government, their seemingly endless divisions and subdivisions, the inertia of precedent, which sometimes makes them appear helpless in a leash of tape—the might lness often of rule and regulation and frequent futility of law—the complexities of expenditure and collection, the adjustment, renewal, and evolution of Congress and court, of Navy, Army, Post Office—these instruments of the democracy at once invite the student and resist him; by their very intricacy they becken him to investigation and understanding and defy him.

This challenge the late Alex. Mitchell accepted with spirit. Industrious, discriminating, thorough, executive, he set about the business of his new life. The old Congress which he visited in its closing session passed away. The new Congress convened in extraordinary session. Mr. Mitchell came with the others. It was evident to all from the first that he was ill. During the spring he attended the more important sessions. One day he

went back to Kansas, and in midsummer, before the close of the special session, he died.

Somewhere I have read or heard—I do not know if it be true—that when Horace Greeley was dying he murmured to those about him, "Fame is a vapor, popularity an accident; riches take wings; those who bless to-day will curse to-morrow. Only one thing endures—character."

This must be the thought, in part at least, of everyone who knows that death is upon him. When the stage is set for the last scene this thought must for an instant stand before a man stark, detached, solitary, dominant. When the tinseled vanities are shoved back and away, when the glittering aspirations of a lifetime flicker and go out, when those things which long we thought were substance are fading into shadows, then through the gray light which I fancy falls upon the world as the dying see it, that in a man which is the product of conscience—character—must glow deep, vital, eternal, out of the drab midst of things.

ALEX. MITCHELL knew the moment of his dissolution. Of that moment's alternatives—hope and despair—he chose hope. To those who loved him, at his bedside, he spoke of death calmly, with a sweet certainty of the future. There came to him, as there came to William McKinley, the soothing echo of an old-time hymn, the mighty comfort of a line from the Sermon on the Mount. And as he passed on he went as gently as he had lived, mighty in his faith—that death is not—that life is, primal, absolute, eternal.

Mr. REES. Mr. Speaker, ALEXANDER CLARK MITCHELL was not a Member of this House long enough to become familiar to the majority of the body, but he inspired a sincere respect in all who met with him. The fatal malady, from which he died, fastened itself upon him during his campaign, but he did not realize that there was anything seriously the matter with him until after he had been elected. He came on to Washington and took up his duties here, but the marks of patient suffering were already upon his strong, kind face. He came to the House daily for a short time during the extra session, but was soon confined to his room, and his last appearance in the House was when he came over to vote for reciprocity. He smiled upon his friends when he entered the room, but as soon as his features were at rest, while he was listening to the discussion, we could see all too plainly the shadow of his approaching end.

His life will not be measured by his achievements here, but by his record at Lawrence, Kans., where he came with his father early in life and commenced his struggle as a blacksmith. And it was in this sturdy calling, perhaps, while yet in his youth, that his strong character was formed. At this toilsome occupation he earned enough to carry him through the law department of the university. He afterwards opened an office in Lawrence, in competition with some of the ablest lawyers of this country, and soon succeeded in sufficiently impressing himself upon the favorable consideration of this scholarly community to be elected county attorney. He afterwards served for six years in the Kansas Legislature, and was for four years a regent of the State University, and was finally elected a Member of this body. He was an able lawyer, and, had he lived, he would have made his mark in Congress.

He was a strong, clean, manly man. If you still retain the little booklet containing the pictures of those who served in the first session of the Sixty-second Congress, turn to his picture and note the strong, clear-cut features. It is a splendid likeness of one who was in every way a splendid man. He was sincere, honest, and loyal, as well as a fearless advocate of every cause he believed was right.

It can be truly said of him that he did not seek distinction and political preferment for ambition's sake, but in the hope that he might serve the people and the country he loved. He was a good lawyer, and had a good practice; but never became rich or even well to do, because he gave too generously of his time and service to the poor.

ALEXANDER MITCHELL was devoted to his wife and children, and they repaid him with an affection and tender solicitude for his welfare that assuaged the anguish of our departed colleague during the long days and nights of his silent, patient suffering, until at last the Angel of Death in pity released his soul from his weary pain-racked body.

Life itself is an impenetrable mystery, and before death we bow our heads in silent awe. Its unsounded depths we know not. We cry out for a light that will satisfy our reason and our judgment, but it comes not; yet somehow there steals into our inner consciousness an intuitive feeling that all is well. The calm beauty of the dead, the benediction of tears, the feeling that takes possession of us that there is something sacred in the presence of death itself, as though we knew through some unconscious process of the mind that a divine visitant had

touched the dying eyes—these and other intangible things calm our spirits as the cooing half-audible words of a young mother that can not be understood soothes and lulls to sleep the newborn babe.

To Alexander Mitchell, however, there was a surer guide. He grounded his unwavering faith upon the old Bible, that has, in all the generations since the Gospels were written, helped to sustain men in their darker hours. Let us believe that what we poor mortals lament as the death—the last sad end of him we loved—was but the dawning of the eternal morning for Alexander Mitchell,

Mr. LOBECK. Mr. Speaker, we meet to-day to pay our tribute to Alexander Clark Mitchell.

My acquaintance with him was but slight. Like myself, he was just entering upon the duties of a Congressman, so that I had only seen him occasionally, but I knew of the high esteem that he was held in by those who knew him well.

On account of his malady he was unable to be present at the daily sessions as often as he would have liked to, but when it was necessary for him to perform some public duty he came and bore his pain and sufferings quietly and made no complaint, and his voice was heard for what he believed was right.

I was one of the Congressmen, Mr. Speaker, designated to

go to his home and attend the funeral, and there I learned of the love and respect given him by his fellow neighbors. I also learned of the high esteem in which he was held by his townsmen, and to me no higher tribute of esteem can be paid than to know that all his neighbors loved him. The great men of the State were there to pay their respect, and beside them stood the humblest citizen to pay his last tribute to his beloved friend who had gone to the great beyond. I learned from his neighbors about his character. He was a strong man, a loving man, a man who walked erect among his fellow men and was counted a manly man. It seems strange that Providence should take away from the activities of life this man of strong character that was able to do so much good, be of so much service, and do so much kindness to his fellow man. We do not understand it, but God in his mysterious way knows what is best, We love to think of strong men of noble character, whether they are in the humble pursuits of life or if they attain eminence. We judge a man by what he does, and Congressman MITCHELL was a man upright in his actions and always ready to help mankind.

I saw the love in the home; I saw the gentle wife, the loving daughter, and the son. By the surroundings I knew that it had been a happy home and one that all might love to enter, and my sympathy went out to that wife, to that son and daughter who had lost a loving husband and a respected father.

The loving tribute by his pastor, the crowded edifice where the neighbors and friends came to pay their last respects, the hundreds that stood outside showed to me the love and respect in which he was held.

We laid him away under the big trees in a beautiful cemetery near the city in which he had given a long life of usefulness to his neighbors and to his State.

I am conscious, Mr. Speaker, of having done scant justice to the many excellent traits of character of our departed friend and colleague. Whatever is spoken here is but the gratification we have in paying tribute to our departed brother. His life was his most eloquent eulogy, and to us it is only left to regret that he should have been cut off in the very prime of life, when he could have been of great service to his State, his country, and his fellow men.

Mr. JACKSON. Mr. Speaker, some one has said, "When, after a long acquaintance, you feel that the more you know of a man the better you like him, you may safely call that man a loyal and worthy friend." Measured by this rule, ALEXANDER C. MITCHELL was called friend by more intimate associates than any man who has lived in Kansas. His strongest personal characteristic was the light that shone from his strong face and honest eyes, attracting with its invitation of honesty and helpfulness; and never disappointing the faith imposed in him.

His death, in the midst of achievement of a well-trained, fruitful middle age, was by him bravely and calmly met. To these numerous intimate friends, and the citizens of a great State, who have come to know his value as a public servant,

his death was a tragedy.

And no one who knew him doubts that had he been spared, to have served here even a few months, his associates here and the people of our great Nation would have said, "Knowing him better, we see his great worth."

And this, indeed, was the tragedy, that he who could have helped us so much; he, whose strong hand had been so faithfully trained to work for the people he loved, just as it was

about to reap the fruitage of a strenuous life of toil, should be stricken at his post of duty. So far as man is concerned, there is naught to reason why? There is but one answer, and that is, "It was God's will."

As was so eloquently said of him by his pastor in the beautiful funeral oration, "Mr. MITCHELL was a toller." His fellow man will never know, his country can never know, what it cost him, from youth to middle age, to answer "Here" at the call of duty in the Nation's great Congress a few weeks before his untimely death.

It is a long road from the machinist's bench in Cincinnati, Ohio, by way of a turning lathe in Kansas, finally a legal education in the university and a drudging lawyer's office, and public service to a seat in the National Congress—all marked by nonest, strenuous toil that left its furrows in the strong

lines of his kindly face.

Modern history, tradition, and song and story is full of incidents of the great achievements of a Lincoln educated by the light of pine knots, and a Garfield toiling on a towpath, to higher mental attainments. But in the modern times, when the pine knots have disappeared from our civilization and the laborer of the towpath and the "man with the hoe" have almost been erased from our American industrial life, and their places taken by the skilled mechanic of greater power and wider experience, are there not among these, surrounded by endowed colleges, great universities, and well-filled libraries, Lincolns and Garfields with little assistance from any of these great institutions, courageously earning their daily bread by honest toil and slowly mounting the steeps of higher training, to the end that they may serve their fellow men?

Shall they deserve less credit because their pine knots, lighted by their own hands, are brighter than those of another age, and

their towpaths of service broader and longer?

So, too, the circles of their lives must be broader and achievements stronger than when men and our national life existed in the pine knot and the towpath age. And this man of toil, our friend, prepared himself for his work by close touch with the real things of modern life for the great opportunities it affords for real, unselfish service.

"He was a workman who needed not to be ashamed." As in earlier life he wrought with his hands things worth while, he saw in life things worth while and attained them for others

and for himself.

Thomas Carlyle's father was a stonemason, and the son was always proud of the father's bridges. They stood the test of time and strain.

So the children and dear ones of our departed friend shall find in his work in every place the bridges that span great deeds

and that endure the test of time.

It is no small tribute to the earnestness, industry, and power of achievement of a man of the culture and power of intellect of Representative MITCHELL to be able to say that at one time in his life with his own hands he toiled in the greatest machine shops of the West, or that his hands held the instruments which put the last fine touch on the strongly formed and highly polished machinery that brought service and safety and hap-piness to the members of the human family. And yet this same brain and these same strong hands a short time later framed legal briefs that settled the interests of the same great company in whose mills he worked, in the courts, guided the des-tiny of this State and held the attention of this Nation,

Mr. MITCHELL was really a great lawyer. As nearly as any man I ever knew he carried out the lesson of Lincoln's advice

to the young man-

If you can't be a good man and a good lawyer, leave off trying to be a lawyer at all.

Mr. MITCHELL endeavored in his innermost soul to be a good lawyer and a good man, and he succeeded; as his broad, strong intellect strove for real things of life, it sought and found the things worth while in the problems of his profession. neither in trickery nor subterfuge, and lived and worked to defend right by the law and not to smother right with the law.

He would not have stooped to have offended justice and public rights by seeking the release of criminals by invoking the jury's

sympathy for the criminal's wife and children.

But when widowed mothers and defenseless orphans were in trouble no day was too long or night too dark for him to find a way for their relief. No man ever consulted his pocketbook before he sought his advice or felt himself robbed after he had done so.

It was not strange, therefore, that much of this man's professional time was given for causes that brought him little or no remuneration. When it was determined a few years ago that the standard of the profession of law in the State should be raised and the examinations for admission to the bar taken control of by the supreme court, it was but natural that such a

man should be chosen as a member of the commission to conduct these examinations. He held the place with honor to the State and its great court until his election to Congress. So, frequently, came these calls for great public duties.

His legal services were sought in times of public strife by

the governor, the State officers, and the legislature.

As chairman of the judiciary committee of the house of representatives for several terms, he gave honest and efficient service. His committee was neither a morgue for just measures nor a fanfare of trumpets for demagogues. It was a workshop where the people's laws were molded with jealous care and brought into light and measures of avarice and viciousness promptly and firmly strangled. His greatest single cases were, perhaps, the Perkins insurance case and the Kansas bankguaranty case. Each of these ran through the State and numerous Federal courts, and will be precedents of importance in future litigation in their respective branches of law. The latter case was conducted simultaneously with similar cases in Oklahoma and Nebraska, and was followed in the State courts and, in some form, in all the Federal courts, ending in the Supreme Court of the United States, where Mr. MITCHELL appeared only a few months before his death to assist in its argument. His services in the case, in maintaining the cause of the State, was invaluable and, as has been noted, was of far more than State importance.

This is not the time or place to speak in detail of his legal achievements. In the last weeks of his life he was brave and unselfish, as he has always been. He bore with greatest fortitude severest pain in silence or with the smile of his healthful days rather than give alarm to the members of his family

and his friends.

A weaker man would never have come to Washington, but the same call to duty that had marked his entire life caused him to respond from a bed of pain to the call of the President, and with pallid cheek and unsteady step mount the steps of the National Capitol at Washington at the special session.

His mind was still clear and forceful. He entered into the spirit of all the contests over public questions with his old-time vigor and enthusiasm. But one day there came the words, "Oh, there is nothing worth while but health." Then came the

hurried trip home and the end of a useful life.

And so, in sight of the great university which had taught him and which he had served as adviser and regent, and in view of the beautiful little city which sheltered his home and friends, we built the grassy mound and heaped it o'er with flowers from the hands of those who loved him. We left him in the swelling bosom of the great Kansas plain, bold and boundless as the ocean, like the spirit of him who had gone away.

He has lived successfully in the highest sense if those he leaves in this world, when in doubt and indecision over the affairs of life listen for his voice, and in the silence seem to hear it, and strive to do as he would have them do were he yet

with them.

And in this sense the life spirit of our departed friend shall live upon this earth as the spirit which God gave, loved, and took away again lives in Paradise.

In the home circle, in the affairs of the community, city and State, his voice shall be heard, and all shall feel the influence of his guiding hand. And so, the good men do lives after them.

Mr. MARTIN of South Dakota. Mr. Speaker, the career of ALEXANDER MITCHELL in this legislative body was indeed a brief But it was long enough to impress upon his fellow Members the quality and character of the man. His seat was almost within an arm's reach of my own desk. He appeared in this House but a few brief days. I think that we were all impressed We also were impressed with the conviction that the hand of death had already taken hold of what, when he appeared here, was a frail body. with his personality.

From this brief observation of the man I feel absolutely certain of certain traits of his character. I am sure that he was a sincere man. I am certain he was possessed and controlled by a very deep sense of public duty. I am certain that such ambition as he may have possessed was an ambition to devote all of his inherited and developed powers in contributing to the public welfare. Mr. MITCHELL was a good example of what I shall call the "Kansas type of American citizenship." It is no fulsome praise of the able and distinguished sons of Kansas in both Houses of Congress at the present time to say that there is a Kansas type and quality of citizenship, and that for now more than half a century it has performed a most useful and important part in shaping and determining great national problems with which we as a people have had to contend.

The character and quality of that citizenship were determined more than half a century ago in the mighty struggles that were grouped about the settlement of the national problems leading

up to and culminating in the Civil War. Gladstone said of the American Constitution that it was the greatest instrument ever evolved from the intellect of man. And yet that great Constitution, which was a charter of human liberty, had placed in it, doubtless by virtue of the compromise of necessity, one provision absolutely out of harmony with all the balance of that immortal document.

I refer to the provisions which permitted the importation of slaves for a period of 20 years and recognized the right of the continuation of slavery in certain particular States indefinitely. In the very nature of the case those opposing principles must have developed as they did develop eventually-into a mortal combat. Kansas, a border State, if not the seat of the material phases of that struggle, was, in a sense which perhaps can not be said of any other State, the arena and forum in which there was the mighty battling of the ideas upon which that struggle turned and by which it was eventually solved. And so we are not surprised that Kansas citizenship is always earnest, aggressive, if not controversial. The Kansas spirit is sincere,

militant, patriotic.

It is an interesting study which we as public men have forced upon us from time to time—to ascertain the different contributions from the different States of the Union to the composite character of American citizenship. We expect from New England conservatism, and we are rarely disappointed. From Kansas we expect a clear definition and an aggressive presentation of the two sides of every great national question. The middle of the road in Kansas is used for automobiles and for carrying to the market the bountiful harvests from her fertile fields. A public man in Kansas may be on the wrong side of a great public question and still retain his self-respect and the respect of his fellow citizens, but he must be on one side of the question. The middle of the road is not an arena for the solution of public questions in that young, virile, and vigorous Commonwealth.

We now have another period of the testing out of the fundamental questions of the American Constitution. This decade is trying again the justness and the correctness of the elemental principles upon which this Government rests, and in the loss of a representative Member of the State of Kansas a gap is created which will be felt not only by the Commonwealth of

Kansas, but by the entire Nation.

We have had forced upon us recently again the perpetual lesson of the uncertainty of human life. One week ago tonight, plying its way from Great Britain to the port of New York, what was supposed to be the greatest triumph in maritime construction was under full speed. It was a scene of brilliancy, of feasting, and of quiet confidence in the complete mastery of modern invention over the perils of the sea; and yet within less than two hours 1,500 men lost their lives, their souls summoned into the presence of their Maker. Fifteen hundred men, the very flower of Anglo-Saxon civilization, perished. Their bodies were entombed in old ocean's gray and melancholy waste.

Within the year we have lost some of the most prominent Members of this House of Representatives. Gen. Bingham, "the father of the House," has but recently disappeared from our midst. David J. Foster, one of nature's noblemen, has gone, and, as one of his close friends, I can scarcely yet realize that he has gone forever. I find myself almost involuntarily expecting to meet his manly form and to greet his noble spirit

here again on the floor.

Within the year we have lost Judge Madison, another of the noble sons of Kansas, a man who, for the period of his service, I believe, impressed himself and his strong individuality and convictions upon us as forcefully and with as enduring an effect as any man who has been a member of this body during my term of service. Almost in an instant he passed from his home here to the home beyond.

Mr. MITCHELL had scarcely become familiar to us, his co-Members, when for him the golden bowl was broken, the silver cord was loosed, and he, another traveler, went on to his long

That bourne from which no traveler returns.

Seeing what I did of his personality in the few brief days of his service, I am not surprised, but much gratified, to hear the account of his manly passing on to the Eternal Beyond that has been given to us by members of his home delegation. Knowing that the summons was upon him, facing the realities of the great and unlimited future, he indeed went-

Not, like the quarry-slave at night, Scourged to his dungeon, but sustained and soothed By an unfaltering trust—

He approached his grave-

Like one that wraps the drapery of his couch About him, and lies down to pleasant dreams.

Mr. TAGGART. Mr. Speaker, I confess the difficulty of the task of undertaking to pronounce a eulogy upon the life and character of my predecessor, ALEXANDER CLARK MITCHELL, whose untimely death made it possible for me to render the lesser and humbler service that I may be able to give to the people of his district.

I was not well or intimately acquainted with him; we met but a few times. But, perhaps, we can have a more just estimate of a man if we are not on terms of intimacy with him. The common rumor, the opinion of others who knew him, his reputation in the city and the State in which he lived, his public service and the well-known facts of his life, afford, perhaps, a basis for a more accurate judgment of the real value of the man. Our admiration or affection for a man might warp our judgment, or perhaps on account of that indefinable and subtle weakness in human character whereby our likes and dislikes arise out of trivial matters, it may be if we were intimately acquainted with one that our estimate of him might be unjust on account of the very intimacy of the acquaintance. Therefore I can say that I am free to mention here the estimate of the people of the second district of Kansas of the services and the character of Alexander Clark Mitchell. It has been mentioned here that he began life as a mechanic. Do we realize that the future ages will estimate the first and perhaps the second and possibly the third century of the life of this Republic not so much by what was said or written or sung as by the work of the hands of the American citizen?

Surely the early centuries and generations of our country will live in history as the age of mechanical genius, and their fame will finally rest on the marvelous achievements of the mechanic. It was therefore fitting and proper that the young man should have developed his intelligence by coming in touch with the greatest of all American enterprises. Having come to Kansas in 1867, when he was but a child, and having had the privilege and advantage of growing up upon a Kansas farm surrounded by neighbors who were sturdy, honest, earnest, and filled with hope for the future, he grew up. as other Kansas boys grew, conscious of his strength and e ger for the battle of life. He went back to Cincinnati, where he was born, and learned his trade, and then returned to Kansas and began work in the machine shops in Topeka. Then realizing that he had capacity for the acquirement of great learning, and having been urged by his friends, he took the law course in the Kansas University and graduated, in 1889, with honor and distinction. You will notice that he was not an early graduate, that he was then 29 years of age, that he had waited until his mind had matured and until he was fully able to grasp the real purpose and meaning of the law. He had passed beyond that enthusiastic age of the young law student wherein he thinks that the triumph of the court room or before the jury is the final and greatest achievement of the lawyer.

ALEXANDER CLARK MITCHELL was a success as a lawyer. He was born of a people who were formed for success. No wellinformed person can read the name ALEXANDER MITCHELL without knowing at once that it originated in one of the least favored naturally of all the countries of the world, but one of the most distinguished spots beneath all the stars—the old Kingdom of Scotland. He was descended, evidently, of that virile, purposeful, and masterful race of people who have left their mark and their monuments throughout the English-speaking world. He came of a Scotch family that had emigrated to Ireland and later came to the United States. He represented a citizenship somewhat different from either one of the two original civilizations that were founded on this shore. We have the New England civilization and that other civilization that was founded at the mouth of the James River. The northern civilization was committed to the great purpose of promoting intelligence. It worshiped books as if they were idols, relying upon the diffusion of general knowledge for the welfare of the Nation; and, above all things, it cherished the pride and strength of conscious intellectual supremacy. The other civilization was founded on the beautiful ideals of medieval chivalry, the exaltation of honor above all earthly treasure, and the glory of courage and of achievements in arms.

Each of these two civilizations was wedded to the past, the one at the North going back to those thoughts that culminated

other drawing its inspiration from the traditions of Anglo-Saxon pride and glory.

Separate and apart from these has come the western citizen ship, that has unconsciously adopted the philosophy of Epictetus, who taught that-

in the expression so wonderfully wrought out by Milton; the

With respect to those things over which we have no power let us have no concern whatsoever nor trouble our minds therewith; but let us address ourselves to those things over which we have power, and with those matters let us with all our might perform our daily task.

The western people have disregarded the prejudices and the hatreds of the past and have turned their faces toward the future. There are few monuments on the plains of Kansas or the western prairie erected to celebrate the past; but nearly all that greets the eye was built to provide for the necessities and the welfare of the future.

ALEXANDER CLARK MITCHELL was one of those who grasped fully that western philosophy. He was not wedded to the past. He acted in the living present. He hoped for the future. His whole career is proof that it is of value to the individual and to society to toil up from the bottom to the top, from the lowest round of the ladder to the highest. No one ever boasted of having ridden in a comfortable seat in a railway car to the top of Pike's Peak, but whoever has toiled up those nine miles of in-clined plane and finally stood upon its summit never ceased to

remember it.

There is no achievement in being lifted; the real achievement is climbing. ALEXANDER MITCHELL'S life was devoted to the present and the future, not to realize unwarranted ambitions for, as a Member said, he was not one who was cursed with unwarrantable ambitions. He was one whose life and whose character was so fortunate that those about him who realized his worth took notice of it and urged him forward among the people as a man who could be trusted by them. He served in many capacities, as it was said here. He was a county attorney, and that office is a difficult one in the State in which he lived. He was a member of the board of regents of the State University, an office the services of which are gratuitously given, but which is an honor in itself, and which manifested his desire to promote the greatest institution in the State. He served in the legislature.

He took part in framing some of the wisest and some of the best laws on the statute books of Kansas, and I believe that among his greatest public services was the part he took in establishing firmly the bank guaranty law of that State. Perhaps he was deeply impressed by those who lost their money in banks that had failed. Possibly he saw the sufferings and the calamities that had come to the poor in times past, when the savings of a lifetime were swept away in a night; and he devoted his talents most earnestly in support of a law that would make it sure that whoever deposited his money would not only have the good faith of the bank in which he placed it. but the united strength of all of the banks that were associated together under the law for mutual protection. If he had done no other public service, this alone would have entitled him to a lasting place in the history of Kansas. We are told that the greatest characteristic of his life was his just estimate of public service. The time has passed when a man in public life can

regard himself simply as one who is enjoying an honor.

The intelligent public now requires that he must conduct himself as one who is performing a service. He will not be permitted to also a performing a service. permitted to claim any excellence on account of the honor he has enjoyed, but he must rest his claim for public esteem upon the service that he has rendered. ALEXANDER CLARK MITCHELL regarded public office as a service and the incumbent of a public office as a public servant whose duty it was to render an

account of his stewardship.

And in that light he discharged every public duty that was thrust upon him. In this spirit he performed his duty as county attorney; he performed his duty as a member of the State Legislature of Kansas; he performed his duty as a member of the board of regents of the university, in each and every case not only to the public satisfaction, but with that active and energetic interest in the matter in hand which transcends the mere requirements of statute or custom.

He came to this House, as has been said, with the shadow of death upon him. He was afflicted with a cancer in his stomach. That is perhaps the most dreaded and terrible malady that can afflict the human race. Believing that he might have some hope of recovery from a surgical operation he went as far as Kansas City, Mo., and on the 30th day of April submitted to the surgeon's knife. Having discovered that his stomach was in the grip of a cancer the surgeon was obliged to close the inci-

sion and inform him that he was without hope of recovery.

Something was said here of that beautiful essay on "Compensation," written by Emerson, perhaps the finest effort of that gentle and pure-minded philosopher. But can we reason that nature will compensate us? Is nature all we have? Is not nature rather the puzzle and the task that is set before men, that they might unravel her mysteries, that they might conquer her forces, and that they might develop their intelligence by avoiding the wrath and the destruction of her elements? Nature has no respect for persons. She has no refuge for innocence. She has no regard for pain. In her mysterious

processes she recks not of death or suffering, but performs the mandates of an irresistible power, even though all that was dear and all that was beloved met with destruction.

Men have said that nature has taught another life; that the coming and going of the flowers are a prophecy of resurrection; that nature is an open book, out of which the mystery of the future might be read, and that our final destiny can be ascertained by consulting the panorama that she spreads before us in this earthly life. I can not understand that philosophy. Some one wrote asking the question

Is it true, O God in Heaven, that the strongest suffer most; That the wisest wander farthest and most hopelessly are lost? That the mark of rank in nature is capacity for pain; That the anguish of the singer makes the sweetness of the strain?

When we think it over it seems as though we must answer, "It is true." The hope of immortality was not bred by flowers or foliage. I would imagine rather that in the utter desolation of some desert, where there was nothing but sand and sky, men held up their hands and said, "Where shall we retreat? How shall we escape from this solitude?" And it was in those solitudes and wildernesses that the message came which has comforted mankind in this life.

No; I would not say that the coming and going of the seasons or the lesson of the leaves or the flowers can teach that there is another life. If there is anything in this earthly scene or in this experience outside of revelation that would teach the mighty mystery of immortality, it would seem to be the love

that exists among mortals.

This was one of the early thoughts of men. Perhaps 30 centuries ago it was written—and it is one of the most beautiful stories that was ever told—that a certain young king was about to be sacrificed to appease the wrath of the gods. She, who loved him, came and asked him if they should ever meet again, and answering, he said:

I have asked that dreadful question of the hills that look eternal, of the flowing streams that lucid flow forever, of the stars, amid whose field of azure, My raised spirit hath trod in glory, and they all were dumb, But, now, as I thus gaze upon thy living face, I feel that the love that kindles through its beauty Can never wholly perish, and we shall meet again.

The pure and unselfish devotion, given without thought of reward or recompense, argues the final working out of justice, and would seem to be the most convincing earthly proof of immortality.

Mr. MITCHELL, when about to go under the surgeon's knife, and that very evening before he submitted to the dreadful ordeal, sent a message of sympathy to an attorney who lives in my city, whose son had been killed on that day by accident, it being the second child that he had lost within a year or two, and even though Mr. MITCHELL might reasonably expect that he would never revive, he did not forget his brother attorney who was suffering the agony of bereavement at that hour. He was taken

to his home in Lawrence.

The hot summer came and yet it was stated in the local papers, several friends have said, that he faced the end with the undaunted fortitude and the unwavering purpose of that heroic race from which he was descended. Day by day, conscious that death was approaching, suffering from the incision that was healing slowly, the martyr waited patiently, and through it all he comforted himself that this life may not bring us justice, but if there is a future life that is not nature's work, but transcends nature, in that life we will have exact justice. He was a man who loved justice and who wished everyone to succeed. He wished everyone to have hope. I do not believe he ever said a word in his life or did an act that would destroy the hope of a human mortal, and it was with a sublime hope he was sustained until the end. He gave up his life in the very midst of a great career, just when he was passing the half century mark, when his mind and his faculties had ripened, when his public services would have been of the greatest value, yet he surrendered it all as calmly as if it were a mere matter of duty. And thus ended the life of ALEXANDER MITCHELL. No one will ever read or know of his life, his character, or his work who will not profit by having studied it, and no young man who has a noble ambition can fail to profit by his example.

The SPEAKER pro tempore. In accordance with the resolution previously adopted, and as a further mark of respect to the memory of the late Alexander C. MITCHELL, the House will now stand adjourned.

Accordingly (at 1 o'clock and 55 minutes p. m.) the House adjourned to meet to-morrow, Monday, April 22, 1912, at 12 o'clock

SENATE.

MONDAY, April 22, 1912.

The Senate met at 11 o'clock a. m. Prayer by the Chaplain, Rev. Ulysses G. B. Pierce, D. D. The Journal of the proceedings of Saturday last was read and approved.

DIPLOMATIC AND CONSULAR APPROPRIATION BILL. Mr. CURTIS submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 19212) making appropriations for the Diplomatic and Consular Service for the fiscal year ending June 30, 1913, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 1, 4, 5,

6, 7, 11, 17, 26, 27, 28, and 31.

That the House recede from its disagreement to the amendments of the Senate numbered 8, 9, 10, 14, 16, 18, 19, 20, 21, 22, 23, 24, 25, 29, and 30, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 2 and agree to the same with an amendment, as follows: In lieu of the sum proposed insert: "forty-five thousand dollars"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 3, and agree to the same with an amendment as follows: In lieu of the sum proposed insert: "five hundred and fifty-five thousand five hundred dollars"; and the Senate agree to the same.

That the House recede from its disagreement to the amend-ment of the Senate numbered 12, and agree to the same with an amendment, as follows: In lieu of the sum proposed insert: "three hundred and fifty-five thousand dollars"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 13, and agree to the same with an amendment as follows: In lieu of the sum proposed insert

"\$35,000"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 15, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: ", together with the unex-pended balance of the appropriation made for this object for the fiscal year 1912, which is hereby reappropriated and made available for this purpose"; and the Senate agree to the same.

That the House recede from its disagreement to the amend-ment of the Senate numbered 32, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$340,000"; and the Senate agree to the same.

That the House recede from its disagreement to the amend-ment of the Senate numbered 33, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$450,000"; and the Senate agree to the same.

CHARLES CURTIS,
F. E. WAEREN,
B. R. TILLMAN,
Managers on the part of the Senate. WM. SULZER,

H. D. FLOOD, W. B. McKINLEY, Managers on the part of the House.

The report was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South. its Chief Clerk, announced that the House had agreed to the amendments of the Senate to the bill (H. R. 18336) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war.

The message also announced that the House had passed the bill (H. R. 23349) providing for publicity of contributions and expenditures for the purpose of influencing or securing the nomination of candidates for the offices of President and Vice President of the United States, in which it requested the concurrence of the Senate.

The message further transmitted to the Senate resolutions on the life, character, and public services of the Hon. ALEX-ANDER C. MITCHELL, late a Representative from the State of

ENROLLED BILL SIGNED.

The message also announced that the Speaker of the House

to homesteads on the ceded portion of the Wind River Reservation in Wyoming, and it was thereupon signed by the Vice

PETITIONS AND MEMORIALS.

The VICE PRESIDENT presented a petition of the Federation of Women's Clubs of Seattle, Wash., praying that an appropriation be made to enforce the provisions of the white-slave law, which was referred to the Committee on Appropriations.

He also presented a petition of sundry citizens of La Crosse, Wis., praying for the passage of the so-called eight-hour bill, which was referred to the Committee on Education and Labor.

He also presented petitions of the congregations of Bethel Church, of Montgomery, Ala., and of the Court Street Methodist Church, of Montgomery, Ala., and of the Court Street Methodist Church, of Montgomery, Ala.; of the Woman's Christian Temperance Union, of Montgomery, Ala.; of the congregations of the First Cumberland Presbyterian Church of Montgomery, Ala., and of the Church of Christ, of Ludlow, Ill., praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating liquors, which compared to the Constitution to prohibit the manufacture, sale, and importation of intoxicating liquors, which were referred to the Committee on the Judiciary.

Mr. MARTINE of New Jersey presented a petition of the District Society for the Prevention of Cruelty to Animals, of Passaic County, N. J., praying for the enactment of legislation to prevent interstate traffic in immature calves, which was referred to the Committee on Interstate Commerce.

He also presented a petition of Phoenix Lodge, No. 315, International Association of Machinists, of Elizabeth, N. J., praying for the passage of the so-called eight-hour bill, which was

referred to the Committee on Education and Labor.

He also presented a memorial of Phoenix Lodge, No. 315, International Association of Machinists, of Elizabeth, N. J., remonstrating against the enforcement of the so-called Taylor system of shop management in navy yards, which was referred to the

Committee on Naval Affairs.

Mr. WATSON presented petitions of sundry lodges, Brotherhood of Locomotive Engineers, of Grafton, Martinsburg, Weston, and Parkersburg; of sundry lodges, Brotherhood of Railroad Trainmen, of Grafton and Pratt; and of Local Division, Order of Railway Conductors of America, of Parkersburg, all in the State of West Virginia, praying for the enactment of legislation to provide an exclusive remedy and compensation for accidental injuries, etc., which were ordered to lie on the

He also presented a petition of the congregation of the Methodist Episcopal Church South, of North Parkersburg, W. Va., praying for the enactment of an interstate-liquor law to prevent the nullification of State liquor laws by outside dealers, which

was referred to the Committee on the Judiciary.

He also presented a memorial of Hoffman Post, No. 62, Department of West Virginia, Grand Army of the Republic, of Morgantown, W. Va., remonstrating against the incorporation of the Grand Army of the Republic, which was referred to the

Committee on the District of Columbia.

Mr. CULLOM presented a petition of the Woman's Christian Temperance Union of Gridley, Ill., praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which was referred to the

Committee on the Judiciary.

Mr. ASHURST presented a petition of the Graham County Chamber of Commerce, of Safford, Ariz., praying that an ap-propriation be made for the improvement of the roads throughout the country, which was referred to the Committee on Agriculture and Forestry.

Mr. LODGE presented resolutions adopted by the Presbytery of Boston, of the Presbyterian Church in the United States of America, in convention at Roxbury, Mass., favoring unlimited arbitration and remonstrating against any intervention by the United States in Mexico, which were referred to the Committee on Foreign Relations.

Mr. BRANDEGEE presented a petition of sundry business men of New Haven, Conn., praying that an appropriation be made for the continuance of the Tariff Board, which was re-

ferred to the Committee on Finance.

He also presented a petition of the Woman's Christian Temperance Union of Waterbury, Conn., praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which was referred to the Committee on the Judiciary.

He also presented a petition of the Business Men's Association of Waterbury, Conn., praying for the adoption of 1-cent letter postage, which was referred to the Committee on Post Offices and Post Roads.

REPORTS OF COMMITTEES.

Mr. McCUMBER, from the Committee on Indian Affairs, to had signed the enrolled bill (H. R. 16101) providing for patents | which was referred the joint resolution (H. J. Res. 142) to de-

clare and make certain the authority of the Attorney General to begin and maintain, and of any court of competent jurisdiction to entertain and decide, a suit or suits for the purpose of having judicially declared a forfeiture of the rights granted by the act entitled "An act granting to the Washington Improvement & Development Co. a right of way through the Colville Indian Reservation, in the State of Washington," approved June 4, 1898, reported it with an amendment and submitted a report (No. 649) thereon.

He also, from the Committee on Pensions, to which was re-

ferred the bill (H. R. 18955) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war, reported it with amendments and submitted a report

(No. 650) thereon.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. WATSON:

A bill (S. 6454) to provide for the erection of a public building at Beckley, W. Va.; to the Committee on Public Buildings and Grounds.

By Mr. LODGE:

bill (S. 6455) granting an increase of pension to Winfield

S. Flint (with accompanying paper); and A bill (S. 6456) granting an increase of pension to Edwin Roswell (with accompanying papers); to the Committee on Pensions.

A bill (S. 6457) to remove the charge of desertion from the military record of Calvin Stebbins; to the Committee on Military Affairs.

By Mr. BRANDEGEE:

A bill (S. 6458) granting an increase of pension to Eldred Mitchell; to the Committee on Pensions.

By Mr. OVERMAN:

A bill (S. 6459) for the erection of a public building at Waynesville, N. C.; and A bill (S. 6460) for the purchase of a suitable site and the

erection of a Federal building for the United States post office at Mount Olive, N. C.; to the Committee on Public Buildings and Grounds.

By Mr. JOHNSON of Maine:

A bill (S. 6461) granting an increase of pension to Benjamin F. Philbrick (with accompanying paper); to the Committee on Pensions.

By Mr. GORE:

A bill (S. 6462) providing for the sale of timbered and other lands belonging to the Chickasaw and Choctaw Indians, and for other purposes; to the Committee on Indian Affairs.

Mr. GALLINGER. On the 11th day of April I introduced a bill (S. 6265) to amend an act entitled "An act to reorganize and increase the efficiency of the personnel of the Navy and Marine Corps of the United States," approved March 3, 1899, which was referred to the Committee on Naval Affairs. I ask that that committee be discharged from the further considera-

tion of the bill, and that it be postponed indefinitely.

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. GALLINGER. I introduce another bill of the same title, whick I ask may be read twice and referred to the Committee on

Naval Affairs.

The bill (S. 6453) to amend an act entitled "An act to reorganize and increase the efficiency of the personnel of the Navy and Marine Corps of the United States," approved March 3, 1899, was read twice by its title and referred to the Committee on Naval Affairs.

FISH-CULTURAL STATION IN IDAHO.

Mr. HEYBURN submitted an amendment proposing to appropriate \$25,000 for the establishment of a fish-cultural station in the State of Idaho, etc., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Fisheries and ordered to be printed.

AMENDMENT TO RIVER AND HARBOR BILL.

Mr. OLIVER submitted an amendment proposing to appropriate \$250,000 for reconstruction or repair of Lock and Dam No. 6 on the Monongahela River, Pa., etc., intended to be proposed by him to the river and harbor appropriation bill (H. R. 21477), which was referred to the Committee on Commerce and ordered to be printed.

LOSS OF STEAMER TITANIC.

Mr. MARTINE of New Jersey. Mr. President, I desire to present a resolution. Prefacing it, permit me to say that from the press this morning we learn that 68 bodies from the illfated steamer Titanic have been picked up around where that I

craft found her grave. This information prompts the belief that there may be bodies which will yet appear on the surface. Therefore I propose that the President of the United States shall be requested to dispatch as many of the revenue cutters as may be necessary to that spot as early as possible, and to remain there or thereabouts for at least one month in order to search for and recover the bodies of such unfortunates as may have been brought to the surface.

The VICE PRESIDENT. The Senator from New Jersey offers a resolution, and asks for its present consideration. It

The Secretary read the resolution (S. Res. 287), as follows:

Resolved, That the President of the United States be requested to dispatch to the vicinity of the recent disaster to the steamer Titanto as many of the revenue cutter vessels as he deems necessary, with instructions to there remain for at least one month in order to search for the bodies of such unfortunate victims of such disaster as may come to the surface of the ocean.

Mr. SUTHERLAND. I ask that the resolution may go to the Committee on Commerce.

Mr. MARTINE of New Jersey. I am perfectly willing to have it referred to that committee,

The VICE PRESIDENT. Without objection, the resolution will be referred to the Committee on Commerce.

INTERNATIONAL HARVESTER CO.

Mr. OVERMAN submitted the following resolution (S. Res. 288), which was read, considered by unanimous consent, and agreed to:

Resolved. That the Attorney General be, and he is hereby, instructed to lay before the Senate all correspondence and information now in possession of the Department of Justlee in relation to the proposed settlement between the United States and the International Harvester Co. by which the so-called Harvester Trust may be permitted to reorganize and bring its organization and business within the provision of the Sherman antitrust law as construed by the Supreme Court, together with any and all correspondence, information, and reports of the Bureau of Corporations relating thereto from January 1, 1904, to the present time.

FLOODS IN THE MISSISSIPPI RIVER.

Mr. NELSON. I ask for a reprint of Senate Report No. 1433, Fifty-fifth Congress, third session, on floods in the Mississippi River, the supply being exhausted.

The VICE PRESIDENT. Without objection, an order there-

for will be entered.

The order as agreed to was reduced to writing, as follows: Ordered, That Senate Report No. 1433, third session Fifty-fifth Congress, "On floods in the Mississippi River," be printed for the use of the Senate document room, the supply being exhausted.

IMPROVEMENT OF THE MISSISSIPPI RIVER (S. DOC. NO. 600).

Mr. PERCY. I ask that the statement of Capt. C. H. West, a member of the Mississippi River Commission, before the Committee on Commerce of the Senate on April 18, 1912, relative to improvements of the Mississippi River and the flooded conditions prevailing in the river, be printed as a Senate document.

The VICE PRESIDENT. Without objection, an order there-

for will be entered.

The order as agreed to was reduced to writing, as follows:

Ordered, That the testimony of C. H. West, a member of the Missis, sippi River Commission, given before the Committee on Commerce of the Senate on April 18, 1912, be printed as a Senate document.

PROPOSED CITIZENSHIP FOR PORTO RICANS (S. DOC. NO. 509).

Mr. BORAH. Mr. President, I have a statement here prepared by people of Porto Rico upon the question of the right of the Porto Rican people to be admitted to citizenship. going to ask that it be printed as a Senate document, but in doing so, Mr. President, I desire to say that I do not commit myself to the theory which is advanced in the statement. In other words, I am not prepared to say that I am in favor of the admission of those people to citizenship. However, I think they are entitled to be heard, and I therefore ask that the statement be printed as a Senate document.

The VICE PRESIDENT. Without objection, an order there-

for will be entered.

HOUSE BILL REFERRED.

H. R. 23349. An act providing for publicity of contributions and expenditures for the purpose of influencing or securing the nomination of candidates for the offices of President and Vice President of the United States was read twice by its title and referred to the Committee on the Judiciary.

THE UNITED STATES V. THE AMERICAN TOBACCO CO.

The VICE PRESIDENT. The morning business is closed. The Chair lays before the Senate Senate bill 3607, under the unanimous-consent agreement heretofore entered into.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 3607) to give the right of appeal to the Supreme Court of the United States to certain organizas tions or persons in the suit of the United States against American Tobacco Co. and others.

The VICE PRESIDENT. The pending amendment is that offered by the Senator from Ohio [Mr. POMERENE].

Mr. CUMMINS. Mr. President, I have already discussed this

subject very fully upon two occasions, and I do not intend this morning to reiterate what I have heretofore said. I am very much concerned with respect to the subject, and I am deeply solicitous that some way shall be provided for the review of the decree of the circuit court by the Supreme Court of the United

Naturally, I have been more or less in communication with those who favor the general end which I seek to accomplish. I have discovered that the bill will receive more strength if it be so modified that the direction goes to the Attorney General to take, on behalf of the United States, the appeal which he might have taken within 60 days after the decree was rendered, together with a provision that counsel for those who sought to intervene in the circuit court for the purpose of objecting to the decree may file arguments and be heard orally in the Supreme Court.

Personally I have no doubt whatever of the power of Congress to confer the right of intervention; but I am so anxious that we shall muster here the utmost strength for the general proposition that I have concluded to offer an amendment by way of a substitute for the entire bill, and I now propose the following amendment by way of a substitute for the bill.

The VICE PRESIDENT. The Senator from Iowa offers a substitute for the bill, which will be read.

Mr. SHIVELY. The substitute has not been printed?
Mr. CUMMINS. It has not.
Mr. SHIVELY. It seems to me that we should have a larger attendance here when the substitute is read. I suggest the absence of a quorum.

The VICE PRESIDENT. The Senator from Indiana suggests the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Culberson
Cullom
Cummins
Curtis
Davis
Dillingham
Fall
Foster
Gallinger
Gronna Ashurst Bacon Borah Brandegee Bristow Root Shively Smith, Ariz. Smith, Ga. Smith, S. C. Kern Lippitt McCumber McLean Martine, N. J. O'Gorman Oliver Overman Page Paynter Percy Pomerene Rayner Brown Burnham Catron Chilton Clark, Wyo. Clarke, Ark. Crane Smoot Stephenson Stone Sutherland Tillman Gronna Heyburn Johnston, Ala. Crane Crawford Jones

Mr. JONES. My colleague [Mr. Poindexter] is unavoidably absent from the Chamber.

The VICE PRESIDENT. Fifty-one Senators have answered to the roll call. A quorum of the Senate is present. The Secretary will read the substitute offered by the Senator from Iowa [Mr. CUMMINS].

The Secretary. It is proposed to strike out all after the enacting clause of the bill and to insert the following:

acting clause of the bill and to insert the following:

The Attorney General of the United States is hereby directed to appeal for, and on behalf of, the complainant, the United States, from the decree entered in the Circuit Court of the United States, from for the Southern District of New York on the 16th day of November, 1911, in a suit wherein the United States is the complainant and the American Tobacco Co. and others are the defendants, to the Supreme Court of the United States, giving such notice or notices and taking such proceedings as are required by the law and the practice in such cases to effect such appeal. To enable such appeal to be taken and perfected, the time therefor, and for all notices and proceedings provided in the law or the practice to be given or taken, is hereby extended until the expiration of the period of 60 days from and after the date upon which this act takes effect.

SEC. 2. When the aforesaid cause comes on for argument in the Supreme Court of the United States, counsel for the States, organizations, and associations, which sought to intervene in the said sult in the said Circuit Court of the United States for the Southern District of New York. In order to object to said decree, shall have the right to file printed arguments and be heard orally on behalf of the United States, subject to such order or orders respecting the number of printed arguments and the number and length of oral arguments as the court may prescribe.

SEC. 3. This act shall take effect immediately upon its passage and approval.

The VICE PRESIDENT. The question is on agreeing to the amendment to the original bill, offered by the Senator from Ohio [Mr. POMERENE].

Mr. CUMMINS. Do I understand the Chair to say that the amendment was offered by the Senator from Ohio?

The VICE PRESIDENT. The question now is upon the amendment offered by the Senator from Ohio to the original bill. The original bill must be perfected before the motion is acted upon to strike it out.

Mr. CUMMINS. I understand. I supposed the question

would first be upon the substitute, but I readily see my error.

Mr. POMERENE. Mr. President, the substitute proposed by the Senator from Iowa [Mr. Cummins] covers substantially the matter contained in the amendment which I offered the other day. In view of the presentation of the substitute bill, I now withdraw the amendment I had proposed, with the understanding that I may a little later on offer an amendment to the substitute, in so far as the phraseology is concerned.

The VICE PRESIDENT. The Senator from Ohio withdraws

his amendment, so that the question now is upon the substitute

offered by the Senator from Iowa.

Mr. CLARK of Wyoming. Mr. President, before a vote is taken upon this or on any subsequent motion, I desire to have inserted in the RECORD, as bearing upon the subject, the report of the Committee on the Judiciary, Report No. 545, which was made on April 2, to accompany the return of Senate bill 3607

to the Senate.

The VICE PRESIDENT. Without objection, permission to

do so is granted.

The report referred to is as follows:

The report referred to is as follows:

Mr. Clark of Wyoming, from the Committee on the Judiciary, submitted the following adverse report, to accompany S. 3607.

The Committee on the Judiciary, to whom was referred Senate bill 3607, entitled "A bill to give the right of appeal to the Supreme Court of the United States to certain organizations or persons in the suit of the United States against the American Tobacco Co. and others," after full consideration thereof report the same adversely, with a recommendation that it be not passed.

This bill relates to a suit brought by the United States through the district attorney, acting under the direction of the Attorney General, against the American Tobacco Co. and others in the Circuit Court of the United States for the Southern District of New York to prevent and restrain violations of the act to protect trade and commerce against unlawful restraints and monopolies, approved July 2, 1890.

Upon final hearing judgment was rendered for the compainant, and upon appeal to the Supreme Court of the United States this judgment was reversed May 29, 1911. The case was remanded to the circuit court to proceed in conformity with the opinion and mandate of the Supreme Court. The decision of the Supreme Court held the American Tobacco Co. to be an illegal combination in violation of the statute, and declared:

"Second. That the court below, in order to give effective force to our decree in this regard, be directed to hear the parties by evidence or otherwise, as it may be deemed proper, for the purpose of ascertaining and determining upon some plan or method of dissolving the combination and of re-creating, out of the elements now composing it, a new condition which shall be honestly in harmony with and not repugnant to the law.

"Third. That for the accomplishment of these purposes, taking into

otherwise, as it may be deemed proper, for the purpose of ascertaining and determining upon some plan or method of dissolving the combination and of re-creating, out of the elements now composing it, a new condition which shall be honestly in harmony with and not repugnant to the law.

"Third. That for the accomplishment of these purposes, taking into view the difficulty of the situation, a period of six months is allowed from the receipt of our mandate, with leave, however, in the event, in the judgment of the court below, the necessities of the situation require, to extend such period to a further time, not to exceed 60 days.

"Fourth. That in the event, before the expiration of the period thus fixed, a condition of disintegration in harmony with the law is not brought about, either as the consequence of the action of the court in determining an issue on expect the expiration of the court in determining an issue for explored the expiration of the court in determining an issue of the subject of the expiration of the court in determining the movement of the products of the combination in the channels of interstate or foreign commerce or by the appointment of a receiver to give effect to the requirements of the statute.

"Pending the bringing about of the result just stated each and all of the defendants, individuals as well as corporations, should be restrained from doing any act which might further extend or enlarge the power of the combination by any means or device whatsoever. In view of the considerations we have stated we leave the matter to the court below to work out a compliance with the law without unnecessary injury to the public or the rights of private property." (221 U. S., 187-189.)

On the 18th of November, 1911, the circuit court, after hearing the parties as directed by the Supreme Court, rendered a final judgment decreeing that a plan of disintegration of the defendant company which had been presented, discussed, and modified was a plan which, taken with the injunctive provisions included in t

Congress.
(1) So far as any rights which existed at the time of the final decree of November 16, 1911, or which have existed at any time

heretofore are concerned, it is not competent for Congress to reverse the action of the courts and direct them to enter an order allowing an intervention which they had already denied.

(2) So far as the assertion of any such existing rights is concerned, such a direction from Congress would be an attempt also to reverse previous decisions of the Supreme Court holding that State attorneys general and private persons could not be parties to such a suit under the antitrust act. (Minnesota v. Northern Securities Co., 194 U. S., 48, 70-72.) The applicants for intervention thus not only were not parties to the suit, but they could not lawfully be parties. The judgment was not a judgment for or against them; it did not bind them or affect any rights of theirs, except, of course, as every citizen of the United States has a political interest as a citizen represented by the Government of his country in whatever litigation that Government may engage.

United States has a political interest as a chizen represented by the Government of his country in whatever litigation that Government may engage.

The sole legal rights of individuals under the antitrust act are contained in the seventh section of the act, which provides:

"Any person who shall be injured in his business or property by any other person or corporation by reason of anything forbidden or declared to be unlawful by this act may sue therefor in any circuit court of the United States in the district in which the defendant resides or is found, without respect to the amount in controversy, and shall recover threefold the damages by him sustained and the costs of suit, including a reasonable attorney's fee."

This individual right under the antitrust act was not in any way affected by the judgment of the circuit court.

(3) The only way in which the proposed bill could be effective would then be by conferring a new right, a right which did not exist before. What is the right which the bill proposes to confer upon these applicants? It is the right to invoke the action of the Supreme Court of the United States to set aside, change, modify, add to, or take away from a judgment between third parties, a judgment to which the applicants were not parties, rendered in a suit to which the applicants were not parties, rendered in a suit to which then or determine any legal right of theirs. This would be the creation of a new right of action which did not exist before.

(4) The proceeding upon this right would present a different case or controversy from that which was before the circuit court. Chief Justice Marshall said in the case of Osborne v. Bank of the United States (9) Wheaton, 819), speaking of the judicial power of the United States (1) That power is capable of acting only when the subject is submitted it by a party who asserts his rights in the form prescribed by law, it then becomes a case, and the Constitution declares that the judicial power shall extend to all cases arising under the Constitution,

And, in Muskrat v. United states (2.2) and 2. Said:
"Judicial power, as we have seen, is the right to determine actual controversy arising between adverse litigants duly instituted in courts of proper jurisdiction."

The case or controversy which would be presented to the Supreme Court by the applicants under the authority of this bill would be a case or controversy in which they assert their rights against the parties to the former suit, or some of the parties to the former suit, and assert rights which had no legal existence at the time the former suit was decided.

Court by the applicants under the authority of this buil would be a class or controversy in which they assert their rights against the parties to the former suit, or some of the parties to the former suit, and assert rights which had no legal existence at the time the former suit was decided.

(5) Under the bill this assertion of right by the applicants would be addressed in the first instance to the Supreme Court of the United States. It is the action of that court which is to be invoked. The proceeding would not be in any sense an appeal from the judgment, no matter what the bill may call it. An appeal is an application for a review of a judgment by some party to the judgment, some one whose legal rights were in controversy or are determined by the judgment. An application by a stranger to a judgment to have it set aside in whole or in part is not an appeal. It is an independent proceeding.

It follows that the proceeding which this bill proposes to authorize, and under which these applicants would invoke the action of the Supreme Court to set aside the judgment to which they were strangers, would clearly call for the exercise not of appellate but of original jurisdiction by the Supreme Court.

(6) It is well settled that Congress can not confer original jurisdiction upon the Supreme Court. The Supreme Court of the United States says, in Baltimore & Ohio Raliroad Co. v. Interstate Commerce Commission (215 U. S., 216, 224):

"It has long been the established doctrine and we believe now assented to by all who have examined the subject that the original jurisdiction of this court is confined to the cases specified in the Constitution and that Congress can not enlarge it.

(7) As the decree of the circuit court of November 16, 1911, fixed February 2.5, 1012, as the limit of time within which the defendants were required to comply with the plain of disintegration, it appears that the defendants in the suit had no option but to proceed to execute the formative and the property of the combination. On the 22d of Janu

DECREE.

Appeals having been taken by the plaintiff and certain defendants in this cause from the decree entered by this court on the 15th day of December, 1908, the Supreme Court of the United States reversed said

decree and issued its mandate filed herein on the 20th day of June, 1911, by which the said cause was remanded to this court with directions to enter a decree in conformity with the opinion of the Supreme Court of the United States and to take such further steps as might be necessary to fully carry out said directions. By the said opinion of the Supreme Court of the United States this court was directed to "hear the parties by evidence or otherwise as it may deem proper, for the purpose of ascertaining and determining upon some plan or method of dissolving the combination and of re-creating out of the elements now composing it a new condition which shall be honestly in harmony with and not repugnant to the law, but without unnecessary injury to the public or the rights of private property." And this cause having come on to be finally heard, pursuant to the order or decree of this court, made and entered herein on August 3, 1911, on the mandate of the Supreme Court of the United States as aforesaid, the American Tobacco Co. and the other defendants herein (except United Cigar Stores Co. 1911, a petition proposing and embodying a plan or method of dissolving the combination and of re-creating out of the elements now composing it a new condition in harmony with and not repugnant to the law. Due notice was given to the parties hereto that the hearing on the said petition would be had on October 30, 1911, in room 124 of the Federal Building, in New York City, and thereafter, to wit: On the 19th day of October 1911, the Imperial Tobacco Co. of Great Britain and Ireland (Ltd.) filed a petition.

At the time and place aforesaid the plaintiff filed answers to the said petitions, embodying proposed modifications of and additions to the Bulan proposed in said petition of the American Tobacco Co. and other defendants. The parties having been heard by counsel, and certain of the modifications included in said answer having been disposed of by this court in its opinions delivered after said hearing:

Now, it is ordered, adju

DISSOLUTION OF AMSTERDAM SUPPLY Co.

Amsterdam Supply Co. is a company engaged in the business of purchasing, for a commission or brokerage, supplies other than leaf to-bacco, its principal customers being defendant corporations herein. It has \$235,000 at par of stock, all held in varying amounts by certain corporation defendants, one or the other of your petitioners, and a surplus of \$127,058.74.

It is proposed that Amsterdam Supply Co. be dissolved, converting its assets into cash and distributing them to its stockholders.

B.

ABROGATION OF FOREIGN RESTRICTIVE COVENANTS.

Adrigation of Foreign Restrictive Covenants.

Under the contracts of September 27, 1902, the Imperial Tobacco Co., of Great Britain and Ireland (Ltd.), and certain of its directors agreed not to engage in the business of manufacturing or selling tobacco in the United States; the American Tobacco Co. and American Cigar Co. and certain of their directors agreed not to engage in the business of manufacturing or selling tobacco in Great Britain and Ireland; and the American Tobacco Co., American Cigar Co., and the Imperial Tobacco Co., agreed not to engage in the business of manufacturing or selling tobacco in countries other than Great Britain and Ireland; and the United States. Under the provisions of these contracts British-American Tobacco Co. (Ltd.) was organized and took over the export businesses of the American Tobacco Co. and the Imperial Tobacco Co., with factories, materials, and supplies.

It is proposed that the covenants herein just described, as well as all covenants restricting the right of any company or individual in the combination to buy, manufacture, or sell tobacco or its products, be rescinded by the affirmative action of the respective parties thereto who are parties to this suit, except such of said covenants, whether or not contained in the contracts of September 27, 1902, as (a) relate wholly to business in foreign countries and are covenants the benefit whereof has been assigned or transferred to other parties; or (b) are covenants exclusively between foreign corporations and relating wholly to business in or between foreign countries; and that the said contracts of September 27, 1902, be altogether terminated so far as they impose any obligations upon any of the parties thereto to furnish or to refrain from furnishing manufactured tobaccos to any party, each company to treat as its own, but only to the extent provided for in said contracts, all brands and trade-marks which by said contracts it was given the right to manufacture and sell, the said rights having been perpetual and constit

ABROGATION OF DOMESTIC RESTRICTIVE COVENANTS.

It is proposed that covenants given by vendor corporations, partnerships, or individuals, or by stockholders of vendor corporations, to vendee corporations defendants herein, not to engage in the tobacco business or any other business in any way embraced in the combination, be forminated so that all such convenantors shall be at liberty to engage in the business of buying, manufacturing, and dealing in tobacco and its products just as if such covenants had not been made.

DISINTEGRATION OF ACCESSORY COMPANIES.

OISINTEGRATION OF ACCESSORY COMPANIES.

(1) The Conley Foil Co.: The Conley Foil Co. has a capital stock of \$825,000 at par, all of one class, of which the American Tobacco Co. owns \$495,000 at par, the balance being held by persons not defendants nor connected with defendants. It is engaged in the business of manufacturing tin foil, a product used largely by tobacco manufacturers, but having other uses as well. The Conley Foil Co. has a plant in New York City, and it owns all the stock and bonds of the Johnston Tin Foil & Metal Co., which has a plant in St. Louis. The value of the output

for the year 1910 of the Conley Foll Co. was \$1.780,526.85, with a net profit of \$273,299,82, and the Johnston Tin Foll & Metal Co. had an output for the year 1910 of the value of \$670,520.95, and net profits of \$6,962.55.16. On December 31, 1910, the Conley Foll Co. had tangible assets (excluding its securities of the Johnston Tin Foll & Metal Co. had tangible assets (excluding its securities of the Johnston Tin Foll & Metal Co. had tangible assets (excluding its securities of the Johnston Tin Foll & Metal Co. had tangible assets (excluding its securities of the Johnston Tin Foll & Metal Co. held by it. to wit, \$100,000 par value, and distribute to fits stockholders its holdings of stock of the Johnston Tin Foll & Metal Co., beld by it. to wit, \$100,000 par value, and distribute to fits stockholders its holdings of stock of the Johnston Tin Foll & Metal Co., to wit, \$3,000 shares, all of one class.

The American Tobacco Co., being a stockholder of the Conley Foll Co., will participate in this distribution, and will in turn distribute its dividend, as well as its stock in the Conley Foll Co., to its common (2) MacAndrews & Forbes Co.; MacAndrews & Forbes Co. is a common (2) MacAndrews & Forbes Co.; MacAndrews & Forbes Co. is a common such defendants nor connected with defendants (except less than 33 per cent of the common stock held by R. J. Reynolds Tobacco Co.), and \$3,753,500 at par of 6 per cent nonvoting preferred stock, of which is the second of the common stock held by R. J. Reynolds Tobacco Co. is an example of the production of licorice paste, with two plants, on at Camden, N. J., and the other at Raltimore, Md. It had tangible gountries) and its sales for the year 1910 were of the value of \$1,427,023.44, MacAndrews & Porbes Co. succeeded to the business in the production of licorice paste, with two plants, out at the proposed that a new corporation be organized called the J. S. Young Co., and that it shall acquire the Baltimore plant of MacAndrews & Forbes Co. with plants for its collection in foreign

selling snuff.

It is proposed that there be organized two new snuff companies, one to be called the George W. Helme Co. and the other Weyman-Bruton Co., and that American Snuff Co. convey to these two companies, respectively, factories, with the brands manufactured in them, as follows: To the George W. Helme Co. the factories at Helmetta, N. J., and Yorklyn, Del., except factory No. 5; to Weyman-Bruton Co. the factories at Chicago and Nashville, also all the stock of De Voe Snuff Co., and the one-half of the stock of National Snuff Co. held by American Snuff Co. Based upon the business for the year 1910 and the assets at the end of the year, with proper provision for leaf, materials, cash and book accounts for the two vendee companies, this would leave the three companies equipped as follows:

accounts for the two vendee companies, this would leave panies equipped as follows:

Manufacturing tangible assets:

American Snuff Co. (American Snuff Co. holds securities not connected with the snuff business, to wit: Stock and bonds of the American Tobacco Co., preferred stock of American Cigar Co., aggregating in book value \$2,530,216.69, upon which American Snuff Co. received in interest and dividends during the year 1910 \$176,850. It is proposed that American Snuff Co. sell or otherwise dispose of these securities within three years, and that in the meantime they be held under an injunction as is provided in this paragraph with respect to securities of the George W. Helme Co. and Weyman-Bruton Co. to be temporarily held by it. It also owns all, to wit, \$100,000 at par, of the stock of Garrett Real Estate Co., which will be dissolved and liquidated)

George W. Helme Co.

Weyman-Bruton Co.

Sales value during 1910:

American Snuff Co.

George W. Helme Co.

Weyman-Bruton Co.

See Merican Snuff Co.

George W. Helme Co.

Weyman-Bruton Co.

\$5,075,969.72 4,909,000.40 3,691,588.20 5, 520, 422, 15 4, 494, 556, 66 4, 297, 486, 71

Each of these vendee corporations will pay for the property and business conveyed to it by the issue of \$4,000,000 at par of 7 per cent voting preferred stock and \$4,000,000 at par of these stocks into distreasury and will distribute to its common stock. American Snuff Co. will thus receive the \$16,000,000 at par of these stocks into distreasury and will distribute to its common stockholders, as a dividend, the common stock aggregating \$8,000,000 to be charged to its surplus account. American Snuff Co. will ofter to its preferred stockholders decored with the common stockholders and the weyman-Bruton (Co. for their preferred stock of American Snuff Co. and the Weyman-Bruton (Co. for their preferred stock of American Snuff Co. at par. So much of the preferred stocks of the Géorge W. Helme Co. and the Weyman-Bruton (Co. as is not forthwith thus exchanged, American Snuff Co. to American Snuff Co. as is in the section of the preferred stocks of the Géorge W. Helme Co. and the Weyman-Bruton (Co., or the Weyman-Bruton Co., and on or before January I, 1015, all of these preferred stocks of the George W. Helme Co. and the Weyman-Bruton Co. on the theorem of the treasury of American Snuff Co. by the weyman-Bruton (Co.) and the George W. Helme Co. and the Weyman-Bruton (Co.) and the Weyman-Bruton (Co.) and the Weyman-Bruton (Co.) and the George W. Helme Co. and the Weyman-Bruton (Co.) and the George W. Helme Co. and the Weyman-Bruton (Co.) and the George W. Helme Co. and the Weyman-Bruton (Co.) and the George W. Helme Co. and the Weyman-Bruton (Co.) and the George W. Helme Co. and

38.15 per cent of the total exportation of cigars from Cuba to the United States.

It is proposed that American Cigar Co. dispose of properties belonging to it and thus disintegrate its business as follows:

(a) That it sell to the American Tobacco Co. for cash its stock, being all thereof of Federal Cigar Co., at a fair price, to wit, \$3.965,616.05.

(b) That it sell to the American Tobacco Co. for cash the stock it owns of Porto Rican-American Tobacco Co., to wit, \$657,600 at par, at a fair price, to wit, \$350 per share, or \$2,301,600.

(c) That American Cigar Co. dispose of any interest in American Stogle Co. by receiving cash proceeds of its stock in dissolution thereof, if American Stogle Co. upon dissolution converts its assets into cash; or by distributing as a dividend to its common stockholders out of its surplus the securities which it receives upon the dissolution of American Stogle Co., if it receives such.

All stocks thus to be acquired by the American Tobacco Co. as hereinafter set out.

E.

DISTRIBUTION BY THE AMERICAN TOBACCO CO. OF STOCKS OWNED OR TO BE ACQUIRED BY IT,

(1) Immediate distribution of stocks: The American Tobacco Co. will buy from P. Lorillard Co. for cash at par the 11.247 shares of the preferred stock of American Snuff Co. held by P. Lorillard Co., and will receive, as the sole common-stock holder of P. Lorillard Co. and, by way of dividends, 34,594 shares of the common stock of American Snuff Co. held by P. Lorillard Co.

The American Tobacco Co. will distribute among its common-stock holders, by way of dividends and to be charged to its surplus, all of its securities of the following-described classes, whether now owned by it or bought by it from American Clear Co. as hereinbefore set forth or bought by it from P. Lorillard Co. as just hereinbefore set forth or received by it by way of dividends from any of the accessory companies defendant as hereinbefore set forth, to wit:

American Snuff Co., preferred stock.

George W. Helme Co. common stock.

Weyman-Bruton Co. common stock.

MacAndrews & Forbes Co. common stock.

J. S. Young Co. common stock.

The Conley Foil Co. stock.

The Johnston Tin Foil & Metal Co. stock.

R. J. Reynolds Tobacco Co. stock.

Corporation of United Cigar Stores stock.

British-American Tobacco Co. (Ltd.) ordinary shares.

Porto Rican-American Tobacco Co. (Ltd.) ordinary shares.

Porto Rican-American Tobacco Co. stock.

American Stogic Co. stock (or what is received by way of dividends from American Cigar Co. upon dissolution of American Stogic Co.).

Including the amount to be paid to American Cigar Co. and P. Lorllard Co. for such of these securities as are to be acquired by the American Tobacco Co. from them, respectively, and excluding those to be acquired by way of dividends, and which, therefore, do not affect the surplus of the American Tobacco Co., never having been set up on its books, these securities had a book value as of December 31, 1910, of \$35,011,865,03. The carning capacity of all the above securities thus to be distributed, based upon the results of the year 1910, is \$9,860,410.76, though not all thereof was distributed as dividends.

(2) Deferred disposition of stocks: The American Tobacco Co. will sell or otherwise dispose of or distribute by way of dividends to its common-stock holders out of its surplus at the time existing, before January 1, 1915, all of its holdings of the following securities:

British-American Tobacco Co. (Ltd.) nonvoting preference shares.

The Imperial Tobacco Co. of Great Britain and Ireland (Ltd.) ordinary shares.

Corporation of United Cigar Stores bonds.

MacAndrews & Forbes Co. nonvoting preferred stock.

During the time these securities are left in the treasury of the American Tobacco Co. the American Tobacco Co. to be enjoined from voting any thereof that under the terms thereof might be voted, or using any thereof to exercise or otherwise exercising or attempting to exercise influence or control over the said companies which issued the said se

SALE BY THE AMERICAN TOBACCO CO. OF MANUFACTURING ASSETS AND BUSINESS TO COMPANIES TO BE FORMED.

(1) There will be organized a new corporation called Liggett & Myers Tobacco Co. and a new corporation called P. Lorillard Co., and the American Tobacco Co. will sell, assign, and convey to these two companies factories, plants, brands, and businesses, and capital stocks of tobacco-manufacturing corporations, as follows:

To Liggett & Myers Tobacco Co.:

Liggett & Myers' branch of the American Tobacco Co., engaged in the manufacture of plug tobacco at St. Louis, with the brands connected 'Necowith'

Liggett & Myers' branch of the American Tobacco Co., engaged in the manufacture of plug tobacco at St. Louis, with the brands connected Exerewith.

Spaulding & Merrick, a company of which the American Tobacco Co. owns, and has always owned, all the stock, engaged in Chicago in the manufacture of fine-cut tobacco and smoking tobacco.

Allen & Ginter branch of the American Tobacco Co., engaged in the manufacture of cigarettes at Richmend, Va., and the brands connected therewith (this does not include the brand "Sweet Caporal," made partly there and partly at New York).

Chicago branch of the American Tobacco Co., a factory at Chicago engaged in the manufacture of smoking tobacco, with the brands connected therewith.

Cattin branch of the American Tobacco Co., a factory at St. Louis, engaged in the manufacture of smoking tobacco, with the brands connected therewith.

Nall & Williams Tobacco Co., a company of which the American Tobacco Co owns all the stock, engaged in the manufacture of plug and smoking tobacco at Louisville, Ky.

The John Bollman Co., a company engaged in the manufacture of rigarettes at San Francisco; of this corporation the American Tobacco Co. with 9th proposed to turn over to the Liggett & Myers Tobacco Co., a corporation engaged in the manufacture of scrap tobacco (a kind of smoking tobacco) at Toledo, Ohio; of this corporation the American Tobacco Co. owns 77h per cent of the stock, which it is proposed to turn over to the Liggett & Myers Tobacco Co.

W. R. Irby branch of the American Tobacco Co. at New Orleans, engaged in the manufacture of cigarettes and smoking tobacco, the principal brands being "Home Run" and "King Bee."

The Duke-Durham branch of the American Tobacco Co., at New Orleans, engaged in the manufacture of cigarettes and smoking tobacco, the principal smoking tobacco brand "Duke's Mixture."

The Duke-Durham branch of the American Tobacco Co., engaged in the manufacture of cigarettes and smoking tobacco, principal brand "Recruits."

To P. Lorillard Co.:

All the rights of th

stock.

Philadelphia branch B at Philadelphia, Wilmington branch B at Wilmington, Penn Street branch at Brooklyn, Danville branch B at Danville, and Ellis branch B at Baltimore, branches of the American Tobacco Co., manufacturing little cigars, the principal brand being "Between the Acts."

Federal Cigar Co., a company all of whose stock is and has always been owned by American Cigar Co., but which, as hercinbefore provided, is to be purchased for cash by the American Tobacco Co.

Each of these conveyances to include proper and adequate storage houses, leaf tobacco, and other materials and supplies, provision for book accounts, including in each case a ratable proportion of the cash held by the American Tobacco Co. on December 31, 1910, so that each

of the new corporations will be fully equipped for the conduct of the business of manufacturing and dealing in tobacco.

(2) Resources and capitalization of companies and provisions for exchanging and retiring securities of American Tobacco Co.: The American Tobacco Co. has securities issued and outstanding as follows:

\$52, 882, 650 51, 354, 100 78, 689, 100 40, 242, 400

The American Tobacco Co., in October, 1904, immediately after the merger, had an outstanding issue of its own 4 per cent bonds and the Consolidated Tobacco Co. 4 per cent bonds which it assumed, amounting to \$78,689,100, but it has purchased on the market and retired \$27,335,000 at par of these 4 per cent bonds, charging the amount thus expended to surplus.

Aggregating_____

per cent bonds. Thus the capitalization of the Liggett & Myers Tobacco Co. and P. Lorillard Co. will be as follows:

	Liggett & Myers.	Lorillard.	Total.	
7 per cent bonds. 5 per cent bonds. 7 per cent preferred stock. Common stock.	\$15,507,837 15,059,589 15,383,719 21,496,354	\$10,933,488 10,617,461 10,845,081 15,185,571	\$26, 441, 325 25, 677, 050 26, 229, 700 36, 651, 925	
	67, 447, 499	47, 552, 501	115,000,000	

VOTING RIGHTS TO PREFERRED STOCK.

By proper amendment of the certificate of incorporation of the American Tobacco Co., the preferred stock will be given full voting rights.

H. CERTAIN INCIDENTAL PROVISIONS.

(1) P. Lorillard Co. is a New Jersey company with \$3,000,000 of common stock, all of which is owned by the American Tobacco Co., and \$2,000,000 of 8 per cent preferred stock. Of this preferred stock the American Tobacco Co. holds \$1,596,100 at par, and there is held by

others \$403,900 at par. Under the laws of New Jersey the present P. Lorillard Co. may be dissolved by the holders of two-thirds of the outstanding stock, and upon such dissolution the preferred stock is entitled to be paid at par, the balance of the assets going to the common stock. In view of the fact, however, that the preferred stock of the present P. Lorillard Co. is in 8 per cent preferred stock; with abundant assets and earnings to make the principal and income secure, it is deemed fair to the holders of this outstanding \$403,900 of preferred stock that they be given an opportunity to take, at their option, either cash at par, which they are legally entitled to, or the 7 per cent preferred stock of the proposed new P. Lorillard Co. As the preferred stock of the new P. Lorillard Co. is to be a 7 per cent preferred stock of the new P. Lorillard Co. as and preferred stock of the new company at the rate of \$114.25 for each share. It is therefore proposed that the new P. Lorillard Co. provide for an additional amount of preferred stock sufficient to take care of \$403,900 preferred stock on that basis, to wit, \$114.25 in new 7 per cent preferred stock on that basis, to wit, \$114.25 in new 7 per cent preferred stock for each \$100 of said stock, amounting to \$401,600 at par of preferred stock in addition to that set out hereinbefore. In view of the fact that in the statements hereinbefore made as to earnings of the present P. Lorillard Co. as accrued to the proportion of its stock held by the American Tobacco Co., this increase of preferred stock would increase proportionately the profits of the P. Lorillard Co. and does not derange any of the figures hereinbefore given or given in any of the exhibits hereto and hereinafter referred to.

2. American Smaff Co. determined, on account of fright-rate conditions, to manufacture this brand at Clarksville, Tenn., and to pack it at Menphis, Tenn., and that the factories at Yorklyn, Del., are allotted to produce in Clarksville. Tenn., goods similar to the goods heretofore

This court, having heard the parties as directed by the Supreme Court of the United States, it is further ascertained and determined, and—
Ordered, adjudged, and decreed that said plan hereinabove set forth is a plan or method which, taken with the injunctive provisions hereinafter set forth, will dissolve the combination heretofore adjudged to be filegal in this cause, and will re-create out of the elements now composing it a new condition which will be honestly in harmony with and not repugnant to the law, and without unnecessary injury to the public or the rights of private property.

It is further ordered, adjudged, and decreed that the said plan as hereinabove set forth be, and it is hereby, approved by this court, and the defendants herein are respectively directed to proceed forthwith to carry the same into effect.

The necessities of the situation in the judgment of this court requiring the extension of the period for carrying into execution said plan to a further time not to exceed 60 days from December 30, 1911.

It is further ordered, adjudged, and decreed that the defendants be allowed until February 28, 1912, to carry said plan into execution.

It is further ordered, adjudged, and decreed that the defendants, their officers, directors, servants, agents, and employees, be, and they are hereby, severally enjoined and restrained as follows:

From continuing or carrying into further effect the combination adjudged illegal in this cause, and from entering into or forming any like combination or conspiracy, the effect of which is or will be to restrain commerce in tobacco or its products or in articles used in connection with the manufacture and trade in tobacco and its products among the States or in the Territorles or with foreign nations, or to prolong the unlawful monopoly of such commerce obtained and possessed by the defendants, as adjudged herein in violation of the act of Congress approved July 2, 1890, either:

1. By causing the conveyance of the factories, plants, brands, or businesses or any o

device; or

2. By making any express or implied agreement or arrangement together or one with another like those adjudged illegal in this cause, relative to the control or management of any of said 14 corporations, or the price or terms of purchase, or of sale, of tobacco or any of its products, or the supplies or other products dealt with in connection with the tobacco business, or relative to the purchase, sale, transportation, or manufacture of tobacco, or its products or supplies or other products dealt with as aforesaid, by any of the parties hereto, which will have a like effect in restraint of commerce among the States, in the Territories, and with foreign nations to that of the combination, the operation of which is enjoined in this cause; or by making any agreement or arrangement of any kind with any other of such corporations under which trade or business is apportioned between such corporations under which trade or business is apportioned between such corporations, in respect either to customers or localities.

3. By any of said 14 corporations retaining or employing the same clerical organization or keeping the same office or offices as any other of said corporations.

4. By any of said 14 corporations retaining or holding capital stock in any other corporation any part of whose stock is also retained and held by any other of said corporations; provided, however, that this

prohibition shall not apply to the holding by the Porto Rican-American Tobacco Co. and American Cigar Co. of stock in Porto Rican Leaf Tobacco Co., nor shall it apply to the holding of stock of the National Snuff Co. (Ltd.) by Weyman-Bruton Co. and British-American Tobacco

rehibition shall not apply to the holding by the Porto Rican-Leaf To-bacco Co., and American Cigar Co. of steek in Porto Rican Leaf To-bacco Co., nor shall it apply to the holding of stock of the National Smiff Co. (Lid.) by Weyman-Bruton Co. and British-American Tobacco Co. By any of suid 14 corporations doing business directly or indirectly under any other than its own corporate name or the name of a subsidiary corporation controlled by it; provided, however, that in case or ordered to such subsidiary corporation which are sold in the United States and bear the name of the manufacturer, to bear also a statement indicating the fact of such control.

Indicating the fact

E. HENRY LACOMBE, Circuit Judge. ALFRED C. COXE, Circuit Judge. H. G. WARD, Circuit Judge. WALTER C. NOYES, Circuit Judge.

STATEMENT OF THE ATTORNEY GENERAL

As soon as it was practicable after November 16, 1911, the date of the decree in the case of United States of America against the American Tobacco Co, and others, the defendants affected by the decree began, following the directions of the court, to put into operation the plan of disintegration provided for in the decree. The five new companies provided for in the said decree, to wit: Liggett & Myers Tobacco Co., P. Lorillard Co., George W. Helme Co., Weyman-Bruton Co., and J. S. Young Co., were duly chartered and organized and

elected directors and officers. After the oranization of these new companies each of them made offers to requise these sectors, as provided in said decree, and the offers were accepted, the etc., as provided in said decree, and the offers were accepted. Here to the American Tobacco Co.: the offers made by George W. Belme of the American Tobacco Co.: the offers made by George W. Belme of the American Tobacco Co.: the offers and by George W. Belme of the American Tobacco Co.: the offers and by J. S. Young Co. was to MeaAndrews & Forbes Co. Each of these offers and acceptances provided for Issuing of securities of the vende company, as provided in said decree, all to be as of Decreating the purchase price from that date, and the vendee companies to take the businesses with the profits accruing from that date. All the offers and supplies made, cash in large part turned over to the vendee companies, and since December 1, 1911, the vendee companies of trade-marks duly executed, division of lenf tohacco and other materials and supplies made, cash in large part turned over to the vendee companies, and since December 1, 1911, the vendee companies of the soften in the soften and bonds in the soften in the softe

ocs. All domestic covenants referred to in the decree have been released proper instruments and such instruments have been duly filed in the

court.

All of the defendant companies, including the new companies, are in active business life and competition, each with its own buying and self-ing organizations, each with a license to do business in every State in which it is engaged in business, and each receiving orders and billing

which it is engaged in business, goods. The only things that have not been wholly accomplished is the disintegration of the American Stogie Co., which is now in progress, the integration of dissolution having been adopted by the stockholders and the business now being in the hands of trustees in liquidation; final adjustment between Liggett & Myers Tobacco Co., P. Lorillard Co., and the American Tobacco Co., with final checking of tentative invoices of leaf tobacco, materials and supplies, and cash to be furnished to them;

and making the exchange by American Snuff Co. of the preferred stocks received by it from Weyman-Bruton Co. and George W. Helme Co. in reduction of its own stock, and the exchange to be effected by Mac-Andrews & Forbes Co. of the preferred stock of J. S. Young Co. received by it, in reduction of its own stock. As to these exchanges of preferred stock, they have not been completed because of lack of time, but the offer to the holders of preferred stock of American Snuff Co. has been printed and is to be issued Monday. MacAndrews & Forbes Co. has only a few holders of its preferred stock, most of them resident in England, and letters have already been written them making the offer of exchange.

In England, and letters have
of exchange.

Among the properties turned over by the American Tobacco Co. to P.
Lorillard Co. was all of the common stock and three-fourths of the preferred stock of the old P. Lorillard Co. The old P. Lorillard Co. has been dissolved in accordance with New Jersey law, and its physical properties turned over to the new P. Lorillard Co. formed in accordance

Lorillard Co. was all of the common stock and three-fourths of the preferred stock of the old P. Lorillard Co. The old P. Lorillard Co. has been dissolved in accordance with New Jersey law, and its physical properties turned over to the new P. Lorillard Co. formed in accordance with the decree.

As part of the process of dividing the manufacturing properties of the American Tobacco Co. between itself and Liggett & Myers Tobacco Co. and P. Lorillard Co., the holders of a majority of the 6 per cent bonds of the American Tobacco Co. and the holders of a majority of the 4 per cent bonds of that company have each executed and delivered instruments approving the plan of reorganization and modifying, as such majorities were authorized to do by the indenture securing said bonds, the rights of the bondholders in so far as they might be affected by the carrying out of said plan.

To sum up what has thus far been wholly accomplished:

(a) The entire distribution of stocks by the American Tobacco Co. as a dividend to its common-stock holders under the provision of the plan has been completed. This covers not only the stocks held in the treasury of the company at the time of the decree, but also the stocks which it has received into its treasury through the process of disintegration of accessory companies and the distribution of their stocks, in which the American Tobacco Co. participated.

The stocks thus distributed have been largely dealt in on the market in the city of New York, and very many transactions therein have been reported. Between the 11th of December and the 19th of January over 184,000 shares of stock of Pritish-American Tobacco Co. (Lid.) have been reported in the financial papers to have been sold. This stock was never Gealt in. Between the date of the decree (Nov. 16) and January 19 between 17,000 and 18,000 shares of the stocks of Corporation United Cigar Stores have been reported by the financial papers as being sold on the market in New York City. Prior to this time dealings in this stock were so reas

The total authorized common stock of Liggett & Myers and Lorlilard was

Of this the common stockholders of the American Co. have purchased and paid for at par 36, 554, 000

Leaving still to be paid only_ Leaving still to be paid only 98,000

Many thousand shares of Liggett & Myers and Lorillard common stocks have been sold on the market since the date of the decree.

The preferred stocks of Liggett & Myers and Lorillard were turned over to the Guaranty Trust Co. as the agency for exchange, to be by it exchanged for one-third of the former preferred stock of the American Tobacco Co. More than one-half of these preferred stocks of the new companies have been exchanged at par for an equal amount of the preferred stock of the American Co. outstanding at the date of the decree was \$78,689,100

Of which there has been surrendered for the exchange above mentioned 43,181,700

Leaving now outstanding of old preferred stock 35, 507, 400

The total amount of 6 per cent and 4 per cent bonds of the American Tobacco Co. outstanding at the date of the decree was— Of this there have been actually retired and canceled through payment of one-half in cash and exchange of the other half for new 7 per cent and 5 per cent bonds of the new companies— 104, 436, 750

Leaving now outstanding only-

The total amount of 5 per cent and 7 per cent bonds issued by the new companies, all of which were placed with Guaranty Trust Co. for purposes of exchange,

f this amount there have been actually delivered to the holders of old 4 per cent and 6 per cent bonds in exchange therefor

Leaving still in the hands of Guaranty Trust Co. still subject to further exchange only_____

The \$40,000,000 of 5 per cent and 7 per cent bonds of the new companies so delivered to the holders of the 4 per cent and 6 per cent bonds of the American Co. have been largely dealt in on the market since the date of the decree. The transactions in these bonds have been constant and large, and the financial papers report sales in them since the decree of an aggregate amount of more than \$18,000,000.

EXHIBIT A.

CORPORATION OF UNITED CIGAR STORES.

Number of stockholders prior to distribution by American Tobacco Co. of stock held by it in corporation of United Cigar
Stores, Dec. 14, 1911

Number of stockholders of record Jan. 19, 1912

1, 170

Number of shares of stock distributed by American Tobacco Co. 60, 000

Number of shares of stock transferred of record by stockholders, including those who received stock on distribution by
American Tobacco Co. 36, 636

Of the 29 individual defendants named in the "bill," the records show that 12 have already disposed of their entire holdings of stock of corporation of United Cigar Stores, and that a large part of the stock held by the remainder of the individual defendants has already been transferred.

Mr. SUTHERLAND. Mr. President, the substitute now offered by the Senator from Iowa [Mr. CUMMINS] I think puts this matter in a more desirable position than it occupied under the original bill, but at the same time I think the substitute offered is open to the same serious objections as to its constitutionality as is the bill in its original form. I do not intend to delay a vote upon the substitute, but I have pretty firm convictions upon the question of the validity of this proposed legislation; and, as I intend to cast my vote against it, I desire briefly to put into the Record my reasons for doing so.

I think the proposed legislation is invalid, because it is an

invasion of the executive power of the Government, and, in another aspect, because it is an invasion of the judicial power of the Government; and in both aspects it presents a case where the parties affected and other persons would be deprived of their property without due process of law.

I first desire briefly to discuss the question as to its being an invasion of the executive power. The framers of the Constitu-tion provided that there should be three several coordinate and independent departments of the Government. In the legislative department there was vested the power to make laws; in the executive department the power to execute the laws made by the legislative department; and in the judicial department the power to interpret those laws.

When the Constitution confers definite powers upon one department it thereby denies the exercise of those same powers to any other department; in other words, the functions conferred upon these several departments are to be exercised exclusively by the department to which they are respectively committed.

There are only two exceptions, in the case of Congress, to this general proposition: Congress is authorized by certain express provisions of the Constitution to act judicially in impeachment matters and in questions affecting the right of its membership to seats in this body, and it may also act judicially, in a sense, wherever that action is necessary to enable it to carry out any specific authority conferred upon it by the Constitution. It therefore follows that neither the executive department nor the judicial department has any power to make laws; it follows that neither the executive nor the legislative departments may interpret the laws, and that neither the judicial nor the legislative department has any power to execute laws.

I need not stop to discuss the reasons which actuated the framers of the Constitution in making this tripartite division of powers. They recognized, as has been recognized by thoughtful people throughout the world, that the centralization of all forms of power in one person or in one class of persons would inevitably result in despotism, as it had resulted in despotism prior to the adoption of our Constitution. If the Legislature if Congress alone—had the power to make laws, to administer laws, and to interpret laws, all of those various functions being rested in the one body, it would inevitably result in a despotic form of Government; it would result in private rights and personal liberty being at the absolute mercy of an oligarchy.

I want to call attention to a statement made by Prof. Pom-

eroy, in his work on Constitutional Law. At section 170 he says:

Says:

Sec. 170. A proposition which is thus historically true must have some firm foundation in the nature of things. The possession of power is one of the most dangerous gifts which can fall to the lot of humanity. The tendency is always to its abuse. Power grows upon itself. In a perfect state it is not enough that the rulers at any given time should be perfect men. There must be checks so contrived as to resist the encroachments of authority, which are to be apprehended even from the purest and most patriotic rulers. No other check has proved so effectual as the division of functions into legislative, executive, and judicial, and their assignment to classes of officials physically separate. If the legislature were also judges, their decisions would not be based upon the law as it is; but as it would be impossible for the same men to keep their two characters entirely distinct, their judgments would rather be arbitrary enactments, special measures of legislation for each particular case,

Let me pause, Mr. President, at this point to call attention to the significance of this language in connection with this proposed legislation. Here is a proposition not to make a general rule applicable to all cases, but a special rule applicable to this particular case. Because the general law which we have heretofore passed has not provided for this particular exigency, we are to supplement it by a special law directed to this one particular case and having no application to any other case which has arisen in the past or which may arise in the future.

Mr. BORAH. Mr. President—

The VICE PRESIDENT. Does the Senator from Utah yield to the Senator from Idaho?

Mr. SUTHERLAND. I do.
Mr. BORAH. So far as the power of Congress is concerned, what is the difference whether it is a special law or a general law?

Mr. SUTHERLAND. I will discuss that later along. I do not desire to be diverted from the point that I am now on at this time, but I intend to discuss this proposed legislation in its aspect as special legislation directed to particular parties—not even to particular classes of parties, Mr. President—but to particular persons. Now I continue, and let me repeat, in view of what I have said, this sentence again:

If the legislature were also judges, their decisions would not be based upon the law as it is; but, as it would be impossible for the same men to keep their two characters entirely distinct, their judgments would rather be arbitrary enactments, special measures of legislation for each particular case.

And the author continues:

Thus all certainty as to the law would be lost. If the same person or class of persons were to make and execute the laws, the results would be still more disastrous; for, in applying any particular statute, whatever deficiencies in its provisions had been left by the rulers in their legislative capacity could be easily supplied by them while acting in their executive capacity. Thus the laws, instead of being general commands enjoining the observance of general rules, would become special commands addressed to individual members of society. This uncertain and special nature of the law is the very essence of an arbitrary and tyrannical Government.

And again, at section 187, the author says:

And again, at section 187, the author says:

SEC. 187. The evils which would result from a substantial concentration of all power in Congress can not be enumerated. Unless our forestathers were wholly wrong, unless the organic law is framed upon an entire misconception of the needs of a free people and of the objects of government, the three departments—legislative, executive, and judicial—must be kept separate, independent, coordinate. The question of the power to be wielded by the legislature was discussed and settled. If the tendencies of the present day are right, then all the framers of the Constitution and the people who adopted it were wrong. Should Congress, as now organized, practically draw all the attributes and functions of government to itself and reduce the executive and judiciary to a condition of substantial dependence upon itself, the next step would inevitably follow, and this would be the consolidation of the National Legislature into one body. The Senate would be pronounced an unnecessary and hurtful clog upon the free activity of the more popular branch. Even now such a step is publicly advocated. Should this result be accomplished, the liberties of the people would be gone, only to be regained by another revolution. Nothing could withstand a legislature consisting of one house, practically wielding all governmental power, restrained by no checks of organization or function. No tyranny could equal its tyranny.

Now, Mr. President, under the Constitution the President con-

Now, Mr. President, under the Constitution the President constitutes a coordinate and independent department. The power which the President wields under the Constitution comes from the same source as our power. His power, the executive power, is just as supreme as the power of the legislative department of the Government. By his exercise of executive power or his failure to exercise it in any particular instance, he does not become in any manner answerable to us any more than if we neglect the duty imposed or abuse the power conferred upon us by the Constitution we become answerable to him. Both the executive and the legislative branches of the Government are answerable alone to the sovereign people which created both and whose power we both exercise;

Now, in the exercise of the executive power by the President, of course it was never intended that he should exercise it alone. It was contemplated-and it arose from the very necessity of the thing-that he should have a multitude of subordinate agents to aid him in the discharge of his constitutional duties. But whenever one of those subordinate agents exercises an executive function he is exercising the power of the President. He is not exercising his own power. He is not exercising the legislative power, but he is exercising the executive power which is vested in the President of the United States.

I call attention to Mr. Pomeroy's statement with reference to

that. Section 630 reads as follows:

The Constitution declares that the executive power shall be vested in a President of the United States. The meaning of this clause is that he is the head of that department; that all its powers and functions immediately or mediately center in him; and that he and he alone is ultimately responsible for their due execution. Certainly it was never contemplated by the Constitution that he alone was to perform unaided all the enormous detail of executive duties which fall to this department. There must of necessity be carried a vast retinue of subordinate officers of various grades and functions, but all these officers

represent the Chief MagIstrate. In fact, then, the executive department includes the President as its head, as the embodiment of executive power, and the inferior ministerial officers—the Cabinet, the foreign ministers, the revenue agents, the postal agents, the marshals, the law agents, and the like—who are but representatives of and answerable to the Chief Magistrate. He acts through them; they are his means and instruments for performing executive functions.

Occasionally the question has arisen with reference to the power of the courts to direct a particular officer in the executive department to do a particular thing. The Supreme Court of the United States has sustained in a number of cases the authority of the court by mandamus to direct the doing of something by one of the subordinate officers of the executive department, but in all the cases, so far as I am familiar with them, they have carefully distinguished between cases which involve the performance of a mere ministerial duty on the part of the agent and the exercise of what amounted to an Executive power. In the case of Marbury v. Madison the distinction is stated, and I desire to call attention to a paragraph or two from that case. Chief Justice Marshall said:

By the Constitution of the United States the President is invested with certain important political powers, in the exercise of which he is to use his own discretion, and is accountable only to his country in his political character and to his own conscience. To aid him in the performance of these duties he is authorized to appoint certain officers, who act by his authority and in conformity with his orders. In such cases their acts are his acts, and whatever opinion may be entertained of the manner in which Executive discretion may be used, still there exists, and can exist, no power to control that discretion.

Let me repeat that:

Let me repeat that:

There exists, and can exist, no power to control that discretion. The subjects are political; they respect the Nation, not individual rights, and being intrusted to the Executive, the decision of the Executive is conclusive. The application of this remark will be perceived by adverting to the act of Congress for establishing the Department of Foreign Affairs. This officer, as his duties were prescribed by that act, is to conform precisely to the will of the President; he is the mere organ by whom that will is communicated. The acts of such an officer as an officer can never be examinable by the courts. But when he legislature proceeds to impose on that officer other duties, when he is directed peremptorly to perform certain acts, when the rights of individuals are dependent on the performance of those acts, he is so far the officer of the law, is amenable to the laws for his conduct, and can not at his discretion sport away the vested rights of others.

The conclusion from this reasoning is that where the heads of departments are the political or confidential agents of the Executive merely to execute the will of the President, or rather to act in cases in which the Executive possesses a constitutional or legal discretion, nothing can be more perfectly clear than that their acts are only politically examinable. But where a specific duty is assigned by law and individual rights depend upon the performance of that duty it seems equally clear that the individual who considers himself injured has a right to resort to the laws of his country for a remedy.

Mr. BACON. Mr. President—

Mr. BACON. Mr. President-Mr. SUTHERLAND. Just one moment. In my opinion. whenever the power which the subordinate officer is to exercise is executive in its character in the sense that it requires him to exercise his judgment-whether he will take one action or another action—then he is beyond the power of either the courts or the legislative branch of the Government to direct him as to what he shall do, and it is only in cases where the authority to be exercised by the subordinate official has been clearly stated by the law, where he has no discretion whatsoever except to obey the precise mandate of the law, when either the courts should interfere or the legislative branch of the Government can interfere.

I now yield to the Senator from Georgia.

Mr. BACON. I think the extract which the Senator has read from Marbury against Madison is undoubtedly not only the law but is most clearly reasoned out by the Chief Justice, but I want to suggest to the Senator that it illustrates the very distinction which I endeavored to draw his attention to last week when the subject was up, that, so far as it concerns the exercise of power by virtue of the Constitution, or where the Constitution confers the power, undoubtedly this discretion can not be interfered with. In that particular case an injunction was sued out against the Secretary of State, if I remember correctly.

Mr. SUTHERLAND. It was a mandamus proceeding.

Mr. BACON. Yes, of course; but it was regarding a commission the former President of the United States issued and mission the former President of the United States and which was not delivered under the succeeding administration. That is a correct statement of the case. I speak only from although I am gulte familiar with the case. There memory, although I am quite familiar with the case. There the court pointed out the fact that the issuing of a commission was a function devolved upon the Executive by the Constitution of the United States, and that therefore the question to whom he should issue a commission or should not issue it was entirely within the discretion of the Executive, and being a constitutional power in which that discretion was a part, and a principal part, it could not be controlled by the courts.

The point to which I cailed the attention of the Senator and upon which I should be very glad to have his differentiation is this: That the Attorney General does not exercise any power which is granted to him by the Constitution; that he exercises no power which is not conferred upon him by Congress; that he exercises no power which can not be taken away from him by Congress; and that these are the two extremesconfer and the other to take away from-and between them, it seems to me, lies all the intermediate power of amendment of

those powers.

Now, if it be true that the Attorney General exercises any power that he gets from the executive branch of the Government, if it be true that he exercises any powers delegated to him by the President of the United States, then I think the argument of the Senator is sound, because all of the power of the President of the United States is given to him by the Constitution. My judgment-I may be wrong in it; I have had occasion to express it in the Senate before-is that no departmental officer exercise any power derived through the Executive. If the contrary was true Congress could not add to it or take it away

Mr. SUTHERLAND. I am afraid the Senator from Georgia did not listen to the quotation which I read from Mr. Pomeroy, in which he says very emphatically that the power which the law agents of the Government, as well as all other executive offi-cers, exercise is the power of the President of the United States. They are his agents to carry out the powers conferred upon him

by the Constitution.
Mr. BACON. Mr. President-

Mr. SUTHERLAND. Let me finish my answer, if the Senator will bear with me. The Constitution itself recognizes that the Attorney General of the United States is an executive officer, because the Constitution provides, among other things, in section 2, Article II, paragraph 1:

The President * * * may require the opinion, in writing, of the principal officer in each of the executive departments upon any subject relating to the duties of their respective offices.

So that the Constitution itself recognizes that the departments are "executive" departments, but the Constitution vests the executive power in the President; and in constituting the executive departments it must be that the Constitution contemplates not that they shall exercise their own power or the power of the legislative department or the judicial department, but that they shall exercise the powers of the Executive, because they are called by the Constitution "executive" departments.

Mr. BACON. Mr. President, the distinction to which I refer is this: In the case of Mr. Madison, he was Secretary of State, and in the issuing or the delivery of a commission he performed purely a ministerial act, in which he was doing what the President could have done with his own hand if he had seen fit to do so. In the other case there is a power that is created by act of Congress, which devolves upon this officer certain duties

which are prescribed by Congress.

Now, to say that Congress can create an officer and prescribe his duties and can not add to those duties or take away from them seems to me to be utterly illogical. There is a very wide distinction between the case of the Secretary of State who, for the convenience of the President, does what the President himself could do

Mr. SUTHERLAND. When Congress passes a law it does not confer any power upon the Attorney General, who is charged with the responsibility and duty of executing that law.

It confers no power whatever with reference to the law. The Constitution confers the power, because the Constitution de-clares that the President shall take care that all the laws be faithfully executed.

Mr. BORAH. Mr. President-

Mr. SUTHERLAND. In just a moment.

Now, what the law of Congress does is simply to create the occasion upon which the power of the Attorney General shall His power is there, and when by a law Congress creates an occasion for the exercise of it, he looks to the Constitution for the power and not to the law. In other words, he looks to the law for the occasion of exercising his power, but to the Constitution for the power itself.

Mr. BACON. There is no such power prescribed in the Constitution. It is prescribed entirely by Congress and need not be prescribed by Congress, if Congress in its judgment did not see If the Senator will pardon me a moment to draw fit to do it. the distinction-

Mr. SUTHERLAND. Let me interrupt the Senator to suggest that I hope he will be brief, because I have a legal argumen to submit, and I should like to present it consecutively.

Mr. BACON. I will not interrupt the Senator unless he de-

sires me to do so, and I appreciate the reasons he urges. I will be through in a minute. I just want to call attention to this distinction: The Constitution vests in the President of the United States the power to appoint an ambassador. The President can not appoint that ambassador until Congress authorizes

the appointment of the ambassador, but when Congress does authorize the appointment of the ambassador, the President does not, in pursuance of any power granted by Congress, appoint that ambassador, but he appoints him by the constitutional power he has to determine who will be an ambassador, and to appoint him.

On the contrary, when the Attorney General is created, he is not an officer upon whom the Constitution has conferred any powers, and he has no single powers except those which are enumerated. He has no single power which can not be taken away from him by Congress. If it were an executive power; if, in other words, it were a power which he derived through the President, it could not be interfered with by Con-

gress; it could neither be added to nor diminished.

Mr. SUTHERLAND. Mr. President, the Senator from Georgia furnishes me with an excellent illustration of what I have been stating. The Constitution vests in the President power to appoint ambassadors and other public ministers. When Congress passes a law providing for ambassadors at various places throughout the world, Congress confers no power by that upon the President. Congress creates the occasion for the exercise of the constitutional power by the President. So, in precisely the same way, when Congress passes any law it but creates an occasion for the exercise of the executive power which is vested in the President, just as much as the express power to appoint ambassadors is vested in him.

I come back to the point I was discussing when the Senator from Georgia interrupted me-as to the distinction between ministerial and executive duties, a ministerial duty being mandatory and an executive duty being discretionary. In this same connection I call attention to the case of Mississippi v. Johnson, a case with which all Senators are familiar. I will not stop to state what the case was about but simply to read a paragraph or two from the decision. In this case, in Fourth

Wallace, page 498, the court says:

It is assumed by the coursel for the State of Mississippi that the President, in the execution of the reconstruction acts, is required to perform a mere ministerial duty. In this assumption there is, we think, a confounding of the terms ministerial and executive, which are by no means equivalent in import.

A ministerial duty, the performance of which may, in proper cases, be required of the head of a department, by judicial process, is one in respect to which nothing is left to discretion. It is a simple, definite duty, arising under conditions admitted or proved to exist and imposed by law.

Eurther on:

Very different-

I invite the attention of the Senator from Georgia to this language:

Very different is the duty of the President in the exercise of the power to see that the laws are faithfully executed, and among these laws the acts named in the bill. By the first of these acts he is reculred to assign generals to command in the several military districts, and to detail sufficient military force to enable such officers to discharge their duties under the law. By the supplementary act other duties are imposed on the several commanding generals, and these duties must necessarily be performed under the supervision of the President as Commander in Chief. The duty thus imposed on the President is in no sense ministerial. It is purely executive and political.

They were executive whether the duty was enjoined on the President himself or upon some subordinate agent, as in the case of a general in the field.

Again, at section 641, Mr. Pomeroy says:

It was never intended that the legislature should draw to itself the duty of administering the laws which it makes.

I call attention to still another case, the case of the United States v. San Jacinto Tin Co. (125 U. S., 279). In the course of that case, where the right of the Attorney General to maintain an action was challenged, the court said:

an action was challenged, the court said:

There must, then, be an officer or officers of the Government to determine when the United States shall sue, to decide for what it shall sue, and to be responsible that such suits shall be brought in appropriate eases. The attorneys of the United States in every judicial district are officers of this character, and they are by statute under the immediate supervision and control of the Attorney General. How, then, can it be argued that if the United States has been deceived, entrapped, or defrauded into the making, under the forms of law, of an instrument which injuriously affects its rights of property, or other rights, it can not bring a suit to avoid the effect of such instrument, thus fraudulently obtained, without a special act of Congress in each case, or without some special authority applicable to this class of cases, while all other just grounds of suing in a court of justice concededly belong to the Department of Justice, and are in use every day? The judiciary act of 1789, in its third section, which first created the office of Attorney General, without any very accurate definition of his powers, in using the words that "there shall also be appointed a meet person, learned in the law, to act as Attorney General for the United States" (I Stat. 93, c. 21, sec. 35), must have had reference to the similar office with the same designation existing under the English law. And though it has been said that there is no common law of the United States, it is still quite true that when acts of Congress use words which are familiar in the law of England, they are supposed to be used with reference to their meaning in that law.

Now, mark this concluding sentence:

In all this, however, the Attorney General acts as the head of one of the executive departments, representing the authority of the President in the class of subjects within the domain of that department and under his control.

I can conceive of no more emphatic language, Mr. President, to demonstrate that, in the opinion of the Supreme Court of the United States, when the Attorney General performs the duties of his office in investigating the facts of a transaction to determine whether or not a suit shall be brought, in determining what form the suit shall assume, in determining, after the suit has been concluded, whether or not further proceedings shall be had, whether a motion for a new trial shall be made or an appeal taken-in all those matters I can conceive of no language that could be made stronger to indicate that, in the opinion of the Supreme Court of the United States, in all those things he is exercising an executive authority and that authority the power of the President.

So, Mr. President, with reference to the first branch of my argument, as it seems to me, the attempt is made by this bill to direct the Attorney General to perform an executive function, which Congress has no power to direct, but which rests under

the Constitution only in the President himself.

Now, again, in another aspect of this matter, I think it constitutes an attempt to exercise the judicial power. The proposition essentially involves a review of the action of the lower court in not allowing the intervention and a review of the action of the Supreme Court of the United States in denying the mandamus.

This case was sent to the circuit court for the purpose of passing upon a plan for the reconstruction of these various companies which would be in harmony with the antitrust law. Such a plan was approved by the circuit judges and certain parties undertook to intervene. They were denied the right. An action was brought in the Supreme Court of the United States, the purpose of which was to direct the lower court to

allow this intervention and to allow an appeal.

The bill in its original form clearly contemplated, as it seems to me, an attempt on the part of Congress to investigate the facts and the law upon which the action of both courts was based, and then by a proposed act, which in substance and effect is not a law but an order or a decree, the legislative department undertook to review and to set aside the action taken by the

The substitute as now presented by the Senator from Iowa undertakes to allow an appeal in a specific case named in the bill, after the time allowed by the general law to take the appeal has expired. In my opinion, that is not a law so much as it is a judicial order. It is not a general law applying to everybody, but a special act applying only to a particular case, with the determination of which case the Members of Congress happen

to disagree.

Suppose that the case had not quite reached the stage which it has reached, but that it was newly pending in the circuit court; that a demurrer had been filed to the bill, and the circuit judge had held that the demorrer was well taken and that the bill did not state facts sufficient to constitute a cause of action, and Congress, learning of that action and being displeased with it, should undertake to enact a law directing the Attorney General to again present the demurrer to the trial court and directing the trial court to again hear it, can there be any doubt that in that case it would have been an attempt to invade the judicial power of the court? Or take a criminal prosecution. torney for a defendant indicted moves to quash the indictment. The motion is sustained. If we happen to be displeased with that action of the court, can we pass a bill specially applying to that one case and directing the court to entertain again or even authorize the court to entertain again that motion to quash the indictment? Can we direct the court below to grant a new trial in a specific case after the time has elapsed?

In that connection let me say that the Senate has had an elaborate statement from the Senator from Iowa [Mr. Cum-MINS] of the facts surrounding this transaction, a statement of the law so far as it may be necessary to elucidate the facts, and the judgment of the Senate is challenged as to whether or not this is a case which ought to be again reviewed. It calls for the exercise of judgment in a judicial sense before we can determine whether or not this case ought to be appealed or not. When all these facts are presented to us some of us might think that the lower court had acted properly and others of us think the court had acted improperly; and in that case those who thought that the action of the court was right would vote against the bill and those who thought the court had acted wrongfully would vote in favor of it. It calls for the exercise of the judicial function before we can pass intelligently upon the bill. Now, briefly, I call attention to a few cases.

Mr. BORAH. Mr. President—
The PRESIDING OFFICER (Mr. BRANDEGEE in the chair). Does the Senator from Utah yield to the Senator from Idaho?

Mr. SUTHERLAND. Yes.

Mr. BORAH. Before the Senator goes to the other subject, is that call for the exercise of the judicial power any different from that under which we pass upon the numerous claims which come before the Senate and pass bills to pay them, and so forth?

Mr. SUTHERLAND. It is a very different matter when a claim is presented against the Government and when we are undertaking to deal with rights of private parties outside.

Mr. BORAH. We exercise our judgment, we hear evidence, we pass upon the question whether or not the claim ought to be paid, whether it is well founded or not, and we exercise all the functions of a judge.

Mr. SUTHERLAND. But we do not exercise the judicial function to determine whether or not a court which had full jurisdiction of the subject had acted properly or improperly. That is the distinction that I am undertaking to make.

Mr. CUMMINS. Mr. President—
The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Iowa?

Mr. SUTHERLAND. Certainly.

Mr. CUMMINS. I believe the Senator from Utah has given an impression that he did not intend to create. This bill does not involve a direction to any court with respect to the manner of its procedure or the character of its judgment. It only removes or seeks to remove a case which has been tried and in which a judgment has been entered to another judicial tribunal where, according to the law of the land, the judgment below can be reviewed. I am sure the Senator from Utah did not intend to be understood that the bill in any wise directs or orders a court to do anything whatsoever.

Mr. SUTHERLAND. No; it does not. If I gave that impression from what I said, I desire to correct it. not attempt to direct the court to do anything. The point I am making is that Congress undertakes to say as a basis for passing the bill that the action of the trial court was wrong. wholly based on that, or else there is no reason for passing this law; or at least we undertake to say there is fair ground for

assuming that the court was wrong.

Mr. CUMMINS. May I suggest to the Senator from Utah that one of the propositions upon which this bill is based is that the question is so important and far-reaching-it is so intimately related to our legislative functions in amending or proposing to amend the antitrust law-that the Supreme Court of the United States ought to express finally its opinion upon this plan of reorganization. I can easily see how anyone who might believe the decree of the court below is well founded might nevertheless think it very wise that the Supreme Court, the final tribunal of the land, should pass upon the questions that are in the decree.

Mr. SUTHERLAND. In the case of Kilbourn v. Thompson (103 U. S., 168) the court held that the House of Representatives had no power to investigate the history and character of a certain real-estate pool then in litigation before a bankruptcy court on the ground that the subject matter was judicial and not legislative.

In McSurely v. McGrew, an Iowa case by the way (118 N. W., 415), the court held that an act providing that any action by any citizen of a county on the bond of the county treasurer shall be void and without jurisdiction was unconstitutional as applied to an action commenced before the passage of the law, because usurping the functions of the judiciary. The court

When action is once commenced, the question of jurisdiction is purely a judicial one, and the legislature should not attempt to usurp the functions of the judiciary by such an act as is now under con-

In Merrill v. Sherburne (1 N. H., 199; 8 Am. Dec., 52) it was held that an act of the legislature awarding a new trial in an action which had been decided in a court of law was an exercise of judicial power operating retrospectively and was void.

I call particular attention to the language of the court in that

case. The court said:

A legal process had been instituted in a subordinate court, had been heard, and then they by appeal carried to a higher tribunal. It had been reheard in that tribunal, and, after a motion for a new trial was overruled, a final judgment had been rendered, which by existing statutes closed the controversy forever.

Now that is precisely what had happened here. This case had been before the highest tribunal. It had been sent back to the circuit court. The judgment of the circuit court had been had, and by the law which exists now that controversy is closed forever. Nobody has any right under existing law to reopen it.

Mr. BORAH. Mr. President—
The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Idaho?

Mr. SUTHERLAND. Yes.

Mr. BORAH. I should like to understand precisely the position of the Senator from Utah. Does the Senator contend that because a judgment has become final, therefore Congress can not provide for an appeal?

Mr. SUTHERLAND. There are some circumstances under which it could be done; but I undertake to say, and I hope the Senator from Idaho will be patient until I finish, because I intend, I think, to discuss these various questions which the Sena-

tor would ask me

Mr. BORAH. Mr. President, patience is one of my virtues. Mr. SUTHERLAND. The Senator has many virtues, and patience is not the least of them.

Resuming the statement from the New Hampshire court, I

Resuming the statement from the New Hampshire court, I read:

The legislature then undertake to revise these proceedings; they convene the parties, canvass the evidence, and afterwards reverse, in substance, the interlocutory judgment and materially after the effect of the final judgment of this court. If these doings of the legislature are considered a mere continuation of the former doings of the courts, then as those former ones were judicial so are these. But if they are considered as disconnected with the former doings, they are still judicial, on account of their nature and effect. The grant of a new trial belongs to the courts of law from immemorial usage. The power to grant a new trial is incidental to their other powers. It is a judgment in relation to a private controversy, affects what has already happened, and results from a comparison of evidence and claims with existing laws. It will not be denied that the consideration and decision by the superior court of the motion for this same new trial was an exercise of judicial power. If so, a consideration and decision upon the same subject by the legislature must be an exercise of power of the same description, for what is in its nature judicial to-day must be judicial to-morrow and forever. The circumstance also that the legislature themselves did not proceed to make a final judgment on the merits of the controversy between these parties can not alter the character of the act granting a new trial. To award such a trial was one judicial net, and because they did not proceed to perform another by holding that trial before themselves the first act did not become any more or less a judicial one.

It is clearly unwarrantable thus to take from any citizen a vested right, a right "to do certain actions or possess certain things," which he has already begun to exercise, or to the exercise of which no obstacle exists in the present laws of the land. (3 Dall., 294.) But previous to the passage of this act. (7 Johns, 494; Dash v. Van Kleck, 5 Am. Dec., 21; 3 Burr.

The Supreme Court of the United States, in James v. Appel (192 U. S., 129), in distinguishing a statute of Arizona enacting that motions for new trials are deemed to be overruled if not acted upon by the end of the term from a statute granting or refusing a new trial, said (p. 137):

The statute did not deal with the past or purport to grant or refuse a new trial in a case or cases then pending, but performed the proper legislative function of laying down a rule for the future in a matter as to which it had authority to lay down rules.

In the Sinking Fund cases (99 U. S., 700, 738), in a dissenting opinion, Mr. Justice Strong said:

A statute undertaking to take the property of A and transfer it to B is not legislation. It would not be a law. It would be a decree or sentence, the right to declare which, if it exists at all, is in the judicial department of the Government. The act of Congress is little, if any, more. It does not purport to be a general law. It does not apply to all corporations or to all debtors of the Government. It singles out two corporations, debtors of the Government, by name, and prescribes for them as debtors new duties toward their creditor. It thus attempts to perform the functions of a court. This I can not but think is outside of legislative action and power.

Mr. Justice Field in the same case (p. 761) said:

The distinction between a judicial and a legislative act is well defined. The one determines what the law is and what the rights of the parties are with reference to transactions already had, the other prescribes what the law shall be in future cases arising under it. Wherever an act undertakes to determine a question of right or obligation, or of property, as the foundation upon which it proceeds, such act is to that extent a judicial one, and not the proper exercise of legislative functions.

In Dorsey v. Dorsey (37 Md., 64; 11 Am. Rep., 528), the court held that the legislature could not authorize the court of appeals to reopen and rehear certain enumerated cases which had been previously decided by the court and upon the rehearing thereof to pass such judgment, orders, and decrees in the said cases as right and justice might require, as being an exercise of judicial power.

There they had the precise case that is here involved. The court said in that case:

Except for special causes, and upon equitable grounds well defined and understood in the law, and which do not exist in these cases, courts of justice have no power to interfere with or to disturb their own final judgments and decrees after the lapse of the term in which they have been rendered. The powers of the court in this respect are no greater than belong to every court of record.

Independently of the provisions of the act of assembly on which this motion is based, it is very clear that this court possesses no power or authority to interfere with its solemn and final judgments and decrees rendered at the April term, 1869, or to reopen and rehear the cases then decided, for the purpose of correcting supposed errors therein, or of altering or changing the judgments and decrees then rendered.

This court is not clothed with any such arbitrary authority. Its exercise would be simply to deprive parties of their vested rights after they had been adjudged and established by final judgment.

Can the legislature constitutionally confer such a power upon this court, or, in other words, is the act of 1872, chapter 310, a valid exercise of the legislative power?

The court then reviewed the cases in which the question had been considered, and, referring to the act of 1872, said (p. 533):

been considered, and, referring to the act of 1872, said (p. 533):

It undertakes to confer on this court the power, at its discretion, to annul and set aside its final judgments and decrees, rendered several terms ago upon full hearing and after careful consideration. If such legislation were sustained, there would be no end to controversics.

By the organic law of the State it is declared "that the legislative, executive, and judicial powers of the Government ought to be forever separate and distinct from each other; and no person exercising the functions of one of said departments shall assume or discharge the duties of any other." (Declaration of Rights, art. 8.)

It requires no argument to show that such legislation as the act before us is contrary to the intent and meaning of this article, and is an exercise by the legislature of judicial powers.

Under the act of assembly, if it be conceded to be constitutional and valid, the motion addresses itself to the discretion of the court, and we have seen no sufficient legal or equitable grounds for disturbing the judgments or decrees heretofore rendered.

In People ex rel. Butler et al. v. Board of Supervisors of

In People ex rel. Butler et al. v. Board of Supervisors of Saginaw County (26 Mich., 22) the court held that the legislature may cure retrospectively defects caused by errors in similar proceedings within certain limits (see 20 Mich., 95; 17 Mich., 218); but it can not make valid, retrospectively, what it could not originally have authorized. The syllabus of that case reads:

The purpose of the statute seems to be to avoid the effect of certain decisions of the Circuit Court for Saginaw County, not by directly and in terms setting them aside, but by a direction to the board of supervisors, which, in its effect, is of equivalent import.

The opinion was rendered by Judge Cooley, author of the work on constitutional limitations, and one of the most profound constitutional lawyers, I think, that this country ever produced. That opinion was concurred in by all the justices. In the course of his opinion Judge Cooley said (p. 27):

It is well settled that the apportionment of legislative power to one department of the Government will not authorize it to exercise any portion of the judicial power which is apportioned to another department. The apportionment is of itself an implied prohibition upon its exercise by the legislature. That body, consequently, can not set aside a judgment or decree—

Mark this-

nor can it even require the judiciary to give a new hearing in a case once passed upon.

Mr. President, I shall speak very briefly upon the third point that I make, and then I will submit the matter. The third proposition which I announced in the beginning was that the effect of this proposed legislation would be to destroy or injuriously affect vested rights, and therefore and for other reasons it falls within the inhibition of the fifth amendment of the Federal Constitution, which forbids that any person shall be

deprived of life, liberty, or property without due process of law. Now, let us see briefly what the situation is. Here is not only a decree which has been rendered, but a decree which has been, at least in part, executed. The decree involved in this bill became final in January last. Was it not January, I ask the Senator from Iowa?

Mr. CUMMINS. The decree became final on the 15th of November.

Mr. SUTHERLAND. Yes; the decree became final in November, but the time to appeal expired in January.
Mr. CUMMINS. Expired in 60 days.
Mr. SUTHERLAND. Yes; in January; so that here is a case

which has passed to final judgment. It is a case which is res adjudicata, a case which, under existing law, there is no power in any court to reopen or to deal with further. Rights which were affected by this decree have attached; property has passed. As I understand, not only stocks, which represent the property of these various corporations, but specific real estate and specific personal property have passed from one corporation to other corporations. The stock of these various corporations has been upon the market, and it has been sold to numberless people. The ownership of the stock and the title to specific property in reliance upon this decree, which is final, which has become res adjudicata, have attached. Can Congress under those circumstances legislate so as to divest those new rights which have

attached in reliance upon that decree?

But this bill undertakes to go further than that. Here are new persons who have intervened, new persons who have acquired rights in reliance upon the finality of this decree, and this bill undertakes to confer upon the court and to direct the Attorney General to have a review of this matter affecting the rights of these new persons without even permitting them to be heard, without directing that they may be made parties.

The effect of it is to single out this one case from the whole multitude of litigation in the country, to single out this one set of persons interested in this case and to make a rule applying to them which does not apply to anybody else. It seems to me that such a law is of such an arbitrary character, is of such an unequal character in its operation that it comes within the inhibition of the due-process-of-law clause.

Now, I call attention to a few cases upon that subject.

Mr. Justice Brewer, in Cotting v. Kansas City Stock Yards Co., and so forth (183 U. S., 79), quotes, at page 109, from Cooley's Constitutional Limitations, fifth edition, pages 484, 486, as follows:

Everyone has a right to demand that he be governed by general rules, and a special statute which, without his consent, singles his case out as one to be regulated by a different law from that which is applied in all similar cases would not be legitimate legislation but would be such an arbitrary mandate as is not within the province of free governments. Those who make the laws "are to govern by promulgated, established laws, not to be varied in particular cases, but to have one rule for rich and poor, for the favorite at court and the countryman at plow." This is a maxim in constitutional law, and by it we may test the authority and binding force of legislative enactments.

Again, in Caldwell v. Texas (137 U. S., 692), the court, at page 697, said:

Law in its regular course of administration through courts of justice is due process, and when secured by the law of the State the constitutional requisition is satisfied (2 Kent Comm., 13); and due process is so secured by laws operating on all alike and not subjecting the individual to the arbitrary exercise of the powers of government unrestrained by the established principles of private right and distributive justice. (Bank of Columbia v. Okely, 4 Wheat., 235, 244.)

In the case to which the Senator from Iowa referred the other day, Stephens v. Cherokee Nation (174 U. S., 445)

Mr. RAYNER. Mr. President—
The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Maryland?

Mr. SUTHERLAND. Allow me first to finish the quotation.

Mr. Chief Justice Fuller said:

It is undoubtedly true that legislatures can not set aside the judgments of courts, compel them to grant new trials, order the discharge of offenders, or direct what steps shall be taken in the progress of a judicial inquiry.

I now yield to the Senator from Maryland.

Mr. RAYNER. Has the Senator any case in mind in which the Federal courts have ever held that Congress has not the power to pass a law to compel the courts to reopen a case in the Federal courts?

Mr. SUTHERLAND. That precise question? I have read a number of cases-

Mr. RAYNER. I refer to cases in the Federal courts bearing on the power of Congress, and not on the power of the legislatures in the States. In nearly every State constitution there is a provision that the legislature shall have no right to pass a special law, but there is no such provision affecting Congress; and I should like to know whether the Senator thinks that we could not pass such a law. Take the income-tax case, for instance, or the American Sugar Refining Co. case. Would we have a right to pass a law asking the Supreme Court to reopen and hear that case and direct the Attorney General to retry the case?

Mr. SUTHERLAND. I may be mistaken about it, but I have not the slightest doubt that it is quite beyond the province of Congress.

Mr. RAYNER. I have been looking over the Federal cases to see if I could find some inhibition upon the power of Congress which prohibits Congress from passing a law directing the Su-

preme Court to reopen a case Mr. CUMMINS. Mr. President, may I suggest to the Senator from Utah that it seems to me he is confusing in the citation just made from Justice Brewer two very distinct things-the right and the remedy. There is no vested right in remedies, and Congress has a perfect right to apply such remedies as it sees fit to work out or effectuate rights. Now, these parties, if the case ever reaches the Supreme Court of the United States, will be tried upon the law as it was then and as it is now, the law which constitutes a general rule for the government of all the people of the United States. I think the Senator has possibly not forgotten but confused the difference between rights and remedies.

Mr. SUTHERLAND. No. Mr. President, I have not forgotten it. The distinction is a very well-settled one. Any legislative body, Congress particularly, has a right to pass a law which changes the remedy. Congress has a right to make that law retrospective if it affects only the remedy, but this goes beyond the remedy. In form it affects the remedy, but in fact it affects substantial rights, because this decree is already passed; it has already became final. Now prevene are parties to the decree. already become final. New persons not parties to the decree at all have intervened; they have acquired specific property; they have dealt with this whole subject upon the theory that under existing law this decree has become final, and that they could with perfect safety acquire property in reliance upon it.

Mr. BORAH. Mr. President-The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Idaho?

Mr. SUTHERLAND. Let me first finish my answer. allow me to call attention to a decision which I intended to refer to later-I had anticipated these questions-but I will do so now. The case of Pritchard v. Norton (106 U. S., p. 132), where the Supreme Court says:

The principle that what is apparently mere matter of remedy in some circumstances, in others, where it touches the substance of the controversy, becomes matter of right, is familiar in our constitutional jurisprudence in the application of that provision of the Constitution which prohibits the passing by a State of any law impairing the obligation of contracts. For it has been uniformly held that "any law which in its operation amounts to a denial or obstruction—

Now, mark this-

that "any law which in its operation amounts to a denial or obstruc-tion of the rights accruing by a contract, though professing to act only on the remedy, is directly obnexious to the prohibition of the Constitu-tion."

And so, paraphrasing that language, I may say that any law which in its operation amounts to a denial or obstruction of rights accruing under a final judgment-final by existing lawthough professing to act only on the remedy, is directly ob-noxious to the prohibition of the Constitution.

Hence it is that a vested right of action is property in the same sense in which tangible things are property and is equally protected against arbitrary interference. Whether it springs from contract or from the principles of the common law, it is not competent for the legislature to take it away. A vested right to an existing defense is equally protected, saving only those which are based on informalities not affecting substantial rights, which do not touch the substance of the contract and are not based on equity and justice.

Now I yield to the Senator from Idaho.

Mr. BORAH. Mr. President—
Mr. RAYNER. I would say to the Senator that those quotations refer to the States. Congress has a right to pass a retroactive law

Mr. SUTHERLAND. I will say—
Mr. RAYNER. One moment. It has no right to pass an ex post facto law, but an ex post facto law is a different thing from a retroactive law.

Mr. SUTHERLAND. I understand all that quite well. Mr. RAYNER. Of course the Senator understands it, otherwise I would not ask him. These inhibitions are against the States, and the decisions from which the Senator has read are State decisions; but where is there any decision that prohibits Congress from passing a retroactive law that is not an ex post facto law?

Mr. SUTHERLAND. Mr. President, Congress is not prohibited from passing a retroactive law as such, but it is prohibited under the fifth amendment from passing any retroactive law which has the effect of taking property from one person and handing it over to another.

Mr. RAYNER. The fifth amendment does not say anything at all about retroactive laws.

Mr. BORAH. Mr. President-

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Idaho?

Mr. SUTHERLAND. I do.

Mr. BORAH. In order to make clear the principle which the Senator has stated, in what respect would this law take property from "A" and give it to "B"?

Mr. SUTHERLAND. I have been undertaking to state that

for some time.

Mr. BORAH. I have been listening. I beg the Senator's pardon for my failure to understand.

Mr. SUTHERLAND. I know the Senator is acute of perception. Therefore it must be due to my dullness in imparting information. But I repeat that the effect of this proposed law is to disturb rights which have already attached to specific property under and in reliance upon a decree which at the time they vested was final according to the law of the land.

Mr. BORAH. It might be under some circumstances that the principle of estoppel would come in there where parties had purchased under an understanding that certain rights had vested, but certainly the principle of vested rights could arise only under the supposition that in approving that specific plan there were vested rights which should not be disturbed.

Mr. SUTHERLAND. The due process of law clause of the Constitution is broader than the Senator from Idaho seems to think it is. I will call attention to that phase of it in a moment, and then I shall be through.

Let me complete my citation of these cases. In the case to which I was calling attention when I was interrupted, no vested right had been acquired which was disturbed by the act which provided for a review of the action of the Indian Commissioners by a transfer of their proceedings to judicial tribunals. In that case there was a "mere expectation of a share in the public

lands and moneys of these tribes, if hereafter distributed, if the applicants are admitted to citizenship."

In the case at bar, on the other hand, the property rights above described have vested, many of them, since the time to

appeal expired.

In Baggs's appeal (43 Pa. State Repts., 512) the Supreme Court of Pennsylvania held unconstitutional an act of the legislature which made it the duty of the court, on the petition of any party interested, to grant a review of the account of the administrator and of the decree of distribution entered on the account in a particular case, although the time to take action under the general statute had long expired. The legislature attempted to apply a special law to a named case. Chief Justice Lowrie said .

tice Lowrie said:

There can be no constitutional objection to the commands of the legislature, or of anyone else, to the courts to hear any motion or petition that any party may choose to present; but if the courts are the judicial authority of the land no one has any authority to direct them what disposition they shall make of any case or question that comes before them. And any commands about such matters, other than those contained in the general law of the land, are quite useless, for the courts are by the constitution open to everybody appearing in any regular way. And they hear everybody that comes, though in cases very plain or very absurd they may not hear them long and may dismiss their motion or petition without hearing the other side.

There ought to be no arbitrary governmental dealing with private rights; to prevent this is one of the principal purposes of the separation of legislative and judicial functions in the Government. It is in general guarded egainst by allotting to each department its appropriate functions and by the assurance of the constitution of open courts, where every man for every injury shall have remedy by due course of law. A man's rights are not decided by due course of law if the judgment of the courts upon them may be set aside or opened for further litigation by an act of assembly. That would be a plain violation of the due course of law, a departure from the functions of legislation, and an assumption of those of jurisdiction.

And further along he said:

And further along he said:

Properly speaking, all laws are rules for classes of cases, and never for a particular case or instance. That can be only a rescript, judgment, or decree that decides a particular case, or any part of it, and it is naturally and essentially the result of judicial and not of legislative functions, and comes after and not before the case arises, and after and not before the hearing of the parties.

The case cited does not differ in principle from the case under consideration. There the court held unlawful a bill directing the court to grant a review of an account long passed upon by the court and after the time for taking such action had expired. In this case the act directs the circuit court to consent to the intervention of parties who have no interest and to allow an appeal.

In De Chastellux v. Fairchild (15 Pa. State Repts., 18) the

court said:

If anything is self-evident in the structure of our Government, it is If anything is self-evident in the structure of our Government, it is that the legislature has no power to order a new trial or to direct the court to order it, either before or after judgment. The power to order new trials is judicial; but the power of the legislature is not judicial. It is limited to the making of laws, not to the exposition or execution of them.

The pending bill proposes to do this thing after rights have been adjudicated; but suppose that we had put into this general antitrust statute before the rights in this case had attached under a decree a provision that in any case brought against the American Tobacco Co. there should be a longer time in which to appeal than in other cases-in other cases the right to appeal being limited to 60 days, but in the one specific instance of a prosecution of the American Tobacco Co., before any litigation whatever had arisen, the right of appeal being extended to 120 days—could there be any doubt that such a provision would be in violation of the fifth amendment? It would not be due process of law, if enacted before any case had arisen, but here we go further and provide after the rights have attached for an arbitrary rule affecting one litigant, from which all other litigants are free.

Here is a general statute which says that in all cases brought under this statute the right to appeal shall expire in 60 days. Now, after the decree is passed, after the rights have attached, we come in by a special law and say that with reference to this one case the right to appeal shall extend to 120 or 130 or

160 days, whatever it may be.

Let me call attention to a brief statement in McGehee on Due Process of Law, with which quotation I will close:

Process of Law, with which quotation I will close:

Purely arbitrary decrees or enactments of the legislature directed against individuals or classes are held not to be "the law of the land" or to conform to "due process of law." The conception comes clearly to the front in Mr. Webster's definition of "law of the land," which has been already quoted, and it has been frequently repeated by the courts. "Due process of law within the menning of the (fourteenth) amendment," said the Federal Supreme Court, "is secured if the laws operate on all alike and do not subject the individual to an arbitrary exercise of the powers of government." "By the law of the land," said the Michigan court, "we understand laws that are general in their operation and that affect the rights of all alike and not a special act of the legislature, passed to affect the rights of an individual against his will and his away in which the same rights of other persons are not affected by existing laws. Such an act, unless expressly authorized by the Constitution, or clearly coming within the general scope of legislative power, would be in conflict with this part of the Constitution, and for that reason, if no other, be void." "The clause, 'law of the land,' 'said Mr. Justice Catron, when a member of the Supreme Court of Tennessee, "means a general and public law, equally bluding upon every member of the community." In a later case the same court, in order to bring out the constitutionality of legislative classification, preferred to define the phrase as meaning a law "which embraces all persons who are or may come into like situation and circumstances."

Mr. President, I think that this proposed legislation is violative of these various constitutional provisions to which I have directed attention, and I find myself impelled to cast my vote against it.

The PRESIDING OFFICER. The question is on agreeing to the substitute proposed by the Senator from Iowa. Mr. RAYNER. I suggest the absence of a quorum. The PRESIDING OFFICER. The Senator from Maryland suggests the absence of a quorum. The Secretary will call the

The Secretary called the roll, and the following Senators answered to their names:

Ashurst Bacon Borah Johnston, Ala. Rayner Johnston, Jones Kern Lippitt McCumber Myers Nixon O'Gorman Oliver Rayner
Root
Shively
Smith, Ga.
Smith, Md.
Smith, S. C.
Stone
Sutherland
Thornton
Tillman
Townsond Culberson Cullom Cummins Curtis Brandegee Briggs Bristow Davis Dillingham Fall Gallinger Brown Brown Bryan Burnham Chamberlain Chilton Clark, Wyo. Clarke, Ark. Oliver Overman Page Paynter Pomerene Gardner Gronna Guggenheim Johnson, Me. Townsend Watson Wetmore

Mr. THORNTON. I announce that my colleague [Mr. Fos-TER] is necessarily absent on public business.

Mr. TOWNSEND. I desire to state that the senior Senator from Michigan [Mr. Smith] is necessarily absent on the business of the Senate.

Mr. BRYAN. I desire to announce that my colleague [Mr.

FLETCHER] is absent on business of the Senate.

Mr. JONES. I desire to announce that my colleague [Mr. POINDEXTER! is unavoidably detained from the Senate.

The PRESIDING OFFICER. Fifty-two Senators having answered to their names, a quorum of the Senate is present. The question is on agreeing to the substitute proposed by the

Senator from Iowa.

Mr. BORAH. Mr. President, the understanding that we are to conclude the debate on this measure at an early hour admonishes me to be brief in the suggestions which I desire to make. It is difficult to submit such a question with so many legal propositions involved in a limited time, but I shall at least outline my views. No just criticism could be lodged against the manner in which this case was originally tried in the lower court or argued in the Supreme Court. The facts seem to have been presented with remarkable care and assiduity, and the briefs cover almost every conceivable question which could arise. Whatever differences of opinion there may be with reference to the final decree which was entered by the court below after the reversal by the Supreme Court, I think all who have studied this record will conclude that in the original presentation of this cause, both as to the gathering of the facts and as to the presentation of the law, no fair criticism could be lodged against the Department of Justice. It is entitled to commendation for the exceptional care and singular ability with which the cause was presented. I do not approach this discussion, therefore, in a spirit of criticism.

The case as it is found in the two hundred and twenty-first volume of Supreme Court Reports is also searching and conclusive upon altogether the most important phase of the antitrust law. It is known that the Tobacco case presented in a measure a new condition of affairs, and required a new application, as it were, or a different or a more extensive construction of the Sherman law than had theretofore at any time been made. The decision met these new facts and this new phase of monop-

olistic enterprise without hesitancy or circumlocution, and announced its conclusions in language all embracing and clear to the end that no one may doubt what the law has in waiting for such unlawful combines.

The PRESIDING OFFICER (Mr. Brandegee in the chair). Will the Senator from Idaho kindly suspend for a minute while the Chair lays before the Senate the unfinished business, the

hour of 1 o'clock having arrived? It will be stated.

The Secretary. A bill (H. R. 18642) to amend an act entitled "An act to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes," approved August 5, 1909.

Mr. SIMMONS. I ask that the unfinished business be tem-

porarily laid aside.

The PRESIDING OFFICER. The Senator from North Carolina asks unanimous consent that the unfinished business be temporarily laid aside. Is there objection? The Chair hears none, and it is so ordered. The Senator from Idaho will proceed.

Mr. BORAH. I will read a paragraph or two from this decision-from that portion of the decision wherein the facts are recited showing the unlawful combine. This briefly states the facts and sets forth the reasons of the court for holding this

organization a monopoly:

recited showing the unlawful combine. This briefly states the facts and sets forth the rensons of the court for holding this organization a monopoly:

Considering, then, the undisputed facts which we have previously stated, it remains only to determine whether they establiat that the nets, contracts, agreements, combinations, etc., which were assailed were of such an unusual and wrongful character as to bring them within the prohibitions of the law. That they were, in our opinion, so overwhemingly so results from the undisputed facts, and it seems only necessary to refer to the facts as we have stated them to demonstrate the correctness of this conclusion. Indeed, the history of the combination is so replete with the doing of acts which it was the obvious purpose of the statute to forbid, so demonstrative of the existence facts that the contract and to trade, but by mere exertion of the ordinary right to contract and to trade, but by mere exertion of the ordinary right to contract and to trade, but by mere exertion of the ordinary right to contract and to trade, but by mere exertion of the ordinary right to contract and to trade, but by mere exertion of the ordinary right to contract and to trade, but by mere exertion of the ordinary right to contract and to trade, but by mere exertion of the ordinary right to contract and to trade, but by mere exertion of the contract and to trade, but by mere exertion of the contract and to trade, but by mere exertion of the contract and to trade, but by the mere exertion of the contract and to trade, but by the mere exertion of the contract and to trade, but by the combination, not because of the vast amount of property aggregated by the combination, not because alone of the many corporations which the proof shows were unlited by resort to one device or another. Again, not alone because of the dominion we think the conclusions of wrongful purpose and illegal combination is overwhelmingly established by the following considerations: (a) By the fact that the very first organiz

I now read the paragraph which precedes the language just read. While it precedes the language just read, I propose to read it after, as it seems more effective to the point to be made here:

Coming, then, to apply to the case before us the act as interpreted in the Standard Oil and previous cases, all the difficulties suggested by the mere form in which the assailed transactions are clothed become of no moment. This follows because, although it was held in the Standard Oil case that, giving to the statute a reasonable construction, the words "restraint of trade" did not embrace all those normal and usual contracts essential to individual freedom and the right to make which were necessary in order that the course of trade might be free, yet, as

a result of the reasonable construction which was affixed to the statute, it was pointed out that the generic designation of the first and second sections of the law, when taken together, embraced every conceivable act which could possibly come within the spirit or purpose of the prohibitions of the law, without regard to the garb in which such acts were clothed. That is to say, it was held that in view of the general language of the statute and the public policy which it manifested there was no possibility of frustrating that policy by resorting to any disguise or subterfuge of form, since resort to reason rendered it impossible to escape by any indirection the prohibitions of the statute.

A great deal of criticism has been lodged against the decision of the Standard Oil case and the Tobacco case; but this much has been settled by those two decisions-that every form of monopoly, regardless of the form which it may take, and every attempt upon the part of individuals to form a monopoly, are prohibited under the antitrust law. It does not make any difference what scheme or combination or plan or device may have been worked out, if the power of monopoly is found within that scheme or device, if it constitutes an act leading to morppoly, it is prohibited under the Sherman antitrust law.

If we ever find a remedial process by which to put into effect the principle of law as announced by the Supreme Court in those two decisions we can eliminate from the industrial world every conceivable form of monopoly and every act leading up

to a monopoly.

Whatever others may think, I look upon these decisions as epoch-making decisions, ranking with the great decisions of that court, profound in their learning and momentous in their beneficent effect upon the interests of the people if Congress will only provide a remedial or administrative method by which we can avail ourselves of the principles here announced.

I have read these opinions, or these excerpts, for the purpose of making the suggestion that in view of the principle which the Supreme Court announced and in view of the widereaching and searching propositions which are here found, one would like to know what kird of a decree that court would

finally judge to be a dissolution of a monopoly.

However searching and far-reaching the general principles may be, it can avail us but very little if there is not found following such a form of decree as brings about that which the court desires to have brought about—the dissolution of the monopoly. Does not everyone feel that it would have been most wise to have this final arbiter say what constitutes a dissolution of such a combine, what constitutes a re-created condition in honest harmony with the law? In a matter of such vast moment, of such far-reaching effect for good or evil, why should we be content with less than the judgment of that tribunal which decided with such power and effect that this was an illegal combination-a criminal conspiracy?

Mr. President, if all other reasons were laid aside in this controversy, and if all other suggestions were put out of the way, the one proposition of the desire to have the final judgment of the Supreme Court as to what constitutes a dissolution of a monopoly ought to have suggested to the officers of the Department of Justice an appeal to the Supreme Court. The court having announced the principles which it did announce, sending the case back to have the monopoly dissolved in compliance with the mandate of the court, practically invited upon the face of the decision a return of that case for the final judgment of the court as to whether it was in honest harmony with the law or not. For that reason, for the purpose of making it final and conclusive and binding upon the judgment and upon the opinions of the people generally, this case ought to have gone again to the Supreme Court of the United States.

Mr. President, is it possible for us to send the case to that court again? I apprehend that there are very few Senators in this body but would like to see the decree below reviewed by the Supreme Court. We would feel better satisfied as to what we could do under the Sherman law. We would feel that we would have a stronger and more practical interpretation of the decision itself; and, most of all, the decree would become binding and as a guide for the dissolution of the monopolies which are to come under the inspection of the law hereafter.

Assuming that we are anxious to have the review if it can be had, I want to discuss briefly some of the objections which have been made to the bill. I do not say that this matter is without objection. It presents serious and unsettled proposi-tions. But some of the objections we may reject as not valid.

In the first place, of course, the fact that the law is retroactive is not of itself any reason why it would not be binding. It does not render it invalid, and is contrary to no principle found in the Constitution. I am not going to stop to read the opinions generally upon that subject, but I want to call attention to a paragraph or two from opinions where decrees have been involved. I will read first an excerpt from the case of Satterlee v. Matthewson (2 Peters, 413). Speaking of a statute which was involved and which was retrospective in its terms, the Supreme Court said:

It is said to be retrospective. Be it so, but retrospective laws which do not impair the obligation of contracts—

And there are no contracts impaired hereor partake of the character of ex post facto laws-

This is not an ex post facto law-

are not condemned or forbidden by any part of that instrument,

To wit, the Constitution of the United States.

Mr. SUTHERLAND. May I ask the Senator from Idaho whether the case he has cited in the Supreme Court involved an act of the State legislature?

Mr. BORAH. My recollection is it did, but I will supplement

it with a case in a few moments which did not.

Mr. SUTHERLAND. If the Senator will permit me, my suggestion is that at the time those cases were decided the fourteenth amendment was not adopted, therefore the due process of law clause could not apply, and the court simply held that there was nothing in the Constitution which operated against that.

Mr. BORAH. Again the court said in the case of Freedland a Williams, 131 United States:

Many cases might be cited in which it was held that restrospective statutes when not of a criminal character though affecting the rights of parties in existence are not forbidden by the Constitution of the United States. (Freedland v. Williams, 131 U. S., 420.)

That was a case which involved the validity of a judgment in the State of West Virginia.

In 174 United States, Stephens v. Cherokee Nation, the court

By its terms the act was to operate retrospectively, and as to that it may be observed that while the general rule is that statutes should be so construed as to give them only prospective operation yet where the language employed expresses a contrary intention in unequivocal terms, the mere fact that the legislation is retroactive does not necessarily render it void.

That was a statute passed by Congress and involved the question of the review of a judgment.

But I understand it is generally conceded that the mere fact that the law is retrospective in form and retroactive in effect would not render it invalid, and therefore I shall not longer

discuss that proposition.

Are there any vested rights here which will be disturbed by this review? If so, what are they? To what vested rights can we point, on which we can place our finger, which will be disturbed by the Supreme Court passing upon the question as to whether the decree below is in accordance with its mandate and in harmony with the antitrust law? Was any right given to the defendants in the court below, which became permanent and fixed and final, not subject to disturbance or review at this time?

The decree entered was to the effect that a certain plan or scheme for dissolution was in compliance with the statute and the mandate of the court. Did the defendants secure from the entering of that decree a right to have the decree stand as against an appeal at this time? Was it a vested right which would not be disturbed by a review, in view of the fact that a law, being retroactive, will not of itself render it invalid?

The Senator who has just spoken upon this subject says that the parties who purchased rights or purchased property under that decree would have a right to rely upon the fact that it would be carried out. Certainly the parties who made the purchase could not have any greater right than the original parties to the decree. Parties who are privies to a judgment can secure no greater rights than the original parties to a judgment. Therefore we may leave out of question entirely the proposition that some people purchased property and relied upon this decree, because it is inconceivable that they could have any greater right than the original parties to the decree. If the original parties to the decree have any right in that particular scheme, which, after the time of the appeal had gone by, could not be disturbed, let us find what the right is and see how invulnerable it may be.

What is a vested right? It may be said in a general way to be the power to do certain actions or possess certain things

according to the law of the land; but this is too general to be of much benefit here. Like the phrase "due process of law" or the "police power" and other phrases of the law it is more difficult to tell what it is than what it is not; but one can not have a vested right to contravene public policy or to violate the statutes or laws of the country to do a wrong or an immoral thing. One can not, under a decree of court, secure a vested right to do an immoral act. If a court should decree that a thing. One can not, under a decree of court, secure a vested right to do an immoral act. If a court should decree that a man entering the house by a window instead of a chimney was

not burglary he would not acquire a vested right to thus enter the house.

In the case of Baugher v. Nelson (9 Gill) it is said:

When vested rights are spoken of by the courts as being guarded against legislative interference, they mean those to which a party may adhere and upon which he may insist without violating any principles of sound morality.

In the case of State v. Newark (27 N. J. L.) it is said:

Courts do not regard rights as vested contrary to the justice and equity of the case.

In the case of the United States Mortgage Co. v. Gross (93 Ill.) it is said:

A person can not have a vested right contrary to equity and justice.

The Senator who has just preceded me seemed to argue that when a judgment or decree had become final according to the laws and rules of practice at the time there was a vested right in the very fact that it was final; that a party had a right to claim that as it had become final it could not be disturbed because of its finality, upon which he had a right to rely. Standing alone, this is not a correct proposition of law. There must be other conditions. Take the case of Samperyac v. United States. Congress had created a tribunal to determine the rights of claimants to property within the Louisiana purchase under the treaty of 1803. Samperyae had laid claim to 400 acres. The district attorney appeared for the United States and contended that the claim was fraudulent and without foundation in law. A decree was finally entered in favor of Samperyac. The statute creating this tribunal especially provided that unless an appeal was taken the decree of the lower court should be final and conclusive. Afterwards it was claimed that the land had been transferred by Samperyac to Bowle. Bowle afterwards transferred it to Stewart. After the time had gone by for an appeal under the original act Congress extended the time for an appeal or review and gave the lower court jurisdiction to open the decree. Stewart interpleaded and claimed to be an innocent purchaser. Now the decree had become final. The litigation was at an end. out the act of Congress the court would have been without power to exercise the jurisdiction which it did exercise in setting aside the decree. True there was fraud in this decree. But that would have amounted to nothing unless there had been some court with jurisdiction to hear it. And the jurisdiction was given by an act of Congress after the judgment had become final. It is well to remember, too, that here was real estate which had been decreed, and here was a party claiming to be an innocent purchaser of this real estate. Notwithstanding this fact the act of Congress was held valid and the decree was set aside. Among other things the court said in regard to Stewart, as we may say in regard to anyone who purchased property under this decree, that Stewart could have no right that Samperyac did not have.

Among other things, the court said:

It has been repeatedly decided in this court that the retrospective operation of such a law forms no objection to it. Almost every law providing for a new remedy affects and operates upon causes of action existing at the time the law was passed. The law of 1830 is in no respect the exercise of judicial power; it only organizes a tribunal with power to entertain such a judicial procedure.

I now call attention to the case of Freeborn v. Smith, in the Second Wallace. Smith had obtained a judgment against Freeborn in the Supreme Court of Nevada at the time Nevada was a Territory. When the Territory was admitted as a State, the admission act failed to provide for keeping alive appeals or to provide a method by which to perfect appeals in those cases where judgments had been rendered. The result was, of course, that an appeal that was attempted to be taken was of no force The judgment, in other words, became binding, and effect. final, and conclusive. No court had jurisdiction to review this judgment and no method or means was at hand by which to perfect an appeal. The Supreme Court of the United States was without power to entertain the appeal. The plaintiff below was entitled to his execution and entitled to realize upon his judgment. If there was anything in the finality of a judgment that gives a vested right, this party had a vested right to be undisturbed and to enjoy the fruits of his judgment.
What did Congress do? Long after the judgment had be-

come final and after it had been determined that the court was without jurisdiction to hear the appeal Congress passed an act conferring upon the Supreme Court power to entertain this appeal. It not being validated, an appeal otherwise was of no force or validity. I read a part of the language of the statute:

By reason of this act the court's jurisdiction was admitted, which had before been denied. The court assumed to review the judgment which it could not before review, to entertain an appeal which it could not before entertain, and to overturn and destroy rights which Mr. Smith had by reason of this judgment. The precise questions which are raised here by the able Senator from Utah were raised in that case. I read from counsel's brief:

As to jurisdiction, our position is that the act is a retrospective enactment interfering with vested rights. Certainly it attempts to confer on this court jurisdiction to review judgments which by law at the time of its passage were final and absolute. The necessary result of obtaining it would be to disturb and impair these judgments, unsettle what had been previously settled, and compel parties to litigate anew matters already definitely adjudicated. There is no higher evidence that rights have vested than a final judgment solemnly confirming them. Law is defined to be a rule of conduct, and to call an enactment which undertakes to deal with past transactions and subject them to new requirements and conditions as tests of their legality a rule of conduct is to confound all rational ideas on the subject.

Again the attorney says:

The court is here asked to review a judgment on which the law has already pronounced its final sentence. The act of Congress just obtained concedes that the judgment has become final, but declares that it shall not remain so, and deprives the parties of any benefit from it until the matters settled by it are again adjudicated.

This argument is quite in harmony with the argument now being advanced against the disturbance of this decree. The question of vested rights, of judicial action, of finality of the judgment are all raised by the able counsel in that case. But the court, in answer to all this, said:

It is objected to that the act of February 27 is ineffectual for the purpose intended by it; that it is a retrospective act interfering directly with vested rights; that the result of maintaining it would be to disturb and impair judgments which at the time of its passage were final and absolute; that the powers of Congress are strictly legislative, and this is an exercise of judicial power which Congress is not competent to exercise. But we are of the opinion that these objections are not well founded.

Now, is there any doubt that this judgment which the court is reviewing had become final and absolute? Is there any question that the Supreme Court had no power to review it without the act of Congress? Is there any question but that Smith had there something which he had a right to sell and transfer or to realize upon if he could find the property? Without this law which Congress passed a year afterwards could that judgment have been in any wise disturbed or interfered with? Yet the Supreme Court held that the act did not confer original jurisdiction; that it simply enabled the parties to perfect or have an appeal.

What is the difference between that judgment and this decree? Both of them had in a sense become final. In both cases the court was without power to review except by virtue of an act of Congress. In both cases the act of Congress would have to be retrospective. In both cases the lawsuit was at an end unless some additional power was given the court. Here I want to quote the principle announced by the court as controlling in such matters:

If the judgment below was erroneous, the plaintiff in error had a moral right at least to have it set aside, and the defendant is only claiming a vested right in a wrong judgment. "The truth is," said Chief Justice Parker, in Foster v. Bank, "there is no such thing as a vested right to do wrong, and the legislature which in its acts not expressly authorized by the Constitution limits itself to correcting mistakes and to providing remedies for the furtherance of justice can not be charged with violating its duty or exceeding its authority." Such acts are of a remedial character and are the peculiar subjects of legislation. They are not liable to the imputation of being assumptions of judicial power.

Now, what are the facts here? This decree was entered under the mandate of the Supreme Court that it should bring about a condition in harmony with the decision and in honest harmony with the law. Suppose the scheme or plan set forth in this decree still constitutes a monopoly. Suppose it is not an honest compliance with the statutes of the United States. Suppose the Supreme Court should be given the power to review this decree, should find that it still has in it the elements of a monopoly and is a criminal combination, as might well be inferred from the argument upon the facts by the Senator from Iowa. Will anyone contend that, that being true, these defendants have a vested right to pursue that plan and to enjoy the favors of that criminal combination to work in violation of a statute of the United States simply because the time for appeal has gone by? If they have a vested right, a right which can not be disturbed, a right which can not be reviewed in this particular plan; if this decree is indeed in harmony with the decision of the Supreme Court and an honest compliance with the law, no change will be made. If it is not in harmony with the law, if it is in violation of the statute, no possible vested right obtains to pursue it or enjoy it.

I think it ought not to be overlooked that the judgment in the case of Freeborn v. Smith was simply a judgment between private parties. But here is a lawsuit which involves peculiarly the public welfare, which involves a public suit having to do with the interests of the whole people, a judgment which was entered upon a mandate of the court that it should be in harmony with the law. I undertake to say without fear of successful contradiction that the mere fact that the time for appeal has gone by does not give rise to such rights as will not admit of a review.

A few words now in regard to the case of Stevens v. Cherokee Nation. It has been said that this decree or judgment in this case did not settle anything, that it dealt with mere expectancies. Here were parties who claimed to be members of a certain Indian nation. If they were citizens of that nation by reason of that citizenship, they would inherit certain property. The decree which had been rendered by the lower court fixed definitely the status of citizenship. Property rights flow as a matter of right from that citizenship. The statute which gave the lower court the power to pass upon the question of citizenship expressly provided that the judgment of the court below should be final and conclusive. But after the judgment had been established, Congress provided for an appeal. The same questions were raised in that case in the Supreme Court which are raised here, to wit, that Congress was exercising judicial functions, disturbing final judgments, interfering with vested rights. But the Supreme Court said in answer to all this:

While it is undoubtedly true that legislatures can not set aside the judgments of courts, compel them to grant new trials, order the discharge of offenders, or direct what steps shall be taken in the progress of a judicial inquiry, the grant of a new remedy by way of review has been often sustained under particular circumstances.

Are we not prepared to say, therefore, that there is nothing in the contention that this law is retrospective, that no vested rights will be disturbed by a review of this decree? That to enact this law is not to exercise judicial function; that it is not to confer original jurisdiction upon the Supreme Court? Now, what constitutional principle or provision is invaded? What provision of the Constitution are we contravening?

As to this being a special law or applying to special cases rather than a general law and applying to all cases, that relates to the wisdom of the law and not to the power to pass it. The same power exists for the passage of a special law that exists for the passage of a general law. It is a mere question of

policy, of the wisdom of doing so.

I am now discussing this question from the standpoint of the substitute of the Senator from Iowa. This substitute eliminates third parties and directs the Attorney General to take the ap-Mr. President, the time at my command does not permit me to go into a general discussion of the power of Congress to direct or control a departmental officer. I want to state frankly that I think it a very close question, one which, in my judgment, has by no means been settled by the decisions. But, Mr. President, we have been directing the Attorney General in matters of litigation ever since we have been a Congress. We have been directing him to act in particular matters. Within the last two years we have directed him to bring a particular action to recover particular property and we have exercised similar power many times. In view of the fact that we have heretofore as-sumed to exercise this power and the Attorney General has acted in accordance with our suggestion, and in view of the fact of what I believe to be the great importance of this appeal, I shall resolve any doubt I have in favor of this measure. If it were a new proposition or if it were a matter of no moment or consequence I should hesitate more upon this particular proposition than any other that has been suggested. But in view of our past history, of the many times we have exercised a similar prerogative, I am not willing to call a halt in this particular matter. I shall vote for the substitute.

Mr. TOWNSEND. Mr. President, I do not rise at this time

Mr. TOWNSEND. Mr. President, I do not rise at this time for the purpose of entering into any extensive discussion of the bill before the Senate. I propose to vote for it, and because of that I desire briefly to state some of my reasons for doing so. In the first place, I have no criticism to make of the Department of Justice. I do not believe that the administrators of that department during any preceding term of our history have been more conscientious or more intelligent and effective in their work than have the present ones. I believe that the Attorney General acted in perfect good faith in the tobacco cases, and, as I have said, I have no criticism whatever to make on the course he took. He did what he believed was right and what would meet the order of the Supreme Court without greatly disturbing business conditions generally; but having in mind the fact that this case is of supreme importance at this time, when the Con-

gress is seriously considering amendments to the Sherman antitrust law, I have believed that in the interest of such proposed legislation, as well as respect for existing law, an appeal should be taken to the highest court and a final determination had by I had felt, and now feel, that inasmuch as the Supreme Court had said that this Tobacco Trust involved all the requisites necessary to an unlawful combination, and having decreed that it should be dissolved, that this court ought finally to pass upon the reorganization. Whether the judgment of the inferior court is wise or unwise, it seems to me that a matter of so much importance should be finally passed upon by the Supreme Court. Being satisfied in my own mind that Congress has power to deal with this question, I feel like voting for the bill, hoping that, through a decision of the Supreme Court, the administration of the Sherman antitrust law and the propositions to amend it, if amendment be needed, may be benefited or aided by such decision.

I realize that this is an unusual procedure and one that ought not to be adopted on every trivial occasion. I do not believe it will be employed again unless it shall be another case similar in importance to this one. The end to be accomplished, the necessity, in fact, of the situation, seems to me to demand that the highest tribunal of the land should decide whether the order of the inferior court is a proper compliance with the order of the Supreme Court. Therefore I shall vote for the substitute bill.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from Iowa [Mr. CUMMINS]

Mr. CUMMINS. Mr. President, I rise to a parliamentary

inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. CUMMINS. I ask if the substitute now before the Senate is adopted will another vote be necessary as in Committee of the Whole?

The PRESIDING OFFICER. In the opinion of the Chair, the bill will be reported to the Senate from the Committee of the Whole with the amendment, and then it will be for the Senate to concur in the amendment adopted as in Committee of the Whole. Then the vote will be upon the passage of the bill as amended.

Mr. CUMMINS. And no other vote will be required in Com-

mittee of the Whole to pass the bill?

The PRESIDING OFFICER. In the opinion of the Chair

there will not be.

Mr. POMERENE. Mr. President, I move to amend the proposed substitute by inserting after the word "hereby" the word "authorized," and after the word "directed" by inserting the words "and instructed," so as to read "is hereby authorized, directed, and instructed."

Mr. CUMMINS. Mr. President, in so far as I am able to do so, I accept the amendment proposed by the Senator from

The PRESIDING OFFICER. The Senator from Iowa modi-

fies his proposed amendment as will be stated.

The Secretary. After the words "simil be," in the second line of the printed amendment, it is proposed to insert "authorized," and after the word "directed" to insert the words "and

The PRESIDING OFFICER. The modification proposed by the Senator from Ohio [Mr. POMERENE] has been accepted by the Senator from Iowa [Mr. Cummins]. Mr. NELSON. Mr. President, I should like to have the sub-

stitute read with the amendment, as suggested.

The PRESIDING OFFICER. The Secretary will now read the substitute proposed by the Senator from Iowa as modified on the suggestion of the Senator from Ohio.

The Secretary read as follows:

The Attorney General of the United States is hereby authorized, directed, and instructed to appeal for and on behalf of the complainant, the United States, from the decree entered in the Circuit Court of the United States in and for the Southern District of New York on the 16th day of November, 1911, in a suit wherein the United States is the complainant and the American Tobacco Co. and others are the defendants, to the Supreme Court of the United States, giving such notice or notices and taking such proceedings as are required by the law and the practice in such cases to effect such appeal.

To enable such appeal to be taken and perfected, the time therefor and for all notices and proceedings provided in the law or practice to be given or taken is hereby extended until the expiration of the period of 60 days from and after the date upon which this act takes effect.

period of 60 days from and after the date spots.

SEC. 2. When the aforesaid cause comes on for argument in the Supreme Court of the United States, counsel for the States, organizations, and associations which sought to intervene in the said suit in the said Circuit Court of the United States for the Southern District of New York, in order to object to the said decree, shall have the right to file printed arguments and to be heard orally on behalf of the United States, subject to such order or orders respecting the number

of printed arguments and the number and length of oral arguments as the court may prescribe.

SEC. 3. This act shall take effect immediately upon its passage and approval.

The PRESIDING OFFICER. As the Chair understands the situation, the proposed amendment just read by the Secretary is preceded by the proposition to strike out in Senate bill 3607 all after the enacting clause and to insert in lieu thereof what has just been read by the Secretary. The question is on that

The amendment in the nature of a substitute proposed by Mr. CUMMINS was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was rejected.

On motion of Mr. CUMMINS the title was amended so as to "A bill to direct the Attorney General to take an appeal to the Supreme Court of the United States from a decree entered by the Circuit Court of the United States in and for the Southern District of New York in the suit of the United States against the American Tobacco Co. and others, and extend the time for taking such appeal, and for other purposes.

PRESIDENTIAL PRIMARIES IN THE DISTRICT OF COLUMBIA.

Mr. BRISTOW. I ask that the Senate take up Senate bill 2234, in relation to presidential primaries in the District of Columbia.

The PRESIDING OFFICER. Does the Senator from Kansas ask unanimous consent for the consideration of the bill or does he move its consideration?

Mr. BRISTOW. I move that the bill be taken up.
The PRESIDING OFFICER. The Senator from Kansas moves that the Senate proceed to the consideration of the bill named by him.

Mr. HEYBURN. Mr. President, I suggest the absence of a

quorum.

The PRESIDING OFFICER. The Secretary will call the roll. The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Clarke, Ark.	Johnson, Mc.	Page
Bacon	Crane	Johnston, Ala.	Pomerene
Borah	Culberson	Jones	Rayner
Brandegee	Cullom	Kern	Shively
Briggs	Cummins	Lippitt	Smith, Ariz.
Bristow	Curtis	McCumber	Smith, Ga.
Brown	Davis	Martine, N. J.	Stone
Bryan	Dillingham	Myers	Sutherland
Burnham	du Pont	Nelson	Thornton
Catron	Gallinger	Nixon	Townsend
Chamberlain	Gardner	O'Gorman	Watson
Chilton	Gronna	Oliver	Wetmore
Clark, Wyo.	Heyburn	Overman	Williams

Mr. THORNTON. My colleague [Mr. Foster] is necessarily absent on public business. I ask that this announcement stand for the remainder of the day.

Mr. TOWNSEND. I desire to again state that my colleague [Mr. SMITH of Michigan] is absent on business of the Senate. I should like to have this announcement stand for the day.

Mr. JONES. I again desire to announce that my colleague [Mr. Poindexter] is detained from the Senate Chamber by important business.

The PRESIDING OFFICER Fifty-two Senators have answered to their names. A quorum of the Senate is present.

Mr. McCUMBER. Mr. President, I rise to a parliamentary inquiry. At the conclusion of the morning business the Senate had under consideration a subject; and I ask whether or not the unfinished business was then temporarily laid aside by unanimous consent? My understanding is that when the unfinished business is laid aside temporarily, the word "temporarily" means until the matter then before the Senate has been disposed of, and the question is, Whether immediately thereafter it does not come before the Senate without any further motion, or whether a motion made at this time to take up another subject will not in fact, if agreed to, make that subject the unfinished business? Therefore, presenting the matter as it now appears before the Senate, I ask, if the motion of the Senator from Kansas is carried, will not the subject matter as to which the motion is made become the unfinished business in place of the present unfinished business?

The PRESIDING OFFICER. In the opinion of the Chair it will not. In the opinion of the Chair, when the unfinished business is temporarily laid aside it loses its place for that day as unfinished business unless taken up on motion. A Senator can at any time move to proceed to the consideration of a bill.

Mr. BACON. Mr. President, of course I do not wish to unnecessarily differ from the Chair, but, as the Chair gave no opportunity for an expression before ruling, I hope I may be indulged to say that I very gravely doubt if that would be a safe rule to pursue. I think the suggestion of the Senator from rule to pursue. I think the suggestion of the Senator from North Dakota [Mr. McCumber] correctly presents the rule, and that is, that when the unfinished business is temporarily laid aside, if it is done in the interest of another matter then pending, it would be immediately in order thereafter. At the very outside I should say that it would not go to the extent suggested by the Chair, but that on a call for the regular order it would certainly resume its place as the unfinished business; and temporarily laying it aside does not displace it. As I understand the ruling of the Chair, it was that being temporarily laid aside a measure lost its place.

I do not think it lost anything, Mr. President. It may be that the rule would not go to the extent suggested by the Senator from North Dakota, that the unfinished business would come up automatically upon the conclusion of any particular measure which might have engaged the attention of the Senate, but I have not the shadow of a doubt that it is the regular order at all times, even when temporarily laid aside, and that when temporarily laid aside the matter which shall then engage the attention of the Senate would be displaced by a call for the

regular order at any time.

It would be a dangerous rule, Mr. President, that the unfinished business lost its place under such circumstances. It can not lose its place until it has been supplanted or displaced, and a call for the regular order at any time, I respectfully suggest for the consideration of the Chair, would restore it. Temporarily laying aside the unfinished business does not give the matter which has been temporarily taken up any right whatever except subject to the superior right of the regular order, which is the unfinished business

The PRESIDING OFFICER. The regular order was not de-

manded, the Chair will say.

Mr. BACON. I understood that, but I was a little troubled, if the Chair will pardon the suggestion, by the ruling that the unfinished business was displaced for the day.

The PRESIDING OFFICER. In case the motion to proceed

to the consideration of another bill is carried.

Mr. BACON. Well, I think, Mr. President—— The PRESIDING OFFICER. The Chair will submit the matter to the Senate. The Chair has no fixed views upon the subject that could not be changed by the citation of authorities.

Mr. BRISTOW. I understand the point of order is that if the motion which I made prevails it displaces the unfinished business. do not understand that the Senator from Georgia contends that it does. The motion can carry and the unfinished business may still retain its right. So we can go ahead, as we did the other day, and dispose of this bill and take up something else, and the unfinished business is laid aside until it is called up; so that the motion I have made does not in any way interfere with the unfinished business, because it has been laid aside.

Mr. BACON. Mr. President, I think it extremely important that the regular proceedings of the Senate should be definitely known and understood and observed with care; and I would suggest to the Senator that it would be better if he made a motion to the effect that, in the absence of a call for the regular

order, the Senate now consider such-and-such a bill.

Mr. BRISTOW. The reason I made the motion that I did was that it follows the exact precedent of a motion that was made, I think, on Friday last, when we took up a bill upon motion after the unfinished business had been laid aside, and proceeded to its consideration and the disposition of it. The motion is in exact accord with the ruling of the Chair at that time. I think it occurred in Friday's proceedings, as the Senator from Georgia doubtless remembers.

Mr. BACON. Well, Mr. President, as I was proceeding to say, if it appeared that there was no disposition to displace the unfinished business and the Senator had asked that the Senate devote the remainder of the day to such a matter, that would be all right; but a simple motion to proceed to the consideration of a certain bill always makes it the unfinished business, That is the general rule. Now, the question is, whether this comes under an exception.

Mr. McCUMBER. Mr. President, the particular point upon which I desired the ruling of the Chair was whether or not, automatically, after the disposition of the business which temporarily displaced the unfinished business, the latter would come up again before the Senate. If I understand the word "temporarily," as used in a request for unanimous consent that the unfinished business be temporarily laid aside, that word means until the matter that is being discussed is disposed of. Then the unfinished business comes up automatically and does not require a motion. I can see very easily that if some one follows it by another motion or another request for unanimous

consent that some other matter may be considered, the Chair could well hold that the granting of unanimous consent in that respect would be equivalent to unanimous consent to further lay aside the unfinished business; but when we do not ask that the unfinished business be further temporarily laid aside, but proceed to the consideration of other business upon motion, and not by unanimous consent, it seems to me, logically, that it would displace the unfinished business.

Mr. BORAH. Mr. President, the motion of the Senator from Kansas, it seems to me, is proper, unless those who are opposing it desire to bring the unfinished business before the Senate, which they can do; but they have not done so. The unfinished business is not before the Senate unless somebody calls for the

regular order.

The PRESIDING OFFICER. The Chair will state to the Senator from Idaho that, in the opinion of the Chair, the unfinished business, which has been temporarily laid aside by unanimous consent, would automatically come before the Senate provided a motion had not intervened. Now, the Senator from Kansas moves that the Senate proceed to the consideration of another matter, and the question is, of course, whether or not that motion is now in order. The Chair thinks it is; but if any Senator so desires, the Chair will submit it to the Senate so that the Senate may vote upon it. In the absence of such request, the Chair will rule that the motion of the Senator from Kansas is in order.

Mr. HEYBURN. Mr. President, I think the motion is in

order; but I think the more serious question that Senators have in mind is as to what effect it will have on the unfinished business. It seems to me now, with the unfinished business the regular order, that if we take up by vote at this hour another matter, it will displace the unfinished business; and those who

are interested in the unfinished business, which is the metal schedule bill, retaining its place, might well be on the alert.

The PRESIDING OFFICER. The Chair is of the opinion that, where the unfinished business is temporarily laid aside by unanimous consent and the Senate proceeds to take up another matter, the unfinished business is not displaced thereby, but the Chair will submit that question to the Senate, if any

Senator desires the Chair to do so.

Mr. HEYBURN. Mr. President, I thought I had learned this lesson by practical experience. The former Vice President, Mr. Fairbanks, ruled upon this question in a controversy where I had supposed I was safe for the day. The unfinished business being temporarily laid aside, I had assumed that it would stand for the day, but I came into the Chamber after a very brief absence and found that the unfinished business had been resumed on the motion of some Senator. I then complained of the condition in which I found myself, but the then Presiding Officer, Mr. Fairbanks, ruled that when the unfinished business was temporarily laid aside it was subject at any time during that day to call and that it was not laid aside for the day. I have always understood since that time that the rule has been adhered to.

The PRESIDING OFFICER. If the motion of the Senator from Kansas prevails, it will be for the Senate to decide what the effect of it has been—whether or not the unfinished busi-

ness has been thereby displaced.

Mr. GALLINGER. Mr. President, if I read correctly, on page 439 of the Precedents of the Senate, we have a ruling that would seem to settle this matter:

Would seem to settle this matter:

The PRESIDING OFFICER (Mr. Chandler in the chair) announced that the hour of 1 o'clock had arrived, and laid before the Senate its unfinished business, viz. the bill (H. R. 3717) to make olcomargarine and other imitation dairy products subject to the laws of the State or Territory into which they are transported, and to change the tax on olcomargarine.

When, Mr. Morgan raised a question of order, viz, that the bill having been displaced by a motion to consider other matter on the previous day prior to adjournment, therefore possessed no priority as unfinished business, and requested that the bill standing first on the order of special orders, viz. the bill (H. R. 2538) to provide for the construction of a canal connecting the waters of the Atlantic and Pacific Oceans, be now laid before the Senate.

That was the unfinished business.

That was the unfinished business-

The President pro tempore (Mr. Frye) having resumed the chair, sustained the question of order and laid the special order before the Senate as its unfinished business.

Manifestly, Mr. President, even if this matter were taken up by a vote, the unfinished business could be called up after that upon demand.

The PRESIDING OFFICER. That is as the Chair under-The question is on the motion of the Senator from stands. Kansas that the Senate proceed to the consideration of the bill named by him. [Putting the question.] By the sound the noes" seem to have it.

Mr. BRISTOW. I ask for a division.

Mr. THORNTON. May I ask for information, if the vote is on the motion to proceed to consider the bill or on the bill

The PRESIDING OFFICER. To proceed to the consideration of the bill, and then the Senate can take such action as it desires.

Mr. THORNTON. I am willing to have the bill considered. The PRESIDING OFFICER. The question is on the motion of the Senator from Kansas, on which he asks for a division.

The question being put, there were, on a division-ayes 9, noes 16.

Mr. BRISTOW. Mr. President, I call for the yeas and nays. The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. GUGGENHEIM (when his name was called). Mr. President, I have a general pair with the senior Senator from Kentucky [Mr. PAYNTER], who is not in the Chamber. I therefore

withhold my vote.

Mr. LIPPITT (when his name was called). I have a gen-

Mr. LIPPITT (when his name was caned). I have a general pair with the senior Senator from Tennessee [Mr. Lea]. I transfer that pair to the junior Senator from Illinois [Mr. Lorimer], and will vote. I vote "nay,"

Mr. GALLINGER (when the name of Mr. Martin of Virginia was called). The Senator from Virginia [Mr. Martin] is paired with the Senator from Washington [Mr. Poindexter].

If the Senator from Virginia were present, he would vote "nay" and the Senator from Washington would vote "yea."

Mr. NIXON (when his name was called). I have a general pair with the junior Senator from Virginia [Mr. SWANSON]. I do not know how he would vote, and therefore withhold my

Mr. OVERMAN. I have a general pair with the senior Senator from California [Mr. Perkins]. I understand that the senior Senator from California is absent on business of the Senate, and therefore I withhold my vote.

Mr. OVERMAN (when Mr. Simmons's name was called). I am requested to announce that my colleague [Mr. Simmons]

is absent on business of the Senate.

Mr. CHAMBERLAIN (when the name of Mr. WILLIAMS was called). I am requested to state that the junior Senator from Mississippi [Mr. WILLIAMS] is paired with the senior Senator from Pennsylvania [Mr. Perrose]. The junior Senator from Mississippi is temporarily absent on business of the Senate.

The roll call was concluded.

The roll call was concluded. Mr. HEYBURN. I am advised that if the senior Senator from Alabama [Mr. Bankhead] were present, he would vote "nay." I am paired with that Senator, but inasmuch as that would be my vote I will take the liberty of voting. I vote "nay."

Mr. CLARK of Wyoming. I inquire if the senior Senator from Missouri [Mr. Stone] has voted?

The PRESIDING OFFICER. The Chair is informed that he

has not voted.

Mr. CLARK of Wyoming. Having a general pair with that Senator, I withhold my vote.

Mr. THORNTON. I wish to announce that my colleague [Mr. FOSTER] has a general pair with the Senator from Wyoming [Mr. WARREN].

The result was announced-yeas 25, nays 31, as follows:

YEAS-25.

Kern Martine, N. J.

Smith, Ariz. Thornton

Stone Swanson Warren Williams

Works

Bristow Brown Bryan Chamberlain Chilton	Curtis Fall Gronna Johnson, Mc. Jones	Myers Newlands O'Gorman Pomerene Shively	Townsend Watson		
	NA	YS—31.			
Bacon Bradley Brandegee Briggs Burnham Burton Catron Crane	Cullom Davis Dillingham du Pont Gallinger Heyburn Johnston, Ala. Lippitt	McCumber Nelson Ollver Page Rayner Richardson Root Smith, Ga.	Smith, Md. Smith, S. C. Smoot Stephenson Sutherland Tillman Wetmore		
	NOT V	OTING-39.			
Bailey Bankhead Bourne Clapp Clark, Wyo. Clarke, Ark. Crawford,	Gamble Gardner Gore Guggenheim Hitchcock Kenyon La Follette	McLean Martin, Va. Nixon Overman Owen Paynter Penrose Perry	Reed Sanders Simmons Smith, Mich. Stone Swanson Warren Williams		

Paynter Penrose Percy Perkins

Poindexter

Dixon, Fletcher Foster So Mr. Bristow's motion was rejected.

Kenyon La Follette Lea

Lodge

Lorimer

Culberson Cummins

Ashurst Borah

THE CALENDAR.

Mr. GALLINGER. Unless it is desirable to take up the unfinished business at this moment, I will move that the Senate proceed to the consideration of the calendar under Rule VIII.

The motion was agreed to.
The VICE PRESIDENT. The Secretary will state the first bill on the calendar.

The Secretary. A bill (S. 2518) to provide for raising the volunteer forces of the United States in time of actual or threatened war.

The VICE PRESIDENT. The Chair is informed by the Secretary that this bill has been heretofore read in full and amended

Mr. OVERMAN. Mr. President, the Senator from Georgia is very much interested in that bill. I do not see him in the Chamber, and will ask that the bill go over until he can be present.

Senate concurrent resolution 4, instructing the Attorney General of the United States to prosecute the Standard Oil Co. and the American Tobacco Co., was announced as next in order.

Mr. GALLINGER. Let that go over. The VICE PRESIDENT. It will go over. The bill (S. 2493) authorizing the Secretary of the Treasury to make an examination of certain claims of the State of Missouri was announced as next in order.

Mr. HEYBURN. Let that go over. The VICE PRESIDENT. It will go over. The bill (S. 1505) for the relief of certain officers on the retired list of the United States Navy was announced as next

Mr. BRISTOW. I ask that the bill may go over. The VICE PRESIDENT. The bill goes over. Mr. SMITH of Maryland. I ask unanimous consent for the onsideration of Senate bill 6177.

Several Senators. Regular order!

The VICE PRESIDENT. The regular order is demanded,

which is equivalent to an objection.

LAND ENTRIES.

The bill (S. 3116) to amend section 1 of the act of Congress of June 22, 1910, entitled "An act to provide for agricultural entries on coal lands," so as to include State land selections, indemnity school and educational lands, was announced as next in order on the calendar, and the Senate, as in Committee of the Whole, proceeded to its consideration.

the Whole, proceeded to its consideration.

The bill was reported from the Committee on Public Lands with amendments, on page 1, line 8, to insert "Section 1"; on page 2, line 6, before "States," to insert the word "several"; on the same page, line 7, after the word "States," to insert "within whose limits the lands are situate, under grants made by Congress"; and on page 3, after line 3, to insert the following as section 2:

ing as section 2:

SEC. 2. That any person desiring to make entry under the homestead laws or the desert-land law, any State desiring to make selection under section 4 of the act of August 18, 1894, known as the Carey Act, or of State indemnity school and educational lands, or by the several States within whose limits the lands are situate, under grants made by Congress, and State lands in lieu of lands relinquished by the States to the United States under authority of acts of Congress, and the Secretary of the Interior in withdrawing under the reclamation act lands classified as coal lands, or valuable for coal, with a view of securing or passing title to the same in accordance with the provisions of said acts, shall state in the application for entry, selection, or notice of withdrawal that the same is made in accordance with and subject to the provisions and reservations of this act.

So as to make the bill read:

Be it enacted etc., That section 1 of the act of Congress approved ine 22, 1910 (36 Stat. L., p. 583), providing for agricultural entries coal lands, be, and the same is hereby, amended so as to read as

on coal lands, be, and the same is hereby, amended so as to read as follows:

"Sec. 1. That from and after the passage of this act unreserved public lands of the United States, exclusive of Alaska, which have been withdrawn or classified as coal lands, or are valuable for coal, shall be subject to appropriate entry under the homestead laws by actual settlers only, the desert-land law, to selection under section 4 of the act approved August 18, 1894, known as the Carey Act, to selections by the several States within whose limits the lands are situate, under grants made by Congress, of State indemnity school and educational lands, and selections of State lands in lieu of lands relinquished by the States to the United States under authority of acts of Congress, and to with drawal under the act approved June 17, 1902, known as the reclamation act, whenever such entry, selection, or withdrawal shall be made with a view of obtaining or passing title with a reservation to the United States of the coal in such lands, and of the right to prospect for, mine, and remove the same. But no desert entry made under the provisions of this act shall contain more than 160 acres, and all homestead entries made hereunder shall be subject to the conditions, as to residence and cultivation, of entries under the act approved February 19, 1909, entitled 'An act to provide for an enlarged homestead': Provided, That those who have initiated nonmineral entries, selections, or locations in good faith, prior to the passage of this act, on lands withdrawn or classified as coal lands may perfect the same under the provisions of the laws under which said entries were made, but shall receive the limited patent provided for in this act."

"Sec. 2. That any person desiring to make entry under the homestead laws or the desert-land law, any State desiring to make selection under section 4 of the act of August 18, 1894, known as the Carey Act, or of State indemnity school and educational lands, or by the several States within whose limits the lands are situate, under grants made by Congress, and State lands in lieu of lands relinquished by the States to the United States under authority of acts of Congress, and the Secretary of the Interior in withdrawing under the reclamation act lands classified as coal lands, or valuable for coal, with a view of securing or passing title to the same in accordance with the provisions of said acts, shall state in the application for entry, selection, or notice of withdrawal that the same is made in accordance with and subject to the provisions and reservations of this act."

The amendments were agreed to.

Mr. HEYBURN. I move that the one word "unreserved." on line 9, page 1, of the bill be stricken out before the words "public lands."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read

the third time, and passed.

The title was amended so as to read: "A bill to amend sections 1 and 2 of the act of Congress of June 22, 1910, entitled 'An act to provide for agricultural entries on coal lands,' so as to include State land selections, indemnity school and educational lands."

OUTSTANDING INTEREST-BEARING OBLIGATIONS.

The bill (S. 2151) to authorize the Secretary of the Treasury to use at his discretion surplus moneys in the Treasury in the purchase or redemption of the outstanding interest-bearing obligations of the United States was announced as next in order.

Mr. HEYBURN. Let that go over.

Mr. SMOOT. I should like to ask the Senator from Idaho if he will not allow the bill to be discussed and disposed of Government has never lived up to the requirement of the law, and to-day there is no necessity for it. I believe that if the Senate understood just what the bill provides it would be in favor of the passage of the bill.

Mr. HEYBURN. Mr. President, the bill involves a very

radical change in the financial system of the Government. The fact that the executive officers of the Government confessedly have been either ignoring or disobeying a law would not seem to me to recommend a hasty consideration of an attempt to

make good their wrongful act.

I admit that what the Senator from Utah says in regard to the manner in which they have ignored this law is true. Unfortunately such acts are true in too many cases. They have willfully for a long time disobeyed the law that was enacted to govern their method of conducting the financial affairs of the Government. Now, they would like to have Congress come in and not only enable them to escape from at least criticism for their failure to execute the law in the past but to validate the unlawful act.

I would say to the Senator that, while the bill is short, this is not a question that can be passed over in a few minutes at all. It involves a large question-a part of the financial policy of the Government.

Mr. SHIVELY. Mr. President— Mr. SMOOT. I yield to the Senator from Indiana. Mr. SHIVELY. It is palpable from what has been stated here that the Secretary of the Treasury, or at least the officer who is responsible, has been ignoring the law with reference to the sinking fund. To that extent the Treasury Department has substituted its discretion for what is the law. It seems to me to be very doubtful policy to ratify that sort of procedure and increase the discretion of the Treasury Department by withdrawing the law in reference to the sinking fund.

Mr. SMOOT. In 1862, on February 25, when the law was passed, the Government of the United States was borrowing large sums of money, and in order to make the lender feel secure

Mr. CULBERSON. Mr. President, I rise to a question of order.

The VICE PRESIDENT. The Senator will state it.

Mr. CULBERSON. Objection was made to the consideration of the bill.

The VICE PRESIDENT. The bill goes over. Any further discussion is only by unanimous consent.

Mr. SMOOT. I have not asked that—
Mr. HEYBURN. I insist on my objection.
The VICE PRESIDENT. The bill goes over, and the next bill on the calendar will be stated.

BILLS PASSED OVER.

The bill (S. 256) affecting the sale and disposal of public or Indian lands in town sites, and for other purposes, was announced as next in order on the calendar.

Mr. SUTHERLAND. Let that go over. The VICE PRESIDENT. The bill will go over.

The bill (S. 4762) to amend an act approved February 6, 1905, entitled "An act to amend an act approved July 1, 1902, entitled "An act temporarily to provide for the administration of the affairs of civil government in the Philippine Islands, and for other purposes,' and to amend an act approved March 8, 1902, entitled 'An act temporarily to provide revenue for the Philippine Islands, and for other purposes,' and to amend an act approved March 2, 1903, entitled 'An act to establish a standard of value and to provide for a coinage system in the Philippine Islands,' and to provide for the more efficient administration of civil government in the Philippine Islands, and for other purposes," was announced as next in order.

Mr. McCUMBER. Let the bill go over. The VICE PRESIDENT. It will go over.

The bill (S. 1337) authorizing the President to nominate and, by and with the advice and consent of the Senate, appoint Lloyd L. R. Krebs, late a captain in the Medical Corps of the United States Army, a major in the Medical Corps on the retired list, and increasing the retired list by one for the purposes of this act, was announced as next in order.

Mr. GALLINGER. Let the bill go over. The VICE PRESIDENT. It will go over.

The bill (S. 459) to adjust and settle the claims of the loyal Shawnee and loyal Absentee Shawnee Tribes of Indians was announced as next in order.

Mr. SMOOT. Let that go over. The VICE PRESIDENT. It will go over.

The bill (S. 2) to cooperate with the States in encouraging instruction in agriculture, the trades, and industries and home economics in secondary schools; in maintaining instruction in these vocational subjects in State normal schools; in maintaining extension departments in State colleges of agriculture and mechanic arts; and to appropriate money and regulate its expenditure, was announced as next in order.
Mr. SMOOT. Let that go over.
The VICE PRESIDENT. It will go over.

JOEL J. PARKER.

The bill (S. 836) for the relief of Joel J. Parker was con-

The bill was reported from the Committee on Claims with an amendment, on page 1, line 6, before the word "dollars," to strike out "five thousand" and insert "four hundred," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Joel J. Parker, or his legal representatives, the sum of \$400, as full compensation for permanent injuries received by the said Parker on the 24th day of July, 1909, at Fort Lawton, Wash., while in the performance of his duties as an employee of the United States transport service.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

LAWRENCE (MASS.) STRIKE.

The next business on the calendar was the resolution (S. Res. 231) for the investigation and report by the Secretary of Commerce and Labor regarding certain labor conditions in Lawrence. Mass.

Mr. GALLINGER. Let that go over.
The VICE PRESIDENT. The resolution will go over.

PROTECTION OF VALDEZ, ALASKA.

The bill (S. 5272) appropriating \$75,000 for the protection of Valdez, Alaska, from glacial floods was announced as next in

Mr. SUTHERLAND. Let that go over. The VICE PRESIDENT. It will go over.

CUSTOMS SERVICE AT LOS ANGELES, CAL.

The bill (S. 3625) for the purchase or construction of a launch for the customs service at and in the vicinity of Los Angeles, Cal., was announced as next in order.

Mr. SUTHERLAND. Let that go over.

The VICE PRESIDENT. The bill will go over.

RECORD OF SALES OF COTTON.

The next business on the calendar was Senate resolution 162, directing the Secretary of the Treasury to furnish information relative to sales of cotton to the Confederate States Govern-

Mr. HEYBURN. I ask that the resolution go over, Mr. OVERMAN. I move that the resolution be taken up for consideration.

The VICE PRESIDENT. The Senator from North Carolina moves that the Senate proceed to the consideration of the resolution, the objection of the Senator from Idaho to the contrary notwithstanding. The question is on the motion of the Senator from North Carolina.

The question being put, there were, on a division—ayes 15,

noes 5.

Mr. HEYBURN. I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. CLARK of Wyoming (when his name was called). have a general pair with the senior Senator from Missouri [Mr. STONE]. In his absence I withhold my vote.

Mr. DILLINGHAM (when his name was called). I notice that the senior Senator from South Carolina [Mr. Tillman] is not in the Chamber. I am paired with him, and therefore withhold my vote.

Mr. THORNTON (when Mr. FOSTER's name was called). announce the unavoidable absence of my colleague [Mr. Foster]

on public business. He has a general pair with the Senator from Wyoming [Mr. WARREN].

Mr. NIXON (when his name was called). I have a general pair with the junior Senator from Virginia [Mr. Swanson]. I do not know how he would vote if present, and therefore I

withhold my vote. Mr. PAYNTER (when his name was called). eral pair with the Senator from Colorado [Mr. Guggenheim],

and therefore withhold my vote.

Mr. CHAMBERLAIN (when the name of Mr. WILLIAMS was I again announce that the junior Senator from Mississippi [Mr. Williams] is paired with the senior Senator from Pennsylvania [Mr. Penrose].

The roll call was concluded.

Mr. LIPPITT. I have a general pair with the senior Senator from Tennessee [Mr. Lea], which I transfer to the junior Senator from Illinois [Mr. LORIMER]. I vote "nay."

Mr. BRYAN. My colleague [Mr. FLETCHER] is absent on business of the Senate. I will let this announcement stand

for the day Mr. SIMMONS. I am paired with the junior Senator from Minnesota [Mr. Clapp]. I transfer that pair to the Senator from Florida [Mr. Fletcher] and vote "yea."

The result was announced—yeas 32, nays 21, as follows:

YEAS-32.

Ashurst Bacon Bankhead Bradley Bryan Chamberlain Chilton Culberson	Davis Gronna Johnston, Ala. Jones McCumber Martine, N. J. Myers Newlands	O'Gorman Oliver Overman Perkins Pomerene Rayner Shively Simmons	Smith, Ariz. Smith, Ga. Smith, Md. Smith, S. C. Sutherland Thornton Tillman Watson		
	NA	YS-21.			
Brandegee Briggs Bristow Brown Burnham Burton	Catron Cullom Curtis du Pont Fall Gallinger	Heyburn Lippitt Lodge Page Richardson Root	Sanders Smoot Townsend		
	NOT V	OTING-42.			
Bailey Bourne Clapp Clark, Wyo. Clarke, Ark. Crane, Crawford Cummins Dillingham	Fletcher Foster Gamble Gardner Gore Guggenheim Hitchcock Johnson, Me. Kenyon Kern La Follette	Lea Lorimer McLean Martin, Va. Nelson Nixon Owen Paynter Penrose Percy Poindexter	Reed Smith, Mich, Stephenson Stone Swanson Warren Wetmore Williams Works		

The motion was agreed to; and the Senate proceeded to consider the resolution, which had been reported from the Committee on Claims, as follows:

Senate resolution 162.

Resolved, That the Secretary of the Treasury be, and he is hereby, directed to prepare from records in his possession, either those of the United States Government or those of the late Confederate States, and to transmit to the President of the Senate as soon as practicable a list of persons shown to have sold cotton to the Confederate States Government or to have entered into any agreement to sell cotton to said Government, such list to indicate whether there is shown to have been a completed sale or only an agreement to sell and the date of the transaction; to show when possible the residence of the person making such sale or agreement to sell, by county or parish and State, the amount of cotton covered by such sale or agreement, the price to be paid, and whether or not the payment of the agreed price is shown by such records.

Mr. OVERMAN. Mr. President, I am satisfied that when the resolution is understood no one, except perhaps one, and that on account of the title of the resolution, will vote against it.

Mr. BRISTOW. I see that the letter of the Secretary of the

Treasury does not appear in the report.

Mr. OVERMAN. It is in the papers. I will explain that.

Mr. BRISTOW. I should like to have that letter read, so

that the Senate may understand the view of the department.

Mr. OVERMAN. I wish to explain the resolution, and then
I want to have that letter read.

In the eighties Mr. John Sherman, by resolution, had a list of names published of persons from whom certain cotton had been seized. It has been published as a public document time and time again, until the southern people have an idea that they have money up here in the Treasury Department to their credit under a certan decision of the Supreme Court which decided that the proceeds of certain property seized after a certain time, under the abandoned-property act, were trust furds held by the United States for these parties.

Last session we passed an act allowing these parties to go into the Court of Claims and bring suit on these claims, and loyalty was not to be considered. They have been bringing suits there in the court. Then the Government comes with some evidence which is found in the archives of the Treasury, show-

ing that these parties have no claim.

For example, John Smith finds in the list of claims furnished under the resolution of Mr. Sherman that there was seized from him a certain number of bales of cotton worth so much. These lawyers here see this report, and they write to Mr. Smith that if he will put his claim in their hands he can recover \$10,000 for it. It turns out in many cases that when they bring these suits they find in the records of the Secretary of the Treasury that before the cotton was seized it was placed in the hands of these parties by the Confederate Government. The Confederate Government had no warehouses and no place in which to store the cotton, and when they purchased the cotton from individuals they left the cotton with them. fore the title of this cotton was in the Confederate Government and not in Mr. Smith or Mr. Jones or Mr. Anybody else.

But that is not shown in the printed document. great many of our people have come up here and brought their suit and paid the lawyers two or three hundred dollars, and they find they have no suit at all. We can write to the people who live in the South, after we have this evidence, that they have no claim against the Government, and it would stop bring ing these suits here if we had these records and they knew that

fact.

I want to be candid with the Senate. I will state here that I thought the letter from the Secretary of the Treasury was in the report. I intended to have it read. He reports against the resolution, because he says it will give away the hand of the Government. We want them to give away the hand of the Government, so that our people will not be put to the expense of coming here and employing lawyers to bring suits against the Government for claims when, if they knew that they had no ground for a suit, they would not employ lawyers and spend any money in bringing the suit.

That is the case in a nutshell. Our people want to end it. I ask that the letter of the Secretary of the Treasury be read.

Mr. SMOOT. Mr. President, I merely want to ask the Senator a question. Does he know of any claimant giving an attorney any amount whatever for starting these suits? Is it not true that the attorneys here write and ask for the claims, stating that they will carry the case to a conclusion upon a certain percentage?

Mr. OVERMAN. They always take a contingent fee-\$5, \$10, or \$20. One man paid \$200 to these lawyers. They get all they can out of our people. If they can not get \$10, they will take \$5. Sometimes they get \$5 for every Congress. We ought to be able to show the fact to a man when he has no claim against the Government. I ought to have the evidence to show one of my constituents that he has no claim.

Mr. JOHNSTON of Alabama. And if he has a just claim against the Government, it ought to be paid.

Mr. OVERMAN. If he has a good claim against the Government, it ought to be paid. The fact is already published if he has a claim; but if we can show that he has no claim, then we want to give him the information in order to stop these suits.

Mr. HEYBURN. Mr. President, I should like to ask the Senator from North Carolina if he can refer us directly to the measure which he says was enacted at the last session of Congress which provided for the payment of these claims without regard to the question of loyalty. I have no reference

Mr. OVERMAN. Congress authorized suits to be brought, and in some of them the question of loyalty does not come in. I do not know how that is; but whether it is so or not, the statute authorized the suits to be brought.

Mr. HEYBURN. I will understand, then, what the Senator means. Those of us who revised the law, or participated in the revision of the law, held that the question of loyalty was not dispensed with. I have had a large correspondence in the way of inquiry since that time.

Mr. OVERMAN. I think there was doubt on the subject.
Mr. HEYBURN. I did not know but that the Senator had reference to something we had overlooked, in which that provision was expressly stated.

Mr. OVERMAN.

Not at all.

Then it is only by implication. Mr. HEYBURN.

What I state is that the Senate authorized Mr. OVERMAN. the suits to be brought.

Mr. HEYBURN. But the Senate did not commit itself on the

question of loyalty.

Mr. OVERMAN. No; the question of loyalty is not in this at all. But documents have been sent all over this country by lawyers, and by Senators, too, showing that these men have this money here; and, of course, naturally they bring suit against the Government to recover it; and more than half of them have no claim, because the cotton was seized from parties who held it as trustees for the Confederate Government.

Mr. ROOT. Do not the claimants know it?

Mr. OVERMAN. How can they know it? It has been 50 years since the war. These are their descendants, and they have been misled. The attorneys write to them that they have these claims, and these are their descendants. These men were killed or wounded in the war or they are now dead, and it is their descendants who are imposed upon.

I should like to have the facts, and I know every Senator on this side of the Chamber would like to have the facts. Why should Senators on this side of the Chamber who live in the South be denied this record? It does not aid them in getting anything out of the Government. It is for the protection of their own constituents—to save them from coming here and employing lawyers and going into court. It will stop litigation.

Mr. SMITH of Georgia. Mr. President, is it not true that the real defense of the seizure is the fact that the cotton belonged

to the Confederate Government?

Mr. OVERMAN. That is true,

Mr. SMITH of Georgia. Is it not true that in a large number of these cases it seems that the cotton really was the cotton of the Confederate Government, and we have the written record in the department to show that the cotton belonged to the Confederate Government, although in the pamphlet which has been

mr. OVERMAN. That is just what I have said.

Mr. SMITH of Georgia. The pamphlet contains the names of those from whom it was taken, but the records of the department show that the title was in the Confederate Government. I know of two or three cases that have come on for trial, and the department has produced written records showing that while the cotton was taken from the possession of these persons the title was in the Confederate Government, and therefore the parties could not recover. It would certainly be a relief to be able to write to the gentlemen who are asking us about it, "You need not waste any more thought about these claims; there is nothing in it; the Government has the written record which shows that the cotton did not belong to your ancestors; it belonged to the Confederate Government, and your ancestors were only made depositories thereby. The Confederate Gov-ernment had bought the cotton and you have no interest in it." I think it would quiet litigation and relieve a good deal of trouble and anxiety.

We have all been worried about these Mr. OVERMAN. claims and would like to have these facts. The Senator from Georgia stated the case very clearly. I want the letter of the Secretary of the Treasury read at the desk. While he opposes the resolution the very reason he gives for objecting to it is the

reason why we want it. I think the letter is in the papers.

The VICE PRESIDENT. The Secretary has not the papers at the desk. The letter to which the Senator referred is not in

the printed report.

Mr. OVERMAN. The letter was sent forward by myself in a large yellow envelope with the report. Are the papers there?

The VICE PRESIDENT. That would not be at the desk. That would be filed somewhere in the files of the Senate.

Mr. OVERMAN. I sent it here with the bill.
Mr. BRISTOW. I think that the letter should be read before we proceed further with the resolution.

The VICE PRESIDENT. The Secretary will attempt to find the letter on the files of the Senate.

Mr. OVERMAN. I think the Senator from Kansas will bear me out, however, that that was the objection of the Secretary of the Treasury.

Mr. BRISTOW. Yes. The reason I opposed the passage of the resolution was the statement set forth in the letter by the Secretary of the Treasury. I did not feel like the Senate ought to take action which the department felt would be vital to the interests of the Government in the cases that were pending.

Mr. OVERMAN. That is the reason why I think we ought to do it. He says if he gives out this evidence he will give away his hand; that is, he will give us evidence that he has to defeat these suits. We want this evidence to defeat litigation. Then

there will be no suits.

Mr. TILLMAN. It is to prevent suits.

Mr. OVERMAN. We want to prevent the suits. That is the difference.

Mr. SMOOT. Would not this be the result? I understand

that the Senator has already had published.

Mr. OVERMAN. I have not had it published.

Mr. SMOOT. Well, the Senate has had published a long list of claimants, showing the amount of cotton in bales and the amount of dollars and cents.

Now, if this resolution was passed and the information is given, would it not have the effect of saying to all the people whose names were included in the original list, if their names are not included in the information asked for by the resolution, there is no evidence whatever against them in the department?

Mr. OVERMAN. That could not be so, because every name has been published, giving the amount of the cotton seized and

all the money that has been deposited.

Mr. SMOOT. I am aware of that; but if this information is given to the Senate, then everyone whose name was upon the original list and not included in the information furnished, based upon this resolution, will be eliminated, and it will be saying to them, "The Government has no evidence at all against your claim; therefore you have a good claim."

Mr. OVERMAN. Perhaps by elimination that would be the result. I think most of these claims were received.

Mr. SMITH of Georgia. Is it not a fact that in that case

they would have all good claims?

Mr. SMOOT. I did not ask the question as to whether the claims were good or not. I asked if that would not be the

Mr. SMITH of Georgia. I want to suggest to the Senator from Utah that the effect of the present report is an indication by the Government to all that each one has a good claim as it stands on its face. When I read it first I thought it meant that the Government was advising them that the money was due them; that their cotton had been taken; that the Government had gotten the money for it, and all they had to do was to get the statute of limitations removed in order to come and get their money.

Now, it turned out when they began to come here in great numbers, though the Government printed this pamphlet as if it was their cotton, the Government has the written records in a number of instances showing conclusively that the cotton was merely deposited with those people and belonged to the Confederate Government.

Mr. SMOOT. I understand the situation to be exactly as the Senator from Georgia stated it. My question was directed to the Senator from North Carolina for the very purpose of bringing out that fact.

Mr. PAYNTER. Mr. President— Mr. OVERMAN. I yield to the Senator from Kentucky. Mr. PAYNTER. I understand the Senator from Utah to suggest that if this report is made and the information is given as to what the records show as to the cotton which belonged to the Confederate Government, when they fail to state that in a particular instance there is no record showing that it belonged to the Confederate Government the department admits it has no defense to the claim. That does not necessarily follow. simply follows that there is no record showing that the cotton belonged to the Confederate Government.

Mr. OVERMAN. The question of loyalty would come up

just the same.

Mr. SMOOT. I did not bring up the question of loyalty. I simply suggested it to the Senator so that the Senate might know that the result would be just as the Senator from Kentucky has said.

Mr. PAYNTER. The Senator from Utah certainly does not understand me to agree to the doctrine which he has just announced-that it is an admission that the Government has no defense to the claim. I say that it is not an admission that the Government has not a defense to the claim, but it simply states that there is no record there showing that the cotton belonged to the Confederate Government. There is a great difference between the two.

Mr. SMOOT. That may be true. I have not read the report

closely. Mr. BORAH, Mr. President-

Mr. OVERMAN. I yield to the Senator from Idaho. Mr. BORAH. Mr. President, I did not vote on the question to take up this resolution, because I was in want of information. But as I understand now, the Senator from North Carolina desires some information which is in the possession of one of the departments here, which information may have some bearing one way or the other upon the claims of parties against the Government.

I do not know upon what theory we deny to the citizens of the country the information which may be in the bureau. The fact is another thing. That the Court of Claims or some other court will determine. But unless there is some reason other than that which has been stated here upon this floor these than that which has been stated here upon this hoof these parties, whoever they are, ought to have the information which is in the keeping and possession of the Government. If the public interests are to be injured in any way or if it is detrimental to the public interests, that is one thing. That has not been suggested. The question simply bears upon private claims and private rights. I do not understand upon what theory we deny them this information.

Mr. OVERMAN. Has the Secretary the letter? The VICE PRESIDENT. The Secretary has

letter and

will read it

Mr. OVERMAN. Let him read the letter. I should like to call the attention of the Senator from Idaho [Mr. Borah], before he takes his seat, to the letter, so that he may see the rea-

sons which the Secretary gives.

Mr. JOHNSTON of Alabama. I wish to ask one question of the Senator from Utah. He seemed to apprehend that the Government would give away its case and that some claimant would come lawfully into his own by reason thereof. I want to ask him if he thinks the Government of the United States had \$1,000 that belonged to some man in Utah or Alabama it should withhold that information from him?

Mr. SMOOT. I had no apprehension at all. The Senator cer-

tainly misunderstood the intent of my question.

Mr. JOHNSTON of Alabama. That was the inference which the remarks of the Senator from Utah carried-that the Government ought not to inform one of its own citizens that it had money which honestly belonged to him.

Mr. SMOOT. Not at all.
Mr. JOHNSTON of Alabama. That is the most which can be said in the way of objection to this inquiry.

Mr. SMOOT. It was no objection. The Senator is absolutely mistaken

Mr. JOHNSTON of Alabama. I beg the Senator's pardon.
Mr. SMOOT. I did not make an objection. I simply asked
the question of the Senator from North Carolina to show exactly what the result of his resolution would be. It was not done in a spirit of faultfinding with the resolution at all.

Mr. BORAH. I ask for the reading of the letter.

The VICE PRESIDENT. The Secretary will read the letter. The Secretary read the letter, as follows:

TREASURY DEPARTMENT, Washington, January 6, 1912.

Washington, January 6, 1912.

Chairman Committee on Claims, United States Senate.

MY DEAR SENATOR: My attention has been called to Senate resolution 162, introduced by Mr. OVERMAN December 7, 1911, and referred to the Committee on Claims, directing the Secretary of the Treasury to prepare from records in his possession, either those of the United States Government or those of the late Confederate States, a list of persons shown to have sold cotton to the Confederate States Government or to have entered into any agreement to sell cotton to said Government.

The said resolution has a direct hearing upon the cotton claims which.

caused the sellers to contract to store and care for the cotton on their plantations and to deliver it at designated shipping points on the order of the Confederate treasury department, and under such agreements the former owners have been regarded as ballees of the cotton.

Much cotton of this character was thus in the possession of the former owners at the time of the surrender of the military forces of the Confederacy and was subsequently collected by agents of the United States and sold and the proceeds placed in the Treasury.

As payments for cotton purchased by the Confederate Government were largely made in Confederate bonds, rendered valueless as a result of the war, those persons who sold their cotton to the Confederate Government have contended that the sale was incomplete in that they never parted with the possession of the cotton, and, moreover, that as the Confederate bonds received in payment were of no value the sale was void as being without consideration. As most of these sales occurred in the years from 1801 to 1804, it may be observed that the department has no information of how the bonds were disposed of by those who received them, but it is probable that many of them were sold while such securities still retained a marketable value.

Congress, by the act of March 3, 1911, supra, has committed the adjudication of the cotton claims to the Court of Claims and the fullest information as to sales of cotton by individuals to the Confederate Government will be furnished to the Court of Claims from the records possessed by the department as to present the facts pertaining to each individual case, and as section 164 of said act of March 3, 1911, authorizes the court to call upon the department for any information or papers necessary in the prosecution of its business, it would seem that the law sending the claims to the court for adjudication, to be there proceeded in as in other cases, contemplated that the procuring of all necessary evidence from department are cords should be conducted in the ma

of all necessary evidence from departmental records should be conducted in the manner indicated in the law and under the rules of the court.

Evidence that the cotton for which a claim is filed was actually sold to the Confederate Government is matter of defense to be offered in court for the protection of the interests of the United States, as required by section 185 of the Judicial Code, and, in my opinion, compliance with the resolution, in advance of the filing of such claims in the Court of Claims, by disclosing the details of the Government's defense against the claims would be injurious to the public interests.

The many controverted questions of fact and law involved in the sales of cotton to the Confederate Government will be determined by the Court of Claims in the exercise of the full jurisdiction given to the court to adjudge said cotton claims, and full information from the records of the department relating to such sales will be furnished to the court in response to its calls made under said section 164 of the act of March 3, 1911.

As the provisions of the law for the submission of evidence from the records of this department direct to the Court of Claims appear to meet every requirement for the adjudication of the cotton claims, it is believed that the specific data when furnished in response to the calls of the court will supply all necessary information as to sales of cotton to the Confederate Government in such form and detail as to present the complete facts of each individual case.

I also have the honor to transmit herewith copy of a communication of this date addressed to the Speaker of the House of Representatives relative to resolutions of the same general character which are pending before committees of the House of Representatives relative to resolutions of the same general character which are pending before committees of the Speaker of the House of Representatives relative to resolutions of the same general character which are pending before committees of the Speaker of the House of

Mr. President, it would seem that from listen-Mr. BORAH. ing to the reading of the letter-I gathered its import as it was read—that the two principal objections to the furnishing of this information are that it would be expensive and a little bit inconvenient to do so.

Mr. OVERMAN. Mr. President, right there I want to read from my report, as follows:

Besides, in the report of the Hon. Lot M. Morrill, Secretary of the Treasury, of August 7, 1876, Executive Document No. 189, first session, Forty-fourth Congress, volume 14, it appears that a list has been prepared of all the claims covered by this resolution.

Mr. BORAH. Mr. President, I am just a little bit sensitive myself as to any bureaus or departments of the Government withholding information to which a citizen is entitled in order to establish a right. We have had a good deal of experience of that kind out in our section of the country. For the last five or six years when a homesteader might be desirous of proving or six years when a homesteader might be desirous of proving up upon his homestead they have been in the habit of sending a special agent, who would gather the facts, and upon those facts the department might see fit to refuse the issuance of a patent. When the homesteader called for the information which was within the keeping of the department, the department withheld the information, for the reason that it might not be to the public interest to supply it; in other words, a man, if he had an opportunity to meet the information, to know the facts, might be enabled to disprove them. Many a man has Government.

The said resolution has a direct bearing upon the cotton claims which under section 162 of the Judicial Code, approved March 3, 1911 (36 Stat., 1139-1140), were referred to the Court of Claims for-adjudication, and as this department is now actively employed in the work of collecting and arranging information for the use of the court in the trial of pending cases it would seem that neither the interests of the claimants nor of the Government would be subserved by diverting the limited available force of the department from the completion of the information desired by the court to engage in the preparation of the data specified in the resolution.

The magnitude of the task suggested by the call for the information specified in the resolution may be inferred from the fact that the records of such sales are very voluminous, and the task of preparing the proposed list probably would require several months' time for its completion, as an exhaustive examination of all related records would be necessary to comply with that part of the resolution which directs that the statement shall show whether the sale was a complete one or only an agreement to sell and whether the price agreed upon had actually been paid by the Confederate Government.

In explanation of this phase of the claims it may be stated that when the sales were consummated the Confederate Government, not having storage facilities for the concentration of the cotton at depots,

necessary. In view of the fact that the Secretary has apparently answered the second proposition by his last paragraph, I do not think that it is necessary to argue that feature of it; but certainly, if there is any information here which parties are entitled to have to prove or disprove a claim, the mere fact that it is inconvenient or expensive to furnish it is hardly a sufficient reason for refusing. If it disproves the claim, it does not injure the Government; and if it is legitimate evidence showing a valid claim the citizen is entitled to have it to substantiate his claim.

Mr. BACON. Mr. President, I merely want to suggest one view of this matter. Nobody will contend for a moment that any citizen has a right to recover any of the money realized from the sale of any of this cotton which had ever been the property of the Confederate Government. Everybody will admit that in every instance where this cotton had been purchased by the Confederate Government and had been deposited with a citizen, that the citizen took no title, and that the United States Government is the legitimate owner of the proceeds of that cotton. It appears that among the list of those in whose names this cotton stood there are many concerning whom the Government has the record evidence that it was not their cotton, but that it was the cotton of the Confederate Government. The simple proposition is, that wherever that condition of affairs exists it will be admitted that the Government has title to the money, and that the party in whose name this cotton appears is not entitled to the money. The sole purpose, so far as this branch of the resolution is concerned, is to eliminate that controversy and not put parties to the necessity of coming here and litigating and then have the Government produce the evidence which, if it is produced in advance, will obviate the necessity of that litigation. That is the whole thing.

The Secretary of the Treasury in his letter states that when the case comes up for trial the Government will be prepared to show this fact, that the court will be in possession of the evidence of it, and it will be disposed of in the manner contemplated by the law; but it does look like a great hardship. Mr. President, that parties who are simply the descendants of the people in whose name this cotton was originally placed and who could have no personal knowledge of it should be required to come up here, Higate about a matter, and have the Government then produce the evidence, when the Government can dispose of the whole thing without litigation by a simple production in advance of that evidence. It is not correct, as suggested by the inquiry of the Senator from Utah, that the production of that evidence will inure in any manner to the benefit of other parties who are not in this class. Mr. HEYBURN. Mr. President-

The VICE PRESIDENT. Does the Senator from Georgia yield to the Senator from Idaho?

Mr. BACON, I do. Mr. HEYBURN, I should like to ask the Senator from Georgia what became of this cotton; who took it?

The Federal Government, I presume. Mr. HEYBURN. Well, what did they do with it? Mr. BACON. They sold it.

Mr. JOHNSTON of Alabama. And put the proceeds into the

Mr. BACON. They sold it and put the money in the Treas-

Mr. SMITH of Georgia. The Treasury report discloses the actual money which was passed into the Treasury from this cotton that was taken and sold.

Mr. HEYBURN. What was the amount? Can the Senator state approximately what the amount was?

Mr. OVERMAN. It was over a million dollars.
Mr. BACON. I think I can tell the Senator from Idaho, if
he will permit me to proceed. I think I can tell the Senator that the total amount remaining in the Treasury-I state this from memory, from statements made in debate years ago, for the subject has been up here frequently in the Senate-is some-

thing approximating \$10,000,000.

Mr. HEYBURN. Ten million dollars. Was that in gold?

Mr. BACON. I have not finished the answer; I have not given the information the Senator from Idaho desires.

Mr. HEYBURN. I will wait.

Mr. BACON. But I think it is conceded that of this amount, the amount to which the parties would be entitled upon an examination and elimination of this class of cases that we are now speaking of, would be something like \$5,000,000.

Mr. HEYBURN. Was that in gold or in paper? Mr. OVERMAN. Mr. HEYBURN. The cotton was sold in 1866.

I know; but was the amount in gold? Mr. OVERMAN. I suppose it was in gold. It was turned into the Treasury.

Mr. HEYBURN. Was the cotton sold abroad?
Mr. OVERMAN. No; it was sold—
Mr. BACON. I hope the Senator will confine his views to the particular question I was discussing.

Mr. HEYBURN. I was trying to.
Mr. BACON. I was not going into details as to what all the different defenses would be. Those matters, such as are suggested by this question, would be matters of defense by the Government; those would be matters of adjustment by the courts; but we are speaking altogether of different matters. I was speaking of the question of the propriety of the passage of this resolution, not with reference to what defense might be put up, though what the Senator now says illustrates what I was about to say, that there are other matters to be urged by the Government than the simple question as to whether the cotton had been sold to the Confederate Government. There would be, as to cotton not sold to the Confederate Government, the question which the Senator is now raising in order that it might be determined what amount was due to the owner of the cotton.

Mr. OVERMAN. Mr. President—
The VICE PRESIDENT. Does the Senator from Georgia yield to the Senator from North Carolina?

Mr. BACON. I do. Mr. OVERMAN. I want to state, for the benefit of the Senator from Idaho [Mr. Heyburn], that this document shows that this cotton was seized in Georgia and sold in New York.

Mr. HEYBURN. Seized by whom?

Mr. OVERMAN. By officials of the United States Govern-

ment, of course.

Mr. BACON. Well, Mr. President, I am not now proposing to discuss the merits of the question which will come up on the bill. Those are questions that will be entertained by the court. We are simply discussing this question now, of whether or not, in view of the fact that among this large list of persons who are said to be the persons from whom the cotton was taken, the Government has record evidence that a large part of the cotton thus taken from individuals did not belong to such individuals, but that, in fact, it belonged to the Confederate Government and that they were the mere depositories of the cotton.

In view of that fact, the Government having the evidence, is it not better, when that fact would necessarily control the judgment, to relieve these people of the necessity of coming up here and going to the expense and trouble of litigation, by simply

giving that evidence in advance?

If it were true, as suggested by the Senator from New York, that this was immediately succeeding the war, then every man would know, when his name was published in the list, whether he was himself the owner of the cotton or whether he was simply a depositary of it; there would be but little or no merit in the attempt which is being made to get this information; but it must be apparent to everybody that not one in one hundred in that list who was then the custodian or the owner of the cotton is now in life. It was not owned by young men, and only the very young men of that day are now in life. The men who then owned this cotton, or the men who were then the depositaries of this cotton, as the case might be, were probably men in middle life, all of whom have gone.

Mr. JOHNSTON of Alabama. They were old men. Mr. BACON. They were old men and men of middle life.

The young men, with scarcely an exception, were then engaged in the work of active soldiering, as were even most of the middle-aged men. The young men were not the possessors of plantations and farms. They were owned by men of riper years, and they are all dead and gone. These are the descendants of those men, who themselves have not the knowledge.

Mr. HEYBURN. Will the Senator permit me to ask him a

question?

The VICE PRESIDENT. Does the Senator from Georgia yield to the Senator from Idaho?

Mr. BACON.

Mr. BACON. I do. Mr. HEYBURN. T These certificates would be evidence that the ancestors sold the cotton to the Confederacy, would they

Mr. BACON. Not necessarily-either their ancestors or somebody else.

Mr. HEYBURN. Yes. Well, then, what would that estab-What nature of claim would that show a man had?

Mr. BACON. That would establish the fact that the United States Government was entitled to the money and that those men were not. That is the point about it.

Mr. HEYBURN. That would be a controversy, would it? Mr. BACON. Not at all. If the Government has the record evidence, which I understand to be the case, possibly in each case the bill of sale of the cotton, that would establish the

fact that these claimants have no claim and that the money belongs to the United States Government. There is a large amount of money that is shut up in the Treasury which would be released by this thing.

Mr. HEYBURN. To whom?

Mr. BACON. To the United States Government.

Mr. HEYBURN. And go into the general fund? Mr. BACON. Of course.

Mr. OVERMAN. It is already in the general fund.

Mr. BACON. That money, which amounted to about \$10,000,000, has been in the Treasury for 30 years under a decision of the Supreme Court, as I understand; that it does not belong to the Government, but belongs to the owners of the cotton, from whom it was taken.

Mr. HEYBURN. And now they want to get this information as evidence of that fact?

Mr. BACON. Not at all. Those of them to whom it did legitimately belong, of course, want their money, and the Congress of the United States indicated the purpose for them to have it in the passage, in connection with the judiciary bill, of the cotton amendment. I presume that was passed in good faith on the part of the Congress of the United States, intending that whoever was really entitled to the money should have it; but now it develops, and it is undoubtedly the fact, and has been known to be the fact for a long time, that all of this fund does not belong to these people.

Mr. HEYBURN. To whom does it belong? Mr. BACON. It belongs to the Government of the United States, and yet, under a decision of the Supreme Court of the United States, it is tied up in the Treasury, but it is not in the general fund.

Mr. HEYBURN. Mr. President— Mr. BACON. If the Senator will permit me, say that half of this cotton which was seized was not the cotton of the individuals in whose possession it was found, but that it was the cotton of the Confederate States, and that these individuals were simply the depositories of it, this cotton was taken from their possession and sold. Now, nobody will dispute that every dollar of that belongs to the Government of the United States.

Mr. HEYBURN. By virtue of seizing it? Mr. BACON. By virtue of the fact that it was the property of the Confederate Government.

Mr. HEYBURN. And the United States Government cap-

tured and sold it.

Mr. BACON. They captured the property and sold it, and it was the property of a government in hostile opposition to the Federal Government.

Mr. HEYBURN. Now, that covers about half of it.

Mr. BACON. It has been conceded in the debates which have taken place in the Senate, some of them before the Senator from Idaho came here, that a very large proportion, possibly a half, and I think more, was cotton which did not belong to the parties from whom it was taken, and that the money in the Treasury representing that portion of the cotton, when the facts could be ascertained, would not go to any individuals, but would be covered into the general fund of the Treasury. Now we are simply seeking to segregate that \$10,000,000 fund and find out how much of it belongs to the Government of the United States because it is the proceeds of cotton which had belonged to the Confederate Government.

Mr. HEYBURN. Confiscated cotton? Mr. BACON. Confiscated by that fact. If that is so, that amount will be released.

Mr. JOHNSTON of Alabama. Mr. President-

Mr. BACON. The Senator will allow me to finish the sentence, please.

Mr. JOHNSTON of Alabama. Certainly. Mr. BACON. When that is ascertained that amount will be released and will go into the General Treasury. There will then remain, according to my best information, between four and five million dollars, which will be covered by the provision the House attached to the bill of the Senator from Idaho—the judiciary bill, if I may call it his bill, because he was the principal advocate of it, and he was the one who got it throughattached to it as an amendment in the House a year ago last March, for the purpose of enabling such people as were the real owners of that cotton at the time of the seizure, and if the contention of the Senator as to proof of loyalty is correct, who might be able to make proof of loyalty, to get it.

The Congress certainly passed that bill in March, 1911, for the purpose of enabling such parties as were entitled to this money to get it. This resolution simply seeks to accomplish two things, and it will accomplish two things if it is adopted. First, it will save a tremendous amount of litigation. As soon as this information is published everybody will accept it as a fact, and every man whose name is put down among those as having been simply depositaries will at once abandon his effort to get it. The second effect will be that the money ascertained to be the money of the United States Government will go into the Treasury of the United States Government and only leave for litigation less than half the amount still remaining for parties to prove title to the cotton and loyalty to the Government, if the Senator's contention as to the necessity of such proof is correct.

Mr. HEYBURN. That will be litigated only on the basis that the title remained in the individual and that, if the Government took it, it took the individual's cotton?

Mr. BACON. Yes, sir.
Mr. HEYBURN. And that the individual would be entitled to recover, with or without proof of loyalty, as it may be held?

Mr. BACON. Yes.

Mr. HEYBURN. As it may be held. We considered that when we were discussing on the floor the bill to which the Senator has referred; and that is the contention that is involved in this bill.

Mr. BACON. Yes; and the only effect of it is to remove from contention that about which there will be no contention if the facts are shown.

Mr. HEYBURN. That is commendable. I merely wanted exact information in order that I might make no mistake.

Mr. JOHNSTON of Alabama. I want to suggest to the Senator from Idaho that under the law as it now stands a man can bring his suit and go into the Court of Claims and have this very information certified. The Court of Claims orders the information to be certified. The only question now is whether it shall be certified before he is put to the expense of bringing suit.

Mr. HEYBURN. I think not—
Mr. OVERMAN. In Senate Document No. 23, Forty-third Congress, second session, under the heading "Statement of captured cotton collected in the first special agency subsequent to June 1, 1865, under J. R. Dillin and H. M. Buckley, supervising special agents, Nashville, Tenn., and forwarded to and sold by Simeon Draper, United States cotton agent at New York," I find the following item:

From whom collected.	Where collected.	By whom collected or forwarded.	Bales received.	Bales sold.	Gross proceeds.	Expenses to and at Cincinnati.	Freight to New York.	Expenses at New York, including commissions to agents.	Total expenses.	Net proceeds.
F. A. Billingsley	* Albany, Ga	w. c. Buntz	* 24	* 24	* \$2,921.82	* 1 \$492.36	* \$81.85	* \$90.15	* \$654.36	* \$2,267.45

1 Expenses to and at Apalachicola.

It appears from that statement that Mr. Billingsley had about \$3,000 worth of cotton seized. Under the law which has been passed his heirs would want to bring suit for it, but when they come up here and bring suit the Government exhibits a certificate showing that the cotton belonged to the Confederate Government and did not belong to Mr. Billingsley, and his suit is gone. Now, we want to avoid that, so that, for instance, I could say to the heirs of Mr. Billingsley, when they write me to get a lawyer to bring this suit, "You have no suit; this property belonged to the Confederate States."

Mr. CULLOM. Is the evidence there to that effect? Mr. OVERMAN. Certainly. Here is the evidence showing

the cotton seized, and so forth.

Mr. SMITH of South Carolina. Mr. President, I should like to make this statement: As I understand, the resolution simply requires the Government, upon the information in its possession, to declare authentically what it does own beyond controversy, and separate it from that to which it does not have a fair claim, which may or not belong to individuals. Is not that the scope of the resolution, I should like to ask?

Mr. OVERMAN. We want the facts furnished as in the case of the items contained in the document to which I have referred.

Mr. SMITH of South Carolina. The point that I make is that there is so much money, and we want to know to how much of that money the Government has a valid claim and how much of it belongs to individuals, although it is in the Treasury.

Mr. OVERMAN. We have Yes; we want all the records. part of them, and if we are going to have part of them we want all of them

Mr. SMITH of South Carolina. So as to know what may be

litigated for and what may not.

Mr. HEYBURN. Mr. President, when the subject was before the Senate in the consideration of the revision of the judiciary title my attention was drawn strongly to this question. I was frequently asked by Members of the Senate what interpretation the committee had placed upon the provision which would govern this matter in the courts, and I stated then, and have frequently stated since, orally and in writing, that the provisions of the judiciary title do not relieve the claimant from proof of loyalty, and it was not intended that they should. It was the subject of long discussion and also of longer investigation on my part in order that I might be justified in the answer which I made. Some Senators now before me have letters in which I go into the matter at some length, eiting authorities.

Mr. President, I will defer referring to the real objection that I had to the consideration of this resolution until I have said a word in regard to the two classes of claims. A portion of the cotton was claimed by the organization calling itself the Confederate Government. That passed by confiscation through the ordinary operation of war to the Government of the United It was taken possession of. That belongs distinctively to a class by itself. The claim was set up that all of that cotton was not the property of that organization, that it held it merely as the custodian or depository for the owners. recollection from my investigation at that time is that, disregarding the question of interest or additional sums, it represented a principal of between five and six million dollars.

Now, the question is, I assume, whether or not suit shall be brought on behalf of individuals claiming that the title to the cotton remained in them when the Government of the United States took possession of it through the act of confiscation. The Government took both classes of cotton and sold it and the money is in the Treasury of the United States. have dealt with it only partially. They have decided certain questions, but they have not passed upon the question as to the five or six million dollars' worth claimed to be individual prop-

The controversy that arose in this Chamber a year or so ago as to whether or not the proof of loyalty was dispensed with is responsible for this resolution. It has awakened the cupidity of a certain class of claim lawyers and also of a certain class of persons who claim to be successors of those who turned in cotton. They think they see a way to open up litigation involving this five or six million dollars' worth of cotton, the money which was received for it being in the Treasury of the United States. That is all this is; it is an attempt to stir up this question, and, if possible, to get a decision from the courts holding that the question of loyalty is now eliminated. They will run against another snag, as they will find when they come to bring suit, as to when the rule applies. If the question of loyalty was a condition precedent at the time the right of action accrued, they will find they have not been relieved of it by any subsequent legislation; but we have not yet reached that. The subsequent legislation; but we have not yet reached that. The courts will reach it first, and we will let all parties take their chances. We will not volunteer as advisers for them; but it is one of the questions that I felt called upon to go into with some care when it was responsibly in my hands for consideration.

Mr. President, I am perfectly willing to leave to the courts the decision of those questions without undertaking to anticipate them here, for nothing we would do could control the decision of the courts in that respect. They will decide the question according to the rules of law, as is their duty, and not according to a resolution of the legislative branch of the Government as to how they ought to decide it, for it will not be the decision of a new question involving new rights, but it will be the determination of the legal status of citizens and the rights of citizens existing nearly half a century ago; and the rule that they will apply to it will be the rule of that day, and not the rule of this day. I am merely stating these considerations. I think they are truly expressed axioms that will follow this matter all

the way through.

I objected to the consideration of this resolution because, without any sufficient reason, it has undertaken to express on its face a recognition of the Confederate Government. There

never was a Confederate Government, and we have the best authority in the world for that statement, and I desire to put it in the RECORD. I have all the decisions here. There are too many of them to undertake to read into the RECORD, but the question came squarely face to face with the Supreme Court of the United States for the purpose of decision where the decision of that question determined the rights of the parties. It was not obiter; it was not incidental; it was a decision of that court in a case of conflicting interests and rights, and it was rendered by one of the Justices of the United States Supreme Court whose record is, perhaps, as good as that of anyone who ever sat on it. He represented us not only in the Supreme Court of the United States, but in great international controversies and tribunals, and he stands not only as a great jurist in this country but as a great jurist in all the world. I refer to Mr. Justice Swayne. His decision was rendered long enough after the war for cooling time to have elapsed. The question grew out of an action by the so-called Confederate Government in the creation of courts and the establishment of their juris-The decision is in Ninth Wallace, and I read it, not diction. because Senators do not know it or have forgotten it, but in order that it may accompany my remarks in this Record that will stand forever. He discusses the status of what was claimed to be the Confederate Government. In the resolution under consideration (S. Res. 162) the language used is "the Confederate States Government." The question in my mind is, Are we going to give it official recognition in the Senate of the United States? The court says:

United States? The court says:

The rebellion out of which the war grew was without any legal sanction. In the eye of the law, it had the same properties as if it had been the insurrection of a county or smaller municipal territory against the State to which it belonged. The proportions and duration of the struggle did not affect its character. Nor was there a rebel government de facto in such a sense as to give any legal efficacy to its acts. It was not recognized by the National, nor by any foreign Government. It was not at any time in possession of the capital of the Nation. It did not for a moment displace the rightful government. That government was always in existence, always in the regular discharge of its functions, and constantly exercising all its military power to put down the resistance to its authority in the insurrectionary States. The union of the States, for all the purposes of the Constitution, is as perfect and indissoluble as the union of the integral parts of the States themselves; and nothing but revolutionary violence can, in either case, destroy the ties which hold the parts together. For the sake of humanity, certain belligerent rights were conceded to the insurgents in arms. But the recognition did not extend to the pretended Government of the Confederacy.

That sounds like the patriotism of my early life, the echo of

That sounds like the patriotism of my early life, the echo of which has been ringing in my ears all through. Mr. President, there are more than a dozen decisions in exact accord with the expression of Mr. Justice Swayne upon this question. Now, with what propriety can Congress to-day incorporate into its responsible action a recognition of the existence of the Confederate States Government. I appeal in the name of reason and consistency whether or not you ought to accept such a thing.

Mr. OVERMAN. It is merely a designation. It only designates the records as they are designated in the department itself.

That is all it is.

Mr. HEYBURN. No; I must differ from the Senator. personal conversation the Senator has so maintained and does now on the floor, but you would have to rewrite this resolution to make it susceptible of such an interpretation. It reads:

Resolved, That the Secretary of the Trasury be, and he is hereby, directed to prepare from records in his possession, either those of the United States Government or those of the late Confederate States, and to transmit to the President of the Senate as soon as practicable a list of persons shown to have sold cotton to the Confederate States Government.

Now, if you leave off the word "Government" you come pretty nearly describing those States. They were confederated together for the purpose of disrupting the Union.

Mr. OVERMAN. I have no objection to striking it out. Mr. HEYBURN. And the words "Confederate States" there

would be less objectionable.

Mr. OVERMAN. I have no objection to striking out the word "Government."

Mr. HEYBURN. Just a moment. It was the use of that word "Government" that first took me to the Senator's desk to protest, and it was the use of that word "Government" that caused me to object to the consideration of this resolution to-day.

Mr. BACON. Will the Senator permit me to make a suggestion to him?

Mr. HEYBURN. Yes; with pleasure.

Mr. BACON. Of course, I do not want to go into any argument upon this question. If the name of that government were used, the Senator might object to the recognition of it; but that was not the name of it. It was the Confederate States of America, just like the name of our Government is the United

States of America. It undoubtedly was a government, and you

have to designate it some way.

Mr. HEYBURN. The courts say not.

Mr. BACON. A government is something which governs, and there was something which governed a large territory and maintained armies and fought a great war, the greatest of modern times, for four years.

Mr. HEYBURN. The Supreme Court says it was not a gov-

ernment.

Mr. BACON. I do not want to split hairs with the Senator about that and I do not want ever to enter into any discussion of that question. I think the country is pretty well satisfied about the whole thing, one way and another. I do not think there is anything to be gained by the discussion, but I thought possibly that the suggestion to the Senator that the name that he so much objects to in this resolution is not the name of that government might cause him to view the matter differently.

Mr. HEYBURN. It is so described. There was no govern-ent. The Supreme Court says there was none; and I know the Senator is a great lawyer and reverences the decisions of

the Supreme Court of the United States.

Mr. BACON. In one sense the Supreme Court could say that and in another sense it could not; but I just want to ask the Senator this question: Under what title would the United States Government be entitled to this \$5,000,000 that I say is in the Treasury now?

Mr. HEYBURN. Because they took it from the insurgents. Mr. BACON. Well, but there must have been an organization

from which it could be taken.

Mr. HEYBURN. Well, the organization-I hope the Senator will not force me to be too particular in naming that organization. I used to content myself-

Mr. BACON. I have no objection to the Senator using it; but I simply say to him that the Senate itself has by solemn vote condemned it in the past.

Mr. HEYBURN. Mr. President, it is not pleasant for me to rise in my place in this body and seem even to refer to unpleasant things.

Mr. BACON. If the Senator will permit me, I will interrupt him so far as to say that I acknowledge my error in making any

reply to him whatsoever, and-

Mr. HEYBURN. I will not yield for that. That was not intended to be courteous, and I am not one of those who stand discourtesy here or elsewhere. Senators might just as well make up their minds on that. If Senators can content themselves with a courteous discussion of these questions, well and good; but I am going to speak of them from my standpoint. I speak with responsibility, and when a Senator attempts to say in a contemptuous way that he made a mistake by replying to me he will find that he has made no mistake by replying.

Mr. BACON. Mr. President, I will try to be in order by be-

ing silent

Mr. HEYBURN. I will enforce courtesy to myself here or anywhere against any man or men on earth. Just mark that down; and I know how to do it, too. Now, Mr. President, I will resume

Mr. OVERMAN. Mr. President—
The VICE PRESIDENT. Does the Senator from Idaho yield to the Senator from North Carolina?

Mr. HEYBURN. Yes.
Mr. OVERMAN. Suppose we strike out the word "Government" and say the "Confederate States."
Mr. HEYBURN. That was the suggestion I made to the Senator when the matter first came to my attention, and the Senator said he would, but afterwards suggested that he thought he would not.

Mr. OVERMAN. No; I think the Senator misunderstood me.

However, I will take the suggestion back.

Mr. HEYBURN. Now, that resolves itself down to its merits. Mr. OVERMAN. I am not offering to amend the resolution at all. I will strike nothing out, but will just leave it to the Senate and have it passed on by them.

Mr. HEYBURN. Then the Senator is contending for it.

Whatever we put up to the Senate we contend for.

Mr. OVERMAN. No; I never have contended for it, except

that it was the proper way to designate the records; that is all.

Mr. HEYBURN. Mr. President, it has got to be that I retain the liberty to stand up for the loyalty of the citizenship of this country, but I will not apologize for the acts of the great majority of the patriotic people in suppressing the rebellion. The Senator says he is not going to withdraw that word. I will just set that off against it, and if the majority of the Senate dare, by the language of that resolution, recognize that there ever was a Confederate Government, they will find enough patriotism in this country to make them think that they had better give it more attention.

I suppose they would get up a direct primary. I think probably that would be their last resort. They would submit this to a direct primary, as they are submitting other questions.

I would not have given more than the passing attention that

I give to all measures to the resolution had not those words obtruded themselves upon my notice on the face of the resolu-tion. They occur twice. They occur in line 6 and in lines 7 and 8, where reference is made to "said Government."

Mr. GALLINGER. Mr. President—
The VICE PRESIDENT. Does the Senator from Idaho yield

to the Senator from New Hampshire? Mr. HEYBURN. I do.

Mr. GALLINGER. In line 6, I move to strike out the word Government."

The VICE PRESIDENT. The question is on agreeing to the amendment of the Senator from New Hampshire.

The amendment was agreed to.

Mr. GALLINGER. In line 8, I move to strike out "Government" and substitute the words "Confederate States."

The amendment was agreed to.
Mr. OVERMAN. Since that has been done I want to direct the Senator's attention-

The VICE PRESIDENT. Does the Senator from Idaho yield to the Senator from North Carolina?

Mr. HEYBURN. I yield if the Senator desires— Mr. OVERMAN. I merely want to call the attention of the Senate to the fact that the Secretary of the Treasury, in his report, say:

Mr. HEYBURN. The Secretary of the Treasury speaks of many things that, in my judgment, are admirably spoken,

Mr. OVERMAN. I wanted to show that these words appear

in the letter

Mr. HEYBURN. I know what has been read into the RECORD. Mr. OVERMAN (reading):

Records in his possession, either those of the United States Government or those of the late Confederate States, a list of persons shown to have sold cotton to the Confederate States Government or to have entered into any agreement to sell cotton to said Government.

Mr. HEYBURN. I never did take my patriotism from the Secretary of the Treasury of the United States, and I am not apt to commence in this debate. But I am not going to animad-vert further upon his views of these questions.

The VICE PRESIDENT. The question is on agreeing to the

resolution as amended.

The resolution as amended was agreed to.

INSTRUCTION IN FORESTRY.

The bill (S. 5076) to promote instruction in forestry in States and Territories which contain national forests was announced as next in order on the calendar.

Mr. HEYBURN. I ask that the bill may go over.

The VICE PRESIDENT. It will go over.

WAIVER OF TRIAL BY JURY.

The bill (S. 3846) to authorize a waiver of trial by jury in the district courts of the United States was announced as next in order.

Mr. GALLINGER. Let that go over. The VICE PRESIDENT. It will go over.

Mr. CHILTON. I did not understand what Senator asked that Senate bill 3846 be passed over.

Mr. GALLINGER. I asked that it should go over, not noticing the Senator from West Virginia in his seat. I have no desire to insist on its going over.

Mr. CHILTON. It is a bill of great public importance

Mr. GALLINGER. I withdraw my objection, but I should like to have the Senator make a brief statement about the bill.

It seems to waive trial by jury. I do not know its exact signifi-

Mr. CHILTON. The object of the bill is simply this: Section 649 of the Revised Statutes provides that civil cases in the circuit courts may be tried without a jury, and then provides how a jury shall be waived. Section 700 of the Revised Statutes

how a jury shall be walved. Section 100 of the Revised Statutes provides how appeals on writs of error may be taken in cases where a jury has been waived by stipulation of the parties.

Those two sections relate to circuit courts. The circuit courts having been abolished, and all trials by jury in the first instance being now in the district courts, the bill substitutes in those two sections the words "district courts" for "circuit courts."

There has been some question as to whether the judicial codification does not provide for it, but some of the judges hold one way and some the other. It was at the instance of several district judges that the bill was introduced and finally reported by the Judiciary Committee of the Senate.

If the present law by construction would operate as the bill

is intended to do, the bill can not hurt anything. The bill was prepared and introduced and reported by the Judiciary Com-

mittee for safety. It embodies those two sections for sections 649 and 700, and strikes out the words "circuit courts" and inserts "district courts."

Mr. GALLINGER. I withdraw my objection, Mr. President.
There being no objection, the Senate, as in Committee of
the Whole, proceeded to consider the bill.
The bill was reported to the Senate without amendment,
ordered to be engrossed for a third reading, read the third time, and passed.

PRESIDENTIAL PRIMARIES IN THE DISTRICT OF COLUMBIA.

The bill (S. 2234) to provide for a primary nominating election in the District of Columbia, at which the qualified electors of the said District shall have the opportunity to vote for their first and second choice among those aspiring to be candidates of their respective political parties for President and Vice President of the United States, to elect their party delegates to their national conventions, and to elect their national committeemen, was announced as next in order.

Mr. HEYBURN. I ask that the bill may go over. The VICE PRESIDENT. The bill will go over.

EL PASO & SOUTHWESTERN RAILROAD.

The bill (H. R. 21170) granting to the El Paso & Southwestern Railroad Co., a corporation organized and existing under the laws of the Territory and State of Arizona, a right of way through the Fort Huachuca Military Reservation in the State of Arizona, and authorizing said corporation and its successors or assigns to construct and operate a railway through said Fort Huachuca Military Reservation, and for other purposes, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LOANS IN THE DISTRICT OF COLUMBIA.

Mr. SMOOT. I move that the Senate adjourn.
Mr. CURTIS. There are quite a number of bills on the calendar. A very important bill is the bill (H. R. 8768) to regulate the business of loaning money on security of any kind by persons, firms, and corporations other than national banks, licensed bankers, trust companies, savings banks, building and loan associations, and real estate brokers in the District of Columbia. It has been on the calendar for a long time. It is only 4 o'clock, and that bill would soon be reached in order on the calendar.

Mr. SMOOT. We have been here since 11 o'clock this morning. I understand that a number of Senators have already made appointment for committee meetings thinking that we would adjourn by 4 o'clock.

Mr. CURTIS. I give notice that to-morrow, immediately after the report of the conferees on House joint resolution 39 has been disposed of, I will move to take up House bill 8768.

The VICE PRESIDENT. The Senator from Utah moves

that the Senate adjourn.

The motion was agreed to, there being, on a division, ayes 21, noes 7, and (at 3 o'clock and 57 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, April 23, 1912, at 2 o'clock p. m.

HOUSE OF REPRESENTATIVES.

Monday, April 22, 1912.

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the fol-

lowing prayer:

Almightly God, our heavenly Father, let Thy spirit come mightily upon us, to strengthen, encourage, and guide us in our struggles to attain the ideals that each is bound to contribute to his fellows, to the public weal, to the uplift of humanity, if Thy kingdom shall come and Thy will be done in earth as it is in heaven. Hear us and help us to answer our prayer. In the spirit of the Lord Jesus Christ. Amen.

The Journal of the proceedings of yesterday was read and approved.

proved.

PENSIONS.

Mr. RUSSELL. Mr. Speaker, I ask unanimous consent to concur in the Senate amendments to the House bill 18336.

The SPEAKER. The Clerk will report the bill and the Senate amendments.

Mr. MANN. Mr. Speaker, where is the bill? The SPEAKER. The bill is in the hands of the Committee on Invalid Pensions.

The Clerk read the title of the bill, as follows:

H.R. 18336. An act granting pensions and increase of pensions to certain soldlers and sailors of the Civil War and certain widows and dependent children of soldlers and sailors of said war.

The Senate amendments were read.

The SPEAKER. Is there objection? [After a pause,] The

Chair hears none.
Mr. RUSSELL. Mr. Speaker, I move to concur in the Senate amendments

The SPEAKER. The gentleman from Missouri [Mr. Rus-SELL] moves to concur in the Senate amendments. The question is on agreeing to that motion.

The motion was agreed to.

EULOGIES ON THE LATE REPRESENTATIVE BINGHAM.

By unanimous consent, at the request of Mr. Moore of Pennsylvania, it was-

Ordered, That Sunday, the 19th day of May, at 12 o'clock m., be set apart for addresses on the life, character, and public services of Hon. HENRY H. BINGHAM, late a Representative from the State of I'ennsylvania.

WITHDRAWAL OF PAPERS.

Mr. Fuller, by unanimous consent, was granted leave to withdraw from the files of the House papers in the case of George W. Marston, Sixty-first Congress (H. R. 3794), without leaving copies, no adverse report having been made thereon.

ENROLLED BILL SIGNED.

Mr. CRAVENS, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bill of the following title, when the Speaker signed the same:

H. R. 16101. An act providing for patents to homesteads on the ceded portion of the Wind River Reservation, in Wyoming. NORWEGIAN ICE BREAKER "KIT."

Mr. HUMPHREY of Washington. Mr. Speaker, I ask unanimous consent to file the views of the minority (H. Rept. 523, pt. 2) on the bill (H. R. 17235) to grant American registry to the Norwegian ice breaker Kit.

The SPEAKER. The gentleman from Washington [Mr. HUMPHREY] asks unanimous consent to file the views of the minority on the bill H. R. 17235. Is there objection?

There was no objection.

PERSONAL PRIVILEGE.

Mr. CAMPBELL. Mr. Speaker, I ask unanimous consent to address the House for 30 minutes.

The SPEAKER. The gentleman from Kansas asks unant-mous consent to address the House for 30 minutes. Is there objection?

There was no objection.

Mr. CAMPBELL. Mr. Speaker, for some weeks Col. Roosevelt, a receptive candidate for a third-term nomination for the Presidency, has been taking occasion to flay me before the American people. He did this in a letter to Senator Dixon, which he gave to the press before he mailed it to the Senator. He did this in his Carnegie Hall speech and in his tours throughout the country.

In his recent western trip he continued to assail me, not only in other States, but in my home State. He began early in the morning and continued through his 18 or 20 speeches in Kansas

to make me the principal subject of his speeches.

I am not a candidate, not even a receptive candidate, for the Presidency. [Applause.] I am a candidate for membership in this House. Col. Roosevelt's grievance against me arises from the fact that at Concord, N. H., some weeks ago I took occasion to expose the absolute absurdity of his proposal to appeal from the decision of the court to the crowd in the courthouse vard.

In order to make it so plain that it could be easily understood as to what the colonel was proposing or had proposed in his Columbus speech, I declared that such an appeal as he proposed was like appealing from the umpire to the bleachers in a ball game. The colonel, in his letter to Senator Dixon, in his Carnegie Hall speech, and elsewhere, assumes, like an artful politician, that I was not talking about his proposal as to judicial decisions when I referred to the appeal from the umpire to the bleachers, but about the game of politics in which he is now so intensely interested. In his Kansas speeches he has done the same thing. I will read samples of what comes to me in the press this morning.

ROOSEVELT RACING THROUGH KANSAS—BY SPECIAL TRAIN HE CROSSES STATE, NORTH TO SOUTH--JABS CAMPBELL AS HE GORS—HIS SPEECHES, AS USUAL, MORE INGENIOUS THAN FAIR—CHARGES CONGRESAMAN WITH MEANING WHAT HE NEVER DID, THEN DEMOLISHES HIS ARGUMENT.

[By the Associated Press.]

MANHATTAN, KANS., April 19, 2912.

In his speeches to-day en route across Kansas Col. Roosevelt repeatedly assailed Congressman CAMPBELL. CAMPBELL, he said, had visited New Hampshire as a "sort of perverted missionary," and there had referred to Roosevelt's judiciary proposal as an "appeal from the umpire to the bleachers."

"Mr. CAMPBELL showed he was wholly ignorant of the foundation of this Government." he said. "Mr. CAMPBELL felt that the attitude of the people in reference to politics ought to be that they sat on the bleachers and paid the price of admission, but had nothing to do with

the game. I ask you in Kansas to stand by us because we stand by the bleachers.

"We have appealed in this campaign to the bleachers. We appealed to them in Illinois and Pennsylvania, and the bleachers went with us.

Here is another:

Col. Roosevelt assails Congressman Campbell, telling the people that their fellow Kansan made a mistake when he said the colonel's proposition for a recall of judical decisions was like an appeal from the umpire to the bleachers. He deciared that Mr. Campbell, in effect, had said that he believed the people were unfit to manage their own affairs, but that he himself had appealed to the bleachers in Illinois and Pennsylvania and had won.

Mr. Speaker, it is reported in the press that these statements were made not by a pettifogging politician in ward politics but by a candidate for the Presidency of the United States, the most exalted position in all the world. In one breath he says I was talking about his proposal to appeal from judicial decisions to a popular vote and his only answer is in the next breath when he declares that he appealed to the bleachers, and won in Illinois and Pennsylvania. If his conception of the judicial function is that it is like a campaign for votes, he has underestimated the intelligence of the people of Kansas if he believes they have no

higher conception of the judicial office. [Applause.]
In the Concord speech I discussed the colonel's Columbus speech, giving particular attention to that portion of it in which he favored an appeal to a popular vote on constitutional questions I had good authority for making criticism of the absurd proposition made by the colonel, and I take some satisfaction out of the fact that as time goes on the colonel also sees the absolute absurdity of the proposition. In his life of Gouverneur

Morris he says:

On the judiciary his views were also sound. He upheld the power of the judges, and maintained that they should have absolute decision as to the constitutionality of any law. By this means he hoped to provide against the energachment of the popular branch of the Government, the one from which danger was to be feared, as a virtuous citizen will often act as a egislator in a way of which he would, as a private individual, afterwards be ashamed.

In the Review of Reviews for September, 1896, Col. Roosevelt

Furthermore, the Chicago convention attacked the Supreme Court. Again this represents a species of atavism; that is, of recurrence to the ways of remote barbarian ancestors. Savages do not like an independent and upright judiciary. They want the judge to decide their way; and if he does not, they want to behead him. The populists experience much the same emotions when they realize that the judiciary stands between them and plunder.

These are the views on the judiciary of Col. Roosevelt when he was not a candidate for a third-term nomination for the

Col. Roosevelt has been holding himself up to the people as the paragon of political virtue. He has assailed every man who ventured to disagree with him on any question. He brands every man as infamous whom he can not lash into agreeing with [Applause.]

I have been told that I was taking my political life in my own hands this morning in assuming to answer the vicious attacks of the colonel on me in my own State. If I did not do so this morning I would despise myself. [Applause.] My political friends and foes alike would despise me. [Applause.] My regard for the intelligence of the people of Kansas is above any

fear of Theodore Roosevelt. [Applause.]

I have been told before that I was taking my political life in my hands on this floor. I was told so when I attacked the Standard Oil Co. I was told so when I attacked the bucket shops and secured the passage of a law through this House making them outlaws. I was told so when I attacked the express companies, and I was told so when I attacked unscrupulous manufacturers, and I have been told so this morning because I resent Col. Roosevelt's attack on me and the insult to the intelligence of the people of Kansas that he gave them on last Friday when he assumed they did not know the difference between a judicial decision and a political campaign. [Applause.]

Virtue in politics is always in demand by the American people. There never was a time in the history of the Republic when the people required so high a standard of public service as they require to-day, and there has never been a time when public servants, from the President down to the humblest officer, so readily responded to that sentiment as to-day. [Applause.] The people of this country have been demanding certain things of their public servants. They have been demanding protection against great aggregations of wealth that control not only business but politics. To that sentiment of the American people Congress has responded. The President of the United States has responded and has brought more indictments and prosecution in three and a half years than all his predecessors in the Presidency.

Let me ask this of Col. Roosevelt to-day: Did you or did you not send a note to the Department of Justice asking that fur-ther steps toward the prosecution of the Harvester Trust be

suspended? [Applause.] Did you or did you not flay malefactors of great wealth in whirlwind campaigns throughout the country and then in the nighttime, in private conference with the heads of the Steel Trust and the Tennessee Coal & Iron Co., agree that they should be united into one trust or monopoly?

Getting back to the original cause for the colonel's attack upon me, there must be a finality of judicial decision. body must have the final word. Col. Roosevelt said, in his Life of Gouverneur Morris, the court should have it. Thomas Jefferson said the court should have it; the Constitution of the United States says the court shall have it; the constitution of every State in the Union says the courts shall have the final word. The colonel now says that in constitutional questions in the States an appeal should be to the crowd out in the courthouse yard after the case has been tried by the court. [Applause.] Ye gods! What a proposition from a man who has been President of this Republic two terms and desires again to occupy that exalted position. Well, let us see. He is also in favor of the initiative and referendum.

Does anyone doubt that between 1890 and 1896 a law could have been enacted by the initiative and referendum making 4121 grains of silver (16 to 1), then worth 50 cents, equal to a dollar in gold, and that if the court had held such a law unconstitutional an appeal from that decision to a popular vote would have resulted in a decision being reversed and declaring the law con-

stitutional by a majority vote?

Anyone familiar with history can easily understand that the time may soon come when the price of wheat-wheat being a prime necessity of life-might be fixed at 50 cents per bushel through the enactment of a law by the initiative and referendum. On appeal by the wheat growers to the court the law, of course, would be held unconstitutional. Then on appeal, provided for under the new government-the new charter of democracy-from that decision of the court back to a popular vote the law would be declared constitutional. growers, being in the minority, would, under this new government-this charter of democracy-formed by the proposed revolution, lose their right to property and the pursuit of their happiness.

In the government under our Constitution by law not by men the poorest individual and the minority have rights they can have protected in the courts to the extent of setting aside laws passed by Congress or by State legislatures, where a final decree protects the individual in the value of his dollar, in his bushel of wheat, in his loaf of bread, in his home, no matter how humble.

All the decisions of all the country are not without error. Nothing that is human is perfect; we are continually reforming and growing better, but the proposed appeal from the decision of the court to a popular vote is not reform. It is revolution that will be the beginning of the early end of the last days of the best government the world has ever known, and the end of a government "of the people, for the people, and by the people," in which neither the liberty nor the property of the smallest minority nor of any man can be taken from him by the mafority. The personal security our Government gives every man in it has fostered a spirit of devotion to the Government and The personal security our Government gives every man has led to the greatest sacrifices for it.

The recall of judges became odious in the reign of the Stuart Kings and led the progressive Commons of England to assert their rights to have a judiciary that could without fear decide the law as it is, giving to high and low, rich and poor, equal and exact justice as God gave them the light to see justice.

One of the strongest counts in the indictment that Thomas Jefferson made against George III in the Declaration of Independence was that-

He has obstructed the administration of justice by refusing his assent to laws for establishing judiciary powers; he has made judges dependent on his will alone for their tenure in office.

It has been forcibly and solemnly declared by Col. Roosevelt that ours is the only Government in which the courts are given the right to set aside a law as unconstitutional.

Even if the claim made were true, it is not important. Our people have made precedents for the government of a free people; but the claim made does not state the facts. I am indebted to Mr. Justice Burch of the Supreme Court of Kansas

for information on this subject.

Let it be understood, in the first place, that our National Constitution is a law and that each State constitution is a law, the Federal Constitution being by express declaration the supreme law of the land. Acts of Congress and acts of the State legislatures are laws. Whenever the validity of a law enacted by statute is challenged in a court the court compares it with the Constitution to see if the two laws are con-If they are inconsistent, the case can not be decided sistent. according to both. One of them must give way, and the Constitution being the supreme law, the law enacted by the statute

Col. Roosevelt has said the courts of Australia have no such power as the courts of the United States in this regard. The colonel has overlooked the fact that in the year 1900 the people of Australia asked the British Parliament to give them the protection of just such a judicial power. A constitution which they had adopted, providing for a supreme court modeled after the Supreme Court of the United States, was embodied in the act of the British Parliament, which by her Britannic Majesty's proclamation established the Commonwealth of Australia, to begin January 1, 1901. Each State of the Commonwealth possesses a constitution and courts of its own, as in the United States, and the power of the courts, State and Federal, over unconstitutional legislation is described in "Quick and Garran's Annotated Constitution," Sir John Quick, one of the authors, having been a member of the Australian constitutional convention.

The work contains the following on page 791:

The work contains the following on page 791:

In the exercise of the duty of interpretation and ajudication not only the high court but every court of competent jurisdiction has the right to declare that a law of the Commonwealth or of a State is void by reason of transgressing the Constitution. This is a duty cast upon the courts by the very nature of the judicial functions. The Federal Parliament and the State parliaments are not sovereign bodies; they are legislatures with limited powers, and any law which they attempt to pass in excess of those powers is no law at all. It is simply a nullity, entitled to no obedience. The question whether those powers halle in any instance been exceeded is, when it arises in a case between parties, a merely judicial question on which the courts must pronounce.

It was a high compliment to the fathers of the Republic that Great Britain, in 1900, put into effect for the government of the people of a continent a written constitution modeled upon

the Constitution of the United States of America.

Since then many constitutional questions have been decided. Numerous laws affecting human rights from a vital standpointlaws affecting the terms and conditions of life and employment among wage earners-have been passed upon and held to be unconstitutional.

In a union-label case, in Australia, it was held that a federal act establishing a worker's mark intended to promote the interests of union labor invaded the power of the separate States over domestic commerce and industry. In a State railway servants case it was held that the inclusion of a federal act of disputes relating to employment on State railways made the act, as their expression is, ultra vires. The excise tariff act of 1906 undertook, by means of excise duties on manufactured goods, to apply the principle of what is known in Australia as the "new protection," which aims to secure to workmen a reasonable share of any profit accruing to employers from protection taxes. The act was held to be void. A list prepared in July of last year includes seven decisions of this kind.

In directing the attention of the United States to the Government of Australia, Col. Roosevelt failed to refer to one very pertinent matter. His remedy of an appeal to the people from the decisions of the courts on constitutional questions was presented to the Australian constitutional convention, was fully debated, received no substantial support, and was finally with-

drawn.

In the debate in the Australian constitutional convention the following remarks were made:

It is quite impossible that the people can sit as judges, because the function of judges is one thing and the functions of electors of the Commonwealth is quite another thing. I am not confounding these two. The people are absolutely incompetent to judge whether a certain law is or is not ultra vires, and I would not dream of committing that charge to the people, for there are no persons less fit than the general electors, taken all together on a referendum, of any country to decide whether this or that is a law.

To make an appeal to the people upon whether the court was right or wrong would weaken the authority of the court, which, if it be an arbiter, must be the final arbiter.

This is not unlike what Col. Roosevelt said in his life of Morris, from which I read a moment ago. This is what he said:

He (Morris) denounces with the fierce scorn that they richly merit the despicable demagogues and witless fools who teach that in all cases the views of the majority must be implicitly obeyed, and that public men have only to carry out its will and thus acknowledge themselves the willing instruments of folly and vice.

Great Britain has no supreme law which takes the form of a written constitution. Parliament is supreme. There is no document in which the people have said to the Parliament that no law establishing a religion or law taking private property without compensation shall be passed. Consequently acts of Par-Hament, as they are passed, are the supreme law in the fabric of the only constitution they have.

If an act be insisted upon as the one which governs a controversy, and a later act be discovered relating to the same subject, the court interprets the provisions of each, following

the same methods and using the same rules adopted by the American courts, to ascertain the true scope and purpose of each. Having discovered the meaning of each act the court compares them, and if they conflict, decides the case according to

the one which is superior in authority.

In England the choice is between different acts of Parliament. In this country it is between the Constitution and a statute. In England this function has been performed in reference to acts concerning the jurisdiction of courts and consequently properly falls within the domain of English constitutional law, and this has been the English practice times out of mind. The rule in Canada is similar to that in the mother country.

In Germany the power of the judiciary respecting statutes which are unconstitutional has been considered in three classes of cases. First, where a state statute conflicts with a state constitution; second, where a state statute conflicts with an imperial statute or the imperial constitution; and third, where an imperial law conflicts with the imperial constitution. first and third classes cases indicate that if a conflict exist between a statute which the courts are called upon to apply and a higher law the latter must govern. The judges have not consistently acted upon the principle.

In the second class, however, in which a statute conflicts with an imperial statute or with the imperial constitution, the courts and the authorities are unanimous in holding that the judges must give preference to the higher law. The leading case is one in which an income-tax law of Prussia was held void because contrary to the clause of the imperial constitution which

prohibits double taxation.

The judicial powers exercised in other countries of standing with our country confirms instead of condemns the judicial power exercised under our Constitution.

Mr. SIMS. Mr. Speaker, may I ask the gentleman a ques-

The SPEAKER. Does the gentleman from Kansas yield to the gentleman from Tennessee?

Mr. CAMPBELL. Yes.

Mr. SIMS. At the time that President Roosevelt agreed that the Steel Trust might acquire the Tennessee Coal & Iron Co.

Mr. CAMPBELL. No; I must decline to yield upon that. Mr. SIMS. But I want to ask the gentleman a question.

The SPEAKER. The gentleman declines to yield.

Mr. SIMS. Just a question.

The SPEAKER. The gentleman declines to yield.

Mr. CAMPBELL. Well, go ahead and ask the question.

Mr. SIMS. Did Roosevelt or did he not consult with and obtain the approval of his Cabinet at that time, and who was then in the Cabinet?

Mr. CAMPBELL. I do not know whether he consulted his Cabinet or not. He rarely consulted anybody. [Laughter and applause.]

Mr. Speaker, why all this fury?

Mr. BARTLETT. Mr. Speaker, will the gentleman permit a statement right there?

Mr. CAMPBELL. Mr. Speaker, my time is passing very rapidly.

Mr. BARTLETT. I only wish to suggest that he decided in 20 minutes the whole question of law which had taken the Supreme Court of the United States 20 years to decide.

Mr. CAMPBELL. Why all this fury? Why is this candidate for the Presidency for a third-term nomination fanning the passions of the people into a fury throughout the length and breadth of the land? What is wrong? What has happened in the last four years? One important thing. The colonel is not President of the United States. [Applause.]

Four years ago I was for Senator Dolliver for the Republican nomination for President. Col. Roosevelt convinced me, as he convinced a majority of the Republicans throughout the country, that William H. Taft, with whom he was well acquainted, who was his Secretary of War, who had done the big jobs for him during his entire occupancy of the Presidency, was the best fitted man in the Republic for the place. [Applause.] He said of William H. Taft that he was as great as Lincoln and that he would give the American people the kind of administration that the country needed.

Mr. Speaker, he told the truth about that. The President has made good [applause on the Republican side]; he has fulfilled every promise made for him by Col. Roosevelt. Wherein has he failed? He has led in the enactment and enforcement of laws. Wherein has he Has it offended the colonel that some of his particular friends have been haled into court by the order of the President? Did it offend the colonel that a suit was instituted against the Steel Corporation and the Harvester Trust? The McCormick interests and the Morgan interests are allied with the steel interests and to the Harvester Trust and are back of the campaign of Col. Roosevelt.

Why all this fury? Are the people in want? Are the economic and financial conditions of the country prostrated? Ah, no; they never were better than they are to-day. There never was a time when labor was more generally employed or at bet-There never ter wages than to-day. There never was a time when the financial conditions of the country were better than they are There never was a time, I repeat, when public servants responded more readily to demands from the people than they do to-day.

The Republican platform promises of 1908 have been faith-

fully kept by the party.

The party enacted a law giving the Interstate Commerce Commission power to fix reasonable rates on interstate railroads; established the Court of Commerce; provided for postal savings banks; established the Bureau of Mines and Mining, providing rescue appliances for miners in case of mine disasters; admitted Arizona and New Mexico into the sisterhood of States, with State constitutions that conform to the political system of the

Federal Constitution.

We have taken river and harbor improvements out of the pork-barrel class and put that work on a sound business basis. We have created a Tariff Board for the purpose of placing the tariff above partisan politics and of taking tariff making out of the uncertainty of bargain and trade, placing it upon a scientific and accurate basis, giving to the American laborer and American manufacturer the difference in the cost of producing like articles in this and in foreign countries. The wisdom of the establishment of that board has been emphatically attested by its efficiency, as shown in the report it has made upon the wool and woolen schedule. We have passed a corporation-tax law, under which we raise \$30,000.000 of revenue annually. We have submitted a constitutional amendment to enable the enactment of an income-tax law. We have provided for a stocks and bonds commission that has made an illuminating report upon which legislation may be enacted to prevent the overcapitalization and the overissue of stocks and bonds by corporations engaged in the transportation and distribution of interstate and foreign commerce. We have passed a law authorizing and directing the conservation of our natural resources, and the settled policies of the country on conservation are carried on under that law without friction or comment. We passed a tariff law that is not perfect, but it can be said of it that its provisions have not closed the door of a single factory or thrown a laborer out of work anywhere in the United States.

Under that law, imperfect as it is, we have paid all the expenses of the Government from the revenues derived under it, and have converted a deficit of \$58,000,000 the year before it was enacted into a surplus of \$30,000,000 the year after it was passed. Under that law, from sea to sea, our labor is generally well employed at fair wages—the highest ever paid to wage earners in any country at any time. Our foreign trade is greater than ever before. We exported during the month of January this year \$202,500,000 worth of American goods to foreign countries. In the same month we imported \$143,500,000 worth of foreign goods into our own country. Our inward and outward commerce for the first seven months of this fiscal year amounted to the colossal sum of \$2,220,000,000, the greatest foreign commerce in a like period that has ever been enjoyed by any nation in the history of mankind. At the rate of these seven months, our foreign trade for the year ending July 1, 1912, will make our exports \$2,240,000,000 and our imports \$1,563,000,000, making an annual foreign trade of \$3,805,000,000, leaving a balance of trade in our favor of \$675,000,000.

What is the trouble, Mr. Speaker? It is ambition, thirst for power, by the greatest politician since Julius Cæsar. Col. Roosevelt has all of the ambition of Cæsar, of Cromwell, and of Napoleon combined without the statesmanship ability of either. [Applause and laughter.] I repeat, he is as ambitious for power as Casar or Napoleon, and he is adopting their plan for

securing imperial power. [Applause.]
Lincoln, whom he so often quotes, told the people of this
Republic in one of the greatest speeches ever delivered within
its confines that their principal danger would come from just such an attack as is being made to-day by Col. Roosevelt—to discredit public office, to discredit the laws, then to discredit the Constitution, then the necessity for a strong man to rule the people, and that is exactly what Mr. Roosevelt is planning to-day. Here is what Lincoln said:

At such a time and under such circumstances men of sufficient talent and ambitions will not be wanting to selze the opportunity, strike the blow, and overturn that fair fabric which for the last half century has been the fondest hope of the lovers of freedom throughout the world.

Many great and good men sufficiently qualified for any task they should undertake may be found whose ambition would aspire to nothing

beyond a seat in Congress, a gubernatorial or a presidential chair, but such belong not to the family of the lion or the tribe of the eagle. What! think you these places would satisfy an Alexander, a Cwsar, or a Napoleon? Never. Towering genius disdains a beaten path. It seeks regions hitherto unexplored. It sees no distinction in adding story to story upon the monuments of fame erected to the memory of others. It denies that it is glory enough to serve under any chief. It scorns to tread in the footsteps of any predecessor, however illustrious. It thirsts and burns for distinction and, if possible, it will have it. * * Is it unreasonable, then, to expect that some man possessed of the loftlest genius, coupled with ambition sufficient to push it to its utmost stretch, will at some time spring up among us? And when such a one does it will require the people to be united with each other, attached to the Government and laws and generally intelligent, to successfully frustrate his designs.

Expressing a like sentiment, Hamilton said, in his first paper in the Federalist, urging the adoption of the Constitution-

That the vigor of government is essential to the security of liberty;

* * * their interest can never be separated; and that a dangerous ambition more often lurks behind a specious mask of zeal for the
rights of the people than under the forbidding appearance of zeal for
the firmness and efficiency of government. History will teach us that
the former has been found a much more certain road to the introduction of despotism than the latter, and that of those men who have overturned the libertles of republies, the greatest number have begun their
career by paying obsequious court to the people—commencing demagogues and ending tyrants.

If we are wise-and we are-we will to-day heed the warning of patriots and statesmen, and not experiment with the fundamental principles of a government that for a century and a quarter has guaranteed life, liberty, property, and the pursuit of happiness to the most aggressive and progressive people history has known, and been the model for better government and higher and nobler civilization throughout the world.

Lord God of Hosts, be with us yet, Lest we forget; lest we forget.

AMENDMENT TO POST OFFICE APPROPRIATION BILL.

Mr. BARNHART. Mr. Speaker, I rise to ask unanimous consent to have placed in the RECORD an amendment to the Post Office appropriation bill concerning publicity of newspaper owners and editors, as authorized by a special rule, with an amendment thereto which I shall offer.

The SPEAKER. The gentleman from Indiana asks unanimous consent to have printed in the Congressional Record an amendment touching the ownership of newspapers and an amendment which he proposes to offer to the amendment. [After a pause.] The Chair hears none, and there objection? it is so ordered.

The amendment authorized by the Committee on Rules is as

follows:

After line 15, page 28, of H. k. 21279, insert the following:

"That it shall be unlawful for any person or persons, or association or corporation, to enter or to have entered into the mails of the United States any newspaper, magazine, or other periodical of like kind, unless such publication shall have plainly printed in a conspicuous place therein the name or names of the managing editor or managing editors, the name or names of the publisher or publishers, and the name or names of the owner or owners, including all stockholders owning stock of the par value of \$500 or more of such periodical publication. Any person, association, or corporation that shall violate any provision of this act shall be punished for each violation of any provision thereof by a fine of not less than \$100 nor more than \$1,000."

Amendment to the amendment:

Amendment to the amendment:

Amendment to the amendment:

After line 15, page 28, of H. R. 21279, insert the following:

"That it shall be unlawful for any person, association, or corporation to enter or deposit, or to have entered or deposited, into the mails of the United States any newspaper, magazine, or other periodical publication of like kind, unless such publication shall have plainly printed in a conspicuous place therein the name or names of the managing editors, the name or names of the managing editors, the name or names of the managing the name or names of the owner or owners, including the name or names of the owner or owners of stock, bonds, or other securities to the amount of \$500 or more which have been issued or sold by the said person, association, or corporation owning or controlling such publication and which may be outstanding. Any person, association, or corporation that shall so enter or deposit, or have entered or deposited, in the mails of the United States any such newspaper, magazine, or periodical publication of like kind in violation of the foregoing provision shall be guilty of a misdemeanor and be fined in any sum not less than \$100 nor more than \$1,000 for each offense."

DISTRICT BUSINESS.

Mr. JOHNSON of Kentucky. Mr. Speaker, inasmuch as there are five Mondays in this month, and the Committee on the District of Columbia would be no loser by it, and the Committee on the Post Office and Post Roads have their appropriation bill under consideration, I ask unanimous consent that next Monday be substituted for to-day for the purpose of transacting District business.

The SPEAKER. The gentleman from Kentucky asks unanimous consent that, inasmuch as this mouth has five Mondays, the fifth Monday be substituted for the fourth for the transaction of District business. Is there objection?

Mr. MANN. Mr. Speaker, I could not hear the request, and did not catch the statement of the gentleman.

The SPEAKER. The request is that next Monday being the fifth Monday it be substituted for to-day—the fourth Mondayfor the transaction of District business.

Mr. MANN. That is under the same terms?

The SPEAKER. Under the same terms. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

Mr. STEPHENS of Nebraska. Mr. Speaker, I ask unanimous consent that Sunday, May 26, 1912, at 12 o'clock m. be set apart for addresses upon the life, character, and public services of the Hon. James P. Latta, late a Representative from the State of Nebraska.

The SPEAKER. The Clerk will report the order.

The Clerk read as follows:

Ordered, That Sunday, May 26, 1912, at 12 o'clock m., be set apart for addresses upon the life, character, and public services of Hon. James P. Latta, late a Representative from the State of Nebraska.

The SPEAKER. Is there objection to the present consideration of the order? [After a pause.] The Chair hears none. The question was taken, and the order was agreed to.

SPEECH OF SENATOR O'GORMAN.

Mr. CONRY. Mr. Speaker—
The SPEAKER. For what purpose does the gentleman rise? Mr. CONRY. Mr. Speaker, I would like to have unanimous consent to have printed in the Record a speech delivered by Senator O'Gorman, of New York, at a banquet held by the National Democratic Club of New York City on Jefferson's birthday last.

The SPEAKER. The gentleman from New York asks unanimous consent to print in the Congressional Record a speech delivered by Senator O'Gorman at a banquet given by the National Democratic Club of New York City on the 13th of this month. Is there objection? [After a pause.] The Chair hears note and it is congressed. none, and it is so ordered.

. The speech is as follows:

ADDRESS OF SENATOR JAMES A. O'GORMAN AT THE JEFFERSON DAY BAN-QUET OF THE NATIONAL DEMOCRATIC CLUB, HELD AT THE WALDORF-ASTORIA, NEW YORK CITY, APRIL 13, 1912.

"On this day a grateful Nation pays tribute to the memory of one of the fathers of the Republic. To Democrats the day has a peculiar significance, for our party creed found its birth in the genius of the illustrious American whose natal day we commemorate.

"Thomas Jefferson was born 160 years ago. He died on July 4, 1826, in his eighty-third year and on the fiftieth anniversary of the Declaration of Independence. His public career embraced more than half a century. By birth an aristocrat, he abhorred class distinctions, and devoted his life to the betterment of humanity. He was a member of the Virginia House of Delegates, a member of the Continental Congress, Governor of Virginia, a Member of the Congress of the United States, minister to France, Secretary of State in Washington's first Cabinet, Vice President under John Adams, and President of the United States for two terms.

Three great events in our national life were the Declaration of Independence, the adoption of the Federal Constitution, and the Louisiana Purchase. Two of these achievements are im-perishably associated with the name and fame of Thomas Jefferson. When 33 years of age he wrote the Declaration of Independence, which marks one of the most important epochs in the history of government. It dismembered an empire and founded a nation upon the immutable principles of human freedom and equality; and at a critical stage in our struggle against British oppression it gave us character abroad, and inspired

enthusiasm and resolution and confidence at home.

"The next enduring contribution of Jefferson to the cause of human freedom was the purchase from France, during his administration as President, of the Louisiana Territory, which extended from the Gulf of Mexico north to the Canadian line, and from the Mississippi west to the Spanish possessions on the Pacific coast. That empire, acquired for \$15,000,000, was larger than the original 13 States. It now contains 16 States. It has a population of 20,000,000, and its value as an integral part of the Union is without price. Events are great in their We call them great because of the results that Measured by this test, the Declaration of Inconsequences. follow them. dependence and the Louisiana purchase give their author high rank among the benefactors of the human race. Jefferson was absent in France during the sessions of the convention that framed the Federal Constitution, but the adoption of the first 10 amendments to the Constitution was due largely to his insistence that they were essential to the scheme of government devised by the patriots who had achieved our independence.

After Washington, Jefferson was the foremost figure in the formative period of the Republic. He could not make a speech, but in the science of government he was not surpassed by any of his compatriots. The purity of his patriotism was never challenged. He was an ardent advocate of the rights of man,

and was unrelenting in his opposition to the monarchial tendencies of Hamilton, who wanted the President and Senate to be elected for life, and proposed that the governors of the States be selected by Congress. Hamilton and Adams distrusted the people, as do many of their followers in our own day. In the administration of John Adams the naturalization period was extended to 14 years, but was reduced to 5 years when Jefferson became President, and in this connection it is worthy of note that the Society of Tammany, or Columbian Order, was the first influential body to utter a protest against the odious alien and sedition laws; and it is, as it should be, a source of pride to that venerable society that it took a leading part in the agitation which led to the repeal of those un-American measures.

"Jefferson had confidence in the people, and he relied on the masses as the safest depository of political power. He believed in the equality of rights and responsibilities. He believed in the freedom of individual enterprise untrammeled by special privilege and unshackled by governmental restraints and favoritism. He had faith in humanity and hastened the dawn of a new era of hope for the oppressed of all lands. In his first inaugural he enunciated the creed of the Democratic Party. He declared his belief in the principles of 'Equal and exact justice to all men of whatever state or persuasion, religion or politics; peace and commerce and honest friendship with all nations—entangling alliances with none; economy in the public expense that labor might be lightly burdened.' Jefferson practiced what he preached. In his day and for 50 years afterwards the annual cost of the National Government averaged \$1 for each member of the population. In this era of Republican waste and extravagance the cost per capita is thirteen times greater. More than a billion dollars is now being spent annually by the Republican administration, and a distinguished member of that party has recently confessed that three hundred millions of public money could be saved annually if rigid economy were exer-cised, but retrenchment in public expenditures can not be hoped for while the Republican Party is in control of the National Government.

"Jefferson believed that the Presidency should be limited to two terms. He followed the precedent established by Washington and refused to accept a third term, although the legislatures of five States urged him to accept a renomination, which would be equivalent to an election. No attempt to violate one of the wisest traditions of the Republic was made until the case of Gen. Grant, who, after an intervening term, was suggested for reelection in 1880. The disaster which that project invited should be heeded by a distinguished citizen of this State, who is deceiving himself with the hope that the American people will confer upon him a power which Washington and Jefferson would not accept and which was denied to the greatest of American soldiers.

"As Democrats we may boast of an honorable ancestry. As Democrats we may boast of an honorable ancestry. We have survived the vicissitudes incident to the political conflicts of more than a century. We have witnessed the dissolution of one opposing party after another. The principles that we espouse are as vital to-day as when they were enunciated by Jefferson and practiced by Monroe and Jackson and Cleveland. The past is secure. What of the future? To-day the followers of Jefferson are the only united, harmonious, and coherent party in the Nation. We are on the eve of a presidential election. Our party is rich in presidential material, and we may have preferences for that high office, but we have no divisions, and whoever is selected as the standard bearer at Baltimore can be assured of the support of a united, vigorous, and aggressive party. The Republican Party is rent in twain. It is discredited, disorganized, and demoralized. The titular head of that once grand old party describes those who support his rivals as emotionalists and neurotics. The retort courteous describes the other factions as political paranoiacs. If either accusation be true, the Republican Party can have no claim upon the favor of the American electorate. There is an old adage that when a certain class of people fall out honest men come into their own. For many years the Democratic Party has endeavored to free the American people from the unjust exactions of the tariff, the trusts, and every form of oppression by special privilege. The Republican Party has claimed that a high tariff was necessary to protect wage earners from the products of the labor of Europe, although free trade in labor itself has never been seriously interfered with. It is now generally recognized that labor has not shared in the fruits of protection, for American workmen have been forced to compete not only among themselves, but also with the cheap labor imported by the protected industries. This is well illustrated in Lawrence, where most of the labor is of recent importation, and where the meager wages paid in the mills have driven from employment in the protected industries in that city nearly all

American labor. But a new light has dawned, and the truth is now told by one of the Cabinet officers in the present adminis-

"In a public speech a few weeks since, in the city of Chicago, the Secretary of War declared that during the last 30 years there has been a steady increase of unnecessary protection every time the Republican Party has touched the tariff; that privi-leged interest have fattened upon the tariff as a bounty; and that the beneficiaries of the tariff have become stronger and stronger within the party and the Nation. How can Mr. Taft reconcile this declaration that his party has served the special interests for 30 years with his defense of the Payne-Aldrich tariff, which was dictated by the special interests and which increased the tariff on more than 600 articles? How can be justify his veto of the tariff legislation of last year, framed by a Democratic House in response to the protest of the masses of the people, who suffered from the high cost of living caused in great part by the high tariff enacted by the Republican Party? I doubt whether the history of American politics furnishes a parallel to the kaleidoscopic record of Mr. Taft on the tariff. When a candidate in 1908 he promised a reduction of the tariff. After election the Republican Party repudiated its pledges and increased the tariff. Mr. Taft condemned the bill and denounced the wool schedule as indefensible, and it was hoped he would veto the measure. He disappointed these expectations. He signed it, and, notwithstanding his previous utterances, de-clared it was the best tariff bill ever enacted. He later apologized for this unmerited approval, and in 1910 urged the elimination of its bad features. A bill accomplishing this reform was passed by a Democratic House last year, but he vetoed it with an inconsistency that has ceased to surprise the American people. He now professes a desire to eradicate the iniquitous features of the tariff, but refuses to do anything until a Tariff Board, working on an impossible principle, reports the results of its investigations. But the period of obstruction is nearing its end. The people will not tolerate the use of a Tariff Board as a device to delay the reduction of the tariff which the Republican Party promised four years ago.

"The people are beginning to realize as they never did before that when the law compels a citizen to contribute his just share to the support of the Government, that is taxation; but when it compels him to pay tribute to enrich private enterprises and confederated monopolies, that is robbery. Mr. Taft's Cabinet officer is authority for the statement that for 30 years our countrymen have been robbed by Republican legislation, and it can not now be denied that the tariff policy of the Republican Party has destroyed competition, created monopolies, and paralyzed and strangled our foreign trade. The only hope for relief from these conditions lies with the Democratic Party. The leaders of the Republican Party are now fencing over questions which are important, but which are not vital. They might well wish to divert attention from the record of the Republican Party on the tariff and trust questions, but with the vacillation and inefficiency which have marked this administration and its betrayal of the pledges upon which it secured the election in 1908, we have an issue upon which a Democrat can be elected President in November next. The tariff and the trusts are the only issues upon which we have elected a President since 1856, and they make the issue upon which the party will go forth to a glorious triumph in the contest now impending. Animated by the spirit of Jefferson and cherishing the memory of his achievements, we may invite the cooperation of all citizens who desire the restoration of a people's government, free from the sinister influences which in recent years have dominated the Republican Party and menaced the integrity of our institutions. The prospects of party success were never brighter; and with unity and harmony in our ranks and with a firm adherence to the principles of Jefferson, we may look forward with confidence to the result of the campaign upon which we are about to enter."

ICE FLOES IN NORTH ATLANTIC.

Mr. MOORE of Pennsylvania. Mr. Speaker

The SPEAKER. For what purpose does the gentleman rise?
Mr. MOORE of Pennsylvania. Mr. Speaker, I rise to ask the same privilege accorded to the gentleman from New York a moment ago. I want to extend in the RECORD as a part of my remarks a statement authorized by the Secretary of the Navy, as coming from the Hydrographic Office, and having reference to ice floes in the North Atlantic. It also throws light upon the

accident to the steamer Titanic.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania to extend his remarks in the Record? [After a pause.] The Chair hears none.

The statement referred to follows.

SHIPPING WARNED OF ICE CONDITIONS IN NORTH ATLANTIC.

IBy the Hydrographic Office.1

[By the Hydrographic Office.]

For more than a quarter of a century the Hydrographic Office of the Bureau of Navigation, Navy Department, has been publishing graphically from month to month a series of charts known as the Pilot Chart of the North Atlantic Ocean, depicting thereon the physical conditions of the ocean and of the atmosphere for the current month, as well as the location of dangers to navigation as reported by incoming ships. A summary of these dangers and a more detailed description than the space on the Pilot Chart would permit was in time given from week to week on a printed sheet known as the Hydrographic Bulletin. These publications were circulated freely among the shipmasters and shipping people in return for their news of the sca, the point of contact between the office at Washington and the marine world being a chain of branch hydrographic offices at the principal seaports. Practically all the captains in the trans-Atlantic trade cooperate in this work by handing in their information upon arrival in port to the branch hydrographic offices. In recent years the collection of marine data has been immensely accelerated by the use of radio telegraphy, and the Hydrographic Office is thereby enabled to publish daily in a so-called Daily Memorandum whatever important reports of dangers have been received. This sheet is prepared every afternoon and is malled to the branch hydrographic offices and there given publicity to all concerned. By this means Boston, New York, Philadelphia, Baltimore, Norfolk, etc., are daily put in possession of the accumulated reports of dangerous derelicts and icebergs, which have been edited by experts in this line of work. Thus in the case of the recent loss of the Titanio the shipping companies and shipmasters had been put in possession of the experience and judgment of a trained staff in the Hydrographic Office as summarized in a pamphlet printed in April, 1909, entitled "North Atlantic Ice Movements," giving a study of the entire question, with diagrams to show the us

at a given date he reckons its future position for an interval of a revidays.

The April Pilot Chart, which was issued March 28, 1912, showed that in March ice had come as far south as latitude 44° N. The Dally Memorandum, prior to the 13th instant, showed that the trend of ice was to the southward, leebergs being sighted below the forty-third parallel on April 7, 8, 9, and 11; on the 9th and 11th it had reached the forty-second parallel, and on the 11th some of it was seen south of latitude 42°. The Dally Memorandum of April 15 contains a message from the steamship Amerika via steamship Titanic and Cape Race, Newfoundland, April 14, 1912, to the Hydrographic Office, Washington, D. C.: "Amerika has passed two large icebergs in 41° 27' N, 50° 8' W, on the 14th of April."—Knuth.

As the Titanic's position is reported to have been latitude 41° 16', longitude 50° 14' at the time of her disaster, it is thus seen that the message which she transmitted for the Amerika doubtless relates to the very ice upon which she was wrecked.

POST OFFICE APPROPRIATION BILL.

Mr. MOON of Tennessee. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 21279, the Post Office appropriation bill.

The SPEAKER. The gentleman from Tennessee [Mr. Moon] moves that the House resolve itself into the Committee of the Whole House on the state of the Union for the further con-

sideration of the bill H. R. 21279.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of Union for the further consideration of the bill making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1913, and for other purposes, with Mr. Hay in the chair.

The Clerk read as follows:

For two delegates to the International Postal Union at Madrid, 1913, to be appointed by the President, \$5,000 each, \$10,000.

Mr. MANN. Mr. Chairman, I reserve a point of order on the paragraph. I would like to get some information in reference to this. How long do these delegates serve?

Mr. MOON of Tennessee. I understand they serve for the next convention, which will be about two years from now. Really, they do not perform services except at the international conventions and preparing for them.

Mr. MANN. Why should their expenses amount to \$5,000 each for attending an international convention?

Mr. MOON of Tennessee. I do not know why they should,

except that the department estimates that is a proper sum to

cover the expenses-the travel there and back, their expenses

at the place, and a reasonable compensation.

Mr. MANN. Certainly the travel there and back and expenses there will not amount to \$5,000 a person for attending an international convention which probably only lasts for a few days or, at best, a few weeks.

Mr. MOON of Tennessee. I will say to the gentleman that

has been the usual amount carried in the bill.

Mr. MANN. I know there was inserted into the bill a few years ago in some way a provision for the expenses of delegates to this International Postal Union for the purpose—I will not say for the purpose-but said by some gentleman to be for the purpose of providing places for some gentlemen who were in or out of Congress, or who were in and were going out. It may have been an entirely proper thing. I do not know. But if these gentlemen perform service by the year, if they are really engaged in working for the Government in preparation for the postal union meetings, that is one thing. I am not advised that they are. But if this is an honorarium, I think it is fair for the House to know who are the beneficiaries of this hono-

Mr. MOON of Tennessee, Mr. Chairman— The CHAIRMAN. Does the gentleman from Illinois [Mr. Mann] yield to the gentleman from Tennessee [Mr. Moon]?

Mr. MANN. I do.

Mr. MOON of Tennessee. I am sure I am not able to tell the gentleman who will be appointed, whether they will be gentlemen who have not positions and who are desiring positions which the department desires to give them, or not. Matters of that kind in the administration of the Post Office Department, of course, are not disclosed to the committee. This sum of \$5,000 for each delegate has been for some time carried in the bill. I assume, of course, that the delegates to this convention must take some time to prepare themselves for the discharge of their Whether the amount is too great or not I am not prepared to say now. Out of deference to the judgment of the Postmaster General and the department, the committee reluctantly placed this sum in the bill. There were some of us who were opposed to it entirely. If the gentleman from Illinois [Mr. Mann] is himself in a position to show that this service is useless, I am entirely willing to accede to a motion to strike it from the bill.

Mr. MANN. I am not in a position to show that the service is useless. I do not know about that. I take it that if we are parties to an International Postal Union it is proper that we should have delegates there. But certainly we ought to have men experienced enough in postal affairs here to go as delegates to that meeting and receive only their expenses going and coming and while there.

Mr. MOON of Tennessee. I take it that no gentleman who is competent to represent the Government of the United States in a convention of this sort could afford very well to go for mere expenses, nor could he afford not to be thoroughly prepared to meet other delegates in the consideration of international postal The man who is worth anything at all would seem questions. to me to be worth the sum fixed in this bill. Yet, as I said before, if the gentleman will show it ought to be less, we will accept his judgment. We have only taken the judgment of the department, and that we are obliged to do in many of these matters, and it is impossible for us to go into details of the service performed there, because that can not be understood in advance. We must of necessity take the judgment of the department in this matter.

Mr. MANN. How often does this postal union meet?

Mr. MOON of Tennessee. Every two years, in my judgment. However, the gentleman from Connecticut [Mr. Tilson] corrects me, and says the last one was six years ago. But they are subject to call of the postal convention. I think the convention meets next year.

Mr. MANN. I should suppose in sending a man to this convention some one would be selected naturally from the department who is informed in reference to post-office matters. Of course, if we practically direct the President to pay a compensation of \$5,000 to each delegate, he naturally will do that at the direction of Congress. I shall withdraw the point of order and offer a motion to reduce the amount.

The CHAIRMAN. The gentleman from Illinois offers an amendment.

Mr. MANN. I offer an amendment to page 24, line 1, to strike out the word "ten" and insert the word "two."

The Clerk read as follows:

Amend, page 24, line 1, by striking out the word "ten" and inserting in lieu thereof the word "two."

Mr. MANN. And also strike out the words "\$5,000 each." It is part of the same amendment.

The CHAIRMAN. The Clerk will report the remainder of the amendment.

The Clerk read as follows:

Also strike out the words "\$5,000 each" in the same line.

Mr. MANN. Mr. Chairman, the amendment I offered would make the paragraph provide the sum of \$2,000 to pay the expenses of two delegates to the International Postal Union next

year. It seems to me that is an ample sum, quite commensurate with the sums usually provided for such purposes.

Mr. BUCHANAN. Mr. Chairman, may I ask the chairman of the committee what are the duties of these delegates and what is the length of time necessary to spend at these conven-

Mr. MOON of Tennessee. The duties of delegates to the postal convention are those connected with fixing the rates of mails in an international way.

Mr. BUCHANAN. What is the usual time spent in that con-

Mr. MOON of Tennessee. I do not know what time is taken in the preparation or what time they stay. The item is similar to that which has been carried in the bill for some years at

I want to suggest, Mr. Chairman, that the figure presented by the gentleman from Illinois [Mr. Mann] is rather a small one to secure a good competent man to represent the United States in that convention. I think it would be hardly possible to get such a man for a thousand dollars. I myself have thought that the amount, \$10,000, for the two was rather large, yet the department insisted very strongly upon that amount. Mr. Chairman, I move to amend the amendment offered by the gentleman from Illinois by inserting the word "six" instead of the word "two."

Mr. MANN. Oh, not "six." Let us see if we can not reach I would be willing, so far as I am concerned, to a compromise. make the total amount \$4,000.

Mr. MOON of Tennessee. I move to strike out "two" and insert "six."

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Tennessee to the amendment of the gentleman from Illinois.

The Clerk read as follows:

Amend the amendment by striking out the word "two" and inserting in lieu thereof the word "six."

Mr. MANN. Well, Mr. Chairman, \$3,000 to each delegate going abroad to a convention is too much. We are not supposed to pay salaries to these delegates. We are supposed to pay their expenses. We have a number of international conventions, most of which are provided for in the diplomatic and consular appropriation bill, and that is where this ought to be provided for, not in the Post Office appropriation bill.

Mr. MOON of Tennessee. You can not get a man to go with-

out a salary of something.

Mr. MANN. Why, if the Post Office Department has not men sufficiently competent to represent the Government at an international convention like this, they ought to dismiss the whole service and enlist new men.

Mr. MOON of Tennessee. The gentleman's idea is to take somebody from the department. It might not be wise to take

them from there at all.

Mr. MANN. Well, I do not see the wisdom of taking out-siders. Who is so well posted in postal affairs and so well qualified to judge of what should be done at the International Postal Union Convention as the officials who deal with those problems in this country? I do not think there is any occasion for paying salaries. I happen to know how the item first got in the bill a few years ago. I am not going to say. But it was for the purpose of taking care of a distinguished gentleman who had rendered faithful service to his country. There is no reason for paying these salaries. We do not do it in any of the

other international conventions and we ought not do it here.

Mr. MOON of Tennessee. Well, Mr. Chairman, the gentleman from Illinois has given me some information that I did not have before. I did not know that his party had made provision in the line that he indicates, otherwise we would not have taken the recommendation of the Postmaster General on this question. Mr. Chairman, I withdraw my amendment to the amendment on the gentleman's statement of the facts.

The CHAIRMAN. The question is on agreeing to the amend-

ment offered by the gentleman from Illinois.

The question was taken, and the amendment was agreed to. The CHAIRMAN. The Clerk will read,

The Clerk read as follows:

For expenses of agency for inspection of manufacture of official envelopes at Cincinnati, Ohio, \$5,700.

Mr. MOON of Tennessee. Mr. Chairman, the item which has just been read ought really to be under the Fourth Assistant

Postmaster General's office.

The CHAIRMAN. The gentleman can offer an amendment to strike out the paragraph and then insert it in the proper place later on.

Mr. MOON of Tennessee. I will ask unanimous consent at the end of the bill to transfer two or three items, of which this

The CHAIRMAN. The gentleman asks unanimous consent to pass the paragraph. Mr. MANN. No:

Mr. MANN. No; that is not the gentleman's request. The CHAIRMAN. The Chair will state that the gentleman can move to strike out the paragraph now.

Mr. MOON of Tennessee. I know that can be done, but I will simply ask unanimous consent later to transfer it.

The Clerk read as follows:

For payment of limited indemnity for the loss of pieces of first-class domestic registered matter, \$25,000.

Mr. MOON of Tennessee. Mr. Chairman, I move to strike out, in line 25, the words "first class," and to insert, after the word "dollars," in line 26, the words "of the first, third, and fourth classes," so that the indemnity will cover all three of those classes. That is the intention of the act.

The CHAIRMAN. The gentleman from Tennessee offers an

amendment, which the Clerk will report.

The Clerk read as follows:

Page 24, line 25, strike out the words "first class," and after the word "dollars," in line 26, insert the words "of the first, third, and fourth classes."

The question being taken, the amendment was agreed to. The Clerk read as follows:

For payment of limited indemnity for the loss of registered articles in the international mails, \$7,000.

Mr. MANN. Mr. Chairman, I move to strike out the last ord. This item in the current law was \$15,000, of which \$8,000 was immediately available, as there was some deficiency. In view of the loss of the registered mail on the *Titanic*, I ask the gentleman whether it may not be advisable to increase the amount, and to make part of it immediately available?

Mr. MOON of Tennessee. I am rather inclined to think it would be. In line 2, page 25, I move to strike out the word "seven" and insert the word "fifteen," and after the word "dollars," in line 3, I move to insert the words "of which \$8,000 shall be immediately available."

Mr. MURDOCK. Will that cover losses during the current

Mr. MANN. That is precisely what we did last year, and in view of the accident to the *Titanic I* have suggested to the gentleman from Tennessee that he offer this amendment, and he has done so.

The question being taken, the amendment was agreed to.

The Clerk read as follows:

For travel and miscellaneous expenses in the postal service, office of the Third Assistant Postmaster General, \$1,000.

Mr. MURDOCK. Mr. Chairman, L offer the amendment which I send to the Clerk's desk.

The CHAIRMAN. The gentleman from Kansas offers an amendment, which the Clerk will report.

The Clerk read as follows:

Insert as a separate paragraph:
"That hereafter magazines, periodicals, and other regularly issued publications, in raised characters for the use of the blind, whether prepared by hand or printed, which contain no advertisements and for which no subscription fee is charged, shall be transmitted in the United States mails free of postage and under such regulations as the Postmaster General may prescribe."

Mr. MURDOCK. Mr. Chairman, this amendment relates to the carriage free of certain magazines printed in raised letters for the blind. There are two kinds of raised letters in use for the blind. One is known as the Moon system, a letter which older people who are blind can read easily. A Mrs. Ziegler philanthropically began the publication some years ago of a magazine for free distribution among the blind, a magazine of this character. It is printed in both systems of raised letters. It carries no advertisements; it is kept up by her private ex-penditure. It is not extensive. A measure like this has passed

this body in a previous year.

Mr. SHERLEY. If the gentleman will pardon me the interruption, I could not catch the purport of the amendment by the reading of it from the desk. It is not limited to any par-ticular publication for the blind, but applies to all publica-

tions?

Mr. MURDOCK. It applies to all publications that carry no advertisements and for which no subscription price is asked. The amendment has this added degree of merit, that a great many of the older blind are poor, from the very nature of things. This will not burden the mail and will not result in profit to anybody. The revenue which the Government will lose, I think, amounts to something like \$1,000, if I am correctly informed. The measure passed this House once before, and I think was favorably reported in the Senate, but through an early adjournment, or something of that kind, it failed to become a law.

Mr. SHERLEY. Is there now any provision in the law touching the postage to be paid on mail matter for the blind?

Mr. MURDOCK. I will say to the gentleman from Kentucky that there is, that any book in raised letters for the blind, loaned by any association or library, shall go through the mails free, but it has been held by the legal authorities that this magazine published by Mrs. Ziegler is not a loan, but is a gift, and it is excluded from the mails on that account.

The CHAIRMAN. The question is on the amendment of-

fered by the gentleman from Kansas.

The question was considered, and the amendment was agreed to. Mr. DODDS. Mr. Chairman, I offer the following amend-

The Clerk read as follows:

The Clerk read as follows:

On page 25, immediately after line 6, and as a new section, insert the following:

"That from and after the passage of this Act all periodical publications issued from a known place of publication at stated intervals, and as frequently as four times a year, by or under the auspices of a benevolent or fraternal society or order organized under the lodge system and having a bona fide membership of not less than one thousand persons, or by a regularly incorporated institution of learning, or by a regularly setablished State institution of learning supported in whole or in part by public taxation, or by or under the auspices of a trades-union, and all publications of strictly professional, literary, historical, or scientific societies, including the bulletins issued by State boards of health, shall be admitted to the mails as second-class matter, and the postage thereon shall be the same as on other second-class matter, and such periodical publications, issued by or under the auspices of benevolent or fraternal societies or orders or trades-unions, or by strictly professional, literary, historical, or scientific societies, shall have the right to carry advertising matter, whether such matter pertains to such benevolent or fraternal societies or orders, trades-unions, strictly professional, literary, historical, or scientific societies, or to other persons, institutions, or concerns; but such periodical publications, hereby permitted to carry advertising matter, must not be designed or published primarily for advertising purposes, and shall be originated and published to further the objects and purposes of such benevolent or fraternal societies or orders, trades-unions, or other societies, respectively; and all such periodicals shall be formed of printed paper sheets, without board, cloth, leather or other substantial binding, such as distinguish printed books for preservation from periodical publications, issued by or under the auspices of benevolent or fraternal societies or orders or t

Mr. MOON of Tennessee. Mr. Chairman, to that amendment I reserve a point of order.

Mr. DODDS. Mr. Chairman, it will be necessary for me to say but little in explanation of this amendment.

During the past 33 years all newspapers and other periodicals have found their way into the mails as second-class matter through and under the provisions of the act of March 3, 1879. the act of July 16, 1894, or the act of June 6, 1900, and, as the latter act applies only to the publications of State departments of agriculture—which will in no wise be affected by the provisions of this amendment—it will not be necessary for us now to concern ourselves with it.

The act of 1879, in so far as it applies to second-class matter. reads as follows:

reads as follows:

Sec. 10. Mailable matter of the second class shall embrace all newspapers and other periodical publications which are issued at stated intervals, and as frequently as four times a year and are within the conditions named in sections twelve and fourteen.

Sec. 12. Matter of the second class may be examined at the office of mailing, and if found to contain matter which is subject to a higher rate of postage, such matter shall be charged with postage at the rate to which the inclosed matter is subject: Provided, That nothing herein contained shall be so construed as to prohibit the insertion in periodicals of advertisements attached permanently to the same.

Sec. 14. The conditions upon which a publication shall be admitted to the second class are as follows:

First. It must regularly be issued at stated intervals, as frequently as four times a year, and bear a date of issue, and be numbered consecutively.

Second. It must be issued from a known office of publication.

Third. It must be formed of printed paper sheets, without board, cloth, leather, or other substantial binding, such as distinguish printed books for preservation from periodical publications.

Fourth. It must be originated and published for the dissemination of information of a public character, or devoted to literature, the sciences, arts, or some special industry, and having a legitimate list of sub-

scribers; Provided, however, That nothing herein contained shall be so construed as to admit to the second-class rate regular publications designed primarily for advertising purposes, or for free circulation, or for circulation at nominal rates.

For several years immediately following the passage of this act fraternal and kindred publications, having obtained the required number of subscribers, were admitted to the mails as second-class matter, without hindrance, upon the same terms and under the same conditions as were other periodicals. But as the years went by publishers of other periodicals entered complaints with the Post Office Department, insisting that the subscribers of fraternal periodicals were not being regularly obtained, because required to take the publications during their periods of membership; and that for this reason they should not be allowed the right accorded to their own publications, namely, the right of transmission through the mails as secondclass matter.

These complaints were so insistently made that the department was induced to give consideration to them, and agitation of the question brought on the enactment of the law of 1894, which reads as follows:

All periodical publications issued from a known place of publication at stated intervals and as frequently as four times a year, by or under the auspices of a benevolent or fraternal society or order organized under the lodge system and having a bona fide membership of not less than one thousand persons, or by a regularly incorporated institution of learning, or by or under the auspices of a trades union, and all publications of strictly professional, literary, historical, or scientific societies, including the bulletins issued by State boards of health, shall be admitted to the mails as second-class matter and the postage thereon shall be the same as on other second-class matter and no more: Provided, further, That such matter shall be originated and published to further the objects and purposes of such society, order, trades union, or institution of learning, and shall be formed of printed paper sheets without board, cloth, leather, or other substantial binding, such as distinguish printed books for preservation from periodical publications.

This act was very satisfactory to the publishers of these periodicals, they and the lawmakers particularly interested in such legislation then believing that the requirements as to their subscription lists were by it fixed, and that they were thereafter to have the same rights otherwise that they had previously enjoyed, namely, the right to print and publish such articles as they should believe would be of interest to their readers, and the right to carry such advertising matter as they might think would be interesting to their readers and beneficial to them-selves; and this being the case, many publishers caused their publications to be reentered under the later law. However, other publishers continued to circulate their publications under the old law, and, after a time, complaints again were made; but when the department thereafter gave them consideration it was agreed between these publishers and the department that if a sum certain should be set aside by the society or lodge—the same to be deducted from membership fees or dues paid in by members and held for this purpose; the by-laws making such provision—then this would be considered a compliance with the law and would be satisfactory. But the end was not yet; the department again raised the question as to the rights of these periodicals to be received into the mails as second-class matter, under the act of 1894, in case they carried advertising matter of any kind—except, perhaps, the advertising of themselves or of their own individual property or effects in case of their having any for sale—and the holding of the department then was, and ever since has been, that the kinds of publications embraced in this bill can have no right in the mails as second-class matter under the act of 1879 unless they shall have secured their subscribers in the usual way, and not in the manner hereinbefore referred to; and that they can not be received under the act of 1894, in case they contain any advertising, except as before stated. As the law now seems to be-under the holdings of the department-if the society has an old desk or an old chair of its own it can advertise the sale of same through its publication; but if it desires to advertise the productions or wares of others-no matter how beneficial the information may be to its members nor how profitable it may be to the society itself-nothing of the kind can be done, and it must leave this kind of privilege to other more favored periodicals, whose rights in this respect are seemingly unquestioned.

Much ado is made over the fact that fraternal periodicals secure their subscribers in the way named; but where is the wrong in the methods which they pursue? No one needs to join the society or union unless he chooses to do so; and if he does join he does it willingly and must be presumed to know, and usually does know, the nature of the contract or agreement into which he is entering-a portion of which is that he will take the society publication, while a member, and pay for it in the way the by-laws prescribe. If this were not done thus and so; if his subscription could not be obtained in this way, and for the time that he remains a member, the society paper could not be

used as a conveyance of society notices, and would thus lose much of what it now is as a beneficial agent in its work.

But how do some of the favored periodicals secure their subscribers? Let me quote from the statement of Mr. Williams, of Detroit, Mich., in the Record of last Congress-March 8, 1910, page 2965-namely:

page 2900—namely:

SUNDAY COUPON GIVES 10 VOTES—PURCHASE OF COUPONS IN BULK WILL

NOT BE PERMITTED—A CHANCE FOR ALL.

Ten votes will be represented by the coupon to be printed in the Sunday Leader to-morrow for the free trip to the Jeffrles-Johnson fight offered by the Leader.

The coupon will be printed on page 2 to-morrow, and, as previously announced, all Sunday coupons will be good for 10 votes.

Save your coupons and have your friends saye for you, but pay particular attention to the fact that coupons purchased in bulk from news agents or news dealers will be thrown out. Under no circumstances will such coupons be counted.

Surely, if the law remains as it now is, under the construction of the department, "it strains at a gnat and swallows a camel."

What the publishers of these periodicals are contending for and what they want, and all they want, is the right to have their publications transmitted through the mails as second-class matter, with the same rights and privileges as are now enjoyed by other publications being so transmitted; and when we consider the great work these fraternities and unions are doing in the way of bringing help and comfort to the widow and to the fatherless-at the times, too, of their greatest need-instead of being discriminated against in any manner they should be helped to the uttermost in every way that justice and right will permit.

There is but little of selfishness in the work in which they are engaged; theirs, for the most part, is a work of humanity and of the heart. When fate strikes her hardest blow, when the natural stay and support of the family—the great institution upon which our civilization is based—is taken away, then does the fraternal organizations or trades-union step in and shoulder the burdens of the weak and of the helpless, and often does the work for them that otherwise would have to be done by charity or by the State.

Do we comprehend the extent of this great work? The proofs taken at the hearings on House bill 22239, in the last Congress, show that what are known as fraternal organizations alone have

a membership of nearly 7,500,000, and that they have already paid out in benefits nearly \$1,500,000,000.

Then, too, I can say that what is true of the fraternities is also true of the labor organizations. According to these same proofs the Cigar Makers' Union alone, with a membership of about 40,000, paid out for benefits in the year 1908 the sum of \$586,255.73, and during the first 29 years and 2 months of its existence it paid out \$8,372,383.60. There are 118 of these unions affiliated together in America—all doing presumably about the same work; and-assuming that each has paid out in this way substantially the same amount as the othersshould computation be made we would find that they have contributed almost another billion of dollars to those within their ranks and those depending on them; so that the great social work being done by these societies and unions is almost beyond our power to comprehend.

In granting the request which they are now making, we are giving to them nothing to which they are not richly entitled nothing which is not really theirs under the act of 1894, rightly construed. That they have been greatly annoyed and hindered in their work by the various holdings and changes in holdings—in the administration of the present laws—no one can gainsay; and that they should have their rights determined, and placed beyond chance for dispute, should be apparent to all.

Mr. Chairman, this amendment is identical with the bill H. R. 22239, which bore my name in the last Congress. It passed the House at that time by unanimous consent and went to the Senate, but we were unable to get it out of the Senate committee. It gives only the same rights to these periodicals that are now enjoyed by newspapers and magazines—the fraternal publications and trade-union periodicals being allowed to get their subscribers in the way they usually do. It gives to them only the rights that are now enjoyed by general periodicals, in so far as carrying advertisements is concerned.

Mr. MOORE of Pennsylvania. Will the gentleman yield?

Mr. DODDS. Certainly.

Mr. MOORE of Pennsylvania. I notice the gentleman's amendment does not include journals, magazines, or newspapers published by religious bodies. They have made an appeal to be included if any arrangement of this kind goes through. It

seems to me the gentleman's amendment would be incomplete and special if it did not include these religious publications.

Mr. DODDS. I will say to the gentleman from Pennsylvania that when the bill went through the House Committee on the Post Office and Post Roads, two years ago, the committee did not agree upon allowing the kind of periodicals that the gen-

tleman refers to to be included. I have included in this amendment all of the publications that were allowed by the

committee, two years ago, in my bill that passed the House.

Mr. MOORE of Pennsylvania. If the gentleman will pardon
me, these publications of large religious bodies are publications of a charitable and philanthropic nature and would in every way meet the conditions that the gentleman's amendment proposes in regard to the other societies and associations. It seems to me to be a serious objection to the amendment if it should be considered without considering these religious publications,

Mr. MURDOCK. Will the gentleman yield?

Mr. DODDS. Certainly.

Mr. MURDOCK. I have not seen the amendment which the gentleman offered this morning. Is it virtually the same amendment as the bill prepared two years ago?

Mr. DODDS. It is exactly the same, verbatim.
Mr. MURDOCK. As the bill was drawn at that time, did it admit the National Geographic Magazine, which carries no advertisements?

Mr. DODDS.

Mr. DODDS. I think it did.

Mr. MURDOCK. Was there any material change in that bill in the definition of what is a legitimate subscriber?

Mr. DODDS. Yes; it fixes the subscribers of periodicals as parties who are members of the order, society, or union, and exchanges, and bona fide subscribers, together with 10 per

cent of such circulation in addition as sample copies.

Mr. BORLAND. Mr. Chairman, will the gentleman yield?

Mr. DODDS. Certainly.

Mr. BORLAND. Does the amendment now proposed include publications of religious organizations?

Mr. DODDS. It does not.

Mr. BORLAND. Is there any objection to such inclusion?
Mr. MOORE of Pennsylvania. Mr. Chairman, I was just
going to ask whether or not the gentleman would accept such an amendment.

Mr. MANN. Mr. Chairman, let me suggest to the gentleman that the amendment as offered is confined to bodies which have a status that can be ascertained, but if you permit any religious publication to go through the mails, then a different question arises. Anybody can publish a religious publication. You can organize a publication and call it religious. There is

no limitation whatever upon that.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MOORE of Pennsylvania. Mr. Chairman, I ask unanimous consent that the time of the gentleman from Michigan be extended for five minutes.

The CHAIRMAN. Is there objection? There was no objection.

Mr. MOORE of Pennsylvania. Suppose the Roman Catholic Church, which issues an official publication not intended for profit wholly; or suppose the Presbyterian Church or the Methodist Book Concern issue publications; or suppose the Baptist Publication Society does, or the Protestant Episcopal Church does, or the Lutheran Church, and so on, how are you going to meet that question? These are associations that are constituted just as these bodies referred to in this amendment are, and it would seem that they are entitled to all the privileges that are extended to these fraternal organizations or unions, as proposed by this amendment. If the gentleman does not accept an amendment of that kind I shall offer it.

Mr. BORLAND. Mr. Chairman, will the gentleman yield? Mr. DODDS. Certainly.

Mr. BORLAND. I have introduced a bill, which is pending before the Committee on the Post Office and Post Roads, providing for the extension of the second-class-privileges to these religious bodies, and it is designed to cover exactly the class of publication referred to, issued by the Methodist Church, the Presbyterian Church, the Protestant Episcopal Church, and other national religious bodies.

Mr. MOORE of Pennsylvania. Is the gentleman prepared to offer his amendment now as an amendment to this amendment?

Mr. BORLAND. Yes.

Mr. MOORE of Pennsylvania. If the gentleman is, that

Mr. BORLAND. Some of these issue what they call a weekly bulletin, and upon that they have to pay first-class rates.

Mr. MOORE of Pennsylvania. I merely desire to ask if the gentleman will offer such an amendment as he suggests at this

Mr. BORLAND. Yes; if the gentleman from Michigan gets

by the point of order, I shall be very glad to offer it.

Mr. SHERLEY. Mr. Chairman, will the gentleman from Michigan yield?

Mr. DODDS. Certainly.

Mr. SHERLEY. Mr. Chairman, I would like to pursue a little further the inquiry of the gentleman from Kansas [Mr. Murdock] as to whether the gentleman's bill embraces as a subscriber a member of a fraternal order who pays dues to a grand lodge and who, by virtue of the payment of such dues,

is entitled to receive a copy of the order's paper.

Mr. DODDS. In words it includes only the members of the society, order, or union, and exchanges and bona fide subscribers, together with the 10 per cent for sample copies.

Mr. SHERLEY. Can the gentleman read just the part of his amendment that deals with this particular point?

Mr. DODDS. Certainly; I will read it:

Provided, That the circulation through the mails of periodical publications, issued by benevolent or fraternal societies or orders, or by trades-unions, strictly professional, literary, historical, or scientific societies, as second-class matter, shall be limited to copies mailed to members, exchanges, and bona fide subscribers, together with ten per centum of such circulation in addition as sample copies.

Mr. SHERLEY. In other words, it does not make the right to second-class privileges dependent at all upon the number of subscribers as the Post Office Department construes the word

Mr. DODDS. It does the same in that respect as the law of

Mr. SHERLEY. Mr. Chairman, I am not sufficiently familiar with that law to know to just what the gentleman refers. Here is a proposition that was up before the department. A paper was denied the second-class mail privilege upon the ground that its subscription was not a bona fide subscription, that the subscribers were not real subscribers, but were simply members of an order, who got the paper by virtue of being members. I want to know if that rule is changed by this amendment.

Mr. DODDS. It would be denied under the law of 1879, but under the law of 1894, which is as follows, it would not be de-

All periodical publications issued from a known place of publication at stated intervals and as frequently as four times a year, by or under the auspices of a benevolent or fraternal society or order organized under the lodge system and having a bona fide membership of not less than one thousand persons, or by a regularly incorporated institution of learning, or by or under the auspices of a trades union, and all publications of strictly professional, literary, historical, or scientific societies, including the bulletins issued by State boards of health, shall be admitted to the mails as second-class matter and the postage thereon shall be the same as on other second-class matter and no more: Provided, further, That such matter shall be originated and published to further the objects and purposes of such society, order, trades union, or institution of learning, and shall be formed of printed paper sheets without board, cloth, leather, or other substantial binding, such as distinguish printed books for preservation from periodical publications.

That is the provision of the law of 1894, and does away with the necessity of getting the subscribers required by the law of

Mr. SHERLEY. Well, if this does not do any more than the law of 1894, what is the use of passing it?

Mr. DODDS. It does more.
Mr. SHERLEY. That is what I am trying to find out.

Mr. DODDS. It allows these periodicals to carry advertising matter, in a limited way.

Mr. SHERLEY. Then, in other words, you have changed the

law of 1894 by enlarging it so as to include papers that also carry advertisements-

Mr. DODDS. That is what this does.
The CHAIRMAN. The time of the gentleman has expired.
Mr. MANN. Mr. Chairman, I ask that the gentleman have five minutes additional.

Mr. SHERLEY. Mr. Chairman, I suggest to the Chair that there is no time limit on the gentleman, there is a point of order being reserved, and the gentleman is practically speaking by unanimous consent.

The Chair will state to the gentleman The CHAIRMAN. from Kentucky that it has been the practice when the point of order was raised to hold gentlemen to the five-minute rule, and the Chair is endeavoring to enforce that practice. The gentleman from Illinois asks unanimous consent that the gentleman from Michigan may have five minutes more. Is there objection? [After a pause.] The Chair hears none.

Mr. MANN. Mr. Chairman, I understand the amendment of-

fered by the gentleman now specifically provides that fraternal organization papers may be sent to members of the fraternal

organization as second-class matter.

Mr. DODDS. It does. Mr. MANN. So it obviates the question of bona fide subscribers to the amount of 50 per cent, which is required of the other papers which were granted the second-class mail privilege.

Mr. DODDS. It does away with the objections referred to and gives the right, as I stated a moment ago, to carry advertising matter.

Mr. MANN. It would not require, as I understand, that a member of the fraternal organization should subscribe for the publication.

Mr. DODDS. It does not under this provision.

Mr. MANN. It may be sent to them free, or may be sent to them because of the dues which they pay to the organization.

Mr. DODDS. Under such regulations as the organization

may see fit to make.

Mr. MANN. But I am not certain it is entirely free from doubt as to the wording, and I want that statement to go in the RECORD for the benefit of officers who have to construe the law

Mr. TILSON. I would like to ask the gentleman from Michigan if he would make a little more clear the provision as to advertising and its limitation. What limitation is there in the gentleman's amendment as to the amount of advertising which these publications may carry and allow them to be admissible at the second-class rate?

Mr. DODDS. The amendment provides that the publication shall have the right to carry advertising matter, whether such matter pertains to such benevolent or fraternal societies or orders, literary, historical, or scientific societies, or to other institutions, or concerns.

Mr. TILSON. Is it unlimited in amount? Can one of these

journals carry an unlimited amount of advertising?
Mr. DODDS. It is not unlimited in amount. that the periodicals shall not be designed or published primarily for advertising purposes; that the carrying of the advertising must be incidental—just the same regulation as applies to general periodicals, or substantially the same.

The CHAIRMAN. Does the gentleman from Tennessee make

the point of order?

Mr. MOON of Tennessee. I withdraw the point of order.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan.

Mr. BORLAND. Mr. Chairman, was there not an amendment to the amendment of the gentleman from Michigan?

The CHAIRMAN. No.

Mr. BORLAND. The gentleman from Pennsylvania started to offer an amendment on that and I thought he would. If the Chair will withhold the putting of the question I would like to offer an amendment.

Mr. MOORE of Pennsylvania. Mr. Chairman, a parliamen-

tary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. MOORE of Pennsylvania. May I offer this amendment to the amendment after the amendment of the gentleman from Michigan has been passed?

The CHAIRMAN. Without objection, the gentleman from Pennsylvania offers an amendment, which the Clerk will report. Mr. DODDS. The request is that his amendment be offered

after my amendment is passed.

The CHAIRMAN. The amendment has not yet been passed. The Chair was in the act of putting the question and the gentleman from Pennsylvania asked unanimous consent to offer an amendment to the amendment, and without objection the Clerk will report the amendment to the amendment.

Mr. MOORE of Pennsylvania. Mr. Chairman, if there is no objection I will read it.

The CHAIRMAN. The Clerk will have to read it after the gentleman has read it, and the gentleman had better send it up for reading.

The Clerk read as follows:

Amendment to the amendment:
"Provided, That all the privileges of second-class mail matter herein extended to benevolent and fraternal societies be also extended on similar terms to religious societies and associations issuing newspapers and magazines."

The CHAIRMAN. The question is on agreeing to the amend-

Mr. MANN. Mr. Chairman, reserving the right to object, does the gentleman have any idea how far that would go? It is a rather hastily prepared amendment.

Mr. MOORE of Pennsylvania. It would have a very wide effect. There is no question about that, but the other proposi-

tion is equally wide.

Mr. MANN. The other proposition is pretty well guarded, I will say to the gentleman, as he would see if he had examined the bill, which I have studied a number of times when introduced on the floor. Supposing some one now who is de-prived of the use of the second-class privilege, publishing some paper, organizes what is called religious societies, and thereupon proceeds to claim the benefit of the second-class matter for a purely advertising sheet? How can it be shut out under the gentleman's amendment?

Mr. BORLAND. With the permission of the gentleman from Pennsylvania, I would say that this provision in regard to religious publications is carried in exactly the same order as the provision in reference to fraternal publications. It must be issued from the known place of publication. It must be issued at least four times a year, and so forth. There are the same safeguards exactly, and no others, that exist as to fraternal orders.

Mr. MANN. As to the fraternal propositions, this amendment provides that the fraternal organizations must have a thousand bona fide members. That is one proposition. It is quite a different proposition to say that anybody can issue an advertising sheet, call it the organ of some imagined religious name, and issue what they please under the second-class privi-

Mr. MOORE of Pennsylvania. I think it is fair to say to the gentleman that that is not contemplated by the amendment. The amendment to the amendment suggests the same conditions that are imposed upon beneficial and fraternal orders shall be

imposed upon religious organizations.

Mr. MANN. I saw that part of it, but I do not think it amounts to anything. I understand what the gentleman desires to accomplish. But here is a proposition offered on the floor that, if it gets into the law, will be the law. The question is, What does it say? The gentleman knows that the Post Office Department is in a constant fight with people who are issuing purely advertising sheets for advertising purposes only, and endeavoring to secure the second-class privilege to transmit their advertisements at the expense of the people of the United States. And any proposition ought to be safely guarded. supposed the gentleman from Missouri [Mr. Borland] had a bill which probably would cover it. I do not believe the gentleman's amendment covers it.

Mr. MOORE of Pennsylvania. That also seems to be the idea of the gentleman from Michigan [Mr. Dopps]. If the effect of my amendment on his amendment would be to defeat his amendment, I prefer to withdraw mine and then take the question up with the gentleman from Missouri [Mr. BORLAND], who has a bill covering this point.

Mr. MANN. I think that would be better.

Mr. MOORE of Pennsylvania. I withdraw the amendment.
Mr. BORLAND. I offer the same amendment, then.
The CHAIRMAN. The question is on the amendment pro-

posed by the gentleman from Missouri [Mr. Borland], which is the same as the amendment offered by the gentleman from Michigan.

The question was taken, and the Chair announced that the "noes" seemed to have it. seemed to have it.

Mr. BORLAND. Division, Mr. Chairman.

The committee divided; and there were-ayes 4, noes 20.

So the amendment was rejected.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan [Mr. Dopps].

The question was taken, and the amendment was agreed to. Mr. DODDS. Mr. Chairman, I offer the following amendment in order to perfect the language of the bill, to follow the suggestion of the department.

The CHAIRMAN. The gentleman from Michigan offers an amendment, which the Clerk will report.
The Clerk read as follows:

On line 3, page 2 of the amendment, after the word "by," insert the words "or under the auspices of." $\,$

Mr. MANN. Mr. Chairman, reserving the right to object, that can only be done by unanimous consent. What is the purpose

of that? Mr. DODDS. Mr. DODDS. We only place here the other language elsewhere in the bill—"under the auspices of."

Mr. MANN. That was in the other part. Mr. DODDS. It ought to be repeated in this part.

The CHAIRMAN. The question is on agreeing to the amend-

The question was taken, and the amendment was agreed to. Mr. DODDS. Mr. Chairman, I offer the following amendment for the same purpose.

The CHAIRMAN. The gentleman from Michigan [Mr. Dodds] offers an amendment, which the Clerk will report.

The Clerk read as follows:

On line 4, page 2 of the amendment, after the word "orders," strike out the comma and insert the word "or,"

Mr. DODDS. That just carries the same provision to the trade-unions.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Michigan. The question was taken, and the amendment was agreed to.

Mr. DODDS. Mr. Chairman, I offer the following amendment

for the same purpose.

The CHAIRMAN. The gentleman from Michigan [Mr. Dodds] offers another amendment, which the Clerk will report.

The Clerk read as follows:

On line 4, page 2 of the amendment, after the comma and before the word "strictly," insert the words "or by."

The CHAIRMAN. The question is on agreeing to the amend-

The question was taken, and the amendment was agreed to.
Mr. DODDS. I offer the following amendment for the same

purpose. The CHAIRMAN, The gentleman from Michigan IMr.

Dopps] offers another amendment, which the Clerk will report, The Clerk read as follows:

On line 13, page 2 of the amendment, after the word "further," strike out the words "their own" and insert the word "the."

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to. Mr. DODDS. Mr. Chairman, I offer the following amend-

ment for the same purpose.

The CHAIRMAN. The gentleman from Michigan [Mr. Dodds] asks unanimous consent to offer another amendment, which the Clerk will report.

The Clerk read as follows:

On line 13, page 2 of the amendment, after the word "purposes" and before the comma, insert the words "of such benevolent or fraternal societies or orders, trade-unions, or other societies."

The CHAIRMAN. The question is on agreeing to the amend-

The question was taken, and the amendment was agreed to Mr. BORLAND. Mr. Chairman, I offer an amendment which I send to the Clerk's desk.

The CHAIRMAN. The gentleman from Missouri [Mr. Bor-LAND] offers an amendment, which the Clerk will report. Where does the gentleman propose that it shall go in the bill?

Mr. BORLAND. At the end of the last word of the amendment offered by the gentleman from Michigan.

Mr. MANN. That amendment is not subject to amendment.

Mr. BORLAND. It follows the amendment of the gentleman from Michigan.

The CHAIRMAN. The gentleman from Missouri offers an amendment as a new paragraph, after the word "dollars." The Clerk will report the amendment.

The Clerk read as follows:

Provided, That the privileges herein given to fraternal and benevolent associations are hereby extended to religious societies or associations which comply with the same requirement.

The CHAIRMAN. The gentleman's amendment is offered by unanimous consent. Is there objection?

Mr. MOON of Tennessee. I make the point of order on that.

Mr. MANN. What is the request?

The CHAIRMAN. The gentleman from Missouri [Mr. Bor-LAND] asks unanimous consent to amend the amendment of the gentleman from Michigan [Mr. Dodds].

Mr. BORLAND. No; it should be a proviso. Mr. MOON of Tennessee. Mr. Chairman, I object.

The CHAIRMAN. The gentleman from Tennessee objects. Mr. DODDS. Mr. Chairman, I ask unanimous consent to ex-

tend my remarks in the RECORD. CHAIRMAN. The gentleman from Michigan [Mr. Dodds] asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. MOORE of Pennsylvania. Mr. Chairman, I offer the following as a new paragraph.

The CHAIRMAN. The gentleman from Pennsylvania [Mr.

Moore] offers an amendment, which the Clerk will report.

The Clerk read as follows:

Insert as a new paragraph the following;
"That mallable matter of the second class shall embrace every newspaper or other periodical publication issued by or under the auspices of a religious or charitable society or organization: Provided, That such publication complies with the requirements and conditions of section 420 of the Revised Statutes of the United States."

Mr. MOON of Tennessee. I make the point of order on the amendment.

The CHAIRMAN. The Chair sustains the point of order. The Clerk will read.

The Clerk read as follows:

For blanks, books, and printed matter of urgent or special character, including the preparation, publication, and free distribution by post-masters to the public of a pamphlet containing general postal information, intaglio seals, and other miscellaneous items of immediate necessity for the registry system, \$4,000.

Mr. MOON of Tennessee. Mr. Chairman, I ask unanimous consent to transfer to the paragraph which we passed under the

head of the "Office of the Third Assistant Postmaster General" these words: "For expenses of agency for inspection of manufacture of official envelopes at Cincinnati, Ohio, \$5,700." I ask that the item be transferred to this part of the bill under the "Office of the Fourth Assistant Postmaster General," where it helongs

The CHAIRMAN. The gentleman from Tennessee asks unanimous consent to transpose lines 17, 18, and 19, on page 24, to come in on page 25, after the word "dollars," in line 20. Is there objection? [After a pause.] The Chair hears none, and it is so ordered. The Clerk will read.

The Clerk read as follows:

For pay of letter carriers, substitutes for carriers on annual leave, clerks in charge of substations, and tolls and ferriage, Rural Delivery Service, \$43,375,000: Provided, That not to exceed \$20,000 of the amount hereby appropriated may be used for compensation of clerks in charge of substations.

Mr. MOON of Tennessee. Mr. Chairman, a day or two ago we passed a provision for the payment of the mail carriers on Lake Winnepesaukee. There was a mistake made in that amendment. I ask unanimous consent that we go back to page 16, line 25, to strike out that amendment which was agreed to the other day.

The CHAIRMAN. The gentleman from Tennessee [Mr. Moon] asks unanimous consent to return to page 16, line 25, for the purpose of offering an amendment. Is there objection?

There was no objection.

The CHAIRMAN. The gentleman will offer his amendment. Mr. MOON of Tennessee. The amendment is to strike out the amendment that was agreed to by the committee.

The CHAIRMAN. The gentleman from Tennessee moves an amendment, which the Clerk will report.

The Clerk read as follows:

Strike out the following in page 16, line 25:
"Provided, That in the discretion of the Postmaster General the pay of the carrier on the water route on Lake Winnepesaukee, who furnishes his own power boat for mail service during the summer months, may be fixed at an amount not exceeding the maximum salary allowed rural carriers by law in any one year."

The amendment was agreed to.

Mr. MOON of Tennessee. Now, Mr. Chairman, I move to amend by inserting, after the word "station," in line 21, page 27, the following, which I send to the Clerk's desk to be read.

The Clerk read as follows:

On page 27, after line 21, insert:
"Provided further, That in the discretion of the Postmaster General
the pay of the carrier on the water route on Lake Winnepesaukee, who
furnishes his own power boat for mail service during the summer
months, may be fixed at an amount not exceeding the maximum salary
allowed rural carriers by law in any one calendar year."

The amendment was agreed to.

Mr. HAMILTON of Michigan. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Michigan offers an amendment, which the Clerk will report.

The Clerk read as follows:

On page 27, line 18, after the word "dollars," amend by inserting the following:
"Provided, That the Postmaster General shall allow extra compensation to carriers for closed-pouch service."

I reserve a point of order on that. Mr. MANN.

Mr. HAMILTON of Michigan. Mr. Chairman, there are a great many closed pouch rural mail carriers. My attention has been called particularly to certain cases in my own district, and one of them was investigated a few days ago. The investigation covered three days, and the department had not yet finished the investigation when the report was made to me.

The closed pouch carried by the carrier from the city of Hastings, in my district, on a route running out of Hastings, through the town of Dowling, contained, during the three days investigated, an average of 281 packages, and the average weight of the closed pouch for the three days was 97 pounds. In addition to this pouch to the town of Dowling the carrier is making the regular delivery on his route, and the investigation showed that the average number of pieces delivered by him along his route, outside the mail destined for Dowling, for the three days was 290. There are 117 boxes on the route. It seems to me perfectly apparent that a service which requires a carrier, without additional compensation, to carry a closed pouch daily, thereby imposing a duty which other carriers over the various routes out of the same post office do not have to the various routes out of the same post office do not have to perform, where the average weight, as in this case for illustration, is 97 pounds a day, is unfair, and that there ought to be some means provided in the law whereby these men who are performing this extra service every day in the year may receive some compensation for it. Not only should all carriers receive more than they are now receiving, but carriers of closed pouches about described acceptance of the same post should receive proper extra compensation therefor.

I have always appreciated our splendid rural mail service as I know the gentleman from Kansas does.

Mr. MURDOCK. Will the gentleman yield? Mr. HAMILTON of Michigan. Yes.

Here is the case of a carrier taking a Mr. MURDOCK. closed pouch with 97 pounds of mail in it from Hastings to

Mr. HAMILTON of Michigan. Yes.

Mr. MURDOCK. Of course he carries that closed pouch for nothing?

Mr. HAMIL/TON of Michigan. Yes.

Mr. MURDOCK. Does the gentleman know what the cost of the carriage of the same kind of mail between Hastings and Dowling was when that was a star route, as it undoubtedly was at some time?

Mr. HAMILTON of Michigan. I took the pains to inquire into that and I have a letter here concerning the cost of the

former star route. It is as follows:

APRIL 15, 1912.

Hon. E. L. Hamilton, House of Representatives.

MY DEAR SIR: With reference to your inquiry of to-day concerning the cost of the star route by which the post office at Dowling, Barry County, Mich., was supplied, I beg to inform you that from July 1, 1903, service was performed on star route No. 37183, from Cedar Creek by Dowling and Pritchardville to Hastings, 14.75 miles and back, six times a week, at the rate of \$450 per annum. This star route was discontinued from September 30, 1903, and since that date the office at Dowling has been supplied by closed pouch on rural route No. 4, from Hastings, Mich.

Very truly, yours,

P. V. De Graw,

Fourth Assistant Postmaster General.

P. V. DE GRAW, Fourth Assistant Postmaster General.

Mr. MURDOCK. The point that I want to bring out is that here is one instance where the rural route between two places costs the Government \$500. It used to cost \$500 on a star route and now it only costs \$1,000 on a rural route. route serves the star-route terminal and the intervening territory in addition.

Mr. HAMILTON of Michigan. Apparently. But there ought to be discretionary power somewhere to give the Postmaster General authority to allow extra compensation. It is perfectly clear that it is unfair to ask a carrier to do this extra work without such compensation. I have no doubt that the same condition exists in many other towns. I suppose in nearly every district represented here on the floor by gentlemen present in the Committee of the Whole there are cases of this kind, and there ought to be some means provided where some compensation can be allowed in these cases within the discretion of the Postmaster General.

Mr. MADDEN. Mr. Chairman, the proposition of the gentleman from Michigan is rather a singular one. The carrier, no matter who he may be, is employed by the Government to do the work that is to be done in the territory. It does not seem to me to make any difference whether he carries a closed pouch or open packages of mail, he ought to be paid the compensation allowed by law. If we are going to have a system of paying extras to certain classified men in the service for every additional package they are called upon to carry, the department will never know exactly what it is going to cost to do the work.

This bill provides an extra compensation of \$74 a year for a rural carrier over what he is now getting. This proposition was considered in the committee, thoroughly canvassed, and it was the judgment of the men who gave it careful consideration that there ought to be no exceptions whatever made for any service by any rural carrier; that all men should be treated alike.

Mr. HAMILTON of Michigan. Will the gentleman yield?

Mr. MADDEN. Certainly. Mr. HAMII/TON of Michigan. In the course of the investigation which the gentleman has made has he found cases where the carriers of closed pouches have found it necessary to pro-

vide more horses to perform the service on that account?

Mr. MADDEN. Various statements were made by men who wanted extra pay for everything that they were called upon Some men say that it takes three horses to do the work that they are called upon to perform, while other men say that one horse is sufficient. Some men think that they ought to be allowed \$350 extra for horse hire, in addition to the pay they are now receiving, and some think they should get higher pay than they are now getting and then be allowed an extra price for horse hire, to be fixed by the Government.

Mr. HAMILTON of Michigan. Will the gentleman again

yleid?

Certainly.

Mr. HAMILTON of Michigan. Has the gentleman's atten-tion been called to occasions where carriers of closed pouches were obliged to provide larger vehicles on that account?

Mr. MADDEN. Oh, they make all sorts of claims for all

to be any system of conducting the department except on a flat compensation to be paid under the law; that no man appointed as a rural carrier should be placed in a position where he is able to demand extra pay for extra packages carried.

Mr. HAMILTON of Michigan. Will the gentleman yield

again?

Mr. MADDEN. I will yield to the gentleman. Mr. HAMILTON of Michigan. Suppose the gentleman had in his employment men whose business it was to carry parcels, and he had a regular schedule of wages. Would he regard it as fair to require one of these men to carry twice as much as any of the other men at the same wage he was paying the other men?

Mr. MADDEN. I will say to the gentleman from Michigan that there is no man employed as a rural carrier who is called upon to do any very great amount of extra work. Every one of these men are required to do only what is fair, and they are being well paid for what they do. None of them are over-worked. The department ought not to be compelled to fix a scale of extra compensation for carrying additional packages. The men employed by the Government should be compelled to carry whatever packages are given them to carry along the routes, and they ought to be compelled to carry them at the compensation in the bill.

I do not believe in this thing of fixing extras where every man comes in and claims that he has done extra work. If you do it for one man, you will do it for every man, and nobody will know what the cost of carrying the mail will be. The depart-ment will be in a state of chaos. There will be no system about ment will be in a state of chaos. There will be no system about it. Rural carriers will be dictating to the department just when they will carry a sufficient load, and they will tell the department how many packages they are to carry, whether in a closed pouch or in an open package. They will insist they can not be compelled to carry more than 100 pounds, and some will insist they can not be compelled to carry more than 50 pounds. In any case, there will be a question of doubt as to what shall be done and who shall have the authority to order it done. the men are employed they ought to be compelled to do just exactly what there is to do and to receive for what they do the compensation fixed by law, without any possibility of being given an opportunity to make application for extra pay for additional work.

Mr. HAMILTON of Michigan. The gentleman does not an-

swer my question.

Mr. MANN. Mr. Chairman, at different times there has been urged upon the Post Office Department and upon Congress the desirability of changing star routes into rural carrier districts. In many of those rural carrier routes the amount of mail delivered is not very great, a large share of the service being the carrying of locked pouches, which originally and formerly were carried by the star-route service. The gentleman now proposes that he shall pay in all of those cases the regular salary to the rural carrier and then, in addition, pay for the locked pouch or the star-route service. Of course the inevitable result of that will be, if it be adopted as a policy of Congress, that the Post Office Department will not change a star route into a rural delivery district, if the expense is to be greater, and people will thereby be deprived of the privilege of receiving their mail through the rural routes where star routes now exist. We do not establish the principle of paying rural carriers according to the amount of mail carried, and it ought not to be done.

Mr. AUSTIN. Does not the department require a certain amount of mail to be carried over a rural delivery route, and if it falls below the requirement do they not reduce the number of trips per week? There is a standard amount of mail required in order to maintain a six days' rural free-delivery

route.

Mr. MANN. Considering the fact that they do not count the packages or weigh the mail, I do not see how they enforce any such provision if they have one.

Mr. AUSTIN. I know in a number of instances in the district that I represent the department has discontinued or reduced the number of trips from six to three trips per week, giving as a reason that the amount of mail collected on that

route falls below the minimum requirements of the department.

Mr. MANN. Oh, very likely. They endeavor to use some common sense in reference to such matters, but they do not establish as a basis for the paying of the rural carriers the amount of mail which is carried, and ought not to, in my judgment.

Mr. AUSTIN. It is the length of the route that fixes the compensation now.

Mr. MANN. The length of the route fixes the compensation, sorts of things; but there must be some discretion somewhere, and in creating new routes they take into consideration the and we should call a halt here. It seems to me there ought not number of people to be served, and the probable amount of mail to be carried, as they ought to do; but now to propose when you transfer a star route into a rural carrier route, for the benefit of people living along the route upon the theory that the carrier can do both just as easily as one, and then turn around and seek to pay the full limit for the rural carrier and in addition thereto the amount originally paid to the star-route service seems to me to be extravagant.

Mr. HAMIL/TON of Michigan. Mr. Chairman, will the gentle-

man yield?

Mr. MANN. Certainly

Mr. HAMILTON of Michigan. I fancy from what the gentleman has said that he perhaps does not fully appreciate the facts in this matter. Here is a case where a man is carrying all the mail that any other carrier is carrying out of a particular office. He is doing just as much work as any other carrier, and in addition to that every day in the year he is carrying this locked pouch. I am not left to conjecture in this I have submitted an inquiry to the department, and the department has made an investigation, and it turns out that this pouch weighs about 100 pounds every day and contains 281 pieces.

This is in addition to the regular work of the carriers. This is a long preliminary, but I will get the gentleman's time extended-ought not there to be-

Mr. MANN. I am not complaining. Mr. HAMILTON of Michigan. I submit to the gentleman, who I regard as a fair man, ought not there to be some way to make compensation in those cases?

Mr. MANN. I see no occasion for it. Mr. HAMILTON of Michigan. Then I will have to withdraw my statement about the gentleman being a fair man. [Laughter.]

Mr. MANN. I will leave that to others not so much interested as the gentleman from Michigan in this particular case. Here is a case where a star route for the convenience of the people was transferred to a rural-carrier route, and when he commenced the service which the gentleman now speaks of that was required the rural carrier performing this service was not required to accept the position. He knew what was required of him

Mr. HAMILTON of Michigan. No; the gentleman is in error. The CHAIRMAN. The time of the gentleman has expired.

Mr. MANN. I yield to the gentleman from Michigan to make

Mr. HAMILTON of Michigan. Mr. Chairman, I ask unanimous consent that the gentleman's time be extended five minutes.

The CHAIRMAN. The gentleman from Michigan asks unanimous consent that the time of the gentleman from Illinois be extended for five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. HAMILTON of Michigan. This additional service was added after the carrier had entered the service, and I have here pictures showing that this carrier has to habitually have a larger conveyance than other carriers, and his ordinary load in bulk is easily three times as large as other carriers, and there

is nothing fair about it.

Mr. MADDEN. If that carrier had been as industrious in doing his work as in getting pictures there would not be this

Mr. MANN. I do not undertake to say that this particular

carrier might not properly receive more money—
Mr. HAMILTON of Michigan. Thank you for that.
Mr. MANN. But it is entirely out of the question for a great administrative department of the Government to make fish of one and fowl of another, and you can not make your general rule applicable to these cases which would apply to this par-ticular case without covering a whole lot of cases that have no justice in them at all. Now, converting the route to a rural-carrier route for the convenience of the people is no reason why we should pay an additional amount.

Mr. CANNON. Will the gentleman yield?

Mr. MANN. I do.

Mr. CANNON. As I understand it, the gentleman from Michi-

gan wants this man to be paid because somebody else gets equal pay for a less amount of service in weight.

Mr. MANN. For less service; that is the proposition. Mr. CANNON. I suppose that that would involve the proposition of finding out the smallest route in the United States in mail that is carried and make that the standard and have everybody carry the same weight. Is that involved in this?

Mr. HAMILTON of Michigan. Nobody is advocating any such ridiculous proposition as that.

Mr. MANN. The gentleman is not advocating that, although that is fairly true of the gentleman's proposition.

Mr. HAMILTON of Michigan. This harmony between the

gentlemen from Illinois is pleasing, but they have agreed upon an entirely erroneous premise.

Mr. CANNON. Will the gentleman allow one further word?

Mr. MANN. Certainly.

Mr. CANNON. I do not know how many carriers there are in my district; it is completely covered.

Mr. HAMILTON of Michigan. I warrant you. [Laughter.]

Mr. CANNON. It is completely covered. Mr. MANN. And thoroughly settled up.

Mr. CANNON. Thoroughly settled. Now, the trouble with me is I see considerable trouble ahead if this practice is adopted-that I shall have claims for special legislation and have to take them up one by one-

Mr. MADDEN. The get to the Postmaster General The gentleman would have to go every day

Mr. HAMILTON of Michigan. If gentlemen could only get to understand what this proposition is, they would not talk in the air so much-

The CHAIRMAN. Does the gentleman yield to the gentle-

man from Michigan?

Mr. MANN. I do not yield to anybody, and I make the point of order.

The CHAIRMAN. The Chair sustains the point of order.

The Clerk read as follows:

SEC. 13. That if the revenues of the Post Office Department shall be insufficient to meet the appropriations made by this act, a sum equal to such deficiency of the revenue of said department is hereby appropriated, to be paid out of any money in the Treasury not otherwise appropriated, to supply said deficiencies in the revenues for the Post Office Department for the year ending June 30, 1913, and the sum needed may be advanced to the Post Office Department upon requisition of the Postmaster General.

Mr. BORLAND. Mr. Chairman, I ask unanimous consent to

extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Missouri asks unanimous consent to extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

Mr. BORLAND. Mr. Chairman, in taking time during the general debate on the Post Office bill to discuss the subject of good roads, I feel that I am not only dealing with a subject of prime importance to the great postal service, but to every national interest. I have no hesitation in saying that there is no one subject of greater importance to-day to the entire producing and commercial interests of the Nation than that of good roads. The interest is so widespread throughout the United States that it needs no words of mine to emphasize it. All Members of Congress admit the supreme and immediate importance of the subject, and the only difference of opinion has been whether it is properly one of national or local character. There is no doubt in my mind that it is national; as national as any of the great activities of the Department of Agriculture, the Department of Commerce and Labor, or the Department of the Interior. It bears a more general and intimate relation to the welfare of the people of the entire Nation than any of the bureaus now operated under national authority. It is more national than the Forest Service, more national than the irrigation of arid lands, more national than the work of the Bureau of Animal Industry, the Bureau of Plant Industry, the Bureau of Mines, the Bureau of Immigration, the Bureau of Manufactures, and the Bureau of Corporations. It is as national in its character as the improvement of the rivers and harbors or the functions of the Interstate Commerce Commission. It deals with the most primal aspect of the great subject of transportation, which, in such a vast country as ours, is the greatest national subject of internal administration. The care of highways has been a national matter with every nation from the moment of its first emergence from savagery into an orderly development toward commercial civilization and self-government. The great highways of Rome bound her to her most distant colony, and over them marched the invincible legions that conquered the world. Backward along the same highways flew the fleet messengers, with relays of Arabian horses, which formed the first great national and international posts.

The care of the highways is national in France, a land possessing the most beautiful roadways in the world. That country has divided her highways into three classes—the national trunk lines, the great provincial main roads, and the local highways or lanes. This classification is scientific and is the basis for a splendid system of administrative law and a fair distribution

of the cost of construction and maintenance.

For more than a century of our national life we have been trying to solve this national problem by a system of isolated We borrowed from the old English common law local control. a doctrine which grew up at a time when England was practically a hermit nation without arts or commerce-that the control of the highways is a mere neighborhood matter, to be attended to by the township or the hundred. We have presented the amusing spectacle of trying to adapt this obsolete

principle of the common law to a vast undeveloped country 3,000 miles in extent, the richest and most fertile stretch of country of any government on the face of the globe.

At one time there was a serious doubt in the minds of the American statesmen whether the Federal Government had legal power to aid in the construction of highways. That doubt has long since disappeared. There is no legal proposition better settled by the Supreme Court of the United States than that the Federal Government has power to engage in the construction and maintenance of interstate highways. The power is ample, whether under the express terms of the Constitution, which gives Congress the power to establish post offices and post roads, or under the clause which gives to the Federal Government control over commerce between the several States. question was determined in the affirmative when the Federal Government undertook to aid in the construction of the Pacific railroads. The Supreme Court, in one of these cases, said as follows:

Mithout authority in Congress to establish and maintain such highways and bridges, it would be without authority to regulate one of the most important adjuncts of commerce. This power in former times was exerted to a very limited extent, the Cumberland, or national road, being the most notable instance. Its extension was but little called for, as commerce was then mostly conducted by water, and many of our statesmen entertained doubts as to the existence of the power to establish ways of communication by land. But since, in consequence of the expansion of the country, the multiplication of its products, and the invention of railroads and locomotion by steam, land transportation has so vastly increased, a sounder consideration of the subject has prevailed and led to the conclusion that Congress has plenary power over the whole subject. (California v. Pacific Railroad Co., 127 U. S., 1, lc, 39.)

Later cases are to the same effect:

Congress has likewise the power, exercised early in this century by successive acts in the Cumberland or National Road, from the Potomac across the Alleghanies to the Ohio, to authorize the construction of a public highway connecting several States. (Lucton v. North River Bridge Co., 153 U. S., 525-529; Indiana v. U. S., 148 U. S., 148.)

All of these are cited with approval in the case of Wilson v. Shaw (204 U.S., 33), in which it was determined that the Federal Government had power to construct, maintain, and operate the Panama Canal.

It is a matter of familiar history that when the Federal Constitution was framed the thirteen Colonies were all connected by sea or navigable streams which were arms of the sea, and no general system of land communication existed. The States gave up to the Federal Government the power to levy tonnage duties, which each State had previously been in the habit of levying for the purpose of maintaining its own works of internal improvement, such as the care of its rivers and harbors. The rivers and harbors were at that time the great, and practically the exclusive, agency of interstate communication. The view, therefore, that it was the intention to endow the Federal Government with plenary power over the means of interstate communication is now considered as a sound view of the Constitution. It is a matter of history, also, for that for a hundred years after the foundation of the Constitution—that is to say, from 1787 to 1887—it was the opinion of many statesmen and most lawyers that the clause of the Federal Constitution which clothed the Federal Government with the power over interstate commerce was only negative, or restrictive, in its character; that its only effect was to prevent injurious discrimination by the several States against commerce or traffic of the other States or the foreign nations, and that its full force was exerted in preventing and restraining such discrimination. In 1887, however, this view was entirely reversed, and Congress took the position that the interstate commerce clause was an affirmative grant of power to the Federal Government and would justify affirmative legislation regulating the agencies of commerce. therefore passed the interstate commerce bill, the first affirmative exercise of its power. I need not tell you how rapidly this new conception of the Federal power over interstate commerce has grown since 1887, or how deeply embedded it is now in all national legislation.

It being clear, then, that the power exists with the Federal Government, that it is affirmative in its character and ample in its scope, and that it applies directly to the subject of good roads, we are then confronted with the question, which is always one of legislative discretion, whether the time has arrived for the exercise of such power in that behalf. I think there is no one subject in the whole scope of governmental activity that is so directly related with the prosperity of the producer in the country and which is so uniformly national in its character as the subject of good roads. The rural highway is the primary and universal agency of transportation. It leads from every farm to every market, and over it passes annually the food supplies of the Nation. Not only does it carry to market the food supplies and raw material for domestic consumption, but it is

balance of trade in our favor and bring to our shores the golden stream of wealth must begin its journey on the rural highway. I will not stop to discuss the intricate problem as to who pays the cost of transportation, whether it be the producer or the consumer. Unquestionably, in the aggregate, the consumer pays the cost of transportation, and every wage earner in the cities must pay every penny of the cost to get the food to his dinner table. But the contrary may be true as to export trade, and in such case the producer must pay the cost of transportation, because he must sell his goods in the open markets of the world under conditions of strictest competition, of which distance and transportation are always a part. Without attempting to solve this economic problem, I feel sure that if our farmers could get their products to the seaboard at a lower cost a larger proportion of the ultimate price would remain in their pockets and would result in building up the wealth of the country by entering into all the channels of local trade. I am satisfied also that with better conditions of rural highways the wage earners in the cities would find a lower cost of living, with better and more abundant supplies, without reducing the ultimate value now realized to the farmer who produces the crop. In other words, a high and unnecessary cost of transportation is an economic loss to the entire Nation. I will not weary you with figures as to the relative cost of traffic over rural highways as compared with railroad and water haul.

It is sufficient to say that it forms an absurdly large percentage of the entire cost of handling the article in proportion to the distance transported, and that this is due entirely to the unimproved and unscientific condition of the highways, which

results from isolated local control.

I need not emphasize the importance of rural highways as an aid to the postal service. If there is any branch of the service which has fully justified itself by results it is rural free delivery. I hold it to be true that in our common country, where we all labor together to produce the national wealth and all must bear a share of the burden of taxation, we are all entitled to the national facilities and advantages. The farmer is as much entitled to the daily delivery of mail to his doorstep as the dweller in the city. It is not only a matter of right, but a matter of national importance in a free Republic such as ours. Intelligence of all kinds ought to be widely distributed. Books, newspapers, literature, political intelligence, market reports, and all information relating to commerce and politics should be spread broadcast throughout the land. The work of the postal department is to supply the winged feet of Mercury, the messenger of the gods, and bring the message to every American sovereign. The light of intelligence and information, the news of the progress of the world, and the messages from loved ones should flash to the fartherest corner which ac-knowledges the jurisdiction of Uncle Sam. The postal service is like a great golden thread—running to the fartherest hill farm in the most remote county in the Union and binding the whole Nation together. There is no bond of union so strong as the postal service, which knows no East, no West, no North, no South.

Perhaps it is unnecessary also for me to emphasize the fact that one of the greatest economic problems confronting our Nation to-day is the enormous growth of the cities at the expense of the country district and the small town. Not alone the population, but the wealth of the country continues to concentrate in the cities. This wealth was originally drawn from the country districts as the population of the cities was drawn from the country districts, but under our system neither the wealth nor the population returns or tends to return to the rural community. It is a constant, steady, and exhausting drain upon the great underlying base of national prosperity and national moral and political life. It is a grave question how long the

national wealth will stand such a drain.

One of the best results which will come from the improvement of rural highways is the turning back again this stream of population and wealth toward the rural district and the small town. Motor vehicles of all kinds are here to stay and have become a permanent fixture of American life. They make it possible, with the aid of good roads, to establish country homes for people of wealth or even moderate circumstances in the rural sections within an increasing radius of the great cities. small towns will become commercially active and socially attractive, and will be, as they should be, delightful places of residence for the American citizen and healthful and attractive for his wife and children. A constant passage of city people back and forth through the country districts will distribute a large share of trade in the money spent for pleasure or business.

I need not emphasize, of course, the supreme advantage that good roads would be to the farmer himself, making his labor easier, his life more pleasant, his farm more valuable, and rethe first step in international commerce. The great export serving to him a larger share in the fruits of his toll. The wealth of the Nation that must find its way abroad to turn the

matter before the American Congress in language which is clear and unmistakable. I need only quote a brief extract from an article by Howard H. Gross, secretary of Farmers' Good Roads League of Illinois, appearing recently in the Saturday Evening Post:

Post:

The need of the hour is the road builder, and in no part of the continent is the need greater than in the Mississippi Valley, the granary of the world. In all that vast expanse from Pittsburgh to Denver and from the Lakes to the Gulf is a land of surpassing fertility and almost boundless possibilities, peopled with men and women of marvelous energy, hopeful, self-reliant, and prosperous beyond compare. Within two generations they have conquered the wilderness, swept the wigwam from the prairie, and placed in its stead the comfortable, modern farm home. They have crossed and recrossed this great area with rallroads over which the traffic of an empire is carried. Is it not strange that a people who have given such splendid proof of their capacity to do great things should fail so signally in dealing with the public roads? The greatest difficulty in building good roads is not the actual construction or even the paying for them, but convincing the people locally that it can be done without burdensome or rulnous taxation. No community ever began the building of stone or gravel roads, usually called hard roads, without the most bitter opposition from farmers who would most argely benefit by the improvement. It is encouraging to know that no community ever began the building of hard roads that did not keep on doing so. When the taxpayers had had the experience of using the roads and paying for them, more roads were demanded, and soon those most violently opposed were found on the firing line fighting for more appropriations for road improvement.

It is said that however desirable good roads may be their con-

It is said that however desirable good roads may be their construction and maintenance is the sole business of the man whose land fronts on the road or the neighborhood which uses the highway. In the public improvements conducted in the cities it has been found that the construction and, to some extent, the maintenance of the improvements in the streets are a matter of such local benefit to the abutting property that their cost within any reasonable limit is promptly absorbed in the in-creased value of the adjoining land. Most American cities recognize this principle as to the construction of streets, though some hold that the maintenance of the streets after the construction is a matter for the common expense of the entire community. I confess that it puzzled me somewhat when I first began to study the subject of rural highways why this principle did not apply to the construction and maintenance of such That it does not apply is clearly evident from the fact that we have been proceeding upon this principle for more than a hundred years and have found it to be a complete and utter failure, whereas cities have found it to be a complete and satisfactory solution of the problem. I have at length come to the conclusion that the principle can not be justly applied to the construction of the country highways. Generally speaking, city property is valuable on account of its location and accessibility. If it has these advantages almost any use can be made of the property, and the limit of rent or productive value has never yet been reached. An unsafe, unimproved, dilapidated condition of the street in front of city property almost immediately destroys its entire value. We begin to see, therefore, why there is no analogy with farm property. The farm property is not only the basis of the wealth of the farmer who occupies it, but the basis of the wealth of the entire Nation. As a Nation we are interested in using every available foot of productive land in the United States for the growth of our national wealth, for the food of our great industrial army of workers, and for the supply of our great industrial trade. We can not afford to allow land to remain undeveloped or to remain inaccessible, or to put a burden upon the producer which he is While it is true in a general way that an unable to meet. improvement of a highway raises the value of the surrounding land, it is also true that a large amount of the wealth raised upon the land must be divided by the farmer with his fellow man in the cities.

The farmer can not retain all of the increased wealth from his He must divide with the implement men, the general merchant, the railroad, the factor, the wholesaler, the manufacturer, and in may cases with the exporter. The farmer can not be asked therefore to assume the initial expense of the vast means of industrial intercourse. He has a right to divide this with the cities who divide with him the profits of his business. The business men of the cities have come to realize this condition, and in the great commercial center of Kansas City, Mo., which I represent, they have learned both by observation and experience that the improvement of the rural highways is a direct and important source of wealth to the cities. County, Mo., the county which surrounds Kansas City, there is to-day nearly 300 miles of the most highly improved country highways, surfaced with rock and treated with oil, constituting a great connected system of beautiful boulevards. They are not only a source of pleasure, health, and enjoyment to the people of Kansas City, and have not only raised vastly the value of the suburban property, but they are a direct source of wealth in the increase of trade and the abundance and cheapness of market supplies for the wage earner and housekeeper.

But I have yet to touch upon one of the most beautiful results that I believe would follow from the improvement of our national highways. The building of good roads in every direction which will form continuous routes of trunk lines across the continent, joined by such local highways leading into every section of the country, will open up our land to its own citizens as nothing else will do. It will show America to Americans and instill a broader patriotism and a deeper love of the country, founded upon a truer and wider knowledge. sending abroad every year thousands of Americans with millions of dollars to see the beauties, natural and historic, of We are fortunate that our country is not able to show the wrecks of feudal power. The commanding points along our great rivers were never marked by frowning towers that showed the limits of some petty state. The hills above our fair valleys were never crowned by the feudal castles of the lord. The history of our country happily began in a different and nobler age of human life. Europe has her charms, artistic and historic, worthy of the attention of any American, and to see them in their true light and in their historic prospective will make any man a better American and prouder of his own free

But for natural beauty we are blessed beyond any land under the sun. The hand of nature's God has adorned this country with all the splendors of mountain and sea, forest and plain. Our country, too, is not without its historic associations, its sacred shrines and its hallowed spots, its scenes of crucial battles, and its humble birthplaces of the Nation's great. It is time that Americans should turn their attention to their own land. See America first" should be the rule of all patriotic citizens. Not only see America first, but see America at all events, for we must remember that thousands upon thousands of Americans have no opportunity to leave their employment to indulge in extensive travel, even if they had the money. Such recreation, travel, and enjoyment as most of the citizens may find must be in their own land, and unless we make it possible and attractive to indulge such tastes, we are depriving our citizens of a large share of the natural right to which we are all entitled in the enjoyment of our common country.

The good roads through the Swiss mountains are dotted with students, professional men, and mechanics on foot who are traveling from place to place to enjoy the scenery and to strengthen their bodily and mental faculties. There is no limit of time, equipment, or purse in the enjoyment of a beautiful highway. It is equally free to the richest and the humblest, and although one man may use it with all the advantage of wealth to a much greater extent than his neighbor, still the use by the neighbor will be just as free and just as full as his own means or inclinations will permit.

Mr. FOSTER. Mr. Chairman, a few days ago an amendment

was offered to this bill, on page 14. The CHAIRMAN. For what purpose does the gentleman

from Illinois rise? Mr. FOSTER. I want to get unanimous consent as soon as

can to state a proposition. The CHAIRMAN. Does the gentleman ask unanimous con-

sent to address the committee? Mr. FOSTER. I would like to state the proposition just for

moment, and I ask unanimous consent to do so.

The CHAIRMAN. The gentleman from Illinois [Mr. Foster] asks unanimous consent to make a statement to the committee.

Is there objection? [After a pause.] The Chair hears none.

Mr. FOSTER. Two or three days ago an amendment was offered, on page 14, line 21, providing that in the future only \$270 a year should be paid for the rental of canceling machines, and it was thought that this amendment might interfere with contracts already in existence; and I want to ask unanimous consent that this provision might be inserted or that we return to that paragraph

Mr. MANN. What page and line? Mr. FOSTER. Page 14-and insert:

Provided, That hereafter no contract shall be made for rental of any canceling machine for more than \$270 per annum, including repairs on said machine, and that all contracts entered into shall be let after having advertised for bids and shall be awarded on the basis of cheapness and efficiency.

Mr. MURDOCK. Will the gentleman yield? Mr. FOSTER. Yes, sir.

Mr. MANN. That is to take the place

Mr. FOSTER. Of the proviso that is there now.

Mr. MURDOCK. The gentleman offered such an amendment the other day, if you remember, and withdrew it.
Mr. FOSTER. Oh, no; it was adopted.
Mr. MURDOCK. The amendment was not adopted, as I un-

derstand it, on the objection of the gentleman from Illinois, that it interfered with existing contracts.

Mr. FOSTER. That is what I am trying to correct now Mr. MANN. I will ask the gentleman from Illinois if his purpose is not to remedy the error that was made the other day

as to existing contracts?

Mr. FOSTER. That is the purpose of the amendment. The CHAIRMAN. The gentleman from Illinois [Mr. Foster] asks unanimous consent to return to a certain portion of the bill for the purpose of offering an amendment.

Mr. MANN. Mr. Chairman, I ask unanimous consent for a moment. I think the gentleman does not want to strike out the proviso:

Provided. That the rental paid for any canceling machine shall not exceed \$300 per annum, including repairs on said machine.

I think that ought to remain in; and then the gentleman's amendment that the contract should not be let for over \$270.

Mr. FOSTER. That hereafter all contracts shall not be let

for over \$270, the gentleman means?

Mr. MANN. Yes.

Mr. FOSTER. That would not interfere with the contracts already in existence if that proviso was changed in this regard.

Mr. MANN. Possibly not. Mr. FOSTER. It refers to contracts in the future and, I think, does not have anything to do with the present contracts.

Mr. MANN. The present contracts are guarded because none of them exceed \$300.

Mr. FOSTER. This simply says that hereafter no contract shall be made.

Mr. BOWMAN. Will the gentleman yield for a question?
Mr. FOSTER. Yes, sir.
Mr. BOWMAN. In referring to the top of page 15, where it SAYS:

After having advertised for bids-

would you understand for the purchase of machines? Ought it not to include the words "for rental and purchase"?

Mr. MANN. That is another proposition entirely. I do not think we should put it in here.

Mr. FOSTER. I offer the amendment, Mr. Chairman. N. Where does the gentleman wish it inserted? This proviso takes the place of the present Mr. FOSTER. proviso in line 21.

The CHAIRMAN. The gentleman's amendment strikes out the proviso and offers the following, which the Clerk will report.

The Clerk read as follows:

Page 14, line 21, amend by striking out the provise and inserting the following in lieu thereof:

"Provided, That hereafter no contract shall be made for a cancelling machine for more than \$270 per annum, including repairs on said machine, and that all contracts entered into shall be let after having advertised for bids and shall be awarded on the basis of cheapness and efficiency."

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to. Mr. FOWLER. Mr. Chairman, I ask unanimous consent to address the committee for 10 minutes.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent to address the committee for 10 minutes. Is there objection?

There was no objection.

There was no objection.

The CHAIRMAN. The gentleman from Illinois [Mr. Fowler] is recognized for 10 minutes.

Mr. FOWLER. Mr. Chairman, on last Saturday, while discussing the Post Office appropriation bill, I offered an amendment for the purpose of correcting the punctuation of a certain paragraph. After the amendment was offered my colleges from Illinois [Mr. Mayn] made some statements with tain paragraph. After the amendment was offered my colleague from Illinois [Mr. Mann] made some statements with reference to the propriety of offering amendments for the purpose of correcting punctuation, and among other things he said it was the duty of the enrolling and engrossing clerk to punctuate the bill properly after its passage.

I then informed him that in the past he had repeatedly offered the property punctuation of hills to make it conforms.

amendments to correct punctuation of bills to make it conform to amendments newly offered or newly adopted; he denied that proposition and said he never had offered such an amendment and that he never expected to do so. Here is what took place. I quote from the Congressional Record of April 20, 1912, page

Mr. Fowler. Mr. Chairman, I move to strike out the period after the word "dollars," in line 15, page 18, and insert a colon in lieu

the word "dollars," in line 10, page 10, and insert to thereof.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

"Page 18, line 15, strike out the period after the word "dollars" and insert a colon in lieu thereof."

Mr. Mann. Mr. Chairman, I do not oppose the amendment, but I may say it never has been considered necessary to make an amendment of that kind. It is the duty of the engrossing clerk to properly punctuate the bill when amendments are offered.

Mr. Fowler. Mr. Chairman, that may have been the custom in this House, but the gentleman from Illinois [Mr. Mann] has repeatedly offered such amendments on the floor of this House when amendments have been made to a bill.

Mr. Mann. Well, I beg my colleague's pardon.

Mr. Fowler. Whether the gentleman desires to be technical on my amendment I do not know, but I want to say to him and to this committee it has been the custom in my short stay here that wherever there is an amendment destroying the punctuation it is in order to offer an amendment correcting the punctuation to give it the right intelligence. [Applause.]

Mr. Mann, Mr. Chairman, the amendment is undoubtedly in order. I have never offered such an amendment during my service in the House, and never expect to do it, because an engrossing clerk who knows enough to write would know enough to make the correction, and that is his duty, that is part of the engrossment of the bill.

The question was taken, and the amendment was agreed to.

In order, Mr. Chairman, that there may be no mistake with reference to the gentleman's conduct in the past regarding this character of amendments, I desire to call the attention of the House to page 1496 of the Congressional Record of this session of Congress, January 29, 1912. On that page my colleague from Illinois [Mr. Mann] offered five amendments, which read as follows:

as follows:

Mr. Mann. Mr. Chairman, I offer an amendment, which I send to the Clerk's desk.

The Chairman. The gentleman from Illinois [Mr. Mann] offers an amendment, which the Clerk will report.

The Clerk read as follows:

"Amend, page 22, line 14, after the word 'parts,' by striking out the period and inserting the following: 'From a country, dependency, province, or colony, being the product thereof, which imposes no import ax or duty upon the importation from the United States of cottonseed oil, cottolene, and cotton stearin, and lard and compounds thereof."

The Chairman. The question is on agreeing to the amendment offered by the gentleman from Illinois [Mr. Mann].

The question was taken, and the Chairman announced that the noes seemed to have it.

Mr. Mann. I ask for a division, Mr. Chairman.

The committee divided; and there were—ayes 58, noes 81.

Mr. Mann. I ask for tellers, Mr. Chairman.

Tellers were ordered.

The CHAIRMAN appointed Mr. Austin and Mr. Dixon of Indiana.

The committee again divided; and the tellers reported—ayes 74, noes 94.

So the amendment was rejected.

Mr. Mann. Mr. Chairman, I offer a further amendment.

The CHAIRMAN. The gentleman from Illinois [Mr. Mann] offers a further amendment, which the Clerk will report.

The Clerk read as follows:

"Amend, page 22, line 14, after the word 'parts,' by striking out the period and inserting the following: 'From a country, dependency, province, or colony, being the product thereof, which imposes no tax or duy or restriction, by way of regulation or otherwise, upon the importation from the United States of live cattle, meats of all kinds, fresh, dried, smoked, salted, in brine, canned, or prepared or preserved in any manner.'"

The Chairman. The question is on agreeing to the amendment offered by the gentleman from Illinois [Mr. Mann].

or restriction, by way of regulation or otherwise, upon the importation from the United States of live cattle, meats of all kinds, fresh, dried, smoked, salted, in brine, canned, or prepared or preserved in any manner."

The Chaiman. The question is on agreeing to the amendment offered by the gentleman from Illinois [Mr. Mann].

The question was taken, and the Chairman announced that the noes seemed to have it.

Mr. Mann. I ask for a division, Mr. Chairman.

The committee divided; and there were—ayes 50, noes 83.

Mr. Mann. I ask for tellers, Mr. Chairman.

Tellers were ordered.

The CHAIRMAN appointed Mr. Austin and Mr. Underwood.

The committee again divided; and the tellers reported—ayes 61, noes 89.

So the amendment was rejected.

Mr. Mann. Mr. Chairman, I offer a further amendment.

The Chairman. The gentleman from Illinois [Mr. Mann] offers a further amendment, which the Clerk will report.

The Clerk read as follows:

"Amend, page 22. line 14, after the word 'parts,' by striking out the period and inserting the following: 'From a country, dependency, province, or colony, being the product thereof, which does not impose any export tax or charge of any kind upon or in any way restrict the exportation to the United States of crude potash or black salts, crude or refined carbonate of potash, hydrate of or caustic potash, or muriate of potash."

The Chaimman. The question is on agreeing to the amendment of fered by the gentleman from Illinois [Mr. Mann].

The question was taken, and the Chair announced that the noes seemed to have it.

Mr. Mann. Mr. Chairman, I ask for a division.

The committee again divided; and there were—ayes 53, noes 88.

Mr. Mann. Mr. Chairman, I ask for tellers.

Tellers were ordered.

The CHAIRMAN appointed Mr. Austin and Mr. Hull.

The committee again divided; and the tellers reported—ayes 60, noes 88.

So the amendment was rejected.

Mr. Mann. Mr. Chairman, I offer a further amendment to the paragraph.

The CHAIRMAN The gentleman from Illinois offers a further amendment, which the C

committee again divided; and the tellers reported-ayes 50, Accordingly the amendment was rejected.

Mr. Mann. Mr. Chairman, I offer a further amendment to the paragraph.

The Chairman. The gentleman from Illinois offers a further amendment, which the Clerk will report.

The Clerk read as follows;

"Amend, page 22, line 14, after the word 'parts,' by striking out the period and inserting the following: 'From a country, dependency, province, or other subdivision of government, being the product thereof, which does not impose any export duty, export license fee, or other export charge of any kind whatsoever upon or which does not prohibit or restrict in any way the exportation of news-print paper, wood pulp, or pulp wood."

The question being taken on the amendment, on a division (demanded by Mr. Mann) there were—ayes 42, noes 61.

Accordingly the amendment was rejected.

Mr. Chairman I would not have adverted to this matter in

Mr. Chairman, I would not have adverted to this matter in anywise whatever, but my colleague in the past has repeatedly stood here on the floor of this Chamber and, in language which was not, in my opinion, respectful to other Members of this House, criticized the honest efforts of these gentlemen while discharging their duties to the people of this country. I have the highest respect for the membership of this House, and I expect to hold my bearings in this respect as long as I remain here. But, Mr. Chairman, when Members of the House in their rightful attitude are discharging their duties in this legislative Hall they have a right to expect of every other Member of this House that degree of courtesy and good faith which is required by the rules of this House and which is demanded by the dignity of this body.

Mr. Chairman, while the gentleman was trying to make it appear that such legislation was too small to be considered by the House I called his attention to the fact that he had attempted such legislation in the past. He denied it, and said it was not true. While, as a matter of fact, Mr. Chairman, the quotation from the Congressional Record shows that he did do so, five times in quick succession one day while we were

considering the metal schedule.

The fact is, Mr. Chairman, punctuation is one of the most important features of a law. Its meaning is reflected by the punctuation, and without the proper punctuation the true intent of a legislative body can not be deciphered. It is often difficult to interpret the meaning of laws with the aid of proper punctuation. The gentleman is wrong when he says that it is the duty of the enrolling and engrossing clerk to punctuate the bill after its passage. This would confer legislative power on him, and his punctuation might give an entirely different mean-ing to that intended by the House.

Now, Mr. Chairman, not only has he in the past undertaken to correct legislation by correcting the punctuation in the in-stances which I have referred to, but he did it during the last session of Congress more than once. Now, I do not know whether the gentleman is getting old and childish [laughter] or whether he is intending to try to make every Member on the floor who does not agree with him feel miserable by his in-

sulting language.

Mr. FOCHT. Mr. Chairman, will the gentleman yield? The CHAIRMAN. Does the gentleman from Illinois yield to the gentleman from Pennsylvania?

Mr. FOWLER. Yes.
Mr. FOCHT. Will the gentleman please state the proposition

more explicitly?

Mr. FOWLER. The question raised deals with the propriety of amending the punctuation of bills. I presume the gentleman was out while I have been discussing the matter.

Now, Mr. Chairman, I desire to say, with these few remarks upon this question, that if I have said anything that is offensive to any gentleman on the floor of this House at any time I desire now to withdraw that statement and beg his pardon-with the exception of my statements in reference to the gentleman from Illinois, my colleague [Mr. MANN]. [Laughter.]

The CHAIRMAN. Under the special rule of the House—
Mr. MONDELL. Mr. Chairman—
The CHAIRMAN. For what purpose does the gentleman

rise?

Mr. MONDELL. To ask unanimous consent to address the committee for five minutes.

Mr. MANN. I would like to have two minutes myself.

The CHAIRMAN. The gentleman from Wyoming [Mr. Mon-DELL] asks unanimous consent to address the House for five minutes. Does the gentleman from Wyoming yield to the gentleman from Illinois for five minutes?

Mr. MANN. No; only two minutes.

Mr. Chairman, the other day a gentleman offered an amend-ment to come in after the word "dollars" at some place in the bill, as I recall it. The amendment was inserted after the word "dollars," as reported by the Clerk, and it commenced with the word "provided." The amendment was not even offered to come in after the period, although if it had been it would not that the only person who will take the office lives 5 miles

have been necessary to offer an amendment to change the punctuation.

So far from never having offered an amendment on the floor of the House to change punctuation, I have frequently offered such amendments, but if anybody has ever found that I have offered an amendment after the committee has inserted an amendment following the last word of a paragraph to strike out the period and insert some other punctuation, then I will think that I was in that condition of mind which my colleague [Mr. Fowler] thinks I am in, and which I fear he is in, growing somewhat aged and decrepit in spirit.

Mr. FOWLER. Mr. Chairman— Mr. MOON of Tennessee. Mr. Chairman, I move to proceed with the general debate provided under the rules of the House. The CHAIRMAN. The gentleman from Tennessee [Mr. Moon | moves that the debate on this paragraph be now closed,

and that the committee proceed with the general debate. The motion was agreed to.

The CHAIRMAN. Under the special rule adopted by the House, and by unanimous-consent agreement, general debate will now begin, one half of the time to be controlled by the gentleman from Tennessee [Mr. Moon] and the other half by

the gentleman from New Jersey [Mr. Gardner].

Mr. MONDELL. Mr. Chairman, I think I asked and received unanimous consent to address the House for five minutes. Mr. MOON of Tennessec. I will say to the gentleman from Wyoming that if he did, I did not understand it, and I will

yield to him five minutes.

Mr. MONDELL. Mr. Chairman, it seems to be a little difficult to get even five minutes on the floor of the House to dis-

cuss the question of star routes.

There was a time when a great many men in the House were interested in star routes, but since the rural free delivery has taken the place of the star route in most of the congressional districts the star-route carrier is overlooked and forgotten.

The gentleman from Michigan [Mr. HAMILTON] is worried because a rural carrier has to carry a few pounds more than some other rural carrier, but no one seems to be distressed because a star-route carrier carries on an average three or four times as much mail as a rural carrier, and no one seems to appreciate the fact that he receives much less compensation for his labor.

The average cost of carrying a star route is about 8 cents a mile. The average cost of a rural route is approximately 12 cents a mile, and there is an amendment now pending whereby

the compensation is to be increased.

The star-route carrier performs the same service that the rural carrier does. On many star routes he delivers, in the same number of miles, packages to nearly as many boxes. He generally travels a country very much more difficult, over much poorer roads than those traveled by the rural carriers. Yet we have not passed a Post Office appropriation bill for years that has carried an adequate appropriation for star routes. I do not think this bill carries an adequate appropriation for that purpose.

In the bill last year I succeeded in securing an additional appropriation of \$40,000. The bill went to the Senate and the department asked for \$60,000 more, and still the appropriation was deficient. I have not proposed an amendment at this time because of the fact that the department insists that the amount carried in the bill is sufficient. I think it will develop that it is

insufficient.

As time passes, and as the rural routes displace the star routes, it becomes more and more difficult to get fair and decent pay for a star-route carrier. It becomes more and more difficult to secure the establishment of star routes. It is the one part of our postal service that has been going down hill and getting worse, while every other part of it has been improving for years past.

Mr. MADDEN. Is it the contention of the gentleman from Wyoming that as we reduce the number of star routes we reduce the appropriation out of proportion to the decreased num-

ber of routes?

That has been true for quite a number of Mr. MONDELL. years past. The department constantly estimates a reduction of star routes in excess of the number of star routes or the mileage that is actually dispensed with. The result is that when we try to secure additional star routes we are met with the statement that the appropriation is insufficient. When we try to get an extension of a star route the appropriation is insufficient.

beyond the former post office. Yet the department says they have not money enough to extend this absolutely necessary There are many gentlemen in the House who are very much interested in the rural routes, and the consequence is that the rural-route appropriation increases all the time. The men interested in the star routes are few in number, and so the poor star-route carrier gets what he can. If he has a mountain route, such as many in our State, where the snows are deep in winter and where the read is difficult at all times, he must bid a sum low enough to satisfy the department. not matter how much it may actually cost to carry the route. The department will pay only what they consider a fair price.

The CHAIRMAN. The time of the gentleman from Wyo-

ming has expired.

Mr. MONDELL. Mr. Chairman, I will ask unanimous consent for two minutes more.

The CHAIRMAN. The time is in control of the gentleman

from Kansas [Mr. MURDOCK].
Mr. MURDOCK, Mr. Chairman, I yield the gentleman two

minutes more The CHAIRMAN. The Chair desires to make a statement to the committee before any more time is yielded. Under the rule there is a provision that 15 hours of general debate shall be devoted to the subject of the parcel post and parcel express, and five hours of general debate to the other subject included

in the resolution.

Mr. MANN. Mr. Chairman, that is the provision of the rule, but under a unanimous-consent agreement, made in the House the other day by the gentleman from Tennessee [Mr. Moon], which was finally agreed to, it was agreed that the 20 hours of general debate should run along and Members might speak upon any one of the subjects at any time.

The CHAIRMAN. The Chair will then act upon the sug-

gestion made by the gentleman from Illinois.

Mr. MOON of Tennessee. Mr. Chairman, the purpose was to have an unbroken debate, and that gentlemen might speak on any section they saw fit.

The CHAIRMAN. Then the gentleman from Wyoming is

recognized for two minutes.

Mr. MONDELL. Mr. Chairman, I was observing that without regard to the difficulty of the routes the department fixes an arbitrary sum, above which it will not let a contract. result is that some of the very worst star routes in the country, routes that have to be carried on snowshoes in the winter, are being carried for 9 and 10 cents a mile, or 2 and 3 cents a mile less than we pay to the rural carrier; but the star-route carrier has not hundreds of Members occupying seats here to speak for him, and so the department enforces its arbitrary rule, with a view of keeping down the expense of carrying the mail in the new and undeveloped portions of the country.

I cherish the hope that the department, inasmuch as they insist this appropriation is all they need, will be a little more liberal in regard to these routes in the future. There are some of them that are exceedingly difficult. None of them are routes easily carried, and it does seem to me that the department is parsimonious to an extent that can not be justified when it beats down the contract price under which the Government is served below the price it pays to the man it employs to perform the service as a rural carrier. It is certainly as expensive and difficult to carry these routes as it is to carry the rural routes, and at least as much should be paid for them.

Mr. CHAIRMAN. The time of the gentleman from Wyoming has again expired.

Mr. MOON of Tennessee. Mr. Chairman, I yield 30 minutes

to the gentleman from Tennessee [Mr. BYRNS].

Mr. BYRNS of Tennessee. Mr. Chairman, I favor the amendment which will be offered to the pending bill providing for Federal aid to roads by way of compensation for their use in carrying the mails. Members are familiar with the amendment and I will not read it, but will ask to insert it in my remarks.

The amendment referred to is as follows:

The amendment referred to is as follows:

That for the purposes of this act certain highways of the several States and the civil subdivisions thereof are classified as follows:

Class A shall embrace roads of not less than 1 mile in length, upon which no grade shall be sieeper than is reasonably and practicably necessary in view of the natural topography of the locality, well drained, with a road track not less than 9 feet wide, composed of shells, vitrified brick, or macadam, graded, crowned, compacted, and maintained in such manner that it shall have continuously a firm, smooth surface, and all other roads having a road track not less than 9 feet wide, of a construction equally smooth, firm, durable, and expensive, and continuously kept in proper repair. Class B shall embrace roads of not less than 1 mile in length, upon which no grade shall be steeper than is reasonably and practicably necessary in view of the natural topography of the locality, well drained, with a road track not less than 9 feet wide, composed of burnt clay, gravel, or a proper combination of sand and clay, sand and gravel, or rock and gravel, constructed and maintained in such manner as to have continuously a firm, smooth surface. Class C shall

embrace roads of not less than 1 mile in length, upon which no grade shall be steeper than is reasonably and practicably necessary in view of the natural topography of the locality, with ample side ditches so constructed and crowned as to shed water quickly into the side ditches, continuously kept well compacted and with a firm, smooth surface, by dragging or other adequate means, so that it shall be reasonably passable for wheeled vehicles at all times. That whenever the United States shall use any highway of any State or civil subdivision thereof which falls within Classes A, B, or C for the purpose of transporting rural mall, compensation for such use shall be made at the rate of \$25 per annum per mile for highways of Class A, \$20 per annum per mile for highways of Class C. The United States shall not pay any compensation or toll for such use of such highways other than that provided for in this section, and shall bay no compensation whatever for the use of any highway not falling within Classes A, B, or C. That any question arising as to the proper classification of any road used for transporting rural mail shall be determined by the Secretary of Agriculture. That the compensation herein provided for shall be paid at the end of each fiscal year by the Treasurer of the United States upon warrants drawn upon him by the Postmaster General to the officers entitled to the custody of the funds of the respective highways entitled to compensation under this act.

The provisions of this paragraph shall go into effect on the 1st day of July, 1913. of July, 1913.

It embodies all of the provisions of a bill which I introduced in the House on the 8th day of April, 1912, with the single exception that the rate of compensation to be paid by the Government for the use of post roads in carrying the mails has been No constitutional objection can be offered to the amendment, because Congress is expressly authorized by section 8, article 1, of the Constitution to establish post offices and post roads, and the power to establish necessarily carries with it the power to maintain or to pay for the maintenance and use of same when already established. The Democratic Party is com-mitted to the policy of Federal aid in the construction and maintenance of post roads, for in the national platform adopted at Denver in 1908 it declared:

We favor Federal aid to State and local authorities in the construction and maintenance of post roads.

The amendment is therefore not only a wise, economic measure, promoting, as it will, the general welfare and progress of the entire Nation, but it is also Democratic and exactly in line with the promise made to the people by the party in the platform upon which a Democratic House was elected in 1910.

REASONS WHY AMENDMENT SHOULD BE ADOPTED.

There are several reasons why I favor this amendment and this form of Federal aid to this great work of internal improvement.

First. It is just and proper that the farmers and citizens, whose money, in the form of taxes, and whose labor build the roads of the country, should receive some compensation from the Government for their use in carrying the mails, more especially since the money so paid will be used in further improving and maintaining the roads. The Government pays more than \$50,000,000 every year to the railroad companies for the use of their roads in hauling the mails, and this money goes to swell the receipts and increase the dividends of the stockholders, whose capital built and maintains our great and necessary railway systems. Why, then, should not our Government pay something for the use of our post roads to the citizens who have been taxed to build them, and who are to that extent stockholders, although they receive no dividends or money profit therefrom? The money so paid will not go into the pocket of any individual or set of individuals, but will be used toward the further improvement of our highways and in maintaining those already built.

Second. The enactment of this amendment will prove a great incentive to good road building throughout the country. Every State and locality will be anxious to improve their roads, so as to receive the greatest rate of compensation allowed. It is not open to the objection, with which I do not agree, but which has been made by some to the appropriation of a lump sum to each State to be used in road building on the ground that in some localities it might bring about a disposition to wait and let our National Government furnish all the money necessary

to build post roads,
Third. This amendment safeguards the rights of the States, and neither warrants nor permits Federal interference in our local affairs. Each State or locality is left free to build its roads in its own way, locating them where it pleases and improving them in such a manner as it may see fit.

These, Mr. Chairman, are some of the reasons which actuated me in introducing the bill to which I have referred, after a conference held by many Members for the purpose of devising some feasible and proper legislation on the subject, and which prompt me to lend my support to the amendment now pending.

There are only 12 States of the entire 48 States in the Union which have a greater number of rural routes than the State of Tennessee, and 4 of those States exceed Tennessee by a very small number. During the years intervening between 1904 and 1909 there was a great deal of road building, more activity being shown than during any previous years. Statistics show that Tennessee stood eighth in the list of all the States in percentage and number of miles of roads improved during those years. But, Mr. Chairman, I do not advocate the adoption of this amendment because I believe that the State which I have the honor to represent in part will receive a considerable portion of the money which will be paid for the use of post roads if it is enacted into law. I am not moved by any such narrow reason in my advocacy of it. I place it upon the broad principle of right and justice. It is because I believe that there is nothing which will do more for the upbuilding and the general prosperity of the whole country than a complete and perfect system History shows that no country has ever sucof good roads. ceeded in building up a great system of highways without the benefit of national aid, and I believe that our National Government should render some assistance along that line without in any way attempting to interfere with the rights of the States. This amendment is thoroughly safeguarded in that respect, and I believe that it has a better chance of passage than any other measure which has been proposed. If our Government shall become committed to the policy and later on a better and more feasible plan is proposed, then it can be changed. But I feel confident that the passage of this amendment will bring splendid results and will prove satisfactory to the people of the entire country.

IMPORTANCE OF GOOD ROADS TO NATION.

If our Nation is to reach its highest productive capacity and fully develop all of its material resources, then we must have The success of a nation depends not so much upon good roads. what it makes as upon what it produces from the soil. Anything, therefore, which will have the result of economizing in the cost of transporting the products of the farm to the town must redound to the general welfare of the entire population. The soil is the real source of all wealth. The farmer feeds the Hence, whatever will enable him to get his produce easily, quickly, and cheaply to market contributes most materially to the comfort, happiness, and the prosperity of all the Good roads promote the success of the church and the better development of our schools; they result in a cheaper and quicker mail delivery, thereby adding to the advantage of intelligent and social intercourse among the people. They will have a tendency to cheapen food products and also the products of the manufacturer. They add to the attractiveness as well as to the profit of farm life, and will do much toward relieving the congestion in our badly crowded cities. In short, good roads mean better homes, better churches, better schools, and increased advantages in all of those things which add to our national growth and prosperity.

I can not, Mr. Chairman, in what I shall say, hope to add anything to what has already been said concerning this subject and the advantages to be derived from good roads, but I beg the indulgence of the House while I briefly refer to some of the reasons why the Government should extend its aid, because I do not believe they can be emphasized too much.

POLICY OF GOVERNMENT RELATIVE TO INTERNAL IMPROVEMENT.

This Government years ago adopted the wise policy of improving our waterways in the interest of our commerce, and this policy has redounded to the welfare of the Nation by lessening freight rates and affording cheaper transportation. is it not equally as wise to lend some assistance toward the improvement of our land highways in order that the products of the farm may have cheaper transportation to the towns and shipping points and that the products of the factory may more cheaply reach the farm? Years ago, at the beginning of the era of railroad building, subsidies of lands and loans of money were freely granted by the Government to the western railroads to aid in cheapening transportation across the western plains. If I mistake not, about 200,000,000 acres of public lands were at various times granted as subsidies to various I do not for one moment indorse those enormous railroads. grants of public property, but the point is that if this Government has, in the interest of cheaper transportation, done so much in the past for railroad companies, then surely there can be no reason why our Government should not assist in cheapening transportation on our highways when it is wholly for the public weal. Our Government is spending more than \$225,000,000 every year upon our Army and Navy. I am in favor of maintaining an adequate Army and Navy, one suffi-ciently large to defend our coasts and protect the Nation's honor and the rights and property of her citizens, but I do not agree with those who wish to make this Nation the most powerful fighting nation on earth. There are those who advocate the building of two battleships, rather than one, every year at a cost of from fourteen to fifteen millions of dollars each. I recognize the necessity of maintaining our Navy up to a reasonable and proper standard, but for my part I do not want to see our roads and the internal improvement of our country neglected in order that these already great expenditures may be unnecessarily increased. It is, of course, necessary to add to our Navy from time to time, but battleships in a few years become obsolete and out of date and are thrown aside for those more modern, more expensive, and more to be dreaded. But good roads are never abandoned. No one wants to destroy them, for they do not aggrevate; they please. They add to the wealth of the Nation; and, after all, Mr. Chairman, the power and stability They add to the wealth of the of a nation depends primarily upon its commercial importance and the happiness and prosperity of her citizenship rather than upon the number of its battleships or the size of its Army. plause.] We spent last year more than \$152,000,000 in pensions, notwithstanding the Civil War ended nearly 50 years ago; and I regret to say that there is some likelihood that before the present session ends additional legislation will be enacted which will increase this already unjustifiably large amount so that for some years to come our pension roll will amount each year to nearly, if not quite, \$200,000,000 per annum. This money neither builds up the country nor does it promote its general welfare.

It is but just and proper, Mr. Chairman, that this amendment should be passed in the interest of the farmers, who contribute possibly 60 per cent of these and the other expenses of our Government and who, as a class, have up to this time received so little of the benefits of legislation. Especially is this true since it will not only help the farmer individually, but will increase the wealth of the entire country.

LOSS ON ACCOUNT OF BAD SYSTEM OF ROADS.

Better roads enable a farmer to draw bigger loads with less injury to his team and wagon. For that reason he will, of course, derive a greater profit for his year's work. No one can estimate how much the farmers of this country lose annually on account of a bad system of roads. Our internal commerce is greater than the interforeign commerce of the world. per cent of it has to be hauled over highways, and it is estimated that the average haul is 9.4 miles and that the average cost of hauling is 23 cents per ton per mile. While it may be less in some localities, this estimate gives a general idea as to the cost of transportation over country roads. In France the average cost per ton per mile is only about 7 cents, while in England and Germany it is about 11 cents. This great difference in cost is due to the superiority of the roads of those countries over the roads in this country. If all of our roads were as good as those of the countries named, it is estimated that the average cost of hauling would be reduced from 23 cents to 12 or 13 cents per ton per mile. More than 300,000,000 tons are hauled annually over our roads, and their improvement would thus result in saving annually from \$250,000,000 to \$400,000,000 to our agricultural interests. The sums so saved would be sufficient in a few years to pike every mile of public roads in this country. Who will say that this difference is not the direct result of the fact that those countries have for years given national aid toward the building of the highways? France began this work under the great Napoleon, and whatever may have been the ruin and havoc he brought upon the countries of Europe, not even excepting his own, it will stand as a lasting monument to his genius and statesmanship.

Mr. Chairman, the farmers of the country are paying, either in their own labor and that of their teams or in the labor of others, this enormous cost to market their produce. no argument to show that this cost would be reduced by a better system of roads. Experience shows that the improvements in roadbeds and rolling stock have served to steadily decrease railroad rates, and for the same reason the cost of wagon transportation would be decreased by an improvement of our highways. It is a significant fact that while the cost of transportation by railroad and water is now, on an average, less than oneninth of what it was years ago, the cost of transportation over our roads has increased, according to statistics, 35 per cent. It costs 1.6 cents more to haul a bushel of wheat 9.4 miles than it does to carry it from New York to Liverpool, a distance of about 3,100 miles. Thus it is that a system of bad roads proves an impediment to the farmer, preventing him from getting to market in an easy, quick, and cheap manner and costing him an untold sum in time, labor, and money. To all of this must be added the loss to the wealth of the country occasioned by the failure of the farmer to produce as large crops as he otherwise would produce if the roads were better and his market more easy of access, not to mention the value of the products. which he is compelled to allow to go to waste because of the expense of hauling to market.

INCREASE TO WEALTH OF COUNTRY,

Then, too, Mr. Chairman, an improved system of roads materially increases the value of farm lands. It is said that this increase in value ranges from two to nine dollars per acre. When it is remembered that there are about 450,000,000 acres of land in cultivation in the United States it resolves itself into a matter of simple arithmetic to figure the enormous increase of wealth which would be brought to the farmers of this country by a complete system of good roads. There are about 850, 000,000 acres of improved and unimproved lands in the United States. Much of this is at present inaccessible and would prove unprofitable for cultivation on account of the difficulty of hauling the produce to market. The Agricultural Department figures that there are about 400,000,000 acres of land in the United States which are uncultivated. Think of the enormous addition to the wealth and the prosperity of this Nation if we had a system of reads which would need this land. a system of roads which would reach this land and open it up for cultivation. How many families who are now living in the congested quarters of some of our large cities, frequently among unhealthy surroundings and eking out a bare subsistence, would be furnished with comfortable and happy homes. One of the most unfortunate conditions of the present day is the growing tendency to leave the farm and crowd into the cities. will do more to stop this than a system of good roads, which will not only make farm life more remunerative, but even more attractive than it now is by bringing neighbors closer together, thereby facilitating social intercourse and bringing the farmer nearer to the church and the school.

During the decade between 1890 and 1900 the population of the towns increased 46 per cent as compared with 40 per cent in the decade before and 3.4 per cent in 1790. Twenty-five counties with only 5 per cent of improved roads, selected at random by the office of the director of roads, lost 3,112 each in population, while 25 other counties, with 40 per cent of improved roads and selected in the same manner, gained 31,095 to the county population. These figures show the present tendency of the country to lose in population to the towns, and, in my judgment, they also point to one way in which it can be checked.

GOOD ROADS PROMOTE EDUCATIONAL PROGRESS.

I have said that good roads will result in better schools and churches. Children can not regularly attend schools in the country over bad roads in certain seasons of the year, nor can people attend their churches. Statistics show that in States with 34 per cent of improved roads an average of 77 out of 100 enrolled pupils regularly attend school. The same investigation shows that in States with only 12 per cent of improved roads only 59 out of 100 enrolled pupils attend school with any degree of regularity. No stronger evidence showing the advantageous effect of good roads on the education of the boys and girls of the country could possibly be presented.

INCREASED COMPETITION IN FARMING.

Mr. Chairman, there is another controlling reason why the Government should lend some assistance in building good roads. The time has come when the farmers of this country must give attention to the competition of the farmers of Canada, South America, and of Africa. In the last few years great areas of land in these countries adapted in a large measure to the growing of nearly every crop that can be grown in the United States have been opened up. The soil is most fertile and will produce as much, and, in certain kinds of crops, more than the soil of the United States. The time has come when our farmers must meet the progressive farmers of those countries in competition for the markets of the world. Certainly this Government owes it to the farmer, who is the foundation source of all of its abundant wealth and great power, to give to him every assistance possible in meeting this competition. In what more effective way can this be done than by building good roads and thus lessening the cost of the transportation of his products from the farm to the market? We have seen how the farmers of this country lose hundreds of millions of dollars every year in money, time, and labor on account of bad roads. This does not include damage to teams and wagons, which can not be estimated. Nor does it include what could be carned during the extra time

consumed in hauling by reason of a bad condition of roads.

For years the Republican Party has committed this Government to the unfair and unjust policy of protecting the large manufacturer, notwithstanding the fact that it has been done at the expense of the people, and in spite of the fact that such a policy has served to build up great trusts and combinations which grind out enormous profits every year at the expense of more than 92,000,000 people. But the proposition now pending involves no such principle. The farmer does not and never has asked for protection. He only asks for justice and the right to participate to some little extent in some of the benefits of a

always been patient even under circumstances which would have justified a protest. But the time has come when Representatives should do something for his welfare. The passage of this amendment will not benefit him alone. It will benefit all classes of people, for, as I have said, the soil is the real source Whenever the farmer prospers the country of our wealth. prospers, and whenever conditions are adverse with him then the country suffers. His products have caused the balance of trade with foreign countries to be in our favor and have helped to make this country great and powerful. Legislation which will enable him to increase his product and his profits will not only serve to cheapen the cost of living but it will add to our balance of trade and increase the general prosperity of the entire

country. [Loud applause.]

Mr. MOON of Tennessee. Mr. Chairman, I yield to the gentleman from New Jersey [Mr. HAMILL] five minutes.

Mr. HAMILL. Mr. Chairman, the present Post Office appropriation bill contains two provisions in particular in which I am deeply interested. One is the provision which reestablishes the eght-hour working day for letter carriers in the City Delivery Service and clerks in first and second class post offices; the other is the provision by which appropriation is made for the promotion of 75 per cent of the letter carriers in first-class post offices from the fifth to the sixth grade, and for the promotion of 75 per cent of the letter carriers in second-class offices from the fourth to the fifth grade. These proposals are so reasonable, so necessary, and so just that this House ought not for a moment to hesitate to adopt them. The first of these provisions which I mention is embodied in section 5 of the pending bill and reads .

That on and after July 1 next, following the passage of this act, letter carriers in the City Delivery Service and clerks in first and second class post offices shall be required to work not more than 8 hours a day: Provided, That the 8 hours of service shall not extend over a longer period than 10 consecutive hours, and the schedules of duty of the employees shall be regulated accordingly.

That in cases of emergency, or if the needs of the service require, letter carriers in the City Delivery Service and clerks in first and second class post offices can be required to work in excess of eight hours a day, and for such additional services they shall be paid extra in proportion to their salaries as fixed by law.

The plain and simple purpose of this section is to extend to the carriers and clerks affected by it the benefit of an eighthour law, and thus to place them, so far as fair treatment is concerned, on an equal footing with all other Government

employees.

Congress has repeatedly expressed its belief in the wisdom and the efficacy of an eight-hour working day. It has confirmed this belief by frequent legislation on the subject. It has established the eight-hour period as the limit of daily labor in every other department of the Government. To-day it prohibits contractors who perform work for the Government from requiring their employees to render more than eight hours' daily Notwithstanding, however, this stringency of labor regulations over other departments of the Government and in regard to independent contractors engaged in Government work, there is no statute of this kind to protect the post-office em-They can be required to serve as many hours per day as their superiors may see fit to order. They can be compelled, and are now actually compelled, to work 10 and 12 hours a day and in some cases even more.

Will the gentleman yield? Certainly. Mr. CALDER.

Mr. HAMILL.

Mr. CALDER. Sometimes these clerks are compelled to work 16 hours a day.

Mr. HAMILL. I thank the gentleman from New York for his valuable information. It is certainly unjust to work men such a length of time continuously.

And yet some years ago the letter carriers did enjoy the benefit of an eight-hour law. They lost the advantage of it, however, through a species of legislative chicane, and have never since recovered it. The means through which they acquired this benefit and the way by which they were deprived of it is worth while remarking.

The legislation on the subject dates back to 1888. the session of that year, on May 24, Congress passed the measure known as the letter carriers' eight-hour law. This statute, Thirty-fifth Statutes at Large, page 157, specifically limited the hours of labor of letter carriers to not more than eight hours each day. Notwithstanding, however, the positive mandate of the law, the post-office officials disregarded its requirement, and for seven successive years from the date of its passage it stood as a dead letter upon the statute books.

Finally, to discover what validity and effect this legislation possessed, the case known as United States v. Post (148 U. S., 124) was instituted and carried at length to the Supreme Court government to which he is the greatest contributor. He has of the United States. It was a case where a letter carrier

sued for compensation for labor performed in excess of the eight hour daily period, and the purpose of the action was to test the soundness of a great number of similar claims. The Supreme Court decided in favor of the carrier, and as a result of their determination commissioners were appointed by the Court of Claims to adjust the matter, and they awarded the sum of \$3,000,000, which was distributed among letter carriers throughout the country in payment for overtime service.

It was not, however, until January 1, 1895, that the letter carriers came into the full enjoyment of the benefits of the eight-hour law enacted in 1888. This was brought about through the action of Postmaster General Bissell, who, recognizing the controlling weight of the Supreme Court decision, and in order to cut off future claims for overtime service, issued an order whereby postmasters and supervisory employees were required to so arrange the routes and schedules of their offices that the carriers therein would not be required to work over eight hours a day. For about five and a half years the mandate of this statute was obeyed with strict fidelity, and its observance tended greatly to promote satisfaction and comfort among the carriers. But the law was abolished in 1900 through the effect of a clause which was inserted in the bill passed that year making appropriations for the Post Office Department. While this bill was under debate in this House on April 24, 1900, the then chairman of the Committee on the Post Office and Post Roads offered from the floor and had carried an amendment contained in these words:

Provided, That letter carriers may be required to work as nearly as practicable only 8 hours on each working day, but not in any event exceeding 48 hours during the 6 working days of each week, and such number of hours on Sunday, not exceeding 8, as may be required by the needs of the service; and if a legal holiday shall occur on any working day the service performed on said day, if less than 8 hours, shall be counted as 8 hours without regard to the time actually employed.

This 48-hour law, as it was called, went into effect June 30, 1900. The operation of it caused general discontent both among those amenable to it and those who honestly attempted to enforce it. Various interpretations and constructions were placed upon the law, with the result that the carriers never knew Just what would be the daily hours of duty they would be required to serve. But it was believed, nevertheless, that however obnoxious the act might be the operation of it would expire on June 30, 1901, the date to which the appropriation bill into which it had been put made provision for the expenditures of the Post Office Department. This was the opinion on it which was given by the Assistant United States Attorney General attached to the Post Office Department; and pursuant, therefore, to this advice a return was made on July 1, 1901, to the 8-hour law of 1888 on the supposition that the so-called 48-hour law bad become null and void through time limitation.

But this opinion, however gratifying, was not subsequently sustained by the Court of Claims. On the contrary, it was directly reversed some years afterwards. A case was submitted to this tribunal where a letter carrier claimed payment for overtime. He had not worked more than 48 hours during a certain week, but on various days of that week had worked more than 8 hours, and the Postmaster General requested to be informed whether or not the claim of the carrier was valid. The Court of Claims decided in the negative and held that the carrier was not entitled to extra compensation, for the reason that the act of May 24, 1888, known as the 8-hour law, had been superseded by the subsequent act of June 2, 1900, known as the 48-hour law, and that this latter statute still existed in all its original force and vigor.

Thus, the letter carriers were again compelled to work under a law which no one desired and which had been intended merely as an experiment. More than this, it was a law which prescribed no penalty for its violation, and, as a consequence, they could not, under the ruling of the United States Supreme Court, sustain an action in case it were disregarded. They could neither compel their superiors to adhere to it nor could they obtain extra compensation if forced to work for a longer period than the weekly 48 hours. And, according to reports, the law was in many cases flagrantly disregarded.

The result of this situation need not be outlined further than to state that the employees keenly felt the injustice and imposition of the law and that the Post Office service and the public generally suffered continual damage from its enforcement.

In the light of these facts there can be no possible question

In the light of these facts there can be no possible question of the expediency and the justice of adopting the recommendation of this bill restoring the original eight-hour law and giving carriers and clerks the benefits conferred by it. In private industrial enterprises eight hours is now universally recognized to be as many as a man of average strength and health can give daily to his work with justice both to himself and to his employer. Surely we expect the United States Government to be at least as fair as the private employer, especially when both

the Government and the public will be the gainers and beneficiaries from the pursuit of such a course

ciaries from the pursuit of such a course.

In closing my remarks on this subject I wish to pay my compliments to my colleague from Connecticut, Mr. Rehly, the author of this eight-hour measure. From the time when he introduced it until now he has advocated it with persistency and fervor, and I feel sure that his efforts to have it made a law will be crowned with deserved success.

Closely connected with the eight-hour law as a means to effect an improvement in the condition of the postal employees is the second provision I have mentioned—that which appropriates a sufficient sum of money to enable postmasters in first and second class post offices to promote to the highest compensated grades in the service those employees whose proved efficiency entitles them to the advancement.

The inability of postmasters to do this at present is owing to the parsimonious action of Congress at the session after the law was passed which divided employees in first and second class

was passed which divided employed.

post offices into different grades.

By a law enacted in the Fifty-ninth Congress, approved March 2, 1907, the postal clerks in offices of the first and second class and the carriers in the City Delivery Service were divided, according to salary, into six grades. The first grade received an annual compensation of \$600; the second grade, \$800; the third grade, \$900; the fourth grade, \$1,000; the fifth grade, \$1,100; and the sixth and highest grade, \$1,200. It was further provided that the clerks and carriers in first-class offices should be promoted successively to the fifth grade and that the clerks and carriers in second-class offices should be promoted successively to the fourth grade, but no promotion was permitted to be made except upon evidence satisfactory to the Post Office Department of the efficiency and the fidelity of the employee. Besides this, it permitted the making of a reduction in grade and salary. This could be done by a postmaster whenever, in his judgment, the clerk or carrier had failed to maintain the standard of efficiency proper to the grade in which he belonged.

This requirement put every man on his mettle and made industry and merit the ground and test for promotion. To provide for the proper enforcement of the law efficiency records were established. The character and conduct of every employee was carefully examined and the results of the investigations systematically tabulated. In this way a very high degree of efficiency was kept up, in consequence of which the Government received full and ample service for every dollar expended in salary. Now, as I have stated, the Fifty-ninth Congress created six grades or classifications. But the difficulty was it did not allow an employee after a certain number of years of service and demonstrated fitness to be advanced automatically to the highest grade. In first-class offices clerks and carriers could successively advance only to the fifth grade, where further promotions ceased, while in second-class offices clerks and carriers could advance only to the fourth grade, at which stage their right to further promotion terminated. To remedy this defect right to further promotion terminated. the Sixtieth Congress enacted a statute directing promotion to the highest grade in the service of all clerks and carriers in first and second class post offices whose records justified advancement.

It would seem impossible that any serious objection could be made against such a measure, and yet, curiously enough, during the debate upon it in Congress the law encountered opposition on the ground that the appropriation for this purpose would be improperly expended and that postmasters would use it to reward their own favorites rather than to elevate employees whose records justly gave them the preference. This suspicion on the part of Congress proved afterwards to have been wholly without foundation. The amount appropriated was used with vigorous impartiality and fairness, and only those whose merits recommended them received the benefit of it.

But the suspicion expressed had unfortunately this effect: Congress appropriated only 50 per cent of the amount that was necessary to provide compensation for all whose records warranted their advancement. What was the result? In the first place, dissatisfaction and complaint among employees, and in the second, almost insuperable difficulty and embarrassment to superiors having the right to promote. The employees declared that where two men had equal right for a promotion, which by reason of the failure of the law to provide sufficient funds only one could obtain, the postmaster selected his own favorite. Anyhow, in a number of such instances what did actually happen was that neither obtained advancement. In cases where two employees were equally entitled to promotion postmasters have been known to refrain from recommending either for fear of laying themselves open to the charge of favor-

itism or injustice. Thus both employees suffered the unjust consequences of an appropriation law which did not adequately

cover the situation to which it was intended to apply.

The recommendation which the committee has embodied in this bill appropriates a sufficient sum of money to make possible the promotion of at least 75 per cent of the number of employees estimated as being entitled to advancement. For my part I am constrained to remark that it might and could have been made more liberal. Considering, however, the sums not needed to be disbursed on account of deaths, resignations, and reductions, it is hoped that in default of procuring anything better it will prove adequate for the purpose for which it is designed.

In any event it is a distinct step forward. It affords relief in a matter where in all honesty relief should be granted, and it tends by instilling encouragement among the employees to heighten the efficiency of a great and popular branch of the Government service. There is every good reason why Congress should authorize the expenditure.

For it is to be remembered that the post office is the one agency of the Government with which all the people have close and daily relations. It is the one agency with which all are familiar, and which is useful not merely to a part of our population but to all the people alike. Every citizen expects, as a matter of course, to have his mails promptly delivered and to find the business of the post office always in smooth running order. Only a few, however, appreciate the immense amount of labor and attention to detail the maintaining of the post office in this condition necessitates. There is no opportunity for neglect of duty on the part of employees, while the tests they are required to undergo before obtaining permanent employment makes incompetence a rare occurrence. They are chosen as the result of a rigorous civil-service examination. If successful They are chosen as on the examination they are required for several years, and oftentimes more, to work as substitute employee, at the end of which period they may get regular appointment at the small salary of \$50 per month. Annually they may be advanced from grade to grade until in second-class offices they reach the fourth grade and in first-class offices the fifth grade. There, by operation of the law, the right to further advancement comes to an end. During all the time, however, that they are climb-ing, by tollsome performance of duty, from the lowest grade to the highest attainable they are always liable, for the slightest misstep, to be reduced in salary under that section of the law which permits demotion to be made on the score of inefficiency. Under such a system, with all its tests and exactions, only the very best, if not exceptional, men can hope to succeed. At the termination of this grinding career, when their vigor and usefulness become impaired from age and faithful devotion to duty, they are not even retired on pension. On this latter sub-I propose to have something to say later on.

This, Mr. Chairman and gentlemen, is the character and record of the employees whose interests appeal to you to-day. sincerely trust the appeal will not be in vain, and that both these provisions will be emphatically indorsed and incorporated as a part of the pending appropriation bill. [Applause.]

Mr. MOON of Tennessee. Mr. Chairman, I yield five minutes to the gentleman from Missouri [Mr. Dyen].

Mr. DYER. Mr. Chairman, I want to call attention especially at this time to section 6 of this bill, and while I heartily approve of it, I believe that an improvement can yet be made on that section that would be for the interest and good of the service. This bill is going to give a great deal of valuable relief to the employees and carriers in the Post Office Department, and well it should do so and well is it deserved.

I believe, Mr. Chairman, that in section 6 an improvement could be made by amending it so as to insert a bill that I introduced in this Congress some time ago. I ask unanimous consent to have this amendment which I offer read and have

it pending for consideration at the proper time.

The CHAIRMAN. The gentleman can have the amendment read for information, but it can not be offered, to be pending, now. Without objection, the amendment may be read for information in the time of the gentleman from Missouri.

The Clerk read as follows:

The Clerk read as follows:

That the following is stricken out, to wit, beginning with the word "that," line 3, page 30, section 6, and extending to and including the word "thereof." line 22, same page and section, and insert in lieu thereof the following:

"That there shall be appointed by the President of the United States a commission, to consist of three members, who shall receive as compensation \$3,000 per annum for a term of four years, and may be reappointed. The said commission shall be known as the commission on salaries and allowances of postal employees.

"The duties of the said commission shall be to pass on all salaries of postal employees who are in the classified service. When any employee is entitled to an increase of salary by reason of time and length of service, it shall be the duty of the Post Office Department to certify the

said employee to the said commission for promotion, and if for cause the department deems it advisable that an employee be not promoted there shall be filed with the said commission a full report of the case and all charges against said employee, who shall receive a copy of the same and be allowed 10 days to file a written answer or may appear before the commission in person or by attorney, and after such hearing the commission shall decide the case, and such decision shall be final.

"No postal employee of the classified civil service having reached a certain grade and who receives a certain salary shall be reduced to a lower grade except for cause and after a hearing by the commission on salaries and allowances of postal employees.

"When the Post Office Department believes there is a good and sufficient cause for the reduction of salary of a postal employee who is in the classified civil service, it will file with the commission on salaries and allowances its recommendation, with the reasons thereof, and all charges.

and allowances its recommendation, with the reasons thereof, and an charges.

"And a copy of the same shall be sent to the employee recommended for reduction, who shall be allowed 10 days to file a written answer to the same, or he may appear before the said commission in person or by attorney to present his case, and after such hearing the commission shall decide, and such decision shall be final."

The CHAIRMAN. The time of the gentleman has expired. Mr. MURDOCK. Mr. Chairman, I yield the gentleman three

minutes more.

Mr. DYER. Mr. Chairman, with the amendment which I offer as a substitute for that which should be stricken out, in my judgment, it would make this an admirable section; that part which begins on line 22, page 30, and provides that membership in any society, association, and so forth, shall not constitute or be cause for a reduction in rank or compensation or for removal of such person or group of persons from said service, is a splendid provision, and it will be of great benefit to the service and make it more efficient and more valuable to the service and make it more efficient and more valuable to the public. I therefore heartily indorse, Mr. Chairman, that section as I would suggest it should be amended, which I believe would make a great improvement. I am also heartily in favor of other improvements that are put forth in this proposed law fixing the hours of service, improving the conditions, and so forth, and I would like to see also a provision inserted in this bill to give to the letter carriers and postal clerks throughout the

country the same rights and postal clerks throughout the country the same rights and privileges now enjoyed by other civil-service employees, that of leave of absence for 30 days.

Mr. Chairman, in the city of St. Louis on or about the 1st of July we will open the new post office, the most splendidly equipped building, I believe, in the world for handling the mail. At a dinner on the 17th instant in the city of St. Louis the postmaster of our city delivered an address to the members of the Business Men's League upon post-office workings in the city of St. Louis and upon the postal department in general. He has given much time and much thought to the study and to the workings of the postal departments in all parts of this country. He has been upon commissions under the Postmaster General for studying matters pertaining to the pneumatic-tube service and the handling and distribution of the mail. I therefore ask unanimous consent to publish the address of Mr. T. J. Akins, postmaster of that city, delivered on the 17th of April, in the city of St. Louis, as part of my remarks.

The CHAIRMAN. The gentleman from Missouri asks unanimous consent to print as a part of his remarks the matter indicated. Is there objection? [After a pause.] The Chair hears

The address is as follows:

SPEECH OF T. J. AKINS, POSTMASTER AT ST. LOUIS, Mo., APRIL 17, 1912.

"Members of the Business Men's League, I am indebted to the efficient secretary of the Business Men's League for the very great pleasure as well as the distinguished honor of speaking briefly at this time.

"Indeed, it is a great honor to speak to a body of men who are the prophets of progress and the architects who are drawing

the plans for the greater St. Louis.

To each and every one of us there is a bright spot, kissed by the genial rays of heaven's sun and watered with the dews of progress, the fairest and best portion of the earth—St. Louis.
"Our city stands like a beautiful queen whose crown is

beauty, whose creed is hospitality, and whose watchword is progress, whose dominion is the richest valley in the world.

"To extend the trade relations of this splendid city-to increase her influence and make her a power among the great cities of the country-is the work committed to our hands

"In this great work the St. Louis post office is willing to do its full share. We can not draw plans upon the world's trestle board for the extension of our trade relations. We can not send men into unexplored territory to sell your wares, but through one of the best organized postal agencies on the American continent, the St. Louis post office, we can send your messages to every corner of the globe.

We realize that we live in an age of great strenuosity. Everybody is demanding prompt action. The city that makes

quick deliveries gets the business.

"In this particular an efficient postal system is of the greatest importance to the business men of St. Louis, and we are straining every nerve to deliver promptly the incoming mail and to dispatch with the least possible delay the outgoing mail.

"In this great work we have had the most beautiful and helpful cooperation from the business men of the city, and as

long as I have the honor to be postmaster of this city you will

have my best efforts along these lines.

"We look forward with great pleasure to the time when we shall occupy the new post-office building at Eighteenth Street and Clark Avenue. This building is now almost completed, and we confidently expect to occupy the same not later than July 1. When completed in every detail it will be the most modernly equipped building for handling the mails in the entire country,

and perhaps in the world.

"Our new automobiles, which are already in operation, will each make 23 trips every 24 hours, covering completely the business section of the city. During the busy portion of each day we expect to make deliveries and collections with our automobiles every 30 minutes. These automobiles are equipped so completely that they will carry from 1,000 to 2,000 pounds of mail with ease and deliver the same on the mailing platform of the new post-office building from our downtown stations in approximately seven minutes.

"This mail will be carried by an automatic conveyor to our new pick-up tables, where it will be properly prepared for dispatch upon the outgoing trains in so short a period that it seems

almost incredible.

"If we are fortunate enough to secure additional pneumatictube service the St. Louis post office will then be one of the best-if not the best-equipped offices in the entire country.

THE ORIGIN OF OUR POSTAL SYSTEM.

"Perhaps it might not be uninteresting to you business men to briefly sketch the origin, the development, and the organization of our postal system.

"While each and every one of you recognizes the fact that a postal system in some form has existed for many years, yet few people realize that our postal system is almost as old as organ-

ized government.

In your most studious moments if you will walk back along the track of time, guided by the light of history, you will find frequent allusions to the postal system before the Christian era. In the Books of Jeremiah, Esther, and Job frequent allusions are made to the post—'So the post went with letters,' 'So the post passed from city to city.' One sacred writer uses this term to represent the evanescence of human life: 'Swifter than a

post my days flee away.'

"According to the great historian, Xenophon, Cyrus the Elder was the first reigning monach that conceived the importance of communicating with various parts of his empire by letters. Hence he built post roads and post houses and appointed trusted couriers or carriers, who received the message from the king and, mounted upon the swiftest horses in his dominion, dispatched these messages with all possible haste to the various parts of his empire. Hence you will see that quick delivery was an essential element in the postal system even in this remote age of the world.

"The postal system of America was first established by a man named Neal and was known as the 'Neal post.' This was operated under a grant from King George. This continued up to the beginning of the Revolutionary War, when Congress, on the 26th day of July, 1775, passed an act creating our postal system and appointed Benjamin Franklin Postmaster General, at a salary

of \$1,000 per year.
"Within 135 years the American postal system has grown to be the greatest organization in human history. We employ approximately 320,000 people, an army greater than was ever marshaled under one flag, commanded by a single general, on any of the great battle fields of the world. We spend approximately \$250,000,000 annually to maintain our postal system.

"Three years ago a deficit of \$17,500,000 existed in the Post Office Department, but to-day, I am happy to say, the Post Office Department is self-sustaining and turning into the Gov-

ernment a small surplus.

"We now have 61,000 post offices in operation in the United States and its territories. We have over 26,000 domestic transportation routes aggregating 450,000 miles in length. We have a delivery service by carriers over 41,000 rural routes, delivering mail approximately to 20,000,000 homes daily.

The integrity of the service, while not perfect, is a marvel to all who have studied its operations. Each and every employee in the service, except presidential postmasters and their

secretaries, are civil-service employees.

"The integrity of the service is illustrated by the fact that it is estimated by postal experts that only 1 ordinary letter in

100,000 that enter the mail is lost or stolen. It is further estimated that only 1 piece of registered mail in 27,000 pieces that are handled by the post office reaches its destination in bad order, and only 1 piece of registered mail in each 200,000 pieces handled is stolen and never recovered.

"The integrity of the service is further illustrated by the fact that of the 41,000 carriers employed on rural routes, less than 25 were arrested for any offense and removed from the

service during the year 1911.

"Two serious defects exist in our postal system for which

the Post Office Department is not responsible:

"First, our postal system has grown to be a great business organization, but it is subject to the vicissitudes of political changes. This is a serious handicap. The Postmaster General and the postmasters in great commercial centers, who are efficient, draw their plans to improve the postal system of the country with the same care and caution that would characterize the president and board of directors of a great banking instition, but a change of administration may disconcert all these plans and subject the postal system to radical changes and perhaps place the postal system in unskilled hands, and, as a result, business suffers from the change.

"The other defect lies in the fact that we have no American merchant marine flying the American flag that carries our mails to many countries where our trade relations should be ex-

TRADE FOLLOWS THE MAILS.

"If a St. Louis merchant desires to extend his trade to many South American countries, his goods must go by the way of

Liverpool and from there to South America.

It is the purpose of the Postmaster General, upon the completion of the Panama Canal, to make provisions for reaching South America direct, both from the Pacific and the Atlantic Oceans, through the Panama Canal, which will undoubtedly be of wonderful benefit to the commercial interests of the United States. It is a matter of national humiliation that our trade in South America is less than that of Japan.

"In my judgment, one of the demands of the present hour is a merchant marine carrying our mails by the shortest routes to

every quarter of the globe.

THE POSTAL SAVINGS SYSTEM.

"On January 3, 1911, by authority of an act of Congress, the Post Office Department established postal-savings depositories.

"This system has been rapidly extended until it is now being

operated in over 7,000 presidential post offices, and preparations are being made to establish the system in about 40,000 fourthclass offices that do a money-order business.
"The total deposits up to this date are approximately

\$20,000,000.

"We established a postal-savings depository in the main office in this city on the 1st of August, 1911. We have opened 3,790 accounts. We have received in deposits \$320,000. The total value of certificates paid is \$106,000, and we have on deposit in the various banks of the city to the credit of the Government \$223,627. We have sold in postal-savings bonds \$11,320.

"It is estimated that only 5 per cent of the depositors in our

postal-savings bank have ever opened a bank account in any

of our banking institutions.

"It is the purpose of postal-savings banks to draw money from hiding and place it into the legitimate channels of business; to minimize the sale of international money orders by furnishing safe and remunerative depositories, not only to our own citizens, but to persons of foreign birth as well.

"Great Britain was the pioneer in establishing postal savings

banks. This subject was advocated in Great Britain for over 50 years. Finally, in the year 1858, the matter was brought forcibly to the attention of the English Parliament in the shape

of a parliamentary resolution.
"This resolution stated that in the year 1857 the sum of £4,000,400 had been lost to depositors in private savings banks through the mismanagement or incompetency of the officials of these institutions. It further recited that the savings banks of Great Britain had gone into the hands of an idle and pleasureloving class, and that out of 638 savings banks in existence nearly 350 of them were open for business only one day each week and then remained open only for a few hours.

"It was further shown that only 20 were open daily for the transaction of business and that 24 towns, each containing

10,000 inhabitants, and 14 counties were without savings in-

stitutions of any kind.

"In response to a popular demand, a bill was approved by Mr. Gladstone, chancellor of the exchequer, and Sir Roland Hill, the head of the post-office department of Great Britain, and an act was passed by Parliament on the 17th day of May,

"Since the establishment of postal savings banks of Great Britain the system has extended to practically all of the govern-

ments of Europe.

"At the beginning of the year 1910 Great Britain had 11,404,568 depositors in postal savings banks, with a total deposit of over \$800,000,000; Italy had 5,000,000 depositors; Japan, 8,000,000 depositors; France, 5,000,000 depositors; and in every country on the globe where this system has been tested by actual experience it has not only proved of inestimable value to the depositors themselves, but to the entire country, including solvent banking institutions.

"The postal savings bank is not the dream of some astute politician sparring for political advantage. It is not a flower that grows in some populistic garden, but it rests upon the conscience and deliberate judgment of the American public, who are perfectly familiar with its operation and success in coun-

tries where it has been tested by actual experience.

"It is the purpose of postal savings banks to draw money from hiding in such quantities, and by minimizing the sale of international money orders, that it will make currency famines impossible and panics practically unknown.

POSSIBILITIES OF POSTAL SAVINGS DEPOSITORIES IN AMERICA.

"America is the most fertile field in the world for the operation of postal savings depositories. While we are the richest Nation in the world, yet we are the most extravagant. This country consumes more than half of the luxuries of the world.

"During the past 15 years the volume of our currency has more than doubled. In 1896 the entire volume of our currency amounted to \$1,506,000,000, or \$21.48 per capita, of which about

331 per cent was gold.
"The circulating statement of the Treasury Department reveals the fact that at the present time we have \$3,464,000,000 in circulation, or about \$34.83 per capita, of which about 48

per cent is gold.
"The volume of our currency has grown at the rate of over \$120,000,000 annually for the past 15 years, or \$10,000,000 per

"The circulating statement issued by the Treasury Department is merely an invoice of the amount and kinds of money issued or coined by the United States Government, but it does not represent the entire stock of money owned by the American

people.

"During the period above referred to the trade balances in
"During the period above referred pearly \$400,000,000 favor of the United States have averaged nearly \$400,000,000 annually, or a sum total of \$5,500,000,000. This vast sum of money represents the excess of our exports over our imports and, therefore, goes directly into the pockets of the American producer. It can not be taken into account by the circulating statement of the Treasury Department.

"Every carload of wheat sold for export, every pound of beef exported, and every other article sent abroad, in the last analysis represents foreign gold which goes directly to the

American producer.

"During the same period of time millions of foreign capital have been invested in American enterprises. Thousands of European farmers have come to our shores, bought land, and

invested their private capital in this country.

It is estimated by the most conservative financiers that of all the stock of money owned by the American people more than 50 per cent is in the pockets of the people, or places of hiding, and is not deposited in any bank or trust company of any kind. I emphasize the fact that it is the purpose of postal savings banks to draw millions of money now in hiding and place it into the legitimate channels of circulation.

"The banks of the State of Missouri are well managed and are as solvent institutions as exist on the globe. It is stated in the report of the bank examiner of Missouri that only two or three small failures have occurred within the past two years. and that practically nothing has been lost to the depositors on account of these failures.

'It is a wonderful comment on the integrity of the American financiers that since the establishment of the national banking system in this country less than one-eighth of 1 per cent of all deposits made in national banks has been lost to the depositors. But with this splendid record it is a fact that we have a large number of well-meaning people who have been hoarding their money and fear loss through our banking institutions, but have unlimited confidence in the Government and its guaranty.

"We have 61,000 post offices, covering all centers of population, large and small, in the United States and its Territories. Thousands of them are miles distant from any banking institution of any kind. In our large cities postal savings banks in branch post offices will accommodate the people after banks are closed for the day.

"The value to any country of a system which offers the people a method of systematic saving, and especially encourages the youth to habits of economy, can not be overestimated. The benefits resulting from such a cause are not limited to a monetary consideration, but include improved standards of living, character, and morals. Nothing so greatly encourages economy and thrift as an opportunity to safely deposit small amounts of money with the Government at a small rate of interest.

"I have in mind a boy who was one of our first depositors in the St. Louis office. The amount of his deposit was \$2. This deposit has steadily grown from week to week until the balance

to his credit to-day is \$96.

POSTAL SAVINGS DEPOSITORIES WILL INCREASE PATRIOTISM WHERE IT IS MOST NEEDED.

"You will agree with me that history records no instance where a Government by law has ever been destroyed by a frugal people who own their own homes or their business or who have constant and remunerative employment. If a danger exists to this or any other form of constitutional government, it is not from the class of citizenship above mentioned, but from the transient, roving, nomadic classes, whose condition would not be injured in case of revolution or a change of government.

"This class of our citizens consists largely of persons of foreign birth, who come to our shores at the rate of almost 1,000,000 annually, attracted by the scale of wages offered in this country. Many of them can not speak our language. They are unacquainted with the fiber and genius of American Government. They are unacquainted with our splendid public-school system and the opportunities guaranteed to every citizen under our Constitution. They do not know the cost of constitutional liberty. They do not realize the meaning of our flag-that every star represents a State and that each and every State is great, but over and above and beyond them all is one great indivisible union of States, constituting the greatest Republic in the world, and that our flag is the beacon light to every lover of liberty throughout the world.

"To teach the story of patriotism to this mighty multitude is important far beyond our conception. My countrymen, trade expansion is important, but as you carry the story of trade derelopment to the different parts of the globe be also the evangels of a higher and a better patriotism.

"This great multitude of citizens of foreign birth earn their

wages, buy foreign money orders, and deposit the same in their native land. As a result of this custom the Post Office Department sells annually over \$100,000,000 in foreign money orders. and this vast amount of money must be exported to countries where postal savings banks have been in operation for many

years.
"I ask you, practical business men, if it is not a wise policy of government to minimize the sale of international money orders by offering safe and remunerative depositories in our own land?
"I have already alluded to the possibilities of postal savings

depositories in this country. If Great Britain, with 40 per cent of our population, has accumulated deposits amounting to over \$8,000,000, this forms a basis for estimating the possibilities of the system in this country.

"I make the prediction that by the close of the present calendar year \$50,000,000 will be deposited in postal savings depositories in this country, and that the postal savings system will grow from year to year beyond the dream of its most earnest advocate. At the close of the first decade of its operation we will possibly have 10,000,000 depositors with a total deposit of not less than \$500,000,000, and by the end of the second decade we will have a sum deposited that will equal our national debt.

BANKS NOT HARMED.

"Postal savings banks will benefit, rather than injure, our solvent banking institutions. There is no instance in history where postal savings banks have been established where they have worked ruin to conservatively managed banks. The bill is so drawn that it permits the redepositing in local banks of not less than 65 per cent of the money gathered in any locality. The board of trustees, which is composed of the Postmaster General, the Attorney General, and Secretary of the Treasury, will accept National, State, municipal, or other bonds having a taxing value as security for said deposit. This will doubtless create an active market for local securities, and the money paid for them will remain in the community where they are purchased.

"As local banks which qualify can receive these deposits by paying the Government 2½ per cent of interest, and as they will draw not less than 4 or 4½ per cent of interest on the bonds deposited with the Government, they will certainly be in a position to accommodate their customers at lower rates of interest than now prevail.

"As I look into the future and see the students of American history carefully studying the achievements of the present century, which, to my mind, are without parallel in the history of nations, I fancy I see them pausing over the record of the year 1910 as marking a new epoch in our national life. It will be pointed to as the beginning of the era when this great Government provided safe and remunerative depositories for its citizens of small means. It will mark the first step taken by a national administration which emphasizes the importance of personal economy among the masses of the people. It will contain the first practical invitation given the people to own and

control the bonded debt of the country.

"If it were possible for the present and coming generations to forget every other achievement of the American Congress-of Postmaster General Frank H. Hitchcock and our beloved President, William H. Taft-their name and fame will be made secure for all time to come by having put in operation this form

of Government depositories.

"The deposits in postal savings banks will reach such proportions that the country will ultimately be divided into postal savings depository zones. It will doubtless be necessary to provide a local board of directors having intimate knowledge of the value of municipal, county, and State bonds and other securities having a taxing value offered the Government by our banking institutions as security for deposits.

'The bill providing for this form of depositories, while the best within the history of civilization, will doubtless, when tested by actual experience, be found imperfect. It will be amended from time to time as those minor defects become apparent, and make this new policy of government not only permanent, but a blessing to all who use it and a triumph to the genius of American statesmanship."

Mr. MURDOCK. Mr. Chairman, I yield five minutes to the

gentleman from Michigan [Mr. SAMUEL W. SMITH].
Mr. SAMUEL W. SMITH. Mr. Chairman, I would like to send to the Clerk's desk a letter from Mr. George P. Hampton, secretary of the Farmers' National Committee on Postal Reform, a letter which, I presume, possibly every Member received this morning, with an inclosure entitled "Postal Notes," and I would like to have that read also in connection with the letter.

Without objection, the Clerk will read the The CHAIRMAN.

matter indicated.

The Clerk read as follows:

Flarmers' National Committee on Postal Reform (under auspices of the conference of progressive State granges). Organized to assist in sceuring the establishment of a modern parcel post or postal express and otherwise to improve the postal service. Executive committee: C. B. Kegley, master Washington State Grange; William T. Creasy, master Pennsylvania State Grange; C. S. Stetson, master Maine State Grange; C. E. Spence, master Oregon State Grange; F. P. Wolcott, master Kentucky State Grange; George R. Malone, master South Dakota State Grange; John Morris, master Colorado State Grange; H. F. Baker, president, and H. L. Loucks, vice president of conference ex officio. General counsel: Jackson H. Ralston, of Raiston, Siddons & Richardson, Washington, D. C. C. B. Kegley, chairman; William T. Creasy, treasurer; George P. Hampton, secretary. Address all communications to George P. Hampton, secretary. Address all communications to George P. Hampton, secretary. Address all communications to George P. Hampton, secretary.

. Samuel W. Smith, -House of Representatives, Washington, D. C.

House of Representatives, Washington, D. C.

My Dear Sir: We ask your support for the postal express bill now before the House. The farm organizations of the country have indorsed this bill and, after waiting 20 years for Congress to act, are opposed to any halfway measures. The postal express bill provides a real solution and will give the farmers, local merchants, and consumers a satisfactory service, a real parcel post, to which none will object.

Will you kindly favor me with a letter stating your position?

Very truly, yours,

Geo. P. Hampton, Secretary.

GEO. P. HAMPTON, Secretary.

POSTAL EXPRESS NOTES.

The National Grange, at its last annual session, unenimously indorsed the Lewis postal express bill on the favorable reports of both the committee on cooperation and the special committee on postal reform. The following resolutions were adopted:

Resolved, That in the opinion of the National Grange, in forty-fifth annual session assembled, the system of postal express as presented by Congressman Lewis, of Maryland, offered a thorough solution of the parcel-post measures, and that we hereby indorse the same and urge its passage.

parcel-post measures, and that we never indered by every State passage.

This action of the National Grange has been indorsed by every State Grange organization in the country, and the New York State Grange, representing the 100,000 members of that State, passed strong resolutions at the annual session, in February last, calling upon Congress to pass the Lewis bill (Goeke bill) at this session of Congress.

The Pennsylvania State Grange, with 75,000 members, was the first farm organization to indorse the Lewis postal express bill, and is now taking an active lead in the campaign to secure its passage, or rather the passage of the Goeke or Gardner bills, which are essentially the same.

The Maine State Grange, with its 60,000 members, has made the securing of the enactment of the postal express bill its paramount issue. The resolutions adopted are as follows:

Resolved by the Maine State Grange, That we indorse the Gardner bill (S. 5474) and the Goeke bill (H. R. 19133) for a postal express and urge the Patrons of Maine and the farmers of the State generally to bring all possible influence to bear to secure the early enactment of this measure.

The Farmers' Union and the Grange organizations, at their conference last January, organized a joint committee on postal reform composed of an equal number of members from each organization, and this committee was instructed to concentrate its efforts to securing the passage of the Goeke bill (H. R. 19133) and the Gardner bill (S. 5474).

Mr. SAMUEL W. SMITH. Mr. Chairman, I desire to say I am in favor of cheaper and better transportation facilities, under whatever name it may be, but I am not in favor as I have chasing the express companies and I am in favor as I have

chasing the express companies, and I am in favor, as I have been for many years, of a marked reduction in express rates in this country. I would like to ask the gentleman from Maryland [Mr. Lewis] if that which the Clerk has just read is the sentiment of the farmers throughout the country. In other words, is that the kind of legislation they desire enacted into law and which they term a general parcel post?

Mr. LEWIS. Mr. Chairman, of course I can not answer with

any absolute assurance, but my information is that these resolutions represent the views of the farmers' organization known as the National Grange and also of the Farmers' Union.

The CHAIRMAN. The time of the gentleman from Michigan has expired.

Mr. MURDOCK. Mr. Chairman, I yield 30 minutes to the gentleman from Illinois [Mr. MADDEN].

Mr. MADDEN. Mr. Chairman, there is a provision in this

bill which reads as follows:

That after the 1st of July, 1917, the Postmaster General shall not approve or allow to be used or pay for any full railway post-office car not constructed of steel, steel underframe, or equally indestructible material, and not less than 20 per cent of the new equipment shall be put into operation annually after July, 1912; and after the passage of this act no contract shall be entered into for the construction of steel underframe cars.

This provision of the bill is intended to protect the lives of the men engaged in the Railway Mail Service. I think it is one of the most salutary provisions of the bill. In times gone by the men engaged in the Railway Mail Service, and up to the present time I may say, have been compelled to work in railway postal cars the superstructures of which were made wholly of wood, and every time we have had a wreck of a train the lives of many men engaged in this service have been lost. There are about 1,100 of these railroad postal cars in the service now, which are not constructed of steel or steel underframes. The policy of the railway companies has been for some time to construct their passenger cars of steel, and at present the wooden railway postal cars are wedged in between two steel cars in a train, and whenever a wreck occurs these railway post-office cars are almost sure to go to destruction, and the lives of the men in the cars are almost sure to be lost. In the last Post Office bill we had a similar provision to this, but in another body it was changed so as to make it useless.

When the bill came back to the House from the conference committee it was during the last hours of the session and at a time when it was impossible to give it the proper consideration, and the House was consequently obliged to accept the provisions in the bill as it came back from conference. The committee, however, on this occasion took the matter up and recommended the provision which I have just read. It is to be hoped

that this provision will remain in the bill and become a law.

Mr. STERLING. May I ask the gentleman a question?

The CHAIRMAN (Mr. SAUNDERS). Will the gentleman from

Illinois yield to his colleague?

Mr. MADDEN. Yes, sir.

Mr. STERLING. The gentleman stated there were 1,100 wooden-frame cars in service. I understood, however, that the cars more recently used in this service are iron-frame cars, are they not?

Mr. MADDEN. They are building some steel-frame cars, and they have some steel-frame cars under contract now, and this provision accepts the cars which are under contract and those which are already in use, but it prohibits the letting of any contracts for the construction of a steel-frame car which is simply a steel-frame car in the future.

Mr. STERLING. Does the gentleman know the proportion

of the cars in the service-

Mr. MADDEN. There are 1,100 cars in the service that are built of wood, and it is to these 1,100 cars that this provision The thought of the committee was that it would be unfair to attempt to force the railway companies to put all the cars into steel frames and steel superstructures at once. As a matter of fact, it would not be practical to do it, but in order that no discretion might be left with any executive officer of the Government as to how rapidly the steel cars should be constructed the committee has provided definitely that each year at least 20 per cent of all the cars used in the railroad postoffice service shall be built of steel, beginning with the year 1912.

So that at the end of five years and a half all of the 1,100 cars will be remodeled or reconstructed, and that no car will be

in the railroad post-office service after the 1st of July, 1917, except steel cars. This is as it should be. The lives of the men engaged in this service ought to be protected. [Applause.] This is the measure of protection which they ought to receive. There are no men in any service, not even in the Army, who do more patriotic work than the men engaged in the Railway Mail No man in any kind of employment risks his life more often than the man who is engaged in this class of employment. He takes his life in his hands every time he goes on duty, and it should be not only the duty of the Congress of the United States to give him every protection possible but it should be our pleasure to do it.

And I am glad that the Committee on the Post Office and Post Roads were unanimous in their report for this provision in this

bill. [Applause.]

I am glad that the Committee on the Post Office and Post Roads, too, made some provision for a more definite workingday for the men engaged in the other branches of the postal This bill provides that 8 hours shall constitute a day's service. work and that the 8 hours' work shall be done within the limit of 10 hours. That gives the post-office authorities in every section of the country the right to call on every man engaged in the service for 2 hours beyond the time he is actually engaged in the transaction of the business for which he is employed. It has been said on the other side of this question that if we imposed the burden on the Post Office Department of compelling them to give an 8-hour day, with a maximum of 10 hours within the given day, it will embarrass the service; that it will make it cost more; that it will make it impossible to regulate the routes of the carriers. But I can not understand why the Post Office authorities can not so regulate the work as to give the men an opportunity of getting off duty within 10 hours from the time they are called on duty. They say in reply to questions that the mail deliveries on Monday, for example, are much heavier than they are on other days, and that is true. And in order to make it possible for the carrier to make de-livery on Monday of all his mail within the period fixed in this bill they will have to make the carrier routes much shorter than they ought to be made; that because of the shorter routes on account of the heavy mall on Monday the carriers will not be able to work more than five or six hours on any other day of the week. Well, we have provided in this bill for auxiliary service, and if that auxiliary service is to be employed the Post Office authorities can fix the routes with a view to employing the auxiliary carriers on Monday.

So that when they have performed their work on Monday they may not be required on other days of the week, and if the routes are arranged with that end in view the carriers in the various districts will be kept busy for the full eight hours

every day.

This provision of the bill is a humane provision. It will give the men employed in the postal service an opportunity for rest, for study; an opportunity to be more with their families than they ever have been before. It now sometimes takes 16 hours for a man to do a day's work in some of the branches of the postal service, and we ought to fix it so that there will be no question whatever about the period of time that he is to be employed. There was a time not long since when letter carriers had an eight-hour day. The business of the department was then carried on successfully. The department seemed to run along smoothly. There seemed to be no difficulty about doing the work within the period of time fixed by the law. But the courts decided a case that came before them in such a way as to make the law nugatory. And so the provision of this bill is intended to remedy the evils created by that decision of the courts. I am delighted to know that this provision is to be made for these men.

Now, as to the clerks of the great post offices of the country, the clerks have been working anywhere from 8 to 12 hours a There was no provision made for compensation for overtime in any bill up to this. This bill provides that the department may require men to work more than eight hours. It provides, however, that when they work more than eight hours they shall be paid for the overtime they work at the same rate that they get for their regular employment, and that when they are required to work on Sunday they shall be given compensatory time off on some other day during the week.

This bill classifies the railway mail clerks. The classifica-tion does not go into effect until 1913, and so there is no provision made in this bill for an appropriation to cover the classification. But I understand that it is satisfactory to all concerned; not only to the authorities of the Post Office Department, but to the men themselves. This provision of the bill covers a long-felt want. It is simple justice to the men, and there are no men anywhere, as I have said before, not even on the battle line in time of war, whose services ought to be con-

sidered with greater care than those of the men who do this work in the Railway Mail Service.

Now, I wish to call to the attention of the House another matter that is proposed to be inserted in the bill, but which was not recommended by the committee, and that is the provision which calls for expenditures from the Federal Treasury for the construction of highways in the rural districts of the country. In the State from which I come the people gladly contribute of their own funds for the construction of highways, and I may say that this is true of almost every other Northern State. believe that we ought to have good highways. I am a believer in good roads. I believe that everything ought to be done that ingenuity can devise to make the roads of the country the best that can be had. But I believe that this is strictly a State function, and that it ought to be done by the States themselves. As a property owner in the State where I live, I have gladly contributed of what means I have had to help build the roads in my neighborhood. Illinois levies a tax on the abutting property. This tax is paid into the treasury of the township.

The township trustees or the highway commissioners have jurisdiction over the expenditure of this money. They expend ly. We are getting good roads. We are meeting the ons. We are abreast of the times. We are moving for-We are making progress. We have no complaint to conditions. We make no complaint because we are called upon to pay out of our own pockets for the construction of the roads that we use. Why should not every community throughout the land pay for the improvements that the community requires? Why should the Government of the United States be called upon to build the highways of the country?

Mr. SAMUEL W. SMITH. Mr. Chairman, will the gentleman vield? The CHAIRMAN. Does the gentleman from Illinois yield

to the gentleman from Michigan?

Mr. MADDEN. I do.

Mr. SAMUEL W. SMITH. I would like to ask the gentleman if he knows what this provision would cost if enacted into law?

Mr. MADDEN. Oh, I do not suppose that anybody knows what it would cost, but I am convinced that it ought not to cost the Federal Government one cent. Why? not organized to take over State functions. The Federal Government has no jurisdiction over this matter. It ought not to assume jurisdiction over it, even at the earnest solicitation of Members of Congress coming from sections where no good roads have thus far been constructed.

Mr. LEVER. Mr. Chairman, will the gentleman yield? The CHAIRMAN. Will the gentleman from Illinois yield to the gentleman from South Carolina?

Mr. MADDEN. I do. Mr. LEVER. I was just about to ask the gentleman from Illinois if he had read this bill with suffcient care to be able to state it as a fact that it is an appropriation out of the Federal Treasury to aid in the construction of good roads or is it a proposition to have the Federal Government pay to the States money out of the Federal Treasury for the use of State property?

Mr. MADDEN. Oh, the gentleman is technically correct; but we ought not to be dealing in technicalities. We ought to face the measure squarely. It does not matter whether you use the language that this money is to be paid out of the Federal Treasury for the purpose of paying the State for the use of highways used as post roads or whether the money is to be taken out of the Federal Treasury to put the foundations into these roads and put the surface on the foundations. It amounts to the same thing. Now, of course the people of the United States are not taxed directly for the maintenance of the Federal Government, and it may be that they think in many cases that the expenditure of money from the Federal Treasury does not take it out of their pockets; but the truth is that it comes out of their pockets just the same; and if they were called upon to pay a direct tax, out of which should be paid the money for the construction of highways, they would object to it: and I. who have already been paying a direct tax for the purpose of constructing roads in my neighborhood, object seriously to it.

Mr. BYRNES of South Carolina. I understood the gentle-man to say that he favored taxing the adjoining landowners, as

is the system in his State?

Mr. MADDEN. Yes. Mr. BYRNES of South Carolina. The Republican national platform of 1908 said:

We recognize the social and economic advantages of good country ads, maintained more and more largely at public expense and less and as at the expense of the abutting property owners.

Does the gentleman stand by that platform?

Mr. MADDEN. I do not always believe every man who writes a plank in a platform knows just exactly why he writes it or what it means when he writes it. In this case I am opposed to the plank, whoever wrote it or whatever party adopted it, if the plank is as the gentleman read it.

Mr. BEALL of Texas. May I interrupt the gentleman with the suggestion that it would be well for the gentleman from South Carolina to read all of that plank. I do not think he did. Mr. BYRNES of South Carolina. I shall be glad to have the

gentleman read it.

Mr. BEALL of Texas. I have no copy of it before me, but my recollection is that it declared in favor of the State and the minor subdivisions of a State improving the roads.

Mr. MADDEN. If it did, then it exactly agrees with my

attitude.

Mr. SHACKLEFORD. May I ask the gentleman a question?

Mr. MADDEN.

Mr. SHACKLEFORD. Did the city of Chicago, at the expense of the people of Chicago, furnish her pneumatic-tube service, so that the city fellow can sit down at his mahogany desk and have the mail shot up to him eight times a day? Do not the farmers all over this country help pay the expense for that service, and do not the farmers all over this country help to pay for the magnificent post-office building in the gentleman's city, and all these other postal facilities that they have for performing the governmental function of carrying and deliver-ing the mails? Do not the farmers help pay for all those things?

Mr. MADDEN. Yes; they do. Mr. SHACKLEFORD. They pay 60 per cent of it.

Mr. MADDEN. And that is not all they pay for. But it does not amount to anything like 60 per cent.

Mr. SHACKLEFORD. Therefore, I suppose the gentleman thinks we ought to contribute it cheerfully?

Mr. MADDEN. The number of miles of pneumatic tubes in the city of Chicago is very small, and they are built by private capital and rented by the Government,

Mr. SHACKLEFORD. Why did not Chicago pay for them

Mr. MADDEN. And I wish to say to my friend from Missouri [Mr. Shackleford] that the people of the city of Chicago and every other city in the Union help to pay the \$43,000,000 annually that is paid to rural carriers who deliver the mail to the gentleman from Missouri and his rural constituents.

Mr. SHACKLEFORD. You make us furnish the roads be-

fore you will do it, though.

Mr. MADDEN. And then I wish to say, in addition to that, if the highways in the rural districts are to be considered as post roads, the highways known as the streets in the great cities of the country are also to be considered as post roads, and that if the highways in the country are to be paid for because of the fact that the mails go over them, then the men who live in the great cities of the country will demand that payment shall be made out of the Federal Treasury for the construction of the streets in the great cities which are also used as post roads. I see no distinction. I see no justice in the contention that the man who lives in a city and owns property abutting on a street should be taxed for the construction of that street while the man who lives in the country and owns property abutting on a highway is to be relieved from such a tax. The same rule ought to apply everywhere. If country roads are post roads, then city streets are post roads. The Government of the United States has the power to come into the city of Chicago and tear up any street in that city without asking the consent of the local authorities.

They can tear the streets up, they can build their pneumatic tubes, they can operate these tubes without regulations from the local authorities. If that be true, why should not the Government of the United States be placed in the same position toward the citizens of the great centers that you seek to make with relation to the people who live in the more sparsely settled sections of the country? We are asking for no appropriation for any purpose out of the Federal Treasury that is not justified under the Constitution of the United States. The people who live in these cities are making no demands to put their hands into the Treasury of the United States for the construction of their streets. The people of the country districts are coming here and making demands that the Federal Treasury shall be used to construct their roads, and we object unless we are placed on an equality with the men that make those demands. We are citizens of the United States and our rights are equal to theirs. We have every right to make com-plaint, and the Constitution never intended that one class of citizens should do one thing and another class do another. The Constitution of the United States never contemplated the

expenditure of money for the construction of highways in one place that it did not accord to every other place, and as a Representative from one of the great cities of this Union I solemnly protest on behalf of the people of that city to the expenditure of one dollar of the public money out of the Federal Treasury for the construction of any highway, anywhere, that does not give equal justice to the people of the territory from which I hall.

Mr. SHACKLEFORD. Will the gentleman yield?

Mr. MADDEN. Certainly.

Mr. SHACKLEFORD. The gentleman speaks of dealing with all the people on terms of equality. In my district I know where some of my constituents get a mail three times a week, The gentleman from Illinois who speaks on this floor, who resides in Chicago when at home, gets his mail eight times a day. He does not even have to walk down the steps to get it; it is brought up to him and laid on his desk, and I presume the man who brings it to him must come with kid gloves on [laughter] eight times a day, while my constituents, as I say, get theirs but three times a week; and then the gentleman from Illinois gets up here, with all his pneumatic-tube service and eight deliveries a day, and howls about the equality of citizenship.

Mr. MADDEN. Let me say to my distinguished friend from

Missouri that it is the cities where the mail is delivered eight times a day that furnish the money to run the postal service. The receipts of the Chicago office, about which the gentleman complains, for the fiscal year ending December 31, 1911, were \$20,868,000, while the expenses were but \$6,478,000, leaving a profit of \$14,390,000, while the losses on the Rural Delivery Service of the country were \$28,000,000, and the territory from which the gentleman from Missourl comes helped to create part

of this loss.

Nobody complains about that. I am not complaining about I am not complaining because there was a loss, for I believe that every citizen in the United States ought to have every facility that can be legitimately afforded by the Government in the delivery of mail.

Mr. BYRNES of South Carolina, Will the gentleman yield?

Mr. MADDEN. Certainly.

Mr. BYRNES of South Carolina. Is the gentleman opposed to the free rural delivery?

Mr. MADDEN. I am not; I have just said that I was not. I have just said that I was not complaining about it.

Mr. BYRNES of South Carolina. Is it not a great convenience and for the interest of those living in the great cities to have this means of communication with the people who live on the rural free-delivery routes?

Mr. MADDEN. My dear boy, I have made no complaint about it. I have said that I favor the distribution of mails to the rural routes. I merely said that in the distribution of mails on those routes we made a great loss annually, while in the distribution of the mails on the city routes we made a great profit.

That is what I said and that is what I still say.

Now, if anybody can tell me what sense or what justice there is in the claim that the Federal Government should build the country highways, and convince me of it, I would be for it; but until somebody can show me some good reason why it should be so, why the city dweller should be discriminated against, I shall be against it, and I hope the good judgment of the membership of this House will see the necessity of defeating the proposed legislation for taking money out of the Federal Treasury for the construction of rural-carrier highways, or whatever you choose to call them. [Applause.]

Mr. MURDOCK. Mr. Chairman, I will ask the Chair to

notify me when I have occupied 10 minutes.

Of very first magnitude to the postal service is section 7 in this bill, a section upon which there will not be much discussion here largely, I fancy, because it is technical. It relates to the reorganization of the Railway Mail Service. The Railway Mail Service, as gentlemen know, is at the center of the whole postal system. The railway mail clerk who stands in front of callettle the care is the secretical terms. in front of a distributing case is the essential agent of the man who puts his mail in the expensive pneumatic tube, which has just been mentioned here, and the dog sled in Alaska, between the busy city carrier and the rural carrier winding his way down pleasant country lanes, between the manufacturer and the retailer, between producer and consumer. This Railway Mail Service besides is the finest skilled governmental service in the world. It has three characteristics as such-first, its hazards; second, the mental and physical strain put upon the majority of the men who are in it; and, third, the skill it demands.

What are the hazards? Let us see. For instance, it very rarely happens that this Post Office bill is debated here without some current item of news, some tragedy of the day, entering into the consideration of one item in it. Two years ago while we were debating this item, the item in regard to the

Railway Mail Service, five men in that service were carried in a snow slide off the summit of the Cascade Mountains to death in the canyon below. A week ago this morning three of the men in the service, working to the very last with the mails, went down with the *Titanic*. The hazard is not exceptional or unusual. It is continuous and ever present. In 1910, 27 men were killed in this service and 527 injured. The year after the death list went to 12 and the injured list to 719. Now, these men work on the fastest trains in the country, usually in the car which is next to the engine. And usually after every great wreck the name of a postal clerk is in the list of dead and

What of their skill? There is no skill in the world in governmental service to compare with it. Nearly every railway postal clerk must know something like 10,000 distributions. There are men to-day going out of New York City on fast trains who are distributing letters by towns, cities, and villages in California. The throwing of one letter into one box turns it north across the country over the Northern Pacific; the throwing of it into another box southward over the Santa Fe or the Southern Pacific, to gain in the one instance or the other the matter of an hour or two in delivery. Every man in the Railway Mail Service must keep constantly in touch with every change in schedules, every connection made between trains over the United States.

What of the strain? There is no service in the world, governmental or other, where the strain exceeds that upon the individual in this service. Let me cite an instance to this committee. The men who run from New York City to Pittsburgh and return travel 888 miles on four hours of sleep. There are several instances like that in the country.

Here, then, is the greatest hazard, the greatest skill, and the greatest mental and physical strain. This service, at the center of postal things, has grown up during the years not in a hap-hazard way but largely without thorough reorganization until now. Pay has been based largely upon car space occupied. The man who happened to belong to one of the larger crews where two or three full postal cars are moving out of New York City for Buffalo stood a chance for repeated promotions from the lowest grade to the top.

The man who happened to be running upon a smaller line in an apartment car, which made probably only a single trip out and back in a day, with a small amount of mail, might be equal to his brother out of New York City in skill, but promotion was not for him. One of the chief values and virtues in the measure that we propose is that we take away from the old system the matter of basing pay upon space, and make a new classification basing the pay upon the speed of the trains, the complexity of the distribution put upon the man, and the hours of duty that he is at work, arranging the classification in this bill so that whether a man be out on the smaller line which makes its single apartment-car trip a day with a small amount of mail, or running on a trunk line out of New York City or Chicago with a heavy complement of men, he will have an equal chance for promotion in all the different parts of the system. It is something that has been long delayed. It may not be satisfactory, I may say, in all its features to everyone, but it was the nearest thing that the combined knowledge of the postal clerks themselves, the Post Office Department officials, and the committeemen in this House could accomplish. And in conclusion, Mr. Chairman

Mr. COOPER.

Mr. COOPER. May I ask the gentleman a question? Mr. MURDOCK. Certainly. Mr. COOPER. How long do these postal clerks work a day who run these eight hundred and eighty and odd miles, with only four hours' sleep?

Mr. MURDOCK. They make the round trip of 888 miles on

four hours' sleep.

Mr. COOPER. That is about 24 hours of run; it must be. Mr. COOPER. That is about 24 hours of run; it must be. Mr. MURDOCK. Not between New York City and Pittsburgh; I hardly think that.
Mr. COOPER. There and back.

Mr. MURDOCK. It is probably that. Of course they do not keep that up, I will say to the gentleman, from day to day. They have their lay-off. However, the strain is great.

And, Mr. Chairman, with these men working in a place of

hazard as they do, making the sacrifices they do, skillful as they are—and they average, let me say, the country over in their work 98 per cent with 100 per cent as a standard—it seems to me that it is fitting that Congress should take their claims, consider them as we have, and draft into the law a new, modern, up-to-date system of classification commensurate with their efficiency, their measure of industry, and their fidelity to the service. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. MOON of Tennessee. Mr. Chairman, I yield 15 minutes to the gentleman from South Carolina [Mr. Byrnes].

Mr. BYRNES of South Carolina. Mr. Chairman, I desire to address the House for a few minutes in reference to the bill providing compensation for the use of highways for carrying rural mail, which has been introduced by Mr. SHACKLEFORD, at the request of the authors of various road bills at this session. The bill reads as follows:

The bill reads as follows:

That for the purposes of this act certain highways of the several States, and the civil subdivisions thereof, are classified as follows:

Class A shall embrace roads of not less than 1 mile in length, upon which no grade shall be steeper than is reasonably and practicably necessary in view of the natural topography of the locality, well drained, with a road track not less than 0 feet wide composed of shell, vitrified brick, or macadam, graded, crowned, compacted, and maintained in such manner that it shall have continuously a firm, smooth surface, and all other roads having a road track not less than 0 feet wide of a construction equally smooth, firm, durable, and expensive, and continuously kept in proper repair. Class B shall embrace reads of not less than 1 mile in length, upon which no grade shall be steeper than is reasonably and practicably necessary in view of the natural topography of the locality, well drained, with a road track not less than 0 feet wide composed of burnt clay, gravel, or a proper combination of sand and clay, sand and gravel, or rock and gravel, constructed and maintained in such manner as to have continously a firm, smooth surface. Class C shall embrace roads of not less than 1 mile in length upon which no grade shall be steeper than is reasonably and practicably necessary in view of the natural topography of the locality, with ample side ditches, so constructed and crowned as to shed water quickly into the side ditches, constructed and crowned as to shed water quickly into the side ditches, constructed and crowned as to shed water quickly into the side ditches, constructed and crowned as to shed water quickly into the side ditches, constructed and crowned as to shed water quickly into the side ditches, on constructed and crowned as to shed water quickly into the side ditches, on constructed and crowned as to shed water quickly into the side ditches, on constructed and crowned as to shed water quickly into the side ditches, on constructed and crowned as to

I am aware of the fact that many Members of this House have been and are now opposed to the Government embarking in the building of public highways, and these gentlemen are apt to conclude from a mere glance at this bill that it proposes to have the Government build roads. Such, however, is not the case, and I trust that before any Member of the House determines to oppose this bill that he will do the authors of the bill and himself the justice of carefully considering it. If he will do this, he will see that the bill does not provide for the building of roads by the United States Government, but provides simply that the Government shall pay a State for the use of its roads in the delivery of mail upon the rural routes, just as we annually pay the railroads practically \$50,000,000 for the transportation of mail over their roadbeds, and as we provide in the pending Post Office bill for the payment of ferriage and toll for the use of private roads. One of the excellent features of the bill is that it does not interfere in any way with the jurisdiction of the State over its roads and at the same time protects the National Government by providing that no compensation shall be paid as rental for a road unless that road comes up to certain specifications set forth in the bill, which question is to be determined by an agent of the National Government.

Mr. SAMUEL W. SMITH. Will the gentleman yield?

Mr. BYRNES of South Carolina. Yes, sir.
Mr. SAMUEL W. SMITH. What, in the judgment of the
gentleman, will it cost the first year if this bill is enacted into law?

Mr. BYRNES of South Carolina. If the gentleman will wait just a minute I will get to that and tell exactly what each class will cost.

Admittedly it is the function of the Government to deliver the mail, and it is the duty of the Government to perform that function. In the cities the Government, in order to perform this duty, may erect a public building or may rent a building from some citizen for a post office. It may perform its duty of delivering mails upon the rural routes by building post roads, as authorized in the Constitution; by daily using the roads of a State without paying any rental, as it has for a number of years; or by paying a reasonable rent for the use of the roads, as provided in this bill. It seems to me that if the Government is to be extravagant in its expenditures for facilities to assist it in performing its function in the cities, when it goes outside of the municipalities to the rural roads it should not be come a mendicant upon the States, daily using and injuring the roads and never paying a cent for their use. We should not

there?

spend millions to erect monuments of marble and stone to facilitate the delivery of mail in the cities and then refuse to pay even a reasonable rent for the same purpose in the country. Mr. MADDEN. Will the gentleman permit a question right

Mr. BYRNES of South Carolina. I will.

Mr. MADDEN. I suppose the gentleman refers to post-office buildings in cities?

Mr. BYRNES of South Carolina. I do.

Mr. MADDEN. Is it not a fact there is just as much money spent proportionately for post-office buildings in the country out of the Federal Treasury as there is in the cities?

Mr. BYRNES of South Carolina. I am satisfied such is not

Mr. MADDEN. Oh, surely. Mr. LEVER. It makes no difference in the argument.

Mr. BYRNES of South Carolina. And, as suggested by the gentleman from South Carolina, it makes absolutely no difference in the argument.

Mr. BOWMAN. Is it not a fact the city is benefited quite equally with the country by the building of good roads, by their getting their produce cheaper, and also would not the Government be benefited by having good roads by getting their con-tracts much cheaper, so that it would probably quite cover the amount that is expected to be paid under the bill?

Mr. BYRNES of South Carolina. I think the constituents of

the gentleman from Chicago will so inform him when he goes

back if he votes against this bill.

Mr. MADDEN. I will vote against this provision, all right. Mr. MICHAEL E. DRISCOLL. I would like to ask the gentleman if he introduced a bill having in view road construction in this country?

Mr. BYRNES of South Carolina. I did, sir. Mr. MICHAEL E. DRISCOLL. Can the gentleman state how many of those bills were introduced in this House out of which this composite bill was produced?

Mr. BYRNES of South Carolina. As near as I recall, about 20.

Mr. MICHAEL E. DRISCOLL. Is it not 22 or 23?

Mr. BYRNES of South Carolina. I attempted to get all the

Mr. MICHAEL E. DRISCOLL. But the gentleman will not say as many as 30.

Mr. BYRNES of South Carolina. No; I think about 20. Mr. MICHAEL E. DRISCOLL. Very well. The gentlemen

who introduced these several bills had one plan or another for the purpose of getting money out of the Federal Treasury to build country roads.

Mr. BYRNES of South Carolina. If the gentleman will read the bills he will see that there were many plans proposed-

Mr. MICHAEL E. DRISCOLL. Was not that the idea of the gentlemen, the purpose of all of the gentlemen in introducing these bills, simply to commit the Federal Treasury to the build-

ing of country roads?

Mr. BYRNES of South Carolina. Either to assist the States in building roads, or to have the Government build them.

Mr. MICHAEL E. DRISCOLL. And so you agreed on a

Mr. BYRNES of South Carolina. Is the gentleman going to make a speech or did he desire to ask a question?

Mr. MICHAEL E. DRISCOLL. And you have all agreed on this bill here to get money out of the Federal Treasury to build

roads just the same. Mr. BYRNES of South Carolina. I can not yield to the gen-

tleman to make a speech, but I will ask the chairman of the committee to give him time. As I have only 15 minutes I can not let him take up all my time.

The farmer who travels the road, through the payment of taxes, contributes to the maintenance of the roads. The automobilist who drives his car into a State is required to take out a license, the theory of such a tax being that, as he uses the roads of the State, he should pay for such use, and ordinarily the money derived from this source is converted into the road fund. Why should not the Government, in like manner, pay for the use of the roads in carrying on its business?

Mr. MICHAEL E. DRISCOLL. What would be the ordinary toll for a private individual over these roads which you have charged \$25 a year for an ordinary mule and a cart?

Mr. BYRNES of South Carolina. I will ask the gentleman

how big is a piece of chalk or how long is a string?

Mr. MICHAEL E. DRISCOLL. You are charging the Government \$25 a month for the use of a carriage going over it

Mr. BYRNES of South Carolina. It provides \$25 per mile per year on a macadam road. If the gentleman has an automobile and goes into a State other than his own, they will charge him almost that much for traveling 10 miles.

Mr. MICHAEL E. DRISCOLL. The carrier has not an automobile.

Mr. BYRNES of South Carolina. But nevertheless he uses the roads, and some of them have automobiles and motor cycles.

Mr. MICHAEL E. DRISCOLL. What do you charge the

ordinary rig for toll?

Mr. BYRNES of South Carolina. I must refuse to yield to the gentleman any further time. This year we are paying the railroads \$48.971,000 for the transportation of mail, which is at the rate of \$206.21 per mile. Part of this, of course, is compensation merely for the use of the roadbeds. For the use of the provides that only \$25 a mile shall be paid. For the pneumatic-tube service, which has been installed in five cities in recent years, the Government will pay for the fiscal year 1912 \$925,636.40

For railway mail cars our annual appropriation is about \$5,000,000. The people are entitled to have their mail delivered as promptly as possible and an appropriation for pneumatic-tube service or any other service that will facilitate the delivery of mail in the cities is doubtless a wise and proper expenditure, but the Government should not be willing to appropriate money for such facilities in the cities and then when it comes to paying a reasonable rent for the purpose of facilitating the delivery of mail upon the rural routes refuse to do so and "sponge" upon the States.

The passage of this bill will not bankrupt the Government. According to an estimate furnished by the Office of Public Roads, the first year the bill is in operation we would have, under class A, 60,000 miles of road which, at \$25 a mile, would be \$1,500,000; class B would have a mileage of 125,000 miles, at \$20 a mile or \$2,500,000; class C would have \$00,000 miles, at \$15 a mile or \$12,000,000; making a total expenditure under the bill for the first year of \$16,000,000.

The effect of the bill undoubtedly is to encourage the im-

provement of the roads. If passed now it would not go into effect until July 1, 1913, and my opinion is that its passage at this time would cause the States to immediately improve their roads so as to secure the largest possible appropriation under the bill, and during the next year we would witness an era of road building unparalleled in the history of the country. I believe that in every State we would find this true, that the people of a county having poor roads for which they would receive but a small appropriation, would inquire into conditions prevailing in other countles, and as soon as they learned that another county with better roads was receiving a larger appropriation, they would demand of their county officials that the roads be improved, and if the officials failed to improve them they would have to hunt other occupations. If this should prove true and the roads be improved, as I believe they will, then there would be some increase in the appropriation in after years, but the small increase would be more than justified by the great benefit to the people.

Mr. SAMUEL W. SMITH. Will the gentleman kindly, if he can, toll us just what it would cost the second and third years? Mr. BYRNES of South Carolina. That, I will say to the gentleman, would depend entirely upon how many miles of road

were improved.

Mr. RUBEY. May I answer the question asked by the gentleman? The best estimate that can be made upon that proposition is between \$18,000,000 and \$19,000,000, provided that the roads are complete and ready to fall under the respective classifications as provided in this bill.

Mr. SAMUEL W. SMITH. Is that the second year, please? Mr. RUBEY. That is when they are all completed. Mr. BYRNES of South Carolina. That is when they are all

completed.

Mr. RUBEY. I want to say further, if the gentleman will permit-

Mr. BYRNES of South Carolina. If the gentleman will excuse me, I have but a few minutes more.

There are some Members who frankly admit that they are opposed to any legislation on this subject, and, while we differ with them, we have no serious quarrel with them. Our quarrel is with those few Members who at home profess to favor road legislation and if this bill is voted on as it now stands will vote for it, but who hope to kill it by amending it.

Whenever a Member takes the position that the rent for the use of roads in class C should be greater than that for class A he either has not considered the bill at all, or, having considered it, is opposed to it and is deceiving himself into believing that he can vote against it and then go home and explain his oppo-sition by professing to believe that the higher rental should be paid for the roads of class C instead of class A.

If they think that they can deceive the farmer in this way they are mistaken. He will understand that this bill is based on the idea of paying rent for the use of the roads; that the Government does not pay more rent for the use of a poor postoffice building than it does for a good one. Furthermore, he will understand that to pay a higher rental for the use of a poor road would be an inducement to the people of the States never to improve their roads, because should they do so they would receive a smaller appropriation. It would place a premium on

indolence instead of progress.

Another objection urged by gentlemen who are opposed to road legislation of any kind, but who will not admit it, is that the bill should provide that the money appropriated as rent be expended upon the roads for the use of which the money is paid. We do not provide that the money paid as rent for a post-office building should be used by the landlord in repairing the building. We only require of him that the building be kept in proper repair. In like manner we provide in this bill that rent shall be paid only for roads coming up to certain specifications, and if a road for which rent is paid is not kept in proper condition it will no longer come up to these specifications and it will no longer be paid for. This insures the maintenance of the roads in proper condition by the States.

Those gentlemen who are opposed to the Government aiding in any way in the improvement of the roads of the country have a wonderful opportunity to enlighten the voters of the country at this time, as we are approaching a national convention, as to exactly what weight, in their opinion, should be given to pledges contained in the platforms of the two great political parties. The Denver platform, adopted by the Democratic Party in 1908,

contained this positive declaration:

We favor Federal aid to State and local authorities in the construction and maintenance of post roads.

The Chicago platform, adopted by the Republican Party in 1908, contains this less positive declaration:

We recognize the social and economic advantages of good country roads, maintained more and more largely at public expense and less and less at the expense of the abutting property owner.

Mr. MADDEN. Read it all.

Mr. BYRNES of South Carolina. I can tell the gentleman what the rest is.

Mr. MADDEN. The gentleman is not fair about it. Tell us all

Mr. BYRNES of South Carolina. The platform says:

In this work we commend the growing practice of State aid and we approve the efforts of the National Agricultural Department, by experiment and otherwise, to make clear to the public the best methods of road construction.

But will the gentleman contend that when the national platform of the Republican Party declared that it favored the improvement of the public roads "more and more at the public expense" that it referred to the States and not the National Government?

Mr. MADDEN. Out of the State treasury.

Mr. BYRNES of South Carolina. Then why was it put in the national platform? Why did you not confine it to your State platforms? You know it was put in there to lead the farmers of the country to believe that the Republican Party, like the Democratic Party, was in favor of Federal aid to roads. That was the impression it was intended to make and did make upon the farmer, and if by your votes you tell him now that you did not favor it, he will know what weight to place upon the declarations which you make in the Republican platform of this year.

When we come to the Democratic Party there can be absolutely no question as to what was meant, and the question is squarely up to the Members on this side of the House to redeem this campaign pledge or else notify the voters of the country that platform pledges are made solely for the purpose of securing votes and without any intention of being redeemed.

This bill offers an opportunity to all sincere advocates of road legislation to unite. It would be almost impossible to secure unity of action upon any bill appropriating money to the States to be used by them in building roads, because we could never agree as to how such an appropriation should be made—whether upon the basis of population or of area—and, in any event, there would not be the same equitable division among the States as is provided for in this bill. Again, any proposition to have the Government undertake to build roads would involve the certain disagreement as to where such roads would be built, and the building of great highways across the country, while doubtless of great benefit to the automobilists, would not be of any service to those who live in rural districts and are in greatest need of improved roads. The improvements of the roads of the several States which would be accomplished under this bill would benefit all kinds of travelers, and particularly benefit the farmers who use the roads for business as well as pleasure and who are entitled to relief at the hands of this Congress.

We can gather an idea as to the universality of the benefits to be derived under this bill from the fact that to-day the rural delivery traverses 42,000 different highways of the Nation and comes into contact with 20,000,000 people living in the rural districts. We have in the United States 2,199,645 miles of public highway, of which 190,767 miles, or 8.66 per cent of the total, are improved. The Office of Public Roads estimates that 90 per cent of the travel over our public highways is confined to 30 per cent of our roads, and the improvement of 440,000 miles of public roads would practically meet the present demand throughout the Nation. It is therefore evident that the improvement of what may be called the rural delivery roads, with a total of 1,010,000 miles, will more than meet the present demands of the country.

In the early struggles of the railroads in this country, when they were being constructed, the Government donated to them millions of acres of our public lands, valued at over \$2,000,000,000. Since 1875 we have appropriated \$592,395,000 for rivers and harbors. We have appropriated for public buildings, up to June 3, 1911, \$213,376,000, and for the purpose of road building in the Philippines and our other possessions, \$800,300,000. During this period we have appropriated for the building and improvement of public highways in the United

States-not 1 cent.

Anxious as are the people of the cities for appropriations for public buildings, I believe that the business men of every city recognize that the improvement of the highways approaching the city is of greater benefit to them than the erection of an ornamental post-office building, and gladly would they consent to have a part of this immense public-building fund diverted to

the improvement of the rural free-delivery roads.

Three hundred million dollars of farm products are hauled annually. The average haul is 9 miles in the country and the average cost 23 cents per ton per mile, which makes the total cost of hauling farm products \$600,000,000 a year. According to the estimates of the Director of Public Roads, the cost of transportation over the magnificent roads of England, Germany, and France, by wagon, is only 10 cents per ton per mile. Even if it were half the cost of transportation in this country, it is evident that if we would improve our roads to the standard of the European roads, we could save for the American people in a single year \$300,000,000.

If we had such a system of good roads throughout the country the farmers would save on the transportation of the cotton crop \$5,760,183; of the wheat crop, \$10,256,058; of the corn

crop, \$12,709,278.

The average haul of cotton is 12 miles; the average load is 1,800 pounds, or four bales of 450 pounds each. At 23 cents per ton per mile the cost of transporting a 500-pound bale of cotton is therefore 69 cents a bale.

In order to appreciate these figures let me say to you that the State of South Carolina, in which I reside, last year produced 1,677,204 bales of cotton weighing 500 pounds each. At 69 cents a bale it cost the farmers of that State \$1,157,270.76 to transport this crop to market. Of course this does not take into consideration the hauling of the cotton to the gin and back to the farm. It includes only the cost of hauling from the farm to the market. If the roads were improved to the standard of the European roads we would save one-half of this, or \$1,257,970.50. In addition, we produce something like \$38,647 tons of cotton seed. It cost \$3 a ton to transport it, or for the entire crop \$2,515,941.23. The improvement of our roads to the European standard would save one-half of this, or \$1,257,970.50.

It is estimated that the farmers of our State use several hundred thousand tons of commercial fertilizers a year, and the cost of transporting it from the railroad to the farm is more than \$1,500,000. If our roads were improved one-half of this

amount, or \$750,000, could be saved.

It cost the farmers of South Carolina \$1,444,000 to transport their corn to market. If one-half of this could be saved by the improvement of the roads, it would be a saving of \$722,000. So that, without taking into consideration the hauling of farm supplies, it is evident that improved roads would revolutionize the profession of the farmer and greatly increase his profits.

It is not only in the reduction of the cost of transportation that the farmer will benefit by improved roads, for we all agree that a good road increases the value of the land adjoining it, the increasing being estimated at from \$2 to \$9 per acre. In South Carolina we have 19,565,800 acres of land, and if our roads were improved so that the value of the land adjoining it increased but \$1 per acre it would mean an increased wealth of \$19,000,000, the taxes upon which would greatly aid in the maintenance of the roads.

Good roads contribute not only to the financial profit of the farmer, but also to his educational advancement. Where we

have good roads we have good schools and good attendance upon those schools. According to the statistics of five States where good roads prevail, the average attendance is 78 out of 100, and in five States where the people are not progressive enough to improve their roads the average attendance is 59 out of 100.

It is true that a man does not want to move into a community where the roads are poor. It is one of the first questions asked when he goes to home seeking. The census figures show in 25 counties taken at random, where 40 per cent of the roads are improved, that the average increase of population is 30,000 to the county. In 25 counties showing only 1 per cent of the roads improved the average loss of the population was 3,000 to the county.

While good roads mean more to the farmer than anyone else, because he uses them more, the road problem is by no means the problem of the farmer alone. It is the problem of the city man, whether he be merchant or laborer, just as much as it is the problem of the farmer. It is the problem of the consumer as well as the producer, because the cost of transportation enters into the cost of every commodity when it is placed on the market, and the increased cost of such commodity makes the consumer share with the farmer the burden of the bad-roads tax.

For several years we have heard the "back-to-the-farm" movement. I believe that good roads in the country will do more to solve the problem of keeping the boys on the farms than all the organizations and movements that have been inaugurated in recent years and at the same time will assist in the solution of the problem of the high cost of living. This is a practical measure. It removes the road question from the realm of discussion to the realm of action, and when your votes shall have been cast for or against it the farmers of the country will be able to tell whether or not you have been sincere in your promises to aid in the improvement of the public

roads. [Applause.] Mr. MURDOCK. Mr. MURDOCK. Mr. Chairman, I would like to ask the gentleman from Tennessee [Mr. Moon] if I shall go ahead with the time?

Mr. MOON of Tennssee. Just as the gentleman chooses.

Mr. MURDOCK. I yield 30 minutes to the gentleman from Minnesota [Mr. ANDERSON].

Mr. ANDERSON of Minnesota. Mr. Chairman, I*desire to direct the attention of the committee to H. R. 23419, introduced by myself, to provide for a parcel-post system based on distance transported, which, with one or two amendments to make more definite the operation and administration of the rates provided, I intend to offer as a substitute for the parcelpost sections of the pending Post Office appropriation bill.

During the present Congress more than 20 bills providing for various kinds of parcel posts have been introduced. These bills range from a bill providing for a limited experimental parcel post on rural routes only to a bill to condemn the express companies of the country and give the Government a monopoly of the business of transporting packages and parcels now included in both mail and express matter and include various flat-rate parcel-post schemes.

No one can question the determination of the House, at least, to pass some legislation of this character in the light of the unanimous vote of the House to consider the various parcelpost proposals in connection with the pending appropriation bill. No one will question the determination of the House to give the country some relief from the extortions of the express companies when he reflects that a bill has been reported by a committee of this House fixing maximum express charges for distances from 25 to 3,000 miles and connecting the express service with the rural-route postal service in a practical copartnership between the Government and the express companies in the transportation of express matter.

Recognizing the inadequacy and unfairness of some of these propositions, the inherent viciousness of others, as well as the seemingly insurmountable objections which they presented, I began to investigate the subject with a view of drafting a law which would meet the known objections, provide adequate service, and give relief from the extortionate charges of the express companies.

In drawing the bill and determining the rates I found that there were several limitations and considerations fixed by public sentiment, public policy, and existing law which should be Among these considerations and limitations were:

First. That the traffic should be self-supporting without pay-

ing a profit to the Government.

Second. That a flat rate would obviously lose on long hauls while paying a profit on short hauls. This would grant a subsidy to merchants at a distance from customers-a subsidy paid by those who would be overcharged for short hauls.

Third. That no rate should be higher than the present rate for the same weight, and that no rate should be higher than the rate provided for traffic originating in foreign countries.

At the outset it occurred to me that the social, political, and commercial activities of the average individual, for whose convenience it seems to me the law should be made, if made at all, were carried on within a comparatively small area; that these activities decreased as the distance from the place of their inception increased. Roughly speaking, these activities in the largest degree are confined to a zone not more than 50 miles in diameter. I found that within the limits of 50 miles a parcel could be transported by railroad for less than 1 cent per pound under existing postal contracts. I found that the overhead charge on fourth-class matter, which includes everything but the cost of transportation, amounted, inclusive of rural-route service, to 4.36 cents, and exclusive of rural-route service to 3.66 cents per pound, so that it was possible under existing contracts to carry a parcel weighing 1 pound 50 miles or less for 5 cents. The injustice of a rate of 16 cents per pound, which is the present rate, for a haul of not more than 50 miles is at once ap-

Now, the gentleman from Maryland [Mr. Lewis] in the admirable study he has written upon this subject, finds that the average transportation cost on mail matter under present contracts is equivalent to 9 cents per ton-mile.

Mr. LEWIS. May I interrupt the gentleman right there?

Mr. ANDERSON of Minnesota. Certainly.

Mr. LEWIS. I want to ask the gentleman-

Mr. ANDERSON of Minnesota. I want to say that for much of my figures I am indebted to the study made by the gentleman from Maryland [Mr. Lewis].

Mr. LEWIS. I only wish to interpolate at that point by saying that the rate of 9 cents a ton-mile refers to the equipment and mail.

Mr. ANDERSON of Minnesota. I understand that. Mr. LEWIS. And if the mail alone be regarded, for 1908,

the charge is 13 cents per ton-mile.

Mr. ANDERSON of Minnesota. Taking the figures submitted by the Post Office Department to the Hughes Commission, October 21, 1911, the average rate is found to be somewhat higher, approximating 10 cents per ton-mile on the fourth-class mail matter, exclusive of equipment. This rate is approximately equal to 1 cent per pound for a journey of 250 miles.

Again, referring to the overhead charge on fourth-class matter, it is observed that while the charge amounts to 4.36 cents per pound, the average weight per piece is approximately 4 ounces, so that the overhead charge per piece amounts to 1.09 cents, and the total charge, including transportation, to 2.5 cents per piece. Now, it is obvious inasmuch as present over-head charges will not be increased to any large extent by increasing the weight limit or by increasing the business, inasmuch as we will have the same number of postmasters, rural carriers, and other employees, that the overhead charge per plece or per pound will be very greatly diminished on parcels in excess of 1 pound in weight.

Mr. GREEN of Iowa. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Minnesota yield to the gentleman from Iowa?

Mr. ANDERSON of Minnesota. I do.

Mr. GREEN of Iowa. Can the gentleman specify just what he means by "overhead charges"? I notice that is a term he is using.

Mr. ANDERSON of Minnesota. I will say in answer to that that the Post Office Department includes in overhead charges everything except the cost of railway transportation, and I have

done the same.

Therefore I have taken as a basis for overhead charges in the rates provided in the bill an irreducible minimum of 5 cents per parcel up to 5 pounds in weight and have added 1 cent per pound for each pound in excess of 5 up to the weight limit of 11 pounds.

This charge will be amply sufficient to pay the proportional charge for salaries of postmasters, Railway Mail Service, de-

partmental expense, and so forth, on each package.

With this basis of overhead charges and the basis of 10 cents per ton-mile, or 1 cent per pound for 250 miles, it is comparatively easy to work out a system of rates, determined according to distance, which are entirely feasible and which will be selfsustaining under the present contracts of the Post Office Department with the railroads. For instance, the overhead charge on a maximum distance of 1,000 miles would amount to 10 cents, the transportation rate to 40 cents, a total of 50 cents. The rate under the bill is 64 cents, leaving 14 cents as a margin of safety and to cover any additional haul which might be involved upon a rural route or for delivery in a city.

On a 7-pound package traveling a maximum distance of 1,800 miles the overhead charge would be 7 cents, the transportation charge 52 cents, making a total of 59 cents, whereas the postage rate under the bill would be 66 cents, leaving a margin of safety of 7 cents. These figures, of course, are for the maximum haul in each zone.

Mr. LOBECK. Mr. Chairman, will the gentleman yield? Mr. ANDERSON of Minnesota. I do.

Mr. LOBECK. Have you taken into account the cost that

the Treasury pays for accounting?
Mr. ANDERSON of Minnesota. I have taken into account only the charges which the department reported to the Hughes Commission. The figures are absolutely based on the figures which the department reported to the Hughes Commission. Commission. I do not know whether they include the accounting charges on

Mr. LOBECK. The accounting charges should be included.

Mr. ANDERSON of Minnesota. I think they do not include There is a good deal of expense that is not assignable to any particular class, but is apportioned to different classes

Mr. LOBECK. Does the gentleman think the accounting is

included in that?

Mr. ANDERSON of Minnesota. I do not think it is. It has

never been included heretofore.

Suppose we have an 8-pound package traveling 2,500 miles; the overhead charge is 8 cents, transportation charge 80 cents, making a total of 88 cents. The rate under the bill is 96 cents,

leaving a margin of 8 cents.

Of course the margin of safety on the shorter and minimum distances in each zone will be correspondingly larger. instance, in the 1,000-mile zone, taking a minimum distance of 250 miles on a 3-pound package, the overhead charge will be 5 cents, the transportation charge 3 cents, making a total of 8 cents. The rate in the bill is 22 cents, leaving a margin of 14 cents.

Again, for a 6-pound package traveling 500 miles the transportation charge is 12 cents, the overhead charge 6 cents, making a total of 18 cents. The rate under the bill would be 40 cents, leaving a margin of 22 cents.

Mr. SAMUEL W. SMITH. Mr. Chairman, will the gentleman

yield right there?

Mr. ANDERSON of Minnesota. Yes.

Mr. SAMUEL W. SMITH. I would like to inquire what is the limit of weight in the gentleman's bill?

Mr. ANDERSON of Minnesota. Eleven pounds.

Mr. SAMUEL W. SMITH. You do not put in a limit of 100 pounds?

Mr. ANDERSON of Minnesota. I should say that is not possible under the present railway mail contracts. It would be quite possible, of course, if the bill condemning the express companies became a law.

On a nine-pound package traveling 2,000 miles, the overhead charge is 9 cents the transportation charge 72 cents, a total of 81 cents, while the rate under the bill is 108 cents, leav-

ing a margin of 27 cents.

It may be said with some justice, particularly with reference to the rates on the minimum distances in a zone, that the rates are higher than necessary. It was desired in the first place to insure the rates being high enough to be self-supporting, and the difficulty could not be avoided without greater complication in rates than seemed desirable or necessary.

In addition, there is less difference in the proportion of the rates to the actual cost on maximum and minimum distances than now obtains in express rates. For instance, the express rate is 80 cents for a five-pound package from San Francisco to Walla Wall, Wash., a distance of 1.017 miles; to Cheyenne, Wyo., 1,270 miles; to Granada, Colo., 1.455 miles, and to Fostoria, Ohio, a distance of 2,520 miles—a difference in distance of 1,500 miles, but no difference in rate.

It is unnecessary to cite further instances, as the margins of safety on each rate can easily be determined for the maximum

distance from the figures already given.

In addition to the pound rates provided in the bill, rates have been provided for fractional parts of a pound or ounces graduated according to distance, and so arranged that the rate for any number of ounces under the bill is less than the present rate and less than 12 cents per pound.

Mr. BORLAND. Mr. Chairman, will the gentleman yield? The CHAIRMAN. Does the gentleman from Minnesota yield to the gentleman from Missouri?

Mr. ANDERSON of Minnesota. Certainly.
Mr. BORLAND. I understand that the gentleman is discussing a bill that he has drafted for zone rates for a parcel

Mr. ANDERSON of Minnesota. Yes.

Mr. BORLAND. Does the gentleman's bill contemplate that the railways shall be paid the same for carrying Government parcels as for carrying first-class letters?

Mr. ANDERSON of Minnesota. The same rates as it is pay-

Mr. BORLAND. Does not the gentleman think that there is an inherent difficulty there in competing with the express companies, where the Government is paying first-class postage rates for all kinds of mail matter, and attempting to compete with the railways on a different basis?

Mr. ANDERSON of Minnesota. I want to say right here that there is a very general impression that the difficulty with the parcel post lies in the fact that the Government pays a higher

rate for transportation than the express companies.

Mr. BORLAND. It is true, is it not? Mr. ANDERSON of Minnesota. Yes; it is true; but a greater difficulty is the fact that the overhead charges in the Post Office Department are infinitely greater than the overhead charges paid by the express companies.

Mr. BORLAND. Does the gentleman think that that last statement is correct—that the overhead charges of the Post Office Department are infinitely greater than the overhead

charges paid by the express companies?

Mr. ANDERSON of Minnesota. Undoubtedly.
Mr. BORLAND. Do not the accounting of the express companies and the maintenance of their offices involve a large

amount of overhead charges?

Mr. ANDERSON of Minnesota. Yes; but I want to say to the gentleman that on about 9,000,000,000 pounds, if I remember correctly, in weight of packages handled by the 10 large express companies, the overhead charge was about \$60,000,000, and on about 1,250,000,000 pounds of mail matter the overhead charge in the Post Office Department was about \$140,000,000, so that the overhead charge there is much larger per pound and per parcel.

Mr. BORLAND. I do not know what the gentleman includes

in the term "overhead charges."

Mr. ANDERSON of Minnesota. I include everything except

transportation cost.

Mr. BORLAND. Then the gentleman includes the cost of handling every particular piece of first-class mail. As I understand it, the cost of first-class mail is not so much in the weight as in the handling, and the cost of the other class of mail is largely a question of weight and distance; but in the case of first-class matter, and especially registered matter, it is 98 per cent a question of labor on each particular letter.

Mr. ANDERSON of Minnesota. Not so large a proportion as that. The overhead charge on first-class matter is about 85

per cent of the total cost of handling it. But the rates in my bill are based on the cost of handling fourth-class mail matter, and take into consideration both weight and distance transported. I think I have here somewhere the figures per pound. The gentleman is partially correct, but I do not see where his remarks have any bearing whatever.

Mr. BORLAND. No; the question is this: Can we compete with the express companies by paying the railroads on the basis

that we are paying them now for first-class letters?

Mr. ANDERSON of Minnesota. Absolutely. I think every rate in this bill is ample to pay the transportation charges and the overhead charges and have a margin of safety. Mr. BORLAND. I wanted to hear the gentleman on that

point.

Mr. ANDERSON of Minnesota. I have gone into that.

The bill provides for three distinct classes of parcel-post service. First, a rural-route service for which a rate is provided of 5 cents for the first pound and 1 cent for each additional pound or fraction, with proportionate fractional rates for any number of ounces less than 1 pound. To cover the cost of additional equipment and labor on the part of the rural carrier, it is provided that one-half of the receipts on each rural route shall be paid to the carrier in addition to his salary, but not to exceed \$600. Second, a city delivery system which was originally limited to 5 pounds, but in an amendment which I intend to offer in connection with the bill the limit is raised to 11 pounds, and it provides that the Postmaster General is authorized in any city where the traffic warrants it to establish a wagon collect and delivery service.

The rate of postage for this service is 5 cents for the first pound and 2 cents for each additional pound up to and including 5 pounds, and 1 cent per pound for each pound in excess of 5 pounds up to and including 11 pounds, with proportionate fractional rates for parcels weighing less than 1 pound.

Third, a zone system, based on zones of 50, 200, 1,000, 1,800, and over 1,800 miles. The rates provided for the zone system

for pounds or fractions of pounds are as follows:

On the 50-mile zone, 7 cents for the first pound and 2 cents for each additional pound. In the 200-mile zone, 8 cents for the first pound and 3 cents for each additional pound. In the thousand-mile zone, 10 cents for the first pound and 6 cents for each additional pound. In the eighteen-hundred-mile zone, 12 cents for the first pound and 9 cents for each additional pound. Mr. SAMUEL W. SMITH. May I ask the gentleman a ques-

tion right there?

Mr. ANDERSON of Minnesota. Yes.

Mr. SAMUEL W. SMITH. If we establish an 11-pound rate at this time by the passage of this bill, does the gentleman think the Government is prepared to take care of the business?

Mr. ANDERSON of Minnesota. I think so. I have provided that the law shall not go into effect until the 1st of October, which I think will give the Government ample time to make the

necessary arrangements to take care of the traffic.
Mr. SAMUEL W. SMITH. October of this year?
Mr. ANDERSON of Minnesota. Yes.

All shipments traveling more than 1,800 miles in a direct line are required to pay 12 cents per pound flat. In addition to the pound rates, fractional rates are provided on a graduated scale for parcels weighing less than 2 pounds, so that no rate under the bill is higher than the present rate of 1 cent per pound, and no rate exceeds the maximum of 12 cents per pound. Yet the rates of the bill are from 25 to 50 per cent under the present express rates for the same distances; and it is believed if the bill is passed it will bring very substantial relief from the present exorbitant rates of the express companies. I will print with these remarks a comparison of the rates under the bill and express rates for the same distances.

The rates and zones have been so graduated as to reasonably protect the country merchant in his own market while providing him with a cheap and adequate system for the delivery of

parcels on rural routes or to near-by towns.

It is claimed that the zone system is impossible in the matter of administration. Nothing could be further from the fact. It is not my intention, either in the bill or in this discussion, to attempt to fix the method under which the rates shall be determined, but I have investigated the subject sufficiently to satisfy myself that the system can be worked out without great complication of rates and so that any postmaster or rural carrier can easily and quickly determine the rate from his post office to another post office by reference to a book or map.

In addition the bill empowers the Interstate Commerce Commission to make an investigation of postage rates and to change rates provided by the bill whenever a change is warranted by conditions of the service, distance transported, and other service elements and risks involved therein, but the authority thus given only extends to the service embraced in the zone system.

The provision which empowers the Interstate Commerce Commission to determine the rates within the zones after investigation was drawn with a view to obviating the very serious objection on the ground of public policy and of administration to fixing a rigid system of rates by law. It was designed with a view of affording an opportunity for a review of rates by some duly constituted authority with appropriate reference to the various elements of cost which enter into the transportation of an article. It is possible that additional powers could be appropriately given to the commission, but it is thought that the authority conferred in the bill is sufficient to enable the commission to review the rates and change them in every instance where they are found to be inequable.

I might say in this connection that it has been suggested that the Interstate Commerce Commission should be authorized to fix the rates of railway mail pay to the railroads. Personally, I think that provision might very well be incorporated into the law. The only difficulty is in the fact that the railroads now have contracts with the Government, which contracts can not be changed by law until they expire. We could, however, provide that the Interstate Commerce Commission should investigate the cost of transporting the mail and fix-the rate, which should be the rate in each particular section of the country as

soon as the present mail contracts expire.

Now, it is claimed that a parcel post—and this argument has been directed chiefly against the flat-rate schemes—will injure the rural town and the rural town merchant and accelerate the already too great tendency to centralize business as well as

population in large centers.

I am not in sympathy with the effort which it seems has been made to set the farmer against the country merchant and the country merchant against the farmer in the controversy that has been waged over the parcel-post question, for I recognize that the country merchant and the rural town are just as necessary to the profitable, comfortable, and enjoyable conduct of the business of the farmer as the farmer is to the profitable, comfortable, and enjoyable conduct of the business of the rural merchant. I believe that the time has not yet come when we can seriously consider the elimination of the rural merchant as

a factor in our system of distribution. Any law which unfairly militates against him or places him at a disadvantage with outside competition in his own market will eventually destroy the home market of both the farmer and the country merchant. The country town furnishes a home market for many of the products of the farm which would otherwise have no market at all. If a few of the people of the town or of the farmers in its vicinity took advantage of the alleged bargains of the mailorder house, it is possible that something could be made thereby; but if the whole community should take the same view, it is apparent that the small country town would soon cease to survive.

The farmer knows this as well as anyone else, and he does not desire to bring about this result.

Mr. SAMUEL W. SMITH. Will the gentleman yield to a suggestion right there, when he talks about ruining the country merchants?

Mr. ANDERSON of Minnesota. Yes.

Mr. SAMUEL W. SMITH. Was not the same argument used when we sought to establish the Free Rural Delivery Service and also when it was proposed to build electric railway lines?

Mr. ANDERSON of Minnesota. Absolutely so; and the gentleman can remember when the department store in the city was considered a means for absolutely doing away with all kinds of small business in the country towns and everywhere

It is said that the farmer is not demanding this legislation. This is true in the sense that he is not demanding an opportunity to trade in foreign markets as cheaply as he trades in his home market. But the farmer sometimes has business with the express company. Usually, when he pays the express company's charges it incites his wrath, and he determines that the next time he will patronize Uncle Sam's parcel post. ingly, when he again has a parcel to send to the neighboring town he takes it to the post office, and there he finds that if it weighs more than 4 pounds he can not send it at all, and if it weighs less than 4 pounds it costs him more to send it by mail than by express. He is indignant. His wrath was just and his indignation is righteous. Everybody knows it; even Congress knows it; but no one does anything about it, least of all Congress. The business man and the laborer have exactly the same experience. Neither the farmer nor the business man nor the laborer is looking for a special privilege or a subsidy. looking for the American privilege of a square deal in the matter of transportation rates on small packages, and he ought to have it.

I would not be heard in advocacy of a measure which would even tend to destroy the small town. I live in one myself and know its advantages. I have been a member of business men's clubs; I have been secretary of a merchants' association. All my life I have heard the arguments and advanced them myself against the parcel post, but I must confess that it seems to me that the zone system absolutely eliminates the last argument

against the parcel post.

Nor would I be willing to assist in the passage of a law which would tend to accelerate the steady trend of business and of people to our large cities. This bill will not tend to bring about that result, for under its provisions the rural merchant will have a cheap and efficient system for delivering his goods to the farmer, while it will cost the merchant at a distance from two to nine times as much to get into the same market. gress can not by legislation build a fence around the home market of the country merchant. It can and it should give to the rural merchant the advantage in that market which his contribution in taxes and in time and labor to the common welfare entitles him as against the merchant who pays taxes to the support of another municipality and contributes to the common welfare of another community a thousand miles away.

Add to the advantages which this bill gives the rural merchant the advantage of personal acquaintance, the advantage of the personal equation, the advantage of his stock close at hand, the advantage of his reputation for honest dealing, the ability to give credit, and telephone communication, and he need have

no fear of competition from anyone.

Again, this bill gives to the merchant, the laborer, and the farmer another facility to comfortable and enjoyable living, a facility which particularly relating to the farmer will make farm life easier and more enjoyable, will make markets more accessible, and thus discourage leaving the farm and the small towns to search for these facilities in the larger centers of trade and population. [Loud applause.]

I ask unanimous consent to print, in connection with my remarks, a table of comparisons of the rates under this bill with the express rates for the same distances, and also to print a copy of the bill and the rates under it.

The CHAIRMAN. The gentleman from Minnesota asks unanimous consent to print a copy of the bill and a statement prepared by himself. Is there objection?

There was no objection.

The documents referred to are as follows:

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A bill (H. R. 23419) relating to rates of postage and weights on fourthed as an an anterer, and for other purposes (with amendments).

A bill (H. R. 23419) relating to rates of postage and weights on fourthed as an an anterer, and for other purposes (with amendments).

A bill (H. R. 23419) relating to rates of postage on mail matter of the fourth class shall be as follows:

(a) On articles, packages, or parcels malled at the distributing post office of any rural route for delivery to pattons of such route, or of loop by such rural service, or malled on any rural route or by any post office of the control of the c

rules and regulations as may be necessary, and to provide maps or books from which the rates from one post office to another may be easily determined.

SEC. 2. That this act shall take effect on the 1st day of October, 1912.

Parcel-post rate table. (To accompany H. R. 23419, introduced Apr. 16, 1912.)

	Present rate.	Rural routes.	City deliv- ery.	Not over 50 miles.	50 miles to 200 miles.	200 miles to 1,000 miles.	1,000 miles to 1,800 miles.	1,800 miles and over.
OUNCES.	Cents.	Cents.	Cents.	Cents.	Cents.	Cents.	Cents.	Cents
	1	1	1	1	1	1	1	
	2	1	1	2	2	2	2	- 3
	2 3 4	1 2 2 3 3 3 3 4	2 2 3 3 3 3 3	2 2 3 3	2 3 3 4	3	2 3 4	
	4	2	2	3	3	4	4	
	5 6 7 8 9	3	3	3 4	4	5 5	6	3
	0	3	0	- 4	4 5 6 6 7 7 7 8 8 8 8 11	6	6	1 7
	6	0	0	4 5 5 5 6	0	6	8	i
	0	4	4	5	6	7	8	-
	10	4	4	5	6	7 7 8	8	
	11	4	4	6	7	8	10	1
	12	4	4	G	7	8	10	1
	13	5	5	6	7	9	0	1
	14	4 5 5 5 6 6 6 6 6 6	5	6777999999999	8	9	12	1
	15	5	5	7	8	10	12	1
	16	5	5	7	8	10	12	1
	17	6	7	9	11	11	14	1
	18	6	7	9	11	11	14	1
	19 20	0	4	9	11	12	14	1
	21	0	7	9	11	13	16 16	1
	22	6	7	0	11	13	16	i
	22	6	7	0	11	14	17	1
	23 24	6	7	9	11	14	17	i
	25	6	7	9	11	15	18	2
	26	6	7	9	11	15	18	1 1 2 2 2 2 2
	27	6 6	7	9	11	15	19	2
	27 28 29	6	7	9	11	15	19	2
	29	6	7	9	11	16	20	1 2
	30 31	6	7	9	11	16	20	2
	32	6	999444444444444444	9	11	16 16	21 21	2
	02	U				10	21	1 *
POUNDS.								
	16	5.	5	7	8	10	12	1
	32	6	5 7 9	9	11	16	21	2
	48	5 6 7 8	9	11	14	22	30	. 3
	64	8	11	13	17	28	39	1 4
	80	9	13	15	20	34	48	6
	96	10 11	14	17 19	23	40	57	7 8
	112 128	12	15 16	21	26 29	46 52	66 75	9
	144	13	17	23	32	58	84	10
***************************************	160	14	18	25	35	64	93	12
	176	15	19	27	38	70	102	13

Comparison of rates under H. R. 23419 and express rates.

		5 pounds,		10 pounds.	
	Dis- tance.	Express rate.	Rate under H. R. 23419.	Express rate.	Rate under H. R. 23419.
Boston to-	Miles.				
Taunton, Mass	36	20	15	20	25
Hudeon N V	194	40	20	45	3
Hudson, N. Y Toledo, Ohio	795	55	34	70	6
New Orleans, La	1,607	75	48	110	93
Deming, N. Mex	2,502	80	60	140	120
New York to—	2,002	00	00.	130	440
Tuxedo, N. Y	39	35	15	40	28
Pawtneket R I	195	35	20	40-	3
Pawtucket, R. I Williamson, W. Va	668	65	34	80	6-
Terre Haute, Ind	897	C5	34	80	6-
Elk Point, S. Dak	1,443	75	48	110	93
San Diego, Cal	3, 231	80	60	150	120
Baltimore to—	0,201	00	00	200	120
Havre de Grace, Md.	36	25	15	30	2
Havre de Grace, Md Carlisle, Pa	104	40	20	45	34
Wilmington, N. C	400	55	34	70	6-
Vincennes, Ind	784	60	34	75	6-
Omaha, Nebr	1,295	75	48	100	93
Seattle, Wash	3,026	80	60	150	120
Atlanta to—	0,000	0,0	-		
Newnan, Ga	39	30	15	35	2
Anniston, Ala	104	40	20	45	3
Knoxville, Tenn	197	40	20	50	3.
Orangeburg, S. C	254	55	34	70	6
Dubuque, Iowa	900	75	34	110	G-
Minneapolis, Minn	1, 153	75	48	115	93
Los Angeles, Cal	2,503	80	CO	140	12
St. Paul to—	7.33	850.7	550	10000	
Dayton, Minn	35	25	15	30	2
Gregory Minn	103	35	20	40	3.
Frazec, Minn	194	40	20	50	3.
Frazec, Minn Steele, N. Dak	401	60	34	75	G
Forsyth, Mont	790	75	34	100	6
Chesnut, Mont	1,023	75	48	115	90
Cunningham, Wash	1,609	80	48	125	93
Los Angeles, Cal	2,123		60	140	12

Comparison of rates under H. R. 23119 and express rates-Continued.

	Dis- tance.	5 por	inds.	10 pounds.	
•		Express rate.	Rate under H. R. 23419.	Express rate.	Rate under H. R. 23419.
Chicago to— Aurora, III Harvard, III Crawfordsville, Ind Bay City, Mich Blair, Nebr. New York, N. Y Portland, Me El Paso, Tox. San Diego, Cal New Orleans to—	Miles. 37 63 148 324 481 912 1,149 1,465 2,347	30 30 40 50 55 60 65 80 80	15 20 20 34 34 34 48 48 60	35 35 45 60 70 75 80 120 140	25 35 35 64 64 64 93 93
Garyville, La Baker, La Gloster, Miss Nowbern, Tenn Louisville, Ky. Pittsburgh, Pa. Worcester, Mass San Francisco, Cal	481 787 1,148 1,565	30 40 40 55 65 75 75 80	15 20 20 34 34 48 48 60	35 45 50 70 80 100 110 140	25 35 35 64 64 93 93 120
Denver 10— Castle Rock, Colo Snyder, Colo Hemingford, Nebr Topeka, Kans. Peoria, Ill. Detrolt, Mieh Rochester, N. Y	33 101 257 572 903 1,290 1,621	25 40 60 70 75 80 80	15 20 34 34 34 34 48 48	30 50 75 90 115 120 125	25 35 64 64 64 93 93
Seattle to— Snohomish, Wash. Bellingham, Wash Clackamas, Oreg. Helena, Mont Fresno, Cal. Mapleton, Minn Paducah, Ky. San Francisco to—	38 97 196 783 1,037 1,600 2,504	25 40 50 75 80 80	15 20 20 34 48 48 60	30 50 60 115 120 140 140	25 35 35 64 93 93 120
Mayfield, Cal. Healdsburg, Cal. Raymond, Cal. Angiola, Cal. Likely, Cal. Ogden, Utah. Casa Grande, Ariz. Spokane, Wash. Granada, Colo. Fostoria, Ohio. Calais, Me.	257 408 786 917 1,150	25 40 45 55 75 75 75 80 80 80 85	15 20 20 34 34 34 34 48 48 60 60	30 45 55 70 115 115 125 140 140 165	25 35 35 64 64 64 64 93 93 120 120

Mr. MURDOCK. Mr. Chairman, I yield 10 minutes to the

gentleman from New York [Mr. AKIN].

Mr. AKIN of New York. Mr. Chairman, a few days ago I had a gentleman come to my house to make a little visit. is a constituent of mine. This gentleman, during the evening conversation, said that he had a directory that he would like to send down to me, from which I might get some names of my constituents to whom I might send out some of this "bunk," as gentlemen around me call it. He also said to Mrs. Akin, "I have got a book that I want you to read, and I will send them both to you when I get home."

Now, I have the original package here just as he sent it to me. It weighs 3 pounds and 7 ounces. It came to my office and the young man at my office paid 55 cents for it. Now, then, that was satisfactory. I thought nothing more of it, but in a day or two I received this insult added to injury, if I may call

it so, and this is only two or three days ago.
On the envelope is "Adams Express Co., local cashier." Why,

I would not take \$100 for this.

Date of delivery, it says, from St. Johnsville to this place. Consignee, T. AKIN. Local address, 256 House Office Building. Charges collect, 55 cents. Should have been 50 cents, and there is a refund of 5 cents.

If I went clear down to Seventh Street to get that 5-cent express order it would cost me 10 cents to get it. [Laughter.] Look at it. There it is; and this only happened two days ago. Now, I took the pains to go to the Interstate Commerce Commission and saw a gentleman there by the name of Mr. Lane. I asked him if that was the proper charge for that package. They weighed it down there and he told me that it weighed 3 requires and 7 courses and the member disc rates would be pounds and 7 ounces, and the merchandise rates would be, prior to August, 1911, 65 cents for that package. Since August 1, 1911, it would be 50 cents. If it had been described as books it would be 26 cents. Talk about highway robbery and monumental gall!

Now, every man that ever saw an express company knows that they ask you what is in the package; and even if they did not they ought to know that it contained two books. Any man with common sense could feel of that package and it would not take more than a horse doctor to tell that it was two books. Mr. LEWIS. Will the gentleman yield?

Mr. AKIN of New York. Yes.
Mr. LEWIS. Twenty-six cents is the prepaid rate for which the package would be carried from one end of the continent to

Mr. AKIN of New York. Yes; and no doubt this man would have been glad to pay it if they had told him so.

Mr. CALDER. Will the gentleman yield?

Mr. AKIN of New York. Certainly.

Mr. CALDER. After the experience with the express company in this instance I want to ask the gentleman if he favors

pany in this instance I want to ask the gentleman if he favors condemning them and paying them a large sum of money for their good will and their property?

Mr. AKIN of New York. Mr. Chairman, I dislike to have all my good ideas assassinated by the gentleman coming at me about something which I know very little about and do not care anything about. If I had my way, it would not take me long to take my ram's-horns and go down and blow their place out of business, and there would be a few blankety blanks along with it. Why yes, I would do most anything to those follows. with it. Why, yes; I would do most anything to those fellows; I would get at them with a meat ax. I will answer you fair and square that I would put them out of business if I had the opportunity.

Now, I will give you another little instance of their performances. About two years ago I sent to Atlee, Burpee & Co. for

a package of Golden Bantam seed corn that I wanted.

I wanted to plant some in my little garden. I sent them 40 cents for it, and in about a week I got a notice from the express agent that there was a package there for me and that the charges were 80 cents. Well, Mr. Chairman, the express company still has the package. I never took it away.

Mr. LOBECK. The next time I think the gentleman better send to some Congression.

send to some Congressman.

Mr. AKIN of New York. I think that would be a good idea. That is about all I have got to say upon the parcel-post proposition; but I am in favor of a parcel post. I have not made a very deep study of it. I do not know enough to make a deep study of it. I am only a poor farmer, and no doubt there are a great many lawyers here who could figure this thing up in better shape than I can; but I know that my people want a parcel post—the best that they can get. I was elected on that proposition-to come down here and stand for a parcel post; to vote for a parcel post-and I propose to do it for the best that we can get.

Mr. FOWLER. Does the gentleman want a limited parcel post or a general parcel post?

Mr. AKIN of New York. A general parcel post. Oh, no; do not give me any lemons. I have had lemons enough, and my friend from Tennessee the other day expressed the wish that he did not want to hear anything about the dinner pail and the lemon. But I am afraid my friends will get some of that dinner pail and the lemon before they get through next fall's campaign.

Mr. CANNON. Mr. Chairman, I desire to ask the gentleman a question for my information about the express package that he

has here. He says that it weighs nearly 4 pounds.

Mr. AKIN of New York. Three pounds and seven ounces. Mr. CANNON. Under the proposed parcel-post legislation in the bill before us the charge is 12 cents a pound, is it not? That is the bill. That is what is proposed, without regard to the fraction of a pound, so that it would cost 48 cents to transport this parcel by the proposed parcel post. Why does not

the gentleman amend the bill so that it would be carried for Mr. AKIN of New York. What? The whole parcel for 5

cents?

Mr. CANNON. Yes.
Mr. AKIN of New York. Oh, I would rather pay more for it than that. [Laughter.]

Mr. CANNON. That is all right; but the gentleman paid 5

cents fare to go down and collect the rebate of 5 cents.

Mr. AKIN of New York. No; I did not. I have not done that. I would not go down there for anything and collect that 5 cents—take it away from them. I am going to have that little piece of paper framed and show it to my constituents, those who work from 12 to 17 hours a day and wish for a glimpse of that good old McKinley dinner pail of 1896.
Mr. CANNON. I am afraid the gentleman is entering upon

a very expensive campaign.

Mr. AKIN of New York. Oh, I will take care of my campaign when the time comes. It will not compare with the amount of the gentleman who expects to succeed me here in Congress. They say he has already expended \$23,000 for the congressional delegates in my district, and he is a poor carpet, manufacturer at that, and needs the job to make ends meet.

Mr. Chairman, herewith find copy of an Adams Express Co. money order for 5 cents:

[Facsimile.]

Express money order. V 909126.

When countersigned by agent at point of issue, The Adams Express Company, pay to the order of T. Akin the sum of five cents (\$0.05).

(Not good for more than the highest printed marginal amount. In no case to exceed fifty dollars.)

Countersigned, George E. Phillips, agent, local cashier. W. H. Albert, treasurer.

bert, treasurer.
Issued at Washington, D. C. Name of remitter, Adams Express Company.

Date, Apr. 19, 1912.

(Any erasure, alteration, defacement, or mutilation of this order renders it void.)

(Them the Washington Herald, Feb. 22, 1912.]

PRESS CONCERNS TO BE PROSECUTED—INTERSTATE COMMERCE C MISSION AUTHORIZES SWEEPING CRIMINAL SUITS AGAINST THEM.

MISSION AUTHORIZES SWEEPING CRIMINAL SUITS AGAINST THEM.

Charging that they have knowingly and willfully swindled many thousands of shippers by the collection of double rates, the interstate Commerce Commission yesterday instructed Federal district attorneys throughout the country to institute sweeping criminal prosecutions against practically every express company in the United States. Documentary evidence substantiating the charges has been placed in the hands of these officials.

It is alleged by the commission that nine express companies, against which prosecutions will be brought, have in their treasury no less than \$\$1,957,893, a large proportion of which they obtained through swindles intentionally perpetrated upon the public.

It is the request of the commission that special grand juries be called to hear this evidence, and that indictments be returned without delay against the guilty officials of the various companies. Separate prosecutions will be brought against the Adams, American, National, Globe, Great Northern, Northern, Southern, United States, and Wells-Fargo companies. The proceedings will be instituted at New York, Chicago, San Francisco, and other cities where the violations have occurred. It is not the intention of the Interstate Commerce Commission to make a raid on the express companies and bankrupt them, which it could do with the evidence in hand.

So conclusive does the commission believe its evidence to be, that it has not even waited until the completion of its investigation before beginning criminal prosecutions.

[From the Washington Post, Apr. 12.]

CHALLENGES MR. TAFT—REPRESENTATIVE AKIN REQUESTS DEBATE WITH PRESIDENT—SENDS DEFI IN A LETTER—OFFICIAL "PROGRESSIVE" IEPUBLICAN SAYS THAT, INASMUCH AS REPRESENTATIVE GARDAER HAS ASKED SIMILAR CONTEST OF COL. ROOSEVELT, HE SEES NO WRONG IN HIS PURPOSE.

President Taft was challenged to a joint debate on "Federal patronage abuses" in a letter addressed to him yesterday by Representative Akin, of New York, the only Member of Congress officially designated as a progressive Republican. The challenge follows:
"TO THE PRESIDENT: The press announces that, in the interest of your candidacy, Hon. Augustus P. Gardner has challenged Col. Roosevelt to a joint discussion.

"RATHER WEAK ON RECALL.

"RATHER WEAK ON RECALL,

"Hence I deem it perfectly proper and of the utmost importance that you and I meet in a joint discussion on some of the issues of this cam-

you and I meet in a John
paign.

"I do not profess great knowledge on the question of judicial recall,
but I have some knowledge and conviction on the question of Federal
patronage. I believe that in making and withholding Federal appointments you are acting solely in the interests of your nomination and to
the great demoralization of the public scruce, and on that issue I shall
be very glad to meet you at any place you may designate.

"Respectfully, yours,

"Theron Akin."

"THERON AKIN."

[From the Rural Free Delivery News of Apr. 20, 1912.]

[From the Rural Free Delivery News of Apr. 20, 1912.]

VICIOUS USE OF POSTMASTERS—TERMITTED TO NEGLECT THEIR DUTIES, THESE OFFICIALS ARE CHARGED WITH CORRUPT PRACTICES IN THE ELECTION OF DELEGATES TO CHICAGO.

It is simply ridiculous for this administration to say that it is conducting the Post Office Department as a business institution and not conducting it as a political machine. Never in the history of our national politics have postmasters and post-office inspectors cut such figure in politics have postmasters and post-office inspectors cut such figure in politics as they are in this campaign. Thousands of these officials are daily neglecting their official dufies to devote their time and influence toward securing delegates to the Chicago convention for Mr. Taft. These officials are acting on orders from headquarters. They have been dragooned into sacrificing a public service for politics.

And yet with it all both the President and the Postmaster General have frequently of late recommended that all presidential appointees of this class should be blanketed under civil service and "taken out of politics."

Is not this one of the greatest fallacies of our present-day Government? Why should men holding Federal jobs, who are paid at the expense of the people, dictate to them who they should vote for?

Should not these men serve the people in their official capacity as business men and not as political bosses?

Never before has this question been presented more forcibly than in this campaign. In the primaries and conventions so far held in the various States these Federal officials have shown more activity than ever before has this question been presented more forcibly than in this campaign. In some instances they have bossed, and in some instances they have bossed, and in some instances they have before has this question been presented more forcibly than ever before has this question been presented more forcibly than postmasters. He has condemned both the administration and the postmasters. He has condemned bo

"In this contest, whenever the people have had a chance to express themselves they have come out unmistakably for the right side. We have lost only where there has been cheating and theft of delegates by violence and fraud, or where a community, a boss-ridden community, has sat supine and permitted itself to be defrauded of its rights."

This is only one incident where postmasters endeavored to dictate to voters in cities, towns, and county precincts. They endeavor to pull off the same performance in their respective communities because they are ordered to do so. Failure to act, of course, means ultimate dismissal "for the good of the public service."

President Taft wants postmasters taken out of polities, but it is very evident he does not favor taking them out until at least 1913.

All postmasters, regardless of their class, should be placed under civil service. They should be retained purely on the merit system. They should be barred from politics, and any such activities should be ground for dismissal. The people are growing tired of being bossed and dragooned in conventions and at the polls.

Mr. Chairman, again let me say that I have endeavored to

Mr. Chairman, again let me say that I have endeavored to bring on a go between myself and the now President of the United States by sending to him a challenge for a joint debate on the question of Federal appointments, particularly in the Post Office Department. There is no doubt in my mind that if he would go up into the Post Office Department, in the office of the First Assistant Postmaster General, with a golf stick and put as much force behind it as he does in hitting some of those little white balls on the beautiful green lawn of the golf grounds he would be doing this country a great and lasting service. I am not very long on great judicial temperament, probably not as long on judicial recall as my friend, the gentleman from Massachusetts [Mr. GARDNER], is; but I would be very glad to witness a go between the gentleman, Mr. Gardner, and that buzz saw which contains the patent inserted teeth, so that in case he got one over on him the new patent inserted tooth would fall right into its place, and it would continue on in the same way, and the gentleman from Massachusetts would never know what hit him. There would not be enough left of him to puncture with a hypodermic needle for the purpose of refrigeration.

My former speech, which was printed in the Congressional RECORD, on page 3096, was so full of homely truths that it offended the dignity of the House, and as the author were no political brand and was cut out as a maverick, I intend to eliminate the parts wherein matters of truth are mentioned without dignity, but I wish at this time to insert a clipping from the Washingon Post of April 22, 1912, "Express companies immune":

EXPRESS COMPANIES IMMUNE?

The decision rendered by Federal Judge Hollister, declaring that the Interstate Commerce Commission has no regulative jurisdiction over express companies looks to be, at first blush, as hard a facer for the Government as the recent Supreme Court ruling upholding the monopoly clause in the patent laws. Judge Hollister finds that an indictment against the Adams Express Co. on the ground of overcharging is invalid, for the reason that the company is neither an individual nor a corporation, but a stock association, and that it would be necessary to proceed against its 10,000 stockholders in order to secure its indictment. The interstate commerce laws, it seems, fall to take cognizance of other than corporations and Individuals, and should Judge Hollister's decision stand, the recent investigation of the express companies, which revealed a maze of alleged infractions of the laws, comes to nothing.

panies, which revealed a maze of alleged infractions of the laws, comes to nothing.

Thus the whole fabric of the Government's extensive campaign against big business appears to be crumbling at the feet of judges and juries. The express-case decision supplements the failure to convict the beef packers under the criminal clause of the Sherman law and the adverse patent-law decision already mentioned, the latter of which setbacks probably will prompt the Government to abandon the more important suits now pending against industrial organizations.

Congress, if so disposed, could breathe new life into the restrictive laws and again hale accused parties into the courts. Bills amendatory of the Sherman and patent laws are pending in that body, and it is to be presumed that the Interstate Commerce Commission will ask to have its hands strengthened. Certainly public sentiment will not acquiesce in the abandonment of corporation regulation because of the lack of effective laws. effective laws.

Following is some data taken from the Philadelphia North American of April 22, 1912:

A judge has ruled that the law can not be made to apply to the Adams Express Co., but to enforce the law the Government must indict every one of the 10,000 stockholders. But hush! Don't lay implous hands on the ark of the covenant.

Up to this time, although I have not received any letter of acceptance from my challenge to debate the question of Federal post office appointments with the President, I think the only opportunity that either the gentleman from Massachusetts or I will have is to go out by ourselves and fight it out together. But I insist upon the weapons used being either golf sticks or some kind of a little ding dangs that they play ping pong with or a little tennis racket.

But there are some possibilities, which are herewith shown by an editorial clipped from the Washington Times of April 22, 1912, which I insert, and with this clipping I wish to insert a letter from Gen. A. L. Mills to Maj. Beecher B. Ray:

President Taft, it is announced, is going to spring a political sensation—something positively scandalous—during his invasion of New England this week.

So interesting. But so painfully vague. Can it be that the President's scandal will be a detailed statement of the amount of money spent in getting his nomination in 1908? Is it possible that Charles P. Taft is going at last to let the country know how much he invested in getting a Presidency in the family?

Or is the President preparing to air the whole inwardness of the affair of Maj. Ray, Army officer, labor boster, political pet, and protégé of Mr. Taft?

Or may we expect illumination of the Norton patronage letter and the scandal of using political patronage, first to destroy the progressive wing of the party and afterwards to pull off jobbed conventions in the interest of Taft?

interest of Taft?

Or are we, perchance, to get the exact terms of the deal by which the Taft campaign was turned over to the Lorimer gang, with a Lorimer lieutenant as director general?

Or may we hope for a confession that will clear up all the uncertainty about the inside facts of the dicker that made Ballinger Secretary of the Interior?

There are so many possibilities in this promise of airing a real political scandal that it is difficult to preserve patience and calm pending the great exposé.

HEADQUARTERS DEPARTMENT OF THE GULF, Atlanta, Ga., September 3, 1910.

Maj. Beecher B. Ray,
Paymaster, United States Army, Atlanta, Ga.
Sin: I am directed by the Chief of Staff of the Army to inform you that imputations against you have been made to the Paymaster General in the form of reports alleging illicit relations between you and Mrs. Blank, the wife of Mr. Blank.
These reports are of such gravity as to call in question your character as an officer and a gentleman, for, if the allegations be true, your conduct should be characterized as reprehensible and deserving of the severest condemnation.
Should you desire to take steps to clear your record of these imputa-

Should you desire to take steps to clear your record of these imputa-tions, you will be afforded every proper facility to that end within my power.

power.

In the absence bowever, of such effort for vindication, it is my duty to admonish you as to the future, while under my command, that any misconduct as an officer on your part will not be treated with immunity.

Acknowledgment, in writing, of the receipt of this communication is

desired.

Very respectfully.

Brigadier General, United States Army, Commanding.

I am also inserting the letter of a young man, Mr. Blank, to Gen. Whipple, asking to be relieved from the company of this man Ray, who is still holding his office, evidently without any fear of being removed by the President of the United States:

ATLANTA, GA., June 25, 1910.

ATLANTA, Ga.. June 25, 1910.

My Dear General: Circumstances have arisen that make it absolutely necessary that I be relieved from duty as personal clerk to Maj. B. B. Ray at the carliest possible date. This is not an application, and you will readily see after reading this communication just why I can not comply with paragraph 424 of the Paymaster's Manual, especially the last sentence.

Refore proceeding any further I first desire to impress on you my desire for absolute secrecy relative to the information contained herein. I have a father \$2\$ and mother 73, who celebrate their golden wedding anniversary in October, also two children, and I would brave any circumstances or conditions rather than bring shame and disgrace upon them or have anything made public that I am about to write. I should much have preferred a personal interview, but it seems impossible, as I could not get the leave just now to come to Washington and could not afford to do so at this time.

I have loved and honored my wife above everything else on earth, have trusted her as implicitly as I would my mother, and you can readily see to just what desperation I have been driven when I write this communication.

I have probably been partly to blame for what has happened by allowing Mrs Blank to be in Maj. Ray's company to the extent that she has, but in extenuation of this fact I have only to say that I trusted her to the extent that I did not think it possible she could do wrong.

Within the past few days something, which I can not mention, forced

she hes, but in extenuation of this fact I have only to say that I trusted her to the extent that I did not think it possible she could do wrong.

Within the past few days something, which I can not mention, forced me to the belief that there was something wrong. Last night I had an all-night talk with my wife, and she finally confessed to me that she had on several occasions been intimate with Maj. Ray; that from the first few months that I was assigned to him he had forced his attentions on her, had done everything in his power to make her untrue to me, but that up to the time of our leaving Honolulu she had repelled him, thinking that she could easily keep him at a distance, and not telling me because she considered that she was perfectly able to take care of herself; and as our relations were pleasant and we always seemed sure of a pleasant station, etc., she kept the matter to herself. Upon our arrival in San Francisco we had rooms at the Hotel Manx, and it was there that he first succeeded in overcoming her scruples, securing the key between the rooms and leaving the office in the afternoon, stating that he was attending to private business, only to go immediately to the hotel and enter my wife's room. The arguments he used were particularly contemptible and disloyal to me, he stating that it was only a question of time until I lost my position on account of my debts: that when I did lose my place he would see that she never needed anything, etc. The details are sickening, and I can not bring myself to write more along these lines, except to say that since then he has continually importuned and annoyed her, making all sorts of promises and threatening that he would ask for a different clerk and make me lose my position if she did not comply with his demands. My wife is really but a child in experience, being II years my junior in age, naturally of a trusting and confiding disposition, and although, of course, I can see that there is no excuse for her actions, yet there are certainly extenuating circumstan

I consider Maj. Ray's actions particularly unworthy those of an officer and gentleman and particularly ungrateful, in view of the fact that during his trouble in Manila I was the only friend he had in the Pay Department there. I kept him advised while in the States that he had enemies, stood by him at all times and made enemies for myself; when he and Mrs. Ray came to Manila. Mrs. Blank and myself gave up our own home, which we had furnished there, to them and went out to board; we have nursed both he and Mrs. Ray during illness and I-have done everything in my power to forward his interests, both personal and official. I could not have been more surprised and pained.

Now, I am prepared to forgive and try to forget Mrs. Blank's part of this unfortunate affair. She leaves here on June 29 and goes to Washington, where she will be from July 1 to 6; from there she returns to her home in Blank for the summer. Maj. Ray had promised me two months' leave immediately upon completion of the maneuvers at Chickamauga Park, and I was then going to come to Washington and have made overtures to get a position with Mr. Blank or Mr. Blank, two of my creditors, and try to work off some of my indebtedness.

You can readily see that my daily association with Maj. Ray is almost unbearable—that every time I look him in the face I want to kill him—and that a continuation of our relations is impossible.

As I am entirely innocent in the matter, I desire a transfer and am willing to go anywhere with anyone rather than continue where I now am. I would love to get a chance to come home and see my people, but I am willing this to tell you that my desire is to avoid publicity. No one will ever know that I have written you this letter; I will not let Mrs. Blank know under any circumstances that I have written you and I would prefer to live and bear the present situation rather than have anything come up publicly. What is your advice and how shall I go to work to obtain a transfer, this being inevitable?

In conclusion, it would appear that

Following is a letter taken from the hearings, No. 15, before the Committee on Expenditures in the War Department, written by the President, William H. Taft, to Gen. Whipple:

BEVERLY, July 5, 1910.

ten by the President, William H. Taft, to Gen. Whipple:

BEYELLY, July 5, 1910.

Dear Gen. Whipple: I have read the letter of Blank, which you have shown me, because you knew that in times past I had had a personal interest in the welfare of Maj. Ray. I have no relation to Maj. Ray that prevents my directing you to take the same disciplinary action in respect to him as in the case of any of your subordinates. It seems to me that it would be wise to send Gen. Garlington or a trusted assistant to inspect Ray's accounts and those of his clerk, as well as the charges Blank makes, and, if the facts turn out to be as Blank states them, to separate Blank from Ray at once. While Ray's conduct, if Blank's charges are true, should subject him to the severest condemnation, there seems from Blank's language and telegram to be such a condonation by him and his wife that it would be well to avoid the demoralizing scandal for the Army involved in court-martial proceedings, which would place a stigma on Blank and Mrs. Blank they could never recover from. Ray could be told that his superiors know his fault and have provided against it, but in the interest of his victims and the Army it was deemed best not to present it to a board on condition that he avoid such conduct in the future. These suggestions are upon the assumption that Blank's statements are true and that Gen. Garlington finds them to be so.

I do not favor court-martial proceedings in such cases where there is condonation, in order to prevent scandal. The Army suffers, the parties suffer, and only the prurient readers of such trials receive any advantage. The discipline enforced does not outweigh in its benefit for the Army the injury to the prestige of the Army and the demoralization it causes. You can show this letter to Gen. Garlington and Gen. Oliver, but I would prefer that it do not go on your official files.

The course I suggest is the one it seems to me best with any paymaster, whoever he is. Maj. Ray did me some services of a political character years ago

It appears from reading the hearings before this Committee on War Department Expenditures that this man Ray was seriously afflicted with appendicitis whenever it was necessary to have a change of station and that circumstances go to show that he was very handy with false keys and was able to open doors in hotels whenever he found it convenient to do so.

As I was passing down by the White House even Pauline, the cow, carried a look of shame on her face when I brought the matter of these letters to her attention. Taking these extracts and data and then referring to my former speech, printed in the RECORD on page 3096, will show and probably convince one that this whole political institution in Washington can only be compared to a Nebraska feed lot on a warm summer day just after a warm rain, stirred up by the numerous feet of the cattle contained therein.

Although this may be a homely expression coming from me, known to the newspaper fraternity in Washington as a graduate of a veterinary college, granted that I wear hand-me-downs, and with that expert precision of the usual farmer from the twenty-fifth district of New York who chews "5-cent ante" and expectorates with the best of experts, I could, with satanic

glee, enjoy the chance or opportunity to take any one of that Post Office bunch down, particularly that very honorable First Assistant, and with the skill of a veterinary surgeon thereby cause to be injected a concoction of sufficient quantity and quality of nicotine essence, causing thereby synchysis.

Before closing, I wish to pay my respects to the daily tollet paper known as the New York Sun, which has been so kind and considerate in paying me high compliments as it does-officiated over by the tertiary afflicted (sauvages) aristocracy, and hope that they will keep on with the good work.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. Conry having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 19212) making appropriations for the Diplomatic and Consular Service for the fiscal year ending June 30, 1913.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House of Representatives was requested:

S. 3812. An act to regulate public utilities in the District of Columbia and to confer upon the Commissioners of the District of Columbia the duties and powers of a public utilities commis-

S. 268. An act to establish a fish-cultural station in the State of Rhode Island;

S. 4257. An act for the relief of the estate of Charles C. Benton and others; and

S. 4456. An act for the relief of the estate of Silas F. Baker.

POST OFFICE APPROPRIATION BILL.

The committee resumed its session.

Mr. MOON of Tennessee. Mr. Chairman, I yield five minutes

to the gentleman from Illinois [Mr. Evans].

Mr. EVANS. Mr. Chairman, the postal service is one of the branches of the Government service that shows the pulse of the people, as by close study of it we can always judge whether business is improving or not. When the revenues of the Post Office Department show a normal, healthy increase from month to month it is the best possible evidence that our country is not only prosperous, but that we are improving from day to day in our business relations. When the revenues of the Post Office Department show a decrease or remain at a standstill, it is another evidence that business is stagnated, and it is time for men in public life to devise ways and means for removing whatever obstacle is in the way. During the brief period that I have been a Member of this House, I have endeavored to give close personal attention to matters of public interest, and particularly to questions affecting the postal service of our country. I maintain that the postal service of the United States should be the model one of the world, and that every improvement consistent with the progress of the times should be instituted in the service to raise it to the highest possible standard.

In order to bring about this condition of affairs I believe

that the first requisite is a satisfied and contented force of employees in the postal service, working in harmony with the officers of the department. To my surprise I found on investigation that the employees in the postal service are working under adverse conditions in many respects, and in my humble way I have tried to lay before individual members of the Post Office Committee many grievances of the employees that have

been brought to my attention.

In section 1, under subdivision "Railway postal-car service," a provision is inserted that will, to my mind, provide for the ultimate protection of the railway mail clerks, whose lives are in constant danger, in the discharge of their duties, from defective postal-car construction. These employees of the Government should have every possible protection thrown around them while in the performance of their official duty, as they are constantly working under a severe strain, and their work is not only exacting but extremely laborious.

Section 7 of the pending bill provides for the reclassification of the railway postal clerks, which is but an act of justice that will be appreciated by the railway postal clerks and will meet

with the approval of the public.

The provision in section 1 which provides for the promotion of 75 per cent of the clerks and carriers to the highest grades in their respective offices will undoubtedly remove a condition that has been the cause of much discontent and dissatisfaction on the part of the employees. From inquiries I have made I believe that with an appropriation as is recommended by the committee, together with the normal changes in the service caused by deaths, resignations, and removals, that there will be sufficient money in the hands of the department to permit

of the promotion of every clerk and carrier who earns it. I do hope and trust that there will not be any further cause for the charge of favoritism by the employees against those who have charge of recommending these promotions.

Section 5 of the bill will regulate the hours of labor of the clerks and carriers to eight hours per day, and provide for compensatory time for those employees who are required to work on Sunday. Mr. Chairman, I have given this subject considerable time and investigation and there is no section of the bill that I believe will meet with more universal approval than this one which regulates the hours of these employees. When I first started my investigation and inquiry I was surprised when I learned that the letter carriers had the benefits of the eighthour law taken from them through a decision of the Court of Claims on a test case made by the Post Office Department officials, and that the post-office clerks have not for any great length of time had the benefits of an eight-hour law.

We are living in an age of progression, and the tendency of the times and the policy of the Government is to reduce the hours of labor to not more than eight hours each day. officials might just as well strive to keep back the tide or to keep the world from moving on as to stand in the way of public opinion and progress. The recommendation of the committee on this question is simply what I term long-delayed justice, and I trust that the House will do its full share in remedying the present condition of the working hours of the clerks and car-

riers by acting favorably on section 5 of this bill. Section 6 is one that I believe will appeal to every citizen of our country who believes in free speech and the right of peti-Since 1902 the employees of the civil service have been prohibited by Executive order from presenting their grievances to Congress except through the heads of the department under which they serve. This order, which originated with President Roosevelt on January 31, 1902, was reissued in an amended and more stringent form by President Taft on November 26, 1909. I attended one of the sessions of the American Civic Federation in this city on March 5 and listened to a defense of this order by one of the officials from the Post Office Department who no doubt represented the Postmaster General. The whole strength of the contention of this gentleman seemed to be based on the supposition that employees of the Government should have no right either to express an opinion or complain of grievances unless he did so through his superior officer, and the question of whether a grievance or complaint should even be considered was to be decided by this superior officer. The sur-prising thing to me is that the civil-service employees have tolerated this condition of affairs, and I am not at all surprised at the large number of resignations from the civil service. I believe that this "gag rule" as it is justly termed is un-American and there is nothing whatever to warrant its being permitted to continue in force. Time after time the attempt has been made to break the spirit of the working people of this country, but when the shackles became unbearable there has always been such a revolt as to make the heads swim of those responsible for their petty tyranny. I have always requested employees to consult with me on matters affecting their interest and believe that it is my duty to listen to all respectful appeals and complaints and in order that these employees will not be further handicapped, shackled, and gagged I trust that section 6 of this bill will meet with the approval of every Member of this House.

Mr. MOON of Tennessee. Mr. Chairman, I yield 30 minutes

to the gentleman from Nebraska [Mr. STEPHENS].
Mr. STEPHENS of Nebraska. Mr. Chairman, I consider the three legislative propositions attached to the Post Office appropriation bill providing for the condemnation of the express companies for the use of the Post Office Department, Federal aid to post roads (rural routes), and publication of the names of editors and owners of newspapers to be the most important propositions considered by this Congress, and I desire to go on record as favoring all of these measures,

PARCEL EXPRESS.

A parcel post is usually understood to mean a Government express business carrying packages of a maximum weight of 11 pounds at a flat rate per pound.

A parcel express usually means, literally, a Government express business in connection with the Post Office Department carrying packages up to a maximum weight of 100 pounds, which is the minimum weight charged for in freight shipments.

OBJECTIONS TO PARCEL POST.

A flat-rate parcel post limiting packages to 11 pounds is of no great importance to the rural population, and of no danger whatever to the merchants in small towns. True, the rural weller will be able to have small packages brought out to him from his town, but as a distributor of merchandise generally, marketing the produce of the farm, it is of no value whatever.

There is now a very bitter fight being waged by the merchants of small towns against such a parcel post, and, on the other hand, there is an equally vigorous campaign being carried on by patrons of rural routes for such legislation,

If the real truth were known about the effect of the usual proposed parcel-post scheme, the fears of the merchants would be allayed and the disappointment of the rural-route people would be most keen. The real effect will not be noticeable on either side. What the merchant fears is that his business is to be ruined, and what the farmer wants is to be connected up with the merchant and consumers of his products. that he has not had this connection accounts, in a large measure, for the drift of the farmer to the city and the resulting

high cost of living and scarcity of produce.

Let us see why a flat-rate parcel post limited to 11-pound packages will neither hurt the merchant Lor help the farmer as a means of distribution of merchandise. In the first place, no flat rate can be proposed that will not either rob the shipper or the Government, or be of no use as a mover of merchandise. An 8-cent a pound rate, for instance, would be prohibitive on a short haul, as a 100-pound package would cost the shipper \$8 for the shortest possible haul, while the express company would take it for about 50 cents. In this case the shipper would be robbed if he were foolish enough to patronize the parcel post. On the other hand, the longest possible haul of 3,600 miles would cost him only \$8 by parcel post, the same as the short haul, whereas the express company finds it must charge \$14.87 for transporting the 100-pound package. In this case the Government would be sure to get the business and stand the loss, while the express company would get the short haul and take the profit.

It is argued by the advocates of a flat rate that there would be an average struck, so that there would be no loss in the long run to anyone; but this argument does not take into account that such a rate would not move the traffic except in Nor does it take into account the manifest dishonesty of a flat rate. Such a rate would not fit the short-haul shipper at all, as he could compete with it with a wheelbarrow when anything larger than the smallest packages are concerned, and if the rate was made sufficiently low to meet the demands of the short haul the long haul would bankrupt the Govern-It would thus appear that a flat-rate parcel post is of very little importance one way or another to the country as a

commercial proposition.

FAVORS BUYING OUT EXPRESS COMPANIES.

Therefore, if this Congress would do anything that will mean anything to the people, it must provide for a complete parcel express and carry merchandise up to 100 pounds, which is the

minimum weight charged for by freight.

It is equally apparent that the Government must wipe out the present occupants of this field, the express companies, in order to save the duplication of service. Some contend that the Government could not get the service of the railroads, as the express companies have them tied up with contracts, and that it would be cheaper and better to buy their plants and enter into a completely established business at once. Others contend that the express companies are interlopers into this field and that they never had any constitutional right whatever to the small-package business, and that the railroads can be forced to give the Government the same service it now gives the express companies.

However this may be, if the Government can buy out the express companies at a figure that represents their actual assets, it would be cheaper and better, no doubt, and fairer, in view of the fact that the Government has permitted them to take the small-package business away from the Post Office Department, to take over the express companies rather than to undertake to run them out of business by competition. This might be a

long and wasteful operation.

The gentleman from Maryland [Mr. Lewis] has gone into this subject in an exhaustive manner in Document No. 379, showing how perfectly feasible and practicable the scheme of a parcel express is. He shows that the tangible assets of all the express companies do not exceed \$29,000,000. The earnings last year were about \$12,000,000, or about 45 per cent on their actual assets. Their franchises, good will, contracts, and so forth, would have little, if any, value if the Government went into the parcel-express business, as outlined above; yet, allowing \$10,000,000 for these intangible assets, the total is less than \$40,000,000. If the Government should take over these express companies at this figure and continue to charge the same rates now charged by the express companies for the first two years, it is believed the savings in operation by substituting a stamp for the extensive accounting system, and other savings, would increase the profits sufficiently to pay the purchase price in about and the railroad, and to the farmer who planted the orchard

two years, when the rates could be cut at least to one-half of the present rates, besides giving the country a universal service. GOVERNMENT OWNERSHIP.

There will be some of our timid brothers raise the cry of Government ownership against the parcel express proposed, which involves condemnation of the express companies, but their fears should be allayed when they find themselves absolutely unable to draw a line between the mail and parcel business-to be able to tell at what point the Government should stop in the service it is now rendering the people. Taking over the express business has the same relationship to Government ownership that the present mail service has. If any gentleman would advocate turning the mail service of the country over to private enterprise then he should also oppose the Government taking over the express companies. If the Government can give a better and more universal service in the distribution of mail packages than can private corporations, then for the same reasons it can give a better express service than can private enterprise. The fact that the Government mail service is now in close communication with every part of the country, and that absolutely no other private service exists that could duplicate this service, and if it could it would be an intolerable monopoly, ought to be proof conclusive that the Government is the only agent that can render a universal express service to all the people. The fear of Government ownership ought not to deter anyone from supporting this measure, unless he holds to the belief that an express company or some similar private corporation could give the country a better mail service than the Government now gives us.

GOVERNMENT ONLY AGENT THAT CAN GIVE UNIVERSAL EXPRESS SERVICE. It must also be apparent to anyone who studies the question that the Government is the only agent that can give the country a universal service of this character. The Government now has established mail routes into every nook and corner of the country, ready for immediate service in small packages, and can be gradually developed, as the rural mail-delivery system was developed, as the demand increases. There is no way that a rural express giving a universal service can ever be successfully established on an economical basis save through the Government mail service. If we leave it to private enterprise we must either duplicate the Government service now on rural routes or permit private express companies to use our rural carriers as they do the railroads, and if this is done we still do not have a universal service at a rate that will move the produce of the country. The present express rates are now prohibitive in the movement of many classes of products between cities, and the same conditions would remain even if they were ever allowed to use rural carriers to extend their service.

ADVANTAGES OF GOVERNMENT EXPRESS.

The advantage of a parcel express where merchandise is moved at cost or a small profit, with a rate based on weight and distance, is fair to all. It does not give the advantage to large centers, thus concentrating the business of the country in a few hands, but it does give a cheap rate of transportation. with facilities so easy of access to all the people that quick distribution of products must follow. The man living 10 miles from the railroad is almost as well off as the man who lives within a few blocks of the station, as the parcel-express van will call at his door daily, or triweekly, or semiweekly, as the demand requires. The result of this system of quick and universal transportation will be to reduce the cost of living very greatly and for many reasons. One is, it will place in the hands of the consumer vast quantities of products that now go to waste on the farms of the country. Another will be the cheapening of the products as a result cheapening of the cost of transportation and increasing the actual amount of available Another will be the stimulation of production due to the facility for marketing it.

As an example of waste of the products of the farm for want of easy and quick distribution: Last fall I saw thousands of bushels of apples rotting in the orchards in eastern Nebraska for of a cheap and easy method of transportation. These orchards were within 50 miles of a city of 150,000 people, where apples were selling to the consumer for 40 cents a peck, and we still wonder at the high cost of living. If those farmers had undertaken to reach that market, this is what would have happened to them: First, barrels or boxes would have to be procured, apples packed, corn husking stopped, team taken from the field, and long trip taken to town with the shipment. The local merchant would then take the shipment and consign it to a commission man in Omaha, and the commission man would sell it in turn to a retailer, and the retailer delivers it to the consumer. Forty cents a peck does not seem a very high price to the three middle men

and cared for it 10 years before it was old enough to bear fruit the amount left looked discouraging indeed. Maybe in the end the farmer would get 10 cents, and may be he would get a bill for the loss sustained in the shipment. I have known several instances where actual losses have been sustained on shipments of this kind. After a few experiences the farmer settles down to corn and hogs and lets the other products of his farm go to waste rather than to waste his time trying to get them to the consumer.

As a further example of the present condition of the producer, a man in southeastern Nebraska consigned a car of apples to Omaha, and in the course of a day or so he got a letter requesting a draft to cover a part of the freight charges and commission, as the apples did not sell for enough to cover expenses. The producer wired back that he did not have any money, but he could send another car of apples. [Laughter.]

VALUE OF MIDDLE MAN.

I do not wish to be understood as attacking the usefulness of a middle man. There are places in commerce where he is most useful and important in the distribution of merchandise. fact, the country could no more do without him than it can without the railroads. But it is not reasonable to expect the producer to pay four profits on the passage of a peck of apples from his orchard to the consumer. Such a condition is simply and absolute waste, and no one can defend it. Let the farmer have a chance to consign his products direct to one middle man or to the consumer, as is the best for him. A middle man who serves no useful purpose has no claim to exist. If he can not serve profitably, he should become a producer. The middle man who makes himself useful to society is the one who gathers up the products that are not in touch with a natural market and distributes where needed—is a most useful adjunct to trade. No middle man who serves a useful purpose need have fear of his trade disappearing. It is not according to the law of trade.

A COMPARISON OF TRANSPORTATION-YESTERDAY AND TO-DAY,

Our present facilities for transportation are splendid compared to those of 25 years ago, and we only need to look back to realize what a great future we are now contemplating, and this high cost of living is bringing us closer to the realization of it. I am a comparatively young man yet, but I was a voter before we quit burning corn in Nebraska for fuel. Think of it, this wonderful food product, King Corn, the staff of life, we burned to keep us from freezing, not in times of stress, but quite regularly, because it was the cheapest thing we had to Over here on this side of the Mississippi the people who mined the coal were warm enough, but hungry for our corn, and we were not hungry, but chilled to the bone for want of their coal.

And all this time the great Union Pacific Railroad trains passed our doors daily, to the construction of which the National Government had donated millions of acres of our public domain and millions in money, but its rates were so extortionate that the products of the farm would not sell for enough to pay the freight to those who needed them. The case is not so bad to-day. The railroads have learned that rates can be so high as to kill business, and the people have learned also that they can in a measure control common carriers. result of this experience has taught the railroads that by making a low rate they can create business, so to-day the trains coming out of Nebraska are loaded down with corn, wheat, and cattle from our farms, and the trains going in are loaded with coal, lumber, and merchandise. They still charge every dollar the traffic will bear and yet move, but they watch the rate barometer closely.

PARCEL EXPRESS WILL DOUBLE VOLUME OF BUSINESS.

It is not claimed for the parcel express that it will in a way affect the movement of staples such as the heavy products of the farm, but it is claimed that the Government with a free field can through the parcel express reduce the present express rates at least one-half and give a universal service wherever mail is delivered.

Cutting the express rates in two means a doubling of the business at least once, and in doubling the business the cost of living must necessarily be reduced. The cost of living depends as much

upon the means of distribution as it does upon production.

Mr. SAMUEL W. SMITH. Mr. Chairman, I was told before Mr. SAMUEL W. SMITH. Mr. Chairman, I was told before noon that they have a commission for the control of express companies in Canada, and that last fall they cut the express rate in half and that the express companies there are not objecting. They are doing more business under that than before. Does the gentleman know anything about that?

Mr. STEPHENS of Nebraska. No, I do not; but I think it

is very probable.

Nothing could be more absurd than the present system of sending out an able-bodied man with a team and wagon over a

mail route for the purpose of delivering possibly an average of 100 letters a day, and with strict orders from the Government not to be useful to the patrons he serves in any other manner than in the delivery of mail.

It does not require a very vivid imagination to conceive of all these dinky mail wagons being exchanged for auto trucks, covering twice the length of routes and doing a package-express business in connection with the mail delivery, thus rendering a real service to the country. It is apparent the authors of the good-road feature of this bill foresaw the coming of this method of rural transportation and have anticipated the needs of the country for better wagon roads.

UNIVERSAL EXPRESS SERVICE BEGINS NEW ERA:

This system of Government parcel express in connection with the mail delivery will be the beginning of a new era of prosperity in this country. The difference between the new era perity in this country. The difference between the new era and the one passing will be that the mass of the people will share some of the prosperity as well as those who trade and traffic in the products of the producers. In the decade closing the increase in the commerce of the Nation has been beyond human conception, yet the accumulated wealth of this period has not been left in the hands of those who produced it. Those who handle the Nation's products know exactly how much money they have paid the consumer and, therefore, how much the consumer can pay for the products of labor, so they fix the price at what the traffic will bear, take out all they can, and leave the man who produces the products just enough to coax him on and keep him producing. It is a great game, and it will be a long time yet before the producers of wealth will be able to protect themselves from those who live by exploiting them.

Another result of the establishing of a universal parcel express through the Post Office Department that would be farreaching and of national importance would be the encouragement of the "back-to-the-farm" movement. This drift from the farm to the city is an actual menace to the peace and welfare of the Republic. With universal express the man of the farm as well as the country merchant is placed in close communication with the commerce of the Nation. He is no longer outside of it, but a part of it, and the products of his toil are easily accessible to those who consume them or to the merchant who deals in them.

SMALL TOWN MERCHANT WILL FAVOR PARCEL EXPRESS.

In this connection I have not given much attention to the effect on the small towns of the passage of this proposed Gocke bill. The reason I have not is because their prosperity is entirely wrapped up in the prosperity of the farmer. The country merchant ought to welcome this law with open arms. It means a cut of at least one-half in his express account. It means that his customers on the farm will sell probably twice as much produce as formerly, and therefore have twice as much money to spend as they now have. It means cheaper produce to the consumer because of the cheaper and quicker means of transportation. The merchant can not and will not oppose this measure, but he would be perfectly right in opposing a flat rate parcel post that would rob the Government on the one hand and put it in the pockets of the mail-order houses on the other. Let the merchant, farmer, and mail-order house pay just what it is worth for the transportation of merchandise. There is no justification for a rate that is not fair to every one.

OPPOSITION MEANS STEP BACKWARD.

To oppose the perfecting of our system of quick and easy transportation is to stand in the way of progress. One might as well try to sweep back the tides of the sea. It would be as reasonable to take away our present crude system of communication and transportation and lapse again into barbarism as it is to try to prevent its complete development, so that every part of the country will be in close relationship through a perfect system of distribution.

GOVERNMENT AID TO POST ROADS.

The Shackleford bill providing that the Government shall pay for a part of the upkeep of the public roads over which rural mail routes are laid is perfectly practicable, and if enacted into law will be a great encouragement to local and State authorities in the construction of good roads, as I shall undertake to show in these remarks.

Some of our good friends are greatly shocked at the idea of Government aid to post roads, as provided for in this bill. They evidently have not thought of the exact parallel we have in the payment annually by the National Government of some \$50,000,000 of compensation to the railroads for the use of the Post Office Department in transporting the mails. The railroad company furnishes a railroad and the Government pays \$50,-The railroad 000,000 rent for using it. The counties and States of the Union

furnish 1,000,000 miles of wagon road over which the Government transports the same mails, and the Government pays not one cent toward it. By what law of logic can one justify compensating a mail route that lies over steel rails and refuse compensation to the mail routes that lie over the wagon roads of the country?

Mr. MADDEN. Mr. Chairman, will the gentleman yield? The CHAIRMAN. The time of the gentleman from Nebraska

Mr. MOON of Tennessee. Mr. Chairman, I yield the gentleman from Nebraska 10 minutes more.

Mr. MADDEN. Mr. Chairman, how much annually does the Government pay to the rural carriers for delivering the mails over the roads to which he refers?

Mr. STEPHENS of Nebraska. The Government pays \$1,000 a year to the rural carrier for the service of delivering the mail to the rural-route patrons, and this carrier furnishes his own horses and wagons and pays for all of the upkeep, and in the gentleman's city the Government pays \$1,200 to the mail carriers who do the same service, who do not have to pay any of these expenses.

Mr. MADDEN. Is not the wagon service to which the gentleman refers equivalent to the railroad service?

Mr. STEPHENS of Nebraska. The carrier himself furnishes the wagon.

Mr. MADDEN. The railway furnishes the car.

Mr. STEPHENS of Nebraska. But the Government pays for

the car.

Mr. MADDEN. The Government pays for the wagon the carrier furnishes.

Mr. STEPHENS of Nebraska. It does not. The carrier himself furnishes his own wagon, and he furnishes as a rule four horses and their harness and feed and the upkeep of the wagon, and he gets \$200 less a year than the carrier in the city.

But if there were technical objections they should be removed for the sake of the splendid results in national development that is sure to follow this policy. The passage of the parcel express measure will make it necessary to improve the post roads over which this new volume of business must be moved. Many post roads are now totally unfit for quick and economical express service.

WOULD ENCOURAGE LOCAL AUTHORITIES.

It has been argued by some Members in this House that national aid to these post roads would be the signal for the local authorities to stop all efforts to improve the roads, leaving the work entirely to the Government. Gentlemen who make this plea are undoubtedly not familiar with the experience of the country on this subject. Wherever States have given aid to counties in the construction of roads it has doubled and quadrupled local road interest, encouraging counties and towns to raise large sums of money to further the work. The Senator from Virginia [Mr. Swanson] in a speech before the Senate on this subject stated that as a result of the State appropriating \$250,000 for aid to counties in road building, the counties of the State were led to raise \$3,000,000 for road purposes. This has been a universal experience and bears out the belief that national aid to post roads will have a similar effect.

This would not be true if the Government took over the roads

This would not be true if the Government took over the roads and supervised their construction and maintenance. But this bill wisely contemplates leaving the post roads in the hands of local authorities. This leaves the Postmaster General free to pass upon the kind of roads that local authorities maintain, and if the roads are not up to requirements national aid will be withheld. With a club like that nothing but neglect and indifference on the part of the Postmaster General could prevent post roads from being the best in the country.

GOVERNMENT HAS AIDED OTHER INDUSTRIES.

And where and how could the National Government render the public a greater service than in this proposed aid to post roads? Rural routes. Forty million people live along these highways, and they pay, at least, one-half of the taxes collected by the Government.

For more than a hundred years the Government has given aid to transportation lines on land and water. It has given 200,000,000 acres of the public domain to the railroads of this country and millions in money. It has given untold millions to dredging streams and building harbors for the water commerce of the country. It has spent countless millions for public buildings in the various large cities of the country. It has, through a protective tariff, established a protection to the manufacturing business of the country, legally enabling it to force a tribute from other industries. The Government has done all these things in the interest of two great industries—transportation and manufacturing—but it has proportionately done little for the greatest industry of them all, agriculture; but agriculture

bears on its broad shoulders the other two dependent industries of which we have been so considerate.

EXAMPLES OF WASTE ON RIVERS

Now, when we come down to the proposition of spending a few of these millions among the people who have paid one-half of the taxes of the country, and who have had little direct benefit from the expenditure of these taxes, we have Members of this House expressing great surprise at the proposition, ignoring the fact that the proposed aid to post roads is not a drop in the bucket to the amounts that are paid out annually for much less meritorious projects. As an example, every year this Government pays out many thousand dollars for running a snag boat up and down the grand old Missouri River, around two sides of my district, lest the great commerce of that shifting stream of sand might be tied up on a cottonwood stump. I have not been able to find a man in my district whose residence dates back far enough to remember when that snag boat began operations, nor is there a man in that country so ignorant as to not appreciate the stupidity of such an expenditure. In 1910 the snag-boat flotilla moved up and down the Missouri from Kausas City to Fort Benton, Mont., a distance of 1,893 miles, and pulled from the river 881 snags. One of my constituents informs me that he saw the snagger pull the same stump three times, each time elepositing it on a shifting sand bar to wash away again. Every two or three miles the snagger pulls a stump and thus figura-tively saves some mighty craft of commerce that is supposed to ply between Kausas City and Fort Benton, Mont., from a sandy, stumpy grave. The money wasted in this manner would go a long way toward protecting its banks, or building post roads in Nebraska and the adjoining States.

Not only has the Government given aid to actual commerce on our navigable rivers, but it has squandered millions on streams that have no commerce, never did have, and no one expects they ever will have, all of which ought to be sufficient precedent for Government aid to the commerce that moves over the wagon roads of this country. It is not consistent to vote public funds for the aid of railroad and river commerce and refuse it to post roads, where another great economy can be practiced.

BAD ROADS A TAX ON COUNTRY.

This country pays every year approximately two and one-half billion dollars for wagon freight. The sum is a tremendous tax upon our resources, because of the lamentable conditions of our roads. In France where the Government builds and maintains all the main wagon roads of the country the wagon freight is moved for less than half what it costs in this country. If we could improve our highways so that the present load could be doubled we would save in wagon freight in this country annually about one and one-quarter billion dollars, or enough to build three Panama Canals and leave a balance. while this enormous saving is perfectly feasible and has been actually realized by other nations, we go on complacently voting millions for the improvement of the navigation on Lost Creek and for public building at Sundance and other equally unimportant places where the Government could hire the service for one-fourth the interest on the invest-There is not a locality in the United States, outside of the large cities, that would not infinitely prefer national aid to post roads than to have public buildings erected in a favored towns. I do not oppose the erection of public buildings where it is an economy to do so, but what I oppose is the extravagant waste of money for this purpose when we need it so badly where it would earn large returns on the investment, as would be the case when invested in good roads. The Government could take the money invested in two post offices in my district and build post offices in 10 towns that would be in keeping with the buildings in those towns, and if it turned the money over to the towns themselves, to be expended under Government supervision, the people would get 25 per cent more for their money than they now get, as fully half of the publicbuilding appropriation is spent in overhead charges.

TAX FOR ROADS NOT A TAX AT ALL, BUT AN INVESTMENT.

The tax levied for the maintenance of the courts, Army and Navy, et cetera, is a burden on the producer and no material results can come back to the people as a result of these expenditures. This money is gone forever. It is a clean waste, but the tax levied for good roads is not a tax at all, but an investment which pays back to the people an enormous dividend. This is exampled by a statement made by Gov. Swanson, of Virginia, now in the United States Senate, in which, after calling attention to the millions spent by that State in the last few years for good roads, says:

What is still more striking in this matter is that the expenses incurred by the State for education and roads more than paid for themselves in the increased revenue derived by the State on account of the increased prosperity and advance of values without any increase of taxes whatever The revenue of Virginia for the years 1908 and 1909 increased over the revenue of the two previous years more than \$916,000, although these years immediately followed the panic of 1907.

FEDERAL AID ENCOURAGES STATES AND COUNTIES.

I think it safe to say that there is not an instance where counties and States have made road improvements that the valuation of property has not increased sufficiently to raise sufficient funds to pay for this improvement without increasing the tax rate. In other words, the building of good roads produces wealth instead of being a burden of expense to the people. The object of Federal aid for this purpose is not so much for the purpose of raising funds to build roads in the States as it is for the purpose of encouraging the States to enter upon this work of im-

proving their highways.

Senator Swanson, in his speech before the Senate on this same subject, showed how States aid through the work of convicts on the road, and the sum appropriated, of \$250,000, was the means of encouraging the counties to raise approximately \$3,000,000 in a very short space of time for the purpose of improving the roads of the various counties of the State. These counties were induced to raise this large sum of money in order to receive State aid, and the amount of money they received from the State equaled the amount they would raise themselves. The Senator also stated that educational facilities would improve with road conditions. Under the operation of this principle of State aid the high schools were increased from 74 to 405. More than half of the magisterial districts of the State rapidly acquired high schools. Think of it. In the whole State of Virginia only 74 high schools had been established in rural districts up to two or three years ago, when the State appropriated \$100,000 for their encouragement, and in the state appropriate \$100,000 for their encouragement, and in the short space of two or three years these high schools increased from 74 to 405. This is the best evidence that could possibly be produced showing that Federal aid to States would encourage States to take up the question of improving the highways of the States through the cooperation of the counties.

FARMER HAS NOT PRESSED HIS CLAIM.

The three great industries of our business life are agriculture, transportation, and manufacturing. Of these three agriculture is the basic industry, the other two being dependent upon it for their very existence. Agriculture fills the storehouse of the Nation; upon it and its allied industries depend the very life of our records. the very life of our people. A poor crop forecasted and all the other industries languish; a bountiful crop and the wheels of industry hum. In fact, every material prosperity in every walk of life rests upon this great industry of agriculture; not only is the prosperity of the Nation dependent upon it, but it also bears directly and indirectly a great proportion of taxes levied by the Nation. The agricultural interests have had little Government consideration as compared to the other two great industries-transportation and manufacturing-due to the isolated condition of the farmer. He has not pressed his claim at Washington as vigorously as have the other two. These industries—manufacturing and transportation—have been in the hands of shrewd business men, who have been able to force from the hands of the Government aid which has made them prosper beyond similar industries anywhere in the whole world, and they have prospered in a great measure at the expense of agriculture.

If the objection to Government aid to roads arises from the belief that the local authorities might not use the money intelligently and economically for the benefit of the roads, they only need to turn to the millions of money spent on the rivers and harbors of the country and compare the results with those obtained by the common wagon-road officials with the comparative of the country and compared to the coun

tively small sums at their disposals.

We have no road officials in Nebraska so ignorant or indifferent to the public need as to spend fifteen or twenty thousand dollars a year running a snag boat up and down a river that has no commerce, nor ever will have, but they would instead take that money and protect the banks of the stream with it. Or if that money and protect the banks of the stream with it. Or if there are still others who think we have no precedent for such an expenditure let them read the history of the national pike built by the Government. Let them go to Panama, Porto Rico, and the Philippine Islands and ride over the spiendid stone roads built by the Government for a barefoot, semibarbaric people. We have no such roads in this country outside of the

influence of our largest cities.

Why should the Government build stone roads in our foreign possessions and refuse to pay a reasonable compensation for the upkeep of the post roads of the people of the United States the upkeep of the post roads of the people of the United States who pay the taxes? It costs money to build railroads, and the Government recognizes the fact by compensating them for service in transporting the mails. The States and counties build

wagon roads, and they, too, cost money, and why should not the Government compensate them by returning a portion of the tax they pay to the National Government to be used in the maintenance of post roads?

FARMERS FOR FEDERAL AID.

The agricultural interests of this country are clamorous for Federal aid for the construction of public roads and they do so upon the ground that the people in the end must pay the extra cost of transporting the foodstuff of the world from the farms to the railroads, and that this tax aggregates two and one-half billion dollars a year. This sum is a tax upon the products of the soil and must be borne by all the people. Federal aid for wagon roads is sometimes opposed on the ground that the road has only a local importance and the benefit would accrue only for the landowners along such roads, while all the people would be taxed. Such arguments can not be defended. If they could be defended, we could not build courthouses or schools or improve our rivers for the reason that only a few would use the courthouses, or a fraction would receive any benefit from the rivers, and only a portion of the people have children to educate. Of the same character is the objection that Government aid to roads would have only a local benefit in increasing property values at the expense of all the people. The same argument would hold against the bonus of 200,000,000 acres of public lands to encourage the construction of railroads, as only the immediate country through which the road passed would be Yet this aid given the railroads opened up the West benefited. and developed it a hundred years in advance of the same development without them, and as a result billions of indirect tax has been paid to the National Government in return for the outlay in encouraging the construction of railroads.

Therefore I am convinced that while there has been great waste wherever the Government has attempted to aid in the development of the country, yet the results for good have been infinitely greater than the losses sustained. The importance of connecting the farm up with the commercial world is apparent in the decay of agriculture east of the Appalachian Mountains. It is only a question of years until this decay will eat into the West, the storehouse of the Nation. Bad roads lead directly to national decay as certain as death itself. Tenant farming has been the curse of Ireland for 300 years, and that day is coming in this country if this great industry is not given an opportunity to live. Covernment all to year reads in convention with the to live. Government aid to post roads in connection with the parcel express will be a great step in the right direction. I sincerely hope that both these measures will become laws.

[Applause.]

Mr. MURDOCK. Mr. Chairman, I yield two minutes to the gentleman from Illinois [Mr. Fowler].

Mr. FOWLER. Mr. Chairman, I ask unanimous consent to extend my remarks in the Record, which I delivered this after-

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois? [After a pause.] The Chair hears none.

Mr. FOWLER. I yield back the remainder of my time to the gentleman

Mr. MURDOCK. Mr. Chairman, I yield one minute to the

Mr. MURDOCK. Mr. Chairman, I yield one minute to the gentleman from Tennessee [Mr. Austin].

Mr. Austin. Mr. Chairman, I ask permission to extend my remarks by printing in the Record correspondence with the Sixth Auditor of the Post Office Department.

The CHAIRMAN. Is there objection to the request of the gentleman from Tennessee? [After a pause.] The Chair hears

The correspondence is as follows:

Spondence is as tollows.

TREASURY DEPARTMENT,

OFFICE OF AUDITOR FOR POST OFFICE DEPARTMENT,

Washington, March 8, 1912.

Washington, March 8, 1912.

Hon. Richard W. Austin,

House of Representatives.

My Dear Mr. Austin: Receipt is acknowledged of your request of to-day for an explanation of the statement contained in the report of the House Committee on the Post Office and Post Roads that the final figures from the auditor show a deficit of \$627.845.94 instead of a surplus of \$219,118.12 in the postal service in the fiscal year ended June 30, 1911.

The information desired will be found in the inclosed copy of a letter of even date addressed to Hon. John A. Moon, chairman of the House Committee on the Post Office and Post Roads.

Very truly, yours,

Chas. A. Kram, Auditor.

CHAS. A. KRAM, Auditor.

TREASURY DEPARTMENT,
OFFICE OF AUDITOR FOR POST OFFICE DEPARTMENT,
Washington, March 8, 1912.

show there is a deficit of \$627.845.94, instead of a surplus of \$219,-118.12, in the postal service in the fiscal year ended June 30, 1911.

Your letter, which was delivered to this office by a messenger, reads:

COMMITTEE ON THE POST OFFICE AND POST ROADS,

HOUSE OF REPRESENTATIVES, UNITED STATES,

Washington, February 21, 1912.

Hon, Charles A. Kram, Auditor for the Post Office Department, Washington, D. C.

DEAR SIR: Please give me by letter the total revenues of the Post Office Department for the fiscal year 1911, stated from July 1, 1910, to June 30, 1911, and the total expenditures on account of the isseal year 1911, up to January, 1912, or to date. I need this statement for immediate reference, and will thank you to give it to me independent of other figures. Please send it by bearer, and oblige, Yours, very truly,

JOHN A. MOON.

Chairman Committee on the Post Office and Post Roads.

In a letter of the same date this office furnished the information requested, to wit, the total audited revenues for a period of 12 months, \$237,879,823.60, and the total audited expenditures for a period of 19 months and 17 days, \$238,607,693.54. On that data the committee reached the conclusion that the expenditures exceeded the receipts by \$627,845.94.

To arrive at an expenditure of the position of the property of the position of th

To arrive at an accurate conclusion on the subject the revenues and expenditures must be stated for identical periods. The audited revenues on account of the fiscal year 1911, reported from July 1, 1911, to February 17, 1912, amounted to \$882,339,69. If that fact had been called for and considered, the committee would have found that the receipts on account of the fiscal year 1911 exceeded the expenditures by \$254,493.75, on February 17, 1912.

Respectfully, Chas. A. Kram, Auditor.

Mr. MOON of Tennessee, Mr. Chairman, I move that the committee do now rise.

committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. Hay, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 21279, the Post Office appropriation bill, and had directed him to report that it had come to no resolution thereon.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 3812. An act to regulate public utilities in the District of Columbia and to confer upon the Commissioners of the District of Columbia the duties and powers of a public-utilities commission; to the Committee on the District of Columbia.

268. An act to establish a fish-cultural station in the State of Rhode Island; to the Committee on the Merchant Marine and

S. 4257. An act for the relief of the estate of Charles C. Benton and others; to the Committee on Claims.

S. 4456. An act for the relief of the estate of Silas F. Baker; to the Committee on Claims.

ENCOLLED BILL PRESENTED TO THE PRESIDENT FOR HIS APPROVAL. Mr. CRAVENS, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the

United States for his approval the following bill: H. R. 16101. An act providing for patents for homesteads on the ceded portion of Wind River Reservation, Wyo.

HOUR OF MEETING.

Mr. MOON of Tennessee. Mr. Speaker, I ask unanimous consent that when the House adjourns to-day it adjourn to meet at 10.30 to-morrow morning.

The SPEAKER. The gentleman from Tennessee asks unanimous consent that when the House adjourns to-day it adjourn

to meet at 10.30 in the morning.

Mr. HAY. Mr. Speaker, reserving the right to object, could not the gentleman take a recess until this evening? A good many Members have important committee meetings at that hour in the morning.

Mr. MOON of Tennessee. I am perfectly willing to recess until 7.30 or 8 o'clock if we had anybody to speak, but gentlemen do not like to speak to empty benches, and I have been able to find only two gentlemen who together would occupy only an hour's time, and the other side can find none. If gentlemen desire to speak to-night on this bill I will change the motion.

Mr. HAY. Of course I do not know about that, but I know that the committees of the House meet at that hour.

Mr. MANN. Mr. Speaker, I will state to the gentleman that we tried to arrange for a night meeting, but gentlemen seem to be unwilling, and we thought possibly it might not be inconvenient to meet at-that hour for general debate only.

The SPEAKER. Is there objection? [After a pause.] The

Chair hears none, and it is so ordered.

ADJOURNMENT.

Mr. MOON of Tennessee. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 35 minutes p. m.) the House adjourned to meet to-morrow, Tuesday, April 23, 1912, at 10.30 a. m.

EXECUTIVE COMMUNICATIONS.

Under cause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of the Treasury, transmitting copy of a communication from the Secretary of War, submitting a special additional estimate of appropriation for the subsistence of destitute flood sufferers along the Mississippi River and its tributaries (H. Doc. No. 711); to the Committee on Appropriations and ordered to be printed.

2. A letter from the Secretary of War, transmitting, with

a letter from the Chief of Engineers, report of examination and survey of harbors and rivers at or near Chicago, Ill., including Chicago Harbor, Chicago River, Calumet Harbor, Grand Calumet and Little Calumet Rivers, Ill. (H. Doc. No. 710); to the Committee on Rivers and Harbors and ordered to be printed with illustrations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. HOBSON, from the Committee on Naval Affairs, which was referred the bill (H. R. 1309) to establish a council of national defense, reported the same with amendments, accompanied by a report (No. 584), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. MONDELL, from the Committee on the Public Lands, to which was referred the bill (H. R. 20480) excepting certain lands in Lawrence and Pennington Counties, S. Dak., from the operation of the provisions of section 4 of an act approved June 11, 1906, entitled "An act to provide for the entry of agricultural lands within forest reserves," reported the same without amendment, accompanied by a report (No. 586), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. WILSON of Pennsylvania, from the Committee on Labor, to which was referred the bill (H. R. 23189) to make lawful certain agreements between employees and laborers and persons engaged in agriculture or horticulture, and to limit the issuing of injunctions in certain cases, and for other purposes, reported the same with amendments, accompanied by a report (No. 588), which said bill and report were referred to the House Calendar,

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. MONDELL, from the Committee on the Public Lands, to which was referred the bill (H. R. 21259) to allow an exchange of certain lands in the Harney National Forest, reported the same without amendment, accompanied by a report (No. 585), which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memo-

rials were introduced and severally referred as follows:

By Mr. HAY: A bill (H. R. 23626) to appropriate \$300,000, or
so much thereof as may be necessary, to equip all Army transports with all life boats and rafts necessary to accommodate every person for which transportation facilities are now provided on said transports and the crew of said transports; to the

Committee on Military Affairs.
Also, a bill (H. R. 23627) to amend section 3 of an act entitled "An act to provide for the examination of certain officers of the Army and to regulate promotions therein," approved October 1,

Army and to regulate promotions therein, approved October 1, 1890; to the Committee on Military Affairs.

Also, a bill (H. R. 23628) to amend section 1342 of the Revised Statutes of the United States, and for other purposes; to the Committee on Military Affairs.

By Mr. TAYLOR of Colorado: A bill (H. R. 23629) to amend section 3 of an eat antibled "An act to provide for a continuous continuous

section 3 of an act entitled "An act to provide for an enlarged homestead"; to the Committee on the Public Lands.

By Mr. MARTIN of South Dakota: A bill (H. R. 23630) re-

quiring railway common carriers to receive and transport all express parcels and packages and to transact all express business in interstate commerce at reasonable rates, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. CARY: A bill (H. R. 23631) for the creation of the firemen's relief and retirement fund, to provide for the relief and retirement of members of the fire department, to establish a method of procedure for such relief and retirement, and for other purposes; to the Committee on the District of Columbia.

By Mr. LOBECK: A bill (H. R. 23632) for the recognition of the military services of officers and enlisted men of certain State and Territorial military organizations; to the Committee on Military Affairs.

By Mr. STEENERSON: A bill (H. R. 23633) prohibiting false and misleading advertisements; to the Committee on the

· Judiciary.

Also, a bill (H. R. 23634) to authorize the village of Oslo, in the county of Marshall, in the State of Minnesota, to construct a bridge across the Red River of the North; to the Committee

on Interstate and Foreign Commerce.

By Mr. CLAYTON: A bill (H. R. 23635) to amend an act entitled "An act to codify, revise, and amend the laws relating to the Judiciary," approved March 3, 1911; to the Committee on

the Judiciary

By Mr. REDFIELD (by request): A bill (H. R. 23636) to promote the efficiency of the customs service and to establish the customs guards; to the Committee on Ways and Means.

By Mr. PUJO: Resolution (H. Res. 504) to amend House resolution 429; to the Committee on Rules.

By Mr. GARDNER of Massachusetts: Resolution (H. Res. 505) directing the secretary of the Smithsonian Institution to send to the House of Representatives a complete list of the subscriptions, if any, made by private persons to the Smithsonian Institution or to any of its officers for the expenses in connection with the African hunting trip of ex-President Roosevelt; to the Committee on the Library.

By Mr. BARTHOLDT: Resolution (H. Res. 506) authorizing

an investigation of the flood conditions in the Mississippi Val-

ley; to the Committee on Rules.

By Mr. FRANCIS: Joint resolution (H. J. Res. 306) to provide for the award of medals of honor to the captain, officers, and crew of the Cunard steamship Carpathia; to the Committee on the Merchant Marine and Fisheries.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions

were introduced and severally referred as follows:
By Mr. ANDERSON of Ohio: A bill (H. R. 23637) granting an increase of pension to August Ehrhardt; to the Committee on Invalid Pensions.

Also, a bill (H. R. 23638) granting an increase of pension to

Labold Swing; to the Committee on Invalid Pensions.

By Mr. BURKE of Wisconsin: A bill (H. R. 23639) granting an increase of pension to Nicholas Kelton; to the Committee on Invalid Pensions.

By Mr. DICKINSON: A bill (H. R. 23640) for the relief of L. D. Force, alias L. D. Force; to the Committee on War Claims. By Mr. DOREMUS: A bill (H. R. 23641) granting a pension to Catherine Coleman; to the Committee on Pensions.

Also, a bill (H. R. 23642) granting a pension to Mary Rush; to the Committee on Pensions.

By Mr. FOSS: A bill (H. R. 23643) granting an increase of pension to Ansel Holmes; to the Committee on Invalid Pensions. By Mr. FOSTER: A bill (H. R. 23644) granting an increase of pension to James N. Harris; to the Committee on Invalid

Pensions.

By Mr. GOEKE: A bill (H. R. 23645) granting an increase of pension to James Leggit; to the Committee on Invalid Pensions.

By Mr. JOHNSON of Kentucky (by request): A bill (H. R. 23646) for the relief of James Clark Smith; to the Committee on Claims.

By Mr. McCREARY: A bill (H. R. 23647) for the relief of

John Kendig; to the Committee on Claims.

By Mr. MOON of Tennessee: A bill (H. R. 23648) granting an increase of pension to Melvin P. Long; to the Committee on Invalid Pensions.

Also, a bill (H. R. 23649) granting an increase of pension to William P. Worley; to the Committee on Invalid Pensions.

By Mr. MORGAN: A bill (H. R. 23650) granting an increase of pension to Charles S. Barker; to the Committee on Invalid Pensions.

By Mr. PADGETT: A bill (H. R. 23651) for the relief of

the estate of Marcus Stevens; to the Committee on War Claims.

By Mr. PATTEN of New York: A bill (H. R. 23652) granting a pension to John McDonald; to the Committee on Invalid Pensions.

By Mr. POWERS: A bill (H. R. 23653) granting a pension to William H. Chambers; to the Committee on Invalid Pensions.

Also, a bill (H. R. 23654) granting a pension to John H.

Nolen; to the Committee on Pensions.

Also, a bill (H. R. 23655) for the relief of Malinda Davis; to the Committee on War Claims.

By Mr. RAKER: A bill (H. R. 23656) granting an increase of pension to Herschel W. Howland; to the Committee on Invalid Pensions.

By Mr. REILLY: A bill (H. R. 23657) for the relief of the widow or next of kin of Oscar S. Woody; to the Committee on Claims.

Also, a bill (H. R. 23658) for the relief of the widow or next of kin of John S. March; to the Committee on Claims,

Also, a bill (H. R. 23659) for the relief of the widow or next of kin of William L. Gwinn; to the Committee on Claims

By Mr. SCULLY: A bill (H. R. 23660) granting a pension to Susan Stiger; to the Committee on Invalid Pensions.

Also, a bill (H. R. 23661) granting an increase of pension to James M. Ayers; to the Committee on Invalid Pensions.

By Mr. SHERLEY: A bill (H. R. 23662) granting a pension to Florence E. Briggs; to the Committee on Invalid Pensions. By Mr. SLOAN: A bill (H. R. 23663) granting an increase

of pension to Ira Wade; to the Committee on Invalid Pensions. By Mr. STEPHENS of California: A bill (H. R. 23664)

granting an increase of pension to Frank E. Conkling; to the Committee on Pensions.

By Mr. STEPHENS of Nebraska: A bill (H. R. 23665) granting a pension to Emeline Buzzard; to the Committee on Invalid Pensions.

By Mr. TUTTLE: A bill (H. R. 23666) granting a pension to Rosa S. Warne; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ALLEN: Memorial of Egbert Miles Auxiliary, No. 11, Department of Ohio, United Spanish War Veterans, approving pensions for widows and minor children of soldiers of Spanish-American War; to the Committee on Pensions.

Also, petition of citizens of Cincinnati, Ohio, approving the Hamill bill (H. R. 9242) providing for retirement of Government employees of 60 years or over and who shall have been in the service for 30 years; to the Committee on Reform in the Civil Service.

Also, petition of citizens of Cincinnati, Ohio, favoring building of one battleship in a Government Navy Yard; to the Com-

mittee on Naval Affairs.

By Mr. AYRES: Memorial of the New York Board of Trade and Transportation, favoring amendment to rivers and harbors bill so as to make suitable and adequate provision for improving the Harlem River, N. Y., through the Harlem Kills; to the Committee on Rivers and Harbors.

By Mr. BURKE of Wisconsin: Papers to accompany bill granting an increase of pension to Robert L. Oliver (H. R.

22099); to the Committee on Invalid Pensions.

By Mr. CALDER: Petitions of Women's Pennsylvania Society for the Prevention of Cruelty to Animals and the Morris County (N. J.) Society for the Prevention of Cruelty to Animals, for enactment of House bill 17222; to the Committee on

Interstate and Foreign Commerce.

Also, petition of Morris, Goldsmidt & Co., of Chicago, Ill., protesting against House bill 16844; to the Committee on Inter-

state and Foreign Commerce.

Also, petition of Fred S. Morse Lumber Co., of Springfield,
Mass., for legislation providing for the Government to do the investigating and standardizing, etc., regarding fire insurance; to the Committee on Interstate and Foreign Commerce.

Also, petition of Milliken, Tomlinson Co., of Portland, Me., relative to House bill 4667; to the Committee on Interstate and

Foreign Commerce.

By Mr. CATLIN: Petition of several groups of the Polish National Alliance of North America, against passage of an immigration bill containing an educational test for immigrants; to the Committee on Immigration and Naturalization.

By Mr. DRAPER: Petition of the citizens of Rensselaer, N. Y., favoring passage of bill creating a new customs district; to the

Committee on Ways and Means.

By Mr. DANIEL A. DRISCOLL: Memorial of executive committee of the United Spanish War Veterans, for passage of House bill 17470; to the Committee on Pensions.

Also, memorials of Polish societies of Buffalo, N. Y., protesting against inserting an educational test in the immigration laws; to the Committee on Immigration and Naturalization.

By Mr. DYER: Petition of G. J. Helmerichs Leaf Tobacco

Co., asking support of Senate bill 6103 and House bill 22766, for prohibiting the use of trading coupons; to the Committee on Ways and Means.

Also, memorial of the members of Trinity Methodist Episcopal Church, of St. Louis, Mo., favoring passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

Also, papers to accompany House bill 22761; to the Committee on Pensions.

Also, papers to accompany House bill 18253; to the Com-

mittee on Invalid Pensions.

By Mr. ESCH: Petition of the Wisconsin School Arts and Home Economics Association, of Eau Claire, Wis., favoring Senate bill 3, to aid in development of agricultural education, etc.; to the Committee on Agriculture.

By Mr. FULLER: Petition of C. H. Markham, president Illinois Central Railway Co., in favor of increased appropriation for strengthening and protecting the lower Mississippi levees,

etc.; to the Committee on Rivers and Harbors.

Also, petition of National Board of Trade, relating to proposed amendments to the patent law, etc.; to the Committee on Patents.

Also, petition of Robert L. Hargrove, president Madero County Chamber of Commerce, concerning proposed flood-water canal from the San Joaquin River, near Pollasky, Cal., etc.; to the Committee on Railways and Canals.

By Mr. HANNA: Petitions of citizens of Kenmore, N. Dak., asking that the duties on raw and refined sugars be reduced; to

the Committee on Ways and Means.

Also, petitions of citizens of Oaks and Washburn, N. Dak., protesting against parcel-post legislation; to the Committee on the Post Office and Post Roads.

Also, petition of the Woman's Christian Temperance Union of Mayville, Trail County, N. Dak., favoring passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judi-

Also, petition of citizens of North Dakota, favoring passage of House bill 14, for a parcel-post law; to the Committee on the Post Office and Post Roads.

Also, petition of the North Dakota Retail Hardware Association, Fargo, N. Dak., against passage of general parcel post; to

the Committee on the Post Office and Post Roads.

By Mr. LEE of Pennsylvania: Petition of citizens of the State of Pennsylvania, favoring passage of bill for building one battleship in a Government navy yard; to the Committee on Naval Affairs.

By Mr. LINDSAY: Petition of John W. Merriam & Co., Habana cigar makers and importers, of New York, favoring pas-sage of Senate bill 6103 and House bill 22766, prohibiting the use of trading coupons; to the Committee on Ways and Means.

Also, petitions of the Stationers' Board of Trade and National Board of Trade, relating to proposed amendments to the patent

Board of Trade, relating to proposed amendments to the patent laws, etc.; to the Committee on Patents.

By Mr. MOON of Tennessee: Papers to accompany bill granting an increase of pension to William P. Worley, of East Chattanooga, Tenn.; to the Committee on Invalid Pensions.

By Mr. PARRAN: Papers to accompany bill for the relief of G. C. Stewart (H. R. 19845); to the Committee on Claims.

By Mr. PATTEN of New York: Memorial of the Chamber of Commerce of the State of New York, relative to operation of the Papaging Capal; to the Committee on Interstate and Eggicular

the Panama Canal; to the Committee on Interstate and Foreign Commerce.

Also, petition of Aero Club of America, urging legislation to

improve conditions with respect to aviation in the Army; to the Committee on Military Affairs. By Mr. PRAY: Petition of merchants of Valier, Geyser, Great Falls, Havre, Ringling, Kalispell, Columbia Falls, Blackfoot, Stanford, Utica, Lewistown, Sweet Grass, Chinook, and Townsend. Mont., protesting against the extension of the parcel-post service beyond its present limitations; to the Committee on the Post Office and Post Roads.

Also, petition of citizens of Teton County, Mont., and of the Presbytery of Kalispell, Mont., favoring passage of the Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. REILLY: Petitions of Wise, Smith & Co., of Hart-

ford, Conn., and the Edward Malley Co., for continuance of the Tariff Board; to the Committee on Ways and Means.

Also, petition of E. P. Coyle, secretary, of Meriden, Conn., for enactment of House bill 22339; to the Committee on the Ju-

diciary.

By Mr. SCULLY: Memorial of Post No. 67, Grand Army of the Republic, for passage of House bill 14070; to the Committee

on Invalid Pensions.

Also, petition of Lodge No. 309, Brotherhood of Railroad Trainmen, favoring pending legislation relative to employers' liability and workmen's compensation; to the Committee on the

By Mr. SMITH of New York: Petition of Polish-American citizens of Buffalo, N. Y., protesting against the educational test in the immigration law; to the Committee on Immigration and Naturalization.

By Mr. SMITH of Texas: Petitions of citizens of El Paso. Haskell, and Palava, Tex., for an investigation of the charges against the editors of the Appeal to Reason; to the Committee

By Mr. SPEER: Papers to accompany bill granting an increase of pension to John E. Wise (H. R. 23507); to the Com-

mittee on Invalid Pensions.

By Mr. STEPHENS of California: Memorial of Los Angeles (Cal.) Chamber of Commerce, for legislation providing for the examination of immigrants for mental defects; to the Committee on Immigration and Naturalization.

Also, petitions of citizens of Los Angeles, Cal., protesting against proposal to increase rate of postage on second-class mail matter; to the Committee on the Post Office and Post Roads.

Also, petition of the Los Angeles (Cal.) Photo-Engravers' Union, for legislation protecting the union label in the District of Columbia and the Territories; to the Committee on the District of Columbia.

Also, memorial of the Native Daughters of the Golden West, urging that the Calaveras or Mammoth Grove of Big Trees be acquired by the United States Government; to the Committee on the Public Lands.

Also, petition of citizens of the State of California, for enactment of House bill 14, providing for a general parcel-post system; to the Committee on the Post Office and Post Roads.

Also, petition of the Friday Morning Club and of James Coenen, of Los Angeles, Cal., in favor of a parcel post; to the Committee on the Post Office and Post Roads.

Also, petition of the Young People's Endeavor Union and of the United Brethren Church, of Palms, Cal., for passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the

Judiciary.

By Mr. TAYLOR of Colorado: Memorial of Local Lodge of the Socialist Party of Ouray, Colo., against the indictment of the Socialist Party of Person of Fort Girard, Kans.; to the editor of the Appeal to Reason, of Fort Girard, Kans.; to the Committee on Rules.

By Mr. TILSON: Petition of the Aero Club of America, urg-

ing legislation to improve conditions with respect to aviation in the Army; to the Committee on Military Affairs.

By Mr. TOWNSEND: Petition of the Woman's Christian Temperance Union of Newark; of Emma Bourne Woman's Christian Temperance Union, of East Orange; of the Woman's Christian Temperance Union of Essay Country and Christian Temperance Union of Essay Christian Union Christ Christian Temperance Union of Essex County; and of the Woman's Christian Temperance Union of Newark, N. J., favoring passage of Kenyon-Sheppard bill for interstate liquor law; by Mr. TUTTLE: Petition of Patrolmen's Benevolent Asso-

ciation, of Elizabeth, N. J., for retirement of employees in the civil service; to the Committee on Reform in the Civil Service.

Also, petition of Central Division, No. 157, Brotherhood of Locomotive Engineers, for enactment of House bill 20487; to the Committee on the Judiciary.

By Mr. WILLIS: Petition of Ohio Society, Sons of the Revolution, asking for the enactment of a law to provide for the publication of the archives of the Government relating to the

Revolutionary War; to the Committee on Military Affairs.

By Mr. WOOD of New Jersey: Papers to accompany bill for the relief of Lieut, Richard Phillip McCullough (H. R. 19397); to the Committee on Naval Affairs.

Also, memorial of the delegates of the 26 Polish societies of Trenton, N. J., against the educational test in the bill to further regulate the immigration of aliens; to the Committee on Immigration and Naturalization.

SENATE.

TUESDAY, April 23, 1912.

The Senate met at 2 o'clock p. m. Prayer by the Chaplain, Rev. Ulysses G. B. Pierce, D. D. The Journal of yesterday's proceedings was read and approved. PETITIONS AND MEMORIALS.

The VICE PRESIDENT presented a petition of members of the State Board of Education of New Mexico, praying for the enactment of legislation providing for cooperation with the States in encouraging instruction in agriculture, etc., which was ordered to lie on the table.

Mr. ASHURST presented a resolution adopted by the Chamber of Commerce of Tucson, Ariz., and a petition of sundry citizens of Tucson, Ariz., favoring an appropriation for the purpose of prospecting for oil, gas, and artesian water in Pima County, Ariz., which were referred to the Committee on Public

He also presented a petition of the Woman's Christian Temperance Union of Winslow, Ariz., praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which was referred to the Com-

mittee on the Judiciary.

Mr. JONES. I have a great many memorials, signed by citizens of the State of Washington, remonstrating against the passage of what is known as the Owen medical bill. I move that the memorials lie on the table.

The motion was agreed to.

Mr. JONES. I have two telegrams, in the nature of memorials, remonstrating against the Owen medical bill. I ask that the signatures to the telegrams be printed in the RECORD.

There being no objection, the telegrams were ordered to lie on the table and the signatures to be printed in the RECORD, as

From cx-Mayor E. A. Tucker, State Senator J. W. Bryan, and County Superintendent of Schools T. E. Hulse, of Bremerton, Wash.; of J. W. Clark, J. A. Hood, J. J. Carney, F. W. Loomis, John B. Orton, and G. E. Anderson, of Aberdeen, Wash.

Mr. JONES presented a petition of sundry citizens of the State of Washington, praying for the enactment of legislation providing for a change in the time of residence under the homestead laws from five to three years, which was ordered to lie on the table.

Mr. GRONNA. I have two telegrams in the nature of memorials remonstrating against the passage of what is known as the employers' liability and workmen's compensation bill. I ask that the telegrams lie on the table and be printed in the RECORD.

There being no objection, the telegrams were ordered to lie on the table and to be printed in the RECORD, as follows:

MINOT, N. DAK., April 21, 1912.

Hon. A. J. Gronna, United States Senate, Washington, D. C.:

Delay action on Senate bill No. 5382. Explanatory letter following.

A. Albertson, Secretary-Treasurer Subdivision No. 659, Brotherhood of Locomotive Engineers.

MINOT, N. DAK., April 19, 1912.

Hon. A. J. GRONNA, Washington, D. C .: Please kill bill No. 5382.

Charles Lee,
Secretary Subdivision 683,
Brotherhood of Locomotive Firemen and Engineers.

Mr. GALLINGER presented a memorial of the East Washington Citizens' Association, of the District of Columbia, remonstrating against the enactment of legislation authorizing the condemnation of land along the Anacostia River for highway and park purposes, which was referred to the Committee on the District of Columbia.

He also presented a petition of Mount Washington Grange, No. 116, of Whitefield, N. H., praying for the establishment of a parcel-post system, which was referred to the Committee on Post Offices and Post Roads.

Mr. BORAH. I have a letter concerning what is known as the employers' liability and workmen's compensation bill. The letter is short, and I ask that it be read.

There being no objection, the letter was read and ordered to lie on the table, as follows:

ELMORE LODGE, No. 733, BROTHERHOOD OF RAILROAD TRAINMEN, Glenns Ferry, Idaho, April 13, 1912.

Hon. W. E. BORAH, Washington, D. C.

Hon. W. E. Borah, Washington, D. C.

Dear Sir: There is now before the Senate a bill, known as Senate bill No. 5382, introduced by Senator Sutherland. This bill is known as employers' liability and workmen's compensation act.

This bill has been given deep study and due deliberation by the railway trainmen working in the State of Idaho and meets with their full approval, and we as a body ask you to use every effort in your power to help this bill pass the Senate. It is unnecessary for us to call your attention to the benefits to be derived by the railway employees in the United States from the passage of this bill, and we ask you as a friend of the workingmen not only to vote for same but to use your utmost endeavors to have this bill passed.

Thanking you in advance for whatever assistance you may be able to render in the above matter, we remain,

Respectfully,

C. C. Nielsen, Treasurer.

C. C. NIELSEN, Treasurer,

Mr. OLIVER presented memorials of sundry citizens of Crafton, Pittsburgh, Wilkinsburg, and Punxsutawney, all in the State of Pennsylvania, remonstrating against the establishment of a Federal department of health, which were ordered to lie on the table.

He also presented a petition of the Chamber of Commerce of Pittsburgh, Pa., praying for the enactment of legislation to provide for the free delivery of mail matter in towns outside of incorporated cities and villages, which was referred to the Committee on Post Offices and Post Roads.

He also presented petitions of sundry citizens of Leola and McKees Rocks, in the State of Pennsylvania, praying for the enactment of an interstate liquor law to prevent the nullifica-

tion of State liquor laws by outside dealers, which were referred to the Committee on the Judiciary.

He also presented a petition of Major William McKinley Camp, No. 10, Department of Pennsylvania, United Spanish War Veteraus, of Philadelphia, Pa., praying for the enactment of legislation to pension the widow and minor children of any officer or enlisted man who served in the War with Spain or in the Philippine insurrection, which was referred to the Committee on Pensions.

Mr. WORKS. I have a number of memorials in the nature of protests against the passage of the Owen health bill. They are signed by 9,933 citizens of California. The headings to the memorials are quite short, and I ask that one of them be printed in the RECORD without the signatures.

There being no objection, the memorials were ordered to lie on the table, and the heading of one was ordered to be printed

in the RECORD, as follows:

in the Record, as follows:

To the Congress of the United States of America,
Washington, D. C.:

We, the undersigned citizens of the United States of America and State of California, do hereby vigorously and emphatically protest against the passage of Senate bill No. 1 (introduced by Senator Owen), providing for the establishment of a national bureau of health; Senate bill No. 5972 (introduced by Senator Smoot), increasing the functions of the Public Health and Marine-Hospital Service; or other similar medical legislation, for the following reasons:

(1) It would mean Government exploitation of the regular school of medicine (the school which has always controlled the medical affairs of the United States Government) in discrimination against all other schools of healing, giving enlarged Government sanction to an already created medical trust, and would be class legislation of the most pernicious character.

(2) Such proposed legislation would be used by the American Medical Association as an entering wedge to the establishing of state medicine, which would be as obnoxious to American citizens as state religion.

cal Association as an entropy and call association as an entropy and call association as an entropy and call association. (3) It is unnecessary legislation. The present medical activities of the Government, combined with the highly efficient service rendered by State boards of health, are ample to cope with all demands made upon them. Further legislation would be useless and would involve a needless expenditure of public moneys. (Said Prof. Irving Fisher, in a plea for a national department of health, "It is a project which once started will surely expand within a decade so that millions upon millions of Government money will be put into this most-needed form of national defense.")

(4) It would mean Federal interference with the rights of the States in their conduct of their internal health affairs.

(5) In the dissemination of information authorized by such legislation the country would be flooded at the taxpayers' expense with literature concerning the ever-changing fads and fancies of the allopathic school of medicine.

(6) It would furnish thousands of permanent Government jobs for graduates of the regular school of medicine who at present are unable to compete with the rapidly increasing popularity of the independent schools of medicine and systems of healing.

Mr. WORKS. I have a number of telegrams in the nature

of memorials remonstrating against the Owen medical bill. ask that the telegrams lie on the table and be printed in the

There being no objection, the telegrams were ordered to lie on the table and to be printed in the RECORD, as follows:

Los Angeles, Cal., April 19, 1912.

Hon. John D. Works. Washington, D. C .:

Washington, D. C.:

I hope you will do all in your power to aid in defeating the Owen bill, Senate bill No. 1. I consider it a bad measure. It will open the way to a further extension of the power of the allopathic doctors already controlling the health activity of the United States Government. The wide circulation of bulletins which the bill authorizes would undoubtedly result in forcing upon the people, whether willing or not, masses of literature favoring allopathy methods and theories to the exclusion of all others. Competition and an open field for investigation and research is as essential in medicine as it is in industries and business. It is as important to preserve the medical freedom of the American people as it is their political and religious freedom.

Edwin T. Earl. EDWIN T. EARL.

LOS ANGELES, CAL., April 19, 1912.

Hon. John D. Works,

United States Senate, Washington, D. C.:

I learn that Owen bill, providing for bureau of health, has been favorably reported out of committee, and I want to place myself on record as emphatically opposing it. Hope you will assist in preventing its passage. Those of us who have studied the political activities of the American Medical Association see in this measure a directed effort to enact discriminatory allopathic medical legislation interfering with freedom of individuals in selecting homeopathy or some other method. It is class legislation and not a popular measure.

W. J. HAWKES, M. D., Vice President California State Homeopathic Society.

Los Angeles, Cal., April 20, 1912.

Hon. J. D. Works, Senate, Washington, D. C.:

Owen bill would permit of further Federal discrimination against in-dependent schools of medicine and methods of healing. Present monopoly of allopathic school in the United States Government should be abol-ished instead of giving further approval to present discrimination. Owen bill is a bad measure; am glad you have taken a stand-against it. Mrs. R. L. Craig.

Los Angeles, Cal., April 20, 1912.

Hon. John D. Works, United States Senate, Washington, D. C.:

Believe such legislation as proposed Owen bill unnecessary; can not see where it will render present medical activities of the Government more efficient. Deem it needless expenditure of people's money.

MARCO H. HELLMAN.

SANTA BARBARA, CAL., April 19, 1912.

Hon. John D. Works,

Scrate Chamber, Washington, D. C.:

I emphatically protest against State medicine exemplified by Owen bill under control of the old school, which has always been essentially unfair, intolerant, and arbitrary as against any other school of medicine attested by my 33 years' experience as homeopathic physician and intimate acquaintance with many medical men.

HENRY L. STAMBACH, M. D.

LOS ANGELES, CAL., April 19, 1912.

Hon. John D. Works, United States Senator, Washington, D. C.:

Your stand opposing Senate bill No. 1 meets my hearty approval. The legislation proposed is not necessary; in its effect it will be class and discriminatory statute violating constitutional principles. Result will place health and physical well-being of people in hands of interested school of medicine in practical partnership with Federal Government; hope it will not pass.

LESLIE R. HEWITT.

Mr. WORKS presented a petition of Datus E. Coon Post, No. 172, Department of California and Nevada, Grand Army of the Republic, of San Diego, Cal., and a petition of Heintzelman Post, No. 33, Department of California and Nevada, Grand Army of the Republic, of San Diego, Cal., praying for the enactment to legislation to curb anarchy, which were referred to the Committee on the Judiciary.

He also presented resolutions adopted by the City Club, of Los Angeles, Cal., favoring the creation of a permanent nonpartisan tariff board, which were referred to the Committee on

Finance.

Mr. NIXON presented a petition of sundry citizens of Blair, Nev., praying for the enactment of legislation authorizing the construction of one of the proposed new battleships in the Brooklyn Navy Yard, which was referred to the Committee on Naval Affairs.

Mr. GARDNER presented petitions of Local Granges No. 6, of Monroe; No. 60, of East Corinth; No. 127, of Litchfield; and No. 66, of Waldo, Patrons of Husbandry, and of sundry citizens of Boothbay, all in the State of Maine, praying for the establishment of a governmental system of postal express, which were referred to the Committee on Post Offices and Post Roads.

Mr. SMITH of Maryland presented memorials of sundry citizens of Baltimore and Chevy Chase, in the State of Maryland, remonstrating against the establishment of a national depart-

ment of health, which were ordered to lie on the table.

Mr. SANDERS presented a petition of members of the Conference of the Methodist Episcopal Church South, of the Chattanooga district, in the State of Tennessee, praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which was referred to the Committee on the Judiciary.

Mr. SUTHERLAND. I have two telegrams in the nature of memorials remonstrating against the passage of the so-called Owen medical bill. I ask that the telegrams lie on the table and be printed in the Record.

There being no objection, the telegrams were ordered to lie on the table and to be printed in the RECORD, as follows:

PARK CITY, UTAH, April 20, 1912.

Senator George Sutherland, Senator Chamber, Washington, D. C.:

Am opposed to any bill which will in any way interfere with rights of citizens to employ a practitioner of his own choice or to formation of a national department of health.

W. D. Sutton W. D. SUTTON.

PARK CITY, UTAH, April 20, 1912.

Senator George Sutherland, Senate Uhamber, Washington, D. C.:

Am opposed to any bill which would tend to prevent a citizen from choosing his own practitioner and also to the formation of a national department of health.

Mr. PENROSE presented memorials of Local Division No. 147, of Easton; Local Division No. 163, of Oil City, Order of Railway Conductors; and of Local Lodge No. 222, Brotherhood of Railroad Trainmen, of New Castle, all in the State of Pennsylvania, praying for the passage of the so-called employers' liability and workmen's compensation bill, which were ordered to lie on the table. to lie on the table.

He also presented petitions of the congregations of the Temple Presbyterian Church and the North Tenth Street Presbyterian Church, of Philadelphia, Pa., praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of beverages containing alcohol, which were referred to the Committee on the Judiciary.

He also presented petitions of the congregation of the Zwingli Reformed Church, of Berwick; of the Woman's Christian Temperance Union of Van Ormer, and of sundry citizens of Rochester Mills, all in the State of Pennsylvania, praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which were referred to the Committee on the Judiciary.

Mr. CULLOM presented a petition of Local Division No. 315, International Brotherhood of Locomotive Engineers, of Clinton, Ill., praying for the passage of the so-called employers' liability and workmen's compensation bill, which was ordered to lie on

the table.

Mr. CURTIS presented a petition of the Woman's Christian Temperance Union of Osborne, Kans., praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which was referred to the Committee on the Judiciary.

He also presented memorials of sundry citizens of Burlington, Oswego, Leavenworth, Pittsburg, Horton, Eldorado, Independence, Arkansas City, Spearville, Humboldt, Coffeyville, Sedan, Girard, Dodge City, and Columbus, all in the State of Kansas, remonstrating against the establishment of a department of public health, which were ordered to lie on the table.

He also presented memorials of sundry citizens of Altamont, Vinland, Kimball, Bern, Argonia, Topeka, Garfield, Rozel, Tonganoxie, McAllaster, Frederick, Orion, Galatia, Beverly, Durham, Dayton, Larned, Green, Bancroft, Clay Center, Effingham, Menlo, Enterprise, Menno, Eudora, and Industry, all in the State of Kansas, remonstrating against the enactment of legislation to permit the coloring of oleomargarine in imitation of butter, which, were referred to the Committee on Agriculture butter, which were referred to the Committee on Agriculture and Forestry

Mr. WETMORE presented a memorial of sundry citizens of Providence, R. I., remonstrating against the enforcement of the so-called Taylor system of shop management in navy yards, which was referred to the Committee on Naval Affairs.

Mr. PERKINS presented a petition of the Woman's Christian Temperance Union of Parlier, Cal., praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which was referred to the Committee on the Judiciary.

He also presented resolutions adopted by the Chamber of Commerce of San Francisco, Cal., favoring the adoption of a -cent letter postage, which were referred to the Committee on

Post Offices and Post Roads.

He also presented resolutions adopted by the Chamber of Commerce of San Francisco, Cal., favoring the recognition by the United States of the Republic of China, which were referred to the Committee on Foreign Relations.

He also presented a telegram in the nature of a petition from members of the City Club, of Los Angeles, Cal., praying for the enactment of legislation providing for the creation of a permanent nonpartisan tariff board, which was referred to the Committee on Finance.

He also presented a petition of Local Grange No. 354, Patrons of Husbandry, of Orangevale, Cal., praying for the establishment of a parcel-post system, and remonstrating against the enactment of legislation to permit the coloring of oleomargarine in imitation of butter, which was referred to the Committee on Post Offices and Post Roads.

He also presented a petition of Heintzelman Post, No. 33, Department of California and Nevada, Grand Army of the Republic, of San Diego, Cal., praying for the enactment of legislation providing for the deportation of alien anarchists, which was referred to the Committee on Immigration.

He also presented resolutions adopted by the Lindsay Center of the California Civic League, favoring an appropriation for the enforcement of the so-called white-slave traffic law, which

were referred to the Committee on Appropriations.

He also presented resolutions adopted by the Central Labor Council of Los Angeles, Cal., and indorsed by the Federated Trades Council of Sacramento, Cal., relative to the control of railroad companies or corporations, which were referred to the Committee on the Judiciary.

Mr. STEPHENSON presented memorials signed by 3,000 citizens of Wisconsin, remonstrating against the establishment of a department of public health, which were ordered to lie on the table.

He also presented a petition of members of the Commercial Club of Superior, Wis., praying for the enactment of legislation providing that American vessels engaged in coastwise traffic be entitled to passage through the Panama Canal free of tolls and charges, which was referred to the Committee on Interoceanic Canals.

He also presented petitions of sundry citizens of Beloit and Whitewater, in the State of Wisconsin, praying that an appropriation be made providing for the endowment and support of the agricultural colleges of the country, which were ordered to

He also presented a petition of the State Bottlers' Association, of Milwaukee, Wis., praying for a reduction of the duty on sugar, which was referred to the Committee on Finance.

He also presented a petition of Local Union No. 4, Tug Firemen and Linemen's Protective Association of the Great Lakes, of the port of Milwaukee, Wis., praying for the passage of the so-called eight-hour bill, which was ordered to lie on the table. REPORTS OF COMMITTEES.

Mr. BRYAN, from the Committee on Claims, to which was referred the bill (S. 6056) for the relief of J. B. Thompson, reported adversely thereon and the bill was postponed indefi-

nitely.

Mr. JONES, from the Committee on the District of Columbia, to which was referred the bill (S. 5461) governing the granting of licenses for barrooms in the District of Columbia, and for other purposes, reported it with amendments and sub-

mitted a report (No. 651) thereon.

Mr. CLARK of Wyoming, from the Committee on the Judiciary, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

S. 4461. A bill permitting chief office deputy United States marshals to act as disbursing officers for their principals in cases of emergency (Rept. No. 652); and

S. 4679. A bill to amend section 95 of the act to codify, revise, and amend the laws relating to the judiciary, approved March

3, 1911 (Rept. No. 653).

Mr. OVERMAN, from the Committee on Claims, to which was referred the bill (S. 1682) for the relief of B. H. Harrison, reported adversely thereon and the bill was indefinitely postponed ..

Mr. CRAWFORD, from the Committee on Claims, to which was referred the bill (S. 5756) for the relief of W. R. Wells, administrator of the estate of James S. Wells, deceased, asked to be discharged from its further consideration and that it be referred to the Committee on Indian Depredations, which was agreed to.

CLAIMS OF SOPHIE M. GUARD AND OTHERS.

Mr. CRAWFORD, from the Committee on Claims, to which were referred the bills (S. 4325) for the relief of Sophie M. Guard, (S. 5518) for the relief of the estate of Zealous Bates Tower, (S. 5472) for the relief of the estate of Thomas Murray Tolman, (S. 5456) for the relief of the estate of Philip Halsey Remington, (S. 5526) for the relief of the executor of Loomis Lyman Langdon, (S. 5525) for the relief of the estate of Joseph Hunter McArthur, (S. 5417) for the relief of George Lemuel Turner, (S. 5473) for the relief of Jennie R. W. Vollmer, (S. 5443) for the relief of Susan Dye Baylies, (S. 5542) for the relief of Jane A. Oberly, and (S. 5565) for the relief of the estate of William Hemphill Bell, reported the following resolution (S. Res. 289), which was considered by unanimous consent and agreed to:

Resolved, That the claims of Sophie M. Guard (S. 4325), estate of Zealous Bates Tower (S. 5518), estate of Thomas Murray Tolman (S. 5472), estate of Philip Halsey Remington (S. 5456), executor of Loomis Lyman Langdon (S. 5526), estate of Joseph Hunter McArthur (S. 5525), of George Lemuel Turner (S. 5417), of Jonnie R. W. Vollmer (S. 5473), of Susan Dye Baylies (S. 5443), of Jane A. Oberly (S. 5542), and estate of William Hemphill Bell (S. 5566), now pending in the Senate, together with all the accompanying papers, be, and the same are hereby, referred to the Court of Claims is pursuance of the provisions of an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911, and the said court shall proceed with the same in accordance therewith.

HEARINGS BEFORE THE COMMITTEE ON PATENTS.

Mr. BRIGGS, from the Committee to Audit and Control the Contingent Expenses of the Senate, to which was referred Senate resolution 285, submitted by Mr. Brown on the 17th instant, reported it without amendment, and it was considered by unanimous consent, and agreed to, as follows:

Resolved, That the Committee on Patents or any subcommittee thereof be, and is hereby, authorized to employ a stenographer from time to time, as may be necessary, to report such hearings as may be had on bills or other matters pending before said committee during the Sixty-second Congress, and to have the same printed for its use; and that such stenographer be paid out of the contingent fund of the Senate.

LAND AT CORSICANA, TEX.

Mr. CULBERSON. I ask that the Committee on Public Lands be discharged from the further consideration of the bill (H. R. 12013) to authorize the Secretary of the Treasury to convey to the city of Corsicaua, Tex., certain land for alley purposes, and that the bill be referred to the Committee on Public Buildings and Grounds.

The VICE PRESIDENT. Without objection, the order is entered.

BILLS AND JOINT RESOLUTION INTRODUCED.

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. DU PONT:
A bill (S. 6463) to amend certain acts of Congress which regulate promotion among certain officers of the United States Army; to the Committee on Military Affairs.

A bill (S. 6464) granting an increase of pension to Jonathan D. Harrington; to the Committee on Pensions.

By Mr. DILLINGHAM:
A bill (S. 6465) for the relief of Franklin Martin; to the Committee on Military Affairs.

A bill (S. 6466) granting an increase of pension to George C.

Lewis (with accompanying paper); to the Committee on Pen-

By Mr. GARDNER: A bill (S. 6467) granting an increase of pension to Charles H.

Hilton (with accompanying paper);
A bill (S. 6468) granting an increase of pension to Henry M.

Bennett (with accompanying paper); and A bill (S. 6469) granting an increase of pension to James W. Pendleton (with accompanying paper); to the Committee on Pensions.

By Mr. GALLINGER:

A bill (S. 6470) to amend the Code of Law for the District of Columbia regarding the taking of testimony in certain cases (with accompanying papers); and
A bill (S. 6471) to fix the rates for water furnished to private

consumers in the District of Columbia; to the Committee on the District of Columbia.

By Mr. LODGE:

A bill (S. 6472) to authorize the Secretary of the Treasury to sell certain land to the First Baptist Church of Plymouth, Mass.; to the Committee on Public Buildings and Grounds.

A bill (S. 6473) for the relief of Susan R. Staples; to the Committee on Claims,

By Mr. STEPHENSON:

A bill (S. 6474) granting an increase of pension to John E. Watkins (with accompanying papers); and

A bill (S. 6475) granting an increase of pension to John L. Skinner, jr. (with accompanying paper); to the Committee on Pensions.

By Mr. CRAWFORD:

A bill (S. 6476) granting an increase of pension to John D.

Wood, jr. (with accompanying paper); and A bill (S. 6477) granting an increase of pension to Elmer Wagar (with accompanying paper); to the Committee on Pensions.

By Mr. McLEAN:

A bill (S. 6478) to protect migratory game birds of the United States; to the Committee on Forest Reservations and the Protection of Game.

By Mr. CLARKE of Arkansas:

A bill (S. 6479) to authorize the St. Louis Southwestern Railway Co. to repair, alter, or rebuild certain bridges in the State of Arkansas; to the Committee on Commerce. By Mr. SHIVELY:

A bill (S. 6480) to repeal the act entitled "An act to provide for ocean mail service between the United States and foreign ports and to promote commerce"; to the Committee on Commerce.

By Mr. POMERENE:
A bill (S. 6482) to authorize the coinage of 3-cent pieces and one-half-cent pieces, and for other purposes; to the Committee on Standards, Weights, and Measures.

By Mr. WATSON: A bill (S. 6483) for the relief of Henry H. Morehead (with

accompanying papers); to the Committee on Claims.

By Mr. NIXON:

A bill (S. 6484) granting an increase of pension to Ralph A. Thompson (with accompanying papers); and

A bill (S. 6485) granting an increase of pension to Martin Kennedy (with accompanying papers); to the Committee on Pensions.

By Mr. CURTIS:

A bill (S. 6486) granting an increase of pension to William H. H. Brown; to the Committee on Pensions.

By Mr. PENROSE:

A bill (S. 6487) granting a pension to George Haig (with accompanying papers);

A bill (S. 6488) granting an increase of pension to James W. Wachob (with accompanying papers);

A bill (S. 6489) granting an increase of pension to David G. S. Gochanauer (with accompanying papers); and

A bill (S. 6490) granting a pension to Mary E. Mathews (with

accompanying papers); to the Committee on Pensions.

By Mr. BRADLEY:
A bill (S. 6491) granting an increase of pension to Alexander Harris (with accompanying paper); and

A bill (S. 6492) granting an increase of pension to Eliza Ash (with accompanying papers); to the Committee on Pensions.

By Mr. CRANE:

A bill (S. 6493) granting a pension to Marion G. Blodgett; to the Committee on Pensions.

A bill (S. 6494) for the relief of John Duggan, alias John McCarty (or McCarthy); to the Committee on Military Affairs. By Mr. WARREN:

joint resolution (S. J. Res. 100) authorizing the Secretary of the Interior to permit the continuation of coal-mining operations on certain lands in Wyoming (with accompanying paper); to the Committee on Public Lands.

SAFETY OF LIFE AT SEA.

Mr. ASHURST introduced a bill (S. 6481) to require steamships and steam vessels leaving ports of the United States to provide adequate life-saving apparatus and safeguards against accidents, which was read twice by its title and, with accompanying paper, referred to the Committee on Commerce.

Mr. ASHURST. I have a letter from a distinguished citizen of Arizona which contains an argument in support of the bill I have just introduced. It is a bill calculated to curb the speed of vessels operated by steamship companies. I ask that the letter be printed in the RECORD and referred to the Committee on Commerce.

There being no objection, the letter was referred to the Committee on Commerce and ordered to be printed in the RECORD, as follows:

FLAGSTAFF, ARIZ., April 18, 1912.

Hon. Henry F. Ashurst, United States Senate, Washington, D. C.

Hon. Henry F. Ashurst,

United States Senate, Washington, D. C.

My Dean Saxvivor: The appalling disaster visited upon the civilized world than it was of the Thomio brings very vividly before my mind a thought it was of the Thomio brings very vividly before my mind a thought it was of the Thomio brings very vividly before my mind a thought it was of the Thomio brings very vividly before my mind a thought it was of the Thomio brings very vividly before my mind a thought it was of the Thomio brings very vividly before my mind a thought it was not a state of the harbor, of a German freight steamer which had just pulled into the harbor enveloped in flames. The burning ship was surrounded before we passed out of view by a number, of boats, the crews of which were pouring floods of water on the burning ship. I have no doubt but that the flames were extinguished and that no great damage was done.

Which I was a passenger, and I romember distinctly presenting the question as to what would happen to us should a serious fire break out on our steamer in mid-ocean or should some other serious accident take place. It was evident that our only recourse would be the life-boats and life rafts on board; and that these would have to avail until chance steamers should pick us up. Two or three of us then decided to find out just what provision was made on the steamer for taking care of human life in such an emergency. We counted up all the lifeboats and life rafts provided by the boat and then computed the number of passed in the state of the sta

I appeal to you now as being in a position to remedy this terrible state of affairs, or, at least, to put yourself and your friends on record as having no part, at least in the future, in any such unnecessary and terrible sacrifices of human life. A law should be passed, made by the Congress of the United States, forbidding the port officers of any American port to permit any vessel, whatever flag it might fly, to leave any American port without having lifeboat provisions for every passenger that it carries, and, in addition to this, surplus lifeboat capacity of at least 10 per cent more than its passenger capacity in order to provide for emergencies.

I realize perfectly well that it would be useless to attempt to prescribe rules for incoming vessels flying foreign flags, but the United States Congress can prescribe such rules for outgoing vessels, whatever may be the flag under which they are sailing. Of course a suggestion of such a bill would produce a howl from every steamship company on both sides of the Atlantic. It would be immediately shown that such a measure was impossible of execution; that the load would reduce the weight-carrying capacity beyond the point of profit; that the additional friction would make it impracticable, and a host of such other reasons, always obscuring the one essential point—that human life must be protected.

Much has been done through legislation to protect human life on railroads. The same and more can be done, if it is gone after, for the protection of human life at sea.

I sincerely hope that you will give the weight of your influence to the introduction and passage of such a law, and that you will not be diverted from it by any of the bogles that the steamship interests may present, brushing everything aside except the one luminous fact that human life must be preserved.

We as a Nation have been taught a great lesson by this disaster. It has taken some of the flower of our people and has entered intimately even into the very household of our President. I think that the

In the hope that you may be able to accomplish something on this,

Very sincerely,

M. J. RIORDAN.

OMNIBUS CLAIMS BILL.

Mr. GARDNER submitted an amendment intended to be proposed by him to the bill (H. R. 19115) making appropriation for payment of certain claims in accordance with the findings of Court of Claims, reported under the provisions of the acts approved March 3, 1883, and March 3, 1887, and commonly known as the Bowman and the Tucker Acts, which was referred to the Committee on Claims and ordered to be printed.

AMENDMENT TO AGRICULTURE APPROPRIATION BILL.

Mr. PAGE submitted an amendment relative to experiments in breeding horses for military purposes, etc., intended to be proposed by him to the Agriculture appropriation bill (H. R. 18960), which was referred to the Committee on Agriculture and Forestry and ordered to be printed.

AMENDMENT TO RIVER AND HARBOR BILL.

Mr. DU PONT submitted an amendment relative to the improvement of the inland waterway between Rehoboth Bay and Delaware Bay, Del., etc., intended to be proposed by him to the river and harbor appropriation bill (H. R. 21477), which was referred to the Committee on Commerce and ordered to be printed.

SUPPORT OF AGRICULTURAL COLLEGES.

Mr. BRADLEY submitted an amendment intended to be proposed by him to the bill (S. 3) to cooperate with the States in encouraging instruction in agriculture, the trades, and industries and home economics in secondary schools; in maintaining instruction in these vocational subjects in State normal schools: in maintaining extension departments in State colleges of agriculture and mechanic arts; and to appropriate money and regulate its expenditure, which was ordered to lie on the table and be printed.

WOMAN SUFFRAGE (S. DOC. NO. 601).

Mr. SMOOT. I ask that the hearings had before the joint committee of the Committee on the Judiciary and Committee on Woman Suffrage, United States Senate, Sixty-second Congress, second session, upon woman suffrage, be printed as a Senate document.

The VICE PRESIDENT. Without objection an order therefor will be entered.

LANDS AND WATERS IN THE DISTRICT OF COLUMBIA.

The VICE PRESIDENT laid before the Senate the bill (H. R. 22642) providing for the protection of the interests of the United States in lands and waters comprising any part of the Potomac River, the Anacostia River or Eastern Branch, and Rock Creek and lands adjacent thereto.

Mr. GALLINGER. Mr. President, this bill was presented to the Senate a few days ago, and I called attention to the fact that there is on the calendar a bill in substantially the same language as this bill. For that reason I asked consent to have the House bill considered. It was read, but I was then informed that the Department of Justice might want to have it somewhat amended. For that reason I had it laid aside. Department of Justice has reported that it has concluded that the bill is in proper form. I now ask for its consideration.

There being no objection, the bill was considered as in Com-

mittee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

The VICE PRESIDENT. Senate bill 1898 of like title, now on the calendar, will be taken from the calendar and action thereon indefinitely postponed.

ELECTION OF SENATORS BY DIRECT VOTE.

Mr. CLARK of Wyoming. Mr. President, something like a week ago I gave notice to the Senate of the fact that the committee of conference on the disagreeing votes of the two Houses on House joint resolution No. 39, providing for the direct election of Senators by the people, had been unable to agree, stating at that time that because of the great public interest apparent in this question, and in order that all Senators might have due notice, the formal presentation of the disagreement would be postponed until this morning. It is now my purpose, Mr. President, to present that formal disagreement, prefacing it, however, with a statement that the members of the committee of conference of both the Houses have been diligent in their efforts to reach an agreement on the disagreeing votes of the two Houses. The committee has had no less than 16 joint meetings, at all of which a majority of the committee from both Houses have been present. Notwithstanding their efforts, the fact of disagreement still remains. I think it is due to the Senate to make a short statement as to the disagreement.

Owing to the fact that there seems to be a misunderstanding in some quarters as to the purport of the proposed amendment to the Constitution providing for the election of Senators by the people, it might be well if the actual situation were concisely stated, so that there can be no question as to the attitude of

Members of the Senate in relation thereto.

For many years there has been a growing belief in the United States that the Senators of the United States should be elected, as are the Representatives, by direct vote of the people, and that the duty of choosing Senators should not be performed by mem-bers of legislatures. This has been largely brought about by the fact that in some States regrettable scandals have attended the election and by the belief that large sums of money have been habitually used, either directly or indirectly, in procuring elections by the legislatures, and it has been thought that by giv-ing the election directly into the hands of the people these scandals and practices would be avoided, or at least minimized. The full scope and extent of the desire of the people, so far as it has found expression, has been that the vote for Senators should be taken directly to the people, and the demand has been made that the Constitution be amended so as to procure this very clear and definite result.

There is at present a difference of opinion between the Senate and the House as to the exact form which this resolution for an amendment should assume. The House of Representatives passed a form of resolution providing not only for the amendment that should take the election direct to the people by an amendment to section 3 of Article I of the Constitution, but also proposed an amendment to section 4, Article I, which section gives to Congress supervisory authority over the regulations prescribed in each State as to the manner of holding elections

for Senators and Representatives.

In passing this resolution the House seeks not only to provide for the election of Senators by the direct vote of the people, but also seeks to strip the Congress of the United States of any authority to supervise, in any manner or degree, the election of Senators, notwithstanding the fact that the proposed amendment of the House still leaves this power intact so far as election of Members of the House of Representatives is concerned. The Senate amendment, on the other hand, provides simply and solely for the election of the Senators by the people, leaving the supervisory authority of Congress over the election, both of Senators and Representatives chosen by the same electorate, in exactly the same condition as it now is in the Constitution. In other words, the House provides for two amendments to the Constitution—the Senate provides for one only.

In the opinion of many of the best constitutional authorities, the amendment of the House would absolutely leave the Congress of the United States helpless to make inquiry into the election of a Senator in any manner whatever. The last Congress passed a publicity bill in which the amount that might be expended by or for a candidate for the Senate of the United States was expressly limited to a sum definite and certain. It would seem possible that under the proposed amendment as

presented by the House no bill of that sort could be passed, and Congress would have no authority either to inquire into or to limit the amount of money that might be expended in such an election. Certainly there are few who would contend that such a condition ought to exist. To deprive the Congress of the United States of the power to say whether or not a Member of either body of its Congress had been corruptly elected is striking at the very root of the legislative branch of our Government.

Now, Mr. President, I report the inability of the conferees to agree, return the conference papers to the Senate, and move that the Senate still further insist upon its amendment to House

joint resolution No. 39.

The VICE PRESIDENT. The Senator from Wyoming presents the report of the committee of conference on the disagree-ing votes of the two Houses on House joint resolution No. 39, and moves that the Senate further insist upon its amendment

to the joint resolution.

Mr. BACON. Mr. President, I am one of the Senators delegated by this body to represent it upon the conference committee, and I have, I think, been assiduous in my attention to the duties assigned to me and diligent in the effort to try to bring about some arrangement between the two Houses. The paper, as I understand, which has just been read by the Senator from Wyoming [Mr. Clark] is a report from that committee. Am I correct?

Mr. CLARK of Wyoming. It was not so intended. Mr. BACON. Well, if it was not so intended, of course I have no right to see it.

Mr. CLARK of Wyoming. The Senator is perfectly welcome to see it.

Mr. BACON. I understand that.
Mr. CLARK of Wyoming. The Senator knows very well what the action of the committee was—that a report of the disagreement should be reported back to the Senate. I suppose there was nothing in that to preclude a Member of the Senate presenting the report setting forth in his own language his own views as to the differences between the two Houses.

Mr. BACON. Probably if the Senator would retain his patience a little while, until I get through, he would not find it necessary to make the remarks he has just uttered.

Mr. CLARK of Wyoming. The Senator from Georgia was

looking toward me with an inquiring eye.

Mr. BACON. Mr. President, I simply rose to say that if what the Senator read was not intended as a report, of course I had no ground for complaint in the fact that it was not submitted to me or that I had not an opportunity to see it. If it contained simply the personal remarks of the Senator, I have no more right to be admitted into his confidence as to what those remarks would be upon that subject than I have on any other Consequently the Senator is above criticism in that subject. regard.

I did wish to say, Mr. President, that on that committee, of course, I represented, as everyone knows, the minority and the views of the minority. Under the rules of the conference committee the committee necessarily acts as a unit, and Senators standing for the Senate proposition necessarily, under the action of the majority, represent the unit. At the same time it is proper that I should say that the paper just read, which I understood at the time of the reading to be a report—of course, I take the statement of the Senator from Wyoming that it is not so intended—has the effect of a report, and I would respectfully ask that I have the opportunity to file the views which I, as a member of that committee, entertain as to the action of the committee and what I think should be the action now.

I want to say, however, in regard to one part of the paper just read, which bears a very striking resemblance to some things which have been uttered in the other House on the same subject, that I had intended, Mr. President, if the opportunity were presented, to offer an amendment to the joint resolution as it came from the Judiciary Committee, which would have probably met one of the objections which have been put forward not read this now, except, of course, for information. I recognot read this now, except, of course, for information. nize the fact spoken of by the Senator that the recent legislation with regard to publicity might not be enforced if the resolution were adopted as it came from the other House and as it was reported to the Senate. Therefore, with the concurrence of such Senators as I have had the opportunity to confer with-I have had this but a few moments-I had intended, as I have already said, if the opportunity should be presented, to move to add this as an amendment to the joint resolution as it came from the Judiciary Committee and as it came from the other House, the joint resolution as it came from the House being the joint resolution reported from the Judiciary Commit-The amendment which I will offer, if the opportunity presents itself, is this: After reciting the joint resolution just as it was reported from the Judiciary Committee, add these words:

But Congress may make such regulations in any State whenever the legislature thereof shall neglect, refuse, or from any circumstance shall be incapable of doing so, and Congress may limit expenditures—

This is the part to which I call particular attentionand Congress may limit expenditures and require publicity in connection with the nomination and election of Senators.

So that there will be no issue between the learned Senator and myself and those with whom I am in accord in regard to the advisability and propriety and importance of having this joint resolution so framed as to guard that particular point.

Now, I should like very much, Mr. President, as the paper which has been read by the Senator is presented, it is true, not formally as a report, but necessarily with the force and effect of a report, that I may have the opportunity to file a paper expressing the views of myself, representing the minority, in regard to this question.

The VICE PRESIDENT. Without objection, such permission

is granted.

Mr. BACON. I would not have the opportunity if the motion made by the Senator is now to be acted upon, and it was with

that in view that I made the request.

Mr. CLARK of Wyoming. Well, Mr. President, a week ago the notice was given so that all Senators might be prepared to take up this subject and act upon it at this time. As stated before, the presentation of the disagreement was delayed for six or seven or eight days in order that all who are interested might have due notice and be prepared to take up this matter at this time. Unfortunately, departing from my usual custom, in order that I might not be inaccurate, I reduced my remarks upon this question to writing. They are in no sense a part of the report; they are in no sense a part of the record, except as they are made a part of the record by being spoken upon the floor of the Senate. They purport to have no other or further authority or weight than the authority and weight of the

upon the floor. Mr. President, in view of all the circumstances and in view of the importance of this question which has been long lying in the committee-and I want to say without the fault of any member of the committee—it seems to me that, with the notice given, this matter ought to be taken up at this time and some

word of mouth upon any proposition coming from any Senator

disposition made of it.

The VICE PRESIDENT. The question is on agreeing to the motion of the Senator from Wyoming.

Mr. BORAH and Mr. SUTHERLAND addressed the Chair. The VICE PRESIDENT. The Senator from Idaho.

Mr. BORAH. Mr. President, if the Senator from Utah desires to speak, I will yield to him. I was simply going to call for a quorum in order that there may be no one absent. for a quorum in order that there may be no one absent.

The VICE PRESIDENT. The Senator does not raise that

question now

Mr. BORAH. I understand the Senator from Utah desires to speak.

Mr. SUTHERLAND. No.

Mr. BORAH. I suggest, then, the absence of a quorum.
The VICE PRESIDENT. The Senator from Idaho suggests
the absence of a quorum. The Secretary will call the roll.
The Secretary called the roll, and the following Senators

answered to their names:

Ashurst	Curtis	McCumber	Sanders
Bacon	Davis	McLean	Shively
Borah	Dillingham	Martine, N. J.	Simmons
Bourne	du Pont	Myers	Smith, Ariz.
Briggs	Fall	Nelson	Smith, Ga.
Bristow	Foster	Nixon	Smith, S. C.
Brown	Gallinger	O'Gorman	Smoot
Bryan	Gardner	Oliver	Stephenson
Burnham	Gronna	Overman	Stone
Catron	Guggenheim	Page	Sutherland
Chamberlain			Thornton
	Heyburn	Paynter	
Chilton	Hitchcock	Percy	Tillman
Clark, Wyo.	Johnson, Me.	Perkins	Townsend
Clarke, Ark.	Johnston, Ala.	Pomerene	Warren
Crane	Jones	Rayner	Watson
Crawford	Kern	Reed	Wetmore
Culberson	Lippitt	Richardson	Williams
Challon	Yadaa	Dont	Woulen

Mr. TOWNSEND. I desire to state that the senior Senator from Michigan [Mr. SMITH] is absent on the business of the Senate. I should like to have this statement stand for the day.

Mr. BRYAN. I desire to state that my colleague [Mr. FLETCHER] is necessarily absent on business of the Senate

Mr. JONES. I desire to announce that my colleague [Mr. POINDEXTER] is unavoidably detained from the Chamber. The VICE PRESIDENT. Seventy-two Senators have answered to the roll call. A quorum of the Senate is present.

Mr. BORAH. I rise to a parliamentary inquiry. Is a motion to recede from the Senate amendment and to concur in the House joint resolution in order at this time by way of amendment?

The VICE PRESIDENT. A motion to insist is practically the reverse of a motion to recede, and the motion to insist has

been made.

Mr. WILLIAMS. I understand that after a matter has gone to conference any motion which brings the two Houses into accord has preference of a motion that keeps them apart.

The VICE PRESIDENT. Ordinarily that would be correct. Mr. WILLIAMS. A motion to recede and concur has the preference over a motion to insist.

The VICE PRESIDENT. No motion to recede and concur

has been made.

Mr. WILLIAMS. I understood that was the motion made

by the Senator from Idaho.

Mr. BORAH. The thought has occurred to me that I want some further parliamentary information. I presume that a motion to recede and concur in the House joint resolution would necessitate a two-thirds vote in order to concur.

The VICE PRESIDENT. The Chair thinks there is no doubt

about that.

Mr. BORAH. Then I will not make the motion.
The VICE PRESIDENT. The question is on the motion of

the Senator from Wyoming.

Mr. BACON. Before that motion is put, I want to repeat what I stated a few moments ago, and I hope Senators may be able to understand exactly what I intend in this and the full signification of what the amendment will import, if it should be adopted. If the motion to insist is defeated and the question then will be upon concurring in the House joint resolution, I will offer the following amendment:

But Congress may make such regulations in any State whenever the legislature thereof shall neglect, refuse, or, from any circumstance, shall be incapable of doing so, and Congress may limit expenditures and require publicity in connection with the nomination and election of Senators.

I do not intend, Mr. President, to consume the time of the Senate. I have already addressed it several times upon this I want to call attention simply to two things. The first part of the proposed amendment which I have read and which I now read again is as follows:

But Congress may make such regulations in any State whenever the legislature thereof shall neglect, refuse, or, from any circumstance, shall be incapable of doing so.

That sentence is copied almost verbatim from the resolution of the convention of the State of New York at the time it gave its assent to the Constitution.

Mr. SUTHERLAND. Mr. President—
The VICE PRESIDENT. Does the Senator from Georgia yield to the Senator from Utah? Mr. BACON. Certainly.

Mr. SUTHERLAND. Will the Senator read that last sentence again? I did not quite catch it.

Mr. BACON. I will if the Senator will allow me to finish

the sentence.

Mr. SUTHERLAND. Very well.
Mr. BACON. And the delegates from the State of New York
were instructed to endeavor to have that incorporated at the
earliest possible moment in the Constitution of the United States.

I will now comply with the request of the Senator from Utah. The amendment I intend to propose is to follow the resolution as it came from the Judiciary Committee, and is as follows:

But Congress may make such regulations in any State whenever the legislature thereof shall neglect, refuse, or, from any circumstance, shall be incapable of doing so—

And then the additional sentence is added-

and Congress may limit expenditures and require publicity in connection with the nomination and election of Senators.

I simply read that, Mr. President, for the purpose of giving notice that if the Senate should not insist upon its amendment and the question should then recur upon concurring in the House joint resolution I would offer that as an amendment thereto.

Mr. RAYNER. Does the Senator think that that would make

which the publicity bill which we have already passed?

Mr. BACON. I think the publicity bill we have passed is already valid, but it would put the joint resolution in such form that the adoption of the joint resolution as it came from the House would not free senatorial elections in the States from the effect of that publicity legislation. That is the purpose of it.

Mr. RAYNER. Mr. President, the publicity bill is undoubt-

edly valid; but, as the Senator admits, if the original joint resolution were adopted we would have no right to pass a

publicity law affecting senatorial elections. . My point is whether the provision of the proposed amendment would be retroactive, or whether we would have to pass another publicity bill if that

amendment was adopted.

Mr. BACON. Mr. President, this simply empowers Congress to do this thing. The objection has been raised—it was raised this morning by the Senator from Wyoming, and I think the objection is well based-that if Congress were to adopt the resolution as it came from the House and as it came from the Judiciary Committee, Congress would not have the right, or it might be claimed that it would not have the right, to require publicity of expenditures in senatorial elections; and the object is to put that matter beyond any possibility of doubt and to confer on Congress full power to legislate in regard to the publicity of all matters concerning the election of Senators, if the resolution as it came from the House should be adopted.

Mr. SUTHERLAND. Mr. President—
The VICE PRESIDENT. Does the Senator from Georgia yield to the Senator from Utah?

Mr. BACON, I do. Mr. SUTHERLAND. If the amendment suggested by the Senator from Georgia should become a part of the Constitution, would it not be clear that Congress would be limited in its legislation to the occasions enumerated in the Senator's amendment? In other words, Congress would not be able to legislate with reference to the elections of Senators in the States in any other particular, except as specified in the Senator's amendment. Is not that true?

Mr. BACON. There is, as the Senator well knows, in the section of the Constitution at present power, and in the proposed amendment still further power is given to Congress, the same as it now has. Otherwise, if the Senator means to ask me—I suppose it is better to put it into plain language—whether under this phraseology, if it should be adopted, Congress would have the power to legislate as to the manner in which the elections should be conducted, whether they should be allowed to have supervisors at the polls, whether they should be allowed to have marshals at the polls, whether Congress could send soldiers to the polls for the purposes of seeing to the election, I will say undoubtedly this would prevent any such action on the part of Congress. Is that what the Senator had in view?

Mr. SUTHERLAND. No; I did not have that particular thought in mind at all. But if that would be excluded, of

course everything else would be excluded except the particular thing specified in the Senator's amendment.

Mr. BACON. I have suggested the other things which occurred to me that Congress might legislate about. Will the Senator now indicate the things in his mind?

Mr. SUTHERLAND. I can not foresee what occasions may arise in the future which will call upon Congress for the exercise of this power, but I imagine that it would prevent Congress from fixing, as it has done by a law now in operation, a uniform time for holding the election. It would prevent Congress from providing for the Australian ballot, as it has done. It would prevent Congress from providing for election machines at elec-tions. It might prevent Congress from doing a very great variety of things that the future will disclose to be absolutely necessary.

Mr. BACON. Will the Senator be a little more specific? Mr. SUTHERLAND. I have stated three specific things. Mr. BACON. My attention was diverted for the moment.

will ask the Senator to excuse me and repeat them.

Mr. SUTHERLAND. I stated to the Senator, for example, that it would prevent Congress from by law fixing a uniform time for holding the elections. As the Senator knows, prior to the statute having been adopted elections were held in the various States at different times, some of them in August, some of them in October, some of them in November, and some of them in the early spring months. It was only by virtue of the power which the Senator now seeks to strike down that Congress fixed a uniform date.

Mr. BACON. Congress does not fix a uniform date for the

election of Senators now.

Mr. SUTHERLAND. But when we provide for the election of Senators by vote of the people it would be quite as necessary to fix a uniform date as it is to fix a uniform date for the election of Members of the House. The Senator's amendment would prevent our doing that. That is the complaint I am

Mr. BACON. Well, if that is the only objection of the

Mr. SUTHERLAND. I spoke of another, namely, the power of Congress to fix the Australian ballot for use in the various Mr. BACON. I am very frank to say that I would not be willing that Congress should have that power.

Mr. SUTHERLAND. Congress has already exercised the power and provided that all ballots shall be in writing.

Mr. BACON. But that is not the Australian ballot.

Mr. SUTHERLAND. No; but I say we might desire to do

Mr. BACON. I should certainly object to Congress controlling the State to any such extent as that.

Mr. SUTHERLAND. What I object to, if the Senator will permit me, is that we are undertaking to tie the hands of Congress for the future. No matter how necessary it may be, we will be wholly unable to do any thing except those particular things specified in the Senator's amendment.

Mr. BACON. I do not feel any disposition to go into a general debate on this subject. I could not do so without very largely repeating what I have more than once said in the Senate, which I have no desire to consume the time of the Senate in doing. The election of Senators now, while it is under the general language of section 4, is one in which practically the States control all the details, except that Congress prescribes the days upon which the legislature, after it has assembled, shall proceed to vote and how the vote shall be counted. But certainly there is nothing in the law now, although the language is applicable both to the election of Senators and the election of Representatives, which gives Congress any of the powers over the election of Senators which it would have if there were the same provision with reference to the election of Senators as there is with reference to the election of Members of the House. In other words, it is an impossibility that Congress shall provide for supervision over the election of Senators through the machinery of the district courts of the United States. It is an impossibility, unless you absolutely destroy the dual system of government we have, that the district courts of the United States should be empowered to appoint marshals to sit in a legislature and supervise the manner in which Senators shall be elected. It is an utter impossibility, without destroying our system of government, that the district courts of the United States should have the power to provide supervisors to superintend an election by the legislature. It is a matter of utter impossibility, without the destruction of our system of government, for Congress to provide a law under which the soldiers of the United States can appear in a legislature and enforce the order of supervisors in the election by a legislature.

Therefore, however we may mix words or however we may try to think that the same provision in the one case applies in the other, practically they do not. Under the present law the States do have the control of the election of Senators, those who are their own peculiar representatives, and provide that

in the selection they shall have the supreme voice.

Mr. President, it is a remarkable fact that in the day when the Constitution was formed, with only 13 little States, without any dominating influence by one over the other, without any sectional questions to divide them, because at that time slavery existed in every State except one, without anything to indicate the great necessity of each State controlling its own affairs as that necessity was afterwards developed in the contentions which arose and which have continued for a century-without any of these things, I say, it is a most remarkable fact that each of the 13 States, with nothing in their past to point to them the future, but the contrary, realized to the utmost degree the importance of self-control in its internal affairs and of its elections by each State, and realized it to a degree, I started to say, infinitely greater than it is realized by the States at the present day.

So it was when the Constitution of the United States, as framed in the convention, was sent to the several States for their ratification, while the States differed, one State objecting in a degree to one provision and another State in a degree to another provision, there was but one question upon which all the States agreed. The record will prove what I am saying, that all the States agreed on this one proposition: That in the election of Senators and of Representatives, while Congress should have the power or did have the power, which is prescribed in the fourth section, it should only be exercised, was expressed by the convention of New York, when the States themselves might fail to exercise it or when for any reason

they were incapable of exercising it.

Without exception, every State the records of which have been preserved or can be found, beginning at New Hampshire and going to the extreme South, embodied in their adoption of the Constitution their demand that if the power of the Federal Government to supervise elections in the States should remain it should only be exercised, in the language of the convention of New York, whenever the legislature thereof shall neglect, re-

fuse, or from any circumstance shall be incapable of doing so.

Mr. President, the importance of that is many times greater now, with 46 States, than it was in the days of 13 States, because in proportion as the country grows larger in the same proportion are our interests diverse; in the same proportion is it true that what is appropriate for one section is not appropriate for another; and in the same degree there must be the resulting necessity and importance that each State should, as far as possible, control within its own limits and by its own authority the things which relate to its own peculiar affairs. The thing which in that day impressed those 13 States as being the most important of all things relating to the internal affairs of a State was the right to control its elections, and that they should not be controlled by the Federal Government except in a case where the States should neglect or refuse or where they should be in a position that they were incapable of properly dis-

Mr. President, I did not intend to say this much because, as I have said, I can say nothing but what is a repetition of what I have already said, and what I have said this morning is a repetition of what I have heretofore said. I have endeavored to resist the temptation which I have to go further in the subject, and I do resist it. It is not proper that I should do so under

the circumstances.

I simply ask, Mr. President, that the Senate will refuse to insist upon its disagreement, that it will bring the matter again to the attention of the Senate to act upon the joint resolution as it comes from the House and as it has been reported to this body by the Judiciary Committee, and that when that is done I may have the opportunity, which of course I will have, of presenting this amendment, which will preserve two things. It will preserve the right of the Federal Government to regulate the manner of these elections in every case where the State should itself refuse or neglect to do so, or where it shall be incapable of doing so, and the second thing which will be accomplished by the amendment will be to give the Congress of the United States the full and unrestricted power to legislate as to all matters which are necessary to limit expenses and secure publicity in all proceedings relating to the election of Senators

Mr. GRONNA. Mr. President, when this measure was before the Senate on a former day it was with some reluctance that I voted for the House provision. I did not vote for it because I preferred to have the provision of section 4, Article I, of the Constitution stricken out—that is, that Congress should have supervisory power as to the manner and the time of choosing Senators—but it was in the hope that the joint resolution would be amended and would be agreed to in conference. In my anxiety to see the Constitution so amended as to give to the people the right to choose their Senators by a popular vote I voted for it.

I find, however, that the conference committee has failed to agree. But they have agreed to disagree. I said to Senators on this floor that I preferred to vote for the resolution in the form that it was presented by the Senator from Utah [Mr. SUTHERLAND] or the Senator from Kansas [Mr. Bristow]. Now, since the conference committee has failed to agree I shall vote for the resolution as it has been presented by the Senator from Kansas.

The VICE PRESIDENT. The question is on agreeing to the motion of the Senater from Wyoming [Mr. Clark] that the Senate insist upon its amendment.

Mr. CLARKE of Arkansas. I ask for the yeas and nays. The yeas and nays were ordered, and the Secretary proceeded

to call the roll.

Mr. LIPPITT (when his name was called). I have a general pair with the senior Senator from Tennessee [Mr. Lea]. I transfer that pair to the junior Senator from Illinois [Mr. LORIMER], and vote. I vote "yea." I make this announcement

Mr. NIXON (when his name was called). I have a general pair with the junior Secator from Virginia [Mr. Swanson], and

therefore withhold my vote.

Mr. OVERMAN (when his name was called). I have a pair with the senior Senator from Iowa [Mr. CUMMINS], who is absent to-day on account of public business. If he were here, he would vote "yea." I transfer my pair to the senior Senator would vote "yea." I transfer my pair to the senior Senator from Virginia [Mr. Martin], and vote. I vote "nay."

Mr. GORE (when Mr. Owen's name was called). I desire to announce that my colleague [Mr. Owen'] is paired with the senior Senator from South Dakota [Mr. GAMBLE]. If my colleague were present, he would vote "nay."

Mr. JONES (when Mr. Poindexter's name was called). My colleague [Mr. Poindexter] is absent. I think, from the city. I do not know how he would vote on this question, if present.

Mr. REED (after having voted in the negative). Mr. President, I voted inadvertently. The Senator from Michigan [Mr. SMITH] is serving on the investigation of the Titanic disaster. I therefore agreed with him that I would pair on this vote. If he were present, he would vote "yea." If I were at liberty to vote, I would vote "nay." I withdraw my vote.

Mr. SIMMONS (when his name was called). I am paired

with the junior Senator from Minnesota [Mr. Clarp]. I do not know how he would vote. If he were present and I were at liberty to vote, I would vote "nay."

Mr. TOWNSEND (when the name of Mr. SMITH of Michigan

was called). I desire again to state that the senior Senator from Michigan [Mr. SMTH] is unavoidably absent. If he were present, he would vote "yea." He is paired with the junior Senator from Missouri [Mr. Reed].

The roll call was concluded. Mr. BANKHEAD. I desire to inquire if the senior Senator from Idaho [Mr. HEYBURN] has voted. The VICE PRESIDENT. He has voted.

Mr. BANKHEAD. I vote "nay."
Mr. HEYBURN. I will state, in order that there may be no misunderstanding, that I observed the Senator from Alabama in the Chamber and therefore I voted, assuming that he would

Mr. CRAWFORD. I desire to state that my colleague [Mr.

Mr. CRAWFORD. I desire to state that my colleague [Mr. Gamble] is necessarily absent, and is paired with the Senator from Oklahoma [Mr. Owen]. I am informed that if my colleague were present he would vote "yea."

Mr. JOHNSTON of Alabama. I desire to state that the junior Senator from Texas [Mr. Balley] is paired with the Senator from Montana [Mr. Dixon]. If the Senator from Texas were present, he would vote "nay."

Mr. BRISTOW. I desire to state that the junior Senator from Iowa [Mr. Kenyon] is unavoidably absent. If he were here, he would vote "yea."

Mr. SIMMONS. I should have stated a few moments ago that while I do not know how the Senator from Minnesota [Mr. Clapp] would vote if he were present. I am advised that he

CLAPP] would vote if he were present, I am advised that he would probably vote "yea."

The result was announced—yeas 42, nays 36, as follows:

YEAS-42 Crane Crawford Cullom Curtis Dillingham du Pont Fall Gallinger Gronna Jones Lippitt Lodge McCumber McLean Nelson Oliver Page Bourne Bradley Brandegee Sanders
Sancot
Stephenson
Sutherland
Townsend
Warren
Watmara Briggs Bristow Brown Burnham Page Penrose Perkins Richardson Burton Wetmore Catron Clark, Wyo. Clarke, Ark. Gronna Guggenheim Heyburn Works NAYS-36. Smith, Ariz. Smith, Ga. Smith, Md. Smith, S. C. Stone Thornton Tillman Watson Ashurst Bacon Bankhead Myers Newlands O'Gorman Fletcher Foster
Foster
Gardner
Gore
Hitchcock
Johnson, Me.
Johnston, Ala.
Kern
Martine, N. J. O Gorman Overman Paynter Percy Pomerene Rayner Shively Bryan Chamberlain Chilton Culberson Davis Williams NOT VOTING-17. Kenyon La Follette Lea Lorimer Martin, Va. Nixon Owen Poindexter Smith, Mich. Bailey Clapp Cummins Dixon Gamble Swanson Reed Simmons

So the motion of Mr. CLARK of Wyoming that the Senate insist on its amendment was agreed to.

LOANS IN THE DISTRICT OF COLUMBIA.

The VICE PRESIDENT. The calendar is in order under Rule VIII.

Mr. CURTIS. I move that the Senate proceed to the consideration of the bill (H. R. 8768) to regulate the business of loaning money on security of any kind by persons, firms, and corporations other than national banks, licensed bankers, trust companies, savings banks, building and loan associations, and real-estate brokers in the District of Columbia.

Mr. BORAH. Is the bill on the calendar under Rule VIII? Mr. CURTIS. It is; and I gave notice that I would call it up to-day

The VICE PRESIDENT. The question is on agreeing to the motion of the Senator from Kansas.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on the District of Columbia with

Mr. CURTIS. I ask that the formal reading of the bill be dispensed with, that it be read for amendment, and that the amendments of the committee be considered first.

The VICE PRESIDENT. Without objection, that order will be followed. The Chair hears no objection. The Secretary will read the bill for action on the amendments of the committee.

The Secretary proceeded to read the bill.

The first amendment was, in section 1, page 2, line 23, after the words "District of Columbia," to insert the following

Provided, That nothing herein shall be construed so as to prevent any individual from loaning the money of such individual at a rate of interest not to exceed 10 per cent per annum, and no such person shall be required to obtain a license for engaging in such business.

The amendment was agreed to.

The next amendment was, in section 3, page 5, after the word "thereon," in line 5, to insert:

Said bond shall be renewed and refiled annually in October of each year, or the licensed person, firm, voluntary association, joint-stock company, incorporated society, or corporation shall, within 30 days thereafter, cease doing business, and their license shall be revoked by the said commissioners, but said bond, until renewed and refiled as aforesaid, shall be and remain in full force and effect.

The amendment was agreed to.

The next amendment was, in section 4, page 6, after the words "called for," in line 8, to insert "said statement or report to be published in at least one newspaper of general circulation in the District of Columbia, in such manner as may be directed by the said commissioners," so as to read:

Every such person, firm, voluntary association, joint-stock company, incorporated society, or corporation conducting such business shall, on or before the 20th day of January of each year, make to the said commissioners an annual statement in the form of a trial balance of its books on the 31st day of December in each year, specifying the different kinds of its liabilities and the different kinds of its assets, stating the amount of each, together with such other information as may be called for, said statement or report to be published in at least one newspaper of general circulation in the District of Columbia, in such manner as may be directed by the said commissioners.

The amendment was agreed to.

The next amendment was, at the end of section 5, on page 7, line 4, to insert:

No such loan greater than \$100 shall be made to any one person: Provided, That any person contracting, directly or indirectly, for or receiving a greater rate of interest than that fixed in this act, shall forfeit all interest so contracted for or received; and in addition thereto shall forfeit to the borrower a sum of money, to be deducted from the amount due for principal, equal to one-fourth of the principal sum: And provided further, That any person in the employ of the Government violating any of the provisions of this act shall forfeit his office or position, and be removed from the same.

Mr. HEYBURN. Mr. President, that seems to be a new provision since we last had this matter up for consideration.

Mr. CURTIS. No. Mr. President; the Senator is mistaken. That is exactly the Senate provision that was agreed to when the bill was heretofore passed. The Senate Committee on the District of Columbia, in considering this House bill, put in the Senate amendment, this one, and also the amendment on page 2, I think, in which the Senator was interested, or the amendment before that, allowing individuals to make loans.

Mr. HEYBURN. Mr. President, my recollection is distinct in regard to the first amendment referred to by the Senator I believe I offered an amendment covering that subject, and I have no recollection of the amendment on page 7, commencing with line 5. I think probably, while of course the Senator states that matter was considered by the Sen-

Mr. CURTIS. It was. I took it from the bill as it passed the Senate.

I was probably not present in the Chamber idered. There is a limitation of \$100. I Mr. HEYBURN. when it was considered. would be led to inquire where a man would go to get \$200. There is no provision in the bill under which a man could borrow \$200

Mr. CURTIS. I will say very frankly to the Senator from Idaho, in view of the small interest provided for—1 per cent that I should have no objection to making the limitation \$200. The other limit of \$100 was placed in the bill because of the high rate of interest that was permitted at the time,

Mr. HEYBURN. I move to amend the amendment by striking out, in line 5, page 7, the word "one," before the word "hundred," and inserting in lieu thereof the word "two," so as to read "two hundred dollars."

Mr. CURTIS. I have no objection to that, Mr. President. The VICE PRESIDENT. Without objection, the amendment to the amendment is agreed to.

Mr. HEYBURN. In another part of this same amendment, I desire to direct the attention to the proviso in lines 12, 13, 14, and 15. I would ask the Senator from Kansas whether that is as it was in the bill which passed the Senate?

Mr. CURTIS. It is exactly in the same language, Mr. HEYBURN. It reads:

That any person in the employ of the Government violating any of the provisions of this act shall forfeit his office or position and be removed from the same.

There is no provision as to how the employee shall be removed from his office, and I felt the same doubt as to whether or not the committee had overlooked that fact. The mere declaration by Congress that a man in the executive department shall forfeit his office for doing a thing, without investigation or trial, and no method being provided for the manner of determining whether or not he shall forfeit his office, seems to me to be quite deficient. I would not know how to execute that provision of this bill, because we can not create a quasi judicial tribunal that would be authorized to determine whether a man has forfeited his office or not, and I can not think it possible that that bad passed the Senate in that shape. I would inquire of the Senator whether he thinks that provision is sufficient?

Mr. CURTIS. I think it would be notice to the chief or Secretary under whose authority the party might be working to carry out the direction, if it was found that the party had been loaning money in violation of this act.

Mr. HEYBURN. Well, that would be merely the officer discharging the man and not Congress

Mr. CURTIS. It was not the intention of Congress to hold an investigation, but it was simply a declaration of the office being forfeited by a violation of the act, which was to be carried out, of course, by the superior officer of the subordinate.

Mr. HEYBURN. But there is no provision here as to the manner of ascertaining whether a Government employee has made himself amenable to this law.

Mr. CURTIS. All the departments have the right to investigate and inquire into loans made by the employees. They have already done so in the Pension Office, the Bureau of Engraving and Printing, and, as I understand, in the Printing Office, and some employees were dismissed. Some of them had their salaries reduced. The Senator from Idaho will no doubt remember that there has been a great abuse of this right to loan money practiced by some of the people in the departments in this city,

though it has been carried on as a regular business.

Mr. HEYBURN, Mr. President, I do recall the statements and doubtless other statements in regard to that. Since this matter was before the Senate, men who were supposed to be the subjects of this legislation have spoken to me, and in more than one case they have recited conditions where to deprive them of the right to anticipate their salary would leave them in great distress. One in particular cited me the case of an accident, in which a member of his family was injured, an amputation was necessary, and a long and expensive hospital service, and he said to me that except for the fact that he was able to anticipate his salary for several months he would have been utterly destitute and unable to afford assistance to his family. I have had men from time to time stop and talk to me about it or drop in to talk to me about it. There are two sides to the question, which is quite a serious one. You place a limitation of \$200. You can not, as a rule, get a surgeon to perform an operation for that sum-I mean to amputate a limb or to do other things that might be necessary-and you leave a man in a very bad position. I had cause to inquire within a few hours as to the probable cost of some of these things in anticipation of this provision in the bill. I think the committee should have considered that matter more carefully.

Mr. CURTIS. I will say to the Senator that the committee did give the provision very careful consideration. It was recommended to the Senate in the original Senate bill, and when the House bill came back, the Senate committee, if I may state what the committee did, were unanimously in favor of restoring this provision. It was restored after considerable debate in the committee as to the various kinds of loans, the business these people were conducting, and the fact that some of those employed in the Government departments were taking advantage of their knowledge of the condition of their neighbors and loaning money in violation of the law.

Mr. HEYBURN. I thought that the moving cause, out of

which this legislation grew, was on the other side of the slate.

I think that is true. Mr. CURTIS.

Mr. HEYBURN. It was originally aimed at those who have been denominated as "loan sharks"—

Mr. CURTIS. That is true. Mr. HEYBURN. Without giving as much consideration, perhaps, as should have been given to those who are compelled to borrow money in a market or a class of markets peculiarly adapted to their wants. Many people can not go to a bank and get money under any circumstances; they have no collat-

that the banks are authorized to receive.

While the Senator in charge of the bill has consented to raise to \$200 the amount which may be loaned to one person, that is a very meager amount in the case of an accident—a very small amount-and in the meantime the family must go on living while this additional expense is being incurred. No matter what he might be charged for the money, the necessity for having it is so great and the suffering incident to not having it is so great that that side of the question ought to receive special consideration.

I have not been friendly to this legislation from the beginning.

I have found that out before.

Mr. HEYBURN. I am neither a borrower nor a lender. look at it purely from the humanitarian standpoint. The right to borrow money is as sacred to a man as any other property This proviright that he has under our form of Government. sion is intended to strike at Government employees. rather a severe charge to make, that they are not capable of protecting themselves in the ordinary transactions of life. it is true, perhaps we had better submit them again to a civilservice examination.

Mr. CURTIS. Mr. President, I think the Senator misconstrues the language. It is only to apply to Government employees who loan money in violation of the provisions of the

Mr. HEYBURN. Well, the general provisions of the bill would apply to Government employees, whether they loan money or not. I was present when at least a part of the discussion took place heretofore, and it was told in vivid terms how Government employees anticipated their salary in this way and were induced to do so by men who profited by it. We ought not to have many people in the public service who do not have business ability enough to protect themselves, for they are presumed to have passed a civil-service examination, after which no charge can be made against their capacity. That gives them a clean bill of health. Of course it is a fraud; it was conceived in fraud and has been worked out in iniquity. The right to be a serving citizen of this Government has been limited to a few. I am not going to enter at length into that question, but it has been, perhaps, the greatest fraud that has been perpetrated upon the American citizen. There is an inborn right in every child born in this country to become a participant in the Government as well as a beneficiary under it.

Mr. President, there is no hope at this time of doing more than to point out these things, but it is profitable sometimes to point out mistakes that are being made or have been made, in order that the people may think about them and avoid them in the future. I do not believe the charge can be proved that so large a proportion of the Government employees are weak and helpless and in the hands of these money charmers as to make it necessary to legislate against their natural right to engage in a business transaction. I suppose some of these money lenders are very decent men and have some of the spirit of humanity in them; and perhaps others-no proof has been introduced to that effect—but perhaps others are heartless and unkind and crush people because of their necessities.

The bill is too general in its terms. Then, again, it creates a monopoly in the business of loaning money in those who have better opportunities, perhaps; it gives a monopoly in loaning money to the banks, that do not pay the license proposed by this bill. The bill did contain a provision that would have prevented a person from loaning his own money, but it has been amended in that respect so far as to allow a person to loan his own money. Whether he could loan the money of a brother or sister or parent, however, is a question.

Mr. CURTIS. Mr. President, it was not the intention of the committee, I hope the Senator will permit me to say, to exclude any person from loaning his or her own money. It never was the intention of the committee to prohibit the loaning of money by individuals. It is true that the bill as originally reported contained such a provision, but the Senator pointed out that defect and it gave the committee pleasure to have it corrected.

Mr. HEYBURN. Yes; I understand that. Now, as the bill has been amended, the question arises, Could a trustee for minor children loan the money of the minor children? It would not seem so from reading the amendment. Can any person standing in such relation to others loan their money without taking out a license? If not, then he will have to hire a bank to do it.

Mr. CURTIS. The committee took the position that any person who was not engaged in the regular business of loaning money—that is, who did not depend upon it wholly—did not

come within the provisions of this act. It was only to apply to those engaged in the business.

Mr. HEYBURN. Yes; I understand that, and I am not attacking the motives of the committee; but I want the bill to go out properly vouched for. I want the record that accompanies it to be such a one as can be referred to at any time for the purpose of determining the will of the legislators. That is quite important in measures of this kind. It is unusual legislation. I recall no other instance in the history of our country where such a thing has been attempted, either by the General Government or by any of the lesser governments. I have given attention to the pawnbrokers' laws in various parts of the United States. I find none that goes as far as this measure goes. This great Government of the United States is reaching out a protecting hand to prevent its own employees, or those dependent upon the employees, from being imposed upon.

This bill does not sufficiently cover people who sell furniture on installments, a business which perhaps creates more distress than any other transactions among people of very limited means. If I am mistaken in that I ask the Senator now to correct me, because I have gone through it hastily to-day, carrying forward my recollection of its provisions on former occasions.

There is still another thing. The business of men who go into the houses of other people and solicit the opportunity of loaning money upon the furniture which is necessary for the comfort, aye, for the very existence of a household, is not

properly taken care of.

Mr. CURTIS. Mr. President, there is a separate act of Congress applying to that class. It was approved March 3, 1891. When this measure was under consideration on a previous occasion all manner of questions were asked with reference to the working of that law as well as the pawnbrokers' law. No objection, however, was raised to the working of the act of 1891 relative to second-hand dealers and people engaged in similar business.

Mr. HEYBURN. I was calling attention to it more for the purpose of pointing out the laxity of those laws as compared with this bill, or the failure of this bill to coordinate with the

pawnbrokers' and other laws.

We are in danger sometimes of becoming too sentimental in regard to these questions. I remember when the newspapers first took this matter up. It was set forth that some person at that time had been badly treated by reason of having to pay two or three times the principal of the loan and still owed more than the original loan. It was all figured out.

Of course, I would strike as hard at any abuse of that kind as any Member of this body. I would not for a moment defend such a procedure. I would make it so impossible under the law that they would lose the principal and perhaps suffer further punishment, because under the law of human kind no person should be allowed to perpetrate that kind of injustice. But we are dealing now with this bill, and I feel justified in taking the time of the Senate to call attention to these questions in order. that should they be raised hereafter it can not be said that the

attention of the Senate was not directed to them. I do not think the provision in regard to Government employees should be in the bill, because I think that it is an express slander upon a class of citizens that ought to command the respect of the people. Suppose we were to assume that Government clerks were bad mannered and pass a law providing that they should not conduct themselves in a certain way upon the public streets, as other people are permitted to conduct themselves. That would be an imputation against them that ought not to be expressed in legislation. So I think that whole paragraph in reference to Government employees should be stricken out. Why not include chauffeurs? Why not say that coachmen should also be included? Why not say the employees of Senators should not have this privilege? Why just confine it to Government employees? Are they a class of people less to be trusted than others? It occurs to me that that provision ought to be stricken out. I think I have expressed my objection to it.

I will move to strike out, after the word "sum," in line 12, the proviso down to and including line 15, and allow the Government employees to be presumably as respectable and as intelligent as anybody else.

Mr. CURTIS. I hope, Mr. President, that that amendment will not be agreed to; but if the Senator has any doubt about this provision applying only to the Government employees loaning money, I would, with the consent of the Senate, of course, be willing to consent to an amendment striking out, after the word "Government," the words "violating any of" and inserting in lieu thereof the words "violating any of" and insert-tion of."

Mr. HEYBURN. I will agree to that, because I do not think that a Government employee should be permitted to do the very things I have been speaking against; but this provision reads, "violating any of the provisions of this act." That applies to the whole act; it applies to the borrower, the lender, and every-

Mr. CURTIS. If the Senator will withdraw his amend-

Mr. HEYBURN. I will withdraw my amendment for the purpose of permitting the Senator from Kansas to offer an amendment.

The VICE PRESIDENT. The Senator from Idaho with-

draws the amendment he offered a moment ago.

Mr. CURTIS. I move to strike out, in line 13, after the word "Government," the words "violating any of" and to insert in lieu thereof "who shall loan money in violation of."

Mr. HEYBURN. That is certainly an improvement.

The VICE PRESIDENT. The Secretary will state the amend-

ment.

The Secretary. On page 7, line 13, strike out the words "violating any of" and insert in lieu thereof the words "who shall loan money in violation of," so as to read:

That any person in the employ of the Government who shall loan money in violation of the provisions of this act shall forfeit his office or position and be removed from the same.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed.

The next amendment was to strike out section 7, as follows: The next amendment was to strike out section 7, as follows:
Sec. 7. Whoever violates any of the provisions of this act shall be
punished by a forfeiture of all unpaid interest and by a fine of not more
than \$200, or by imprisonment in the jail or the workhouse of the District of Columbia for not more than 30 days, or by both such fine and
imprisonment, in the discretion of the court, and a second or any subsequent violation of this act shall be punished by a fine of not less than
\$50 nor more than \$500, or by imprisonment in the jail or workhouse
of the District of Columbia for not less than 60 days nor more than six
months, or by both such fine and imprisonment, in the discretion of the
court. The said commissioners shall cause the corporation counsel to
institute proceedings for the enforcement of this act before any court of
competent jurisdiction.

The amendment was agreed to.

The next amendment was to strike out section 8, as follows:

SEC. 8. That in any foreclosure on any loan made under this act no charges of attorneys' or agents' fees shall be made or collected which will exceed 10 per cent of the amount found due in such foreclosure proceedings.

The amendment was agreed to.

The next amendment was to strike out section 9, as follows:

SEC. 9. That in any contract made in pursuance of the provisions of this act it shall be unlawful to incorporate any provision for liquidated or other damages as a penalty for any default or forfeiture thereunder.

The amendment was agreed to.

The next amendment was to strike out section 10, as follows:

Sec. 10. That nothing contained in this act shall be held to apply to the legitimate business of national banks, licensed bankers, trust companies, savings banks, building and loan associations, or real estate brokers, as defined in the act of Congress of July 1, 1902.

The amendment was agreed to.

The next amendment was to add a new section as section 7, as follows:

Sec. 7. That any violation of this act shall be punished by a fine of not less than \$25 and not greater than \$200, or by imprisonment in the jail or the workhouse of the District of Columbia for not less than 5 nor more than 30 days, or by both such fine and imprisonment, in the discretion of the court. The said commissioners shall cause the corporation counsel to institute criminal proceedings for the enforcement of this act before any court of competent jurisdiction.

The amendment was agreed to.

The next amendment was to add a new section as section 8, as follows:

SEC. 8. That nothing contained in this act shall be held to apply to the legitimate business of national banks, licensed bankers, trust companies, savings banks, building and loan associations, or to the business of pawnbrokers, or real-estate brokers, as defined in the act of Congress of July 1, 1902.

Mr. HEYBURN. Mr. President, I am still of the opinion that that section should be stricken out. It is such a discrimination in favor of one class of business men and against another as is repugnant to my sense of justice. If we prevented those dealt with in the previous section from doing business, then it would not be open to the objection I urge; but we permit them to do business, only controlling or regulating it. Their business, when transacted within the provisions of this statute, is as legitimate a business as that of those mentioned in section 8.

Mr. CURTIS. But there are separate acts of Congress applying to those other businesses, and there has been absolutely no complaint made to the committee. In fact, officers of the city

gated this matter say that, in their judgment, it would be very unwise to change the present laws applying to these other people, and for that reason-

Mr. HEYBURN. I do not know what would be the judgment of men who are interested in it; neither do I feel called upon to consider what their judgment might be in regard to it.

Mr. CURTIS. May I interrupt the Senator?
Mr. HEYBURN. Certainly.
Mr. CURTIS. I did not say the men interested in the matter. I said officials of the city government and members of business men's committees. Some of them have talked with me; men who have volunteered their services to help these people out. and who are not interested in any loan companies of any kind or character, but who as citizens of the District of Columbia wish to help the poorer classes of people, and who have therefore taken an interest in this matter.

I was told several days ago that a committee of 100 of the business men of this city was appointed some 10 or 12 years ago to look into these questions, and they in turn appointed a committee of 10. The gentleman who talked to me was a member of that committee of 10, and he is a man not engaged in any business that would be at all interested in this bill or any

of the other bills.

Mr. HEYBURN. Under the constitution of any State, where my attention has been called to their constitutions, such a provision would be held void without any doubt by any court. should be governed somewhat by the recognized principles of justice, even though there happens to be no power above us in regard to legislating for the District of Columbia. administration of this law in the hands of laymen, the commissioners. And we say to the first class of people, "Your business is legitimate; you have a perfect right to do it. We will charge you a license for doing it." That recognizes and confirms the legitimacy of the business.

Whenever the public or the government-whatever government it may be-accepts a license from parties to transact business, they can not controvert the validity of the business for which the license is granted. That is a rule of general application. They determine that when they grant the license, Having granted the license, the State is not at liberty to say,

"Your business is an illegitimate one."

The same is true here. The Government is proposing to grant a license to these men to do business, but we will make two laws. We will make one law governing the banks and trust companies, and so on, and we will make another law governing you, because you, perhaps, do not pay so much rent-is it?-or do not have so much invested in buildings. It does not appeal to me.

Mr. GALLINGER. Mr. President, might it not be thought a sufficient reason that the national banks, trust companies, and other organizations named are taxed quite heavily in the District of Columbia? They pay a tax to the Government.

Mr. HEYBURN. They do not pay any such tax as this.

Mr. GALLINGER. They pay a larger tax. They pay a tax

of G per cent on their business.

Mr. HEYBURN. Yes; but then there is a tax here-a man might loan \$1,000, and he would pay a tax of \$500 for loaning \$1,000.

Mr. GALLINGER. He might loan \$1,000 or he might loan \$50,000. He is not limited to \$1,000. He may loan \$100,000.

Mr. HEYBURN. The tax on that would be 10 per cent. I would not put it on that basis. I would deal with this question just as though we had no more license here in legislating than we would have in a State. There is no State in which such a law as this would be valid. Whether or not we are bound by the restrictions in a State should not influence us, if the moral principle is right.

Mr. GALLINGER. Is the Senator sure that there are no laws in any of the States along the lines of this proposed legislation?

Mr. HEYBURN. I know of none.

I think the Senator misunderstands me. There are no laws in the United States anywhere that permit a discrimination such as that expressed in section 8, giving to one class of people or one set of people the right to do something that is forbidden to others equally endowed with rights under the Constitution.

Mr. GALLINGER. As I understand this matter, if the Senator will permit me—I may be in error, though I have given some considerable thought to it—the organizations named in section 8 are now governed by separate acts. There is a different law for each one of them. They are on the statute book. The proposition here is that this legislation shall not interfere government and business men's committees who have investi- with the laws that govern those other organizations.

Mr. HEYBURN. But they have laws more favorable for transacting the same business under the same legal right.

Mr. GALLINGER. They are transacting an entirely different class of business. They are not robbing the poor as these loan sharks are, which is an utter abomination as it exists in this

city to-day; it is a disgrace.

Mr. HEYBURN. The Senator would not favor charging, for instance, to be personal, the Riggs Bank one license or applying one condition and applying a different one to the Commercial National? The Senator would say that was unfair on the face of it.

Mr. GALLINGER. I would not do that, and the law does

not do it.

Mr. HEYBURN. I understand the Senator has just called attention to the fact that it does. In line 13 there is a class of institutions referred to. Those institutions are permitted to engage in the same business on more favorable terms than the institutions which are referred to in section 5.

THE METAL SCHEDULE.

The VICE PRESIDENT. Will the Senator from Idaho suspend for a moment? The hour of 4 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (H. R. 18642) to amend an act entitled "An act to provide revenue, equalize duties, and encourage the industries of the United States, and for other pur-

oses," approved August 5, 1909. Mr. SIMMONS. Mr. President, I ask unanimous consent that the unfinished business be temporarily laid aside. Before that request is put I desire to make a brief statement, with the consent of the Senator from Idaho.

The VICE PRESIDENT. Does the Senator from Idaho

yield for that purpose?

Mr. HEYBURN. I was unable to hear the Senator.

The VICE PRESIDENT. The Senator from North Carolina asks the Senator from Idaho to yield to him for the purpose of making a statement.

Mr. HEYBURN. Certainly. Mr. SIMMONS. It is with reference to the unfinished busi-I wish to say that the minority members of the Finance Committee think it desirable that the Senate should enter upon the consideration of the bill to revise the metal schedule as soon as practicable, and that when it is taken up for consideration that it should be pressed as far as is consistent with the rules and usual courtesies of the body until the Senate is ready for final action upon it.

It was my expectation to ask the Senate to begin consideration of the bill on Friday next, but the Senator from Iowa [Mr. Cummins], who, I understand, intended to present a substitute for the pending measure, is absent from the city, and will not

return before Friday, so that his proposed substitute will not be introduced earlier than that day. After conference with a number of Senators on both sides of the Chamber, I find a general desire that the Senate should have before it the proposed bill of the Senator from Iowa when the debate begins, so that the two bills may be discussed together. In order that that course may be pursued, it is thought expedient to postpone consideration of the bill until Monday.

On Monday it is my purpose to ask the Senate to take up the bill and to keep the measure as far as may be before the Senate until there is a vote. With this object in view, I hope Senators who expect to participate in the debate will endeavor

to be ready to go on with the debate after this week.

Mr. PENROSE. Mr. President—

The VICE PRESIDENT. Does the Senator from North Carolina yield to the Senator from Pennsylvania?

Mr. SIMMONS. Certainly.
Mr. PENROSE. I have just entered the Chamber. Will Mr. PENROSE. the Senator from North Carolina kindly advise me as to his proposition?

Mr. SIMMONS. I stated, Mr. President, in the absence of the Senator, that on Monday next we on this side of the Chamber hope to be able to take up the bill for consideration and to keep it continuously before the Senate until we are ready to vote

I stated I would prefer the bill should be taken up this week, but the Senator from Iowa [Mr. CUMMINS], who is expecting to offer a bill covering the same subject as a substitute, was absent from the city and would not be back before Friday, and that as many Senators seemed to desire that both bills should be before the Senate when the debate begins I would not ask for consideration of the bill before Monday next.

Mr. PENROSE. In that case, when does the Senator from

North Carolina desire to bring the bill up?

Mr. SIMMONS. On Monday next.

Mr. PENROSE. On Monday of next week? Mr. SIMMONS. Yes; that is what I said.

Mr. PENROSE. I desire to cooperate in every way to expedite these bills and all other bills pending before the Senate. As far as I know, it will be satisfactory to the other members of the Finance Committee.

Mr. SMOOT. Mr. President, I take it for granted the Senator would not insist upon any discussion of this bill until the amendment that is to be offered by the Senator from Iowa is before the Senate.

Mr. SIMMONS. That is what I have said, provided—— Mr. SMOOT. If the amendment is not offered by that time, of course I understand the Senator to agree that it would not

be proper to discuss the bill until it is offered.

Mr. SIMMONS. I would not feel that I could go quite that far. I hope the Senator from Iowa will offer his bill this week or early next week. But if he should not offer it by Monday or Tuesday of next week, I would not feel that we should wait longer. I think from his conversation with me before leaving the city that the Senator from Iowa will be ready to offer his bill shortly after his return to the city, probably Saturday or

Monday.

Mr. SMOOT. Of course the Senator perhaps knows just when the Senator from Iowa will be prepared and will offer his

bill, but as far as I am concerned-

Mr. SIMMONS. I do not know any further than his statement to me.

Mr. SMOOT. I would not want to agree that we should go

on and discuss the bill unless the Senate should so order.
The VICE PRESIDENT. The Senator from North Carolina makes no request now except that the unfinished business be temporarily laid aside.

Mr. SMOOT. I came in afterwards. I thought that he had

probably made a request.

The VICE PRESIDENT. It was simply that the unfinished

business be laid aside.

Mr. PENROSE. I should think it would be a very good thing to have the bill ready on Monday and to have it before the Senate. Then any Senator can address the Senate on the bill at his convenience. As far as I am concerned, whenever I am ready I shall exercise my privilege of addressing the Senate on the metal bill.

Mr. SIMMONS. Of course.
Mr. PENROSE. I do not imagine that we have to take up the bill here and plunge into a discussion in a continuous way.

Mr. SIMMONS. The Senator entirely misunderstood me, Mr. President. I said it was my desire and that of my associates, the minority members of the committee, that the bill should be taken up on Monday and that, if possible, the debate should go on continuously until we were ready to vote. I stated further probably I made that statement in the absence of the Senator from Pennsylvania—that, in order that Senators on this side of the chamber might be ready, so that there would be no break in the debate, I had requested them to endeavor to be ready to go on with the discussion next week.

Mr. PENROSE. I assume, Mr. President, that the friends of

the measure would naturally open the discussion.

Mr. SIMMONS. I expect, Mr. President, when I call up the measure on Monday, to make an opening statement and to some extent discuss the bill.

Mr. PENROSE. As far as I am personally concerned, I would not delay the measure for the purpose of making any remarks myself if the Senate can come to an early vote on the bill. As I am not prepared, I shall not make that a reason for asking for delay. I am advised of only two Senators besides myself on the Republican side who intend to make any remarks on the measure.

Mr. HEYBURN. Mr. President— Mr. PENROSE. There may be others. I do not say that there are not.

Mr. HEYBURN. I do not think we want to be foreclosed

there. I intend——
Mr. McCUMBER. There are several of us who want to be heard.

Mr. HEYBURN. I intend to discuss the measure at length and in detail-

Mr. SMOOT. I expect to discuss it at length.

Mr. HEYBURN. And to take just as much time as it seems proper to take.

The VICE PRESIDENT. Without objection, the unfinished business will be temporarily laid aside.

Mr. SIMMONS. Mr. President, just one word. that every Senator will exercise his right to discuss the bill as long as he desires. So far as I am concerned, I shall not, in

management of the bill, violate any of the courtesies of the Senate. I shall not insist upon a vote as long as there is any Senator who desires to discuss the measure, and will give assurance that he will be ready to do so in a reasonable time. But I do desire, and I think the country desires, that the Senate should proceed to the consideration at the earliest possible day of these tariff measures. I trust that there may be no objection to taking up this bill on Monday and that Senators on both sides will get ready for the discussion, so that final action will not be unnecessarily delayed.

Mr. McCUMBER. Mr. President

The VICE PRESIDENT. Does the Senator from North Carolina yield to the Senator from North Dakota?

Mr. SIMMONS. Certainly. Mr. McCUMBER. I presume that the bill can be taken up at any time by the vote of a majority of the Senate.

Mr. SIMMONS. Of course.

Mr. McCUMBER. And undoubtedly it will be taken up at a reasonable time. The majority of the Committee on Finance have reported negatively upon the bill. Therefore the affirmative side is with the minority in this case. I can see justification for the Senator's seeking, as an affirmative measure, to have it brought before the Senate as soon as practicable. But the Senator's own argument has indicated something that will probably at any rate prevent an early and proper consideration. A new bill, I understand, is suggested-something that no Member of the Senate yet knows anything about, an entire substitute. The Senator does not expect that that substitute will be presented before next Saturday or next Monday, and immediately, without opportunity-

Mr. SIMMONS. If the Senator will permit me, I think it will be submitted Saturday.

Mr. McCUMBER. But not before then? Mr. SIMMONS. Not before then. Mr. McCUMBER. And then, without any opportunity to investigate it by the Finance Committee of the Senate or an opportunity for Senators to investigate it, the Senator indicates that we ought to immediately begin the discussion, which necessarily would be also a discussion of a new bill.

It seems to me that a few days at least ought to elapse after the new bill as a substitute has been submitted as an amendment, in order that Senators may have an opportunity to acquaint themselves with it and to compare its provisions with the present law and ascertain the effect of the several provisions contained in it. For that reason it seems to me the Senator ought not to ask us to agree to go into a consideration of a matter the moment the other proposition is before us.

Mr. SIMMONS. The Senator from Iowa will doubtless wish full time to discuss his bill. I shall expect to make a statement with reference to the House bill. I do not see why it would be necessary to delay those statements. Those statements at least might be made on Monday or Tuesday. would probably occupy most of the time the two days.

Mr. McCUMBER. There could be no purpose to delay a statement to be made by any Senator.

Mr. SIMMONS. If the committee desires to consider the substitute, but little time would be required for that purpose, I should imagine.

Mr. McCUMBER. But the Senator's suggestion was that we should take it up that day and press it day after day for consideration.

Mr. SIMMONS. I did not mean-

Mr. McCUMBER. I think that would be hurrying too rapidly. Mr. SIMMONS. I did not mean to unduly press it. I simply meant that I desired, and I thought that was the wish of the minority members of the committee, that once the bill was taken up it should be pressed under the rules, with due reference, of course, to the courtesy that obtains in the Senate. Of course, if Senators are not ready to speak, I would not think about asking for a vote without according them reasonable time.

Mr. McCUMBER. I simply make the suggestion that in all probability a great many who might be ready to discuss the present bill at the present time would scarcely be able to be in position to discuss intelligently a new and a proposed bill im-

mediately after its introduction in the Senate.

Mr. SIMMONS. Then, Mr. President, after the Senator from Iowa has made his speech and I have made my statement, if no one else is ready to speak on this side or that side, the bill can be laid temporarily aside until some Senator is ready. I should like, unless there is serious objection to it, to have the bill taken up on Monday next.
Mr. HEYBURN. Mr. President-

The VICE PRESIDENT. Without objection, the unfinished business is now temporarily laid aside.

Mr. HEYBURN. Just a moment, Mr. President, before it is laid aside.

I do not want Senators to proceed under the assumption that this program so nicely laid out is going to be carried out, because I regard the matter of such importance that I shall feel not only at liberty to resort to whatever parliamentary proceedings may accomplish my purpose, but I should feel that I was lacking in the performance of my duties to allow a measure like this to pass out of this body under the suggestions which have been made that it would be debated by two people, and let it go out to the public it may be debated by two people. My judgment would lead me to believe that it will be debated by a great many of the Republicans and Democrats in this body and will be debated at length, with no leading strings or limit on that debate.

And there will be no unanimous agreement until after it has been debated to the satisfaction of everybody. There will be no time fixed for anything in the matter. Had I my way, if I thought there was a vote not adverse in sight on this matter in this body, it would hardly reach that vote until the weather was cool enough and the grain garnered in the garners and the people had something to feed themselves with during the con-

ditions that would follow this kind of legislation.

The VICE PRESIDENT. Without objection the pending business will be laid aside.

LOANS IN THE DISTRICT OF COLUMBIA.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 8768) to regulate the business of loaning money on security of any kind by persons, firms, and corporations other than national banks, licensed bankers, trust companies, savings banks, building and loan associations, and real-estate brokers in the District of Columbia, the pending question being on the amendment of the Committee on the District of Columbia to insert a new section as section 8.

The VICE PRESIDENT. Without objection the pending

amendment is agreed to.

Mr. HEYBURN. I did not intend to do more than suggest an amendment by striking out section 8. But I will not precipitate a debate at this time upon that motion. I have said all I had to say about it.

The amendment was agreed to.
The VICE PRESIDENT. The Secretary will continue the reading of the bill.

The Secretary read section 9, as follows:

SEC. 9. That the enforcement of this act shall be intrusted to the Commissioners of the District of Columbia, and they are hereby authorized and empowered to make all rules and regulations necessary in their judgment for the conduct of such business and the enforcement of this act in addition hereto and not inconsistent herewith.

Mr. HEYBURN. Mr. President, just a moment there. are conferring the powers of the police court upon the District of Columbia. Can we do it? Have we power to rest the enforcement of an act that is both civil and criminal or penal in its terms with the District of Columbia? You are only getting into court on a proceedings of certiorari or mandamus or some other proceedings if you undertake that. If the Senator from Kausas was the attorney for some one whose interests were sufficiently great to induce him to resist this kind of legislation, he would raise that question the first minute he was in court.

He would say, "Is this a court or is this an executive body? Has this court the power to sit in judgment upon the reasonableness of conduct of men who are acting under the law, under a license?" and, of course, I presume that the tribunal would say, "Certainly we have all the power." But there are other

tribunals.

Mr. CURTIS. Mr. President, if the Senator will yield-Mr. HEYBURN. I have said all I intended to say.

Mr. CURTIS. I think the Senator misconstrues the act. It simply leaves it in the hands of the commissioners to report when complaint is made and assist parties who might be unable to help themselves.

The reading of the bill was concluded.

The VICE PRESIDENT. If there be no further amendments as in Committee of the Whole, the bill will be reported to the Senate.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read the third time.

The bill was read the third time and passed. The title was amended so as to read: "An act to regulate the business of loaning money on security of any kind by persons, firms, and corporations other than national banks, bankers, trust companies, savings banks, building and loan associations, pawnbrokers, and real estate brokers in the District of Columbia.

HEARINGS BEFORE COMMITTEE ON PUBLIC LANDS.

Mr. SMOOT. I ask unanimous consent for the present consideration of Order of Business 438, authorizing the Committee on Public Lands to employ a stenographer, and so forth.
Mr. McCUMBER. All of which I object to. We have been

waiting to reach the calendar. I have a number of pension bills in charge that are nearly two months behind waiting to be reached one after another. I shall not consent to picking out any of the bills now, because day after day we have waited here until we could reach some of these bills until at least 20 men have died whose names were upon the bills. I insist if we go to the calendar that we shall take up and dispose of these bills.

Mr. SMOOT. In justification for my request, I will say that to-morrow morning there is a very important hearing upon land matters in the State of Oregon. The committee has no authority whatever to have its hearings reported. The resolution is simply an authorization to secure a stenographer to report the hearings. There are a number of persons here from Oregon, and the meeting is called for to-morrow. A number will be here from Colorado, and it is simply

Mr. McCUMBER. If it is nothing more than a mere matter of request for authority to employ a stenographer to take testimony, on which there will be no debate, I will withdraw my

Mr. SMOOT. That is all there is to it.

The VICE PRESIDENT. The Senator from North Dakota withdraws his objection. The Secretary will read the resolu-

The Secretary read Senate resolution 255, which had been reported by Mr. Briggs, from the Committee to Audit and Control the Contingent Expenses of the Senate, March 21, 1912, as

Resolved, That the Committee on Public Lands, or any subcommittee thereof, be, and the same is hereby, authorized to employ a stenographer from time to time, as may be necessary, to report such hearings as may be had on bills or other matters pending before said committee, and to have printed such hearings and such other papers as may be deemed necessary in connection with subjects heretofore considered or to be considered by said committee during the Sixty-second Congress, and that the expense thereof be paid out of the contingent fund of the Senate, and that the said committee and all subcommittees thereof may sit during the sessions of the Senate.

There being no objection, the resolution was considered by unanimous consent and agreed to.

THE CALENDAR.

Mr. CULLOM. I expected to ask the privilege of passing a little bill myself, but, as the Senator from North Dakota wants to take up the pension bills, I will forego the request.

Mr. SMOOT. I move that the Senate proceed to the con-

Mr. SMOOT. I move that the Science proceed is sideration of bills on the calendar under Rule VIII.

Mr. GALLINGER. I think it ought to be for unobjected cases if we are going to make any progress.

Mr. SMOOT. I will modify the motion so as to make it a

request and have it apply to unobjected cases.

The VICE PRESIDENT. Is there objection to the request as modified, to consider unobjected bills on the calendar under Rule VIII? The Chair hears no objection.

Mr. SHIVELY. Under that order it would not be in order to move to take up any bill, notwithstanding an objection?

The VICE PRESIDENT. It would not. The Secretary will state the first bill on the calendar.

The bill (S. 2518) to provide for raising the volunteer forces of the United States in time of actual or threatened war was announced as first on the calendar.

Mr. SMOOT. Let that go over.

The VICE PRESIDENT. It will go over.

The next business on the calendar was Senate concurrent resolution 4 instructing the Attorney General of the United States to prosecute the Standard Oil Co. and the American Tobacco Co.

Mr. SMOOT. Let that go over.

The VICE PRESIDENT. It will go over.
The bill (S. 2493) authorizing the Secretary of the Treasury to make an examination of certain claims of the State of Missouri was announced as next in order on the calendar.

Mr. SMOOT. Let that go over. The VICE PRESIDENT. It will go over.

The bill (S. 1505) for the relief of certain officers on the retired list of the United States Navy was announced as next in

Mr. BRISTOW. Let that go over.
The VICE PRESIDENT. It will go over.
The bill (S. 2151) to authorize the Secretary of the Treasury to use, at his discretion, surplus moneys in the Treasury in the from glacial floods."

purchase or redemption of the outstanding interest-bearing obligations of the United States was announced as next in order.

Let that go over. The VICE PRESIDENT. It will go over.

The bill (S. 256) affecting the sale and disposal of public or Indian lands in town sites, and for other purposes, was announced as next in order.

Mr. SMOOT. Let that go over. The VICE PRESIDENT. It will go over.

The bill (8. 4762) to amend an act approved February 6, 1905, entitled "An act to amend an act approved July 1, 1902, entitled 'An act temporarily to provide for the administration of the affairs of civil government in the Philippine Islands, and for other purposes,' and to amend an act approved March 8, 1902, entitled 'An act temporarily to provide revenue for the Philippine Islands, and for other purposes,' and to amend an act approved March 2, 1903, entitled 'An act to establish a standard of value and to provide for a coinage system in the Philippine Islands,' and to provide for the more efficient administration of civil government in the Philippine Islands, and for other purposes," was announced as next in order.
Mr. SMOOT. Let that go over.
The VICE PRESIDENT. The bill will go over.

The bill (S. 1337) authorizing the President to nominate and, by and with the advice and consent of the Senate, appoint Lloyd L. R. Krebs, late a captain in the Medical Corps of the United States Army, a major in the Medical Corps on the retired list, and increasing the retired list by one for the purposes of this act was announced as next in order.

Mr. SMOOT. Let that go over. The VICE PRESIDENT. The bill will be passed over. The bill (S. 459) to adjust and settle the claims of the loyal Shawnee and loyal Absentee Shawnee Tribes of Indians was announced as next in order.

Mr. SMOOT. Let that bill be passed over.

The VICE PRESIDENT. It will be passed over.

The bill (S. 3) to cooperate with the States in encouraging instruction in agriculture, the trades, and industries and home economics in secondary schools; in maintaining instruction in these vocational subjects in State normal schools; in maintaining extension departments in State colleges of agriculture and mechanic arts; and to appropriate money and regulate its expenditure, was announced as next in order.

Mr. PAGE. That bill will go over.

The VICE PRESIDENT. It will go over.
The next business on the calendar was (S. Res. 231) for the investigation and report by the Secretary of Commerce and Labor regarding certain labor conditions in Lawrence, Mass.

Mr. GALLINGER. Let that go over.

The VICE PRESIDENT. The resolution will go over.

PROTECTION OF VALDEZ, ALASKA.

The bill (S. 5272) appropriating \$75,000 for the protection of Valdez, Alaska, from glacial floods was considered as in Committee of the Whole.

The VICE PRESIDENT. The bill has been read in full and the amendments recommended by the Committee on Commerce have been agreed to. If there are no further amendments, as in Committee of the Whole, the bill will be reported to the Senate.

The bill was reported to the Senate as amended.

Mr. SHIVELY. Mr. President, the bill appropriates \$75,000, and I think there had better be a little explanation of it.

Mr. JONES. I understand that the amendment which has been agreed to makes the appropriation \$55,000. There is very imminent danger of the destruction of property there. Considerable of it is Government property; in fact, all the property there belongs to the Government. There are some Government buildings that are threatened by the flood. The Government has a courthouse that has been built out of the fines that have been collected, and there has been a jail erected by the Government. These buildings are threatened to be washed away by the flood. There is also a military reservation that is being threatened by it. I have obtained this account from the War Department.

Mr. SHIVELY. Is the bill recommended by the War Department?

Mr. JONES. It is.

Mr. SHIVELY. I will not object to it. I merely wanted to know the necessity of it.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill appropriating \$55,000 for the protection of public property at Valdez, Alaska,

CUSTOMS SERVICE AT LOS ANGELES, CAL.

The bill (S. 3625) for the purchase or construction of a launch for the customs service at and in the vicinity of Los Angeles, Cal., was considered as in Committee of the Whole.

The bill was reported from the Committee on Commerce with an amendment, to add at the end of the bill: "and this sum, or so much thereof as may be necessary, is hereby appropriated out of any money in the Treasury not otherwise appropriated," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized to purchase or have constructed for the customs service a suitable launch, of such motive power as may be determined by the Secretary of the Treasury, for the use at and in the vicinity of Los Angeles, Cal., and the cost thereof shall not exceed the sum of \$10,000, and this sum, or so much thereof as may be necessary, is hereby appropriated out of any money in the Treasury not otherwise appropriated.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

INSTRUCTION IN FORESTRY.

The bill (S. 5076) to promote instruction in forestry in States and Territories which contain national forests was announced as next in order.

Mr. SMOOT. Let that go over.

The VICE PRESIDENT. The bill will go over.

PRESIDENTIAL PRIMARIES IN THE DISTRICT OF COLUMBIA.

The bill (S. 2234) to provide for a primary nominating electhe off (8, 2234) to provide for a primary nominating elec-tion in the District of Columbia, at which the qualified electors of the said District shall have the opportunity to vote for their first and second choice among those aspiring to be candidates of their respective political parties for President and Vice President of the United States, to elect their party delegates to their national conventions, and to elect their national committeemen, was announced as next in order.

Mr. HEYBURN. Let the bill go over. The VICE PRESIDENT. It will go over.

LIGHTHOUSE DEPOT AT SAN JUAN, P. R.

The bill (S. 5606) to provide for repairs and improvements at the lighthouse depot and headquarters, San Juan, P. R., was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

THE LIFE-SAVING SERVICE.

The bill (S. 2051) to promote the efficiency of the Life-Saving Service was announced as next in order, and the Secretary proceeded to read the bill.

Mr. SHIVELY. I object to that bill, Mr. President, Let It

The VICE PRESIDENT. The bill goes over.

Mr. BURNHAM. I should like to have the reading of the bill concluded, and then allow it to go over.

The VICE PRESIDENT. Does the Senator from Indiana

object to the reading of the bill being concluded?

Mr. SHIVELY. I have no objection to the reading of the bill being concluded.

The VICE PRESIDENT. The Secretary will conclude the reading of the bill.

The Secretary resumed and concluded the reading of the bill. The VICE PRESIDENT. The bill having been read in full it now goes over.

PUBLIC BUILDING AT KLAMATH FALLS, OREG.

The bill (S. 4985) to provide for the purchase of a site and for the erection of a public building thereon at Klamath Falls,

Oreg., was considered as in Committee of the Whole.

The bill had been reported from the Committee on Public Buildings and Grounds with an amendment, on page 1, line 10, after the word "hundred" to insert "and twelve," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to acquire, by purchase, condemnation, or otherwise, a site and cause to be erected thereon a suitable building including fireproof vaults, heating and ventilating apparatus, and approaches, for the use and accommodation of the United States post office and other Federal offices at Klamath Falls, in the State of Oregon, the cost of same not to exceed \$112,000.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BILLS PASSED OVER.

The bill (S. 4476) to provide for the purchase of site, and construction of wharf and buildings, and the necessary equipment for a depot for the sixth lighthouse district was an-

ment for a depot for the sixth lighthouse district was allnounced as next in order.

Mr. McCUMBER. Let that bill go over, Mr. President.

The VICE PRESIDENT. The bill goes over.

The bill (H. R. 17029) authorizing the Secretary of War to
convert the regimental Army post at Fort Oglethorpe into a
brigade post was announced as next in order.

Mr. WARREN. Let that bill go over, Mr. President.

Mr. WARREN. Let that bill go over, Mr. President. The VICE PRESIDENT. The bill goes over.

ESTATES OF FRANCES M. STUART AND WILLIAM H. BUSH.

The bill (S. 4128) for the relief of the estates of Frances M. Stuart and William H. Bush was considered as in Committee of the Whole. It proposes to pay to the personal or legal representatives of the following estates, which paid taxes in the first Illinois internal-revenue district, namely, estates of Frances M. Stuart and William H. Bush, such sum of money as has been in any manner collected from those estates as internal-revenue taxes, paid on legacies and distributive shares of personal property, to the United States under the war-revenue act of June 13, 1898, the sums to be refunded in accordance with the decision of the United States Supreme Court in the case of Knowlton v. Moore (reported in United State Supreme Court Reports, vol. 178, p. 41), any statute of limitation to the contrary notwithstanding.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third

time, and passed.

ESTATE OF ALTON B. DALRYMPLE.

The bill (S. 4153) for the relief of the estate of Alton R. Dalrymple was considered as in Committee of the Whole. proposes to pay to the personal or legal representatives of the estate of Alton R. Dalrymple, late of St. Paul, Minn., such sum of money as has been in any manner collected from the estate as internal-revenue taxes paid on legacies and distributive shares of personal property to the United States under the war-revenue act of June 13, 1898, such sums to be refunded in accordance with the decision of the United States Supreme Court in the case of Knowlton v. Moore (reported in United States Supreme Court Reports, vol. 178, p. 41), any statute of limitation to the contrary notwithstanding.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time,

and passed.

ESTATES OF MILTON T, CAREY AND OTHERS.

The bill (S. 4186) for the relief of the estates of Milton T. Carey and others was considered as in Committee of the Whole. It proposes to pay to the personal or legal representatives of the following estates, which paid taxes in the Ohio Internal-revenue districts, namely, estates of Milton T. Carey, Isabella J. Stickney, and Melvin R. Palmer, such sums of money as have been in any manner collected from those estates as internal-revenue taxes paid on legacies and distributive shares of personal property to the United States under the war-revenue act of June 13, 1898, such sums to be refunded in accordance with the decision of the United States Supreme Court in the case of Knowlton v. Moore (reported in United States Supreme Court Reports, vol. 178, p. 41), any statute of limitation to the contrary notwithstanding.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third

time, and passed.

ESTATES OF EDWARD CHRISTIE AND LOUIS FELDMAN.

The bill (S. 4208) for the relief of the estates of Edward Christie and Louis Feldman was considered as in Committee of the Whole. It proposes to pay to the personal or legal representatives of the estates of Edward Christie, late of Auburn, Cal., and Louis Feldman, late of San Francisco, Cal., such sums of money as have been in any manner collected from those estates as internal-revenue taxes paid on legacies and distributive shares of personal property to the United States under the war-revenue act of June 13, 1898, such sums to be refunded in accordance with the decision of the United States Supreme Court in the case of Knowlton v. Moore (reported in United States Supreme Court Reports, vol. 178, p. 41), any statute of limitation to the contrary notwithstanding.

The bill was reported to the Senate without amendment,

ordered to be engrossed for a third reading, read the third

time, and passed.

ESTATE OF MAURICE T. SMITH AND ELLA P. WILLIAMS.

The bill (S. 4564) for the relief of the estate of Maurice T. Smith and Ella P. Williams was considered as in Committee of the Whole. It proposes to pay to the personal or legal representative of the estates of Maurice T. Smith and Ella P. Williams, late of Richmond, Va., such sum of money as has been in any manner collected from those estates as internal-revenue taxes paid on legacies and distributive shares of personal property to the United States under the war-revenue act of June 13, 1898, such sums to be refunded in accordance with the decision of the United States Supreme Court in the case of Knowlton v. Moore (reported in United States Supreme Court Reports, vol. 178, p. 41), any statute of limitation to the contract and contracts and contracts are activities of the contracts of the contract o trary notwithstanding.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ESTATE OF T. B. COWAN AND OTHERS.

The bill (S. 4661) for the relief of the estate of T. B. Cowan and others was considered as in Committee of the Whole. proposes to pay to the personal or legal representative of the following estates, which paid taxes in the internal-revenue district of Louisiana, namely, estates of T. B. Cowan, I. N. Gilruth, Leon Godchaux, J. K. Kearney, Magdaline Newbig, Florian Rodrique, and Adele Tassin, such sums of moneys as have been in any manner collected from those estates as internal-revenue taxes paid on legacies and distributive shares of personal property to the United States under the war-revenue act of June 13, 1898, such sums to be refunded in accordance with the decision of the United States Supreme Court in the case of Knowlton v. Moore (reported in United States Supreme Court Reports, vol. 178, p. 41), any statute of limitations to the contrary notwithstanding.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PUBLIC BUILDING AT VANCOUVER, WASH.

The bill (S. 4960) to erect a public building in the city of Vancouver, in the State of Washington, was considered as in Committee of the Whole.

The bill had been reported from the Committee on Public Buildings and Grounds, with an amendment, on page 2, line 2, after the words "sum of," to strike out "two hundred" and insert "one hundred and forty," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to cause to be erected upon the site already acquired in the city of Vancouver, Wash., a suitable building, including fireproof vaults, heating and ventilating apparatus, elevators, and approaches, for the use and accommodation of the United States post office in the said city of Vancouver, Wash., the cost of said building, including said vaults, heating and ventilating apparatus, elevators, and approaches, complete, not to exceed the sum of \$140,000.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BILLS PASSED OVER.

Mr. SMOOT. Mr. President, I ask that the next two bills on the calendar, being Senate bill 5206 and Senate bill 5728, be

passed over.

The VICE PRESIDENT. At the request of the Senator from Utab, the bills referred to by him will be passed over.

ADDITIONAL STATISTICS OF TODACCO.

The bill (H. R. 13988) to authorize the Director of the Census to collect and publish additional statistics of tobacco was considered as in Committee of the Whole.

The bill had been reported from the Committee on the Census with amendments. The first amendment was, in section 1, page 1, line 6, after the word "forms," to strike out "except manufactured tobacco," and on page 2, line 22, after the word "shall," to insert "under oath," so as to make the section read:

to insert "under oath," so as to make the section read:

That the Director of the Census be, and he is hereby, authorized and directed to collect and publish, in addition to the tobacco reports now being made by him, statistics of the quantity of leaf tobacco in all forms in the United States in the possession of all persons who are dealers or manufacturers, other than the original growers of tobacco, to be summarized and returned by the holder to the Director of the Census as of the dates of October 1 and April 1 of each year, provided that the Director of the Census shall not be required to collect statistics of leaf tobacco from any manufacturer of tobacco who in the preceding calendar year, according to the returns to the Commissioner of Internal Revenue, manufactured less than 50,000 pounds of tobacco, or from any manufacturer of cigars who during the preceding calendar year manufacturer of cigarettes who during the preceding calendar year manufactured less than 1,000,000 cigarettes, or from any manufactured less than 50,000 pounds in stock at the ends of the four quarters of the preceding calendar year, and every manufacturer of to-

bacco who, in the preceding calendar year, according to the return of the Commissioner of Internal Revenue, manufactured more than 50,000 pounds of tobacco, and every manufacturer of cigars who, during the preceding calendar year, manufactured more than 250,000 cigars, and every manufacturer of cigarettes who, during the preceding calendar year, manufacturer of than 1,000,000 cigarettes, and every dealer in or manufacturer of leaf tobacco who, on an average, during the preceding calendar year, had more than 50,000 pounds in stock at the ends of the four quarters of the preceding calendar year, shall, under oath, make written reports of the amounts held by them, as herein provided.

The amendment was agreed to.

The next amendment was agreed to.

The next amendment was, in section 2, page 3, line 7, after the word "reports," to strike out "may" and insert "shall"; in the same line, after the word "shall," to strike out "furnish" and insert "send"; and in line 8, after the word "act," to insert "not more than 15 nor less than 10 days prior to the 1st days of October and April in each year, together with a written or printed demand that such person make the report required," so as to make the section read:

required," so as to make the section read:

SEC. 2. That the Director of the Census shall specify the types of tobacco to be included in the reports of the holders thereof, and he shall specify the several types separately in making his reports. In securing reports by types, the Director of the Census shall follow substantially the classification of general types as recognized and adopted by the Department of Agriculture. That the Director of the Census shall prepare appropriate blanks upon which such reports shall be made and shall send a copy of same to any person subject to make reports under this act, not more than 15 nor less than 10 days prior to the first days of October and April in each year, together with a written or printed demand that such person make the report required.

The amendment was agreed to.

The next amendment was agreed to.

The next amendment was, in section 3, page 3, line 14, after the word "days," to strike out "prior to" and insert "after"; in line 16, after the word "Census," to insert "the number of pounds of each"; in line 17, after the word "tobacco," to strike out "and the quantity of same owned or held by him and contracted to be purchased by him" and insert "owned by him"; in line 19, after the word "dates," to insert "respectively"; and on page 4, line 7, after the word "not," to strike out "less then 20 days at "sea for the word "not," to strike out "less then 20 days at "sea for the word "not," to strike out "less then 20 days at "sea for the word "not," to strike out "less then 20 days at "sea for the word "not," to strike out "less then 20 days at "sea for the word "not," to strike out "less then 20 days at "sea for the word "not," to strike out "less then 20 days at "sea for the word "not," to strike out "less then 20 days at "sea for the word "not," to strike out "less then 20 days at "sea for the word "not," to strike out "less then 20 days at "sea for the word "not," to strike out "less then 20 days at "sea for the word "not," to strike out "less then 20 days at "sea for the word "not," to strike out "less then 20 days at "sea for the word "not," to strike out "less then 20 days at "sea for the word "not," to strike out "less then 20 days at "sea for the word "not," to strike out "less then 20 days at "sea for the word "not," to strike out "less then 20 days at "sea for the word "not," to strike out "less then 20 days at "sea for the word "not," to strike out "less then 20 days at "sea for the word "not," to strike out "less then 20 days at "less then than 30 days or," so as to make the section read:

than 30 days or," so as to make the section read:

SEC. 3. That all persons subject to the provisions of this act shall, within 10 days after the 1st day of October and 1st day of April in each year, make written report to the Director of the Census the number of pounds of each of the several types of leaf tobacco owned by him as of the said dates, respectively. If any such person shall fall to make said report within the time prescribed, he shall be guilty of a misdemeanor, and upon conviction shall be fined not less than \$300 or more than \$1,000. If any such person so llable to make such reports shall fall to make the same within the dates above specified, and thereafter the Director of the Census shall demand such report in writing, which demand shall be forwarded by registered mail, then if such person shall fail to make such report within 20 days after such demand so made, he shall also be deemed guilty of a misdemeanor, and upon conviction shall be imprisoned for not more than 6 months, in the discretion of the court. The depositing of the notice by the Director of the Census in any post office shall be held to be prima facle evidence of the delivery of the notice to the holder of tobacco, from which date the period of 20 days shall begin to run. The president, general manager, or other chief officer of any corporation failing to make such reports as required by this act shall be subject to the same penalties as are herein prescribed.

The amendment was agreed to.

The amendment was agreed to.

The next amendment was, in section 4, page 4, line 20, after the word "not," to strike out "less than 30 days or"; so as to make the section read:

Sec. 4. That any person who shall make a false report to the Director of the Census as to the types or amounts of tobacco held or owned by him shall be guilty of a misdemeanor, and upon conviction shall be punished by imprisonment for not more than six months, in the discretion of the court. The president, general manager, or other officer of any corporation making such false report shall be subject to the same penalty as prescribed in this section.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

RESOLUTION AND BILLS PASSED OVER.

Mr. SMOOT. I ask that Orders of Business 440, 441, and 442, being Senate resolution 242, Senate bill 5676, and Senate bill 5141, be passed over.

The VICE PRESIDENT. The resolution and bills referred to will be passed over at the request of the Senator from Utah.

AMERICAN NUMISMATIC ASSOCIATION.

The bill (H. R. 12623) to incorporate the American Numis-

matic Association was announced as next in order.

Mr. BORAH. I ask that that bill go over, Mr. President.

Mr. SMOOT. It is a harmless bill.

Mr. BORAH. It may be perfectly harmless, but when it is proposed to create a corporation I should like to read its proposed charter before the bill for that purpose is passed. What is the object of this association?

Mr. LODGE. They are simply collectors of coin; that is all.

Mr. SMOOT. They simply want to have a meeting place.

Well, let the bill be read. Mr. BORAH.

The VICE PRESIDENT. The Chair understands the Senator from Idaho temporarily withdraws his objection, and the Secretary will read the bill.

The Secretary read the bill, and, there being no objection, the Senate, as in Committee of the Whole, proceeded to its consid-

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BILLS PASSED OVER,

The bill (H. R. 16571) to give effect to the convention between the Governments of the United States, Great Britain, Japan, and Russia for the preservation and protection of the fur seals and sea otter which frequent the waters of the North Pacific Ocean, concluded at Washington July 7, 1911, was announced as next in order.

Mr. LODGE. Let that bill go over, Mr. President. The VICE PRESIDENT. The bill goes over.

The bill (S. 5629) to amend an act entitled "An act to provide for the construction and maintenance of roads, the establishment and maintenance of schools, and the care and support of insane persons in the District of Alaska, and for other purposes," approved January 27, 1905, was announced as next in

Mr. McCUMBER. Let that bill go over, Mr. President. The VICE PRESIDENT. The bill goes over.

A bill (S. 5674) for the relief of Indians occupying railroad lands was announced as next in order.

Mr. SMOOT. Let that go over, Mr. President. The VICE PRESIDENT. The bill goes over.

Mr. LODGE. Mr. President, I ask that all the bills relating to Indian affairs from Order of Business 450 to Order of Business 456, inclusive, may go over.

The VICE PRESIDENT. In the absence of objection it will

be so ordered.

The bill (S. 5254) to provide for compulsory education of the children of Alaska, and for other purposes, was announced as next in order.

Mr. McCUMBER. Let that go over, Mr. President. The VICE PRESIDENT. The bill goes over.

POST-OFFICE BUILDING AT ALBANY, OREG.

The bill (S. 5874) to increase the limit of cost for the erection and completion of the United States post-office building at AIbany, Oreg., was considered as in Committee of the Whole. proposes to increase by \$10,000 the limit of cost heretofore fixed by Congress to erect, complete, and furnish the post-office building at Albany, Oreg., provided for in existing legislation.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time,

and passed.

POST-OFFICE BUILDING AT THE DALLES, OREG.

The bill (S. 5877) to increase the limit of cost for the erection and completion of the post-office building at The Dalles, Oreg., was considered as in Committee of the Whole. It proposes to increase by \$24,000 the limit of cost heretofore fixed by Congress to erect, complete, and furnish the post-office building at The Dalles, Oreg.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time,

and passed.

NORTH AMERICAN TRANSPORTATION & TRADING CO.

The bill (S. 15) for the relief of the North American Transportation & Trading Co. was considered as in Committee of the

The bill had been reported from the Committee on Claims with amendments. The first amendment was, on page 1, line 7, after the words "sum of," to strike out "\$4,151.08" and insert "\$2,654.10"; and in line 9, after the word "cents," to strike out "for the following purposes, to wit," so as to read:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to the North American Transportation & Trading Co., of Chicago, Ill., out of any money in the Treasury not otherwise appropriated, the sum of \$2,654.10.

The amendment was agreed to.

The next amendment was, on page 1, beginning in line 10, to strike out "the sum of \$2,654.10," so as to read:

The company's receipt of the same to be in full payment and discharge of all claim for supplies furnished the Koyukuk Indians, of Peavey, Alaska, during April and May, 1899, at the request of a mass meeting of citizens of the United States held for the purpose of taking steps to prevent the death of these Indians from starvation, as reported by the Secretary of the Interior to the Speaker of the House of Representatives in House Document No. 166, Fifty-seventh Congress, first session

The amendment was agreed to.

The next amendment was, on page 2, after line 9, to strike

The sum of \$841.98, the company's receipt of the same to be in full payment and discharge of all claim for supplies and disbursements on account of the George F. Tilton overland relief expedition on behalf of the wrecked whalers at Point Barrow, Alaska, in the winter of 1897 and 1898, as reported by the Secretary of the Treasury to the chafrman of the Committee on Claims of the House of Representatives on April 25, 1902, April 19, 1906, and April 1, 1908.

The sum of \$655, the receipt of the same to be in full payment and discharge of all claim for damages caused by Government steamer Duchesnay on July 21, 1900, in violation of the laws of navigation, running into and Injuring the company's schooner Mary Ana while said schooner was at anenor in quarantine off Egg Island at St. Michael, Alaska, as described in the estimates of the Secretary of War, House Document No. 348, Fifty-seventh Congress, second session; House Document No. 12, estimates for 1904; House Document No. 652, Fifty-eighth Congress, second session; House Document No. 12, Fifty-eighth Congress, third session; House Document No. 12, Sixtieth Congress, first session. The amount of \$405 was the actual amount expended for making repairs, as shown by the estimates of the Secretary of War, and \$250 being compensation for loss of the use of the vessel occasioned by said collision and the necessity of making the said repairs.

The amendment was agreed to.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

PUBLIC BUILDING AT HOUSTON, TEX.

The bill (H. R. 1647) to amend an act entitled "An act to increase the limit of cost of certain public buildings, to authorize the purchase of sites for public buildings, to authorize the erection and completion of public buildings, and for other purposes," was considered as in Committee of the Whole. It proposes to repeal the last proviso of section 20, chapter 3916, Thirty-fourth United States Statutes at Large, "An act to increase the limit of cost of certain public buildings, to authorize the purchase of sites for public buildings, to authorize the purchase of sites for public buildings, to authorize the precion and completion of public buildings, and for other purposes," which reads as follows:

Provided further, That upon the completion of the building herein authorized to be constructed, the Secretary of the Treasury shall proceed by due and proper advertisement, and under such regulations, conditions, and stipulations as he may prescribe, or as Congress may hereafter direct, to sell to the highest bidder the present building and site upon which it is located, in Houston, Tex., now owned by the United States Government and now used and occupied as a post office, courthouse, customhouse, and for other governmental purposes, and deposit the proceds thereof into the Treasury of the United States.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

RECIPROCITY WITH CANADA,

The bill (S. 3316) to repeal an act entitled "An act to promote reciprocal trade relations with the Dominion of Canada, and for other purposes," approved July 26, 1911, was announced as next in order.

Let that bill go over. Mr. LODGE.

The VICE PRESIDENT. The bill goes over.

HENRY G. ROETZEL AND PAUL CHIPMAN.

The bill (S. 998) for the relief of Henry G. Roetzel and Paul Chipman was considered as in Committee of the Whole. It proposes to pay to Henry G. Roetzel and Paul Chipman, partners doing business under the firm name of Roetzel & Chipman, contractors, of Evansville, Ind., \$5,203.22, that being the amount withheld from them as liquidated damages under a certain contract for the construction of concrete walls, etc., at the lock at Grand Rapids, on the Wabash River.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time,

and passed.

SYSTEM OF RURAL COOPERATIVE CREDITS.

The joint resolution (H. J. Res. 75) to provide for the appointment of a commission to investigate the operations of cooperative land-mortgage banks and cooperative rural-credit unions in other countries, was announced as next in order.
Mr. WATSON. Let that go over, Mr. President.
The VICE PRESIDENT. The joint resolution goes over.

POST-OFFICE BUILDING AT HASTINGS, MICH.

The bill (S. 2751) providing for the erection of a post-office building at Hastings, Mich., was considered as in Committee of the Whole.

The bill had been reported from the Committee on Public Buildings and Grounds with an amendment on page 1, line 10, after the word "exceed," to strike out "fifty," and insert "eighty-one"; and in the same line, after the word "dollars," to strike out "for the purposes aforesaid, the sum of \$50,000, or so much thereof as may be necessary, is hereby appropriated out of any money in the Treasury not otherwise appropriated," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury is hereby authorized and directed to acquire, by purchase, condemnation, or otherwise, a suitable site, and cause to be erected thereon a suitable post-office building, including necessary vaults, heating and ventilating apparatus, and for the use of any other offices of the Government at Hastings, Mich. The cost of said building, including vaults, heating and ventilating apparatus, not to exceed \$81,000.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JAMES R. BROWN.

The bill (S. 1911) for the relief of James R. Brown, was considered as in Committee of the Whole.

The bill had been reported from the Committee on Claims with an amendment on page 1, line 5, after the words "sum of," to strike out "five thousand," and insert "two hundred and fifty," so as to make the bill read:

fifty," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to James R. Brown, of Washington, D. C., the sum of \$250, as full compensation for personal injuries received by the said Brown by being caught under a falling truck while the same was being unloaded from an elevator in the United States Treasury Bailding at Washington, D. C., without any fault or contributory negligence on his part, and while in the discharge of his official duties, on the 5th day of April, in the year 1907, and an amount sufficient to pay the same is hereby appropriated out of any money in the Treasury not otherwise appropriated.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CALAVERAS BIG TREE NATIONAL FOREST.

The bill (H. R. 12211) to amend the act of February 18, 1900 (35 Stat. L., p. 626), entitled "An act to create the Calaveras Big Tree National Forest, and for other purposes," was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PROOF ON DESERT-LAND ENTRIES.

The bill (H. R. 20491) authorizing the Secretary of the Interior to grant further extension of time within which to make proof on desert-land entries, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

IRRIGATION DITCH IN HAWAIL

The bill (H. R. 11628) authorizing John T. McCrosson and associates to construct an irrigation ditch on the island of Hawaii, Territory of Hawaii, was announced as next in order.
Mr. SMOOT. Let that go over, Mr. President,
The VICE PRESIDENT. The bill goes over.

MARY C. MAYERS.

The bill (S. 5462) for the relief of Mary C. Mayers was considered as in Committee on the Whole. The preamble recites that whereas Joseph L Mayers, lately an American citizen, residing at Yokohama, Japan, died on May 7, 1899, as the result of injuries received on May 6, 1899, by the fall of the first whaleboat belonging to the U. S. S. Charleston, then lying in Victoria Harbor, Hongkong, China, which was negligently detached from the davits of the ship by some of the ship's crew, Mayers having gone to the ship on official business, and left surviving him a widow, Mary C. Mayers, who was wholly dependent on her husband for support, and she is now without means, therefore the bill appropriates \$5,000 for the aid and support of Mary C.

Mayers, widow of Joseph L. Mayers.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

ESTATE OF EMILY A. AUTEN AND OTHERS.

The bill (S. 5008) for the relief of the estate of Emily A. Auten and others was considered as in Committee of the Whole. It proposes to pay-to the personal or legal representative of the following estates, which paid taxes in the New Jersey internal-revenue district, namely, estates of Emily A. Auten, William Golding, and Elizabeth S. Gummere, such sum of money as has been in any manner collected from those estates as internalrevenue taxes paid on legacies and distributive shares of personal property to the United States under the war-revenue act of June 13, 1898, such sums to be refunded in accordance with New York Volunteer Infantry, \$24.

the decision of the United States Supreme Court in the case of Knowlton against Moore (reported in U. S. Supreme Court Reports, vol. 178, p. 41), any statute of limitation to the contrary notwithstanding.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time,

and passed.

ESTATE OF ANDREW C. NASH.

The bill (S. 5810) for the relief of the estate of Andrew C. Nash was considered as in Committee of the Whole. It proposes to pay to the personal or legal representatives of the estate of Andrew C. Nash, late of Westport, Conn., such sum of money as has been in any manner collected from the estate as internalrevenue taxes paid on legacies and distributive shares of personal property to the United States, under the war-revenue act of June 13, 1898, such sums to be refunded in accordance with the decision of the United States Supreme Court in the case of Knowlton against Moore (reported in U. S. Supreme Court Reports, vol. 178, p. 41), any statute of limitation to the contrary notwithstanding.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time,

and passed.

BILLS PASSED OVER.

The bill (S. 284) for the relief of Andrew H. Russell and

William R. Livermore was announced as next in order.
Mr. SMOOT. Let that go over, Mr. President.
The VICE PRESIDENT. The bill goes over.
The bill (S. 4840) to carry into effect the judgment of the Court of Claims in favor of the contractors for building the U. S. battleship Indiana was announced as next in order.

Mr. SMOOT. Let that go over, Mr. President. The VICE PRESIDENT. The bill goes over.

PENSIONS AND INCREASE OF PENSIONS.

The bill (S. 6084) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors was considered as in Committee of the Whole. It proposes to pension the following-named persons at the rates per month stated:

Edward S. Allen, late of Company G, Second Regiment Nebraska Volunteer Cavalry, \$30.

Peter S. Brady, late of Company K, Third Regiment Kentucky

Peter S. Brady, late of Company K, Third Regiment Relatively Volunteer Infantry, \$30.

Susan R. Lovell, late nurse, Medical Department, United States Volunteers, \$20.

George Reiber, late of Company B, Second Regiment West Virginia Volunteer Cavalry, \$30.

Sylvester J. Hervey, late of Company B, Sixth Regiment Kansas Volunteer Infantry, \$24.

Lohn Murphy, late of Troop C. Fifth Regiment United States

John Murphy, late of Troop C, Fifth Regiment United States

Cavalry, \$30.

Luzerne Jones, late of Company A, One hundred and thirtieth Regiment Ohio National Guard Infantry, \$24.

Frederick Gunther, late of Company L, Third Regiment

Pennsylvania Volunteer Cavalry, \$30.
Christopher C. Yancey, alias Christopher Columbus, late landsman, U. S. S. Great Western and Naumkcag, United States

Samuel H. Atwood, late of Companies I and K, Fifth Regi-

ment New Hampshire Volunteer Infantry, \$30.

Ephraim Edmonson, late of Company D, Second Regiment
United States Colored Volunteer Infantry, \$24.

Joseph H. Graham, late captain Company H, Thirteenth

Regiment Illinois Volunteer Cavalry, \$30.

Thomas Fisher, late of Company F, Second Regiment Iowa

Volunteer Cavalry, \$30.
Robert McKinnis, late of Company G, Ninth Regiment Iowa
Volunteer Infantry, \$30.
Samuel Fletcher, late of Company H, Thirty-third Regiment

Illinois Volunteer Infantry, \$30.

Peter Lory, late of Company I, Twenty-first Regiment Missouri Volunteer Infantry, \$30. Nelson Miller, late of Company E, Tenth Regiment Michigan

Volunteer Cavalry, \$24. Harvey Ellison, late of Company A, First Regiment Ken-

tucky Volunteer Cavalry, \$30.
Andrew Plank, late of Company C, Tenth Regiment Kentucky

Volunteer Cavalry, \$30. Daniel S. Jones, late of Company M, First Regiment Indiana Volunteer Heavy Artillery, \$24.

Thomas Boland, late of Company I, Fifty-sixth Regiment

Chauncey M. Carpenter, late of Company C, Second Regiment Vermont Volunteer Infantry, \$30.

John Leavell, late major, Eighth Regiment Indiana Volunteer

Cavalry, \$30.

Henry J. Hallowell, late of Company B, Fifth Regiment Wisconsin Volunteer Infantry, \$24.
William Hall, jr., late of Company A, Fifteenth Regiment

West Virginia Volunteer Infantry, \$30. Rufus S. Dixon, late of Company K, Twenty-first Regiment

Connecticut Volunteer Infantry, \$30.

James E. Houghland, late of Company E, Nineteenth Regi-

ment Iowa Volunteer Infantry, \$30.

Joseph Hill, late of Company C, Fourth Regiment, and Company D, Seventh Regiment, Rhode Island Volunteer Infan-

Benjamin F. Mount, late of Company G, Fifteenth Regiment, and Company G, Tenth Regiment, West Virginia Volunteer In-

fantry, \$24.

James M. Ard, late of Company I, Thirteenth Regiment Kentucky Volunteer Cavalry, \$24.

Josiah W. Poorman, late of Company D, Twenty-first Regi-

ment Pennsylvania Volunteer Cavalry, \$24. William H. Spore, late of Company E, Eightieth Regiment

Indiana Volunteer Infantry, \$24.

James B. Wilson, late of Company C, Sixty-seventh Regiment Indiana Volunteer Infantry, \$30.
Seymour B. Young, late of Capt. Smith's company, Utah Vol-

unteer Cavalry, \$24.

David L. McNutt, late of Company G, One hundredth Regiment Ohio Volunteer Infantry, \$30.

Jerry Butts, late of Company G, One hundred and fifth Regi-

ment Ohio Volunteer Infantry, \$50.
William C. Torrence, late of Company I, Twenty-ninth Regi-

ment Pennsylvania Volunteer Infantry, \$24.

John A. Montgomery, late of Company K, Eleventh Regiment
Pennsylvania Reserves Volunteer Infantry, \$24.

Rufus F. Thorne, late of Company H, Second Regiment

Kansas Volunteer Cavalry, and second lieutenant Company F, Fifth Regiment Kentucky Volunteer Cavalry, \$30.

Thomas E. McMillan, late of Company B, Forty-fifth Regiment Iowa Volunteer Infantry, \$24.

George H. Wilcox, late of Company G, Seventh Regiment

Pennsylvania Volunteer Cavalry, and unassigned, Veteran Reserve Corps, \$24.

Thomas Riley, late of Company H, Sixty-first Regiment Massachusetts Volunteer Infantry, \$24.
Eli K. Simonds, late of Company D, Fifth Regiment Michigan Volunteer Cavalry, \$36. George F. Wonder, late of Signal Corps, United States Army,

Samuel Heath, late of Company A, Seventy-seventh Regiment Ohio Volunteer Infantry, \$36.

Silas Ebersole, late of Company K, Fiftieth Regiment Illinois

Volunteer Infantry, \$30.

Anna M. McCartney, widow of Joseph S. McCartney, late captain Company H and major Tenth Regiment Illinois Vol-

unteer Cavalry, \$20.
George C. Bucknam, late of Company C, Third Battery Massachusetts Volunteer Light Artillery, and pay him a pension at the rate provided by law for loss of both hands from disability incurred in the military service from the date of the passage of this act.

James T. Taylor, late of Company A, Second Battalion District of Columbia Militia Infantry, and Company D, Third Regi-

ment Pennsylvania Volunteer Cavalry, \$20.

Marshall Dillon, late of Company F, First Regiment Ohio

Volunteer Heavy Artillery, \$24.

George W. Forsythe, late of Company G, Thirty-first Regiment Wisconsin Volunteer Infantry, \$36.

Wesley C. Harvey, late carpenter and second master U. S. steam ram T. D. Horner, Mississippi Ram Fleet, \$15.

Annie B. Godwin, widow of William T. Godwin, late first lieutenant Company A, One hundred and eighteenth Regiment Pennsylvania Volunteer Infantry, \$25.

William Yeakey, late of Company C, Fifty-eighth Regiment Illinois Volunteer Infantry, and Company H, First Regiment Missouri Volunteer Light Artillery, \$30.

Josephine Owens, helpless and dependent daughter of Micajah Owens, late of Company F, Forty-eighth Regiment Indiana Volunteer Infantry, \$12.

John W. Page, late of Company I, Sixth Regiment New Hampshire Volunteer Infantry, \$40.

James Lewis, late of Company G, Third Regiment North Carolina Volunteer Mounted Infantry, \$24.

Samuel Randolph, late of Company A, Tenth. Regiment Michi-

gan Volunteer Cavalry, \$24.

Amelia Pearce, widow of William S. Pearce, late of Company H, Thirty-fifth Regiment New York Volunteer Infantry, \$20.

Marvin Chapman, late of Company D, Forty-second Regiment

Missouri Volunteer Infantry, \$30.

John B. Maberry, late of Company F, First Regiment Dela-

ware Volunteer Infantry, \$30.

John W. Sperry, late of Company K, Seventh Regiment Iowa

Volunteer Infantry, \$30.

Robert M. Carlton, late of Company F, Forty-fifth Regiment Ohio Volunteer Infantry, and Sixty-first Company, Second Battallon Veteran Reserve Corps, \$24.

Nancy Wilson, former widow of William Wilson, late of Company C, Sixty-eighth Regiment Ohio Volunteer Infantry, \$12.

Elisha G. Norton, late of Company D, Second Regiment Maine Volunteer Cavalry, \$30.

Horace W. White, late of Company A, Fifty-first Regiment New York Volunteer Infantry, \$36.

John Savage, late of Company A, Fifth Regiment Iowa Volunteer Infantry, \$30.

Justin E. Brown, late of Company B, Thirteenth Regiment Maine Volunteer Infantry, and first lieutenant Company A, Tenth Regiment United States Colored Volunteer Heavy Artillery, \$36.

George Potter, late of Company G, Tenth Regiment Connecti-

cut Volunteer Infantry, \$30.

Eva J. Clarke, helpless and dependent child of William S. Clarke, late of Battery G, Fifth Regiment United States Artil-

Daniel Fordham, late of Company H, One hundred and eighteenth Regiment, and Company A, Ninety-sixth Regiment, New York Volunteer Infantry, \$30.

Jacob W. Kinsey, late of Company H, First Regiment Nebraska Volunteer Cavalry, \$30.

Frank Biermann, late of Company B, First Regiment Missouri

State Militia Infantry, \$30. Edward Raubyauer, late of the U. S. S. Yankee, United States Navy, \$30.

Henry Ford, late of Company A, Fiftieth Regiment Ohio Vol-

unteer Infantry, \$30.

David P. Wilcox, late first lieutenant Company H, Second David P. Wilcox, late first lieutenant Compan Regiment East Tennessee Volunteer Infantry, \$40.

Mary J. Chick, dependent mother of Adelbert P. Chick, late of Company K, Eleventh Regiment Maine Volunteer Infantry,

Samuel M. Terry, late of Troops D and K, Second Regiment

United States Cavalry, \$30.

Albert F. Whiting, late of Company K, Seventh Regiment Massachusetts Volunteer Infantry, and Company E, Fourteenth Regiment Veteran Reserve Corps, \$24.

Isaac W. Hodsdon, late of Company K, Tenth Regiment, and Companies A and K, Twenty-ninth Regiment Maine Volunteer

Infantry, \$30.

Mary J. Foster, widow of John D. Foster, late of Company H, One hundred and fortieth Regiment New York Volunteer Infantry, and Company C, Nineteenth Regiment Veteran Reserve Corps, \$20.

James M. Lowell, late of Company G, Twenty-third Regiment Maine Volunteer Infantry, \$24. Charles Bennett, late of Company B, Thirty-third Regiment, and Company B, Second Regiment, Massachusetts Volunteer Infantry, \$24.

George A. Evans, late of Company G, Coast Guards, Maine

Volunteer Infantry, \$24.

Adelaide E. Harding, widow of Cyrus B. Harding, late of Company C, Hatch's battalion, Minnesota Volunteer Cavalry, and former widow of Carlton W. Race, late of U. S. S. Savannah and Iroquois, United States Navy, \$12.

Jeremiah Miles, late of Company G, Twenty-sixth Regiment United States Colored Volunteer Infantry, \$24.

Nelson L. Porter, late of Company A, Twenty-first Regiment Connecticut Volunteer Infantry, \$30.

Connecticut Volunteer Infantry, \$30.
Rudolph Alff, late of Company L, Fourth Regiment, and Company L, Ninth Regiment, New York Volunteer Cavalry, \$24.
Samuel Pincus, alias Jacob Harris, late of Company G, One hundred and seventy-sixth Regiment New York Volunteer Infantry, \$24.

Henry H. Helphenstine, late of Company A, Eighteenth Regiment Indiana Volunteer Infantry, \$36.

Mr. McCUMBER. On page 6, I move to strike out the clause from line 1 to line 4, inclusive, because of the death of the claimant.

The VICE PRESIDENT. The amendment proposed by the Senator from North Dakota will be stated.

The Secretary. On page 6, it is proposed to strike out from line 1 to line 4, inclusive, as follows:

The name of Rufus S. Dixon, late of Company K, Twenty-first Regiment Connecticut Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BILLS PASSED OVER.

Mr. SMOOT. The next three bills have been reported adversely. They are Senate bills Nos. 4159, 4230, and 364. I ask that they may be passed over.

The VICE PRESIDENT. At the request of the Senator from

Utah, the bills will go over.

GEORGE HALLMAN.

The bill (S. 2539) for the relief of George Hallman was considered as in Committee of the Whole. The bill was reported from the Committee on Claims with an amendment, on page 1, line 6, after the words "sum of," to strike out "five thousand" and insert "one hundred and sixty," so as to make the bill read:

Be it cnacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to George Hallman, out of any moneys in the Treasury of the United States not otherwise appropriated, the sum of \$160, in full settlement of his claim against the Government of the United States for personal injuries received while in the employ of the Government of the United States as fireman and when in line

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

LANDS IN PINE RIDGE INDIAN RESERVATION, S. DAK.

The bill (S. 111) to authorize the sale and disposition of the surplus and unallotted lands in Washabaugh County, in the Pine Ridge Indian Reservation, in the State of South Dakota, and making appropriation to carry the same into effect, was announced as next in order.

Mr. SMOOT. Let that bill go over.

The VICE PRESIDENT. The bill will be passed over.

PUBLIC BUILDING AT REDFIELD, S. DAK.

The bill (S. 409) to provide for the erection of a public building in the city of Redfield, S. Dak., was considered as in Committee of the Whole. The bill was reported from the Committee on Public Buildings and Grounds with an amendment, in section 1, on page 1, line 11, before the word "thousand," to strike out "one hundred" and insert "sixty-five," so as to make the section read:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to cause to be erected upon the site already selected and purchased by him in the city of Redfield, S. Dak., a suitable building necluding fireproof vaults, heating and ventilating apparatus, and approaches, for the use and accommodation of the United States post office and other Government offices at the said city of Redfield, S. Dak., which said building shall cost, complete, not to exceed the sum of 865 000.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

HOMESTEAD ENTRIES ON RECLAMATION PROJECTS.

The bill (H. R. 18792) for the relief of homestead entrymen under the reclamation projects in the United States was considered as in Committee of the Whole. It provides that no qualified entryman who prior to June 25, 1910, made bona fide entry upon lands proposed to be irrigated under the provisions of the act of June 17, 1902, the national reclamation law, and who established residence in good faith upon the lands entered by him, shall be subject to contest for failure to maintain residence or make improvements upon his land prior to the time when water is available for the irrigation of the lands embraced in his entry, but all such entrymen shall, within 90 days after the issuance of the public notice required by section 4 of the reclamation act, fixing the date when water will be available for irrigation, file in the local land office a waterright application for the irrigable lands embraced in his entry in conformity with the public notice and approved farm-unit plat for the township in which his entry lies, and shall also file an affidavit that he has reestablished his residence on the land with the intention of maintaining the same for a period sufficient to enable him to make final proof; but no such entry-man shall be entitled to have counted as part of the required period of residence any period of time during which he was

not actually upon the land prior to the date of the notice and no application for the entry of the lands shall be received until after the expiration of the 90 days after the issuance of notice within which the entryman is hereby required to reestablish his residence and apply for water right.

Mr. BORAH. Mr. President, I desire to ask the chairman of the Committee on Public Lands if this bill applies to all

reclamation projects?

Mr. SMOOT. It applies to all reclamation projects.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MEMORIAL AMPHITHEATER AT ARLINGTON.

The bill (S. 4780) for the erection of a memorial amphitheater at Arlington Cemetery was announced as next in order.
Mr. McCUMBER. Let the bill go over.
The VICE PRESIDENT. The bill will be passed over.

POST-OFFICE AND CUSTOMHOUSE SITES AT PORTLAND, OREG.

The bill (S. 5910) granting to the city of Portland, Oreg., certain strips of land from the post-office and customhouse sites in said city for street purposes was considered as in Committee of the Whole. It directs the Secretary of the Treasury to grant, relinquish, and convey, by quitclaim deed, to the city of Portland, Oreg., a strip of land approximately 10 feet in width off of the Seventh Street side of the new post-office site in that city and extending along Seventh Street from Hoyt to Glisan Streets, being part of the east end of lots 8, 5, 4, and 1, in block 8; and to grant, relinquish, and convey to the city of Portland, by quitclaim deed, a strip of land approximately 10 feet in width off of the Seventh Street side of the customhouse site in that city extending along Seventh Street from Davies to Everett Streets, the Secretary of the Treasury to reserve such portion of the strip for the use of the United States as he may consider necessary for areas, steps, approaches, etc., the strips of land to be used for street purposes only.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third

time, and passed.

BILLS PASSED OVER.

The bill (S. 3645) to amend the law providing for the payment of the death gratuity as applicable to the Navy and Marine Corps was announced as next in order.

Mr. SMOOT. I ask that the bill go over. The VICE PRESIDENT. The bill will be passed over.

The bill (S. 5382) to provide an exclusive remedy and compensation for accidental injuries, resulting in disability or death, to employees of common carriers by railroad engaged in interstate or foreign commerce, or in the District of Columbia, and for other purposes, was announced as next in order.
Mr. SMOOT. I ask that that bill go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (H. R. 14052) authorizing the Secretary of Agriculture to issue certain reports relating to cotton was announced as next in order.

Mr. SMITH of Georgia. Mr. President, the Senator from South Carolina [Mr. SMITH], who reported that bill, is not present in the Senate at this time, and so I think the bill had better go over

The VICE PRESIDENT. The bill will be passed over

The bill (S. 5294) to establish in the Bureau of Statistics, in the Department of Agriculture, a division of markets was announced as next in order.

Mr. SMITH of Georgia. I should like very much to have that bill considered.

Mr. SMOOT. I wish to ask that the bill go over to-day; but I will say to the Senator that I will take time to-night to look over it. He asked me to do so to-day, but I have not had the over it. opportunity

Mr. SMITH of Georgia. It has been unanimously reported from the Committee on Agriculture and Forestry.

Mr. SMOOT. If the Senator from Georgia has no objection, I should like to have the bill go over to-day.

Mr. SMITH of Georgia. Very well; but I am afraid I shall not get it in such favorable position again.

The VICE PRESIDENT. The bill will go over.

The bill (S. 5186) to incorporate the Brotherhood of North

American Indians was announced as next in order.
Mr. McCUMBER. I ask that the bill go over.
The VICE PRESIDENT. The bill will go over.

The bill (S. 461) conferring jurisdiction on the Court of Claims to hear, determine, and render judgment in claims of the Ponca Tribe of Indians against the United States was anmounced as next in order.

Mr. BRISTOW. I ask that the bill go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 5017) relating to procedure in United States courts was announced as next in order.

Mr. BORAH. I ask that the bill go over. The VICE PRESIDENT. The bill will be passed over.

The bill (S. 3749) to amend an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved

March 3, 1911, was announced as next in order.

Mr. BORAH. I also ask that that bill go over.

Mr. BORAH. I also ask that that Dill go over.

The VICE PRESIDENT. The bill will go over.

The bill (S. 5956) to restore in part the rank of Lieuts.

Thomas Marcus Molloy and Joseph Henry Crozier, United States Revenue-Cutter Service, was announced as next in order.

Mr. SMOOT. Let that bill go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 4341) removing the charge of desertion from the military record of Nathan McDaneld and extending to him pensionable rights was announced as next in order.

Mr. SMOOT. Mr. President, I have not had time to look at the report in this case, but I understand there is an amendment

reported by the committee.

The VICE PRESIDENT. There is an amendment to strike out all after the enacting clause of the bill and insert a sub-

Mr. WARREN. I will say to the Senator that the bill

merely proposes to give this man a pensionable status.

Mr. SMOOT. I will ask that the bill go over for to-day, Mr.

President. The VICE PRESIDENT. The bill will be passed over, at

the request of the Senator from Utah.

The bill (S. 2605) to provide that petty officers, noncommissioned officers, and enlisted men of the United States Navy and Marine Corps on the retired list who had creditable Civil War service shall receive the rank or rating and the pay of the next higher enlisted grade was announced as next in order.

Mr. SMOOT. I ask that the bill may go over. Mr. LODGE. I hope the Senator will not obj I hope the Senator will not object to the bill. We have made similar provision for officers of the Army and This is simply to give to the few remaining survivors of the Civil War who served as enlisted men and noncommissioned and petty officers, and who are now on the retired list, one extra grade, as has been given to the officers of the Army and Navy who served in the Civil War.

Mr. THORNTON. Mr. President, I should like to supplement the statement of the Senator from Massachusetts by saying that there are only 200 men on the retired list to whom

this bill would apply

The VICE PRESIDENT. Objection is made, and the bill goes over.

ISAAC J. REESE.

The bill (S. 4113) for the relief of Isaac J. Reese was considered as in Committee of the Whole.

The bill had been reported from the Committee on Military Affairs with an amendment, on page 1, line 11, after the word "named, to insert "Provided, That no pension shall accrue prior to the passage of this act," so as to make the bill read:

Be it enacted, etc., That in the administration of the pension laws Isaac J. Reese shall hereafter be held and considered to have been in the military service of the United States as a private of Company K, One hundred and ninety-fourth Regiment Pennsylvania Volunteer Infantry, from the 24th day of July, 1864, to the 6th day of November, 1864, and to have been honorably discharged from said service on the date hereinbefore last named: Provided, That no pension shall accrue prior to the passage of this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

FERDINAND TOBE.

The bill (S. 1484) for the relief of Ferdinand Tobe was con-

sidered as in Committee of the Whole.

The bill had been reported from the Committee on Military Affairs with amendments, on page 1, line 10, after the word "That," to strike out "other than as above set forth," and in line 12, after the words "prior to," to strike out "or by reason ' so as to make the bill read:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, or benefits upon honorably discharged soldiers, Ferdinand Tobe, who was a private of Company A, Fifty-eighth Regiment Ohio Volunteer Infantry, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a member of said company and regiment on the 30th day of June, 1863: Provided, That no pay, bounty, pension, or other emolument shall accrue prior to the passage of this act.

the beneficiary the rights, privileges, and benefits of an honorably discharged soldier, but it also places him in a position to draw a pension.

Mr. WARREN. Mr. President, I ask that the Secretary read

the provision as it will be when amended.

Mr. SMOOT. I thought the Secretary had finished the reading

Mr. WARREN. I ask that the provision as amended be read again.

The Secretary read as follows:

Provided, That no pay, bounty, pension, or other emolument shall accrue prior to the passage of this act.

Mr. SMOOT. Mr. President, that is the way it reads with the words stricken out, as proposed by the amendment. Evidently the bill intends not only to remove the dishonorable discharge, but it also confers upon the beneficiary the right to draw

a pension hereafter.

Mr. WARREN. Mr. President, this bill was not reported by me, and the Senator who reported it is out of the Chamber. will say, however, that in almost every case-I do not know but that I might say in every case—of correcting military records we now report bills for the purpose of giving the soldier a pensionable status hereafter, so that he may draw a pension for the rest of his life. This bill gives the soldier no back pay or pension, but gives him a pensionable status. Of course, the Pension Bureau will not allow any pension to a discharged soldier who has a stain of dishonorable discharge on his record. This is a case, however, where there seems to have been, in the minds of the committee, an excusable cause for pardon, if I may call it that. There are cases presented to the committee where a soldier, for instance, was a mere boy in his first enlistment and deserted, but subsequently enlisted, served honorably a full term, and received an honorable discharge from his second enlistment. In such a case as that the committee have felt that at this late day, as there are not many years left for him, he might have a pensionable status.

Mr. SMOOT. Has it been the rule of the committee in reporting such bills favorably to report them in such a way that from the time the bill passes the beneficiary can draw a pension?

Mr. WARREN. Such bills usually provide that the beneficiary may draw a pension hereafter, but not before the passage of the bill.

Mr. SMOOT. I will not object, Mr. President.

The VICE PRESIDENT. The question is on agreeing to the amendment reported by the committee.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

AIDS TO NAVIGATION AT BALTIMORE.

The bill (S. 6001) providing for gas buoys and other aids to navigation in the channels leading to Baltimore, Md., was considered as in Committee of the Whole. It authorizes the Secretary of Commerce and Labor to use, for the establishment of gas buoys and other aids to navigation in the channels leading to Baltimore, Md., the appropriation of \$125,000 made by the act of Congress approved March 4, 1911 (36 Stat., 1431), the establishment of range lights in Fort McHenry Channel, Md.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time,

and passed.

DISTRICT STREET RAILWAYS.

The bill (S. 5990) to provide for the extension of the underground system of the Washington Railway & Electric Co. and the City & Suburban Railway of Washington along certain streets in the city of Washington, and for other purposes, was announced as next in order.

Mr. SMOOT. Let that go over. The VICE PRESIDENT. The bill will go over.

PROTECTION OF LIBRARY PROPERTY.

The bill (S. 6096) to amend subchapter 2, chapter 19, of the Code of Law for the District of Columbia, by providing a penalty for willful omission to return library property in the District of Columbia was considered as in Committee of the Whole.

The bill was reported from the Committee on the District of Columbia with an amendment, on page 1, line 7, after the word 'whoever," to insert "willfully," so as to make the bill read:

been discharged honorably from the military service of the United States as a member of said company and regiment on the 30th day of June, 1863: Provided, That no pay, bounty, pension, or other emolument shall accrue prior to the passage of this act.

Mr. SMOOT. Mr. President, I notice in line 12 of the bill, on page 1, the committee has recommended that the words "or by reason of" be stricken out; and the bill not only confers on

to return the same, such notice to contain a copy of this section and to be given after the expiration of the time which, by the rules of such library, such book or other property may be kept, shall be punished by a fine of not less than \$1 nor more than \$25, or by imprisonment for not less than one month nor more than \$25, or by imprisonment for not less than one month nor more than \$25, or by imprisonment for this section shall be brought in the name of the District of Columbia by Information filed by the corporation counsel or one of his assistants: Provided, That the penalties provided by this section shall be in addition to any penalties lawfully imposed by the trustees of any public or incorporated library in the District of Columbia and shall be applicable when the offense is not otherwise punishable by some statute of the United States."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read

the third time, and passed.

The title was amended so as to read: "A bill to amend subchapter 2, chapter 19, of the Code of Law for the District of Columbia, by providing a penalty for omission to return library property in the District of Columbia."

JOSEPH B. RILEY.

Mr. BRISTOW. I move that the next bill on the calendar, the bill (S. 1330) for the relief of Joseph B. Riley, alias Thomas B. Keesy, be recommitted to the Committee on Military

The VICE PRESIDENT. Is there objection to recommitting the bill? The Chair hears no objection, and the order is

MARINE FISHERY INTERESTS ON PACIFIC COAST.

The bill (S. 4850) to establish on the coast of the Pacific States a station for the investigation of problems connected with the marine fishery interests of that region was considered as in Committee of the Whole. It directs the Secretary of Commerce and Labor to establish, at some suitable point on the const of the Pacific States, a station for the investigation of problems connected with the marine fishery interests of that region; and for the necessary surveys, purchase of land, erection of buildings and other structures, and the proper equipment of such a station the sum of \$50,000 is appropriated.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time,

and passed.

FISH-CULTURAL STATION IN ALABAMA.

The bill (S. 239) to establish a fish-cultural station in the State of Alabama was considered as in Committee of the Whole. The bill was reported from the Committee on Fisheries with

an amendment, to insert at the end of the bill the following

Provided, That before any final steps shall have been taken for the construction of a fish-cultural station in accordance with this bill, the State of Alabama, through appropriate legislative action, shall accord to the United States Commissioner of Fisheries and his duly authorized agents the right to conduct fish hatching and all operations connected therewith in any manner and at any time that may by them be considered necessary and proper, any fishery laws of the State to the contrary notwithstanding: And provided further, That the operations of said hatchery may be suspended by the Secretary of Commerce and Labor whenever, in his judgment, the laws and regulations affecting the fishes cultivated are allowed to remain so inadequate as to impair the efficiency of said hatchery.

The amendment was agreed to

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

FISH-CULTURAL STATION IN COLORADO.

The bill (S. 90) to establish a fish-cultural station in the State of Colorado was considered as in Committee of the Whole.

The bill was reported from the Committee on Fisheries with an amendment, to insert at the end of the bill the following proviso:

Provided, That before any final steps shall have been taken for the construction of a fish-cultural station in accordance with this bill, the State of Colorado, through appropriate legislative action, shall accord to the United States Commissioner of Fisheries and his duly authorized agents the right to conduct fish hatching and all operations connected therewith in any manner and at any time that may by them be considered necessary and proper, any fishery laws of the State to the contrary notwithstanding: And provided further, That the operations of said hatchery may be suspended by the Secretary of Commerce and Labor whenever, in his judgment, the laws and regulations affecting the fishes cultivated are allowed to remain so inadequate as to impair the efficiency of said hatchery.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

FISH-CULTURAL STATION IN IDAHO.

The bill (S. 142) to establish a fish-cultural station in the State of Idaho was considered as in Committee of the Whole.

The bill was reported from the Committee on Fisheries with

an amendment to insert at the end of the bill the following proviso:

Provided, That before any final steps shall have been taken for the construction of a fish-cultural station in accordance with this bill, the State of Idaho, through appropriate legislative action, shall accord to the United States Commissioner of Fisheries and his duly authorized agents the right to conduct fish hatching and all operations connected therewith in any manner and at any time that may by them be considered necessary and proper, any fishery laws of the State to the contrary notwithstanding: And provided further, That the operations of said hatchery may be suspended by the Secretary of Commerce and Labor whenever, in his judgment, the laws and regulations affecting the fishes cultivated are allowed to remain so inadequate as to impair the efficiency of said hatchery.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

FISH-CULTURAL STATION IN MINNESOTA,

The bill (S. 263) to establish a fish-cultural station in the State of Minnesota was considered as in Committee of the Whole.

The bill was reported from the Committee on Fisheries with an amendment, to insert at the end of the bill the following proviso:

provised. That before any final steps shall have been taken for the construction of a fish-cultural station in accordance with this bill the State of Minnesota, through appropriate legislative action, shall accord to the United States Commissioner of Fisherles and his duly authorized agents the right to conduct fish hatching and all operations connected therewith in any manner and at any time that may by them be considered necessary and proper, any fishery laws of the State to the contrary notwithstanding: And provided further, That the operations of said hatchery may be suspended by the Secretary of Commerce and Labor whenever, in his judgment, the laws and regulations affecting the fishes cultivated are allowed to remain so inadequate as to impair the efficiency of said hatchery.

The amendment was acreed to

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

FISH-CULTURAL STATION IN NEVADA.

The bill (S. 4757) to establish a fish-cultural station in the State of Nevada was considered as in Committee of the Whole.

The bill was reported from the Committee on Fisheries with an amendment, on page 1, line 8, after the word "Labor," to insert the following proviso:

sert the following proviso:

Provided, That before any final steps shall have been taken for the construction of a fish-cultural station in accordance with this bill the State of Nevada, through appropriate legislative action, shall accord to the United States Commissioner of Fisheries and his duly authorized agents the right to conduct fish hatching and all operations connected therewith in any manner and at any time that may by them be considered necessary and proper, any fishery laws of the State to the contrary notwithstanding: And provided further, That the operations of said hatchery may be suspended by the Secretary of Commerce and Labor whenever, in his judgment, the laws and regulations affecting the fishes cultivated are allowed to remain so inadequate as to impair the efficiency of said hatchery.

The amendment was agreed to

The amendment was agreed to.
The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

FISH-CULTURAL STATION IN NORTH DAKOTA.

The bill (S. 231) to establish a fish-cultural station at the city of Fargo, in the State of North Dakota, was considered as in Committee of the Whole.

The bill was reported from the Committee on Fisheries with amendments, on page 1, line 6, before the word "station," to strike out the word "fish-culture" and insert "fish-cultural"; in the same line, after the word "station," to strike out "at the city of Fargo"; and at the end of the bill, in line 9, after the word "Labor," to insert the following proviso:

Provided, That before any final steps shall have been taken for the construction of a fish-cultural station in accordance with this act, the State of North Dakota, through appropriate legislative action, shall accord to the United States Commissioner of Fisheries and his duly authorized agents the right to conduct fish hatching and all operations connected therewith in any manner and at any time that may by them be considered necessary and proper, any fishery laws of the State to the contrary notwithstanding; And provided further, That the operations of said hatchery may be suspended by the Secretary of Commerce and Labor whenever, in his judgment, the laws and regulations affecting the fishes cultivated are allowed to remain so inadequate as to impair the efficiency of said hatchery.

So as to make the bill read .

Be it enacted, etc., That the sum of \$25,000, or so much thereof as may be necessary, be, and the same is hereby, appropriated for the establishment of a fish-cultural station in the State of North Dakota, including purchase of site, construction of buildings and ponds, and equipment, at some suitable point to be selected by the Secretary of Commerce and Labor: Provided, That before any final steps shall have been taken, etc.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read

the third time, and passed.

The title was amended so as to read: "A bill to establish a fish-cultural station in the State of North Dakota."

FISH-CULTURAL STATION IN UTAH.

The bill (S. 423) to establish a fish-cultural station in the State of Utah was considered as in Committee of the Whole.

The bill was reported from the Committee on Fisheries with

an amendment, to insert at the end of the bill the following proviso:

proviso:

Provided, That before any final steps shall have been taken for the construction of a fish-cultural station in accordance with this bill, the State of Utah, through appropriate legislative action, shall accord to the United States Commissioner of Fisheries and his duly authorized agents the right to conduct fish hatching and all operations connected therewith in any manner and at any time that may by them be considered necessary and proper, any fishery laws of the State to the contrary notwithstanding: And provided further, That the operations of said hatchery may be suspended by the Secretary of Commerce and Labor whenever, in his judgment, the laws and regulations affecting the fishes cultivated are allowed to remain so inadequate as to impair the efficiency of said hatchery.

The amendment was agreed to.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MISSOURI RIVER BRIDGES.

The bill (S. 5883) to extend the time for the completion of a bridge across the Missouri River at Yankton, S. Dak., by the Yankton, Norfolk & Southern Railway Co. was considered as in Committee of the Whole.

The bill was reported from the Committee on Commerce with amendments, on page 2, line 4, after the word "act," to insert the following:

Provided, That the construction, maintenance, and operation of the said bridge shall be in all respects subject to and in accordance with the provisions of the act entitled "An act to regulate construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

So as to make the bill read:

So as to make the bill read:

Be it enacted, etc., That section 6 of the act approved March 9, 1904, authorizing the Yankton, Norfolk & Southern Railway Co. to construct a combined railroad, wagon, and foot-passenger bridge across the Missouri River at or near the city of Yankton, S. Dak., as amended by the act approved March 26, 1910, be, and the same is hereby, so amended that the time within which the said bridge is required to be commenced shall be within one year and the time within which it is required that the said bridge shall be completed shall be within three years from the date of the approval of this act: Provided, That the construction, maintenance, and operation of the said bridge shall be in all respects subject to and in accordance with the provisions of the act entitled "An act to regulate construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The amendments were agreed to

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in. The bill was ordered to be engrossed for a third reading, read

the third time, and passed.

The bill (S. 5882) to extend the time for the completion of a bridge across the Missouri River at or near Yankton, S. Dak., by the Winnipeg, Yankton & Gulf Railroad Co. was considered as in Committee of the Whole.

The bill was reported from the Committee on Commerce with amendments, to insert at the end of the bill the following:

Provided, That the construction, maintenance, and operation of the said bridge shall be in all respects subject to and in accordance with the provisions of the act entitled "An act to regulate construction of bridges over navigable waters," approved March 23, 1906.

SEC 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

So as to make the bill read:

Be it enacted, etc., That section 6 of the act approved April 5, 1904, authorizing the Winnipeg, Yankton & Gulf Railroad Co. to construct a combined railroad, wagon, and foot-passenger bridge across the Missouri River at or near the city of Yankton, S. Dak., as amended by the act approved January 26, 1910, be, and the same is hereby, so amended that the time within which the said bridge is required to be commenced shall be within one year and the time within which it is required that the said bridge shall be completed shall be within three years from the date of the approval of this act: Provided, That the construction, main-

tenance, and operation of the said bridge shall be in all respects subject to and in accordance with the provisions of the act entitled "An act to regulate construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

RUSSELL FORK BRIDGE, KY.

The bill (H. R. 20286) authorizing the fiscal court of Pike County, Ky., to construct a bridge across Russell Fork of Big Sandy River was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

THE METAL SCHEDULE.

The bill (H. R. 18642) to amend an act entitled "An act to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes," approved August 5, 1909, was announced as next in order.

Mr. LODGE. Let that go over. The VICE PRESIDENT. The bill goes over.

FISH-CULTURAL STATION IN NORTH CAROLINA.

The bill (S. 1569) to establish a fish-cultural station in the State of North Carolina was considered as in Committee of the Whole.

The bill was reported from the Committee on Fisheries with an amendment, to insert at the end of the bill the following proviso:

Provided, That before any final steps shall have been taken for the construction of a fish-cultural station in accordance with this bill, the State of North Carolina, through appropriate legislative action, shall accord to the United States Commissioner of Fisherles and his duly authorized agents the right to conduct fish hatching and all operations connected therewith in any manner and at any time that may by them be considered necessary and proper, any fishery laws of the State to the contrary notwithstanding: And provided further, That the operations of said hatchery may be suspended by the Secretary of Commerce and Labor whenever, in his judgment, the laws and regulations affecting the fishes cultivated are allowed to remain so inadequate as to impair the efficiency of said hatchery.

The appropriatory was accord to

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

PENSIONS AND INCREASE OF PENSIONS.

The bill (H. R. 18335) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war, was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with

amendments.

The first amendment of the Committee on Pensions was, on page 6, line 15, after the word "receiving," to insert "Provided, That in the event of the death of Louisa E. Read, helpless and dependent child of said Alexander W. Read, the additional pension herein granted shall cease and determine," so as to make the clause read:

The name of Lucinda Read, widow of Alexander W. Read, late of Company B, One hundred and eighty-seventh Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of \$24 per month in lieu of that she is now receiving: Provided, That in the event of the death of Louisa E. Read, helpless and dependent child of said Alexander W. Read, the additional pension herein granted shall cease and determine.

The amendment was agreed to.

The next amendment was, on page 9, line 6, before the word "dollars," to strike out "sixty" and insert "fifty," so as to make the clause read:

The name of Edwin G. Owen, late of Company I, One hundred and forty-first Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$50 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 9, line 17, before the word "dollars," to strike out "sixty" and insert "thirty-six," so as to make the clause read:

The name of Martin H. Black, late of Company K, Fifty-first Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$36 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 10, line 1, before the word "dollars," to strike out "thirty" and insert "twenty-four," so as to make the clause read:

The name of John H. Mohler, late of Company K, One hundred and first Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 10, line 9, before the word "dollars," to strike out "thirty" and insert "twenty-four," so as to make the clause read:

The name of George Smith, late of Company E, Thirty-second Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 13, after line 10, to strike

The name of Henry S. Byers, late of Company F, One hundred and seventy-eighth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The amendment was agreed to.

Mr. Mccumber. On page 13, line 21, before the word "dollars," I move to strike out "twenty" and insert "thirty,"

The name of Hiram S. Kenyon, late of Company H, Thirteenth Regiment New York Volunteer Heavy Artillery, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment of the Committee on Pensions was, on page 14, line 16, after the word "Infantry," to insert "and Company B, Seventh Regiment Veteran Reserve Corps," so as to make the clause read:

The name of Orlando Martin, late of Company A, Nineteenth Regiment Ohio Volunteer Infantry, and Company B, Seventh Regiment Veteran Reserve Corps, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 19, after line 6, to strike

The name of Bridget McAloon, dependent mother of Peter McAloon, late Heutenant colonel Twenty-seventh Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 20, after line 4, to strike

The name of Henry Abrams, late of Companies D and C, Fourth Regiment Illinois Volunteer Cavalry, and Company C, Eleventh Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in licu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 20, after line 22, to strike

The name of Joseph H. Koch, late of Company G, Fiftieth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 21, after line 2, to strike

The name of John S. Cochrane, alias George S. Cochrane, late of Company H. Fourteenth Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was agreed to.

The next amendment was, on page 21, line 23, after the word "receiving," to insert, "and \$2 per month additional on account of the minor child of said soldier until such child shall arrive at the age of 16 years," so as to make the clause read:

The name of Antoinette S. Edgett, widow of Orren B. Edgett, late of Company B. Battalion, One hundred and twenty-sixth Regiment New York Volunteer Infantry, and pay her a pension at the rate of \$20 per mouth in lieu of that she is now receiving, and \$2 per month additional on account of the minor child of said soldier until such child shall arrive at the age 16 years.

The amendment was agreed to.

The next amendment was, on page 25, after line 15, to strike

The name of Ellen M. De Coursey, widow of Timothy De Coursey, late of Company K. Sixty-first Regiment Massachusetts Volunteer Infantry, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving.

The amendment was agreed to.

Mr. McCUMBER. On page 27 I move to strike out lines 9, 10, 11, and 12, the beneficiary having died since the report was

The VICE PRESIDENT. The amendment will be stated.

The Secretary. Strike out lines 9 to 12, inclusive, on page 27, as follows:

The name of Charles H. Wilcox, late of Company D, Seventy-third Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment of the Committee on Pensions was, on page 28, after line 4, to strike out:

The name of Stephen D. Smith, dependent father of Franklin Smith, late of Company G. Third Regiment Rhode Island Volunteer Cavalry, and pay him a pension at the rate of \$20 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 28, line 12, before the word "dollars," to strike out "thirty" and insert "forty," so as to make the clause read:

APRIL 23,

The name of Arthur E. Gilligan, late of Company C, Third Regiment Rhode Island Volunteer Cavalry, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 34, line 1, before the word "dollars," to strike out "thirty" and insert "twenty-four," so as to make the clause read:

The name of Friedrich Miller, late of Company A, Cape Girardeau Battalion Missouri Home Guards, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

ANNIE G. HAWKINS.

The bill (S. 117) granting an increase of pension to Annie G. Hawkins was announced as next in order.

Mr. McCUMBER. I ask that the bill may go over. The VICE PRESIDENT. The bill will go over.

HARRIET PIERSON PORTER.

The bill (S. 118) granting an increase of pension to Harriet Pierson Porter was announced as next in order.

Mr. McCUMBER. Let that go over.

The VICE PRESIDENT. The bill will go over.

PROPOSED EIGHT-HOUR LAW.

The bill (H. R. 9061) limiting the hours of daily service of laborers and mechanics employed upon work done for the United States, or for any Territory, or for the District of Columbia, and for other purposes, was announced as next in order.

Mr. McCUMBER. Let that go over.

The VICE PRESIDENT. The bill will go over.

ALASKAN COAL LANDS.

The bill (S. 5860) to provide for agricultural entries on coal lands in Alaska was announced as next in order.

Mr. SMITH of Georgia. Let that go over. The VICE PRESIDENT. The bill goes over.

FLATHEAD IRRIGATION PROJECT.

The bill (S. 5957) providing for the issuance of patents to entrymen for homesteads in the so-called Flathead irrigation project was announced as next in order.

Mr. SMITH of Georgia. Let that go over. The VICE PRESIDENT. The bill will go over.

COLVILLE INDIAN RESERVATION.

The bill (S. 5350) authorizing and directing the Secretary of the Interior to investigate and report upon the advisability of constructing roads upon the diminished Colville Indian Reservation, in the State of Washington, and for other purposes, was announced as next in order.

Mr. McCUMBER. Let that go over. The VICE PRESIDENT. It will go over.

PENSIONS AND INCREASE OF PENSIONS.

The bill (H. R. 18337) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments.

The first amendment of the Committee on Pensions was, on page 6, line 14, before the word "dollars," to strike out "thirty" and insert "twenty-four," so as to make the clause read:

The name of Alva O. Brooks, late of Company B, Twenty-sixth Regiment Michigan Volunteer Infantry, and Company G, Thirty-ninth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 8, line 18, after the word "month," to insert "such pension to cease upon proof that the soldier is living," so as to make the clause read:

The name of Eliza A. Faries, widow of Myron J. Faries, late of Company I, First Regiment Minnesota Volunteer Infantry, and Troop H, First United States Cavalry, and pay her a pension at the rate of \$12 per month, such pension to cease upon proof that the soldier is living.

The amendment was agreed to.

The next amendment was, on page 9, after line 6, to strike out:

The name of Richard H. Ely, late of Company C. Fifty-seventh Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$50 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 9, line 16, after the word late," to strike out "of" and insert "second lieutenant," so as to make the clause read:

The name of Hattle L. Renedict, widow of James W. Benedict, late second lieutenant Company F, Tenth Regiment Connecticut Volunteer Infantry, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 9, line 21, after the word "late," to strike out "of" and insert "first lieutenant," so as to make the clause read:

The name of Ann Elizabeth Kitchen, widow of Charles W. Kitchen, late first licutenant Company B, Thirty-eighth Regiment New Jersey Volunteer Infantry, and pay her a pension at the rate of \$25 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 12, after line 4, to strike

The name of William Miller, late of band, United States Reserve Corps, Missouri Volunteers, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 13, line 10, after the word "Volunteer," to strike out "Infantry" and insert "Cavalry," so as to make the clause read:

The name of Joseph M. Guthrie, late of Company B, Fourth Regiment Iowa Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in Heu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 16, after line 2, to strike out:

The name of James Murray, late of Company K, Sixty-sixth Regiment Pennsylvania Volunteer Infantry, and Company K, Seventy-third Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$30 per moth in lieu of that he is now receiving.

The amendment was agreed to.

The amendment was agreed to.

The next amendment was, on page 17, line 3, before the word

"Cavalry," to strike out "Volunteer Reserve" and insert

"Reserve Volunteer," so as to make the clause read:

The name of James P. Grove, late of Company F, First Regiment

Pennsylvania Reserve Volunteer Cavalry, and pay him a pension at the
rate of \$30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 21, line 17, after the word "late," to strike out "of" and insert "first lieutenant," so as to make the clause read:

The name of John L. Shipley, late first lieutenant Company H, Twenty-third Regiment Jowa Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 23, after line 16, to strike

The name of Robert N. Barton, late of Company I, Fourteenth Regiment Missouri Volunteer Cavalry, and pay him a pension at the rate of \$24 per month in licu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 24, line 16, before the word "dollars," to strike out "fifty" and insert "thirty-six," so as to make the clause rend:

The name of Thomas Addington, late chaplain Eighty-fourth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$36 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 27, after line 4, to strike

The name of Otis Long, late of Company K, One hundred and fifty-fifth Regiment Ohio National Guard Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 30, after line 4, to strike

The name of Francis J. Truesdell, late of Company D, One hundred and twelfth Regiment New York Volunteer Infantry, and pay him a pension at the rate of \$30 per month in Ileu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 30, line 11, before the word "dollars," to strike out "thirty" and insert "twenty-four," so as to make the clause read:

The name of John Williams, late of Company F, Forty-first Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 31, line 10, before the word "Company" to insert "captain," so as to make the clause read:

The name of George W. Brown, late of Company A, Twenty-fourth Regiment, and captain Company F, Eighteenth Regiment, Ohio Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 32, after line 12, to strike

The name of Mary E. Rutter, widow of Alonzo J. Rutter, late of Company K, Twenty-first Regiment Iowa Volunteer Infantry, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was agreed to.

The next amendment was, on page 33, line 3, after the words "at the rate," to strike out "of \$72 per month in lieu of that he is now receiving" and insert "provided by existing laws for total disability requiring the regular and constant aid and attendance of another person in lieu of that he is now receiving," so as to make the clause read:

The name of Munson M. Lockwood, late of Company F, Fifth Regiment Vermont Volunteer Infantry, and pay him a pension at the rate provided by existing laws for total disability requiring the regular and constant ald and attendance of another person in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 34, after line 2, to strike

The name of John J. James, late of U. S. S. Great Western and Collier, United States Navy, and pay him a pension at the rate of \$36 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 35, line 5, before the word "dollars," to strike out "thirty" and insert "twenty-four," so as to make the clause read:

The name of Pulaski T. Gaither, late of Company C, Forty-ninth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was agreed to.

The next amendment was, on page 35, line 12, after the word

"Colored," to strike out "Troops" and insert "Volunteer Infantry," and in line 14, before the word "dollars," to strike out

"thirty" and insert "twenty-four," so as to make the clause

The name of Joseph Butcher, late of Company I, Twenty-seventh Regiment United States Colored Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The amendment was agreed to.
Mr. McCUMBER. On page 5 I move to strike out lines 21 to 24, inclusive, the beneficiary having died since the report was

The VICE PRESIDENT. The amendment will be stated. The Secretary. On page 5 strike out lines 21 to 24, inclusive, as follows:

The name of John G. Sauers, late of Company H, One hundred and twenty-third Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment was agreed to.
Mr. McCUMBER. For the same reason, I move to strike out lines 24 and 25, on page 7, and lines 1 and 2, on page 8, as fol-

The name of William Koons, late of Company K, Two hundred and fifth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment was agreed to.

Mr. McCUMBER. For the same reason, I move to strike out lines 21 to 24, inclusive, on page 20.

The VICE PRESIDENT. The amendment will be stated.
The SECRETARY. On page 20 strike out lines 21 to 24, inclu-

sive, as follows:

The name of James W. Quick, late of Company B, Thirty-third Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The amendment was agreed to.

Mr. McCUMBER. For the same reason, I move to strike out

lines 5 to 8, inclusive, on page 23.

The VICE PRESIDENT. The amendment will be stated.

The Secretary. On page 23 strike out lines 5 to 8, inclusive, as follows:

The name of James Wood, late of Company E. One hundred and twenty-first Regiment New York Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment was agreed to. The bill was reported to the Senate as amended, and the

amendments were concurred in. The amendments were ordered to be engrossed and the bill to

be read a third time.

The bill was read the third time and passed.

The bill (H. R. 19721) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and to certain soldiers and sailors of wars other than the Civil War, and to widows and dependent relatives of such soldiers and sailors, was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with

The first amendment of the Committee on Pensions was, on page 2, line 18, before the word "dollars," to strike out "fifteen" and insert "eight," so as to make the clause read:

The name of Charles J. Nelson, late of Troop M. First Regiment Illinois Volunteer Cavalry, War with Spain, and pay him a pension at the rate of \$8 per month.

The amendment was agreed to.

The next amendment was, on page 2, after line 23, to strike

The name of Charles D. Barnett, late of Battery C, First Regiment Ohio Volunteer Light Artillery, War with Spain, and pay him a pension at the rate of \$12 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

FRANCIS M. GRINSTEAD.

The bill (S. 186) to correct the military record of Francis M. Grinstead was considered as in Committee of the Whole.

The bill was reported from the Committee on Military Affairs with an amendment to strike out all after the enacting clause and insert:

That in the administration of the pension laws Francis Grinstead, alias Francis M. Grinstead, who was a private in Company G. Third Regiment Kentucky Cavairy, shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a member of said company and regiment on August 31, 1862: Provided, That no pension shall accrue prior to the passage of this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill for the relief of Francis Grinstead, alias Francis M. Grinstead.'

ALASKAN STATISTICS.

The bill (S. 5211) to require the registration of vital statistics in the Territory of Alaska, and for other purposes, was announced as next in order.

Mr. McCUMBER. Let that go over. The VICE PRESIDENT. The bill will go over.

NAVAL MEDICAL DEPARTMENT.

The bill (S. 5719) to increase the efficiency of the Medical Department of the United States Navy was announced as next in order.

Mr. McCUMBER. Let that go over.

The VICE PRESIDENT. The bill will go over.

CORBETT TUNNEL, WYO.

The bill (S. 4862) authorizing and directing the Secretary of the Interior to investigate and settle certain accounts, and for other purposes, was anounced as next in order.

Mr. McCUMBER. I think the bill should go over.

Mr. MYERS. I was very much in hopes that that bill would be considered this evening, and unless the Senator has some serious objection to urge, I trust he will let it be passed. I have waited a long time to have it reached on the calendar.

Mr. McCUMBER. I withdraw the objection, as the Senator

wishes to have it considered.

The bill was considered as in Committee of the Whole. It directs the Secretary of the Interior to investigate and determine the several amounts remaining unpaid on account of labor and material performed and furnished in the construction of the Corbett Tunnel, in the State of Wyoming, and to pay the same out of the reclamation fund to the persons to whom such several amounts may be found to be justly due.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third

time, and passed.

DEPARTMENT OF HEALTH.

The bill (S. 1) to establish a department of health, and for other purposes, was announced as next in order.

Mr. McCUMBER. Let that go over.

The VICE PRESIDENT. It will go over.

PENSIONS AND INCREASE OF PENSIONS.

The bill (S. 6340) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and certain widows and dependent relatives of such soldiers and sailors, was considered as in Committee of the

Whole. It proposes to pension the following-named persons at the rates stated:

Michael Grace, late of Company A, Thirty-fourth Regiment

United States Infantry, \$12.

Andrew J. Laws, late of Company C, Second Regiment Washington Mounted Volunteers, Oregon and Washington Territory Indian War, \$16.

John T. Peel, late of Company A, Thirty-sixth Regiment

United States Volunteer Infantry, War with Spain, \$12.
Robert S. Kariho, late of Company E, Thirty-eighth Regiment United States Volunteer Infantry, War with Spain, \$30.

Perry L. Sargent, late of Company G, First Regiment Nebraska Volunteer Infantry, War with Spain, \$24.
Rachel T. Beck, widow of William H. Beck, late lieutenant colonel Third Regiment United States Cavalry, and brigadier general, United States Army, \$50.
Arthur W. S. Maw, late of Company E, Fourteenth Regiment

United States Cavalry, and Company I, Fourth Regiment United States Infantry, \$20.

William H. Sterling, late of Company K, First Regiment Colo-

rado Volunteer Infantry, War with Spain, \$30.

John Lehr, late of Company D, Third Regiment New Jersey Volunteer Infantry, War with Spain, \$12.

Willson G. Nowers, late of Capt. Hancock's company of Cavalry, Nauvoo Legion, Utah Volunteers, Utah Indian war, \$16.

Winfield S. Gibbs, late of Capt, John Guess's company, Minute Men, Second Regiment Oregon Mounted Volunteers, \$16.

Marcellus Moore, late of Capt. Bagby's company, Texa Mounted Volunteers, Texas and New Mexico Indian war, \$16.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PONCA INDIANS.

The bill (S. 5169) authorizing the Ponca Tribe of Indians to intervene in the suit of the Omaha Indians in the Court of Claims, and for other purposes, was announced as next in order.

Mr. McCUMBER. Let that go over. The VICE PRESIDENT. It will go over.

FIVE CIVILIZED TRIBES.

The bill (S. 6339) to adjust titles within the Five Civilized Tribes in Oklahoma, and for other purposes, was announced as next in order.

Mr. McCUMBER. Let that go over.

The VICE PRESIDENT. It will go over.

PENSIONS AND INCREASE OF PENSIONS.

The bill (S. 6369) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors was considered as in Committee of the Whole. It proposes to pension the following-named persons at the rates stated:
Julius A. Pherson, late of Troop L, First Regiment United

States Cavalry, \$30.

William R. Arnold, late of Company G, Thirteenth Regiment Kentucky Volunteer Cavalry, \$30. William Comstock, late of Company C, Seventh Regiment In-

winiam Comstock, late of Company C, Seventh Regiment Indiana Volunteer Infantry, \$36.

John B. Wilson, late of Company K, Fifth Regiment Tennessee Volunteer Cavalry, \$30.

Edward Clark, late of Company F, Seventy-ninth Regiment United States Colored Volunteer Infantry, \$24.

James D. Smith, late of Company D, Fifteenth Regiment Indiana Volunteer Infantry, \$30.

Jonas Schrock, late second lieutenant Company H, One hyperselectures and the second lieutenant Company H. One hyperselectures are second lieutenant.

Jonas Schrock, late second lieutenant Company H, One hundred and seventy-first Regiment Pennsylvania Drafted Militia Infantry, \$24.

Thomas Tovey, late of Company B, Fifteenth Regiment Illi-

nois Volunteer Infantry, \$30.

Amos Hoy, late of Company H, Third Regiment West Vir-Amos Hoy, late of Company H, Third Regiment West Virginia Volunteer Cavalry, \$24.

Andy Phillips, late of Company I, Eleventh Regiment West Virginia Volunteer Infantry, \$30.

Hiram S. Shahan, late of Company G, Sixth Regiment West Virginia Volunteer Cavalry, \$24.

Charles W. Read, late of Company H, Fourteenth Regiment Michigan Volunteer Infantry, \$30.

Mary C. Greene, widow of Charles A. Greene, late of Company A. Thirteenth Regiment Wisconsin Volunteer Infantry, \$20.

pany A, Thirteenth Regiment Wisconsin Volunteer Infantry, \$20. Elias Shaffer, late of Company C, Thirty-eighth Regiment,

and Company I, Eighteenth Regiment, Ohio Volunteer Infantry, \$30.

Daniel G. Bowles, late of Company C, Forty-seventh Regiment Kentucky Volunteer Infantry, \$30. Dudley C. Rutledge, late of Company I, Thirteenth Regiment Kansas Volunteer Infantry, \$30.

Orson P. Matthews, late of Company A, First Regiment Oregon Volunteer Cavalry, \$24.

Joseph W. Frank, late of Company D, Fourth Regiment Iowa

Volunteer Cavalry, \$50.
Thomas D. Dick, late of Company C, Third Regiment Kentucky Volunteer Infantry, and Battery A, Kentucky Volunteer Light Artillery, \$30.

Junius T. Turner, late of Company E, Second Regiment Massachusetts Volunteer Cavalry, and captain Company F, Third Regiment Maryland Volunteer Cavalry, \$36.

Sagarlin C. Knighton, late of Company E, First Regiment

Oregon Volunteer Infantry, \$24.

John Dixon, late of Company E, Thirty-seventh Regiment Kentucky Volunteer Infantry, \$24.

Martin Ouderkirk, late of Company F, Eighty-sixth Regiment

Illinois Volunteer Infantry, \$30. Ellwood A. Collins, late of Company A, Seventeenth Regiment Pennsylvania Volunteer Cavalry, \$20.

James P. Cassedy, late of Company C, One hundred and

seventy-fifth Regiment Ohio Volunteer Infantry, \$24.

Hannah S. Caward, widow of David C. Caward, late second lieutenant Company F, Fiftieth Regiment United States Colored Volunteer Infantry, \$20.

Benjamin Ricards, late of Company B, Ninety-fifth Regiment

Ohio Volunteer Infantry, \$30.

James M. Fogleman, late of Company I, Sixty-third Regiment Indiana Volunteer Infantry, \$30. Robert B. Baldwin, late of Company C, Fifty-fifth Regiment

Ohio Volunteer Infantry, \$30.

Samuel T. Bennett, late of Company F, Sixteenth Regiment New York Volunteer Heavy Artillery, \$24. Andrew J. Mowery, late second lieutenant Company C, Four-

teenth Regiment Kansas Volunteer Cavalry, \$30.

Jacob Wible, late of Company E, Eighty-ninth Regiment In-

diana Volunteer Infantry, \$40.

Thomas V. McConn, late of Company K, One hundred and seventy-fifth Regiment Ohio Volunteer Infantry, \$24.

Bradford L. Hollenbeck, late of Company E, One hundred and

twenty-fourth Regiment Indiana Volunteer Infantry, \$24. William Smith, late of Company L, Fourteenth Regiment

Pennsylvania Volunteer Cavalry, \$30.

Jacob Bauer, late of Company C, Thirteenth Regiment Wis-

consin Volunteer Infantry, \$30. George S. Arnold, late of Company D, Thirteenth Regiment

West Virginia Volunteer Infantry, \$30.
Alexander J. Matthews, late of Company F, Twenty-first
Regiment, and Company F, Third Regiment, Wisconsin Volunteer Infantry, \$30.
Ira McCall, late of Company G, Second Regiment Wisconsin

Volunteer Cavalry, \$30.

Charles E. Tenant, late of Company D, Thirty-second Regiment, and Company D, Sixteenth Regiment, Wisconsin Volunteer Infantry, \$30.
William G. Baldwin, late of Company G, Fifty-fifth Regi-

ment Illinois Volunteer Infantry, \$30.

Alexander H. Farmer, late second lieutenant Company H,

Thirty-second Regiment Kentucky Volunteer Infantry, \$36.
Richard Fossett, late of Company F, Fifty-first Regiment
Indiana Volunteer Infantry, \$36.
Henrietta S, Kimball, widow of Abner D. Kimball, late of

Company I, Ninety-ninth Regiment, and assistant surgeon, Forty-eighth Regiment, Indiana Volunteer Infantry, \$20. Samuel Welch, late of Company H, Fifteenth Regiment West Virginia Volunteer Infantry, \$24. Samuel Mooney, late of Company E, Thirty-ninth Regiment Ohio Volunteer Infantry, \$30.

Joseph H. Lanam, late of Company H, Nineteenth Regiment

Iowa Volunteer Infantry, \$50.

John L. Mellender, late of Company H, Twenty-eighth Regiment Pennsylvania Volunteer Infantry, \$20.

William M. C. Hix, late of Company H, One hundred and thirty-seventh Regiment, and Company B, Fourteenth Regiment,

Illinois Volunteer Infantry, \$30.

Margaret Shamp, widow of Carlton T. Shamp, late of Company K, Twenty-first Regiment Missouri Volunteer Infantry, \$20.

Martin Dolsby, late of Company G, Thirty-third Regiment In-

diana Volunteer Infantry, \$30.

James A. Wood, late of Company H, Eleventh Regiment West

Virginia Volunteer Infantry, \$36.

James M. Hopper, late of Company G, Third Regiment, and Company K, Seventh Regiment, Missouri State Militia Cavalry,

John Barker, late of Company G, Fifteenth Regiment Kansas Volunteer Cavalry, \$24.

Hiram F. Reel, late of Company A, Fourth Regiment Iowa Volunteer Cavalry, \$30.

Charles Blair, late of Company D, Thirteenth Regiment Kan-

sas Volunteer Infantry, \$30.

James S. Sutherland, late of Company C, Eleventh Regiment Kentucky Volunteer Cavalry, \$50. William A. Smith, late of Company C, Nineteenth Regiment

Iowa Volunteer Infantry, \$30.

Daniel Keene, late of Company B, Sixty-seventh Regiment, and Company F, Sixty-fifth Regiment, United States Colored Volunteer Infantry, \$30.

Edward Mills, late of Company G, One hundred and fifty-first

Regiment Illinois Volunteer Infantry, \$30.
Reuben H. Neff, late of Company F, Third Regiment Iowa Volunteer Cavalry, \$30.

Ebenezer Miller, late of Company E, Eighty-ninth Regiment

Indiana Volunteer Infantry, \$30.

Jesse Jones, late of Company D, Eighty-third Regiment Ohio Volunteer Infantry, \$30.

Harrison Presson, late first lieutenant Company F, Fifty-fifth

Regiment Illinois Volunteer Infantry, \$50.

James O. McCabe, late of Company K, One hundred and first Regiment New York Volunteer Infantry, \$30.

Jeremiah W. Hancock, late of Company D, Sixty-third Regiment Indiana Volunteer Infantry, \$36.

Joseph Vannest, late of Company I, One hundred and first Regiment Ohio Volunteer Infantry, \$40.

Samuel S. Weaver, late of Company E, Twenty-seventh Regiment Indiana Volunteer Infantry, \$50.

Henry Blaise, late of Company D, Eighth Regiment United States Infantry, \$30.

Samuel Priest, late of Company G, First Regiment Wisconsin

Volunteer Cavalry, \$24. Samuel J. Ellis, late of Company C, Forty-first Regiment Wis-

consin Volunteer Infantry, \$20. Ephraim Leasure, late of Company E, Fourteenth Regiment

West Virginia Volunteer Infantry, \$30. Braden Zeigler, late of Company B, Seventy-fourth Regiment

Pennsylvania Volunteer Infantry, \$24. John McQuown, late of Company F, Seventy-fourth Regi-

ment Pennsylvania Volunteer Infantry, \$24 John Lay, late of Company K, Twelfth Regiment Kentucky

Volunteer Infantry, \$30. John Thompson, late of Company L, Second Regiment New

York Volunteer Cavalry, \$30.

James H. Barrelle, late of Company D, Eleventh Regiment, and Company G, Eighth Regiment, Illinois Volunteer In-

fantry, \$30. Edward Kendall, late of Company A, Eleventh Regiment Pennsylvania Volunteer Cavalry, \$30.

Benjamin F. Hudson, late first lieutenant and adjutant Fortysixth Regiment United States Colored Volunteer Infantry, \$30. Charles J. Strain, late unassigned, Sixty-second Regiment Illinois Volunteer Infantry, and Eightieth Company, Second Battalion Veteran Reserve Corps, \$30.

Charles Bennett, late of Company B, One hundred and twentyseventh Regiment, and Company A, Fifty-fifth Regiment, Illinois Volunteer Infantry, \$30.

Thomas Dougherty, late of Companies H and D, Seventh Regiment Kentucky Volunteer Infantry, \$30. William Manely, late of Company K, Twelfth Regiment Iowa

Volunteer Infantry, \$24.

Charles Sponsler, late of Company B, Nineteenth Regiment

Indiana Volunteer Infantry, \$30. Elihu Eversole, late of Company B, Eighth Regiment Ken-

tucky Volunteer Infantry, \$30.
Toller Peterson, late of Company G, Thirteenth Regiment Wis-

consin Volunteer Infantry, \$30.

George W. Jones, late of Company A, Twelfth Regiment Kentucky Volunteer Infantry, \$30.

Margaret Williamson, widow of John Williamson, late of Company B, Second Regiment Pennsylvania Volunteer Heavy Artillery, \$20.

Abraham Smock, late of Company D, Fifth Independent Bat-

talion Ohio Volunteer Cavalry, \$24, Izora E. Dwire, widow of Hiram Dwire, late of Company G. One hundred and sixty-fourth Regiment Ohio National Guard Infantry, and former widow of John Davis, late of Company A, One hundred and twenty-third Regiment Ohio Volunteer Infantry, \$12.

George W. Rowley, late of Company H, Tenth Regiment Connecticut Volunteer Infantry, \$24.

James M. Martz, late of Company C, Seventy-ninth Regiment Indiana Volunteer Infantry, \$30.

James Miles, late of the Fourteenth Battery, Indiana Volun-

teer Light Artillery, \$30.

James E. Fuller, late first lieutenant Company E, Eleventh Regiment Connecticut Volunteer Infantry, and captain and assistant quartermaster, United States Volunteers, \$30.

Andrew G. McAusland, late of Company D, Second Regiment

Nebraska Volunteer Cavalry, \$30.

Benjamin F. Charles, late of Company A, Nineteenth Regi-

ment Maine Volunteer Infantry, \$30.

John M. Swaim, late of Company E, One hundred and thirty-seventh Regiment Indiana Volunteer Infantry, \$24. James Maull, late of Company C, Forty-fifth Regiment United

States Colored Volunteer Infantry, \$24.

Philip R. Grund, late lieutenant colonel Forty-fourth Regiment

Indiana Volunteer Infantry, \$40.

Mattie B. Wintrode, widow of Jehiel T. Wintrode, late first lieutenant Company G, Seventy-sixth Regiment Ohio Volunteer Infantry, \$25.

Infantry, \$25.

Emmett A. Brockway, late of Company B, Thirty-fifth Regiment Iowa Volunteer Infantry, \$36.

Frederick Beckhorn, late of Company B, One hundred and seventh Regiment New York Volunteer Infantry, \$20.

William H. Miller, late of Company F, One hundred and fifth Regiment New York Volunteer Infantry, \$24.

Company Diefenhagh, widow of Henry Diefenhagh, late first. Carrie Diefenbach, widow of Henry Diefenbach, late first

Pennsylvania Volunteer Infantry, \$20.

Mary J. Mulholland, widow of St. Clair A. Mulholland, late colonel One hundred and sixteenth Regiment Pennsylvania Vol-

unteer Infantry, \$30. Emma P. Justison, widow of George C. Justison, late of Company A, Fifth Regiment, and Company E, Seventh Regiment,

Delaware Volunteer Infantry, \$12.

Gardner P. Waterhouse, late of Company K, Thirteenth and Thirtieth Regiments Maine Volunteer Infantry, \$30.

William Marquet, late of Company M, Seventeenth Regiment Illinois Volunteer Cavalry, \$30.

Kittil Torgerson, late of Second Battery Minnesota Volunteer Light Artillery, \$50.

Michael Hilti, late of Company E, Forty-fourth Regiment Illinois Volunteer Infantry, \$24.

Churles R. Spicer, late of Company B, Sixth Regiment Iowa Volunteer Cavalry, \$24.

George F, Green, late of Company E, First Regiment No.

George F. Green, late of Company E, First Regiment New Hampshire Volunteer Heavy Artillery, \$24. Ira Grant, late of Company H, Forty-ninth Regiment Indiana

Volunteer Infantry, \$30.

Daniel C. Stevens, late of Battery G, First Regiment Rhode Island Volunteer Light Artillery, \$30.

Reuben H. Rich, late first lieutenant Battery G, First Regiment Rhode Island Volunteer Light Artillery, \$30.

John S. Lewis, late of Company L, Eighth Regiment Missouri

Volunteer Cavalry, \$24. Annie E. Loudon, widow of Samuel Loudon, late of Second Independent Battery Minnesota Volunteer Light Artillery, \$12.

Alma J. Van Winkle, widow of Edwin Van Winkle, late of Company C, One hundred and forty-eighth Regiment New York

Volunteer Infantry, \$20.

Mary E. Franklin, widow of Asa Franklin, late first lieutenant Company A, Twenty-sixth Regiment Iowa Volunteer Infantry, \$20.

John W. Shear, late of Company A, First Regiment District

of Columbia Volunteer Cavalry, \$30.

Joseph F. Kendall, late first lieutenant Company H, Twelfth Regiment Maine Volunteer Infantry, \$30.

Edward M. Hitchcock, late of Companies C and M, First

Regiment Michigan Volunteer Cavalry, \$50.

Eben Kneeland, late of Company F, Thirty-second Regiment Massachusetts Volunteer Infantry, and Twenty-first Company, Second Battalion Veteran Reserve Corps, \$24.

Clement Lovely, late of Company G, Fourth Regiment Minnesota Volunteer Infantry, \$24.

Elizabeth Polley, widow of Pleasant J. Polley, late of Com-

pany G, Fourth Regiment Kentucky Volunteer Infantry, \$12. Elizabeth E. Donaldson, widow of Wayne Donaldson, late of Company I, Fourth Regiment Minnesota Volunteer Infantry, \$12. James A. Morgan, late of Company H, Eighth Regiment New Hampshire Volunteer Infantry, \$40.

Jesse H. Conrad, late of Company M, Twenty-fourth Regiment New York Volunteer Cavalry, and Company M, First Regiment New York Provisional Volunteer Cavalry, \$24.

Noah A. Decker, late of Company G, Fifth Regiment Wisconsin Volunteer Infantry, \$24.

Frederick W. Zwickey, late of Company E, Eleventh Regiment Minnesota Volunteer Infantry, \$24.

Thomas C. Kinsey, late of Company G, Seventh Regiment Pennsylvania Volunteer Cavalry, and Company H, First Regiment Delaware Volunteer Infantry, \$30.

Laura B. Stiles, widow of Wilbur A. Stiles, late of Company D, Sixth Regiment Vermont Volunteer Infantry, \$20.

Moses D. Marshall, late of Company A, One hundred and eighty-sixth Regiment Pennsylvania Volunteer Infantry, \$24.

Martin B. Monroe, late second lieutenant Company K, Second

Regiment New Jersey Volunteer Infantry, \$36. Eugene Besancon, late of Company B, Second Regiment New York Volunteer Mounted Rifles, \$24.

Rufus G. Barber, late of Company B, First Regiment Vermont Volunteer Cavalry, \$30.

Volunteer Cavalry, \$30.

Horace A. Foster, late of Company K, Fourteenth Regiment Wisconsin Volunteer Infantry, \$30.

Samuel B. Baker, late of Company I, Thirteenth Regiment Illinois Volunteer Cavalry, \$30.

James Jordan, late of Company D, Thirty-fifth Regiment Missouri Volunteer Infantry, \$30.

James H. Crosser, late of Company D, One hundred and seventy-sixth Regiment Ohio Volunteer Infantry, \$30.

John Clark, late of Company I, Twenty-first Regiment Iowa Volunteer Infantry, \$40.

Volunteer Infantry, \$40.

Leonard C. Norton, late of Company H, Third Regiment Wis-

Leonard C. Norton, late of Company H, Third Regiment Wisconsin Volunteer Infantry, \$30.

Gott Latlip, late of Company H, Twenty-ninth Regiment Maine Volunteer Infantry, \$30.

James M. Lurvey, late of Company A, Fortieth Regiment Massachusetts Volunteer Infantry, \$30.

Fanny M. Jones, widow of Charles C. Jones, late acting master's mate, United States Navy, \$20.

William E. Henry, late of Company A, Ninth Regiment Tennessee Volunteer Cavalry, \$24.

nessee Volunteer Cavalry, \$24.
Rachel Hagan, widow of Lawrence Hagan, late of Company G,
Twentieth Regiment Kentucky Volunteer Infantry, and Com-

pany D, Sixth Regiment Kentucky Volunteer Imantry, and Company D, Sixth Regiment Kentucky Volunteer Cavalry, \$20.

Mary C. Riley, widow of Charles Riley, late captain Company F, Thirty-fourth Regiment New York Volunteer Infantry, \$30.

Nathaniel M. Milliken, late of Company F, Twenty-seventh

Regiment Maine Volunteer Infantry, \$24.

William J. Gardner, late of Company D, Twenty-second Regiment, and Company D, Twenty-ninth Regiment, Michigan Volunteer Infantry, \$24.

John Bowman, late of U.S. S. Okio, Vorment and Company D.

John Bowman, late of U. S. S. Ohio, Vermont, and Savannah,

United States Navy, \$30.
Willard M. White, late of Company I, Twenty-second Regiment Connecticut Volunteer Infantry, \$30.

Mr. McCUMBER. On page 13 I move to strike out lines 15 to 18, inclusive, the beneficiary having died since the report was made.

The VICE PRESIDENT. The amendment will be stated. The Secretary. On page 13, strike out lines 15 to 18, inclusive, in the following words:

The name of Samuel Priest, late of Company G, First Regiment Wisconsin Volunteer Cavalry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

YELLOWSTONE RIVER BRIDGE, MONTANA.

The bill (S. 6161) to authorize the Great Northern Railway Co. to construct a bridge across the Yellowstone River, in the county of Dawson, State of Montana, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time,

and passed.

TUG FORK BRIDGE, WEST VIRGINIA.

The bill (S. 6167) to authorize the Williamson & Pond Creek Railroad Co. to construct a bridge across the Tug Fork of the Big Sandy River at or near Williamson, Mingo County, W. Va., was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MISSOURI RIVER BRIDGE, NORTH DAKOTA.

The bill (S. 6160) to authorize the Great Northern Railway Co. to construct a bridge across the Missouri River in the State of North Dakota, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

DISTRICT ATTORNEY, EASTERN DISTRICT OF LOUISIANA.

The bill (S. 1590) providing for an increase of salary for the United States district attorney for the eastern district of Louisiana was announced as next in order.

Mr. McCUMBER. Let that go over. The VICE PRESIDENT. It will go over.

CHOCTAW AND CHICKASAW LANDS.

The bill (S. 6219) providing for the purchase of permanent improvements on the segregated coal and asphalt lands of the Choctaw and Chickasaw Nations by the citizens erecting such improvements was announced as next in order.

Mr. McCUMBER. Let that go over. The VICE PRESIDENT. It will go over.

PENSIONS AND INCREASE OF PENSIONS.

The bill (S. 6384) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and to certain soldiers and sailors of wars other than the Civil War, and to widows and dependent relatives of such soldiers and sailors was considered as in Committee of the Whole. It proposes to pension the following-named persons at the rates stated:

Martin Markeson, late of Company F, Thirty-fifth Regiment

United States Volunteer Infantry, War with Spain, \$12. Rebecca Strouther, dependent mother of Charles Strouther, late of Company G, Forty-ninth Regiment United States Volunteer Infantry, War with Spain, \$12. Frederick S. Barrows, jr., late of Company K, Third Regiment

Wisconsin Volunteer Infantry, War with Spain, \$12.
Maggie Boutiette, widow of Cyril Boutiette, late scout and

ide, United States Army, \$12. William H. Hinkel, late of Troop H, Fifth Regiment United

States Cavalry, \$30.
William C. Emison, late of Company L, One hundred and fifty-ninth Regiment Indiana Volunteer Infantry, War with Spain, \$20.

William A. Hickok, late of Company D, Third Regiment Wis-

consin Volunteer Infantry, War with Spain, \$10.
William Quinlivan, late of Troop A, First Regiment United

States Cavalry, \$20.
Mary Meade Sands, widow of James H. Sands, late captain

and rear admiral, United States Navy, \$50. Francis M. Tibbetts, late of Capt. W. W. Chapman's Company . Second Regiment Oregon Volunteers, Oregon and Washington Territory Indian War, \$16.

William E. Bailey, late of Company A, Tenth Regiment Ohio Volunteer Infantry, War with Spain, \$20.

The bill was reported to the Senate without amendment, ordered to be engressed for a third reading, read the third time, and passed.

SABINE-NECHES CANAL BRIDGE.

The bill (H. R. 21960) to authorize the Port Arthur Pleasure Pier Co. to construct a bridge across the Sabine-Neches Canal, in front of the town of Port Arthur, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SECOND HOMESTEAD ENTRIES.

The bill (S. 4580) to permit second homestead entries in certain cases was announced as next in order.

Mr. McCUMBER. Let that go over.

The VICE PRESIDENT. It will go over.

Mr. McCUMBER. Let me ask the Senator from Illinois if he wants to have an executive session now.

Mr. CULLOM. I will let the Senate get further along with the calendar before I make the motion.

Mr. McCUMBER. I do not care about going on further with the calendar now.

Mr. CULLOM. I want to go a little further with it.

AGRICULTURAL ENTRIES ON COAL LANDS.

The bill (H. R. 8784) to supplement the act of June 22, 1910, entitled "An act to provide for agricultural entries on coal lands," was announced as next in order.

Mr. BORAH. Let that go over. The VICE PRESIDENT. It will go over.

Mr. WARREN. We passed almost an identical bill two days

Mr. BORAH. Very well; I will withdraw the objection.

Mr. WARREN. I ask that this bill may be put on its passage, because it is a House bill, and I want to have it go with the

There being no objection, the Senate, as in Committee of the

and after the passage of this act unreserved public lands of the United States, exclusive of Alaska, which have been withdrawn or classified as coal lands or are valuable for coal shall, in addition to the classes of entries or filings described in the act of Congress approved June 22, 1910, entitled "An act to provide for agricultural entries on coal lands," be subject to selection by the several States within whose limits the lands are situate, under grants made by Congress, and to disposition, in the discretion of the Secretary of the Interior, under the laws providing for the sale of isolated or disconnected tracts of public lands, but there shall be a reservation to the United States of the coal in all such lands so selected or sold and of the right to prospect for, mine, and remove the same in accordance with the provisions of the act of June 22, 1910, and such lands shall be subject to all the conditions and limitations of that act.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ADJUSTMENT OF CERTAIN INDIAN CLAIMS.

The bill (S. 5776) authorizing the Secretary of the Interior to adjust and settle the claims of the attorney of record involving certain Indian allotments, and for other purposes, was considered as in Committee of the Whole. It authorizes the Secretary of the Interior to consider the claim of the attorney of record in the matter of the enrollment and allotment of lands to Virgil H., Willie A., and Oscar R. Esterbrook, minor children of Frank Esterbrook, and Pearl May, A. Ray, J. Otis, and Dora Edith Williams, minor children of C. O. Williams, enrolled members of the Cascade Band of Indians and allotted on the Yakima Reservation in the State of Washington, and to allow said attorney such fee as he may consider reasonable and just, and to pay the same out of any money standing to the credit of said minor children or which may hereafter become due them.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time,

and passed.

BILLS PASSED OVER.

The bill (H. R. 20182) to amend "An act to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes," approved August 5, 1909, was announced as next in order.

The VICE PRESIDENT. This is the chemical schedule tariff

bill, and it will go over.

The bill (S. 6412) to regulate radiocommunication was announced as next in order.

Mr. BORAH. Let the bill go over.

The VICE PRESIDENT. The bill will go over.

The bill (S. 6156) to direct that Crittenden Street NW., between Iowa Avenue and Seventeenth Street NW., be stricken from the plan of the permanent system of highways for the District of Columbia was announced as next in order.

Mr. McCUMBER. Let the bill go over. The VICE PRESIDENT. It will go over.

The next business on the calendar was the joint resolution (S. J. Res. 99) authorizing the President to reassemble the court-martial which on August 16, 1911, tried Ralph I. Sasse, Ellicott H. Freeland, Tatinall D. Simpkins, and James D. Christian, cadets of the Corps of Cadets of the United States Military Academy, and sentenced them.

Mr. McCUMBER. Let that go over. The VICE PRESIDENT. The joint resolution will go over. PUBLIC BUILDING AT MONTE VISTA, COLO.

The bill (S. 3975) to acquire a site for a public building at Monte Vista, Colo., was considered as in Committee of the

The bill was reported from the Committee on Public Buildings and Grounds, with an amendment, in line 8, before the word "thousand," to strike out "fifteen" and insert "ten," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, directed to acquire, by purchase, condemnation, or otherwise, a suitable site in the city of Monte Vista, Colo., upon which to erect a public building to be used for a post office and for other Government offices, and that the total cost of the same shall not exceed \$10,000.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

PUBLIC BUILDING AT FALLON, NEV.

The bill (S. 389) to authorize the acquisition of a site and the erection of a Federal building at Fallon, Nev., was considered as in Committee of the Whole.

The bill was reported from the Committee on Public Buildings Whole, proceeded to consider the bill. It provides that from and Grounds with an amendment, in line 10, before the word

"thousand," to strike out "fifty" and insert "sixty," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to acquire, by purchase, condemnation, or otherwise, a suitable site in Fallon, Nev., and to cause to be erected thereon a suitable building, with fireproof vaults, heating and ventilating apparatus, and approaches, complete, for the accommodation of the post office and other Government offices, at a total limit of cost, including site, of \$60,000.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

PUBLIC BUILDING AT CAMBRIDGE, MD.

The bill (S. 6177) for the purchase of a site and erection of a Federal building at Cambridge, Md., was considered as in Committee on the Whole.

The bill was reported from the Committee on Public Buildings and Grounds with an amendment, to strike out all after the enacting clause and to insert:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to acquire, by purchase, condemnation, or otherwise, a site and cause to be erected thereon a suitable building, including fireproof vaults, heating and ventilating apparatus, elevators, and approaches, for the use and accommodation of the United States post office and other Government offices in the city of Cambridge, Dorchester County, State of Maryland, the cost of said site and building, including said vaults, heating and ventilating apparatus, elevators, and approaches, not to exceed the sum of \$103,500.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

PUBLIC BUILDING AT WINNEMUCCA, NEV.

The bill (S. 392) to authorize the acquisition of a site and the erection of a Federal building at Winnemucca, Nev., was considered as in Committee on the Whole.

The bill was reported from the Committee on Public Buildings and Grounds with an amendment, in line 10, before the word "thousand," to strike out "fifty" and insert "sixty-five," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to acquire, by purchase, condemnation, or otherwise, a suitable site in Winnemucca, Nev., and to cause to be erected thereon a suitable building, with fireproof vaults, heating and ventilating apparatus, and approaches, complete, for the accommodation of the post office and other Government offices, at a total limit of cost, including site, of \$65,000, etc.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

PUBLIC BUILDING AT GLENWOOD SPRINGS, COLO.

The bill (S. 80) to acquire a site for a public building at Glenwood Springs, Colo., was considered as in Committee of the Whole.

The bill was reported from the Committee on Public Buildings and Grounds with an amendment, in line 8, before the word "thousand," to strike out "fifteen" and insert "ten," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, directed to acquire, by purchase, condemnation, or otherwise, a suitable site in the city of Glenwood Springs, Colo., upon which to erect a public building to be used for a post office and for other Government offices, and total cost of the same shall not exceed \$10,000.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

PUBLIC BUILDING AT MOUNT CARMEL, ILL.

The bill (S. 4479) to provide for the erection of a public building at Mount Carmel, Ill., was considered as in Committee of the Whole. It directs the Secretary of the Treasury to acquire for the United States, in the city of Mount Carmel and State of Illinois, in such manner as to him shall seem best, a suitable site and cause to be erected thereon a suitable building, with good modern improvements and conveniences, for the use and accommodation of the United States post office in that city, at a total cost of not more than \$75,000.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PUBLIC BUILDING AT BRATTLEBORO, VT.

The bill (S. 6005) to increase the limit of cost for the erection and completion of the United States post-office and court-

house building on a site already acquired and possessed at Brattleboro, Vt., was considered as in Committee of the Whole. It directs the Secretary of the Treasury to have erected a suitable building for the use and accommodation of the United States post office and courthouse upon the site heretofore acquired and now possessed by the United States Government at the corner of Main and Grove Streets, in the town of Brattle-boro, County of Windham, and State of Vermont, the cost of said building, including fireproof vaults, heating and ventilating system, office equipment, and approaches, complete, not to exceed the sum of \$115,000.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PUBLIC BUILDING AT UTICA, N. Y.

The bill (S. 5962) to increase the limit of cost of the addition to the site of the Federal building at Utica, N. Y., was considered as in Committee of the Whole. It increases the limit of cost for the enlargement of the site for the public building at Utica, N. Y., \$35,000, or so much thereof as may be necessary to acquire the remaining portion of the block now owned by the Government.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PROPERTY IN SAN FRANCISCO, CAL.

The bill (S. 6252) to relinquish the title of the United States to certain property in the city and county of San Francisco, Cal., was considered as in Committee of the Whole. It proposes to amend the act entitled "An act to relinquish the title of the United States to certain property in the city and county of San Francisco, Cal.," approved August 11, 1876, as follows:

San Francisco, Cal.," approved August 11, 1876, as follows:

Strike out the words "to be used by the city and county of San Francisco solely for the purpose of a sailors' home: Provided, That if the same shall at any time be used for any other than the purpose aforesaid, or if said home shall not be opened within one year from the passage of this act, in each such case all right and title hereby relinquished shall revert back to and again vest in the United States," and insert in lieu thereof the following: "to be used by the city and county of San Francisco for such charitable purposes as its governing body shall determine," so that the act will read as follows:

"That all the right and title of the United States to the following-described property is hereby relinquished to the city and county of San Francisco, the same being the two 50-vara lots on which the old marine-hospital building now stands, fronting 275 feet on the north side of Harrison Street, between Spear and Main Streets, with a uniform depth of 137 feet and 6 inches, as laid down on the official map of the said city, to be used by the city and county of San Francisco for such charitable purposes as its governing body shall determine."

The bill was reported to the Senate without amendment,

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PENSIONS AND INCREASE OF PENSIONS.

The bill (H. R. 18954) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with

amendments.

The first amendment of the Committee on Pensions was, on page 2, line 22, before the word "dollars," to strike out "thirty" and insert "twenty-four," so as to make the clause read:

The name of Joseph L. Day, late of Company E, Eighth Regiment Massachusetts Militia Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 3, line 5, before the words Company I," to insert "and," so as to make the clause read:

The name of James H. Werking, late of Company I, Thirty-sixth Regiment Indiana Volunteer Infantry, and Company I, Thirty-fifth Regiment Indiana Volunteer Infantry, and pay lilm a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 3, line 14, before the word "dollars," to strike out "thirty-six" and insert "twenty-four," so as to make the clause read:

The name of Levi Taylor, late of Company K, Eighth Regiment Missouri Volunteer Cavalry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 5, after line 22, to strike

The name of Mary E. Hitchcock, widow of Napoleon Hitchcock, late of Company C, Ninety-second Regiment Illinois Volunteer Infantry, and Company E, One hundred and forty-sixth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 8, line 7, before the word "dollars," to strike out "thirty" and insert "twenty-four," so as to make the clause read:

The name of James P. Nesbitt, late of Company F, First Regiment Nebraska Volunteer Cavalry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 8, line 13, after the word "late," to strike out "of" and insert "captain," so as to make the clause read:

The name of John Collar, late captain Company H, Twelfth Regiment Missouri Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 9, line 7, before the word "dollars," to strike out "thirty-six" and insert "thirty," so as to make the clause read:

The name of Jacob Guy, late of Company D, One hundred and ninety-third Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 16, after line 6, to strike

The name of Adeline Summerville, widow of James J. Summerville, late of Company H, Seventeenth Regiment West Virginia Volunteer Infantry, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving: Provided, That in the event of the death of Homer McC. Summerville, helpless and dependent son of said Adeline Summerville, the additional pension herein granted shall cease and determine: And provided further, That in the event of the death of Adeline Summerville the name of said Homer McC. Summerville shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of \$12 per month from and after the date of death of said Adeline Summerville.

The amendment was agreed to.

The next amendment was, on page 18, after line 8, to strike

The name of Mary A. Fox, dependent mother of Thomas L. Fox, late of Company G, One hundred and thirty-third Regiment New York Volunteer Infantry, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 21, after line 8, to strike

The name of Samuel A. Cooper, late of Company F, Second Regiment Connecticut Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 23, line 12, after the word "late," to strike out "of" and insert "first lieutenant," so as to make the clause read:

The name of Ellen T. Dunne, widow of Patrick R. Dunne, late first lieutenant Company D. One hundred and seventieth Regiment New York Volunteer Infantry, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 23, after line 15, to strike

The name of Edward D. Bliss, dependent father of Edward D. Bliss, late of Company G, Twenty-first Regiment United States Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 24, after line 8, to strike

The name of Jerome S. Pinney, late of Company G, Battallon, First Regiment Minnesota Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was agreed to.

The next amendment was, en page 24, line 17, after the word "late," to strike out "of" and insert "second lieutenant"; and in line 20, before the word "dollars," to strike out "thirty" and insert "twenty-four," so as to make the clause read:

The name of William Dodds, late second lieutenant Company H, Fifteenth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The amendment was agreed to.

Mr. McCUMBER. I move to strike out lines 13 to 16, inclusive, on page 8, the beneficiary having died since the bill was

The VICE PRESIDENT. The amendment will be read.

The Secretary. On page 8 strike out lines 13 to 16, inclusive, in the following words:

The name of John Collar, late captain Company II, Twelfth Regiment Missouri Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

COLVILLE INDIAN RESERVATION.

The next business on the calendar was the joint resolution (H. J. Res. 142) to declare and make certain the authority of the Attorney General to begin and maintain and of any court of competent jurisdiction to entertain and decide a suit or suits for the purpose of having judicially declared a forfeiture of the rights granted by the act entitled "An act granting to the Washington Improvement & Development Co. a right of way through the Colville Indian Reservation, in the State of Washgton," approved June 4, 1898. Mr. BORAH. I ask that the joint resolution may go over.

The VICE PRESIDENT. It will go over.

Mr. CULLOM. If that is the last bill—

Mr. McCUMBER. There is just one more bill on the calendar, and that is a pension bill.

The VICE PRESIDENT. There is but one more.

PENSIONS AND INCREASE OF PENSIONS.

The bill (H. R. 18955) granting pensions and increase of pensions to certain soldiers and satiors of the Civil War and certain widows and dependent children of soldiers and satiors of said war was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with

amendments.

The first amendment was, on page 2, after line 5, to strike

The name of Robert W. Ramsey, late of Company K, Eleventh Regiment Pennsylvania Reserve Volunteer Infantry, and pay him a pension at the rate of \$36 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 3, line 3, before the word "dollars," to strike out "thirty-six" and insert "thirty," so as to make the clause read:

The name of Lewis B. Rex, late of Company E, Seventy-fifth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 3, line 24, before the word "dollars," to strike out "thirty-six" and insert "thirty," so as to make the clause read:

The name of Wilson F. Ball, late of Company D, Ninety-second Regiment New York Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 4, after line 4, to strike

The name of Edwin A. Pierce, late of Company E, Second Regiment Wisconsin Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 4, line 24, before the word "dollars," to strike out "twenty" and insert "twenty-four," so as to make the clause read:

The name of John S. Ponce, late of Company I, Fifty-ninth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 5, after line 4, to strike

The name of Edward Adams, late of Company F, Forty-ninth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$36 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, at the top of page 7, to strike out:

The name of Mary M. Heistler, former widow of Louis Steinback, late of Company I, Sixth Regiment Kentucky Volunteer Infantry, and pay her a pension at the rate of \$12 per month.

The amendment was agreed to.

The next amendment was, on page 7, line 7, before the word "dollars," to strike out "thirty" and insert "twenty-four," so as to make the clause read:

The name of Samuel E. Johnson, late of Company H, Eighty-third Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 7, line 11, before the word "dollars," to strike out "thirty" and insert "twenty-four," so as to make the clause read:

The name of Nelson F. Abrams, late of Fourth Battery Indiana Volunteer Light Artillery, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 10, after line 4, to strike

The name of Hosea B. Brooks, late of Company G, Forty-sixth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The amendment was agreed to,

The next amendment was, on page 10, line 22, after the word "late," to insert "first lieutenant and," so as to make the clause

The name of Alfred B. Bradley, late first lieutenant and regimental quartermaster Eighty-fifth Regiment New York Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, at the top of page 11, to strike out: The name of George R. Scott, late of Company F, One hundred and eleventh Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$50 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 11, after line 4, to strike out:

The name of Michael Holland, late coal heaver, U. S. S. Oneida, United States Navy, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 13, line 5, before the word "dollars," to strike out "thirty-six" and insert "thirty," so as to make the clause read:

The name of John Bunting, late of Company I, Eighty-fifth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 13, line 18, before the word "dollars," to strike out "thirty" and insert "twenty-four," so as to make the clause read:

The name of Adam Wolf, late of Company A. Forty-third Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 13, line 23, before the word "dollars," to strike out "thirty-six" and insert "thirty," so as to make the clause read:

The name of Joseph H. Kirby, late of Company E, One hundred and forty-fifth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 14, line 3, before the name "Hotton," to strike out "Joseph" and insert "James," so as to make the clause read:

The name of James Hotton, late of Company B, Forty-seventh Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 16, line 14, before the word "dollars," to strike out "twenty" and insert "twenty-four," so as to make the clause read:

The name of Merlin L. Kirby, late of Company A, Eighth Regiment Tennessee Mounted Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 17, after line 2, to strike out:

The name of Dora Stevens, widow of Jotham G. Stevens, late of Company L, Eighth Regiment Michigan Volunteer Cavalry, and pay her a pension at the rate of \$12 per month.

The amendment was agreed to.

The next amendment was, on page 19, line 1, before the word "dollars," to strike out "thirty" and insert "twenty-four," so as to make the clause read:

The name of Robert Schumann, late of Second Battery Wisconsin Volunteer Light Artillery, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 19, line 15, before the letter "H," to strike out the letter "J" and insert the name "Jay," so as to make the clause read:

The name of Jay H. Phelps, late of Company M, First Regiment Minnesota Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 19, line 22, before the word "dollars," to strike out "thirty" and insert "twenty-four," so as to make the clause read:

The name of Philip Main, late of Company H, One hundred and thirty-seventh Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was agreed to.

The next amendment was, on page 21, line 14, before the word "dollars," to strike out "twenty" and insert "twenty-four," and in line 17, before the name "Williamson," to strike out the name "Sarah Ann" and insert "Horace," so as to make the clause read:

The name of Sarah Ann Williamson, widow of Horace Williamson, late of Seventh Independent Battery, Ohio Volunteer Light Artillery,

and pay her a pension at the rate of \$24 per month in lieu of that she is now receiving: Provided, That in the event of the death of Edna May Williamson, helpless and dependent child of said Horace Williamson, the additional pension herein granted shall cease and determine: And provided further, That in the event of the death of Sarah Ann Williamson the name of said Edna May Williamson shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of \$12 per month from and after the date of death of said Sarah Ann Williamson.

The amendment was agreed to.

The next amendment was, on page 23, line 12, before the word "dollars," to strike out "thirty" and insert "twentyfour," so as to make the clause read:

The name of Darius Cook, late of Company A, Ninth Regiment Rhode Island Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 23, line 22, after the word "late," to insert "first lieutenant and," and in line 25, before the word "dollars," to strike out "thirty-six" and insert "twenty," so as to make the clause read:

The name of George S. Bristol, late first licutenant and regimental quartermaster Twelfth Regiment Michigan Volunteer Cavalry, and pay him a pension at the rate of \$20 per month in lieu of that he is now

The amendment was agreed to.

The next amendment was, on page 25, after line 10, to strike out:

The name of James Rayburn, late of Company A, One hundred and thirteenth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The amendment was agreed to,

The next amendment was, on page 25, line 14, to strike out:

The name of John W. Arthur, late of Company A, Second Battalion Ohio Volunteer Cavalry, and pay him a pension at the rate of \$12 per month.

The amendment was agreed to.

The next amendment was, on page 26, line 17, after the word "late," to strike out "of" and insert "captain," so as to make the clause read:

The name of Sarah A. Milton, widow of James H. F. Milton, late captain Company A, Fifty-sixth Regiment New York Volunteer Infantry, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving.

The amendment was agreed to.

The amendment was agreed to.

The next amendment was, on page 27, line 14, before the name "Kemp," to strike out the name "Susan" and insert "William H.," so as to make the clause read:

The name of Susan Kemp, widow of William H. Kemp, late of Company A, One hundred and sixty-ninth Regiment Pennsylvania Drafted Militia Infantry, and pay her a pension at the rate of \$24 per month in lieu of that she is now receiving: Provided, That in the event of the death of Cora M. Kemp, helpless and dependent child of said William H. Kemp, the additional pension herein granted shall cease and determine: And provided further, That in the event of the death of Susan Kemp, the name of said Cora M. Kemp shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of \$12 per month from and after the date of death of said Susan Kemp.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

ANNIVERSARY CELEBRATION OF ACT OF EMANCIPATION (S. DOC. NO. 602).

Mr. BRADLEY. Mr. President, I desire to ask that the proceedings of the Senate on April 2, on the bill (S. 180) providing for the celebration of the semicentennial anniversary of the act of emancipation, and for other purposes, be published as a Senate document.

The VICE PRESIDENT. Is there objection to the request of the Senator from Kentucky? The Chair hears none, and the order is entered.

EXECUTIVE SESSION.

Mr. CULLOM. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened, and (at 6 o'clock and 5 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, April 24, 1912, at 2 o'clock p. m.

CONFIRMATIONS.

Executive nominations confirmed by the Senate April 23, 1912. CHIEF OF CHILDREN'S BUREAU.

Julia C. Lathrop to be Chief of the Children's Bureau in the Department of Commerce and Labor.

COLLECTOR OF INTERNAL REVENUE.

Manuel B. Otero to be collector of internal revenue for the district of New Mexico.

PROMOTIONS IN THE ARMY.

INFANTRY ARM.

Lieut, Col. Lyman W. V. Kennon to be colonel, Lieut, Col. Charles G. Morton to be colonel. Licut, Col. Abner Pickering to be colonel.

Maj. William H. Johnston to be lieutenant colonel.
Maj. Benjamin W. Atkinson to be lieutenant colonel,
Maj. Fielder M. M. Beall to be lieutenant colonel,
Capt. Palmer E. Pierce to be major.

Capt. Charles G. French to be major. Capt. Lutz Wahl to be major.

First Lieut. Philip Powers to be captain. First Lieut. Frank C. Burnett to be captain. First Lieut. Collin H. Ball to be captain.

Second Lieut. Herndon Sharp to be first lieutenant. Second Lieut. Eugene Santschi, jr., to be first lieutenant, Second Lieut. William A. Ganoe to be first lieutenant. Second Lieut. Elmer F. Rice to be first lieutenant.

PAY DEPARTMENT.

Lieut. Col. Hamilton S. Wallace to be Assistant Paymaster General with the rank of colonel.

MEDICAL CORPS.

Lieut. Col. William Stephenson to be colonel. Lieut. Col. John L. Phillips to be colonel. Maj. Henry A. Shaw to be lieutenant colonel. Maj. Francis A. Winter to be lieutenant colonel, Capt. William R. Eastman to be major. Capt. James F. Hall to be major.

APPOINTMENTS IN THE ARMY,

MEDICAL RESERVE CORPS.

To be first lieutenants.

Bertram Moses Bernheim, Joseph Hammond Bryan. Oliver Howard Campbell. George Henry Fox. Charles Howard Goodrich, Francis Randall Hagner. Charles Henry Hunt. William Edwin Luter. Henry Houston Oglivie. Elliott Coues Prentiss. Edwin Pliny Seaver, jr. George Messick Selby. Frank Marion Sprague. Gustave Herman Taubles. Thomas Jones Walthall. James Herbert Lawson. Albert West Metcalf, jr. Louis Anthony Meraux.

CHAPLAIN.

Rev. James Miles Webb to be chaplain with the rank of first

POSTMASTERS.

GEORGIA.

M. M. McCranie, Sparks.

NEW YORK.

John T. Dare, Patchogue.

PENNSYLVANIA.

John W. Chamberlain, Wyalusing. Jennie M. Smith, Coal Center.

SOUTH CAROLINA.

George M. Collins, Due West.

TENNESSEE.

O. L. Hicks, Newport. Robert H. McNeely, Humboldt. Isham A. Watson, Sevierville.

WEST VIRGINIA.

C. B. Stewart, Northfork.

REJECTION.

Executive nomination rejected by the Senate April 23, 1912.

POSTMASTER.

SOUTH CAROLINA.

Julia E. D. Tolbert, Ninety Six.

HOUSE OF REPRESENTATIVES.

TUESDAY, April 23, 1912.

The House met at 10.30 o'clock a. m.

The Chaplain, Rev. Henry N. Couden, D. D., offered the fol-

lowing prayer:

Infinite and eternal spirit, God our heavenly Father, from whom cometh all wisdom, power, and goodness. It is written, "Not everyone that saith unto me, Lord, Lord, shall enter into the kingdom of heaven; but he that doeth the will of my Father which is in heaven.

Pour out upon us, we beseech Thee, abundantly of these precious gifts, that amid the conflicting elements without and the contending forces within we may do Thy will as it is given us to know it, and thus measure up to the standard of manhood in Christ Jesus our Lord. Amen.

The Journal of the proceedings of yesterday was read and ap-

REPRINT OF REPORT AND RULE ON POST OFFICE APPROPRIATION BILL.

Mr. MOON of Tennessee. Mr. Speaker, I ask unanimous consent that the report on the Post Office appropriation bill (H. R. 21279) and the special rule that was adopted be printed in the RECORD. A good many Members want them, and the print is about exhausted, I understand.

The SPEAKER. The gentleman from Tennessee asks unanimous consent that the report on the Post Office appropriation bill, together with the rule that was adopted April 18, be printed in the Congressional Record for the information of Members. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, the resolution, of course, has already been printed in the Record. Does the gentleman think it necessary to reprint the resolution?

Mr. MOON of Tennessee. The resolution, I understand, was

printed in part in a fragmentary way.

Mr. MANN. It was printed in full, but if there is need I

shall not object.

Mr. MOON of Tennessee. If it is already printed in the Rec-ORD, I will not include that in the request, as I would not want it printed, and I will ask only to have the report printed. Leave was given once before.

The SPEAKER. Is there objection?
Mr. FOSTER. Mr. Speaker, I thought the gentleman from Tennessee had withdrawn his request.

Mr. MOON of Tennessee. No; I did not except as to the rule. The gentleman from Illinois says the rule is already, printed in the Record in full at one place, and I was not aware of that fact.

The SPEAKER. The gentleman from Tennessee modifies his request as to the rule. Is there objection? The Chair hears none, and it is so ordered.

The report is as follows:

[House Report No. 388, Sixty-second Congress, second session.] POST OFFICE APPROPRIATION BILL.

POST OFFICE APPROPRIATION BILL.

Mr. Moon of Tennessee, from the Committee on the Post Office and Post Roads, submitted the following report to accompany H. R. 21279:
The Committee on the Post Office and Post Roads, in presenting the bill making appropriations for the Post Office Department for the fiscal year ending June 30, 1913, beg to submit the following explanation thereof:
The estimates covering this bill may be found on pages 365, 366, 367, 368, 369, 370, and 371 of the Book of Estimates, and in the revised estimates submitted by the Postmaster General; an aggregate of \$261,-180,063. The committee recommends \$259,827,749, a decrease in amount of final department estimates of \$1,352,314.

The other departments of the Government yield but little, if any, revenue. The Post Office Department yields nearly all the revenue necessary to meet the appropriations made for the service. The report of the Postmaster General shows a small surplus for the fiscal year ending June 30, 1911, based on the audited accounts to that date, but later audited expenditures chargeable to the same fiscal year show a deficit. [From the report of the Auditor for the Post Office Department to the Postmaster General up to and including June 30, 1911.]

POSTAL REVENUES AND EXPENDITURES.

The audited revenues of the postal service stated from July 1, 1910, the audited expenditions and the postal service stated from July 1, 1910, the audited expenditions and the postal service stated from July 1, 1910, the audited expenditions and the postal service stated from July 1, 1910, the audited expenditions and the postal service stated from July 1, 1910, the audited expenditions and the postal service stated from July 1, 1910, the audited expenditions and the postal service stated from July 1, 1910, the same fiscal year should be provided and postal service stated from July 1, 1910, the same fiscal year should be provided to the postal service stated from July 1, 1910, the postal service stated from July 1, 1910, the postal service stated from

The audited revenues of the postal service stated from July 1, 1010, to June 30, 1011, amounted to \$237,879,823.60; the audited expenditures, \$237.648,026.68; excess of revenues over expenditures, \$230,4896.92; deducting \$11,778.80, postal funds lost by fire, burglary, etc., the postal surplus is \$219,118.12.

Comparison of postal revenues and expenditures, fiscal years 1910 and 1911, [Stated to June 30, 1911.]

Fiscal years.	Audited postal revenues.	Audited postal expenditures.	Postal funds lost by fire, burglary, etc.	Postal surplus.	Postal deficit.
1911	\$237,879,823.60 224,128,657.62	\$237,648,926.68 229,977,224.50	\$11,778.80 32,915.07	8219,118.12	\$5, 881, 481. 93
Increase	13,751,165.08	7,671,702.18	21,136,27		
Per cent of in- crease	6.13+	3.33+			

Comparative table by years.

Year.	Appropriation.	Receipts.	Expenditures.	Deficiency.
1897	\$92,571,564.22	\$82,665,462.73	\$94,077,242.38	\$11, 411, 777. 65
1898	95, 605, 338. 75	89,012,618.55	98, 033, 523. 61	9,020,905.06
1899	99, 202, 300, 75	95, 021, 384. 17	101, 632, 160. 92	6,610,776.75
1900	105, 627, 138, 75	102, 354, 579. 29	107,740,267.99	5, 385, 688.70
1901	113, 658, 238, 75	111,631,193.39	115, 554, 092. 87	3,923,727.48
1902	123, 782, 688, 75	121,848,047.26	124,785,697.07	2,937,649.81
1903	138, 416, 598. 75	134, 224, 443. 24	138, 784, 487. 97	4,560,044.73
1904	153, 511, 549, 75	143, 582, 624. 34	152, 362, 116.70	8,779,492.36
1905	170, 845, 993. 75	152, 826, 585.10	167, 399, 169. 23	14, 572, 584. 13
1906	181,022,093.75	167, 932, 783.00	178, 449, 779.00	10,516,996.00
1907	191,670,998.75	183, 585, 005. 57	189, 935, 242, 79	6, 350, 237. 22
1908	212, 091, 193.00	191, 478, 663. 41	203, 351, 886.15	16, 873, 292, 74
1909	222, 960, 892.00	203, 562, 383.07	221,004,102.89	17, 441, 719, 82
1910	234, 692, 370.00	224, 128, 657, 62	229, 977, 224.50	5, 848, 566, 88
1911	243, 907, 020, 00	237, 879, 823. 60	238, 507, 669. 54	627,845,94
1912	258, 352, 713, 00			

The figures in above table of receipts and expenditures for the fiscal year 1911 cover all audited expenditures on account of that year up to February 17, 1912, as shown by the appended letter from the Auditor for the Post Office Department, with the \$25,000 estimated by the auditor, and stated in the closing paragraph of his letter, added. These final figures from the auditor show a deficit in the department for the fiscal year 1911 of \$627,845.94, instead of a surplus of \$219,118.12, as stated in the table next preceding the comparative table by years.

TREASURY DEPARTMENT,
OFFICE OF AUDITOR FOR POST OFFICE DEPARTMENT,
Washington, February 21, 1912.

OFFICE OF AUDITOR FOR POST OFFICE DEPARTMENT,

Washirgton, February 21, 1912.

Hon. John A. Moon,

Chairman Committee on the Post Office and Post Roads,

House of Representatives.

Sin: Replying to your letter of this date requesting to be furnished with the total revenues of the Post Office Department for the fiscal year 1911, stated from July 1, 1910, to June 30, 1911, and the total expenditures on account of the fiscal year 1911 up to January, 1912, or to date, I have to advise you that the audited revenues of the postal service for the period July 1, 1910, to June 30, 1911, aggregated \$237,879,823.60, and the audited expenditures on account of the fiscal year 1911 during the same period aggregated \$230,516,814.45.

The audited expenditures on account of the fiscal year 1911, during the period July 1, 1911, to September 30, 1911, aggregated \$7,394,272.72. During the period October 1, 1911, to February 17, 1912, payments have been made by warrant aggregating \$571,582.37, making the total audited expenditures on account of the fiscal year 1911, during the period July 1, 1910, to February 17, 1912, \$238,482.669.54.

It is impossible at this date to state the expenditures made by postmasters on account of the fiscal year 1911 during the period subsequent to September 30, 1911, for the reason that the quarterly accounts of postmasters for the period October 1, 1911, to December 31, 1911, have not been finally audited. It is estimated, however, that the expenditures made by postmasters during the period October 1, 1911, will not amount to more than \$20,000 or \$25,000.

Respectfully,

Chas. A. Kram, Auditor.

Post Office appropriation bill, 1913.

Post Office appropriation bill, 1913.

	Appropriation for 1912.	Estimates for 1913.	Committee recom- mends for 1913.
POSTMASTER GENERAL.			
Advertising	\$1,500 34,400	\$34,400	\$34,400
Gns, electric power, etc	5,900	5,900	5,000
Salaries	704, 450	704, 450	704, 450
Per diemClerks at headquarters	287, 400 99, 000	271,400 99,000	261,400
Traveling expenses	31,400	41,400	99,000 31,400
Livery hire	45,000	45,000	45,000
Miscellaneous expenses	5,000	7,500	5,000
Payment of rewards	22,573	15,000	15,000
Investigating and testing labor-saving devices. Rewards to postal employees for inventions	10,000	10,000 10,000	10,000
Travel expenses	1,000	1,000	
Total	1,247,623	1,245,050	1.211,650
FIRST ASSISTANT POSTMASTER GENERAL.			
Compensation to postmasters	29,300,000	30, 200, 000	30,000,000
Compensation to assistant postmasters	2,800,000	3,000,000	3,000,000
Compensation to clerks and employees	35,900,000	37,700,000	37,878,250
compensation to printers, mechanics, etc	44,600	44,600	44,600
Compensation to watchmen, messengers, etc	900,000	975,000	900,000
tions	330,000	330,000	330,000
Do	600,000	600,000	600,000
class offices	125,000	175,000	175,000
Temporary and auxiliary clerk hire	250,000	350,000	300,000
Separating mails, third and fourth class offices.	700,000	700,000	700,000
Unusual conditions at post offices	140,000	125,000	125,000
Allowance to third-class offices	580,000 750,000	580,000 795,000	580,000 750,000
Rent, light, and fuel, first, second, and third	100,000	100,000	100,000
class offices.	4,400,000	4,640,000	4,500,000
Miscellaneous expenses	325,000	350,000	350,000
Rental or purchase, canceling machines	310,000	310,000	310,000
Purchase, repair, etc., labor-saving devices Pay of letter carriers	50,000 32,180,000	50,000 32,740,000	50,000 32,802,175
Substitutes for letter carriers	1,100,000	1,200,000	1,100,000
Substitutes and auxiliary letter carriers		75,000	50,000

Post Office appropriation bill, 1913-Continued.

		Appropriation for 1912.	Estimates for 1913.	Committee recom- mends for 1913.
	FIRST ASSISTANT POSTMASTER GENERAL—Con. Letter carriers at offices not now prov.ded for. Horse-hire allowance. Car-fare and bleycle allowance. Street-car collection service. Detroit River postal service. Incidental expenses City Delivery Service. Car fare special-delivery messengers. Fees for special-delivery messengers. Initial expense parcel-post City DeliveryService Travel expenses.	10,000 6,500 35,000 13,000 1,400,000	\$975,000 500,000 10,000 6,500 35,000 13,000 1,600,000 50,000 1,000	\$100,000 925,000 475,000 10,000 6,500 35,000 1,550,000
	Total	113, 725, 100	118, 130, 100	117,660,525
	SECOND ASSISTANT POSTMASTER GENERAL.			
	Transportation: Inland transportation star routes in Alaska. Steamboat. Mail-messenger service. Transmission by pneumatic tube. Screen-wagon service. Mail lags, etc. Labor mail-bag shops. Rent, light, and fuel, Chicago. Mail locks and keys. Labor, mail-lock repair shop, Washington, D. C. Transportation by railroads. Tabulating returns by railroads. Freight or expressage, postal supplies. Railway post-office car service. Railway mail service. Travel allowance, railway mail clerks. Tremporary clerk hire. Substitutes for clerks on vacation. Actual and necessary expenses. Rent, light, fuel, etc., division headquarters. Per diem allowance, assistant superintendents. Inland transportation, electric and cable cars. Investigation of proposed parcel post. Experimental aerial service. Transportation foreign mails. Assistant superintendent foreign mails. Balance due foreign countries. Travel expenses. Delegates International Postal Union.	225,000 5,010,000 20,512,900 1,000,750 60,000 68,000 27,000 75,000 75,580 725,000 2,500 3,322,600 2,500 734,800 1,000	120,000 95,000 75,000 4,831 6728,800 50,000 50,000 73,748,400 2,500	3,748,400 2,500 486,400
			C7 DOL 100	
	Total	88,164,030	87,381,163	86,640,524
	Manufacture postage stamps	26,000 451,000 250 18,000 15,000 1,000	768,000 1,728,000 26,000 371,000 250 35,000 10,000 1,000	250
i	Total	3,140,250	2,949,250	2,923,050
	FOURTH ASSISTANT POSTMASTER GENERAL.			
	Stationery . Official and registry envelopes . Pay of agent and assistants, distribution of en-	100,000 200,000	100,000 8 80,000	100,000 80,000
	velopes Blanks, blank books, etc., money-order Blanks, books, and printed matter, registry Supplies, City Delivery Service Postmarking, etc., stamps Letter balances, etc Wrapping paper Wrapping twine and tying devices Facing slips, etc. Furchase, exchange, typewriters, etc Supplies, Rural Service Shipment of supplies Intaglio seals. Star Route Service. Carriers, Rural Service Initial expense parcel post, rural routes Travel expenses.	10. (88)	150,000 6,500 95,000 15,000 15,000 200,000 65,000 80,000 40,600 110,000 10,000 43,375,000 50,000 43,375,000 51,474,500	125,000 4,000 100,000 50,000 115,000 200,000 65,000 65,000 110,000 110,000 43,375,000 1,000 51,392,000
	SUPPLEMENTAL ITEMS.			
	Postal savings banks	500,000		400,000 25,000

Original estimate, \$882,000; revised estimate, \$867,000.
Coriginal estimate, \$1,689,000; revised estimate, \$1,681,900.
Coriginal estimate, \$979,600; revised estimate, \$087,400.
Coriginal estimate, \$1,748,000; revised estimate, \$1,732,000.
Coriginal estimate, \$525,000; revised estimate, \$448,200.
Coriginal estimate, \$734,000; revised estimate, \$728,500.
Coriginal estimate, \$3,544,000; revised estimate, \$3,748,400.
Coriginal estimate, \$10,000; revised estimate, \$30,000.
Coriginal estimate, \$130,000; revised estimate, \$10,000.

1912.		00.	NURLDA	SIUNALI
Years.	Appropriation.	Receipts.	Expenditures.	Deficiency.
1897 1898 1899 1900 1900 1901 1902 1902 1903 1904 1905 1906 1907 1908 1909 1910 1911 1912	95, 665, 338, 75 99, 202, 300, 75 105, 627, 138, 75 113, 658, 238, 75 123, 782, 688, 75 138, 416, 598, 75 153, 511, 549, 75 170, 845, 998, 75 121, 691, 133, 60 222, 963, 582, 00 234, 602, 370, 00 243, 907, 020, 00 258, 352, 713, 00	\$82, 665, 462. 73 \$9, 012, 618. 55 95, 021, 384. 17 102, 354, 579. 29 111, 631, 193. 39 121, 848, 047. 26 134, 224, 443. 24 143, 582, 624. 34 152, 826, 585. 10 167, 932, 783. 00 183, 585, 005. 57 191, 478, 663. 41 203, 562, 383. 07 224, 128, 657. 62 237, 879, 823. 60	\$94,077,242.38 98,033,523.61 101,632,160,92 107,740,267.90 115,554,092.87 124,785,697.07 152,362,116.70 167,399,169.23 178,449,779.00 189,935,242.79 208,351,856.15 221,004,102.89 229,977,224.50 238,507,669.54	\$11,411,777.63 9,020,905.06 6,610,776.77 5,385,688.77 3,923,727.43 2,937,649.81 4,560,044.73 8,779,492.33 14,572,584.13 10,516,996.00 6,350,237.23 16,873,292.73 17,441,719.82 5,848,566.88 627,845.94
The tables fol mates, by items, in opposite columnts, by items, in opposite columnts, in opposite columnts, in opposite columnts, in opposite columnts, and the rewith, and the seal year 1913. The item of Union at Madrimates, but was a recommended. The item of sion is a comminent estimate. The estimate.	of this depart	ment for 1913	R GENERAL. R was \$1,245,6	50, which the
committee decre Decreases :	ased to \$1,211	,650; or \$33,4	00 under the	estimate.
Gas, electric	nspectors-			
Travelli Miscelli Rewards to		esees for invent		10, 000 10, 000 2, 500 10, 000 33, 400
Letter carri	iers at offices	not now provi	ided for	340, 425
		tersen, messengers clerk hire offices st, second, an riers letter carrier	100	000 000 000 000
Horse hire	allowance	wance messengers it, City Deliver	50, 25, 50, ry Serv-	000
Making a	net decrease	of		810, 000 469, 570
The estimate recommends \$80	SECOND ASSIST	ANT POSTMAST	TER GENERAL.	The committee
Increases : Travel allo Delegates I	wance railway	mail clerks		\$28, 46 10, 000
-				38, 46
Mail messer Mail bags, Labor, mail Transportat	nger service etc i-bag shops tion by railro	ads	3 50	1, 900 7, 000 2, 000 4, 000
		of		110, 10
The estimate recommends \$2,	THIRD ASSIST.	ANT POSTMAST	ER GENERAL.	
Decreases: Pay of ager Payment II Payment II Employ	nts and assists mited indemn mited indemni yment of spec	ant distribute ity ty, internation ial counsel	stamped enve	lopes \$3,20 10,00 3,00 10,00
Tota	1			26, 20

The estimate of this office for 1913 is \$51,474,5 recommends \$51,392,000, a decrease of \$82,500.	00. The	committee
Increases: Supplies, City Delivery Service Decreases: Blanks, blank books, etc., money order Blanks, books, and printed matter, registry Purchase, exchange, typewriters, etc Initial expense establishing limited rural par-	\$25,000 2,500	\$5,000
cel post	50, 000	87, 500
Making a net decrease of		82, 500
Total net decrease		, 352, 314
Number of employees in service June 30, 1911: Clerks in first and second class post offices City letter carriers Railway mail clerks Rural carriers		29, 168 17, 028
Total		120, 074
Post offices June 30, 1911: First class Second class Third class Fourth class		423 1, 822 5, 731
Total		59, 237 343
In section 1, under subdivision Railway Postal C Second Assistant Postmaster General, is this provis "Provided further, That after the 1st of July, 1s General shall not approve or allow to be used or py way post-office car not constructed of steel, steel un indestructible material, and not less than 20 per cer ment shall be put into operation annually after Ju the passage of this act no contract shall be enter.	car Service 1017, the Pay for any derframe, ont of the n	ostmaster full rail- or equally

Indestructible material, and not less than 20 per cent of the new equipment shall be put into operation annually after July, 1912; and after the passage of this act no contract shall be entered into for the construction of steel underframe cars."

This provision was inserted in the bill to provide for ultimate protection for a class of employees (railway mail clerks) whose lives are in constant danger in the discharge of their duties, from the defective postal car construction. The date for changes in cars as therein provided was fixed at July, 1917, to avoid injustice being done under the present contracts for the use of mail cars, and to afford the department time for changing cars to class demanded.

Section 2, to provide against fraud by mail contractors.

Section 3, to authorize an increase in naval mail clerks' bonds, now limited to \$1,000.

Section 4, to protect against fraud in weighing mails and to readjust compensation therefor.

Section 5, fixing for letter carriers in the City Delivery Service and clerks in first and second class post offices an eight-hour day and for extra pay or compensatory time for work by clerks and carriers in such offices.

Section 6, to protect employees against oppression and in the right of free speech and the right to consult their Representatives.

Section 7, to provide for a reclassification of railway postal clerks. Section 10, for experimental mail service in villages having post offices of the second and third class.

Section 11, amending the law so as to include the Marine Corps among those who may be designated as naval mail clerks and assistants, and the provision in section 1 providing for the promotion of postal clerks and letter carriers and the ultimate increase of pay to railway postal clerks, are all self-explanatory and manifestly so just as to require no special discussion in this report.

PARCEL POST.

special discussion in this report.

50,000

70,000

810,000

469,575

ENERAL.

1,163. The committee of the fourth class. Under existing law we have a general parcel post fixing the postal rate at 1 cent an ounce with a limit of 4 pounds for mall matter of the fourth class (merchandise). This is an ounce and not a pound rate.

By the terms of the International Postal Convention the people of 23 foreign countries may now transmit fourth-class matter (merchandise) through our mails at the rate of 12 cents a pound with a limit of 11 pounds. This is not an ounce rate, but a pound rate I pound. This is not an ounce rate, but a pound rate I pounds. This is not an ounce rate, but a pound rate of a limit of 11 pounds. This is not an ounce rate, but a pound rate for a limit of 11 pounds. This is not an ounce rate, but a pound rate and ilmit for the use of our people in our vide for the rate on a fraction of a pound, but for a flat pound are to a limit of 11 pounds at 12 cents a pound, and each fraction of a pound over 1 pound carried under this section would cost 12 cents. The ounce rate law now in force is not repealed by this section and there is no inconsistency or conflict in the two acts that would operate as a repeal of the ounce postal section by implication. So that one desiring to send a package of less weight than a pound through the mails can do so at the rate of 1 cent an ounce. Thus far the parcel post question seems sufficently clear to assure us against a loss of revenue and detriment to any business conditions in its application.

The advocates of this proposition insist that the rate of 8 cents a pound with no loss of or the transportation of merchandise at a flat rate of 8 cents a pound or less, with a limit of 11 pounds or a greater number of pounds. The advocates of this proposition insist that the rate of 8 cents a pound or less, with a limit of 11 pounds or a greater number of pounds. The advocates of this proposition insist that the rate of 8 cents a pound with no loss of the proposition of the pro

wrong direction—paternalistic and dangerous in its tendencies; that it would create an enormous deficit in the Post Office Department; that it would revolutionize the commercial system in the United States; that it would seriously delay the delivery of lightimate mail; that it would deplete or destroy the prosperity of innumerable country towns and villages, and therefore must be regarded as a menace to the welfare of all the people; that it is class legislation in that it discriminates against the country merchant and favors the great retail mall-order houses—that it is in effect a subsidy to the retail mall-order houses—wrong in principle and unfair in practice; and they further insist that a rural parcel post would be an entering wedge for a general parcel post.

post.

The most of people living in the country and engaged in agriculture and other pursuits, so far as we can secure information, and the larger mercantile establishments in the great cities favor an unlimited parcelpost law. The country merchant and nearly all merchants of the smaller cities and towns oppose the law. This seems to be the alignment. Self-interest, the mainspring of most of our actions, seems to be commanding in both factions. We do not think that the advantages elaimed for the establishment of this post will be so great as its ultra-friends claim, nor that the disadvantages would be nearly so great as its enemiles fear.

commanding in both factions. We do not thisk that the advantages claimed for the establishment of this post will be so great as its ultra-freiends claim, nor that the disadvantages would be nearly so great as its meanles fear.

The necessity for conservative legislation in view of such a contention and division among the people is apparent. We should seek to secure all the advantages possible and avoid all the disadvantages that may arise from any proposed legislation in the interests of the masses of the whole people. Laws should bear as nearly as possible equally and justly on all classes under all conditions. We have heard much testimony, very interesting in its details, but for the most part from those who express an opinion from a general view of general conditions. We need specific facts and not merely opinions on which to pass intelligent and satisfactory legislation. It would seem essential that we know how this innovation in our postal system will affect our revenue; what and other innovation in our postal system will affect our revenue; what and the increases it must assume in increased numbers or entitions and the increases it must assume it in greased numbers or entitions and the increases it must assume it in greased numbers of entitions and pay for carriage or not; how far this extra service would interfere with the handling of first, second, and third class mail matter; the probable losses and profits under different rates; the effect on the centralization of trade; whether the express companies could under one system or another secure the short hauls and leave the long and expensive hauls to the Government; whether it would interfere with the express companies contracts with the railroads or not, and use them, or to force the railroad companies to equal rates for the Post Office Department that is granted the express companies could under one system or another secure the short hauls and leave the long and expensive hauls to the Government, whether it would fail to the country. On these matters t

POSTAL-SAVINGS BANKS.

Section 11 carries \$400,000 and an unexpended balance of about \$205,000, making in all about \$605,000 to continue the establishment and maintenance of postal-savings depositories. The estimate for this service was not included in the original estimates, but is supplementary and is explained in the letters of the Postmaster General to the chairman of this committee herewith attached as an appendix. In view of the fact that the postal-savings-bank law is new and the system has not been fully established, the committee recommends the appropriation and legislation asked for, to the end that a full and complete test may be made of this experiment to determine the ultimate value of its continuation. The careful attention of the House is directed to the Appendix. tinuation. Appendix.

Post Office Department, Office of the Postmaster General, Washington, D. C., February 21, 1912.

Hon. John A. Moon, Chairman Committee on the Post Office and Post Roads, House of Representatives.

My Dear Judge Moon: In compliance with your telephonic request of yesterday, I am sending you herewith a statement of the expenditures and obligations of the postal-savings system to February 1, 1912, the estimated expenditures for the remainder of the fiscal year, and the probable cost of operating the system during 1913, making clear the

basis of the department's request for the appropriation of \$400,000 and the unexpended balance of the present appropriation.

A summary by months of postal-savings business in 1911 is also inclosed.

Yours, very truly,

FRANK H. HITCHCOCK,

FRANK H. HITCHCOCK, Postmaster General.

[Memorandum relating to the estimate for expenses of the postal sav-ings system during the fiscal year 1913.]

The establishment and operation of the postal savings system was begun under an appropriation of \$100,000 provided by the act of June 25, 1910. To this amount the sum of \$500,000 was added by the act of March 4, 1911, making a total of \$600,000 thus far made available for the expenses of the system. The following statement shows the expenditures and the obligations incurred under these appropriations up to February 1, 1912, an estimate of expenditures during the remainder of the fiscal year and of the unexpended balance June 30, 1912:

June 25, 1910 APPROPRIATIONS. March 4, 1911	\$100, 000, 00 500, 000, 00
Total appropriated	600, 000, 00
DISBURSEMENTS.	
	mm 00
Accounting books and forms \$53 Salaries:	
Postmaster's clerks 31	, 267. 13
	, 694, 88 , 171, 88
Furniture and equipment 20 Traveling expenses: Postmasters 10 Central office 10	772. 02
Postmasters 10	185, 71
Central office Postal savings bonds (plates and dies) 6 Official stamped envelopes 3 Savings cards and stamps 6	320, 20
Postal savings bonds (plates and dies) 6	, 570, 37
Official stamped envelopes 3	, 342. 86
Savings cards and stamps 6	, 030. 76
Engraving nostal savings bonds	101 25
Telegraph and telephone service Engraving postal savings bonds Miscellaneous	507. 10
Total disbursements to date	
Cash balance	408, 446. 3
American Bank Note Co\$28	×00.00
United States and Union Envelope Co	, 500, 00
Covernment Printing Office (forms) 8	827 14
United States and Union Envelope Co	, 165. 96
Total obligations	
Dalamas available	255 000 50
Balance available	355, 290. 59
curred for balance of fiscal year 1912	150, 000. 00
Estimated unexpended balance available for	or reap-
propriation	
The number of officers and clerks now employed	in the postal saving
The number of officers and clerks now employed system, by grades and salaries, is as follows:	-
Director	\$5,000
Assistant DirectorAccountant	2,500
Assistant Director Accountant 1 clerk (class 5) 4 clerks (class 4)	2, 500
1 clerk (class 5)	2,000
4 Clerks (class 4)	1, 800
d clerks (class 4) 6 clerks (class 3)	1, 600
9 clerks (class 1)	1, 400
7 clerks (class 2) 9 clerks (class 1) 30 clerks	1,200
47 clerks	900
1 messenger	72
1 messenger	660
2 laborers2 pages	66

One thousand new depositories will be designated each month, thereby making the total number in operation on June 30 next approximately 13,000 and at the end of the fiscal year 1913 approximately 25,000. It is estimated that with each extension of 1,000 offices it will be necessary to employ from six to eight additional clerks.

The estimated cost of the central office for the fiscal year 1913, including equipment and salaries of 225 employees, is \$280,000. To this must be added the cost of supplies for the presidential offices now designated and for 16,000 fourth-class offices to be established between now and June 30, 1913. It is estimated that supplies for each first-class post office will cost about \$100, for each second-class office \$10, and for each third-class office \$50. The total estimated cost of continuing the presidential offices already designated is about \$110,000. The cost of supplying fourth-class offices will be about the same as for those of the third class, the total estimate for 16,000 offices being \$140,000. To this must be added the expenses of the postal savings work in the offices of the Treasurer of the United States and the Auditor for the Post Office Department, estimated at \$70,000. These items give a total estimated expense of \$800,000. Deducting the estimated unexpended balance of previous appropriations, \$200,000, the remaining estimated expense for which an appropriation is recommended is \$400,000. This statement may be summed up as follows:

Estimated cost of central office.

	Estimated cost of central office	\$280,000
	United States and Auditor for the Post Office Department	70,000 110,000 140,000
	Total estimated expenseEstimated unexpended balance of previous appropriations	600, 000 200, 000
J	Appropriation recommended	400,000

Summary of transactions of the postal savings system, by months, in 1911.

Month.	Number of offices at close of month.		Deposits. With-drawals.	Balance to credit of depositors.	Sold.	Savings cards and stamps.		20 11 120	
		Deposits.				Converted into deposits.	Outstanding at close of month.	Net cash re- ceipts to close of month.	Balance on deposit in banks,
January. February. March. April. May. June. July. August. September. October. November.	48 48 48 93 400 1,000 1,280 1,973 3,148	\$61,805.00 81,758.00 80,701.00 82,646.00 154,505.00 316,714.00 578,817.00 1,175,618.00 2,185,438.00 2,837,918.00		\$00,101.00 133,869.00 201,961.00 208,442.00 394,931.00 677,145.00 1,182,055.00 2,172,854.00 4,075,647.00 6,440,261.00 18,500,000.00 112,000,000.00	\$980.40 822.50 652.80 398.30 735.10 1,236.60 2,911.90 7,689.30 12,891.70 17,216.50	\$429.00 402.00 498,00 338.00 581.00 690.00 1,851.00 6,720.00 11,330.00		\$60,652.40 134,922.90 203,257.00 269,814.00 396,440.10 679,310.40 1,189,334.73 2,184,542.91 4,095,768.66 6,465,399.84	\$110,844. 191,878.9 264,508.3 381,977. 571,670.9 973,390. 1,535,137. 2,993,018. 5,439,713.9

1 Estimated.

Post Office Department, Office of the Postmaster General, Washington, D. C., February 23, 1912.

Hon, John A. Moon,

Chairman Committee on the Post Office and Post Roads,

House of Representatives.

MY DEAR JUDGE MOON: Replying to your telephonic request of yesterday, I am sending you herewith a tabular statement showing the

transactions of the postal savings system by months for the first year of its operation, during which time the number of offices actually receiving deposits increased from 48 in January to 5,185 in December; the total deposits for each month of the year, the interest received from banks, and the interest payable to depositors.

Yours, very truly,

FRANK H. HITCHCOCK, Postmaster General.

Summary of transactions of the postal savings system, by months, in 1911.

Month,	Number of offices at close of month.	Deposits.	With- drawals.	Balance to credit of de- positors.	Balance on de- posit in banks.	Interest receivable.	Interest payable (esti- mated).
January February March April May June July August September October November December	48 48 48 93 400 1,000 1,280	\$61,805 81,758 80,701 82,646 154,505 316,714 578,817 1,175,618 2,185,438 2,837,918	\$1,704 7,990 12,609 16,165 28,016 34,500 73,907 184,819 282,645 473,304	\$60,101 133,869 201,961 268,442 394,931 677,145 1,182,055 2,172,854 4,075,647 6,440,261 18,500,000	\$110, 844, 38 191, 878, 97 264, 508, 32 381, 977, 90 571, 670, 90 973, 390, 73 1, 535, 137, 50 2, 993, 018, 77 5, 439, 713, 24 18, 000, 000, 00	\$260 380 550 760 1,220 11,600 12,600 14,700 18,800 114,000 120,300	\$1 11 18 22; 37, 56 94 1,88 3,33 5,33 7,08
Total						1 55, 170	20,19

¹Estimated.

POST OFFICE APPROPRIATION BILL.

Mr. MOON of Tennessee. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the Post Office appropriation bill.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 21279) making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1913, and for other purposes, with Mr. Hay in the chair.

Mr. MURDOCK. Mr. Chairman, I yield 30 minutes to the gentleman from Iowa [Mr. Prouty].

Mr. PROUTY. Mr. Chairman, I desire first to make a few remarks on the latter part of section 6, which reads as follows:

The presenting by any such person or groups of persons of any grievance or grievances to Congress or any Member thereof shall not constitute or be cause for reduction in rank or compensation or removal of such person or groups of persons from said service.

This provision in this bill, in my judgment, merely restores or guarantees to the civil-service employees of the Postal Department a right that is clearly and unequivocally guaranteed to them by the Constitution of the United States. Article I of the amendment to the Constitution expressly provides in substance that Congress shall pass no law abridging the right of speech or the right to peaceably assemble and petition the Government for redress of grievances.

If the Congress of the United States has no power to thus abridge any portion of our citizenship in their right to petition for redress of grievances, I hardly think that any constitutional lawyer will contend that that right may with impunity be exercised by the executive branch of the Government; and while this Executive order that has been issued in a measure abridges that right, I do not wish to be understood as severely criticizing either of the Chief Executives that promulgated it. It was doubtless designed for a good purpose; but, notwithstanding the

great respect that I have for the statesmanship and the wisdom of the President who first promulgated this order, notwithstanding my reverence, almost, for the judicial knowledge and acumen of the illustrious President that repeated the order, I am nevertheless constrained to believe that the founders of our Government had a keener insight into the workings of the human mind and the human soul than those illustrious men. I think our forefathers understood that a liberty-loving, strong, virile humanity would not endure the repression of a right to freely express to the Government their grievances. I am one of those persons who believe that you can never correct discontent, you can never allay agitation, by repressive measures. As far as I have observed the workings in these matters in human life, the more you attempt to check and keep from free expression the more you augment and increase the supposed grievance.

We must remember that those who are engaged under the civil service of the Government are made of the same flesh, are made of the same blood, and they have the same virile spirit that constitutes American citizenship, and when you deprive them of the constitutional right to present their grievances to the men that have the right and the power to correct them you do not prevent them from taking action, but you simply divert their method of action.

In the short stay that I have had in Washington, and especially in the service that I have had upon the Committee on Reform in the Civil Service and in the Committee on the District of Columbia, I have learned that this rule has worked in a peculiar way; that while these men are now abridged of the right to appear before committees and before Members of Congress in person, they have effected that appearance by professional attorneys and lobbyists—a thing that is perfectly natural. Water will always find some way to get vent, and so will this impulse of human nature to have a hearing upon questions that involve their rights.

If the committee will permit me, I will call attention to one thing that developed in the hearings in the Committee on the

District of Columbia. The committee reported unanimously a bill for increasing the compensation of the policemen at the street crossings. It was doubtless a good bill. It passed this House and it has passed the Senate. To my surprise and to the surprise of the committee, shortly after that bill was passed we found that a lobbyist in this town had a written contract with every one of these policemen by which a certain class that had a greater increase in pay were to pay him \$10 a month for a year out of their salary, and another class that received less compensation were to pay him \$5 a month for a year out of their salary. their salary. In other words, one class paid this professional lobbyist \$120 apiece for a year and the other class \$60 apiece for getting this wholesome legislation through.

Mr. CAMPBELL. Will the gentleman allow me to corroborate him concerning lobbyists?

Mr. PROUTY. Certainly.

Mr. CAMPBELL. Some years ago I had a bill here reorganizing and increasing the salaries of the firemen.

The bill was favorably reported by a subcommittee, and was taken up in the whole committee and favorably reported to the House, and taken up in the House and was up for passage when I learned that another assessment had been issued by a lobbyist against every member of the fire department. That word came to me just in time to stop the passage of the bill until every fireman received back every dollar that had been taken from him, on the condition that if it was not the bill would not pass the House. The money was paid back.

Mr. CLINE. Mr. Chairman, will the gentleman yield? The CHAIRMAN. Does the gentleman from Iowa yield to

the gentleman from Indiana?

Mr. PROUTY. With pleasure.
Mr. CLINE. Can the gentleman give the House any information as to how this gentleman got his work in on the proposition, or as to whether or not he did anything at all in forwarding the interests of the policemen in regard to their pay?

Mr. PROUTY. I can not give the gentleman any information with such accuracy as I would desire if anybody were to act upon it. I hardly would be able to act upon it myself. It has been suggested to me that his method of operation was something like this: It was suggested when the matter was up that, so far as my information was concerned, this man had never appeared before the committee. I believe our chairman said that at one time he did appear in his committee room. He was informed by a gentleman somewhat familiar with this matter of lobbying that this professional lobbyist never himself practically appeared in the transaction, but operated somewhat in this manner: He picked out a man, for instance, say, from Massachusetts, who was a member of the committee, or in some place where he could be of service, and he would find some fellow from Massachusetts who knew that man, and he would say to him, "Here, I will give you \$50 or \$100 if you can get that man to vote favorably on this measure." This man would call on the Member and, under the guise of friendship and under the guise of being very familiar with the matter here in Washington-apparently not with any idea of getting him to do it, but just quietly laying it before him-he would soon work up a sentiment favorable to his measure. I am informed in a somewhat loose way that that is the general plan of their operations.

I may say right here, diverting a little from what I intended to say when I arose, that I am credibly informed that there are scores of contracts of that kind now in force in the city, in which the men have entered into a written contract to get a certain per cent or a fee in case of a favorable report or the

favorable passage of measures in this House,

Now, I know that when we investigated this matter somewhat with the police force they said this, and they said it rightfully, too, "We were unjustly discriminated against. Under these rules we can not appeal in person either to the Congressmen or to committees," as they interpreted the rule, for the men or to committees," as they interpreted the rule, for the purpose of getting redress, and therefore they said, "We listened with heart and ears to this seductive approach of the lobbyist and agreed gladly to yield to him a part of our compensation if we could get relief."

Mr. DICKINSON. Mr. Chairman, will the gentleman yield? Does the gentleman from Iowa yield to The CHAIRMAN.

the gentleman from Missouri? With pleasure.

Mr. DICKINSON. Will the gentleman please insert in his remarks the rule or Executive order, to which he has referred, prohibiting the employees from appealing to their Representa-

Mr. PROUTY. I do not have them in my hands. I supposed everybody in the House was familiar with them. There were three of them, I understand.

Mr, DICKINSON. I thought the gentleman had it as a part of his speech.

Mr. PROUTY. With the permission of the House, I will produce them and print them.

Mr. GARDNER of New Jersey. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Iowa yield to the gentleman from New Jersey?

Mr. PROUTY. With pleasure. Mr. GARDNER of New Jersey. I think it is entirely fair to state, in this connection, that the conditions which the gentleman describes existed long before there were any orders prohibiting persons from approaching any official. It has, perhaps, been 35 years since James Parton, through several articles in the Atlantic Monthly, under the title of "The strikers of the Washington lobby," exposed the whole matter in full, so the condition has not arisen out of an Executive order, but out of the powers of persuasion of some gentlemen that they could get things through Congress, when in fact they foresaw the intent of Congress and sold the results.

Mr. PROUTY. I am very much obliged to the gentleman for the information and suggestion. I have not myself assumed the responsibility of saying that this condition grew out of the rule, but it must be apparent to every candid mind that such a rule would have the effect of aggravating that condition. other words, if you prevent the men from appearing before Congress themselves it creates a condition and an opportunity by which the lobbyist can easily get the ear of these people and say, "I can reach Congress if you can not."

say, "I can reach Congress if you can not."

Mr. CLINE. May I add just a word there?

The CHAIRMAN. Does the gentleman from Iowa yield to the gentleman from Indiana?

Mr. PROUTY. With pleasure.
Mr. CLINE. I want to corroborate in a few words the statement made by the gentleman from Iowa. It has become so apparent that the House Office Building is frequented by professional lobbyists that people generally know who they are and what their business is. I have in mind two committees that are on the same floor with my office, and two certain gentlemen have taken up their positions at the committee room doors for the last three or four weeks while certain bills have been before. the list three of four weeks while certain ones into been observed those committees. These men are not Members of Congress and are not personally interested in the bills, as I am informed by the policemen in the halls, but are men whose particular business it is to engineer the bills through the committee if possible, through the means suggested by the gentleman from Iowa and other methods. I state this for the purpose of corroborating what the gentleman from Iowa [Mr. Prouty] has said about the lobbyists in and about the Capitol and the Office Building

Mr. PROUTY. One of my special reasons for supporting this measure is that it will relieve the civil-service employees from the temptations that come to them from their situation, As I said earlier in my remarks, I know that these civil-service employees, if they have real or, perhaps, even imaginary grievances and wrongs, will find some way of expressing themselves, will find some way of reaching Congress; and I think it infinitely better that they be allowed to come for themselves and present their own case than it is to put them in a position where they are compelled to go to these lobbyists,

In my work upon the District Committee and on the Civil Service Reform Committee facts have been brought to my attention which make me sincerely believe that there ought to be a general increase in the salaries of civil-service employees. It seems to be absolutely unanswerable that if the scale of wages fixed half a century ago was then just it is now grossly too small. Every candid man who studies this question must reach the conclusion that the increased cost of living, the changed conditions of life, the high standard of living, the greater demands that are made upon everybody for the education of their children and for the care of their families all point to the fact that there ought to be a real readjustment of salaries, and that that readjustment ought to be in an upward direction.

But what I am trying to impress upon this House is this thought: That I want to deal directly with these people themselves and not through "salary brokers." I know that this will throw down the fence, and I know that I am exposing myself and helping to expose my colleagues to an endless assault, it may be said, from these importuning civil-service employees. I know that; but, so far as I am personally concerned, I would infinitely rather listen to the complaints of these men than to be hounded, as I have been, day and night, by these professional lobbyists.

That is all I had intended to say. In fact, I have said a great deal more on the subject than I had intended.

I might say, however, by way of parentheses, that I have introduced a short bill, practically at the direction of the committee, seeking in a measure to correct these things,

In the first place, it provides that no one shall appear either before an individual Member of Congress or before a committee of Congress in the profession of a lobbyist for hire without disclosing that fact and, if requested, disclosing by whom hired.

The second section of the bill prevents civil-service employees from raising funds to hire people as professional lobbyists and from making these contracts that, I am informed, exist by the hundreds in this town for contingent fees, making such contracts illegal and void and against public policy and, therefore, not collectible. In other words, it is my desire, what little time I remain in this Congress, to get my information first hand from the men who are themselves directly interested. I do not want to have a professional lobbyist, who has no interest in these measures or men except the paltry dollars that he gets, tell me what is my duty toward a great class of our

citizenship. [Applause.]
But, Mr. Chairman, I rose really to discuss another propo-

sition.

Mr. SLOAN. Mr. Chairman, will the gentleman yield?

Mr. PROUTY. Certainly.
Mr. SLOAN. The gentleman has adverted to the fact that civil-service employees are not well paid. I call his attention to the fact that the large mercantile establishments in this city have interested themselves in the wages of the civil-service employees. Have you made any investigation to find out which is the better paymaster, the Government of the United States or these large mercantile establishments who have so deeply interested themselves in governmental employees?

Mr. PROUTY. No, sir; I have not. I have, from my own personal connection with some institutions, facts that would warrant me in asserting that as a rule Government employees do not get as good compensation as the institutions with which

I am connected pay men for similar service.

But I will go back to the original proposition; either the price fixed 50 years ago was grossly high, or it is grossly low now. There is no escape from that proposition. I know that 30 years ago, when I was active in young life, I could live and keep my family respectably on half what I can keep them for to-day, and I believe that is the experience of every man on this floor.

Mr. DIFENDERFER And what were luxuries then are

necessities to-day.

Mr. PROUTY. Yes; as my friend from Pennsylvania says, what were luxuries then are almost necessities now. It does not apply to Members of Congress alone, it applies to every department of life. I can remember when a man who got 50 cents a day apparently lived on it as well as he does now. There was a time when Congressmen only got \$2,500 a year, and I venture the assertion that they then saved more out of their salaries than does the distinguished gentleman from Nebraska

Mr. SLOAN. Will the gentleman yield?
Mr. PROUTY. Certainly.
Mr. SLOAN. I would like to ask the gentleman if he wants to be understood as saying that the articles which he bought for his family 25 years ago would cost now 50 or 100 per cent more, or, as a matter of fact, very much more?

or, as a matter of fact, very much more;

Mr. PROUTY. Oh, very many of them cost more.

Mr. SLOAN. Is it not a very slight percentage?

Mr. PROUTY. No; I used to buy potatoes for 10 cents a bushel, and I am paying \$1 now.

Mr. SLOAN. Perhaps the gentleman ate a great many more than which makes up the difference.

then, which makes up the difference.

Mr. PROUTY. But, Mr. Chairman, laying all jesting aside, there is not a man within the sound of my voice that does not know that 30 years ago he could make a better showing on \$1,000 than he can to-day on \$5,000. It is not all in the increased cost of the things he burs, but in the increase of things that the situation demands that he and his family should have.

Mr. SLOAN. Is not that all the difference, practically? Mr. PROUTY. No; it is not all of it. The standard of living

has been raised all around in every way; and I simply repeat what I said a little while ago, that if it was right 50 years ago it is dead wrong now.

I am not disposed to say that when these salaries were originally fixed there was a conspiracy to rob the Public Treasury. But, Mr. Chairman, I find myself getting more or less diverted from the real thought that I want, if I can, to burn into the minds of at least the few loyal Members of the House who came here this morning to hear me. The time has arrived when we should get information from men that have an interest in it, and not from these fellows around here who make a brokerage out of the salaries of these unfortunate people. Now, if there is no further question, I will proceed to discuss the second thought, the one I really rose to discuss, and that is the ques- railroad corporations?

tion of good roads, the aid of the Federal Government in some

way in the improvement of our highway system.

I introduced a bill on this subject some time early in Congress that presented a plan that, of course, met with my own judgment. The provision that will be offered as an amendment to this measure in this House in connection with this bill does not quite meet my own ideas as to the policy the Government should pursue in regard to public roads, but it is so clearly a step in the right direction that I am most glad to give it the ben-

efit of my support.

Of course, the very first question that comes to the mind of every lawyer, and perhaps the mind of every Congressman, is whether or not the Federal Government has the constitutional right to enter upon this field-whether or not it was a part of the policy of the framers of our Constitution that the Federal Government should reach out its hand and supervise and take charge of or assist in the construction of highways. Yesterday you heard upon this floor two quite able discussions on this question, and I do not intend to add much to that part of it. view it, there is no question about the power of the Federal Government. The first section, that enables us to provide for the "general welfare," is ample, because there is no one thing that adds so much to the happiness and prosperity of our people as good roads.

The provision that allows us to provide for the "common defense" would be ample, and under it we could exercise this power, because there is nothing that adds so much to the force and effectiveness of an army as the ability to quickly mobilize.

The CHAIRMAN. The time of the gentleman from Iowa has

Mr. PROUTY. Mr. Chairman, I have just got started. Gentlemen have taken all of my time in asking questions. I would like to have about 20 minutes more time.

Mr. GARDNER of New Jersey. Mr. Chairman, I yield the

gentleman 20 minutes more.

Mr. PROUTY. Mr. Chairman, I shall necessarily have to use most of this time myself, although I shall not make the hard and fast rule that I shall not yield to a question, but I hope my

friends will not take too much of my time.

We do not need to rely upon these implied powers of the Constitution. Under section 8, Article I, of the Constitution, division 7, the power is expressly conferred upon Congress to "establish post offices and post reads," and Congress itself declared that the word "establish" should be construed in regard to post roads in the same way it is construed in regard to post offices. In other words, there is just as much authority under the Constitution of the United States to establish, maintain, and improve post roads as there is to establish, build, and maintain post offices. I might say here, by way of parenthesis, that for more than 50 years that right was exercised by the Federal Government, and it was never called into question, and to my knowledge it has never been called into question in any tribunal in the United States. The Supreme Court of the United States did construe this question, and confirmed in Congress the right to aid in the construction of railroads under this provision. is a strange mental operation that would say that the Federal Government has power under that article to build railroads that are to be used forever for private purposes and yet has no power to assist in the building, improvement, and furtherance of roads that are forever to be used by the public without compensation on the part of the Federal Government. So I pass that question.

The next question that suggests itself to every thoughtful mind is whether or not the project is of sufficient national importance to justify Congress in taking the funds out of the Federal Treasury and applying them to that purpose. As I look at it, Mr. Chairman, there is no subject pending before the American Congress of greater importance than the question of road Up to 1860 we engaged in Federal aid, but after construction. the close of the war we turned our whole attention to the building of railroads, and the Government of the United States appropriated millions of its money and gave millions of acres of its land and millions of dollars of credit for the purpose of creating transportation by rail. I am not going even now to criticize that, but it looks to me perfectly clear that if the Government considers of enough importance the question of transportation to thus lend its whole Treasury to the scheme, then the initial transportation, which is the greater transportation, should receive the same care and consideration at the

hands of the American Congress.

Mr. FORNES. Mr. Chairman, will the gentleman yield?

Mr. PROUTY. With pleasure.
Mr. FORNES. Is it not a fact that the Government was paid back the entire amount of money which it ever advanced the

amount of expenditure as between the city or the rural dweller. [Applause.]

APRIL 23.

Mr. PROUTY. Of course, that would lead the gentleman and me into a long discussion; but I can answer the question by saying clearly no; and I can easily demonstrate that if I would dare to take it out of my time; but there were 200,000,000 acres of land that were given to them, not \$1 of the value of which was ever returned to the Public Treasury. The Agricultural Department says that it is now worth \$40 an acre, but at \$10 an acre that would amount to two billions of dollars

Mr. FORNES. Is it not a fact regarding that that whatever land was given was amply paid for by the improved value of the

land adjoining it? Was it not a business proposition?
Mr. PROUTY. On the part of the railroads; yes.
Mr. FORNES. Another question I wish to ask is Mr. FORNES. Another question I wish to ask is this: It may be constitutional, but is it good policy for the National Government to spend its money for the purpose of improving roads which lie entirely within the State? Is it not a fact that it ought to be the pride of every State to spend its own money in the improvement of its roads? In other words, would

not that be proper home rule?

Mr. PROUTY. Every word that the gentleman has said is true, but it would be just as true of railroads as it would be of

public highways.

Mr. FORNES. Oh, I beg to differ with the gentleman. Pub-

lic highways are not international roads.

Mr. BARTLETT. An international road is a public highway.
Mr. PROUTY. If I started to go from here to Chicago by
road—as many of my friends are doing by automobile—does the
gentleman say that is not interstate traffic and commerce?

Mr. BARTLETT. A railroad is a public highway under the

Mr. FORNES. Does the gentleman mean to tell me that for the luxury of the few we shall have, so to say, to lay the burden on the larger number?

Mr. PROUTY. If the gentleman would just hold himself in patience I shall be very glad to answer that question, because that is the second question that I am going to answer.

Now, I will give three or four minutes to a question of its importance. There is more freight actually hauled by roadby wagon-than there is by the railroads of this country-more actual pounds hauled over the highways of this country than by railroad. In this country it costs, according to the estimates of the director of roads, 23 cents per mile per ton to haul that. In England it costs 11 cents; in Germany it costs 10 cents; in France it costs 7 cents. Now, if you note that, the cost of transportation in those countries is less than half what it is in this country. If you could make our roads as good, so our transportation over the highways could be as cheap as it is in those countries, there would be a saving in this country exceeding all the freight that is paid to all the railroads in the United States.

Mr. FORNES. Will the gentleman yield for another question? Mr. PROUTY. Let me answer the first one, I can not answer all of them at once. After I answer the first one.

The CHAIRMAN (Mr. CULLOP). The gentleman declines to

Mr. PROUTY. The gentleman will pardon me, I am coming to the second question; the gentleman has not given me chance to answer yet. Anyone who has watched this situation and studied it knows it costs on an average more to haul a ton of freight 8 miles over the country roads than it does to haul it from New York to Liverpool by steam. Again, the average cost of hauling the food products of the farm to the city is greater than the railroad transportation from the point of delivery to the point of final consumption. Therefore the man who has not studied this question with the idea of reducing this initial cost of transportation is not helping to solve the great problem of this country as to how we will get cheap food without reducing the price to the man who raises it. Now, I am going to come to the gentleman's second question, briefly, because you can discuss this ad libitum. There is no limit to the arguments that can be used in this controversy. In regard to the second question, I notice my friend, Mr. Madden, yesterday spent considerable time upon the same question, and that is, whether it is fair. Now, everyone knows that primarily this expenditure will be for the benefit of the inland dweller—the expenditure will be for the beach of the limit of the farmer, so to speak, and it is an expense that comes off the entire community, as everybody can easily recognize. Now, as I have frequently said, and I repeat here now, there is no greater wrong that a legislative body or a government can enact than to perpetually take money from one class of citizens and expend it for the benefit of another. It does not matter much how high taxes are so long as they are expended for the benefit of substantially the same class of people from whom they are collected. I undertake to say that this Congress may pursue the policy that we are advocating for 100 years and we will not be able to equalize or balance the | built and constructed those roads, it is certainly not unfair for

Mr. COX of Ohio. Will the gentleman yield at that juncture? Mr. PROUTY. Just let me finish this and then if the gentleman will call my attention to his question I will be glad to answer it. Now, what is the fact? Take, for example, an illustration. This country has spent \$600,000,000 improving the waterways and harbors, and practically every dollar of that money was primarily expended in the cities and for the benefit of the cities along these waterways. Six hundred million dollars has been spent-far more than upon the building of the Panama Canal. I believe I could state with perfect safety that at least 75 per cent—it was so stated in the Senate—had been thrown in the well. Now, of that sum of money the inland dwellers have paid at least 75 per cent and they have never received a direct benefit from a dollar of it. They have received an indirect benefit, just like you fellows who live in the cities are to receive an indirect benefit from the improvements of these highways. I live in a city and I think we can be fair and square, even if we live in a city, and discuss this question as fairly and impartially as those who live on the farms of this country

Mr. BARTLETT. Will the gentleman permit me to ask him

a question? He lives in Des Moines County, I believe. Mr. PROUTY. I live in Des Moines.

Mr. BARTLETT. You have done nothing toward improving your roads there, have you?

Mr. PROUTY. We have no some and are planning more. We have not done much, but we have done

Mr. BARTLETT. You have 900 miles of road and you have improved 53 of it. That is what you have done.

Mr. PROUTY. We do not claim to have macadamized roads; but do not divert me with these technical and unnecessary questions that have no direct bearing on the question I am discussing.

Mr. TRIBBLE. Will the gentleman yield there for one

short question? Mr. PROUTY. Let me finish with the gentleman from New York. He asked me the first question and the longest question, and he is entitled to a fair and square answer. take, for instance, the building of post-office and public buildings. The Government of the United States has spent over \$200,000,000 in the cities, every dollar of which has been spent for the accommodation, convenience, and benefit of the city dweller.

Mr. TRIBBLE. And not in the country?

Mr. PROUTY. Not a dollar of it went into the country. I notice my good friend from Illinois [Mr. Madden] yesterday called attention to the fact that they spent—he said \$47,000,000, but he has that too high; it is \$37,000,000—for rural free delivery in the country for the benefit of the farmer; and there was a loss on that, I will concede. But, gentlemen, remember this fact, that of the total population in this country 54 per cent of it lives in the country and 46 in the cities and that we cent of it lives in the country and 46 in the cities, and that we spend per capita more than three dollars for one in maintaining the Postal Department for the benefit of the dwellers in the city than for the benefit of the dwellers in the country.

Mr. SHACKLEFORD. If the gentleman will yield, I would like to say that the rural mail, of which the gentleman from Illinois [Mr. Madden] spoke yesterday, while it goes over the rural mail route, it is not altogether for the benefit of the country man, but it is the city man writing to the country man about matters in which the city man is interested, and the rural mail is just as much for the city people as it is for the country people.

Mr. PROUTY. What I am trying to say is this, that this country might begin now on this system of helping to keep the Mr. PROUTY. roads of the country in such a condition as to facilitate the transportation of food products, and otherwise, by the farmers and continue it a long time on the basis of this bill and the account would not be equalized.

Mr. COX of Ohio rose.

Mr. PROUTY. I yield to the gentleman from Ohio.
Mr. COX of Ohio. Our colleague from New York [Mr. FORNES] made the observation a while ago that the State ought to have considerable pride in keeping up these great highways. Is it not true that the Federal Government likewise should have just as much pride in paying the States for such use as it makes of any city utility, notably the highways? It was never the intent under the Constitution that the States should maintain post roads, because it is clearly a Federal utility.

Mr. PROUTY. I think that is a fair statement of the proposi-But touching upon that same question, if it is fair that the Government should pay the railroads for the transportation of mail over their tracks, after the Government has practically

the Federal Government to pay the States for the use of the roads that the States built out of their own money. might just call attention, in this connection, to the fact that up to the present time the Federal Government has used all the highways that have been constructed at the expense of the local governments for the transmission of these mails without paying a cent for it, and yet the Federal Government is paying to those roads that it, in effect, built seven times as much as private individuals or corporations can secure their transportation for their products over the same roads.

Will the gentleman yield for a question? The CHAIRMAN. Will the gentleman from Iowa [Mr.

PROUTY] yield to the gentleman from New York [Mr. FORNES]? Mr. PROUTY. With pleasure. I would like to ask the gentleman from New Jersey again if I can have a few minutes more, if these gentlemen take all of my time?

Mr. GARDNER of New Jersey. I will yield to the gentleman

10 minutes more.

Mr. PROUTY. I do not need it yet, but I may need it later. Mr. FORNES. Is not a rural mail established for the convenience of the farmers?

Mr. PROUTY. Surely. So are the railroads built for the

convenience of your people.

Mr. FORNES. Should the burdens, therefore, be borne by those who derive no benefit, entirely, or should they not be borne by those who are benefited more than by those who are not benefited?

Mr. PROUTY. Let me put this question to you: Ought not these cities along these rivers and harbors which get these vast sums of money pay for that local improvement since they get the

great benefit?

Mr. FORNES. I say, decidedly, no; because the greater the shipping facilities the more valuable becomes the land, and the rivers and harbors are improved to increase the shipping facilities, not for the streets in the city, but for the large stretches of land in the country.

I am equally convinced that the improvement Mr. PROUTY. of the public highways in this country would increase every department of commerce as I am that the improvement of the

rivers and harbors would.

Mr. BARTLETT. May I suggest to the gentleman, with his permission, this: That the community that may be benefited by this expenditure of money on public roads pays out about seven times as much as it would receive in benefit? And the community that got \$15 a mile would probably pay seven times as much to get it.

Mr. PROUTY. As I look at this question, it is a give and Some fellows have been taking and it is time some fellows

Mr. TRIBBLE. That is true with respect to New York, is it not, the city that the gentleman is speaking of, that gets all the

money?

Mr. PROUTY. Yes. I am not speaking because I am specially interested in that part of the community, the rural part, because everybody knows that I live in a good-sized city. no man who sits down and takes his pencil and keeps his conscience with him and goes to figuring can help coming to the conclusion that either through importunity or otherwise Congress has taken the funds of the United States and put them in the cities instead of in the country, and the time has arrived when the country farmer has the right to see some of it come back to his own community. [Applause.]
The CHAIRMAN. The 20 minutes' extension of the time of

the gentleman from Iowa has expired.

I would like to have a little more time.

Mr. GARDNER of New Jersey. Mr. Chairman, I yield 10 minutes more to the gentleman.

The CHAIRMAN. The gentleman from Iowa [Mr. PROUTY] is recognized for 10 minutes more.

Mr. BARTLETT. I beg the gentleman's pardon for having

Mr. PROUTY. I realize that I can not approximately exhaust this subject that I have in mind, but I will endeavor to contribute one thought if I can, and that is that the Government owes this to her citizenship. Why do we expend these large owes this to her citizenship. Why do we expend these large sums of money in educational affairs? We do not spend them in proportion to the benefits received from the men who pay the We recognize that this Government can not stand, that the Republic can not be perpetuated, without an intelligent citizenship. And I want to say to you that the gravest question now before the American public, in my opinion, is how we can preserve this Republic.

When this Republic was first organized less than 4 per cent of our people lived in the cities. Ninety-six per cent lived in the country. There was clean politics during those times. passed on until 1850, and then there was only 13 per cent living

in the cities. In 1890 the percentage had increased to 40 per cent, and by the last census it had increased to 46 per cent. there is not a man within the sound of my voice who does not know that the country parish and the agricultural people

are the stay of this Republic. [Applause.]

I have never been so profoundly impressed with that thought as I have been since I have served on one of the Committees on Elections in this House. In connection with my work on that committee I not only had occasion to examine several of these subjects as occurring in the last election, but I have also gone practically through all the precedents that have come to this House, and so far as my reading and observation have gone there is not a single precinct from the agricultural portion of the community in which there has been fraud, ballot-box stuffing, or any of those crimes that strike at the basis of our National Republic. These contaminations come from the large cities, and God save this country if we ever reach a time when a great majority of our citizenship comes from the cesspools of a congested city population. [Applause.]

Mr. BERGER. Mr. Chairman, will the gentleman yield? The CHAIRMAN. Does the gentleman from Iowa yield to The CHAIRMAN. Does the the gentleman from Wisconsin?

With pleasure. Mr. PROUTY.

Mr. BERGER. How about Adams County, Ohio [laughter], where even the preachers are shown to have accepted money in small sums for their votes? How about West Virginia? How about the rural parts of Wisconsin, my own State?

Mr. PROUTY. Did you notice my proposition? I did not say that no fellow that lived in the country had ever yielded to the temptation of the seductive money sent out from the city. I said that there is not a case recorded of ballot-box stuffing and those ordinary frauds of election in a country district. I admit, sir, that you fellows from the city, with your vast hoards of wealth, can go out and occasionally corrupt a few individuals in the country. [Applause.] If you will read the history of Adams County, you will find that every dollar of that corrupt fund came from the city. [Applause.]

Mr. SLOAN and Mr. BERGER rose.

The CHAIRMAN. Does the gentleman from Iowa yield to the gentleman from Nebraska?

Mr. BERGER. Does the gentleman accuse us of the inordinate use of money in elections? We have none. Our party is made up of workingmen. The highest wages I ever got was \$30 a week. The membership of the Socialist Party finances all its elections without any help or assistance from the outside. [Applause.] Mr. PROUTY.

I was referring chiefly to the Milwaukee I expect the Socialists did not spend accent. [Laughter.] much money to elect the gentleman from Milwaukee, but the gentleman disavow that there was money used to defeat

him in Milwaukee?

Mr. BERGER. The Milwaukee accent is the only true accent in the country to-day, accentuating the political and economic necessities of the future. That accent expresses the fears, the hopes, and ambitions of the working class as far as this House is concerned. The wealth of the gentlemen who do the bribing comes from the working class of both the city and the country. It is usually a part of the surplus value taken from the workingmen of the districts where it is used for bribing. It is not money coming from one section of the country and given to the other. It is wealth taken by one class from another class. A small part of this wealth is used to bribe the very class from which it has been taken.

Mr. PROUTY. Will the gentleman let me ask him a question? Does the gentleman believe that politics is as pure in the city as it is in the country?

Mr. BERGER. It is as pure in the class, conscious working class, of Milwaukee as in any country district I ever heard of [Applause.] I have just a slight suspicion that the gentleman never lived in the country and is a stranger to real pure country politics.

Mr. Chairman, will the gentleman yield? The CHAIRMAN. Does the gentleman from Iowa yield to the gentleman from Nebraska?

Mr. PROUTY. Yes.

Mr. SLOAN. Now that we have discovered the man for whom Diogenes was looking with his lautern [laughter], it is in order to ask some questions. Now, can I ask the gentleman this question: Is not Adams County necessary as the exception to prove the rule to which the gentleman just referred a moment ago?

Mr. BERGER. Mr. Chairman-

Mr. SLOAN. I should like to have the answer of the gentleman from Iowa [Mr. PROUTY].

Mr. BERGER. Very well.

Mr. PROUTY. The fact that these gentlemen all think of only one county in the United States, in all its history, is a rather suggestive thing. On the other hand, I could stand here by the hour and point to cases in the cities. If the committee would extend my time I would agree to take the rest of this afternoon in pointing out the specific instances.

Mr. BERGER. I should like to hear the gentleman do that.

It would be mighty interesting.

Mr. PROUTY. But here is what I am trying to impress upon this House, that the stability and purity of our Republic depend upon the fact that we maintain a large per cent of our

population in the rural districts. [Applause.]
Mr. BARTLETT. I will ask the gentleman if George W. Perkins lives in the country? He furnished the campaign funds

for one of the presidential candidates.

Mr. PROUTY. Do not let us mix any politics in this. fess I have become thoroughly disgusted with the Members of this House on both sides trying to convert the halls of Congress into a political hustings. [Applause.] I think we should discuss other questions here, questions upon which we can legislate and not questions on which we may differ in politics.

What I wanted to say was this: Whatever will drive from the city and its miasmas a portion of our people and put them in the wholesome, invigorating, moral atmosphere of country life is a matter that should receive the attention of the highest authorities of the Government and the candid support of every man who loves this country and its institutions and desires to per-

petuate them. [Applause.]

There is nothing that will do so much to add to the population of the rural districts as the improvement of our highways. Men do not like isolation. Men like to be in communication. You may shout, "Back to the farm; back to the farm," until you are hourse. Men will not go there in the mud and they will not stay there in isolation. You have got to make their conditions pleasant. You have got to help surround them with conditions that will attract them there. You want something that will draw people from the city out into the country. You want something that will keep the farmers' boys on the farm, and

there is nothing that will do that like good roads.

The director of roads of the Agricultural Department of this Government took occasion to compile some statistics upon that question. I will only take time to call attention to two specific The director of roads caused 25 counties to be taken indiscriminately, counties in which there were no macadam roads, and during the census period between 1890 and 1900 those counties shrank in population an average of 3,112 persons. He also picked 25 counties indiscriminately where there was a large mileage of improved roads, where 40 per cent of the roads were improved. During that same period of 10 years each of those counties on an average increased in population 31,095 people. You can not point to a better illustration of the beneficial effect of good roads. If we had good roads all over this country we would draw from the cesspools and miasmas of the city enough of our people into the wholesome atmosphere of the country to

purify our politics. [Applause.]

The CHAIRMAN. The time of the gentleman has expired. Mr. MOON of Tennessee. Mr. Chairman, I yield to the gentleman from Wisconsin [Mr. Konor] 30 minutes.

Mr. KONOP. Mr. Chairman, it is very seldom that I impose upon the time of this House. In the short space of time that I have in the discussion of this important bill I can only discuss briefly and generally some of the main features of it. And at the outset I want to commend the great Committee on Post Offices and Post Roads for bringing in this bill. Although I do not approve of all the provisions in it, there are so many new and meritorious provisions in it that it commends itself

to every American citizen.

Mr. Chairman, this is not a political measure. I agree with the gentleman from Iowa [Mr. Prouty] that the consideration of this bill should not be a political matter. No Member of this House should make political capital out of any propositions that are submitted in this bill. It is a business proposition. We are appropriating money for the carrying on of the greatest business enterprise of this great Government. We are appropriating money for its expenses which we hope will be turned back into We are also in a great measure in this bill providing for the regulation of this department. And so I say it should not be made a political measure. Any proposition that is offered under the special rule by way of an amendment or any proposition in the bill should not be treated with a view of making political capital out of it.

To illustrate that this bill is purely a business proposition,

and to illustrate its importance as a business proposition, I want to cite you lines 14 and 15, on page 18, where you will find

in these two lines this statement:

For inland transportation by railroad route, \$47,646,000.

In 14 words of this measure we find we are appropriating nearly \$50,000,000 to pay for only a part of this great enterprise. There is nothing more said, and we are simply turning out of the Treasury of the United States the exorbitant sum of \$50,000,000.

The chairman of the Committee on Post Offices and Post Roads, in presenting this bill to the House, made the assertion that the express companies of this country are paying the railroads on an average three-quarters of a cent per pound for carrying the express packages, while the railroads are charging the United States Government 5 and 6 cents a pound for carrying the Government mail. And yet, in this bill, in these two lines, we appropriate the sum of nearly \$50,000,000, and nothing is said as to whether we are going to in any way regulate as to what contracts shall be made with the railroad companies.

I think that probably some time some law will be placed on the statute books to regulate this proposition. I realize that such a measure would not be in order to be inserted in an appropriation bill. We talk about economy, and we pride ourselves on economizing a little here and a little there, and yet this enormous sum of \$47,000,000 is appropriated in two lines and nothing is said about economy; nothing said about the sum we might be able to save. I think we might be able to save from 1 to 2 or 3 and perhaps 10 million dollars on this one provision of the bill.

In the consideration of all these appropriation bills the committees of this House are usually governed by the estimates as they are made. Without reading to you the different estimates of the departments I will insert them in the RECORD:

Statement of estimates of appropriations for 1913.

[Excluding sinking fund and postal service payable from the postal revenues.]

ESTIMATES, INCLUDING PERMANENT ANNUAL, 1913.

DEPARTMENTS, ETC.	
Legislative	\$12, 992, 733. 68
Executive	848, 170, 00
Department of State	4, 655, 117. 41
Treasury Department:	
Treasury Department, exclusive of public build-	
Public buildings	49, 008, 806, 75
Public buildings	5, 083, 100, 00
New revenue cutters	350, 000. 00
War Department:	west day and our
War Department, exclusive of rivers and harbors_	122, 696, 205, 43
Rivers and harbors	31, 520, 038. 00
Navy Department:	
Navy Department, exclusive of building program	116, 245, 212, 46
Navy building program	12, 911, 800. 00
Department of the interior.	
Department of the Interior, exclusive of pensions_	38, 121, 214, 60
Pensions	152, 687, 750, 00
Post Office Department, exclusive of postal service	1, 642, 190, 00
Department of Agriculture	22, 939, 452, 00
Department of Commerce and Labor	15, 950, 268, 50
Department of Justice	10, 608, 630, 90
Territorial governments	287, 700, 00
Independent offices	3, 017, 893, 12
District of Columbia	13, 579, 520, 50
Interest on the public debt	22, 775, 000. 00
Ordinary	637, 920, 803, 35
Panama Canal	
Total	685, 184, 563, 55

These estimates show that upward of \$700,000,000 is estimated for by the heads of departments for the different committees of the House of Representatives to appropriate the money for carrying on the business of the Government.

Who is it that prepares the estimates? Some department clerk, and that department clerk below refers it to the man ahead, and so on up until finally the head of the particular de-partment approves of the figures and they are sent over to the committees of the House of Representatives. In that way the estimates reach the committees. It is true that the committees of the House of Representatives scrutinize these estimates—it is true that they cut down here and there a few hundred thousand dollars from the estimate—and yet I believe that some different system ought to be devised, so that the committees of this body would know exactly how to cut these estimates down. There ought to be some commission or body that could go and investigate and find out what the needs of the departments really are.

Mr. Chairman, by a special rule, adopted on last Thursday, certain great questions were made in order by way of amendment to this bill. I know there is not a man on the floor of this House who would not be happier if he did not have to vote on some of these propositions, and I confess that I would be

unusually happy myself.

The first proposition made in order by the special rule is one providing for steel mail cars or steel underframes for mail cars or equally indestructible material. I do not think there can be any opposition to that provision in the bill. We all know that mail cars on trains are next to the tender of the locomotive, and in case of a wreck the wooden mail car is the one that is

usually smashed to splinters. The loss of life in the railway mail clerk service has been appalling, and it is high time that this provision is made by the railroad companies to protect human lives. Having fresh in our minds the recent terrible disaster at sea should spur us on to provide speedily by law for the protection of life and limb by all public-service carriers. would be nothing less than criminal to shut our eyes to this reckless slaughter of life on land and sea when it can be avoided. That it will necessitate an extra expenditure of money on the part of the railroad companies to provide steel mail cars is true. That to amply provide for safety at sea will mean extra expenditure is equally true. But we must not place money above human life. We must not measure life by dollars. If we can save one human life by providing steel mail cars, we have saved more than the price of them all.

Under the special rule adopted, sections 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, and 12, as they appear in the pending bill, are in order.

The purpose of section 2 is plain. It protects the Government from hidden.

from bidders who have entered into a combination to fleece the department. Section 3 provides for the giving of bonds by Navy mail clerks and assistants. Section 4 relates to the weighing of mail

Section 5 provides for an 8-hour day for certain letter carriers and not to exceed 10 consecutive hours of work. It is also provided that in cases where the service requires an excess of 8 hours there should be extra compensation for the excess. The committee certainly ought to be congratulated for this provision. There certainly ought to be no public servant of any Government who should be required to work more than 8 hours a day. I think the time is not far distant when employers of labor all over the world will accede to the demand of labor

for an 8-hour day.

Section 6, I think, treats of one of the most important matters in this bill. It gives every man in the postal service a chance to be heard in case of any charges against him which warrant his discharge. It also abolishes the much-spoken-of "gag rule," which was so forcibly introduced by the "Big Stick" and so tenaciously adhered to by his successor until very recently, in order to fully carry out the so-called Roosevelt policies. All this was done in a free country. It is strange that Congress has not abolished these despotic orders before. The humblest laborer in private employ is usually apprised of the reasons for his discharge. Even the meanest criminal is not denied the right to have specific charges preferred against him and a chance to be heard. And in this country to think for one moment that men in the public service should be denied the right to be heard would mean the denial of citizens their rights as citizens. Any man in public service should have a right as a citizen to know why he is discharged from public duty, and as a citizen should certainly have a chance to be heard. This is a citizen should certainly have a chance to be heard. This is nothing but fairness and justice. It is a right inherent in every American citizen. To be heard in defense against any accusation is a fundamental right of American citizenship. to be an inherent and fundamental right in every country. For years American citizens under civil service in this free country have been denied the right to be heard. By a "gag rule" they have been denied any right to complain and present their petitions and grievances. They had to submit, like slaves, to the orders of superiors. I do not believe that an American citizen when he enters the civil service should by that act lose his right as an American citizen Such a rule, instead of promoting discipline and efficiency, produces the worst kind of tyranny, and that the postal clerks of this country have so long submitted and that the American Congress has so long permitted such a rule of despotism to prevail in this country is beyond com-

prehension.
Section 7 provides for a reclassification of railway postal It provides 10 grades, at salaries ranging from \$900 to I do not know much about classification, but I believe that in the civil service to-day there are too many classes in classifications. I believe that there ought to be less classes and more pay provided for those in the lowest class. Upon investigation in the different departments we will find that those in the lowest classes do most of the work and get the least pay. In our plan of economy it would be wiser to economize by decreasing the salaries of those at the heads of the departments and pay a living wage to those who do the work.

Section 8, which has been made in order, provides for a rural parcel post and also for the appointment of a commission to investigate the feasibility and propriety of establishing a general parcel post. If I understand rightly the provision for a rural parcel post, it ought to be amended so as to provide for a complete rural parcel post. As it now reads, it provides for the delivery of packages on those routes only on which they are collected, so that a carrier on route "A" can not collect a package to be delivered on route "B," starting from the same

office. If this is to be the provision of the law, when the time comes if no one offers an amendment I shall offer one providing that packages may be delivered on all routes starting from the same office. If this is not amended, it will only benefit those merchants who have their places of business at the place where the post office is. For example, suppose that a country store-keeper, who resides at an intermediate point on route "A," keeper, who resides at an intermediate point on route "A," has an order from a farmer who lives at an intermediate point on route "B," it will be impossible, under the provision in the bill as it now stands, for this country storekeeper to have this package delivered by rural carrier to the farmer on route "B." I think that the rate provided for carrying parcels on rural routes is unreasonably high.

Now, as to the proposition of providing a commission to investigate the feasibility and propriety of the establishment of a general parcel post, I do not believe that this commission will do any good. All such a commission would do would be to take testimony for and against parcel post. As the matter now stands, such testimony would be nothing more than cumulative. We have had enough testimony on this subject. We know the operation of parcel post in other countries. It takes no com-mission to ascertain facts about its operation in those countries. The proper way to determine the practicability is to start in the same way as we started our rural free delivery. way is to authorize the Postmaster General to establish a general parcel post in different sections of the country, and in a year's time of its practice we can find out more about its practicability and feasibility than by investigations by commissions. If we can not have a general parcel post nor postal express, why, then, let us at least have an experiment of it and find out something definite as to its practicability. I think that instead of a commission, if an appropriation, say, of \$100,000 were made and the Postmaster General authorized to start in different sections of the country a system of general parcel post that inside of a year we could find out more about the practicability and the feasibility and advisability of extending the system throughout the entire Nation than in any other way. We would have something practical, but if we have a commission simply to take evidence and investigate, we would have simply evidence. have enough evidence on the subject as it is. I have here a book which contains explanations of the system of parcel post of every country in the world, and I do not see what more information such a commission can give us. So I say that I think that the better plan would be to experiment in this matter, experiment as you did with the rural-delivery proposition. started one route and then started another, and we started them in the East and in the West, until to-day this entire country is covered with a network of rural routes. If we are to have any system at all, if the Government is to go into the parcel-post business, the best way to find out whether we want a parcel post is to start, as I say, an experimental parcel post, say, for instance, in New England, and see how it works and then take a section in another part of the country and start it there, and at the end of the year the Postmaster General can give us some substantial information on the practicability and the feasibility of the subject of a general parcel post.

Mr. Chairman, why this demand for a parcel post on the part of a great majority of American citizens? Why, on the other hand, such a determined opposition from a large number of citizens? On the one hand it is charged that the express companies are opposing parcel post, and Members of this body, if they oppose parcel post, are accused of being in league with the express companies. On the other hand, it is charged that the catalogue houses are back of the movement for a parcel post, and that Members of this House who favor parcel post are in league with the great catalogue houses. Neither accusation is true. Members of this House who favor a parcel post do so because they honestly believe in it, and those Members who oppose a parcel post are just as honest and sincere in not believing in it.

The analysis of arguments for and against a general parcel post is probably best stated by the committee, on pages 8 and 9

of the report:

One of the most difficult questions connected with proposed postal progress arises with the suggestion to create a general unlimited parcel post for the transportation of merchandise at a flat rate of 8 cents a pound or less, with a limit of 11 pounds or a greater number of pounds. The advocates of this proposition insist that the rate on fourth-class matter (merchandise) was at one time 8 cents a pound with no loss of revenue, but an increase of revenue; that the zone system of transportation charges used by the express companies is unnecessary and cumbersome; that express companies pay wheelage to railroad companies and divide profits and still make annually colossal profits at the expense of the people; that it is the right of the people to use the mails for their own benefit and the right of the consumer to buy wherever he can secure the best bargain, whether it be at home or in another State or city, and that the complaint of this view is from selfish sources; that a largely increased revenue will come to the Government from the system and advantages and blessings to the whole people in its operation.

The opponents of a general unlimited parcel post insist that it will tend to concentrate business in the large cities and be injurious to rural

communities and small towns and cities; that it is a step in the wrong direction—paternalistic and dangerous in its tendencies; that it would create an enormous deficit in the Post Office Department; that it would revolutionize the commercial system in the United States; that it would seriously delay the delivery of legitimate mail; that it would deplete or destroy the prosperity of innumerable country towns and villages, and therefore must be regarded as a menace to the welfare of all the people; that it is class legislation in that it discriminates against the country merchant and favors the great retail mail-order houses; that it is in effect a subsidy to the retail mail-order houses—wrong in principle and anfair in practice; and they further insist that a rural parcel post would be an entering wedge for a general parcel post.

The most of people living in the country and engaged in agriculture and other pursuits, so far as we can secure information, and the larger mercantile establishments in the great cities favor an unlimited parcelpost law. The country merchant and nearly all merchants of the smaller cities and towns oppose the law. This seems to be the alignment. Self-interest, the mainspring of most of our actions, seems to be commanding in both factions. We do not think that the advantages claimed for the establishment of this post will be so great as its ultra-friends claim, nor that the disadvantages would be nearly so great as its enemies fear.

Mr. Chairman, the question of parcel post is nothing but a

Mr. Chairman, the question of parcel post is nothing but a question of transportation rates. For years the express companies of this country have been charging the people exorbitant rates for the transportation of parcels and packages. average express charge in this country is \$31.20 per ton, while the average freight charge is \$1.90 per ton. This makes a ratio In other countries the ratio of average express charges to average freight charges is from 3 to 1 to 9 to 1. I will insert in here a table compiled in Senate Document 379, on page 11, which shows the ratio of average express charges to average freight charges in 11 countries:

Ratios of average express charges to average freight charges in 11 countries.

Countries.	Average express charge per ton.	Average freight charge per ton.	Ratios of average express to freight charges.
Argentina Austria Belglum Denmark France Germany Hungary Netherlands Norway Prussia.	\$6.51 3.77 14.92 5.49 6.88 3.80 3.68 2.43 1.90 4.32	\$1.95 .74 .53 .87 .95 .76 .93 .67 .49	3. 2 to 1 5. 0 to 1 1 9. 3 to 1 6. 3 to 1 7. 2 to 1 5. 0 to 1 3. 6 to 1 3. 8 to 1 5. 0 to 1
Average for 10 countries	27.61	1.90	5. 23 to 1 14. 53 to 1

1 Belgium delivers parcels.

What merchant has not complained of these exorbitant express rates? What man who has paid an express charge on a package has not stood amazed at the unreasonable charge? general parcel-post bill will not completely solve this problem. This Government can not, under present charges that the railroads are making for carrying our mails, compete with the express companies. As I said before, the chairman of the Committee on the Post Office and Post Roads, in his speech presenting this bill, made the statement that the railroad companies are carrying parcels for the express companies at an average of three-fourths of a cent per pound, while at the same time they are charging the Government as high as 5 and 6 cents per pound for carrying the mails. The Government can not compete with the express companies under such unfavorable conditions. The Government would get the long haul and lose, and the express companies will get the short haul and make more profit.

I believe that the solution of this transportation problem lies in the propositions as proposed by the gentleman from Ohio and the gentleman from Maryland. The proposition is to eliminate the competition of express companies by taking them over. This system that they propose, the system of postal express, is the best solution of the problem. This will not only benefit the farmer and laborer, but it will also benefit the country store-It will give quick and adequate transportation for small shipments equally to all. Mr. Chairman, I heartly favor the proposition of postal express. I believe it is far superior to any parcel post that we may adopt, and it being in order under the special rule, I shall vote for it.

Mr. WILLIS. I am very much interested in the gentleman's discussion of this subject, and before he leaves this particular part of it, I would like to know what plan he has in mind for the financing of this project. How much money would it cost to take over the express companies? How is all that to be cared for? It seems to me that is important,

Mr. KONOP. I have not investigated the matter, but I am informed the total assets of the express companies are in the neighborhood of \$30,000,000

LEWIS. May I venture to answer the gentleman's question; may I take so much of the gentleman's time?

Mr. KONOP. Certainly.

Mr. LEWIS. There is naturally considerable curiosity as to that phase of the proposition. The express companies, according to the latest report, have an aggregate capitalization of about \$200,000,000. Of that \$200,000,000 about \$160,000,000 represent investments in railroads and other companies, and about \$40,000,000, according to their own statement, will be capital of any kind devoted to the express business. Of the \$40,000,000 they claim about \$10,000,000 for franchise and good will. reference to that item, I may say that express companies have no franchises whatever. A franchise represents a grant of a privilege, usually exclusive in its nature, from the sovereign power, the State or the Government, to some persons, corporate or otherwise. They have no such grant of a privilege, or, for example, the right to lay rails on a street or pipes under the street or wires below or under the street. Therefore, franchise value is entirely eliminated from the proposition. With reference to entirely eliminated from the proposition. good will, the law of eminent domain seems to settle that question. Good will is not an item to be considered in condemnation proceedings in the way of compensation to which the party may be entitled, and court authorities may be adduced and will be adduced for that proposition.

Finally analyzed, there seems only one artificial value that

the Government might have to make payment in taking over the express property. That artificial value is an item of about \$5,000,000, which is said to represent advanced payments by the express companies to the railways to obtain their contracts. I do not think personally even those advanced payments are proper obligations, because they represent in a sense a compounding of an offense between the express company and railway, namely, the granting of exclusive transportation privileges in contravention of the Federal and the common law as long as they have been known.

I beg the gentleman's pardon for consuming so much of his time. [Applause.]

Mr. WILLIS. Will the gentleman yield for me to ask another question of the gentleman from Maryland? Now, the gentleman stopped just at the point where I wanted him to go on. As I get it, there are about \$30,000,000 that will be involved? involved?

Mr. LEWIS. Not over \$20,000,000, according to the latest report. And even if the good will and franchise claimed by them were admitted, not over \$30,000,000.

Mr. WILLIS. Say it is \$30,000,000. Then it is proposed that the bonds of the Government shall be sold to raise this Is that the idea? amount.

Mr. LEWIS. This bill does not so provide, but the bill reported favorably by the Commerce Committee makes it a charge upon the Treasury to be paid by the Treasury as the awards are found.

Mr. WILLIS. Well, the gentleman knows it is quite evident that the revenues are not in such a state as to permit immediate payment. It would be necessary, I take it, to issue bonds and increase the bonded debt to that extent.

Mr. LEWIS. But the act of payment would not develop until

a year or two hence, I may say to the gentleman.

Mr. COX of Ohio. Will the gentleman yield to me for one question? I would like to inquire whether-

Mr. WILLIS. But we must prepare for all of these things

Senate now will provide for that.

Mr. COX of Ohio. Will the gentleman yield?

Mr. KONOP. Yes, sir.

Mr. COX of Ohio. Yes, co. (1) Mr. SHACKLEFORD. This excise bill that is pending in the

Mr. COX of Ohio. You fix the sum of \$30,000,000. Is that determined in your mind by the valuation of certain physical assets the express companies now have that we ought to have in carrying out this utility, or is that a sum fixed in your mind by a certain sense of equity that we ought to pay to the express companies?

Mr. LEWIS. It is a sum fixed definitely by the inventories and statements made by the express companies to the Interstate Commerce Commission.

Mr. BORLAND. I have here the report of the Interstate Commerce Commission as to the express companies, and in the hearings before the Subcommittee on the Post Office and Post Roads Committee is given the value of the real property and equipment of the express companies, and for the year 1908 it is \$23,000,000, of which only \$7,300,000 is cars, horses, equipment, and vehicles. So of the \$14,000,000 there is probably a large amount that would not be available for the Government's use.

When we come to the year 1909 the total value of the equip-

ment is \$9,234,000.

Mr. COX of Ohio. But we are not required to take it over?

Mr. BORLAND. I think a large amount of that real estate will be found to be business property in large cities that can be left in the hands of the express companies-property that is like railroad investments.

The CHAIRMAN. The time of the gentleman from Wiscon-

sin [Mr. Konor] has expired.
Mr. LEWIS. Mr. Chairman, since I am responsible for consuming so much of the gentleman's time

The CHAIRMAN. The time of the gentleman from Wisconsin [Mr. Konor] has expired, and the gentleman from Tennessee [Mr. Moon] has control of the time.

Mr. MOON of Tennessee. Mr. Chairman, I yield 10 minutes more to the gentleman from Wisconsin [Mr. Konor].

Mr. KONOP. I thank the gentleman from Maryland, and he can use the balance of my time to answer questions after I am through.

I want to say something about section 9, which provides for the compensation of rural carriers at \$1,074 per annum on a route 24 miles in length, and the sum of \$44.75 per mile per annum on a route of greater length than that. Rural carriers have to perform their service in all kinds of weather. They have to maintain their equipment and repairs, and also, in the northern parts of this country, they have to endure the elements, the snow, and everything else. So I think they are poorly paid, and I do not think there ought to be a rural carrier in this country that ought to get less than \$100 a month.

Mr. HAMLIN. Will the gentleman yield? Mr. KONOP. I will. Mr. HAMLIN. Has the gentleman's attention been called to this fact, that the department in charge of the rural work conthis fact, that the department in charge of the rural work construe the present law always against the interest of the man who carries the mail. To illustrate, they will make a route 26 miles long, but pay the carrier only that which he would get for 24 miles. But if it drops below 24 miles his pay drops to the next lowest point. If you will just permit a word, I will say that this last week I sought to have two different routes readjusted. In order to do it it would bring them both within the 24-mile limit. One carrier was then traveling a fraction over 26 miles. They refused to do it because it would increase the pay to the Government \$100 a year, but they would make the fellow carrying mail on the 26-mile route carry it for the same money that they would have to pay him on the 24-mile route rather than to pay \$100 by extending the other route. So I say they seem to construe the law always against the fellow who carries the mail, and it is not fair.

Mr. KONOP. Undoubtedly that is true.

Now, Mr. Chairman, as to the provision regarding the high-ays. The provision for the improvement of rural highways is as follows:

ways. The provision for the improvement of rural highways is as follows:

That for the purpose of this act certain highways of the several States, and the civil subdivisions thereof, are classified as follows:

Class A shall embrace roads of not less than 1 mile in length, upon which no grade shall be steeper than is reasonably and practicably necessary in view of the natural topography of the locality, well drained, with a road track not less than 9 feet wide composed of shells, vitrified brick, or macadam, graded, crowned, compacted, and maintained in such manner that it shall have continuously a firm, smooth surface, and all other roads having a road track not less than 0 feet wide of a construction equally smooth, firm, durable, and expensive, and continuously kept in proper repair. Class B shall embrace roads of not less than 1 mile in length, upon which no grade shall be steeper than is reasonably and practicably necessary in view of the natural topography of the locality, well drained, with a road track not less than 9 feet wide composed of burnt clay, gravel, or a proper combination of sand and clay, sand and gravel, or rock and gravel, constructed and maintained in such manner as to have continuously a firm, smooth surface. Class C shall embrace roads of not less than 1 mile in length upcu which no grade shall be steeper than is reasonably and practicably necessary in view of the natural topography of the locality, with ample side ditches, so constructed and crowned as to shed water quickly into the side ditches, continuously kept well compacted and with a firm, smooth surface by dragging or other adequate means, so that it shall be reasonably passable for wheeled vehicles at all times. That whenever the United States shall use any highway of any State, or civil subdivision thereof, which falls within classes A, B, or C, for the purpo— of transporting rural mail, compensation for such use shall be made at the rate of \$25 per annum per mile for highways of class C. The United States shall not pay any co

tody of the funds of the respective highways entitled to compensation under this act.

The provisions of this paragraph shall go into effect on the 1st day of July, 1913.

For a long time the highways of the States and other subdivisions have been used for carrying United States mail, and not one cent has been paid by the General Government for their use. We are paying millions every year to the railroads and yet pay nothing for the use of the rural mail roads. I think if this provision is incorporated in this bill it will be a great incentive to

building good roads.

In 1909 the total mileage of public roads in the United States was 2,199,645 miles. Of this only 190,476 miles, or about 8½ per cent of the total mileage, was improved. From these figures it clearly appears that our roads need improvement. Thus far the General Government of the country has spent nothing for the General Government of the country has spent nothing for road building, nor has it paid anything for their use by the Post Office Department. France, which has the best system of roads in the world, has spent \$613,000,000 on that system. While, owing to the great distances, this country would have to spend much more, probably \$2,000,000,000, but this expenditure would not need to be made at once. This expenditure when spread over a period of 10 or 20 years does not amount to so much each year. Under the plan proposed by this amendment we are not proposing to go into the road-building business, but we are not proposing to go into the road-building business, but we are simply providing for pay for the use of the improved roads. Suppose all of the 190,476 miles of improved roads in the United States were in class A, and suppose that all of this improved mileage was used by the Post Office Department, the Government, for the use of the 190,476 miles of improved roads, would pay the sum of \$4,761,900. But there are very few miles of road in this country that come under class A, and not all the improved roads are used by the rural carriers. Deducting for these conditions, I believe it would cost the Government less than \$1,000,000 for use of roads, but this provision would be an incentive to the making of improvements by States and counties worth billions of dollars.

But, Mr. Chairman, under the plan we are now proposing we are not going to build post roads, although we have the constitutional power to do so. We are going to stimulate the building of good roads. We are going to pay what we ought to pay for the use of the roads that are built up by the rural communities, the counties, the towns, and the States; and, so I say, if this provision is put into the bill it will be a great incentive to the

building of good roads.

The last proposition made in order by the special rule is as

That it shall be unlawful for any person or persons or association or corporation to enter or to have entered into the mails of the United States any newspaper, magazine, or other periodical of like kind unless such publication shall have plainly printed in a conspicuous place therein the name or names of the managing editor or managing editors, the name or names of the publisher or publishers, and the name or names of the owner or owners, including all stockholders owning stock of the par value of \$500 or more, of such periodical publication. Any person, association, or corporation who shall violate any provision of this act shall be punished, for each violation of any provision thereof, by a fine of not less than \$100 nor more than \$1,000.

This provision simply ovtends our publicity logication. The

This provision simply extends our publicity legislation. newspapers and magazines, which are such a factor in molding public opinion on public questions, ought to disclose who their owners are. If campaign committees and candidates for public office should disclose the source of the money for campaign expenses, why should not the newspapers and magazines, whose editorials have a greater influence over the campaign than the distribution of money? In this day, when men in public life and candidates for office are so much lauded and so much criticized by the press, is it not but fair to the reading public that it may know who is directing the praise and who is doing the criticizing? [Applause.]

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. Littlepage having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Crockett, one of its clerks, anonunced that the Senate had passed, without amendment, bill of the following title

H. R. 21170. An act granting to the El Paso & Southwestern Railroad Co., a corporation organized and existing under the laws of the Territory and State of Arizona, a right of way through the Fort Huachuch Military Reservation in the State of Arizona, and authorizing said corporation and its successors or assigns to construct and operate a railway through said Fort Huachuca Military Reservation, and for other purposes.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House of Representatives was requested:

S. 836. An act for the relief of Joel J. Parker;

S. 3116. An act to amend sections 1 and 2 of the act of Congress of June 22, 1910, entitled "An act to provide for agricultural entries on coal lands," so as to include State land selections, indemnity school and educational lands;

S. 3607. An act to direct the Attorney General to take an appeal to the Supreme Court of the United States from a decree entered by the circuit court of the United States in and for the southern district of New York in the suit of the United States v. The American Tobacco Co. and others, and extend the time for taking such appeal, and for other purposes; and

S. 3846. An act to authorize a waiver of trial by jury in the district courts of the United States.

POST OFFICE APPROPRIATION BILL.

The committee resumed its session.

Mr. MOON of Tennessee. Mr. Chairman, I yield to the gentleman from Indiana [Mr. CLINE].

The CHAIRMAN. The gentleman from Indiana [Mr. CLINE]

is recognized.

Mr. CLINE. Mr. Chairman, I desire to enter my protest against conditions as they exist in the railway postal service. There are no more faithful servants of the Government than the railway mail postal clerks. No class of men put in more hours, undertake greater hazards, or are as poorly paid, considering all conditions, as the railway postal clerk. The treatment he all conditions, as the railway postal clerk. receives in some divisions is a disgrace to the department and deserves the censure of every man who wants to see fair and honorable treatment given the Government's employees. In the first place his employment ought to be made as safe for him as possible. The old wooden-box postal cars, attached to the engine and tender and reenforced by a heavy passenger car of steel construction makes the postal car the recipient of all danger in ordinary accidents. The extravagant rental price the Government pays for these wooden boxes called railway postal cars ought to command the most efficient and best built steel cars that could possibly be made. I am aware that there is a requirement that the road shall equip the service with steel cars by 1917. The limit of time when that act was passed ought to have been reduced.

As to compensation, no one will dispute the fact that there is more required of a postal clerk than of any other person in the He must have a greater range of accurate knowledge of train schedules, connections, and so forth, than any other Not only must be have the proper knowledge so as to make the best connections under all conditions on his own road, but he must have knowledge of schedules on distant connecting He must also have knowledge of how to make the best connections in throwing mail in traveling both directions on his own road. For instance, he may be able to reach a certain town on a connecting line by throwing for a certain road in going west, while in going east on his road it may be necessary, because of a change of schedule, to throw the mail for the same town to an entirely different line. These facts are not generally known to the public. Little accurate knowledge reaches the public as to the requirements of the postal clerk.

The pay is inadequate—not in keeping with the services performed and not in keeping with the wages paid in other lines of postal work. Let me illustrate. Girls in second-class post offices acting as stamp clerks are able, if they have been in the service some time and have had the promotions the law anticipates they will be entitled to, sit on a chair and exchange stamps for cash, simply a mechanical process, requiring no ability except that necessary to make correct change; no mental strain, no long hours, not subjected to the loss of life by accident, and get more money for it without incurring any danger than a postal clerk gets after years of service.

I invite the attention of the House to some of the hardships postal clerks have to submit to in the fifth division. I represent a district through which a very large percentage of the transcontinental lines pass and have some knowledge of the conditions that exist. I do not base any criticism on my own information, which, of course, is hearsay, but I am including in these remarks an extract from a letter written by one of the postal clerks on the Pennsylvania system. I have many letters from postal clerks that corroborate this statement. This letter is of very recent date, written from Chicago, and, among other things, contains the following complaint:

I am forced to say that the conditions in the fifth division are anything but promising. Our superintendent at Cincinnati, Ohio, does not appear to have any mercy or soul. He is using the lash at every turn, creating strife in the ranks, and trying to force two days' work out of every man for his own glory, not for the good of the service rendered to the people. The following are some of the requirements that are not in force on some of the other divisions: First. Requiring men to move to terminals, either to Chicago or Pittsburgh, where rent is so high and living so costly that we can not make a decent living. Second. Requiring examinations to be thrown in larger sections so as to increase the difficulty of passing and consequently decrease the pro-

motion. Third. Holding up promotions so as to keep down expense of running the system. Fourth. Working the men in the terminal office while they should be at rest. For example, men who worked all night on a run from Pittsburgh to Chicago were required to work six hours in the terminal office following the arrival of the train. Fifth. Men on the postal service out of Pittsburgh at 3 p. m. arrive in Chicago at 7.30 a. m. the next day, 16½ hours of continuous labor, all the time on their feet, and then required to work 6 hours additional at the terminal. Sixth. The fact is that the mail is carried sometimes three times over the road before it is finally discharged, and this because there are not men enough working the 17-hour trips to distribute it, and all for the glory of the retrenchment of the present postal system.

The charges or complaints in the sections I have quoted are not made by a single individual, but by a number of efficient employees whom I know. I do not believe this Government, administered by careful and efficient men, would permit the injustice to employees above set out if it shall have accurate and definite knowledge that these conditions exist. I am confident that many Members of the House are able, through their correspondence with postal clerks, to substantiate the charges made by the faithful servant from whose letter I have made these extracts. The Government can not lightly pass by these complaints. A complete reorganization of the postal system is necessary if exact justice is to be done to all classes employed in the postal service.

Mr. MOON of Tennessee. Mr. Chairman, I yield to the gentleman from Missouri [Mr. Borland].

The CHAIRMAN. The gentleman from Missouri [Mr. Borland].

LAND] is recognized.

Mr. BORLAND. Mr. Chairman, the proposal to include in the pending postal bill a provision for the establishment of a parcel post opens the entire subject of the relation of carriage of merchandise to the postal service. It is apparent that there is a distinction between the carriage of intelligence and the carriage of merchandise. Postal service was established and has always been maintained primarily for the purpose of conveying intelligence. Such transportation of merchandise as it has engaged in has been of minor and incidental character, not sufficient to have any appreciable effect upon any branch of the transportation business. In the transportation of intelligence, speed and convenience are the controlling elements; distance plays an important part, but bulk and value are of less consequence. In a great Republic such as ours, the successful conduct and perpetuity of which rests upon the intelligence of its citizens, their acquaintance with public affairs and the needs of the country and their unity of interest, commercial and political, it is difficult to overestimate the importance of the great functions of the Postal Department in the transmission of intelligence and the wide diffusion of knowledge. Whether the message be of a private or public character, it is of the highest importance to the Nation as a whole that it should be within the reach of every citizen, however remote his dwelling or humble his station. We therefore do not count the individual cost of the transmission of a letter. The expense involved is not determined so much by weight and distance as it is by the amount of labor and handling which each piece of mail receives. The principles underlying the postal service, the great agency for the transmission of public and private intelligence, are radically different from those underlying the business of transportation of merchandise. When we approach the problem of transportation of merchandise we must approach it upon principles new to the postal service, but not new to the business world.

The pending bill makes three changes in the provisions for the carriage of parcels:

First. The rate of fourth-class matter is reduced from 16 cents to 12 cents a pound, except as to packages originating upon and destined to points on the same rural route.

Second. It increases the limit of weight on fourth-class mat-

ter from 4 pounds to 11 pounds.

Third. It provides that on packages originating on and destined to points on the same rural route a special low rate of 5 cents the first pound and 2 cents each succeeding pound, or a total of 25 cents for the maximum weight of 11 pounds, shall prevail. The first two changes will probably have very little effect in practice and will not materially increase the extent or earnings of the postal business. It is said in a general way that they remove an anomaly now existing growing out of the difference between the postal regulations of this country in its domestic business and the regulations which it has adopted on foreign business in conformity with the Interna-tional Postal Union. Under the agreement with the International Postal Union a package may be mailed between any of the countries parties to that union at the rate of 12 cents a pound and with a maximum weight of 11 pounds. Thus a privilege seemed to be extended to foreign packages which was not extended to domestic packages. As a matter of fact, however, the only use ever made of such rate was for the transmission of Christmas parcels and other noncommercial transactions. It had no effect whatever upon general commerce for the simple reason that the rate is too high to justify any class of business men in making use of it in ordinary trade. cents a pound is \$1.32 for an 11-pound package, even though the distance were only a few miles. This is at the rate of \$240 a ton, when the average express charges are only \$31.50 a ton and the average freight charges about \$1.90 per ton. It is hardly to be supposed that even the reduction of the rate from 16 cents to 12 cents will result in any packages being moved whose weight is greater than 2 or 3 pounds. From a weight of 5 pounds upwards the rate is almost universally cheaper by express.

The establishment of a flat rate of 12 cents a pound, whether the distance be 1 mile or 3,000 miles, violates, however, every economic law relating to transportation, as well as all teachings of experience. In the transportation of merchandise rates must be graded according to distance, weight, and value. A flat rate, which disregards all these essential factors except a crude division on weight, is unscientific, unjust, and, in the long run, impractical. The rate is too high for a short haul and too low for a long haul. It is assumed by the hasty thinker that the loss on the long shipment will be made up by the overcharge on the short shipment, and thus an average of receipts will be struck that will enable the Government to conduct the business without loss. In practice no such average will occur. The Post Office will get the long shipments that it offers to carry at a loss, and will not get the short shipments, except in the incidental cases where convenience overbalances the question of rates. Moreover, it is neither honest nor wise in the transportation business to make one man pay the loss on another man's shipment. A flat rate on shipments must be abandoned at the very outset. As has been pointed out repeatedly in this debate a flat rate can not move traffic. is no such thing as a flat rate for moving traffic as a competitive matter in the transportation business. When these gentlemen have gone before the Post Office Committee and talked about the parcel posts of Europe, all of them have left out of sight the fact that the only country in Europe that has anything approaching a flat rate is Great Britain, with a very small and compact territory, and her rate is 6 cents a pound, whereas ours is 12 cents. How much that affects the transportation business of Great Britain I do not know, but Germany, which has been referred to so frequently, has the zone system and a graduated scale of charges.

The third change, however, proposing the establishment of a rural parcel post, and which I understand is the recommendation of the Postmaster General, is the most vicious element of the bill. It has often been said by zealous advocates of parcel post that the only reason why Congress did not inaugurate such a system was the influence of the express companies. In other words, parcel post has been treated as a measure of relief from express charges and a direct competition with such companies. It has been said that there are four main reasons why Congress did not pass a parcel post bill; one was the American Express Co., another the United States Express Co., the third the Adams Express Co., and the fourth the Wells, Fargo Express Co. I am sure I voice the sentiments of the majority of this House, especially the new majority of the Sixty-second Congress, when I say that we would welcome an opportunity to vote upon any proposition to reduce the exorbitant charges of the express companies and to place better and cheaper transportation facilities in the hands of the business men of the country. shall be glad to see real competition with the express companies. but what shall I say of the rural parcel post? It is apparent at a glance that it does not compete with the express companies. for it is expressly confined to traffic over a rural route. In effect it enlarges the territory of the express companies, reserving to them all of the business which they now have at their current rates and providing for a substantial increase of that business without cost to themselves by extending their service to territory which they are at present unable to reach. A brief study will convince any business man that the express companies have no reason to oppose, and are not opposing, the rural parcel post; in fact, that they will be the chief beneficiaries.

In discussing this matter nearly a year ago in the columns of a western trade journal, I took the position that the rural parcel post could be utilized by the express companies, and, through them, by the mail-order houses, to a much greater extent than by any other class of business men. I pointed out that it would be possible for a mail-order house to send a large package by express to some country town which was the beginning of several radiating rural routes and that on arrival the package could be broken up, probably by simply taking off the outer wrapper. into several small packages of less than 11 pounds, which would be properly addressed and ready for remailing out on the rural

route, and that this remailing could be done by some young agent, engaged in other business, whose charge for the service would be nominal.

But it seems that the rural parcel post is to be connected up with the express companies by an act of Congress without any expense or delay whatever. The condition is to be much more favorable to the express companies than I had originally supposed. I find upon the calendar of this Congress H. R. 12810, reported from the Committee on Interstate and Foreign Com-merce, entitled "A bill regulating charges for transportation of parcels by express companies engaged in interstate commerce." The first section of this bill establishes maximum rates for express charges; which rates, however, will be found upon investigation to be uniformly higher than the existing rates.

Mr. BARTLETT. Does the gentleman mean to say that the bill reported fixes charges higher than the present charges of the express companies?

Mr. BORLAND. Yes; I undertake to say so.
Mr. BARTLETT. I do not undertake to dispute it, because I do not know. I am asking the question for information, and am surprised at the statement.

Mr. BORLAND. That is my judgment about it.
Mr. HAMLIN. I will say that I am not enamored of that
bill, but my colleague is unquestionably sadly mistaken if he thinks that the maximum charges fixed in the Adamson billdoes the gentleman refer to the Adamson bill?

Mr. BORLAND. Yes. Mr. HAMLIN. The gentleman is sadly mistaken if he thinks that the maximum charges in that bill are higher than the existing express rates. He never was more mistaken in his

Mr. BORLAND. The gentleman is a member of the committee, and probably very thoroughly informed on that subject. I am glad he takes that position, and I will assume that to be

Mr. HAMLIN. The bill makes a reduction of something like 40 per cent.

Mr. BORLAND. Let us assume that it makes a reduction of something like 40 per cent in express charges. What I want to call attention to particularly is section 2 of that bill, which reads as follows:

rends as follows:

Sec. 2. That any person delivering to any agent or office of any express company in the United States any parcel at the time under the law maliable on rural routes plainly addressed to any person or in care of any person on any rural mall route, the initial post office of which is at or in the same town, village, or city with any express office of any express company, may pay in advance both the proper express charges and the United States postage required to carry such parcel on the rural mail route. On arrival at the terminal express office of the same or any connecting express company where originates the mail route to which the parcel is directed, the agent at such office shall mail such parcel, paying the proper postage thereon. Likewise any person on any rural route, the initial post office of which is in the same town, city, or village with any express office, may, in addition to paying the postage appropriate on any parcel at the time under the law maliable on rural routes addressed and mailed to any person at any express office in the United States, pay to the rural letter carrier the proper express charges thereon to the point of destination, whereupon it shall be the duty of such rural letter carrier upon his return to his initial post office to deliver such parcel to the express office and prepay the express thereon.

It shall be the duty of the postmasters and the express agents to execute receipts to conform to this provision.

This bill, taken in connection with the provisions of the postoffice bill, make together a complete plan whereby the rural carrier is to be made the receiving and delivering agent for the express companies without cost or expense to them. The country merchant, who has been told that the purpose of establishing rural parcel post was to enable him to send goods to his customers on the rural routes running out from his town, will study this beautiful scheme with some attention. I have no hesitation in saying that it is vicious in principle and can not fail to be vicious in practice.

If that is not an enlargement of the express business by making the rural free-delivery carrier the collecting and distributing agent of the express companies, I can not possibly frame the sentence in different language. It takes the express companies by the hand and says, "Gentlemen, here are the rural free-delivery carriers of America who are hereby constituted your receiving and delivery agents without expense to you. It is their duty to collect packages for you, collect the money in advance, bring them to the nearest express office, and send them to the party addressed."

But the farmer can not send his mail packages from the rural delivery route through the United States mail to any other delivery or post office in the United States without paying a higher rate of postage. If he undertakes to send it off from his rural delivery route he must use the express companies, according to this bill.

Mr. SIMS. Even with a loop or connecting route.

Mr. BORLAND. Even with a loop or connecting route.

Now, as my time is limited, I will not spend any more time on that. I want to say that this rural delivery can not be justified at all either to the farmer or the country merchant, and there never was a proposition of that character so plainly indefensible as that.

From the state of public opinion on this subject it is evident that there is a widespread demand for some real relief in the transportation of small parcels. This demand grows out of present conditions, and is a real demand that must be met. It must be met, however, upon some scientific and businesslike basis which recognizes the inherent factors of the problem. It is not easy to compare the parcel-post systems in other countries with a rude imitation proposed in this country. Neither is it always possible to compare the railroad conditions in other countries with those of the United States. The first thing to determine is the inherent difference between the small parcel business and the larger business involved in the carriage of the heavier commodities. That there is some inherent difference is manifest from the existence of the express companies as separate concerns. A small parcel presents certain elements which do not enter into the bulkier trade. The first of these is speed. Promptness of delivery is always a desirable and often a necessary element of the carriage of small packages. In this respect it brings itself into some relation with the postal system. The second element is convenience, by which is meant the forwarding of the package to its ultimate destination over the lines of successive carriers, if necessary, by the same general agent. This shows at once why the express business is not an adjunct of the railway business in this country, whatever may be the case in foreign countries. The very existence of the express companies is made necessary by the demand for the convenience of one agency operating over a large number of transportation lines. The third element which gives rise to express business, as distinguished from freight business, is that of value. The care and protection which can be given to an express package is frequently the greatest element in inviting this transportation.

Even after nearly three-fourths of a century of experience in American railroading it is still impossible even for an expert to determine what is a reasonable railroad rate upon any commodity. I do not mean by this that it is altogether guesswork, but it is only in recent years that the railroads themselves have begun serious attempts to secure scientific rates and classifica-The prime necessity in order to run a railroad is to get freight to carry, and the first thing, therefore, for the new railroad or for the railroad entering into new territory is to determine what commodities can be hauled in and out of that territory and to make a rate which will move the stuff. As soon as the freight begins to move the rallway managers then begin to change their plan of operation and to adopt as rapidly as may be what some of them have called the cardinal principle of rate making, namely, to charge all the traffic will bear. The counteracting force of these two principles has produced The rate must be sufficiently low to move all railroad rates. the highest amount of traffic which the railroad is in a position to handle, and it must be sufficiently high to produce the largest income without reducing that bulk of traffic after it has once been encouraged to follow certain channels of trade. Reduced to its last analysis, the principle of rate making on railroads, whether stated positively or negatively, has been to charge all the traffic will bear. It no doubt has sometimes happened that certain traffic is carried by a railroad at a loss, the loss being justified either upon the ground that it is building up local industries upon the line of the railroad or that it is utilizing rolling stock and facilities which might not otherwise be employed, or that it is equalizing the bulk of traffic in each direction so as to give return loads to empties, or that it is necessary for a new railroad to encourage shipments out of its territory in order that it may have business to haul into that territory upon which it can charge profitable, or perhaps excessive, rates. It is apparent that these conditions do not enter into the express business, and it therefore follows that in no instance is the express business carried on at a loss, but in every case the rate is all the traffic will bear. Railroads make a general classification of freight, and in determining to what class a particular article belongs regard is had to its bulk and the convenience of handling; also, to some extent, to the quantity of traffic in that The prinparticular article, but more especially to its value. ciple supposed to govern is that a more valuable article requires greater care and involves greater liability on the railroad in case of loss. While this is to some extent true and is a proper factor in determining the rate, yet the old principle applies also, because a more valuable article will move at a higher rate than a cheaper article.

The railroads of the United States have not united upon a uniform classification. The Interstate Commerce Commission has endeavored to bring about such uniform classification without success. There is at present a classification applying to the territory east of the Mississippi and north of the Ohio. There is also a classification applying to the territory west of the Mississippi, known as the western classification, and there may also be other territorial classifications. The two classifications named control the vast volume of railroad business. The railroads also have rates not included in the general classifications, known as commodity rates, which apply to certain classes of commodities which move in large bulk from certain territory, usually in one particular direction and frequently confined to a particular season of the year. It has been found by experience that these commodities would not move at all by experience that these commodities would not have at an unless these special rates were given them. Commodity rates usually exist upon grain, lumber, ore, building material, and a few other articles. It becomes apparent that the elements of commodity rates and classifications do not apply to the small package or express business. While some classification is necessary even in the express business, brought about by the difference in bulk and value of the various articles, yet the classification could be and is comparatively simple. Articles of extraordinary value could carry a special rate commensurate with the greater risk involved. It results from this brief analysis that there is no reason why the small package, or express business, can not be segregated from the general transportation business and successfully conducted by the Postal Department.

I want to say here that I have been very much inclined to favor the proposition of the gentleman from Maryland [Mr. Lewis] and the gentleman from Ohio [Mr. Goeke] for the acquisition of express companies. It has been contended that the acquisition of the express companies would be a step in the direction of Government ownership of railroads. I have thought that problem out at the very start of this proposition and I do not believe that it will be. I do not believe that it is any more necessarily a step in that direction than any other form of a parcel post.

The real question to be determined from a business standpoint is whether the small package is different in kind or character from the general transportation business. If it is, if it is severable from the general transportation business, if it contains elements other than those contained in the general transportation business, then it may be carried without involving the general transportation business. It seems to me that the very existence of the express companies goes to show that the package business, from some reason or other, is severable from the general transportation business.

Let us see about that proposition. The foreign parcel posts, all except that of England, are practically unlimited as to weight. I think that on the Continent the limit reaches as high as 130 pounds permissible weight in the parcel post. In other words, there is no express business in the continental countries except the international business lately established by the American Express Co. So there is no fair comparison between conditions in America and on the Continent. On the Continent the parcel post has taken the place of the express companies, and when you commence to compare the continental parcel post with what we propose in this country, you are, in fact, comparing the express business in the hands of the Government with what we propose to establish.

The question is why the limit is fixed at 130 pounds. In my judgment, it makes no difference whether you fix any limit at all. There is a natural limit of weight beyond which it is not profitable to move packages at package rates. The railroads have found that out, and they fix the minimum weight at 100 pounds, and that is practically the maximum weight of the parcel business. That is shown unquestionably by this report of the hearings before the Post Office Committee, that 96 per cent of all the parcels moved by the express companies are under 100 pounds, and less than 5 per cent—4 and a fraction—are over 100 pounds.

Mr. LEWIS. And, if the gentleman will pardon me, the average weight of all the express shipments is 33 pounds.

Mr. BORLAND. Yes; and the average weight of the express shipments is 33 pounds. So that the largest part of them must be under 33 pounds to counterbalance the few that are over that. Now, the package business involves considerations different from the heavy transportation business in these respects, that in the parcel business speed and convenience, the two elements of postal service, are the most necessary elements.

A man sends his parcel by express to get speed, convenience, and care commensurate with the value of the package. The third element, that of value, enters into the express business, and it ought to be a very material feature in fixing the rates.

Mr. SAMUEL W. SMITH. Will the gentleman yield for a question?

Mr. BORLAND. If I have the time; but I do not want to trespass upon the time of some other gentleman.

Mr. SAMUEL W. SMITH. Does the gentleman favor the purchase of the express companies?

Mr. BORLAND. I am inclined to think so. Mr. SAMUEL W. SMITH. About 50 in all?

Mr. BORLAND. There are nominally that many, but in reality there are not that many.

Mr. LEWIS. About 13.

Mr. BORLAND. I think there are only four in actual number, or five including the Southern.

Mr. SLAYDEN. Why not buy the small as well as the big?

Mr. BORLAND. There is no reason. I want to say in con-nection with this matter that I do not force my views upon any other gentleman nor have I committed myself to any plan; but I just want to see what the proposition is. All the evidence taken by this committee, as I say, was in the line of comparison of European systems with the American system, and gentlemen can find from the reports that the European system is practically a postal express or an express business in the hands of the Government, nothing more and nothing less; and that is the only kind of a system that has succeeded in moving any goods. The European systems not only have a zone rate, the minimum of which is very cheap, but they have a zone rate for longer hauls and they have a line of classifications not very complicated in its character. They have a maximum limit of weight which is higher than is necessary to the package business; so that the European system is practically an express system.

We are asked in this country to introduce the parcel post. For what purpose? Not to make business any safer, but to make the business cheaper. How on earth are we going to carry parcels in the post-office business to-day when we are paying railroads 4.6 cents per pound, or the price of first-class mail, for carrying these parcels, and the express companies are paying three-quarters of a cent a pound for carrying the same identical parcels with the same identical facilities? It is manifest if we continue our relations with the railroad companies with that rate on first-class mail we can not put in competition a system of parcel post. If the time ever arrives when our parcel post shall really become competitive with the express companies—a sure-enough parcel post—one that the express companies would begin to feel in the reduction of rates, then the inevitable economic principle would operate that we would either buy the express companies or we would drive them out of business. I take it that no man will dispute the economic proposition that private enterprise can not compete in the same country with the sovereign engaged in the same business. We can not say to the express company by the Interstate Commerce Commission that the United States will regulate your charges and your terms of carriage, and at the same time say that the United States in the Post Office Department will compete with your charges and compete with your terms of service. If such a thing were conceivable as a business proposition, and if we actually do compete with the express companies, we would have the whip hand of the express companies. We have the right through the Interstate Commerce Commission to say what they shall charge and we have the right in the Post Office to say what we shall charge, and if any man would do business in that way with that sort of competition in his business he is a mighty poor business man.

Mr. MURDOCK. Will the gentleman yield for a question?

Mr. BORLAND. I will.

Mr. MURDOCK. I think the last statement of the gentleman

is one of the most astounding I have ever heard upon the floor of this House—namely, that we would have the whip hand of the express companies in competition with those companies. Now, I ask the gentleman does not be know that in 1840 and the years immediately preceding that we had competition with the express companies in the carriage of first-class mail, and the express companies absolutely drove the Government out of the carriage of first-class mail?

And let me say that in 1841 there were more letters collected and delivered out of hotels in New York City than out of the post office in New York City, and the gentleman has absolutely no evidence, historical or otherwise, to show that this Government, in competition with the express companies in the carriage of first-class matter, would have the whip hand.
Mr. BORLAND. Well, I am not familiar with the history

that the gentleman cites nor the conditions surrounding the express companies driving the Government out of business, but it does seem to me-

Mr. LEWIS. Will the gentleman allow me to make a suggestion?

Mr. BORLAND. It does seem to me if the United States Government possessed and honestly exercised the power to regulate the express companies and exercised the power to compete with them in carrying the same class of business, it would not be a difficult matter for either one of them to drive the other out of the business.

Mr. MURDOCK. Because we do not exercise our monopoly in the carriage of other than first-class mail matter we are put in this position-of prosecuting the individual continually for the violation of the law which we permit the corporation or an association like the express companies to violate with impunity. For instance, in the last week at Denver, Colo., I am told the United States district attorney began a prosecution against a postal clerk for carrying outside of the mail a 2 or 3 pound package. That clerk, if he be guilty, will go to prison. Right in front of the clerk in the same train in another car the express company was carrying innumerable packages of the same nature. Does the gentleman think that is fair?
Mr. BORLAND. Of course not.

Mr. MURDOCK. Can the gentleman point to an arrangement in the law that would cure a case of discrimination of that kind except by the use of governmental monopoly?

Mr. BORLAND. The gentleman from Kansas is on the Committee on the Post Office and Post Roads and should take the

matter up.

Mr. MURDOCK. Does the gentleman think he can cure it

in any other way?

Mr. BORLAND. I was not attempting to cure the evil the gentleman speaks of. I did not know of it. The gentleman being on the Post Office Committee ought to take that matter up. I do think it is an outrage for the express companies

The CHAIRMAN (Mr. CONNELL). The time of the gentleman

from Missouri has expired.

Mr. LEWIS. Mr. Chairman, I ask unanimous consent—
The CHAIRMAN. The time is under the control of the gentleman from Tennessee [Mr. Moon].

Mr. BORLAND. Will the gentleman from Tennessee [Mr. Moon] give me 10 minutes more?

Mr. MOON of Tennessee. I yield to the gentleman 10 minutes

Mr. BORLAND. Now, Mr. Chairman, I want to say in answer to the gentleman from Kansas [Mr. Murdock] very briefly, and I would like the attention of the gentleman while I do it, that in 1840 and 1841, as I understand it, we did not have any Interstate Commerce Commission and had not engaged in the affirmative duty of regulating the rates of interstate carriage. Now, that may be one reason. I only suggest that, but I do say that I think it is an unbusinesslike outrage for the express companies now to be engaged in the profitable business of carrying the second-class mail and periodicals on the short haul and the United States Government to be engaged in the unprofitable business of carrying the same periodicals on the long haul.

Mr. MURDOCK. Does the gentleman see any remedy for that save by taking over the business of the carriers?

Mr. BORLAND. Certainly. That is what I was going to-

Mr. MURDOCK. I say to the gentleman there is probably no remedy except that.

Mr. BORLAND. The merchandise business is distinct from the business of carrying intelligence. The first-class mail ought to be taken into every corner of this country without regard to its cost. I do not care how humble the man is or how humble his message is, it ought to be taken to every American citizen without regard to cost and at the national expense. [Applause.] But no such reasons occur in the matter of carrying merchandise. That is a business proposition, and no flat rate in respect to merchandise ought ever to be made that will enable the express companies to get the cream of the shorthaul. That is exactly the reason, according to the testimony of the Postmaster General, of the loss on the large bulk of second-class mail. I was perfectly astonished to read in the hearings of the Postal Committee that the Postmaster General claims it costs more than 12 cents a pound to carry fourth-class

The report of the hearings says:

Mr. Beach, the Post Office Department states to Congress it costs a fraction over 12 cents a pound to carry fourth-class matter. What have you to say to that?

What does anybody say to that when we propose to make a rate of 12 cents a pound on fourth-class matter? We can not compete with express companies on a parcel post. way to engage in the parcel business is by a classification of commodities, with a zone rate for carriage, and take over almost exclusively the carriage of small parcels. I have an

idea, gentlemen, that the provisions in this bill should go no further than the creation of a postal commission with power to study this subject from a scientific standpoint and report a full and complete bill at the opening of Congress in December. I believe it would be a grave mistake to include in the present postal bill any hasty experiments which can not fail to involve the Government in a large amount of expense in providing equipment and preparing for their operation, which may be wholly unjustified.

I thank you. [Applause.]

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. Roddenbery having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed without amendment bill of the following

H. R. 22642. An act providing for the protection of the interests of the United States in lands and waters comprising any part of the Potomac River, the Anacostia River or Eastern Branch, and Rock Creek and lands adjacent thereto.

POST OFFICE APPROPRIATION BILL.

The committee resumed its session.

Mr. GARDNER of New Jersey. Mr. Chairman, I yield to the gentleman from California [Mr. Kent] 20 minutes.

The CHAIRMAN. The gentleman from California is recog-

nized for 20 minutes.

Mr. KENT. Mr. Chairman, this postal appropriation bill covers so many topics that it would be impossible for anybody to believe one way about all of them. I am going to take up a few subjects in which I agree with the committee report, and a few others in which I disagree with it. Concerning most of the technical provisions I am in ignorance and therefore express The first topic in which I am particularly inno opinion. terested is the one in section 6, for the removal of the That reform has been largely accomplished by the rescinding order of the President, but I have seen nothing in the rescinding order which applies to an important phase of the original order or to the way in which it has been translated by the Post Office Department, namely, the right to regulate the entrance of employees into societies or associations.

In the Committee on Civil Service Reform, of which I am a member, we had much testimony as to this part of the gag law. Gen. Stewart stated that the department did regulate the men's right to join associations. There was complaint made of those men who joined associations to which their superior officers were not eligible. This, it seems, would point out the necessity for postal employees maintaining organizations like Sunday schools, with their superior officers as class teachers and Postmaster General Hitchcock as superintendent.

I do not believe that it is proper for the Government to pretend to state what associations men shall or shall not join. It seems to me that is a question for the men to determine. The question is, What shall they do after they join associations?

believe the men have the right to join associations that affiliate with the American Federation of Labor, always provided, as was shown by the testimony taken before the committee, that the American Federation of Labor can not order these men to strike, coupled with the statement of the men that they had no idea of striking, but propose to seek their remedies through legislation, and their further admission that sympathetic strikes would be intolerable when undertaken by Government employees. Therefore I am much in favor of the provision at the end of section 6, upon which it is our duty to act, in spite of the rescinding order of the President.

Now, as to the parcel post, section 8 of the bill, I read with considerable interest the report of the committee. That report, on page 9, recites the arguments pro and con of those who favor and those who disapprove a parcel post. The statement reminds me of an incident that happened in my experience in Nebraska, where, in conjunction with others, we had fenced some pastures for our cattle. We found an old Missourian, the owner of several horses that he had put in our pasture. When we asked him why he had put the horses in the pasture, he said: "Some people say it is good for cattle to have horses in the field with 'em and some say it aint; for my part. I dunno."

The statement on page 9 seems just as far from a determination of the question as the statement of the Missourian as to why he put the horses in the pasture with the cattle. I believe we have had enough investigation to go into this matter of parcel post and determine something definite.

I am in favor of the Anderson bill, because it provides for a zone system. I believe the flat-rate system is untenable and unjust and intolerable when applied to merchandise. It repre sents a subsidy given to those who ship long distances, which

must be paid by overcharge of those who ship short distances. There is no doubt but that in all questions of economics we shall find that sociology is closely interwoven. We can not get along without the rural settlement, without the country villages. We do not want to subsidize the incompetent merchant in the country village by excessive express or postal rates, nor do we wish to subsidize the merchant shipping long distances, who would deprive the country merchant of the legitimate factor of shipping cost and distance. I believe that the Goeke bill, to take over the express companies, is the proper, definite, final solution of the parcel-post system.

Mr. SAMUEL W. SMITH. Mr. Chairman, will the gentleman permit a question right there?

Mr. KENT. Certainly. Mr. SAMUEL W. SMITH. The gentleman spoke of the Anderson bill. Does the Anderson bill fix the weight limit and the cost of a parcel post? Mr. KENT. Yes, sir.

Mr. SAMUEL W. SMITH. What is the rate limit and what would be the cost?

The weight limit is 11 pounds and the schedule Mr. KENT. of rates will all be found in the issue of the Congressional RECORD of April 22

Mr. SAMUEL W. SMITH. There are so many of these bills that it is impossible to follow them all.

Mr. KENT. I think the Goeke bill is the ultimate thing. But I do not believe we could get results from the Goeke bill in any short time, and I do believe we could get the benefits of the Anderson bill immediately. I further believe that they would not conflict with each other, but that the parcel post as regards larger packages would naturally blend into a national parcel express.

Mr. MOORE of Pennsylvania. Mr. Chairman, will the gen-

tleman vield?

The CHAIRMAN. Does the gentleman from California yield to the gentleman from Pennsylvania?

Mr. KENT. Yes, Mr. MOORE of Pennsylvania. Can the gentleman tell how many employees would be taken over if we should adopt some such measure as the Goeke bill?

No; I have not gone into details.

Mr. MOORE of Pennsylvania. Can anyone advise us as to how many Government employees would be involved in taking over the express companies?

Mr. LEWIS. If the gentleman from California will permit me to answer in his time, the latest information on the subject is contained in the census bulletin of 1907. I am not speaking precisely now, but my recollection is that there were about 50,000 express company employees then.

Mr. MOORE of Pennsylvania. Fifty thousand employees of the various express companies who would by this transforma-

tion process become employees of the United States?

Mr. LEWIS. That depends on whether all of them would be

Mr. MOORE of Pennsylvania. That would involve the bonding of the employees, the tracing of losses, and all the other questions that now confront the express companies.

Mr. LEWIS. We have postal employees now in every town, village, and hamlet of the country, and where duplications would take place, of course eliminations would follow.

Mr. MOORE of Pennsylvania. The gentleman has given great study to this subject. Is it his opinion that in the taking over of the express companies, as proposed, the Government would necessarily have to take on about 50,000 more employees than it now has?

Mr. LEWIS. I did not say that. I think what I said was very distinctly said, that in 1907 there were about 50,000 employees; but to the extent that the representatives of the express companies in towns, villages, and cities duplicated the

postal employees, eliminations would follow.

Mr. MOORE of Pennsylvania. If 50,000 is too high a figure, can the gentleman make an estimate? I am sure this is a very important consideration, important in the matter of argument particularly. Can the gentleman estimate how many would be taken over, assuming that the number of 50,000 is too high? How many employees would be involved in this new system?

Mr. LEWIS. If I were to make an estimate, I should say that the acquisition and operation of the express companies by the Government would ultimately, when the traffic doubled by normal rates, mean an addition of 50,000 to the postal service. There are now over 260,000 postal employees.

Mr. MOORE of Pennsylvania. The gentleman makes it 50,000.

Mr. LEWIS. That is what I should estimate, under the circumstances stated.

Mr. KENT. Mr. Chairman, the next matter of peculiar interest to me, not in the bill but in the discussion, is the bill suggested with the intent of granting Federal pay for improving country roads. That proposition, in the form it takes, is one with which I must disagree. The bill contemplates turning over sums of money to counties scattered throughout the country which can produce evidence that roads over which rural postal deliveries pass have been of a specified quality. There are a million miles of such roads now, and the immediate subsidy would amount to about \$20,000,000. There would be necessituted an enormous expense for inspection on the part of the Government, and to my mind the expense would not lead to anything coherent or systematic in the way of road building. would be a case of easy money and therefore of wasted money. While I believe thoroughly and fully in Federal help for great national highways, I can not conceive of proper expenditure in such scattering through innumerable counties. The counties in my California district have supervisors, who have very little to do except look after roads. I do not think the Government would be satisfied with the uniformity of roads they build. If the Government went into the inspection business and saw to it that these roads were properly built, Congress could next take over the rest of the local governments, and we could have county day in this House, as many county days as there are counties, just as we now waste our time on District of Columbia day, when 5 commissioners with authority could govern Washington better than 400 Congressmen and 90 Senators. This bill is a piecemeal, patchwork sort of scheme, and much as I believe in the necessity of improving the highways of the country, I do not believe that the Federal Government should chop up its efforts into small, incoherent fragments, that must necessarily result in waste. Moreover, if a given road in a given county receives Government help on account of its being used for rural postal transportation, we can rest assured that there will be pulling and hauling from every direction to shift the rural routes to other roads or to get as many rural routes in each county as possible, just for the sake of the subsidy, whether or not such additional routes are justified. In the way this bill is drawn it is a tremendous temptation, and I am afraid that at least some few supervisors scattered here and there throughout the Nation might get into trouble. I once heard of a man who was an exile in Canada because, as he said, he had forgotten to build a church.

The question has arisen as to how taxes ought to be raised to construct roads. To my mind the Government might well help in the construction of great national highways where the work should be uniform in character and where there would be a chance for pride in the thoroughness with which the great arteries were built. The States may properly play their part, and in many cases are so doing by aiding with State highways. The little rural route is a local affair, a matter for the counties and the minor districts. The expense can and will be properly borne by these communities by whatever system of taxation they may choose. It is impossible to have a just system of pay for roads based on a frontage tax. There is no question about the iniquity of that as a final scheme. A frontage tax to support a great highway which passes a farm upon which the owner has trouble in subsisting is an obvious injustice. On the other hand, when we find cases where land for profit is subdivided for speculation owners certainly ought to pay all the primary cost of roads on a frontage basis. The question of taxation for road purposes, as well as for other purposes, will probably be best worked out under the Oregon system of giving counties the right to determine the nature of their own taxa-The Federal treasure never ought to be scattered in the heedless way this bill would scatter it. If the bill is a bona fide attempt to create national highways, it ought to provide for national highways; but if it is an attempt to scatter Federal money throughout the country for the popularization of re-electable Congressmen, that result could be much better attained by paying a subsidy on eggs, 30 cents a dozen for strictly fresh, 15 cents a dozen for fresh, and 10 cents for plain eggs.

Mr. GARDNER of New Jersey, time has the gentleman consumed? Mr. Chairman, how much

The CHAIRMAN (Mr. CONNELL). The gentleman from California has consumed 16 minutes.

Mr. GARDNER of New Jersey. Mr. Chair gentleman from Oklahoma [Mr. McGuire]. Mr. Chairman, I yield to the

Mr. McGUIRE of Oklahoma. Mr. Chairman, with millions of dollars now invested in post-office buildings and other equipment, an army of employees already in the postal service, and rural carriers delivering but a few pounds of mail daily, the United States Government ought to be able to handle the smallpackage business of the country better and cheaper than the ex-

tion for going into the business and should leave it in private hands.

The strong demand from all over the country for the parcel post is based on the belief that we can do this, and on dissatisfaction with the present rates and service of the express companies.

But the proposition coming from the Democratic side of the House does not do what the country expects. It amounts to an unjust subsidy to certain large mail-order houses, to rank discrimination against merchants, farmers, and all others, whose shipments would be for not exceeding a few hundred miles, and to robbery-monopolistic robbery by the Government of its people.

One of the Democratic propositions advanced abolishes the express companies. The Government, having the power, takes a monopoly. If the Government does this, it owes it to the people to give them at least as good as they have now. The proposition advanced does not give as good as we take away

when we abolish the express companies.

As distance is not considered, the parcel-post rate proposed by the Democratic side of the House being the same for 10 miles and 3,000 miles, 12 cents a pound, that rate was undoubtedly fixed by striking an average. All shipments for a greater distance than the average will be hauled at less than cost, the big eastern mail-order houses being the greatest prospective bene-ficiary of the subsidy. All shipments for less than the average distance will pay more than cost, the profits on the shorthaul business going to pay the subsidy on the long-haul busi-As Oklahoma is near the center of the country, we will ness. pay more than cost on the great majority of the packages we send.

If the parcel post proposed by the Democratic side of the House were enacted without the companion provision abolishing the express companies it would mean an enormous deficit, Without lowering a single rate the express companies would get the great bulk of the business of the country, pay their usual dividends, and leave the Government only the long-haul business at a loss

But what do you do when you abolish the express companies to avoid this deficit? The Government takes a monopoly, the most complete in the country, and then proceeds to rob. by extortionate rates, its people on the short and average haul shipments.

The other day I made a few inquiries at the Interstate Commerce Commission about express rates. I found that a 7-pound package is now hauled by express from Guthrie, Okla., to Newkirk, Okla., about 75 miles, for 40 cents. One of the provisions in this bill would put the "robber" express company that is making this 40-cent charge out of business, and then under your other proposition you would proceed to rob a man who sent a 7-pound package 75 miles by forcing him to pay the Government 84 cents, or 4 cents more than twice as much as he now pays the "robber" express company from which we are trying to relieve him.

I found that if a man at Guthrie, Okla., sends a man at Newkirk, Okla., an 11-pound package he pays the express company 45 cents, while under the parcel post proposed he would be required to pay the Government \$1.32, about three times as After fixing this exorbitant rate you seek to abolish much. the express companies to make it certain toll will no longer be paid the express companies. If you do not put the express companies out of business, it must be admitted that some man who wanted to send an 11-pound package 75 miles might fail to see the benefits of this Democratic proposition and prefer to do business with a "robber" express company to doing it with a "robber" Government that charges three times as much as he pays the express company now. If you put your parcel-post provision through, the only way you can make the people use it on the bulk of their business will be by forcing them to by leaving them no other alternative.

The express rates on shorter distances than those I have mentioned would be less, though the Democratic parcel-post rate remains always the same regardless of distance.

I was informed that the express rate on a 7-pound package from Kansas City, Mo., to Guthrie, Okla., nearly 400 miles, would be 60 cents as against 84 cents that would be charged under the proposed parcel post, and on an 11-pound package express 75 cents, parcel post \$1.32.

These comparisons are enough to show what the two propositions now up will do. We abolish the express companies and then force the people who are complaining of express rates to pay the Government on shipments up to several hundred miles much more than they now pay the express companies. We are able to do this because the Government is able to force a press companies do. If we can not do this, we have no justifica- monopoly. Yet if the Government takes this monopoly and then

makes the outrageous charge proposed the Government should never proceed against any other trust or monopoly, for none could beat such extortion or favoritism as the Democratic side

of the House proposes.

If the parcel-post provision proposed is not amended, I shall vote against abolishing the express companies, for I prefer to see the Government suffer a deficit rather than to see it force a monopoly and then rob its people by charging them far more than they pay the corporations we seek to abolish. The Government should give the people something better and at least as cheap as the express companies give. When this is done, but not until then, I will be glad to vote to abolish the express companies and to take for the Government a monopoly in the small-package business the same as it enjoys in the letter-carrying business

By looking at the map the gentlemen who framed this provision will find that the United States is somewhat larger than England or Belgium. They will find that it is farther from Los Angeles, Cal., to Portland, Me., or even to New York, than it is from London to Liverpool by a few thousand miles. It might be possible that a parcel post with only one fixed rate would be fair in a country the size of England, but it would not be in the United States, where each of several of the States are greater in area than all of Great Britain. With over 3,000 miles separating New York from San Francisco, it is clear that distance must be considered in fixing a parcel-post rate in this country. Otherwise a rate that will remunerate the Government will necessarily be so high that it amounts to extortion on the shorter distances. If it is low enough not to be extortionate on the short distances. In the short shipments, it will not pay its way and will mean an enormous deficit. No satisfactory and fair proposition can be devised that does not take distance into consideration.

If distance is considered, the local merchant and small city and town will not suffer. If they are given a fair deal they will not be hurt. If the Government will provide a parcel post they can use for their business, instead of being damaged, as they fear, they will probably benefit with the rest of the country. If, on the other hand, the present provision is enacted giving the cheaper rate on long shipments but providing a prohibitive rate for short distances, higher by several times in some instances than the present express rates, they undoubtedly will

be damaged.

The people who want a parcel post will be gold-bricked if the present proposition becomes a law. In but few instances will they receive lower rates than they now have, while in most instances they will be robbed. Besides being drawn on the wrong principle, the measure is carelessly framed. A man on a rural route out of Washington mailing an 11-pound package to a man in the House Office Building would have to pay the regular rate, 12 cents a pound, instead of the cheaper rates authorized for rural routes. A man mailing a package weighing 17 ounces would have to pay for 2 pounds, 24 cents, instead of 17 cents, as he would pay under the present rate of a cent an ounce, the unit in the new rate being the pound.

I hope the parcel-post proposition reported by the committee will be amended by the House so as to provide a sliding scale of rates based on distance, rates as cheap, at least, as those the express companies now give. We should provide a parcel post that may be used for a 50-mile shipment as well as a 2,000-mile

I hope the rural-route provision may be amended so the cheap rate, ranging from 5 cnts for a pound to 25 cents for 11 pounds, may at least apply anywhere in the territory of a post office, from one route to another from the same office, and from any point on a route to any address in the city from which the route originates.

I hope it may be amended so as to retain rates as cheap in every case as are now granted under the ounce unit.

From all over the country are coming protests from business men and others who will be injured if a parcel post is passed that does not consider distance in fixing rates. Why not consider distance and treat these interests fairly?

From all over the country are coming demands for a parcel post. I feel such a measure is inevitable. What is proposed is Why not give a sliding scale of rates based on disa fraud. tance, so that those who demand a parcel post may have what they want—a parcel post that they may use without being robbed, whether sending a package 10 miles or 3,000 miles?

Mr. Chairman, there is another feature of this bill to which I desire to address myself briefly, and that is the question of the proposed increase of salaries for mail carriers on rural routes. I came to Congress about the time of the establishment of rural routes, and I have observed with much interest its development and its benefits to the American people. From the reading of the speeches made at the time of its inauguration, as well as for some time thereafter, it will be seen that it was regarded as purely experimental, but this service of the Government has passed the experimental stage and is one of the most important

branches to-day.

It has been the policy of the representatives of the Government, both in the executive and legislative branches, for a great number of years to make rural life as convenient and satisfactory as city life, and nothing has contributed more to the convenience of the farmer and the man who lives beyond the limits of the city than the establishment of rural routes and the delivery of his mail at his door, and the right kind of a parcel post will be another great advance in this movement.

As long as the rural delivery service was in its experimental stage the question of expenditures by the Government for this service was strictly guarded, and the salary of rural delivery carriers was fixed at the minimum. Now that it is an established and permanent branch of the service, salaries should be fixed where we expect them to remain, so that Congress may

not be required to give them further attention.

I have always said that the class of men engaged in the carrying of the mail in the rural districts were entitled to \$100 per month for their services. There may be exceptions, but they are very few; and inasmuch as it is necessary to establish a uniform salary and their work being altogether of the same class and their burdens being so equally distributed, the salary should be a fair remuneration for the services rendered the Government. This bill does not go as far as I should like to see it go, but the provision for the increase of rural mail carriers in this bill ought to have the sanction of every Member of

You will readily see the necessity for the increase in case some general provision for parcel-post passes, and I certainly hope there will be such a provision-one that is fair alike to the country merchant and the farmer. Such a change in the law will add to the work of all rural carriers. hours of time each day to their work. Many of them in my district are now using, in the interest of economy, motor cycles, as they have found these machines to be cheaper than a horse and vehicle and cheaper than an automobile, but this means of travel will have to be abandoned as soon as the parcel post is adopted and they will be compelled to return to the horse and vehicle, or to automobiles, and in any event their expenses will be much more than they are now while they are using the motor cycles. With the increase of their work and the admotor cycles. With the increase of their work and the auditional time, it will be necessary for them to put in an additional time, it will be necessary for them to put in an additional time. tional expenditure for equipment, all of which are abundant reasons for the increase of their salaries.

I have voted for every increase that there has been since the rural route was established and shall continue to vote for every increase until the rural mail carriers are receiving \$100 per month for their services, and I sincerely hope this measure will

be retained in the bill.

Mr. Chairman, I desire also to speak briefly on the provision of this bill intended to encourage good road improvement. Any thing that tends to the improvements of the country roads goes to the betterment of rural life, to the increase of farm values, and to a larger return to the farmer by decreasing his transportation costs. The provision of this bill under which the Government pays from \$15 to \$25 per mile annually as rental to the communities that have already been able to establish good roads means but little at this time to Oklahoma. Under it we give the most to the communities that have the best roads, and to the communities that have not been able to establish permanent good roads we give nothing.

I would prefer to see a law enacted creating a fund of several million dollars to be used in cooperation with the States, counties, and townships in constructing and maintaining good permanent roads, the Federal Government to pay at

least a third of the initial cost.

However, the fact that the Government will assist, by paying annual rentals, the communities that do establish permanent Many communities, roads will encourage road improvement. especially the newer ones, are not in a position to undertake the work of permanent road improvement, and I feel that it would be wiser and more beneficial for the Government to assist those communities, but I shall vote for this provision for the encouragement that it does give road building. It is a step in the right direction, though I regard it as much too short a step for this great Government to take in this important work.

Mr. GARDNER of New Jersey. Mr. Chairman, I yield 10 minutes to the gentleman from Pennsylvania [Mr. Moore.]

Mr. MOORE of Pennsylvania. Mr. Chairman, before proceeding to fill up the gap, I would like to have unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent to extend his remarks in the RECORD. there objection?

There was no objection.

Mr. MOORE of Pennsylvania. Mr. Chairman, no bill presented to this House within my recollection develops so many radical departures from the ordinary legislative procedure as does this one produced by the Committee on the Post Office and Post Roads. It is daringly radical upon many of the great problems that are matters of dispute before the people to-day. Our friends on the other side of the House, preaching the doctrine of economy, proposing to institute reforms, starting the extraordinary session of this general session of Congress with a pretense of reducing the expenditures of the Government by lopping off heads and cutting salaries, has changed front in almost every particular since the opening day of the session, but nowhere to a more marked degree than in this bill.

We had an attempted reduction of the tariff revenues first in the presentation of the reciprocity bill, which proposed to cut down the revenue of the Government no less than \$5,000,000. Then we had the farmers' free-list bill, which proposed to reduce the revenue to the extent of \$10,000,000 more. Then we had other bills—the wool schedule, which was to lop off \$1,300,000, and a cotton bill, which proposed to lop off \$3,000,000 more. Since that we have had very many sallies into the realms of economy, as, for instance, in the passage of the sugar schedule, which proposes to cut out substantially \$60,000,000 of our revenue. All this is done in the name of economy, with no substitute save an attempted tax upon the incomes of the people. All this is done in the name of the common people, who are supposed to be sorely oppressed, and yet there has been no substantial change of law in spite of all professions.

Now, we have disputed for a long time in the United States with regard to the parcel post and the expensiveness of introducing such a system and of its probable effectiveness in a country like ours, with its long hauls and great areas. We have disputed as to the rates of railroad companies, telegraph companies, telephone companies, and express companies, and we have wondered whether we have properly regulated the conditions that have held in regard to these companies. We have discussed good roads and good waterways, and questions fairly debatable have arisen and been debated as to whether we were proceeding in the right line and with due regard to economy and the rights of the plain people. Those are problems that require discussion in Congress and should not be hastily con-But rather than bring them in separately, so that we could fairly discuss them, they have been thrust upon us in an appropriation bill under a rule which makes it necessary to deal with them as mere incidents of the rights and privileges of postal clerks and rural-delivery carriers. We have not had presented to this House in such shape as would enable us to properly treat it the question of the parcel express, involving the taking over of a vast force of employees and a wide extension of the postal system, with all of its responsibilities and profits or losses, nor have we had an opportunity to ascertain the sentiment of all the people of the country upon it. Neither have we taken up any measure pertaining to the improvement of good •roads, although great protestations affecting the farmer and the users of good roads have been made since this Congress began looking to the relief of those who felt that good roads were needed throughout the United States. We have not had presented to this House in such form that we may calmly and deliberately consider it the question of Government ownership.

But we have had brought in here all of a sudden all of these things in an appropriation bill, and they have been placed there as riders to that bill, which every Member of this Congress feels must pass in some form, since he is interested in the progress of the postal system and must safeguard the interests of his individual constituents therein. Those of us who come from the districts that are closely populated are interested in the clerical force in the post offices and in the letter carriers, who perform most excellent public service, and in the many other features of the service as it pertains to us; and those of you from the rural districts, who are in the majority in this House, are necessarily interested in protecting and advancing the interests and welfare of those rural carriers and those rural post offices that are a part of the districts which you represent. It is because you must stand by your rural freedelivery carriers, and because it is presumed we must stand by our city carriers and clerks, knowing that a measure must pass this House in order that the postal service may proceed, that you have brought in as riders to this measure, in the name and because of the postal clerks and the free rural-delivery carriers, the most radical and startling propositions in the matter of Government ownership that have been brought here since the foundation of the Government.

You propose to take over the express companies. Have you estimated the cost? Have you considered the consequences? On this floor a moment ago it was admitted that the number of

employees to be taken over the moment you introduce your new system of Government ownership is 50,000 men. You propose to add these to the Government pay rolls and relieve the express companies of the responsibility of caring for them, and you also intend to deprive individual incentive, even corporate incentive, from going ahead and doing business upon its own account. You have something to consider in the matter of expense, those of you who are preaching economy upon the other side.

Take the matter of rural free delivery alone. are of staggering importance. A little over 15 years ago there was no free Rural Delivery Service in this country. We began in 1897 with 82 routes, costing \$14,840. In 1911, a period of 15 years only, the number of routes had jumped to 41,656, for which \$38,860,000 was appropriated. For the current fiscal year the appropriation is nearly \$43,000,000, which means about 43,000 rural-delivery carriers. All the revenue we collect from the Rural Delivery Service is between seven and eight millions per annum, and the total loss for the current year is estimated by the department at \$35,000,000. -that is to say, the The peoplecommon people, for whom you plead so loudly-have to bear this loss. And now, since you have got the free rural delivery started, no matter what the cost, you propose to start something else, and by this bill you intend to make the people pay for all the roads over which the rural carriers travel. The Post Office Department estimates the rural-delivery mileage at more than 1,000,000, which, at an average cost to the people of \$20 per mile toll per year, would increase your delivery deficit \$20,000,000 more, or a total of \$55,000,000, for a possible return \$8,000,000. Yet you are preaching economy.
The CHAIRMAN. The time of the gentleman has expired.

The CHAIRMAN. The time of the gentleman has expired.

Mr. GARDNER of New Jersey. Mr. Chairman, I yield 10 minutes more to the gentleman.

Mr. MOORE of Pennsylvania. You are preaching economy by introducing a proposition which proposes to saddle upon the taxpayers of this country the business of the express companies and their pay roll of 50,000 men, together with all their equipment, contracts, and damage claims, all of the risks, and labor conditions, and all those other conditions that are incident to Government control. Preaching economy! propose by this bill to make the Government of the United States, whose money we are sent here to justly and wisely appropriate, take this money out of the Treasury, the people's money, under the guise of an appropriation bill for the benefit of clerks and free rural delivery carriers, and to do what? Expend it on three classes of roads, to be supported by the Government of the United States, upon the pretense that somewhere, at some time, they are to be used by a wagon carrying the mail of the United States, or are to be footed by some one who has a mail sack upon his back. If you want to be fair in your proposition, why do you not make provision for another class of roads to be paid for by the Government of the United States, namely, the highways of the city, within the limits of the various congested centers, where the people have already paid for them, and where the heels of the carriers and the wheels of the wagons do as much damage as they do upon any country road in the United States?

Are you going to make provision for the sidewalks used by the letter carriers in carrying the mails of the United States, or are you going to continue by your policy of economy to provide only for one section of the United States and leave the others entirely out of consideration?

Oh, in this bill you propose another radical change in regard to the parcel post. You propose that those of us who live in the cities shall pay 12 cents a pound upon packages which we deliver through the mails, and that that rate shall be fixed and uniform with regard to us, but so far as the residents of the country upon rural routes are concerned, you provide a sliding scale of rates which means, in the last analysis, that if we move out of a city and live in the country we can have our packages carried in the mails on Government-built roads by rural carriers at 5 cents a pound. In other words, you are specializing as between the city and the country—we pay 12 cents and you pay 5—and you are violating the very essence of the Constitution of the United States.

We might as well be frank about these matters. Why do your States not go and build your own county roads? Why do you come to the Government of the United States and ask us to use the money of the people, the money of your people, the money of my people, to build the roads that you ought to build your selves? You ask, Do we build our roads? I answer, Yes; we do, because we are industrious, because we are saving, and because we want to thrive and prosper. The great Commonwealth of New York has appropriated millions and millions of money to provide roads which are used by every farmer who wants to use them, by every man who wants to carry the mails,

by any man, whether he comes from California or whether he comes from New Mexico or whether he comes from Austria. Why do not you build roads in order that the rest of the country may have the same advantage that those of us who build roads for ourselves accord to others? The Commonwealth of Pennsylvania has just made provision for the construction of roads to the extent of \$50,000,000, and yet my good friend from Iowa comes into this House, along with others who are now preaching this good-roads doctrine, because it carries an appropriation and because it pleases the farmers and because it pleases the rural-delivery men, and says that he wants the Federal Treasury to build roads in Iowa. Some other gentleman wants the Treasury to build roads in his State. What are you doing for yourselves?

Mr. LANGLEY. Will the gentleman yield for a suggestion? Mr. MOORE of Pennsylvania. I will.

Mr. LANGLEY. I desire to say to the gentleman from Pennsylvania that if the Federal Government had expended half as much money in the mountains of Kentucky as has been expended in and about the city of Philadelphia we would not ask the Federal Government for a cent and would build as good roads as they have anywhere in Pennsylvania. [Applause.]

Mr. MOORE of Pennsylvania. The answer to that is so perfectly along and reliable that I am gold to her the transfer.

feetly clear and palpable that I am glad to have the opportunity of placing it in the RECORD. There are so many more people in the State of Pennsylvania, thriving and industrious, than there are in the State of Kentucky that they not only build their own roads in Pennsylvania, but contribute more than Kentucky can possibly do to the general development of the country,
Mr. MADDEN. Will the gentleman yield for a question?

Mr. MOORE of Pennsylvania. Yes.

Mr. MADDEN. The gentleman knows that we lost by the Rural Delivery Service last year \$28,000,000.

Mr. MOORE of Pennsylvania. I think it was in excess of

that-about \$35,000,000.

Mr. MADDEN. There was an excess of revenues of the Philadelphia postal service over the expenses; does the gentleman know how much?

Mr. MOORE of Pennsylvania. I can not give that, but there was an excess

Mr. MADDEN. I wish the gentleman would put it in the RECORD

Mr. MOORE of Pennsylvania. I will look it up and put it in. I want to be as fair with my farmer friends as I can. I was born upon a farm and am a farmer's boy. I love the farm and want to go back to it. [Applause.] But I want others to go back to the farm, and every time I get the chance to do so I urge the people living in the streets and alleys of my city to go upon the farm.

Mr. FOWLER. Will the gentleman yield for a question?

The CHAIRMAN. Does the gentleman from Pennsylvania yield?

Mr. MOORE of Pennsylvania. I do.

Mr. FOWLER. The way for us to get them to go from the city to the farm is to make farm life more happy and more

productive than it is.

Mr. MOORE of Pennsylvania. It is now much happier and more productive than many phases of city life. In one of the committee reports, which I now have not time to refer to, it is said that if the Government, from the Federal Treasury, were to construct these country roads it would be no longer necessary for the farmer to go out and use them to get to the great department stores to buy his goods, because he could go to the telephone and have them sent to him. I say to the gentleman from Illinois if that is the condition of the farmer to-day it does not hold throughout the district in which I live, nor do all my people have the advantage of that telephone service. They go out and hoof it to the stores to get what they want, and they pay fairly well for farm produce.

Mr. FOWLER. Will not good roads increase the desire to

live in the country?

Mr. MOORE of Pennsylvania. Of course it will. I am as much an advocate of good roads as is the gentleman or as is any man upon that side of the House, but I want the people to get a little busy in their own neighborhoods and their own counties and build some roads for themselves, rather than come constantly to the Federal Treasury and relieve the States of their responsibility.

Mr. FOWLER. Is not the building of good roads too big a

proposition for any community to undertake?

Mr. MOORE of Pennsylvania. I think not. as much in favor of good roads as is the gentleman. Every approving adjective at his command applied to good roads I will indorse, but still it does not remove my objection to the Federal Treasury being drained for the purpose of building highway, but because they wanted to use that patriotic senti-

roads in every county and through every little township, because, perchance, some time it may happen a rural carrier brings a spool of silk to Mrs. Maloney. [Applause.]

The time of the gentleman from Penn-The CHAIRMAN. sylvania has expired.

Mr. GARDNER of New Jersey. I yield 15 minutes to the gentleman from New York [Mr. MICHAEL E. DRISCOLL].

Mr. MICHAEL E. DRISCOLL. Mr. Chairman, efforts have been made during nearly all the time I have been in this House by certain gentlemen and certain sections of this country to commit the Federal Government to the construction of ordinary roads throughout the country. And those agitations and efforts to commit the Federal Government to the policy of construction of ordinary country highways have come largely from the Southern and Western States of the Union. Because those States are large in territory and sparse in population and taxing power, they would like to have the Federal Government build their

I will not assume to discuss the constitutional aspects of I do not think it is constitutional, but I certhis question. tainly believe that if it is within the limits of the constitutonal power for the Federal Government to go into the State of New York and build common, ordinary highways, then it is within the same power to go into the city of Syracuse, where I live, and build asphalt pavements and concrete sidewalks.

I analyzed a batch of bills introduced in this House for the construction of roads several years ago. I found there were then 18 of them, nearly all by Democrats, and the great majority by southern Democrats, although there were some Republicans from Kentucky who had introduced bills. I do not know but that the late Mr. Brownlow, of Tennessee, was the father of these good-roads bills. These bills were of two or three classes. Some provided that the surplus in the Treasury every year be divided up among the States pro rata for the construction of roads, the money to be spent by the executive officers in the States. Those bills were introduced by State righters and antipaternalistic statesmen of the House. But none of them were fair, because they all provided that in the distribution of this fund among the States the cities would not be counted in the population in order to determine the proportion of money to be given to the several States.

Some of them provided that cities above 50,000 should be excluded from the count, and some provided that all cities of 30,000, and some that cities as low as 10,000 should be excluded. Everybody who introduced a bill figured up the cities in his own State and estimated the proportion that his State would receive by the exclusion from the count of cities above a fixed population in order to give his State the greatest possible advantage. I opposed those bills then and I have opposed them in every form in which they have come up since, because a law providing for the distribution of money according to the population and excluding cities would exclude 80 per cent of the population of New York State, and that State would get only one-fifth of what it would be entitled to according to its population, because New York is a State of cities, although it is a splendid agricultural State as well. Those bills were introduced by State rights Democrats, who did not want, in theory, at all events, the United States Government to send its agents into the States and build the roads. They wanted the money delivered to the officers of the State and the roads built by them. There was another class of gentlemen who introduced bills providing that the Federal Government send its agents into the several States and construct the roads and maintain them.

Mr. HILL. Is there anything in this bill that requires a single cent of this money to be expended on highways by the It is simply paid over to them to do what they please

Mr. MICHAEL E. DRISCOLL. This is true of most of these bills. This bill is simply a starter. It is intended as an entering wedge to get the Federal Government committed to the building of ordinary highways in the States. These men-

Mr. SHACKLEFORD. Is it a start forward or backward? Mr. MICHAEL E. DRISCOLL. You have done one thing after another. You have tried to get larger appropriations in the Agriculture appropriation bills.

Mr. LANGLEY. I hope it is only a starter. [Laughter.]
Mr. MICHAEL E. DRISCOLL. I know that is what you are
fter. [Laughter.] But I will discuss that later.

A year ago, when it was proposed that Congress recess over Lincoln's anniversary day, a rider was put on that resolution or bill, to the effect that the Government should build a grand boulevard from Washington to Gettysburg, with monuments on either end. Why? Not because the people behind it were patriotic, not because they were interested in that particular

ment for a holiday to commit the Federal Government to the building of ordinary country roads. [Applause.]
Mr. MOORE of Pennsylvania. Mr. Chairman, will the gen-

tleman yield?
The CHAIRMAN. Does the gentleman from New York yield to the gentleman from Pennsylvania?

Mr. MICHAEL E. DRISCOLL. I do.
Mr. MOORE of Pennsylvania. Does not the gentleman think
that if it had not been for the love of the free rural delivery carrier our friends on the other side would never have brought in any such measure as this now pending before us?

Mr. MICHAEL E. DRISCOLL. Why, they do not eare anything more for the rural delivery carrier than we do. They are resorting to one subterfuge after another to extract money from the Federal Treasury for their roads. [Laughter.] But why are they not honest and candid? Why do they say it is worth \$25 for a horse and wagon and a lone letter carrier to go over a mile of road? Is not the statement of their claim proof of their insincerity?

Mr. SHACKLEFORD. Mr. Chairman, will the gentleman

yield for a question?

The CHAIRMAN. Does the gentleman from New York yield to the gentleman from Missouri?

Mr. MICHAEL E. DRISCOLL.

Mr. SHACKLEFORD. The question I desire to ask the gentleman is this: It being the duty of the Federal Government to carry the mails and provide the facilities for doing it, is it not cheaper for the Federal Government to rent that road at \$25 a year than build it?

Mr. MICHAEL, E. DRISCOLL. The Government is under no obligation to build roads or rent them. It pays \$1,000 a year to the man who carries the mail, and under your scheme it would have to pay \$25 a mile toll for the use of the road. You would have the Government not only deliver the mail, but also keep the roads in repair for the whole neighborhood. [Laughter.]

Mr. SHACKLEFORD. Who furnishes the post-office building in your town? Does the Government say, "If you will furnish the building in which the post office is to be kept, we will furnish the post office?" No. The Government furnishes both the building and the facilities. Why not give us our

facilities? Mr. MICHAEL E. DRISCOLL. Who furnishes the letter carriers in the country? Does not the gentleman think the Government has done very well for the farmer for the last 15 years? It has extended the rural service until it now covers nearly all the country. The letter carriers at the outset were paid \$500 a year, but that salary has been increased from year to year until it is a thousand dollars a year now, and still it is proposed to increase it in this bill \$74 a year more. I find no fault with this, because I like to see every man who is willing to work receive a fair wage. Do not you think it is doing pre'ty well for the farmers without building their roads? I think so, and I was raised on a farm.

Mr. SHACKLEFORD. The gentleman should remember that rural-delivery service is not for the benefit of the farmer any more than for the benefit of the department stores and the merchants and everybody else who is using the rural routes

just as much as the farmer, and more.

Mr. MICHAEL E. DRISCOLL. I will not yield further. Mr. SHACKLEFORD. Will the gentleman answer me if that is true!

Mr. MICHAEL E. DRISCOLL. That is not a question, but a

statement, which has no application.

Mr. MOORE of Pennsylvania. Will the gentleman from New York tell us whether he has ever heard of the gentleman from Missouri [Mr. Shackleford] refusing a post-office building in his district?

Mr. MICHAEL E. DRISCOLL. New York does not ask the Federal Government to do for it things which it should do for

Mr. SHACKLEFORD. Who builds its post offices, and who establishes its pneumatic tubes, and who furnishes the city

Mr. MICHAEL E. DRISCOLL. Mr. Chairman, I want to use

a few minutes of my time myself. [Laughter.]
Mr. SHACKLEFORD. Who asked the Government to im-

prove his own post-office building? Mr. MICHAEL E. DRISCOLL. The Government maintains its post offices in city and country, and we do not ask it to pay rent for the use of our streets or sidewalks, while you demand \$25 a mile for a horse and wagon going over your road.

Mr. SHACKLEFORD. Is it worth anything to the farmers of my district to establish a monumental building for Government purposes in a city?

Mr. MICHAEL E. DRISCOLL. Does not the gentleman know that this is merely a subterfuge? You are not asking for this on its merits. You are simply trying to get the Government committed to this bill, and next year you will demand larger rents or heavier tolls, and also that the Government build your roads

Mr. SHACKLEFORD. Will the gentleman answer-Mr. MICHAEL E. DRISCOLL. Mr. Chairman, I object to

further interruption. [Laughter.]

I shall attempt to analyze in the few minutes that I have at my command the bills introduced in this Congress by Members of the House, and I think there are 39 such bills and resolutions providing for the construction of roads by the Government. Twenty-nine have been introduced by the Democrats and 10 by Republicans, but not one from an Eastern State, not one from Middle State, very few from the Mississippi Valley; but all from the great broad States in the South and West of large

areas, long roads, small populations, and small taxing power.

The farmers in those States have been unusually prosperous during the last 10 or 12 years, and their prosperity has been increasing from year to year. The mortgages and other encumbrances which were on their farms a few years ago have been lifted. Many of them have deposits in the savings banks and many others are able to afford automobiles. I saw a statement a short time ago that there were 76,000 automobiles owned by farmers west of the Mississippl River. Those ma-chines are luxuries; and usually automobiles are considered liabilities rather than assets. Old Dobbin and a cheap wagon would do the necessary business quite as well, whereas those are used for comfort and pleasure, because the farmers are so prosperous that they can enjoy the luxuries of life. But they are not satisfied. They are jealous of the manufacturers and business people of the East, who they think have been getting more than their share of the country's wealth. This jealousy, envy, and antagonism have been manifestly developing during several years last past, and while they are yet in a nebulous condition they are constantly developing and organizing for a general assault on what they consider the concentrated wealth of the East, and just now it is in the form of a wave of national socialism sweeping up from the great West and Southwest. It is very largely the same spirit and motive which are back of this proposition to buy up all the express companies of the They want to commit the Federal Government not only to the building of country roads but to the policy of buying up all the old junk of the many express companies in the country—the old wagons, horses, trucks, and old stuff of every kind—which will be of no use to the Post Office Department when once acquired.

The Federal Government did not authorize or encourage the organization of those many express companies, and the Federal Government is under no obligation to them in any possible way. It can develop its parcel post or postal express if it seems wise to do so, and if that act on the part of the Government tends to reduce the profits of the express companies or drive some of them out of business they have no cause for complaint against the Government or against the people, whose agent the Government is, for they have taken advantage of their opportunities and have made all the profits their business would stand without regard to the complaints of the people who were obliged

to patronize them.

What next? Why, if the Government goes into the business of postal express it will needs the use of many cars in order to handle the express business. The railroad companies are now charging the Post Office Department very much higher rates for transporting its mail matter than they are charging the express companies for transporting their express matter; and If the department can not make what the people or Congress consider satisfactory rates with the rallroad companies, in the future the people will demand that the Government buy its own cars and fit them up for express business, which will be more commodious, and it will be claimed that they will be cheaper. Then, if the Government buys one car, why not two? Why not 10? Why not the whole train? The express business will be very large if carried out according to the conceptions of the gentlemen who are agitating this measure. Then, if the Government owns the cars, why not the railroads and all the en-gines and machinery owned in the operation of the railroads? One follows the other in the most logical and natural way. This means the nationalization of all railways and also all the ships and steamboats in the country, and it means national socialism.

Mr. BERGER. That would be a good thing.
Mr. MICHAEL E. DRISCOLL. You people from the South
and West, who have been agitating for the construction of country roads by the Federal Government, are bent on getting

money into the Treasury with one hand and drawing it out with the other to build your roads and do many other things in the way of domestic improvements which the States or municipal divisions thereof should do for themselves. The State of New York pays of the corporation tax 302 times as much as does the State of North Dakota.

Mr. SHACKLEFORD. She got it from Dakota, though.

Mr. MICHAEL E. DRISCOLL. And yet North Dakota would get more than New York out of this road-building proposition, because it needs them more and because it has two Senators with as much power in Congress as New York's two Senators.

Mr. MOORE of Pennsylvania. Would we not also continue to pay 25 cents a pound for sirloin steak and 40 cents a dozen for eggs, which come from the farm, just the same as we are doing now?

Mr. SHACKLEFORD. You Philadelphia people, who can

afford to do it, would.

Mr. MICHAEL E. DRISCOLL. In reply to the gentleman from Pennsylvania [Mr. Moore], I will say that I think we

Mr. MOORE of Pennsylvania. Would not the cost of living be just as high to the city dweller, who must have three meals

a day?

Mr. MICHAEL E. DRISCOLL. Certainly; and perhaps gher. The people in the country have got the idea into their heads that with a parcel post or postal express the express wagon will come up to the farmhouse door every morning and take the butter, eggs, apples, berries, grapes, chickens, hens, and turkeys, and that they can put a 2-cent postage stamp on the box and that the express agent will haul them away. [Laughter.]

Mr. HILL. Why should they put on a stamp? Why is it not the duty of the Government to carry them all free?

[Laughter.]

Mr. MICHAEL E. DRISCOLL. That may be the next step in this comprehensive scheme of paternalism. They think that for that stamp they will send these things to the consumer in New York or Chicago or St. Louis or San Francisco. they expect to buy everything they want, from a piano to a paper of pins, from the catalogue department houses, and that all those things will come back and be delivered in nice packages and set out on their front porch, all for a 2-cent stamp. are going to eliminate the small merchant, not only in the village but in the city. They are going to save all the expense, and the farmer is going to get all that the consumer pays, less the 2-cent stamp. That is the idea some people have now, and that is what has been drummed into some farmers' heads by the champions of this measure, who are putting before us this first step in national socialism.

Can those dreamers expect to persuade any considerable part of either the city or country residents that this service can be done without being paid for by somebody; and if done by the Government, do they not know that it will cost very much more than if done by private concerns? Do they not know that all work done by the Government costs at least 50 per cent more than if done by private concerns or individuals? This service must be paid for out of one pocket or the other; either by the people who patronize the Government express or by the people at large in making up the deficit in the Post Office Department: and I am one of those who believe that a service of this kind. either in the form of parcel post or postal express, should be paid for by the people who patronize it; that in the transportabenefit it is done should pay the necessary expense of the service and not shift the burden on the body of the people.

The CHAIRMAN. The time of the gentleman has expired.

Mr. GARDNER of New Jersey. I yield to the gentleman as much time as he may need, up to 20 minutes.

Mr. MICHAEL E. DRISCOLL. To prove that this is the first

step toward national socialism, I appeal to the Socialistic Party in Congress, which lives and moves and has its being under the hat of the gentleman from Wisconsin [Mr. Berger]. He says he is in favor of it. He says the nationalization of the railroads is a good thing.

Mr. BERGER. Yes.

Mr. MICHAEL E. DRISCOLL. The gentleman admits that it will follow the nationalization of the express companies.

Mr. BERGER. I do. Mr. MICHAEL E. DRISCOLL. As a necessary, logical se-

Mr. BERGER. Yes. Mr. MICHAEL E. DRISCOLL. And the gentleman admits that the purchase of all the steamship companies will logically

Mr. BERGER. If the Government owned the steamship lines, ou would not have any disaster like that which befell the Titanic. [Applause.]

Mr. MICHAEL E. DRISCOLL. The gentleman admits that it would naturally follow the purchase of the railroads?

Mr. BERGER. Yes.

Mr. MICHAEL E. DRISCOLL. That it would be a necessary consequence?

Mr. BERGER. Yes.
Mr. MICHAEL E. DRISCOLL. So that the Nation would own all the express companies, railroad companies, steamboat companies, and all facilities used in the transportation of commodities?

Mr. BERGER. Yes.

Mr. MICHAEL E. DRISCOLL. Then, in order to be consistent, it would own all the telegraph companies?

Mr. BERGER. Yes.

Mr. MICHAEL E. DRISCOLL. All the telephone companies? Mr. BERGER. Yes.

Mr. MICHAEL E. DRISCOLL. And everything used in communication, as well as transportation?

BERGER. Yes. That would mean progress. Travel

would be safer than it is now.

Mr. MICHAEL E. DRISCOLL. And in order to be logical, then, the National Government ought to buy up all the coal

Mr. BERGER. That is perfectly logical.

Mr. MICHAEL E. DRISCOLL. And after the ownership of all the transportation facilities was in the National Government we should take in the gold and other mines. Is not that so?

Mr. BERGER. Yes. Gold mines, iron mines, and all other mines.

Mr. MICHAEL E. DRISCOLL. And all manufacturing plants?

Mr. BERGER. Not exactly.
Mr. LANGLEY. Mr. Chairman, I make the point of order that the gentleman from New York is leading the witness. [Laughter.]

Mr. MICHAEL E. DRISCOLL. The gentleman from Kentucky does not seem to like the prospect of what this postal-express bill leads to. It would mean the appropriation and nationalization of all properties employed in the manufacture and production of the necessaries of life. Is not that so?

Mr. BERGER. No, sir. That is where the gentleman from New York does not understand socialism. We do not want to take over-to nationalize-the industries until these industries are centralized by the process of economic evolution.

Mr. MICHAEL E. DRISCOLL. I am glad I do not under-

stand it all.

Mr. BERGER. All right. But we want only the nationaliza-tion of such industries as are centralized.

Mr. MICHAEL E. DRISCOLL. You would take in all of the steel business?

Mr. BERGER. Yes. The steel business is controlled by Yes. The steel business is controlled by a

Mr. MICHAEL E. DRISCOLL. Very well. We have got as far as the gentleman from Wisconsin will now admit, but some of his friends, to my certain knowledge, go much further than he does. I think they are just as good Socialists as he is, but a little more progressive; that is all.

Mr. BERGER. Will the gentleman yield further?

Mr. MICHAEL E. DRISCOLL. I will yield for a question, but not for a speech.

Mr. BERGER. Oh, no; I do not want to make speeches in the gentleman's time. I desire only to ask the gentleman a question. Does not the gentleman believe that I should know what Socialism stands for?

Mr. MICHAEL E. DRISCOLL. And does not the gentleman from Wisconsin think that I, as a Republican, should know what Republicanism stands for? And yet there are Republicans out in the wild and populistic West that do not stand for the same things I do. [Laughter.]
Mr. WARBURTON. I think the

I think the gentleman from New York

is right. [Laughter.]

Mr. BERGER. Yes. But there are just now 57 varieties of

Republicans but only one kind of Socialists.

Mr. MICHAEL E. DRISCOLL. I am afraid the gentleman from Wisconsin is not the true brand of Socialism. I have talked with them, read their books and their doctrines, and I know the logical carrying out of their doctrine means the nationalization of all things, even the necessaries of life.

Mr. MADDEN. And the ownership of all the farms.
Mr. MICHAEL E. DRISCOLL. Yes; it would include the land; you would socialize every farm in the country.

Mr. MADDEN. And make serfs of all the people. Mr. BERGER. Oh, no, no.

Mr. MOORE of Pennsylvania. Will the gentleman from New York yield?

Mr. MICHAEL E. DRISCOLL. I will yield to the gentleman from Pennsylvania.

Mr. MOORE of Pennsylvania. Does not the gentleman think they would also have some plan by which we could get potatoes and eggs on the Government plan?

Mr. MICHAEL, E. DRISCOLL. I think so. The time seems to be approaching, and is quite near at hand, when people will look to the Government—and especially the Federal Government—for support. The Socialist Party in Congress is logical and consistent, although, in my judgment, a little conservative for a Socialist whereas although the confidence of the confi servative for a Socialist, whereas other gentlemen who are advocating the construction of country roads, draining of swamps, and the management of the express business by the Federal Government are drifting into socialism under different names.

Practically every new doctrine proposed by the insurgents and progressives of the South and West, including all those proclaimed by the Peerless One and the Colonel, have been taken directly from the Socialist platform and have been served up to

the people with but very little modification.

You gentlemen who call yourselves progressives and insurgents, and are proud of the appellations, flatter yourselves that you are original, and that because you are original you are statesmen, whereas you are plagiarists and reactionaries, for you are going backward to the doctrines and principles advocated by the German Socialists of 30 or 40 years ago.

The gentleman from Wisconsin [Mr. Berger] has served a useful purpose here to-day by clearly pointing out to the people of the country who care to know that the postal-express bill which we are here considering, if enacted into law, will precipitate the country into national socialism. If that is what the country wants, and if that is what you gentlemen who are advocating this measure want, you are consistent in taking this

first step.

Now, Mr. Chairman, I want to say a word to those 39 gentlemen who prepared these 39 separate bills. Some of you who in theory are antipaternalists and States-righters would prefer to have the money sent to your States and there spent by your own officials. But you can not always have your own way in this regard, and when an appropriation is before you by which your districts or States may get some advantage it is then a condition and not a theory which confronts you. You are human, and yield to the demands of your people at home, who are constantly looking for help from the Federal Government, and you waive your academic views and grab for the appropriation. The fact is, your practical notion of State rights is to dip into the Federal Treasury as often and as deep as possible. [Laughter.]

You came together, you 39 gentlemen, and made up this com-osite bill. You have reduced 39 to 1. You think it looks mild posite bill. You have reduced 39 to 1. and harmless and that it will appeal to one State as much as to another, and thus commit the Congress to the policy of giving Federal aid to country roads. But let us not be deceived. When you get this bill into law on the statute books you will demand more. You will then demand that the Federal Government build your roads in some States, and send the money into

other States for that purpose.

I have been watching the development of this Federal aid for ordinary highways movement for some years, and I think I understand the motives of the geutlemen who are back of it. There is a National Good Roads Association or organization, of which some years ago Mr. Batchelder, of New Hampshire, was president. He was also a granger and an officer in that organization. He went into the State of New York, as I was informed, and made some speeches and circulated some literature and persuaded some of the New York grangers to commit themselves to his policy. I made a speech here in Congress against it, and the Grange of Onondaga County sent for me to go home and explain my position. I did so, and discussed the matter before them in their county convention for two or three hours, and explained to them that it was to their advantage to stay in partnership with New York, Buffalo, and the other great cities of the Empire State for the construction of country roads in our State rather than to go into a pool with North Dakota, Montana, and other large States with long roads for the construction of country roads out of the Federal Treasury and at the common expense [laughter], and I think they saw it that way.

Mr. GARNER. Will the gentleman yield?
Mr. MICHAEL E. DRISCOLL. Yes.
Mr. GARNER. The gentleman's principal objection to this bill, as I gathered from the first of his speech, is that if we ex-

clude certain cities from it New York would not get over 20 per cent, according to population. Now, his principal objection

is that New York would not get her pro rata part?
Mr. MICHAEL E. DRISCOLL. As a practical question, I

am against it from start to finish.

Mr. GARNER. The gentleman's objection is that New York

would not get its part.

Mr. MICHAEL E. DRISCOLL. I contend that the building of ordinary country roads is a duty of the State, of the county, of the town; and in cities it is the duty of the city; and none of these municipalities should ask Federal aid to help them build their roads. They are now constantly demanding assistance from the Federal Government to do things that people did not dream of as national functions 30 or 40 years ago.

Mr. BORLAND. Mr. Chairman, will the gentleman yield? Mr. MICHAEL E. DRISCOLL. Yes, sir. Mr. BORLAND. Does not the gentleman believe that the wealth of New York City is drawn from the entire Nation just as much as it is from the State of New York?

Mr. MICHAEL E. DRISCOLL. It is drawn from all sources from which it will come. I have no doubt that New York does business with everybody it can.

Mr. KENDALL. And does anybody that it can.
Mr. HELGESEN. Mr. Chairman, the gentleman has talked about North Dakota. I want to say that North Dakota has better roads to-day than New York has, in spite of all the money that they have spent in New York. Furthermore, the reports of the Agricultural Department show that the farmer gets less than 50 per cent of what the consumer pays. So if you want cheaper living you do not want to take it out of the farmer,

but out of your transportation.

Mr. MICHAEL E. DRISCOLL. Mr. Chairman, I am delighted to hear that North Dakota has good roads, because that will mean that the gentleman from North Dakota will not join this gang of pirates who are trying to loot the Treasury [laughter] to build ordinary roads with. I am glad they have good roads up there, and I hope they will be better; and I wish there were good natural roads in other States, so that it would relieve the Treasury of the United States from the raid on it which is now threatened. What will these progressives be at next, when they get the National Government permanently engaged in road construction? Why, they have already organized a National Drainage Congress, whose mission is to engage the Federal Government in the business of draining swamps. I thought when they had national associations for the building of country roads and for the irrigation of arid lands in the Rocky Mountain regions that was about as far as they would want to go. But I was mistaken. They now want to drain their swamps. There are about half a million acres of swamps in New York

Mr. MOORE of Pennsylvania. And they also want to drain

the Treasury

Mr. MICHAEL, E. DRISCOLL. And there are about 19,000,000 acres of swamps in Florida. New York would pay about seventy-nine times as much money into the Treasury as Florida, and Florida would draw out thirty-eight times as much as New York to drain these swamps.

Mr. SHACKLEFORD. If that be true, does the gentleman not think it would be well for Florida and North Dakota to

hitch up

Mr. MICHAEL E. DRISCOLL. I do not expect the hitch up will be in just that way.

Mr. SHACKLEFORD. Would it not be wise for them to join in this crusade that the gentleman is talking about?

Mr. MICHAEL E. DRISCOLL. I think North Dakota ought to stand with me, because it has no swamps and has good roads. Laughter.]

Mr. HOBSON. Mr. Chairman, will the gentleman yield?

Mr. MICHAEL E. DRISCOLI. Yes. Mr. HOBSON. I just want to ask the gentleman how he reconciles his philosophy with the clause-

Mr. MICHAEL E. DRISCOLL. I have not been talking phisphy. I have been talking practical business. [Laughter.] How he reconciles that with the clause in

the Constitution that our fathers put there authorizing the Fed-

eral Government to build and maintain post roads?

Mr. MICHAEL E. DRISCOLL. Oh, my father had nothing to do with that. [Laughter and applause.] But I love the Constitution and believe in it. I deplore the fact that some people seem disposed to tear it into shreds when an appropriation is concerned. If some of these gentlemen had their way-not for a very long time, but for a very short time—there would be no money left in the Treasury and there would not be a shred left of the Constitution. These gentlemen make speeches about State rights and antipaternalism, but when it comes to an

actual appropriation they have but very little regard for that immortal document, while I believe in sustaining it and would be proud if I had any share in its adoption, by inheritance or otherwise

Mr. HOBSON. Does the gentleman believe that the large appropriations that are made for the improvement of New Harbor and other public improvements associated with that great city ought to be opposed by the States that are inland?

Mr. MICHAEL E. DRISCOLL. Does New York get as much, according to its business and population, as does Mobile, according to its business and population?

Mr. HOBSON. I would venture to say that the gentleman would find, if he will follow the record straight through, that New York has gotten the lion's share.

Mr. HILL. Oh, no.

Mr. MICHAEL E. DRISCOLL. New York has the greatest and finest harbor in the whole country, and two-thirds of our tariff revenues are collected there. New York State a few years ago bonded itself for \$50,000,000 for the construction of country roads, and the cities and towns have appropriated about the same amount to meet the State appropriation. Our State only a few years ago bonded itself for \$101,000,000 to dig what is known as the barge canal, and before that canal is completed and all riparian and other damages fully settled and paid it

may reach the sum of \$150,000,000.

From the year 1817, when our State commenced the construction of the old Erie Canal, to the present time, it has spent nearly \$400,000,000 for the construction, improvement, and maintenance of its canal system, very largely for the benefit of other parts of the country. New York's old Eric Canal was opened up for navigation in the year 1826, and at about the same time the fertile lands of the Mississippi Valley were opened up to cultivation, and the canal furnished for the products of the West a cheap means of transportation to New York

and the other great consuming cities of the East.

When the barge canal is completed it will help New York City and Buffalo very much in a commercial way; also it will help the cities along the line some, but it will help the farmers, manufacturers, and producers of commodities throughout the western part of our country very much. It will be really a national waterway, and if it were in any other State except New York the people would demand that it be built at the expense of the National Treasury. It will keep the rates down not only on New York Central lines, which parallel it from Albany to Buffalo through the center of the State, but on all trunk lines from the West to the Atlantic seaboard. Yet our State is not asking the United States Government to build or assist in building this grand waterway, while my friend from Pennsylvania [Mr. Moore] and others are organizing and maintaining an organization, known as the Deep Waterways Congress, for the construction, I think, of an inland waterway. They are very worthy gentlemen, clever and hospitable. They hold their congress or convention every year and invite us to attend, and give us dinners, wines, and cigars, and are very hospitable on those occasions, always with the same end in view, that they persuade the Congress to construct their waterways

Mr. MOORE of Pennsylvania. Does the gentleman know-Mr. MICHAEL E. DRISCOLL (continuing). Whereas we

are digging our own.

Mr. MOORE of Pennsylvania. That is in order that the treat traffic coming from the West may have a market in the East; that the farmers of the West may have the advantage of

the markets of the East.

Mr. MICHAEL E. DRISCOLL. New York State proposes to bond itself for an additional \$50,000,000 to build roads. Why do you not do it? Go home and build your roads by a tax on your counties, towns, and cities, or by State aid, or in any way you please. The construction of roads is a local and internal work and should be taken care of by the State and municipal divisions thereof.

New York has purchased nearly 1,700,000 acres of forest reserves, and has already planted about 15,000,000 trees on those reserves, and it spends about \$600,000 a year in the pro-

tection and reforestization of those reserves.

It spends about \$250,000 through the health officer of the city of New York. Nearly all the immigrants who come to this country come through New York Harbor, and the examination of those immigrants for the purpose of the prevention of disease and the spread thereof is a direct benefit to the whole country as well as New York. Our State spends about a million dollars annually for defense, for the National Guard, Naval Militia, armories, arsenals, and so forth, for the direct benefit and protection of the whole country as well as New York. Our State is doing many things for itself which the other States never think of doing, but are constantly appealing to the Federal to the gentleman from Rhode Island [Mr. O'SHAUNESSY].

Government to do for them; and this proposition to tax the Government \$25 a mile a year for the use of a road for one horse and wagon is a part of the comprehensive and growing scheme to tap the Federal Treasury a little at this time in an apparently harmless way but much more by and by.

Mr. HOBSON. Will the gentleman yield for a question?

Mr. CANNON. Will the gentleman yield?

Mr. MICHAEL E. DRISCOLL. I yield to the gentleman from Illinois [Mr. CANNON].

Mr. CANNON. I just want to ask the gentleman one ques-Is not it true that if that \$25 proposition goes in for the perfect road, and down to \$15, that New York will get \$100 for rent of her roads where Illinois and Alabama will get \$1?

Mr. MICHAEL E. DRISCOLL. I have not any doubt, Mr. Chairman, that that is so, because New York, according to her area, has more good roads than perhaps any other State. we do not ask it for New York. New York does not ask any such help from Congress. There is not a man from New York who proposes such a high-handed and unreasonable measure [Laughter.]

Mr. HOBSON. I wanted to ask the gentleman if his conception of highways is not of intrastate highways only; whether in his philosophy he contemplates interstate highways?

Mr. MICHAEL E. DRISCOLL. I must again appeal to the gentleman not to lead me into the realm of "phylasaphy." Laughter and applause.] I have not studied philosophy since was in college.

Mr. HOBSON. I will state it in another way. gentleman believe as a Nation that each State ought to proceed individually, irrespective of its adjoining State, and build

a pot pourri of roads throughout the country?

Mr. MICHAEL E. DRISCOLL. Each one should build its pot pourri in the way it thinks best. [Laughter.] State would build its own roads to the borders of the State, then all the roads would be built.

HOBSON. I will ask the gentleman in this form: Would he support a bill-and I have introduced one-under which the Federal Government would make a general survey of all the roads, so as to coordinate the States?

Mr. MICHAEL E. DRISCOLL, I have opposed that proposition time and again and expect to continue to do so.

Mr. MOORE of Pennsylvania. Before the gentleman takes his seat I want to ask him one question, responding to the suggestion of the gentleman from Illinois [Mr. Cannon]: The money that is expended upon the roads in New York State is the money of the people of the State of New York?

Mr. MICHAEL E. DRISCOLL. Certainly it is.
Mr. MOORE of Pennsylvania. The money that is proposed to be spent by this bill upon the roads of this country out of the Federal Treasury is also the money of the people of this country, is it not?

Mr. MICHAEL E. DRISCOLL. I do not know what you are leading to. I object to some of the ways they propose to get into the Treasury, and I object to them getting in for that

purpose.

Mr. MOORE of Pennsylvania. The gentleman will answer the question, I think. I want to know if it is not the people's

money we propose to spend on these good roads?

Mr. MICHAEL E. DRISCOLL. Yes; in the way it is spoken of, Mr. MOORE of Pennsylvania. Then if the people of New York spend their own money upon their own roads, and are then called upon again to spend their money upon these good roads in other States, will they not be taxed twice for good roads in

this country?

Mr. MICHAEL E. DRISCOLL. Certainly. And that is what I told the people in my district, who called me home to explain these bills in regard to good roads. After New York will have bonded itself for many hundred millions of dollars for the construction of its highway system and will have established good roads throughout that Commonwealth, and every farm and home therein will be liable to tax for the payment of the interest and principal on those bonds, the other States, if they have their way, will have their roads built at the expense of the Federal Treasury, and the New York people will have to contribute a large preparation toward the tribute a large proportion toward the expense of constructing roads in other States in addition to liquidating the bonds and obligations for the construction of roads in their own State. That will be double taxation, against which I am trying to warn the people of our State, and what applies to New York applies to Pennsylvania and all the other large, populous Commonwealths in the country. [Applause.]
The CHAIRMAN. The time of the gentleman from New York

[Mr. Michael E. Driscoll] has expired.
Mr. MOON of Tennessee. Mr. Chairman, I yield 15 minutes

Mr. O'SHAUNESSY. Mr. Chairman, section 6 of the bill under consideration is, to my mind, a new charter of freedom for the post-office clerks and carriers of the country. pates them from the slavery of gag rule and petty despotism. I regret that Congress should find it necessary to enact a law giving to this vast body of employees the constitutional right of free speech and petition. But that they have been denied that right is conceded by all who have considered the subject, and I look upon it as a disgrace to realize and to know that because these men are confined within the four walls of post offices they should be told to shut up whenever they feel that they have a grievance or whenever they have a petition to present to Con-

It is a splendid tribute to the wisdom of the Democratic majority in this House, following along the lines of legislation already enacted, to take up the grievances of these men, not only for a proper eight-hour regulation of their work, but, more than that, for the constitutional right of free speech. I value principle more than I value a dollar. I believe that the principle of free speech and the principle of the right of petition is far I believe that the principle more valuable to any post-office clerk and to any letter carrier, or to any employee in the Government departments, than the mere question of compensation.

I marvel to realize that such a gag should have been put into the mouth of any man or any individual, and my astonishment becomes more alarming when I consider the source of this mean and contemptible order. I sent over to the White House the other day for the orders dealing upon the subject of gag rule. I do not believe it has been dwelt upon in this House with sufficient force, and I have not heard it adverted to, and therefore I shall read the Executive order which bears the date of January 31, 1902: EXECUTIVE ORDER.

All officers and employees of the United States of every description, serving in or under any of the executive departments, and whether so serving in or out of Washington, are hereby forbidden, either directly or indirectly, individually or through associations, to solicit an increase of pay or to influence or attempt to influence in their own interest any other legislation whatever, either before Congress or its committees, or in any way save through the heads of the departments in or under which they serve, on penalty of dismissal from the Government service.

Whyter Haven, Language 21, 1992

WHITE HOUSE, January 31, 1902.

That order, in my judgment, would be a good order for a Czar to issue. That would be a good order for a man who loved despotism to issue. But what was my surprise to find that it was issued by a "friend of the people," that incarnation of altruism who is preaching the gospel of free speech, and incidentally seeking a third term at the hands of the American people-Theodore Roosevelt. [Applause on the Democratic side.] man who preaches free speech put the first gag in the mouth of every Government employee, and said to him when he came with a legitimate petition, a legitimate grievance to Congress: "You shall not speak; you have not got the right of an American citizen to present your grievance to Congress." [Applause on the Democratic side.]

Four years went by, time enough in which to consider the order; time enough to consider what were its effects upon men who were grieving under its burdens, who were chafing under its restraints, who felt that they did not have the right of free men in a free country, who knew that they were denied the right to organize, and who were told that they should go to their department heads and give them their grievances and petitions. Why, a man might as well go to his executioner as go with a petition or grievance to one of those department heads. Clothed for the time with a little brief authority, exercising that despotic sway which only small, petty individuals can exercise, what chance would there be for a petition, what chance would there be for a grievance to be heard under those conditions? Department heads and superintendents are part of the machine which bosses the employees; their sympathies and beliefs are at variance with the men under them. They have no concern for the men's grievances, and it is farcical to say that the employee can secure justice by petitioning his The employee who is foolish enough to bring his tale of woe to his chief invites either a reduction in pay or dismissal from the service.

Four years went by, and the same gentleman who preaches the doctrine of free speech, but who placed the gag in the mouth of every Government employee, renewed the order, only to enlarge its provisions. I read the order of January 25, 1906, signed by the same man:

EXECUTIVE ORDER.

The Executive order of January 31, 1902, is hereby amended by adding "or independent Government establishments," after the words "departments" in the third and ninth lines.

As amended the order will read as follows:
All officers and employees of the United States of every description, serving in or under any of the executive departments or independent Government establishments, and whether so serving in or out of Washington, are hereby forbidden, either directly or indirectly, individually or through associations, to solicit an increase of pay or to influence or attempt to influence in their own interest any other legislation whatever, either before Congress or its committees, or in any way save through the heads of the departments or independent Government establishments in or under which they serve, on penalty of dismissal from the Government service.

THEODORE ROOSEVELT.

THE WHITE HOUSE, January 25, 1906.

The language is similar to the language of the first order; so that there was no repentance upon his part, so that there was no heeding of the cry of distress raised by these men, struggling along, if you please, upon a wage schedule which was established in 1854, and, in addition to that scanty remuneration for their work and labor and service, they were burdened and shackled by this rule imposing silence in the face of exasperating conditions.

The present occupant of the White House, following in the footsteps of his predecessor, made an additional order on November 26, 1909. Here it is:

EXECUTIVE ORDER. (No. 1142.)

(No. 1142.)

It is hereby ordered that no bureau, office, or division chief, or subordinate in any department of the Government, and no officer of the Army or Navy or Marine Corps stationed in Washington, shall apply to either House of Congress, or to any committee of either House of Congress, or to any Member of Congress, for legislation or for appropriations or for congressional action of any kind, except with the consent and knowledge of the head of the department; nor shall any such person respond to any request for information from either House of Congress, or any committee of either House of Congress, or any Member of Congress, except through or as authorized by the head of his department. department. WM. H. TAFT.

THE WHITE HOUSE, November 26, 1909.

Let us say, in justice to the gentlemanly occupant of the White House to-day, that although he issued that order in 1909 he has seen fit recently to make a modification of it and of President Roosevelt's two orders, and for that modification I want to give him the credit which he justly deserves. [Applause.] I will read that last order:

EXECUTIVE ORDER. (No. 1514.)

(No. 1514.)

It is hereby ordered that petitions or other communications regarding public business addressed to the Congress or either House or any committee or Member thereof by officers or employees in the civil service of the United States shall be transmitted through the heads of their respective departments or offices, who shall forward them without delay with such comment as they may deem requisite in the public interest. Officers and employees are strictly prohibited either directly or indirectly from attempting to secure legislation, or to influence pending legislation, except in the manner above prescribed.

This order supersedes the Executive orders of January 31, 1902, January 25, 1906, and November 26, 1909, regarding the same general matter.

THE WHITE HOUSE, April 8, 1912.

WM. H. TAFT.

I say that the President of the United States deserves credit for taking a step forward and hearkening to the provisions and principles of the Constitution of the United States, which guarantees the right of free speech to every citizen of this country. [Applause.] It seems strange, referring again to the first two orders, that a man who is making such a clamor for public recognition and who is seeking the approbation of the American electorate in the primary contests now waged throughout the country, should be speaking so vociferously about the right of the people to rule when he himself, in two Executive orders, forced down the throats of every Government employee in this un-American and unrighteous gag rule. this country

Recognizing the right of every citizen to free speech and to petition Congress, this Democratic House glories in the reiteration of the principle contained in the first article of amendments to the Constitution of the United States, and by this legislation we strike from the enslaved employees all fetters and restrictions, thus restoring them to an atmosphere of liberty and freedom and rescuing them from the suffocating confines of

departmental despotism.

We are not content with the faint-hearted recognition by President Taft of the right of every citizen to petition Congress; he would emasculate that right by having petitions go through heads of departments. We score without reservation the highhanded Executive orders of President Roosevelt, and we pity the feeble attempt at correction by his successor. This bill will remove the dread and fear which to-day paralyzes the manhood of civil-service employees. We know that a man with fear in his heart can not enjoy his life. Instead of a living, breathing, red-blooded man, he becomes a mere pawn or automaton. This bill will give these men the right to organize, so that in their

peaceful assemblies they can discuss their conditions and seek

in the open daylight a remedy for every abuse.

The hearings before the committee that had this question under consideration revealed the fact that many men to whom was given the right to seek the betterment of their condition through legislation were only given a mock license, terminating generally in enforced resignations. Men seeking to better their condition by invoking the aid of their Congressmen soon found themselves in disfavor when they returned to their employment, and by some subterranean method their official extinction was quickly accomplished, and they soon found themselves out of a job.

As an old Government employee who knows the exacting hardships which these men have to endure and their constant toll and labor, because Uncle Sam's work never flags, I take particular pleasure in bearing testimony to their industry and their fidelity. I well recall my experience as a clerk in the New York post office. There is a portal there through which the employees enter that will not close until the judgment day. The massive door of that portal was pushed back many years ago, and is embedded in a groove grown rusty through misuse. Beyond that door and within the building an atmosphere choked with dust and dirt from mail bags has worked the physical destruction of many an employee. No doubt many post offices throughout the country are afflicted with the same insanitary conditions. Night and day the work goes on, and the men who to-day are gagged by Executive orders and denied the right to organize, labor and toil in the prescribed ruts of dull Government routine. For the work they do they are poorly compensated and slightly appreciated. They have worked hours without number in overtime without remuneration, and, of course, they suffer from the tyranny and despotism of the petty officials whose sense of importance exacts implicit obediance in the minutest datall to every order and make that to consecute the minutest datall to every order and make the form ence in the minutest detail to every order and rule. And to cap the climax they are branded, although American citizens, as inferiors to their fellows by Executive orders.

It is anomalous that throughout all the legislation enacted for the benefit of Government employees in the way of reduction of hours of labor the 32,319 clerks employed in the 2,351 first and second class post offices of the United States should never have been able to bring Congress to a recognition of their just dues.

Realizing that this Democratic majority, through the committee which has reported this bill, have seen fit to recognize the just demands of these honest, hard-working, and conscientious laborers in the field of Government employ, I want to congratulate that committee, and I want to congratulate the Democratic majority in this House, which I know is anxious to record itself in favor of the appeals of these 32,319 clerks to whom justice has been so long delayed. This bill will also restore to the letter carriers of the country the eight-hour law out of which they were juggled by a Republican House in 1900. [Applause.]
Mr. MOON of Tennessee. Mr. Chairman, I yield one-half hour to the gentleman from New York [Mr. SULZER].

Mr. SULZER. Mr. Chairman, when this debate is finished and a motion is in order I shall move as an amendment to the pending appropriation bill to strike out all of section 9 now in the bill, and in lieu thereof insert my bill for a general parcel post, as follows, to wit:

post, as follows, to wit:

SEC. 9. That the common weight limit of the domestic postal service of the United States is hereby increased to 11 pounds, the common limit of the Universal Postal Union, and that in the general business of the post office the 1-cent-an-ounce rate on general merchandise—fourth-class mail matter—be, and is hereby, reduced to the third-class rate, 1 cent for each 2 ounces or fraction thereof.

That the rate on local letters or sealed parcels posted for delivery within the free-delivery services is hereby determined at 2 cents on parcels up to 4 ounces, 1 cent on each additional 2 ounces; at non-delivery offices, 1 cent for each 2 ounces.

That all mail matter collected and delivered within the different rural routes of the United States is hereby determined to be in one class, with rates, door to door, between the different houses and places of business and the post office or post offices on each route, as follows: On parcels up to 1 twenty-fourth of a cubic foot, or 1 by 6 by 12 inches in dimensions and up to 1 pounds in weight, 5 cents; on larger parcels up to one-half a cubic foot, or 6 by 12 by 12 inches in dimensions and up to 11 pounds in weight, 5 cents; on larger parcels up to 1 cubic foot, 6 by 12 by 24 inches in dimensions and up to 11 pounds in weight, 5 cents; on larger parcels up to 1 cubic foot, 6 by 12 by 24 inches in dimensions and up to 50 pounds in weight, 10 cents. No parcel shall be over 6 feet in length, and in no case shall a carrier be obliged to transport a load of over 500 pounds. That the word "packet" wherever used in laws relating to the postal service means all matter of every class which is by law made mailable.

That on all unregistered prepaid mall matter without declared value an indemnity up to \$10 shall be paid by the Post Office Department for such actual loss or damage as may occur through the fault of the postal service. And this without extra charge. Certificates of posting shall be provided on demand. On registered parcels of declared value, and o

Mr. Chairman, this proposed general parcel-post amendment to the pending Post Office appropriation bill is the identical bill I introduced on April 4, 1911. It has been pending in the committee ever since. It is the parcel-post bill people of this country want, and if it is adopted the United States will have a general parcel post. The neglect of the United States to establish a general parcel post has for years limited the easy exchange of commodities and merchandise between producers and manufacturers and the consumers, and it has placed our Government far behind the times in progressive legislation for the people.

It is a fact that to-day under the English-post-American-ex-press arrangement parcels can now be sent from any part of Great Britain to any part of the United States at the following rates: Three pounds for 30 cents, 7 pounds for 40 cents, and 11 pounds for 79 cents. And under the British contract with the American Express Co. these parcels are transported from one end of this country to the other, 3 pounds for 36 cents, 3 to 7 pounds for 48 cents, and 7 to 11 pounds for 60 cents. Meantime the express companies tax domestic merchandise of the same weight from 75 cents to \$5.50, according to the distance traversed, while the post office taxes the public for a similar domestic service on a 3-pound parcel 48 cents, on a 7-pound parcel in two packages \$1.12, and on an 11-pound parcel in three packages, \$1.76.

What a spectacle is presented to-day to the Congress of the United States when we witness this unjust discrimination against our own people in favor of the foreigners. Who owns the post-office facilities in the United States, the people of Europe or the people of America? That is the question the voters are asking us and are going to ask every Member of Congress in the coming campaign. I know where I stand. My position can not be misunderstood. I stand for the people when the people are right, and they never were more right in all their lives than they are to-day when they appeal to their Representatives in Congress to give them what every other civilized government on earth has-a general parcel post.

The people demand and have demanded for several years a general parcel post. I know the people of the country favor its inauguration. I feel confident its establishment will be of inestimable benefit and advantage to the producers and to the

consumers and to all concerned.

Just think of it. A person living in any part of Europe can send to any part of the United States by mail a parcel weighing two and one-half times more than the United States limit for about one-third less in cost than the present home rates. In other words, the world postal-union package unit is 11 pounds to the parcel, at the rate of 12 cents per pound, whereas the United States unit is only 4 pounds to the package and at a cost of 16 cents to the pound. The parcel rate in the United States prior to 1879 was 8 cents per pound for a package limited to a weight of 4 pounds. After that the rate was doubled, but the weight remained the same. Since 1879 the cost of transportation has greatly decreased. The question is, Why should not the people be given the benefit of this decrease by the establishment of a uniform low postal rate for parcels that will encourage the use of the post office as a medium of exchange of commodities and thus greatly facilitate trade?

Since the introduction of the rural free-delivery system in this country its operation has proved so satisfactory and so successful that Congress overlooks the annual deficit arising from the unreasonable restriction placed in the law limiting the kind of postal matter to be carried to letters, newspapers, and periodicals. The weight of this average load is ascertained to be but 25 pounds per trip, while the vehicle which the postal agent is required to supply can readily carry at least 500 pounds. It is estimated that should the restriction be removed and

parcels be carried enough revenue would be received from the additional postage to more than pay the total cost of the system, and not only make it self-supporting, but largely decrease the annual postal deficit. Besides the establishment of a general parcel post would, to a very large extent, cheapen the cost to the consumers of the necessaries of life and go far to lighten

the burdens of the average family.

Our failure to provide a general parcel post is causing to the post office a needless loss of \$38,000,000 a year, and to the public loss of hundreds of millions, while at the same time we deprive the carriers of an opportunity to earn a reasonable living; and the time is now at hand for Congress to heed the insistent demand of the people for an extended parcels post along the lines of my bill, the express companies to the contrary notwithstanding.

The people are going to win this fight. The citizens of the United States are certainly entitled to utilize the advantages of their own post-office system the same as the people in Europe now do; and they would gladly do so if the Congress would only enact a law, and to this end I appeal to the patriotic Members of Congress to lend a helping hand in this struggle for genuine postal reform.

The post office is one of the oldest governmental institutions, an agency established by the earliest civilizations to enable the people to inform themselves as to the plans and movements of their friends and foes, and from the dawn of history the only limit the people have placed upon this service has been the

capacity of the existing transport machinery.

The cursus publicus of imperial Rome—the post office of the Roman Cæsars—covered the entire business of transportation and transmission, and with its splendid post roads, swift post horses, and ox post wagons the Roman post office was a mechanism far wider in its scope than that of our modern post office; and, except for the use of mechanical power, the old Roman post was far more efficient in its service to the people than our modern post office in its service to American citizens.

The evil of the Roman post office, and the royal postal service that succeeded it, was its restriction to the enrichment of the ruling powers. They were the prototypes of our modern express companies, which have for their chief end the enrichment of their stockholders rather than the promotion of the public welfare.

As far back as 1837 Rowland Hill, of England, promulgated to the world the law that once a postal-transport service is in operation the cost of its use is regardless of the distance traversed upon the moving machinery by any unit of traffic within its capacity, and upon this law he established the English pennyletter post of 1839.

In this country the people own the post office and want to use it as their postal express company. Its end is to keep them informed, to make known their wishes, to provide means by which they may communicate with their fellow citizens for their mutual benefit, to supply their wants, and dispose of their wares at the least possible cost, in the shortest possible time, and with the greatest possible security.

The postal system of rates, regardless of distance, regardless of the character of the matter transported, and regardless of the volume of the patron's business, eminently fits it for this great service. That it will sooner or later be greatly extended is absolutely certain, and the people will duly appreciate the aid of those who assist in its extension and development for their benefit and advantage.

My bill is a meritorious measure. It raises the weight limit of the package from 4 pounds to 11 pounds, and reduces the postage on the parcel from 16 cents a pound to 8 cents a pound, and that was the postal rate for many years until the express companies doubled it in 1879.

During the past year the representatives of at least 10,000,000 American citizens, including the great agricultural associations of the country, National Grange, the Farmers' Union, the Farm-National Congress, Retail Dry Goods Association of New York, the Associated Retailers of St. Louis, the Manufacturing Perfumers of the United States, the American Florists' Association, and many others, appeared before the House Committee on Post Offices and Post Roads in favor of my bill, demanding a general parcel post as extended and as cheap as that provided by the Postmaster General in our foreign postal service. The hearing showed that the public wanted at least an 11-pound service at 8 cents a pound. Seldom, if ever, has any proposition received stronger public support, and it seems as if the House Committee on Post Offices begged the question when it reported the makeshift outlined in section 8 of the pending

There is no reason in the world why the people of the United States should be deprived of the advantages of this benign legislation for a general parcel post, that will bring producers and consumers in closer touch and be of inestimable benefit to all the people, especially those who dwell in the large cities and live in the producing sections of the country. It has been adopted in every European country, and it ought to be adopted It has been here. We have either made or are making postal conventions with the countries of the world by which their citizens can send through the mails to any part of the United States packages weighing 11 pounds at the universal postal rate, and the people of the United States are prohibited from doing the same thing because of our failure to enact a similar postal parcel It is a great injustice to the taxpayers of this country. It is a discrimination in favor of the foreigner against the citizen of the United States which is repugnant to my sense of justice. I am opposed to this inequality, and in order to obviate it I introduced my bill for a general parcel post. Postal Progress League has indorsed it, and as I have stated the representatives of over 10,000,000 taxpayers of this country appeared before the committee and urged its enactment. Why should the bill not be enacted into law?

The time is now at hand for Congress to heed the insistent demand of the people for a general parcel post along the lines of my bill, the express companies, the jobbers, the middlemen, and others to the contrary notwithstanding.

Mr. Chairman, who is opposed to the general parcel post that the people want? I would like to know. Will somebody get up here and tell me? I pause for an answer. I have the figures and the statistics that will be used in the coming political campaign from one end of this country to the other. The question is squarely presented to us. We must say whether we are going to vote for the people and a general parcel post or for the express companies. The express companies dare not come down here and say they are opposed to a general parcel post. They would be laughed out of court. They know their presence here would do more than anything else to pass a general parcel-post bill

Mr. MICHAEL E. DRISCOLL. Will the gentleman yield?
Mr. SULZER. Yes; for a question.
Mr. MICHAEL E. DRISCOLL. The bill for the parcel-post

expres

Mr. SULZER. I am not talking about buying the express companies. That is not necessary. I listened to the gentle-man's discussion about roads, but I am talking about a general parcel post, and I do not care to be interrupted about matters that I am not talking about. Let me ask the gentleman if he is in favor or against a general parcel post?

Mr. MICHAEL E. DRISCOLL. I am in favor of a parcel post,

Mr. SULZER. A general parcel post?
Mr. MICHAEL E. DRISCOLL. A general parcel post that will pay its own way. I am in favor of the zone system. Is the gentleman in favor of a flat rate all over the country?

Mr. SULZER, I am. That is what a general parcel post

Mr. MICHAEL E. DRISCOLL. Then that is where we do

Mr. SULZER. Very well; we do not agree. Some people say they are in favor of giving the people a parcel post, but they want to confine it to a little section of the country. Some people say they are in favor of a parcel post, but they want to confine it to a little larger section of the country; and then there are some people who want a parcel post and are willing to extend it to a little larger section of the country. I want a parcel post for all the country—that will be as general as the postal system. The zone system simply begs the question and amounts to nothing at all if you do not increase the weight limit more than 11 pounds and reduce the rate to less than 8 cents a pound. All the testimony adduced before the Interstate Commerce Commission, and all the testimony taken by the Post Office Committee, which is a matter of public record, goes to prove this conclusively. Years ago the same arguments were used against the 3-cent letter postage, and then against the 2-cent letter postage; and the same arguments will be made against a 1-cent letter postage. Rowland Hill, of England, was right when he said that once a postal service is in operation, the cost of its use is regardless the distance traversed upon the moving machinery by any unit of traffic within its capacity. The idea of charging higher postage on a letter or a parcel on account of the greater distance it travels is an absurdity

Mr. CANNON. Will the gentleman from New York yield for

a question?

Mr. SULZER. Certainly.

Mr. CANNON. We monopolize the business of carrying let-No letter can go without a 2-cent stamp by post, and it could not go at all with the express company without a 2-cent stamp. Now, is the gentleman from New York in favor of monopolizing the business of the parcel post up to 11 pounds?

Mr. SULZER. Yes. I say the Government ought to have a monopoly of the parcel post up to 11 pounds. The post office

is our mutual express company.

Mr. CANNON. I quite agree with the gentleman. Mr. SULZER. I am glad to hear that.

Mr. SULZER. 1 am glad to hear that.
Mr. MURDOCK. Will the gentleman yield?
Mr. SULZER. Yes.
Mr. MURDOCK. Does not the gentleman from New York think that without the monopoly the 11-pound proposition would not be workable?

Mr. SULZER. Well, that depends. At all events I am with the Government in this matter. I am in favor of the Govern-ment doing the postal business that the people intend the Government shall do.

Mr. MURDOCK. Does not the gentleman think that unless we took over the monopoly, after we had put in the new rates under the 11-pound provision, that we would get all the long hauls, where we would make no money, and the express companies would continue and get the short hauls?

Mr. SULZER. That will not amount to much if we adopt the amendment which I shall offer. If we adopt that amendment the Government will have a monopoly of the parcel-post business up to 11 pounds. If, however, we should adopt the rate of 12 cents a pound on the rural routes, as provided in the present bill, I do not think the Government will be able to monopolize the business, because the rates in the present bill are too high. In my general parcel-post bill which has been pending in Congress for a long time the flat rate of 8 cents a pound, in the opinion of experts, gives the Government all the advantage. You must remember that prior to 1879 the rate was 8 cents a pound, but the express companies had more to say then than they have now, and through their influence in Con-gress in 1879 the rate was changed from 8 to 16 cents a pound. This gave the express companies a monopoly. Change the rate back to 8 cents a pound for 11 pounds and I believe the Government will have the monopoly. Why should express companies be given a monopoly on the profitable parcel-carrying trade, while the postal department contents itself with the least profitable? Why should the Government give foreign 4-pound parcels a rate of 48 cents while we must pay 64 cents, regardless of distance? Why is it a package of any weight up to 11 pounds can be carried in our mails, if mailed in a foreign country, while we can mail but 4 pounds, and even then must pay 33½ per cent more? Why should the Post Office Depart-ment stagger under a deficit while the express companies take the cream-express companies that pay 100 and even 200 per cent profit, in spite of their extravagant and unscientific methods?

Let me say that many believe the express companies are carrying parcels in violation of the Federal statutes which prohibit this privilege to private persons. Their rates, at all events, are exorbitant, exceeding first-class freight rates in some cases 37½ times. The profits of this Government-fostered monopoly would wipe out our annual postal deficit, and enable the department to

establish an immediate 1-cent letter rate.

Cheaper parcel transportation rates would be an unqualified benefit to all the people. The express companies have not openly shown opposition to the movement. It has appeared from officials of associations of wholesalers and retailers, mostly retailers of heavy-weight goods, paints, vehicles, lumber, farm machinery, etc., that could not move by parcel post if we had one.

Why should organizations of wholesalers and retailers, for the most part engaged in selling lumber, heavy hardware, and other nonpackage freight, incur expense in opposition to the parcel post when it would in no material way affect business except to benefit it? For an answer read their printed testi-

mony given at the hearings

Their claim that the mail-order houses are behind the parcel-post movement, the better to flood the country with their goods to the injury of the small retailers, was not substantiated. On the contrary, it is shown that Sears, Roebuck Co., of Chicago, is opposed to the parcel post, as are other catalogue houses, and for a very good reason. They have built their business up on the 100-pound minimum freight weight charge and make use of the mail or express service but seldom. Consequently, the establishment of a parcel post would tend greatly to disturb their business and to help the village retailer who would make himself the local agency through which the parcel-post system would naturally operate.

The testimony at the hearing showed that the parcel-post system in England has not tended to create catalogue houses, nor has it in Germany or other countries tended to foster great department stores. It has done two things and has done them effectively. It has eliminated a costly and extravagant express monopoly and has greatly accommodated the general public,

consumer, retailer, and wholesaler.

Mr. BARTLETT. Will the gentleman yield?

Mr. SULZER. Yes. I want to put back the old rate of 8 cents a pound, the people's rate, and I want the Government to get the parcel business, and not the express companies.

Mr. BARTLETT. If, as the gentleman suggests, we have an 8-cent flat rate, will that not make the man who lives within 25 miles of the shipping point pay more than his proportion in comparison with the man who lives 1,000 miles away from the shipping point?

Mr. SULZER. I have explained that. When the machinery of postal transportation is in operation, distance has little to do with cost so far as maximum capacity is concerned. age haul of all parcels in the United States, according to the testimony which has been taken before the Interstate Commerce Commission, is 200 miles. That is, taking in all of the hauls throughout the United States.

Mr. BARTLETT. Very well; put it at 200 miles. If you have an 8-cents-a-pound flat rate will not the man who lives within 25 miles of the shipping point have to pay more than his due

proportion of the rate in order that the man who lives 200 miles away may get it at 8 cents a pound?

Mr. SULZER. Not to any greater extent than he now does on postage

Mr. BARTLETT. Else you will have to make the Government carry it at a loss.

Mr. SULZER. The same rule that applies to carrying a letter or a newspaper applies to a small parcel.

Mr. BARTLETT. You make the man pay for a short haul

as much as the man pays for a long haul.

Mr. SULZER. As Rowland Hill said, when the postal transport service is in operation the distance is immaterial.

Mr. NORRIS. Mr. Chairman, will the gentleman yield? Mr. SULZER. Yes.

Mr. NORRIS. I want to put a concrete question. Supposing his bill were enacted into law, and the gentleman wanted to send from here to Alexandria—which is across the river—a package of 11 pounds. It would cost 88 cents. Does not the gentleman think that that would be exorbitant and unreasonable-entirely too high?

Mr. SULZER. No more so in comparison than the cost for a

letter carried the same distance.

Mr. NORRIS. Oh, there is no comparison.

Mr. SULZER. In dealing in a big, broad way with a general parcel post no distinction should be made in principle between a letter and a package.

Mr. NORRIS. But the gentleman ought to make a distinction.

There is a very great difference.

Mr. SULZER. Those who understand the question are familiar with the fundamental law of economics promulgated and established by Mr. Hill years ago. Let me say over again that as far back as 1837 Rowland Hill, of England, promulgated to the world the economic law that once a public transport service is in operation the cost of its use is regardless of the distance traversed upon the moving machinery by any unit of traffic within its capacity. That principle is so well understood to-day by every student of political economy that it can not now be successfully questioned or controverted. A general parcel post, once established with reasonable rates, regardless of distance, regardless of the character of the matter transported, and regardless of the volume of the patron's business, is eminently fitted for great service to the people. That it should be extended over the entire field of postal transportation is absolutely. certain.

In this connection I want to say that the Interstate Com-merce Commission has made a very thorough investigation of the question. The data obtained are so complete and so conclusive that I see no reason for the provision in this bill for the appointment of another commission to make a further investigation. It is unnecessary. We have all the figures, all the statistics, all the information that we can possibly get about this subject of a general parcel post. If a new commission should sit for the next 10 years it could not give this House any more information upon the subject than we have now.

What does the investigation of the express companies before the Interstate Commerce Commission show? It is shown that the nine express companies own \$54,000,000 of railroad securities, that they own \$25,000,000 of express securities, and that they own \$11,000,000 of securities of other common carriers, a total of \$91,000,000 of stocks and bonds of railroads and other The value of the stock of these companies common carriers. to-day is considerably over \$300,000,000. How are you going to take away the property of the express companies under the Constitution of the United States, as provided in the Goeke bill, unless you give the express companies what the property is reasonably worth? Do the gentlemen who advocate the Goeke bill think they can confiscate the property of the express companies?
Mr. SAMUEL W. SMITH. Mr. Chairman, will the gentleman

yield?

Mr. SULZER. Just a moment. I want to make this clear. The reason I am opposed to buying out the express companies is because it will cost too much and is not necessary, and because I believe it is a mere subterfuge to prevent or delay the establishment of a genuine parcel post.

Mr. LEWIS. Mr. Chairman, will the gentleman yield for a

moment

Mr. SULZER. I yield.

Does not the gentleman's own bill contain a Mr. LEWIS. provision upon that subject?

Mr. SULZER. No. There is nothing in my bill about buying out the express companies. My bill is a general parcel-post measure, pure and simple.

The investigation of express companies by the Interstate Commerce Commission shows that the express tonnage of the country last year amounted to 660,000 tons, of which 34 per cent was packages weighing under 11 pounds. Think of that. Of all the express business done in the United States last year over 34 per cent was in packages under 11 pounds in weight, and it is on the small packages that the express companies make their largest profits. Give the Government the right to carry ex-clusively the packages not exceeding 11 pounds in weight and I say it will bring into the Treasury revenue of over \$50,000,000 The post-office officials say between \$35,000,000 and \$50,000,000 a year. Think of that revenue, all of which would go to maintain the Post Office Department.

Let me show further. The weight of these packages was not 11 pounds, but 34 per cent of all the merchandise carried by the express companies last year was of an average weight of

4 pounds per package.

The number of these packages handled by the express companies weighing 11 pounds and under was 100,000,000, weighing Turn that immense business over to the Post Office Department at 8 cents a pound and see what a tremendous revenue it is going to bring in, not only enough revenue to maintain the postal transportation system, but profit enough to make

a surplus of \$50,000,000 every year.

We have this postal transport service established. We have as good a postal transport service to-day for carrying general parcels as the express companies. This House knows how much money is paid to the railroads every year for carrying the mail. We would have to pay a very little more to carry postal How much money do the express companies pay to the railroads every year for carrying their express packages? We would not have to do that, because we pay the railroads now over \$50,000,000 every year for carrying the mails and we will have to pay them very little, if anything, more for carrying the postal packages. The railroads must run the trains, the mail cars are a part of the service, and the mail cars may as well be utilized to their maximum carrying capacity as to run them daily with only a few mail bags. It will not require many more men to look after the parcels than it now does to look after the mail, so the cost will be but little, if any, more than it is at present. The postal transport machinery is in existence; all that is necessary to do is to provide the merchandise, and it only remains for Congress to do that by standing by the people and not by the express companies.

Give back to the people the old law of 1879 that we had before the express companies took it from the people, and increase the weight from 4 to 11 pounds, at 8 cents a pound, and in one year we will have a general parcel post in this country which will bring in additional revenue over and above its expenses of \$50,000,000, and if there is a friend of the taxpayer here who is not in favor of that I would like to know who he is. Let him

stand up and be counted.

But let me go on. This investigation gives an analysis of the freight revenue of a day's business of one express company and shows-I have gone to considerable trouble to get these figures. And they have been checked up by Judge Williams, of Arkan-sas—shipments, not over 7 pounds in weight, originating and terminating with this company on which graduate charges were assessed. The average weight per piece was 3.62 pounds and the average charge was 36.74 cents per piece. On shipments not over 7 pounds handled by more than one company on which a single graduate charge was assessed the average weight was 3.43 pounds per piece and the average charge was 48.22 cents per piece, and on shipments of similar weight between New York, extending to all points of the country, the average weight per piece was 3.6 and the average charge was 28.39 cents per piece.

These figures show conclusively that the flat rate-mark you, this is not my testimony; it is the testimony before the Interstate Commerce Commissioners; it is the judgment they have formed after spending months in making the investigations of these express companies—these figures, I say, show conclusively that the flat rate of 12 cents a pound, as proposed in the present bill, even taking into consideration that such rates contemplate, evidently, the carriage of packages to points not yet reached by the express service, are entirely too high and that the rate ought to be, as provided in my bill, 8 cents a pound. Of course, 12 cents a pound is too high. A 12-cents-apound rate will not hurt the express companies. An 8-cents-apound rate will give the Government the business, and that is

what I want to do.

It is because I realize the force of these truths so keenly that I am so persistent in urging favorable consideration of my bill for a general parcel post. Its only fault, in my opinion, is its conservatism. What this country now needs, what Congress should give it, is a general parcel post covering all the business of postal transportation, with a maximum weight of 11 pounds, at 8 cents a pound.

It is ridiculous for anybody to say that the Government can not do a general parcel-post business. It is too preposterous for argument. Of course the Government can do it, and can do it a great deal better and a good deal cheaper and more advantageously than the express company. The Government has a contract with the railways by which the railways must carry the mail—the parcel post is mail. The mail now goes for thousands of miles all over the country. What do the mail cars contain? A few sacks of mail; that is all. The mail cars should be utilized to their maximum capacity. That is economy. They ought to be filled with mail-parcels and letters. We are paying the railroads; the mail cars are ours. We ought to utilize them to their maximum capacity and to their utmost efficiency. We are not doing it now. Why are we not doing it? Because the express companies are doing the parcel post business of the Government. You can see how cheaply the Government can do it. We do not need many more employees to do it. All we need is to do our duty and pass the law; that is all we have to do. It is a simple thing. All these governmental questions are simple when you are honest about them and when you want to do right.

There is nothing complicated about a general parcel post. Twenty-three of the great Governments of the world have a general parcel post to-day and it works like a charm in the interests of the people, and every one of the citizens of these 23 great Governments of the world can send a package weighing 11 pounds to any part of the United States for about 8 cents a pound. The people of the United States can not do it. Why? Because the express companies wrote the law that prevents it.

That law has cost the people of this country not hundreds of millions of dollars but billions of dollars. Talk about the profits of the express companies! They have made so much money by reason of that law that if a man owned 1,000 shares of the stock of Adams Express Co. in 1885, and had carried it from that day to this he would be rich to-day beyond the fears of want. all events he would never have to work any more. Think of that! The express companies have made their profits, their wealth, all out of the people. The question presented to us now is whether we will permit it any longer. I want to stop it. I want to give the Government a chance now. That is why I do not want to complicate this general parcel post with the proposition of buying the express companies and railroads. If the Government buys the express companies, the next thing it will have to do is to buy the railroads. The gentleman from Wisconsin [Mr. Berger] told the truth about it. But where is the money coming from?

The CHAIRMAN. The time of the gentleman from New York [Mr. SULZER] has expired.

Mr. SULZER. I ask for a few minutes more. Mr. MOON of Tennessee. I will say to the gentleman from New York that there are so many requests for time from other gentlemen that I can not give him more than a couple of minutes

Mr. SULZER. Let me have 10 minutes.
Mr. MOON of Tennessee. If I gave the gentleman 10 minutes, I would have to take it from others to whom I have promised time.

Mr. SULZER. Well, five minutes will do. Mr. MOON of Tennessee. All right; take five minutes.

Mr. SULZER. The people are not asking us to buy out the express companies. The people want the express companies to keep out of their postal business—the Government business of carrying the mail. That is all. They do not want to issue bonds to buy out the express companies for \$30,000,000 or \$300,000,000. Some Members tell us it will only cost about \$30,000,000 to buy the express companies. I say it will cost nearer \$300,000,000. I speak advisedly; make no mistake about that. Let the ex-I speak advisedly; make no mistake about that. press companies alone after you pass a law to allow the Government to do its post-office business. I have no desire to start the Government in the express business, and to do it buy out all the express companies at a cost of hundreds of millions of dollars. I want the Government to do its own postal businessthe post-office business. That is all.

The express companies do not fool me. I know their methods. But I have no personal grievance against them. I do not want to do them an injury. But I am in Congress representing the people, not the express companies. The people elected me to Congress. I am trying to the best of my ability to honestly represent the people and to promote their welfare. I would rather write a few good constructive laws for the people on the statute books of my country than have the plaudits of all the express companies in America. So much for the express

Now another matter. There comes a cry now and then from here and there from some little country merchant who does not

want a general parcel post established because some agent of the express companies tells him it will injure him and be in the interests of the mail-order houses. The mail-order houses! What mail-order houses in the United States are clamoring for a general parcel post? I know not, Is John Wanamaker? No. Is Macy's? No. I am a friend of John Wanamaker. He is a great man, an honest merchant, and a public-spirited citizen. John Wanamaker is more of a patriot than he is a money-maker. He told me in his great New York store not long ago that he does not do a mail-order business-never did and never will-and very few department stores in the big cities do; yet in the interests of the people he favors a general parcel post.

Some of these little country merchants are unnecessarily alarmed. Why are they scared? Because some agents of the express companies-not doing the thing openly-have started little agencies in Chicago, in New Orleans, in St. Louis, and other cities, and these agencies are busy, day in and day out, sending plate matter and typewritten letters and resolutions to the little country merchant to the effect that if this parcelpost bill becomes a law the mail-order houses in the large cities will get all the business. I have taken the trouble to write to several of these country merchants, and I have told them the truth about the general parcel post, and have told them how it is in their interest, and that if they did not believe what I said to investigate it carefully. They have answered: "Mr. Sulzer, we did not understand it before. The typewritten matter we sent you came to us in an envelope, with a request for us to sign it and mail it to a Congressman. We did so. We thought it was to our interest, and so we signed it and sent it to our Congressman; but now we know the truth, and we are in favor of the general parcel post."

I am a friend of the country merchant. I was born in the country and I know the country merchant. I would do nothing to injure him. What will this general parcel-post bill do? I will tell you what it will do. The general parcel post may hurt, to some extent, the express companies. It may burt, to some extent, the middlemen; but I am not legislating for the welfare of the middlemen or for the good of the express companies. I am legislating for the people—for the consumer—and I know that a general parcel post will bring the producer and the manufacturer and the consumer closer together, and go far to cheapen the cost of the necessaries of life; and any bill that will bring the producer and the consumer closer together and cheapen the cost of the necessaries of life to the people of America always did and always will have my support. · [Loud ap-

plause, l

Mr. MOON of Tennessee. Mr. Chairman, I yield 30 minutes

to my colleague [Mr. Sims].

Mr. SIMS. Mr. Chairman, in order to settle the parcel-post matter as far as I am concerned, I will begin by saying I am going to vote for the bill of the gentleman from New York [Mr. Sulzer] if it is offered as an amendment, because if it is going to do as much good as he represents-and he seems to have the information on which to base his statement-I do not think we ought to let it fail for lack of votes.

I suppose, then, if the postal express provision known as the Goeke bill becomes a law, as it also can be voted for on this bill, we will certainly have ample facilities to do that kind of

business.

I do not wish to discuss these measures myself, for the reason that there are other gentlemen who are well prepared to discuss I take it the gentleman from Maryland [Mr. Lewis] will discuss his own measure at length, and I want to assure you that there is nobody in the House better prepared to do it than he is.

shall confine my remarks entirely to the provision of the bill that is called the good-roads provision. I wish I could so regard that measure as a bill making it imperative to have better roads than there are in some places in this country. The bill proposed as an amendment to this bill is as follows:

That for the purposes of this act certain highways of the several States, and the civil subdivisions thereof, are classified as follows:

Class A shall embrace roads of not less than 1 mile in length, upon which no grade shall be steeper than is reasonably and practicably necessary in view of the natural topography of the locality, well drained, with a road track not less than 9 feet wide composed of shells, vitrified brick, or macadam, graded, crowned, compacted, and maintained in such manner that it shall have continuously a firm, smooth surface, and all other roads having a road track not less than 9 feet wide of a construction equally smooth, firm, durable, and expensive, and continuously kept in proper repair. Class B shall embrace roads of not less than 1 mile in length, upon which no grade shall be steeper than is reasonably and practicably necessary in view of the natural topography of the locality, well drained, with a road track not less than 9 feet wide, composed of burnt clay, gravel, or a proper combination of sand and clay, sand and gravel, or rock and gravel, constructed and maintained in such manner as to have continuously a firm, smooth surface. Class C shall embrace roads of not less than 1 mile in length upon which no grade shall be steeper than is reasonably and practicably necessary in view of the natural topography of the locality, with ample side ditches,

so constructed and crowned as to shed water quickly into the side ditches, continuously kept well compacted and with a firm, smooth surface by dragging or other adequate means, so that it shall be reasonably passable for wheeled vehicles at all times. That whenever the United States shall use any highway of any State, or civil subdivision thereof, which falls within classes A, B, or C, for the purpose of transporting rural mail, compensation for such use shall be made at the rate of \$25 per annum per mile for highways of class B, and \$15 per annum per mile for highways of class B, and \$15 per annum per mile for highways of class C. The United States shall not pay any compensation or toll for such use of such highways other than that provided for in this section, and shall pay no compensation whatever for the use of any highway not falling within classes A, B, or C. That any question arising as to the proper classification of any road used for transporting rural mail shall be determined by the Secretary of Agriculture. That the compensation herein provided for shall be paid at the end of each fiscal year by the Treasurer of the United States upon warrants drawn upon him by the Postmaster General to the officers entitled to the custody of the funds of the respective highways entitled to compensation under this act.

The provisions of this paragraph shall go into effect on the 1st day of July 1013 The provisions of this paragraph shall go into effect on the 1st day of July, 1913.

The bill proposes that we pay \$25 a mile for roads falling within class A, as an annual rental for the use of those roads for the rural mail service that may be performed on them, or so much of them as is so used.

I want to know if that \$25 a mile for those roads will, by reason of its payment, increase the Federal function performed thereon? Will there be an increased rural mail service on those roads by reason of this \$25 a year paid as rent? Will the salaries of the rural carriers be reduced so as to save the expenses incurred by paying this rent? Will the length of the route be increased by reason of paying \$25 a year rent on that kind of a road?

It is said somewhere on very high authority that the love of money is the root of all evil-not money, but the love of it.

The States are sovereign to the extent that they have not surrendered sovereignty to the General Government. The General Government is a government of limited powers, and can do nothing that is not authorized in the Constitution. I have never yet believed that it was the intention of the framers of the Constitution that Federal taxes should be collected for any other purpose than to discharge Federal obligations-obligations that are national in character. Now, I want to know why we should make a distinction and pay for roads of class B \$20 a mile. Does the rural carrier over such a road perform less service to the people than the one who goes over class A, a \$25 a mile per annum road? Then, coming down to class C, I want to ask you if the rural carrier on a road of class C will not do just as much Federal business as a rural carrier who goes over a road receiving the \$25 a mile rent?

Now, call it what we please and think of it as we may, really on these roads of the various classes now in existence we do on these roads of the various classes now in existence we do not, by paying this rent, additionally facilitate nor add to any existing rural service. Without paying any rent on roads of this kind, the functions of the rural mail carrier will be fully discharged. Is not that true? And if we had the parcel post or the parcel express mentioned in the rule making it in order to be offered as an amendment to the Post Office appropriation bill, the service required by this additional burden on the rural carrier can be fully discharged on any of the classes mentioned. Therefore it is not necessary, to perform the Federal function of carrying the mails or parcels by the rural carrier, that we should pay rent on the classes of roads provided in the pro-

posed amendment.

My friends, the only authority we have to do anything on this subject under the Constitution is the following: In defining the powers of Congress, one is "to establish post offices and post roads." What does that word "establish" mean? I am a Democrat. I think I am at least one of the "57 varieties," and I do not wear the Constitution as a hobble skirt to fall down in every time I turn around or try to walk; but having taken an oath of office to support the Constitution, I do not want to undertake to do something for which I can find no constitutional warrant. I understand the word "establish" has been construed by the courts to mean the power to construct and main-Under that section we collect taxes and appropriate them to build a post office.

What is a post office? It is a building for the purpose of collecting and distributing the mail. Is not that all of it? The function of performing the mail service being a Federal function, the post office is an incident necessary to it. What is a rural carrier? He is in effect a postmaster. He discharges the functions in part of a postmaster. A postmaster stays in the post-office building and receives and distributes the mail. The rural carrier gets on a horse or a mule or into a vehicle, takes the mail out over the designated rural route, and distributes and collects. The mail car that goes over the railroad is a traveling post office. The mail clerk therein is performing the functions of a postmaster or a clerk in a stationary post office.

We must determine what a thing is from its use. The duties of a rural carrier and a mail clerk and of a city carrier are along the lines of receiving, collecting, and distributing the mail. These acts of service are all Federal and not State.

Now, I think we have the power to appropriate any money necessary to the complete discharge of this Federal function of collecting and distributing the mail. If we have the power and authority to build a post office, we have the power and authority to use the public money in any other way that is necessary to facilitate the distribution and collection of the mail.

The function of the rural carrier is to go over a designated route and collect and distribute the mail. If the route is impassible, I think this constitutional provision authorizing us to appropriate money to establish post roads authorizes us to make make a building possible to perform the service that is required

to be performed in a building.

Therefore the Constitution is not in my way, because I believe we have the power under that clause of the Constitution to absolutely build a road from start to finish without any aid whatever from the locality or the people who patronize that route.

Then, if we have the right constitutionally to own directly and absolutely we have the right to lease; we have the power to rent, and to pay out money for it.

But that is all for the purpose of enabling the Government to do something that it could not do without the expenditure. We build the post office, or rent it, to enable the postmaster to perform the functions that could not be performed without it. hire the rural carrier to go out and receive and distribute the mail, because we could not do it otherwise. It is the same way with the city carrier, with the railway mail clerk—all of them perform functions that inhere in the service. So I think we have the constitutional power to rent, if it is necessary, in order to perform the service.

Now, I want to ask my friends who are in favor of this bill, if it does not pass, Is there 1 mile of road in the United States within these classifications on which the service is now performed that it will cease to be performed or be performed less efficiently?

Now, then, do you want as economical Democrats to go home to your people and say to them that we paid \$25 a mile for the rent of a road that we did not need and did not have to have and which added nothing in the way of discharging a Federal duty? Then why is it done? Why, Massachusetts, according to the latest report I have, has 49 per cent of her roads that would come within these three classes. Is there any doubt that Massachusetts would claim the money on all these roads if this bill passes?

Mr. HAMLIN. Will the gentleman yield?

Mr. SIMS. Yes.

Mr. HAMLIN. Has the gentleman any public buildings erected in his district since he has been a Member of Congress? Mr. SIMS. One.

Was it erected where the Government was HAMLIN. not able to obtain any other building?

Mr. SIMS. No.

Mr. HAMLIN. Then they could have done without the ap-

Mr. SIMS. Yes; the service would have gone on. They could have rented an old building, but the business had increased, and it got to where it was not sufficient and there was no building in town that could be rented sufficiently large to do the business. This was in Paris, Tenn. I introduced and voted for the bill, and I would vote for another just like-it.

Mr. BYRNES of South Carolina. Does the gentleman from Tennessee oppose this bill because of economy, because he does

not think that we ought to pay out the money?

Mr. SIMS. Now, if the gentleman from South Carolina will give me the opportunity I will tell him just exactly why I oppose it unamended. Now, I want to ask you, Can we go to the country and say that we were wise in voting money out of the Treasury that goes in through Federal taxes if it is not necessary to perform any Federal duty? I know what is claimed for this proposed amendment. It is claimed to be to encourage the States and counties and municipalities to build roads or to so improve them as that they will fall within one of the rental classes; to put money enough on roads to sufficiently improve them so that if they happen to be used by rural carriers or the star-route earriers they will get this rent. That is an indirect way of bringing about road building for State purposes wholly within the State by Federal taxation. It does not matter what you call it.

Let me ask you-take a road that is already built. You are going to get \$25 per mile per year for it for all time to come. You are not simply building a road and then stopping the ex- it not?

pense except for maintenance after it is completed, as they do with a post office; but this is \$25 a mile, and it goes on as long as the Government goes on or until Congress repeals the law. What is the object of it, my friends? It is to get those States that have a high percentage of improved roads to vote for this bill. Is not that really the practical object and purpose of it?

Mr. LEVER. Mr. Chairman, will the gentleman yield?

Mr. SIMS. Certainly.
Mr. LEVER. I would like to ask the gentleman if he can differentiate between the idea of this bill and the fact that we are now paying to the railroad companies a rent for the use of their property and also to private individuals for the use of the pneumatic-tube service in the city of Chicago, as pointed out by my friend from Illinois, Mr. MADDEN?

Mr. SIMS. Why, in the easiest way in the world. not paying a railroad company to carry any mail if there is no mail to carry on that road. We are not paying a railroad any more than it asks, are we? We are not paying a railroad a dollar except to perform an equivalent Government service. Is that not true?

Mr. LEVER. We are paying the railroad company so much as the contract calls for which was entered into between the two parties-the Government on the one side and the railroad on the other.

Mr. SIMS. Is not the object and purpose of that contract that the railroad company shall render a Federal service equivalent to the Federal pay that is received?

Mr. BYRNES of South Carolina. Mr. Chairman, will the gentleman yield?

Mr. SIMS. If the gentleman from South Carolina will give me more time; I have only 30 minutes.

Mr. BYRNES of South Carolina. Just answer this one question.

Very well.

Mr. BYRNES of South Carolina. The gentleman makes a distinction that nobody is asking for it. Are not the people of the country now asking for it through their Representatives, and will the gentleman tell me frankly whether he is in favor of the Government aiding in the building of roads-yes or noin any form?

Mr. SIMS. Oh, I can answer the question without using only two words, and I will answer it before I get through, and then I will give the gentleman something to vote for.

Mr. BYRNES of South Carolina. Will the gentleman answer me shortly whether he is in favor of it or not?

Mr. SIMS. Oh, I know what that means. I will ask the gentleman if he is in favor of it.

Mr. BYRNES of South Carolina. Will the gentleman tell me whether he is in favor of it and whether he has told his people at home that he is in favor of it?

Mr. SIMS. Oh, I will tell the gentleman my people know as much about my position as does the gentleman.

Mr. COX of Ohio. Mr. Chairman, I would like to ask the gentleman whether the framers of the Constitution contemplated that the Federal Government should build roads or that the State government should build the roads.

Mr. SIMS. I do not know what the framers of the Constitution meant when they made the provision about establishing and maintaining post roads. I do not know whether that meant that the Government should carry mail over certain designated lines or that the Congress should physically construct a post road.

Mr. COX of Ohio. Did it not mean that it was purely a Federal policy and should be borne by Federal expense?

Mr. SIMS. Of course, I have already said that the carrying of the mail and the delivery of it is wholly a Federal function, and that we have a constitutional power to provide for it fully and completely.

Mr. HOWARD. Mr. Chairman, will the gentleman yield? Mr. SIMS. It is impossible for me to yield to everybody and complete my remarks.

Mr. HOWARD. Has not this Congress construed the words "establish post offices and post roads," as far office is concerned, to mean the building of them? as far as the post

Mr. SIMS. I said that a few moments ago, and the gentle-man would know that if he had been listening to me—not the Congress, but the courts. I have said we can build these roads, and that we can rent them.

Mr. HAMLIN. Mr. Chairman, right on that point I wish to ask the gentleman a question. I usually find myself in accord with the gentleman from Tennessee.

If the Government of this country had the right to build these roads, that would carry with it the right to control them, would

Mr. SIMS. So far as the Federal use is concerned, and no farther.

Mr. HAMLIN. Does not the gentleman prefer if we give aid toward the building of these roads we should do it in such a way as to leave the control absolutely in the States rather than in the Federal Government?

Mr. SIMS. I will say—
Mr. HAMLIN. And would not that plan be a better plan

than for the Government to build the roads?

Mr. SIMS. Now, the bill on its face does not make it conditional to use one dollar of this money in the improvement of roads, either in paying for constructing or maintaining them. Now let us see. Suppose you have got a class B road. Five dollars a mile is the only difference in rent between a class A and a class B road. Would that cause anybody in charge of that road to spend \$500 or \$1,000 per mile additional in order to get \$5 more per mile in rents? Just drop down to class B, where you get \$20, then drop to class C and he will still get \$15. The difference in the amount of rent provided does not cover the difference in costs of the roads and will not be of any practical inducement if the road is of class B to build it up to class A, or from class C to class B.

Now, how are you encouraging the improvement of roads? In the first place, you do not need any improvement in classes A, B, and C, so far as use by the Federal Government is concerned. Now, I have assumed that we have the power under cerned. I have assumed that we have the power under the Constitution to build roads necessary to the performance of Federal requirements, or to own them, to operate and to main-Now, I want to know what roads need improvement tain them. most, in order to expedite the Federal service. Not one of the classes here mentioned needs any improvement whatever that is necessary to its use for Federal purposes. There is not a State in the Union with a mile of road coming in any of these classes that the people have petitioned this Congress to pay rent for their use. Now, it seems to me, in view of the fact that a parcel-post service of some sort will soon be established, or a parcel-express service will be established, and that the roads provided for in this bill do not need any additional improvement in order to perform such service and knowing full well that there are hundreds of thousands of miles of roads that are being used by rural carriers that do need improvement and are located in localities where the people, in justice to themselves and the other burdens they have to bear, are not able to build class C, class A, or class B roads, and therefore will be deprived of any benefit under this bill. Now, there is no use in being afraid of Federal interference. It seems to me that the Federal Treasury needs to be in fear of State interference instead of the States being afraid of Federal interference. Wherever the dollar leads, there is a way; and so New England and some of our beloved Members of Congress from the South and East decided they wanted to improve the navigation of the Atlantic Ocean by buying the tops of the White Mountains and others to promote a slow descent of the rainfall. [Laughter.] Now, why not have the courage of your desires and provide straight out that any road used to carry rural mail is hereby declared a post road, and then authorize the Postmaster General, by and with the cooperation and consent of the State and local authorities, to improve that road up to the standard of class C without any reference to what its costs per mile?

Now, in my own beloved State under the class of sand-clay roads, which are without gravel or macadam, in Green County it cost \$1,250 per mile to build. In Madison County, in my district, it cost \$1,500 a mile to build it, and in Sumner County, Judge Hull's district, it cost \$400 a mile to build. Now, with \$15 a mile rent it is \$15 on a \$1,500 investment in Madison County and \$15 on a \$400 investment in Sumner County. You can not fairly and justly reimburse the counties, States, and municipalities for roads that they have already built unless you put the rent on a percentage basis of cost. Now look at maput the rent on a percentage basis of cost. Now look at hacadam roads. A macadam road in Madison County, in my district-I am reading from a bulletin of mileage and cost of public roads in the United States, 1909, by J. A. Pennypacker, chief of road management, January 1, 1911—the cost of macadam roads in Madison County, in my district, was \$5,100 a mile on the average. The cost of macadam roads in Sumner County, in Judge Hull's district, was \$700 a mile. If you are going to reimburse the people of Madison County justly and fairly, you must reimburse them to the same extent on the investment that

you do Sumner County.

Mr. LEVER. The proposition is not to reimburse, but rent-

for use of the property.

Mr. SIMS. Show me any request from anybody for pay for the rural carrier going over these roads.

Mr. LEVER. The committee that had charge of this matter can show 40 Members of Congress, representing that many constituencies.

Mr. SIMS. Look under the head of gravel roads of Pennsylvania and look at the difference in costs. In the Berks Township district the gravel roads cost \$400 a mile; in Muhlenberg Township the gravel roads cost \$3,000 a mile. There is no uniformity in cost; no uniformity in outlay whatever. Here is a flat rate of return, or bounty, or subsidy, or rent, whatever you call it.

Mr. HAMLIN. Let me ask the gentleman on that very point. Do you make any distinction as to the railroads that take into consideration the cost of one road as compared with the cost of another?

Mr. SIMS. Not a bit.

Mr. HAMLIN. If you do not in railroad service, why do you in other service?

Mr. SIMS. Because we do not pay any more for railroad service than is necessary to get the service performed.

The CHAIRMAN. The time of the gentleman from Tennessee [Mr. Sims] has expired.

Mr. SIMS. I want to ask the gentleman from Tennessee [Mr. Moon] for additional time. He knows that I have been

interrupted very much.
Mr. MOON of Tennessee. I am sorry you are interrupted by so many gentlemen. I will give you five minutes more.

Mr. SIMS. Give me 10.

Mr. MOON of Tennessee. Well, I will give you 10.

Mr. SIMS. Now, I propose the following amendment to what is carried in the bill. It may not on its own merits be a wise amendment. I certainly think it is more defensible and wiser than the provisions in the bill, and I understand that the bill can be amended. As I see it the whole effect of this is to get money out of the Treasury of the United States for local State purposes.

I will read my proposed amendment:

I will read my proposed amendment:

That for the purposes of this act all highways of the several States and the civil subdivisions thereof, or any parts of same used by the United States for the purpose of transporting rural mall not hereinbefore mentioned and described, are hereby declared to be post roads.

That the Postmaster General under such rules and regulations as may be provided by him, by and with the cooperation and consent of the State and county or other local authorities having charge of the construction, operation, and maintenance of such roads shall, by contract or otherwise, cause all such roads or parts of roads not so improved by said States or local authorities, to be provided with ample side ditches so constructed and crowned as to shed water quickly into the side ditches, and to be continuously kept well compacted and with a firm, smooth surface by dragging or other adequate means.

That for the purpose of carrying out this provision of this act the sum of \$10,000,000, or so much thereof as may be necessary, is hereby appropriated out of any money in the Treasury not otherwise appropriated.

Now, this is a direct authorization to improve roads that need it. That brings or authorizes the bringing up of every road traveled and used for rural mail to the standard of class C in this bill. Are you opposed to it?

Mr. BARTLETT. That is a pretty good buncombe amend-

Mr. SIMS. It is a pretty good buncombe amendment, says the entleman from Georgia. Then I know it is in a class with all gentleman from Georgia. Then I know it is in a class with all other provisions of the bill, because, if it is buncombe, they are all buncombe, as the amendment I proposed is really needed, while none of the others are needed in order to have the required service performed.

Mr. BARTLETT. That is right.

Mr. SIMS. Class C is the lowest class provided for. Why do you Members who live in rural districts want the carriers in your districts to plod through mud and ice because the counties in which their routes are situated are not able to bring their roads up to class C? He carries the mail on schedule time, and it costs him more money on account of necessary equipment on account of the horses he kills.

Why not give this man, who has not a mile of road on his route of class A, B, or C, an improved road? Why pay rent to those who do not ask it and which does not result in benefiting the road on which the rent is paid, and let these other roads go without any improvement whatever because the localities are

not able to do it?

Now, take a small county like Perry, in my own district, with 8,015 people, with 400 miles of road to keep up. There are more miles per capita and per dollar of taxable property five times over than in some of the other counties in my district, and yet they have to have this Federal service performed, and the rural carriers in that small county are as much entitled to Federal money to improve the roads over which they labor as the man who travels on the automobile Appian Ways in the Eastern States. You may challenge the wisdom of either of

these propositions if you want to do so, but one is necessary to the service to be performed by the rural carriers while the

Mr. COX of Ohio. Will not the gentleman's amendment give

the discretionary power to the Postmaster General?

Mr. SIMS. It authorizes and directs him to improve any roads that

Mr. COX of Ohio. Any road which in his judgment-

Mr. SIMS. You have got to have somebody's judgment. It authorizes and directs him to improve any road, which, in his

judgment, falls below class C, by bringing it up to class C.
Mr. COX of Ohio. Then is it not apt to become a sort of campaign fund, if it is subject entirely to his discretion?
Mr. SIMS. Oh, if that is what you are afraid of, it might be

charged that \$15 or \$20 or \$25 per mile rent can also be used in

that way.

Now, further, the bill you are proposing here does not carry one dime of appropriation to put it into execution. The Committee on Appropriations has got to appropriate to pay your rent bill after the amount of rent is fixed. I will not say they will not do it. But why not deal with the people straight and

Mr. BARTLETT. Where will you get the money?
Mr. SIMS. Appropriate it out of the Treasury.
Mr. BYRNS of Tennessee. I will say to the gentleman that this bill does not go into effect until July 1, 1913.

Mr. SIMS. Then I will be ahead of you. By my amendment I will have the roads made ready before the law goes into effect. There will be plenty of money in the Mr. COX of Ohio. There will be plenty of money in the Treasury by July 1, 1913.

Mr. SIMS. I will ask the gentleman how many rural mail

boxes are there in the district of the gentleman from South Carolina?

Mr. LEVER. I do not know.

Mr. SIMS. There are thousands of them. Every one of them is under Federal control. It is made a Federal offense to tear down one of those boxes—an offense punishable in the Federal courts. Notwithstanding this fact, nobody refuses rural service. This improvement is authorized by the Postmaster General, by and with the cooperation and consent of the local State authorities, for the improvement of the roads. It does not per segive the Government control of it. We will have to pass supplementary legislation in order to do that. If we do, we will do what we had to do with reference to the Rural Free Delivery If anyone tears down a rural mail box, he is subject to indictment, although the Government does not own the box.

Mr. RUBEY. Is the gentleman sincere in advocating the

amendment he offers?

I will vote for it and do all I can to put it in the bill. Mr. RUBEY. Has not the gentleman said that he would shoot the bill full of holes by amendments?

Mr. SIMS. No; shoot it full of holes by arguments. Mr. RUBEY. The gentleman said "amendments."

Mr. SIMS. Oh, somebody put that into my mouth. Nobody said that seriously.

Mr. RUBEY. Then it was done jocularly.

Mr. SIMS. Here is a proposition that is workable and is not dependent on anybody's classification. We will get back immediately the money spent on the roads. Why object to it? Why pay these automobile Appian Ways \$25 a mile as rent, while refusing to accept my amendment?

Mr. RUBEY. I would like to ask the gentleman one more nestion. The gentleman is in favor, I understand, of the

Government aiding in the building of public roads?

Not as a general proposition, only as to post roads. Mr. RUBEY. And if this amendment which the gentleman has offered fails, eventually he will be found not voting with us in the passage of this pending bill?

Mr. SIMS. How does the gentleman know that?

Mr. RUBEY. I ask the gentleman if that is not so? Mr. SIMS. Well, I cross bridges only when I come to them. Mr. SIMS. Well, I cross bridges only when I come a laughter.] That bridge may never be reached. I say, as far another. [Laughter.] as I am able to understand the law, we have no power to levy Federal taxes and pay them out for roads except when those roads are post roads, and rural routes are the only post roads Therefore, I am in favor of voting for an amendment to improve those roads—all that is necessary in the performance of the Federal service now performed on them, or any service authorized to be performed on them, by the establishment of a percel past or parcel arrange. Hishment of a parcel post or parcel express.

I have discussed the same proposition for six years in my district, and if anybody wants to know anything about my position there, all he has to do is to read my speeches. I have always opposed the half-and-half business. I have always opposed the Federal construction of roads without a Federal purpose behind it, without a Federal object in view. I may be

wrong. This amendment that I have proposed may be unwise, but I say it is constitutional, and it has the merit of doing that which it professes to do. It builds roads instead of renting roads already built. The pending bill forces the rural carrier in counties not able to build good roads to plod along in the rain and snow and get no more pay than before.

Now, Mr. Chairman, how much time have I left?
The CHAIRMAN. The gentleman has two minutes left.
Mr. SIMS. Now, I do not know that I can add anything to what I have said in two minutes, but-

Mr. HAMLIN. In that case, I would like to ask the gentleman a question. Does not the gentleman think that if this bill became a law it would have the effect of encouraging people

in his district, who have no good roads, to build good roads?

Mr. SIMS. I will tell my friend that I went down to the bureau of the Department of Agriculture in charge of public roads, and I asked the engineers what it would cost in parts of my district, where it is hill, hollow, and valley, the same as in east Tennessee, to build roads of class C, as provided in this bill, and I was told that it would cost from \$1,000 to \$2,000 a mile. My people who have not got these roads are not able to build them at that price, bonded or otherwise; and \$15 a mile is no inducement to expend \$2,000 a mile.

Now, my friends, I am sincere about this. I am not opposed to giving what it is within our constitutional power to give,

but I see no other way to do it. [Applause.]
Mr. BARTLETT. The gentleman can add about \$20,000,000 to his provision for expense, and then not cover the necessities of the case

Mr. SIMS. Undoubtedly, but it will not all arise in any

Mr. MOON of Tennessee. Mr. Chairman, I yield to the gentleman from Missouri [Mr. Shackleford] 30 minutes.

[Mr. SHACKLEFORD addressed the committee. See An-

Mr. MOON of Tennessee. I yield to the gentleman from Illi-

nois [Mr. Buchanan] five minutes.

Mr. BUCHANAN. Mr. Chairman, as part of my remarks, I desire to have inserted in the Record the statement made by Mr. Oscar F. Nelson, president of the National Federation of Post Office Clerks, of Chicago, Ill., in the hearings before sub-committee No. 1 of the Committee on the Post Office and Post Roads of this House.

The CHAIRMAN. If there is no objection, that permission

will be granted.

There was no objection.

The statement of Mr. Nelson, referred to, is as follows:

THE NEED FOR LEGISLATION THAT WILL REGULATE OUR HOURS OF LABOR.

The statement of Mr. Nelson, referred to, is as follows:

The Need for legislation that will regulate our hours of labor. For years the post-office clerks have been petitioning the department to recommend to this committee that legislation be enacted that would regulate our hours of labor and define just how many hours shall constitute a day's work. In the past and at present there is no legislation on the subject, and while it is generally understood and taken for granted by the public that the Government employees are not required to work more than eight hours a day, and that Congress has by law recognized that eight hours is a just standard for a day's work and has provided that the employees of the Government shall not be required to work more than eight hours to earn a day's pay, yet both the public and seemingly Congress have overlooked the fact that there is nothing on the statute books that limits or defines the number of hours that shall constitute a day's work for post-office clerks.

We are the only Government employees, absolutely the only exceptions, as far as I have been able to learn, that are not protected by legislation in that regard. We can be required, and we have in the past and at present are required, to work 9, 10, 11 and more hours a day. The department or any postmaster can, by reason of the fact that we are paid by the year, and there being no law that defines or regulates our hours of labor, work us 24 hours each day if that was physically possible.

No recommendation has ever been made by the department in response to our petitions for legislation regulating our hours of labor. Why? Because every department head in the past has been anxious to economize somewhere in the expenditures, and very naturally they have tried to economize at the point of least resistance, and that point of least resistance has been the employee, especially the clerks. No one ever sees the clerks; very few of the public have the slightest iden of a post-office clerk's duties. The clerk does not come in conta

net amenable under the act that provides that laborers and mechanics shall not work more than eight hours a day. We have said, and we do now say, that the classification of us as "officials" does not compensate us for the long hours worked; neither does it restore our shattered health nor restore those whose lives have been shortened between the compensation of the long hours worked; neither does it restore our shattered health nor restore those whose lives have been shortened between the compensation of the long of the labor; and we are as skilled in our line of work as the most skilled mechanic found anywhere.

The wage centres of the Nation noted with satisfaction and appreciation the action of the House only a few weeks ago when you passed two work while not be permitted to work their employees on such work more than eight hours for a day's pay." That was a declaration by this present Congress as to its belief in the justice and benefits of the dight hour day stundard and should be performed the same.

In the large first-class offices some clerks are assigned to one class of work exclusively, such as selling stamps, issuing money orders, or distributions in the large citted an clerk self stamps, issuing money orders, or distributions in the large citted a clerk selfs stamps, issuing change as rapidly as the clerk, in way of loss, a sum equal to three days' pay. Any mistake he makes in handing out change or any counterfeit money he takes in las is loss. His maximum salary is, as you know, \$100 her month, as his loss. His maximum salary is, as you know, \$100 her month, as his loss. His maximum salary is, as you know, \$100 her month, as his loss. His maximum salary is, as you know, \$100 her month, as his loss. His maximum salary is, as you know, \$100 her month, as his loss. His maximum salary is, as you know, \$100 her month, as his loss. His maximum salary is, as you know, \$100 her month, as his loss. His maximum salary is, as you know, \$100 her month, as his loss. His maximum salary is, as you know, \$100 her

clerk does more studying and of a more difficult and disinteresting nature than does the average professional man in mastering and keeping up knowledge of his profession, whether it be medicine, law, or dentistry.

The time given to this study by the clerks at home is never taken into consideration by the department in estimating hours of work. Many clerks have become unbalanced of mind and committed to asylums because of the constant study required.

I respectfully ask in all fairness that you give consideration to the study required of the clerks when passing judgment as to whether we are not entitled to an eight-hour day.

The department undoubtedly is in possession of figures which will show that about one-half of the clerkal force of the post offices are employed at night; some of these not all night, but on tours that extend after S p. m. In the large cities there are many who report for duty at midnight and work until 9 a. m. The work of a distributor is performed standing up, and as his dispatch of letters and all matter must be absolutely accurate he is not only working under a physical but as well a severe mental strain.

The post-office clerk is a most skilled mechanic doing laborious work. When it is considered that about half of the clerks are deprived from participation of social life by reason of their being employed at night, and that in addition to the severe strain of working the unnatural hours of night they can not always get any rest or sleep during the day because of the noise and activity around them at home, and this is especially true of the clerks in cities like New York, Chicago, Philadelphia, and other large cities, where cost of living is such that the clerk's average salary of \$80 a month will not permit bilm to live outside of the congested districts, he must get the cheapest kind of rent; when consideration is given to such facts, gentlemen, I can not see or understand that there is any argument that can be advanced by the department or anyone else in opposition to the post-offic

We contend that every clerk employed at night should be on a six-hour schedule. The medical profession and all others who have given study to the effect of night work agree that six hours' night work is equivalent to eight hours' day work. We believe that if you gentlemen will report the Reilly bill providing for an eight-hour day favorably and support it on the floor of the House and it becomes a law that we will be able in course of time to convince the department that much work is being done at night now that could be done just as well during the day, with a saving of light expense and with more efficiency. We believe that merchandise and unimportant circular matter, such as catalogues and the like, could well be left over to be distributed the next day and a larger force be employed on day work in lieu of night duty. Freight departments of all railroads will not receive any freight after 6 o'clock at night; there is no reason and no demand that clerks be employed at night to work on matter that is unimportant, such as that mentioned.

The department argues that an eight-hour day for post-office clerks is not practicable, yet it contends that it is working the clerks on a practical eight-hour schedule. The department cites as a reason for opposition to an eight-hour day that "there is a wide fluctuation in the amount of mail handled at various periods," It is true that there is an abnormal amount of mail handled at various periods, such as the holiday season and at times when large mail-order concerns flood the mails with catalogues and circulars, but these fluctations occur at regular seasons. During the holiday season there is always in every post office, as in every express company and business house, a rush of work. Overtime compensation is always paid by private concerns. The other fluctuations caused by circulars and catalogues can be very readily handled without the necessity of overtime pay by proper administration on the part of the supervisory force and by keeping in touch with the heavy mailers an

prove exceedingly wasterii. Among the 00,000 clerks and carriers in the 2,351 first and second class offices there are many who would find in this opportunity to earn additional compensation such inducement to loiter and waste time that the additional cost of the service would be very large."

Dr. Grandfield by that statement reflects not only on the loyalty yes, the honesty, of the clerical and carrier force—for he who would deliberately steal time in order to earn additional compensation is dishonest—but he reflects on the ability of his own supervisory force. Certainly if a competent supervisory force is in charge they will as their first duty see to it that any clerk or carrier who is not competent and willing to do a fair day's work is not retained.

That statement in opposition to legislation as embodied in Congressman Reilly's bill demonstrates how futile are the efforts of the department to find a substantial argument with which to combat the clerks' reasonable request for an eight-hour day.

Admitting for argument's sake that the department could not find any other way out of it but pay for the overtime work when the mail fluctuates—certainly the department can not contend that these abnormal periods come very often, because if that was the case the department is admitting that we are working over eight hours a day now very often, and they deny that.

The sum and substance of the situation is that the department would rather that they have the authority to work us an unlimited amount of hours than employ the force necessary to efficient service or pay us for overtime. That we are not desfrous of working overtime is best evidenced by the fact we are not asking time and a half or double time for overtime work. We would rather have a law that would prohibit over eight hours' work a day, if such a law were constitutional or did not interfere with the interests of the service.

All that the post-office clerks request that you gentlemen of this committee and the other Members of Congress do before passing ju

As a side remark, I want to mention the fact that in the spring of 1910, before I was removed from the postal service, I was employed in the city delivery division of the Chicago office on the day set, and for the want of about 25 additional clerks in the city division, mail that was being transported into Chicago on fast-mail trains and at enormous expense to the Government and which should have been worked up and delivered on the first mail delivery in the loop district was not worked up until noontime for weeks and weeks in order to economize to the extent of the cost of about 25 additional clerks, the Government paying a bonus for fast special service by the railroads to get that mail into the city of Chicago at such an hour that it could be worked up and distributed and delivered to the business men on the first delivery.

It has been demonstrated time and time again that an employee working a reasonable number of hours each day under decent conditions can and does accomplish more within the eight hours and produces a better class of work than the worker who toils an unreasonable number of hours and has not sufficient time to recuperate and keep himself or herself in good physical condition.

I can say authoritatively that the enactment of such provisions as are contained in the Reilly bill, and which will grant us justice, an

eight-hour day, will not increase the cost of clerical hire to any noteworthy extent. The trouble has been, and is now, the cause of the department's opposition—that they believe the working of the clerks long hours has effected economy, and they desire to continue to have the clerks as the source of economy. But in reality long hours has not been economical to the department; they have not on the whole gotten any more work from the clerks. Enact the Reilly bill and it will compel the department to get busy on a plan of schedules and arrangements that will permit of the clerks handling the mail within the eight hours. They have never had to do it, and therefore no great effort has been made along that line. It will cause the supervisory officials to see to it that they get in touch with the heavy mailers in their town or city and arrange to have the mail sent in as it is made ready for mailing, and then there will not be tons of circulars dumped in the office at one time and without notice or possibility to handle it efficiently and speedily. It will cause them to have a trained auxiliary force to meet any emergency that is not avoidable. The clerks under an eight-hour schedule will work with more vian and vigor and a greater degree of accuracy than they can possibly do now when they are required to work a long stretch of hours, because the supervisory force do not take the trouble to arrange avoidable conditions.

Gentlemen of the committee, I plead with you that you give this consideration with the thought in mind that you want to do justice to the clerks and the service. If you do, I am more than sure that you will report the Reilly bill out, with your recommendation that it do pass, at the same time that you report out the appropriation bill. Knowing the deadly effect of the "point of order" that permits one Member of Congress to assassinate legislation that is attached to appropriation bills, I plead with you to report it out as a separate measure.

The Chairman. Why separate bill? If we had a rule to make

order would not that be sufficient?

Mr. Nelson If you could safeguard it against the point of order.

The Charrman. We might be able to do that if we conclude to do it at all.

Mr. Nelson. I trust you will conclude to do it and will be able to make that arrangement.

The letter carriers enjoyed an 8-hour law for years until a year or a little more ago, when Mr. Hitchcock succeeded in having the Court of Claims render a decision that a provision in an appropriation bill of some years ago providing "that carriers should not be worked more than 48 hours during the 6 working days of the week" was permanent law, and the department has since been working the carriers on that basis. On that basis much injustice has developed because of the leeway that it permits of working a carrier of hours to-day and 7 to-morrow. The fact that efficient service was rendered and no embarrassment to the service resulted when the carriers were under a straight 8-hour law is the best argument that can be advanced that the Rellly bill is not an untried proposition. Both the clerks and carriers are entitled to its just provisions.

I must, however, in justice to the clerks—and I believe that the carriers will understand, and I hope this committee will, that my pleading is for justice to both the clerks and carriers and that I make the statement clear that full justice will never be done on the hour question until such a measure as is the Rellly bill is enacted. But I desire to make this additional statement: That should this committee in some way become of doubtful mind as to the advisability of enacting the provisions of the Rellly bill—and I can not see how that can happen, but in the event that it does—I say to you on the department's own argument "that the regulation providing a 48-hour week for carriers is satisfactory to the service." that certainly the post-office clerks, with the scheme study and night work required of them, are beyond a question of doubt entitled to a regulation that will regard to providing for 1 full day's res

rormer Congressman Goebel introduced in the Sixty-first Congress, providing for 48 hours a week of 6 days.

The bill referred to by Mr. Nelson follows:

"A bill to regulate the hours of labor of clerks in first and second class shall be required to work not to exceed 48 hours in any one week, except as hereinafter provided.

"Sec. 2. That all clerks designated in section 1 of this act shall be allowed one full day's rest in each week with full pay therefor.

"Sec. 3. That the hours of duty of each clerk shall be performed in 8 consecutive hours in each 24, or as near thereto as may be possible.

"Sec. 4. That when any clerk is required to work more than 48 hours in any one week, said clerk shall receive extra compensation for all time worked in excess of 48 hours at the regular rate of pay of said clerk: Provided, That in no case shall pay for overtime be at a rate less than 30 cents per hour."

It was said for years that the post offices could not be closed on Sundays, and that compensatory time off for Sunday work could not be given. That was said before the department really tried to work out a schedule to grant such time. To-day—thanks to the provision that was carried in the last appropriation bill which served to awaken some postmasters to try to arrange for compensatory time off for Sunday work—it has been done in many offices; but in view of the fact that the provision was not mandatory in its provisions there are some postmasters who have refused to try to comply with your suggestion made last session.

Congressman Reilly's bill provides that it shall be mandatory to grant compensatory time off for Sunday work. It is only by mandatory provisions that Congress can hope to have its will carried out when so many are to be relied upon to interpret the same. I desire to call your attention to this fact relative to compensatory time off for Sunday work. That in effect, even with its provision obeyed, it does not give to the clerk one full day of rest per week. In most all instances the Sunday work performed

order clerks to report for duty for two hours on Sunday when at times that could be avoided. That is done because they can afford to grant two hours off without much inconvenience during the week. As a clerk must spend time in coming and going from work to put in two hours, it is preferable almost to work a full day on Sunday and have a full day off during the week. By providing for one full day off during the week you would check unnecessary Sunday work, and the clerk could get the benefit of one complete day's rest.

I have devoted considerable time to a portrayal of the emphatic need of legislation to regulate the hours of labor of post-office clerks. I believe that I have pointed out the character of the work they do, its demands on them mentally and physically, and the conditions under which it is performed. I have wanted to do this accurately and thoroughly, so that you might be duly impressed with the need for action in response to our very just request. I hope that I have accomplished my purpose. This need is paramount to all our needs for legislation, with the exception of that embraced in the measure known as the Lloyd bill, providing for the restoration of our rights as American citizens.

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THIRTY DAYS' VACATION.

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THIRTY DAYS' VACATION.

The organization I represent have gone on record as being opposed to the legislation recommended by the Postmaster General to provide him with the authority to give us 30 days' vacation. The form of a bill for 30 days' vacation that he advocates and has been pushing leaves it optional with him as to the number of days' vacation that should be allowed; it would repeal the present mandatory 15-day vacation act and he might then decree to grant us only 5 or 10 days' vacation. That is one reason for our failure to indorse his movement and recommendation for 30 days' vacation.

In this connection permit me to also call your attention to the fact that the Postmaster General, evidently in an effort to forestall the enactment of legislation to regulate our hours of labor, has established in some post offices a rebate system for the rebating of all time worked in excess of eight hours a day averaged for the year; that is to say, that in some offices the time worked for the year; that is to say, that in some offices the time worked for the year is aggregated, and whatever time in excess of the time that eight hours a day multiplied by the number of working days in the year amounts to is rebated by granting the time off at convenient periods during the following year. I want to say very frankly that the clerks appreciator receiving such a rebate rather than none at all. But I do want to call attention to the fact that working us 10 hours a night for two or three months straight and thereby shattering and undermining on health can not be compensated for by allowing us time off the following year. Such a system is far from being as economical as the Postmaster General believes it is. During the time that the clerks are working the 10-hour a day or night stretch they are accomplishing not one whit more than if they came down to work each day kn

Mr. BUCHANAN. Mr. Chairman, Mr. Nelson is one of the most intelligent men active in the trade-union movement, and his honesty and sincerity of purpose and fidelity to a principle were well proven when his steadfastness to the cause of the postal clerks caused him to give up his position in the Chicago post office. Mr. Nelson, as president of the National Federation of Post Office Clerks, has studied this question from the viewpoint of the best interests of the postal employees and postal service, and is well qualified to know the needs of adopting legislation which is incorporated in this Post Office appropriation bill for the purpose of improving the conditions of the postal employees

Mr. Chairman, there are several legislative features in this pending Post Office appropriation bill of great moment to the vast army of postal employees of this country. The provision contained in this bill to establish an eight-hour day for postoffice clerks and city letter carriers is of such obvious merit that it is difficult to understand why such legislation has not been enacted long ago. Another provision in this bill, that which restores to the postal employees of the country their citizenship with its right of free speech guaranteed to them by the Constitution is second to no other feature of this bill in ifs far-reaching importance.

Mr. Chairman, I wish to present a statement of the United National Association of Post Office Clerks, in which the adoption of both these provisions is earnestly advocated:

The United National Association of Post Office Clerks is an organization of more than 22,000 members, composed of the clerks employed in the first and second class post offices of the country. Year after year in its annual conventions it has gone on record asking for the establishment of an eight-hour day. For more than 15 years it has

inspired the introduction of bills to establish an eight-hour day, but all of these bills year after year have been permitted to slumber in the pigeonhole of the Post Office Committee.

The Post Office Department has chosen in all of these years to strongly oppose the enactment of legislation looking to the establishment of an eight-hour day for post-office clerks. Post Office Department, in different reports, has contended that the clerks did not actually average more than eight hours a day. The department has also professed its belief that eight hours was sufficient to constitute a day's labor. Notwithstanding all of these protestations the hours of the clerks have been so long and the working conditions under which they have labored have been so burdensome as to make conditions well nigh intolerable. For three years the United National Association of Post Office Clerks has declared at each annual convention that the establishment of a legal eight-hour day for post-office clerks was their greatest need and their paramount issue. While other conditions in the service need legislative correction, this organization has been compelled to recognize that no other issue even approximated the importance of the enactment of an eight-hour bill. Ever since 1868 it has been the policy of this Government to require not more than eight hours of labor each day from its employees. There has never existed any reason why this army of post-office clerks should have been denied the benefits of that recognized policy of the Government. On June 30, 1911, there were 32,319 clerks employed in the 2,351 first and second class post offices of the Uhited States. It is perfectly obvious that the hours of labor of such a vast army of employees can only be safely regulated by legislation. To permit each one of the 2,351 postmasters of the country to use his own discretion as to what constitutes a day's labor could only invite the chaos, discrimination, and favoritism which has prevailed. Statistics gathered by the United National Association of Post Office Clerks for the month of October, 1911, reveals the fact that the clerks in 230 first and second class post offices in almost every State in the Union have actually been employed from 9 hours to 12 hours a day exclusive of all time off for meals, and so forth. It must be remembered that these clerks are very frequently employed in poorly ventilated and insanitary buildings not suited to post-office work. A very large percentage are employed at night working under artificial light. A large percentage are distributors upon whom depend the prompt and expeditious dispatch of the mails.

These distributors to be proficient must devote hours of study at home in the mastering of difficult schemes of distribution. These clerks must memorize the names of post offices in many States; they must know the railroads by which the mails can be dispatched; they must know at what particular hour of the day or night to dispatch a letter by the proper road, for there are many roads with trains departing at different hours of the day or night. These men have little or no opportunity to be seated while at their work, and they are constantly exercising both body and brain. The department in opposing this legisla-tion contends that it might be impractical, because the mails do not flow evenly at all seasons of the year. The best answer to this argument is to say that there is no business of any character in this country in which there is not a change in the volume of the same at different seasons. As a matter of fact, a study of the postal receipts, which constitute the best criterion as to the volume of mails, shows remarkable uniformity in the volume of mail. For eight months of the year—September, October, November, January, February, April, May, and June—the average monthly receipts for the 50 largest offices of the country is \$9,597,815.88. The receipts for November, the heaviest month of these eight, were \$9,956,475.20. Thus it will be seen that for eight months of the year there is remarkable uniformity in the volume of the mall. In July and August, the midsummer months, the receipts are materially less, but there is no relaxation for the clerks, for during these two months these 32,319 clerks take their annual vacations, allowed by law, The clerks remaining on duty must discharge in of 15 days. addition to their own duties the duties of the clerks who are on vacation. As a result in very many offices the clerks actually work in excess of eight hours a day, even in these midsummer months. In December and March the volume of mail is very much greater than the volume during the normal eight months of the year. However, through legislation enacted in 1907, the department has the right to employ auxiliary help at the rate of 30 cents an hour, and if proper advantage of this existing legislation is taken, all of these emergencies can be met.

This proposed S-hour legislation in this bill provides that the clerks and letter carriers shall work S hours within 10, and that if the needs of the service require they can be requested to work in excess of S hours, provided that they be paid extra for the same in proportion to their salaries as fixed by law. These employees, in seeking legislation specifically stating that the proposed S hours may be stretched over a period of 10

hours, show a very reasonable attitude. Naturally the clerks and carriers would prefer to work 8 hours within 9 hours, but to give the service every possible advantage they have yielded this point and have asked that the 8 hours shall be covered within a period of 10 hours. Under existing conditions where 8-hour schedules are supposed to obtain, the 8 hours are frequently stretched out over a period of 12 or more liours. This is a condition that the United National Association of Post Office Clerks has long tried to bring to the attention of Congress. A system has grown up in the postal service whereby clerks and carriers are compelled to register off duty for periods of one hour or more at different times of the day. This time off duty is of no advantage whatever to the employee, and he would much prefer to be steadily employed. In opposing this legislation the department has contended that that clause which provides that the employees shall be paid extra for time worked in excess of 8 hours each day would provide an opportunity for these employees to purposely extend their time beyond 8 hours to increase their compensation. Such a charge should be unworthy of a great department of the Government. The lack of confidence which such a charge indicates in the rank and file of the employees can not be justified. The clerks and carriers are as loyal to the service as are their superiors. Their only purpose is to secure an 8-hour day. By asking for the insertion of this clause-that the 8 hours may extend over 10 hours-they showed a disposition to meet the emergencies of

It must not be overlooked that any proposed 8-hour legislation which does not provide for pay for overtime would not be mandatory. The courts have frequently held that legislation regulating the hours of the employees, which did not provide a penalty in the event that the men were permitted to work more than eight hours, was merely directory and not mandatory.

As a matter of fact, if this proposed S-hour legislation is enacted, it will simply mean that the supervisory officers of the Post Office Department, who are paid to supervise the work of the employees, will have to readjust the schedules of the employees so that their duties can be performed each day in 8 hours within a period of 10 hours. The department contends that it will prove very expensive to pay these employees for their overtime. Certainly this contention can not be given serious consideration in opposing this legislation. Even if it were true that there would be an increased cost to the Government, can anyone justify the withholding from these employees the just compensation which they have earned? The First Assistant Postmaster General, in a statement before the Post Office Committee in the hearings on this pending bill, stated—

about 85 per cent of the carriers and clerks complete their tour of duty within 10 hours, and probably 95 per cent within 11 hours, but in some instances their 8-hour tours of duty extend over 12 or 13 hours, I presume.

This official statement of the First Assistant Postmaster General shows conclusively that there will be no considerable increase in the cost of this service, and it is hard to understand the attitude of the department in opposition to this legislation after such a statement as above quoted has been made. A clause in this bill provides as follows:

That should the needs of the service require the employment on Sunday of letter carriers in the City Delivery Service and clerks in first and second class post offices, the employees who are required and ordered to perform Sunday work shall be allowed compensatory time off on one of the six days following the Sunday on which they performed such service.

For years and years it has been customary to open the post offices of the country on Sunday. This practice necessitated that many clerks and carriers had to be on duty on Sundays as well as any other day. For this Sunday work they received no consideration whatsoever. The last Congress incorporated a provision in the appropriation bill to the effect that for services required on Sundays these employees "may" be allowed compensatory time off on a week day for the time worked on Sunday. Because of the use of the word "may" the department construed this legislation to be permissive rather than directory, with the result that there are upward of 300 offices of the first and second class now where the clerks are not receiving compensatory time off for their Sunday work.

In a great many other offices where the compensatory time is given it is doled out to the employees in installments of 10 or 15 minutes a day. Of course this time so distributed is of no use to the employee. The clause in this pending legislation makes it mandatory to give the employees time off for all necessary Sunday work, and it further provides that they shall have this time off for this Sunday work on some one day.

AS TO LETTER CARRIERS.

On May 24, 1888, Congress enacted what was known as the letter carriers' eight-hour law. Notwithstanding the enactment of that law, no genuine effort was made by the post-office

officials to put the same into effect until after a decision of the Supreme Court on a suit to recover pay for overtime. As a result of that suit the Government was called upon to pay approximately \$3,000,000 on claims of letter carriers who had worked in excess of eight hours. On January 1, 1895, following the decision of the Supreme Court, Postmaster General Bissell issued an order to prevent the further making of overtime by letter carriers. From that time on the department exercised such supervision over the schedules of the letter carriers that no overtime was ever permitted and in all of these subsequent years the public received a satisfactory service. The letter carriers continued to enjoy the benefits of their eight-hour law until June 30, 1900. When the Post Office appropriation bill for the year ending June 30, 1901, was under consideration, Mr. Loud, chairman of the committee at that time, offered an amendment from the floor, which reads as follows:

Provided, That letter carriers may be required to work as nearly as practicable only 8 hours on each working day, but not in any event exceeding 48 hours during the 6 working days of each week, and such number of hours on Sunday not exceeding 8, as may be required by the needs of the service; and if a legal holiday shall occur on any working day, the service performed on such day, if less than 8 hours, shall be counted as 8 hours without regard to the time actually employed.

This 48-hour law for letter carriers did not give satisfaction either to the officials of the department or to the letter carriers. In 1901 the department called upon the Assistant Attorney General for the department for an opinion as to the life of this 48-hour provision above quoted. The legal opinion rendered was to the effect that the proviso in the appropriation act above quoted ended with the year for which the appropriation was made. The following year the letter carriers were again placed back under the provisions of their regular 8-hour law. This was in 1901. In 1909 the Postmaster General instigated a suit in the Court of Claims to determine whether the 48-hour proviso in the appropriation act of 1901 superseded the letter carriers' 8-hour law of 1888. Finally, on May 31, 1910, the Court of Claims handed down a decision that the 48-hour proviso in the appropriation act of 1901 was in full force and effect. Following that decision the Post Office Department issued orders that the carriers should be placed back on the basis of 48 hours per week rather than 8 hours per day. The 48-hour per week proviso contained no penalty clause giving the carrier the right to recover in the event that he was compelled to work more than 48 hours per week. There has been much dissatisfaction since the carriers have been placed back on the 48-hour per week basis. The temptation exists, and has been taken advantage of, to drop a trip on one day and add on an extra trip some other day. Naturally this taking advantage of every possible moment of the carrier's time militates against the regularity of delivering mail and leads to dissatisfaction and complaints among the business people. The fact that the carriers were not permitted to work overtime from 1895 to 1901 is the most conclusive evidence that schedules can be so arranged as to provide for 8 hours' work without overtime. While the post-office clerks have never been protected by any legislation whatever as to their hours of labor, it will be observed that the carriers did have some protection. But since this recent decision of the Court of Claims, under which it has been declared that the carriers' 8-hour law of 1888 is nullified, the letter carriers are also practically without legal protection as to their hours of labor. Consequently it has become a paramount issue of the letter carriers to reestablish their 8-hour day. National Association of Letter Carriers, composed of some 30,000 letter carriers in the first and second class post offices of the country, have made common cause with the United National Association of Post Office Clerks in seeking a genuine 8-hour day law. These two organizations are in thorough agreement as to the provisions of this pending 8-hour legislation which the Post Office Committee has incorporated in the Post Office appropriation bill.

THE GAG RULE.

The Post Office Committee has incorporated in this appropriation bill the bill which was introduced by Mr. Leave of Missouri, to free the civil-service employees of the Government from the operation of the so-called gag rule, first promulgated by former President Roosevelt and afterwards reissued by the present Chief Executive of the Nation. Under this rule the employees were prevented from appealing to either House of Congress or to any committee of Congress or to any Member of Congress for legislation to remedy their working conditions. No rule was ever issued which has been more obnoxious and more galling to the employees of the Government. To say that because men take employment in the Government service they must sacrifice their citizenship and their right of free speech is an absurdity which would be humorous were it not for the seriousness of its effects. The purpose of the gag rule was to pre-

vent the Congress from learning the actual conditions that surrounded the employees of the service. Under its operation the committees of Congress could hear but one side of the story as to how the employees were treated. That conditions in the postal service have been so bad has been largely due to the fact that the employees were intimidated through the existence of this gag order from effectively making known to Congress the real conditions that prevail. The Lloyd bill also provides that no employee shall be removed from the civil service without being furnished with a written copy of the charges preferred against him and an opportunity to submit a defense in writing and to submit affidavits in support of his defense. It is further provided that a full and complete record of each case shall be annually reported to Congress. The effect of this legislation will be to give the employees a degree of self-confidence which they can not feel at present. The officials of the postal service will be very slow to prefer charges against an employee because of an ambition to satisfy a personal feeling or because an employee might hold to different political belief. this order will be to give associations of postal employees the right to appeal directly to the different committees of Congress and will result in all of the facts being made known. sonnel of the postal service is of a very high order. The rank and file can be depended upon not to take advantage of this liberty which was theirs and is now being restored to them through the sense of justice which animated the Post Office Committee in putting this legislation in the appropriation bill. At the last annual convention of the United National Association of Post Office Clerks the first resolution acted upon by that body was a resolution indorsing the Lloyd bill and praying Congress for its speedy enactment. That resolution was carried unanimously and with enthusiasm. The employees affected by this legislation will entertain the strongest sense of gratitude to the Congress that enacts into legislation these two provisions-the eight-hour law and the antigag law.

In adopting this eight-hour provision we will give the postal employees protection which has been denied them by the Republican administration for lo, these many years. It will prove my claim that the Government employees can only secure redress by the overthrow of the present administration and the misrule of the Republican Party, and put the reigns of the Government in the control of the Democratic Party, under the leadership of a true Democrat, the Speaker of this House, a man who never turns a deaf ear to the appeals of the workingmen. In adopting the eight-hour provision and throwing greater safeguards around the life and limb of the postal employees this Democratic House is responding to the appeals of the postal employees, which have been received by the Republican Party when in full control of Congress with deaf cars. In passing, with our approval, this provision the Democrats are fulfilling their campaign pledge made to the workingmen of the country, just as we have fulfilled other promises by the passage of the bill providing for the extension of the eight-hour law for Government contract work, the prison-labor bill, the bill providing for a children's bureau in the Department of Commerce and Labor; also by the passage of bills reducing the tariff on the necessaries of life which, if approved of by the Republican Senate and the President, will result in a material reduction in the high cost of living.

The Democratic Party holds that a campaign promise is a solemn pledge to be faithfully discharged when it has been intrusted with power, but consider this in contrast with the Republican Party, whose every action indicates that it makes promises to give the people remedial legislation solely for campaign purposes and to be violated when once intrusted with power. The great Democratic Party, by virtue of this pledge and performance, makes itself the great agency through which the expressed will of the people may be secured, while on the other hand the Republican Party becomes the implied, if not the expressed, agent of plutograps.

the expressed, agent of plutocracy.

When the Speaker of this House is President of these United States [applause] and the Democratic Party in full control of our National Government, then indeed can the workers, both in public and private employment, rejoice, for then they will be able to secure redress from the many evils and burdens flowing from the many years of Republican misrule. The Government will again be wrenched from the control of plutocracy, secured

in the hands of democracy, and equality and justice will reign supreme.

It has been said on the floor of this House that our Government employees have not the courage to exercise their influence in politics to free themselves from the hardships that they suffer. I deny this charge. It is not true. They have been deceived for years by the false promises of the leaders of the Republican Party, but they are now fully awake to the deception that the party of plutocracy has practiced upon them and

the working people of our country, and when the votes are counted in the next November election it will be found that the workers have both the intelligence and courage to throw off the yoke of oppression that has been placed upon their shoulders by greed and avarice. While oppression in many instances has been their lot, deception practiced upon them, and promises made apparently in good faith and so accepted have been unfulfilled, yet with all this their spirit remains unbroken; and since they have come to the full realization that it is impossible for them to get redress from the party of wealth and power, the party of plutocracy-the Republican Party-they will unite their forces with the enlightened freemen of America to elevate to the highest office in the gift of the people of this Nation the man who believes and puts into practice that "a public office is a public trust and a public official is a public servant,' that this Government of this great American country should be made a Government of the people in fact by operating it for the benefit of the whole people instead of for the benefit of a privileged few-the man who believes that equal rights for all and special privileges for none is more than a mere glittering generally, but should be made an actual condition of human So they are turning to the Hon. CHAMP CLARK, whose rugged honesty, sincerity of purpose, and fidelity to a principle will justify their confidence and support. [Applause.

Mr. GARDNER of New Jersey. Mr. Chairman, I yield to the gentleman from Massachusetts [Mr. GILLETT].

[Mr. GILLETT addressed the committee. See Appendix.]

Mr. GARDNER of New Jersey. Mr. Chairman, I yield to the gentleman from Illinois [Mr. McKenzie] such part of 30 min-

utes as he may wish.

Mr. McKENZIE. Mr. Chairman and gentlemen of the committee, it is certainly embarrassing to attempt to address you at this late hour, but it seems to be my opportunity in the discussion, and I want to make a few observations on the bill under consideration. In the first place, I want to congratulate the distinguished chairman of the Committee on the Post Office and Post Roads and the members of that committee for the many good recommendations in the bill now before us. plause.]

It contains many things that appeal to me, and which ought to appeal to every Member of this House. The provision re-quiring that in the near future all mail cars shall be constructed of steel or other indestructible material is a wise and humane provision, and it ought to have been legislated into the law of the land long ago, for it means better protection for the lives of the railway mail clerks in their most hazardous occupation. Again, the provision shortening the hours of labor and granting higher compensation to the clerks and employees in the postal service meets with my hearty approval. I have always felt that the wage earner, whether employed by an individual, a corporation, or the Government, should receive such a reasonable wage as would enable him to live in ordinary comfort, clothe his family respectably, educate his children, and by the exercise of reasonable economy and frugality, lay aside a sufficient sum to purchase a home in which to dwell in the declining years of his life; in other words, in the closing years of life, when no longer able to perform manual labor, he could have a home to dwell in and not be driven from place to place and perhaps ultimately become a public charge.

I am in favor of the Government regulating the great publicservice corporations of the country, and in such regulation of the rates charged by such corporations to permit the charging of such rates as will enable the corporation, after paying all other necessary charges and expenses, to pay such a wage as I

have mentioned.

I wish to briefly refer to that provision of the bill that breaks the fetters that have heretofore bound the men in the postal service in such a way that they dare not bring their grievances to the notice of the department, except in such manner as provided by their superior officer; dare not solicit the aid of their best friend, should he happen to be a Member of Congress, in order to have him intercede in his behalf. I am glad that such restriction is to be removed and that hereafter we will recognize in this country that when a man enters the Government service he does not surrender any of his rights or liberties as an American citizen. [Applause.]

Mr. BARTLETT. May I ask the gentleman if any other rule ever prevailed until the last two years?

Mr. McKENZIE. I do not know. I will simply say that I want to see the regulation abolished.

Mr. BARTLETT. I agree with you. Mr. McKENZIE. To the end that no autocratic superior holding an official position in the Government may enforce any such rule against an inferior.

Mr. BARTLETT. I agree with the gentleman; but it was never until the last two years that such an autocratic rule was attempted to be enforced.

Mr. McKENZIE. I believe in the maintenance of discipline in the Government service, and I would dismiss a disturber without ceremony. But such a rule as has been in force is, in

my judgment, unfair and un-American.

As to the provision relating to a parcel-post system, I am not so sure that the committee has met the expectations of the people. However, it is a great problem, and one surrounded by many apparent difficulties, and it may be that the recommendation of the committee to simply experiment on a small scale at first, until experience demonstrates the wisdom of enlarging the scope of the law, as was done in the rural-route service; may be the wise course. At any rate, it is not my purpose to discuss that particular portion of the bill, well knowing that there are many men here who will discuss it and who are prepared with facts and figures that will tend to give us more light on the subject. I therefore feel that anything I might say would not be of any advantage to the members of the committee.

My main purpose in addressing the committee was to say a few words in regard to the proposition, made a part of the bill under special rule, relating to Government aid in maintaining

post roads in this country.

It has been said on the floor of this House in opposition to this measure that it is unconstitutional, and, further, that it will be the commencement of a raid on the Treasury that will in the end bankrupt the Nation, and, strangely enough, much of this opposition comes from men who have been Members of the House for many years and have witnessed raid after raid made upon the Treasury that would make this raid look very small by comparison,

Mr. AKIN of New York. Will the gentleman yield?

Mr. McKENZIE. Yes, sir; for a question. Mr. AKIN of New York. Do you know of there being any thought of a commission by anybody to examine into the matter of the appropriation of \$75,000 for the post-office building out at Sundance, where they have 201 inhabitants, in the State of Wyoming?

Mr. McKENZIE. I have heard about that. I have no objections to the people of Sundance getting a public building along with the other cities of the country.

Mr. AKIN of New York. You do not know about a commission being appointed to ascertain whether they should have a building or not?

Mr. McKENZIE. I do not know anything about that.

Now, I want to say in all frankness that this proposition is a new departure in legislation. It is something new for the House of Representatives to be considering the advisability of using Government money in the maintenance of public roads in this country under the name of post roads, and it may be that no man can foresee the extent to which this will be carried if once entered upon by Congress.

However, my friends, when I stop to think that in the years that have passed Congress has appropriated over \$800,000,000 for the improvement of the inland waterways of this country, I am not unmindful of the fact that during all that time the transportation or navigation of the navigable waterways of the country has been growing less and less as the years went by. So far as I am individually concerned, I do not seriously object to these appropriations when it can be shown that they will result in some practical benefit to the people. I am in favor of improving and maintaining good harbor facilities at our lake and deep-water shipping points where some practical use can be made of them, but I am unalterably opposed to appro-priating the public money for the purpose of so-called development of inland waterways which, even if made navigable,

would be of no earthly use or advantage to the people.

The money to pay for all these projects has been collected from all the people, and will continue so to be, and the end is

not yet.

There are some astounding proposals now pending and being agitated; for example, what is known as the Newlands plan, which contemplates the expenditure of \$50,000,000 a year for 10 years for the purpose of standardizing the rivers, irrigation of arid land, reforestation, the building of reservoirs, and many other projects. But in order that I may not be misunderstood or in any way misrepresent the facts I submit the following, taken from an article written by Philip R. Kellar and published in the April (1912) number of the Waterways and Commerce Journal, in which he uses the following language:

The bill appropriates \$50,000,000 a year for 10 years for the "river-regulation fund," to be used "for the regulation of interstate commerce

and in aid thereof, for examinations and surveys, and for the construction of engineering and other works and projects for the regulation and control of the flow of navigable rivers and their tributaries and source streams, and for the standardization of such flow, and for flood prevention and protection, by the establishment, construction, and maintenance of natural and artificial reservoirs, and by the protection of watersheds from denudation and erosion and from forest fires, and by the maintenance and extension of woodland and other protective cover thereon, and by the reclamation of swamp and overflow lands, and by the building of drainage and irrigation works, and by doing all things necessary to provide for any and all beneficial uses of water that will contribute to its conservation or storage in the ground or in surface reservoirs as an aid to the regulation or control of the flow of rivers * *; the purpose of this act being river regulation and the control of the volume of water forming the stage of the river from its sources, so as to standardize the river flow, as contradistinguished from and supplemental to channel improvement as heretofore undertaken and provided for under the various acts commonly known as the river and harbor acts."

rhere are more than 75,000,000 acres of swamp and overflow lands scattered through 36 States and Territories. These lands are worthless, in addition to being disease-breeding spots that affect the public health. Reclaimed they would produce at the very lowest \$30 worth per acre every year, or \$2,250,000,000. There are between 50,000,000 and 100,000,000 acres partially subject to overflow. Their productiveness would be increased by at least \$10 per acre, or \$500,000,000 per year at the lowest figures. There are 35,000,000 acres of arid and semiarid land which could be irrigated if the water in the tributaries of the navigable rivers was stored at flood time and distributed during seasons of drought. These would produce at least \$30 an acre, or \$1,050,000,000. The annual loss from forest fires, soil erosion, etc., is approximately \$200,000,000. This makes the grand total of \$4,000,000,000 that would be saved annually if the Newlands bill is passed and its provisions carried into effect. And this does not take into account the benefit to the public health, the increased transportation facilities due to better river navigation, and the added manufacturing industries that such a vast increase in agricultural productiveness would support.

Apparently a simple proposition; and the returns to come from the investment—just think of it. Invest \$50,000,000 a year for 10 years; total investment, \$500,000,000. Note the conservative estimate of the return or saving—\$4,000,000,000 annually. Did ever an oil-well or mining-stock promoter have such an inviting prospectus? What a beautiful and colossal dream. The scheme contemplates the irrigation of the arid regions of the West and the draining of the swamps in the South, and to these two projects I have no particular objection. I am not opposed to the construction of reservoirs in our western country in order to reclaim a part of that barren waste, where it is feasible; but when we think of some of the projects that have been put over we should stop and consider well be-Take the project known as the Hondo project, fore acting. for example. If a constituent of mine writes me the truth, and I have no reason to doubt him, after the appropriation had been made by Congress to construct the reservoir at this place the land sharks immediately began to sell the land which was assumed would be watered from the reservoir. This constituent of mine, acting on the inducements offered him, purchased some of this land, and now it turns out that after the reservoir is constructed there is no water for him; that the water is lost by seepage, and, I presume, the wind carried considerable sand into the reservoir, and that had a tendency to absorb the water. At any rate, the Government built the reservoir, my friend bought the land, the reservoir is dry, nothing grows on the land, and my friend holds the sack; and he is inclined to complain, I think, justly.

It is against such things as this I protest. We all know that recently Congress-not this Congress, however-enacted a law to appropriate money for the taking over certain so-called forest reserves, among them the Appalachian Mountain Reserve, for the purpose of reforestation, for one alleged purpose of regulating the watercourses. Aye, and men were hired to plant the trees, and then to watch them grow, to watch the leaves fall and watch that no one burned the leaves, in order that when the rain descended the leaves would hold the rain and the rain would percolate slowly, not swiftly, through the leaves and form rivulets, and the rivulets would slowly meander down the mountain side into the valley below and there be caught in a great reservoir, built for the purpose, in order that the water could be held in reserve and let out at intervals as navigation demanded. That proposition was approved by Congress, and there are many men in this country to-day advocating just such

propositions.

Now, while it may be the correct theory of conservation to do some of these impractical things, I must say to you, gentlemen, that, in the name of fairness, in the name of common justice and equity-and we hear a great deal about equity here-do you expect the people of Illinois and the other great States that are paying the greater part of the taxes necessary to carry out all these projects to submit quietly to such uses of the public money and make no complaint? If the discussion of the proposition to expend a part of the public money on the highways of the country arouses such hostility that will prevent such use and at the same time close the doors of the Treasury against all manner of raids that have been made in the past, this discussion will not have been in vain.

But, gentlemen, if you are going to continue to construct reservoirs in the shadow of the Rocky Mountains, where there is not sufficient water to fill them when built; if you are going to continue such schemes as planting trees on the barren slopes of the Appalachians simply because some scientist, engineer, or promoter advocates it, in the name of the taxpayers of Illinois, I shall most earnestly protest, but if it must be, then I shall insist that some portion of the public money shall be expended upon the highways of the country. [Applause.]

The construction and maintenance of the public roads in this country is the greatest economic question of the day, in my judgment. By improving the country roads the country is enriched; something has been done that will be of lasting value to the people of this and the coming generations, but if you should pour all the money of the Pizarros into the streams of the land whose channels are ever changing by the shifting sands that compose their beds, it would be but a ruthless waste,

in my humble judgment. [Applause.]

Mr. GARDNER of New Jersey. I yield 30 minutes to the gen-

tleman from Wyoming [Mr. Mondell].

Mr. MONDELL. Mr. Chairman, the remarks of the gentleman from Illinois [Mr. McKenzie] illustrate how far-reaching is the effect of an error. Because we have deepened streams that should have been macadamized, because we have dredged lonesome harbors that never saw a boat, because we are proposing, in the interest of water-power owners and landowners, to embark upon an unfortunate scheme of centralization in the Appalachians and White Mountains, the gentleman from Illinois says, having done all these things that we ought not to have done, let there be no limit to our wrongdoing. what his argument amounts to.

The gentleman referred to the expenditure of a few Federal dollars in the West, but I want to remind him of the fact that the hardy sons of toil who are going on those lands are paying for them. The Government is not giving them anything except Not a dollar of Federal money goes to them as an opportunity. a gift. We simply lend them the Federal credit. Furthermore, we are not spending money raised by taxation, but the proceeds

of the sales of our public lands for that work.

Mr. McKENZIE. Mr. Chairman—
The CHAIRMAN. Does the gentleman from Wyoming yield to the gentleman from Illinois?

Mr. MONDELL. I yield gladly. Mr. McKENZIE. The gentleman from Wyoming does not assume for a moment that I objected to the giving of the money to

the western country?

Mr. MONDELL. No; not at all. Of course, the gentleman made the mistake of assuming that the plan of reclamation in the West could be properly compared with the Appalachian scheme or with the improper use of Federal money in river and harbor work. But the gentleman suggested that inasmuch as we had done things that, perhaps, we ought not to have done, in-stead of praying to be delivered from further mistakes we should go forward embracing every error that came along. At least that is what I understood the logic of the gentleman's argument

Mr. MADDEN. I congratulate my colleague on having drawn out this effusion from the gentleman from Wyoming.

Mr. McKENZIE. Mr. Chairman, if the gentleman from Wyoming will yield, I assume from what the gentleman says that he thinks the appropriations that have been made in the past are all right.

Not at all. I never did believe in the Mr. MONDELL. Appalachian fraud. I do not believe in it now. I never did believe we ought to have made many of the appropriations that we have made for rivers and harbors, and I do not think that the making of an appropriation in the past that should not have been made is a justification for doing what we ought not to do now or in the future. Rather, it is a warning to us to save the people's money and not expend it improperly and uselessly,

There are other questions besides the spending of public money involved in these schemes. After all, there are some things that are very much more important than the expenditure of money. Among these are great questions, involved in some of these matters, that go to the very foundation of our Government; affect its character; relate to the division of powers and jurisdiction; more important than the cash outlay are the questions as to the effect that the inauguration of certain policies will have upon the life of the Nation in years to come.

I did not vote for the special rule. In the years that I have been here I do not recall that I have ever voted for any rule that proposed to give an opportunity to place general legislation, involving new and important policies, on an appropriation bill. I can think of no worse practice in legislation than that of attempting to place general legislation of such a character on appropriation bills.

And it is as futile as it is evil, because we all understand the rule that the other body has the right to reject, and to insist in its rejection, of any general legislation placed on an

appropriation bill.

And so if the Senate should object to any general legislation that may go on this bill by reason of this rule that legislation must come off or the House take the responsibility of the failure of the postal appropriation bill. The rule provides for the consideration of a number of matters that no one in the House would have objected to, but it also contains at least two features entirely new and revolutionary, propositions that have never been thoroughly considered by any committee of the House, that have never been considered to any considerable extent by the people of the country.

The special rule which the House has adopted places before us for consideration and action at least two measures involving a radical and revolutionary departure from our past policy and inaugurating movements the ultimate cost of which nobody professes to know, the ultimate effect of which on our national

life no man can foresee.

Neither of these measures have received adequate consideration by committees of the House and neither of them has been generally considered by the people of the country to an extent that will warrant anyone in claiming that a definite public opinion has been formed concerning them.

CONDEMNATION AND APPROPRIATION OF EXPRESS COMPANIES.

The first of these propositions contemplates the condemnation appropriation and taking over by the United States of all the property of whatsoever kind of all the express companies of the country, including their "rights, privileges, and franchises," ostensibly "to promote the postal service" and "more effi-

ciently regulate commerce."

I find it somewhat difficult to satisfactorily fathom the object of the Democratic majority in bringing this measure before the House in advance of any general demand for such action by the people of the country. Whatever may happen to the measure here, I assume that no one expects that it will become a law. I think I am justified in suggesting, therefore, that it is simply a part of a general program which it is fondly hoped will not be politically disadvantageous.

I shall leave to the lawyers of this body the task of discussing the many profound and far-reaching legal problems involved in this proposal. For the sake of argument only I shall assume that the condemnation and appropriation proposed can be legally accomplished, and shall confine myself to a brief dis-

cussion of some of the practical questions involved.

At the outset I am willing to confess some prejudice against the corporations, at least those best known, which have been carrying on the express business of the country. I can think of no extensive service which has been performed in a more generally unsatisfactory manner. Rates have been in the main excessively high, and the service in other respects has been far from uniformly satisfactory. Taking over a business which is properly a function of the railroads, the express companies have preyed upon the necessities of the public to create enormous dividends out of a business involving comparatively small initial expenditure. Assuming no risks, blazing no new trails, establishing no new highways of trade, the express companies have simply taken advantage of the facilities afforded by the railways to secure inordinate profits for a few privileged stockholders out of a service which should have remained in the hands of the railways to be furnished on the basis of fair and reasonable returns.

The day of inordinate express profits is drawing to a close. Express companies have been brought under control of the Interstate Commerce Commission, and the commission has been giving careful study to the express business in all its phases and with regard to all its details. In the near future the commission will promulgate an order profoundly affecting the methods of express business, rendering impossible double charges, providing for a reclassification, and materially reducing rates over the entire country. A few days ago there was reported from the Committee on Interstate and Foreign Commerce a bill the effect of which, if enacted into law, will be to very considerably reduce the express rates on packages up to 11 pounds and provide connection between the express systems and rural routes. All this makes it very clear that the express business of the country must hereafter be conducted under close governmental supervision and at rates that will not afford the enormous profits of the past.

It strikes me as being very remarkable, to say the least, that just at this juncture, when, through an administrative bureau in full operation and legislation proposed, the rights and franchises and possibly the tangible property of the express com-panies are likely to be reduced tremendously in their earning

capacity, that, without any proper consideration of the matter, it is precipitately proposed that the Government shall take over the companies, bag and baggage, including all of their accumulated junk.

I assume that it is admitted by all that the "property, rights, and franchises" proposed to be condemned and appropriated must be paid for. I also assume that it will not be denied that this property, these rights and franchises, must be paid for at least at their earning value at the time they are taken over-

Mr. LEWIS. Will the gentleman yield? Mr. MONDELL. I shall be glad to.

Mr. LEWIS. There are no such things as express-company franchises, and the bill does not provide for the appropriation

of money for express-company franchises.

Mr. MONDELL. I do not pretend to pass upon the question as to whether express companies have franchises. which the gentleman has supported and the legislation now before us certainly does provide in express terms for the condemnation and appropriation of the rights and franchises, as well as the property of express companies. I still hold to the idea that the constitutional prohibition against taking property without paying for it holds good, and whatever we may write into the law the courts will ultimately give these people what their property is worth, based on its earning value, and that is what you are proposing to do.

Mr. MARTIN of South Dakota. Will the gentleman yield? Mr. MONDELL. Certainly.

Mr. MARTIN of South Dakota. In answer to the suggestion of the gentleman from Maryland, I think it ought to be said to the committee that the tabulation which the gentleman has presented for the consideration of the Committee on Interstate and Foreign Commerce, which has been considering this matter, has had down an item of franchises and other things associated with it at a value of something like \$10,000,000. It is only since the bill was considered that that item has dropped out, and if you will look at the special rule returned by the Committee on Rules now before the House making these things admissible on the present bill, you will find the word "franchise" in it. It was put into the bill by the gentleman and his associates in the formation of the Goeke bill.

Mr. LEWIS. It is not in the bill reported from the Interstate and Foreign Commerce Committee of which the gentleman

from Wyoming was speaking.

Mr. MARTIN of South Dakota. It has been stricken out in the committee, but it is in the bill that was drafted, and in the bill which is made admissible here you will see the word "franchise."

Mr. MONDELL. Mr. Chairman, I thank the gentleman from South Dakota for emphasizing the fact that the words "rights and franchise" are in the measure which we are considering, and as far as that is concerned it would not make a particle of difference whether you call them rights and franchises or some I assume that when a sovereign takes over the other name. right to do business, the sovereign must pay for the thing taken, and I do not think it makes any difference what you call it. If it is true that there is in the area over which our flag floats some intangible thing called government, separate from the people, that can take the property of the people without compensation, we have come to a bad pass in this Republic of ours. It does not matter whether it is the property of an undesirable citizen or a grasping corporation or of the holiest and best-meaning man that ever lived. Whoever it belongs to it has the same protection, and if it is taken it must be paid for. If I am wrong about that, then I have lived all these years in profound ignorance of the Government of which I am a citizen.

It follows, therefore, that it is proposed to take over this property, those rights and franchises, at a time when their earning value is the highest, and before that earning value has been decreased by the orders of the Interstate Commerce Commission and legislation already reported by a committee of the

House.

If I were an owner of express stock the proposed legislation would occur to me as being in the nature of a godsend. It is just exactly the thing which, in the present situation, with lower express rates inevitable in the near future and therefore reduced profits, the holders of express stock would be expected to profoundly pray for.

Mr. MARTIN of South Dakota. Will the gentleman permit another interruption there?

Mr. MONDELL. If I may have the time.

Mr. MARTIN of South Dakota. I interrupt just to say right upon this point that perhaps this committee ought to know that notice was given to the express companies to appear before the Committee on Interstate and Foreign Commerce if they desired

to make any opposition to that measure, and a couple of days were named as days when they could come, and they have not at all appeared to oppose the measure.

Mr. LEWIS. And may I further interrupt the gentleman?

The CHAIRMAN. Does the gentleman yield?
Mr. MONDELL. Certainly.
Mr. LEWIS. Did the express companies appear to contest or be heard on the subject of the rate-regulation bill that was

reported by the committee?

Mr. MARTIN of South Dakota. That matter was not to my knowledge specifically called to the attention of the express companies, but the chairman of the committee said specifically as to this bill that they had been notified to appear, and for one I was not at all surprised that they did not appear to op-

pose it.

Mr. MONDELL. Mr. Chairman, for years the people have been protesting against inordinate express rates. Placing the express companies under the Interstate Commerce Commission was the first step in the direction of affording relief. The coming order of the Interstate Commerce Commission reducing rates is the first definite realization of relief; and the bill re-cently reported out of the Committee on Interstate and Foreign Commerce brings nearer the day of the full realization of the people's hopes of lower rates. At this critical juncture for the express companies along comes the Democratic majority in the House proposing to save the companies and their stockholders from any loss by taking over their business and paying for it on the basis of the swollen profits which they have been receiving. It is not strange that no one connected with an express company has protested against this procedure. It strikes me as being exactly the thing which under the circumstances they would desire to have done.

Everbody knows that the people have made up their minds that they are going to have lower express rates and that they have made up their minds they are going to occupy part of the field now occupied by the express companies. If this is not what the express companies want, what do they want? Here is an opportunity to sell their property at its present earning value, and I challenge any lawyer in this House to combat the proposition that such will be the basis on which we will ultimately be compelled to pay for this property if we take it in

the way proposed.

Mr. LEWIS. Mr. Chairman, will the gentleman permit an interruption?

Mr. MONDELL. My time is limited. Mr. LEWIS. But the gentleman challenged any lawyer in the House

Mr. MONDELL. The gentleman has plenty of time in which to reply to that challenge.

Mr. LEWIS. And I have the law in my hand here, and that law challenges the gentleman's declaration.

Mr. MONDELL. The gentleman may have some theory upon

which the Government—the sovereign—can confiscate property. If he has any such theory it is something that has not come out of the courts and is not written in the law books. It must be a part of the new nationalism.

Mr. BERGER. Oh, now, do not attack me.

Mr. MONDELL. Is the gentleman a believer in the new

Mr. BERGER. Oh, no; I thought the gentleman said social-

Mr. MONDELL. This is not socialism. No Socialist would think of going at a thing in this unbusinesslike way-grabbing at something without knowing what he was getting or how much he was going to pay for it, with the certainty that he would pay more than it was worth, and that when he got it he would have something that would be of questionable value.

NOT NECESSARY FOR THE ESTABLISHMENT OF A PARCEL POST.

The first purpose named in the bill for the taking over of the express business of the country is "to promote the postal service," but I am at a loss to understand how the postal service of the country is to be promoted by the procedure proposed, at least in the way in which it is proposed. It is claimed that the taking over of the express business of the country is essential to the establishment of a parcel post. If that be true, it is strange that it has not been generally recognized by those who have been the most ardent advocates of parcel post. The fact is that, while a general parcel post would undoubtedly take much business from the express companies, it would still leave a very considerable and very important express business, which is, in fact, a fast freight business, in no wise connected with the carrying of such parcels as properly appertain to a parcel post. I can understand, however, how, with the probability of a parcel post before them, the effect of which would be to curtail their business in certain lines, the express companies might

think that this was a good time to unload their property at good, fat prices on an unsuspecting public, as the measure proposes to allow them to do.

Mr. LEWIS. The gentleman has made the boldest sort of statement that the express companies desired this very kind of legislation and that it is just put in here at a time when they

would desire it most.

Mr. MONDELL. Mr. Chairman, I think I have not said I knew they desired it. I said that if I owned express stock I would desire it. I do not own any. I have said that, looking at it from their selfish standpoint, in my opinion, this is exactly what the express companies would want, and I repeat it, and I would like to emphasize it, that I can not think of anything that would appeal to the express magnate more than this; that at the dawning of the day when the American people have provided for lower rates, when they are proposing to occupy a large portion of the field, we take over the property on the basis of its past swollen earning value. [Applause.] There is no getting away from that, that that is exactly the proposition before us.

There is another interesting feature of this matter. Not only have the express companies failed to put in an appearance in the hearings on legislation identical with that before us and have made no protest against it, but the railroad companies, who will be profoundly affected by the proposed legislation, have made no protest against it. The legislation proposes that the Government shall take over the contracts which the express companies now have with the railroads, under which the railroads receive very large sums. The gentleman from Maryland [Mr. Lewis] a few days ago stated on the floor of the House that the Government is now paying the railroads twice as much for postal service as the express companies are paying for the same kind of service. Is it not reasonable to suppose that the railroad companies are quite content to have the Government take over the express companies, with the expectation, based on experience, that they will get quite as much from the Government as from the express companies, and probably much more? I impugn no man's motives, and I never have in this House, and I never expect to do so, but this proposition, no matter how innocently presented, is a gold brick, a fraud, and could work in the interest of no one except the owners of express stock.

The taking over of the express companies of the country and the purchase of their property, rights, and franchises is not even necessary to the establishment of a Government express business. If the country was prepared for and desired to have that done the Government could embark upon a parcel-post enterprise extensive enough to involve the carrying of packages as high as 100 pounds or even heavier, without the expenditure of a dollar in the purchase of the property which the express companies own. I admit that such a plan or policy would largely infringe upon the business of the express companies; would largely reduce their profits; but if such a policy is deemed wise I am not so solicitous of the welfare of the express companies that I feel called upon to vote the money of the people and their credit to an extent and in an amount which no man can even approximately guess in order to save them from pos-

sible loss.

How many millions or hundreds of millions is this condemnation and appropriation to cost? Does anybody know?

Will it cost fifty millions or a hundred or a hundred and fifty million dollars, and when will we know how much it will cost? How long will it take the courts to decide what must be paid for these properties, rights, and franchises? There is one consoling thought that may occur to the advocates of this blind experiment of unknown cost, and that is that they will probably be called hence long before it was finally decided how much the people must pay, and thus escape personal condem-

The estimates of cost that have been made by gentlemen in favor of this bill are ridiculous. Stop for a moment and figure on even the lowest basis of capitalization the enormous profits that the express companies have been making for years, and then talk about taking over the property of the express companies for a paltry \$40,000,000 or \$50,000,000. Unless the courts of the country took a view of this matter they have never taken, when like questions were involved, the cost would run into the hundreds of millions, and after we paid it we have, in addition to a lot of old junk, a right to do business which we have without paying anybody a red cent for it. [Applause.]

When it is done, if it is done, what assurance have we that the benefits will balance or outweigh the disadvantages? How do we know that we will get any better service or any cheaper service than can be had under the strict regulation of rates which we are now inaugurating?

For one I decline to accept the responsibility of joining in a proposition to pull the express companies out of the hole which they conceive strict regulation, reduction of rates, and the probable establishment of a general parcel post will put them into. I decline to sanction the inauguration of a questionable policy of centralization involving serious legal as well as political problems, and vastly increasing the army of Federal employees, which the people have not generally considered and to which they have never given their sanction. The policy is questionable, to say the least; the plan proposed is most extravagant and should not be adopted, even if the policy contemplated were advisable.

RENT FOR HIGHWAYS.

Perhaps the most picturesque proposal that has ever been seriously presented to Congress is contained in the provision contained in the amendment which contemplates the payment by the National Government of a rental for the use of the highways over which the rural mails are carried.

In brief, the plan is that the Government shall pay-to whom is not stated-from \$15 to \$25 per mile per annum for all roads of certain classes or character over which the rural mails are

carried.

The CHAIRMAN. The time of the gentleman from Wyoming has expired.

Mr. MONDELL. Will the gentleman yield me about 10 or 15

minutes additional?

Mr. GARDNER of New Jersey. I yield 15 minutes to the gen-

Mr. MONDELL. This measure is confidently expected to appeal strongly to the rural population and, it is hoped, will sustain the waning political fortunes of those from the country dis-

tricts who favor it. Perhaps if I were situated as some gentlemen are my judgment, like theirs, would be somewhat affected by the political exigencies of my situation; fortunately for me I can look at the matter uninfluenced by the importunings of the folks at home who hope to benefit by this extraordinary and unique raid upon

the Federal Treasury.

There are only 10 rural free-delivery routes, covering 287 miles, in the State I have the honor to represent, and if we received the maximum for all of them we would receive but \$7,075 in our State out of a total outlay in the country for this purpose of many millions of dollars. The fact is, however, that none of our rural free-delivery mileage would come under class A at \$25 per mile rent for shell, brick, or macadam roads. I doubt if any of it would come under class D at \$20 per mile for burnt clay, gravel, or clay and gravel, sand and gravel, or rock and gravel roads. Perhaps half our rural roads might come under a liberal interpretation of class C, or good, well-drained, and well-kept dirt roads, at \$15 per mile, so that, in fact, we might receive \$2,145 out of possible millions for the entire country.

I make this statement in order that I may not lay claim to superior courage or virtue when I vote against this measure, as 95 per cent of all those here would do if they counseled with their judgment rather than their fear or hope of political ad-

vantage.

Furthermore, I have no automobile factories in my district and am therefore free from the influence of the gentlemen who desire that Uncle Sam shall contribute to boom their business

by building and repairing highways.

If we are going into the business of taxing Uncle Sam for sending his mail wagons over our highways, once a day, a sum equal to the entire cost of their upkeep and more, I think we should, in order to be consistent, charge him for every use of our highways by his agents. Down in the moonshining districts it would be highly popular to tax Uncle Sam for the use of the highways by the deputy marshals. [Laughter.] Out our way, if we are to inaugurate this policy, it would be a popular measure to tax the Government for the use of our highways by special agents of the Land Office. [Laughter.] In fact, I know of no other way in which we could secure our share of Federal [Laughter.]

The gentleman who is, I believe, primarily responsible for this plan calls himself, I understand, a Jeffersonian Democrat. I wonder what the patron saint of Democracy would say to such a measure of centralization! Shadow of Thomas Jefferson, with his clear perception of the dividing line between the powers and responsibilities and jurisdiction, respectively, of the Federal Government and the sovereign States! Has it come to be a principle of Jeffersonian Democracy to look upon the Federal Treasury as fair plunder for every one who can get his hand into it with a view of scattering its dollars among his con-

stituents?

It is true that we have done many things which have tended to encourage the view that the Federal Treasury is a myste- absence for five days on account of important business.

rious source of wealth as unfailing as the waters that followed the smiting of the rock in the wilderness. We have dredged insignificant brooks, we have deepened lonesome harbors, we have protected private property along the rivers from inundation, until it is not strange that some gentlemen here who have participated in these things, and their constituents who have enjoyed and profited by the outlay, have come to look upon Uncle Sam as a sort of glorified Santa Claus who celebrates Christmas every day in the year.

Mr. DUPRE. How about irrigation?

Mr. MONDELL. The gentleman evidently was not in the Chamber when I explained that the Federal Government has never given the western farmer a penny under the Federal irrigation law; that every dollar expended is to be returned, and it is rapidly being returned at this time, and will continue to be returned by the hard-working farmers of the West. [Applause.]

I think this is the first time, however, it has been seriously proposed to adopt the tactics of the highwayman and hold up our generous and indulgent Government in the road. is the more reprehensible in that it is proposed to sandbag the Government in connection with the performance of a real and valuable service to the people in the delivery of the mails.

It is useless to talk to the other side of the aisle, at least, as to the centralizing tendency of this legislation-local self-government, local responsibility, local control, all these things which constitute the real substance of a proper and legitimate doctrine of State rights, are subjects over which, in theory, the gentlemen grow eloquent in discussion, but which vanish from sight and recollection in the presence of the all-pursuading influence of a Federal appropriation. With a few honorable exceptions there is not a gentleman on the other side of the aisle who can not adjust every conviction he ever had on the subject of local versus Federal control to meet any proposition that involves liberal Federal expenditure in his district. That there still remains even a frayed remnant of the distinction between the proper jurisdiction and proper field of expenditure of the State and National Governments, respectively, in any field where a Federal appropriation might be hoped for, is entirely due to the influence of this side of the House.

The gentleman from New York smiles, and I am glad to tes-fy to the helpful influence of the distinguished gentleman from New York [Mr. FITZGERALD], who is not addicted to, navy yards excepted, chasing Federal appropriations as much as some of his colleagues, particularly the gentleman who stands

near him. [Laughter.]

The Commonwealth which I have the honor to represent on this floor does not desire and does not expect to turn over any of its police powers to the Federal Government. It intends to retain its highways under its own exclusive jurisdiction, and as it does not anticipate that anyone will permanently contribute largely to its highways, without having some directly or indirectly in their control, it does not desire to invite Federal control by accepting the Federal shilling. Neither are our people so lacking in a sense of humor, or so lost to the sense of honor, as to become party to a plan which proposes to fine the Federal Government for undertaking to afford its people mail facilities. We have sufficient difficulty now in securing such facilities without still further jeopardizing our chances in that direction, because the Federal Government is spending its millions elsewhere in paying the States for the privilege of giving their people first-class mail facilities.

In the West the Government still retains ownership over large areas reserved for public purposes, areas untaxed and yielding no returns to the States. We believe the Federal Government should do its duty in building roads over these areas, but the highways of our Commonwealth are our trust and our responsibility. We have no patience with any plan which would make their construction and maintenance a matter of national responsibility, and least of all do we approve a scheme which, in the guise of charging an inordinate rent for the use of roads, is just a plain, barefaced looting of the Public Treasury. [Applause.]

Mr. MOON of Tennessee. Mr. Chairman, I move that the

committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. HAY, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 21279, the Post Office appropriation bill, and had directed him to report that it had come to no resolution thereon.

LEAVE OF ABSENCE.

By unanimous consent, Mr. Borland was granted leave of

CONFERENCE REPORT, DIPLOMATIC AND CONSULAR APPROPRIATION BILL.

Mr. SULZER. Mr. Speaker, I call up the conference report on the disagreeing votes of the two Houses on the diplomatic and consular appropriation bill (H. R. 19212).

Mr. MANN. Mr. Speaker, I hope the gentleman will not call

up that conference report to-night.

Mr. SULZER. I do not know that there is any objection to

the report. It is unanimous.

Mr. MANN. There are one or two things in it I wish to call to the attention of the gentleman. It is quite late, and we have

not very many people here.

Mr. SULZER. Mr. Speaker, in view of what the gentleman says I shall not insist, but will call it up to-morrow morning.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed the following resolution:

Resolved, That the Senate further insists upon its amendment to the joint resolution (H. J. Res. 39) proposing an amendment to the Constitution providing that Senators shall be elected by the people of the several States.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their

appropriate committees, as indicated below: S. 3846. An act to authorize a waiver of trial by jury in the district courts of the United States; to the Committee on the

Judiciary.

S. 3607. An act to direct the Attorney General to take an appeal to the Supreme Court of the United States from a decree entered by the Circuit Court of the United States in and for the Southern District of New York in the suit of the United States against the American Tobacco Co. and others, and extend the time for taking such appeal, and for other purposes; to the Committee on the Judiclary. S. 3116. An act to amend sections 1 and 2 of the act of Con-

gress of June 22, 1910, entitled "An act to provide for agricultural entries on coal lands," so as to include State land selections, indemnity, school, and educational lands; to the Committee on the Public Lands.

S. 836. An act for the relief of Joel J. Parker; to the Committee on Claims.

ENROLLED BILL SIGNED.

Mr. CRAVENS, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bill of the following title, when the Speaker signed the same:

H. R. 18336. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war.

CLASSIFICATION AND APPRAISEMENT OF UNALLOTTED INDIAN LANDS.

Mr. STEPHENS of Texas. Mr. Speaker, I call up the bill S. 405, and ask that the House insist on its amendments and ask for a conference.

Mr. MANN. Where is the bill?

The SPEAKER. It is on the Speaker's table. The Clerk will report the title of the bill.

The Clerk read as follows:

 Λ bill (S. 405) authorizing the Secretary of the Interior to classify and appraise unallotted Indian lands.

Mr. STEPHENS of Texas. Mr. Speaker, I ask that the House insist on its amendment and ask for a conference.

The SPEAKER. The gentleman from Texas moves that the House insist on its amendment and agree to a conference.

Mr. MANN. What is the amendment, I will ask?

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Page 1, line 7, after the word "reservation," insert the word "here-tofore."

Mr. STEPHENS of Texas. The intention is to make it so that it will apply to reservations heretofore opened as well as hereafter to be opened.

The SPEAKER. The gentleman from Texas [Mr. Stephens] moves that the House insist on its amendment and agree to the conference asked for by the Senate.

The motion was agreed to.

The SPEAKER appointed the following conferees: Mr. STE-PHENS of Texas, Mr. FERRIS, and Mr. Burke of South Dakota.

LEAVE TO PRINT.

Mr. MOON of Tennessee. Mr. Speaker, I ask unanimous consent that all gentlemen who have spoken upon the Post Office appropriation bill (H. R. 21279) may have leave to extend their

remarks, and those who desire to do so may print remarks in the Record for five legislative days after the passage of the bill.

The SPEAKER. The gentleman from Tennessee [Mr. Moon] asks unanimous consent that those who have spoken on the Post Office appropriation bill shall have permission to extend their remarks in the Record, and those who have not spoken shall have the privilege of printing speeches or remarks in the Record for five legislative days after the bill passes the House.

Mr. MANN. Mr. Speaker, I have no objection to the first part of the request. I may not object to the other when it is sub-

mitted after the bill is disposed of.

Mr. MOON of Tennessee. I will say there are a number of gentlemen who wish to print their remarks in the Record, but they desire to go away for a few days and they would like to know what can be done along that line before they leave. I supposed there would be no objection to the printing if they desired it.

Mr. MANN. This is general leave?

The SPEAKER. The gentleman has submitted two propositions—one for general leave to print and one to extend remarks in the RECORD.

Mr. POWERS. Does the gentleman object to extending the time to 10 days instead of 5?
Mr. MOON of Tennessee. I think five days after the disposition of the bill is long enough. It is on matters contained in the bill.

Mr. M Λ NN. Reserving the right to object, what is the gentleman's purpose in reference to the general debate on the bill now?

Mr. MOON of Tennessee. I am going to ask the consent of the House in a minute that we take a recess until to-morrow at 10.30 o'clock a. m., and I hope that we will be enabled by 10.30 at night, if we continue debate that long, to close general debate.

Mr. MANN. If we take a recess until to-morrow at 11

o'clock?

Mr. MOON of Tennessee. Ten-thirty o'clock.

Mr. MANN. Would general debate take the entire day tomorrow?

Mr. MOON of Tennessee. I think it would; perhaps up to 10.30 to-morrow night. Then we could go into debate of the bill under the five-minute rule Thursday and have a liberal debate, as to time, on the bill Thursday, and Saturday at the latest we ought to have a vote on the bill.

Mr. MANN. I am very much interested in reasonable debate

under the five-minute rule.

Mr. MOON of Tennessee. That would give us two days'

debate under the five-minute rule, practically.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee [Mr. Moon] as to the printing of speeches?

There was no objection.

ADJOURNMENT.

Mr. MOON of Tennessee. Mr. Speaker, I ask unanimous consent that the House take a recess until 10.30 o'clock a. m. to-morrow.

Mr. FLOOD of Virginia. Mr. Speaker, I object.

Mr. MOON of Tennessee. Then, Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 47 minutes p. m.) the House adjourned until Wednesday, April 24, 1912, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of War, submitting claim of town of Mukwa, Wis., for reimbursement of cost of repairs to bridge over Wolf River, adjusted by Chief of Engineers as authorized by river and harbor act approved June 25, 1910 (H. Doc. 713); to the Committee on Appropriations and ordered to be printed.

2. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Oregon Slough (Columbia River), Oreg. (H. Doc. No. 712); to the Committee on Rivers and Harbors and ordered to

be printed with illustrations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. CLINE, from the Committee on Foreign Affairs, to which was referred the joint resolution (H. J. Res. 66) to amend joint

resolution authorizing the appointment of a commission in relation to universal peace, reported the same with amendment, accompanied by a report (No. 589), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. FLOOD of Virginia, from the Committee on the Territories, to which was referred the bill (H. R. 38) to create a legislative assembly in the Territory of Alaska, to confer legislative power thereon, and for other purposes, reported the same with amendment, accompanied by a report (No. 591), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. BURNETT, from the Committee on Immigration and Naturalization, to which was referred the bill (H. R. 19544) to amend section 9 of the immigration act approved February 20, 1907, reported the same with amendment, accompanied by a report (No. 500), which said bill and report were referred to the House Calendar.

Mr. DAVENPORT, from the Committee on the Territories, to which was referred the bill (H. R. 17592) to authorize the extension of the boundaries and to include additional areas within incorporated towns in Alaska, reported the same without amendment, accompanied by a report (No. 592), which said bill and report were referred to the House Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows

A bill (H. R. 17710) granting a pension to Elias Brown; Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 21909) granting a pension to George Wood; Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 18445) granting a pension to Benjamin Coe; Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. PARRAN: A bill (H. R. 23667) to regulate the compensation of the journeymen mechanics and laborers of the Annapolis Navy Yard and United States Naval Academy at Annapolis, Md.; to the Committee on Naval Affairs.

By Mr. EVANS: A bill (H. R. 23668) for the erection of a mortuary and memorial chapel in Arlington Cemetery; to the

mortuary and memorial chaper in Arington Cemetery; to the Committee on Military Affairs.

By Mr. MARTIN of South Dakota: A bill (H. R. 23669) providing for the disposition of town sites in connection with reclamation projects, and for other purposes; to the Committee on Irrigation of Arid Lands.

By Mr. NYE: A bill (H. R. 23670) defining adulterated butter and prohibiting the manufacture and sale thereof; to the Committee on Interstate and Foreign Commerce.

mittee on Interstate and Foreign Commerce.

By Mr. FRENCH: A bill (H. R. 23671) authorizing the Forestry Service of the Department of Agriculture to cooperate with the University of Idaho in investigating the methods of obtaining the greatest economic use of timber grown in Idaho and other northwestern States, and for other purposes; to the Committee on Agriculture.

By Mr. LENROOT: A bill (H. R. 23672) providing for the use of tracts of land in forest reservations by fraternal and benevolent associations for sanitarium and camping-ground purposes; to the Committee on the Public Lands.

By Mr. WILSON of Pennsylvania: A bill (H. R. 23673) to abolish the involuntary servitude imposed upon seamen in the merchant marine of the United States while in foreign ports and the involuntary servitude imposed upon the seamen of the merchant marine of foreign countries while in ports of the United States, to prevent unskilled manning of American vessels, to encourage the training of boys in the American merchant marine, for the further protection of life at sea, and to amend the laws relative to seamen; to the Committee on the Merchant Marine and Fisheries.

By Mr. CARY: A bill (H. R. 23674) authorizing the Secretary of the Interior to set aside certain lands to be used as a sanitarium by the Order of Owls; to the Committee on the Public

By Mr. LAFFERTY: A bill (H. R. 23075) supplementing the joint resolution of Congress approved April 30, 1908, entitled "Joint resolution instructing the Attorney General to institute certain suits," etc.; to the Committee on the Public Lands.

By Mr. HARDY: A bill (H. R. 23676) to regulate the officering and manning of vessels subject to the inspection laws of the United States; to the Committee on the Merchant Marine and Fisheries.

By Mr. KORBLY: Resolution (H. Res. 507) relative to lifesaving equipment for vessels of the United States Navy; to the

Committee on Naval Affairs.

By Mr. MOORE of Pennsylvania: Resolution (H. Res. 508) directing the preparation and report to Congress of a full and complete list of wharves, piers, docks, and real estate owned or controlled by foreign steamship companies in the United States; to the Committee on Interstate and Foreign Commerce.

By Mr. GOOD: Resolution (H. Res. 509) directing the Postmaster General to transmit to the House data relative to unworked mails at certain terminals; to the Committee on the

Post Office and Post Roads.
Also, resolution (H. Res. 510) directing the Postmaster General to transmit to the House a statement showing the hours of road duty of railway mail clerks; to the Committee on the

Post Office and Post Roads.

By Mr. NORRIS: Resolution (H. Res. 511) requesting the President of the United States to transmit to the House a copy of any charges filed against Robert W. Archbald, associate judge, United States Commerce Court, etc.; to the Committee on the Judiciary

By Mr. SULZER: Joint resolution (H. J. Res. 307) authorizing the Secretary of Commerce and Labor to award a medal of honor to Capt. A. H. Rostrom; to the Committee on the Merchant Marine and Fisheries.

By Mr. WARBURTON: Joint resolution (H. J. Res. 308) to report Capt. Arthur Waldo Lewis to wear military decorations.

permit Capt. Arthur Waldo Lewis to wear military decorations bestowed upon him by the British Government, for services, while he may be engaged in the service of the Organized Militia or United States Army; to the Committee on Military Affairs.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ADAIR: A bill (H. R. 23677) granting an increase of pension to Elmore Y. Sturgis; to the Committee on Invalid Pensions.

Also, a bill (H. R. 23678) granting an increase of pension to

Harrison Craig; to the Committee on Invalid Pensions. By Mr. ANTHONY: A bill (H. R. 23679) authorizing the Secretary of War to donate one cannon with its carriage and cannon balls to the city of Holton, Kans.; to the Committee

on Military Affairs.

Mr. BATHRICK: A bill (H. R. 23680) granting an increase of pension to Ann Miller Wyckoff; to the Committee on Invalid Pensions.

By Mr. CALDER: A bill (H. R. 23681) granting an increase of pension to William H. Van Brunt; to the Committee on Invalid Pensions.

By Mr. CARY: A bill (H. R. 23682) to correct the naval record of Micheal Philbin; to the Committee on Naval Affairs.

Also, a bill (H. R. 23683) for the relief of William A. Power; to the Committee on War Claims.

By Mr. DALZELL: A bill (H. R. 23684) for the relief of J. F. Blair, trustee in bankruptcy of the Dilworth Coal Co.; to the Committee on Claims:

By Mr. DONOHOE: A bill (H. R. 23685) to correct the military record of William H. Johnson; to the Committee on Military Affairs.

Also, a bill (H. R. 23686) to correct the military record of James Lanahan; to the Committee on Military Affairs.

By Mr. MICHAEL E. DRISCOLL: A bill (H. R. 23687) for the relief of Patrick Burke; to the Committee on Military Affairs, By Mr. FITZGERALD: A bill (H. R. 23688) granting an increase of pension to Edward Spaulding; to the Committee on Invalid Pensions.

By Mr. GOLDFOGLE: A bill (H. R. 23689) for the relief of Bernard Citroen; to the Committee on Claims.

By Mr. GRIEST: A bill (H. R. 23690) granting an increase of pension to Sashwell Turner; to the Committee on Invalid Pensions.

By Mr. HENSLEY: A bill (H. R. 23691) granting an increase of pension to Wiley Smith; to the Committee on Invalid Pensions.

By Mr. HULL: A bill (H. R. 23692) granting an increase of

pension to Elizabeth Tinsley; to the Committee on Pensions. By Mr. KINKEAD of New Jersey; A bill (H. R. 23693) granting an increase of pension to Mrs. Tamson E. Boylston; to the Committee on Invalid Pensions.

By Mr. LITTLEPAGE: A bill (H. R. 23694) granting an increase of pension to James Skeans; to the Committee on Invalid Pensions.

By Mr. MORRISON: A bill (H. R. 23695) granting an increase of pension to Charles W. Bowman; to the Committee on Invalid Pensions.

By Mr. NYE: A bill (H. R. 23696) to correct the military record of Henry Smith; to the Committee on Military Affairs. By Mr. PATTON of Pennsylvania: A bill (H. R. 23697)

granting an increase of pension to Seymour Ross; to the Committee on Invalid Pensions.

By Mr. PEPPER: A bill (H. R. 23698) granting an increase of pension to Benjamin Anderson; to the Committee on Invalid Pensions.

By Mr. POST: A bill (H. R. 23699) granting a pension to Mary E. Faulder; to the Committee on Invalid Pensions.

By Mr. POWERS: A bill (H. R. 23700) for the relief of G. B. Turner; to the Committee on War Claims.

Also, a bill (H. R. 23701) for the relief of Malinda Davis; to the Committee on War Claims.

Also, a bill (H. R. 23702) for the relief of the heirs of Wash Well, deceased; to the Committee on War Claims.

Also, a bill (H. R. 23703) for the relief of the heirs of Enoch Rainwater, deceased; to the Committee on War Claims.

By Mr. PRINCE: A bill (H. R. 23704) granting an increase of pension to George F. Rebman; to the Committee on Invalid Pensions.

By Mr. SHACKLEFORD: A bill (H. R. 23705) for the relief of Joseph Bourgeret; to the Committee on Military Affairs. By Mr. SHERWOOD: A bill (H. R. 23706) granting an in-

crease of pension to Marion Goodell; to the Committee on Invalid Pensions.

By Mr. J. M. C. SMITH: A bill (H. R. 23707) granting a pension to Winifred B. Shanks; to the Committee on Pensions. Also, a bill (H. R. 23708) granting a pension to Mary J. Weddel; to the Committee on Invalid Pensions.

Also, a bill (H. R. 23709) granting a pension to Amanda Boyden; to the Committee on Invalid Pensions.

By Mr. STEENERSON: A bill (H. R. 23710) granting an

increase of pension to Charles E. Smith; to the Committee on Invalid Pensions.

By Mr. WARBURTON: A bill (H. R. 23711) granting a pension to Adelaide W. Wheeler; to the Committee on Invalid Pen-

Also, a bill (H. R. 23712) to restore to the active list First Lieut. of Engineers Henry O. Slayton, retired, United States Revenue-Cutter Service; to the Committee on Interstate and Foreign Commerce.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ANDERSON of Minnesota: Petition of J. W. Rice and 9 others, of Lewiston, Minn., against extension of the parcelpost system; to the Committee on the Post Office and Post

By Mr. ANSBERRY: Memorial of Ohio Society, Sons of the Revolution, in favor of publication of the unpublished archives of the Government relating to the War of the Revolution; to the Committee on Military Affairs.

By Mr. BURKE of Pennsylvania: Memorial of the Council of the city of Pittsburgh, Pa., against passage of House bill 21292, to build a bridge over the Monongahela River at Pittsburgh; to the Committee on Interstate and Foreign Commerce.

By Mr. BURKE of Wisconsin: Remonstrance of Cream City Brewing Co., of Milwaukee, Wis., against the passage of any and all bills having for their object prohibiting or further restricting the sale of wine, beer, and liquor in the District of Columbia; to the Committee on the District of Columbia.

By Mr. BURNETT: Petition of New Prospect Local, No. 621, F. E. and C. U. of A., of Ragland, Ala., favoring passage of a general parcel-post system; to the Committee on the Post Office and Post Roads.

Also, resolutions of the Order of Railway Conductors, Birmingham Division, No. 186, Birmingham, Ala., favoring passage of employers' liability and workmen's compensation act; to the Committee on the Judiciary.

By Mr. CALDER: Petitions of the Vermont Humane Society and the Humane Society of New Jersey, for enactment of House bill 17222; to the Committee on Interstate and Foreign Com-

Also, petition of the Royal Taylors of Chicago, Ill., protesting against House bill 16844; to the Committee on Interstate and Foreign Commerce.

Also, petition of Sprague, Warner & Co., of Chicago, Ill., for enactment of House bill 4667; to the Committee on Interstate and Foreign Commerce.

By Mr. CATLIN: Petition of the Mallinckrodt Chemical Works, of St. Louis, Mo., urging adequate appropriation to close crevasses and protect levees in the Mississippi Valley to avoid further damage from floods; to the Committee on Rivers and Harbors.

By Mr. DICKINSON: Petition of S. H. Lyon and 28 other citizens of Osceola, Mo., against removal of tax on oleomargarine; to the Committee on Agriculture.

Also, papers to accompany bill for the relief of the heirs of Joseph F. Brooks, deceased; to the Committee on War Claims.

By Mr. DYER: Petition of the Mallincrodt Chemical Works, of St. Louis, Mo., for appropriation to protect levees in the Mississippi Valley; to the Committee on Rivers and Harbors. Also, petition of Vandalia Post, No. 466, Grand Army of the

Republic, for enactment of House bill 14070; to the Committee on Invalid Pensions.

Also, petition of George W. Martin, of Culebra, Canal Zone, for enactment of House bill 21771; to the Committee on Reform in the Civil Service.

Also, petition of National Board of Trade, relative to patent legislation; to the Committee on Patents.

Also, petition of J. H. Phillips, of St. Louis, Mo., for a Lincoln memorial road from Washington to Chickamauga Park, etc.; to the Committee on the Library.

Also, petition of the Stark Distillery Co., of St. Louis, Moprotesting against House bill 17593; to the Committee on the

By Mr. FITZGERALD: Resolutions of the directors of the American Manufacturers' Export Association, favoring House bill 20044, for improvement of foreign service; to the Committee on Foreign Affairs.

Also, memorial of the board of directors of the Progressive Union of New Orleans, against any reduction in the appropriations for the Diplomatic and Consular Service which will curtail the present facilities for furthering the foreign trade

of the United States; to the Committee on Foreign Affairs.

Also, memorial of the registration committee of the Metropolitan Association of the Amateur Athletic Union, urging that the appointment of James E. Sullivan as United States commissioner to the Olympian championship be secured; to the Committee on Foreign Affairs.

Also, petition of citizens of Alliance, Ohio, urging an appropriation of \$250,000 to carry out the provision of the white-slave traffic act; to the Committee on Appropriations.

Also, memorial of the Chamber of Commerce of the State of New York, favoring passage of House bill 20044, providing for examination for persons seeking appointments to Diplomatic and Consular Service; to the Committee on Foreign Affairs.

Also, memorial of Maj. Gen. George F. Elliott Camp, No. 84, Department of New York, United Spanish War Veterans, Brooklyn, N. Y., favoring passage of House bill 17470 for pension for widows and minor children of Spanish War veterans; to the Committee on Pensions.

Also, memorial of the Chamber of Commerce of the State of New York, believing that the Panama Canal when completed should be open to all tonnage irrespective of ownership, protest against any legislation which departs in any degree from that broad and equitable policy; to the Committee on Interstate and Foreign Commerce.

Also, memorial of the Chamber of Commerce of the State of New York, favoring a change in the navigation laws of the United States that will permit the citizens to purchase tonnage in the cheapest market, own it in their own names, sail it under the flag of the United States, and operate it on a competitive basis of cost with the tonnage of other nations; to the Committee on Interstate and Foreign Commerce.

Also, memorial of the board of directors of the Cleveland Chamber, urging upon the Committee on Appropriations the desirability of continuing and developing the usefulness of the Bureau of Manufactures of the Department of Commerce and Labor; to the Committee on Appropriations.

Also, memorial of the local Board of Trade of Niagara Falls. N. Y., protesting against proposition to omit from the appropriation bill provision for the Bureau of Manufactures and requesting an increase in appropriation for next year; to the Committee on Appropriations.

Also, memorial of State Federation of Pennsylvania Women, favoring appropriation of \$105,000 for pier at the Philadelphia immigrant station, Gloucester City, N. J.; to the Committee on Appropriations.

Also, memorial of the Chamber of Commerce of the State of New York, favoring passage of the Hughes-Borah bill, providing for the establishment of a Federal commission on industrial relations; to the Committee on Rules.

Also, petition of policemen and elevator men of the House of Representatives, relative to the closing of all doors in the House Office Building on Sunday and holidays except the main rotunda door northward and all elevators except one; to the Committee on Rules.

Also, memorial of New York Board of Trade and Transportation, relative to the pay of commissioned medical officers of the Public Health and Marine-Hospital Service of the United States and favoring enactment of Senate bill 2117; to the Com-

mittee on Interstate and Foreign Commerce.

By Mr. FORNES: Memorial of the Chamber of Commerce of the State of New York, relative to operation of the Panama Canal; to the Committee on Interstate and Foreign Commerce.

Also, petition of the North Side Board of Trade in the city of New York, for improvement of a certain portion of Harlem River; to the Committee on Rivers and Harbors.

By Mr. FOSS: Petitions of Newman & Guch, Emil Griefen, and Hugo H. Wortmann, of Chleago, Ill., for legislation prohibiting the use of trading coupons; to the Committee on Ways and Means.

Also, petitions of W. W. Buchanan and William A. Vawter, of Chicago, Ill., for reduction in the rates on first-class mail matter; to the Committee on the Post Office and Post Roads.

By Mr. FULLER: Petition of American League of Associa-

By Mr. FULLER: Petition of American League of Associations, protesting against the enactment of parcel-post legislation until after investigation and report by an impartial commission; to the Committee on the Post Office and Post Reads.

By Mr. GOLDFOGLE: Petition of Frederick W. Cole, of New York, and Dock & Mill Co., of North Tonawanda, N. Y., favoring passage of House bill 357, known as the Jackson resolution regarding the insurance, investigating, and standardizing, etc.; to the Committee on Interstate and Foreign Commerce.

Also, memorial of the American Cotton Manufacturing Association, against passage of any bills relating to the sale and purchase of cotton to be delivered on contract on the cotton exchanges of this country; to the Committee on Agriculture.

Also, petition of Mendelsonn, Bornemann & Co., of New York, favoring passage of Senate bill 6103 and House bill 22766, for prohibiting the use of trading coupons; to the Committee on Ways and Means.

Also, memorial of the Chamber of Commerce of the State of New York, against any legislation which prohibits the Panama Canal from being open to all tonnage irrespective of ownership; to the Committee on Interstate and Foreign Commerce.

By Mr. HINDS: Petitions of members of Improved Order of Red Men of the State of Maine, for erection of an American Indian memorial and museum building in the city of Washington, D. C.; to the Committee on Public Buildings and Grounds.

Also, petition of citizens of Schago Lake, Me., favoring passage of a parcel-post system; to the Committee on the Post Office and Post Roads.

Also, memorial of the Methodist Episcopal Church of Mattawamkeag, Me., favoring passage of the Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

Also, petition of Charles E. Webber and 86 other citizens of Lebanon, Me., favoring passage of Kenyon-Sheppard interstate liquor law: to the Committee on the Judiciary.

liquor law; to the Committee on the Judiciary.

Also, resolutions of Arthur H. Kenison and 28 other members of Edward Grange, No. 151, of Parsonsfield, Me., favoring passage of parcel-post system; to the Committee on the Post Office and Post Roads.

Also, petition of L. C. Leavitts and 28 other members of Elmwood Grange No. 151, of North Parsonsfield, Me., favoring passage of a postal-express service; to the Committee on the Post Office and Post Roads.

By Mr. KINKEAD of New Jersey: Petitions of the A. T. Lewis & Son Dry Goods Co., of Denver, Colo.; Schipper & Block, of Peoria, Ill.; and Younker Bros., of Des Moines, Iowa, for continuance of the Tariff Board; to the Committee on Ways and Means.

By Mr. KINKAID of Nebraska: Petition of citizens of Mitchell, Nebr., advising the making of an appropriation out of Federal river and harbor fund for the construction of drainage ditches for the purpose of carrying the seepage or waste water to the North Platte River from the Government irrigable area; to the Committee on Rivers and Harbors.

By Mr. LEVY: Memorial of the Chamber of Commerce of the State of New York, against any legislation which prohibits the Panama Canal from being open to all tonnage irrespective of ownership; to the Committee on Interstate and Foreign Commerce

Also, memorial of the New York State delegation to the National Rivers and Harbors Congress, at Washington, D. C., 1911, urging that appropriations for works in connection with the new barge canal be included in rivers and harbors bill now pending; to the Committee on Rivers and Harbors.

Also, resolutions of the registration committee of the Amateur Athletic Union, urging upon the President of the United States the necessity of appointing a commissioner to represent the United States Government at the coming Olympian championships to be held in Stockholm; to the Committee on Foreign Affairs

By Mr. LEWIS: Petition of the Church of the Brethren of Frederick City, Md., praying speedy passage of the Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. LINDSAY: Memorial of the North Side Board of Trade, city of New York, Borough of the Bronx, State of New York, indorsing resolution of the New York Board of Trade and Transportation, to amend the rivers and harbors bill, now pending, so as to make suitable and adequate provision for improving the Harlem River, N. Y., through Harlem Kills, and straightening the channel at the curve near Johnson Iron Works; to the Committee on Rivers and Harbors.

By Mr. MAGUIRE of Nebraska: Petition of citizens of Falls City, Nebr., against reduction of the special tax on oleomargarine; to the Committee on Agriculture.

By Mr. McGILLICUDDY: Memorial of the Woman's Christion Temperance Union of Woolwich, Me., favoring passage of the Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. PATTON of Pennsylvania: Petitions of Granges Nos. 534 and 1331, Patrons of Husbandry, for enactment of House bill 19133, providing for a governmental system of postal express; to the Committee on Interstate and Foreign Commerce.

By Mr. PAYNE: Memorial of North Rose Grange, No. 1051, Patrons of Husbandry, North Rose, N. Y., favoring passage of parcel-post legislation; to the Committee on the Post Office and Post Roads.

By Mr. RAKER: Papers to accompany bill for increase of pension to H. W. Howland; to the Committee on Invalid Pensions.

Also, memorial of the Chamber of Commerce of San Francisco, Cal., requesting that the United States recognize the new Republic of China; to the Committee on Foreign Affairs.

Also, memorial of the Lindsay Center (Cal.) Civic League, of Lindsay, Cal., favoring appropriation for enforcement of whiteslave-traffic act; to the Committee on Appropriations.

By Mr. REILLY: Petition of members of St. Bonifacius Society and citizens of Meriden, Conn., against resolution of inquiry concerning Government institutions in which American citizens wearing the habit of various religious orders are employed; to the Committee on Indian Affairs.

By Mr. RODENBERG: Petition of residents of East St. Louis, Ill., for enactment of House bill 16450; to the Committee on the Judiciary.

By Mr. J. M. C. SMITH: Papers to accompany bill granting pension to Mary J. Weddel; to the Committee on Invalid Pensions

Also, petitions of the Woman's Christian Temperance Union of Pittsford; Woman's Christian Temperance Union and Woman's Mission Society of Churchs Corners; Congregational Church of Wheatland; Methodist Episcopal Church, Woman's Christian Temperance Union, Free Methodist Church, and Willing Workers, of Frontier; Woman's Christian Temperance Union, Hillsdale Grange (No. 71), Methodist Episcopal Church, Baptist Church, Missionary Society, and Congregational Church, of Hillsdale; Woman's Christian Temperance Union of Somerset; Wheatland Grange, No. 273, Wesleyan Methodist Episcopal Church, and Free Baptist Church, of Pittsford; Baptist Church, Methodist Episcopal Church, and Presbyterian Church, of Reading; and S6 citizens of Litchfield, all in the State of Michigan, for passage of Kenyon-Sheppard bill; to the Committee on the Judiciary.

Also, petition of 23 citizens of Kalamazoo, Mich., to have a clause inserted in the naval appropriation bill for building one battleship in a Government navy yard; to the Committee on Naval Affairs.

Also, petition of 22 members of the Woman's Christian Temperance Union of Marshall, Mich., favoring passage of the Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

Also, petition of 14 citizens of Sherwood, Mich., against passage of a parcel-post bill; to the Committee on the Post Office and Post Roads.

By Mr. SMITH of New York: Petitions of Polish societies, protesting against imposing an educational test on immigrants; to the Committee on Immigration and Naturalization.

By Mr. TOWNER: Petition of the Woman's Christian Temperance Union of Shenandoah, Iowa, representing 200 members, favoring the passage of the Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.